

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 85-07013

NAME AND ADDRESS: JOHN C KAYLER  
PO BOX 157  
PECK, ID 83545

SOURCE: CLEARWATER RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 0.80 CFS  
128.30 AFY

PRIORITY DATE: 07/25/1969

POINT OF DIVERSION: T36N R01W S03 LOT 4 (NENW ) Within Nez Perce County

| PURPOSE AND PERIOD OF USE: | PURPOSE OF USE       | PERIOD OF USE  | QUANTITY               |
|----------------------------|----------------------|----------------|------------------------|
|                            | Irrigation           | 03-01 TO 11-30 | 0.71 CFS<br>123.60 AFY |
|                            | Aesthetic Storage    | 01-01 TO 12-31 | 4.70 AFY               |
|                            | Diversion to Storage | 01-01 TO 12-31 | 0.80 CFS               |

PLACE OF USE: Irrigation Within Nez Perce County  
T36N R01W S03 LOT 4 (NENW)15.0 LOT 3 (SWNW)10.3  
SENW 10.0  
35.3 Acres Total

Aesthetic Storage Within Nez Perce County  
T36N R01W S03 LOT 4 (NENW)

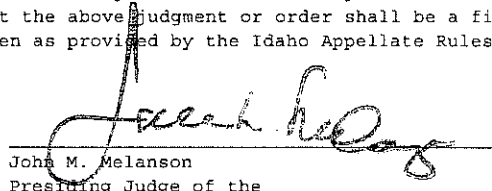
Diversion to Storage Within Nez Perce County  
T36N R01W S03 LOT 4 (NENW)

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF 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