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JUN - 3 2003

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**

**Case No. 39576**

)  
) **ORDER OF PARTIAL DECREE**  
)  
) **For Water Right 31-00374**  
)

On March 11, 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 31-00374 is hereby **decreed** as set forth in the attached *Partial Decree* Pursuant to I.R.C.P. 54(b).

DATED June 2, 2003



\_\_\_\_\_  
ROGER S. BURDICK  
Presiding Judge  
Snake River Basin Adjudication

JUN - 2 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 31-00374

By

Clerk

Deputy Clerk

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

SOURCE: CRAB CREEK TRIBUTARY: CAMAS CREEK

POINT OF INJECTION INTO AND POINT OF REDIVERSION FROM CROOKED  
CREEK.

QUANTITY: 2.44 CFS

PRIORITY DATE: 11/22/1909

POINT OF DIVERSION: T12N R38E S02 LOT 2 (SNNWNE) (Rediversion) Within Clark County  
NWSESE (Rediversion)  
S11 NENENE (Rediversion)  
T13N R38E S26 SENWSE  
SENWSE  
NWSWSE (Injection)  
S35 NESWNE (Rediversion)  
SWNESE (Rediversion)  
S36 SWNNWN

PURPOSE AND

| PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY |
|----------------|----------------|----------------|----------|
|                | Irrigation     | 05-01 TO 10-31 | 2.44 CFS |
|                | Stockwater     | 05-01 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    |       |             |
|  | 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,

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

PLACE OF USE (continued)

31-11789 AND 31-11790.

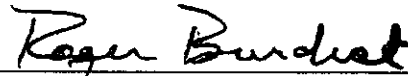
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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