

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 Right 45-07083

NAME AND ADDRESS: BRUCE C NEWCOMB
 BOX 757
 BURLEY, ID 83318

SOURCE: GROUND WATER

Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
The well previously used under Right 45-7083 shall be abandoned in a manner which complies with Department well abandonment rules.

QUANTITY: 2.34 CFS
 846.00 AFY

The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
Prior to the diversion and use of water under Transfer approval 70962, the right holder shall install and maintain acceptable measuring device(s), including data logger(s), at the authorized point(s) of diversion and in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
The total instantaneous diversion of water from all points of diversion under Rights 45-7083, 45-7184, and 45-7507 shall not exceed 9.84 cfs, nor a total combined annual volume of 2456.4 af.

PRIORITY DATE: 08/20/1971

POINT OF DIVERSION: T10S R25E S03 NWSWNW Within Cassia County
 S04 NESWSW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-30	2.34 CFS 846.00 AFY

The period of use for the irrigation described in this approval may be extended to a beginning date of 3/15 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/30 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.

PLACE OF USE:	Irrigation	Within Cassia County
	T10S R25E S03 LOT 3	(NENW) 6.5 LOT 4 (NWNW) 36.0
		SWNW 40.0 SENW 16.0
		NESW 1.7 NWSW 21.0
	S04 LOT 1	(NENE) 31.0 LOT 2 (NWNE) 18.9
		SWNE 29.9 SENE 40.0

PLACE OF USE (continued)

LOT 3	(NENW) 40.0	LOT 4	(NWNW) 18.0
	SWNW 26.0		SENE 40.0
	NESW 14.0		NWSW 2.5
	SWSW 28.0		SESW 38.0
	NESE 16.0		NWSE 2.3
	SWSE 8.1		
S09	NWNE 14.0		SWNE 0.2
	NENW 40.0		NWNW 36.0
	SWNW 29.0		SENE 21.0

614.1 Acres Total

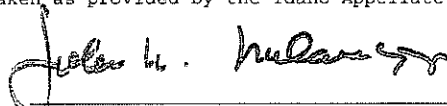
Rights 45-7083, 45-7184, and 45-7507 when combined shall not exceed the irrigation of 614.1 acres.
This right is limited to the irrigation of 211.5 acres within the place of use described above in a single irrigation season.

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