

RECEIVED

MAY 24 2000

Department of Water Resources

200 MAY 23 PM 12:19

FILED
TWIN FALLS 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

) Subcase 61-11226

Case No. 39576

) ORDER OF PARTIAL DECREE
)
)
)
)

BACKGROUND

1. On July 12, 1999, a *Special Master's Report* was issued for the above-listed water right. A *Recommendation* for said water right was attached to the *Special Master's Report*.
2. On December 21, 1999, the United States Department of Justice, on behalf of the United States Department of the Interior, Bureau of Land Management, filed a *Motion to Alter or Amend Special Master's Reports to Correct Clerical Errors*.
3. On December 23, 1999, Special Master Cushman entered an *Order Denying Motions to Alter or Amend*.
4. On January 6, 2000, the United States Department of Justice, on behalf of the United States Department of the Interior, Bureau of Land Management, filed a *Notice of Challenge* in several subcases, including the subcase listed above. The *Notice of Challenge* filed in the above-listed subcase was then withdrawn by the United States Department of Justice on March 30, 2000.
5. This Court issued its *Amended Memorandum Decision and Order on Challenge; Order*

Correcting Clerical Errors in Record; Order of Recommitment to Special Master Cushman on April 10, 2000, dismissing the Challenge in subcases 61-11161, 61-11220, 61-11226 and 61-11230.

ORDER OF PARTIAL DECREE

The Challenge in the above subcase having been dismissed by Order of this Court; and, pursuant to I.R.C.P. 53(e)(2) and ***SRBA Administrative Order 1***, Section 13f, this Court having reviewed the Findings of Fact and Conclusions of Law contained in the ***Special Master's Report*** and wholly adopting them as its own;

IT IS THEREFORE ORDERED that water right 61-11226 is hereby **decreed** as set forth in the attached ***Partial Decree Pursuant to I.R.C.P. 54(b)***.

DATED **MAY 23 2000** .



BARRY WOOD
Administrative District Judge and
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 61-11226

200 MAY 23 PM 12:19

FILED
TWIN FALLS CO., IDAHO

RECEIVED

MAY 24 2000

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

SOURCE: PLAYA

TRIBUTARY: SINKS

Department of Water Resources

QUANTITY: 0.30 AFY

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

PRIORITY DATE: 06/28/1934

POINT OF DIVERSION: T04S R03E S12 NWNE Within Elmore County
NENW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Stockwater Storage	01-01 TO 12-31	0.30 AFY
	Stockwater from Storage	01-01 TO 12-31	0.30 AFY

PLACE OF USE:	Stockwater Storage	Within Elmore County
	T04S R03E S12 NWNE	NENW
	Stockwater from Storage	Within Elmore County
	T04S R03E S12 NWNE	NENW

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.

B Wood

Barry Wood
Administrative District Judge
Presiding Judge of the
Snake River Basin Adjudication

RECEIVED

MAY 24 2000

Department of Water Resources

2000 MAY 23 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)
Case No. 39576)
_____)

CERTIFICATE OF MAILING

Water Right(s): 61-11226

CERTIFICATE OF MAILING

I certify that a true and correct copy of the PARTIAL DECREE
PURSUANT TO I.R.C.P. 54(b) for WATER RIGHT 61-11226 was mailed
on May 23, 2000, with sufficient first-class postage prepaid
to the following:

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

STATE OF IDAHO
Represented by:
PETER J. AMPE
PO BOX 83720
BOISE, ID 83720-0010
Phone: 208-334-2400

USDI BLM
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724
Phone: 208-387-0835

DIANA DELANEY
Chief Deputy Clerk

CERTIFICATE OF MAILING

PAGE 1
05/23/00