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Department of Water Resources

|                                                                                         |              |
|-----------------------------------------------------------------------------------------|--------------|
| DISTRICT COURT SRBA<br>Fifth Judicial District<br>County of Twin Falls - State of Idaho |              |
| OCT - 8 2002                                                                            |              |
| By _____                                                                                | Clerk        |
| _____                                                                                   | Deputy Clerk |

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 Exhibit A)

On August 30, 2002, 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 37-18237, 37-18238, 37-18239, 37-18240, 37-18249, 37-18250, 37-18253, 37-18254, 37-18255, 37-18264, 37-18265, 37-18266, 37-18267, 37-13270, 37-13279, 37-13282, 37-18283, 37-18286, 37-18292, 37-18293, 37-18295, 37-18298, 37-18299, 37-18300, 37-18304, 37-18306, 37-18308, 37-18312, 37-18315, 37-18318, 37-18319, 37-18322, 37-18331, 37-18336, 37-18341, 37-18344, 37-18347, 37-18363, 37-18369, 37-18386, 37-18393, 37-18394, 37-18395, 37-18396, 37-18397, 37-18398, 37-18399, 37-18401, 37-18402, 37-18403, 37-18404, 37-18405, 37-18406, 37-18407, 37-18408, 37-18409, 37-18410, 37-18413, 37-18414, 37-18415, 37-18416, 37-18418, 37-18428, 37-19195, 37-19199, 37-19200, 37-19201, 37-19202, 37-19203, 37-19204, 37-19211, 37-19212, 37-19213, 37-19214, 37-19429, 37-19507, 37-19508, 37-19509, 37-19548, 37-19549, 37-19630, 37-20151, 37-20254, 37-20255, 37-20256, 37-20260 are hereby decreed as set forth in the attached *Partial Decrees Pursuant to I.R.C.P. 54(b)*.

DATED October 4, 2002

  
\_\_\_\_\_  
ROGER S. BURDICK  
Presiding Judge  
Snake River Basin Adjudication

## CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER OF PARTIAL DECREE was mailed on October 4, 2002, with sufficient first-class postage to the following:

Director of IDWR  
PO Box 83720  
Boise, ID 83720-0098

U.S. Department of Justice  
Environment & Natural Resources Div.  
550 W Fort St., MSC 033  
Boise, ID 83724

Chief, Natural Resources Div.  
Office of the Attorney General  
State of Idaho  
PO Box 44449  
Boise, Idaho 83711-4449

  
\_\_\_\_\_  
Deputy Clerk

## EXHIBIT A

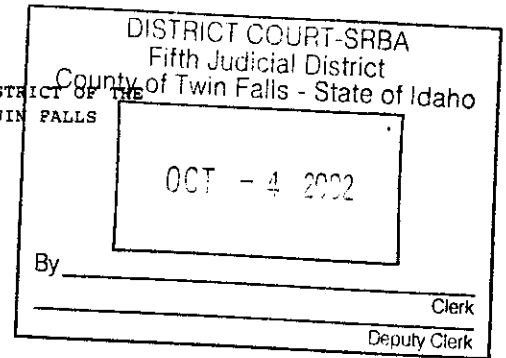
37-18237, 37-18238, 37-18239, 37-18240, 37-18249, 37-18250, 37-18253, 37-18254, 37-18255, 37-18264, 37-18265, 37-18266, 37-18267, 37-13270, 37-13279, 37-13282, 37-18283, 37-18286, 37-18292, 37-18293, 37-18295, 37-18298, 37-18299, 37-18300, 37-18304, 37-18306, 37-18308, 37-18312, 37-18315, 37-18318, 37-18319, 37-18322, 37-18331, 37-18336, 37-18341, 37-18344, 37-18347, 37-18363, 37-18369, 37-18386, 37-18393, 37-18394, 37-18395, 37-18396, 37-18397, 37-18398, 37-18399, 37-18401, 37-18402, 37-18403, 37-18404, 37-18405, 37-18406, 37-18407, 37-18408, 37-18409, 37-18410, 37-18413, 37-18414, 37-18415, 37-18416, 37-18418, 37-18428, 37-19195, 37-19199, 37-19200, 37-19201, 37-19202, 37-19203, 37-19204, 37-19211, 37-19212, 37-19213, 37-19214, 37-19429, 37-19507, 37-19508, 37-19509, 37-19548, 37-19549, 37-19630, 37-20151, 37-20254, 37-20255, 37-20256, 37-20260

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 )  
\_\_\_\_\_ )

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

Water Right 37-18347



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

SOURCE: BLACK CANYON CREEK TRIBUTARY: DRY 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 R14E S22 NESENE (Instream Beginning Point) Within Gooding County  
S23 SESWSW (Instream Ending Point)

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

| PLACE OF USE: | Stockwater    | Within Gooding County |
|---------------|---------------|-----------------------|
|               | T04S R14E S22 | SENE                  |
|               | S23           | NESE                  |
|               |               | NWSW                  |
|               |               | SWSW                  |

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  
Presiding Judge of the  
Snake River Basin Adjudication