

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

DISTRICT COURT - SRBA  
Fifth Judicial District  
County of Twin Falls - State of Idaho

In Re SRBA )  
Case No. 39576 )  
\_\_\_\_\_ )

PARTIAL DECREE PURSUANT TO  
I.R.C.P. 54(b) FOR

Water Right 45-13964

SEP 28 2007

By \_\_\_\_\_ Clerk

NAME AND ADDRESS: DELROY MITTON  
SIDNEE MITTON  
PO BOX 231  
OAKLEY, ID 83346

SOURCE: BIRCH CREEK TRIBUTARY: GOOSE CREEK

QUANTITY: 0.01 CFS

PRIORITY DATE: 03/01/1875

POINT OF DIVERSION: T14S R22E S14 SESESE Within Cassia County

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED  
DIVERSION RATE OF 0.614 CFS AT THE POINT OF MEASUREMENT IN THE  
SESESE OF SECTION 14, T14S, R22E. COMBINED RIGHT NOS.: 45-77AA,  
45-77L, 45-77M, 45-77N, 45-77P, 45-77Q, 45-77R, 45-77S, 45-77T,  
45-77U, 45-77V, 45-77W, 45-77X, 45-77Y, 45-77Z, 45-10006,  
45-10410, 45-10411, 45-10557, 45-10598, 45-10688, 45-10765,  
45-10788, 45-10962, 45-11004, 45-13754, 45-13964, 45-13966, AND  
45-13968.

PURPOSE AND

| PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY |
|----------------|----------------|----------------|----------|
|                | Irrigation     | 02-28 TO 11-15 | 0.01 CFS |

PLACE OF USE: Irrigation Within Cassia County  
T13S R22E S33 SESW 0.9  
0.9 Acres Total

Right Nos. 45-10754, 45-13964 and 45-13965 are limited to the  
irrigation of a combined total of 0.9 acres in a single  
irrigation season.

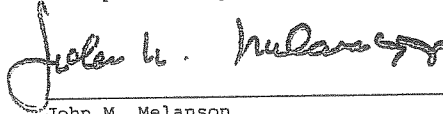
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

The operation and use of this water right is also subject to the  
terms and conditions of the Water Rotation Agreement  
("Agreement") entered into by certain users on 10 September,  
1992. The Agreement was filed and recorded in the office of the  
Cassia County Recorder on 27 May, 1993 as Instrument No.:  
224804; the provisions of such Agreement to apply fully to 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