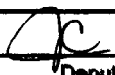


DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
JUN 11 2024	
By _____	Clerk
 Deputy Clerk	

**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)))) _____))))	SPECIAL MASTER’S REPORT AND RECOMMENDATION; FINDINGS OF FACT AND CONCLUSIONS OF LAW WATER RIGHT NO.: 31-12491
--	--

I. FINDINGS OF FACT


A claim was filed for this water right pursuant to I.C. § 42-1409. The Director of the State of Idaho Department of Water Resources examined the water system for this reporting area. The *Director’s Report* contained a recommendation for the elements of this water right.

An *Objection* was filed by the United States Bureau of Land Management on July 26, 2022. The *Objection* was resolved on April 3, 2024 with the filing of a *Standard Form 5*. All parties to the subcase and IDWR are signatories to the *Standard Form 5*.

II. CONCLUSIONS OF LAW

Based on the file and record herein, IT IS RECOMMENDED that this water right be decreed with the elements set forth in the attached *Special Master’s Recommendation for Partial Decree*.

DATED: June 11, 2024.



 BRIGETTE BILYEU
 Special Master
 Snake River Basin Adjudication

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

JUN 11 2024

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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
 Case No. 39576)
 _____) Water Right 31-12491

NAME AND ADDRESS: HAGENBARTH LAND IDAHO LP
 PO BOX 1128
 DILLON, MT 59725-1128

SOURCE: MILES CREEK TRIBUTARY: CROOKED CREEK

QUANTITY: 0.02 CFS
 The quantity of water under this right shall not exceed 13,000 gallons per day.

PRIORITY DATE: 07/01/1944

POINT OF DIVERSION: T13N R38E S35 SWSW (Instream Beginning Point) Within Clark County
 SWSW (Instream Ending Point)

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Stockwater	05-15 TO 11-15	0.02 CFS

The period of use under this water right is limited to the period of use authorized by the United States for grazing on Federal land as described in the applicable grazing permit, annual operating instructions, and other controlling documents. Stockwater use is for the in-stream watering of livestock.

PLACE OF USE: Stockwater Within Clark County
 T13N R38E S35 SWSW

This right is appurtenant to the base property described below: T13N, R38E, S36, S1/2 SW1/4.
 This right excludes the on-stream pond near the beginning point of diversion.

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

The quantity of water decreed for this water right 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).

RECOMMENDATION

JUN 11 2024

[Signature]

 SPECIAL MASTER

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.

Eric J. Wildman
Presiding Judge of the
Snake River Basin Adjudication

DISTRICT COURT - SRBA	
Fifth Judicial District	
County of Twin Falls - State of Idaho	
JUN 11 2024	
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)
)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION


Water Right(s): 31-12491

On June 11, 2024, Special Master BRIGETTE BILYEU issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s) pursuant to SRBA Administrative Order 1 (A01), Section 13a.

Pursuant to SRBA Administrative Order 1 (A01), Section 13a, any party to the adjudication including parties to the subcase, may file a Motion to Alter or Amend on or before the 28th day of the next month.

Failure of any party in the adjudication to pursue or participate in a Motion to Alter or Amend the SPECIAL MASTER'S RECOMMENDATION shall constitute a waiver of the right to challenge it before the Presiding Judge.

DATED June 11, 2024.



JANET CONNELL
Deputy Clerk

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

JUN 11 2024

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)
 _____)

CERTIFICATE OF MAILING

Water Right(s): 31-12491

CERTIFICATE OF MAILING

I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on June 11, 2024, with sufficient first-class postage prepaid to the following:

DIRECTOR OF IDWR
 PO BOX 83720
 BOISE, ID 83720-0098

HAGENBARTH LAND IDAHO LP
 Represented by:
 JOHN M MARSHALL
 JOHN M MARSHALL LAW PLLC
 575 W BANNOCK ST STE B
 PO BOX 2297
 BOISE, ID 83701
 Phone: 208-991-2701

UNITED STATES OF AMERICA
 Represented by:
 U S DEPARTMENT OF JUSTICE
 ENVIRO & NAT'L RESOURCES DIV
 550 WEST FORT STREET, MSC 033
 BOISE, ID 83724

CERTIFICATE OF MAILING

PAGE 1
 06/11/24
Janet Connell
 JANET CONNELL
 Deputy Clerk