

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 29-13746

WATER RIGHT NUMBER: 29-13746

<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: 07/01/1909

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	04/15	to 09/15	0.030 CFS	
	<u>Total Diversion:</u>		0.030 CFS	

Location of Point(s) of Diversion

WEST BOB SMITH CREEK	SE1/4SE1/4NW1/4	Sec. 15, Twp 09S, Rge 37E, B.M.
BANNOCK County		
WEST BOB SMITH CREEK	SE1/4NE1/4NW1/4	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. 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, 20-13754
2. S35 The use of water for irrigation under this right may begin as early as April 1 and may continue to as late as October 31, provided other elements of the right are not exceeded. The use of water before April 15 and after September 15 under this remark is subordinate 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.
3. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

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4. E52 Use of this right with rights listed below is limited to a total combined diversion rate of 0.11 cfs. Combined Right Nos. 29-13742, 29-13744, 29-13746, 29-13748, 29-13750, 29-13752, and 29-13754.

The combined diversion rate of Water Right Nos. 29-10774B, 29-13517, 29-13541, 29-13542, 29-13594, 29-13595, 29-13596, 29-13597, 29-13598, 29-13745, and 29-13746 each sharing priority date 7/1/1909, cannot exceed 0.942 cfs

The combined diversion rate of Water Right nos. 29-10776B, 29-13519, 29-13538, 29-13539, 29-13588, 29-13589, 29-13590, 29-13591, 29-13592, 29-13743, and 29-13744 each sharing priority date 7/1/1917, cannot exceed 0.76 cfs

The combined diversion rate of water right nos. 29-207B, 29-214B, 29-215B, 29-10774B, 29-10776B, 29-13511, 29-13513, 29-13515, 29-13517, 29-13519, 29-13538, 29-13539, 29-13541, 29-13542, 29-13544, 29-13545, 29-13547, 29-13548, 29-13550, 29-13551, 29-13553, 29-13554, 29-13588, 29-13589, 29-13590, 29-13591, 29-13592, 29-13594, 29-13595, 29-13596, 29-13597, 29-13598, 29-13600, 29-13601, 29-13602, 29-13603, 29-13604, 29-13606, 29-13607, 29-13608, 29-13609, 29-13610, 29-13612, 29-13613, 29-13614, 29-13615, 29-13616, 29-13618, 29-13619, 29-13620, 29-13621, 29-13622, 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 shall not exceed 3.542 cfs

5. **P21 This right is a split from former right 29-13593 .**

6. C03 Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.
7. 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.
8. 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.

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: 9/30/2005
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 State or Federal: S
 Owner Name Connector:
 Water District Number: 29
 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:

IDAHO DEPARTMENT OF WATER RESOURCES

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<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:

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
JUL 29 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: 29-13593
	)	
_____	)	

On June 21, 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 July 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 29-13593

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
JUL 29 2005	
By _____	Clerk
_____	Deputy Clerk

NAME AND ADDRESS: MAX W HALL
PO BOX 784
LAVA HOT SPRINGS, ID 83246

SOURCE: WEST BOB SMITH CREEK TRIBUTARY: PORTNEUF RIVER

QUANTITY: 0.755 CFS

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 2.672 CFS. COMBINED RIGHT
NOS.: 29-13580, 29-13587, 29-13593, 29-13599, 29-13605, 29-13611,
29-13617.

THE COMBINED DIVERSION RATE OF WATER RIGHT NOS. 29-10774B,
29-13517, 29-13541, 29-13542, 29-13593, 29-13594, 29-13595,
29-13596, 29-13597, AND 29-13598 EACH SHARING PRIORITY DATE
7/1/1909, CANNOT EXCEED 0.942 CFS.

THE COMBINED DIVERSION RATE OF WATER RIGHT NOS. 29-10776B,
29-13519, 29-13538, 29-13539, 29-13587, 29-13588, 29-13589,
29-13590, 29-13591, 29-13592, EACH SHARING PRIORITY DATE 7/1/1917
CANNOT EXCEED 0.76 CFS.

THE COMBINED DIVERSION RATE OF WATER RIGHT NOS. 29-207B,
29-214B, 29-215B, 29-10774B, 29-10776B, 29-13511,
29-13513, 29-13515, 29-13517, 29-13519, 29-13538, 29-13539,
29-13541, 29-13542, 29-13544, 29-13545, 29-13547, 29-13548,
29-13550, 29-13551, 29-13553, 29-13554, 29-13587, 29-13588,
29-13589, 29-13590, 29-13591, 29-13592, 29-13593, 29-13594,
29-13595, 29-13596, 29-13597, 29-13598, 29-13599, 29-13600,
29-13601, 29-13602, 29-13603, 29-13604, 29-13605, 29-13606,
29-13607, 29-13608, 29-13609, 29-13610, 29-13611, 29-13612,
29-13613, 29-13614, 29-13615, 29-13616, 29-13617, 29-13618,
29-13619, 29-13620, 29-13621, 29-13622, SHALL NOT EXCEED 3.542
CFS.

PRIORITY DATE: 07/01/1909

POINT OF DIVERSION: T09S R37E S15 SENENW Within Bannock County
SESENW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-15 TO 09-15	0.755 CFS

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS
EARLY AS APRIL 1 AND MAY CONTINUE TO AS LATE AS OCTOBER 31,
PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE
OF WATER BEFORE APRIL 15 AND AFTER SEPTEMBER 15 UNDER THIS
REMARK IS SUBORDINATE 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 Bannock County
	T09S R37E S14	NWSW 9.4
	S15	SWSW 28.0
		NESW 37.0
		NESE 39.0
		NWSE 20.0
		SWSE 5.7
		SESE 38.0
	S22	NENE 2.0
	LOT 2	NWNE 6.6
		(SWNE) 19.0
	LOT 4	(SENE) 4.2
		(SWNW) 5.2
		LOT 3
		(SENW) 8.3

PLACE OF USE (continued)

222.4 Acres Total

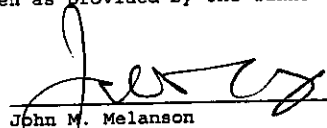
USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 222.4 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 29-13580, 29-13587, 29-13593, 29-13599, 29-13605, 29-13611, 29-13617.

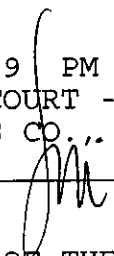
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS 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 JUL 29 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)

CERTIFICATE OF MAILING

Case No. 39576)
_____)

Water Right(s): 29-13593

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 29-13593 was mailed
on July 29, 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

MAX W HALL

5675 E OLD OREGON TR RD
LAVA HOT SPRINGS, ID 83246
Phone: 208-776-5663

ALLAN CHRISTENSEN

8500 SO BOB SMITH RD
LAVA HOT SPRINGS, ID 83246
Phone: 208-776-5892

CERTIFICATE OF MAILING

JULIE MURPHY
Chief **SCANNED** Clerk

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07/29/05

AUG 01 2005