

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 45-07118

NAME AND ADDRESS: KELLY SEARLE
 739 S 50 W
 BURLEY, ID 83318

CLOYD R SEARLE
474 E 550 S
BURLEY, ID 83318

CLIFFORD SEARLE
500 S 500 E
BURLEY, ID 83318

CRAIG SEARLE
522 E 600 S
BURLEY, ID 83318

KENT R SEARLE
600 S 476 E
BURLEY, ID 83318

RAYMOND C SEARLE
655 S 650 E
BURLEY, ID 83318

SOURCE: GROUND WATER

QUANTITY: 4.80 CFS
 960.00 AFY

Diversion of water from the four (4) points of diversion located
in Section 32, T11S, R23E in the Oakley-Kenyon Critical Ground
Water Area shall not exceed a total annual maximum diversion
volume of 2,560.0 af.
Rights 45-7118 and 45-7125 when combined shall not exceed a
total diversion rate of 7.67 cfs.
The point of diversion located in the NENESE, S30, T11S, R24E is
limited to a maximum diversion rate of 4.00 cfs.
The total instantaneous diversion of water from all points of
diversion under Rights 45-2383, 45-7118, 45-7125 and 45-7317
shall not exceed 20.51 cfs, nor total combined annual volume of
5080.0 af.

PRIORITY DATE: 01/08/1973

POINT OF DIVERSION:	T11S R23E S32	SNNWNE Within Cassia County
		NWSNNW
		SWSNNW
		NENESW
	R24E S28	SNNWSW
		NWSWSW
		SWSWSW
	S30	NENESE
		SESESE
	S32	SESESE

Prior to the diversion and use of water under Transfer approval
70414, 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

POINT OF DIVERSION (continued)

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.

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
Irrigation	03-15 TO 11-15	4.80 CFS
		960.00 AFY

PLACE OF USE:

Irrigation		Within Cassia County
T11S R23E S26	NWSE 1.0	SWSE 33.0
	SESE 14.0	
S32	NENE 39.0	NWNE 40.0
	SWNE 41.0	SENE 40.0
	NENW 40.0	NWNW 39.0
	SWNW 30.0	SENW 41.0
	NESW 40.0	NWSW 40.0
	SWSW 39.0	SESW 40.0
	NESE 40.0	NWSE 41.0
	SWSE 40.0	SESE 39.0
S35	NENE 41.0	NWNE 41.0
	SWNE 41.0	SENE 41.0
R24E S28	NESW 41.0	NWSW 40.0
	SWSW 39.0	SESW 41.0
	NESE 40.0	NWSE 40.0
	SWSE 41.0	SESE 41.0
S30	NWNE 40.0	SWNE 41.0
	NESE 37.0	NWSE 37.0
	SWSE 40.0	SESE 40.0
S32	NESW 40.0	SESW 39.0
	SWSE 39.0	SESE 38.0
1555.0 Acres Total		

Right 45-7118 is limited to the irrigation of 240.0 acres within the place of use described above in a single irrigation season. Rights 45-7118, 45-7125 and 45-7317 shall not be used on 102.0 acres if the surface water right(s) appurtenant to the same 102.0 acres is sold, transferred, leased or used on any other place of use.

Rights 45-7118, 45-7125, 45-7317 and surface water right(s) appurtenant to 102.0 acres of the same land shall not exceed the combined irrigation of 630.0 acres unless additional rights or shares are obtained in the future.

Rights 45-2383, 45-7118, 45-7125 and 45-7317 when combined shall not exceed the irrigation of 1270.0 acres in the place of use described above in a single irrigation season.

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

The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval (before 6/24/2004).

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.

The right holder shall use the full allotment of appurtenant surface water rights in conjunction with groundwater diverted under Rights 45-7118, 45-7125 and 45-7317 on 102.0 acres and shall only divert groundwater under these rights on these 102.0 acres when water from the appurtenant surface water rights cannot be delivered to the right holder

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT

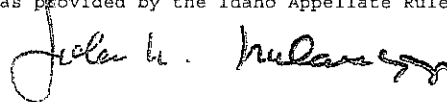
SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

OTHER PROVISIONS (continued)

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

