

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 29-10124

NUNC PRO TUNC

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

JUL 30 2004

By _____

Clerk

Deputy Clerk

NAME AND ADDRESS:

KING CREEK GRAZING ASSN
C/O WILDER HATCH, PRESIDENT
2787 KELLY TOPONCE RD
BANCROFT, ID 83217

SOURCE:

TOPONCE CREEK TRIBUTARY: PORTNEUF RIVER

QUANTITY:

0.90 CFS

PRIORITY DATE:

04/15/1885

POINT OF DIVERSION:

T06S R38E S34 NWNESW Within Caribou County
S35 SWSNW
NWNESW

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE
Irrigation

PERIOD OF USE
04-15 TO 07-01

QUANTITY
0.90 CFS

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS
EARLY AS APRIL 1 AND MAY CONTINUE TO AS LATE AS OCTOBER 31,
PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE
OF WATER BEFORE APRIL 15 AND AFTER SEPTEMBER 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

T07S R39E S06 LOT 5 (NWSW) 28.0
SESE 35.0
S07 NENE 40.0
SWNE 40.0
LOT 2 (SENW) 25.0
LOT 4 (SESW) 24.0
321.0 Acres Total

Within Caribou County

SWSE 40.0
NWNE 40.0
LOT 1 (NENW) 24.0
LOT 3 (NESW) 25.0

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO
THE IRRIGATION OF A COMBINED TOTAL OF 321 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: 29-10123, 29-10125,
29-10124, 29-13483, & 29-10122.

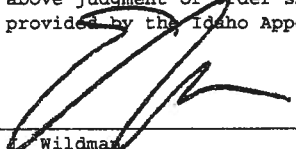
THIS RIGHT IS LIMITED TO THE IRRIGATION OF 45 ACRES WITHIN THE
PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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.



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