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Department of Water Resources

DISTRICT COURT-SRBA  
TWIN FALLS CO., IDAHO  
FILED \_\_\_\_\_

2003 MAR 20 PM 2 33

**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 Rights in Attached Exhibit A**

On 01-15-2003, 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 in attached Exhibit A are hereby decreed as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED March 20, 2003.



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

Subcase Nos:

78-04197  
78-04203  
78-04205  
78-04206  
78-04208  
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78-12185

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

2003 MAR 20 PM 2 35

In Re SRBA )  
 ) PARTIAL DECREE PURSUANT TO I.R.C.P. 54(b) FOR  
 )  
Case No. 39576 )  
 )  
 ) Water Right 78-10627

NAME AND ADDRESS: USDA FOREST SERVICE  
550 W FORT ST, MSC 033  
BOISE, ID 83724

SOURCE: SHINGLE CREEK TRIBUTARY: RAPID RIVER

QUANTITY: 0.02 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 NO. 78-12116  
AND IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF .02 CFS AND  
A TOTAL QUANTITY OF 13,000 GALLONS PER DAY.

PRIORITY DATE: 05/10/1906

POINT OF DIVERSION: T24N R01W S34 NWSW (Instream Beginning Point) Within Idaho County  
S35 SWSE (Instream Ending Point)

|                |                |                |          |
|----------------|----------------|----------------|----------|
| PURPOSE AND    |                |                |          |
| PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY |
|                | Stockwater     | 05-15 TO 11-15 | 0.02 CFS |

|               |               |      |                     |
|---------------|---------------|------|---------------------|
| PLACE OF USE: | Stockwater    |      | Within Idaho County |
|               | T24N R01W S34 | NESW | NWSW                |
|               |               | NESE | NWSE                |
|               | S35           | NWSW | SWSW                |
|               |               | SESW | SWSE                |

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