

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 81-07160

NAME AND ADDRESS: STATE OF IDAHO
IDAHO WATER RESOURCE BOARD
STATEHOUSE MAIL
PO BOX 83720
BOISE, ID 83720-0098

SOURCE: SELWAY RIVER TRIBUTARY: MIDDLE FORK CLEARWATER RIVER

QUANTITY: 1500.00 CFS

PRIORITY DATE: 07/30/1992

Use of water under this right shall recognize and allow the continued beneficial diversion of water under any prior existing water right established by diversion and application to beneficial use or by an application, permit, or license on file or issued by the director under the provisions of Chapter 2, Title 42, Idaho Code, with a priority of water right date earlier than 7/30/1992. This minimum stream flow shall be subject to future domestic and stockwater development from the Selway River and its tributaries including groundwater for use within the Selway River Basin where such domestic and stockwater use is within the limitations of Section 42-111, Idaho Code.

POINT OF DIVERSION: T31N R09E S11 SWNWNE (Instream Beginning Point) Within Idaho County
T32N R07E S04 LOT 8 (NWSW) (Instream Ending Point)

This minimum stream flow begins at the confluence with Meadow Creek in the NWNE, S11, T31N, R9E, and ends approximately 19 miles downstream at the confluence with the Lochsa River in the SWNWSW, S4, T32N, R7E.

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Minimum Stream Flow	03-01 TO 07-31	1500.00 CFS
	Minimum Stream Flow	08-01 TO 02-29	760.00 CFS

This minimum stream flow is for the protection of fish and wildlife habitat, aquatic life and recreational values. Use of water under this right shall be non-consumptive.

PLACE OF USE:	Minimum Stream Flow	Within Idaho County
	T31N R09E S02	NWSW SWSW
		SESW SWSE
	S03	SWNE SENE
		SWNW SENW
		NESE NWSE
	S04	NWNE SWNE
		SENE NENW
		NWNW SENW
	S05	NENE
	S11	NWNE NENW
	T32N R07E S04 LOT 7	(NESW) LOT 8 (NWSW)
	LOT 9	(SWSW) LOT 10 (SESW)
	S09	SWNE LOT 1 (NENW)
	LOT 2	(NWNW) LOT 3 (SWNW)
	LOT 4	(SENW) LOT 6 (NESW)
	LOT 7	(SESW) LOT 5 (NESE)

PLACE OF USE (continued)

S15 LOT 1	{NWNW}	LOT 2	{NWNW}
LOT 3	{SWNW}	LOT 5	{NESW}
LOT 4	{NWSW}	LOT 8	{SWSW}
LOT 7	{SESW}	LOT 6	{SWSE}
S16 LOT 1	{NENE}	LOT 3	{SENE}
LOT 4	{NESE}		
S22 LOT 1	{NENE}	LOT 2	{NWNE}
LOT 5	{SWNE}	LOT 6	{SENE}
LOT 3	{NENW}		
S23 LOT 3	{NESW}	LOT 2	{NWSW}
LOT 5	{SESW}	LOT 4	{SWSE}
S24 LOT 3	{SWSW}	LOT 1	{SESW}
LOT 2	{SESW}		SWSE
S25 LOT 1	{NWNE}	LOT 5	{SWNE}
LOT 6	{SENE}	LOT 7	{SENE}
LOT 2	{NENW}	LOT 3	{NWNW}
LOT 4	{SWNW}		SENE
S26 LOT 1	{NENE}	LOT 2	{NWNE}
LOT 3	{SENE}		
R08E S25	SWSE		SESE
S26	NESW		NWSW
	SESW		SWSE
S27	NESW		NWSW
	SESW		NESE
	NWSE		SWSE
	SESE		
S28	SWNE		SENE
	SWNW		SENE
	NWSW		NESE
S29	SWNE		SENE
	SWNW		SENE
	NESW		NWSW
	NESE		
S30	SWNE		SENE
	NENW		SENE
	NESE		
S35	NENE		NWNE
S36	NENE		NWNE
	NENW		NWNW
R09E S31	NENE		SWNE
	SENE		NWNW
	SWNW		SENE
S32	SWNW		SENE
	NESW		NWSW
	NESE		NWSE
	SWSE		SESE
S33	SWSW		

The place of use for this minimum stream flow is within the reach between the points of diversion described above.

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

Specifically, because of the generalization inherent within the application of the Tennant method, the director retains jurisdiction, as described herein, to review and amend any and all parameters of this right. The Board, upon receiving a request, or upon its own initiative, may petition the director for an amendment to the right. The petition must set forth any significant change in circumstances and evidence of the public interest supporting the proposed amendment. The director will notify the general public and specific persons or known interested parties of the proposed change, and conduct a hearing for the purpose of determining whether the right should be

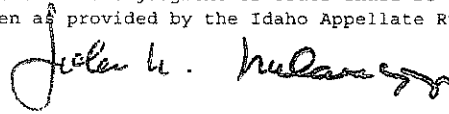
OTHER PROVISIONS (continued)

amended in the public interest. The burden of proof at the hearing shall be upon the persons or parties seeking the amendment to establish that the amendment of the right would be in the public interest. An amendment cannot increase the flow rate.

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.



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