

RECEIVED

SEP - 5 2001

Department of Water Resources

2001 SEP - 5 PM 2: 17

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

) Subcase 34-12637A
)

Case No. 39576

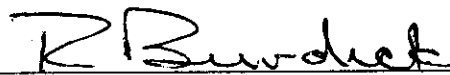
) FINAL ORDER DISALLOWING WATER
) RIGHT CLAIM
)

The above-captioned water right was claimed as both a federal reserve water right and a state-law based water right ("dual based"), with the state-law based claim having been assigned water right number 34-12637. A *Partial Decree* for water right number 34-12637 was issued on February 24, 1998. The United States having elected to prosecute the alternative state-law basis for this claim, the federal reserve water right claim is no longer viable. See *Memorandum Decision and Order Re: Basin-Wide Issue 12* (April 25, 1997).

Therefore, IT IS HEREBY ORDERED that the above-captioned water right claim is **disallowed with prejudice**, and shall not be confirmed in any partial decree or in any final decree entered in the SRBA, Case No. 39576, in whatever form that final decree may take or be styled.

IT IS SO ORDERED.

Dated: Wednesday, September 5, 2001



ROGER S. BURDICK

Presiding Judge

Snake River Basin Adjudication

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.

CERTIFICATE OF MAILING

I certify that a true and correct copy of the Final Order Disallowing Water Right Claim was mailed on September 5, 2001, with sufficient first-class postage to the following:

USDI BLM
Idaho State Office
3380 Americana Terrace
Boise, ID 83706

United States Department of Justice
Environment & Nat'l Resources Div
550 W Fort Street, MSC 033
Boise, ID 83724

Chief, Natural Resources Division
Office of Attorney General
PO Box 44449
Boise, ID 83711-4449

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098


Deputy Clerk