

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 )  
 ) ORDER OF PARTIAL DECREE  
Case No. 39576 )  
 ) For Water Right 36-04032B  
 )  
\_\_\_\_\_ )

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 36-04032B 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

2002 OCT 18 AM 10 49

In Re SRBA )  
 ) PARTIAL DECREE PURSUANT TO  
 ) I.R.C.P. 54(b) FOR  
Case No. 39576 )  
 )  
 ) Water Right 36-04032B

NAME AND ADDRESS: RIM VIEW TROUT  
1301 VISTA AVENUE  
BOISE, ID 83705

SOURCE: NIAGARA SPRINGS TRIBUTARY: SNAKE RIVER

QUANTITY: 10.00 CFS  
7239.80 AFY

PRIORITY DATE: 04/01/1951

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

| PURPOSE AND PERIOD OF USE: | PURPOSE OF USE   | PERIOD OF USE  | QUANTITY                 |
|----------------------------|------------------|----------------|--------------------------|
|                            | Domestic         | 01-01 TO 12-31 | 0.08 CFS                 |
|                            | Fish Propagation | 01-01 TO 12-31 | 10.00 CFS<br>7239.80 AFY |

PLACE OF USE: Fish Propagation Within Gooding County  
T09S R15E S10 LOT 1 (NENE) LOT 2 (NWNE)  
LOT 10 (SWNE) LOT 9 (SENE)

Domestic 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*

Roger Burdick  
Presiding Judge of the  
Snake River Basin Adjudication

2002 OCT 18 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): 36-04032B |

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 36-04032B was mailed  
on October 18, 2002, with sufficient first-class postage prepaid  
to the following:

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

STATE OF IDAHO  
Represented by:  
CLIVE STRONG  
NATURAL RESOURCES  
DEP AG OFFICE OF ATTY GEN  
STATEHOUSE MAIL  
BOISE, ID 83720-0010  
Phone: 208-334-2400

RIM VIEW TROUT  
Represented by:  
DANIEL V. STEENSON  
PO BOX 2773  
BOISE, ID 83701-2773  
Phone: 208-342-4591

IDAHO POWER COMPANY  
Represented by:  
JOHN K. SIMPSON  
205 N 10TH ST, STE 520  
PO BOX 2139  
BOISE, ID 83701-2139  
Phone: 208-336-0700

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

ROBBIN HALL  
Chief Deputy Clerk