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Department of Water Resources

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

2003 MAY 7 AM 10 40

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 78-10338

On March 6, 2003, an *Amended Special Master's Report* was filed for the above water right. No Challenges were filed to the *Amended Special Master's Report* 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 *Amended Special Master's Report* and wholly adopts them as its own.

Therefore, IT IS ORDERED that water right 78-10338 is hereby decreed as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED May 7, 2003.



ROGER S. BURDICK

Presiding Judge

Snake River Basin Adjudication

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

In Re SRBA)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 78-10338

2003 MAY 7 AM 10 40

NAME AND ADDRESS: SHINGLE CREEK LLC
P O BOX 1160
RIGGINS, ID 83549

SOURCE:	HOWARD SPRING	TRIBUTARY: SINKS
	CANNON BALL SPRING	SINKS
	COTTONWOOD SPRING	COTTONWOOD CREEK
	LOG THROUGH SPRING	COCONUT GROVE CREEK
	AITKEN SPRING	SINKS
	BLUE GULCH SPRING	BLUE GULCH
	ALDER SPRING	SINKS
	SPRINGS	SINKS
	CLYDE SPRING	SINKS
	MORRISON RIDGE SPRING	SINKS
	CHAIN SPRING	SINKS

QUANTITY: 0.03 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 NOS.
78-04197, 78-04203, 78-04205, 78-04206, 78-04208, 78-04209,
78-04210, 78-04211, 78-04212, 78-04214, 78-04218, 78-04219,
78-04225, 78-04234, 78-4238, 78-04247, 78-10631, 78-10632,
78-12009, 78-12178 AND IS LIMITED TO A TOTAL COMBINED DIVERSION
RATE OF .03 CFS AND A TOTAL QUANTITY OF 13,000 GALLONS PER DAY

PRIORITY DATE: 05/09/1906

POINT OF DIVERSION:	T22N R01W S03	SWNWSW	Within Idaho County
	T23N R01W S01	SESW	
	S02	NESWNW	
	S04	NWSE	
		NESW	
	S05	NWSWNE	
	S07	SWNESE	
	S11	SWNESW	
		SENWSW	
		NENESE	
		SENWSE	
	S12	SENWSW	
	S14	NESESW	
	S15	SENENW	
	S16	SESESW	
	S17	SWSENE	
	S21	NESENE	
		NESWSW	
	S22	SENW	
	S29	NWNWNE	

PURPOSE AND			
PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Stockwater	05-15 TO 11-15	0.03 CFS

PLACE OF USE:	Stockwater	Within Idaho County
	T22N R01W S03	NWSW
	T23N R01W S01	SESW
	S02	SWNW

PLACE OF USE (continued)

S04	NENE	SWNE
S05	SWNE	
S07	NESE	
S11	NESW	NWSW
	NESE	NWSE
S12	NWSW	
S14	SESW	
S15	NENW	
S16	SESW	
S17	SENE	
S21	SENE	SWSW
S22	SENW	
S29	NWNE	

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 WILLIS DEVENY, BETTY DEVENY AND SHINGLE CREEK LLC, FILED IN THE OFFICE OF THE IDAHO COUNTY RECORDER AND RECORDED ON OCTOBER 31, 2002, AS INSTRUMENT NO: 425169; 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