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Department of Water Resources

DISTRICT COURT
Fifth Judicial District
County of Twin Falls, State of Idaho

APR - 8 2004

E. _____ 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	)	SPECIAL MASTER'S REPORT
	)	
Case No. 39576	)	FINDINGS OF FACT AND
	)	CONCLUSIONS OF LAW
	)	
	)	FOR WATER RIGHT 65-02519A
	)	

I. FINDINGS OF FACT

A notice of claim was filed for the above water right 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 for the elements of this water right.

No *Objections* were filed to this water right, but this right did overlap with another water right, 65-02415. Subsequently, 65-02415 was *Partially Decreed*. The time for *objections* to the above water right has passed.

II. CONCLUSIONS OF LAW

Therefore, based on the file and record herein, IT IS RECOMMENDED that the above water right be decreed with the elements as set forth in the attached *Recommendation for Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED: April 8, 2004.



THOMAS R CUSHMAN
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 65-02519A

NAME AND ADDRESS: BETTE NORTUNE
HENRY NORTUNE
PO BOX 130
DONNELLY, ID 83615

SOURCE: SPRINGS TRIBUTARY: LAKE FORK CREEK

QUANTITY: 1.00 CFS

USE OF THIS RIGHT WITH RIGHT NO. 65-02340A IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 1.0 CFS.

PRIORITY DATE: 09/14/1949

POINT OF DIVERSION: T17N R03E S22 SWSWE Within Valley County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-15 TO 10-15	1.00 CFS

PLACE OF USE: Irrigation Within Valley County
T17N R03E S34 NENW 16.0 SENW 34.0
50.0 Acres Total

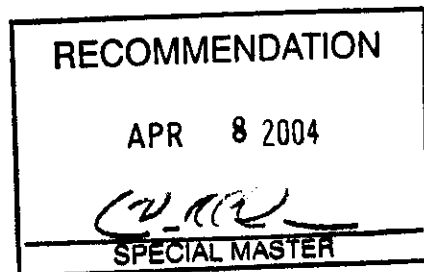
USE OF THIS RIGHT WITH RIGHT NO. 65-02340A IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 50 ACRES IN A SINGLE
IRRIGATION SEASON.

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

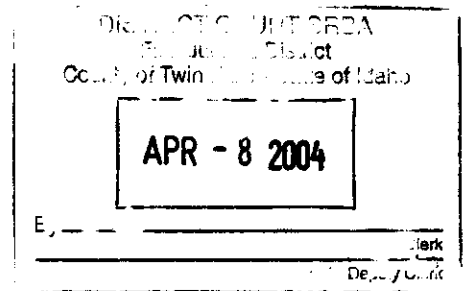
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

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.



John M. Melanson
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)
 _____)

CERTIFICATE OF MAILING

Water Right(s): 65-02519A

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 09, 2004, with sufficient first-class postage prepaid to the following:

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

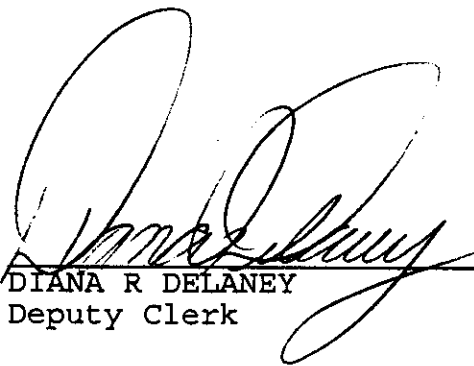
STATE OF IDAHO
 Represented by:
 NATURAL RESOURCES DIV CHIEF
 STATE OF IDAHO
 ATTORNEY GENERAL'S OFFICE
 PO BOX 44449
 BOISE, ID 83711-4449

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

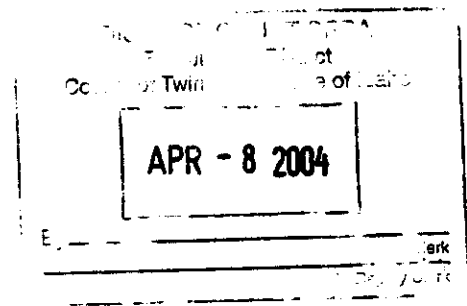
CERTIFICATE OF MAILING

PAGE 1
 04/08/04

BETTE NORTUNE
HENRY NORTUNE
PO BOX 130
DONNELLY, ID 83615
Phone: 208-325-8720



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)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

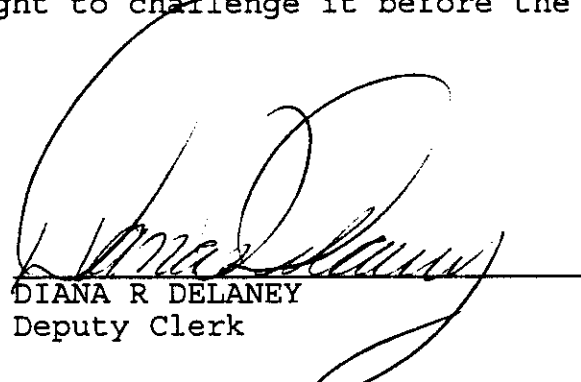
Water Right(s): 65-02519A

On April 09, 2004, Special Master THOMAS R CUSHMAN 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 09, 2004.


DIANA R DELANEY
Deputy Clerk