

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 34-13678

NAME AND ADDRESS: UNITED STATES OF AMERICA
USDI - BLM
1387 SOUTH VINNELL WAY
BOISE, ID 83709-1657

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: 04/17/1926

* THIS WATER RIGHT IS BASED ON FEDERAL LAW WITH AN APRIL 17, *
* 1926, DATE OF PRIORITY PURSUANT TO AN EXECUTIVE ORDER SIGNED *
* THE SAME DATE AND KNOWN AS PUBLIC WATER RESERVE 107 *

POINT OF DIVERSION: T08N R22E S29 SWSWSW Within Custer County

PURPOSE AND

PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Stockwater	01-01 TO 12-31	0.02 CFS

PLACE OF USE: Stockwater Within Custer County
T08N R22E S29 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.

DRAFT

John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication

RECEIVED

JAN 19 2006

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
JAN 18 2006	
By _____	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

Case No. 39576

) For Water Rights: See attached list.
)
) NOTICE OF COURT'S INTENT TO
) ISSUE AMENDED PARTIAL DECREE,
) AND NOTICE OF HEARING THEREON
)

On August 18, 2005, *Partial Decrees* were issued for the above-captioned water rights. On October 13, 2005, this Court issued an *Order Setting Aside Partial Decrees*, noting that the rights were claimed by the United States as "dual based" water rights, and no evidentiary hearing had been held regarding the rights before they were decreed. On December 20, 2005, the Court held an evidentiary hearing in accordance with I.C. 42-1411A. The United States submitted evidence, in the form of affidavits, to show that the rights, with some exceptions, were valid federal reserve water rights based on Public Water Reserve (P.W.R.) 107. There was no opposition at hearing to the claims.

The Court finds that the following rights are valid federal reserved water rights: 34-13676, 34-13678, 34-13681, 34-13683, 34-13684, 34-13685, 34-13689, 34-13692, 34-13693, 34-13694, and 34-13704. The Court finds that the rights are appropriate to be decreed with a priority date of April 17, 1926, the date of P.W.R. 107.

The United States, at the hearing, noted that the following water rights were not valid federal reserved water rights: 34-13691, 34-13695, 34-13696, 34-13697, and 34-13698. The Court finds that the rights are appropriate to be decreed with the state-based priority date of June 28, 1934, in accordance with a settlement between the United States and the State of Idaho.

Because the affidavits submitted by the United States include clerical changes to the claims that were not included in the *Director's Report* or abstract for these rights, the Court finds it appropriate to proceed with a *Notice of Court's Intent to Issue Amended Partial Decrees*. The Court intends to amend the *Partial Decree* in accordance with the attached.

Therefore, IT IS ORDERED that a hearing will be held on this matter at **1:30 p.m., Mountain Standard Time, March 21, 2006 at the Snake River Basin Adjudication Courthouse, 253 3rd Ave N. Twin Falls Idaho.** Any party wishing to object or comment on the Court's proposed action shall do so at that time. Attendance at this hearing by the claimant is not required, as the Court will take the proposed action in the absence of any objection to the contrary. Telephone participation will be available by calling 1-918-583-3445 and entering 406128 when prompted.

Dated: January 17, 2006.



John M. Melanson
Presiding Judge
Snake River Basin Adjudication

BASIN 34 BLM - AMENDED PARTIAL DECREES

Subcase Nos:

34-13676
34-13678
34-13681
34-13683
34-13684
34-13685
34-13689
34-13691
34-13692
34-13693
34-13694
34-13695
34-13696
34-13697
34-13698
34-13704

CERTIFICATE OF MAILING

I certify that a true and correct copy of the NOTICE OF COURT'S INTENT TO ISSUE AMENDED PARTIAL DECREE, AND NOTICE OF HEARING THEREON was mailed on January 18, 2006, with sufficient first-class postage to the following:

UNITED STATES OF AMERICA

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

A handwritten signature in cursive script, reading "Julie Murphy", is written over a horizontal line. The signature is in dark ink and is positioned to the right of the printed text "Deputy Clerk".