

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)
)
Case No. 39576)
)
) PARTIAL DECREE PURSUANT TO
 I.R.C.P. 54(b) FOR
 Water Right 65-12733

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

SOURCE: PAYETTE RIVER, SOUTH FORK TRIBUTARY: PAYETTE RIVER
 PAYETTE RIVER SNAKE RIVER

QUANTITY: 1350.00 CFS

THE RATES OF FLOW FOR THIS MINIMUM STREAM FLOW ARE DESCRIBED
IN DETAIL IN THE PURPOSE AND PERIOD OF USE PORTION OF THE WATER
RIGHT.

PRIORITY DATE: 04/26/1985

POINT OF DIVERSION: T09N R03E S28 SWSW (Instream Ending Point) Within Boise County
 R04E S20 NENE (Instream Ending Point)
 NENE (Instream Beginning Point)
 R07E S31 NESE (Instream Ending Point)
 NESE (Instream Beginning Point)
 NENW (Instream Ending Point)
 NENW (Instream Beginning Point)
 SWNW (Instream Ending Point)
 SWNW (Instream Beginning Point)
 R11E S02 (Instream Beginning Point)

DESCRIPTION OF REACHES:

REACH A - BEGINNING AT THE BOUNDARY OF THE SAWTOOTH WILDERNESS
AREA IN UNSURVEYED SECTION 2, T9N, R11E, TO THE CONFLUENCE OF
THE DEADWOOD & SOUTH FORK PAYETTE RIVERS IN NENW, S32, T9N,
R7E, BOISE CO.

REACH B - BEGINNING AT END OF REACH A TO THE UPSTREAM END OF THE
OXBOW BEND, APPROXIMATELY 1056 YARDS DOWNSTREAM FROM THE
CONFLUENCE OF THE DEADWOOD & SOUTH FORK PAYETTE RIVERS IN THE
SWNW, S32, T9N, R7E, BOISE CO.

REACH C -
BEGINNING AT THE END OF REACH B TO A POINT IN THE NESE, S31,
APPROXIMATELY 200 YARDS DOWNSTREAM FROM THE SECTION LINE
BETWEEN SECTION 31 AND 32, T9N, R7E, BOISE CO.

REACH D - BEGINNING AT THE END OF REACH C TO THE CONFLUENCE OF
THE SOUTH FORK PAYETTE RIVER AND THE MIDDLE FORK PAYETTE RIVER
IN THE NENE, S20, T9N, R4E, BOISE CO.

REACH E - BEGINNING AT THE END OF REACH D TO THE CONFLUENCE OF
THE PAYETTE RIVER AND NORTH FORK PAYETTE RIVER IN THE SWSW,
S28, T9N, R3E, BOISE CO.

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Minimum Stream Flow	01-01 TO 04-18	212.00 CFS
	Minimum Stream Flow	04-19 TO 07-15	1100.00 CFS
	Minimum Stream Flow	07-16 TO 12-31	212.00 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 FLOW ON

OTHER PROVISIONS (continued)

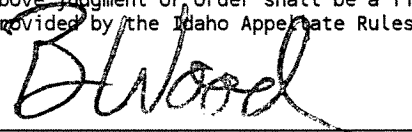
THE SOUTH FORK AND MAIN STEM, PAYETTE RIVER, SUCH MEASURING DEVICES SHALL BE PERMANENTLY INSTALLED AND MAINTAINED AS SPECIFIED BY THE DEPARTMENT.

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