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Department of Water Resources

1996 SEP 18 AM 11:30

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 ON PARTIAL DECREE**

Case No. 39576

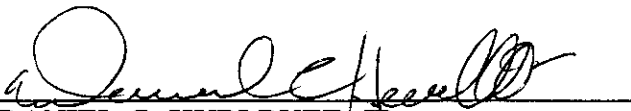
) **For Water Right 34-00962**

On July 31, 1996, 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 18a, 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 34-00962 be decreed as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED September 17, 1996.

  
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  
I.R.C.P. 54(b) FOR  
Water Right 34-00962

1996 SEP 18 AM 11:30

DISTRICT COURT - SRBA  
TWIN FALLS CO., IDAHO

FILED \_\_\_\_\_

NAME & ADDRESS: HONOLULU COPPER CORPORATION  
2927 MOKUMOA ST  
HONOLULU HI 96819

SOURCE: CLIFF CREEK TRIBUTARY: BIG LOST RIVER

QUANTITY: 2.75 CFS

UP TO 0.75 CFS OF THE WATER DIVERTED MAY BE TAKEN THROUGH THE  
WATER SYSTEM. REMAINDER OF WATER DIVERTED TO BE RELEASED INTO  
CLIFF CREEK WITHIN 50 FEET OF THE CREEK.

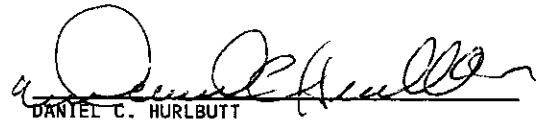
PRIORITY DATE: 06/01/1884

POINT OF DIVERSION: T06N R23E S02 SWSNW Within CUSTER County

|                               |                          |                              |                      |
|-------------------------------|--------------------------|------------------------------|----------------------|
| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE<br>MINING | PERIOD OF USE<br>01-01 12-31 | QUANTITY<br>2.75 CFS |
|-------------------------------|--------------------------|------------------------------|----------------------|

PLACE OF USE: MINING Within CUSTER County  
T07N R23E S36 NWSE

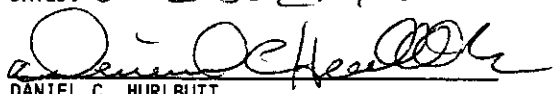
DATED: September 18, 1996

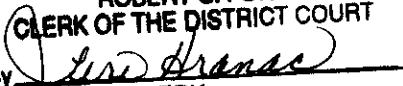
  
DANIEL C. HURLBUTT  
PRESIDING JUDGE  
Snake River Basin Adjudication

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.

DATED: September 18, 1996

  
DANIEL C. HURLBUTT  
PRESIDING JUDGE  
Snake River Basin Adjudication

State of Idaho  
County of Twin Falls ss.  
I hereby certify the foregoing to be a full,  
true and correct copy of the original on  
file in the above entitled action.  
ROBERT S. FORT  
CLERK OF THE DISTRICT COURT  
By   
DEPUTY CLERK

1996 SEP 18 AM 11:30

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**

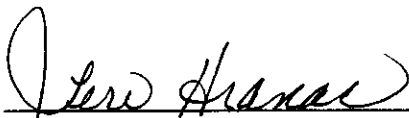
|                |   |                                 |
|----------------|---|---------------------------------|
| In Re SRBA     | ) | <b>CERTIFICATE OF MAILING</b>   |
|                | ) |                                 |
| Case No. 39576 | ) | <b>For Water Right 34-00962</b> |
| _____          | ) |                                 |

I certify that a true and correct copy of the *Order on Partial Decree for Water Right 34-00962* and *Partial Decree Pursuant to I.R.C.P. 54(b) for Water Right 34-00962* were mailed on September <sup>18</sup>~~17~~, 1996 with sufficient first-class postage prepaid to the following:

Director of IDWR  
P.O. Box 83720  
Boise, ID 83720-0098

Ross Moody  
Honolulu Copper Corporation  
2927 Mokumoa Street  
Honolulu, HI 96819

Ray Rigby  
P.O. Box 250  
Rexburg, ID 83340

  
\_\_\_\_\_  
Deputy Clerk