

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 37-00611

NAME AND ADDRESS: 4 BROS DAIRY INC  
C/O ANDREW FITZGERALD  
427 N 250 W  
SHOSHONE, ID 83352

SOURCE: BIG WOOD RIVER TRIBUTARY: MALAD RIVER

QUANTITY: 2.80 CFS

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

PRIORITY DATE: 04/30/1891

POINT OF DIVERSION: T04S R18E S15 SWNWSE Within Lincoln County

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY |
|-------------------------------|----------------|----------------|----------|
|                               | Irrigation     | 03-15 TO 11-15 | 2.80 CFS |
|                               | Stockwater     | 01-01 TO 12-31 | 0.02 CFS |

| PLACE OF USE: | Irrigation        | Within Lincoln County |
|---------------|-------------------|-----------------------|
|               | T05S R17E S16     | NWNW 36.0 SWNW 25.0   |
|               | S17               | NENE 21.0 NWNE 28.0   |
|               |                   | SWNE 7.0 SENE 17.0    |
|               | 134.0 Acres Total |                       |

| Stockwater         | Within Lincoln County |
|--------------------|-----------------------|
| Same as Irrigation |                       |

USE OF THIS RIGHT WITH RIGHT NO. 37-612 IS LIMITED TO THE  
IRRIGATION OF A COMBINED TOTAL OF 134 ACRES IN A SINGLE  
IRRIGATION SEASON.

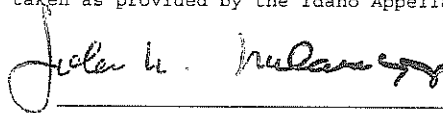
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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