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OCT 25 2005
DEPARTMENT OF
WATER RESOURCES

2005 OCT 21 PM 2:47
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 PARTIAL DECREE
)
)
) FOR WATER RIGHT: 81-10303
)
)
)

Case No. 39576

I. PROCEDURAL HISTORY

The United States filed the above water right claim as a Federal Reserved water right based on a reservation of a forest reserve. The rights were reported to the Court by the Idaho Department of Water Resources in a *Director's Report For Federal Reserved Rights*. On May 10, 2005, the United States filed a *Standard Form 4/Motion to File Amended Notice of Claim*, seeking to amend the above claim because of errors in the legal description. The *Motion to Amend Claim* was granted on August 16, 2005. No objections were filed to the *Amended Claim*, and the time for objections has expired. Pursuant to I.C. 42-1411A(12), the Court held an evidentiary hearing on October 17, 2005. In conjunction with that hearing, the United States submitted affidavits that supported the federal basis for the rights. Mr. David Negri appeared for the United States. No one appeared opposing the rights.

II. FINDINGS OF FACT AND CONCLUSIONS OF LAW

Based upon the file and record in this subcase, and the affidavits presented at the hearing on the matter, the Court makes the following findings of fact and conclusions of law:

1. On February 22, 1897, President Grover Cleveland signed Presidential Proclamation No. 23 reserving the land on which the point of diversion and place of use for the above water right is located.

2. Contemporaneously with the withdrawal of the land, President Cleveland impliedly reserved enough water to fulfill the primary purpose of the land reservation; to wit, water supply to administrative sites.

3. The above water right is necessary for said administrative sites.

4. The minimum amount of water necessary for the administrative site is the amount set forth in the "quantity" element on the attached *Partial Decree*.

5. The United States has satisfied its burden under Idaho Code section 42-1411A(12) as to the nature and existence of the claimed federal reserve water right for the claim.

6. The elements of the federal reserved water right are set forth on the attached *Partial Decree*.

III. ORDER OF PARTIAL DECREE

Therefore, based on the file and record herein, IT IS ORDERED that the above-captioned water right is hereby **decreed** as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

Dated October 20 2005.



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 81-10303

2005 OCT 21 PM 2:47
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED

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

SOURCE: ZION CREEK TRIBUTARY: LOCHSA RIVER

QUANTITY: 0.50 CFS

PRIORITY DATE: 02/22/1897

POINT OF DIVERSION: T35N R09E S28 SESE Within Idaho County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Administrative	05-01 TO 10-31	0.50 CFS

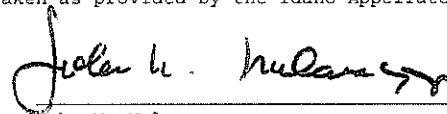
PLACE OF USE: Administrative Within Idaho County
T35N R09E S33 NENE

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS 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

2005 OCT 21 PM 02:00
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	)	CERTIFICATE OF MAILING
	)	
Case No. 39576	)	
_____	)	Water Right(s): 81-10303

CERTIFICATE OF MAILING

I certify that a true and correct copy of the PARTIAL DECREE
PURSUANT TO I.R.C.P. 54(b) for WATER RIGHT 81-10303 was mailed
on October 21, 2005, with sufficient first-class postage prepaid
to the following:

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

UNITED STATES OF AMERICA
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

DIANA DELANEY
Chief Deputy Clerk