

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED _____
2003 MAR 5 PM 1 45

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

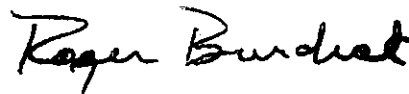
In Re SRBA)
Case No. 39576) **ORDER OF PARTIAL DECREE**
) **For Water Right 36-00003B**
_____)

On 01-27-2003, 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 36-00003B is hereby **decreed** as set forth in the attached *Partial Decree* Pursuant to I.R.C.P. 54(b).

DATED March 5, 2003



ROGER S. BURDICK
Presiding Judge
Snake River Basin Adjudication

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In Re SRBA)
Case No. 39576)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 36-00003B

NAME AND ADDRESS: KINGSTON PROPERTIES LP
477 SHOUP AVE, STE 207
IDAHO FALLS, ID 83402

SOURCE: BILLINGSLEY CREEK TRIBUTARY: SNAKE RIVER

QUANTITY: 3.84 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER PURPOSES SHALL NOT EXCEED 13,000 GALLONS PER DAY. THE APPROPRIATOR IS ENTITLED TO THE QUANTITY OF WATER DESCRIBED FOR STOCK WATER PURPOSES AT A POINT OF MEASUREMENT WHERE THE DELIVERY DITCH ENTERS THE PLACE OF USE DESCRIBED.

PRIORITY DATE: 09/10/1884

POINT OF DIVERSION: T07S R13E S11 SESENE Within Gooding County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	02-15 TO 11-30	3.84 CFS
	Stockwater	01-01 TO 12-31	0.05 CFS
	Fish Propagation	01-01 TO 12-31	3.84 CFS

THE PORTION OF THIS RIGHT FOR FISH PROPAGATION PURPOSES IS SUBORDINATED TO ALL GROUND AND SURFACE WATER RIGHTS WITH PRIORITY DATES OF AUGUST 15, 2002, OR EARLIER

PLACE OF USE:	Irrigation		Within Gooding County
	T07S R13E S27	SWNW 24.0	NWSW 9.0
	S28 LOT 4	(SWNE) 9.0	SENE 25.0
		NESE 40.0	LOT 5 (NWSE) 22.0
	129.0 Acres Total		
Stockwater			Within Gooding County
	T07S R13E S27	SWNW	NWSW
	S28 LOT 4	(SWNE)	SENE
		NESE	LOT 5 (NWSE)
Fish Propagation			Within Gooding County
	T07S R13E S27	SWNW	
	S28	SWNE	SENE

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 129 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS. 36-00003B, 36-00005B & 36-00019B.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE QUANTITY OF WATER DECREED FOR THIS RIGHT FOR STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE. THE PORTION OF THIS WATER RIGHT FOR FISH PROPAGATION PURPOSES SHALL NOT BE ASSERTED, DELIVERED, USED, ENFORCED, EFFECTIVE, OR OTHERWISE RECOGNIZED IF IT WOULD CAUSE OR REQUIRE IN ANY WAY OR OTHERWISE RESULT IN, EITHER DIRECTLY OR INDIRECTLY, CURTAILMENT OF, INJURY TO, OR MITIGATION FROM ANY SURFACE AND GROUND WATER RIGHTS EXISTING AS OF AUGUST 15, 2002.

OTHER PROVISIONS (continued)

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