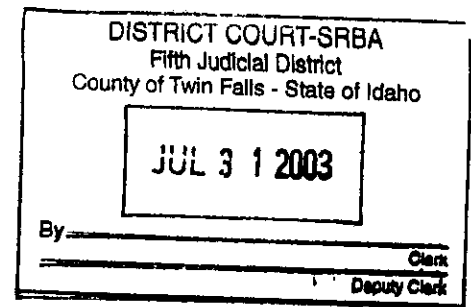




IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
) **ORDER OF PARTIAL DECREE**
Case No. 39576)
) **For Water Right 31-02274**
)
_____)

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 31-02274 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

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

JUL 31 2003

In Re SRBA)
)
Case No. 39576)
)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 31-02274

By _____ Clerk
Deputy Clerk

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

SOURCE: DRY CREEK TRIBUTARY: SPRING CREEK

QUANTITY: 5.70 CFS

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: 03/31/1944

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	5.70 CFS
	Stockwater	05-01 TO 11-30	0.24 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 (SWNW) 6.6
		SESW 5.0	SWSE 11.0
	S23	SWSW 40.0	SESW 19.0
	S26	NENW 32.0	NWNW 40.0
		SWNW 29.0	
	S27	NENE 40.0	NWNE 38.0
		SENE 40.0	NENW 18.0
		NWNW 10.0	SWNW 18.0
		SENW 14.0	
	S28	NENE 27.0	NWNE 38.0
		SWNE 40.0	SENE 40.0
		NENW 32.0	NWNW 4.1
		SWNW 8.1	SENW 27.0
	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,

PLACE OF USE (continued)

31-10245, 31-10740.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 285 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