

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                            )  
\_\_\_\_\_)                                         Water Right 74-00979

NAME AND ADDRESS:           BEVERLY KIRKHAM HEINZ  
                                 5529 COTTONWOOD CLUB DR  
                                 SALT LAKE CITY, UT 84117

SOURCE:                       BASIN CREEK    TRIBUTARY: HAYDEN CREEK

QUANTITY:                    0.21 CFS  
                                 36.10 AFY

This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the lands below.

PRIORITY DATE:              04/01/1968

POINT OF DIVERSION:       T17N R23E S04               NESWNE   Within Lemhi County

| PURPOSE AND PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY  |
|----------------------------|----------------|----------------|-----------|
|                            | Irrigation     | 03-15 TO 11-15 | 0.21 CFS  |
|                            |                |                | 36.10 AFY |

| PLACE OF USE: | Irrigation                            | Within Lemhi County |
|---------------|---------------------------------------|---------------------|
|               | T17N R23E S04               SWNE 28.0 | SENE 8.0            |
|               | 36.0 Acres Total                      |                     |

This right is limited to the irrigation of 10.3 acres in a single irrigation season.

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

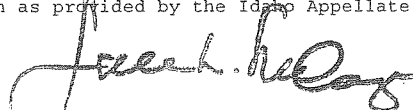
A means of measurement acceptable to the Department shall be maintained for measuring the flow in Bear Creek at the original points of diversion and at the point of diversion from Basin Creek.

Diversion of water from Basin Creek under rights 74-979 and 74-980 is limited to those times water is available for diversion under these rights and priorities from the original source, Bear Creek.

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.

A handwritten signature in dark ink, appearing to read "John M. Melanson", is written over a horizontal line.

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