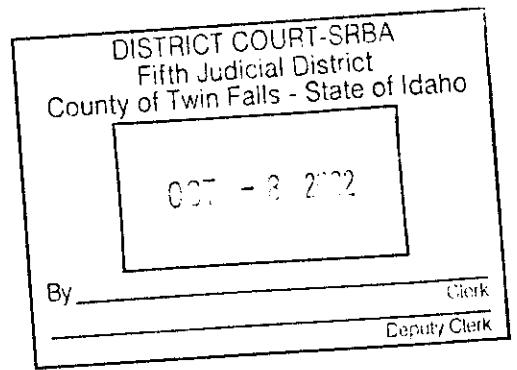




**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

In Re SRBA )  
 ) **ORDER OF PARTIAL DECREE**  
Case No. 39576 )  
 ) **For Water Right 55-13823**  
 )  
\_\_\_\_\_ )

On August 29, 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 55-13823 is hereby **decreed** as set forth in the attached *Partial Decree* Pursuant to I.R.C.P. 54(b).

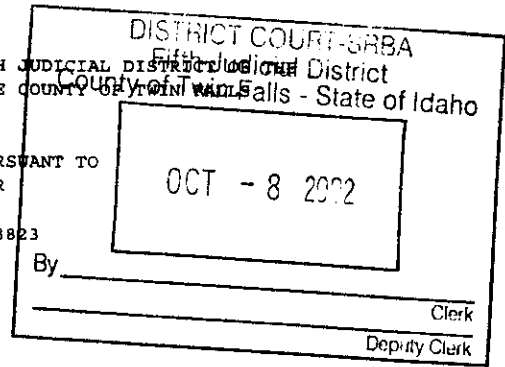
DATED     October 8, 2002

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

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE State of Idaho, IN AND FOR THE COUNTY OF TWIN FALLS - State of Idaho

In Re SRBA )  
 )  
 Case No. 39576 )  
 \_\_\_\_\_ )

PARTIAL DECREE PURSUANT TO  
 I.R.C.P. 54(b) FOR  
 Water Right 55-13823



NAME AND ADDRESS: STATE OF IDAHO  
 DEPT OF LANDS  
 PO BOX 83720  
 BOISE, ID 83720-0050

SOURCE: SAM NOBLE SPRING TRIBUTARY: ROCK CREEK  
 SPRINGS ROCK CREEK

QUANTITY: 0.09 CFS

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

PRIORITY DATE: 02/19/1923

POINT OF DIVERSION: T09S R02W S22 SWNWSE Within Owyhee County  
 S23 SESENE  
 SWNESW  
 SENWSW  
 NENESE  
 NENWSE  
 S24 SWSWNW  
 NWNWSW  
 NWNWSW

TWO POINTS OF DIVERSION LOCATED IN T09S, R02W, S24, NWNWSW.

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY |
|-------------------------------|----------------|----------------|----------|
|                               | Stockwater     | 01-01 TO 12-31 | 0.09 CFS |

| PLACE OF USE: | Stockwater    | Within Owyhee County |
|---------------|---------------|----------------------|
|               | T09S R02W S22 | NWSE                 |
|               | S23           | SENE NESW            |
|               |               | NWSW NESE            |
|               |               | NWSE                 |
|               | S24           | SWNW NWSW            |
|               |               | NWSW                 |

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

2002 OCT 08 PM 02:00  
DISTRICT COURT - SRBA  
TWIN FALLS CO., IDAHO  
FILED \_\_\_\_\_

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 )

CERTIFICATE OF MAILING

Case No. 39576 )  
\_\_\_\_\_ )

Water Right(s): 55-13823

CERTIFICATE OF MAILING

I certify that a true and correct copy of the PARTIAL DECREE  
PURSUANT TO I.R.C.P. 54(b) for WATER RIGHT 55-13823 was mailed  
on October 08, 2002, with sufficient first-class postage prepaid  
to the following:

DIRECTOR OF IDWR  
PO BOX 83720  
BOISE, ID 83720-0098

STATE OF IDAHO  
Represented by:  
NATURAL RESOURCES DIV CHIEF  
STATE OF IDAHO  
ATTORNEY GENERAL'S OFFICE  
PO BOX 44449  
BOISE, ID 83711-4449

IDAHO DEPARTMENT OF LANDS  
Represented by:  
US DEPARTMENT OF JUSTICE  
ENVIRONMENT & NATL' RESOURCES  
550 WEST FORT STREET, MSC 033  
BOISE, ID 83724  
Phone: 208-387-0835

ROBBIN HALL  
Chief Deputy Clerk

CERTIFICATE OF MAILING

PAGE 1  
10/08/02