

RECEIVED

MAR 18 2014

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho
MAR 17 2014
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

) Water Right Nos.: 77-04074, 77-07080,
) 77-07181, 77-10017 & 77-10021
)
) ORDER OF AMENDED PARTIAL
) DECREES, *NUNC PRO TUNC* TO OCTOBER
) 13, 2006
)
)

On March 31, 2006, the Idaho Department of Water Resources filed its *Director's Report for Basin 77, Irrigation & Other Uses* ("*Director's Report*"), which included the Director's recommendations for the above-captioned water right claims. The recommendations for these claims were uncontested. On October 13, 2006, *Partial Decrees* were entered for the Basin 77 uncontested water right claims contained in the *Director's Report*. The file stamp for the above-captioned *Partial Decrees* was erroneously omitted by the Court. The Court finds the omission of the file stamp from the *Partial Decrees* to be the result of clerical error. Therefore, the Court will issue *Amended Partial Decrees nunc pro tunc* to October 13, 2006, for the above-captioned water rights for the sole purpose of correcting the omitted file stamp.

Therefore, pursuant to I.R.C.P. 60(a), IT IS ORDERED that the *Partial Decrees* entered for the above-captioned water rights are hereby amended *nunc pro tunc* to October 13, 2006, to correct the clerical error pertaining to the file stamp as set forth in the attached *Amended Partial Decrees Pursuant to I.R.C.P. 54(b)*.

Dated

March 17, 2014


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)
)
Water Right 77-04074

NAME AND ADDRESS: DWIGHT G RICKEL
1205 6TH ST
LOS ALAMOS, NM 87544

ROBERT SAMPSON
SALLY JONES
SUSAN MAUGHAN
WILMA SAMPSON
2065 FAYE LANE
POCATELLO, ID 83201

TED D RUPP
609 CALLE DE VALDEZ
SANTA FE, NM 87501

SOURCE: BLACKEAGLE CREEK TRIBUTARY: HOODOO CREEK

QUANTITY: 0.50 CFS

The quantity of water under this right for domestic use shall
not exceed 13,000 gallons per day.

PRIORITY DATE: 05/01/1907

The appropriator shall exercise this right in a manner that
recognizes the historic practice that the use of water for power
generation is incidental to the rights of others to the use of
water for other purposes. The appropriator shall not make a
delivery call for hydropower generation except as against junior
hydropower rights.

POINT OF DIVERSION: T19N R16E S02 NESE Within Lemhi County

PURPOSE AND
PERIOD OF USE:

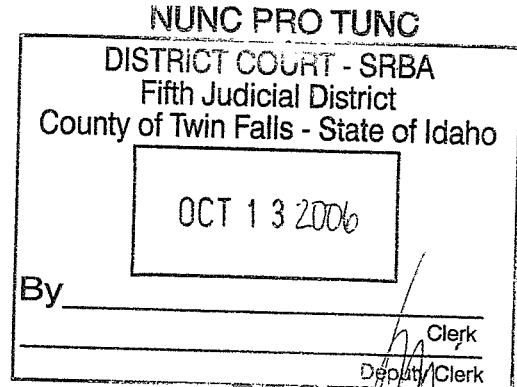
PURPOSE OF USE	PERIOD OF USE	QUANTITY
Mining	04-15 TO 12-15	0.05 CFS
Power	04-15 TO 12-15	0.41 CFS
Domestic	04-15 TO 12-15	0.04 CFS

PLACE OF USE:	Mining	Within Lemhi County
	T19N R16E S02	NESE
	Power	Within Lemhi County
	T19N R16E S02	NESE
	Domestic	Within Lemhi County
	T19N R16E S02	NESE

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

The quantity of water decreed for this water right for domestic
use is not a determination of historical beneficial use.

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).



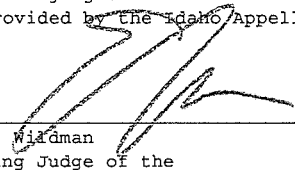
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DEPARTMENT OF
WATER RESOURCES

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. Widaman
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 77-07080

NAME AND ADDRESS: LOON CREEK LAND CO
303 BALMORAL
BOISE, ID 83702

SOURCE: DEER CREEK TRIBUTARY: LOON CREEK
LOON CREEK TRIBUTARY: MIDDLE FORK SALMON RIVER

QUANTITY: 7.00 CFS
5083.90 AFY

PRIORITY DATE: 08/20/1979

NUNC PRO TUNC

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

OCT 13 2006

By _____ Clerk
Deputy Clerk

The water right confirmed in this partial decree for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this partial decree and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this partial decree.

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WATER RESOURCES

POINT OF DIVERSION: T14N R13E S15 NESE Within Custer County
SESE

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Power	01-01 TO 12-31	7.00 CFS 5058.90 AFY
	Recreation Storage	01-01 TO 12-31	25.00 AFY
	Diversion to Storage	10-15 TO 05-01	7.00 CFS

Recreation storage is for fishing and boating.

PLACE OF USE:	Power	Within Custer County
	T14N R13E S15 NESE	
	Recreation Storage	Within Custer County
	T14N R13E S15 NESE SESE	
	Diversion to Storage	Within Custer County
	T14N R13E S15 NESE SESE	

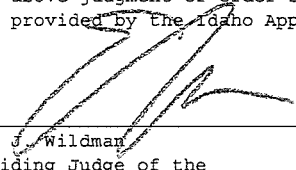
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

PROPERTY IS KNOWN AS HOMESTEAD ENTRY SURVEY NO. 74.
The diversion and use of water for hydropower purposes under this partial decree is subject to review by the Director on or after September 1, 2004. Upon appropriate findings relative to the interest of the public, the Director may cancel all or any part of the use authorized herein and may revise, delete or add conditions under which the right may be exercised.

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

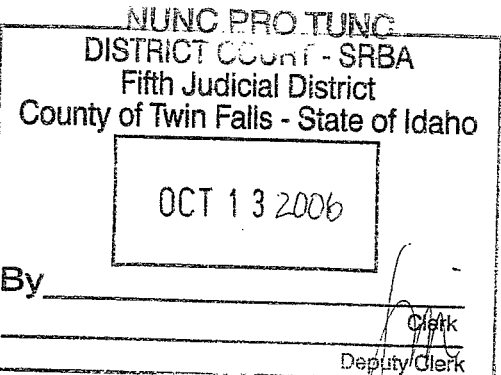
IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

AMENDED

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

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

Water Right 77-07181



NAME AND ADDRESS: SALMON RIVER RETREATS LLC
BOX 5405
BOISE, ID 83716

SOURCE: ELKHORN CREEK TRIBUTARY: SALMON RIVER

QUANTITY: 3.00 CFS
2172.00 AFY

PRIORITY DATE: 06/28/1982

The right for the use of water confirmed in this decree shall be junior and subordinate to all rights for the use of water other than hydropower, within the State of Idaho that are initiated later in time than the priority of this right and shall not give rise to any right or claim against any future rights for the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this right.

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DEPARTMENT OF
WATER RESOURCES

POINT OF DIVERSION: T24N R03E S28 SWNE Within Idaho County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Power	01-01 TO 12-31	3.00 CFS 2172.00 AFY

PLACE OF USE: Power Within Idaho County
T24N R03E S21 SESW

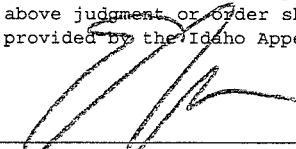
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

The diversion and use of water for hydropower purposes under this decree is subject to review by the Director on or after March 1, 2005. Upon appropriate findings relative to the interest of the public, the Director may cancel all or any part of the use authorized herein and may revise, delete or add conditions under which the right may be exercised.

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

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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 77-10017

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

OCT 13 2006

By _____
Clerk
Deputy Clerk

NAME AND ADDRESS: STATE OF IDAHO
DEPT OF TRANSPORTATION
BUREAU OF AERONAUTICS
3483 RICKENBACKER
BOISE, ID 83705

SOURCE: JOHNSON CREEK TRIBUTARY: SOUTH FORK SALMON RIVER

QUANTITY: 0.34 CFS

The quantity of water under this right for domestic use shall
not exceed 13,000 gallons per day.

PRIORITY DATE: 12/26/1968

POINT OF DIVERSION: T18N R08E S09 NWSE Within Valley County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-15 TO 10-31	0.30 CFS
	Domestic	04-15 TO 10-31	0.04 CFS

PLACE OF USE: Irrigation Within Valley County

T18N R08E S09	NWNE 2.0	SWNE 1.0
	SENE 4.0	NESW 5.0
	SESW 3.0	

15.0 Acres Total

Domestic Within Valley County

T18N R08E S09 NESW

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

The quantity of water decreed for this water right for domestic
use is not a determination of historical beneficial use.

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
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RULE 54(b) CERTIFICATE

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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
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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

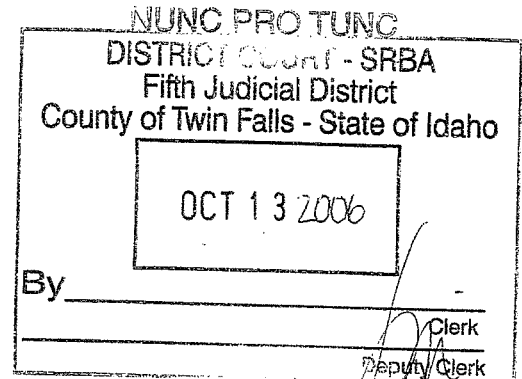
IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

AMENDED

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

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

Water Right 77-10021



NAME AND ADDRESS: WHITEWATER RANCH LLC
PO BOX 636
TWIN FALLS, ID 83303

SOURCE: LITTLE MALLARD CREEK TRIBUTARY: SALMON RIVER

QUANTITY: 4.00 CFS

PRIORITY DATE: 07/01/1965

The appropriator shall exercise this right in a manner that recognizes the historic practice that the use of water for power generation is incidental to the rights of others to the use of water for other purposes. The appropriator shall not make a delivery call for hydropower generation except as against junior hydropower rights.

POINT OF DIVERSION: T25N R09E S02 NWSE Within Idaho County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Power	01-01 TO 12-31	4.00 CFS

PLACE OF USE: Power T25N R09E S01 SWSW Within Idaho County

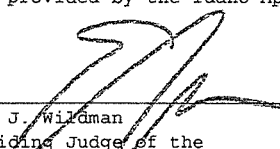
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

Property is known as Homestead Entry Survey No. 726.
Power production under this right is 30 kw.

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

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER OF AMENDED PARTIAL DECREES NUNC PRO TUNC TO OCTOBER 13, 2006 was mailed on March 17, 2014, with sufficient first-class postage to the following:

SALMON RIVER RETREATS LLC
BOX 5405
BOISE, ID 83716
Phone: 208-342-8901

STATE OF IDAHO
DEPT OF TRANSPORTATION
BUREAU OF AERONAUTICS
3483 RICKENBACKER
BOISE, ID 83705
Phone: 208-344-8893

WHITEWATER RANCH LLC
PO BOX 636
TWIN FALLS, ID 83303
Phone: 208-734-4461

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

DWIGHT G RICKEL
1205 6TH ST
LOS ALAMOS, NM 87544
Phone: 505-662-6139

ROBERT SAMPSON
SALLY JONES
SUSAN MAUGHAN
WILMA SAMPSON
2065 FAYE LANE
POCATELLO, ID 83201

LOON CREEK LAND CO
303 BALMORAL
BOISE, ID 83702
Phone: 208-336-9772

TED D RUPP
609 CALLE DE VALDEZ
SANTA FE, NM 87501
Phone: 505-982-1106