

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 47-02351

RECEIVED

APR 01 2010

DEPARTMENT OF  
WATER RESOURCES

NAME AND ADDRESS: TOLBERT FAMILY LTD PARTNERSHIP  
C/O PAUL SLIGAR  
3975 N 2600 E  
TWIN FALLS, ID 83301

SOURCE: UNNAMED STREAM TRIBUTARY: ROCK CREEK

QUANTITY: 0.45 CFS

PRIORITY DATE: 03/29/1961

POINT OF DIVERSION: T10S R16E S11 NENWSE Within Twin Falls County

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY |
|-------------------------------|----------------|----------------|----------|
|                               | Irrigation     | 03-15 TO 11-15 | 0.45 CFS |

| PLACE OF USE: | Irrigation       | Within Twin Falls County           |
|---------------|------------------|------------------------------------|
|               | T10S R16E S11    | NENE 37.0<br>SWNE 8.0<br>SENE 36.0 |
|               | 81.0 Acres Total |                                    |

This right is limited to the irrigation of 60 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 81 ACRES IN A SINGLE IRRIGATION SEASON.  
COMBINED RIGHT NOS. 47-2351 & 47-4247

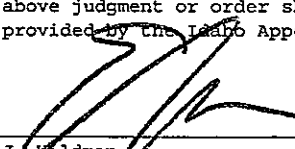
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This right remains subject to the right of the original  
appropriator, in good faith and in compliance with state laws  
governing changes in use and/or expansion of water rights, to  
cease wasting water, to change the place or manner of wasting  
it, or to recapture it.

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.

  
Eric J. Wildman  
Presiding Judge of the  
Snake River Basin Adjudication