

2003 JUN 11 AM 10 44

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 SITES
	)	
	)	FOR WATER RIGHTS: 23-10768, 23-10769,
	)	23-11169, 23-11170
	)	

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 May 11, 1998. 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 implied federal reserved water rights for each of the above-captioned water right claims.

THEREFORE, IT IS ORDERED that water rights 23-10768, 23-10769, 23-11169, and 23-11170 are hereby decreed as set forth in the attached *Partial Decree[s] Pursuant to I.R.C.P. 54(b)*.

Dated this 11th day of June, 2003.



HONORABLE ROGER S. BURDICK
Presiding Judge
Snake River Basin Adjudication

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

PARTIAL DECREE PURSUANT
I.R.C.P. 54(b) FOR

Water Right 23-10768

Water Right 23-10768

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DISTRICT COURT - SRBA
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TWIN FALLS CO., IDAHO
FILED

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In Re SRBA)
Case No. 39576)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 23-10769

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

SOURCE: BALD MOUNTAIN SPRING TRIBUTARY: MC COY CREEK

QUANTITY: 0.01 CFS

PRIORITY DATE: 01/15/1907

POINT OF DIVERSION: T03S R44E S13 SESE Within Bonneville County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Administrative	05-01 TO 11-30	0.01 CFS

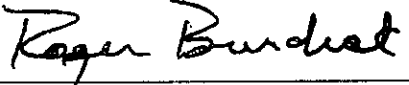
PLACE OF USE: Administrative Within Bonneville County
T03S R44E S13 NESE

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

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In Re SRBA)
Case No. 39576)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 23-11169

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

SOURCE: GROUNDWATER

QUANTITY: 0.02 CFS

PRIORITY DATE: 01/15/1907

POINT OF DIVERSION: T01S R45E S17 NESW Within Bonneville County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Administrative	01-01 TO 12-31	0.02 CFS

PLACE OF USE: Administrative Within Bonneville County
T01S R45E S17 NESW

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

THIS WATER RIGHT IS A FEDERAL RESERVED WATER RIGHT.
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TWIN FALLS CO., IDAHO

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In Re SRBA)
)
Case No. 39576)
)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 23-11170

2003 JUN 11 AM 10 45

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

SOURCE: GUARD STATION SPRING TRIBUTARY: BEAR CREEK

QUANTITY: 0.02 CFS

PRIORITY DATE: 01/15/1907

POINT OF DIVERSION: T02S R44E S02 NENE Within Bonneville County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Administrative	01-01 TO 12-31	0.02 CFS

PLACE OF USE: Administrative Within Bonneville County
T02S R44E S02 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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