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DEPARTMENT OF S. Bryce Farris
WATER RESOURCES on C. Gould

David Hammerquisi Charles L. Honsinger James P. Kaufman Jennifer Reid Mahoney James G. Reid Daniel V. Steenson

William F. Ringert, of Counsel Allyn L. Sweeney of Counsel Samuel Kaufman (1921-1986)

January 19, 2007

BY HAND DELIVERY

David Tuthill, Director Idaho Department of Water Resources 322 E. Front Street Boise, Idaho 83720-0098

Re:

Delivery of Water to Blue Lakes Trout Farm, Inc., Water Right Nos. 36-02356, 36-

07210, and 36-07427

Dear Mr. Tuthill:

Blue Lakes Trout Farm, Inc. ("Blue Lakes") is entitled to delivery of 197.06 cfs from Alpheus Creek pursuant to water right nos. 36-02356 (5/29/58 priority for 99.84 cfs), 36-07210 (11/17/71 priority for 45 cfs), and 36-07427 (12/28/73 priority for 52.23 cfs). Blue Lakes hereby demands that you direct the Watermaster for Water District 130 to administer water rights in the Water District as required by Idaho Code § 42-607 in order to supply Blue Lakes' prior rights. The facts supporting this demand are set forth in the enclosed Affidavit of Gregory Kaslo.

By submitting this demand for delivery of water, Blue Lakes does not invoke IDWR's Conjunctive Management Rules, which were declared unconstitutional by the District Court for the Fifth Judicial District in American Falls Reservoir District # 2 et al., v. the Idaho Department of Water Resources and Karl J. Dreher, or waive any prior demand for delivery of water.

Please provide me notice by February 1, 2007, of your instructions to the Water District 130 Watermaster and any other IDWR actions in response to this demand.

Sincerely,

Daniel V Steenson

Enclosure

cc: Blue Lakes Trout Farm, Inc.

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AFFIDAVIT OF GREGORY KASLO

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DEPARTMENT OF WATER RESOURCES

STATE OF IDAHO)
) ss
COUNTY OF ADA)

GREGORY KASLO, being first duly sworn upon his oath, deposes and says that:

- 1. I am vice-president of Blue Lakes Trout Company, Inc. ("Blue Lakes"), and make this affidavit based upon my own personal knowledge and belief of the facts contained herein.
- 2. Blue Lakes is entitled to delivery of 197.06 cfs from Alpheus Creek pursuant to water right nos. 36-02356 (5/29/58 priority for 99.84 cfs), 36-07210 (11/17/71 priority for 45 cfs), and 36-07427 (12/28/73 priority for 52.23 cfs). True and accurate copies of the partial decrees for these water rights are attached hereto as Exhibit A.
- 3. A copy of the Snake River Basin Adjudication (SRBA) Court's *Order of Partial Decree for Connected Sources in Basin 36*, downloaded from the SRBA Court's web site, is attached hereto as Exhibit B.
- 4. Currently, Blue Lakes is receiving approximately 143 cfs. Based on our experience over the last four years, we expect that Blue Lakes' low flows this year will be approximately 111 cfs.
- 5. Blue Lakes is beneficially using all the water it is currently receiving for fish production at its hatchery. Blue Lakes will beneficially use all additional water available at its headworks, up to 197.06 cfs, for fish production at its hatchery consistent with its decreed water rights.

Further your affiant sayeth naught.

Dated this ____ day of January, 2007.

Gregory Kaslo

SUBSCRIBED AND SWORN to before me this $\frac{17}{12}$ day of January, 2007

PUBLIC ATE OF THE RESERVE OF THE PROPERTY OF T

Notary Public for Flan

Residing at hoise, Idah

My Commission Expires: 2/20/08

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

PARTIAL DECREE PURSUANT TO 1.R.C.P. 54(b) FOR

Water Right 36-02356A

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JAN 19 2007

DEPARTMENT OF

WATER RESOURCES

NAME AND ADDRESS:

OTHER TO OF THE OTHOR IN

BLUE LAKES TROUT FARM INC

PO BOX 1237

TWIN FALLS, ID 83303-1237

SOURCE;

ALPHEUS CREEK

TRIBUTARY: SNAKE RIVER

QUANTITY:

In Re SRBA

Case No. 39576

99.83 CFS 72147.14 AFY

PRIORITY DATE:

05/29/1958

POINT OF DIVERSION:

T095 R17E S29 LOT 14 (NESWSW)

Within Jerome County

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE Fish Propagation PERIOD OF USE 01-01 TO 12-31 QUANTITY 99.83 CFS 72147.14 AFY

Within Jerome County

PLACE OF USE:

Fish Propagation

T095 R176 \$29 LOT 14 (SWNE) LOT 18 (NWSE)

LOT 19 (NESE)

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

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.

Barry

Administrative District Judge

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 Rc SRBA Case No. 39576

PARTIAL DECREE PURSUANT TO 1.R.C.P. 54(b) FOR

Water Right 36-07210

SOO TES 10 WY 10: 50

NAME & ADDRESS:

BLUE LAKES TROUT FARM INC

PO BOX 1237

TWIN FALLS TO 83301

RECEIVED

SOURCE:

ALPHEUS CREEK

TRIBUTARY: SNAKE RIVER

JAN 19 2007

WATER RESOURCES

QUANTITY:

45.00 CFS 32521.5 AFY DEPARTMENT OF

PRIORITY DATE:

11/17/1971

POINT OF DIVERSION:

T095 R17E 528

LOT 14 (NESWSW)

Lot 14 (SWNE)

Within JEROME County

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE

FISH PROPAGATION

PERIOD OF USE

QUANTITY

01-01 12-31

45.00 CFS 32521.5 AFY

PLACE OF USE:

FISH PROPAGATION

T09s R17E S29

Within JEROME County

Lot 19 (NESE)

Lot 18 (NWSE)

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

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BARRY WOOD

Administrative District Judge 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 36-07427

200 APR 10 AM 10: 20

NAME & ADDRESS:

BLUE LAKES TROUT FARM INC

PO BOX 1237

TWIN FALLS ID 83301

RECEIVA

SOURCE:

ALPHEUS CREEK

TRIBUTARY: SNAKE RIVER

JAN 19 2007

QUANTITY:

52.23 CES 37746.6 AFY

DEPARTMENT UP WATER RESOURCES

PRIORITY DATE:

POINT OF DIVERSION:

12/28/1973

T095 R17E S28

LOT 14 (NESWSW)

Within JEROME County

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE

FISH PROPAGATION

PERIOD OF USE 01-01 12-31

QUANTITY 52.23 CFS

37746.6

AFY

PLACE OF USE:

FISH PROPAGATION

Within JEROME County

Lot 19 (SENW) 1098 R17E S29

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

A MEASURING DEVICE OF A TYPE APPROVED BY IDWR SHALL BE MAINTAINED AS A PART OF THE DIVERTING WORKS. 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. SECTION 42-1412(6), IDAHO CODE.

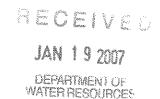
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BARRY WOOD

Administrative District Judge 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

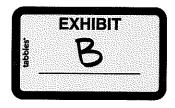
In Re SRBA)
) ORDER OF PARTIAL DECREE FOR
Case No. 39576) CONNECTED SOURCES IN BASIN 36
	(Conjunctive Management General Provision)

On August 2, 1999, IDWR filed a Supplemental Director's Report, Reporting Area 3, IDWR Basin 36, Regarding Revision of Period of Use (For Irrigation Water Uses) and Conjunctive Management General Provisions, in which the Director recommended no water rights be administered separately in Basin 36. All objections to the conjunctive management general provision were designated as Basin-Wide Issue 5 (subcase 91-00005). On February 27, 2002, this Court entered a Memorandum Decision and Order of Partial Decree in Basin-Wide Issue 5, which set forth the form of the conjunctive management general provision to be issued in each basin in the SRBA.

Therefore, IT IS ORDERED that the *Conjunctive Management General Provision* for Basin 36 is hereby decreed as set forth in the attached *Partial Decree for Connected Sources* in *Basin 36 (Conjunctive Management General Provision)*.

Dated February 27, 2002.

ROGER 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

In Re SRBA		
Case No. 39576) PARTIAL DECREE FOR CONNECTED) SOURCES IN BASIN 36 (Conjunctive Management General Provision) 	
	from the following sources of water in Basin 36 shall be ther water rights in Basin 36 in accordance with the prio ed by Idaho law:	
Water Right No.	Source	
NONE	NONE	

The following water rights from the following sources of water in Basin 36 shall be administered separately from all other water rights in the Snake River Basin in accordance with the prior appropriate doctrine as established by Idaho law:

Water Right No.	Source
NONE	NONE

Except as otherwise specified above, all other water rights within Basin 36 will be administered as connected sources of water in the Snake River Basin in accordance with the prior appropriation doctrine as established by Idaho law.

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.

Dated February 27, 2002.

ROGER BURDICK Presiding Judge Snake River Basin Adjudication