

2003 MAR 11 PM 4:04

FILED
TWIN FALLS CO., IDAHO
P-SRBA

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	)	SPECIAL MASTER'S REPORT AND
	)	RECOMMENDATION; FINDINGS OF
Case No. 39576	)	FACT AND CONCLUSIONS OF LAW
	)	
	)	FOR WATER RIGHT: 31-00324

I. FINDINGS OF FACT

A notice of claim was filed for this water right pursuant to I.C. § 42-1409. The Director of the State of Idaho Department of Water Resources examined the water system for this reporting area. The *Director's Report* contained a recommendation for the elements of this water right.

Objections were filed by Margaret Hagenbarth, David Hagenbarth, James Hagenbarth and Mud Lake Water Users, Inc. All *Objections* were resolved on December 5, 2002 with the filing of a *Standard Form 5*. All parties to the subcase and IDWR are signatories to the *Standard Form 5*.

II. CONCLUSIONS OF LAW

Therefore, based on the file and record herein, IT IS RECOMMENDED that this water right be decreed with the elements set forth in the attached *Special Master's Recommendation for Partial Decree*.

DATED: March 11, 2003.


BRIGETTE BILYEU
Special Master
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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 31-00324

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FILED
TWIN FALLS CO., IDAHO

NAME AND ADDRESS: DAVID J HAGENBARTH
JAMES F HAGENBARTH
MARGARET HAGENBARTH
PO BOX 1128
DILLON, MT 59725

SOURCE: CRAB CREEK TRIBUTARY: CAMAS CREEK
WEST CAMAS CREEK CAMAS CREEK

POINT OF INJECTION INTO AND POINT OF REDIVERSION FROM CROOKED
CREEK.

POINT OF INJECTION INTO AND POINT OF REDIVERSION FROM CRAB
CREEK.

QUANTITY: 12.32 CFS

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 12.32 CFS. COMBINED RIGHT NOS.
31-67A, 31-67B, 31-324 AND 31-11790.

THE APPROPRIATOR IS ENTITLED TO THE QUANTITY OF WATER
DESCRIBED ABOVE, FROM EITHER SOURCE. AT THE POINTS OF DIVERSION
IN T13N, R38E, S36, SWNNW AND T13N, R38E, S26, SENWSE.

PRIORITY DATE: 09/01/1909

PURSUANT TO A CALL, THIS RIGHT IS JUNIOR TO ALL WATER RIGHTS
ON WEST CAMAS CREEK WITH A PRIORITY DATE EARLIER THAN THE DATE
A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

POINT OF DIVERSION:	T12N R38E S02 LOT 2	(SWNNWNE)	(Rediversion)	Within Clark County
		NWSESE	(Rediversion)	
	S11	NENENE	(Rediversion)	
	T13N R38E S22	SENWNW		
		SENWNW	(Injection)	
	S26	SENWSE	(Rediversion)	
		SENWSE	(Rediversion)	
		SENWSE		
		SENWSE		
		NWSWSE	(Injection)	
	S35	NESWNE	(Rediversion)	
		SWNESE	(Rediversion)	
	S36	SWNNW	(Rediversion)	
		SWNNW		

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	05-01 TO 10-31	12.32 CFS
	Stockwater	05-01 TO 10-31	0.23 CFS

PLACE OF USE:	Irrigation	Within Clark County
	T12N R38E S02 LOT 1	(NENE) 11.0 LOT 2 (NWNE) 13.0
		SWNE 34.0 SENE 21.0
		NESE 21.0 NWSE 20.0
		SESE 18.0
	S11	NENE 38.0 SENE 12.0
	S12	NENW 39.0 NWNW 40.0
		SWNW 38.0 SENW 40.0
		NESW 37.0 NWSW 7.0

PLACE OF USE (continued)

T13N R38E S35	SESW 20.0	
	SWNE 7.0	SENE 38.0
	NESE 27.0	NWSE 0.5
	SESE 0.5	
S36	NWNE 15.0	SWNE 40.0
	NENW 36.0	NWNW 35.0
	SWNW 36.0	SENE 40.0
	NESW 40.0	NWSW 39.0
	SWSW 39.0	SESW 39.0
	NESE 9.0	NWSE 40.0
	SWSE 39.0	SESE 31.0

960.0 Acres Total

Stockwater
Same as Irrigation

Within Clark County

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION
OF A COMBINED TOTAL OF 960 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 31-324, 31-373, 31-374, 31-67A, 31-67B,
31-11789 AND 31-11790.

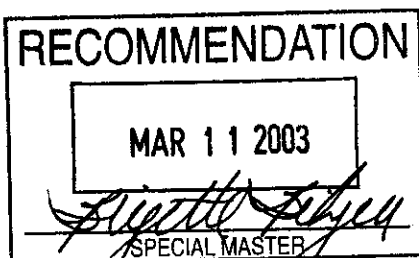
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR
STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL
USE.

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

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.



Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

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DIST. CLERK
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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

In Re SRBA)
Case No. 39576)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

Water Right(s): 31-00324

On March 11, 2003, Special Master BRIGETTE BILYEU issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s) pursuant to SRBA Administrative Order 1 (AO1), Section 13a.

Pursuant to SRBA Administrative Order 1, Section 13a, any party to the adjudication including parties to the subcase, may file a Motion to Alter or Amend on or before the 28th day of the next month.

Failure of any party in the adjudication to pursue or participate in a Motion to Alter or Amend the SPECIAL MASTER'S RECOMMENDATION shall constitute a waiver of the right to challenge it before the Presiding Judge.

DATED March 11, 2003.


JANET CONNELL
Deputy Clerk

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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

In Re SRBA)
)
Case No. 39576)
_____)

CERTIFICATE OF MAILING

Water Right(s): 31-00324

CERTIFICATE OF MAILING

I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on March 11, 2003, with sufficient first-class postage prepaid to the following:

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

MUD LAKE WATER USERS, INC.

Represented by:
JERRY R. RIGBY
PO BOX 250
REXBURG, ID 83440-0250
Phone: 208-356-3633

DAVID J HAGENBARTH
MARGARET HAGENBARTH

Represented by:
MICHAEL C. CREAMER
PO BOX 2720
BOISE, ID 83701-2720
Phone: 208-388-1200

CERTIFICATE OF MAILING

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JAMES F HAGENBARTH
MARGARET HAGENBARTH
PO BOX 1128
DILLON, MT 59725
Phone: 406-683-2163



JANET CONNELL
Deputy Clerk