

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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 29-00476

NAME AND ADDRESS: JANET HAYBALL
PO BOX 725
FORT HALL, ID 83203

SOURCE: RATTLESNAKE CREEK TRIBUTARY: BANNOCK CREEK

QUANTITY: 2.00 CFS

PRIORITY DATE: 04/01/1892

POINT OF DIVERSION: T09S R34E S35 NESWSE Within Power County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	2.00 CFS

PLACE OF USE:	Irrigation	Within Power County
	T10S R34E S07	NESW 21.0 LOT 3 (NWSW) 4.0
	LOT 4	(SWSW) 14.0 SESW 37.0
	S18	NWNE 11.0 NENW 13.0
	100.0 Acres Total	

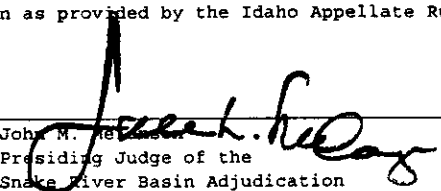
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This water right will be delivered in accordance with the 1990 Fort Hall Indian Water Rights Agreement and Partial Final Consent Decree Determining the Rights of the Shoshone-Bannock Tribes to the Use of Water in the Upper Snake River Basin. The parties agreed to continue the historic water allocations pursuant to the Bannock Creek Decree (the decree in United States v. Daniels, (D. Idaho April 9, 1907, unpublished)). Directors Report for the 1990 Fort Hall Indian Water Rights Agreement, p. 8 para. 4. The Tribes and the United States shall exercise this right in a manner that ensures persons with water rights decreed in the Bannock Creek Decree (United States v. Daniels (D. Idaho April 9, 1907)) and that are confirmed in the SRBA continue to receive their full legal entitlement. Partial Final Consent Decree Determining the Rights of the Shoshone-Bannock Tribes to the Use of Water in the Upper Snake River Basin, p. 19-20, 25-26, Right Nos. 2 and 29-12049 respectively (August 2, 1995). In times of shortage this water right and other water rights decreed in United States v. Daniels, shall receive their full legal entitlement despite the federal based natural flow water right nos. 29-466, 29-4679-469, 29-470, 29-471, 29-472, 29-473, 29-474, 29-12049 and 29-848.

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. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.



John M. Peterson
Presiding Judge of the
Snake River Basin Adjudication