

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 71-00067

NAME AND ADDRESS: THOMAS M ROBERTSON  
156 SECOND AVE W  
PO BOX 525  
TWIN FALLS, ID 83303-0525

SOURCE: ALTURAS LAKE CREEK                      TRIBUTARY: SALMON RIVER  
QUANTITY: 7.424 CFS  
PRIORITY DATE: 07/01/1930  
POINT OF DIVERSION: T08N R14E S32              SWNE              Within Blaine County

THE DIVERSION WORKS FOR THE POINT OF DIVERSION DESCRIBED ABOVE  
HAS BEEN OBLITERATED. CONTINUED VIABILITY OF THIS RIGHT  
REQUIRES THAT THE POINT OF DIVERSION BE RE-ESTABLISHED PURSUANT  
TO SECTION 42-222 OF THE IDAHO CODE BY THE IRRIGATION SEASON OF  
2003 OR THIS RIGHT IS DEEMED FORFEITED.

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY  |
|-------------------------------|----------------|----------------|-----------|
|                               | Irrigation     | 05-01 TO 10-31 | 7.424 CFS |

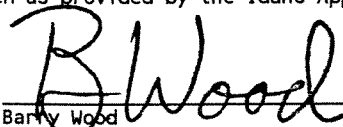
| PLACE OF USE: | Irrigation        |           | Within Custer County |
|---------------|-------------------|-----------|----------------------|
|               | T08N R14E S28     | SWNW 3.2  | NWSW 4.7             |
|               |                   | SWSW 6.0  |                      |
|               | S29               | SENE 14.4 | NESE 37.2            |
|               |                   | NWSE 1.4  | SESE 39.9            |
|               | 106.8 Acres Total |           |                      |

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

THE PLACE OF USE DESCRIBED ABOVE HAS HISTORICALLY BEEN  
IRRIGATED BY SUB-WATER CAUSED BY IRRIGATION OF ADJACENT LANDS TO  
THE EAST AND SOUTH OF THE DESCRIBED PLACE OF USE. DURING SUCH  
TIMES THAT SUB-WATER EXISTS WHICH CAUSES A CONDITION THAT THE  
PLACE OF USE REQUIRES NO INDEPENDENT IRRIGATION, THIS RIGHT  
SHALL BE HELD IN ABEYANCE AND THE TIME SUCH CONDITION EXISTS  
SHALL NOT BE CONSIDERED IN DETERMINING FORFEITURE. DURING SUCH  
TIMES THAT SUB-WATER DOES NOT EXIST THE TIME SUCH CONDITION  
EXISTS SHALL BE CONSIDERED IN DETERMINATION OF FORFEITURE  
PURSUANT TO SECTION 42-222 OF THE IDAHO CODE.

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.

  
\_\_\_\_\_  
Barry Wood  
Administrative District Judge  
Interim Presiding Judge of the  
Snake River Basin Adjudication