

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 29-13754

WATER RIGHT NUMBER: 29-13754

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	DEL BRUDERER 4840 W 14400 N GARLAND, UT 84312 (435)458-3203

Priority Date: 07/15/1976

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
WEST BOB SMITH CREEK	PORTNEUF RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01	to 10/31	0.055 CFS	
	<u>Total Diversion:</u>		0.055 CFS	

Location of Point(s) of Diversion

WEST BOB SMITH CREEK	SE1/4NE1/4NW1/4	Sec. 15, Twp 09S, Rge 37E, B.M.
BANNOCK County		
WEST BOB SMITH CREEK	SE1/4SE1/4NW1/4	Sec. 15, Twp 09S, Rge 37E, B.M.
BANNOCK County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09S	37E	15															4.8	4.0	8.8

Total Acres: 8.8

Conditions of Approval:

1. E52 Use of this right with the rights listed below is limited to a total combined diversion rate of 0.11 CFS. Combined Right Nos. 29-13742, 29-13744, 29-13746, 29-13749, 29-13750, 29-13752, 29-13754
2. C18 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. Section 42-1412(6), Idaho Code.
3. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
4. C03 Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.
5. F06 The following rights are also diverted through points of diversion described above: 29-13741, 29-13742, 29-13743, 29-13744, 29-13745, 29-13746, 29-13747, 29-13748, 29-13749, 29-13750, 29-13751, 29-13752, 29-13753, and 29-13754.

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6. C11 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.
7. **P21 This right is a split from former right 29-13617 .**
8. E56 Use of this right with the rights listed below is limited to the irrigation of a combined total of 8.8 acres in a single irrigation season. Combined right nos. 29-13742, 29-13744, 29-13748, 29-13750, 29-13752, 29-13754
9. K02 This right is based upon an enlargement of right nos. 29-13748, 29-13750, and 29-13752 pursuant to section 42-1426, Idaho Code
10. K09 This right is for an enlargement of 2.7 acres within the place of use described for this right.

Remarks:Comments:

1. erushing 2/12/2008 Ownership Change
 Comment: Per Jennifer Crabtree, ownership change form was lost in 2005. Ownership split was accomplished on adjudication side and then pushed over to water right side after split.

Dates and Other Information:

Licensed Date:
 Decreed Date: 8/30/2005
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 State or Federal:
 Owner Name Connector:
 Water District Number:
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Decree Defendant:
 Decree Plaintiff:
 Civil Case Number: 39576
 Judicial District: FIFTH
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False

Combined Use Limits:

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
0.11		8.8

Combined Water Rights: 29-13742 , 29-13744 , 29-13746 , 29-13748 ,
 29-13750 , 29-13752 , 29-13754

Water Supply Bank:

RECEIVED

AUG 31 2005

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
AUG 30 2005	
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

ORDER OF PARTIAL DECREE

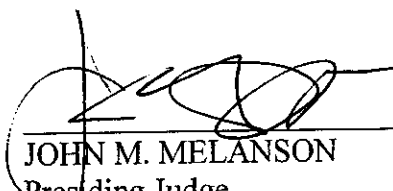
For Water Right: 29-13617

On July 27, 2005, a *Special Master's Report and Recommendation* was filed for the above-captioned water right. No Challenges were filed to the *Special Master's Report and Recommendation* and the time for filing Challenges has now expired.

Pursuant to I.R.C.P. 53(e)(2) and *SRBA Administrative Order 1*, Section 13f, this Court has reviewed the Findings of Fact and Conclusions of Law contained in the *Special Master's Report and Recommendation* and wholly adopts them as its own.

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

DATED August 29, 2005.


JOHN M. MELANSON

Presiding Judge

Snake River Basin Adjudication

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 29-13617

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

AUG 30 2005

By

Clerk

Deputy Clerk

NAME AND ADDRESS:

MAX W HALL
5675 E OLD OREGON TR RD
LAVA HOT SPRINGS, ID 83246

SOURCE:

WEST BOB SMITH CREEK TRIBUTARY: PORTNEUF RIVER

QUANTITY:

1.38 CFS

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 2.89 CFS. COMBINED RIGHT
NOS.: 29-13580, 29-13587, 29-13593, 29-13599, 29-13605, 29-13611,
29-13617.

PRIORITY DATE:

07/15/1976

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:

T09S R37E S15

SEENW Within Bannock County
SESENW

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE
Irrigation

PERIOD OF USE
04-01 TO 10-31

QUANTITY
1.38 CFS

PLACE OF USE:

Irrigation

Within Bannock County

T09S R37E S14
S15

NWSW 9.4
NESW 37.0
NWSE 20.0
SESE 38.0

SWSW 28.0
NESE 39.0
SWSE 5.7

S22

NENE 2.0

NWNE 6.6

LOT 2 (SWNE) 19.0

LOT 1 (SENE) 4.2

LOT 4 (SWNW) 5.2

LOT 3 (SENW) 8.3

222.4 Acres Total

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO
THE IRRIGATION OF A COMBINED TOTAL OF 222.4 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: 29-13580, 29-13587,
29-13593, 29-13599, 29-13605, 29-13611, 29-13617.

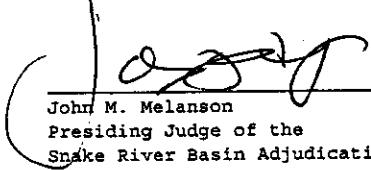
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS RIGHT IS BASED UPON AN ENLARGEMENT OF RIGHT NO. 29-13611,
29-13605, AND 29-13599 PURSUANT TO SECTION 42-1426, IDAHO CODE.

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

2005 AUG 30 PM 02:00
DISTRICT COURT - SRBA
TWIN FALLS CO - IDAHO
FILED

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

CERTIFICATE OF MAILING

Water Right(s): 29-13617

CERTIFICATE OF MAILING

I certify that a true and correct copy of the PARTIAL DECREE
PURSUANT TO I.R.C.P. 54(b) for WATER RIGHT 29-13617 was mailed
on August 30, 2005, with sufficient first-class postage prepaid
to the following:

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

MAX W HALL
Represented by:
JERRY R. RIGBY
PO BOX 250
REXBURG, ID 83440-0250
Phone: 208-356-3633

JULIE MURPHY
Chief Deputy Clerk

CERTIFICATE OF MAILING

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08/30/05