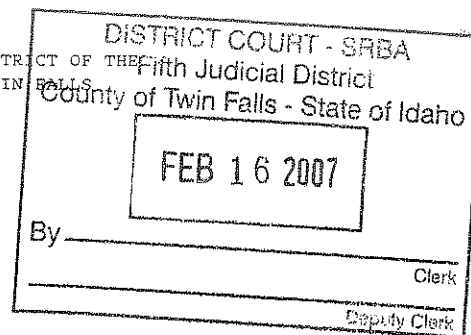


IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS



In Re SRBA )  
 ) PARTIAL DECREE PURSUANT TO  
 ) I.R.C.P. 54(b) FOR  
Case No. 39576 )  
 )  
 ) Water Right 63-32112

NAME AND ADDRESS: ROD MONTIERTH  
KUNA, ID 83634

EDWARD RAY MONTIERTH  
HERBERT R MONTIERTH JR  
825 HEARTLAND DR  
NAMPA, ID 83686

SOURCE: GROUND WATER

QUANTITY: 0.52 CFS  
221.40 AFY

A measuring device of a type approved by the Department shall be permanently installed and maintained as part of the diverting works.

PRIORITY DATE: 05/16/1974

POINT OF DIVERSION: T02N R01E S34 SWSW Within Ada County

| PURPOSE AND PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY               |
|----------------------------|----------------|----------------|------------------------|
|                            | Irrigation     | 04-01 TO 10-31 | 0.52 CFS<br>221.40 AFY |

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 April 1 and after October 31 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.

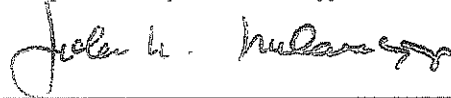
| PLACE OF USE: | Irrigation        | Within Ada County                                |
|---------------|-------------------|--------------------------------------------------|
|               | T02N R01E S34     | NESW 26.0<br>NWSW 12.0<br>SWSW 27.0<br>SESW 39.0 |
|               | 104.0 Acres Total |                                                  |

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.



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John M. Melanson  
Presiding Judge of the  
Snake River Basin Adjudication