



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

May 7, 2010

TOM DEMOREST
PO BOX 1555
BOISE ID 83701-1555

RE: Water Right 77-7080

Dear Mr. Demorest:

As you requested, I have enclosed a copy of the partial decree issued by the Snake River Basin Adjudication court for Water Right 77-7080 and a copy of the water right license issued in 1997 for the same water right. The partial decree supersedes the license in defining the elements of the water right.

If you have any questions, please call me at 208-287-4947, or email me at shelley.keen@idwr.idaho.gov.

Sincerely,

A handwritten signature in black ink that reads "Shelley W. Keen". The signature is written in a cursive, flowing style.

Shelley W. Keen, Manager
Water Rights Section

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 77-07080

NAME AND ADDRESS: LOON CREEK LAND CO
303 BALMORAL
BOISE, ID 83702

SOURCE: DEER CREEK TRIBUTARY: LOON CREEK
LOON CREEK TRIBUTARY: MIDDLE FORK SALMON RIVER

QUANTITY: 7.00 CFS
5083.90 AFY

PRIORITY DATE: 08/20/1979

The water right confirmed in this partial decree for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this partial decree and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this partial decree.

POINT OF DIVERSION: T14N R13E S15 NESE Within Custer County
SESE

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Power	01-01 TO 12-31	7.00 CFS
			5058.90 AFY
	Recreation Storage	01-01 TO 12-31	25.00 AFY
	Diversion to Storage	10-15 TO 05-01	7.00 CFS

Recreation storage is for fishing and boating.

PLACE OF USE:	Power		Within Custer County
	T14N R13E S15	NESE	
	Recreation Storage		Within Custer County
	T14N R13E S15	NESE	SESE
	Diversion to Storage		Within Custer County
	T14N R13E S15	NESE	SESE

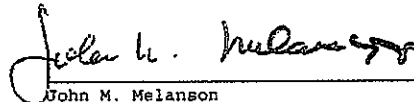
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

PROPERTY IS KNOWN AS HOMESTEAD ENTRY SURVEY NO. 74.
The diversion and use of water for hydropower purposes under this partial decree is subject to review by the Director on or after September 1, 2004. Upon appropriate findings relative to the interest of the public, the Director may cancel all or any part of the use authorized herein and may revise, delete or add conditions under which the right may be exercised.

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.

A handwritten signature in dark ink, appearing to read "John M. Melanson", is written over a horizontal line.

John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 77-07080

Priority: August 20, 1979

Maximum Diversion Rate: 7.00 CFS
Maximum Diversion Volume: 5083.9 AF

This is to certify, that DIAMOND D RANCH PARTNERSHIP
PO BOX 1

CLAYTON ID 83227 has complied with the terms and conditions
of the permit, issued pursuant to Application for Permit dated August 20, 1979; and
has submitted Proof of Beneficial Use on August 28, 1984. An examination indicates
that the works have a diversion capacity of 20.740 cfs of water from:

LOON CREEK tributary to SALMON RIVER, MIDDLE FORK
DEER CREEK tributary to LOON CREEK

source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
POWER	01/01 to 12/31	7.00 CFS	5058.9 AF
RECREATION STORAGE	01/01 to 12/31		25.0 AF
DIVERSION TO STORAGE	10/15 to 05/01	7.00 CFS	
Totals		7.00 CFS	5083.9 AF

LOCATION OF POINT(S) OF DIVERSION: NESE, Sec. 15, Township 14N, Range 13E
SESE, Sec. 15, Township 14N, Range 13E
CUSTER County

PLACE OF USE: POWER
TWN RGE SEC
14N 13E 15

NESE

SESE

CONDITIONS OF APPROVAL AND REMARKS

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.

MICROFILMED

AUG 20 1997

SCANNED

Jul 21 2002

State of Idaho
Department of Water Resources**WATER RIGHT LICENSE**

WATER RIGHT NO. 77-07080

CONDITIONS OF APPROVAL AND REMARKS

5. The water right confirmed in this license for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this license and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this license.
6. This right does not constitute Idaho Public Utilities Commission or Federal Energy Regulatory Commission approval that may be required.
7. The diversion and use of water for hydropower purposes under this license is subject to review by the Director on or after September 1, 2004. Upon appropriate findings relative to the interest of the public, the Director may cancel all or any part of the use authorized herein and may revise, delete or add conditions under which the right may be exercised.
8. Recreation storage is for fishing and boating.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. Witness the seal and signature of the Director, affixed at Boise, this 6TH day of MAY, 1997.


Acting for KARL J. DREHER, DirectorMICROFILMED
AUG 20 1997