DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho					
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Ву				Clerk	
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# 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	) SPECIAL MASTER'S REPORT AND
Case No. 39576	RECOMMENDATION; FINDINGS OF FACT AND CONCLUSIONS OF LAW
	) WATER RIGHT NO.: 31-12505
	)

#### I. FINDINGS OF FACT

A notice of 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.

No objections were filed for this water right and the time for filing objections has expired. This water right and related water rights were listed on the same *Director's Report* filed May 25, 2022. This water right was retained while the related contested rights reached settlement. Since the related rights have now been resolved, this water right is recommended consistent with the *Director's Report* filed on May 25, 2022.

## II. CONCLUSIONS OF LAW

Therefore, 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 \_\_\_\_\_\_, 2024.

Special Master

Snake River Basin Adjudication

**DISTRICT COURT - SRBA** Fifth Judicial District

County of Twin Falls - State of Idaho

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

IUN 11 2024

In Re SRBA Case No. 39576 PARTIAL DECREE PURSUANT TO I.R.C.P. 54(b) FOR

Water Right 31-12505

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NAME AND ADDRESS:

HAGENBARTH LAND IDAHO LP

PO BOX 1128

DILLON, MT 59725-1128

SOURCE -

UNNAMED STREAM TRIBUTARY: SINKS

OUANTITY:

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:

(SWNE ) (Instream Beginning Point) Within Clark County T13N R39E S12 LOT 3

(SENW ) (Instream Ending Point)

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

OUANTITY

Stockwater

06-01 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 R39E S12 LOT 3 (SWNE)

(SENW) TOT 2

This right is appurtenant to the base property described below: T13N, R38E, S36, S1/2 SW1/4.

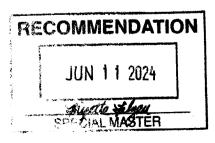
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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).

#### RULE 54(b) CERTIFICATE

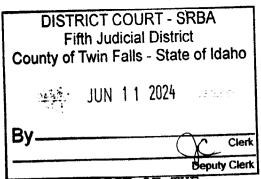
With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment 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

SRBA -PARTIAL DECREE PURSUANT TO I.R.C.P. 54(b) File Number: 00387 Water Right 31-12505

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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): 31-12505

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

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DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho					
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Ву				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): 31-12505

## 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 PO BOX 1128 DILLON, MT 59725-1128 Phone: 406-683-2163

> JANET CONNELL Deputy Clerk

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