

2003 MAR 11 PM 4:02

FILED
TWIN FALLS, IDAHO
F-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: 31-00373
_____	)	

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.

An *Objection* was filed by Margaret, David, and James Hagenbarth on September 7, 2001. The *Objection* was 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
Case No. 39576

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 31-00373

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FILED
CLERK OF DISTRICT COURT
TWIN FALLS, IDAHO

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

SOURCE: WEST CAMAS CREEK TRIBUTARY: 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: 2.00 CFS

PRIORITY DATE: 05/28/1891

POINT OF DIVERSION: T12N R38E S02 LOT 2 (SWNWNE) (Rediversion) Within Clark County
NWSESE (Rediversion)
S11 NENENE (Rediversion)
T13N R38E S22 SENWNW (Injection)
S23 SENWNW
S26 SENWSE (Rediversion)
SENWSE (Rediversion)
NWSWSE (Injection)
S35 NESWNE (Rediversion)
SWNESE (Rediversion)
S36 SWNWSW (Rediversion)

PURPOSE AND

PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	05-01 TO 10-31	2.00 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
		SESW 20.0		
	T13N R38E S35	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		SENW 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 Within Clark County
Same as Irrigation

PLACE OF USE (continued)

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.

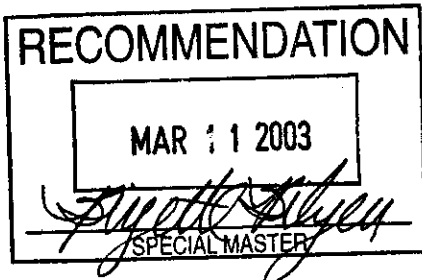
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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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IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
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In Re SRBA)
)
Case No. 39576)
)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

Water Right(s): 31-00373

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

2003 MAR 11 PM 4:02

FILED
F-SRBA
JULY 11 2003
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)
Case No. 39576)
_____)

CERTIFICATE OF MAILING

Water Right(s): 31-00373

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

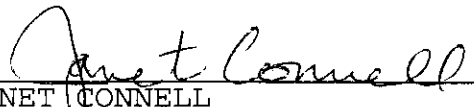
MARGARET HAGENBARTH
Represented by:
BLOOMQUIST, JOHN E.
DONEY, CROWLEY, BLOOMQUIST
108 S WASHINGTON
PO BOX 1418
DILLON, MT 59725
Phone: 406-683-8795

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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03/11/03

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



JANET CONNELL
Deputy Clerk