

RECEIVED
OCT 19 2009
DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
OCT 16 2009	
By _____	Clerk
_____	Deputy Clerk

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

ORDER OF PARTIAL DECREES

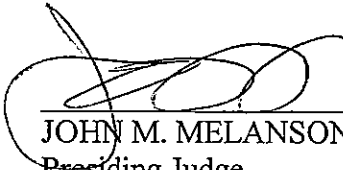
Subcases: 67-14983, 67-14985,
67-14987 and 67-14989
(Western Pacific Timber LLC)

On April 8, 2009, a *Special Master's Report and Recommendation* was filed for the above-captioned water rights. No Challenges were filed to the *Special Master's Report and Recommendation* and the time for filing Challenges has now expired.

Pursuant to I.R.C.P. 53(e)(2) and *SRBA Administrative Order 1*, Section 13f, this Court has reviewed the Findings of Fact and Conclusions of Law contained in the *Special Master's Report* and wholly adopts them as its own.

Therefore, IT IS ORDERED that the above-captioned water rights are hereby **decreed** as set forth in the attached *Partial Decrees Pursuant to I.R.C.P. 54(b)*.

DATED October 16, 2009.


JOHN M. MELANSON
Presiding Judge
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)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 67-14983

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

OCT 16 2009

NAME AND ADDRESS:

WESTERN PACIFIC TIMBER LLC
101 S CAPITOL BLVD STE 1601
BOISE, ID 83702

SOURCE:

UNNAMED STREAMS, TRIBUTARY: WEISER RIVER

QUANTITY:

0.20 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE SHALL
NOT EXCEED 13,000 GALLONS PER DAY.

PRIORITY DATE:

05/01/1945

POINT OF DIVERSION:

T19N R01E S20	NWNE	(Instream Ending Point)	Within Adams County
	SWSW	(Instream Ending Point)	
	SWSE	(Instream Beginning Point)	
S21	SWNW	(Instream Ending Point)	
	SWNW	(Instream Beginning Point)	
S28	SESW	(Instream Beginning Point)	
S30	SENE	(Instream Ending Point)	
S31	NENE	(Instream Ending Point)	
S32	SENW	(Instream Beginning Point)	
	NWSE	(Instream Beginning Point)	

WATER FOR COMMERCIAL USE IS DIVERTED FROM THE STREAM REACHES
DESCRIBED HEREIN.

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
Stockwater	05-01 TO 11-30	0.20 CFS
Commercial	05-01 TO 11-30	0.20 CFS
Fire Protection	05-01 TO 11-30	0.20 CFS

COMMERCIAL USE IS FOR DUST ABATEMENT.

PLACE OF USE:

Stockwater		Within Adams County
T19N R01E S29	NENE	
Commercial		Within Adams County
T19N R01E S17	SESE	
S20	NENE	NWNE
	SWNE	SENE
	NENW	SENW
	SWSW	SESW
	NESE	NWSE
	SWSE	SESE
S21	NWNW	SENW
	NESW	NWSW
	SWSW	SESW
S28	NWNE	SWNE
	NENW	NWNW
	SWNW	SENW
	NESW	NWSW
	SWSW	SESW
	NWSE	SWSE
S29	NWNE	SWNE
	SENE	NENW
	NWNW	SWNW

PLACE OF USE (continued)

	SENW	NESW
	NWSW	SWSW
	SESW	NESE
	NWSE	SWSE
	SESE	
S30	NENE	SENE
	NESE	SESE
S31	NENE	SENE
	NESE	SWSE
	SESE	
S32	NENE	NWNE
	SWNE	SENE
	NENW	NWNW
	SWNW	SENW
	NWSW	SWSW
	SESW	NESE
	NWSE	SWSE
	SESE	
S33	NWNW	SWNW
	SENW	NESW
	NWSW	SWSW
	SESW	NWSE
	SWSE	

Fire Protection
Same as Stockwater

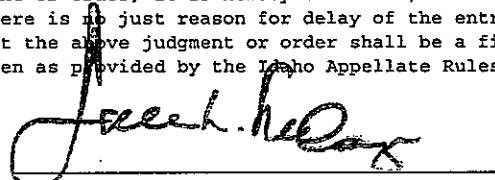
Within Adams County

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR STOCKWATER 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 Re SRBA) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
) Water Right 67-14985

NAME AND ADDRESS: WESTERN PACIFIC TIMBER LLC
101 S CAPITOL BLVD STE 1601
BOISE, ID 83702

SOURCE: HANSON CREEK TRIBUTARY: HORNET CREEK
UNNAMED STREAM TRIBUTARY: HANSON CREEK

QUANTITY: 0.20 CFS

PRIORITY DATE: 05/01/1950

POINT OF DIVERSION:	T17N R02W S21	SESE	(Instream Beginning Point)	Within Adams County
		SESE	(Instream Ending Point)	
	S22	SESW	(Instream Ending Point)	
		SWSE	(Instream Beginning Point)	

WATER FOR COMMERCIAL USE IS DIVERTED FROM THE STREAM REACHES DESCRIBED HEREIN.

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
Fire Protection	05-01 TO 11-30	0.20 CFS
Commercial	05-01 TO 11-30	0.20 CFS

COMMERCIAL USE IS FOR DUST ABATEMENT.

PLACE OF USE:	Commercial	Within Adams County
	T17N R02W S21 LOT 7 (SESE)	
	S22 SWSW	SESW
	SWSE	
	Fire Protection	Within Adams County
	Same as Commercial	

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).

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)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 67-14987

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

OCT 16 2009

NAME AND ADDRESS: WESTERN PACIFIC TIMBER LLC
101 S CAPITOL BLVD STE 1601
BOISE, ID 83702

SOURCE: UNNAMED STREAM TRIBUTARY: BIG CREEK
UNNAMED STREAM TRIBUTARY: MICA CREEK
CABIN CREEK TRIBUTARY: MIDDLE FORK WEISER RIVER
MICA CREEK TRIBUTARY: MIDDLE FORK WEISER RIVER
UNNAMED STREAM TRIBUTARY: MIDDLE FORK WEISER RIVER

By _____ Clerk
Deputy Clerk

QUANTITY: 0.20 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE SHALL
NOT EXCEED 13,000 GALLONS PER DAY.

PRIORITY DATE: 05/01/1940

POINT OF DIVERSION:	T15N R02E S04	NWSE (Instream Ending Point)	Within Adams County
		SESE (Instream Beginning Point)	
	S05	SESE (Instream Beginning Point)	
		SESE (Instream Ending Point)	
	S06	NWNE (Instream Beginning Point)	
		SENE (Instream Ending Point)	
	S07	NESE (Instream Ending Point)	
		SESE (Instream Beginning Point)	
	S17	NENE (Instream Beginning Point)	
		NENE (Instream Beginning Point)	
		NWNE (Instream Ending Point)	
		NENW (Instream Ending Point)	
		NWNW (Instream Ending Point)	
		SENE (Instream Ending Point)	
		SESE (Instream Beginning Point)	
	S20	SWSE (Instream Beginning Point)	

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Stockwater	05-01 TO 11-30	0.20 CFS
	Fire Protection	05-01 TO 11-30	0.20 CFS
	Commercial	05-01 TO 11-30	0.20 CFS

PLACE OF USE:	Stockwater		Within Adams County
	T15N R02E S03	SWNE	SWNW
		SENE	NWSW
	S04	SENE	LOT 4 (NWNW)
	LOT 5	(NWNW)	NWSW
		NESE	NWSE
		SESE	
	S05 LOT 8	(NENE)	LOT 2 (NWNE)
	LOT 7	(NWNE)	SWNE
		SENE	LOT 3 (NENW)
	LOT 6	(NENW)	LOT 4 (NWNW)
	LOT 5	(NWNW)	SENE
		NESE	NWSE
		SESE	
	S06 LOT 8	(NENE)	LOT 7 (NWNE)
		SWNE	LOT 3 (NENW)
	LOT 6	(NENW)	LOT 4 (NWNW)
	LOT 5	(NWNW)	LOT 9 (SNNW)

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

PLACE OF USE (continued)

	SENW		NWSE
S07 LOT 1	(NWNW)	LOT 2	(SWNW)
	NESW	LOT 3	(NWSW)
	NESE		NWSE
	SESE		
S08	NENE		NWNE
	NENW		
S09	NENE		NWNE
	SWNE		SENE
S10	NENW		NWNW
	SWNW		SENW
S17	NENE		NWNE
	SWNE		SENE
	NENW		NWNW
	SWNW		SENW
	NESW		NWSW
	SWSW		SESW
	NESE		NWSE
	SWSE		SESE
S18	NENE		SENE
	NESE		SESE
S19	NENE		
S20	NENE		NWNE
	SWNE		SENE
	NENW		NWNW
	SWNW		SENW
	SENW		NESW
	NWSW		SESW
	NESE		NWSE
	SWSE		SESE
S21	NWNW		SWNW
	SENW		NWSW
	SWSW		

Commercial Within Adams County
Same as Stockwater

Fire Protection Within Adams County
Same as Stockwater

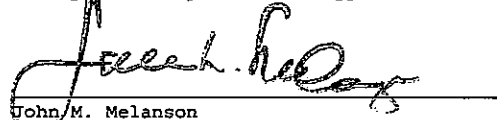
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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.

A handwritten signature in dark ink, appearing to read "John M. Melanson", is written over a horizontal line.

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)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 67-14989

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

OCT 16 2009

NAME AND ADDRESS: WESTERN PACIFIC TIMBER LLC
101 S CAPITOL BLVD STE 1601
BOISE, ID 83702

SOURCE: UNNAMED STREAM TRIBUTARY: FALL CREEK
UNNAMED STREAM TRIBUTARY: WARM SPRING CREEK
BOULDER CREEK TRIBUTARY: MIDDLE FORK WEISER RIVER
FALL CREEK TRIBUTARY: MIDDLE FORK WEISER RIVER

By _____ Clerk
_____ Deputy Clerk

QUANTITY: 0.20 CFS

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

PRIORITY DATE: 05/01/1940

POINT OF DIVERSION: T15N R01E S01 NENE (Instream Beginning Point) Within Adams County
SENE (Instream Ending Point)
S02 NWNW (Instream Ending Point)
S25 NESW (Instream Beginning Point)
S26 NENE (Instream Ending Point)
SENE (Instream Ending Point)
S34 NESE (Instream Beginning Point)
S35 NENE (Instream Beginning Point)

Water for commercial use is diverted from the stream reaches
described herein.

PURPOSE AND
PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
Fire Protection 05-01 TO 11-30 0.20 CFS
Stockwater 05-01 TO 11-30 0.14 CFS
Commercial 05-11 TO 11-30 0.20 CFS

Commercial use is for dust abatement.

PLACE OF USE: Stockwater Within Adams County
T15N R01E S01 NENE SENE
NESE NWSE
S02 NENE NWNE
SWNE SENE
NWNW
S03 NENE
S14 SWNW SENW
NESE NWSE
SWSE SESE
S23 SWNE SENE
NESE SESE
S24 SWNE SENE
SWNW SENW
NWSW SWSW
SESW NESE
NWSE SWSE
SESE
S25 NENE NWNE
SWNE SENE
NENW NWNW
SWNW SENW

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

PLACE OF USE (continued)

	NESW	NWSW
S26	NENE	SENE
	NESE	NWSE
	SESE	
S35	NENE	NWNE
	NENW	NWNW
R02E S19	NWNW	
T16N R01E S34	NESE	SESE
S35	SWNW	SENW
	NWSW	SWSW

Commercial Within Adams County
Same as Stockwater

Fire Protection Within Adams County
Same as Stockwater

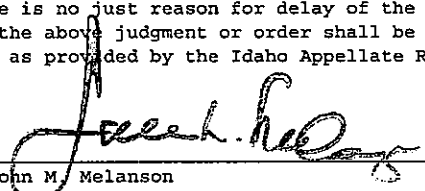
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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).

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John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER OF PARTIAL DECREES was mailed on October 16, 2009, with sufficient first-class postage to the following:

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

WESTERN PACIFIC TIMBER LLC
101 S CAPITOL BLVD STE 1601
BOISE, ID 83702

ORDER

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Deputy Clerk