

DEPARTMENT OF
WATER RESOURCES

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

MAR 21 2008

**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 FOR
FEDERAL ADMINISTRATIVE SITE BASED
ON FEDERAL AND STATE LAW**

**FOR FEDERAL RESERVED WATER RIGHT:
78-10625**

**FOR WATER RIGHT BASED ON STATE
LAW: 78-12331**

The above-captioned federal reserved water right claim was claimed as an implied federal reserved water right for an administrative site within the boundaries of a national forest. The claim was included in the *Basin 78, Reporting Area 24, Director's Report for Federal Reserved Rights* filed January 5, 2007. The State of Idaho contested the claim based on the scope of some of the claimed purposes of use. No other objections were filed.

On March 17, 2008, in resolution of the State of Idaho's objection, the United States and the State of Idaho filed an *Amended Stipulation to Resolve Objection*. In compromise and settlement of the objection the parties agreed to split the claims and have the objectionable portions of claim decreed based on state law. The federal reserved claim and related claim based on state law have a combined use limitation which does not exceed the quantity originally claimed. The Idaho Department of Water Resources concurred with the *Stipulation*. A hearing was held on the *Stipulation* on March 18, 2008. The Court agreed to accept the terms of *Stipulation* in whole in resolution of the contested matter. The United States also previously filed affidavits in support of its claims. The Court has reviewed the affidavits and finds that the United States had met its burden of establishing the existence and elements of an implied federal reserved water right for the elements of those claims to which the State of Idaho did not object.

THEREFORE, IT IS ORDERED that federal reserved water right claim **78-10625** is hereby decreed as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

IT IS FURTHER HEREBY ORDERED that state-law based water right claim **78-12331** hereby decreed as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

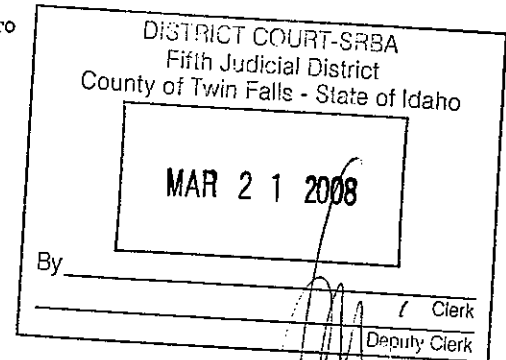
DATED: March 71, 2008



JOHN M. MELANSON
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

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 78-12331



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

SOURCE: SHINGLE CREEK TRIBUTARY: RAPID RIVER

QUANTITY: 0.08 CFS

The quantity of water under this right for domestic and stockwater uses shall not exceed 13,000 gallons per day. This right is used in conjunction with right no. 78-10625 and is limited to a total combined diversion rate of 0.08 cfs.

PRIORITY DATE: 05/10/1906

LOCATION INSTREAM FLOW: T23N R01W S01 SWNE Within Idaho County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	02-15 TO 11-30	0.08 CFS
	Domestic	01-01 TO 12-31	0.04 CFS
	Stockwater	01-01 TO 12-31	0.02 CFS

Use is for Silvers Administrative Site.

PLACE OF USE: Irrigation T23N R01W S01 SWNE 3.0 Within Idaho County
3.0 Acres Total

Stockwater Within Idaho County
Same as Irrigation

Domestic Within Idaho County
Same as Irrigation

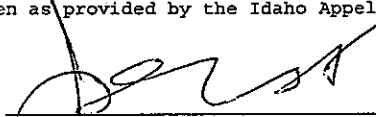
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

The quantity of water decreed for this water right for domestic use and 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.



John M. Melanson
Presiding Judge of the
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

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

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 78-10625

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
MAR 21 2008	
By _____	Clerk
_____	Deputy Clerk

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

SOURCE: SHINGLE CREEK TRIBUTARY: RAPID RIVER

QUANTITY: 0.08 CFS
1.00 AFY

This right is used in conjunction with 78-12331 and is limited
to a total combined diversion rate of .08 cfs.

PRIORITY DATE: 05/10/1906

LOCATION INSTREAM FLOW: T23N R01W S01 SWNE Within Idaho County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Administrative	01-01 TO 12-31	0.08 CFS 1.00 AFY

Use is for Silvers Administrative Site.

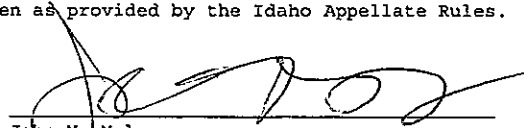
PLACE OF USE: Administrative Within Idaho County
T23N R01W S01 SWNE

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

THIS WATER RIGHT IS BASED ON A FEDERAL RESERVATION.
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

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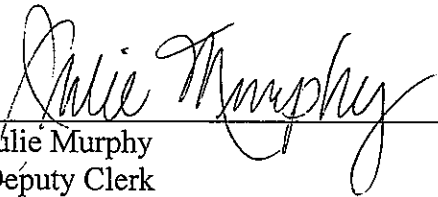

John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I hereby certify that true and correct copies of the **ORDER OF PARTIAL DECREE FOR FEDERAL ADMINISTRATIVE SITE BASED ON FEDERAL AND STATE LAW FOR FEDERAL RESERVED WATER RIGHT 78-10625 and FOR WATER RIGHT BASED ON STATE LAW 78-12331** were mailed on March 21, 2008, by first-class mail to the following:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

USDA Forest Service
Represented by:
United States Department of Justice
Environment & Natural Resources Div.
550 West Fort Street, MSC 033
Boise, ID 83724



Julie Murphy
Deputy Clerk