

JUN 16 1993

Department of Water Resources

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS  
IN RE THE GENERAL ADJUDICATION  
OF RIGHTS TO THE USE OF WATER FROM  
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576  
Ident. Number: 21-11763

## RESERVED UNDER FEDERAL LAW

COPY

1. Name of Claimant: UNITED STATES OF AMERICA on behalf of the U.S.D.A. Forest Service  
Address: 550 W. Fort Street MSC033  
Boise ID 83724
2. Date of Priority: 05/23/1905
3. Source of water: GROUNDWATER Tributary:
4. Location Meridian BOISE  
Description of Diversion Works: Wells From: Groundwater  
Location of Point of Diversion  
T: 13 N R: 43 E S: 27 NESW  
Location of Point of Use  
T: 13 N R: 43 E S: 27 NESW
5. Quantity claimed: Period Quantity For  
1/ 01 - 12/ 31 0.10 CFS Domestic
6. Total Consumptive Use Claimed for Present and Future Use is:  
0.10 CFS
7. Present and future uses to which the water is or will be used:  
Domestic
8. Attach the legal description of the reservation, and maps showing for each consumptive use the existing and proposed place of use and existing points of diversion.  
Bound separately
9. Remarks:  
State Basin: 21  
National Forest: Targhee  
Forest Service Record ID: 04 15 17040202 10 0 0002  
Island Park Ranger Station, main office building, varous homes, and bunkhouses, water source for fire engines, horse & mule pasture and to water homes.
10. Describe any other water rights used at the same place and for the same purposes as described above: None
11. Counties within the reservation: Not available

Notice is hereby given that the United States Department of Justice will represent the Department of Agriculture, Forest Service, in all matters pertaining to the Snake River Basin Adjudication. All notices required by law to be mailed by the Director to the claimant should be mailed to the individuals at the address below:

Bruce Bernard  
U.S. Department of Justice  
Environment and Natural Resources Division  
550 W. Fort Street, Box 33  
Boise, ID 83724

This form is an attachment to a letter forwarding the claims of the U.S. Department of Agriculture, Forest Service. The signature and affirmation on such letter constitutes the signature of the authorized agent representing the United States of America required for each such claim.

AJ5809NP  
No. R21-11763

IDAHO DEPARTMENT OF WATER RESOURCES  
ADJUDICATION CLAIM PROFILE REPORT

DATE: 07/17/98  
PAGE: 60

| OWNER<br>CODE    | NAME & ADDRESS                          | PRIORITY<br>DATE | WATER USE | USE PERIOD<br>FROM TO | DIVERSION<br>RATE | DIVERSION<br>VOLUME |
|------------------|-----------------------------------------|------------------|-----------|-----------------------|-------------------|---------------------|
| C                | UNITED STATES OF AMERICA ACTING THROUGH | 05/23/1905       | DOMESTIC  | 01-01 12-31           | 0.10 CFS          | 1.84 .1             |
| TOTAL DIVERSION: |                                         |                  |           |                       | 0.02 CFS          | 1.00 .1             |

Water Source: GROUNDWATER

Tributary to:

Stage: RESERVED

Point(s) of Diversion: T13N R43E S27 NESW

FREMONT County

Place of use Legal Description for: DOMESTIC

| NE  |     |    |    | NW |   |   |    | SW |   |   |    | SE |   |   |    |
|-----|-----|----|----|----|---|---|----|----|---|---|----|----|---|---|----|
| T   | R   | S  | Ac | T  | R | S | Ac | T  | R | S | Ac | T  | R | S | Ac |
| 13N | 43E | 27 | :  | :  | : | : | :  | :  | : | : | :  | :  | : | : | :  |
|     |     |    |    |    |   |   |    |    |   |   |    |    |   |   |    |

POU County: FREMONT

Remarks: EXP FOREST SERVICE RECORD ID = 0415 17040202 10 0002

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number:

Field Inspection Flag:

Presumption Flag:

N4  
N13

Island Park Ranger Station  
Homes, fire water  
stock water

Jeff  
8/8/98

DISTRICT COURT - SRBA  
TWIN FALLS CO., IDAHO  
FILED \_\_\_\_\_

2003 JUN 11 AM 10 43  
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 ON  
) UNCONTESTED FEDERAL WATER RIGHT  
) CLAIM FOR ADMINISTRATIVE SITES  
)  
)  
)  
)

FOR WATER RIGHTS: 21-11704, 21-11763

The above-captioned water rights were claimed as implied federal reserved water rights for Forest Service administrative sites within the boundaries of a national forest. The claims were included in the *Director's Report for Domestic Claims Based on Federal Law* filed on August 31, 1998. The claimant, the United States of America, acting through the United States Department of Agriculture, Forest Service ("United States"), pursuant to leave of court, amended the original claims to change, among other things, the purpose of use element from "domestic" to "administrative." The amended claims were filed August 20, 2002. No objections were filed to the original claims or to the claims as amended.

As required by I.C. § 42-1411A(14), a hearing was held on May 20, 2003, for the purpose of allowing the United States to demonstrate a *prima facie* case regarding the existence of the above-captioned water rights established under federal law. At the close of the hearing the Court ruled that the United States had met the burden of establishing the existence and elements of implied federal reserved water rights for each of the above-captioned water right claims.

THEREFORE, IT IS ORDERED that water rights 21-11704 and 21-11763 are hereby decreed as set forth in the attached *Partial Decree[s] Pursuant to I.R.C.P. 54(b)*.

Dated this 11<sup>th</sup> day of June, 2003.

*Roger Burdick*

HONORABLE ROGER S. BURDICK  
Presiding Judge  
Snake River Basin Adjudication

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

DISTRICT COURT - SRBA  
TWIN FALLS CO., IDAHO  
FILED

In Re SRBA )  
 )  
Case No. 39576 )

PARTIAL DECREE PURSUANT TO  
I.R.C.P. 54(b) FOR  
Water Right 21-11763

2003 JUN 11 AM 10 44

NAME AND ADDRESS: UNITED STATES OF AMERICA  
USDA FOREST SERVICE  
550 W FORT STREET, MSC033  
BOISE, ID 83724

SOURCE: GROUNDWATER

QUANTITY: 0.10 CFS

PRIORITY DATE: 05/23/1905

POINT OF DIVERSION: T13N R43E S27 NESW

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY |
|-------------------------------|----------------|----------------|----------|
|                               | Administrative | 01-01 TO 12-31 | 0.10 CFS |

|               |                |                       |
|---------------|----------------|-----------------------|
| PLACE OF USE: | Administrative | Within Fremont County |
|               | T13N R43E S27  | NESW                  |

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS WATER RIGHT IS A FEDERAL RESERVED WATER RIGHT.  
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*  
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Roger Burdick  
Presiding Judge of the  
Snake River Basin Adjudication