

RECEIVED
DEC 11 2003
TWIN FALLS COUNTY CLERK

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED
2003 DEC 8 PM 4 02

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 PARTIAL DECREE

Water Rights: 37-18349, *et al.*
See attached Exhibit A
(PWR107F173)

On August 26, 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 8, 2003.



JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

EXHIBIT A

Subcase Nos:

37-18349	37-20063	37-20203
37-18435	37-20064	37-20204
37-18498	37-20066	37-20205
37-18519	37-20072	37-20206
37-18648	37-20073	37-20208
37-18650	37-20074	37-20209
37-18845	37-20076	37-20218
37-18905	37-20078	37-20220
37-18907	37-20079	37-20221
37-19242	37-20081	37-20222
37-19246	37-20085	37-20223
37-19252	37-20086	37-20224
37-19256	37-20087	37-20227
37-19313	37-20088	37-20228
37-19314	37-20090	37-20230
37-19407	37-20097	37-20236
37-19409	37-20098	37-20237
37-19580	37-20100	37-20241
37-19582	37-20101	37-20242
37-19584	37-20104	37-20243
37-19590	37-20105	37-20247
37-19595	37-20110	
37-19605	37-20111	
37-19612	37-20112	
37-19617	37-20113	
37-20030	37-20115	
37-20031	37-20116	
37-20032	37-20120	
37-20033	37-20122	
37-20034	37-20123	
37-20035	37-20131	
37-20036	37-20133	
37-20037	37-20134	
37-20038	37-20138	
37-20039	37-20173	
37-20040	37-20174	
37-20042	37-20176	
37-20043	37-20177	
37-20046	37-20178	
37-20047	37-20179	
37-20048	37-20182	
37-20049	37-20183	
37-20050	37-20188	
37-20051	37-20189	
37-20052	37-20191	
37-20053	37-20193	
37-20055	37-20195	
37-20058	37-20196	
37-20059	37-20197	
37-20061	37-20198	

(Subcase list: PWR107F173)
12/08/03

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER OF PARTIAL DECREE was mailed on December 08, 2003, with sufficient first-class postage to the following:

FLYING TRIANGLE INC
GARY POULTON
JOE TUGAW
KARL U (BUD) BEDKE
MICHAEL POULTON
PICKETT RANCH & SHEEP CO
SCOTT BEDKE
WESTERN STOCKGROWERS ASSN

Represented by:
NORMAN M. SEMANKO
ATTORNEY AT LAW
205 N 10TH ST, STE 530
BOISE, ID 83702
Phone: 208-344-6690

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

A handwritten signature in cursive script, reading "Julie Murphy", is written over a horizontal line.

In Re SRBA) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 37-19584

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

SOURCE: SPRING TRIBUTARY: SOUAW 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: T03S R13E S03 SESWNE Within Gooding 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 Gooding County
T03S R13E S03 SWNE

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