

RECEIVED
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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 75-17A, 75-17B, 75-17D and 75-14700
	)	(City of Salmon)
	)	
Case No. 39576	)	SPECIAL MASTER REPORT
	)	AND RECOMMENDATION
_____	)	

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 claim 75-17D to the City of Salmon, 200 Main Street, Salmon, Idaho, 83467, for 1.445 cfs from Jesse Creek for municipal use in Lemhi County from April 1 to October 31 with a priority date of June 1, 1867, based on a decree.

Edgar and Myrtle Edwards filed an *Objection* on October 17, 2007, objecting to source, quantity, priority date, point of diversion, instream flow description, purpose of use, period of year and place of use. The Arrowhead Water District lodged a late *Objection* on November 28, 2007, alleging the water right should not exist.

On June 25, 2010, IDWR filed an *Amended Director's Report* in multiple subcases, including 75-17D: "Recommended as right nos. 75-17A and 75-17B." The City of Salmon filed *Objections* in subcases 75-17A and 75-17B on July 28, 2010, objecting to source, quantity, point of diversion and period of year.

On December 27, 2011, the City of Salmon and the Edwards, with IDWR's concurrence, filed *Standard Forms 5* in subcases 75-17A and 75-17B (both split from former right 75-17) and 75-17D (disallow, recommended as right nos. 75-17A and 75-17B). The same date, they filed another *SF-5* in subcase 75-14700 (split from 75-17B).

Conclusions of Law

1. The City of Salmon is entitled to partial decrees adjudicating water rights for claims 75-17A, 75-17B and 75-14700 as described in the *SF-5s* and the attached *Special Master Recommendations for Partial Decrees for Water Rights 75-17A, 75-17B and 75-14700*; and
2. The City of Salmon is **not** entitled to a water right for claim 75-17D.

Recommendation

THEREFORE, IT IS RECOMMENDED that claim 75-17D be **disallowed**.

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

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
) Water Right 75-00017A

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

SOURCE: JESSE CREEK TRIBUTARY: SALMON RIVER

QUANTITY: 1.26 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: 06/01/1867

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

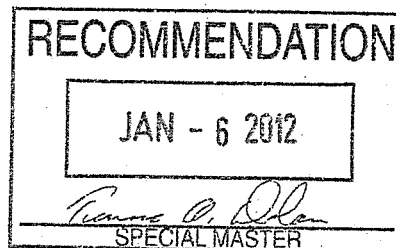
PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Municipal	04-01 TO 10-31	1.26 CFS

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

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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 75-00017B

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

SOURCE: JESSE CREEK TRIBUTARY: SALMON RIVER

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 or Pollard Canyon 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.

The holder of this right will not call for water from Chipps Creek prior to August 30 of any year if diversions under Right No. 75-22 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 or Pollard Canyon 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 Shipps Creek or Pollard Canyon Creek under water rights 75-17B and 75-10075.

The holder of this water right will not make a call on Right Nos. 75-19G or 75-21 diverted from Chipps Creek for domestic use of 12 af per year as to Right No. 75-19G (including all progeny, when owned, controlled and delivered by Arrowhead Water District) and 42.17 af per year as to Right No. 75-21 (including all progeny, when owned controlled and delivered by Arrowhead Water District). This condition applies to all current and future splits of all rights referenced here. This condition does not limit diversions from Jesse Creek or Pollard Canyon Creek under this right.

QUANTITY: 0.24 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

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

QUANTITY (continued)

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: 06/01/1867

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) 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	PERIOD OF USE	QUANTITY
Municipal	04-01 TO 10-31	0.24 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.

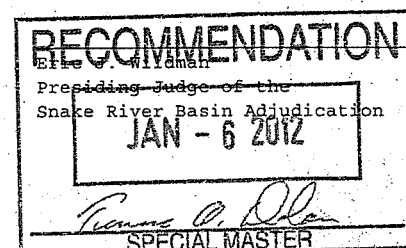
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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.



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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 75-14700

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

SOURCE: CHIPPS CREEK TRIBUTARY: POLLARD CANYON CREEK
JESSE CREEK TRIBUTARY: SALMON RIVER
POLLARD CANYON CREEK TRIBUTARY: JESSE CREEK

QUANTITY: 0.24 CFS

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: 08/18/1961

POINT OF DIVERSION: T21N R21E S02 LOT 1 (NENE) (Injection) Within Lemhi County
LOT 1 (NENE)
LOT 1 (NENE) (Rediversion)
S10 NENE
NENE (Injection)
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) is into Jesse Creek. The point of Diversion and the point of rediversion in T21N, R21E, S02, Lot 1 (NENE) are from Jesse Creek.

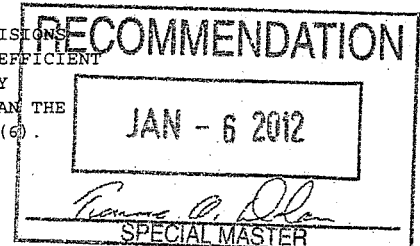
PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Municipal	11-01 TO 03-31	0.24 CFS

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:

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Eric J. Wildman
Presiding Judge of the
Snake River Basin Adjudication

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)
Case No. 39576)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

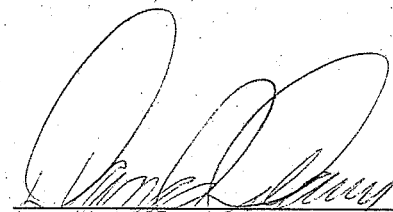
Water Right(s): 75-00017A
75-00017B 75-00017D 75-14700

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

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

CERTIFICATE OF MAILING

Case No. 39576

Water Right(s): 75-00017A
75-00017B 75-00017D 75-14700

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

ARROWHEAD WATER DISTRICT

Represented by:
JERRY R. RIGBY
25 N 2ND E
PO BOX 250
REXBURG, ID 83440-0250
Phone: 208-356-3633

CITY OF SALMON

Represented by:
JOSEPHINE P BEEMAN
409 W JEFFERSON ST
BOISE, ID 83702
Phone: 208-331-0950

CERTIFICATE OF MAILING

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01/06/12

EDGAR & MYRTLE EDWARDS

Represented by:

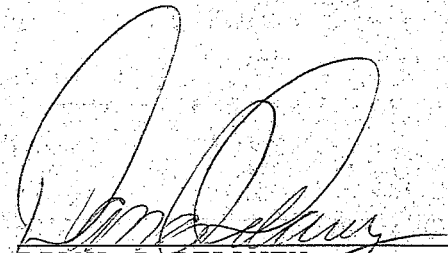
RANDALL C BUDGE

201 E CENTER, STE A2

PO BOX 1391

POCATELLO, ID 83204-1391

Phone: 208-232-6101



DIANA R DELANEY
Deputy Clerk