

RECEIVED

MAY 27 2003

Department of Water Resources

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

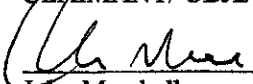
In Re SRBA	)	SUBCASE NO: 31-10740
	)	
Case No. 39576	)	STANDARD FORM 5
	)	
	)	STIPULATED ELEMENTS OF A
	)	WATER RIGHT

This form is used to report the stipulated elements of one water right acquired under state law. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

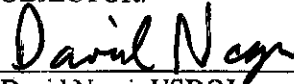
The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right, and they have been served with sufficient process, according to the law; and that they have appeared, prosecuted and defended their positions with regard to this water right dispute.

The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT/ OBJECTOR:

 5/23/03
John Marshall Date
Attorney for Margaret Hagenbarth, David
Hagenbarth and John Hagenbarth

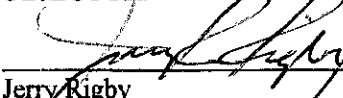
OBJECTOR:

 5-20-03
David Negri, USDOJ Date
Attorney for U.S. Forest Service

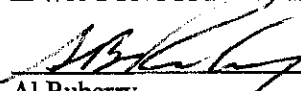
OBJECTOR:

 5/5/03
Kent Foster Date
Attorney for Mud Lake Water Users, Inc.

OBJECTOR:

 5-6-03
Jerry Rigby Date
Attorney for Larry Singleton

IDWR CONCURRENCE:

 5/1/03
Al Ruberry Date
Senior Water Resource Agent, IDWR

 4/25/03
Candice M. McHugh (As to Form) Date
Attorney for IDWR

03/20/2003

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 31-10740
NAME AND ADDRESS: DAVID J HAGENBARTH
PO BOX 1128
DILLON MT 59725-1128

MARGARET HAGENBARTH
PO BOX 1128
DILLON MT 59725-1128

JAMES F HAGENBARTH
PO BOX 1128
DILLON MT 59725-1128

SOURCE: DRY CREEK TRIBUTARY: CAMAS CREEK
QUANTITY: 8.680 CFS

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 21.79 CFS. COMBINED RIGHT NOS.:
31-02274, 31-02275, 31-10245, 31-10740.

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

PRIORITY DATE: ~~11/02/1930~~ 11/10/1893

PURSUANT TO A CALL IN TIMES OF SCARCITY THE PRIORITY DATE OF THIS WATER RIGHT
IS NOVEMBER 2, 1930. IN ADDITION, THE PRIORITY FOR THIS WATER RIGHT IS
SUBORDINATED TO THE POINT OF DIVERSION LOCATED IN THE SWSE OF SECTION 5 OF
T13N R40E OF WATER RIGHT NUMBERS 31-80 AND 31-326, AS DESCRIBED BY THE
STIPULATION AND SUBORDINATION AGREEMENT RECORDED ON MARCH 17, 2003, AS
INSTRUMENT NO. 050002 IN THE OFFICES OF THE CLARK COUNTY RECORDER.

POINT OF DIVERSION:

T13N R40E S9 NWNWS Within CLARK County Source: DRY CREEK

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
STOCKWATER	05/01 10/31	0.230 CFS
IRRIGATION	05/01 10/31	8.680 CFS

PLACE OF USE:

IRRIGATION Within CLARK County

T13N R40E S10	SESW	25.0	T13N R40E S10	NESE	27.0
T13N R40E S10	NWSE	12.0	T13N R40E S10	SWSE	37.0
T13N R40E S10	SESE	40.0	T13N R40E S11	NWSW	3.5
T13N R40E S11	SWSW	37.0	T13N R40E S11	SESW	28.0
T13N R40E S11	NESE	9.4	T13N R40E S11	SWSE	31.0
T13N R40E S11	SESE	34.0	T13N R40E S12	NESW	5.0
T13N R40E S12	NWSW	35.0	T13N R40E S12	SWSW	6.2
T13N R40E S14	NENE	2.7	T13N R40E S14	NWNE	11.0
T13N R40E S14	NENW	14.0	T13N R40E S14	NWNW	5.0
T13N R40E S15	NENE	40.0	T13N R40E S15	NWNE	40.0

SF5 - 31-10740

T13N R40E S21 Lot 4 NWNW	25.0	T13N R40E S21 Lot 5 SWNW	6.6		
T13N R40E S21	SESW	5.0	T13N R40E S21	SWSE	11.0
T13N R40E S23	SWSW	40.0	T13N R40E S23	SESW	19.0
T13N R40E S26	NENW	32.0	T13N R40E S26	NWNW	40.0
T13N R40E S26	SWNW	29.0	T13N R40E S27	NENE	40.0
T13N R40E S27	NWNE	38.0	T13N R40E S27	SENE	40.0
T13N R40E S27	NENW	18.0	T13N R40E S27	NWNW	10.0
T13N R40E S27	SWNW	18.0	T13N R40E S27	SENW	14.0
T13N R40E S28	NENE	27.0	T13N R40E S28	NWNE	38.0
T13N R40E S28	SWNE	40.0	T13N R40E S28	SENE	40.0
T13N R40E S28	NENW	32.0	T13N R40E S28	NWNW	4.1
T13N R40E S28	SWNW	8.1	T13N R40E S28	SENW	27.0
T13N R40E S29 Lot 2 NWNE	13.0	T13N R40E S29	SWNE	21.0	
T13N R40E S29	SENE	11.0			

STOCKWATER same as IRRIGATION

1089.6 ACRES TOTAL

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 1089.6 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 31-02274, 31-02275, 31-10245, 31-10740.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 434 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

PLACE OF USE IN T13N R40E S11 NWSW DOES NOT INCLUDE ANY STATE PUBLIC SCHOOL ENDOWMENT LAND.

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

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. SECTION 42-1412(6), IDAHO CODE.

RIGHTS HAVE ALSO BEEN CLAIMED TO WATER FROM BASIN 21 FOR THE SAME PURPOSE OF USE AT THE SAME PLACE OF USE DESCRIBED ABOVE, WHICH WILL BE INCLUDED IN A DIRECTORS REPORT TO BE FILED AT A LATER DATE. ANY WATER RIGHTS RECOMMENDED IN THE BASIN 21 REPORT FOR THE SAME PURPOSE OF USE AT THE SAME PLACE OF USE DESCRIBED ABOVE WILL CONTAIN COMBINED USE LIMITATIONS FOR THIS RIGHT AND THE BASIN 21 RIGHTS.

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

EXPLANATORY MATERIAL: Beneficial Use

STOCKWATER, 1100 RANGE CATTLE.

THIS RIGHT WHEN COMBINED WITH RIGHT NO. 31-02274, 31-02275, 31-10240, 31-10740 SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE.

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CERTIFICATE OF MAILING

I certify that on May 23, 2003 I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P. O. Box 2707
Twin Falls, Idaho 83303-2707

2. Copies to:

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 83720
Boise, ID 83720-0098

David L. Negri
USDOJ, Env. & Natural Res. Division
General Litigation Section
550 W. Fort St., MSC 033
Boise, ID 83724

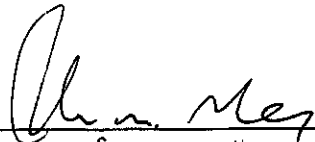
IDWR Document Repository
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Boise, ID 83720-0098

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David Hagenbarth & John Hagenbarth
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Boise, ID 83701

Jerry Rigby
P.O. Box 250
Rexburg, ID 83440-0250

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108 S. Washington
P.O. Box 1418
Dillon, MT 59725



Signature of person or attorney mailing the form