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Department of Water Resources

1999 JAN 29 PM 1:06

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

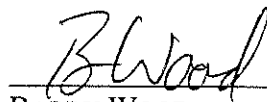
In Re SRBA)
Case No. 39576)
ORDER OF PARTIAL DECREE
For Water Right 25-10519

On December 31, 1998, 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 25-10519 is hereby **decreed** as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED 1-27-99.



BARRY WOOD

Administrative District Judge
Interim Presiding Judge of the
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 25-10519

1999 JAN 29 PM 3:39
DISTRICT COURT - SRBA
TWIN FALLS, IDAHO

NAME AND ADDRESS: ELLEN DRAKE
ELMER DRAKE
4157 E MENAN LORENZO HWY
RIGBY, ID 83442

SOURCE: GROUNDWATER

QUANTITY: 0.06 CFS

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

PRIORITY DATE: 01/01/1925

POINT OF DIVERSION: T05N R39E S28 LOT 13 (SWSE) Within Jefferson County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Stockwater	01-01 TO 12-31	0.02 CFS
	Domestic 1 HOME	01-01 TO 12-31	0.04 CFS

PLACE OF USE:	Stockwater	Within Jefferson County
	T05N R39E S28 LOT 02 (SWSE)	LOT 12 (SWSE)
	LOT 13 (SWSE)	NESW
	LOT 02 (SESW)	LOT 12 (SESW)
	Domestic	Within Jefferson County
	T05N R39E S28 LOT 02 (SWSE)	LOT 12 (SWSE)
	LOT 13 (SWSE)	NESW
	LOT 02 (SESW)	LOT 12 (SESW)

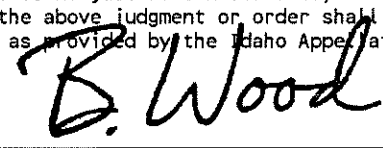
THE USE OF WATER WITHIN T05N 39E S28 SWSE SHALL BE LIMITED TO
LOT 02, LOT 12, LOT 13, TRACT 43 AND TRACT 44. THE USE OF WATER
WITHIN T05N R39E S28 NESW SHALL BE LIMITED TO TRACT 43.

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.

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.



Barry Wood
Administrative District Judge
Interim Presiding Judge of the
Snake River Basin Adjudication

1999 FEB 02 PM 02:00
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

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	)	CERTIFICATE OF MAILING
	)	
Case No. 39576	)	
_____	)	Water Right(s): 25-10519

CERTIFICATE OF MAILING

I certify that a true and correct copy of the PARTIAL DECREE
PURSUANT TO I.R.C.P. 54(b) for WATER RIGHT 25-10519 was mailed
on February 02, 1999, with sufficient first-class postage prepaid
to the following:

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

USDI BLM
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724
Phone: 208-387-0835

ELLEN DRAKE
ELMER DRAKE
4157 E MENAN LORENZO HWY
RIGBY, ID 83442
Phone: 208-745-6145

DIANA DELANEY
Chief Deputy Clerk