

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 29-13741

WATER RIGHT NUMBER: 29-13741

<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: 08/07/1932

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	2.566 CFS	
STOCKWATER	01/01	to 12/31	0.030 CFS	
	<u>Total Diversion:</u>		2.566 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

STOCKWATER

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									X	X	X		X	X		X	

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09S 37E 22	X	X	X	X		X	X	
			L 2	L 1		L 4	L 3	

1. 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.
2. This water right is an extended season of use right pursuant to 29-13300 as split.
3. P21 This right is a split from original right 29-13534.
4. 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.
5. **This right is a split from former right 29-13580 .**
6. 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.
7. C03 Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.
8. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

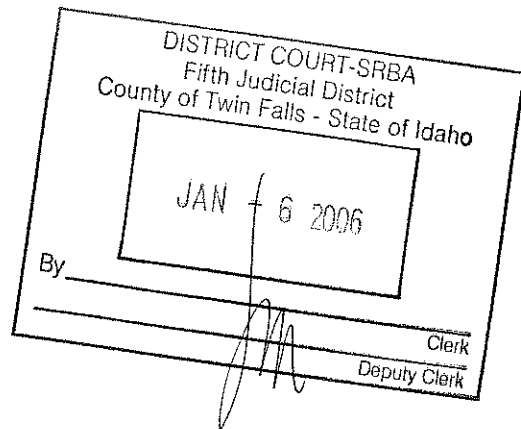
Comments:

Licensed Date:
Decreed Date: 1/6/2006
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

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
2.78		
Combined Water Rights: 29-13741 , 29-13743		
29-13749 , 29-13751 , 29-13753		

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 29-13741

Water Supply Bank:



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

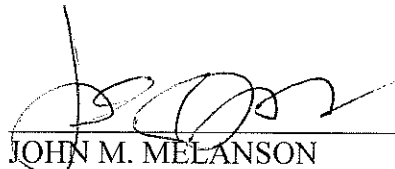
) For Water Right: 29-13580

On October 31, 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 January 5, 2006.

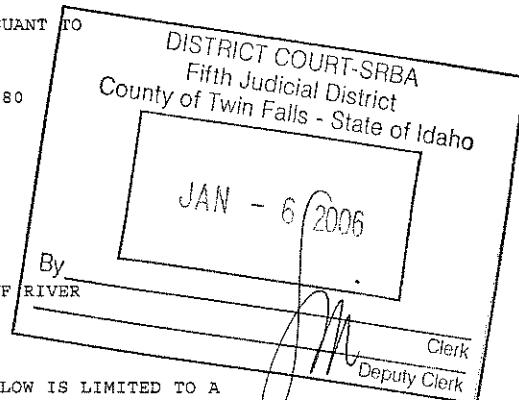

JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

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 29-13580



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

SOURCE: WEST BOB SMITH CREEK TRIBUTARY: PORTNEUF RIVER

QUANTITY: 2.672 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: 08/07/1932

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	2.672 CFS
	Stockwater	01-01 TO 12-31	0.04 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	

Stockwater Within Bannock County
Same as Irrigation

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.

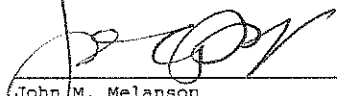
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE OPERATION AND ADMINISTRATION OF THIS WATER RIGHT IS
SUBJECT TO THE TERMS AND CONDITIONS OF THE PORTNEUF RIVER
SETTLEMENT AGREEMENT, BASIN 29: PORTNEUF RIVER FILED WITH THE
SRBA DISTRICT COURT APRIL 22, 2005.

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

2006 JAN 06 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): 29-13580

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 29-13580 was mailed
on January 06, 2006, 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
25 N 2ND E
PO BOX 250
REXBURG, ID 83440-0250
Phone: 208-356-3633

MARSH VALLEY DEVELOPMENT INC
Represented by:
RANDALL C BUDGE
201 E CENTER, STE A2
PO BOX 1391
POCATELLO, ID 83204-1391
Phone: 208-232-6101

JULIE MURPHY
Chief Deputy Clerk