

2003 MAY 9 AM 9 24

**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 Right 37-10606**
)

On March 5, 2003, a *Special Master's Report and Recommendation* was filed for the above water right. 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 right 37-10606 is hereby decreed as set forth in the attached *Partial Decree* Pursuant to I.R.C.P. 54(b).

DATED May 9, 2003.



ROGER S. BURDICK
Presiding Judge
Snake River Basin Adjudication

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

DISTRICT COURT-SRBA

TWIN FALLS CO., IDAHO

FILED

In Re SRBA)

Case No. 39576)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

2003 MAY 9 AM 9 24

Water Right 37-10606

NAME AND ADDRESS: FAULKNER LAND & LIVESTOCK CO
1989 S 1875 E
GOODING, ID 83330

DIAMOND A LIVESTOCK INC
1997 S 1875 E
GOODING, ID 83330

SOURCE: GROUNDWATER

QUANTITY: 0.23 CFS

THIS RIGHT SHALL BE USED IN CONJUNCTION WITH RIGHT NO.
37-17396 AND IS LIMITED TO A TOTAL QUANTITY OF 13,000 GALLONS
PER DAY.

PRIORITY DATE: 12/09/1984

POINT OF DIVERSION: T06S R15E S13 NWNENE Within Gooding County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
Stockwater

PERIOD OF USE
01-01 TO 12-31

QUANTITY
0.23 CFS

PLACE OF USE:

Stockwater

Within Gooding County

T06S R15E S23 LOT 2
S26
R16E S08
S18
S30

(NWNENE)
SWSW
NESE
NENW
NWNENE

LOT 3 (NWSW)

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
FAULKNER LAND & LIVESTOCK CO., FILED IN THE OFFICE OF THE GOODING
COUNTY RECORDER AND RECORDED ON NOVEMBER 18, 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.


Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication