

2003 MAR 11 PM 4:08

FILED
CLERK OF DISTRICT COURT
TWIN FALLS, IDAHO
FILED g

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: 31-00067A
_____	)	

I. FINDINGS OF FACT

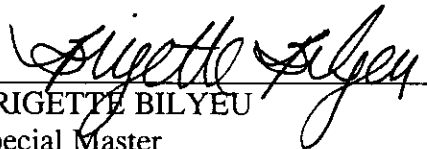
A notice of claim was filed for this water right pursuant to I.C. § 42-1409. The Director of the State of Idaho Department of Water Resources examined the water system for this reporting area. The *Director's Report* contained a recommendation for the elements of this water right.

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)
Case No. 39576)
_____)

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

Water Right 31-00067A

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TWIN FALLS CO., IDAHO
JF

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: 8.46 CFS

USE OF THE 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 AT THE POINTS OF REDIVERSION IN T13N, R38E, S36,
SWNNWN AND T13N, R38E, S26, SENWSE.

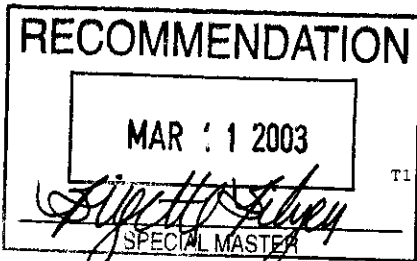
PRIORITY DATE: 06/22/1900

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	(SWNNWN)	(Rediversion)	Within Clark County
		NWSESE	(Rediversion)	
	S11	NENENE	(Rediversion)	
	T13N R38E S22	SENWNW	(Injection)	
		SENWNW		
	S26	SENWSE	(Rediversion)	
		SENWSE	(Rediversion)	
		NWSWSE	(Injection)	
	S35	NESWNE	(Rediversion)	
		SWNESE	(Rediversion)	
	S36	SWNNWN	(Rediversion)	

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	05-01 TO 07-01	8.46 CFS
	Stockwater	05-01 TO 07-01	0.23 CFS

PLACE OF USE:	Irrigation	Within Clark County
	T12N R38E S02 LOT 1	LOT 2
	(NENE) 11.0	(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	SENE 38.0
	SWNE 7.0	NWSE 0.5
	NESE 27.0	
	SESE 0.5	



PLACE OF USE (continued)

960.0 Acres Total

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.

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

RULE 54 (b) CERTIFICATE

Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

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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

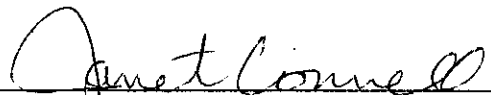
Water Right(s): 31-00067A

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
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CERTIFICATE OF MAILING

Water Right(s): 31-00067A

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

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


JANET CONNELL
Deputy Clerk