

RECEIVED

OCT 13 2009

DEPARTMENT OF
WATER RESOURCES

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
OCT - 9 2009
By _____ Clerk
Deputy Clerk

In Re SRBA

Case No. 39576

) Subcases:
) 73-150B (73-12126, 73-12127 & 73-12128)
) 73-151
) 73-174D (73-12131, 73-12132 & 73-12133)
) 73-177 (73-12134, 73-12135 & 73-12136)
) 73-12109 (73-12141, 73-12142 & 73-12143)
)
) (Five E Group LLLP, Stennett and Rio B LLC,
) HWHL LLC, Lone Pine Holding LLC, MLS
) Holdings LLC)
)
) SPECIAL MASTER REPORT
) AND RECOMMENDATION

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 claims 73-150B, 73-151, 73-174D, 73-177 and 73-12109 to Berend and Carla Friehe, for between 1.113 cfs and 9.89 cfs from the Pahsimeroi River to irrigate between 154.7 acres and 688.1 acres in Custer County between April 1 and October 31 with priority dates between July 1, 1897, and February 18, 1926, based on a decree or beneficial use.

On October 9, 2007, IDWR filed *Notices of Completed Administrative Proceedings* for substitutions of parties and splits in 73-150B (73-12126, 73-12127 & 73-12128), 73-174D (73-12131, 73-12132 & 73-12133), 73-177 (73-12134, 73-12135 & 73-12136) and 73-12109 (73-12141, 73-12142 & 73-12143). The new owners are:

Five E Group LLLP
3094 S. Abigail Way
Boise, Idaho, 83706

73-12126

73-12131

73-12134

73-12141

W. Clinton Stennett
P.O. Box 475
Ketchum, Idaho, 83340
73-12127
73-12132
73-12135
73-12142

Rio B LLC
HWHL LLC
Lone Pine Holding LLC
MLS Holdings LLC
3007 Can-Ada Road
Melba, Idaho, 83641
73-12128
73-12133
73-12136
73-12143

IDWR filed another *NCAP* in subcase 73-151 on October 9, 2007, for a substitution of party with new owners:

Rio B LLC
HWHL LLC
Lone Pine Holding LLC
MLS Holdings LLC
3007 Can-Ada Road
Melba, Idaho, 83641

Rio B LLC, Lone Pine Holding LLC and MLS Holdings LLC (Brett MacNeil) filed *Objections* in subcases 73-151, 73-12128, 73-12133, 73-12136 and 73-12143 on December 17, 2007, objecting to quantity, period of year and place of use. IDWR recommended subcases 73-150B, 73-174D, 73-177 and 73-12109 be disallowed because of the splits and no one contested them. That left subcases 73-12126, 73-12127, 73-12131, 73-12132, 73-12134, 73-12135, 73-12141 and 73-12142 uncontested.

An initial hearing was held on August 11, 2009, in Challis, Idaho. W. Clinton Stennett appeared *pro se* as did most of the claimants; Chris M. Bromley appeared for IDWR; and Brett MacNeil failed to appear or contact the SRBA Court. The Special Master entered an *Order to Show Cause* setting a hearing on Mr. MacNeil's *Objections* for September 24, 2009, advising him that his failure to appear would result in the Special Master recommending the claims to

which he objected be decreed as agreed to by the other parties and IDWR. Mr. MacNeil failed to appear or contact the Court.

Five E Group LLLP, W. Clinton Stennett and Rio B LLC, HWHL LLC, Lone Pine Holding LLC, MLS Holdings LLC are entitled to partial decrees adjudicating water rights for claims 73-151, 73-12126, 73-12127, 73-12128, 73-12131, 73-12132, 73-12133, 73-12134, 73-12135, 73-12136, 73-12141, 73-12142 and 73-12143 as recommended by IDWR and as described in the attached *Special Master Recommendations for Partial Decrees for Water Rights*.

Recommendation

THEREFORE, IT IS RECOMMENDED that claims 73-150B, 73-174D, 73-177 and 73-12109 be **disallowed** because of the splits.

DATED October 9, 2009.



TERRENCE A. DOLAN
Special Master
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 73-00151

DISTRICT COURT - LRAA	
Fifth Judicial District	
County of Twin Falls - State of Idaho	
OCT - 9 2009	
By _____	Clerk _____
Deputy Clerk _____	

NAME AND ADDRESS: HWHL LLC
LONE PINE HOLDING LLC
MLS HOLDINGS LLC
RIO B LLC
3007 CAN-ADA RD
MELBA, ID 83641

SOURCE: PAHSIMEROI RIVER TRIBUTARY: SALMON RIVER

QUANTITY: 3.20 CFS

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands herein.

PRIORITY DATE: 07/01/1897

POINT OF DIVERSION: T13N R23E S33 SWNE Within Custer County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	3.20 CFS

PLACE OF USE:	Irrigation	Within Custer County
	T13N R23E S28	NENW 24.0 SWNW 18.0 SWSW 1.7 NWNE 2.0 NNW 13.0
	S33	NNW 35.0 SENE 11.0 SESW 16.0 NENW 34.0
	154.7 Acres Total	

Right Nos. 73-151, 73-12143, 73-12128, 73-12133, 73-12136 and 73-12140 are limited to the irrigation of a combined total of 372.5 acres in a single irrigation season.

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).

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

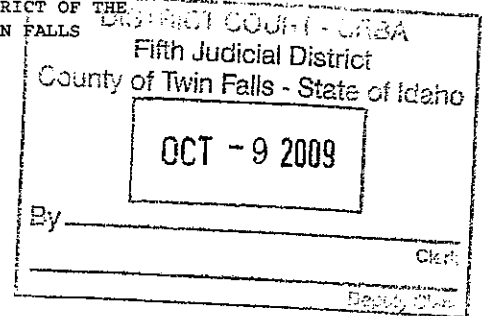
RECOMMENDATION
OCT - 9 2009
<i>Thomas A. Olson</i> SPECIAL MASTER

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 73-12126



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

SOURCE: PAHSIMEROI RIVER TRIBUTARY: SALMON RIVER

QUANTITY: 0.17 CFS

The total amount of water diverted under this water right may
not exceed 0.14 cfs at the points of diversion described in the
NWNW T12N R23E S2, NESW T13N R23E S28 or NWNW T13N R23E S34.

PRIORITY DATE: 07/01/1897

POINT OF DIVERSION: T11N R24E S06 NENE Within Custer County
T12N R23E S02 NWNW
T13N R23E S28 NESW
S34 NWNW

PURPOSE AND
PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
Irrigation 04-01 TO 10-31 0.17 CFS

PLACE OF USE: Irrigation Within Custer County
T13N R23E S27 SWSW 15.0
S34 NENW 40.0 SWNW 19.0
SENE 29.0
103.0 Acres Total

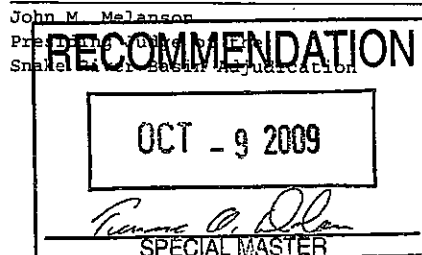
Right Nos. 73-12126, 73-12131, 73-12134 and 73-12141 are
limited to the irrigation of a combined total of 103 acres
in a single irrigation season.

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).

RULE 54(b) CERTIFICATE

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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.



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 73-12127

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho OCT - 9 2009 By _____ Clerk Date _____
--

NAME AND ADDRESS: W CLINTON STENNETT
PO BOX 475
KETCHUM, ID 83340

SOURCE: PAHSIMEROI RIVER TRIBUTARY: SALMON RIVER

QUANTITY: 0.34 CFS

The total amount of water diverted under this water right may not exceed 0.30 cfs at the points of diversion described in the NWNW T12N R23E S2, NESW T13N R23E S28 or NWNW T13N R23E S34.

PRIORITY DATE: 07/01/1897

POINT OF DIVERSION:	T11N R24E S06	NENE	Within Custer County
	T12N R23E S02	NWNW	
	T13N R23E S28	NESW	
	S34	NWNW	

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	0.34 CFS

PLACE OF USE:	Irrigation	Within Custer County
	T13N R23E S27	NWSW 4.7 SWSW 18.0
	S28	NESE 23.0 SWSE 1.0
		SESE 32.0
	S33	NENE 40.0 NWNE 15.8
		SWNE 18.1 SENE 40.0
		SWNW 20.0
	212.6 Acres Total	

Right Nos. 73-12127, 73-12132, 73-12135, 73-12139 and 73-12142 are limited to the irrigation of a combined total of 212.6 acres in a single irrigation season.

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).

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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

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

In Re SRBA)
Case No. 39576)

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

Water Right 73-12128

OCT - 9 2009

By _____

NAME AND ADDRESS:

HWHL LLC
LONE PINE HOLDING LLC
MLS HOLDINGS LLC
RIO B LLC
3007 CAN-ADA RD
MELBA, ID 83641

SOURCE:

PAHSIMEROI RIVER TRIBUTARY: SALMON RIVER

QUANTITY:

0.60 CFS

The total amount of water diverted under this water right may not exceed 0.53 cfs at the points of diversion described in the NWNW T12N R23E S2, NESW T13N R23E S28 or NWNW T13N R23E S34.

PRIORITY DATE:

07/01/1897

POINT OF DIVERSION:

T11N R24E S06	NENE	Within Custer County
T12N R23E S02	NWNW	
T13N R23E S28	NESW	
S34	NWNW	

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
Irrigation	04-01 TO 10-31	0.60 CFS

PLACE OF USE:

Place of Use	Acres	Within Custer County
Irrigation		
T13N R23E S28	NENW 24.0	NWNW 35.0
	SWNW 31.0	SENE 22.0
	NESW 27.0	NWSW 30.0
	SWSW 2.4	SESW 40.0
	NWSE 32.0	SWSE 31.0
S33	NWNE 24.2	SWNE 20.9
	NENW 40.0	NWNW 13.0
372.5 Acres Total		

Right Nos. 73-151, 73-12128, 73-12133, 73-12136, 73-12140 and 73-12143 are limited to the irrigation of a combined total of 372.5 acres in a single irrigation season.

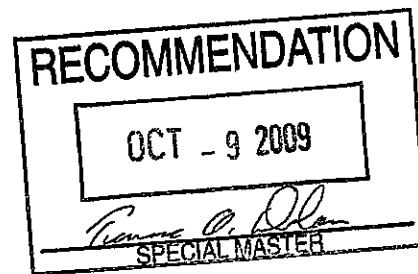
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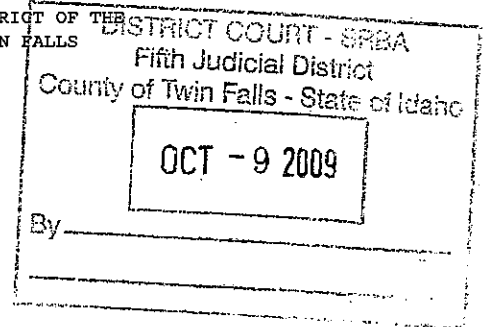


IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
)
Case No. 39576)
)

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

Water Right 73-12131



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

SOURCE: PAHSIMEROI RIVER TRIBUTARY: SALMON RIVER

QUANTITY: 0.60 CFS

The total amount of water diverted under this water right may
not exceed .52 cfs at the points of diversion described in the
NWNW T12N R23E S2, NESW T13N R23E S28 or NWNW T13N R23E S34.

PRIORITY DATE: 08/07/1905

POINT OF DIVERSION:	T11N R24E S06	NENE	Within Custer County
	T12N R23E S02	NWNW	
	T13N R23E S28	NESW	
	S34	NWNW	

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	0.60 CFS

PLACE OF USE:	Irrigation	Within Custer County
	T13N R23E S27	SWSW 15.0
	S34	NENW 40.0
		SENE 29.0
	103.0 Acres Total	

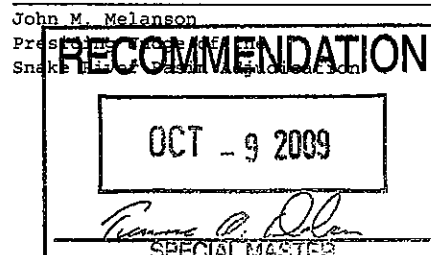
Right Nos. 73-12126, 73-12131, 73-12134 and 73-12141 are limited
to the irrigation of a combined total of 103 acres in a single
irrigation season.

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

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
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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

OCT - 9 2009

In Re SRBA)
Case No. 39576)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 73-12132

NAME AND ADDRESS: W CLINTON STENNETT
PO BOX 475
KETCHUM, ID 83340

SOURCE: PAHSIMEROI RIVER TRIBUTARY: SALMON RIVER

QUANTITY: 1.24 CFS

The total amount of water diverted under this water right may
not exceed 1.08 cfs at the points of diversion described in the
NWNW T12N R23E S2, NESW T13N R23E S28 or NWNW T13N R23E S34.

PRIORITY DATE: 08/07/1905

POINT OF DIVERSION: T11N R24E S06 NENE Within Custer County
T12N R23E S02 NWNW
T13N R23E S28 NESW
S34 NWNW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	1.24 CFS

PLACE OF USE:	Irrigation	Within Custer County
	T13N R23E S27 NWSW 4.7	SWSW 18.0
	S28 NESE 23.0	SWSE 1.0
	SESE 32.0	
	S33 NENE 40.0	NWNE 15.8
	SWNE 18.1	SENE 40.0
	S34 SNNW 20.0	
	212.6 Acres Total	

Right Nos. 73-12127, 73-12132, 73-12135, 73-12139 and 73-12142
are limited to the irrigation of a combined total of 212.6 acres
in a single irrigation season.

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

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
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John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication



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

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

OCT - 9 2009

By _____

In Re SRBA)
)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 73-12133

NAME AND ADDRESS: HWHL LLC
LONE PINE HOLDING LLC
MLS HOLDINGS LLC
RIO B LLC
3007 CAN-ADA RD
MELBA, ID 83641

SOURCE: PAHSIMEROI RIVER TRIBUTARY: SALMON RIVER

QUANTITY: 2.16 CFS

The total amount of water diverted under this water right may
not exceed 1.89 cfs at the points of diversion described in the
NWNW T12N R23E S2, NESW T13N R23E S28 or NWNW T13N R23E S34.

PRIORITY DATE: 08/07/1905

POINT OF DIVERSION: T11N R24E S06 NENE Within Custer County
T12N R23E S02 NWNW
T13N R23E S28 NESW
S34 NWNW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	2.16 CFS

PLACE OF USE:	Irrigation	Within Custer County
T13N R23E S28	NENW 24.0	NWNW 35.0
	SNNW 31.0	SENN 22.0
	NESW 27.0	NWSW 30.0
	SWSW 2.4	SESW 40.0
	NWSE 32.0	SWSE 31.0
S33	NWNE 24.2	SWNE 20.9
	NENW 40.0	NWNW 13.0
372.5 Acres Total		

Right Nos. 73-151, 73-12128, 73-12133, 73-12136, 73-12140 and
73-12143 are limited to the irrigation of a combined total of
372.5 acres in a single irrigation season.

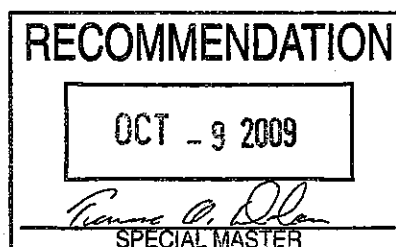
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 73-12134

DISTRICT COURT - SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho
OCT - 9 2009
By _____
Clerk
Deputy Clerk

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

SOURCE: PAHSIMEROI RIVER TRIBUTARY: SALMON RIVER

QUANTITY: 0.96 CFS

The total amount of water diverted under this water right may not exceed .6 cfs at the points of diversion described in the NWNW T12N R23E S2, NESW T13N R23E S28 or NWNW T13N R23E S34.

PRIORITY DATE: 11/19/1903

POINT OF DIVERSION: T11N R24E S06 NENE Within Custer County
T12N R23E S02 NWNW
T13N R23E S28 NESW
S34 NWNW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	0.96 CFS

PLACE OF USE: Irrigation Within Custer County
T13N R23E S27 SWSW 15.0
S34 NENW 40.0 SWNW 19.0
SENW 29.0
103.0 Acres Total

Right Nos. 73-12126, 73-12131, 73-12134, and 73-12141 are limited to the irrigation of a combined total of 103 acres in a single irrigation season.

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).

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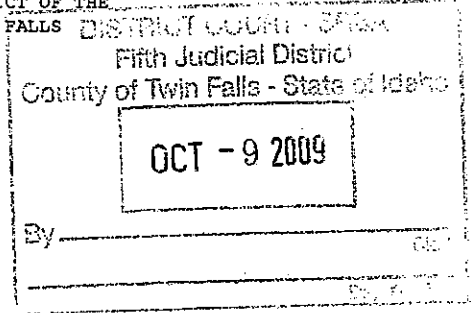
John M. Melanson

Presiding Judge of the
State of Idaho

RECOMMENDATION
OCT - 9 2009
SPECIAL MASTER

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 73-12135



NAME AND ADDRESS: W CLINTON STENNETT
PO BOX 475
KETCHUM, ID 83340

SOURCE: PAHSIMEROI RIVER TRIBUTARY: SALMON RIVER

QUANTITY: 1.98 CFS

The total amount of water diverted under this water right may not exceed 1.23 cfs at the points of diversion described in the NWNW T12N R23E S2, NESW T13N R23E S28 or NWNW T13N R23E S34.

PRIORITY DATE: 11/19/1903

POINT OF DIVERSION: T11N R24E S06 NENE Within Custer County
T12N R23E S02 NWNW
T13N R23E S28 NESW
S34 NWNW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	1.98 CFS

PLACE OF USE:	Irrigation		Within Custer County
	T13N R23E S27	NWSW 4.7	SWSW 18.0
	S28	NESE 23.0	SWSE 1.0
		SESE 32.0	
	S33	NENE 40.0	NWNE 15.8
		SWNE 18.1	SENE 40.0
	S34	SWNW 20.0	
	212.6 Acres Total		

Right Nos. 73-12127, 73-12132, 73-12135, 73-12139 and 73-12142 are limited to the irrigation of a combined total of 212.6 acres in a single irrigation season.

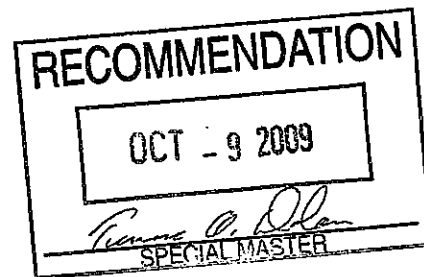
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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).

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

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

OCT - 9 2009

In Re SRBA)
)
Case No. 39576)
)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 73-12136

NAME AND ADDRESS: HWHL LLC
LONE PINE HOLDING LLC
MLS HOLDINGS LLC
RIO B LLC
3007 CAN-ADA RD
MELBA, ID 83641

SOURCE: PAHSIMEROI RIVER TRIBUTARY: SALMON RIVER

QUANTITY: 3.46 CFS

The total amount of water diverted under this water right may not exceed 2.15 cfs at the points of diversion described in the NWNW T12N R23E S2, NESW T13N R23E S28 or NWNW T13N R23E S34.

PRIORITY DATE: 11/19/1903

POINT OF DIVERSION: T11N R24E S06 NENE Within Custer County
T12N R23E S02 NWNW
T13N R23E S28 NESW
S34 NWNW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	3.46 CFS

PLACE OF USE:	Irrigation	Within Custer County
T13N R23E S28	NENW 24.0	NWNW 35.0
	SWNW 31.0	SENE 22.0
	NESW 27.0	NWSW 30.0
	SWSW 2.4	SESW 40.0
	NWSE 32.0	SWSE 31.0
S33	NWNE 24.2	SWNE 20.9
	NENW 40.0	NWNW 13.0
372.5 Acres Total		

Right Nos. 73-151, 73-12128, 73-12133, 73-12136, 73-12140 and 73-12143 are limited to the irrigation of a combined total of 372.5 acres in a single irrigation season.

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).

RULE 54(b) CERTIFICATE

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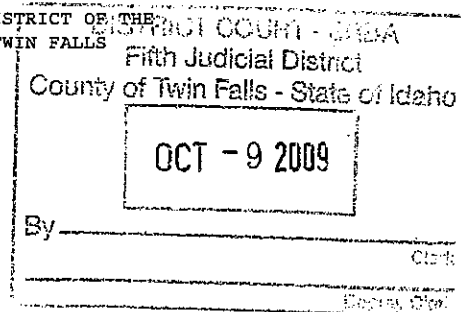
John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication



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 73-12141



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

SOURCE: PAHSIMEROI RIVER TRIBUTARY: SALMON RIVER

QUANTITY: 1.48 CFS

PRIORITY DATE: 02/18/1926

POINT OF DIVERSION: T11N R24E S06 SENE Within Custer County
T12N R23E S02 LOT 4 (NWNW)
T13N R23E S28 NESW
S34 NWNW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	1.48 CFS

PLACE OF USE: Irrigation Within Custer County
T13N R23E S27 SWSW 15.0
S34 NENW 40.0 SWNW 19.0
SENW 29.0
103.0 Acres Total

Right Nos. 73-12126, 73-12131, 73-12134, and 73-12141 are limited to the irrigation of a combined total of 103 acres in a single irrigation season.

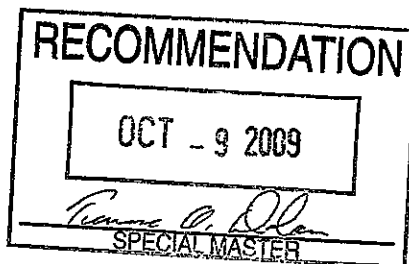
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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).

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

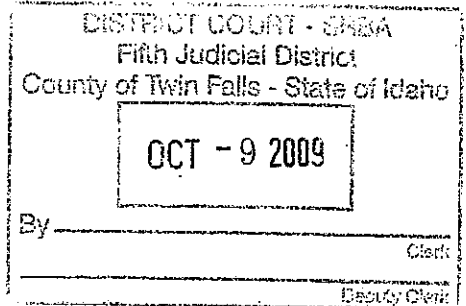


IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
Case No. 39576)
_____)

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

Water Right 73-12142



NAME AND ADDRESS: W CLINTON STENNETT
PO BOX 475
KETCHUM, ID 83340

SOURCE: PAHSIMEROI RIVER TRIBUTARY: SALMON RIVER

QUANTITY: 3.06 CFS

PRIORITY DATE: 02/18/1926

POINT OF DIVERSION: T11N R24E S06 SENE Within Custer County
T12N R23E S02 LOT 4 (NWNW)
T13N R23E S28 NESW
S34 NWNW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	3.06 CFS

PLACE OF USE:	Irrigation	Within Custer County
	T13N R23E S27	NWSW 4.7 SWSW 18.0
	S28	NESE 23.0 SWSE 1.0
		SESE 32.0
	S33	NENE 40.0 NWNE 15.8
		SWNE 18.1 SENE 40.0
	S34	SWNW 20.0
	212.6 Acres Total	

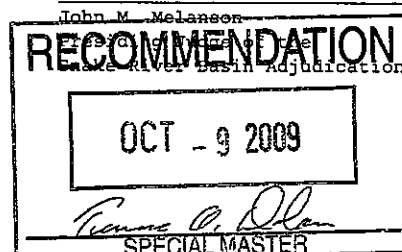
Right Nos. 73-12127, 73-12132, 73-12135, 73-12139 and 73-12142
are limited to the irrigation of a combined total of 212.6 acres
in a single irrigation season.

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).

RULE 54(b) CERTIFICATE

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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
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judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.



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 73-12143

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

OCT - 9 2009

NAME AND ADDRESS: HWHL LLC
LONE PINE HOLDING LLC
MLS HOLDINGS LLC
RIO B LLC
3007 CAN-ADA RD
MELBA, ID 83641

SOURCE: PAHSIMEROI RIVER TRIBUTARY: SALMON RIVER

QUANTITY: 5.35 CFS

PRIORITY DATE: 02/18/1926

POINT OF DIVERSION: T11N R24E S06 SENE Within Custer County
T12N R23E S02 LOT 4 (NWNW)
T13N R23E S28 NESW
S34 NWNW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	5.35 CFS

PLACE OF USE:	Irrigation	Within Custer County
T13N R23E S28	NENW 24.0	NWNW 35.0
	SWNW 31.0	SENE 22.0
	NESW 27.0	NWSW 30.0
	SWSW 2.4	SESW 40.0
	NWSE 32.0	SWSE 31.0
S33	NWNE 24.2	SWNE 20.9
	NENW 40.0	NWNW 13.0
	372.5 Acres Total	

Right Nos. 73-151, 73-12128, 73-12133, 73-12136, 73-12140 and
73-12143 are limited to the irrigation of a combined total of
372.5 acres in a single irrigation season.

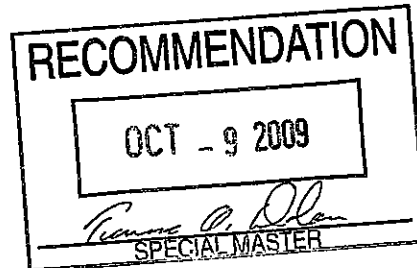
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

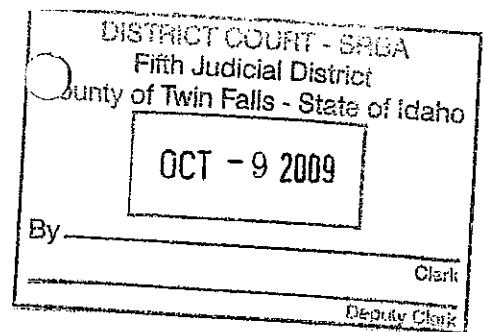
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

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)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

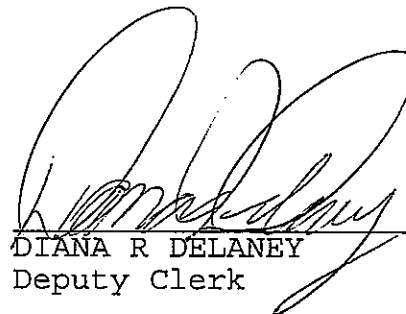
Water Right(s): 73-00150B
(SEE ATTACHED EXHIBIT A)

On October 09, 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 October 09, 2009.

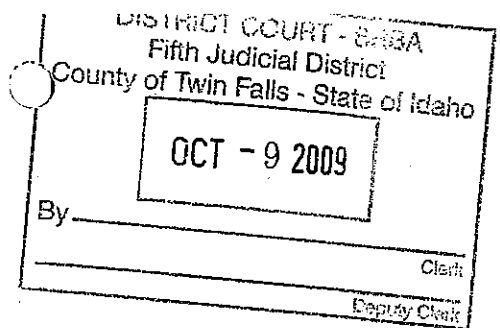


DIANA R DELANEY
Deputy Clerk

Exhibit A

Subcase Nos:

73-00150B
73-00151
73-00174D
73-00177
73-12109
73-12126
73-12127
73-12128
73-12131
73-12132
73-12133
73-12134
73-12135
73-12136
73-12141
73-12142
73-12143



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)
_____)

CERTIFICATE OF MAILING

Water Right(s) : 73-00150B
(SEE ATTACHED EXHIBIT A)

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 October 09, 2009, with sufficient first-class postage prepaid to the following:

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

W CLINTON STENNETT
PO BOX 475
KETCHUM, ID 83340

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

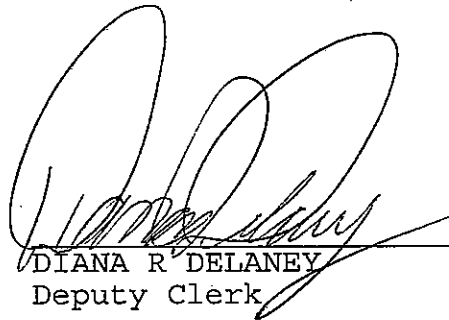
CERTIFICATE OF MAILING

PAGE 1
10/09/09

BEREND FRIEHE
CARLA FRIEHE
2498 RD S NE
MOSES LAKE, WA 98837
Phone: 208-756-4584

HWHL LLC
LONE PINE HOLDING LLC
MLS HOLDINGS LLC
RIO B LLC
3007 CAN-ADA RD
MELBA, ID 83641

FIVE E GROUP LLLP
3094 S ABIGAIL WAY
BOISE, ID 83706



DIANA R. DELANEY
Deputy Clerk