

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAWDATE: FEB-17-2000
PAGE: A-6

RIGHTS FROM: SOURCE: GROUNDWATER

RIGHT NUMBER: 35-07977B

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

SOURCE: GROUNDWATER

QUANTITY: 1.23 CFS
312.0 AFYUSE 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
S14 SWNW
NWNEPURPOSE AND
PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
IRRIGATION 04-01 11-01 1.23 CFS
312.0 AFY

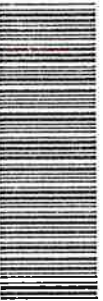
PLACE OF USE:	IRRIGATION	Within POWER County			
	T07S R29E S13	NENW 33	NWNW 33	SWNW 33	SENW 33
		NESW 33	NWSW 33	SWSW 33	SESW 33
	S14	NENE 33.4	NWNE 33.4	SWNE 20	SENE 33
		NENW 37.2	NWNW 37.2	SWNW 38	SENW 38
	534.2 ACRES TOTAL				

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.

A3507977B



PROFILE

SCA
SEP 07 2005

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

DATE: FEB-17-2000
PAGE: A-7

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

PROFIT

SCAN

SEP 07 2005

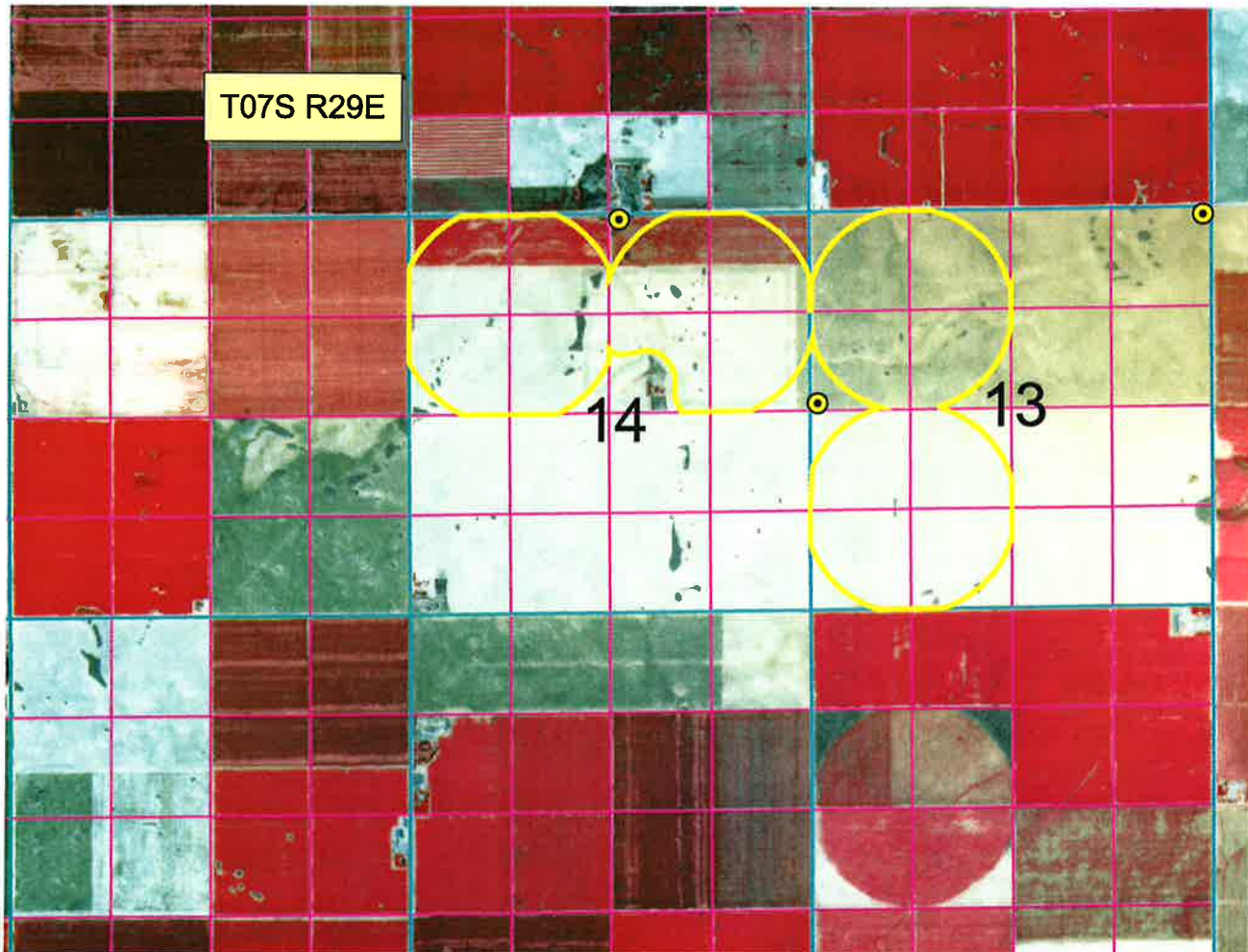


STATE OF IDAHO

Department of Water Resources

Eastern Region

Water Right(s): 35-07161A,
35-07162A, ☐ 35-07977B



0 2640 5280 7920 10560 Feet

LEGEND

 Point of Diversion

 Place of Use

 Section Line

 Quarter-section line

PROFILED

SCANNED
SEP 07 2005



GIS Place of Use Illustration
1987/1988 NAPP photography
Prepared by: E. Carlsen
Date: February 2000

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)

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

Water Right 35-07977B

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
OCT - 2 2002	
By _____	Clerk
Deputy Clerk	

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

SOURCE: GROUNDWATER

QUANTITY: 1.23 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
S14 SWNW
NWNE

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 11-01	1.23 CFS 312.00 AFY

PLACE OF USE:	Irrigation	Within Power County
	T07S R29E S13	NENW 33.0 NWNW 33.0 SENW 33.0 NWSW 33.0 SESW 33.0
	S14	NENE 33.4 NWNW 37.2 SENW 38.0 SWNE 20.0
	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. I.C. SECTION 42-1412(6).

FILED

SCANNED

SEP 07 2005

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

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

Water Right 35-07977B

2002 AUG 12 PM 12: 53

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED _____

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

SOURCE: GROUNDWATER

QUANTITY: 1.23 CFS
312.00 APY

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
S14 SWSW
NWNE

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 11-01	1.23 CFS 312.00 APY

PLACE OF USE:	Irrigation		Within Power County
	T07S R29E S13	NENW 33.0	NWNW 33.0
		SWNW 33.0	SENW 33.0
		NESW 33.0	NWSW 33.0
		SWSW 33.0	SESW 33.0
	S14	NENE 33.4	NWNE 33.4
		SWNE 20.0	SENE 33.0
		NENW 37.2	NWNW 37.2
		SWNW 38.0	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. I.C. SECTION 42-1412(6).

PROFILED

SCANNED
SEP 07 2005

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

Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

PROFILED

SCANNED
SEP 07 2005



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 BREDDING 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

PROFILED

SCANNED

SEP 07 2005

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

PROFILED

SEP 07 2005

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 BREDDING 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

Cheri Undermaier

Signature of person or attorney mailing the form

PROFILED

SCANNED
SEP 07 2005

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 BREDDING 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 NWNE Within POWER County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	4/01 11/01	1.230 CFS 312.00 AFY

PLACE OF USE:

<u>IRRIGATION Within POWER County</u>					
T07S R29E S13	NENW	33.0	T07S R29E S13	NWNW	33.0
T07S R29E S13	SWNW	33.0	T07S R29E S13	SESW	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	SESW	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

1

SCANNED

SEP 07 2005

PROFILED

02/07/2002

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

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.

PROFILED

SCANNED
SEP 07 2005

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

FILED

SEP 07 2005

SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

C. J. BURDICK

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

Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

FILED

SCANNED

SEP 07 2005

RECEIVED

AUG 13 2002

Department of Water Resources

770 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 I*, 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

PROFILED

SCANNED

SEP 07 2005

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

PROFILE

SCANNED
SEP 07 2005

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 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

PROFILED

SCANNED

SEP 07 2005

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

Ernest Calver
Signature of IDWR Representative

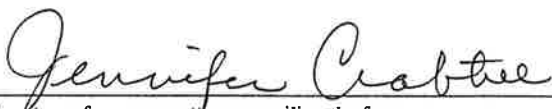
SCANNED

SEP 07 2005

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 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

PROFILED

SCANNED
SEP 07 2005

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 : 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

SCANNED
SEP 07 2005

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>ACRES</u>	<u>TOTAL</u>
07S	29E	13	NENW 33	NWNW 33	SWNW 33		
			SENE 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	SENE 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.

PROFILE

SEP 07 2005

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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.

J. Glenn Saxton
Chief, Water Allocation Bureau

PROFILED

SCANNED
SEP 07 2005

MEMORANDUM

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

FROM: Pam Skaggs/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.

PROFILED

SCANNED
SEP 07 2005