

**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 GENERAL
)	PROVISIONS IN BASIN 65
_____)	

The following general provisions are hereby decreed to be applicable to water rights in Basin 65.

General Provision No. 1 (early and late season diversions)

The practice of diverting surface water during the pre-irrigation and post-irrigation season as well as the practice of diverting the so-called “high water” or “flood water” in addition to the quantified rights decreed in the Snake River Basin Adjudication (and future rights that may be established pursuant to statutory procedures) are allowed provided:

- a) The water so diverted is applied to beneficial use.
- b) The existing quantified rights (including future appropriations of water) are first satisfied.

General Provision No. 2 (Sevenmile Slough)

The Sevenmile Slough is identified and treated for water delivery purposes as part of the main stem of the Payette River.

General Provision No. 3 (Separate Streams)

For purposes of water distribution in the Payette River Drainage Basin, the surface water rights listed below from the following sources are not considered junior to water rights from the Payette River, and will be administered separately from all other surface water rights in Basin 65:

Big Willow Creek, tributary to Payette River, and tributaries

65-1967	65-1981	65-1983	65-2043
65-2204	65-2422	65-2500	65-2501
65-2601	65-3124A	65-3124X	65-3125
65-3126	65-3127	65-3128	65-3247
65-3248	65-4486A	65-4486B	65-4983
65-7061	65-7136	65-7603	65-7789
65-9076	65-9533	65-9534	65-9535
65-10533	65-10534	65-10535	65-10536
65-10537	65-11427	65-11343	

Boulder Creek, tributary to North Fork Payette River, and tributaries

65-02254	65-02306	65-02308	65-02316
65-02329	65-02330	65-02382	65-02459A
65-02515A	65-02515B	65-02653	65-02941
65-02943A	65-02949A	65-02949B	65-02963
65-02967A	65-02967B	65-02967E	65-02971
65-03114	65-03115	65-03116	65-03117A
65-03117B	65-03117C	65-03118	65-03119
65-03121A	65-03121X	65-03587	65-03762
65-04026	65-04033	65-04047	65-05073
65-05679	65-05680	65-05708A	65-05708B
65-06956	65-07006	65-07025	65-07257
65-07361	65-07417	65-07473	65-08063
65-08453	65-08513	65-08776	65-08785
65-08843	65-08844	65-09085	65-10336
65-11020	65-12007	65-22150	65-22283
65-22284	65-22334	65-22335	65-22338
65-22339	65-22437	65-22514	65-22515
65-22558	65-22587	65-22588	65-22590

Campbell Creek, tributary to North Fork Payette River, and tributaries

65-03138	65-22157		
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Lake Fork Creek, tributary to North Fork Payette River, and tributaries

65-02316	65-02340A	65-02340B	65-02355
65-02356	65-02371	65-02415	65-02439
65-02519A	65-02519B	65-02591C	65-02602
65-02632A	65-02632B	65-02676A	65-02700
65-02707	65-02708	65-02729	65-02768
65-02926	65-02932	65-02942	65-02952A
65-02952B	65-02955	65-02958	65-03120
65-03154	65-03155	65-03156	65-03157
65-03158A	65-03158B	65-03159A	65-03159B
65-03160	65-03161	65-03162	65-03163
65-03164	65-03165	65-03166	65-03167
65-03168	65-03169	65-03170	65-03171
65-03172	65-03174	65-03175	65-03176
65-03178	65-03179	65-03181	65-03182
65-03183	65-03184B	65-03184C	65-03184D
65-03184E	65-03184F	65-03184G	65-03184J
65-03184K	65-03184L	65-03184M	65-03185
65-03186	65-03187	65-03188	65-03189
65-03190	65-03191	65-03192	65-03193
65-03194B	65-03194C	65-03197	65-03198
65-03199	65-03200	65-03201A	65-03201B
65-03202A	65-03202X	65-03203	65-03204
65-03205	65-03206	65-03207	65-03209
65-03210	65-03211A	65-03211B	65-03211C
65-03212	65-03213A	65-03213C	65-03213D
65-03214	65-03215	65-03216	65-03217
65-03218	65-03219A	65-03219X	65-03220
65-03334	65-03865	65-04049	65-04213A
65-04214	65-04989	65-07099	65-07107
65-07523	65-08252	65-08306	65-08418A
65-08418C	65-08418D	65-08469	65-08470
65-08609	65-08610	65-08725	65-08931
65-08932	65-09045A	65-09045B	65-09736
65-09744	65-11239A	65-11239B	65-11282
65-11321	65-11326	65-11401	65-22337
65-22461	65-22509	65-22511	65-22556
65-22557	65-22572	65-22573	65-22721
65-22767	65-22768		

Little Willow Creek, tributary to Payette River, and tributaries

65-00064	65-01970	65-01971	65-02067
65-02149	65-02240	65-02973	65-03130
65-03131	65-03132	65-03133	65-03134
65-03135	65-03618	65-05773	65-05925
65-06302	65-07546	65-08991	65-11284
65-22232	65-22233		

Porter Creek, tributary to Payette River, and tributaries

65-03104B	65-03104C	65-10746	65-10770
65-10771	65-10773	65-10953	65-11369
65-22279	65-22280	65-22328	65-22329
65-22330	65-22775	65-22776	65-22777
65-22778			

Richards Creek, tributary to South Fork Payette River, and tributaries

65-03240	65-03241	65-03242	65-03243
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Rock Creek (Richards Creek), tributary to North Fork Payette River, and tributaries

65-22474	65-22475		
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Scriver Creek, tributary to Middle Fork Payette River, and tributaries

65-03221	65-03222	65-03223	65-03224
65-03225	65-08290	65-10782	

Squaw Creek, tributary to Payette River, and tributaries

65-00037	65-00087	65-00092	65-00092A
65-00117	65-00122	65-00125	65-00131
65-00155	65-00156	65-00203	65-00211
65-00212B	65-00215	65-00216	65-00251
65-00252	65-00273	65-00280	65-00282
65-00283	65-00284	65-00286	65-00291
65-00292	65-00347	65-00365	65-00368

65-00372	65-00373	65-00383	65-00384
65-00386	65-00393	65-00395	65-00422
65-00429	65-00437	65-00462	65-00476
65-00501	65-00537	65-02124	65-02135
65-02379	65-02891	65-02945	65-02948
65-02965B	65-03004	65-03005A	65-03005X
65-03006A	65-03006B	65-03007	65-03008
65-03010A	65-03010X	65-03011	65-03012
65-03013	65-03016	65-03017	65-03019
65-03020	65-03021	65-03022	65-03023
65-03024	65-03025A	65-03026	65-03027
65-03028	65-03029	65-03030	65-03031
65-03032	65-03033	65-03034	65-03035
65-03036	65-03037	65-03038A	65-03038B
65-03039	65-03040A	65-03040B	65-03041B
65-03041D	65-03041X	65-03043	65-03044
65-03045A	65-03045X	65-03046	65-03047
65-03048	65-03049	65-03050	65-03051
65-03052	65-03053	65-03054	65-03055
65-03056	65-03057	65-03060	65-03061
65-03062	65-03063	65-03064	65-03065
65-03066	65-03067	65-03069	65-03073
65-03077	65-03078A	65-03078X	65-03084
65-03086	65-03087	65-03088A	65-03088B
65-03088X	65-03089A	65-03089D	65-03089E
65-03089G	65-03091A	65-03091X	65-03092
65-03093	65-03094A	65-03094C	65-03094D
65-03095A	65-03095X	65-03096	65-03099
65-03358A	65-03358B	65-03444	65-03445
65-03447	65-04055	65-04056	65-05613
65-05614	65-07048B	65-07185	65-07237
65-07338	65-07444B	65-07445B	65-07526A
65-07526B	65-07527	65-07574	65-07588
65-07803A	65-07803B	65-08427	65-09092A
65-09092B	65-09093	65-09094	65-09538
65-09539	65-10449	65-10473	65-10507
65-10652	65-10653	65-11166A	65-11166B
65-11169	65-11217	65-11248	65-11254
65-11256	65-11257A	65-11257B	65-11257C
65-13071	65-13871	65-17885	65-17888
65-17892	65-17893	65-17894	65-17895
65-17896	65-17897	65-17898	65-17899
65-17900	65-17901	65-17902	65-17903
65-17909	65-17910	65-17911	65-17912

65-17913	65-17916	65-17918	65-17925
65-17926	65-17930	65-18408	65-18442
65-18737	65-21736	65-21737	65-21738
65-22066	65-22104	65-22109	65-22128
65-22129	65-22230	65-22253	65-22265
65-22266	65-22267	65-22298	65-22316
65-22317	65-22318	65-22320	65-22321
65-22322	65-22323	65-22373	65-22395
65-22398	65-22401	65-22404	65-22405
65-22406	65-22407	65-22408	65-22410
65-22411	65-22412	65-22413	65-22414
65-22416	65-22417	65-22418	65-22419
65-22420	65-22442	65-22445	65-22446
65-22447	65-22452	65-22480	65-22484
65-22485	65-22502	65-22532	65-22534
65-22574	65-22575	65-22576	65-22578
65-22579	65-22596	65-22597	65-22600
65-22603	65-22604	65-22605	65-22606
65-22607	65-22608	65-22609	65-22610
65-22611	65-22612	65-22859	65-22860

Warm Springs Creek, tributary to Middle Fork Payette River, and tributaries

65-03002C	65-03002D	65-03002E	65-03002X
65-03231B	65-03231X	65-03232	65-03233
65-03235	65-03236A	65-03236X	65-03237C
65-03237D	65-03237E	65-03237X	65-03238
65-03239	65-04002A	65-04002X	65-07118
65-07540	65-10722		

Willow Creek, tributary to North Fork Payette River, and tributaries

65-02109	65-02310A	65-02310X	65-02584
65-02585	65-03105A	65-03105X	65-03106
65-03108A	65-03108X	65-03109	65-03110
65-03824	65-03869	65-04000	65-04001
65-04198	65-11232	65-11411	

General Provision No. 4 (Conjunctive Management)

Except as provided in General Provision No. 3 above, the following water rights from the following sources of water in Basin 65 shall be administered separately from all other water rights in Basin 65 in accordance with the prior appropriation doctrine as established by Idaho Law.

<u>Water Right No.</u>	<u>Source</u>
NONE	NONE

The following water rights from the following sources of water in Basin 65 shall be administered separately from all other water rights in the Snake River Basin in accordance with the prior appropriation doctrine as established by Idaho law.

<u>Water Right No.</u>	<u>Source</u>
NONE	NONE

Except as otherwise specified above, all other water rights within Basin 65 will be administered as connected sources of water in the Snake River Basin in accordance with the prior appropriation doctrine as established by Idaho law.

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 in the Idaho Appellate Rules.

Dated _____

PROPOSED

JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the **PARTIAL DECREE PURSUANT TO I.R.C.P. 54(b) FOR GENERAL PROVISIONS IN BASIN 65** was mailed on _____ with sufficient first-class postage to the following:

Director of IDWR
PO Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Div.
Office of the Attorney General
State of Idaho
PO Box 44449
Boise, Idaho 83711-4449

U.S. Department of Justice
Environment & Natural Resources Div.
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Boise, ID 83724

Deputy Clerk