

FEB 16 2011

JAN 18 2011

**Department of Water Resources
Eastern Region**

By

Order:

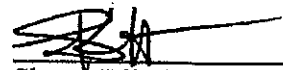
Deputy Clerk

1

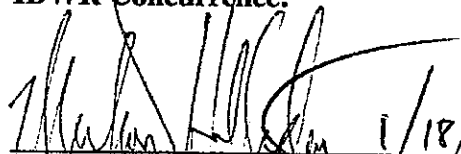
OBJECTOR:

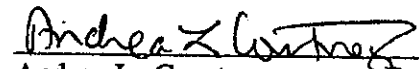

Jeanette Wolfley Date
Attorney for Shoshone-Bannock Tribes

RESPONDENT:


Shasta Kilminster-Hadley Date
Attorney for State of Idaho

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: 27-7088

NAME AND ADDRESS:

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

ATK SKH
MWH
Jm

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

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.

ATZ *SKH* *RL* *must*
[Signature]
[Signature]

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 February 15, 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

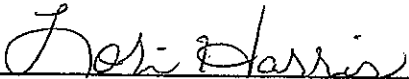
2. Copies to:

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