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Department of Water Resources

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED
2003 DEC 31 PM 4 47

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	)	
	)	**Water Rights: 83-10266, *et al.*** **See attached Exhibit A** **(83PWR107)**

On November 5, 2003, a ***Special Master's Report and Recommendation*** was filed for the above water rights. 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 wholly adopts them as its own.

Therefore, IT IS ORDERED the water rights listed on Exhibit A be **decreed** as set forth in the attached ***Partial Decrees Pursuant to I.R.C.P. 54(b)***.

DATED December 31, 2003.

JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

EXHIBIT A

Subcase Nos:

83-10266	83-10372	83-10488	83-10596	83-10708
83-10268	83-10374	83-10490	83-10598	83-10710
83-10270	83-10376	83-10492	83-10600	83-10712
83-10272	83-10378	83-10494	83-10604	83-10714
83-10274	83-10380	83-10496	83-10606	83-10716
83-10276	83-10382	83-10498	83-10608	83-10718
83-10278	83-10384	83-10502	83-10610	83-10720
83-10280	83-10386	83-10506	83-10612	83-10722
83-10282	83-10388	83-10508	83-10614	83-10724
83-10284	83-10390	83-10510	83-10616	83-10726
83-10286	83-10392	83-10512	83-10618	83-10728
83-10288	83-10394	83-10514	83-10620	83-10730
83-10290	83-10396	83-10516	83-10622	83-10732
83-10292	83-10398	83-10518	83-10624	83-10734
83-10294	83-10400	83-10520	83-10626	83-10736
83-10296	83-10402	83-10522	83-10628	83-10738
83-10298	83-10404	83-10524	83-10630	83-10740
83-10300	83-10406	83-10526	83-10632	83-10742
83-10304	83-10408	83-10528	83-10634	83-10744
83-10306	83-10410	83-10530	83-10638	83-10746
83-10308	83-10412	83-10532	83-10640	83-10748
83-10310	83-10414	83-10534	83-10642	83-10750
83-10312	83-10416	83-10536	83-10644	83-10752
83-10314	83-10418	83-10538	83-10646	83-10754
83-10316	83-10420	83-10540	83-10648	83-10756
83-10318	83-10422	83-10542	83-10650	83-10758
83-10320	83-10424	83-10544	83-10652	83-10760
83-10322	83-10426	83-10546	83-10656	83-10762
83-10324	83-10428	83-10548	83-10658	83-10764
83-10326	83-10430	83-10550	83-10662	83-10766
83-10328	83-10432	83-10552	83-10664	83-10768
83-10330	83-10434	83-10554	83-10666	83-10770
83-10332	83-10436	83-10556	83-10668	83-11879
83-10334	83-10438	83-10558	83-10670	
83-10336	83-10440	83-10560	83-10672	
83-10338	83-10442	83-10562	83-10674	
83-10340	83-10448	83-10564	83-10676	
83-10342	83-10452	83-10566	83-10680	
83-10344	83-10454	83-10568	83-10682	
83-10346	83-10458	83-10570	83-10684	
83-10348	83-10460	83-10572	83-10686	
83-10350	83-10462	83-10574	83-10688	
83-10352	83-10464	83-10576	83-10690	
83-10354	83-10466	83-10578	83-10694	
83-10356	83-10472	83-10580	83-10696	
83-10358	83-10474	83-10584	83-10698	
83-10360	83-10476	83-10586	83-10700	
83-10364	83-10482	83-10590	83-10702	
83-10366	83-10484	83-10592	83-10704	
83-10368	83-10486	83-10594	83-10706	

(Subcase list: 83PWR107)
12/31/03

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER OF PARTIAL DECREE was mailed on December 31, 2003, with sufficient first-class postage to the following:

USDI BLM
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

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

Deputy Clerk

2003 DEC 31 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	)	PARTIAL DECREE PURSUANT TO
	)	I.R.C.P. 54(b) FOR
Case No. 39576	)	
	)	Water Right 83-10728

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

SOURCE: SPRING TRIBUTARY: PINCHOT CREEK

QUANTITY: 0.02 CFS

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

PRIORITY DATE: 04/17/1926

THIS WATER RIGHT IS ISSUED BASED ON FEDERAL LAW WITH AN APRIL 17, 1926, DATE OF PRIORITY PURSUANT TO AN EXECUTIVE ORDER SIGNED THE SAME DATE AND KNOWN AS PUBLIC WATER RESERVE 107.

POINT OF DIVERSION: T43N R04E S35 NWSWNW Within Shoshone County

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 Shoshone County
T43N R04E S35 SWNW

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).

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