

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

APR 03 2024

By \_\_\_\_\_ Clerk  
 \_\_\_\_\_ Deputy 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 No. <u>31-12491</u>
	)	
	)	<b>Standard Form 5</b>
Case No. 39576	)	
	)	<b>STIPULATED ELEMENTS</b>
_____	)	<b>OF A WATER RIGHT</b>

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

**OBJECTOR:**  
 United States on behalf of the  
 Bureau of Land Management

John M. Marshall      3/21/24  
 \_\_\_\_\_      Date  
 John Marshall Law PLLC  
 Attorney for Claimant

Mark Widerschein      03/26/24  
 \_\_\_\_\_      Date  
 Mark Widerschein FWP  
 Attorney, U.S. Department of Justice  
 Environment and Natural Resources Div.

**IDWR CONCURRENCE:**

**IDWR CONCURRENCE:**

Craig L. Saxton      3/29/24  
 \_\_\_\_\_      Date  
 Craig L. Saxton  
 Adjudication Section Manager

Lacey Rammell-O'Brien      03/29/24  
 \_\_\_\_\_      Date  
 Lacey Rammell-O'Brien  
 Deputy Attorney General  
 Attorney for IDWR

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 mjeu 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.

*(B) CFS*

**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.

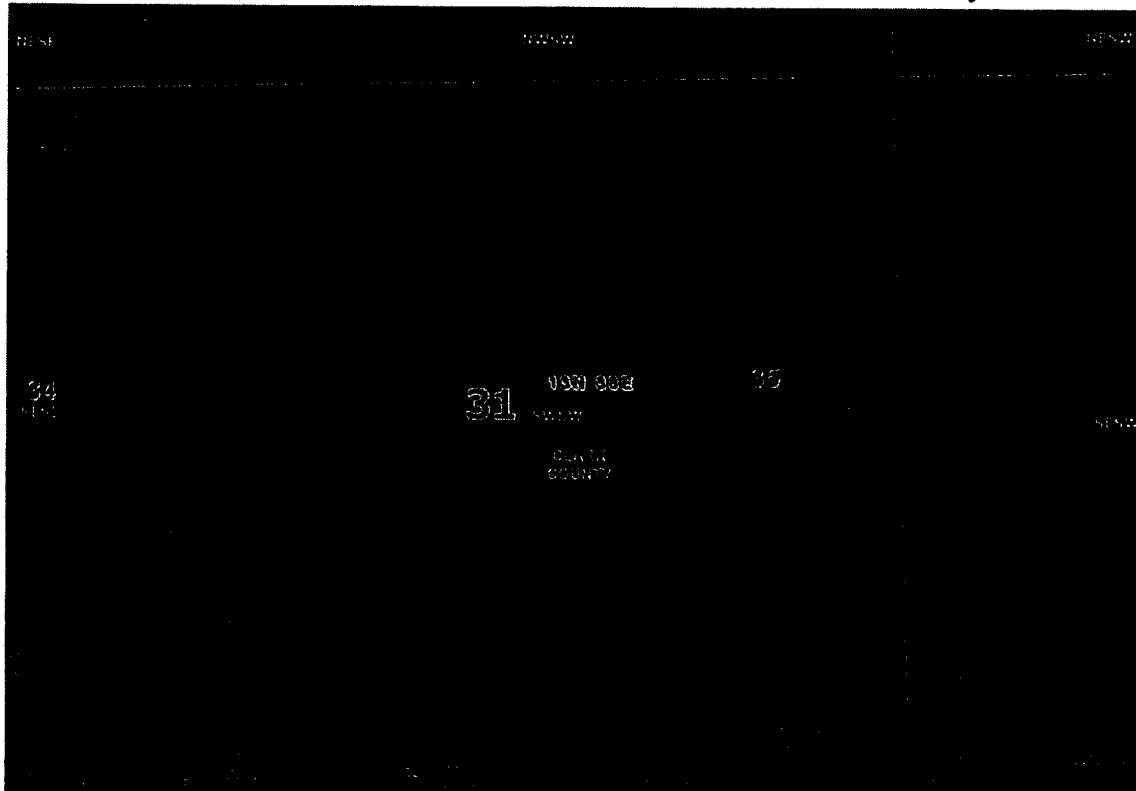
**EXPLANATORY MATERIAL:** BASIS OF CLAIM - Beneficial Use

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

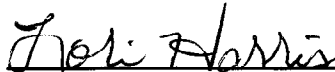
3. Copies to all parties to the subcase (insert names and addresses):

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