

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 )  
Case No. 39576 )  
PARTIAL DECREE PURSUANT TO  
I.R.C.P. 54(b) FOR  
Water Right 22-11149

NAME AND ADDRESS: RICHARD F SMITH  
PO BOX 8  
REXBURG, ID 83440

SOURCE: GROUND WATER

QUANTITY: 0.57 CFS  
175.00 AFY

The rights listed below are limited to a total combined diversion rate of 10.17 cfs and to a total combined annual diversion volume of 3899.0 AF. Combined Right Nos.: 22-2184, 22-2230, 22-7075, 22-7507, 22-11147, 22-11149.

PRIORITY DATE: 04/15/1981

This water right is subordinate to all water rights with a priority date earlier than April 12, 1994, that are not decreed as enlargements pursuant to Section 42-1426, Idaho Code. As between water rights decreed as enlargements pursuant to Section 42-1426, Idaho Code, the earlier priority right is the superior right.

POINT OF DIVERSION: T06N R40E S28 S33 SWSSEW Within Madison County  
SENESEW  
SWNESEW

| PURPOSE AND PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY               |
|----------------------------|----------------|----------------|------------------------|
|                            | Irrigation     | 04-01 TO 10-31 | 0.57 CFS<br>175.00 AFY |

| PLACE OF USE: | Irrigation         | Within Madison County |
|---------------|--------------------|-----------------------|
| T06N R40E S28 | NESW 40.0          | NWSW 40.0             |
|               | SWSW 40.0          | SESW 40.0             |
|               | NESE 25.0          | NWSE 40.0             |
|               | SWSE 35.0          | SESE 31.0             |
| S29           | SWSE 37.0          | SESE 37.0             |
| S32           | NWNE 40.0          | SWNE 39.0             |
|               | NESW 31.0          | NWSE 40.0             |
| S33           | NENE 23.0          | NWNE 40.0             |
|               | SWNE 37.0          | SENE 37.0             |
|               | NENW 40.0          | NWNW 40.0             |
|               | SWNW 37.0          | SENW 40.0             |
|               | NESW 33.0          | NWSW 39.0             |
|               | SWSW 39.0          | SESW 37.0             |
|               | NESE 40.0          | NWSE 40.0             |
|               | SWSE 38.0          | SESE 39.0             |
|               | 1114.0 Acres Total |                       |

The rights listed below are limited to the irrigation of a combined total of 1114.0 acres in a single irrigation season. Combined Right Nos.: 22-2184, 22-2230, 22-7075, 22-7507, 22-11147, 22-11149.

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

This right is based upon an enlargement of Right No. 22-2184

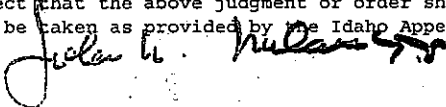
OTHER PROVISIONS (continued)

pursuant to Section 42-1426, Idaho Code.

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