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DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
APR 11 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 75-14254
	) (Edwards)
Case No. 39576	)
	) SPECIAL MASTER REPORT
	) AND RECOMMENDATION
_____	)

Findings of Fact

On June 11, 2009, former SRBA Presiding Judge John M. Melanson entered an *Order of Partial Decree* in the above subcase adjudicating a water right to Edgar and Myrtle Edwards, P.O. Box 299, Salmon, Idaho, 83467, for 9.5 cfs from Gorley Creek for stockwater use (year-round), diversion to storage and irrigation storage (April 1 to July 31) and irrigation from storage and irrigation of 791.5 acres (April 1 to October 31) in Lemhi County with a priority date of June 1, 1952.

On September 30, 2010, the City of Salmon filed its *Motion to Set Aside Partial Decrees for Edwards Water Rights* "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 April 11, 2012, Myrtle, Dale and Laura Edwards and the City of Salmon, with IDWR's concurrence, filed a *Standard Form 5* agreeing how water right 75-14254 should be decreed if the Court sets aside the *Partial Decree* and enters an amended partial decree.

Conclusions of Law

1. The City of Salmon has shown good cause to have the *Partial Decree* set aside and amended as described in the *SF-5*; and

2. The Edwards are entitled to a partial decree adjudicating a water right as described in the *SF-5* and the attached *Special Master Recommendation for Amended Partial Decree for Water Right 75-14254*.

Recommendation

THEREFORE, IT IS RECOMMENDED that:

1. The City of Salmon's *Motion* be **granted**;
2. The *Partial Decree* for water right 75-14254 be **set aside**; and
3. An amended partial decree be entered adjudicating a water right as described in the *SF-5* and the attached *Special Master Recommendation for Amended Partial Decree for Water Right 75-14254*.

DATED April 11, 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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 75-14254

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

DALE EDWARDS
LAURA EDWARDS
PO BOX 846
SALMON, ID 83467

SOURCE: GORLEY CREEK TRIBUTARY: SALMON RIVER

QUANTITY: 9.50 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 quantity of water under this right for stockwater use shall
not exceed 13,000 gallons per day.
Right Nos. 75-2034 and 75-14254 are limited to a total combined
annual diversion volume of 100 AF.

PRIORITY DATE: 06/01/1952

POINT OF DIVERSION: T21N R21E S23 NWNESW Within Lemhi County
NWSE

PURPOSE AND

PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	9.50 CFS
	Irrigation Storage	04-01 TO 07-31	50.00 APY
	Irrigation from Storage	04-01 TO 10-31	50.00 APY
	Stockwater	01-01 TO 12-31	0.09 CFS
	Diversion to Storage	04-01 TO 10-31	9.50 CFS

PLACE OF USE: Irrigation Within Lemhi County

T21N R21E S13	SESW 6.0	SWSE 10.0
S23	NENE 0.8	SENE 22.0
	NESE 38.0	SESE 5.2
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	
791.5 Acres Total		

Irrigation from Storage Within Lemhi County
Same as Irrigation

Stockwater Within Lemhi County
Same as Irrigation

PLACE OF USE (continued)

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.

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

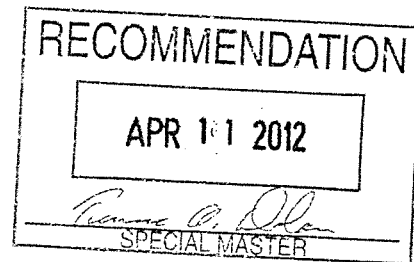
The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.

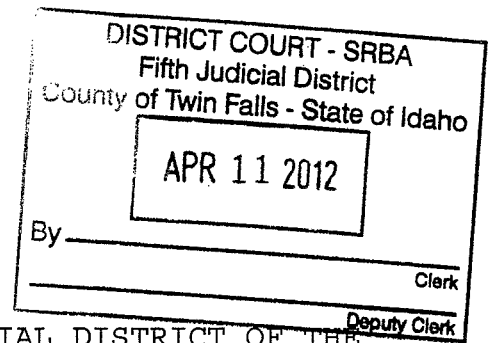
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

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

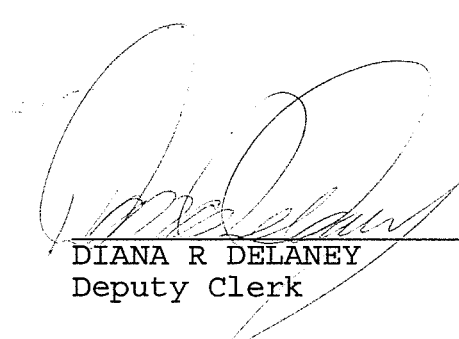
Water Right(s): 75-14254

On April 11, 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.

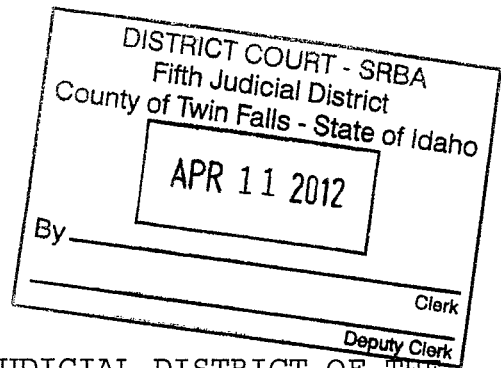
Pursuant to SRBA Administrative Order 1, Section 13a, any party to the adjudication including parties to the subcase, may file a Motion to Alter or Amend on or before the 28th day of the next month.

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 April 11, 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): 75-14254

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 April 11, 2012, with sufficient first-class postage prepaid to the following:

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

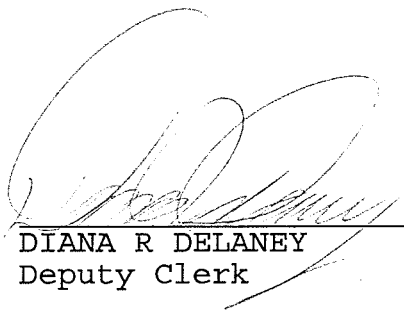
CITY OF SALMON
Represented by:
JOSEPHINE P BEEMAN
409 W JEFFERSON ST
BOISE, ID 83702
Phone: 208-331-0950

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

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04/11/12

DALE EDWARDS
LAURA EDWARDS
PO BOX 846
SALMON, ID 83467



DIANA R DELANEY
Deputy Clerk