

2002 NOV 4 PM 3 50

**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

ORDER OF PARTIAL DECREE

For Water Rights (See Exhibit A)

On September 12, 2002, a *Special Master's Report and Recommendation* was filed for the above water rights. No Challenges were filed to the *Special Master's Report and Recommendation* and the time for filing Challenges has now expired.

Pursuant to I.R.C.P. 53(e)(2) and *SRBA Administrative Order 1*, Section 13f, this Court has reviewed the Findings of Fact and Conclusions of Law contained in the *Special Master's Report* and wholly adopts them as its own.

Therefore, IT IS ORDERED that water rights listed above are hereby **decreed** as set forth in the attached *Partial Decrees Pursuant to I.R.C.P. 54(b)*.

DATED November 4, 2002



ROGER S. BURDICK

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 85-11856

NAME AND ADDRESS: DOE/BONNEVILLE POWER ADMIN
LAND MGT SEC MMLC
P O BOX 3621
PORTLAND, OR 97208-3621

SOURCE: UNNAMED STREAM TRIBUTARY: FRENCHY CREEK

QUANTITY: 0.02 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE: 12/31/1900

POINT OF DIVERSION: T30N R04W S22 SESW (Instream Beginning Point) Within Nez Perce County
S27 NWNW (Instream Ending Point)

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Stockwater	01-01 TO 12-31	0.02 CFS

PLACE OF USE:	Stockwater	Within Nez Perce County
	T30N R04W S22	SESW
	S27	NWNW

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

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

EXHIBIT A

Subcase Nos:

85-11812	85-11869
85-11813	85-11870
85-11814	85-11871
85-11815	85-11872
85-11816	85-11873
85-11817	85-11874
85-11818	85-11875
85-11820	85-11876
85-11821	85-11877
85-11822	85-11878
85-11823	85-11879
85-11824	85-11880
85-11825	85-11881
85-11826	85-11882
85-11827	85-11883
85-11828	85-11884
85-11829	85-11885
85-11831	85-11886
85-11832	
85-11834	
85-11835	
85-11836	
85-11837	
85-11838	
85-11839	
85-11840	
85-11841	
85-11842	
85-11845	
85-11846	
85-11847	
85-11849	
85-11851	
85-11852	
85-11853	
85-11854	
85-11855	
85-11856	
85-11857	
85-11858	
85-11859	
85-11860	
85-11861	
85-11862	
85-11863	
85-11864	
85-11865	
85-11866	
85-11867	
85-11868	

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER OF PARTIAL DECREE was mailed on November 04, 2002, with sufficient first-class postage to the following:

STATE OF IDAHO

Represented by:
NATURAL RESOURCES DIV CHIEF
STATE OF IDAHO
ATTORNEY GENERAL'S OFFICE
PO BOX 44449
BOISE, ID 83711-4449

OFFICE OF THE ATTORNEY GENERAL

Represented by:
STATE OF IDAHO
700 W JEFFERSON ROOM 210
P O BOX 44449
BOISE, ID 83711-4449
Phone: 208-334-2400

UNITED STATES OF AMERICA

Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724
Phone: 208-387-0835

DOE/BONNEVILLE POWER ADMIN
LAND MGT SEC MMLC
P O BOX 3621
PORTLAND, OR 97208-3621
Phone: 503-230-3252

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

Robbin Hall