

APR 1985

Department of Water Resources
Western Regional Office

Filed in District Court Lemhi County

Idaho, Jan 4 1982

at 10 minutes past 5 o'clock P.M.

By *Robert J. Wideman* Clerk

By *Lesley L. Lamb* Deputy

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE

STATE OF IDAHO, IN AND FOR THE COUNTY OF LEMHI

IN THE MATTER OF THE GENERAL)
DETERMINATION OF THE RIGHT TO)
THE USE OF SURFACE WATERS AND)
TRIBUTARIES FROM WHATEVER)
SOURCE OF THE LEMHI RIVER)
DRAINAGE BASIN.)

CIVIL NO. 4948

PARTIAL DECREE PURSUANT
TO RULE 54(b), I.R.C.P.

The report of the Idaho Department of Water Resources ("Water Resources" herein) entitled PROPOSED FINDING OF WATER RIGHTS IN THE LEMHI RIVER BASIN was filed with this court on July 9, 1974. The report contains FINDINGS OF FACT, CONCLUSIONS OF LAW, and a LISTING OF WATER RIGHTS.

As a result of objections filed to the PROPOSED FINDINGS, changes were made to the Findings of Fact, Conclusions of Law, and the Listing of Water Rights. These amendments, additions, and deletions to the PROPOSED FINDINGS are set forth in two documents already on file with the court: (1) the "Special Master's Report on Specific Objections," filed April 7, 1982 and adopted by order on September 16, 1982; and (2) the "Stipulation Resolving General Objections" filed February 12, 1982. A third document, "Order Correcting Clerical Oversights in Proposed Finding of Water Rights," filed November 16, 1982, corrects typographical errors in the PROPOSED FINDINGS. Finally, permits listed in the PROPOSED FINDINGS which have become licensed on or before the date of this partial decree will be decreed in their licensed form.

This partial decree does not include any of the rights on Geertson Creek and its tributaries because they were already the subject of a partial decree which is on appeal to the Idaho Supreme Court. The rights of the United States Department of Agriculture, Forest Service, are also not included because they

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JUL 30 1996

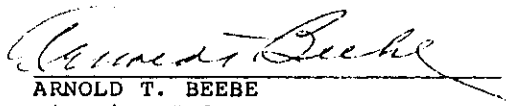
have yet to be resubmitted following the decision of U.S. v. New Mexico.

IT IS HEREBY ORDERED, ADJUDGED and DECREED that the water rights of the Lemhi River Basin with the exceptions noted above are as described in the PROPOSED FINDING OF WATER RIGHTS IN THE LEMHI RIVER BASIN, as amended by:

1. Special Master's Report on Specific Objections;
2. Stipulation Resolving General Objections;
3. Order Correcting Clerical Oversights in Proposed Finding of Water Rights; and
4. Licenses issued on or before the date of this partial decree for permits listed in the PROPOSED FINDINGS;

all of which are incorporated herein by reference.

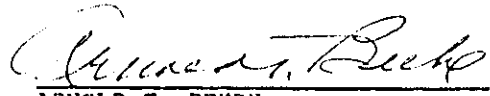
DATED this 30th day of December, 1982.


ARNOLD T. BEEBE
District Judge

Rule 54(b) Certificate

With respect to the issues determined by the above judgment 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 decree and that the court has and does hereby direct that the above partial decree shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

DATED this 30th day of December, 1982.


ARNOLD T. BEEBE
District Judge

STATE OF IDAHO) ss NO. 175352
COUNTY OF LEMHI)

This instrument was filed for record at the request of
Dept. of Water Resources
on 11:10 A.M. April 3, 1985
and duly filmed and indexed in the file of
JUDGMENTS Records of Lemhi County,
Idaho.

Alberta Wiederrick

Ex. Office Recorder

By Pauline Brown JUL 3 1986
None

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Return to: Josephine Beeman,
Deputy Attorney General
Dept. of Water Resources
Statehouse
Boise, Idaho 83720

STATE OF IOWA
DEPARTMENT OF WATER RESOURCES
WATER RIGHTS ABSTRACT

SOURCE: SPRINGS

INDICATES TOTAL

RIGHT NUMBER	NAME AND ADDRESS	PRIORITY DATE	USE FROM TO	USE PERIOD	MAX AMOUNT MAX RATE	DIVERSION POINT	PLACE OF USE AND ACREAGE	BASIS FOR RIGHT
74-1806					.02 CFS		SAVE AS OTHER USE	
					.02 CFS			
					---AFA			
					1.02+CFS			
74-2276	BENEDICT, J. H. SALMON	09-19-1926	DOMESTIC	01-01 12-31	.03 CFS	SWS# S34 T20N R24E	504 T19N R24E	DECREE
74-859	SMOOK, FRED H. SMOON, ELIZABETH H. P.O. BOX 1227 SALMON	06-01-1930	DOMESTIC	01-01 12-31	.04 CFS	NENE S14 T20N R23E	514 T20N R23E	DECREE
74-1854	ANDREWS, ROYD ANDREWS, LORNA RT. 1 SALMON	04-01-1932	IRRIGATION	03-15 11-15	.06 CFS	NWSE S08 T20N R24E	508 T20N R24E	DECREE
	OTHER USES: 1/2 HOMES. REMARKS: AC. IRR.=2.8.							
					.04 CFS		SAVE AS OTHER USE	
					.04 CFS		SAVE AS OTHER USE	
					---AFA			
					.10+CFS			
74-2260	SKELTON RANCH CO. INC. P.O. BOX 1138 IDAHO FALLS	09-19-1932	IRRIGATION	03-15 11-15	1.00 CFS	NWS# S15 T14N R28E		DECREE
	REMARKS: POISON SPRING IS CONSIDERED NON-PRIB. TO THE LEMHI R. SOURCE KNOWN AS POISON SPRING.							
	P/U: T15N R27E S33 SWS#(40)							
	P/U: T14N R27E S04 T103 (NENE#)(15) T104 (NENE#)(43)							
					.02 CFS		132 ACRES*	
					---AFA			
					1.00+CFS			
							SWS# SES# S33 T15N R27E	