

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 29-00327

NAME AND ADDRESS: DANA M MARLER
RAYMOND E MARLER
24544 S MARSH VALLEY RD
DOWNEY, ID 83234

JODY L GARDNER
RICHARD D GARDNER
24286 S MARSH VALLEY RD
DOWNEY, ID 83234

SOURCE: BIRCH CREEK TRIBUTARY: MARSH CREEK

QUANTITY: 2.54 CFS

The amount of water diverted under this water right may not exceed 2/24 of the stream flow of Birch Creek at the point of diversion described below at any given time. This water right shall not provide more than .02 cubic feet per second per acre at any time.

PRIORITY DATE: 10/10/1878

POINT OF DIVERSION: T12S R36E S23 SESENE (Rediversion) Within Bannock County
 S27 SENWSW
 SENWSW
 SENWSW (Injection)
 SENWSW (Injection)

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	2.54 CFS

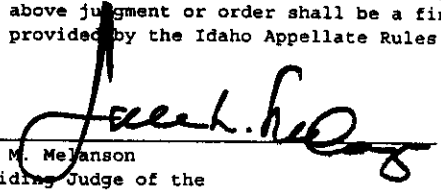
PLACE OF USE: Irrigation Within Bannock County
 T12S R36E S01
 SWNE 19.0 LOT 3 (NENW) 23.0
 SENW 25.0 NESW 11.0
 SESW 16.0 NWSE 19.0
 SWSE 15.0
 128.0 Acres Total

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. 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