

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

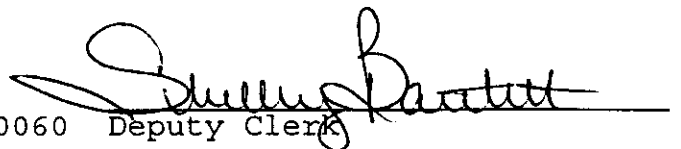
I certify that a true and correct copy of the ORDER OF PARTIAL DECREE was mailed on March 14, 2003, with sufficient first-class postage to the following:

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            |
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| 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)

3/14/03

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  
**FILED**

In Re SRBA )  
 )  
Case No. 39576 )  
\_\_\_\_\_ )

PARTIAL DECREE PURSUANT TO  
I.R.C.P. 54(b) FOR  
Water Right 77-10145

2009 MAR 14 PM 1 20

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

SOURCE: CUB CREEK

TRIBUTARY: BEAR VALLEY CREEK

QUANTITY: 0.02 CFS

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

PRIORITY DATE: 05/01/1903

POINT OF DIVERSION: T11N R08E S04 NWNW (Instream Beginning Point) Within Valley County  
T12N R08E S33 SESE (Instream Ending Point)

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

| PLACE OF USE: | Stockwater         | Within Valley County |
|---------------|--------------------|----------------------|
|               | T11N R08E S04 NWNW | NENW                 |
|               | T12N R08E S33 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  
Presiding Judge of the  
Snake River Basin Adjudication