

RECEIVED  
AUG 02 2004  
DEPARTMENT OF  
WATER RESOURCES

2004 JUL 30 PM 1:14  
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

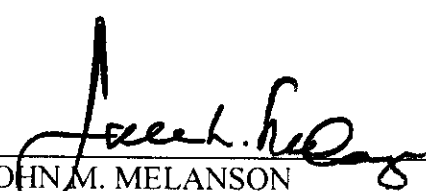
SUBCASES: 63-5120, 63-24350, 63-24351,  
63-24352, 63-24353, 63-24354, 63-24355,  
63-24356 & 63-30999

On June 11, 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 July 30, 2004.

  
JOHN M. MELANSON  
Presiding Judge  
Snake River Basin Adjudication

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 63-05120

2004 JUL 30 PM 1:14  
DISTRICT COURT - SRBA  
TWIN FALLS CO., IDAHO  
FILED *[Signature]*

NAME AND ADDRESS: USDA FOREST SERVICE  
550 W FORT ST, MSC 033  
BOISE, ID 83724

SOURCE: SPRING TRIBUTARY: COTTONWOOD CREEK

QUANTITY: 0.02 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000  
GALLONS PER DAY.

PRIORITY DATE: 06/01/1880

POINT OF DIVERSION: T02N R06E S34 NENE Within Elmore County

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY |
|-------------------------------|----------------|----------------|----------|
|                               | Stockwater     | 06-01 TO 10-31 | 0.02 CFS |

PLACE OF USE: Stockwater Within Elmore County  
T02N R06E S34 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. 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.

*[Signature]*  
John M. Melanson  
Presiding Judge of the  
Snake River Basin Adjudication

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 )  
PARTIAL DECREE PURSUANT TO  
I.R.C.P. 54(b) FOR  
Water Right 63-24350

704 JUL 30 PM 1:14  
DISTRICT COURT-SRBA  
TWIN FALLS CO., IDAHO  
FILED *Mc*

NAME AND ADDRESS: USDA FOREST SERVICE  
550 W FORT ST, MSC 033  
BOISE, ID 83724

SOURCE: FLAT CREEK TRIBUTARY: WOOD CREEK

QUANTITY: 0.02 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000  
GALLONS PER DAY.

PRIORITY DATE: 06/01/1880

POINT OF DIVERSION: T02N R05E S10 SENW (Instream Ending Point) Within Elmore County  
S23 NESW (Instream Beginning Point)

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY |
|-------------------------------|----------------|----------------|----------|
|                               | Stockwater     | 06-01 TO 10-31 | 0.02 CFS |

| PLACE OF USE: | Stockwater    |      | Within Elmore County |
|---------------|---------------|------|----------------------|
|               | T02N R05E S10 | SESW | NESW                 |
|               |               | SESW |                      |
|               | S15           | NENW | SESW                 |
|               |               | NESW | SESW                 |
|               |               | NWSE | SWSE                 |
|               | S22           | NENE | NWNE                 |
|               | S23           | NWNW | SNNW                 |
|               |               | SESW | NESW                 |

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

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*John M. Melanson*  
John M. Melanson  
Presiding Judge of the  
Snake River Basin Adjudication

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 63-24351

2004 JUL 30 PM 1:14  
DISTRICT COURT-SRBA  
TWIN FALLS CO., IDAHO  
FILED *[Signature]*

NAME AND ADDRESS: USDA FOREST SERVICE  
550 W FORT ST, MSC 033  
BOISE, ID 83724

SOURCE: FLAT CREEK TRIBUTARY: WOOD CREEK

QUANTITY: 0.02 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000  
GALLONS PER DAY.

PRIORITY DATE: 06/01/1880

POINT OF DIVERSION: T02N R05E S03 SWSE (Instream Ending Point) Within Elmore County  
S10 SENW (Instream Beginning Point)

| PURPOSE AND PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY |
|----------------------------|----------------|----------------|----------|
|                            | Stockwater     | 06-01 TO 10-31 | 0.02 CFS |

PLACE OF USE: Stockwater Within Elmore County  
T02N R05E S03 SWSE  
S10 NWNE NENW  
SENW

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

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DETERMINATION OF HISTORICAL BENEFICIAL USE.

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NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT  
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY  
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*[Signature]*  
John M. Melanson  
Presiding Judge of the  
Snake River Basin Adjudication

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 )  
PARTIAL DECREE PURSUANT TO  
I.R.C.P. 54(b) FOR  
Water Right 63-24352

2004 JUL 30 PM 1:14  
DISTRICT COURT-SRBA  
TWIN FALLS CO., IDAHO  
FILED *mm*

NAME AND ADDRESS: USDA FOREST SERVICE  
550 W FORT ST, MSC 033  
BOISE, ID 83724

SOURCE: WILLOW CREEK TRIBUTARY: BOISE RIVER, SOUTH FORK

QUANTITY: 0.02 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000  
GALLONS PER DAY.

PRIORITY DATE: 06/01/1880

POINT OF DIVERSION: T01N R06E S04 SESW (Instream Beginning Point) Within Elmore County  
T02N R05E S01 NWSW (Instream Ending Point)

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY |
|-------------------------------|----------------|----------------|----------|
|                               | Stockwater     | 06-01 TO 10-31 | 0.02 CFS |

| PLACE OF USE: | Stockwater    |      | Within Elmore County |
|---------------|---------------|------|----------------------|
|               | T01N R06E S04 | NWNW | SWNW                 |
|               |               | NWSW | SWSW                 |
|               |               | SESW |                      |
|               | T02N R05E S01 | NWSW | SWSW                 |
|               |               | SESW |                      |
|               | S12           | NWNE | SWNE                 |
|               |               | NENW | SENW                 |
|               |               | NWSE | SWSE                 |
|               |               | SESE |                      |
|               | S13           | NENE |                      |
|               | R06E S18      | NWNW | SWNW                 |
|               |               | NESW | NWSW                 |
|               |               | SESW | SWSE                 |
|               | S19           | NWNE | SWNE                 |
|               |               | NESE | SESE                 |
|               | S20           | NWSW | SWSW                 |
|               | S29           | NWNW | SWNW                 |
|               |               | SENW | NESW                 |
|               |               | NWSW | SESW                 |
|               |               | SWSE |                      |
|               | S32           | NWNE | SWNE                 |
|               |               | SENE | NENW                 |
|               |               | NESE |                      |
|               | S33           | NWSW | SWSW                 |

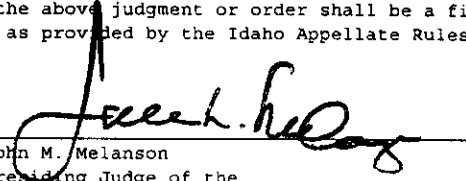
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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John M. Melanson  
Presiding Judge of the  
Snake River Basin Adjudication

In Re SRBA

Case No. 39576

7004 JUL 30 PM 1:14  
DISTRICT CLERK - SRBA  
TWIN FALLS CO., IDAHO  
FILED *Me*

  
John M. Melanson  
Presiding Judge of the  
Snake River Basin Adjudication

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 )  
\_\_\_\_\_ )

PARTIAL DECREE PURSUANT TO  
I.R.C.P. 54(b) FOR  
Water Right 63-24354

2004 JUL 30 PM 1:14  
DISTRICT COURT - SRBA  
TWIN FALLS CO., IDAHO  
FILED *mm*

NAME AND ADDRESS: USDA FOREST SERVICE  
550 W FORT ST, MSC 033  
BOISE, ID 83724

SOURCE: PINE CREEK TRIBUTARY: WILLOW CREEK

QUANTITY: 0.02 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000  
GALLONS PER DAY.

PRIORITY DATE: 06/01/1880

POINT OF DIVERSION: T02N R06E S32 SENE (Instream Ending Point) Within Elmore County  
S33 SENE (Instream Beginning Point)

| PURPOSE AND PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY |
|----------------------------|----------------|----------------|----------|
|                            | Stockwater     | 06-01 TO 10-31 | 0.02 CFS |

| PLACE OF USE: | Stockwater    | Within Elmore County |
|---------------|---------------|----------------------|
|               | T02N R06E S32 | SENE                 |
|               | S33           | NENE                 |
|               |               | NWNE                 |
|               |               | SENE                 |
|               |               | NENW                 |

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

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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 )  
\_\_\_\_\_ )

PARTIAL DECREE PURSUANT TO  
I.R.C.P. 54(b) FOR  
Water Right 63-24355

2004 JUL 30 PM 1:14  
DISTRICT COURT-SRBA  
TWIN FALLS CO., IDAHO  
FILED *AM*

NAME AND ADDRESS: USDA FOREST SERVICE  
550 W FORT ST, MSC 033  
BOISE, ID 83724

SOURCE: BEAVER CREEK TRIBUTARY: WILLOW CREEK

QUANTITY: 0.02 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000  
GALLONS PER DAY.

PRIORITY DATE: 06/01/1990

POINT OF DIVERSION: T02N R06E S19 NESE (Instream Ending Point) Within Elmore County  
S32 NWSW (Instream Beginning Point)

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY |
|-------------------------------|----------------|----------------|----------|
|                               | Stockwater     | 06-01 TO 10-31 | 0.02 CFS |

| PLACE OF USE: | Stockwater    | Within Elmore County |
|---------------|---------------|----------------------|
|               | T02N R06E S19 | SWSE                 |
|               |               | SESE                 |
|               | S30           | NWNE                 |
|               |               | SENW                 |
|               |               | SESW                 |
|               | S31           | NENE                 |
|               |               | SENE                 |
|               | S32           | NWSW                 |

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

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Snake River Basin Adjudication

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 )  
\_\_\_\_\_ )

PARTIAL DECREE PURSUANT TO  
I.R.C.P. 54(b) FOR  
Water Right 63-24356

2004 JUL 30 PM 1:14  
DISTRICT COURT-SRBA  
TWIN FALLS CO., IDAHO  
FILED

NAME AND ADDRESS: USDA FOREST SERVICE  
550 W FORT ST, MSC 033  
BOISE, ID 83724

SOURCE: HUTTON CREEK TRIBUTARY: WILLOW CREEK

QUANTITY: 0.02 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000  
GALLONS PER DAY.

PRIORITY DATE: 06/01/1880

POINT OF DIVERSION: T02N R05E S12 NWSE (Instream Ending Point) Within Elmore County  
R06E S07 NWNE (Instream Beginning Point)

| PURPOSE AND PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY |
|----------------------------|----------------|----------------|----------|
|                            | Stockwater     | 06-01 TO 10-31 | 0.02 CFS |

| PLACE OF USE: | Stockwater    | Within Elmore County |
|---------------|---------------|----------------------|
|               | T02N R05E S12 | NENE SWNE            |
|               |               | SENE NWSE            |
|               | R06E S07      | NWNE NENW            |
|               |               | NWNW                 |

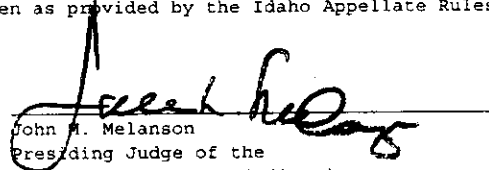
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STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA )  
 ) PARTIAL DECREE PURSUANT TO  
 ) I.R.C.P. 54(b) FOR  
Case No. 39576 )  
 ) Water Right 63-30999

2004 JUL 30 PM 1:14  
DISTRICT COURT - SRBA  
TWIN FALLS CO., IDAHO  
FILED *[Signature]*

NAME AND ADDRESS: USDA FOREST SERVICE  
550 W FORT ST, MSC 033  
BOISE, ID 83724

SOURCE: SPRING TRIBUTARY: FLAT CREEK

QUANTITY: 0.02 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000  
GALLONS PER DAY.

PRIORITY DATE: 06/01/1880

POINT OF DIVERSION: T02N R05E S23 SWSW Within Elmore County

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY |
|-------------------------------|----------------|----------------|----------|
|                               | Stockwater     | 06-01 TO 11-30 | 0.02 CFS |

PLACE OF USE: Stockwater Within Elmore County  
T02N R05E S23 SWSW

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

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*[Signature]*  
John M. Melanson  
Residing Judge of the  
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER OF PARTIAL DECREE was mailed on July 30, 2004, with sufficient first-class postage to the following:

USDA FOREST SERVICE

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

ORDER

Page 1 7/30/04

FILE COPY FOR 00610

Deputy Clerk

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