

In Re SRBA
Case No. 39576

WATER RIGHT NO.: 92-22

Page 1

Partial Final Consent Decree Determining Rights of the
Shoshone-Bannock Tribes to the Use of Water in the
Upper Snake River Basin (August 2, 1995), Subcase No. 92-22

Appendix Containing Amendments to Consent Decree

Consent Decree pages 27- 28:

Right No. 29-00231

- .i Source: Toponce Creek
- .ii Annual Diversion Volume: 259.3 AFY
- .iii Diversion Rate: 1.59 CFS
- .iv Annual Volume of Consumptive Use: 154.3 AFY
- .v Priority Date: July 6, 1868
- .vi Points of Diversion: Toponce Creek
- .vii Purpose and Period of Use:
Irrigation 1/1 – 12/31
- .viii Place of Use: Allotment 61 (NESW, SENW, Sec 35 Twp 6S
Rge 38E) for 79.53 acres.
- .ix Basis of Right: The Winters Doctrine per the Memorandum
Decision in United States v. Hibner, 27 F.2d 909 (D. Idaho, E.D. 1928)
and the Decree of the United States District Court, Eastern Division,
dated April 8, 1929.

Right No. 29-00238

- .i Source: Toponce Creek
- .ii Annual Diversion Volume: 282.5 AFY

- .iii Diversion Rate: 1.733 CFS
- .iv Annual Volume of Consumptive Use: 168.14 AFY
- .v Priority Date: July 6, 1868
- .vi Points of Diversion: Toponce Creek
- .vii Purpose and Period of Use:
Irrigation 1/1 - 12/31
- .viii Place of Use: Allotment 71 (SEnw, SWNE, Sec 36 TWP 6S
Rge 38E) for 86.67 acres.
- .ix Basis of Right: The Winters Doctrine per the Memorandum
Decision in United States v. Hibner, 27 F.2d 909 (D. Idaho, E.D. 1928)
and the Decree of the United States District Court, Eastern Division,
dated April 8, 1929.

Right No. 29-00239

- .i Source: Toponce Creek
- .ii Annual Diversion Volume: 273.7 AFY
- .iii Diversion Rate: 1.679 CFS
- .iv Annual Volume of Consumption: 162.9
- .v Priority Date: July 6, 1868
- .vi Points of Diversion: Toponce Creek
- .vii Purpose and Period of Use: Irrigation 1/1 - 12/31
- .viii Place of Use: Allotment 72 (NESW, NWSE, Sec 36 Twp 6S Rge 38E)
for 83.97 acres.

- .ix. Basis of Right: The Winters Doctrine per the Memorandum Decision in United States v. Hibner, 27 F.2d 909 (D. Idaho, E.D. 1928) and the Decree of the United States District Court, Eastern Division, dated April 8, 1929.
- .x Matters necessary for definition, clarification or administration of the right: A corresponding reduction will be made to Right No. 29-12049.

Consent Decree page 25:

Right No. 29-12049

- .i Source: Bannock Creek
- .ii Annual Diversion Volume: 18,559.3 AFY
- .iii Diversion Rate: 98.87 CFS
- .iv Annual Volume of Consumptive Use: 11,042.10 AFY
- .v Priority Date: June 14, 1867
- .vi Existing Points of Diversion:
 - NENWSE Sec 32 Twp 7S Rge 33 E BM
 - SWSWSE Sec 21, NESWNW Sec 25 (2 POD) all in Twp 8S Rge 33E BM
 - NWSENE Sec 9, SWNESW Sec 22, SENESW Sec 27 all in Twp 9S Rge 33E BM
 - NESWSE Sec 6 Twp 7S Rge 33E BM
 - (3 – 20 HP pumps for Michaud Project)
 - Future Points of Diversion may be developed within the Bannock Creek basin to utilize this water right within the Bannock Creek drainage basin.
- .vii Purpose and Period of Use: 3/15 – 11/15

- .viii Place of Use: 4,708 present and future acres within the Reservation.
- .ix Basis of Right: Winters Doctrine
- .x Matter Necessary for Definition, Clarification or Administration of the Right:
 - .a The Tribes and the United States shall exercise this right in a manner that ensures person with water rights decreed in the Bannock Creek Decree [United States v. Daniels (D. Idaho April 9, 1907)] and that are confirmed in the SRBA continue to receive their full legal entitlement. This right is reduced to transfer water to Right No. 29-00239.

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED _____

2005 JUN 7 AM 11 16

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)
)
Case No. 39576)
)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

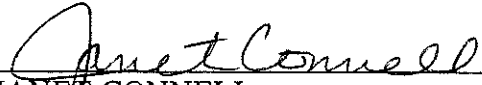
Water Right (s) : 92-22

On June 7, 2005, Special Master BRIGETTE BILYEU issued a SPECIAL MASTER'S RECOMMENDATION ON MOTION TO CORRECT CLERICAL ERRORS PURSUANT TO RULE 60(a) for the above subcase (s) pursuant to SRBA Administrative Order 1 (AO1), Section 13a.

Pursuant to SRBA Administrative Order 1, Section 13a, any party to the adjudication including parties to the subcase, may file a Motion to Alter or Amend on or before the 28th day of the next month.

Failure of any party in the adjudication to pursue or participate in a Motion to Alter or Amend the SPECIAL MASTER'S RECOMMENDATION shall constitute a waiver of the right to challenge it before the Presiding Judge.

DATED June 7, 2005.


JANET CONNELL
Deputy Clerk

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED _____

2005 JUN 7 AM 11 16

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	)	CERTIFICATE OF MAILING
	)	
Case No. 39576	)	
_____	)	Water Right (s) : 92-22

CERTIFICATE OF MAILING

I certify that a true and correct copy of the SPECIAL MASTER'S
RECOMMENDATION ON MOTION TO CORRECT CLERICAL ERRORS
PURSUANT TO RULE 60(a) was mailed on June 7, 2005, with sufficient first-class
postage prepaid to the following:

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Boise, Idaho 83720-0098

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