

1998 DEC -1 PM 2: 03

1998
DEC 1
TWIN FALLS, IDAHO
FILED

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

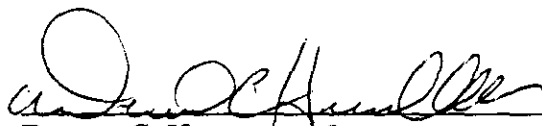
In Re SRBA	)	ORDER OF PARTIAL DECREE
	)	
Case No. 39576	)	For Water Right 34-12385/36-15344
_____	)	

On October 19, 1998, a *Special Master's Report and Recommendation* was filed for the above water right. 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.

Therefore, IT IS ORDERED that water right 34-12385/36-15344 is hereby **decreed** as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED DEC 1 1998.


DANIEL C. HURLBUTT, JR.
Presiding Judge
Snake River Basin Adjudication

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

1998 DEC -1 PM 2:03

FILED
TWIN FALLS, IDAHO

In Re SRBA)
Case No. 39576)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 34-12385/36-15344

NAME AND ADDRESS: UNITED STATES OF AMERICA
C/O NATIONAL PARK SERVICE
PACIFIC NORTHWEST REGION
909 FIRST AVENUE
SEATTLE, WA 98104-1060

SOURCE: ALL SURFACE WATER AND GROUND WATER SOURCES ARISING ON, OCCURRING
ON, OR UNDER THE FOLLOWING AREA B:

T01N R24E S03
S10
S15
S22
S26
S27
S34
S35
S36

T01N R25E S03
S04
S09
S10
S15
S16
S22
S23
S24
S25
S26
S27
S36

T02N R24E S25
S26
S27
S34

T02N R25E S27
S28
S29
S30
S32
S33
S34

T01S	R25E	S01	
		S12	
		S13	
		S21	N1/2
		S22	N1/2
		S23	N1/2
		S24	N1/2

QUANTITY: USE OF THIS RIGHT WITH WATER RIGHT NOS. 34-12383/36-15342, 34-12388, 36-15345, AND 34-13586 IS LIMITED TO A TOTAL COMBINED DIVERSION VOLUME OF 54.5 AFY

PRIORITY DATE: 07/23/1928

POINT OF DIVERSION: THE POINTS OF DIVERSION FOR THIS RIGHT MAY BE AT ANY POINT WITHIN THE FOLLOWING AREA B:

T01N	R24E	S03	
		S10	
		S15	
		S22	
		S26	
		S27	
		S34	
		S35	
		S36	

T01N	R25E	S03	
		S04	
		S09	
		S10	
		S15	
		S16	
		S22	
		S23	
		S24	
		S25	
		S26	
		S27	
		S36	

T02N	R24E	S25	
		S26	
		S27	
		S34	

T02N	R25E	S27	
		S28	
		S29	
		S30	
		S32	
		S33	
		S34	

T01S	R25E	S01	
		S12	
		S13	
		S21	N1/2
		S22	N1/2
		S23	N1/2
		S24	N1/2

PURPOSE OF USE: MONUMENT DOMESTIC, MONUMENT IRRIGATION, AND MONUMENT
COMMERCIAL

PERIOD OF USE: 01-01 TO 12-31

PLACE OF USE: ANY PLACE WITHIN THE BOUNDARIES OF THE CRATERS OF THE MOON NATIONAL
MONUMENT.

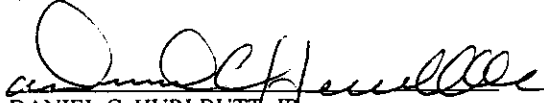
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS IS A FEDERAL RESERVE WATER RIGHT BASED ON PRESIDENTIAL
PROCLAMATION NO. 1843 (JULY 23, 1928) AND FURTHER DESCRIBED IN A WATER
RIGHTS AGREEMENT BETWEEN THE STATE OF IDAHO AND THE UNITED STATES
FOR THE CRATERS OF THE MOON NATIONAL MONUMENT (MAY 14, 1992).

IN ACCORDANCE WITH SECTIONS 5.13 AND 5.14 OF THE 1992 AGREEMENT, THE
UNITED STATES IS NOT ENTITLED TO MAINTAIN ANY SPECIFIC WATER TABLE
ELEVATION IN THE SNAKE RIVER REGIONAL AQUIFER, BENEATH THE CRATERS
OF THE MOON NATIONAL MONUMENT.

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.


DANIEL C. HURLBUTT, JR.
Presiding Judge
Snake River Basin Adjudication

1998 DEC 02 PM 02:
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

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)

)

CERTIFICATE OF MAILING

Water Right(s): 34-12385

CERTIFICATE OF MAILING

I certify that a true and correct copy of the PARTIAL DECREE
PURSUANT TO I.R.C.P. 54(b) for WATER RIGHT 34-12385 was mailed
on December 02, 1998, with sufficient first-class postage prepaid
to the following:

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

STATE OF IDAHO
Represented by:
CLIVE STRONG
NATURAL RESOURCES
DEP AG OFFICE OF ATTY GEN
STATEHOUSE MAIL
BOISE, ID 83720-0010
Phone: 208-334-2400

U.S. NATIONAL PARK SERVICE
US DEPARTMENT OF JUSTICE
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724
Phone: 208-387-0835

CERTIFICATE OF MAILING

DIANA DELANEY
Chief Deputy Clerk

PAGE 1
12/02/98

1998 DEC 02 PM 02:0.
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

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)
_____)

CERTIFICATE OF MAILING

Water Right(s) : 36-15344

CERTIFICATE OF MAILING

I certify that a true and correct copy of the PARTIAL DECREE
PURSUANT TO I.R.C.P. 54(b) for WATER RIGHT 36-15344 was mailed
on December 02, 1998, with sufficient first-class postage prepaid
to the following:

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

STATE OF IDAHO
Represented by:
CLIVE STRONG
NATURAL RESOURCES
DEP AG OFFICE OF ATTY GEN
STATEHOUSE MAIL
BOISE, ID 83720-0010
Phone: 208-334-2400

U.S. NATIONAL PARK SERVICE
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724
Phone: 208-387-0835

CERTIFICATE OF MAILING

DIANA DELANEY
Chief Deputy Clerk

PAGE 1
12/02/98

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)

Water Right 36-15344

ORDER AMENDING IRRIGATION PERIOD OF USE ELEMENT
IN PARTIAL DECREE AND INCORPORATING INTO PARTIAL
DECREE AN EXPRESS STATEMENT REGARDING GENERAL
PROVISIONS, *NUNC PRO TUNC*

A *Partial Decree* was entered for the above-captioned irrigation water right on December 02, 1998. The period of use element was decreed as "irrigation season." In *A&B Irrigation Dist. v. Idaho Conservation League*, 131 Idaho 411, 423, 958 P.2d 568, 580 (1998), the Idaho Supreme Court remanded with the directive to include specific dates for the period of use element. Following remand, IDWR filed a *Supplemental Director's Report, Reporting Area 3, IDWR Basin 36, Regarding Revision of Period of use (For Irrigation Water Uses) and Conjunctive Management General Provisions*, which included an irrigation period of use recommendation for this water right. No objections were filed to this recommendation and the time period for filing objections has now expired.

THEREFORE, IT IS ORDERED that the period of use for the irrigation element of the above-captioned water right is hereby amended and decreed as:

PERIOD OF USE: 01-01 12-31

IT IS FURTHER ORDERED that the *Partial Decree* for the above-captioned water right is hereby amended and decreed to contain the following:

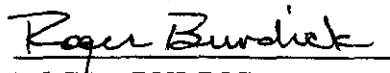
This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the court at a point in time no later than the entry of a final unified decree. I.C. section 42-1412(6).

This order is being entered *nunc pro tunc* as of the date the *Partial Decree* was issued and is not intended to modify any subsequent administrative changes for the water right, if any, which occurred following entry of the *Partial Decree*.

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.

Dated August 27, 2001



ROGER BURDICK
Presiding Judge
Snake River Basin Adjudication

Important Information About Your Water Right

August 27, 2001

UNITED STATES AMERICA ACTING THROUGH
NATIONAL PARK SERVICE
PACIFIC NORTHWEST REG OFFICE
909 FIRST AVE
SEATTLE, WA 98104-1060

Dear Water Right Claimant(s):

The reverse side of this letter contains a copy of an ***Order Amending Irrigation Period of Use Element in Partial Decree and Incorporating into Partial Decree An Express Statment Regarding General Provisions, Nunc Pro Tunc*** (hereinafter "***Order***") for water right number 36-15344. According to Idaho Department of Water Resources (IDWR) records, you are the current owner of this water right. If you are not the current owner, please contact IDWR immediately at:

Idaho Department of Water Resources
1301 North Orchard
Boise, ID 83706
800-451-4129

The Purpose of the ***Order*** is to set forth beginning and ending dates for the irrigation period of use for this water right. As stated in the face of the ***Order***, this action was necessary following the decision of the Idaho Supreme Court in *A&B Irrigation Dist. v. Idaho Conservation League*, 131 Idaho 411, 423, 958 P.2d 568, 580 (1998). This ***Order*** also incorporates into the ***Partial Decree*** an express statement that the ***Partial Decree*** is subject to such general provisions necessary for the definition or for the efficient administration of the water right. This express statement is necessary to comply with the requirements of Idaho Code section 42-1412(6). This ***Order*** in combination with the ***Partial Decree*** that was issued for this water right on December 02, 1998, sets forth all of the elements of your water right. The Snake River Basin Adjudication (SRBA) Court suggests that you keep this document in a safe location together with a copy of the ***Partial Decree*** to show evidence of the water right. The original of this ***Order*** and the original of the ***Partial Decree*** for this water right are on file with SRBA Court. If you do not have a copy of the original ***Partial Decree***, one can be obtained by contacting the SRBA Court at (208) 736-3011. Please note that the ***Order*** is entered ***Nunc Pro Tunc***, meaning that the ***Order*** will be treated as if it were issued the same date that the ***Partial Decree*** was originally issued.

Sincerely,



Diana Delaney
Case Administrator