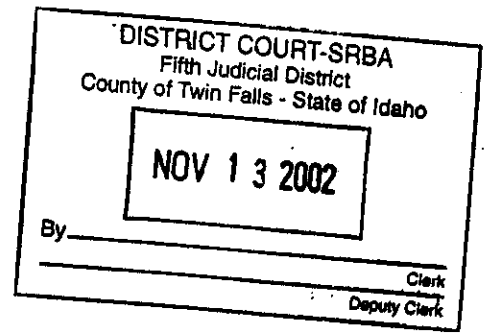


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Department of Water Resources



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

) Subcase: 31-11288
)
) ORDER OF PARTIAL DECREE FOR
) FEDERAL RESERVED WATER RIGHT,
) AND
)
) ORDER DISALLOWING STATE LAW
) BASIS FOR SAME WATER RIGHT
)

The above-captioned water right was claimed by the United States Department of Interior, Bureau of Land Management as a "dual based" water right, meaning the water right was claimed both pursuant to state law and as a federal reserved water right pursuant to Public Water Reserve (PWR) 107. On September 11, 2002, following a hearing held pursuant to Idaho Code section 42-1411A(14) regarding the factual basis for the federal reserved water right claim, a *Special Master's Report and Recommendation* together with *Findings of Fact and Conclusions of Law* was filed for the above-captioned water right. The *Special Master's Report and Recommendation* recommended that the federal basis for the claim be decreed as recommended and that the state basis for the same claim be disallowed and not confirmed in any partial or final unified decree. No Challenges were filed to the *Special Master's Report and Recommendation* and the time for filing Challenges has now expired.

Pursuant to I.R.C.P. 53(e)(2) and *SRBA Administrative Order 1*, Section 13f, this Court has reviewed the Findings of Fact and Conclusions of Law contained in the *Special Master's Report* and wholly adopts them as its own.

ORDER OF PARTIAL DECREE FOR FEDERAL RESERVED WATER RIGHT,
ORDER DISALLOWING STATE LAW BASIS FOR SAME WATER RIGHT

Therefore, IT IS ORDERED that water right 31-11288 is hereby **decreed** as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

IT IS FURTHER ORDERED that the state law basis for the same water right is hereby **disallowed** and shall not be confirmed in any partial decree or in any final unified decree entered in SRBA Case No. 39576, in whatever form that final decree may take or be styled.

Dated Nov. 13, 2002

Roger Burdick

ROGER BURDICK
Presiding Judge
Snake River Basin Adjudication

ORDER OF PARTIAL DECREE FOR FEDERAL RESERVED WATER RIGHT,
ORDER DISALLOWING STATE LAW BASIS FOR SAME WATER RIGHT

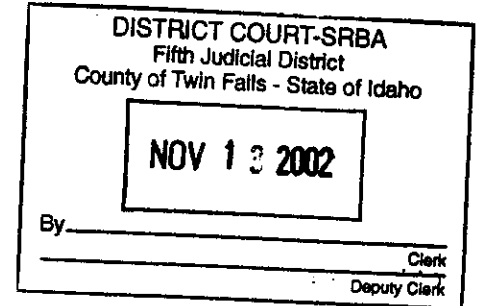
Page 2 of 2

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)

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

Water Right 31-11288



NAME AND ADDRESS: USDI BLM
IDAHO STATE OFFICE
1387 S VINNELL WAY
BOISE, ID 83709-1657

SOURCE: SPRING TRIBUTARY: SINKS

QUANTITY: 0.02 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE: 04/17/1926

* 4/17/1926 CLAIMED UNDER FEDERAL RESERVED WATER RIGHT. *
* *
* THIS WATER RIGHT IS CLAIMED BASED ON FEDERAL LAW *
* WITH AN APRIL 17, 1926, DATE OF PRIORITY PURSUANT TO AN *
* EXECUTIVE ORDER SIGNED THE SAME DATE AND KNOWN AS PUBLIC *
* WATER RESERVE 107. *

POINT OF DIVERSION: T14N R35E S23 NWSWN Within Clark County

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

PLACE OF USE: Stockwater Within Clark County
T14N R35E S23 SWNW

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS 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