

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

|                                       |       |
|---------------------------------------|-------|
| DISTRICT COURT - SRBA                 |       |
| Fifth Judicial District               |       |
| County of Twin Falls - State of Idaho |       |
| AUG 23 2009                           |       |
| By _____                              | Clerk |
| Deputy Clerk                          |       |

In Re SRBA )  
 )  
Case No. 39576 )

PARTIAL DECREE PURSUANT TO  
I.R.C.P. 54(b) FOR

Water Right 73-00165

NAME AND ADDRESS: NORMCO LLC  
10424 S 2700 W, STE 200  
SOUTH JORDAN, UT 84095

HWWL LLC  
1711 N CHERAPPLE DR  
OREM, UT 84097

CHARLESVIEW LLC  
RIO CLARO INC  
1819 E SOUTHERN AVE #B-10  
MESA, AZ 85204

RIO B LLC  
3007 CAN-ADA RD  
MELBA, ID 83641

OLD CORRALS & SAGEBRUSH LLLP  
435 S FITNESS PL  
EAGLE, ID 83616

SOURCE: PAHSIMEROI RIVER TRIBUTARY: SALMON RIVER

QUANTITY: 3.20 CFS

The quantity of water under this right for stockwater use shall  
not exceed 13,000 gallons per day.

PRIORITY DATE: 01/04/1904

POINT OF DIVERSION: T12N R24E S32 SWSW Within Custer County

|                               |                |                |          |
|-------------------------------|----------------|----------------|----------|
| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY |
|                               | Irrigation     | 04-01 TO 10-31 | 3.20 CFS |
|                               | Stockwater     | 04-01 TO 10-31 | 0.14 CFS |

|               |                   |                      |
|---------------|-------------------|----------------------|
| PLACE OF USE: | Irrigation        | Within Custer County |
|               | T12N R24E S16     |                      |
|               |                   | SWNW 12.0            |
|               |                   | NWSW 8.4             |
|               |                   | SWSE 8.6             |
|               | S21               | NESW 13.0            |
|               | S22               | NENE 18.0            |
|               |                   | SWNE 40.0            |
|               |                   | NENW 9.0             |
|               |                   | SWNW 40.0            |
|               |                   | NESW 39.0            |
|               |                   | NESE 40.0            |
|               |                   | SWSE 36.0            |
|               | S23               | SWNE 2.2             |
|               |                   | NWNW 35.0            |
|               |                   | SENW 35.0            |
|               |                   | NWSW 40.0            |
|               |                   | SESW 1.0             |
|               |                   | NWSE 8.0             |
|               |                   | SENE 40.0            |
|               |                   | NWNW 17.0            |
|               |                   | SENW 33.0            |
|               |                   | NWSW 40.0            |
|               |                   | NWSE 40.0            |
|               |                   | SESE 40.0            |
|               |                   | NENW 11.0            |
|               |                   | SWNW 40.0            |
|               |                   | NESW 30.0            |
|               |                   | SWSW 32.0            |
|               |                   | NWSE 1.2             |
|               | 732.0 Acres Total |                      |

Stockwater  
Same as Irrigation

Within Custer County

SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

PLACE OF USE (continued)

This right is limited to the irrigation of 160 acres within the place of use described above in a single irrigation season. The rights listed below are limited to the irrigation of a combined total of 732.0 acres in a single irrigation season. Combined Right Nos.: 73-165, 73-168, 73-178, 73-179, 73-187A, 73-188A, 73-2038, 73-2091, and 73-10047.

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

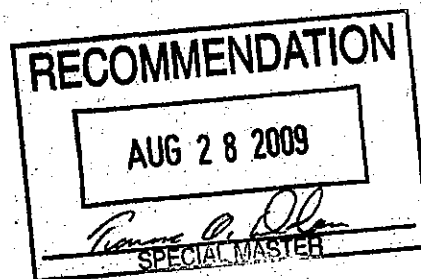
The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.

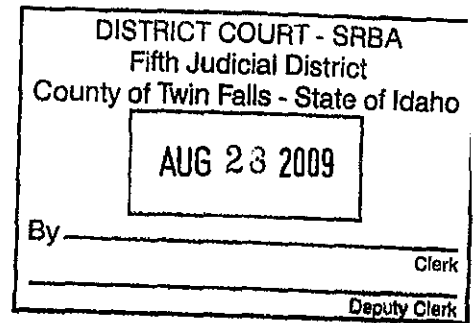
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

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





**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**

) Subcases 73-165, 73-168, 73-2038, 73-2091,  
) 73-2141, 73-2142, 73-2153, 73-2164, 73-  
) 7022 and 73-7038  
) (Normco LLC, HWHL LLC, Charlesview  
) LLC, Rio Claro, Inc., Rio B LLC and Old  
) Corrals & Sagebrush LLLP)  
)  
) **SPECIAL MASTER REPORT**  
)

**Findings of Fact**

The Director of the Idaho Department of Water Resources filed his *Director's Report, Irrigation & Other Uses, Reporting Area 23, Basin 73* on January 25, 2007. The Director recommended the claims to Sulphur Creek Livestock for between .55 cfs and 11.94 cfs from the Pahsimeroi River, Ditch Creek, groundwater and Big Creek for stockwater and to irrigate between 32 acres and 793 acres in Custer and Lemhi Counties from March 1 or April 1 to October 1 or 31 with priority dates between of January 4, 1904, and January 18, 1978, based on a decree or licenses.

Old Corrals and Sagebrush LLLP filed *Objections* in subcases 73-165, 73-168, 73-2038, 73-2091, 73-2141, 73-2142, 73-2164, 73-7022 and 73-7038 on December 17, 2007, and February 8, 2008, objecting to source, points of diversion, priority date, period of year and place of use. IDWR identified claim 73-2153 as an uncontested overlapping subcase.

On August 17, 2009, the claimants, with IDWR's concurrence, filed *Standard Form 5* in subcases 73-165, 73-168, 73-2038, 73-2091, 73-2141, 73-2142, 73-2164, 73-7022 and 73-7038.

On August 26, 2009, IDWR filed a *Notice of Completed Administrative Proceeding* in subcase 73-2153 for a substitution of party. The new owners in all 10 subcases are:

Normco LLC  
Suite 200  
10424 S., 2700 W.  
South Jordan, Utah, 84095

HWHL LLC  
1711 N. Cherapple Drive  
Orem, Utah, 84097

Charlesview LLC  
Rio Claro, Inc.  
1819 E. Southern Ave., #B-10  
Mesa, Arizona, 85204

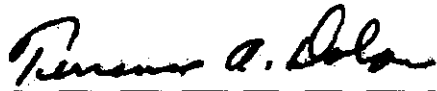
Rio B LLC  
3007 Can-Ada Road  
Melba, Idaho, 83641

Old Corrals & Sagebrush LLLP  
435 S. Fitness Place  
Eagle, Idaho, 83616

#### Conclusions of Law

The claimants are entitled to partial decrees adjudicating water rights as described in the *SF-5s*, *NCAP* and the attached *Special Master Recommendations for Partial Decrees for Water Rights 73-165, 73-168, 73-2038, 73-2091, 73-2141, 73-2142, 73-2153, 73-2164, 73-7022 and 73-7038*.

DATED August 28, 2009.

  
TERRENCE A. DOLAN  
Special Master  
Snake River Basin Adjudication

|                                       |              |
|---------------------------------------|--------------|
| DISTRICT COURT SREA                   |              |
| Fifth Judicial District               |              |
| County of Twin Falls - State of Idaho |              |
| AUG 23 2009                           |              |
| By _____                              | Clerk        |
| _____                                 | Deputy Clerk |

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STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA )  
 )  
Case No. 39576 )  
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\_\_\_\_\_ )

NOTICE OF ISSUANCE OF  
SPECIAL MASTER'S  
RECOMMENDATION

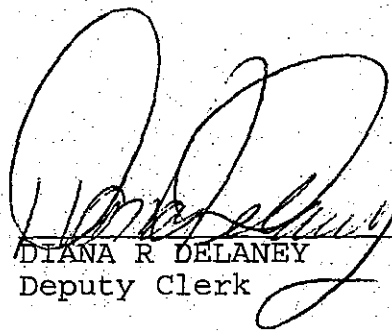
Water Right(s): 73-00165  
73-00168 73-02038 73-02091  
73-02141 73-02142 73-02153  
73-02164 73-07022 73-07038

On August 28, 2009, Special Master TERRENCE A. DOLAN issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s) pursuant to SRBA Administrative Order 1 (AO1), Section 13a.

Pursuant to SRBA Administrative Order 1, Section 13a, any party to the adjudication including parties to the subcase, may file a Motion to Alter or Amend on or before the 28th day of the next month.

Failure of any party in the adjudication to pursue or participate in a Motion to Alter or Amend the SPECIAL MASTER'S RECOMMENDATION shall constitute a waiver of the right to challenge it before the Presiding Judge.

DATED August 28, 2009.

  
DIANA R. DELANEY  
Deputy Clerk

DISTRICT COURT - SRBA  
 Fifth Judicial District  
 County of Twin Falls - State of Idaho

**AUG 23 2009**

By \_\_\_\_\_ Clerk  
 \_\_\_\_\_ Deputy Clerk

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CERTIFICATE OF MAILING

Water Right(s): 73-00165  
 73-00168 73-02038 73-02091  
 73-02141 73-02142 73-02153  
 73-02164 73-07022 73-07038

CERTIFICATE OF MAILING

I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on August 28, 2009, with sufficient first-class postage prepaid to the following:

DIRECTOR OF IDWR  
 PO BOX 83720  
 BOISE, ID 83720-0098

BRETT MAC NEIL  
 SCYTHE & SPADE CO  
 453 S FITNESS PL  
 EAGLE, ID 83616  
 Phone: 208-893-5333

CERTIFICATE OF MAILING

PAGE 1  
 08/28/09

BRETT MAC NEIL  
SCYTHE & SPADE DO  
453 FITNESS PL  
EAGLE, ID 83616  
Phone: 208-893-5333

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SOUTH JORDAN, UT 84095

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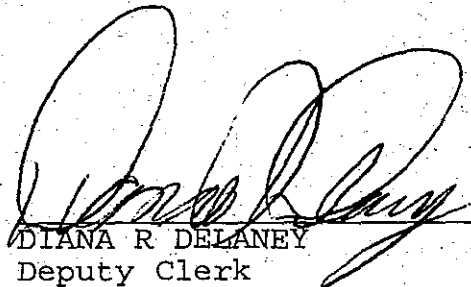
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Deputy Clerk