

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 83-11962

RECEIVED
APR 01 2011
DEPARTMENT OF
WATER RESOURCES

NAME AND ADDRESS: IDAHO WATER RESOURCE BOARD
PO BOX 83720
BOISE, ID 83720-0098

SOURCE: NORTH FORK CLEARWATER RIVER TRIBUTARY: CLEARWATER RIVER

QUANTITY: 10396.00 CFS

PRIORITY DATE: 04/01/2005

Use of water under this right shall recognize and allow the continued beneficial diversion of water under any prior existing water right established by diversion and application to beneficial use or by an application, permit, or license on file or issued by the director under the provisions of Chapter 2, Title 42, Idaho Code, with a priority of water right date earlier than the date of priority of this right. This right is subordinate to future non-DCMI development of a total flow rate equal to: (i) 74.88 cfs, or (ii) the flow rate exceeding a base flow equivalent to the unimpaired monthly eighty percent (80%) exceedence flow, whichever is less. This right is subordinate to future domestic, commercial, municipal, and industrial uses.

POINT OF DIVERSION: T39N R10E S18 SWSW (Instream Beginning Point) Within Clearwater County
T40N R07E S06 LOT 7 (SENE) (Instream Ending Point)

The reach of minimum stream flow approved is described as follows: Beginning at the confluence with Kelly Creek in the SW SW , Section 18, T39N, R10E, B.M., Clearwater County, and extending downstream 44.6 river miles to the confluence with Beaver Creek in Lot 7 (SE NE), Section 6, T40N, R07E, B.M., Clearwater County.

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
Minimum Stream Flow	08-01 TO 08-31	1128.00 CFS
Minimum Stream Flow	09-01 TO 09-30	873.00 CFS
Minimum Stream Flow	10-01 TO 10-31	828.00 CFS
Minimum Stream Flow	11-01 TO 11-30	1239.00 CFS
Minimum Stream Flow	12-01 TO 12-31	1237.00 CFS
Minimum Stream Flow	01-01 TO 01-31	1349.00 CFS
Minimum Stream Flow	02-01 TO 02-28	1838.00 CFS
Minimum Stream Flow	03-01 TO 03-31	2885.00 CFS
Minimum Stream Flow	04-01 TO 04-30	5863.00 CFS
Minimum Stream Flow	05-01 TO 05-31	10396.00 CFS
Minimum Stream Flow	06-01 TO 06-30	8470.00 CFS
Minimum Stream Flow	07-01 TO 07-31	2331.00 CFS

This minimum stream flow provides for fish habitat.
Use of water under this right shall be non-consumptive.

PLACE OF USE:

Place of use is within the reach between the points of diversion described above.

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

SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

OTHER PROVISIONS (continued)

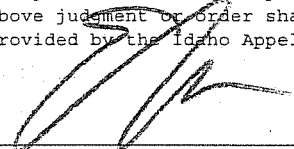
The Idaho Water Resource Board, upon receiving a request, or upon its own initiative, may petition the Director for an amendment to this water right. The petition must set forth any significant change in circumstances and evidence of the public interest supporting the proposed amendment. The Director will notify the general public and specific persons or notify interested parties of the proposed change, and conduct a hearing for the purpose of determining whether the water right should be amended in the public interest. The burden of proof at the hearing shall be upon the person or parties seeking the amendment to establish that the amendment of this water right would be in the public interest.

Upon future finding and order of the Director that gaging stations are required to administer the approved minimum stream flows, the right holder shall permanently install and maintain gaging stations as specified by the Department.

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