

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 45-07125

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:                3.14 CFS  
                              628.00 AFY

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.

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.

PRIORITY DATE:       01/31/1973

|                     |               |                             |
|---------------------|---------------|-----------------------------|
| POINT OF DIVERSION: | T11S R23E S32 | SWNWNE Within Cassia County |
|                     |               | NWSWNW                      |
|                     |               | SWSWNW                      |
|                     |               | NENESW                      |
|                     | R24E S28      | SWNWSW                      |
|                     |               | 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 | 3.14 CFS   |
|                |                | 628.00 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 45-7125 is limited to the irrigation of 157.0 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:

USE OF THIS RIGHT IS SUBJECT TO THE REMARKS AND CONDITIONS CONTAINED IN APPROVED TRANSFER NO. 70414.

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 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 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

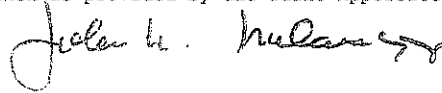
SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

OTHER PROVISIONS (continued)

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.



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John M. Melanson  
Presiding Judge of the  
Snake River Basin Adjudication

