

RECEIVED
APR 16 2013
DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
APR 15 2013	
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

) Water Right No.: 57-7034B
)
) NOTICE OF COURT'S INTENT TO SET
) ASIDE PARTIAL DECREE AND ENTER
) FINAL ORDER DISALLOWING WATER
) RIGHT CLAIM, AND NOTICE OF
) HEARING THEREON
)
) NOTICE OF COURT'S INTENT TO ISSUE
) PARTIAL DECREES FOR WATER RIGHT
) NOS. 57-11665, 57-11666 and 57-11667
)

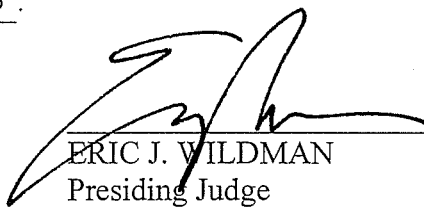
The above-captioned water right was claimed based on a permit prior to the issuance of the license. On November 28, 1997, a *Partial Decree* was entered for the above-captioned water right. On February 20, 2003, an *Amended Partial Decree* was entered for the above-captioned water right. The Director of the Idaho Department of Water Resources ("Department") subsequently issued licenses for water right nos. 57-11665, 57-11666 and 57-11667, which are splits of the above-captioned water right. On February 4, 2013, the Department filed a *Notice of Completed Administrative Proceeding* ("NCAP") in the above-captioned subcase informing the Court of the split of water right no. 57-7034B and the issuance of the licenses for the children rights: 57-11665, 57-11666 and 57-11667. The Department also filed *Director's Reports* reflecting the elements of water right nos. 57-11665, 57-11666 and 57-11667 as licensed. The *Director's Report* also recommends that the *Amended Partial Decree* for the above-captioned water right be set aside and the claim disallowed as a result of the administrative split. The licenses supercede the *Amended Partial Decree*.

Therefore, it is the intent of the Court to set aside the *Amended Partial Decree* and issue a *Final Order Disallowing Water Right Claim* in the above-captioned matter consistent with the

Director's Report. It is further the intent of the Court to issue *Partial Decrees* for water right nos. 57-11665, 57-11666 and 57-11667 consistent with the *Director's Reports*. Copies of the proposed *Partial Decrees* are attached as Exhibits A, B and C.

Therefore, IT IS ORDERED that a hearing will be held on this matter on **July 16, 2013, at 1:30 p.m.** at the Snake River Basin Adjudication Courthouse, 253 3rd Avenue North, Twin Falls, Idaho. Any party wishing to object or comment on the Court's proposed action shall do so at that time. Attendance at this hearing by the claimant is not required, as the Court will take the proposed action in the absence of any objection to the contrary. Telephone participation will be available by calling 1-215-446-0193 and when prompted entering code 406128 followed by the # sign. **However, no cell phones or speaker phones will be permitted as they interfere with our sound system making the proceeding difficult to accurately record.**

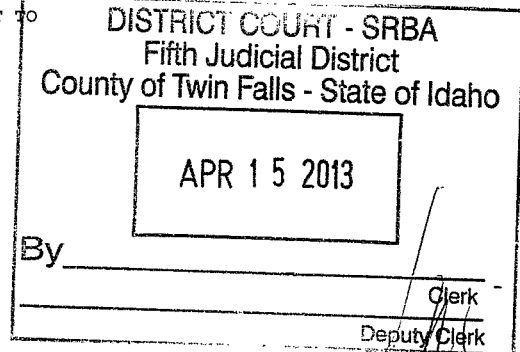
Dated: April 15, 2013.


ERIC J. WILDMAN
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 57-11665



NAME AND ADDRESS: HFM CASTLEVIEW LLC
C/O MIKE IHLE
625 S SCHOOL AVE
KUNA, ID 83634

SOURCE: CASTLE CREEK TRIBUTARY: SNAKE RIVER

QUANTITY: 33.14 CFS

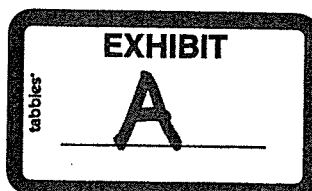
This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor exceed a combined annual maximum diversion volume of 7720.af.
This right when combined with all other rights shall provide no more than 4.5 afa per acre at the field headgate for irrigation.

PRIORITY DATE: 12/29/1970

POINT OF DIVERSION: T04S R01E S13 NWNESE Within Owyhee County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-01 TO 11-15	33.14 CFS

PLACE OF USE:	Irrigation	Within Owyhee County
T04S R01E S01	SWNE 10.0	LOT 3 (NENW) 38.0
LOT 4	(NWNW) 16.0	SWNW 16.0
	SENE 38.0	NESW 31.0
	NWSW 2.0	SWSW 17.0
	SESW 23.0	NWSE 16.0
	SWSE 5.0	
S02 LOT 2	(NWNE) 29.0	SWNE 40.0
LOT 3	(NENW) 36.0	SWNW 27.0
	SENE 40.0	NESW 40.0
	NWSW 28.0	SWSW 40.0
	SESW 36.0	NWSE 40.0
	SWSE 37.0	SESE 6.0
S11	NENE 39.0	NWNE 37.0
	SWNE 38.0	SENE 32.0
	NENW 40.0	NESE 26.0
	NWSE 18.0	SESE 34.0
S12	NENE 13.0	NWNE 5.0
	SWNE 5.0	SENE 15.0
	NENW 36.0	NWNW 41.0
	SWNW 40.0	SENE 39.0
	NESW 35.0	NWSW 31.0
	SWSW 31.0	SESW 30.0
	NWSE 2.0	SWSE 15.0
	SESE 11.0	
S13	NENE 11.0	NWNE 36.0
	NENW 38.0	NWNW 37.0
S14	NENE 20.0	
S23	NWNE 38.0	NENW 40.0
	NWNW 40.0	SWNW 40.0
	SENE 39.0	NESW 40.0
	NWSW 40.0	SWSW 39.0
	SESW 34.0	
1716.0 Acres Total		



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

PLACE OF USE (continued)

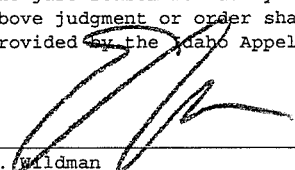
Rights 57-00235 and 57-11665 when combined shall not exceed the irrigation of 1716 acres.

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(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

APPROVED TO I.R.C.P. 54(b)

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 57-11666

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

APR 15 2013

By _____ Clerk
Deputy Clerk

NAME AND ADDRESS: HFM CASTLE DAIRY LLC
C/O MIKE IHLE
11854 W FLINTLOCK DR
BOISE, ID 83713

SOURCE: CASTLE CREEK TRIBUTARY: SNAKE RIVER

QUANTITY: 0.38 CFS

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor exceed a combined annual maximum diversion volume of 85.5 af at the field headgate for irrigation. This right when combined with all other rights shall provide no more than 4.5 afa per acre at the field headgate for irrigation.

PRIORITY DATE: 12/29/1970

POINT OF DIVERSION: T04S R01E S35 NWNESE Within Owyhee County

PURPOSE AND
PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
Irrigation 03-01 TO 11-15 0.38 CFS

PLACE OF USE: Irrigation Within Owyhee County
T04S R01E S14 NENE 19.0
19.0 Acres Total

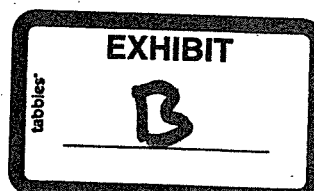
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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.

Eric J. Wildman
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 57-11667

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

APR 15 2013

By _____

Clerk

Deputy Clerk

NAME AND ADDRESS:

LINDA L YANKE
RONALD C YANKE
C/O RICHARD D HEATON ESQ
4414 S GEKELER LN
PO BOX 5405
BOISE, ID 83705

SOURCE:

CASTLE CREEK TRIBUTARY: SNAKE RIVER

QUANTITY:

5.84 CFS

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor exceed a combined annual maximum diversion volume of 1310.0 af at the field headgate for irrigation.

This right when combined with all other rights shall provide no more than 4.5 afa per acre at the field headgate for irrigation.

PRIORITY DATE:

12/29/1970

POINT OF DIVERSION:

T04S R01E S13 NWNESE Within Owyhee County

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

Irrigation

03-01 TO 11-15

5.84 CFS

PLACE OF USE:

Irrigation

Within Owyhee County

T04S R01E S13

SWNW 39.0

NWSW 40.0

SWSW 40.0

NESE 37.0

SENE 18.0

SESE 39.0

NENE 39.0

NWNW 40.0

292.0 Acres Total

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.

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

EXHIBIT

C

CERTIFICATE OF MAILING

I hereby certify that true and correct copies of the **NOTICE OF COURT'S INTENT TO SET ASIDE PARTIAL DECREE AND ENTER FINAL ORDER DISALLOWING WATER RIGHT CLAIM AND NOTICE OF HEARING THEREON / NOTICE OF COURT'S INTENT TO ISSUE PARTIAL DECREES FOR WATER RIGHT NOS. 57-11665, 57-11666 AND 57-11667** were mailed on April 15, 2013 by first-class mail to the following:

DIRECTOR OF IDWR
PO Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
PO Box 44449
Boise, ID 83711-4449

U.S. Department of Justice
Environment & Natural Resources Division
550 W Fort St, MSC 033
Boise, ID 83724

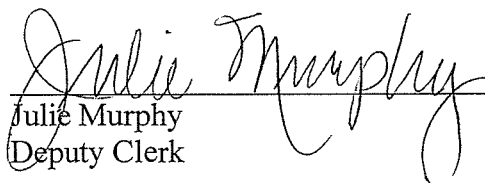
Richard Bass
Represented by:
Margaret J. Simms
PO Box 2315
Ketchum, ID 83340

HFM Castle Dairy LLC
c/o Mike Ihli
11854 W Flintock Dr.
Boise, ID 83713

HFM Castlevue LLC
c/o Mike Ihli
625 S School Ave
Kuna, ID 83634

Ronald C. & Linda L. Yanke
4414 S Gekeler Ln
PO Box 5405
Boise, ID 83705

Y. T. Farms
Jay Hulet
HC 79 Box 2020
Murphy, ID 83650


Julie Murphy
Deputy Clerk