

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 45-02704

NAME AND ADDRESS:         V THOMAS GEARY  
                              964 S 950 E  
                              ALBION, ID 83311

SOURCE:                    UNNAMED STREAM   TRIBUTARY: MARSH CREEK

QUANTITY:                  0.25   CFS  
                              6.90   AFY

This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.0 afa per acre for irrigation of the lands above.  
Water shall be diverted under this right only when the watermaster of State Water District No. 45F certifies that a) water flowing in the source stream sinks before reaching Marsh Creek or that b) water is flowing in Marsh Creek at a rate sufficient to satisfy all prior downstream rights currently calling for delivery.

PRIORITY DATE:            04/02/1964

POINT OF DIVERSION:       T12S R24E S11                 SWSWSE   Within Cassia County

| PURPOSE AND PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY |
|----------------------------|----------------|----------------|----------|
|                            | Irrigation     | 04-01 TO 06-30 | 0.25 CFS |
|                            |                |                | 6.90 AFY |

The use of water for irrigation under this right may begin as early as March 15 provided other elements of the right are not exceeded. The use of water before April 1 under this remark is subordinate to all water rights having no subordinated early irrigation use and a priority date earlier than the date a partial decree is entered for this right.

PLACE OF USE:             Irrigation                                 Within Cassia County  
                              T12S R24E S11                 NESE 11.9                 NWSE 0.6  
                              12.5 Acres Total

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 159 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS. 45-237, 45-310C, 45-316A, 45-2704 AND 45-12841.

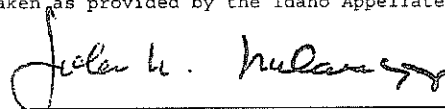
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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.

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.

A handwritten signature in cursive script, reading "John M. Melanson", written over a horizontal line.

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