

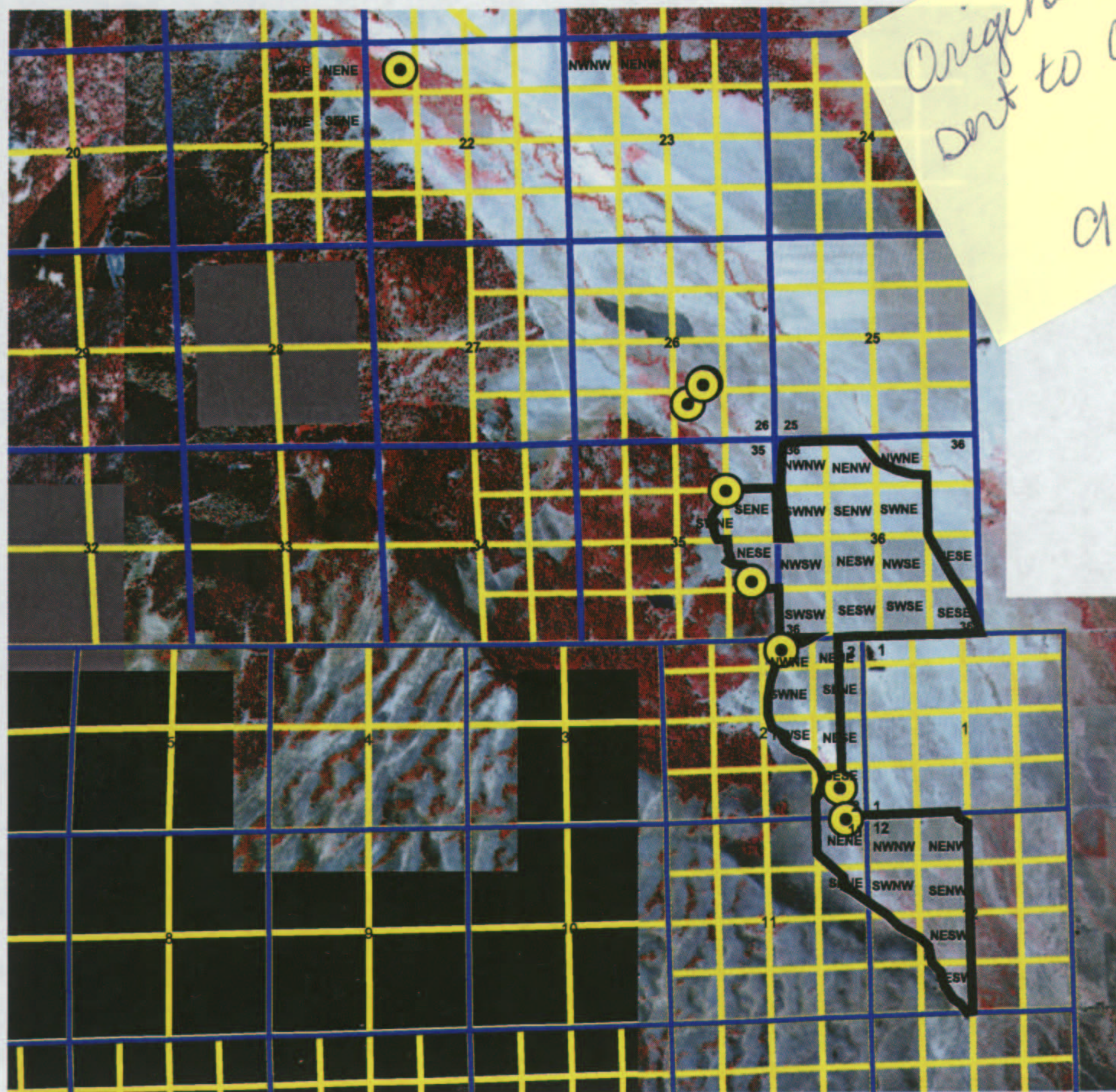
IDAHO DEPARTMENT OF WATER RESOURCES

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

*Original claims
Sent to court*

01-18-01



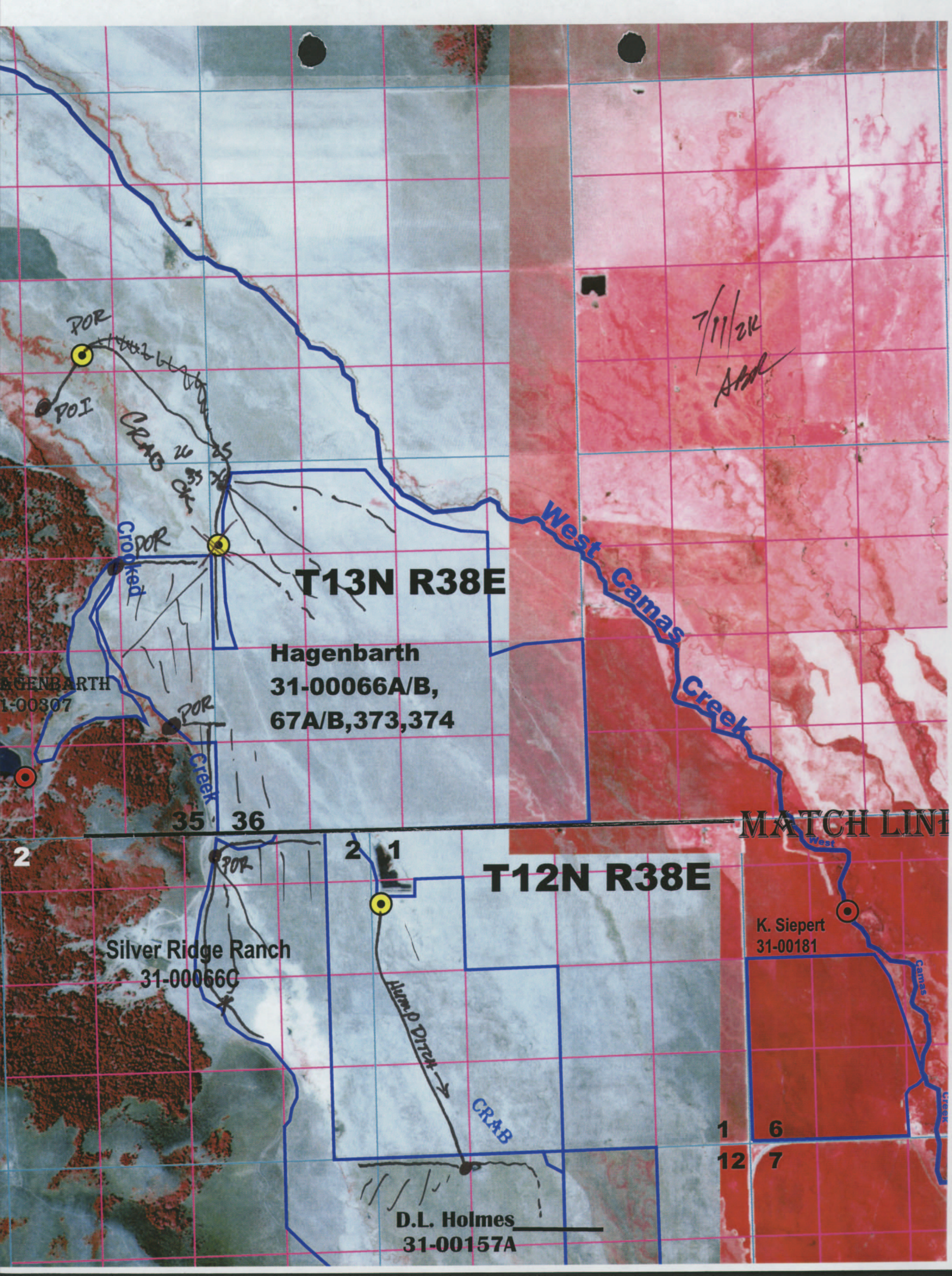
POINT OF DIVERSION



PLACE OF USE

ACRES IRRIGATED- 960

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



7/11/2K
ASD

POR
POI
26 25 33 34

T13N R38E

Hagenbarth
31-00066A/B,
67A/B, 373, 374

CROOKED CREEK

West Camas Creek

HAGENBARTH
1-00307

35 36

MATCH LINE

2

2 1

T12N R38E

Silver Ridge Ranch
31-00066C

K. Siepert
31-00181

Hump Ditch
CRAB

D.L. Holmes
31-00157A

1 6
12 7



22

26



13N38E

35



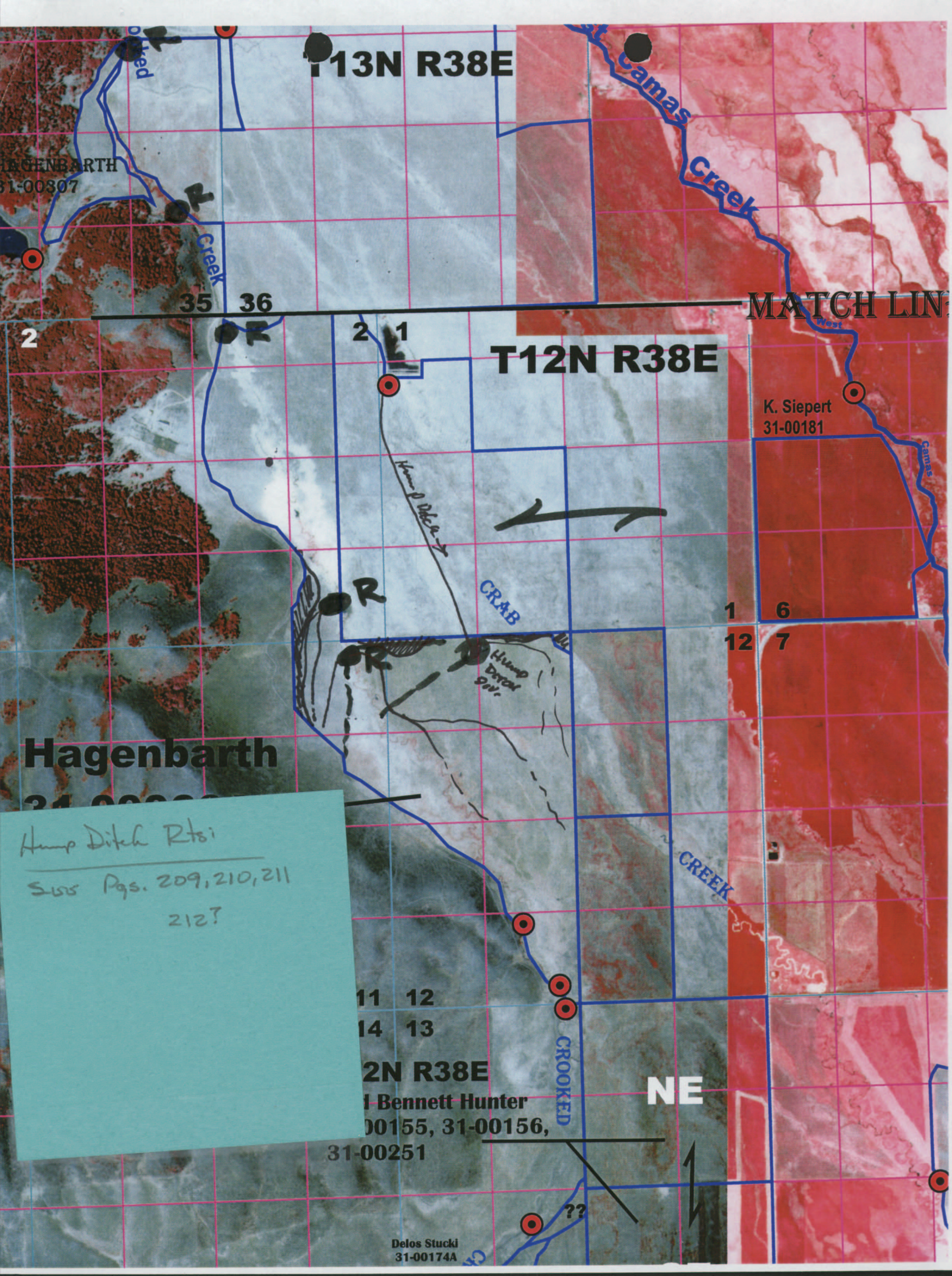
36

12N38E

2

11

12



T13N R38E

HAGENBARTH
31-00307

35 36

MATCH LINE

T12N R38E

K. Siepert
31-00181

Hagenbarth

Hump Ditch Rts:

Subs Pgs. 209, 210, 211
212?

11 12
14 13

T11N R38E

Bennett Hunter
31-00155, 31-00156,

31-00251

NE

Delos Stucki
31-00174A

11/26/2002

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

RIGHT NUMBER: 31-373
NAME AND ADDRESS: JAMES F HAGENBARTH
PO BOX 1128
DILLON MT 59725-1128

MARGARET HAGENBARTH
PO BOX 1128
DILLON MT 59725-1128

DAVID J HAGENBARTH
PO BOX 1128
DILLON MT 59725-1128

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

QUANTITY: 2.000 CFS
PRIORITY DATE: 05/28/1891
POINT OF DIVERSION:

T12N R38E S2 SWNWNE 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 Injection Within CLARK County
T13N R38E S22 SENWNW 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 SWNWNW Rediversion 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	2.000 CFS
STOCKWATER	05/01 10/31	0.230 CFS

PLACE OF USE: IRRIGATION Within CLARK County

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

11/26/2002

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

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

STOCKWATER, 1000 CATTLE

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.

01/18/2001

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

RIGHT NUMBER: 31-373

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: 2 CFS

~~THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE~~
~~SHALL NOT EXCEED 13,000 GALLONS PER DAY. DELETED~~

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: 05/28/1891

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

S36

SWNNW main.

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	05-01 10-31	2.00 CFS
STOCKWATER	04-01 07-01	0.23 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	LOT 1 NENE	11
T12N R38E S2	LOT 2 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
T13N R38E S36

NWSE 40
SESE 32

T13N R38E S36

SWSE 40

STOCKWATER Use same as IRRIGATION

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:

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

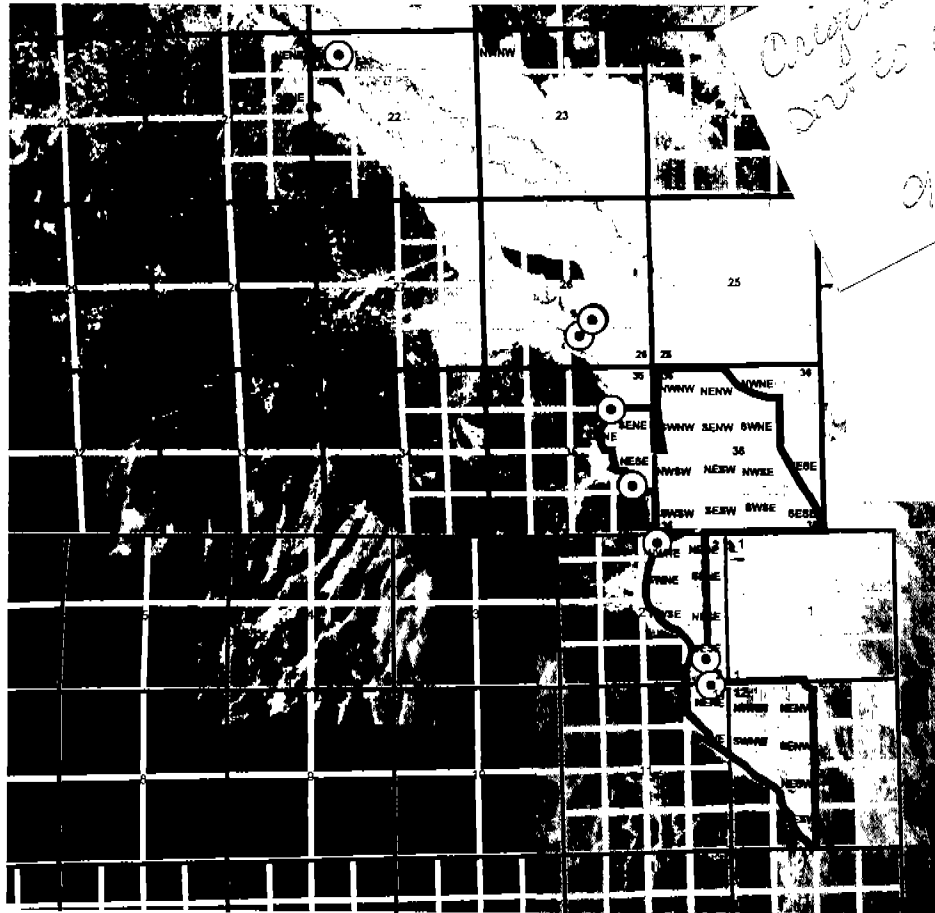
RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
STOCKWATER, 1000 CATTLE

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



*Original claims
not as correct
01-18-01*

⊙ POINT OF DIVERSION

ACRES IRRIGATED- 960

PLACE OF USE

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

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: A31-00373
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 5972-5
OR
Name: JAMES F. HAGENBARTH 406-683-2163
Address: P.O. BOX 1128
DILLON, MT 59725

2. Date of Priority: MAY 28, 1891

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	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	04/01	11/01	2.000		
STOCKWATER	04/01	12/31	0.230		

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

8. Total consumptive use is 848.9 Acre Feet Per Annum.

9. Non-irrigation uses:
S/1000 RANGE CATTLE

10. Place of Use:

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

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
13N	38E	35	SE	NE		IRR	40.0
			SE	NE		STOCK	
			NE	SE		IRR	30.0
			NE	SE		STOCK	
						Section Acres	76.0
		36	NW	NE		IRR	12.0
			NW	NE		STOCK	
			SW	NE		IRR	40.0
			SW	NE		STOCK	
			NE	NW		IRR	34.0
			NE	NW		STOCK	
			NW	NW		IRR	31.0
			NW	NW		STOCK	
			SW	NW		IRR	35.0
			SW	NW		STOCK	
			SE	NW		IRR	40.0
			SE	NW		STOCK	
			NE	SW		IRR	40.0
			NE	SW		STOCK	
			NW	SW		IRR	40.0
			NW	SW		STOCK	
			SW	SW		IRR	40.0
			SW	SW		STOCK	
			SE	SW		IRR	40.0
			SE	SW		STOCK	
			NE	SE		IRR	37.0
			NE	SE		STOCK	
			NW	SE		IRR	40.0
			NW	SE		STOCK	
			SW	SE		IRR	40.0
			SW	SE		STOCK	
			SE	SE		IRR	40.0
			SE	SE		STOCK	
						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:
31-0374/0324/0066A/0066B/0067A/0067B

14. Remarks:

SEE ATTACHMENT "A" ON DELIVERY SYSTEM & WATER RIGHTS EXPLANATION
SOURCE AKA CRAB CREEK BRANCH OF WEST CAMAS CREEK
CONSUMPTIVE USE = 2.0 CFS X 214 DAYS X 1.9835 = 848.9 AFA
WATER FROM CRAB CREEK BRANCH OF WEST CAMAS CREEK IS DIVERTED IN
SENWSE SEC 26, T13N, R38E, AND INJECTED INTO CROOKED CREEK WITHIN
SESWNE SEC 35, T13N, R38E. WATER IS THEN 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 31-0066A/0066B/0067A/0067B/0324 &
0374 SHALL NOT EXCEED 0.02 CFS/ACRE OR 19.2 CFS.
*** SEE ATTACHMENT FOR ADDITIONAL REMARKS AND NEW MAP.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

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. Argue Date: 8/7/90

Date: _____

State of Idaho

County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 17 day

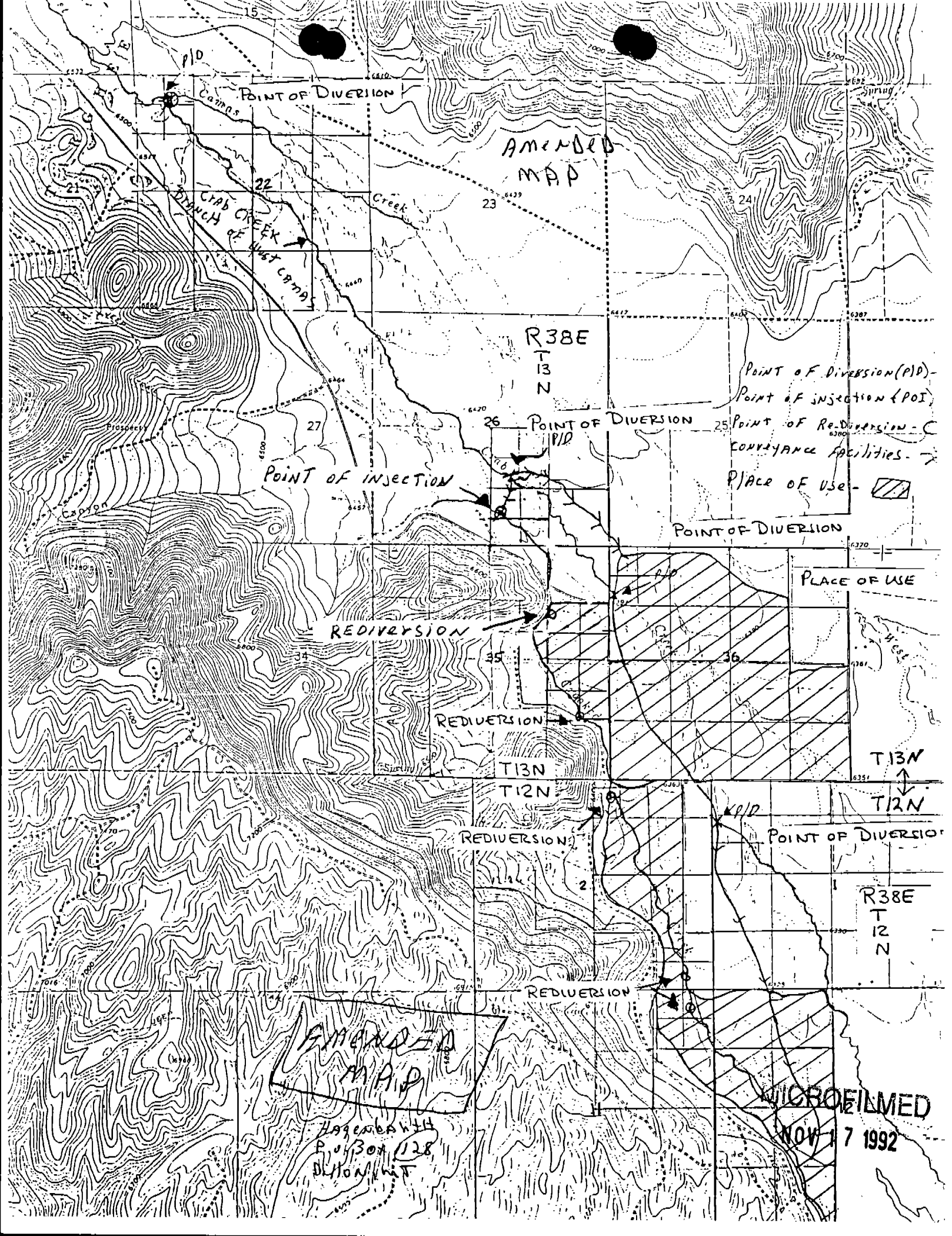
of Aug 19 90

Seal

[Signature]
Notary Public

Residing at Boise Falls, ID

My Commission Expires 22 Aug 1997



AMENDED
MAP

R38E
T13N

POINT OF DIVERSION (PID) -
POINT OF INJECTION (POI)
POINT OF REDIVERSION (PRD) -
CONVEYANCE FACILITIES -
PLACE OF USE -

POINT OF DIVERSION

PLACE OF USE

T13N
↑
T12N

T12N

R38E
T12N

MICROFILMED
NOV 17 1992

AMENDED
MAP

Agnew with
P.O. Box 128
Dillon MT

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: A31-00373
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 5972-5
OR
Name: JAMES F. HAGENBARTH 406-683-2163
Address: P.O. BOX 1128
DILLON, MT 59725

A3100373



2. Date of Priority: MAY 28, 1891

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	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	04/01	11/01	2.000		
STOCKWATER	04/01	12/31	0.230		

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

A.F.A.

A31-00373

Page

1

Date: 08/09/88

MICROFILMED

NOV 17 1992

8. Total consumptive use is 848.9 Acre Feet Per Annum.

9. Non-irrigation uses:
S/1000 RANGE CATTLE

10. Place of Use:

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

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
13N	38E	35	SW		NE		IRR	6.0
			SW		NE		STOCK	
			SE		NE		IRR	40.0
			SE		NE		STOCK	
			NE		SE		IRR	30.0
			NE		SE		STOCK	
			Section Acres					76.0
		36	NW		NE		IRR	12.0
			NW		NE		STOCK	
			SW		NE		IRR	40.0
			SW		NE		STOCK	
			NE		NW		IRR	34.0
			NE		NW		STOCK	
			NW		NW		IRR	31.0
			NW		NW		STOCK	
			SW		NW		IRR	35.0
			SW		NW		STOCK	
			SE		NW		IRR	40.0
			SE		NW		STOCK	
			NE		SW		IRR	40.0
			NE		SW		STOCK	
			NW		SW		IRR	40.0
			NW		SW		STOCK	
			SW		SW		IRR	40.0
			SW		SW		STOCK	
			SE		SW		IRR	40.0
			SE		SW		STOCK	
			NE		SE		IRR	37.0
			NE		SE		STOCK	
			NW		SE		IRR	40.0
			NW		SE		STOCK	
			SW		SE		IRR	40.0
			SW		SE		STOCK	
			SE		SE		IRR	40.0
			SE		SE		STOCK	
			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

A31-00373

Page

3

Date: 08/09/88

MICROFILMED

NOV 17 1992

13. Other Water Rights Used:

31-0374/0324/0066A/0066B/0067A/0067B

14. Remarks:

SEE ATTACHMENT "A" ON DELIVERY SYSTEM & WATER RIGHTS EXPLANATION
SOURCE AKA CRAB CREEK BRANCH OF WEST CAMAS CREEK
CONSUMPTIVE USE = 2.0 CFS X 214 DAYS X 1.9835 = 848.9 AFA
WATER FROM CRAB CREEK BRANCH OF WEST CAMAS CREEK IS DIVERTED IN
SEWSE SEC 26, T13N, R38E, AND INJECTED INTO CROOKED CREEK WITHIN
SESWNE SEC 35, T13N, R38E. WATER IS THEN 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 31-0066A/0066B/0067A/0067B/0324 &
0374 SHALL NOT EXCEED 0.02 CFS/ACRE OR 19.2 CFS.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

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. Hagenhart Date: 8/9/88

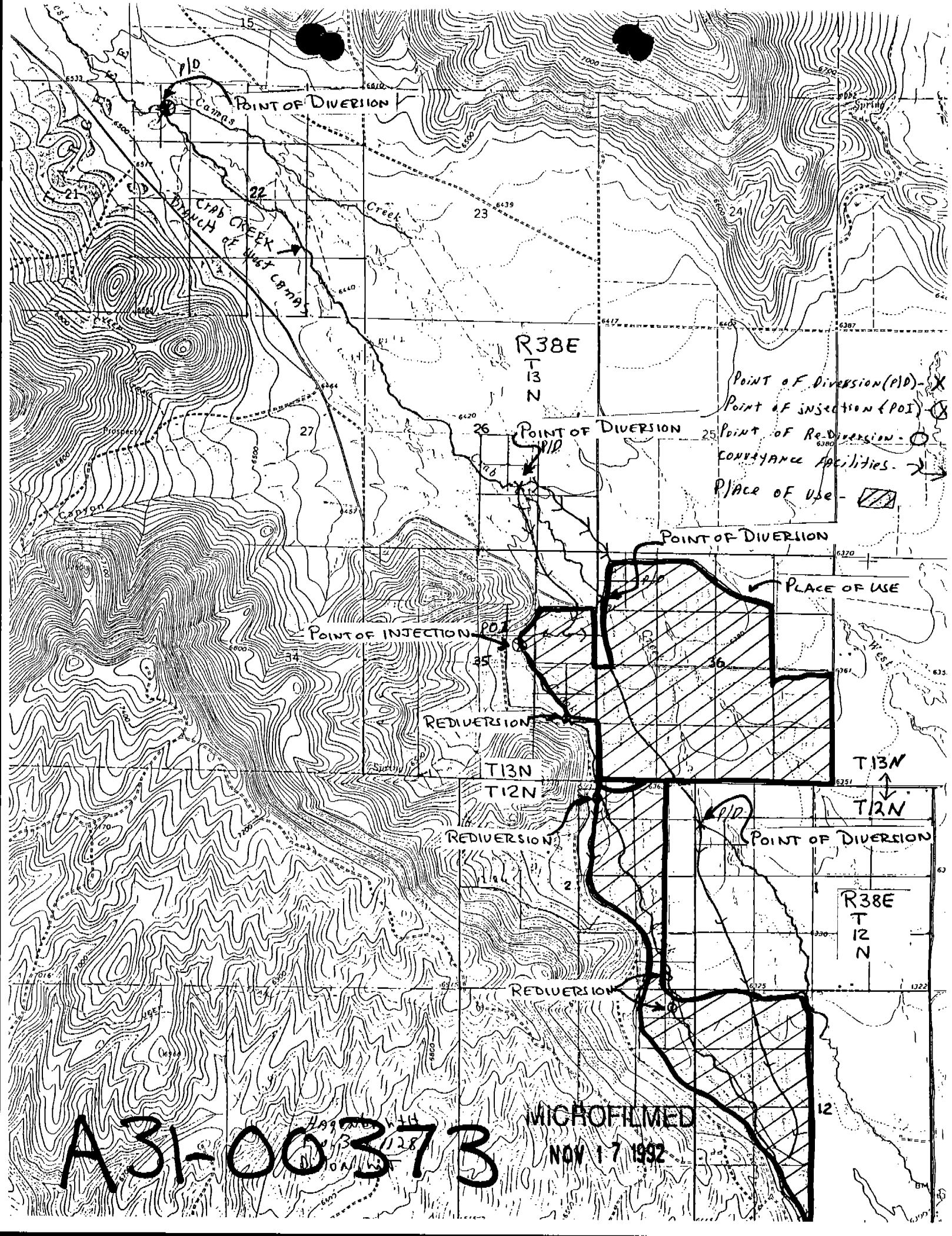
Date: _____

State of Idaho)
County of Bonnerville) SS.

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

Seal

Residing at Logan
My Commission Expires 4-22-1994



POINT OF DIVERSION (PID) - X
POINT OF INJECTION (POI) - O
POINT OF RE-DIVERSION - O
CONVEYANCE FACILITIES - X
PLACE OF USE - [shaded area]

R38E
T13N

POINT OF DIVERSION

PLACE OF USE

POINT OF INJECTION

REDIVERSION

T13N

T12N

REDIVERSION

REDIVERSION

T13N

T12N

POINT OF DIVERSION

R38E

T12N

A31-00373

MICROFILMED
NOV 17 1992

22

26

13N38E

35

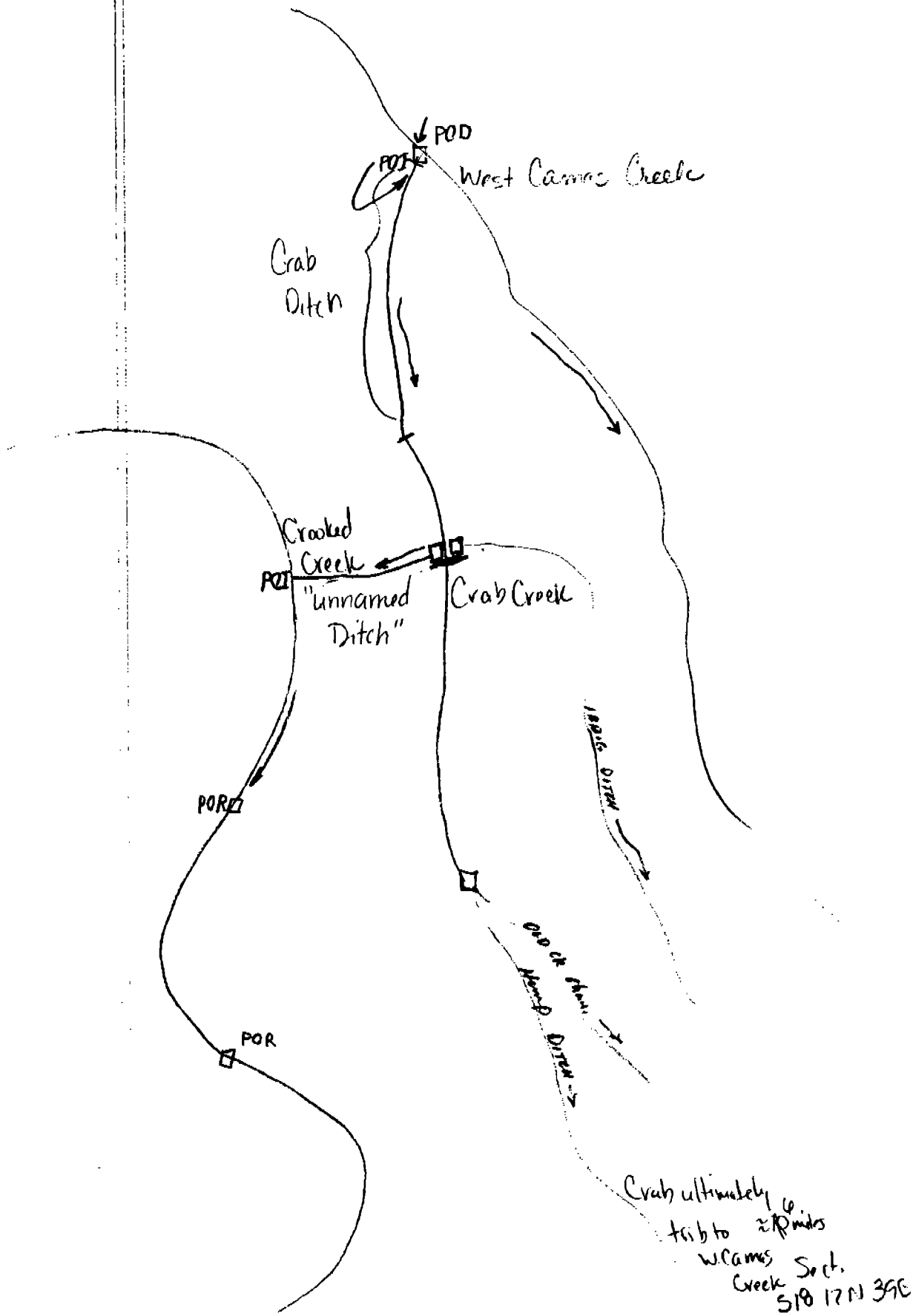
36

2

12N38E

11

12



RECEIVED

SEP - 7 2001

Department of Water Resources

COPY

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

A. Subcase 31-373

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:



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: 31-373

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 Stockwater
JRH*

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
Period of Use- Stockwater
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
 - 4) Change stockwater to 05/01 11/30
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.
 - 4) Cattle have used this source as stockwater as late as 11/30.

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 remarks

T13N R38E

Hagenbarth
31-00066A/B,
67A/B, 373, 374

T12N R38E

Silver Ridge Ranch
31-00066C

D.L. Holmes
31-00157A

T13N R38E

2

36

21

T12N R38E

Hump Ditch Rts:

Sus Pgs. 209, 210, 211

212?

CRAB

CREEK

NE

156

Jim Hagenbarth
PO Box 1128
Dillon, MT 59725

July 25, 2000

To Whom It May Concern:

This explanation along with the attachments is being made to clarify water rights belonging to Hagenbarth on Camas Creek as described in the Suave Decree. These rights include West Camas Creek, Crab Creek and the natural flow rights decreed to the Harmon Reservoir Company. These rights were decreed to Wood Livestock Company (WLS) in the Suave Decree. The rights themselves are very difficult to understand and the Court and counsel spent many days discussing them. In order to better understand how to file these rights under the Snake River Basin Adjudication (SRBA), I had case #635 (Suave Decree) brought into the Federal District Court in Pocatello. I spent several days going through the court records, studying the testimony and photo copying anything that was pertinent to our water rights and those of some of our neighbors'. This exercise allowed me to better grasp how the court decreed our water and enabled me to file these rights more accurately in the SRBA process. After studying the decree and testimony and filing our rights, I believe there are rights which presently are not being recognized or not being administered as set forth by the decree. This is understandable given the difficulty of the decree and the lapse of seventy years. I have made the watermasters aware of the fact that I disagree with their interpretation of the decree and would attempt to explain my position. The SRBA presents the ideal vehicle to accomplish this task. I have filed our rights in the SRBA as I feel they now exist and are being used. What follows is my explanation to whoever is interested in the rationale and proof behind these filings.

It is only appropriate that the concerned party read Attachment A, the Amendment to A and to study the attached map. This explains how I believed the court decreed the water in relation to how we use it today. The first two paragraphs of Attachment A explain the historical use of West Camas water in the delivery system used by WLS. The Suave Decree specifically mentions two points of diversion under right #154A (The Hump Ditch): (a) From West Camas Creek in the Northeast Quarter of the Southwest Quarter of Section 26, Township 13 North Range 38 East and (b) From Crab Creek in the Northwest Quarter of the Northwest Quarter of Section 35, Township 13 North, Range 38 East. If one looks closely at the amended map (attachment C) it is clear that diversion (a) from West Camas Creek is close to the POD described in the present filing. The map also illustrates that the POD described in (b) must be in error because the NWNW of Section 35 is in the hills above the creek, yet the POD claimed in our filings in the SRBA is in the NWNW of Section 36, T13N,R38E. It is clear that the POD in Section 35 was in error and this is brought out in Attachment D in Mr. Hagenbarth's testimony on a report where engineer, C. H. Larson identifies the POD as being in the NWNW of Section 36, T13N,R38E. As identified in the attached map this POD is nearly identical to the one claimed by Hagenbarths in the SRBA. Today the watermaster measures the water for

Right #154A in the NWNW of Section 22, T13N,R38E. No where in the Suave Decree is this POD on West Camas Creek mentioned in relation to #154A or #36 (The Harmon Reservoir Company Right). This POD is merely the point where West Camas Creek water can be controlled as it flows down one of the many channels of West Camas Creek as described in the Suave Decree testimony (See attachments E and F- Mr. Hagenbarth's testimony). A map (Attachment G) of land under the Harmon Reservoir Storage permit clearly identifies the Crab Creek Branch of West Camas and the two diversions described in the decree. In making recommendations, David I Gardner in a 1931 water distribution report indicates that West Camas Creek was used to convey Harmon Reservoir water to the Hump ditch (see attachment H). No where in the trial testimony or in the Decree was the diversion being used by the watermaster to measure the Hump Ditch right today ever mentioned. This control structure in Section 22 should only be used to control the flow of water into the channels of West Camas Creek where the water is actually diverted into the ditches representing the various water rights in the suave Decree. A measuring device would be helpful to monitor flows, but the distance to the Hump Ditch diversion and the presence of a Hillman water right on this branch of Camas Creek before the Hump Ditch makes using this diversion as the legal POD unfair, impractical and not according to decree. The present day delivery of the 100 inch 1891 right in #154A is being measured in Section 22 and was awarded by the decree to be delivered in Section 26. When this right is diverted by itself in Section 22, it never reaches the decreed POD or the described place of use. After analyzing the Suave Decree and the supporting testimony, it is obvious that the rights decreed under #154 (Hump Ditch) should be delivered at the POD decreed and the same right is being claimed by the claimant under the SRBA.

One of the most difficult tasks in Attachment A is to explain the Harmon Reservoir Company Rights in Right #36 in the Suave Decree and how they relate to Section 2 of Right #154. I believe Attachment A adequately describes the claimants rights as they pertain to right numbers 36 and 154. Attachment I is a letter from WLS's attorney explaining the Harmon Reservoir Company Right. This letter is self-explanatory. The Harmon Reservoir Company right in #36 has a POD in Section 6. In Attachment H, David Gardner explains that these Harmon Reservoir Company rights have been carried from Section 6 by West Camas Creek to the various diversions described for each ditch under Right #154. Attachment J further explains that the Harmon Reservoir Company Right is diverted where the Hump Ditch takes out of West Camas Creek and not in Section 6. The priorities being used presently to administer the #154 right do not include the natural stream flow rights decreed to the Harmon Reservoir Company by the Suave decree and listed under #154 as the (2) water source. The fact that Fraizer is breached and the Harmon Reservoir no longer stores water does not affect the delivery of the natural stream flow rights awarded to the Harmon Reservoir Company by the Suave Decree. There needs to be a correction made on the watermaster's priority list used to administer the waters of West Camas Creek. These 1900 priority water rights owned by Hagenbarths on West Camas are not currently being recognized.

Hopefully the above explanation and the attachments help those interested parties to fully understand extent of the water rights decreed to Hagenbarths on West Camas. I have

many more documents in my possession that duplicate the testimony supplied by the provided attachments.

Thanks for you interest,

A handwritten signature in cursive script, appearing to read "Jim".

Jim Hagenbarth

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 place to assist the watermaster in measuring flows of West Camas into the Crab Creek Branch.

The claimants are using this 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

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.. #154A

(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,

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:

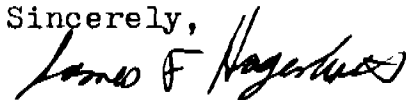
31-0066A 5/23/1900 irrigation 7.05 c.f.s. (30.0X.235) 4/1-7/1
 31-0066B 5/23/1900 irrigation 20.6 c.f.s. (30.0X.687) 7/2-11/1
 31-0067A 6/22/1900 irrigation 8.46 c.f.s. (36.0X.235) 4/1-7/1
 31-0067B 6/22/1900 irrigation 24.4 c.f.s. (36.0X.687) 7/2-11/1.

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,

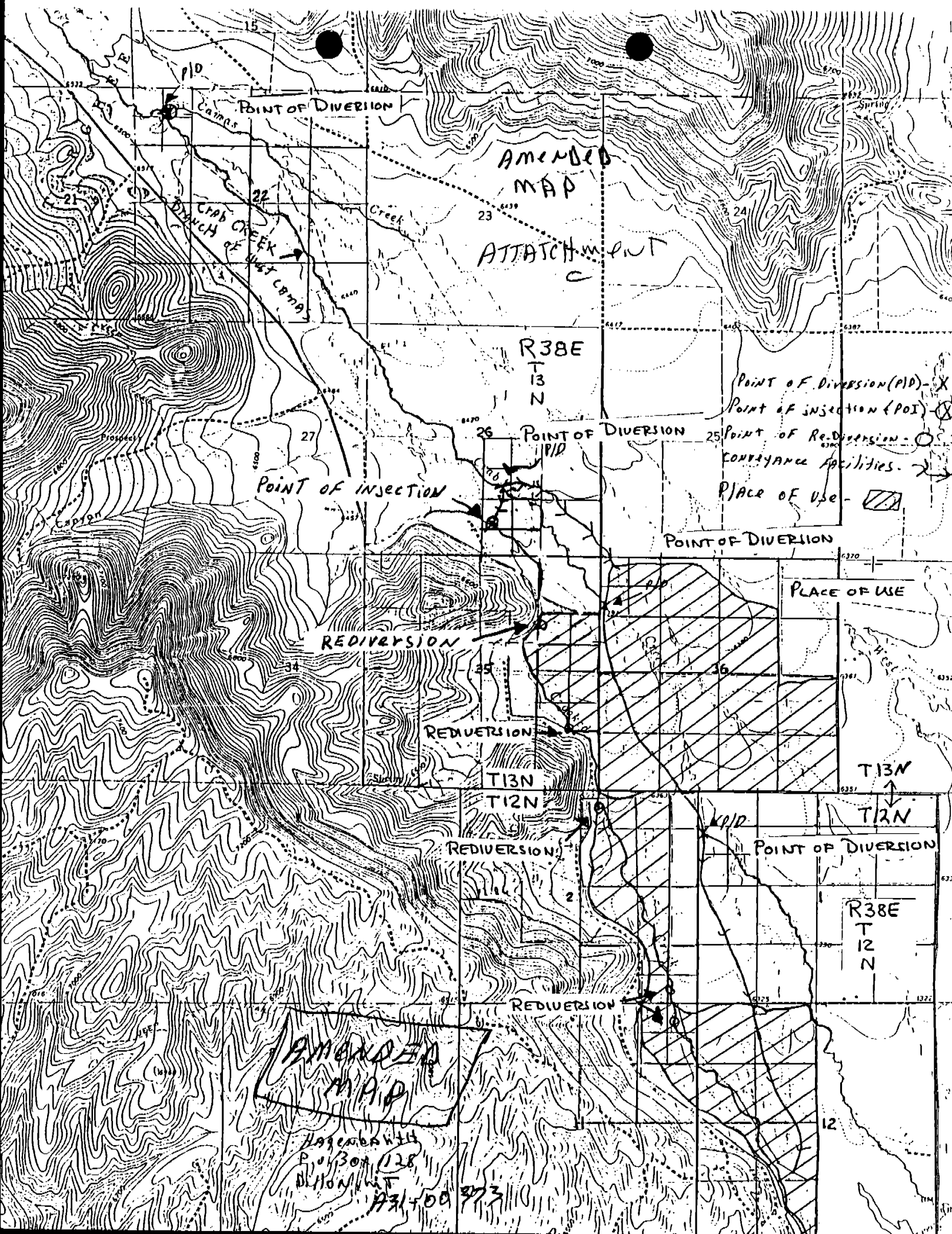


James F. Hagenbarth

ATTACHMENT B

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.



ATTACHMENT

D

canals--they come together here (indicating). There is a big butte here in the center of this area, Sections 9, 10 and 14, and slopes off in each direction from that butte. This ditch circles around on the east side of that butte, and comes back around the west side here (indicating). The Hump canal comes in from the northeast, circles around and meets the other canal right along in close to the main Camas Meadows road.

Q Between Spencer and--

A The road between Dubois--the Dubois road--they come together there on a grade--the water from either of the canals will flow off northwest or southwest.

Q To the best of your knowledge Permit No. 10809 is owned by the Wood Livestock Company now?

P.O.D X
A Absolutely yes. Here's a report of the engineer, C. H. Larson, Camas Creek, through Hump Canal, location point of diversion Hump Canal from Camas Creek south two degrees twelve minutes east 1276 feet from the northwest corner of Section 36m Township 13 North, Range 38 East.

Q I am just trying to get these rights organized or identified. You would say then that Permit No. 10809 is claimed to be diverted through the Hump Canal?

A Yes.

Q Permit No. 10808, Charles Perkins--I can tell on this map--is that oldm to be diverted through the Hump Canal, and does it belong to the Wood Livestock

attachment
E

MR. SNOW: I assume that counsel perhaps is the best authority of what the claims are, and I don't think there is any conflict between the witness and counsel on that.

MR. PETERSON: No, go right along Mr. Snow.

Q Now Mr. Hagenbarth, can you, or if not you, can anyone in your organization, designate the lands upon which the water owned by the Wood Livestock Company in the Harmon Reservoir Company has been applied?

A Yes.

Q You can do it?

A Yes.

Q In the first place will you state through what ditches those waters have been diverted for use?

A Principally through the--that would apply to the Wood Livestock Company only--

Q Yes.

X Q Through the Lucky Strike Ditch, through the Hump Canal, as they call it, through the Woody Ditch, and through a canal that comes from West Camas over into Crab Creek, and is diverted virtually into what is called the head of the Hump Canal. Early in the spring there is an abundance of water comes down through Crab and Crooked Creeks from the snow runoff and that goes into the Hump Canal. Later on when those early waters are gone, we bring the water across from Camas Creek--there are several channels--and over into the head of the Hump Canal.

Q The Harmon Reservoir is on West Camas?

ATTACHMENT
F

A Near the township line between, Ranges 37 and 38, on the township line, right near the southwest quarter of the northwest quarter of Section 6, Township ~~M~~ 13 north, Range 38 East.

Q Water from this reservoir is then diverted to the west branch of Camas Creek?

A Yes.

Q Thence where, Mr. Hagenbarth?

A Following the course of that creek it is diverted at various places into what is known as the Hump Ditch first, and then the Lucky Ditch later, which are two of the largest ditches, and there were a number of small ditches owned by individual farmers, on Camas Meadows, which I am unable to identify off-hand. Into the ditches of Surey, and Walker and Spangenberg, now foreclosed on by Miller & Velle of Salt Lake, W. P. Chiso, the Union Central Life Insurance Co, and the Oregon Mortgage Company. Those are some of the other owners, outside of the Wood Livestock Company, which take water through the Lucky and Hump Ditches.

Q Do you know the amount of water, Mr. Hagenbarth, these users, other than the Wood Livestock Company?

A They use .0108 ft--approximately ten percent.

Q Of the entire capacity of the reservoir?

A Yes,

Q Have you any information as to the lands that they irrigate, the extent of the lands they irrigate with this water?

Hagenbarth d 2.

172

ATTACHMENT 6

Can

Creek

23

27

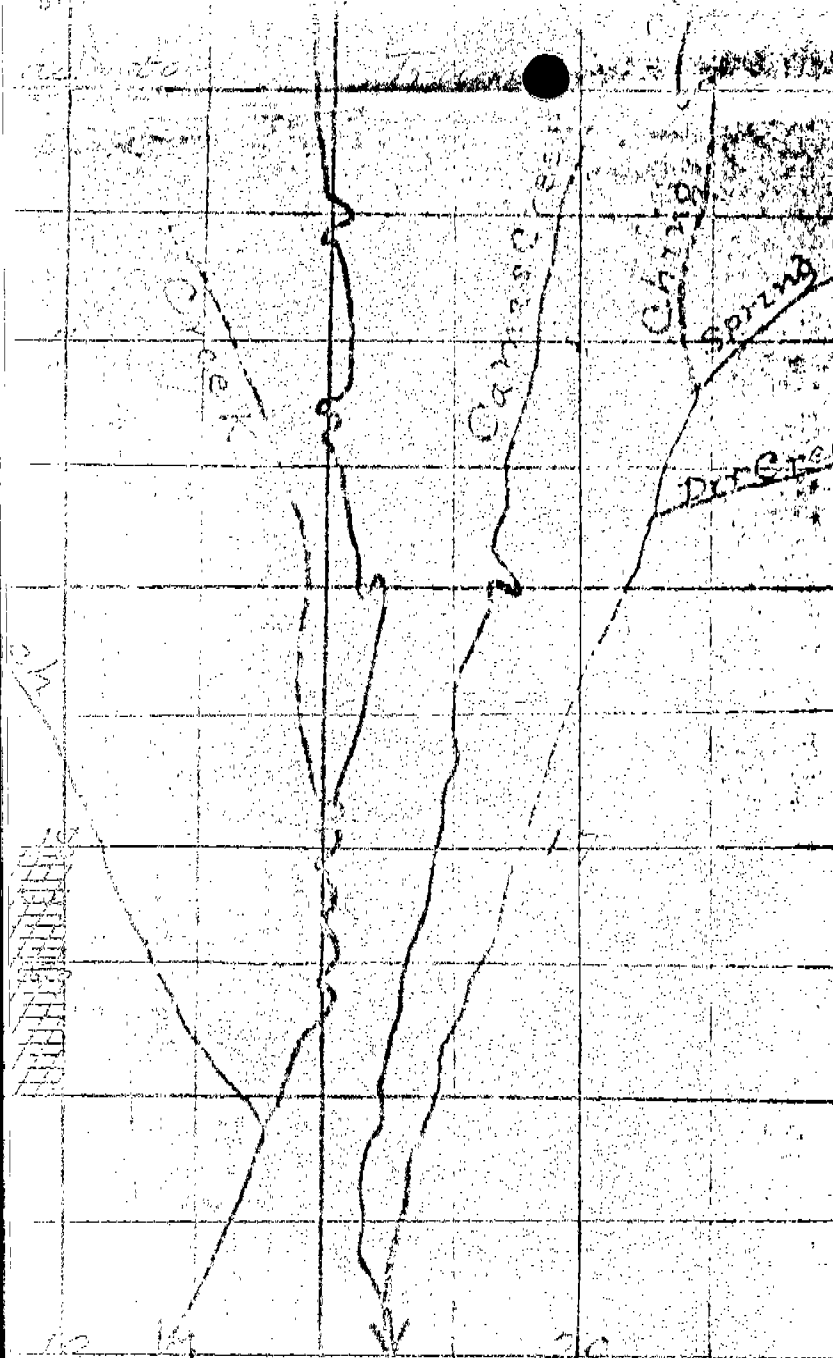
26

25

35

T13N R318, E

T12N R318, E



SHEET 1

(This map is on 2 sheets)

I hereby certify that this map was prepared from an actual survey made by me May 16 to May 19, 1920, and correctly shows the position of points indicated thereon.

A. S. Anderson, Eng'r.

July 2, 1920 P.O. Merwin, Ida.

MAP OF LAND UNDER THE HARMON RESERVOIR PERMIT No. 5675 AND No. 5676.

Showing beneficial use.

Scale 1"=2000'

Surveyed by A. S. Anderson & Son.

Merwin, Idaho.

ATTACHMENT

WATER DISTRIBUTION REPORT

DISTRICT No. 66

1951

By David I. Gardner

Estimated Expenses (Construction and Maintenance)

Estimated Lake Cage shelter	\$ 68.00
Equipment and Supplies	\$ 128.27
Auto Hire	\$ 576.60

Seasons cost TOTAL \$ 5581.47

RECOMMENDATIONS

Below are listed some points of the Decree that were questioned this season and whose meaning seem in doubt. These points are given for such consideration as they merit.

- 1 - It has been asked that the name of Nellie Jenmitt be substituted Mary A. Jenmitt as owner of right No. 54 .
- 2 - Hooley Springs (Right No. 153) decreed to Wood Livestock Co. is on the Medicine Lodge Water shed. I doubt if at any time water enough issues from the spring to reach the creek but the general slope of the land at the spring is toward Medicine Lodge creek. The H. J. Foyle estate have a permit to use the water of this spring and have objected to the right given the Wood Livestock Co. on the grounds that no process was served in this suit on any person connected with the estate to appear and answer for the waters of Hooley Spring.
- 3 - Regarding the Harmon Reservoir (Right No. 36) the present decree gives the source of this water as Camas creek. The point of diversion of the normal flow right is set out as at a point 240 feet west of the south west corner of section 6 township 13 north range 38 East. This point of diversion is near the present Harmon Reservoir. No ditch exists at that point nor does there appear to have been one there. No other point of diversion is given for

the normal flow right in this number thirty (33) right of the Harmon Reservoir. The storage rights have other points of diversion set out for them. West Camas Creek is used to convey the waters from the Harmon Reservoir to the Woodie, Lucky Strike, East Side and Hump ditches. The East side, Woodie and Lucky Strike ditches head on Camas Creek below where West Camas enters the main creek. If the normal flow of the Harmon Reservoir right is all in West Camas creek and the flow of that creek fell to such a stage that there remained only enough water to fill the right dating prior to 1900 then the above three ditches normal flow right would be cut off as would the Hump. If the Woodie East side and Lucky Strike ditches can draw their water from the main Camas creek the cuts on West Camas would not effect them if there remained enough water in the main creek to satisfy the 1900 rights as well as those of a prior dating. I would recommend that this point be clarified.

4- If the East side, Lucky Strike, Hump and Woodie ditches of the Wood Live Stock Company, rights 154 A-B-C-D-, are to draw the water decreed to the Harmon Reservoir Company it is my opinion that definite quantities should be set out to each ditch. If this is not done it appears that the temporary transfer of normal flow water is granted. Under the present reading of the decree there appears to be a duplication, decreeing water to the Harmon Reservoir and to the Lambing ditches of the Wood Live Stock Company, or water has been decreed to the Harmon Reservoir and then again to the four ditches of the Wood Live Stock Company under right NO.-154 A-B-C-D-.

5- In my opinion there should be a capacity rating table made and gages established on the Harmon Reservoir. This would give the Water Master a better knowledge of the storage draft.

6- Spring Lake rights and regulations seem to be in doubt

LAW OFFICES
PETERSON, BAUM & CLARK
POCATELLO, IDAHO

JOSEPH H. PETERSON
C. D. BAUM
D. WORTH CLARK

ATTACHMENT
I

Tuesday afternoon,
August twelfth,
Nineteen thirty.

Sauve -v- Abbott et al

Hon. Charles C. Qivanah,
United States District Judge,
Boise, Idaho.

My dear Judge Qivanah,

I was out of town over Sunday and so did not reply to your former letter until yesterday. You probably have it today. The letter explains that there is a duplication of six hundred inches in the Harmon Reservoir right.

Your letter, received this morning, calls attention to a contention made by Mr. Snow that the waters stored in the Harmon Reservoir are used through the Lucky Strike; Woody; East Side and Hump ditches. At the outset it ought to be carefully borne in mind that in respect to the Harmon Reservoir rights the Wood Livestock Company is not by any means the exclusive owner of this water and that there are other rights of farmers in the vicinity which must be carefully safeguarded.

The Wood Livestock Company owns, under List No.1, 4,680 acres; the Levi Cartier decree carries for this land 2,030 inches; under permits and other means of appropriation additional water is obtained for said list to the amount of 2,905 acres in all. This land list is located upon Camas Creek and is dependent upon Camas Creek for its water.

List No.2 which is upon Dry Creek, a tributary of Camas Creek, contains 600 acres, and there was appropriated for this land 340 inches of water (see our first brief, pages 4 and 5)

List No.3 carries 880 acres of land, for which 290 inches have been directly appropriated. This water is taken from one of the tributaries of Dry Creek which again is a tributary of Camas Creek.

List No.4 carries 4,560 acres, for which water has been directly appropriated in the amount of 1,625 only. This land is irrigated from Three Mile Creek, which is a tributary of Camas Creek. (see our first brief, pages 5 and 6).

List No.5 contains 4,360 acres, for which there has been directly appropriated 330 inches. (see our main brief, page 7). It is probable, however, under the proof in this case, that Spring Creek, from which said list is irrigated, is not a tributary of Camas Creek, particularly during the irrigation season, but it probably is during the flood water season.

List No.6 contains 2300 acres, for which there has been directly appropriated from West Camas Creek, a tributary of Camas Creek, 222.37 inches.

List No.7 contains 1,345 acres for which water has been appropriated directly in the amount of 1,533 inches. This water is appropriated from Dry Creek, a tributary of Camas Creek.

List No.8 contains 4,065 acres, for which there has been appropriated directly 1,350 inches. (see our brief, pages 8 and 9). This also is Dry Creek water.

List No.9 contains 3,040 acres, for which water has been appropriated directly in amount 12.22 second feet, or 611 inches, and is taken through the Woody Ditch from Camas Creek.

List No.10 contains 5,960 acres, for which water in the amount of 12 cubic feet per second has been appropriated (see our brief, page 10). This land is irrigated through the East Side ditch.

List No.11 contains 2,040 acres, and is irrigated through the Lucky Strike Canal (our brief, page 12). 1600 inches of water has been appropriated for this list.

List No.12 contains 1,430 acres. This is irrigated through the Hump ditch, with an agreed capacity of 1000 inches.

It will be observed from the foregoing that the amount of water appropriated for the irrigation of these various land lists, practically all of which are irrigated from tributaries of Camas Creek, is far less than the inch to the acre stipulated to be the proper duty of water in this locality. To enhance this water right, and to hold it up better during the fall, a number of reservoirs were constructed, among them the Harmon and the Lone Tree Reservoirs.

It has been the practice of the Wood Livestock Company, throughout the years and it is admitted through the testimony of Mr. Hagenbarth, to divert and use its water where it would do the most good. The Harmon Reservoir water about which the court inquires is stored in the reservoir and is let down for use in the various canals if other waters are not available for that purpose, or are used for the irrigation of lands upon Camas Creek, whichever plan economy and common sense seems to dictate. It is true, as contended by Mr. Snow that the waters of Harmon Reservoir are sometimes used through the Lucky Strike, Hump, Woody and East Side ditches but that does not imply a duplication of the rights claimed for these ditches because those rights are comparatively late, as shown by the record. The rights of the Harmon Reservoir are early. When water is available under the rights of these various canals, the water is taken in their own right; when this water is not available by reason of the recession of flood waters, then the Wood Livestock Company has had to call upon its stored water, and its earlier rights for the purpose of diverting water into these ditches. It has attempted to coordinate its water rights in such fashion as to utilize it to the greatest possible advantage. It does not ask for more water than it has land to irrigate, nor more water than it has actually put to beneficial use. There does not seem to us to be any duplication in the rights claimed under the Harmon Reservoir and under these various ditches nor does there seem to us to be an excessive amount claimed. The rights do seem to be somewhat involved, and this is made a great deal of by learned counsel, but the court, as he reads the record, will understand the fact referred to in this letter that the rights have been coordinated by the Wood Livestock Company through the years without any objection on the part of anybody. A right has been established to the use of these waters in the fashion in which they have been used.

The Harmon Right consists of 3300 inches of water decreed under the Buck decree, (Transcript, page 1735). This water is not stored in the reservoir (transcript, page 1735) but is nevertheless owned by the company. 1500 inches of this has a date of priority of May 23, 1900 and 1800 inches has date of priority June 22, 1900 (see our brief, page 18). There was granted also, License 5675 for 20.2 second feet of the waters of West Branch of Camas Creek with priority November 11, 1909; there was also granted, under license 5676, right for 33.6 second feet of water of West Branch of Camas Creek, with priority of November 22, 1909. We have, then, aside from the old decreed right, which is not stored, in the reservoir, but owned by it, the licensed rights with priorities as above stipulated. These licensed rights are stored in the reservoir.

Mr. Eagenbarth at page 1735 of the record was asked whether this water had been continuously used, and he says on the same page, "that it has been used for the production of crops in Camas Meadows; that after the world war broke out some of the waters were used for producing wheat. Around 1917 and 1918 quite a bit of wheat was raised. We had to discontinue it owing to the uncertainty of the years - I mean the meteorological conditions - the weather for instance, in 1919 there was not much high water and practically no low water. We had to just let things go dry. We had a series of years, of those years in 1910 we had one of those years, and in 1909, I think it was, and in 1924, and 1926, and again as late as 1928. No water of any kind in the streams. The high water went off very early, and there is very little minimum flow this year in all of those streams. "

✓ The above testimony has reference to the decreed water. In discussing the stored water of later date, obtained under license, the same witness testified at page 1736, when asked what had been done with the stored water since the completion of the reservoir, that it had been used every year, - that the water was apportioned to the stockholders in accordance with their holdings, in proportion to their ownership.

Witness stated at page 1737 that 2000 acre feet of water has been stored and distributed since the operation of the reservoir, each year.

Mr. Eagenbarth, beginning at page 1784 of the record, testified quite clearly as to the manner in which the waters from Harmon Reservoir have been used and the lands upon which they have been used. The map which has been introduced in evidence (I have not the number of the exhibit before me, but which undertakes to show the holdings of the Wood Livestock Company and the course and direction of these various canals) also shows the lands upon which this water has been used.

It seems to us that the waters stored by the Harmon Reservoir Company should be entitled to be diverted by the Wood Livestock Company into the canals referred to; that is, through the Harmon Reservoir stored water and through the rights to which these ditches are themselves entitled under their license, the Wood Livestock Company ought to be permitted to divert the capacity of these canals for irrigation and stock uses.

The earliest rights in these canals is this Harmon Reservoir water, and it ought to have precedence in the canals. It occurred to us that the court would probably determine first the amount of water to which these canals are entitled for the purposes named, and to the extent of its right in the Harmon Reservoir it should be given this water first. The balance of its water, to capacity or at least to the amount the court allows us should be allotted out of later appropriations for the use of these canals.

We do not wonder that the Court is somewhat confused in respect to these numerous rights of this company, on account, largely, of the manner in which the water has heretofore been used. We want to be of every possible assistance to the court, and trust that if we may assist the Court, we may be called upon.

With sincere regards,

Very truly yours,
PETERSON, BAUM AND CLARK

A handwritten signature in cursive script, reading "J H Peterson". The signature is written in dark ink and is positioned above the printed name.

JOSEPH H. PETERSON

JHP LAWS

more about it, about the use of water today than I would.

Q Are you an officer in the Harmon Reservoir Company?

A No sir--hold on--I might be a director--I am not sure--I think I am a director.

Q Have you been familiar with the use of the water claimed by the Harmon Reservoir Company in this action?

A Yes.

MR. SNOW: Was there a list of stockholders introduced in evidence?

MR. PETERSON: No, there wasn't.

MR. SNOW: Will you be able to furnish information as to the stockholders and their lands?

MR. PETERSON: Yes.

MR. SNOW: Later?

MR. PETERSON: Yes.

MR. SNOW: Through somebody else?

MR. PETERSON: Yes.

Q So far, however, as the ownership of the Wood Livestock Company in the Harmon Reservoir Company is concerned, you are familiar with the use of the water made by the Wood Livestock Company on account of its proportionate ownership of stock in the Harmon Reservoir?

A Yes.

Q I understand the Harmon Reservoir Company claims certain natural flow rights, 3,300 inches, and storage capacity in the Harmon Reservoir to the extent of 2,000 acre feet annually?

A Yes.

MR. SNOW: I assume that counsel perhaps is the best authority of what the claims are, and I don't think there is any conflict between the witness and counsel on that.

MR. PETERSON: No, go right along Mr. Snow.

Q Now Mr. Hagenbarth, can you, or if not you, can anyone in your organization, designate the lands upon which the water owned by the Wood Livestock Company in the Harmon Reservoir Company has been applied?

A Yes.

Q You can do it?

A Yes.

Q In the first place will you state through what ditches those waters have been diverted for use?

A Principally through the--that would apply to the Wood Livestock Company only--

Q Yes.

X Q Through the Lucky Strike Ditch, through the Hump Canal, as they call it, through the Woody Ditch, and through a canal that comes from West Camas over into Crab Creek, and is diverted virtually into what is called the head of the Hump Canal. Early in the spring there is an abundance of water comes down through Crab and Crooked Creeks from the snow runoff and that goes into the Hump Canal. Later on when those early waters are gone, we bring the water across from Camas Creek--there are several channels--and over into the head of the Hump Canal.

Q The Harmon Reservoir is on West Camas?

A Yes.

Q And speaking purely of the Harmon Reservoir waters, those, so far as the Hump Ditch is concerned, are diverted at the point where the Hump Ditch takes out of West Camas Creek?

A Yes.

Q I assume the waters of Crab Creek are added to it?

A During high water season, and also diverted into the Lucky down in Section 35 as occasion requires.

Q Now I think you have stated that the Harmon Reservoir Company has a natural flow right, 3,300 inches, being water decreed to it in about 1902?

A Yes.

Q And then also you have an additional claim of 2,000 acre feet annually, storage rights?

A Yes. Might be a little correction there--the Camas Reservoir Company was predecessor in interest of the Harmon.

Q Speaking of the Hump Canal, upon what lands under the Hump Canal has that part of the water of the Harmon Reservoir belonging to the Wood Livestock Company, representing its proportionate stock interest in that company, been applied?

A Do you want a detailed description, quarter sections, etc.

Q So many acres in such a section and so many acres in such a section would be sufficient?

(Witness looks at map)

Castro

REGISTERED

MEMORANDUM

TO: File 31A, Decree of Earnest Sauve vs. W. H. Abbott, et al. Dated November 1, 1930 JUL 15, 1985

FROM: Dave Tuthill *DT* Department of Water Resources
1985-07-15

DATE: July 8, 1985

RE: Water Right Nos. 31-0320 thru 31-0325 and 31-0373 thru 31-0375

The above-referenced decreed water rights are identified in the Sauve vs. Abbott decree in a manner that is complex and difficult to understand. The purpose of this memorandum is to clarify some aspects relating to the manner in which these rights have been recorded and computerized.

Starting on page 209 of the decree are water rights that have been numbered in the decree as 154A, B, C and D. These water rights are shown as the total diversions in the Hump, Woodie, Lucky Strike and East Side ditches, all serviced by the Wood Livestock Company. Water Resource numbers were assigned to these ditches at the point of initial description of point of diversion, as shown on pages 209 and 210. These numbers are identified as 31-0320 thru 0323. The decree states that these water rights are for stockwater purposes and the diversion and use thereof shall cease after July 1 of each year, except in the case of stored water of the company.

The decree goes on to identify irrigation uses in the Hump Ditch and Lucky Strike Ditch. These uses, which are identified in the decree as Water Right Nos. 154A and C, respectively, have been assigned Water Resource Nos. 31-0324 and 31-0325. Note that while the location of point of diversion of these rights is related to 31-0320 and 31-0322, the use is different. The irrigation use of these rights is allowed by the decree to continue after July 1 of each year.

One page 211 the decree goes on to identify specific rights within each of the ditches. In the original Water Resource numbering of the decree, no water rights were assigned to these more specific identifications of water rights. A review of these descriptions has resulted in a determination that three additional water rights, for which no numbers have previously been assigned, were required to be identified. Thus, Water Right Nos. 31-0373 thru 31-0375 have been assigned on page 211.

Note that page 211 contains a synthesis of the water rights within each ditch. Note also that an attempt has been made to utilize the numbers already issued to the maximum extent possible. For example, No. 31-0320 represents the stockwater portion of the water right in Hump Ditch for a total of 20 cfs, and Water Right No. 31-0324 represents the irrigation portion of water in Hump Ditch for a total of 19.2 cfs.

Much care was exercised in the identification of these numbers, and any changes to this interpretation should be made based only on a complete understanding of all items in this portion of the decree.

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 this 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 find 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.. #154A

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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:

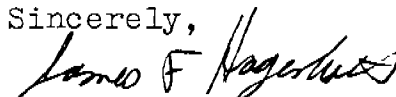
31-0066A 5/23/1900 irrigation 7.05 c.f.s. (30.OX.235) 4/1-7/1
 31-0066B 5/23/1900 irrigation 20.6 c.f.s. (30.OX.687) 7/2-11/1
 31-0067A 6/22/1900 irrigation 8.46 c.f.s. (36.OX.235) 4/1-7/1
 31-0067B 6/22/1900 irrigation 24.4 c.f.s. (36.OX.687) 7/2-11/1.

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

MICROFILMED

NOV 17 1992

WR0749NP
No. 31-00373

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 06/06/00
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	WOOD LIVESTOCK CO.	05/28/1891	IRRIGATION STOCKWATER	00/00 00/00 01/01 07/01	2.000 CFS 2.000 CFS	
TOTAL DIVERSION:					2.000 CFS	

Water Source: WEST CAMAS CREEK

Tributary to: CAMAS CREEK

Stage: DECREED

Point(s) of Diversion: T13N R38E S26

NESW

CLARK County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE								
				NENE	NWNE	SWNE	SENE					NENW	NWNW	SWNW	SENW					NESE	NWSE	SWSE	SESE	
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	SUM
12N	38E	2	:			I		I								I		I						
12N	38E	12	:							I		I		I		I		I						
13N	38E	35	:					I		I						I				I		I		

Place of use location for STOCKWATER is the same location as described for: IRRIGATION

Pou County: CLARK

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

31-00066 31-00067 31-00068 31-00069 31-00307 31-00324 31-00374 31-02047

Remarks: GEN P/U FOR STOCKWATER NOT LISTED.
THIS RT. WHEN COMBINED WITH RTS. 31-0320, 31-0324, 31-0374 &
31-0066 TO 31-0069 SHALL NOT PROVIDE MORE THAN 19.2 CFS FOR IRR.
NOR MORE THAN 20 CFS FOR STOCKWATER.

Dates: App. Received: Priority Date: 05/28/1891
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: 08/26/85 05/22/88 CONVERT 02/06/98 CLEARFLD