

DEPARTMENT OF
WATER RESOURCES

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:

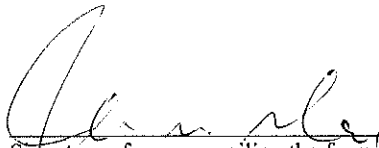
1. Original to:

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: 21-12939

NAME AND ADDRESS:

DAVID J HAGENBARTH
PO BOX 1128
DILLON MT 59725-1128

JAMES F HAGENBARTH
PO BOX 1128
DILLON MT 59725-1128

SOURCE:

Source:

SPRING

~~UNNAMED SPRING~~

Tributary:

SHERIDAN CREEK

EMC
NBS
Jmm

QUANTITY: 3.270 CFS

PRIORITY DATE: 04/01/1939

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

3.270 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
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

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

T13N R40E S15 NWNE 40.0

~~T13N R40E S15 SESE 0.1~~

T13N R41E S07 Lot 2 SWNW 19.0

668.9 ACRES TOTAL

~~669.2 ACRES TOTAL~~

EMC NBS Jmm

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

This right is limited to the irrigation of 240 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 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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

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.