

MAY 30 2001

2001 MAY 29 AM 6:24

FILED

In Re SRBA

Case No. 39576

ORDER OF PARTIAL DECREE

For Water Right 34-00836

Therefore, IT IS ORDERED that water right 34-00836 is hereby **decreed** as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED MAY 29 2001

R. Burdick

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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 34-00836

2001 MAY 29 AM 6:24
DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

NAME AND ADDRESS: CAROLYN SMITH
WILEY F SMITH
STAR ROUTE
MACKAY, ID 83251

SOURCE: ROCK CREEK TRIBUTARY: SINKS

QUANTITY: 3.20 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE
SHALL NOT EXCEED 13,000 GALLONS PER DAY.

PRIORITY DATE: 06/01/1888

POINT OF DIVERSION: T10N R22E S34 SWSE Within Custer County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	05-01 TO 10-15	3.20 CFS
	Stockwater	05-01 TO 10-15	0.19 CFS
	Stockwater	10-16 TO 04-30	0.02 CFS

THE PERIOD OF USE FOR IRRIGATION DESCRIBED ABOVE MAY BE
EXTENDED IN SEASON OF UNUSUAL CHARACTERISTICS TO A BEGINNING
DATE OF 04-20 AND AN ENDING DATE OF 10-31 AT THE DISCRETION OF
THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES.

PLACE OF USE:	Irrigation	Within Custer County
	T09N R22E S05	SNNW 26.0 NWSW 39.0 SESW 30.0
	S06	SESW 32.0 SESE 12.0 SWSE 23.0
	S07	NENE 9.0 SWNE 24.0 NENW 27.0 NWSW 15.0 SESE 28.0
	S08	NENW 16.0 SNNW 27.0 SWSW 8.0 NWNW 31.0 NWSW 26.0
	519.0 Acres Total	

Stockwater Within Custer County
Same as Other Use

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 519 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHTS: 34-00834, 34-00835,
34-00839, 34-02303, 34-04039, AND 34-10585.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 160 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 QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR
STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL
USE.

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

OTHER PROVISIONS (continued)

RIGHTS DIVERTED FROM ROCK CREEK HAVE HISTORICALLY BEEN ADMINISTERED INDEPENDENTLY FROM THE BIG LOST RIVER AND ITS OTHER TRIBUTARIES.

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.



Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication