

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

Case No. 39576

Water Right: 45-02512, 45-04027,
45-04258B, 45-07138 & 45-13794

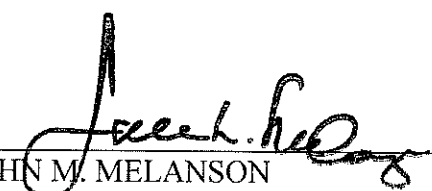
ORDER OF PARTIAL DECREE

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.

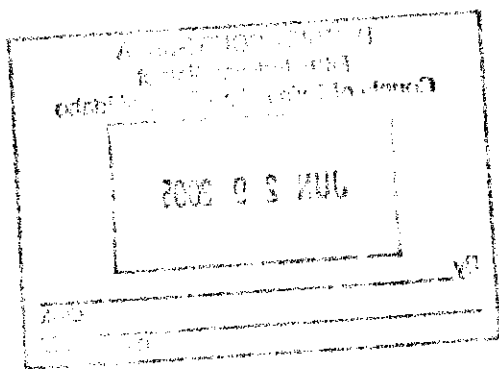
On January 7, 2005, the Idaho Department of Water Resources filed *Notices of Completed Administrative Proceeding and Amended Director's Reports* notifying the Court of a change of address in the above named water rights. No objections were filed to the *Amended Director's Reports* and the time period 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 29, 2005.


JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

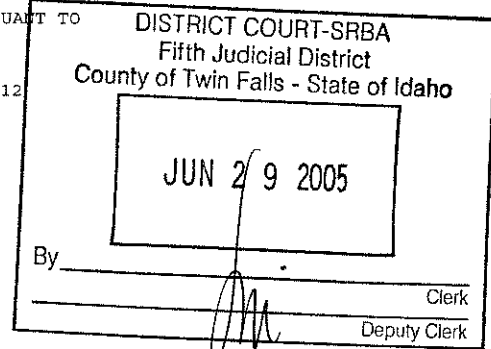
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JUN 30 2005
DEPARTMENT OF
WATER RESOURCES



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 45-02512



NAME AND ADDRESS: SCHENK LAND & CATTLE LP
1380 S 50 W
OAKLEY, ID 83346

SOURCE: GROUND WATER

QUANTITY: 1.36 CFS
512.00 AFY

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF 7.64 CFS AND TO A TOTAL COMBINED ANNUAL
DIVERSION VOLUME OF 2112 AF. COMBINED RIGHT NOS.: 45-2512,
45-4027, & 45-13794

PRIORITY DATE: 01/16/1956

POINT OF DIVERSION: T13S R22E S05 SESWNE Within Cassia County
S08 SENENW
SWNESW
NESW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	1.36 CFS 512.00 AFY

PLACE OF USE:	Irrigation	Within Cassia County
	T12S R22E S32	NESE 39.0 NWSE 32.0 SWSE 32.0 SESE 39.0
	T13S R22E S04 LOT 3	(NENW) 44.0 LOT 4 (NWNW) 44.0 SWNW 39.0 SENW 39.0
	S05 LOT 1	(NENE) 43.0 LOT 2 (NWNE) 40.0 SWNE 35.0 SENE 38.0 SESW 37.0
	S08	NENW 40.0 NWNW 34.0 SWNW 34.0 SENW 29.0 NESW 29.0 NWSW 36.0
	703.0 Acres Total	

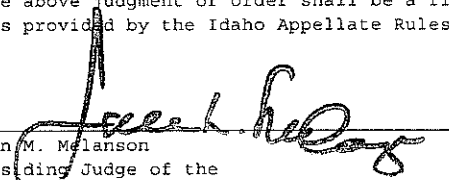
USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A
COMBINED TOTAL OF 703 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 45-2512, 45-4027, & 45-13794.
THIS RIGHT IS LIMITED TO THE IRRIGATION OF 128 ACRES WITHIN THE
PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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.

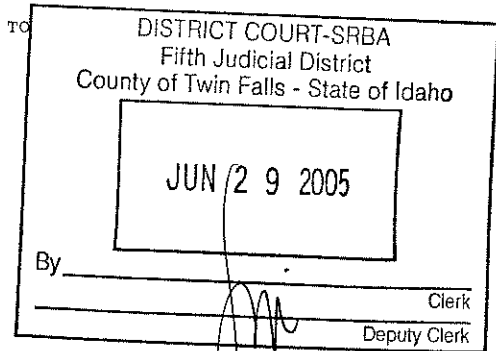


John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication

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 45-04027



NAME AND ADDRESS: SCHENK LAND & CATTLE LP
1380 S 50 W
OAKLEY, ID 83346

SOURCE: GROUND WATER

QUANTITY: 6.28 CFS
1600.00 AFY

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF 7.64 CFS AND TO A TOTAL COMBINED ANNUAL
DIVERSION VOLUME OF 2112 AF. COMBINED RIGHT NOS.: 45-2512,
45-4027, & 45-13794

PRIORITY DATE: 05/23/1961

POINT OF DIVERSION: T13S R22E S05 SESWNE Within Cassia County
S08 SENENW
SWNESW
NESW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	6.28 CFS 1600.00 AFY

PLACE OF USE:	Irrigation	Within Cassia County
T12S R22E S32	NESE 39.0 SWSE 32.0	NWSE 32.0 SESE 39.0
T13S R22E S04 LOT 3	(NENW)44.0 SWNW 39.0	LOT 4 (NWNW)44.0 SENW 39.0
S05 LOT 1	(NENE)43.0 SWNE 35.0 SESW 37.0	LOT 2 (NWNE)40.0 SENE 38.0
S08	NENW 40.0 SWNW 34.0 NESW 29.0	NWNW 34.0 SENW 29.0 NWSW 36.0
703.0 Acres Total		

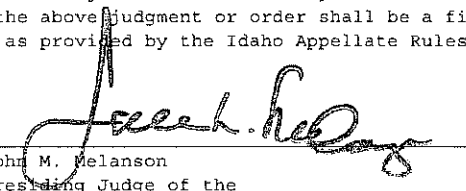
USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A
COMBINED TOTAL OF 703 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 45-2512, 45-4027, & 45-13794.
THIS RIGHT IS LIMITED TO THE IRRIGATION OF 400 ACRES WITHIN THE
PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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 Re SRBA)
)
Case No. 39576)
)

10

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

JUN 29 2005

By _____ Clerk
_____ Deputy Clerk

PAGE 1
Jun-29-2005

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 45-07138

NAME AND ADDRESS: SCHENK LAND & CATTLE LP
1380 S 50 W
OAKLEY, ID 83346

SOURCE: GROUND WATER

QUANTITY: 4.46 CFS
1208.00 AFY

PRIORITY DATE: 05/29/1973

POINT OF DIVERSION: T12S R21E S36 SWSWNE Within Cassia County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	4.46 CFS 1208.00 AFY

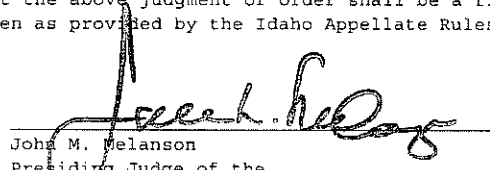
PLACE OF USE:	Irrigation	Within Cassia County
	T12S R21E S36	
	NENE 35.0	NWNE 40.0
	SWNE 40.0	SENE 40.0
	NENW 40.0	NWNW 35.0
	SWNW 32.0	SENE 40.0
	302.0 Acres Total	

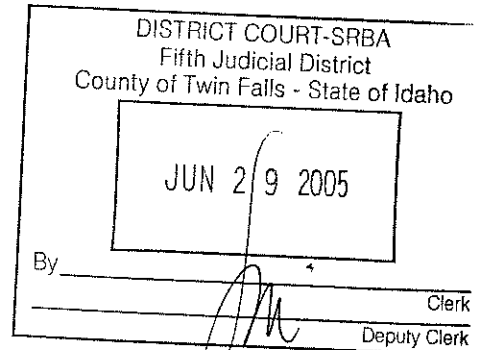
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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

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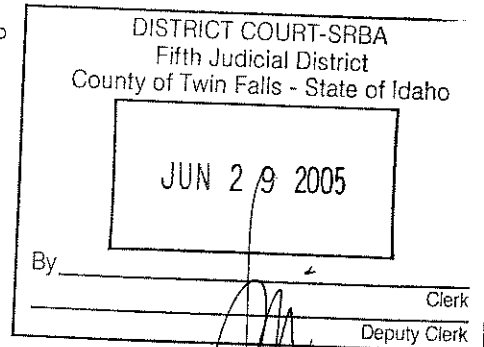

John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication



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 45-13794



NAME AND ADDRESS: SCHENK LAND & CATTLE LP
1380 S 50 W
OAKLEY, ID 83346

SOURCE: GROUND WATER

QUANTITY: 1.75 CFS

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF 7.64 CFS AND TO A TOTAL COMBINED ANNUAL
DIVERSION VOLUME OF 2112 AF. COMBINED RIGHT NOS.: 45-2512,
45-4027, & 45-13794

PRIORITY DATE: 06/30/1985

POINT OF DIVERSION: T13S R22E S05 SESWNE Within Cassia County
S08 SENENW
SWNESW
NESW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	1.75 CFS

PLACE OF USE:	Irrigation	Within Cassia County
	T12S R22E S32	NESE 39.0 NWSE 32.0
		SWSE 32.0 SESE 39.0
	T13S R22E S04 LOT 3	(NENW) 44.0 LOT 4 (NWNW) 44.0
		SWNW 39.0 SENW 39.0
	S05 LOT 1	(NENE) 43.0 LOT 2 (NWNE) 40.0
		SWNE 35.0 SENE 38.0
		SESW 37.0
	S08	NENW 40.0 NWNW 34.0
		SWNW 34.0 SENW 29.0
		NESW 29.0 NWSW 36.0
	703.0 Acres Total	

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A
COMBINED TOTAL OF 703 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 45-2512, 45-4027, & 45-13794.
THIS RIGHT IS LIMITED TO THE IRRIGATION OF 175 ACRES WITHIN THE
PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

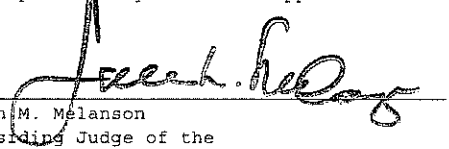
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS RIGHT IS AN EXPANSION OF RIGHT NOS. 45-2512 & 45-4027
PURSUANT TO SECTION 42-1416B, IDAHO CODE.

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

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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

SCHENK LAND & CATTLE LP
1380 S 50 W
OAKLEY, ID 83346
Phone: 208-862-9219

A handwritten signature in cursive script, reading "Julie Murphy", is written over a horizontal line. The signature is in dark ink and is positioned to the right of the printed text "Deputy Clerk".

