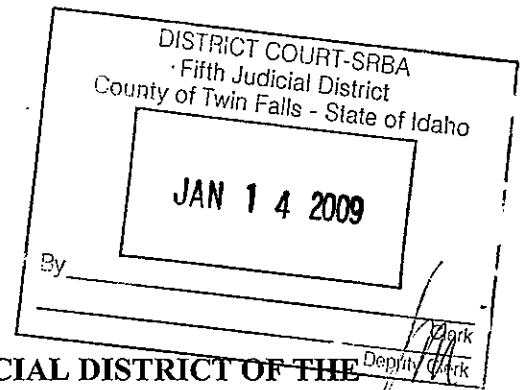


RECEIVED

JAN 15 2009

DEPARTMENT OF  
WATER RESOURCES



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

)

ORDER OF PARTIAL DECREE

)

Case No. 39576

)

For Water Right: 63-02758B  
(Pline Farms Inc.)

)

)

On October 15, 2008, 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* and the time for filing Challenges has now expired.

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 Recommendation* and wholly adopts them as its own.

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

DATED

January 14, 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 )  
 ) PARTIAL DECREE PURSUANT TO  
 ) I.R.C.P. 54(b) FOR  
Case No. 39576 )  
 )  
 ) Water Right 63-02758B

|                                                                                         |              |
|-----------------------------------------------------------------------------------------|--------------|
| DISTRICT COURT-SRBA<br>Fifth Judicial District<br>County of Twin Falls - State of Idaho |              |
| JAN 14 2009                                                                             |              |
| By _____                                                                                | Clerk        |
| _____                                                                                   | Deputy Clerk |

NAME AND ADDRESS: PLINE FARMS INC  
6805 LAKE HAZEL RD  
NAMPA, ID 83687

SOURCE: GROUND WATER  
INDIAN CREEK TRIBUTARY: BOISE RIVER

To the extent the source of this water right from Indian Creek includes waste water, the wasting of water may be discontinued at any time, in compliance with state law.

QUANTITY: 3.68 CFS  
828.00 AFY

The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.  
The quantity of water under this right consists of 1 cfs from Indian Creek and 2.9 cfs from 9 wells, not to exceed a combined total of 3.68 cfs.

PRIORITY DATE: 01/24/1949

|                     |               |      |                      |
|---------------------|---------------|------|----------------------|
| POINT OF DIVERSION: | T02N R01W S05 | NESW | Within Canyon County |
|                     |               | NWNW |                      |
|                     |               | SENW |                      |
|                     |               | SWNE |                      |
|                     |               | SENW |                      |
|                     | S06           | NENE |                      |
|                     | T03N R01W S31 | SESE |                      |
|                     | S32           | SWSW |                      |
|                     |               | SESW |                      |
|                     |               | SWSW |                      |

|                            |                |                |            |
|----------------------------|----------------|----------------|------------|
| PURPOSE AND PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY   |
|                            | Irrigation     | 03-01 TO 11-15 | 3.68 CFS   |
|                            | Stockwater     | 01-01 TO 12-31 | 828.00 AFY |

|               |                    |                      |           |
|---------------|--------------------|----------------------|-----------|
| PLACE OF USE: | Irrigation         | Within Canyon County |           |
|               | T02N R01W S05      | NENW 32.0            | NWNW 37.0 |
|               |                    | SWNW 35.0            | SENW 34.0 |
|               |                    | NESW 14.5            | NWSW 2.0  |
|               | S06                | NENE 5.0             |           |
|               | T03N R01W S31      | SWSE 5.0             | SESE 14.5 |
|               | S32                | SWSW 5.0             |           |
|               | 184.0 Acres Total  |                      |           |
|               | Stockwater         | Within Canyon County |           |
|               | Same as Irrigation |                      |           |

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

The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.

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

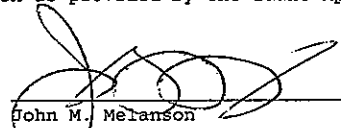
SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

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

2009 JAN 14 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): 63-02758B

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 63-02758B was mailed  
on January 14, 2009, with sufficient first-class postage prepaid  
to the following:

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

NAMPA & MERIDIAN IRR DIST  
Represented by:  
DANIEL V. STEENSON  
455 S THIRD ST  
PO BOX 2773  
BOISE, ID 83701-2773  
Phone: 208-342-4591

PLINE FARMS INC  
Represented by:  
DAVID L WHITNEY  
PO BOX 26  
CALDWELL, ID 83606-0026  
Phone: 208-459-3659

USDI BUREAU OF RECLAMATION  
Represented by:  
US DEPARTMENT OF JUSTICE  
ENVIRONMENT & NATL' RESOURCES  
550 WEST FORT STREET, MSC 033  
BOISE, ID 83724

JULIE MURPHY  
Chief Deputy Clerk