

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 03-10003

NAME AND ADDRESS: BILLY D CUNNINGTON
687 RIVERBEND LN
WEISER, ID 83672

RECEIVED

MAR 17 2000

Department of Water Resources

SOURCE: SNAKE RIVER TRIBUTARY: COLUMBIA RIVER

QUANTITY: 0.02 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE: 04/15/1938

POINT OF DIVERSION: T11N R06W S32 NENE Within Washington County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Domestic	03-15 TO 11-15	0.02 CFS

PLACE OF USE: Domestic Within Washington County
T11N R06W S32 NENE

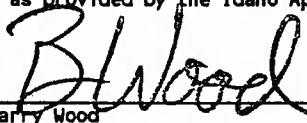
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

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.


Barry Wood
Administrative District Judge
Presiding Judge of the
Snake River Basin Adjudication

DATE: 11/10/98
PAGE: 1

Misc: **Water District Number:** **Field Inspection Flag:**
Presumption Flag:

AJ0749NP
No. R03-10003

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 11/10/98
PAGE: 2

Comments:

Date: 09/07/1998 User-ID: CWALKER Subject: COPIED FROM REMARKS
THIS CLAIM IS BASED UPON LICENSE 03-07029 AND STATUTORY CLAIM
03-04001. THE PROPERTY IS A SUBDIVIDED FARM WHICH HAS BEEN
IRRIGATED FROM THE SNAKE RIVER SINCE 1939 (03-04001) AND CLAIMANT
HAS CONTINUED THE IRRIG. WITH A SMALL PUMP ON HIS OWN PROPERTY
SINCE PURCHASING THE PROPERTY IN 1970. HE WAS REQUESTED TO FILE
FOR THE LICENSE IN 1981, AT THAT TIME HE FELT THAT HE DID NOT
REQUIRE THIS BUT WAS TOLD BY THE DEPARTMENT OF WATER RESOURCES
THAT HE DID. THEREFORE THE APPLICATION WAS FILED AND LICENSE
ISSUED.
CLAIMANT FEELS THAT A BENEFICIAL USE RIGHT WAS ESTABLISHED IN
1939 AND THE RIGHT AS CURRENTLY USED BY THIS CLAIMANT IS
DESCRIBED BY LICENSE 03-07029.

Audit: 11/10/98 CWALKER



ater Resources pursuant to
, and objections in the Snake
bed is made and no legal
ontractors, and reproduction
employees for the accuracy
map

DATE: 09/07/98
PAGE: 1

Water Source:	SNAKE RIVER	Tributary to:	COLUMBIA RIVER	Stage:	BENEFICIAL USE
---------------	-------------	---------------	----------------	--------	----------------

Place of use Legal Description for: DOMESTIC

POU County: WASHINGTON

Remarks:	EXP	PARCEL NO. RP 11N06K61070 PROPERTY ALSO KNOWN AS LOT 7, BLK 1, RIVER BEND ESTATES.
----------	-----	---

Misc: **Water District Number:** **Field Inspection Flag:**
Presumption Flag:

Comments: Date: 09/07/1998 User-ID: CHALKER Subject: COPIED FROM REMARKS THIS CLAIM IS BASED UPON LICENSE 03-07029 AND STATUTORY CLAIM 03-04001. THE PROPERTY IS A SUBDIVIDED FARM WHICH HAS BEEN IRRIGATED FROM THE SNAKE RIVER SINCE 1939 (03-04001) AND CLAIMANT

USE - Domestic use for lawn & garden

Cond. Codes N11 N13

AJ0749NP
No. R03-10003

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 09/07/98
PAGE: 2

Comments:

Date: 09/07/1998 User-ID: CWALKER Subject: COPIED FROM REMARKS
HAS CONTINUED THE IRRIG. WITH A SMALL PUMP ON HIS OWN PROPERTY
SINCE PURCHASING THE PROPERTY IN 1970. HE WAS REQUESTED TO FILE
FOR THE LICENSE IN 1981, AT THAT TIME HE FELT THAT HE DID NOT
REQUIRE THIS BUT WAS TOLD BY THE DEPARTMENT OF WATER RESOURCES
THAT HE DID. THEREFORE THE APPLICATION WAS FILED AND LICENSE
ISSUED.

CLAIMANT FEELS THAT A BENEFICIAL USE RIGHT WAS ESTABLISHED IN
1939 AND THE RIGHT AS CURRENTLY USED BY THIS CLAIMANT IS
DESCRIBED BY LICENSE 03-07029.

Audit:

09/07/98 CWALKER

AJ5856NP

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

DATE: SEP-5-1997

PAGE: A-1

RIGHT NUMBER: 03-10003

NAME & ADDRESS: BILLY D CUNNINGTON
687 RIVERBEND LANE
WEISER ID 83672

SOURCE: SNAKE RIVER TRIBUTARY: COLUMBIA RIVER

QUANTITY: 0.02 CFS

PRIORITY DATE: 04/15/1938

POINT OF DIVERSION: T11N R06W S32 NENE Within WASHINGTON County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	DOMESTIC D/ LAWN IRRIGATION ONLY	03-15 11-15	0.02 CFS

PLACE OF USE: DOMESTIC Within WASHINGTON County
T11N R06W S32 NENE

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

THIS CLAIM IS BASED UPON LICENSE 03-07029 AND STATUTORY CLAIM 03-04001. THE PROPERTY IS A SUBDIVIDED FARM WHICH HAS BEEN IRRIGATED FROM THE SNAKE RIVER SINCE 1939 (03-04001) AND CLAIMANT HAS CONTINUED THE IRRIG. WITH A SMALL PUMP ON HIS OWN PROPERTY SINCE PURCHASING THE PROPERTY IN 1970. HE WAS REQUESTED TO FILE FOR THE LICENSE IN 1981, AT THAT TIME HE FELT THAT HE DID NOT REQUIRE THIS BUT WAS TOLD BY THE DEPARTMENT OF WATER RESOURCES THAT HE DID. THEREFORE THE APPLICATION WAS FILED AND LICENSE ISSUED.

CLAIMANT FEELS THAT A BENEFICIAL USE RIGHT WAS ESTABLISHED IN 1939 AND THE RIGHT AS CURRENTLY USED BY THIS CLAIMANT IS DESCRIBED BY LICENSE 03-07029.

EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE

R P 111406W 661070

Lot 2 Blk 1
River Bend Estates

Verified by MR Date: 8-27

Verification Source: Alphon, map

Fee = 25⁰⁰

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A03-10003
Date Received: ~~07/11/89~~ **B**
Receipt No: m004709
Received By: reh

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: BILLY D. CUNNINGTON
Address: 687 RIVERBEND LANE
WEISER, ID 83672
208-549-1072

2. Date of Priority: APR 15, 1938

3. Source: SNAKE RIVER Trib. to: COLUMBIA RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
11N	06W	32	NE	NE			WASHINGTON

5. Description of diverting works:
PUMP IN RIVER SPRINKLERS.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
DOMESTIC	03/15	11/15	0.020		

7. Total Quantity Appropriated is:
0.020 C.F.S. (and/or) A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
D/ LAWN IRRIGATION ONLY

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
11N	06W	32	NE	NE		DOMEST	

11. Place of use in counties: WASHINGTON

A03-10003

Page 1

Date: 08/10/89

MICROFILMED

AUG 10 1992

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
ALSO HAVE A DOMESTIC WELL

14. Remarks:

THIS CLAIM IS BASED UPON LICENSE 03-07029 AND STATUTORY CLAIM 03-04001. THE PROPERTY IS A SUBDIVIDED FARM WHICH HAS BEEN IRRIGATED FROM THE SNAKE RIVER SINCE 1939 (03-04001) AND CLAIMANT HAS CONTINUED THE IRRIG. WITH A SMALL PUMP ON HIS OWN PROPERTY SINCE PURCHASING THE PROPERTY IN 1970. HE WAS REQUESTED TO FILE FOR THE LICENSE IN 1981, AT THAT TIME HE FELT THAT HE DID NOT REQUIRE THIS BUT WAS TOLD BY THE DEPARTMENT OF WATER RESOURCES THAT HE DID. THEREFORE THE APPLICATION WAS FILED AND LICENSE ISSUED.

CLAIMANT FEELS THAT A BENEFICIAL USE RIGHT WAS ESTABLISHED IN 1939 AND THE RIGHT AS CURRENTLY USED BY THIS CLAIMANT IS DESCRIBED BY LICENSE 03-07029.

15. Basis of Claim: BENEFICIAL USE

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 2

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): *[Signature]* Date: 10-4-89
Date: _____

State of Idaho)
County of Washington) SS.

Subscribed and sworn (or affirmed) before me this 4th day
of October 19 89

[Signature]
Notary Public

Seal

Residing at Anna Baunhoff, Notary Public
My Commission Expires Residing at Boise, Idaho
My Commission Expires December 7, 1994