

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 37-30024B

NUNC PRO TUNC

DISTRICT COURT - SRBA  
Fifth Judicial District  
County of Twin Falls - State of Idaho

SEP 24 2010

By \_\_\_\_\_

Clerk

Deputy Clerk

NAME AND ADDRESS: SAWTOOTH BOTANICAL GARDEN  
PO BOX 928  
SUN VALLEY, ID 83353

SOURCE: GROUND WATER TRIBUTARY: BIG WOOD RIVER

QUANTITY: 0.04 CFS  
7.00 AFY

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands herein.

PRIORITY DATE: 03/24/1883

POINT OF DIVERSION: T03N R18E S06 LOT 2 (NWNE ) Within Blaine County  
T04N R18E S29 NWSW

PURPOSE AND  
PERIOD OF USE:

| PURPOSE OF USE | PERIOD OF USE  | QUANTITY             |
|----------------|----------------|----------------------|
| Irrigation     | 04-15 TO 10-15 | 0.04 CFS<br>7.00 AFY |

The use of water for irrigation under this right may continue as late as October 31, provided other elements of the right are not exceeded. The use of water after October 15 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.

PLACE OF USE: Irrigation Within Blaine County  
T03N R18E S06 LOT 2 (NWNE) 2.0  
2.0 Acres Total

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

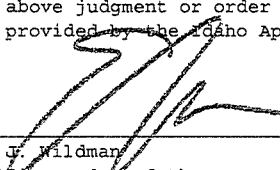
Diversion of groundwater is limited to those times water is available for diversion under this right and priority from the Big Wood River and is actually diverted into the Comstock Ditch for mitigation purposes. The point of diversion identified within NWSW, S29, T04N, R18E, is for diversion of surface water from the Big Wood River into the Comstock Ditch where it will remain undelivered and allowed to sink to mitigate the use of groundwater under this 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).

RECEIVED  
AUG 04 2014  
DEPARTMENT OF  
WATER RESOURCES

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.



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