

2003 MAY 9 PM 2 28

**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 Rights 31-11789 and 31-11790

On March 11, 2003, a *Special Master's Report and Recommendation* was filed for the above water rights. 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 rights 31-11789 and 37-11790 are hereby decreed as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED May 9, 2003.



ROGER S. BURDICK
Presiding Judge
Snake River Basin Adjudication

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

In Re SRBA)
)
Case No. 39576)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR **2003 MAY 9 PM 2 28**
Water Right 31-11790

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

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

THE APPROPRIATOR IS ENTITLED TO THE QUANTITY OF WATER DESCRIBED ABOVE FOR IRRIGATION AT THE POINTS OF REDIVERSION IN T13N, R38E, S36, SWNNW AND T13N, R38E, S26, SENWSE.

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 12.32 CFS. COMBINED RIGHT NOS.: 31-67A, 31-67B, 31-324 AND 31-11790.

THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE SHALL NOT EXCEED 13,000 GALLONS PER DAY.

PRIORITY DATE: 05/23/1900

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	(SWNNW)	(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	SWNNW	(Rediversion)	

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	05-01 TO 10-31	12.32 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

PLACE OF USE (continued)

	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	SENE 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, 31-11789, 31-11790, 31-67A AND 31-67B.

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