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Department of Water Resources

2002 APR -5 PM 3: 54

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

ORDER OF PARTIAL DECREE

For Water Right 35-07098

On February 14, 2002, 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 35-07098 is hereby **decreed** as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED 4/5/02



ROGER S. BURDICK
Presiding Judge
Snake River Basin Adjudication

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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 35-07098

2002 APR -5 PM 3:55

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

NAME AND ADDRESS: US DEPT OF ENERGY
BONNEVILLE POWER
905 NE 11TH AVE MS/EWP
PO BOX 362
PORTLAND, OR 97232

SOURCE: GROUNDWATER
SPRINGS TRIBUTARY: SNAKE RIVER

QUANTITY: 20.00 CFS

USE OF THIS RIGHT WITH RIGHT NO. 35-07097 IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 24.0 CFS.

PRIORITY DATE: 08/02/1969

POINT OF DIVERSION: T04S R32E S25 SENE Within Bingham County
R33E S30 SWSWNW
SNNW
NWSW
NWNWSW

4 POINTS OF DIVERSION LOCATED IN T04S, R33E, S30, SNNW.
2 POINTS OF DIVERSION LOCATED IN T04S, R33E, S30, NWSW.

PURPOSE AND
PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
Fish Propagation 01-01 TO 12-31 20.00 CFS
FISH PROPAGATION, TROUT FARM.

PLACE OF USE: Fish Propagation Within Bingham County
T04S R33E S30 SNNW NWSW

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

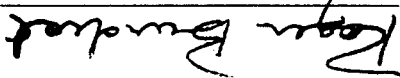
A MEASURING DEVICE AND LOCKABLE CONTROLLING WORKS OF A TYPE
ACCEPTABLE TO IDWR SHALL BE PERMANENTLY INSTALLED AND MAINTAINED.
THIS RIGHT HOLDER SHALL ACCOMPLISH THE CHANGE AUTHORIZED BY
TRANSFER NO. 5278 BY APRIL 30, 2002.

THIS RIGHT IS SUBJECT TO REGULATION BY THE WATERMASTER OF
WATER DISTRICT 01.

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

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.



Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

2002 APR 05 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)

CERTIFICATE OF MAILING

Case No. 39576)
_____)

Water Right(s): 35-07098

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 35-07098 was mailed
on April 05, 2002, with sufficient first-class postage prepaid
to the following:

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

US DEPT OF ENERGY
BONNEVILLE POWER
905 NE 11TH AVE MS/EWP
PO BOX 362
PORTLAND, OR 97232
Phone: 503-230-5212


ROBBIN GLATZ
Chief Deputy Clerk