

2004 MAY 26 PM 12:58
DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO
TWIN FALLS
FILED
[Signature]

**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	)	ORDER OF PARTIAL DECREE
	)	
Case No. 39576	)	SUBCASES: SEE ATTACHED
	)	EXHIBIT A (B65BETTIS)
	)	
	)	
	)	
	)	

On March 29, 2004, a *Special Master's Report and Recommendation* was filed for the above-captioned water rights. 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 the above-captioned water rights are hereby **decreed** as set forth in the attached *Partial Decrees Pursuant to I.R.C.P. 54(b)*.

DATED May 26, 2004.

[Signature]

JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

EXHIBIT A

Subcase Nos:

65-02708
65-03186
65-03187
65-03188
65-03189
65-03190
65-03191
65-03192
65-03193
65-11401

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER OF PARTIAL DECREE was mailed on May 26, 2004, with sufficient first-class postage to the following:

STATE OF IDAHO

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

USDI BUREAU OF RECLAMATION

Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

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

~~HARRY L BETTIS
0775 SUCKER CREEK RD
PAYETTE, ID 83661~~

BETTIS, HARRY L
HARRY L BETTIS
10775 SUCKER CREEK RD
PAYETTE, ID 83661



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 65-03193

NAME AND ADDRESS: HARRY L BETTIS
0775 SUCKER CREEK RD
PAYETTE, ID 83661

SOURCE: LITTLE PAYETTE LAKE TRIBUTARY: LAKE FORK CREEK

QUANTITY: 2000.00 AFY

PRIORITY DATE: 07/18/1919

POINT OF DIVERSION: T17N R03E S03 NESENE (Rediversion) Within Valley County
T18N R03E S13 LOT 1 (NWNW)

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation Storage	01-01 TO 12-31	2000.00 AFY
	Irrigation from Storage	05-01 TO 09-15	2000.00 AFY

PLACE OF USE: Irrigation Storage Within Valley County
Same as Irrigation from Storage

Irrigation from Storage		Within Valley County	
T17N R03E S16	NESW 36.0	NWSE 36.0	
S20	NENE 36.0	NWNE 29.0	
	SWNE 32.0	SENE 34.0	
	NENW 35.0	NWNW 38.0	
	SWNW 39.0	SENW 25.0	
	NESW 15.0	NWSW 39.0	
	SWSW 38.0	SESW 15.0	
	NESE 39.0	NWSE 28.0	
	SWSE 29.0	SESE 36.0	
S21	NENE 25.0	NWNE 38.0	
	SWNE 37.0	SENE 31.0	
	NENW 34.0	NWNW 36.0	
	SWNW 27.0	SENW 37.0	
	NESW 38.0	NWSW 34.0	
	SWSW 30.0	SESW 31.0	
	NESE 15.0	NWSE 35.0	
	SWSE 20.0	SESE 15.0	
S28	NWNE 10.0	NENW 32.0	
	NWNW 36.0	SWNW 39.0	
	SENW 20.0		
S29	NENE 39.0	NWNE 36.0	
	SWNE 33.0	SENE 39.0	
1346.0 Acres Total			

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

Basin 65 General Provisions No. 3, the Separate Streams General Provision, does not apply to appropriations of water after October 18, 1977.

This water right shall be administered as being from a separate source pursuant to Basin 65 General Provision No. 3. If the holder of this right seeks to change the right pursuant to Idaho Code Section 42-222 or successor statute, nothing in this general provision shall preclude any other person or entity from demonstrating that such change in use would cause injury to its water right or from receiving any relief provided by law in

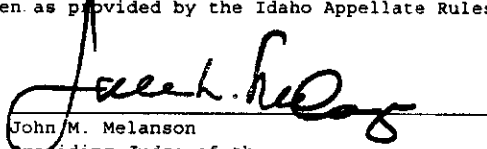
OTHER PROVISIONS (continued)

the event of injury.

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
Residing Judge of the
Snake River Basin Adjudication