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Department of Water Resources

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DISTRICT COURT - SRBA  
TWIN FALLS CO., IDAHO  
FILED *mc*

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

Water Right Nos.: See Attached Exhibit A  
(PWR / 72 MRR)

On March 4, 2004, a *Special Master's Report and Recommendation on Federal Reserved Water Rights Pursuant to PWR 107* was filed for the above-captioned water rights. No Challenges were filed to the *Special Master's Report and Recommendation on Federal Reserved Water Rights Pursuant to PWR 107* 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 Recommendation on Federal Reserved Water Rights Pursuant to PWR 107* 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 May 7, 2004.



JOHN M. MELANSON  
Presiding Judge  
Snake River Basin Adjudication

# EXHIBIT A

Subcase Nos:

|          |          |          |          |          |          |
|----------|----------|----------|----------|----------|----------|
| 72-11769 | 72-12007 | 72-12265 | 72-12599 | 72-12895 | 72-13119 |
| 72-11779 | 72-12009 | 72-12277 | 72-12615 | 72-12897 | 72-13121 |
| 72-11787 | 72-12015 | 72-12283 | 72-12619 | 72-12899 | 72-13123 |
| 72-11789 | 72-12019 | 72-12285 | 72-12621 | 72-12901 | 72-13125 |
| 72-11791 | 72-12023 | 72-12295 | 72-12627 | 72-12903 | 72-13131 |
| 72-11799 | 72-12027 | 72-12297 | 72-12629 | 72-12909 | 72-13133 |
| 72-11803 | 72-12029 | 72-12305 | 72-12631 | 72-12911 | 72-13135 |
| 72-11805 | 72-12033 | 72-12307 | 72-12633 | 72-12913 | 72-13137 |
| 72-11813 | 72-12035 | 72-12309 | 72-12641 | 72-12915 | 72-13141 |
| 72-11817 | 72-12043 | 72-12323 | 72-12643 | 72-12917 | 72-13143 |
| 72-11819 | 72-12047 | 72-12329 | 72-12645 | 72-12919 | 72-13145 |
| 72-11825 | 72-12053 | 72-12331 | 72-12647 | 72-12921 | 72-13147 |
| 72-11833 | 72-12057 | 72-12337 | 72-12649 | 72-12923 | 72-13151 |
| 72-11835 | 72-12059 | 72-12341 | 72-12675 | 72-12925 | 72-13155 |
| 72-11837 | 72-12061 | 72-12343 | 72-12687 | 72-12927 | 72-13159 |
| 72-11839 | 72-12067 | 72-12345 | 72-12695 | 72-12929 | 72-13161 |
| 72-11841 | 72-12075 | 72-12365 | 72-12697 | 72-12933 | 72-13163 |
| 72-11843 | 72-12077 | 72-12371 | 72-12699 | 72-12935 | 72-13165 |
| 72-11847 | 72-12079 | 72-12373 | 72-12701 | 72-12937 | 72-13167 |
| 72-11849 | 72-12081 | 72-12375 | 72-12703 | 72-12953 | 72-13169 |
| 72-11855 | 72-12085 | 72-12381 | 72-12705 | 72-12955 | 72-13171 |
| 72-11857 | 72-12091 | 72-12399 | 72-12707 | 72-12961 | 72-13173 |
| 72-11859 | 72-12093 | 72-12429 | 72-12715 | 72-12983 | 72-13175 |
| 72-11861 | 72-12095 | 72-12443 | 72-12725 | 72-12989 | 72-13177 |
| 72-11863 | 72-12101 | 72-12453 | 72-12737 | 72-12991 | 72-13179 |
| 72-11865 | 72-12105 | 72-12465 | 72-12751 | 72-12995 | 72-13181 |
| 72-11867 | 72-12111 | 72-12467 | 72-12753 | 72-13005 | 72-13187 |
| 72-11877 | 72-12113 | 72-12473 | 72-12755 | 72-13007 | 72-13189 |
| 72-11881 | 72-12123 | 72-12479 | 72-12765 | 72-13009 | 72-13193 |
| 72-11883 | 72-12125 | 72-12481 | 72-12769 | 72-13011 | 72-13195 |
| 72-11897 | 72-12131 | 72-12485 | 72-12771 | 72-13013 | 72-13197 |
| 72-11911 | 72-12137 | 72-12519 | 72-12785 | 72-13029 | 72-13201 |
| 72-11917 | 72-12139 | 72-12523 | 72-12787 | 72-13033 | 72-13205 |
| 72-11919 | 72-12147 | 72-12533 | 72-12791 | 72-13037 | 72-13207 |
| 72-11927 | 72-12151 | 72-12535 | 72-12817 | 72-13039 | 72-13211 |
| 72-11937 | 72-12165 | 72-12539 | 72-12819 | 72-13043 | 72-13213 |
| 72-11941 | 72-12171 | 72-12545 | 72-12823 | 72-13069 | 72-13227 |
| 72-11943 | 72-12173 | 72-12555 | 72-12831 | 72-13071 | 72-13229 |
| 72-11955 | 72-12191 | 72-12557 | 72-12837 | 72-13073 | 72-13231 |
| 72-11957 | 72-12211 | 72-12559 | 72-12841 | 72-13085 | 72-13233 |
| 72-11961 | 72-12217 | 72-12561 | 72-12843 | 72-13087 | 72-13235 |
| 72-11969 | 72-12221 | 72-12563 | 72-12845 | 72-13091 | 72-13237 |
| 72-11971 | 72-12225 | 72-12565 | 72-12849 | 72-13095 | 72-13239 |
| 72-11973 | 72-12227 | 72-12573 | 72-12851 | 72-13097 | 72-13241 |
| 72-11975 | 72-12233 | 72-12575 | 72-12865 | 72-13107 | 72-13243 |
| 72-11979 | 72-12239 | 72-12579 | 72-12867 | 72-13109 | 72-13245 |
| 72-11981 | 72-12243 | 72-12581 | 72-12873 | 72-13111 | 72-13247 |
| 72-11983 | 72-12245 | 72-12587 | 72-12877 | 72-13113 | 72-13251 |
| 72-12001 | 72-12247 | 72-12589 | 72-12881 | 72-13115 | 72-13253 |
| 72-12005 | 72-12249 | 72-12591 | 72-12891 | 72-13117 | 72-13257 |

(Subcase list: PWR/72 MRR)

4/26/04

## EXHIBIT A

## Subcase Nos:

|          |          |          |          |          |          |
|----------|----------|----------|----------|----------|----------|
| 72-13259 | 72-13395 | 72-13329 | 72-14183 | 72-14459 | 72-14839 |
| 72-13263 | 72-13415 | 72-13859 | 72-14197 | 72-14467 | 72-14855 |
| 72-13265 | 72-13417 | 72-13863 | 72-14199 | 72-14469 | 72-14857 |
| 72-13267 | 72-13421 | 72-13885 | 72-14203 | 72-14473 | 72-14859 |
| 72-13271 | 72-13423 | 72-13887 | 72-14205 | 72-14475 | 72-14861 |
| 72-13275 | 72-13425 | 72-13893 | 72-14217 | 72-14485 | 72-14863 |
| 72-13277 | 72-13427 | 72-13897 | 72-14229 | 72-14489 | 72-14865 |
| 72-13279 | 72-13433 | 72-13899 | 72-14231 | 72-14495 | 72-14875 |
| 72-13281 | 72-13451 | 72-13903 | 72-14233 | 72-14497 | 72-14877 |
| 72-13283 | 72-13457 | 72-13905 | 72-14235 | 72-14499 | 72-14889 |
| 72-13285 | 72-13459 | 72-13907 | 72-14239 | 72-14503 | 72-14899 |
| 72-13287 | 72-13461 | 72-13911 | 72-14241 | 72-14507 | 72-14901 |
| 72-13289 | 72-13463 | 72-13929 | 72-14243 | 72-14513 | 72-14903 |
| 72-13291 | 72-13471 | 72-13931 | 72-14245 | 72-14515 | 72-14911 |
| 72-13299 | 72-13475 | 72-13933 | 72-14247 | 72-14519 | 72-14923 |
| 72-13301 | 72-13501 | 72-13945 | 72-14257 | 72-14527 | 72-14925 |
| 72-13303 | 72-13503 | 72-13947 | 72-14255 | 72-14555 | 72-14927 |
| 72-13305 | 72-13509 | 72-13981 | 72-14267 | 72-14571 | 72-14937 |
| 72-13307 | 72-13513 | 72-13997 | 72-14273 | 72-14613 | 72-14957 |
| 72-13311 | 72-13557 | 72-14013 | 72-14279 | 72-14623 | 72-14961 |
| 72-13313 | 72-13559 | 72-14015 | 72-14281 | 72-14637 | 72-14965 |
| 72-13315 | 72-13569 | 72-14019 | 72-14293 | 72-14643 | 72-14967 |
| 72-13317 | 72-13597 | 72-14021 | 72-14295 | 72-14659 | 72-14969 |
| 72-13319 | 72-13599 | 72-14027 | 72-14299 | 72-14663 | 72-14971 |
| 72-13321 | 72-13603 | 72-14033 | 72-14301 | 72-14665 | 72-14975 |
| 72-13323 | 72-13607 | 72-14037 | 72-14307 | 72-14669 | 72-14979 |
| 72-13327 | 72-13611 | 72-14039 | 72-14309 | 72-14671 | 72-14987 |
| 72-13329 | 72-13653 | 72-14041 | 72-14311 | 72-14673 | 72-15003 |
| 72-13331 | 72-13655 | 72-14047 | 72-14315 | 72-14675 | 72-15007 |
| 72-13333 | 72-13667 | 72-14059 | 72-14319 | 72-14681 | 72-15011 |
| 72-13335 | 72-13683 | 72-14061 | 72-14323 | 72-14713 | 72-15015 |
| 72-13337 | 72-13687 | 72-14067 | 72-14329 | 72-14755 | 72-15017 |
| 72-13339 | 72-13721 | 72-14069 | 72-14337 | 72-14767 | 72-15025 |
| 72-13343 | 72-13755 | 72-14071 | 72-14341 | 72-14771 | 72-15029 |
| 72-13345 | 72-13767 | 72-14073 | 72-14345 | 72-14773 | 72-15031 |
| 72-13347 | 72-13769 | 72-14075 | 72-14349 | 72-14775 | 72-15037 |
| 72-13349 | 72-13773 | 72-14079 | 72-14363 | 72-14777 | 72-15039 |
| 72-13351 | 72-13777 | 72-14081 | 72-14367 | 72-14779 | 72-15041 |
| 72-13357 | 72-13783 | 72-14095 | 72-14379 | 72-14785 | 72-15043 |
| 72-13359 | 72-13785 | 72-14097 | 72-14397 | 72-14789 | 72-15063 |
| 72-13361 | 72-13787 | 72-14101 | 72-14399 | 72-14803 | 72-15065 |
| 72-13363 | 72-13789 | 72-14103 | 72-14401 | 72-14807 | 72-15067 |
| 72-13365 | 72-13793 | 72-14107 | 72-14413 | 72-14811 | 72-15069 |
| 72-13367 | 72-13795 | 72-14109 | 72-14423 | 72-14817 | 72-15073 |
| 72-13381 | 72-13803 | 72-14115 | 72-14431 | 72-14823 | 72-15075 |
| 72-13383 | 72-13807 | 72-14119 | 72-14437 | 72-14825 | 72-15077 |
| 72-13385 | 72-13813 | 72-14145 | 72-14439 | 72-14827 | 72-15085 |
| 72-13387 | 72-13815 | 72-14147 | 72-14449 | 72-14829 | 72-15103 |
| 72-13391 | 72-13821 | 72-14175 | 72-14455 | 72-14831 | 72-15109 |
| 72-13393 | 72-13825 | 72-14181 | 72-14457 | 72-14837 | 72-15113 |

(Subcase list: PWR/72 MRR)

4/26/04

EXHIBIT A

Subcase Nos:

|          |          |
|----------|----------|
| 72-15117 | 72-15485 |
| 72-15119 | 72-15503 |
| 72-15123 | 72-15535 |
| 72-15125 | 72-15561 |
| 72-15127 | 72-15563 |
| 72-15133 | 72-15569 |
| 72-15135 | 72-15573 |
| 72-15137 | 72-15575 |
| 72-15139 | 72-15597 |
| 72-15153 | 72-15599 |
| 72-15161 | 72-15601 |
| 72-15165 | 72-15603 |
| 72-15183 | 72-15605 |
| 72-15187 | 72-15617 |
| 72-15195 | 72-15633 |
| 72-15201 | 72-15655 |
| 72-15203 | 72-15665 |
| 72-15209 | 72-15667 |
| 72-15217 | 72-15671 |
| 72-15223 | 72-15675 |
| 72-15225 | 72-15679 |
| 72-15227 | 72-15687 |
| 72-15229 | 72-15689 |
| 72-15243 | 72-15691 |
| 72-15261 | 72-15709 |
| 72-15279 | 72-15711 |
| 72-15289 | 72-15713 |
| 72-15297 | 72-15717 |
| 72-15301 | 72-15731 |
| 72-15309 | 72-15735 |
| 72-15311 | 72-15741 |
| 72-15319 | 72-15747 |
| 72-15345 | 72-15751 |
| 72-15355 |          |
| 72-15357 |          |
| 72-15363 |          |
| 72-15381 |          |
| 72-15421 |          |
| 72-15429 |          |
| 72-15431 |          |
| 72-15433 |          |
| 72-15435 |          |
| 72-15437 |          |
| 72-15441 |          |
| 72-15447 |          |
| 72-15449 |          |
| 72-15465 |          |
| 72-15471 |          |
| 72-15473 |          |
| 72-15483 |          |

(Subcase list: PWR/72 MRR)  
4/26/04

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER OF PARTIAL DECREE was mailed on May 07, 2004, with sufficient first-class postage to the following:

STATE OF IDAHO

Represented by:  
NATURAL RESOURCES DIV CHIEF  
STATE OF IDAHO  
ATTORNEY GENERAL'S OFFICE  
PO BOX 44449  
BOISE, ID 83711-4449

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

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 72-12345

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

SOURCE: MARCO SPRING TRIBUTARY: SALMON RIVER, EAST FORK

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: T10N R18E S29 SWSWSW Within Custer County

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY |
|-------------------------------|----------------|----------------|----------|
|                               | Stockwater     | 01-01 TO 12-31 | 0.02 CFS |

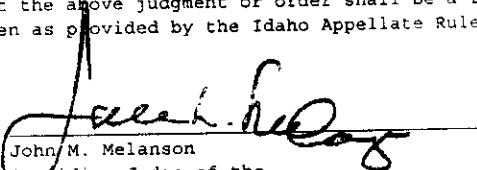
PLACE OF USE: Stockwater Within Custer County  
T10N R18E S29 SWSW

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