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DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho
FEB - 2 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	)	Subcase 75-22
	)	(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 claim to the Arrowhead Water District, c/o Gary Leuzinger, 23 Oliver Drive, Salmon, Idaho, 83467, for 2 cfs from Chipps Creek to irrigate 328.8 acres in Lemhi County with a priority date of May 1, 1889, based on a decree.

Edgar and Myrtle Edwards filed an *Objection* on August 7, 2007, objecting to point of diversion. IDWR filed an *Amended Director's Report* on August 27, 2009, and on September 24, 2009, Arrowhead filed an *Objection* objecting to quantity and place of use. On June 17, 2010, IDWR filed another *Amended Director's Report*.

On July 26, 2010, the Edwardses filed their second *Objection* again objecting to point of diversion. The City of Salmon filed its *Objection* on July 28, 2010, objecting to quantity.

Arrowhead was granted leave to amend its claim on November 4, 2011, and on December 12, 2011, IDWR filed its third *Amended Director's Report*. No one objected to the recommendation.

Conclusions of Law

The Arrowhead Water District is entitled to a partial decree as recommended by IDWR in the December 12, 2011 *Amended Director's Report* and as described in the attached *Special Master Recommendation for Partial Decree for Water Right 75-22*.

DATED February 2, 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 75-00022

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 shall only be diverted from Pollard Canyon Creek at the point of diversion within T21N, R21E, S02, SESW when water is available for diversion under this right in Chipps Creek at the point of diversion within T21N, R21E, S11, SWNW. This condition applies to all current and future splits of 75-22 when owned, controlled and delivered by Arrowhead Water District.

QUANTITY: 1.75 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, S01, SWNW. Once the reservoir under Right No. 75-14465 is filled each year, no more than 0.75 cfs will be diverted from Chipps Creek under Right No. 75-22 whenever there is sufficient flow available to satisfy any part of Right No. 75-2, and the rightholder of 75-22 can satisfy its irrigation requirements with diversions from Pollard Canyon Creek under Right No. 75-5. Once the reservoir under Right No. 75-14465 is filled and Right No. 75-2 is no longer in priority, Right No. 75-22 may be exercised to the extent it is in priority.

PRIORITY DATE: 05/01/1889

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	1.75 CFS

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

The right holder shall maintain a measuring device and lockable

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

OTHER PROVISIONS (continued)

controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.

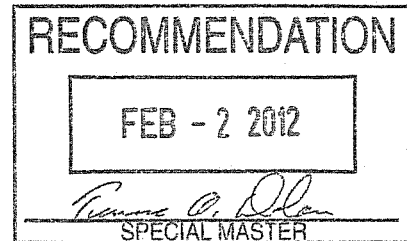
This water right is subject to a private agreement among the City of Salmon, Myrtle, Dale and Laura Edwards and Arrowhead Water District, and recorded in the Lemhi County Recorder's office on December 1, 2011 as instrument no. 288296. Arrowhead Reservoir, recommended as Right No. 75-14465, may only be filled as authorized by Water Right No. 75-14465.

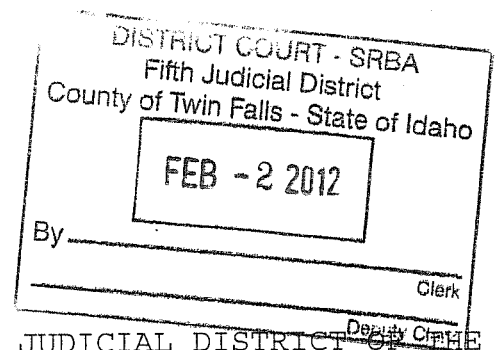
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

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

In Re SRBA)
)
Case No. 39576)
)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

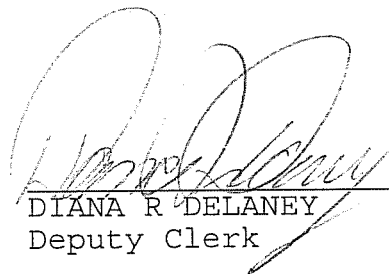
Water Right(s): 75-00022

On February 02, 2012, Special Master ERIC J WILDMAN issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s) pursuant to SRBA Administrative Order 1 (A01), Section 13a.

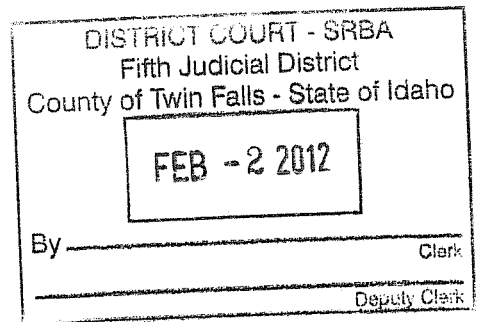
Pursuant to SRBA Administrative Order 1, Section 13a, any party to the adjudication including parties to the subcase, may file a Motion to Alter or Amend on or before the 28th day of the next month.

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 February 02, 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): 75-00022

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 February 02, 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

PAGE 1
02/02/12

EDGAR & MYRTLE EDWARDS

Represented by:

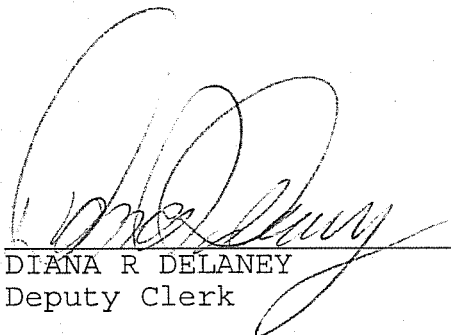
RANDALL C BUDGE

201 E CENTER, STE A2

PO BOX 1391

POCATELLO, ID 83204-1391

Phone: 208-232-6101



DIANA R DELANEY

Deputy Clerk