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JUN 23 2003

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

Department of Water Resources FILED

2003 JUN 20 PM 3 26

DISTRICT COURT - SRBA	
Fifth Judicial District	
County of Twin Falls - State of Idaho	
APR - 3 2003	
By _____	Clerk _____
	Deputy Clerk _____

LODGED

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)

ORDER OF PARTIAL DECREE

For Water Right 34-10901

Case No. 39576)

(United States Department of Energy, Idaho
National Engineering and Environmental
Laboratory)

As a result of negotiations, the State of Idaho and United States entered into a Water Rights Agreement between the State of Idaho and the United States Department of Energy, dated July 20, 1990. The State of Idaho lodged the Water Rights Agreement with the Court by letter dated July 26, 1990. The agreement was also lodged with the Idaho Department of Water Resources in lieu of a claim for the Department of Energy.

The claim was reported in the Director's Report, Part II for Basin 34, filed November 17, 1992. Objections to the Director's Report for Basin 34 Parts I and II were required to be filed no later than March 1, 1993. No objections were filed to the water right claim no 34-10901.

The SRBA Court's register of action indicates that a Partial Decree was issued for this water right on January 15, 1998. However, neither the Clerk of the Court, the Idaho Department of Water Resources nor counsel and staff for the United States have been able to locate a copy of any Partial Decree actually issued on that date. It therefore appears that although the District Court intended to

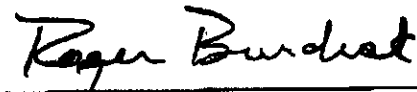
ORDER OF PARTIAL DECREE

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enter a partial decree, either the decree has been lost, or no such decree was ever signed by the District Court.

Therefore, IT IS ORDERED that water right 34-10901 is hereby decreed nun pro tunc as set forth in the attached *Partial Decree Pursuant to I.R.C.P 54(b)*.

DATED 6-20-03



ROGER S. BURDICK
Presiding Judge
Snake River Basin Adjudication

CERTIFICATE OF SERVICE

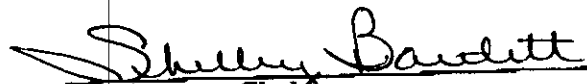
I certify that a true and correct copy of the ORDER OF PARTIAL DECREE was mailed on ~~April 20~~, 2003, with sufficient first class postage prepaid to the following:

~~June~~
Director of IDWR
PO Box 83720
Boise, ID 83720-0098

James J. Dubois
Environment and Natural Resources Division
U.S. Department of Justice
999 18th Street, Suite 945
Denver, CO 80202

Marc Haws
Amy S. Howe
U.S. Attorney's Office
PO Box 32
Boise, ID 83707

David Barber
State of Idaho
Attorney General's Office
PO Box 44449
Boise, ID 83711-4449


Chief Deputy Clerk

ORDER OF PARTIAL DECREE

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TOTAL P.08

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

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 34-10901

2003 JUN 20 PM 3 26

NAME AND ADDRESS: UNITED STATES OF AMERICA
DEPARTMENT OF ENERGY
785 DOE PLACE
IDAHO FALLS, ID 83402

SOURCE: GROUNDWATER

THE MAXIMUM RATE OF DIVERSION FROM ANY AND ALL WELLS SHALL NOT
EXCEED 80.0 CFS, AND THE MAXIMUM ANNUAL DIVERSION SHALL NOT
EXCEED 35,000 ACRE-FEET PER YEAR.

PRIORITY DATE: 04/07/1950

POINT OF DIVERSION:
ANY POINT WITHIN THE BOUNDARIES OF THE IDAHO NATIONAL ENGINEERING
AND ENERGY LABORATORY ("INEEL") (FORMERLY IDAHO NATIONAL
ENGINEERING LABORATORY OR "INEL"), AS DEFINED IN "PLACE OF USE."

PURPOSE AND
PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY

01-01 TO 12-31
THE PRIMARY PURPOSES AUTHORIZED BY CONGRESS FOR INEEL.

PLACE OF USE:
ANY PLACE WITHIN THE BOUNDARIES OF THE INEEL, AN AREA OF LAND
APPROXIMATELY 890 SQUARE MILES WHICH WAS ACQUIRED OR RESERVED IN
THE FOLLOWING PUBLIC LAND ORDERS OR CONDEMNATION CASES:
PUBLIC LAND ORDER 318, DATED MAY 13, 1946
PUBLIC LAND ORDER 545, DATED JANUARY 7, 1949
PUBLIC LAND ORDER 637, DATED APRIL 7, 1950
PUBLIC LAND ORDER 691, DATED DECEMBER 5, 1950
PUBLIC LAND ORDER 1770, DATED DECEMBER 19, 1958
UNITED STATES V. 18,217.58 ACRES OF LAND, MORE OR LESS, IN
BUTTE AND JEFFERSON COUNTIES, IDAHO, NO. 1227E (D.IDAHO
OCTOBER 29, 1945) (PRELIMINARY ORDER OF CONDEMNATION)
UNITED STATES V. 15,357.16 ACRES OF LAND, MORE OR LESS, IN
BUTTE, BINGHAM AND JEFFERSON COUNTIES, STATE OF IDAHO, NO. 1624
(D.IDAHO SEPTEMBER 19, 1951) (FINAL ORDER OF CONDEMNATION)
UNITED STATES V. 8,617.87 ACRES OF LAND, MORE OR LESS, IN THE
COUNTIES OF CLARK, BUTTE, JEFFERSON, BONNEVILLE, AND BINGHAM,
STATE OF IDAHO, NO. 2160 (D.IDAHO APRIL 27, 1959) (JUDGMENT)

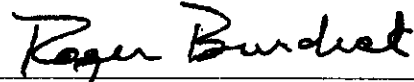
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS WATER RIGHT IS A FEDERAL RESERVED WATER RIGHT. THIS WATER
RIGHT INCORPORATES AND IS SUBJECT TO THE TERMS OF THE WATER
RIGHTS AGREEMENT BETWEEN THE STATE OF IDAHO AND THE UNITED STATES
FOR THE UNITED STATES DEPARTMENT OF ENERGY, DATED JULY 20, 1990
("AGREEMENT").

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