

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 22-04091

NAME AND ADDRESS: FRANK SUMMERS INC
C/O KELLY SUMMERS
327 S 3000 E
SUGAR CITY, ID 83448

SOURCE: GROUND WATER

QUANTITY: 4.33 CFS
1276.00 AFY

Right Nos. 22-2219 and 22-4091 are limited to a total combined
diversion rate of 5.57 cfs and to a total combined annual
diversion volume of 2918 AF.

PRIORITY DATE: 05/01/1962

This water right is subordinate to all water rights with a
priority date earlier than April 12, 1994, that are not decreed
as enlargements pursuant to Section 42-1426, Idaho Code. As
between water rights decreed as enlargements pursuant to Section
42-1426, Idaho Code, the earlier priority right is the superior
right.

POINT OF DIVERSION: T06N R40E S27 NESWSW Within Madison County
S34 NWNWNW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	4.33 CFS 1276.00 AFY

PLACE OF USE:	Irrigation	Within Madison County
T06N R40E S22	NWNE 9.9 NESW 39.0 SWSW 29.0 NWSE 17.0	SWNE 26.0 NWSW 39.0 SESW 37.0 SWSE 18.0
S27	NWNE 8.1 NENW 39.0 SNNW 28.0 NESW 35.0 SWSW 32.0 NWSE 27.0 SESE 0.4	SWNE 17.0 NWNW 24.0 SENW 35.0 NWSW 34.0 SESW 29.0 SWSE 38.0
S34	NWNE 38.0 NENW 28.0 SNNW 33.0 NWSW 25.0 SESW 1.3	SWNE 39.0 NWNW 39.0 SENW 34.0 SWSW 35.0
833.7 Acres Total		

The rights listed below are limited to the irrigation of a
combined total of 833.7 acres in a single irrigation season.
Combined Right Nos.: 22-2219 and 22-4091.

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

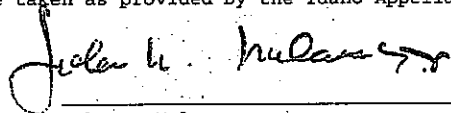
This right is based upon an enlargement of Right No. 22-2219
pursuant to Section 42-1426, Idaho Code.

OTHER PROVISIONS (continued)

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