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DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
FEB 29 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. 75-10047
	)
Case No. 39576	) ORDER SETTING ASIDE PARTIAL
	) DECREE
	)
	) ORDER OF AMENDED PARTIAL
	) DECREE
	)
	)
	)

A *Partial Decree* was issued for the above-captioned water rights on June 11, 2009. On September 30, 2010, the City of Salmon filed a *Motion to Set Aside Partial Decree* in the above-captioned subcase. On October 1, 2010, an *Order of Reference* was issued appointing the Special Master to preside over the *Motions* and issue a recommendation. On January 6, 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 Decree* be issued with elements set forth in the attached *Special Master's Recommendation for Amended Partial Decree*. On January 25, 2012, the Idaho Department of Water Resources filed a *Notice of Completed Administrative Proceeding* in the above-captioned matter reflecting a change in the name and address portion of the water right. No challenges were filed to the *Special Master's Report and Recommendation* or the *Notice of Completed Administrative Proceeding* 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 Decree* previously entered for the above-captioned water right is **hereby set aside**.

IT IS FURTHER ORDERED that the above-captioned water right be decreed with the elements set forth in the attached *Amended Partial Decrees Pursuant to I.R.C.P. 54(b)*.

Dated February 29, 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 75-10047

NAME AND ADDRESS: MYRTLE EDWARDS
PO BOX 299
SALMON, ID 83467

DALE EDWARDS
LAURA EDWARDS
PO BOX 846
SALMON, ID 83467

SOURCE: BILLY CREEK TRIBUTARY: GORLEY CREEK
CHIPPS CREEK TRIBUTARY: POLLARD CANYON CREEK

QUANTITY: 10.40 CFS

The rights listed below are limited to a total combined
diversion rate of 28.88 cfs. Combined Right Nos.: 75-2, 75-2162,
75-10046, 75-2034, 75-2035, 75-14254 and 75-10047.
The total flow available for diversion in Water District 75A is
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: 04/01/1916

POINT OF DIVERSION: T21N R21E S10 NWSE Within Lemhi County
S14 SENW

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
Irrigation	04-01 TO 10-31	10.40 CFS
Irrigation Storage	01-01 TO 12-31	70.00 AFY
Irrigation from Storage	04-01 TO 10-31	140.00 AFY
Diversion to Storage	01-01 TO 12-31	10.40 CFS

PLACE OF USE:

	Irrigation	Within Lemhi County
T21N R21E S12	SWNW 4.4	SENE 5.6
	NESW 40.0	NWSW 36.0
	SWSW 7.8	SESW 32.0
S13	SESW 6.0	SWSE 10.0
S14	SESE 28.0	
S23	NENE 18.0	SENE 22.0
	NESE 38.0	SESE 5.5
S24	NWNE 39.0	SWNE 26.0
	NENW 14.0	SWNW 40.0
	SENE 40.0	NESW 40.0
	NWSW 40.0	SWSW 35.0
	SESW 40.0	NWSE 27.0
	SWSE 28.0	
S25	NWNE 30.0	SWNE 33.0
	NENW 40.0	NWNW 24.0
	SWNW 21.0	SENE 40.0
	NESW 36.0	NWSW 1.5
	SESW 40.0	NWSE 31.0
	SWSE 32.0	
S36	NWNE 12.0	
962.8 Acres Total		

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

FEB 29 2012

By _____ Clerk
Deputy Clerk

SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

PLACE OF USE (continued)

Irrigation from Storage
Same as Irrigation

Within Lemhi County

The rights listed below are limited to the irrigation of a combined total of 962.8 acres in a single irrigation season. Combined Right Nos.: 75-2, 75-2162, 75-10046, 75-2034, 75-2035, 75-14254 and 75-10047.

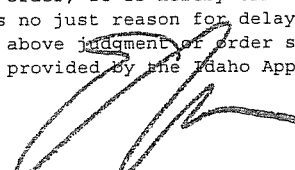
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER SETTING
ASIDE PARTIAL DECREE / ORDER OF AMENDED PARTIAL DECREE was mailed
on February 29, 2012, with sufficient first-class postage to
the following:

CITY OF SALMON

Represented by:
JOSEPHINE P BEEMAN
409 W JEFFERSON ST
BOISE, ID 83702
Phone: 208-331-0950

DALE EDWARDS

MYRTLE EDWARDS
Represented by:
RANDALL C BUDGE
201 E CENTER, STE A2
PO BOX 1391
POCATELLO, ID 83204-1391
Phone: 208-232-6101

UNITED STATES OF AMERICA

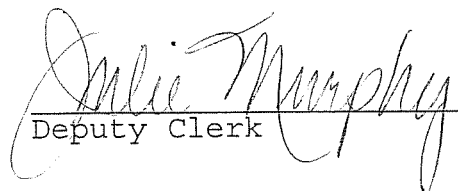
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

DIRECTOR OF IDWR

PO BOX 83720
BOISE, ID 83720-0098

LAURA EDWARDS

PO BOX 846
SALMON, ID 83467

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".