

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

RECEIVED

In Re SRBA

Case No. 39576

APR 14 2010

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 74-14993

DEPARTMENT OF
WATER RESOURCES

NAME AND ADDRESS:

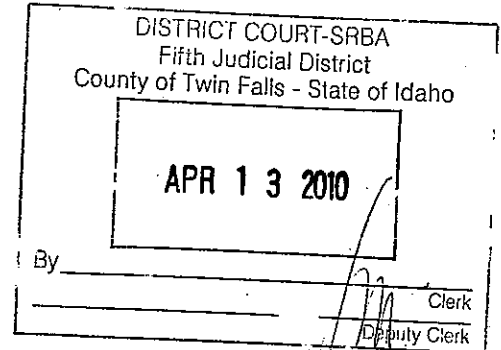
STATE OF IDAHO
IDAHO WATER RESOURCE BOARD
322 E FRONT ST
PO BOX 83720
BOISE, ID 83720-0098

SOURCE:

LEMHI RIVER TRIBUTARY: SALMON RIVER

QUANTITY:

35.00 CFS



Fifteen (15) cfs of the thirty-five (35) cfs is subordinated to all diversions, including high water or flood water authorized under the Lemhi River basin decree (Lemhi County Case No 4948).

PRIORITY DATE:

04/12/2001

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.

POINT OF DIVERSION:

T21N R22E S24 SWSSE (Instream Beginning Point) Within Lemhi County
T22N R22E S32 LOT 9 (SWSWSW) (Instream Ending Point)

This minimum stream flow begins at water diversion L-6 on the Lemhi River in the SE1/4, S24, T21N, R22EE, B.M., and ends at the confluence of the Lemhi River with the Salmon River near the southwest corner of S32, T22N, R22E, B.M., Lemhi County.

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
Minimum Stream Flow	01-01 TO 12-31	35.00 CFS

The purpose of this minimum stream flow is to provide for the passage of anadromous fish in the authorized river reach. 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 the ending point described above.

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

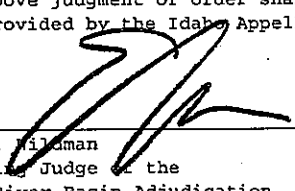
The Idaho Water Resource Board, upon receiving a request, or upon its own initiative, may petition the Director for an amendment to the right. The petition must set forth any significant change in circumstances and evidence of the public interest supporting the proposed amendment. The Director will notify 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 water 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 in the public interest.

OTHER PROVISIONS (continued)

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. Wilman
Presiding Judge of the
Snake River Basin Adjudication