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DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
JAN - 6 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	)	Subcases 75-69F, 75-70F, 75-2025C,
	)	75-10061J, 75-10062H, 75-14236 (Tippett)
	)	and 75-14337 (Edmiston)
Case No. 39576	)	
	)	SPECIAL MASTER REPORT
	)	AND RECOMMENDATION

Findings of Fact

75-14236 (Tippett)

On November 13, 2009, former SRBA Presiding Judge John M. Melanson entered a ***Final Order Disallowing Water Right Claims*** in multiple subcases, including 75-14236, filed by Cathleen and James Tippett, P.O. Box 15, Carmen, Idaho 83462. On June 22, 2011, the Tippetts, with IDWR's concurrence, filed a *Standard Form 5 (previously disallowed)* agreeing to .02 cfs from Carmen Creek for stockwater and to irrigate 4.1 acres in Lemhi County from April 1 to October 31 with a priority date of April 1, 1915, based on beneficial use.

On June 30, 2011, the United States of America, Department of Interior, Bureau of Land Management filed an *Objection* in subcase 75-14236 objecting to point of diversion. On August 29, 2011, the Special Master entered a ***Report and Recommendation*** recommending that the ***Final Order Disallowing*** be set aside with the understanding the Tippetts would later move to amend their claim.

On September 29, 2011, SRBA Presiding Judge Eric J. Wildman entered an ***Order Setting Aside Final Order Disallowing Water Right Claim*** and referred the matter back to the Special Master. On October 26, 2011, the Tippetts filed their *Motion to File Amended Notice of Claim* and the same date, IDWR filed its *Amended Director's Report, Subcase No. 75-14236*. No one objected to the amended recommendation.

75-14337 (Edmiston)

On November 13, 2009, former SRBA Presiding Judge John M. Melanson entered a ***Final Order Disallowing Water Right Claims*** in multiple subcases, including 75-14337, filed by Rodney and Susan

Edmiston, P.O. Box 155, Carmen, Idaho, 83462. On July 29, 2011, the Edmistons, with IDWR's concurrence, filed a *Standard Form 5 (previously disallowed)* agreeing to .112 cfs from Carmen Creek to irrigate 7.1 acres in Lemhi County from April 1 to October 31 with a priority date of April 1, 1915, based on beneficial use.

75-69F, 75-70F, 75-2025C, 75-10061J and 75-10062H (Tippett)

Water rights 75-69F, 75-70F, 75-2025C, 75-10061J and 75-10062H were partial decreed to the Tippetts on November 17, 2008, January 5, 2011, and March 30, 2011. On June 20, 2011, counsel for IDWR wrote to the Court that "Subcase No. 75-14236 was a previously disallowed high water claim and now, after further review, is being recommended." The letter, deemed to be an amended director's report, continued:

[The Tippetts and IDWR] respectfully request the Court set aside and amend the partial decrees previously entered in Subcase Nos. 75-69F, 75-70F, 75-2025C, 75-10061J, and 75-10062H to make a clerical change. It is necessary to amend the combined use condition for these other rights now that the previously disallowed right is being recommended. This clerical change is necessary to make the combined use condition for all six Tippet rights consistent.

No objected to the amended recommendation.

Conclusions of Law

The Edmistons, the Tippetts and IDWR have shown good cause to set aside and amend the *Partial Decrees* in subcases 75-69F, 75-70F, 75-2025C, 75-10061J, 75-10062H and 75-14437.

Recommendation

THEREFORE, IT IS RECOMMENDED that:

1. The *Partial Decrees* in subcases 75-69F, 75-70F, 75-2025C, 75-10061J, 75-10062H and 75-14437 be set aside and amended as agreed to by the parties and as described in the attached proposed amended partial decrees; and
2. A water right be decreed to the Tippetts in subcase 75-14236 as recommended by IDWR and as described in the attached proposed amended partial decree.

DATED January 6, 2012.



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

AMENDED

In Re SRBA)
)
Case No. 39576)
)
Water Right 75-00069F

NAME AND ADDRESS: CATHLEEN TIPPETT
JAMES R TIPPETT
PO BOX 15
CARMEN, ID 83462

SOURCE: CARMEN CREEK TRIBUTARY: SALMON RIVER

QUANTITY: 0.013 CFS

PRIORITY DATE: 05/01/1888

POINT OF DIVERSION: T23N R22E S35 NENE Within Lemhi County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	0.013 CFS

PLACE OF USE: Irrigation Within Lemhi County
T22N R22E S03 LOT 2 (NWNE) 1.4 SWNE 2.7
4.1 Acres Total

The rights listed below are limited to the irrigation of a
combined total of 4.1 acres in a single irrigation season.
Combined Right Nos.: 75-69F, 75-70F, 75-2025C, 75-10061J,
75-10062H and 75-14236.

This right is limited to the irrigation of 2.6 acres within the
place of use described above in a single irrigation season.

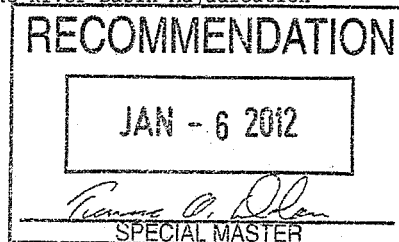
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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. 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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
) Water Right 75-00070F

NAME AND ADDRESS: CATHLEEN TIPPETT
JAMES R TIPPETT
PO BOX 15
CARMEN, ID 83462

SOURCE: CARMEN CREEK TRIBUTARY: SALMON RIVER

QUANTITY: 0.017 CFS

PRIORITY DATE: 05/01/1892

POINT OF DIVERSION: T23N R22E S35 NENE Within Lemhi County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	0.017 CFS

PLACE OF USE: Irrigation Within Lemhi County
T22N R22E S03 LOT 2 (NWNE) 1.4 SWNE 2.7
4.1 Acres Total

The rights listed below are limited to the irrigation of a
combined total of 4.1 acres in a single irrigation season.
Combined Right Nos.: 75-69F, 75-70F, 75-2025C, 75-10061J,
75-10062H and 75-14236.

This right is limited to the irrigation of 2.6 acres within the
place of use described above in a single irrigation season.

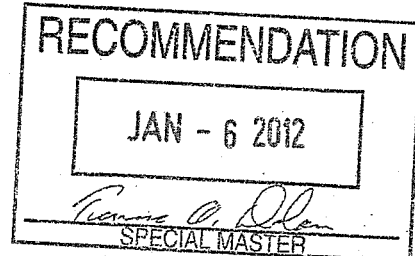
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

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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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 75-02025C

NAME AND ADDRESS: CATHLEEN TIPPETT
JAMES R TIPPETT
PO BOX 15
CARMEN, ID 83462

SOURCE: CARMEN CREEK TRIBUTARY: SALMON RIVER

QUANTITY: 0.082 CFS

PRIORITY DATE: 12/22/1910

POINT OF DIVERSION: T23N R22E S35 NENE Within Lemhi County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	0.082 CFS

PLACE OF USE:		Within Lemhi County
	Irrigation	
	T22N R22E S03 LOT 2 (NWNE) 1.4	SWNE 2.7
	4.1 Acres Total	

The rights listed below are limited to the irrigation of a
combined total of 4.1 acres in a single irrigation season.
Combined Right Nos.: 75-69F, 75-70F, 75-2025C, 75-10061J,
75-10062H and 75-14236.

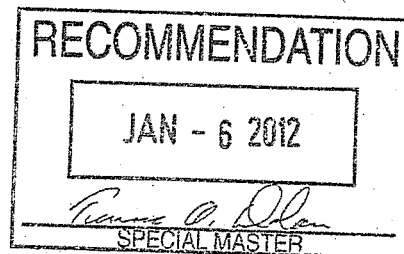
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

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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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 75-10061J

NAME AND ADDRESS: CATHLEEN TIPPETT
JAMES R TIPPETT
PO BOX 15
CARMEN, ID 83462

SOURCE: CARMEN CREEK TRIBUTARY: SALMON RIVER

QUANTITY: 0.022 CFS

PRIORITY DATE: 05/01/1875

POINT OF DIVERSION: T23N R22E S35 NENE Within Lemhi County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	0.022 CFS

PLACE OF USE: Irrigation Within Lemhi County
T22N R22E S03 LOT 2 (NWNE) 1.5 SWNE 2.6
4.1 Acres Total

The rights listed below are limited to the irrigation of a
combined total of 4.1 acres in a single irrigation season.
Combined Right Nos.: 75-69F, 75-70F, 75-2025C, 75-10061J,
75-10062H and 75-14236.

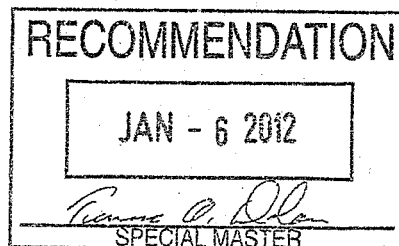
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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
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ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

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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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 75-10062H

NAME AND ADDRESS: CATHLEEN TIPPETT
JAMES R TIPPETT
PO BOX 15
CARMEN, ID 83462

SOURCE: CARMEN CREEK TRIBUTARY: SALMON RIVER

QUANTITY: 0.01 CFS

PRIORITY DATE: 05/01/1882

POINT OF DIVERSION: T23N R22E S35 NENE Within Lemhi County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	0.01 CFS

PLACE OF USE: Irrigation Within Lemhi County
T22N R22E S03 LOT 2 (NWNE) 1.4 SWNE 2.7
4.1 Acres Total

The rights listed below are limited to the irrigation of a
combined total of 4.1 acres in a single irrigation season.
Combined Right Nos.: 75-69F, 75-70F, 75-2025C, 75-10061J,
75-10062H and 75-14236.

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

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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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 75-14236

NAME AND ADDRESS: CATHLEEN TIPPETT
JAMES R TIPPETT
PO BOX 15
CARMEN, ID 83462

SOURCE: CARMEN CREEK TRIBUTARY: SALMON RIVER

QUANTITY: 0.02 CFS

PRIORITY DATE: 04/01/1915

POINT OF DIVERSION: T23N R22E S35 NENE Within Lemhi County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	0.02 CFS
	Stockwater	04-01 TO 10-31	0.02 CFS

PLACE OF USE: Irrigation Within Lemhi County
T22N R22E S03 LOT 2 (NWNE) 1.4 SWNE 2.7
4.1 Acres Total

Stockwater Within Lemhi County
Same as Irrigation

The rights listed below are limited to the irrigation of a
combined total of 4.1 acres in a single irrigation season.
Combined Right Nos.: 75-69F, 75-70F, 75-2025C, 75-10061J,
75-10062H and 75-14236.

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

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
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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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
) Water Right 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:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	0.112 CFS

PLACE OF USE:	Irrigation		Within Lemhi County
	T22N R22E S03	SWNE 4.0	SENE 3.1
	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.

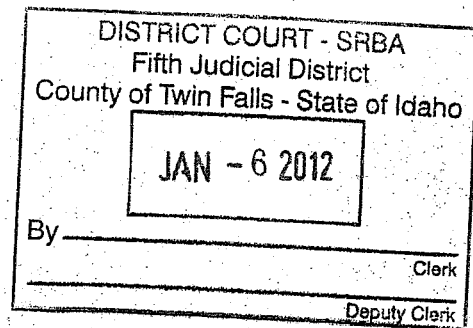
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

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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)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

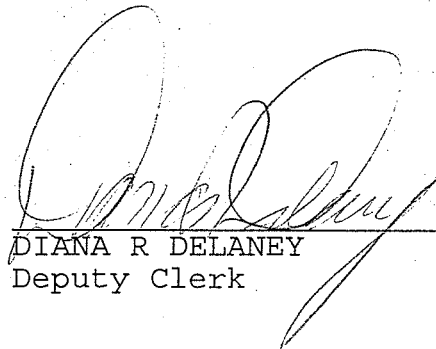
Water Right(s): 75-00069F
75-00070F 75-02025C 75-10061J
75-10062H 75-14236 75-14337

On January 06, 2012, 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.

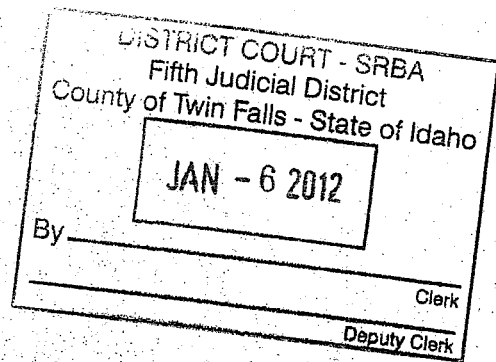
Pursuant to SRBA Administrative Order 1, Section 13a, any party to the adjudication including parties to the subcase, may file a Motion to Alter or Amend on or before the 28th day of the next month.

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 January 06, 2012.



DIANA R DELANEY
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)
_____)

CERTIFICATE OF MAILING

Water Right(s): 75-00069F
75-00070F 75-02025C 75-10061J
75-10062H 75-14236 75-14337

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 January 06, 2012, with sufficient first-class postage prepaid to the following:

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

A C & LUELLA PILKERTON
ALBERT C & ALVERA C FOLS
CHARLES E & MARY N HARLING
JAMES EDGREN & JENNIFER BRADY
LLOYD A & SHERYL L TUTOR
TRACY MASCIA

Represented by:
TRAVIS L THOMPSON
113 MAIN AVE W, STE 303
PO BOX 485
TWIN FALLS, ID 83303-0485
Phone: 208-733-0700

CERTIFICATE OF MAILING

PAGE 1
01/06/12

UNITED STATES OF AMERICA
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

GEORGE MATEJKO
BOX 129
CARMEN, ID 83462

ROBERT M & JACQUELINE ERNEST
BOX 132
CARMEN, ID 83462

JAMES R & ROWENA D QUINN
BOX 1473
CARMEN, ID 83462

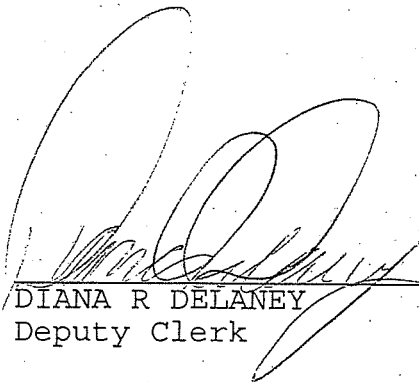
JOHN E & RUTH C BURNS
BOX 264
CARMEN, ID 83462

RICK & LINDA RICE
BOX 285
CARMEN, ID 83462

CATHLEEN TIPPETT
JAMES R TIPPETT
PO BOX 15
CARMEN, ID 83462
Phone: 208-756-4594

RODNEY HUGH EDMISTON
SUSAN FRANCINE EDMISTON
PO BOX 155
CARMEN, ID 83462
Phone: 208-756-6160

WILLIAM W CLEMENTZ
PO BOX 225
CARMEN, ID 83462



DIANA R DELANEY
Deputy Clerk