

2003 MAR 14 PM 1 20

MAR 18 2003

# DEPARTMENT OF THE FALLS

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**DATED March 14, 2003.**

Roger Burdick

Page 1

Subcase Nos:

|                     |          |          |                     |
|---------------------|----------|----------|---------------------|
| 77-04094            | 77-10181 | 77-10326 | 77-10930            |
| 77-04098            | 77-10182 | 77-10327 | 77-10931            |
| 77-04099            | 77-10185 | 77-10328 | 77-10932            |
| 77-04106            | 77-10186 | 77-10329 | 77-10933            |
| 77-04109            | 77-10189 | 77-10330 | 77-10934            |
| 77-04112            | 77-10190 | 77-10331 | 77-13863            |
| 77-04113            | 77-10191 | 77-10333 | 77-13864            |
| 77-04192            | 77-10193 | 77-10334 | 77-13865            |
| <del>77-07139</del> | 77-10195 | 77-10338 | 77-13866            |
| <del>77-07139</del> | 77-10196 | 77-10340 | 77-13867            |
| <del>77-07099</del> | 77-10197 | 77-10341 | 77-13868            |
| 77-10138            | 77-10198 | 77-10342 | 77-13870            |
| 77-10139            | 77-10199 | 77-10350 | 77-13872            |
| 77-10140            | 77-10200 | 77-10351 | 77-13873            |
| 77-10141            | 77-10201 | 77-10352 | 77-13874            |
| 77-10142            | 77-10202 | 77-10353 | <del>77-13876</del> |
| 77-10143            | 77-10203 | 77-10356 | 77-13877            |
| 77-10145            | 77-10204 | 77-10357 | 77-13879            |
| 77-10146            | 77-10205 | 77-10618 | 77-13882            |
| 77-10147            | 77-10206 | 77-10619 | 77-13883            |
| 77-10148            | 77-10207 | 77-10620 | 77-13884            |
| 77-10149            | 77-10208 | 77-10625 | 77-13885            |
| 77-10150            | 77-10279 | 77-10627 | 77-13886            |
| 77-10151            | 77-10283 | 77-10628 | 77-13887            |
| 77-10152            | 77-10285 | 77-10635 | 77-13888            |
| 77-10153            | 77-10286 | 77-10638 | 77-13889            |
| 77-10154            | 77-10287 | 77-10640 | 77-13890            |
| 77-10155            | 77-10289 | 77-10868 | 77-13891            |
| 77-10156            | 77-10290 | 77-10869 | 77-13892            |
| 77-10157            | 77-10291 | 77-10870 | 77-13893            |
| 77-10158            | 77-10292 | 77-10888 | 77-13894            |
| 77-10159            | 77-10293 | 77-10890 | 77-13895            |
| 77-10160            | 77-10295 | 77-10891 | 77-13896            |
| 77-10162            | 77-10296 | 77-10892 | 77-13897            |
| 77-10163            | 77-10297 | 77-10893 | 77-13898            |
| 77-10164            | 77-10302 | 77-10894 | 77-13899            |
| 77-10165            | 77-10304 | 77-10895 | 77-13900            |
| 77-10166            | 77-10305 | 77-10898 | 77-13901            |
| 77-10167            | 77-10309 | 77-10901 | 77-13902            |
| 77-10168            | 77-10313 | 77-10907 | 77-13903            |
| 77-10169            | 77-10314 | 77-10915 | 77-13904            |
| 77-10170            | 77-10315 | 77-10916 | 77-13905            |
| 77-10171            | 77-10317 | 77-10917 | 77-13906            |
| 77-10172            | 77-10319 | 77-10919 | 77-13907            |
| 77-10174            | 77-10320 | 77-10920 | 77-13908            |
| 77-10175            | 77-10321 | 77-10922 | 77-13909            |
| 77-10176            | 77-10322 | 77-10925 | 77-13910            |
| 77-10178            | 77-10323 | 77-10926 | 77-13911            |
| 77-10179            | 77-10324 | 77-10928 | 77-13912            |
| 77-10180            | 77-10325 | 77-10929 | 77-13914            |

(Subcase list: TCB77UNCON)

3/13/03

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER OF PARTIAL DECREE was mailed on March 14, 2003, with sufficient first-class postage to the following:

USDA FOREST SERVICE

Represented by:

US DEPARTMENT OF JUSTICE  
ENVIRONMENT & NATL' RESOURCES  
550 WEST FORT STREET, MSC 033  
BOISE, ID 83724

DIRECTOR OF IDWR  
PO BOX 83720  
BOISE, ID 83720-0098

A handwritten signature in dark ink, appearing to read "Sherry Bartlett", is written over a horizontal line. The signature is fluid and cursive.

Subcase Nos:

|                     |          |          |                     |
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| 77-04109            | 77-10189 | 77-10330 | 77-10934            |
| 77-04112            | 77-10190 | 77-10331 | 77-13863            |
| 77-04113            | 77-10191 | 77-10333 | 77-13864            |
| 77-04192            | 77-10193 | 77-10334 | 77-13865            |
| <del>77-04159</del> | 77-10195 | 77-10338 | 77-13866            |
| <del>77-04158</del> | 77-10196 | 77-10340 | 77-13867            |
| <del>77-04159</del> | 77-10197 | 77-10341 | 77-13868            |
| 77-10138            | 77-10198 | 77-10342 | 77-13870            |
| 77-10139            | 77-10199 | 77-10350 | 77-13872            |
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| 77-10158            | 77-10292 | 77-10888 | 77-13894            |
| 77-10159            | 77-10293 | 77-10890 | 77-13895            |
| 77-10160            | 77-10295 | 77-10891 | 77-13896            |
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| 77-10163            | 77-10297 | 77-10893 | 77-13898            |
| 77-10164            | 77-10302 | 77-10894 | 77-13899            |
| 77-10165            | 77-10304 | 77-10895 | 77-13900            |
| 77-10166            | 77-10305 | 77-10898 | 77-13901            |
| 77-10167            | 77-10309 | 77-10901 | 77-13902            |
| 77-10168            | 77-10313 | 77-10907 | 77-13903            |
| 77-10169            | 77-10314 | 77-10915 | 77-13904            |
| 77-10170            | 77-10315 | 77-10916 | 77-13905            |
| 77-10171            | 77-10317 | 77-10917 | 77-13906            |
| 77-10172            | 77-10319 | 77-10919 | 77-13907            |
| 77-10174            | 77-10320 | 77-10920 | 77-13908            |
| 77-10175            | 77-10321 | 77-10922 | 77-13909            |
| 77-10176            | 77-10322 | 77-10925 | 77-13910            |
| 77-10178            | 77-10323 | 77-10926 | 77-13911            |
| 77-10179            | 77-10324 | 77-10928 | 77-13912            |
| 77-10180            | 77-10325 | 77-10929 | 77-13914            |

(Subcase list: TCB77UNCON)

3/14/03

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

2003 MAR 14 PM 1 27  
FILED

In Re SRBA )  
                  ) PARTIAL DECREE PURSUANT TO  
                  ) I.R.C.P. 54(b) FOR  
Case No. 39576 )  
\_\_\_\_\_) Water Right 77-13903

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

SOURCE:                UNNAMED STREAM                TRIBUTARY: ELK CREEK, EAST FORK

QUANTITY:              0.02 CFS

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

PRIORITY DATE:        05/01/1910

POINT OF DIVERSION:    T13N R09E S03                NWNW       (Instream Beginning Point) Within Valley County  
                                                      SWNW       (Instream Ending Point)

| PURPOSE AND    | PURPOSE OF USE | PERIOD OF USE  | QUANTITY |
|----------------|----------------|----------------|----------|
| PERIOD OF USE: | Stockwater     | 07-01 TO 10-31 | 0.02 CFS |

|               |               |      |                      |
|---------------|---------------|------|----------------------|
| PLACE OF USE: | Stockwater    |      | Within Valley County |
|               | T13N R09E S03 | NWNW | SWNW                 |

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A  
DETERMINATION OF HISTORICAL BENEFICIAL USE.

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