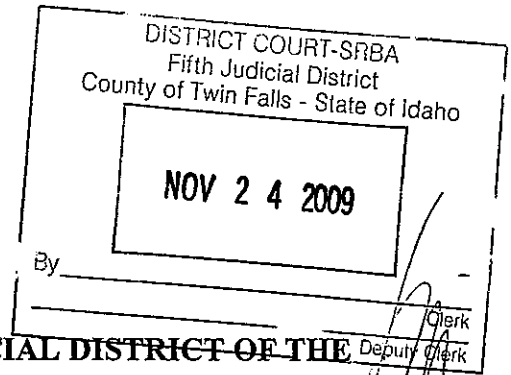


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DEPARTMENT OF
WATER RESOURCES



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

)
) **ORDER OF PARTIAL DECREE**
)
)
) **For water right: 01-07009**
)
)
)
)

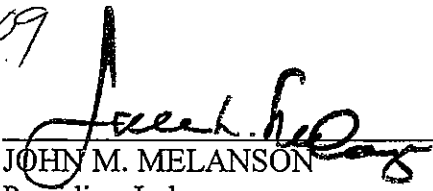
The above-captioned uncontested water right was recommended with a subordination provision regarding hydropower. The provision included a reference to "historical practices," which was a standard provision recommended by the Idaho Department of Water Resources for a number of hydropower rights. As a result of objections filed to the recommended provision with respect to other claims, this Court consolidated the issue for resolution. *See Order Separating and Consolidating Common Issues from Subcases in "Exhibit A" on Remark Regarding Subordination of Hydropower Rights based on "Historical Practices," Consolidated Subcase 00-92026.* The above-captioned right was withheld from decree because of the pending objections regarding the provision.

Thereafter, on July 1, 2008, this Court issued an *Order Deconsolidating Subcase 00-92026 and Order of Recommitment to Special Masters*, for a fact-specific determination on each objection, as it was determined that the provision was intended as a general statement used to encompass fact-specific circumstances and legal conclusions. Because the above-captioned claim was uncontested, the Court finds it is now appropriate to issue the *Partial Decree*.

Therefore, IT IS ORDERED that the above-captioned water right be decreed as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED

November 24, 2009



JOHN M. MELANSON

Presiding Judge

Snake River Basin Adjudication

In Re SRBA) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54 (b) FOR
Case No. 39576)
)
) Water Right 01-07009

NAME AND ADDRESS: SOUTH FORKS JOINT VENTURE
C/O IDA WEST ENERGY CO.
3380 AMERICANA TERRACE, STE 30
BOISE, ID 83706

SOURCE: SNAKE RIVER TRIBUTARY: COLUMBIA RIVER

QUANTITY: 1300.00 CFS

PRIORITY DATE: 06/27/1977

POINT OF DIVERSION: T10S R21E S29 LOT 8 (SWNESE) Within Twin Falls County

PURPOSE AND PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
Power 01-01 TO 12-31 1300.00 CFS

PLACE OF USE: Power Within Twin Falls County
T11S R18E S02 NESE

NOV 2

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.

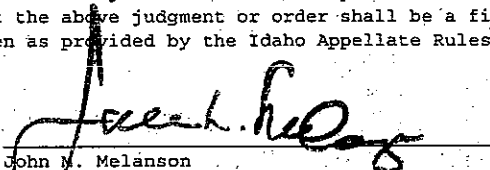
Water diverted outside of the normal irrigation season can only be diverted at such times as there are sufficient flows in the Snake River to satisfy Idaho Power Co.'s water rights at its Twin Falls and Shoshone Falls hydropower plants and any other water rights diverting water from the Snake River.

The Department of Water Resources retains jurisdiction to require the right holder to determine the rate of loss within his facilities using a procedure approved by the Director of the Department of Water Resources, and provide a source of augmentation water to mitigate all losses.

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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.



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

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER OF PARTIAL DECREE was mailed on November 24, 2009, with sufficient first-class postage to the following:

SOUTH FORKS JOINT VENTURE
C/O IDA WEST ENERGY CO
3380 AMERICANA TERRACE, STE 30
BOISE, ID 83706
Phone: 208-395-8982

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098