

MAY 23 2001

2001 MAY 22 PM 1:29
DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED _____

Case No. 39576

For Water Right 34-00834

Therefore, IT IS ORDERED that water right 34-00834 is hereby **decreed** as set forth in the attached ***Partial Decree Pursuant to I.R.C.P. 54(b)***.

DATED

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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 34-00834

2001 MAY 22 PM 1:29

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

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

SOURCE: CEDAR CREEK TRIBUTARY: SINKS

QUANTITY: 3.20 CFS

THE APPROPRIATOR IS ENTITLED TO THE AMOUNT OF WATER DESCRIBED
ABOVE FOR STOCKWATER PURPOSES AT A POINT OF MEASUREMENT WHERE THE
DELIVERY DITCH ENTERS THE PLACE OF USE DESCRIBED ABOVE.

THE PORTION OF THIS RIGHT FOR STOCKWATER PURPOSES MAY BE
DIVERTED SO LONG AS THE AMOUNT OF WATER DIVERTED AT THE POINT OF
DIVERSION FOR STOCKWATER PURPOSES DOES NOT CONSTITUTE
UNREASONABLE WASTE AND DOES NOT CONFLICT WITH THE PUBLIC
INTEREST, AS DETERMINED BY THE DIRECTOR.

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

PRIORITY DATE: 06/10/1887

POINT OF DIVERSION: T09N R22E S10 NWNW 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	0.02 CFS
	Stockwater	10-16 TO 04-30	0.19 CFS

THE PERIOD OF USE FOR IRRIGATION DESCRIBED ABOVE MAY BE
EXTENDED IN SEASONS 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	SWNW 26.0 NESW 17.0 NWSW 39.0 SESW 30.0 SWSW 32.0
	S06	SESW 32.0 SESE 12.0 SWSE 23.0
	S07	SESE 12.0 NENE 9.0 NWNE 21.0 SWNE 24.0 SENE 34.0 NENW 27.0 NESE 39.0 NWSE 15.0 SWSE 3.0 SESE 28.0
	S08	NENW 16.0 NWNW 31.0 SWNW 27.0 NWSW 26.0 SWSW 8.0
	519.0 Acres Total	

Stockwater Within Custer County
Same as Irrigation

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: 34-00835, 34-00836,
34-00839, 34-02303, 34-04039, AND 34-10585.

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

PLACE OF USE (continued)

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.

RIGHTS DIVERTED FROM CEDAR 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