

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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
) Water Right 43-02511

NAME AND ADDRESS: MICHAEL D GARNER
 TONI L GARNER
 113 S 2550 E
 DECLO, ID 83323

SOURCE: GROUND WATER

QUANTITY: 6.39 CFS
 1920.00 AFY

USE OF THIS RIGHT WITH RIGHT NO. 43-04146 IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 6.39 CFS AND TO A TOTAL
COMBINED ANNUAL DIVERSION VOLUME OF 1920 AF.

PRIORITY DATE: 02/08/1961

POINT OF DIVERSION: T11S R27E S03 NWNESW Within Cassia County
 SWNWSW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	6.39 CFS 1920.00 AFY

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS
EARLY AS MARCH 15 AND MAY CONTINUE TO AS LATE AS NOVEMBER 15,
PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE
OF WATER BEFORE APRIL 1 AND AFTER OCTOBER 31 UNDER THIS REMARK
IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY
OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE
A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

PLACE OF USE:	Irrigation	Within Cassia County
	T10S R27E S02 LOT 4 (NWNW) 1.0	
	S34 SWNE 16.0	SENE 16.0
	NESW 17.0	NWSW 17.0
	SWSW 25.0	SESW 25.0
	NESE 38.0	NWSE 39.0
	SWSE 22.0	SESE 25.0
	T11S R27E S03 LOT 1 (NENE) 39.7	LOT 2 (NWNW) 36.0
	SWNE 12.0	SENE 14.0
	LOT 3 (NENW) 37.0	LOT 4 (NWNW) 36.0
	SWNW 33.0	SENW 34.0
	NESW 37.0	NWSW 36.0
	SWSW 33.0	SESW 35.0
	623.7 Acres Total	

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 480 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
USE OF THIS RIGHT WITH RIGHT NO. 43-04146 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 623.7 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

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

OTHER PROVISIONS (continued)

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.



Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication