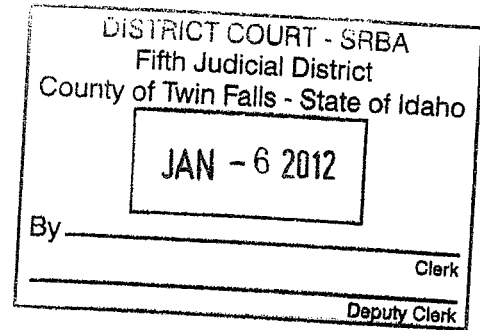


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JAN 09 2012

DEPARTMENT OF
WATER RESOURCES



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 75-2, 75-2162, 75-10046 and 75-10047
	)	(Edwards)
	)	
Case No. 39576	)	SPECIAL MASTER REPORT
	)	AND RECOMMENDATION
_____	)	

Findings of Fact

On November 17, 2008, and June 11, 2009, former SRBA Presiding Judge John M. Melanson entered ***Partial Decrees*** for water rights 75-2, 75-2034, 75-2035, 75-2162, 75-10046, 75-10047 and 75-14254. The owners of all seven water rights are Edgar and Myrtle Edwards, P.O. Box 299, Salmon, Idaho, 83467.

On September 30, 2010, the City of Salmon filed its *Motion to Set Aside Partial Decrees for Edwards Water Rights* 75-2, 75-2034, 75-2035, 75-2162, 75-10046, 75-10047 and 75-14254 "to ensure that the Edwards, City of Salmon, and Arrowhead interrelated water rights on the Jesse Creek drainage are presented consistently and uniformly for partial decree."

On December 27, 2011, the Edwards, the United States (BLM) and the City of Salmon, with IDWR's concurrence, filed Standard Forms 5 in four subcases 75-2, 75-2162, 75-10046 and 75-10047 requesting "that the court set aside and amend the partial decrees for these water rights to make them consistent with the enclosed SF5s." Counsel for IDWR wrote that as part of their settlement discussions, the City of Salmon would soon be filing a motion to withdraw its *Motion to Set Aside Partial Decrees* in subcases 75-2034, 75-2035 and 75-14254.

Conclusions of Law

The parties and IDWR have shown good cause to have the *Partial Decrees* in subcases 75-2, 75-2162, 75-10046 and 75-10047 set aside and modified in accordance with the *SF-5s*.

Recommendation

THEREFORE, IT IS RECOMMENDED that the *Partial Decrees* in subcases 75-2, 75-2162, 75-10046 and 75-10047 set aside and amended as described in the *SF-5s* and the attached proposed amended partial decrees.

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 75-00002

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

DALE EDWARDS
LAURA EDWARDS
PO BOX 846
SALMON, ID 83467

SOURCE: CHIPPS CREEK TRIBUTARY: POLLARD CANYON CREEK

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.

QUANTITY: 1.70 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.

PRIORITY DATE: 04/01/1894

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 TO 10-31	1.70 CFS

PLACE OF USE:	Irrigation	Within Lemhi County
T21N R21E S12	SWNW 4.4 NESW 40.0 SWSW 7.8 SESW 6.0 NESE 0.2 NENE 18.0 NESE 38.0 NWNE 39.0 NENW 14.0 SWNW 40.0 NESW 40.0 SWSW 35.0 NWSE 27.0 NWNE 30.0 NENW 40.0 SWNW 21.0 NESW 36.0 SESW 40.0 SWSE 32.0 NWNE 12.0	SENE 5.6 NWSW 36.0 SESW 32.0 SWSE 10.0 SESE 28.0 SENE 22.0 SESE 5.2 SWNE 26.0 NWNW 0.1 SENW 40.0 NWSW 40.0 SESW 40.0 SWSE 28.0 SWNE 33.0 NWNW 24.0 SENW 40.0 NWSW 1.5 NWSE 31.0
S13		
S14		
S23		
S24		
S25		
S36		
962.8 Acres Total		

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.

PLACE OF USE (continued)

This right is limited to the irrigation of 160 acres within the place of use described above in a single irrigation season.

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

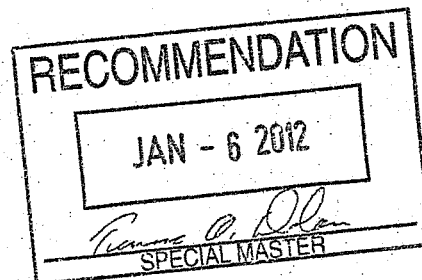
This water right is subject to a private agreement among the City of Salmon, Myrtle, Dale and Laura Edwards and Arrowhead Water District, and recorded in the Lemhi County Recorder's office on December 1, 2011 as instrument no. 288296. The right holder shall maintain a measuring device and lockable controlling 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

AMENDED

In Re SRBA)
)
Case No. 39576)
)
Water Right 75-02162

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

DALE EDWARDS
LAURA EDWARDS
PO BOX 846
SALMON, ID 83467

SOURCE: CHIPPS CREEK TRIBUTARY: POLLARD CANYON CREEK

QUANTITY: 3.20 CFS
480.00 AFY

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: 08/31/1960

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 TO 10-31	3.20 CFS 480.00 AFY

PLACE OF USE:	Irrigation	Within Lemhi County
T21N R21E S12	SWNW 4.4 NESW 40.0 SWSW 7.8	SENW 5.6 NWSW 36.0 SESW 32.0
S13	SESW 6.0	SWSE 10.0
S14	NESE 0.2	SESE 28.0
S23	NENE 18.0 NESE 38.0	SENE 22.0 SESE 5.2
S24	NWNE 39.0 NENW 14.0 SWNW 40.0 NESW 40.0 SWSW 35.0 NWSE 27.0	SWNE 26.0 NWNW 0.1 SENW 40.0 NWSW 40.0 SESW 40.0 SWSE 28.0
S25	NWNE 30.0 NENW 40.0 SWNW 21.0 NESW 36.0 SESW 40.0 SWSE 32.0	SWNE 33.0 NWNW 24.0 SENW 40.0 NWSW 1.5 NWSE 31.0
S36	NWNE 12.0	
962.8 Acres Total		

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,

PLACE OF USE (continued)

75-14254 and 75-10047.

This right is limited to the irrigation of 160 acres within the place of use described above in a single irrigation season.

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

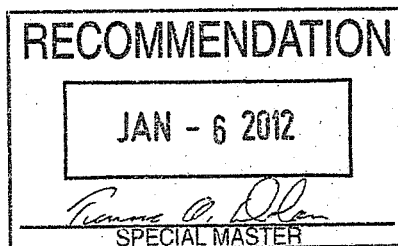
This water right is subject to a private agreement among the City of Salmon, Myrtle, Dale and Laura Edwards and Arrowhead Water District, and recorded in the Lemhi County Recorder's office on December 1, 2011 as instrument no. 288296. The right holder shall maintain a measuring device and lockable controlling 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

AMENDED

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 75-10046

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

DALE EDWARDS
LAURA EDWARDS
PO BOX 846
SALMON, ID 83467

SOURCE: CHIPPS CREEK TRIBUTARY: POLLARD CANYON CREEK

QUANTITY: 4.32 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 TO 10-31	4.32 CFS

PLACE OF USE:	Irrigation		Within Lemhi County
	T21N R21E S12	SWNW 4.4	SENW 5.6
		NESW 40.0	NWSW 36.0
		SWSW 7.8	SESW 32.0
	S13	SESW 6.0	SWSE 10.0
	S14	NESE 0.2	SESE 28.0
	S23	NENE 18.0	SENE 22.0
		NESE 38.0	SESE 5.2
	S24	NWNE 39.0	SWNE 26.0
		NENW 14.0	NWNW 0.1
		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	
	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,

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

PLACE OF USE (continued)

75-14254 and 75-10047.

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

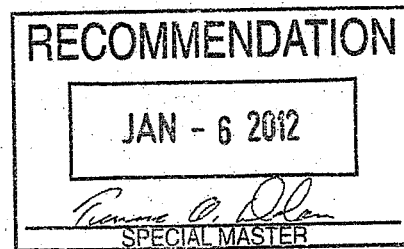
This water right is subject to a private agreement among the City of Salmon, Myrtle, Dale and Laura Edwards and Arrowhead Water District, and recorded in the Lemhi County Recorder's office on December 1, 2011 as instrument no. 288296. The right holder shall maintain a measuring device and lockable controlling 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

AMENDED

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 75-10047

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

SOURCE: BILLY CREEK TRIBUTARY: GORLEY CREEK
CHIPPS CREEK TRIBUTARY: POLLARD CANYON CREEK

QUANTITY: 10.40 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: 04/01/1916

POINT OF DIVERSION: T21N R21E S10 NWSE Within Lemhi County
S14 SENW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	10.40 CFS
	Irrigation Storage	01-01 TO 12-31	70.00 AFY
	Irrigation from Storage	04-01 TO 10-31	140.00 AFY
	Diversion to Storage	01-01 TO 12-31	10.40 CFS

PLACE OF USE:	Irrigation	Within Lemhi County
T21N R21E S12	SWNW 4.4	SENW 5.6
	NESW 40.0	NWSW 36.0
	SWSW 7.8	SESW 32.0
S13	SESW 6.0	SWSE 10.0
S14	SESE 28.0	
S23	NENE 18.0	SENE 22.0
	NESE 38.0	SESE 5.5
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	
962.8 Acres Total		
Irrigation from Storage		Within Lemhi County
Same as Irrigation		

The rights listed below are limited to the irrigation of a

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

PLACE OF USE (continued)

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:

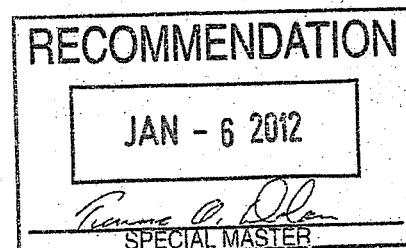
This water right is subject to a private agreement among the City of Salmon, Myrtle, Dale and Laura Edwards and Arrowhead Water District, and recorded in the Lemhi County Recorder's office on December 1, 2011 as instrument no. 288296. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.

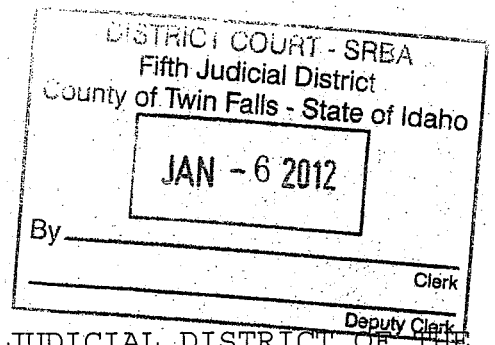
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

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)
)
Case No. 39576)
)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

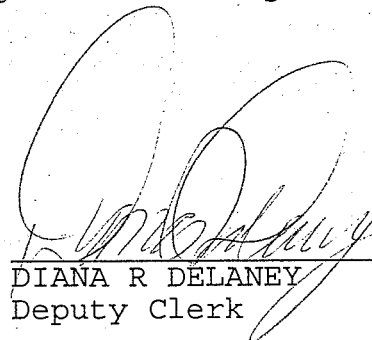
Water Right(s): 75-00002
75-02162 75-10046 75-10047

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.

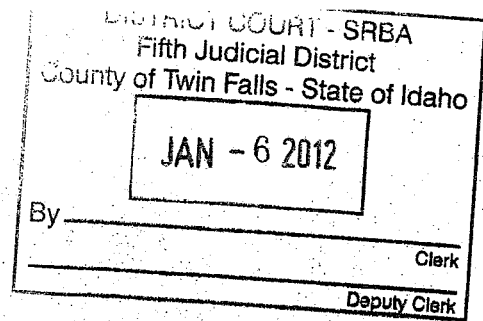
Pursuant to SRBA Administrative Order 1, Section 13a, any party to the adjudication including parties to the subcase, may file a Motion to Alter or Amend on or before the 28th day of the next month.

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) : 75-00002
75-02162 75-10046 75-10047

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

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

CERTIFICATE OF MAILING

PAGE 1
01/06/12

EDGAR S EDWARDS

MYRTLE EDWARDS

Represented by:

RANDALL C BUDGE

201 E CENTER, STE A2

PO BOX 1391

POCATELLO, ID 83204-1391

Phone: 208-232-6101

UNITED STATES OF AMERICA

Represented by:

US DEPARTMENT OF JUSTICE

ENVIRONMENT & NATL' RESOURCES

550 WEST FORT STREET, MSC 033

BOISE, ID 83724

DALE EDWARDS

LAURA EDWARDS

PO BOX 846

SALMON, ID 83467


DIANA R DELANEY
Deputy Clerk