

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

Subcase No. 27- 7331

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): *Objector*

Shelley Cemetery Dist.

Martin J. Stoddard
Date

8-2-06
Date

STANDARD FORM 5

OBJECTOR(s):

Janette Wolfley 7/26/2006
for Shoshone-Bannock Tribes

Date

RESPONDENT(s):

David J. Baker 7/26/2006
Date

Date

IDWR Concurrence:

Ernie Carlsen 7-26-06.
Ernie Carlsen Date
IDWR Adjudication Supervisor

Candice McHugh 7/26/06
Candice McHugh Date
Deputy Attorney General
Attorney for IDWR

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 27-7331

NAME AND ADDRESS: SHELLEY CEMETERY DIST
1215 N 950 E
SHELLEY ID 83274

SOURCE: GROUND WATER

TRIBUTARY:

~~This right shall not be used if the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use.~~

~~The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.~~

QUANTITY: 0.210 CFS
38.0

PRIORITY DATE: 11/19/1982

POINT OF DIVERSION: T01S R37E S4 SWNE Within BINGHAM County

PURPOSE AND PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	0.190 CFS 38.0 AFY
DOMESTIC	01/01 12/31	0.020 CFS 0.6 AFY

Domestic use is for a drinking fountain and restroom facilities.

PLACE OF USE: IRRIGATION Within BINGHAM County

T01S R37E S04 NWNE 7.50 T01S R37E S04 SWNE 2.00

DOMESTIC same as IRRIGATION

9.5 ACRES TOTAL

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

~~Domestic use is for a drinking fountain and restroom facilities.~~

~~Domestic use under this right is limited to an annual diversion volume of 0.6 af.~~

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.

~~This right when combined with all other rights shall provide no more than .02 cfs per acre nor exceed a combined annual diversion volume of 38.0 af for the lands above.~~

This right shall not be used if the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use.

The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

CERTIFICATE OF MAILING

I certify that on August 9, 2006, 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

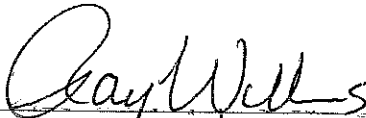
2. Copies to:

Shelley Cemetery Dist.
1215 N 950 E
Shelley, ID 83274

Shoshone-Bannock Tribes
Represented by:
Jeanette Wolfley
SHOSHONE-BANNOCK TRIBES
202 N. ARTHUR
POCATELLO, ID 83202

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

State of Idaho
Represented by:
Natural Resources Div. Chief
STATE OF IDAHO
ATTORNEY GENERAL'S OFFICE
P.O. Box 44449
BOISE, ID 83711-4449



Signature of person or attorney mailing the form