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Department of Water Resources
Western Regional Office

Filed in District Court Lemhi County
Idaho, Jan 7 1982
at 10 minutes past 1 o'clock P.M.
Clerk
By [Signature] 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	)	CIVIL NO. 4948
THE USE OF SURFACE WATERS AND	)	
TRIBUTARIES FROM WHATEVER	)	
SOURCE OF THE LEMHI RIVER	)	PARTIAL DECREE PURSUANT
DRAINAGE BASIN.	)	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

PARTIAL DECREE, Page 1

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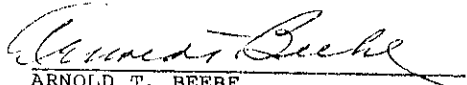
have yet to be resubmitted following the decision of U.S. v. New Mexico.

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.

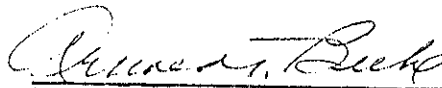
DATED this 30th day of December, 1982.


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.

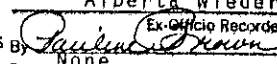

ARNOLD T. BEEBE
District Judge

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.

PARTIAL DECREE, Page 2

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

Alberta Wiederrick
Ex-Officio Recorder
By  JUL 3 0 1986
Fees: None

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF LEMHI

Case No. 4948

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

Plaintiff,

NOTICE

Defendant.

I hereby certify that, pursuant to Rule 77(d), I. R. C. P., Notice is hereby given to the following that Document noted as:

Order dated

Judgment dated December 30, 1982

was filed of record in the District Court of the Seventh Judicial District, Lemhi County, Idaho, this 4th day
January 1983, to: enter PARTIAL DECREE PURSUANT TO RULE 54(b).

Copies to:

State of Idaho
Statehouse Room 210
Boise, Idaho 83720
Telephone (208) 344-2400

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17 Honorable H. Reynold George
18 585 N. Capital Avenue
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19 Honorable Milton A. Slavin
20 P.O. Box 1103
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22 P.O. Box 789
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Alberta Wiederrick, Clerk of District
Court

By Beverly J. Laughlin Deputy

MOTION FOR PARTIAL DECREE

JUL 30 1996

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WATER RIGHTS ABSTRACT

PAGE 122

40416

05/04/83

INDICATES TOTAL

SOURCE: JAKES CANYON CREEK

TRIBUTARY TO: LEMHI RIVER

RIGHT NUMBER	NAME AND ADDRESS	PRIORITY DATE	USE FROM TO	MAX AMOUNT MAX RATE	DIVERSION POINT	PLACE OF USE AND ACREAGE	BASIS FOR RIGHT
74-0149	FAYLE, WILLIAM L. FAYLE, WILDA P.O. BOX 44 LEADORE ID 83464	04-15-1873	IRRIGATION 03-15 11-15	.40 CFS	NESW S16 T16N R26E	NENW(30) NNNW(18) DECREE SNNW(34) SENW(40) NWSW(18) S21 T16N R26E NESE(13) S20 T16N R26E	
	REMARKS: AC. IRR.=153.8.					* 153 ACRES*	
74-0150	FAYLE, WILLIAM L. FAYLE, WILDA P.O. BOX 44 LEADORE ID 83464	04-15-1876	IRRIGATION 03-15 11-15	3.60 CFS	NESW S16 T16N R26E	NENW(30) NNNW(18) DECREE SNNW(34) SENW(40) NWSW(18) S21 T16N R26E NESE(13) S20 T16N R26E	
	REMARKS: AC. IRR.=153.8.					* 153 ACRES*	
74-0384	FAYLE, WILLIAM L. FAYLE, WILDA P.O. BOX 44 LEADORE ID 83464	04-01-1923	IRRIGATION 03-15 11-15	2.00 CFS	NESW S16 T16N R26E	NEVW(36) NNNW(38) DECREE SNNW(34) SENW(40) NWSW(18) S21 T16N R26E NESE(13) S20 T16N R26E	
	REMARKS: AC. IRR.=179.6.					* 179 ACRES*	