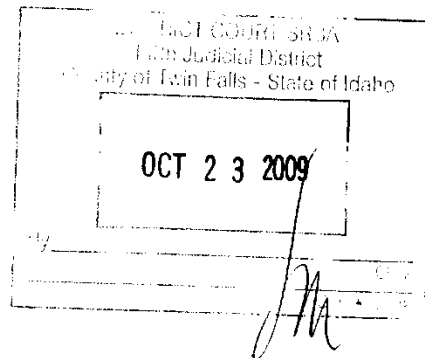


Partial Decree

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 73-12124



NAME AND ADDRESS: FIVE E GROUP LLLP
3094 S ABIGAIL WAY
BOISE, ID 83706

SOURCE: GOLDBURG CREEK TRIBUTARY: PAHSIMEROI RIVER

QUANTITY: 1.60 CFS

This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the lands below.

PRIORITY DATE: 04/18/1905

POINT OF DIVERSION: T12N R24E S05 LOT 7 (SWSW) Within Custer County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	1.60 CFS

PLACE OF USE:	Irrigation	Within Custer County
T12N R23E S03 LOT 1	(NENE) 21.0	LOT 2 (NWNE) 39.0
	SWNE 2.4	LOT 3 (NENW) 28.0
LOT 4	(NWNW) 0.1	
T13N R23E S34	NENW 40.0	NWSW 20.0
	SWSW 20.0	SWSW 12.0
	SESW 40.0	NESE 35.7
	NWSE 40.0	SWSE 40.0
	SESE 40.0	
	378.2 Acres Total	

Described as S35 on SF-5 and Amended Director's Report (NCAP).

Described as NESW on SF-5 and Amended Director's Report (NCAP).

Two SWSW POU descriptions in S34.

Right Nos. 73-12124, 73-12129, 73-12137 and 73-2160 are limited to the irrigation of a combined total of 378.2 acres in a single irrigation season.
This right is limited to the irrigation of 80 acres within the place of use described above in a single irrigation season.
Place of use does not include federal public lands.

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).

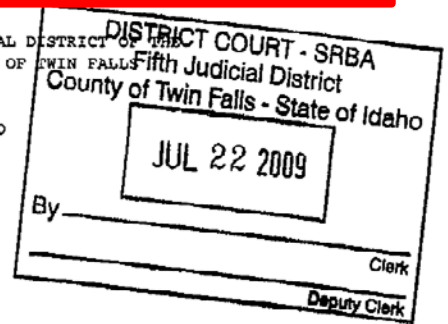
Special Master's Report and Recommendation (SMRR)

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)

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

Water Right 73-12124



NAME AND ADDRESS: FIVE E GROUP LLLP
3094 S ARIGAIL WAY
BOISE, ID 83706

SOURCE: GOLDBURG CREEK TRIBUTARY: PAHSIMEROI RIVER

QUANTITY: 1.60 CFS

This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the lands below.

PRIORITY DATE: 04/18/1905

POINT OF DIVERSION: T12N R24E S05 LOT 7 (SWSW) Within Custer County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	1.60 CFS

PLACE OF USE:	Irrigation	Within Custer County
	T12N R23E S03 LOT 1 (NENE) 21.0	LOT 2 (NWNE) 39.0
	SWNE 2.4	LOT 3 (NENW) 28.0
	LOT 4 (NWNW) 0.1	
	T13N R23E S34 NENW 40.0	NWSW 20.0
	SWSW 20.0	SWSW 12.0
	SESW 40.0	NESE 35.7
	NWSE 40.0	SWSE 40.0
	SESE 40.0	
	378.2 Acres Total	

Described as S35 on SF-5 and Amended Director's Report (NCAP).

Described as NESW on SF-5 and Amended Director's Report (NCAP).

Two SWSW POU descriptions in S34.

Right Nos. 73-12124, 73-12129, 73-12137 and 73-2160 are limited to the irrigation of a combined total of 378.2 acres in a single irrigation season.
This right is limited to the irrigation of 80 acres within the place of use described above in a single irrigation season.
Place of use does not include federal public lands.

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).

SF-5

06/08/2009

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 73-12124

NAME AND ADDRESS: FIVE E GROUP LLLP
3094 S ABIGAIL WAY
BOISE ID 83706

SOURCE: GOLDBURG CREEK

TRIBUTARY: PARSIMEROI RIVER

QUANTITY: 1.600 CFS

The right holder shall maintain a measuring device and suitable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).

This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the lands above below.

PRIORITY DATE: 04/18/1905

POINT OF DIVERSION:

T12N R24E S5 SWSW Lot 7 Within CUSTER County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04/01 10/31	1.600 CFS
PLACE OF USE:	IRRIGATION in CUSTER County	
T12N R23E S03 Lot 1 NENE	21.00	T12N R23E S03 Lot 2 NWNE 39.00
T12N R23E S03 SWNE 2.40		T12N R23E S03 Lot 3 NENW 28.00
T12N R23E S03 Lot 4 NWNW 0.10		T13N R23E S34 NESW 40.00
T13N R23E S34 NWSW 20.00		T13N R23E S34 SWSW 20.00
T13N R23E S34 SBSW 40.00		T13N R23E S34 NESE 35.70
T13N R23E S34 NWSE 40.00		T13N R23E S34 SWSE 40.00
T13N R23E S34 SSESE 40.00		T13N R23E S35 SWSW 12.00
378.2 ACRES TOTAL		

Described as
NENW on PD and
SMRR. Should be
NESW as shown
here.

Described as
S34 on PD and SMRR
Should be
S35 as shown here.

Place of use does not include federal public lands.

Right Nos. 73-12124, 73-12129, 73-12137 and 73-2160 are limited to the irrigation of a combined total of 378.2 acres in a single irrigation season.

This right is limited to the irrigation of 80 acres within the place of use described above in a single irrigation season.

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

Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 73.

The right holder shall accomplish the change authorized by this transfer within one year(s) of the date of this approval.

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. Section 42-1412(6), Idaho Code.

Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

Amended Director's Report (NCAP)

04/06/2009

IDAHO DEPARTMENT OF WATER RESOURCES RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 73-12124

NAME AND ADDRESS: FIVE E GROUP LLLP
3094 S ABIGAIL WAY
BOISE ID 83706

SOURCE: GOLDBURG CREEK

TRIBUTARY: PAHSIMEROI RIVER

QUANTITY: 1.600 CFS

The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).

This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

PRIORITY DATE: 04/18/1905

POINT OF
DIVERSION:

T12N R24E S5 SWSW Lot 7 Within CUSTER County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	1.600 CFS
<u>PLACE OF USE: IRRIGATION in CUSTER County</u>		
T12N R23E S03 Lot 1 NENE	21.00	T12N R23E S03 Lot 2 NWNE 39.00
T12N R23E S03 SWNE	2.40	T12N R23E S03 Lot 3 NENW 28.00
T12N R23E S03 Lot 4 NWNW	0.10	T13N R23E S34 NESW 40.00
T13N R23E S34 NWSW	20.00	T13N R23E S34 SWSW 20.00
T13N R23E S34 SESW	40.00	T13N R23E S34 NESE 35.70
T13N R23E S34 NWSE	40.00	T13N R23E S34 SWSE 40.00
T13N R23E S34 SESE	40.00	T13N R23E S35 SWSW 12.00
378.2 ACRES TOTAL		

Right Nos. 73-12124, 73-12129, 73-12137 and 73-2160 are limited to the irrigation of a combined total of 378.2 acres in a single irrigation season.

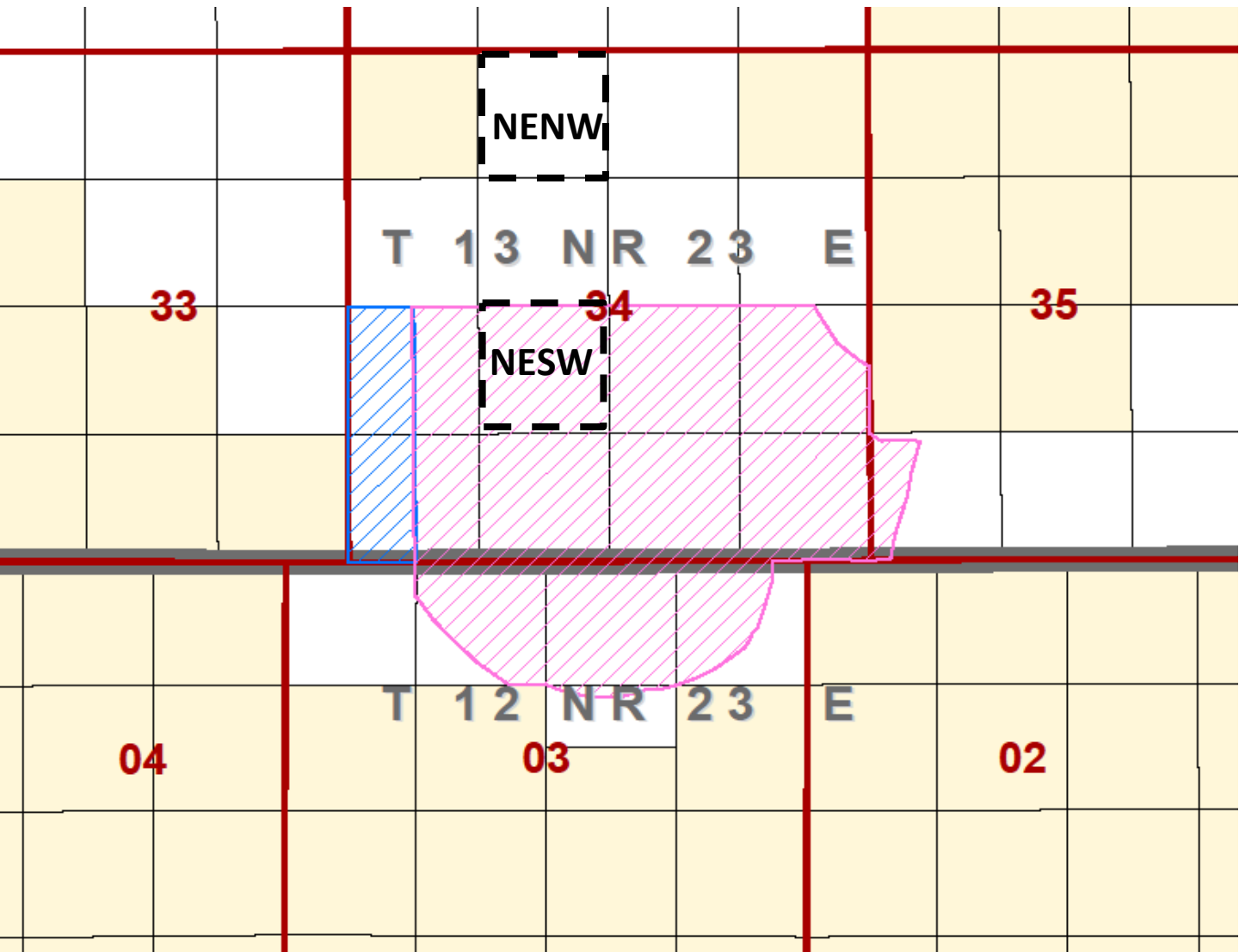
This right is limited to the irrigation of 80 acres within the place of use described above in a single irrigation season.

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

Described as
NENW on PD and
SMRR. Should be
NESW as shown
here.

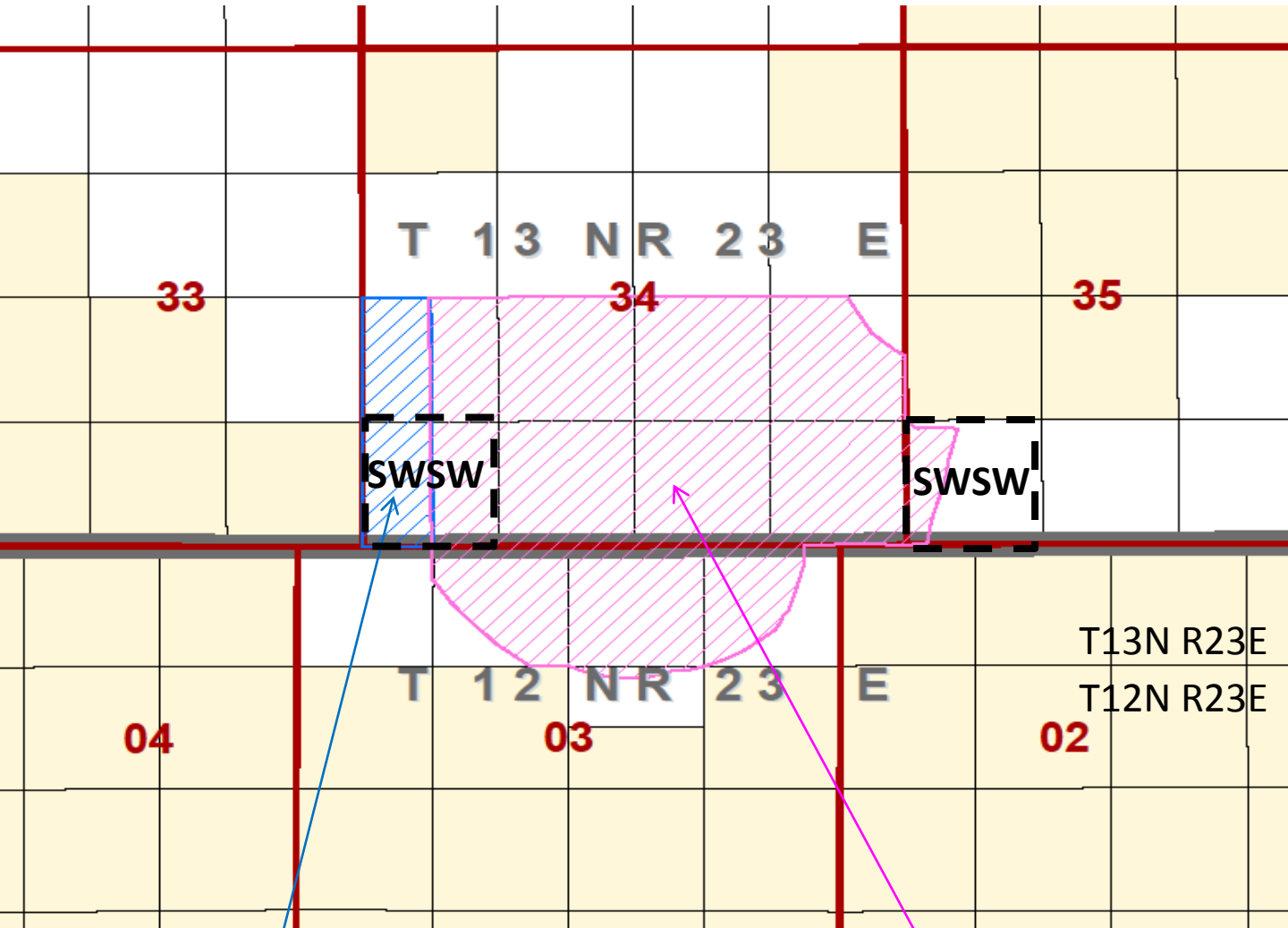
Described as
S34 on PD and
SMRR. Should be
S35 as shown here.

T13N R23E



The Partial Decree (PD) and the SMRR for 73-12124 describe a 40 ac POU as **NENW**, S34, T13N, R23E, which is different than the SF-5 (attached), the Amended Director's Report (NCAP) (attached), and the shape file (shown here). These controlling documents describe a 40 ac POU as **NESW**, S34, T13N, R23E, which is consistent also with the shape file shown here.

T13N R23E



Shapefile for
73-12125

Shapefile for
73-12124

The PD and SMRR also describes two separate POU's for 73-12124 as SWSW, **S34**, T13N R23E. The one described as 12.0 ac should be described in **S35**. According to the SF-5, Amended Director's Report (NCAP), and the shape file of 73-12124 there is a POU described as SWSW, **S35**, T13N R23E for 12.0 acres which is not found on the PD or SMRR.