

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED _____
2003 MAR 14 AM 9 44

**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 Right 51-12965**
_____)

On 01-13-2003, 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 right 51-12965 is hereby **decreed** as set forth in the attached *Partial Decree* Pursuant to I.R.C.P. 54(b).

DATED March 14, 2003.



ROGER S. BURDICK
Presiding Judge
Snake River Basin Adjudication

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STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

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In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 51-12965

NAME AND ADDRESS: BRACKETT LIVESTOCK INC
C/O BERT BRACKETT
PO BOX 403
TWIN FALLS, ID 83301

SOURCE: BIG FLAT CREEK TRIBUTARY: CLOVER CREEK
FLAT CREEK BIG FLAT CREEK

QUANTITY: 0.02 CFS

USE OF THIS RIGHT WITH RIGHT NO. 51-12964 IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 0.02 CFS.
THE QUANTITY OF WATER UNDER THIS RIGHT AND RIGHT
NO. 51-12964 SHALL NOT EXCEED 13,000 GALLONS PER DAY.

PRIORITY DATE: 05/05/1899

POINT OF DIVERSION: T15S R11E S31 NWSW (Instream Ending Point) Within Owyhee County
T16S R11E S06 NENW (Instream Beginning Point)
S30 SENW (Instream Ending Point)
S31 LOT 3 (SWNENW) (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
T15S R11E S31 LOT 3 (NWSW)
T16S R11E S06 NENW LOT 1 (NWNW)
S30 LOT 2 (SWNW) LOT 3 (NWSW)
LOT 4 (SWSW) SESW
S31 LOT 4 (SWSW) LOT 3 ()
LOT 4 ()

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