TO NEALLS CO., IDAHO

# 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.

OHNM. MELANSON

Presiding Judge

Snake River Basin Adjudication

### EXHIBIT A

#### Subcase Nos:

55-10360 55-10370 55-10372 55-10376	55-10757 55-10759 55-10761 55-10763		55-11518 55-11543 55-11545 55-11550	55-12574 55-12580 55-12582 55-12586	55-13381 55-13386 55-13388 55-13390
55-10396 55-10400 55-10404	55-10765 55-10767 55-10769	55-10911 55-10915		55-12588 55-12590 55-12601 55-12603	
55-10414 55-10418 55-10420 55-10422	55-10771 55-10773 55-10775 55-10777	55-10919 55-10921	55-11619 55-11638	55-12609 55-12617 55-12623	
55-10434 55-10436 55-10440	55-10781 55-10783 55-10785	55-10933	55-11694 55-11708	55-12647 55-12651	
55-10442 55-10444 55-10446 55-10448	55-10787 55-10789 55-10791 55-10793	55-10961 55-10963	55-11733 55-11745	55-12655 55-12657 55-12661	
55-10450 55-10466 55-10472	55-10795 55-10797 55-10799	55-10973 55-10975		55-12667 55-12669	
55-10474 55-10476 55-10486 55-10502	55-10801 55-10803 55-10805 55-10813	55-10992 55-11019 55-11021	55-11785 55-11787 55-11823	55-12679 55-12693 55-12697	
55-10506 55-10532 55-10534 55-10573	55-10815 55-10817 55-10819 55-10821	55-11027 55-11029 55-11033 55-11198	55-11862 55-11873		
55-10594 55-10615 55-10623	55-10823 55-10825 55-10833	55-11213 55-11217 55-11219	55-12000 55-12012 55-12035	55-12837 55-12868	
55-10625 55-10630 55-10632 55-10703	55-10837 55-10841	55-11242 55-11244 55-11248 55-11252	55-12167 55-12205	55-12910	
55-10707 55-10709 55-10711	55-10855 55-10859 55-10861	55-11254 55-11258 55-11260	55-12244 55-12298 55-12322	55-12916 55-12925 55-12935	
55-10717 55-10727 55-10731 55-10733	55-10863 55-10865 55-10867 55-10869	55-11262 55-11272 55-11274 55-11282	55-12355 55-12382 55-12428 55-12498	55-12937 55-12944 55-12952 55-13107	
55-10735 55-10737 55-10739	55-10871 55-10873 55-10875	55-11284 55-11291 55-11293	55-12535 55-12537 55-12539	55-13109 55-13113 55-13142	
55-10743 55-10745 55-10747	55-10877 55-10881 55-10883 55-10885	55-11294 55-11340 55-11454 55-11456	55-12541 55-12545 55-12547 55-12562	55-13244 55-13277 55-13346 55-13352	
55-10751	22-10002	33 11430		<del>-</del>	

(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 Withy

FILE COPY FOR 00011

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2004 MAY 24 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 55-10737

NAME AND ADDRESS:

USDI BLM

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

SOURCE:

ROARING SPRING TRIBUTARY: RED CANYON, WEST FORK

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:

T12S R04W S17

SESWNW

Within Owyhee County

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

T12S R04W S17

01-01 TO 12-31

0.02 CFS

PLACE OF USE:

Stockwater

Stockwater

SWNW

Within Owyhee County

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.

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John M. Melanson Presiding Judge of the

Snake River Basin Adjudication