

1998 DEC -1 PM 2:03

FILED
TWIN FALLS, IDAHO

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

)
)
)
)
ORDER OF PARTIAL DECREE

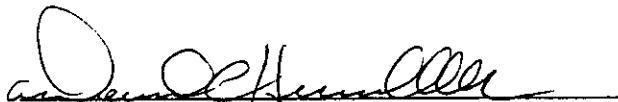
For Water Right 34-12384/36-15343

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 34-12384/36-15343 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

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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) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
) Water Right 34-12384/36-15343

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 WITHIN THE FOLLOWING AREA A:

T01N R24E S01
S02
S11
S12
S13
S14
S23
S24
S25

T01N R25E S05
S06
S07
S08
S17
S18
S19
S20
S21
S28
S29
S30
S31
S32
S33
S34
S35

T02N R24E S35
S36

T02N R25E S31

T01S	R25E	S02
		S03
		S04
		S05
		S09
		S10
		S11
		S14
		S15
		S16

QUANTITY: THE ENTIRE FLOW OF EACH SOURCE DESCRIBED IN THE SOURCE ELEMENT IN EXCESS OF THE AMOUNT DIVERTED BY RIGHT NO. 34-12383/36-15342.

PRIORITY DATE: 05/02/1924

POINT OF DIVERSION: THIS IS AN INSTREAM FLOW WATER RIGHT. THE BEGINNING AND ENDING POINTS MAY BE ANY POINT WITHIN THE FOLLOWING AREA A:

T01N	R24E	S01
		S02
		S11
		S12
		S13
		S14
		S23
		S24
		S25

T01N	R25E	S05
		S06
		S07
		S08
		S17
		S18
		S19
		S20
		S21
		S28
		S29
		S30
		S31
		S32
		S33
		S34
		S35

T02N	R24E	S35
		S36

T02N	R25E	S31
------	------	-----

T01S	R25E	S02
		S03
		S04
		S05
		S09
		S10
		S11
		S14
		S15
		S16

PURPOSE OF USE: MONUMENT INSTREAM FLOW USES

PERIOD OF USE: 01-01 TO 12-31

PLACE OF USE: ANY PLACE WITHIN THE FOLLOWING AREA A:

T01N	R24E	S01
		S02
		S11
		S12
		S13
		S14
		S23
		S24
		S25

T01N	R25E	S05
		S06
		S07
		S08
		S17
		S18
		S19
		S20
		S21
		S28
		S29
		S30
		S31
		S32
		S33
		S34
		S35

T02N	R24E	S35
		S36

T02N	R25E	S31
------	------	-----

T01S R25E S02
S03
S04
S05
S09
S10
S11
S14
S15
S16

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

THIS IS A FEDERAL RESERVE WATER RIGHT BASED ON PRESIDENTIAL PROCLAMATION NO. 1694 (MAY 2, 1924) 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 02:00
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): 34-12384

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 34-12384 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

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12/02/98

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In Re SRBA)
)
Case No. 39576)
_____)

CERTIFICATE OF MAILING

Water Right(s) : 36-15343

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 36-15343 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

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