

RECEIVED DISTRICT COURT SRBA
TWIN FALLS CO., IDAHO
MAY 14 2009 FILED
DEPARTMENT OF WATER RESOURCES MAY 13 AM 10 59

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
) (Deer Creek Ranch Inc.)
)
) ORDER OF PARTIAL DECREES
)
)

On February 21, 2007, the Idaho Department of Water Resources filed its *Director's Report for Basin 37, Part III, Reporting Area 16, 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 June 25, 2008, 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

May 13, 2009



JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

EXHIBIT A - DEER CREEK RANCH (DECREEES)

Subcase Nos:

37-00466
37-00833R
37-11329

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

DISTRICT COURT - SRBA
FILED

In Re SRBA)
Case No. 39576)

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

2009 MAY 13 AM 10 59

Water Right 37-00466

NAME AND ADDRESS: DEER CREEK RANCH INC
ATTN JOHN FLYNN
PO BOX 3090
NEWPORT BEACH, CA 92658

SOURCE: DEER CREEK TRIBUTARY: BIG WOOD RIVER
GROUND WATER

QUANTITY: 9.77 CFS

The maximum diversion rate from surface water and/or groundwater under this right shall not exceed 9.77 cfs. If flows less than 9.77 cfs are measured, the groundwater diversions shall be reduced accordingly. Such pumping reductions must be made within 24 hours of the measurement showing reduced flows.

The diversion of up to 9.77 cfs of groundwater shall be contingent upon an equivalent amount of water being measured at a point in deer creek within the SESW, S26, T3N, R17E. This right when combined with other rights shall provide no more than 0.02 cfs per acre.

PRIORITY DATE: 04/01/1880

POINT OF DIVERSION: T03N R18E S30 NWNESE Within Blaine County
NESESE
NESESE
SESESE

PURPOSE AND PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
Irrigation 04-15 TO 10-31 9.77 CFS

PLACE OF USE: Irrigation Within Blaine County

T03N R17E S25	SWNE 21.0	SENE 21.0
	SWNW 12.0	SENE 20.0
	NESW 18.0	NWSW 24.0
	NESE 27.0	NWSE 26.0
S26	SENE 2.0	NESW 11.0
	SESW 16.0	NESE 21.0
	NWSE 17.0	SWSE 8.8
R18E S29	NWSW 8.4	SWSW 10.0
S30	SWNE 1.6	SENE 9.6
LOT 2	(SWNW) 10.0	SENE 4.8
	NESW 39.0	LOT 3 (NWSW) 31.0
LOT 4	(SWSW) 0.2	SESW 15.0
	NESE 29.0	NWSE 31.0
	SWSE 29.0	SESE 25.0
S31	NENE 0.6	
489.0 Acres Total		

The rights listed below are limited to the irrigation of a combined total of 489 acres in a single irrigation season. Combined Right Nos.: 37-466 and 37-11329.

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

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS

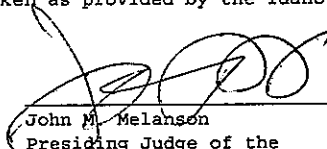
SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

OTHER PROVISIONS (continued)

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

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

In Re SRBA)
)
Case No. 39576)
)

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

Water Right 37-00833R

FILED

2009 MAY 13 AM 10 59

NAME AND ADDRESS: DEER CREEK RANCH INC
ATTN JOHN FLYNN
PO BOX 3090
NEWPORT BEACH, CA 92658

SOURCE: BIG WOOD RIVER TRIBUTARY: MALAD RIVER

QUANTITY: 1.00 CFS
175.00 AFY

This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.5 afa per acre for irrigation of the lands above.

PRIORITY DATE: 11/12/1936

Pursuant to a call in times of scarcity, this right is senior to all other rights that did not result from saved water in the Rockwell By-Pass, as established by and subject to the provisions included within the Rockwell vs. Coffin decree issued on 29 July, 1949.

POINT OF DIVERSION: T03N R18E S29 NESWSW Within Blaine County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-15 TO 10-31	1.00 CFS 175.00 AFY

PLACE OF USE: Irrigation Within Blaine County
T03N R17E S26 SWSW 40.0
R18E S30 SENW 10.0
50.0 Acres Total

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

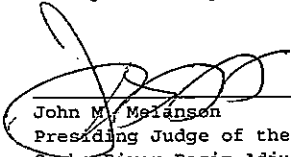
The saved water shall be made available to the Rockwell By-Pass saved water right holders any time the Rockwell By-Pass is being used to deliver water to Broadford Slough right holders. The Rockwell saved water rights shall be curtailed when calls for senior water rights from the Broadford Slough cannot be delivered.

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).

SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

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
Shake 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 MAY 13 AM 10 59

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
Case No. 39576) I.R.C.P. 54(b) FOR
) Water Right 37-11329

NAME AND ADDRESS: DEER CREEK RANCH INC
ATTN JOHN FLYNN
PO BOX 3090
NEWPORT BEACH, CA 92658

SOURCE: GROUND WATER

QUANTITY: 2.48 CFS
500.50 AFY

This right when combined with other rights shall provide no more than 0.02 cfs per acre.
The rights listed below are limited to a total combined diversion rate of 9.78 cfs. Combined Right Nos.: 37-466 and 37-11329

PRIORITY DATE: 07/21/1956

POINT OF DIVERSION: T03N R17E S26 NENESE Within Blaine County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-15 TO 10-31	2.48 CFS 500.50 AFY

PLACE OF USE:	Irrigation	Within Blaine County
	T03N R17E S25	SWNE 21.0 SENE 21.0 SNNW 11.0 SENW 20.0 NESW 4.8 NWSW 6.6 NESE 25.0 NWSE 10.0
	S26	NESE 0.3
	R18E S30 LOT 2	(SNNW) 10.0 SENW 4.8 NESW 39.0 LOT 3 (NWSW) 31.0 SESW 4.2 NESE 0.9 NWSE 25.0 SWSE 0.5
	235.1 Acres Total	

The rights listed below are limited to the irrigation of a combined total of 489 acres in a single irrigation season. Combined Right Nos.: 37-466 and 37-11329.
This right is limited to the irrigation of 143 acres within the place of use described above in a single irrigation season.

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

The right holder shall make full beneficial use of right 37-466 prior to diversion and use under this right. The right holder shall limit the diversion of ground water under this right to those times when right 37-466 is not available or is not reasonably sufficient to irrigate the place of use authorized under this right.
If right 37-466 appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert ground water shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT

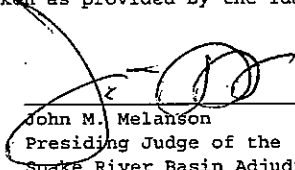
SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

OTHER PROVISIONS (continued)

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 May 13, 2009, with sufficient first-class postage to the following:

DEER CREEK RANCH INC
ATTN JOHN FLYNN
PO BOX 3090
NEWPORT BEACH, CA 92658

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