

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 77-07080

NAME AND ADDRESS: LOON CREEK LAND CO
303 BALMORAL
BOISE, ID 83702

SOURCE: DEER CREEK TRIBUTARY: LOON CREEK
LOON CREEK TRIBUTARY: MIDDLE FORK SALMON RIVER

QUANTITY: 7.00 CFS
5083.90 AFY

PRIORITY DATE: 08/20/1979

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 partial decree 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 partial decree.

POINT OF DIVERSION: T14N R13E S15 NESE Within Custer County
SESE

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Power	01-01 TO 12-31	7.00 CFS
			5058.90 AFY
	Recreation Storage	01-01 TO 12-31	25.00 AFY
	Diversion to Storage	10-15 TO 05-01	7.00 CFS

Recreation storage is for fishing and boating.

PLACE OF USE:	Power		Within Custer County
	T14N R13E S15	NESE	
	Recreation Storage		Within Custer County
	T14N R13E S15	NESE	SESE
	Diversion to Storage		Within Custer County
	T14N R13E S15	NESE	SESE

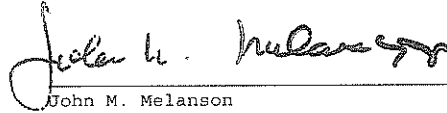
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

PROPERTY IS KNOWN AS HOMESTEAD ENTRY SURVEY NO. 74.
The diversion and use of water for hydropower purposes under this partial decree is subject to review by the Director on or after September 1, 2004. 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.

A handwritten signature in dark ink, appearing to read "John M. Melanson", is written over a horizontal line.

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