

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

2003 JUL 16 AM 11 28

**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

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ORDER OF PARTIAL DECREE

For Water Rights listed on Exhibit A

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

DATED July 16, 2003.



ROGER S. BURDICK

Presiding Judge

Snake River Basin Adjudication

EXHIBIT A

Subcase Nos:

37-02809	37-02980	37-08024
37-02811	37-02981	37-08052
37-02813	37-02994	37-08188
37-02817	37-03002	37-08191
37-02821	37-03003	37-08242
37-02830	37-03004	37-08243
37-02836	37-03005	37-08319
37-02837	37-03006	
37-02848	37-03007	
37-02851	37-03008	
37-02852	37-03009	
37-02856	37-03023	
37-02867	37-03024	
37-02872	37-03027	
37-02884	37-03037	
37-02885	37-03038	
37-02886	37-03044	
37-02887	37-03055	
37-02896	37-03058	
37-02914	37-03059	
37-02915	37-03065	
37-02917	37-03084	
37-02918	37-03085	
37-02919	37-03086	
37-02920	37-03111	
37-02921	37-03113	
37-02922	37-03118	
37-02923	37-03119	
37-02924	37-03122	
37-02928	37-03123	
37-02929	37-03124	
37-02930	37-03125	
37-02934	37-03127	
37-02936	37-03128	
37-02937	37-03129	
37-02942	37-03133	
37-02945	37-03134	
37-02949	37-03147	
37-02950	37-03159	
37-02951	37-07128	
37-02954	37-07129	
37-02955	37-07131	
37-02956	37-07132	
37-02959	37-07317	
37-02966	37-08017	
37-02968	37-08018	
37-02975	37-08019	
37-02976	37-08020	
37-02977	37-08022	
37-02979	37-08023	

(Subcase list: STPFILE201)

7/15/03

DISTRICT COURT - SRBA
JUDICIAL DISTRICT OF THE
TOWN OF PAWNEE CO., IDAHO

2003 JUL 16 AM 11 29

In Re SRBA)
)
Case No. 39576)
)

Water Right 37-02917

NAME AND ADDRESS:

USDI BLM
IDAHO STATE OFFICE
1387 S VINNELL WAY
BOISE, ID 83709-1657

SOURCE :

PORTUGUESE CREEK

TRIBUTARY: PREACHER CREEK

QUANTITY:

0.50 AFY

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

PRIORITY DATE:

02/11/1959

POINT OF DIVERSION:

T04S R16E S20

NWSENE

Within Lincoln County

PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

Stockwater Storage

01-01 TO 12-31

0.50 AFY

Stockwater from Storage

01-01 TO 12-31

0.50 AFY

PLACE OF USE:

Stockwater Storage

SENE

Within Lincoln County

T04S R16E S20

Stockwater from Storage

SENE

Within Lincoln County

T04S R16E S20

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.; 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

Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication