

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 37-07919

NAME AND ADDRESS: STATE OF IDAHO
IDAHO WATER RESOURCE BOARD
322 E FRONT ST
PO BOX 83720
BOISE, ID 83720-0098

SOURCE: BIG WOOD RIVER TRIBUTARY: MALAD RIVER

QUANTITY: 70.00 CFS

PRIORITY DATE: 06/19/1981

This right is subject to all prior rights, with the exception of
Right No. 37-07866.

POINT OF DIVERSION: T02N R18E S36 LOT 3 (SWNW) (Instream Ending Point) Within Blaine County
T04N R17E S13 SENW (Instream Beginning Point)

This minimum stream flow reach is from the confluence with Warm
Springs Creek in the SENW, S13, T4N, R17E downstream
approximately 18 miles to the point of diversion of the Bellevue
diversion in Lot 3, SWNW, S36, T2N, R18E.

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Minimum Stream Flow	01-01 TO 12-31	70.00 CFS

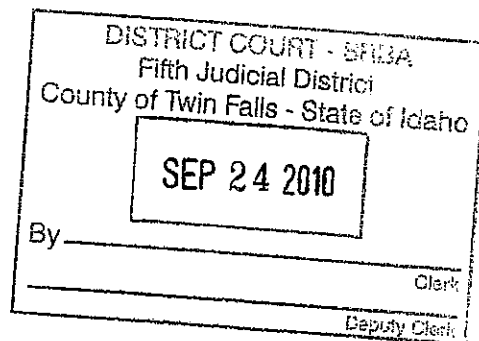
Use of water under this right shall be non-consumptive.

PLACE OF USE: The place of use is within the designated stream reach from the
beginning point to ending point described above.

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

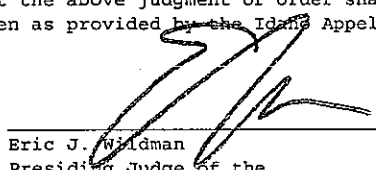
The Director retains jurisdiction to review and amend any and
all parameters of this right. Prior to undertaking a review of
the water right, the Director shall identify the reasons for
exercising retained jurisdiction under this condition, and give
notice thereof to the public generally and to specific persons
or parties known by the Director to be interested. The Director
shall thereafter conduct a hearing for the purpose of
determining whether the minimum stream flow should be modified
or amended in the public interest. The burden of proof at the
hearing shall be upon the person or party seeking to establish
that a particular parameter of the water right should be
modified or amended to satisfy the public interest. Review of
the water right under this condition may not occur prior to 15
years after issuance of the license.

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