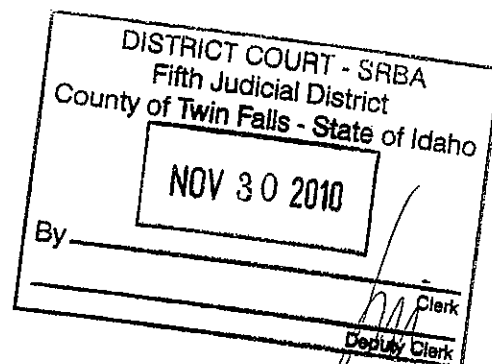


RECEIVED  
DEC 02 2010  
DEPARTMENT OF  
WATER RESOURCES



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     | ) | ORDER OF PARTIAL DECREE     |
|                | ) |                             |
| Case No. 39576 | ) | Subcase No. 37-02405        |
|                | ) | (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.

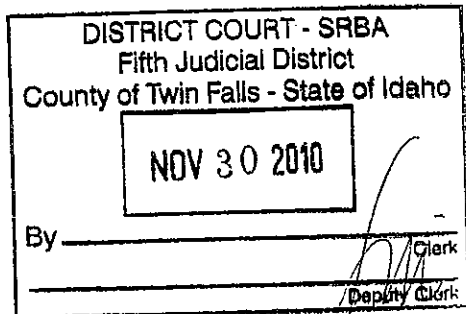
Therefore, IT IS ORDERED that the above-captioned water right be **decreed** as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

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 )  
Case No. 39576 )  
PARTIAL DECREE PURSUANT TO  
I.R.C.P. 54(b) FOR  
Water Right 37-02405



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: 4.00 CFS

The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.  
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: 02/09/1920

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 | 4.00 CFS |
|                            | Stockwater     | 01-01 TO 12-31 | 0.04 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   |
|               |               | 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   |

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

PLACE OF USE (continued)

|               |                    |           |                      |            |
|---------------|--------------------|-----------|----------------------|------------|
|               |                    | SESW 3.0  |                      |            |
|               | S27                | NWNE 20.0 |                      | SWNE 29.0  |
|               |                    | NENW 36.0 |                      | NWNW 18.0  |
|               |                    | SWNW 32.0 |                      | SENE 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 |                      | SENE 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 |                      | SENE 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 | LOT 1                | (NWNW) 2.0 |
|               |                    | SENE 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 |           |                      |            |
| Stockwater    |                    |           | Within Blaine County |            |
| T01S R20E S19 |                    | NENE      |                      | SENE       |
|               | LOT 4              | (SWSW)    |                      | SESW       |
|               |                    | NESE      |                      | NWSE       |
|               |                    | SWSE      |                      | SESE       |
|               | S20                | NWNW      |                      | SWNW       |
|               |                    | NESW      |                      | NWSW       |
|               |                    | SWSW      |                      | SESW       |
|               |                    | NESE      |                      | NWSE       |
|               |                    | SWSE      |                      | SESE       |
|               | S21                | SWNE      |                      | SENE       |
|               |                    | NESW      |                      | NWSW       |
|               |                    | SWSW      |                      | SESW       |
|               |                    | NESE      |                      | NWSE       |
|               |                    | SWSE      |                      | SESE       |
|               | S22                | SWNW      |                      | SENE       |
|               |                    | NESW      |                      | NWSW       |
|               |                    | SWSW      |                      | SESW       |
|               | S26                | NWSW      |                      | SWSW       |
|               |                    | SESW      |                      |            |
|               | S27                | NWNE      |                      | SWNE       |
|               |                    | NENW      |                      | NWNW       |
|               |                    | SWNW      |                      | SENE       |
|               |                    | NESW      |                      | NWSW       |
|               |                    | SWSW      |                      | SESW       |
|               |                    | NESE      |                      | NWSE       |

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

PLACE OF USE (continued)

|     |      |              |
|-----|------|--------------|
|     | SWSE | SESE         |
| S28 | NENE | NWNE         |
|     | SWNE | SENE         |
|     | NENW | NWNW         |
|     | SWNW | SENW         |
|     | NESW | NWSW         |
|     | SWSW | SESW         |
|     | NESE | NWSE         |
|     | SWSE | SESE         |
| S29 | NENE | NWNE         |
|     | SWNE | SENE         |
|     | NENW | NWNW         |
|     | SWNW | SENW         |
|     | NESW | SESW         |
|     | NESE | NWSE         |
|     | SWSE | SESE         |
| S30 | NENE | NWNE         |
|     | SWNE | SENE         |
|     | NENW | LOT 1 (NWNW) |
|     | SWNW | NESE         |
|     | NWSE | SWSE         |
|     | SESE |              |
| S31 | NENE | NWNE         |
|     | SENE |              |
| S33 | NENE | NWNE         |
|     | NENW |              |
| S34 | NENE | NWNE         |
|     | NENW | NWNW         |
| S35 | NWNW | SWNW         |

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. This right is limited to the irrigation of 2216 acres within the place of use described above in a single irrigation season.

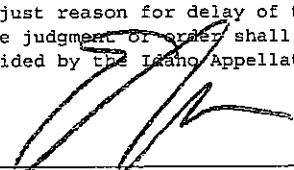
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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

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): 37-02405

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 37-02405 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

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

STATE OF IDAHO DEPT OF LANDS  
Represented by:  
STATE OF IDAHO  
JRW BUILDING, SECOND FLOOR  
700 W STATE ST, PO BOX 44449  
BOISE, ID 83711-4449  
Phone: 208-334-2400

CERTIFICATE OF MAILING

PAGE 1  
11/30/10

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