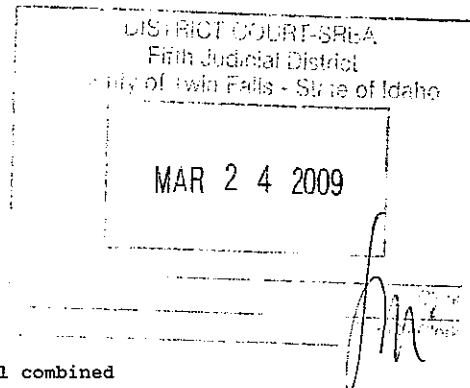


IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
)
Case No. 39576)
)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 63-09818B



NAME AND ADDRESS: HENGGELEER BROS INC
5144 ELMORE RD
FRUITLAND, ID 83619

SOURCE: GROUND WATER

QUANTITY: 0.34 CFS
196.70 AFY

The rights listed below are limited to a total combined diversion rate of 5.93 cfs and to a total combined annual diversion volume of 1334.2 AF, and 296.5 acres for the irrigation portion of these rights. Combined Right Nos.: 63-7955A, 63-7955B, 63-9818A, 63-9818B, 63-10364A, and 63-10364B.

The rights listed below are limited to a total combined diversion rate of 1.42 cfs and to a total combined annual diversion volume of 319.5 AF, and 71 acres for the irrigation portion of these rights. Combined Right Nos.: 63-7955B and 63-9818B.

The rights listed below are limited to a total combined diversion rate of 1.42 cfs and to a total combined annual diversion volume of 16.2 AF for the commercial portion of these rights. Combined Right Nos.: 63-7955B and 63-9818B.

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.

PRIORITY DATE: 10/02/1981

POINT OF DIVERSION: T06N R04W S07 LOT 2 (NWSWN) Within Payette County
LOT 3 (NENWSW)

Rights 63-7955A, 63-7955B, 63-9818A, 63-9818B, 63-10364A, and 63-10364B are also diverted through the point(s) of diversion described above.

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
Irrigation	03-15 TO 11-15	0.34 CFS 180.50 AFY
Commercial	03-01 TO 03-15	0.34 CFS 16.20 AFY

The use of water for irrigation under this right may begin as early as March 1 and may continue to as late as November 15, provided other elements of the right are not exceeded. The use of water before March 1 and after November 15 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right. Commercial use is for orchard frost control.

PLACE OF USE: Irrigation Within Payette County
T06N R04W S07 NESW 33.0 SESW 38.0
71.0 Acres Total
Commercial Within Payette County

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

PLACE OF USE (continued)

T06N R04W S07

NESW

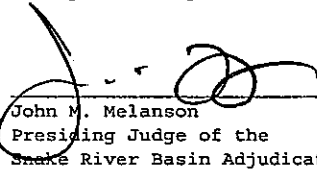
SESW

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

MAR 25 2009

Department of Water Resources
Adjudication Bureau

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

MAR 24 2009

By

Clerk

Copied 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

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Water Rights: See Attached Exhibit A
(Henggeler / Henggeler Bros. Inc.)

ORDER OF PARTIAL DECREES

On December 19, 2006, the Idaho Department of Water Resources filed its *Director's Report for Basin 63, Part III, Reporting Area 13, for Irrigation and Other Water Rights*, which included recommendations for the above named water rights. No objections were filed and the time period for filing objections has expired.

On February 8, 2008, the Idaho Department of Water Resources filed an *Amended Notice of Completed Administrative Proceeding and Amended Director's Reports* notifying the Court of a change of address in each of the above named water rights. No objections were filed to the *Amended Director's Reports* and the time period for filing objections has expired.

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 March 24, 2009

JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

EXHIBIT A (HENGgeler)

Subcase Nos:

63-07955A
63-07955B
63-08311
63-09818A
63-09818B
63-10364A
63-10364B

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER OF PARTIAL DECREES was mailed on March 23, 2009, with sufficient first-class postage to the following:

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

GERALD J HENGGELE
RT 1 WHITLEY DR
FRUITLAND, ID 83619
Phone: 208-452-3374

HENGGELE BROS INC
ROBERT M HENGGELE
5144 ELMORE RD
FRUITLAND, ID 83619
Phone: 208-452-3201

A handwritten signature in cursive script, appearing to read "Julie Murphy", is written over a horizontal line.