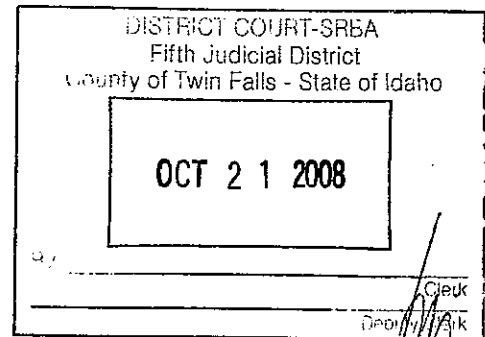


RECEIVED

OCT 22 2008

DEPARTMENT OF
WATER RESOURCES



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

) ORDER OF PARTIAL DECREE
)
)
) For Water Right: 02-02392
) (Mertz/Symms)
)

On August 20, 2008, a *Special Master's Report and Recommendation* was filed for the above-captioned water right. No Challenges were filed to the *Special Master's Report and Recommendation* and the time for filing Challenges has now expired.

Pursuant to I.R.C.P. 53(e)(2) and *SRBA Administrative Order 1*, Section 13f, this Court has reviewed the Findings of Fact and Conclusions of Law contained in the *Special Master's Report and Recommendation* and wholly adopts them as its own.

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

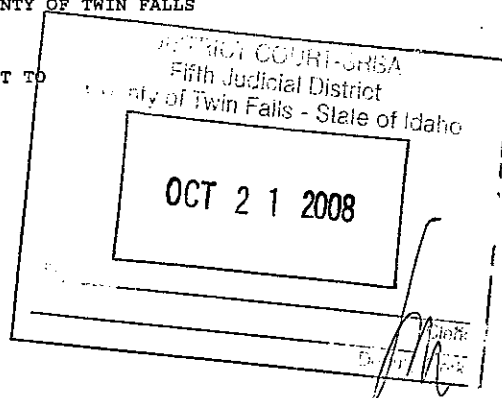
October 21, 2008


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 02-02392



NAME AND ADDRESS: JAMES P MERTZ
RICHARD A SYMMS
14068 SUNNY SLOPE RD
CALDWELL, ID 83605

SOURCE: SNAKE RIVER TRIBUTARY: COLUMBIA RIVER

QUANTITY: 7.70 CFS

Right Nos. 2-2392 and 2-7077 are limited to a total combined
diversion rate of 7.7 cfs.

PRIORITY DATE: 05/16/1966

POINT OF DIVERSION: T02N R04W S23 LOT 1 (NENWNW) Within Owyhee County

PURPOSE AND

PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	7.70 CFS
	Stockwater	01-01 TO 12-31	0.04 CFS

The use of water for irrigation under this right may begin as
early as March 1 and may continue to as late as November 15,
provided other elements of the right are not exceeded. The use
of water before March 15 and after November 15 under this remark
is subordinate to all water rights having no subordinated early
or late irrigation use and a priority date earlier than the date
a partial decree is entered for this right.

PLACE OF USE:	Irrigation	Within Owyhee County
T02N R04W S15	NWNE 36.0 SENE 11.0 SWNW 39.0 NESW 33.0 SWSW 20.0 NESE 27.0 SWSE 28.0 SESE 16.0	SWNE 39.0 NENW 39.0 SENE 23.0 NWSW 38.0 SESW 20.0 NWSE 39.0 SESE 7.0
S16		
415.0 Acres Total		
Stockwater		Within Owyhee County
Same as Irrigation		

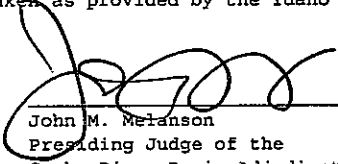
Place of use does not include federal public lands.

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

2008 OCT 21 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): 02-02392

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 02-02392 was mailed
on October 21, 2008, with sufficient first-class postage prepaid
to the following:

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

UNITED STATES OF AMERICA
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

JAMES P MERTZ
RICHARD A SYMMS
14068 SUNNY SLOPE RD
CALDWELL, ID 83605
Phone: 208-459-4821

JULIE MURPHY
Chief Deputy Clerk