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DEPARTMENT OF  
WATER RESOURCES

|                                                                                           |
|-------------------------------------------------------------------------------------------|
| DISTRICT COURT - SRBA<br>Fifth Judicial District<br>County of Twin Falls - State of Idaho |
| JUN - 1 2010                                                                              |
| By _____<br>Clerk<br>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: 37-02682, 37-00436C, & 37-00884  
(Sherbine)

On April 15, 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 I*, 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 June 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 37-00436C

NAME AND ADDRESS: WILLIAM L SHERBINE  
C/O ROCKY SHERBINE  
200 BASELINE RD  
BELLEVUE, ID 83313  
  
TERRI SHERBINE  
WILLIAM T "ROCKY" SHERBINE  
200 BASELINE RD  
BELLEVUE, ID 83313

|                                                                                           |              |
|-------------------------------------------------------------------------------------------|--------------|
| DISTRICT COURT - SRBA<br>Fifth Judicial District<br>County of Twin Falls - State of Idaho |              |
| JUN - 1 2010                                                                              |              |
| By _____                                                                                  | Clerk        |
| _____                                                                                     | Deputy Clerk |

SOURCE: BIG WOOD RIVER TRIBUTARY: MALAD RIVER

QUANTITY: 1.00 CFS

PRIORITY DATE: 06/01/1901

POINT OF DIVERSION: T01N R18E S12 NWSESW Within Blaine County  
S25 NWSNW (Rediversion)

This right is measured and administered at the point of  
rediversion.

|                               |                |                |          |
|-------------------------------|----------------|----------------|----------|
| PURPOSE AND<br>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 R19E S07     | NENW 38.0 LOT 1 (NWNW)41.0 |           |
|               |                   | SENW 40.0                  | NESW 40.0 |
|               |                   | SESW 39.0                  |           |
|               | 198.0 Acres Total |                            |           |

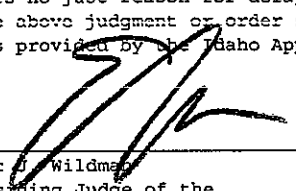
The rights listed below are limited to the irrigation of a  
combined total of 198 acres in a single irrigation season.  
Combined Right Nos.: 37-884, 37-436C and 37-2682.

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

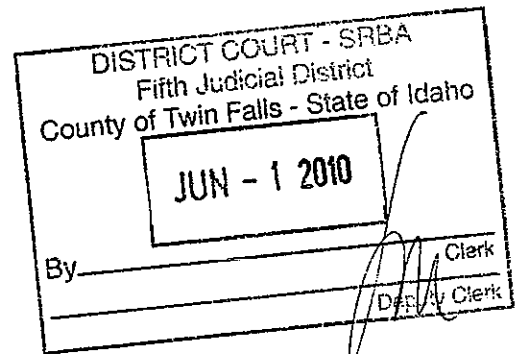
With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment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

  
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Eric D. 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 37-00884



NAME AND ADDRESS: WILLIAM L SHERBINE  
C/O ROCKY SHERBINE  
200 BASELINE RD  
BELLEVUE, ID 83313  
  
TERRI SHERBINE  
WILLIAM T "ROCKY" SHERBINE  
200 BASELINE RD  
BELLEVUE, ID 83313

SOURCE: BIG WOOD RIVER TRIBUTARY: MALAD RIVER

QUANTITY: 3.20 CFS

The amount deliverable under this right is equivalent to the lesser of the amount decreed, the amount of drain water measured leaving the property of the decree holder along south line the S1/2 of the SW 1/4 of Section 7 T01S, R19E which becomes tributary to Willow Creek, or the measured amount of Willow Creek returning to the Big Wood River.

PRIORITY DATE: 05/14/1913

Pursuant to a call in times of scarcity, this right is subject to the provisions included within In Re Fred W. Fator, plaintiff vs. James A Jones, Watermaster, defendant decree of the Fourth Judicial District of the State of Idaho, Blaine County dated June 1, 1918 and as corrected April 2, 1919.

POINT OF DIVERSION: T01N R18E S12 NWSESW Within Blaine County  
S25 NWSESW (Rediversion)

This right is measured and administered at the point of rediversion.

| PURPOSE AND PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY |
|----------------------------|----------------|----------------|----------|
|                            | Irrigation     | 04-15 TO 10-31 | 3.20 CFS |

| PLACE OF USE: | Irrigation        | Within Blaine County       |
|---------------|-------------------|----------------------------|
|               | T01S R19E S07     | NENW 38.0 LOT 1 (NWNW)41.0 |
|               |                   | SESW 40.0 NESW 40.0        |
|               |                   | SESW 39.0                  |
|               | 198.0 Acres Total |                            |

The rights listed below are limited to the irrigation of a combined total of 198 acres in a single irrigation season.  
Combined Right Nos.: 37-884, 37-436C and 37-2682.

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

This right is deliverable as long as drain ditches are maintained that drain water off of the land of the decree holder. The amount deliverable is equivalent to the lesser of the amount decreed, the amount of drain water measured leaving the property of the decree holder along south line the S1/2 of the SW 1/4 of Section 7 T01S, R19E which becomes tributary to Willow Creek, or the measured amount of Willow Creek returning

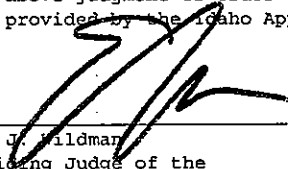
OTHER PROVISIONS (continued)

to the Big Wood River. The decree owner shall maintain sufficient measuring devices at all points of drainage from his property and at the point that Willow Creek enters the Big Wood River to allow the watermaster to regulate the 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.

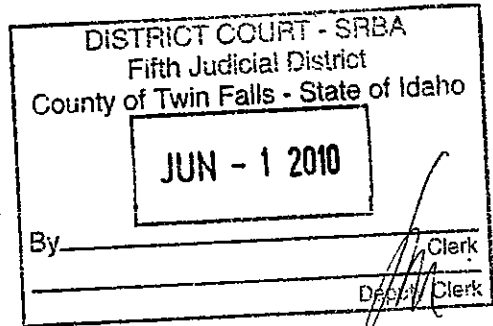
  
\_\_\_\_\_  
Eric J. Wildman  
Presiding Judge of the  
Snake River Basin Adjudication

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 37-02682



NAME AND ADDRESS: WILLIAM L SHERBINE  
C/O ROCKY SHERBINE  
200 BASELINE RD  
BELLEVUE, ID 83313  
  
TERRI SHERBINE  
WILLIAM T "ROCKY" SHERBINE  
200 BASELINE RD  
BELLEVUE, ID 83313

SOURCE: GROUND WATER

QUANTITY: 3.44 CFS  
516.00 AFY

PRIORITY DATE: 07/31/1961

POINT OF DIVERSION: T01S R19E S07 NWNENW Within Blaine County

| PURPOSE AND PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY               |
|----------------------------|----------------|----------------|------------------------|
|                            | Irrigation     | 04-01 TO 10-31 | 3.44 CFS<br>516.00 AFY |

PLACE OF USE: Irrigation Within Blaine County  
T01S R19E S07 NENW 38.0 LOT 1 (NWNW)41.0  
SESW 40.0 NESW 40.0  
SESW 39.0  
198.0 Acres Total

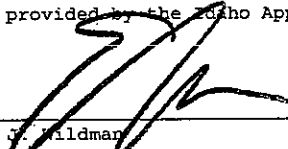
This right is limited to the irrigation of 172 acres within the place of use described above in a single irrigation season. The rights listed below are limited to the irrigation of a combined total of 198 acres in a single irrigation season. Combined Right Nos.: 37-884, 37-436C and 37-2682.

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. Wildman  
Presiding Judge of the  
Snake River Basin Adjudication

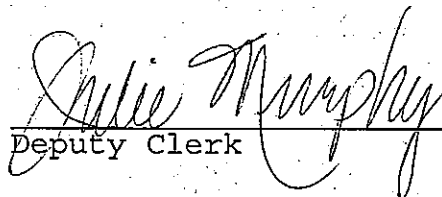
CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER OF PARTIAL DECREES was mailed on June 01, 2010, with sufficient first-class postage to the following:

TERRI SHERBINE  
WILLIAM L SHERBINE  
WILLIAM T "ROCKY" SHERBINE

Represented by:  
ALBERT P BARKER  
1010 W JEFFERSON, STE 102  
PO BOX 2139  
BOISE, ID 83701-2139  
Phone: 208-336-0700

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

A handwritten signature in cursive script, reading "Julie Murphy", is written over a horizontal line. The signature is in dark ink and is positioned to the right of the printed text "Deputy Clerk".