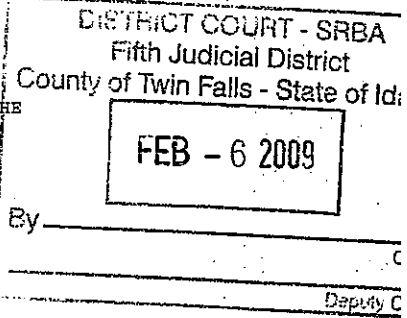


IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS



In Re SRBA )  
 ) PARTIAL DECREE PURSUANT TO  
 ) I.R.C.P. 54(b) FOR  
Case No. 39576 )  
 )  
 ) Water Right 63-03099

NAME AND ADDRESS: TOM KASPER  
3349 HILL RD  
MELBA, ID 83641

SOURCE: GROUND WATER

QUANTITY: 3.70 CFS  
1548.00 AFY

This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.5 afa per acre for irrigation of the lands herein.

Right Nos. 63-2712, 63-2955 and 63-3099 when combined for irrigation purposes shall not exceed a total combined diversion rate of 9.76 cfs, a total combined annual diversion volume of 2029.5 AF. at the field headgate, and the irrigation of 451 acres.

Diversion from the well located in the SENW S15, T01S R02W, is limited to 2.00 cfs (900 gpm) and 157 acre feet annually.

PRIORITY DATE: 12/27/1956

POINT OF DIVERSION: T01S R02W S15 SWNW Within Canyon County  
SENW

| PURPOSE AND PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY    |
|----------------------------|----------------|----------------|-------------|
|                            | Irrigation     | 03-01 TO 11-15 | 3.70 CFS    |
|                            |                |                | 1548.00 AFY |

| PLACE OF USE:     | Irrigation | Within Canyon County |
|-------------------|------------|----------------------|
| T01S R02W S15     | NWSW 5.0   |                      |
| S16               | NWNE 12.0  | SWNE 40.0            |
|                   | SENE 27.0  | NENW 30.0            |
|                   | NWNW 30.0  | SWNW 40.0            |
|                   | SENW 40.0  | NESW 30.0            |
|                   | NWSW 25.0  | SWSW 26.0            |
|                   | SESW 27.0  | NESE 30.0            |
|                   | NWSE 40.0  | SWSE 24.0            |
| S26               | SWNW 10.0  |                      |
| S27               | NENE 15.0  |                      |
| 451.0 Acres Total |            |                      |

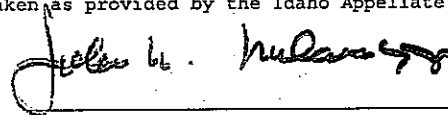
This right is limited to the irrigation of 344 acres within the place of use described above in a single irrigation season. Ground water diverted under this right is the sole source of irrigation water for the five (5) acres in the NWSW S15 T01S R02W. Ground water delivered to the remainder of the place of use supplements surface water irrigation.

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.



John M. Melanson  
Presiding Judge of the  
Snake River Basin Adjudication