

MAY 24 PM 1:07
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

Case No. 39576

) ORDER OF PARTIAL DECREE
)
)
)
)
)
)
)

SUBCASES: SEE ATTACHED EXHIBIT A
(B51MRR)

On March 9, 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 May 24, 2004.



JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

EXHIBIT A

Subcase Nos:

51-10514	51-11178	51-11589
51-10515	51-11230	51-11594
51-10520	51-11359	51-11599
51-10598	51-11365	51-11604
51-10600	51-11370	51-11609
51-10628	51-11375	51-11614
51-10865	51-11380	51-11619
51-10868	51-11385	51-11624
51-10870	51-11390	51-11629
51-10875	51-11395	51-11634
51-10884	51-11400	51-11636
51-10890	51-11405	51-11639
51-10892	51-11409	51-11644
51-10895	51-11414	51-11649
51-10899	51-11419	51-11654
51-10901	51-11424	51-11659
51-10910	51-11429	51-11664
51-10914	51-11434	51-11669
51-10917	51-11439	51-11674
51-10920	51-11444	51-11679
51-10932	51-11449	51-11688
51-10941	51-11454	51-11693
51-10943	51-11459	51-11698
51-10947	51-11464	51-11703
51-10949	51-11469	51-11706
51-10956	51-11474	51-11711
51-10958	51-11479	51-11716
51-10968	51-11489	51-11721
51-10970	51-11494	51-11726
51-10974	51-11496	51-11731
51-10982	51-11499	51-11736
51-10986	51-11501	51-11741
51-10992	51-11504	51-11746
51-10994	51-11506	51-11751
51-11018	51-11509	51-11756
51-11022	51-11514	51-11761
51-11043	51-11519	51-11766
51-11045	51-11524	51-11771
51-11047	51-11529	51-11776
51-11051	51-11534	51-11781
51-11053	51-11539	51-11786
51-11055	51-11544	51-11791
51-11057	51-11549	51-11796
51-11071	51-11554	51-11801
51-11076	51-11559	51-11806
51-11078	51-11564	51-11811
51-11082	51-11569	51-11816
51-11100	51-11574	
51-11105	51-11579	
51-11106	51-11584	

(Subcase list: B51MRR)
4/19/04

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER OF PARTIAL DECREE was mailed on May 24, 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

A handwritten signature in cursive script, appearing to read "Julie Murphy", is written over a horizontal line.

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 51-10949

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

SOURCE: POLE CREEK SPRING TRIBUTARY: POLE 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: T16S R06E S29 SENW Within Owyhee 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 Owyhee County
T16S R06E S29 SENW

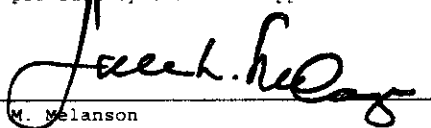
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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