

S T A T E O F I D A H O
D E P A R T M E N T O F W A T E R R E S O U R C E S
W A T E R R I G H T S A B S T R A C T

WATER RIGHTS ABSTRACT

IRIBUJARY IO: CAVYCN CREEK

RIGHT	NAME AND	PRIORITY	USE PERIOD	MAX AMOUNT	DIVERSION	PLACE OF USE	BASIS FOR
NUMBER	ADDRESS	DATE	USE	FROM TO	MAX RATE	POINT	AND ACREAGE
RIGHT	NAME AND	PRIORITY	USE PERIOD	MAX AMOUNT	DIVERSION	PLACE OF USE	BASIS FOR

04-01-1936 IRRIGATION 03-15 11-15

SESE S21 NENW(07) 117N R27E 528 117N R27E
 .62 CFS 117N R27E 528 117N R27E
 DEGREE

* 31 ACRES *

31 ACRES*

COPY

APR 1985

Department of Water Resources
Western Regional Office

Filed in District Court Lemhi County,

Idaho, Jan 7, 1983

at 10 minutes past 1 o'clock P.M.

Robert L. Bridges 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)
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

PARTIAL DECREE, Page 1

[Signature]

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.

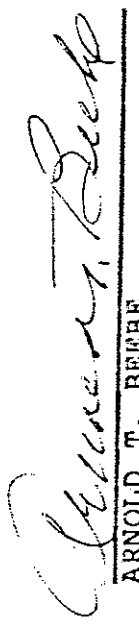
DATED this 30th day of December, 1982.


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 filed 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

None
JUL 30 1985

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:

13 George C. Peterson, Jr.
14 485 "E" Street
15 Idaho Falls, ID 83401

16 Kent W. Foster
17 P.O. Box 129
18 Idaho Falls, ID 83401

19 Honorable H. Reynold George
20 585 N. Capital Avenue
21 Idaho Falls, ID 83401

22 Honorable Milton A. Slavin
23 P.O. Box 1103
24 Salmon, ID 83467

25 James C. Herndon
26 P.O. Box 789
27 Salmon, ID 83467

28 Jack G. Voshell
29 598 N. Capital Avenue
30 Idaho Falls, ID 83401

31 Ray W. Rigby
32 P.O. Box 250
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Ogden, Utah 84401

Fred Snook
P.O. Box 1227
Salmon, ID 83467

Alberta Wiederrick, Clerk of District
Court

by *Alberta Wiederrick* Deputy

MOTION FOR PARTIAL DECREE

JUL 30 1996

NOV 19 1982

DEPARTMENT OF WATER RESOURCES

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) CIVIL NO. 4948
TRIBUTARIES FROM WHATEVER)
SOURCE OF THE LEMHI RIVER) ORDER CORRECTING CLERICAL
DRAINAGE BASIN.) OVERSIGHTS IN PROPOSED
FINDING OF WATER RIGHTS)

The motion of the Department of Water Resources for an order correcting certain clerical oversights in the proposed finding of water rights having come before the Court for hearing, and the Court being fully advised in the premises,

IT IS HEREBY ORDERED that the proposed finding of water rights be amended in conformance with Exhibit A which is attached hereto and incorporated herein by reference.

DATED this 16th day of November, 1982.

Arnold T. Beebe
ARNOLD T. BEEBE
District Judge

Filed in District Court Lemhi County
Idaho, November 16, 1982
at 3:35 minutes past 1 o'clock P. M.
By Arnold T. Beebe Clerk
Deputy Deputy

November 16, 1982

JUL 30 1996