

DISTRICT COURT - SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

AUG 16 2011

By _____

Clerk

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 37-13317A

(Now Claimed as 37-22567, 37-22568,
and 37-22569)

Case No. 39576

STANDARD FORM 5

AMENDED CLAIM

For Domestic & Stockwater Rights

This form is used to report the stipulated elements of one "domestic and/or stockwater" right acquired under state law and/or one federal reserved water right and to amend the Notice of Claim. 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.

To resolve the objection, the claim of water right 37-13317A has been split into three claims and renumbered to 37-22567, 37-22568, and 37-22569. The parties and IDWR agree and stipulate that water right 37-13317A should be disallowed. Water rights 37-22567, 37-22568 and 37-22569 now supersede right 37-13317A. The parties and IDWR agree and stipulate that the elements of these water rights should be described per the attached Amended Claims. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT:

Hagen Properties, LLC

Robert L. Harris 4/1/2011
Robert L. Harris Date
Attorney for Hagen Properties, LLC

CLAIMANT:

Mark Norem

Robert L. Harris 4/1/2011
for Mark Norem Date

STANDARD FORM 5 / AMENDED CLAIM

CLAIMANT:

Nina M. Hagen

for Robert L. Lammis 4/1/2011
Nina M. Hagen Date

CLAIMANT:State of Idaho
Department of Lands

David L. Stanish 8/11/11
David L. Stanish Tyson K. Nelson Date
Deputy Attorney General
Attorney for Department of Lands

CLAIMANT:

Ronald A. Hagen

for Robert L. Lammis 4/1/2011
Ronald A. Hagen Date

OBJECTORS:United States on behalf of the
Bureau of Land ManagementUnited States on behalf of the
USDA Forest Service

David L. Negri 8/16/11
David L. Negri Date
Attorney for BLM & USFS

IDWR CONCURRENCE:

Kelly K. Christensen 2-15-11
Kelly K. Christensen Date
Sr. Water Resource Agent

IDWR CONCURRENCE:

C. M. Bromley 2/16/11
Christopher M. Bromley Date
Deputy Attorney General
Attorney for IDWR

02/15/2011

IDAHO DEPARTMENT OF WATER RESOURCES
CLAIMS / RIGHTS NOT RECOMMENDED

<u>W.R. NUMBER</u>	<u>NAME AND ADDRESS</u>	<u>CLAIM DISPOSITION REASON</u>
37-13317A	DUAINE HAGEN 323 ROAD 4EU MEETEETSE WY 82433	Parent split into 37-22567, 37-22568 and 37-22569
	SHEILA HAGEN 41818 228TH AVE SE ENUMCLAW WA 98022	

KKC
CB
RCH
TKN
DN

10/29/2010

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

RIGHT NUMBER: 37-22567

NAME AND ADDRESS: RONALD A HAGEN
41818 228TH AVE SE
ENUMCLAW WA 98022

NINA M HAGEN
41818 228TH AVE SE
ENUMCLAW WA 98022

MARK NOREM
PO BOX 1285
BIG TIMBER MT 59011

HAGEN PROPERTIES LLC
323 RD 4 EU
MEETEETSE WY 82433

TKN
K/C
CB
Ruf
ON

SOURCE: MC DONALD GULCH CREEK
MCKAY GULCH CREEK
UNNAMED STREAM
UNNAMED STREAM
UNNAMED STREAM
UNNAMED STREAM
WILLOW CREEK

TRIBUTARY: WILLOW CREEK
TRIBUTARY: WILLOW CREEK
TRIBUTARY: MC DONALD GULCH CREEK
TRIBUTARY: MC KAY GULCH CREEK
TRIBUTARY: SEVERE CREEK
TRIBUTARY: WILLOW CREEK
TRIBUTARY: CAMAS CREEK

QUANTITY: 0.020 CFS

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

PRIORITY DATE: 03/01/1880

POINT OF
DIVERSION:

T01N R15E S1 NENENE Lot 1 Begin of Stream Flow Within CAMAS County
T01N R15E S1 NWNENW Lot 3 End of Stream Flow Within CAMAS County
T01N R15E S1 NWNWNW Lot 4 Begin of Stream Flow Within CAMAS County
T01N R15E S1 SWSWNW Begin of Stream Flow Within CAMAS County
T01N R15E S1 SESWNW End of Stream Flow Within CAMAS County
T01N R15E S1 NWSWSW Begin of Stream Flow Within CAMAS County
T01N R15E S1 NWNWSE Begin of Stream Flow Within CAMAS County
T01N R15E S12 NENENE End of Stream Flow Within CAMAS County
T01N R15E S12 SWNENE Begin of Stream Flow Within CAMAS County
T01N R15E S12 NESWNE End of Stream Flow Within CAMAS County
T01N R15E S12 SWNWNW Begin of Stream Flow Within CAMAS County
T01N R15E S12 SWSENW Begin of Stream Flow Within CAMAS County
T01N R15E S12 SENESE End of Stream Flow Within CAMAS County
T01N R15E S12 SWSESE Begin of Stream Flow Within CAMAS County
T01N R16E S6 SWSENW End of Stream Flow Within CAMAS County
T01N R16E S6 SESWSW Begin of Stream Flow Within CAMAS County
T01N R16E S6 SESESW Begin of Stream Flow Within CAMAS County
T01N R16E S6 SENWSE End of Stream Flow Within CAMAS County
T01N R16E S6 SENWSE End of Stream Flow Within CAMAS County
T01N R16E S7 SENENE Begin of Stream Flow Within CAMAS County
T01N R16E S7 SENENE End of Stream Flow Within CAMAS County
T01N R16E S7 NWNESW Begin of Stream Flow Within CAMAS County
T01N R16E S7 SENESW End of Stream Flow Within CAMAS County
T01N R16E S7 NESESW End of Stream Flow Within CAMAS County
T01N R16E S7 SWSSESW Begin of Stream Flow Within CAMAS County
T01N R16E S17 NENWNW End of Stream Flow Within CAMAS County
T01N R16E S17 SENWNW End of Stream Flow Within CAMAS County
T01N R16E S17 SESWNW End of Stream Flow Within CAMAS County

T01N R16E S17 NWSWSW Begin of Stream Flow Within CAMAS County
 T01N R16E S17 SWSWSW End of Stream Flow Within CAMAS County
 T01N R16E S17 SESESW End of Stream Flow Within CAMAS County
 T01N R16E S17 SESESW Begin of Stream Flow Within CAMAS County
 T01N R16E S18 SESWNE Begin of Stream Flow Within CAMAS County
 T01N R16E S18 NESENE Begin of Stream Flow Within CAMAS County
 T01N R16E S18 NENWNW Lot 1 End of Stream Flow Within CAMAS County
 T01N R16E S18 SENWNW Lot 1 End of Stream Flow Within CAMAS County
 T01N R16E S18 NESWNW Lot 2 Begin of Stream Flow Within CAMAS County
 T01N R16E S18 NWSWNW Lot 2 Begin of Stream Flow Within CAMAS County
 T01N R16E S18 NENESE Begin of Stream Flow Within CAMAS County
 T01N R16E S18 SWNESE Begin of Stream Flow Within CAMAS County
 T01N R16E S18 SWNESE End of Stream Flow Within CAMAS County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
STOCKWATER	01/01 12/31	0.020 CFS

PLACE OF USE:

STOCKWATER in CAMAS County

T01N R15E S01 Lot 1 NENE	T01N R15E S01 SWNE
T01N R15E S01 SENE	T01N R15E S01 Lot 3 NENW
T01N R15E S01 Lot 4 NWNW	T01N R15E S01 SWNW
T01N R15E S01 SWSW	T01N R15E S01 SESW
T01N R15E S01 NWSE	T01N R15E S01 SWSE
T01N R15E S12 NENE	T01N R15E S12 SWNE
T01N R15E S12 NWNW	T01N R15E S12 SENW
T01N R15E S12 NESE	T01N R15E S12 SESE
T01N R16E S06 Lot 1 NWNW	T01N R16E S06 Lot 2 SWNW
T01N R16E S06 SENW	T01N R16E S06 NESW
T01N R16E S06 Lot 4 SWSW	T01N R16E S06 SESW
T01N R16E S06 NWSE	T01N R16E S06 SWSE
T01N R16E S07 NWNE	T01N R16E S07 NESW
T01N R16E S07 SESW	T01N R16E S07 NWNW
T01N R16E S17 SWNW	T01N R16E S17 NWSW
T01N R16E S17 SWSW	T01N R16E S17 SESW
T01N R16E S18 NENE	T01N R16E S18 SWNE
T01N R16E S18 SENE	T01N R16E S18 Lot 1 NWNW
T01N R16E S18 Lot 2 SWNW	T01N R16E S18 NESE

KKC
CB
proof
TEN
DN

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

The quantity of water decreed for this water right 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(5), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

This right is a split from former right 37-13317A.

08/11/2011

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

RIGHT NUMBER: 37-22568

NAME AND ADDRESS: STATE OF IDAHO, DEPT OF LANDS
PO BOX 83720-0050
BOISE ID 83720-0050

RONALD A HAGEN
41818 228TH AVE SE
ENUMCLAW WA 98022

NINA M HAGEN
41818 228TH AVE SE
ENUMCLAW WA 98022

HAGEN PROPERTIES LLC
323 RD 4 EU
MEETEETSE WY 82433

MARK NOREM
PO BOX 1285
BIG TIMBER MT 59011

KKC
Red
CB
TEN
ON

SOURCE: MC DONALD GULCH CREEK
MC KAY GULCH CREEK
UNNAMED STREAM
UNNAMED STREAM
UNNAMED STREAM

TRIBUTARY: WILLOW CREEK
TRIBUTARY: WILLOW CREEK
TRIBUTARY: MC DONALD GULCH CREEK
TRIBUTARY: MC KAY GULCH CREEK
TRIBUTARY: WILLOW CREEK

QUANTITY: 0.020 CFS

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

PRIORITY DATE: 03/01/1880

POINT OF
DIVERSION:

T01N R15E S1 NENESW End of Stream Flow Within CAMAS County
T01N R15E S1 NENWSW Begin of Stream Flow Within CAMAS County
T01N R15E S1 NWNWSW End of Stream Flow Within CAMAS County
T01N R15E S2 NWNENE Begin of Stream Flow Within CAMAS County
T01N R15E S2 SWNESE Begin of Stream Flow Within CAMAS County
T01N R15E S12 NWSENE Begin of Stream Flow Within CAMAS County
T01N R15E S12 NWSENE End of Stream Flow Within CAMAS County
T01N R16E S7 NESWNE End of Stream Flow Within CAMAS County
T01N R16E S7 NENENW End of Stream Flow Within CAMAS County
T01N R16E S7 NENWNW Lot 1 End of Stream Flow Within CAMAS County
T01N R16E S7 NWNWNW Lot 1 Begin of Stream Flow Within CAMAS County
T01N R16E S7 NWSENW Begin of Stream Flow Within CAMAS County
T01N R16E S7 SWSENW Begin of Stream Flow Within CAMAS County
T01N R16E S7 NWNWSW Lot 3 End of Stream Flow Within CAMAS County
T01N R16E S7 SWNWSW Lot 3 Begin of Stream Flow Within CAMAS County
T01N R16E S7 SWNWSE Begin of Stream Flow Within CAMAS County
T01N R16E S7 SENWSE End of Stream Flow Within CAMAS County
T01N R16E S7 SENWSE End of Stream Flow Within CAMAS County
T01N R16E S7 NWSWSE Begin of Stream Flow Within CAMAS County

T01N R16E S18 NWNENW Begin of Stream Flow Within CAMAS County
T01N R16E S18 NWNENW End of Stream Flow Within CAMAS County
T01N R16E S18 SWNENW Begin of Stream Flow Within CAMAS County

PURPOSE AND
PERIOD OF USE:

	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	STOCKWATER	01/01 12/31	0.020 CFS
PLACE OF USE:	STOCKWATER in CAMAS County		
	T01N R15E S01 NESW	T01N R15E S01	NWSW
	T01N R15E S02 NESE	T01N R15E S12	SENE
	T01N R16E S07 SWNE	T01N R16E S07	NENW
	T01N R16E S07 Lot 1 NWNW	T01N R16E S07	SENW
	T01N R16E S07 Lot 3 NWSW	T01N R16E S07	NWSE
	T01N R16E S07 SWSE	T01N R16E S18	NENW

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

Ownership and access to the place of use of this water right is governed by the settlement agreement executed between the Idaho Department of Lands, Ronald A. Hagen, Nina M. Hagen, Mark Norem, and Hagen Properties LLC dated August 10, 2011.

The quantity of water decreed for this water right 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

This right is a split from former right 37-13317A.

Handwritten notes:
K/KC
PLH
TKN
DN
CB

10/22/2010

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

RIGHT NUMBER: 37-22569

NAME AND ADDRESS: STATE OF IDAHO, DEPT OF LANDS
PO BOX 83720-0050
BOISE ID 83720-0050

SOURCE: SEVERE CREEK
UNNAMED STREAM
UNNAMED STREAM
TRIBUTARY: WILLOW CREEK
TRIBUTARY: SEVERE CREEK
TRIBUTARY: WILLOW CREEK

QUANTITY: 0.020 CFS
The quantity of water under this right shall not exceed 13,000 gallons per day.

PRIORITY DATE: 03/01/1880

POINT OF
DIVERSION:

T01N R16E S19 NESENE Begin of Stream Flow Within CAMAS County
T01N R16E S19 NWSENE Begin of Stream Flow Within CAMAS County
T01N R16E S19 NWNENE Begin of Stream Flow Within CAMAS County
T01N R16E S19 NWSESE Begin of Stream Flow Within CAMAS County
T01N R16E S19 SESESE End of Stream Flow Within CAMAS County
T01N R16E S20 NENWSW End of Stream Flow Within CAMAS County
T01N R16E S29 NWNENW Begin of Stream Flow Within CAMAS County
T01N R16E S29 SENENW End of Stream Flow Within CAMAS County
T01N R16E S29 NENWNW End of Stream Flow Within CAMAS County
T01N R16E S29 NWNWNW Begin of Stream Flow Within CAMAS County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	0.020 CFS

PLACE OF USE: STOCKWATER in CAMAS County

T01N R16E S19	SENE	T01N R16E S19	NESE
T01N R16E S19	SESE	T01N R16E S20	SNNW
T01N R16E S20	NWSW	T01N R16E S29	NENW
T01N R16E S29	NWNW		

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 is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

This right is a split from former right 37-13317A.

KKC
CE
TEN
DN

CERTIFICATE OF SERVICE

I certify that on August 16th, 2011, I mailed the original and copies of this form, including all attachments, to the following persons, in the manner indicated and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
P.O. Box 2707
Twin Falls, ID 83303-2707

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

2. Copies to:

Robert L. Harris
Holden Kidwell
P.O. Box 50130
Idaho Falls, ID 83405-0130

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

IDWR Document Depository
322 East Front St.
P.O. Box 83720
Boise, ID 83720-0098

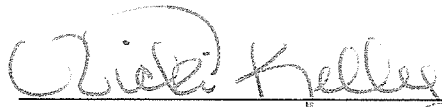
☐ Overnight Mail
☐ Regular Mail
☒ Hand-delivered
☐ Facsimile

U.S. Department of Justice
Environment and Natural Res. Division
550 West Fort Street, MSC 033
Boise, ID 83724

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

Tyson K. Nelson
State of Idaho, Dept. of Lands
P.O. Box 83720-0050
Boise, ID 83720-0050

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



Signature of person mailing this document