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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)
)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 36-07820

1998 NOV 16 PM 2:26
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED

NAME AND ADDRESS: STATE OF IDAHO
IDAHO WATER RESOURCE BOARD
STATEHOUSE
BOISE, ID 83720

RECEIVED

SOURCE: BLIND CANYON SPRINGS TRIBUTARY: SNAKE RIVER

NOV 17 1998

QUANTITY: 8.00 CFS

Department of Water Resources
Adjudication Bureau

PRIORITY DATE: 03/20/1979

THIS MINIMUM STREAMFLOW SHALL BE JUNIOR AND SUBORDINATE TO ALL
CONSUMPTIVE USE RIGHTS DIVERTED FROM GROUNDWATER WITHIN THE SNAKE
RIVER PLAIN AQUIFER TRIBUTARY TO BLIND CANYON SPRINGS, HELD IN
TRUST BY THE STATE OF IDAHO, WHICH MAY BE APPROVED OR DIVERTED
LATER IN TIME THAN THE PRIORITY OF THIS RIGHT. DECREE OF THIS
RIGHT SHALL NOT GIVE RISE TO ANY RIGHT OR CLAIM AGAINST ANY
FUTURE RIGHTS TO THE CONSUMPTIVE USE OF GROUNDWATER HELD IN TRUST
BY THE STATE OF IDAHO INITIATED LATER IN TIME THAN THE PRIORITY
OF THIS RIGHT AND ANY SUBSEQUENT LICENSE TO THE EXTENT SUCH USES
ARE WITHIN THE LIMITS ESTABLISHED PURSUANT TO THE SWAN FALLS
AGREEMENT, THE IDAHO STATE WATER PLAN, AND CHAPTER 2, TITLE 42
IDAHO CODE.

POINT OF DIVERSION: T08S R14E S28 SWNE (Instream Beginning Point) Within Gooding County
LOT 02 (SENW) (Instream Ending Point)

THIS MINIMUM STREAM FLOW BEGINS AT THE POINT WHERE EFFLUENT
FROM THE BLIND CANYON SPRINGS HATCHERY DISCHARGES TO BLIND CANYON
WITHIN T08S, R14E, S28, SWNE, AND EXTENDS DOWNSTREAM TO THE MOUTH
OF BLIND CANYON AND THE SNAKE RIVER WITHIN T08S, R14E, S28, GOVT.
LOT 2 (SENW).

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Minimum Instream Flow	01-01 TO 12-31	8.00 CFS

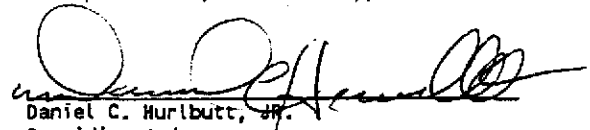
PLACE OF USE:
Minimum Instream Flow Same as Other Use
SAME AS OTHER USE

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

THE IDWR DIRECTOR HAS AUTHORITY 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 OF THE RIGHT. THE PETITION MUST SET FORTH ANY
SIGNIFICANT CHANGE IN CIRCUMSTANCES AND EVIDENCE OF 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
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.

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.



Daniel C. Hurlbutt, Jr.
Presiding Judge
Snake River Basin Adjudication