

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. 39576 ) I.R.C.P. 54(b) FOR  
                  ) Water Right 34-13684

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: T07N R22E S09 SWNNW Within Custer County

| PURPOSE AND<br>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  
T07N R22E S09 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.

**DRAFT**

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

RECEIVED

JAN 19 2006

DEPARTMENT OF  
WATER RESOURCES

|                                                                                         |       |
|-----------------------------------------------------------------------------------------|-------|
| DISTRICT COURT-SRBA<br>Fifth Judicial District<br>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 3<sup>rd</sup> 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, appearing to read "Julie Murphy", is written over a horizontal line. The signature is fluid and stylized, with the first and last names being clearly legible.