

RECEIVED

JUN 30 2005
DEPARTMENT OF
WATER RESOURCES

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

JUN 29 2005

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

Water Right: 45-13763 & 45-13764

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 May 5, 2005, the Idaho Department of Water Resources filed *Notices of Completed Administrative Proceeding and Amended Director's Reports* notifying the Court of a change in the point of diversion and place of use 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 28, 2005.

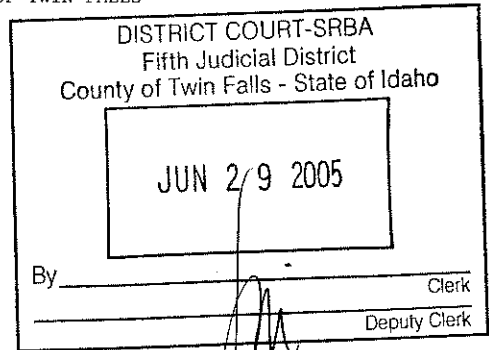
JOHN M. MELANSON

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 45-13763



NAME AND ADDRESS: H & S FARMS LTD PARTNERSHIP
1687 S HWY 27
OAKLEY, ID 83346

SOURCE: GROUND WATER

QUANTITY: 1.03 CFS

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF 3.46 CFS AND TO A TOTAL COMBINED ANNUAL
DIVERSION VOLUME OF 986.8 AF. COMBINED RIGHT NOS.: 45-13759,
45-13761, & 45-13763.

PRIORITY DATE: 06/30/1985

POINT OF DIVERSION: T13S R22E S16 SWSWE Within Cassia County
SWESE
SESESE
S21 SESWSE

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	1.03 CFS

PLACE OF USE:	Irrigation	Within Cassia County
	T13S R22E S16	NENE 33.0 NWNE 33.0
		SWNE 38.0 SENE 38.0
		NESE 38.0 NWSE 31.0
		SWSE 33.0 SESE 32.0
	S21	SWNE 22.0 NWSE 29.0
		SWSE 24.0
	351.0 Acres Total	

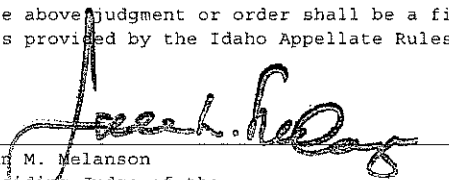
USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A
COMBINED TOTAL OF 351 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 45-13759, 45-13761 & 45-13763.
THIS RIGHT IS LIMITED TO THE IRRIGATION OF 104.3 ACRES WITHIN THE
PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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

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 45-13764

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

JUN 29 2005

By _____ Clerk
_____ Deputy Clerk

NAME AND ADDRESS: H & S FARMS LTD PARTNERSHIP
1687 S HWY 27
OAKLEY, ID 83346

SOURCE: GROUND WATER

THE RIGHT HOLDER SHALL MAKE FULL BENEFICIAL USE OF ALL SURFACE
WATER RIGHTS AVAILABLE TO THE RIGHT HOLDER FOR IRRIGATION OF THE
LANDS AUTHORIZED TO BE IRRIGATED UNDER THIS RIGHT. THE RIGHT
HOLDER SHALL LIMIT THE DIVERSION OF GROUND WATER UNDER THIS RIGHT
TO THOSE TIMES WHEN THE SURFACE WATER SUPPLY IS NOT AVAILABLE OR
THE SURFACE WATER SUPPLY IS NOT REASONABLY SUFFICIENT TO IRRIGATE
THE PLACE OF USE AUTHORIZED UNDER THIS RIGHT.

IF THE SURFACE WATER RIGHTS APPURTENANT TO THE PLACE OF USE IS
SOLD, TRANSFERRED, LEASED OR USED ON ANY OTHER PLACE OF USE, THIS
RIGHT TO DIVERT GROUNDWATER SHALL NOT BE USED WITHOUT AN APPROVED
TRANSFER PURSUANT TO SECTION 42-222, IDAHO CODE, OR APPROVAL OF
THE DEPARTMENT IF A TRANSFER IS NOT REQUIRED.

QUANTITY: 0.02 CFS

AFTER SPECIFIC NOTIFICATION BY THE DEPARTMENT, THE RIGHT HOLDER
SHALL RECORD THE QUANTITY OF WATER DIVERTED OR SHALL ENTER INTO
AN AGREEMENT WITH THE DEPARTMENT TO DETERMINE THE AMOUNT OF WATER
DIVERTED FROM POWER RECORDS AND SHALL ANNUALLY REPORT THE
INFORMATION TO THE DEPARTMENT.

THIS RIGHT WHEN COMBINED WITH ALL OTHER RIGHTS SHALL PROVIDE NO
MORE THAN 0.02 CFS PER ACRE NOR MORE THAN 4.0 AFA PER ACRE AT
THE FIELD HEADGATE FOR IRRIGATION OF THE LANDS ABOVE.

PRIOR TO DIVERSION OF WATER UNDER THIS APPROVAL, THE RIGHT
HOLDER SHALL PROVIDE A MEANS OF MEASUREMENT ACCEPTABLE TO THE
DEPARTMENT FROM ALL AUTHORIZED POINTS OF DIVERSION WHICH WILL
ALLOW DETERMINATION OF THE TOTAL RATE OF DIVERSION.

THE TOTAL INSTANTANEOUS DIVERSION OF WATER FROM ALL POINTS OF
DIVERSION UNDER RIGHT 45-2250B, 45-2496, 45-2647, 45-4100,
45-13760, 45-13762, 45-13764 AND 45-13571 SHALL NOT EXCEED 6.60
CFS, NOR A TOTAL COMBINED ANNUAL VOLUME OF 2049.2 AF.

RIGHTS 45-13760, 45-13762 AND 45-13764 WHEN COMBINED SHALL NOT
EXCEED A TOTAL DIVERSION RATE OF 0.06 CFS AND A TOTAL ANNUAL
MAXIMUM DIVERSION VOLUME OF 17.2 AF AT THE FIELD HEADGATE.

PRIORITY DATE: 06/30/1985

POINT OF DIVERSION: T13S R22E S15 SENSW Within Cassia County
S22 SESENW
S27 SESENW
SESENW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	0.02 CFS

PLACE OF USE:	Irrigation	Within Cassia County	
	T13S R22E S15	NESW 33.0 SWSW 33.0 NESE 33.0 SWSE 33.0 S22 NENE 33.0	NWSW 33.0 SESW 33.0 NWSE 33.0 SESE 33.0 NWNE 33.0

PLACE OF USE (continued)

	SWNE 33.0	SENE 33.0
	NENW 33.0	NWNW 33.0
	SWNW 31.0	SENW 31.0
	NESW 38.0	NWSW 37.0
	SWSW 4.0	SESW 39.0
	NESE 33.0	NWSE 33.0
S27	NENE 33.0	NWNE 33.0
	SWNE 33.0	SENE 33.0
	NENW 33.0	NWNW 33.0
	SWNW 33.0	SENW 33.0

972.0 Acres Total

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 1.7 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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

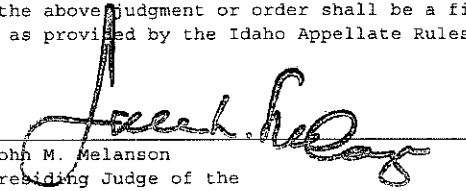
THE RIGHT HOLDER SHALL ACCOMPLISH THE CHANGE AUTHORIZED BY TRANSFER 71206 BY FEBRUARY 18, 2006.

FAILURE OF THE RIGHT HOLDER TO COMPLY WITH THE CONDITIONS OF THIS TRANSFER IS CAUSE FOR THE DIRECTOR TO RESCIND APPROVAL OF THE TRANSFER.

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.

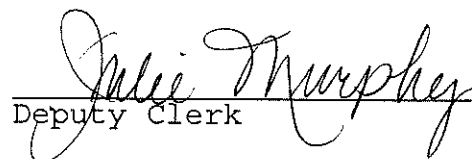

John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER OF PARTIAL DECREE was mailed on June 29, 2005, with sufficient first-class postage to the following:

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

H & S FARMS LTD PARTNERSHIP
1687 S HWY 27
OAKLEY, ID 83346

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

