

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 97-07418

NAME AND ADDRESS: JEREMY FESSLER
NIKKI OSS
1829 BEAR PAW RD
PRIEST RIVER, ID 83856-9653

SOURCE: TUNNEL CREEK TRIBUTARY: LOWER WEST BRANCH PRIEST RIVER

QUANTITY: 0.01 CFS
1.30 AFY

Water shall not be diverted under this right when flows in the Priest River are below established minimum flow amounts. The quantity of water under Right Nos. 97-7418 and 97-9722 for domestic and stockwater uses shall not exceed 13,000 gallons per day.

PRIORITY DATE: 02/19/2002

POINT OF DIVERSION: T57N R05W S17 SENW Within Bonner County

A fish screen of 1/4 inch or smaller mesh shall be maintained at the point of diversion.

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
Stockwater	01-01 TO 12-31	0.01 CFS
		0.10 AFY
Domestic	01-01 TO 12-31	0.01 CFS
		1.20 AFY
Fire Protection	01-01 TO 12-31	0.01 CFS

Domestic use is for 1 home, with irrigation not to exceed 1/2 acre.

Water shall not be diverted for fire protection use under this right except to fight or repel an existing fire.

PLACE OF USE: Stockwater Within Bonner County
T57N R05W S17 SENW
Domestic Within Bonner County
T57N R05W S17 SENW
Fire Protection Within Bonner County
T57N R05W S17 SENW

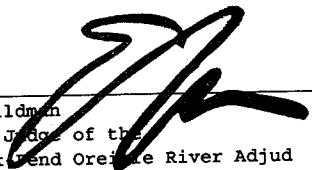
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

The approach velocity at the point of diversion shall not exceed 0.5 feet per second.

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