

BASIN 43 GENERAL PROVISIONS

The Director of the Idaho Department of Water Resources recommends to the Snake River Basin Adjudication District Court that the following general provisions be included in the decree determining rights to water from Basin 43.

1. The following water rights from the following sources of water in Basin 43 shall be administered separately from all other water rights in Basin 43 in accordance with the prior appropriation doctrine as established by Idaho law:

See Attachment A

2. The following water rights from the following sources of water in Basin 43 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 |

3. Except as otherwise specified above, all other water rights within Basin 43 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.

Attachment A

Graham Creek and Tributaries

43-10

Grape Creek and Tributaries

| | | | | |
|--------|---------|---------|----------|--------|
| 43-402 | 43-403A | 43-404 | 43-405 | 43-406 |
| 43-407 | 43-2215 | 43-2247 | 43-13026 | |

Stines Creek and Tributaries

| | | | | |
|----------|----------|----------|----------|----------|
| 43-11 | 43-12 | 43-14 | 43-10013 | 43-13024 |
| 43-13025 | 43-13106 | 43-13107 | | |

Almo Creek and Tributaries (except Stines Creek, Grape Creek and Graham Creek)

| | | | | |
|----------|----------|----------|----------|----------|
| 43-375 | 43-376 | 43-379 | 43-380A | 43-380B |
| 43-381 | 43-382 | 43-383 | 43-384 | 43-385 |
| 43-386 | 43-419 | 43-2148 | 43-2186 | 43-2232A |
| 43-2594 | 43-10356 | 43-10545 | 43-10797 | 43-10823 |
| 43-11198 | 43-11207 | 43-11208 | 43-11227 | 43-13106 |
| 43-13107 | | | | |

Clear Creek and Tributaries

| | | | | |
|----------|----------|----------|----------|----------|
| 43-37 | 43-43 | 43-45 | 43-84 | 43-85 |
| 43-116 | 43-117 | 43-118 | 43-119 | 43-206 |
| 43-286A | 43-286B | 43-286D | 43-286E | 43-314 |
| 43-347 | 43-415B | 43-10116 | 43-10813 | 43-10814 |
| 43-10824 | 43-11201 | 43-13119 | 43-13120 | |

Cassia Creek and Tributaries

| | | | | |
|-------|--------|--------|--------|--------|
| 43-31 | 43-51 | 43-52 | 43-53 | 43-62 |
| 43-63 | 43-64 | 43-65 | 43-66 | 43-67 |
| 43-68 | 43-70A | 43-70B | 43-71A | 43-71B |
| 43-72 | 43-73A | 43-73B | 43-74A | 43-74B |
| 43-80 | 43-86 | 43-87 | 43-88 | 43-91 |
| 43-92 | 43-93 | 43-94 | 43-95 | 43-96B |

| | | | | |
|----------|----------|----------|----------|----------|
| 43-99C | 43-100C | 43-101C | 43-102C | 43-103B |
| | 43-104B | 43-105 | 43-106 | 43-107 |
| 43-113 | 43-114 | 43-115 | 43-124 | 43-125 |
| 43-135 | 43-136 | 43-139 | 43-140 | 43-144A |
| 43-144B | 43-145 | 43-146A | 43-146B | 43-147A |
| 43-147B | 43-149 | 43-150 | 43-151A | 43-151B |
| 43-152 | 43-153A | 43-153B | 43-154 | 43-155 |
| 43-156 | 43-158 | 43-159 | 43-160 | 43-186 |
| 43-187 | 43-190 | 43-193 | 43-194 | 43-195 |
| 43-205 | 43-208 | 43-209 | 43-213 | 43-214 |
| 43-217 | 43-218 | 43-219 | 43-220 | 43-221 |
| 43-228 | 43-230 | 43-231 | 43-232A | 43-233 |
| 43-236 | 43-238 | 43-239A | 43-239B | 43-240A |
| 43-240B | 43-242 | 43-243 | 43-244A | 43-244B |
| 43-245A | 43-245B | 43-246 | 43-247 | 43-248 |
| 43-249 | 43-250 | 43-251A | 43-263 | 43-264 |
| 43-266 | 43-267 | 43-268 | 43-269 | 43-271 |
| 43-272 | 43-273 | 43-274 | 43-275 | 43-276 |
| 43-277 | 43-283 | 43-284 | 43-285 | 43-288 |
| 43-289 | 43-290 | 43-291 | 43-292 | 43-293A |
| 43-294 | 43-295 | 43-296A | 43-296B | 43-297A |
| 43-297B | 43-298B | 43-299B | 43-300 | 43-301 |
| 43-302 | 43-319 | 43-320 | 43-321 | 43-323A |
| 43-323B | 43-323C | 43-328 | 43-329 | 43-330 |
| 43-331 | 43-332 | 43-333 | 43-334 | 43-335 |
| 43-338 | 43-339 | 43-340 | 43-341 | 43-342 |
| 43-344 | 43-345 | 43-346 | 43-353 | 43-361 |
| 43-361A | 43-366 | 43-369A | 43-370 | 43-408 |
| 43-411 | 43-412 | 43-413 | 43-441 | 43-473B |
| 43-476 | 43-2002 | 43-2060 | 43-2271 | 43-4082 |
| 43-4115 | 43-4191 | 43-4232 | 43-4240 | 43-7139 |
| 43-10259 | 43-10261 | 43-10268 | 43-10277 | 43-10279 |
| 43-10547 | 43-10564 | 43-10591 | 43-10592 | 43-10618 |
| 43-10631 | 43-10793 | 43-10815 | 43-10816 | 43-10817 |
| 43-10818 | 43-11135 | 43-11136 | 43-11137 | 43-11138 |
| 43-11142 | 43-11202 | 43-11221 | 43-11223 | 43-11234 |
| 43-11239 | 43-11240 | 43-11263 | 43-11275 | 43-11276 |
| 43-11277 | 43-11278 | 43-11279 | 43-11280 | 43-11281 |
| 43-11282 | 43-11293 | 43-11298 | 43-12913 | 43-12948 |
| 43-12949 | 43-12951 | 43-12968 | 43-12969 | 43-12970 |
| 43-12971 | 43-12972 | 43-12973 | 43-12992 | 43-12994 |
| 43-13031 | 43-13032 | 43-13127 | | |

SPECIAL NOTICE

(Special notice concerning certain Basin 43 rights was filed with the Director's Report)

SPECIAL NOTICE TO CLEAR CREEK CLAIMANTS

Claims for the use of water within the Clear Creek Drainage of Basin 43 were previously reported in the Preliminary Director's Report filed February 27, 1998 and the Supplemental Preliminary Director's Report filed May 29, 1998. These two reports contained the recommendations for the following water right claims:

| | |
|---|---|
| 43-00037 | 43-00415B |
| 43-00043 | 43-02061 |
| 43-00045 | 43-02110 |
| 43-00084 | 43-02401 |
| 43-00085 | 43-10116 |
| 43-00116 | 43-10813 |
| 43-00117 | 43-10814 |
| 43-00118 | 43-10824 |
| 43-00119 | 43-13119 (previously recommended as 43-00415A) |
| 43-00206 | 43-13120 (previously recommended as 43-00415A) |
| 43-00259 | |
| 43-00260 | |
| 43-00286A | |
| 43-00286B | |
| 43-00286D (previously recommended as 43-00286C) | |
| 43-00286E (previously recommended as 43-00286C) | |
| 43-00347 | |
| 43-00349 (previously recommended as 43-00348) | |
| 43-00350 | |

At the time these two reports of the Director were filed with the SRBA Court, the claimants of the water right claims listed above were given notice and opportunity to file objections to the recommendations of those claims. No other parties to the SRBA were given notice and opportunity to object to those recommendations at that time.

The Director's recommendations for the water right claims listed above are now being re-recommended in the present Director's Report so that all SRBA claimants who were not previously given notice and opportunity to object may now do so.

However, the claimants of the water right claims listed above, who already have been given notice and opportunity to object are now prohibited by SRBA court order from filing objections to the water rights listed above. See, Order for Director's Report, entered October 24, 1997; Order for Supplemental Preliminary Director's Report

and for Interim Administration, entered May 7, 1998 and Order Extending Deadlines entered June 12, 1998.

Copies of the court documents may be obtained from the SRBA court at the following address:

Clerk of the District Court
Snake River Basin Adjudication
P.O. Box 2707
Twin Falls, ID 83303-2707

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER OF PARTIAL DECREE FOR GENERAL PROVISIONS IN BASIN 43 was mailed on July 22, 2005 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.
550 W Fort St., MSC 033
Boise, ID 83724


Deputy Clerk

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 JUL 27 2005
 DEPARTMENT OF
 WATER RESOURCES

DISTRICT COURT-SRBA
 Fifth Judicial District
 County of Twin Falls - State of Idaho

JUL 22 2005

By _____ Clerk
 _____ Deputy Clerk

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 43
)
 _____)

The following general provisions are hereby decreed to be applicable to water rights in Basin 43.

The following water rights from the following sources of water in Basin 43 shall be administered separately from all other water rights in Basin 43 in accordance with the prior appropriation doctrine as established by Idaho Law.

See Attached Exhibit "A"

The following water rights from the following sources of water in Basin 43 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.

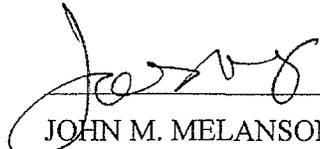
| <u>Water Right No.</u> | <u>Source</u> |
|------------------------|---------------|
| NONE | NONE |

Except as otherwise specified above, all other water rights within Basin 43 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 July 22, 2005



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 43** was mailed on July 22, 2005 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.
550 W Fort St., MSC 033
Boise, ID 83724


Deputy Clerk

EXHIBIT A

Graham Creek and Tributaries

| | | | | |
|-------|--|--|--|--|
| 43-10 | | | | |
|-------|--|--|--|--|

Grape Creek and Tributaries

| | | | | |
|--------|---------|---------|----------|--------|
| 43-402 | 43-403A | 43-404 | 43-405 | 43-406 |
| 43-407 | 43-2215 | 43-2247 | 43-13026 | |

Stines Creek and Tributaries

| | | | | |
|----------|----------|----------|----------|----------|
| 43-11 | 43-12 | 43-14 | 43-10013 | 43-13024 |
| 43-13025 | 43-13106 | 43-13107 | | |

Almo Creek and Tributaries (except Stines Creek, Grape Creek and Graham Creek)

| | | | | |
|----------|----------|----------|----------|----------|
| 43-375 | 43-376 | 43-379 | 43-380A | 43-380B |
| 43-381 | 43-382 | 43-383 | 43-384 | 43-385 |
| 43-386 | 43-419 | 43-2148 | 43-2186 | 43-2232A |
| 43-2594 | 43-10356 | 43-10545 | 43-10797 | 43-10823 |
| 43-11198 | 43-11207 | 43-11227 | 43-13106 | 43-13107 |

Clear Creek and Tributaries

| | | | | |
|----------|----------|----------|----------|----------|
| 43-37 | 43-43 | 43-45 | 43-84 | 43-85 |
| 43-116 | 43-117 | 43-118 | 43-119 | 43-206 |
| 43-286A | 43-286B | 43-286D | 43-286E | 43-314 |
| 43-347 | 43-415B | 43-10116 | 43-10813 | 43-10814 |
| 43-10824 | 43-11201 | 43-13119 | 43-13120 | |

Cassia Creek and Tributaries

| | | | | |
|--------|---------|---------|---------|---------|
| 43-31 | 43-51 | 43-52 | 43-53 | 43-62 |
| 43-63 | 43-64 | 43-65 | 43-66 | 43-67 |
| 43-68 | 43-70A | 43-70B | 43-71A | 43-71B |
| 43-72 | 43-73A | 43-73B | 43-74A | 43-74B |
| 43-80 | 43-86 | 43-87 | 43-88 | 43-91 |
| 43-92 | 43-93 | 43-94 | 43-95 | 43-96B |
| 43-99C | 43-100C | 43-101C | 43-102C | 43-103B |
| | 43104B | 43-105 | 43-106 | 43-107 |
| 43-113 | 43-114 | 43-115 | 43-124 | 43-125 |
| 43-135 | 43-136 | 43-139 | 43-140 | 43-144A |

| | | | | |
|----------|----------|----------|----------|----------|
| 43-144B | 43-145 | 43-146A | 43-146B | 43-147A |
| 43-147B | 43-149 | 43-150 | 43-151A | 43-151B |
| 43-152 | 43-153A | 43-153B | 43-154 | 43-155 |
| 43-156 | 43-158 | 43-159 | 43-160 | 43-186 |
| 43-187 | 43-190 | 43-193 | 43-194 | 43-195 |
| 43-205 | 43-208 | 43-209 | 43-213 | 43-214 |
| 43-217 | 43-218 | 43-219 | 43-220 | 43-221 |
| 43-228 | 43-230 | 43-231 | 43-232A | 43-233 |
| 43-236 | 43-238 | 43-239A | 43-239B | 43-240A |
| 43-240B | 43-242 | 43-243 | 43-244A | 43-244B |
| 43-245A | 43-245B | 43-246 | 43-247 | 43-248 |
| 43-249 | 43-250 | 43-251A | 43-263 | 43-264 |
| 43-266 | 43-267 | 43-268 | 43-269 | 43-271 |
| 43-272 | 43-273 | 43-274 | 43-275 | 43-276 |
| 43-277 | 43-283 | 43-284 | 43-285 | 43-288 |
| 43-289 | 43-290 | 43-291 | 43-292 | 43-293A |
| 43-294 | 43-295 | 43-296A | 43-296B | 43-297A |
| 43-297B | 43-298B | 43-299B | 43-300 | 43-301 |
| 43-302 | 43-319 | 43-320 | 43-321 | 43-323A |
| 43-323B | 43-323C | 43-328 | 43-329 | 43-330 |
| 43-331 | 43-332 | 43-333 | 43-334 | 43-335 |
| 43-338 | 43-339 | 43-340 | 43-341 | 43-342 |
| 43-344 | 43-345 | 43-346 | 43-353 | 43-361 |
| 43-361A | 43-366 | 43-369A | 43-370 | 43-408 |
| 43-411 | 43-412 | 43-413 | 43-441 | 43-473B |
| 43-476 | 43-2002 | 43-2060 | 43-2271 | 43-4082 |
| 43-4115 | 43-4191 | 43-4232 | 43-4240 | 43-7139 |
| 43-10259 | 43-10261 | 43-10268 | 43-10277 | 43-10279 |
| 43-10547 | 43-10564 | 43-10591 | 43-10592 | 43-10618 |
| 43-10631 | 43-10793 | 43-10815 | 43-10816 | 43-10817 |
| 43-10818 | 43-11135 | 43-11136 | 43-11137 | 43-11138 |
| 43-11142 | 43-11202 | 43-11221 | 43-11223 | 43-11234 |
| 43-11239 | 43-11240 | 43-11263 | 43-11275 | 43-11276 |
| 43-11277 | 43-11278 | 43-11279 | 43-11280 | 43-11281 |
| 43-11282 | 43-11293 | 43-11298 | 43-12913 | 43-12948 |
| 43-12949 | 43-12951 | 43-12968 | 43-12969 | 43-12970 |
| 43-12971 | 43-12972 | 43-12973 | 43-12992 | 43-12994 |
| 43-13031 | 43-13032 | 43-13127 | | |

CERTIFICATE OF MAILING

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Boise, Idaho 83711-4449

U.S. Department of Justice
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550 W Fort St., MSC 033
Boise, ID 83724


Deputy Clerk