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Department of Water Resources
Adjudication Bureau

COUNTY OF IDAHO	
AUG -2 1995	
By _____	Clerk

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

)
)
) PARTIAL FINAL
) CONSENT DECREE
) DETERMINING THE RIGHTS OF
) THE SHOSHONE-BANNOCK
) TRIBES TO THE USE OF
) WATER IN THE UPPER SNAKE
) RIVER BASIN
)

The District Court of the Fifth Judicial District in and for the County of Twin Falls having entered on November 19, 1987 its COMMENCEMENT ORDER commencing the Snake River Basin adjudication; the Shoshone-Bannock Tribes of the Fort Hall Indian Reservation, the State of Idaho, the United States, and certain Idaho Water Users having entered into **THE 1990 FORT HALL INDIAN WATER RIGHTS AGREEMENT** (hereinafter Agreement) in settlement of claims made by the United States on behalf of the Shoshone-Bannock Tribes to water rights in the Upper Snake River Basin; the Agreement having been submitted to this Court in lieu of a claim as provided by Idaho Code Section 42-1409(6) (1990); the Northside Canal Company having agreed by Resolution dated July 19, 1990, to receive natural flow water from Sand Creek in exchange for making storage water available to the Tribes as required by the Agreement; the United States and the State having agreed upon claims submitted for the non-Indian portion of the Fort Hall Irrigation Project and the Fort Hall Agency, Bureau of Indian Affairs; the Director having filed a

the State of Idaho, in and for the County of Bannock
dated June 5, 1926, in Smith v. City of Pocatello, Case
No. 6669.

Right No. 27-11375

- .i Source: Blackfoot River
- .ii Annual Diversion Volume: 150,000 AFY
- .iii Diversion Rate: 1380 CFS
- .iv Annual Volume of Consumptive Use: 79,546 AFY
- .v Priority Date: June 14, 1867
- .vi Points of Diversion:
 - SENWNW Sec 7 Twp 2S Rge 38E BM
(Blackfoot River into Little Indian Canal)
 - NENENE Sec 13 Twp 3S Rge 35E BM
(Blackfoot River into Fort Hall Main Canal)
 - NWNENW Sec 14 Twp 3S Rge 35E BM
(Blackfoot River into North Canal)
 - SWSESW Sec. 3 Twp 7S Rge 32E BM
 - SENWSE Sec. 3 Twp 7S Rge 32E BM
 - NWNWSW Sec. 2 Twp 7S Rge 32E BM
 - NESENW Sec. 2 Twp 7S Rge 32E BM
 - NWNENE Sec. 1 Twp 7S Rge 32E BM
 - SWNWNW Sec. 6 Twp 7S Rge 33E BM
 - NESESW Sec. 6 Twp 7S Rge 33E BM
 - NESESW Sec. 6 Twp 7S Rge 33E BM
 - SWSWSW Sec. 30 Twp 6S Rge 33E BM

Future Points of Diversion may be developed to divert water from (1) anywhere on the Blackfoot River or (2) ground water within the Reservation as described in Matters Necessary for Definition, Clarification or Administration of the Right, below.

.vii Purpose and Period of Use:

Irrigation 3/15 - 11/15

.viii Place of Use: 30,469 present and future acres within the Reservation.

.ix Basis of Right: Winters Doctrine

.x Matters Necessary for Definition, Clarification or Administration of the Right:

.a If the natural flow of the Blackfoot River is not sufficient to satisfy this right and other rights to divert Blackfoot River natural flow pursuant to state law, the Tribes may satisfy this right by using water right nos. 27-02007 and 25-02160, provided that the combined use in satisfaction of this right shall not exceed 150,000 AFY.

.b If the diversions under this right exceed 150,000 AFY, the amount in excess of 150,000 AFY shall be charged against water right no. 01-10223.

.c This right combined with water right nos. 01-10223, 27-02007 and 25-02160 can be used to irrigate up to 53,828 present and future acres from the combined water sources.

- .d The Tribes and United States shall exercise this water right in a manner that ensures persons diverting natural flow from the Blackfoot River prior to January 1, 1990, whose rights are decreed in the SRBA will continue to receive their full legal entitlement under state law. The parties will specifically enumerate all rights protected by this provision once the SRBA Decree for this basin becomes final. These state created water rights are estimated to divert not more than 45,000 AFY of water from the Blackfoot River. In the event this estimate of the amount of existing diversions under state created water rights is exceeded as a result of the Decree in the SRBA, the parties shall negotiate an equitable adjustment to the Tribal water rights to account for this change.
- .e The Tribes and the United States shall exercise this right in a manner that will not impair the project entitlements of the Fort Hall Irrigation Project water users.
- .f If the water supplied under this right and water right nos. 27-02007 and 25-02160 does not provide 150,000 AFY, the Tribes may divert groundwater within the Reservation under this right, exclusive of the water right nos. 27-11376 and 29-12052, such that the combined water supply from water right nos. 27-02007 and 25-02160 and surface and

groundwater under this right yields 150,000 AFY.

Right No. 27-02007

- .i Source: Blackfoot River
- .ii Annual Diversion Volume: 348,000 AFY
- .iii Diversion Rate: Not limited
- .iv Annual Volume of Consumptive Use:
Included in water right nos. 01-10223 and 27-11375.
- .v Priority Date: September 3, 1907
- .vi Points of Diversion:
NWNE Sec 12 Twp 5S Rge 40E BM (Blackfoot River into
Blackfoot Reservoir)
Points of Rediversion:
SENWNW Sec 7 Twp 2S Rge 38E BM
(Blackfoot River into Little Indian Canal)
NENENE Sec 13 Twp 3S Rge 35E BM
(Blackfoot River into Fort Hall Main Canal)
NWNENW Sec 14 Twp 3S Rge 35E BM
(Blackfoot River into North Canal)
- .vii Purposes and Periods of Use:

Irrigation from Storage	3/15 - 11/15
	348,000 AFY
Storage for Irrigation	1/1 - 12/31
	348,000 AFY
- .viii Place of Use: 30,469 present and future acres within
the Reservation.
- .ix Basis of Right: License.