

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 63-04288

NAME AND ADDRESS: FIVE R PROPERTIES LLC  
ROBERT W NAHAS  
701 E STATE ST SUITE 150  
EAGLE, ID 83616

DAVI ROYLANCE INVESTMENTS LLC  
391 W STATE ST SUITE E  
EAGLE, ID 83616

SOURCE: GROUND WATER

QUANTITY: 0.09 CFS  
13.50 AFY

The quantity of water under this right for domestic use shall  
not exceed 13,000 gallons per day.

PRIORITY DATE: 03/28/1928

POINT OF DIVERSION: T04N R01W S12 LOT 3 (SESW ) Within Ada County

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE     | PERIOD OF USE  | QUANTITY              |
|-------------------------------|--------------------|----------------|-----------------------|
|                               | Irrigation         | 03-01 TO 11-15 | 0.09 CFS<br>13.50 AFY |
|                               | Domestic           | 01-01 TO 12-31 | 0.04 CFS              |
|                               | Recreation Storage | 01-01 TO 12-31 | 0.09 CFS<br>9.35 AFY  |
|                               | Aesthetic Storage  | 01-01 TO 12-31 | 0.09 CFS<br>9.35 AFY  |

Domestic use is for 1 home.

|               |                                                   |                   |
|---------------|---------------------------------------------------|-------------------|
| PLACE OF USE: | Irrigation                                        | Within Ada County |
|               | T04N R01W S12 LOT 3 (SESW) 3.0<br>3.0 Acres Total |                   |
|               | Domestic                                          | Within Ada County |
|               | T04N R01W S12 LOT 3 (SESW)                        |                   |
|               | Recreation Storage                                | Within Ada County |
|               | T04N R01W S12 LOT 3 (SESW)                        |                   |
|               | Aesthetic Storage                                 | Within Ada County |
|               | T04N R01W S12 LOT 3 (SESW)                        |                   |

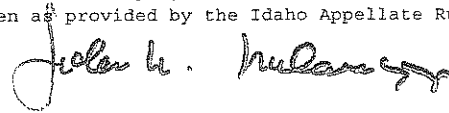
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

The quantity of water decreed for this water right for domestic  
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  
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.



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