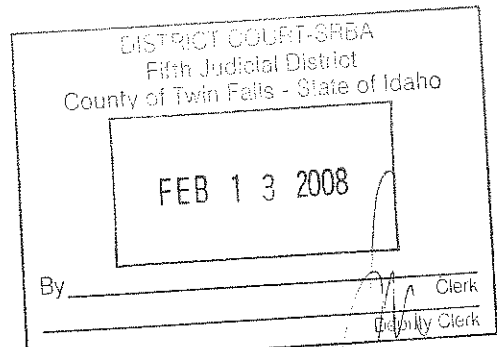




IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA	)	ORDER OF PARTIAL DECREE
	)	
Case No. 39576	)	For Water Right: 21-04173
	)	
_____	)	

On November 14, 2007, a *Special Master's Report and Recommendation* was filed for the above-captioned 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 13f, this Court has reviewed the Findings of Fact and Conclusions of Law contained in the *Special Master's Report and Recommendation* and wholly adopts them as its own.

Therefore, IT IS ORDERED that the above-captioned water right be **decreed** as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

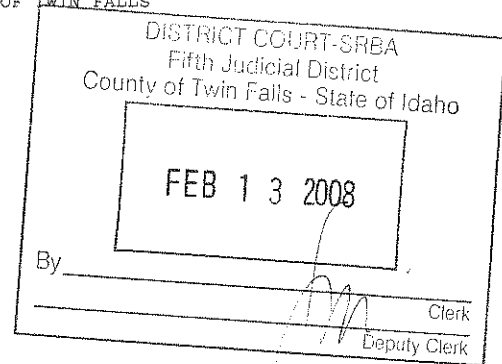
DATED February 13, 2008.



JOHN M. MELANSON
Presiding Judge
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 21-04173



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

SOURCE: KICK CREEK TRIBUTARY: SINKS

QUANTITY: 3.50 CFS

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

PRIORITY DATE: 05/01/1894

POINT OF DIVERSION: T13N R40E S11 NWSWNE Within Clark County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	05-01 TO 10-31	3.50 CFS
	Stockwater	04-01 TO 12-31	0.23 CFS

PLACE OF USE:	Irrigation	Within Clark County
	T13N R40E S10	SESW 25.0 NESE 28.0 NWSE 12.0 SWSE 36.0 SESE 40.0
	S11	NESW 40.0 NWSW 27.0 SWSW 40.0 SESW 40.0 NESE 40.0 NWSE 40.0 SWSE 40.0 SESE 39.0
	S12	NESW 7.4 NWSW 40.0 SWSW 16.0
	S14	NENE 9.7 NWNE 19.0 NENW 21.0 NWNW 9.8
	S15	NENE 40.0 NWNE 40.0
	R41E S07 LOT 2	(SWNW) 19.0
	668.9 Acres Total	

Stockwater	Within Clark County
T13N R40E S10	NESE
S11	NWSW SWSW SESW NESE NWSE SWSE SESE
S12	NWSW

This right is limited to the irrigation of 383 acres within the
place of use described above in a single irrigation season.
The rights listed below are limited to the irrigation of a
combined total of 668.9 acres in a single irrigation season.
Combined Right Nos.: 21-2054B, 21-4170, 21-4171, 21-4172,
21-4173, 21-4174, 21-4175, 21-12854, 21-12939, 31-2274, 31-2275,
31-10245, 31-10740

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.

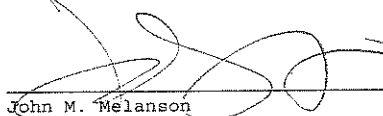
SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

OTHER PROVISIONS (continued)

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.



John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication

2008 FEB 13 PM 02:00
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	)	CERTIFICATE OF MAILING
	)	
Case No. 39576	)	
_____	)	Water Right(s): 21-04173

CERTIFICATE OF MAILING

I certify that a true and correct copy of the PARTIAL DECREE
PURSUANT TO I.R.C.P. 54(b) for WATER RIGHT 21-04173 was mailed
on February 13, 2008, with sufficient first-class postage prepaid
to the following:

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

JAMES F HAGENBARTH
Represented by:
JOHN M MARSHALL
601 W BANNOCK ST
PO BOX 2720
BOISE, ID 83701-2720
Phone: 208-388-1200

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

JULIE MURPHY
Chief Deputy Clerk