

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 }

 } PARTIAL DECREE PURSUANT TO
 } I.R.C.P. 54(b) FOR
 } Water Right 45-00078K

NAME AND ADDRESS: JOSEPH R WHITELEY
 MARY J WHITELEY
 240 N CENTER
 OAKLEY, ID 83346

SOURCE: BIRCH CREEK TRIBUTARY: GOOSE CREEK

QUANTITY: 0.006 CFS

PRIORITY DATE: 04/01/1881

POINT OF DIVERSION: T14S R22E S14 SESESE Within Cassia County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	02-28 TO 11-15	0.006 CFS

PLACE OF USE: Irrigation Within Cassia County
 T13S R22E S33 SWSE 1.0
 1.0 Acres Total

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A
COMBINED TOTAL OF 1 ACRE IN A SINGLE IRRIGATION SEASON. COMBINED
RIGHT NOS.: 45-77S, 45-78K, & 45-79L.

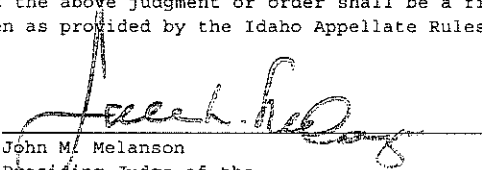
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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

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MAY 9 2006
DEPARTMENT OF
WATER RESOURCES



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

) ORDER OF PARTIAL DECREES

) SUBCASES: 45-77AA, *et al.*

) [see list of 83 subcases attached]

) (Birch Creek Water Users Association)

82 jm

On March 22, 2006, a *Special Master's Report and Recommendation* was filed for the above-captioned water rights. No Challenges were filed to the *Special Master's Report and Recommendation* and the time for filing Challenges has now expired.

Pursuant to I.R.C.P. 53(e)(2) and *SRBA Administrative Order 1*, Section 13f, this Court has reviewed the Findings of Fact and Conclusions of Law contained in the *Special Master's Report* and wholly adopts them as its own.

Therefore, IT IS ORDERED that the above-captioned water rights are hereby **decreed** as set forth in the attached *Partial Decrees Pursuant to I.R.C.P. 54(b)*.

DATED May 18, 2006.


JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

EXHIBIT A - BIRCH CREEK WATER USERS ASSN

Subcase Nos:

45-00077AA	45-00082K
45-00077L	45-00086D
45-00077M	45-00086E
45-00077N	45-00086F
45-00077P	45-00087E
45-00077Q	45-00088
45-00077R	45-00092A
45-00077S	45-00156
45-00077T	45-10006
45-00077U	45-10007
45-00077X	45-10008
45-00077Y	45-10249
45-00077Z	45-10410
45-00078A	45-10598
45-00078G	45-10630
45-00078H	45-10688
45-00078J	45-10689
45-00078K	45-10690
45-00078L	45-10765
45-00078M	45-10766
45-00078Q	45-10767
45-00078R	45-10788
45-00078T	45-10891
45-00078U	45-11004
45-00079A	45-11104
45-00079J	45-11149
45-00079K	45-11152
45-00079L	45-11495
45-00079M	45-13639
45-00079N	45-13754
45-00079P	45-13755
45-00079Q	45-13756
45-00079R	
45-00079S	
45-00079T	
45-00079U	
45-00080A	
45-00080G	
45-00080H	
45-00080J	
45-00080K	
45-00081A	
45-00081G	
45-00081H	
45-00081J	
45-00081K	
45-00082A	
45-00082G	
45-00082H	
45-00082J	

(Subcase list: BIRCHCREEK)

5/18/06

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER OF PARTIAL DECREES was mailed on May 18, 2006, with sufficient first-class postage to the following:

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ORDER

(Certificate of mailing continued)

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A handwritten signature in cursive script, reading "Julie Murphy", is written over a horizontal line. The signature is in dark ink and is positioned to the right of the printed text "Deputy Clerk".