

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
FEB 12 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

Case No. 39576

ORDER OF PARTIAL DECREE

For Water Right: 21-00105

On November 19, 2007, a *Special Master's Report and Recommendation* was filed for the above-captioned 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 Recommendation* and wholly adopts them as its own.

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 12, 2008.



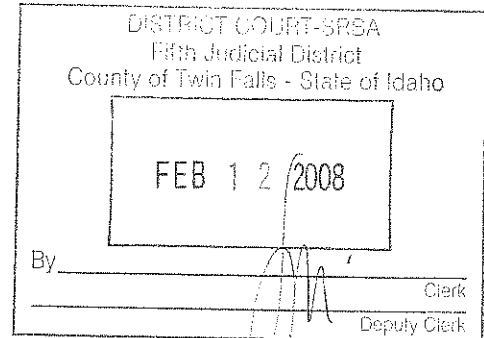
JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 21-00105

NAME AND ADDRESS: GALE W & ELLEN C CLEMENT
FAMILY LTD PARTNERSHIP
PO BOX 99
LEWISVILLE, ID 83431

ESTATE OF T ROSS CLEMENT
LOUISE CLEMENT
PO BOX 99
LEWISVILLE, ID 83431



SOURCE: TOMS CREEK TRIBUTARY: BUFFALO RIVER
WALL SPRING TRIBUTARY: TOMS CREEK

QUANTITY: 19.80 CFS

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

PRIORITY DATE: 10/15/1900

POINT OF DIVERSION: T13N R43E S25 SENWSE Within Fremont County
S35 SENWNE
R44E S31 NENENW

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
Irrigation	05-01 TO 10-15	19.80 CFS
Stockwater	05-01 TO 10-15	0.14 CFS

PLACE OF USE:

Irrigation		Within Fremont County	
T13N R43E S25	NWNW 27.0	SWNW	40.0
LOT 1	(SENW) 8.2	NESW	22.0
	NWSW 40.0	SWSW	40.0
	SESW 34.0		
S26	NENE 35.0	NWNE	33.0
	SWNE 40.0	SENE	40.0
LOT 1	(NENW) 18.0	LOT 1	(NWNW) 0.3
	SWNW 14.0		SENE 39.0
	NESW 32.0		NWSW 9.6
	SWSW 11.0		SESW 9.4
	NESE 40.0		NWSE 40.0
	SWSE 13.0		SESE 38.0
623.5 Acres Total			

Stockwater		Within Fremont County	
T13N R43E S25	NWNW	SWNW	
	NESW	NWSW	
	SWSW	SESW	
S26	NENE	NWNE	
	SWNE	SENE	
LOT 1	(NENW)	LOT 1	(NWNW)
	SWNW		SENE
	NESW		NWSW
	SWSW		SESW
	NESE		NWSE
	SWSE		SESE

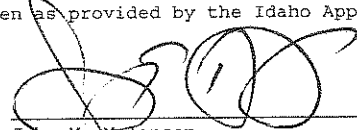
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial 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 12 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): 21-00105

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 21-00105 was mailed
on February 12, 2008, with sufficient first-class postage prepaid
to the following:

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

GALE W & ELLEN C CLEMENT
FAMILY LTD PARTNERSHIP
PO BOX 99
LEWISVILLE, ID 83431
Phone: 208-754-8186

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

ESTATE OF T ROSS CLEMENT
LOUISE CLEMENT
PO BOX 99
LEWISVILLE, ID 83431
Phone: 208-754-8186

CERTIFICATE OF MAILING

JULIE MURPHY
Chief Deputy Clerk

PAGE 1
02/12/08