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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

Case No. 39576

) ORDER OF PARTIAL DECREES
)
)
) Subcases: 75-00004 & 75-00114
) (City of Salmon)
)
)
)
)

On January 6, 2012, a *Special Master's Report and Recommendation* was filed for the above-captioned water rights. No Challenges were filed to the *Special Master's Report and Recommendation* and the time for filing Challenges has now 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 wholly adopts them as its own.

Therefore, IT IS ORDERED that the above-captioned water rights are hereby **decreed** as set forth in the attached *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

In Re SRBA)
Case No. 39576)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 75-00004

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

FEB 29 2012

NAME AND ADDRESS:

CITY OF SALMON
200 MAIN ST
SALMON, ID 83467

SOURCE:

JESSE CREEK TRIBUTARY: SALMON RIVER

By

Clerk
Deputy Clerk

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.

QUANTITY:

1.20 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 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:

04/01/1894

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)

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

POINT OF DIVERSION (continued)

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

Municipal

PERIOD OF USE

04-01 TO 10-31

QUANTITY

1.20 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.

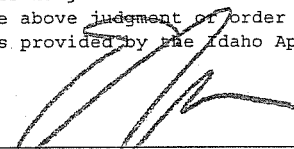
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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 accord
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
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

In Re SRBA)
Case No. 39576)
_____)

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

Water Right 75-00114

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

FEB 29 2012

By

Clerk
Deputy Clerk

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

SOURCE: JESSE CREEK TRIBUTARY: SALMON RIVER

QUANTITY: 0.50 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.

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: 04/01/1894

POINT OF DIVERSION: T21N R21E S02 LOT 1 (NENE) Within Lemhi County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Municipal	04-01 TO 10-31	0.50 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.

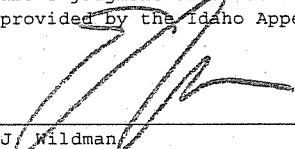
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER OF 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

EDGAR & MYRTLE EDWARDS

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

DIRECTOR OF IDWR

PO BOX 83720
BOISE, ID 83720-0098


Deputy Clerk