

2002 OCT 29 PM 1:11

FILED
TWIN FALLS, IDAHO
DISTRICT COURT
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	)	SPECIAL MASTER'S REPORT
	)	
Case No. 39576	)	FINDINGS OF FACT AND
	)	CONCLUSIONS OF LAW
	)	
	)	FOR WATER RIGHTS
_____	)	65-03209, 65-03215, 65-03216, 65-02952A
		and 65-02932A

I. FINDINGS OF FACT

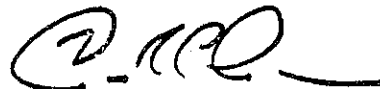
A notice of claim was filed for the above listed water rights pursuant to I.C. § 42-1409. The Director of the State of Idaho Department of Water Resources examined the water system for this reporting area. The *Director's Report* contained a recommendation or abstract for the elements of these water rights.

On June 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, *Standard Form's 5* were filed. All parties and IDWR are signatures to the *Standard Form's 5*.

II. CONCLUSIONS OF LAW

Therefore based on the file and record herein and pursuant to the *Standard Form's 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 65-03209, 65-03215, 65-03216, 65-02952A and 65-02932A*

DATED October 29, 2002.



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

2002 OCT 29 PM 1:11
FILED

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 65-03209

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

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

QUANTITY: 3.20 CFS

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

PRIORITY DATE: 10/21/1918

POINT OF DIVERSION: T17N R03E S03 NESENE Within Valley County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	05-01 TO 09-15	3.20 CFS

PLACE OF USE:	Irrigation	Within Valley County	
	T17N R03E S29	NENW 37.0	NWNW 38.0
		SWNW 39.0	SENW 27.0
	141.0 Acres Total		

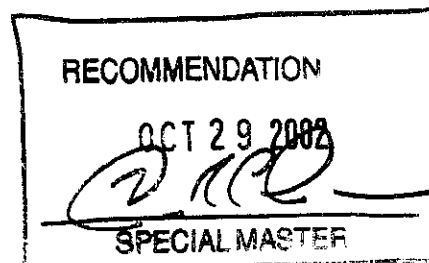
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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).

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



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

2002 OCT 29 PM 1:11
FILED
JL

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
) Water Right 65-03215

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

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

QUANTITY: 2.00 CFS

USE OF THIS RIGHT WITH RIGHT NO. 65-02488 IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 2.96 CFS AT THE FIELD HEADGATE.

PRIORITY DATE: 06/17/1919

POINT OF DIVERSION: T17N R03E S03 SENE Within Valley County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	05-01 TO 09-15	2.00 CFS

PLACE OF USE:	Irrigation	Within Valley County
	T17N R03E S29	NESW 40.0 NWSW 36.0
		SWSW 32.0 SESW 40.0
	148.0 Acres Total	

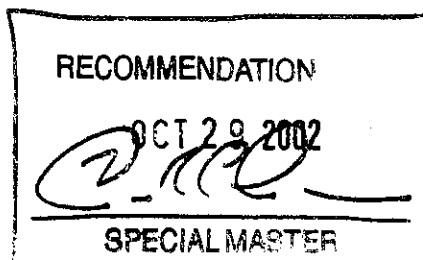
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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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

2002 OCT 29 PM 1:11

In Re SRBA)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Case No. 39576)

Water Right 65-03216

FILED
TWIN FALLS, IDAHO

NAME AND ADDRESS: HARRY L BETTIS
10775 SUCKER CREEK RD
PAYETTE, ID 83661

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

QUANTITY: 1.60 CFS

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

PRIORITY DATE: 10/03/1918

POINT OF DIVERSION: T17N R03E S03 NESENE Within Valley County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	05-01 TO 09-15	1.60 CFS

PLACE OF USE:	Irrigation	Within Valley County
	T17N R03E S16 SWSW 40.0	
	S17 SESE 39.0	
	79.0 Acres Total	

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

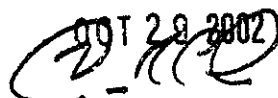
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

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Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

RECOMMENDATION

OCT 29 2002


SPECIAL MASTER

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

2002 OCT 29 PM 1:11

In Re SRBA)
)
Case No. 39576)
)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 65-02952A

FILED
TWIN FALLS CO. IDAHO
10

NAME AND ADDRESS: HARRY L BETTIS
10775 SUCHER CREEK RD
PAYETTE, ID 83661

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

QUANTITY: 783.82 AFY

PRIORITY DATE: 06/02/1962

POINT OF DIVERSION: T17N R03E S03 NESENE (Rediversion) Within Valley County
T18N R03E S13 NWSW (Rediversion)
R04E S09 SWNW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation Storage	01-01 TO 12-31	783.82 AFY
	Irrigation from Storage	05-01 TO 09-15	783.82 AFY

PLACE OF USE:	Irrigation from Storage	Within Valley County
T17N R03E S16	NESW 36.0	SESW 24.0
	NWSE 36.0	SWSE 39.0
	SESE 39.0	
S20	NENE 36.0	NWNE 29.0
	SWNE 32.0	SENE 34.0
	NENW 35.0	NWNW 38.0
	SWNW 39.0	SENW 25.0
	NESW 15.0	NWSW 39.0
	SWSW 38.0	SESW 15.0
	NESE 39.0	NWSE 28.0
	SWSE 29.0	SESE 36.0
S21	NENE 25.0	NWNE 38.0
	SWNE 37.0	SENE 31.0
	NENW 34.0	NWNW 36.0
	SWNW 27.0	SENW 37.0
	NESW 38.0	NWSW 34.0
	SWSW 30.0	SESW 31.0
	NESE 15.0	NWSE 35.0
	SWSE 20.0	SESE 15.0
S28	NWNE 10.0	NENW 32.0
	NWNW 36.0	SWNW 39.0
	SENW 20.0	
S29	NENE 39.0	NWNE 36.0
	SWNE 33.0	SENE 39.0
	NESE 39.0	NWSE 30.0
	SWSE 14.0	SESE 14.0
T18N R03E S21	SESW 35.0	
S28	NWNE 40.0	NENW 35.0
	NWNW 17.0	SWNW 37.0
	NESW 39.0	NWSE 26.0
1774.0 Acres Total		

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

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ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
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SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

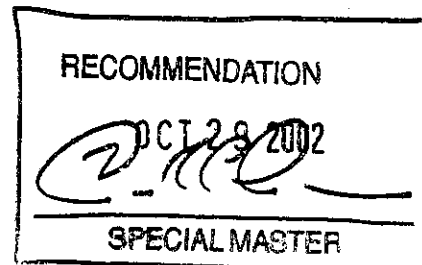
OTHER PROVISIONS (continued)

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

2007 OCT 29 PM 1:11

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 65-02932A

FILED
TWIN FALLS CO. IDAHO
10/29/07

NAME AND ADDRESS: HARRY L BETTIS
10775 SUCHER CREEK RD
PAYETTE, ID 83661

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

QUANTITY: 289.14 AFY

PRIORITY DATE: 06/23/1944

POINT OF DIVERSION: T17N R03E S03 NESENE (Rediversion) Within Valley County
T18N R03E S13 NWSW (Rediversion)
R04E S09 SWNW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation Storage	01-01 TO 12-31	289.14 AFY
	Irrigation from Storage	05-01 TO 09-15	289.14 AFY

PLACE OF USE:	Irrigation from Storage	Within Valley County	
	T17N R03E S16	NESW 36.0 NWSE 36.0 SESE 39.0	SESW 24.0 SWSE 39.0
	S20	NENE 36.0 SWNE 32.0 NENW 35.0 SWNW 39.0 NESW 15.0 SWSW 38.0 NESE 39.0 SWSE 29.0	NWNE 29.0 SENE 34.0 NWNW 38.0 SENW 25.0 NWSW 39.0 SESW 15.0 NWSE 28.0 SESE 36.0
	S21	NENE 25.0 SWNE 37.0 NENW 34.0 SWNW 27.0 NESW 38.0 SWSW 30.0 NESE 15.0 SWSE 20.0	NWNE 38.0 SENE 31.0 NWNW 36.0 SENW 37.0 NWSW 34.0 SESW 31.0 NWSE 35.0 SESE 15.0
	S28	NWNE 10.0 NWNW 36.0 SENW 20.0	NENW 32.0 SWNW 39.0
	S29	NENE 39.0 SWNE 33.0 NESE 39.0 SWSE 14.0	NWNE 36.0 SENE 39.0 NWSE 30.0 SESE 14.0
	1545.0 Acres Total		

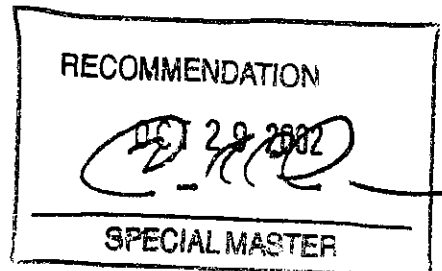
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Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication



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 29 PM 1:11

CLERK OF DISTRICT COURT
TWIN FALLS CO., IDAHO

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): 65-02932A
65-02952A 65-03209 65-03215
65-03216

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 29, 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

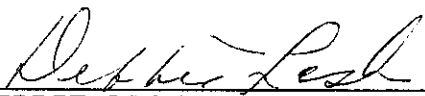
PAGE 1
10/29/02

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

HARRY L BETTIS
10775 SUCHER CREEK RD
PAYETTE, ID 83661



DEBBIE LASH
Deputy Clerk

2002 OCT 29 PM 1:11

FILED
TWIN FALLS CO. IDAHO
J-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)
Case No. 39576)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

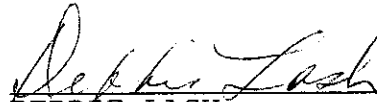
Water Right(s): 65-02932A
65-02952A 65-03209 65-03215
65-03216

On October 29, 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 29, 2002.


DEBBIE LASH
Deputy Clerk