

SEP 28 2010

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

DEPARTMENT OF
WATER RESOURCES

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 37-02713

NAME AND ADDRESS: ECCLES FLYING HAT RANCH LLC
PO BOX 3028
SALT LAKE CITY, UT 84110

SOURCE: GROUND WATER

QUANTITY: 10.00 CFS
2086.00 AFY

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
SEP 24 2010	
By _____	Clerk
Deputy Clerk	

This right when combined with all other rights shall provide no more than 3.5 cfs per acre at the field headgate for irrigation of the lands herein.

Right Nos. 37-2713 and 37-7356 are limited to a total combined annual diversion volume of 2086 AF.

Rights 37-2713 and 37-7356 when combined with all other rights shall provide no more than 0.02 cfs per acre at the field headgate for sprinkler irrigation of the land described herein. When water is applied through a sprinkler irrigation system, the portion of Rights 37-2713 and 37-7356 used for conveyance losses is 0.76 cfs.

PRIORITY DATE: 08/18/1965

POINT OF DIVERSION: T02N R18E S15 SWSE Within Blaine County
S23 SWSE
NESW
NWSW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	05-01 TO 09-01	10.00 CFS 2086.00 AFY

The use of water for irrigation under this right may continue to 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
	T02N R18E S15	SWSE 3.0
	S22	NENE 7.0
		SENE 34.0
	S23	SWNW 18.0
		NWSW 40.0
		SESW 35.0
		SESE 6.0
	S25	NWNW 28.0
		SENE 5.0
		NWSW 27.0
		SESW 15.0
	S26	NENE 39.0
		SWNE 40.0
		NENW 40.0
		SENE 36.0
		NWNE 36.0
		SENE 35.0
		NWNW 32.0
	675.0 Acres Total	

PLACE OF USE (continued)

This right is limited to the irrigation of 596 acres within the place of use described above in a single irrigation season. Rights 37-2713 and 37-7356 when combined shall not exceed the irrigation of 596 acres.

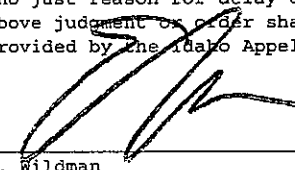
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

The right holder shall use the full allotment of appurtenant surface water rights in conjunction with ground water diverted under this right and shall only divert ground water under this right when water from the appurtenant surface water rights cannot be delivered to the right holder. If the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert groundwater shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.

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