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Department of Water Resources
Adjudication Bureau

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1997 FEB 19 PM 4:00

OFFICE OF THE
ATTORNEY GENERAL

DISTRICT COURT-
TWIN FALLS COUNTY, 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

) ORDER MODIFYING SPECIAL
) MASTER'S REPORT AND ISSUING
) PARTIAL DECREE

) For Water Right 34-04189

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 changed from .09 cfs to .02 cfs. This change is made in accord with the stipulation entered by the United States in the hearing on Basin-Wide Issue 12. This claim is for an in-stream livestock use and the diversion rate should reflect a 24-hour period.

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 34-04189 be decreed as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED February 17, 1997.

MAIL4006




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 34-04189

1997 FEB 19 PM 4:05
DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED _____

NAME & ADDRESS: UNITED STATES OF AMERICA ACTING THROUGH
USDI BUREAU OF LAND MANAGEMENT
IDAHO STATE OFFICE
1387 S VINNELL WAY
BOISE ID 83709

SOURCE: MARSH CANYON CREEK

TRIBUTARY: ANTELOPE CREEK

QUANTITY:

0.02 cfs
0.02 cfs

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

PRIORITY DATE: 06/28/1934

POINT OF DIVERSION: T05N R25E S06 NESW (INSTREAM BEGINNING POINT) Within CUSTER County
S20 NESW (INSTREAM ENDING POINT)

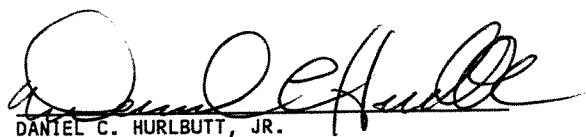
PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	STOCKWATER	01-01 12-31	0.09 CFS

PLACE OF USE:	STOCKWATER	Within CUSTER County
	T05N R25E S06	NESW
	S07	NENW Lot 1 (NWNW) Lot 2 (SWNW) SENW
	S17	NESW Lot 3 (NWSW) SESW SWSE
	S18	SWSW SENE NESE
	S20	NENE NWNE SENE NESE
		SESE SENW NESW

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.

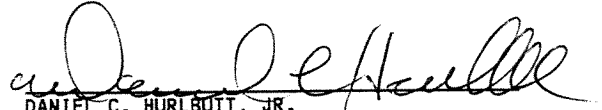
DATED: Feb 19, 1997


DANIEL C. HURLBUTT, JR.
PRESIDING JUDGE
Snake River Basin Adjudication

RULE 54(b) CERTIFICATE

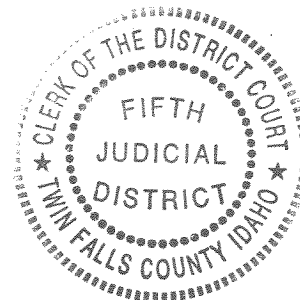
With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment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

PARTIAL DECREE PURSUANT TO I.R.C.P. 54(b)
Water Right 34-04189

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



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