

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

FILED TWIN FALLS CO., IDAHO

2003 APR 2 PM

DISTRICT COURT-SRBA

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

TWIN FALLS CO., IDAHO

FILED

In Re SRBA )  
 )  
Case No. 39576 )  
\_\_\_\_\_ )

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

2003 APR 2 PM 1 43

Water Right 82-10393

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

SOURCE: RADCLIFF CREEK TRIBUTARY: NEWSOME 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 R06E S12 SENE (Instream Ending Point) Within Idaho County  
T31N R07E S30 SWSW (Instream Beginning Point)

| PURPOSE AND<br>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 R06E S01 | SENE | NESE                |
|               |               | SESE |                     |
|               | S12           | NENE | SENE                |
|               | R07E S06      | NWNW | SWNW                |
|               | T31N R07E S30 | SWSW |                     |
|               | S31           | NWNW | SWNW                |
|               |               | NWSW | SWSW                |

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