

See Note at End of Partial Decree and
Attachment 4 to the Final Unified
Decree

DISTRICT COURT - SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

AUG 13 2014

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 DECREE FOR
Federal Reserved Water Right 27-11376

Clerk

Deputy Clerk

1. Name and address of owner: UNITED STATES OF AMERICA, as trustee for the benefit of the SHOSHONE-BANNOCK TRIBES OF THE FORT HALL INDIAN RESERVATION acting through the DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11th Avenue
Portland OR 97232
2. Source of Water: Groundwater within the Reservation
3. Annual Diversion Volume: 125,000 acre-feet per year (AFY)
4. Diversion Rate: 813.40 CFS
5. Annual Volume of Consumptive Use: 93,615 AFY
6. Priority Date: June 14, 1867
7. Points of Diversion: 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
SESWSE Sec. 31 Twp 5S Rge 33E BM
SESWNE Sec. 32 Twp 5S Rge 33E BM
SWSENW Sec. 32 Twp 5S Rge 33E BM
SWSESE Sec. 32 Twp 5S Rge 33E BM
SWSESW Sec. 33 Twp 5S Rge 33E BM
NESESE Sec. 33 Twp 5S Rge 33E BM
SESESW Sec. 34 Twp 5S Rge 33E BM
SESENE Sec. 34 Twp 5S Rge 33E BM
SESWSE Sec. 35 Twp 5S Rge 33E BM

SESWNE Sec. 3 Twp 6S Rge 33E BM
 SESWNW Sec. 3 Twp 6S Rge 33E BM
 NWNENW Sec. 4 Twp 6S Rge 33E BM
 NENWNW Sec. 6 Twp 6S Rge 33E BM
 NWNENE Sec. 1 Twp 6S Rge 32E BM
 NWNENW Sec. 1 Twp 6S Rge 32E BM
 SENWNE Sec. 2 Twp 6S Rge 32E BM
 NESESE Sec. 2 Twp 6S Rge 32E BM
 SWNESW Sec. 1 Twp 6S Rge 32E BM
 SWSESW Sec. 6 Twp 6S Rge 33E BM
 SENENE Sec. 8 Twp 6S Rge 33E BM
 SENWNW Sec. 8 Twp 6S Rge 33E BM
 SENENE Sec. 7 Twp 6S Rge 33 E BM
 NENWNE Sec. 12 Twp 6S Rge 33E BM
 SENWNW Sec. 12 Twp 6S Rge 32E BM
 NESWNE Sec. 11 Twp 6S Rge 32E BM
 SWSESE Sec. 12 Twp 6S Rge 32E BM
 NWSSESW Sec. 8 Twp 6S Rge 33E BM
 SENESW Sec. 8 Twp 6S Rge 33E BM
 NWNENW Sec. 18 Twp 6S Rge 33E BM
 SWNENE Sec. 13 Twp 6S Rge 32E BM
 SENENW Sec. 13 Twp 6S Rge 32E BM
 SESENE Sec. 24 Twp 6S Rge 32E BM
 SESWSE Sec. 23 Twp 6S Rge 32E BM
 SWSESW Sec. 23 Twp 6S Rge 32E BM
 NESWSE Sec. 22 Twp 6S Rge 32E BM
 SENWSW Sec. 22 Twp 6S Rge 32E BM
 SESENE Sec. 28 Twp 6S Rge 32E BM
 NWSENE Sec. 27 Twp 6S Rge 32E BM
 SWNESW Sec. 27 Twp 6S Rge 32E BM
 SWSESW Sec. 28 Twp 6S Rge 32E BM
 NESESE Sec. 29 Twp 6S Rge 32E BM
 NWNWNW Sec. 33 Twp 6S Rge 32E BM
 SESWNE Sec. 5 Twp 7S Rge 33E BM
 SWSESE Sec. 7 Twp 7S Rge 33E BM
 NESENE Sec. 21 Twp 3S Rge 35E BM
 NWNWNW Sec. 6 Twp 4S Rge 35 E BM
 SESESW Sec. 16 Twp 4S Rge 34E BM
 NWNWSE Sec. 26 Twp 3S Rge 34E BM
 Future points of diversion may be developed to utilize this
 water right on any Indian lands.

8. Purposes and Periods
 of Use:

Irrigation	3/15 to 11/15, 115,000 AFY
DCMI	1/1 to 12/31, 10,000 AFY

9. Place of Use: 42,592 present and future acres for irrigation within the Reservation. Present and future DCMI uses on any Indian lands.

10. Basis of Right: *Winters Doctrine*

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

a. If the Tribes' combined surface water and groundwater diversions from the Ross Fork Creek basin exceed 5,000 AFY, or the Tribes' combined surface water and groundwater diversions from the Lincoln Creek basin exceed 5,700 AFY, such excesses shall be charged against this Tribal groundwater right.

b. The nine wells used to supplement the surface water portion of the Michaud Division divert water included in this Tribal water right.

c. Lot Nos. 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, and 17 of Block No. 191; Lot No. 1 of Block 192; Lot Nos. 1, 2, 3, 4, 5, 6, 7, and 8 of Block No. 196; Lot Nos. 19 and 20 of Block No. 341; Lot No. 5 of Block No. 593; and Lot No. 7 of Block No. 599 within the City of Pocatello remain Indian lands and may utilize water under this water right. Water diverted or withdrawn under this right from diversion points or structures located on said lots shall be used only for domestic, commercial, municipal or industrial uses occurring on any said lots.

d. Allotment Nos. T-8, 45, 46, 48, 50, 61, 71 and 72 within the Portneuf River basin may utilize water under this right.

IT IS SO ORDERED

DATED this 13th day of August, 2014



Presiding Judge
Snake River Basin Adjudication

This partial decree was entered pursuant to the Revised Partial Final Consent Decree Determining the Rights of the Shoshone-Bannock Tribes to the Use of Water in the Upper Snake River Basin dated August 13, 2014, contained in Attachment 4 to the Final Unified Decree, and is subject to the terms and conditions set forth therein.