

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 29-13753

WATER RIGHT NUMBER: 29-13753

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	MAX W HALL PO BOX 784 LAVA HOT SPRINGS, ID 83246 (208)776-5663

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	1.325 CFS	
	<u>Total Diversion:</u>	1.325 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	14									9.4	28.0			39.0	20.0		34.9	131.3
09S	37E	15									37.0								37.0
09S	37E	22	2.0	6.6	19.0	4.2			5.2	8.3									45.3
					L 2	L 1			L 4	L 3									

Total Acres: 213.6

Conditions of Approval:

1. 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.
2. E52 The rights listed below are limited to a total combined diversion rate of 2.78 cfs. Combined Right Nos.: 29-13741, 29-13743, 29-13745, 29-13747, 29-13749, 29-13751 and 29-13753.

IDAHO DEPARTMENT OF WATER RESOURCES

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3. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
 4. 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.
 5. K02 This right is based upon an enlargement of right nos. 29-13747, 29-13749, and 29-13751 pursuant to section 42-1426, Idaho Code
 6. C03 Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.
 7. E56 The rights listed below are limited to the irrigation of a combined total of 213.6 acres in a single irrigation season. Combined Right Nos.: 29-13741, 29-13743, 29-13745, 29-13747, 29-13749, 29-13751 and 29-13753.
 8. K09 This right is for an enlargement of 66.3 acres within the place of use described for this right.
 9. 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.
- 10. P21 This right is a split from former right 29-13617.**

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>
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2.78

Combined Water Rights: 29-13741 , 29-13743 , 29-13745 , 29-13747 ,
29-13749 , 29-13751 , 29-13753

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 29-13753

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

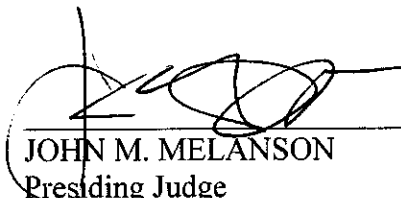
In Re SRBA	)	ORDER OF PARTIAL DECREE
	)	
Case No. 39576	)	For Water Right: 29-13617
	)	
_____	)	

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 SENENW Within Bannock County
SESENW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	1.38 CFS

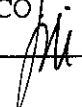
PLACE OF USE:	Irrigation	Within Bannock County
T09S R37E S14	NWSW 9.4	SWSW 28.0
S15	NESW 37.0	NESE 39.0
	NWSE 20.0	SWSE 5.7
	SESE 38.0	
S22	NENE 2.0	NWNE 6.6
LOT 2	(SWNE) 19.0	LOT 1 (SENE) 4.2
LOT 4	(SWNW) 5.2	LOT 3 (SENW) 8.3
222.4 Acres Total		

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).

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

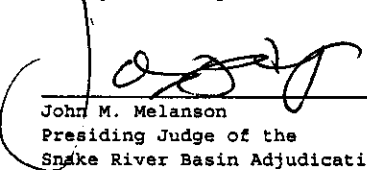
JULIE MURPHY
Chief Deputy Clerk

CERTIFICATE OF MAILING

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08/30/05

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