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Department of Water Resources

2002 AUG 29 PM 1: 18

DISTRICT COURT-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	)	Subcase 92-00002
	)	and
Case No. 39576	)	Subcases 36-02680, et al. (see list attached)
	)	(Rim View Trout Company, Idaho Power
	)	Company and IDF&G)
	)	
	)	AMENDED SPECIAL MASTER REPORT
	)	AND RECOMMENDATION

FINDINGS OF FACT

● 92-00002

Rim View Trout Company filed its *Consolidated Alternative Motions for Writ of Mandamus, Preliminary or Permanent Injunctions and Interim Administration* on November 18, 1992. The action was filed in the main SRBA case (Case No. 39576) with Rim View Trout named as plaintiff and the Idaho Department of Fish and Game (IDF&G) and the Idaho Department of Water Resources (IDWR) named as defendants. The subcase number is 92-00002.

On December 4, 1992, former-Presiding Judge Daniel C. Hurlbutt, Jr., entered his *Order Granting Preliminary Injunction in Part, Granting Mandamus*. Then, on December 23, 1992, Judge Hurlbutt entered an *Order Granting United States Motion to Intervene*.<sup>1</sup>

● Director's Reports

The Director of the Idaho Department of Water Resources filed his *Director's Report, Part I, for Reporting Area 3 (Basin 36)* on November 2, 1992. Most of the above claims were

<sup>1</sup> On September 30, 1993, Daria J. Zane, attorney for the United States, wrote to counsel for the other parties to say: "Should the Court approve the agreement and vacate the trial date, the United States will withdraw its intervention in this matter." *Motion for Approval of Amended Stipulation to Consolidate Subcases Relating to Niagara Springs for Trial; Motion for Approval of Agreement Resolving Water Rights from Niagara Springs; and Motion to Dismiss Mandamus Action*, filed October 1, 1993, Attachment 1.

recommended for various uses including: fish propagation, irrigation, domestic, fire protection, wildlife and wildlife storage. Subcases 36-04032C and 36-10819 were recommended disallowed. The claimants are: Rim View Trout Company, 1301 Vista Avenue, Boise, Idaho 83705; Idaho Power Company, P.O. Box 70, Boise, Idaho 83707; and the State of Idaho, Department of Fish & Game, 600 S. Walnut, P.O. Box 25, Boise, Idaho 83707.

On January 8, 1993, the Director filed his *Recommendations of IDWR in Response to Rim View Trout Company Objection to Recommended Water Right No. 36-04020 as Listed in the Director's Report for Reporting Area 3 (Basin 36)*. The Director recommended 36-04020 be split into 36-04020A, 36-04020B and 36-04020C.

On September 30, 1993, the Director and the other parties signed the "Niagara Springs Agreement" in which the Director amended his recommendation of 36-04032A, 36-04032B and 36-04032C to include 36-04032D, but without an increase in quantity. For all practical purposes, the "Agreement" constituted an amended Director's report for those 4 claims.

On September 19, 1997, the Director filed an *Amended Director's Report Pursuant to July 11, 1997 Court Order Reporting Area 3, IDWR Basin 36* recommending claim 36-04020C to IDF&G as an enlargement of 36-04020A and 36-04020B for wildlife and wildlife storage.

- **Consolidation**

On October 1, 1993, Rim View Trout, Idaho Power and IDF&G filed a *Motion for Approval of Amended Stipulation to Consolidate Subcases Relating to Niagara Springs for Trial; Motion for Approval of Agreement Resolving Water Rights from Niagara Springs; and Motion to Dismiss Mandamus Action*. On January 12, 1994, Judge Hurlbutt entered his *Memorandum Decision and Order Granting Motion for Approval of Amended Stipulation to Consolidate Subcases Relating to Niagara Springs for Trial and Staying Disposition of Motion for Approval of Agreement Resolving Water Rights from Niagara Springs; and Motion to Dismiss Mandamus Action*. The *Memorandum Decision and Order* consolidated subcases 36-02680, 36-02704, 36-04020, 36-04032A, 36-04032B, 36-04032C and 36-07167. On March 28, 1997, Presiding Judge Hurlbutt entered an *Order Granting Joint Motion to Consolidate* adding subcase 36-02711 to the consolidation.

- **Order of Reference**

On January 13, 1999, former-Presiding Judge Barry Wood entered an *Order of Reference to Special Master Terrence A. Dolan* for subcases 92-00002, 36-02680, 36-02704, 36-02711, 36-04020, 36-04020C, 36-04032A, 36-04032B, 36-04032C, 36-07167 and 36-15221, plus “all other related or overlapping subcases.”

- **Amended Niagara Springs Agreement**

On July 24, 2002, Rim View Trout, Idaho Power and IDF&G filed a *Stipulation and Motion for Approval of Niagara Springs Agreement, as Amended*. In the *Stipulation and Motion*, the parties agreed that the September 30, 1993 “Niagara Springs Agreement” and the July 23, 2002 “Amendment to Niagara Springs Agreement” “resolve all remaining issues before the court in the above-captioned subcase [subcases 36-02680, *et al.*, and *Rim View Trout Company v. Idaho Department of Fish and Game, et al.*] pertaining to the allocation and adjudication of the waters of Niagara Springs and Niagara Springs Creek.” The parties then asked the Court to approve the “Agreement,” as amended.

In the “Amendment,” the parties agreed to: 1) removal of the facility volume remarks from Rim View Trout’s and Idaho Power’s fish propagation claims; 2) amendment of recommendations of 36-04020C (IDF&G) and 36-15221 (Idaho Power); and 3) the Court partially decreeing the water rights as described in attachments to the “Niagara Springs Agreement” (36-02711, 36-04020A and 36-04020B) and the “Amendment to Niagara Springs Agreement” (the other 9 water rights).

- **Standard Form 5 (36-15221)**

On July 30, 2002, Idaho Power and IDWR filed a *Standard Form 5* in subcase 36-15221 agreeing to .04 cfs for year-‘round domestic use with a priority date of March 3, 1982.

- **Draft Special Master Report and Recommendation**

On July 31, 2002, the Special Master entered a *Draft Special Master Report and Recommendation* for the purpose of receiving suggestions from counsel for the parties and IDWR. No one submitted a suggestion by the deadline of August 23, 2002, so the *Special Master Report and Recommendation* was entered on August 28, 2002. However, on August 29, 2002, the Court was advised that there was an error in the recommended priority date for 36-

04020A. Instead of January 1, 1912, the priority date should be March 15, 1912. The attached *Amended Special Master Recommendation for Partial Decree for Water Right 36-04020A* corrects the error.

## CONCLUSIONS OF LAW

Rim View Trout Company, Idaho Power Company and the State of Idaho, Department of Fish & Game are entitled to partial decrees adjudicating water rights under claims 36-02680, 36-04032A, 36-04032B, 36-04032C, 36-04032D and 36-07167 (Rim View Trout), 36-02704 and 36-15221 (Idaho Power Company) and 36-02711, 36-04020A, 36-04020B and 36-04020C (IDF&G) as described in the "Niagara Springs Agreement," the "Amendment to Niagara Springs Agreement," the *Standard Form 5* for claim 36-15221, the attached *Special Master Recommendations for Partial Decrees for Water Rights 36-02680, 36-02704, 36-02711, 36-04020B, 36-04020C, 36-04032A, 36-04032B, 36-04032C, 36-04032D, 36-07167 and 36-15221* and the attached *Amended Special Master Recommendation for Partial Decree for Water Right 36-04020A*.<sup>2</sup>

## RECOMMENDATIONS

THEREFORE, IT IS RECOMMENDED that in subcase 92-00002, the Court:

1. **Grant** the parties' *Motion for Approval of Niagara Springs Agreement, as Amended*;
2. **Dismiss** the *Consolidated Alternative Motions for Writ of Mandamus, Preliminary or Permanent Injunctions and Interim Administration* filed by Rim View Trout Company on November 18, 1992; and
3. **Vacate** its *Order Granting Preliminary Injunction in Part, Granting Mandamus*, dated December 4, 1992.

IT IS FURTHER RECOMMENDED that:

4. Claim 36-04020 **not** be adjudicated as a water right, the claim having been split into 36-04020A, 36-04020B and 36-04020C; and
5. Claim 36-10819 **not** be adjudicated as a water right.

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<sup>2</sup> The *Recommendations* include the Court's standard language concerning future general provisions, plus the following remark: "Use of this water right shall be subject to the terms and conditions of the 'Niagara Springs Agreement,' dated September 30, 1993, and the 'Amendment to Niagara Springs Agreement,' dated July 24, 2002."

DATED August 29, 2002.



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TERRENCE A. DOLAN

Special Master

Snake River Basin Adjudication

***Rim View Trout Co. v. Idaho Department of Fish and Game, et al.***  
39576 / 92-00002

**Rim View Trout Company**

36-02680  
36-04032A  
36-04032B  
36-04032C  
36-04032D  
36-07167  
36-10819 (disallow, recommended as part of 36-02680)

**Idaho Power Company**

36-02704  
36-15221

**State of Idaho, Department of Fish & Game**

36-02711  
36-04020 (disallow, split into 36-04020A, 36-04020B and 36-04020C)  
36-04020A  
36-04020B  
36-04020C

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

2002 AUG 29 PM 1:18  
DISTRICT COURT-SRBA  
TWIN FALLS CO., IDAHO  
FILED *MJ*

In Re SRBA )  
                  ) PARTIAL DECREE PURSUANT TO  
                  ) I.R.C.P. 54(b) FOR  
Case No. 39576 )  
\_\_\_\_\_) Water Right 36-02680

NAME AND ADDRESS: RIM VIEW TROUT  
1301 VISTA AVENUE  
BOISE, ID 83705

SOURCE: NIAGARA SPRINGS                      TRIBUTARY: SNAKE RIVER

QUANTITY: 60.00 CFS  
43438.60 AFY

PRIORITY DATE: 06/06/1966

POINT OF DIVERSION: T09S R15E S10 LOT 1 (SENE)        Within Gooding County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Fish Propagation	01-01 TO 12-31	60.00 CFS 43438.60 AFY

PLACE OF USE: Fish Propagation                      Within Gooding County  
                  T09S R15E S10 LOT 1 (NENE)        LOT 2 (NWNE)  
   LOT 10 (SWNE)        LOT 9 (SENE)

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

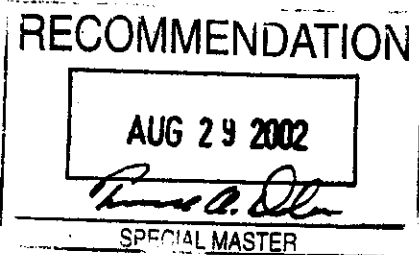
USE OF THIS WATER RIGHT SHALL BE SUBJECT TO THE TERMS AND  
CONDITIONS OF THE "NIAGARA SPRINGS AGREEMENT," DATED SEPTEMBER  
30, 1993, AND THE "AMENDMENT TO NIAGARA SPRINGS AGREEMENT,"  
DATED JULY 24, 2002.

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



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

AUG 29 PM 1:18  
DISTRICT COURT SRBA  
TWIN FALLS, IDAHO  
FILED [Signature]

In Re SRBA )  
                  ) PARTIAL DECREE PURSUANT TO  
                  ) I.R.C.P. 54(b) FOR  
Case No. 39576 )  
                  ) Water Right 36-04032A

NAME AND ADDRESS: RIM VIEW TROUT  
1301 VISTA AVENUE  
BOISE, ID 83705

SOURCE: NIAGARA SPRINGS                      TRIBUTARY: SNAKE RIVER

QUANTITY: 10.00 CFS  
7239.80 AFY

PRIORITY DATE: 03/15/1912

POINT OF DIVERSION: T09S R15E S10 LOT 1 (SENE)      Within Gooding County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
Fish Propagation	01-01 TO 12-31	10.00 CFS 7239.80 AFY

PLACE OF USE:

Place	Location	Location
Fish Propagation	Within Gooding County	
	T09S R15E S10 LOT 1 (NENE)	LOT 2 (NWNE)
	LOT 10 (SWNE)	LOT 9 (SENE)

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

USE OF THIS WATER RIGHT SHALL BE SUBJECT TO THE TERMS AND  
CONDITIONS OF THE "NIAGARA SPRINGS AGREEMENT," DATED SEPTEMBER  
30, 1993, AND THE "AMENDMENT TO NIAGARA SPRINGS AGREEMENT,"  
DATED JULY 24, 2002.  
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

**RECOMMENDATION**

**AUG 29 2002**

*Thomas A. Olsen*

**SPECIAL MASTER**

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  
  
Water Right 36-04032B

2002 AUG 29 PM 1:18  
DISTRICT COURT-SRBA  
TWIN FALLS, IDAHO  
FILED *[Signature]*

NAME AND ADDRESS: RIM VIEW TROUT  
1301 VISTA AVENUE  
BOISE, ID 83705

SOURCE: NIAGARA SPRINGS TRIBUTARY: SNAKE RIVER

QUANTITY: 10.00 CFS  
7239.80 AFY

PRIORITY DATE: 04/01/1951

POINT OF DIVERSION: T09S R15E S10 LOT 1 (SENE) Within Gooding County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Domestic	01-01 TO 12-31	0.08 CFS
	Fish Propagation	01-01 TO 12-31	10.00 CFS 7239.80 AFY

PLACE OF USE:	Fish Propagation	Within Gooding County
	T09S R15E S10 LOT 1 (NENE)	LOT 2 (NWNE)
	LOT 10 (SWNE)	LOT 9 (SENE)
	Domestic	Within Gooding County
	T09S R15E S10 LOT 1 (NENE)	LOT 9 (SENE)

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

USE OF THIS WATER RIGHT SHALL BE SUBJECT TO THE TERMS AND  
CONDITIONS OF THE "NIAGARA SPRINGS AGREEMENT," DATED SEPTEMBER  
30, 1993, AND THE "AMENDMENT TO NIAGARA SPRINGS AGREEMENT,"  
DATED JULY 24, 2002.

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

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RECOMMENDATION

AUG 29 2002  
*[Signature]*

SPECIAL MASTER

Roger Burdick  
Presiding Judge of the  
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

2002 AUG 29 PM 1:18  
DISTRICT COURT-SRBA  
TWIN FALLS, IDAHO  
FILED *[Signature]*

In Re SRBA )  
                  ) PARTIAL DECREE PURSUANT TO  
                  ) I.R.C.P. 54(b) FOR  
Case No. 39576 )  
                  ) Water Right 36-04032C

NAME AND ADDRESS: RIM VIEW TROUT  
1301 VISTA AVENUE  
BOISE, ID 83705

SOURCE: NIAGARA SPRINGS                      TRIBUTARY: SNAKE RIVER

QUANTITY: 5.00 CFS  
3619.90 APY

PRIORITY DATE: 04/01/1952

POINT OF DIVERSION: T09S R15E S10 LOT 1 (SENE)      Within Gooding County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
Fish Propagation	01-01 TO 12-31	5.00 CFS

PLACE OF USE: Fish Propagation                      Within Gooding County

LOT	SECTION		
T09S R15E S10 LOT 1	(NENE)	LOT 2	(NWNE)
LOT 10	(SWNE)	LOT 9	(SENE)

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

USE OF THIS WATER RIGHT SHALL BE SUBJECT TO THE TERMS AND  
CONDITIONS OF THE "NIAGARA SPRINGS AGREEMENT," DATED SEPTEMBER  
30, 1993, AND THE "AMENDMENT TO NIAGARA SPRINGS AGREEMENT,"  
DATED JULY 24, 2002.

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

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\_\_\_\_\_  
Roger Burdick  
Presiding Judge of the  
Snake River Basin Adjudication

RECOMMENDATION

AUG 29 2002  
*[Signature]*  
SPECIAL MASTER

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 36-04032D

2002 AUG 29 PM 1:18  
DISTRICT COURT-SRBA  
TWIN FALLS, IDAHO  
FILED *AMC*

NAME AND ADDRESS: RIM VIEW TROUT  
1301 VISTA AVE  
BOISE, ID 83705

SOURCE: NIAGARA SPRINGS TRIBUTARY: SNAKE RIVER

QUANTITY: 15.00 CFS  
10859.70 AFY

PRIORITY DATE: 12/01/1962

POINT OF DIVERSION: T09S R15E S10 LOT 1 (SENE) Within Gooding County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
Fish Propagation	01-01 TO 12-31	15.00 CFS 10859.70 AFY

PLACE OF USE: Fish Propagation Within Gooding County

LOT	SECTION	
T09S R15E S10 LOT 1	(NENE)	LOT 2 (NWNE)
LOT 10 (SWNE)		LOT 9 (SENE)

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

USE OF THIS WATER RIGHT SHALL BE SUBJECT TO THE TERMS AND  
CONDITIONS OF THE "NIAGARA SPRINGS AGREEMENT," DATED SEPTEMBER  
30, 1993, AND THE "AMENDMENT TO NIAGARA SPRINGS AGREEMENT,"  
DATED JULY 24, 2002.

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

RECOMMENDATION

AUG 29 2002

*Russell*  
SPECIAL MASTER

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  
Water Right 36-07167

2002 AUG 29 PM 1:18  
DISTRICT COURT-SRBA  
TWIN FALLS, IDAHO  
FILED *[Signature]*

NAME AND ADDRESS: RIM VIEW TROUT  
1301 VISTA AVENUE  
BOISE, ID 83705

SOURCE: NIAGARA SPRINGS                      TRIBUTARY: SNAKE RIVER

QUANTITY: 50.00 CFS  
36198.90 AFY

PRIORITY DATE: 03/18/1971

POINT OF DIVERSION: T09S R15E S10 LOT 1 (SENE)              Within Gooding County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
Fish Propagation	01-01 TO 12-31	50.00 CFS 36198.90 AFY

PLACE OF USE: Fish Propagation                      Within Gooding County

LOT	SECTION	
T09S R15E S10 LOT 1	(NENE)	LOT 2 (NWNE)
LOT 10 (SWNE)		LOT 9 (SENE)

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

USE OF THIS WATER RIGHT SHALL BE SUBJECT TO THE TERMS AND  
CONDITIONS OF THE "NIAGARA SPRINGS AGREEMENT," DATED SEPTEMBER  
30, 1993, AND THE "AMENDMENT TO NIAGARA SPRINGS AGREEMENT,"  
DATED JULY 24, 2002.  
RETURN FLOW SHALL BE TREATED TO INSURE THAT THE EFFLUENT MEETS  
IDAHO WATER QUALITY STANDARDS.  
A MEASURING DEVICE OF A TYPE APPROVED BY IDWR SHALL BE MAINTAINED  
AS A PART OF THE DIVERTING WORKS.  
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

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\_\_\_\_\_  
Roger Burdick  
Presiding Judge of the  
Snake River Basin Adjudication

RECOMMENDATION

AUG 29 2002

*[Signature]*

SPECIAL MASTER

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 36-02704

2002 AUG 29 PM 1:18  
DISTRICT COURT-SRBA  
TWIN FALLS, IDAHO  
FILED *[Signature]*

NAME AND ADDRESS: IDAHO POWER COMPANY  
P.O. BOX 70  
BOISE, ID 83707-0070

SOURCE: NIAGARA SPRINGS TRIBUTARY: SNAKE RIVER

QUANTITY: 120.00 CFS  
48180.00 AFY

USE OF THIS RIGHT WITH RIGHT NO. 36-15221 IS LIMITED TO A TOTAL  
COMBINED DIVERSION RATE OF 120 CFS AND A TOTAL COMBINED ANNUAL  
DIVERSION VOLUME OF 48,180 AF.

PRIORITY DATE: 01/31/1966

POINT OF DIVERSION: T09S R15E S10 LOT 1 (NENENE) Within Gooding County  
LOT 1 (SENE)

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	0.04 CFS 8.00 AFY
	Domestic	01-01 TO 12-31	0.04 CFS 1.80 AFY
	Fire Protection	01-01 TO 12-31	120.00 CFS 48180.00 AFY
	Fish Propagation	01-01 TO 12-31	120.00 CFS 48180.00 AFY

PLACE OF USE:	Description	Quantity	Location
	Irrigation T09S R15E S10 LOT 9 (SENE) 2.0 2.0 Acres Total	2.0	Within Gooding County
	Fish Propagation T09S R15E S10 LOT 1 (NENE)	LOT 9 (SENE)	Within Gooding County
	Domestic T09S R15E S10 LOT 1 (NENE)	LOT 9 (SENE)	Within Gooding County
	Fire Protection T09S R15E S10 LOT 1 (NENE)	LOT 9 (SENE)	Within Gooding County

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

USE OF THIS WATER RIGHT SHALL BE SUBJECT TO THE TERMS AND  
CONDITIONS OF THE "NIAGARA SPRINGS AGREEMENT," DATED SEPTEMBER  
30, 1993, AND THE "AMENDMENT TO NIAGARA SPRINGS AGREEMENT,"  
DATED JULY 24, 2002.

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

RECOMMENDATION  
AUG 29 2002  
*Thomas G. DeLoe*  
SPECIAL MASTER

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 36-15221

2002 AUG 29 P.  
DISTRICT COURT  
TWIN FALLS CO., ID.  
FILED *[Signature]*

NAME AND ADDRESS: IDAHO POWER COMPANY  
P.O. BOX 70  
BOISE, ID 83701-0070

SOURCE: NIAGARA SPRINGS TRIBUTARY: SNAKE RIVER

QUANTITY: 0.04 CFS  
0.60 AFY

USE OF THIS RIGHT WITH RIGHT NO. 36-02704 IS LIMITED TO A TOTAL  
COMBINED DIVERSION RATE OF 120.0 CFS AND A TOTAL COMBINED ANNUAL  
DIVERSION VOLUME OF 48180 AF.  
THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000  
GALLONS PER DAY.

PRIORITY DATE: 03/03/1982

THIS WATER RIGHT IS SUBORDINATE TO ALL WATER RIGHTS WITH A  
PRIORITY DATE EARLIER THAN APRIL 12, 1994, THAT ARE NOT DECREED  
AS ENLARGEMENTS PURSUANT TO SECTION 42-1426, IDAHO CODE. AS  
BETWEEN WATER RIGHTS DECREED AS ENLARGEMENTS PURSUANT TO SECTION  
42-1426, IDAHO CODE, THE EARLIER PRIORITY DATE IS THE SUPERIOR  
RIGHT.

POINT OF DIVERSION: T09S R15E S10 LOT 1 (NENENE) Within Gooding County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Domestic	01-01 TO 12-31	0.04 CFS
			0.60 AFY

PLACE OF USE: Domestic Within Gooding County  
T09S R15E S10 LOT 9 (SENE)

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

USE OF THIS WATER RIGHT SHALL BE SUBJECT TO THE TERMS AND  
CONDITIONS OF THE "NIAGARA SPRINGS AGREEMENT," DATED SEPTEMBER  
30, 1993, AND THE "AMENDMENT TO NIAGARA SPRINGS AGREEMENT,"  
DATED JULY 24, 2002.

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

RECOMMENDATION

AUG 29 2002

*Ronald A. DeLoe*

SPECIAL MASTER

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

Water Right 36-02711

2002 AUG 29 PM 1:18  
DISTRICT COURT SRBA  
TWIN FALLS, IDAHO  
FILED *[Signature]*

NAME AND ADDRESS: STATE OF IDAHO  
DEPT OF FISH & GAME  
PO BOX 25  
BOISE, ID 83707

SOURCE: NIAGARA SPRINGS TRIBUTARY: SNAKE RIVER

QUANTITY: 0.24 CFS  
48.60 AFY

PRIORITY DATE: 10/23/1956

POINT OF DIVERSION: T09S R15E S11 LOT 3 (NWNWNW) Within Gooding County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	0.24 CFS
			48.00 AFY
	Domestic	01-01 TO 12-31	0.02 CFS
			0.60 AFY

DOMESTIC, WATER FOUNTAIN AT PUGMIRE PARK

PLACE OF USE: Irrigation Within Gooding County  
T09S R15E S11 LOT 10 (NENW) 2.0 LOT 11 (SWNW) 10.0  
12.0 Acres Total

Domestic Within Gooding County  
T09S R15E S11 LOT 11 (SWNW)

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

USE OF THIS WATER RIGHT SHALL BE SUBJECT TO THE TERMS AND  
CONDITIONS OF THE "NIAGARA SPRINGS AGREEMENT," DATED SEPTEMBER  
30, 1993, AND THE "AMENDMENT TO NIAGARA SPRINGS AGREEMENT,"  
DATED JULY 24, 2002.

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.

RECOMMENDATION

AUG 29 2002  
*[Signature]*

SPECIAL MASTER

\_\_\_\_\_  
Roger Burdick  
Presiding Judge of the  
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 )  
 )  
Case No. 39576 )  
\_\_\_\_\_ )

PARTIAL DECREE PURSUANT TO  
I.R.C.P. 54(b) FOR  
Water Right 36-04020A

2772 AUG 29 PM 1:18  
DISTRICT COURT-SRBA  
TWIN FALLS, IDAHO  
FILED *[Signature]*

NAME AND ADDRESS: STATE OF IDAHO  
DEPT OF FISH & GAME  
PO BOX 25  
BOISE, ID 83707

SOURCE: NIAGARA SPRINGS TRIBUTARY: SNAKE RIVER

QUANTITY: 8.72 CFS  
5233.20 AFY

PRIORITY DATE: 03/15/1912

USE OF THIS RIGHT WITH RIGHT NUMBERS 36-04020B AND 36-04020C IS  
LIMITED TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 5998.3 AFY  
AND TOTAL COMBINED DIVERSION RATES OF: 10 CFS FROM 5/1 TO 10/31  
7 CFS FROM 11/1 TO 2/29 8 CFS FROM 3/1 TO 4/30

POINT OF DIVERSION: T09S R15E S10 LOT 1 (NENENE) Within Gooding County  
2 POINTS OF DIVERSION LOCATED IN LOT 1 (NENENE), S10, T9S, R15E.

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
Irrigation		03-15 TO 11-15	5.46 CFS 2293.00 AFY
		05-01 TO 11-15	3.24 CFS 926.50 AFY
Wildlife		11-16 TO 02-29	7.00 CFS 1457.70 AFY
		03-01 TO 04-30	8.00 CFS 555.20 AFY
Domestic 1 HOUSE		01-01 TO 12-31	0.02 CFS 0.60 AFY

WILDLIFE AND DITCH FOR HABITAT

PLACE OF USE:	Irrigation	Within Gooding County
	T09S R15E S04 LOT 7 (SWSW) 6.0	LOT 9 (SWSE) 3.0
	LOT 8 (SESE) 8.0	
	S05 LOT 15 (NESW) 7.0	LOT 16 (NWSE) 15.0
	LOT 18 (SESE) 8.0	
	S09 LOT 1 (NENE) 3.0	
	S10 LOT 2 (NWNE) 9.0	LOT 10 (SWNE) 1.0
	LOT 4 (NWNW) 3.0	
	63.0 Acres Total	

Wildlife	Within Gooding County
T09S R15E S03	SWSW
S04 LOT 11 (SWSW)	LOT 10 (SESW)
LOT 7 (SWSE)	LOT 8 (SESE)
S05 LOT 15 (NESW)	LOT 17 (NESE)
LOT 16 (NWSE)	LOT 18 (SESE)
S10 LOT 1 (NENE)	LOT 2 (NWNE)
LOT 3 (NENW)	

Domestic Within Gooding County  
Same as Other Use

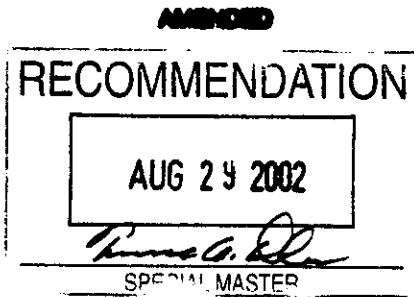
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

USE OF THIS WATER RIGHT SHALL BE SUBJECT TO THE TERMS AND CONDITIONS OF THE "NIAGARA SPRINGS AGREEMENT," DATED SEPTEMBER 30, 1993, AND THE "AMENDMENT TO NIAGARA SPRINGS AGREEMENT," DATED JULY 24, 2002.

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

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

7:02 AUG 27 PM 1:18  
DISTRICT COURT-SRBA  
TWIN FALLS, IDAHO  
FILED [Signature]

In Re SRBA )  
                  ) PARTIAL DECREE PURSUANT TO  
                  ) I.R.C.P. 54(b) FOR  
Case No. 39576 )  
                  )  
\_\_\_\_\_  
                  ) Water Right 36-04020B

NAME AND ADDRESS: STATE OF IDAHO  
DEPT OF FISH & GAME  
PO BOX 25  
BOISE, ID 83707

SOURCE: NIAGARA SPRINGS                      TRIBUTARY: SNAKE RIVER

QUANTITY: 1.28 CFS  
256.00 AFY

PRIORITY DATE: 03/15/1959

USE OF THIS RIGHT WITH RIGHT NUMBERS 36-04020A AN D36-04020C IS LIMITED TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 5998.3 AFY AND TOTAL COMBINED DIVERSION RATES OF: 10 CFS FROM 5/1 TO 10/31 7 CFS FROM 11/1 TO 2/29 8 CFS FROM 3/1 TO 4/30.

POINT OF DIVERSION: T09S R15E S10 LOT 1 (NENENE)            Within Gooding County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
Irrigation	03-15 TO 11-15	1.28 CFS 256.00 AFY

PLACE OF USE: Irrigation    Within Gooding County

T09S R15E S03	SWSW 23.0		
S04 LOT 7 (SWSE)	3.0	LOT 8 (SESE)	19.0
S10 LOT 2 (NWNE)	2.0	LOT 3 (NENW)	3.0
50.0 Acres Total			

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

USE OF THIS WATER RIGHT SHALL BE SUBJECT TO THE TERMS AND CONDITIONS OF THE "NIAGARA SPRINGS AGREEMENT," DATED SEPTEMBER 30, 1993, AND THE "AMENDMENT TO NIAGARA SPRINGS AGREEMENT," DATED JULY 24, 2002.

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.

RECOMMENDATION

AUG 29 2002  
[Signature]

SPECIAL MASTER

Roger Burdick  
Presiding Judge of the  
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 )  
 )  
Case No. 39576 )  
\_\_\_\_\_ )

PARTIAL DECREE PURSUANT TO  
I.R.C.P. 54(b) FOR

Water Right 36-04020C

200 AUG 29 PM 1:18  
DISTRICT COURT-SRBA  
TWIN FALLS, IDAHO  
FILED *[Signature]*

NAME AND ADDRESS: STATE OF IDAHO  
DEPT OF FISH & GAME  
PO BOX 25  
BOISE, ID 83707

SOURCE: NIAGARA SPRINGS TRIBUTARY: SNAKE RIVER

QUANTITY: 8.70 CFS  
5997.70 AFY

STORAGE CAPACITY OF THE PONDS IS LIMITED TO 28 AF.  
USE OF THIS RIGHT WITH RIGHT NUMBERS 36-04020A AND 36-04020B IS  
LIMITED TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 5998.3 AF  
AND TOTAL COMBINED DIVERSION RATES OF: 10 CFS FROM 5/1 TO 10/31  
7 CFS FROM 11/1 TO 2/29 8 CFS FROM 3/1 TO 4/30

PRIORITY DATE: 06/07/1983

THIS WATER RIGHT IS SUBORDINATE TO ALL WATER RIGHTS WITH A  
PRIORITY DATE EARLIER THAN APRIL 12, 1994, THAT ARE NOT  
DECREED AS ENLARGEMENTS PURSUANT TO SECTION 42-1426, IDAHO CODE.  
AS BETWEEN WATER RIGHTS DECREED AS ENLARGEMENTS PURSUANT TO  
SECTION 42-1426, IDAHO CODE, THE EARLIER PRIORITY RIGHT IS THE  
SUPERIOR RIGHT.

POINT OF DIVERSION: T09S R15E S10 LOT 1 (NENENE) Within Gooding County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
Wildlife Storage	Wildlife Storage	05-01 TO 11-15	3.24 CFS 1278.90 AFY
	Wildlife Storage	11-16 TO 02-29	7.00 CFS 1457.90 AFY
	Wildlife Storage	03-01 TO 04-30	8.00 CFS 967.90 AFY
	Wildlife	03-15 TO 11-15	5.46 CFS 2293.00 AFY

PONDS AND DITCHES ARE USED FOR HABITAT.

PLACE OF USE:	Wildlife	Within Gooding County	
T09S R15E S03	S04 LOT 11 (SWSW)	LOT 10 (SESW)	
	LOT 7 (SWSE)	LOT 8 (SESE)	
	S05 LOT 15 (NESW)	LOT 17 (NESE)	
	LOT 16 (NWSE)	LOT 18 (SESE)	
	S10 LOT 1 (NENE)	LOT 2 (NWNE)	
	LOT 3 (NENW)		
	Wildlife Storage	T09S R15E S04 LOT 11 (SWSW)	Within Gooding County
		S05 LOT 17 (NESE)	LOT 16 (NWSE)
		LOT 18 (SESE)	

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

USE OF THIS WATER RIGHT SHALL BE SUBJECT TO THE TERMS AND  
CONDITIONS OF THE "NIAGARA SPRINGS AGREEMENT," DATED SEPTEMBER

SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

OTHER PROVISIONS (continued)

30, 1993, AND THE "AMENDMENT TO NIAGARA SPRINGS AGREEMENT,"  
DATED JULY 24, 2002.

THIS RIGHT IS BASED UPON AN ENLARGEMENT OF RIGHT NOS. 36-04020A  
AND 36-04020B PURSUANT TO SECTION 42-1426, IDAHO CODE.

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.

RECOMMENDATION

AUG 29 2002

*Russell A. Olson*

SPECIAL MASTER

\_\_\_\_\_  
Roger Burdick  
Presiding Judge of the  
Snake River Basin Adjudication

RECEIVED

SEP - 3 2002

Department of Water Resources

2002 AUG 29 PM 1:18

DISTRICT COURT-SRBA  
TWIN FALLS, IDAHO  
FILED *[Signature]*

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 )  
 )  
\_\_\_\_\_ )

NOTICE OF ISSUANCE OF  
SPECIAL MASTER'S  
RECOMMENDATION

Water Right(s): 36-04020  
36-10819

On August 29, 2002, Special Master TERRENCE A. DOLAN 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 August 29, 2002.

*[Signature]*  
LETTIE MESSICK  
Deputy Clerk

RECEIVED

SEP - 3 2002

Department of Water Resources

2002 AUG 29 PM 1:18

DISTRICT COURT-SRBA  
TWIN FALLS, 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 )  
  )  
\_\_\_\_\_ )

NOTICE OF ISSUANCE OF  
SPECIAL MASTER'S  
RECOMMENDATION

Water Right(s): 36-02680  
(SEE ATTACHED EXHIBIT A)

On August 29, 2002, Special Master TERRENCE A. DOLAN 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 August 29, 2002.

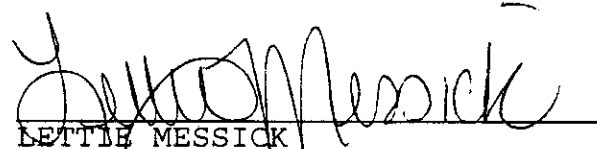
  
LETTIE MESSICK  
Deputy Clerk

Exhibit A

Subcase Nos:

36-02680  
36-02704  
36-02711  
36-04020A  
36-04020B  
36-04020C  
36-04032A  
36-04032B  
36-04032C  
36-04032D  
36-07167  
36-15221

CERTIFICATE OF MAILING

I certify that a true and correct copy of the AMENDED SPECIAL MASTER REPORT & RECOMMENDATION AND NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION was mailed on August 29, 2002, with sufficient first-class postage to the following:

2002 AUG 29 2:08 PM  
SRBA  
IDAHO

IDAHO DEPT OF FISH & GAME  
IDAHO DEPT OF WATER RESOURCES  
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

RIM VIEW TROUT  
Represented by:  
DANIEL V. STEENSON  
PO BOX 2773  
BOISE, ID 83701-2773  
Phone: 208-342-4591


STATE OF IDAHO  
Represented by:  
DAVID J. BARBER  
STATEHOUSE RM 210  
STATEHOUSE MAIL  
BOISE, ID 83720-0010  
Phone: 208-334-2400

IDAHO POWER COMPANY  
Represented by:  
JOHN K. SIMPSON  
205 N 10TH ST, STE 520  
PO BOX 2139  
BOISE, ID 83701-2139  
Phone: 208-336-0700

STATE OF IDAHO  
Represented by:  
RINDA R. JUST  
DEPUTY ATTORNEY GENERAL  
PO BOX 83720  
BOISE, ID 83720-0066  
Phone: 208-334-3596

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

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

  
Deputy Clerk