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Department of Water Resources

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED

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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

**ORDER OF PARTIAL DECREE ON
UNCONTESTED FEDERAL WATER RIGHT
CLAIM FOR ADMINISTRATIVE SITE**

FOR WATER RIGHT: 43-11113

The above-captioned water right was claimed an implied federal reserved *de minimus* water right for an administrative site for City of Rocks National Reserve. The claim was included in the *Director's Reports for Federal Reserved Right 43-11113* filed on September 28, 2001. The claimant, the United States of America, acting thru the United States Department of Interior, National Park Service ("United States"), pursuant to leave of Court, amended the claim on January 21, 2002. No objections or responses were filed to the original claim or to the claim as amended.

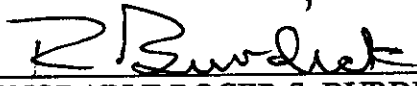
As required by I.C. § 42-1411A(14), a hearing was held on June 17, 2003 for the purpose of allowing the United States to present a *prima facie* case regarding the existence of the water right established under federal law. At the close of the hearing, the Court ruled that the United States met its burden of establishing the existence and elements of an implied federal reserved water right for the above-captioned water right claim.

The purpose of the use for the water right is for an administrative site for the operation of the City of Rocks National Reserve. Although the City of Rocks National Reserve is comprised of a combination of former National Forest lands, former BLM lands, state lands, private lands and some acquired lands, the point of diversion (groundwater well) and place of use for the water right are wholly situated on formerly Forest Service withdrawn land, not on condemned or other acquired lands, etc. The claim is a *de minimus* claim limited to 13,000 gallons per day. Therefore, the Court does not find this to be a circumstance where a federal reserved water right is decreed for anything but lands withdrawn from the public domain. This Court has already ruled that a federal reserved water right for an administrative site, reasonable in numbers, within

the boundaries of a national forest satisfies the criteria for a federal reserved water right. In this particular case the land was originally withdrawn as part of the national forest and later transferred to the National Reserve. The enabling legislation for the City of Rocks National Reserve expressly included any reserved water right associated with the former national forest lands.

THEREFORE, IT IS ORDERED that water right 43-11113 is hereby decreed as set forth in the attached *Partial Decree Pursuant to L.R.C.P. 54(b)*.

Dated this 7th 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

In Re SRBA)
)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 43-11113

FILED
2003 JUL 7 PM 1 41

NAME AND ADDRESS: UNITED STATES OF AMERICA ACTIN
USDI NATIONAL PARK SERVICE
WATER RESOURCES DIVISION
1201 OAK RIDGE DR STE 250
FORT COLLINS, CO 80525

SOURCE: GROUND WATER

QUANTITY: 0.003 CFS
1.21 AFY

PRIORITY DATE: 11/05/1906

LOCATION INSTREAM FLOW: T15S R23E S26 NWNESE Within Cassia County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Domestic	01-01 TO 12-31	0.003 CFS 1.21 AFY

PRESENT AND FUTURE USES: DOMESTIC

PLACE OF USE: Domestic Within Cassia County
T15S R23E S26 NESE

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

LAND WAS RESERVED PURSUANT TO PRESIDENTIAL PROCLAMATION,
NOVEMBER 5, 1906 (34 STAT. 3247). THE ARIZONA-IDAHO
CONSERVATION ACT OF 1988 (PUBLIC LAW 100-696, 102 STAT. 4571).
NATIONAL PARK SERVICE UNIT: CITY OF ROCKS NATIONAL RESERVE
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