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Department of Water Resources

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

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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**

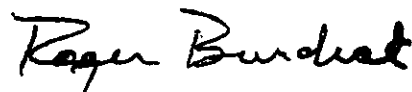
**In Re SRBA** )  
 ) **ORDER OF PARTIAL DECREE**  
**Case No. 39576** )  
 ) **For Water Right 51-12970**  
\_\_\_\_\_ )

On 11-25-2002, 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 51-12970 is hereby **decreed** as set forth in the attached *Partial Decree* Pursuant to I.R.C.P. 54(b).

DATED January 7, 2003



\_\_\_\_\_  
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

In Re SRBA ) PARTIAL DECREE PURSUANT  
 ) I.R.C.P. 54(b) FOR  
Case No. 19576 )  
 )  
 ) Water Right 51-12970

NAME AND ADDRESS: C E BRACKETT CATTLE CO  
PO BOX 111  
ROGERSON, ID 83302

SOURCE: SPRING CREEK TRIBUTARY: BIG FLAT CREEK

QUANTITY: 0.02 CFS

USE OF THIS RIGHT WITH RIGHT NO. 51-12971 IS LIMITED TO A TOTAL  
COMBINED DIVERSION RATE OF 0.02 CFS.  
THE QUANTITY OF WATER UNDER THIS RIGHT AND RIGHT  
NO. 51-12971 SHALL NOT EXCEED 13,000 GALLONS PER DAY.

PRIORITY DATE: 12/31/1871

POINT OF DIVERSION: T16S R10E S24 NENE (Instream Beginning Point) Within Owyhee County  
NENE (Instream Ending Point)  
R11E S18 LOT 2 (SWNW ) (Instream Ending Point)  
LOT 4 (SWSW ) (Instream Beginning 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 Owyhee County |
|---------------|----------------|----------------------|
|               | T16S R10E S24  | NENE                 |
|               | R11E S18 LOT 2 | (SNNW) LOT 3 (NWSW)  |
|               | LOT 4          | (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

Roger Burdick  
Presiding Judge of the  
Snake River Basin Adjudication