

2002 OCT 18 AM 10 47

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 36-04020C
)
_____)

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 36-04020C 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

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

FILED
2002 OCT 18 AM 10 48

In Re SRBA)
)
Case No. 39576)
)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 36-04020C

NAME AND ADDRESS: STATE OF IDAHO
DEPT OF FISH & GAME
PO BOX 25
BOISE, ID 83707

SOURCE: NIAGARA SPRINGS TRIBUTARY: SNAKE RIVER

QUANTITY: 8.70 CFS
5997.70 AFY

STORAGE CAPACITY OF THE PONDS IS LIMITED TO 28 AF.
USE OF THIS RIGHT WITH RIGHT NUMBERS 36-04020A AND 36-04020B IS
LIMITED TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 5998.3 AF
AND TOTAL COMBINED DIVERSION RATES OF: 10 CFS FROM 5/1 TO 10/31
7 CFS FROM 11/1 TO 2/29 8 CFS FROM 3/1 TO 4/30

PRIORITY DATE: 06/07/1983

THIS WATER RIGHT IS SUBORDINATE TO ALL WATER RIGHTS WITH A
PRIORITY DATE EARLIER THAN APRIL 12, 1994, THAT ARE NOT
DECREED AS ENLARGEMENTS PURSUANT TO SECTION 42-1426, IDAHO CODE.
AS BETWEEN WATER RIGHTS DECREED AS ENLARGEMENTS PURSUANT TO
SECTION 42-1426, IDAHO CODE, THE EARLIER PRIORITY RIGHT IS THE
SUPERIOR RIGHT.

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

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Wildlife Storage	05-01 TO 11-15	3.24 CFS
			1278.90 AFY
	Wildlife Storage	11-16 TO 02-29	7.00 CFS
			1457.90 AFY
	Wildlife Storage	03-01 TO 04-30	8.00 CFS
			967.90 AFY
	Wildlife	03-15 TO 11-15	5.46 CFS
			2293.00 AFY

PONDS AND DITCHES ARE USED FOR HABITAT.

PLACE OF USE: Wildlife Within Gooding County

T09S R15E S03	SWSW	
S04 LOT 11	(SWSW)	LOT 10 (SESW)
LOT 7	(SWSE)	LOT 8 (SESE)
S05 LOT 15	(NESW)	LOT 17 (NESE)
LOT 16	(NWSE)	LOT 18 (SESE)
S10 LOT 1	(NENE)	LOT 2 (NWNE)
LOT 3	(NENW)	

Wildlife Storage Within Gooding County

T09S R15E S04 LOT 11	(SWSW)	
S05 LOT 17	(NESE)	LOT 16 (NWSE)
LOT 18	(SESE)	

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

SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

OTHER PROVISIONS (continued)

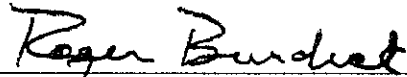
30, 1993, AND THE "AMENDMENT TO NIAGARA SPRINGS AGREEMENT,"
DATED JULY 24, 2002.

THIS RIGHT IS BASED UPON AN ENLARGEMENT OF RIGHT NOS. 36-04020A
AND 36-04020B PURSUANT TO SECTION 42-1426, IDAHO CODE.

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

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)
)
Case No. 39576)
_____)

CERTIFICATE OF MAILING

Water Right(s): 36-04020C

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 36-04020C 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:
NATURAL RESOURCES DIV CHIEF
STATE OF IDAHO
ATTORNEY GENERAL'S OFFICE
PO BOX 44449
BOISE, ID 83711-4449

ROBBIN HALL
Chief Deputy Clerk