

200 JUL 14 AM 11:36  
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**

**Case No. 39576**

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) **Subcase No. 36-04011**

) **ORDER DISMISSING CHALLENGE**

) **ORDER OF PARTIAL DECREE**

On April 8, 1998, a *Special Master's Report and Recommendation* was entered for the above subcase.

On May 8, 1998, North Snake Ground Water District filed a *Motion to Alter or Amend* with respect to the special master's report and recommendation. The special master partially granted the *Motion to Alter or Amend* on January 5, 2000.

On January 19, 2000, North Snake Ground Water District filed a *Notice of Challenge and Motion for Stay*. Said challenge was withdrawn by North Snake Ground Water District on June 19, 2000. Therefore, IT IS HEREBY ORDERED that North Snake Ground Water District's challenge in subcase 36-04011 is **dismissed**.

IT IS FURTHER ORDERED that, pursuant to the special master's recommendations of April 8, 1998, and January 5, 2000, water right 36-04011 is hereby **decreed** as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

IT IS SO ORDERED.

DATED:

A handwritten signature in black ink, appearing to read "B Wood", is written over a horizontal line.

BARRY WOOD  
Administrative District Judge and  
Presiding Judge of the  
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 )  
Case No. 39576 )  
\_\_\_\_\_ )

PARTIAL DECREE PURSUANT TO  
I.R.C.P. 54(b) FOR  
Water Right 36-04011

200 JUL 14 AM 11:36  
DISTRICT COURT - SRBA  
TWIN FALLS CO., IDAHO  
FILED

NAME AND ADDRESS: AQUA LIFE INC  
RT 5 BOX 5053  
BUHL, ID 83316

SOURCE: BILLINGSLEY CREEK TRIBUTARY: SNAKE RIVER

QUANTITY: 12.00 CFS

PRIORITY DATE: 12/01/1965

POINT OF DIVERSION: T07S R14E S19 LOT 01 (NENWNW) Within Gooding County

| PURPOSE AND PERIOD OF USE: | PURPOSE OF USE   | PERIOD OF USE  | QUANTITY  |
|----------------------------|------------------|----------------|-----------|
|                            | Fish Propagation | 01-01 TO 12-31 | 12.00 CFS |

PLACE OF USE: Fish Propagation Within Gooding County  
T07S R14E S18 LOT 04 (SWSW)  
S19 LOT 01 (NWNW)

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF 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.

  
Barry Wood  
Administrative District Judge  
Presiding Judge of the  
Snake River Basin Adjudication

2000 JUL 14 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): 36-04011

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 36-04011 was mailed  
on July 14, 2000, with sufficient first-class postage prepaid  
to the following:

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

~~AQUA LIFE INC  
Represented by:  
C. THOMAS ARKOOSH  
PO BOX 32  
116 4TH AVE W  
GOODING, ID 83330  
Phone: 208-934-8872~~

AQUA LIFE, INC.  
Represented by:  
JASON MICIAK  
ROLIG & PETERSON  
PO BOX 5298  
TWIN FALLS, ID 83303-5298  
Phone: 208-733-5500

CERTIFICATE OF MAILING

PAGE 1  
07/14/00

~~AQUA LIFE INC~~

~~Represented by:~~

~~JEFFREY E ROLIG~~

~~PO BOX 2749~~

~~TWIN FALLS, ID 83303~~

~~Phone: 208-733-5500~~

BUCKEYE FARMS, INC.

Represented by:

JOHN K. SIMPSON

PO BOX 2139

BOISE, ID 83701-2139

Phone: 208-336-0700

NORTH SNAKE GROUND WATER DIST.

Represented by:

JOSEPHINE P. BEEMAN

PO BOX 1427

BOISE, ID 83701-1427

Phone: 208-388-8900

DIANA DELANEY

Chief Deputy Clerk