

partial  
decre

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: 23-10768

RESERVED UNDER FEDERAL LAW

RECEIVED

MAR 18 1998

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: 01/15/1907

3. Source of water: SPRING

Department of Water Resources  
Tributary: MC COY CREEK

4. Location Meridian BOISE

Description of Diversion Works: Headbox

From: Spring

Location of Point of Diversion

T: 03 S R: 44 E S: 20 NWNE

Location of Point of Use

T: 03 S R: 44 E S: 20 NWNE

5. Quantity claimed: Period Quantity For  
5/ 01 -- 11/ 30 0.02 CFS Domestic

6. Total Consumptive Use Claimed for Present and Future Use is:

0.02 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: 23

National Forest: Caribou

Forest Service Record ID: 04 05 17040104 10 0266

Caribou Basin Guard Station.

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.

2003 JUN 11 AM 10 44

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: 23-10768, 23-10769,  
23-11169, 23-11170  
)  
)  
)

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 May 11, 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 23-10768, 23-10769, 23-11169, and 23-11170 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.



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 CO., IDAHO

FILED

2003 JUN 11 AM 10 45

In Re SRBA

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

Case No. 39576

Water Right 23-11169

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

SOURCE: GROUNDWATER

QUANTITY: 0.02 CFS

PRIORITY DATE: 01/15/1907

POINT OF DIVERSION: T01S R45E S17 NESW Within Bonneville County

| PURPOSE AND PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY |
|----------------------------|----------------|----------------|----------|
|                            | Administrative | 01-01 TO 12-31 | 0.02 CFS |

PLACE OF USE: Administrative Within Bonneville County  
T01S R45E S17 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*

Roger Burdick  
Presiding Judge of the  
Snake River Basin Adjudication