2004 JUL 02 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 | ) | PARTIAL DECREE PURSUANT TO |
| | ) | I.R.C.P. 54(b) FOR |
| Case No. 39576 | ) | |
| | ) | Water Right 77-11116 |

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

SOURCE: SPRING TRIBUTARY: MAXWELL 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: T24N R05E S28 SWNWNW 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
T24N R05E S28 NWNW

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

2004 JUL -2 PM 3:09
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 (77FN22PD)** |
| | ) | |
| | ) | |
| | ) | |
| | ) | |

On May 14, 2004, an ***Amended Special Master's Report and Recommendation*** was filed for the above-captioned water rights. 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 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 2, 2004.

JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

EXHIBIT A

Subcase Nos:

| | | | |
|---|---|---|---|
| 77-11084 | 77-11190 | 77-11296 | 77-11398 |
| 77-11086 | 77-11192 | 77-11298 | 77-11400 |
| 77-11088 | 77-11194 | 77-11300 | 77-11402 |
| 77-11090 | 77-11196 | 77-11302 | 77-11404 |
| 77-11092 | 77-11198 | 77-11304 | 77-11406 |
| 77-11094 | 77-11202 | 77-11306 | 77-11408 |
| 77-11096 | 77-11204 | 77-11308 | 77-11410 |
| 77-11098 | 77-11206 | 77-11310 | 77-11412 |
| 77-11100 | 77-11208 | 77-11312 | 77-11414 |
| 77-11102 | 77-11210 | 77-11314 | 77-11416 |
| 77-11104 | 77-11212 | 77-11316 | 77-11418 |
| 77-11106 | 77-11214 | 77-11318 | 77-11420 |
| 77-11108 | 77-11216 | 77-11320 | 77-11422 |
| 77-11110 | 77-11218 | 77-11322 | 77-11424 |
| 77-11112 | 77-11220 | 77-11324 | 77-11426 |
| 77-11114 | 77-11222 | 77-11326 | 77-11428 |
| 77-11116 | 77-11224 | 77-11328 | 77-11430 |
| 77-11118 | 77-11226 | 77-11330 | 77-11432 |
| 77-11120 | 77-11228 | 77-11332 | 77-11434 |
| 77-11122 | 77-11232 | 77-11334 | 77-11436 |
| 77-11124 | 77-11234 | 77-11336 | 77-11438 |
| 77-11126 | 77-11236 | 77-11338 | 77-11440 |
| 77-11128 | 77-11238 | 77-11340 | 77-11442 |
| 77-11130 | 77-11242 | 77-11342 | 77-11444 |
| 77-11132 | 77-11244 | 77-11344 | 77-11446 |
| 77-11134 | 77-11246 | 77-11346 | 77-11448 |
| 77-11136 | 77-11248 | 77-11348 | 77-11450 |
| 77-11138 | 77-11250 | 77-11350 | 77-11454 |
| 77-11140 | 77-11252 | 77-11352 | 77-11472 |
| 77-11142 | 77-11254 | 77-11354 | 77-11474 |
| 77-11146 | 77-11256 | 77-11356 | 77-11476 |
| 77-11148 | 77-11258 | 77-11358 | 77-11478 |
| 77-11150 | 77-11260 | 77-11362 | 77-11482 |
| 77-11152 | 77-11262 | 77-11364 | 77-11484 |
| 77-11154 | 77-11264 | 77-11366 | 77-11486 |
| 77-11156 | 77-11266 | 77-11368 | 77-11490 |
| 77-11160 | 77-11268 | 77-11370 | 77-11492 |
| 77-11162 | 77-11270 | 77-11372 | 77-11494 |
| 77-11164 | 77-11272 | 77-11374 | 77-11496 |
| 77-11166 | 77-11274 | 77-11376 | 77-11498 |
| 77-11168 | 77-11276 | 77-11378 | 77-13933 |
| 77-11170 | 77-11278 | 77-11380 | |
| 77-11172 | 77-11280 | 77-11382 | |
| 77-11174 | 77-11282 | 77-11384 | |
| 77-11176 | 77-11284 | 77-11386 | |
| 77-11178 | 77-11286 | 77-11388 | |
| 77-11180 | 77-11288 | 77-11390 | |
| 77-11182 | 77-11290 | 77-11392 | |
| 77-11186 | 77-11292 | 77-11394 | |
| 77-11188 | 77-11294 | 77-11396 | |

(Subcase list: 77FN22PD )
7/02/04

## CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER OF PARTIAL DECREE was mailed on July 02, 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

Julie Murphy
Deputy Clerk