

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

2007 NOV 27 PM 3 16

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 79-14040

NAME 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: DIVIDE CREEK

QUANTITY: 0.02 CFS

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

PRIORITY DATE: 04/17/1926

This water right is 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.

POINT OF DIVERSION: T29N R02W S17 NWNENW 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
T29N R02W S17 NENW

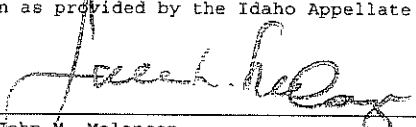
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

The quantity of water decreed for this water right is not a
determination of historical beneficial use.

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

RECEIVED

NOV 28 2007

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - ARDA
TWIN FALLS CO., IDAHO
FILED _____

2007 NOV 27 PM 3:16

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 ON
) UNCONTESTED FEDERAL CLAIMS FOR
) STOCKWATER BASED ON PUBLIC WATER
) RESERVE (PWR) 107
)

) FOR WATER RIGHTS: 79-14015, 79-14017,
) 79-14025, 79-14028, 79-14029, 79-14032, 79-14033,
) 79-14034, 79-14035, 79-14037, 79-14040, 79-14041
) and 79-14190
)

The above-captioned stockwater rights were claimed on behalf of the United States Department of Interior, Bureau of Land Management (United States) pursuant to federal law based on Public Water Reserve (PWR) 107 and also based on state law. The claims were included in the *Basin 79, Part I, Reporting Area 24, Director's Report Irrigation and Other Uses*, filed on January 23, 2006. No objections were filed to the claims.

A hearing was held on November 20, 2007, 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. At the close of the hearing, the Court ruled that the United States had met its burden of establishing the existence and elements of a federal reserved water right pursuant to PWR 107 for each of the above-captioned water right claims.

THEREFORE, IT IS ORDERED that water rights 79-14015, 79-14017, 79-14025, 79-14028, 79-14029, 79-14032, 79-14033, 79-14034, 79-14035, 79-14037, 79-14040, 79-14041 and 79-14190 are hereby decreed as set forth in the attached *Partial Decree[s] Pursuant to I.R.C.P. 54(b)*.

IT IS FURTHER HEREBY ORDERED that any concomitant state-law water right claimed in the alternative for the above-captioned rights not be confirmed in any partial or final decree entered in the SRBA, Case No. 39576, in whatever form that final decree may take or be styled.

Dated: November 27, 2007



HONORABLE JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER OF PARTIAL DECREES ON UNCONTESTED FEDERAL CLAIMS FOR STOCKWATER BASED ON PUBLIC WATER RESERVE (PWR) 107 was mailed on November 27, 2007, with sufficient first-class postage to the following:

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

UNITED STATES OF AMERICA
USDI BUREAU OF LAND MANAGEMENT
IDAHO STATE OFFICE
1387 S VINNELL WAY
BOISE, ID 83709-1657
Phone: 208-373-4000

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 "Deputy Clerk" text.