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JUN 15 2004

|                                                                                         |              |
|-----------------------------------------------------------------------------------------|--------------|
| DISTRICT COURT-SRBA<br>Fifth Judicial District<br>County of Twin Falls - State of Idaho |              |
| JUN 14 2004                                                                             |              |
| By _____                                                                                | Clerk        |
| _____                                                                                   | Deputy Clerk |

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

Case No. 39576

ORDER OF PARTIAL DECREE

SUBCASES: See Attached Exhibit A  
(PWR 107 APRIL 17, 1926) and Attached  
Exhibit B (47 PWR28 MAY 31, 1915)

On April 14, 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 June 14, 2004.

  
JOHN M. MELANSON  
Presiding Judge  
Snake River Basin Adjudication

EXHIBIT A (PWR 107 APRIL 17, 1926)

Subcase Nos:

|          |          |
|----------|----------|
| 47-15285 | 47-15785 |
| 47-15287 | 47-15791 |
| 47-15297 | 47-15799 |
| 47-15299 | 47-15810 |
| 47-15310 | 47-15812 |
| 47-15319 | 47-15833 |
| 47-15334 | 47-15895 |
| 47-15337 | 47-16477 |
| 47-15340 | 47-16478 |
| 47-15343 | 47-16481 |
| 47-15346 | 47-16494 |
| 47-15349 | 47-16496 |
| 47-15352 | 47-16509 |
| 47-15399 | 47-16510 |
| 47-15402 | 47-16517 |
| 47-15405 | 47-16518 |
| 47-15411 | 47-16519 |
| 47-15414 | 47-16520 |
| 47-15427 | 47-16521 |
| 47-15430 | 47-16522 |
| 47-15446 | 47-16524 |
| 47-15450 | 47-16531 |
| 47-15451 | 47-16534 |
| 47-15461 | 47-16535 |
| 47-15465 | 47-16536 |
| 47-15495 | 47-16543 |
| 47-15498 | 47-16545 |
| 47-15501 | 47-16546 |
| 47-15540 | 47-16555 |
| 47-15543 | 47-16556 |
| 47-15551 | 47-16560 |
| 47-15554 | 47-16561 |
| 47-15557 | 47-16562 |
| 47-15560 | 47-16565 |
| 47-15566 | 47-16577 |
| 47-15573 | 47-16578 |
| 47-15576 | 47-16584 |
| 47-15581 | 47-16590 |
| 47-15584 | 47-16591 |
| 47-15638 | 47-16592 |
| 47-15641 |          |
| 47-15644 |          |
| 47-15665 |          |
| 47-15677 |          |
| 47-15680 |          |
| 47-15722 |          |
| 47-15726 |          |
| 47-15734 |          |
| 47-15738 |          |
| 47-15742 |          |

(Subcase list: VACADISPO )  
6/14/04

EXHIBIT B (47 PWR28 MAY 31, 1915)

Subcase Nos:

47-15468  
47-15471  
47-15472  
47-15473  
47-15480  
47-15482  
47-15487  
47-15492  
47-15529  
47-15532  
47-15535  
47-15546  
47-15563  
47-15607  
47-15610  
47-15875  
47-16558  
47-16563  
47-16564

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER OF PARTIAL DECREE was mailed on June 14, 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

A handwritten signature in cursive script, appearing to read "Julie Murphy", is written over a horizontal line. The signature is in dark ink and is positioned to the right of the printed text "Deputy Clerk".

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 47-15610

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

SOURCE: UNNAMED STREAM TREBUTARY: SHACK CREEK

QUANTITY: 0.02 CFS

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

PRIORITY DATE: 05/31/1915

THIS WATER RIGHT IS DECREED BASED ON FEDERAL LAW WITH A  
MAY 31, 1915, DATE OF PRIORITY PURSUANT TO AN EXECUTIVE ORDER  
SIGNED THE SAME DATE AND KNOWN AS PUBLIC WATER RESERVE 28.

POINT OF DIVERSION: T16S R13E S28 LOT 4 (SESW) (Instream Ending Point) Within Twin Falls County  
LOT 3 (SWSESW) (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 |

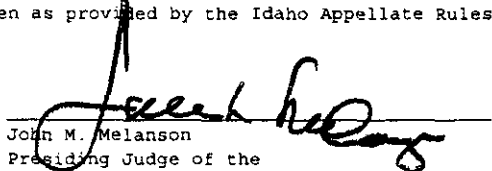
PLACE OF USE: Stockwater Within Twin Falls County  
T16S R13E S28 LOT 4 (SWSW) LOT 3 (SESW)

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

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