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Department of Water Resources
Western Regional Office

Filed in District Court Lemhi County,
Idaho, Jan 4 1983
at 10 minutes past 10 o'clock A.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

MAILED
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.

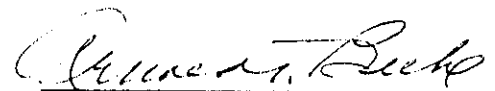
DATED this 30th day of December, 1982.


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.

Alberta Wiederrick
Ex-Officio Recorder
By Pauline D. Brown JUL 3 0 1986
None

PARTIAL DECREE, Page 2

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

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.

Defendant.

NOTICE

I hereby certify that, pursuant to Rule 77(d), I. R. C. P., Notice is hereby given to the following that Documented 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 240
Boise, Idaho 83720
Telephone (208) 334-2400

13	George C. Peterson, Jr. 485 "E" Street Idaho Falls, ID 83401	Guy G. Hurlbutt U.S. Attorney Warren Derbidge Assistant U.S. Attorney Box 037, FBUSCH 550 West Fort Boise, ID 83724
14	Kent W. Foster P.O. Box 129 Idaho Falls, ID 83401	John E. Lindskold Trial Attorney U.S. Department of Justice Land and Natural Resources Div. 1961 Stout Street, Drawer 3607 Denver, Colorado 80294
15	Honorable H. Reynold George 585 N. Capital Avenue Idaho Falls, ID 83401	Dean A. Gardner, Esq. Office of General Counsel U.S. Dept. of Agriculture Room 205, Forest Service Building 507 25th Street Ogden, Utah 84401
16	Honorable Milton A. Slavin P.O. Box 1103 Salmon, ID 83467	Fred Snook P.O. Box 1227 Salmon, ID 83467
17	James C. Herndon P.O. Box 789 Salmon, ID 83467	
18	Jack G. Voshell 598 N. Capital Avenue Idaho Falls, ID 83401	
19	Ray W. Rigby P.O. Box 250 Rexburg, ID 83440	
20	Sherman F. Furey, Jr. P.O. Box 1127 Salmon, ID 83467	
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Alberta Wiederrick, Clerk of District Court
By *Deborah S. Loughlin* Deputy

MOTION FOR PARTIAL DECREE,

JUL 30 1996

NOV 19 1982

~~Original of State Records~~

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	)	ORDER CORRECTING CLERICAL
SOURCE OF THE LEMHI RIVER	)	OVERSIGHTS IN PROPOSED
DRAINAGE BASIN.	)	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 15 minutes past 1 o'clock P.M.
Christa Wingfield Clerk
By Barbara D. Long Deputy

MICROFILMED

JUL 30 1996

WRD416

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WATER RIGHTS ABSTRACT

05/04/83

SOURCE: LEE CREEK

TRIBUTARY TO: LEMHI RIVER

INDICATES TOTAL

RIGHT NUMBER	NAME AND ADDRESS	PRIORITY DATE	USE	USE PERIOD FROM TO	MAX AMOUNT MAX RATE	DIVERSION POINT	PLACE OF USE AND ACREAGE	BASIS FOR RIGHT
74-0362	ARAVE, PARLEY A. HEMMING, ROBERT T. P.O. BOX 1 LEMHI	05-01-1906	IRRIGATION	03-15 11-15	4.10 CFS	SENE S30 T16N R25E	NEVE(09) NWNE(40) DEGREE S4NE(27) NENW(40) SEVW(27) S17 T16N R25E S4SE(34) SESE(35) S08 T16N R25E * 212 ACRES*	
	REMARKS: AC. IRR.=212.6.							
74-0368	ARAVE, PARLEY A. HEMMING, ROBERT T. P.O. BOX 1 LEMHI	11-05-1909	IRRIGATION	03-15 11-15	5.80 CFS	SENE S30 T16N R25E	N4NW(40) SWNW(39) DEGREE N4SW(28) S20 T16N R25E NENE(26) S19 T16N R25E SESE(38) S18 T16N R25E NESW(09) SWSW(40) SESW(28) NWSE(06) SWSE(14) S17 T16N R25E * 268 ACRES*	
	REMARKS: AC. IRR.=268.8.							
74-1831	NEF, DARRELL J. NEF, VERNA M. STAR RT. LEADORE	06-28-1912	IRRIGATION	03-15 11-15	.24 CFS	NESE S30 T16N R25E	NEVE(02) SENE(10) DEGREE S30 T16N R25E * 12 ACRES*	
74-0949	NEF, DARRELL J. NEF, VERNA M. STAR RT. LEADORE	12-05-1918	IRRIGATION	03-15 11-15	.02 CFS	NESW S20 T16N R25E	NESW(01) S20 T16N R25E * 1 ACRES*	DEGREE
							SAME AS OTHER USE	
			STUCKWATER	01-01 12-31	.02 CFS			
					---*AFA *.04*CFS			
74-2261	ANDERSON, HUBBIE E. ANDERSON, DORIS P.O. BOX 53	12-21-1941	IRRIGATION	03-15 11-15	2.00 CFS	SENE S01 T15N R24E	SEVW(40) NESW(18) DEGREE N4SW(05) LT03 (NENW)(01)	