

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 85-15688

RECEIVED

JAN 23 2009

DEPARTMENT OF  
WATER RESOURCES

NAME AND ADDRESS: PATRICIA B SMYTH  
1436 BRYDEN AVE  
LEWISTON, ID 83501

SOURCE: SPRINGS TRIBUTARY: NORTH FORK WILLOW CREEK  
SPRINGS TRIBUTARY: NORTH FORK WILLOW CREEK

QUANTITY: 0.03 CFS

The quantity of water under this right shall not exceed 13,000  
gallons per day.

PRIORITY DATE: 12/31/1918

POINT OF DIVERSION: T32N R02W S02 LOT 21 (NESW ) Within Lewis County  
LOT 20 (NWSE )

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY |
|-------------------------------|----------------|----------------|----------|
|                               | Stockwater     | 01-01 TO 12-31 | 0.03 CFS |

| PLACE OF USE: | Stockwater                 | Within Lewis County |
|---------------|----------------------------|---------------------|
|               | T32N R02W S02 LOT 4 (NWNE) | LOT 13 (SWNE)       |
|               | LOT 12 (SENW)              | LOT 21 (NESW)       |
|               | LOT 20 (NWSE)              |                     |

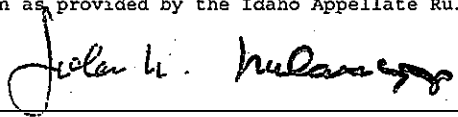
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

The quantity of water decreed for this water right is not a  
determination of historical beneficial use.  
Idaho Code 42-111 and 42-1401A. Overlapping points of diversion  
and points of use for multiple de minimus domestic and/or  
stockwater rights with the same elements cannot be recommended  
by the Department in the SRBA. (DISALLOW OVERLAPPING POU L5,  
L18, AND L19, ALREADY CLAIMED WITH WR 85-15692.)

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.

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