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MAR 24 2009

DEPARTMENT OF
WATER RESOURCES

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

MAR 23 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

)

ORDER OF PARTIAL DECREE

)

Case No. 39576

)

Subcase No. 22-02193

)

(Dean Schwendiman & Sons Inc)

)

On November 7, 2008, 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

March 23, 2009

JOHN M. MELANSON

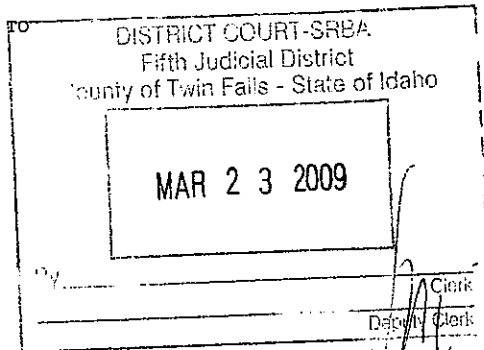
Presiding Judge

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 22-02193



NAME AND ADDRESS: DEAN SCHWENDIMAN & SONS INC
PO BOX 57
NEWDALE, ID 83436

SOURCE: GROUND WATER

QUANTITY: 1.55 CFS
657.90 AFY

The rights listed below are limited to a total combined
diversion rate of 4.11 cfs and to a total combined annual
diversion volume of 1744.6 AF. Combined Right Nos.: 22-2193,
22-7020, 22-12543.

The rights listed below are limited to a total combined diversion
rate of 10.11 cfs and to a total combined annual diversion
volume of 2849.6 AF. Combined Right Nos.: 21-7084, 22-2193,
22-7020, and 22-12543.

PRIORITY DATE: 12/04/1960

POINT OF DIVERSION: T07N R42E S07 SESENE Within Fremont County
S08 NWNWSE

PURPOSE AND
PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
Irrigation 04-01 TO 10-31 1.55 CFS
657.90 AFY

PLACE OF USE: Irrigation Within Fremont County
T07N R41E S12 NENE 38.0 NWNE 40.0
SWNE 40.0 SENE 40.0
SENW 37.0 NESW 40.0
SESW 39.0 NESE 40.0
NWSE 40.0 SWSE 39.0
SESE 39.0
R42E S07 NENE 39.0 NWNE 40.0
SWNE 40.0 SENE 40.0
NENW 40.0 LOT 1 (NWNW) 36.0
LOT 2 (SWNW) 36.0 SENW 40.0
NESW 40.0 LOT 3 (NWSW) 37.0
NESE 36.0 NWSE 40.0
S08 SWNE 40.0 SENE 40.0
NENW 40.0 NWNW 39.0
SWNW 40.0 SENW 40.0
NESW 40.0 NWSW 37.0
NESE 40.0 NWSE 40.0
S09 SWNW 40.0 SENW 33.0
NESW 40.0 NWSW 40.0
1445.0 Acres Total

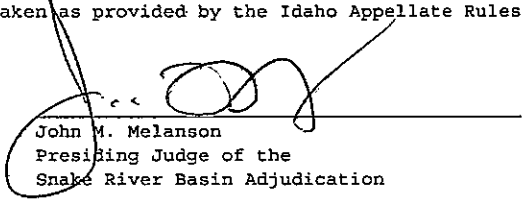
The rights listed below are limited to the irrigation of a
combined total of 1445.0 acres in a single irrigation season.
Combined Right Nos.: 22-2193, 22-7020, 22-12543
This right is limited to the irrigation of 229.6 acres within
the place of use described above in a single irrigation season.
The rights listed below are limited to the irrigation of a
combined total of 1887.0 acres in a single irrigation season.
Combined Right Nos.: 21-7084, 22-2193, 22-7020, and 22-12543.

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 MAR 23 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

Case No. 39576

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CERTIFICATE OF MAILING

Water Right(s): 22-02193

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 22-02193 was mailed
on March 23, 2009, with sufficient first-class postage prepaid
to the following:

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

DEAN SCHWENDIMAN & SONS INC
Represented by:
ROBERT L HARRIS
1000 RIVERWALK DR, STE 200
PO BOX 50130
IDAHO FALLS, ID 83405
Phone: 208-523-0620

JULIE MURPHY
Chief Deputy Clerk