

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

RIGHT NUMBER: 21-4173

NAME AND ADDRESS: DAVID J HAGENBARTH  
PO BOX 1128  
DILLON MT 59725-1128

JAMES F HAGENBARTH  
PO BOX 1128  
DILLON MT 59725-1128

SOURCE: KICK CREEK

TRIBUTARY: SINKS

QUANTITY: 3.500 CFS

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

PRIORITY DATE: 05/01/1894

POINT OF  
DIVERSION:

T13N R40E S11 NWSWNE Within CLARK County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
|-----------------------|----------------------|-----------------|
| IRRIGATION            | 05/01 10/31          | 3.500 CFS       |
| STOCKWATER            | 04/01 12/31          | 0.230 CFS       |

PLACE OF USE: IRRIGATION in CLARK County

|                          |      |       |               |      |       |
|--------------------------|------|-------|---------------|------|-------|
| T13N R40E S10            | SESW | 25.00 | T13N R40E S10 | NESE | 28.00 |
| T13N R40E S10            | NWSE | 12.00 | T13N R40E S10 | SWSE | 36.00 |
| T13N R40E S10            | SESE | 40.00 | T13N R40E S11 | NESW | 40.00 |
| T13N R40E S11            | NWSW | 27.00 | T13N R40E S11 | SWSW | 40.00 |
| T13N R40E S11            | SESW | 40.00 | T13N R40E S11 | NESE | 40.00 |
| T13N R40E S11            | NWSE | 40.00 | T13N R40E S11 | SWSE | 40.00 |
| T13N R40E S11            | SESE | 39.00 | T13N R40E S12 | NESW | 7.40  |
| T13N R40E S12            | NWSW | 40.00 | T13N R40E S12 | SWSW | 16.00 |
| T13N R40E S14            | NENE | 9.70  | T13N R40E S14 | NWNE | 19.00 |
| T13N R40E S14            | NENW | 21.00 | T13N R40E S14 | NWNW | 9.80  |
| T13N R40E S15            | NENE | 40.00 | T13N R40E S15 | NWNE | 40.00 |
| T13N R41E S07 Lot 2 SWNW |      | 19.00 |               |      |       |

STOCKWATER in CLARK County

|               |      |               |      |
|---------------|------|---------------|------|
| T13N R40E S10 | NESE | T13N R40E S11 | NWSW |
| T13N R40E S11 | SWSW | T13N R40E S11 | SESW |
| T13N R40E S11 | NESE | T13N R40E S11 | NWSE |
| T13N R40E S11 | SWSE | T13N R40E S11 | SESE |
| T13N R40E S12 | NWSW |               |      |

668.9 ACRES TOTAL

This right is limited to the irrigation of 383 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

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

The quantity of water decreed for this water right for stockwater use 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. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use