

Department of Water Resources

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

**Case No. 39576**

# ORDER OF PARTIAL DECREE ON UNCONTESTED FEDERAL WATER RIGHT CLAIMS FOR ADMINISTRATIVE SITES

**FOR WATER RIGHTS: 63-25204, 63-31398,  
63-31405, 63-31541, 63-31539**

The above-captioned water rights were claimed as implied federal reserved water rights for Forest Service administrative sites within the boundaries of a national forest. The claims were included in *Part II Director's Report for Federal Reserved Rights* filed on September 30, 2002. No objections were filed to the claims.

As required by I.C. § 42-1411A(14), a hearing was held on July 15, 2003, for the purpose of allowing the United States to demonstrate a *prima facie* case regarding the existence of the above-captioned water rights established under federal law. At the close of the hearing the Court ruled that the United States had met the burden of establishing the existence and elements of an implied federal reserved water right for each of the above-captioned water right claims.

THEREFORE, IT IS ORDERED that water rights **63-25204, 65-31398, 65-31405, 65-31541 and 65-31539** are hereby decreed as set forth in the attached *Partial Decree[s] Pursuant to I.R.C.P. 54(b)*.

Dated this 22 day of July, 2003.

**HONORABLE ROGER S. BURDICK**  
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

DISTRICT COURT-SRBA  
TWIN FALLS CO., IDAHO  
FILED \_\_\_\_\_

In Re SRBA )  
 ) PARTIAL DECREE PURSUANT TO  
 ) I.R.C.P. 54(b) FOR  
Case No. 39576 )  
 )  
 ) Water Right 63-31398

2003 JUL 22 AM 11 18

NAME AND ADDRESS: UNITED STATES OF AMERICA ACTIN  
USDA FOREST SERVICE  
550 W FORT ST MSC 033  
BOISE, ID 83724

SOURCE: DUTCH CREEK TRIBUTARY: BOISE RIVER

QUANTITY: 0.04 CFS

PRIORITY DATE: 05/29/1905

POINT OF DIVERSION: T06N R09E S35 NWSW Within Boise County

| PURPOSE AND    |                |                |          |
|----------------|----------------|----------------|----------|
| PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY |
|                | Administrative | 01-01 TO 12-31 | 0.04 CFS |

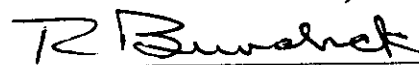
| PLACE OF USE: | Administrative |      | Within Boise County |
|---------------|----------------|------|---------------------|
|               | T06N R09E S34  | SESE |                     |
|               | S35            | NESW | NWSW                |
|               |                | SWSW | SESW                |

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

THIS WATER RIGHT IS A FEDERAL RESERVED WATER RIGHT.  
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.



Roger Burdick  
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

DISTRICT COURT - SRBA  
TWIN FALLS CO., IDAHO  
FILED

In Re SRBA )  
PARTIAL DECREE PURSUANT TO  
I.R.C.P. 54(b) FOR  
Case No. 39576 )  
Water Right 63-25204

2003 JUL 22 AM 11 18

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

SOURCE: SHAKE CREEK TRIBUTARY: BOISE RIVER

QUANTITY: 1.00 CFS

PRIORITY DATE: 05/29/1905

POINT OF DIVERSION: T03N R11E S09 LOT 1 ( NENW) Within Elmore County

| PURPOSE AND PERIOD OF USE. | PURPOSE OF USE | PERIOD OF USE  | QUANTITY |
|----------------------------|----------------|----------------|----------|
|                            | Administrative | 06-01 TO 09-30 | 1.00 CFS |

PLACE OF USE: Administrative Within Elmore County  
T03N R11E S09 LOT 1 (NENW) LOT 2 (NWNW)

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

THIS WATER RIGHT IS A FEDERAL RESERVED WATER RIGHT.  
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.



Roger Burdick  
Presiding Judge of the  
Snake River Basin Adjudication

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS  
DISTRICT COURT - SRBA  
TWIN FALLS CO., IDAHO  
FILED

In Re SRBA )  
 ) PARTIAL DECREE PURSUANT TO  
 ) I.R.C.P. 54(b) FOR  
Case No. 39576 )  
 )  
 ) Water Right 63-31539

2003 JUL 22 AM 11 18

NAME AND ADDRESS: UNITED STATES OF AMERICA ACTIN  
USDA FOREST SERVICE  
550 W FORT ST MSC 033  
BOISE, ID 83724

SOURCE: SPRING TRIBUTARY: SLAUGHTERHOUSE GULCH CREEK

QUANTITY: 0.04 CFS

PRIORITY DATE: 09/26/1908

POINT OF DIVERSION: T06N R05E S27 NWNE Within Boise County

| PURPOSE AND    | PURPOSE OF USE | PERIOD OF USE  | QUANTITY |
|----------------|----------------|----------------|----------|
| PERIOD OF USE: | Administrative | 01-01 TO 12-31 | 0.04 CFS |

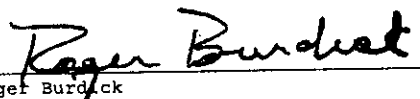
PLACE OF USE: Administrative Within Boise County  
T06N R05E S27 NENE

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

THIS WATER RIGHT IS A FEDERAL RESERVED WATER RIGHT.  
Experiment Station Administrative Site. Used with 63-25141.  
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.

  
Roger Burdick  
Presiding Judge of the  
Snake River Basin Adjudication

DISTRICT COURT - SRBA  
RICT OF THE  
TWIN FALLS CO., IDAHO  
FILED \_\_\_\_\_

2003 JUL 22 AM 11 18

PAGE 1  
Jul-17-2003

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS  
DISTRICT COURT - SRBA  
TWIN FALLS CO., IDAHO  
FILED

In Re SRBA )  
PARTIAL DECREE PURSUANT TO  
I.R.C.P. 54(b) FOR  
Case No. 39576 )  
Water Right 63-31405

2003 JUL 22 AM 11 18

NAME AND ADDRESS: UNITED STATES OF AMERICA ACTIN  
USDA FOREST SERVICE  
550 W FORT ST MSC 033  
BOISE, ID 83724

SOURCE: GROUND WATER

QUANTITY: 0.06 CFS

PRIORITY DATE: 05/29/1905

POINT OF DIVERSION: T06N R09E S34 SESE Within Boise County

| PURPOSE AND PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY |
|----------------------------|----------------|----------------|----------|
|                            | Administrative | 01-01 TO 12-31 | 0.06 CFS |

| PLACE OF USE: | Administrative | SESE | Within Boise County |
|---------------|----------------|------|---------------------|
|               | T06N R09E S34  | NESW | NWSW                |
|               | S35            | SWSW | SESW                |

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

THIS WATER RIGHT IS A FEDERAL RESERVED WATER RIGHT.  
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.

*R. Burdick*

Roger Burdick  
Presiding Judge of the  
Snake River Basin Adjudication