

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  
Case No. 39576 ) I.R.C.P. 54(b) FOR  
\_\_\_\_\_) Water Right 31-02318

NAME AND ADDRESS: DARENE D KESLER  
DAVID O KESLER II  
54 BLACK PINE RD  
PHILIPSBURG, MT 59858

SOURCE: GROUND WATER

QUANTITY: 1.60 CFS  
679.20 AFY

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED  
DIVERSION RATE OF 5.60 CFS AND TO A TOTAL COMBINED ANNUAL  
DIVERSION VOLUME OF 1208.2 AF. COMBINED RIGHT NOS.: 31-2304,  
31-2318, 31-11420.

PRIORITY DATE: 03/13/1953

POINT OF DIVERSION: T07N R35E S36 SENWNE Within Jefferson County  
NENENW  
SENWSE

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY               |
|-------------------------------|----------------|----------------|------------------------|
|                               | Irrigation     | 04-01 TO 10-31 | 1.60 CFS<br>679.20 AFY |

| PLACE OF USE: | Irrigation                                                                 | Within Jefferson County                                      |
|---------------|----------------------------------------------------------------------------|--------------------------------------------------------------|
| T07N R35E S36 | NENE 37.0<br>SWNE 40.0<br>NENW 17.0<br>SWNW 23.0<br>NESE 40.0<br>SESE 34.0 | NWNE 38.0<br>SENE 39.0<br>NWNW 0.2<br>SENW 39.0<br>NWSE 38.0 |
|               | 345.2 Acres Total                                                          |                                                              |

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 330 ACRES WITHIN  
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION  
OF A COMBINED TOTAL OF 345.2 ACRES IN A SINGLE IRRIGATION  
SEASON. COMBINED RIGHT NOS.: 31-2304, 31-2318, 31-11420.

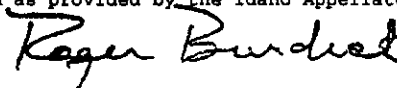
USE OF THIS RIGHT WITH RIGHT NO. 31-2304 IS LIMITED TO THE  
IRRIGATION OF A COMBINED TOTAL OF 330 ACRES IN A SINGLE  
IRRIGATION SEASON.

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

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.



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Roger Burdick  
Presiding Judge of the  
Snake River Basin Adjudication