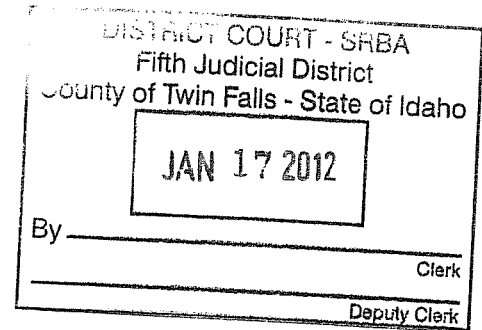


RECEIVED
JAN 18 2012
DEPARTMENT OF
WATER RESOURCES



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 and 75-10046
	)	(Edwards)
Case No. 39576	)	
	)	AMENDED 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 seven water rights, including 75-2, 75-2162 and 75-10046. 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.

On January 6, 2012, the Special Master entered a *Report and Recommendation* in the above three subcases, plus 75-10047. However, there were place of use and quantity errors in

the above three subcases. The attached proposed amended partial decrees correct the errors. The January 6, 2012 *Report and Recommendation* remains unchanged in subcase 75-10047.

Conclusions of Law

The parties and IDWR have shown good cause to have the *Partial Decrees* in subcases 75-2, 75-2162 and 75-10046 set aside and amended.

Recommendation

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

DATED January 17, 2012.



TERRENCE A. DOLAN
Special Master
Snake River Basin Adjudication

AMENDED

PAGE 1
Jan-13-2012

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

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.

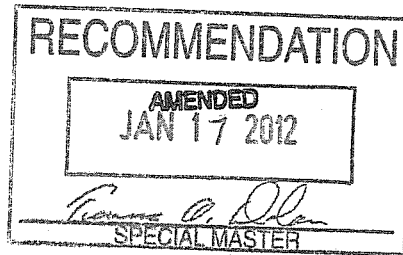
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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 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 75-02162

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	SENE 5.6 NWSW 36.0 SESW 32.0
S13	SESE 6.0	SWSE 10.0
S14	SESE 28.0	
S23	NENE 18.0 NESE 38.0	SENE 22.0 SESE 5.5
S24	NWNE 39.0 NENW 14.0 SENE 40.0 NWSW 40.0 SESE 40.0 SWSE 28.0	SWNE 26.0 SNNW 40.0 NESW 40.0 SWSW 35.0 NWSE 27.0
S25	NWNE 30.0 NENW 40.0 SNNW 21.0 NESW 36.0 SESE 40.0 SWSE 32.0	SWNE 33.0 NWNW 24.0 SENE 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.

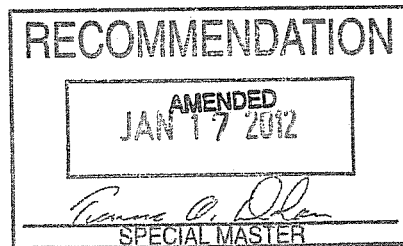
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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: 4.23 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	4.23 CFS

PLACE OF USE:	Irrigation	Within Lemhi County
T21N R21E S12	SWNW 4.4	SENE 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
	SENE 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	SENE 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.

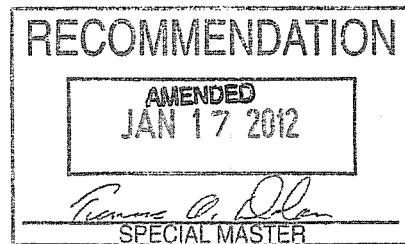
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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

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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 17 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

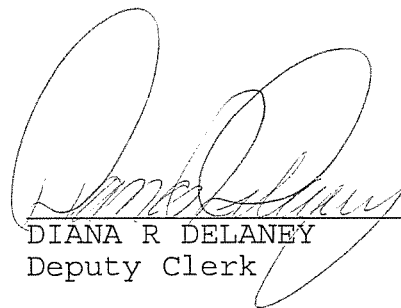
Water Right(s): 75-00002
75-02162 75-10046

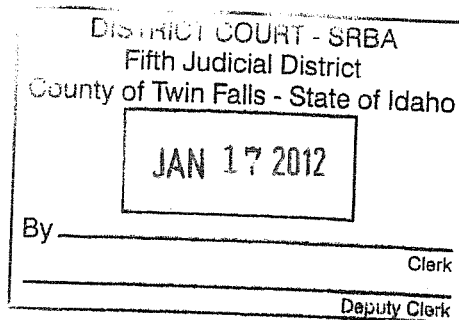
On January 17, 2012, Special Master ERIC J WILDMAN issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s) pursuant to SRBA Administrative Order 1 (AO1), Section 13a.

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 17, 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

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 17, 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

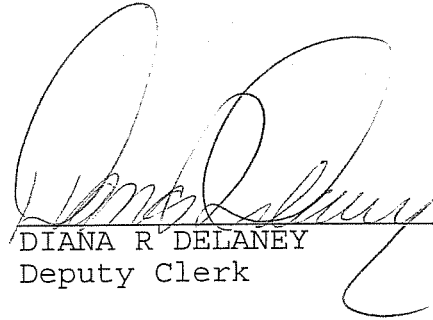
MYRTLE EDWARDS
Represented by:
RANDALL C BUDGE
201 E CENTER, STE A2
PO BOX 1391
POCATELLO, ID 83204-1391
Phone: 208-232-6101

CERTIFICATE OF MAILING

PAGE 1
01/17/12

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