

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

2003 JUN 11 PM 2 42

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 SITES  
)

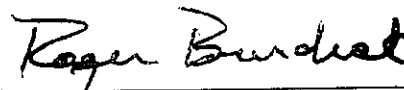
) FOR WATER RIGHTS: 83-10137, 83-10175,  
) 83-10177, 83-10193, 83-11925  
)

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 the *Director's Report for Domestic Claims Based on Federal Law* filed on March 19, 1999. The claimant, the United States of America, acting through the United States Department of Agriculture, Forest Service ("United States"), pursuant to leave of court, amended the original claims to change, among other things, the purpose of use element from "domestic" to "administrative." The amended claims were filed August 20, 2002. No objections were filed to the original claims or to the claims as amended.

As required by I.C. § 42-1411A(14), a hearing was held on May 20, 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 83-10137, 83-10175, 83-10177, 83-10193, and 83-11925 are hereby decreed as set forth in the attached *Partial Decree[s]* Pursuant to I.R.C.P. 54(b).

Dated this 11<sup>th</sup> day of June, 2003.



HONORABLE ROGER S. BURDICK  
Presiding Judge  
Snake River Basin Adjudication

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In Re SRBA )  
 )  
Case No. 39576 )  
 )

PARTIAL DECREE PURSUANT TO  
I.R.C.P. 54(b) FOR  
Water Right 83-10137

2003 JUN 11 PM 2 42

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

SOURCE: SPRING TRIBUTARY: SINKS

QUANTITY: 0.02 CFS

PRIORITY DATE: 02/22/1897

POINT OF DIVERSION: T36N R07E S07 NWSE Within Idaho County

| PURPOSE AND PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY |
|----------------------------|----------------|----------------|----------|
|                            | Administrative | 06-03 TO 10-31 | 0.02 CFS |

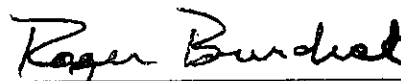
PLACE OF USE: Administrative Within Idaho County  
T36N R07E S07 NESW

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

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In Re SRBA )  
 ) PARTIAL DECREE PURSUANT TO  
 ) I.R.C.P. 54(b) FOR  
Case No. 39576 )  
 )  
 ) Water Right 83-10175

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

SOURCE: SPRING TRIBUTARY: SNEAK CREEK

QUANTITY: 0.02 CFS

PRIORITY DATE: 11/06/1906

POINT OF DIVERSION: T40N R07E S24 SWNE Within Clearwater County

| PURPOSE AND PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY |
|----------------------------|----------------|----------------|----------|
|                            | Administrative | 05-01 TO 11-30 | 0.02 CFS |

PLACE OF USE: Administrative Within Clearwater County  
T40N R07E S23 NENE

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

THIS WATER RIGHT IS A FEDERAL RESERVED WATER RIGHT.  
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In Re SRBA )  
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PARTIAL DECREE PURSUANT TO  
I.R.C.P. 54(b) FOR

Water Right 83-10177

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

SOURCE: SPRING TRIBUTARY: GRASSHOPPER CREEK

QUANTITY: 0.02 CFS

PRIORITY DATE: 11/06/1906

POINT OF DIVERSION: T41N R07E S23 SWSW Within Clearwater County

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

PLACE OF USE: Administrative Within Clearwater County  
T41N R07E S23 SWSW

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

THIS WATER RIGHT IS A FEDERAL RESERVED WATER RIGHT.

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PARTIAL DECREE PURSUANT TO  
I.R.C.P. 54(b) FOR  
Water Right 83-10193

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

SOURCE: UNNAMED STREAM TRIBUTARY: CLEARWATER RIVER, NORTH FORK

QUANTITY: 0.02 CFS

PRIORITY DATE: 11/06/1906

POINT OF DIVERSION: T41N R08E S36 SESW Within Clearwater County

| PURPOSE AND PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY |
|----------------------------|----------------|----------------|----------|
|                            | Administrative | 05-01 TO 10-31 | 0.02 CFS |

PLACE OF USE: Administrative Within Clearwater County  
T40N R08E S01 NWNE

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

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PARTIAL DECREE PURSUANT TO  
I.R.C.P. 54(b) FOR  
Water Right 83-11925

2003 JUN 11 PM 2 42

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

SOURCE: GROUNDWATER

QUANTITY: 0.04 CFS

PRIORITY DATE: 11/06/1906

POINT OF DIVERSION: T40N R07E S04 LOT 9 ( NWSE) Within Clearwater County

| PURPOSE AND PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY |
|----------------------------|----------------|----------------|----------|
|                            | Administrative | 05-01 TO 11-30 | 0.04 CFS |

PLACE OF USE: Administrative Within Clearwater County  
T40N R07E S04 LOT 9 (NWSE)

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

THIS WATER RIGHT IS A FEDERAL RESERVED WATER RIGHT.  
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