

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

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SEP 28 2010

DEPARTMENT OF
WATER RESOURCES

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
) Water Right 37-07799

NAME AND ADDRESS: ELIZABETH W GATES
MARK T GATES
BESSEMER SECURITIES CORP
630 FIFTH AVE
NEW YORK, NY 10111

DELORES L FERY
JOHN B FERY
PRISCILLA B WOODS
18433 US HWY 20
BELLEVUE, ID 83313

WARD W WOODS
18433 US HWY 20
BELLEVUE, ID 83313

SOURCE: GROUND WATER

QUANTITY: 2.78 CFS
410.40 AFY

Right Nos. 37-629, 37-630A, 37-631 and 37-7799 are limited to a
total combined diversion rate of 2.78 cfs.

PRIORITY DATE: 10/02/1979

POINT OF DIVERSION: T01S R19E S24 NESWNE Within Blaine County
SESWNE

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 11-01	2.72 CFS 408.00 AFY
	Domestic	01-01 TO 12-31	0.06 CFS 2.40 AFY

Domestic use is for 2 homes.

PLACE OF USE:			
	Irrigation		Within Blaine County
	T01S R19E S24	NWNE 30.0	SWNE 31.0
		SENE 26.0	SENE 33.0
		NESE 16.0	
	136.0 Acres Total		

Domestic		Within Blaine County
T01S R19E S24	SWNE	

Right Nos. 37-629, 37-630A, 37-631 and 37-7799 are limited to
the irrigation of a combined total of 136 acres in a single
irrigation season.

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

The right holder shall make full beneficial use of all surface
water rights available to the right holder for irrigation of the
lands authorized to be irrigated under this right. The right
holder shall limit the diversion of ground water under this
right to those times when the surface water supply is not

OTHER PROVISIONS (continued)

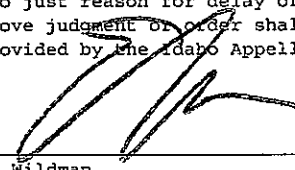
available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.

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 ground water 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