



STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
LAWRENCE G. WASDEN

January 21, 2011

Shasta Kilminster-Hadley
Deputy Attorney General
Office of the Attorney General
P.O. Box 44449
Boise, ID 83711-4449

Sent via Statehouse Mail

RE: SRBA Subcase Nos. 27-7088 & 27-12028 (Fielding)

Dear Shasta:

I am enclosing a Standard Form 5 ("SF5") for each of the above-referenced water rights. Please review the documents, and if they are acceptable to you, please sign on the indicated signature lines, initial the revised recommendations and return the originals to me. I will attempt to obtain the remaining signatures and file them with the SRBA Court.

If you should have any questions or comments, please feel free to contact me at 287-4815.

Sincerely,

A handwritten signature in blue ink that reads "Ray Williams".

Ray Williams
Paralegal

Enclosures

RECEIVED

JAN 18 2011

Department of Water Resources
Eastern Region

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. 27-7088
	)	
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):

Bryce J. Fielding Date

Mary W. Fielding Date

Jeanette Wolfley
Attorney for Shoshone-Bannock Tribes

Shasta Kilminster-Hadley Date
Attorney for State of Idaho

 Michael Holliday
 Senior Water Resource Agent

 Date

Andrea L. Courtney '12/11
Date
Deputy Attorney General
Attorney for IDWR

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

RIGHT NUMBER: 27-7088

NAME AND ADDRESS:

BRYCE J FIELDING
720 N 1100 E
SHELLEY ID 83274

MARY W FIELDING
720 N 1100 E
SHELLEY ID 83274

AK

MWH

SOURCE:

Source:

Tributary:

GROUND WATER

Point of injection into and point of redirection from Blackfoot River. Water shall not be diverted from the Blackfoot River unless ground water is simultaneously being injected into the Blackfoot River at an equal rate.

QUANTITY:

6.050 CFS

1,590.000 AFY

The rights listed below are limited to a total combined diversion rate of 6.05 cfs and to a total combined annual diversion volume of 1590 AF at the point of redirection. Combined Right Nos.: 27-12028 and 27-7088.

PRIORITY DATE:

09/07/1977

~~06/25/1977~~

POINT OF DIVERSION:

T02S R38E S7 Lot 3 SWNE Rediversion
Within BINGHAM County

~~T02S R38E S7 Lot 3 NESWNE Rediversion~~
~~Within BINGHAM County~~

T03S R36E S3 Lot 4 SWNE
Within BINGHAM County

T03S R36E S3 Lot 4 SWNE Injection
Within BINGHAM County

~~T03S R36E S3 Lot 4 NWSWNE~~
~~Within BINGHAM County~~

~~T03S R36E S3 Lot 4 NWSWNE Injection~~
~~Within BINGHAM County~~

PURPOSE AND
PERIOD OF USE:

Purpose of use:

Period of use:

Quantity:

IRRIGATION

04/01 10/31

6.050 CFS

1,590.00 AFY

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

PLACE OF USE: IRRIGATION within BINGHAM County

T02S R38E S06 Lot 1 NENE 22.0
T02S R38E S06 Lot 2 NWNE 14.0
T02S R38E S06 SWNE 37.0
T02S R38E S06 SENE 39.0
T02S R38E S06 SENW 25.0
T02S R38E S06 NESW 39.0
T02S R38E S06 Lot 8 NWSW 9.0
T02S R38E S06 SESW 38.0
T02S R38E S06 NESE 38.0
T02S R38E S06 NWSE 40.0
T02S R38E S06 SWSE 39.0
T02S R38E S06 SESE 25.0
T02S R38E S07 NENE 4.0
T02S R38E S07 NWNE 28.0

GR

[Signature]

397 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 397 acres in a single irrigation season. Combined Right Nos.: 27-12028 and 27-7088.

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.

~~This right is subject to regulation by the watermaster of Water District 27.~~

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Totalizing measuring devices shall be maintained at the well and at the rediversion pump from the Blackfoot River.

Right 27-12028 is also diverted through the ~~point(s) of diversion~~ point of rediversion described above.

Diversion and use of water under this right shall be reduced or curtailed when necessary to prevent injury to holders of prior rights diverted ~~from~~ from the Blackfoot River downstream from the point of rediversion.

If the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert groundwater shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.

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.

Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 27.

CERTIFICATE OF MAILING

I certify that on _____, 2011, 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:

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 DIVISION CHIEF
STATE OF IDAHO
ATTORNEY GENERAL'S OFFICE
P.O. BOX 44449
BOISE, ID 83711-4449

DIRECTOR OF IDWR
P.O. BOX 83720
BOISE, ID 83720-0098

BRYCE J. FIELDING
MARY W. FIELDING
720 N. 1100 E.
SHELLEY, ID 83274

Signature of person or attorney mailing the form

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. 27-12028
	)	
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):

Bryce J. Fielding Date

Mary W. Fielding Date

OBJECTORS:

Peter C. Monson, USDOJ Date
Attorney for BIA

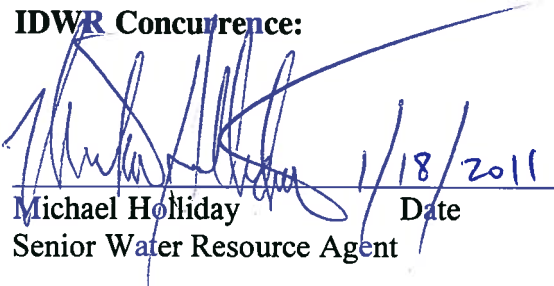
Jeanette Wolfley Date
Attorney for Shoshone-Bannock Tribes

RESPONDENTS:

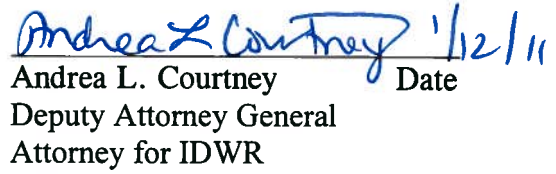
Shasta Kilminster-Hadley Date
Attorney for State of Idaho

Jerry R. Rigby Date
Attorney for Committee of Nine

IDWR Concurrence:



Michael Holliday Date
Senior Water Resource Agent



Andrea L. Courtney Date
Deputy Attorney General
Attorney for IDWR

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

RIGHT NUMBER: 27-12028

NAME AND ADDRESS:

BRYCE J FIELDING
720 N 1100 E
SHELLEY ID 83274

MARY W FIELDING
720 N 1100 E
SHELLEY ID 83274

AT

SOURCE:

Source:
BLACKFOOT RIVER

Tributary:
SNAKE RIVER

QUANTITY:

5.440 CFS
1,590.000 AFY

The rights listed below are limited to a total combined diversion rate of 6.05 cfs and to a total combined annual diversion volume of 1590 AF. Combined Right Nos.: 27-12028 and 27-7088.

PRIORITY DATE: 06/01/1885

POINT OF DIVERSION:

T02S R38E S7 Lot 3 SWNE
Within BINGHAM County

MNK

PURPOSE AND
PERIOD OF USE:

Purpose of use:	Period of use:	Quantity:
IRRIGATION	<u>04/01 10/31</u>	5.440 CFS <u>1,590.00 AFY</u>
	~~04/04 11/01~~	

PLACE OF USE:

IRRIGATION within BINGHAM County
T02S R38E S06 Lot 1 NENE 22.0
T02S R38E S06 Lot 2 NWNE 14.0
T02S R38E S06 SWNE 37.0
T02S R38E S06 SENE 39.0
T02S R38E S06 SENW 25.0
T02S R38E S06 NESW 39.0
T02S R38E S06 Lot 8 NWSW 9.0
T02S R38E S06 SESW 38.0
T02S R38E S06 NESE 38.0
T02S R38E S06 NWSE 40.0
T02S R38E S06 SWSE 39.0
T02S R38E S06 SESE 25.0
T02S R38E S07 NENE 4.0
T02S R38E S07 NWNE 28.0

397 ACRES TOTAL

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

The rights listed below are limited to the irrigation of a combined total of 397 acres in a single irrigation season. Combined Right Nos.: 27-12028 and 27-7088.

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 - Decreed

This right is renumbered from former right 27-4N.

The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).

Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 27.

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.



CERTIFICATE OF MAILING

I certify that on _____, 2011, 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:

COMMITTEE OF NINE
Represented by:
BARKER, ROSHOLT & SIMPSON LLP
113 MAIN AVE. W., STE. 303
P.O. BOX 485
TWIN FALLS, ID 83303-0485

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 DIVISION CHIEF
STATE OF IDAHO
ATTORNEY GENERAL'S OFFICE
P.O. BOX 44449
BOISE, ID 83711-4449

COMMITTEE OF NINE
Represented by:
JERRY R. RIGBY
25 N. 2ND E.
P.O. BOX 250
REXBURG, ID 83440-0250

UNITED STATES OF AMERICA
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATURAL RESOURCES
550 WEST FORT STREET, MSC O33
BOISE, ID 83724

DIRECTOR OF IDWR
P.O. BOX 83720
BOISE, ID 83720-0098

BRYCE J. FIELDING
MARY W. FIELDING
720 N. 1100 E.
SHELLEY, ID 83274

Signature of person or attorney mailing the form