

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	DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho JUN - 1 2010	Subcase No.: 27-12058 (Bear Lake Grazing Co.)	RECEIVED JUN 02 2010 DEPARTMENT OF WATER RESOURCES
		ORDER SETTING ASIDE AND AMENDING PARTIAL DECREE	
By _____ Deputy Clerk			

On September 26, 2008, a *Partial Decree* was issued for the above-captioned right. On November 18, 2008, IDWR sent correspondence to the Court explaining that in reviewing the recommendations in Basin 27, they discovered that a correction to this water right was necessary. The matter was referred to the Special Master for further proceedings. On April 23, 2010, the Special Master issued a *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 *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 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 The previously issued *Partial Decree* is replaced and superseded thereby.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 1, 2010



ERIC J. WILDMAN
Presiding Judge
Snake River Basin Adjudication

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
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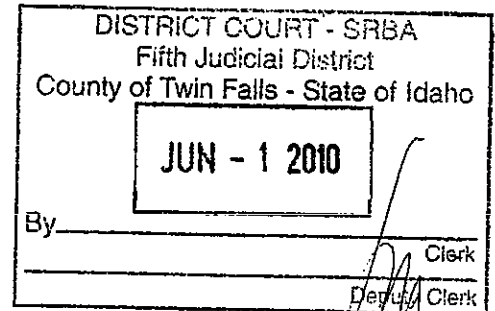
AMENDED

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 27-12058

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

SOURCE: UNNAMED STREAM 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: T07S R44E S04 NWNESE (Instream Beginning Point) Within Caribou County
NWNESE (Instream Ending Point)

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

PLACE OF USE:	Stockwater		Within Caribou County
	T07S R44E S04	NESW NWSE	NESE

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. Wilman
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 01, 2010,
with sufficient first-class postage to the following:

SHOSHONE-BANNOCK TRIBES

Represented by:

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STATE OF IDAHO

Represented by:

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STATE OF IDAHO

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