

RECEIVED

SEP 01 2010

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
AUG 31 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: 37-00212A, 37-02621,
37-04337, 3711885 & 37-20381
(Helios Development LLC)

On July 9, 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)*.

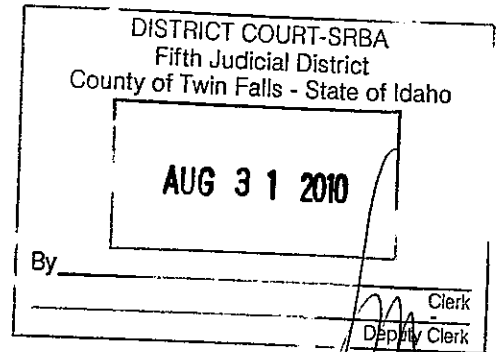
DATED August 31, 2010.



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 37-00212A



NAME AND ADDRESS: HELIOS DEVELOPMENT LLC
C/O EDWARD A LAWSON
PO BOX 3310
KETCHUM, ID 83340

SOURCE: WARM SPRINGS CREEK TRIBUTARY: BIG WOOD RIVER

QUANTITY: 1.12 CFS

The rights listed below are limited to a total combined diversion rate of 1.12 cfs. Combined Right Nos.: 37-212A, 37-2621 and 37-20381.

A measuring device of a type acceptable to the Department shall be installed to measure the amount of water discharged back into Warm Springs Creek at TWP 4N, RNG 17E Sec 12 SESWSW.

PRIORITY DATE: 06/23/1888

POINT OF DIVERSION: T04N R17E S11 NWSESE Within Blaine County
S12 NWSWSW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-15 TO 10-31	1.12 CFS

PLACE OF USE:	Irrigation	Within Blaine County
	T04N R17E S11 SWSE 4.3 SESE 16.0	
	S12 SWSW 7.6	
	27.9 Acres Total	

Right Nos. 37-212A, 37-2621 and 37-20381 are limited to the irrigation of a combined total of 27.9 acres in a single irrigation season.

Place of use does not includes federal public lands.

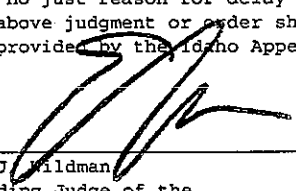
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

Property is also known as Homestead Entry Survey No. 292.

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 37-02621

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
AUG 31 2010	
By _____	Clerk
_____	Deputy Clerk

NAME AND ADDRESS: HELIOS DEVELOPMENT LLC
C/O EDWARD A LAWSON
PO BOX 3310
KETCHUM, ID 83340

SOURCE: SPRING TRIBUTARY: WARM SPRINGS CREEK

QUANTITY: 0.48 CFS

The rights listed below are limited to a total combined diversion rate of 1.12 cfs. Combined Right Nos.: 37-212A, 37-2621 and 37-20381.

PRIORITY DATE: 08/06/1959

POINT OF DIVERSION: T04N R17E S11 NWSESE (Rediversion) Within Blaine County
S12 SWSWSW
SESWSW (Injection)

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-15 TO 10-31	0.48 CFS

PLACE OF USE: Irrigation Within Blaine County

T04N R17E S11	SWSE 4.3	SESE 16.0
S12	SWSW 4.4	
24.7 Acres Total		

Right Nos. 37-212A, 37-2621 and 37-20381 are limited to the irrigation of a combined total of 27.9 acres in a single irrigation season.

Place of use does not include federal public lands.

This right is limited to the irrigation of 24 acres within the place of use described above in a single irrigation season.

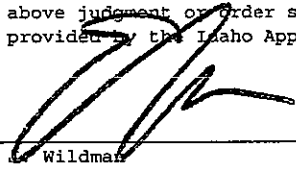
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

Property is also known as Homestead Entry Survey No. 292.

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 A. Wildman
Presiding Judge of the
Snake River Basin Adjudication

In Re SRBA

Case No. 39576

Water Right 37-04337

NAME AND ADDRESS: HELIOS DEVELOPMENT LLC
C/O EDWARD A LAWSON
PO BOX 3310
KETCHUM, ID 83340

QUANTITY: 6.00 CFS

1.36 AFY

PAGE 1
Jul-07-2010

In Re SRBA	)	PARTIAL DECREE PURSUANT TO
	)	I.R.C.P. 54(b) FOR
Case No. 39576	)	
<u> </u>	)	Water Right 37-11885

PAGE 1
Jul-07-2010

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 37-20381

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

AUG 31 2010

By _____ Clerk

Deputy Clerk

NAME AND ADDRESS: HELIOS DEVELOPMENT LLC
C/O EDWARD A LAWSON
PO BOX 3310
KETCHUM, ID 83340

SOURCE: BIG WOOD RIVER TRIBUTARY: MALAD RIVER

Water diverted under this right is exchanged with water saved by use of the Rockwell By-Pass.
Water may be diverted from Warm Springs Creek at the point of diversion described below only when: (1) all other rights diverted from Warm Springs Creek that are senior to November 18, 1987 have been curtailed; and (2) the saved water provisions of the Rockwell By-Pass, as established in Rockwell v. Coffin (Blaine County, August 29, 1949), are met.

QUANTITY: 0.50 CFS

Right Nos. 37-212A, 37-2621 and 37-20381 are limited to a total combined diversion rate of 1.12 cfs.
A measuring device of a type acceptable to the Department shall be installed to measure the amount of water discharged back into Warm Springs Creek at TWP 4N, RNG 17E Sec 12 SESWSW.

PRIORITY DATE: 11/12/1936

Pursuant to a call in times of scarcity, this right is senior to all other rights diverted from the Big Wood River that did not result from saved water in the Rockwell By-Pass, as established by and subject to the provisions in Rockwell v. Coffin (Blaine County, August 29, 1949).

POINT OF DIVERSION: T04N R17E S11 NWSESE Within Blaine County
S12 NWSWSW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-15 TO 10-31	0.50 CFS

PLACE OF USE:	Irrigation	Within Blaine County
	T04N R17E S11 SWSE 4.3 SESE 16.0	
	S12 SWSW 7.6	
	27.9 Acres Total	

Right Nos. 37-212A, 37-2621 and 37-20381 are limited to the irrigation of a combined total of 27.9 acres in a single irrigation season.
Place of use does not include federal public lands.

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

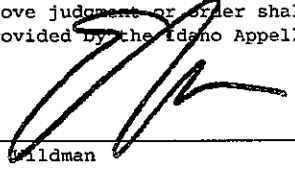
The saved water shall be made available to the Rockwell By-Pass saved water right holders any time the Rockwell By-Pass is being used to deliver water to Broadford Slough right holders. The Rockwell saved water rights shall be curtailed when calls for senior water rights from the Broadford Slough cannot be delivered.
Property is also known as Homestead Entry Survey No. 292.

OTHER PROVISIONS (continued)

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

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER OF PARTIAL DECREES was mailed on August 31, 2010, with sufficient first-class postage to the following:

BILL MOLYNEUX
GERALD BASHAW
GRACE EAKIN
JOHN F STEVENSON
PEPIN CORSO-HARRIS
PETE VAN DER MEULEN
TOM O GARA

Represented by:
BARKER ROSHOLT & SIMPSON LLP
1010 W JEFFERSON, STE 102
PO BOX 2139
BOISE, ID 83701-2139
Phone: 208-336-0700

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

HELIOS DEVELOPMENT LLC
Represented by:
EDWARD A LAWSON
LAWSON LASKI CLARK POGUE PLLC
675 SUN VALLEY RD STE A
PO BOX 3310
KETCHUM, ID 83340
Phone: 208-725-0055

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

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

