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DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

OCT - 1 2009

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

Case No. 39576

)
) Water Right: 21-10400

) (Merkola Properties LLC)

)
) ORDER OF PARTIAL DECREE
)
)
)

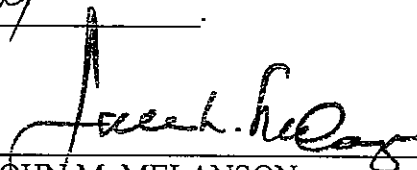
On January 17, 2006, the Idaho Department of Water Resources filed its *Director's Report for Basin 21, Reporting Area 17, for Irrigation and Other Water Rights*, which included recommendation for the above named water right.

On August 7, 2006 the Idaho Department of Water Resources filed a *Notice of Completed Administrative Proceeding and Amended Director's Report* notifying the Court of a substitution of party for named water right. No objections were filed to the *Amended Director's Report* and the time period for filing objections has expired.

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

DATED

October 1, 2009


JOHN M. MELANSON

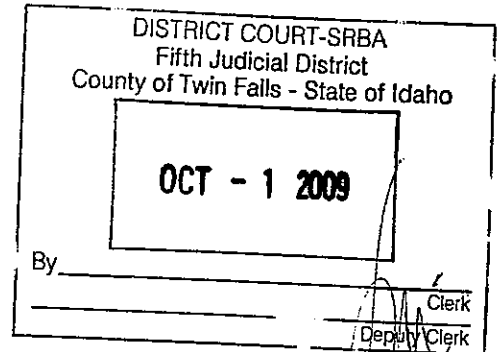
Presiding Judge

Snake River Basin Adjudication

ORDER OF 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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 21-10400



NAME AND ADDRESS: MERKOLA PROPERTIES LLC
2150 N CANTER PL
EAGLE, ID 83616

SOURCE: CONANT CREEK TRIBUTARY: FALL RIVER

QUANTITY: 4.40 CFS

PRIORITY DATE: 06/01/1893

POINT OF DIVERSION: T08N R44E S29 NENWNE Within Fremont County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	4.40 CFS

PLACE OF USE:	Irrigation	Within Fremont County
T08N R44E S28	SWNW 19.0	SENW 9.0
S29	SWNE 20.0	SENE 9.0
	SWNW 35.0	SENW 32.0
	NESW 39.0	NWSW 39.0
	NESE 38.0	NWSE 40.0
	SWSE 40.0	SESE 40.0
	360.0 Acres Total	

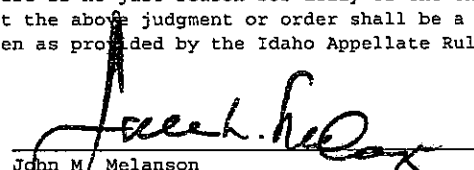
Right Nos. 21-85 and 21-10400 are limited to the irrigation of a combined total of 360 acres in a single irrigation season. This right is limited to the irrigation of 360 acres within the place of use described above in a single irrigation season.

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. 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

2009 OCT 01 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): 21-10400

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 21-10400 was mailed
on October 01, 2009, with sufficient first-class postage prepaid
to the following:

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

MERKOLA PROPERTIES LLC
2150 N CANTER PL
EAGLE, ID 83616

JULIE MURPHY
Chief Deputy Clerk