

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 01-00163D

NAME AND ADDRESS: JOSEPH M OLER  
505 SUGAR AVE  
SHELLEY, ID 83274

SOURCE: SNAKE RIVER TRIBUTARY: COLUMBIA RIVER

QUANTITY: 0.216 CFS

PRIORITY DATE: 06/01/1889

POINT OF DIVERSION: T02N R37E S12 NWNENW Within Bonneville County  
T04N R37E S35 NENENE Within Jefferson County

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY  |
|-------------------------------|----------------|----------------|-----------|
|                               | Irrigation     | 04-01 TO 10-31 | 0.216 CFS |

| PLACE OF USE: | Irrigation                     | Within Bingham County |
|---------------|--------------------------------|-----------------------|
|               | T01S R36E S01 LOT 4 (NWNW) 2.8 | SWNW 21.0             |
|               |                                | NWSW 15.0             |
|               |                                | SWSW 0.1              |
|               | S02 LOT 1 (NENE) 3.4           | LOT 2 (NWNE) 1.2      |
|               |                                | SENE 37.0             |
|               |                                | SWNE 25.0             |
|               |                                | NWSE 33.0             |
|               |                                | SESE 31.0             |
|               | 238.5 Acres Total              |                       |

The rights listed below are limited to the irrigation of a combined total of 238.5 acres in a single irrigation season. Combined Right Nos.: 1-162D, 1-163D, 1-164D, 1-165D, 1-10131, 1-10246, and 1-10511.

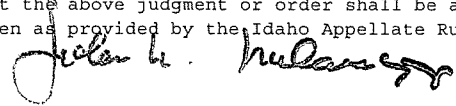
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This right is subject to a certain agreement between the right holder and the Rudy Irrigation Canal Company, said instrument being recorded in Jefferson County, Idaho.

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