

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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PARTIAL DECREE PURSUANT TO  
I.R.C.P. 54(b) FOR  
Water Right 61-07265

2001 APR 12 PM 12:58

DISTRICT COURT-SRBA  
TWIN FALLS CO., IDAHO  
FILED

NAME AND ADDRESS: EDWARD RAY MONTIERTH  
GOLDA DARLENE MONTIERTH  
HERBERT R MONTIERTH  
RODNEY K MONTIERTH  
SUSAN MONTIERTH  
RT 1 BOX 156  
KUNA, ID 83634

SOURCE: GROUNDWATER

QUANTITY: 2.98 CFS  
596.00 AFY

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A  
TOTAL COMBINED DIVERSION RATE OF 9.63 CFS AND TO A TOTAL  
COMBINED ANNUAL DIVERSION VOLUME OF 3288 AF, FROM THE WELL  
IDENTIFIED ABOVE. COMBINED RIGHT NOS: 61-07196, 61-07206C,  
61-07240, 61-07298.

PRIORITY DATE: 04/12/1976

POINT OF DIVERSION: T03S R05E S06 NESW Within Elmore County

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY               |
|-------------------------------|----------------|----------------|------------------------|
|                               | Irrigation     | 04-01 TO 10-31 | 2.98 CFS<br>596.00 AFY |

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 Elmore County |
|---------------|---------------------------------|----------------------|
|               | T03S R05E S06 LOT 01 (NENE)37.0 | LOT 02 (NWNE)37.0    |
|               | SWNE 38.0                       | NWSE 37.0            |
|               | 149.0 Acres Total               |                      |

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO  
THE IRRIGATION OF A COMBINED TOTAL OF 822 ACRES IN A SINGLE  
IRRIGATION SEASON. COMBINED RIGHT NOS.:61-07196, 61-07206C,  
61-07240, 61-07298.

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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Roger Burdick  
Presiding Judge of the  
Snake River Basin Adjudication