

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 45-13442

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
JUL - 1 2005	
By _____	Clerk
_____	Deputy Clerk

NAME AND ADDRESS: WYBENGA DAIRY LLC
704 W 1000 S
BURLEY, ID 83318

SOURCE: GROUND WATER

QUANTITY: 5.45 CFS
1248.80 AFY

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF 7.65 CFS. AND A TOTAL COMBINED DIVERSION
VOLUME OF 2496 AF. COMBINED RIGHT NOS.: 45-13440, 45-13442,
45-13444.

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF 14.99 CFS AND TO A TOTAL COMBINED ANNUAL
DIVERSION VOLUME OF 4892 AF. COMBINED RIGHT NOS.: 45-7196B,
45-7345B, 45-13418, 45-13440, 45-13442, 45-13444.

PRIORITY DATE: 10/31/1974

POINT OF DIVERSION: T12S R21E S27 SENENE Within Cassia County
S34 NESENE
NENESE

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	5.45 CFS 1248.80 AFY

PLACE OF USE:	Irrigation	Within Cassia County
T12S R21E S26	NENE 38.0	NWNE 41.0
	SWNE 39.0	SENE 38.0
	NENW 40.0	NWNW 39.0
	SWNW 38.0	SENW 40.0
S27	NENE 39.0	NWNE 38.0
	SWNE 39.0	SENE 40.0
	NESE 39.0	NWSE 40.0
	SWSE 38.0	SESE 38.0
S34	NENE 33.0	NWNE 34.0
	SWNE 40.0	SENE 33.0
	NENW 40.0	NWNW 39.0
	SWNW 39.0	SENW 40.0
	NESW 40.0	NWSW 39.0
	SWSW 38.0	SESW 40.0
	NESE 32.0	NWSE 40.0
	SWSE 40.0	SESE 32.0
	1223.0 Acres Total	

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A
COMBINED TOTAL OF 1223 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 45-7196B, 45-7345B, 45-13418, 45-13440,
45-13442, 45-13444.

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF
A COMBINED TOTAL OF 624 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 45-13440 45-13442, 45-13444.

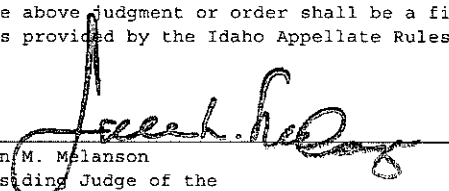
THIS RIGHT IS LIMITED TO THE IRRIGATION OF 312.2 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
JUL - 1 2005	
By _____	Clerk
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**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

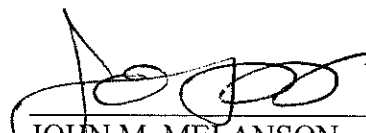
In Re SRBA	)	Water Rights: See Attached Exhibit A
	)	(Wybenga Dairy LLC)
Case No. 39576	)	
	)	ORDER OF PARTIAL DECREE
	)	
_____	)	

On September 7, 2004, the Idaho Department of Water Resources filed its *Director's Report for Basin 45, Reporting Area 10, 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 January 5, 2005, the Idaho Department of Water Resources filed *Notices of Completed Administrative Proceeding and Amended Director's Reports* notifying the Court of a substitution of party in 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 June 30, 2005.



 JOHN M. MELANSON
 Presiding Judge
 Snake River Basin Adjudication

EXHIBIT A (WYBENGA DAIRY LLC)

Subcase Nos:

45-07196B
45-07196D
45-07345B
45-07345D
45-13418
45-13420
45-13440
45-13442
45-13444

(Subcase list: B45WYBENGA)
6/30/05

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER OF PARTIAL DECREE was mailed on July 01, 2005, with sufficient first-class postage to the following:

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

WYBENGA DAIRY LLC
704 W 1000 S
BURLEY, ID 83318

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