

RECEIVED
SEP 30 2010
DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
SEP 29 2010	
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

ORDER SETTING ASIDE AND
AMENDING PARTIAL DECREES

SUBCASES: See Attached Exhibit A
(Jougard Sheep Co. Inc.)

Partial Decrees were issued for the above-captioned water rights on December 11, 2007. Subsequently, the Court received correspondence from the Idaho Department of Water Resources regarding errors in the *Director's Reports* filed for the claims, which ultimately carried forward in the *Partial Decrees*. The matter was referred to the Special Master for further proceedings.

On August 11, 2010, a *Special Master's Report and Recommendation* was filed for the above-captioned water rights recommending that the original *Partial Decrees* be set aside and *Amended Partial Decrees* be issued. 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 the above-captioned water rights are hereby **decreed** as set forth in the attached *Amended Partial Decrees Pursuant to I.R.C.P. 54(b)*. The previously issued *Partial Decrees* are replaced and superseded thereby.

DATED September 29, 2010.


ERIC J. WILDMAN
Presiding Judge
Snake River Basin Adjudication

EXHIBIT A - JOUGLARD SHEEP CO INC

Subcase Nos:

27-12019
27-12020
27-12021
27-12022
27-12023
27-12025
27-12026

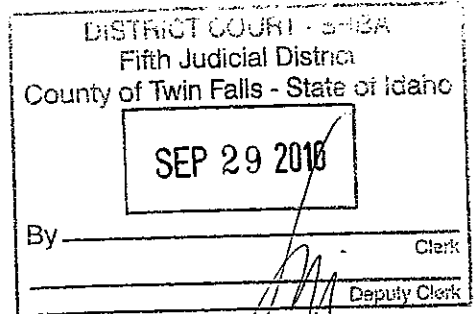
IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

AMENDED

In Re SRBA)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 27-12019



NAME AND ADDRESS: JOUGLARD SHEEP CO INC
PO BOX 245
RUPERT, ID 83350

SOURCE: UNNAMED STREAM TRIBUTARY: TRAIL CREEK

QUANTITY: 0.02 CFS
1.00 AFY

The quantity of water under this right shall not exceed 13,000 gallons per day.
The rights listed below are limited to a total combined annual diversion volume of 9.7 af for stockwater. Combined Right Nos.:
27-2080A, 27-2080B, 27-12018, 27-12019, 27-12020, 27-12021, 27-12022, 27-12023, 27-12024, 27-12025, 27-12026, AND 27-12144.

PRIORITY DATE: 04/01/1946

POINT OF DIVERSION: T08S R43E S19 NENESW (Instream Beginning Point) Within Caribou County
S20 NENWNE (Instream Ending Point)

PURPOSE AND

PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Stockwater	05-15 TO 10-31	0.02 CFS
			1.00 AFY

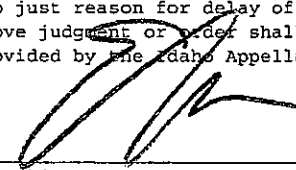
PLACE OF USE:	Stockwater	Within Caribou County
	T08S R43E S19	NENE NWNE
		SWNE SENW
		NESW
	S20	NWNE NENW
		NWNW

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.


Eric J. Wildman
Presiding Judge of the
Snake River Basin Adjudication

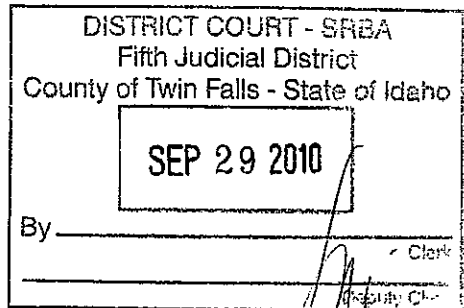
IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

AMENDED

In Re SRBA)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 27-12020



NAME AND ADDRESS: JOUGLARD SHEEP CO INC
PO BOX 245
RUPERT, ID 83350

SOURCE: UNNAMED STREAMS TRIBUTARY: TRAIL CREEK

QUANTITY: 0.02 CFS
2.10 AFY

The quantity of water under this right shall not exceed 13,000
gallons per day.
The rights listed below are limited to a total combined annual
diversion volume of 9.7 af for stockwater. Combined Right Nos.:
27-2080A, 27-2080B, 27-12018, 27-12019, 27-12020, 27-12021,
27-12022, 27-12023, 27-12024, 27-12025, 27-12026, and 27-12144.

PRIORITY DATE: 04/01/1946

POINT OF DIVERSION: T08S R43E S15 SENWSW (Instream Beginning Point) Within Caribou County
S21 SWSWSW (Instream Ending Point)
SENESE (Instream Beginning Point)
NENENE (Instream Ending Point).

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
Stockwater		05-15 TO 10-31	0.02 CFS
			2.10 AFY

PLACE OF USE:	Stockwater	Within Caribou County
T08S R43E S15	NWSW	SWSW
S21	NENE	

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).

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judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

Eric J. Wildman
Presiding Judge of the
Snake River Basin Adjudication

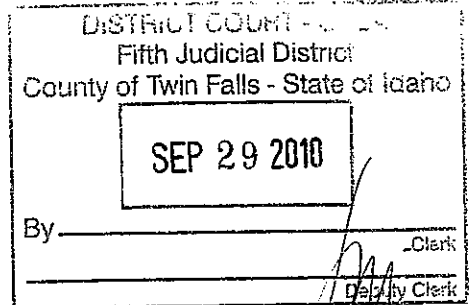
IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

AMENDED

In Re SRBA)
)
Case No. 39576)
)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 27-12021



NAME AND ADDRESS: JOUGLARD SHEEP CO INC
PO BOX 245
RUPERT, ID 83350

SOURCE: UNNAMED STREAM TRIBUTARY: JOHNSON CREEK

QUANTITY: 0.02 CFS
2.10 AFY

The quantity of water under this right shall not exceed 13,000
gallons per day.
The rights listed below are limited to a total combined annual
diversion volume of 9.7 af for stockwater. Combined Right Nos.:
27-2080A, 27-2080B, 27-12018, 27-12019, 27-12020, 27-12021,
27-12022, 27-12023, 27-12024, 27-12025, 27-12026, and 27-12144.

PRIORITY DATE: 04/01/1946

POINT OF DIVERSION: T08S R43E S34 NWSWSE (Instream Beginning Point) Within Caribou County
NESESE (Instream Ending Point)

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Stockwater	05-15 TO 10-31	0.02 CFS 2.10 AFY

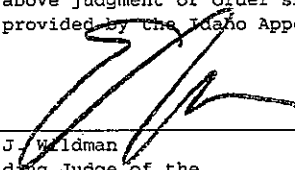
PLACE OF USE: Stockwater Within Caribou County
T08S R43E S34 SWSE SESE

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).

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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.


Eric J. Waldman
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

AMENDED

In Re SRBA)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 27-12022

Fifth Judicial District County of Twin Falls - State of Idaho	
SEP 29 2010	
By _____	Clerk
_____	Deputy Clerk

NAME AND ADDRESS: JOUGLARD SHEEP CO INC
PO BOX 245
RUPERT, ID 83350

SOURCE: UNNAMED STREAM TRIBUTARY: BLACKFOOT RIVER

QUANTITY: 0.02 CFS
1.30 AFY

The quantity of water under this right shall not exceed 13,000
gallons per day.

The rights listed below are limited to a total combined annual
diversion volume of 9.7 af for stockwater. Combined Right Nos.:
27-2080A, 27-2080B, 27-12018, 27-12019, 27-12020, 27-12021,
27-12022, 27-12023, 27-12024, 27-12025, 27-12026, and 27-12144.

PRIORITY DATE: 04/01/1946

POINT OF DIVERSION: T08S R43E S03 NWSNW (Instream Ending Point) Within Caribou County
SESWSW (Instream Beginning Point)

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE
Stockwater

PERIOD OF USE
05-15 TO 10-31

QUANTITY
0.02 CFS
1.30 AFY

PLACE OF USE:

Stockwater
T08S R43E S03

SWNW
SWSW

Within Caribou County
NWSW

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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Eric J. Williams
Presiding Judge of the
Snake River Basin Adjudication

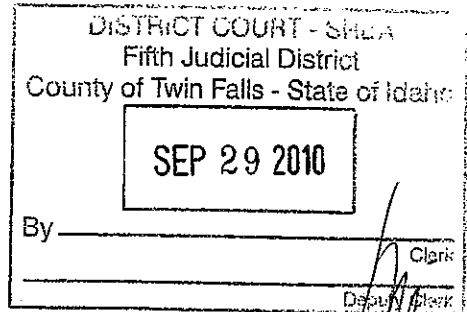
IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

AMENDED

In Re SRBA)
)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 27-12023



NAME AND ADDRESS: JOUGLARD SHEEP CO INC
PO BOX 245
RUPERT, ID 83350

SOURCE: UNNAMED STREAM TRIBUTARY: JOHNSON CREEK

QUANTITY: 0.02 CFS
1.00 AFY

The quantity of water under this right shall not exceed 13,000
gallons per day.

The rights listed below are limited to a total combined annual
diversion volume of 9.7 af for stockwater. Combined Right Nos.:
27-2080A, 27-2080B, 27-12018, 27-12019, 27-12020, 27-12021,
27-12022, 27-12023, 27-12024, 27-12025, 27-12026, and 27-12144.

PRIORITY DATE: 04/01/1946

POINT OF DIVERSION: T08S R43E S27 NWSWSE (Instream Beginning Point) Within Caribou County
NESESE (Instream Ending Point)

PURPOSE AND

PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Stockwater	05-15 TO 10-31	0.02 CFS
			1.00 AFY

PLACE OF USE:	Stockwater	Within Caribou County
	T08S R43E S27	NESE
		NWSE
		SWSE
		SESE

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

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
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Eric J. Widman
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

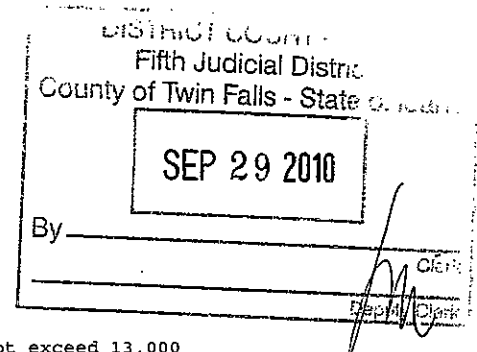
AMENDED

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 27-12025

NAME AND ADDRESS: JOUGLARD SHEEP CO INC
PO BOX 245
RUPERT, ID 83350

SOURCE: UNNAMED STREAMS TRIBUTARY: SINKS

QUANTITY: 0.02 CFS
1.00 AFY



The quantity of water under this right shall not exceed 13,000
gallons per day.

The rights listed below are limited to a total combined annual
diversion volume of 9.7 af for stockwater. Combined Right Nos.:
27-2080A, 27-2080B, 27-12018, 27-12019, 27-12020, 27-12021,
27-12022, 27-12023, 27-12024, 27-12025, 27-12026, and 27-12144.

PRIORITY DATE: 04/01/1946

POINT OF DIVERSION: T08S R43E S14 SWSWNW (Instream Beginning Point) Within Caribou County
NESWNW (Instream Ending Point)
S23 NENENW (Instream Ending Point)
SWNNWNW (Instream Beginning Point)

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Stockwater	05-15 TO 10-31	0.02 CFS 1.00 AFY

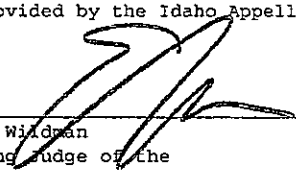
PLACE OF USE:	Stockwater	Within Caribou County
	T08S R43E S14 S23	SWNW NENW NWNW

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

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Eric J. Wicks
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

AMENDED

In Re SRBA)
Case No. 39576)
_____)

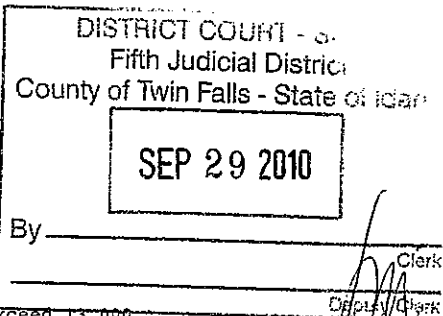
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 27-12026

NAME AND ADDRESS: JOUGLARD SHEEP CO INC
PO BOX 245
RUPERT, ID 83350

SOURCE: TRAIL CREEK TRIBUTARY: BLACKFOOT RIVER

QUANTITY: 0.02 CFS
0.94 AFY



The quantity of water under this right shall not exceed 13,000
gallons per day.

The rights listed below are limited to a total combined annual
diversion volume of 9.7 af for stockwater. Combined Right Nos.:
27-2080A, 27-2080B, 27-12018, 27-12019, 27-12020, 27-12021,
27-12022, 27-12023, 27-12024, 27-12025, 27-12026, and 27-12144.

PRIORITY DATE: 04/01/1946

POINT OF DIVERSION: T08S R43E S09 NENWNW (Instream Ending Point) Within Caribou County
SESWNW (Instream Beginning Point)

PURPOSE AND

PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Stockwater	05-15 TO 10-15	0.02 CFS
			0.94 AFY

PLACE OF USE: Stockwater Within Caribou County
T08S R43E S09 NWNW SWNW

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
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Eric J. Wildman
Presiding Judge of the
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER SETTING
ASIDE AND AMENDING PARTIAL DECREES was mailed on September 29,
2010, with sufficient first-class postage to the following:

SHOSHONE-BANNOCK TRIBES

Represented by:
JEANETTE WOLFLEY
SPECIAL COUNSEL
SHOSHONE-BANNOCK TRIBE
202 N ARTHUR
POCATELLO, ID 83202
Phone: 208-232-1922

STATE OF IDAHO

Represented by:
NATURAL RESOURCES DIV CHIEF
STATE OF IDAHO
ATTORNEY GENERAL'S OFFICE
PO BOX 44449
BOISE, ID 83711-4449

JOUGLARD SHEEP CO INC

PO BOX 245
RUPERT, ID 83350
Phone: 208-436-4221

DIRECTOR OF IDWR

PO BOX 83720
BOISE, ID 83720-0098

