

2006 JAN 24 PM 4:18
DISTRICT COURT SRBA
TWIN FALLS CO. IDAHO
FILED

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) ORDER OF AMENDED
Case No. 39576) PARTIAL DECREE
)
) For Water Right: 23-11169
)
_____)

On June 11, 2003, a **Partial Decree** was issued for the above captioned water right number. On August 31, 2005, the United States and the State of Idaho filed a *Stipulation to Resolve Objection and Request for Modification of Partial Decree* with respect to water right number 23-11317. At the time the *Stipulation* was filed, the State of Idaho's objection to the United States' water right claim 23-11317 was pending before Special Master Brigitte Bilyeu. In order to resolve the State's objection to water right 23-11317, the *Stipulation* called for the **Partial Decree** in 23-11169 to be set aside and amended. The *Stipulation* stated that the elements of 23-11317 and 23-11169 would be combined into water right, 23-11169, pursuant to the *Stipulation*, water right claim 23-11317 would be withdrawn. On October 7, 2005, the Special Master issued a **Special Master's Report and Recommendation**, recommending that the **Partial Decree** for water right 23-11169 be set aside and amended in accordance with the *Stipulation* and the claim for 23-11317 be withdrawn and dismissed. No challenges were filed to the *Special Master's Report* and the time for challenges has expired. This Court has reviewed the findings of fact and conclusions of law contained in the **Special Master's Report and Recommendation** and adopts them wholly as its own.

THEREFORE, IT IS ORDERED that an **Amended Partial Decree** for water right number 23-11169 be **decreed**, pursuant to IRCP 60 (a), as set forth in the attached

Amended Partial Decree Pursuant to I.R.C.P. 54(b). The previously issued *Partial Decree* is replaced and superseded thereby.

DATED January 24, 2006.



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

AMENDED

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

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

Water Right 23-11169

2006 JAN 24 PM 4:18
DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

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

SOURCE: GROUNDWATER

QUANTITY: 0.04 CFS

PRIORITY DATE: 01/15/1907

POINT OF DIVERSION: T01S R45E S17 NESW Within Bonneville County
LOT 10 (NWSW)

PURPOSE AND

PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Administrative	01-01 TO 12-31	0.04 CFS

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

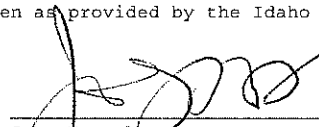
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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.



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

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER OF AMENDED PARTIAL DECREE was mailed on January 24, 2006, with sufficient first-class postage to the following:

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

ORDER

Page 1 1/24/06

FILE COPY FOR 00052

Deputy Clerk

A handwritten signature in cursive script, appearing to read "Julie Murphy", is written over a horizontal line. The signature is fluid and stylized, with the first and last names being clearly legible.