

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Subcase No. 29-10990

Case No. 39576

STANDARD FORM 5

STIPULATED ELEMENTS OF A
WATER RIGHT

This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT(s)
Barry T. Williams

OBJECTOR(s):
Shoshone-Bannock Tribes

Barry T. Williams 10-18-04
Barry T. Williams Date

Jeanette Wolfley 10/18/05
Jeanette Wolfley Date
Attorney for Objector

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IDWR Concurrence:

<u>Ernie M. Carlsen</u>	<u>Oct 14, 2004</u>	<u>Candice McHugh</u>	<u>10-14-04</u>
Ernie Carlsen	Date	Candice McHugh	Date
IDWR Adjudication Supervisor		Deputy Attorney General	
		Attorney for IDWR	

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Oct 18 04 10:04a

JEANNETTE WOLFLEY

2082327472

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**IDaho DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW**

RIGHT NUMBER: 29-10990

NAME AND ADDRESS: BARRY T WILLIAMS
1277 WINK CREEK RD
ARCON ID 83212

SOURCE: RATTLESNAKE CREEK

TRIBUTARY: BANNOCK CREEK

QUANTITY: 4,200 CFS

PRIORITY DATE: 04/01/1992

POINT OF
DIVERSION: T098 R14E S35 N25WSE within POWER CountyPURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04/01 10/31	4,200 CFS

PLACE OF USE: IRRIGATION within POWER County

T10S R33E S12	SWSE	19.0	T10S R33E S12	SESE	39.0
T10S R33E S13	NENE	40.0	T10S R33E S13	NENE	40.0
T10S R34E S18 Lot 1 NWNW		29.0			

167 ACRES TOTAL

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This water right will be delivered in accordance with the 1990 Fort Hall Indian Water Rights Agreement and Partial Final Consent Decree Determining the Rights of the Shoshone-Bannock Tribes to the Use of Water in the Upper Snake River Basin. The parties agreed to "continue the historic water allocations pursuant to the Bannock Creek Decree (the decree in United States v. Daniels, (D. Idaho April 9, 1907, unpublished))." Directors Report for the 1990 Fort Hall Indian Water Rights Agreement, p. 8 para. 4. "The Tribes and the United States shall exercise this right in a manner that ensures persons with water rights decreed in the Bannock Creek Decree (United States v. Daniels (D. Idaho April 9, 1907)) and that are confirmed in the SREA continue to receive their full legal entitlement." Partial Final Consent Decree Determining the Rights of the Shoshone-Bannock Tribes to the Use of Water in the Upper Snake River Basin, p. 19-20, 25-26, Right Nos. 29-12848 and 29-12049 respectively (August 2, 1995). In times of shortage, this water right and other water rights decreed in United States v. Daniels, shall receive their full legal entitlement despite the federal based natural flow water right nos. ~~29-466, 29-467, 29-468, 29-469, 29-470, 29-471, 29-472, 29-473, 29-474, 29-12049 and 29-12848.~~

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

THIS RIGHT IS A COMBINATION OF OLD RIGHT NOS. 29-468 AND 29-475.

875

Water Right No.: 29-10990

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Other Stipulations of Parties: By December 1, 2005, Claimant will install a control structure and measuring device at the point of diversion.

CERTIFICATE OF MAILING

I certify that on Oct. 19, 2004, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P. O. Box 2707
Twin Falls, Idaho 83303-2707

2. Copies to:

Brandelle Whitworth
Tribal Counsel Office
P.O. Box 306
Fort Hall, ID 82203

Jeanette Wolfley
220 N. Arthur
Pocatello, ID 83202

IDWR Repository
P.O. Box 83720
Boise, ID 83720-0098

Barry T. Williams
1277 Mink Creek Road
Arbon, ID 83212



Signature of person or attorney mailing the form

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To: David Barber

From: Barry T. Williams

Date: 10-18-04

Fax #: 334 - 2690

Total Pages: 5

Give to Candice McHugh

