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DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho
OCT 31 2011
By _____ Clerk, Deputy Clerk

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 RIGHTS: 37-13317A,
	)	37-22567, 37-22568, AND 37-22569

I. FINDINGS OF FACT

A notice of claim was filed for water right 37-13117A 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 the United States Bureau of Land Management and the USDA Forest Service on May 23, 2007. These *Objections* were resolved on August 16, 2011 with a *Standard Form 5/ Amended Claim* which resulted in splitting the former parent right 37-13317A into assigned split right numbers 37-22567, 37-22568 and 37-22569. All parties to the subcase and IDWR are signatories to the *Standard Form 5 / Amended Claim*.

The *Standard Form 5/Amended Claim* was placed on the Docket Sheet. No objections were filed and the time for filing such objections has now expired. There are no unresolved objections remaining.

II. CONCLUSIONS OF LAW

Based on the file and record herein, IT IS RECOMMENDED that water right 37-13317A **not be confirmed** in any partial or final decree. IT IS FURTHER RECOMMENDED that water rights 37-22567, 37-22568, and 37-22569 be **decreed** with the elements as set forth in the attached *Special Master's Recommendations for Partial Decrees*.

DATED: October 31, 2011.


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

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

OCT 31 2011

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 37-22567

By _____ Clerk

Deputy Clerk

NAME AND ADDRESS: MARK NOREM
PO BOX 1285
BIG TIMBER, MT 59011

HAGEN PROPERTIES LLC
323 RD 4 EU
MEETEETSE, WY 82433

NINA M HAGEN
RONALD A HAGEN
41818 228TH AVE SE
ENUMCLAW, WA 98022

SOURCE: MC DONALD GULCH CREEK TRIBUTARY: WILLOW CREEK
MCKAY GULCH CREEK TRIBUTARY: WILLOW CREEK
UNNAMED STREAM TRIBUTARY: MC DONALD GULCH CREEK
UNNAMED STREAM TRIBUTARY: MCKAY GULCH CREEK
UNNAMED STREAM TRIBUTARY: SEVERE CREEK
UNNAMED STREAM TRIBUTARY: WILLOW CREEK
WILLOW CREEK TRIBUTARY: CAMAS CREEK

QUANTITY: 0.02 CFS

The quantity of water under this right shall not exceed 13,000
gallons per day.

PRIORITY DATE: 03/01/1880

POINT OF DIVERSION: T01N R15E S01 LOT 1 (NENENE) (Instream Beginning Point) Within Camas County
LOT 3 (NWNENW) (Instream Ending Point)
LOT 4 (NWNWNW) (Instream Beginning Point)
SWSWNW (Instream Beginning Point)
SESWNW (Instream Ending Point)
NWSWSW (Instream Beginning Point)
NWNWSE (Instream Beginning Point)
S12 NENENE (Instream Ending Point)
SWNESE (Instream Beginning Point)
NESWNE (Instream Ending Point)
SWNWNW (Instream Beginning Point)
SWSENE (Instream Beginning Point)
SENESE (Instream Ending Point)
SWSESE (Instream Beginning Point)
R16E S06 SWSENE (Instream Ending Point)
SESWSW (Instream Beginning Point)
SESESE (Instream Beginning Point)
SENWSE (Instream Ending Point)
SENWSE (Instream Ending Point)
S07 SENENE (Instream Beginning Point)
SENENE (Instream Ending Point)
NWNESW (Instream Beginning Point)
SENESW (Instream Ending Point)
NESESE (Instream Ending Point)
SWSESE (Instream Beginning Point)
S17 NENWNW (Instream Ending Point)
SENWNW (Instream Ending Point)
SESWNW (Instream Ending Point)
NWSWSW (Instream Beginning Point)
SWSESE (Instream Ending Point)
SESESE (Instream Ending Point)

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DEPARTMENT OF
WATER RESOURCES

POINT OF DIVERSION (continued)

	SESESW (Instream Beginning Point)
S18	SESWNE (Instream Beginning Point)
	NESENE (Instream Beginning Point)
LOT 1	(NENWNW) (Instream Ending Point)
LOT 1	(SENWNW) (Instream Ending Point)
LOT 2	(NESWNW) (Instream Beginning Point)
LOT 2	(NWSWNW) (Instream Beginning Point)
	NENESE (Instream Beginning Point)
	SWNESE (Instream Beginning Point)
	SWNESE (Instream Ending Point)

PURPOSE AND			
PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Stockwater	01-01 TO 12-31	0.02 CFS

PLACE OF USE:	Stockwater		Within Camas County
	T01N R15E S01 LOT 1	(NENE)	SWNE
		SENE	(NENW)
	LOT 4	(NWNW)	SWNW
		SWSW	SESW
		NESE	SWSE
	S12	NENE	SWNE
		NWNW	SESW
		NESE	SESE
	R16E S06 LOT 1	(NWNW)	LOT 2 (SWNW)
		SESW	NESW
	LOT 4	(SWSW)	SESW
		NWSE	SWSE
	S07	NWNE	NESW
		SESW	
	S17	NWNW	SWNW
		NWSW	SWSW
		SESW	
	S18	NENE	SWNE
		SENE	LOT 1 (NWNW)
	LOT 2	(SWNW)	NESE

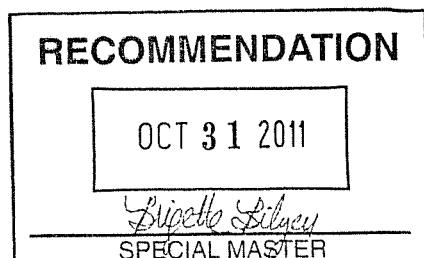
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

The quantity of water decreed for this water right is not a determination of historical beneficial use.

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.



Eric J. Wildman
Presiding Judge of the
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

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

OCT 31 2011

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 37-22568

By _____ Clerk,

Deputy Clerk

NAME AND ADDRESS: MARK NOREM
PO BOX 1285
BIG TIMBER, MT 59011

STATE OF IDAHO DEPT OF LANDS
PO BOX 83720-0050
BOISE, ID 83720-0050

HAGEN PROPERTIES LLC
323 RD 4 EU
MEETEETSE, WY 82433

NINA M HAGEN
RONALD A HAGEN
41818 228TH AVE SE
ENUMCLAW, WA 98022

SOURCE: MC DONALD GULCH TRIBUTARY: WILLOW CREEK
MC KAY GULCH CREEK TRIBUTARY: WILLOW CREEK
UNNAMED STREAM TRIBUTARY: MC DONALD GULCH CREEK
UNNAMED STREAM TRIBUTARY: MC KAY GULCH CREEK
UNNAMED STREAM TRIBUTARY: WILLOW CREEK

QUANTITY: 0.02 CFS

The quantity of water under this right shall not exceed 13,000
gallons per day.

PRIORITY DATE: 03/01/1880

POINT OF DIVERSION: T01N R15E S01 NENESW (Instream Ending Point) Within Camas County
NENWSW (Instream Beginning Point)
NWNWSW (Instream Ending Point)
S02 NWNESW (Instream Beginning Point)
SWNESE (Instream Beginning Point)
S12 NWSENE (Instream Beginning Point)
NWSENE (Instream Ending Point)
R16E S07 NESWNE (Instream Ending Point)
NENENW (Instream Ending Point)
LOT 1 (NENWNW) (Instream Ending Point)
LOT 1 (NWNWNW) (Instream Beginning Point)
NWSENW (Instream Beginning Point)
SWSENW (Instream Beginning Point)
LOT 3 (NWNWSW) (Instream Ending Point)
LOT 3 (SWNWSW) (Instream Beginning Point)
SWNWSW (Instream Beginning Point)
SENWSE (Instream Ending Point)
SENWSE (Instream Ending Point)
NWSWSE (Instream Beginning Point)
S18 NWNENW (Instream Beginning Point)
NWNENW (Instream Ending Point)
SWNENW (Instream Beginning Point)

PURPOSE AND
PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
Stockwater 01-01 TO 12-31 0.02 CFS

PLACE OF USE: Stockwater Within Camas County

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DEPARTMENT OF
WATER RESOURCES

PLACE OF USE (continued)

T01N R15E S01	NESW	NWSW
S02	NESE	
S12	SENE	
R16E S07	SWNE	NENW
LOT 1	(NWNW)	SENW
LOT 3	(NWSW)	NWSE
	SWSE	
S18	NENW	

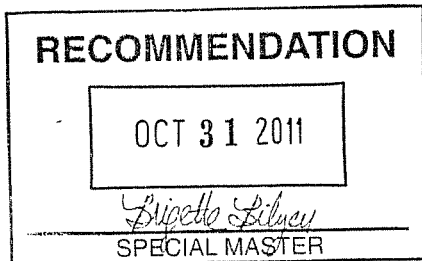
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

The quantity of water decreed for this water right is not a determination of historical beneficial use. Ownership and access to the place of use of this water right is governed by the settlement agreement executed between the Idaho Department of Lands, Ronald A. Hagen, Nina M. Hagen, Mark Norem, and Hagen Properties LLC dated August 10, 2011.

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.



Eric J. Wildman
Presiding Judge of the
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
Case No. 39576) I.R.C.P. 54(b) FOR
)
) Water Right 37-22569

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

OCT 31 2011

By _____
Clerk
Deputy Clerk

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DEPARTMENT OF
WATER RESOURCES

NAME AND ADDRESS: STATE OF IDAHO DEPT OF LANDS
PO BOX 83720-0050
BOISE, ID 83720-0050

SOURCE: SEVERE CREEK TRIBUTARY: WILLOW CREEK
UNNAMED STREAM TRIBUTARY: SEVERE CREEK
UNNAMED STREAM TRIBUTARY: WILLOW CREEK

QUANTITY: 0.02 CFS

The quantity of water under this right shall not exceed 13,000
gallons per day.

PRIORITY DATE: 03/01/1880

POINT OF DIVERSION: T01N R16E S19 NESENE (Instream Beginning Point) Within Camas County
NWSENE (Instream Beginning Point)
NWNESE (Instream Beginning Point)
NWSESE (Instream Beginning Point)
SESESE (Instream Ending Point)
S20 NENWSW (Instream Ending Point)
S29 NWNENW (Instream Beginning Point)
SENENW (Instream Ending Point)
NENWNW (Instream Ending Point)
NWNWNW (Instream Beginning Point)

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Stockwater	01-01 TO 12-31	0.02 CFS

PLACE OF USE:	Stockwater	Within Camas County	
	T01N R16E S19	SENE SESE S20 SWNW S29 NENW	NESE NWSW NWNW

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.

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).

RECOMMENDATION

OCT 31 2011

Bridgette L. Lyle
SPECIAL MASTER

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.

Eric J. Wildman
Presiding Judge of the
Snake River Basin Adjudication

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DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho
OCT 31 2011
By _____ Clerk Deputy Clerk

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

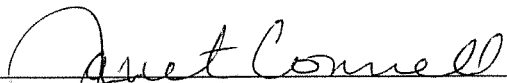
Water Right(s) : 37-13317A
37-22567 37-22568 37-22569

On October 31, 2011, 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 October 31, 2011.


JANET CONNELL
Deputy Clerk

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WATER RESOURCES

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho
OCT 31 2011
By _____ Clerk, Deputy Clerk

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)

Water Right(s): 37-13317A
37-22567 37-22568 37-22569

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 October 31, 2011, with sufficient first-class postage prepaid to the following:

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

DUAINE HAGEN
HAGEN PROPERTIES LLC
MARK NOREM
NINA M HAGEN
RONALD A HAGEN
SHEILA HAGEN

Represented by:
ROBERT L HARRIS
1000 RIVERWALK DR, STE 200
PO BOX 50130
IDAHO FALLS, ID 83405
Phone: 208-523-0620

CERTIFICATE OF MAILING

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10/31/11

STATE OF IDAHO DEPT OF LANDS

Represented by:

STATE OF IDAHO

JRW BUILDING, SECOND FLOOR

700 W STATE ST, PO BOX 44449

BOISE, ID 83711-4449

Phone: 208-334-2400

STATE OF IDAHO DEPT OF LANDS

Represented by:

STATE OF IDAHO

PO BOX 44449

BOISE, ID 83711-4449

Phone: 208-334-2400

UNITED STATES OF AMERICA

Represented by:

US DEPARTMENT OF JUSTICE

ENVIRONMENT & NATL' RESOURCES

550 WEST FORT STREET, MSC 033

BOISE, ID 83724


JANET CONNELL
Deputy Clerk