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Department of Water Resources
Adjudication Bureau

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FEB 21 1997

OFFICE OF THE
ATTORNEY GENERAL

FEB 19 PM 14:00

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 MODIFYING SPECIAL
MASTER'S REPORT AND ISSUING
PARTIAL DECREE

For Water Right 34-07407

On December 6, 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 14a, this court has reviewed the Findings of Fact and Conclusions of Law contained in the *Special Master's Report* and **modifies** them as follows:

Element 3, quantity is modified to add the following text: "The quantity of water under this right shall not exceed 13,000 gallons per day."

Element 6, purpose of use is modified to add "1 Home."

In addition, the following text has been added to the partial decree: "The quantity of water decreed for this water right is not a determination of historical beneficial use."

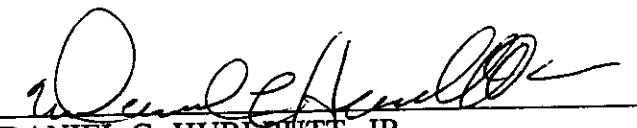
Pursuant to I.R.C.P. 53(e)(2) and *SRBA Administrative Order 1*, Section 14a, the court wholly **adopts** the remaining Findings of Fact and Conclusions of Law contained in the *Special Master's Report*.

Therefore, IT IS ORDERED that water right 34-07407 be decreed as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED February 19, 1997.

MAIL4011




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 34-07407

1997 FEB 19 PM 4:00
DISTRICT COURT-5
TWIN FALLS COUNTY, IDAHO
FILED _____

NAME & ADDRESS: BEN HOWARD
PO BOX 502
CHALLIS ID 83226

SOURCE: POISON SPRING
SPRING

TRIBUTARY: SINKS
SINKS

QUANTITY: 0.02 CFS
0.6 AFY

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

PRIORITY DATE: 12/31/1981

POINT OF DIVERSION: T10N R22E S17

NENWNW
SENWNW
NESWNW

Within CUSTER County

PURPOSE AND
PERIOD OF USE: PURPOSE OF USE
DOMESTIC 1 HOME

PERIOD OF USE
01-01 12-31

QUANTITY
0.02 CFS
0.6 AFY

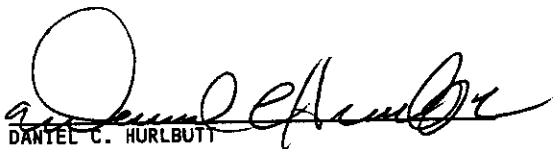
PLACE OF USE: DOMESTIC
T10N R21E S11

Within CUSTER County
SWNW

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.

DATED: Feb 19, 1997


DANIEL C. HURLBUTT
PRESIDING JUDGE
Snake River Basin Adjudication

RULE 54(b) CERTIFICATE

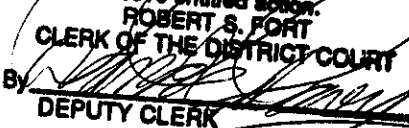
With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment 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: Feb. 19, 1997



DANIEL C. HURLBUTT
PRESIDING JUDGE
Snake River Basin Adjudication

PARTIAL DECREE PURSUANT TO I.R.C.P. 54(b)
Water Right 34-07407

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

