

**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 GENERAL**  
**Case No. 39576** ) **PROVISIONS IN BASIN 74**  
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 )

The following general provisions are hereby decreed to be applicable to water rights in Basin 74:

The following water rights from the following sources of water in Basin 74 shall be administered separately from all other water rights in Basin 74 in accordance with the prior appropriation doctrine as established by Idaho law:

1. Agency Creek and tributaries;
2. Alder Creek and tributaries;
3. Basin Creek (including McNutt & Schwartz) and tributaries;
4. Bohannon Creek and tributaries;
5. Bull Creek and tributaries;
6. Canyon Creek (Junction Creek) and tributaries;
7. Eightmile Creek (Big & Little) and tributaries;
8. Geertson Creek and tributaries;
9. Hawley Creek and tributaries;
10. Haynes Creek and tributaries;
11. Jake Canyon Creek and tributaries;
12. Kirtley Creek and tributaries;
13. Lee Creek and tributaries;
14. Mill Creek and tributaries;
15. Pattee Creek and tributaries;
16. Peterson Creek and tributaries;
17. Pratt Creek and tributaries;
18. Sandy Creek and tributaries;
19. Sawmill Creek (Little) and tributaries;
20. Texas Creek and tributaries;

21. Timber Creek (Big & Little) and tributaries;
22. Walter Creek and tributaries;
23. Warm Springs Creek (near Pratt Creek) and tributaries;
24. Wimpey Creek and tributaries;
25. Withington Creek and tributaries;
26. Yearian Creek and tributaries; and
27. Zeph and Swartz Creeks and tributaries.

Future appropriations of water on the above streams are not considered to be subject to prior downstream rights on the Lemhi River proper. Future appropriations of water on any other water source or stream in the Lemhi River Basin, however, are considered to be tributary to the Lemhi River for purposes of distribution.

The following water rights from the following sources of water in Basin 74 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:

Water Right No.	Source
None	None

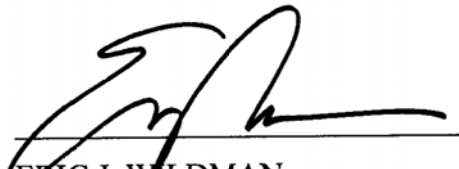
Except as otherwise specified above, all water rights within Basin 74 will be administered as connected sources of water in the Snake River Basin in accordance with the prior appropriation doctrine as established by Idaho law.

The following general provision shall govern the use of "High Flow" surface water for irrigation use within the Lemhi Basin:

The practice of diverting high flows in the Lemhi Basin, in addition to diverting decreed and future water rights that may be established pursuant to statutory procedures of the State of Idaho, is allowed provided:

- (a) the waters so diverted are applied to beneficial use.
- (b) existing decreed rights and future appropriations of water are first satisfied.

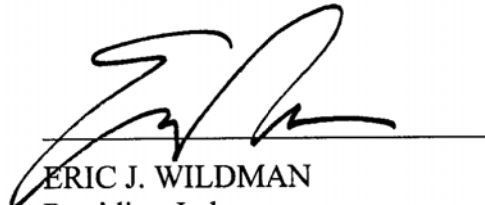
Dated: April 3, 2012

  
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 ERIC J. WILDMAN  
 Presiding Judge  
 Snake River Basin Adjudication

**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.

Dated: April 3, 2012

  
ERIC J. WILDMAN  
Presiding Judge  
Snake River Basin Adjudication