

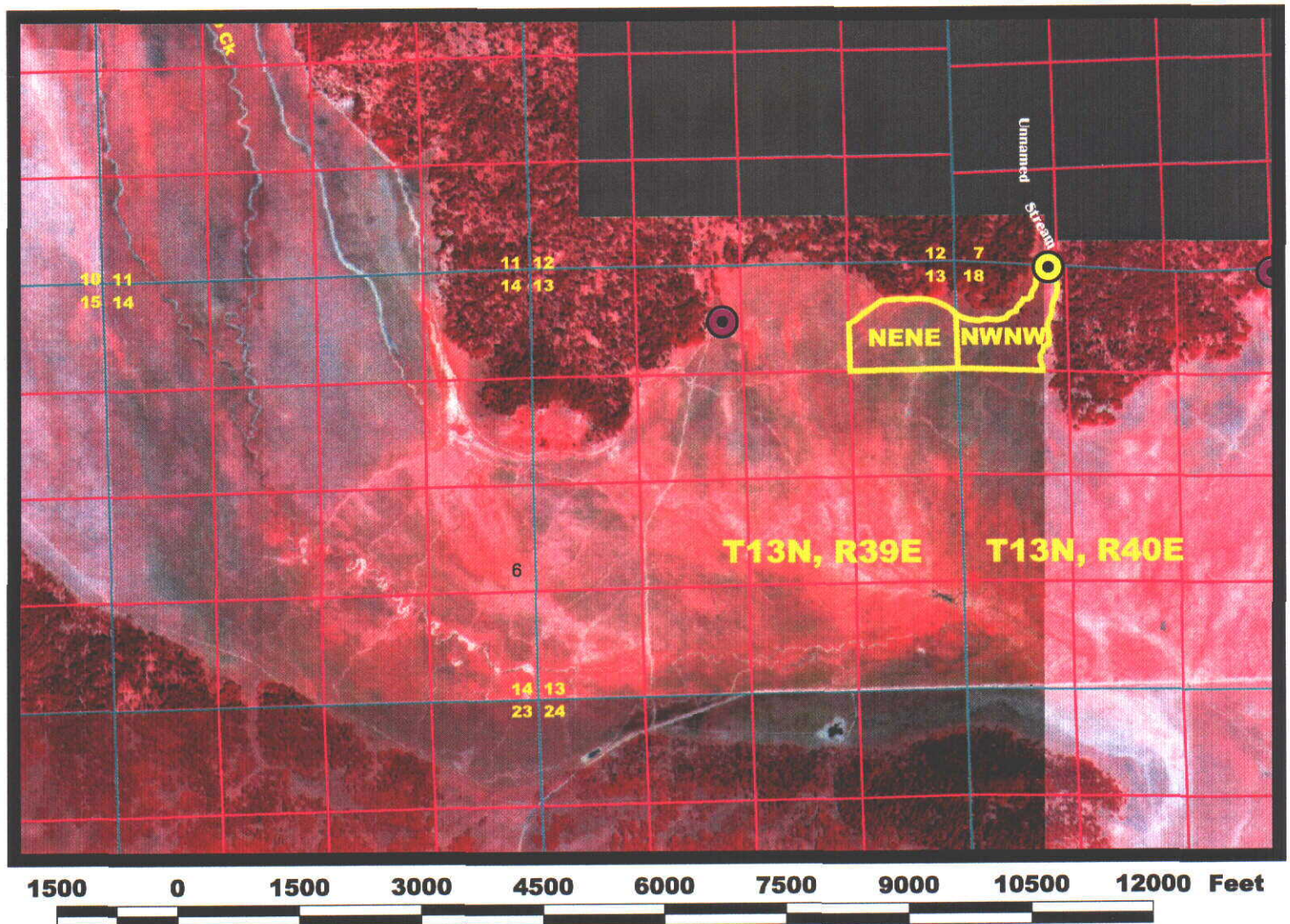


STATE OF IDAHO

Department of Water Resources

Eastern Region

Water Right(s): 31-10216



LEGEND



Point of Diversion

SESE

Place of Use



Section Line



Quarter-section line

Legal Description: T13N, R39E
Sec. 13 (part of) NENE,
T13N, R40E
Sec. 18 (part of) NWNW

Point(s) of Diversion: T13N, R40E
Sec. 18 NENWNW



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

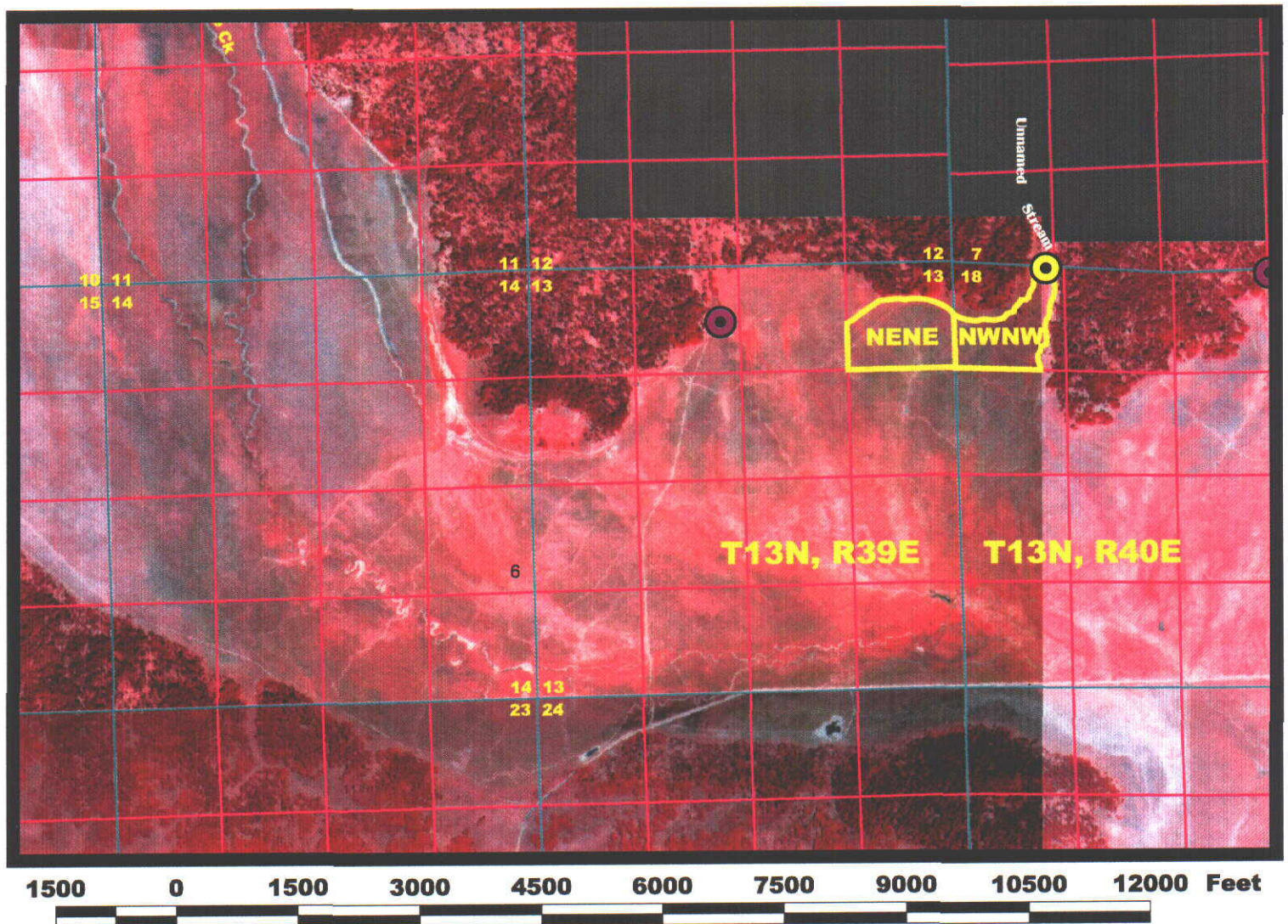


STATE OF IDAHO

Department of Water Resources

Eastern Region

Water Right(s): 31-10216



LEGEND



Point of Diversion

SESE

Place of Use



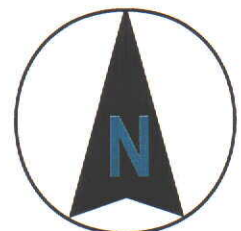
Section Line



Quarter-section line

Legal Description: T13N, R39E
Sec. 13 (part of) NENE,
T13N, R40E
Sec. 18 (part of) NWNW

Point(s) of Diversion: T13N, R40E
Sec. 18 NENWNW



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

7

12

7

13

18

31-10216

NENE

6

18

NWNW
20

unnatural
stream

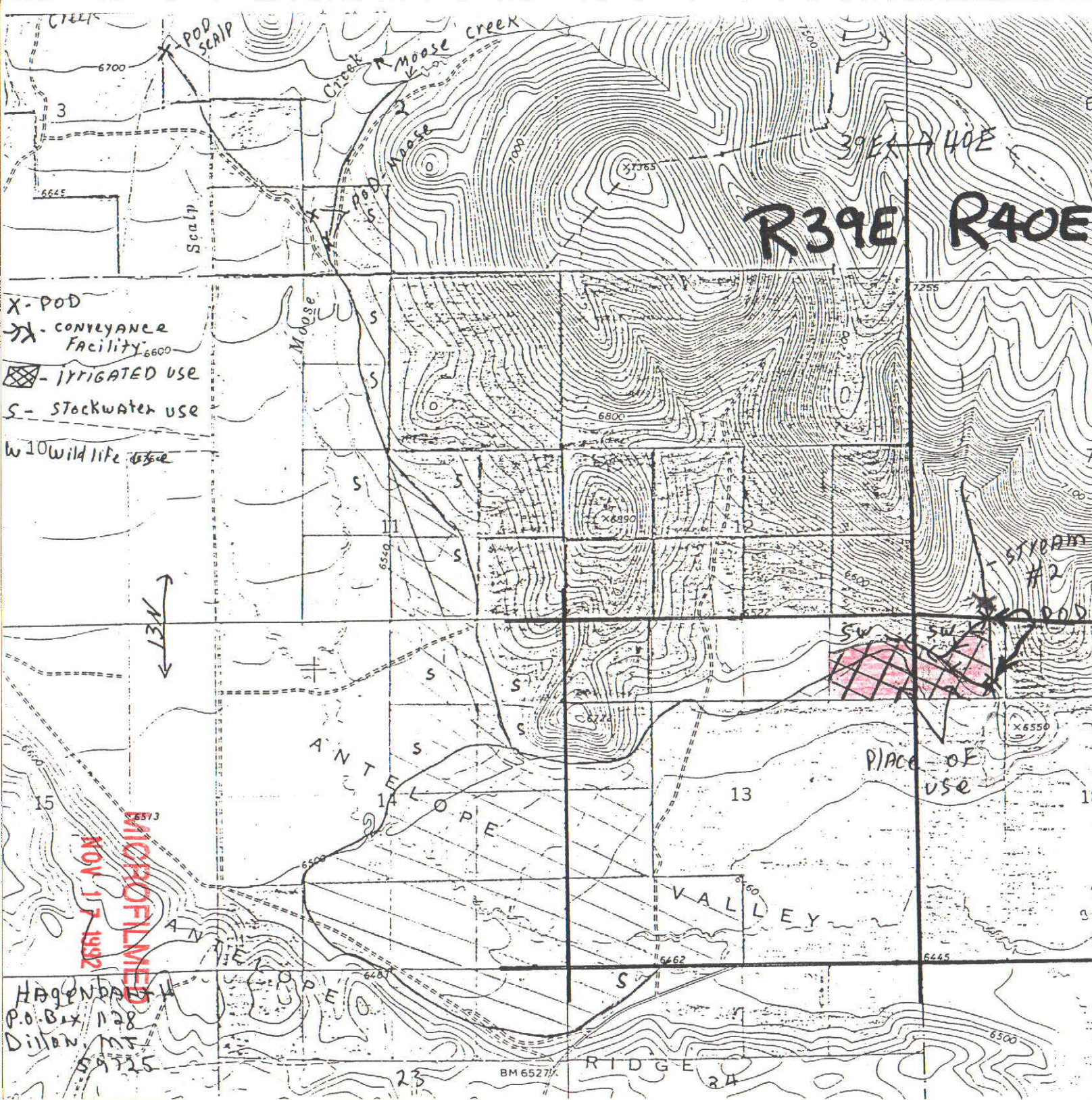
unnatural
stream

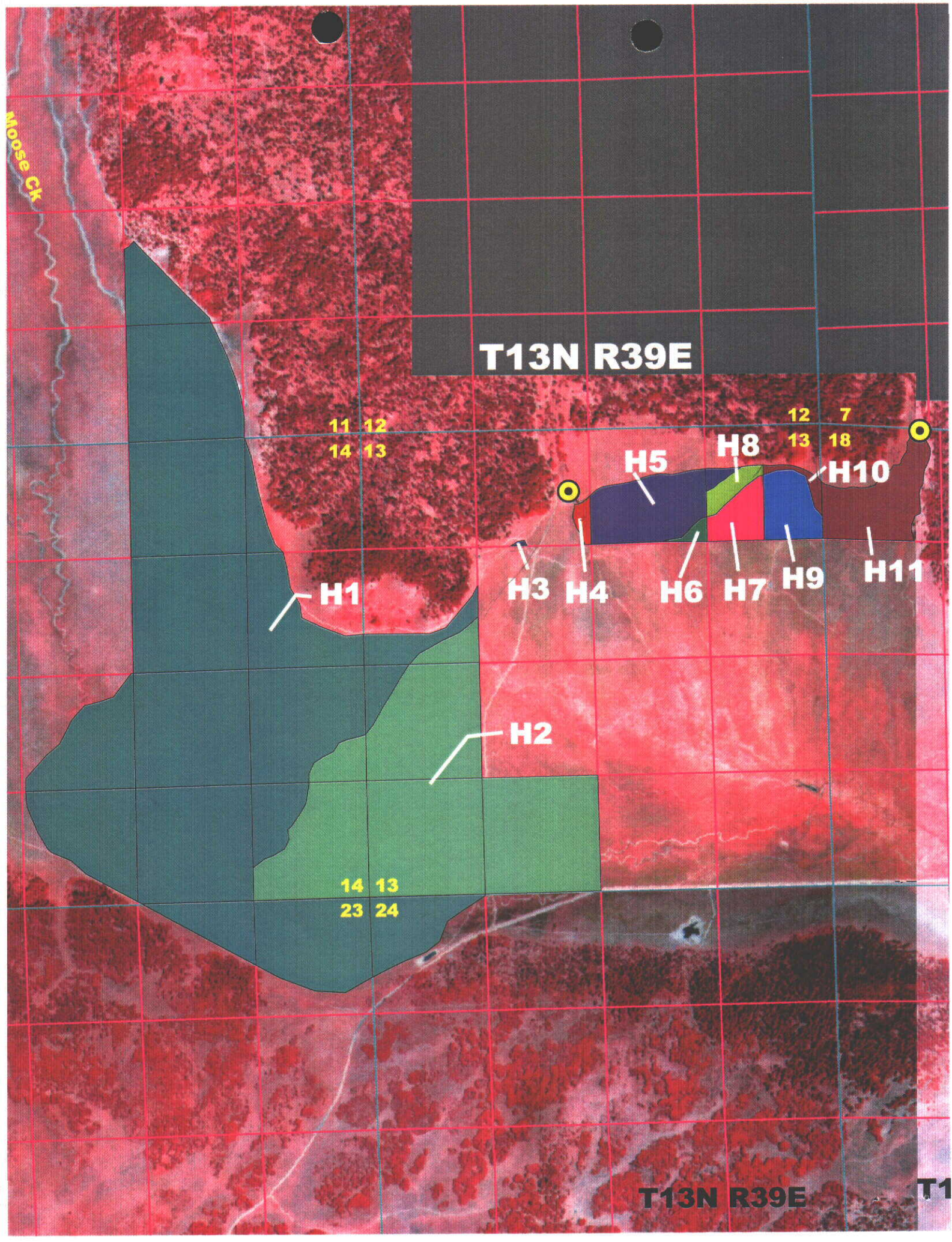
AREA OF OVERLAP W/
OTHER RIGHTS

T13N, R39E

T13N, R40E

AS AMENDED 9/30/2K





Moose Ck

T13N R39E

11 12
14 13

12 7
13 18

14 13
23 24

H1

H3

H4

H5

H8

H10

H3

H4

H6

H7

H9

H11

H2

T13N R39E

T1

Scalp Ck
31-04027

Moose Ck
31-10208
31-02077
31-02125

T13N R39E

T13N, R40E

Locke Sp Ck
31-10212

Unnamed ck
31-10216

31-00253
31-00254

H1

H3

H4

H5

H6

H7

H8

H9

H10

H11

H2

T13N R39E

T13N R40E

Hagenbarth Lystk
31-10216

Unnamed stream

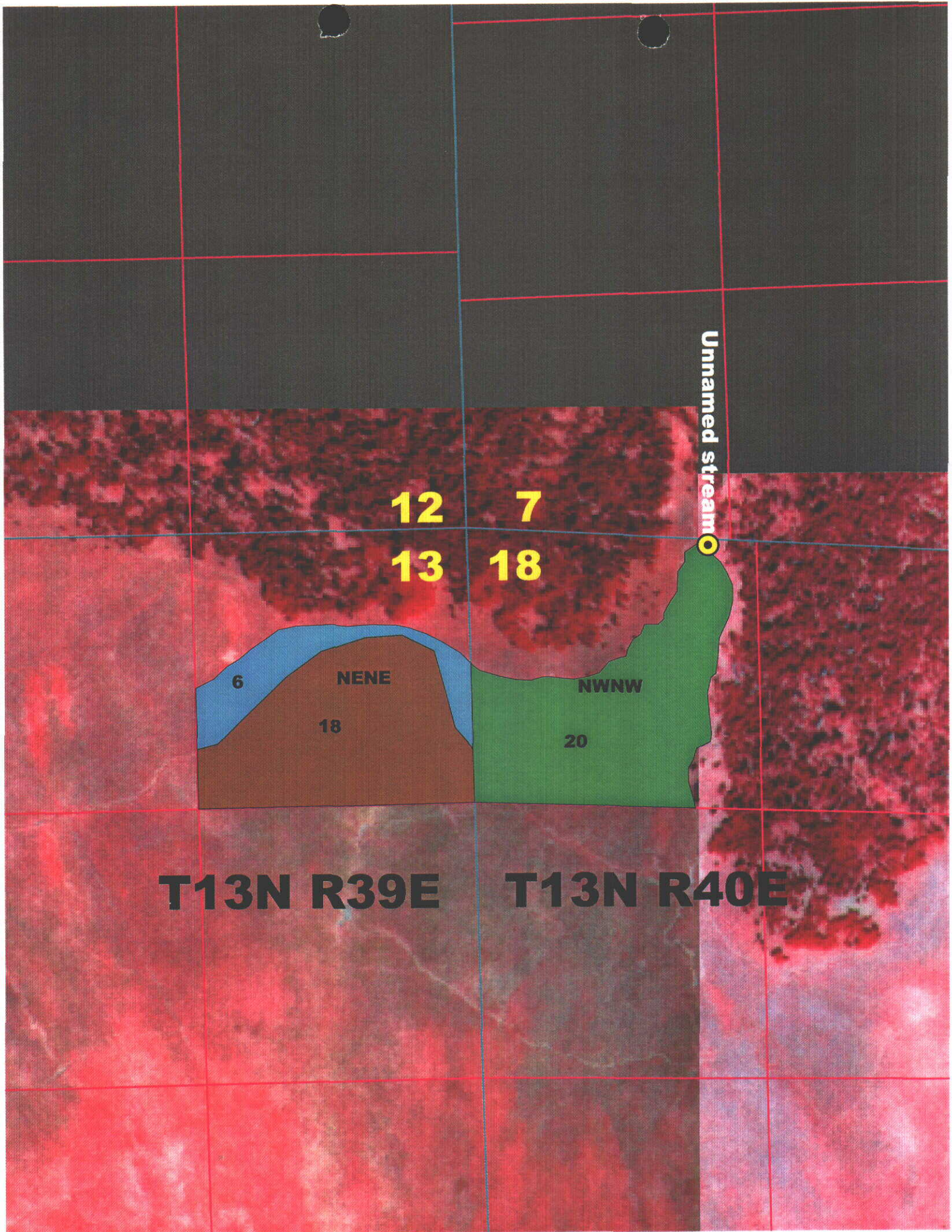
12 **7**
13 **18**

NENE
24

NWNW
20

T13N R39E

T13N R40E



03/16/2001

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

RIGHT NUMBER: 31-10216

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

SOURCE: UNNAMED STREAM TRIBUTARY: SINKS

QUANTITY: 0.88 CFS

PRIORITY DATE: 05/01/1948

POINT OF DIVERSION: T13N R40E S18 LOT 1 NENWNW 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	0.88 CFS
STOCKWATER	05-01 11-30	0.20 CFS

PLACE OF USE:

IRRIGATION Within CLARK County							
T13N R39E S13	NENE	24	T13N R40E S18	LOT 1	NWNW		20
STOCKWATER Use same as IRRIGATION							
44 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.

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 - Beneficial Use

STOCKWATER 900 CATTLE

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 31-10216
Date Received: 6/29/88
Receipt No:
Received By:

AMENDED

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

JAN 24 2001

Department of Water Resources
Eastern Region

1. Name of Claimant(s)

DAVID J HAGENBARTH Phone: (406)683-2163

PO BOX 1128
DILLON MT USA 59725

JAMES F HAGENBARTH Phone: (406)683-2163

PO BOX 1128
DILLON MT USA 59725

MARGARET HAGENBARTH Phone: (406)683-2163

PO BOX 1128
DILLON MT USA 59725

2. Date of Priority: 05/01/1948

3. Source: UNNAMED STREAM Trib. to: SINKS

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County
13N	40E	18	NE NW NW 1	CLARK

5. Description of diverting works:

STREAM CHANNEL IS DAMED TO DIVERT TO 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	05/01	10/31	1.6	
STOCKWATER	05/01	10/31	0.2	

7. Total Quantity Appropriated is:
1.6 C.F.S.

8. Total consumptive use:

31-10216

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
13N	39E	13	NE NE	NE NE	IRRIGATION STOCKWATER	28
					Section Acres	28
13N	40E	18	NW NW	NW NW	1 1 IRRIGATION STOCKWATER	23
					Section Acres	23
					Total Acres	51

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:

14. Remarks:

CHANGED ADDRESSES TO MATCH FOR MAILING PURPOSES ONLY 3/27/95 DMS
CLAIM AMENDED TO ACCURATELY REFLECT USE AND PRIORITY.

15. Basis of Claim: Beneficial Use

16. Signature(s)

O 31-10216

NENE

6

18

AREA OF OVERLAP W/
OTHER RIGHTS

T13N, R39E

T13N, R40E

AS AMENDED 9/30/2K

31-10216

(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: See ORIGINAL Filing - (5) Amended (1) = (6)

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. Hagerberg Date: 1/23/01
January 23, 2001 Date:

State of Idaho Montana)
County of Beverhead) SS.

Subscribed and sworn (or affirmed) before me this 23rd
of January 2001

Kathy L. Stearns
Notary Public

Residing at Dillon

My commission Expires 5/17/2003

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: A31-10216
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: STREAM Trib. to: SINKS

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
13N	40E	18	NE	NW	NW	1	CLARK
			SE	NW	NW	1	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	1.600		
STOCKWATER	01/01	12/31	0.200		
WILDLIFE	01/01	12/31	0.200		

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

8. Total consumptive use is 76.5 Acre Feet Per Annum.

A31-10216 Page 1 Date: 06/29/88

MICROFILMED

NOV 17 1992

A310216



9. Non-irrigation uses:
S/900 RANGE CATTLE,W/VARIOUS SPECIES

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
13N	39E	13	NE	NE		IRR	28.0
			NE	NE		STOCK	
			NE	NE		WILDLF	
						Section Acres	28.0
	40E	18	NW	NW	1	IRR	23.0
			NW	NW	1	STOCK	
			NW	NW	1	WILDLF	
						Section Acres	23.0
						Total Acres	51.0

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:
31-0253/0254/4027/10208/10212

14. Remarks:
THIS CLAIM IS BASED ON CANCELLED APPLICATION FOR PERMIT # 31-2075
AND IS THE SAME SOURCE AS STREAM # 2. CANCELLATION WAS IMPROPER
SEE ATTACHMENTS "A","B", & "C" 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: 4

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

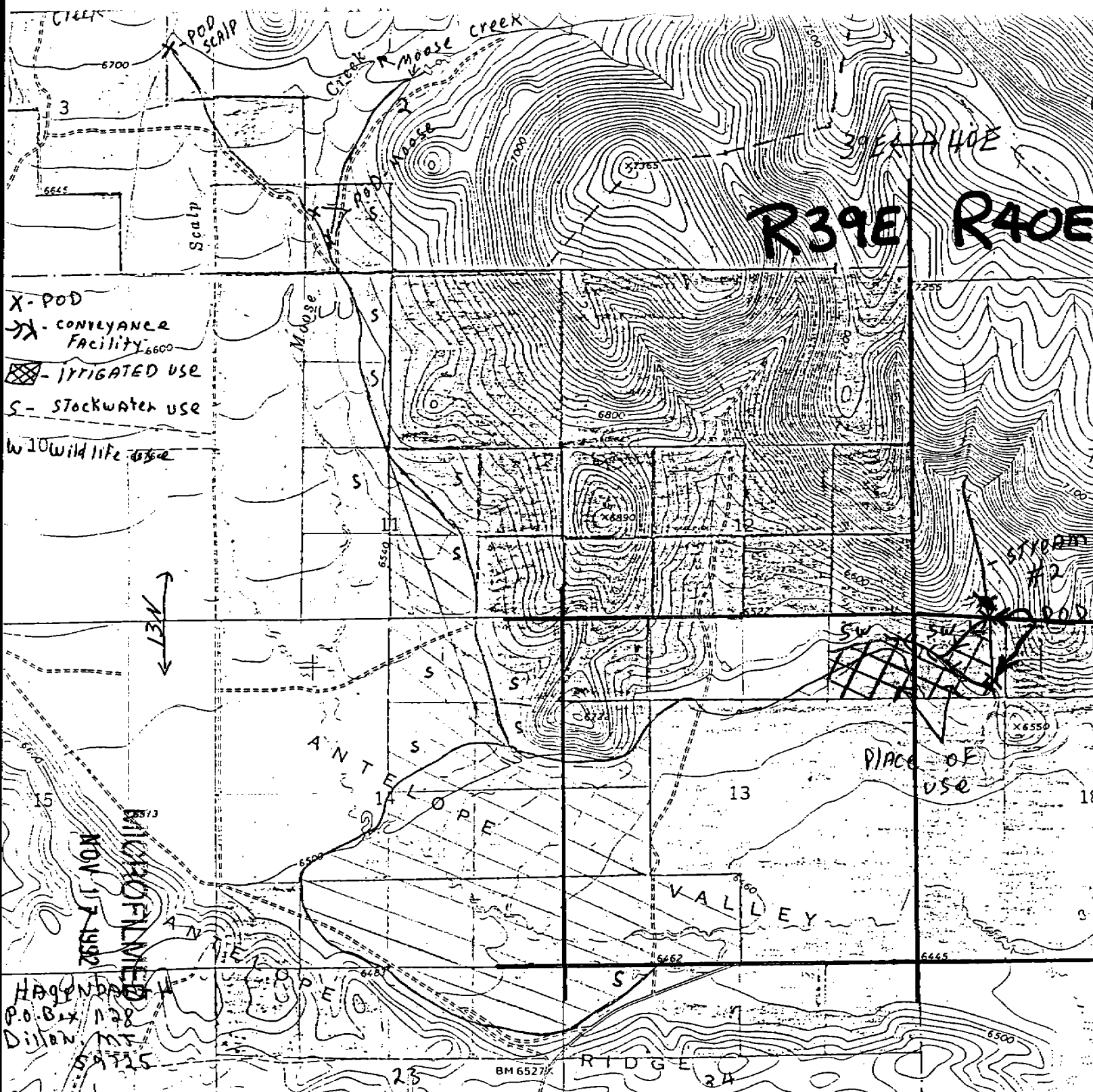
State of Idaho)
County of Bonneville) SS.

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

William Wray
Notary Public

Seal

Residing at Idaho Falls
My Commission Expires 5/29/1991



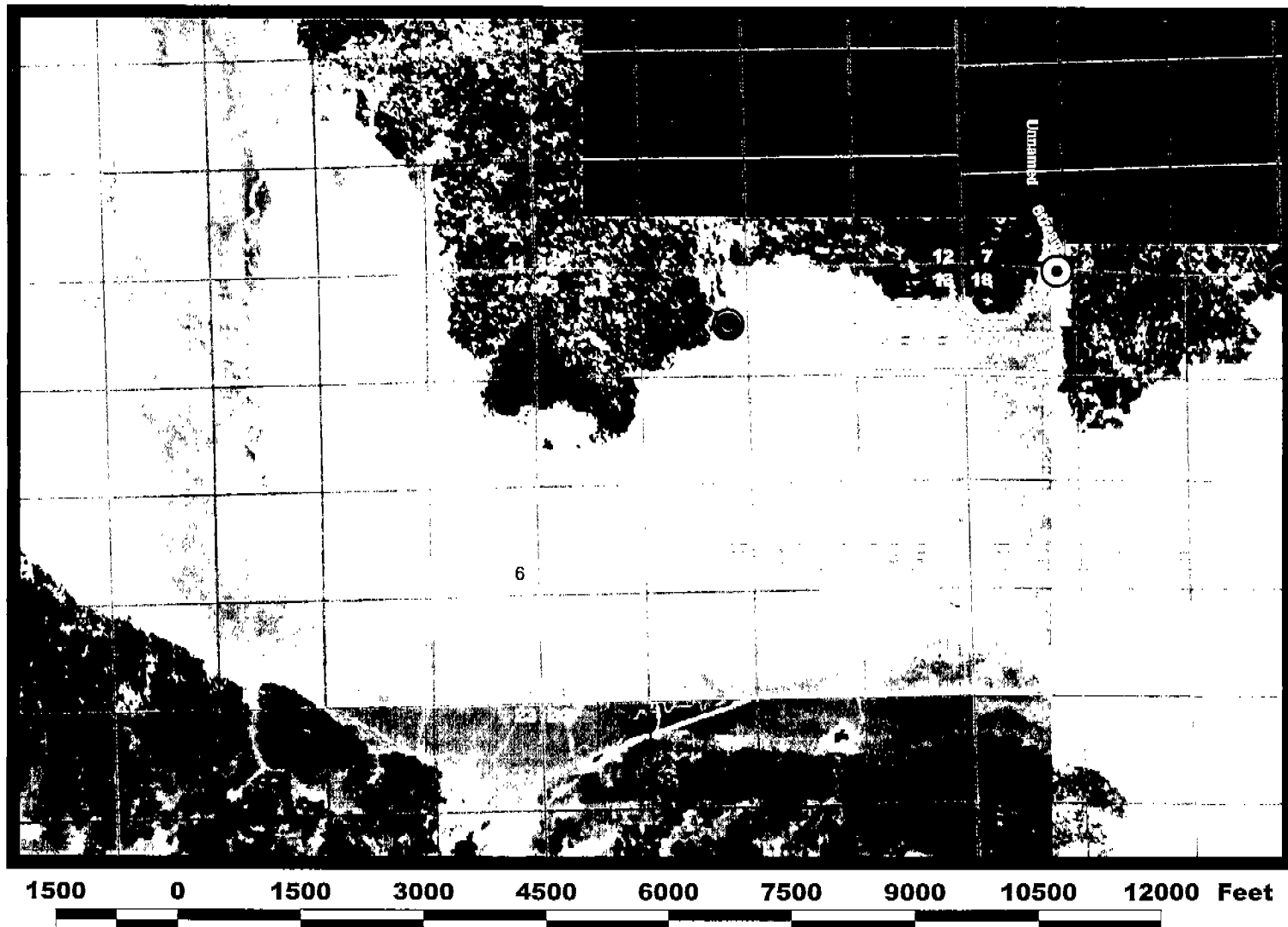


STATE OF IDAHO

Department of Water Resources

Eastern Region

Water Right(s): 31-10216



LEGEND



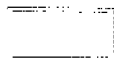
Point of Diversion

SESE

Place of Use



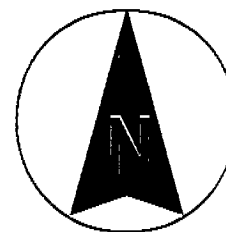
Section Line



Quarter-section line

Legal Description: T13N, R39E
Sec. 13 (part of) NENE,
T13N, R40E
Sec. 18 (part of) NWNW

Point(s) of Diversion: T13N, R40E
Sec. 18 NENWNW



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

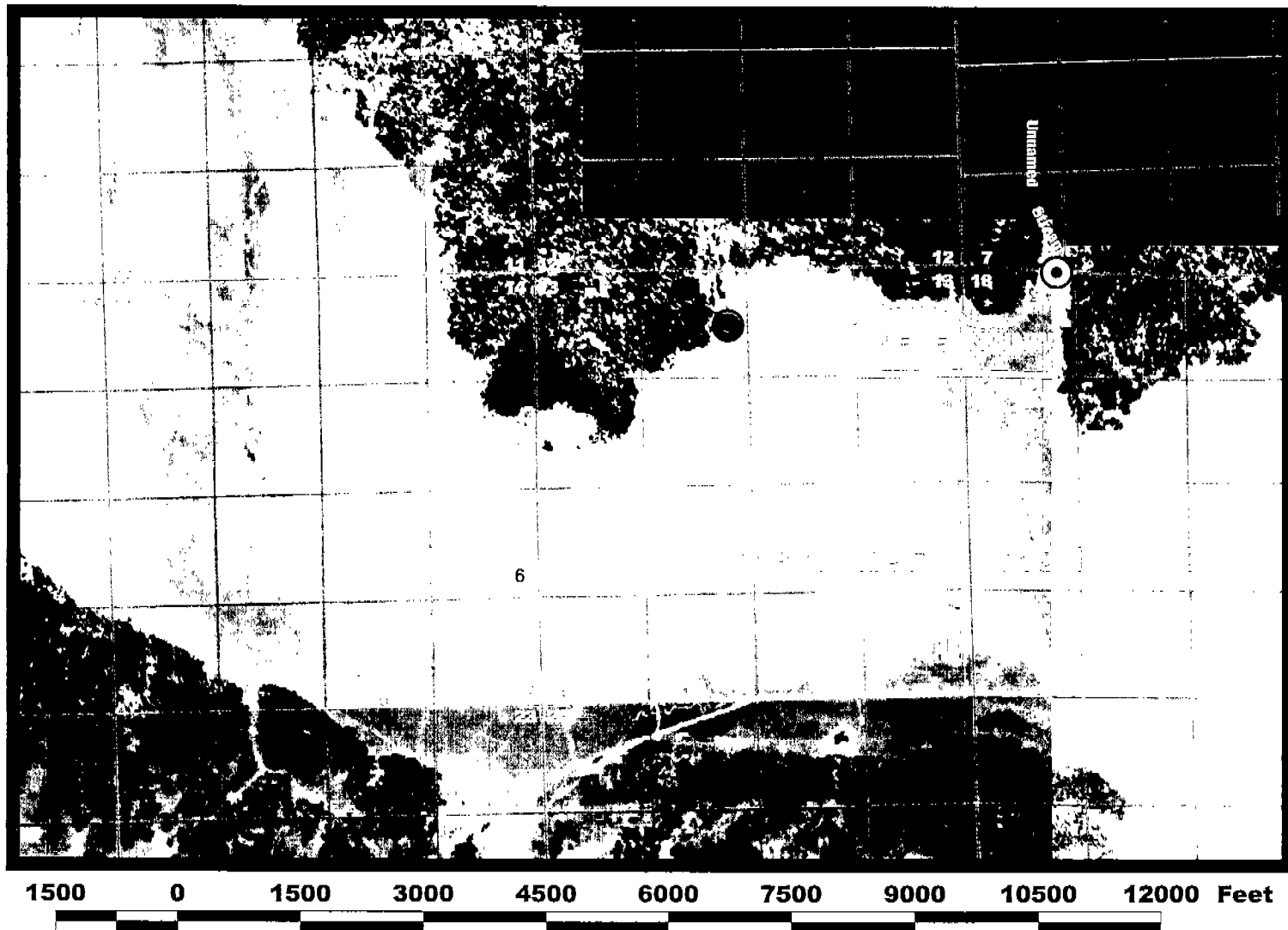


STATE OF IDAHO

Department of Water Resources

Eastern Region

Water Right(s): 31-10216



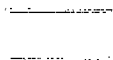
LEGEND



Point of Diversion

SESE

Place of Use



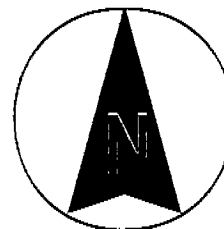
Section Line



Quarter-section line

Legal Description: T13N, R39E
Sec. 13 (part of) NENE,
T13N, R40E
Sec. 18 (part of) NWNW

Point(s) of Diversion: T13N, R40E
Sec. 18 NENWNW



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
03/24/95

PAGE: 1
GENERAL INFORMATION

387
CLAIM NUMBER: A31-1021

LAST: HAGENBARTH
ADDRESS: P.O. BOX 1123
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?

DATABASE
Y

FIELD
EXAMINER

CLAIM REMARKS:

THIS CLAIM IS BASED ON CANCELLED APPLICATION FOR PERMIT # 31-2075
AND IS THE SAME SOURCE AS STREAM # 2. CANCELLATION WAS IMPROPER
SEE ATTACHMENTS "A", "B", & "C" AND ORDER OF CANCELLATION FOR
PERMIT #31-2075.

⇒ SEE ATTACHED CORRESPONDENCE
CANCELLATION OF PERMIT

PAGE: 2
FIELD EXAMINATION INFORMATION

393
CLAIM NUMBER: A51-L021

CONTACT PERSON: A. FURBER PHONE NUMBER: () -
DATE OF FIELD EXAM: 7/12/2K APPOINTMENT MADE: Y() N() TIME: : A() P()
ACCOMPANIED BY: Jim HAGENBARTH PHONE NUMBER: () -
RELATIONSHIP TO CLAIMANT: OWNER

DIRECTIONS TO PROPERTY / NOTES:

7/12/2K FIELD EXAM - LOW WATER LEVELS PREVENT MEASUREMENT. THE
MANNING EQUATION IS DONE TO JUSTIFY THE CLAIMED CFS

PAGE: 3
PRIORITY DATE REVIEW PAGE

391
CLAIM NUMBER: A31-1021

A. AJ CLAIM: # A31-10216 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
Y

FIELD
EXAMINER

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

NOTES: EXTENSION OF TIME REQUESTED 8-1-1915 (Letter B.T. Wain). So granted 8-
STATE ENGINEER (illegible signature.) BASED on Permit application this pri-
DATE will NOT work -

System constructed (by CLAIMANT ACCIDENT) AS BEING 1917. Put to use

RECOMMENDED PRIORITY DATE: 1 MAY 1918

REVIEWED BY SB Rulung

DATE 3/16/24

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	R6E.	SEC.	1/4	1/4	1/4	LOT	CNTY
A31-10216	13N	60E	18	NE	NW	NW	1	CLARK
A31-10216	13N	60E	18	SE	NW	NW	1	CLARK

OTHER AJ CLAIMS WITH SAME AJ POD
A PREFIX R PREFIX
NONE NONE

WR RECORDS IN SAME 40 ACRE TRACT
NONE

SOURCE: STREAM

TRIB: SINKS

B. WR POINT OF DIVERSION AND SOURCE:

THERE IS NO WATER RIGHT RECORD WITH THE SAME CLAIM NUMBER

SOURCE: NO SOURCE FOR RECORD

TRIB: NO TRIBUTARY FOR RECORD

C. FIELD EXAM REQUIRED?

DUE TO POD DISCREPANCY? (Y/N)
DUE TO SOURCE DISCREPANCY? (Y/N)

DATABASE
Y
Y

FIELD
EXAMINER

NOTES:

SOURCE CLAIMED AS "STREAM" CHANGES TO "UNNAMED STREAM".
NAME ON USGS OQ 4-44.

✓ VERIFY POD'S.

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE:

TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	COUNTY	DIVERSION NAME
13N	40N	18	NE	NW	NW		Clark	
---	---	---	---	---	---	---	---	---
---	---	---	---	---	---	---	---	---
---	---	---	---	---	---	---	---	---
---	---	---	---	---	---	---	---	---
---	---	---	---	---	---	---	---	---

SOURCE: UNNAMED Stream TRIB: Sinks

REVIEWED BY: SPR DATE: 7/12/20

SYSTEM DESCRIPTION:

POD IS AN AREA ON THE STREAM THAT IS BLOCKED & DIVERT WATERS DOWN A DITCH TENDING SW¹.



A. ROOT WATER RIGHT NUMBERS: A31-10216

B. POB 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	A31-10216 /28.0	- /	8.0	
			NE	NE		HAGENBARTH, MARGARET	A31-00253 /24.0	- /		
			NE	NE		HAGENBARTH, MARGARET	A31-00254 /24.0	- /		
			NE	NE		HAGENBARTH, MARGARET	A31-04027 /20.0	31-04027 /20.0		
			NE	NE		HAGENBARTH, MARGARET	A31-10208 /20.0	- /		
			NE	NE		HAGENBARTH, MARGARET	A31-10212 /17.0	- /		
13N	39E	13	NE	NE		HAGENBARTH, MARGARET	A31-10216 /	- /	8.0	
			NE	NE		HAGENBARTH, MARGARET	A31-00253 /24.0	- /		
			NE	NE		HAGENBARTH, MARGARET	A31-00254 /24.0	- /		
			NE	NE		HAGENBARTH, MARGARET	A31-04027 /20.0	31-04027 /20.0		
			NE	NE		HAGENBARTH, MARGARET	A31-10208 /20.0	- /		
			NE	NE		HAGENBARTH, MARGARET	A31-10212 /17.0	- /		Stock
13N	39E	13	NE	NE		HAGENBARTH, MARGARET	A31-10216 /	- /	8.0	
			NE	NE		HAGENBARTH, MARGARET	A31-00253 /24.0	- /		
			NE	NE		HAGENBARTH, MARGARET	A31-00254 /24.0	- /		
			NE	NE		HAGENBARTH, MARGARET	A31-04027 /20.0	31-04027 /20.0		
			NE	NE		HAGENBARTH, MARGARET	A31-10208 /20.0	- /		
			NE	NE		HAGENBARTH, MARGARET	A31-10212 /17.0	- /		WILDLIFE
13N	40E	18	NW	NW	1	HAGENBARTH, MARGARET	A31-10216 /23.0	- /	4.0	
			NW	NW	1	HAGENBARTH, MARGARET	A31-04027 /	- /		
13N	40E	18	NW	NW	1	HAGENBARTH, MARGARET	A31-10216 /	- /	4.0	
			NW	NW	1	HAGENBARTH, MARGARET	A31-04027 /	- /		Stock
13N	40E	18	NW	NW	1	HAGENBARTH, MARGARET	A31-10216 /	- /	4.0	
			NW	NW	1	HAGENBARTH, MARGARET	A31-04027 /	- /		WILDLIFE
TOTAL ACRES							A31-10216	51.00	36.00	

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

C. FIELD EXAM REQUIRED?

DUE TO POB DISCREPANCY? (Y/N)

DATABASE
Y

FIELD
EXAMINER

POB COUNTY: CLARK

PERMISSIONS
31-04027, E.
CLAIM w/ OTHER

PAGE: 1
PLACE OF USE REVIEW SHEET CONTINUED

395
CLAIM NUMBER: A31-1021

PRESUMPTION FLAG:

NOTES:

WINDLIFT IS DISALLOWED - NOT PRIOR RECORDED USE

RECOMMENDATIONS:

TOTAL ACRES: 44⁰

REVIEWED BY: MBR

DATE: 01/24/01

A. AJ CLAIMED USES:

	PURPOSES
A31-10216	IRRIGATION
A31-10216	STOCKWATER
A31-10216	WILDLIFE

FROM	MONTH/DAY	TO
04-31	10/31	01-01
01-31	12-31	11/30
01-31	12-31	

DIVERSION QUANTITY
1.600 CFS
.200 CFS
.200 CFS → DISHWA
1.600 CFS

TOTAL DIVERSION RATE/VOLUME CLAIMED

B. WR RECORDED USES:

PURPOSES

MONTH/DAY

DIVERSION QUANTITY

PRESUMPTION FLAG:

C. FIELD EXAM REQUIRED?

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

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

D. PERIOD OF USE:

RECOMMEND AS CLAIMED?

Y() N()

RECOMMEND TO WR STANDARDS OR OTHER?

Y() N() EXPLAIN IN NOTES, BELOW

NOTES:

DEPARTMENT STANDARD FOR IRRIG IN THIS AREA IS MAY 1 to Oct
for BENEFICIAL USE CLAIMS

Ja Oh

A. DOES DIVERSION RATE CLAIMED AGREE WITH EXISTING RECORDS?

Y() N(✓)

AJ TOTAL CLAIMED DIVERSION RATE: 1.500 CFS
WR ROOT RIGHT TOTAL DIVERSION RATE: CFS

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

FLOW MEASUREMENT REQUIRED?

FIELD
DATABASE EXAMINER

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

B. FLOW MEASUREMENT

MEASUREMENT METHOD _____, SEE ATTACHED CALCULATIONS.

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

OTHER RIGHTS LISTED IN CLAIM: 31-0253/0254/4027/10208/10212

LIST ALL RIGHTS WITH A SAME POB AND IRRIGATION USAGE:

CLAIM NO.	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL.
A31-10216	STREAM	HAGENBARTH, MARGARET	1.500	0.051		
A31-00253	SPRING	HAGENBARTH, MARGARET	0.420	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		
A31-10212	SPRING	HAGENBARTH, MARGARET	0.300	0.020		

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

CLAIM NO.	PURPOSES	NAME	MONTH/DAY	RATE	VOLUME
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	
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	

D.

RATE/VOLUME CALCULATIONS: (IRRIGATION)

1A. IRRIGATION RATE

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

1B. CALCULATIONS

DDES 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 = 76.5 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	
		DATABASE	EXAMINER	DATABASE	EXAMINER	DATABASE	EXAMINER
<u>Fring</u>	<u>5/1 10/31</u>		<u>0.88</u>				
<u>Stock</u>	<u>5/1 10/31</u>		<u>0.2</u>				
TOTAL FOR THIS RIGHT			<u>0.88</u>				

REVIEWED BY:

DATE:

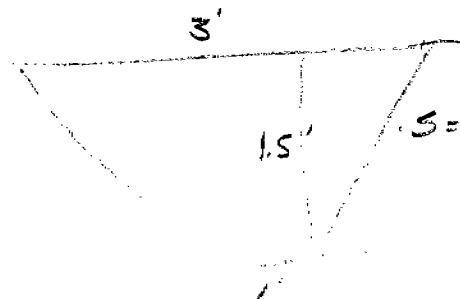
MANNINGS OF LOWER DITCH:

$$Q = \frac{1.486}{n} A R^{2/3} S^{1/2}$$

$$Q = \frac{1.486}{.017} (16^2) (1) (1) = 14.60 \text{ cfs}$$

check don't do
this much

Rough Ditch Dimensions:



i Capable of carrying 1.6 cfs

$$\text{But } A_c @ 44 \times .02 \text{ cfs/ac} = 0.88.$$

So recommended

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: 31-10216

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

-

A31-10216

1.600

-

-

TOTAL CFS

1.600

DIVERSION RATE REVIEW

DATABASE
N

FIELD
EXAMINER

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)

NOTES:

MEASURE REDD. = NOT ENOUGH TO MEASURE. 7/12/24

AUTHENTICATION:

SIGNATURE:

DATE:

NAME OF FIELD EXAMINER:

TITLE:

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

00:00:30
03/26/93

PAGE: 15
QUICKLOOK INFORMATION

401
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	Y							
PERIOD OF USE	Y							
BASIS OF CLAIM	Y							
REMARKS	Y							

"VERIFIED BY" CODES

TOPO MAP/ORTHO-PQ = 1
ASCS MAP = 2
WATERMASTER RECORDS = 3
NAIP 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.

PAGE: 14
PROFILE REPORT

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

00:17:38
03/24/93
402

CLAIM NUMBER: A31-1021

OWNER C30E	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVE VOL
C	MARGARET HAGENBARTH	06/01/1915	IRRIGATION	04-01 11-01	1.60 CFS	
C	DAVID J. HAGENBARTH		STOCKWATER	01-01 12-31	0.20 CFS	
C	JAMES F. HAGENBARTH		~~WILDLIFE~~	01-01 12-31	0.20 CFS	
	P.O. BOX 1128 DILLON MT 59725 (406) 683-2163					
TOTAL DIVERSION:					1.60 CFS	
CONSUMPTIVE USE:						

WATER SOURCE: STREAM

TRIBUTARY TO: SINKS

STAGE: BENEFIC

POINT(S) OF DIVERSION:

T13N R40E S18 LOT01(NEMNW) LOT01(SEMNW)

CLARK COUNTY

PLACE OF USE LEGAL DESCRIPTION FOR: IRRIGATION

				NE				NW				SW				SE							
T	R	S	:	NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:
			:	LT	AC	LT	AC	:	LT	AC	LT	AC	:	LT	AC	LT	AC	:	LT	AC	LT	AC	:
13N	39E	13	:	28				:					:					:					:
13N	40E	13	:					:	01-23				:					:					:

TOTAL ACRES

PLACE OF USE LEGAL DESCRIPTION FOR: STOCKWATER

				NE				NW				SW				SE							
T	R	S	:	NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:
			:	LT	AC	LT	AC	:	LT	AC	LT	AC	:	LT	AC	LT	AC	:	LT	AC	LT	AC	:
13N	39E	13	:	5				:					:					:					:
13N	40E	13	:					:	01-5				:					:					:

PLACE OF USE LEGAL DESCRIPTION FOR: WILDLIFE

				NE				NW				SW				SE							
T	R	S	:	NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:
			:	LT	AC	LT	AC	:	LT	AC	LT	AC	:	LT	AC	LT	AC	:	LT	AC	LT	AC	:
13N	39E	13	:	W				:					:					:					:
13N	40E	13	:					:	01-W				:					:					:

DISALLOWED

POU COUNTY: CLARK

NON-IRRIGATION USES: S/900 RANGE CATTLE, W/VARIOUS SPECIES

OTHER RIGHTS: 31-0253/0254/4027/10208/10212

REMARKS: THIS CLAIM IS BASED ON CANCELLED APPLICATION FOR PERMIT # 31-2075 AND IS THE SAME SOURCE AS STREAM # 2. CANCELLATION WAS IMPROPER SEE ATTACHMENTS "A", "B", & "C" AND ORDER OF CANCELLATION FOR PERMIT #31-2075.

IF IT IS, I
Permit was
THIS CLAIM D
Permitted even
AS A ZONE

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

00:19:38
03/24/95
405

PAGE: 15
PROFILE REPORT CONTINUED

CLAIM NUMBER: A31-1021

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: 31-10216

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):
Period of Use-stockwater

2. Describe the changes you wish to make in the proposed recommendation:
Change period of use for stockwater from 05/01 10/31 to 05/01 11/30.

3. Give a brief explanation as to why you disagree with these portions:
Our cattle have historically used this water source as late as 11/30.

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

DATE: 3/5/2001

SIGNATURE:

James F. Hagenbarth

Please print your name: James F. Hagenbarth

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

HAGENBARTH LYSTK ANTelope SRBA Claims

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

HAI

T13N R39E

11 12
14 13

12 7
13 18

H8

H10

19

H11

23 24

T1

Scalp Ck

31-04027

Moore Ck

31-10208

31-02077

31-02125

T13N R39E

T13N, R40E

Locke Sp Ck

31-10212

31-10215

31-00253

31-00254

Unnamed ck

31-10216

11 32
14 43

12 7
13 18

H10

23 24

T13N R40E

SD-1603-3

Idaho Department Of Water Resources
Detail Receipt Summary Screen

Date: 01/19/01
Time: 14:26:44

Rec/No - E000586 AR/No -
From: - HAGENBARTH, JAMES F.

Receipt Type - CK Doc/No - 7738
Remarks -

MOST CURRENT RECEIPT

Receipt Date: 06/29/1988

Type Of Payment	Fund	FD	PCA	Obj	Subsid	Fee
ADJUDICATION FEE	9337		410162	6490		1202.00

Total Due - 1202.00

WR/No	WR Fee	WR/No	WR Fee	WR/No	WR Fee
A3104027	660.00	A3102077	75.00	A3102125	50.00
A3110208	50.00	A3110218	87.00	A3100254	50.00
A3100253	103.00	A3110212	50.00	A3110216	77.00

(Enter=Continue) (GOLD7=Selection Screen) (GOLD8=Cancel)

Hagenbarth Lystk
31-10216

Unnamed stream

12

7

13

18

T13N R39E

T13N R40E

Unnamed street

12

7

13

18

6

NENE

18

NNNW

20

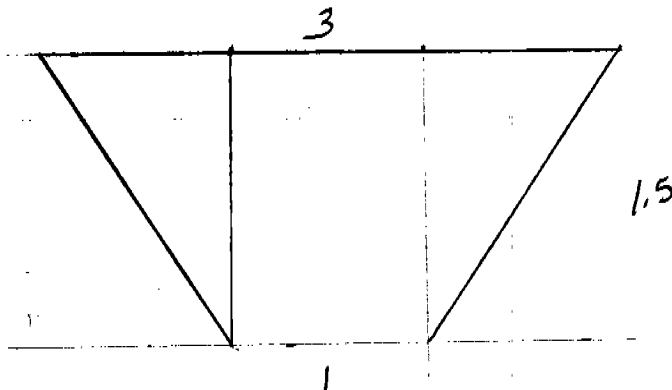
T13N R39E

T13N R40E

$$\frac{1.486 (2 \times 1)^{1/2} (.07)^{1/2}}{.017} \quad .07$$

$$(87^{\circ} \times 1 \times 1) = 14.60 \text{ f}$$

12.32



SIXTH OF 1925

DEPARTMENT OF

STATE

IDAHO

PERMIT

PERMIT

PERMIT

Benjamin A. Wall
Kilgore
Idaho

Dear Mr. Wall:

It appearing to me

concerning the permit

the State of Idaho that

of the State of Idaho

that under the provisions

the State of Idaho

the State of Idaho

the State of Idaho

the State of Idaho

the State of Idaho

the State of Idaho

the State of Idaho

the State of Idaho

the State of Idaho

the State of Idaho

the State of Idaho

the State of Idaho

the State of Idaho

the State of Idaho

the State of Idaho

the State of Idaho

the State of Idaho

the State of Idaho

the State of Idaho

the State of Idaho

the State of Idaho

the State of Idaho

the State of Idaho

the State of Idaho

the State of Idaho

the State of Idaho

the State of Idaho

the State of Idaho

the State of Idaho

the State of Idaho

KEITH HIGGINSON
Director

31 20125

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

Statehouse - Annex 2
Boise, Idaho 83707
(208) 384-2215



R. Keith Higginson
Director

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Flood Plain Management
Irrigation and
Flood Control Districts

March 11, 1974 CERTIFIED MAIL

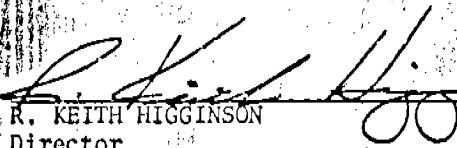
Re: Permit No. 7587 (New No. 31-2075)

Benjamin T. Wall
Kilgore,
Idaho

Dear Mr. Wall:

It appearing to the Department of Water Administration that the terms and conditions of Permit 7587/31-2075 to appropriate the public waters of the State of Idaho have not been complied with as to failure to submit proof of beneficial use of water due on August 1, 1918, you are hereby notified that under the provisions of Section 42-311, Idaho Code, as amended, said permit is hereby held for cancellation, and you are required to show cause before the Director of the Department of Water Administration on or before April 20, 1974, why said permit should not be cancelled.

Permit 7587/31-2075 claims the use of 3.2 cubic feet per second of water from three unnamed streams, the point of diversion was to be located within the SE 1/4 Sec. 12, T. 13N, R. 39E, B.M. and SW 1/4 SW 1/4, and the permit was approved August 19, 1911 SW 1/4 SE 1/4, Sec. 7, T. 13N, R. 40E, B.M.


R. KEITH HIGGINSON
Director

31 2075

OFFICE OF STATE ENGINEER

Permit No. 7587

Application for Extension of Time for Beneficial Use Proof.

STATE OF IDAHO

County of

Benjamin Wall

Hilary

State of

being first duly sworn upon his oath deposes and says:

THAT he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho

No. 7587.

THAT under the terms and conditions of said permit, proof of beneficial use thereunder was required to be made by August 14, 1915.

THAT he has heretofore put to beneficial use 320 cubic feet of water and has irrigated 120 acres.

THAT for the following reasons, he is unable to put to beneficial use within the required time, the remainder of the water appropriated under his permit, to-wit: *Could not place it to beneficial use in the time required. The water is in the ditch and is being used for irrigation. The land is not yet ready for irrigation.*

WHEREFORE, He asks that the State Engineer extend the time for the making of proof of beneficial use under said permit to August 1, 1915.

And further, deponent saith not.

Benjamin Wall

Subscribed and sworn to before me this 30th day of July, 1915.

Thomas Kuchell
Justice of the Peace, Hilary
Permit to Idaho

My commission expires

Date of receipt at office of State Engineer August 4, 1915.

APPROVAL OF STATE ENGINEER

J. H. Smith,

I, J. H. Smith, State Engineer of the State of Idaho, hereby extend the time for the making of proof of beneficial use under Permit to appropriate the Public Waters of the State of Idaho, No. 7587, to August 1st, 1915.

Witness my hand this 4th day of August, 1915.

RECEIVED

1915

OFFICE OF STATE ENGINEER

J. H. Smith
State Engineer
7587

I have been thinking of you
 very much lately and
 wondering how you are getting
 on. I hope you are well
 and happy. I have been
 very busy lately but I
 have managed to find some
 time to write to you. I
 hope you will find this
 letter interesting. I have
 been thinking of you very
 much lately and wondering
 how you are getting on. I
 hope you are well and
 happy. I have been very
 busy lately but I have
 managed to find some time
 to write to you. I hope
 you will find this letter
 interesting. I have been
 thinking of you very much
 lately and wondering how
 you are getting on. I hope
 you are well and happy. I
 have been very busy lately
 but I have managed to find
 some time to write to you.

7557

I have been thinking of you
 very much lately and
 wondering how you are getting
 on. I hope you are well
 and happy. I have been
 very busy lately but I
 have managed to find some
 time to write to you. I
 hope you will find this
 letter interesting. I have
 been thinking of you very
 much lately and wondering
 how you are getting on. I
 hope you are well and
 happy. I have been very
 busy lately but I have
 managed to find some time
 to write to you. I hope
 you will find this letter
 interesting. I have been
 thinking of you very much
 lately and wondering how
 you are getting on. I hope
 you are well and happy. I
 have been very busy lately
 but I have managed to find
 some time to write to you.

Benjamin of Wall

RECEIVED

JUN 1 1915

U. S. DEPT. OF STATE

7557

May 29 1915

Dear Sir,

I have been thinking
in my mind that you
like to have you send me
blank - so I can make
first proof of completion
of work done and soon

Yours Truly

B. J. Hall

Kilgore

Tex.

3 MV

587

Mr. Benjamin T. Hall
Zilgore, Ida.

Sir:--

Enclosed herewith find Certificate of
Completion of Work, issued under the
above numbered Permit.

Very truly yours,

State Engineer.

Enc. C. 7587 and D. 6739

7587

State of Idaho
County of Blaine
City of

That for the State above mentioned, the works constructed under said permit were
() fully completed and consisted of the following:

1. Kind of works: Dam & ditch
(Reservoir, dam, ditch, flume, pipe or otherwise.)

2. Dimensions of work:
(a) Height of dam, 3 or 4 feet, length of dam at top 19 or 20 feet, length of dam at bottom 4 or 5 feet. Material used in construction Wood & earth

(State whether wood, earth, stone or concrete.)
(b) Capacity of reservoir acre feet.
(c) Size of headgate: Width 2 feet, height feet.
(d) Conduit Ditch width at bottom 2 feet, width at water line 3 feet, depth of water 2 1/2 feet; diameter of pipe inches.
(State whether ditch, flume or pipe.)
average grade per mile is 2 1/2 feet. Length of conduit is about 2 1/2 miles.

Fifth. That said works are capable of conducting to the place of intended use about 2 million (32) second feet of water.

Sixth. That water appropriated under said permit is available for 160 acres of land described as follows: 1/2 Sec 13, T1P 13N R19E and 1/2 Sec 20, T1P 13N R19E, Boise National

Seventh. Remarks: That

RECEIVED
AUG 12 1914
OFFICE OF STATE ENGINEER

Benjamin T. Hill
Sign here.

Subscribed and sworn to before me this 8th day of August, 1914

My commission expires 1915
Thomas Knutson
Justice of the Peace Notary Public
Kilgore Idaho



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

POOR ORIGINAL

EASTERN REGION

FEBRUARY 9, 1993

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

*

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

MICROFILMED
APR 12

6/27/88

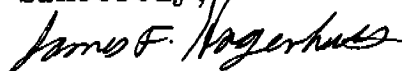
RE: Cancellation of Permit #31-2075

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

MICROFILMED

NOV 17 1992

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

6/18/88

RE: Wildlife water use

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

James F. Hagenbarth
James F. Hagenbarth

MICROFILMED

NOV 17 1992