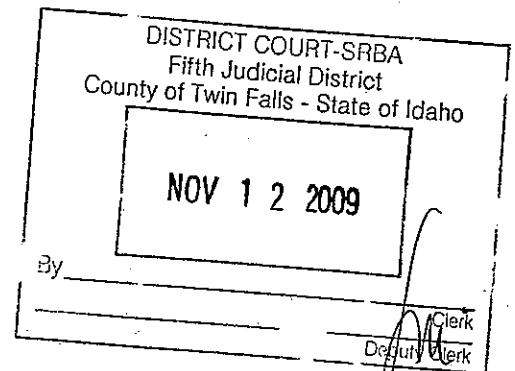


IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 37-21936



NAME AND ADDRESS: SCI PROPERTIES LLC
C/O FREMONT PROPERTIES INC
ATTN J MARCUS BOMAN
199 FREMONT ST STE 2400
SAN FRANCISCO, CA 94105

SOURCE: SILVER CREEK TRIBUTARY: LITTLE WOOD RIVER

QUANTITY: 2.36 CFS
412.70 AFY

USE OF THIS RIGHT WITH RIGHT NO. 37-21942 IS LIMITED TO A TOTAL
COMBINED ANNUAL DIVERSION VOLUME OF 1188 AF.
USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL
COMBINED ANNUAL DIVERSION VOLUME OF 674 AF. COMBINED RIGHT NOS.:
37-21936, 37-21938 & 37-21940.

PRIORITY DATE: 03/31/1877

AS LONG AS THE DIKE SITUATED IN THE SE1/4SE1/4NE1/4, SECTION 27,
TOWNSHIP 1S, RANGE 20E, BOISE MERIDIAN, BLAINE COUNTY, IDAHO,
LOCATED APPROXIMATELY AT LATITUDE N 43 DEGREES 18.586 FEET AND
LONGITUDE W 114 DEGREES 03.483 FEET, IS MAINTAINED SO AS TO
PREVENT THE WATERS OF SILVER CREEK FROM WASTING THROUGH SINK
HOLES, WATER RIGHTS 37-215G AND 37-215D, AND ALL SPLITS
THEREFROM, ARE FOR SAVED OR SALVAGED WATER AND SHALL THEREFORE
HAVE THE PRIOR AND EXCLUSIVE RIGHT TO THE DELIVERY OF 6.4 CFS OF
THE WATERS OF SILVER CREEK, AS ESTABLISHED BY, CONTROLLED BY, AND
SUBJECT TO THE PROVISIONS WITHIN THE FROST V. ALTURAS WATER
COMPANY DECREE (LINCOLN COUNTY DISTRICT COURT, DECEMBER 13,
1909). ACCORDINGLY, THEY SHALL NOT BE SUBJECT TO THE PRIORITY
SYSTEM DURING CALLS IN TIMES OF SCARCITY. THE ABOVE DESCRIBED
DIKE WAS FIRST CONSTRUCTED ON 6-1-1899. THIS DATE IS LISTED
SOLELY FOR PURPOSE OF DOCUMENTING WHEN THE SAVED AND SALVAGED
WATER WAS FIRST PUT TO BENEFICIAL USE, AND NOT FOR PURPOSE OF
SUBJECTING THIS RIGHT (OR ANY SPLITS THEREFROM) TO PRIORITY
CALLS BASED UPON THIS DATE.

POINT OF DIVERSION: T01S R20E S26 NESWSE Within Blaine County
S35 NENENE
S36 SWNWNW
SWSSENW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
Irrigation		04-15 TO 10-31	2.29 CFS
			405.30 AFY
Mitigation		04-15 TO 10-31	0.07 CFS
			7.40 AFY

PLACE OF USE:	Irrigation	Within Blaine County
T01S R20E S26	SESW 2.0	SWSE 24.7
	SESE 18.5	
S35	NENE 14.6	NWNE 1.0
	SENE 0.4	
S36	NWNE 5.4	SWNE 34.0
	SENE 7.0	NENW 25.0
	NWNW 35.0	SWNW 15.6

PLACE OF USE (continued)

215.2 Acres Total SENW 32.0

Mitigation Within Blaine County
T01S R20E S26 SWSE

USE OF THIS RIGHT WITH RIGHT NO. 37-21942 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 392.7 ACRES IN A SINGLE IRRIGATION SEASON.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 112.7 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

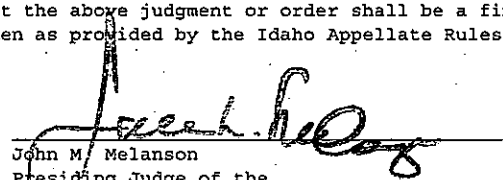
USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 192 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 37-21936, 37-21938, & 37-21940.

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.


John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication

RECEIVED

NOV 16 2009

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho
NOV 12 2009
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

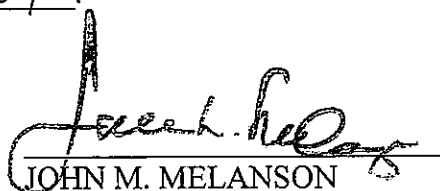
) Subcase No. 37-21936
) (SCI Properties LLC)
)

On August 24, 2009, 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 12, 2009.


JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

2009 NOV 12 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)

Case No. 39576)
_____)

CERTIFICATE OF MAILING

Water Right(s): 37-21936

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 37-21936 was mailed
on November 12, 2009, with sufficient first-class postage prepaid
to the following:

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

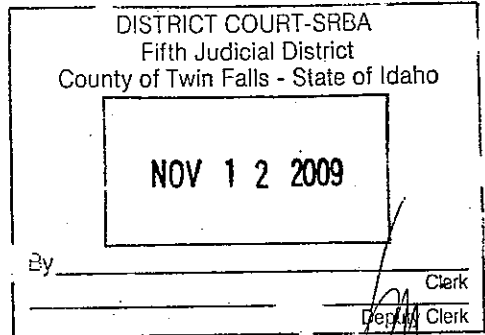
SCI PROPERTIES LLC
Represented by:
JAMES P. SPECK
SPECK & AANESTAD
120 EAST AVENUE
PO BOX 987
KETCHUM, ID 83340
Phone: 208-726-4421

JULIE MURPHY
Chief 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)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 37-21937



NAME AND ADDRESS: UNITED STATES OF AMERICA
USDI BUREAU OF LAND MANAGEMENT
IDAHO STATE OFFICE
1387 S VINNELL WAY
BOISE, ID 83709-1657

SOURCE: SILVER CREEK TRIBUTARY: LITTLE WOOD RIVER

QUANTITY: 0.04 CFS
7.30 AFY

PRIORITY DATE: 03/31/1877

AS LONG AS THE DIKE SITUATED IN THE SE1/4SE1/4NE1/4, SECTION 27, TOWNSHIP 1S, RANGE 20E, BOISE MERIDIAN, BLAINE COUNTY, IDAHO, LOCATED APPROXIMATELY AT LATITUDE N 43 DEGREES 18.586 FEET AND LONGITUDE W 114 DEGREES 03.483 FEET, IS MAINTAINED SO AS TO PREVENT THE WATERS OF SILVER CREEK FROM WASTING THROUGH SINK HOLES, WATER RIGHTS 37-215G AND 37-215D, AND ALL SPLITS THEREFROM, ARE FOR SAVED OR SALVAGED WATER AND SHALL THEREFORE HAVE THE PRIOR AND EXCLUSIVE RIGHT TO THE DELIVERY OF 6.4 CFS OF THE WATERS OF SILVER CREEK, AS ESTABLISHED BY, CONTROLLED BY, AND SUBJECT TO THE PROVISIONS WITHIN THE FROST V. ALTURAS WATER COMPANY DECREE (LINCOLN COUNTY DISTRICT COURT, DECEMBER 13, 1909). ACCORDINGLY, THEY SHALL NOT BE SUBJECT TO THE PRIORITY SYSTEM DURING CALLS IN TIMES OF SCARCITY. THE ABOVE DESCRIBED DIKE WAS FIRST CONSTRUCTED ON 6-1-1899. THIS DATE IS LISTED SOLELY FOR PURPOSE OF DOCUMENTING WHEN THE SAVED AND SALVAGED WATER WAS FIRST PUT TO BENEFICIAL USE, AND NOT FOR PURPOSE OF SUBJECTING THIS RIGHT (OR ANY SPLITS THEREFROM) TO PRIORITY CALLS BASED UPON THIS DATE.

POINT OF DIVERSION: T01S R20E S26 NESWSE Within Blaine County
S35 NENENE
S36 SWNNWN
SWSNW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-15 TO 10-31	0.04 CFS 7.30 AFY

PLACE OF USE: Irrigation Within Blaine County
T01S R20E S25 SWSW 4.0
4.0 Acres Total

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 4.0 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 37-21937, 37-21939, 37-21941 & 37-21943.

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

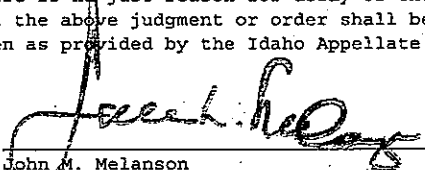
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS

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.

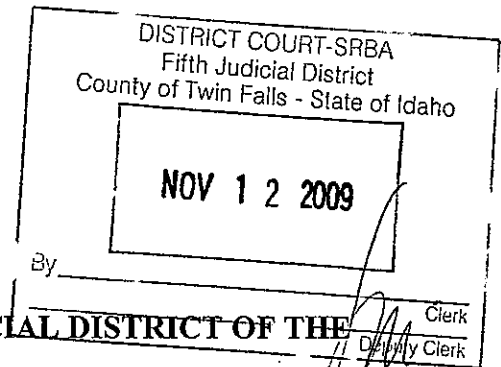


John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication

RECEIVED

NOV 16 2009

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 DECREE

Subcase No. 37-21937
(USDI-BLM)

On August 24, 2009, 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 12, 2009.

A handwritten signature of John M. Melanson in black ink.

JOHN M. MELANSON

Presiding Judge
Snake River Basin Adjudication

2009 NOV 12 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)

Case No. 39576)
_____)

CERTIFICATE OF MAILING

Water Right(s): 37-21937

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 37-21937 was mailed
on November 12, 2009, with sufficient first-class postage prepaid
to the following:

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

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

JULIE MURPHY
Chief Deputy Clerk