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FEB 29 2008

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
FEB 28 2008	
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	)	ORDER OF PARTIAL DECREE
	)	(Joyce Livestock Co.)
Case No. 39576	)	
	)	For Water Right: 55-10135
_____	)	

On February 9, 2007, the Idaho Supreme Court issued its opinion in *Joyce Livestock Co. v. United States*, 144 Idaho 1, 156 P.3d 502 (2007), holding among other things that a stockwater right could be appurtenant to real property that was not its place of use. The case was remanded for a determination of the priority date. On February 14, 2008, pursuant to settlement negotiations the parties filed a *Standard Form 5 Stipulated Elements of a Water Right (SF 5)*, with the concurrence of the Idaho Department of Water Resources stipulating to a priority date. The Court has reviewed the *SF-5* and acknowledges that the stipulation constitutes a negotiated compromise of the respective positions of the parties in lieu of further litigation and may not be representative of the outcome were the matter to be litigated and decided by the Court.

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

DATED February 28, 2008.


JOHN M. MELANSON
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

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

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 55-10135

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

FEB 28 2008

NAME AND ADDRESS: JOYCE LIVESTOCK CO
C/O PAUL NETTLETON
MURPHY, ID 83650

SOURCE: JORDAN CREEK TRIBUTARY: OWYHEE RIVER

QUANTITY: 0.02 CFS

By _____ Clerk

Deputy Clerk

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

PRIORITY DATE: 04/01/1925

POINT OF DIVERSION: T04S R03W S31 SWNNW (Instream Ending Point) Within Owyhee County
T05S R03W S19 SENWSW (Instream Beginning Point)

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Stockwater	01-01 TO 12-31	0.02 CFS

PLACE OF USE:	Stockwater		Within Owyhee County
	T04S R03W S31	NWNW	SWNW
		SENW	NESW
		NWSE	SWSE
	T05S R03W S06	NWNE	SWNE
		SENE	NESE
		SESE	
	S07	NENE	SENE
		NESE	
	S08	NWSW	SWSW
	S17	NWNW	SWNW
		NWSW	SWSW
	S18	SESE	
	S19	NENE	NWNE
		SWNE	SENE
		NESW	NWSW

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

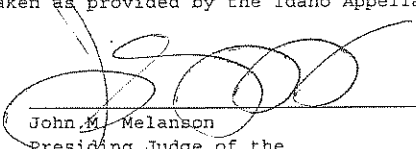
THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

Pursuant to the decision in Joyce Livestock v. United States
(144 Idaho 1, 156 P.3d 502 (Idaho 2007)), this water right is
appurtenant to real property that is not the place of use.

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

2008 FEB 28 PM 02:00
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

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	)	CERTIFICATE OF MAILING
	)	
Case No. 39576	)	
_____	)	Water Right(s): 55-10135

CERTIFICATE OF MAILING

I certify that a true and correct copy of the PARTIAL DECREE
PURSUANT TO I.R.C.P. 54(b) for WATER RIGHT 55-10135 was mailed
on February 28, 2008, with sufficient first-class postage prepaid
to the following:

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

JOYCE LIVESTOCK CO
Represented by:
ELIZABETH P EWENS
221 MAIN ST, 16TH FLOOR
SAN FRANCISCO, CA 94105
Phone: 415-905-0200

JOYCE LIVESTOCK CO
Represented by:
ROGER D LING
615 H ST
PO BOX 396
RUPERT, ID 83350-0396
Phone: 208-436-4717

USDI BLM

Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

JULIE MURPHY
Chief Deputy Clerk