

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)
Case No. 39576)
_____)

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

Water Right 63-03398

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho
MAY 11 2009
By _____ Clerk
Deputy Clerk

NAME AND ADDRESS: CITY OF MIDDLETON
PO BOX 487
MIDDLETON, ID 83644

RECEIVED

MAY 12 2009

DEPARTMENT OF
WATER RESOURCES

SOURCE: GROUND WATER

QUANTITY: 1.11 CFS

PRIORITY DATE: 01/08/1964

POINT OF DIVERSION: T04N R02W S05 LOT 2 (NWNE) Within Canyon County
S06 LOT 4 (NWNW)
S08 NENW
S17 SWNW

Diversion and use of water under this right from the additional wells authorized under Transfer 71407 located in the NWNE, S5; NWNW, S6; NENW, S8 and SWNW, S17; T4N, R2W shall be subordinate to all ground water rights existing within the immediate area prior to the date of approval of this transfer upon determination of injury due to local well interference. This right retains its priority date of 1/8/1964 relative to all other actions to distribute water.

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Municipal	01-01 TO 12-31	1.11 CFS

PLACE OF USE: Place of use is within the service area of the City of Middleton municipal water supply system as provided for under Idaho Law.

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

The well previously used under Right 63-3398 shall be abandoned in a manner which complies with Department well abandonment rules.

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.

John M. Melanson

John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication