

2003 MAR 14 PM 1 20

MAR 18 2003

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

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Roger Burdick

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 black ink, appearing to read "Sherry Bartlett", is written over a horizontal line. The signature is cursive and stylized.

Subcase Nos:

|                     |          |          |                     |
|---------------------|----------|----------|---------------------|
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| 77-04098            | 77-10182 | 77-10327 | 77-10931            |
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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            |
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| 77-10163            | 77-10297 | 77-10893 | 77-13898            |
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| 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 77-13897

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

SOURCE:                   UNNAMED STREAM                   TRIBUTARY: BEARSKIN CREEK

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:    T12N R08E S03           NENW       (Instream Ending Point)   Within Valley County  
                          T13N R08E S32           NESE       (Instream Beginning Point)

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

| PLACE OF USE: | Stockwater    |      | Within Valley County |
|---------------|---------------|------|----------------------|
|               | T12N R08E S03 | NENW | NWNW                 |
|               | S04           | NENE | NWNE                 |
|               |               | NENW | NWNW                 |
|               | S05           | NENE |                      |
|               | T13N R08E S32 | NESE | NWSE                 |
|               |               | SWSE | SESE                 |

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*

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Roger Burdick  
Presiding Judge of the  
Snake River Basin Adjudication