

2002 DEC 26 AM 11 38

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 (See Exhibit A)**

On October 18, 2002, a *Special Master's Report and Recommendation* was filed for the above water rights. 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 rights listed on Exhibit A are hereby decreed as set forth in the attached *Partial Decrees Pursuant to I.R.C.P. 54(b)*.

DATED December 26, 2002



\_\_\_\_\_  
ROGER S. BURDICK  
Presiding Judge  
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER OF PARTIAL DECREE was mailed on December 26, 2002, with sufficient first-class postage to the following:

USDA FOREST SERVICE

Represented by:

US DEPARTMENT OF JUSTICE

ENVIRONMENT & NATL' RESOURCES

550 WEST FORT STREET, MSC 033

BOISE, ID 83724

DIRECTOR OF IDWR

PO BOX 83720

BOISE, ID 83720-0098

EXHIBIT A

Subcase Nos:

|          |          |
|----------|----------|
| 33-10841 | 33-10959 |
| 33-10842 | 33-10960 |
| 33-10843 | 33-10961 |
| 33-10844 | 33-10962 |
| 33-10845 | 33-10963 |
| 33-10846 | 33-10964 |
| 33-10847 | 33-10965 |
| 33-10848 | 33-10966 |
| 33-10849 | 33-10967 |
| 33-10850 | 33-10968 |
| 33-10851 | 33-10969 |
| 33-10852 | 33-10970 |
| 33-10853 | 33-10971 |
| 33-10854 | 33-10972 |
| 33-10856 | 33-10973 |
| 33-10857 | 33-10974 |
| 33-10858 | 33-10975 |
| 33-10859 | 33-10976 |
| 33-10860 | 33-10977 |
| 33-10861 | 33-10978 |
| 33-10862 | 33-10979 |
| 33-10863 |          |
| 33-10864 |          |
| 33-10865 |          |
| 33-10866 |          |
| 33-10867 |          |
| 33-10868 |          |
| 33-10869 |          |
| 33-10870 |          |
| 33-10871 |          |
| 33-10873 |          |
| 33-10930 |          |
| 33-10931 |          |
| 33-10932 |          |
| 33-10942 |          |
| 33-10943 |          |
| 33-10944 |          |
| 33-10945 |          |
| 33-10946 |          |
| 33-10948 |          |
| 33-10949 |          |
| 33-10950 |          |
| 33-10951 |          |
| 33-10952 |          |
| 33-10953 |          |
| 33-10954 |          |
| 33-10955 |          |
| 33-10956 |          |
| 33-10957 |          |
| 33-10958 |          |

(Subcase list: 33PICKT/FS)  
12/26/02

2002 DEC 26 AM 11 40

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 TO  
Case No. 19576 ) I.R.C.P. 54(b) FOR  
                  ) Water Right 33-10959

NAME AND ADDRESS: USDA FOREST SERVICE  
550 W FORT ST, MSC 033  
BOISE, ID 83724

SOURCE: SPRING TRIBUTARY: SINKS

QUANTITY: 0.02 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000  
GALLONS PER DAY.

PRIORITY DATE: 05/01/1884

POINT OF DIVERSION: T12N R26E S33 NWSE Within Custer County

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY |
|-------------------------------|----------------|----------------|----------|
|                               | Stockwater     | 05-01 TO 11-30 | 0.02 CFS |

PLACE OF USE: Stockwater Within Custer County  
T12N R26E S33 NWSE

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