

2003 APR 2 PM 1 42

**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 Rights listed on attached
Exhibit A**

On February 20, 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 rights listed on attached Exhibit A are hereby decreed as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED April 2, 2003.



ROGER S. BURDICK
Presiding Judge
Snake River Basin Adjudication

EXHIBIT A

Subcase Nos:

82-04059	82-10383	82-10453
82-04065	82-10384	82-10454
82-04066	82-10385	82-10455
82-04069	82-10386	82-10456
82-04070	82-10387	82-10457
82-04071	82-10391	82-10459
82-04073	82-10392	82-10460
82-04075	82-10393	82-10461
82-10277	82-10395	82-10462
82-10287	82-10396	82-10468
82-10288	82-10397	82-10469
82-10289	82-10400	82-10470
82-10290	82-10401	82-10471
82-10292	82-10402	82-10472
82-10293	82-10403	82-10473
82-10294	82-10406	82-10474
82-10297	82-10410	82-10475
82-10299	82-10411	82-10476
82-10300	82-10412	82-10477
82-10301	82-10414	82-10478
82-10304	82-10415	82-10479
82-10305	82-10417	82-10480
82-10306	82-10419	82-10481
82-10307	82-10420	82-10482
82-10308	82-10421	82-11979
82-10309	82-10422	82-11980
82-10311	82-10423	82-12006
82-10312	82-10424	
82-10313	82-10425	
82-10314	82-10426	
82-10316	82-10428	
82-10317	82-10429	
82-10319	82-10430	
82-10326	82-10431	
82-10347	82-10432	
82-10355	82-10433	
82-10358	82-10434	
82-10359	82-10436	
82-10366	82-10437	
82-10369	82-10438	
82-10370	82-10439	
82-10371	82-10440	
82-10372	82-10441	
82-10373	82-10442	
82-10374	82-10443	
82-10375	82-10447	
82-10377	82-10448	
82-10378	82-10449	
82-10379	82-10450	
82-10381	82-10452	

(Subcase list: B82UNCON)
4/02/03

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
I.R.C.P. 54(b) FOR
Case No. 39576)
Water Right 82-10396)

2003 APR 2 PM 1 43

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

SOURCE: MARE CREEK TRIBUTARY: MULE CREEK

QUANTITY: 0.02 CFS

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

PRIORITY DATE: 05/01/1897

POINT OF DIVERSION: T30N R07E S09 SWNE (Instream Beginning Point) Within Idaho County
S18 SWSE (Instream Ending Point)

PURPOSE AND
PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
Stockwater 06-01 TO 10-31 0.02 CFS

PLACE OF USE: Stockwater Within Idaho County
T30N R07E S08 NESE NWSE
S09 NWNE SWNE
NENW SWNW
SENW
S17 NWNE SWNE
SENW NESW
NWSW SWSW
S18 SWSE SESE
S19 NENE
S20 NWNW

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 Byrdick
Presiding Judge of the
Snake River Basin Adjudication