

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 45-00549B

NAME AND ADDRESS: CELIA S MARCHANT
 GERALD L MARCHANT
 24 E BASIN RD
 OAKLEY, ID 83346

SOURCE: MILL CREEK TRIBUTARY: SINKS
 WARM SPRING TRIBUTARY: SINKS

QUANTITY: 0.21 CFS

PRIORITY DATE: 04/01/1881

POINT OF DIVERSION: T14S R23E S04 SWNWSW Within Cassia County
 NESESE
 S09 NENWNW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	0.21 CFS

PLACE OF USE: Irrigation Within Cassia County
 T14S R23E S04 NWSW 39.0
 39.0 Acres Total

USE OF THIS RIGHT WITH RIGHT NO. 45-548B IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 39 ACRES IN A SINGLE
IRRIGATION SEASON.
USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A
COMBINED TOTAL OF 76 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 45-548A, 45-548B, 45-549A, 45-549B, &
45-2673A.

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. Section 42-1412(6), Idaho
Code.
Priority of appropriation shall give the better right as among
those using the surface and ground waters of Mill Creek, Warm
Springs, Spring Creek, Summit Creek, and their tributaries, and
rights having the same priority date shall share equally in the
available water supply in a manner that will equally apportion
all natural channel losses among rights having the same date of
priority. For example, if there are seven points of diversion
from the natural channel, which have the same 1879 date of
priority, and the flow in the stream is equal to one-half of the
amount of flow necessary to fully satisfy all of the 1879
priorities at their respective points of diversion, then the
diversion rates at each of the seven points of diversion shall
be reduced by one-half. A pro rata sharing of the water in the
stream shall continue to be enforced among rights of equal 1879
priority until the watermaster shall have determined that water
in the stream is inadequate to reach a downstream 1879 point of
diversion in a sufficient quantity to be applied to beneficial
use. Thereafter, upstream 1879 appropriators who are still able

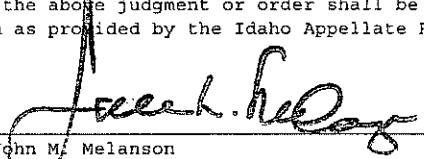
OTHER PROVISIONS (continued)

to receive water in a sufficient quantity to be applied to beneficial use shall continue a pro rata sharing of the water in the stream.

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