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Department of Water Resources

DISTRICT COURT - SRBA  
TWIN FALLS CO., IDAHO  
FILED                       
2004 MAY 5 PM 2 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: 65-3214,     |
|                | ) | 65-2700, 65-22509 and 65-22511 |

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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." A Show Cause Hearing was set for May 26, 2004. Subsequently, a *Standard Form 5* was filed in each of the above listed subcases on May 5, 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       

2004 MAY 5 PM 2 01

In Re SRBA                     )  
                                  )  
Case No. 39576                )  
\_\_\_\_\_  
PARTIAL DECREE PURSUANT TO  
I.R.C.P. 54(b) FOR  
  
Water Right 65-03214

NAME AND ADDRESS:       ANA O PURDOM  
                          JAMES T PURDOM  
                          KENNETH R PURDOM II  
                          6354 PAINTER AVE  
                          WHITTIER, CA 90601

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

QUANTITY:                0.80 CFS

THIS RIGHT WHEN COMBINED WITH RIGHT NOS. 65-02573, 65-02319 &  
65-02700 SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE DELIVERED TO  
THE FIELD HEADGATE.

PRIORITY DATE:           09/30/1918

POINT OF DIVERSION:      T17N R03E S03               SENE           Within Valley County

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY |
|-------------------------------|----------------|----------------|----------|
|                               | Irrigation     | 05-01 TO 09-15 | 0.80 CFS |

|               |                                       |                      |
|---------------|---------------------------------------|----------------------|
| PLACE OF USE: | Irrigation                            | Within Valley County |
|               | T17N R03E S32               NENE 19.0 | SENE 18.0            |
|               | 37.0 Acres Total                      |                      |

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.

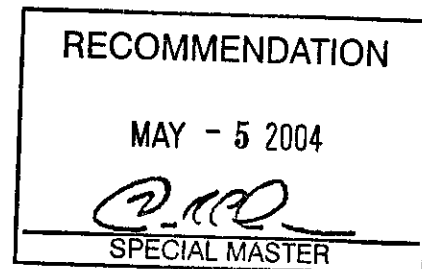
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS  
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT  
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY  
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE  
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

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



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       

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In Re SRBA                               )  
                                              )  
Case No. 39576                           )  
\_\_\_\_\_)                               PARTIAL DECREE PURSUANT TO  
                                              I.R.C.P. 54(b) FOR  
                                              Water Right 65-02700

NAME AND ADDRESS:       ANA O PURDOM  
                              JAMES T PURDOM  
                              KENNETH R PURDOM II  
                              6354 PAINTER AVE  
                              WHITTIER, CA 90601

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

QUANTITY:                   1.35 CFS

THIS RIGHT WHEN COMBINED WITH RIGHT NOS. 65-02573, 65-03214 &  
65-02319 SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE DELIVERED TO  
THE FIELD HEADGATE.

PRIORITY DATE:           08/18/1961

POINT OF DIVERSION:       T17N R03E S03                       SENE           Within Valley County

| PURPOSE AND    | PURPOSE OF USE | PERIOD OF USE  | QUANTITY |
|----------------|----------------|----------------|----------|
| PERIOD OF USE: | Irrigation     | 04-15 TO 10-15 | 1.35 CFS |

| PLACE OF USE: | Irrigation       |           | Within Valley County |
|---------------|------------------|-----------|----------------------|
|               | T17N R03E S32    | NENE 14.0 | NWNE 2.0             |
|               |                  | SWNE 5.0  | SENE 21.0            |
|               |                  | NESE 19.0 | NWSE 3.0             |
|               |                  | SWSE 12.0 | SESE 14.0            |
|               | 90.0 Acres Total |           |                      |

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

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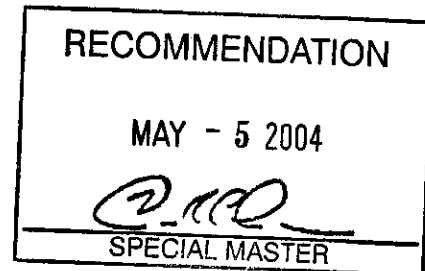
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STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

DISTRICT COURT - SRBA  
TWIN FALLS CO., IDAHO  
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2004 MAY 5 PM 2 01

In Re SRBA )  
                  ) PARTIAL DECREE PURSUANT TO  
                  ) I.R.C.P. 54(b) FOR  
Case No. 39576 )  
                  ) Water Right 65-22511

NAME AND ADDRESS: ANA O PURDOM  
JAMES T PURDOM  
KENNETH R PURDOM  
6354 PAINTER AVE  
WHITTIER, CA 90601

SOURCE: LAKE FORK CREEK TRIBUTARY: NORTH FORK PAYETTE RIVER

QUANTITY: 0.02 CFS

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

THE APPROPRIATOR IS ENTITLED TO THE QUANTITY OF WATER  
DESCRIBED FOR STOCK WATER PURPOSES AT A POINT OF MEASUREMENT  
WHERE THE DELIVERY DITCH ENTERS THE PLACE OF USE DESCRIBED.

USE OF THIS RIGHT WITH RIGHT NO. 65-2700 IS LIMITED TO A TOTAL  
COMBINED DIVERSION RATE OF 1.35 CFS.

PRIORITY DATE: 08/18/1961

POINT OF DIVERSION: T17N R03E S03 SENE Within Valley County

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY |
|-------------------------------|----------------|----------------|----------|
|                               | Stockwater     | 01-01 TO 12-31 | 0.02 CFS |

| PLACE OF USE: | Stockwater    |      | Within Valley County |
|---------------|---------------|------|----------------------|
|               | T17N R03E S32 | NENE | NWNE                 |
|               |               | SWNE | SENE                 |
|               |               | NESE | NWSE                 |
|               |               | SWSE | SESE                 |

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 PROVISION NO. 3, THE SEPARATE STREAMS GENERAL  
PROVISION, DOES NOT APPLY TO APPROPRIATIONS OF WATER AFTER  
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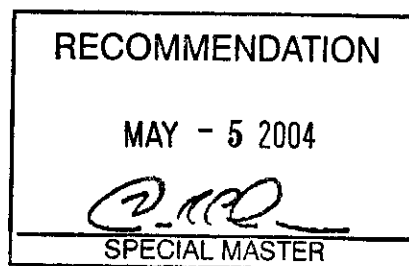
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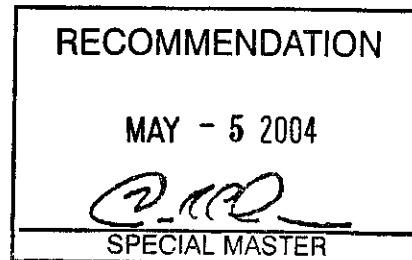
PAGE 1  
May-05-2004

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John M. Melanson  
Presiding Judge of the  
Snake River Basin Adjudication



2004 MAY 5 PM 2 01

In Re SRBA )  
 )  
Case No. 39576 )  
 )  
 )

Water Right(s): 65-02700  
65-03214 65-22509 65-22511

  
DEBBIE LASH  
Deputy Clerk

DISTRICT COURT-SRBA  
TWIN FALLS CO., IDAHO  
FILED       

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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): 65-02700  
65-03214    65-22509    65-22511

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

UNITED STATES OF AMERICA  
Represented by:  
DAVID W GEHLERT  
US DEPARTMENT OF JUSTICE  
ENVIRONMENT & NATRUAL RESOURCE  
550 WEST FORT STREET, MSC 033  
BOISE, ID 83724

CERTIFICATE OF MAILING

PAGE 1  
05/05/04

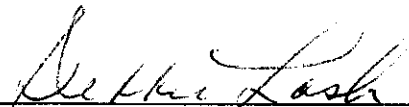
ANA O PURDOM  
JAMES T PURDOM  
KENNETH R PURDOM II

Represented by:  
JAMES E RISCH  
407 W JEFFERSON  
BOISE, ID 83702  
Phone: 208-345-9974

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

ANA O PURDOM  
JAMES T PURDOM  
KENNETH R PURDOM  
6354 PAINTER AVE  
WHITTIER, CA 90601  
Phone: 562-698-3522

  
DEBBIE LASH  
Deputy Clerk