

2003 FEB 12 AM 10 42

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 Right Nos. EXHIBIT A**  
**(Basin 37: (188) Stipulation Re: Priority)**

On 12-13-2002, 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 nos. in Exhibit A are hereby decreed as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED February 12, 2003.

  
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ROGER S. BURDICK  
Presiding Judge  
Snake River Basin Adjudication

EXHIBIT A

Subcase Nos:

|          |          |          |          |
|----------|----------|----------|----------|
| 37-18284 | 37-19184 | 37-19366 | 37-19553 |
| 37-18387 | 37-19193 | 37-19367 | 37-19573 |
| 37-18388 | 37-19194 | 37-19368 | 37-19574 |
| 37-18420 | 37-19259 | 37-19380 | 37-19575 |
| 37-18432 | 37-19275 | 37-19382 | 37-19576 |
| 37-18446 | 37-19276 | 37-19386 | 37-19578 |
| 37-18447 | 37-19277 | 37-19392 | 37-19602 |
| 37-18449 | 37-19278 | 37-19394 | 37-19607 |
| 37-18458 | 37-19279 | 37-19395 | 37-19643 |
| 37-18459 | 37-19280 | 37-19396 | 37-19677 |
| 37-18466 | 37-19281 | 37-19397 | 37-19678 |
| 37-18476 | 37-19282 | 37-19400 | 37-19679 |
| 37-18477 | 37-19283 | 37-19406 | 37-19680 |
| 37-18479 | 37-19284 | 37-19412 | 37-19681 |
| 37-18481 | 37-19285 | 37-19413 | 37-19683 |
| 37-18496 | 37-19286 | 37-19414 | 37-19685 |
| 37-18501 | 37-19287 | 37-19415 | 37-19687 |
| 37-18502 | 37-19288 | 37-19418 | 37-19689 |
| 37-18505 | 37-19290 | 37-19419 | 37-19690 |
| 37-18592 | 37-19291 | 37-19420 | 37-20142 |
| 37-18593 | 37-19292 | 37-19422 | 37-20143 |
| 37-18605 | 37-19293 | 37-19423 | 37-20144 |
| 37-18608 | 37-19294 | 37-19424 | 37-20145 |
| 37-18619 | 37-19296 | 37-19425 | 37-20147 |
| 37-18621 | 37-19297 | 37-19426 | 37-20149 |
| 37-18622 | 37-19298 | 37-19427 | 37-20150 |
| 37-18637 | 37-19299 | 37-19430 | 37-20152 |
| 37-18639 | 37-19300 | 37-19431 | 37-20156 |
| 37-18640 | 37-19301 | 37-19432 | 37-20157 |
| 37-18642 | 37-19302 | 37-19434 | 37-20158 |
| 37-18643 | 37-19303 | 37-19437 | 37-20249 |
| 37-18644 | 37-19304 | 37-19463 | 37-20250 |
| 37-18646 | 37-19307 | 37-19464 | 37-20251 |
| 37-18647 | 37-19308 | 37-19465 | 37-20253 |
| 37-18652 | 37-19309 | 37-19466 | 37-20257 |
| 37-18653 | 37-19310 | 37-19471 | 37-20258 |
| 37-18654 | 37-19311 | 37-19472 | 37-20262 |
| 37-18655 | 37-19312 | 37-19473 | 37-20263 |
| 37-19114 | 37-19318 | 37-19474 |          |
| 37-19161 | 37-19319 | 37-19475 |          |
| 37-19162 | 37-19320 | 37-19477 |          |
| 37-19170 | 37-19321 | 37-19502 |          |
| 37-19171 | 37-19322 | 37-19503 |          |
| 37-19172 | 37-19323 | 37-19504 |          |
| 37-19175 | 37-19324 | 37-19526 |          |
| 37-19176 | 37-19355 | 37-19527 |          |
| 37-19177 | 37-19359 | 37-19528 |          |
| 37-19178 | 37-19360 | 37-19550 |          |
| 37-19182 | 37-19364 | 37-19551 |          |
| 37-19183 | 37-19365 | 37-19552 |          |

(Subcase list: 37STIP194 )

2/12/03

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**  
**TWIN FALLS CO., IDAHO**  
**FILED**

In Re SRBA )  
Case No. 39576 )

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

2003 FEB 12 AM 10 48

Water Right 37-19680

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

SOURCE: BELL MARE CREEK, WEST FORK TRIBUTARY: BELL MARE 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: T04S R11E S21 NWNENE (Instream Beginning Point) Within Elmore County  
SWSWNE (Instream Ending Point)

PURPOSE AND

| PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY |
|----------------|----------------|----------------|----------|
|                | Stockwater     | 01-01 TO 12-31 | 0.02 CFS |

PLACE OF USE: Stockwater Within Elmore County  
T04S R11E S21 NENE  
SWNE

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