

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 65-12840

NAME AND ADDRESS: IDAHO WATER RESOURCE BOARD
IDAHO WATER RESOURCE BOARD
STATEHOUSE
BOISE, ID 83720-2237

SOURCE: PAYETTE RIVER, NORTH FORK TRIBUTARY: PAYETTE RIVER
QUANTITY: 1800.00 CFS
PRIORITY DATE: 04/05/1988
POINT OF DIVERSION: T09N R03E S29 LOT 02 (SESE) (Instream Ending Point) Within Boise County
T11N R03E S10 LOT 04 (SWNE) (Instream Beginning Point) Within Valley County

THIS MINIMUM STREAM FLOW BEGINS AT A POINT WHERE THE SMITHS FERRY
BRIDGE CROSSES THE NORTH FORK OF THE PAYETTE RIVER IN LOT 4
(SWNE), S10, T11N, R3E AND ENDS AT THE CONFLUENCE WITH THE
PAYETTE RIVER AT BANKS IN LOT 2 (SESE), S29, T9N, R3E.

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Minimum Stream Flow	05-01 TO 06-30	1800.00 CFS
	Minimum Stream Flow	07-01 TO 07-31	1300.00 CFS
	Minimum Stream Flow	08-01 TO 09-01	1800.00 CFS

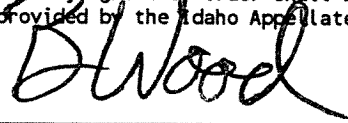
PLACE OF USE:
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

UPON A FUTURE FINDING AND ORDER OF THE DIRECTOR THAT GAUGING
STATIONS ARE REQUIRED TO MAINTAIN THE APPROVED MINIMUM FLOWS ON
THE NORTH FORK OF THE PAYETTE RIVER, SUCH MEASURING DEVICES SHALL
BE PERMANENTLY INSTALLED AND MAINTAINED AS SPECIFIED BY THE
DIRECTOR. THE DIRECTOR RETAINS JURISDICTION, AS DESCRIBED BELOW,
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 TO THE RIGHT. THE
PETITION MUST SET FORTH ANY SIGNIFICANT CHANGE IN CIRCUMSTANCES
AND EVIDENCE OF THE 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.

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.



Barry Wood
Administrative District Judge
Presiding Judge of the
Snake River Basin Adjudication