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JUN 30 1999

Department of Water Resources

1999 JUN 28 AM 10:16

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

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 55-10259

On April 12, 1999, 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 55-10259 is hereby decreed as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED JUN 28 1999



BARRY WOOD
Administrative District Judge
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

1999 JUN 28 AM 10:16

Water Right 55-10259

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

FILED _____

NAME AND ADDRESS: VERNON H KERSHNER
PO BOX 38
JORDAN VALLEY, OR 97910

SOURCE: FLINT CREEK
HARD UP GULCH
EAST CREEK
MAMMOTH CREEK
TWILIGHT GULCH

TRIBUTARY: JORDAN CREEK
FLINT CREEK
FLINT CREEK
NORTH BOULDER CREEK
FLINT CREEK

QUANTITY: 0.02 CFS

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

PRIORITY DATE: 05/20/1871

POINT OF DIVERSION:	T05S R03W S29	SWSESW	(Instream Beginning Point) Within Owyhee County
	R04W S25	SENENE	(Instream Beginning Point)
	S26	NWSESE	(Instream Beginning Point)
	S36	NWSENW	(Instream Beginning Point)
	T06S R03W S08	SESWSW	(Instream Ending Point)
	R04W S15	NWSWSE	(Instream Ending Point)

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Stockwater	06-01 TO 11-01	0.02 CFS

PLACE OF USE:	Stockwater		Within Owyhee County
	T05S R03W S29	SESW	
	S30	SWNW	NWSW
		SESW	
	S31	NWNW	SWNW
		NENW	NWSW
	S32	SWSE	NENW
		SENW	NESW
		NWSE	
	R04W S25	NENE	SENE
	S26	SWSE	SESE
	S35	SENW	SWSW
		SESW	NWNE
		NENW	NESW
	S36	SENW	NESW
		SWSW	NESE
		SESE	
	T06S R03W S05	SWNE	NWSE
		NWNE	SWSE
	S08	NWNE	NENW
		SENW	NESW
		SWSW	SESW
	R04W S01	NWNW	NWSE
		SWSE	NENE
		SENE	
	S02	NENE	NWNE
		SWNE	NWNW
		SWNW	SENW
		NESW	NWSW
		SWSW	

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

PLACE OF USE (continued)

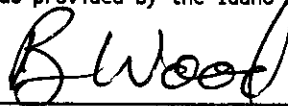
S11	NWNW	SWNW
	NWSW	SWSW
S12	SWNE	NESW
	SESW	NWNE
S13	NENW	SWNW
S14	NWNW	SWNW
	NWSW	SWSW
	SESW	SESE
	NESE	SWSE
S15	SWSE	SESE

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 JUN 28 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): 55-10259

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 55-10259 was mailed
on June 28, 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

VERNON H KERSHNER
PO BOX 38
JORDAN VALLEY, OR 97910
Phone: 208-583-2285

DIANA DELANEY
Chief Deputy Clerk