

DEPARTMENT OF  
WATER RESOURCES

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

MAR 16 2010

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

**AMENDED SPECIAL MASTER'S  
REPORT AND RECOMMENDATION;  
FINDINGS OF FACT AND  
CONCLUSIONS OF LAW**

**WATER RIGHT NOS.: 22-7210,  
22-7313A, AND 22-7313B**

## I. FINDINGS OF FACT

Claims were filed for these water rights pursuant to I.C. § 42-1409. The Director of the State of Idaho Department of Water Resources examined the water system for this reporting area. The *Director's Report* contained recommendations for the elements of these water rights.

*Objections* were filed by the United States Bureau of Land Management and the United States Bureau of Reclamation on May 5, 2006. The *Objections* were resolved with the filing of *Standard Forms 5* on May 23, 2007. *Amended Standard Forms 5* were filed on March 18, 2008.

At a Status Conference on April 16, 2008, the Idaho Department of Water Resources informed the court that it needed to complete a transfer prior to these rights being partially decreed. A *Notice of Completed Administrative Proceeding* was filed on March 9, 2009. An *Amended Notice of Completed Administrative Proceeding* was filed on November 5, 2009. The *Amended Notice of Completed Administrative Proceeding* was placed on the Docket Sheet. No objections were filed, and the time for filing such objections has now expired.

A *Special Master's Report and Recommendation* was issued on February 26, 2010. However, the *Special Master's Report and Recommendation* contained a clerical error in the place of use element for these water rights listing T6N R42E S10 NWNNW . The correct legal description should be T6N R42E S10 NWSSW. It also listed T7N R42E S11. The correct legal description is T6N R42E S11. T7N begins with S21. This *Amended Special Master's Report and Recommendation* corrects these errors.

## II. CONCLUSIONS OF LAW

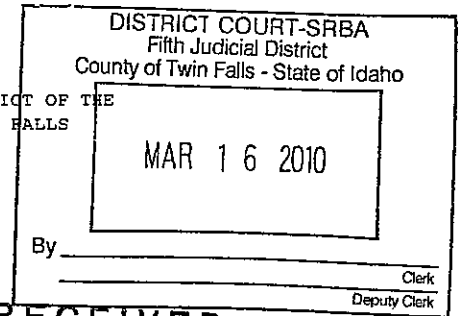
Therefore, based on the file and record herein, IT IS RECOMMENDED that these water rights be **decreed** with the elements set forth in the attached *Special Master's Recommendations for Partial Decree*.

DATED: March 16, 2010.

  
\_\_\_\_\_  
BRIGETTE BILYEU  
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 )  
 ) PARTIAL DECREE PURSUANT TO  
 ) I.R.C.P. 54(b) FOR  
Case No. 39576 )  
 )  
 ) Water Right 22-07210



RECEIVED

MAR 17 2010

DEPARTMENT OF  
WATER RESOURCES

NAME AND ADDRESS: VAL E SCHWENDIMAN FARMS INC  
9633 E HWY 33  
NEWDALE, ID 83436

SOURCE: GROUND WATER

The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.

QUANTITY: 15.50 CFS  
5656.90 AFY

The rights listed below are limited to a total combined diversion rate of 33.22 cfs. Combined Right Nos.: 22-7210, 22-7271, 22-7287, 22-7313A, 22-7313B, and 22-12656.  
The rights listed below are limited to a total combined annual diversion volume of 13,767.25 af. Combined Right Nos.: 22-7210, 22-7271, 22-7287, 22-7313A, 22-7313B and 22-12656.  
The rights listed below are limited to a total combined diversion rate of 28.10 cfs. Combined Right Nos.: 22-7210, 22-7271, 22-7313A and 22-7313B.  
The right listed below are limited to a total combined diversion rate of 56.36 cfs. Combined Right Nos. 22-7205, 22-7210, 22-7265A, 22-7265B, 22-7314, 22-7313A & 22-7313B.  
The rights listed below are limited to a total combined annual diversion volume of 11,476.5 af. Combined Right Nos.: 22-7210, 22-7271, 22-7313A and 22-7313B.

PRIORITY DATE: 02/15/1977

POINT OF DIVERSION: T07N R41E S29 SESWNE Within Fremont County  
NWNESE (Injection)  
R42E S23 SENWSE (Rediversion)

Water diverted under this right is exchanged by injecting water diverted under this right into Teton River at the points of injection described above, and diverting an equal amount from Teton River at the point of rediversion described above. Three exchange wells are located at or near the point of diversion described above.

The following rights are diverted through point(s) of diversion described above: 22-7205, 22-7210, 22-7265A, 22-7265B, 22-7313A, 22-7313B and 22-7314.

The following rights are diverted through point(s) of rediversion described above: 22-7210, 22-7270, 22-7313A, 27-7313B.

| PURPOSE AND PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY                 |
|----------------------------|----------------|----------------|--------------------------|
|                            | Irrigation     | 04-15 TO 10-15 | 15.50 CFS<br>5656.90 AFY |

The use of water for irrigation under this right may begin as early as April 1 and may continue to as late as October 31, provided other elements of the right are not exceeded. The use

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

PURPOSE AND PERIOD OF USE (continued)

of water before April 15 and after October 15 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.

| PLACE OF USE: | Irrigation                      | Within Madison County |
|---------------|---------------------------------|-----------------------|
|               | T06N R42E S02 LOT 1 (NENE) 39.0 | LOT 2 (NWNE) 39.0     |
|               | SWNE 39.0                       | SENE 39.0             |
|               | LOT 3 (NENW) 39.0               | LOT 4 (NWNW) 39.0     |
|               | SWNW 39.0                       | SENW 39.0             |
|               | NESW 39.0                       | NWSW 39.0             |
|               | SWSW 39.0                       | SESW 39.0             |
|               | NESE 39.0                       | NWSE 39.0             |
|               | SWSE 39.0                       | SESE 39.0             |
|               | S03 SENE 3.2                    | NESE 31.0             |
|               | NWSE 13.0                       |                       |
|               | S10 NENE 40.0                   | NWNE 40.0             |
|               | SWNE 36.0                       | SENE 31.0             |
|               | NESW 40.0                       | NWSW 40.0             |
|               | NESE 40.0                       | NWSE 40.0             |
|               | S11 NENE 39.0                   | NWNE 39.0             |
|               | SWNE 39.0                       | NENW 39.0             |
|               | NWNW 39.0                       | SWNW 39.0             |
|               | SENW 39.0                       |                       |
|               | T07N R42E S21 NENE 7.0          | SENE 32.0             |
|               | NESE 38.0                       |                       |
|               | S22 NENE 14.5                   | NWNE 14.0             |
|               | SWNE 39.2                       | SENE 39.3             |
|               | NENW 31.0                       | NWNW 31.0             |
|               | SWNW 40.0                       | SENW 40.0             |
|               | NESW 17.0                       | NWSW 36.0             |
|               | NESE 39.0                       | NWSE 39.0             |
|               | S23 NWNW 2.8                    | SWNW 29.0             |
|               | SENW 3.1                        | NESW 24.0             |
|               | NWSW 39.2                       | SWSW 40.0             |
|               | SESW 38.0                       | SWSE 12.0             |
|               | S26 NWNE 23.3                   | SWNE 35.0             |
|               | SENE 2.2                        | NENW 40.0             |
|               | NWNW 40.0                       | SWNW 40.0             |
|               | SENW 40.0                       | NESW 36.1             |
|               | NWSW 40.0                       | SWSW 40.0             |
|               | SESW 40.0                       | NESE 1.6              |
|               | NWSE 11.8                       | SWSE 7.1              |
|               | S27 NENE 40.0                   | NWNE 40.0             |
|               | SWNE 40.0                       | SENE 40.0             |
|               | NENW 40.0                       | NWNW 40.0             |
|               | SWNW 40.0                       | SENW 40.0             |
|               | SENW 40.0                       | NESW 40.0             |
|               | NWSW 40.0                       | SWSW 40.0             |
|               | NESE 40.0                       | NWSE 40.0             |
|               | SWSE 40.0                       | SESE 40.0             |
|               | S28 NENE 38.0                   | SWNE 40.0             |
|               | SENE 40.0                       | SWSW 40.0             |
|               | SESW 40.0                       | NESE 40.0             |
|               | NWSE 40.0                       | SWSE 40.0             |
|               | SESE 40.0                       |                       |
|               | S33 NENW 40.0                   |                       |
|               | S35 NWNE 27.0                   | SWNE 39.0             |
|               | SENE 15.6                       | NENW 40.0             |
|               | NWNW 40.0                       | SWNW 40.0             |
|               | SENW 39.0                       | NESW 39.0             |
|               | NWSW 39.0                       | SWSW 39.0             |
|               | SESW 39.0                       | NESE 37.4             |

PLACE OF USE (continued)

|                    |           |           |
|--------------------|-----------|-----------|
|                    | NWSE 39.0 | SWSE 39.0 |
|                    | SESE 39.0 |           |
| S36                | NWSW 12.8 | SWSW 39.0 |
| 3934.2 Acres Total |           |           |

This right is limited to the irrigation of 2560 acres within the place of use described above in a single irrigation season. Place of use does not include federal public lands unless authorized in writing by the managing federal agency. The rights listed below are limited to the irrigation of a combined total of 3933.5 acres in a single irrigation season. Combined Right Nos.: 22-7210, 22-7271, 22-7287, 22-7313A, 22-7313B and 22-12656.

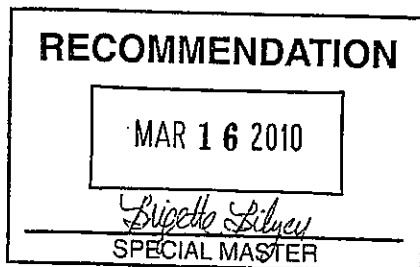
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

No demand on upstream prior rights or existing prior exchanges can be made and no interference with prior rights located between the redirection pump and the exchange wells will be allowed even if the exchange wells are pumping water into the Teton River. Totalizing measuring devices shall be maintained at the exchange wells and redirection pumps from the Teton River. The exchange wells must inject water into the Teton River whenever water is being diverted from the river under this water right, and the injection must continue after the diversion from the Teton River ceases until the water not diverted reaches the point of injection. The rate of diversion from the Teton River shall not exceed the rate of injection into the Teton River from the exchange wells. As of February 02, 2009, this water right is within State Water District No. 01.

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.



Eric J. Wildman  
Presiding Judge of the  
Snake River Basin Adjudication

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

MAR 16 2010

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     | ) | PARTIAL DECREE PURSUANT TO |
|                | ) | I.R.C.P. 54(b) FOR         |
| Case No. 39576 | ) |                            |
| _____          | ) | Water Right 22-07313A      |

NAME AND ADDRESS: VAL E SCHWENDIMAN FARMS INC  
9633 E HWY 33  
NEWDALE, ID 83436

SOURCE: GROUND WATER

The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.

QUANTITY: 5.37 CFS  
1970.82 AFY

The rights listed below are limited to a total combined diversion rate of 33.22 cfs. Combined Right Nos.: 22-7210, 22-7271, 22-7287, 22-7313A, 22-7313B, and 22-12656.  
The rights listed below are limited to a total combined annual diversion volume of 13,767.25 af. Combined Right Nos.: 22-7210, 22-7271, 22-7287, 22-7313A, 22-7313B and 22-12656.  
The rights listed below are limited to a total combined diversion rate of 28.10 cfs. Combined Right Nos.: 22-7210, 22-7271, 22-7313A and 22-7313B.  
The right listed below are limited to a total combined diversion rate of 56.36 cfs. Combined Right Nos. 22-7205, 22-7210, 22-7265A, 22-7265B, 22-7314, 22-7313A & 22-7313B.  
The rights listed below are limited to a total combined annual diversion volume of 11,476.5 af. Combined Right Nos.: 22-7210, 22-7271, 22-7313A and 22-7313B.

PRIORITY DATE: 01/15/1980

|                     |               |                              |
|---------------------|---------------|------------------------------|
| POINT OF DIVERSION: | T07N R41E S29 | SESWNE Within Fremont County |
|                     |               | NWNESE (Injection)           |
|                     | R42E S23      | SENWSE (Rediversion)         |

Water diverted under this right is exchanged by injecting water diverted under this right into Teton River at the points of injection described above, and diverting an equal amount from Teton River at the point of rediversion described above.  
The following rights are diverted through point(s) of rediversion described above: 22-7210, 22-7270, 22-7313A and 27-7313B.  
Three exchange wells are located at or near the point of diversion described above.  
The following rights are diverted through point(s) of diversion described above: 22-7205, 22-7210, 22-7265A, 22-7265B, 22-7313A, and 22-7313B.

|                            |                |                |             |
|----------------------------|----------------|----------------|-------------|
| PURPOSE AND PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY    |
|                            | Irrigation     | 04-15 TO 10-15 | 5.37 CFS    |
|                            |                |                | 1970.82 AFY |

The use of water for irrigation under this right may begin as early as April 1 and may continue to as late as October 31, provided other elements of the right are not exceeded. The use

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

PURPOSE AND PERIOD OF USE (continued)

of water before April 15 and after October 15 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.

| PLACE OF USE: | Irrigation                      | Within Madison County |
|---------------|---------------------------------|-----------------------|
|               | T06N R42E S02 LOT 1 (NENE) 39.0 | LOT 2 (NWNE) 39.0     |
|               | SWNE 39.0                       | SENE 39.0             |
|               | LOT 3 (NENW) 39.0               | LOT 4 (NWNW) 39.0     |
|               | SWNW 39.0                       | SENW 39.0             |
|               | NESW 39.0                       | NWSW 39.0             |
|               | SWSW 39.0                       | SESW 39.0             |
|               | NESE 39.0                       | NWSE 39.0             |
|               | SWSE 39.0                       | SESE 39.0             |
|               | S03 SENE 3.2                    | NESE 31.0             |
|               | NWSE 13.0                       |                       |
|               | S10 NENE 40.0                   | NWNE 40.0             |
|               | SWNE 36.0                       | SENE 31.0             |
|               | NESW 40.0                       | NWSW 40.0             |
|               | NESE 40.0                       | NWSE 40.0             |
|               | S11 NENE 39.0                   | NWNE 39.0             |
|               | SWNE 39.0                       | NENW 39.0             |
|               | NWNW 39.0                       | SWNW 39.0             |
|               | SENE 39.0                       |                       |
|               | T07N R42E S21 NENE 7.0          | SENE 32.0             |
|               | NESE 38.0                       |                       |
|               | S22 NENE 14.5                   | NWNE 14.0             |
|               | SWNE 39.2                       | SENE 39.3             |
|               | NENW 31.0                       | NWNW 31.0             |
|               | SWNW 40.0                       | SENW 40.0             |
|               | NESW 17.0                       | NWSW 36.0             |
|               | NESE 39.0                       | NWSE 39.0             |
|               | S23 NWNW 2.8                    | SWNW 29.0             |
|               | SENW 3.1                        | NESW 24.0             |
|               | NWSW 39.2                       | SWSW 40.0             |
|               | SESW 38.0                       | SWSE 12.0             |
|               | S26 NWNE 23.3                   | SWNE 35.0             |
|               | SENE 2.2                        | NENW 40.0             |
|               | NWNW 40.0                       | SWNW 40.0             |
|               | SENW 40.0                       | NESW 36.1             |
|               | NWSW 40.0                       | SWSW 40.0             |
|               | SESW 40.0                       | NESE 1.6              |
|               | NWSE 11.8                       | SWSE 7.1              |
|               | S27 NENE 40.0                   | NWNE 40.0             |
|               | SWNE 40.0                       | SENE 40.0             |
|               | NENW 40.0                       | NWNW 40.0             |
|               | SWNW 40.0                       | SENW 40.0             |
|               | SENW 40.0                       | NESW 40.0             |
|               | NWSW 40.0                       | SWSW 40.0             |
|               | NESE 40.0                       | NWSE 40.0             |
|               | SWSE 40.0                       | SESE 40.0             |
|               | S28 NENE 38.0                   | SWNE 40.0             |
|               | SENE 40.0                       | SWSW 40.0             |
|               | SESW 40.0                       | NESE 40.0             |
|               | NWSE 40.0                       | SWSE 40.0             |
|               | SESE 40.0                       |                       |
|               | S33 NENW 40.0                   |                       |
|               | S35 NWNE 27.0                   | SWNE 39.0             |
|               | SENE 15.6                       | NENW 40.0             |
|               | NWNW 40.0                       | SWNW 40.0             |
|               | SENW 39.0                       | NESW 39.0             |
|               | NWSW 39.0                       | SWSW 39.0             |
|               | SESW 39.0                       | NESE 37.4             |

PLACE OF USE (continued)

|        |             |           |
|--------|-------------|-----------|
|        | NWSE 39.0   | SWSE 39.0 |
|        | SESE 39.0   |           |
| S36    | NWSW 12.8   | SWSW 39.0 |
| 3934.2 | Acres Total |           |

This right is limited to the irrigation of 719 acres within the place of use described above in a single irrigation season. Place of use does not include federal public lands unless authorized in writing by the managing federal agency. The rights listed below are limited to the irrigation of a combined total of 3933.5 acres in a single irrigation season. Combined Right Nos.: 22-7210, 22-7271, 22-7287, 22-7313A, 22-7313B and 22-12656.

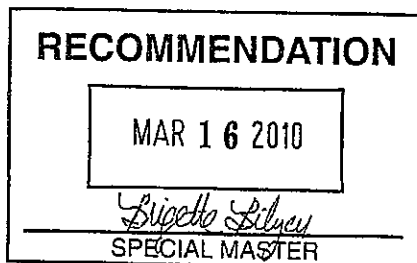
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THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

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Eric J. Wildman  
Presiding Judge of the  
Snake River Basin Adjudication

DISTRICT COURT-SRBA  
Fifth Judicial District  
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IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

MAR 16 2010

In Re SRBA )  
 ) PARTIAL DECREE PURSUANT TO  
 ) I.R.C.P. 54(b) FOR  
Case No. 39576 )  
 )  
 ) Water Right 22-07313B

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

NAME AND ADDRESS: VAL E SCHWENDIMAN FARMS INC  
9633 E HWY 33  
NEWDAL, ID 83436

SOURCE: GROUND WATER

The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.

QUANTITY: 3.63 CFS  
1313.88 AFY

The rights listed below are limited to a total combined diversion rate of 33.22 cfs. Combined Right Nos.: 22-7210, 22-7271, 22-7287, 22-7313A, 22-7313B, and 22-12656.  
The rights listed below are limited to a total combined annual diversion volume of 13,767.25 af. Combined Right Nos.: 22-7210, 22-7271, 22-7287, 22-7313A, 22-7313B and 22-12656.  
The rights listed below are limited to a total combined diversion rate of 28.10 cfs. Combined Right Nos.: 22-7210, 22-7271, 22-7313A and 22-7313B.  
The right listed below are limited to a total combined diversion rate of 56.36 cfs. Combined Right Nos. 22-7205, 22-7210, 22-7265A, 22-7265B, 22-7314, 22-7313A & 22-7313B.  
The rights listed below are limited to a total combined annual diversion volume of 11,476.5 af. Combined Right Nos.: 22-7210, 22-7271, 22-7313A and 22-7313B.

PRIORITY DATE: 01/15/1980

POINT OF DIVERSION: T07N R41E S29 SESWNE Within Fremont County  
NWNESE (Injection)  
R42E S23 SENWSE (Rediversion)

Water diverted under this right is exchanged by injecting water diverted under this right into Teton River at the points of injection described above, and diverting an equal amount from Teton River at the point of rediversion described above. Three exchange wells are located at or near the point of diversion described above.

The following rights are diverted through point(s) of diversion described above: 22-7205, 22-7210, 22-7265A, 22-7265B, 22-7313A, 22-7313B and 22-7314.

The following rights are diverted through point(s) of rediversion described above: 22-7210, 22-7270, 22-7313A and 27-7313B.

| PURPOSE AND PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY                |
|----------------------------|----------------|----------------|-------------------------|
|                            | Irrigation     | 04-15 TO 10-15 | 3.63 CFS<br>1313.88 AFY |

The use of water for irrigation under this right may begin as early as April 1 and may continue to as late as October 31, provided other elements of the right are not exceeded. The use

RECEIVED

MAR 17 2010

DEPARTMENT OF  
WATER RESOURCES

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

PURPOSE AND PERIOD OF USE (continued)

of water before April 15 and after October 15 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.

PLACE OF USE:

Irrigation

Within Madison County

|                     |             |       |             |
|---------------------|-------------|-------|-------------|
| T06N R42E S02 LOT 1 | (NENE) 39.0 | LOT 2 | (NWNE) 39.0 |
|                     | SWNE 39.0   |       | SENE 39.0   |
| LOT 3               | (NENW) 39.0 | LOT 4 | (NWNW) 39.0 |
|                     | SWNW 39.0   |       | SENE 39.0   |
|                     | NESW 39.0   |       | NWSW 39.0   |
|                     | SWSW 39.0   |       | SESW 39.0   |
|                     | NESE 39.0   |       | NWSE 39.0   |
|                     | SWSE 39.0   |       | SESE 39.0   |
| S03                 | SENE 3.2    |       | NESE 31.0   |
|                     | NWSE 13.0   |       |             |
| S10                 | NENE 40.0   |       | NWNE 40.0   |
|                     | SWNE 36.0   |       | SENE 31.0   |
|                     | NESW 40.0   |       | NWSW 40.0   |
|                     | NESE 40.0   |       | NWSE 40.0   |
| S11                 | NENE 39.0   |       | NWNE 39.0   |
|                     | SWNE 39.0   |       | NENW 39.0   |
|                     | NWNW 39.0   |       | SWNW 39.0   |
|                     | SENE 39.0   |       |             |
| T07N R42E S21       | NENE 17.0   |       | SENE 32.0   |
|                     | NESE 38.0   |       |             |
| S22                 | NENE 14.5   |       | NWNE 14.0   |
|                     | SWNE 39.2   |       | SENE 39.3   |
|                     | NENW 31.0   |       | NWNW 31.0   |
|                     | SWNW 40.0   |       | SENE 40.0   |
|                     | NESW 17.0   |       | NWSW 36.0   |
|                     | NESE 39.0   |       | NWSE 39.0   |
| S23                 | NWNW 2.8    |       | SWNW 29.0   |
|                     | SENE 3.1    |       | NESW 24.0   |
|                     | NWSW 39.2   |       | SWSW 40.0   |
|                     | SESW 38.0   |       | SWSE 12.0   |
| S26                 | NWNE 23.3   |       | SWNE 35.0   |
|                     | SENE 2.2    |       | NENW 40.0   |
|                     | NWNW 40.0   |       | SWNW 40.0   |
|                     | SENE 40.0   |       | NESW 36.1   |
|                     | NWSW 40.0   |       | SWSW 40.0   |
|                     | SESW 40.0   |       | NESE 1.6    |
|                     | NWSE 11.8   |       | SWSE 7.1    |
| S27                 | NENE 40.0   |       | NWNE 40.0   |
|                     | SWNE 40.0   |       | SENE 40.0   |
|                     | NENW 40.0   |       | NWNW 40.0   |
|                     | SWNW 40.0   |       | SENE 40.0   |
|                     | SENE 40.0   |       | NESW 40.0   |
|                     | NWSW 40.0   |       | SWSW 40.0   |
|                     | NESE 40.0   |       | NWSE 40.0   |
|                     | SWSE 40.0   |       | SESE 40.0   |
| S28                 | NENE 38.0   |       | SWNE 40.0   |
|                     | SENE 40.0   |       | SWSW 40.0   |
|                     | SESW 40.0   |       | NESE 40.0   |
|                     | NWSE 40.0   |       | SWSE 40.0   |
|                     | SESE 40.0   |       |             |
| S33                 | NENW 40.0   |       |             |
| S35                 | NWNE 27.0   |       | SWNE 39.0   |
|                     | SENE 15.6   |       | NENW 40.0   |
|                     | NWNW 40.0   |       | SWNW 40.0   |
|                     | SENE 39.0   |       | NESW 39.0   |
|                     | NWSW 39.0   |       | SWSW 39.0   |
|                     | SESW 39.0   |       | NESE 37.4   |

PLACE OF USE (continued)

|        |             |           |
|--------|-------------|-----------|
|        | NWSE 39.0   | SWSE 39.0 |
|        | SESE 39.0   |           |
| S36    | NWSW 12.8   | SWSW 39.0 |
| 3934.2 | Acres Total |           |

This right is limited to the irrigation of 2560 acres within the place of use described above in a single irrigation season. Place of use does not include federal public lands unless authorized in writing by the managing federal agency. The rights listed below are limited to the irrigation of a combined total of 3933.5 acres in a single irrigation season. Combined Right Nos.: 22-7210, 22-7271, 22-7287, 22-7313A, 22-7313B and 22-12656.

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

No demand on upstream prior rights or existing prior exchanges can be made and no interference with prior rights located between the diversion pump and the exchange wells will be allowed even if the exchange wells are pumping water into the Teton River.

Totalizing measuring devices shall be maintained at the exchange wells and diversion pumps from the Teton River.

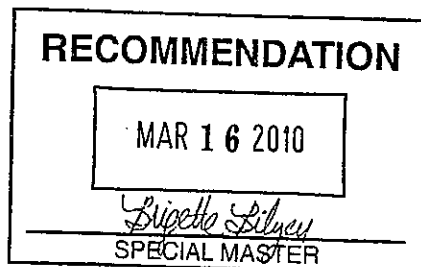
The exchange wells must inject water into the Teton River whenever water is being diverted from the river under this water right, and the injection must continue after the diversion from the Teton River ceases until the water not diverted reaches the point of injection.

The rate of diversion from the Teton River shall not exceed the rate of injection into the Teton River from the exchange wells. As of February 02, 2009, this water right is within State Water District No. 01.

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.



Eric J. Wildman  
Presiding Judge of the  
Snake River Basin Adjudication

DEPARTMENT OF  
WATER RESOURCES

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

MAR 16 2010

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

Water Right (s) : 22-7210, 22-7313A, 22-7313B

  
JANET CONNELL  
Deputy Clerk

RECEIVED  
MAR 17 2010  
DEPARTMENT OF  
WATER RESOURCES

|                                                                                         |                       |
|-----------------------------------------------------------------------------------------|-----------------------|
| DISTRICT COURT-SRBA<br>Fifth Judicial District<br>County of Twin Falls - State of Idaho |                       |
| MAR 16 2010                                                                             |                       |
| By _____                                                                                | Clerk<br>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     | ) | CERTIFICATE OF MAILING     |
|                | ) |                            |
| Case No. 39576 | ) |                            |
| _____          | ) | Water Right (s) : 21-10015 |

CERTIFICATE OF MAILING

I certify that a true and correct copy of the AMENDED SPECIAL MASTER'S REPORT AND RECOMMENDATION was mailed on MARCH 16, 2010, with sufficient first-class postage prepaid to the following:

Director of IDWR  
PO Box 83720  
Boise, Idaho 83720-0098

Val E Schwendiman Farms Inc  
Represented by:  
Jerry R. Rigby  
25 N 2<sup>nd</sup> E  
PO Box 250  
Rexburg, Idaho 83440-0250

United States of America  
USDI Bureau of Reclamation  
Represented by:  
US Department of Justice  
Environment & Natl' Resources  
550 West Fort Street, MSC 033  
Boise, Idaho 83724

  
Deputy Clerk