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DEPARTMENT OF
WATER RESOURCES

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

NOV 26 2008

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

By _____ Clerk
Deputy Clerk

In Re SRBA

Case No. 39576

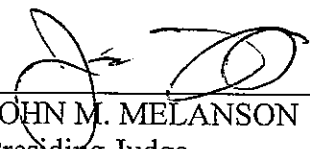
)
) Subcase No.: 22-07271

)
) ORDER OF PARTIAL DECREE
)
)
)

On December 22, 2006, the Idaho Department of Water Resources filed a *Director's Report, Basin 22, Part II, Reporting Area 17, for Irrigation and Other Water Rights*, which included a recommendation for the above-captioned water right. On March 19, 2007, the Idaho Department of Water Resources filed an *Amended Director's Report* notifying the Court of a change in the place of use element for the above-captioned water right. No objections were filed to the *Amended Director's Report* and the time for filing objections has now expired.

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

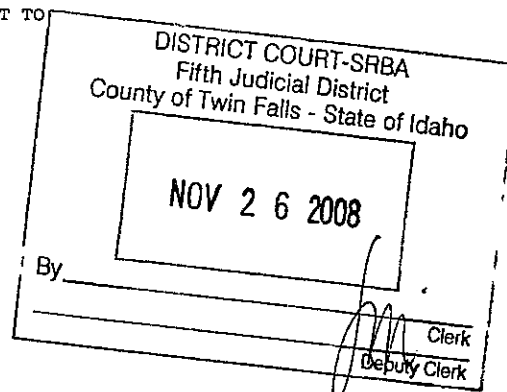
DATED November 26, 2008.



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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 22-07271



NAME AND ADDRESS: VAL E SCHWENDIMAN FARMS INC
9633 E HWY 33
NEWDALE, ID 83436

SOURCE: TETON RIVER TRIBUTARY: HENRYS FORK

QUANTITY: 18.00 CFS
3784.50 AFY

Use of this right with Right Nos. 22-7210, 22-7271, 22-7313A, and 22-7313B is limited to a total combined diversion rate of 28.1 cfs and to a total combined annual diversion volume of 11,476.5 AF. The combined rights listed above with Right No 22-7287 and 22-12656 are limited to a total combined diversion rate of 33.22 cfs and to a total annual diversion volume of 13,607.3 AF.

PRIORITY DATE: 02/03/1978

POINT OF DIVERSION: T07N R42E S23 SENWSE Within Fremont County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 07-15	18.00 CFS 3784.50 AFY

PLACE OF USE:	Irrigation	Within Madison County
T06N R42E S02 LOT 1	(NENE) 39.0	LOT 2 (NWNE) 39.0
	SWNE 39.0	SENE 39.0
LOT 3	(NENW) 39.0	LOT 4 (NWNW) 39.0
	SWNW 39.0	SENW 39.0
	NESW 39.0	NWSW 39.0
	SWSW 39.0	SESW 39.0
	NESE 39.0	NWSE 39.0
	SWSE 39.0	SESE 39.0
S10	NENE 40.0	NWNE 40.0
	SWNE 36.0	SENE 31.0
	NESW 40.0	NWSW 40.0
	NESE 40.0	NWSE 40.0
S11	NENE 39.0	NWNE 39.0
	SWNE 39.0	NENW 39.0
	NWNW 39.0	SWNW 39.0
	SENW 39.0	
T07N R42E S21	NENE 7.0	SENE 32.0
	NESE 38.0	
S22	NENE 14.0	NWNE 14.0
	SWNE 4.2	SWNE 35.0
	SENE 30.0	SENE 9.2
	NENW 31.0	NWNW 31.0
	SWNW 20.0	SWNW 20.0
	SENW 40.0	NESW 17.0
	NWSW 36.0	NESE 39.0
	NWSE 39.0	
S23	NWNW 2.8	SWNW 29.0
	SENW 3.1	NESW 13.0
	NESW 11.0	NWSW 0.2
	NWSW 39.0	SWSW 40.0
	SESW 3.0	SESW 35.0

PLACE OF USE (continued)

	SWSE 12.0	
S26	NWNE 15.0	NWNE 8.3
	SWNE 14.0	SWNE 21.0
	SENE 2.2	NENW 40.0
	NWNW 40.0	SWNW 40.0
	SENW 40.0	NESW 27.0
	NESW 9.3	NWSW 40.0
	SWSW 40.0	SESW 20.0
	SESW 20.0	NESE 1.6
	NWSE 12.0	NWSE 0.8
	SWSE 7.1	
S27	NENE 40.0	NWNE 40.0
	SWNE 40.0	SENE 40.0
	NENW 40.0	NWNW 40.0
	SWNW 40.0	SENW 40.0
	NESW 40.0	NWSW 40.0
	SWSW 40.0	SESW 40.0
	NESE 40.0	NWSE 40.0
	SWSE 40.0	SESE 40.0
S28	NENE 38.0	SWNE 40.0
	SENE 40.0	SWSW 40.0
	SESW 40.0	NESE 40.0
	NWSE 40.0	SWSE 40.0
	SESE 40.0	
S33	NENW 40.0	
S35	NWNE 27.0	SWNE 39.0
	SENE 16.0	NENW 40.0
	NWNW 40.0	SWNW 40.0
	SENW 39.0	NESW 39.0
	NWSW 39.0	SWSW 39.0
	SESW 39.0	NESE 38.0
	NWSE 39.0	SWSE 39.0
	SESE 39.0	
S36	NWSW 12.0	SWSW 39.0
3887.8 Acres Total		

Right Nos. 22-7210, 22-7271, 22-7287, 22-7313A, 22-7313B, and 22-12656 are limited to the irrigation of a combined total of 3,887.5 acres in a single irrigation season. This right is limited to the irrigation of 2600 acres within the place of use described above in a single irrigation season.

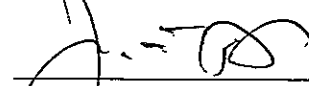
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This right is subject to regulation by the watermaster of Water District No 01.
Totalizing measuring devices shall be maintained at the point of diversion.

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

2008 NOV 26 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)
_____)

CERTIFICATE OF MAILING

Water Right(s): 22-07271

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 22-07271 was mailed
on November 26, 2008, with sufficient first-class postage prepaid
to the following:

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

VAL E SCHWENDIMAN FARMS INC
9633 E HWY 33
NEWDALE, ID 83436
Phone: 208-458-4261

JULIE MURPHY
Chief Deputy Clerk