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DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
JAN 12 2012	
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) Subcase Nos.: 00-91013 (Basin-Wide Issue
Case No. 39576) 13) & 37-7620
)
) ORDER REGARDING LANGUAGE TO
) BE PLACED IN THE PARTIAL DECREE
) FOR WATER RIGHT 37-7620 SHOULD
) SUCH A PARTIAL DECREE BE ISSUED
)

On January 12, 2012, this Court issued an *Order Granting State of Idaho's Second Amended Motion to Include Subordination Language on Water Rights Affected by the Swan Falls Settlement* ("Order") in subcase no. 00-91013, the contents of which are incorporated herein by reference. Among other things, the *Order* determined that the following language pertaining to the effect of the Swan Falls settlement be added to the "Other Provisions" section of the *Partial Decree* for water right 37-7620:

This water right enjoys the benefit of subordination of hydropower water right nos. 02-00100, 02-4000A, 02-4001A, 02-02032A, 02-4000B, 02-4001B, 02-02032B, 02-02036, 02-02056, 02-02065, 02-02064, 02-10135, 02-02060, 02-02059, 02-02001B, 02-02001A, 02-02057, 37-02128, 37-02472, 37-02471, 37-20710, 37-20709, 36-02013, 36-02018 and 36-02026 only so long as the average daily flows as measured at the Murphy Gaging station meet or exceed the minimum stream flows established by state action.

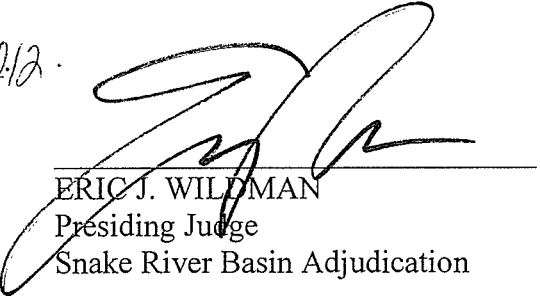
Since subcase for water right claim 37-7620 is still pending unresolved before the Special Master, no *Partial Decree* has been entered for that claim. Therefore, this Court will hold that in the event water right claim 37-7620 moves to *Partial Decree* the above-quoted language shall be included in the "Other Provisions" section of the *Partial Decree* pursuant to the January 12, 2012 *Order*.

Therefore, IT IS ORDERED that in the event a *Partial Decree* is issued for water right claim 37-7620, it shall include the following language in the "Other Provisions" section:

This water right enjoys the benefit of subordination of hydropower water right nos. 02-00100, 02-4000A, 02-4001A, 02-02032A, 02-4000B, 02-4001B, 02-02032B, 02-02036, 02-02056, 02-02065, 02-02064, 02-10135, 02-02060, 02-02059, 02-02001B, 02-02001A, 02-02057, 37-02128, 37-02472, 37-02471, 37-20710, 37-20709, 36-02013, 36-02018 and 36-02026 only so long as the average daily flows as measured at the Murphy Gaging station meet or exceed the minimum stream flows established by state action.

IT IS SO ORDERED.

DATED: January 12, 2012



ERIC J. WILDMAN

Presiding Judge

Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER REGARDING LANGUAGE TO BE PLACED IN PARTIAL DECREE FOR WATER RIGHT 37-7620 SHOULD SUCH PARTIAL DECREE BE ISSUED was mailed on January 12, 2012, with sufficient first-class postage to the following:

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ORDER

(Certificate of mailing continued)

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