

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

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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
~~77-07139~~	77-10195	77-10338	77-13866
~~77-07139~~	77-10196	77-10340	77-13867
~~77-07099~~	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	~~77-13876~~
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
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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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(Subcase list: TCB77UNCON)

3/14/03

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

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

2003 MAR 14 PM 1 21

In Re SRBA)
Case No. 39576)

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

Water Right 77-10167

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

SOURCE: ELK CREEK, NORTH FORK TRIBUTARY: ELK 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: T13N R08E S01 NWSW (Instream Ending Point) Within Valley County
T14N R08E S26 NWNW (Instream Beginning Point)

PURPOSE AND
PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
Stockwater 06-01 TO 10-31 0.02 CFS

PLACE OF USE: Stockwater Within Valley County
T13N R08E S01 NWNW SWNW
S02 NENE
T14N R08E S26 NWNW SWNW
NWSW SWSW
S34 NENE SENE
S35 NWNW SWNW
NWSW SWSW

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

Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication