



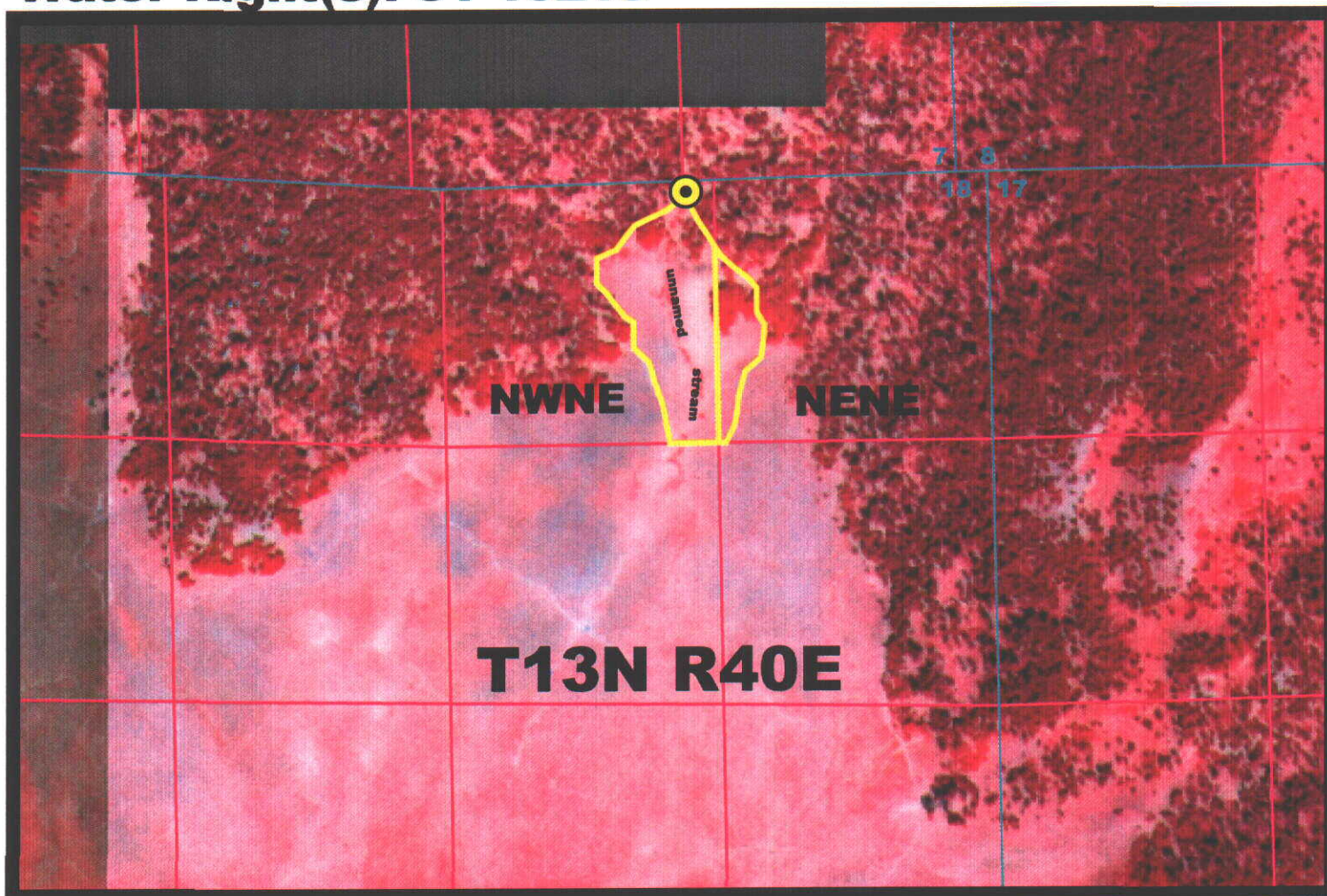
STATE OF IDAHO

Department of Water Resources

Eastern Region

Claimant: Hagenbarth Lvstk

Water Right(s): 31-10218



LEGEND



Point of Diversion

SESE

Place of Use



Section Line



Quarter-section line

Legal Description: T13N, R40E

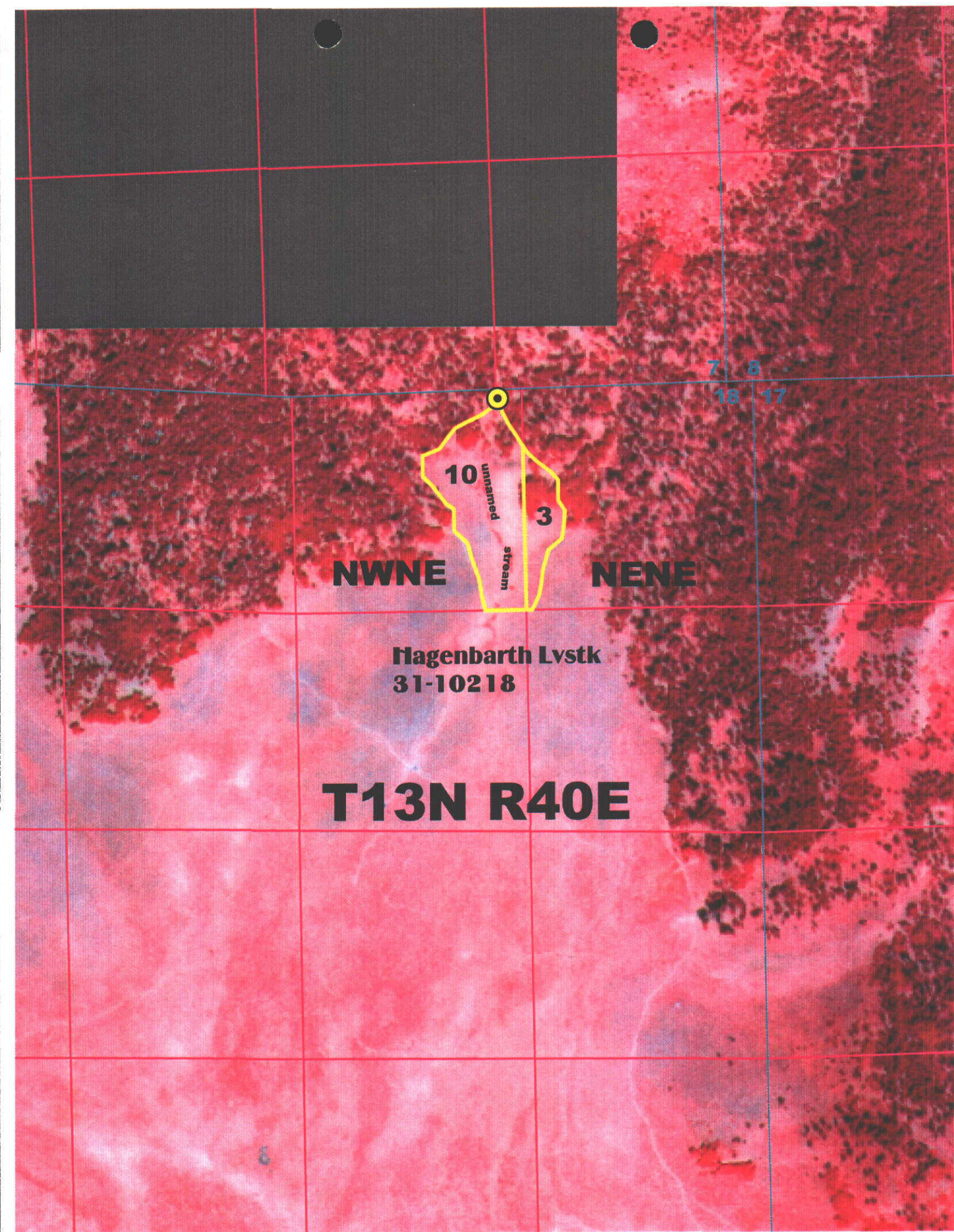
Sec. 18 (parts of) N2NE

Point(s) of Diversion: T13N, R40E

Sec. 18 NENWNE



GIS Place of Use Illustration
1987/1988 NAPP photography
Prepared by: A. Ruberry
Date: Sept. 2000



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

09/27/2000

RIGHT NUMBER: 31-10218

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

SOURCE: UNNAMED STREAM TRIBUTARY: SINKS

QUANTITY: 0.26 CFS

PRIORITY DATE: 05/01/1948

POINT OF DIVERSION: T13N R40E S18 NENWNE Within CLARK County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
STOCKWATER	05-01 10-31	0.20 CFS
IRRIGATION	05-01 10-31	0.26 CFS

PLACE OF USE:

IRRIGATION Within CLARK County				
T13N R40E S18	NENE	3	T13N R40E S18	NWNE 10
STOCKWATER Within CLARK County				
T13N R40E S18	NENE		T13N R40E S18	NWNE
13 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: *NOG ADDED* 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: A31-10218
Date Received: 6/29/1988
Receipt No: E000586
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

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

A310218

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	Lot	County
13N	40E	18	NE	NW	NE		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		
STOCKWATER	01/01	12/31	0.200		
WILDLIFE	01/01	12/31	0.200		

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

8. Total consumptive use is 25.5 Acre Feet Per Annum.

A31-10218

Page

1

Date: 06/29/88

MICROFILMED

NOV 17 1992

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	40E	18	NE	NE	IRR	8.0
			NE	NE	STOCK	
			NE	NE	WILDLF	
			NW	NE	IRR	9.0
			NW	NE	STOCK	
			NW	NE	WILDLF	
Section Acres						17.0
Total Acres						17.0

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:
NONE

14. Remarks:
THIS CLAIM IS BASED ON CANCELLED APPLICATION FOR PERMIT # 31-2075
AND IS THE SAME SOURCE AS STREAM # 3. 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.

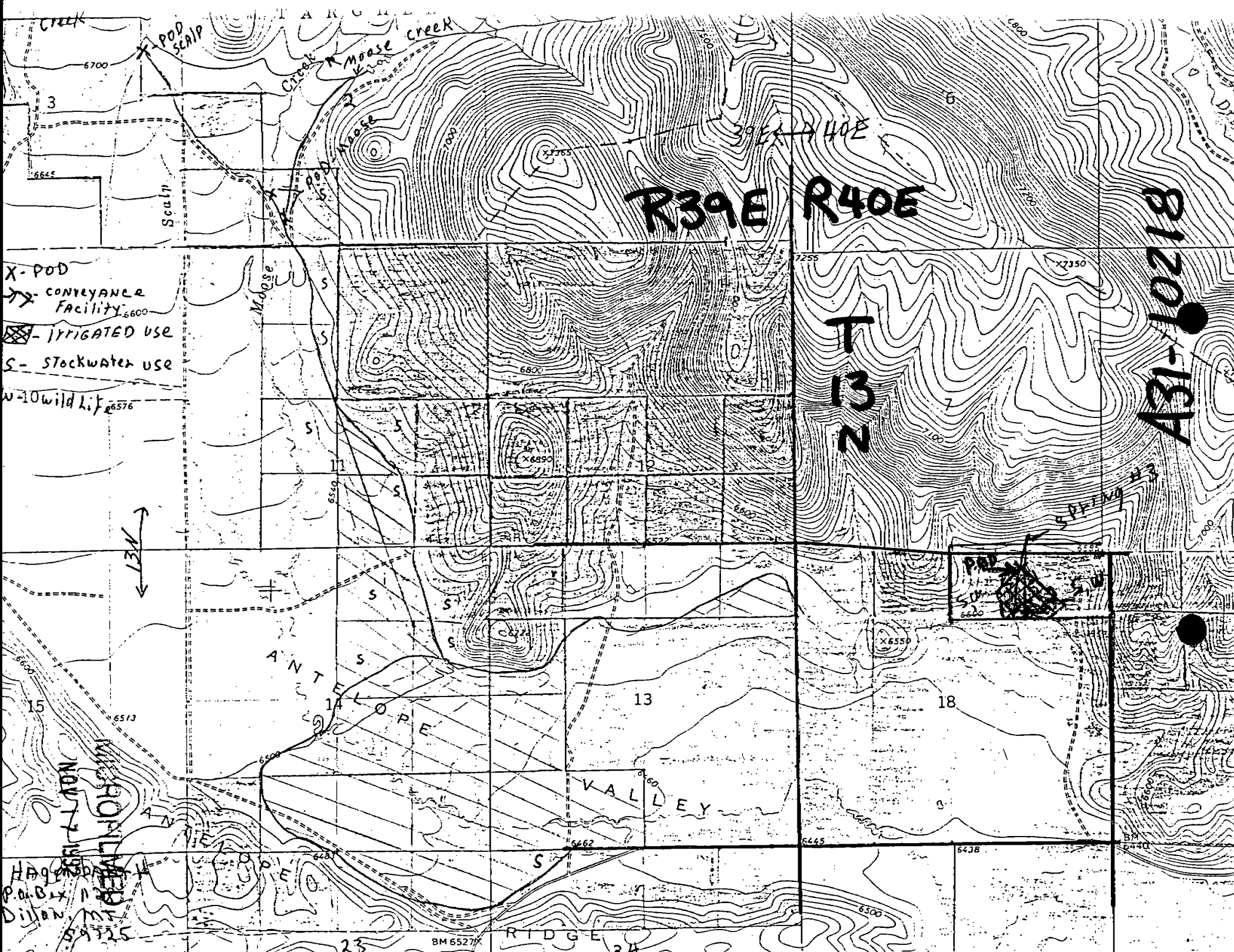
Signature of Claimant(s): James F. Dagenhart Date: 6/29/88
_____ Date: _____

State of Idaho)
County of Bonneville) SS.

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

Seal

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





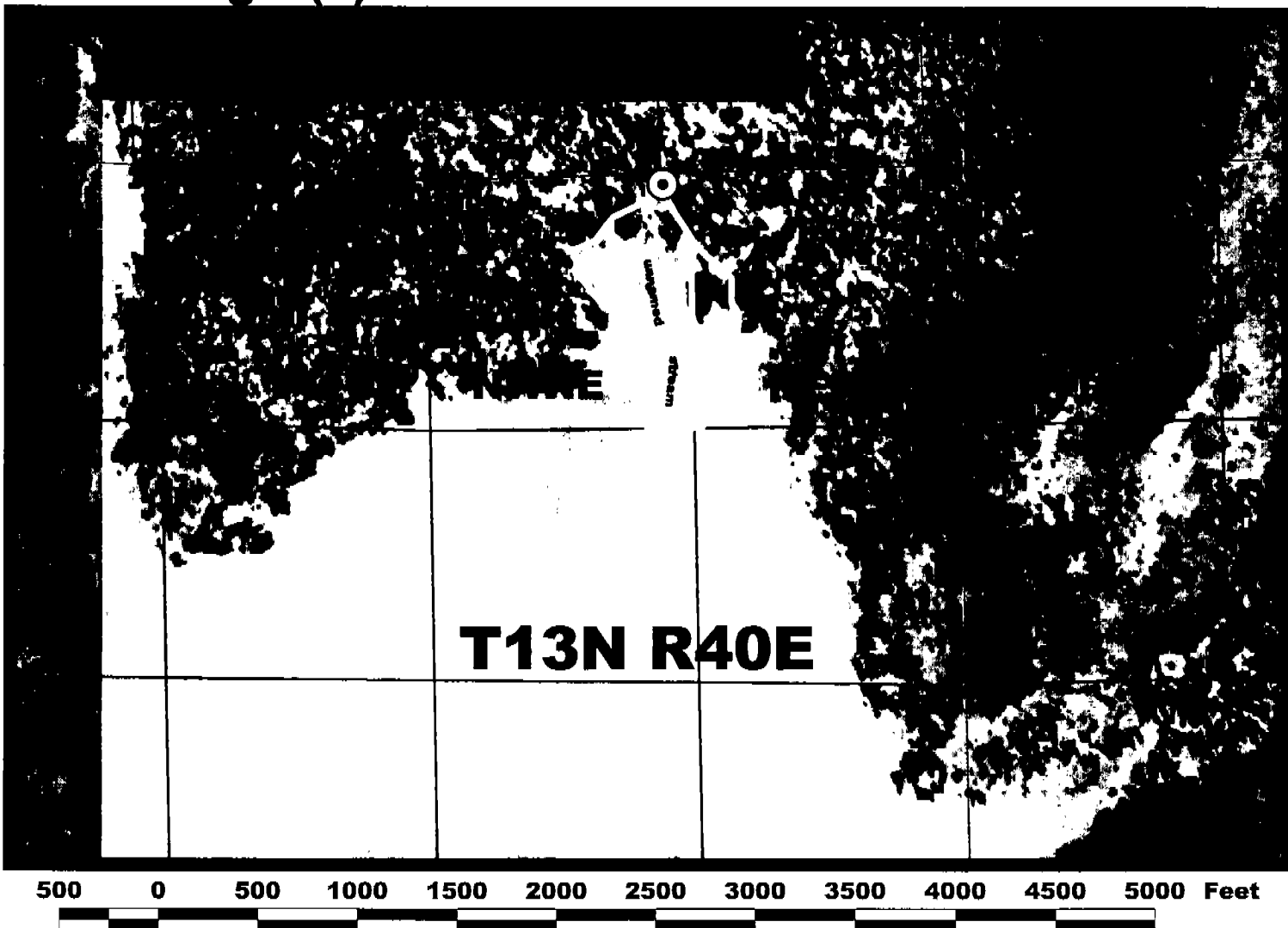
STATE OF IDAHO

Department of Water Resources

Eastern Region

Claimant: Hagenbarth Lvstk

Water Right(s): 31-10218



LEGEND



Point of Diversion

SESE

Place of Use



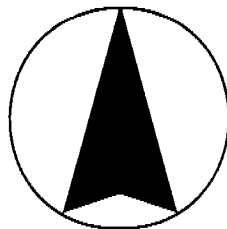
Section Line



Quarter-section line

Legal Description: T13N, R40E
Sec. 18 (parts of) N2NE

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



GIS Place of Use Illustration
1987/1988 NAPP photography
Prepared by: A. Ruberry
Date: Sept. 2000

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

00200:30
03/24/93

PAGE: 1
GENERAL INFORMATION

40%
CLAIM NUMBER: A31-10218

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

FIRST: JAMES F.
STATE: MT ZIP: 59725

OWNER CODE: C

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

FIELD EXAM REQUIRED?

DATABASE
Y

FIELD
EXAMINER

VERIFICATION REQUIRED DUE TO REMARKS?

CLAIM REMARKS: THIS CLAIM IS BASED ON CANCELLED APPLICATION FOR PERMIT # 31-2075
AND IS THE SAME SOURCE AS STREAM # 3. CANCELLATION WAS IMPROPER
SEE ATTACHMENTS "A" & "B" AND ORDER OF CANCELLATION FOR PERMIT
#31-2075.

CC COMMENTS

Amended Per Notes
7/11/2K Meeting w/ Jim H. & A. Rubenay

CONTACT PERSON: AL KERRY PHONE NUMBER: () -
DATE OF FIELD EXAM: 7/12/2K APPOINTMENT MADE: Y() N() TIME: : A() P()
ACCOMPANIED BY: Jim Hagenbath PHONE NUMBER: () -
RELATIONSHIP TO CLAIMANT:
DIRECTIONS TO PROPERTY / NOTES:
Visited DOA/POD's. Not much flow in stream (low water flow).
Stream is entirely contained on claimant's property

PAGE: 5
PRIORITY DATE REVIEW PAGE

CLAIM NUMBER: 405
A31-10218

A. AJ CLAIM: # A31-10218 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 EXAMINER
Y

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

NOTES: THE 1915 DATE PREDATES THE NOV. 1, 1930 DECREE.
CLAIMANT ALSO INDICATES MAY 1, 1948 WAS A TIME WHEN PREDECESSOR DIVERTED
WATERS INTO A "WATER DELIVERY SYSTEM FOR ANTELOPE VALLEY AND USED SINCE..."

RECOMMENDED PRIORITY DATE: MAY 1 1948

REVIEWED BY [Signature] DATE 4/14/24

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
A31-10218	13N	40E	18	NE	NW	NE		CLARK
OTHER AJ CLAIMS WITH SAME AJ POD				WR RECORDS IN SAME 40 ACRE TRACT				
A PREFIX		R PREFIX						
NONE		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	---

DIVERSION IS ACCOMPLISHED BY DAMMING THE STREAM CHANNEL TO DIVERT TO WELL
DETENDED DITCH, ALTHOUGH OLD. DIVERSION AND RAINFALL MAKE BUT LITTLE SMALL
AREA TO IRRIG. - SPRING RUN-OFF IS MORE IMPORTANT THAN LATER FLOWS.
7/12/28 FROD DAM w/ Jim GREENBARTH.

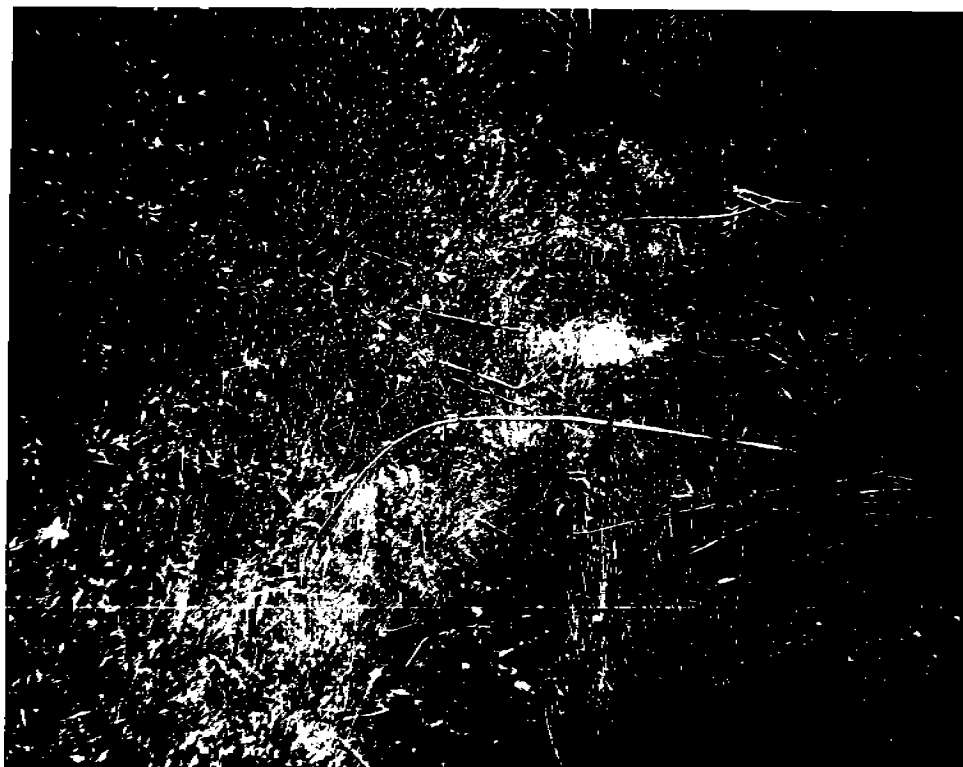
[illegible]

SOURCE: UNHAMMO Stream TRIB: Sinks

REVIEWED BY: ASR DATE: 7/12/24

SYSTEM DESCRIPTION:

2 DITCHES OFF MAIN STREAM - ONE EAST, ONE WEST, SEE Photos



A. ROOT WATER RIGHT NUMBERS: A31-10218

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	MR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
13N	40E	18	NE	NE		HAGENBARTH, JAMES F.	A31-10218 / 8.0	-	/		
13N	40E	18	NE	NE		HAGENBARTH, JAMES F.	A31-10218 /	-	/		
13N	40E	18	NE	NE		HAGENBARTH, JAMES F.	A31-10218 /	-	/		
13N	40E	18	NW	NE		HAGENBARTH, JAMES F.	A31-10218 / 9.0	-	/		
13N	40E	18	NW	NE		HAGENBARTH, JAMES F.	A31-10218 /	-	/		
13N	40E	18	NW	NE		HAGENBARTH, JAMES F.	A31-10218 /	-	/		
TOTAL ACRES							A31-10218	17.00			

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

C. FIELD EXAM REQUIRED?

DUE TO POU DISCREPANCY? (Y/N)

DATABASE
Y

FIELD
EXAMINER

POU COUNTY: CLARK

PRESUMPTION FLAG:

NOTES:

Wildlife portion is Disallowed. Stockwater part is OK @
0.2 for 900 HD cattle.

RECOMMENDATIONS:

TOTAL ACRES: 13.0

REVIEWED BY: [Signature]

DATE: 9/27/24

See GPS for
Ac & Dist.

A. AJ CLAIMED USES:

PURPOSES	MONTH/DAY	DIVERSION QUANTITY
AS1-10218 IRRIGATION	FROM 01-01 TO 11-01	.300 CFS
AS1-10218 STOCKWATER	FROM 01-01 TO 12-31	.200 CFS
AS1-10218 WILDLIFE	FROM 01-01 TO 12-31	.200 CFS
TOTAL DIVERSION RATE/VOLUME CLAIMED		.300 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)	Y	---
DUE TO DIVERSION RATE DISCREPANCY? (Y/N)	Y	---
DUE TO PERIOD FROM/TO DISCREPANCY? (Y/N)	Y	---

D. PERIOD OF USE:

RECOMMEND AS CLAIMED? Y() N()

RECOMMEND TO WR STANDARDS OR OTHER? Y() N() EXPLAIN IN NOTES, BELOW.

NOTES:

Stockwater is claimed but non-additive - OK

Wildlife is claimed as non-additive & also - disallowed - not recognized use.

Period of Use 5/1 to 10/31 per Dept. Sta.

Stock @ 0.20 is amt for 801-900 HOLLAND CATTLE

A. DOES DIVERSION RATE CLAIMED AGREE WITH EXISTING RECORDS? Y() N()

AJ TOTAL CLAIMED DIVERSION RATE: 0.900 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
DUE TO STAGE OR DIVERSION RATE DISCREPANCY? (Y/N) DATABASE EXAMINER
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: NONE

NO CLAIMS FOUND WITH SAME POU AND IRRIGATION USAGE

NO RIGHTS WITH SAME POU BUT NOT USED FOR IRRIGATION

NO MEASUREMENT WAS DONE DUE TO LOW FLOWS OR POOR WATER YEAR.
THE STREAM AND POU ARE WHOLLY CONTAINED ON CLAIMANTS LAND. STREAM
IS TRIBUTARY TO SINKS IN A GOOD YEAR.

D. RATE/VOLUME CALCULATIONS: (IRRIGATION)

- 1A. IRRIGATION RATE
ACRES _____ X 0.02 CFS/ACRE = _____ CFS
(TAKEN FROM P/U REVIEW)
- DOES AMOUNT CLAIMED EXCEED 0.02 CFS/ACRE? Y() N()
- *** IF YES ADDITIONAL WATER USE FORM FILED AND ATTACHED? Y() N() ***

2. IRRIGATION CONSUMPTIVE USE
CLAIMED CONSUMPTIVE USE = 25.5 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.)

1B. CALCULATIONS

Claims .80 cfs inrig
17 x .02 = .34 cfs MAY ALLOWABLE
DEPT. STO & IC42-220

Recommend 0.02
on 13 ac = .26 cfs

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>Pring.</u>	<u>5/1 10/31</u>	<u>0.26</u>	---	---
<u>Stock</u>	<u>5/1 10/31</u>	<u>0.20</u>	---	---
---	---	---	---	---
TOTAL FOR THIS RIGHT		<u>0.26</u>	---	---

REVIEWED BY: Wally

DATE: 4/14/24

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: 31-10218

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	DIVERSION RATE
-	A31-10218	0.800	-	-	-	-
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:

@ 0.80 cfs ON 17 AC. DIV RATE = 0.047058... TOO MUCH
§ 42-220 allows 0.02 cfs/ac i. 13 AC. 02 = 0.26 cfs

AUT-ENTIFICATION:

SIGNATURE: [Signature] DATE: 9/27/24
NAME OF FIELD EXAMINER: Kevin B. Ramsey TITLE: Sr. Asst.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

00:00:30
03/24/93

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QUICKLOOK INFORMATION

415
CLAIM NUMBER: A31-10218

WR ELEMENT	FIELD EXAM Y/N	CORRESPONDENCE SENT/RECEIVED BY WHOM/DATE	FIELD EXAM BY WHOM/DATE	CHANGE CLAIM Y/N	VERIFIED BY CODE	COMPLETED REVIEW WHOM/DATE	COMPLETED DATA ENTRY WHOM/DATE	VERIFIED DATE WHOM/DATE
PRIORITY DATE	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/ORTHOPHOTO = 1
 AISC MAP = 2
 WATERMASTER RECORDS = 3
 AAPP 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

00:29:08
03/24/93
415

PAGE: 13
PROFILE REPORT

CLAIM NUMBER: A31-10218

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	JAMES F. HAGENBARTH	06/01/1915	IRRIGATION	04-01 11-01	0.00 CFS	0.34
C	MARGARET HAGENBARTH		STOCKWATER	01-01 12-31	0.20 CFS	
C	DAVID J. HAGENBARTH		WILDLIFE	01-01 12-31	0.20 CFS	
	P.O. BOX 1128					
	DILLON MT 59725					
	(436) 685-2163					
				TOTAL DIVERSION:	0.40 CFS	26
				CONSUMPTIVE USE:	0.40 CFS	26

WATER SOURCE: STREAM

TRIBUTARY TO: SINKS

STAGE: BENEFICIAL USE

POINT(S) OF DIVERSION: T13N R40E S18 NENWNE

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	SUM
13N	40E	13	:	08		09										17.0
																TOTAL ACRES
																17.0

PLACE OF USE LEGAL DESCRIPTION FOR: STOCKWATER

NE				NW				SW				SE				
T	R	S	:	LT	AC	LT	AC	LT	AC	LT	AC	LT	AC	LT	AC	
13N	40E	13	:	S		S										

PLACE OF USE LEGAL DESCRIPTION FOR: WILDLIFE *Disallowed Ant*

NE				NW				SW				SE				
T	R	S	:	LT	AC	LT	AC	LT	AC	LT	AC	LT	AC	LT	AC	
13N	40E	13	:	W		W										

POU COUNTY: CLARK

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

OTHER RIGHTS: NONE

REMARKS: THIS CLAIM IS BASED ON CANCELLED APPLICATION FOR PERMIT # 31-2075
AND IS THE SAME SOURCE AS STREAM # 3. 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,

A handwritten signature in cursive script that reads "Cheri Vandermeulen".

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: 31-10218

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

3/12/01 *Disputed Period of Use as shown.*
ABH

10

uncontaminated

3

stream

Hagenbarth Lvstk
31-10218

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

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

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APR 14 1994

"ATTACHMENT A"

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

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NOV 17 1992

ATTACHMENT "B"

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

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