

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 61-07210

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: 6.56 CFS
1312.00 AFY

USE OF THIS RIGHT WITH RIGHT NO. 61-07195A IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 18.65 CFS AND TO A TOTAL
COMBINED ANNUAL DIVERSION VOLUME OF 4672 AF.

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 23.47 CFS AND TO A TOTAL
COMBINED ANNUAL DIVERSION VOLUME OF 5636 AF. COMBINED RIGHT
NOS.:61-07204, 61-07195A.

PRIORITY DATE: 12/19/1974

POINT OF DIVERSION: T02S R04E S36 SWSE Within Elmore County
R05E S30 NESW
NWSE

2 POINTS OF DIVERSION LOCATED IN T02S, R04E, S36, SWSE.
POINT OF DIVERSION IS ON LINE DIVIDING T02S, R04E, S30,NWSE
AND NESW.

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	6.56 CFS 1312.00 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
	T02S R04E S25	NESW 36.0 NWSW 36.0 SESW 37.0 NENE 36.0 NWNE 36.0 SWNE 37.0 SENE 36.0 NENW 36.0 NWNW 36.0 SNNW 36.0 SENN 36.0 NESE 36.0 NWSE 37.0 SWSE 36.0 SESE 36.0
	R05E S29	NWSW 3.0 SWSW 3.0
	S30	NENW 37.0 NWNW 37.0 SENN 37.0 SENN 37.0 NENW 37.0 NWNW 37.0 SENN 37.0 SENN 37.0 NENW 37.0 NWNW 37.0 SENN 37.0 SENN 37.0

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

PLACE OF USE (continued)

	NESE 36.0	NWSE 36.0
	SWSE 36.0	SESE 36.0
S31	NENW 37.0	NWNW 37.0
	SWNW 36.0	SENW 36.0
1168.0 Acres Total		

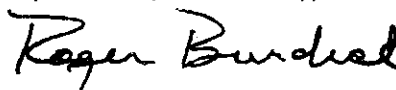
THIS RIGHT IS LIMITED TO THE IRRIGATION OF 328 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON. USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 1409 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.:61-07204, 61-07195A. USE OF THIS RIGHT WITH RIGHT NO. 61-07195A IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 1168 ACRES IN A SINGLE IRRIGATION SEASON.

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.



Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication