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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.

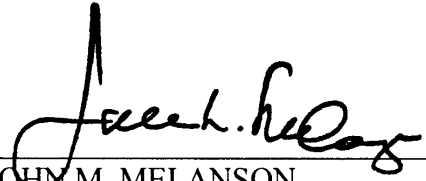
  
\_\_\_\_\_  
JOHN M. MELANSON  
Presiding Judge  
Snake River Basin Adjudication

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 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 37-18907

DISTRICT COURT-SRBA  
TWIN FALLS CO., IDAHO  
FILED  
2003 DEC 8 PM 4 12

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

SOURCE: SPRING TRIBUTARY: LAVA 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: T01S R17E S33 NESWNE Within Camas County

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY |
|-------------------------------|----------------|----------------|----------|
|                               | Stockwater     | 01-01 TO 12-31 | 0.02 CFS |

PLACE OF USE: Stockwater Within Camas County  
T01S R17E S33 SWNE

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

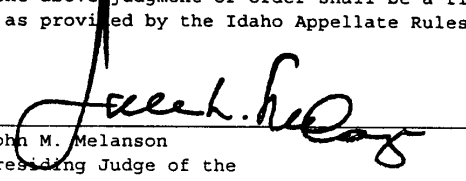
THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A  
DETERMINATION OF HISTORICAL BENEFICIAL USE.

THE OPERATION, USE, AND ADMINISTRATION OF THIS WATER  
RIGHT IS ALSO SUBJECT TO THE TERMS AND CONDITIONS OF THE  
STIPULATION AND JOINT MOTION FOR ORDER APPROVING STIPULATION  
ENTERED INTO ON AUGUST 29, 2002 BETWEEN THE UNITED STATES OF  
AMERICA AND WESTERN STOCKGROWERS ASSOCIATION ET AL., ET AL.,  
FILED IN THE OFFICE OF THE CAMAS COUNTY RECORDER AND RECORDED  
ON NOVEMBER 19, 2002 AS INSTRUMENT NO: 075707; THE PROVISIONS OF  
SUCH STIPULATION TO APPLY FULLY TO 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