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Department of Water Resources
Adjudication Bureau

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DISTRICT COURT - SELA
TWIN FALLS COUNTY, IDAHO

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 MODIFYING SPECIAL
	)	MASTER'S REPORT AND ISSUING
Case No. 39576	)	PARTIAL DECREE
_____	)	For Water Right 34-12401

On March 11, 1997, 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.

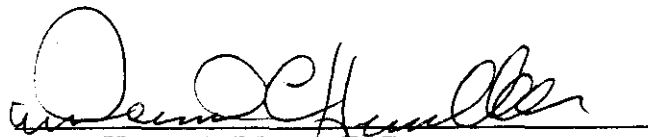
Pursuant to I.R.C.P. 53(e)(2) and *SRBA Administrative Order 1*, Section 14a, this court has reviewed the Findings of Fact and Conclusions of Law contained in the *Special Master's Report* and **modifies** them as follows:

Element 3, quantity is changed from .12 cfs to .02 cfs. This claim is for an in-stream livestock use and the diversion rate should reflect a 24-hour period. This change is made in accord with *Special Master's Second Amended Recommendation Re: Basin-Wide Issue 12* (Aug. 12, 1996).

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 34-12401 be decreed as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED May 2, 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
Water Right 34-12401

1997 MAY -2 PM 2:21
DISTRICT COURT - SRBA
TWIN FALLS CO, IDAHO

NAME & ADDRESS: HERB WHITWORTH
STAR ROUTE
MACKAY ID 83251

SOURCE: THOUSAND SPRINGS CREEK TRIBUTARY: BIG LOST RIVER

QUANTITY: 0.02 CFS

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

PRIORITY DATE: 03/16/1923

POINT OF DIVERSION: T09N R22E S34 SENW (INSTREAM BEGINNING POINT) Within CUSTER County
T08N R22E S02 SESW (INSTREAM ENDING POINT)

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 CUSTER County
T08N R22E S02 NWNW SWNW NESW SESW
S03 NENE NWNE SWNE SENE
T09N R22E S34 SWSE SESE

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.

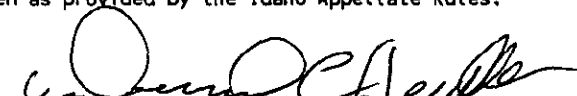
DATED: MAY 2 1997


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

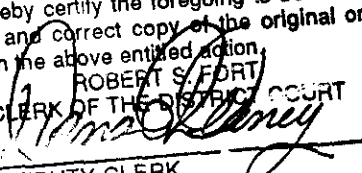
RULE 54(b) CERTIFICATE

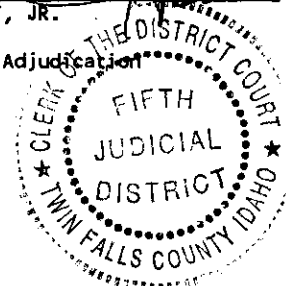
With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment 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: MAY 2 1997


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

PARTIAL DECREE PURSUANT TO I.R.C.P. 54(b)
Water Right 34-12401

State of Idaho ss.
County of Twin Falls
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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