

RECEIVED

MAR 01 2012

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho
FEB 29 2012
By _____ 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. 75-00002, 75-02162 and 75-
	) 10046
Case No. 39576	)
	) ORDER SETTING ASIDE PARTIAL
	) DECREES
	)
	) ORDER OF AMENDED PARTIAL
	) DECREES
	)
	)

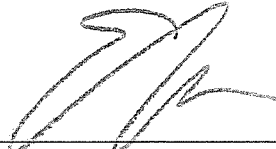
Partial Decrees were issued for the above-captioned water rights on June 11, 2009. On September 30, 2010, the City of Salmon filed a *Motion to Set Aside Partial Decree* in each of the above-captioned subcases. On October 1, 2010, an *Order of Reference* was issued appointing the Special Master to preside over the *Motions* and issue a recommendation. On January 17, 2012, the Special Master issued an *Amended Special Master's Report and Recommendation* recommending that the *Motions 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*. 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 February 29, 2012.



ERIC J. WILDMAN
Presiding Judge
Snake River Basin Adjudication

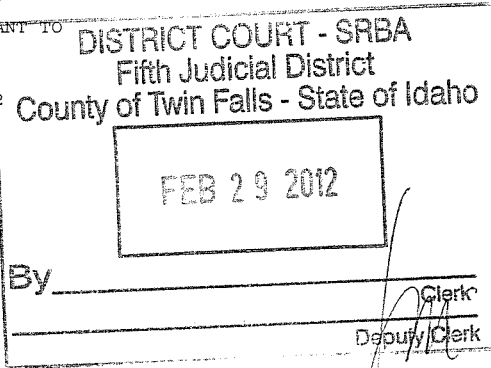
IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

AMENDED

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

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

Water Right 75-00002



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

DALE EDWARDS
LAURA EDWARDS
PO BOX 846
SALMON, ID 83467

SOURCE: CHIPPS CREEK TRIBUTARY: POLLARD CANYON CREEK

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.

QUANTITY: 1.70 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.

PRIORITY DATE: 04/01/1894

POINT OF DIVERSION: T21N R21E S10 NWSE Within Lemhi County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	1.70 CFS

PLACE OF USE:	Irrigation	Within Lemhi County
T21N R21E S12	SWNW 4.4	SENW 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
	SENW 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	SENW 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		

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.

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

PLACE OF USE (continued)

This right is limited to the irrigation of 160 acres within the place of use described above in a single irrigation season.

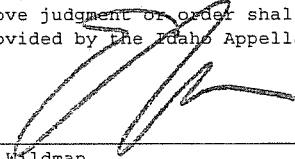
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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

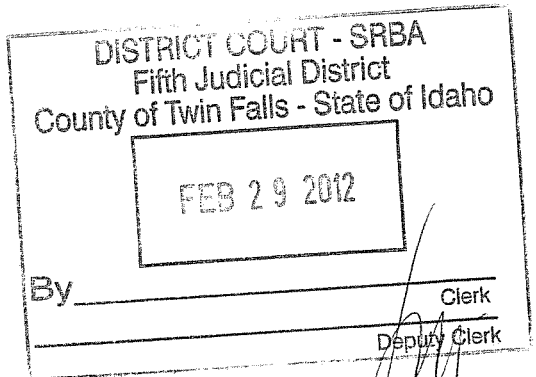
IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

AMENDED

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

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

Water Right 75-02162



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

DALE EDWARDS
LAURA EDWARDS
PO BOX 846
SALMON, ID 83467

SOURCE: CHIPPS CREEK TRIBUTARY: POLLARD CANYON CREEK

QUANTITY: 3.20 CFS
480.00 APY

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: 08/31/1960

POINT OF DIVERSION: T21N R21E S10 NWSE Within Lemhi County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
Irrigation		04-01 TO 10-31	3.20 CFS
			480.00 APY

PLACE OF USE:	Irrigation	Within Lemhi County
T21N R21E S12	SWNW 4.4	SENW 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
	SENW 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	SENW 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		

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,

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

PLACE OF USE (continued)

75-14254 and 75-10047.

This right is limited to the irrigation of 160 acres within the place of use described above in a single irrigation season.

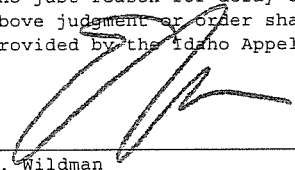
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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

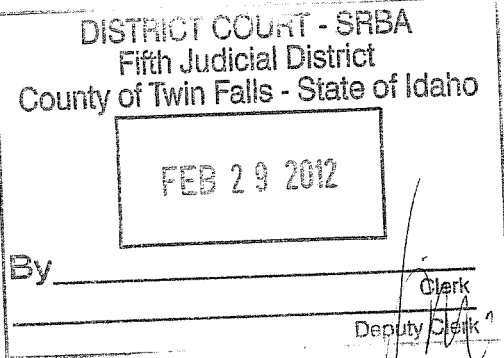
IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

AMENDED

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

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

Water Right 75-10046



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

DALE EDWARDS
LAURA EDWARDS
PO BOX 846
SALMON, ID 83467

SOURCE: CHIPPS CREEK TRIBUTARY: POLLARD CANYON CREEK

QUANTITY: 4.23 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: 09/14/1914

POINT OF DIVERSION: T21N R21E S10 NWSE Within Lemhi County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	4.23 CFS

PLACE OF USE:	Irrigation	Within Lemhi County
	T21N R21E S12	SWNW 4.4 SENW 5.6 NESW 40.0 NWSW 36.0 SWSW 7.8 SESW 32.0 SESW 6.0 SWSE 10.0
	S13	
	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 SENW 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	

This right is limited to the irrigation of 320 acres within the place of use described above in a single irrigation season. 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,

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

PLACE OF USE (continued)

75-14254 and 75-10047.

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

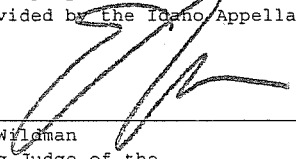
This water right is subject to a private agreement among the City of Salmon, Myrtle, Dale and Laura Edwards and Arrowhead Water District, and recorded in the Lemhi County Recorder's office on December 1, 2011 as instrument no. 288296.

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 DECREES / ORDER OF AMENDED PARTIAL DECREES 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

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

DALE EDWARDS

LAURA EDWARDS
PO BOX 846
SALMON, ID 83467

