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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 75-5, 75-19G and 75-21
	)	(Arrowhead Water District)
Case No. 39576	)	
	)	SPECIAL MASTER REPORT
_____	)	

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 the three claims to Arrowhead Water District, c/o Gary Leuzinger, 23 Oliver Drive, Salmon, Idaho, 83467, for 5 cfs, .3 cfs and .1 cfs from Chipps Creek and Pollard Creek to irrigate 328.8 acres in Lemhi County from April 1 to October 31 and year-'round domestic use with priority dates of April 1, 1894, June 1, 1868, and May 1, 1883, based on a decree.

Edgar and Myrtle Edwards filed an *Objection* in subcase 75-5 on August 7, 2007, objecting to point of diversion. On October 12, 2007, the Edwards filed an amended *Objection* in the same subcase objecting to quantity, point of diversion and place of use. The City of Salmon filed an *Objection* in subcase 75-5 on October 17, 2007, objecting to point of diversion.

On August 27, 2009, IDWR filed an *Amended Director's Report* in multiple subcases, including the above three subcases. Arrowhead filed *Objections* in all three subcases on September 24, 2009, objecting to quantity and place of use.

On June 17, 2010, IDWR filed an *Amended Director's Report, Subcase Nos. 75-5, 75-19G, 75-21, 75-22 & 75-14465*. The Edwards filed an *Objection* in 75-5 objecting to point of diversion. The City of Salmon filed *Objections* in subcases 75-5 and 75-19G on July 28, 2010, objecting to source, priority date and point of diversion. On December 27, 2011, Arrowhead, the

Edwards and the City of Salmon, with IDWR's concurrence, filed *Standard Forms 5* in the three subcases.

Conclusions of Law

Arrowhead Water District is entitled to partial decrees adjudicating water rights for claims 75-5, 75-19G and 75-21 as described in the *SF-5s* and the attached *Special Master Recommendations for Partial Decrees for Water Rights 75-5, 75-19G and 75-21*.

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 75-00005

NAME AND ADDRESS: ARROWHEAD WATER DISTRICT
C/O GARY LEUZINGER
23 OLIVER DR
SALMON, ID 83467

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

Water Right No. 75-5 can be diverted from the Chipps Creek point of diversion only when the April 1, 1985, and later dates are in priority. Water Right No. 75-5 will maintain its April 1, 1984, priority at the Pollard Canyon Creek point of diversion. This condition applies to all current and future splits of 75-5 when owned, controlled and delivered by Arrowhead Water District.

QUANTITY: 4.36 CFS

Right Nos. 75-5, 75-22 and 75-14465 are limited to a total combined diversion rate of 6.11 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: 04/01/1894

POINT OF DIVERSION: T21N R21E S02 SESW Within Lemhi County
S11 SWNW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	4.36 CFS

PLACE OF USE:	Irrigation	Within Lemhi County	
	T21N R21E S01	NESW 20.6 SWSW 41.0 NESE 37.0 SWSE 19.7	NWSW 38.0 SESW 12.0 NWSE 40.0 SESE 18.0
	S02	NESE 11.0 SESE 40.0	SWSE 9.8
	287.1 Acres Total		

Right Nos. 75-5, 75-22 and 75-14465 are limited to the irrigation of a combined total of 287.1 acres 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. Arrowhead Reservoir, recommended as Right No. 75-14465, may only be filled as authorized by Water Right No. 75-14465.

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

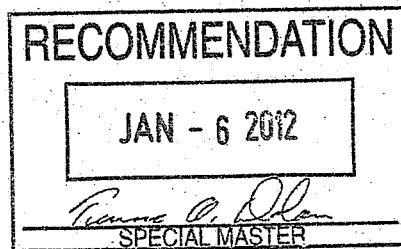
OTHER PROVISIONS (continued)

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 75-00019G

NAME AND ADDRESS: ARROWHEAD WATER DISTRICT
C/O GARY LEUZINGER
23 OLIVER DR
SALMON, ID 83467

SOURCE: CHIPPS CREEK TRIBUTARY: POLLARD CANYON CREEK

QUANTITY: 0.28 CFS
11.20 AFY

When water is not available pursuant to water right no. 75-21, the watermaster must record the total volume of water diverted under water right no. 75-19G. When a total of 11.2 acre feet has been diverted under water right 75-19G in a single year, no additional water may be diverted under water right no. 75-19G for the remainder of the year.
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: 06/01/1868

POINT OF DIVERSION: T21N R21E S11 SWNW Within Lemhi County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Domestic	01-01 TO 12-31	0.28 CFS
			11.20 AFY

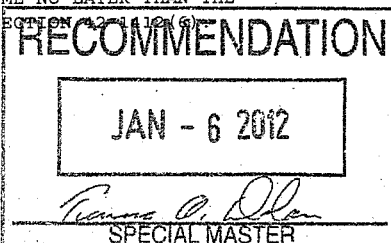
Domestic use is for 10 homes and not more than one-half acre associated with each completed home may be irrigated.

PLACE OF USE:	Domestic		Within Lemhi County
	T21N R21E S01	NWSW	
	S02	NESE	SWSE
		SESE	

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 2-2-11(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)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 75-00021

NAME AND ADDRESS: ARROWHEAD WATER DISTRICT
C/O GARY LEUZINGER
23 OLIVER DR
SALMON, ID 83467

SOURCE: CHIPPS CREEK TRIBUTARY: POLLARD CANYON CREEK

QUANTITY: 0.09 CFS
38.00 AFY

When water is not available pursuant to water right no. 75-21, the watermaster must record the total volume of water diverted under water right no. 75-19G. When a total of 11.2 acre feet has been diverted under water right 75-19G in a single year, no additional water may be diverted under water right no. 75-19G for the remainder of the year.
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: 05/01/1883

POINT OF DIVERSION: T21N R21E S11 SWNW Within Lemhi County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Domestic	01-01 TO 12-31	0.09 CFS
			38.00 AFY

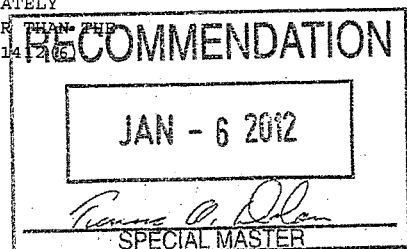
Domestic use is for 10 homes and not more than one-half acre associated with each completed home may be irrigated.

PLACE OF USE:	Domestic	NWSW	Within Lemhi County
	T21N R21E S01	NESE	
	S02	SESE	SWSE

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

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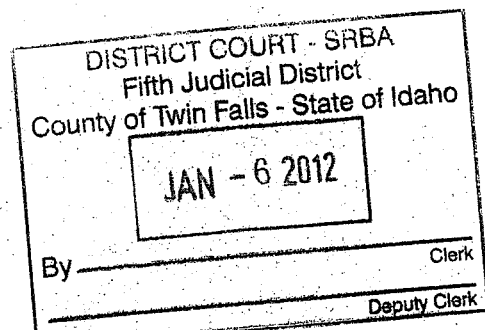
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-14-216



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

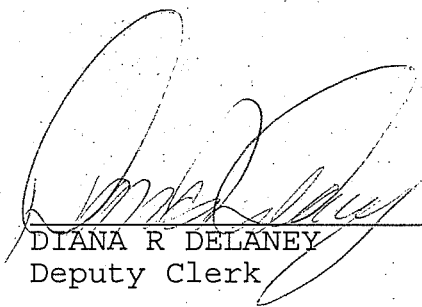
Water Right(s): 75-00005
75-00019G 75-00021

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)
)
Case No. 39576)
_____)

CERTIFICATE OF MAILING

Water Right(s): 75-00005
75-00019G 75-00021

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

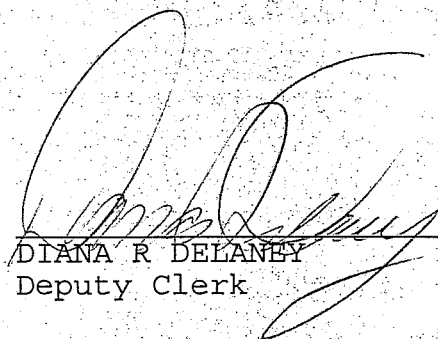
ARROWHEAD WATER DISTRICT
Represented by:
JERRY R. RIGBY
25 N 2ND E
PO BOX 250
REXBURG, ID 83440-0250
Phone: 208-356-3633

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