

RECEIVED

JAN 13 1997

Department of Water Resources

JAN 13 -9 PM 2:39
DISTRICT COURT-85 SR
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

) ORDER OF PARTIAL DECREE

) For Water Rights 34-02341A and
) 34-02341B
)

On November 13, 1996, a *Special Master's Report and Recommendation* was filed for the above water rights. 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 wholly adopts them as its own.

Therefore, IT IS ORDERED that water rights 34-02341A and 34-02341B be decreed as set forth in the attached *Partial Decrees Pursuant to I.R.C.P. 54(b)*.

DATED January 9, 1997.



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 TOWN -9 PM 2:39

Water Right 34-02341A

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED _____

NAME & ADDRESS: ALLAN BANTA
ROBERTA BANTA
PO BOX 491
ARCO ID 83213

SOURCE: SPRING TRIBUTARY: SINKS

QUANTITY: 0.02 CFS

USE OF THIS RIGHT WITH RIGHT NO. 34-02341B IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 0.02 CFS.
THE QUANTITY OF WATER DIVERTED UNDER THIS RIGHT AND RIGHT NO.
34-02341B FOR STOCK WATER SHALL NOT EXCEED 13,000 GALLONS PER
DAY.

PRIORITY DATE: 01/08/1958

POINT OF DIVERSION: T05N R27E S36 NESENW Within BUTTE County

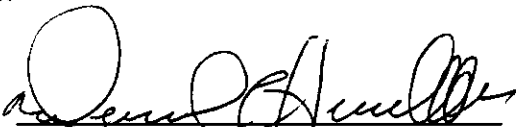
PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	STOCKWATER	01-01 12-31	0.02 CFS.

PLACE OF USE:	STOCKWATER	Within BUTTE County
	T04N R27E S01	NWNE
	S02	NESE
	S11	NESE
	S12	SWNW
	S15	SENW
		NWSW

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: Jan. 9, 1997

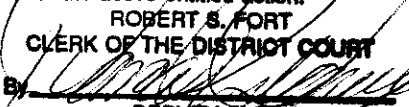

DANIEL C. HURLBUTT, JR.
PRESIDING JUDGE
Snake River Basin Adjudication

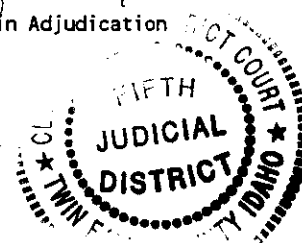
RULE 54(b) CERTIFICATE

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: Jan 9, 1997

PARTIAL DECREE PURSUANT TO I.R.C.P. 54(b)
Water Right 34-02341A

State of Idaho
County of Twin Falls ss. PRESIDING JUDGE
I hereby certify the foregoing Snake River Basin Adjudication
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



1997 JAN -9 PM 2:39
DISTRICT COURT-SEDA
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

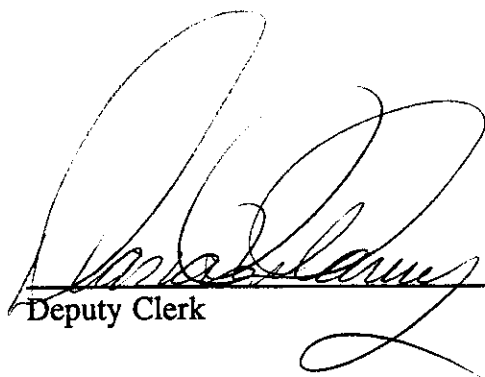
**For Water Rights 34-02341B and
34-02341A**

I certify that true and correct copies of the *Order on Partial Decree for Water Right 34-02341A and 34-02341B* and *Partial Decree Pursuant to I.R.C.P. 54(b) for Water Rights 34-02341A and 34-02341B* were mailed on January 9, 1997, with sufficient first-class postage prepaid to the following:

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

Allan Banta
Roberta Banta
PO Box 491
Arco, ID 83213

US Department of Justice
Environment & Nat'l Resources Div
550 W Fort St, MSC 033
Boise, ID 83724



Deputy Clerk