

DISTRICT COURT-SRBA
TWIN FALLS CO. IDAHO
FILED
2004 MAY 4 AM 9 02

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

AMENDED SPECIAL
MASTER'S REPORT

FINDINGS OF FACT AND
CONCLUSIONS OF LAW

FOR WATER RIGHT 65-2519A

I. FINDINGS OF FACT

A *Special Master's Report and Recommendation* was issued on April 8, 2004, for water right 65-2519A.

No objections were filed to this water right, but this water right overlapped with a water right that was objected to. Water right 65-2519A did not include General Provisions language regarding the Separate Streams issue. On May 3, 2004, the SRBA District Court received an e-mail from the objector requesting the language be added.

II. CONCLUSIONS OF LAW

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

Dated May 4, 2004.


THOMAS R CUSHMAN
Special Master
Snake River Basin Adjudication

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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 SWSWSE 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:

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

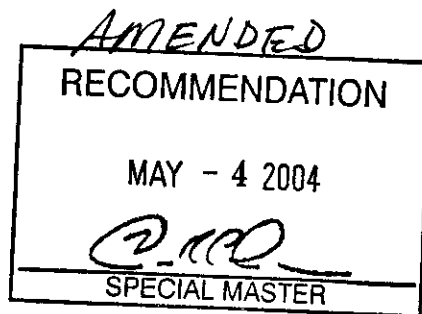
THIS WATER RIGHT SHALL BE ADMINISTERED AS BEING FROM A SEPARATE
SOURCE PURSUANT TO BASIN 65 GENERAL PROVISION NO. 3. IF THE
HOLDER OF THIS RIGHT SEEKS THE CHANGE THE RIGHT PURSUANT TO IDAHO
CODE 42-222 OR SUCCESSOR STATUTE, NOTHING IN THIS GENERAL
PROVISION SHALL PRECLUDE ANY OTHER PERSON OR ENTITY FROM
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



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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 May 04, 2004, with sufficient first-class postage prepaid to
the following:

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

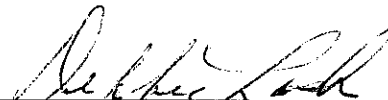
STATE OF IDAHO
Represented by:
NATURAL RESOURCES DIV CHIEF
STATE OF IDAHO
ATTORNEY GENERAL'S OFFICE
PO BOX 44449
BOISE, ID 83711-4449

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
05/04/04

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



DEBBIE LASH
Deputy Clerk

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NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

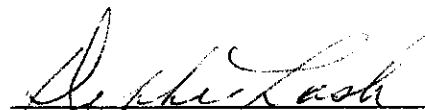
Water Right(s): 65-02519A

On May 04, 2004, Special Master JOHN M MELANSON
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 04, 2004.



DEBBIE LASH
Deputy Clerk