

2004 MAY 24 PM 2: 21
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	)	ORDER OF PARTIAL DECREE
	)	
Case No. 39576	)	SUBCASES: SEE ATTACHED EXHIBIT A
	)	(B55MRRDD)
	)	
	)	
	)	
	)	

On March 5, 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:

55-10360	55-10757	55-10887	55-11518	55-12574	55-13381
55-10370	55-10759	55-10889	55-11543	55-12580	55-13386
55-10372	55-10761	55-10891	55-11545	55-12582	55-13388
55-10376	55-10763	55-10899	55-11550	55-12586	55-13390
55-10396	55-10765	55-10903	55-11560	55-12588	
55-10400	55-10767	55-10911	55-11562	55-12590	
55-10404	55-10769	55-10915	55-11587	55-12601	
55-10414	55-10771	55-10917	55-11591	55-12603	
55-10418	55-10773	55-10919	55-11619	55-12609	
55-10420	55-10775	55-10921	55-11638	55-12617	
55-10422	55-10777	55-10923	55-11659	55-12623	
55-10434	55-10781	55-10925	55-11667	55-12625	
55-10436	55-10783	55-10929	55-11694	55-12647	
55-10440	55-10785	55-10933	55-11708	55-12651	
55-10442	55-10787	55-10943	55-11731	55-12653	
55-10444	55-10789	55-10961	55-11733	55-12655	
55-10446	55-10791	55-10963	55-11745	55-12657	
55-10448	55-10793	55-10967	55-11747	55-12661	
55-10450	55-10795	55-10971	55-11751	55-12663	
55-10466	55-10797	55-10973	55-11753	55-12667	
55-10472	55-10799	55-10975	55-11757	55-12669	
55-10474	55-10801	55-10977	55-11759	55-12677	
55-10476	55-10803	55-10992	55-11785	55-12679	
55-10486	55-10805	55-11019	55-11787	55-12693	
55-10502	55-10813	55-11021	55-11823	55-12697	
55-10506	55-10815	55-11027	55-11845	55-12703	
55-10532	55-10817	55-11029	55-11862	55-12709	
55-10534	55-10819	55-11033	55-11873	55-12711	
55-10573	55-10821	55-11198	55-11881	55-12715	
55-10594	55-10823	55-11213	55-12000	55-12816	
55-10615	55-10825	55-11217	55-12012	55-12837	
55-10623	55-10833	55-11219	55-12035	55-12868	
55-10625	55-10835	55-11242	55-12131	55-12902	
55-10630	55-10837	55-11244	55-12167	55-12910	
55-10632	55-10841	55-11248	55-12205	55-12912	
55-10703	55-10843	55-11252	55-12215	55-12915	
55-10707	55-10855	55-11254	55-12244	55-12916	
55-10709	55-10859	55-11258	55-12298	55-12925	
55-10711	55-10861	55-11260	55-12322	55-12935	
55-10717	55-10863	55-11262	55-12355	55-12937	
55-10727	55-10865	55-11272	55-12382	55-12944	
55-10731	55-10867	55-11274	55-12428	55-12952	
55-10733	55-10869	55-11282	55-12498	55-13107	
55-10735	55-10871	55-11284	55-12535	55-13109	
55-10737	55-10873	55-11291	55-12537	55-13113	
55-10739	55-10875	55-11293	55-12539	55-13142	
55-10743	55-10877	55-11294	55-12541	55-13244	
55-10745	55-10881	55-11340	55-12545	55-13277	
55-10747	55-10883	55-11454	55-12547	55-13346	
55-10751	55-10885	55-11456	55-12562	55-13352	

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, reading "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 55-12601

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

SOURCE: SPRING TRIBUTARY: BATTLE 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 A 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: T09S R01E S17 SENWSE 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
T09S R01E S17 NWSE

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