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MAY 12 2009

DEPARTMENT OF
WATER RESOURCES

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

MAY 11 2009

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

Clerk

Deputy Clerk

In Re SRBA

Case No. 39576

)
) Water Right: 02-10387
) (Montierth)
)

) ORDER OF PARTIAL DECREE
)
)

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 recommendations 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 Report* notifying the Court that water right 02-02191B had been split into thirty-four separate water rights, including water right **02-10387**. No objections were filed to the *Amended Director's Report* and the time period for filing objections has expired. On April 9, 2009, a *Notice of Completed Administrative Proceeding and Amended Director's Report* was filed notifying the Court of a correction of a clerical error in the quantity element for water right **02-10387**. 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

May 11, 2009

JOHN M. MELANSON

Presiding Judge

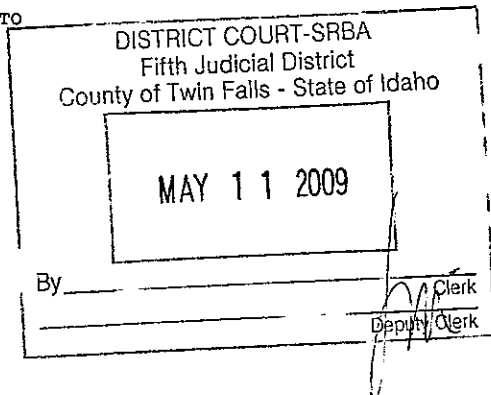
Snake River Basin Adjudication

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)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 02-10387



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: 0.314 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	03-01 TO 11-15	3.14 CFS

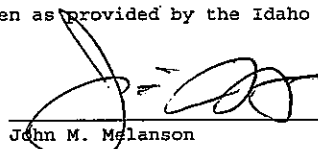
PLACE OF USE: Irrigation Within Canyon County
T01N R03W S02 NESE 22.0
22.0 Acres Total

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

2009 MAY 11 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

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)
)
)
CERTIFICATE OF MAILING

Water Right(s): 02-10387

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 02-10387 was mailed
on May 11, 2009, with sufficient first-class postage prepaid
to the following:

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

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

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

EDWARD RAY MONTIERTH
SUSAN L MONTIERTH
825 HEARTLAND DR
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Phone: 208-463-8163

CERTIFICATE OF MAILING

JULIE MURPHY
Chief Deputy Clerk

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05/11/09