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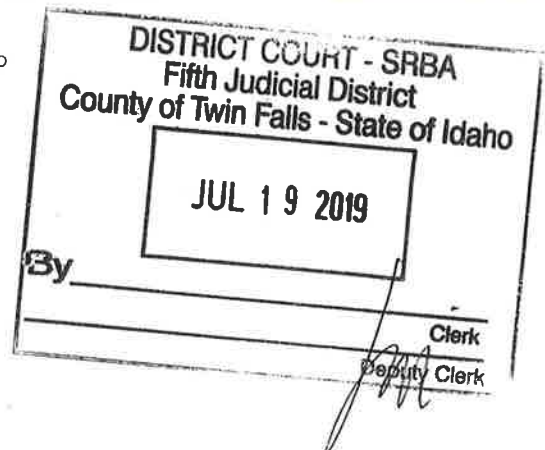
DEPARTMENT OF
WATER RESOURCESIN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**AMENDED**

In Re SRBA

Case No. 39576

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

Water Right 63-03614



NAME AND ADDRESS:

UNITED STATES OF AMERICA
BUREAU OF RECLAMATION
REGIONAL DIRECTOR PN CODE-3100
1150 N CURTIS RD STE 100
BOISE, ID 83706-1234

SOURCE:

SOUTH FORK BOISE RIVER TRIBUTARY: BOISE RIVER

QUANTITY:

493161.00 AFY

TOTAL RESERVOIR CAPACITY IS 493,161 ACRE FEET WHEN FILLED TO ELEVATION 4196.0 FEET AND MEASURED AT THE UPSTREAM FACE OF THE DAM.
WATER RIGHT NOS. 63-303, 63-3613, 63-3614, 63-3618, 63-33734A, AND 63-33734B ARE LIMITED TO THE TOTAL COMBINED ANNUAL DIVERSION VOLUME NECESSARY TO ALLOCATE A TOTAL OF 1,044,011 ACRE-FEET OF STORAGE WATER PER YEAR TO THE CONSUMERS OR USERS OF THE STORAGE WATER.

PRIORITY DATE:

12/09/1940

POINT OF DIVERSION:

T01S R08E S01 LOT 4 (NWSE) Within Elmore County

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
Irrigation Storage	01-01 TO 12-31	487961.00 AFY
Irrigation from Storage	03-15 TO 11-15	487961.00 AFY
Industrial Storage	01-01 TO 12-31	5200.00 AFY
Industrial from Storage	01-01 TO 12-31	5200.00 AFY
Power Storage	01-01 TO 12-31	493161.00 AFY
Power from Storage	01-01 TO 12-31	493161.00 AFY
Municipal Storage	01-01 TO 12-31	5200.00 AFY
Municipal from Storage	01-01 TO 12-31	5200.00 AFY

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 1 AND MAY CONTINUE TO AS LATE AS NOVEMBER 15, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE MARCH 15 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

493,161 ACRE-FEET FOR POWER THAT CAN BE GENERATED BY THE RELEASE OF 487,961 ACRE-FEET OF WATER FOR IRRIGATION AND 5,200 ACRE-FEET FOR INDUSTRIAL AND MUNICIPAL PURPOSES.

PLACE OF USE:

THE PLACE OF USE IS WITHIN THE BOISE FEDERAL RECLAMATION PROJECT WITHIN ADA, CANYON, ELMORE COUNTIES, IDAHO AND MALHEUR COUNTY OREGON (BIG BEND IRRIGATION DISTRICT).

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

THE NAME OF THE UNITED STATES OF AMERICA ACTING THROUGH THE BUREAU OF RECLAMATION APPEARS IN THE NAME AND ADDRESS SECTION OF THIS PARTIAL DECREE. HOWEVER, AS A MATTER OF IDAHO CONSTITUTIONAL AND STATUTORY LAW, TITLE TO THE USE OF THE WATER IS HELD BY THE CONSUMERS OR USERS OF THE WATER. THE IRRIGATION ORGANIZATIONS ACT ON BEHALF OF THE CONSUMERS OR USERS TO ADMINISTER THE USE OF

OTHER PROVISIONS (continued)

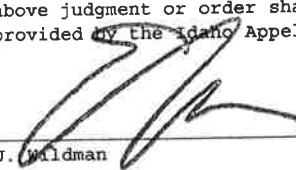
THE WATER FOR THE LANDOWNERS IN THE QUANTITIES AND/OR PERCENTAGES SPECIFIED IN THE CONTRACTS BETWEEN THE BUREAU OF RECLAMATION AND THE IRRIGATION ORGANIZATIONS FOR THE BENEFIT OF THE LANDOWNERS ENTITLED TO RECEIVE DISTRIBUTION OF THIS WATER FROM THE RESPECTIVE IRRIGATION ORGANIZATIONS. THE INTEREST OF THE CONSUMERS OR USERS OF THE WATER IS APPURTENANT TO THE LANDS WITHIN THE BOUNDARIES OF OR SERVED BY SUCH IRRIGATION ORGANIZATIONS, AND THAT INTEREST IS DERIVED FROM LAW AND IS NOT BASED EXCLUSIVELY ON THE CONTRACTS BETWEEN THE BUREAU OF RECLAMATION AND THE IRRIGATION ORGANIZATIONS.

THE ANNUAL TIME PERIOD FOR ACCRUING NATURAL FLOW TO THE ON-STREAM RESERVOIR STORAGE WATER RIGHTS IN IDWR ADMINISTRATIVE BASIN 63 WILL BE DETERMINED BY THE WATERMASTER AS SUPERVISED BY THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES; PROVIDED, HOWEVER, THE ANNUAL TIME PERIOD WILL BEGIN (1) AFTER THE DAY OF ALLOCATION AND WHEN THERE IS NO NATURAL FLOW AVAILABLE TO WATER RIGHTS JUNIOR IN PRIORITY TO JANUARY 12, 1911, AND (2) BEFORE NATURAL FLOW HAS AGAIN BECOME AVAILABLE TO WATER RIGHTS JUNIOR IN PRIORITY TO JANUARY 12, 1911, OR ON NOVEMBER 1, WHICHEVER IS EARLIER.

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.


Eric J. Wildman
Presiding Judge of the
Snake River Basin Adjudication