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DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho
MAY - 1 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 Nos. 75-07032, 75-07177 and 75-
Case No. 39576) 14179
)
) ORDER SETTING ASIDE PARTIAL
) DECREES
)
) ORDER OF AMENDED PARTIAL
) DECREES

Partial Decrees were issued for the above-captioned water rights on November 17, 2008. On March 26, 2012, a *Motion to Set Aside Partial Decrees* was filed in the above-captioned subcases. On March 27, 2012, 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*. No challenges were filed to the *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 May 1, 2012


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 75-07032

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
MAY - 1 2012	
By _____	Clerk
_____	Deputy Clerk

NAME AND ADDRESS: SUNSET HEIGHTS WATER DIST
PO BOX 4
SALMON, ID 83467

SOURCE: SPRINGS TRIBUTARY: HYDE CREEK

QUANTITY: 0.40 CFS

PRIORITY DATE: 08/29/1972

POINT OF DIVERSION: T20N R22E S17 LOT 1 (NENENE) Within Lemhi County

PURPOSE AND

PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Municipal	01-01 TO 12-31	0.40 CFS

PLACE OF USE:

Place of use is within the service area of the public water supply system for Sunset Heights Water Dist. as provided for under Idaho Law.

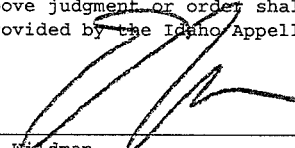
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

The operation, use and administration of this water right is subject to a private water right agreement effective August 24, 2011, between Sunset Heights Water District, Cecil and Judith Bailey Jackson, Michael Tyacke, and the State of Idaho and recorded in the Lemhi County Recorder's Office as Instrument No. 287204.

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. Waldman
Presiding Judge of the
Snake River Basin Adjudication

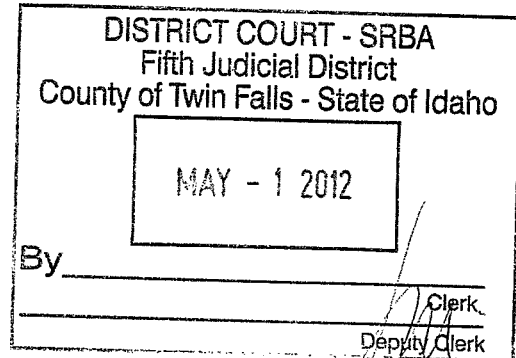
IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

AMENDED

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

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

Water Right 75-07177



NAME AND ADDRESS: SUNSET HEIGHTS RECREATION ASSN
PO BOX 4
SALMON, ID 83467

SOURCE: HYDE CREEK TRIBUTARY: SALMON RIVER

QUANTITY: 0.20 CFS
12.40 APY

PRIORITY DATE: 07/08/1980

POINT OF DIVERSION: T20N R22E S08 NESE Within Lemhi County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Recreation Storage	01-01 TO 12-31	12.40 APY
	Diversion to Storage	11-15 TO 03-15	0.20 CFS

PLACE OF USE: Recreation Storage Within Lemhi County
T20N R22E S08 NESE

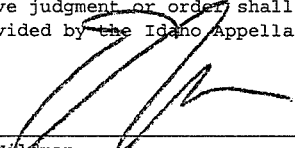
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

The operation, use and administration of this water right is subject to a private water right agreement effective August 24, 2011, between Sunset Heights Water District, Cecil and Judith Bailey Jackson, Michael Tyacke, and the State of Idaho and recorded in the Lemhi County Recorder's Office as Instrument No. 287204.

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RULE 54(b) CERTIFICATE

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Eric J. Willman
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 75-14179

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

MAY - 1 2012

By

Clerk

Deputy Clerk

NAME AND ADDRESS:

CECIL T JACKSON
JUDITH BAILEY JACKSON
42 WILD ROSE RD
SALMON, ID 83467

SOURCE:

SOUTH FORK SEVENMILE CREEK TRIBUTARY: SALMON RIVER

QUANTITY:

1.19 CFS

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

PRIORITY DATE:

06/06/1895

POINT OF DIVERSION:

T20N R22E S20 NENW Within Lemhi County

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
Irrigation	04-01 TO 10-31	1.17 CFS
Stockwater	01-01 TO 12-31	0.02 CFS

PLACE OF USE:

Irrigation	Within Lemhi County
T20N R22E S08	NESE 3.0 NWSE 10.0 SWSE 29.0
42.0 Acres Total	

Stockwater	Within Lemhi County
Same as Irrigation	

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

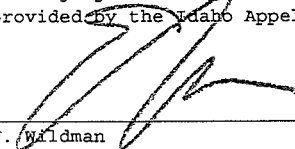
The quantity of water decreed for this water right for
stockwater use is not a determination of historical beneficial
use.

The operation, use and administration of this water right is
subject to a private water right agreement effective August 24,
2011, between Sunset Heights Water District, Cecil and Judith
Bailey Jackson, Michael Tyacke, and the State of Idaho and
recorded in the Lemhi County Recorder's Office as
Instrument No. 287204.

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

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 May 01, 2012, with sufficient first-class postage
to the following:

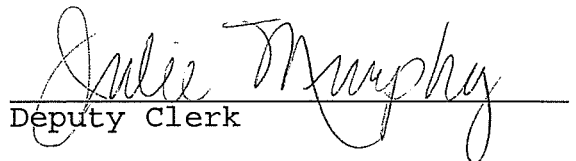
SUNSET HEIGHTS RECREATION ASSN
SUNSET HEIGHTS WATER DIST

Represented by:
JERRY R. RIGBY
25 N 2ND E
PO BOX 250
REXBURG, ID 83440-0250
Phone: 208-356-3633

CECIL T JACKSON
JUDITH BAILEY JACKSON

Represented by:
JORDAN P. SMITH
400 W 2ND AVE
SALMON, ID 83467
Phone: 208-756-2257

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

A handwritten signature in cursive script, reading "Julie Murphy", is written over a horizontal line. The signature is in dark ink and is positioned to the right of the printed text "Deputy Clerk".