

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 79-11724

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

SOURCE: SPRING TRIBUTARY: JOHN DAY CREEK

QUANTITY: 0.02 CFS

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

PRIORITY DATE: 04/17/1926

\*\*\*\*\*  
\* 4/17/1926 CLAIMED UNDER FEDERAL RESERVED WATER RIGHT \*  
\* \*  
\* THIS WATER RIGHT IS CLAIMED BASED ON FEDERAL LAW \*  
\* WITH AN APRIL 17, 1926, DATE OF PRIORITY PURSUANT TO AN \*  
\* EXECUTIVE ORDER SIGNED THE SAME DATE AND KNOWN AS PUBLIC \*  
\* WATER RESERVE 107. \*  
\*\*\*\*\*

POINT OF DIVERSION: T26N R02E S28 NESESE Within Idaho County

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 S28 SESE

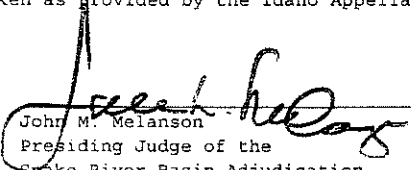
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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

RECEIVED

JUL 30 2004

DEPARTMENT OF  
WATER RESOURCES

2004 JUL 29 AM 9:29

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 FILE |
|                | ) | NUMBER 10                |
|                | ) |                          |
|                | ) |                          |

On June 11, 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 July 29, 2004.

  
JOHN M. MELANSON  
Presiding Judge  
Snake River Basin Adjudication

EXHIBIT A BASIN 79 FED RESERVE RIGHTS

Subcase Nos:

|          |          |
|----------|----------|
| 79-11598 | 79-11708 |
| 79-11600 | 79-11709 |
| 79-11601 | 79-11711 |
| 79-11603 | 79-11712 |
| 79-11605 | 79-11714 |
| 79-11608 | 79-11722 |
| 79-11610 | 79-11724 |
| 79-11612 | 79-11726 |
| 79-11614 | 79-11728 |
| 79-11616 | 79-11730 |
| 79-11618 | 79-11734 |
| 79-11620 | 79-11749 |
| 79-11622 | 79-11751 |
| 79-11624 | 79-11783 |
| 79-11626 | 79-11784 |
| 79-11628 | 79-13681 |
| 79-11630 | 79-13682 |
| 79-11632 | 79-13683 |
| 79-11634 | 79-13685 |
| 79-11636 | 79-13687 |
| 79-11638 | 79-13691 |
| 79-11642 |          |
| 79-11644 |          |
| 79-11648 |          |
| 79-11650 |          |
| 79-11654 |          |
| 79-11658 |          |
| 79-11662 |          |
| 79-11664 |          |
| 79-11667 |          |
| 79-11669 |          |
| 79-11670 |          |
| 79-11673 |          |
| 79-11677 |          |
| 79-11678 |          |
| 79-11679 |          |
| 79-11681 |          |
| 79-11683 |          |
| 79-11685 |          |
| 79-11689 |          |
| 79-11691 |          |
| 79-11693 |          |
| 79-11694 |          |
| 79-11696 |          |
| 79-11698 |          |
| 79-11700 |          |
| 79-11702 |          |
| 79-11704 |          |
| 79-11706 |          |
| 79-11707 |          |

(Subcase list: 79TRIB )  
7/29/04

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER OF PARTIAL DECREE was mailed on July 29, 2004, with sufficient first-class postage to the following:

USDI BLM

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

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Deputy Clerk

A handwritten signature in cursive script, reading "Julie Murphy", is written over a horizontal line.