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DEPARTMENT OF  
WATER RESOURCES

|                                                                                           |                    |
|-------------------------------------------------------------------------------------------|--------------------|
| DISTRICT COURT - SRBA<br>Fifth Judicial District<br>County of Twin Falls - State of Idaho |                    |
| DEC - 1 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

Case No. 39576

ORDER OF PARTIAL DECREES

Subcases: 02-02061 & 02-02086  
(Snake River Valley II, LLC)

On October 28, 2010, 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 December 1, 2010.

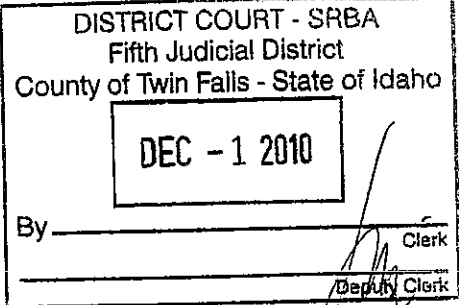
  
ERIC J. WILDMAN  
Presiding Judge  
Snake River Basin Adjudication

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 02-02061



NAME AND ADDRESS: SNAKE RIVER VALLEY II LLC  
4508 PACE WY  
FLOWER MOUND, TX 75028

SOURCE: SNAKE RIVER TRIBUTARY: COLUMBIA RIVER

QUANTITY: 1.35 CFS

Right Nos. 02-2061 and 02-2086 are limited to a total combined  
diversion rate of 3.28 cfs.

PRIORITY DATE: 01/20/1956

POINT OF DIVERSION: T01N R03W S36 LOT 4 (NWSW ) Within Owyhee County

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY |
|-------------------------------|----------------|----------------|----------|
|                               | Irrigation     | 04-01 TO 10-31 | 1.35 CFS |

The use of water for irrigation under this right may begin as  
early as March 1 and may continue to as late as November 15,  
provided other elements of the right are not exceeded. The use  
of water before April 1 and after October 31 under this remark  
is subordinate to all water rights having no subordinated early  
or late irrigation use and a priority date earlier than the date  
a partial decree is entered for this right.

| PLACE OF USE: | Irrigation                     | Within Owyhee County |
|---------------|--------------------------------|----------------------|
|               | T01N R03W S36 LOT 4 (NWSW)21.0 | LOT 3 (SESW)37.0     |
|               | LOT 2 (SWSE)21.0               |                      |
|               | 79.0 Acres Total               |                      |

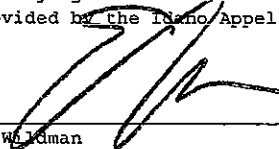
The rights listed below are limited to the irrigation of a  
combined total of 187 acres in a single irrigation season.  
Combined Right Nos.: 02-2061, 02-2086, and 57-276.

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

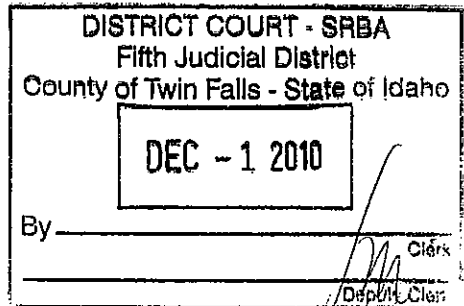
With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment 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. Waldman  
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 02-02086



NAME AND ADDRESS: SNAKE RIVER VALLEY II LLC  
4508 PACER WY  
FLOWER MOUND, TX 75028

SOURCE: SNAKE RIVER TRIBUTARY: COLUMBIA RIVER

QUANTITY: 1.93 CFS

Right Nos. 02-2061 and 02-2086 are limited to a total combined  
diversion rate of 3.28 cfs.

PRIORITY DATE: 01/23/1956

POINT OF DIVERSION: T01N R03W S36 LOT 4 (NWSW ) Within Owyhee County

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY |
|-------------------------------|----------------|----------------|----------|
|                               | Irrigation     | 04-01 TO 10-31 | 1.93 CFS |

The use of water for irrigation under this right may begin as  
early as March 1 and may continue to as late as November 15,  
provided other elements of the right are not exceeded. The use  
of water before April 1 and after October 31 under this remark  
is subordinate to all water rights having no subordinated early  
or late irrigation use and a priority date earlier than the date  
a partial decree is entered for this right.

| PLACE OF USE: | Irrigation                     | Within Owyhee County |
|---------------|--------------------------------|----------------------|
|               | T01N R03W S36 LOT 4 (NWSW)21.0 | LOT 3 (SESW)47.0     |
|               | LOT 2 (SWSE)40.0               | LOT 1 (SESE)13.0     |
|               | T01S R03W S01 LOT 2 (NWNE)33.0 | LOT 3 (NENW)10.0     |
|               | 164.0 Acres Total              |                      |

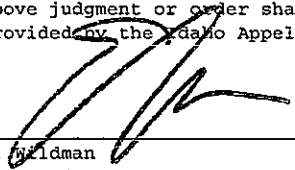
The rights listed below are limited to the irrigation of a  
combined total of 187 acres in a single irrigation season.  
Combined Right Nos.: 02-2061, 02-2086, and 57-276.  
This right authorizes the irrigation of 164 total acres.

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. 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 December 01, 2010, with sufficient first-class postage to the following:

DBSI COBRA 370 LLC

Represented by:  
ANDREW J WALDERA  
101 S CAPITOL BLVD 10TH FLOOR  
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BOISE, ID 83701-0829  
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DIRECTOR OF IDWR

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MARC A MYRIN

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WAYNE EDGERTON

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SNAKE RIVER VALLEY II LLC

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