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DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
JUL 31 2012	
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

ORDER OF PARTIAL DECREES

Subcases: 22-02131 & 22-11070
(Staker / Schwendiman)

On June 22, 2012, a *Special Master's Report and Recommendation* was filed for the above-captioned water rights. No Challenges were filed to the *Special Master's Report and Recommendation* and the time for filing Challenges has now expired.

Pursuant to I.R.C.P. 53(e)(2) and *SRBA Administrative Order 1*, Section 13f, this Court has reviewed the Findings of Fact and Conclusions of Law contained in the *Special Master's Report* and wholly adopts them as its own.

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

DATED July 31, 2012.



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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 22-02131

NAME AND ADDRESS: DONALD STAKER
PO BOX 111
NEWDALE, ID 83436

MELVIN SCHWENDIMAN
PO BOX 74
NEWDALE, ID 83436

SOURCE: GROUND WATER

QUANTITY: 2.60 CFS
455.00 AFY

Right Nos. 22-2131 and 22-11070 are limited to a total combined
diversion rate of 2.6 cfs.

PRIORITY DATE: 02/14/1949

POINT OF DIVERSION: T07N R41E S35 SESW Within Fremont County

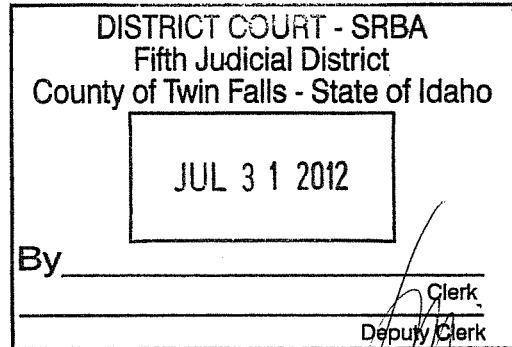
PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	2.60 CFS 455.00 AFY

PLACE OF USE:	Irrigation	Within Fremont County
	T07N R41E S34	NESE 25.0 SESE 5.7
	S35	NESW 40.0 NWSW 40.0
		SWSW 38.0 SESW 38.0
	186.7 Acres Total	

Right Nos. 22-2131 and 22-11070 are limited to the irrigation of
a combined total of 186.7 acres in a single irrigation season.
This right is limited to the irrigation of 130 acres within the
place of use described above in a single irrigation season.

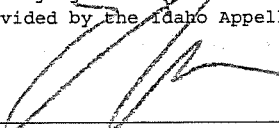
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 22-11070

NAME AND ADDRESS: DONALD STAKER
PO BOX 111
NEWDALE, ID 83436

MELVIN SCHWENDIMAN
PO BOX 74
NEWDALE, ID 83436

SOURCE: GROUND WATER

QUANTITY: 1.13 CFS
198.00 AFY

Right Nos. 22-2131 and 22-11070 are limited to a total combined
diversion rate of 2.60 cfs.

PRIORITY DATE: 06/01/1978

This water right is subordinate to all water rights with a
priority date earlier than April 12, 1994, that are not decreed
as enlargements pursuant to Section 42-1426, Idaho Code. As
between water rights decreed as enlargements pursuant to Section
42-1426, Idaho Code, the earlier priority right is the superior
right.

POINT OF DIVERSION: T07N R41E S35 SESW Within Fremont County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	1.13 CFS 198.00 AFY

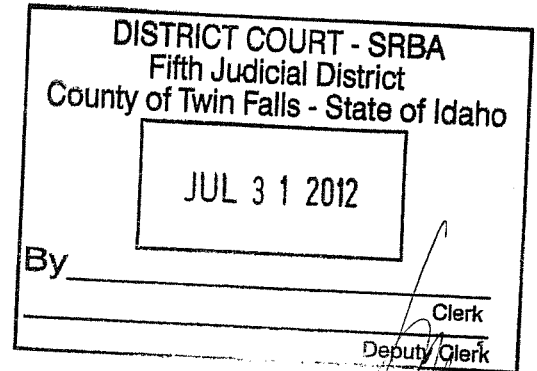
PLACE OF USE:	Irrigation	Within Fremont County
	T07N R41E S34	NESE 25.0 SESE 5.7
	S35	NESW 40.0 NWSW 40.0
		SWSW 38.0 SESW 38.0
	186.7 Acres Total	

Right Nos. 22-2131 and 22-11070 are limited to the irrigation of
a combined total of 186.7 acres in a single irrigation season.

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

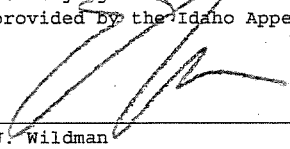
This right is based upon an enlargement of Right No. 22-2131
pursuant to Section 42-1426, Idaho Code.

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 DECREES was mailed on July 31, 2012, with sufficient first-class postage to the following:

MILNER IRRIGATION DISTRICT
Represented by:
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195 RIVER VISTA PL STE 204
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AMERICAN FALLS RESERVOIR
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301 MAIN ST
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CANYON CREEK CANAL CO
DONALD STAKER
FREMONT MADISON IRRIGATION
Represented by:
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REXBURG, ID 83440-0250
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IGWA INC
Represented by:
RANDALL C BUDGE
201 E CENTER ST STE A2
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Phone: 208-232-6101

A & B IRRIGATION DISTRICT
BURLEY IRRIGATION DISTRICT
Represented by:
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PO BOX 623
RUPERT, ID 83350-0623
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NORTH SIDE CANAL CO LTD
TWIN FALLS CANAL COMPANY
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195 RIVER VISTA PL STE 204
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UNITED STATES OF AMERICA
USDI BUREAU OF RECLAMATION
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US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

MINIDOKA IRRIGATION DISTRICT
Represented by:
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1200 OVERLAND AVE
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MELVIN SCHWENDIMAN
PO BOX 74
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Phone: 208-458-4376

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PO BOX 83720
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