

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

AMENDED

NUNC PRO TUNC

In Re SRBA)
)
Case No. 39576)
_____)

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

Water Right 36-00021B

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho
NOV 27 2000
By _____ Clerk Deputy Clerk

NAME AND ADDRESS: HARRY R GISLER
755 EAST 2800 SOUTH
HAGERMAN, ID 83332

SOURCE: BILLINGSLEY CREEK TRIBUTARY: SNAKE RIVER

QUANTITY: 7.32 CFS

THE PORTION OF THIS RIGHT IN EXCESS OF 4.58 CFS IS
SUBORDINATED TO ALL GROUND WATER AND SURFACE WATER RIGHTS WITH
PRIORITY DATES OF DECEMBER 31, 1999 OR EARLIER.

THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE
SHALL NOT EXCEED 13,000 GALLONS PER DAY.

PRIORITY DATE: 03/30/1884

POINT OF DIVERSION: T07S R13E S11 NWNENE Within Gooding County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	02-15 TO 11-30	7.32 CFS
	Stockwater	02-15 TO 11-30	0.09 CFS
	Stockwater	12-01 TO 02-14	1.93 CFS

THE IRRIGATION USE UNDER THIS RIGHT IN EXCESS OF 4.58 CFS IS
SUBORDINATED TO ALL WATER RIGHTS WITH PRIORITY DATES OF
DECEMBER 31, 1999 OR EARLIER.

PLACE OF USE:

	Irrigation		Within Gooding County
	T07S R13E S21 LOT 6 (NESE)10.0	LOT 9 (SESE)28.0	
	S22 NESW 9.0	NWSW 13.0	
		SWSW 37.0	
	S27 NWNW 32.0		
	S28 NENE 8.0		
	137.0 Acres Total		

	Stockwater		Within Gooding County
	T07S R13E S21 LOT 6 (NESE)	LOT 9 (SESE)	
	S22 NESW	NWSW	
		SWSW	
	S27 NWNW		
	S28 NENE	LOT 1 (NWN)	

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

1.84 CFS OF THE UNSUBORDINATED PORTION OF THIS RIGHT IS
LIMITED TO USE FOR CONVEYANCE LOSSES IN DELIVERY OF THIS RIGHT.

THE SUBORDINATED PORTION OF THIS WATER RIGHT SHALL NOT BE
ASSERTED, DELIVERED, HONORED, USED, ENFORCED, EFFECTIVE OR
OTHERWISE RECOGNIZED AS VALID IF IT WOULD CAUSE OR REQUIRE
EITHER DIRECTLY OR INDIRECTLY, CURTAILMENT OF, INJURY TO, OR
MITIGATION FROM ANY WATER RIGHTS WITH PRIORITY DATES EARLIER
THAN DECEMBER 31, 1999. THE SUBORDINATION SHALL RUN WITH AND BE
A PERPETUAL SERVITUDE UPON THIS WATER RIGHT AND THE ASSOCIATED
LANDS, INCLUDING ANY NEW LANDS TO WHICH ALL OR ANY PORTIONS OF
THIS WATER RIGHT IS TRANSFERRED.

THE QUANTITY OF WATER DECREED UNDER THIS RIGHT FOR STOCKWATER
USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

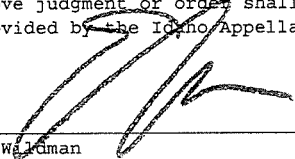
SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

OTHER PROVISIONS (continued)

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. Waldman
Presiding Judge of the
Snake River Basin Adjudication