

2005 AUG 26 PM 3:01  
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

Water Right: 85-2123

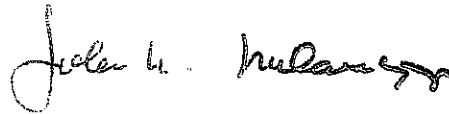
ORDER OF PARTIAL DECREE

On January 20, 2005, the Idaho Department of Water Resources filed its *Director's Report for Basin 85, For Irrigation and Other Water Rights*, which included a recommendation for the above-listed water right. No objections were filed and the time period for filing objections has expired.

On February 2, 2005, the Idaho Department of Water Resources filed a *Notice of Completed Administrative Proceeding and Amended Director's Report*, notifying the Court of a substitution of party in the above-listed water right. No objections were filed to this *Amended Director's Report* and the time period for filing objections has expired.

Therefore, IT IS ORDERED that water right 85-2123 be decreed as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED August 26, 2005.



JOHN M. MELANSON  
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 85-02123

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DISTRICT COURT-SRBA  
TWIN FALLS CO., IDAHO  
FILED

NAME AND ADDRESS: UNITED STATES OF AMERICA  
DOE-BONNEVILLE POWER ADMIN  
LAND MGT SEC MMLC  
PO BOX 3621  
PORTLAND, OR 97208-3621

SOURCE: SWEETWATER SPRING TRIBUTARY: LAPWAI CREEK

QUANTITY: 0.24 CFS

PRIORITY DATE: 09/26/1960

POINT OF DIVERSION: T33N R04W S04 SESWSW Within Nez Perce County

PURPOSE AND

| PERIOD OF USE: | PURPOSE OF USE   | PERIOD OF USE  | QUANTITY |
|----------------|------------------|----------------|----------|
|                | Fish Propagation | 03-01 TO 09-30 | 0.24 CFS |

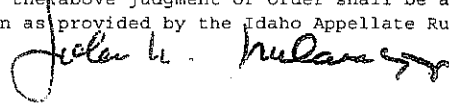
|               |                  |                         |
|---------------|------------------|-------------------------|
| PLACE OF USE: | Fish Propagation | Within Nez Perce County |
|               | T33N R04W S04    | NWSW SWSW               |

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

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.

  
\_\_\_\_\_  
John M. Melanson  
Presiding Judge of the  
Snake River Basin Adjudication

2005 AUG 26 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): 85-02123 |

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 85-02123 was mailed  
on August 26, 2005, with sufficient first-class postage prepaid  
to the following:

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

UNITED STATES OF AMERICA  
DOE-BONNEVILLE POWER ADMIN  
LAND MGT SEC MMLC  
PO BOX 3621  
PORTLAND, OR 97208-3621

DIANA DELANEY  
Chief Deputy Clerk