

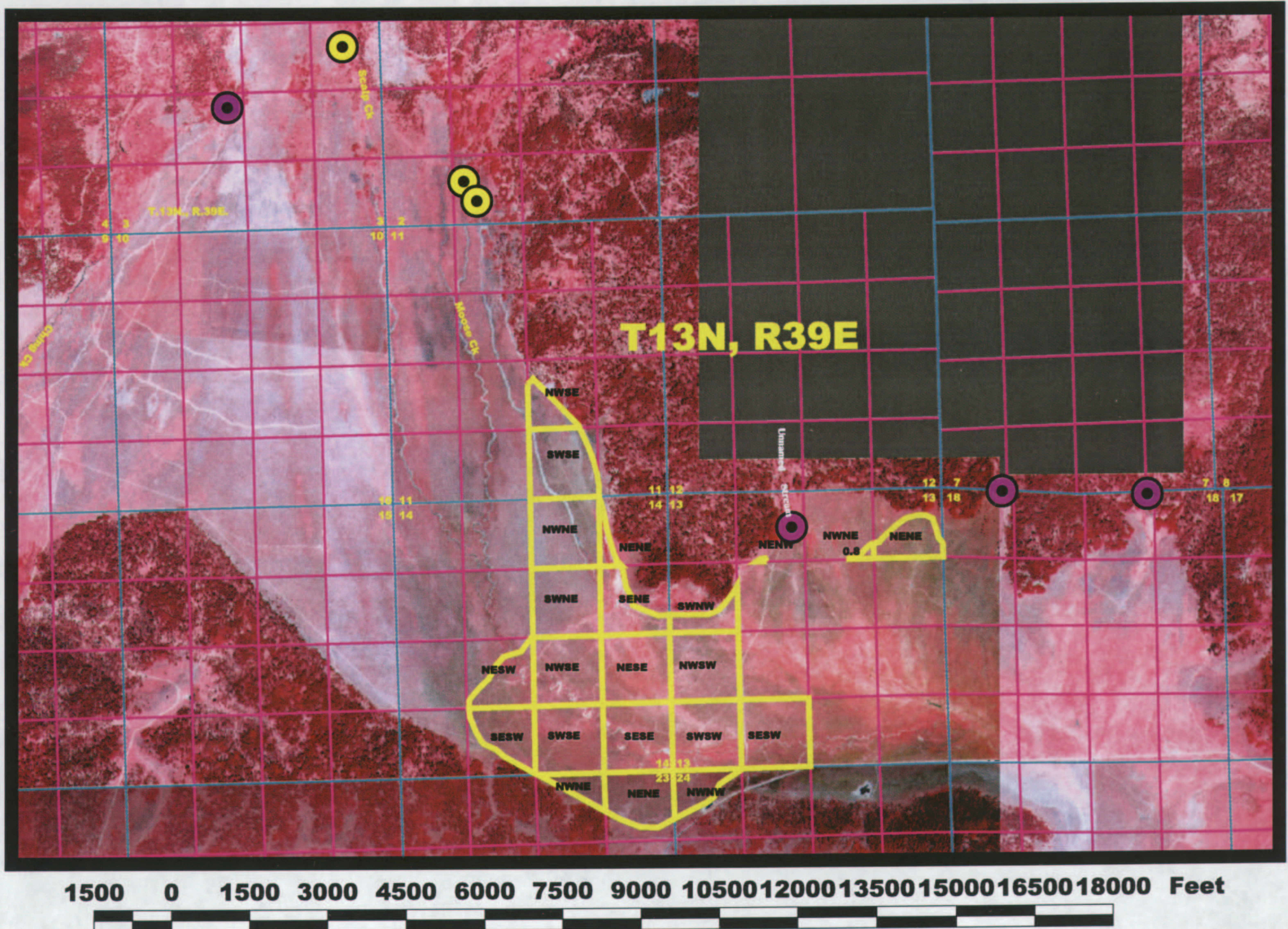


STATE OF IDAHO

Department of Water Resources

Eastern Region

**Water Right(s): 31-04027, 31-10208,
31-02077, 31-02125**



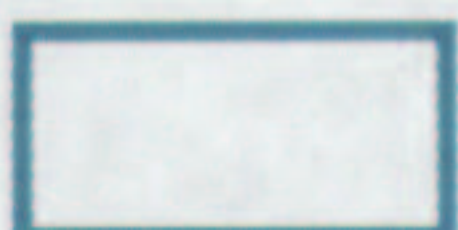
LEGEND



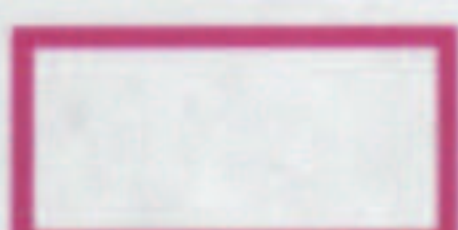
Point of Diversion

SESE

Place of Use



Section Line



Quarter-section line

**Legal Description: T13N, R39E
(parts of) Secs. 11, 13, 14, 23, 24**

**Point(s) of Diversion: T13N, R39E
Sec. 3 NWSENE (Scalp Ck)
Sec. 2 NWSESW (Moose CK)
SWSESW (Moose Ck)**



GIS Place of Use Illustration
1987/1988 NAPP photography
Prepared by: A. Ruberry
Date: March 2001

31-04027

31-02125

31-02077

31-10208

T13N, R39E



T13N R39E

T13N R40E

03/19/2001

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

RIGHT NUMBER: 31-2077

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

SOURCE: MOOSE CREEK

TRIBUTARY: SPRING CREEK

QUANTITY: 2.4 CFS

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 11.48 CFS. COMBINED RIGHT
NOS.: 31-00253, 31-00254, 31-02077, 31-02125, 31-04027, 31-
10208.

THIS RIGHT WHEN COMBINED WITH RIGHT NO. 31-00253, 31-00254,
31-02077, 31-02125, 31-04027, 31-10208 SHALL PROVIDE NO MORE
THAN .02 CFS PER ACRE.

PRIORITY DATE: 08/23/1911

POINT OF DIVERSION:	T13N R39E S2	NWSESW	Within CLARK County
	T13N R39E S2	SWSESW	Within CLARK County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	05-01 10-31	2.40 CFS

PLACE OF USE:

<u>IRRIGATION Within CLARK County</u>					
T13N R39E S11	NWSE	12	T13N R39E S11	SWSE	37
T13N R39E S13	NENE	19	T13N R39E S13	NWNE	0.8
T13N R39E S13	NENW	0.2	T13N R39E S13	SWNW	13
T13N R39E S13	NWSW	40	T13N R39E S13	SWSW	40
T13N R39E S13	SESW	40	T13N R39E S14	NENE	5
T13N R39E S14	NWNE	40	T13N R39E S14	SWNE	40
T13N R39E S14	SENE	24	T13N R39E S14	NESW	23
T13N R39E S14	SESW	25	T13N R39E S14	NESE	40
T13N R39E S14	NWSE	40	T13N R39E S14	SWSE	40
T13N R39E S14	SESE	40	T13N R39E S23	NENE	29
T13N R39E S23	NWNE	11	T13N R39E S24	NWNW	15

574 ACRES TOTAL

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 120 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION
SEASON.

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED
TO THE IRRIGATION OF A COMBINED TOTAL OF 574 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: 31-00253, 31-00254,
31-02077, 31-02125, 31-04027, 31-10208.

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.

RIGHT NOT CLAIMED IN PRIOR ADJUDICATION.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

RIGHT INCLUDES ACCOMPLISHED CHANGE IN SOURCE PURSUANT TO SECTION 42-1425, IDAHO CODE.

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.

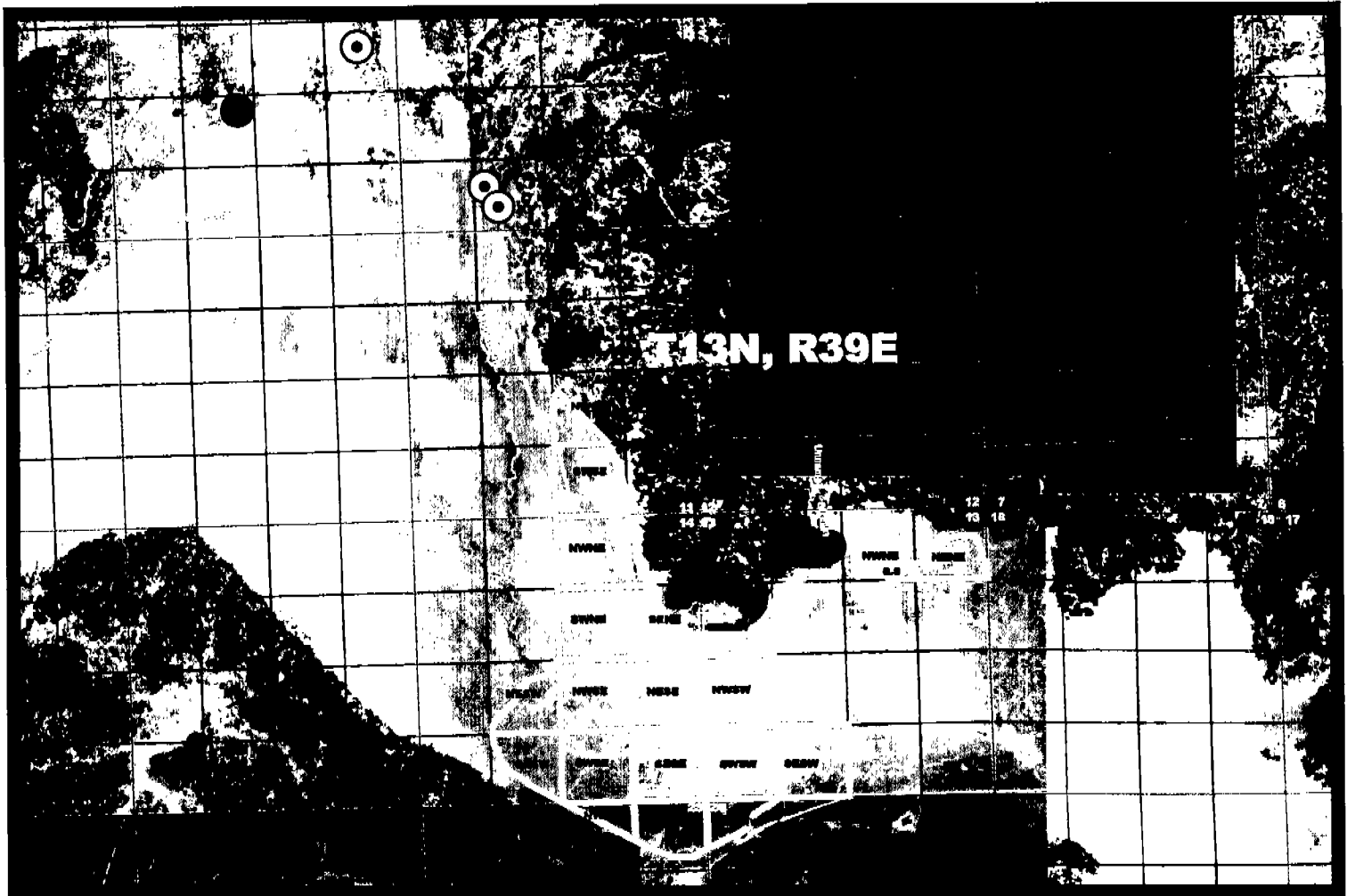


STATE OF IDAHO

Department of Water Resources

Eastern Region

**Water Right(s): 31-04027, 31-10208,
31-02077, 31-02125**



1500 0 1500 3000 4500 6000 7500 9000 10500 12000 13500 15000 16500 18000 Feet

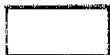
LEGEND



Point of Diversion

SESE

Place of Use



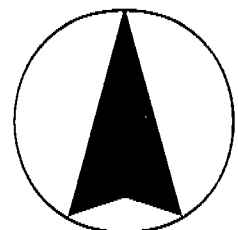
Section Line



Quarter-section line

**Legal Description: T13N, R39E
(parts of) Secs. 11, 13, 14, 23, 24**

**Point(s) of Diversion: T13N, R39E
Sec. 3 NWSENE (Scalp Ck)
Sec. 2 NWSESW (Moose Ck)
SWSESW (Moose Ck)**



GIS Place of Use Illustration
1987/1988 NAPP photography
Prepared by: A. Ruberry
Date: March 2001

01/24/2001

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: 31-2077

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

1. Describe the portion of the proposed recommendation with which you disagree (e.g priority date, period of use, source):
2. Describe the changes you wish to make in the proposed recommendation:
3. Give a brief explanation as to why you disagree with these portions:

X 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

31-04027

31-02125

31-02077

31-10208

T13N, R39E

SWSE
37

NWNE
40

SWNE
40

NWSE
40

SWSE
40

SESE
24

NESE
40

SESE
40

13

NWSW
40

SWSW
40

NWNE
0.8

NWNE
10

T13N R40E

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: A31-02077
Date Received: 6/29/1988
Receipt No: E000586
Received By: _____

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: AUG 23, 1911

3. Source: MOOSE CREEK Trib. to: SINKS

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
13N	39E	2	NW	SE	SW		CLARK
			SW	SE	SW		CLARK

5. Description of diverting works:
DIKES AND DITCHES FOR FLOOD AND SUB-IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	2.400		
STOCKWATER	01/01	12/31	0.240		
WILDLIFE	01/01	12/31	0.250		

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

8. Total consumptive use is 180.0 Acre Feet Per Annum.

A31-02077

Page

1

Date: 06/29/88

A3102077



MICROFILMED

NOV 17 1992

9. Non-irrigation uses:
S/1100 RANGE CATTLE,W/VARIOUS SPECIES

S/1100 RANGE CATTLE, W/VARIOUS SPECIES

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
13N	39E	11	NE		NW		STOCK	
			NE		NW		WILDLF	
			SE		NW		STOCK	
			SE		NW		WILDLF	
			NE		SW		STOCK	
			NE		SW		WILDLF	
			NW		SE		IRR	15.0
			NW		SE		STOCK	
			NW		SE		WILDLF	
			SW		SE		IRR	37.0
			SW		SE		STOCK	
			SW		SE		WILDLF	
						Section Acres		52.0
		14	NE		NE		IRR	4.0
			NE		NE		STOCK	
			NE		NE		WILDLF	
			NW		NE		IRR	40.0
			NW		NE		STOCK	
			NW		NE		WILDLF	
			SE		NE		IRR	24.0
			SE		NE		STOCK	
			SE		NE		WILDLF	
						Section Acres		68.0
						Total Acres		120.0

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:

31-2125/4027/10208

14. Remarks:

CLAIMANTS PREDECESSOR DEVELOPED A WATER DELIVERY SYSTEM FOR ANTELOPE VALLEY IN 1948. MOOSE CREEK AND SEVERAL OTHER SOURCES WERE POOLED AND USED ON THE LAND SERVICED BY THIS SYSTEM, CONSEQUENTLY THE EXPANDED USE. SEE RIGHT # 31-10208
SEE ATTACHMENT "A"
FOR WILDLIFE USE SEE ATTACHMENT "B"

MICROFILMED

NOV 17 1992

15. Basis of Claim: LICENSE
Water Right Number: 7684

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: 3

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. Hagenhub Date: 6/29/88
Date: _____

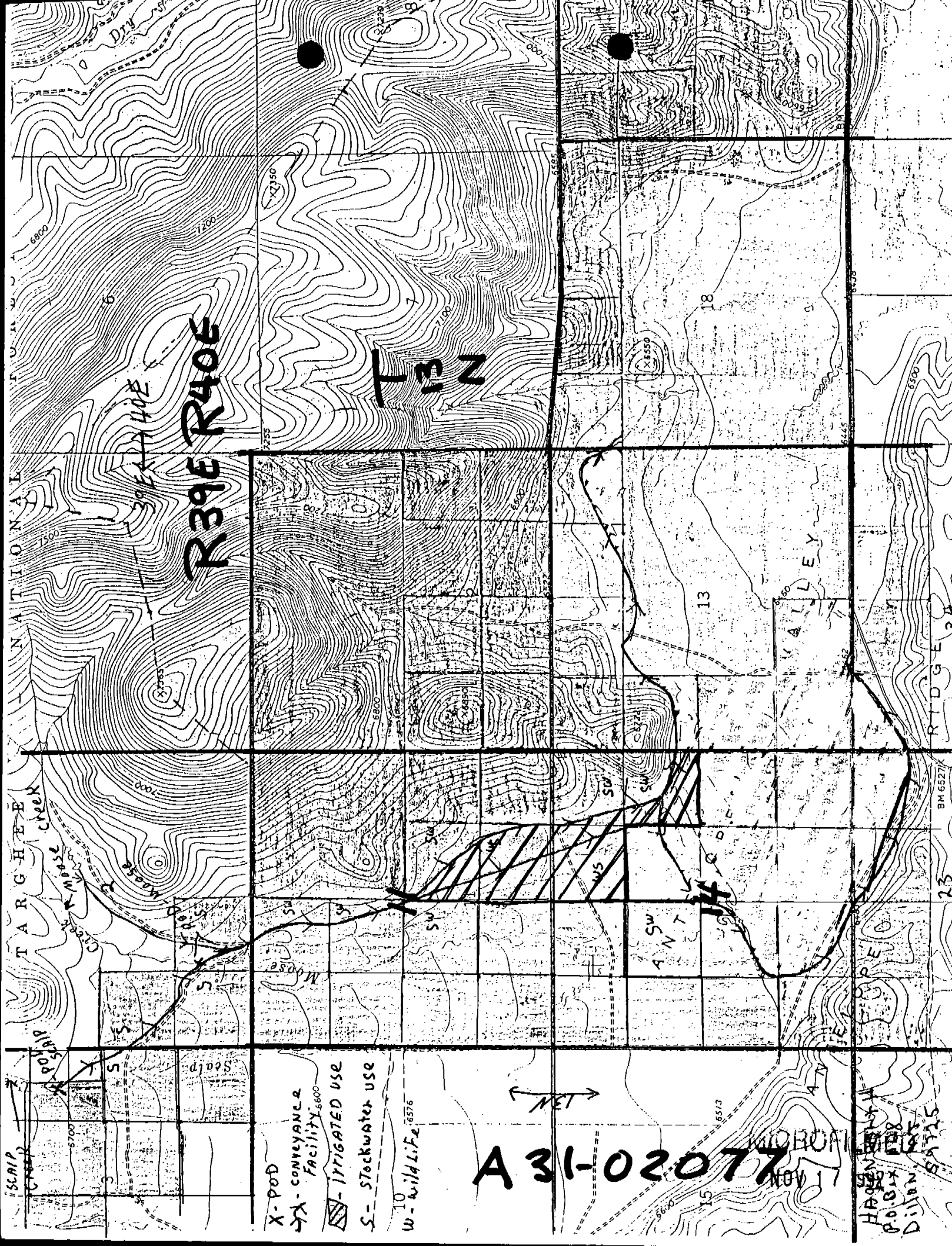
State of Idaho)
County of Bannock) SS.

Subscribed and sworn (or affirmed) before me this 29th day
of June 19 88

Colleen Wray
Notary Public

Seal

Residing at Idaho Falls
My Commission Expires 5/29/99



R396 R406

T3N

A31-02077

- X-POD
- X-CONVEYANCE Facility
- Irrigated Use
- Stockwater Use
- Wildlife

NET

HAGGARD
P.O. BOX 100
DILLON
54715

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

22:45:51
03/13/93

PAGE: 1
GENERAL INFORMATION

CLAIM NUMBER: A31-02077

LAST: BRAUER
ADDRESS:
CITY: N/A
PHONE NUMBER: 208-000-0000

FIRST: GUSTAV
STATE: ID ZIP: 00000

OWNER CODE: C

LAST: HAGENBARTH
ADDRESS: P.O. BOX 1128
CITY: BILLON
PHONE NUMBER: 406-583-2163

FIRST: MARGARET
STATE: MT ZIP: 59125

OWNER CODE: C

LAST: HAGENBARTH
ADDRESS: P.O. BOX 1128
CITY: BILLON
PHONE NUMBER: 406-583-2163

FIRST: DAVID J.
STATE: MT ZIP: 59725

OWNER CODE: C

LAST: HAGENBARTH
ADDRESS: P.O. BOX 1128
CITY: BILLON
PHONE NUMBER: 406-583-2163

FIRST: JAMES F.
STATE: MT ZIP: 59725

OWNER CODE: C

FIELD EXAM REQUIRED?

DATABASE

FIELD
EXAMINER

VERIFICATION REQUIRED DUE TO REMARKS?

Y

CLAIM REMARKS:

CLAIMANTS PREDECESSOR DEVELOPED A WATER DELIVERY SYSTEM FOR
ANTelope VALLEY IN 1949. MOOSE CREEK AND SEVERAL OTHER SOURCES
WERE JOINED AND USED ON THE LAND SERVICED BY THIS SYSTEM,
CONSEQUENTLY THE EXPANDED USE. SEE RIGHT A 31-10209
SEE ATTACHMENT "A"
FOR WILDLIFE USE SEE ATTACHMENT "A"

CONTACT PERSON: AL RUSSELL

PHONE NUMBER: () -

DATE OF FIELD EXAM: 7/12/2K APPOINTMENT MADE: Y(☒) N()

TIME: 8:00 A(☒) P()

ACCOMPANIED BY: Jim HAGGEBARTH

PHONE NUMBER: () -

RELATIONSHIP TO CLAIMANT: PARTNER

DIRECTIONS TO PROPERTY / NOTES:

7/12/2K MET Jim AS APPOINTED. DAY TWO OF TOURING CLAIMS. VISITED CLAIMS IN
ANTELOPE VALLEY: POD'S, POR'S, POW'S, etc.

A. AJ CLAIM: # A31-02077 PRIORITY DATE: 08-23-1911 STAGES: L

B. WR RECORD: # 31-02077 PRIORITY DATE: 02-23-1911 STAGES: L

C. FIELD EXAM REQUIRED?

DUE TO PRIORITY DATE DISCREPANCY? (Y/N)

DATABASE
M

FIELD
EXAMINER

ARE THERE OBVIOUS REASONS TO QUESTION THE PRIORITY DATE CLAIMED? Y() N()
IF YES EXPLAIN.

NOTES:

Priority matches License.

RECOMMENDED PRIORITY DATE:
08-23-1911

As CLAIMED

REVIEWED BY

[Signature]

DATE

3/27/21

This Lic. NOT CLAIMED IN SAUNDERS vs Abbott - P#2

A. NJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
A31-02077	13N	39E	2	NH	SE	SW	10R	CLARK
A31-02077	13N	39E	2	SW	SE	SW	NO	CLARK

OTHER NJ CLAIMS WITH SAME NJ POD
: PREFIX R PREFIX
A31-02125 NONE
A31-10208

NR RECORDS IN SAME 40 ACRE TRACT
NONE

SOURCE: MOOSE CREEK

TRIB: SINKS

B. NR POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
31-02077	13N	39E	2		SE	SW		CLARK

OTHER NR RECORDS WITH SAME NR POD
NONE

NJ CLAIMS IN SAME 40 ACRE TRACT
R PREFIX R PREFIX
A31-02125 NONE
A31-10208

SOURCE: ANTELOPE CREEK

TRIB: CAMAS CREEK

C. FIELD EXAM REQUIRED?

	DATABASE	FIELD EXAMINER
DUE TO POD DISCREPANCY? (Y/N)	Y	-----
DUE TO SOURCE DISCREPANCY? (Y/N)	Y	-----

NOTES:

LICENSE SHOWS ONE POD @ T.13N., R.39E, SEC. 2 SWSW (COULD FIT EITHER
CLAIMED POD'S). ONE POD ADDED W/O TX. DON'T KNOW WHEN BUT WAY PRIOR TO '87. C#3

SYSTEM WAS CONSTRUCTED IN 1948.

SOURCE LICENSE IS ANTELOPE CREEK - CLAIMS MOOSE CREEK - CHANGE SYSTEMS C#2

TO BE A MATTER OF RENAMING THE STREAM. USGS DQ 4-44 DOES NOT

SHOW ANTELOPE CREEK AS DOES THE "REPORT OF ENGINEER, MAP, DATED 17 Aug 1918."

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE:

TWP.	RSE.	SEC.	1/4	1/4	1/4	LOT	COUNTY	DIVERSION NAME
① 13N	39E	2	NW	SE	SW	---	CLARK	---
---	---	2	SW	SE	SW	---	"	---
---	---	---	---	---	---	---	---	---
---	---	---	---	---	---	---	---	---
---	---	---	---	---	---	---	---	---
---	---	---	---	---	---	---	---	---
---	---	---	---	---	---	---	---	---

CP3

SOURCE: MOOSE CREEK TRIB: SPRING CREEK

REVIEWED BY: APR DATE: 3/27/2K

SYSTEM DESCRIPTION: ① DIVERSION IS A DIKED AREA AT THE CONFLUENCE W/ SCALP CR DITCH.
THERE IS NO HEADGATE. WATER IS COLLECTED IN THE DITCH AND CONVEYED
ON TO SOUTH FOR IRRIG AND STOCKWATER.

② Sourced & TRUB REFUR TO OQ 4-44.
LIC. Shows Antelope CR TRUB TO CANVAS CR.

CP2

A. ROOT WATER RIGHT NUMBER: A31-02077

B. POB LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ 1/ACRES	JR 1/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
13N	39E	11	NE	NW		HAGENBARTH, MARGARET	A31-32077 /	- /	7.0		
			NE	NW		HAGENBARTH, MARGARET	A31-34027 /	31-34027 /			
13N	39E	11	NE	NW		HAGENBARTH, MARGARET	A31-32077 /	- /	7.0		Stock
			NE	NW		HAGENBARTH, MARGARET	A31-34027 /	31-34027 /			
13N	39E	11	SE	NW		HAGENBARTH, MARGARET	A31-32077 /	- /	11.0		WILDLIFE
			SE	NW		HAGENBARTH, MARGARET	A31-34027 /	31-34027 /			
13N	39E	11	SE	NW		HAGENBARTH, MARGARET	A31-32077 /	- /	11.0		Stock
			SE	NW		HAGENBARTH, MARGARET	A31-34027 /	31-34027 /			
13N	39E	11	NE	SW		HAGENBARTH, MARGARET	A31-32077 /	- /	23.0		WILDLIFE
			NE	SW		HAGENBARTH, MARGARET	A31-34027 /	31-34027 /			
13N	39E	11	NE	SW		HAGENBARTH, MARGARET	A31-32077 /	- /	23.0		Stock
			NE	SW		HAGENBARTH, MARGARET	A31-34027 /	31-34027 /			
13N	39E	11	N4	SE		HAGENBARTH, MARGARET	✓ A31-32077 /15.0	31-32077 /20.0	3.0		WILDLIFE
			N4	SE		HAGENBARTH, MARGARET	A31-34027 /15.0	31-34027 /			
			N4	SE		HAGENBARTH, MARGARET	A31-10208 /15.0	- /			
13N	39E	11	N4	SE		HAGENBARTH, MARGARET	A31-32077 /	31-32077 /20.0	3.0		
			N4	SE		HAGENBARTH, MARGARET	A31-34027 /15.0	31-34027 /			
			N4	SE		HAGENBARTH, MARGARET	A31-10208 /15.0	- /			Stock
13N	39E	11	N4	SE		HAGENBARTH, MARGARET	A31-32077 /	31-32077 /20.0	3.0		
			N4	SE		HAGENBARTH, MARGARET	A31-34027 /15.0	31-34027 /			
			N4	SE		HAGENBARTH, MARGARET	A31-10208 /15.0	- /			WILDLIFE
13N	39E	11	S4	SE		HAGENBARTH, MARGARET	✓ A31-32077 /37.0	31-32077 /40.0	5.0		
			S4	SE		HAGENBARTH, MARGARET	A31-34027 /37.0	31-34027 /			
			S4	SE		HAGENBARTH, MARGARET	A31-10208 /37.0	- /			
13N	39E	11	S4	SE		HAGENBARTH, MARGARET	A31-32077 /	31-32077 /40.0	5.0		
			S4	SE		HAGENBARTH, MARGARET	A31-34027 /37.0	31-34027 /			
			S4	SE		HAGENBARTH, MARGARET	A31-10208 /37.0	- /			Stock
13N	39E	11	S4	SE		HAGENBARTH, MARGARET	A31-32077 /	31-32077 /40.0	5.0		
			S4	SE		HAGENBARTH, MARGARET	A31-34027 /37.0	31-34027 /			
			S4	SE		HAGENBARTH, MARGARET	A31-10208 /37.0	- /			WILDLIFE
13N	39E	14	NE	NE		HAGENBARTH, MARGARET	✓ A31-32077 / 4.0	31-32077 /20.0			
			NE	NE		HAGENBARTH, MARGARET	A31-34027 / 4.0	31-34027 /			

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
			NE	NE		HAGENBARTH, MARGARET	A31-10208 / 4.0	- /			
13N	39E	14	NE	NE		HAGENBARTH, MARGARET	A31-02077 /	31-02077 /20.0			
			NE	NE		HAGENBARTH, MARGARET	A31-04027 / 4.0	31-04027 /			
			NE	NE		HAGENBARTH, MARGARET	A31-10208 / 4.0	- /			
13N	39E	14	NE	NE		HAGENBARTH, MARGARET	A31-02077 /	31-02077 /20.0			
			NE	NE		HAGENBARTH, MARGARET	A31-04027 / 4.0	31-04027 /			
			NE	NE		HAGENBARTH, MARGARET	A31-10208 / 4.0	- /			
13N	39E	14	N4	NE		HAGENBARTH, MARGARET	A31-02077 /40.0	31-02077 /40.0			
			N4	NE		HAGENBARTH, MARGARET	A31-04027 /40.0	31-04027 /			
			N4	NE		HAGENBARTH, MARGARET	A31-10208 /40.0	- /			
13N	39E	14	N4	NE		HAGENBARTH, MARGARET	A31-02077 /	31-02077 /40.0			
			N4	NE		HAGENBARTH, MARGARET	A31-04027 /40.0	31-04027 /			
			N4	NE		HAGENBARTH, MARGARET	A31-10208 /40.0	- /			
13N	39E	14	N4	NE		HAGENBARTH, MARGARET	A31-02077 /	31-02077 /40.0			
			N4	NE		HAGENBARTH, MARGARET	A31-04027 /40.0	31-04027 /			
			N4	NE		HAGENBARTH, MARGARET	A31-10208 /40.0	- /			
13N	39E	14	SE	NE		HAGENBARTH, MARGARET	A31-02077 /24.0	- /			
			SE	NE		HAGENBARTH, MARGARET	A31-04027 /24.0	31-04027 /28.0			
			SE	NE		HAGENBARTH, MARGARET	A31-10208 /24.0	- /			
			SE	NE		UNION CENTRAL LIFE INSURANCE C		31-00253 /			
			SE	NE		UNION CENTRAL LIFE INSURANCE C		31-00254 /			
13N	39E	14	SE	NE		HAGENBARTH, MARGARET	A31-02077 /	- /			
			SE	NE		HAGENBARTH, MARGARET	A31-04027 /24.0	31-04027 /28.0			
			SE	NE		HAGENBARTH, MARGARET	A31-10208 /24.0	- /			
			SE	NE		UNION CENTRAL LIFE INSURANCE C		31-00253 /			
			SE	NE		UNION CENTRAL LIFE INSURANCE C		31-00254 /			
13N	39E	14	SE	NE		HAGENBARTH, MARGARET	A31-02077 /	- /			
			SE	NE		HAGENBARTH, MARGARET	A31-04027 /24.0	31-04027 /28.0			
			SE	NE		HAGENBARTH, MARGARET	A31-10208 /24.0	- /			
			SE	NE		UNION CENTRAL LIFE INSURANCE C		31-00253 /			
			SE	NE		UNION CENTRAL LIFE INSURANCE C		31-00254 /			
TOTAL ACRES							A31-02077	120.00	360.00	178.00	

Stock

WILDLIFE

Stock

WILDLIFE

Not Lic.

CPS

Stock

WILDLIFE

ARE IRRIGATED ACRES FOUND IN TRACTS OTHER THAN INDICATED ABOVE, Y() N()
 IF YES SEE ATTACHED SHEET:

C. FIELD EXAM REQUIRED?

DUE TO POB DISCREPANCY: (Y/N)

DATABASE
Y

FIELD
EXAMINER

POB COUNTY: CLARK

Claims Permissible Place of Use
 w/ OTHER Pts. CLAIMS.

7/12/2K Per Jim-OK!

PRESUMPTION FLAG:

NOTES:

CLAIMS MUCH OF SAME POU AS Lic. THERE IS SOME DIFFERENCES W/
ONE EXTRA QQ ADDED AS POU - HOWEVER, NO CHANGE TO TOTAL ACRES.

C#5
E1948

LICENSED FOR IRRIG AND DOMESTIC - CLAIMS STOCK AND WILDLIFE $\Rightarrow$ BOTH DISALLOWED

RECOMMENDATIONS:

K#6
TOTAL ACRES: 120 AC / 574.7
REVIEWED BY: SPR

DATE: 7/12/2K

THIS LICENSE CO-MINGLES WITH OTHER RIGHTS AND IS USED IN A PERMISSIBLE PLACE OF USE SCHEME
WITH THE OTHER RIGHTS. THIS RIGHT IS LIMITED TO 120 AC W/ THE ENTIRE POU.

SOME ERROR NOTED TO LICENSEE'S EXAM MAP.

C#5

A. AS CLAIMED USES:

PURPOSES
A31-02077 IRRIGATION
A31-02077 STOCKWATER
A31-02077 WILDLIFE

MONTH/DAY
FROM 04-01 TO 11-01
FROM 01-01 TO 12-31
FROM 01-01 TO 12-31

DEPT. STD.

DIVERSION QUANTITY
2,400 CFS
~~240 CFS~~ DISALLOWED
~~250 CFS~~ DISALLOWED

TOTAL DIVERSION RATE/VOLUME CLAIMED

2,400 CFS

B. WR RECORDED USES:

PURPOSES
31-02077 IRRIGATION
31-02077 DOMESTIC

MONTH/DAY
FROM TO
FROM TO

DIVERSION QUANTITY
2,400 CFS
2,400 CFS

TOTAL DIVERSION RATE/VOLUME CLAIMED

2,400 CFS

PRESUMPTION FLAG:

C. FIELD EXAM REQUIRED?

DUE TO WATER-USE DISCREPANCY? (Y/N)
DUE TO DIVERSION RATE DISCREPANCY? (Y/N)
DUE TO PERIOD FROM/TO DISCREPANCY? (Y/N)

FIELD EXAMINER
DATABASE Y
Y
Y

D. PERIOD OF USE:

RECOMMEND AS CLAIMED?

Y() N(✓)

RECOMMEND TO WR STANDARDS OR OTHER?

Y(✓) N() EXPLAIN IN NOTES, BELOW.

NOTES:

NO LICENSED PERIOD OF USE. THEREFORE, DEPT STD OF 5/1 TO 10/31 WILL BE USED.

STOCKWATER USE IS DISALLOWED - NOT PART OF LICENSE.

WILDLIFE USE IS DISALLOWED - NOT PART OF LICENSE.

A. DOES DIVERSION RATE CLAIMED AGREE WITH EXISTING RECORDS?

Y(✓) N()

AD TOTAL CLAIMED DIVERSION RATE: 2.400 CFS
WR ROOT RIGHT TOTAL DIVERSION RATE: 2.400 CFS

*** IF NO OR IF STATUTORY CLAIM OR BENEFICIAL USE THEN FLOW MEASUREMENT REQUIRED. ***
** IF AN AMOUNT SMALLER THAN THE ORIGINAL DIVERSION RATE IS **
** CLAIMED AND AN EXAM IS NOT REQUIRED, EXPLAIN IN NOTES. **

FLOW MEASUREMENT REQUIRED?

FIELD
DATABASE EXAMINER

DUE TO STAGE OR DIVERSION RATE DISCREPANCY? (Y/N)

Y

B.

FLOW MEASUREMENT

MEASUREMENT METHOD

Pygmy

17.36

SEE ATTACHED CALCULATIONS.

CONFLUENCE OF SCALP CREEK AND
MOOSE CREEK - MEASURED 17.36

BY G. Taylor, 1993.

C. ARE OTHER WATER RIGHTS USED? Y() N() IF YES COMPLETE OVERLAP REVIEW.

OTHER RIGHTS LISTED IN CLAIM: 31-1123/4027/10209

LIST ALL RIGHTS WITH A SAME POW AND IRRIGATION USAGE:

CLAIM NO.	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A31-02077	MOOSE CREEK	HAGENBARTH, MARGARET	2.400	0.020		
A31-04027	SCALP CREEK	HAGENBARTH, MARGARET	7.300	0.011		
A31-10208	MOOSE CREEK	HAGENBARTH, MARGARET	7.000	0.011		

LIST ALL RIGHTS WITH SAME POW BUT NOT USED FOR IRRIGATION.

CLAIM NO.	PURPOSES	NAME	MONTH/DAY	RATE	VOLUME
A31-02077	STOCKWATER	HAGENBARTH, MARGARET	FROM 01-01 TO 12-31	.240 CFS	
A31-02077	WILDLIFE	HAGENBARTH, MARGARET	FROM 01-01 TO 12-31	.250 CFS	
A31-04027	STOCKWATER	HAGENBARTH, MARGARET	FROM 04-01 TO 12-31	.240 CFS	
A31-04027	WILDLIFE	HAGENBARTH, MARGARET	FROM 04-01 TO 12-31	.250 CFS	

D.

RATE/VOLUME CALCULATIONS: (IRRIGATION)

1A. IRRIGATION RATE

ACRES _____ X 0.02 CFS/ACRE = _____ CFS
(TAKEN FROM P/U REVIEW)

1B. CALCULATIONS

$120 \times 0.02 = 2.4 \text{ cfs}$ ← **LICENSOR CLAIMED**

DOES AMOUNT CLAIMED EXCEED 0.02 CFS/ACRE? Y() N()

*** IF YES ADDITIONAL WATER USE FORM FILED AND ATTACHED? Y() N() ***

2. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = 120.0 AF/A

ACRES _____ X CONSUMPTIVE VOL. AF/A FOR AREA _____ =

TOTAL CONSUMPTIVE USE _____ AF/A

$\frac{120}{3.5} = 420 \text{ AF}$

3. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = _____ AF/A

ACRES _____ X DIVERSION VOL. AF/A FOR AREA _____ =

TOTAL DIVERSION VOLUME _____ AF/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION:

SEE ATTACHED SHEET? Y() N()

NOTES: (INCLUDE LIMITATIONS ON CONSUMPTIVE USE FOR COMBINED RIGHTS.)

REC.
PURPOSES

REC. PERIOD
FROM TO

REC. DIV
RATE CFS

REC. DIV
U3L. AF/A

REC. CONS.
USE

DATABASE EXAMINER

DATABASE EXAMINER**DATABASE EXAMINER**

Prizig

5/1 10/31

2.4

TOTAL FOR THIS RIGHT

REVIEWED BY:

DATE:

NOT Lic. for Stock

A. CHECK ONLY THE FOLLOWING THAT APPLY:

	ACCEPTED AS CLAIMED	NEEDS REVIEW
OWNERSHIP _____	(/)	()
FORFEIT/ABANDON _____	(/)	()
ADDITIONAL DIV. AMOUNT _____	(/)	()

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 31-02077

TOTAL DIVERSION RATE OF WR SPLITS	DATABASE 2.400	EXAMINER _____	CFS
-----------------------------------	-------------------	-------------------	-----

SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "R" CLAIM NUM.	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
-	A51-02077	2.400	-		31-02077	2.400
TOTAL CFS		2.400				2.400

DIVERSION RATE REVIEW

DO THE SUM CFS RATE OF THE SPLITS EQUAL THE ROOT RIGHT CFS RATE? (Y/N)
IF NO, IS THE WRITTEN REVIEW SHEET ATTACHED? (Y/N)

DATABASE Y	FIELD EXAMINER _____ _____
---------------	-------------------------------------

NOTES:

LICENSED AT 2.40 cfs, so claimed in-full. No APPARENT SPLITS, C/D'S OR TX'S.

AUTHENTICATION:

SIGNATURE: [Signature] DATE: 3/28/2K
NAME OF FIELD EXAMINER: Steven B. Dugan TITLE: SR. AGT

PPU w/ other Pts.
w/ Limits

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

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03/15/93

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QUICKLOOK INFORMATION

CLAIM NUMBER: A51-02077

WR ELEMENT	FIELD EXAM Y/N	CORRESPONDENCE SENT/RECEIVED BY WHOM/DATE	FIELD EXAM BY WHOM/DATE	CHANGE CLAIM Y/N	VERIFIED BY CODE	COMPLETED REVIEW WHOM/DATE	COMPLETED DATA ENTRY WHOM/DATE	VERIFIED DATE WHOM/DATE
PRIORITY DATE								
POINT OF DIV	Y							
SOURCE	Y							
PLACE OF USE	Y							
DIV. AMOUNT CFS/VOLUME	Y							
CONSUMPTIVE USE	-							
PURPOSES	Y							
PERIOD OF USE	Y							
BASIS OF CLAIM								
REMARKS	Y							

"VERIFIED BY" CODES

TOPO MAP/ORTHOPHOTO = 1
 AISC MAP = 2
 WATERMASTER RECORDS = 3
 NAAPP PHOTOS = 4
 FIELD EXAM = 5
 OTHER (SEE REMARKS) = 6

THESE CODES ARE USED TO INDICATE HOW THE FIELD EXAMINER VERIFIED THE INFORMATION
USED FOR THIS FIELD EXAMINATION. INDICATED ARE ALL CODES WHICH APPLY.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

07:19:43
03/16/93

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PROFILE REPORT

CLAIM NUMBER: A31-02077

OWNER CUSE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	MARGARET HAGENBARTH	08/23/1911	IRRIGATION	04-01 11-01	2.40 CFS	
C	DAVID J. HAGENBARTH		STOCKWATER	01-01 12-31	0.24 CFS	
C	JAMES F. HAGENBARTH		WILDLIFE	01-01 12-31	0.25 CFS	
	P.O. BOX 1128 DILLON MT 59725 (406) 583-2163					
TOTAL DIVERSION:					2.40 CFS	
CONSUMPTIVE USE:						~~180.0 AFS~~

WATER SOURCE: MOUSE CREEK

TRIBUTARY TO: SINKS ?

STAGE: LICENSE

POINT(S) OF DIVERSION:

T13N R39E S02

NWSESW

SWSESW

CLARK COUNTY

PLACE OF USE LEGAL DESCRIPTION FOR: IRRIGATION

				NE				NW				SW				SE				
T	R	S		LT	AC	LT	AC	LT	AC	LT	AC	LT	AC	LT	AC	LT	AC	LT	AC	SUM
13N	39E	11	:															15	37	156.0
13N	39E	11	:															15	37	
13N	39E	14	:	04		40														204.0
13N	39E	14	:	04		40														
TOTAL ACRES																			120.0	

PLACE OF USE LEGAL DESCRIPTION FOR: STOCKWATER

				NE				NW				SW				SE				
T	R	S		LT	AC	LT	AC	LT	AC	LT	AC	LT	AC	LT	AC	LT	AC	LT	AC	
13N	39E	11	:																	
13N	39E	11	:																	

⇒ DISALLOWED
NOT LIC. FOR USE

PLACE OF USE LEGAL DESCRIPTION FOR: WILDLIFE

				NE				NW				SW				SE				
T	R	S		LT	AC	LT	AC	LT	AC	LT	AC	LT	AC	LT	AC	LT	AC	LT	AC	
13N	39E	11	:																	
13N	39E	11	:																	

⇒ DISALLOWED
NOT LIC. FOR USE

POW COUNTY: CLARK

NON-IRRIGATION USES: 071100 RANGE CATTLE, W/VARIOUS SPECIES

OTHER RIGHTS: 51-2125/4027/10208

REMARKS: CLAIMANTS PREDECESSOR DEVELOPED A WATER DELIVERY SYSTEM FOR ANTELOPE VALLEY IN 1948. MOUSE CREEK AND SEVERAL OTHER SOURCES WERE PULLED AND USED ON THE LAND SERVICED BY THIS SYSTEM, CONSEQUENTLY THE EXPANDED USE. SEE RIGHT # 31-10208 SEE ATTACHMENT "A"

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

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05/14/93

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PROFILE REPORT CONTINUED

CLAIM NUMBER: A31-02077

REMARKS: FOR WILDLIFE USE SEE ATTACHMENT "A"

DATES: EXAM MADE DATE: VERIFIED DATE: 05/18/1985

MISC: WATER DISTRICT NUMBER: FIELD INSPECTION FLAG: Y
PRESUMPTION FLAG:



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

HAGENBARTH LYSTK ANTLOOPS SRBA Claims

Water Right	Polygons Included for PPU
Wau Sp #2 31-10216 UNNAMED STREAM (Lochs Sp CR)	H7, H8, H9, H10, H11 ON INTERSECT 1, 7a
31-10212 UNNAMED STREAM (Lochs Sp CR)	H3, H4, H5, H6, H7, H8 OR INTERSECT 8
31-00253 31-00254 UNNAMED STREAM	H2, H4, H5, H6, H7, H8 INTERSECT 9
31-10208 * MOOSE CR	H1, H2, H3, H6, H7, H9 AS PPU INTERSECT 10
31-02125 * MOOSE CR	PART OF H1 (Limited to 25 ac) ALSO H2, H3, H6, H7, H9 AS PPU INTERSECT 10
31-02077 * MOOSE CR	PART OF H1 (Limited to 120 ac) ALSO H2, H3, H6, H7, H9 AS PPU INTERSECT 10
31-04027 * SCALP CR	H1, H2, H3, H6, H7, H9 AS PPU INTERSECT 10
* 31-10208, 02125, 02077, 04027 = PPU (WITH Limits of AERODACS)	
GIS NOTES: (1) COMBINED INTERSECTS 9 & 10 AS PPU (Limits)	

H1

Scalp Ck

31-04027

Moose Ck

31-10208

31-02077

31-02125

T13N R39E

T13N, R40E

Locke Sp Ck

31-10212

31-00253

31-00254

Unnamed ck

31-10216

H8

H10

H11

H12

H13

H14

H15

T13N R40E

State of Idaho License and Certificate of Water Right

Water License No. 7684

Water District No. 88

Amount 2.4 cfs

Priority 8-23-11

THIS IS TO CERTIFY that

that on the 15th day of November, 1911, Gustav E. Brauer, of the State of Idaho, made application for a permit to appropriate the waters of Antelope Creek, a tributary of Caman Creek, for the purpose of irrigation and domestic use, under Use Permit No. 7684, of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the State Engineer of Idaho, and entered of record in Volume 5 of Licenses, at page 2364, on the 15th day of November, 1911.

Gustav E. Brauer

of Kilgore, State of Idaho, made proof to the satisfaction of the State Engineer of Idaho, of a right to the use of the waters of Antelope Creek, a tributary of Caman Creek, for the purpose of irrigation and domestic use, under Use Permit No. 7684, of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the State Engineer of Idaho, and entered of record in Volume 5 of Licenses, at page 2364, on the 15th day of November, 1911.

The right hereby confirmed dates from August 23rd, 1911.

The Point of Diversion is located in the SE 1/4 of SW 1/4, Sec. 3, Tp. 18 N., R. 39 E., B. M.

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 2.4 cubic feet per second.

Description and location of user

Twp.	Range	Sec.	County and Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
13 N	39 E	14	North 1/2 NN 1/2	40	40
		11	SE 1/4 SE 1/4	40	20
				40	40
				40	20

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or places of use herein described, as provided by the laws of Idaho.

WITNESS the signature of the State Engineer, affixed at Boise, Idaho, this 16th day of November, 1911.

(SEAL)

FRED A. WILKIN

State Engineer.

31-107

REPORT OF ENGINEER

This proof is for Final water

Camas Creek
In Water District No. 66

1. State name of applicant and number of permit: Guatavio E. Branner - 7684

2. State source of water supply: Antelope Creek

3. Location of point of diversion: S E 40 of the S W 4 sec 2 T 13 N E R 39

4. Describe works as they exist, giving dimensions and capacities of same: Dams consisting of logs plank and dirt with of dams 12' 4' ft 3 feet high and 5 feet thick main ditch has an average depth of 2 feet 4' and is 3 feet at bottom and 4 feet 6" on top. There are 3 lateral ditches which are 2 feet wide and from 8" to one foot 4" in depth and traverse tract according to map in such manner as to cover all of the boxes which has been irrigated

5. State whether or not water has been turned into works of diversion: yes for the last 6 years

6. Give exact location of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if for other than irrigation):

The N W 40 of the N E 1/4 sec 14 has been plowed 2 times and sown and wheat raised. The N E 40 of the N E 1/4 sec 14 has ditch covering about 20 acres of cane and is sown into timothy. The S W 40 of S E 1/4 sec 11 has been plowed and the rest has been cleared of brush and seeded to timothy. The N W 40 of S E 1/4 has brush cleared off 20 ac. and seeded the rest is timber and brush

7. Submit map on enclosed plat, showing location and details of above description.

8. How many parties conduct water in this system: only owner of this permit

9. Give names and amount of each right: Guatavio E. Branner

2 1/2 cubic feet per second

10. What large stream would the water here appropriated finally reach? Camas Creek

11. Describe the various tributaries en route from point of diversion to the principal drainage stream:

Hot Springs with heads about 1 mile due east of point of diversion empties into Antelope about 3 miles south and east of point of diversion another creek with head in Antelope about 1 mile east of point of diversion

Remarks: This land has 27 feet of fall per mile and is with cultivation of 2 miles easily irrigated and ditches are well filed

This examination was made on the 11 day of August 1913

(Signed) J. C. Smith 7684 Examiner.

4-10-59 - 10-10-59

22

1. **Introduction**

16

卧云

6/18/88

RE: Antelope Valley Water Delivery System
Scalp-Moose Creek portion

To Whom it may concern:

I am representing the claimants, 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 which is used by the claimants to put diverted flows from Scalp Creek, Moose Creek, and at times Lock Springs to beneficial use on lands owned by the claimants. The water sources mentioned are typical to most streams in this area in that they can flow tremendous amounts in the spring, yet flow very little in the summer. The claimants use the maximum amount diverted, but usually only for a short time.

At least since 1939 Scalp Creek flowed in a southeasterly direction, mingled with Moose Creek and spread out on the lands owned by the claimants in Antelope Valley. In the fall of 1947 my Father, D.V. Hagenbarth, constructed a massive sub-flood water delivery system for Antelope Valley. This system put the waters of Scalp, Moose Creek, Lock Springs, and several unnamed springs to a more efficient beneficial use. This system can be described as a series of dikes, dams, culverts, and slow gradient ditches used to distribute the various waters onto the claimants' land in a sub-flood combination. Since May 1, 1948 part of this delivery system has distributed Scalp Creek waters onto the lands of the claimants. Claim No. 31-4027 was the original claim made on the waters of Scalp Creek by the defendants. License Nos. 31-0253 and 31-0254 along with right #135 of the Suave Decree describe the Lock Springs waters which are partially used by the Scalp-Moose Creek portion of the Antelope Valley delivery system. License Nos. 31-2077 and 31-2125 describe the Moose Creek waters which is distributed by the delivery system. Since Scalp and Moose Creek waters are diverted at the head of the delivery system, their flows are used on the same lands. Lock Spring water is used only on a portion of the Scalp-Moose Creek water system lands. The attached map illustrates this water delivery system and the various points of diversion of the water sources.

These water rights were researched by the claimants and ownership was determined by present and past use of the water from these rights on the claimants' and their predecessors' lands. Each water right by priority will be filed on separately, but this explanation will be attached to each filing in order to tie the rights together as they have been used since the claimants' predecessor constructed the Antelope Flat water delivery system 40 years ago.

Sincerely,

James F. Hagenbarth
James F. Hagenbarth

MICROFILMED

NOV 1 / 1992

6/18/88

RE: Wildlife water use

The claimant and their predecessors have diverted water onto the lands claimed as place of use since the date of priority listed for the source. These waters have traveled through the course provided by the conveyance facilities and have been put to beneficial use. This use has not been limited just to stockwater and irrigation, but has also benefitted the wildlife residing on the claimants' private land where the other uses occur. This wildlife use includes both game and nongame species, from the smallest water dependent organisms, to members of the bird, reptile, amphibian, and mammal species. Water consumption by wildlife is minimal, but the diversion of several c.f.s. may be necessary to provide this beneficial use, along with the other uses claimed for the source. Most often on the claimants' land beneficial use for wildlife occurs in conjunction with the other uses claimed, but this necessarily does not, and in the past, has not, been the case. The period of use is usually similar to that for livestock water from a source at that priority date. Even though wildlife use does not appear as a use claimed by the claimants' predecessors, this use is now considered a beneficial use and in fact has occurred since the first water was diverted, giving the claimant a legitimate claim based on the use doctrine.

James F. Hagenbarth
James F. Hagenbarth

MICROFILMED

NOV 17 1992