

JUN 21 2001
Department of Water Resources

DISTRICT COURT - SRBA
TWIN FALLS, IDAHO
FILED

In Re SRBA)
)
Case No. 39576)
)
_____)

ORDER OF PARTIAL DECREE

For Water Right 34-00527

Therefore, IT IS ORDERED that water right 34-00527 is hereby **decreed** as set forth in the attached ***Partial Decree Pursuant to I.R.C.P. 54(b)***.

DATED JUN 20 2001

R. S. Burdick
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

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
) Water Right 34-00527

2001 JUN 20 PM 1:53
DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

NAME AND ADDRESS: PATRICIA A SMITH
RICHARD A SMITH
STAR ROUTE
MACKAY, ID 83251

SOURCE: WARM SPRINGS CREEK TRIBUTARY: BIG LOST RIVER

QUANTITY: 3.20 CFS

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

USE OF THIS RIGHT WITH RIGHT NOS. 34-00528 AND 34-13564 IS
LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 5.60 CFS.

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 11.50 CFS.
COMBINED RIGHT NOS.: 34-00528, 34-00742, 34-00743 AND 34-13564.

PRIORITY DATE: 04/01/1883

POINT OF DIVERSION: T08N R22E S28 NWSNW Within Custer County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	05-01 TO 10-15	3.20 CFS
	Domestic 1 HOME	01-01 TO 12-31	0.02 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
	T08N R22E S20 LOT 14 () 1.5	LOT 08 () 19.0
	LOT 09 () 15.5	
	S21 SWNW 40.0	NESW 40.0
	NWSW 40.0	SWSW 38.5
	SESW 40.0	
	S28 SWNE 37.0	SENE 37.0
	NENW 39.0	NWNW 20.0
	SWNW 2.5	SENE 36.4
	NESW 5.0	
	411.4 Acres Total	

Domestic	Within Custer County
T08N R22E S28 NWNW	

USE OF THIS RIGHT WITH RIGHT NOS. 34-00528, 34-00742, 34-00743
AND 34-13564 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF
411.4 ACRES IN A SINGLE IRRIGATION SEASON.

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
DOMESTIC USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL
USE.

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS

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

OTHER PROVISIONS (continued)

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

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER OF PARTIAL DECREE was mailed on June 20, 2001, with sufficient first-class postage to the following:

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

PATRICIA A SMITH
RICHARD A SMITH
STAR ROUTE
MACKAY, ID 83251
Phone: 208-588-2866

