2005 MAY 18 PM 02:00
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

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 81-10276

NAME AND ADDRESS: SELWAY INN INC
C/O ROBERT GREENHILL
31 W 52ND ST 16TH FLOOR
NEW YORK, NY 10019

SOURCE: DITCH CREEK TRIBUTARY: SELWAY RIVER

QUANTITY: 0.54 CFS

The quantity of water for domestic use under this right shall not exceed 13,000 gallons per day.

PRIORITY DATE: 12/31/1913

POINT OF DIVERSION: T31N R13E S28 NENW Within Idaho County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
Irrigation	04-01 TO 10-31	0.50 CFS
Domestic	05-01 TO 11-01	0.04 CFS

PLACE OF USE:

Irrigation — Within Idaho County

T31N R13E S21	NESW 3.5	SESW 20.0
	SWSE 0.5	
S28	NENW 1.0	

25.0 Acres Total

Domestic — Within Idaho County

T31N R13E S28 NENW

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

The quantity of water decreed for this water right is not a determination of historical beneficial use.
PROPERTY IS WITHIN HOMESTEAD ENTRY SURVEY NO. 455 AND DOES NOT INCLUDE ANY FEDERAL LAND.
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