

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

2003 JUN 12 PM 12 00

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	)	ORDER OF PARTIAL DECREE ON
	)	UNCONTESTED FEDERAL WATER RIGHT
Case No. 39576	)	CLAIM FOR ADMINISTRATIVE SITE
	)	
	)	FOR WATER RIGHT: 77-10797
	)	
	)	

The above-captioned water right was claimed as an implied federal reserved water right for a Forest Service administrative site within the boundaries of a national forest. The claim was included in the *Director's Report for Domestic Claims Based on Federal Law* filed on March 9, 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 claim to change, among other things, the purpose of use element from "domestic" to "administrative." The amended claim was filed August 20, 2002. No objections 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 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 right 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 the above-captioned water right claim.

THEREFORE, IT IS ORDERED that water right 77-10797 is hereby decreed as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

Dated this 12th 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 77-10797

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: 06/30/1932

POINT OF DIVERSION: T23N R03E S29 NWNW Within Idaho County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Administrative	06-01 TO 09-30	0.02 CFS

PLACE OF USE: Administrative Within Idaho County
T23N R03E S20 SWSW

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

Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication