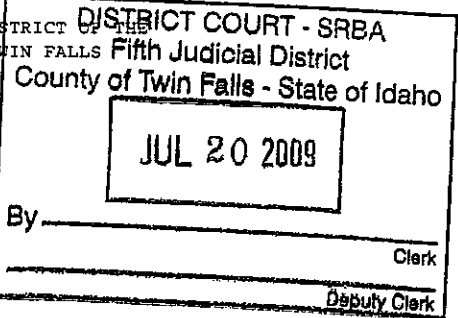


IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS



In Re SRBA )  
PARTIAL DECREE PURSUANT TO  
I.R.C.P. 54(b) FOR  
Case No. 39576 )  
Water Right 02-02181

NAME AND ADDRESS: GINGERICH BROTHERS FARMS  
47589 STATE HWY 78  
MOUNTAIN HOME, ID 83647-5081

SOURCE: SNAKE RIVER TRIBUTARY: COLUMBIA RIVER

QUANTITY: 5.80 CFS

Rights 02-2094A, 02-2094B, 02-2181, 02-2182A, 02-2182B, 02-2183,  
02-2375A, 02-2375B, 02-10289 and 02-10291 when combined shall  
not exceed a total diversion rate of 19.83 cfs.  
Rights 02-2181, 02-2094B, 02-2182B, 02-2183, 02-2284B, 02-2375B  
and 02-10291 when combined shall not exceed a total annual  
maximum diversion volume of 5260.0 af at the field headgate.

PRIORITY DATE: 01/04/1963

POINT OF DIVERSION: T06S R06E S04 LOT 3 (NENW ) Within Owyhee County

| PURPOSE AND PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY |
|----------------------------|----------------|----------------|----------|
| Irrigation                 |                | 03-01 TO 11-15 | 5.80 CFS |

| PLACE OF USE:      | Irrigation | Within Owyhee County |
|--------------------|------------|----------------------|
| T06S R06E S03      | SWSW 40.0  | SESW 25.2            |
| S04                | NESW 40.0  | NWSW 34.0            |
|                    | SWSW 41.7  | SESW 41.6            |
|                    | NWSE 29.4  | SWSE 41.3            |
|                    | SESE 40.0  |                      |
| S05                | SESW 0.7   | NESE 11.2            |
|                    | SWSE 22.1  | SESE 41.1            |
| S07                | SENE 11.0  |                      |
| S08                | NENE 41.3  | NWNE 41.2            |
|                    | SWNE 41.0  | SENE 41.0            |
|                    | NENW 31.2  | NWNW 4.2             |
|                    | SWNW 37.5  | SENW 41.2            |
|                    | NESW 40.0  | NWSW 39.1            |
|                    | NESE 40.0  | NWSE 40.0            |
| S09                | NENE 39.5  | NWNE 41.2            |
|                    | SWNE 40.0  | SENE 29.1            |
|                    | NENW 41.5  | NWNW 41.6            |
|                    | SWNW 41.7  | SENW 41.6            |
|                    | NESW 41.4  | NWSW 41.4            |
|                    | SWSW 40.0  |                      |
| S10                | NWNW 19.0  |                      |
| 1315.0 Acres Total |            |                      |

This right is limited to the irrigation of 301 acres within the  
place of use described above in a single irrigation season.  
Rights 02-2181, 02-2094B, 02-2182B, 02-2183, 02-2284B, 02-2375B  
and 02-10291 when combined shall not exceed the irrigation of  
1315 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

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

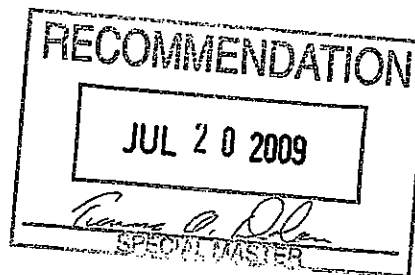
OTHER PROVISIONS (continued)

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



RECEIVED

JUL 21 2009

DEPARTMENT OF  
WATER RESOURCES

|                                                                                           |       |
|-------------------------------------------------------------------------------------------|-------|
| DISTRICT COURT - SRBA<br>Fifth Judicial District<br>County of Twin Falls - State of Idaho |       |
| JUL 20 2009                                                                               |       |
| 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 ) Subcases 02-2094B, 02-2181, 02-2182B, 02-  
Case No. 39576 ) 2183, 02-2284B, 02-2375B and 02-10291  
) (Gingerich Brothers Farms) and 02-10289  
) (Gingerich)  
)  
) SPECIAL MASTER REPORT  
)

**Findings of Fact**

The Director of the Idaho Department of Water Resources filed his *Director's Report, Irrigation & Other Uses, Reporting Area Basin 02* on December 29, 2006. The Director recommended claims 02-2094B, 02-2181, 02-2182B, 02-2183, 02-2284B, 02-2375B and 02-10291 to Gingerich Brothers Farms, 47589 State Hwy 78, Mountain Home, Idaho, 83647-5081, for between 1 cfs and 6.06 cfs from the Snake River to irrigate 1,315 acres in Owyhee County from March 1 or 15 to November 15 with priority dates between August 30, 1955, and November 3, 1978, based on licenses.

The Director recommended claim 02-10289 to David O. Miller as an uncontested overlapping claim, but on October 29, 2008, IDWR filed a *Notice of Completed Administrative Proceeding* in the subcase with new claimants Rudy and Colleen Gingerich, 47589 State Hwy 78, Mountain Home, Idaho, 83647.

The United States of America, Department of Interior, Bureau of Land Management filed *Objections* in subcases 02-2094B, 02-2181, 02-2182B, 02-2183, 02-2284B, 02-2375B and 02-10291 on December 5, 2007, objecting to place of use. On February 10, 2009, the claimant, with IDWR's concurrence, filed *Standard Forms 5* amending the place of use.

**Conclusions of Law**

Gingerich Brothers Farms and Rudy and Colleen Gingerich are entitled to partial decrees adjudicating water rights as described in the *SF-5's* and *NCAP* and the attached *Special Master*

*Recommendations for Partial Decrees for Water Rights 02-2094B, 02-2181, 02-2182B, 02-2183, 02-2284B, 02-2375B, 02-10289 and 02-10291.*

DATED July 20, 2009.

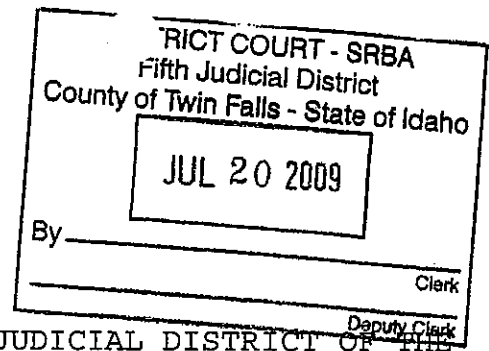


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TERRENCE A. DOLAN

Special Master

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 )  
\_\_\_\_\_ )

NOTICE OF ISSUANCE OF  
SPECIAL MASTER'S  
RECOMMENDATION

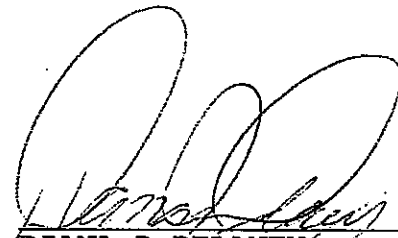
Water Right(s) : 02-02094B  
02-02181 02-02182B 02-02183  
02-02284B 02-02375B 02-10289  
02-10291

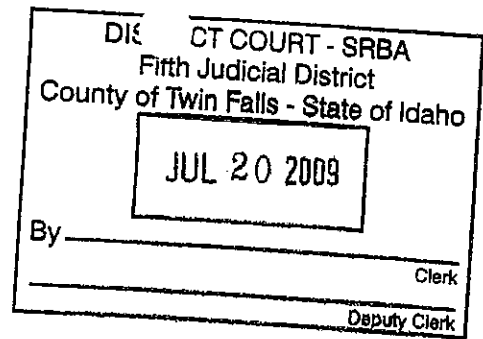
On July 20, 2009, Special Master TERRENCE A. DOLAN issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s) pursuant to SRBA Administrative Order 1 (AO1), Section 13a.

Pursuant to SRBA Administrative Order 1, Section 13a, any party to the adjudication including parties to the subcase, may file a Motion to Alter or Amend on or before the 28th day of the next month.

Failure of any party in the adjudication to pursue or participate in a Motion to Alter or Amend the SPECIAL MASTER'S RECOMMENDATION shall constitute a waiver of the right to challenge it before the Presiding Judge.

DATED July 20, 2009.

  
\_\_\_\_\_  
DIANA R DELANEY  
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 )  
\_\_\_\_\_ )

CERTIFICATE OF MAILING

Water Right(s) : 02-02094B  
02-02181 02-02182B 02-02183  
02-02284B 02-02375B 02-10289  
02-10291

CERTIFICATE OF MAILING

I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on July 20, 2009, with sufficient first-class postage prepaid to the following:

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

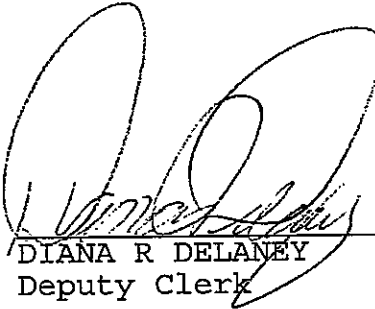
UNITED STATES OF AMERICA  
Represented by:  
US DEPARTMENT OF JUSTICE  
ENVIRONMENT & NATL' RESOURCES  
550 WEST FORT STREET, MSC 033  
BOISE, ID 83724

CERTIFICATE OF MAILING

PAGE 1  
07/20/09

COLLEEN MARTIN GINGERICH  
RUDY GINGERICH  
47589 STATE HWY 78  
MOUNTAIN HOME, ID 83647

GINGERICH BROTHERS FARMS  
47589 STATE HWY 78  
MOUNTAIN HOME, ID 83647-5081  
Phone: 208-845-2868



DIANA R DELANEY  
Deputy Clerk