

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 PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 47-08073

RECEIVED
JUN 02 2010

DEPARTMENT OF
WATER RESOURCES

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

SOURCE: SHOSHONE CREEK TRIBUTARY: SALMON FALLS CREEK

QUANTITY: 7.00 CFS

PRIORITY DATE: 10/16/1987

The minimum streamflow established under this right shall be subordinated to out-of-stream stockwater diversions for cattle grazing on allotments contiguous to Shoshone Creek. 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 issued by the Director under provisions of Chapter 2, Title 42, Idaho Code, with the priority of the water right dated earlier than 10/16/1987.

POINT OF DIVERSION: T16S R16E S35 LOT 1 (NENE) Within Twin Falls County
R17E S22 SWSE

This minimum stream flow begins at the confluence of Shoshone Creek and Hot Creek in the SWSE, S22, T16S, R17E and ends at the Idaho-Nevada state line in Lot 1 (NENE), S35, T16S, R16E.

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Minimum Stream Flow	01-01 TO 03-31	5.00 CFS
	Minimum Stream Flow	04-01 TO 07-31	7.00 CFS
	Minimum Stream Flow	08-01 TO 12-31	5.00 CFS

Use of water under this right shall be non-consumptive.
The purpose of this minimum stream flow is to maintain rainbow, cutthroat, and brown trout habitat.

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

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

The Director retains jurisdiction, as described below, to review and amend any and all parameters of this right. The Board, upon receiving a request, or upon its own initiative, may petition the Director for an amendment to the 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 known interested parties of the proposed change, and conduct a hearing for the purpose of determining whether the right should be amended in the public interest. The burden of proof at the hearing shall be upon the persons or parties seeking the amendment to establish that the amendment of the right would be

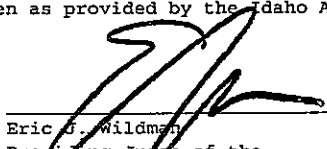
OTHER PROVISIONS (continued)

in the public interest.

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