

RECEIVED

JAN 30 2008

Department of Water Resources
Adjudication Bureau

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
JAN 25 2008	
By _____	Clerk
	Deputy Clerk

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	)	Water Right: 78-07150B,
	)	78-07154 & 78-07188
Case No. 39576	)	
	)	ORDER OF PARTIAL DECREES
	)	
	)	
	)	

On January 5, 2007, the Idaho Department of Water Resources filed its *Director's Report for Basin 78, Reporting Area 24, for Irrigation and Other Water Rights*, which included recommendations for the above named water rights.

On November 23, 2007, the Idaho Department of Water Resources filed an *Amended Director's Report* for each of the above named rights, notifying the Court of corrected conditions for each right. No objections were filed to the *Amended Director's Reports* and the time period for filing objections has expired.

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

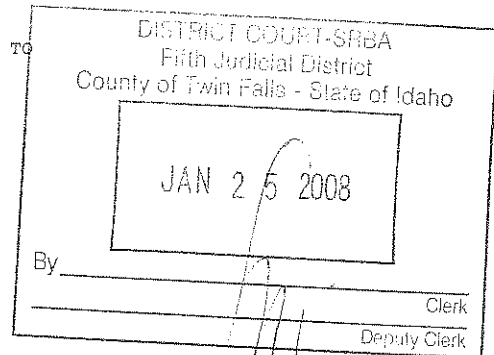
DATED January 4, 2008.



JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

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 78-07150B



NAME AND ADDRESS: SITHE ENERGIES/EL DORADO HYDRO
420 THIRD AVE
FORD CITY, PA 16226

SOURCE: ELK CREEK TRIBUTARY: LITTLE SALMON RIVER

QUANTITY: 7.72 CFS
4272.20 AFY

PRIORITY DATE: 06/23/1980

THE WATER RIGHT CONFIRMED IN THIS RIGHT 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 RIGHT 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 RIGHT.

POINT OF DIVERSION: T22N R01E S23 SENENW Within Idaho County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Power	01-01 TO 12-31	7.72 CFS 4272.20 AFY

PLACE OF USE: Power Within Idaho County
T22N R01E S27 SENE

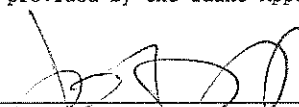
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE DIVERSION AND USE OF WATER FOR HYDROPOWER PURPOSES UNDER THIS
RIGHT IS SUBJECT TO REVIEW BY THE DIRECTOR ON OR AFTER SEPTEMBER
20, 2025. 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.



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

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

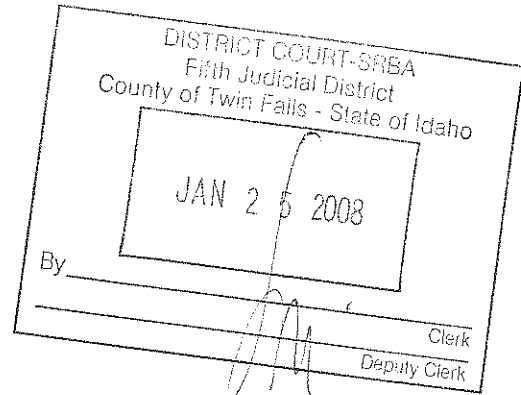
In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
) Water Right 78-07154

NAME AND ADDRESS: SITHE ENERGIES/EL DORADO HYDRO
420 THIRD AVE
FORD CITY, PA 16226

SOURCE: ELK CREEK TRIBUTARY: LITTLE SALMON RIVER

QUANTITY: 10.00 CFS
5534.00 AFY

PRIORITY DATE: 07/28/1980



THE WATER RIGHT CONFIRMED IN THIS RIGHT 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 RIGHT 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 RIGHT.

POINT OF DIVERSION: T22N R01E S23 SENENW Within Idaho County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Power	01-01 TO 12-31	10.00 CFS 5534.00 AFY

PLACE OF USE: Power Within Idaho County
T22N R01E S27 SENE

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

THE DIVERSION AND USE OF WATER FOR HYDROPOWER PURPOSES UNDER THIS
RIGHT IS SUBJECT TO REVIEW BY THE DIRECTOR ON OR AFTER SEPTEMBER
20, 2025. 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.

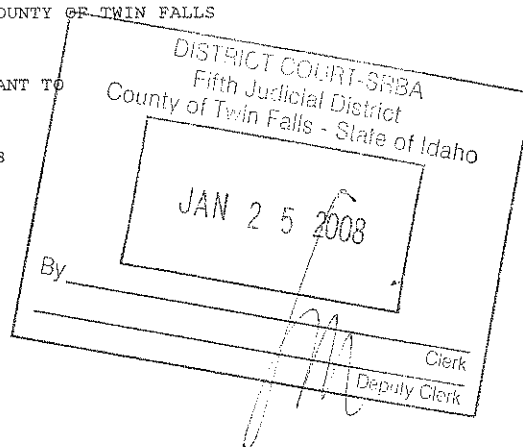

John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication

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 78-07188



NAME AND ADDRESS: SITHE ENERGIES/EL DORADO HYDRO
420 THIRD AVE
FORD CITY, PA 16226

SOURCE: ELK CREEK TRIBUTARY: LITTLE SALMON RIVER

QUANTITY: 8.00 CFS
4427.20 APY

PRIORITY DATE: 10/29/1981

THE WATER RIGHT CONFIRMED IN THIS RIGHT 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 RIGHT 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 RIGHT.

POINT OF DIVERSION: T22N R01E S23 SENENW Within Idaho County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Power	01-01 TO 12-31	8.00 CFS 4427.20 APY

PLACE OF USE: Power Within Idaho County
T22N R01E S27 SENE

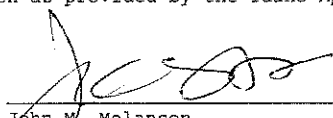
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE DIVERSION AND USE OF WATER FOR HYDROPOWER PURPOSES UNDER THIS
RIGHT IS SUBJECT TO REVIEW BY THE DIRECTOR ON OR AFTER SEPTEMBER
20, 2025. 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.


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 DECREES was mailed on January 25, 2008, with sufficient first-class postage to the following:

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

SITHE ENERGIES/EL DORADO HYDRO
420 THIRD AVE
FORD CITY, PA 16226
Phone: 412-763-9038

A handwritten signature in cursive script, appearing to read "Julie Murphy", is written over a horizontal line. The signature is in dark ink and is positioned to the right of the printed text "Deputy Clerk".