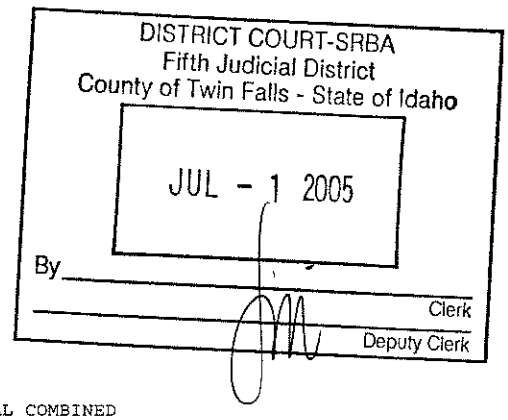
2005 JUN 27 PM 02:00
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

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	)	PARTIAL DECREE PURSUANT TO
	)	I.R.C.P. 54(b) FOR
Case No. 39576	)	
	)	Water Right 45-00457



NAME AND ADDRESS: LUIS M BETTENCOURT
SHARON L BETTENCOURT
PO BOX 587
JEROME, ID 83338

SOURCE: GROUND WATER

QUANTITY: 2.80 CFS
1200.00 AFY

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 3.5 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 1541 AF. COMBINED RIGHT NOS.:45-457, 45-4223, 45-11041.

PRIORITY DATE: 12/06/1922

POINT OF DIVERSION: T12S R19E S02 SESWNE Within Cassia County
NENESE

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
Irrigation	03-15 TO 11-15	2.80 CFS
		1200.00 AFY

PLACE OF USE: Irrigation Within Cassia County

T12S R19E S01 LOT 4	(NWNW)	38.0		
	NWSW	31.0		
S02 LOT 1	(NENE)	39.0	LOT 2 (NWNE)	39.0
	SWNE	39.0	SENE	39.0
LOT 3	(NENW)	38.0	SENW	39.0
	SESW	22.0	NESE	23.0
	NWSE	39.0	SWSE	30.0
	SWNW	39.0		

455.0 Acres Total

USE OF THIS RIGHT WITH RIGHT NO. 45-4223 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 320 ACRES IN A SINGLE IRRIGATION SEASON.
USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 455 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 45-457, 45-507, 45-4223, 45-11041, 45-13487.
THIS RIGHT IS LIMITED TO THE IRRIGATION OF 300 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.

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.

John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho
JUL - 1 2005
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	)	**Water Right: See Attached Exhibit A (File 45-560 NCAPS)**
Case No. 39576	)	
	)	**ORDER OF PARTIAL DECREE**

On September 7, 2004, the Idaho Department of Water Resources filed its *Director's Report for Basin 45, Reporting Area 10, For Irrigation and Other Water Rights,* which included recommendations for the above named water rights. No objections were filed and the time period for filing objections has expired.

On April 20, 2005, the Idaho Department of Water Resources filed *Notices of Completed Administrative Proceeding* and *Amended Director's Reports* notifying the Court of a substitution of party in the above named water rights. No objections were filed to the *Amended Director's Reports* and the time period for filing objections has expired.

Therefore, IT IS ORDERED that the above-captioned water rights be decreed as set forth in the attached ***Partial Decrees Pursuant to I.R.C.P. 54(b)***.

DATED June 27, 2005.

JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

EXHIBIT A (FILE 45-560 NCAPS)

Subcase Nos:

45-00457
45-00507
45-04223
45-11041
45-13487

(Subcase list: FILE45-560)
6/27/05

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER OF PARTIAL DECREE was mailed on July 01, 2005, with sufficient first-class postage to the following:

LUIS M BETTENCOURT
SHARON L BETTENCOURT
PO BOX 587
JEROME, ID 83338

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

 FILE COPY FOR 00560 Deputy Clerk Julie Murphy