

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 97-07420

NAME AND ADDRESS: JO ANN MACK
 PHILLIP MACK
 PO BOX 159
 PRIEST RIVER, ID 83856-0159

SOURCE: UNNAMED STREAM TRIBUTARY: PRIEST RIVER

QUANTITY: 4.70 AFY

Right Nos. 97-7420 and 97-7399 are limited to a total combined annual diversion volume of 5.7 AF. The pond established by the storage of water under this right shall not exceed a total capacity of 4.2 acre-feet or a total surface area of 0.8 acres. Rights 97-7399 and 97-7420 authorize a total annual storage volume of 5.7 acre-feet, 4.2 acre-feet to be used for the initial filling of the pond and 1.5 acre-feet for the replacement of losses caused by seepage and evaporation.

PRIORITY DATE: 07/24/2002

POINT OF DIVERSION: T56N R05W S12 NWSW Within Bonner County

Water shall not be diverted under this right when flows in the Priest River are below minimum flow amounts as defined by Right 97-7380. The right holder shall be responsible for monitoring the daily flow of the Priest River using real-time data and shall cease diverting water when flows in the Priest River are below established minimum flow amounts. Unless otherwise specified by the Director of the Department of Water Resources, data from the U.S. Geological Survey Priest River Gauging Station, No. 12395000, may be used for purposes of determining the daily flow amounts. This right does not grant any right-of-way or easement across the land of another.

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Wildlife Storage	01-01 TO 12-31	4.70 AFY

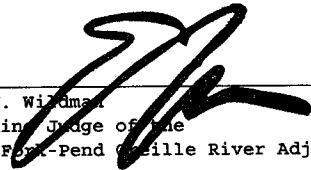
PLACE OF USE: Wildlife Storage Within Bonner County
 T56N R05W S12 NWSW

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

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-Pend Oreille River Adjud