

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED
2004 FEB 6 PM 4 44

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 51-12079

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 51-12079 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 The previously issued *Partial Decree* is replaced and superseded thereby.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

STREET THE
DISTRICT COURT - SRBA
WIN FALLS
TWIN FALLS CO., IDAHO

FILED

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 51-12079

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

POINT OF DIVERSION:	T12S R10E S19	NWSENE	(Instream Ending Point)	Within Owyhee County
	T13S R10E S26	NENESE	(Instream Beginning Point)	
		SENESE	(Instream Beginning Point)	
		NENESE	(Instream Ending Point)	

PLACE OF USE:	Stockwater	Within Owyhee County
	T12S R10E S19	SENE
		NESE
	S20	NWSW
		SESW
	S28	NWSW
		SESW
	S29	NWNE
		NENW
		NWSE
	S33	NENW
		NESW
		SWSE
	T13S R10E S03 LOT 4	(NWNW)
		NWSW
		SESW
	S04 LOT 1	(NENE)
	S10	SWNE
		SENW
		SWSE
	S14	SWSW
	S15	NENE
		NESE
	S23	SWNE
		NWNW
		NESW
		NWSE
	S26	NENE
		SENE
		NESE

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

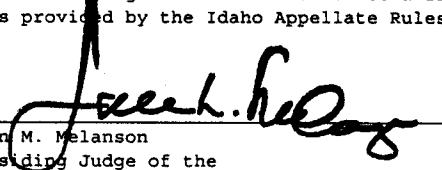
SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

OTHER PROVISIONS (continued)

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