

2000 JUL 14 AM 11:36
DISTRICT COURT
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

) Subcase No. 36-02338

) 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 Said challenge was withdrawn by North Snake Ground Water District on June 19, 2000.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 36-02338 is **dismissed**.

IT IS FURTHER ORDERED that, pursuant to the special master's recommendations of April 8, 1998, and January 5, 2000, water right 36-02338 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", 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 36-02338

2000 JUL 14 AM 11:36

FILED
TWIN FALLS CO., IDAHO

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

SOURCE: SPRINGS TRIBUTARY: BILLINGSLEY CREEK

QUANTITY: 54.68 CFS
39518.00 AFY

USE OF THIS RIGHT WITH RIGHT NO. 36-02414 IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 58.68 CFS

PRIORITY DATE: 08/05/1954

POINT OF DIVERSION: T07S R14E S18 LOT 03 (SENWSW) Within Gooding County
LOT 04 (NESWSW)

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Fish Propagation	01-01 TO 12-31	54.68 CFS 39518.00 AFY

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

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): 36-02338

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 36-02338 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
AQUA LIFE, INC.
Represented by:
JASON MICIAK
ROLIG & PETERSON
PO BOX 5298
TWIN FALLS, ID 83303-5298
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 GROUNG WATER DIST.

Represented by:

JOSEPHINE P. BEEMAN

PO BOX 1427

BOISE, ID 83701-1427

Phone: 208-388-8900

DIANA DELANEY

Chief Deputy Clerk