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DEPARTMENT OF  
WATER RESOURCES

|                                                                                           |              |
|-------------------------------------------------------------------------------------------|--------------|
| DISTRICT COURT - SRBA<br>Fifth Judicial District<br>County of Twin Falls - State of Idaho |              |
| NOV 29 2012                                                                               |              |
| 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 DECREE

Subcase No. 37-08169

(Big Wood Canal Company)

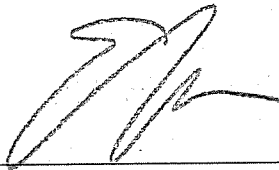
On October 5, 2012, a *Special Master's Report and Recommendation* was filed for the above-captioned water right. No Challenges were filed to the *Special Master's Report and Recommendation* and the time for filing Challenges has now expired.

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 Recommendation* and wholly adopts them as its own.

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

DATED

November 29, 2012.

  
ERIC J. WILDMAN  
Presiding Judge  
Snake River Basin Adjudication

In Re SRBA )  
 )  
Case No. 39576 )  
 )

TO \_\_\_\_\_

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

NOV 29 2012

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

Rights 37-8169 and 37-8166 when combined shall not exceed a total diversion rate of 232 cfs. a total annual maximum diversion volume of 79994.6 AF.

The rights for the use of water confirmed in this license shall be junior and subordinate to all rights for the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this right and shall not give rise to any right or claim against any future rights for the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this right.

| PURPOSE AND PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY      |
|----------------------------|----------------|----------------|---------------|
|                            | Power          | 04-01 TO 11-01 | 232.00 CFS    |
|                            |                |                | 79000.00 ACRY |

Power generation is at the Sagebrush Power Plant. This right authorizes an additional use of water diverted from the Little Wood River for irrigation purposes pursuant to other water rights. This right does not authorize the diversion and use of water in addition to water initially diverted to satisfy irrigation requirements. Use of water under this right shall be non-consumptive.

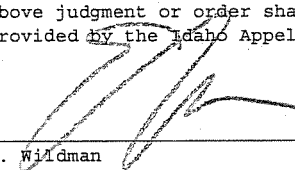
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

The diversion and use of water for hydropower purposes under this license is subject to review by the Director on or after December 31, 2013. Upon appropriate findings relative to the interest of the public, the Director may cancel all or any part of the use authorized herein and may revise, delete or add conditions under which the right may be exercised.

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.



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

2012 NOV 29 PM 02:00  
DISTRICT COURT - SRBA  
TWIN FALLS CO., IDAHO  
FILED \_\_\_\_\_

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     | ) | CERTIFICATE OF MAILING   |
|                | ) |                          |
| Case No. 39576 | ) |                          |
| _____          | ) | Water Right(s): 37-08169 |

CERTIFICATE OF MAILING

I certify that a true and correct copy of the PARTIAL DECREE  
PURSUANT TO I.R.C.P. 54(b) for WATER RIGHT 37-08169 was mailed  
on November 29, 2012, with sufficient first-class postage prepaid  
to the following:

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

BIG WOOD CANAL COMPANY  
Represented by:  
CRAIG D HOBDEY  
HOBDEY LAW OFFICE PLLC  
125 5TH AVE  
PO BOX 176  
GOODING, ID 83330-0176  
Phone: 208-934-4429

JULIE MURPHY  
Chief Deputy Clerk