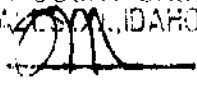


2002 JUL -3 AM 9:42

DISTRICT COURT-SRBA
TWIN FALLS, 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

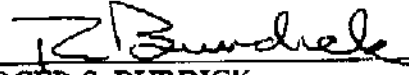
Case No. 39576

ORDER OF AMENDED PARTIAL DECREE**For Water Right 41-00028**

On March 12, 2001, an *Amended Partial Decree* was issued for the above-captioned water right. On January 25, 2002, the claimant of the water right filed correspondence with the Court seeking to have the *Amended Partial Decree* set aside. The matter was referred to Special Master Dolan, and on March 6, 2002, a *Special Master Report and Recommendation* was filed, recommending that the previously issued *Amended Partial Decree* be set aside, and a new *Partial Decree* be issued to correct the quantity element of the water right. No Challenges were filed to the *Special Master Report and Recommendation* and the time for filing Challenges has now expired.

Therefore, IT IS ORDERED that water right 41-00028 is hereby **decreed** as set forth in the attached *2nd Amended Partial Decree Pursuant to I.R.C.P. 54(b)*. The previously issued *Amended Partial Decree* is replaced and superseded thereby.

DATED July 19, 2002.


 ROGER S. BURDICK
 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

2nd Amended
PARTIAL DECREE PURSUANT TO
I.R.C.C. § 54(b) FOR

Case No. 39576

Water Right 41-00026

2007 JUL -3 AM 9:42

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO

NAME AND ADDRESS:

EXCALIBUR RANCHES INC
PO BOX 387
ROCKLAND, ID 83271

SOURCE:

EAST FORK ROCK CREEK

TRIBUTARY: ROCK CREEK

QUANTITY:

0.80 CFS

THE QUANTITY LISTED ABOVE SHALL BE MEASURED AT THE POINT OF
DIVERSION LISTED FOR THIS RIGHT BY MEANS OF A MEASURING BOX OF
THE TYPE AND DIMENSIONS DECREED BY IN RE KOUTZ ET AL (ONEIDA
COUNTY, SIXTH JUDICIAL DISTRICT COURT, JUNE 6, 1902). ANY CHANGE
IN THE METHOD OF MEASUREMENT SHALL CONSTITUTE A CHANGE IN THE
POINT OF DIVERSION REQUIRING APPROVAL BY THE IDAHO DEPARTMENT OF
WATER RESOURCES AS A TRANSFER PURSUANT TO I.C. SECTION 42-222.

PRIORITY DATE:

06/15/1992

POINT OF DIVERSION:

T10S R31E S06

NNWSW

Within Power County

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE
Irrigation

PERIOD OF USE
04-01 TO 10-31

QUANTITY
0.80 CFS

PLACE OF USE:

Irrigation

T02S R31E S31 LOT 1

(NNWN) 0.5

LOT 2

Within Power County

(SNNW) 10.0

WESW 0.6

LOT 3

(NNWSW) 7.5

LOT 4

(SWSW) 5.5

SESW 11.0

T10S R31E S06

NNWN 0.6

NNWN 0.3

SESW 19.0

55.0 Acres Total

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 15.0 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

USE OF THIS RIGHT WITH RIGHT NOS. 41-00024A & 41-10215 IS
LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 55 ACRES IN A
SINGLE IRRIGATION SEASON.

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).

SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

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.



Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the 2ND AMENDED PARTIAL DECREE PURSUANT TO I.R.C.P. 54 (B) FOR WATER RIGHTS was mailed on July 03, 2002, with sufficient first-class postage to the following:

FILED
DISTRICT COURT-SRBA
TWIN FALLS CO. IDAHO
JUL 10 2002

EXCALIBUR RANCHES INC
PO BOX 387
ROCKLAND, ID 83271
Phone: 208-548-2327

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

