

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 29-13215

NAME AND ADDRESS: HANS HAYDEN
 TWIN HAYDEN
 3747 MID CRYSTAL RD
 ARBON, ID 83212

RUSSELL J HAYDEN
PO BOX 598
SODA SPRINGS, ID 83276-0598

SOURCE: RATTLESNAKE CREEK TRIBUTARY: BANNOCK CREEK

QUANTITY: 0.80 CFS

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF 2.40 CFS. COMBINED RIGHT NOS.: 29-480,
29-13215, 29-13522, 29-2509 AND 29-7272

PRIORITY DATE: 10/01/1903

POINT OF DIVERSION: T09S R34E S08 NESW Within Power County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	0.80 CFS

PLACE OF USE:	Irrigation		Within Power County
	T09S R34E S08	SWNW 5.4	NESW 28.0
		NWSW 36.0	SESW 39.0
		NWSE 1.9	SWSE 10.0
	120.3 Acres Total		

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF
A COMBINED TOTAL OF 120.3 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 29-480, 29-13215, 29-13522, 29-2509 AND
29-7272

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 40 ACRES WITHIN THE
PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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

This water right will be delivered in accordance with the 1990
Fort Hall Indian Water Rights Agreement and Partial Final
Consent Decree Determining the Rights of the Shoshone-Bannock
Tribes to the Use of Water in the Upper Snake River Basin. The
parties agreed to continue the historic water allocations
pursuant to the Bannock Creek Decree [the decree in United
States v. Daniels, (D. Idaho April 9, 1907, unpublished)].
Directors Report for the 1990 Fort Hall Indian Water Rights
Agreement, p. 8 para. 4. The Tribes and the United States
shall exercise this right in a manner that ensures persons with
water rights decreed in the Bannock Creek Decree [United States
v. Daniels (D. Idaho April 9, 1907)] and that are confirmed in
the SRBA continue to receive their full legal entitlement.
Partial Final Consent Decree Determining the Rights of the
Shoshone-Bannock Tribes to the Use of Water in the Upper Snake River
Basin, p. 19-20, 25-26, Right Nos. 2 and 29-12049 respectively
(August 2, 1995). In times of shortage this water right and other
water rights decreed in United States v. Daniels, shall receive

SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

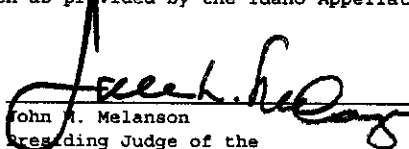
OTHER PROVISIONS (continued)

their full legal entitlement despite the federal based natural flow water right nos. 29-466, 29-4679-469, 29-470, 29-471, 29-472, 29-473, 29-474, 29-12049 and 29-848.

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
Residing Judge of the
Snake River Basin Adjudication