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JAN 19 2007

DEPARTMENT OF  
WATER RESOURCES

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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,

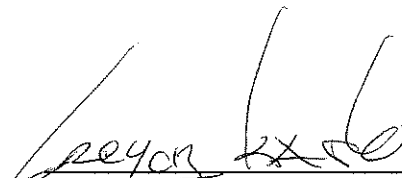
  
Daniel V. Steenson

Enclosure

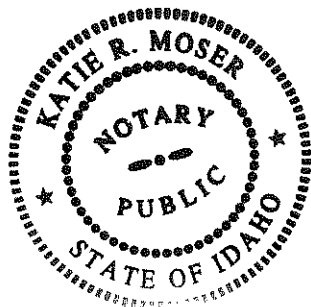
cc: Blue Lakes Trout Farm, Inc.

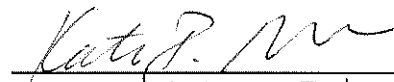


Dated this \_\_\_\_ day of January, 2007.

  
\_\_\_\_\_  
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



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 36-07210

2007 APR 10 AM 10:20  
DISTRICT COURT - SRBA  
TWIN FALLS CO., IDAHO  
FILED

NAME & ADDRESS: BLUE LAKES TROUT FARM INC  
PO BOX 1237  
TWIN FALLS ID 83301

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SOURCE: ALPHEUS CREEK TRIBUTARY: SNAKE RIVER

JAN 19 2007

QUANTITY: 45.00 CFS  
32521.5 AFY

DEPARTMENT OF  
WATER RESOURCES

PRIORITY DATE: 11/17/1971

POINT OF DIVERSION: T09S R17E S28 LOT 14 (NESWSW) Within JEROME County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	FISH PROPAGATION	01-01 12-31	45.00 CFS 32521.5 AFY

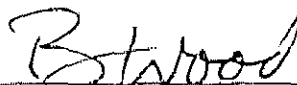
PLACE OF USE: FISH PROPAGATION Within JEROME County  
T09S R17E S29 Lot 14 (SWNE) Lot 19 (NESE) Lot 18 (NWSE)

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. SECTION 42-1412(6), IDAHO CODE.

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 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  
DISTRICT COURT - SRBA  
TWIN FALLS CO., IDAHO  
FILED

NAME & ADDRESS: BLUE LAKES TROUT FARM INC  
PO BOX 1237  
TWIN FALLS ID 83301

RECEIVED

SOURCE: ALPHEUS CREEK TRIBUTARY: SNAKE RIVER

JAN 19 2007

QUANTITY: 52.23 CFS  
37746.6 AFY

DEPARTMENT OF  
WATER RESOURCES

PRIORITY DATE: 12/28/1973

POINT OF DIVERSION: T09S 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
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PLACE OF USE: FISH PROPAGATION Within JEROME County  
T09S R17E S29 Lot 19 (SENW)

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.

RULE 54(b) CERTIFICATE

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BARRY WOOD  
Administrative District Judge  
Presiding Judge of the  
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

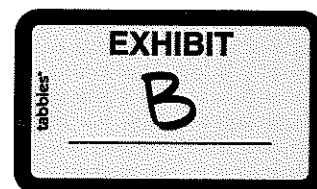
In Re SRBA )  
 )  
Case No. 39576 ) ORDER OF PARTIAL DECREE FOR  
 ) CONNECTED SOURCES IN BASIN 36  
 ) (Conjunctive Management General Provision)

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