

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO

FILED

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

2002 OCT 21 PM 3 52

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 31-00005

NAME AND ADDRESS: LEVEL CANAL CO INC
PO BOX 51
MONTEVIEW, ID 83435

SOURCE: MUD LAKE TRIBUTARY: SINKS

QUANTITY: 393.60 AFY

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED
ANNUAL DIVERSION VOLUME OF 5904 AF. COMBINED RIGHT NOS.: 31-5,
31-189 AND 31-11335.

PRIORITY DATE: 10/03/1910

POINT OF DIVERSION: T07N R34E S34 NWSWS Within Jefferson County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation Storage	01-01 TO 12-31	393.60 AFY
	Irrigation from Storage	05-01 TO 11-01	393.60 AFY

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

PLACE OF USE: Irrigation Storage Within Jefferson County
T07S R34E S34 SWSW

Irrigation from Storage		Within Jefferson County	
T06N R33E S01 LOT 1	(NENE) 40.0	LOT 2	(NWNE) 40.0
	SWNE 40.0		SENE 40.0
LOT 3	(NENW) 40.0	LOT 4	(NWNW) 39.0
	SWNW 39.0		SENW 40.0
	NESW 40.0		NWSW 39.0
	SWSW 38.0		SESW 39.0
	NESE 40.0		NWSE 40.0
	SWSE 40.0		SESE 40.0
R34E S06 LOT 3	(NENW) 40.0	LOT 4	(NWNW) 39.0
LOT 5	(SWNW) 39.0		SENW 40.0
T07N R33E S36	NENE 40.0		NWNE 40.0
	SWNE 40.0		SENE 40.0
	NENW 40.0		SENW 40.0
	NESW 40.0		NWSW 39.0
	SWSW 38.0		SESW 38.0
	NESE 40.0		NWSE 40.0
	SWSE 38.0		SESE 36.0
R34E S31	NENW 40.0	LOT 1	(NWNW) 39.0
LOT 2	(SWNW) 39.0		SENW 40.0
	NESW 40.0	LOT 3	(NWSW) 39.0
LOT 4	(SWSW) 33.0		SESW 37.0
1648.0 Acres Total			

USE OF THIS RIGHT WITH RIGHT NO. 31-189 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 1440 ACRES IN A SINGLE
IRRIGATION SEASON.

PLACE OF USE (continued)

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 1648 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 31-189, 31-11335.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 80 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 ADMINISTRATION OF THIS WATER RIGHT IS ALSO SUBJECT TO THE AGREEMENT OF WATER RIGHT OWNERS REGARDING MUD LAKE WATER DELIVERY DATED APRIL 17, 2001, WHICH IS ON FILE IN THE RECORDS OF THE CLERK AND RECORDER OF JEFFERSON COUNTY, IDAHO, INSTRUMENT NUMBER 307626.

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