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Department of Water Resources

**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 35-04271B**

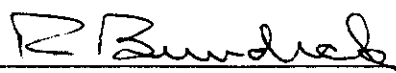
On February 25, 1999, a *Special Master's Report and Recommendation* was filed for the above water right.

Also, on February 25, 1999, Idaho Department of Water Resources filed a Notice of Completed Administrative Proceedings to the above captioned water right. The Court allowed the NCAP and changed the water claimant from North Fork Energy Inc to North Fork Energy and John L Miller.

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 35-04271B is hereby **decreed** as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED 3/23/01.



ROGER S. BURDICK
Presiding Judge of the
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

In Re SRBA)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 35-04271B

2001 MAR 23 PM 3:49
DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED _____

NAME AND ADDRESS: JOHN L MILLER
PO BOX 2260
NAPA, CA 94558

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SOURCE: GROUNDWATER
SPRING

TRIBUTARY: BOOM CREEK

MAR 27 2001

QUANTITY: 50.00 CFS

Department of Water Resources

FACILITY VOLUME 2.10 AF.
USE OF THIS RIGHT WITH RIGHT NO. 35-08635 IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 50.72 CFS.

PRIORITY DATE: 06/01/1945

POINT OF DIVERSION: T04S R32E S24 NENE Within Bingham County
NWNE
SWNE
SENE
NWSENE

TEN WELLS ARE LOCATED IN T04S, R32E, S24, NE1/4.

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Fish Propagation	01-01 TO 12-31	50.00 CFS

PLACE OF USE:	Fish Propagation	Within Bingham County
	T04S R32E S24	SENE
		SESW
	S25	NWNW
	S26	SENE
		SENE

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

MEASURING DEVICES OF A TYPE APPROVED BY IDWR SHALL BE MAINTAINED
AT THE POINT OF DIVERSION AND POINT OF EFFLUENT DISCHARGE.
RETURN FLOW SHALL BE TREATED TO INSURE THAT THE EFFLUENT MEETS
IDAHO WATER QUALITY STANDARDS.
WHEN WATER USED UNDER THIS RIGHT IS DISCHARGED INTO THE NATURAL
CHANNEL, SETTLING PONDS MUST BE MAINTAINED WHICH ARE CAPABLE OF
REDUCING THE SILT LOAD TO SUCH A LEVEL THAT THE QUALITY WILL NOT
BE IMPAIRED FOR OTHER BENEFICIAL USES.

WATER RIGHT NO. SOURCE

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, appearing to read "R. Burdick", is written over a horizontal line.

Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication