

RECEIVED

NOV 19 2002

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED _____

2002 NOV 18 PM 3 45

Department of Water Resources

**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

) **Subcases: SEE ATTACHED EXHIBIT A**
)
) **ORDER OF PARTIAL DECREE FOR**
) **FEDERAL RESERVED WATER**
) **RIGHTS, AND**
)
) **ORDER DISALLOWING STATE LAW**
) **BASIS FOR SAME WATER RIGHTS**
)

The above-captioned water rights were claimed by the United States Department of Interior, Bureau of Land Management as "dual based" water rights, meaning the water rights were claimed both pursuant to state law and as federal reserved water rights pursuant to Public Water Reserve (PWR) 107. On September 17, 2002, following a hearing held pursuant to Idaho Code section 42-1411A(14) regarding the factual basis for the federal reserved water right claims, a *Special Master's Report and Recommendation* together with *Findings of Fact and Conclusions of Law* was filed for the above-captioned water rights. The *Special Master's Report and Recommendation* recommended that the federal basis for the claims be decreed as recommended and that the state basis for the same claims be disallowed and not confirmed in any partial or final unified decree. 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.

**ORDER OF PARTIAL DECREE FOR FEDERAL RESERVED WATER RIGHTS,
ORDER DISALLOWING STATE LAW BASIS FOR SAME WATER RIGHTS**

Page 1 of 2

Therefore, IT IS ORDERED that the above-captioned water rights are hereby **decreed** as set forth in the attached *Partial Decree(s) Pursuant to I.R.C.P. 54(b)*.

IT IS FURTHER ORDERED that the state law basis for the same above-captioned water rights is hereby **disallowed** and shall not be confirmed in any partial decree or in any final unified decree entered in SRBA Case No. 39576, in whatever form that final decree may take or be styled.

Dated 11-18-02



ROGER BURDICK
Presiding Judge
Snake River Basin Adjudication

EXHIBIT A

Subcase Nos:

21-12003	21-12115
21-12005	21-12117
21-12007	21-12119
21-12009	21-12121
21-12011	21-12123
21-12013	21-12125
21-12015	21-12127
21-12017	21-12129
21-12019	21-12131
21-12021	21-12133
21-12023	21-12135
21-12027	
21-12029	
21-12031	
21-12033	
21-12035	
21-12037	
21-12039	
21-12041	
21-12045	
21-12047	
21-12049	
21-12051	
21-12053	
21-12055	
21-12057	
21-12059	
21-12061	
21-12063	
21-12065	
21-12067	
21-12069	
21-12071	
21-12073	
21-12075	
21-12077	
21-12079	
21-12081	
21-12083	
21-12085	
21-12087	
21-12089	
21-12091	
21-12093	
21-12095	
21-12099	
21-12105	
21-12107	
21-12109	
21-12113	

(Subcase list: 21FILE89)
9/13/02

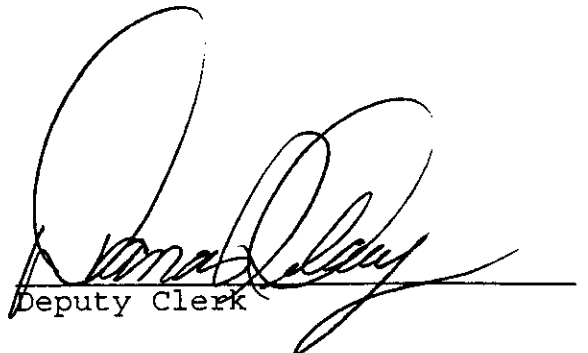
CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER OF PARTIAL DECREE FOR FEDERAL RESERVED WATER RIGHT AND ORDER DISALLOWIN STATE LAW BASIS FOR SAME was mailed on November 18, 2002, with sufficient first-class postage to the following:

USDI BLM

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

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

A large, stylized handwritten signature in black ink, likely belonging to the Deputy Clerk, is written over the printed name and extends upwards and to the left.

PAGE 1
Nov-18-2002