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SEP 19 2013

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

SEP 18 2013

By

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

Clerk

Deputy Clerk

In Re SRBA

Case No. 39576

) ORDER OF PARTIAL DECREE ON
) UNCONTESTED FEDERAL STOCKWATER
) CLAIMS BASED ON PUBLIC WATER
) RESERVE 107
)
) FOR WATER RIGHTS: 84-12247 & 84-12248
)

The above-captioned water rights were claimed as federal reserved water rights pursuant to Public Water Reserve 107. The Idaho Department of Water Resources filed a *Notice of Filing of Federal Reserved Right Claims in Basins 51, 55 and 84* on December 27, 2012, which included notice of the filing of the above-captioned claims. No objections were filed to the claims.

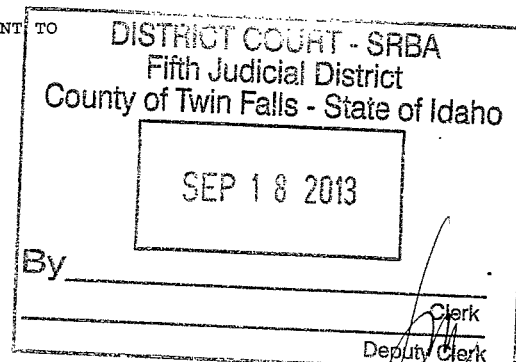
A hearing was held on September 17, 2013, as required by I.C. § 42-1411A(14), for the purpose of allowing the United States to demonstrate a *prima facie* case regarding the existence of the above-captioned water rights established under federal law. No party appeared in opposition. The United States filed an affidavit in support of its claims. At the hearing, counsel for the United States informed the Court that these two claims were filed to correct errors in Township within the following existing PWR-107 *Partial Decrees*: 84-11944 and 84-11946. Water right claim 84-12247 corrects the error in previously decreed water right 84-11944. Water right claim 84-12248 corrects the error in previously decreed water right 84-11946. Should the Court issue *Partial Decrees* for the above-captioned water right claims, the Claimant requests that this Court set aside and disallow water right claims 84-11944 and 84-11946. The Court has reviewed the affidavit and heard the arguments of counsel in open court and finds that the United States has met its burden of establishing the existence and elements of an implied federal reserved water right for each of the above-captioned water right claims.

THEREFORE, THE FOLLOWING ARE HEREBY ORDERED:

1. The above-captioned water right claims are hereby decreed as set forth in the attached *Partial Decree[s] Pursuant to I.R.C.P. 54(b)*.

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DEPARTMENT OF
WATER RESOURCESIN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLSIn Re SRBA)
)
Case No. 39576)
_____)PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 84-12247NAME AND ADDRESS: UNITED STATES OF AMERICA
USDI BUREAU OF LAND MANAGEMENT
IDAHO STATE OFFICE
1387 S VINNELL WAY
BOISE, ID 83709-1657

SOURCE: SPRING TRIBUTARY: LOLO CREEK

QUANTITY: 0.02 CFS

The quantity of water under this right for stockwater use shall
not exceed 13,000 gallons per day.

PRIORITY DATE: 04/17/1926

* 4/17/1926 claimed under Federal Reserved Water Right.* This
water right is also claimed 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.

LOCATION INSTREAM FLOW: T34N R05E S23 NESESW Within Idaho County

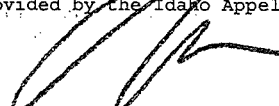
PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Stockwater	01-01 TO 12-31	0.02 CFS

PLACE OF USE: Stockwater Within Idaho County
T34N R05E S23 SESW

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

The quantity of water decreed for this water right for
stockwater use 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.

Eric J. Wildman
Presiding Judge of the
Snake River Basin Adjudication

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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 SRBA)
)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 84-12248

DISTRICT COURT - SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

SEP 18 2013

By _____
Deputy Clerk

NAME AND ADDRESS: UNITED STATES OF AMERICA
USDI BUREAU OF LAND MANAGEMENT
IDAHO STATE OFFICE
1397 S VINELL WAY
BOISE, ID 83709-1657

SOURCE: SPRING TRIBUTARY: LOLO CREEK

QUANTITY: 0.02 CFS

The quantity of water under this right for stockwater use shall
not exceed 13,000 gallons per day.

PRIORITY DATE: 04/17/1926

* 4/17/1926 claimed under Federal Reserved Water Right.* This
water right is also claimed 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.

LOCATION INSTREAM FLOW: T34N R05E S21. SENWNE Within Idaho 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 Idaho County
T34N R05E S21 NWNE

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

Owyhee Wild and Scenic River Basin. The quantity of water
decreed for this water right for stockwater use 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.

Eric U. Wildman
Presiding Judge of the
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER OF PARTIAL DECREE ON UNCONTESTED FEDERAL STOCKWATER CLAIMS BASED ON PUBLIC WATER RESERVE 107 was mailed on September 18, 2013, 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".