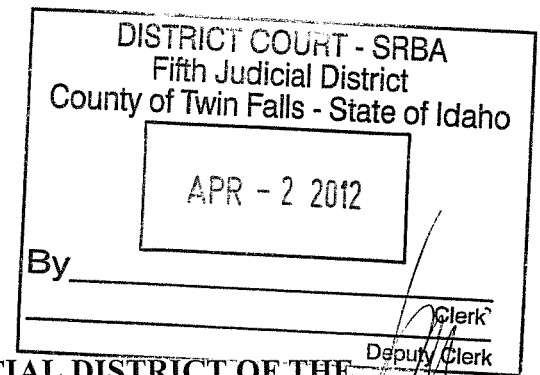


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DEPT. OF WATER RESOURCES

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



In Re SRBA) Subcase No. 22-13211
Case No. 39576) ORDER SETTING ASIDE PARTIAL
DECREE
ORDER OF AMENDED PARTIAL
DECREE

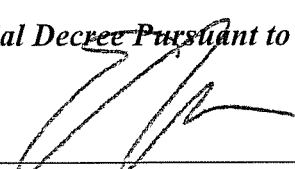
A *Partial Decree* was issued for the above-captioned water right on November 24, 2008. On October 26, 2009, a *Motion to Set Aside Partial Decree* was filed by Cedron Irrigation, LLC, Mahogany Ranch Holdings, Teton Rainbow Ranch, Inc., Trees, Inc., and Wally Rothgeb, Jr. Also on that date, the matter was referred to the Special Master for further proceedings. On November 10, 2011, the Special Master issued a *Special Master's Report and Recommendation*, recommending that the *Motion to Set Aside* be granted, and that an *Amended Partial Decree* be issued with the elements set forth in the attached *Special Master's Recommendation for Amended Partial Decree*. A *Motion to File Late Objection* was filed by Michael Reid on December 21, 2011. The *Motion* was treated by the Special Master as a *Motion to Alter or Amend the Special Master's Report and Recommendation*. On February 23, 2012, the Special Master entered an *Order Denying Motion to Alter or Amend Special Master's Report and Recommendation*, providing that the above-captioned water right claim be decreed as set forth in the November 10, 2011 *Special Master's Report and Recommendation*. No challenges were filed to the *Special Master's Report and Recommendation* or *Order Denying Motion to Alter or Amend*, and the time for filing challenges has 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 *Partial Decree* previously entered for the above-captioned water right is **hereby set aside**.

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

Dated April 2, 2012



ERIC J. WILDMAN
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

AMENDED

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 22-13211



NAME AND ADDRESS: DON LE ROY MILLER
1835 TETON VIEW DR
REXBURG, ID 83440

SOURCE: PARADISE SPRING TRIBUTARY: TETON RIVER

QUANTITY: 0.17 CFS

PRIORITY DATE: 06/01/1904

POINT OF DIVERSION: T04N R45E S30 NENW Within Teton County

PURPOSE AND
PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
Irrigation 04-15 TO 10-31 0.17 CFS

PLACE OF USE: Irrigation Within Teton County
T04N R45E S30 NENW 9.7 LOT 1 (NWNW) 2.1
11.8 Acres Total

Right Nos. 22-13211 and 22-11537 are limited to the irrigation
of a combined total of 11.8 acres in a single irrigation season.
This right is limited to the irrigation of 8.5 acres within the
place of use described above in a single irrigation season.

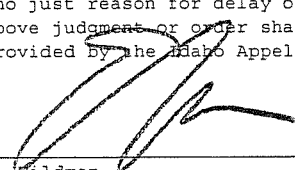
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

For purposes of administration during times of scarcity, this
water right shall not be permitted to make a delivery call in
excess of 7.6 acres and/or 0.17 cfs.

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

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER SETTING
ASIDE PARTIAL DECREE / ORDER OF AMENDED PARTIAL DECREE was mailed
on April 02, 2012, with sufficient first-class postage to the
following:

CEDRON CEMETERY DISTRICT
CEDRON IRRIGATION LLC
TETON RAINBOW RANCHES INC
TREES INC
WALLY ROTHGEB
WALLY ROTHGEB JR

Represented by:
THOMAS J BUDGE
201 E CENTER ST
PO BOX 1391
POCATELLO, ID 83204-1391
Phone: 208-232-6101

MICHAEL REID
PO BOX 801
VICTOR, ID 83455

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

DON LE ROY MILLER
1835 TETON VIEW DR
REXBURG, ID 83440
Phone: 208-356-4299