

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 36-08307

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

SOURCE: MINNIE MILLER SPRINGS TRIBUTARY: SNAKE RIVER

NOV 17 1998

QUANTITY: 360.00 CFS

Department of Water Resources
Adjudication Bureau

PRIORITY DATE: 03/19/1986

THIS MINIMUM STREAMFLOW SHALL BE JUNIOR AND SUBORDINATE TO ALL
CONSUMPTIVE USE RIGHTS DIVERTED FROM GROUNDWATER WITHIN THE
SNAKE RIVER AQUIFER TRIBUTARY TO MINNIE MILLER SPRINGS, HELD IN
TRUST BY THE STATE OF IDAHO, WHICH MAY BE APPROVED OR DIVERTED
LATER IN TIME THAN THE PRIORITY OF THIS RIGHT. DECREE OF THIS
RIGHT 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 S08 LOT 01 (NWNW) (Instream Ending Point) Within Gooding County
LOT 02 (SWNW) (Instream Ending Point)
LOT 03 (NESW) (Instream Beginning Point)

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
Minimum Stream Flow	01-01 TO 12-31	360.00 CFS

THIS RIGHT IS FOR A MINIMUM FLOW OF 180.0 CFS IN THE SPRINGS
REACH FROM A POINT IN GOVT. LOT 3 (NESW) AND ENDING IN GOVT.
LOT 2 (SWNW), AND 360 CFS THROUGH THE OUTFLOW ESTUARY FROM A
POINT IN GOVT. LOT 3 (NESW) AND ENDING AT A POINT IN
GOVT. LOT 1 (NWNW), ALL WITHIN T08S, R14E, S08.

THIS MINIMUM STREAMFLOW IS FOR THE PRESERVATION OF SCENIC,
RECREATIONAL AND AESTHETIC VALUES, AND FOR PRESERVATION OF
FISH AND WILDLIFE HABITAT.

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 REVIEW AND AMEND ANY AND
ALL PARAMETERS OF THIS RIGHT. ANY PERSON SEEKING REVIEW AND
AMENDMENT OF THE RIGHT SHALL FILE A REQUEST WITH THE BOARD, WHICH
REQUEST SHALL DESCRIBE THE AMENDMENT SOUGHT, THE REASONS FOR THE
PROPOSED AMENDMENT, AND A STATEMENT OF THE CHANGE IN
CIRCUMSTANCES SINCE THE RIGHT WAS LAST REVIEWED THAT MERIT A
REVIEW OF THE RIGHT. A COPY OF THE PETITION SHALL BE SERVED UPON
THE DIRECTOR. 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

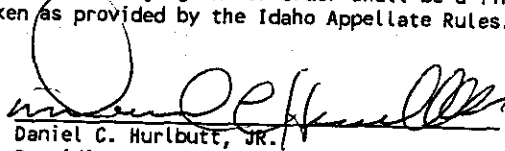
SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

OTHER PROVISIONS (continued)

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 PERSON OR PARTY SEEKING THE AMENDMENT.

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