

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 85-11834

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

SOURCE: UNNAMED STREAM TRIBUTARY: CHIMNEY 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: T32N R04W S30 SWNE (Instream Beginning Point) Within Nez Perce County  
S31 NWNW (Instream Ending Point)

| PURPOSE AND<br>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 |
|---------------|---------------|------|-------------------------|
|               | T32N R04W S30 | SWNE | NESW                    |
|               |               | NWSW | SWSW                    |
|               |               | SESW | NWSE                    |
|               | S31           | 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