DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED
2009 MAY 11 PM 2 18

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 02-10379

NAME AND ADDRESS:
ESTATE OF GOLDA DARLENE
MONTIERTH
HERBERT R MONTIERTH PERS REP
825 HEARTLAND DR
NAMPA, ID 83686

HERBERT R MONTIERTH JR
6312 S ZITHER AVE
BOISE, ID 83709

EDWARD RAY MONTIERTH
SUSAN L MONTIERTH
825 HEARTLAND DR
NAMPA, ID 83686

SOURCE: SNAKE RIVER TRIBUTARY: COLUMBIA RIVER

QUANTITY: 0.542 CFS

RIGHTS 2-2172, 2-2177, 2-2184, 2-2185, 2-2191A, AND SPLITS OF 2-2191B, 2-2192, 2-2193, 2-2194A, 2-2196, 2-2199, 2-2208, 2-2280, 2-2363, 2-2368, 2-2422, 2-7010, 2-7011, 2-7078, 2-7081, 2-10029, 2-10059, 2-10184, 2-10185, 2-10218, 2-10219, 2-10220 AND 2-10221 WHEN COMBINED SHALL NOT EXCEED A TOTAL DIVERSION RATE OF 74.30 CFS.

PRIORITY DATE: 01/11/1963

POINT OF DIVERSION: T01N R03W S36 LOT 7 (SWSWNE) Within Canyon County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
Irrigation	03-15 TO 11-15	0.542 CFS

PLACE OF USE: Irrigation Within Canyon County
T01N R03W S02 LOT 3 (NENW) 38.0
38.0 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. 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

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MAY 12 2009
DEPARTMENT OF
WATER RESOURCES

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TWIN FALLS CO., IDAHO
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2009 MAY 11 PM 2 17

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	)	
	)	**Water Rights: See Attached Exhibit A**
Case No. 39576	)	
	)	**ORDER OF PARTIAL DECREES**
	)	**(Montierth)**
	)	
	)	

On December 29, 2006, the Idaho Department of Water Resources filed its *Director's Report for Basin 02, Reporting Area 20, for Irrigation and Other Water Rights*, which included a recommendation for water right 02-02191B.

On December 19, 2007, the Idaho Department of Water Resources filed a *Notice of Completed Administrative Proceeding* and *Amended Director's Reports* notifying the Court that water right 02-02191B had been split into thirty-four (34) separate rights, including, but not limited to, those listed on attached Exhibit A. No objections were filed to the *Amended Director's Reports* and the time period for filing objections has expired.

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

DATED May 11, 2009.

JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

EXHIBIT A (MONTIERTH)

Subcase Nos:

02-10372
02-10373
02-10374
02-10375
02-10376
02-10377
02-10378
02-10379
02-10380
02-10381
02-10382
02-10383
02-10384
02-10385
02-10386
02-10388
02-10389
02-10390
02-10391
02-10393
02-10394

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER OF PARTIAL DECREES was mailed on May 11, 2009, with sufficient first-class postage to the following:

ESTATE OF GOLDA DARLENE
MONTIERTH
HERBERT R MONTIERTH PERS REP
825 HEARTLAND DR
NAMPA, ID 83686
Phone: 208-463-8163

ESTATE OF GOLDA DARLENE
MONTIERTH
HERBERT R MONTIERTH PERS REP
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DIRECTOR OF IDWR
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Julie Murphy
Deputy Clerk