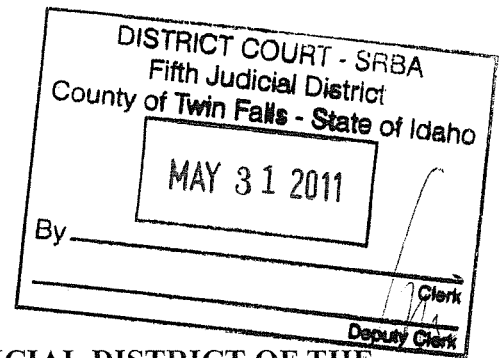


RECEIVED  
JUN 01 2011  
DEPARTMENT OF  
WATER RESOURCES



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

In Re SRBA

Case No. 39576

ORDER OF PARTIAL DECREES

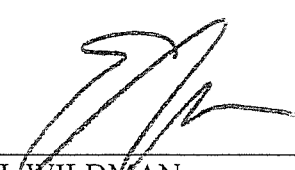
Subcases: 79-14231 & 79-14233  
(Killgores Salmon River Fruit Co.)

On April 28, 2011, a *Special Master's Report and Recommendation* was filed for the above-captioned water rights. 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 wholly adopts them as its own.

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

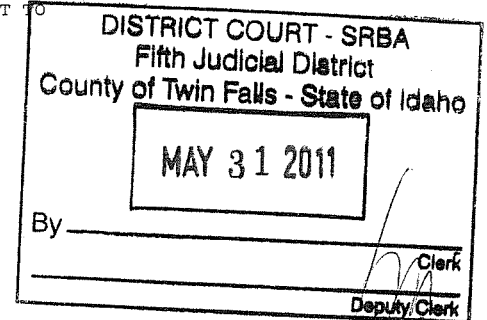
DATED May 31, 2011.

  
\_\_\_\_\_  
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 )  
 )  
Case No. 39576 )  
\_\_\_\_\_ )

PARTIAL DECREE PURSUANT TO  
I.R.C.P. 54(b) FOR  
Water Right 79-14231



NAME AND ADDRESS: KILLGORES SALMON RIVER  
FRUIT CO  
3252 WATER FRONT DR  
WHITE BIRD, ID 83554

SOURCE: SALMON RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 1.27 CFS

Right Nos. 79-14231 and 79-14233 are limited to a total combined  
diversion rate of 2.20 cfs and to a total combined annual  
diversion volume of 440.0 AF.

PRIORITY DATE: 11/21/1966

POINT OF DIVERSION: T27N R01E S23 LOT 5 (SWNE ) Within Idaho County  
LOT 6 (SENE )

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY |
|-------------------------------|----------------|----------------|----------|
|                               | Irrigation     | 03-01 TO 11-30 | 1.27 CFS |

| PLACE OF USE: | Irrigation        |             |       | Within Idaho County |
|---------------|-------------------|-------------|-------|---------------------|
|               | T27N R01E S23     | NENE 3.6    | LOT 1 | (NENE) 31.0         |
|               |                   | NWNE 5.2    | LOT 5 | (NWNE) 6.5          |
|               |                   | SWNE 1.0    | LOT 5 | (SWNE) 16.7         |
|               | LOT 6             | (SENE) 19.0 |       |                     |
|               | S24               | NWNW 1.0    | LOT 2 | (NWNW) 14.0         |
|               | LOT 2             | (SWNW) 12.0 |       |                     |
|               | 110.0 Acres Total |             |       |                     |

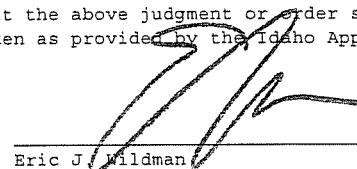
Right Nos. 79-14231 and 79-14233 are limited to the irrigation of  
a combined total of 110 acres in a single irrigation season.

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).

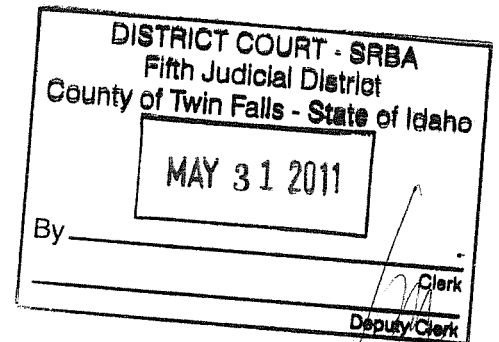
RULE 54(b) CERTIFICATE

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

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 79-14233



NAME AND ADDRESS: KILLGORES SALMON RIVER  
FRUIT CO  
3252 WATER FRONT DR  
WHITE BIRD, ID 83554

SOURCE: JOE CREEK TRIBUTARY: SALMON RIVER

QUANTITY: 2.20 CFS

Right Nos. 79-14231 and 79-14233 are limited to a total combined  
diversion rate of 2.20 cfs and to a total combined annual  
diversion volume of 440.0 AF.

PRIORITY DATE: 04/01/1965

POINT OF DIVERSION: T27N R01E S23 NWSW Within Idaho County

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY |
|-------------------------------|----------------|----------------|----------|
|                               | Irrigation     | 02-15 TO 11-30 | 2.20 CFS |

| PLACE OF USE: | Irrigation        | Within Idaho County        |
|---------------|-------------------|----------------------------|
|               | T27N R01E S23     | NENE 3.6 LOT 1 (NENE) 31.0 |
|               |                   | NWNE 5.2 LOT 5 (NWNE) 6.5  |
|               |                   | SWNE 1.0 LOT 5 (SWNE) 16.7 |
|               | LOT 6             | (SENE) 19.0                |
|               | S24               | NWNW 1.0 LOT 2 (NWNW) 14.0 |
|               | LOT 2             | (SWNW) 12.0                |
|               | 110.0 Acres Total |                            |

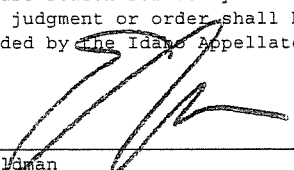
Right Nos. 79-14231 and 79-14233 are limited to the irrigation of  
a combined total of 110 acres in a single irrigation season.

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

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER OF PARTIAL DECREES was mailed on May 31, 2011, with sufficient first-class postage to the following:

KILLGORES SALMON RIVER

Represented by:

S. BRYCE FARRIS

RINGERT LAW CHARTERED

455 S THIRD ST

PO BOX 2773

BOISE, ID 83701-2773

Phone: 208-342-4591

DIRECTOR OF IDWR

PO BOX 83720

BOISE, ID 83720-0098

A handwritten signature in cursive script, appearing to read "Julie Murphy", is written over a horizontal line.