

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)
) ORDER OF PARTIAL DECREE
Case No. 39576)
) For Water Right 36-04020A
)
_____)

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 36-04020A 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

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

2002 OCT 18 AM 10 48

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

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

SOURCE: NIAGARA SPRINGS TRIBUTARY: SNAKE RIVER

QUANTITY: 8.72 CFS
5233.20 AFY

PRIORITY DATE: 03/15/1912

USE OF THIS RIGHT WITH RIGHT NUMBERS 36-04020B AND 36-04020C IS
LIMITED TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 5998.3 AFY
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

POINT OF DIVERSION: T09S R15E S10 LOT 1 (NENENE) Within Gooding County
2 POINTS OF DIVERSION LOCATED IN LOT 1 (NENENE), S10, T9S, R15E.

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	5.46 CFS 2293.00 AFY
	Wildlife	05-01 TO 11-15	3.24 CFS 926.50 AFY
	Wildlife	11-16 TO 02-29	7.00 CFS 1457.70 AFY
	Wildlife	03-01 TO 04-30	8.00 CFS 555.20 AFY
	Domestic 1 HOUSE	01-01 TO 12-31	0.02 CFS 0.60 AFY

WILDLIFE AND DITCH FOR HABITAT

PLACE OF USE: Irrigation Within Gooding County

T09S R15E S04 LOT 7 (SWSW) 6.0	LOT 9 (SWSE) 3.0
LOT 8 (SESE) 8.0	
S05 LOT 15 (NESW) 7.0	LOT 16 (NWSE) 15.0
LOT 18 (SESE) 8.0	
S09 LOT 1 (NENE) 3.0	
S10 LOT 2 (NWNE) 9.0	LOT 10 (SWNE) 1.0
LOT 4 (NWNW) 3.0	
63.0 Acres Total	

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)	

Domestic Within Gooding County
Same as Other Use

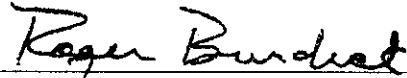
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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

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): 36-04020A

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 36-04020A 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