

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 63-02712

NUNC PRO TUNC

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

FEB - 6 2009

By _____

Clerk

Deputy Clerk

NAME AND ADDRESS: TOM KASPER
3349 HILL RD
MELBA, ID 83641

SOURCE: GROUND WATER

QUANTITY: 1.80 CFS
878.30 AFY

This right when combined with all other rights shall provide no
more than .02 cfs per acre nor more than 4.5 afa per acre for
irrigation of the lands herein.

Right Nos. 63-2712, 63-2955 and 63-3099 when combined for
irrigation purposes shall not exceed a total combined diversion
rate of 9.76 cfs, a total combined annual diversion volume of
2029.5 AF. at the field headgate, and the irrigation of 451
acres.

Diversion from the well located in the SENW S15, T01S R02W, is
limited to 2.00 cfs (900 gpm) and 157 acre feet annually.
Right Nos. 63-2712, 63-2955 and 63-7814 when combined for dairy
use shall not exceed a total diversion rate of 1.06 cfs, and/or
a combined total annual volume for both stockwater and
commercial use of 134 acre-feet. Because the annual volume for
both stockwater and commercial use was reduced from the
quantities sought by the application for transfer (Transfer
5356), the permit holder must determine the division of the 134
acre-feet into stockwater and commercial components.

PRIORITY DATE: 06/07/1950

POINT OF DIVERSION: T01S R02W S15 SENW Within Canyon County
S15 S16 S17 S18 S19 S20 S21 S22 S23 S24 S25 S26 S27 S28 S29 S30 S31 S32 S33 S34 S35 S36 S37 S38 S39 S40 S41 S42 S43 S44 S45 S46 S47 S48 S49 S50 S51 S52 S53 S54 S55 S56 S57 S58 S59 S60 S61 S62 S63 S64 S65 S66 S67 S68 S69 S70 S71 S72 S73 S74 S75 S76 S77 S78 S79 S80 S81 S82 S83 S84 S85 S86 S87 S88 S89 S90 S91 S92 S93 S94 S95 S96 S97 S98 S99 S100

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-01 TO 11-15	1.62 CFS 790.50 AFY
	Stockwater	01-01 TO 12-31	0.18 CFS 87.80 AFY
	Commercial	01-01 TO 12-31	0.18 CFS 87.80 AFY

PLACE OF USE:	Irrigation	Within Canyon County
	T01S R02W S15	NWSW 5.0
	S16	NWNE 12.0
		SWNE 40.0
		NENW 30.0
		SENE 27.0
		SNNW 30.0
		SNNW 40.0
		SENW 40.0
		NESW 30.0
		NWSW 25.0
		SWSW 26.0
		SESW 27.0
		NESE 30.0
		NWSE 40.0
		SWSE 24.0
	S26	SNNW 10.0
	S27	NENE 15.0
	451.0 Acres Total	
	Stockwater	Within Canyon County
	T01S R02W S22	NENW
		SENW
		NWSE

PLACE OF USE (continued)

S27	NENE	
Commercial		Within Canyon County
T01S R02W S15	NWSW	
S16	NWNE	SWNE
	SENE	NENW
	NWNW	SWNW
	SENW	NESW
	NWSW	SWSW
	SESW	NESE
	NWSE	SWSE
S26	SWNW	
S27	NENE	

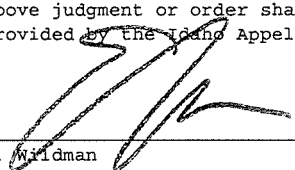
This right is limited to the irrigation of 380 acres within the place of use described above in a single irrigation season. Ground water diverted under this right is the sole source of irrigation water for the five (5) acres in the NWSW S15 T01S R02W. Ground water delivered to the remainder of the place of use supplements surface water irrigation.

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 J. Wildman
Presiding Judge of the
Snake River Basin Adjudication