

RECEIVED

NOV 26 1997 1997 NOV 24 PM 3:18

Department of Water Resources

DISTRICT COURT-5  
TWIN FALLS, IDAHO  
FILED

✓  
11-24

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 34-10717

On September 12, 1997, a *Special Master's Report and Recommendation* was filed for the above 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 wholly adopts them as its own.

Therefore, IT IS ORDERED that water right 34-10717 is hereby decreed as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED November 27, 1997.



DANIEL C. HURLBUTT, JR.

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 34-10717

1997 NOV 24 PM 3:13  
DISTRICT COURT  
TWIN FALLS, IDAHO  
FILED

NAME & ADDRESS: SMITH RANCHES INC  
PO BOX 106  
DARLINGTON ID 83231

SOURCE: DRY FORK CREEK TRIBUTARY: ANTELOPE CREEK

QUANTITY: 0.02 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000  
GALLONS PER DAY.

PRIORITY DATE: 04/01/1962

POINT OF DIVERSION: T03N R23E S25 SESE Within BUTTE County  
R24E S31 NWSE  
R23E S24 NWSW (INSTREAM BEGINNING POINT)  
R24E S08 NESE (INSTREAM ENDING POINT)

WATER FOR DOMESTIC USE IS DIVERTED BY BUCKET FROM THE SOURCE.

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE   | PERIOD OF USE | QUANTITY |
|-------------------------------|------------------|---------------|----------|
|                               | STOCKWATER       | 01-01 12-31   | 0.02 CFS |
|                               | DOMESTIC 2 HOMES | 01-01 12-31   | 0.01 CFS |

| PLACE OF USE: | STOCKWATER    | Within BUTTE County |      |      |      |
|---------------|---------------|---------------------|------|------|------|
|               | T03N R23E S24 | NWSW                | SESW |      |      |
|               | S25           | SWNE                | NENW | SWNW | NESE |
|               |               | SESE                |      |      |      |
|               | R24E S08      | NESE                | SESE |      |      |
|               | S16           | NWNW                | SWNW |      |      |
|               | S17           | SENE                | NENW | NWSE |      |
|               | S20           | NESE                | SESE |      |      |
|               | S28           | SWNW                | NWSW | SWSW |      |
|               | S29           | NENE                | SENE |      |      |
|               | S30           | NWSW                | SWSW | SESW |      |
|               | S31           | SWNE                | NENW | NESE |      |
|               | S32           | SENE                | NESW | NWSW | NWSE |
|               | S33           | NWNW                | SWNW |      |      |
|               | DOMESTIC      | Within BUTTE County |      |      |      |
|               | T03N R23E S25 | SWNE                |      |      |      |
|               | R24E S31      | NESE                |      |      |      |

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A  
DETERMINATION OF HISTORICAL BENEFICIAL USE.

  
DANIEL C. HURLBUTT, JR.  
PRESIDING JUDGE  
Snake River Basin Adjudication

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.

  
DANIEL C. HURLBUTT, JR.  
PRESIDING JUDGE  
Snake River Basin Adjudication