

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 32-10127

NAME AND ADDRESS: BIRCH CREEK RANCHES LLC  
52033 S 11TH E  
IDAHO FALLS, ID 83404

SOURCE: GROUNDWATER

QUANTITY: 0.84 CFS  
315.00 AFY

USE OF THIS RIGHT WITH RIGHT NO. 32-07025 IS LIMITED TO A  
TOTAL COMBINED DIVERSION RATE OF 3.92 CFS AND TO A TOTAL  
COMBINED ANNUAL DIVERSION VOLUME OF 1417.5 AF.

PRIORITY DATE: 12/26/1973

THIS WATER RIGHT IS SUBORDINATE TO ALL WATER RIGHTS WITH A  
PRIORITY DATE EARLIER THAN APRIL 12, 1994, THAT ARE NOT DECREED  
AS ENLARGEMENTS PURSUANT TO SECTION 42-1426, IDAHO CODE. AS  
BETWEEN WATER RIGHTS DECREED AS ENLARGEMENTS PURSUANT TO SECTION  
42-1426, IDAHO CODE, THE EARLIER PRIORITY RIGHT IS THE SUPERIOR  
RIGHT.

POINT OF DIVERSION: T09N R32E S36 SWNWSW Within Clark County

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY               |
|-------------------------------|----------------|----------------|------------------------|
|                               | Irrigation     | 04-01 TO 10-31 | 0.84 CFS<br>315.00 AFY |

| PLACE OF USE: | Irrigation                      | Within Jefferson County |
|---------------|---------------------------------|-------------------------|
|               | T08N R32E S01 LOT 01 (NENE)34.0 | LOT 02 (NWNE)34.0       |
|               | SWNE 40.0                       | SENE 40.0               |
|               | LOT 03 (NENW)11.0               | SENE 9.0                |
|               |                                 | Within Clark County     |
|               | T09N R32E S36 SWNW 40.0         | SENE 40.0               |
|               | NESW 40.0                       | NWSW 40.0               |
|               | LOT 04 (SWSW)39.0               | LOT 03 (SESW)38.0       |
|               | 405.0 Acres Total               |                         |

USE OF THIS RIGHT WITH RIGHT NO. 32-07025 IS LIMITED TO THE  
IRRIGATION OF A COMBINED TOTAL OF 405 ACRES IN A SINGLE  
IRRIGATION SEASON.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 90 ACRES WITHIN  
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

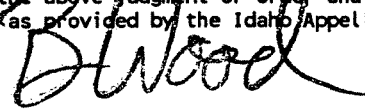
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS RIGHT IS BASED UPON AN ENLARGEMENT OF RIGHT  
NO. 32-07025 PURSUANT TO SECTION 42-1426, 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.



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