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MAR 15 2010

DEPARTMENT OF
WATER RESOURCES

In Re SRBA)
)
Case No. 39576)
)

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

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

Water Right 73-07045

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho MAR 12 2010 By _____ Clerk _____ Deputy Clerk

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

SOURCE: PAHSIMEROI RIVER TRIBUTARY: SALMON RIVER

QUANTITY: 74.00 CFS

The flow is divided into two reaches: 1) Lower Reach - 74.0 cfs from the confluence of the Pahsimeroi River and the Salmon River, upstream about 4 miles to the point of injection of Big Springs 2) Upper Reach - 45.0 cfs from the point of injection of Big Springs, upstream about 3 miles to the discharge point of the fish rearing and release ponds in the NWNW, S21, T15N, R21E.

PRIORITY DATE: 12/19/1979

POINT OF DIVERSION: T15N R21E S08 NWNW (Instream Ending Point) Within Custer County
NWNW (Instream Beginning Point)
S21 NWNW (Instream Beginning Point)
T16N R20E S25 LOT 3 (SWNW) (Instream Ending Point)

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Minimum Stream Flow	01-01 TO 12-31	74.00 CFS

The use of water under this right shall recognize all reasonable irrigation diversion practices on the Pahsimeroi River and tributaries in existence at the time of the filing of the application for permit on 12/12/79. Existing irrigation practices, for the purpose of this condition, are evidenced by maps, photographs, data and measurements referenced in the Amended Memorandum Decision and Order issued at the time of permit approval on 1/9/86. In particular, administration of this right shall not prevent such existing reasonable diversions of excess waters in addition to recorded rights if all recorded rights, excluding this right, are then satisfied. The watermaster of Water District 73 is not authorized to control, for the purpose of delivering water to fill this license, the diversion of water to any land irrigated under a valid water right from Pahsimeroi River and tributaries with a priority date earlier than the priority of this right. Use of water under this right shall be non-consumptive.

PLACE OF USE: The place of use of this right is within the designated stream reaches described between the beginning and ending points described above.

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

The Director retains jurisdiction 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 public

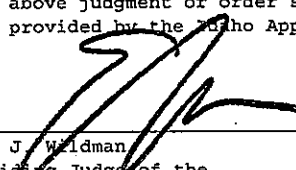
OTHER PROVISIONS (continued)

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 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. Waldman
Presiding Judge of the
Snake River Basin Adjudication