

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 01-10432

*Before Split*

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

SOURCE: SNAKE RIVER TRIBUTARY: COLUMBIA RIVER

QUANTITY: 0.432 CFS

PRIORITY DATE: 06/01/1886

POINT OF DIVERSION: T04N R37E S35 NENE Within Jefferson County

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY  |
|-------------------------------|----------------|----------------|-----------|
|                               | Irrigation     | 04-01 TO 10-31 | 0.432 CFS |

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

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

1-10432



## Legend

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

IDAHO DEPARTMENT OF WATER RESOURCES  
Proof Report

5/24/2017

Water Right 1-10432

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

After Split

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

**Priority Date:** 6/1/1886

**Basis:** Decreed

**Status:** Active

**Source**  
SNAKE RIVER

**Tributary**  
COLUMBIA RIVER

| <b>Beneficial Use</b> | <b>From</b>            | <b>To</b> | <b>Diversion Rate</b> | <b>Volume</b> |
|-----------------------|------------------------|-----------|-----------------------|---------------|
| IRRIGATION            | 04/01                  | 10/31     | 0.180 CFS             |               |
|                       | <b>Total Diversion</b> |           | 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. 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.

**Combined Use Limits**

| <b>Rate</b> | <b>Volume</b> | <b>Acres</b> |
|-------------|---------------|--------------|
| 0.490       |               | 8.1          |

State of Idaho  
Department of Water Resources  
**Water Right License**

1-10432



0 0.0475 0.095 0.19 Miles

-  Place Of Use Boundary
-  Townships
-  PLS Sections

