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JUN 30 1999

Department of Water Resources

1999 JUN 28 PM 12: 03

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

)

ORDER OF PARTIAL DECREE

)

Case No. 39576

)

For Water Right 55-02139

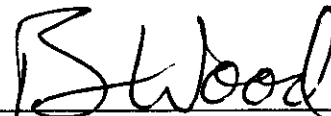
)

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 55-02139 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 1999 JUN 28 PM 12: 03
I.R.C.P. 54(b) FOR

Water Right 55-02139 DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

FILED _____

NAME AND ADDRESS: GEORGE JOHNSTONE
JUANITA JOHNSTONE
RT 1 BOX 1144
HOMEDALE, ID 83628

SOURCE: MILL CREEK TRIBUTARY: SOUTH BOULDER CREEK

QUANTITY: 0.76 CFS

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

PRIORITY DATE: 02/24/1948

POINT OF DIVERSION: T07S R04W S30 SESW (Rediversion)
S31 NESW (Rediversion)
SENW (Rediversion)
T08S R04W S06 NWSE
R05W S01 NESE (Injection)
S12 NENE

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	0.64 CFS
	Stockwater	01-01 TO 12-31	0.12 CFS

PLACE OF USE:	Irrigation		Within Owyhee County
	T07S R04W S30	SWNE 14.0	NESW 11.0
		SESW 20.0	NWSE 6.0
	S31	SWNE 11.0	NENW 22.0
		SENW 20.0	NESW 13.0
	117.0 Acres Total		

Stockwater Same as Other Use

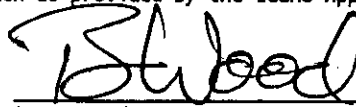
THE USE OF WATER FOR IRRIGATION AND STOCKWATER PURPOSES
WITHIN T07S R04W S30 NWSE IS LIMITED TO THE W 1/2 OF THE W 1/2 OF
THAT PLACE OF USE.

USE OF THIS RIGHT WITH RIGHT NO 55-02056 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 117 ACRES IN A SINGLE
IRRIGATION SEASON.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 32 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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.

A handwritten signature in black ink, appearing to read "B. Wood", is written over a horizontal line.

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)

Case No. 39576)
_____)

CERTIFICATE OF MAILING

Water Right(s): 55-02139

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 55-02139 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

GEORGE JOHNSTONE
JUANITA JOHNSTONE
RT 1 BOX 1144
HOMEDALE, ID 83628
Phone: 208-337-3015

DIANA DELANEY
Chief Deputy Clerk

CERTIFICATE OF MAILING

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06/28/99