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DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
JUL 30 2009	
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**
)
) **For water rights: 63-31759 and**
) **63-31760**
)

On December 14, 2006, the Idaho Department of Water Resources ("IDWR") filed its *Director's Report for Basin 63, Part III, Reporting Area 13, For Irrigation and Other Water Rights*, which included recommendations for the above-captioned water rights. No objections were filed and the time period for filing objections has expired. These rights are a split from right 63-31494.

On January 16, 2009, IDWR filed a *Notice of Completed Administrative Proceeding* and *Amended Director's Report* notifying the Court of a substitution of party for the above-captioned water rights. No objections were filed to the *Amended Director's Report* and the time period for filing objections has expired.

On February 4, 2009, IDWR filed a *Notice of Completed Administrative Proceeding* and *Amended Director's Report* notifying the Court of another substitution of party for the water right 63-31760. No objections were filed to the *Amended Director's Report* and the time period for filing objections has expired.

Water right 63-31759 was recommended with an Aesthetic, Recreation, or Wildlife ("ARW") Purpose of Use. This right (and related right 63-31760) was withheld from decree because of pending objections in the SRBA regarding the ARW Purpose of Use. The objections involving the ARW Purpose of Use were ultimately designated as Basin-Wide Issue 14. On February 25, 2009, the Court approved an amended decree

resolving Basin-Wide Issue 14. Therefore, the Court finds it is now appropriate to issue the *Partial Decrees* for the above-captioned rights.

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

DATED

July 30, 2009.



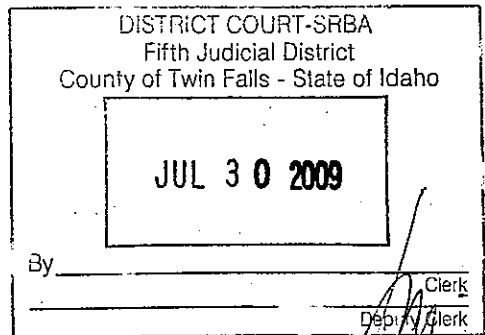
JOHN M. MELANSON

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 63-31759



NAME AND ADDRESS: HIGHPLAINS ESTATES SUBDIVISION
HOMEOWNERS ASSN INC
C/O FIRST WESTERN CAPITAL LLC
PO BOX 548
PARK CITY, UT 84060

SOURCE: GROUND WATER

QUANTITY: 0.21 CFS
53.40 AFY

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.

PRIORITY DATE: 09/29/1978

POINT OF DIVERSION: T05N R01W S21 NWNE Within Ada County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	0.15 CFS 40.50 AFY
	Recreation	01-01 TO 12-31	0.06 CFS 12.90 AFY
	Aesthetic	01-01 TO 12-31	0.06 CFS 12.90 AFY

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 1, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE MARCH 15 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

PLACE OF USE:	Irrigation	Within Ada County
	T05N R01W S21 NWNE 8.0	SWNE 1.0
	9.0 Acres Total	
Recreation	Within Ada County	
T05N R01W S21 NWNE	SWNE	
Aesthetic	Within Ada County	
T05N R01W S21 NWNE	SWNE	

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).

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 63-31760

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

JUL 30 2009

NAME AND ADDRESS: FIRST WESTERN CAPITAL CO LLC
PO BOX 548
PARK CITY, UT 84060-0548

SOURCE: GROUND WATER

QUANTITY: 0.05 CFS
13.50 AFY

By _____

Clerk

Deputy Clerk

This right when combined with all other rights shall provide no
more than 0.02 cfs per acre nor more than 4.5 afa per acre at
the field headgate for irrigation of the lands above.

PRIORITY DATE: 09/29/1978

POINT OF DIVERSION: T05N R01W S21 SWNE Within Ada County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	0.05 CFS 13.50 AFY

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS
EARLY AS MARCH 1, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT
EXCEEDED. THE USE OF WATER BEFORE MARCH 15 UNDER THIS REMARK IS
SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY
IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A
PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

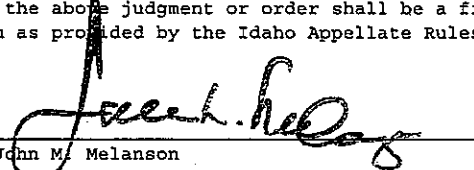
PLACE OF USE: Irrigation Within Ada County
T05N R01W S21 SWNE 3.0
3.0 Acres Total

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

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER OF PARTIAL DECREES was mailed on July 30, 2009, with sufficient first-class postage to the following:

HIGHPLAINS ESTATES SUBDIVISION
HOMEOWNERS ASSN INC
C/O FIRST WESTERN CAPITAL LLC
PO BOX 548
PARK CITY, UT 84060

~~FIRST WESTERN CAPITAL CO LLC
PO BOX 548
PARK CITY, UT 84060-0548~~

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

A handwritten signature in cursive script, appearing to read "Julie Murphy", is written over a horizontal line.