DISTRICT COURT - SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho
FEB - 6 2009
By
Clerk
Deputy Clerk

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 63-03329

NAME AND ADDRESS: BERANNA DAIRY
9166 PERCH AVE
CALDWELL, ID 83607

SOURCE: GROUND WATER

QUANTITY: 2.06 CFS
738.00 AFY

The total instantaneous diversion of water from all points of diversion under Rights 63-2839, 63-3329, 63-3366, 63-3396, 63-8232, 63-8253, 63-10268 and 63-29025 shall not exceed 8.98 cfs, nor a total combined annual volume of 3622.7 af for the irrigation of 780 acres in a single irrigation season. Rights 63-3329, 63-8253 and 63-10268 when combined shall not exceed a total diversion rate of 3.22 cfs, and a total annual maximum diversion volume of 1085.0 af at the field headgate for the irrigation of 241 acres.

PRIORITY DATE: 02/16/1963

POINT OF DIVERSION:

T02N R03W S09	NWSWSW	Within Canyon County
S16	NENW	
	NENW	
	NESE	
	NWSW	
	NWSW	
S17	NENE	
	NENE	

Rights 63-2839, 63-3366, 63-3396, 63-8232, 63-08253, 63-10268 and 63-29025 are also diverted through the points of diversion described above.

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
Irrigation	04-01 TO 10-31	2.06 CFS
		738.00 AFY

The use of water for irrigation under this right may begin as early as March 1 and may continue to as late as November 15, provided other elements of the right are not exceeded. The use of water before April 1 and after October 31 under this remark is subordinated 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 Canyon County

T02N R03W S08	SWSE 40.0		
S09	SWSW 40.0		SESW 39.0
	SWSE 32.0		
S16	NENE 38.0		NWNE 37.0
	SWNE 40.0		SENE 39.0
	NENW 39.0		NWNW 40.0
	SWNW 40.0		SENW 40.0
	NESW 40.0		NWSW 28.0
	SWSW 32.0		SESW 37.0
	NESE 39.0		NWSE 20.0

PLACE OF USE (continued)

		SWSE 30.0	SESE 40.0
	S17	NENE 18.0	NWNE 36.0
		SWNE 26.0	SENE 15.0

825.0 Acres Total

This right is limited to the irrigation of 164 acres within the place of use described above in a single irrigation season.

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

Rights 63-3329 and 63-8253 when combined shall not exceed the irrigation of 164 acres.

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
Presiding Judge of the
Snake River Basin Adjudication