2004 MAY -4 AM 10: 53

# 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 Exhibit A
·	)	
	)	

On March 3, 2004, a *Special Master's Report and Recommendation* was filed for the above 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 May 4, 2004.

JOHN M. MELANSON

Presiding Judge

Snake River Basin Adjudication

### EXHIBIT A

#### Subcase Nos:

32-10768	32-10774 32-10776 32-10778 32-10782 32-10784 32-10786 32-10786 32-10790 32-10800 32-10802 32-10804 32-10804 32-10808 32-10818 32-10828 32-10828 32-10836 32-10844 32-10846 32-10856 32-10856 32-10856 32-10856 32-10868 32-10870 32-10888 32-10888 32-10888 32-10888 32-10889 32-10888 32-10888 32-10896 32-10896 32-10896 32-10900 32-10900 32-10900 32-10900 32-10900 32-10940 32-10940 32-10946 32-10958	32-10960 32-10970 32-10978 32-10990 32-10990 32-10994 32-10998 32-11002 32-11018 32-11030 32-11040 32-11044 32-11046 32-11068 32-11070 32-11072 32-11074 32-11177 32-11178 32-11178 32-11203
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(Subcase list: PWR/MRR 32) 4/16/04

#### CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER OF PARTIAL DECREE was mailed on May 04, 2004, with sufficient first-cla 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

Deputy Clerk Turphy

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2004 MAY 04 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 32-11203

NAME AND ADDRESS.

USDI BLM

IDAHO STATE OFFICE 1387 S VINNELL WAY BOISE, ID 83709-1657

SOURCE:

SPRING TRIBUTARY: MEDICINE LODGE 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:

T11N R34E S18

SWNENE

Within Clark 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 Clark County

TIIN PRAR SIR

NENE

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 projected by the Idaho Appellate Rules.

John M. Melanson

Presiding Judge of the

Snake River Basin Adjudication