

RECEIVED

SEP - 3 2002

Department of Water Resources

2002 AUG 29 AM 11:39

DISTRICT COURT-SRBA
TWIN FALLS, 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

)
) **ORDER OF PARTIAL DECREE**
)
) **For Water Right 65-12096**
)

On June 24, 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 65-12096 is hereby **decreed** as set forth in the attached *Partial Decree* Pursuant to I.R.C.P. 54(b).

DATED August 29, 2002



ROGER S. BURDICK
Presiding Judge
Snake River Basin Adjudication

ORDER OF PARTIAL DECREE

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)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 65-12096

2002 AUG 29 AM 11:42

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

NAME AND ADDRESS: IDAHO POWER CO
PO BOX 70
BOISE, ID 83707

SOURCE: PAYETTE RIVER, NORTH FORK TRIBUTARY: PAYETTE RIVER

QUANTITY: 2000.00 CFS
642000.00 AFY

RIGHTS 65-02232, 65-02338A, 65-02338X AND 65-12096 WHEN COMBINED
SHALL NOT EXCEED A TOTAL DAILY MAXIMUM DIVERSION VOLUME OF
4356 ACRE FEET

PRIORITY DATE: 02/21/1978

THE RIGHTS FOR THE USE OF WATER CONFIRMED BY THIS RIGHT
SHALL BE JUNIOR AND SUBORDINATE TO ALL RIGHTS FOR THE USE OF
WATER OTHER THAN HYDROPOWER, WITHIN THE STATE OF IDAHO THAT ARE
INITIATED LATER IN TIME THAN THE PRIORITY OF THIS RIGHT AND SHALL
NOT GIVE RISE TO ANY RIGHT OF CLAIM AGAINST ANY FUTURE RIGHTS FOR
THE USE OF WATER, OTHER THAN HYDROPOWER, WITHIN THE STATE OF
IDAHO INITIATED LATER IN TIME THAN THE PRIORITY OF THIS RIGHT.

POINT OF DIVERSION: T14N R03E S26 LOT 05 (NENE) Within Valley County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Power	01-01 TO 12-31	2000.00 CFS 642000.00 AFY

PLACE OF USE: Power Within Valley County
T14N R03E S26 LOT 05 (NENE)

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

THIS RIGHT DOES NOT CONSTITUTE IDAHO PUBLIC UTILITIES
COMMISSION OR FEDERAL ENERGY REGULATORY COMMISSION APPROVAL
THAT MAY BE REQUIRED.

THE ISSUANCE OF THIS RIGHT DOES NOT GRANT ANY RIGHT-OF-WAY
OR EASEMENT ACROSS THE LAND OF ANOTHER.

FURTHER, THIS WATER RIGHT IS FOR POWER PURPOSES AND IS
USED AT A HYDROELECTRIC PLANT OWNED AND OPERATED BY IDAHO POWER
COMPANY. THE HYDROELECTRIC PLANT IS OPERATED PURSUANT TO A
1981 PERC LICENSE (AS MAY BE RENEWED, AMENDED OR SUPPLEMENTED)
AND IS LOCATED AT CASCADE RESERVOIR, A U.S. BUREAU OF RECLAMATION
FACILITY. CERTAIN RIGHTS AND RESPONSIBILITIES RELATIVE TO THE
OPERATION AND MAINTENANCE OF THE PLANT ARE ALSO GOVERNED BY A
CONTRACTUAL RELATIONSHIP BETWEEN IDAHO POWER COMPANY AND THE
U.S. BUREAU OF RECLAMATION

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.

A handwritten signature in black ink, reading "Roger Burdick", is written over a horizontal line.

Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

2002 AUG 29 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): 65-12096

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 65-12096 was mailed
on August 29, 2002, with sufficient first-class postage prepaid
to the following:

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

IDAHO POWER CO
Represented by:
JAMES C. TUCKER
IDAHO POWER CO
PO BOX 70
BOISE, ID 83707
Phone: 208-388-2200

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

ROBBIN GLATZ
Chief Deputy Clerk

CERTIFICATE OF MAILING

PAGE 1
08/29/02