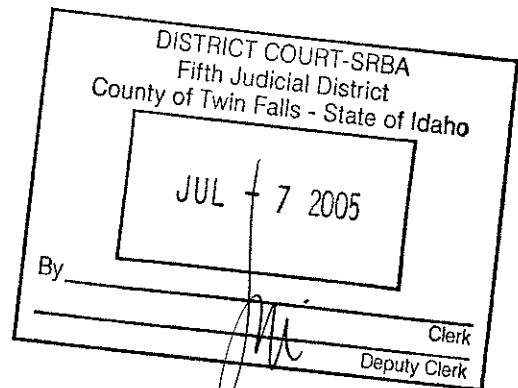




IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA	)	ORDER OF PARTIAL DECREE
	)	
Case No. 39576	)	For Water Right: 35-09040
	)	
_____	)	

On May 18, 2005, an *Amended Special Master's Report and Recommendation* was filed for the above-captioned water right. 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 Recommendation* and wholly adopts them as its own.

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

DATED July 7, 2005.

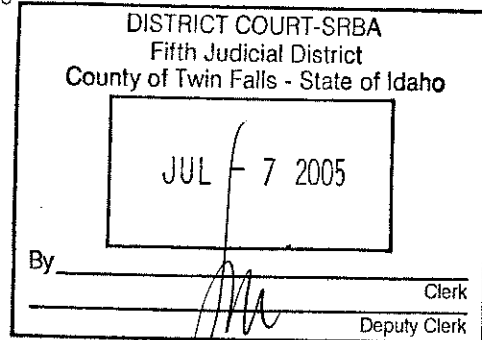

JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

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)
)
Case No. 39576)
_____)

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

Water Right 35-09040



NAME AND ADDRESS: USDI BLM
IDAHO STATE OFFICE
1387 S VINNELL WAY
BOISE, ID 83709

SOURCE: GROUNDWATER

QUANTITY: 0.04 CFS
6.70 AFY

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE: 05/28/1982

POINT OF DIVERSION: T01N R28E S03 SESW Within Butte County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
Wildlife		01-01 TO 12-31	0.02 CFS
			6.70 AFY
Stockwater		04-21 TO 07-15	0.04 CFS
			6.70 AFY

PLACE OF USE:	Stockwater	Within Butte County
	T01N R26E S01 LOT 2 {SWNE}	LOT 1 {SENE}
	R27E S10 NESE	NWSE
	SWSE	SESE
	S15 NESW	NWSW
	SWSW	SESW
	NESE	NWSE
	SWSE	SESE
	S22 NENE	NWNE
	SWNE	SENE
	S28 NENE	NWNE
	SWNE	SENE
	S34 NESW	NWSW
	SWSW	SESW
	S35 NESE	NWSE
	SWSE	SESE
	R28E S07 NESE	NWSE
	SWSE	SESE
	S08 NESE	NWSE
	SWSE	SESE
	S10 NESE	NWSE
	SWSE	SESE
	S19 NESE	NWSE
	SWSE	SESE
	S22 NESE	NWSE
	SWSE	SESE
	S29 NESE	NWSE
	SWSE	SESE
	S30 NESE	NWSE
	SWSE	SESE
	S32 NESE	NWSE
	SWSE	SESE
	S34 NESE	NWSE
	SWSE	SESE

PLACE OF USE (continued)

T01S R28E S05 LOT 4	(SWNW)	LOT 3	(SENW)
S21	NESE		NWSE
	SWSE		SESE
S22	NENW		NWNW
	SWNW		SENW
	NESW		NWSW
	SWSW		SESW
S24	NESE		NWSE
	SWSE		SESE
S25	NENE		NWNE
	SWNE		SENE
	NESE		NWSE
	SWSE		SESE
S33	NENE		NWNE
	SWNE		SENE
	NESW		NWSW
	SWSW		SESW
S34	NENE		NWNE
	SWNE		SENE
			Within Blaine County
T02S R28E S02	NESE		NWSE
	SWSE		SESE
S14	NENW		NWNW
	SWNW		SENW
Wildlife			Within Butte County
Same as Stockwater			Within Blaine County
Same as Stockwater			

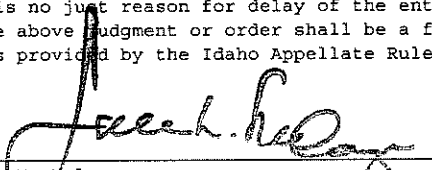
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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

2005 JUL 07 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): 35-09040

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 35-09040 was mailed
on July 07, 2005, with sufficient first-class postage prepaid
to the following:

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

USDI BLM

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

JULIE MURPHY
Chief Deputy Clerk

