

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 65-12839

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: 294.00 CFS

PRIORITY DATE: 04/05/1988

POINT OF DIVERSION: T11N R03E S10 LOT 04 (SWNE) (Instream Ending Point) Within Valley County
T13N R04E S31 LOT 11 (NESW) (Instream Beginning Point)

THIS MINIMUM STREAM FLOW BEGINS AT A POINT WHERE THE CABARTON
ROAD BRIDGE CROSSES THE NORTH FORK OF THE PAYETTE RIVER IN LOT 11
(NESW), S31, T13N, R4E, ANDS ENDS APPROXIMATELY 10 (TEN) MILES
DOWNSTREAM AT THE POINT WHERE THE SMITHS FERRY BRIDGE CROSSES THE
NORTH FORK OF THE PAYETTE RIVER IN LOT 4 (SWNE), S10, T11N, R3E.

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Minimum Stream Flow	03-16 TO 06-17	100.00 CFS
	Minimum Stream Flow	10-13 TO 03-15	294.00 CFS

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

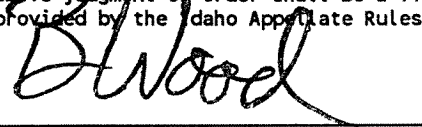
UPON A FUTURE FINDING AND ORDER OF THE DIRECTOR THAT GAUGING
STATIONS ARE REQUIRED TO MAINTAIN THE APPROVED MINIMUM FLOWS ON
THE NORTH FORK OF THE PAYETTE RIVER, SUCH MEASURING DEVICES SHALL
BE PERMANENTLY INSTALLED AND MAINTAINED AS SPECIFIED BY THE
DIRECTOR.

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.

A handwritten signature in black ink, appearing to read "B. Wood", is written over a horizontal line.

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