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

APR 01 2010

DEPARTMENT OF
WATER RESOURCES

In Re SRBA

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

Case No. 39576

Water Right 47-02316B

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

MAR 31 2010

By

Clerk

Deputy Clerk

NAME AND ADDRESS:

VISSER HOLSTEINS
DBA EAGLE VIEW FARM
PO BOX 665
CASTLEFORD, ID 83321-0665

SOURCE:

SALMON FALLS CREEK TRIBUTARY: SNAKE RIVER

QUANTITY:

3.33 CFS
1166.40 AFY

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre for irrigation of the lands below.

Rights 47-02316B, 47-02316C, 47-02402, 47-02417 and 47-07642 when combined with Rights 47-07565, 47-07569, 47-07615 and 47-07618 shall not exceed the 24.71 cfs diversion capacity of the Salmon Falls Creek diversion system.

The total instantaneous diversion of water from all points of diversion under Transfer 5588 shall not exceed 37.45 cfs, nor a total combined annual volume of 7374.0 af for the irrigation of 1843.5 acres.

PRIORITY DATE:

01/12/1959

POINT OF DIVERSION:

T10S R13E S20 NESENE Within Twin Falls County

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE
Irrigation

PERIOD OF USE
04-01 TO 10-31

QUANTITY
3.33 CFS
1166.40 AFY

The period of use for the irrigation described under Rights 47-02316B, 47-02381 and 47-07642 may be extended to a beginning date of 3/15 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.

PLACE OF USE:

Irrigation

Within Twin Falls County

T10S R13E S03	SWSW 39.0	SESW 39.0
S05 LOT 4	(NWNW) 26.0	SWNW 40.0
	NWSW 39.0	SWSW 39.0
S06	SESE 34.0	
S07	NENE 31.0	
S08	NENE 38.0	NWNE 40.0
	SWNE 39.0	SENE 38.0
	NENW 40.0	NWNW 40.0
	SWNW 38.0	SENE 35.0
	NESW 33.0	NWSW 37.0
	SESW 40.0	
S09	NENE 40.0	NWNE 40.0
	SWNE 41.0	SENE 41.0
	NENW 40.0	NWNW 38.0
	SWNW 38.0	SENE 40.0
	NESW 40.0	NWSW 39.0
	SWSW 39.0	SESW 40.0

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

PLACE OF USE (continued)

	NESE 41.0	NWSE 41.0
	SWSE 41.0	SESE 37.0
S10	NWNE 32.0	NENW 40.0
	NWNW 40.0	SWNW 41.0
	SENW 33.0	NWSW 40.0
	SWSW 25.0	
S16	NENE 6.5	NWNE 24.0
	NENW 40.0	NWNW 39.0
	SWNW 36.0	SENW 23.0
S17	NENE 21.0	SWNE 27.0
	SENE 35.0	

1843.5 Acres Total

Right 47-02316B is limited to the irrigation of 291.6 acres in the place of use described above in a single irrigation season.

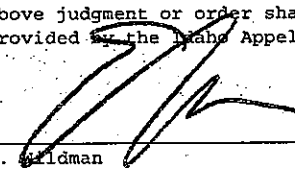
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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. If the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use, the 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