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AUG 11 2009

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.: 37-13252

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:

Duaine and Sheila Hagen

Robert L. Harris 8/3/09
Robert L. Harris Date
Attorney for Duaine and Sheila Hagen

OBJECTOR:

United States on behalf of the
USDA Forest Service

David L. Negri 7/9/09
David L. Negri Date
Attorney, U.S. Department of Justice
Environment and Natural Resources

IDWR CONCURRENCE:

Kelly Christensen 7-9-09
for Kelly Christensen Date
Sr. Water Resource Agent

IDWR CONCURRENCE:

Christopher M. Bromley 7/9/09
Christopher M. Bromley Date
Deputy Attorney General
Attorney for IDWR

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

RIGHT NUMBER: 37-13252

NAME AND ADDRESS: SHEILA HAGEN
323 ROAD 4EU
MEETEETSE WY 82433

DUANE HAGEN
323 ROAD 4EU
MEETEETSE WY 82433

SOURCE: CHERRY CREEK

TRIBUTARY: WILLOW CREEK

QUANTITY: 0.620 CFS

PRIORITY DATE: 04/15/1949

POINT OF
DIVERSION:

T02N R15E S36 ~~Lot 4~~ NWSWNE Within CAMAS County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	0.620 CFS

PLACE OF USE: IRRIGATION in CAMAS County

T02N R15E S36	SWNE	13.00	T02N R15E S36	SENE	2.00
T02N R15E S36	NESE	3.00	T02N R15E S36	NWSE	10.00
T02N R15E S36	SESE	3.00			

31 ACRES TOTAL

The point of diversion and place of use for this water right are entirely on private land known as Homestead Entry Survey No. 291.

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 - Beneficial Use

cd
CB
DN
PWT

CERTIFICATE OF SERVICE

I certify that on August 18, 2009, I caused to be served true and correct copies of this Standard Form 5, to the following persons, in the manner indicated 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, ID 83303-2707

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

2. Copies to:

IDWR Document Repository
P.O. Box 83720
Boise, ID 83720-0098

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

U.S. Department of Justice
Environment & Nat'l Resources Div.
550 W. Fort St., MSC 033
Boise, ID 83724

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

Robert L. Harris
1000 Riverwalk Dr., Ste 200
P.O. Box 50130
Idaho Falls, ID 83405

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile



Signature of person or attorney mailing the form