

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

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 37-04433

RECEIVED
SEP 28 2010
DEPARTMENT OF
WATER RESOURCES

NAME AND ADDRESS: C W & R H GARDNER, FAMILY
TRUST LTD PARTNERSHIP
PO BOX 1200
HAILEY, ID 83333

ROBERT E GARDNER
PO BOX 1200
HAILEY, ID 83333

SOURCE: GROUND WATER

QUANTITY: 2.86 CFS
500.50 AFY

PRIORITY DATE: 04/01/1952

POINT OF DIVERSION: T01N R19E S33 NWNWSE Within Blaine County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-15 TO 10-31	2.86 CFS 500.50 AFY

PLACE OF USE:	Irrigation	Within Blaine County	
	T01N R19E S33	NESE 22.0	NWSE 40.0
		SWSE 40.0	SESE 38.0
	S34	SWSW 3.0	
	143.0 Acres Total		

Right Nos. 37-115B, 37-667C, 37-881 and 37-4433 are limited to
the irrigation of a combined total of 143 acres in a single
irrigation season.

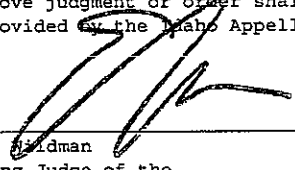
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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
available or the surface water supply is not reasonably
sufficient to irrigate the place of use authorized under this
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. Friedman
Presiding Judge of the
Snake River Basin Adjudication