

2002 JAN 31 AM 8:50  
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**

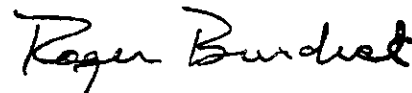
**For Water Right 35-07162A**

On November 7, 2001, 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 35-07162A is hereby **decreed** as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED January 31, 2002.



\_\_\_\_\_  
ROGER S. BURDICK  
Presiding Judge  
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  
Case No. 39576 ) I.R.C.P. 54(b) FOR  
 )  
 ) Water Right 35-07162A

2002 JAN 31 AM 8:50

DISTRICT COURT-SRBA  
TWIN FALLS CO., IDAHO  
FILED \_\_\_\_\_

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

SOURCE: GROUNDWATER

QUANTITY: 2.64 CFS  
732.00 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: 01/13/1971

POINT OF DIVERSION: T07S R29E S13 NENE Within Power County  
SWNW  
S14 NWNE Within ERROR County

PURPOSE AND  
PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY  
Irrigation , 04-01 TO 10-31 2.64 CFS  
732.00 AFY

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 183 ACRES WITHIN  
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

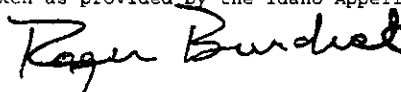
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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

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.



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Roger Burdick  
Presiding Judge of the  
Snake River Basin Adjudication

2002 JAN 31 PM 02:00  
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TWIN FALLS CO., IDAHO  
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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): 35-07162A

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 35-07162A was mailed  
on January 31, 2002, with sufficient first-class postage prepaid  
to the following:

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

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

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

DIANA DELANEY  
Chief Deputy Clerk

CERTIFICATE OF MAILING

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01/31/02