2008 NOV 24 PM 02:00
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

| | | |
|---|---|---|
| In Re SRBA | ) | PARTIAL DECREE PURSUANT TO |
| | ) | I.R.C.P. 54(b) FOR |
| Case No. 39576 | ) | |
| | ) | Water Right 22-04085 |

NAME AND ADDRESS: DARNELL F WEEKES
SUE ANN WEEKES
87 E 7000 S
REXBURG, ID 83440

SOURCE: UNNAMED STREAM TRIBUTARY: ELLIOTT CREEK

QUANTITY: 1.90 CFS

The quantity of water under this right for stockwater uses shall not exceed 13,000 gallons per day.

PRIORITY DATE: 12/31/1940

POINT OF DIVERSION: T04N R45E S16 NESESE Within Teton County

PURPOSE AND PERIOD OF USE:

| PURPOSE OF USE | PERIOD OF USE | QUANTITY |
|---|---|---|
| Irrigation | 04-15 TO 10-31 | 1.90 CFS |
| Stockwater | 04-01 TO 12-01 | 0.02 CFS |

PLACE OF USE:

Irrigation — Within Teton County

| | | |
|---|---|---|
| T04N R45E S16 | NESW 13.0 | NWSW 7.5 |
| | SWSW 6.5 | SESW 14.0 |
| | NESE 13.0 | NWSE 13.0 |
| | SWSE 14.0 | SESE 14.0 |

95.0 Acres Total

Stockwater — Within Teton County
Same as Irrigation

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

The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.

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