

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                            )  
\_\_\_\_\_)                                         Water Right 37-08096

NAME AND ADDRESS:           NOTCH BUTTE HYDRO CO INC  
                                  2283 WRIGHT AVE STE D  
                                  TWIN FALLS, ID 83301

SOURCE:                       LITTLE WOOD RIVER   TRIBUTARY: MALAD RIVER

QUANTITY:                    300.00   CFS  
                                 217000.00   AFY

PRIORITY DATE:              05/04/1983

The rights for the use of water confirmed in this license shall be junior and subordinate to all rights for 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 for 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:       T05S R17E S32               NWNENE   Within Lincoln County

| PURPOSE AND    | PURPOSE OF USE | PERIOD OF USE  | QUANTITY                        |
|----------------|----------------|----------------|---------------------------------|
| PERIOD OF USE: | Power          | 01-01 TO 12-31 | 300.00   CFS<br>217000.00   AFY |

PLACE OF USE:               Power                               Within Lincoln County  
                                  T05S R17E S29               SWSE

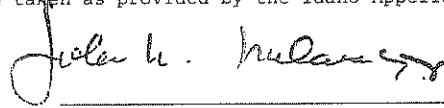
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

The diversion and use of water for hydropower purposes under this license is subject to review by the Director on or after November 26, 2010. 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.



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