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JAN 19 2007

DEPARTMENT OF  
WATER RESOURCES

Laura E. Burri  
Jeffrey R. Christenson  
David P. Claborn  
D. Blair Clark  
S. Bryce Farris  
Jon C. Gould  
David Hammerquist  
Charles L. Honsinger  
James P. Kaufman  
Jennifer Reid Mahoney  
James G. Reid  
Daniel V. Steenson

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

January 19, 2007

BY HAND DELIVERY

David Tuthill, Director  
Idaho Department of Water Resources  
1301 North Orchard Street  
Boise, Idaho 83706

Re: Delivery of Water to Rim View Trout Company, Water Right Nos. 36-02680, 36-04032A, and 36-04032B, 36-04032C, 36-04032D, and 36-07167

Dear Mr. Tuthill:

Rim View Trout Company ("Rim View") is entitled to delivery of 150 cfs pursuant to water right nos. 36-02680, 36-04032A, and 36-04032B, 36-04032C, 36-04032D, and 36-07167. Rim View 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 Rim View's 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, Rim View 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: Rim View Trout Company

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DEPARTMENT OF  
WATER RESOURCES

**AFFIDAVIT OF GREGORY KASLO**

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 Rim View Trout Company (“Rim View”), and make this affidavit based upon my own personal knowledge and belief of the facts contained herein.

2. Rim View is entitled to delivery of 150 cfs from Niagara Springs pursuant to water right nos. 36-02680, 36-04032A, and 36-04032B, 36-04032C, 36-04032D, and 36-07167. True and accurate copies of the amended 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, Rim View is receiving approximately 110 cfs at its headworks. Based on our experience over the last four years, we expect that this year’s low flows at Rim View’s headworks will be approximately 80 cfs.

5. Rim View is beneficially using all the water it is currently receiving for fish production at its hatchery. Rim View will beneficially use all additional water available at its headworks, up to 150 cfs, for fish production at its hatchery consistent with its decreed water rights.

Further your affiant sayeth naught.

Dated this 14<sup>th</sup> day of January, 2007.

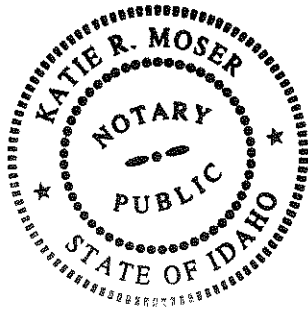
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DEPARTMENT OF  
WATER RESOURCES

  
\_\_\_\_\_  
Gregory Kaslo

SUBSCRIBED AND SWORN to before me this 19 day of January, 2007



  
\_\_\_\_\_  
Notary Public for Idaho  
Residing at Boise, Idaho  
My Commission Expires: 2/20/08

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

2002 OCT 18 AM 10 49

IN Re SRBA )  
Case No. 99976 )  
\_\_\_\_\_ )

PARTIAL DECREE PURSUANT TO  
I.R.C.P. 54(b) FOR  
Water Right 36-02680

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DEPARTMENT OF  
WATER RESOURCES

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

SOURCE: NIAGARA SPRINGS                      TRIBUTARY: SNAKE RIVER

QUANTITY: 60.00 CFS  
43438.60 AFY

PRIORITY DATE: 06/06/1966

POINT OF DIVERSION: 709S RISE S10 LOT 1 (SENESE)              Within Gooding County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
Fish Propagation	01-01 TO 12-31	60.00 CFS 43438.60 AFY

PLACE OF USE: Fish Propagation                      Within Gooding County

709S RISE S10 LOT 1 (SENE)	LOT 2 (NWNE)
LOT 10 (SWNE)	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.

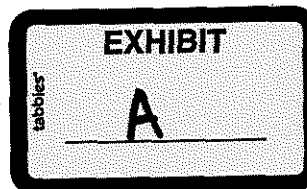
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

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



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 )  
Case No. 39576 )

PARTIAL DECREE PURSUANT TO  
I.R.C.P. 54(b) FOR  
Water Right 36-04032A

RECEIVED

JAN 19 2007

DEPARTMENT OF  
WATER RESOURCES

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: 03/15/1912

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

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
Fish Propagation	01-01 TO 12-31	10.00 CFS 7239.80 AFY

PLACE OF USE: Fish Propagation Within Gooding County

LOT	SECTION
T09S R15E S10 LOT 1	(NENE)
LOT 2	(NWNE)
LOT 10	(SWNE)
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  
Presiding Judge of the  
Snake River Basin Adjudication

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

RECEIVED

JAN 19 2007

DEPARTMENT OF  
WATER RESOURCES

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 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  
Presiding Judge of the  
Snake River Basin Adjudication

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 36-04032C

RECEIVED  
JAN 19 2007  
DEPARTMENT OF  
WATER RESOURCES

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

SOURCE: NIAGARA SPRINGS TRIBUTARY: SNAKE RIVER

QUANTITY: 5.00 CFS  
3619.90 AFY

PRIORITY DATE: 04/01/1952

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

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
Fish Propagation	01-01 TO 12-31	5.00 CFS

PLACE OF USE:

Place	Lot	Direction
Fish Propagation	LOT 1	(NENE)
	LOT 2	(NWNE)
	LOT 10	(SWNE)
	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

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Roger Burdick  
Presiding Judge of the  
Snake River Basin Adjudication

SCANNED

OCT 21 2002





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 48

In Re SRBA )  
                  ) PARTIAL DECREE PURSUANT TO  
                  ) I.R.C.P. 54(b) FOR  
Case No. 39576 )  
                  ) Water Right 36-07167

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JAN 19 2007

DEPARTMENT OF  
WATER RESOURCES

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

SOURCE: NIAGARA SPRINGS                      TRIBUTARY: SNAKE RIVER

QUANTITY: 50.00 CFS  
36198.90 APY

PRIORITY DATE: 03/18/1971

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

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
Fish Propagation	01-01 TO 12-31	50.00 CFS 36198.90 APY

PLACE OF USE: Fish Propagation                      Within Gooding County

LOT	SECTION	
T09S R15E S10 LOT 1	(NENE)	LOT 2 (NWNE)
LOT 10 (SWNE)		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.

RETURN FLOW SHALL BE TREATED TO INSURE THAT THE EFFLUENT MEETS IDAHO WATER QUALITY STANDARDS.

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. I.C. SECTION 42-1412(6).

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WATER RESOURCES

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

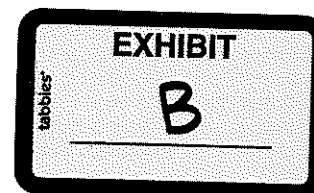
In Re SRBA )  
 )  
Case No. 39576 ) ORDER OF PARTIAL DECREE FOR  
 ) CONNECTED SOURCES IN BASIN 36  
 ) (Conjunctive Management General Provision)

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



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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 )  
 ) PARTIAL DECREE FOR CONNECTED  
Case No. 39576 ) SOURCES IN BASIN 36  
 ) (Conjunctive Management General Provision)

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

<u>Water Right No.</u>	<u>Source</u>
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:

<u>Water Right No.</u>	<u>Source</u>
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.

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ROGER BURDICK  
Presiding Judge  
Snake River Basin Adjudication