

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 37-07889

NAME AND ADDRESS: KOYLE HYDRO INC
 1774 S 1500 E
 GOODING, ID 83330

SOURCE: BIG WOOD RIVER TRIBUTARY: MALAD RIVER
 LITTLE WOOD RIVER TRIBUTARY: MALAD RIVER

Bypass flows in the Big Wood River and Little Wood River must be maintained at sufficient levels to ensure protection of fish, wildlife, aquatic and riparian values.
Point of injection into and point of rediversion from the Big Wood River.

QUANTITY: 20.00 CFS
 14479.60 AFY

Any loss of water to the Big Wood River or the Little Wood River resulting from conveyance and use pursuant to this right shall be mitigated with replacement water.

PRIORITY DATE: 03/09/1981

The water right confirmed in this partial decree 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: T05S R14E S28 SWSWSE Within Gooding County
 SWSWSE (Rediversion)
 R15E S31 LOT 2 (NESWNW) (Injection)
 T06S R15E S06 NWSWNE

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Power	01-01 TO 12-31	20.00 CFS
			14479.60 AFY

PLACE OF USE: Power Within Gooding County
 T05S R14E S33 NESE

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

Use of water under this right shall not cause fluctuation in the flows of the Malad River which impairs the ability of prior right holders to divert their water.
The diversion and use of water under this right is subject to review by the Director 25 years from the date of issuance of License 37-7889. (License 37-7889 was issued November 10, 1992.) 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 this right may be exercised.

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT

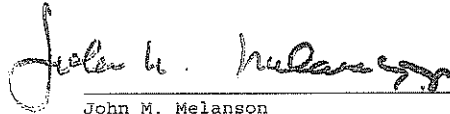
SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

OTHER PROVISIONS (continued)

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