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OCT 17 2003

Department of Water Resources

2003 OCT 16 AM 11:01

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	)	SPECIAL MASTER'S REPORT
	)	
Case No. 39576	)	FINDINGS OF FACT AND
	)	CONCLUSIONS OF LAW
	)	
	)	FOR WATER RIGHTS 65-03160
	)	and 65-03161

I. FINDINGS OF FACT

A notice of claim was filed for these water rights pursuant to I.C. § 42-1409. The Director of the State of Idaho Department of Water Resources examined the water system for this reporting area. The *Director's Report* contained a recommendation or abstract for the elements of these water rights.

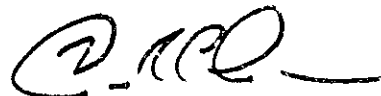
An objection was filed to the above listed water rights on October 18, 2000, by the United States of America, Bureau of Reclamation. A *Motion to File Late Objection* was filed on April 19, 2002, by Gurnsey Investments LTD. The objections to the General Provisions in these water rights were resolved with the filing of a *Standard Form 5*. At hearing on March 14, 2003, Vern Gernsey *Motioned to Withdraw the Motion to File Late Objections*.

IT IS ORDERED that the *Motion to Withdraw Motion to File Late Objections* is **granted**.

II. CONCLUSIONS OF LAW

Therefore, based on the file and record herein and pursuant to the *Standard Form's 5* and the *Motion to Withdraw Motion to File Late Objections*, IT IS RECOMMENDED that water rights 65-03160 and 65-03161 be **decreed** with the elements as set forth in the attached *Recommendations for Partial Decree pursuant to I.R.C.P. 54(b)*.

DATED: October 16, 2003.



THOMAS R CUSHMAN
Special Master
Snake River Basin Adjudication

OCT 17 2003

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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
 Case No. 39576)
)
) Water Right 65-03160

2003 OCT 16 AM 11:01

FILED
 OCT 16 2003
 TWIN FALLS, IDAHO
 CLERK OF DISTRICT COURT

NAME AND ADDRESS: HARRY L BETTIS
 STAR ROUTE
 PAYETTE, ID 83661

SOURCE: LAKE FORK CREEK TRIBUTARY: PAYETTE RIVER, NORTH FORK

QUANTITY: 1.14 CFS

PRIORITY DATE: 05/01/1909

POINT OF DIVERSION: T17N R03E S10 NWNWNE Within Valley County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
Irrigation		05-01 TO 09-15	1.14 CFS

PLACE OF USE:	Irrigation	Within Valley County
T17N R03E S27	NESE 40.0 SWSE 37.0	NWSE 30.0 SESE 40.0
147.0 Acres Total		

USE OF THIS RIGHT WITH RIGHT NO. 65-03161 IS LIMITED TO THE
 IRRIGATION OF A COMBINED TOTAL OF 147 ACRES IN A SINGLE
 IRRIGATION SEASON.

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

BASIN 65 GENERAL PROVISIONS NO. 3, THE SEPARATE STREAMS GENERAL
 PROVISION, DOES NOT APPLY TO APPROPRIATIONS OF WATER AFTER
 OCTOBER 18, 1977.

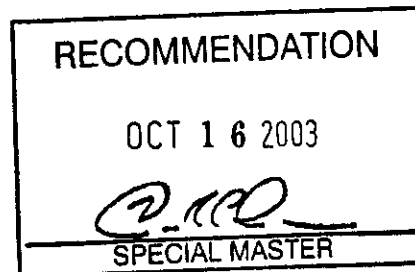
THIS WATER RIGHT SHALL BE ADMINISTERED AS BEING FROM A SEPARATE
 SOURCE PURSUANT TO BASIN 65 GENERAL PROVISION NO. 3. IF THE
 HOLDER OF THIS RIGHT SEEKS TO CHANGE THE RIGHT PURSUANT TO IDAHO
 CODE SECTION 42-222 OR SUCCESSOR STATUTE, NOTHING IN THIS GENERAL
 PROVISION SHALL PRECLUDE ANY OTHER PERSON OR ENTITY FROM
 DEMONSTRATING THAT SUCH CHANGE IN USE WOULD CAUSE INJURY TO ITS
 WATER RIGHT OR FROM RECEIVING ANY RELIEF PROVIDED BY LAW IN THE
 EVENT OF INJURY.

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.

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
Case No. 39576) I.R.C.P. 54(b) FOR
) Water Right 65-03161

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NAME AND ADDRESS: HARRY L BETTIS
STAR ROUTE
PAYETTE, ID 83661

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Department of Water Resources

SOURCE: LAKE FORK CREEK TRIBUTARY: PAYETTE RIVER, NORTH FORK

QUANTITY: 0.46 CFS

PRIORITY DATE: 05/01/1919

POINT OF DIVERSION: T17N R03E S10 NWNWNE Within Valley County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	05-01 TO 09-15	0.46 CFS

PLACE OF USE:	Irrigation	Within Valley County
	T17N R03E S27	NESE 40.0 NWSE 30.0 SWSE 37.0 SESE 40.0
	147.0 Acres Total	

USE OF THIS RIGHT WITH RIGHT NO. 65-03160 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 147 ACRES IN A SINGLE
IRRIGATION SEASON.

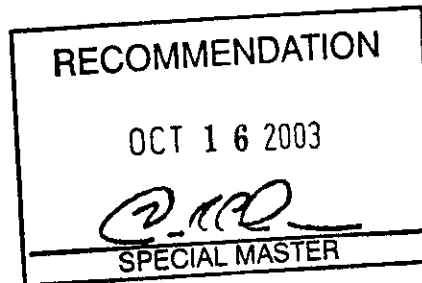
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DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

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Presiding Judge of the
Snake River Basin Adjudication



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STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
Case No. 39576)
_____)

CERTIFICATE OF MAILING

Water Right(s): 65-03160
65-03161

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 October 16, 2003, with sufficient first-class postage prepaid to the following:

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

HARRY L BETTIS
Represented by:
JOSEPHINE P. BEEMAN
409 WEST JEFFERSON STREET
BOISE, ID 83702
Phone: 208-331-0950

STATE OF IDAHO
Represented by:
NATURAL RESOURCES DIV CHIEF
STATE OF IDAHO
ATTORNEY GENERAL'S OFFICE
PO BOX 44449
BOISE, ID 83711-4449

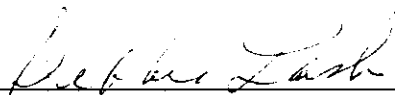
CERTIFICATE OF MAILING

PAGE 1
10/16/03

USDI BUREAU OF RECLAMATION
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

HARRY L BETTIS
STAR ROUTE
PAYETTE, ID 83661
Phone: 208-365-2512

GURNSEY INVESTMENTS LTD
GURNSEY INVESTMENTS, LTD
VERN L GURNSEY
1111 W HIGHLAND VIEW DR
BOISE, ID 83702
Phone: 208-343-1780



DEBBIE LASH
Deputy Clerk

OCT 17 2003

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U.S. DISTRICT COURT
DISTRICT OF THE

Water Right(s): 65-03160
65-03161

DEBBIE LASH
Deputy Clerk