

RECEIVED
APR 27 2009
DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
APR 24 2009	
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) Subcases 75-10103 and 75-14254
Case No. 39576) (Edwards)
)
) SPECIAL MASTER REPORT
)
_____)

Findings of Fact

The Director of the Idaho Department of Water Resources filed his *Director's Report, Irrigation & Other Uses, Reporting Area 23, Basin 75* on January 11, 2007. The Director recommended the claims to Edgar and Myrtle Edwards, P.O. Box 299, Salmon, Idaho, 83467, for .2 cfs and 9.5 cfs from springs and Gorley Creek for year-'round stockwater use, diversion to storage, irrigation storage (April 1 to July 31), irrigation from storage and to irrigate 800 acres and 791.5 acres in Lemhi County from April 1 to October 31 or November 1 with priority dates of September 14, 1914, and June 1, 1952, based on beneficial use. IDWR identified the subcases as uncontested overlapping claims.

Conclusions of Law

The Edwards' are entitled to partial decrees adjudicating water rights as recommended by IDWR and as described in the attached *Special Master Recommendations for Partial Decrees for Water Rights 75-10103 and 75-14254*.

DATED April 24, 2009.



TERRENCE A. DOLAN
Special Master
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

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

In Re SRBA)
Case No. 39576)

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

Water Right 75-10103

APR 24 2009

By _____ Clerk
Deputy Clerk

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

SOURCE: SPRINGS TRIBUTARY: SINKS

QUANTITY: 0.20 CFS

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

PRIORITY DATE: 09/14/1914

POINT OF DIVERSION: T21N R21E S11 SWSW Within Lemhi County
SWSW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 11-01	0.20 CFS
	Stockwater	01-01 TO 12-31	0.03 CFS

PLACE OF USE:	Irrigation	Stockwater	Within Lemhi County
	T21N R21E S13	SESW 10.0	SWSE 10.0
	S14	SESE 35.0	
	S23	NENE 10.0	SENE 5.0
	S24	NWNE 35.0	SWNE 40.0
		NENW 15.0	SWNW 40.0
		SESW 40.0	NESW 40.0
		NWSW 40.0	SESW 40.0
		NWSE 40.0	SWSE 40.0
	S25	NWNE 40.0	SWNE 40.0
		SESW 40.0	NESW 40.0
		NWSE 40.0	SESW 40.0
		NWNE 40.0	SWSE 40.0
	S36		
	800.0 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.

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).

RECOMMENDATION
APR 24 2009
SPECIAL MASTER

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.

John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication

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

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

APR 24 2009

By _____ Clerk

Deputy Clerk

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 75-14254

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

SOURCE: GORLEY CREEK TRIBUTARY: SALMON RIVER

QUANTITY: 9.50 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 quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.

PRIORITY DATE: 06/01/1952

POINT OF DIVERSION: T21N R21E S23 NWNESE Within Lemhi County
NWSE

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	9.50 CFS
	Irrigation Storage	04-01 TO 07-31	20.00 AFY
	Irrigation from Storage	04-01 TO 10-31	70.00 CFS
	Stockwater	01-01 TO 12-31	0.09 CFS
	Diversion to Storage	04-01 TO 10-31	9.50 CFS

PLACE OF USE:	Irrigation	Within Lemhi County
T21N R21E S13	SESW 6.0	SWSE 10.0
S23	NENE 0.8	SENE 22.0
	NESE 38.0	SESE 5.2
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	
791.5 Acres Total		

Irrigation from Storage Within Lemhi County
Same as Irrigation

Stockwater Within Lemhi County
Same as Irrigation

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:

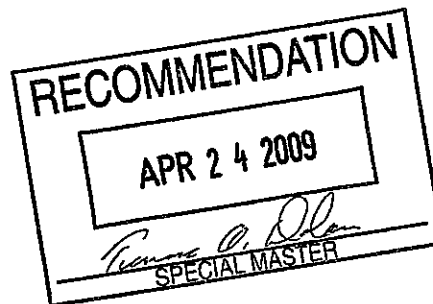
The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.

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.

John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication



Fifth Judicial District
County of Twin Falls - State of Idaho
APR 24 2009
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)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

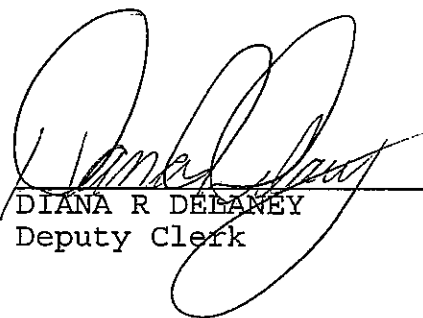
Water Right(s): 75-10103
75-14254

On April 24, 2009, Special Master TERRENCE A. DOLAN issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s) pursuant to SRBA Administrative Order 1 (AO1), Section 13a.

Pursuant to SRBA Administrative Order 1, Section 13a, any party to the adjudication including parties to the subcase, may file a Motion to Alter or Amend on or before the 28th day of the next month.

Failure of any party in the adjudication to pursue or participate in a Motion to Alter or Amend the SPECIAL MASTER'S RECOMMENDATION shall constitute a waiver of the right to challenge it before the Presiding Judge.

DATED April 24, 2009.


DIANA R DELANEY
Deputy Clerk

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

APR 24 2009

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)

Case No. 39576)

CERTIFICATE OF MAILING

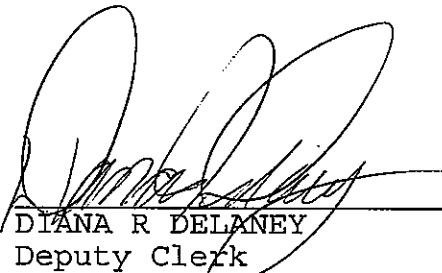
Water Right(s): 75-10103
75-14254

CERTIFICATE OF MAILING

I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on April 24, 2009, with sufficient first-class postage prepaid to the following:

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

EDGAR S EDWARDS
MYRTLE EDWARDS
PO BOX 299
SALMON, ID 83467
Phone: 208-756-4728


DIANA R DELANEY
Deputy Clerk

CERTIFICATE OF MAILING

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04/24/09