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APR 02 2013

DEPARTMENT OF
WATER RESOURCES

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

APR - 1 2013

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

) Subcase Nos. 21-110, 21-111 & 21-112

)

) ORDER SETTING ASIDE PARTIAL
) DECREES

)

) ORDER OF AMENDED PARTIAL
) DECREES

)

)

)

)

Partial Decrees were issued for the above-captioned water rights on March 3, 2011. A hearing was held in subcase no. 21-2161 on September 5, 2012. At that hearing, the claimant of the above-captioned water rights, the North Fork Reservoir Co., moved to set aside the *Partial Decrees* for the above-captioned water rights as part of a settlement relating to subcase no. 21-2161. On September 6, 2012, the matter was referred to the Special Master for further proceedings. On January 18, 2013, the Special Master issued a *Special Master's Report and Recommendation*, recommending that the *Motion to Set Aside* be granted, and that an *Amended Partial Decrees* be issued with the elements set forth in the attached *Special Master's Recommendation for Amended Partial Decrees*. On February 5, 2013, the Special Master issued an *Amended Special Master's Report and Recommendation* in subcase no. 21-111. No challenges were filed to the *Special Master's Report and Recommendation* or *Amended Special Master's Report and Recommendation*, and the time for filing challenges has expired.

Pursuant to I.R.C.P. 53(e)(2) and *SRBA Administrative Order 1*, Section 13f, this Court has reviewed the Findings of Fact and Conclusions of Law contained in the *Special Master's Report and Recommendation* and wholly adopts them as its own.

Therefore, IT IS ORDERED that the *Partial Decrees* previously entered for the above-captioned water rights are **hereby set aside**.

IT IS FURTHER ORDERED that the above-captioned water rights be **decreed**
with the elements set forth in the attached *Amended Partial Decrees Pursuant to I.R.C.P.*

54(b).

Dated

April 1, 2013



ERIC J. WILDMAN

Presiding Judge

Snake River Basin Adjudication

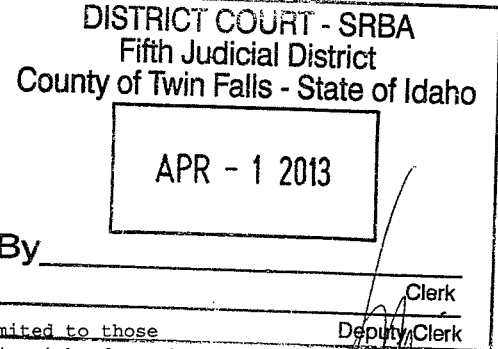
IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

AMENDED

In Re SRBA)
)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 21-00110



NAME AND ADDRESS: NORTH FORK RESERVOIR CO
C/O RAY W RIGBY SEC
PO BOX 250
REXBURG, ID 83440

SOURCE: TIMBER CREEK TRIBUTARY: HENRYS LAKE

The redirection of water from Henrys Lake is limited to those
times water is available for diversion under this right from the
point of diversion on Timber Creek.
Point of injection into and point of redirection from Henrys
Lake.

QUANTITY: 1.00 CFS
320.00 AFY

The rights listed below are limited to a total combined annual
diversion volume of 79,350 AF. Combined Right Nos.: 21-110,
21-111, 21-112, 21-2154, and 21-12946.
Total reservoir capacity is 90,000 acre feet when filled to
elevation 6476.9 and measured at the upstream face of the dam.
Right Nos. 21-110 and 21-111 are limited to a total combined
annual diversion volume of 320 AF.

PRIORITY DATE: 06/01/1887

POINT OF DIVERSION: T15N R43E S26 LOT 6 (SWNW) (Rediversion) Within Fremont County
T16N R43E S31 NWSE (Injection)
NWSE

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
Irrigation Storage	01-01 TO 12-31	320.00 CFS
Irrigation from Storage	04-01 TO 10-31	320.00 CFS
Diversion to Storage	05-01 TO 10-31	1.00 CFS

PLACE OF USE:

41098 ACRES TOTAL

Place of use for storage is Henrys Lake, provided, however, that
water under this right may be temporarily held in the unoccupied
space of any of the reservoirs upstream of Milner Dam, located
at Township 10S, Range 21E, Sections 28 and 29, when determined
by the Water District 01 Watermaster as supervised by the
Director of the Department of Water Resources, the Water District
01 advisory committee, and the United States Bureau of
Reclamation that such temporary storage will maximize the
storage of water upstream of Milner Dam.
Place of use for irrigation from storage is within the area
served by North Fork Reservoir Company which includes Egin Bench
Canals Inc., Salem Union Canal Co., and Consolidated Farmers
Canal Co., located within Madison and Fremont Counties, Idaho.
The boundary encompassing the place of use for this water right
is described with a digital boundary as defined by I.C. Section
42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h).
The data comprising the digital boundary are incorporated herein
by reference and are stored on a CD-ROM disk issued in duplicate
originals on file with the SRBA District Court and the Idaho
Department of Water Resources. A map depicting the place of use

PLACE OF USE (continued)

is attached hereto to illustrate the place of use described by the digital boundary.

The rights listed below are limited to the irrigation of a combined total of 41,098 acres in a single irrigation season. Combined Right Nos.: 21-110, 21-111, 21-112, 21-2154, 21-2161, 21-12946, 21-12897, 21-12908, 21-12910, 21-12912, 21-12921, 21-12922, 21-12928, 21-12934, 21-12961, 21-12962, 21-12909, 21-12923, 21-12924, 22-428, 22-13342, 22-13343, 22-13344, 22-13347, 22-13349.

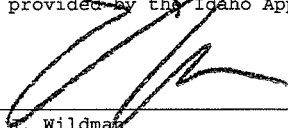
Right Nos. 21-110 and 21-111 are limited to the irrigation of a combined total of 160 acres in a single irrigation season.

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 S. Wildman
Presiding Judge of the
Snake River Basin Adjudication

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

AMENDED

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 21-00111

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

APR - 1 2013

By _____

Clerk
Deputy Clerk

NAME AND ADDRESS: NORTH FORK RESERVOIR CO
C/O RAY W RIGBY SEC
PO BOX 250
REXBURG, ID 83440

SOURCE: JOHNSON CREEK TRIBUTARY: HENRYS LAKE

The redirection of water from Henrys Lake is limited to those times water is available for diversion under this right from the point of diversion on Johnson Creek. Point of injection into and point of redirection from Henrys Lake.

QUANTITY: 2.00 CFS
320.00 AFY

The rights listed below are limited to a total combined annual diversion volume of 79,350 AF. Combined Right Nos.: 21-110, 21-111, 21-112, 21-2154, and 21-12946. Total reservoir capacity is 90,000 acre feet when filled to elevation 6476.9 and measured at the upstream face of the dam. Right Nos. 21-110 and 21-111 are limited to a total combined annual diversion volume of 320 AF.

PRIORITY DATE: 06/01/1897

POINT OF DIVERSION: T15N R43E S06 LOT 2 (NWNW) (Injection) Within Fremont County
LOT 2 (NWNW)
S26 LOT 6 (SWNW) (Rediversion)

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation Storage	01-01 TO 12-31	320.00 AFY
	Irrigation from Storage	04-01 TO 10-31	320.00 AFY
	Diversion to Storage	05-01 TO 10-31	2.00 CFS

PLACE OF USE:

41098 ACRES TOTAL

Place of use for storage is Henrys Lake, provided, however, that water under this right may be temporarily held in the unoccupied space of any of the reservoirs upstream of Milner Dam, located at Township 10S, Range 21E, Sections 28 and 29, when determined by the Water District 01 Watermaster as supervised by the Director of the Department of Water Resources, the Water District 01 advisory committee, and the United States Bureau of Reclamation that such temporary storage will maximize the storage of water upstream of Milner Dam. Place of use for irrigation from storage is within the area served by North Fork Reservoir Company which includes Egin Bench Canals Inc., Salem Union Canal Co., and Consolidated Farmers Canal Co., located within Madison and Fremont Counties, Idaho. The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use

PLACE OF USE (continued)

is attached hereto to illustrate the place of use described by the digital boundary.

The rights listed below are limited to the irrigation of a combined total of 41,098 acres in a single irrigation season. Combined Right Nos.: 21-110, 21-111, 21-112, 21-2154, 21-2161, 21-12946, 21-12897, 21-12908, 21-12910, 21-12912, 21-12921, 21-12922, 21-12928, 21-12934, 21-12961, 21-12962, 21-12909, 21-12923, 21-12924, 22-428, 22-13342, 22-13343, 22-13344, 22-13347, 22-13349.

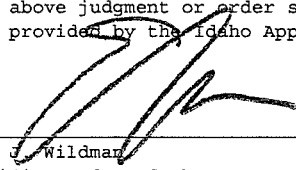
Right Nos. 21-110 and 21-111 are limited to the irrigation of a combined total of 160 acres in a single irrigation season.

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
Snake River Basin Adjudication

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

AMENDED

In Re SRBA)
)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 21-00112

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

APR - 1 2013

By _____

Clerk

Deputy Clerk

NAME AND ADDRESS:

NORTH FORK RESERVOIR CO
C/O RAY W RIGBY SEC
PO BOX 250
REXBURG, ID 83440

SOURCE:

JOHNSON CREEK TRIBUTARY: HENRYS LAKE

The redirection of water from Henrys Lake is limited to those times water is available for diversion under this right from the point of diversion on Johnson Creek. Point of injection into and point of redirection from Henrys Lake.

QUANTITY:

1.00 CFS
303.00 AFY

The rights listed below are limited to a total combined annual diversion volume of 79,350 AF. Combined Right Nos.: 21-110, 21-111, 21-112, 21-2154, and 21-12946. Total reservoir capacity is 90,000 acre feet when filled to elevation 6476.9 and measured at the upstream face of the dam.

PRIORITY DATE:

06/01/1900

POINT OF DIVERSION:

T15N R43E S06 LOT 2 (NWNW) (Injection) Within Fremont County
LOT 2 (NWNW)
S26 LOT 6 (SWNW) (Rediversion)

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
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PLACE OF USE:

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PLACE OF USE (continued)

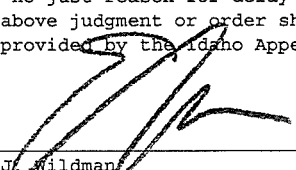
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OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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).

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Eric J. Wildman
Presiding Judge of the
Snake River Basin Adjudication

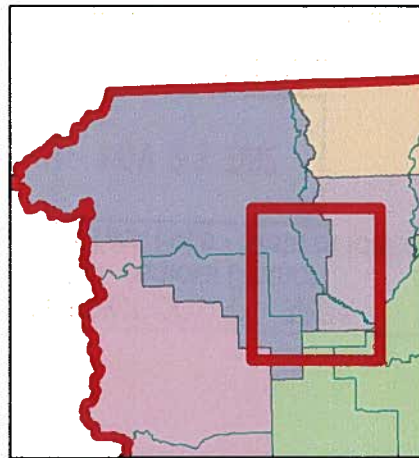


North Fork Reservoir Co

Adjudication Recommendations: 21-110, 21-111, 21-112, 21-2154, 21-2161, 21-12946

Irrigation From Storage Service Area Boundary
GIS Place of Use Illustration

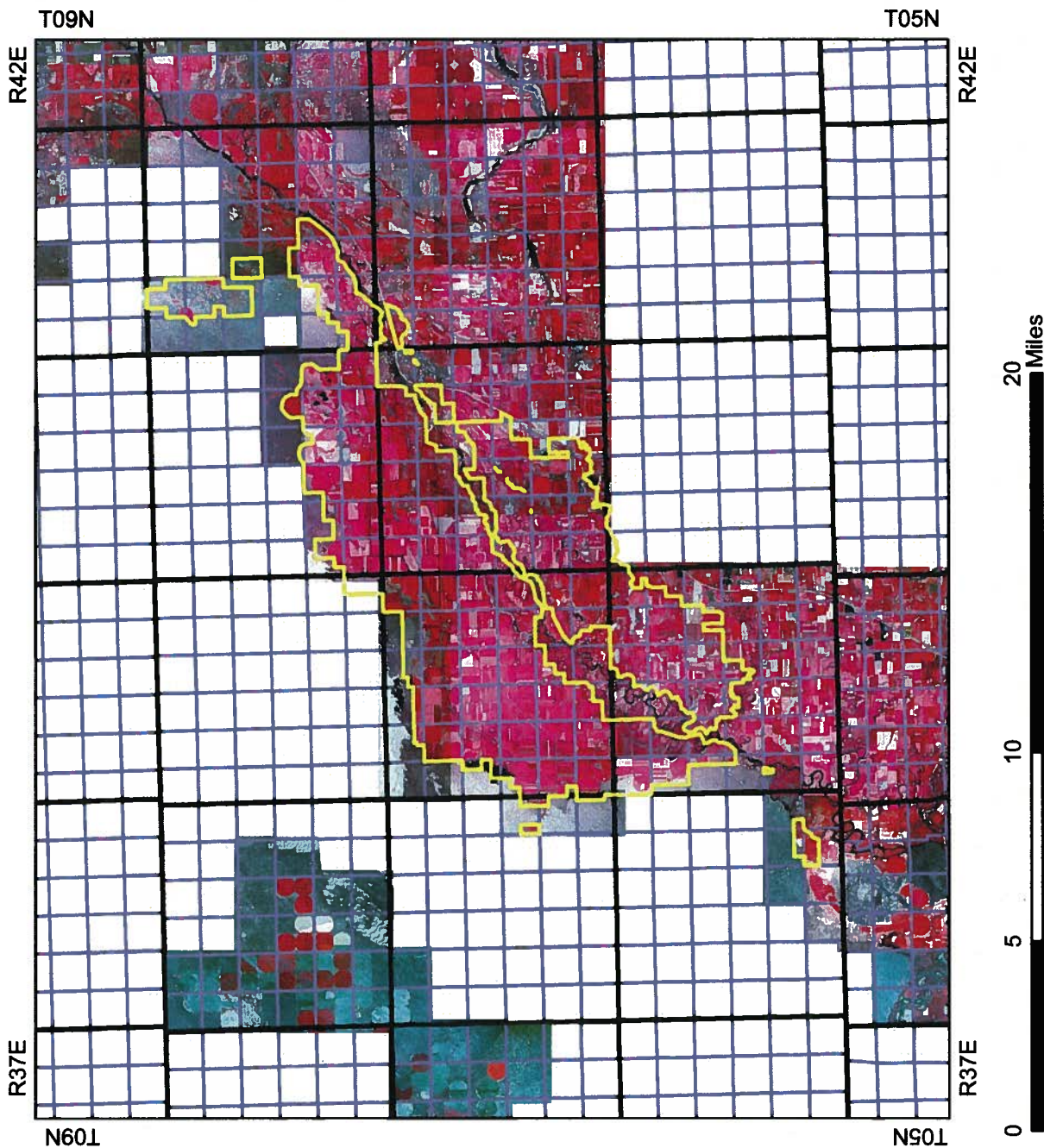
- Service Area
- State Outline
- Townships
- PLS Sections



Fremont, Madison Counties
IDWR Basin 21

Prepared by Favreau, Danielle
On November 19, 2012

1987/88 Aerial Photography



CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER SETTING
ASIDE PARTIAL DECREES / ORDER OF AMENDED PARTIAL DECREES was
mailed on April 01, 2013, with sufficient first-class postage
to the following:

NORTH FORK RESERVOIR CO

Represented by:

JERRY R RIGBY

25 N 2ND E

PO BOX 250

REXBURG, ID 83440-0250

Phone: 208-356-3633

F DAVE RYDALCH

Represented by:

RAY W RIGBY

25 N 2ND E

PO BOX 250

REXBURG, ID 83440-0250

Phone: 208-356-3633

UNITED STATES OF AMERICA

Represented by:

US DEPARTMENT OF JUSTICE

ENVIRONMENT & NATL' RESOURCES

550 WEST FORT STREET, MSC 033

BOISE, ID 83724

DIRECTOR OF IDWR

PO BOX 83720

BOISE, ID 83720-0098

ORDER

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Deputy Clerk

