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Department of Water Resources

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

2002 DEC 3 PM 4 19

**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 RIGHTS 36-07260A &**
) **36-07260B**
)
) **FINAL ORDER DISALLOWING WATER**
) **RIGHT 36-07260**

On April 29, 2002, the Idaho Department of Water Resources (IDWR) filed a *Notice of Completed Administrative Proceeding* and an attached *Amended Director's Report* for the above-captioned water rights, recommending that water right 36-07260 be split into water rights 36-07260A and 36-07260B. IDWR also recommended that water right 36-07260 be disallowed. No objections to these recommendations were filed and the time period for filing objections has now expired.

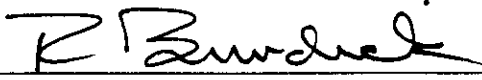
Therefore, IT IS ORDERED that water rights 36-07260A and 36-07260B are hereby decreed as set forth in the attached *Partial Decree[s] Pursuant to I.R.C.P. 54(b)*.

IT IS FURTHER ORDERED that water right 36-07260 is hereby disallowed with prejudice and shall not be confirmed in any partial decree or in any final unified decree entered in SRBA, Case No. 39576, in whatever form that final decree may take or be styled.

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.

DATED: 12-02-02


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

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

2002 DEC 3 PM 4 20

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 36-07260B

NAME AND ADDRESS: LUIS M BETTENCOURT
MARIA A BETTENCOURT
MARK WALTERS
MARVA WALTERS
DBA WALTERS DAIRY
423 WEST RD
JEROME, ID 83338

SOURCE: GROUNDWATER

QUANTITY: 0.10 CFS
27.00 AFY

PRIORITY DATE: 09/15/1972

POINT OF DIVERSION: T08S R16E S17 NESE Within Jerome County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Stockwater	01-01 TO 12-31	0.07 CFS 25.60 AFY
	Commercial	01-01 TO 12-31	0.03 CFS 1.40 AFY

PLACE OF USE: Commercial Within Jerome County
T08S R16E S17 NESE NESE

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

THE RIGHT HOLDER SHALL MAINTAIN OWNERSHIP OF AT LEAST NINE (9)
SHARES OF NORTHSIDE CANAL COMPANY WATER FOR MITIGATION PURPOSES
AND SHALL COMPLY WITH THE TERMS OF MITIGATION AS THE TERMS MAY
BE DETERMINED IN THE FUTURE BY THE DEPARTMENT.

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.


Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

FILED
2002 DEC 3 PM 4 20

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
) Water Right 36-07260A

NAME AND ADDRESS: JACK VERBREE
1574 E 2900 S
WENDELL, ID 83355

LUIS M BETTENCOURT
MARIA BETTENCOURT
181 W 400 N
JEROME, ID 83338

SOURCE: GROUNDWATER

QUANTITY: 1.40 CFS
480.00 AFY

USE OF THIS RIGHT WITH RIGHT NO. 36-07368A IS LIMITED TO A TOTAL
COMBINED DIVERSION VOLUME OF 480 AF.

PRIORITY DATE: 09/15/1972

POINT OF DIVERSION: T07S R14E S23 NENWNE Within Gooding County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 11-01	1.40 CFS 480.00 AFY

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS
EARLY AS MARCH 15 AND MAY CONTINUE TO AS LATE AS NOVEMBER 15,
PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE
OF WATER BEFORE APRIL 1 AND AFTER NOVEMBER 1 UNDER THIS REMARK IS
SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR
LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A
PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

PLACE OF USE:	Irrigation	Within Gooding County
	T07S R14E S14	SESW 38.0
	S23	SWSE 2.0
		NWNE 35.0
		NENW 39.0
		NENW 39.0
		SENW 6.0
	159.0 Acres Total	

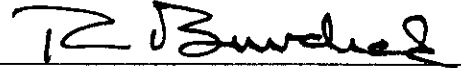
USE OF THIS RIGHT WITH RIGHT NO. 36-07368A IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 120 ACRES IN A SINGLE
IRRIGATION SEASON.

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. 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.



Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

2002 DEC 03 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): 36-07260B

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 36-07260B was mailed
on December 03, 2002, with sufficient first-class postage prepaid
to the following:

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

LUIS M BETTENCOURT
MARIA A BETTENCOURT
MARK WALTERS
MARVA WALTERS
DBA WALTERS DAIRY
423 WEST RD
JEROME, ID 83338

DIANA DELANEY
Chief Deputy Clerk

CERTIFICATE OF MAILING

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12/03/02