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Department of Water Resources

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

FILED

2003 NOV 21 PM 1 39

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: Exhibit A
(37PWR107 File #172)

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 November 21, 2003.


JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

EXHIBIT A

Subcase Nos:

37-14346	37-16286	37-16675	37-17522
37-14353	37-16300	37-16677	37-17525
37-14355	37-16306	37-16679	37-17618
~~37-14499~~	37-16315	37-16681	37-17640
37-14520	37-16323	37-16685	37-17688
37-14560	37-16345	37-16697	37-17717
37-14573	37-16347	37-16701	37-17774
37-14592	37-16349	37-16703	37-17776
37-14594	37-16431	37-16705	37-17858
37-14606	37-16434	37-16721	37-17939
37-14618	37-16436	37-16735	37-18200
37-14641	37-16438	37-16737	37-18216
37-14643	37-16440	37-16739	37-18226
37-14658	37-16442	37-16741	37-18228
37-14687	37-16508	37-16753	
37-14692	37-16557	37-16755	
37-14709	37-16559	37-16757	
37-14713	37-16565	37-16759	
37-14718	~~37-16567~~	37-16763	
37-14721	37-16569	37-16765	
37-14876	37-16571	37-16769	
37-14886	37-16577	37-16781	
37-14900	37-16579	37-16791	
37-14943	37-16593	37-16799	
37-14962	37-16599	37-16805	
37-15020	37-16603	37-16807	
37-15023	37-16605	37-16809	
37-15026	37-16607	37-16811	
~~37-15032~~	37-16611	37-16813	
37-15301	37-16615	37-16825	
37-15333	37-16621	37-16827	
37-15430	37-16623	37-16829	
37-15443	37-16627	37-16833	
37-15463	37-16629	37-16835	
37-15474	37-16631	37-16837	
37-15701	37-16633	37-16839	
37-15714	37-16635	37-16843	
37-15728	37-16637	37-16845	
37-15753	37-16639	37-16847	
37-15914	37-16645	37-16849	
37-15916	37-16651	37-16859	
37-16097	37-16653	37-16992	
37-16099	37-16655	37-16996	
37-16118	37-16657	37-16998	
37-16132	37-16659	37-17000	
37-16140	37-16665	37-17002	
37-16159	37-16667	37-17302	
37-16162	37-16669	37-17473	
37-16167	37-16671	37-17494	
37-16250	37-16673	37-17501	

(Subcase list: 37TRIBMULT)

11/21/03

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER ON PARTIAL DECREE was mailed on November 21, 2003, with sufficient first-class postage to the following:

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

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 37-17688

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

SOURCE: SPRING TRIBUTARY: EAST DEMPSEY 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 R12E S21 SWSNW 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 R12E S21 SWNW

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

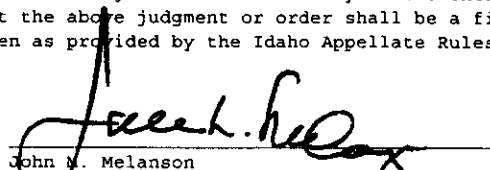
THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

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 GOODING COUNTY RECORDER AND RECORDED
ON NOVEMBER 19, 2002 AS INSTRUMENT NO: 197851; 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