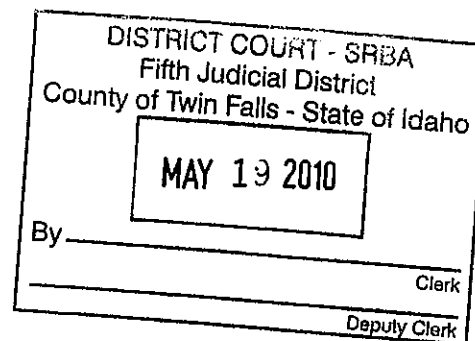


RECEIVED
MAY 20 2010
DEPARTMENT OF
WATER RESOURCES



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

See Attached Partial Decrees

CERTIFICATION

State of Idaho

County of Twin Falls ss.

I hereby certify the attached Partial Decrees to be full, true and correct copies of the originals on file with the Snake River Basin Adjudication District Court.

DATED May 19, 2010.

Deputy Clerk of the Court
Snake River Basin Adjudication

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 83-11966

RECEIVED

MAY 20 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: NORTH FORK CLEARWATER RIVER TRIBUTARY: CLEARWATER RIVER

QUANTITY: 16560.00 CFS

While the instream flow and the future allocation for non-DCMI uses and base flows are to be decreed in cubic feet per second (cfs), such quantities are intended to reflect the percentages of the unimpaired exceedence flows at the quantification point described in this water right. The unimpaired exceedence flows were estimated using regional regression equations developed by the United States Geological Service. Upon further finding and order of the Director of IDWR that gaging stations are required to maintain the approved minimum flows under this right, such measuring devices shall be permanently installed and maintained as specified by the Director. If actual flow data become available, the quantities in this water right will be adjusted as necessary to give effect to the exceedence assumption stated above. Such adjustments do not result in a material change to the water right and are not subject to the notice and hearing requirements set forth in this partial decree, but shall comply with the notice and consultation requirements of Section 42-1507(4), Idaho Code.

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 diversions 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 water right is subordinated to future non-Domestic-Commercial-Municipal-Industrial ("non-DCMI") development in an amount up to 283 cfs based on 25 percent of the lowest unimpaired median monthly flow or the amount available above a base flow which is equivalent to the unimpaired monthly 80% exceedence flow whichever is less. The unimpaired 80 percent monthly exceedence flows are as follows: January - 1,364 cfs, February - 1,540 cfs, March - 2,550 cfs, April - 6,600 cfs, May - 11,520 cfs, June - 5,500 cfs, July - 1,680 cfs, August - 1,050 cfs, September - 871 cfs, October - 954 cfs, November - 1,305 cfs, and December - 1,480 cfs.

POINT OF DIVERSION: T37N R01E S34 SWNESW (Instream Ending Point) Within Clearwater County

There are no diversions associated with this minimum stream flow water right. The quantification point for this instream flow water right is at the above location near the confluence with the mainstem Clearwater River and just above the Highway 7 bridge.

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

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Minimum Stream Flow	01-01 TO 01-31	2108.00 CFS
	Minimum Stream Flow	02-01 TO 02-28	2625.00 CFS
	Minimum Stream Flow	03-01 TO 03-31	4250.00 CFS
	Minimum Stream Flow	04-01 TO 04-30	10560.00 CFS
	Minimum Stream Flow	05-01 TO 05-31	16560.00 CFS
	Minimum Stream Flow	06-01 TO 06-30	9790.00 CFS
	Minimum Stream Flow	07-01 TO 07-31	2730.00 CFS
	Minimum Stream Flow	08-01 TO 08-31	1380.00 CFS
	Minimum Stream Flow	09-01 TO 09-30	1131.00 CFS
	Minimum Stream Flow	10-01 TO 10-31	1404.00 CFS
	Minimum Stream Flow	11-01 TO 11-30	2059.00 CFS
	Minimum Stream Flow	12-01 TO 12-31	2368.00 CFS

The purpose of this instream flow is to preserve fish and wildlife, scenic, and recreational values and to protect and enhance water quality and is equivalent to the unimpaired monthly 50 percent exceedence flows.
Use of water under this right shall be non-consumptive.

PLACE OF USE:

The place of use for this water right is the reach above the quantification point.

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

When this water right is not capable of being maintained using existing flows, Idaho Code Section 42-1507 authorizes the Idaho Water Resource Board to maintain the flow through operation of the water supply bank authorized by Section 42-1761 through 42-1765, Idaho Code, and by other available methods consistent with Idaho Law.

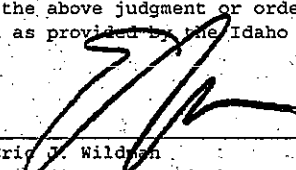
The Idaho Water Resource Board, upon receiving a request, or upon its own initiative, may petition the Director for an amendment to this water right after complying with the notice and consultation procedures of Section 42-1507(4), Idaho Code. The petition must set forth any significant change in circumstances 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.

This water right shall be subordinated to all future DCMU uses. This instream flow water right is subordinated to all present and future operations of the Dworshak Project. The term 'operations' as used herein means the timing and rate of discharge, including water storage and release of stored water, from Dworshak Dam.

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 T. Wildman
Presiding Judge of the
Snake River Basin Adjudication