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Department of Water Resources

|                                                                                         |                    |
|-----------------------------------------------------------------------------------------|--------------------|
| DISTRICT COURT SRBA<br>Fifth Judicial District<br>County of Twin Falls - State of Idaho |                    |
| JUL 31 2003                                                                             |                    |
| By _____                                                                                | Clerk _____        |
| _____                                                                                   | Deputy Clerk _____ |

**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**

**For Water Rights on Attached Exhibit A**

On June 24, 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 that water rights listed on attached Exhibit A are hereby decreed as set forth in the attached *Partial Decrees Pursuant to I.R.C.P. 54(b)*.

DATED July 31, 2003.



\_\_\_\_\_  
ROGER S. BURDICK  
Presiding Judge  
Snake River Basin Adjudication

EXHIBIT A

Subcase Nos:

|          |          |          |          |
|----------|----------|----------|----------|
| 47-16873 | 47-16923 | 47-16974 | 47-17024 |
| 47-16874 | 47-16924 | 47-16975 | 47-17025 |
| 47-16875 | 47-16925 | 47-16976 | 47-17026 |
| 47-16876 | 47-16926 | 47-16977 | 47-17027 |
| 47-16877 | 47-16927 | 47-16978 | 47-17028 |
| 47-16878 | 47-16928 | 47-16979 | 47-17029 |
| 47-16879 | 47-16929 | 47-16980 | 47-17030 |
| 47-16880 | 47-16930 | 47-16981 | 47-17031 |
| 47-16881 | 47-16931 | 47-16982 | 47-17032 |
| 47-16882 | 47-16932 | 47-16983 | 47-17033 |
| 47-16883 | 47-16933 | 47-16984 | 47-17034 |
| 47-16884 | 47-16934 | 47-16985 | 47-17035 |
| 47-16885 | 47-16935 | 47-16986 | 47-17036 |
| 47-16886 | 47-16936 | 47-16987 | 47-17037 |
| 47-16887 | 47-16937 | 47-16988 | 47-17038 |
| 47-16888 | 47-16938 | 47-16989 | 47-17039 |
| 47-16889 | 47-16939 | 47-16990 | 47-17040 |
| 47-16890 | 47-16940 | 47-16991 | 47-17041 |
| 47-16891 | 47-16941 | 47-16992 | 47-17042 |
| 47-16892 | 47-16942 | 47-16993 | 47-17043 |
| 47-16893 | 47-16943 | 47-16994 | 47-17044 |
| 47-16894 | 47-16944 | 47-16995 | 47-17045 |
| 47-16895 | 47-16945 | 47-16996 | 47-17046 |
| 47-16896 | 47-16946 | 47-16997 | 47-17047 |
| 47-16897 | 47-16947 | 47-16998 | 47-17048 |
| 47-16898 | 47-16948 | 47-16999 | 47-17049 |
| 47-16899 | 47-16949 | 47-17000 | 47-17050 |
| 47-16900 | 47-16950 | 47-17001 | 47-17051 |
| 47-16901 | 47-16951 | 47-17002 |          |
| 47-16902 | 47-16952 | 47-17003 |          |
| 47-16903 | 47-16953 | 47-17004 |          |
| 47-16904 | 47-16954 | 47-17005 |          |
| 47-16905 | 47-16955 | 47-17006 |          |
| 47-16906 | 47-16956 | 47-17007 |          |
| 47-16907 | 47-16957 | 47-17008 |          |
| 47-16908 | 47-16958 | 47-17009 |          |
| 47-16909 | 47-16959 | 47-17010 |          |
| 47-16910 | 47-16960 | 47-17011 |          |
| 47-16911 | 47-16961 | 47-17012 |          |
| 47-16912 | 47-16962 | 47-17013 |          |
| 47-16913 | 47-16963 | 47-17014 |          |
| 47-16914 | 47-16964 | 47-17015 |          |
| 47-16915 | 47-16965 | 47-17016 |          |
| 47-16916 | 47-16966 | 47-17017 |          |
| 47-16917 | 47-16967 | 47-17018 |          |
| 47-16918 | 47-16968 | 47-17019 |          |
| 47-16919 | 47-16969 | 47-17020 |          |
| 47-16920 | 47-16970 | 47-17021 |          |
| 47-16921 | 47-16971 | 47-17022 |          |
| 47-16922 | 47-16972 | 47-17023 |          |

(Subcase list: 47AMENDED )

7/31/03

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 47-16960

JUL 31 2003

NAME AND ADDRESS: WESTERN STOCK GROWERS  
ASSOCIATION  
2391 ROCK CREEK RD  
HANSEN, ID 83334

SOURCE: NELSON SPRING TRIBUTARY: SINKS

QUANTITY: 0.02 CFS

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

THIS RIGHT SHALL BE USED IN CONJUNCTION WITH RIGHT NO 47-16959  
AND IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF .02 CFS AND  
A TOTAL COMBINED QUANTITY OF 13,000 GALLONS PER DAY.

PRIORITY DATE: 06/13/1890

POINT OF DIVERSION: T14S R17E S23 SWSWNE Within Twin Falls County

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY |
|-------------------------------|----------------|----------------|----------|
|                               | Stockwater     | 05-01 TO 10-31 | 0.02 CFS |

PLACE OF USE: Stockwater Within Twin Falls County  
T14S R17E S23 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 THE STIPULATION ENTERED INTO ON  
AUGUST 29, 2002, BETWEEN THE UNITED STATES OF AMERICA AND  
WESTERN STOCKGROWERS ASSOCIATION ET AL., FILED IN THE OFFICE OF  
THE TWIN FALLS COUNTY RECORDER AND RECORDED ON APRIL 21, 2003 AS  
INSTRUMENT NO. 2003-010014; 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.



Roger Burdick  
Presiding Judge of the  
Snake River Basin Adjudication