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Department of Water Resources

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho
JUN - 2 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	)	**ORDER OF PARTIAL DECREE**
Case No. 39576	)	**For Water Right 31-00067B**

On March 11, 2003, a ***Special Master's Report and Recommendation*** was filed for the above water right. On March 31, 2003 an ***Amended Special Master's Report and Recommendation*** correcting a clerical error in the ***Special Master's Report and Recommendation*** was filed. No Challenges were filed to the ***Amended 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 ***Amended Special Master's Report and Recommendation*** and wholly adopts them as its own.

Therefore, IT IS ORDERED that water right 31-00067B IS hereby **decreed** as set forth in the attached ***Partial Decree Pursuant to I.R.C.P. 54(b)***.

DATED June 2, 2003.

Roger Burdick

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

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In Re SRBA)
)
Case No. 39576)
)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 31-00067B

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: 12.32 CFS

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 12.320 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, SWNWNW 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	(SWNWNE)	(Rediversion)	Within Clark County
	NWSESE	(Rediversion)	
S11	NENENE	(Rediversion)	
T13N R38E S22	SENWNW		
	SENWNW	(Injection)	
S26	SENWSE	(Rediversion)	
	SENWSE	(Rediversion)	
	NWSWSE	(Injection)	
S35	NESWNE	(Rediversion)	
	SWNESE	(Rediversion)	
S36	SWNWNW	(Rediversion)	

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
Irrigation	07-02 TO 10-31	12.32 CFS
Stockwater	07-02 TO 10-31	0.23 CFS

PLACE OF USE: Irrigation Within Clark County

T12N R38E S02 LOT 1	(NENE)	11.0	LOT 2	(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	SWNE	7.0		SENE	38.0
	NESE	27.0		NWSE	0.5
	SESE	0.5			

PLACE OF USE (continued)

S36	NWNE 15.0	SWNE 40.0
	NENW 36.0	NWNW 35.0
	SWNW 36.0	SENW 40.0
	NESW 40.0	NWSW 39.0
	SWSW 39.0	SESW 39.0
	NESE 9.0	NWSE 40.0
	SWSE 39.0	SESE 31.0

960.0 Acres Total

Stockwater Within Clark County
Same as Irrigation

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.

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.

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