

DISTRICT COURT - SRBA
TWIN FALLS, CO., IDAHO
FILED
2004 FEB 6 PM 4 45

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

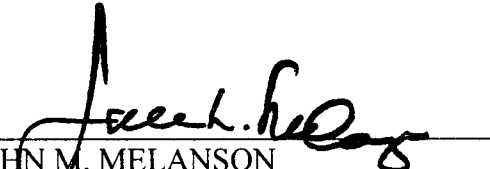
ORDER OF AMENDED PARTIAL DECREE

For Water Right 51-12013

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 51-12013 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 The previously issued *Partial Decree* is replaced and superseded thereby.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

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

**DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO**

AMENDED

In Re SRBA)
)
Case No. 39576)
)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 51-12013

FILED
2004 FEB 6 PM 4 46

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

SOURCE: POISON CREEK TRIBUTARY: JARBIDGE RIVER

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: T13S R08E S32 SWNESE (Instream Ending Point) Within Owyhee County
T14S R09E S35 SENESE (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
	T13S R08E S32	NESW	NESE
		NWSE	
	S33	NESW	NWSW
		SESW	SWSE
	T14S R08E S03 LOT 3	(NENW)	LOT 4 (NWNW)
		SENW	NESW
		NWSE	SWSE
		SESE	
	S04 LOT 1	(NENE)	LOT 2 (NWNE)
	S10	NENE	NWNE
		SWNE	SENE
		NESE	SESE
	S11	SWSW	
	S14	NWNW	SWNW
	S15	SENE	NESE
		SESE	
	S22	NENE	
	S23	NENE	SWNE
		SENE	NENW
		NWNW	SENW
	S24	NWNW	SWNW
		SENW	NESW
		NWSW	SESW
		NWSE	SWSE
	S25	NENE	NWNE
		SENE	
	R09E S29	NWSW	SWSW
	S30	SWNE	SENE
	LOT 1	(NENW)	LOT 2 (SENW)
		NESE	
	S32	NWNE	SWNE
		SENE	NENW
		NWNW	NESE
	S33	SWNW	SENW
		NESW	NWSW
		NESE	NWSE

PLACE OF USE (continued)

	SWSE	SESE
S34	NESW	NWSW
	SWSW	SESW
	NESE	NWSE
	SWSE	
S35	NESW	NWSW
	SWSW	SESW
	NESE	NWSE

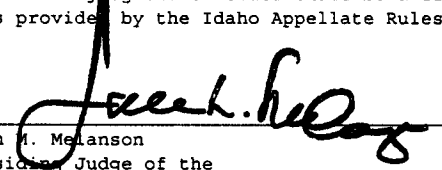
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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