

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

FEB - 7 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   |
|                | ) |                           |
| Case No. 39576 | ) | For Water Right: 79-14158 |
|                | ) |                           |
| _____          | ) |                           |

On November 14, 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.

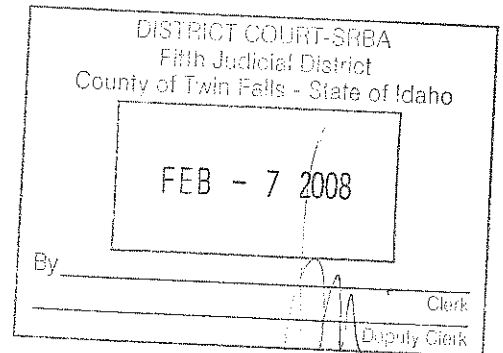
Therefore, IT IS ORDERED that the above-captioned water right be **decreed** as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED February 7, 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 79-14158



NAME AND ADDRESS: FLYING U RANCH  
DELOS ROBBINS  
PO BOX 17004  
MISSOULA, MT 59808

SOURCE: UNNAMED STREAM TRIBUTARY: BASIN CREEK  
WOLF CREEK TRIBUTARY: SNAKE RIVER  
BASIN CREEK TRIBUTARY: WOLF CREEK

QUANTITY: 0.02 CFS

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

PRIORITY DATE: 01/01/1900

|                     |               |                                                     |
|---------------------|---------------|-----------------------------------------------------|
| POINT OF DIVERSION: | T29N R02W S11 | SESE (Instream Beginning Point) Within Idaho County |
|                     | S12           | SWSWNW (Instream Beginning Point)                   |
|                     |               | SENE (Instream Beginning Point)                     |
|                     | S13           | SWNWNW (Instream Ending Point)                      |
|                     |               | SESE (Instream Beginning Point)                     |
|                     |               | SENE (Instream Beginning Point)                     |
|                     |               | NWNW (Instream Ending Point)                        |
|                     | S22           | SESE (Instream Beginning Point)                     |
|                     | S23           | NWNW (Instream Beginning Point)                     |
|                     |               | NESW (Instream Ending Point)                        |
|                     | S24           | SWSE (Instream Ending Point)                        |
|                     |               | SWSE (Instream Beginning Point)                     |
|                     | S25           | SWSW (Instream Ending Point)                        |
|                     | S35           | NENE (Instream Beginning Point)                     |
|                     |               | SENE (Instream Ending Point)                        |

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY |
|-------------------------------|----------------|----------------|----------|
|                               | Stockwater     | 01-01 TO 12-31 | 0.02 CFS |

| PLACE OF USE: | Stockwater    | Within Idaho County |
|---------------|---------------|---------------------|
|               | T29N R02W S11 | SESE                |
|               | S12           | SWNW                |
|               |               | SENE                |
|               |               | NESW                |
|               |               | SWSW                |
|               | S13           | SWNE                |
|               |               | SENE                |
|               |               | NWNW                |
|               |               | SWSW                |
|               |               | SESE                |
|               |               | NWSE                |
|               |               | SESE                |
|               | S14           | NENE                |
|               | S22           | SESE                |
|               | S23           | NENE                |
|               |               | SENE                |
|               |               | NWNW                |
|               |               | NESW                |
|               |               | SWSW                |
|               |               | SESE                |
|               | S24           | NENE                |
|               |               | NWNE                |
|               |               | NENW                |
|               |               | SWNE                |
|               |               | NWNW                |
|               |               | SWSW                |
|               |               | SENE                |
|               |               | NWSW                |

PLACE OF USE (continued)

|     |      |      |
|-----|------|------|
|     | SESW | NWSE |
|     | SWSE |      |
| S25 | NWNE | NENW |
|     | NWNW | SWNW |
|     | SENW | NESW |
|     | NWSW | SWSW |
| S26 | SENE | SESE |
| S35 | NENE | SENE |

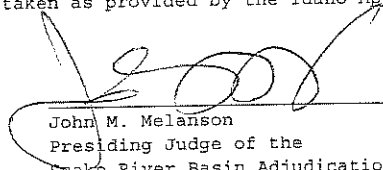
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

The quantity of water decreed for this water right is not a determination of historical beneficial use.

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 07 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): 79-14158 |

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 79-14158 was mailed  
on February 07, 2008, with sufficient first-class postage prepaid  
to the following:

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

STATE OF IDAHO DEPT OF LANDS  
Represented by:  
STATE OF IDAHO  
700 W JEFFERSON ROOM 210  
P O BOX 44449  
BOISE, ID 83711-4449  
Phone: 208-334-2400

FLYING U RANCH  
DELOS ROBBINS  
PO BOX 17004  
MISSOULA, MT 59808  
Phone: 406-549-1466

JULIE MURPHY  
Chief Deputy Clerk