

|                                                                                         |              |
|-----------------------------------------------------------------------------------------|--------------|
| DISTRICT COURT-SRBA<br>Fifth Judicial District<br>County of Twin Falls - State of Idaho |              |
| NOV 17 2008                                                                             |              |
| 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     | ) |                         |
|                | ) | Water Right: 67-04062   |
| Case No. 39576 | ) | (Spiering)              |
|                | ) |                         |
|                | ) | ORDER OF PARTIAL DECREE |
|                | ) |                         |
| _____          | ) |                         |

On December 22, 2006, the Idaho Department of Water Resources filed its *Director's Report for Basin 67, Reporting Area 19, for Irrigation and Other Water Rights*, which included recommendations for the above named water right. No objections were filed and the January 24, 2008, 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 November 17, 2008.

  
\_\_\_\_\_  
JOHN M. MELANSON  
Presiding Judge  
Snake River Basin Adjudication

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 67-04062

|                                       |              |
|---------------------------------------|--------------|
| DISTRICT COURT-SRBA                   |              |
| Fifth Judicial District               |              |
| County of Twin Falls - State of Idaho |              |
| NOV 17 2008                           |              |
| By _____                              | Clerk        |
| _____                                 | Deputy Clerk |

NAME AND ADDRESS: HOLLY K SPIERING  
MONTE R SPIERING  
2591 HORSE FLAT RD  
CAMBRIDGE, ID 83610

SOURCE: PINE CREEK TRIBUTARY: WEISER RIVER

QUANTITY: 1.03 CFS

Right Nos. 67-4062 and 67-201 are limited to a total combined  
diversion rate of 2.64 cfs.  
The quantity of water under this right for stockwater use shall  
not exceed 13,000 gallons per day.

PRIORITY DATE: 05/10/1918

POINT OF DIVERSION: T15N R03W S30 SWS Within Washington County

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY |
|-------------------------------|----------------|----------------|----------|
|                               | Irrigation     | 03-15 TO 10-31 | 1.00 CFS |
|                               | Stockwater     | 01-01 TO 12-31 | 0.03 CFS |

| PLACE OF USE: | Irrigation        | Within Washington County                                                  |
|---------------|-------------------|---------------------------------------------------------------------------|
|               | T15N R03W S32     | NENE 30.0<br>NWNE 22.0<br>SWNE 32.0<br>SENE 32.0<br>NESE 11.0<br>SWNW 2.0 |
|               | S33               | NWSW 3.0                                                                  |
|               | 132.0 Acres Total |                                                                           |

Stockwater Within Washington County  
Same as Irrigation

Right Nos. 67-4062 and 67-201 are limited to the irrigation of a  
combined total of 132 acres in a single irrigation season.

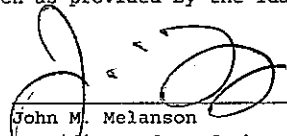
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

The quantity of water decreed for this water right for  
stockwater use is not a determination of historical beneficial  
use.

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

2008 NOV 17 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) : 67-04062

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 67-04062 was mailed  
on November 17, 2008, with sufficient first-class postage prepaid  
to the following:

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

HOLLY K SPIERING  
MONTE R SPIERING  
2591 HORSE FLAT RD  
CAMBRIDGE, ID 83610

JULIE MURPHY  
Chief Deputy Clerk