

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

3RD AMENDED

In Re SRBA)
)
Case No. 39576)
)

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

Water Right 21-02154

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

FEB 28 2020

By

Clerk

Deputy Clerk

NAME AND ADDRESS:

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

SOURCE:

TYGEE CREEK TRIBUTARY: HENRYS FORK

Point of injection into and point of redirection from Henrys
Fork.

QUANTITY:

30.00 CFS
4000.00 AFY

RECEIVED

MAR 02 2020

DEPARTMENT OF
WATER RESOURCES

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, 21-111, 21-112, 21-2154 and 21-12946 are
limited to a total combined annual diversion volume of 79,350 AF
The rights listed below are limited to a total combined annual
diversion volume of 90,000 AF. Combined Right Nos.: 21-110,
21-111, 21-112, 21-2154, 21-2161, 21-12946 and 21-13193.

PRIORITY DATE:

05/15/1917

POINT OF DIVERSION:

T15N R43E S24 SENW Within Fremont County
S26 LOT 4 (NWNW) (Injection)
LOT 6 (SWNW) (Rediversion)

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
Irrigation Storage	01-01 TO 12-31	4000.00 AFY
Irrigation from Storage	04-01 TO 10-31	4000.00 AFY
Diversion to Storage	01-01 TO 12-31	30.00 CFS

PLACE OF USE:

41098 ACRES TOTAL

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 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, 21-13193, 22-428, 22-13342, 22-13343,
22-13344, 22-13347, 22-13349.
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

PLACE OF USE (continued)

at T10S, R21E, 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.

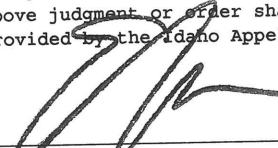
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

September 15th shall begin the annual period for water right accounting in the Upper Snake River Basin upstream of Milner Dam. The September 15th beginning date for this annual period is known as the "reset date" for reservoir volumes. The "reset date" allows previously satisfied reservoir water right volumes to begin filling again for the next annual storage volume period. The annual storage volume period will extend from September 15th to the following September 14th. Consistent with Section 8.3 of the 1990 Fort Hall Indian Water Rights Agreement, nothing in this provision is intended to impact the rights described and administered pursuant to that Section.

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