

MAR 10 1999 8:27  
DISTRICT COURT - SRBA  
CLERK

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

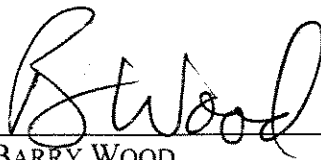
|                |   |                                 |
|----------------|---|---------------------------------|
| In Re SRBA     | ) | <b>ORDER OF PARTIAL DECREE</b>  |
|                | ) |                                 |
| Case No. 39576 | ) | <b>For Water Right 29-04256</b> |
| _____          | ) |                                 |

On January 29, 1999, a *Special Master's Report and Recommendation* was filed for the above 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 wholly adopts them as its own.

Therefore, IT IS ORDERED that water right 29-04256 is hereby **decreed** as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED March 10, 1999.

  
\_\_\_\_\_  
BARRY WOOD  
Administrative District Judge  
Interim 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 29-04256

JAN 11 1999 10:37  
DISTRICT COURT  
TWIN FALLS  
IDAHO

NAME AND ADDRESS: USDA FOREST SERVICE  
550 W FORT ST, MSC 033  
BOISE, ID 83724

SOURCE: SOUTH CANYON SPRING TRIBUTARY: BIRCH CREEK

QUANTITY: 0.02 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000  
GALLONS PER DAY.

PRIORITY DATE: 05/01/1889

POINT OF DIVERSION: T13S R36E S05 SWNW Within Bannock County

| PURPOSE AND    | PURPOSE OF USE | PERIOD OF USE  | QUANTITY |
|----------------|----------------|----------------|----------|
| PERIOD OF USE: | Stockwater     | 06-01 TO 09-30 | 0.02 CFS |

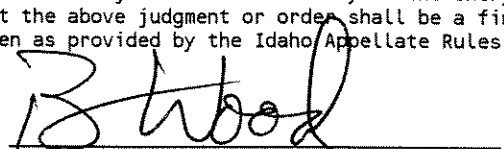
PLACE OF USE: Stockwater Within Bannock County  
T13S R36E S05 SWNW

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A  
DETERMINATION OF HISTORICAL BENEFICIAL USE.

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.

  
Barry Wood  
Administrative District Judge  
Interim 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 for each of the rights identified in Exhibit 1 of this certificate was mailed on March 10, 1999, with sufficient first-class postage to the following:

IDWR Document Depository  
PO Box 83720  
Boise, ID 83720-0098

USDA Forest Service  
Represented by:  
US Department of Justice  
Environment & Natural Resources Division  
550 W Fort Street, MSC 033  
Boise, ID 83724

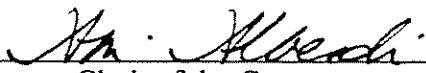
  
Deputy Clerk of the Court

EXHIBIT 1

Subcase Nos:

29-02485  
29-04114  
29-04115  
29-04116  
29-04118  
29-04119  
29-04120  
29-04121  
29-04122  
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29-04164  
29-04254  
29-04255  
29-04256  
29-04257  
29-04258  
29-12314  
29-12914