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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

Case No. 39576

) Subcase No. 21-12854
)
)
)
)
)
)

STANDARD FORM 5

STIPULATED ELEMENTS OF A
WATER RIGHT

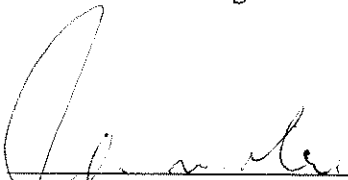
This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary 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; that 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(s)/OBJECTOR(s):

James & David Hagenbarth


John M Marshall
Attorney

1/3/08
Date

IDWR Concurrence:

Ernest Carlsen 26 Oct 07.
Ernest Carlsen Date
Water Resource Program Manager

Nicholas B. Spencer 11-1-07
Nicholas B. Spencer Date
Deputy Attorney General

CERTIFICATE OF MAILING

I certify that on January 4, 2008 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:

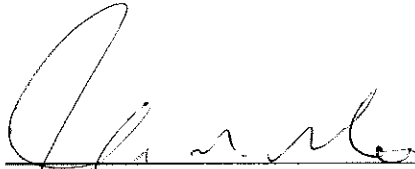
1. Original to:

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:

John M. Marshall, Esq.
Givens Pursley LLP
601 W. Bannock Street
Boise, ID 83702

IDWR Repository
P.O. Box 83720
Boise, ID 83720



Signature of person mailing the form

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

RIGHT NUMBER: 21-12854

NAME AND ADDRESS:

DAVID J HAGENBARTH
PO BOX 1128
DILLON MT 59725-1128
JAMES F HAGENBARTH
PO BOX 1128
DILLON MT 59725-1128

gmc
NBS
JM, W

SOURCE:

Source:
SPRING

Tributary:

SHERIDAN CREEK

QUANTITY: 0.400 CFS

The quantity of water under this right for stock water use shall not exceed 13,000 gallons per day.

PRIORITY DATE:

05/01/1894
~~06/02/1906~~

POINT OF DIVERSION:

T13N R41E S6 NWSESW
Within CLARK County

~~T13N R41E S6 SWSESW~~
~~Within CLARK County~~

PURPOSE AND
PERIOD OF USE:

Purpose of use	Period of use:	Quantity:
IRRIGATION	05/01 10/31	0.400 CFS
STOCKWATER	05/01 12/31	0.240 CFS

PLACE OF USE:

IRRIGATION within CLARK County

T13N R40E S10 SESW 25.0
T13N R40E S10 NESE 28.0
T13N R40E S10 NWSE 12.0
T13N R40E S10 SWSE 36.0
T13N R40E S10 SESE 40.0
T13N R40E S11 NESW 40.0
T13N R40E S11 NWSW 27.0
T13N R40E S11 SWSW 40.0
T13N R40E S11 SESW 40.0
T13N R40E S11 NESE 40.0
T13N R40E S11 NWSE 40.0
T13N R40E S11 SWSE 40.0
T13N R40E S11 SESE 39.0

~~T13N R40E S12 SWNW 0.2~~

T13N R40E S12 NESW 7.4
T13N R40E S12 NWSW 40.0
T13N R40E S12 SWSW 16.0

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

T13N R40E S14 NENE 9.7
T13N R40E S14 NWNE 19.0
T13N R40E S14 NENW 21.0
T13N R40E S14 NWNW 9.8
T13N R40E S15 NENE 40.0
T13N R40E S15 NWNE 40.0

~~T13N R40E S15 NENE 0.1~~

EMC
NBS
JMM

T13N R41E S07 Lot 2 SWNW 19.0
STOCKWATER within CLARK County
T13N R41E S07 SWNW

668.9 ACRES TOTAL

~~669.2 ACRES TOTAL~~

This right is limited to the irrigation of 63 acres within the place of use described above in a single irrigation season.

The rights listed below are limited to the irrigation of a combined total of 668.9 acres in a single irrigation season. Combined Right Nos.: 21-2054B, 21-4170, 21-4171, 21-4172, 21-4173, 21-4174, 21-4175, 21-12854, 21-12939, 31-2274, 31-2275, 31-10245, 31-10740

~~The rights listed below are limited to the irrigation of a combined total of 669.2 acres in a single irrigation season. Combined Right Nos.: 21-2054B, 21-4170, 21-4171, 21-4172, 21-4173, 21-4174, 21-4175, 21-12854, 21-12939, 31-2274, 31-2275, 31-10245, 31-10740~~

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.

The quantity of water decreed for this water right for stock water use is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Storage water may be supplemental to this water right (both in and out of priority) when Sheridan Creek natural flow is sufficient to exchange for available Henrys Fork storage.