

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

Water Right 01-10434

Before Split

NAME AND ADDRESS: JEFF AVERY
STEPHANIE AVERY
1881 W 113 N
IDAHO FALLS, ID 83402

SOURCE: SNAKE RIVER TRIBUTARY: COLUMBIA RIVER

QUANTITY: 0.156 CFS

PRIORITY DATE: 06/01/1890

POINT OF DIVERSION: T04N R37E S35 NENE Within Jefferson County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
Irrigation		04-01 TO 10-31	0.156 CFS

PLACE OF USE: Irrigation T03N R37E S14 NWNE 7.8 Within Bonneville County
19.8 Acres Total SWNE 12.0

This right is limited to the irrigation of 4.5 acres within the place of use described above in a single irrigation season. 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:

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

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

Idaho Department of Water Resources

Place of Use

1-10434



Legend

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

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

5/24/2017

Water Right 1-10434

After Split

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

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

Priority Date: 6/1/1890

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	0.070 CFS	
	<u>Total Diversion</u>		0.070 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

Right Acre Limit: 1.8

POU Total Acres: 8.1

Conditions of Approval:

1. X27 This right is limited to the irrigation of 1.8 acres within the authorized place of use in a single irrigation season and a maximum diversion rate of 0.064 cfs.
2. X35 Rights 1-10420, 1-10422, 1-10424, 1-10426, 1-10428, 1-10430, 1-10432, 1-10434, and 1-10436 when combined shall not exceed a total diversion rate of 0.49 cfs and the irrigation of 8.1 acres.
3. F01 Water is delivered from Great Western Canal through Kennedy Ditch.
4. 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
1-10434

