

2002 OCT 18 AM 10 48

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 Right 36-02704
_____)

On August 29, 2002, a *Special Master's Report and Recommendation* was filed for the above water right. 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 right 36-02704 is hereby **decreed** as set forth in the attached *Partial Decree* Pursuant to I.R.C.P. 54(b).

DATED October 18, 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

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In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 36-02704

NAME AND ADDRESS: IDAHO POWER COMPANY
P.O. BOX 70
BOISE, ID 83707-0070

SOURCE: NIAGARA SPRINGS TRIBUTARY: SNAKE RIVER

QUANTITY: 120.00 CFS
48180.00 AFY

USE OF THIS RIGHT WITH RIGHT NO. 36-15221 IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 120 CFS AND A TOTAL COMBINED ANNUAL
DIVERSION VOLUME OF 48,180 AF.

PRIORITY DATE: 01/31/1966

POINT OF DIVERSION: T09S R15E S10 LOT 1 (NENENE) Within Gooding County
LOT 1 (SENE)

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
PERIOD OF USE:	Irrigation	03-15 TO 11-15	0.04 CFS 8.00 AFY
	Domestic	01-01 TO 12-31	0.04 CFS 1.80 AFY
	Fire Protection	01-01 TO 12-31	120.00 CFS 48180.00 AFY
	Fish Propagation	01-01 TO 12-31	120.00 CFS 48180.00 AFY

PLACE OF USE: Irrigation Within Gooding County
T09S R15E S10 LOT 9 (SENE) 2.0
2.0 Acres Total

Fish Propagation Within Gooding County
T09S R15E S10 LOT 1 (NENE) LOT 9 (SENE)

Domestic Within Gooding County
T09S R15E S10 LOT 1 (NENE) LOT 9 (SENE)

Fire Protection Within Gooding County
T09S R15E S10 LOT 1 (NENE) LOT 9 (SENE)

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

USE OF THIS WATER RIGHT SHALL BE SUBJECT TO THE TERMS AND
CONDITIONS OF THE "NIAGARA SPRINGS AGREEMENT," DATED SEPTEMBER
30, 1993, AND THE "AMENDMENT TO NIAGARA SPRINGS AGREEMENT,"
DATED JULY 24, 2002.

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

IDAHO POWER COMPANY

Represented by:
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STATE OF IDAHO

Represented by:
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STATE OF IDAHO
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ROBBIN HALL
Chief Deputy Clerk