



State of Idaho

## DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

February 7, 2002

LARRY S BETHKE  
2745 BREDING RD  
AMERICAN FALLS ID 83211

RE: Water right number 35-7977B and Notice of Completed  
Administrative Proceeding (NCAP)

Dear Mr. Bethke:

The Idaho Department of Water Resources (IDWR) modified the Place of Use Remark and the Explanatory Remark of the above referenced water right. Based on this modification, IDWR water right records for the Snake River Basin Adjudication (SRBA) have been updated.

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,

Cheri Vandermeulen  
Records 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

)

Water Rights: 35-7977B

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

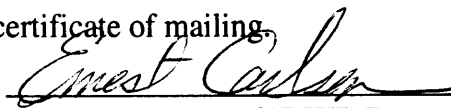
☐ change in ownership

☒ other: **PLACE OF USE REMARK AND EXPLANATORY REMARK**

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: Feb 8, 2002

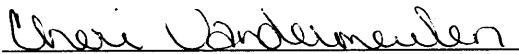


Signature of IDWR Representative

## CERTIFICATE OF MAILING

I certify that on Feb. 8, 2002, 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:
4. One copy to:  
Each party in the subcase, or attorney of record  
JEFFREY C FEREDAY  
GIVENS PURSLEY LAW OFFICE  
PO BOX 2720  
BOISE ID 83701-2720
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

02/07/2002

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

RIGHT NUMBER: 35-7977B  
NAME AND ADDRESS: LARRY S BETHKE  
2745 BREDING RD  
AMERICAN FALLS ID 83211

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 1.230 CFS  
312.00 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, 35-07977B, 35-08046 AND 35-08050.

PRIORITY DATE: 04/21/1981

POINT OF  
DIVERSION:

T07S R29E S13 NENE Within POWER County  
T07S R29E S13 SWNW Within POWER County  
T07S R29E S14 NWNW Within POWER County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u>         |
|-----------------------|----------------------|-------------------------|
| IRRIGATION            | 4/01 11/01           | 1.230 CFS<br>312.00 AFY |

PLACE OF USE: IRRIGATION Within POWER County

|               |      |      |               |      |      |
|---------------|------|------|---------------|------|------|
| T07S R29E S13 | NENW | 33.0 | T07S R29E S13 | NWNW | 33.0 |
| T07S R29E S13 | SWNW | 33.0 | T07S R29E S13 | SENW | 33.0 |
| T07S R29E S13 | NESW | 33.0 | T07S R29E S13 | NWSW | 33.0 |
| T07S R29E S13 | SWSW | 33.0 | T07S R29E S13 | SESW | 33.0 |
| T07S R29E S14 | NENE | 33.4 | T07S R29E S14 | NWNE | 33.4 |
| T07S R29E S14 | SWNE | 20.0 | T07S R29E S14 | SENE | 33.0 |
| T07S R29E S14 | NENW | 37.2 | T07S R29E S14 | NWNW | 37.2 |
| T07S R29E S14 | SWNW | 38.0 | T07S R29E S14 | SENW | 38.0 |

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.

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE  
IRRIGATION OF A COMBINED TOTAL OF 534.2 ACRES IN A SINGLE IRRIGATION  
SEASON. COMBINED RIGHT NOS.: 35-07161A, 35-07162A, 35-07977B, 35-08046,  
35-08050

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

02/07/2002

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

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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 RNG 29E SECT 13 NE1/4NE1/4.

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

OCT - 2 2002

By \_\_\_\_\_

Clerk

Deputy 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

Subcase 35-07977B

Case No. 39576

ORDER OF PARTIAL DECREE  
TO CORRECT CLERICAL ERROR; I.R.C.P.  
60(a)

On August 12, 2002, a *Partial Decree* was issued for the above-captioned water right. On February 11, 2002, the Idaho Department of Water Resources issued a *Notice of Completed Administrative Proceeding* (NCAP), together with an *Amended Director's Report*, pursuant to a transfer proceeding. No Objections were filed to the *Amended Director's Report*. However, by reason of oversight or omission by Court personnel, the *Special Master's Report*, and subsequently the *Partial Decree*, contains a clerical error in the point of diversion element, such error having been made in the process of incorporating the changes made in the *Amended Director's Report*. Therefore, pursuant to I.R.C.P. 60(a), IT IS ORDERED that the clerical error is corrected and that water right 35-07977B is hereby decreed as set forth in the attached *Amended Partial Decree Pursuant to I.R.C.P. 54(b) for Water Right 35-07977B*.

This order is being entered *nunc pro tunc* as of August 12, 2002, and is not intended to modify any subsequent administrative changes for the water right, if any, which occurred following entry of the *Partial Decree*.

DATED

*October 2, 2002*

*Roger Burdick*

ROGER S. BURDICK  
Presiding Judge  
Snake River Basin Adjudication

C. 1. 1994

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.



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Roger Burdick  
Presiding Judge of the  
Snake River Basin Adjudication

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**

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)  
)  
)  
)

**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): 35-07977B

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 35-07977B 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



**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 BREDING 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**

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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

RECEIVED

AUG 12 1999

TRANSFER OF WATER RIGHT

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 BREDDING 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 :<br>IRRIGATION<br>Priority: 01/13/1971 | 04/01 to 10/31       | 2.64 CFS              | 728.0 AF             |
| Right No. 35-07162A :<br>IRRIGATION<br>Priority: 01/13/1971 | 04/01 to 10/31       | 2.64 CFS              | 732.0 AF             |
| Right No. 35-07977B :<br>IRRIGATION<br>Priority: 04/21/1981 | 04/01 to 11/01       | 1.23 CFS              | 312.0 AF             |
| Right No. 35-08046 :<br>IRRIGATION<br>Priority: 06/11/1982  | 04/01 to 10/31       | 1.00 CFS              | 203.2 AF             |
| Right No. 35-08050 :<br>IRRIGATION<br>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      |              |
|                                  | SEnw 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                          | SEnw 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

NOT E27

PDU

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 6<sup>th</sup> day of August, 1999.

J. Howard Saxton  
Chief, Water Allocation Bureau

## MEMORANDUM

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

**FROM:** Pam Skaggs/*P*State Office

**SUBJECT:** Transfer 5369

**DATE:** August 4, 1999

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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.