

63-27697
et al

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MAY 11 2011

DEPARTMENT OF
WATER RESOURCES

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

MAY 10 2011

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 DECREES

Subcases: See Attached Exhibit A
(T-7 LLC)

On November 10, 2010, a *Special Master's Report and Recommendation* was filed for the above-captioned water rights. On December 27, 2010, a *Motion to Alter or Amend* was filed for said rights. On April 6, 2011, the Special Master issued an *Order Amending August 23, 2010, Memorandum Decision and Order on Motions for Summary Judgment*, in resolution of the *Motion to Alter or Amend*. No Challenges were filed to the *Order Amending August 23, 2010, Memorandum Decision and Order on Motions for Summary Judgment* and the time for filing Challenges has now expired.

Pursuant to I.R.C.P. 53(e)(2) and *SRBA Administrative Order I*, 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 10, 2011.


ERIC J. WILDMAN
Presiding Judge
Snake River Basin Adjudication

EXHIBIT A - T-7 LLC

Subcase Nos:

63-27649
63-30006
63-30007
63-31050
63-31052
63-31053
63-31055

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 63-27649

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

MAY 10 2011

NAME AND ADDRESS: T-7 LLC
3858 GARDEN CENTER WY, STE 300
BOISE, ID 83703

SOURCE: SPRINGS TRIBUTARY: STEWART CREEK

QUANTITY: 0.066 CFS
17.00 AFY

By _____ Clerk
_____ Deputy Clerk

This right when combined with all other rights shall provide no
more than .02 cfs per acre.
The rights listed below are limited to a total combined
diversion rate of 0.16 cfs. Combined Right Nos.: 63-27649,
63-27671, 63-31054, 63-31055

PRIORITY DATE: 06/01/1899

POINT OF DIVERSION: T04N R02E S22 NWNENW Within Ada County
NENWNW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-01 TO 11-15	0.066 CFS
	Irrigation Storage	01-01 TO 12-31	17.00 AFY
	Recreation Storage	01-01 TO 12-31	17.00 AFY
	Aesthetic Storage	01-01 TO 12-31	17.00 AFY

PLACE OF USE: Irrigation Within Ada County
T04N R02E S22 NENW 2.0 NWNW 2.0
SWNW 2.0
6.0 Acres Total

Recreation Storage Within Ada County
T04N R02E S22 NENW SENW

Aesthetic Storage Within Ada County
T04N R02E S22 NENW SENW

The rights listed below are limited to the irrigation of a
combined total of 17 acres in a single irrigation season.
Combined Right Nos.: 63-27649, 63-27671, 63-31054, 63-31055 .The
rights listed below are limited to the irrigation of a combined
total of 178 acres in a single irrigation season. Combined Right
Nos.: 63-12, 63-13, 63-15, 63-308, 63-3603, 63-7595, 63-27649,
63-27671, 63-31050, 63-31052, 63-31053, 63-31054, 63-31055 and
63-31056.

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).

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 63-30006

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

MAY 10 2011

NAME AND ADDRESS: T-7 LLC
3858 GARDEN CENTER WY, STE 300
BOISE, ID 83703

SOURCE: GROUND WATER

QUANTITY: 0.04 CFS
1.00 AFY

PRIORITY DATE: 03/01/1938

POINT OF DIVERSION: T04N R02E S22 SWNW Within Ada County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Recreation Storage	01-01 TO 12-31	1.00 AFY
	Aesthetic Storage	01-01 TO 12-31	1.00 AFY

PLACE OF USE:	Recreation Storage	Within Ada County
	T04N R02E S22	SWNW
	Aesthetic Storage	Within Ada County
	T04N R02E S22	SWNW

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).

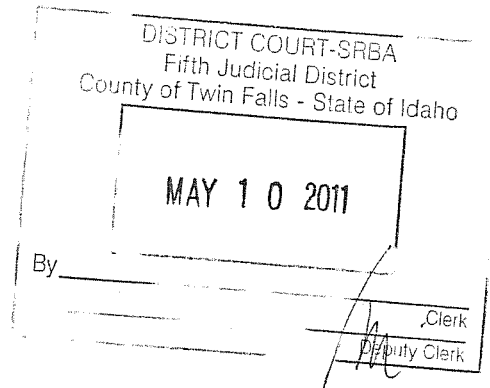
RULE 54(b) CERTIFICATE

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)
Case No. 39576)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 63-30007



NAME AND ADDRESS: T-7 LLC
3858 GARDEN CENTER WY, STE 300
BOISE, ID 83703
SOURCE: SPRING TRIBUTARY: STEWART GULCH CREEK
QUANTITY: 0.022 CFS
PRIORITY DATE: 03/01/1938
POINT OF DIVERSION: T04N R02E S22 SWNNWN Within Ada County

PURPOSE AND
PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
Irrigation 03-01 TO 11-15 0.022 CFS
Irrigation is for a nursery/greenhouses.

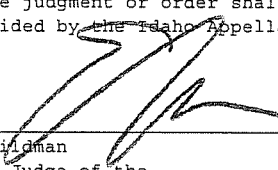
PLACE OF USE: Irrigation Within Ada County
T04N R02E S22 NWNW 3.0 SWNW 3.5
6.5 Acres Total

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. Wigdman
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)
)
Case No. 39576)
)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 63-31050

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

MAY 10 2011

By

Clerk

Deputy Clerk

NAME AND ADDRESS: T-7 LLC
3858 GARDEN CENTER WY, STE 300
BOISE, ID 83703

SOURCE: GROUND WATER

QUANTITY: 0.02 CFS
4.50 AFY

The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.
This right when combined with all other rights shall provide no more than .02 cfs per acre.
The annual diversion volume refers to the irrigation use only.

PRIORITY DATE: 06/01/1944

POINT OF DIVERSION: T04N R02E S22 SWNW Within Ada County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-01 TO 11-15	0.02 CFS
			4.50 AFY
	Stockwater	01-01 TO 12-31	0.02 CFS
	Aesthetic	01-01 TO 12-31	0.02 CFS
	Wildlife	01-01 TO 12-31	0.02 CFS

PLACE OF USE:	Irrigation	Within Ada County
	T04N R02E S22	SWNW 1.0
	1.0 Acres Total	
	Stockwater	Within Ada County
	T04N R02E S22	SWNW
	Wildlife	Within Ada County
	T04N R02E S22	SWNW
	Aesthetic	Within Ada County
	T04N R02E S22	SWNW

The rights listed below are limited to the irrigation of a combined total of 178 acres in a single irrigation season.
Combined Right Nos.: 63-12, 63-13, 63-15, 63-308, 63-3603, 63-7595, 63-27649, 63-27671, 63-31050, 63-31052, 63-31053, 63-31054, 63-31055 and 63-31056.

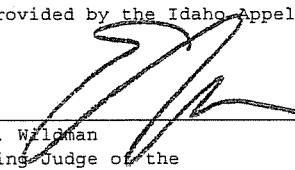
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.

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)
)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 63-31052

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

MAY 10 2011

By _____

Clerk

Deputy Clerk

NAME AND ADDRESS: T-7 LLC
3858 GARDEN CENTER WY, STE 300
BOISE, ID 83703

SOURCE: GROUND WATER

QUANTITY: 0.12 CFS
86.90 AFY

This right when combined with all other rights shall provide no
more than .02 cfs per acre.

PRIORITY DATE: 04/24/1948

POINT OF DIVERSION: T04N R02E S22 SWNW Within Ada County

This well diverts low temperature geothermal water.

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
Irrigation	03-01 TO 11-15	0.12 CFS
		3.00 AFY
Heating	01-01 TO 12-31	0.12 CFS
		79.64 AFY
Recreation	01-01 TO 12-31	0.12 CFS
Aesthetic	01-01 TO 12-31	0.12 CFS
Aesthetic Storage	01-01 TO 12-31	3.00 AFY

Low temperature geothermal water diverted under this right will
be used for heating purposes first to the extent possible before
it is used for irrigation, recreation, aesthetic or aesthetic
storage purposes. Diversion of low temperature geothermal water
for irrigation under this right shall occur only when cold water
sources covering the place of use are insufficient or cannot be
used.

PLACE OF USE:

Irrigation Within Ada County
T04N R02E S22 SWNW 1.0
1.0 Acres Total

Heating Within Ada County
T04N R02E S22 SWNW

Recreation Within Ada County
Same as Irrigation

Aesthetic Within Ada County
T04N R02E S22 SWNW

The rights listed below are limited to the irrigation of a
combined total of 178 acres in a single irrigation season.
Combined Right Nos.: 63-12, 63-13, 63-15, 63-308, 63-3603,
63-7595, 63-27649, 63-27671, 63-31050, 63-31052, 63-31053,
63-31054, 63-31055, and 63-31056.

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

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS

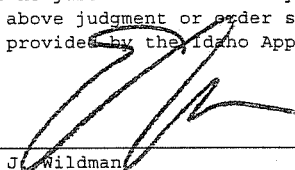
SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

OTHER PROVISIONS (continued)

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

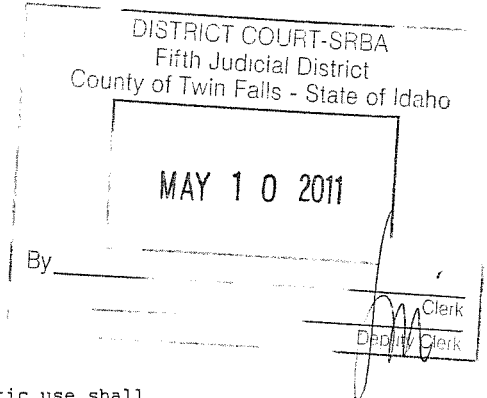
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Eric J. Wildman
Presiding Judge of the
Snake River Basin Adjudication

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 63-31053



NAME AND ADDRESS: T-7 LLC
3858 GARDEN CENTER WY, STE 300
BOISE, ID 83703

SOURCE: GROUND WATER

QUANTITY: 0.08 CFS
4.50 AFY

The quantity of water under this right for domestic use shall not exceed 13,000 gallons per day.
This right when combined with all other rights shall provide no more than .02 cfs per acre.
The annual diversion volume refers to the irrigation use only.

PRIORITY DATE: 01/01/1938

POINT OF DIVERSION: T04N R02E S22 SWNW Within Ada County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-01 TO 11-15	0.02 CFS
			4.50 AFY
	Domestic	01-01 TO 12-31	0.06 CFS

Domestic use is for internal use in 2 homes (including the caretaker's house), a milkhouse, barn, shop and other outbuildings.

PLACE OF USE: Irrigation Within Ada County
T04N R02E S22 SWNW 1.0
1.0 Acres Total

Domestic Within Ada County
T04N R02E S22 SWNW

The rights listed below are limited to the irrigation of a combined total of 178 acres in a single irrigation season.
Combined Right Nos.: 63-12, 63-13, 63-15, 63-308, 63-3603, 63-7595, 63-27649, 63-27671, 63-31050, 63-31052, 63-31053, 63-31054, 63-31055 and 63-31056.

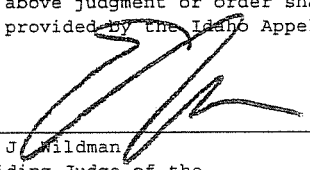
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

The quantity of water decreed for this water right for domestic use is not a determination of historical beneficial use.

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 63-31055

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

MAY 10 2011

By

Clerk
Deputy Clerk

NAME AND ADDRESS: T-7 LLC
3858 GARDEN CENTER WY, STE 300
BOISE, ID 83703

SOURCE: STEWART CREEK TRIBUTARY: BOISE RIVER

QUANTITY: 0.04 CFS
1.00 AFY

The annual diversion volume refers to the irrigation use only.
The quantity of water under this right for stockwater use shall
not exceed 13,000 gallons per day.
The rights listed below are limited to a total combined
diversion rate of 0.16 cfs. Combined Right Nos.: 63-27649,
63-27671, 63-31054, 63-31055.
This right when combined with all other rights shall provide no
more than .02 cfs per acre.

PRIORITY DATE: 01/01/1938

POINT OF DIVERSION: T04N R02E S22 NWNE Within Ada County
NWNW
NENW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-01 TO 11-15	0.04 CFS
	Irrigation Storage	01-01 TO 12-31	1.00 AFY
	Stockwater Storage	01-01 TO 12-31	1.00 AFY
	Aesthetic Storage	01-01 TO 12-31	1.00 AFY

PLACE OF USE:	Irrigation		Within Ada County
	T04N R02E S22	NWSW 5.0	
	5.0 Acres Total		
Stockwater Storage			Within Ada County
	T04N R02E S22	NENW	NWNW
		SENW	
Aesthetic Storage			Within Ada County
	T04N R02E S22	NENW	NWNW
		SENW	

The rights listed below are limited to the irrigation of a
combined total of 17 acres in a single irrigation season.
Combined Right Nos.: 63-27649, 63-27671, 63-31054, 63-31055.
The rights listed below are limited to the irrigation of a
combined total of 178 acres in a single irrigation season.
Combined Right Nos.: 63-12, 63-13, 63-15, 63-308, 63-3603,
63-7595, 63-27649, 63-27671, 63-31050, 63-31052, 63-31053,
63-31054, 63-31055, 63-31056.

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

The quantity of water decreed for this water right for
stockwater use is not a determination of historical beneficial
use.

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS

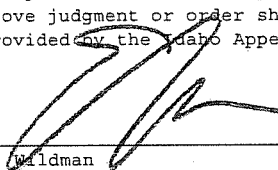
SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

OTHER PROVISIONS (continued)

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. Waldman
Presiding Judge of the
Snake River Basin Adjudication

CERTIFICATE OF MAILING

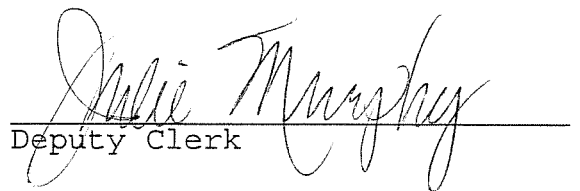
I certify that a true and correct copy of the ORDER OF PARTIAL DECREES was mailed on May 10, 2011, with sufficient first-class postage to the following:

T-7 LLC
THE TERTELING CO INC
Represented by:
CHARLES L. HONSINGER
455 S THIRD ST
PO BOX 2773
BOISE, ID 83701-2773
Phone: 208-342-4591

EDWARDS FAMILY LLC
Represented by:
DANA L. HOFSTETTER
608 WEST FRANKLIN STREET
BOISE, ID 83702
Phone: 208-424-7800

~~EDWARDS FAMILY LLC
Represented by:
DEBRA K. ELLERS
PO BOX 1030
MCCALL, ID 83638
Phone: 208-315-2827~~

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. The signature is in dark ink and is positioned to the right of the printed text "Deputy Clerk".