

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 36-08337

1998 NOV 16 PM 2:26
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED

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

RECEIVED

NOV 17 1998

Department of Water Resources
Adjudication Bureau

SOURCE: BOX CANYON CREEK TRIBUTARY: SNAKE RIVER

QUANTITY: 162.00 CFS

PRIORITY DATE: 10/16/1987

THIS MINIMUM STREAM FLOW RIGHT SHALL BE JUNIOR AND SUBORDINATE TO ALL CONSUMPTIVE USE RIGHTS DIVERTED FROM GROUNDWATER WITHIN THE SNAKE RIVER PLAIN AQUIFER TRIBUTARY TO BOX CANYON CREEK, HELD IN TRUST BY THE STATE OF IDAHO, WHICH MAY BE APPROVED OR DIVERTED LATER IN TIME THAN THE PRIORITY OF THIS RIGHT. ISSUANCE OF THIS DECREE SHALL NOT GIVE RISE TO ANY RIGHT OR CLAIM AGAINST ANY FUTURE RIGHTS TO THE CONSUMPTIVE USE OF GROUNDWATER HELD IN TRUST BY THE STATE OF IDAHO INITIATED LATER IN TIME THAN THE PRIORITY OF THIS RIGHT TO THE EXTENT SUCH USES ARE WITHIN THE LIMITS ESTABLISHED PURSUANT TO THE SWAN FALLS AGREEMENT, THE IDAHO STATE WATER PLAN, AND CHAPTER 2, TITLE 42, IDAHO CODE.

POINT OF DIVERSION: T08S R14E S28 LOT 01 (NENW) (Instream Beginning Point) Within Gooding County
LOT 02 (SENE) (Instream Ending Point)

THE REACH OF THIS MINIMUM STREAM FLOW BEGINS APPROXIMATELY 300 FEET DOWNSTREAM OF A POINT WHERE BOX CANYON CREEK ENTERS T08S, R14E, S28 GOVT LOT 1 (NENW), AND EXTENDS APPROXIMATELY ONE QUATER (1/4) MILE DOWNSTREAM TO THE CONFLUENCE OF BOX CANYON CREEK AND THE SNAKE RIVER, LOCATED IN T08S, R14E, S28, GOVT LOT 2 (SENE).

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
Minimum Stream Flow	01-01 TO 12-31	162.00 CFS

THIS MINIMUM STREAM FLOW IS A VARIABLE FLOW BEGINNING WITH 75.0 CFS AT THE UPSTREAM END OF THE REACH AND INCREASING IN FLOW TO 162.0 CFS AT THE DOWNSTREAM END OF THE REACH. DIFFUSE GROUNDWATER DISCHARGE INTO BOX CANYON CREEK CONTRIBUTES 87.0 CFS TO THE 75.0 CFS THAT ENTERS THE MINIMUM STREAM FLOW REACH, FOR A TOTAL OF 162.0 CFS AT THE CONFLUENCE OF BOX CANYON CREEK AND THE SNAKE RIVER.

PLACE OF USE:

Minimum Stream Flow Same as Other Use

SAME AS OTHER USE

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

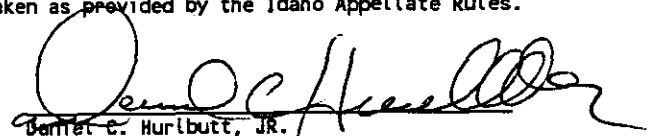
THE IDWR DIRECTOR HAS AUTHORITY TO REVEIW AND AMEND ANY AND ALL PARAMETERS OF THIS RIGHT. THE BOARD, UPON RECEIVING A REQUEST, OR UPON ITS OWN INITIATIVE, MAY PETITION THE DIRECTOR FOR AN AMENDMENT TO THE RIGHT. THE PETITION MUST SET FORTH ANY SIGNIFICANT CHANGE IN CIRCUMSTANCES AND EVIDENCE OF PUBLIC INTEREST SUPPORTING THE PROPOSED AMENDMENT. THE DIRECTOR WILL

OTHER PROVISIONS (continued)

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 PERSON OR PARTIES SEEKING THE AMENDMENT TO ESTABLISH THE AMENDMENT OF THE RIGHT WOULD BE IN THE PUBLIC INTEREST.

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.


Daniel C. Hurlbutt, JR.
Presiding Judge
Snake River Basin Adjudication