

RECEIVED  
MAY 14 2009  
DEPARTMENT OF  
WATER RESOURCES

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

MAY 13 2009

By \_\_\_\_\_  
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     | ) | ORDER OF PARTIAL DECREE |
|                | ) |                         |
| Case No. 39576 | ) | Subcase No. 22-04195    |
|                | ) | (DKJ Farms LLC)         |
| _____          | ) |                         |

On February 27, 2009, a *Special Master's Report and Recommendation* was filed for the above-captioned water right. 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 Recommendation* and wholly adopts them as its own.

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

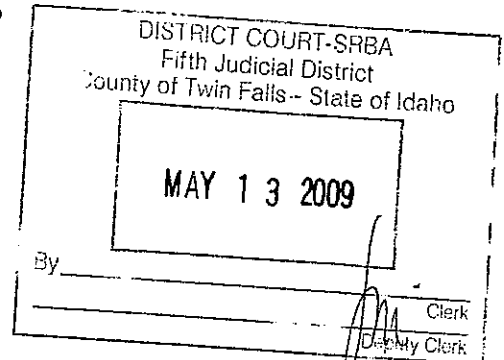
DATED May 13, 2009.

  
JOHN M. MELANSON  
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 22-04195



NAME AND ADDRESS: DKJ FARMS LLC  
665 CENTENNIAL LOOP  
REXBURG, ID 83440

SOURCE: MOODY CREEK TRIBUTARY: TETON RIVER

QUANTITY: 3.85 CFS

Right Nos. 22-265E, 22-4195, and 22-13479 are limited to a total  
combined diversion rate of 11.85 cfs from 04/01 to 06/20 which is  
reduced to 7.85 cfs from 06/21 to 10/31.

PRIORITY DATE: 05/01/1969

POINT OF DIVERSION: T05N R41E S21 NESENW Within Madison County

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY |
|-------------------------------|----------------|----------------|----------|
|                               | Irrigation     | 04-01 TO 10-31 | 3.85 CFS |

| PLACE OF USE: | Irrigation        | Within Madison County |
|---------------|-------------------|-----------------------|
|               | T05N R41E S16     | SESW 31.0             |
|               | S20               | NENE 40.0             |
|               |                   | NWNE 40.0             |
|               |                   | SWNE 40.0             |
|               |                   | SENE 40.0             |
|               |                   | SWNW 40.0             |
|               |                   | SENE 40.0             |
|               |                   | NWSW 36.0             |
|               |                   | NESE 40.0             |
|               |                   | NWSE 40.0             |
|               | S21               | NENW 23.0             |
|               |                   | NWNW 39.0             |
|               |                   | SWNW 36.0             |
|               |                   | SENE 2.7              |
|               |                   | NWSW 20.0             |
|               | 547.7 Acres Total |                       |

This right is limited to the irrigation of 192.7 acres within  
the place of use described above in a single irrigation season.

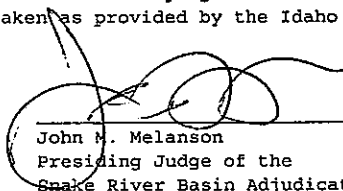
The rights listed below are limited to the irrigation of a  
combined total of 547.7 acres in a single irrigation season.  
Combined Right Nos.: 22-265E, 22-4195, and 22-13479.

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

2009 MAY 13 PM 02:00  
DISTRICT COURT - SRBA  
TWIN FALLS CO., IDAHO  
FILED \_\_\_\_\_

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): 22-04195

CERTIFICATE OF MAILING

I certify that a true and correct copy of the PARTIAL DECREE  
PURSUANT TO I.R.C.P. 54(b) for WATER RIGHT 22-04195 was mailed  
on May 13, 2009, with sufficient first-class postage prepaid  
to the following:

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

JAMES WOOD  
Represented by:  
BROWN, JOSEPH F  
4094 S FEDERAL WAY STE K102  
BOISE, ID 83716  
Phone: 208-965-2224

DKJ FARMS LLC  
Represented by:  
JERRY R. RIGBY  
25 N 2ND E  
PO BOX 250  
REXBURG, ID 83440-0250  
Phone: 208-356-3633

JULIE MURPHY  
Chief Deputy Clerk