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DEPARTMENT OF  
WATER RESOURCES

|                                       |                    |
|---------------------------------------|--------------------|
| DISTRICT COURT - SRBA                 |                    |
| Fifth Judicial District               |                    |
| County of Twin Falls - State of Idaho |                    |
| JUN 23 2010                           |                    |
| 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 ) SPECIAL MASTER'S REPORT  
Case No. 39576 )  
 ) FINDINGS OF FACT AND  
 ) CONCLUSIONS OF LAW  
 )  
 ) FOR WATER RIGHTS 63-02896,  
 ) 63-03043, 63-03163, 63-03255,  
 ) and 63-07876

I. FINDINGS OF FACT

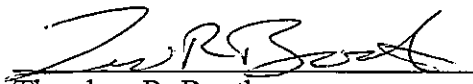
Notices of claim were filed for the above-captioned water rights pursuant to I.C. § 42-1409. The Director of the State of Idaho Department of Water Resources (IDWR) examined the water system for this reporting area. The *Director's Report* contained a recommendation or abstract for the elements of these water rights.

On June 19, 2007, the claimant of the water right, DBSI Tiegs 979 LLC, through its attorney Scott L. Campbell, filed an objection to the *Director's Report* for water right 63-03163. Water rights 63-02896, 63-03043, 63-03255, and 63-07876 were identified as uncontested claims that may be affected by the outcome of contested claim 63-03163. On May 11, 2010, the parties filed a *Standard Form 5 – Stipulated Elements of a Water Right* in subcase 63-03163 which resolved the objection. The Idaho Department of Water Resources concurred with the stipulation.

II. CONCLUSIONS OF LAW

Therefore based on the file and record herein and pursuant to the *Standard Forms 5*, IT IS RECOMMENDED that water rights 63-02896, 63-03043, 63-03163, 63-03255, and 63-07876 be **decreed** with the elements as set forth in the attached *Recommendations for Partial Decrees Pursuant to I.R.C.P. 54(b)*.

Dated June 23, 2010

  
Theodore R. Booth  
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 )  
 ) PARTIAL DECREE PURSUANT TO  
 ) I.R.C.P. 54(b) FOR  
Case No. 39576 )  
 )  
 ) Water Right 63-02896.

NAME AND ADDRESS: DESI TIEGS 979 LLC  
1550 S TECH LN  
MERIDIAN, ID 83642

SOURCE: GROUND WATER

QUANTITY: 3.04 CFS  
675.00 AFY

Right Nos. 63-2896, 63-3043, 63-3255 and 63-7876 are limited to a  
total combined annual diversion volume of 2214 AF.

PRIORITY DATE: 03/24/1952

POINT OF DIVERSION: T01N R02W S05 NWNESE Within Canyon County  
S06 SESENE

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY               |
|-------------------------------|----------------|----------------|------------------------|
|                               | Irrigation     | 03-01 TO 11-15 | 3.04 CFS<br>675.00 AFY |

| PLACE OF USE: | Irrigation                                                    | Within Canyon County   |
|---------------|---------------------------------------------------------------|------------------------|
|               | T01N R02W S05 NESW 40.0<br>S06 SWNE 32.0<br>150.0 Acres Total | NWSW 40.0<br>SENE 38.0 |

Right Nos. 63-2896, 63-3043, 63-3255 and 63-7876 are limited to  
the irrigation of a combined total of 492 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.

Eric J. Wildman  
Presiding Judge of the  
Snake River Basin Adjudication

RECOMMENDATION

JUN 23 2010

*David Booth*  
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 63-03043

NAME AND ADDRESS: DBSI TIEGS 979 LLC  
1550 S TECH LN  
MERIDIAN, ID 83642

SOURCE: GROUND WATER

QUANTITY: 1.92 CFS  
504.00 AFY

Right Nos. 63-2896, 63-3043, 63-3255 and 63-7876 are limited to a  
total combined annual diversion volume of 2214 AF.

PRIORITY DATE: 05/02/1955

POINT OF DIVERSION: T01N R02W S05 SWNNWN. Within Canyon County  
NESESW

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY               |
|-------------------------------|----------------|----------------|------------------------|
|                               | Irrigation     | 03-01 TO 11-15 | 1.92 CFS<br>504.00 AFY |

| PLACE OF USE: | Irrigation        | Within Canyon County                |
|---------------|-------------------|-------------------------------------|
|               | T01N R02W S05     | NENW 10.0<br>NWNW 37.0<br>SENW 40.0 |
|               | 112.0 Acres Total |                                     |

Right Nos. 63-2896, 63-3043, 63-3255 and 63-7876 are limited to  
the irrigation of a combined total of 492 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  
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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.

Eric J. Wildman  
Presiding Judge of the  
Snake River Basin Adjudication

RECOMMENDATION

JUN 23 2010

*Eric J. Wildman*  
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 63-03163

NAME AND ADDRESS: DBSI TIEGS 979 LLC  
1550 S TECH LN  
MERIDIAN, ID 83642

SOURCE: GROUND WATER

QUANTITY: 2.30 CFS  
517.50 AFY

Right Nos. 63-3163 and 63-8053 are limited to a total combined  
annual diversion volume of 824 AF.  
The rights listed below are limited to a total combined annual  
diversion volume of 1125 AF. Combined Right Nos.: 63-3163,  
63-3486 and 63-8053.

PRIORITY DATE: 07/31/1959

POINT OF DIVERSION: T02N R02W S31 SESE Within Canyon County

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY               |
|-------------------------------|----------------|----------------|------------------------|
|                               | Irrigation     | 03-01 TO 11-15 | 2.30 CFS<br>517.50 AFY |

PLACE OF USE: Irrigation Within Canyon County

| Section                    | Acres |
|----------------------------|-------|
| T01N R02W S06 LOT 1 (NENE) | 31.0  |
| LOT 2 (NWNE)               | 5.0   |
| SENE                       | 2.0   |
| T02N R02W S31 SWSE         | 38.0  |
| SESE                       | 39.0  |
| <b>115.0 Acres Total</b>   |       |

The rights listed below are limited to the irrigation of a  
combined total of 250 acres in a single irrigation season.  
Combined Right Nos.: 63-3163, 63-3486 and 63-8053.  
Right Nos. 63-3163 and 63-8053 are limited to the irrigation of  
a combined total of 183 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).

RECOMMENDATION

JUN 23 2010

*David R. Smith*  
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 63-03255

NAME AND ADDRESS: DBSI TIEGS 979 LLC  
1550 S TECH LN  
MERIDIAN, ID 83642

SOURCE: GROUND WATER

QUANTITY: 1.90 CFS  
459.00 AFY

Right Nos. 63-2896, 63-3043, 63-3255 and 63-7876 are limited to a  
total combined annual diversion volume of 2214 AF.

PRIORITY DATE: 08/17/1961

POINT OF DIVERSION: T01N R02W S05 SWSENE Within Canyon County

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY               |
|-------------------------------|----------------|----------------|------------------------|
|                               | Irrigation     | 03-01 TO 11-15 | 1.90 CFS<br>459.00 AFY |

| PLACE OF USE: | Irrigation        | Within Canyon County               |
|---------------|-------------------|------------------------------------|
|               | T01N R02W S05     | SWNE 14.0<br>SENE 8.0<br>NWSE 40.0 |
|               | 102.0 Acres Total |                                    |

Right Nos. 63-2896, 63-3043, 63-3255 and 63-7876 are limited to  
the irrigation of a combined total of 492 acres in a single  
irrigation season.

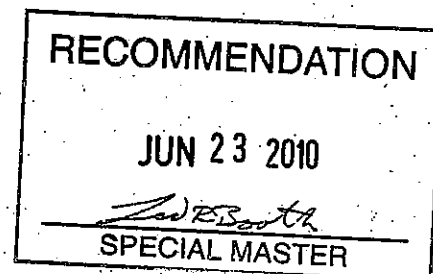
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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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.

Eric J. Wildman  
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 63-07876

NAME AND ADDRESS: DBSI TIEGS 979 LLC  
1550 S TECH LN  
MERIDIAN, ID 83642

SOURCE: GROUND WATER

QUANTITY: 1.70 CFS  
830.00 AFY

Right Nos. 63-2896, 63-3043, 63-3255 and 63-7876 are limited to a  
total combined annual diversion volume of 2214 AF.

PRIORITY DATE: 10/01/1973

POINT OF DIVERSION: T01N R02W S05 NESENW Within Canyon County

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY               |
|-------------------------------|----------------|----------------|------------------------|
|                               | Irrigation     | 04-01 TO 10-31 | 1.70 CFS<br>830.00 AFY |

The use of water for irrigation under this right may begin as  
early as March 1 and may continue to as late as November 15,  
provided other elements of the right are not exceeded. The use  
of water before April 1 and after October 31 under this remark  
is subordinate to all water rights having no subordinated early  
or late irrigation use and a priority date earlier than the date  
a partial decree is entered for this right.

| PLACE OF USE: | Irrigation        | Within Canyon County |
|---------------|-------------------|----------------------|
|               | T01N R02W S05     |                      |
|               | SWNE 12.0         | NENW 33.0            |
|               | NWNW 38.0         | SWNW 26.0            |
|               | SENE 33.0         | NESW 36.0            |
|               | NWSW 33.0         | NESE 34.0            |
|               | NWSE 37.0         | SWSE 37.0            |
|               | SESE 37.0         |                      |
|               | S06               | NWNE 31.0            |
|               | NENE 2.0          | SENE 30.0            |
|               | SWNE 40.0         |                      |
|               | 459.0 Acres Total |                      |

Right Nos. 63-2896, 63-3043, 63-3255 and 63-7876 are limited to  
the irrigation of a combined total of 492 acres in a single  
irrigation season.

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

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RECOMMENDATION

JUN 23 2010

SPECIAL MASTER

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

JUN 23 2010

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 )  
\_\_\_\_\_ )

NOTICE OF ISSUANCE OF  
SPECIAL MASTER'S  
RECOMMENDATION

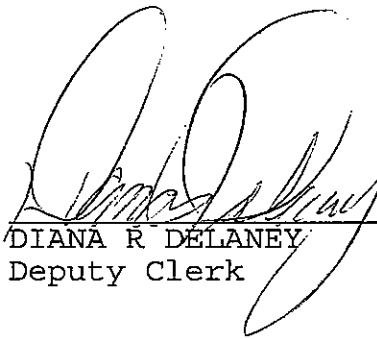
Water Right(s): 63-02896  
63-03043 63-03163 63-03255  
63-07876

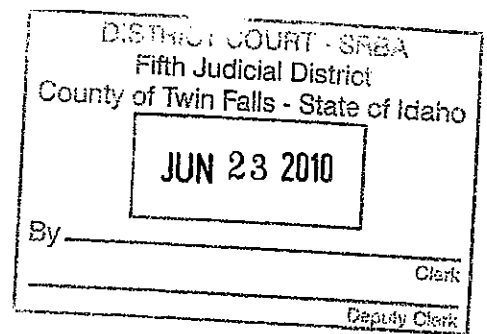
On June 23, 2010, Special Master THEODORE R. BOOTH issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s) pursuant to SRBA Administrative Order 1 (AO1), Section 13a.

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 June 23, 2010.

  
\_\_\_\_\_  
DIANA R. DELANEY  
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 )  
\_\_\_\_\_ )

CERTIFICATE OF MAILING

Water Right(s): 63-02896  
63-03043 63-03163 63-03255  
63-07876

CERTIFICATE OF MAILING

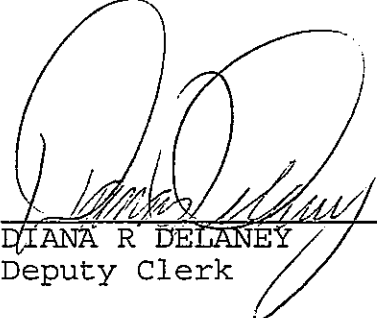
I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on June 23, 2010, with sufficient first-class postage prepaid to the following:

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

STATE OF IDAHO  
Represented by:  
NATURAL RESOURCES DIV CHIEF  
STATE OF IDAHO  
ATTORNEY GENERAL'S OFFICE  
PO BOX 44449  
BOISE, ID 83711-4449

DBSI TIEGS 979 LLC  
Represented by:  
TOM C MORRIS  
3684 N BUNCHBERRY WAY  
BOISE, ID 83704  
Phone: 208-921-4021

CERTIFICATE OF MAILING

  
DIANA R DELANEY  
Deputy Clerk

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06/23/10