

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 45-13522

NAME AND ADDRESS: BURLEY WEST INVESTMENTS LLC  
PO BOX 584  
RUPERT, ID 83350

SOURCE: GROUND WATER

QUANTITY: 1.05 CFS  
354.40 AFY

USE OF THIS RIGHT WITH RIGHT NO. 45-2509 IS LIMITED TO A TOTAL  
COMBINED DIVERSION RATE OF 4.24 CFS AND TO A TOTAL COMBINED  
ANNUAL DIVERSION VOLUME OF 1434.4 AF.

PRIORITY DATE: 03/15/1976

THIS WATER RIGHT IS SUBORDINATE TO ALL WATER RIGHTS WITH A  
PRIORITY DATE EARLIER THAN APRIL 12, 1994, THAT ARE NOT DECREED  
AS ENLARGEMENTS PURSUANT TO SECTION 42-1426, IDAHO CODE. AS  
BETWEEN WATER RIGHTS DECREED AS ENLARGEMENTS PURSUANT TO SECTION  
42-1426, IDAHO CODE, THE EARLIER PRIORITY RIGHT IS THE SUPERIOR  
RIGHT.

POINT OF DIVERSION: T10S R22E S32 SWNWSW Within Cassia County

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY               |
|-------------------------------|----------------|----------------|------------------------|
|                               | Irrigation     | 03-15 TO 11-15 | 1.05 CFS<br>354.40 AFY |

| PLACE OF USE: | Irrigation        | Within Cassia County |
|---------------|-------------------|----------------------|
|               | T10S R22E S31     | NESE 41.0 NWSE 5.6   |
|               | S32               | NENW 38.0 NWNW 38.0  |
|               |                   | SWNW 36.0 SENW 41.0  |
|               |                   | NESW 37.0 NWSW 40.0  |
|               |                   | NESE 41.0 NWSE 41.0  |
|               | 358.6 Acres Total |                      |

USE OF THIS RIGHT WITH RIGHT NO. 45-2509 IS LIMITED TO THE  
IRRIGATION OF A COMBINED TOTAL OF 358.6 ACRES IN A SINGLE  
IRRIGATION SEASON.  
THIS RIGHT IS LIMITED TO THE IRRIGATION OF 88.6 ACRES WITHIN THE  
PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

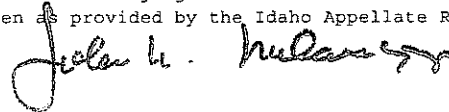
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS RIGHT IS BASED UPON AN ENLARGEMENT OF RIGHT NO. 45-2509  
PURSUANT TO SECTION 42-1426, IDAHO CODE.

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.



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John M. Melanson  
Presiding Judge of the  
Snake River Basin Adjudication