

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**

|                       |   |                                |
|-----------------------|---|--------------------------------|
| <b>In Re SRBA</b>     | ) | <b>ORDER OF PARTIAL DECREE</b> |
|                       | ) |                                |
| <b>Case No. 39576</b> | ) | <b>SUBCASES: SEE ATTACHED</b>  |
|                       | ) | <b>EXHIBIT A (B65BETTIS)</b>   |
|                       | ) |                                |
|                       | ) |                                |
|                       | ) |                                |
|                       | ) |                                |

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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 65-03189

NAME AND ADDRESS: HARRY L BETTIS  
10775 SUCKER CREEK RD  
PAYETTE, ID 83661

SOURCE: LAKE FORK CREEK TRIBUTARY: PAYETTE RIVER, NORTH FORK

QUANTITY: 8.00 CFS

THIS RIGHT SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE WHEN  
MEASURED AT FIELD HEADGATE.

PRIORITY DATE: 09/20/1918

POINT OF DIVERSION: T17N R03E S03 NESENE Within Valley County

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY |
|-------------------------------|----------------|----------------|----------|
|                               | Irrigation     | 05-01 TO 09-15 | 8.00 CFS |

| PLACE OF USE: | Irrigation        |           | Within Valley County |
|---------------|-------------------|-----------|----------------------|
|               | T17N R03E S20     | NENE 36.0 | NWNE 29.0            |
|               |                   | SWNE 32.0 | SENE 34.0            |
|               |                   | NESE 39.0 | NWSE 28.0            |
|               |                   | SWSE 29.0 | SESE 36.0            |
|               | S21               | NESW 38.0 | NWSW 34.0            |
|               |                   | SWSW 30.0 | SESW 31.0            |
|               | 396.0 Acres Total |           |                      |

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

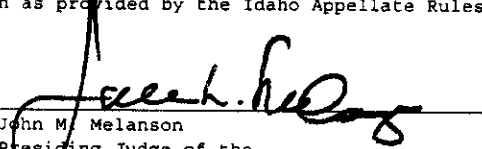
Basin 65 General Provisions No. 3, the Separate Streams  
General Provision, does not apply to appropriations of water  
after October 18, 1977.

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  
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  
Presiding Judge of the  
Snake River Basin Adjudication