

378
DISTRICT COURT - SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

DEC 27 2011

By _____

**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

) Subcase No. 75-10046
)
)
)
)
)
)

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.

CLAIMANT:

Dale Edwards, Laura Edwards
& Myrtle Edwards

OBJECTOR:

United States of America
Bureau of Land Management

Randall C. Budge 12/14/11
Randall C. Budge, Attorney Date

David Negri, Attorney Date

**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. 75-10046
	)	
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 initiaing each of the attached pages.

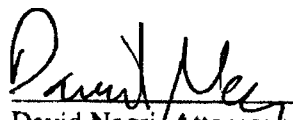
CLAIMANT:

Dale Edwards, Laura Edwards
& Myrtle Edwards

OBJECTOR:

United States of America
Bureau of Land Management

Randall C. Budge, Attorney Date

 12/16/11

David Negri, Attorney Date

INTERVENOR:

City of Salmon

Josephine P. Beeman 16 Dec 2011
Josephine P. Beeman, Attorney Date

IDWR Concurrence:

Monica Van Bussum 12/22/2011
Monica Van Bussum Date
Senior Water Resource Agent

Garrick L. Baxter 12/20/2011
Garrick L. Baxter Date
Deputy Attorney General
Attorney for IDWR

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

12/14/2011

RIGHT NUMBER: 75-10046
NAME AND ADDRESS: MYRTLE EDWARDS
PO BOX 299
SALMON ID 83467

~~EDGAR S EDWARDS~~
~~PO BOX 299~~
~~SALMON ID 83467~~

DALE EDWARDS
PO BOX 846
SALMON ID 83467

LAURA EDWARDS
PO BOX 846
SALMON ID 83467

SOURCE: CHIPPS CREEK

TRIBUTARY: POLLARD CANYON CREEK

QUANTITY: 4.230 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 10/31	4.230 CFS
PLACE OF USE: <u>IRRIGATION in LEMHI County</u>		
T21N R21E S12 SWNW 4.40	T21N R21E S12 SENW 5.60	
T21N R21E S12 NESW 40.00	T21N R21E S12 NWSW 36.00	
T21N R21E S12 SWSW 7.80	T21N R21E S12 SESW 32.00	
T21N R21E S13 SESE 6.00	T21N R21E S13 SWSE 10.00	
T21N R21E S14 SESE 28.00	T21N R21E S23 NENE 18.00	
T21N R21E S23 SENE 22.00	T21N R21E S23 NESE 38.00	
T21N R21E S23 SESE 5.50	T21N R21E S24 NWNE 39.00	
T21N R21E S24 SWNE 26.00	T21N R21E S24 NENW 14.00	
T21N R21E S24 SWNW 40.00	T21N R21E S24 SENW 40.00	
T21N R21E S24 NESW 40.00	T21N R21E S24 NWSW 40.00	
T21N R21E S24 SWSW 35.00	T21N R21E S24 SESW 40.00	
T21N R21E S24 NWSE 27.00	T21N R21E S24 SWSE 28.00	
T21N R21E S25 NWNE 30.00	T21N R21E S25 SWNE 33.00	
T21N R21E S25 NENW 40.00	T21N R21E S25 NWNW 24.00	

12/14/2011

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

T21N R21E S25	SWNW	21.00	T21N R21E S25	SENW	40.00
T21N R21E S25	NESW	36.00	T21N R21E S25	NWSW	1.50
T21N R21E S25	SESW	40.00	T21N R21E S25	NWSE	31.00
T21N R21E S25	SWSE	32.00	T21N R21E S36	NWNE	12.00

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, 75-14254 and 75-10047.

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.

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

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

Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 75A.

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

12/14/2011

RIGHT NUMBER: 75-10046

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

~~EDGAR S EDWARDS~~
~~PO BOX 299~~
~~SALMON ID 83467~~

DALE EDWARDS
PO BOX 846
SALMON ID 83467

LAURA EDWARDS
PO BOX 846
SALMON ID 83467

DN

SOURCE: CHIPPS CREEK

TRIBUTARY: POLLARD CANYON CREEK

QUANTITY: 4.230 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 10/31	4.230 CFS
PLACE OF USE: IRRIGATION in LEMHI County		
T21N R21E S12 SWNW	4.40	T21N R21E S12 SENW 5.60
T21N R21E S12 NESW	40.00	T21N R21E S12 NWSW 36.00
T21N R21E S12 SWSW	7.80	T21N R21E S12 SESW 32.00
T21N R21E S13 SESW	6.00	T21N R21E S13 SWSE 10.00
T21N R21E S14 SESE	28.00	T21N R21E S23 NENE 18.00
T21N R21E S23 SENE	22.00	T21N R21E S23 NESE 38.00
T21N R21E S23 SESE	5.50	T21N R21E S24 NWNE 39.00
T21N R21E S24 SWNE	26.00	T21N R21E S24 NENW 14.00
T21N R21E S24 SWNW	40.00	T21N R21E S24 SENW 40.00
T21N R21E S24 NESW	40.00	T21N R21E S24 NWSW 40.00
T21N R21E S24 SWSW	35.00	T21N R21E S24 SESW 40.00
T21N R21E S24 NWSE	27.00	T21N R21E S24 SWSE 28.00
T21N R21E S25 NWNE	30.00	T21N R21E S25 SWNE 33.00
T21N R21E S25 NENW	40.00	T21N R21E S25 NNNW 24.00

12/14/2011

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

T21N R21E S25	SWNW	21.00	T21N R21E S25	SENW	40.00
T21N R21E S25	NESW	36.00	T21N R21E S25	NWSW	1.50
T21N R21E S25	SESW	40.00	T21N R21E S25	NWSE	31.00
T21N R21E S25	SWSE	32.00	T21N R21E S36	NWNE	12.00

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, 75-14254 and 75-10047.

DN

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.

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

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

Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 75A.

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

12/14/2011

RIGHT NUMBER: 75-10046
NAME AND ADDRESS: MYRTLE EDWARDS
PO BOX 299
SALMON ID 83467

EDGAR S EDWARDS
PO BOX 299
SALMON ID 83467

DALE EDWARDS
PO BOX 846
SALMON ID 83467

LAURA EDWARDS
PO BOX 846
SALMON ID 83467

PUB

SOURCE: CHIPPS CREEK
QUANTITY: 4.230 CFS

TRIBUTARY: POLLARD CANYON CREEK

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
PLACE OF USE:	IRRIGATION	04/01 10/31	4.230 CFS
	IRRIGATION in LEMHI County		
	T21N R21E S12 SWNW	4.40	T21N R21E S12 SENW 5.60
	T21N R21E S12 NESW	40.00	T21N R21E S12 NWSW 36.00
	T21N R21E S12 SWSW	7.80	T21N R21E S12 SESW 32.00
	T21N R21E S13 SESW	6.00	T21N R21E S13 SWSE 10.00
	T21N R21E S14 SESE	28.00	T21N R21E S23 NENE 18.00
	T21N R21E S23 SENE	22.00	T21N R21E S23 NESE 38.00
	T21N R21E S23 SESE	5.50	T21N R21E S24 NWNE 39.00
	T21N R21E S24 SWNE	26.00	T21N R21E S24 NENW 14.00
	T21N R21E S24 SWNW	40.00	T21N R21E S24 SENW 40.00
	T21N R21E S24 NESW	40.00	T21N R21E S24 NWSW 40.00
	T21N R21E S24 SWSW	35.00	T21N R21E S24 SESW 40.00
	T21N R21E S24 NWSE	27.00	T21N R21E S24 SWSE 28.00
	T21N R21E S25 NWNE	30.00	T21N R21E S25 SWNE 33.00
	T21N R21E S25 NENW	40.00	T21N R21E S25 NWNW 24.00

12/14/2011

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

T21N R21E S25	SWNW	21.00	T21N R21E S25	SENW	40.00
T21N R21E S25	NESW	36.00	T21N R21E S25	NWSW	1.50
T21N R21E S25	SESW	40.00	T21N R21E S25	NWSE	31.00
T21N R21E S25	SWSE	32.00	T21N R21E S36	NWNE	12.00

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, 75-14254 and 75-10047.

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.

RUB

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

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

Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 75A.

CERTIFICATE OF MAILING

I certify that on December 23, 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

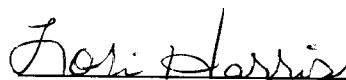
Copies to:

CITY OF SALMON
Represented by:
JOSEPHINE P BEEMAN
409 W JEFFERSON ST
BOISE, ID 83702

DALE EDWARDS
LAURA EDWARDS
MYRTLE EDWARDS
Represented by:
RANDALL C BUDGE
201 E CENTER, STE A2
PO BOX 1391
POCATELLO, ID 83204-1391

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



Signature of person or attorney mailing form