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Department of Water Resources

DISTRICT COURT - SRBA
TWIN FALLS CO. IDAHO
FILED

2004 MAY 5 PM 2 39

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: 65-11321, 65-3334
	)	and 65-2602

I. FINDINGS OF FACT

A notice of claim was filed for the above listed 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.

On June 9, 2000, the United States of America, Bureau of Reclamation filed a *Motion to File Late Objections* in multiple subcases. The Motion was granted on July 28, 2000. The objections were filed to "General Provisions Basin 65 Irrigation & Other Part II (3) Separate Streams Administration." Subsequently, a *Standard Form 5* was filed in each of the above listed subcases on January 4, 2004.

II. CONCLUSIONS OF LAW

Therefore based on the file and record herein, and pursuant to the *Standard Form's 5*, IT IS RECOMMENDED that the above listed water rights be decreed with the elements as set forth in the attached *Recommendations for Partial Decrees Pursuant to I.R.C.P. 54(b)*.

DATED May 5, 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

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED *[Signature]*

2004 MAY 5 PM 2 39

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
_____) Water Right 65-11321

NAME AND ADDRESS: HAZEL V SCHELINE
 LESTER D SCHELINE
 PO BOX 416
 GARDEN VALLEY, ID 83622

SOURCE: SPRING TRIBUTARY: LAKE FORK CREEK

QUANTITY: 0.04 CFS

 THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
 GALLONS PER DAY.

PRIORITY DATE: 07/01/1906

POINT OF DIVERSION: T17N R03E S28 SWSE Within Valley County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Domestic 1 HOME	01-01 TO 12-31	0.04 CFS

PLACE OF USE: Domestic Within Valley County
 T17N R03E S28 SWSE

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

 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
 DETERMINATION OF HISTORICAL BENEFICIAL USE.

 Basin 65 General Provisions No. 3, the Separate Streams
 General Provision, does not apply to appropriations of water
 after October 18, 1977.

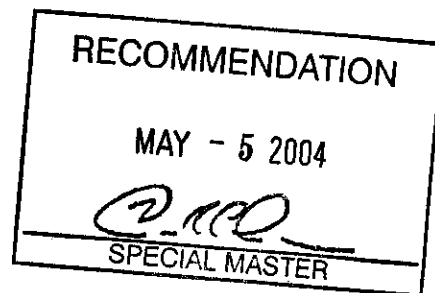
 This water right shall be administered as being from a
 separate source pursuant to Basin 65 General Provision No. 3.
 If the holder of this right seeks to change the right pursuant
 to Idaho Code Section 42-222 or successor statute, nothing in
 this general provision shall preclude any other person 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.

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

DISTRICT COURT-SRBA
TWIN FALLS CO, IDAHO
FILED *AK*

2004 MAY 5 PM 2 39

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 65-03334

NAME AND ADDRESS: LESTER SCHELINE
PO BOX 416
GARDEN VALLEY, ID 83622

SOURCE: UNNAMED STREAM TRIBUTARY: LAKE FORK CREEK

QUANTITY: 0.20 CFS

THIS RIGHT WHEN COMBINED WITH RIGHT NOS. 65-02602 & 65-12811
SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE NOR MORE THAN 3.0 AFA
PER FOR THE LANDS ABOVE.

PRIORITY DATE: 09/04/1955

POINT OF DIVERSION: T17N R03E S28 NESE Within Valley County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-15 TO 10-15	0.20 CFS

PLACE OF USE:	Irrigation	Within Valley County
	T17N R03E S28	NESE 9.0 NWSE 10.0 SWSE 24.0 SESE 10.0
	53.0 Acres Total	

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO
THE IRRIGATION OF A COMBINED TOTAL OF 59 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: 65-02602 & 65-12811.

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.

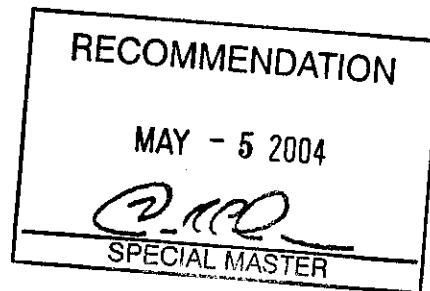
This water right shall be administered as being from a
separate source pursuant to Basin 65 General Provision No. 3.
If the holder of this right seeks to change the right pursuant
to Idaho Code Section 42-222 or successor statute, nothing in
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from demonstrating that such change in use would cause injury to
its water right or from receiving any relief provided by law in
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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

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED *[Signature]*

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In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
) Water Right 65-02602

NAME AND ADDRESS: LESTER SCHELINE
PO BOX 416
GARDEN VALLEY, ID 83622

SOURCE: UNNAMED STREAM TRIBUTARY: LAKE FORK CREEK

QUANTITY: 1.00 CFS

THIS RIGHT WHEN COMBINED WITH RIGHT NOS. 65-03334 & 65-12811
SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE NOR MORE THAN 3.0 AFA
PER FOR THE LANDS ABOVE.

PRIORITY DATE: 03/04/1955

POINT OF DIVERSION: T17N R03E S28 NESE 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 S28	NESE 9.0 NWSE 10.0 SWSE 24.0 SESE 10.0
	53.0 Acres Total	

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO
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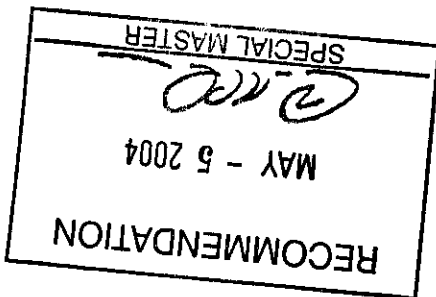
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John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication



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IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
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In Re SRBA)
)
Case No. 39576)

)

CERTIFICATE OF MAILING

Water Right(s): 65-02602
65-03334 65-11321

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 May 05, 2004, with sufficient first-class postage prepaid to
the following:

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

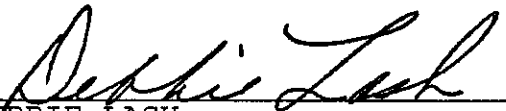
STATE OF IDAHO
Represented by:
NATURAL RESOURCES DIV CHIEF
STATE OF IDAHO
ATTORNEY GENERAL'S OFFICE
PO BOX 44449
BOISE, ID 83711-4449

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
05/05/04

HAZEL V SCHELINE
LESTER D SCHELINE
LESTER SCHELINE
PO BOX 416
GARDEN VALLEY, ID 83622
Phone: 208-462-3856



DEBBIE LASH
Deputy Clerk

DISTRICT COURT-SRBA
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2004 MAY 5 PM 2 39

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

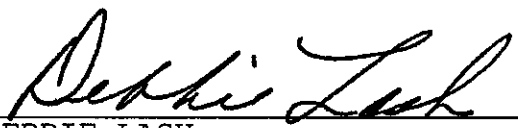
Water Right(s): 65-02602
65-03334 65-11321

On May 05, 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 May 05, 2004.


DEBBIE LASH
Deputy Clerk