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DEPARTMENT OF  
WATER RESOURCES

|                                                                                           |              |
|-------------------------------------------------------------------------------------------|--------------|
| DISTRICT COURT - SRBA<br>Fifth Judicial District<br>County of Twin Falls - State of Idaho |              |
| JUN 30 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

)  
) Subcase Nos.: 27-12061  
) (Bear Lake Grazing Co.)  
)  
) ORDER SETTING ASIDE AND  
) AMENDING PARTIAL DECREE  
)

On September 26, 2008, a *Partial Decree* was issued for the above-captioned right. On November 18, 2008, the Idaho Department of Water Resources filed correspondence with this Court explaining that in reviewing the recommendations in Basin 27, they discovered that a correction to water right 27-12061 was necessary. The matter was referred to the Special Master for further proceedings. On May 7, 2010, the Special Master issued an *Amended Special Master's Report and Recommendation* recommending that the *Partial Decree* be set aside and an *Amended Partial Decree* be issued. No challenges were filed to the *Amended 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 *Amended Special Master's Report and Recommendation* and wholly adopts them as its own.

Therefore, IT IS ORDERED that the *Partial Decree* for the above-captioned water right is hereby set aside and amended as set forth in the attached *Amended Partial Decree Pursuant to I.R.C.P. 54(b)*. The previously issued *Partial Decree* is replaced and

superseded thereby.

DATED:

June 30, 2010



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ERIC J. WILDMAN

Presiding Judge

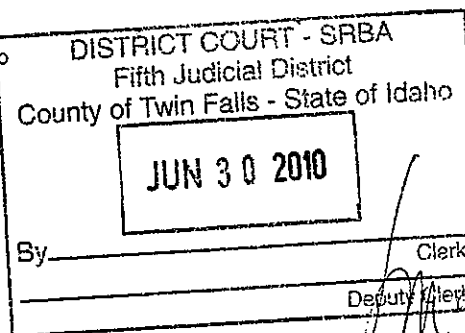
Snake River Basin Adjudication

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

AMENDED

In Re SRBA )  
 )  
Case No. 39576 )  
\_\_\_\_\_ )

PARTIAL DECREE PURSUANT TO  
I.R.C.P. 54(b) FOR  
Water Right 27-12061



NAME AND ADDRESS: BEAR LAKE GRAZING CO  
835 ALTON RD  
MONTPELIER, ID 83254

SOURCE: UNNAMED STREAMS TRIBUTARY: LANES CREEK

QUANTITY: 0.02 CFS  
8.50 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 39.4 af.  
Combined Right Nos.: 27-12043, 27-12052, 27-12053, 27-12054,  
27-12055, 27-12056, 27-12057, 27-12058, 27-12059, 27-12060,  
27-12061, 27-12194 and 27-12195.

PRIORITY DATE: 10/18/1886

POINT OF DIVERSION: T06S R44E S34 SESWSE (Instream Beginning Point) Within Caribou County  
T07S R44E S02 LOT 2 (SWSWNE) (Instream Beginning Point)  
LOT 4 (SESWNW) (Instream Ending Point)  
SENWSW (Instream Ending Point)  
NENWSE (Instream Beginning Point)  
SWSESE (Instream Beginning Point)  
LOT 4 (SWNW ) (Instream Ending Point)  
S11 SWNENW (Instream Ending Point)

| PURPOSE AND    | PURPOSE OF USE | PERIOD OF USE  | QUANTITY             |
|----------------|----------------|----------------|----------------------|
| PERIOD OF USE: | Stockwater     | 05-01 TO 11-30 | 0.02 CFS<br>8.50 AFY |

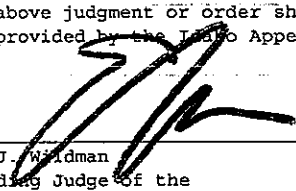
| PLACE OF USE: | Stockwater                 | Within Caribou County |
|---------------|----------------------------|-----------------------|
|               | T06S R44E S34 SESW         | SWSE                  |
|               | T07S R44E S02 LOT 2 (SWNE) | LOT 4 (SWNW)          |
|               | LOT 3 (SENW)               | NESW                  |
|               | NWSW                       | SWSW                  |
|               | NWSE                       | SWSE                  |
|               | SESE                       |                       |
|               | S11 NWNE                   | NENW                  |

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

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER SETTING  
ASIDE AND AMENDING PARTIAL DECREE was mailed on June 30, 2010,  
with sufficient first-class postage to the following:

SHOSHONE-BANNOCK TRIBES

Represented by:  
JEANETTE WOLFLEY  
SPECIAL COUNSEL  
SHOSHONE-BANNOCK TRIBE  
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Phone: 208-232-1922

STATE OF IDAHO

Represented by:  
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STATE OF IDAHO  
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PO BOX 44449  
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DIRECTOR OF IDWR

PO BOX 83720  
BOISE, ID 83720-0098

BEAR LAKE GRAZING CO

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