

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 79-11338

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

SOURCE: MOONSHINE CANYON CREEK TRIBUTARY: RICE 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: T29N R01W S25 NESWSE (Instream Ending Point) Within Idaho County  
NESWSE (Instream Beginning Point)

| PURPOSE AND<br>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 R01W S25 SWSE

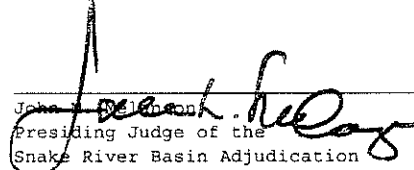
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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 H. Nelson  
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