

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED
2004 FEB 6 PM 4 41

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 51-12443

On January 10, 2003, a ***Partial Decree*** was issued for the above-captioned water right. The United States Bureau of Land Management filed a *Motion to Set Aside Partial Decree and Refer Subcases to the Special Master* on August 13, 2003. This matter was referred to the Special Master on August 19, 2003. The Special Master issued a ***Special Master's Report and Amended Recommendation*** on November 21, 2003, recommending setting aside and amending the ***Partial Decree***. This Court has reviewed the findings of fact and conclusions of law contained in the ***Special Master's Report and Amended Recommendation*** and adopts them wholly as its own.

THEREFORE, IT IS ORDERED that the ***Partial Decree*** for water right 51-12443 be set aside and an ***Amended Partial Decree*** be decreed 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 The previously issued ***Partial Decree*** is replaced and superseded thereby.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 February 6, 2004.



JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

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STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

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AMENDED

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)
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_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 51-12443

2004 FEB 6 PM 4 41

NAME AND ADDRESS: USDI BLM
IDAHO STATE OFFICE
1387 S VINNELL WAY
BOISE, ID 83709-1657

SOURCE: UNNAMED STREAM TRIBUTARY: POISON CREEK

QUANTITY: 0.02 CFS

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

PRIORITY DATE: 06/28/1934

POINT OF DIVERSION: T14S R08E S10 SWNESE (Instream Ending Point) Within Owyhee County
R09E S20 SESENW (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
	T14S R08E S10	NESE	
	S11	NESW	NWSW
		SESW	SWSE
		SESE	
	S12	SWSW	SESW
		SWSE	
	S13	NENE	NWNE
		SENE	
	R09E S18	SWNE	LOT 2 (SENW)
		NWSE	SWSE
		SESE	
	S19	NENE	
	S20	NWNW	SWNW
		SENW	

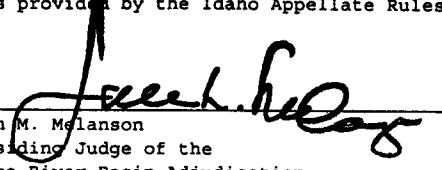
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER OF AMENDED PARTIAL DECREE was mailed on February 06, 2004, with sufficient first-class postage to the following:

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