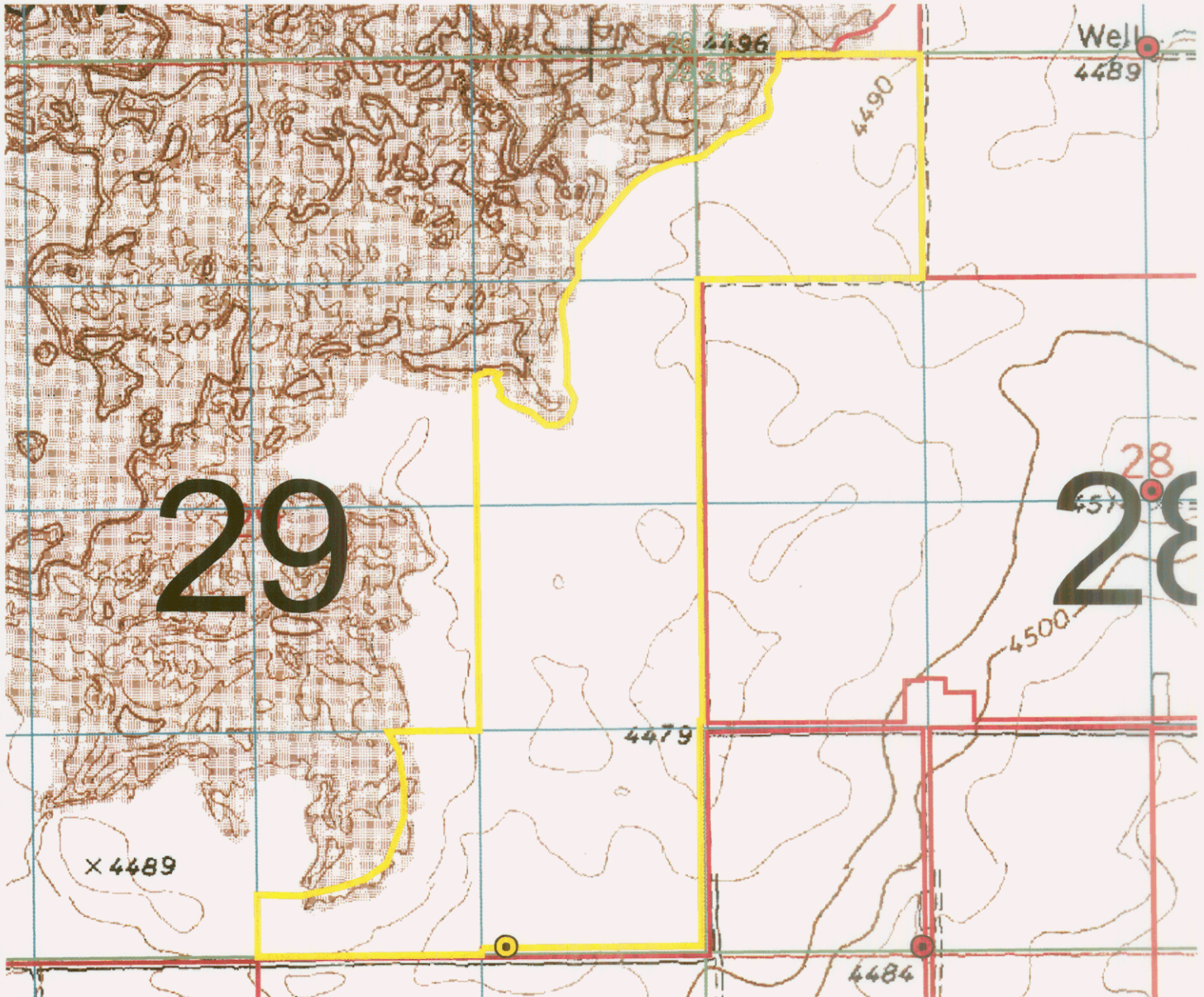


IDAHO DEPARTMENT OF WATER RESOURCES

Water Right 35-07977 as Modified by Transfer 5586

Township 7S Range 29E Section 28, 29



-  Point of Diversion, This Water Right
-  Point of Diversion, Other Water Rights
-  Place of Use, This Water Right
-  Other Place of Use
-  Section Lines
-  Quarter-quarter Sections

0 400 Meters



Prepared by B. Contor 6/2000

RECEIVED

AUG 13 2002

Department of Water Resources

2002 AUG 12 PM 12: 52

DISTRICT COURT-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

Case No. 39576

)

)

)

)

)

ORDER OF PARTIAL DECREE

For Water Right 35-07977A & 35-07977B

On April 3, 2002, a *Special Master's Report and Recommendation* was filed for the above water right. No Challenges were filed to the *Special Master's Report and Recommendation* and the time for filing Challenges has now expired.

Pursuant to I.R.C.P. 53(e)(2) and *SRBA Administrative Order 1*, Section 13f, this Court has reviewed the Findings of Fact and Conclusions of Law contained in the *Special Master's Report* and wholly adopts them as its own.

Therefore, IT IS ORDERED that water right 35-07977A and 35-07977B is hereby decreed as set forth in the attached *Partial Decree* Pursuant to I.R.C.P. 54(b).

DATED August 12, 2002



ROGER S. BURDICK

Presiding Judge

Snake River Basin Adjudication

ORDER OF PARTIAL DECREE

2002 AUG 12 PM 02:00
DISTRICT COURT - 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)
)
Case No. 39576)
_____)

CERTIFICATE OF MAILING

Water Right(s): 35-07977A

CERTIFICATE OF MAILING

I certify that a true and correct copy of the PARTIAL DECREE
PURSUANT TO I.R.C.P. 54(b) for WATER RIGHT 35-07977A was mailed
on August 12, 2002, with sufficient first-class postage prepaid
to the following:

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

LARRY S BETHKE
Represented by:
JEFFREY C. FEREDAY
PO BOX 2720
BOISE, ID 83701-2720
Phone: 208-388-1200

ROBBIN GLATZ
Chief Deputy Clerk

CERTIFICATE OF MAILING

PAGE 1
08/12/02

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

)

Water Rights: 35-07977A

Case No. 39576

)

)

NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING

IDWR has completed the following Administrative proceeding:

☐ Address change

☐ Substitution of Party

☒ I.C. § 42-222 transfer **5586**

☐ point of diversion ☒ place of use

☐ period of use ☐ nature of use

☐ split of water right ☐ change in ownership

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Reports* for said water rights. No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED: Aug 30, 2000

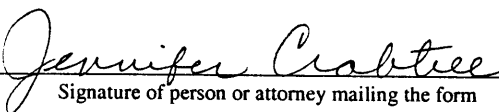
Ernest Carlson

Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on Sept 1, 2000, I mailed the original and copies of this form to the following persons, postage prepaid and addressed as follows:

1. Original to:
Clerk of the District Court
Snake River Basin Adjudication
PO Box 2707
Twin Falls ID 83303-2707
2. One copy to:
Claimant/Seller for Substitution of Party or attorney of record:
LARRY S BETHKE
2745 BREDING RD
AMERICAN FALLS ID 83211
3. One copy to:
Claimant/Purchaser for Substitution of Party, or attorney of record:
N/A
4. One copy to:
Each party in the subcase, or attorney of record
JOHN ROSHOLT
ROSHOLT ROBERTSON & TUCKER
PO BOX 1906
TWIN FALLS ID 83303-1906
5. One copy each to:
Chief Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise ID 83711-4449
6. One Copy to:
United States Dept of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724



Signature of person or attorney mailing the form

Eastern

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 5586
WATER RIGHT NO. 35-07977A

RECEIVED

MAR 06 1981

Department of Water Resources
Eastern Region

This is to certify that: LARRY BETHKE
2745 S BREIDING RD
AMERICAN FALLS ID 83211

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/01 to 11/01	2.70 CFS	684.0 AF

SOURCE

GROUNDWATER

Priority: 04/21/1981

LOCATION OF POINT(S) OF DIVERSION: SESE , Sec. 29, Township 07S, Range 29E
POWER County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
07S	29E	28	NWNW 34			34
		29	NENE 9	SENE 28	NESE 39	
			SWSE 23	SESE 38		137
Total number of acres irrigated:						171

CONDITIONS OF APPROVAL AND REMARKS

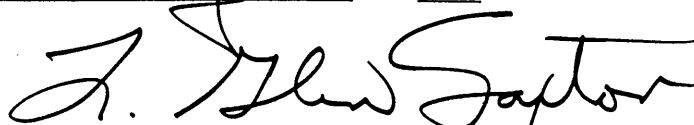
1. The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
2. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
3. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.

TRANSFER NO. 5586
WATER RIGHT NO. 35-07977A

CONDITIONS OF APPROVAL AND REMARKS

4. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
5. All water rights within Basin 35 are from connected sources of water in the Snake River Basin and shall be administered conjunctively.

Dated this 29th day of February, 2000.



Chief, Water Allocation Bureau

MEMORANDUM

TO: Right 35-07977

FROM: Pam Skaggs/State Office

SUBJECT: Transfer 5586

DATE: February 28, 2000

Transfer 5586 changes the place of use under Right 35-07977A. The applicant is moving 23 acres from BLM land to other land that he owns. A letter was provided by BLM agreeing to the proposed change.

Recommended conditions include measuring & annual reporting, irrigation overlap and standard transfer conditions.



United States Department of the Interior

OFFICE OF THE SOLICITOR

Pacific Northwest Region
Boise Field Office
Federal Building & U.S. Courthouse
MSC 020-550 West Fort Street
Boise, Idaho 83724-0020

June 14, 2000

RECEIVED

JUN 15 2000

Department of Water Resources
Eastern Region

Mr. Larry S. Bethke
2745 Breeding Road
American Falls, Idaho 83211

RE: SRBA Subcase Number 35-07977A

Dear Mr. Bethke:

I reviewed the Notice of Completed Administrative Proceeding (copy enclosed) for Water Right Number 35-07977A. I noted that the following places of use on property owned by the United States are still described on the water right:

T.07S., R.29E., Section 29, SWNE (12 Acres)

T.07S., R.29E., Section 29, NWSE (11 Acres)

The Idaho Department of Water Resources informed me that your transfer application contained the above-described places of use. Therefore, your transfer application, and the Notice of Completed Administrative Proceeding did not resolve the United States Department of the Interior, Bureau of Land Management objection to your water right claim. At this time, the United States cannot withdraw its objection to Water Right Claim Number 35-07977A. Please call me at your earliest convenience and inform me how you wish to proceed.

Because the objection is still pending, the Snake River Basin Adjudication Court will probably set this subcase for another Initial Hearing. Your prompt attention to this matter is appreciated. Please call if you have any questions or comments.

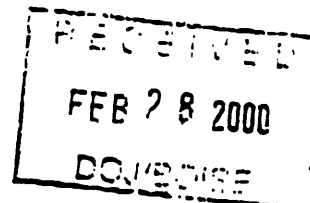
Sincerely,

Larry A. Brown

Attorney, U.S. Dept. of Justice
Telephone: (208) 331-5941

cc: Special Master Dolan, SRBA w/enclosure
Ernie Carlson, IDWR w/enclosure

Encl: NCAP



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

) Water Rights: 35-07161A,
35-07162A, 35-07977, 35-07977A, 35-07977B

Case No. 39576

)
) NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING

IDWR has completed the following Administrative proceeding:

FILE COPY

☐ Address change

☐ Substitution of Party

☒ I.C. § 42-222 transfer 5369

☒ point of diversion ☒ place of use

☐ period of use ☐ nature of use

☒ split of water right ☐ change in ownership

☒ OTHER: CORRECT LEGAL DESCRIPTION ERROR ON TRX 4885

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Reports* for said water rights. No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED: 18 Feb 2000

Signature of IDWR Representative

AJ5859NP

LAND DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

DATE: FEB-17-2000
PAGE: A-1

RIGHT NUMBER: 35-07977

SEE NOS. 35-07977A AND 35-07977B.

RIGHTS FROM: SOURCE: GROUNDWATER

RIGHT NUMBER: 35-07977A

NAME & ADDRESS: LARRY S BETHKE
2745 BREDDING RD
AMERICAN FALLS ID 83211

SOURCE: GROUNDWATER

QUANTITY: 2.7 CFS
684.0 AFY

PRIORITY DATE: 04/21/1981

POINT OF DIVERSION: T07S R29E S29

SUSESE ✓

Within POWER County

PURPOSE AND
PERIOD OF USE:PURPOSE OF USE
IRRIGATIONPERIOD OF USE
04-01 11-01QUANTITY
2.7 CFS
684.0 AFY

PLACE OF USE:

IRRIGATION
T07S R29E S28 ✓
S29

Within POWER County

N4W 34

NENE 9 ✓

N4SE 11

S4W 12 ✓
SESE 38 ✓

SENE 28 ✓

NESE 39 ✓

171 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, SECTION 42-1412(6) IDAHO CODE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - LICENSE

RIGHTS FROM: SOURCE: GROUNDWATER

RIGHT NUMBER: 35-079778

NAME & ADDRESS: LARRY S BETHKE
2745 BREIDING RD
AMERICAN FALLS ID 83211

SOURCE: GROUNDWATER

QUANTITY: 1.23 CFS
312.0 AFY

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 8.32 CFS AND TO A TOTAL
COMBINED ANNUAL DIVERSION VOLUME OF 2136.8 AF. COMBINED RIGHT
NOS.: 35-07161A, 35-07162A, 35-079778, 35-08046 AND 35-08050.

PRIORITY DATE: 04/21/1981

POINT OF DIVERSION: T07S R29E S13 ✓ NENE Within POWER County
S14 ✓ S14 ✓ NENE

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	IRRIGATION	04-01 11-01	1.23 CFS 312.0 AFY

PLACE OF USE:	IRRIGATION	Within POWER County			
	T07S R29E S13 ✓	NENE 33	NW 33	SW 33	SE 33
	S14 ✓	NESW 33	NWSW 33	SWSW 33	SESW 33
		NENE 33.4	NUNE 33.4	SWNE 20	SENE 33
		NENW 37.2	NWNW 37.2	SWNW 38	SENW 38
	534.2 ACRES TOTAL				

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 78 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE 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, SECTION 42-1412(6) IDAHO CODE.

RIGHTS FROM: SOURCE: GROUNDWATER

RIGHT NUMBER: 35-07977B (CONT)

OTHER PROVISIONS: (CONT)

THE RIGHT HOLDER SHALL ACCOMPLISH THE CHANGE AUTHORIZED BY
TRANSFER NO. 5369 BY AUGUST 6, 2000.

EXPLANATORY MATERIAL: BASIS OF CLAIM - LICENSE

THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF
DIVERSION DESCRIBED ABOVE: 35-07161A, 35-07162A, 35-07977B,
35-08046 AND 35-08050.

RIGHTS 35-07161B AND 35-07162B ARE ALSO DIVERTED THROUGH THE
POINT OF DIVERSION IN TWP 07S RNC 29E SECT 13 NE1/4NE1/4.



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

February 17, 2000

LARRY BETHKE
2745 S BREDDING RD
AMERICAN FALLS ID 83211

RE: ' Transfer #5369 (water right 35-07161A, 35-07162A, 35-07977, 35-07977A, 35-07977B) and Notice of Completed Administrative Proceeding (NCAP)

Dear Mr. Bethke:

On August 6, 1999, the Idaho Department of Water Resources (IDWR) approved Transfer #5369, modifying a portion of the above referenced water right(s). Based on this transfer, IDWR water right records for the Snake River Basin Adjudication (SRBA) have been updated with new water right numbers reflecting the division of the water right.

Furthermore, as directed by the SRBA Court, this office mailed a copy of the updated water right record(s) to each party listed on the enclosed NCAP. The intent of this mailing is to ensure each party has a current record of the water right(s) as recorded in the SRBA.

Please feel free to contact me if you have any questions concerning this matter.

Respectfully,


Jennifer Crabtree
Technical Records Specialist

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

)

Water Rights: 35-07161A,
35-07162A, 35-07977, 35-07977A, 35-07977B

)

Case No. 39576

)

**NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING**

IDWR has completed the following Administrative proceeding:

☐ Address change

☐ Substitution of Party

☒ I.C. § 42-222 transfer **5369**

☒ point of diversion

☒ place of use

☐ period of use

☐ nature of use

☒ split of water right

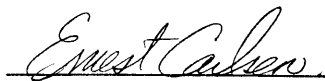
☐ change in ownership

☒ OTHER: CORRECT LEGAL DESCRIPTION ERROR ON TRX 4885

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Reports* for said water rights. No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED: 18 Feb 2000

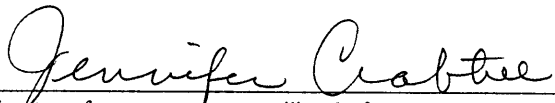


Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on 2/22, 2000, I mailed the original and copies of this form to the following persons, postage prepaid and addressed as follows:

1. Original to:
Clerk of the District Court
Snake River Basin Adjudication
PO Box 2707
Twin Falls ID 83303-2707
2. One copy to:
Claimant/Seller for Substitution of Party or attorney of record:
LARRY BETHKE
2745 S BREDDING RD
AMERICAN FALLS ID 83211
3. One copy to:
Claimant/Purchaser for Substitution of Party, or attorney of record:
N/A
4. One copy to:
Each party in the subcase, or attorney of record
JOHN ROSHOLT
ROSHOLT ROBERTSON & TUCKER
PO BOX 1906
TWIN FALLS ID 83303-1906
5. One copy each to:
Chief Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise ID 83711-4449
6. One Copy to:
United States Dept of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724



Signature of person or attorney mailing the form

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

RECEIVED

AUG 12 1999

TRANSFER NO. 5369
WATER RIGHT NO(S). 35-07161A/35-07162A/35-07977B
35-08046/35-08050

Department of Water Resources
Eastern Region

This is to certify that: LARRY BETHKE
2745 S BREIDING RD
AMERICAN FALLS ID 83211

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
Right No. 35-07161A : IRRIGATION Priority: 01/13/1971	04/01 to 10/31	2.64 CFS	728.0 AF
Right No. 35-07162A : IRRIGATION Priority: 01/13/1971	04/01 to 10/31	2.64 CFS	732.0 AF
Right No. 35-07977B : IRRIGATION Priority: 04/21/1981	04/01 to 11/01	1.23 CFS	312.0 AF
Right No. 35-08046 : IRRIGATION Priority: 06/11/1982	04/01 to 10/31	1.00 CFS	203.2 AF
Right No. 35-08050 : IRRIGATION Priority: 08/03/1982	04/01 to 10/31	0.81 CFS	161.6 AF
TOTAL:		* 8.32 CFS	* 2136.8 AF

SOURCE

GROUNDWATER

LOCATION OF POINT(S) OF DIVERSION:

NENE , Sec. 13, Township 07S, Range 29E
SWNW , Sec. 13, Township 07S, Range 29E
NWNE , Sec. 14, Township 07S, Range 29E
POWER County

TRANSFER NO. 5369
WATER RIGHT NO(S). 35-07161A/35-07162A/35-07977B
35-08046/35-08050

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
07S	29E	13	NENW 33	NWNW 33	SWNW 33	
			SESW 33	NESW 33	NWSW 33	
			SWSW 33	SESW 33		264
		14	NENE 33.4	NWNE 33.4	SWNE 20	
			SENE 33	NENW 37.2	NWNW 37.2	
			SWNW 38	SESW 38		270.2
Total number of acres irrigated:						** 534.2

CONDITIONS OF APPROVAL AND REMARKS

1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
2. The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
3. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
4. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
5. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
6. All water rights within Basin 35 are from connected sources of water in the Snake River Basin and shall be administered conjunctively.
- * 7. The total instantaneous diversion of water from all points of diversion under Transfer 5369 shall not exceed 8.32 cfs, nor a total combined annual volume of 2136.8 af.
8. Rights 35-08046 and 35-08050 are for the use of trust water and are subject to review 20 years after the issuance of the permit to determine availability of water and to re-evaluate the public interest.
9. Diversion and use of water under Rights 35-08046 and 35-08050 is subject to an annual use fee if rules are subsequently promulgated which provide for the submittal of the fee.
- ** 10. Right 35-07161A is limited to the irrigation of 182.0 acres in the place of use described above in a single irrigation season.
- ** 11. Right 35-07162A is limited to the irrigation of 183.0 acres in the place of use described above in a single irrigation season.
- ** 12. Right 35-07977B is limited to the irrigation of 78.0 acres in the place of use described above in a single irrigation season.

GEN.
8/6/2000

QOT E27

POU

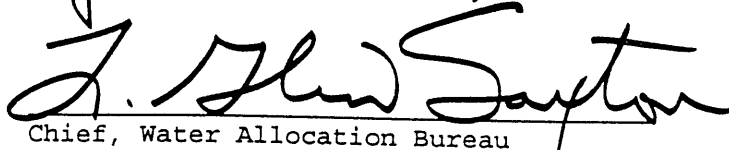
EXP
F&G

TRANSFER NO. 5369
WATER RIGHT NO(S). 35-07161A/35-07162A/35-07977B
35-08046/35-08050

CONDITIONS OF APPROVAL AND REMARKS

- ** 13. Right 35-08046 is limited to the irrigation of 50.8 acres in the place of use described above in a single irrigation season.
- ** 14. Right 35-08050 is limited to the irrigation of 40.4 acres in the place of use described above in a single irrigation season.

Dated this 6th day of August, 19 99.


Chief, Water Allocation Bureau

MEMORANDUM

TO: Files 35-07161A, 35-07162A, 35-07977, 35-08046 & 35-08050

FROM: Pam Skaggs/*PS*State Office

SUBJECT: Transfer 5369

DATE: August 4, 1999

Transfer 5369 changes the place of use and adds points of diversion under all of Rights 35-007161A, 35-07162A, 35-08046 & 35-08050, and a under a portion of Right 35-07977, splitting the right into Parts A and B.

The applicant is combining these rights into a single integrated system to cover all 534.2 acres under the identified pivot system. This transfer also corrects an error in legal description of the place of use under previously approved Transfer 4885, changing 32.0 acres in the NWNW, S14 that should have been located in the SWNW, S14 as shown on the application map.

Recommended conditions include permissible place of use limits, Basin 35 conjunctive management, multiple points of diversion limits, measuring & annual reporting, trust water conditions for Rights 35-08046 & 35-08050, drilling permit requirements, irrigation overlap and standard transfer conditions.