



State of Idaho  
**DEPARTMENT OF WATER RESOURCES**  
1301 North Orchard Street, P.O. Box 83728, Boise, Idaho 83720-0098  
Phone: (208) 327-7900 FAX: (208) 327-7866

DON HANFORD  
GOVERNOR  
KARL A. DEGEN  
DIRECTOR

## FAX Transmittal Cover Sheet

Number of pages including this one: 14

Date: 4-9-02

To: Ernie Carlson

Fax No.: \_\_\_\_\_

From: CMM / VLM

Fax No.: \_\_\_\_\_

Phone No.: \_\_\_\_\_

Subject: Hakimbari Amended Claim 31-10-140

In Addition: There is now a way to research water rights over the Internet. The system is a graphical or text query system and can be accessed from the IDWR home page:

<http://www.idwr.state.id.us>

From that link, select "Snake River Basin Adjudication" toward the lower left hand of the screen. Then select "Map" or "Text" on the next page.

"TEXT" lets you search water rights via Name, Legal, Source, etc.

Enter in the information you know. Information can be entered under more than one tab. After you have completed entering your information, select "Search"

"MAP" allows you to search water rights graphically.

Use the tools on the Left side of the screen to Zoom in and out. To find out what each button does, hold the cursor over the button for a second. To the Right side of the screen are different layers that can be turned on or off. As you zoom in to your place in question, different layers will appear on the right side of the screen.

A HELP function is available within the application or you can call 1-800-451-4129 or (208) 327-7906 for help.

RECEIVED

JAN 28 2002

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

Subcase 31-10740

**STANDARD FORM 4**

Case 39576

**MOTION TO FILE:**☐ LATE NOTICE OF CLAIM☒ AMENDED NOTICE OF CLAIM**INSTRUCTIONS**

This form is used to file a late Notice of Claim or an amendment to a Notice of Claim in a reporting area where the Director's Report has been filed. Forms may be obtained from the SRBA Court, the Idaho Department of Water Resources (IDWR), or you may copy or reproduce this blank form. If you copy or reproduce this form, please copy on both sides with the even number pages upside down.

The water right number for your late or amended claim must be indicated above in the blank space following "Subcase." You must use a separate form for each late or amended Notice of Claim

This form has been adopted by the court in *SRBA Administrative Order 1, Rules of Procedure* (amended Sept. 30, 1996), Section 4, which may be consulted for further information.

By filing a *Motion to File a Late Notice of Claim* or a *Motion to File an Amended Notice of Claim*, you certify that it is well-grounded in fact; is warranted by existing law or a good-faith argument for the extension, modification or reversal of existing law; and is not filed for any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation.

☐ I have read SRBA *Administrative Order 1, Rules of Procedure* (amended Sept. 30, 1996).

My name is \_\_\_\_\_

My address is \_\_\_\_\_

My phone number is: Work \_\_\_\_\_ Home \_\_\_\_\_

I am an attorney representing Margaret Hagenbarth, David J. Hagenbarth and James F. Hagenbarth

My name is John M. Marshall

My address is 277 North 6<sup>th</sup> Street, Suite 200, P.O. Box 2720, Boise, ID 83701-2720

My phone number is (208) 388-1270

#### MOTION TO FILE A LATE NOTICE OF CLAIM

*A Motion to File a Late Notice of Claim* will require a hearing before the Presiding Judge.

☐ I did not file a Notice of Claim to the use of water in the SRBA because:  
\_\_\_\_\_  
\_\_\_\_\_

☐ I filed a Notice of Claim and elected to defer judicial proceedings on my domestic or stock watering use. I desire to reinstate my Notice of Claim for domestic or stock watering use.

☐ I am providing legal and factual documentation for my claimed use of water. You must describe these documents and attach a readable copy. (You do not need to fill this out if you are reinstating a Notice of Claim for domestic or stock watering use, but you must attach a copy of your Notice of Claim.)  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I have attached:

- ☐ A fully completed Notice of Claim (available from IDWR).
- ☐ A claim filing fee for a domestic and stock watering use. IDWR may charge this fee pursuant to I.C. § 42-1414. To determine this amount, contact IDWR at (800) 451-4129. I have enclosed a check payable to: State of Idaho Department of Water Resources in the amount of \$ \_\_\_\_.
- ☐ A claim filing fee and a late claim fee for those claims other than a domestic or stock watering use for which a notice of a claim was not filed. To determine this amount, contact IDWR at (800) 451-4129. I have enclosed a check payable to: State of Idaho, Department of Water Resources in the amount of \$ \_\_\_\_.

Follow these instructions regarding the hearing on this motion:

1. Contact the Clerk of the SRBA Court (208-736-3011) to request a hearing date and time.
2. Fill in the following information:

This motion will be heard on \_\_\_\_\_

(Insert Date and Time)

at the SRBA courthouse, 253 Third Avenue North, Twin Falls, Idaho.

#### MOTION TO FILE AN AMENDED NOTICE OF CLAIM

*A Motion to File an Amended Notice of Claim* may require a hearing before the Presiding Judge or Special Master or may be granted by leave of the court or by written consent of the parties and the Idaho Department of Water Resources. Leave to amend a claim shall be freely given when justice so requires.

☒ I must amend my Notice of Claim to the use of water in the SRBA because:

The legal description for the point of diversion was incorrectly described as claimed and recommended by IDWR, and further request that the Court allow us to amend the Notice of Claims for the use of the water in the SRBA because the place of use as recommended by IDWR includes 3.1 acres of land owned by the Idaho Department of Lands which should be removed from the place of use, and further that the place of use as recommended by IDWR includes .5 acres of land which was not originally claimed.

Hagenbarths filed four (4) Notices of Claim for Dry Creek water in the SRBA. Those Claims are 31-02274, 31-02275, 31-10245, and 31-10740. The claimed point of diversion for each Dry Creek Claim was the NENWSW of Section 9, T13N, R40E, Clark County. The claimed point of diversion legal description was recommended by the Idaho Department of Water Resources (IDWR) for each Notice of Claim mentioned above.

The United States of America, acting through the USDA Forest Service (hereinafter the "Forest Service"), filed an Objection to the point of diversion of water right claim/subcase 31-10245. The Forest Service objection indicated that the legal description for the point of diversion would be more accurately described as being located in the NWNWSW of Section 9, T12N, R40E, Clark County.

After meeting with representatives of the Forest Service and IDWR on Wednesday, January 16, 2002, in Rexburg, Idaho, the claimants agree that the point of diversion of their Dry Creek water rights would be more accurately described as being located in the NWNWSW of Section 9, T13N, R40E, Clark County. All parties agree that the point of diversion should be changed accordingly on each of the four (4) Dry Creek water right claims listed previously.

In addition, the Amended Notice of Claim removes a total of 3.1 acres from the place of use and adds .5 acres to the place of use pursuant to the objection of the Idaho Department of Lands (IDL) and the Response of the Forest Service. Settlement discussions conducted with the representatives of IDL, IDWR, and the Forest Service resulted in a consensus that the place of use should be amended.

- ☐ I am providing legal and factual documentation to support my amended Notice of Claim. You must describe these documents and attach a readable copy.

I have attached:

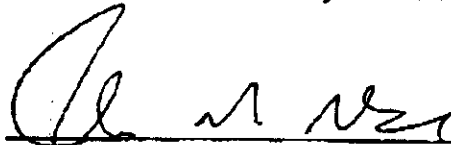
- ☒ An amended Notice of Claim (available from IDWR).  
☐ Payment of the following additional fees required by IDWR:  
No additional fees required

## VERIFICATION

State of Idaho       )  
                              ) ss.  
County of Ada        )

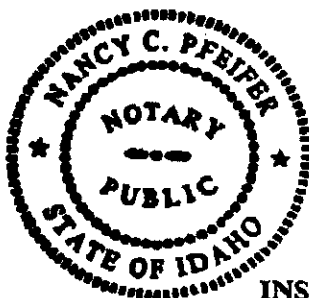
John M. Marshall, being first duly sworn, upon oath, deposes and says:

That I am the party/claimant filing this motion for late or amended claim (as listed on Page 2) as defined by I.C. §§ 42-1401A(1) and (7) or that I am the attorney for the party/claimant filing this motion for late or amended claim and that I have read this motion, know its contents, and believe that the statements are true and to the best of my knowledge.



John M. Marshall

Subscribed and sworn to before me on January 24, 2002



Notary Public for Idaho

Residing at: Boise

My Commission expires: 5-10-07

## INSTRUCTIONS FOR MAILING

You must mail this form, including all attachments, to the Clerk of the SRBA Court. Fax filings will not be accepted by the SRBA Clerk of the Court. You must also send a copy to all the parties listed below in the Certificate of Mailing.

## VERIFICATION

State of Montana       )  
                                  ) ss.  
County of Beaverhead    )

James F. Hagenbarth, duly sworn, upon oath, deposes and says:

That I am the party/claimant filing this Motion to Amend Notice of Claim on behalf of Margaret Hagenbarth, David J. Hagenbarth and myself, as defined by I.C. § 42-1401A(1) and (6) and that I have read this Motion to File an Amended Notice of Claim, know its contents and believe that the statements are true to the best of my knowledge.

James F. Hagenbarth  
James F. Hagenbarth

Subscribed and sworn to before me on:

January 19, 2002  
Patricia L. Frowland  
Notary Public for Montana  
Residing at: Dillon, MT 59705  
My Commission Expires: 1/1/04

**CERTIFICATE OF MAILING**

I certify that on January 24<sup>th</sup>, 2002, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

## 1. Original to:

Clerk of the District Court  
Snake River Basis Adjudication  
253 Third Avenue North  
PO Box 2707  
Twin Falls, ID 83303-2707

## 2. Copies to:

IDWR Document Depository  
PO Box 83720  
Boise, ID 83720-0098

Chief, Natural Resources Division  
Office of the Attorney General  
State of Idaho  
PO Box 44449  
Boise, ID 83711-4449

United States Department of Justice  
Environment and Natural Resource Division  
550 West Fort Street, MSC 033  
Boise, ID 83724

## 3. Copies to additional parties in the subcase:

Idaho Department of Lands  
Attn: Steven J. Schuster  
Deputy Attorney General  
P.O. Box 83720  
Boise, ID 83720-0050

Idaho Department of Water Resources  
Office of the Attorney General  
Attn: Candace McHugh  
1301 N. Orchard St.  
Boise, ID 83706

  
John M. Marshall

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION  
OF RIGHTS TO THE USE OF WATER FROM  
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER:

39576

Ident. Number \_\_\_\_\_

Date Received \_\_\_\_\_

Receipt Number \_\_\_\_\_

**AMENDED NOTICE OF CLAIM  
TO A  
WATER RIGHT  
ACQUIRED UNDER STATE LAW**

Please type or print clearly

PLEASE SEE ATTACHED

1. Name of Claimant (s) \_\_\_\_\_ Phone ( ) \_\_\_\_\_  
Mailing Address \_\_\_\_\_ Zip \_\_\_\_\_
2. Date of Priority (Only one (1) per claim) \_\_\_\_\_
3. Source of water supply (a) \_\_\_\_\_  
which is tributary to (b) \_\_\_\_\_
4. a. Location of existing point of diversion is: Township \_\_\_\_\_ Range \_\_\_\_\_ Section \_\_\_\_\_  
1/4 of 1/4 of \_\_\_\_\_ 1/4, Govt. Lot \_\_\_\_\_, B.M., County of \_\_\_\_\_  
Additional points of diversion if any: \_\_\_\_\_  
b. If instream flow, beginning point of claimed instream flow is:  
Township \_\_\_\_\_ Range \_\_\_\_\_ Section \_\_\_\_\_, 1/4 of \_\_\_\_\_ 1/4 of \_\_\_\_\_ 1/4,  
Govt. Lot \_\_\_\_\_ B.M., County of \_\_\_\_\_  
ending point is: Township \_\_\_\_\_ Range \_\_\_\_\_ Section \_\_\_\_\_, 1/4 of \_\_\_\_\_ 1/4 of \_\_\_\_\_  
1/4, Govt. Lot \_\_\_\_\_ B.M., County of \_\_\_\_\_
5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc), including  
the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed and as enlarged and  
the depth of each well. \_\_\_\_\_

## 6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Stockwater purposes from 01-01 to 12-31 amount \_\_\_\_\_ or \_\_\_\_\_

For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ amount \_\_\_\_\_ or \_\_\_\_\_

For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ amount \_\_\_\_\_ or \_\_\_\_\_

For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ amount \_\_\_\_\_ or \_\_\_\_\_

7. Total quantity claimed (a) \_\_\_\_\_ (cfs) and/or (b) \_\_\_\_\_ (acre feet)

8. Total consumptive use claimed is \_\_\_\_\_ acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) \_\_\_\_\_

## 10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

| TWP | RNG | SEC | NE 1/4 |       |       |       | NW 1/4 |       |       |       | SW 1/4 |       |       |       | SE 1/4 |       |       |       | Totals |
|-----|-----|-----|--------|-------|-------|-------|--------|-------|-------|-------|--------|-------|-------|-------|--------|-------|-------|-------|--------|
|     |     |     | NE1/4  | NW1/4 | SW1/4 | SE1/4 | NE1/4  | NW1/4 | SW1/4 | SE1/4 | NE1/4  | NW1/4 | SW1/4 | SE1/4 | NE1/4  | NW1/4 | SW1/4 | SE1/4 |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |

Total number of acres irrigated \_\_\_\_\_

11. In which county(ies) are lands listed above as place of use located? \_\_\_\_\_

12. Do you own the property listed above as place of use? Yes \_\_\_\_\_ No \_\_\_\_\_

If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.

or None ( )

14. Remarks: \_\_\_\_\_

15. Basis of Claim (check one) Beneficial Use \_\_\_\_\_ Posted Notice \_\_\_\_\_ License \_\_\_\_\_ Permit \_\_\_\_\_  
Decree \_\_\_\_\_

If applicable provide IDWR Water Right Number

Court \_\_\_\_\_ Case Number \_\_\_\_\_ Decree Date \_\_\_\_\_

Plaintiff vs Defendant \_\_\_\_\_

16. Signature (s)

(a). By signing below, I/We acknowledge that I/We have received, read, and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b). I/We do \_\_\_\_\_ do not \_\_\_\_\_ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments \_\_\_\_\_

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) \_\_\_\_\_ Date \_\_\_\_\_  
\_\_\_\_\_ Date \_\_\_\_\_

For Organizations: I do solemnly swear or affirm that I am \_\_\_\_\_  
of \_\_\_\_\_, that I have signed the foregoing document in the space  
below as \_\_\_\_\_ Organization \_\_\_\_\_ of \_\_\_\_\_  
Title \_\_\_\_\_ Organization \_\_\_\_\_  
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent \_\_\_\_\_

Title and Organization \_\_\_\_\_ Date \_\_\_\_\_

State of Idaho/or \_\_\_\_\_ )  
County of \_\_\_\_\_ ) ss.

Subscribed and sworn (or affirmed) before me this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_

SEAL

Notary Public \_\_\_\_\_  
Residing at \_\_\_\_\_  
My Commission Expires \_\_\_\_\_

17. Notice of Appearance:

Notice is hereby given that I, \_\_\_\_\_ will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature \_\_\_\_\_  
Address \_\_\_\_\_  
Date \_\_\_\_\_

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO  
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE SNAKE RIVER BASIN WATER SYSTEM.  
CIVIL CASE NUMBER: 39576  
Ident. Number: 31-10740

AMENDED NOTICE OF CLAIM TO A WATER RIGHT ACQUIRED UNDER STATE LAW AMENDED

RIGHT NUMBER: 31-10740  
NAME AND ADDRESS: DAVID J HAGENBARTH  
PO BOX 1128  
DILLON MT 59725  
MARGARET HAGENBARTH  
PO BOX 1128  
DILLON MT 59725  
JAMES F HAGENBARTH  
PO BOX 1128  
DILLON MT 59725

SOURCE: DRY CREEK TRIBUTARY: CANAS CREEK

QUANTITY: 8.680 CFS  
THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE SHALL NOT EXCEED 13,000 GALLONS PER DAY.  
USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 21.79 CFS. COMBINED RIGHT NOS.: 31-02274, 31-02275, 31-10245, 31-10740.  
THIS RIGHT WHEN COMBINED WITH RIGHT NO. 31-02274, 31-02275, 31-10240, 31-10740 SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE.

PRIORITY DATE: 11/02/1930

POINT OF DIVERSION: T13N R4DE S9 NWNWSW Within CLARK County

| PURPOSE AND PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE | QUANTITY  |
|----------------------------|----------------|---------------|-----------|
|                            | STOCKWATER     | 05/01 10/31   | 0.230 CFS |
|                            | IRRIGATION     | 05/01 10/31   | 8.450 CFS |

PLACE OF USE:  
IRRIGATION within Clark County

|                     |      |      |                     |      |      |
|---------------------|------|------|---------------------|------|------|
| T13N R40E S10       | NESE | 27.0 | T13N R40E S10       | SESW | 25.0 |
| T13N R40E S10       | SWSE | 37.0 | T13N R40E S10       | NWSE | 12.0 |
| T13N R40E S11       | NWSW | 3.5  | T13N R40E S11       | SESE | 40.0 |
| T13N R40E S11       | SESW | 28.0 | T13N R40E S11       | SWSW | 37.0 |
| T13N R40E S11       | SWSE | 31.0 | T13N R40E S11       | NESE | 9.4  |
| T13N R40E S12       | NESE | 5.0  | T13N R40E S12       | SESE | 34.0 |
| T13N R40E S12       | SWSW | 6.2  | T13N R40E S12       | NWSW | 35.0 |
| T13N R40E S14       | NWSE | 11.0 | T13N R40E S14       | NENE | 2.7  |
| T13N R40E S14       | NWSW | 5.0  | T13N R40E S14       | NENW | 14.0 |
| T13N R40E S15       | NWSE | 40.0 | T13N R40E S15       | NENE | 40.0 |
| T13N R40E S21 Lot 5 | SWSW | 6.6  | T13N R40E S21 Lot 4 | NWSW | 25.0 |
| T13N R40E S21       | SWSE | 11.0 | T13N R40E S21       | SESW | 5.0  |
| T13N R40E S23       | SESW | 19.0 | T13N R40E S23       | SWSW | 40.0 |
| T13N R40E S26       | NWSW | 40.0 | T13N R40E S26       | NENW | 32.0 |
| T13N R40E S27       | NWSE | 38.0 | T13N R40E S27       | SWSW | 29.0 |
| T13N R40E S27       | NENW | 18.0 | T13N R40E S27       | NENE | 40.0 |
| T13N R40E S27       | SWSW | 18.0 | T13N R40E S27       | SESE | 40.0 |
| T13N R40E S28       | NENE | 27.0 | T13N R40E S28       | NWSW | 10.0 |
| T13N R40E S28       | SWSE | 40.0 | T13N R40E S28       | SESW | 14.0 |
| T13N R40E S28       | NENW | 32.0 | T13N R40E S28       | NWSE | 38.0 |
| T13N R40E S28       | SWSW | 8.1  | T13N R40E S28       | SENE | 40.0 |
| T13N R40E S29 Lot 2 | NWSE | 13.0 | T13N R40E S29       | NWSW | 4.1  |
| T13N R40E S29       | SENE | 11.0 | T13N R40E S29       | SESW | 27.0 |
|                     |      |      |                     | SWNE | 21.0 |

The place of use in the NWSW of S11, T13N, R40E, does not include any State public school endowment land.

STOCKWATER SAME AS IRRIGATION

1089.6 ACRES TOTAL

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 1089 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 31-02274, 31-02275, 31-10245, 31-10740. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 434 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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. RIGHTS HAVE ALSO BEEN CLAIMED TO WATER FROM BASIN 21 FOR THE SAME PURPOSE OF USE AT THE SAME PLACE OF USE DESCRIBED ABOVE, WHICH WILL BE INCLUDED IN A DIRECTOR'S REPORT TO BE FILED AT A LATER DATE. ANY WATER RIGHTS RECOMMENDED IN THE BASIN 21 REPORT FOR THE SAME PURPOSE OF USE AT THE SAME PLACE OF USE DESCRIBED ABOVE WILL CONTAIN COMBINED USE LIMITATIONS FOR THIS RIGHT AND THE BASIN 21 RIGHTS.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

STOCKWATER 1100 CATTLE SAME POU AS IRRIGATION.

Signature(s)

On behalf of claimants Margaret Hagenbarth, David J. Hagenbarth and James F. Hagenbarth, I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

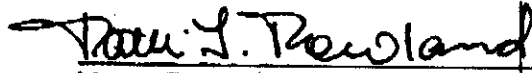
DATED this 19<sup>th</sup> day of January, 2002.

  
James F. Hagenbarth

STATE OF MONTANA     )  
                                  :SS.  
County of Beaverhead    )

On this 19<sup>th</sup> day of January, 2002, before me, Patti L. Rowland, Notary Public for the State of Montana, personally appeared James F. Hagenbarth, known to me to be the person whose name is subscribed within and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year herein above first written.

  
Notary Public for the State of Montana,  
Residing at Dillon, Montana  
My Commission expires: 1/1/04

(SEAL)

31-10740