

DISTRICT COURT-SRBA  
TWIN FALLS CO., IDAHO  
FILED   
2003 NOV 18 AM 9 53

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: 85-11950, *et al.*  
See attached Exhibit A

On July 16, 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 18, 2003.

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

# EXHIBIT A

Subcase Nos:

|          |          |          |          |          |
|----------|----------|----------|----------|----------|
| 85-11950 | 85-12008 | 85-12071 | 85-12156 | 85-15249 |
| 85-11951 | 85-12009 | 85-12072 | 85-12157 | 85-15250 |
| 85-11952 | 85-12012 | 85-12074 | 85-12158 | 85-15251 |
| 85-11953 | 85-12013 | 85-12075 | 85-12160 | 85-15252 |
| 85-11954 | 85-12014 | 85-12076 | 85-12161 | 85-15254 |
| 85-11955 | 85-12015 | 85-12077 | 85-12162 | 85-15255 |
| 85-11956 | 85-12016 | 85-12078 | 85-12164 | 85-15256 |
| 85-11957 | 85-12017 | 85-12086 | 85-12165 | 85-15258 |
| 85-11958 | 85-12018 | 85-12089 | 85-12167 | 85-15260 |
| 85-11959 | 85-12020 | 85-12091 | 85-12168 | 85-15261 |
| 85-11960 | 85-12021 | 85-12094 | 85-12169 | 85-15265 |
| 85-11962 | 85-12022 | 85-12096 | 85-12170 | 85-15266 |
| 85-11963 | 85-12023 | 85-12097 | 85-12171 |          |
| 85-11964 | 85-12024 | 85-12101 | 85-12175 |          |
| 85-11966 | 85-12025 | 85-12103 | 85-12176 |          |
| 85-11967 | 85-12026 | 85-12104 | 85-12177 |          |
| 85-11968 | 85-12027 | 85-12105 | 85-12180 |          |
| 85-11969 | 85-12028 | 85-12106 | 85-12181 |          |
| 85-11970 | 85-12029 | 85-12109 | 85-12182 |          |
| 85-11971 | 85-12030 | 85-12110 | 85-15209 |          |
| 85-11972 | 85-12031 | 85-12111 | 85-15210 |          |
| 85-11973 | 85-12032 | 85-12112 | 85-15212 |          |
| 85-11974 | 85-12033 | 85-12113 | 85-15214 |          |
| 85-11976 | 85-12034 | 85-12115 | 85-15215 |          |
| 85-11977 | 85-12035 | 85-12117 | 85-15216 |          |
| 85-11978 | 85-12036 | 85-12118 | 85-15218 |          |
| 85-11979 | 85-12037 | 85-12119 | 85-15220 |          |
| 85-11980 | 85-12038 | 85-12120 | 85-15221 |          |
| 85-11983 | 85-12040 | 85-12126 | 85-15222 |          |
| 85-11984 | 85-12041 | 85-12127 | 85-15223 |          |
| 85-11985 | 85-12042 | 85-12128 | 85-15224 |          |
| 85-11986 | 85-12043 | 85-12129 | 85-15225 |          |
| 85-11987 | 85-12045 | 85-12130 | 85-15226 |          |
| 85-11988 | 85-12046 | 85-12131 | 85-15227 |          |
| 85-11989 | 85-12047 | 85-12132 | 85-15228 |          |
| 85-11990 | 85-12049 | 85-12133 | 85-15229 |          |
| 85-11991 | 85-12050 | 85-12134 | 85-15230 |          |
| 85-11993 | 85-12051 | 85-12135 | 85-15231 |          |
| 85-11994 | 85-12055 | 85-12137 | 85-15232 |          |
| 85-11995 | 85-12056 | 85-12138 | 85-15233 |          |
| 85-11996 | 85-12057 | 85-12141 | 85-15235 |          |
| 85-11997 | 85-12058 | 85-12145 | 85-15236 |          |
| 85-11999 | 85-12059 | 85-12147 | 85-15237 |          |
| 85-12000 | 85-12060 | 85-12148 | 85-15238 |          |
| 85-12001 | 85-12064 | 85-12149 | 85-15239 |          |
| 85-12002 | 85-12065 | 85-12150 | 85-15240 |          |
| 85-12003 | 85-12066 | 85-12152 | 85-15245 |          |
| 85-12004 | 85-12068 | 85-12153 | 85-15246 |          |
| 85-12006 | 85-12069 | 85-12154 | 85-15247 |          |
| 85-12007 | 85-12070 | 85-12155 | 85-15248 |          |

(Subcase list: 85UNCON )  
11/18/03

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER ON PARTIAL DECREE was mailed on November 18, 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

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 85-15223

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

SOURCE: MIDDLE CREEK TRIBUTARY: SNAKE 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: T31N R04W S06 LOT 4 (NWNENW) (Instream Ending Point) Within Nez Perce County  
T32N R04W S31 LOT 7 (SWNWSE) (Instream Beginning Point)

| 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 Nez Perce County  
T31N R04W S06 LOT 4 (NENW)  
T32N R04W S31 LOT 11 (SESW) LOT 7 (NWSE)  
LOT 12 (SWSE)

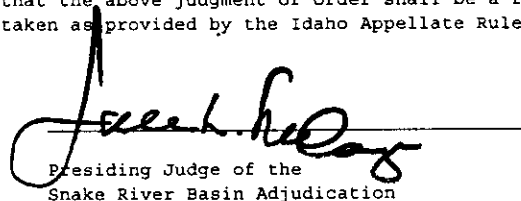
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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.

  
Presiding Judge of the  
Snake River Basin Adjudication