

RECEIVED

JUN 22 2009

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA
TWIN FALLS CO. IDAHO
FILED
2009 JUN 19 AM 8 46

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

)
) Water Right Nos.: See Attached Exhibit A
) (Flying D LLC / Driscoll)
)
) ORDER OF PARTIAL DECREES
)
)
)

On February 2, 2007, the Idaho Department of Water Resources filed its *Director's Report for Basin 47, Part I, Reporting Area 12, for Irrigation and Other Water Rights*, which included recommendations for the above named water rights. No objections were filed and the time period for filing objections has expired.

On April 21, 2009, the Idaho Department of Water Resources filed an *Amended Notice of Completed Administrative Proceeding and Amended Director's Reports* notifying the Court of a change of address in each of the above named water rights. No objections were filed to the *Amended Director's Reports* and the time period for filing objections has expired.

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

June 19, 2009



JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

EXHIBIT A (FLYING D LLC / DRISCOLL)

Subcase Nos:

47-02345A
47-02346A
47-02347A
47-07075A
47-07075B
47-07136A
47-07136B
47-17187

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

DISTRICT COURT-5
TWIN FALLS CO., ID.
FILED
2009 JUN 19 AM 8 4

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
) Water Right 47-02345A

NAME AND ADDRESS: FLYING D LLC
PO BOX 21
ABERDEEN, ID 83210

SOURCE: SALMON FALLS CREEK TRIBUTARY: SNAKE RIVER

QUANTITY: 2.875 CFS

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 11.65 CFS AND TO A TOTAL COMBINED
ANNUAL DIVERSION VOLUME OF 3032 AF. COMBINED RIGHT NOS.:
47-2345A, 47-2346A, 47-2347A, 47-7075B, 47-7136B.

PRIORITY DATE: 11/30/1960

POINT OF DIVERSION: T09S R13E S26 NENW Within Twin Falls County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	2.875 CFS

PLACE OF USE:	Irrigation	Within Twin Falls County
T09S R13E S10	SWSE 40.0	SESE 40.0
S14	NENW 40.0	NWNW 40.0
	SWNW 40.0	SENW 40.0
	NESW 40.0	NWSW 40.0
	SWSW 40.0	SESW 40.0
S15	NENE 40.0	NWNE 40.0
	NENW 40.0	NWNW 40.0
	SWNW 40.0	SENW 40.0
	SESE 38.0	
S22	NENE 27.0	
S23	NENW 26.0	NWNW 27.0
758.0 Acres Total		

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF
A COMBINED TOTAL OF 758 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 47-2345A, 47-2346A, 47-2347A, 47-7075B,
47-7136B.

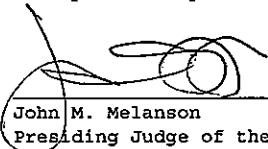
This right is limited to the irrigation of 140 acres within the
place of use described above in a single irrigation season.

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

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED 1/11

2009 JUN 19 AM 8 46

SOURCE: SALMON FALLS CREEK TRIBUTARY: SNAKE RIVER

QUANTITY: 2.875 CFS

PRIORITY DATE: 11/30/1960

POINT OF DIVERSION: T09S R13E S26 NENW Within Twin Falls County

PLACE OF USE:	Irrigation		Within Twin Falls County
T09S R13E	S10	SWSE 40.0	SESE 40.0
	S14	NENW 40.0	NWNW 40.0
		SWNW 40.0	SENW 40.0
		NESW 40.0	NWSW 40.0
		SWSW 40.0	SESW 40.0
	S15	NENE 40.0	NWNE 40.0
		NENW 40.0	NWNW 40.0
		SWNW 40.0	SENW 40.0
		SESE 38.0	
	S22	NENE 27.0	
	S23	NENW 26.0	NWNW 27.0
758.0	Acres Total		

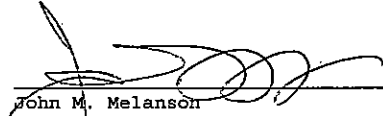
This right is limited to the irrigation of 147 acres within the place of use described above in a single irrigation season.

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

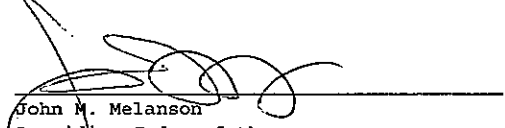
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

2009 JUN 19 AM 8 46

PAGE 1
Apr-21-2009

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

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

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED
2009 JUN 19 AM 8 46

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 47-07075A

NAME AND ADDRESS: FLYING D LLC
PO BOX 21
ABERDEEN, ID 83210

DOUGLAS D DRISCOLL
PO BOX 371
AMERICAN FALLS, ID 83211

SOURCE: SALMON FALLS CREEK TRIBUTARY: SNAKE RIVER

QUANTITY: 3.02 CFS
604.00 AFY

This right when combined with all other rights shall provide no
more than 4.0 afa per acre for irrigation of the lands
described.
USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF 11.64 CFS. COMBINED RIGHT NOS.: 47-7075A,
47-7136A
47-17187.

PRIORITY DATE: 07/23/1969

POINT OF DIVERSION: T09S R13E S26 NENW Within Twin Falls County

PURPOSE AND
PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
Irrigation 03-15 TO 11-15 3.02 CFS
604.00 AFY

PLACE OF USE: Irrigation Within Twin Falls County
T09S R13E S22 NENE 13.0 SWNE 33.0
SENE 40.0 SWNW 40.0
SENE 40.0 NESW 40.0
NESE 33.0 NWSE 37.0
SESE 40.0
S23 NENW 10.0 NWNW 13.0
SWNW 40.0 SENW 21.0
NWSW 37.0
S27 NENW 40.0 NWNW 40.0
SWNW 40.0 SENW 40.0
NESW 40.0 NWSW 40.0
SWSW 40.0 SESW 40.0
757.0 Acres Total

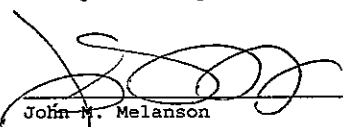
This right is limited to the irrigation of 151 acres within the
place of use described above in a single irrigation season.
USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A
COMBINED TOTAL OF 757 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 47-7075A, 47-7136A, 47-17187.

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

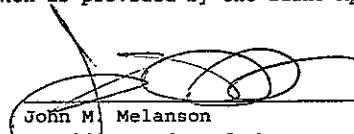
DISTRICT COURT - SRDA
TWIN FALLS CO., IDAHO
FILED
DISTRICT OF THE
TWIN FALLS
2009 JUN 19 AM 8 46

2009 JUN 19 AM 8 46

PAGE 1
Apr-21-2009

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

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED
2009 JUN 19 AM 8 46

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 47-07136A

NAME AND ADDRESS: FLYING D LLC
PO BOX 21
ABERDEEN, ID 83210

DOUGLAS D DRISCOLL
PO BOX 371
AMERICAN FALLS, ID 83211

SOURCE: SALMON FALLS CREEK TRIBUTARY: SNAKE RIVER

QUANTITY: 2.00 CFS
640.00 AFY

This right when combined with all other rights shall provide no
more than 4.0 afa per acre for irrigation of the lands
described.
USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF 11.64 CFS. COMBINED RIGHT NOS.: 47-7075A,
47-7136A
47-17187.

PRIORITY DATE: 02/01/1972

POINT OF DIVERSION: T09S R13E S26 NENW Within Twin Falls County

PURPOSE AND			
PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	2.00 CFS
			640.00 AFY

PLACE OF USE:	Irrigation		Within Twin Falls County
	T09S R13E S22	NENE 13.0	SWNE 33.0
		SENE 40.0	SWNW 40.0
		SENE 40.0	NESW 40.0
		NESE 33.0	NWSE 37.0
		SESE 40.0	
	S23	NENW 10.0	NWNW 13.0
		SWNW 40.0	SENE 21.0
		NWSW 37.0	
	S27	NENW 40.0	NWNW 40.0
		SWNW 40.0	SENE 40.0
		NESW 40.0	NWSW 40.0
		SWSW 40.0	SESE 40.0
	757.0 Acres Total		

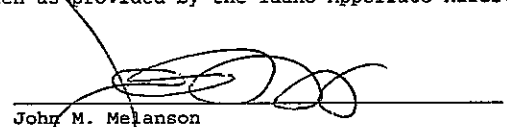
USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A
COMBINED TOTAL OF 757 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 47-7075A, 47-7136A, 47-17187.
This right is limited to the irrigation of 160 acres within the
place of use described above in a single irrigation season.

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

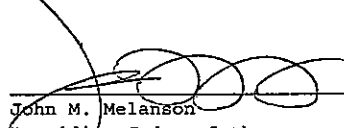
DISTRICT COURT - SRBA
NINTH DISTRICT OF THE
COUNTY OF TWIN FALLS CO., IDAHO
FILED

2009 JUN 19 AM 8 46

PAGE 1
Apr-21-2009

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

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

DISTRICT COURT - SRBA
TWIN FALLS CO. IDAHO
FILED
2009 JUN 19 AM 8 46

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
) Water Right 47-17187

NAME AND ADDRESS: FLYING D LLC
PO BOX 21
ABERDEEN, ID 83210

DOUGLAS D DRISCOLL
PO BOX 371
AMERICAN FALLS, ID 83211

SOURCE: SALMON FALLS CREEK TRIBUTARY: SNAKE RIVER

QUANTITY: 8.625 CFS

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF 11.64 CFS. COMBINED RIGHT NOS.: 47-7075A,
47-7136A
47-17187.

This right when combined with all other rights shall provide no
more than 4.0 afa per acre for irrigation of the lands
described.

PRIORITY DATE: 11/30/1960

POINT OF DIVERSION: T09S R13E S26 NENW Within Twin Falls County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	8.625 CFS

PLACE OF USE:	Irrigation	Within Twin Falls County
T09S R13E S22	NENE 13.0 SENE 40.0 SENE 40.0 NESE 33.0 SESE 40.0	SWNE 33.0 SWNW 40.0 NESW 40.0 NWSE 37.0
S23	NENW 10.0 SWNW 40.0 NWSW 37.0	NWNW 13.0 SENE 21.0
S27	NENW 40.0 SWNW 40.0 NESW 40.0 SWSW 40.0	NWNW 40.0 SENE 40.0 NWSW 40.0 SESE 40.0
757.0 Acres Total		

This right is limited to the irrigation of 447 acres within the
place of use described above in a single irrigation season.
USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A
COMBINED TOTAL OF 757 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 47-7075A, 47-7136A, 47-17187.

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 June 19, 2009, with sufficient first-class postage to the following:

FLYING D LLC
PO BOX 21
ABERDEEN, ID 83210
Phone: 208-226-2121

~~FLYING D LLC
PO BOX 21
ABERDEEN, ID 93210
Phone: 208-226-2121~~

DOUGLAS D DRISCOLL
PO BOX 371
AMERICAN FALLS, ID 83211
Phone: 208-678-8555

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.