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Department of Water Resources
Western Regional Office

Filed in District Court Lemhi County

Idaho, Jan 4 19 82

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

By *Robert L. Wideman* Clerk

By *Robert L. Wideman* Deputy

File of Findings

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

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.

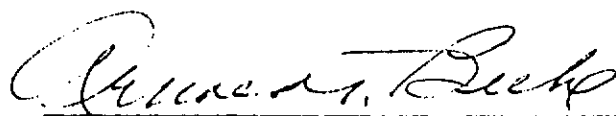
DATED this 30th day of December, 1982.


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

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JUN 20 2001

PARTIAL DECREE, Page 2

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

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-Officio Recorder
Pauline Brown JUL 30 1986
None

05/04/83

STATE OF TEXAS
DEPARTMENT OF WATER RESOURCES
WATER RIGHTS ABSTRACT

INDICATES TOTAL

SOURCE: TEXAS CREEK

TRIBUTARY TO: LEVY 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
74-0065	P.O. BOX 192 LEADORE. REMARKS: AC. IRR.=49.4. THE POINT OF MEASUREMENT FOR THIS WT. IS IN NASW, S2, T15N, R26E.					S34 T16N R26E	
74-0090	WHITTAKER, FLOYD J. P.O. BOX 177 LEADORE REMARKS: AC. IRR.=39.6.	10-01-1901	IRRIGATION 03-15 11-15	.80 CFS	SWNW S35 T15N R26E	SESE(40) S27 T15N R26E	DEGREE
74-0096	MAHAFFEY LIVESTOCK INC. C/O STEPHEN MAHAFFEY P.O. BOX 4 TENDOO REMARKS: AC. IRR.=17.6.	06-01-1902	IRRIGATION 03-15 11-15	.16 CFS	SESE S11 T14N R26E	SESE(07) SESE(11) S11 T14N R26E	DEGREE
74-0086	BROWN, IKA D. BROWN, BENITA A. P.O. BOX 17 LEMH	05-01-1903	IRRIGATION 03-15 11-15	.84 CFS	SWSE S02 T14N R26E	NENE(18) SENE(26) NESE(30) S02 T14N R26E	DEGREE
74-0007	ELLSWORTH, JAMES ELLSWORTH, MAYBELLE P.O. BOX 27 LEADORE REMARKS: AC. IRR.=82.7.	06-01-1903	IRRIGATION 03-15 11-15	1.11 CFS	NENW S05 T13N R27E	NANE(30) S31 T14N R27E NENW(10) SESW(04) S4SE(40) S30 T14N R27E	DEGREE
74-0097	MAHAFFEY LIVESTOCK INC. C/O STEPHEN MAHAFFEY P.O. BOX 4 LEADORE REMARKS: AC. IRR.=69.2.	06-01-1904	IRRIGATION 03-15 11-15	.96 CFS	SESE S11 T14N R26E	S4NW(02) S12 T14N R26E NENE(34) SENE(20) NESE(12) SESE(01) S11 T14N R26E	DEGREE
74-0107	SLAVIN, MILTON E. SLAVIN, HELEN G. P.O. BOX 331	06-01-1904	IRRIGATION 03-15 11-15	.66 CFS	NESE S11 T14N R26E	S4SE(11) SESE(36) S02 T14N R26E	DEGREE

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MEMORANDUM

TO: FILE 74-00097

FROM: PAM SKAGGS

RE: TRANSFER # 5559/66979

DATE: 10-22-99

Original Transfer Application, Form and correspondence
regarding the above referenced Transfer is located within
file # 74-00039.

WITHDRAWN 5-7-01

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