

RECEIVED

NOV 04 1996

Department of Water Resources

1996 OCT 31 PM 4:19

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

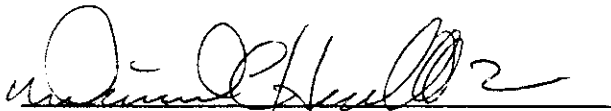
IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA	)	ORDER OF PARTIAL DECREE
	)	
Case No. 39576	)	For Water Right 34-12513A
_____	)	

On February 9, 1996, a *Special Master's Report and Recommendation* was filed for the above water right recommending that it be dismissed. 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 right 34-12513A is hereby **decreed disallowed**.
DATED October 31, 1996.

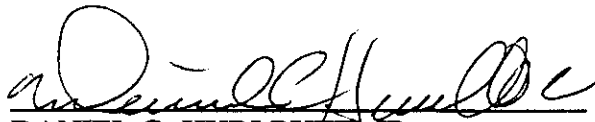


DANIEL C. HURLBUTT, JR.
Presiding Judge
Snake River Basin Adjudication

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 October 31, 1996.



DANIEL C. HURLBUTT, JR.

Presiding Judge

Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER OF PARTIAL DECREE was mailed on October 31, 1996, with sufficient first-class postage to the following:

Director of IDWR
PO Box 83720
Boise, ID 83720-0098

United States Department of Justice
Environment & Natural Resources Div.
550 West Fort Street, MSC 033
Boise, ID 83724

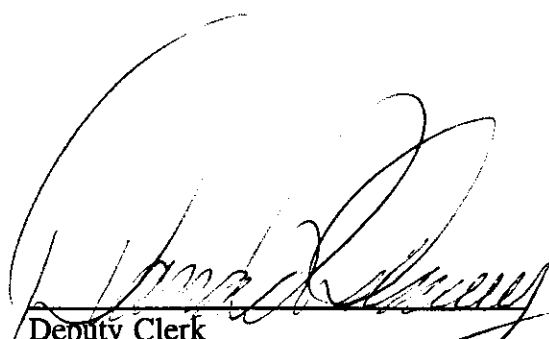
Carolyn Smith
Star Route
Mackay, ID 83251

Margery Fulton-Smith
Star Route
Mackay, ID 83251

RECEIVED

NOV 04 1996

Department of Water Resources



Deputy Clerk

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

ORDER OF PARTIAL DECREE
10/30/96