

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. 27-12078
	)	
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/RESPONDENT:

City of Shelley

	<u>3 Oct. 2006</u>
B. Driscoll	Date
Attorney for Claimant/Respondent	

OBJECTOR:

Jeanette Wolfley 10/20/06
Jeanette Wolfley Date
Attorney for Shoshone-Bannock Tribes

RESPONDENT:

David J. Barber 12/12/06
David J. Barber Date
Attorney for State of Idaho

IDWR Concurrence:

Ernest Carlsen 12-13-06
Ernest Carlsen Date
IDWR Adjudication Supervisor

Candice M. McHugh 12/13/06
Candice M. McHugh Date
Deputy Attorney General
Attorney for IDWR

PJA 10/3/06

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

RIGHT NUMBER: 27-12078

NAME AND ADDRESS: CITY OF SHELLEY
101 S EMERSON AVE
SHELLEY ID 83274

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 1.110 CFS
803.6 AFY

PRIORITY DATE: 06/27/1949

POINT OF
DIVERSION: 101N R37E S33 NWNWNW Within BINGHAM County
Two (2) points of diversion located in 101N, R37E, S33, NWNWNW.

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
MUNICIPAL	01/01 12/31	1.110 CFS 803.6 AFY

PLACE OF USE:

Place of use is within the service area of the City of Shelley
municipal water supply system as provided for under Idaho Law.

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

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 - Beneficial Use

Point of diversion is known locally as Well #2.

CERTIFICATE OF MAILING

I certify that on December 13, 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

CITY OF SHELLEY
Represented by:
B J DRISCOLL
PO BOX 50731
IDAHO FALLS, ID 83405

SHOSHONE-BANNOCK TRIBES
Represented by:
JEANETTE WOLFLEY
SPECIAL COUNSEL
SHOSHONE-BANNOCK TRIBE
202 N ARTHUR
POCATELLO, ID 83202

STATE OF IDAHO
Represented by:
NATURAL RESOURCES DIV CHIEF
STATE OF IDAHO
ATTORNEY GENERAL'S OFFICE
PO BOX 44449
BOISE, ID 83711-4449

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098


Signature of person or attorney mailing form