

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 22-00616

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

NOV 28 2008

By

Clerk

Deputy Clerk

NAME AND ADDRESS:

THE BOYD CHARLES SMITH & JILL
JOHNSON SMITH TRUST
C/O HOLDEN KIDWELL HAHN CRAPO
PO BOX 50130
IDAHO FALLS, ID 83405

SOURCE:

SOUTH LEIGH CREEK TRIBUTARY: TETON RIVER

QUANTITY:

8.00 CFS

The quantity of water diverted under this water right shall be from the portion awarded to IDAHO and deducted there from as set forth in Roxana Canal Co. v. Daniels, Equity No. 2447 (D. Wy. Feb. 4, 1941).

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

The rights listed below are limited to a total combined diversion rate of 32.31 cfs. Combined Right Nos. 22-312, 22-487C, 22-13016, 22-42, 22-160, 22-545, 22-616, 22-13160, 22-13144, 22-13148, 22-130B, 22-481A, 22-482A, 22-483A, 22-2029D, 22-130D, 22-136C, 22-515B, 22-516B, and 22-517B.

The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).

PRIORITY DATE:

01/22/1916

POINT OF DIVERSION:

T06N R46E S32 LOT 1 (NENWNE) Within Teton County

The point of diversion for this water right is in Wyoming, T44N, R118W, Sec. 6 NESENE (L2), 6PM. The point of diversion shown above is where the conveyance system enters Idaho.

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE
Irrigation

PERIOD OF USE
04-15 TO 10-31

QUANTITY
8.00 CFS

PLACE OF USE:

Irrigation

Within Teton County

T06N R45E S25	NESE 14.0	NWSE 27.0
	SWSE 39.0	SESE 37.0
S36	NENE 39.0	SWNE 21.0
	SENE 25.0	SWNW 7.6
	SENW 21.0	NESW 40.0
	NWSE 39.0	
R46E S30	NESW 22.0	LOT 3 (NWSW) 24.0
LOT 4	(SWSW) 32.0	SESW 37.0
	NESE 34.0	NWSE 26.0
	SWSE 39.0	SESE 39.0
S31	NENE 40.0	NWNE 40.0
	SWNE 38.0	SENE 22.0
	NENW 40.0	LOT 1 (NWNW) 38.0
LOT 2	(SWNW) 26.0	SENW 35.0
S32 LOT 1	(NWNE) 14.0	LOT 2 (SWNE) 28.0
	NENW 32.0	NWNW 36.0
	SWNW 14.0	SENW 15.0
LOT 3	(NWSE) 25.0	LOT 4 (SWSE) 1.3

PLACE OF USE (continued)

1006.9 Acres Total

This right is limited to the irrigation of 400 acres within the place of use described above in a single irrigation season. The rights listed below are limited to the irrigation of a combined total of 736.3 acres in a single irrigation season. Combined Right Nos.: 22-312, 22-487C, 22-13016, 22-42, 22-160, 22-545, 22-616, 22-13160.

The rights listed below are limited to the irrigation of a combined total of 688.9 acres in a single irrigation season. Combined Right Nos.: 22-42, 22-160, 22-545, 22-616, 22-13160.

The rights listed below are limited to the irrigation of a combined total of 1006.9 acres in a single irrigation season. Combined Right Nos. 22-312, 22-487C, 22-13016, 22-42, 22-160, 22-545, 22-616, 22-13160, 22-13144, 22-13148, 22-130B, 22-481A, 22-482A, 22-483A, 22-2029D, 22-130D, 22-136C, 22-515B, 22-516B, and 22-517B.

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

This water right is subject to the delivery provisions contained in Roxana Canal Co. v. Daniels, Equity No. 2447 (D. Wy. Feb. 4, 1941) ("Roxana decree"). Nothing in this Partial Decree is intended to relieve or alter the state of Idaho nor the state of Wyoming from their obligations contained in the Roxana decree.

Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 01.

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

RECEIVED

DEC 01 2008

DEPARTMENT OF
WATER RESOURCES

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

NOV 28 2008

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

) Water Rights: See Attached Exhibit A
) (Boyd Charles Smith Trust)

)
)
) ORDER OF PARTIAL DECREES
)
)

On December 22, 2006, the Idaho Department of Water Resources filed its *Director's Report for Basin 22, Part II, Reporting Area 17, for Irrigation and Other Water Rights*, which included recommendations for the above named water rights. No objections were filed and the time period for filing objections has expired.

On December 3, 2007, the Idaho Department of Water Resources filed a *Notice of Completed Administrative Proceeding and Amended Director's Report* notifying the Court of a transfer in each of the above named water rights. No objections were filed to the *Amended Director's Reports* and the time period for filing objections has expired.

Therefore, IT IS ORDERED that the above-captioned water rights be decreed as set forth in the attached *Partial Decrees Pursuant to I.R.C.P. 54(b)*.

DATED

November 28, 2008

JOHN M. MELANSON

Presiding Judge

Snake River Basin Adjudication

EXHIBIT A (SMITH TRUST)

Subcase Nos:

22-00042
22-00160
22-00545
22-00616
22-13144
22-13148
22-13160

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER OF PARTIAL DECREES was mailed on November 28, 2008, with sufficient first-class postage to the following:

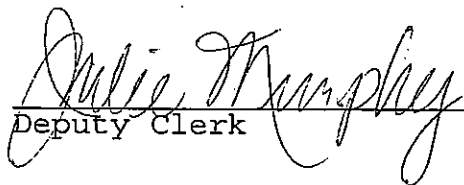
THE BOYD CHARLES SMITH & JILL
JOHNSON SMITH TRUST
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PO BOX 50130
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Phone: 650-858-4915

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

ORDER

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Deputy Clerk