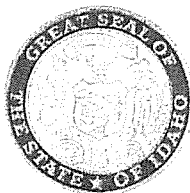


7-27



STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
LAWRENCE G. WASDEN
July 26, 2011

Diana Delaney
Case Administrator
Snake River Basin Adjudication
253 3rd Avenue North
P.O. Box 2707
Twin Falls, Idaho 83303-2707

RE: Subcase Nos. 75-14337 (Edmiston)

Dear Diana:

Please find enclosed for filing a fully executed SF5 for the above-referenced subcase. Subcase No. 75-14337 was a previously disallowed high water claim and now, after further review, is being recommended by the Department.

Furthermore, as set forth in the SF5 coversheet, the Department and the claimant also respectfully request the Court set aside and amend the partial decrees previously entered in Subcase Nos. 75-69Q, 75-70Q, 75-10061AA, 75-10062Y and 75-2025J to make a clerical change. It is necessary to amend the combined use condition for these other rights by adding water right no. 75-14337, now that the previously disallowed right is being recommended. This clerical change is necessary to make the combined use condition for all Edmiston rights consistent. For the Court's convenience, I have attached Amended Director's Reports which show the requested change in ~~strikeout~~, underline format.

Also, in the Department's review of these rights, the Department found clerical errors in water right nos. 75-2025J, 75-10016AA, and 75-10062Y. For 75-2025J, the Department discovered that the place of use is not consistent with all the Edmiston's other rights. This one has a place of use of 7.0 acres (4 acres in the SWNE, and 3 acres in the SENW). All five of the Edmiston's other rights are for 7.1 acres. The Department can see no reason why 75-2025J was limited to 7.0 acres and the rest to 7.1 acres. For 75-10061AA and 75-10062Y, the acreage count for each quarter-quarter has been transposed. These two water rights currently show the SWNE as having 3.1 acres and the SENW as having 4.0 acres. The water right should show the SWNE as having 4.0 acres and the SENW as having 3.1 acres, consistent with the Edmiston's other rights. The attached Amended Director's Reports reflect these suggested changes as well.

Please do not hesitate to contact me if you have questions with regards to this request.

Sincerely,

A handwritten signature in black ink, appearing to read 'G. Baxter', with a stylized flourish at the end.

GARRICK L. BAXTER
Deputy Attorney General
Idaho Department of Water Resources

cc: Rodney and Susan Edmiston
John Burns
United States Department of Justice, Environment and Natural Resources
Division

**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. 75-14337
	)	(Previously Disallowed)
Case No. 39576	)	
	)	STANDARD FORM 5
	)	
	)	STIPULATED ELEMENTS OF A
	)	WATER RIGHT

This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

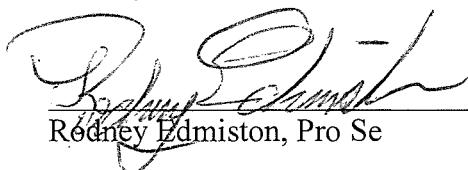
The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

The parties and IDWR further agree that the combined use condition for overlapping water right numbers 75-69Q, 75-70Q, 75-2025J, 75-10061AA, and 75-10062Y should be amended to read as follows:

The rights listed below are limited to the irrigation of a combined total of 7.1 acres in a single irrigation season. Combined Right Nos.: 75-69Q, 75-70Q, 75-2025J, 75-10061AA, 75-10062Y and 75-14337.

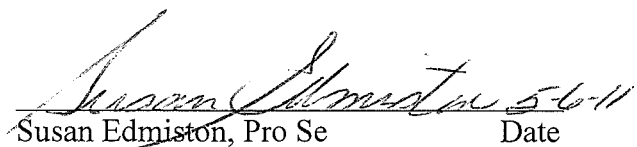
It is necessary to amend the combined use condition for these other rights now that the previously disallowed right is being recommended. The parties and IDWR respectfully request that the Court amend combined use condition in the partial decrees previously entered in subcase nos. 75-69Q 75-70Q, 75-2025J, 75-10061AA, and 75-10062Y consistent with the above.

CLAIMANT
Rodney Edmiston


Rodney Edmiston, Pro Se

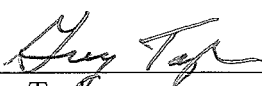
Date

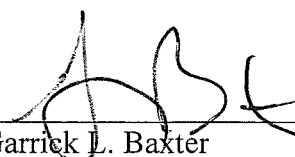
CLAIMANT
Susan Edmiston


Susan Edmiston, Pro Se

Date

IDWR Concurrence:

 5/18/11
Greg Taylor Date
Stream Channel Protection Specialist

 7/26/2011
Garrick L. Baxter Date
Deputy Attorney General
Attorney for IDWR

06/28/2011

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 75-14337

NAME AND ADDRESS: RODNEY HUGH EDMISTON
SUSAN FRANCINE EDMISTON
PO BOX 155
CARMEN ID 83462

SOURCE: CARMEN CREEK

TRIBUTARY: SALMON RIVER

QUANTITY: 0.112 CFS

PRIORITY DATE: 04/01/1915

POINT OF
DIVERSION:

T23N R22E S35 NENE Within LEMHI County

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	04/01 10/31	0.112 CFS
PLACE OF USE:	<u>IRRIGATION in LEMHI County</u>		
	T22N R22E S03 SWNE 4.00	T22N R22E S03 SENW 3.10	

7.1 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 7.1 acres in a single irrigation season. Combined Right Nos.: 75-69Q, 75-70Q, 75-10061AA, 75-10062Y, 75-2025J and 75-14337.

Place of use does not include federal public lands

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

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. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

CERTIFICATE OF MAILING

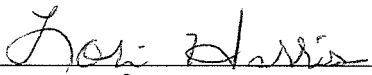
I certify that on July 28, 2011, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

CLERK OF THE DISTRICT COURT
SNAKE RIVER BASIN ADJUDICATION
253 THIRD AVENUE NORTH
P.O. BOX 2707
TWIN FALLS, IDAHO 83303-2707

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

RODNEY HUGH EDMISTON
SUSAN FRANCINE EDMISTON
PO BOX 155
CARMEN, ID 83462



Signature of person or attorney mailing form

06/13/2011

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 75-70Q

NAME AND ADDRESS: RODNEY HUGH EDMISTON
SUSAN FRANCINE EDMISTON
PO BOX 155
CARMEN ID 83462

SOURCE: CARMEN CREEK TRIBUTARY: SALMON RIVER

QUANTITY: 0.021 CFS

PRIORITY DATE: 05/01/1892

POINT OF
DIVERSION: T23N R22E S35 NENE Within LEMHI County

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	04/01 10/31	0.021 CFS
PLACE OF USE:	<u>IRRIGATION in LEMHI County</u>		
	T22N R22E S03 SWNE 4.00	T22N R22E S03 SENW	3.10

7.1 ACRES TOTAL

Place of use does not include federal public lands

This right is limited to the irrigation of 3.1 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 7.1 acres in a single irrigation season. Combined Right Nos.: 75-69Q, 75-70Q, 75-10061AA, 75-10062Y, and 75-2025J and 75-14337.

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

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. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

06/13/2011

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 75-10062Y

NAME AND ADDRESS: RODNEY HUGH EDMISTON
SUSAN FRANCINE EDMISTON
PO BOX 155
CARMEN ID 83462

SOURCE: CARMEN CREEK

TRIBUTARY: SALMON RIVER

QUANTITY: 0.018 CFS

PRIORITY DATE: 05/01/1882

POINT OF
DIVERSION:

T23N R22E S35 NENE Within LEMHI County

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	04/01 10/31	0.018 CFS
PLACE OF USE:	<u>IRRIGATION in LEMHI County</u>		
	T22N R22E S03 SWNE	~~3-104.00~~ T22N R22E S03	SENW ~~4-003.10~~

7.1 ACRES TOTAL

Place of use does not include federal public lands

The rights listed below are limited to the irrigation of a combined total of 7.1 acres in a single irrigation season. Combined Right Nos.: 75-69Q, 75-70Q, 75-10061AA, 75-10062Y, and 75-2025J and 75-14337.

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

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. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

06/13/2011

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 75-10061AA

NAME AND ADDRESS: RODNEY HUGH EDMISTON
SUSAN FRANCINE EDMISTON
PO BOX 155
CARMEN ID 83462

SOURCE: CARMEN CREEK TRIBUTARY: SALMON RIVER

QUANTITY: 0.038 CFS

PRIORITY DATE: 05/01/1875

POINT OF
DIVERSION:

T23N R22E S35 NENE Within LEMHI County

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	04/01 10/31	0.038 CFS
PLACE OF USE:	<u>IRRIGATION in LEMHI County</u>		
	T22N R22E S03 SWNE 3-104.00	T22N R22E S03 SENW 4-003.10	

7.1 ACRES TOTAL

Place of use does not include federal public lands.

The rights listed below are limited to the irrigation of a combined total of 7.1 acres in a single irrigation season. Combined Right Nos.: 75-69Q, 75-70Q, 75-10061AA, 75-10062Y, and 75-2025J and 75-14337.

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

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. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

06/13/2011

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 75-69Q

NAME AND ADDRESS: RODNEY HUGH EDMISTON
SUSAN FRANCINE EDMISTON
PO BOX 155
CARMEN ID 83462

SOURCE: CARMEN CREEK TRIBUTARY: SALMON RIVER

QUANTITY: 0.015 CFS

PRIORITY DATE: 05/01/1888

POINT OF
DIVERSION: T23N R22E S35 NENE Within LEMHI County

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	04/01 10/31	0.015 CFS
PLACE OF USE:	<u>IRRIGATION in LEMHI County</u>		
	T22N R22E S03 SWNE 4.00	T22N R22E S03 SENW	3.10

7.1 ACRES TOTAL

Place of use does not include federal public lands

The rights listed below are limited to the irrigation of a combined total of 7.1 acres in a single irrigation season. Combined Right Nos.: 75-69Q, 75-70Q, 75-10061AA, 75-10062Y, and 75-2025J and 75-14337.

This right is limited to the irrigation of 3.1 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 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. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

06/13/2011

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 75-2025J

NAME AND ADDRESS: SUSAN FRANCINE EDMISTON
RODNEY HUGH EDMISTON
PO BOX 155
CARMEN ID 83462

SOURCE: CARMEN CREEK

TRIBUTARY: SALMON RIVER

QUANTITY: 0.080 CFS

PRIORITY DATE: 12/22/1910

POINT OF
DIVERSION:

T23N R22E S35 NENENE Within LEMHI County

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	04/01 10/31	0.080 CFS
PLACE OF USE:	<u>IRRIGATION in LEMHI County</u>		
	T22N R22E S03 SWNE 4.00	T22N R22E S03 SENW	~~3.00~~ <u>3.10</u>
	<u>77.1</u> ACRES TOTAL		

Place of use does not include federal public lands

The rights listed below are limited to the irrigation of a combined total of 77.1 acres in a single irrigation season. Combined Right Nos.: 75-69Q, 75-70Q, 75-2025J, 75-10061AA, 75-10062Y and 75-14337.

This right is limited to the irrigation of 4 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 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. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM -

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.