

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 45-00077N

NAME AND ADDRESS:         DEANN F FEHLMAN  
                              ROBERT G FEHLMAN  
                              PO BOX 251  
                              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                 SESW   2.0  
                                  2.0 Acres Total

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A  
COMBINED TOTAL OF 2 ACRES IN A SINGLE IRRIGATION SEASON.  
COMBINED RIGHT NOS.: 45-77N, 45-78A, & 45-79A.

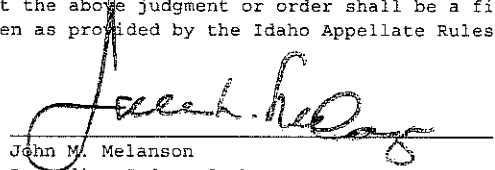
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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.

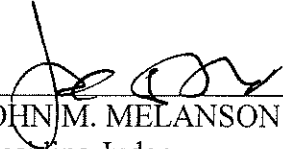
  
JOHN M. MELANSON  
Presiding Judge  
Snake River Basin Adjudication

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

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ORDER

(Certificate of mailing continued)

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ORDER

(Certificate of mailing continued)

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JONAE B CHRISTENSEN  
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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".