

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 29-00326

NAME AND ADDRESS: FRANK D WINWARD  
PO BOX 7  
DOWNEY, ID 83234

SOURCE: STATION CREEK TRIBUTARY: BIRCH CREEK

QUANTITY: 1.92 CFS

THE AMOUNT OF WATER DIVERTED UNDER THIS WATER RIGHT MAY NOT  
EXCEED ONE-FIFTH OF THE STREAM FLOW OF STATION CREEK AT THE  
POINT OF DIVERSION AT ANY GIVEN TIME. THIS WATER RIGHT SHALL  
NOT PROVIDE MORE THAN 0.02 CUBIC FEET PER SECOND PER ACRE AT ANY  
TIME.

USE OF THIS RIGHT WITH RIGHT NO. 29-00328C IS LIMITED TO A  
TOTAL COMBINED DIVERSION RATE OF 1.92 CFS.

THIS RIGHT WHEN COMBINED WITH RIGHT NO. 29-00328C SHALL PROVIDE  
NO MORE THAN .02 CFS PER ACRE.

PRIORITY DATE: 06/09/1904

POINT OF DIVERSION: T12S R36E S02 SENESW (Rediversion) Within Bannock County  
S03 SESESE (Injection)  
SESESE

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY |
|-------------------------------|----------------|----------------|----------|
|                               | Irrigation     | 04-01 TO 10-31 | 1.92 CFS |

| PLACE OF USE: | Irrigation              | Within Bannock County |
|---------------|-------------------------|-----------------------|
|               | T12S R36E S01 SWSW 21.0 |                       |
|               | S02 NESE 35.0           | SESE 40.0             |
|               | 96.0 Acres Total        |                       |

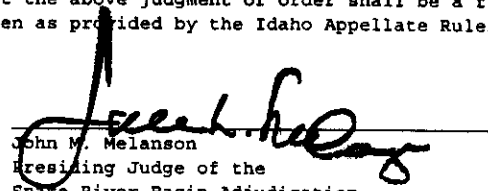
USE OF THIS RIGHT WITH RIGHT NO. 29-328C IS LIMITED TO THE  
IRRIGATION OF A COMBINED TOTAL OF 96 ACRES IN A SINGLE  
IRRIGATION SEASON.

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  
Residing Judge of the  
Snake River Basin Adjudication