

BASIN 23 GENERAL PROVISIONS

The Director of the Idaho Department of Water Resources recommends to the Snake River Basin Adjudication District Court that the following general provisions be included in the decree determining rights to water from Basin 23.

The following water rights from the following sources of water in Basin 23 shall be administered separately from all other water rights in Basin 23 in accordance with the prior appropriation doctrine as established by Idaho law:

<u>Water Right No.</u>	<u>Source</u>
None	None

The following water rights from the following sources of water in Basin 23 shall be administered separately from all other water rights in the Snake River Basin in accordance with the prior appropriation doctrine as established by Idaho law:

<u>Water Right No.</u>	<u>Source</u>
None	None

Except as otherwise specified above, all other water rights within Basin 23 will be administered as connected sources of water in the Snake River Basin in accordance with the prior appropriation doctrine as established by Idaho law.

RECEIVED
JUL 15 2005
DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

JUL 14 2005

By _____ Clerk
_____ Deputy Clerk

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**
) **GENERAL PROVISIONS IN BASIN 23**
)

On June 11, 2004, pursuant to Idaho Code § 42-1411(3), the Director of the Idaho Department of Water Resources filed a *Director's Report* recommending general provisions applicable to water rights in Basin 23. The only general provision recommended by the Director in Basin 23 is the connected sources (conjunctive management) general provision. No objections have been filed to the general provision portion of the Basin 23 *Director's Report*. On October 19, 2004, pursuant to Idaho Code § 42-1412(7), the Court held a hearing on those portions of the *Director's Report* for which no objection was filed.

On February 27, 2002, Judge Burdick issued a *Memorandum Decision and Order of Partial Decree* in Basin Wide Issue 5 (Connected Sources General Provision), subcase 91-00005. Therein, Judge Burdick decreed the form of the conjunctive management general provision to be used in each administrative basin within the Snake River Basin Adjudication. The connected sources general provision recommended in the Basin 23 *Director's Report* is consistent with the *Order* issued in Basin Wide Issue 5.

In accordance with the foregoing, IT IS ORDERED that the Basin 23 general provisions are hereby **decreed** as set forth in the *Partial Decree Pursuant to I.R.C.P. 54(b)* entered contemporaneously herewith.

Dated July 14, 2005



JOHN MELANSON
Presiding Judge
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER OF PARTIAL DECREE FOR GENERAL PROVISIONS IN BASIN 23 was mailed on July 14, 2005 with sufficient first-class postage to the following:

Director of IDWR
PO Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Div.
Office of the Attorney General
State of Idaho
PO Box 44449
Boise, Idaho 83711-4449

U.S. Department of Justice
Environment & Natural Resources Div.
550 W Fort St., MSC 033
Boise, ID 83724


Deputy Clerk

RECEIVED
JUL 15 2005
DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
JUL 14 2005	
By _____	Clerk
_____	Deputy Clerk

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)	PARTIAL DECREE PURSUANT TO
)	I.R.C.P. 54(b) FOR GENERAL
)	PROVISIONS IN BASIN 23
_____)	

The following general provisions are hereby decreed to be applicable to water rights in Basin 23.

The following water rights from the following sources of water in Basin 23 shall be administered separately from all other water rights in Basin 23 in accordance with the prior appropriation doctrine as established by Idaho Law.

<u>Water Right No.</u>	<u>Source</u>
NONE	NONE

The following water rights from the following sources of water in Basin 23 shall be administered separately from all other water rights in the Snake River Basin in accordance with the prior appropriation doctrine as established by Idaho law.

<u>Water Right No.</u>	<u>Source</u>
NONE	NONE

Except as otherwise specified above, all other water rights within Basin 23 will be administered as connected sources of water in the Snake River Basin in accordance with the prior appropriation doctrine as established by Idaho law.

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 in the Idaho Appellate Rules.

Dated July 14, 2005



JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the **PARTIAL DECREE PURSUANT TO I.R.C.P. 54(b) FOR GENERAL PROVISIONS IN BASIN 23** was mailed on July 14, 2005, with sufficient first-class postage to the following:

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