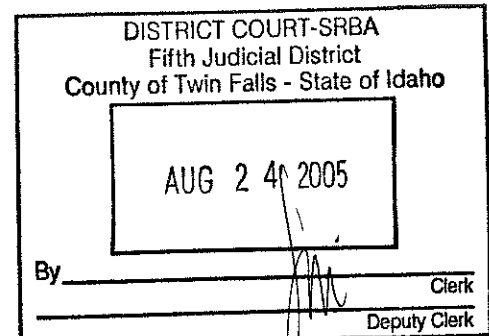




IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case No. 39576

)  
) **ORDER OF PARTIAL DECREE FOR**  
) **UNCONTESTED INTERSTATE WATER**  
) **RIGHT**  
)  
) **For Water Right: 43-13343**  
)  
)

On April 22, 2005, the Idaho Department of Water Resources (IDWR) filed its *Director's Report, Part 1, For Late Claims*, which included a recommendation for the above-captioned water right. The recommendation for the water right contains an element located outside of the state of Idaho, to wit: The point of diversion for this water right is located in the state of Utah. The recommendation contains a legal description for the point of diversion element at the point where the conveyance system enters the state of Idaho. IDWR also included the following remark describing the location of the point of diversion located in Utah:

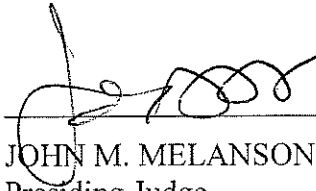
The point of diversion for this water right is in Utah, SWSW Section 35, T15N, R15W, SLB&M. The point of diversion shown above is where the conveyance system enters Idaho.

No objections were filed to this recommendation.

The Court finds that the manner in which the element located outside of the state of Idaho was recommended to be consistent with the law applying to interstate water rights and approves the manner in which the right was recommended for purposes of the form and content of a partial decree for interstate water rights. The partial decree entered for this water right is not an adjudication of the validity of those elements located outside of the state of Idaho.

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

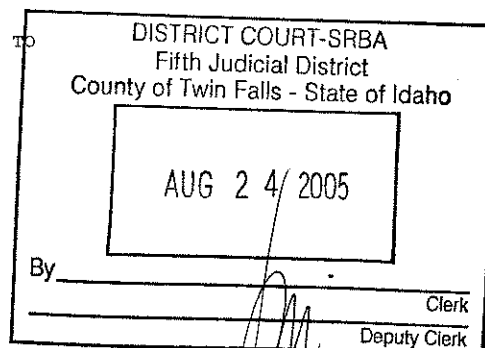
Dated August 22, 2005

  
\_\_\_\_\_  
JOHN M. MELANSON  
Presiding Judge  
Snake River Basin Adjudication

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 43-13343



NAME AND ADDRESS: JAY R THORNTON  
KIM THORNTON  
PO BOX 635  
MALTA, ID 83342

SOURCE: ONEMILE CREEK TRIBUTARY: RAFT RIVER

QUANTITY: 1.64 CFS

PRIORITY DATE: 04/01/1889

POINT OF DIVERSION: T16S R26E S28 SWSWSW Within Cassia County

The point of diversion for this water right is in Utah, SWSW  
Section 35, T15N, R15W, SLB&M. The point of diversion shown  
above is where the conveyance system enters Idaho.

PURPOSE AND  
PERIOD OF USE:

| PURPOSE OF USE | PERIOD OF USE  | QUANTITY |
|----------------|----------------|----------|
| Irrigation     | 04-01 TO 10-31 | 1.64 CFS |

PLACE OF USE:

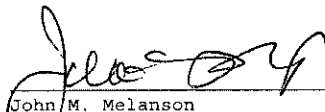
| Irrigation       | Within Cassia County                             |
|------------------|--------------------------------------------------|
| T16S R26E S28    | NWNW 23.0<br>SWNW 22.0<br>NWSW 15.0<br>SWSW 22.0 |
| 82.0 Acres Total |                                                  |

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

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER OF PARTIAL DECREE FOR UNCONTESTED INTERSTATE WATER RIGHT was mailed on August 24, 2005, with sufficient first-class postage to the following:

JAY R THORNTON  
KIM THORNTON  
PO BOX 635  
MALTA, ID 83342

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

A handwritten signature in cursive script, reading "Julie Murphy", is written over a horizontal line.