

RECEIVED

JUL 30 2013

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho
JUL 29 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

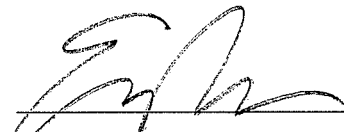
) Subcase Nos.: 57-11665, 57-11666 &
) 57-11667

) ORDER OF PARTIAL DECREE
)
)
)
)

On November 28, 1997, a *Partial Decree* was entered for water right no. 57-7034B based on a permit. On February 20, 2003, an *Amended Partial Decree* was entered for the right based on the permit. On February 4, 2013, the Idaho Department of Water Resources filed a *Notice of Completed Administrative Proceeding* notifying the Court of the administrative split of water right no. 57-7034B, and the issuance of licenses for the children rights: 57-11665, 57-11666 and 57-11667. The Department also filed a *Director's Report* for water right nos. 57-11665, 57-11666 and 57-11667 recommending that those rights be partially decreed in the in the SRBA as licensed, and that parent right no. 57-7034B be disallowed.¹ This Court filed a *Notice of Court's Intent to Issue Partial Decrees for Water Right Nos. 57-11665, 57-11666 and 57-11667* on April 15, 2013. A hearing was held on July 23, 2013, and no objections were filed.

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

Dated: July 29, 2013


ERIC J. WILDMAN
Presiding Judge
Snake River Basin Adjudication

¹ Contemporaneously herewith the Court entered an *Order* setting aside the *Partial Decree* for water right no. 57-7034B as well as a *Final Order* disallowing that claim.

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WATER RESOURCES

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

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

JUL 29 2013

By _____

Clerk

Deputy Clerk

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)

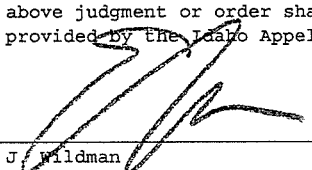
Rights 57-00235 and 57-11665 when combined shall not exceed the irrigation of 1716 acres.

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

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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

DEPARTMENT OF
WATER RESOURCES

In Re SRBA)
)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 57-11666

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

JUL 29 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 S13 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
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DEPARTMENT OF
WATER RESOURCES

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 JUL 29 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 SWSW 40.0 SENE 18.0 SESE 39.0 S23 NENE 39.0 S24 NWNW 40.0 292.0 Acres Total
		NWSW 40.0 NESE 37.0

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.

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

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER OF PARTIAL DECREE was mailed on July 29, 2013, with sufficient first-class postage to the following:

STATE OF IDAHO

Represented by:
CLIVE STRONG
NATURAL RESOURCES
DEP AG OFFICE OF ATTY GEN
STATEHOUSE MAIL
BOISE, ID 83720-0010
Phone: 208-334-2400

RICHARD BASS

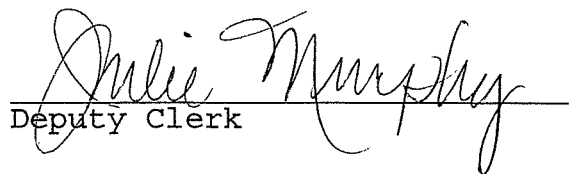
Represented by:
MARGARET J. SIMMS
PO BOX 2315
KETCHUM, ID 83340
Phone: 208-726-7810

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

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

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

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

A handwritten signature in cursive script, reading "Julie Murphy", is written over a horizontal line. The signature is in dark ink and is positioned to the right of the printed text "Deputy Clerk".