

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re CFPRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 69576)
) Water Right 97-07308

NAME AND ADDRESS: STATE OF IDAHO
IDAHO WATER RESOURCE BOARD
PO BOX 83720
BOISE, ID 83720-0098

SOURCE: NORTH FORK EAST RIVER TRIBUTARY: EAST RIVER

QUANTITY: 70.00 CFS

PRIORITY DATE: 11/09/1990

Use of water under this right shall recognize and allow the continued beneficial diversion of water under any prior existing water right established by diversion and application to beneficial use, by court decree, or by a permit or license issued by the director under the provisions of Chapter 2, Title 42, Idaho Code, with a priority date earlier than the priority date of this right.

POINT OF DIVERSION: T58N R04W S23 NENW (Instream Ending Point) Within Bonner County
T59N R03W S10 SESE (Instream Beginning Point)

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Minimum Stream Flow	07-01 TO 03-31	18.00 CFS
	Minimum Stream Flow	04-01 TO 06-30	70.00 CFS

Use of water under this right shall be non-consumptive.

PLACE OF USE: This minimum stream flow is for the entire length of the North Fork of East River from its headwaters in the SESE, S10, T59N, R3W, downstream approximately 9.25 miles to its confluence with the Middle Fork of East River in the NENW, S23, T58N, R4W.

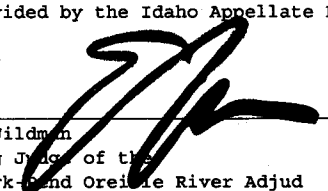
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

The purpose of this instream flow is for the protection of fish and wildlife habitat.
The Idaho Water Resource Board, upon receiving a request, or upon its own initiative, may petition the Director for an amendment to this water right after complying with the notice and consultation procedures of Idaho Code § 42-1507(4). The petition must set forth any significant change in circumstances and evidence of the public interest supporting the proposed amendment. The Director will notify the general public and specific persons or notify interested parties of the proposed change, and conduct a hearing for the purpose of determining whether the water right should be amended in the public interest.

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

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.



Eric J. Wildman
Presiding Judge of the
Clark Fork and Oreille River Adjud