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DEPT. OF WATER RESOURCES

|                                                                                           |                       |
|-------------------------------------------------------------------------------------------|-----------------------|
| DISTRICT COURT - SRBA<br>Fifth Judicial District<br>County of Twin Falls - State of Idaho |                       |
| APR - 2 2012                                                                              |                       |
| By _____                                                                                  | Clerk<br>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

)  
)  
)  
)  
)

ORDER OF PARTIAL DECREE

Case No. 39576

Subcase No. 22-00455

(Pincock Byington Ditch Co.)

On February 14, 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

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

In Re SRBA )  
 ) PARTIAL DECREE PURSUANT TO  
 ) I.R.C.P. 54(b) FOR  
Case No. 39576 )  
 )  
 ) Water Right 22-00455

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

APR - 2 2012

By

Clerk

Deputy Clerk

NAME AND ADDRESS: PINCOCK BYINGTON DITCH CO  
6245 E HWY 33  
TETON, ID 83451

SOURCE: TETON RIVER TRIBUTARY: HENRYS FORK

QUANTITY: 7.12 CFS

PRIORITY DATE: 03/01/1884

POINT OF DIVERSION: T07N R40E S36 NENWNE Within Fremont County

| PURPOSE AND PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY |
|----------------------------|----------------|----------------|----------|
|                            | Irrigation     | 04-01 TO 10-31 | 7.12 CFS |

| PLACE OF USE: | Irrigation        |           | Within Madison County |
|---------------|-------------------|-----------|-----------------------|
|               | T07N R40E S34     | NENE 39.0 | NWNE 38.0             |
|               |                   | SWNE 2.5  | SENE 7.7              |
|               | S35               | NENE 33.0 | NWNE 31.0             |
|               |                   | NENW 28.0 | NWNW 39.0             |
|               |                   | SWNW 3.7  |                       |
|               |                   |           | Within Fremont County |
|               | S36               | NWNW 35.0 |                       |
|               | 256.9 Acres Total |           |                       |

The rights listed below are limited to the irrigation of a combined total of 256.9 acres in a single irrigation season. Combined Right Nos.: 22-454, 22-455, and 22-658.

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. Waleman  
Presiding Judge of the  
Snake River Basin Adjudication

2012 APR 02 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): 22-00455 |

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 22-00455 was mailed  
on April 02, 2012, with sufficient first-class postage prepaid  
to the following:

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

MILNER IRRIGATION DISTRICT  
Represented by:  
BARKER, ROSHOLT & SIMPSON LLP  
113 MAIN AVE W, STE 303  
PO BOX 485  
TWIN FALLS, ID 83303-0485  
Phone: 208-733-0700

AMERICAN FALLS RESERVOIR  
Represented by:  
C THOMAS ARKOOSH  
CAPITOL LAW GROUP, PLLC  
301 MAIN ST  
PO BOX 32  
GOODING, ID 83330  
Phone: 208-934-8872

FREMONT MADISON IRRIGATION  
PINCOCK BYINGTON DITCH CO

Represented by:  
JERRY R. RIGBY  
25 N 2ND E  
PO BOX 250  
REXBURG, ID 83440-0250  
Phone: 208-356-3633

IGWA INC

Represented by:  
RANDALL C BUDGE  
201 E CENTER, STE A2  
PO BOX 1391  
POCATELLO, ID 83204-1391  
Phone: 208-232-6101

A & B IRRIGATION DISTRICT  
BURLEY IRRIGATION DISTRICT

Represented by:  
ROGER D LING  
615 H ST  
PO BOX 396  
RUPERT, ID 83350-0396  
Phone: 208-436-4717

NORTH SIDE CANAL CO LTD  
TWIN FALLS CANAL COMPANY

Represented by:  
TRAVIS L THOMPSON  
113 MAIN AVE W, STE 303  
PO BOX 485  
TWIN FALLS, ID 83303-0485  
Phone: 208-733-0700

UNITED STATES OF AMERICA  
USDI BUREAU OF RECLAMATION

Represented by:  
US DEPARTMENT OF JUSTICE  
ENVIRONMENT & NATL' RESOURCES  
550 WEST FORT STREET, MSC 033  
BOISE, ID 83724

MINIDOKA IRRIGATION DISTRICT

Represented by:

W KENT FLETCHER

1200 OVERLAND AVE

PO BOX 248

BURLEY, ID 83318

Phone: 208-678-3250

JULIE MURPHY

Chief Deputy Clerk