

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 29-11241

NAME AND ADDRESS:

FRANCES PHILLIPS
WILLIAM D PHILLIPS
25847 S MARSH VALLEY RD
DOWNEY ID 83234-1733

SOURCE:

BIRCH CREEK TRIBUTARY: MARSH CREEK

POINTS OF INJECTION INTO AND POINT OF REDIVERSION FROM BIRCH
CREEK

QUANTITY:

1.50 CFS

The amount of water diverted under this water right may not
exceed 2/24 of the stream flow of Birch Creek at the point of
diversion described below at any given time. This water right
shall not provide more than .02 cubic feet per second per acre
at any time.

USE OF THIS RIGHT WITH RIGHT NO. 29-11242 IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 1.5 CFS.

PRIORITY DATE:

10/10/1878

POINT OF DIVERSION:

T12S R36E S23
S27

SESENE
SWNWSW
SWNWSW
SWNWSW
SWNWSW

(Rediversion)

(Injection)
(Injection)

Within Bannock County

TWO POINTS OF DIVERSION, TWO POINTS OF INJECTION, LOCATED IN
T12S R36E, S27, NWSW.

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
Irrigation

PERIOD OF USE
04-01 TO 10-31

QUANTITY
1.50 CFS

Within Bannock County

PLACE OF USE:

Irrigation

T12S R36E S11
S14

SESE 38.0
NENE 37.0

75.0 Acres Total

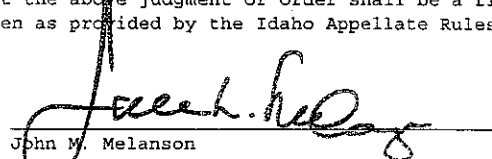
USE OF THIS RIGHT WITH RIGHT NO. 29-11242 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 75.0 ACRES IN A SINGLE
IRRIGATION SEASON.

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