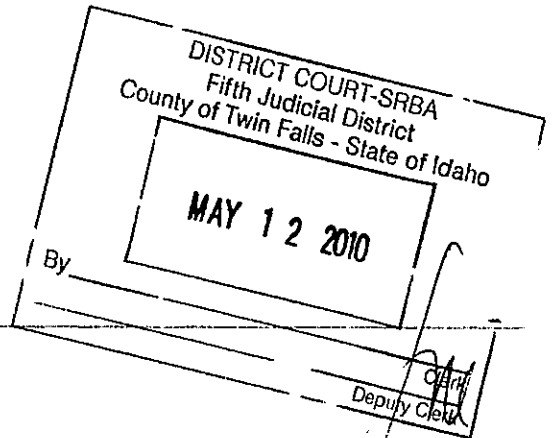


Julie Murphy

From: Diana Delaney [ddelaney@srba.state.id.us]
Sent: Wednesday, May 12, 2010 5:33 PM
To: Julie Murphy
Subject: FW: Partial Decree Typo: 45-14284, Montgomery
Attachments: 45-14284_PD_v_ADR.pdf



From: Fredric_Price@blm.gov [mailto:Fredric_Price@blm.gov]
Sent: Wednesday, May 12, 2010 2:35 PM
To: Diana Delaney
Cc: nick.spencer@idwr.idaho.gov; vicki.kelly@idwr.idaho.gov; doug.jones@idwr.idaho.gov
Subject: Partial Decree Typo: 45-14284, Montgomery

Diana,

RE: Partial Decree Typo: 45-14284, Montgomery

DATE EVENT
02-18-2010 NOTICE OF COMPLETED ADMINISTRATIVE PROCEEDING
02-18-2010 AMENDED DIRECTOR'S REPORT
SPLIT FROM FORMER RIGHT 45-7090
04-07-2010 ORDER ON PARTIAL DECREE
04-07-2010 PARTIAL DECREE FILED

The Partial Decree describes the total Quantity as 1.321 cfs, but should be described as stated in the Amended Director's Report (i.e. 1.310 cfs)). The quantity under Purpose and Period of Use is correctly described as 1.310 cfs. BLM is not a party to this subcase, nor the parent right (45-07090 (Montgomery)).

We just noticed this typo in our review of the decree and thought we would let folks know.

Fred
(See attached file: 45-14284_PD_v_ADR.pdf)

Partial Decree

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

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

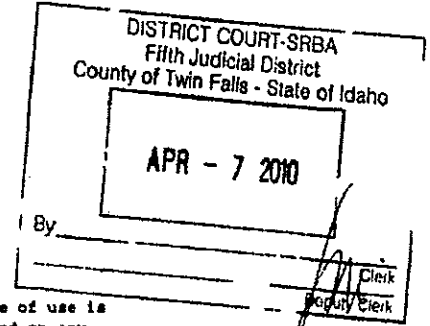
Water Right 45-14284

NAME AND ADDRESS:

GEORGE A MONTGOMERY
GWEN MONTGOMERY
937 S 900 E
ALBION, ID 83311

SOURCE:

GROUND WATER



Quantity on Partial
Decree is not consistent
with ADR (NCAP).

QUANTITY:

1.321 CFS
268.00 APY

Should be 1.310 CFS

Rights 45-14288, 45-14284, 45-10912 and 45-14286 when combined shall not exceed the irrigation of 67.0 acres. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands herein. Prior to the diversion and use of water under Transfer approval 75528, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.

PRIORITY DATE: 02/26/1972

POINT OF DIVERSION: T12S R24E S12 NWSNW Within Cassia County
SWSEW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	1.31 CFS 268.00 APY

PLACE OF USE:	Irrigation	Within Cassia County
	T12S R24E S12	NWNE 28.0 SENE 28.5
	67.0 Acres Total	

SRBA PARTIAL DECREE PURSUANT TO I.R.C.P. 54(b)
Water Right 45-14284 File Number: 00637

PAGE 1
Feb-19-2010

Partial Decree

SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

PLACE OF USE (continued)

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

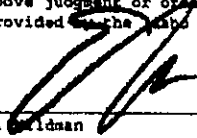
Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 140.

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 in the Idaho Appellate Rules.


Eric J. Goldman
Presiding Judge of the
Snake River Basin Adjudication

ADR (NCAP)

02/03/2010

IDAHO DEPARTMENT OF WATER RESOURCES RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 45-14284
NAME AND ADDRESS: GEORGE A MONTGOMERY
937 S 900 E
AUBTON ID 83311
GWEN MONTGOMERY
937 S 900 E
AUBTON ID 83311

SOURCE: GROUND WATER TRIBUTARY:

Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.

If the surface water right(s) appurtenant to the place of use is abandoned, forfeited, sold, transferred, leased or used on any other place of use, this right to divert ground water shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.

The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.

QUANTITY:

1.310 CFS
~~268.00 AFW~~

Quantity on Partial Decree is not consistent with ADR (NCAP).

Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.

Rights 45-14288, 45-14284, 45-10912, and 45-14286 when combined shall not exceed the irrigation of 67.0 acres.

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.

Prior to the diversion and use of water under Transfer approval 75528, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.

PRIORITY DATE: 02/26/1972

POINT OF
DIVERSION:

T12S R24E S12 N4SEW Within CASSIA County
T12S R24E S12 S4SEW Within CASSIA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	03/15 11/15	1.310 CFS 268.00 AFW

ADR (NCAP)

PLACE OF USE: IRRIGATION in CASSIA County

T12S R24E S12	NWNE	28.00	T12S R24E S12	NENW	10.50
T12S R24E S12	SENE	28.50			

67 ACRES TOTAL

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.

Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 140.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License