FILED M

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.

Presiding Judge

Snake River Basin Adjudication

EXHIBIT A

Subcase Nos:

| 55-10472 55-10474 55-10476 55-10502 55-10506 55-10534 55-10534 55-10594 55-10625 55-10625 55-10625 55-10630 55-10630 55-10707 55-10707 55-10717 55-10717 55-10737 55-10737 55-10737 55-10737 55-10739 55-10743 | 55-10765 55-10767 55-10773 55-10773 55-10777 55-10783 55-10785 55-10787 55-10789 55-10799 55-10799 55-10799 55-10799 55-10803 55-10817 55-10821 55-10833 55-10835 55-10835 55-10835 55-10835 55-10837 55-10867 55-10867 55-10877 | 55-10971 55-10973 55-10977 55-10992 55-11029 55-11027 55-11029 55-11029 55-11213 55-11217 55-11217 55-11242 55-11244 55-11248 55-11252 55-11254 55-11252 55-11254 55-11252 55-11252 55-11254 55-11252 55-11253 55-11260 55-11274 55-11272 55-11274 55-11293 55-11293 | 55-11587 55-11587 55-11619 55-11638 55-11659 55-11667 55-11694 55-11733 55-11745 55-11745 55-11753 55-11753 55-11759 55-11759 55-11788 55-11845 55-11845 55-118862 55-118862 55-11887 55-118881 55-120012 55-12035 55-12035 55-12213 55-12244 55-12298 55-12382 55-12382 55-12382 55-12537 55-12539 55-12539 55-12541 | 55-12588 55-12590 55-12603 55-12603 55-12617 55-12623 55-126247 55-126253 55-12655 55-12655 55-12663 55-12667 55-12667 55-12667 55-126697 55-12679 55-126997 55-12715 55-12715 55-12837 55-12837 55-12916 55-12912 55-12912 55-12913 55-12913 55-12913 55-12914 55-12925 55-12937 | 55-13390 |
|--|--|--|--|--|----------|
| 55-10739 | 55-10875 55-10877 55-10881 | 55-11293 55-11294 55-11340 | 55-12539 55-12541 55-12545 | 55-13142 55-13244 55-13277 | |
| 55-10747 55-10751 | 55-10883 55-10885 | 55-11454 55-11456 | 55-12547 55-12562 | 55-13346 55-13352 | |

(Subcase list: B55MRRDD) 5/24/04

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-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 Wiphy

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FILE COPY FOR 00011

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

NAME AND ADDRESS:

USDI BLM

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

SOURCE:

SPRING TRIBUTARY: THOMAS 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:

T11S R05W S13

NWNENE

Within Owyhee County

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

OUANTITY

01-01 TO 12-31 0.02 CFS

PLACE OF USE:

Stockwater

Within Owyhee County

T11S R05W S13

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. [.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.

Presiding Judge of the Smake River Basin Adjudication

John M