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JUN 25 2002

Department of Water Resources

2002 JUN 24 AM 10:09

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

) SPECIAL MASTER'S REPORT

)
) FINDINGS OF FACT AND
) CONCLUSIONS OF LAW

)
) FOR WATER RIGHT 65-12096
)

I. FINDINGS OF FACT

A notice of claim was filed for this water right pursuant to I.C. § 42-1409. The Director of the State of Idaho Department of Water Resources examined the water system for this reporting area. The *Director's Report* contained a recommendation or abstract for the elements of this water right.

On April 14, 2000, the United States of America, USDI Bureau of Reclamation filed an *Objection* to subcase 65-12096, objecting to the "quantity" and "place of use" elements. On April 14, 2000, the State of Idaho also filed an objection to water right 65-12096 objecting to "quantity."

Subsequently a *Standard Form 5/Stipulated Elements of a Water Right* was filed. An *Amended Director's Report* was attached to the SF5. Objections to the *Amended Director's Report* were due December 28, 2001. No objections were filed to the *Amended Director's Report* and the time for filing has expired.

II. CONCLUSIONS OF LAW

Therefore, based on the file and record herein, IT IS RECOMMENDED that this water right be decreed with the elements as set forth in the attached *Recommendation for Partial Decree Pursuant to I.R.C.P. 54(b) for Water Right 65-12096*.

DATED June 24, 2002.


THOMAS R. CUSHMAN

Special Master
Snake River Basin Adjudication

JUN 25 2002

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

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In Re SRBA)
Case No. 39576)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 65-12096

FILED
TWIN FALLS CO. IDAHO

NAME AND ADDRESS: IDAHO POWER CO
PO BOX 70
BOISE, ID 83707

SOURCE: PAYETTE RIVER, NORTH FORK TRIBUTARY: PAYETTE RIVER

QUANTITY: 2000.00 CFS
642000.00 AFY

RIGHTS 65-02232, 65-02338A, 65-02338X AND 65-12096 WHEN COMBINED
SHALL NOT EXCEED A TOTAL DAILY MAXIMUM DIVERSION VOLUME OF
4356 ACRE FEET

PRIORITY DATE: 02/21/1978

THE RIGHTS FOR THE USE OF WATER CONFIRMED BY THIS RIGHT
SHALL BE JUNIOR AND SUBORDINATE TO ALL RIGHTS FOR THE USE OF
WATER OTHER THAN HYDROPOWER, WITHIN THE STATE OF IDAHO THAT ARE
INITIATED LATER IN TIME THAN THE PRIORITY OF THIS RIGHT AND SHALL
NOT GIVE RISE TO ANY RIGHT OF CLAIM AGAINST ANY FUTURE RIGHTS FOR
THE USE OF WATER, OTHER THAN HYDROPOWER, WITHIN THE STATE OF
IDAHO INITIATED LATER IN TIME THAN THE PRIORITY OF THIS RIGHT.

POINT OF DIVERSION: T14N R03E S26 LOT 05 (NENE) Within Valley County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Power	01-01 TO 12-31	2000.00 CFS 642000.00 AFY

PLACE OF USE: Power Within Valley County
T14N R03E S26 LOT 05 (NENE)

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

THIS RIGHT DOES NOT CONSTITUTE IDAHO PUBLIC UTILITIES
COMMISSION OR FEDERAL ENERGY REGULATORY COMMISSION APPROVAL
THAT MAY BE REQUIRED.

THE ISSUANCE OF THIS RIGHT DOES NOT GRANT ANY RIGHT-OF-WAY
OR EASEMENT ACROSS THE LAND OF ANOTHER.

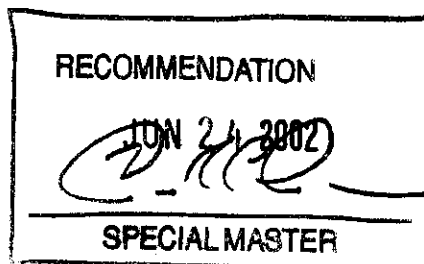
FURTHER, THIS WATER RIGHT IS FOR POWER PURPOSES AND IS
USED AT A HYDROELECTRIC PLANT OWNED AND OPERATED BY IDAHO POWER
COMPANY. THE HYDROELECTRIC PLANT IS OPERATED PURSUANT TO A
1981 FERC LICENSE (AS MAY BE RENEWED, AMENDED OR SUPPLEMENTED)
AND IS LOCATED AT CASCADE RESERVOIR, A U.S. BUREAU OF RECLAMATION
FACILITY. CERTAIN RIGHTS AND RESPONSIBILITIES RELATIVE TO THE
OPERATION AND MAINTENANCE OF THE PLANT ARE ALSO GOVERNED BY A
CONTRACTUAL RELATIONSHIP BETWEEN IDAHO POWER COMPANY AND THE
U.S. BUREAU OF RECLAMATION

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



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In Re SRBA

Case No. 39576

CERTIFICATE OF MAILING

Water Right(s): 65-12096

CERTIFICATE OF MAILING

I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on June 24, 2002, with sufficient first-class postage prepaid to the following:

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

IDAHO POWER CO
Represented by:
JAMES C. TUCKER
IDAHO POWER CO
PO BOX 70
BOISE, ID 83707
Phone: 208-388-2200

USDI BUREAU OF RECLAMATION
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


DEBBIE LASH
Deputy Clerk

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In Re SRBA)

Case No. 39576)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

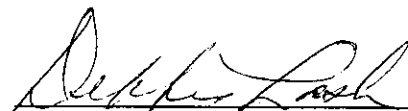
Water Right(s): 65-12096

On June 24, 2002, Special Master THOMAS R CUSHMAN issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s) pursuant to SRBA Administrative Order 1 (AO1), Section 13a.

Pursuant to SRBA Administrative Order 1, Section 13a, any party to the adjudication including parties to the subcase, may file a Motion to Alter or Amend on or before the 28th day of the next month.

Failure of any party in the adjudication to pursue or participate in a Motion to Alter or Amend the SPECIAL MASTER'S RECOMMENDATION shall constitute a waiver of the right to challenge it before the Presiding Judge.

DATED June 24, 2002.


DEBBIE LASH
Deputy Clerk