

2005 JAN -5 PM 2:25

DISTRICT COURT - SRBA  
TWIN FALLS CO., IDAHO  
FILED

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

) ORDER OF PARTIAL DECREE

) For Water Right: 29-10990

On November 23, 2004, a *Special Master's Report and Recommendation* was filed for water right 29-10990. No Challenges were filed to the *Special Master's Report and Recommendation* and the time for filing Challenges has now expired.

Pursuant to I.R.C.P. 53(e)(2) and *SRBA Administrative Order 1*, Section 13f, this Court has reviewed the Findings of Fact and Conclusions of Law contained in the *Special Master's Report and Recommendation* and wholly adopts them as its own.

Therefore, IT IS ORDERED that water right 29-10990 be **decreed** as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED January 5, 2005.

  
JOHN M. MELANSON

Presiding Judge

Snake River Basin Adjudication



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 29-10990

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TWIN FALLS, IDAHO  
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NAME AND ADDRESS: BARRY T WILLIAMS  
1277 MINK CREEK RD  
ARBON, ID 83212

SOURCE: RATTLESNAKE CREEK TRIBUTARY: BANNOCK CREEK

QUANTITY: 4.20 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 | 4.20 CFS |

| PLACE OF USE: | Irrigation                 | Within Power County |
|---------------|----------------------------|---------------------|
|               | T10S R33E S12 SWSE 19.0    | SESE 39.0           |
|               | S13 NENE 40.0              | NWNE 40.0           |
|               | R34E S18 LOT 1 (NWNW) 29.0 |                     |
|               | 167.0 Acres Total          |                     |

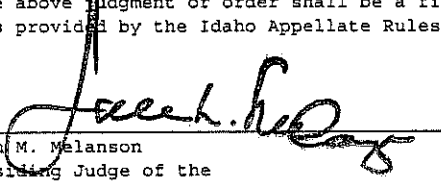
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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. 29-12848 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. 29-12049 and 29-12848.

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. Melanson  
Presiding Judge of the  
Snake River Basin Adjudication

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FILED \_\_\_\_\_

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     | ) | CERTIFICATE OF MAILING   |
|                | ) |                          |
| Case No. 39576 | ) |                          |
| _____          | ) | Water Right(s): 29-10990 |

CERTIFICATE OF MAILING

I certify that a true and correct copy of the PARTIAL DECREE  
PURSUANT TO I.R.C.P. 54(b) for WATER RIGHT 29-10990 was mailed  
on January 05, 2005, with sufficient first-class postage prepaid  
to the following:

DIRECTOR OF IDWR  
PO BOX 83720  
BOISE, ID 83720-0098

SHOSHONE-BANNOCK TRIBES  
Represented by:  
BRANDELLE WHITWORTH  
TRIBAL COUNSEL OFFICE  
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Phone: 208-478-3815

SHOSHONE-BANNOCK TRIBES  
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STATE OF IDAHO  
Represented by:  
NATURAL RESOURCES DIV CHIEF  
STATE OF IDAHO  
ATTORNEY GENERAL'S OFFICE  
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JULIE MURPHY  
Chief Deputy Clerk