

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

AMENDED

In Re SRBA)
)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 01-10436

NAME AND ADDRESS:

JEFF AVERY
STEPHANIE AVERY
1881 W 113 N
IDAHO FALLS, ID 83402

SOURCE:

SNAKE RIVER TRIBUTARY: COLUMBIA RIVER

QUANTITY:

0.433 CFS

PRIORITY DATE:

04/01/1939

POINT OF DIVERSION:

T04N R37E S35 NENE Within Jefferson County

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE
Irrigation

PERIOD OF USE
04-01 TO 10-31

QUANTITY
0.433 CFS

PLACE OF USE:

Irrigation
T03N R37E S14 NWNE 7.8 Within Bonneville County
19.8 Acres Total SWNE 12.0

The rights listed below are limited to the irrigation of a combined total of 19.8 acres in a single irrigation season. Combined Right Nos.: 1-10420, 1-10422, 1-10424, 1-10426, 1-10428, 1-10430, 1-10432, 1-10434, and 1-10436.

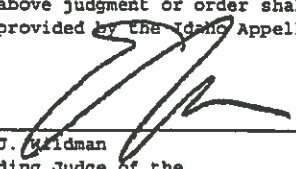
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

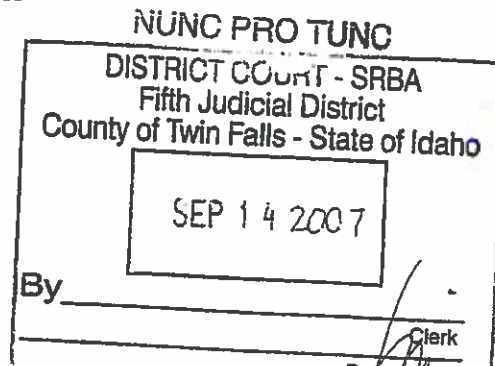
The delivery of water to this right may be subject to procedures described in the United States Bureau of Reclamation "space holder" contracts and the Burley Irrigation Dist. v. Eagle, Supplemental Decree (Idaho 5th Jud. Dist., July 10, 1968) and Aberdeen-Springfield Canal Co. v. Eagle, Supplemental Decree (Idaho 7th Jud. Dist., March 12, 1969) together with the natural-flow and storage deliveries as calculated by the Idaho Department of Water Resources.

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.


Eric J. Aldman
Presiding Judge of the
Snake River Basin Adjudication



RECEIVED
JUL 24 2014
DEPARTMENT OF
WATER RESOURCES

Idaho Department of Water Resources

Place of Use

1-10436



Legend

-  Before Split
-  Taxlots
-  Township/Range
-  Sections
- QQ

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

5/24/2017

Water Right 1-10436

Owner Type **Name and Address**
Current Owner JEFF AVERY
 1881 W 113 N
 IDAHO FALLS, ID 83402
 (208)523-3663

After Split

Current Owner STEPHANIE AVERY
 1881 W 113 N
 IDAHO FALLS, ID 83402
 (208)523-3663

Priority Date: 4/1/1939

Basis: Decreed

Status: Active

Source
SNAKE RIVER

Tributary
COLUMBIA RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	10/31	0.180 CFS	
	<u>Total Diversion</u>		0.180 CFS	

Source and Point(s) of Diversion

SNAKE RIVER NENE Sec. 35, Twp 04N, Rge 37E, JEFFERSON County

Place Of Use

IRRIGATION within JEFFERSON County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03N	37E	14		7.1	1.0														8.1

POU Total Acres: 8.1

Conditions of Approval:

1. X27 This right is limited to 0.177 cfs.
2. X35 Rights 1-10420, 1-10422, 1-10424, 1-10426, 1-10428, 1-10430, 1-10432, 1-10434, 1-10436 when combined shall not exceed a total diversion rate of 0.49 cfs and the irrigation of 8.1 acres.
3. 179 The delivery of water to this right may be subject to procedures described in the United States Bureau of Reclamation "space holder" contracts and the Burley Irrigation Dist. v. Eagle, Supplemental Decree (Idaho 5th Jud. Dist., July 10, 1968) and Aberdeen-Springfield Canal Co. v. Eagle, Supplemental Decree (Idaho 7th Jud. Dist., March 12, 1969) together with the natural-flow and storage deliveries as calculated by the Idaho Department of Water Resources.
4. F01 Water is delivered from Great Western Canal through Kennedy Ditch.
5. T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

State of Idaho
Department of Water Resources
Water Right License
1-10436



0 0.0475 0.095 0.19 Miles

-  Place Of Use Boundary
-  Townships
-  PLS Sections

