

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

2009 MAY 11 PM 2 18

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
Case No. 39576) I.R.C.P. 54(b) FOR
) Water Right 02-10378

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: 0.271 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	0.271 CFS

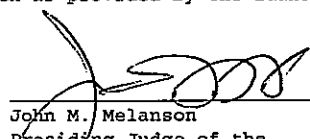
PLACE OF USE: Irrigation Within Canyon County
T01N R03W S02 LOT 2 (NWNE) 19.0
19.0 Acres Total

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

RECEIVED

MAY 12 2009

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

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

Case No. 39576

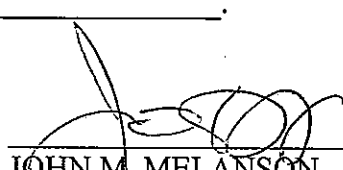
)
) **Water Rights: See Attached Exhibit A**
)
) **ORDER OF PARTIAL DECREES**
) **(Montierth)**
)
)

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
825 HEARTLAND DR
NAMPA, ID 83686

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

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

EDWARD RAY MONTIERTH
SUSAN L MONTIERTH
825 HEARTLAND DR
NAMPA, ID 83686
Phone: 208-463-8163

A handwritten signature in cursive script, appearing to read "Julie Murphy", is written over a horizontal line.