

2002 OCT 23 PM 4 48

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

)
) **ORDER OF PARTIAL DECREE**
)
) **For Water Rights 43-13036 and 43-13037**
)

On November 23, 2001, the Idaho Department of Water Resources filed an *Amended Director's Report* recommending that water right claim 43-4107 be split and decreed as 43-13036 and 43-13037. No objection was filed to this *Amended Director's Report* and the time for filing objections has expired.

Therefore, IT IS ORDERED that water rights 43-13036 and 43-13037 are hereby **decreed** as set forth in the attached *Partial Decrees Pursuant to I.R.C.P. 54(b)*.

DATED October 23, 2002



ROGER S. BURDICK
Presiding Judge
Snake River Basin Adjudication

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

2002 OCT 23 PM 4 49

In Re SRBA)
Case No. 39576)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 43-13036

NAME AND ADDRESS: JOHN (JACK) H WIGHT
PO BOX 621
MALTA, ID 83342

SOURCE: GROUND WATER

QUANTITY: 0.80 CFS
160.00 AFY

THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE SHALL
NOT EXCEED 13,000 GALLONS PER DAY.
USE OF THIS RIGHT WITH RIGHT NOS. 43-158, 43-159, 43-160 AND
43-13037 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 1.2 CFS
AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 240 AF.

PRIORITY DATE: 07/30/1935

POINT OF DIVERSION: T13S R26E S01 SWSWSE Within Cassia County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Stockwater	01-01 TO 12-31	0.02 CFS
			0.20 AFY
	Irrigation	03-15 TO 11-15	0.80 CFS
			160.00 AFY

PLACE OF USE: Irrigation
T13S R26E S01 SWSE 16.4 SESE 23.6
40.0 Acres Total

Stockwater
T13S R26E S01 SWSE SESE
Within Cassia County

USE OF THE RIGHT WITH RIGHT NOS. 43-158, 43-159, 43-160 AND
43-13037 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 60
ACRES IN A SINGLE IRRIGATION SEASON.

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

IF THE SURFACE WATER RIGHT(S) APPURTENANT TO THE PLACE OF USE IS
SOLD, TRANSFERRED, LEASED OR USED ON ANY OTHER PLACE OF USE, THIS
RIGHT TO DIVERT GROUNDWATER SHALL NOT BE USED FOR IRRIGATION
PURPOSES WITHOUT AN APPROVED TRANSFER PURSUANT TO SECTION 42-222,
IDAHO CODE, OR APPROVAL OF THE DEPARTMENT IF A TRANSFER IS NOT
REQUIRED.

THE RIGHT HOLDER SHALL USE THE FULL ALLOTMENT OF APPURTENANT
SURFACE WATER RIGHTS IN CONJUNCTION WITH GROUNDWATER DIVERTED FOR
IRRIGATION PURPOSES UNDER THIS RIGHT AND SHALL ONLY DIVERT
GROUNDWATER UNDER THIS RIGHT FOR IRRIGATION PURPOSES WHEN WATER
FROM THE APPURTENANT SURFACE WATER RIGHTS CANNOT BE DELIVERED TO
THE RIGHT HOLDER.

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR
STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL
USE.

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

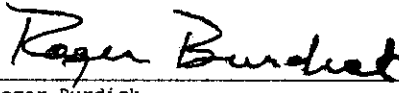
SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

OTHER PROVISIONS (continued)

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

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED
2002 OCT 23 PM 4 49

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 43-13037

NAME AND ADDRESS: JOHN (JACK) H WIGHT
PO BOX 621
MALTA, ID 83342

SOURCE: GROUND WATER

QUANTITY: 0.40 CFS
80.00 AFY

THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE SHALL
NOT EXCEED 13,000 GALLONS PER DAY.
USE OF THIS RIGHT WITH RIGHT NOS. 43-244B, 43-245B AND 43-13036
IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF .66 CFS AND TO
A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 132 AF.

PRIORITY DATE: 07/30/1935

POINT OF DIVERSION: T13S R26E S01 SWSWSE Within Cassia County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Stockwater	01-01 TO 12-31	0.01 CFS 0.10 AFY
	Irrigation	03-15 TO 11-15	0.40 CFS 80.00 AFY

PLACE OF USE: Irrigation
T13S R26E S12 NENE 1.2 Within Cassia County
33.0 Acres Total NWNE 31.8

Stockwater
T13S R26E S12 NENE Within Cassia County
NWNE

USE OF THIS RIGHT WITH RIGHT NOS. 43-244B, 43-245B AND 43-13036
IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 33 ACRES IN A
SINGLE IRRIGATION SEASON.
THIS RIGHT IS LIMITED TO THE IRRIGATION OF 20 ACRES WITHIN 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 USE THE FULL ALLOTMENT OF APPURTENANT
SURFACE WATER RIGHTS IN CONJUNCTION WITH GROUNDWATER DIVERTED FOR
IRRIGATION PURPOSES UNDER THIS RIGHT AND SHALL ONLY DIVERT
GROUNDWATER UNDER THIS RIGHT FOR IRRIGATION PURPOSES WHEN WATER
FROM THE APPURTENANT SURFACE WATER RIGHTS CANNOT BE DELIVERED TO
THE RIGHT HOLDER.

IF THE SURFACE WATER RIGHT(S) APPURTENANT TO THE PLACE OF USE IS
SOLD, TRANSFERRED, LEASED OR USED ON ANY OTHER PLACE OF USE, THIS
RIGHT TO DIVERT GROUNDWATER SHALL NOT BE USED FOR IRRIGATION
PURPOSES WITHOUT AN APPROVED TRANSFER PURSUANT TO SECTION 42-222,
IDAHO CODE, OR APPROVAL OF THE DEPARTMENT IF A TRANSFER IS NOT
REQUIRED.

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR
STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL
USE.

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

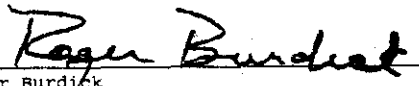
SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

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.


Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER OF PARTIAL DECREE FOR WATER RIGHTS 43-13036 AND 43-13037 was mailed on October 23, 2002, with sufficient first-class postage to the following:

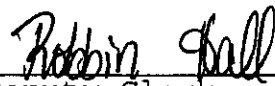
JOHN (JACK) H WIGHT
PO BOX 621
MALTA, ID 83342
Phone: 208-645-2486

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

ORDER

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Deputy Clerk