

Case No. 39576

FOR WATER RIGHTS: 65-3002C SPLIT INTO 65-22866 and 65-22867 and 65-3237C SPLIT INTO 65-22868 and 65-22869

A notice of claim was filed for water rights 65-3002C and 65-3237C 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 *Notice of Completed Administrative Proceeding* was filed on March 18, 2004, splitting these water rights and including the General Provision language. No objections were filed to the *Amended Director's Report* attached to the NCAP. And the time for filing objections has expired.

Therefore based on the file and record herein, and pursuant to the *Notice of Administrative Proceeding*, IT IS RECOMMENDED that water rights 65-3002C and 65-3237C be **decreed as disallowed** and that water rights 65-22866, 65-22867, 65-22868 and 65-22869 be **decreed** with the elements as set forth in the attached *Recommendations for Partial Decreases Pursuant to I.R.C.P. 54(b)*.

DATED June 9, 2004.

THOMAS R. CUSHMAN
Special Master
Snake River Basin Adjudication

SCANNED
JUN 15 2004

DISTRICT COURT-SRBA
TWIN FALLS CO, IDAHO
FILED

2004 JUN 11 AM 10 29

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): 65-03002C
65-03237C 65-22866 65-22867
65-22868 65-22869

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 June 11, 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

SCANNED PAGE 1
06/11/04
JUN 15 2004

DONALD R CLINE
JUDITH CLINE
JUDITH D CLINE
PO BOX 531
GARDEN VALLEY, ID 83622

LOREN H BODINE
10810 EASTATE DR
BOISE, ID 83709

LOREN H BODINE
10810 ESTATE DR
BOISE, ID 83709

LOREN H BODINE
10810 ESTATE DRIVE
BOISE, ID 83709
Phone: 208-375-4639


DEBBIE LASH
Deputy Clerk

DISTRICT COURT-SRBA
TWIN FALLS CO. IDAHO
FILED

2004 JUN 11 AM 10 29

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

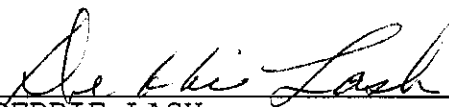
Water Right(s): 65-03002C
65-03237C 65-22866 65-22867
65-22868 65-22869

On June 11, 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 June 11, 2004.



DEBBIE LASH
Deputy Clerk

SCANNED
JUN 15 2004

DISTRICT COURT-SRBA
TWIN FALLS CO. IDAHO
FILED *De*

2004 JUN 11 AM 10 29

SRBA PARTIAL DECREE PURSUANT TO I.R.C.P. 54(b)
Water Right 65-22866 File Number: 00656

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

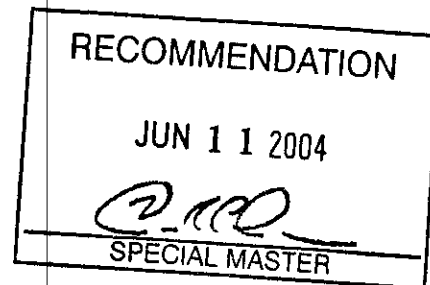
2004 JUN 11 AM 10 29

SCANNED
JUN 15 2004
PAGE 1
Jun-04-2004

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 -
TWIN FALLS CO., ID
FILED

2004 JUN 11 AM 10

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
) Water Right 65-22867

NAME AND ADDRESS: DONALD R CLINE
JUDITH D CLINE
PO BOX 531
GARDEN VALLEY, ID 83622

SOURCE: WARM SPRINGS CREEK TRIBUTARY: PAYETTE RIVER, MIDDLE FORK

QUANTITY: 0.01 CFS

PRIORITY DATE: 06/01/1866

POINT OF DIVERSION: T10N R04E S34 NWSW Within Boise County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 11-01	0.01 CFS

PLACE OF USE: Irrigation Within Boise County
T09N R04E S03 LOT 2 (NWN) 1.5
1.5 Acres Total

USE OF THIS RIGHT WITH RIGHT NO. 65-22869 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 1.5 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).

SCANNED
JUN 15 2004

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 JUN 11 AM 10 29

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 65-22869

NAME AND ADDRESS: DONALD R CLINE
JUDITH CLINE
PO BOX 531
GARDEN VALLEY, ID 83622

SOURCE: WARM SPRINGS CREEK TRIBUTARY: PAYETTE RIVER, MIDDLE FORK

QUANTITY: 0.01 CFS

PRIORITY DATE: 07/01/1973

POINT OF DIVERSION: T10N R04E S34 NWSW Within Boise County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 11-01	0.01 CFS

PLACE OF USE: Irrigation Within Boise County
T09N R04E S03 LOT 2 (NWNE) 1.5
1.5 Acres Total

USE OF THIS RIGHT WITH RIGHT NO. 65-22867 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 1.5 ACRES IN A SINGLE
IRRIGATION SEASON.

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

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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).

SCANNED
JUN 15 2004

RULE 54(b) CERTIFICATE

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

