

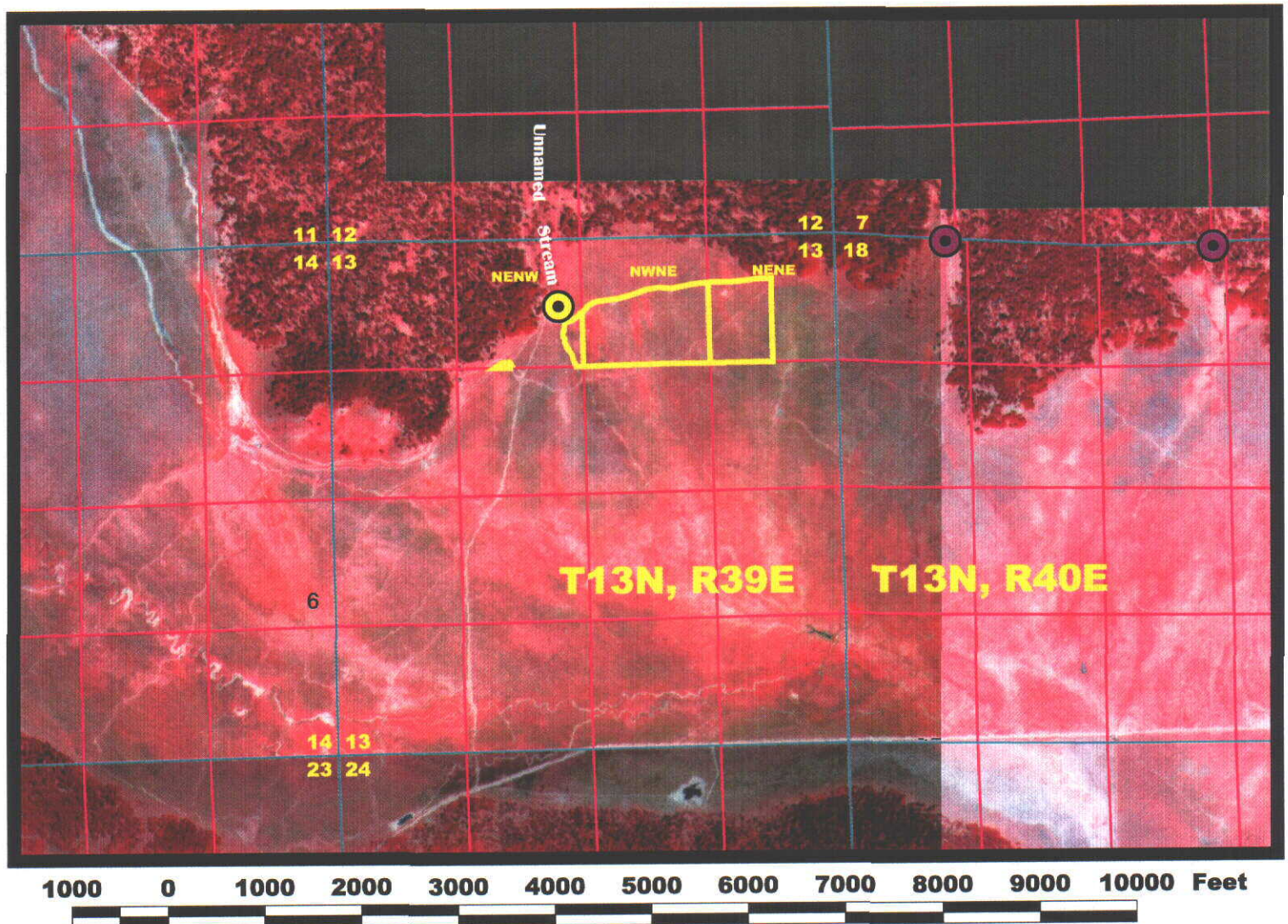


STATE OF IDAHO

Department of Water Resources

Eastern Region

Water Right(s): 31-10212



LEGEND



Point of Diversion

SESE

Place of Use



Section Line



Quarter-section line

**Legal Description: T13N, R39E
Sec. 13 (parts of) N2NE, NENW**

**Point(s) of Diversion: T13N, R39E
Sec. 13 NENENW**



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

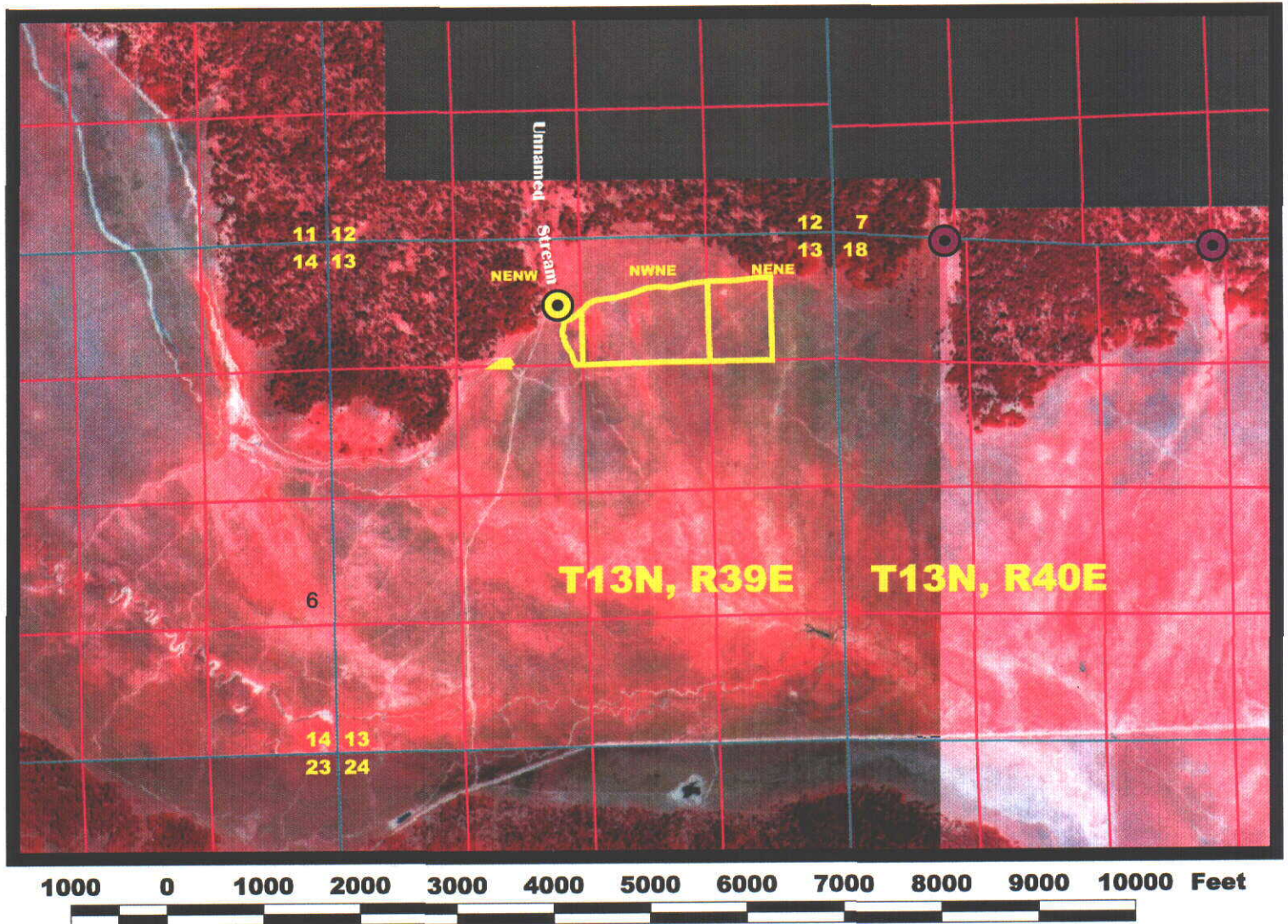


STATE OF IDAHO

Department of Water Resources

Eastern Region

Water Right(s): 31-10212



LEGEND



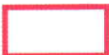
Point of Diversion

SESE

Place of Use



Section Line



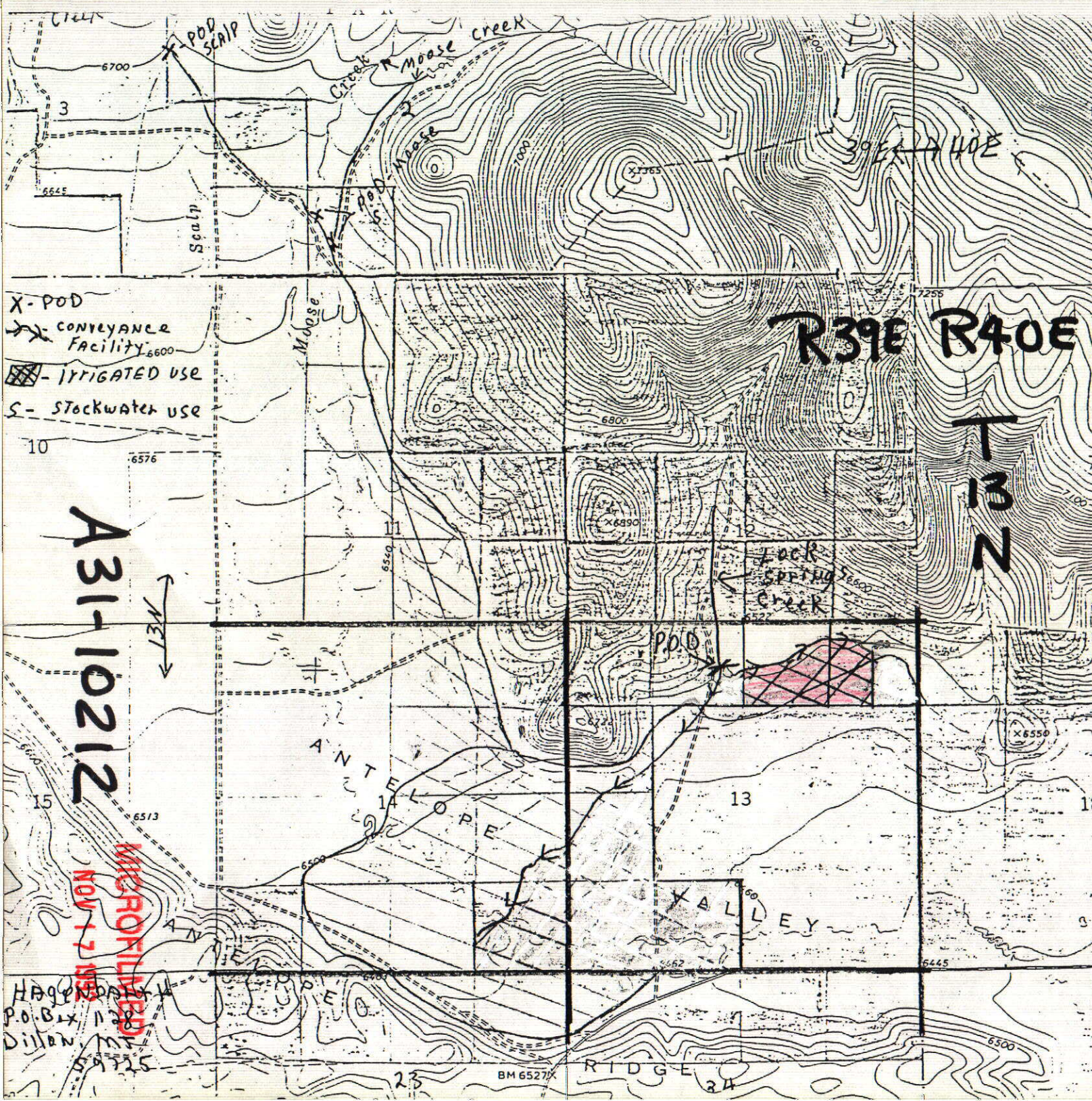
Quarter-section line

**Legal Description: T13N, R39E
Sec. 13 (parts of) N2NE, NENW**

**Point(s) of Diversion: T13N, R39E
Sec. 13 NENENW**



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



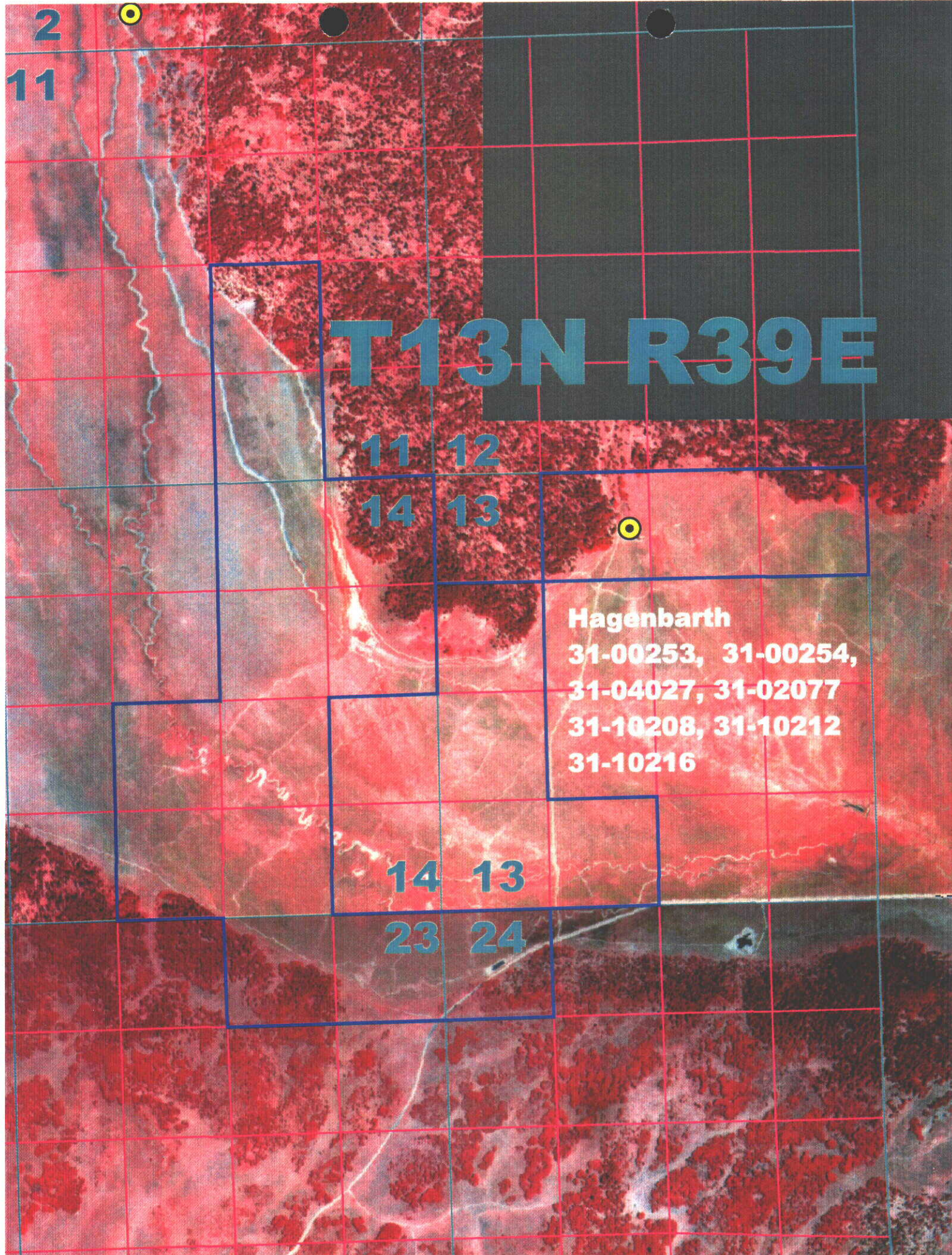
X-POD
CONVEYANCE
Facility
- IRRIGATED USE
S - Stockwater use

A31-10212

MICROFILMED
NOV 17 1988

HAGGARD H
P.O. Box 128
Dillon, MT
59725

BM 6527



2

11

T13N R39E

11 12

14 13

Hagenbarth

31-00253, 31-00254,

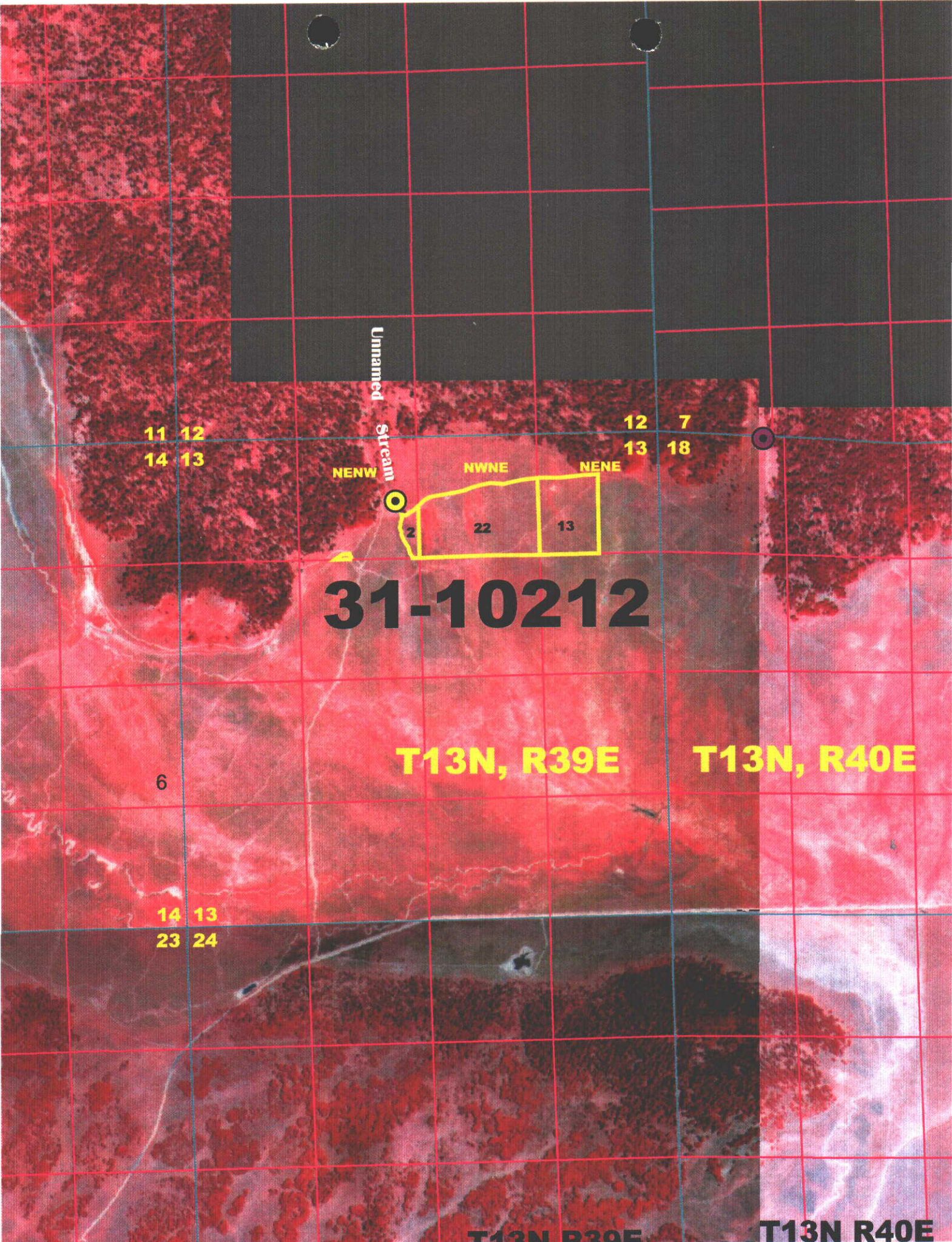
31-04027, 31-02077

31-10208, 31-10212

31-10216

14 13

23 24



Unnamed stream

11 12
14 13

12 7
13 18

NENW NWNE NENE

2

22

13

31-10212

T13N, R39E

T13N, R40E

6

14 13
23 24

T13N R39E

T13N R40E

03/16/2001

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

RIGHT NUMBER: 31-10212

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

SOURCE: UNNAMED STREAM TRIBUTARY: SINKS

QUANTITY: 0.8 CFS

PRIORITY DATE: 05/01/1948

POINT OF DIVERSION: T13N R39E S13 NENENW 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	0.80 CFS

PLACE OF USE:

<u>IRRIGATION Within CLARK County</u>			
T13N R39E S13	NENE	13	T13N R39E S13
T13N R39E S13	NENW	2	NWNE 22

37 ACRES TOTAL

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 - Beneficial Use

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: A31-10212
Date Received: 6/29/1988
Receipt No: E000586
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

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

2. Date of Priority: JUN 01, 1915

3. Source: SPRING Trib. to: SINKS

4. Point of Diversion:

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

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

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.800		

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

8. Total consumptive use is 60.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

A31-10212

Page 1

Date: 06/29/88

MICROFILMED

NOV 17 1992

A310212



10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
13N	39E	13	NE	NE		IRR	17.0
			NW	NE		IRR	23.0
						Section Acres	40.0
						Total Acres	40.0

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:
31-0253/0254/4027/10208

14. Remarks:

THIS CLAIM IS BASED ON CANCELLED APPLICATION FOR PERMIT #31-2075
AND IS THE SAME SOURCE AS STREAM #1. CANCELLATION WAS IMPROPER
SEE ATTACHMENTS "A" & "B" AND ORDER OF CANCELLATION FOR PERMIT
#31-2075

15. Basis of Claim: BENEFICIAL USE
Water Right Number:

16. Signature(s)

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

Number of attachments: 3

For Individuals:

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

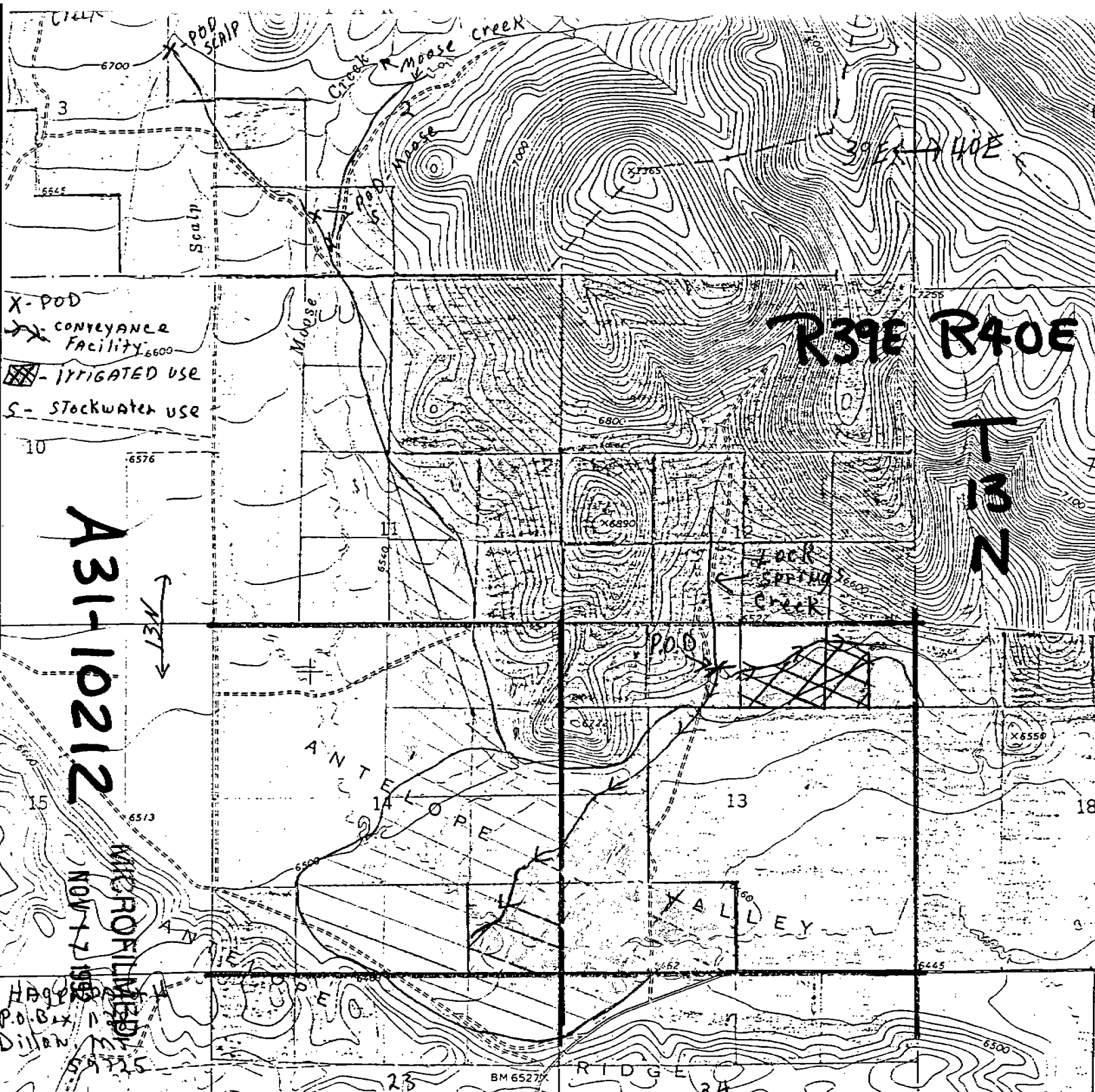
Signature of Claimant(s): James F. Hagabert Date: 6/29/88
Date: _____

State of Idaho)
County of Bonneville) SS.

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

Seal

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





STATE OF IDAHO

Department of Water Resources

Eastern Region

Water Right(s): 31-10212



1000 0 1000 2000 3000 4000 5000 6000 7000 8000 9000 10000 Feet

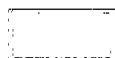
LEGEND



Point of Diversion

SESE

Place of Use



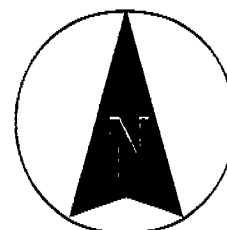
Section Line



Quarter-section line

**Legal Description: T13N, R39E
Sec. 13 (parts of) N2NE, NENW**

**Point(s) of Diversion: T13N, R39E
Sec. 13 NENENW**



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

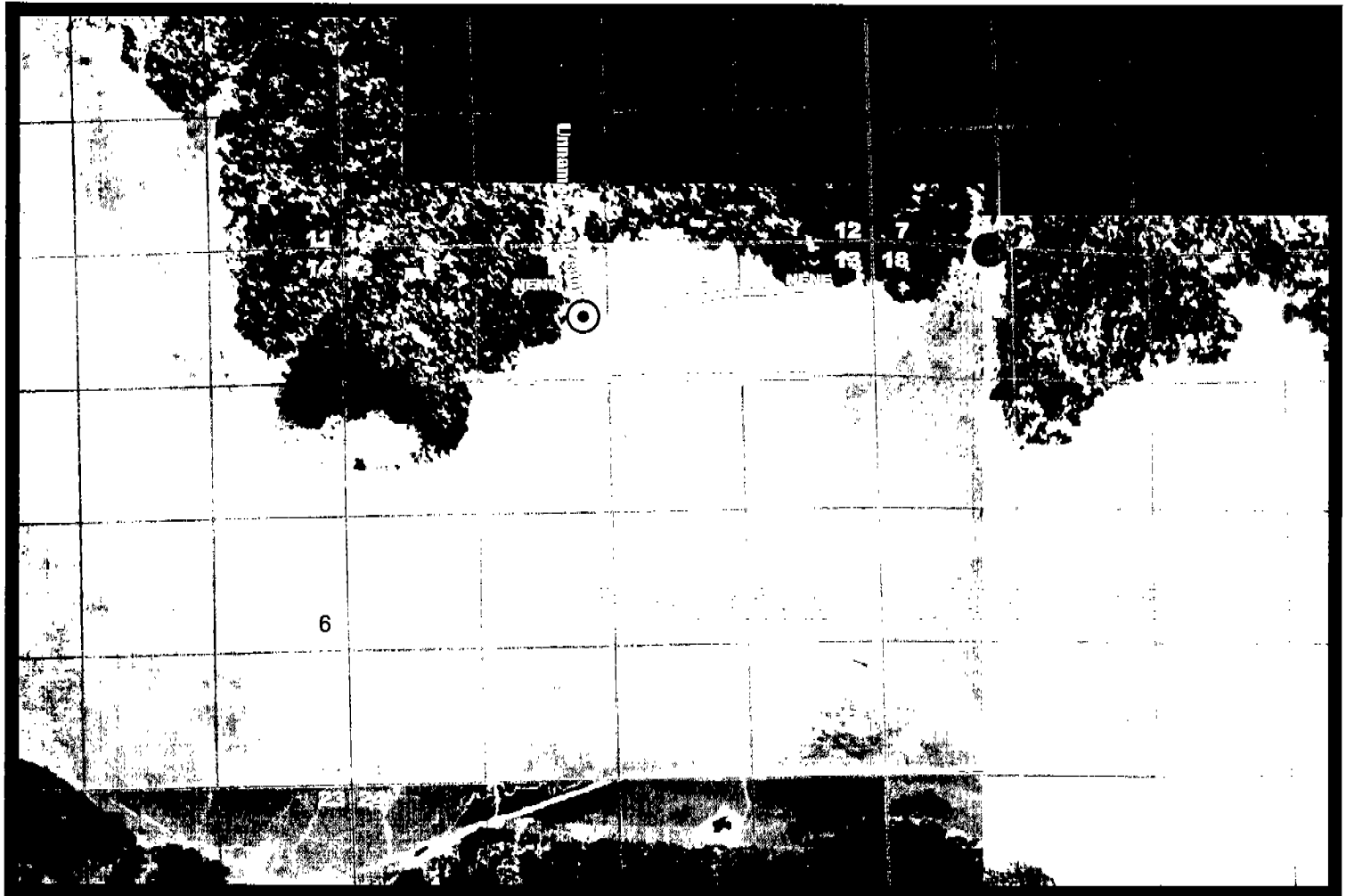


STATE OF IDAHO

Department of Water Resources

Eastern Region

Water Right(s): 31-10212



1000 0 1000 2000 3000 4000 5000 6000 7000 8000 9000 10000 Feet

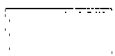
LEGEND



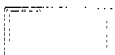
Point of Diversion

SESE

Place of Use



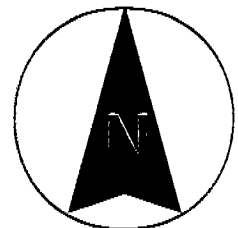
Section Line



Quarter-section line

**Legal Description: T13N, R39E
Sec. 13 (parts of) N2NE, NENW**

**Point(s) of Diversion: T13N, R39E
Sec. 13 NENENW**



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

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

00:00:30
03/24/93

PAGE: 1
GENERAL INFORMATION

365
CLAIM NUMBER: A31-1021

LAST: HAGENBARTH
ADDRESS: P.O. BOX 1128
CITY: DILLON
PHONE NUMBER: 406-683-2163

FIRST: MARGARET
STATE: MT ZIP: 59725

OWNER CODE: C

LAST: HAGENBARTH
ADDRESS: P.O. BOX 1128
CITY: DILLON
PHONE NUMBER: 406-683-2163

FIRST: DAVID J.
STATE: MT ZIP: 59725

OWNER CODE: C

LAST: HAGENBARTH
ADDRESS: P.O. BOX 1128
CITY: DILLON
PHONE NUMBER: 406-683-2163

FIRST: JAMES F.
STATE: MT ZIP: 59725

OWNER CODE: C

FIELD EXAM REQUIRED?

VERIFICATION REQUIRED DUE TO REMARKS?

DITABASE
Y

FIELD
EXAMINER

CLAIM REMARKS: THIS CLAIM IS BASED ON CANCELLED APPLICATION FOR PERMIT #31-2075
AND IS THE SAME SOURCE AS STREAM #1. CANCELLATION WAS IMPROPER
SEE ATTACHMENTS "A" & "B" AND ORDER OF CANCELLATION FOR PERMIT
#31-2075

PAGE: 2
FIELD EXAMINATION INFORMATION

566
CLAIM NUMBER: A31-1021

CONTACT PERSON: _____

PHONE NUMBER: (____) ____-____

DATE OF FIELD EXAM: __/__/__

APPOINTMENT MADE: Y(____) N(____)

TIME: __:__ A(____) P(____)

ACCOMPANIED BY: _____

PHONE NUMBER: (____) ____-____

RELATIONSHIP TO CLAIMANT: _____

DIRECTIONS TO PROPERTY / NOTES:

PAGE: 5
PRIORITY DATE REVIEW PAGE

363
CLAIM NUMBER: A31-1021

A. AJ CLAIM: * A31-10212 PRIORITY DATE: 06-01-1915 STAGE: J
B. WR RECORD: NO WATER RIGHT RECORD TO MATCH THIS AJ CLAIM

C. FIELD EXAM REQUIRED?
DUE TO PRIORITY DATE DISCREPANCY? (Y/N) DATABASE FIELD
Y EXAMINER

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

NOTES: 1915 PRIORITY DATE SWAYE'S ANNOT-1930

Chambers statement shows May 1, 1948 - so B

RECOMMENDED PRIORITY DATE: 5/1/48

REVIEWED BY: [Signature] DATE: 01/14/01

365
CLAIM NUMBER: A31-1021

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
A31-10212	13N	39E	13	SE	NE	SW		CLARK
OTHER AJ CLAIMS WITH SAME AJ POD				NE	NE	NW		
A PREFIX				WR RECORDS IN SAME 40 ACRE TRACT				
NONE				NONE				

TRIB: SINKS

THERE IS NO WATER RIGHT RECORD WITH THE SAME CLAIM NUMBER

TRIB: NO TRIBUTARY FOR RECORD

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

NOTES:
POD CHAMMOO DOES NOT APPEAR TO BE ON CLAIMANTS PROPERTY - PERHAP
LORON OF CLAIM SAVED (O) U44 SHOWS NO STAIN AT THIS LOCATION.
GREG TAYLOR'S NOTES ABOVE FOR POD

[illegible]

SOURCE: SPRING

TRIB: Sinks

REVIEWED BY: SPR

DATE: 01/12/01

SYSTEM DESCRIPTION:

Point of Diversion Dam of unnamed stream from Loc
Diverted by open ditch to Pool.

A. ROOT WATER RIGHT NUMBERS: A51-10212

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.
13N	39E	13	NE	NE		HAGENBARTH, MARGARET	A51-10212 /17.0	- /		8.0
			NE	NE		HAGENBARTH, MARGARET	A51-00253 /24.0	- /		
			NE	NE		HAGENBARTH, MARGARET	A51-00254 /24.0	- /		
			NE	NE		HAGENBARTH, MARGARET	A51-04027 /20.0	51-04027 /20.0		
			NE	NE		HAGENBARTH, MARGARET	A51-10208 /20.0	- /		
			NE	NE		HAGENBARTH, MARGARET	A51-10216 /28.0	- /		
13N	39E	13	NW	NE		HAGENBARTH, MARGARET	A51-10212 /23.0	- /		4.0
			NW	NE		HAGENBARTH, MARGARET	A51-00253 /23.0	- /		
			NW	NE		HAGENBARTH, MARGARET	A51-00254 /23.0	- /		
			NW	NE		HAGENBARTH, MARGARET	A51-04027 / 5.0	51-04027 / 5.0		
			NW	NE		HAGENBARTH, MARGARET	A51-10208 / 5.0	- /		
TOTAL ACRES							A51-10212	40.00		12.00

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

Sec. 13 NW 1/4 2nd

C. FIELD EXAM REQUIRED?

DUE TO POU DISCREPANCY? (Y/N)

DATABASE
Y

FIELD
EXAMINER

POU COUNTY: CLARK

OBVIOUS OVERLAP

Rights.

PRESUMPTION FLAG:

NOTES:

RECOMMENDATIONS:

TOTAL ACRES: 37.0
38.0

REVIEWED BY: ASR

DATE: 01/12/01

A. AJ CLAIMED USES:

PURPOSES	MONTH/DAY	DIVERSION QUANTITY
A31-10212 IRRIGATION	FROM 04-31 TO 11-01	.800 CFS
TOTAL DIVERSION RATE/VOLUME CLAIMED		.800 CFS

B. WR RECORDED USES:

PURPOSES	MONTH/DAY	DIVERSION QUANTITY
----------	-----------	--------------------

PRESUMPTION FLAG:

C. FIELD EXAM REQUIRED?

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

D. PERIOD OF USE:

RECOMMEND AS CLAIMED?

Y() N(✓)

RECOMMEND TO WR STANDARDS OR OTHER?

Y(✓) N()

EXPLAIN IN NOTES, BELOW

NOTES:
DEPT. STANDARD FOR SEASON OF USE IN THIS AREA IS MAY 1 TO OCT. 31

A. DOES DIVERSION RATE CLAIMED AGREE WITH EXISTING RECORDS?

Y() N()

AJ TOTAL CLAIMED DIVERSION RATE: 0.800 CFS
WR ROOT RIGHT TOTAL DIVERSION RATE: CFS

MARGARET RUSSELL

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

FLOW MEASUREMENT REQUIRED?

FIELD
DATABASE EXAMINER

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

B. FLOW MEASUREMENT

MEASUREMENT METHOD _____, SEE ATTACHED CALCULATIONS.

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

OTHER RIGHTS LISTED IN CLAIM: 31-0253/0254/4027/10208

LIST ALL RIGHTS WITH A SAME POB AND IRRIGATION USAGE:

CLAIM NO.	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL.
A31-10212	SPRING	HAGENBARTH, MARGARET	0.800	0.020		
A31-00253	SPRING	HAGENBARTH, MARGARET	0.620	0.002		
A31-00254	SPRING	HAGENBARTH, MARGARET	0.500	0.002		
A31-04027	SCALP CREEK	HAGENBARTH, MARGARET	7.000	0.011		
A31-10208	MOOSE CREEK	HAGENBARTH, MARGARET	7.000	0.011		
A31-10216	STREAM	HAGENBARTH, MARGARET	1.500	0.031		

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

CLAIM NO.	PURPOSES	NAME	MONTH/DAY	RATE	VOLUME
A31-00253	STOCKWATER	HAGENBARTH, MARGARET	FROM 01-01 TO 12-31	.240 CFS	
A31-00253	WILDLIFE	HAGENBARTH, MARGARET	FROM 01-01 TO 12-31	.250 CFS	
A31-04027	STOCKWATER	HAGENBARTH, MARGARET	FROM 04-01 TO 12-31	.240 CFS	
A31-04027	WILDLIFE	HAGENBARTH, MARGARET	FROM 04-01 TO 12-31	.250 CFS	
A31-10216	STOCKWATER	HAGENBARTH, MARGARET	FROM 01-01 TO 12-31	.200 CFS	
A31-10216	WILDLIFE	HAGENBARTH, MARGARET	FROM 01-01 TO 12-31	.200 CFS	

D. RATE/VOLUME CALCULATIONS: (IRRIGATION)

1A. IRRIGATION RATE
ACRES _____ X 0.02 CFS/ACRE = _____ CFS
(TAKEN FROM P/U REVIEW)

1B. CALCULATIONS

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

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

2. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = 50.0 AF/A

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

TOTAL CONSUMPTIVE USE _____ AF/A

3. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = _____ AF/A

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

TOTAL DIVERSION VOLUME _____ AF/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION:

SEE ATTACHED SHEET? Y() N()

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

RECOMMENDATIONS:

REC. PURPOSES	REC. PERIOD FROM TO	REC. DIV RATE CFS	REC. DIV VOL. AF/A	REC. CONS USE
IRRIGATION	~~04-01 11-01~~	DATABASE EXAMINER 0.890 <i>Don</i>	DATABASE EXAMINER -----	DATABASE EXAMINER 60.0 -----
TOTAL FOR THIS RIGHT	~~5/1 10/31~~	0.890		60.0

REVIEWED BY: *SPR*

DATE: *01/12/01*

A. CHECK ONLY THE FOLLOWING THAT APPLY:

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

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 31-10212

TOTAL DIVERSION RATE OF WR SPLITS

DATABASE

EXAMINER

CFS

SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "R" CLAIM NUM.	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSI RATE
-	A31-10212	0.900	-	-	-	-
TOTAL CFS		0.800				

DIVERSION RATE REVIEW

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

DATABASE
N

FIELD
EXAMINER

NOTES:

But claim

Recommend 0.7 CFS @ 0.02/acre X 35 ac

AUTHENTICATION:

SIGNATURE: _____

DATE: *01/12/01*

NAME OF FIELD EXAMINER: *Angela B. Robinson*

TITLE: *Sr. Asst*

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

00:00:30
03/24/93

PAGE: 12
QUICKLOOK INFORMATION

374
CLAIM NUMBER: A31-1021

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

VERIFIED BY CODES

TOPO MAP/ORTHO-PQ = 1
ASCS MAP = 2
WATERMASTER RECORDS = 3
NAPP PHOTOS = 4
FIELD EXAM = 5
OTHER (SEE REMARKS) = 6

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

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

00:19:31
03/24/93
375

PAGE: 15
PROFILE REPORT

CLAIM NUMBER: A31-1021

OWNER CJDE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVE VOL
C	MARGARET HAGENBARTH	06/01/1915	IRRIGATION	04-04-11-01	0.80 CFS	
C	DAVID J. HAGENBARTH			5/1 10/21		
C	JAMES F. HAGENBARTH			TOTAL DIVERSION:	0.80 CFS	
	P.O. BOX 1128			CONSUMPTIVE USE:		
	DILLON MT 59725					
	(436) 683-2163					

WATER SOURCE: SPRING

TRIBUTARY TO: SINKS

STAGE: BENEFIC

POINT(S) OF DIVERSION:

T13N R39E S13

SENESE

CLARK COUNTY

PLACE OF USE LEGAL DESCRIPTION FOR: IRRIGATION

NE				NW				SW				SE			
T	R	S	:	LT	AC	LT	AC	LT	AC	LT	AC	LT	AC	LT	AC
13N	39E	13	:	17		23									

TOTAL ACRES

POU COUNTY: CLARK

NON-IRRIGATION USES: NONE

OTHER RIGHTS: 31-0253/0254/4027/10208

REMARKS: THIS CLAIM IS BASED ON CANCELLED APPLICATION FOR PERMIT #31-2075
AND IS THE SAME SOURCE AS STREAM #1. CANCELLATION WAS IMPROPER
SEE ATTACHMENTS "A" & "B" AND ORDER OF CANCELLATION FOR PERMIT
#31-2075

DATES: EXAM MADE DATE:

VERIFIED DATE:

MISC: WATER DISTRICT NUMBER:

FIELD INSPECTION FLAG:
PRESUMPTION FLAG:



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

February 1, 2001

HAGENBARTH LIVESTOCK
PO BOX 1128
DILLON MT 59725

RE: ADDITION OF ATTORNEYS TO CLAIMS

Dear Claimants:

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

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

Respectfully submitted,

Cheri Vandermeulen
Records Clerk

01/24/2001

NOTICE OF ERROR
REPLY

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

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

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

Water right number: 31-10212
DAVID J HAGENBARTH
PO BOX 1128
DILLON MT 59725
Telephone Number: (406) 683-2163

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

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

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

1) Point of Diversion *corrective ridge*

2) *SOURCE IS NOT A SPRING ⇒ UNNAMED SPRING Stream*

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

1) Point of Diversion- change to T13N R39E S13 SENENW *yes*

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

1) POD was not file correctly in the file claim or the recommendation.

yes, correct

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

DATE: 3/5/2001

SIGNATURE: James F Hagenbarth

Please print your name: James F. Hagenbarth

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

Correct per Remaker Add GBS Amund photo

HAGONBARTH LYSTK ANTLOPS SPBA CLAIMS

Water Right	POLYGONS INCLUDED FOR PDU	
Wau Sp #2 31-10216 UNNAMED STREAM (Lochs SPCR)	H7, H8, H9, H10, H11	INTERSECT 7, 7a
31-10212 UNNAMED STREAM (Lochs Sp CR)	H3, H4, H5, H6, H7, H8	INTERSECT 8
31-00253 31-00254 UNNAMED STREAM	H2, H4, H5, H6, H7, H8	INTERSECT 9
31-10208 * MOOSE CR	H1, H2, H3, H6, H7, H9	INTERSECT 10 AS PDU
31-02125 * MOOSE CR	PART OF H1 (Limited to 25 ac)	INTERSECT 10 ALSO H2, H3, H6, H7, H9 AS PDU
31-02077 * MOOSE CR	PART OF H1 (Limited to 120 ac)	INTERSECT 10 ALSO H2, H3, H6, H7, H9 AS PDU
31-04027 * SCALP CR	H1, H2, H3, H6, H7, H9	INTERSECT 10 AS PDU
* 31-10208, 02125, 02077, 04027 = PDU (WITH Limits of AERODAGE)		
GZS NOTES: (1.) COMBINING INTERSECTS 9 & 10 AS PDU (Limits)		

T13N R39E

H8 H10

H9 H11

23 24

T13N R39E

T1

Scalp Ck

31-04027

Moose Ck

31-10208

31-02077

31-02125

T13N R39E

T13N, R40E

Locke Sp Ck

31-10212

31-00257

31-00258

Unnamed ck

31-10216

31-00259

31-00260

31-00261

31-00262

31-00263

31-00264

31-00265

31-00266

31-00267

31-00268

31-00269

31-00270

31-00271

31-00272

31-00273

31-00274

31-00275

31-00276

31-00277

31-00278

31-00279

31-00280

31-00281

31-00282

31-00283

31-00284

31-00285

2



11

T13N R39E

11 12

14 13



14 13

23 24

11 12
14 13

12 7
13 18

NENW NENE

31-10212

6

T13

14 18
23 24

T13N R40E



State of Idaho
DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - FAX: (208) 525-7177

EASTERN REGION
FEBRUARY 9, 1993

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

POOR ORIGINAL

*

RE: EVIDENCE OF PRIORITY

Dear Claimant(s):

The Notice(s) of Claim identified with the number shown above in the "address" label and at the "end" of this letter has been filed in the Snake River Basin Adjudication (SRBA). The Notice indicates water usage is based on "Beneficial Use". Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed, at or on the place of use identified on the Notice. The date the water was first put to use, known as the priority date, has not been confirmed by a License, Decree, or Permit. For this reason, proof must be provided supporting the priority date. As the claimant, you are responsible for submitting the necessary proof to support the priority date.

It is important that each element of the Notice be substantiated. For instance, regarding claims for irrigation, the evidence should tend to show that diversion works were in place, that they were capable of diverting the claimed diversion rate, and that the diverted water was beneficially used on the entire claimed place of use on or before the claimed priority date.

For your reference, I have provided a printout of your Notice and the pamphlet entitled "Evidence of Priority". The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement. While I encourage you to read all of the pamphlet, I direct your attention to the two sections entitled "What Kind of Evidence is Required" and "Some examples of Documents Which May Be Evidence of the Priority Date".

EVIDENCE OF PRIORITY
Page - 2 -

It is our goal to recommend historical water rights within the Snake River Basin as accurately as possible. Field exams to verify other items of the Notice have been or soon will be conducted by Department personnel.

The Department will not recommend the Notice be decreed by the court if no evidence of a priority date is submitted.

Please submit the required evidence supporting the priority date by MARCH 9, 1993, referencing all documents with the corresponding Notice number. If you have any questions not covered by this letter or the enclosed pamphlet, please contact this office.

Respectfully submitted,

Eric Verner
Senior Water Agent

EV:jt

Enclosure: Brochure on "Evidence of Priority"
Proof Report

Other Water Right Numbers Needing Evidence of Priority

MICROFILMED

APR 14 1994

6/27/88

RE: Cancellation of Permit #31-2075

To Whom it may concern:

Claimants' predecessor, Benjamin T. Wall, applied to appropriate waters in the State of Idaho on 7/28/1911. Approval by the state engineer and issuance of permit #7587 was made on 8/19/1911. Mr. Wall failed to file a proof of beneficial use, as did his predecessors. On March 11, 1974 notice was sent to D.V. Hagenbarth with an address of only Idaho Falls, Idaho. Mr. Hagenbarth was my Father and died in 1970. His dealings with the water department had been continuous since at least 1944. His permanent address had been Dillon, MT since 1946. The water department had corresponded with him at the Montana address as early as 1956. I have been managing the water resources of the claimants and their predecessors since 1970. At no time have I received a notice of appearance in regard to this permit. I contend that said notice of appearance was not properly delivered and caused the current permit holder to be unaware of said notice. This being the case, the cancellation of permit #31-2075 was improper and the current permit holder should still be given the opportunity to salvage this water right made by the claimants' predecessor. After inspection of the ground it is evident that Benjamin T Wall did indeed divert water from the sources he claimed and successors in interest have further developed Wall's initial water use.

This being the case, the claimants are using the present adjudication process to file a use right based on Walls diversion of claimed sources as evidenced by Permit #31-2075. Since no proof of completion was presented the claimants are claiming June 1, 1915 as the priority date. In 1947 the claimants' predecessor, D.V. Hagenbarth, constructed a water delivery system for Antelope Valley and used said system since May 1, 1948 to deliver the flows of many sources to the places of use claimed by the claimant. The three sources claimed by Mr. Wall are used by parts of the delivery system constructed by my Father. Therefore May 1, 1948 could also be used as a priority date if June 1, 1915 or an earlier date does not please the court. The claimants are insistent that the Department of Water Administration cancelled said permit without giving proper notice.

Sincerely,

James F. Hagenbarth

James F. Hagenbarth

MICROFILMED

NOV 17 1982

6/18/88

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

To Whom it may concern:

I am representing the claimants, Margaret, David J. and James F. Hagenbarth, in the filing of water rights in the Snake River Basin Water System. The information contained below is in respect to a water delivery system which is used by the claimants to put diverted flows from Scalp Creek, Moose Creek, and at times Lock Springs to beneficial use on lands owned by the claimants. The water sources mentioned are typical to most streams in this area in that they can flow tremendous amounts in the spring, yet flow very little in the summer. The claimants use the maximum amount diverted, but usually only for a short time.

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

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

Sincerely,

James F. Hagenbarth
James F. Hagenbarth

MICROFILMED

NOV 17 1992