

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 45-00078J

NAME AND ADDRESS: ARNOLD HARPER  
DARLENE HARPER  
206 N LINCOLN  
OAKLEY, ID 83346

SOURCE: BIRCH CREEK TRIBUTARY: GOOSE CREEK

QUANTITY: 0.003 CFS

PRIORITY DATE: 04/01/1881

POINT OF DIVERSION: T14S R22E S14 SESESE Within Cassia County

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY  |
|-------------------------------|----------------|----------------|-----------|
|                               | Irrigation     | 02-28 TO 11-15 | 0.003 CFS |

PLACE OF USE: Irrigation Within Cassia County  
T13S R22E S33 SESW 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.: 45-77R, 45-78J, & 45-79K.

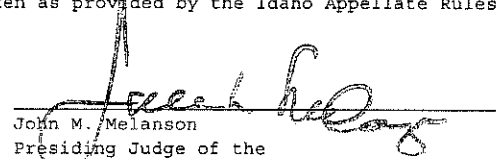
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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

RECEIVED  
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:

TIM PAYTON, PRESIDENT

Represented by:  
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ORDER

(Certificate of mailing continued)

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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".