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DEC 11 1998

Department of Water Resources
Adjudication Bureau

1998 DEC -1 PM 2:02

FILED
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

In Re SRBA	)	ORDER OF PARTIAL DECREE
	)	
Case No. 39576	)	For Water Right 34-12389
	)	

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 34-12389 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

44-38861-373A
TWIN FALLS CO., IDAHO
FILED

100-3784
MONTICELLO, IDAHO
FILED

In Re SRBA) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 34-12389

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 C:

T02N R24E S28 LOT 1 (NENE)

QUANTITY: THE ENTIRE FLOW OF EACH SOURCE DESCRIBED IN THE SOURCE ELEMENT IN EXCESS OF THE AMOUNT DIVERTED BY RIGHT NO. 34-12388.

PRIORITY DATE: 07/09/1930

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

T02N R24E S28 LOT 1 (NENE)

PURPOSE OF USE: MONUMENT INSTREAM FLOW USES

PERIOD OF USE: 01-01 TO 12-31

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

T02N R24E S28 LOT 1 (NENE)

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

THIS IS A FEDERAL RESERVE WATER RIGHT BASED ON PRESIDENTIAL PROCLAMATION NO. 1916 (JULY 9, 1930) 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): 34-12389

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 34-12389 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

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

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12/02/98

U.S. NATIONAL PARK SERVICE
PACIFIC NW REGIONAL OFFICE
909 FIRST AVENUE
SEATTLE, WA 98104-1060

DIANA DELANEY
Chief Deputy Clerk