

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 45-00077S

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

SOURCE:                         BIRCH CREEK    TRIBUTARY: GOOSE CREEK

QUANTITY:                       0.016 CFS

PRIORITY DATE:                 03/01/1875

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 | 0.016 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.

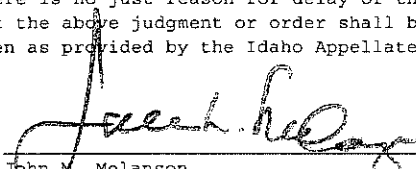
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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

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.

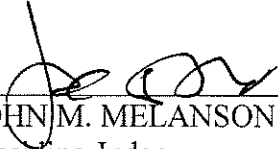
  
JOHN M. MELANSON  
Presiding Judge  
Snake River Basin Adjudication

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:  
TRAVIS L THOMPSON  
113 MAIN AVE W, STE 303  
TWIN FALLS, ID 83301-6167  
Phone: 208-733-0700

OAKLEY CANAL COMPANY

Represented by:  
WILLIAM A. PARSONS  
137 W 13TH ST  
PO BOX 910  
BURLEY, ID 83318  
Phone: 208-678-8382

GOLDEN R BURCH

BOX 202  
OAKLEY, ID 83346  
Phone: 208-862-3249

GLORIA BROWN

LAVERDA V GEE  
P O BOX 74  
OAKLEY, ID 83346  
Phone: 208-862-3312

CAMILLE MUHLESTEIN

CLINT MUHLESTEIN  
PO BOX 12  
OAKLEY, ID 83346  
Phone: 208-862-3670

CHAD W HUNTER

UTAUNA K HALE  
PO BOX 129  
OAKLEY, ID 83346

MERIEL B PETERSON

PO BOX 181  
OAKLEY, ID 83346  
Phone: 208-862-3303

JAMES C MC BRIDE

PO BOX 203  
OAKLEY, ID 83346  
Phone: 208-862-3835

KAREN G MYERS

TERRANCE R MYERS  
PO BOX 216  
OAKLEY, ID 83346  
Phone: 208-862-3218

WINSLOW B WHITELEY

PO BOX 218  
OAKLEY, ID 83346  
Phone: 208-862-3229

ALETA STRINGHAM

LONNIE STRINGHAM  
PO BOX 235  
OAKLEY, ID 83346  
Phone: 208-862-9202

GARY MULLARD

PO BOX 249  
OAKLEY, ID 83346  
Phone: 208-862-3353

DEANN F FEHLMAN

ROBERT G FEHLMAN  
PO BOX 251  
OAKLEY, ID 83346  
Phone: 208-826-2693

JON ROUNDY

SANDRA O ROUNDY  
PO BOX 272  
OAKLEY, ID 83346  
Phone: 208-862-3372

TIM MC KNIGHT

PO BOX 276  
OAKLEY, ID 83346  
Phone: 208-862-3463

RAY C BEDKE

PO BOX 283  
OAKLEY, ID 83346  
Phone: 208-862-3252

ORDER

(Certificate of mailing continued)

MAX COOPER  
PO BOX 47  
OAKLEY, ID 83346  
Phone: 208-862-3272

CHERIE JAN PETERSON  
HUGH NELS PETERSON  
PO BOX 57  
OAKLEY, ID 83346  
Phone: 208-862-3421

ILIA C RANDELL  
PO BOX 59  
OAKLEY, ID 83346  
Phone: 208-862-3452

ROBERT L ANDERSON  
PO BOX 61  
OAKLEY, ID 83346  
Phone: 208-862-3837

DIRECTOR OF IDWR  
PO BOX 83720  
BOISE, ID 83720-0098

GLENN ROSE  
MARCA ROSE  
RT 1 BOX 1-1  
OAKLEY, ID 83346  
Phone: 208-862-3416

ERNEST ADAMS  
RT 1 BOX 172  
OAKLEY, ID 83346  
Phone: 208-862-3621

SHARON PAPP-OKELBERRY  
106 W MAIN  
OAKLEY, ID 83346  
Phone: 208-862-3304

DAVID JUDD  
1752 S HWY 27  
OAKLEY, ID 83346  
Phone: 208-862-9255

JACOBSEN FAMILY TRUST  
2009 N 1450 E  
PROVO, UT 84604  
Phone: 801-373-8567

LORRAINE GORRINGE  
201 N BLAINE AVE  
PO BOX 125  
OAKLEY, ID 83346-0125  
Phone: 208-862-3441

ARNOLD HARPER  
DARLENE HARPER  
206 N LINCOLN  
OAKLEY, ID 83346  
Phone: 208-862-3659

CLIFFORD BELL  
215 N LINCOLN  
OAKLEY, ID 83346  
Phone: 208-862-3291

HOWARD ROBINSON  
KAREN ROBINSON  
2288 WILLIAMSBURG CIRCLE  
WEST JORDAN, UT 84084  
Phone: 801-450-0126

JOSEPH R WHITELEY  
MARY J WHITELEY  
240 N CENTER  
OAKLEY, ID 83346  
Phone: 208-862-3246

CLYDINE FONNESBECK  
2441 WEST 16TH ST  
BURLEY, ID 83318  
Phone: 208-678-5016

NORMAN MC MURRAY  
SALLY MC MURRAY  
270 S WILSON  
OAKLEY, ID 83346  
Phone: 208-862-9216

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(Certificate of mailing continued)

QUARTER CIRCLE FIVE  
3805 SANDPIPER  
POCATELLO, ID 83201  
Phone: 208-237-1440

GENE LEWIS  
LEANN LEWIS  
395 N CENTER ST  
OAKLEY, ID 83346

UTAUNA A HALE  
395 W POPULAR  
OAKLEY, ID 83346  
Phone: 208-862-9242

BLANCHE W SHEFFIELD  
410 E 1980 N  
PROVO, UT 84604  
Phone: 801-373-4886

KATHY PAYTON  
TIM PAYTON  
478 W 1900 S  
OAKLEY, ID 83346  
Phone: 208-862-3224

CHARLES M PAYTON  
ELIZABETH PAYTON  
495 N LINCOLN  
OAKLEY, ID 83346  
Phone: 208-862-3460

JONAE B CHRISTENSEN  
8250 VIA PASAO DEL NOTRE  
SCOTTSDALE, AZ 85285

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".