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DEC 02 2010

DEPARTMENT OF  
WATER RESOURCES

|                                       |              |
|---------------------------------------|--------------|
| DISTRICT COURT - SRBA                 |              |
| Fifth Judicial District               |              |
| County of Twin Falls - State of Idaho |              |
| NOV 30 2010                           |              |
| 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

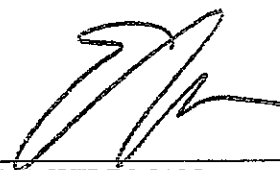
|                |   |                             |
|----------------|---|-----------------------------|
| In Re SRBA     | ) | ORDER OF PARTIAL DECREE     |
|                | ) |                             |
| Case No. 39576 | ) | Subcase No. 37-00022        |
|                | ) | (Picabo Livestock Co. Inc.) |
| _____          | ) |                             |

On October 29, 2010, 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.

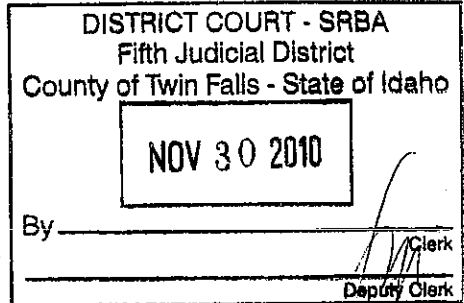
Therefore, IT IS ORDERED that the above-captioned water right be **decreed** as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED November 30, 2010.

  
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 37-00022



NAME AND ADDRESS: PICABO LIVESTOCK CO INC  
PO BOX 748  
PICABO, ID 83348

SOURCE: LOVING CREEK TRIBUTARY: SILVER CREEK  
SILVER CREEK TRIBUTARY: LITTLE WOOD RIVER

QUANTITY: 1.00 CFS

Rights 37-21, 37-22, 37-186, 37-187, 37-189, 37-213, 37-215D, 37-333, 37-351A, 37-352A, 37-377, 37-378, 37-695, 37-942, 37-2405, 37-11892, 37-11898, 37-11900, 37-11903, and 37-20609 when combined shall not exceed a total diversion rate of 72.78 cfs, nor a total combined annual volume measured at the points of diversion of 17,096.6 af. These rights shall not exceed an annual diversion volume of 17,081 af at the points of diversion for irrigation purposes, nor a diversion rate of 0.17 cfs and an annual diversion volume 15.6 af for stockwater purposes.

The total instantaneous diversion of water from all points of diversion for all surface rights identified under Transfer No. 69626 and the ground water rights identified under Transfer No. 69624 shall not exceed 72.78 cfs, nor a total combined annual volume measured at the points of diversion of 17,081 af for irrigation purposes.

PRIORITY DATE: 06/17/1899

When diverted through the points of diversion located at Twp 01S, Rge 20E, Sec. 20, SWSWSE, Sec. 30 SWNENW and Sec. 30 Lot 1 (NENWNW) the water diverted pursuant to this right is saved or developed water having a priority date senior to all rights except other saved or developed water rights having priority dates senior to it. When this right is diverted out of the point of diversion located at Twp 01S, Rge 19E, Sec. 24, NESENW its priority date is June 17, 1899.

POINT OF DIVERSION: T01S R19E S24 NESENW Within Blaine County  
R20E S20 SWSWSE  
S30 SWNENW  
LOT 1 (NENWNW)

| PURPOSE AND PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY |
|----------------------------|----------------|----------------|----------|
|                            | Irrigation     | 04-15 TO 10-31 | 1.00 CFS |

| PLACE OF USE: | Irrigation  | Within Blaine County |
|---------------|-------------|----------------------|
| T01S R20E S19 | NENE 40.0   | SENE 39.0            |
| LOT 4         | (SWSW) 38.0 | SESW 39.0            |
|               | NESE 26.0   | NWSE 32.0            |
|               | SWSE 35.0   | SESE 37.0            |
| S20           | NWNW 40.0   | SWNW 40.0            |
|               | NESW 30.0   | NWSW 38.0            |
|               | SWSW 19.0   | SESW 19.0            |
|               | NESE 40.0   | NWSE 36.0            |
|               | SWSE 11.0   | SESE 36.0            |
| S21           | SWNE 40.0   | SENE 27.0            |
|               | NESW 40.0   | NWSW 40.0            |
|               | SWSW 40.0   | SESW 36.0            |

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

PLACE OF USE (continued)

|                    |           |            |
|--------------------|-----------|------------|
|                    | NESE 40.0 | NWSE 40.0  |
|                    | SWSE 37.0 | SESE 28.0  |
| S22                | SWNW 23.0 | SENW 19.0  |
|                    | NESW 6.8  | NWSW 36.0  |
|                    | SWSW 37.0 | SESW 27.0  |
| S26                | NWSW 14.0 | SWSW 36.0  |
|                    | SESW 3.0  |            |
| S27                | NWNE 20.0 | SWNE 29.0  |
|                    | NENW 36.0 | NWNW 18.0  |
|                    | SWNW 32.0 | SENW 22.0  |
|                    | NESW 15.0 | NWSW 24.0  |
|                    | SWSW 0.6  | SESW 12.0  |
|                    | NESE 30.0 | NWSE 16.0  |
|                    | SWSE 32.0 | SESE 36.0  |
| S28                | NENE 20.0 | NWNE 24.0  |
|                    | SWNE 34.0 | SENE 29.0  |
|                    | NENW 17.0 | NWNW 22.0  |
|                    | SWNW 40.0 | SENW 38.0  |
|                    | NESW 40.0 | NWSW 40.0  |
|                    | SWSW 32.0 | SESW 38.0  |
|                    | NESE 40.0 | NWSE 40.0  |
|                    | SWSE 36.0 | SESE 6.4   |
| S29                | NENE 29.0 | NWNE 38.0  |
|                    | SWNE 40.0 | SENE 40.0  |
|                    | NENW 33.0 | NWNW 27.0  |
|                    | SWNW 33.0 | SENW 40.0  |
|                    | NESW 36.0 | NESE 40.0  |
|                    | NWSE 39.0 | SWSE 2.8   |
|                    | SESE 29.0 |            |
| S30                | NENE 30.0 | NWNE 35.0  |
|                    | SWNE 40.0 | SENE 31.0  |
|                    | NENW 18.0 | (NWNW) 2.0 |
|                    | SENW 15.0 | NESE 37.0  |
|                    | NWSE 40.0 | SWSE 35.0  |
|                    | SESE 40.0 |            |
| S31                | NENE 40.0 | NWNE 15.0  |
|                    | SENE 40.0 |            |
| S33                | NENE 4.9  | NWNE 19.0  |
|                    | NENW 4.4  |            |
| S34                | NENE 40.0 | NWNE 40.0  |
|                    | NENW 34.0 | NWNW 0.5   |
| S35                | NWNW 41.0 | SWNW 25.0  |
| 3037.4 Acres Total |           |            |

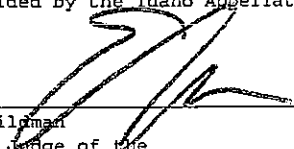
This right is limited to the irrigation of 50 acres within the place of use described above in a single irrigation season. Right Nos. 37-21, 37-22, 37-186, 37-187, 37-189, 37-213, 37-215D, 37-333, 37-351A, 37-352A, 37-377, 37-378, 37-695, 37-942, 37-2405, 37-11892, 37-11898, 37-11900, 37-11903, and 37-20609 are limited to the irrigation of a combined total of 2711.3 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. Willman  
Presiding Judge of the  
Snake River Basin Adjudication

2010 NOV 30 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): 37-00022

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 37-00022 was mailed  
on November 30, 2010, with sufficient first-class postage prepaid  
to the following:

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

BIG WOOD CANAL COMPANY

Represented by:  
CRAIG D. HOBDEY  
125 5TH AVE  
PO BOX 176  
GOODING, ID 83330  
Phone: 208-934-4429

PICABO LIVESTOCK CO INC

Represented by:  
GARY D. SLETTE  
PO BOX 1906  
TWIN FALLS, ID 83303  
Phone: 208-734-0700

JULIE MURPHY  
Chief Deputy Clerk

CERTIFICATE OF MAILING

PAGE 1  
11/30/10