

RECEIVED

NOV 14 2002

Department of Water Resources

2002 NOV 13 AM 10:06

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 65-03171 |
|                | ) |                          |

I. FINDINGS OF FACT

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

On June 16, 2000, the United States of America, Bureau of Reclamation filed objections to "General Provisions Basin 65 Irrigation & Other Part II (3) Separate Streams Administration." On September 20, 2002, a *Standard Form 5* was filed. All parties and IDWR are signatures to the *Standard Form 5*.

II. CONCLUSIONS OF LAW

Therefore based on the file and record herein and pursuant to the *Standard Form 5* and the attached Appendix A, IT IS RECOMMENDED that this 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) for Water Right 65-03171*.

DATED November 13, 2002.

  
THOMAS R. CUSHMAN  
Special Master  
Snake River Basin Adjudication

RECEIVED

NOV 14 2002

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

Department of Water Resources

In Re SRBA )  
 ) PARTIAL DECREE PURSUANT TO  
 ) I.R.C.P. 54(b) FOR  
Case No. 39576 )  
 )  
 ) Water Right 65-03171

2002 NOV 13 AM 10:06

SRBA  
TWIN FALLS CO., IDAHO  
FILED

NAME AND ADDRESS: HARRY L BETTIS  
STAR ROUTE  
PAYETTE, ID 83661

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

QUANTITY: 0.46 CFS

THIS RIGHT WHEN COMBINED WITH RIGHT NO. 65-03170 SHALL PROVIDE  
NO MORE THAN .02 CFS PER ACRE MEASURED AT FIELD HEADGATE.

PRIORITY DATE: 05/01/1919

POINT OF DIVERSION: T17N R03E S10 NWNWNE Within Valley County

PURPOSE AND

| PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY |
|----------------|----------------|----------------|----------|
|                | Irrigation     | 05-01 TO 09-15 | 0.46 CFS |

| PLACE OF USE: | Irrigation                        | Within Valley County |
|---------------|-----------------------------------|----------------------|
|               | T17N R03E S26 NESE 39.0 NWSE 40.0 |                      |
|               | 79.0 Acres Total                  |                      |

USE OF THIS RIGHT WITH RIGHT NO. 65-03170 IS LIMITED TO THE  
IRRIGATION OF A COMBINED TOTAL OF 79 ACRES IN A SINGLE  
IRRIGATION SEASON.

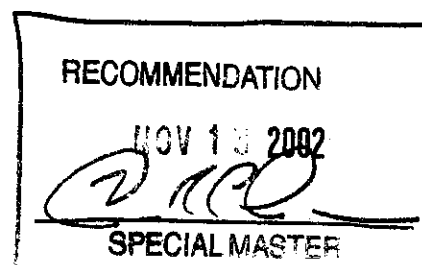
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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.

Roger Burdick  
Presiding Judge of the  
Snake River Basin Adjudication



## **APPENDIX A**

**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 § 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.**

RECEIVED

NOV 14 2002

Department of Water Resources

2002 NOV 13 AM 10:06

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

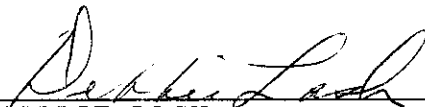
Water Right(s): 65-03171

On November 13, 2002, 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 November 13, 2002.

  
DEBBIE LASH  
Deputy Clerk

RECEIVED

NOV 14 2002

Department of Water Resources

2002 NOV 13 AM 10:06

RECEIVED AT-SRBA  
TWIN FALLS CO., IDAHO  
FILED

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 )

CERTIFICATE OF MAILING

Case No. 39576 )

Water Right(s): 65-03171

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 November 13, 2002, with sufficient first-class postage prepaid to the following:

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

HARRY L BETTIS  
Represented by:  
JOSEPHINE P. BEEMAN  
409 WEST JEFFERSON STREET  
BOISE, ID 83702  
Phone: 208-331-0950

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

CERTIFICATE OF MAILING

PAGE 1  
11/13/02

USDI BUREAU OF RECLAMATION  
Represented by:  
US DEPARTMENT OF JUSTICE  
ENVIRONMENT & NATL' RESOURCES  
550 WEST FORT STREET, MSC 033  
BOISE, ID. 83724  
Phone: 208-387-0835

A handwritten signature in cursive script, reading "Debbie Lash", written in dark ink. The signature is fluid and stylized, with a horizontal line drawn underneath it.

DEBBIE LASH  
Deputy Clerk