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

RECEIVED
JUN 15 2004
DEPARTMENT OF WATER RESOURCES

**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 (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

(Subcase list: 47 PWR28 )
6/14/04

## 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

Julie Murphy
Deputy Clerk

2004 JUN 14 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 47-15482 |

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

SOURCE: UNNAMED STREAM TRIBUTARY: HOUSE 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 R12E S13 SWNESE (Instream Beginning Point) Within Twin Falls County
NENWSE (Instream Ending Point)

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 Twin Falls County
T16S R12E S13 NESE NWSE

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