

1998 DEC -1 PM 2:03

FILED
TWIN FALLS, IDAHO
SRBA

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

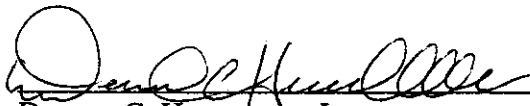
In Re SRBA	)	ORDER OF PARTIAL DECREE
	)	
Case No. 39576	)	For Water Right 34-12387
_____	)	

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 34-12387 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

1998 DEC -1 PM 2: 03

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

In Re SRBA)
Case No. 39576)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 34-12387

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

SOURCE: UNNAMED STREAM TRIBUTARY TO LITTLE COTTONWOOD CREEK

QUANTITY: THE ENTIRE FLOW OF UNNAMED STREAM TRIBUTARY TO LITTLE COTTONWOOD CREEK IN EXCESS OF THE AMOUNT DIVERTED BY RIGHT NO. 34-12385/36-15344.

PRIORITY DATE: 07/23/1928

POINT OF DIVERSION: THIS IS AN INSTREAM FLOW WATER RIGHT.

THE BEGINNING POINT IS WHERE THE UNNAMED STREAM TRIBUTARY TO LITTLE COTTONWOOD CREEK ENTERS THE BOUNDARY OF THE CRATERS OF THE MOON NATIONAL MONUMENT AS ESTABLISHED ON JULY 23, 1928.

APPROXIMATELY 1,600 FEET SOUTH OF THE NE CORNER OF:

T02N R24E S28

THE ENDING POINT IS AT THE CONFLUENCE OF THE UNNAMED STREAM TRIBUTARY TO LITTLE COTTONWOOD CREEK AND LITTLE COTTONWOOD CREEK:

T02N R24E S27

PURPOSE OF USE: MONUMENT INSTREAM FLOW USES

PERIOD OF USE: 01-01 TO 12-31

PLACE OF USE: ANY PLACE 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	
T01S	R25E	S01	
		S12	
		S13	
		S21	N1/2
		S22	N1/2
		S23	N1/2
		S24	N1/2

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 02:00
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): 34-12387

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 34-12387 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

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DIANA DELANEY 12/02/98
Chief Deputy Clerk