

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 45-04013B

NAME AND ADDRESS: ELQUIST RANCHES INC
 1425 S 80 W
 OAKLEY, ID 83346

SOURCE: GROUND WATER

QUANTITY: 0.882 CFS
 429.40 AFY

PRIORITY DATE: 04/10/1948

POINT OF DIVERSION: T13S R23E S05 SESENE Within Cassia County
 S08 SESESW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	0.882 CFS 429.40 AFY

PLACE OF USE:	Irrigation	Within Cassia County
	T12S R22E S25	NESE 33.0 NWSE 33.0
		SWSE 33.0 SESE 33.0
	S36	NENE 33.0 NWNE 40.0
		SWNE 40.0 SENE 33.0
		NENW 33.0 NWNW 33.0
		SWNW 33.0 SENW 40.0
		NESW 40.0 NWSW 40.0
		SESW 40.0 NESE 40.0
		NWSE 40.0 SWSE 40.0
		SESE 40.0
	R23E S31 LOT 2	(SWNE) 5.0 LOT 3 (NWSE) 30.0
	LOT 4	(SWSE) 40.0 SESE 25.0
	T13S R22E S01 LOT 1	(NENE) 20.0 LOT 2 (NWNE) 40.0
	R23E S06 LOT 1	(NENE) 5.0 LOT 2 (NWNE) 30.0
	892.0 Acres Total	

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 560 ACRES WITHIN THE
PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A
COMBINED TOTAL OF 892 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 45-703, 45-4013B, 45-12444, 45-12447, &
45-12450.

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. Section 42-1412(6), Idaho
Code.

The right holder shall accomplish the change authorized by this
transfer within one (1) year of the date of this approval.
Approval of this transfer does not preclude the opportunity for
review of the validity of the water right(s) in the ongoing
Snake River Basin Adjudication.

Right holder shall comply with the drilling permit requirements
of Section 42-235, Idaho Code.

OTHER PROVISIONS (continued)

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. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

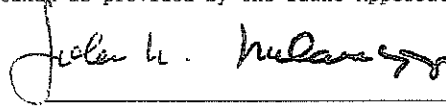
Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.

The total instantaneous diversion of water from all points of diversion under Transfer 5038 shall not exceed 9.35 cfs, nor total combined annual volume of 3950.2 af. Approval of Transfer 5038 does not confirm claimed Rights 45-04009, 45-04013B, 45-04024 and 45-04025. Approval of Transfer 5038 does not grant any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.

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