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Department of Water Resources



**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 Listed in Exhibit A**

On June 11, 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 the 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:

|          |          |          |          |
|----------|----------|----------|----------|
| 37-18302 | 37-18629 | 37-18909 | 37-19597 |
| 37-18303 | 37-18630 | 37-18911 | 37-19600 |
| 37-18334 | 37-18631 | 37-18912 | 37-19616 |
| 37-18355 | 37-18656 | 37-18946 | 37-19629 |
| 37-18357 | 37-18658 | 37-18962 | 37-19639 |
| 37-18358 | 37-18698 | 37-18967 | 37-19640 |
| 37-18359 | 37-18702 | 37-18968 | 37-19644 |
| 37-18360 | 37-18711 | 37-18969 | 37-19645 |
| 37-18460 | 37-18712 | 37-18974 | 37-19646 |
| 37-18461 | 37-18713 | 37-19090 | 37-19649 |
| 37-18462 | 37-18716 | 37-19107 | 37-19650 |
| 37-18463 | 37-18718 | 37-19164 | 37-19651 |
| 37-18464 | 37-18719 | 37-19167 | 37-19652 |
| 37-18480 | 37-18721 | 37-19185 | 37-19670 |
| 37-18485 | 37-18734 | 37-19205 | 37-20252 |
| 37-18486 | 37-18743 | 37-19208 | 37-20261 |
| 37-18487 | 37-18744 | 37-19209 |          |
| 37-18488 | 37-18745 | 37-19210 |          |
| 37-18489 | 37-18746 | 37-19215 |          |
| 37-18490 | 37-18747 | 37-19325 |          |
| 37-18491 | 37-18763 | 37-19401 |          |
| 37-18492 | 37-18765 | 37-19416 |          |
| 37-18512 | 37-18766 | 37-19417 |          |
| 37-18513 | 37-18786 | 37-19445 |          |
| 37-18516 | 37-18787 | 37-19452 |          |
| 37-18518 | 37-18789 | 37-19458 |          |
| 37-18522 | 37-18790 | 37-19460 |          |
| 37-18525 | 37-18806 | 37-19461 |          |
| 37-18529 | 37-18814 | 37-19488 |          |
| 37-18532 | 37-18818 | 37-19489 |          |
| 37-18533 | 37-18822 | 37-19490 |          |
| 37-18534 | 37-18835 | 37-19497 |          |
| 37-18535 | 37-18840 | 37-19498 |          |
| 37-18536 | 37-18847 | 37-19499 |          |
| 37-18543 | 37-18850 | 37-19515 |          |
| 37-18545 | 37-18859 | 37-19518 |          |
| 37-18547 | 37-18860 | 37-19519 |          |
| 37-18551 | 37-18868 | 37-19520 |          |
| 37-18552 | 37-18873 | 37-19524 |          |
| 37-18553 | 37-18875 | 37-19525 |          |
| 37-18563 | 37-18882 | 37-19531 |          |
| 37-18565 | 37-18883 | 37-19532 |          |
| 37-18579 | 37-18884 | 37-19533 |          |
| 37-18580 | 37-18885 | 37-19534 |          |
| 37-18588 | 37-18886 | 37-19535 |          |
| 37-18594 | 37-18888 | 37-19536 |          |
| 37-18595 | 37-18889 | 37-19538 |          |
| 37-18609 | 37-18890 | 37-19539 |          |
| 37-18613 | 37-18900 | 37-19540 |          |
| 37-18614 | 37-18901 | 37-19547 |          |

(Subcase list: B37F194STP)  
8/01/03

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

DISTRICT COURT - SRBA  
DISTRICT COURT - SRBA  
TWIN FALLS CO., IDAHO  
FILED

2003 JUL 31 AM 10 02  
2003 JUL 31 AM 10 02

In Re SRBA )  
 )  
Case No. 39576 )  
 )  
 )  
PARTIAL DECREE PURSUANT TO  
I.R.C.P. 54(b) FOR  
Water Right 37-18822

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

SOURCE: PREACHER CREEK TRIBUTARY: THORN CREEK

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: T03S R16E S29 NWSWNE (Instream Beginning Point) Within Lincoln County  
SENESEW (Instream Ending 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 Lincoln County |
|---------------|---------------|--------------|-----------------------|
|               | T03S R16E S29 | SWNE<br>NESW | SENEW                 |

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 THE  
WESTERN STOCKGROWERS ASSOCIATION, ET AL.; THE PROVISION 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