

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 79-11340

NAME AND ADDRESS: USDI BLM
IDAHO STATE OFFICE
1387 S VINNELL WAY
BOISE, ID 83709-1657

SOURCE: BEAR GULCH TRIBUTARY: SLATE CREEK

QUANTITY: 0.02 CFS

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

PRIORITY DATE: 06/28/1934

POINT OF DIVERSION: T26N R02E S04 LOT 1 (NENENE) (Instream Ending Point) Within Idaho County
S09 SENENW (Instream Beginning Point)

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
	T26N R02E S04 LOT 1 (NENE)	SENE
		NESE
		SWSE
	S09	NWNE
		NENW

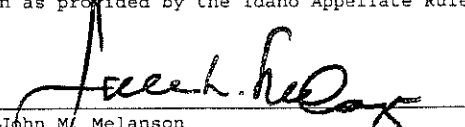
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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

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AUG 05 2004

DEPARTMENT OF
WATER RESOURCES

2004 AUG -4 AM 8:37

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
	)	
Case No. 39576	)	SUBCASES: SEE ATTACHED
	)	EXHIBIT A BASIN 79 SF5 AMENDED
	)	CLAIMS, and 79-10998 and 79-11110
	)	
	)	

On June 29, 2004, a *Special Master's Report and Recommendation* was filed for the above-captioned water rights. No Challenges were filed to the *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 *Special Master's Report* and wholly adopts them as its own.

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

DATED August 4, 2004.



JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

EXHIBIT A BASIN 79 SF5 AMENDED CLAIMS

Subcase Nos:

79-10986	79-11543
79-10987	79-11547
79-10999	79-11549
79-11001	79-11551
79-11004	79-11553
79-11011	79-11568
79-11027	79-11583
79-11028	79-11671
79-11032	79-11745
79-11034	79-11760
79-11039	79-11770
79-11048	
79-11071	
79-11088	
79-11097	
79-11099	
79-11102	
79-11114	
79-11163	
79-11181	
79-11184	
79-11186	
79-11200	
79-11216	
79-11258	
79-11271	
79-11277	
79-11281	
79-11291	
79-11324	
79-11338	
79-11340	
79-11346	
79-11354	
79-11368	
79-11383	
79-11408	
79-11414	
79-11429	
79-11440	
79-11446	
79-11451	
79-11453	
79-11457	
79-11495	
79-11496	
79-11498	
79-11512	
79-11513	
79-11539	

(Subcase list: DML MRR 29)
8/04/04

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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) **SUBCASES: Exhibit A Basin 79 SF5**
) **Amended Claims, 79-10998 and**
Case No. 39576) **79-11110**
)
) **CERTIFICATE OF MAILING**

I certify that a true and correct copy of the **ORDER OF PARTIAL DECREE**
was mailed on August 4, 2004, with sufficient first-class prepaid postage 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


Deputy Clerk