

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                            )  
\_\_\_\_\_)                                 Water Right 45-00549A

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

SOURCE:                         MILL CREEK     TRIBUTARY: SINKS

QUANTITY:                       0.19    CFS

PRIORITY DATE:                04/01/1881

POINT OF DIVERSION:        T14S R23E S04                         SESE     Within Cassia County

|                |                |                |             |
|----------------|----------------|----------------|-------------|
| PURPOSE AND    |                |                |             |
| PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY    |
|                | Irrigation     | 03-15 TO 11-15 | 0.19    CFS |

PLACE OF USE:                Irrigation                                 Within Cassia County  
                             T14S R23E S04                         NESW 37.0  
                             37.0 Acres Total

USE OF THIS RIGHT WITH RIGHT NO. 45-548A IS LIMITED TO THE  
IRRIGATION OF A COMBINED TOTAL OF 37 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  
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.

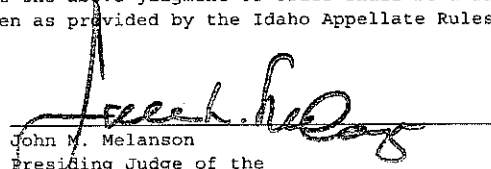
SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

OTHER PROVISIONS (continued)

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