

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 37-11114B

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:                5.30   CFS

PRIORITY DATE:         04/27/1896

POINT OF DIVERSION:    T05S R15E S12               SESW    Within Gooding County

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY   |
|-------------------------------|----------------|----------------|------------|
|                               | Irrigation     | 03-15 TO 11-15 | 5.30   CFS |

| PLACE OF USE: | Irrigation        |           | Within Gooding County |
|---------------|-------------------|-----------|-----------------------|
|               | T05S R15E S10     | SESE 15.0 |                       |
|               | S11               | SWSW 34.0 | SESW 38.0             |
|               |                   | SWSE 38.0 |                       |
|               | S14               | NWNE 36.0 | SWNE 14.0             |
|               |                   | NENW 39.0 | NWNW 36.0             |
|               |                   | SWNW 6.0  | SENW 16.0             |
|               | S15               | NENE 7.0  |                       |
|               | 279.0 Acres Total |           |                       |

PLACE OF USE IN T05S, R15E, S14, SWNW DOES NOT INCLUDE FEDERAL  
PUBLIC LANDS.

USE OF THIS RIGHT WITH RIGHT NO. 37-7575 IS LIMITED TO THE  
IRRIGATION OF A COMBINED TOTAL OF 349 ACRES IN A SINGLE  
IRRIGATION SEASON.

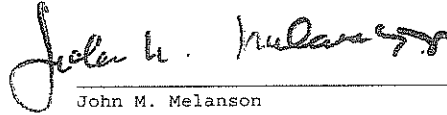
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

Delivery of this right is subject to the water exchange  
provisions contained in Bureau of Reclamation contract no.  
14-06-W-73, executed October 14, 1954, between the United States  
of America and American Falls Reservoir District No. 2, as  
supplemented by Bureau of Reclamation contract no.  
14-06-100-6031, executed June 1, 1962, between and among the  
United States of America, American Falls Reservoir District No.  
2, and the Big Wood Canal Company.

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