

**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. 31-12491

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. 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 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:

Hagenbarth Land Idaho LP



John M. Marshall
John Marshall Law PLLC
Attorney for Claimant

3/21/24

Date

OBJECTOR:

United States on behalf of the
Bureau of Land Management



Mark Widerschein *FWP*
Attorney, U.S. Department of Justice
Environment and Natural Resources Div.

03/26/24

Date

IDWR CONCURRENCE:



Craig L. Saxton
Adjudication Section Manager

3/29/24

Date

IDWR CONCURRENCE:



Lacey Rammell-O'Brien
Deputy Attorney General
Attorney for IDWR

03/29/24

Date

02/16/2024

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

RIGHT NUMBER: 31-12491

NAME AND ADDRESS: HAGENBARTH LAND IDAHO LP
PO BOX 1128
DILLON, MT 59725-1128

SOURCE: MILES CREEK TRIBUTARY: CROOKED CREEK

QUANTITY: 0.020 CFS

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

PRIORITY DATE: 07/01/1944

POINT OF DIVERSION: T13N R38E S35 SWSW Begin of Stream Flow Within CLARK County
T13N R38E S35 SWSW End of Stream Flow Within CLARK County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
STOCKWATER	05/15 11/15	0.020 CFS

The period of use under this water right is limited to the period of use authorized by the United States for grazing on Federal land as described in the applicable grazing permit, annual operating instructions, and other controlling documents.

Stockwater use is for the in-stream watering of livestock.

PLACE OF USE:

STOCKWATER in CLARK County
T13N R38E S35 SWSW

FWP mjw Jmm

This right excludes the on-stream pond near the beginning point of diversion.

This right is appurtenant to the base property described below:
T13N, R38E, S36, S1/2SW1/4.

(12) LLS

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. Idaho Code § 42-1412(6).

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

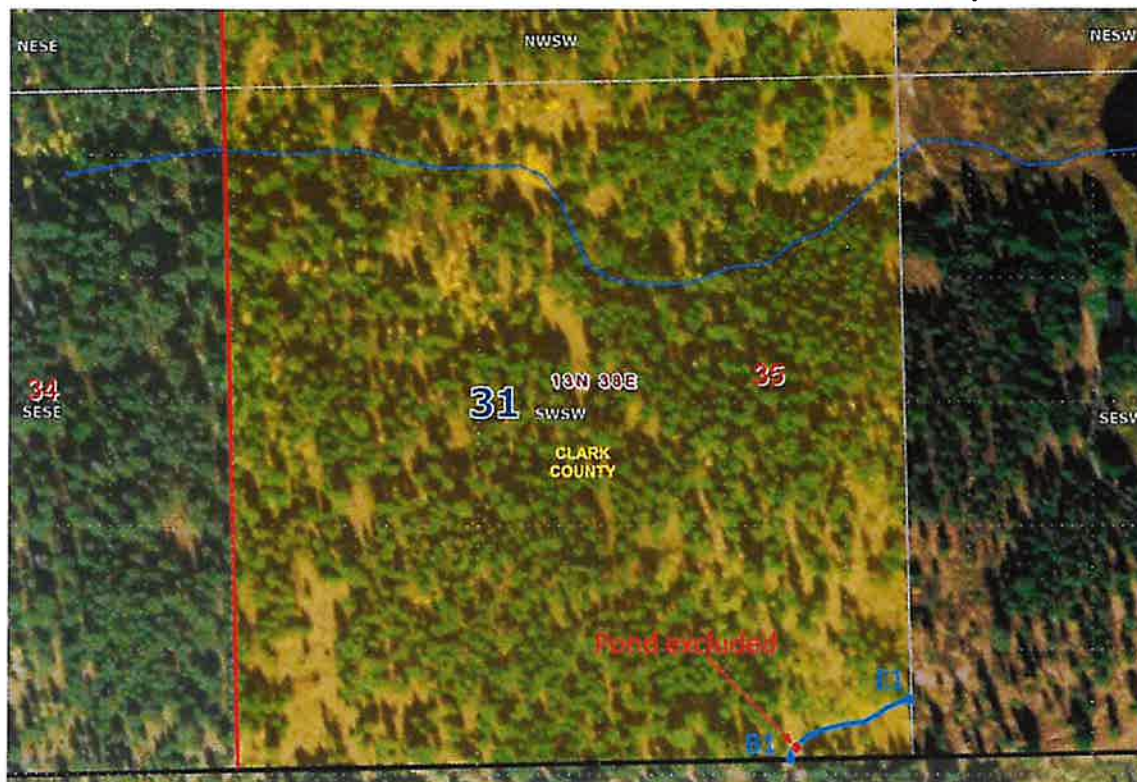
EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Parcel No. RP12N38E211000.

Map of 31-12491
And Pond to Exclude from Claim

FWP mjuw Jmm

(E)
CLS



CERTIFICATE OF MAILING

I certify that on April 1, 2024, I mailed the original and copies of this form, including all attachments by the following method to:

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

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

2. Copy to:

IDWR Document Depository
P. O. Box 83720
Boise, Idaho 83720-0098

☐ Overnight Mail
☐ Regular Mail
☒ Hand delivered
☐ Facsimile

3. Copies to all parties to the subcase (insert names and addresses):

U.S., Department of Justice
Environment and Natural Resources Division
Natural Resources Section
550 West Fort Street, MSC 033
Boise, Idaho 83724
REPRESENTING:
U.S.D.I., BLM

☐ Overnight Mail
☒ Regular Mail
☐ Hand delivered
☐ Facsimile

John M. Marshall
JOHN MARSHALL LAW PLLC
P. O. Box 2297
Boise, Idaho 83701-2297
REPRESENTING:
Hagenbarth Land Idaho LP

☐ Overnight Mail
☒ Regular Mail
☐ Hand delivered
☐ Facsimile



Signature of person or attorney mailing the form