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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 36-07314A

1997 DEC 30 AM 9:42

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

NAME & ADDRESS: VERNITA TALBOTT
1354 NE 5TH ST
BEND OR 97701

SOURCE: BILLINGSLEY CREEK TRIBUTARY: SNAKE RIVER

QUANTITY: 20.00 CFS

FACILITY VOLUME 97,800 CU. FT.
USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO
A TOTAL COMBINED DIVERSION RATE OF 20.00 CFS.
COMBINED RIGHT NOS. 36-07314B & 36-07314C.

PRIORITY DATE: 03/15/1973

POINT OF DIVERSION: T07S R13E S11 NESENW Within GOODING County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	FISH PROPAGATION	01-01 12-31	20.00 CFS

PLACE OF USE: FISH PROPAGATION Within GOODING County
T07S R13E S11 SENW

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.



DANIEL C. HURLBUTT, JR.
PRESIDING JUDGE
Snake River Basin Adjudication

State of Idaho
Department of Water Resources

RECEIVED

MAY 27 1980

WATER RIGHT LICENSE

Department of Water Resources
Southern District Office

License of Water Right No. 36-7314 Priority March 15, 1973 Amount 20 cfs

THIS IS TO CERTIFY, that O. S. &/or ETHEL C. SMITH
of Hagerman, Idaho, has complied with the terms and conditions of Permit
No. 36-7314 issued pursuant to Application for Permit dated March 15, 1973,
and has submitted proof to the Department of Water Resources on October 22, 1979,
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 21.4 cfs of water from Billingsley Creek,
tributary to Snake River, and that the permit holder has applied to a beneficial use an
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
<u>Fish Propagation</u>	from <u>January 1</u> to <u>December 31</u>	at <u>20</u> cfs and	<u>N/A</u>
	from _____ to _____	at _____ cfs and	
	from _____ to _____	at _____ cfs and	

(both dates inclusive)

Subject, however, to the condition that no more than 20 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
N/A acre feet per year, said waters to be diverted within the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 11, Twp. 7S,
Rge. 13E, B.M. in the County of Gooding

Description and location of place of use:

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
7S	13E	11					Lot 2 X	X		X									

CONDITIONS:

Total number of acres irrigated _____

(1) Measuring devices of a type approved by the Department must be maintained at the point of diversion & point of effluent discharge. (2) Use of water under this license is subject to control by the watermaster of State Water District # 36-A, Billingsley Creek. (3) Facility volume = 8.4 acre feet. (4) This license covers 10 earthen ponds.

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands or place of use herein described, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 16 day of
May, 19 80.

Director

36-7314