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AUG 27 2012
DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
AUG 23 2012	
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	) Subcase No. 75-00017B
	)
Case No. 39576	)
	) ORDER OF AMENDED PARTIAL
	) DECREE TO CORRECT CLERICAL
	) ERROR; I.R.C.P. 60(a)
	)
	)

On February 29, 2012, a *Partial Decree* was issued for water right 75-00017B. The Court subsequently identified an error in the *Partial Decree* with respect to the source element. This Court filed a *Notice of Court's Intent to Issue Amended Partial Decree and Notice of Hearing Thereon* on April 6, 2012. The hearing was held on August 21, 2012, and no objections were filed.

Therefore, IT IS ORDERED pursuant to Idaho Rule of Civil Procedure 60(a) that the above-captioned water right be amended as set forth in the attached *Amended Partial Decree*. The previously issued *Partial Decree* is superseded thereby.

Dated: _____

Aug. 23, 2012



ERIC J. WILDMAN
Presiding Judge
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER OF AMENDED PARTIAL DECREE TO CORRECT CLERICAL ERROR; IRCP 60(A) was mailed on August 23, 2012, with sufficient first-class postage to the following:

CITY OF SALMON

Represented by:
JOSEPHINE P BEEMAN
409 W JEFFERSON ST
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Phone: 208-331-0950

EDGAR & MYRTLE EDWARDS

Represented by:
RANDALL C BUDGE
201 E CENTER ST STE A2
PO BOX 1391
POCATELLO, ID 83204-1391
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DIRECTOR OF IDWR

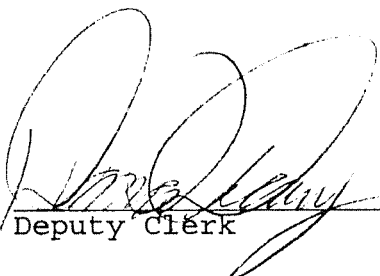
PO BOX 83720
BOISE, ID 83720-0098

ORDER

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FILE COPY FOR 00359

Deputy Clerk



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 75-00017B

NAME AND ADDRESS: CITY OF SALMON
200 MAIN ST
SALMON, ID 83467

SOURCE: JESSE CREEK TRIBUTARY: SALMON RIVER

For purposes of administration of sources for this right, the water shall first be diverted exclusively from the natural flow of Jesse Creek. When Jesse Creek is no longer sufficient for use under the rights in priority and calling for water, the waters of Pollard Canyon Creek may be diverted as necessary to provide the balance of water required pursuant to this right in its priority. Only when the water supply from Jesse and Pollard Canyon Creeks combined is not sufficient for use under the rights in priority and calling for water may water from Chipps Creek be diverted to provide the balance of water required pursuant to this right in its priority. Water is diverted from Jesse Creek and its tributaries. The holder of this right will not call for water from Chipps Creek or Pollard Canyon Creek prior to August 1 of any year if diversions under Right Nos. 75-2 or 75-5 would be affected. This condition applies to all current and future splits of all rights referenced here. This condition does not limit diversions from Jesse Creek under this right. This condition is not applicable anytime the total flow available for diversion in Water District 75A is 3.8 cfs or less, recognizing that no more than 2.54 cfs can be diverted from Chipps Creek or Pollard Canyon Creek under water rights 75-17B and 75-10075. The holder of this right will not call for water from Chipps Creek prior to August 30 of any year if diversions under Right No. 75-22 would be affected. This condition applies to all current and future splits of all rights referenced here. This condition does not limit diversions from Jesse Creek or Pollard Canyon Creek under this right. This condition is not applicable anytime the total flow available for diversion in Water District 75A is 3.8 cfs or less, recognizing that no more than 2.54 cfs can be diverted from Chipps Creek or Pollard Canyon Creek under water rights 75-17B and 75-10075. The holder of this water right will not make a call on Right Nos. 75-19G or 75-21 diverted from Chipps Creek for domestic use of 12 af per year as to Right No. 75-19G (including all progeny, when owned, controlled and delivered by Arrowhead Water District) and 42.17 af per year as to Right No. 75-21 (including all progeny, when owned controlled and delivered by Arrowhead Water District). This condition applies to all current and future splits of all rights referenced here. This condition does not limit diversions from Jesse Creek or Pollard Canyon Creek under this right.

QUANTITY: 0.24 CFS

Right Nos. 75-4, 75-7, 75-17A, 75-17B, 75-19B, 75-19C, 75-26A, 75-114, 75-2167, 75-7563 and 75-10075 are limited to a total combined diversion rate of 11.793 cfs. Right Nos. 75-4, 75-7, 75-17A, 75-17B, 75-19B, 75-19C, 75-26A, 75-114, and 75-10075 are limited to a total combined annual diversion volume of 1740.5 AF, with no more than 970.5 AF diverted from Chipps and Pollard Canyon Creeks. The total flow available for diversion in Water District 75A is



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QUANTITY (continued)

the sum of all water being diverted above the Farmer's Ditch, water being diverted into the Farmer's Ditch, and the quantity of water spilling and seeping past the Farmer's Ditch diversion. The Farmer's Ditch diversion is located in T21N, R21E, S1, SWNW.

PRIORITY DATE: 06/01/1867

POINT OF DIVERSION: T21N R21E S02 LOT 1 (NENE) Within Lemhi County
LOT 1 (NENE) (Rediversion)
LOT 1 (NENE) (Injection)
S10 NENE (Injection)
NENE
NENE (Rediversion)
S11 NWNW

The point of diversion in T21N, R21E, S11, NWNW is from Chipps Creek. The point of injection in T21N, R21E, S10, NENE is into Pollard Canyon Creek. The point of diversion and the point of rediversion in T21N, R21E, S10, NENE are from Pollard Canyon Creek. The point of injection in T21N, R21E, S02, Lot 1 (NENE) is into Jesse Creek. The point of diversion and the point of rediversion in T21N, R21E, S02, Lot 1 (NENE) are from Jesse Creek.

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Municipal	04-01 TO 10-31	0.24 CFS

PLACE OF USE: Place of use is within the service area of the City of Salmon municipal water supply system as provided for under Idaho Law.

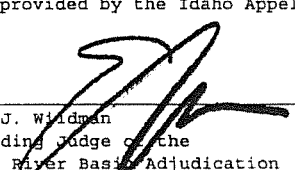
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This water right is subject to a private agreement among the City of Salmon, Myrtle, Dale and Laura Edwards and Arrowhead Water District, and recorded in the Lemhi County Recorder's office on December 1, 2011 as instrument no. 288296. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.

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