

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 Right 45-07002

NAME AND ADDRESS: MAX HERBOLD INC
 10 N 300 W
 BURLEY, ID 83318

SOURCE: GROUND WATER

QUANTITY: 4.00 CFS
 1796.50 AFY

USE OF THIS RIGHT WITH RIGHT NO. 45-7512 IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 5.57 CFS AND TO A TOTAL COMBINED
ANNUAL DIVERSION VOLUME OF 1796.5 AF.

PRIORITY DATE: 08/24/1967

POINT OF DIVERSION: T10S R22E S22 SWSESE Within Cassia County
 SESESE

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	2.15 CFS 430.40 AFY
	Commercial	01-01 TO 12-31	4.00 CFS 1576.00 AFY
	Domestic	01-01 TO 12-31	0.40 CFS 0.60 AFY

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS
EARLY AS MARCH 15 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 Cassia County
 T10S R22E S22 LOT 2 (SWNE) 13.0 LOT 1 (NESE) 9.6
 NWSE 40.0 SWSE 31.0
 SESE 14.0
 107.6 Acres Total

Commercial Within Cassia County
 T10S R22E S22 SESE

Domestic Within Cassia County
 T10S R22E S22 SESE

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. Section 42-1412(6), Idaho
Code.

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

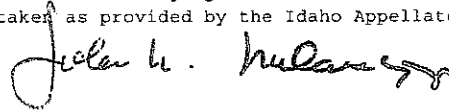
SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

OTHER PROVISIONS (continued)

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