

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

SPECIAL MASTER'S REPORT

FINDINGS OF FACT AND CONCLUSIONS OF LAW

**FOR WATER RIGHTS 65-03222,
65-03223, 65-03224, 65-03225,
and 65-08290**

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 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’s 5* were filed. All parties and IDWR are signatures to the *Standard Form’s 5*.

Therefore based on the file and record herein and pursuant to the *Standard Form 5* and the attached Appendix A, IT IS RECOMMENDED that these 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) for Water Rights 65-03222, 65-03223, 65-03224, 65-03225 and 65-08290.*


THOMAS R. CUSHMAN
Special Master
Snake River Basin Adjudication

10

PINE TREE RANCH INC
GARDEN VALLEY, ID 83622

SCRIVER CREEK TRIBUTARY: PAYETTE RIVER, MIDDLE FORK

2.90 CFS

09/26/1881

T10N R04E S22 NWSW Within Boise County

PURPOSE OF USE	PERIOD OF USE	QUANTITY
Irrigation	04-01 TO 11-01	2.90 CFS

Irrigation			Within Boise County		
T10N R04E S22 LOT 2	(SWSE) 1.0	LOT 1	(SESE) 12.0		
S23	SWNW 3.0		SENW 1.0		
	NESW 13.0		NWSW 39.0		
	SWSW 29.0		SESW 16.0		
S26	NWNW 2.0		SWNW 1.0		
S27	NENE 22.0		NWNE 2.0		
161.0 Acres Total					

USE OF THIS RIGHT WITH RIGHT NO. 65-08290 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 161.0 ACRES IN A SINGLE IRRIGATION SEASON.

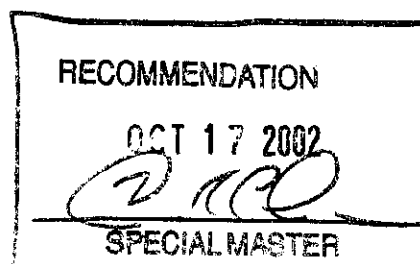
Y FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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



17

S CO.

SOURCE:

QUANTITY:

PRIORITY DATE:

POINT OF DIVERSION:

PURPOSE AND

PLACE OF USE:

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).

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Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication



EST 17 2002

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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 65-03225

NAME AND ADDRESS: PINE TREE RANCH INC
GARDEN VALLEY, ID 83622

SOURCE: SCRIVER CREEK TRIBUTARY: PAYETTE RIVER, MIDDLE FORK

QUANTITY: 1.97 CFS

THIS RIGHT SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE WHEN
MEASURED AT FIELD HEADGATE.

PRIORITY DATE: 07/23/1883

POINT OF DIVERSION: T10N R04E S22 NWSW Within Boise County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 11-01	1.97 CFS

PLACE OF USE:	Irrigation	Within Boise County
	T10N R04E S27	NWSE 15.0 SWSE 32.0
		SESE 15.0
	S34	NENE 11.0 NWNE 10.0
	83.0 Acres Total	

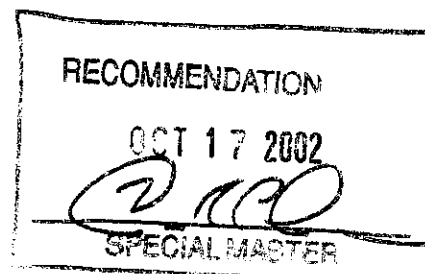
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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).

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Roger Burdick
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

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
) Water Right 65-08290

NAME AND ADDRESS: PINE TREE RANCH INC
GARDEN VALLEY, ID 83622

SOURCE: SCRIVER CREEK TRIBUTARY: PAYETTE RIVER, MIDDLE FORK

QUANTITY: 0.32 CFS

PRIORITY DATE: 02/04/1928

POINT OF DIVERSION: T10N R04E S22 NWSW Within Boise County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 11-01	0.32 CFS

PLACE OF USE:	Irrigation		Within Boise County
	T10N R04E S22 LOT 2	(SWSE) 1.0	LOT 1 (SESE) 12.0
	S23	SWNW 3.0	SENE 1.0
		NESW 33.0	NWSW 39.0
		SWSW 29.0	SESW 16.0
	S26	NWNW 2.0	SWNW 1.0
	S27	NENE 22.0	NWNE 2.0
	161.0 Acres Total		

USE OF THIS RIGHT WITH RIGHT NO. 65-03222 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 161.0 ACRES IN A SINGLE
IRRIGATION SEASON.

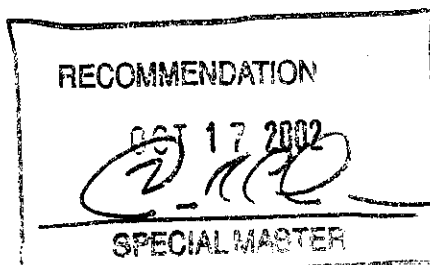
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NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
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Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication



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.

2002 OCT 17 AM 10:20

FILED
TWIN FALLS CO., IDAHO
CLERK

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

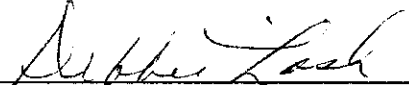
Water Right(s): 65-03222
65-03223 65-03224 65-03225
65-08290

On October 17, 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 October 17, 2002.


DEBBIE LASH
Deputy Clerk

2002 OCT 17 AM 10:20

FILED
TWIN FALLS CO. IDAHO
SRBA

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): 65-03222
65-03223 65-03224 65-03225
65-08290

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 October 17, 2002, with sufficient first-class postage prepaid to the following:

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

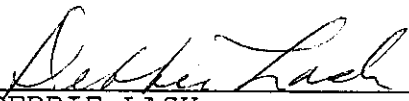
STATE OF IDAHO
Represented by:
NATURAL RESOURCES DIV CHIEF
STATE OF IDAHO
ATTORNEY GENERAL'S OFFICE
PO BOX 44449
BOISE, ID 83711-4449

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

CERTIFICATE OF MAILING

PAGE 1
10/17/02

PINE TREE RANCH INC
GARDEN VALLEY, ID 83622


DEBBIE LASH
Deputy Clerk