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Department of Water Resources

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
JUL 31 2003	
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

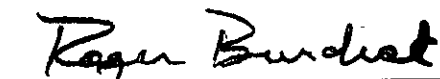
)
) **ORDER OF PARTIAL DECREE**
)
) **For Water Right 31-10740**
)

On June 5, 2003, a *Special Master's Report and Recommendation* was filed for the above 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 wholly adopts them as its own.

Therefore, IT IS ORDERED that water right 31-10740 is hereby decreed as set forth in the attached *Partial Decree* Pursuant to I.R.C.P. 54(b).

DATED July 31, 2003.



ROGER S. BURDICK
Presiding Judge
Snake River Basin Adjudication

JUL 31 2003

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 31-10740

By _____ Clerk
Deputy Clerk

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

SOURCE: DRY CREEK TRIBUTARY: CAMAS CREEK

QUANTITY: 8.68 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE
SHALL NOT EXCEED 13,000 GALLONS PER DAY.
USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 21.79 CFS. COMBINED RIGHT NOS.:
31-02274, 31-02275, 31-10245, 31-10740.

PRIORITY DATE: 11/10/1893

PURSUANT TO A CALL IN TIMES OF SCARCITY THE PRIORITY DATE
OF THIS WATER RIGHT IS NOVEMBER 2, 1930. IN ADDITION, THE PRIORITY
FOR THIS WATER RIGHT IS SUBORDINATED TO THE POINT OF DIVERSION
LOCATED IN THE SWSE OF SECTION 5 OF T13N R40E OF WATER RIGHT
NUMBERS 31-80 AND 31-326, AS DESCRIBED BY THE STIPULATION AND
SUBORDINATION AGREEMENT RECORDED ON MARCH 17, 2003, AS INSTRUMENT
NO. 050002 IN THE OFFICES OF THE CLARK COUNTY RECORDER.

POINT OF DIVERSION: T13N R40E S09 NWNWSW Within Clark County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	05-01 TO 10-31	8.68 CFS
	Stockwater	05-01 TO 10-31	0.23 CFS

PLACE OF USE:	Irrigation	Within Clark County
T13N R40E S10	SESW 25.0	NESE 27.0
	NWSE 12.0	SWSE 37.0
	SESE 40.0	
S11	NWSW 3.5	SWSW 37.0
	SESW 28.0	NESE 9.4
	SWSE 31.0	SESE 34.0
S12	NESW 5.0	NWSW 35.0
	SWSW 6.2	
S14	NENE 2.7	NWNE 11.0
	NENW 14.0	NWNW 5.0
S15	NENE 40.0	NWNE 40.0
S21 LOT 4	(NWNW) 25.0	LOT 5 (SNNW) 6.6
	SESW 5.0	SWSE 11.0
S23	SWSW 40.0	SESW 19.0
S26	NENW 32.0	NWNW 40.0
	SNNW 29.0	
S27	NENE 40.0	NWNE 38.0
	SENE 40.0	NENW 18.0
	NWNW 10.0	SNNW 18.0
	SENN 14.0	
S28	NENE 27.0	NWNE 38.0
	SWNE 40.0	SENE 40.0
	NENW 32.0	NWNW 4.1
	SNNW 8.1	SENN 27.0

PLACE OF USE (continued)

S29 LOT 2 (NWNE)13.0 SWNE 21.0
SENE 11.0
1089.6 Acres Total

Stockwater Within Clark County
Same as Irrigation

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 1089.6 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 31-02274, 31-02275, 31-10245, 31-10740.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 434 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

PLACE OF USE IN T13N R40E S11 NWSW DOES NOT INCLUDE ANY STATE PUBLIC SCHOOL ENDOWMENT LAND.

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.

RIGHTS HAVE ALSO BEEN CLAIMED TO WATER FROM BASIN 21 FOR THE SAME PURPOSE OF USE AT THE SAME PLACE OF USE DESCRIBED ABOVE, WHICH WILL BE INCLUDED IN A DIRECTOR'S REPORT TO BE FILED AT A LATER DATE. ANY WATER RIGHTS RECOMMENDED IN THE BASIN 21 REPORT FOR THE SAME PURPOSE OF USE AT THE SAME PLACE OF USE DESCRIBED ABOVE WILL CONTAIN COMBINED USE LIMITATIONS FOR THIS RIGHT AND THE BASIN 21 RIGHTS.

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