

RECEIVED

2002 JUN 24 PM 3:49

JUN 25 2002

Department of Water Resources

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

Case No. 39576

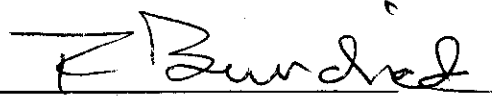
ORDER RESCINDING PARTIAL  
DECREE

FOR WATER RIGHT 65-02864

The United States Department of Justice, USDI Forest Service filed an *objection* to the above listed water right on August 6, 1998. An Initial Hearing was set for December 17, 1998. The SRBA district Court received a *Motion to Vacate Hearing* on December 9, 1998. A *Notice of Administrative Proceeding* was filed on December 16, 1998. September 22, 1999, Judge Barry Wood, then presiding Judge of the SRBA, issued an *Amended Order or Reference Appointing Tom Cushman Special Master*. A Second Initial Hearing was set for July 14, 2000. On June 28, 2000, a *Stipulation for Dismissing Objection F/B U.S. and Richard L. Area* was received. This Special Master issued an *Order Dismissing Objection F/B Forest Service* and set a deadline for Idaho Department of Water Resources to file a Notice of Completed Administrative Proceeding. The Register of Action for this subcase also indicates that a *Partial Decree* was issued October 31, 2000. Ultimately, a Status Conference was set based on the contents of the file, which did not include the Partial Decree.

Therefore, based on the file and record herein the Partial Decree for water right 65-02864 is rescinded.

Dated June 24, 2002.

  
ROGER S. BURDICK  
Presiding Judge of the  
Snake River Basin Adjudication

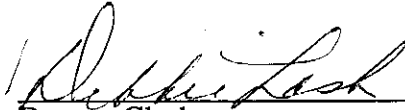
## CERTIFICATE OF MAILING

I certify that a true and correct copy of the **ORDER RESCINDING PARTIAL DECREE** was mailed June 24, 2002, with sufficient first-class postage prepaid as follows:

Director of IDWR  
Box 83720  
Boise, Idaho 83720-0098

United States Department of Justice  
Environment and Natural Resources Div.  
550 West Fort Street, MSC 033  
Boise, Idaho 83724

Judith and Richard Area  
2345 Silver Creek Rd  
Garden Valley, Idaho 83622

  
Deputy Clerk

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  
                  ) I.R.C.P. 54(b) FOR  
Case No. 39576 )  
                  ) Water Right 65-02864

NAME AND ADDRESS: JUDITH AREA  
RICHARD L AREA  
HC76 BOX 2666  
GARDEN VALLEY, ID 83622

SOURCE: CONTROL CREEK TRIBUTARY: SILVER CREEK  
QUANTITY: 0.02 CFS  
0.10 AFY

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

PRIORITY DATE: 08/11/1966

POINT OF DIVERSION: T12N R05E S36 NWSE Within Valley County

| PURPOSE AND PERIOD OF USE: | PURPOSE OF USE   | PERIOD OF USE  | QUANTITY |
|----------------------------|------------------|----------------|----------|
|                            | Domestic 1 HOUSE | 01-01 TO 12-31 | 0.02 CFS |
|                            |                  |                | 0.10 AFY |

PLACE OF USE: Domestic Within Valley County  
T12N R05E S36 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.

  
Barry Wood  
Administrative District Judge  
Presiding Judge of the  
Snake River Basin Adjudication