

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	)		
	)		<b>Consolidated Subcase No. 79-13597</b>
	)		<b>Hells Canyon National Recreation Area Act</b>
	)		<b>Claims (Encompassing Subcases 79-14054 through</b>
	)		<b>79-14079 and Subcases 78-12200 through 78-12205)</b>
	)		
CASE NO. 39576	)		<b>Order Approving Entry of Basin 78 Partial</b>
	)		<b>Decrees</b>
	)		
	)		
	)		
	)		

The Court having previously approved the Stipulation and Joint Motion for Order Approving Stipulation and Entry of Partial Decrees, with the effective date of September 1, 2003 (“Stipulation”), filed herein by United States of America, the State of Idaho and Idaho Power Company; due notice of the late notices of claim for the Basin 78 Partial Decrees having been given pursuant to the Idaho Rules of Civil Procedure and the SRBA Court Administrative Order 1; objections to the claims having been filed by Robert J. Culley and Wayne E. Bottoms; the Court having reviewed the proposed Basin 78 Partial Decrees and supporting affidavits and having heard the parties concerning these matters;

THE SRBA DISTRICT COURT NOW FINDS AS FOLLOWS:

1. The objections filed by Messrs. Culley and Bottoms challenge the claims based on their assertion that the “water right[s] should not exist.” See SF-1 Objections in Subcases 78-ORDER APPROVING ENTRY OF BASIN 78 PARTIAL DECREES

12200 through 78-12205. The United States' entitlement to federal reserved water rights for the Hells Canyon National Recreation Area ("HCNRA") pursuant to the HCNRA Act, was affirmed, however, by the Idaho Supreme Court in *Potlatch v. United States*, 134 Idaho 916, 12 P.3d 1260 (2000). These objectors' challenge to the existence of these rights is, therefore, not well taken.

2. The parties have satisfied the requirements of Chapter 14, Title 42, Idaho Code, including Section 42-1411A, the Idaho Rules of Civil Procedure and SRBA Administrative Order 1 and good cause has been shown for granting the requested entry of the Basin 78 Partial Decrees.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that:

1. Claims numbered 78-12200 through 78-12205 are hereby consolidated into Consolidated Subcase No. 79-13597.

2. All terms of the Court's Order Approving Stipulation and Entry of Basin 79 Partial Decrees, dated November 16, 2004, are incorporated herein. The Court's approval of the Stipulation applies to the Stipulation as it pertains to these Basin 78 Partial Decrees, including the Court's retained jurisdiction concerning administration of the water rights confirmed by the Basin 78 Partial Decrees.

3. The Partial Decrees for the United States' Hells Canyon National Recreation Area Act federal reserved water rights within Idaho Department of Water Resources Administrative Basin No. 78, i.e., Partial Decrees numbered 78-12200 through 78-12205, are hereby ratified, confirmed and approved.

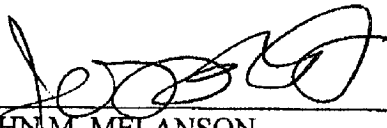
4. The water rights adjudicated by the Basin 78 Partial Decrees are in full satisfaction of all the United States' claims in the SRBA for the portion of the Hells Canyon

National Recreation Area within Idaho Department of Water Resources Administrative Basin

No. 78.

IT IS SO ORDERED.

DATED this 2nd day of May, 2005.



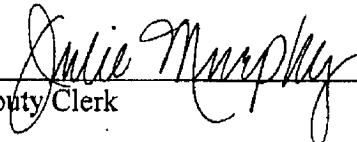
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JOHN M. MELANSON  
Presiding Judge  
Snake River Basin Adjudication

**CERTIFICATE OF MAILING**

I hereby certify that on this 2nd day of May, 2005, I served a true and correct copy of the foregoing **ORDER APPROVING ENTRY OF BASIN 78 PARTIAL DECREES**, by depositing a copy thereof in the U.S. mail, postage prepaid to the following:

All parties indicated on the attached Certificate of Service for Hells Canyon National Recreation Area Act Claims, Consolidated Subcase 79-13597

  
\_\_\_\_\_  
Deputy Clerk

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER APPROVING ENTRY OF BASIN 78 PARTIAL DECREES was mailed on May 02, 2005, with sufficient first-class postage to the following:

IDAHO POWER COMPANY

Represented by:  
JOHN K. SIMPSON  
205 N 10TH ST, STE 520  
PO BOX 2139  
BOISE, ID 83701-2139  
Phone: 208-336-0700

STATE OF IDAHO

Represented by:  
NATURAL RESOURCES DIV CHIEF  
STATE OF IDAHO  
ATTORNEY GENERAL'S OFFICE  
PO BOX 44449  
BOISE, ID 83711-4449

US FOREST SERVICE (HELLS CNYN)

Represented by:  
US DEPARTMENT OF JUSTICE  
ENVIRONMENT & NATL' RESOURCES  
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DIRECTOR OF IDWR

PO BOX 83720  
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Handwritten signature of Julie Murphy over a horizontal line.