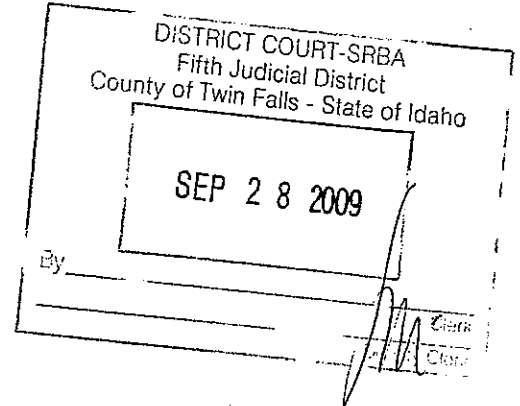


IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 02-10291



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

SOURCE: SNAKE RIVER TRIBUTARY: COLUMBIA RIVER

QUANTITY: 1.00 CFS
184.00 AFY

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. Water shall not be diverted under this right unless the flow of the Snake River at the U.S. Geological Survey stream gaging station at Murphy exceeds 3,300 cfs and at Weiser exceeds 4,750 cfs.

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.

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: 11/03/1978

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	1.00 CFS
			184.00 AFY

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		

Rights 02-2181, 02-2094B, 02-2182B, 02-2183, 02-2284B, 02-2375B and 02-10291 when combined shall not exceed the irrigation of

PLACE OF USE (continued)

1315 acres.

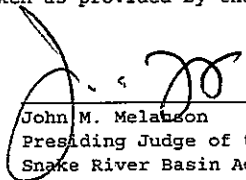
This right is limited to the irrigation of 46 acres within the place of use described above in a single irrigation season.

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.



John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication

RECEIVED

OCT 01 2009

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
SEP 28 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

Case No. 39576

ORDER OF PARTIAL DECREES

Subcases: See Attached Exhibit A
(Gingerich)

On July 20, 2009, 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 September 28, 2009.



JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

EXHIBIT A - GINGERICH

Subcase Nos:

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 ORDER OF PARTIAL DECREES was mailed on September 28, 2009, with sufficient first-class postage to the following:

UNITED STATES OF AMERICA

Represented by:

US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

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

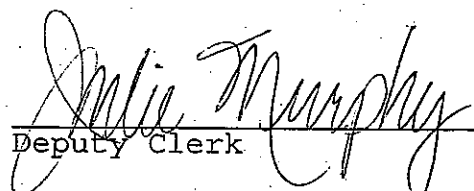
COLLEEN MARTIN GINGERICH
RUDY GINGERICH
47589 STATE HWY 78
MOUNTAIN HOME, ID 83647

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

ORDER

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Deputy Clerk