

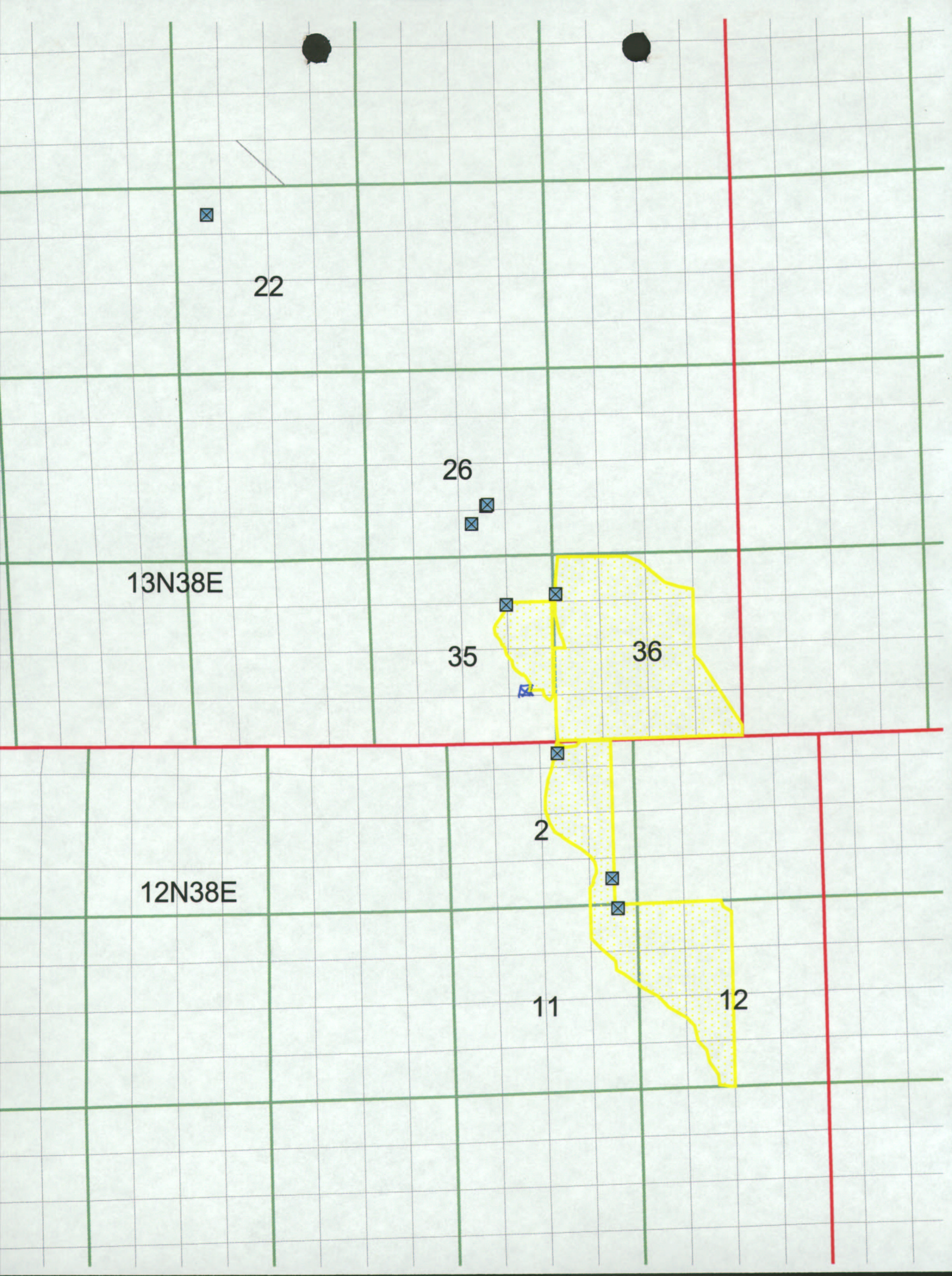
T12N, R38E SEC 2, 11, 12
T13N, R38E SEC 35, 36

2

Original Claims
Sent to court
9-18-01



**GIS: PLACE OF USE
POINT OF DIVERSION
1987/1988 NAPP PHOTOS
PREPARED BY DAVE CARLSON**



Decreed POD;
31-00066,
31-00067.

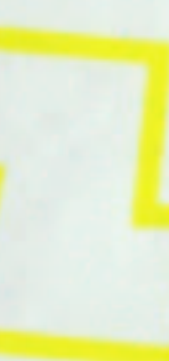
LEGEND



Decreed POD's
of 31-00068
and 31-00069



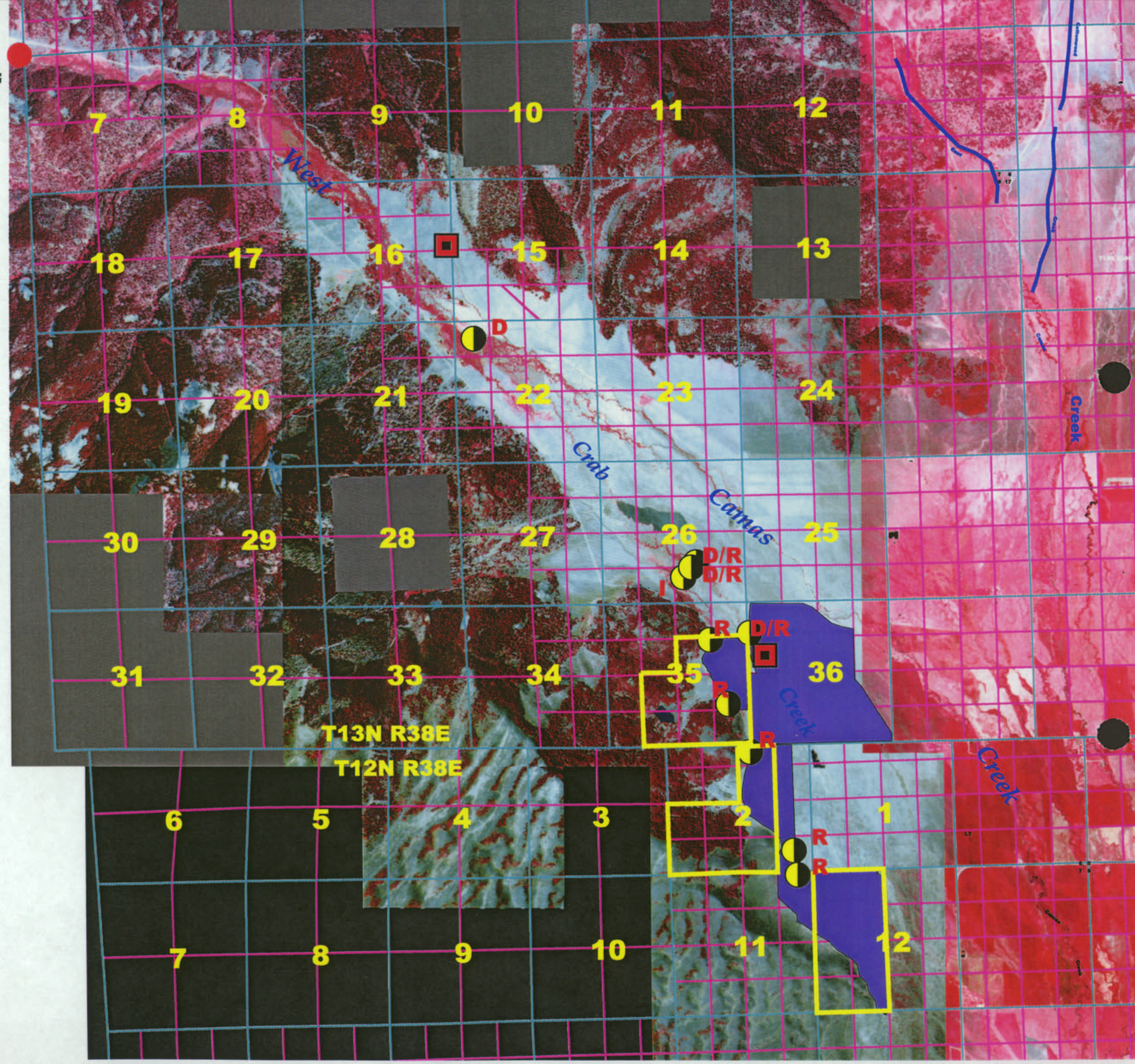
SRBA Recommended
Points of Diversion



Decreed Place of Use;
31-00324



Recommended
Place of Use



12/03/2002

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

RIGHT NUMBER: 31-67B

NAME AND ADDRESS: JAMES F HAGENBARTH
PO BOX 1128
DILLON MT 59725-1128

DAVID J HAGENBARTH
PO BOX 1128
DILLON MT 59725-1128

MARGARET HAGENBARTH
PO BOX 1128
DILLON MT 59725-1128

SOURCE: WEST CAMAS CREEK TRIBUTARY: CAMAS CREEK
POINT OF INJECTION INTO AND POINT OF REDIVERSION FROM CROOKED CREEK.
POINT OF INJECTION INTO AND POINT OF REDIVERSION FROM CRAB CREEK.

QUANTITY: 12.320 CFS
THE APPROPRIATOR IS ENTITLED TO THE QUANTITY OF WATER DESCRIBED
ABOVE AT THE POINTS OF REDIVERSION IN T13N, R38E, S36, SWNNWN AND T13N,
R38E, S26, SENWSE.

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION
RATE OF 12.32 CFS. COMBINED RIGHT NOS.: 31-67A, 31-67B, 31-324 AND
31-11790.

PRIORITY DATE: 06/22/1900
PURSUANT TO A CALL, THIS RIGHT IS JUNIOR TO ALL WATER RIGHTS ON WEST
CAMAS CREEK WITH A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL
DECREE IS ENTERED FOR THIS RIGHT.

POINT OF DIVERSION:
T12N R38E S2 SWNNWN Lot 2 Rediversion Within CLARK County
T12N R38E S2 NWSESE Rediversion Within CLARK County
T12N R38E S11 NENENE Rediversion Within CLARK County
T13N R38E S22 SENWNW Within CLARK County
T13N R38E S22 SENWNW Injection Within CLARK County
T13N R38E S26 SENWSE Rediversion Within CLARK County
T13N R38E S26 SENWSE Rediversion Within CLARK County
T13N R38E S26 NWSWSE Injection Within CLARK County
T13N R38E S35 NESWNE Rediversion Within CLARK County
T13N R38E S35 SWNESE Rediversion Within CLARK County
T13N R38E S36 SWNNWN Rediversion Within CLARK County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	07/02 10/31	12.320 CFS
STOCKWATER	07/02 10/31	0.230 CFS

Water Right 31-67B

1

SF5 31-67B

12/03/2002

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

PLACE OF USE:	<u>IRRIGATION Within CLARK County</u>			
	T12N R38E S02 Lot 1 NENE	11.0	T12N R38E S02 Lot 2 NWNE	13.0
	T12N R38E S02 SWNE	34.0	T12N R38E S02 SENE	21.0
	T12N R38E S02 NESE	21.0	T12N R38E S02 NWSE	20.0
	T12N R38E S02 SESE	18.0	T12N R38E S11 NENE	38.0
	T12N R38E S11 SENE	12.0	T12N R38E S12 NENW	39.0
	T12N R38E S12 NWNW	40.0	T12N R38E S12 SWNW	38.0
	T12N R38E S12 SENW	40.0	T12N R38E S12 NESW	37.0
	T12N R38E S12 NWSW	7.0	T12N R38E S12 SESW	20.0
	T13N R38E S35 SWNE	7.0	T13N R38E S35 SENE	38.0
	T13N R38E S35 NESE	27.0	T13N R38E S35 NWSE	0.5
	T13N R38E S35 SESE	0.5	T13N R38E S36 NWNE	15.0
	T13N R38E S36 SWNE	40.0	T13N R38E S36 NENW	36.0
	T13N R38E S36 NWNW	35.0	T13N R38E S36 SWNW	36.0
	T13N R38E S36 SENW	40.0	T13N R38E S36 NESW	40.0
	T13N R38E S36 NWSW	39.0	T13N R38E S36 SWSW	39.0
	T13N R38E S36 SESW	39.0	T13N R38E S36 NESE	9.0
	T13N R38E S36 NWSE	40.0	T13N R38E S36 SWSE	39.0
	T13N R38E S36 SESE	31.0		

STOCKWATER same as IRRIGATION

960 ACRES TOTAL

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A
COMBINED TOTAL OF 960 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 31-324, 31-373, 31-374, 31-67A, 31-67B,
31-11789 AND 31-11790.

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 FOR
STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL
BENEFICIAL USE.

EXPLANATORY MATERIAL: Decreed

RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION
PURSUANT TO SECTION 42-1425, IDAHO CODE.

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT
TO SECTION 42-1425, IDAHO CODE.

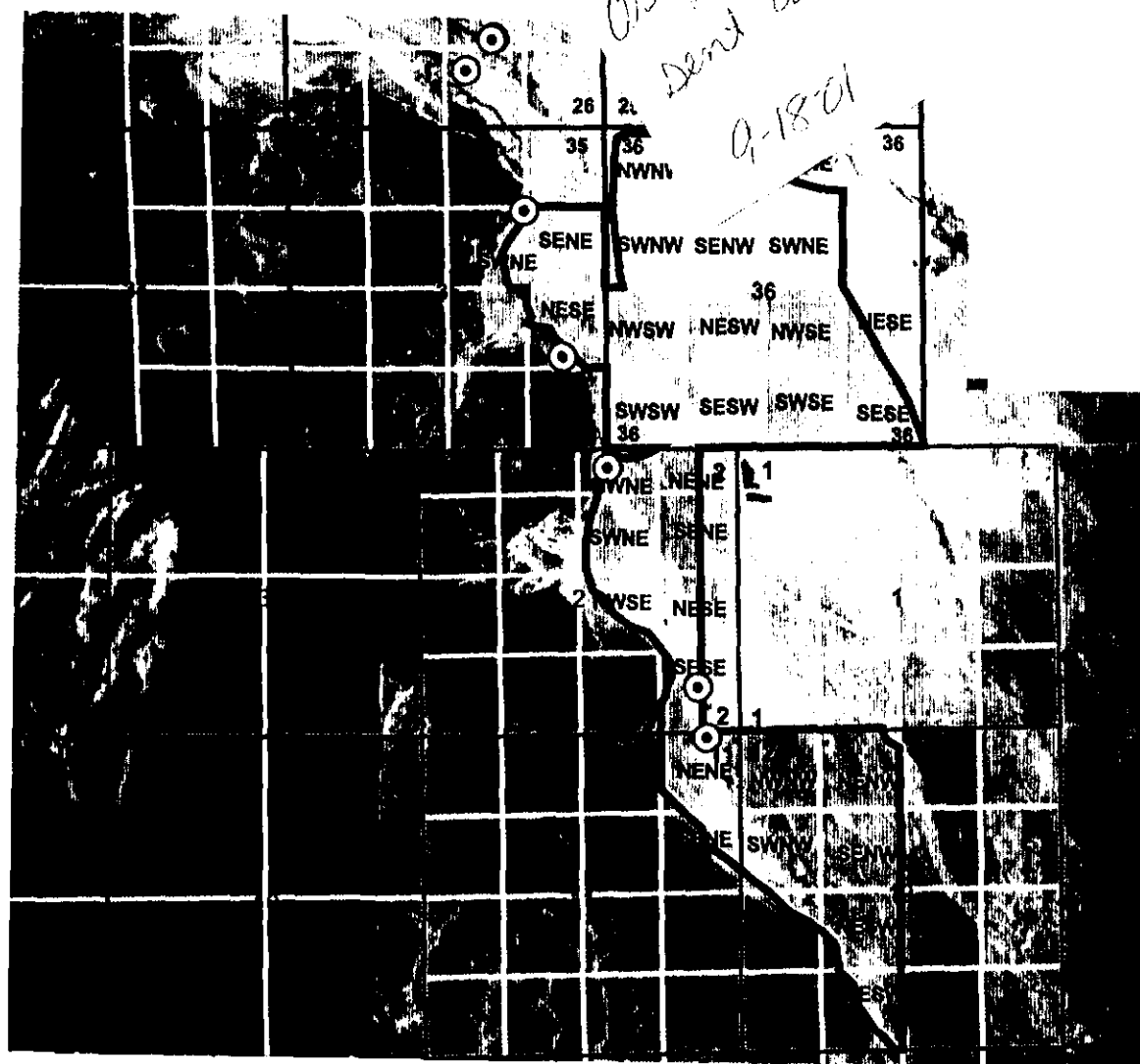
IDAHO DEPARTMENT OF WATER RESOURCES

31-66A, 31-66B, 31-67A, 31-67B, 31-324, 31-373, 31-2

T12N, R2E
T13N

12

*Original Claims
Sent to court
9-18-01*



POINT OF DIVERSION

ACRES IRRIGATED- 960

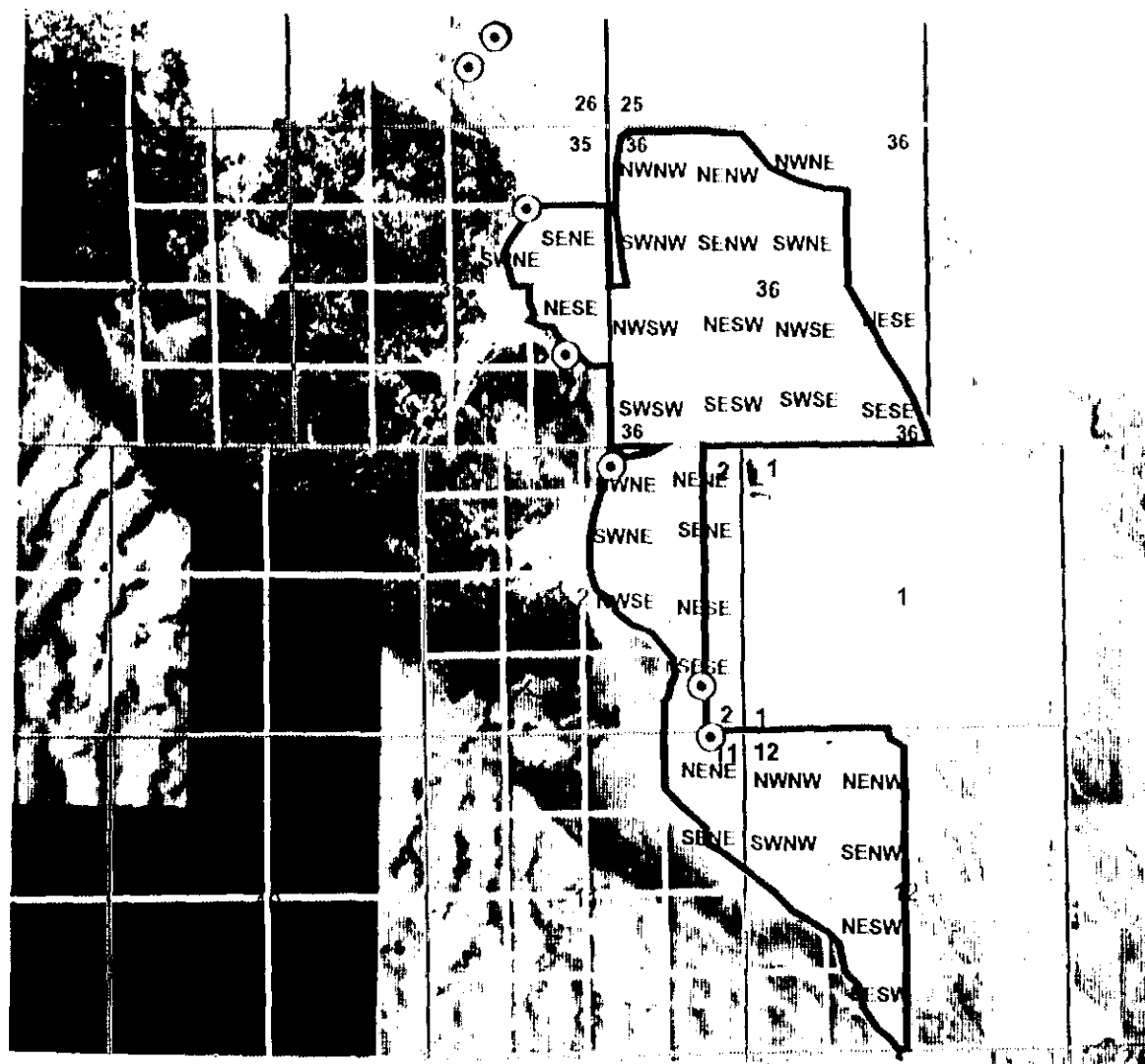
PLACE OF USE

GIS: PLACE OF USE
POINT OF DIVERSION
1987/1988 NAPP PHOTOS
PREPARED BY DAVE CARLSON

IDAHO DEPARTMENT OF WATER RESOURCES

31-66A, 31-66B, 31-67A, 31-67B, 31-324, 31-373, 31-374

T12N, R38E SEC 2, 11, 12
T13N, R38E SEC 35, 36



⊙ POINT OF DIVERSION

AGRI S IRRIGATI D- 960

PLACE OF USE

GIS: PLACE OF USE
POINT OF DIVERSION
1987/1988 NAPP PHOTOS
PREPARED BY DAVE CARLSON

01/19/2001

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 31-67B

NAME AND ADDRESS: DAVID J HAGENBARTH
JAMES F HAGENBARTH
MARGARET HAGENBARTH
PO BOX 1128
DILLON, MT 59725

SOURCE: WEST CAMAS CREEK TRIBUTARY: CAMAS CREEK

POINT OF INJECTION INTO AND POINT OF REDIVERSION FROM
CROOKED CREEK.

POINT OF INJECTION INTO AND POINT OF REDIVERSION FROM CRAB
CREEK.

QUANTITY: 17.2 CFS

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 19.20 CFS. COMBINED RIGHT
NOS.: 31-324, 31-373, 31-374, 31-66A, 31-66B, 31-67A, 31-67B

PRIORITY DATE: 06/22/1900

POINT OF DIVERSION:					
T12N R38E S2	LOT 2	NWNE	Rediversion	Within CLARK County	
T12N R38E S2		SESE	Rediversion	Within CLARK County	
T12N R38E S11		NENE	Rediversion	Within CLARK County	
T13N R38E S22		NWNW		Within CLARK County	
T13N R38E S22		NWNW	Injection	Within CLARK County	
T13N R38E S26		SENWSE	Rediversion	Within CLARK County	
T13N R38E S26		SENWSE	Rediversion	Within CLARK County	
T13N R38E S26		SWSE	Injection	Within CLARK County	
T13N R38E S35		NESWNE	Rediversion	Within CLARK County	
T13N R38E S35		NESE	Rediversion	Within CLARK County	

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	07-02 10-31	17.20 CFS

PLACE OF USE:

IRRIGATION Within CLARK County					
T12N R38E S11	NENE	38	T12N R38E S11	SENE	12
T12N R38E S12	NENW	39	T12N R38E S12	NWNW	40
T12N R38E S12	SWNW	38	T12N R38E S12	SENW	40
T12N R38E S12	NESW	37	T12N R38E S12	NWSW	7
T12N R38E S12	SESW	19	T12N R38E S2	NENE	11
T12N R38E S2	NWNE	13	T12N R38E S2	SWNE	34
T12N R38E S2	SENE	21	T12N R38E S2	NESE	21
T12N R38E S2	NWSE	19	T12N R38E S2	SESE	18
T13N R38E S35	SWNE	8	T13N R38E S35	SENE	40
T13N R38E S35	NESE	30	T13N R38E S36	NWNE	12
T13N R38E S36	SWNE	40	T13N R38E S36	NENW	34
T13N R38E S36	NWNW	32	T13N R38E S36	SWNW	34
T13N R38E S36	SENW	40	T13N R38E S36	NESW	40
T13N R38E S36	NWSW	40	T13N R38E S36	SWSW	40
T13N R38E S36	SESW	40	T13N R38E S36	NESE	11
T13N R38E S36	NWSE	40	T13N R38E S36	SWSE	40
T13N R38E S36	SESE	32			

960 ACRES TOTAL

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 960 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 31-324, 31-373, 31-374, 31-66A, 31-66B, 31-67A, 31-67B

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 - Decreed

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.

FIELD AMENDMENT FORM

RECEIVED

JAN 24 2001

Department of Water Resources
Eastern Region

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): James F. Angerhaver Date: 1/23/01

Date: _____

For Organizations:

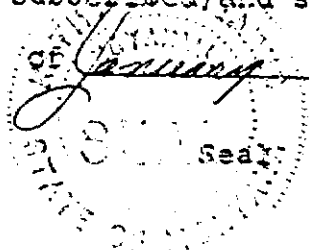
I do solemnly swear or affirm that I am _____ of

Title
_____, that I have signed the foregoing
Organization
document in the space below as _____ of

Title
_____ and that the statements contained in the
Organization
foregoing document are true and correct.

Signature of Authorized Agent_____
Title and Organization_____
Date

State of Idaho Montana)
County of Beaverhead) SS.

Subscribed and sworn (or affirmed) before me this 23rd dayof January 20 01Teddy A. Stevens
Notary PublicResiding at DillonMy Commission Expires 5/17/2003

PURPOSE OF AMENDMENT:

1. Amend the following water right claims in the Snake River Basin Adjudication to add stockwater as a purpose of use at 0.23 cfs, a non-additive value; 31-00374, 31-00324, 31-00066A, 31-00066B, 31-00067A and 31-00067B.

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: A31-00067B
Date Received: 8/09/1988
Receipt No: E001179
Received By: _____

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name:	MARGARET HAGENBARTH	406-683-2163
Address:	P.O. BOX 1128	
	DILLON, MT	59725
OR		
Name:	DAVID J. HAGENBARTH	406-683-2163
Address:	P.O. BOX 1128	
	DILLON, MT	59725
OR		
Name:	JAMES F. HAGENBARTH	406-683-2163
Address:	P.O. BOX 1128	
	DILLON, MT	59725

2. Date of Priority: JUN 22, 1900

3. Source: WEST CAMAS CREEK Trib. to: CAMAS CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
12N	38E	1	NW	SW	NW		CLARK
13N	38E	22	NE	NW	NW		CLARK
		26	SW	NW	SE		CLARK
		36	SW	NW	NW		CLARK

5. Description of diverting works:
HEADGATE TO DITCHES FOR SUB/FLOOD IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	07/01	11/01	17.200		

7. Total Quantity Appropriated is:
17.200 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 1440.0 Acre Feet Per Annum.

A31-00067B

Page 1

Date: 08/07/90

MICROFILMED

NOV 17 1992

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres		
12N	38E	2	NE		NE	1	IRR	12.0		
			NW		NE	2	IRR	14.0		
			SW		NE		IRR	31.0		
			SE		NE		IRR	20.0		
			NE		SE		IRR	19.0		
			NW		SE		IRR	20.0		
			SE		SE		IRR	14.0		
			Section Acres							130.0
		11	NE		NE		IRR	32.0		
			SE		NE		IRR	10.0		
		Section Acres							42.0	
		12			NE		NW		IRR	34.0
					NW		NW		IRR	38.0
					SW		NW		IRR	37.0
SE					NW		IRR	40.0		
NE					SW		IRR	35.0		
NW					SW		IRR	4.0		
SE					SW		IRR	15.0		
Section Acres							203.0			
13N	38E	35	SW		NE		IRR	6.0		
			SE		NE		IRR	40.0		
			NE		SE		IRR	30.0		
Section Acres							76.0			
36			NW		NE		IRR	12.0		
			SW		NE		IRR	40.0		
			NE		NW		IRR	34.0		
			NW		NW		IRR	31.0		
			SW		NW		IRR	35.0		
			SE		NW		IRR	40.0		
			NE		SW		IRR	40.0		
			NW		SW		IRR	40.0		
			SW		SW		IRR	40.0		
			SE		SW		IRR	40.0		
			NE		SE		IRR	37.0		
			NW		SE		IRR	40.0		
			SW		SE		IRR	40.0		
			SE		SE		IRR	40.0		

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	509.0
					Total Acres	960.0

11. Place of use in counties: CLARK

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
31-0373/0374/0324/0066B

14. Remarks:

SEE ATTACHMENT "A" ON SYSTEM OPERATION & WATER RIGHT EXPLANATIONW
WATER FROM CRAB CREEK BRANCH OF WEST CAMAS CREEK AT TIMES IS
DIVERTED IN THE SENWSE SEC 26,T13N,R38E, AND INJECTED INTO
CROOKED CREEK WITHIN SESWNE SEC 35,T13N,R38E. WATER CAN THEN BE
REDIVERTED FROM THE CHANNEL OF CROOKED CREEK WITHIN THE SWNESE
SEC 35,T13N,R38E; THE SWNWNE(LOT 2) & SESESE SEC 2,T12N,R38E; AND
NENENE SEC 11,T12N,R38E.

THIS RIGHT IN COMBINATION WITH 31-0373/0374/0324 & 0066B SHALL
NOT EXCEED 0.02 CFS/ACRE OR 19.2 CFS.

CLAIMANTS OWN THE ENTIRE HUMP DITCH RIGHT(154A) WHICH FOR THE
PERIOD AFTER 07/01 EQUALS 68.7% OF DECREE(36.0 CFS) OR 24.7 CFS;
HOWEVER, THIS AMOUNT EXCEEDS 0.02 CFS/ACRE. CLAIMANT, THEREFORE
CLAIMS ONLY THAT AMOUNT NECESSARY IN COMBINATION WITH A31-00373
TO EQUAL 19.2 CFS(0.02 X 960 AC) ie. 17.2

*** SEE ADDITIONAL REMARKS ATTACHED

15. Basis of Claim: DECREED

Water Right Number: 310067

Case Number: 635

Court :

Decree date: 11/01/1930

ERNEST SAUVE

Decree Plaintiff

vs

W.H. ABBOTT

Decree 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 X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): James F. Argue Date: 8/2/90

Date: _____

State of Idaho

County of Bonneville SS.

Subscribed and sworn (or affirmed) before me this 7 day
of Aug 19 94

Seal

[Signature]
Notary Public

Residing at Idaho Falls, Id.

My Commission Expires 22 Aug 1994

14. Remarks: Amended filing

These amended remarks make corrections to Attachment "A" and the remarks in the original filing. Water from the Crab Creek Branch of West Camas is diverted in SWNWSE of Section 26, T13N,R38E, and injected into Crooked Creek within the NWSWSE of Section 26, T13N,R38E. Water is then rediverted from the channel of Crooked Creek within the NESWNE and the SWNESE of Section 35, T13N,R38E; theSWNWNE (lot 2) and SESESE of Section 2, T12N,R38E; and the NENENE of Section 11, T12N,38E. The only difference between this amended filing and the original filing is that two corrections and one addition were made. The POD in Section 26, T13N,R38E in the original filing was incorrectly located as was the injection point into Crooked Creek of West Camas water. Also one rediversion from Crooked Creek was added. An amended map is also included in this amended filing.

MICROFILMED

NOV 17 1992

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: A31-00067B
Date Received: 8/09/1988
Receipt No: E001179
Received By: Kew

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: MARGARET HAGENBARTH 406-683-2163
Address: P.O. BOX 1128
DILLON, MT 59725
OR
Name: DAVID J. HAGENBARTH 406-683-2163
Address: P.O. BOX 1128
DILLON, MT 59725
OR
Name: JAMES F. HAGENBARTH 406-683-2163
Address: P.O. BOX 1128
DILLON, MT 59725



2. Date of Priority: JUN 22, 1900

3. Source: WEST CAMAS CREEK Trib. to: CAMAS CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
12N	38E	1	NW	SW	NW		CLARK
13N	38E	22	NE	NW	NW		CLARK
		26	SE	NW	SE		CLARK
		36	SW	NW	NW		CLARK

5. Description of diverting works:
HEADGATE TO DITCHES FOR SUB/FLOOD IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	07/01	11/01	17.200		

7. Total Quantity Appropriated is:
17.200 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 1440.0 Acre Feet Per Annum.

A31-00067B

Page 1

Date: 08/09/88

MICROFILMED

NOV 17 1992

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres		
12N	38E	2	NE		NE	1	IRR	12.0		
			NW		NE	2	IRR	14.0		
			SW		NE		IRR	31.0		
			SE		NE		IRR	20.0		
			NE		SE		IRR	19.0		
			NW		SE		IRR	20.0		
			SE		SE		IRR	14.0		
			Section Acres							130.0
		11	NE		NE		IRR	32.0		
			SE		NE		IRR	10.0		
		Section Acres							42.0	
		12			NE		NW		IRR	34.0
					NW		NW		IRR	38.0
					SW		NW		IRR	37.0
SE					NW		IRR	40.0		
NE					SW		IRR	35.0		
NW					SW		IRR	4.0		
SE					SW		IRR	15.0		
Section Acres							203.0			
13N	38E	35	SW		NE		IRR	6.0		
			SE		NE		IRR	40.0		
			NE		SE		IRR	30.0		
		Section Acres							76.0	
		36			NW		NE		IRR	12.0
					SW		NE		IRR	40.0
NE					NW		IRR	34.0		
NW					NW		IRR	31.0		
SW					NW		IRR	35.0		
SE					NW		IRR	40.0		
NE					SW		IRR	40.0		
NW					SW		IRR	40.0		
SW					SW		IRR	40.0		
SE					SW		IRR	40.0		
NE		SE		IRR	37.0					

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
13N	38E	36	NW	SE		IRR	40.0
			SW	SE		IRR	40.0
			SE	SE		IRR	40.0
Section Acres							509.0
Total Acres							960.0

11. Place of use in counties: CLARK

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
31-0373/0374/0324/0066B

14. Remarks:

SEE ATTACHMENT "A" ON SYSTEM OPERATION & WATER RIGHT EXPLANATIONW
WATER FROM CRAB CREEK BRANCH OF WEST CAMAS CREEK AT TIMES IS
DIVERTED IN THE SENWSE SEC 26,T13N,R38E, AND INJECTED INTO
CROOKED CREEK WITHIN SESWNE SEC 35,T13N,R38E. WATER CAN THEN BE
REDIVERTED FROM THE CHANNEL OF CROOKED CREEK WITHIN THE SWNESE
SEC 35,T13N,R38E; THE SWNWNE(LOT 2) & SESESE SEC 2,T12N,R38E; AND
NENENE SEC 11,T12N,R38E.

THIS RIGHT IN COMBINATION WITH 31-0373/0374/0324 & 0066B SHALL
NOT EXCEED 0.02 CFS/ACRE OR 19.2 CFS.

CLAIMANTS OWN THE ENTIRE HUMP DITCH RIGHT(154A) WHICH FOR THE
PERIOD AFTER 07/01 EQUALS 68.7% OF DECREE(36.0 CFS) OR 24.7 CFS;
HOWEVER, THIS AMOUNT EXCEEDS 0.02 CFS/ACRE. CLAIMANT, THEREFORE
CLAIMS ONLY THAT AMOUNT NECESSARY IN COMBINATION WITH A31-00373
TO EQUAL 19.2 CFS(0.02 X 960 AC) ie. 17.2

15. Basis of Claim: DECREED
Water Right Number: 310067
Case Number: 635
Court :
Decree date: 11/01/1930

ERNEST SAUVE

Decree Plaintiff

vs

W.H. ABBOTT

Decree 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/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): James F. Wagners Date: 8/9/88

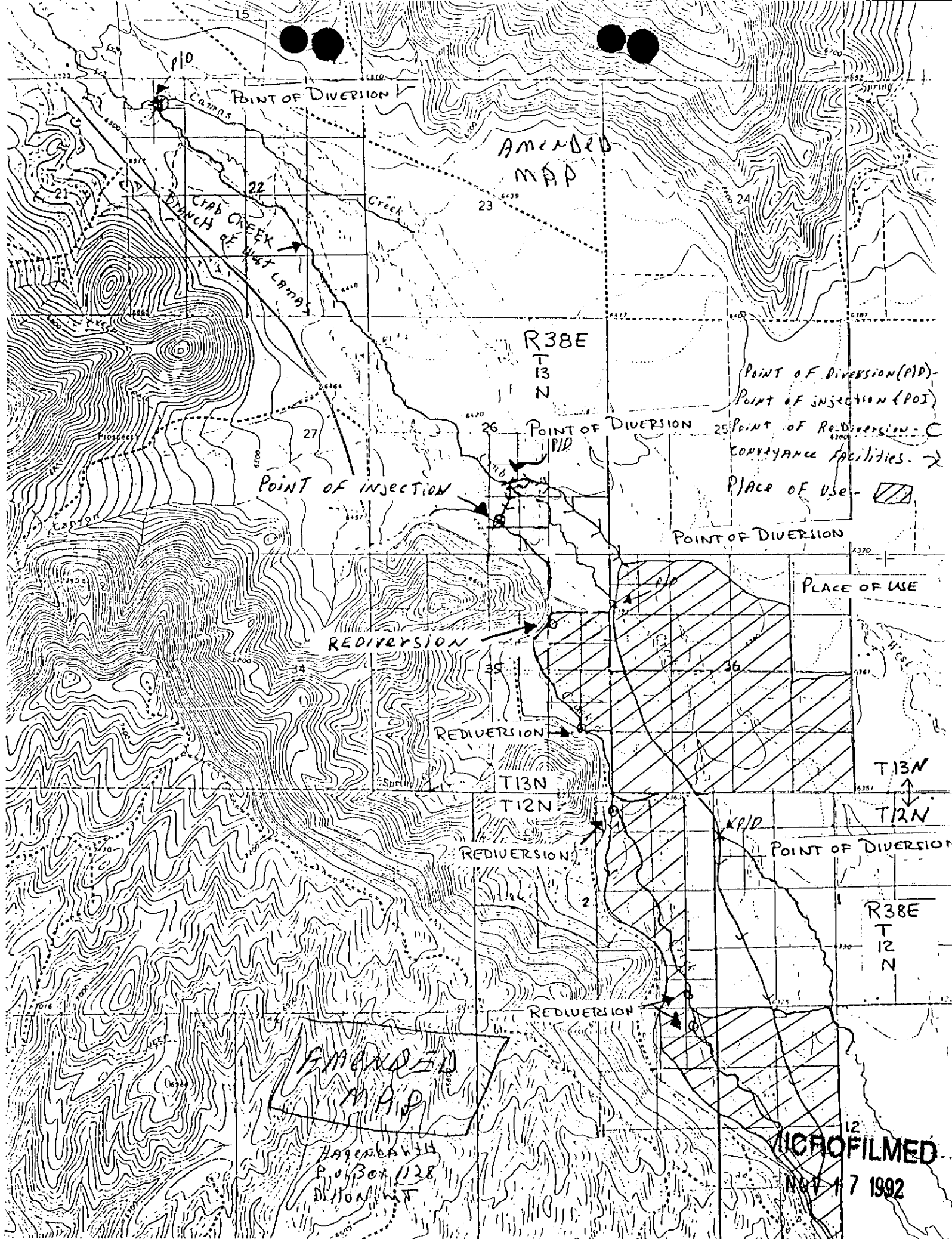
Date: _____

State of Idaho)
County of Bonner) SS.

Subscribed and sworn (or affirmed) before me this 9th day
of August 19 88 Dana Green
Notary Public

Seal

Residing at High
My Commission Expires 4-22-1994



Agencia 114
P.O. Box 1138
Dillon, MT

12
MICROFILMED
MAY 17 1992



POINT OF DIVERSION (PID) - X
POINT OF INJECTION (POI) - O
POINT OF REDIVERSION - O
CONVEYANCE FACILITIES - >
PLACE OF USE - [hatched box]

POINT OF INJECTION POI

REDIVERSION

T13N
T12N

REDIVERSION

REDIVERSION

POINT OF DIVERSION

PLACE OF USE

T13N
T12N

POINT OF DIVERSION

R38E
T12N

A31-00067B

Agencies with
PO Box 128
Dillon, MT

MICROFILMED
NOV 17 1992

22

26

13N38E

35

36

12N38E

2

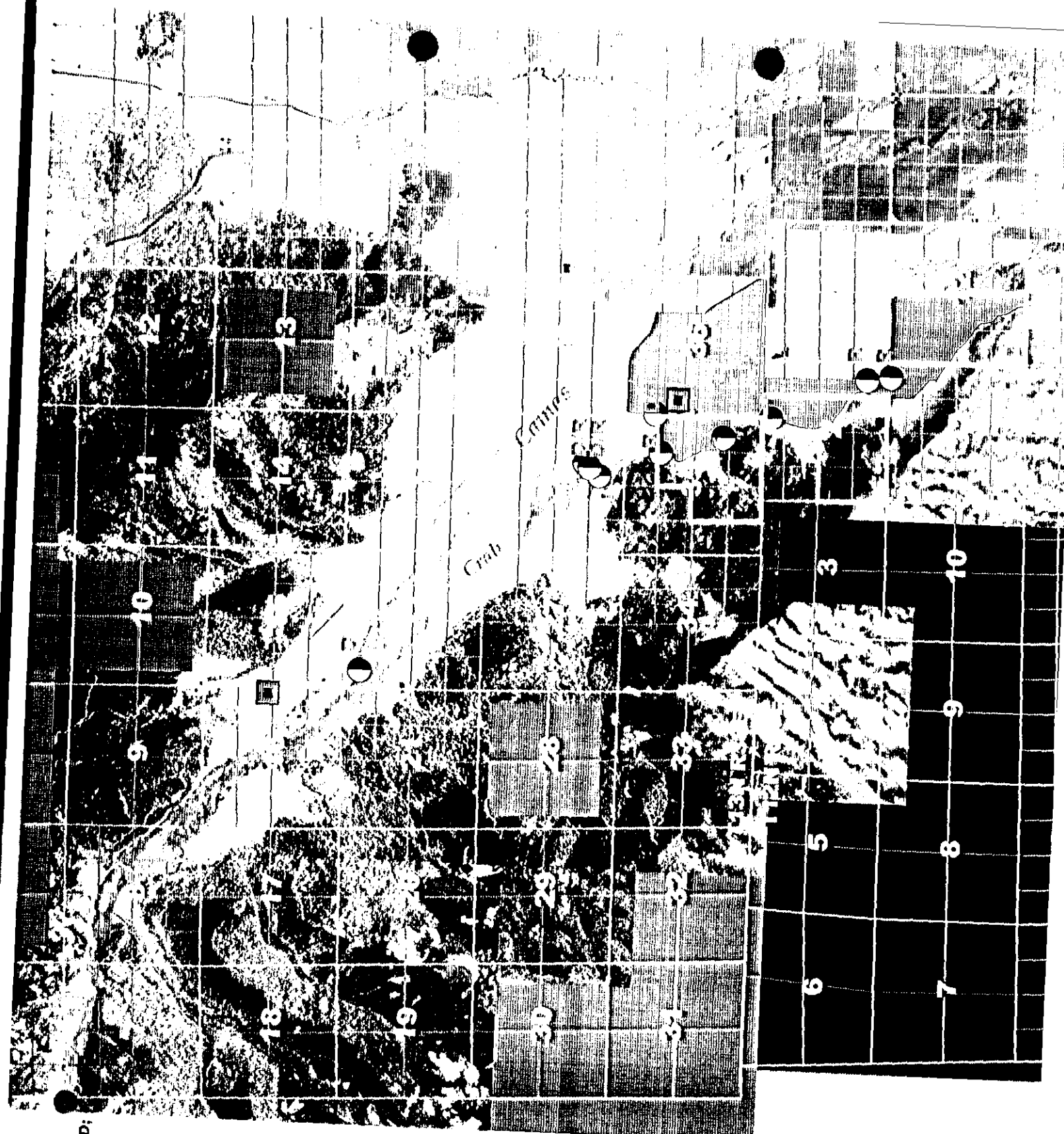
11

12

Basin	Nun	Sequence	Split	Basis	Status	Priority	Dat	Div	Source	Li	Water Use	List	Owner	List	Version	Nr	Source	Table	
	31	66 A		Decreed	Active	5/23/1900	7.1	WEST	CAI	IRRIGATION			HAGENBARTH, DAVID J	(C	wr	Adj	udication	Claim	
	31	66 B		Decreed	Active	5/23/1900	17	WEST	CAI	IRRIGATION			HAGENBARTH, DAVID J	(C	wr	Adj	udication	Claim	
	31	67 A		Decreed	Active	6/22/1900	8.5	WEST	CAI	IRRIGATION			HAGENBARTH, DAVID J	(C	wr	Adj	udication	Claim	
	31	67 B		Decreed	Active	6/22/1900	17	WEST	CAI	IRRIGATION			HAGENBARTH, DAVID J	(C	wr	Adj	udication	Claim	
	31	82		Decreed	Active	1898-05-01	1.6	WEST	CAI	IRRIGATION			RALPH L HILLMAN	AND SC	wr	Adj	udication	Claim	
	31	83		Decreed	Active	10/29/1904	4.8	WEST	CAI	IRRIGATION			RALPH L HILLMAN	AND SC	wr	Adj	udication	Claim	
	31	84		Decreed	Active	10/29/1904	3.8	WEST	CAI	IRRIGATION			RALPH L HILLMAN	AND SC	wr	Adj	udication	Claim	
	31	85		Decreed	Active	1899-08-16	4	WEST	CAI	IRRIGATION			RALPH L HILLMAN	AND SC	wr	Adj	udication	Claim	
	31	86		Decreed	Active	1899-08-17	4	WEST	CAI	IRRIGATION			RALPH L HILLMAN	AND SC	wr	Adj	udication	Claim	
	31	181		Decreed	Active	5/1/1900	2.6	WEST	CAI	IRRIGATION			KEITH J SIEPERT	CREDIT	wr	Adj	udication	Claim	
	31	324		Decreed	Active	9/1/1909	17	WEST	CAI	IRRIGATION			HAGENBARTH, DAVID J	(C	wr	Adj	udication	Claim	
	31	373		Decreed	Active	1891-05-28	2	WEST	CAI	IRRIGATION			STO	HAGENBARTH, DAVID J	(C	wr	Adj	udication	Claim
	31	66 A		Decreed	Active	5/23/1900	7.1	CRAB	CRE	IRRIGATION			HAGENBARTH,	1	wr	Adj	udication	Recommend	
	31	66 B		Decreed	Active	5/23/1900	17	CRAB	CRE	IRRIGATION			HAGENBARTH,	1	wr	Adj	udication	Recommend	
	31	67 A		Decreed	Active	6/22/1900	8.5	CRAB	CRE	IRRIGATION			HAGENBARTH,	1	wr	Adj	udication	Recommend	
	31	67 B		Decreed	Active	6/22/1900	17	CRAB	CRE	IRRIGATION			HAGENBARTH,	1	wr	Adj	udication	Recommend	
	31	82		Active		1898-05-01	1.6	WEST	CAI	IRRIGATION			STO	RALPH L HILLM	2	wr	Adj	udication	Recommend
	31	83		Active		10/29/1904	4.8	WEST	CAI	IRRIGATION			STO	RALPH L HILLM	2	wr	Adj	udication	Recommend
	31	84		Active		10/29/1904	3.8	WEST	CAI	IRRIGATION			STO	RALPH L HILLM	2	wr	Adj	udication	Recommend
	31	85		Active		1899-08-16	4	WEST	CAI	IRRIGATION			STO	RALPH L HILLM	2	wr	Adj	udication	Recommend
	31	86		Active		1899-08-17	4	WEST	CAI	IRRIGATION			STO	RALPH L HILLM	2	wr	Adj	udication	Recommend
	31	324		Decreed	Active	9/1/1909	17	CRAB	CRE	IRRIGATION			HAGENBARTH,	1	wr	Adj	udication	Recommend	
	31	373		Decreed	Active	1891-05-28	2	CRAB	CRE	IRRIGATION			STO	HAGENBARTH,	1	wr	Adj	udication	Recommend
	31	18		Decreed	Active	1898-10-01	2	WEST	CAI	IRRIGATION			STO	LARICK, JOHN A	(Current)	wr	Water	Right	
	31	25		Decreed	Active	1898-06-01	2	WEST	CAI	IRRIGATION			STO	ZOLLINGER, DEAN W	(Cur	wr	Water	Right	
	31	32		Decreed	Active	1891-06-01	3.2	WEST	CAI	IRRIGATION			STO	SHIPPEN, RONALD	(Curre	wr	Water	Right	
	31	66		Decreed	Active	5/23/1900	30	WEST	CAI	IRRIGATION			HARMON	RESERVOIR CO	wr	Water	Right		
	31	66 C		Decreed	Active	5/23/1900	0.9	WEST	CAI	IRRIGATION			STO	SILVER RIDGE RANCH	(Cu	wr	Water	Right	
	31	67		Decreed	Active	6/22/1900	36	WEST	CAI	IRRIGATION			HARMON	RESERVOIR CO	wr	Water	Right		
	31	67 C		Decreed	Active	6/22/1900	1.1	WEST	CAI	IRRIGATION			STO	SILVER RIDGE RANCH	(Cu	wr	Water	Right	
	31	82		Decreed	Active	1898-05-01	1.6	WEST	CAI	DOMESTIC			IRRI	G. HILLMAN, M	(Current)	wr	Water	Right	
	31	85		Decreed	Active	1899-08-16	4	WEST	CAI	DOMESTIC			IRRI	G. HILLMAN, M	(Current)	wr	Water	Right	
	31	86		Decreed	Active	1899-08-17	4	WEST	CAI	DOMESTIC			IRRI	G. HILLMAN, M	(Current)	wr	Water	Right	
	31	113		Decreed	Active	1890-06-01	2	WEST	CAI	IRRIGATION			STO	ZOLLINGER, DEAN W	(Cur	wr	Water	Right	
	31	181		Decreed	Active	5/1/1900	2.8	WEST	CAI	DOMESTIC			IRRI	G. OSSMAN, AUGUST W	(Cur	wr	Water	Right	
	31	214 A		Decreed	Active	1889-04-01	2.5	WEST	CAI	IRRIGATION			STO	BROWN, BARBARA A	(Curr	wr	Water	Right	
	31	214 B		Decreed	Active	1889-04-01	0	WEST	CAI	IRRIGATION			BROWN, BARBARA A	(Curr	wr	Water	Right		

1909 2.04 1906 0.16

31	214 C	Decreed	Active	1889-04-01	2.5 WEST CAI IRRIGATION, STO(ROBERTSON, BARRY (Cur	wrWaterRight
31	244	Decreed	Active	5/28/1912	3.2 WEST CAI IRRIGATION, STO(SIDDOWAY, HAROLD (Cur	wrWaterRight
31	261	Decreed	Active	1897-06-15	6.4 WEST CAI DOMESTIC, IRRIG. VADNAIS, LUDGER (Curre	wrWaterRight
31	373	Decreed	Active	1891-05-28	2 WEST CAI IRRIGATION, STO(WOOD LIVESTOCK CO (Cl	wrWaterRight



Decreed POD:
31-00066,
31-00067.

LEGEND

Decreed POD's
of 31-00068
and 31-00069

SRBA Recommended
Points of Diversion
Decreed Place of Use:
31-00324

Recommended
Place of Use

1. Points of Diversion:

There are two (2) primary points of diversion for this water right and they are located in the ^{SE}SWNWSE of Section 26, Township 13N, Range 38E, Clark County, and the ^{of}SWNWNW of Section 36, Township 13N, Range 38E, Clark County. The point of diversion listed on this water in the ^{NE}NWNW of Section 22, Township 13N, Range 38E, Clark County, is a point of injection, ^{DIVERSION FROM W CAMAS CR.}In addition, ^{TO CRAB CR.}a point of rediversion in the NWSWNW of Section 1, Township 12N, Range 38E, Clark County, needs to be added to this water right. -- *Hump Ditch - 1/20 - in NW/NE on Eng.*

E. REASONS SUPPORTING OBJECTION:

The primary points of diversion in Sections 26 and 36, as set out above, are the two points of diversion recognized in Sauve v. Abbott et al., Case No. 639, U.S. District Court, District of Idaho, Eastern Division (1930). The points of diversion in Sections 26 and 36 are used to divert water from ^{CRAB}West Camas Creek ^{channel} into the head of the Hump Ditch which conveys water to the place of use.

~~MAINTAINING CONNECTION~~ Crab Creek is a branch of West Camas Creek. The Recommended water right indicates that the point of diversion is in ^{NENWSE}Section 22, T13N, R38E, Clark County. The diversion structure in Section 22 ^{DIVERTS}merely assists in the delivery of West Camas Creek water into the Crab Creek branch of West Camas ^{CR}Creek for ^{PO}diversion into the Hump Ditch in Sections 26 and 36.

Rediversion of water occurs in Section 1, T12N, R38E. In the late 1960's, the county dug a gravel pit in the channel of Crab Creek in the NW of Section 1. The old channel of Crab Creek was abandoned and the Hump Ditch was used to carry the water in a southerly direction past the gravel pit. At a point south of the gravel pit, the water can either be put back down the channel of Crab Creek or continue down the Hump Ditch for irrigation of land in Section 12. It is this point south of the gravel pit which should be included as a point of rediversion in Section 1. *Hump Ditch into Crab CR (POI)*

The remainder of the recommended points of injection and points of rediversion for this water right are accurate.

Intro (Candice)

Background

Source (Map may be helpful)

Tributaries

Ditches

Decreed point of diversion = x

Claimed point of diversion = y

Recommended point of diversion = z

Basis for Recommendation of point of diversion

Decreed/Claimed

Historical Practice

Injury if measured elsewhere

Conclusion (Candice)

66A

B

67A

B

374

373 7.0

374 7.44

373 - 7.0
374 - 7.44

66A/B
67A/B

374

H. H. G. G. G.

Harmon Reservoir Company,
Ltd, a corporation

31 0066 ✓
1900 - May 23 50.0 c.f.s.
31 0067 ✓
1900 - June 22 36.0 c.f.s.

Source: Camas Creek, a tributary of Mud Lake.

Point of Diversion: 240' West of the Southwest corner of Section 6, Township 13 North, Range 38 East, B.M. The above are natural flow rights.

31 0068 ✓
1909 - November 11 20.2 c.f.s.

Source: West Branch of Camas Creek, a tributary of Mud Lake.

Point of Diversion: In the Southeast corner of the Southeast Quarter of the Northeast Quarter of Section 16, and in the Southwest Quarter of the Northwest Quarter of Section 36, Township 13 North, Range 38 East, B.M.

For storage in the Harmon Reservoir to accumulate, with the right described below, 2,000 acre feet.

31 0069 ✓
1909 - November 22 33.6 c.f.s.

Source: West Branch of Camas Creek, a tributary of Mud Lake.

Point of Diversion: In the Southwest Quarter of the Northwest Quarter of Section 36, Township 12 North, Range 36 East, B.M.

For storage in the Harmon Reservoir as stated above.

For use on the lands of the stockholders of the Harmon Reservoir Company as hereinafter described and referred to. Provided that in cases where users of water for irrigation purposes from Harmon Reservoir have been awarded water in addition to the Harmon Reservoir rights for use on said lands, that they shall nevertheless be restricted to not to exceed 1 inch to the acre, including both the Harmon Reservoir rights and such other rights as may have been awarded.

Storage
Acres ft.

Description

Name
Charles Saurey
31 0070

Shares
14
c.f.s.
0.924

West Half of the East Half of Section 12, Township 12 North, Range 38 East, B.M.

See Mr.
H. H. G. G. G.
31-0069.

Wood Livestock Company,
a corporation

(continued)

EAST SIDE DITCH

Priority as here-
inafter stated

10.0 c.f.s. 154 D

Point of Diversion: At the
head of what is known as the
East Side Ditch, as follows:

31 323

D. Benton Shaw
LAIRD & Sons Inc.

In the Southeast Quarter of
the Southeast Quarter of
Section 25, Township 11 North,
Range 38 East, B.M.

The rights numbered 154 A to 154 D above described are, with
the exception hereinafter stated, allotted for the purpose of watering
livestock and the diversion and use thereof for such purposes shall
cease after July 1st of each year, except in the case of stored water
of the company.

The above provision limiting the right to divert water for
stock purposes to July 1st of each year shall not apply to any water
stored by the company in the Harman Reservoir or elsewhere, and as to
such water, the company shall have the right to divert and use the
same for stock purposes whenever or wherever desired by it.

The continuation of diversion and use under such rights
including stored water after July 1st of each year, being for irri-
gation purposes, is limited as follows:

31 324
19.2 c.f.s. 154 A

Place of use: 960 acres
described as follows: The
West Half of Section 12,
the West Half of the East
Half, and the Southwest Quar-
ter of Section 2, Township
12 North, Range 38 East, B.M.
The East Half of the South-
west Quarter, the Southeast
Quarter, and the South Half
of the Northeast Quarter, of
Section 35, Township 13 North,
Range 38 East, B.M.

HAGNER

Home Ditch

*CAN'T DO THIS -
IT'S A MOUNTAIN
FOR 6000 FEET.*

*No Mention of
J.R. 36*

Wood Livestock Company
a corporation

(continued)

1.6 c.f.s. 154 C For use on the following described land, to-wit: The East Half of the Northwest Quarter, the South Half of the Northeast Quarter, and the East Half of the Southeast Quarter, of Section 7, Township 11 North, Range 39 East, B.M. -- known as the Helga Dunn and Katherine Hardy land.

31 325

NO. 325 CLAIM

The priorities of said rights numbered 154 A to 154 D, both inclusive, are as follows:

154 A

HUMP DITCH

- 31-0373 (1) 2.0 c.f.s. of the waters of West Camas Creek, with priority of May 28, 1891;
- See 31-0066-2
31-0069 (2) The water herein decreed to Harmon Reservoir Company, being the water represented by 892 shares of a total of 1,000 shares of the capital stock of said Harmon Reservoir Company owned by Wood Livestock Company;
- 31-0374 (3) 2.44 c.f.s. of the waters of Crab Creek, a tributary of Camas Creek, with priority of November 22, 1909.
- 31-0370 (4) The residue of said water necessary to fill said right as herein decreed to have a priority of September 1st, 1909, the source of supply thereof being Camas Creek.
- 31-0374
*The portion
*Stockwater Portion

154 B

WOODIE DITCH

- See 31-0066-2
31-0069 (1) The water herein decreed to Harmon Reservoir Company, being the water represented by 892 shares of a total of 1,000 shares of the capital stock of said Harmon Reservoir Company owned by Wood Livestock Company.
- 31-0324 (2) The residue of said water necessary to fill said right as herein decreed to have priority of August 3, 1913, the source of supply thereof being Camas Creek.

154 C

LUCKY STRIKE DITCH

- See 31-0066-2
31-0069 (1) The water herein decreed to Harmon Reservoir Company, being the water represented by 892 shares of a total of 1,000 shares of the capital stock of said Harmon Reservoir Company owned by Wood Livestock Company.
- 31-0375 (2) The residue of said water necessary to fill said right as herein decreed to have priority as follows: 3.0 c.f.s. thereof to have priority as of June 11, 1914, the source of supply thereof being Harmon Slough (60 inches or 1.6 c.f.s. thereof being used on the Helga Dunn and Katherine Hardy land hereinbefore described.) Any remainder of said right to have priority as of October 1st, 1917, the source of supply of said last mentioned right being Camas Creek.
- 31-0325
31-0372
*The Portion
*Stockwater Portion

Wood Livestock Company,
a corporation

(continued)

154 D

EAST SIDE DITCH

- (1) The water herein decreed to Harmon Reservoir Company, being the water represented by 892 shares of a total of 1,000 shares of the capital stock of said Harmon Reservoir Company owned by Wood Livestock Company,
-0323 (2) The residue of said water necessary to fill said right as herein decreed to have priority as of August 30, 1913, the source of supply thereof being Camas Creek.

No. 154

for diversion and likewise there shall be disregarded any waters brought into Mud Lake from independent or non-tributary sources of supply.

The court reserves jurisdiction hereafter, from time to time, to modify the provisions of this paragraph numbered 5, if it should appear that such modification is necessary to give effect to the rights and priorities herein decreed.

3.

The parties hereto and their successors in interest shall install and maintain suitable and efficient headgates, controlling works and measuring devices at their respective points of diversion, and all water herein allotted and decreed shall be measured at said points of diversion. Said works and devices shall be built and installed in accordance with plans and specifications to be approved by the official charged with the duty of supervising the distribution of water, subject, however, to review by this court. All such devices shall be of such design as to accurately measure the amount of water diverted; and in cases where in the opinion of the official charged with the duty of supervising the distribution of water, automatic measuring and registering devices are required for the proper administration of this decree, such devices shall be installed and maintained. All such headgates, control works and measuring devices and gauges shall at all times be subject to the inspection of any party to this suit and the public officials or the water master having jurisdiction over the distribution and diversion of water; and no dam or other obstruction to the natural flow of the stream shall be maintained so as to divert water

EXCERPT FROM *SANNU vs ABBOTT*
Nov. 1, 1930. Pg 14.

P. D. Stoops	15.34
Albert C. Swanstrum	7.22
J. T. Sykes	9.80
William V. Tascher	10.93
U. W. Taylor	7.97
Charles Thieman	10.25
Dan Thomas & H. T. Thomas	12.15
Union Central Life Ins. Co.	49.10
Ludger Vadnaia	16.84
J. H. Walker & Wm. F. Woodard	7.22
Clara M. Welohman	9.95
T. J. Williams & R. P. Cope	14.44
M. L. Wilmot & C. E. Pope	9.82
Perry B. Woodard	5.92
Wood Livestock Co. trustee for Spencer, Ida.	5.37
Wood Livestock Co., a corporation	378.09
	<u>5310.00</u>

4.

And it is further ordered, adjudged and decreed, that no party hereto shall divert or use any of the waters herein decreed until he or his successors or assigns, have paid to the Commissioners aforesaid, the amount due and owing by such party, nor shall the official charged with the enforcement hereof permit any party, their successors or assigns, to divert any of the waters herein decreed without creditable evidence that such amount has been fully paid to such commissioners. A receipt from such commissioners, or either of them for the full amount so adjudged and decreed to be due them, exhibited to such official shall be creditable evidence that they have been paid.

DATED and SIGNED at Pocatello, Idaho, this 1st day of November, in the year 1930.

(Signed) Charles C. Cavanah
United States District Judge

Endorsed, filed November 1, 1930
W. D. McReynolds, Clerk

517

RECEIVED

SEP - 7 2001

COPY

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

A. Subcase 31-67B

In Re SRBA

Case No. 39576

OBJECTION FORM

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Margaret Hagenbarth, David J. Hagenbarth, James F. Hagenbarth

Address: P.O. Box 1128
Dillon, MT 59725

Daytime Phone: (406) 683-2163

Name and address of Attorney, if any:

Givens Pursley LLP
Michael C. Creamer
John M. Marshall
P.O. Box 2720
Boise, ID 83701
(208) 388-1200

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: Margaret Hagenbarth, David J. Hagenbarth, James F. Hagenbarth

Address: P.O. Box 1128
Dillon, MT 59725

D. We object to the following elements as recommended in the Director's Report:

1. **Points of Diversion:**

There are two (2) primary points of diversion for this water right and they are located in the SWNWSE of Section 26, Township 13N, Range 38E, Clark County, and the SWNWNW of Section 36, Township 13N, Range 38E, Clark County. The point of diversion listed on this water in the NWNW of Section 22, Township 13N, Range 38E, Clark County, is a point of injection. In addition, a point of rediversion in the NWSWNW of Section 1, Township 12N, Range 38E, Clark County, needs to be added to this water right.

E. REASONS SUPPORTING OBJECTION:

The primary points of diversion in Sections 26 and 36, as set out above, are the two points of diversion recognized in Sauve v. Abbott et al., Case No. 639, U.S. District Court, District of Idaho, Eastern Division (1930). The points of diversion in Sections 26 and 36 are used to divert water from West Camas Creek into the head of the Hump Ditch which conveys water to the place of use.

Crab Creek is a branch of West Camas Creek. The Recommended water right indicates that the point of diversion is in Section 22, T13N, R38E, Clark County. The diversion structure in Section 22 merely assists in the delivery of West Camas Creek water into the Crab Creek branch of West Camas Creek for diversion into the Hump Ditch in Sections 26 and 36.

Rediversion of water occurs in Section 1, T12N, R38E. In the late 1960's, the county dug a gravel pit in the channel of Crab Creek in the NW of Section 1. The old channel of Crab Creek was abandoned and the Hump Ditch was used to carry the water in a southerly direction past the gravel pit. At a point south of the gravel pit, the water can either be put back down the channel of Crab Creek or continue down the Hump Ditch for irrigation of land in Section 12. It is this point south of the gravel pit which should be included as a point of rediversion in Section 1.

The remainder of the recommended points of injection and points of rediversion for this water right are accurate.

F.

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 objection 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 objection, 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: September 4, 2001

Patricia L. Rowland
Notary Public for Montana
Residing at: Dillon, Montana
My Commission Expires: 1/1/04

G.

CERTIFICATE OF MAILING

I certify that on September 4, 2001, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original (Sent certified mail) to:

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

2. One copy to the claimants of the water right at the following address:

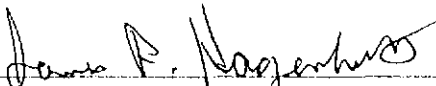
Name: Margaret Hagenbarth, David J. Hagenbarth, James F. Hagenbarth
Address: P.O. Box 1128
Dillon, MT 59725

3. Copies to:

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

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. 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


James F. Hagenbarth



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

February 1, 2001

HAGENBARTH LIVESTOCK
PO BOX 1128
DILLON MT 59725

RE: ADDITION OF ATTORNEYS TO CLAIMS

Dear Claimants:

Attorneys John Bloomquist and Patti Rowland have been added to your claims per your request.

If you have any questions feel free to contact this office at (208) 525-7161.

Respectfully submitted,

Cheri Vandermeulen
Records Clerk

NOTICE OF ERROR
REPLY

Please type or print clearly, fill out this form completely and mail

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: March 9, 2001

Water right number: 31-67B

DAVID J HAGENBARTH
PO BOX 1128
DILLON MT 59725
Telephone Number: (406)683-2163

MARGARET HAGENBARTH
PO BOX 1128
DILLON MT 59725
Telephone Number: (406)683-2163

JAMES F HAGENBARTH
PO BOX 1128
DILLON MT 59725
Telephone Number: (406)683-2163

*Add 5701 R/A P/A
S P H*

1. Describe the portion of the proposed recommendation with which you disagree (e.g priority date, period of use, source):

Points of Diversion-Points of Rediversion

2. Describe the changes you wish to make in the proposed recommendation:

1) Need to add as POD: 13N 38E S36 SWNNW

2) Need to add as PORD: 12N 38E S1 NWSWNW

3) Need to clarify that the primary PODs are: 13N 38E S26 SWNWSE & S36 SWNNW

3. Give a brief explanation as to why you disagree with these portions:

1) This POD in S36 is one of the two PODs in the Suave Decree that diverts West Camas water onto the place of use. The delivery system has not changed from this point upstream since the Decree date.

2) In late 1960s the county dug a gravel pit in the channel of Crab Creek in the NW of S1, 12N 38E. The old channel of Crab Creek was abandoned and the Hump Ditch was used to carry the water from the NWNW of S36 to south of gravel pit in the SWNW of S1. At this point water is diverted back into the Hump Ditch to service land in Section 12.

3) The Recommendation recognizes POD in S22 as primary. This is not correct and not supported by the decree or testimony during the hearing. There has been no changes in the delivery system upstream from the POD in S36 since the Decree date. Crab Creek is a branch of West Camas as determined in the hearing and identified on old maps. The structure in S22 is used to master the flows of the branches of West Camas to deliver the appropriate amount of West Camas water to the diversion on these branches. In the Decree it was not identified as the diversion used to deliver West Camas water to the Hump Ditch. There are other diversions on the Crab Creek Branch of West Camas between the division of branches in S22 and our POD in S26. If our water is delivered in S22, instead at the Decreed PODs in S26 & S36, how are you going to manage these other diversions (Hillman) that call for Crab Creek water and lie between the division in S22 and our first POD in S26? The structures in S22 merely assist in the delivery of West Camas water to the designated decreed PODs of the claimant.

I AGREE with this proposed recommendation: no changes need to be made.

DATE: 3/5/2001

SIGNATURE:

James F. Hagenbarth

Please print your name: James F. Hagenbarth

IDWR Regional Office, 900 N Skyline, Idaho Falls, ID 83402, 2085257161

See NOE 66A re: 66

Harmon Reservoir Company,
Ltd, a corporation

31 0066 ✓
1900 - May 23 30.0 c.f.s.
31 0067 ✓
1900 - June 22 36.0 c.f.s.

Source: Camas Creek, a tributary of Mud Lake.

Point of Diversion: 240' West of the Southwest corner of Section 6, Township 13 North, Range 38 East, B.M. The above are natural flow rights.

31 0068 ✓
1909 - November 11 20.2 c.f.s.

Source: West Branch of Camas Creek, a tributary of Mud Lake.

Point of Diversion: In the Southeast corner of the Southeast Quarter of the Northeast Quarter of Section 16, and in the Southwest Quarter of the Northwest Quarter of Section 36, Township 13 North, Range 38 East, B.M.

For storage in the Harmon Reservoir to accumulate, with the right described below, 2,000 acre feet.

31 0069 ✓
1909 - November 22 33.6 c.f.s.

Source: West Branch of Camas Creek, a tributary of Mud Lake.

Point of Diversion: In the Southwest Quarter of the Northwest Quarter of Section 36, Township 12 North, Range 36 East, B.M.

For storage in the Harmon Reservoir as stated above.

For use on the lands of the stockholders of the Harmon Reservoir Company as hereinafter described and referred to. Provided that in cases where users of water for irrigation purposes from Harmon Reservoir have been awarded water in addition to the Harmon Reservoir rights for use on said lands, that they shall nevertheless be restricted to not to exceed 1 inch to the acre, including both the Harmon Reservoir rights and such other rights as may have been awarded.

Storage

Name
Charles Saurey

Shares
14

c.f.s.
0.984

Acre ft.
28

Description

West Half of the East Half of Section 12, Township 12 North, Range 38 East, B.M.

See also
its nos 31-0066-
31-0067.

DATE: 03/06/00
PAGE: 1

[illegible]

[illegible]

=====

Place of use Legal Description for: IRRIGATION

13N 38E 35 :	I	I	:	:	I	:	I	:	I	I	I	I	:
13N 38E 36 :	:	:	:	:	I	:	I	:	:	:	:	:	:
13N 39E 6 :	:	04-I	:	I	:	:	:	:	:	:	:	:	:
13N 39E 9 :	:	:	:	:	:	:	:	:	:	:	:	:	:
13N 39E 27 :	:	:	:	:	:	:	I	:	:	:	:	:	:
13N 39E 33 :	I	:	:	:	:	:	:	:	I	:	I	:	:
13N 39E 34 :	:	I	:	I	:	I	I	:	I	:	I	:	:

Pou County: CLARK

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):

31-00066

Other Water Rights Listing Overlapping Place(s) of use:

31-00064	31-00066	31-00068	31-00069	31-00154	31-00174	31-00180	31-00251	31-00269	31-00270
31-00271	31-00272	31-00273	31-00274	31-00275	31-00276	31-00277	31-00278	31-00279	31-00280
31-00281	31-00282	31-00283	31-00284	31-00285	31-00286	31-00287	31-00288	31-00289	31-00290
31-00291	31-00292	31-00293	31-00294	31-00295	31-00296	31-00297	31-00298	31-00299	31-00300
31-00301	31-00302	31-00303	31-00304	31-00305	31-00306	31-00307	31-00308	31-00309	31-00310
31-00311	31-00312	31-00313	31-00314	31-00315	31-00316	31-00317	31-00318	31-00319	31-00324
31-00325	31-00373	31-00374	31-02000c	31-02000d	31-02008	31-02026	31-02027	31-02035	31-02036
31-02042	31-02046	31-02047	31-02048	31-02050	31-02055	31-02058	31-02158	31-02160	31-02220
31-02250	31-02322	31-02335b	31-02350	31-02356	31-02362	31-02363	31-04103	31-07015c	31-07037b
31-07168									

Remarks: GEN DECREE INCORRECTLY LISTS P/U OF S33, T8N, R36E AS R26E.
 31-0066 TO 31-0069 ALL HAVE THE SAME LAND LISTS.
 SEE DECREE FOR ALLOCATION OF SHARES TO SPECIFIC LANDS.
 DECREE INCORRECTLY DESCRIBES SOURCE AS CAMAS CK.

Dates: App. Received: Priority Date: 06/22/1900
 Proof Due Date: Proof Made Date:
 Exam Made Date: Exam Sent to S.O.:
 Licensed Date:

Misc: Water District Number: 31 Field Exam Fee:

Audit: 09/03/85 05/22/88 CONVERT 01/26/92 DUPE-POU 02/06/98 CLEARFLD

July 10, 1988

RE: West Camas Creek-Crab Creek Branch
Water Delivery System

To Whom it may concern:

I am representing Margaret, David J. and James F. Hagenbarth in the filing of water rights in the Snake River Basin Water System. The information contained below is in respect to a water delivery system used by the claimants and their predecessors. This system delivers the water decreed to the claimants and their predecessors in Right # 154A of the Suave vs Abbott Decree. This water is used on 960 acres owned by the claimants. An in depth analysis of the decree is necessary to completely understand the water sources, the priorities, the place of use and how they interrelate within the water delivery system.

The sources of water are West Camas Creek and Crab Creek. Around the turn of the century, a man named Crab built a short ditch in the NW $\frac{1}{4}$ of Section 22, T13NR38E. This ditch connected West Camas Creek to Crab Creek and said channel became known as the Crab Creek Branch of West Camas. The point where the claimants and their predecessors have historically diverted West Camas water into the Crab Creek Branch is located in the NWNW of Section 22, T13NR38E. After initial diversion into the Crab Creek Branch of West Camas, the claimants use three additional P/D's to service the water delivery system. The points of diversion are as follows: 1) T13NR38E, Section 26, NWSE; 2) T13NR38E, Section 36, NWNW; and 3) T12NR38E, Section 1, SWNW. Two of these P/D's are practically identical to those described under right #154 and the third P/D was included to better describe the delivery system. Crab Creek has very little natural flow after high water, consequently most normal flow later in the season comes from West Camas Creek. The water delivery system also used the Crooked Creek Channel to carry water to some of the land being irrigated. Water is injected into Crooked Creek in the SWNE of Section 35, T13NR38E. This water is taken out of Crooked Creek at the following points: T13NR38E, Section 35, NESE; T12NR38E Section 2, Lot 2 (NWNE) and the SESE; T12NR38E, Section 11, NENE. The attached map illustrates the above points of interest. It should be noted that the claimants' water right should be measured when said water is diverted from the Crab Creek Branch of West Camas and not from West Camas into the Crab Creek Branch. There is a measuring device in flow place to assist the watermaster in measuring flows of West Camas into the Crab Creek Branch.

The claimants are using the decreed water on the same number of acres as in the Decree, 960, but the land list includes some acres not included in the Decree. If one plots the place of use as described in the Decree, it is geographically impossible to irrigate portions of these lands. The inaccuracy of the land lists is inherent in this particular Decree and is probably

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understandable given the poor maps at that point in time. The claimants and their predecessors have used this decreed water via the delivery system on the land claimed as place of use. The important points are: that the water has been used and the number of acres have not been expanded.

The claimants are filing on those water rights and priorities listed under 154A and the Hump Ditch in the Suave Decree. A complete examination of these rights is necessary. The water rights identified in #1 (31-0373) and #3 (31-0374) under 154A are self-explanatory. They are independent of the Harmon Reservoir and have defined sources, diversion amounts and priority dates. The right described under #4 (31-0324) does not have an amount diverted but does sport a priority date of September 1, 1909 and a source defined as Camas Creek. This right is also independent of the Harmon Reservoir rights listed under #2 in 154A. The claimants are claiming a total of 17.2 c.f.s. under this priority. This was determined by subtracting the 2.0 c.f.s. at 1891 from the total amount diverted of 19.2 c.f.s. under 154A. The claimants recognize that this right is to be executed only to the extent that the other rights with better priorities under 154A fail to deliver to the claimants the total amount of 19.2 c.f.s.. The claimants recognize that at no time should the combination of all the rights listed under 154A result in a flow exceeding 19.2 c.f.s..

The claimants are owners of all the shares of the Hump Ditch right in the Harmon Reservoir Company. This ownership is based upon the fact that the claimants own all the land listed as place of use under 154A and that the claimants predecessor, D.V. Hagenbarth, purchased all remaining shares from the other shareholders in the Hump Ditch portion of the Harmon Reservoir rights. Deeds to this purchase can be found in the Clerk and Recorder's office in Clark County in Book 15 of Deeds, pages 353 and 357.

For a meaningful explanation to continue it is necessary to determine how many shares of the Harmon Reservoir are controlled by the claimants as a result of their ownership of the Hump Ditch Right. In Right #36 the Suave Decree addresses the Harmon Reservoir Company and defines two classes of rights that are pertinent thereto. The two 1900 rights are natural flow rights (31-0066, -0067) and the two 1909 rights are storage rights. Since the Harmon Reservoir is breached, the storage rights have no significance at this time. It is noted that the number of shares issued in the Harmon Reservoir Co. was based on the natural flow rights of 66.0 c.f.s.. The total number of shares was 1000 and Wood Livestock owned 892 of the 1000. As noted under right #36, the distribution of rights under the Wood Livestock Co. shares was to be granted later on in the Decree. This was done under Right #154. Right #154 is divided into 154A, 154B, 154C, and 154D. The rights were assigned the following amounts of water respectively, 20.0 c.f.s., 14.0 c.f.s., 32.0 c.f.s., and 10.0 c.f.s. for a total of 76.0 c.f.s..

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(the Hump Ditch) has 20.0 c.f.s. or 20/76 or 26.3% of the shares belonging to Wood Livestock in the Harmon Reservoir Company. 26.3% of 892 Wood Livestock shares is 235 shares. The claimants as owners of Right #154A own 235 shares of the Harmon Reservoir and this amounts to 23.5% of the total shares issued. This gives the claimants the right to divert 23.5% of the amount of water decreed under each priority during the period when all shareholders have the right to divert water from the Harmon Reservoir sources.

The Decree speaks to two different time periods of water use, that period from the beginning of the stockwater and irrigation season to July 1st and that period from July 1st to the end of the irrigation season. In the first period the Decree makes available to all the shareholders all the Harmon Reservoir water rights, both natural flow and storage. In the second period the decree makes available only to a specific group of shareholders the continued use for irrigation of storage and natural flow water from the Harmon Reservoir rights. Furthermore, after July 1st the Decree limits those rights used solely for stockwater to only storage water. Since the reservoir is breached, only natural flow rights are pertinent at this time.

The claimants as owners of Right #154A (Hump Ditch) are included in the group specified by the Decree to continue use of natural flow rights after July 1st. It is now necessary to determine ownership of the natural flow rights used after July 1st by this specified group. This specified group is made up of those Harmon Reservoir stockholders identified in #36 who were outside Wood Livestock and also the owners of those portions of Wood Livestock Rights # 154A and 154C who were allowed to divert water for irrigation after July 1st. In analysing Right #36 and the limited Right #154A and 154C, the total c.f.s.'s diverted will be calculated. Those entities outside of Wood Livestock in Right #36 diverted 7.128 c.f.s. and that use after July 1st in #154A was 19.2 c.f.s. and #154C was 1.6 c.f.s.. This gave a total diversion amount of 27.93 c.f.s. for the entire group. Right #154A includes 68.7% of the water permitted by the decree to be diverted after July 1st for irrigation use. The claimants own right #154A.

In considering the above facts in regard to the Harmon Reservoir rights listed under right #154A (Hump Ditch), source #2, it becomes apparent that the claimants will need to file four separate water rights to accurately describe the Harmon Reservoir rights owned by the claimants. Since the reservoir is breached, only the two natural flow rights are of any consequence. These rights are 31-0066 (5/23/1900-30.0 c.f.s.) and 31-0067 (6/22/1900-36.0 c.f.s.). The use of these rights by the claimants is divided into two periods. The first period begins with the first use of stock and irrigation water in the spring and ends on July 1st (4/1-07/1) and the second period begins with the use of irrigation water after July 1st and ends at the termination of the irrigation season (7/2-11/1). As discussed previously,

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the decree stipulates a different proportion of ownership of each right for each period, consequently four separate filings. In light of the above and using strictly percentages, the Harmon Reservoir natural flow rights would be filed by the claimants as follows:

31-0066A 5/23/1900 irrigation 7.05 c.f.s. (30.OX.235) 4/1-7/1
 31-0066B 5/23/1900 irrigation 20.6 c.f.s. (30.OX.687) 7/2-11/1
 31-0067A 6/22/1900 irrigation 8.46 c.f.s. (36.OX.235) 4/1-7/1
 31-0067B 6/22/1900 irrigation 24.4 c.f.s. (36.OX.687) 7/2-11/1.

Taking into consideration all the water rights and priorities listed for 154A (1-4), the claimants recognize the courts stipulation that no more than 19.2 c.f.s. be diverted for irrigation. 154A-(1) describes water right #31-0373 and this is the oldest right owned by the claimants on West Camas Creek. It is obvious that this right would always be filled first and accounts for 2.0 c.f.s.. It naturally follows that the claimants would not have to divert more than 17.2 c.f.s. from any of the other rights to reach the maximum allowable of 19.2 c.f.s.. Therefore in filing the Harmon Reservoir rights, the claimants will only file for the maximum amount of 17.2 c.f.s. for the two 1900 natural flow rights which are for the period after July 1st (31-0066B and 31-0067B). Water rights 31-0066A and 31-0067A will be filed on as they appear above.

In a quick review of Right #154 in the Suave Decree, it might be construed that no water is used for irrigation until after July 1st. The claimants are quick to point out that their rights are specifically mentioned in the Decree as "the exception hereinafter stated". The Decree specifically mentions the claimants' rights in this manner: "The continuation of diversion and use under such rights including stored water after July 1st of each year, being for irrigation purposes, is limited as follows:". The limits placed on the claimants right is for the amount of 19.2 c.f.s. and 960 acres. If the diversion of water for irrigation had not occurred before July 1st, the Decree would not have referred to the irrigation use as a "continuation of diversion".

The claimants' West Camas Creek-Crab Creek Branch water delivery system delivers the waters of West Camas via the Crab Creek Branch of West Camas to the land claimed as place of use. This delivery system has available seven separate water rights which contribute a total flow not to exceed 19.2 c.f.s.. The claimants hope that this lengthy explanations of this most difficult Decree is understandable and clearly identifies the claimants' rights on West Camas Creek, the Crab Creek Branch of West Camas and Crab Creek.

Sincerely,

James F. Hagenbarth

James F. Hagenbarth

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