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DEC 07 2009

DEPARTMENT OF
WATER RESOURCES

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

DEC 3 2009

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 DECREE

Subcase No. 02-10445

(Eagle Creek Northwest LLC)

On August 18, 2009, 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*.

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. On September 28, 2009, a *Notice of Completed Administrative Proceeding* together with *Amended Director's Reports* was filed by the Idaho Department of Water Resources, notifying the Court that water right 02-02043 had been split into water rights 02-10444 and **02-10445**. No Challenges were filed to the *Notice of Completed Administrative* and *Amended Director's Reports* and the time for filing Challenges has now expired.

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

DATED December 3, 2009.

JOHN M. MELANSON

Presiding Judge

Snake River Basin Adjudication

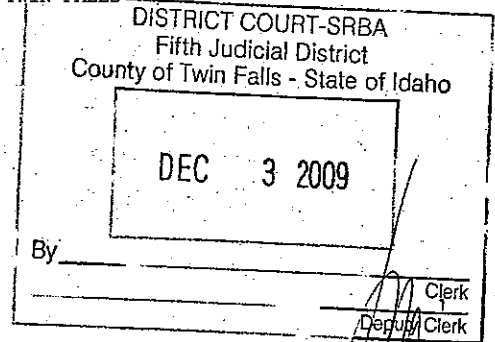
IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case No. 39576

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 02-10445



NAME AND ADDRESS: EAGLE CREEK NORTHWEST LLC
C/O UBS AGRIVEST LLC
PO BOX 53
NAMPA, ID 83653

SOURCE: SNAKE RIVER TRIBUTARY: COLUMBIA RIVER

QUANTITY: 13.64 CFS

PRIORITY DATE: 04/13/1942

POINT OF DIVERSION: T05S R09E S35 LOT 4 (SEWNNE) Within Elmore County
LOT 4 (SEWNNE)
LOT 4 (SEWNNE)
LOT 4 (SEWNNE)

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	13.64 CFS

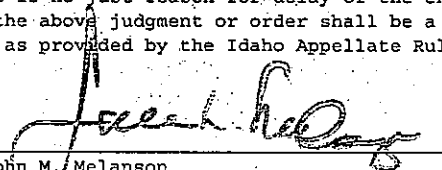
PLACE OF USE:	Irrigation	Within Elmore County
	T05S R09E S26 LOT 5 () 2.0	
	S34 NESE 40.0	SESE 24.0
	S35 LOT 4 (NWNE) 25.0	LOT 3 (SWNE) 28.0
	NENW 38.0	SWNW 39.0
	SESW 40.0	NESW 40.0
	NWSW 40.0	SWSW 40.0
	SESW 40.0	LOT 2 (NWSE) 29.0
	SWSE 37.0	
	T06S R09E S02 LOT 1 (NENE) 40.0	LOT 2 (NWNE) 42.0
	SWNE 31.0	SENE 30.0
	LOT 3 (NENW) 42.0	LOT 4 (NWNW) 14.0
	SESW 20.0	
	681.0 Acres Total	

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.


John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication

2009 DEC 03 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): 02-10445

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 02-10445 was mailed
on December 03, 2009, with sufficient first-class postage prepaid
to the following:

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

EAGLE CREEK NORTHWEST LLC
C/O UBS AGRIVEST LLC
PO BOX 53
NAMPA, ID 83653

JULIE MURPHY
Chief Deputy Clerk