

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

2003 APR 3 PM 11 46

**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: See attached Exhibit A**
)
_____)

On February 13, 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 rights listed on Exhibit A are hereby decreed as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED April 3, 2003.



ROGER S. BURDICK
Presiding Judge
Snake River Basin Adjudication

EXHIBIT A

Subcase Nos:

37-02818	37-03033	37-07145	37-08240
37-02831	37-03034	37-07186	37-08244
37-02832	37-03035	37-07187	37-08245
37-02845	37-03036	37-07188	37-08247
37-02868	37-03040	37-07703	37-08300
37-02871	37-03041	37-07704	37-08312
37-02874	37-03042	37-07705	37-08313
37-02888	37-03046	37-07706	37-08314
37-02892	37-03047	37-07886	37-08315
37-02893	37-03048	37-07887	37-08316
37-02894	37-03049	37-07888	37-08317
37-02900	37-03050	37-07960	37-08318
37-02901	37-03052	37-07962	37-08320
37-02903	37-03060	37-07964	37-08321
37-02907	37-03061	37-07965	37-17397
37-02909	37-03062	37-07967	
37-02910	37-03066	37-07973	
37-02911	37-03072	37-07976	
37-02912	37-03073	37-07977	
37-02940	37-03074	37-07978	
37-02943	37-03077	37-07979	
37-02944	37-03078	37-07980	
37-02946	37-03079	37-07981	
37-02947	37-03080	37-07983	
37-02957	37-03083	37-08016	
37-02958	37-03087	37-08025	
37-02960	37-03092	37-08040	
37-02961	37-03098	37-08041	
37-02964	37-03099	37-08043	
37-02967	37-03102	37-08044	
37-02969	37-03103	37-08045	
37-02970	37-03104	37-08047	
37-02971	37-03105	37-08048	
37-02973	37-03106	37-08050	
37-02982	37-03108	37-08051	
37-02984	37-03110	37-08053	
37-02986	37-03112	37-08155	
37-02988	37-03114	37-08156	
37-02989	37-03120	37-08161	
37-02995	37-03135	37-08167	
37-02996	37-03136	37-08185	
37-02997	37-03138	37-08186	
37-02999	37-03149	37-08190	
37-03001	37-03150	37-08229	
37-03012	37-03153	37-08232	
37-03014	37-03154	37-08233	
37-03016	37-07133	37-08234	
37-03021	37-07134	37-08236	
37-03029	37-07135	37-08237	
37-03030	37-07144	37-08239	

(Subcase list: B37F#201)

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In Re SRBA) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 37-02868

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

SOURCE: UNNAMED STREAM TRIBUTARY: TURKEY CREEK

QUANTITY: 1.00 AFY

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

PRIORITY DATE: 01/06/1943

POINT OF DIVERSION: T04S R15E S22 NESESW Within Gooding County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Stockwater Storage	01-01 TO 12-31	1.00 AFY
	Stockwater from Storage	01-01 TO 12-31	1.00 AFY

PLACE OF USE:	Stockwater Storage	Within Gooding County
	T04S R15E S22	SESW
	Stockwater from Storage	Within Gooding County
	T04S R15E S22	SESW

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.

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