

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

In Re SRBA)
)
Case No. 39576)
_____)

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

Water Right 45-12127C

FILED
2009 JUN 23 AM 11 43

NAME AND ADDRESS: UNITED STATES OF AMERICA
USDA FOREST SERVICE
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

SOURCE: TRAPPER CREEK TRIBUTARY: -GOOSE CREEK
UNNAMED STREAMS TRIBUTARY: TRAPPER CREEK

QUANTITY: 0.02 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.
THIS RIGHT SHALL BE USED IN CONJUNCTION WITH 45-13655 AND IS
LIMITED TO A TOTAL COMBINED DIVERSION RATE OF .02 CFS AND A TOTAL
COMBINED QUANTITY OF 13,000 GALLONS PER DAY.

PRIORITY DATE: 05/01/1879

POINT OF DIVERSION:	T14S R21E S33	SWSE	(Instream Ending Point)	Within Cassia County
	S34	SENE	(Instream Beginning Point)	
		SENE	(Instream Ending Point)	
	T15S R19E S02	NENW	(Instream Beginning Point)	
	R20E S09	NESE	(Instream Ending Point)	
	S11	NWNE	(Instream Beginning Point)	
		NWNE	(Instream Ending Point)	
	R21E S06	SWNE	(Instream Beginning Point)	

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Stockwater	06-01 TO 11-30	0.02 CFS

PLACE OF USE:	Stockwater		Within Cassia County
	T14S R21E S33	SWSE	
	S34	SENE	
	T15S R19E S01	NESW	NWSW
		SESE	SWSE
		SESE	
	S02	SWNE	SENE
		NENW	SENE
	S12	NENE	
	R20E S04	SWSW	
	S05	SWNE	SENE
		NENW	SWNW
		SENE	NESW
		NWSW	NESE
		NWSE	
	S06	SENE	NESW
		SWSW	SESE
		NESE	NWSE
	S07	NENW	
	S09	SWNE	NENW
		SENE	NESE
		NWSE	
	S11	NWNE	
	R21E S01	NWSE	
	S04	NWNE	NENW
		NWNW	SWNW
	S05	SWNE	SENE

PLACE OF USE (continued)

	SENW	NESW
	NWSW	NWSE
S06	NESE	NWSE
	SWSE	

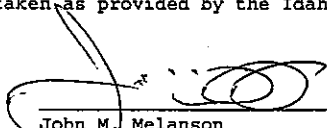
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
THE OPERATION, USE, AND ADMINISTRATION OF THIS WATER RIGHT IS ALSO SUBJECT TO THE TERMS AND CONDITIONS OF THE STIPULATION AND JOINT MOTION FOR ORDER APPROVING STIPULATION ENTERED INTO ON AUGUST 29, 2002 BETWEEN THE UNITED STATES OF AMERICA AND CERTAIN PRIVATE PARTIES FILED IN THE OFFICE OF THE CASSIA COUNTY RECORDER AND RECORDED ON JUNE 6, 2003 AS INSTRUMENT NO 289179.

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.



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

DISTRICT COURT - SRBA
TWIN FALLS CO. IDAHO
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RECEIVED
JUN 24 2009
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

ORDER OF PARTIAL DECREES

Subcases: See Attached Exhibit A
(USDA Forest Service)

On September 5, 2007, an *Amended Special Master's Report and Recommendation* was filed for the above-captioned water rights. No Challenges were filed to the *Amended Special Master's Report and Recommendation* and the time for filing Challenges has now expired.

Pursuant to I.R.C.P. 53(e)(2) and *SRBA Administrative Order 1*, Section 13f, this Court has reviewed the Findings of Fact and Conclusions of Law contained in the *Amended Special Master's Report* and wholly adopts them as its own.

Therefore, IT IS ORDERED that the above-captioned water rights are hereby decreed as set forth in the attached *Partial Decrees Pursuant to I.R.C.P. 54(b)*.

DATED June 23, 2009.



JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

EXHIBIT A - FOREST SERVICE

Subcase Nos:

45-12127A
45-12127B
45-12127C
45-12218
45-12243
45-12280
45-12838

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER OF PARTIAL DECREES was mailed on June 23, 2009, with sufficient first-class postage to the following:

JOE TUGAW

Represented by:
NORMAN M SEMANKO
IDAHO WATER USERS ASSOCIATION
1010 W JEFFERSON ST, STE 101
BOISE, ID 83702
Phone: 208-344-6690

UNITED STATES OF AMERICA
USDA FOREST SERVICE

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

