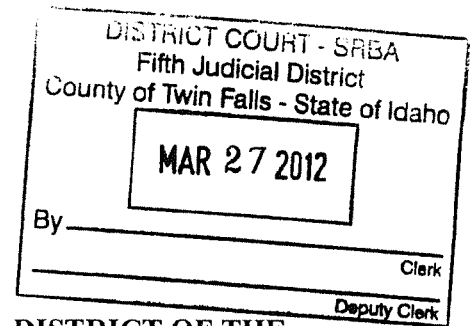


RECEIVED
MAR 28 2012
DEPARTMENT OF
WATER RESOURCES



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 75-7032, 75-7177 (Sunset Heights)
	)	and 75-14179 (Jackson)
	)	
Case No. 39576	)	SPECIAL MASTER REPORT
	)	AND RECOMMENDATION
_____	)	

Findings of Fact

On November 17, 2008, former SRBA Presiding Judge John M. Melanson entered ***Partial Decrees*** for the above three Lemhi County water rights. Water Rights 75-7032 and 75-7177 were partially decreed to the Sunset Heights Water District and the Sunset Heights Recreation Association, P.O. 4, Salmon, Idaho, 83467, for .4 cfs from springs for year-'round municipal use with a priority date of August 29, 1972, and .2 cfs from Hyde Creek for year-'round recreation storage and diversion to storage from November 15 to March 15 with a priority date of July 8, 1980.

Water right 75-14179 was partially decreed the same date to Cecil and Judith Jackson, 42 Wild Rose Road, Salmon, Idaho, 83467, for 1.19 cfs from South Fork Sevenmile Creek for year-'round stockwater use and for irrigation of 42 acres from April 1 to October 31 with a priority date of June 6, 1895.

On March 26, 2012, Sunset Heights and the Jacksons filed a *Motion to Set Aside Partial Decrees* in the three subcases because of a Water Rights Settlement Agreement they and others signed resolving these claims as well as other claims. The movants wrote that as part of the Agreement, they would ask the Court to set aside the ***Partial Decrees*** for the sole purpose of adding the following paragraph to each right:

The operation, use and administration of this water right is subject to a private water right agreement effective August 24, 2011, between Sunset Heights Water District, Cecil and Judith Bailey Jackson, Michael Tyacke, and the State of Idaho, and recorded in the Lemhi County Recorder's Office as Instrument No. 287204.

The movants said the language recognizes their obligation to use the water rights owned by them and third parties in a manner consistent with the Agreement and none of the other elements will be affected: "The Agreement was executed in order to craft a settlement of numerous claims and rights in order [to] ensure that a complicated system of water use can fully utilize a common and related source for the full economic benefit of all impacted parties."

They added that vacating and amending the *Partial Decrees* "will do no harm or impact in a negative way any other water rights and will only result in a more accurate description of these water rights for a more efficient management of water diversions by the water master and subsequent owners of related rights."

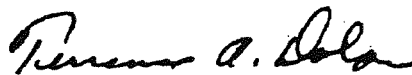
Conclusions of Law

Sunset Heights and the Jacksons have shown good cause to have the three *Partial Decrees* set aside and amended by adding the requested paragraph from their Water Rights Settlement Agreement.

Recommendation

THEREFORE, IT IS RECOMMENDED that the *Partial Decrees* for water rights 75-7032, 75-7177 and 75-14179 be **set aside and amended** as requested by Sunset Heights and the Jacksons.

DATED March 27, 2012.



TERRENCE A. DOLAN
Special Master
Snake River Basin Adjudication

AMENDED

PAGE 1
Mar-27-2012

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 75-07177

NAME AND ADDRESS: SUNSET HEIGHTS RECREATION ASSN
PO BOX 4
SALMON, ID 83467

SOURCE: HYDE CREEK TRIBUTARY: SALMON RIVER

QUANTITY: 0.20 CFS
12.40 AFY

PRIORITY DATE: 07/08/1980

POINT OF DIVERSION: T20N R22E S08 NESE Within Lemhi County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Recreation Storage	01-01 TO 12-31	12.40 AFY
	Diversion to Storage	11-15 TO 03-15	0.20 CFS

PLACE OF USE: Recreation Storage Within Lemhi County
T20N R22E S08 NESE

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

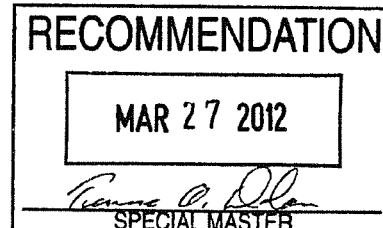
The operation, use and administration of this water right is subject to a private water right agreement effective August 24, 2011, between Sunset Heights Water District, Cecil and Judith Bailey Jackson, Michael Tyacke, and the State of Idaho and recorded in the Lemhi County Recorder's Office as Instrument No. 287204.

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 75-14179

NAME AND ADDRESS: CECIL T JACKSON
JUDITH BAILEY JACKSON
42 WILD ROSE RD
SALMON, ID 83467

SOURCE: SOUTH FORK SEVENMILE CREEK TRIBUTARY: SALMON RIVER

QUANTITY: 1.19 CFS

The quantity of water under this right for stockwater use shall
not exceed 13,000 gallons per day.

PRIORITY DATE: 06/06/1895

POINT OF DIVERSION: T20N R22E S20 NENW Within Lemhi County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	1.17 CFS
	Stockwater	01-01 TO 12-31	0.02 CFS

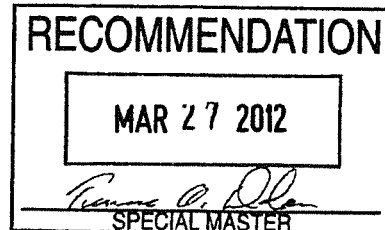
PLACE OF USE: Irrigation Within Lemhi County
T20N R22E S08 NESE 3.0 NWSE 10.0
SWSE 29.0
42.0 Acres Total

Stockwater Within Lemhi County
Same as Irrigation

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

The quantity of water decreed for this water right for
stockwater use is not a determination of historical beneficial
use.
The operation, use and administration of this water right is
subject to a private water right agreement effective August 24,
2011, between Sunset Heights Water District, Cecil and Judith
Bailey Jackson, Michael Tyacke, and the State of Idaho and
recorded in the Lemhi County Recorder's Office as
Instrument No. 287204.

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).



DISTRICT COURT - SRBA	
Fifth Judicial District	
County of Twin Falls - State of Idaho	
MAR 27 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

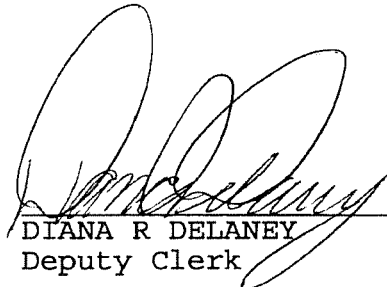
Water Right(s): 75-07032
75-07177 75-14179

On March 27, 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 March 27, 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): 75-07032
75-07177 75-14179

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 March 27, 2012, with sufficient first-class postage prepaid to the following:

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

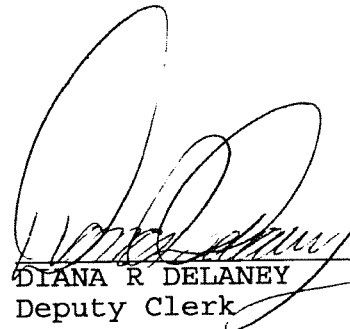
SUNSET HEIGHTS RECREATION ASSN
SUNSET HEIGHTS WATER DIST

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

CERTIFICATE OF MAILING

PAGE 1
03/27/12

CECIL T JACKSON
JUDITH BAILEY JACKSON
Represented by:
JORDAN P. SMITH
400 W 2ND AVE
SALMON, ID 83467
Phone: 208-756-2257



DIANA R DELANEY
Deputy Clerk