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MAR 11 2008

DEPARTMENT OF  
WATER RESOURCES

|                                                                                         |              |
|-----------------------------------------------------------------------------------------|--------------|
| DISTRICT COURT-SRBA<br>Fifth Judicial District<br>County of Twin Falls - State of Idaho |              |
| MAR 10 2008                                                                             |              |
| 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

Subcases: 74-00314, 74-00317A,  
74-02286 & 74-07002B  
(Shiner Ranch, Inc.)

On December 27, 2007, a *Special Master's Report and Recommendation* was filed for the above-captioned water rights. 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 wholly adopts them as its own.

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

DATED March 10, 2008.

  
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 74-00314

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

MAR 10 2008

By \_\_\_\_\_ Clerk  
\_\_\_\_\_ Deputy Clerk

NAME AND ADDRESS: SHINER RANCH INC  
PO BOX 26  
LEMHI, ID 83465-0025

SOURCE: YEARIAN CREEK TRIBUTARY: LEMHI RIVER

QUANTITY: 2.40 CFS

PRIORITY DATE: 01/01/1909

POINT OF DIVERSION: T17N R24E S03 LOT 4 (NWNW ) Within Lemhi County

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY |
|-------------------------------|----------------|----------------|----------|
|                               | Irrigation     | 03-15 TO 11-15 | 2.40 CFS |

PLACE OF USE: Irrigation Within Lemhi County

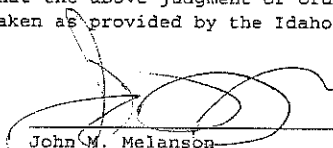
|                  |           |           |
|------------------|-----------|-----------|
| T18N R24E S33    | SESW 20.0 | NWSE 28.0 |
| 74.0 Acres Total | SWSE 26.0 |           |

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

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 74-00317A

|                                                                                         |              |
|-----------------------------------------------------------------------------------------|--------------|
| DISTRICT COURT-SRBA<br>Fifth Judicial District<br>County of Twin Falls - State of Idaho |              |
| MAR 10 2008                                                                             |              |
| By _____                                                                                | Clerk        |
| _____                                                                                   | Deputy Clerk |

NAME AND ADDRESS: SHINER RANCH INC  
PO BOX 26  
LEMHI, ID 83465-0025

SOURCE: YEARIAN CREEK TRIBUTARY: LEMHI RIVER

QUANTITY: 2.67 CFS

This right when combined with all other rights shall provide  
no more than 3.5 afa per acre at the field headgate for  
irrigation of the lands above.

The right holder shall maintain a measuring device and lockable  
controlling works of a type approved by the Department in a  
manner that will provide the watermaster suitable control of the  
diversion(s).

PRIORITY DATE: 02/01/1910

POINT OF DIVERSION: T18N R24E S35 SESE Within Lemhi County  
S36 NWSW

|                               |                |                |          |
|-------------------------------|----------------|----------------|----------|
| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY |
|                               | Irrigation     | 03-15 TO 11-15 | 2.67 CFS |

|               |                  |                     |
|---------------|------------------|---------------------|
| PLACE OF USE: | Irrigation       | Within Lemhi County |
|               | T18N R24E S33    | NWSE 28.0           |
|               | S35              | SESW 5.0            |
|               | SESE 4.0         |                     |
|               | 63.0 Acres Total |                     |

This right authorizes the irrigation of 62.6 total acres.  
This right is limited to the irrigation of 62.6 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 accomplish the change authorized by  
transfer 73524 by September 18, 2008.

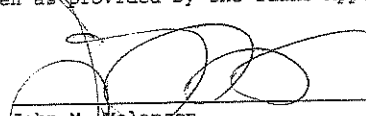
Failure of the right holder to comply with the conditions of  
transfer 73524 is cause for the Director to rescind approval of  
the transfer.

Use of water under this right will be regulated by a  
watermaster with responsibility for the distribution of water  
among appropriators within a water district. At the time of this  
approval, this water right is within State Water District No.  
74-Y.

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.

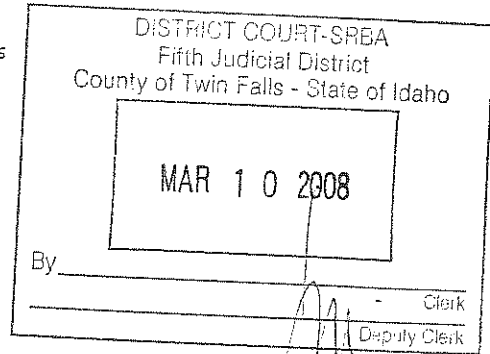
  
\_\_\_\_\_  
John M. Melanson  
Presiding Judge of the  
Snake River Basin Adjudication

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 74-02286



NAME AND ADDRESS: SHINER RANCH INC  
PO BOX 26  
LEMHI, ID 83465-0025

SOURCE: LEMHI RIVER TRIBUTARY: SALMON RIVER

QUANTITY: 4.60 CFS

PRIORITY DATE: 02/09/1940

POINT OF DIVERSION: T17N R24E S14 SWNE Within Lemhi County

| PURPOSE AND PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY |
|----------------------------|----------------|----------------|----------|
|                            | Irrigation     | 03-15 TO 11-15 | 4.60 CFS |

| PLACE OF USE: | Irrigation                      | Within Lemhi County |
|---------------|---------------------------------|---------------------|
|               | T17N R24E S04 LOT 2 (NWNE) 10.0 | SWNE 2.0            |
|               | T18N R24E S33 SWNE 2.0          | SWNW 5.0            |
|               | SENE 29.0                       | NESW 40.0           |
|               | NWSW 19.0                       | SWSW 1.0            |
|               | SESW 20.0                       | NWSE 28.0           |
|               | SWSE 26.0                       |                     |
|               | 182.0 Acres Total               |                     |

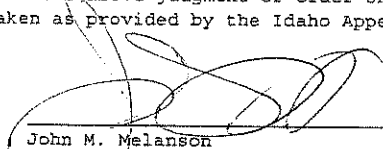
This right authorizes the irrigation of 183.3 total acres.

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(5).

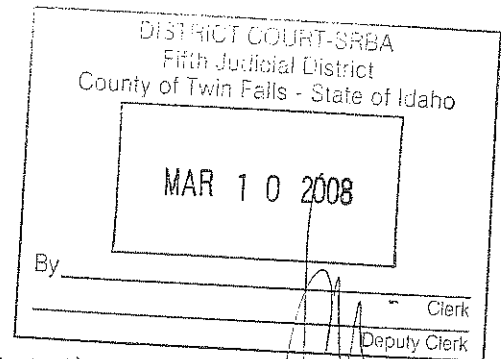
RULE 54(b) CERTIFICATE

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

In Re SRBA )  
 ) PARTIAL DECREE PURSUANT TO  
 ) I.R.C.P. 54(b) FOR  
Case No. 39576 )  
 )  
 ) Water Right 74-07002B



NAME AND ADDRESS: SHINER RANCH INC  
PO BOX 26  
LEMHI, ID 83465-0025

SOURCE: YEARIAN CREEK TRIBUTARY: LEMHI RIVER

QUANTITY: 269.30 AFY

The right holder shall provide a means acceptable to the department to measure the amount of water entering the reservoir and the amount of water released from the reservoir. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

PRIORITY DATE: 04/24/1969

POINT OF DIVERSION: T18N R24E S35 SWSE Within Lemhi County  
R25E S18 NESW

| PURPOSE AND PERIOD OF USE: | PURPOSE OF USE          | PERIOD OF USE  | QUANTITY   |
|----------------------------|-------------------------|----------------|------------|
|                            | Irrigation Storage      | 01-01 TO 12-31 | 269.30 AFY |
|                            | Irrigation from Storage | 03-15 TO 11-15 | 269.30 AFY |

The storage of water under this right is contingent upon continued certification by the Department of Water Resources under the dam safety provisions of the Idaho Code, authorizing storage.

| PLACE OF USE: | Irrigation Storage              | Within Lemhi County        |
|---------------|---------------------------------|----------------------------|
|               | T18N R24E S35 SWSE              |                            |
|               | R25E S18 NESW                   | NWSE                       |
|               | Irrigation from Storage         | Within Lemhi County        |
|               | T17N R24E S04 LOT 1 (NENE) 12.0 | LOT 2 (NWNE) 15.0          |
|               |                                 | SWNE 11.0 LOT 5 (SENE) 7.0 |
|               | LOT 3 (NENW) 16.0               | SENE 23.0                  |
|               | T18N R24E S33 SWNE 3.0          | SNNW 6.0                   |
|               |                                 | SENE 28.0                  |
|               |                                 | NESW 39.0                  |
|               |                                 | NWSW 17.0                  |
|               |                                 | SWSW 10.0                  |
|               |                                 | SESW 36.0                  |
|               |                                 | NWSE 28.0                  |
|               |                                 | SWSE 28.0                  |
|               | S34 NESW 1.0                    | NWSW 15.0                  |
|               |                                 | SWSW 32.0                  |
|               |                                 | SESW 7.0                   |
|               |                                 | SESE 25.0                  |
|               | S35 SWSW 25.0                   |                            |
|               | 395.0 Acres Total               |                            |

Rights 74-0315, 74-2286, 74-0931, 74-0312, 74-0317B, 74-0313, 74-1794 and 74-7002B when combined shall not exceed the irrigation of 523 acres.

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

Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this

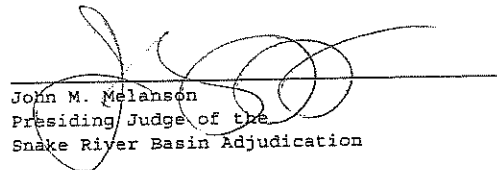
OTHER PROVISIONS (continued)

approval, this water right is within State Water District No. 74-Y.

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 March 10, 2008, with sufficient first-class postage to the following:

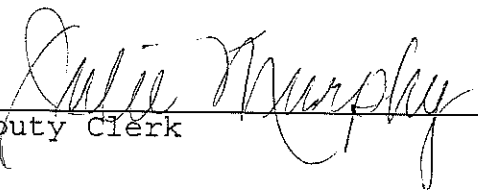
SHINER RANCH INC  
PO BOX 26  
LEMHI, ID 83465-0025  
Phone: 208-768-2473

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

ORDER

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FILE COPY FOR 00409

  
Deputy Clerk