



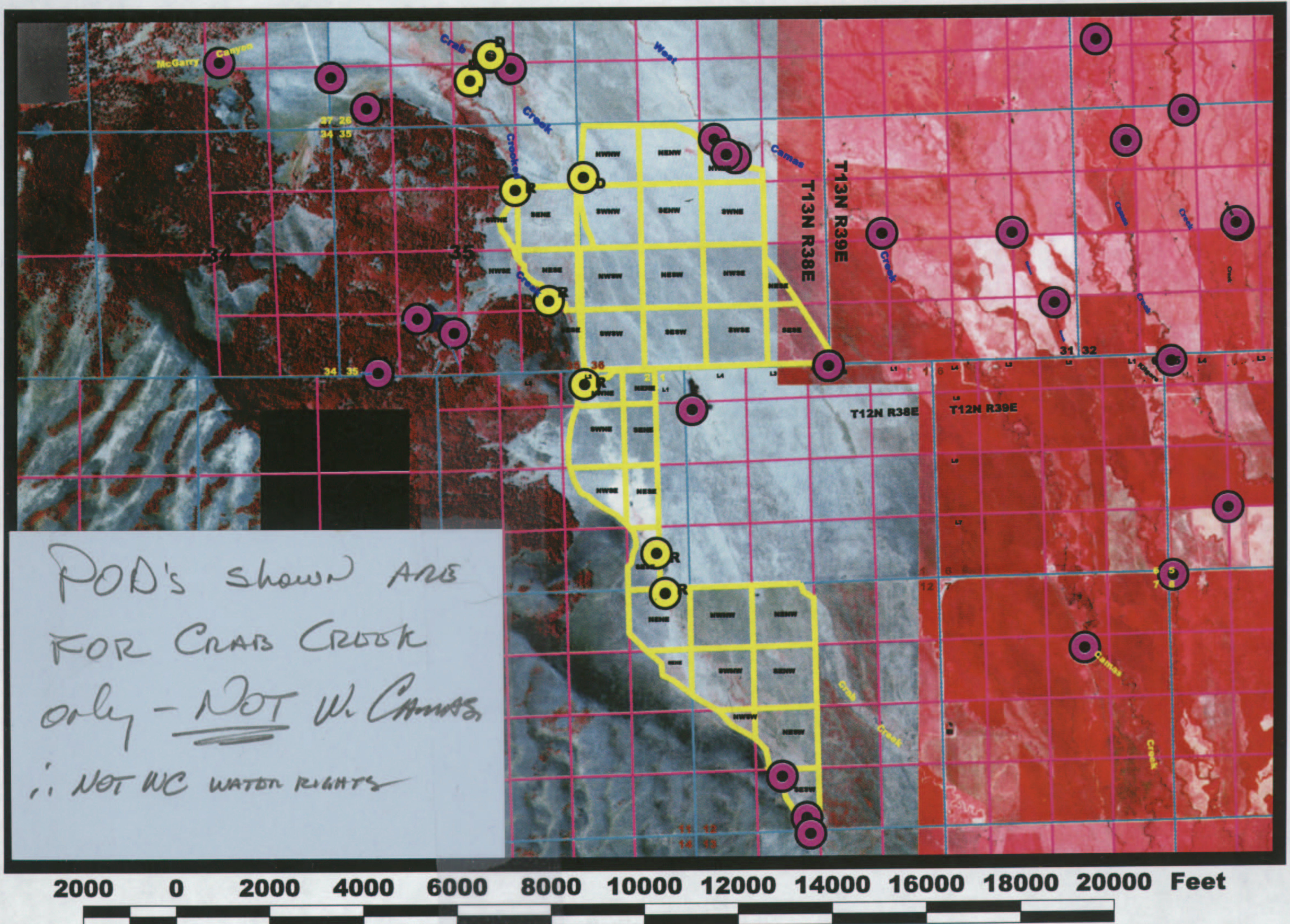
STATE OF IDAHO

Department of Water Resources

Original Claims
Sent to Court.

9-18-01

Right(s): 31-324, 31-373, 31-374,
31-66A, 31-66B, 31-67A, 31-67B



POD's shown ARE
FOR CRAB CREEK
only - NOT W. CANAS
∴ NOT WC WATER RIGHTS

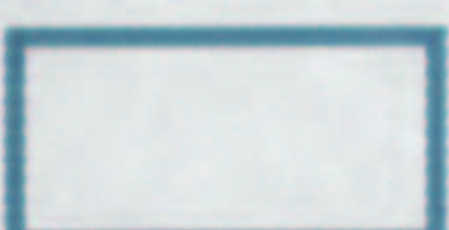
LEGEND



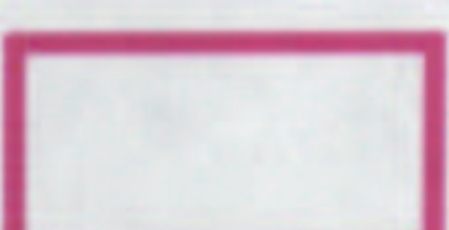
Point of Diversion

SESE

Place of Use



Section Line



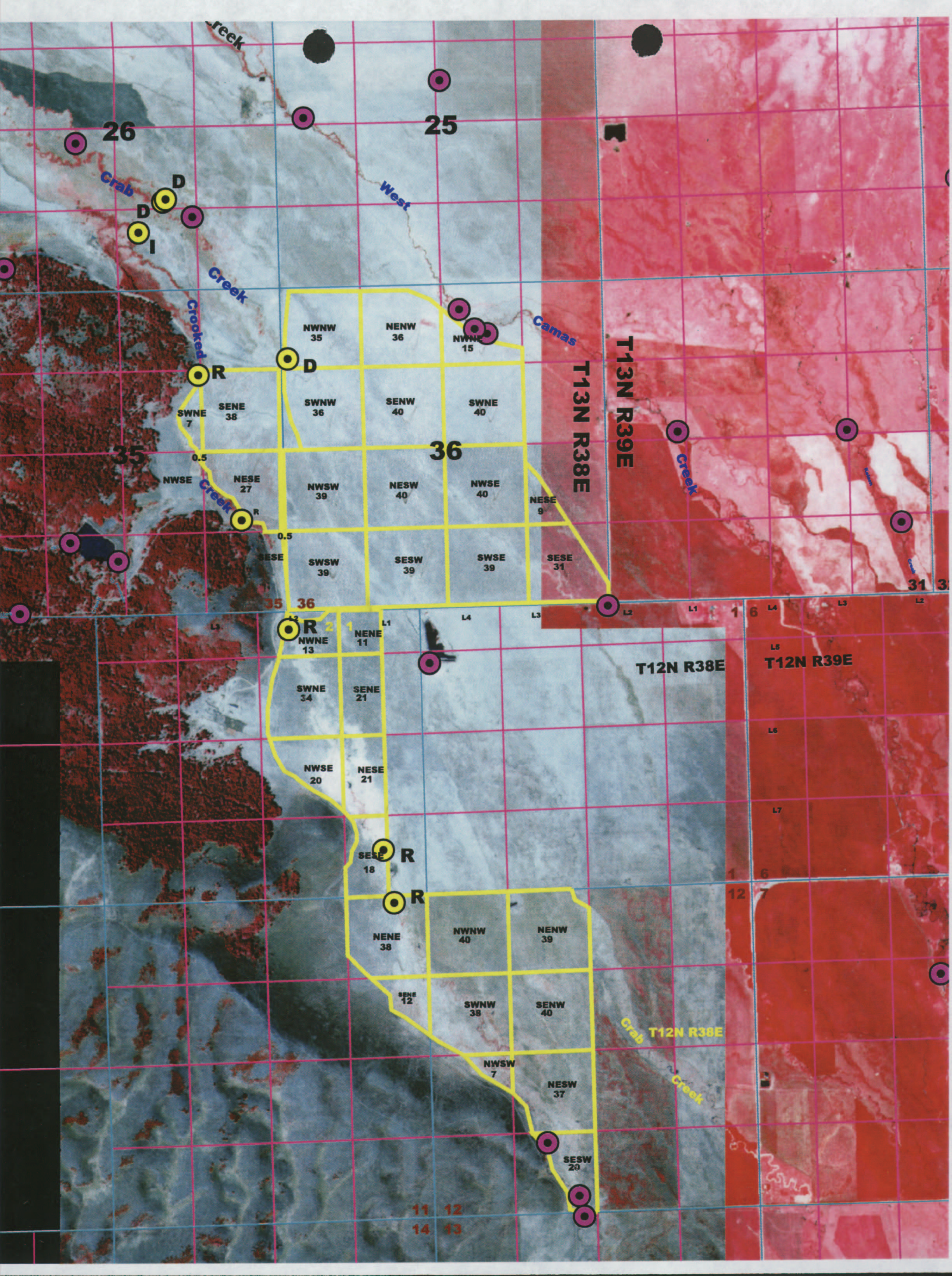
Quarter-section line

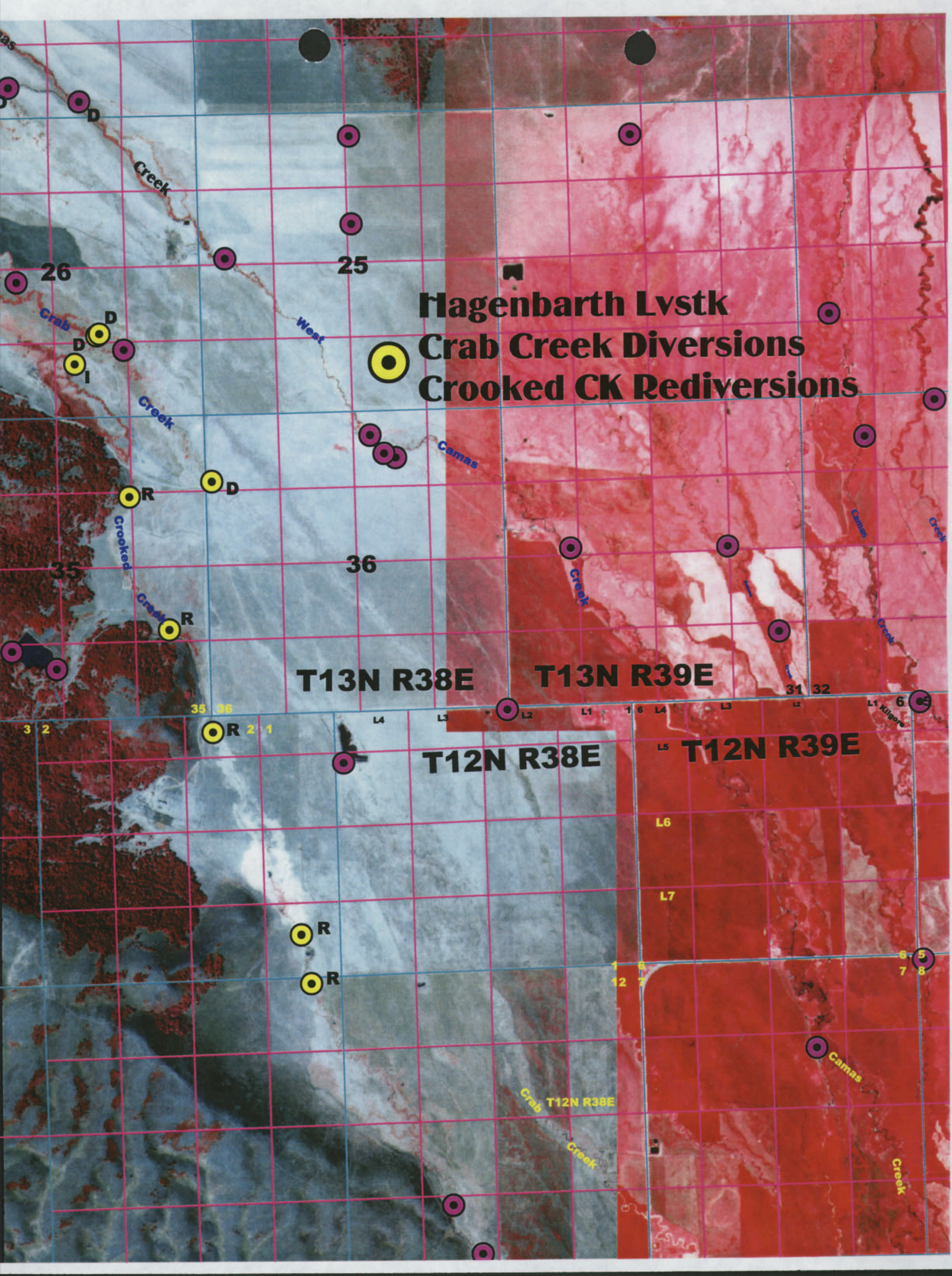
Legal Description: T13N, R38E
(parts of) Secs. 35, 36,
T12N, R38E
(parts of) Secs. 2, 11, 12

Point(s) of Diversion: T13N, R38E
Sec. 26 SENWSE (2) (Crab Ck)
Sec. 36 SESWSW (Crab CK)
Injection into Crooked Creek and
Rediversion from Crooked Creek.



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





Hagenbarth Lvstk
Crab Creek Diversions
Crooked CK Rediversions

T13N R38E

T13N R39E

T12N R38E

T12N R39E

R

R

T12N R38E

Camas

Creek

Creek

West

Camas

Creek

Crooked

Creek

Kilgore

Crab

D

D

I

R

D

R

R

2

1

L4

L3

L2

L1

1

6

L4

L3

L2

31

32

L1

6

5

L6

L7

1

6

12

7

6

5

7

8

22

26

13N38E

35

36

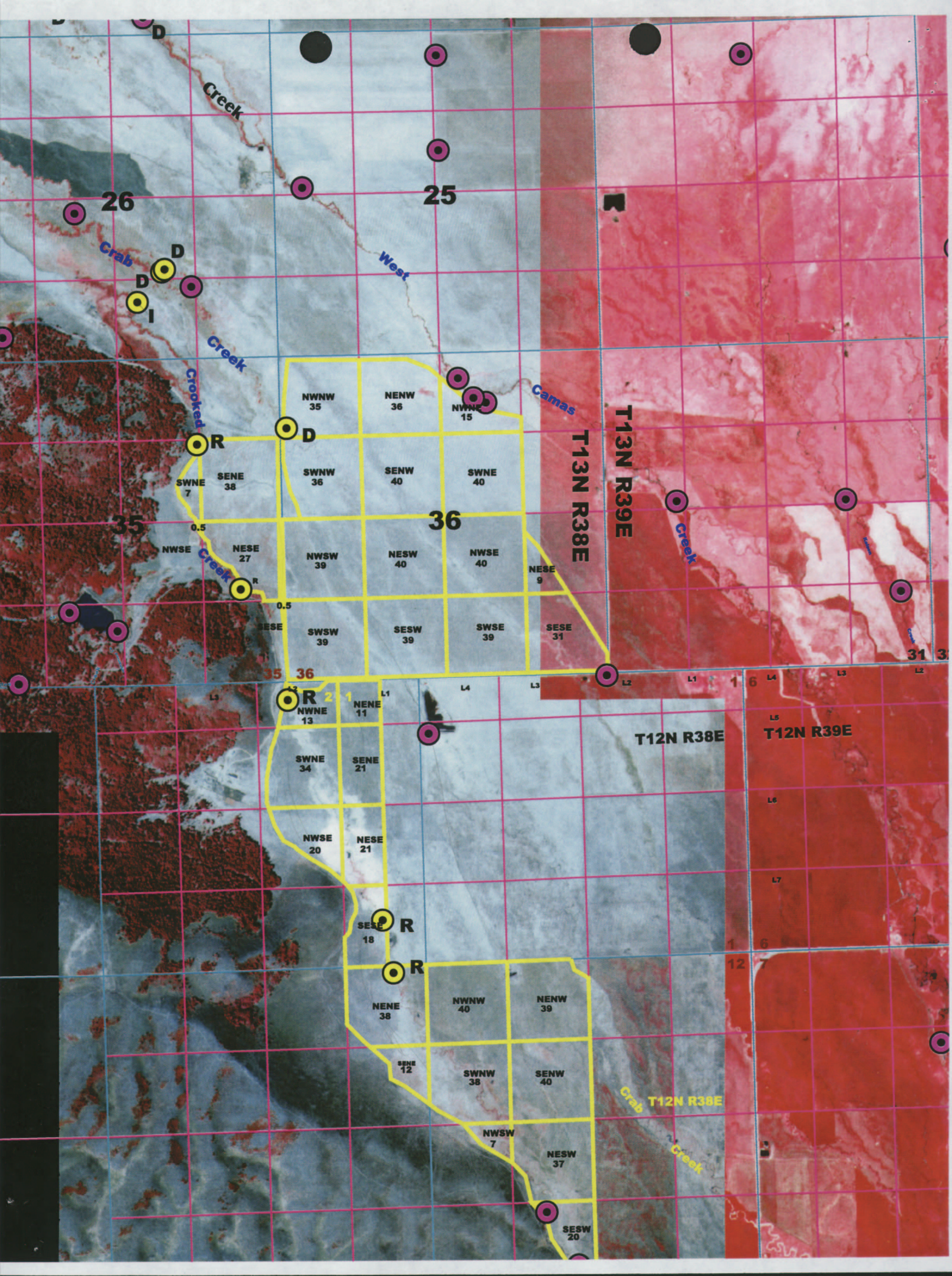
12N38E

2

11

12

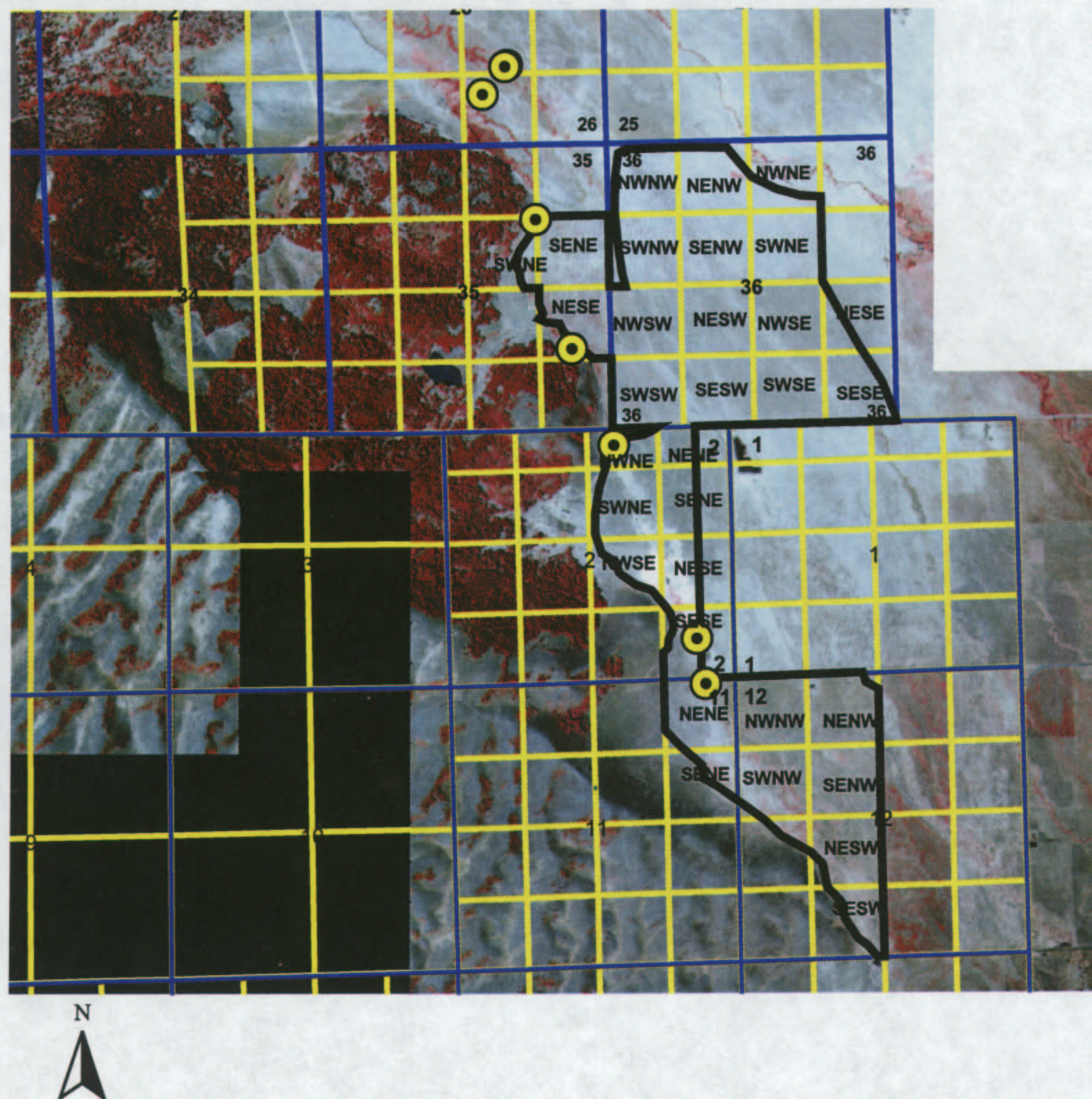




IDAHO DEPARTMENT OF WATER RESOURCES

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

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



POINT OF DIVERSION

ACRES IRRIGATED- 960



PLACE OF USE

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

11/26/2002

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

RIGHT NUMBER: 31-374
NAME AND ADDRESS: MARGARET HAGENBARTH
PO BOX 1128
DILLON MT 59725-1128
JAMES F HAGENBARTH
PO BOX 1128
DILLON MT 59725-1128
DAVID J HAGENBARTH
PO BOX 1128
DILLON MT 59725-1128

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

QUANTITY: 2.440 CFS

PRIORITY DATE: 11/22/1909

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 S26 SENWSE Within CLARK County
T13N R38E S26 SENWSE 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 Within CLARK County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	05/01 10/31	2.440 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
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

11/26/2002

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

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 1100 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.



STATE OF IDAHO

Department of Water Resources

*Original Claims
sent to Court.*

9-18-01

**Right(s): 31-324, 31-373, 31-374,
31-66A, 31-66B, 31-67A, 31-67B**



2000 0 2000 4000 6000 8000 10000 12000 14000 16000 18000 20000 Feet

LEGEND



Point of Diversion

SESE

Place of Use



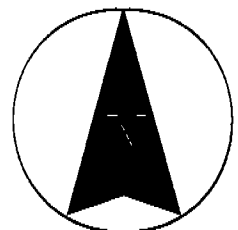
Section Line



Quarter-section line

**Legal Description: T13N, R38E
(parts of) Secs. 35, 36,
T12N, R38E
(parts of) Secs. 2, 11, 12**

**Point(s) of Diversion: T13N, R38E
Sec. 26 SENWSE (2) (Crab Ck)
Sec. 36 SESWSW (Crab CK)
Injection into Crooked Creek and
Rediversion from Crooked Creek.**



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

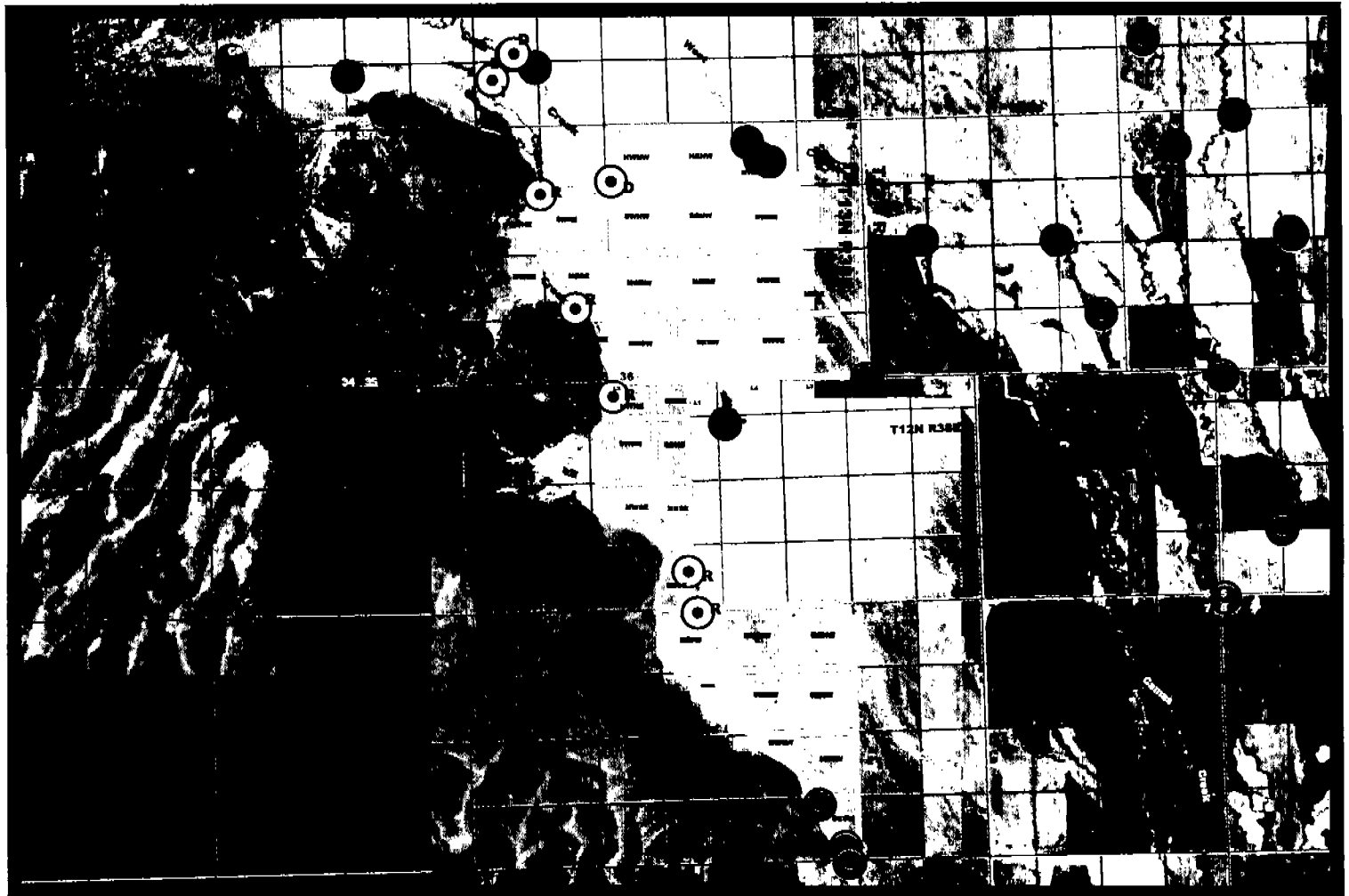


STATE OF IDAHO

Department of Water Resources

Eastern Region

**Water Right(s): 31-324, 31-373, 31-374,
31-66A, 31-66B, 31-67A, 31-67B**



2000 0 2000 4000 6000 8000 10000 12000 14000 16000 18000 20000 Feet

LEGEND



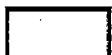
Point of Diversion

SESE

Place of Use



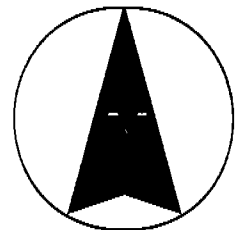
Section Line



Quarter-section line

**Legal Description: T13N, R38E
(parts of) Secs. 35, 36,
T12N, R38E
(parts of) Secs. 2, 11, 12**

**Point(s) of Diversion: T13N, R38E
Sec. 26 SENWSE (2) (Crab Ck)
Sec. 36 SESWSW (Crab CK)
Injection into Crooked Creek and
Rediversion from Crooked Creek.**



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

03/20/2001

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

RIGHT NUMBER: 31-374

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

SOURCE:

CRAB CREEK *OK*TRIBUTARY: CAMAS CREEK *✓*

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

QUANTITY:

2.44 CFS *OK*

THIS RIGHT WHEN COMBINED WITH RIGHT NOS. 31-324, 31-373,
31-374, 31-66A, 31-66B, 31-67A, 31-67B SHALL PROVIDE NO MORE
THAN .02 CFS PER ACRE.

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A *OK*
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:

11/22/1909

POINT OF DIVERSION:	T12N R38E S2	LOT 2	SWNWNE	Rediversion	Within CLARK County
	T12N R38E S2		NWSESE	Rediversion	Within CLARK County
	T12N R38E S11		NE ~~SWNENE~~	Rediversion	Within CLARK County
	T13N R38E S26		SENWSE		Within CLARK County
	T13N R38E S26		SENWSE		Within CLARK County
	~~T13N R38E S26~~		~~SENWSE~~	~~delete~~	Within CLARK County
	T13N R38E S26		NWSWSE	Injection	Within CLARK County
	T13N R38E S35		~~NWSENE~~	Rediversion	Within CLARK County
	T13N R38E S35		SWNESE	Rediversion	Within CLARK County
	T13N R38E S36		SWNNWN		Within CLARK County

NE SWNE

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	05-01 10-31	2.44 CFS
STOCKWATER	05-01 11-30	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	20	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	20	T12N R38E S2	SESE	18
T13N R38E S35	SWNE	7	T13N R38E S35	SENE	38
T13N R38E S35	NESE	27	T13N R38E S35	NWSE	0.5
T13N R38E S35	SESE	0.5	T13N R38E S36	NWNE	15
T13N R38E S36	SWNE	40	T13N R38E S36	NENW	36
T13N R38E S36	NWNW	35	T13N R38E S36	SWNW	36
T13N R38E S36	SENW	40	T13N R38E S36	NESW	40
T13N R38E S36	NWSW	39	T13N R38E S36	SWSW	39
T13N R38E S36	SESW	39	T13N R38E S36	NESE	9

T13N R38E S36
T13N R38E S36

NWSE 40
SESE 31

T13N R38E S36

SWSE 39

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:

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. *ok*

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE. *OK*
RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
STOCKWATER 1100 CATTLE

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

RIGHT NUMBER: 31-374

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

DC's

SOURCE: CRAB CREEK

TRIBUTARY: CAMAS CREEK

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

QUANTITY: 2.44 CFS

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

PRIORITY DATE: 11/22/1909

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

T13N R38E S36

SWNNW RUBIN

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
05-01 10-31

QUANTITY
2.44 CFS

PLACE OF USE:

IRRIGATION Within CLARK County

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

960 ACRES TOTAL

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

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

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

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

~~STOCKWATER, 1000-CATTLE~~

FIELD AMENDMENT FORM

RECEIVED

JAN 24 2001

Department of Water Resources
Eastern Region

For Individuals:

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

Signature of Claimant(s): Jane F. Argenbret Date: 1/23/01

Date: _____

For Organizations:

I do solemnly swear or affirm that I am _____ of

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

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

Signature of Authorized Agent_____
Title and Organization_____
Date

State of ~~Idaho~~ Montana)
County of Beaverhead) SS.

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

PURPOSE OF AMMENDMENT:

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

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

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

CIVIL CASE NUMBER: 39576

Ident. Number: A31-00374
Date Received: 8/09/1988
Receipt No: E001179
Received By: _____

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

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

2. Date of Priority: NOV 22, 1909

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
12N	38E	1	NW	SW	NW		CLARK
13N	38E	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	2.440		

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

8. Total consumptive use is 1035.7 Acre Feet Per Annum.

A31-00374

Page 1

Date: 08/07/90

MICROFILMED

NOV 17 1992

9. Non-irrigation uses:
NONE

10. Place of Use:

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

10. Place of Use: Continued

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

11. Place of use in counties: CLARK

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

13. Other Water Rights Used:

31-0373/0324/0066A/0066B/0067A/0067B

14. Remarks:

SEE ATTACHMENT "A" ON SYSTEM OPERATION & WATER RIGHT EXPLANATION
CONSUMPTIVE USE = 2.44 CFS X 214 DAYS X 1.9835 = 1035.7 AFA
WATER FROM CRAB CREEK AT TIMES IS DIVERTED IN THE SENWSE SEC 26,
T13N,R38E AND INJECTED INTO CROOKED CREEK WITHIN THE SESWNE SEC
35,T13N,R38E. WATER IS THEN REDIVERTED FROM THE CHANNEL OF
CROOKED CREEK WITHIN THE SWNESE SEC 35,T13N,R38E; THE SWNWSE
(LOT 2) & SESESE SEC 2,T12N,R38E; AND NENENE SEC 11,T12N,R38E.
THIS RIGHT IN COMBINATION WITH 31-0066A/0066B/0067A/0067B/0373 &
0324 SHALL NOT EXCEED 0.02 CFS/ACRE OR 19.2 CFS.
*** SEE ADDITIONAL ATTACHMENTS FOR REMARKS

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.

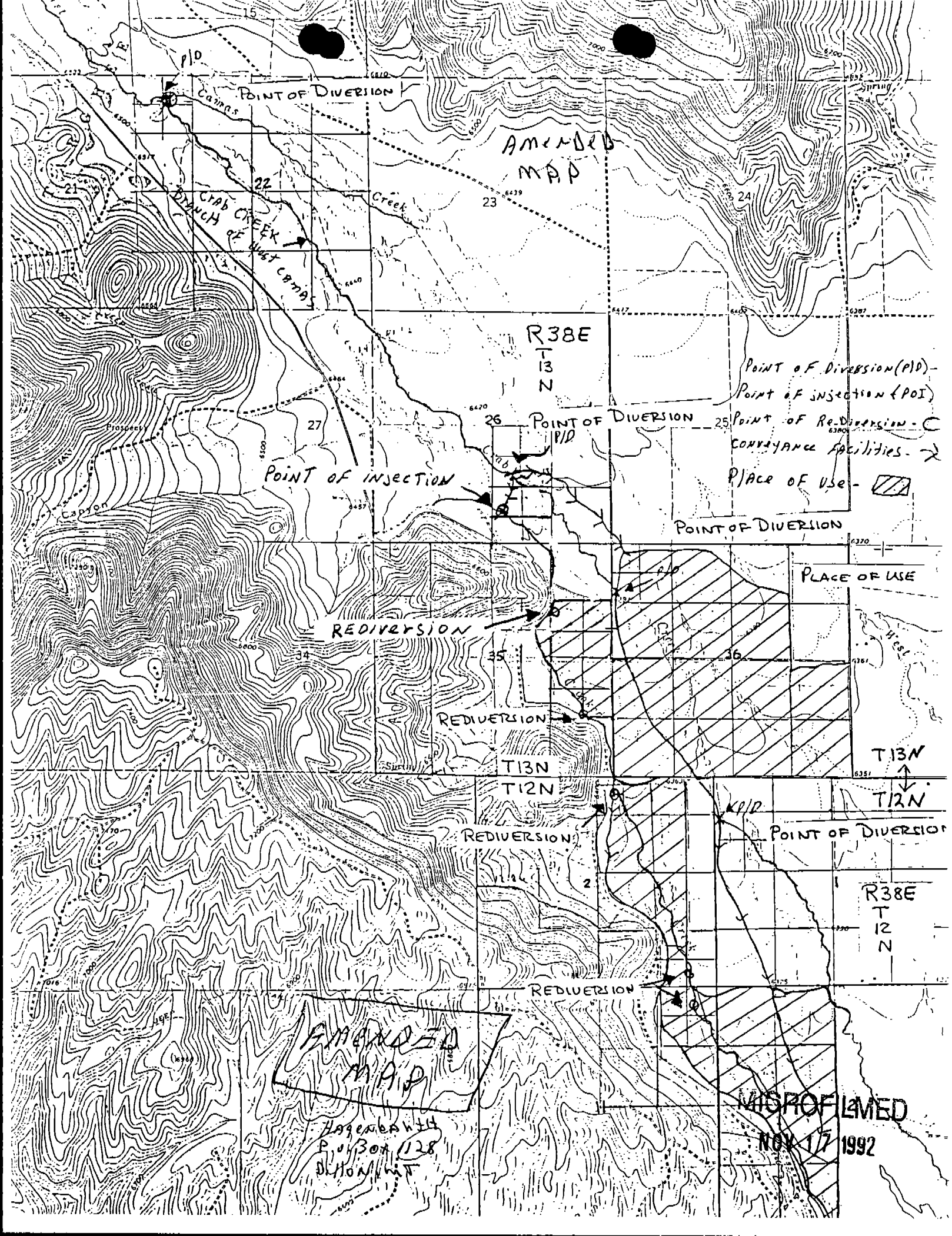
Signature of Claimant(s): James F. Bagerhult Date: 8/7/90
Date: _____

State of Idaho)
County of Bonneville) SS.

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

[Signature]
Notary Public

Residing at Salida, CO
My Commission Expires 22 Aug 1994



AMENDED
MAP

R38E
T13N

Point of Diversion (PID) -
Point of Injection (POI)
Point of Rediversion - C
Conveyance Facilities - ---
Place of Use - hatched area

POINT OF DIVERSION

PLACE OF USE

T13N
↑
T12N

POINT OF DIVERSION

R38E
T12N

POINT OF INJECTION

REDIVERSION

REDIVERSION

REDIVERSION

REDIVERSION

AMENDED
MAP

Hagerman
P.O. Box 1128
Bismarck, ND

MICROFILMED
NOV 17 1992

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: A31-00374
Date Received: 8/09/1988
Receipt No: E001179
Received By: Kew

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

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



2. Date of Priority: NOV 22, 1909

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
12N	38E	1	NW	SW	NW		CLARK
13N	38E	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	2.440		

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

8. Total consumptive use is 1035.7 Acre Feet Per Annum.

A31-00374

Page 1

Date: 08/09/88

MICROFILMED

NOV 17 1992

9. Non-irrigation uses:
NONE

10. Place of Use:

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

10. Place of Use: Continued

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

11. Place of use in counties: CLARK

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

13. Other Water Rights Used:

31-0373/0324/0066A/0066B/0067A/0067B

14. Remarks:

SEE ATTACHMENT "A" ON SYSTEM OPERATION & WATER RIGHT EXPLANATION
CONSUMPTIVE USE = 2.44 CFS X 214 DAYS X 1.9835 = 1035.7 AFA
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(LOT 2) & SESESE SEC 2,T12N,R38E; AND NENENE SEC 11,T12N,R38E.
THIS RIGHT IN COMBINATION WITH 31-0066A/0066B/0067A/0067B/0373 &
0324 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. Hagenbach Date: 8/9/88

Date: _____

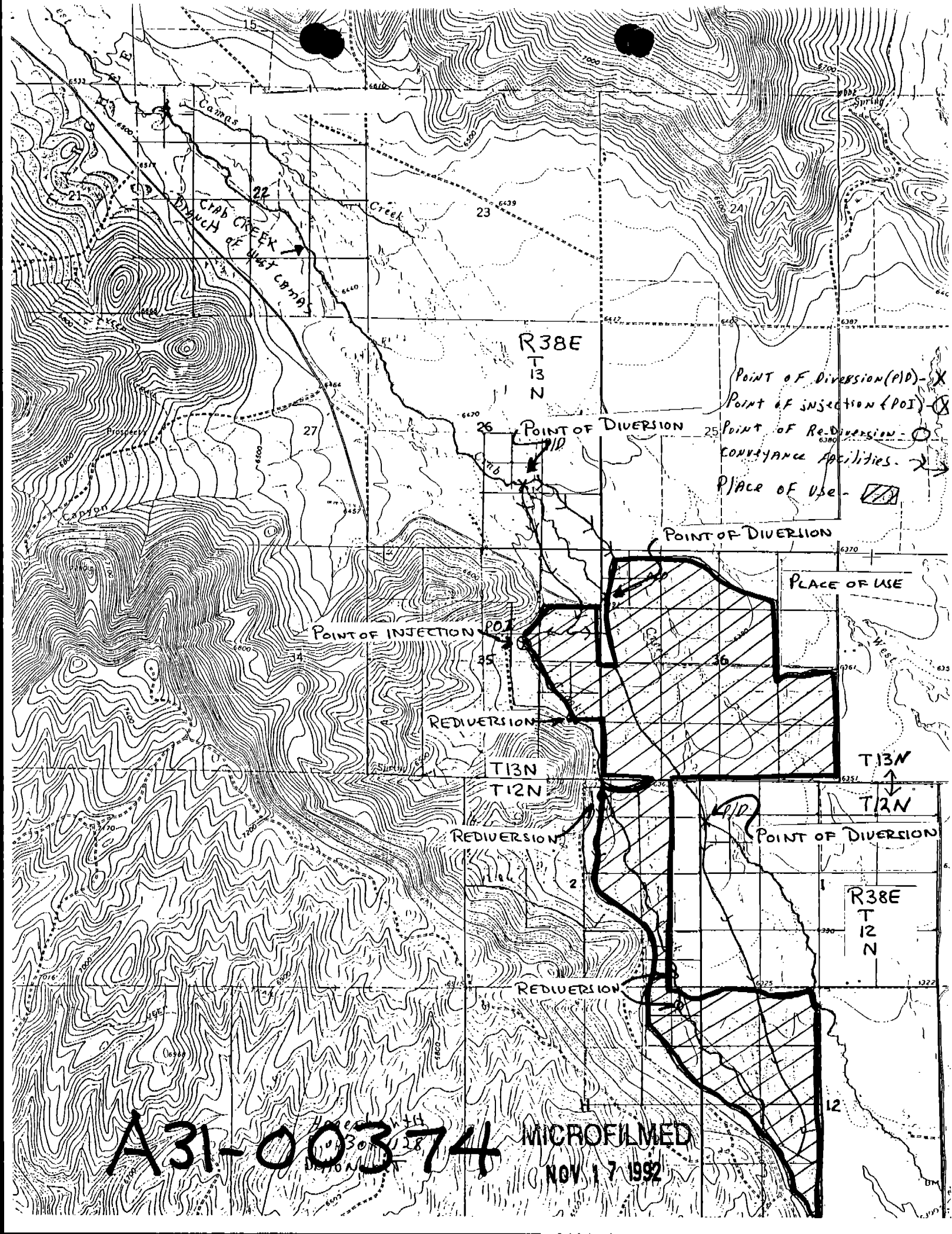
State of Idaho)
County of Bonnerille) SS.

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

Deena Green
Notary Public

Seal

Residing at Rigby
My Commission Expires 4-22-1994



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

POINT OF INJECTION POI

REDIVERSION

REDIVERSION

REDIVERSION

POINT OF DIVERSION

PLACE OF USE

POINT OF DIVERSION

R38E
T12N

R38E
T13N

A31-00374

MICROFILMED
NOV 17 1992



LEN JORDAN
GOVERNOR

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

MARK R. KULP, STATE RECLAMATION ENGINEER

BOISE

May 16, 1952

Mr. H. R. Roth
Lincoln
Idaho

Dear Mr. Roth:

The Lone Pine Reservoir, constructed under Permit No. 1087 of December 8, 1904, on Crows Creek in Section 33, Township 11 North, Range 36 East, B.M., was ordered cut, or provided with an outlet to take the natural flow of the creek without obstruction, by the 1920 Lake Decree, Shave versus Abbott. The permit gave the capacity as 1,500 acre feet with a 40 foot dam.

The Vernon Reservoir on the West Fork of Crows Creek, has a decreed right to accumulate 2,000 acre feet of storage. The reservoir, at the time of the dam failure in 1938, had a capacity of about 600 acre feet. The present proposed reservoir would have a capacity of 2,100 acre feet at spillway level, plus 2 feet with 24 feet of water above the outlet.

Very truly yours,

Mark R. Kulp

MARK R. KULP
State Reclamation Engineer

K:fg

cc: Mr. G. A. Lewis
Mr. Thomas R. Hewell

**WATER DISTRICT #31
P.O. BOX 33
DUBOIS, ID 83423
(208) 374-5274**

May 30, 2002

To Whom It May Concern:

The question was asked on the historical use of water right numbers; 31-66A, 66B, 67A, 67B, 324, 373, and 374 out of West Camas Creek in Water District 31.

As to the historical use of the above water rights I make the following comment. The only two water rights delivered to Mr. Hagenbarth out of West Camas Creek are 31-373 and 374, for the total of 4.44 c.f.s. This is the way I have handled these water rights since being Assistant Watermaster and Watermaster from the mid 1980's to the present time. This is the way I was directed by the previous Watermaster Donald Shenton who was the Watermaster from 1960 to 1998.

Sincerely,

A handwritten signature in black ink, appearing to read 'Greg Shenton', with a long horizontal flourish extending to the right.

Greg Shenton
Watermaster

MUD LAKE WATER USERS, INC
P.O. BOX 68
1400 E 1500 N
TERRETON, IDAHO 83450
PHONE (208) 663-4359 FAX (208) 663-4369
E-mail mudlakeh2o@dcdi.net

Karl
RECEIVED
JUN 11 2002
Department of Water Resources

Carl Dreher
 1301 N Orchard
 Boise, ID 83706

RE: 31-66A, 31-66B, 31-67A, 31-67B, 31-324, 31-373, & 31-374

Dear Mr. Dreher,

We are writing this letter to request appropriate action by the Department of Water Resources. As you know, it has just been brought to our attention that water rights were recommended for the Hagenbarths based on the old Harmon Reservoir rights shown in the Suave v. Abbot decree. The recommendations appear to be numbered 31-66A, 31-66B, 31-67A, 31-67B, 31-324, 31-373, & 31-374. It appears that the recommendations total approximately 19.2 CFS for some 960 acres of land to be irrigated from the waters of Crab Creek.

After we became aware of the existence of these recommendations and claims, we contacted the Water Master of District 31, Mr. Greg Shenton, and asked him to review the delivery records for these rights. He has informed us that the records kept by himself & his father, Don Shenton, disclose that water has been delivered in the total amount of 4.44 CFS under right numbers 31-373 & 31-374, but not under any of the other rights for many years. A copy of a letter we requested from Mr. Shenton is enclosed. We also understand that Mr. Al Ruberry, of the Idaho Falls office of IDWR, who worked on these claims, has spoken with Mr. Shenton and now understands the history regarding deliveries under these rights.

The size of the diversions if these recommendations are decreed would have a significant negative impact on downstream water users. We have been advised that we are too late to file an objection and so we request that you correct this error by filing an amended directors report. In our telephone conversation, you expressed that there might be a reluctance to do so, but we are aware of other situations in which recommendations have been amended to correct errors, and request that it be done in this case.

Thank you for your kind attention to this matter.

Sincerely a group of concerned right holders,

Derald Messerli *Derald Suddoway*
Hick L Hillman *Power of attorney for*
Ron L Hillman *Hick Suddoway* *Independent water users*
Randy J. Hillman *Blaine Larsen*
Barbara J Hillman *Don M. Buntstetter*
Marvin Brown
6/3/2002 *Barry Robertson*

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

14:31:43
06/06/00

PAGE: 1
GENERAL INFORMATION

1
CLAIM NUMBER: A31-00374

LAST: HAGENBARTH
ADDRESS: PO BOX 1128
CITY: DILLON
PHONE NUMBER: 406-683-2163

FIRST: JAMES F
STATE: MT ZIP: 59725

OWNER CODE: C

LAST: HAGENBARTH
ADDRESS: PO BOX 1128
CITY: DILLON
PHONE NUMBER: 406-683-2163

FIRST: DAVID J
STATE: MT ZIP: 59725

OWNER CODE: C

LAST: WOOD LIVESTOCK CO
ADDRESS:
CITY: N/A
PHONE NUMBER: 208-000-0000

FIRST:
STATE: ID ZIP: 00000

OWNER CODE: O

LAST: HAGENBARTH
ADDRESS: PO BOX 1128
CITY: DILLON
PHONE NUMBER: 406-683-2163

FIRST: MARGARET
STATE: MT ZIP: 59725

OWNER CODE: C

FIELD EXAM REQUIRED?

VERIFICATION REQUIRED DUE TO REMARKS?

DATABASE
Y

FIELD
EXAMINER
Y() N()

CLAIM REMARKS: GEN SEE ATTACHMENT "A" ON SYSTEM OPERATION & WATER RIGHT EXPLANATION
CONSUMPTIVE USE = 2.44 CFS X 214 DAYS X 1.9835 = 1035.7 AFA
WATER FROM CRAB CREEK AT TIMES IS DIVERTED IN THE SENWSE SEC 26,
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35,T13N,R38E. WATER IS THEN REDIVERTED FROM THE CHANNEL OF
CROOKED CREEK WITHIN THE SWNESE SEC 35,T13N,R38E; THE SWNWSE
(LOT 2) & SESESE SEC 2,T12N,R38E; AND NENENE SEC 11,T12N,R38E.
THIS RIGHT IN COMBINATION WITH 31-0066A/0066B/0067A/0067B/0373 &
0324 SHALL NOT EXCEED 0.02 CFS/ACRE OR 19.2 CFS.
*** SEE ADDITIONAL ATTACHMENTS FOR REMARKS
CHANGED ADDRESSES TO MATCH FOR MAILING PURPOSES ONLY 3/27/95 DMS

BLANK SHEETS REMOVED

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP. RGE.	SEC.	1/4	1/4	1/4	LOT	POD FLAG	COUNTY	DIVERSION NAME	DIVERSION NUMBER
A31-00374	12N 38E	1	NW	SW	NW			CLARK		
A31-00374	13N 38E	26	SW	NW	SE			CLARK		
A31-00374	13N 38E	36	SW	NW	NW			CLARK		

See Records

OTHER AJ CLAIMS WITH SAME AJ POD

A PREFIX R PREFIX

A31-00066A NONE

A31-00066B

A31-00066C

A31-00067A

A31-00067B

A31-00067C

A31-00324

A31-00373

WR RECORDS IN SAME 40 ACRE TRACT

31-02171

SOURCE: CRAB CREEK

TRIB: CAMAS CREEK

B. WR POINT OF DIVERSION AND SOURCE:

RIGHT	TWP. RGE.	SEC.	1/4	1/4	1/4	LOT	POD FLAG	COUNTY	DIVERSION NAME	DIVERSION NUMBER
31-00374	13N 38E	35		NW	NW			CLARK		

OTHER WR RECORDS WITH SAME WR POD

AJ CLAIMS IN SAME 40 ACRE TRACT

A PREFIX R PREFIX

NONE

NONE

NONE

SOURCE: CRAB CREEK

TRIB: CAMAS CREEK

C. IS THE CLAIMED POD WITHIN THE SAME 40 ACRE TRACT THAT IS DESCRIBED IN THE WATER RIGHT FILE? N/A() Y() N()

* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN POD, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

D. CAN THE CLAIMED POD BE VERIFIED USING THE WATER RIGHT FILE OR GPS DATA? N/A() Y() N()

E. SHOULD THE CLAIMED POD BE VERIFIED BY FIELD EXAM? Y() N()

F. IS THE CLAIMED SOURCE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A() Y() N()

* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN SOURCE, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

G. CAN THE CLAIMED SOURCE BE VERIFIED USING THE WATER RIGHT FILE? Y() N()

H. SHOULD THE CLAIMED SOURCE BE VERIFIED BY FIELD EXAM? Y() N()

I. HOW WAS THE POD AND SOURCE VERIFIED?

LICENSING FIELD EXAM (DATE OF FIELD EXAM _____) Y() N()

AJ FIELD EXAM (DATE OF FIELD EXAM _____) NAME OF EXAMINER _____ Y() N()

OTHER (DESCRIBE IN NOTES BELOW)

NOTES: TOWARD ALL POD'S, POI, POR'S w/ Jim Hazenbunth

DECREED POD (RIS: SAUVE DECREE, 1930, 154 A [19, 207]) REFERENCES NWNW SEC. 35 13N, 38E.

THIS POD DON'T WORK BECAUSE THIS LEGAL DEFINES A MOUNTAIN. ACCORDINGLY, => CØ3
THE POD CLAIMED AS NWNW SEC. 36 DOES WORK. SEE GPS MAP ILLUSTRATING
THE OTHER POD'S, POI, POR'S (AS DEFINED BELOW)

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE: CHECK HERE IF RECOMMENDED AS CLAIMED ()

TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	POD FLAG	COUNTY	DIVERSION NAME	DIVERSION NBR
12N	38E	1	NW	SW	NW			CLARK		
13N	38E	26	SW	NW	SE			CLARK		
13N	38E	36	SW	NW	NW			CLARK		
12N	38E	26	SE	NW	SE		D (2)		Crab Creek	
		26	NW	SW	SE		I		To Crooked Ch	
		36	SW	NW	NW		D		Crab Ch To Fiso	
		35	NW	SE	NE		R		From Crooked Ch	
		35	SW	NE	SE		R		From Crooked Ch	
12N	38E	2	SW	NW	NE	2	R		From Crooked Ch	

SOURCE: CRAB CREEK
DEFINED BY DECREE

TRIB: CAMAS CREEK

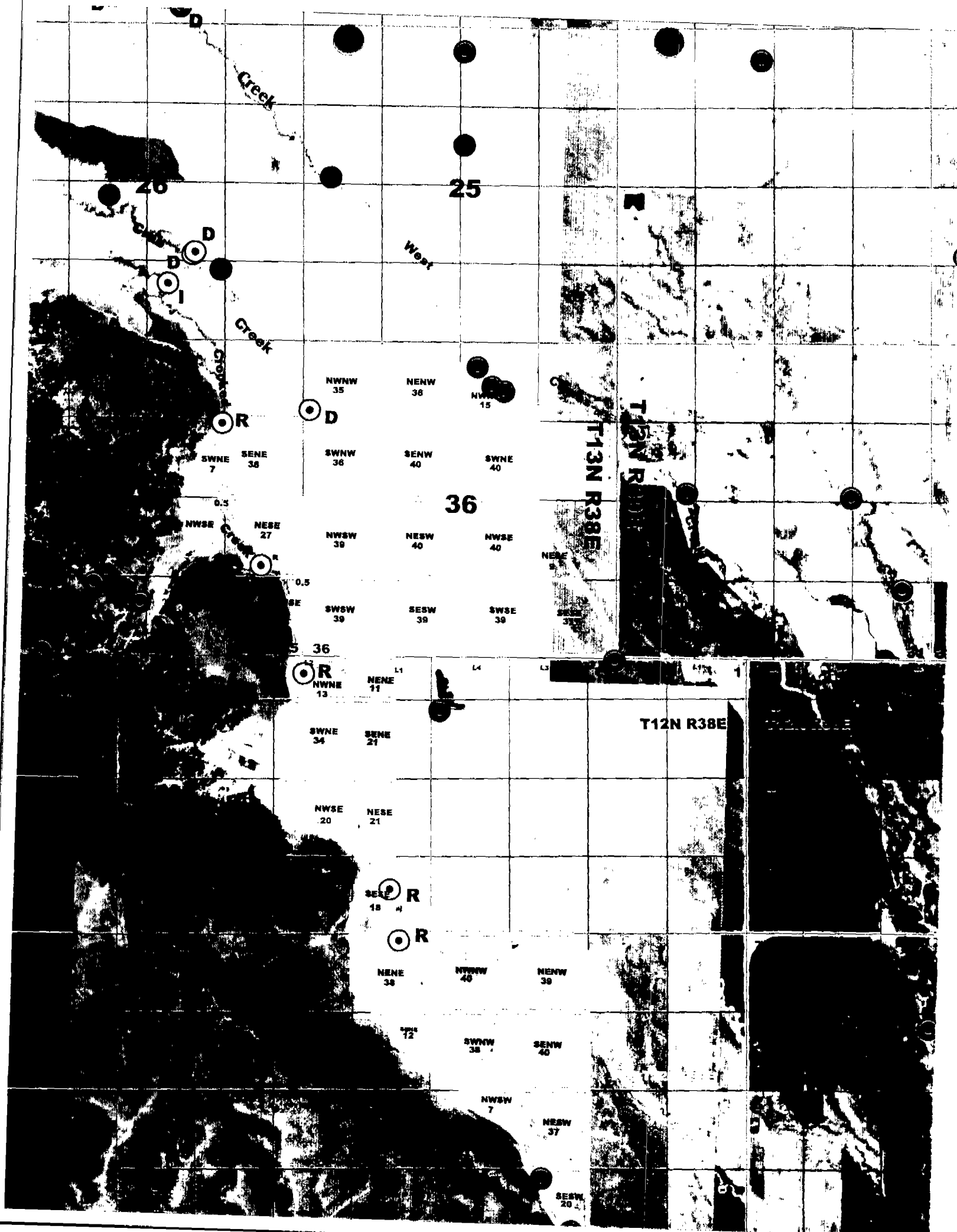
REVISITING DATE NONE

REVIEWED BY: [Signature]

DATE: 8/20/01

SYSTEM DESCRIPTION: DESCRIBED BELOW (), SEE LICENSE FILE (), OR SEE ATTACHMENT ()

12N 38E 2 NWSSES R From Crooked Ch
11 NENENE R From Crooked Ch



TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
		SE	SE			HAGENBARTH, DAVID J	A31-00066B / 40.0	- /			
		SE	SE			HAGENBARTH, DAVID J	A31-00067A / 40.0	- /			
		SE	SE			HAGENBARTH, JAMES F	A31-00373 / 40.0	- /			
		SE	SE			HAGENBARTH, DAVID J	A31-00067B / 40.0	- /			
		SE	SE			HAGENBARTH, MARGARET	A31-00324 / 40.0	- /			

*CPS
Some changes to
pourator Ac.*

ADDITIONAL POU FOUND

See GPS Per Pod's

TOTAL ACRES	A31-00374	960.00	1053.00
-------------	-----------	--------	---------

POU COUNTY: CLARK

C. IS WATER USAGE FOUND IN TRACTS OTHER THAN THOSE CLAIMED?

Y() N()

* IF YES, ARE THESE TRACTS LISTED ABOVE (), OR ARE THEY LISTED ON AN ATTACHED SHEET ()

LIST OF ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE

CLAIM NO.	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A31-00374	CRAB CREEK	HAGENBARTH, JAMES F	2.440	0.002		
A31-00066A	WEST CAMAS CREEK	HAGENBARTH, MARGARET	7.050	0.007		
A31-00066B	WEST CAMAS CREEK	HAGENBARTH, DAVID J	17.200	0.017		
A31-00066C	WEST CAMAS CREEK	SILVER RIDGE RANCH	0.900	0.003		
A31-00067A	WEST CAMAS CREEK	HAGENBARTH, DAVID J	8.460	0.008		
A31-00067B	WEST CAMAS CREEK	HAGENBARTH, DAVID J	17.200	0.017		
A31-00067C	WEST CAMAS CREEK	SILVER RIDGE RANCH	1.080	0.004		
A31-00307	MILES CREEK	HAGENBARTH, MARGARET	0.740	0.020		
A31-00324	WEST CAMAS CREEK	HAGENBARTH, MARGARET	17.200	0.017		
A31-00373	WEST CAMAS CREEK	HAGENBARTH, JAMES F	2.000	0.002		

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

CLAIM NO.	PURPOSES	NAME	MONTH/DAY	RATE	VOLUME
A31-00373	STOCKWATER	HAGENBARTH, JAMES F	FROM 04-01 TO 12-31	0.230 CFS	
R31-10256	STOCKWATER	HAGENBARTH, MARGARET	FROM 01-01 TO 12-31	0.250 CFS	

NOTES:

IONS: _____
TOTAL ACRES: 960 N/A(____)
REVIEWED BY: [Signature] DATE: 3/20/01

PPH au Rts: 31-324, 373, 374, 66 A/B, 67 A/B

A. AJ CLAIMED USES:

PURPOSE OF USE	PERIOD OF USE (MONTH/DAY)	DIV. RATE FOR EACH USE	DIV. VOL. FOR EACH USE
A31-00374 IRRIGATION	FROM 04-01 TO ~~11-01~~	2.440 CFS	
	TOTAL DIVERSION RATE/VOLUME 10/31	2.440 CFS	

B. WR RECORDED USES:

PURPOSE OF USE	PERIOD OF USE (MONTH/DAY)	DIV. RATE FOR EACH USE	DIV. VOL. FOR EACH USE
31-00374 IRRIGATION	FROM TO	2.440 CFS	
31-00374 STOCKWATER	FROM 01-01 TO 07-01	2.440 CFS	
	TOTAL DIVERSION RATE/VOLUME	2.440 CFS	

C. DOES THE CLAIMED PURPOSE OF USE CORRECTLY DESCRIBE THE WATER USE? Y() N()

D. IS THE CLAIMED PURPOSE OF USE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A() Y() N()

* IF NO, AND IF THE ACTUAL WATER USE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN PURPOSE OF USE, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

E. SHOULD THE CLAIMED PURPOSE OF USE BE VERIFIED BY FIELD EXAM? Y() N()

F. DOES THE CLAIMED PERIOD OF USE CONFORM TO IDWR STANDARDS? Y() N()

G. SHOULD THE PERIOD OF USE BE RECOMMENDED TO IDWR STANDARDS? Y() N()

* IF THE RECOMMENDED PERIOD OF USE IS DIFFERENT THAN IDWR STANDARDS, EXPLAIN IN NOTES BELOW.

H. IS THE CLAIMED DIVERSION RATE FOR EACH USE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A() Y() N()

* IF NO, DESCRIBE IN NOTES BELOW HOW THE RECOMMENDED DIVERSION RATE FOR EACH USE WAS DETERMINED.

I. SHOULD THE CLAIMED DIVERSION RATE FOR EACH USE BE VERIFIED BY FIELD EXAM? N/A() Y() N()

J. IS THE CLAIMED DIVERSION VOLUME FOR EACH USE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A() Y() N()

* IF NO, DESCRIBE IN NOTES BELOW HOW THE RECOMMENDED DIVERSION VOLUME FOR EACH USE WAS DETERMINED.

K. SHOULD THE CLAIMED DIVERSION VOLUME FOR EACH USE BE VERIFIED BY FIELD EXAM? N/A() Y() N()

AJ CLAIM TOTAL DIVERSION RATE: 2.440 CFS

WR ROOT RIGHT TOTAL DIVERSION RATE: 2.440 CFS

A. IS THE CLAIMED TOTAL DIVERSION RATE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A() Y() N()

B. CAN THE CLAIMED TOTAL DIVERSION RATE BE VERIFIED USING THE WATER RIGHT FILE? N/A() Y() N()

* ALL CLAIMS BASED ON BENEFICIAL USE (INCLUDING POSTED NOTICES AND STATUTORY CLAIMS) REQUIRE A FLOW MEASUREMENT.

C. IS THERE ANY INDICATION THAT THERE HAS BEEN A FIVE YEAR PERIOD OF CONTINUOUS NONUSE OF THIS RIGHT, OR ANY PORTION OF THE DIVERSION RATE? Y() N()

* IF AN AMOUNT SMALLER THAN THE ORIGINAL DIVERSION RATE IS CLAIMED AND A FIELD EXAM IS NOT REQUIRED, EXPLAIN IN NOTES.

D. SHOULD THE CLAIMED DIVERSION RATE BE VERIFIED BY FIELD EXAM? Y() N()

E. FLOW MEASUREMENT

MEASUREMENT METHOD UM Delivery, SEE ATTACHED CALCULATIONS.

F. RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE

ACRES _____ x 0.02 CFS/ACRE = _____ CFS
(Taken from pou review)

1b. CALCULATIONS

IS A DIVERSION RATE PER ACRE GREATER THAN 0.02 CFS/ACRE CLAIMED? Y() N()

IF YES, IS AN ADDITIONAL WATER USE FORM FILED AND ATTACHED? Y() N()

2. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = _____ AF/A

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

TOTAL DIVERSION VOLUME _____ AF/A

3. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = 1035.7 AF/A

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

TOTAL CONSUMPTIVE USE _____ AF/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION: SEE BELOW () OR SEE ATTACHMENT ()

RECOMMENDATIONS: CHECK HERE IF RECOMMENDED AS CLAIMED ()

REC. PURPOSE OF USE	REC. PERIOD FROM TO	REC. DIV RATE CFS	REC. DIV VOL. AF/A	REC. CONS. USE
IRRIGATION	~~04-01 11-01~~	DATABASE 2.440 EXAMINER	DATABASE EXAMINER	DATABASE 1035.7 EXAMINER
<u>Stock water</u>	<u>5/1 10/31</u>	<u>0.23</u>		
	<u>5/1 11/30</u>			
TOTAL FOR THIS RIGHT		<u>2.44</u>		

NON-IRRIGATION USES CLAIMED: NONE

NON-IRRIGATION USES RECOMMENDED: CHECK HERE IF RECOMMENDED AS CLAIMED ()

REVIEWED BY: [Signature]

DATE: 3/20/01

FLAG: _____

STANDARD CONDITIONS (CODE): _____

STANDARD REMARKS (CODE): _____

EXPLANATORY CONDITIONS (CODE): _____

EXPLANATORY REMARKS (CODE): _____

A. CHECK ONLY THE FOLLOWING THAT APPLY:

OWNERSHIP _____
FORFEIT/ABANDON _____
ADDITIONAL DIV. AMOUNT _____

ACCEPTED AS CLAIMED	NEEDS REVIEW
()	()
()	()
()	()

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 31-00374

TOTAL DIVERSION RATE OF WR SPLITS

DATABASE
2.440

EXAMINER
2.44

CFS

SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "R" CLAIM NUM.	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
-	A31-00374	2.440	-		31-00374	2.440
TOTAL CFS		2.440				2.440

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 DESCRIBED BELOW () OR SEE ATTACHMENT ()?

DATABASE
Y

FIELD
EXAMINER
Y() N()

NOTES:

CLAIMED AS DESCRIBED — THIS RT. IS ONLY FROM CANS CR.

PPU OTHER RTs: 31-324, 373, 374, 66 A/B, 67 A/B.

AUTHENTICATION:

SIGNATURE: _____

DATE: _____

NAME OF FIELD EXAMINER: _____

TITLE: _____

**SUPPLEMENTAL DIRECTOR'S REPORT REGARDING
SUBCASE NOS. 31-66A, 31-66B, 31-67A, 31-67B, 31-324, 31-373, 31-374**

In Re SRBA
Twin Falls County Civil Case No. 39576

Report to the SRBA District Court

Prepared by the Idaho Department of Water Resources
Karl J. Dreher, Director
David R. Tuthill Jr., Adjudication Bureau Chief

July 12, 2002

I. INTRODUCTION

The Director of the Idaho Department of Water Resources ("IDWR" or "the Department") submits this Supplemental Director's Report regarding subcase numbers 31-66A, 31-66B, 31-67A, 31-67B, 31-324, 31-373, 31-374 in accordance with Idaho Code § 42-1412(4) and Administrative Order I. This report is also submitted in response to Special Master Bilyeu's *Trial Scheduling Order* dated May 7, 2002, setting forth the deadline for a 706 Report from IDWR of June 28, 2002. This report sets forth the basis of the Department's recommendation for the above-listed water rights and was prepared under the supervision of Karl J. Dreher, Director, and David R. Tuthill, Jr., Adjudication Bureau Chief for IDWR.

The following employees from the Department of Water Resources have knowledge of the information contained in this report: Allen Ruberry, Senior Water Resources Agent, IDWR, Eastern Region Office in Idaho Falls and Ernest Carlsen, Water Rights Supervisor, IDWR, Eastern Region Office.

II. BACKGROUND

Water Right Nos. 31-66A, 31-66B, 31-67A, 31-67B, 31-324, 31-373, 31-374 were reported by the Department in its Director's Report for Irrigation and Other Water Rights, Reporting Area 8, IDWR, Basin 31, in May, 2001. On September 7, 2001, Margaret Hagenbarth, David J. Hagenbarth, and James F. Hagenbarth (Hagenbarths) filed an objection to the Department's recommendation for the point of diversion element on the above listed water rights. On May 2, 2002, the Court held a scheduling conference and requested a 706 Report from the Department setting forth the basis of its recommendations for the above water rights. This report focuses on the

Department's recommendation of the point of diversion element; however, other relevant elements are also discussed.

III. DISCUSSION

This section of the report will first provide a general overview of the recommendations and a summary of the issues raised by the objections. There will then be a discussion regarding the issues raised by the objections for the individual water rights.

A. Overview

The water rights discussed in this report have only two sources: West Camas Creek for water rights nos. 31-66A, 31-66B, 31-67A, 31-67B, 31-324, and 31-373; Crab Creek for water right no. 31-374.

Please refer to the attached Figure 1 to help illustrate the following discussion. West Camas Creek, Crab Creek and Crooked Creek all flow in a Southeasterly direction. Crab Creek confluences with West Camas Creek approximately six miles below the recommended point of diversion. Crooked Creek turns and then flows in a Southwesterly direction and does not confluence with West Camas Creek. Around the turn of the twentieth century a man named Charlie Crab built a short ditch connecting West Camas Creek to Crab Creek. This ditch is referred to as the "Crab Ditch" on Figure 1.¹ Today, the Crab Ditch along with the traditional natural channel of Crab Creek is known as Crab Creek.² The Crab Ditch is used to divert West Camas Creek water and inject it into Crab Creek. The West Camas Creek water is then either

¹ The exact length of the Crab Ditch is unknown. However it is clear that the Crab Ditch was dug to connect Crab Creek and West Camas Creek. Hagenbarths provided this historical information in an attachment to their claims.

² For clarity, this report will continue the distinction between Crab Creek and Crab Ditch.

rediverted out of Crab Creek directly for irrigation of various lands or injection into yet a third creek, Crooked Creek. Crab Creek water is also diverted directly for irrigation purposes and also injected into Crooked Creek. The Crooked Creek channel carries both Crab Creek water and West Camas Creek water which are then rediverted for irrigation of lands downstream. The Hump Ditch is off of Crab Creek and runs in a southerly direction for irrigation of various lands.

All of these water rights except water right no. 31-374 have the same recommendation for the source and point of diversion elements. Water right no. 31-374 is the only water right with the source as Crab Creek and is the only water right from Crab Creek directly.

B. Summary of the Issues

There are two issues in these subcases. The primary issue is where the point of diversion for these water rights is located. The second issue is whether or not an additional point of rediversion for these water rights is proper.

The Department recommended only one point of diversion³ for water right nos. 31-66A, 31-66B, 31-67A, 31-67B, 31-324 and 31-373 in T13N, R38E Section 22. This point of diversion is located where Charlie Crab originally diverted water from West Camas Creek into the Crab Ditch to be conveyed down Crab Creek. This is also the point where the Hagenbarths have constructed diversion works to continue this practice and the point of diversion where the Watermaster for District 31 has historically

³ The point of diversion is generally the point at which water is diverted from the natural source of water and is generally indicated in the list of recommended water rights by a legal description of the 40 acre tract (quarter-quarter section or 1/16 section) or government lot within which the point of diversion is located. In some instances, the point of diversion is indicated by a legal description of the ten-acre tract (quarter-quarter-quarter section or 1/64 section) within which the point of diversion is located.

measured these water rights from West Camas Creek. The Hagenbarths on the other hand, contend that the Department's recommended point of diversion is not proper and do not want it recognized as a point of diversion. The Hagenbarths contend that the point of diversion as recommended by the Department is merely a point of injection. Hagenbarths seek two points of diversion for these water rights located on Crab Creek and thus want the water rights to be measured on Crab Creek at T13N, R38E, Section 26.

With regards to water right no. 31-374 it appears that part of Hagenbarths' objection has been resolved. Hagenbarths want two points of diversion for this water right: one in Section 26 and one in Section 36. The Department's recommendation shows two points of diversion in Section 26 and one point of diversion in Section 36, which should resolve Hagenbarths' concern about the point of diversion for this water right.

The second issue raised in Hagenbarths' objections to these water rights concerns whether or not a point of rediversion⁴ from a man-made ditch (the Hump Ditch on Figure 1) needs to be added to the point of diversion description. The Department does not list the location where water is taken out of a canal or ditch as points of rediversion on its water right recommendations in the SRBA. Generally, once the water is delivered to the canal or ditch, it is in the private entities control. Rather, the Department describes a point of diversion from a natural source into a canal or ditch. Where the water user chooses to take water from the canal or ditch itself is not

⁴ Points of injection and rediversion are indicated where water is diverted from one natural water source, injected into another natural water source, and then rediverted, or where water from one source is exchanged with water from another source.

regulated by the Watermaster nor recorded on the water right. Thus, adding a point of redirection on these water rights from the ditch is not proper.

C. *Summary of the Recommendation for Water Right Nos. 31-66A, 31-66B, 31-67A, 31-67B, 31-324, 31-373*

These water rights were claimed and recommended for water from West Camas Creek which is diverted and injected into Crab Creek. The West Camas Creek water is conveyed down the natural channel of Crab Creek to be redirected for irrigation purposes or injected into a third creek, Crooked Creek, and then redirected from Crooked Creek for irrigation downstream. The point of diversion recommendation for these water rights includes one point of diversion, eight points of redirection, and two points of injection.

The original recommendations for these water rights contain minor errors that are corrected in the underline/strikeout format on Attachment A. The following discussion will be with regards to the corrected director's reports that are attached hereto as Attachment A.

Water right nos. 31-66A, 31-66B, 31-67A, 31-67B, 31-324 and 31-373 all contain one point of diversion located in T13N, R38E, S22, NWNW. The point of diversion for water right nos. 31-66A, 31-66B, 31-67A and 31-67B was originally described in the *Sauve v. Abbott* Decree as "Point of Diversion: 240' West of the Southwest corner of Section 6, Township 13N, Range 38E, B.M. The above are natural flow rights." *Sauve v. Abbott*, Case No. 635, Decree p. 60 (Dist. Idaho Nov. 1, 1930). This appears to be the location of the old Frazier Dam or Harmon Reservoir. This dam and reservoir were destroyed around 1935 and no longer exist. These water rights' point of diversion changed after the dam and reservoir were destroyed from the old location to the current

location, which is in Section 22. This change was recognized in the Department's recommendation as an accomplished change in the point of diversion pursuant to *Idaho Code* § 42-1425 because the change occurred prior to 1987, likely sometime in the mid to late 1930s. The recommendation comports with the Department's understanding of where these water rights have been historically delivered and measured.

Water right nos. 31-324 and 31-373 were also originally decreed in the *Sauve v. Abbott* decree. These rights were decreed with a point of diversion "at the head of what is known as the Hump Ditch" *Id.* at 209. The Department's recommendation for the point of diversion for these water rights does not put the point of diversion at the head of the Hump Ditch. Rather, the Department's recommendation recognizes an accomplished transfer in the point of diversion under *Idaho Code* § 42-1425 that places the point of diversion on West Camas Creek in section 22. The recommendation places the point of diversion on West Camas Creek because the Department concluded based on Watermaster reports and field exam of the diversion works that these water rights have historically been diverted from West Camas Creek and measured at that point. The point of diversion recommended for water right nos. 31-66A, 31-66B, 31-67A, 31-67B, 31-324 and 31-373 is the only point of diversion that the Watermaster in Water District 31 has recognized for these water rights for several decades.

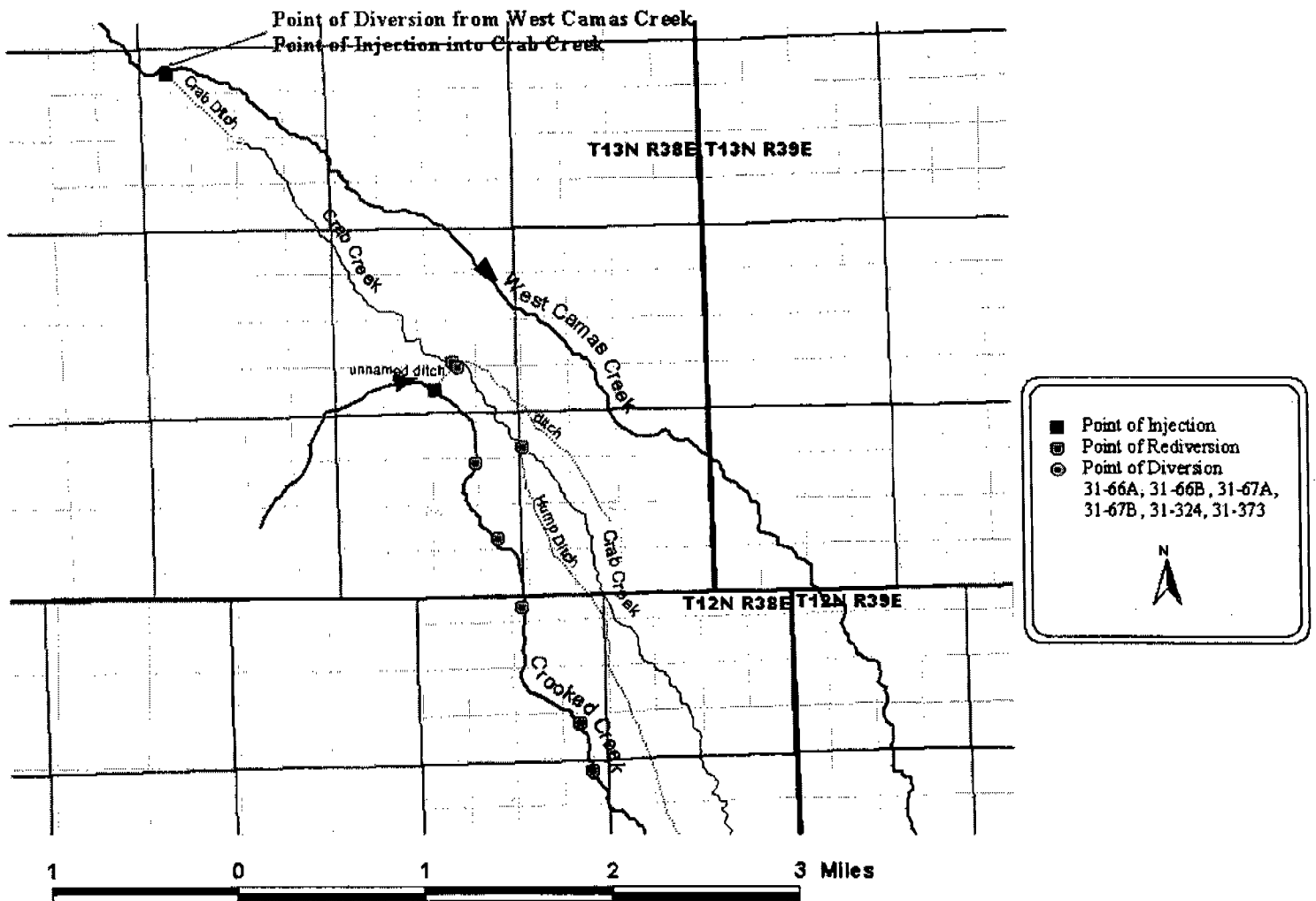
Not only is there historical information and on the ground evidence that shows that the Department's recommendation for the point of diversion is correct, the point of diversion that is recommended for water right nos. 31-66A, 31-66B, 31-67A, 31-67B, 31-324 and 31-373 is also found in all of Hagenbarths' amended claims. As the Hagenbarths explain in information submitted along with their claims, this point of

diversion was originally established by Charlie Crab who dug the Crab Ditch to connect West Camas Creek to Crab Creek. (See Figure 1) However, Hagenbarths' objections seek to delete this historical point of diversion and move it approximately two miles downstream on Crab Creek.

Hagenbarths' contention that there is no point of diversion in Section 22 but that location is merely a point of injection is not logical. A water right cannot have a point of injection without first being diverted or exchanged from another source. Thus, the Department's recommendation recognizes that there is a point of diversion from West Camas Creek which is also the point of injection of the West Camas Creek water into Crab Creek.

Furthermore, Hagenbarths' claim that the point of diversion for these water rights should be located on Crab Creek is equally untenable and conflicts with their claim and historical practice. First, their claims are for West Camas Creek water, not Crab Creek water. Second, the water diverted in Section 26 from Crab Creek under water right nos. 31-66A, 31-66B, 31-67A, 31-67B, 31-324 and 31-373 is not Crab Creek water but is West Camas Creek water that has been injected into Crab Creek at the point of diversion located in Section 22. Moving the point of diversion approximately two miles downstream on Crab Creek, as requested by Hagenbarths, would not comport with historical practice and would result in an increase in the amount of water delivered under these water rights. As illustrated on Figure 1, if water is delivered and measured approximately two miles downstream on Crab Creek (in Section 26 rather than on West Camas Creek in Section 22), Hagenbarths will not suffer any conveyance loss between the recommended historical point of diversion and the first point of rediversion, thus

Figure 1



bettering their water rights. In other words, moving the point of diversion downstream to a point on Crab Creek reduces the conveyance loss that these West Camas Creek water rights have always had. Removing the point of diversion from Section 22 and moving it downstream to Section 26 would result in an enlargement of these water rights and might result in injury to other water users on West Camas Creek.

Finally, there is no dispute concerning the Department's recommendation of the points of injection. The only dispute surrounding the Department's recommendation of the points of rediversion is whether an additional point of rediversion is necessary to show the taking of water from the Hump Ditch. As explained above, however, when recommending water rights in the SRBA, the Department does not describe the taking of water from a ditch or canal as part of the point of diversion element. Thus, it is not proper to add this point of rediversion to these water rights.⁵

D. Summary of Recommendation for Water Right No. 31-374

Water right no. 31-374 is the only water right that Hagenbarths own with the sole source of Crab Creek. The original recommendation for water right no. 31-374 contains some minor errors. A corrected Director's Report is attached as Attachment B in underline/strikeout format.

The issues raised in Hagenbarths' objection to this water right appear to be resolved. Hagenbarths want two points of diversion recognized for this water right both of which are recommended by the Department. In addition, the Department also

⁵ The Department could place an explanatory remark showing where water is taken out of the Hump Ditch. However, this would reduce the water user's flexibility on how they irrigate from the ditch. As the recommendation now stands, Hagenbarths can take water out of the Hump Ditch at any location and irrigate the recommended place of use. If a remark were placed on the water right, arguably, that would be the only place that Hagenbarths can divert from the ditch with an administrative transfer under Idaho Code § 42-222.

recognizes a third point of diversion for this water right that does not appear to be at issue. Hagenbarths also request that a point of redirection from the Hump Ditch be recognized for this water right. However, as stated above, the Department does not describe the taking of water from a canal or ditch as part of the point of diversion element.⁶

IV. CONCLUSION

In summary, the objection requests two things. First, Hagenbarths want the recommended point of diversion to be deleted and two other points of diversion to be recognized for the water rights: one in T13N, R38E, S26 and one in T13N, R38E, S36. Second, Hagenbarths want a point of redirection in T12N, R38E, S1 to be added to all of the water rights.

First, Hagenbarths' first request for two points of diversion for water right no. 31-374 has been recommended and there should no longer be a dispute concerning that water right's described points of diversion. With regard to water right nos. 31-66A, 31-66B, 31-67A, 31-67B, 31-324 and 31-373, the Department's recommendations list one point of diversion for these water rights in Section 22 from West Camas Creek. The objections request points of diversion approximately two miles downstream in Section 26 from Crab Creek. The Department found that the diversion in Section 26 from Crab Creek actually redirects West Camas Creek water. This is based on the fact that, as the objection states, there is a point of injection from West Camas Creek into the Crab Ditch. The Department's recommendation recognizes that the point of diversion from

⁶ See footnote 5 supra.

West Camas Creek and the point of injection of West Camas Creek water into Crab Creek occur at the same location.

Second, the Hagenbarths want a point of redirection added to the water rights representing their taking of water from the Hump Ditch. However as discussed previously, this is not a point of redirection since the Department and the District 31 Watermaster do not regulate the taking of water from a ditch or canal.

Finally, the recommendations for water right nos. 31-66A, 31-66B, 31-67A, 31-67B, 31-324, 31-373 and 31-374 should be changed as reflected in Attachments A and B. These recommendations accurately reflect how these water rights have been historically used and where they have been historically diverted and redirected. The recommendations as attached hereto should be adopted by the Special Master.

Submitted this 12th day of July, 2002.


Allen Ruberry
Senior Water Resources Agent
IDWR, Eastern Region

ATTACHMENT A

Following is a summary of what is changed on the attached corrected Director's Reports.

First, the source should be West Camas Creek with a point of injection into and a point of rediversion from Crooked Creek and a point of injection and point of rediversion from Crab Creek.

Second, the point of diversion description has been more particularly described down to the quarter-quarter-quarter and a point of rediversion has been added.

Third, stockwater with no additional water and with a season of use that matches the irrigation season of use has been added to these water rights.

Fourth, the place of use description has been corrected to properly identify the number of acres per quarter-quarter and has added two quarter-quarter sections that were originally left off of the Department's recommendation.

Finally, a general remark has been added which relates to the now recommended stockwater purpose of use.

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

RIGHT NUMBER: 31-66A

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

MARGARET HAGENBARTH
PO BOX 1128
DILLON MT 59725

DAVID J HAGENBARTH
PO BOX 1128
DILLON MT 59725

SOURCE: ~~CRAB CREEK~~ ~~TRIBUTARY: CAMAS CREEK~~
~~CROOKED CREEK~~ ~~TRIBUTARY: CAMAS CREEK~~
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: 7.050 CFS

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

PRIORITY DATE: 05/23/1900

POINT OF
DIVERSION: T12N R38E S2 ~~NWNE~~ SWNWNE Lot 2 Rediversion Within CLARK County
T12N R38E S2 ~~SESE~~ NWSESE Rediversion Within CLARK County
T12N R38E S11 ~~NENE~~ NENENE Rediversion Within CLARK County
T13N R38E S22 ~~NWNE~~ NWNWNW Within CLARK County
T13N R38E S22 ~~NWNE~~ NWNWNW Injection Within CLARK County
T13N R38E S26 SENWSE Rediversion Within CLARK County
T13N R38E S26 SENWSE Rediversion Within CLARK County
T13N R38E S26 ~~SWSE~~ NWSWSE Injection Within CLARK County
T13N R38E S35 NESWNE Rediversion Within CLARK County
T13N R38E S35 ~~NESE~~ 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 07/01	7.050 CFS
<u>STOCKWATER</u>	<u>05/01 07/01</u>	<u>0.23 CFS</u>

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

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 ~~19.0~~	<u>20.0</u>
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 ~~19.0~~	<u>20.0</u>
T13N R38E S35 SWNE ~~8.0~~	<u>7.0</u>	T13N R38E S35 SENE ~~40.0~~	<u>38.0</u>
T13N R38E S35 NESE ~~30.0~~	<u>27.0</u>	<u>T13N R38E S35 NWSE</u>	<u>0.5</u>
<u>T13N R38E S35 SESE</u>	<u>0.5</u>	T13N R38E S36 NWNE ~~12.0~~	<u>15.0</u>
T13N R38E S36 SWNE	40.0	T13N R38E S36 NENW ~~34.0~~	<u>36.0</u>
T13N R38E S36 NWNW ~~32.0~~	<u>35.0</u>	T13N R38E S36 SWNW ~~34.0~~	<u>36.0</u>
T13N R38E S36 SENW	40.0	T13N R38E S36 NESW	40.0
T13N R38E S36 NWSW ~~40.0~~	<u>39.0</u>	T13N R38E S36 SWSW ~~40.0~~	<u>39.0</u>
T13N R38E S36 SESW ~~40.0~~	<u>39.0</u>	T13N R38E S36 NESE ~~11.0~~	<u>9.0</u>
T13N R38E S36 NWSE	40.0	T13N R38E S36 SWSE ~~40.0~~	<u>39.0</u>
T13N R38E S36 SESE ~~32.0~~	<u>31.0</u>		

STOCKWATER 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:

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: 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.

06/24/2002

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

RIGHT NUMBER: 31-66B
NAME AND ADDRESS: MARGARET HAGENBARTH
PO BOX 1128
DILLON MT 59725

JAMES F HAGENBARTH
PO BOX 1128
DILLON MT 59725

DAVID J HAGENBARTH
PO BOX 1128
DILLON MT 59725

SOURCE: ~~CRAB CREEK~~ ~~TRIBUTARY: CAMAS CREEK~~
~~CROOKED CREEK~~ ~~TRIBUTARY: CAMAS CREEK~~
WEST CAMAS CREEK TRIBUTARY: CAMAS CREEK

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

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

QUANTITY: 17.200 CFS
USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 19.20 CFS. COMBINED RIGHT NOS.: 31-324, 31-373,
31-374, 31-66A, 31-66B, 31-67A, 31-67B

PRIORITY DATE: 05/23/1900

POINT OF
DIVERSION: T12N R38E S2 ~~NWNE~~ SWNWNE Lot 2 Rediversion Within CLARK County
T12N R38E S2 ~~SESE~~ NWSESE Rediversion Within CLARK County
T12N R38E S11 ~~NENE~~ NENENE Rediversion Within CLARK County
T13N R38E S22 ~~NWNE~~ NWNWNW Injection Within CLARK County
T13N R38E S22 ~~NWNE~~ NWNWNW Within CLARK County
T13N R38E S26 SENWSE Rediversion Within CLARK County
T13N R38E S26 SENWSE Rediversion Within CLARK County
T13N R38E S26 SWSE NWSWSE Injection Within CLARK County
T13N R38E S35 NESWNE Rediversion Within CLARK County
T13N R38E S35 NESE 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	07/02 10/31	17.200 CFS
STOCKWATER	07/02 10/31	0.23 CFS

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

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 ~~19.0~~	<u>20.0</u>
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 ~~19.0~~	<u>20.0</u>
T13N R38E S35 SWNE ~~8.0~~	<u>7.0</u>	T13N R38E S35 SENE ~~40.0~~	<u>38.0</u>
T13N R38E S35 NESE ~~30.0~~	<u>27.0</u>	<u>T13N R38E S35</u> NWSE	<u>0.5</u>
<u>T13N R38E S35</u> SESE	<u>0.5</u>	T13N R38E S36 NWNE ~~12.0~~	<u>15.0</u>
T13N R38E S36 SWNE	40.0	T13N R38E S36 NENW ~~34.0~~	<u>36.0</u>
T13N R38E S36 NWNW ~~32.0~~	<u>35.0</u>	T13N R38E S36 SWNW ~~34.0~~	<u>36.0</u>
T13N R38E S36 SENW	40.0	T13N R38E S36 NESW	40.0
T13N R38E S36 NWSW ~~40.0~~	<u>39.0</u>	T13N R38E S36 SWSW ~~40.0~~	<u>39.0</u>
T13N R38E S36 SESW ~~40.0~~	<u>39.0</u>	T13N R38E S36 NESE ~~11.0~~	<u>9.0</u>
T13N R38E S36 NWSE	40.0	T13N R38E S36 SWSE ~~40.0~~	<u>39.0</u>
T13N R38E S36 SESE ~~32.0~~	<u>31.0</u>		

STOCKWATER 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:

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: 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.

06/24/2002

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

RIGHT NUMBER: 31-67A
NAME AND ADDRESS: MARGARET HAGENBARTH
PO BOX 1128
DILLON MT 59727

JAMES F HAGENBARTH
PO BOX 1128
DILLON MT 59725

DAVID J HAGENBARTH
PO BOX 1128
DILLON MT 59725

SOURCE: ~~CRAB CREEK~~ ~~TRIBUTARY: CAMAS CREEK~~
~~CROOKED CREEK~~ ~~TRIBUTARY: CAMAS CREEK~~
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: 8.460 CFS
USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 19.20 CFS. COMBINED RIGHT NOS.: 31-324, 31-373,
31-374, 31-66A, 31-66B, 31-67A, 31-67B

PRIORITY DATE: 06/22/1900

POINT OF
DIVERSION: T12N R38E S2 ~~NWNE~~ SWNWNE Lot 2 Rediversion Within CLARK County
T12N R38E S2 ~~SESE~~ NWSESE Rediversion Within CLARK County
T12N R38E S11 ~~NENE~~ NENENE Rediversion Within CLARK County
T13N R38E S22 ~~NWNE~~ NWNWNE Within CLARK County
T13N R38E S22 ~~NWNE~~ NWNWNE Injection Within CLARK County
T13N R38E S26 SENWSE Rediversion Within CLARK County
T13N R38E S26 SENWSE Rediversion Within CLARK County
T13N R38E S26 ~~SWSE~~ NWSWSE Injection Within CLARK County
T13N R38E S35 NESWNE Rediversion Within CLARK County
T13N R38E S35 ~~NESE~~ SWNESE Rediversion Within CLARK County
T13N R38E S36 SWNWNE 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 07/01	8.460 CFS
STOCKWATER	05/01 07/01	0.23 CFS

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

PLACE OF USE:	<u>IRRIGATION Within CLARK County</u>			
	T12N R38E S02 Lot 1 NENE	11.0	T12N R38E S02 Lot 2 NWNE	13.0
	T12N R38E S02 SWNE	34.0	T12N R38E S02 SENE	21.0
	T12N R38E S02 NESE	21.0	T12N R38E S02 NWSE ~~19.0~~	<u>20.0</u>
	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 ~~19.0~~	<u>20.0</u>
	T13N R38E S35 SWNE ~~8.0~~	<u>7.0</u>	T13N R38E S35 SENE ~~40.0~~	<u>38.0</u>
	T13N R38E S35 NESE ~~30.0~~	<u>27.0</u>	<u>T13N R38E S35 NWSE</u>	<u>0.5</u>
	<u>T13N R38E S35 SESE</u>	<u>0.5</u>	T13N R38E S36 NWNE ~~12.0~~	<u>15.0</u>
	T13N R38E S36 SWNE	40.0	T13N R38E S36 NENW ~~34.0~~	<u>36.0</u>
	T13N R38E S36 NWNW ~~32.0~~	<u>35.0</u>	T13N R38E S36 SWNW ~~34.0~~	<u>36.0</u>
	T13N R38E S36 SENW	40.0	T13N R38E S36 NESW	40.0
	T13N R38E S36 NWSW ~~40.0~~	<u>39.0</u>	T13N R38E S36 SWSW ~~40.0~~	<u>39.0</u>
	T13N R38E S36 SESW ~~40.0~~	<u>39.0</u>	T13N R38E S36 NESE ~~11.0~~	<u>9.0</u>
	T13N R38E S36 NWSE	40.0	T13N R38E S36 SWSE ~~40.0~~	<u>39.0</u>
	T13N R38E S36 SESE ~~32.0~~	<u>31.0</u>		
	<u>STOCKWATER same as IRRIGATION</u>			

960 ACRES TOTAL

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

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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

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

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.

06/24/2002

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

RIGHT NUMBER: 31-67B
NAME AND ADDRESS: JAMES F HAGENBARTH
PO BOX 1128
DILLON MT 59725

DAVID J HAGENBARTH
PO BOX 1128
DILLON MT 59725

MARGARET HAGENBARTH
PO BOX 1128
DILLON MT 59725

SOURCE: ~~CRAB CREEK~~ ~~TRIBUTARY: CAMAS CREEK~~
~~CROOKED CREEK~~ ~~TRIBUTARY: CAMAS CREEK~~
WEST CAMAS CREEK TRIBUTARY: CAMAS CREEK

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

QUANTITY: 17.200 CFS
USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 19.20 CFS. COMBINED RIGHT NOS.: 31-324, 31-373,
31-374, 31-66A, 31-66B, 31-67A, 31-67B

PRIORITY DATE: 06/22/1900

POINT OF
DIVERSION: T12N R38E S2 ~~NWNE~~ SWNWNE Lot 2 Rediversion Within CLARK County
T12N R38E S2 ~~SESE~~ NWSESE Rediversion Within CLARK County
T12N R38E S11 ~~NENE~~ NENENE Rediversion Within CLARK County
T13N R38E S22 ~~NWNW~~ NWNWNW Within CLARK County
T13N R38E S22 ~~NWNW~~ NWNWNW Injection Within CLARK County
T13N R38E S26 ~~SENWSE~~ Rediversion Within CLARK County
T13N R38E S26 ~~SENWSE~~ Rediversion Within CLARK County
T13N R38E S26 ~~SWSE~~ NWSWSE Injection Within CLARK County
T13N R38E S35 ~~NESWNE~~ Rediversion Within CLARK County
T13N R38E S35 ~~NESE~~ 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	07/02 10/31	17.200 CFS
<u>STOCKWATER</u>	<u>07/02 10/31</u>	<u>0.23 CFS</u>

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

PLACE OF USE:	<u>IRRIGATION Within CLARK County</u>			
	T12N R38E S02 Lot 1 NENE	11.0	T12N R38E S02 Lot 2 NWNE	13.0
	T12N R38E S02 SWNE	34.0	T12N R38E S02 SENE	21.0
	T12N R38E S02 NESE	21.0	T12N R38E S02 NWSE ~~19.0~~	<u>20.0</u>
	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 ~~19.0~~	<u>20.0</u>
	T13N R38E S35 SWNE ~~8.0~~	<u>7.0</u>	T13N R38E S35 SENE ~~40.0~~	<u>38.0</u>
	T13N R38E S35 NESE ~~20.0~~	<u>27.0</u>	T13N R38E S35 NWSE	<u>0.5</u>
	<u>T13N R38E S35 SESE</u>	<u>0.5</u>	T13N R38E S36 NWNE ~~12.0~~	<u>15.0</u>
	T13N R38E S36 SWNE	40.0	T13N R38E S36 NENW ~~34.0~~	<u>36.0</u>
	T13N R38E S36 NWNW ~~32.0~~	<u>35.0</u>	T13N R38E S36 SWNW ~~34.0~~	<u>36.0</u>
	T13N R38E S36 SENW	40.0	T13N R38E S36 NESW	40.0
	T13N R38E S36 NWSW ~~40.0~~	<u>39.0</u>	T13N R38E S36 SWSW ~~40.0~~	<u>39.0</u>
	T13N R38E S36 SESW ~~40.0~~	<u>39.0</u>	T13N R38E S36 NESE ~~11.0~~	<u>9.0</u>
	T13N R38E S36 NWSE	40.0	T13N R38E S36 SWSE ~~40.0~~	<u>39.0</u>
	T13N R38E S36 SESE ~~32.0~~	<u>31.0</u>		

STOCKWATER 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:

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: 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.

06/24/2002

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

RIGHT NUMBER: 31-324
NAME AND ADDRESS: MARGARET HAGENBARTH
PO BOX 1128
DILLON MT 59725

DAVID J HAGENBARTH
PO BOX 1128
DILLON MT 59725

JAMES F HAGENBARTH
PO BOX 1128
DILLON MT 59725

SOURCE: CRAB CREEK ~~TRIBUTARY: CAMAS CREEK~~
CROOKED CREEK ~~TRIBUTARY: CAMAS CREEK~~
WEST CAMAS CREEK ~~TRIBUTARY: CAMAS CREEK~~

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

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

QUANTITY: 17.200 CFS
USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 19.20 CFS. COMBINED RIGHT NOS.: 31-324, 31-373,
31-374, 31-66A, 31-66B, 31-67A, 31-67B

PRIORITY DATE: 09/01/1909

POINT OF
DIVERSION: T12N R38E S2 ~~NWNE~~ SWNWNE Lot 2 Rediversion Within CLARK County
T12N R38E S2 ~~SESE~~ NWSESE Rediversion Within CLARK County
T12N R38E S11 ~~NENE~~ NENENE Rediversion Within CLARK County
T13N R38E S22 ~~NWNW~~ NWNWNW Within CLARK County
T13N R38E S22 ~~NWNW~~ NWNWNW Injection Within CLARK County
T13N R38E S26 SENWSE Rediversion Within CLARK County
T13N R38E S26 SENWSE Rediversion Within CLARK County
T13N R38E S26 ~~EWSE~~ NWSWSE Injection Within CLARK County
T13N R38E S35 NESWNE Rediversion Within CLARK County
T13N R38E S35 ~~NESE~~ 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~~ <u>07/02</u> 10/31	17.200 CFS
STOCKWATER	<u>07/02</u> 10/31	<u>0.23</u> CFS

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

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 ~~19.0~~	<u>20.0</u>
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 ~~19.0~~	<u>20.0</u>
T13N R38E S35 SWNE ~~8.0~~	<u>7.0</u>	T13N R38E S35 SENE ~~40.0~~	<u>38.0</u>
T13N R38E S35 NESE ~~30.0~~	<u>27.0</u>	<u>T13N R38E S35 NWSE</u>	<u>0.5</u>
<u>T13N R38E S35 SESE</u>	<u>0.5</u>	T13N R38E S36 NWNE ~~12.0~~	<u>15.0</u>
T13N R38E S36 SWNE	40.0	T13N R38E S36 NENW ~~34.0~~	<u>36.0</u>
T13N R38E S36 NWNW ~~32.0~~	<u>35.0</u>	T13N R38E S36 SWNW ~~34.0~~	<u>36.0</u>
T13N R38E S36 SENW	40.0	T13N R38E S36 NESW	40.0
T13N R38E S36 NWSW ~~40.0~~	<u>39.0</u>	T13N R38E S36 SWSW ~~40.0~~	<u>39.0</u>
T13N R38E S36 SESW ~~40.0~~	<u>39.0</u>	T13N R38E S36 NESE ~~11.0~~	<u>9.0</u>
T13N R38E S36 NWSE	40.0	T13N R38E S36 SWSE ~~40.0~~	<u>39.0</u>
T13N R38E S36 SESE ~~32.0~~	<u>31.0</u>		

STOCKWATER 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:

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: BASIS OF CLAIM - Decreed

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.

06/24/2002

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

RIGHT NUMBER: 31-373

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

MARGARET HAGENBARTH
PO BOX 1128
DILLON MT 59725

DAVID J HAGENBARTH
PO BOX 1128
DILLON MT 59725

SOURCE: ~~CRAB CREEK~~ ~~TRIBUTARY: CAMAS CREEK~~
~~CROOKED CREEK~~ ~~TRIBUTARY: CAMAS CREEK~~
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: 2.000 CFS

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

PRIORITY DATE: 05/28/1891

POINT OF
DIVERSION: T12N R38E S2 ~~NWNE~~ SWNWNE Lot 2 Rediversion Within CLARK County
T12N R38E S2 ~~SESE~~ NWSESE Rediversion Within CLARK County
T12N R38E S11 ~~NENE~~ NENENE Rediversion Within CLARK County
T13N R38E S22 ~~NWNW~~ NWNWNW Injection Within CLARK County
T13N R38E S22 ~~NWNW~~ NWNWNW Within CLARK County
T13N R38E S26 ~~SENWSE~~ Rediversion Within CLARK County
T13N R38E S26 ~~SENWSE~~ Rediversion Within CLARK County
T13N R38E S26 ~~SWSE~~ NWSWSE Injection Within CLARK County
T13N R38E S35 ~~NESWNE~~ Rediversion Within CLARK County
T13N R38E S35 ~~NESE~~ 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	04 05/01 10/31 07/01	0.230 CFS

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

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 ~~19.0~~	<u>20.0</u>
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 ~~19.0~~	<u>20.0</u>
T13N R38E S35 SWNE ~~8.0~~	<u>7.0</u>	T13N R38E S35 SENE ~~40.0~~	<u>38.0</u>
T13N R38E S35 NESE ~~30.0~~	<u>27.0</u>	<u>T13N R38E S35 NWSE</u>	<u>0.5</u>
<u>T13N R38E S35 SESE</u>	<u>0.5</u>	T13N R38E S36 NWNE ~~12.0~~	<u>15.0</u>
T13N R38E S36 SWNE	40.0	T13N R38E S36 NENW ~~34.0~~	<u>36.0</u>
T13N R38E S36 NWNW ~~32.0~~	<u>35.0</u>	T13N R38E S36 SWNW ~~34.0~~	<u>36.0</u>
T13N R38E S36 SENW	40.0	T13N R38E S36 NESW	40.0
T13N R38E S36 NWSW ~~40.0~~	<u>39.0</u>	T13N R38E S36 SWSW ~~40.0~~	<u>39.0</u>
T13N R38E S36 SESW ~~40.0~~	<u>39.0</u>	T13N R38E S36 NESE ~~11.0~~	<u>9.0</u>
T13N R38E S36 NWSE	40.0	T13N R38E S36 SWSE ~~40.0~~	<u>39.0</u>
T13N R38E S36 SESE ~~32.0~~	<u>31.0</u>		

STOCKWATER 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:

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: BASIS OF CLAIM - 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.

ATTACHMENT B

Following is a summary of what has changed on the attached corrected Director's Reports.

First, the source should be Crab Creek tributary to Camas Creek with a point of injection into and a point of rediversion from Crooked Creek.

Second, the recommendation also contains an unnecessary quantity remark that limits the rights to no more than .02 cfs per acre.

Third, the point of diversion element also contains some minor errors.

Fourth, the season of use for stockwater should be the same as the season of use for irrigation.

Last, a general remark concerning the stockwater portion of this water right needs to be added.

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	05/01 10/31	2.440 CFS
STOCKWATER	05/01 ~~11/30~~ 10/31	0.230 CFS

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

PLACE OF USE:	<u>IRRIGATION Within CLARK County</u>					
	T12N R38E S02 Lot 1	NENE	11.0	T12N R38E S02 Lot 2	NWNE	13.0
	T12N R38E S02	SWNE	34.0	T12N R38E S02	SENE	21.0
	T12N R38E S02	NESE	21.0	T12N R38E S02	NWSE	20.0
	T12N R38E S02	SESE	18.0	T12N R38E S11	NENE	38.0
	T12N R38E S11	SENE	12.0	T12N R38E S12	NENW	39.0
	T12N R38E S12	NWNW	40.0	T12N R38E S12	SWNW	38.0
	T12N R38E S12	SENE	40.0	T12N R38E S12	NESW	37.0
	T12N R38E S12	NWSW	7.0	T12N R38E S12	SESW	20.0
	T13N R38E S35	SWNE	7.0	T13N R38E S35	SENE	38.0
	T13N R38E S35	NESE	27.0	T13N R38E S35	NWSE	0.5
	T13N R38E S35	SESE	0.5	T13N R38E S36	NWNE	15.0
	T13N R38E S36	SWNE	40.0	T13N R38E S36	NENW	36.0
	T13N R38E S36	NWNW	35.0	T13N R38E S36	SWNW	36.0
	T13N R38E S36	SENE	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 THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 960 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 31-324, 31-373, 31-374, 31-66A, 31-66B, 31-67A, 31-67B.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

STOCKWATER 1100 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.

22

26

13N38E

35

36

2

12N38E

11

12

RECEIVED

SEP - 7 2001

COPY

Department of Water Resources

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

A. Subcase 31-374

In Re SRBA)

Case No. 39576)

OBJECTION FORM

B. NAME AND ADDRESS OF PERSON OBJECTING

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

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

Daytime Phone: (406) 683-2163

Name and address of Attorney, if any:

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

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

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

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

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

1. **Points of Diversion:**

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

E. REASONS SUPPORTING OBJECTION:

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

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

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

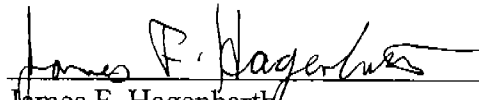
F.

VERIFICATION

State of Montana)
) ss.
County of Beaverhead)

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

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


James F. Hagenbarth

Subscribed and sworn to before me on: September 4, 2001


Notary Public for Montana
Residing at: Dillon, Montana
My Commission Expires: 1/1/04

G.

CERTIFICATE OF MAILING

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

1. Original (**Sent certified mail**) to:

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

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

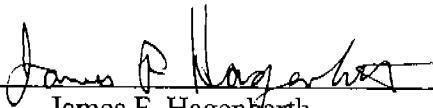
Name: Margaret Hagenbarth, David J. Hagenbarth, James F. Hagenbarth
Address: P.O. Box 1128
Dillon, MT 59725

3. Copies to:

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

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

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


James F. Hagenbarth



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

February 1, 2001

HAGENBARTH LIVESTOCK
PO BOX 1128
DILLON MT 59725

RE: ADDITION OF ATTORNEYS TO CLAIMS

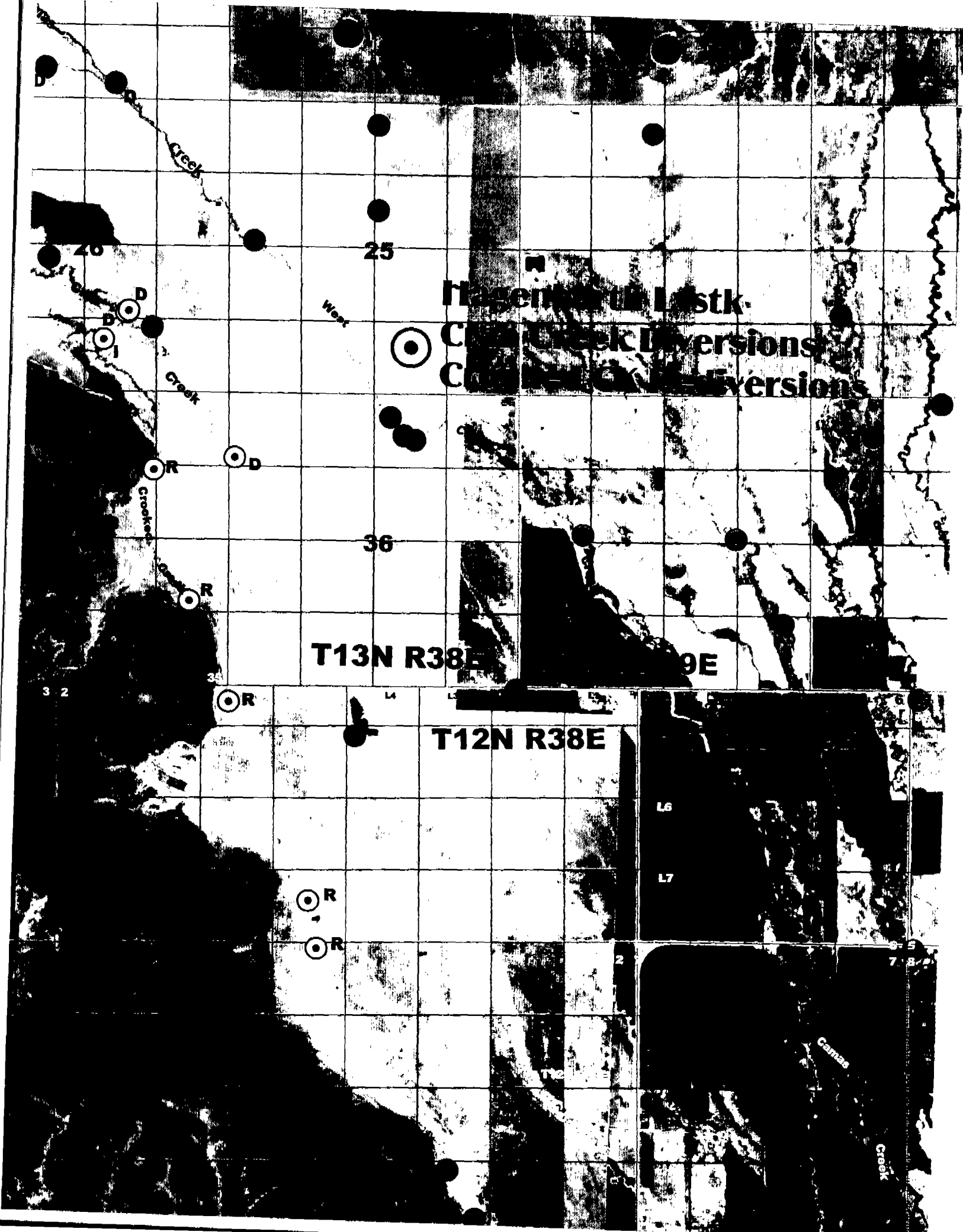
Dear Claimants:

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

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

Respectfully submitted,

Cheri Vandermeulen
Records Clerk



D

Creek

26

25

West

Hagen

Creek Diversions

Creek Diversions

Creek

R

D

36

T13N R38E

37E

3 2

R

T12N R38E

L6

L7

R

R

2

Canna

Creek



COMBINED LIVESTOCK AND IRRIGATION RIGHTS OF

Wood Livestock Company,
a corporation

<u>Date of</u> <u>Priority</u>	<u>Amount in</u> <u>Second Feet</u>	<u>Number</u> <u>of Right</u>	<u>Point of Diversion and</u> <u>Place of Use</u>
-----------------------------------	--	----------------------------------	--

HUMP DITCH

Priority as here-
inafter stated 31 320 ✓
 20.0 c.f.s. 154 A
 (See p. 211)

Points of Diversion: At the head of what is known as the Hump Ditch, as follows:

(a) From West Camas Creek in the Northeast Quarter of the Southwest Quarter of Section 26, Township 13 North, Range 38 East, B.M. (31-0373 - See p. 211)

(b) From Crab Creek in the Northwest Quarter of the Northwest Quarter of Section 35, Township 13 North, Range 38 East, B.M. (31-0374 - See p. 211)

*NW 1/4 Sec 35
Don't know*

WOODIE DITCH

Priority as here-
inafter stated 31 321
 14.0 c.f.s. 154 B

Woodie Ditch Assn.

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

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

LUCKY STRIKE DITCH

Priority as here-
inafter stated 31 322
 32.0 c.f.s. 154 C

NO SRBA CLAIM

Point of Diversion: At the head of what is known as the Lucky Strike Ditch, as follows:

In the Northeast Quarter of the Southwest Quarter of Section 30, Township 13 North, Range 39 East, B.M.

Wood Livestock Company,
a corporation

(continued)

EAST SIDE DITCH

Priority as here-
inafter stated

10.0 c.f.s. 154 D

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

31 32

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

D. Benton Smith
W. H. & Sons Inc.

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

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

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

31 324
19.2 c.f.s. 154 A

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

Hagenbach
Hump Ditch Power
CAN'T DO THIS -
IT'S A MOUNTAIN
FOR GOOD PART

No Mention of
Sec. 36

Wood Livestock Company
a corporation

(continued)

1.6 c.f.s. 154 C

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

31-0325

RESERVE CLAIM

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

154 A

HUMP DITCH

31-0373 (1) 2.0 c.f.s. of the waters of West Camas Creek, with priority of May 28, 1891:

see 31-0066 →
31-0069
(2) The water herein decreed to Harmon Reservoir Company, being the water represented by 892 shares of a total of 1,000 shares of the capital stock of said Harmon Reservoir Company owned by Wood Livestock Company;

1-0374 (3) 2.44 c.f.s. of the waters of Crab Creek, a tributary of Camas Creek, with priority of November 28, 1909.

1-0320 (4) The residue of said water necessary to fill said right as herein
1-0324 decreed to have a priority of September 1st, 1909, the source of supply thereof being Camas Creek.

Irr portion
Stockwater Portion

154 B

WOODIE DITCH

see 1-0066 →
1-0069
(1) The water herein decreed to Harmon Reservoir Company, being the water represented by 892 shares of a total of 1,000 shares of the capital stock of said Harmon Reservoir Company owned by Wood Livestock Company.

1-0321 (2) The residue of said water necessary to fill said right as herein decreed to have priority of August 3, 1913, the source of supply thereof being Camas Creek.

154 C

LUCKY STREET DITCH

see 1-0066 →
31-0069
(1) The water herein decreed to Harmon Reservoir Company, being the water represented by 892 shares of a total of 1,000 shares of the capital stock of said Harmon Reservoir Company owned by Wood Livestock Company.

31-0375
31-0325
1-0322
Irr Portion
(2) The residue of said water necessary to fill said right as herein decreed to have priority as follows: 3.0 c.f.s. thereof to have priority as of June 11, 1914, the source of supply thereof being Harmon Slough (80 inches or 1.6 c.f.s. thereof being used on the Belga Dunn and Katherine Hardy land hereinbefore described.) Any remainder of said right to have priority as of October 1st, 1917, the source of supply of said last mentioned right being Camas Creek.

**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: 31-374

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
JFB.*

Perms OK 4/6/01 to 11/30

1. Describe the portion of the proposed recommendation with which you disagree (e.g priority date, period of use, source):
Points of Diversion
2. Describe the changes you wish to make in the proposed recommendation:
 1) Need to add as POD: 13N 38E S36 SWNNWN — *yes as NWNW.*
 2) Need to add as POD: 12N 38E S1 NWSWNW — *NO - NO DIV. - Field control*
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 Crab Creek 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.

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

DATE: 3/4/2001

SIGNATURE: *James F Hagenbarth*

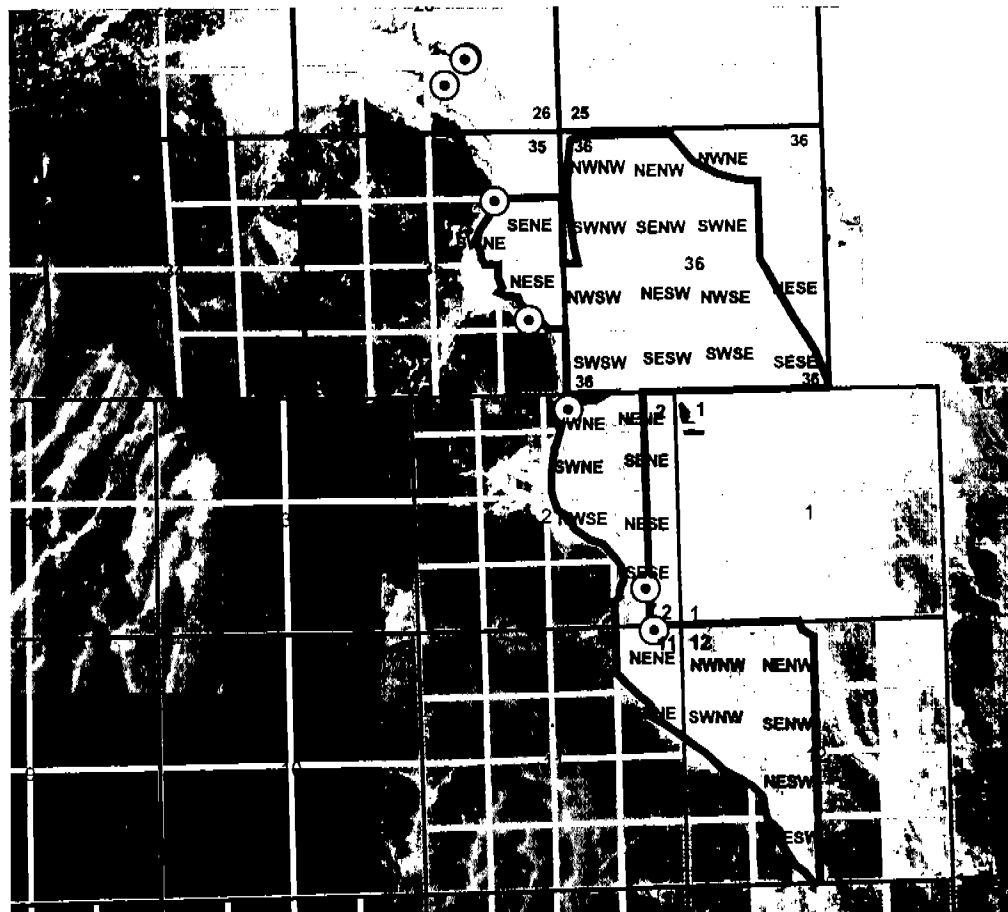
Please print your name: James F. Hagenbarth

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

IDAHO DEPARTMENT OF WATER RESOURCES

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

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



⊙ POINT OF DIVERSION

ACRES IRRIGATED- 960

PLACE OF USE

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

SD-4110
INQUIRY

Idaho Department of Water Resources
Water Rights Remarks Screen

Date: 02/18/00
Time: 09:42:05

Water Right Number: 31-00374

FIRST PAGE

13. Remarks:

Type	Remark
GEN	THIS RT. WHEN COMBINED WITH RTS. 31-0320, 31-0373 & 31-0066 TO
GEN	31-0069 SHALL PROVIDE NO MORE THAN 19.2 CFS FOR IRR. NOR MORE
GEN	THAN 20 CFS FOR STOCKWATER.

SD-4110
INQUIRY

Idaho Department of Water Resources
Water Rights Remarks Screen

Date: 02/18/00
Time: 09:34:01

Water Right Number: 31-00373

FIRST PAGE

13. Remarks:

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

SD-4110
INQUIRY

Idaho Department of Water Resources
Water Rights Remarks Screen

Date: 02/18/00
Time: 09:41:24

Water Right Number: 31-00324

FIRST PAGE

13. Remarks:

Type	Remark
GEN	P/U NOT LISTED.
GEN	THIS RT. IS TO PROVIDE THE RESIDUE NECESSARY TO FILL IRR.
GEN	RTS. IN HUMP DITCH.
GEN	THIS RT WHEN COMBINED WITH RTS. 31-0373, 31-0374 & 31-0066 TO
GEN	31-0069 SHALL NOT EXCEED 19.2 CFS FOR IRR.

SD-4110
INQUIRY

Idaho Department of Water Resources
Water Rights Remarks Screen

Date: 02/18/00
Time: 09:39:55

Water Right Number: 31-00320

FIRST PAGE

13. Remarks:

Type	Remark
GEN	P/D & P/U NOT LISTED.
GEN	THIS RT IS TO PROVIDE THE RESIDUE NECESSARY TO FILL WATER RTS.
GEN	IN HUMP DITCH.
GEN	THIS RT. WHEN COMBINED WITH RTS 31-0324, 31-0373, 31-0374 &
GEN	31-0066 TO 31-0069 SHALL NOT EXCEED 20 CFS.

SD-4110
INQUIRY

Idaho Department of Water Resources
Water Rights Remarks Screen

Date: 02/18/00
Time: 09:41:00

Water Right Number: 31-00067

FIRST PAGE

13. Remarks:

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

SD-4110
INQUIRY

Idaho Department of Water Resources
Water Rights Remarks Screen

Date: 02/18/00
Time: 09:40:37

Water Right Number: 31-00066

FIRST PAGE

13. Remarks:

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

NOTE: Compiled excerpts from the Water Right Data Base.
Note inconsistencies in remarks referring to combined
use for irrigation and stockwater.

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

MICROFILMED

NOV 17 1988

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
 James F. Hagenbarth

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