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SEP 20 1996

Department of Water Resources

39576 SRBA 34-10674

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**

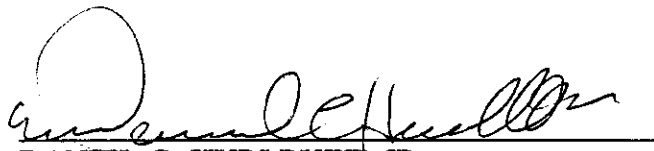
In Re SRBA	)	ORDER ON PARTIAL DECREE
	)	
Case No. 39576	)	For Water Right 34-10674
_____	)	

On July 23, 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 18a, 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 34-10674 be decreed as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED September 18, 1996.



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

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

Department of Water Resources
Adjudication Bureau

In Re SRBA)
)
Case No. 39576)
)

PARTIAL DECREE PURSUANT TO: 0 11:19
I.R.C.P. 54(b) FOR
Water Right 34-10674
DISTRICT OF TWIN FALLS
COUNTY OF TWIN FALLS, IDAHO
FILED

NAME & ADDRESS: WILEY F SMITH
STAR ROUTE
MACKAY ID 83251

SOURCE: UNNAMED STREAM

TRIBUTARY: ARENTSON GULCH CREEK

QUANTITY: 0.06 CFS

USE OF THIS WATER RIGHT SHALL NOT EXCEED 13,000 GALLONS PER
DAY.

PRIORITY DATE: 07/05/1928

POINT OF DIVERSION: T11N R21E S36

NESE

Within CUSTER County

PURPOSE AND

PERIOD OF USE: PURPOSE OF USE
STOCKWATER

PERIOD OF USE
09-15 06-10

QUANTITY
0.06 CFS

PLACE OF USE:

STOCKWATER

Within CUSTER County

T10N R21E S02
S10
S11

SWSW
NENE
NENW

SESW
NWNE

SWNE

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: September 18, 1996

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 [Signature]
DEPUTY CLERK

[Signature]
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: September 18, 1996

[Signature]
DANIEL C. HURLBUTT
PRESIDING JUDGE
Snake River Basin Adjudication

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SEP 20 1996

Department of Water Resources
Adjudication Bureau

SEP 19 1996 11:19
DISTRICT CLERK - 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

) CERTIFICATE OF MAILING
)
)
)

Case No. 39576

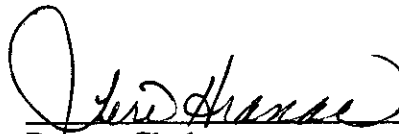
) For Water Right 34-10674
)
)
)

I certify that a true and correct copy of the *Order on Partial Decree for Water Right 34-10674* and *Partial Decree Pursuant to I.R.C.P. 54(b) for Water Right 34-10674* were mailed on September ¹⁸~~17~~, 1996 with sufficient first-class postage prepaid to the following:

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

Ben Howard
PO Box 502
Challis, ID 83226

Wiley F. Smith
Star Route
Mackay, ID 83251



Deputy Clerk