



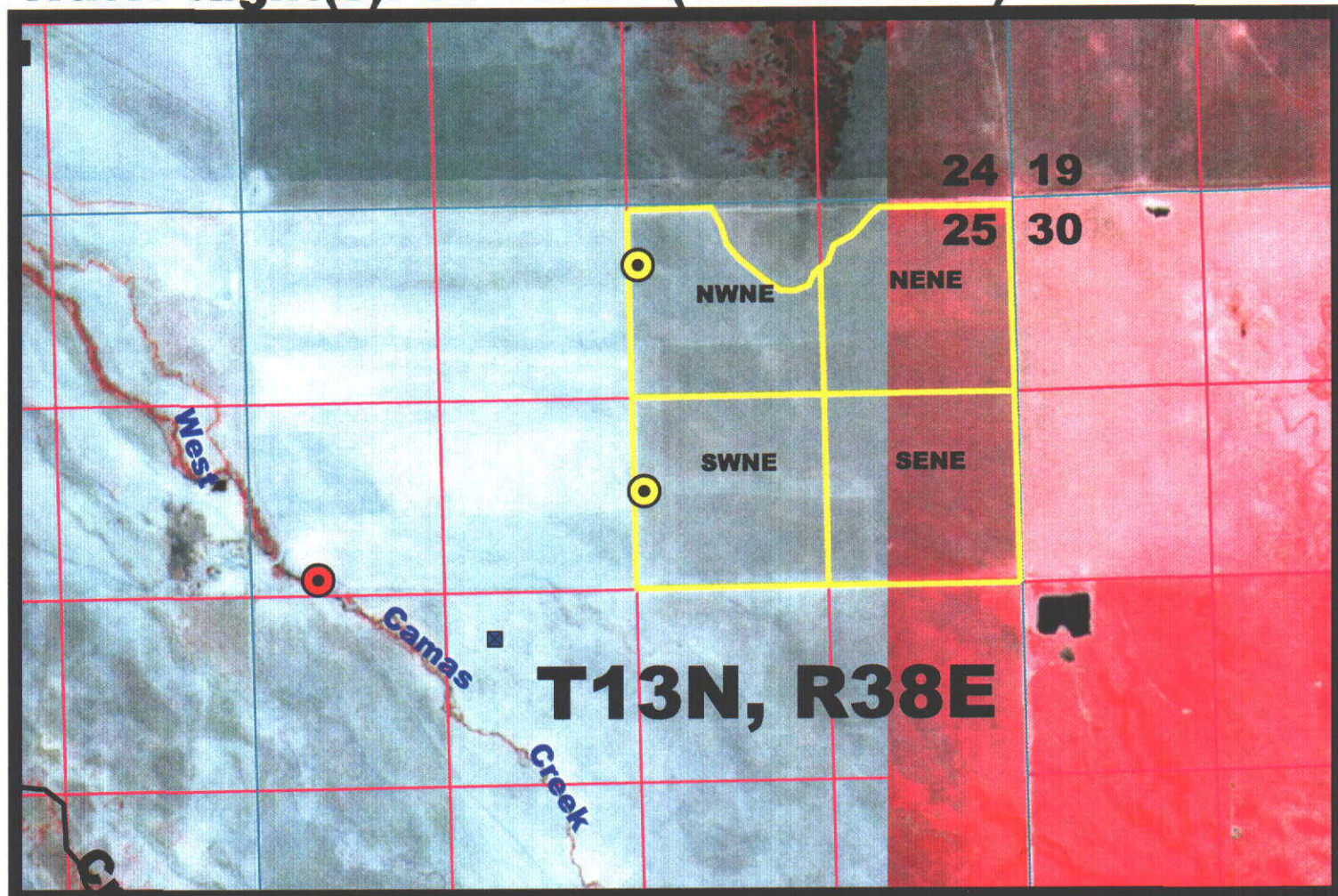
STATE OF IDAHO

Department of Water Resources

Eastern Region

Claimant: Hagenbarth

Water Right(s): 31-10259 (wastewater)



750 0 750 1500 2250 3000 3750 4500 5250 6000 6750 Feet

LEGEND



Point of Diversion

SESE

Place of Use



Section Line



Quarter-section line

Legal Description: T13N, R38E
Sec.25 NE

Point(s) of Diversion: T13N, R38E
Sec.25 NWNE, SWNE



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

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE:

TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	COUNTY	DIVERSION NAME
13N	38E	25		NW	NE		CLARK	
				SW	NE		CLARK	

SOURCE: WASTEWATER

TRIB: SINKS

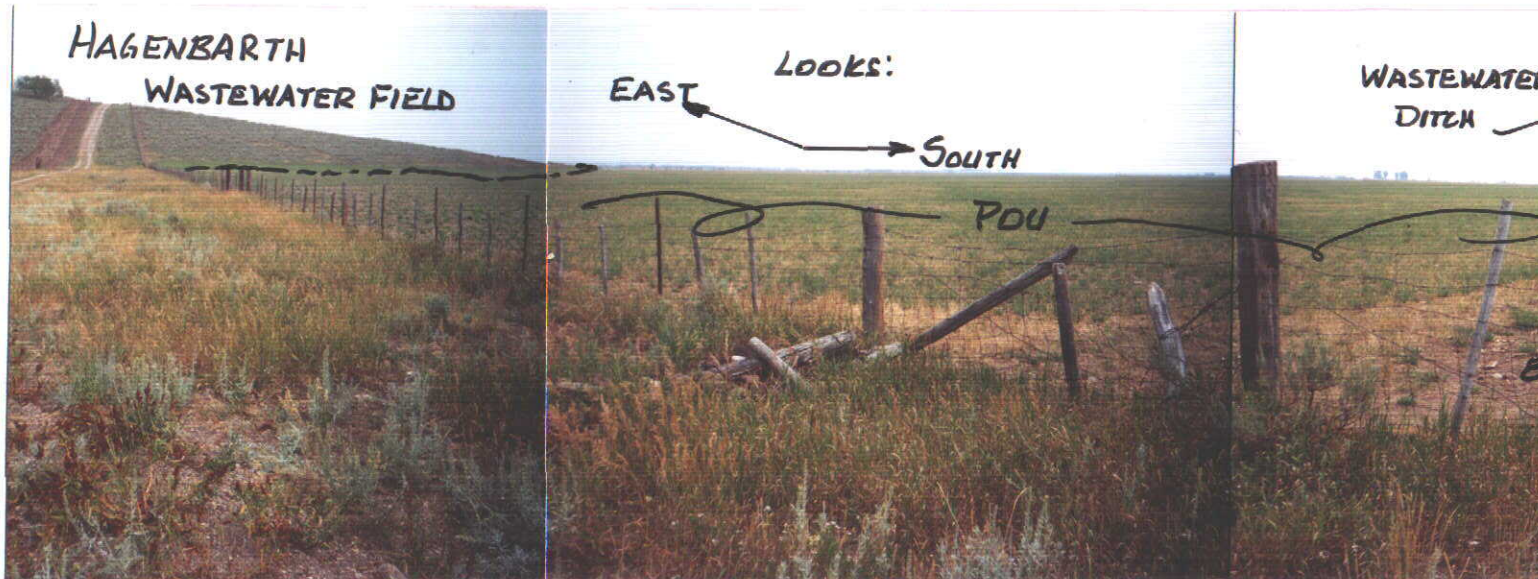
REVIEWED BY: SBR

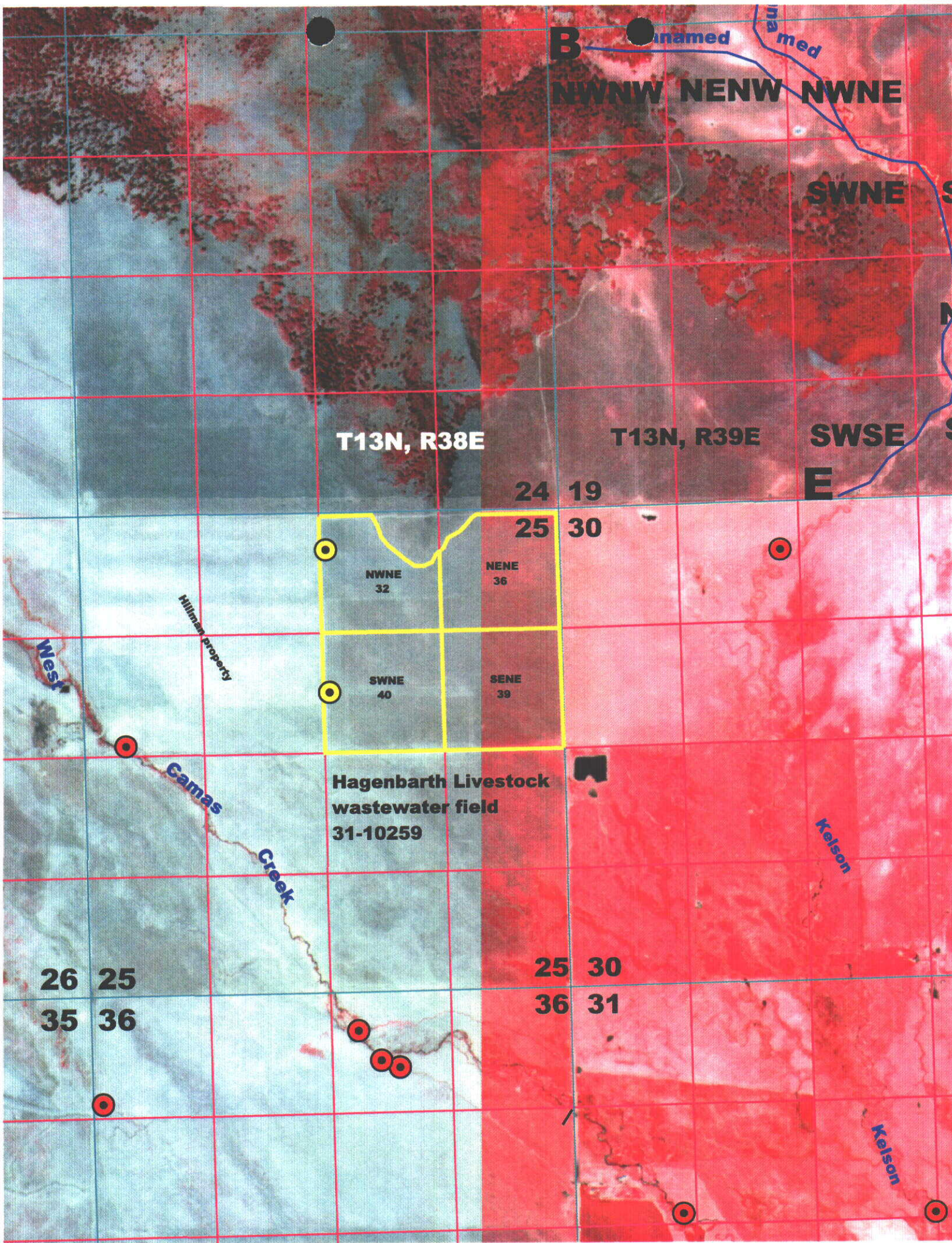
DATE: 7/11/2K

SYSTEM DESCRIPTION:

SEE ABOVE FOR VERBAL, GDS FOR DITCH LAYOUT.

JIM HAGENBARTH INDICATES A NORTH/SOUTH TRENDED DITCH COLLECTS WASTEWATER FROM THE (WEST) HILLMAN FIELDS.





T13N, R38E

24

19

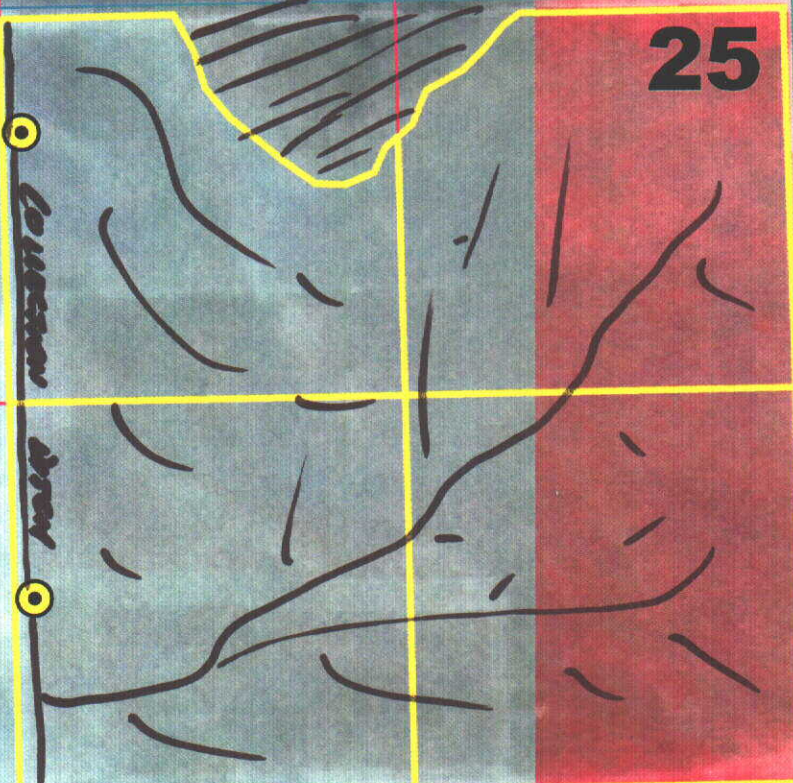
T13N

25

30

Hummer
Runoff

Hummer
Runoff



**Hagenbarth Livestock
wastewater field
31-10259**

Creek

7/11/24

[Signature]

10/05/2000

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

RIGHT NUMBER: 31-10259

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

SOURCE: WASTEWATER

QUANTITY: 1.6 CFS

PRIORITY DATE: 11/02/1930

POINT OF DIVERSION: T13N R38E S25 NWNE Within CLARK County
T13N R38E S25 SWNE Within CLARK County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	05-01 10-31	1.60 CFS

PLACE OF USE:

<u>IRRIGATION Within CLARK County</u>					
T13N R38E S25	NENE	36	T13N R38E S25	NWNE	32
T13N R38E S25	SWNE	40	T13N R38E S25	SENE	39
147 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

THE SOURCE OF THIS RIGHT IS WASTE WATER ORIGINALLY DIVERTED
PURSUANT TO RIGHT NOS. 31-00082 THROUGH 31-00086.

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: A31-10259
Date Received: 8/16/1988
Receipt No: E001335
Received By: Kew

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

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

2. Date of Priority: MAY 01, 1898

3. Source: WASTEWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
13N	38E	25		NW	NE		CLARK
				SW	NE		CLARK

5. Description of diverting works:
COLLECTION DITCH FOR FLOOD IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/15	10/15	1.600		

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

8. Total consumptive use is 226.5 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

A31-10259

Page 1

Date: 03/31/89

RECEIVED

APR 12 1989

Department of Water Resources
Eastern District Office

MICROFILMED

NOV 17 1992

10. Place of Use:

Township	Range	Section	1/4	of 1/4	Lot	Use	Acres
13N	38E	25	NE	NE		IRR	36.0
			NW	NE		IRR	35.0
			SW	NE		IRR	40.0
			SE	NE		IRR	40.0

Section Acres 151.0

Total Acres	151.0
-------------	-------

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:

IN THE N 1/2 OF SEC 25, T13N, R38E, WATER NATURALLY FLOWS ALONG AN EASTERLY AND SOUTHEASTERLY COURSE. THIS BEING THE CASE AND THE FACT THAT THE CLAIMANTS LAND IS IN THE NE 1/4 OF SEC.25, ANY WASTEWATER FLOWING OFF OF THE NW 1/4 WOULD FLOW ONTO THE NE 1/4 AND WOULD PROVIDE BENEFIT TO THE CLAIMANTS LAND. SINCE THE RIGHT FOR THE NW 1/4 HAD WATER UNDER 31-0082 (05/01/1898) WASTEWATER WOULD HAVE FLOWED ONTO THE CLAIMANTS LAND FROM THAT DATE ALSO. THE DOCTRINE OF BENEFICIAL USE GIVES THE CLAIMANTS THE RIGHT TO CLAIM THIS WASTEWATER.

15. Basis of Claim: BENEFICIAL USE

MICROFILMED

NOV 17 1992

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s): James F. Nagerhals Date: 4/11/89
_____ Date: _____

State of ^{Montana} ~~Idaho~~)
County of BEAVERHEAD) SS.

Subscribed and sworn (or affirmed) before me this 11th day
of April 19 89

[Signature]
Notary Public

Seal



Residing at _____ NOTARY PUBLIC for the state of Montana
Residing at Dillon, Montana
My Commission Expires June 14, 1991
My Commission Expires _____

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: A31-10259
Date Received: 8/16/1988
Receipt No: E001335
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

A310259



2. Date of Priority: MAY 01, 1898

3. Source: WASTEWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
13N	38E	25	NW	NE			CLARK
			SW	NE			CLARK

5. Description of diverting works:
COLLECTION DITCH FOR FLOOD IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/15	10/15	1.600		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

NONE
A31-10259

Page 1

Date: 08/16/88

MICROFILMED

NOV 17 1992

10. Place of Use:

Township	Range	Section	1/4	of 1/4	Lot	Use	Acres
13N	38E	25	NE	NE		IRR	36.0
			NW	NE		IRR	35.0
			SW	NE		IRR	40.0
			SE	NE		IRR	40.0

Section Acres 151.0

Total Acres 151.0

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:

IN THE N 1/2 OF SEC 25, T13N, R38E, WATER NATURALLY FLOWS ALONG AN EASTERLY AND SOUTHEASTERLY COURSE. THIS BEING THE CASE AND THE FACT THAT THE CLAIMANTS LAND IS IN THE NE 1/4 OF SEC.25, ANY WASTEWATER FLOWING OFF OF THE NW 1/4 WOULD FLOW ONTO THE NE 1/4 AND WOULD PROVIDE BENEFIT TO THE CLAIMANTS LAND. SINCE THE RIGHT FOR THE NW 1/4 HAD WATER UNDER 31-0082 (05/01/1898) WASTEWATER WOULD HAVE FLOWED ONTO THE CLAIMANTS LAND FROM THAT DATE ALSO. THE DOCTRINE OF BENEFICIAL USE GIVES THE CLAIMANTS THE RIGHT TO CLAIM THIS WASTEWATER.

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Number of attachments: _____

For Individuals:

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

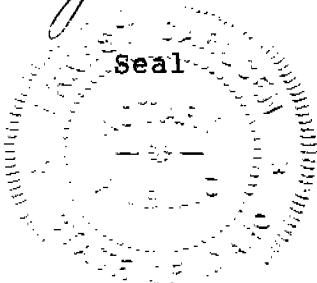
Signature of Claimant(s): *James F. [Signature]* Date: 8/16/88
_____ Date: _____

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 16 day

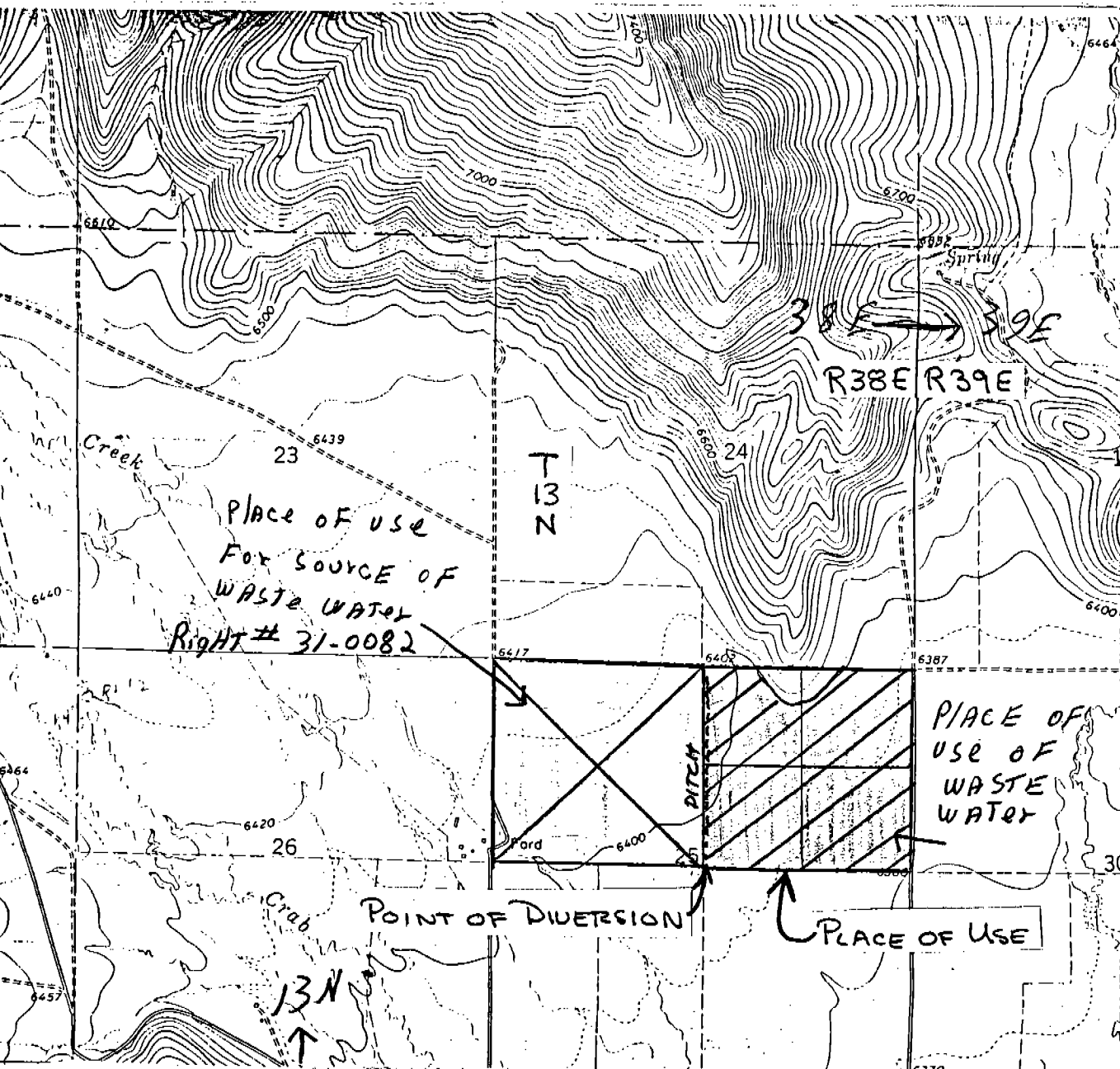
of Aug 19 88

Ernest Carlson
Notary Public



Residing at *Idaho Falls, ID*

My Commission Expires 14 June 1989



A31-10259 MICROFILMED
NOV 17 1992



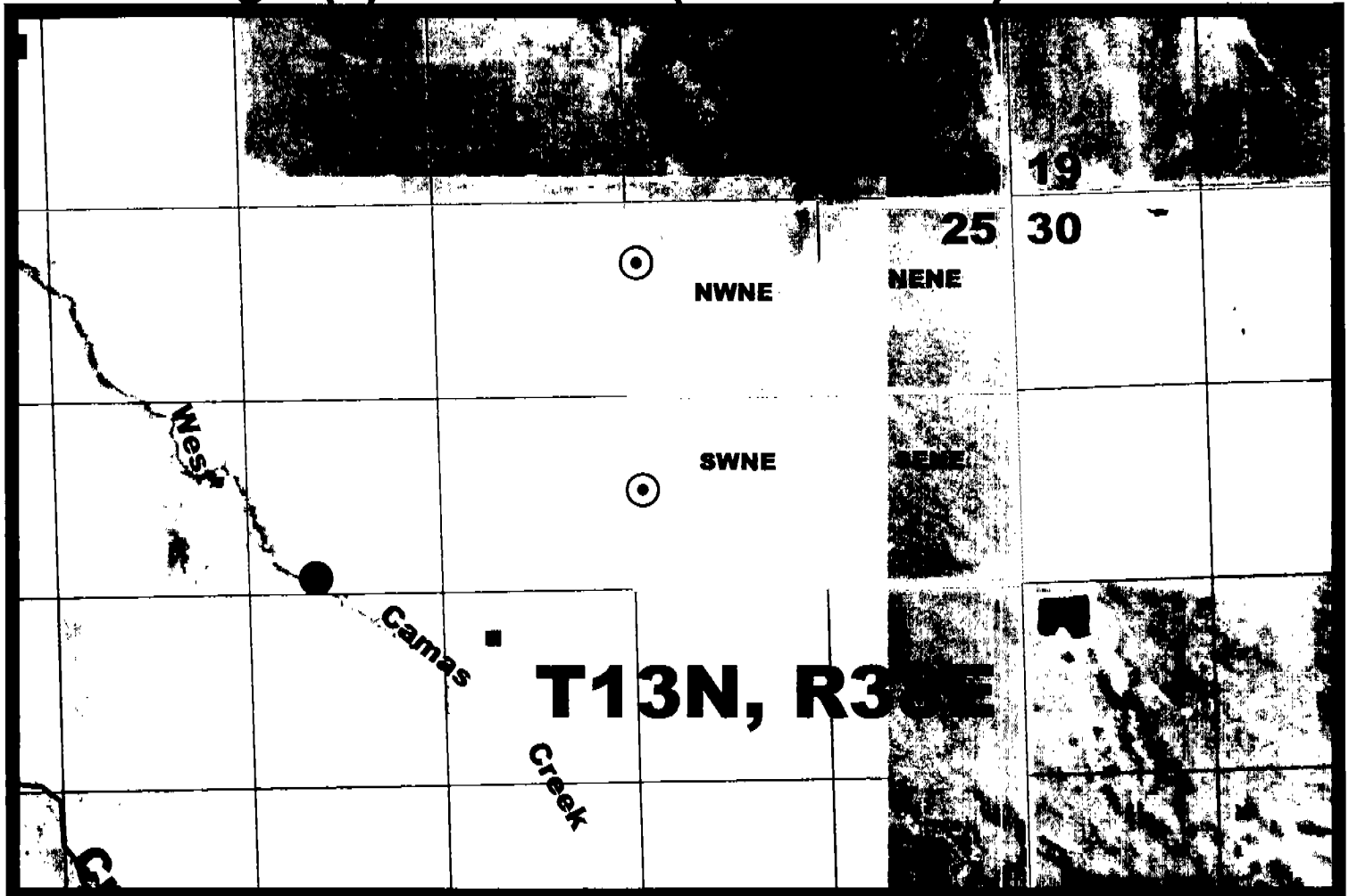
STATE OF IDAHO

Department of Water Resources

Eastern Region

Claimant: Hagenbarth

Water Right(s): 31-10259 (wastewater)



750 0 750 1500 2250 3000 3750 4500 5250 6000 6750 Feet

LEGEND



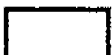
Point of Diversion

SESE

Place of Use



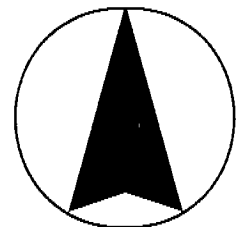
Section Line



Quarter-section line

**Legal Description: T13N, R38E
Sec.25 NE**

**Point(s) of Diversion: T13N, R38E
Sec.25 NWNE, SWNE**



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

00:00:30
05/24/93

PAGE: L
GENERAL INFORMATION

531
CLAIM NUMBER: A31-1025

LAST: HAGENBARTH
ADDRESS: P.O. BOX 1128
CITY: DILLON
PHONE NUMBER: 436-683-2163

FIRST: MARGARET
STATE: MT ZIP: 59725

OWNER CODE: C

LAST: HAGENBARTH
ADDRESS: P.O. BOX 1128
CITY: DILLON
PHONE NUMBER: 436-683-2163

FIRST: DAVID J.
STATE: MT ZIP: 59725

OWNER CODE: C

LAST: HAGENBARTH
ADDRESS: P.O. BOX 1128
CITY: DILLON
PHONE NUMBER: 436-683-2163

FIRST: JAMES F.
STATE: MT ZIP: 59725

OWNER CODE: C

FIELD EXAM REQUIRED?

DATABASE
Y

FIELD
EXAMINER

VERIFICATION REQUIRED DUE TO REMARKS?

CLAIM REMARKS:

IN THE N 1/2 OF SEC 25, T13N, R30E, WATER NATURALLY FLOWS ALONG AN EASTERLY AND SOUTHEASTERLY COURSE. THIS BEING THE CASE AND THE FACT THAT THE CLAIMANTS LAND IS IN THE NE 1/4 OF SEC. 25, ANY WASTEWATER FLOWING OFF OF THE NW 1/4 WOULD FLOW ONTO THE NE 1/4 AND WOULD PROVIDE BENEFIT TO THE CLAIMANTS LAND. SINCE THE RIGHT FOR THE NW 1/4 HAD WATER UNDER 31-0082 (05/01/1898) WASTEWATER WOULD HAVE FLOWED ONTO THE CLAIMANTS LAND FROM THAT DATE ALSO. THE DOCTRINE OF BENEFICIAL USE GIVES THE CLAIMANTS THE RIGHT TO CLAIM THIS WASTEWATER.

CC: Comment

IF, IN FACT, ITS WASTEWATER AND NOT RETURN TO A STREAM. OR, IF DOWNSTREAM APPROPRIATOR JUNIOR IN RIGHT.

Truly WASTEWATER FROM TO WAST OR CLAIMING NO RETURN FLOW TO ANY

PAGE: 2
FIELD EXAMINATION INFORMATION

532
CLAIM NUMBER: A31-1025

CONTACT PERSON: Ar Roney

PHONE NUMBER: () -

DATE OF FIELD EXAM: 7/11/21

APPOINTMENT MADE: Y() N()

TIME: : A() P()

ACCOMPANIED BY: Jim HANDBARTH

PHONE NUMBER: () -

RELATIONSHIP TO CLAIMANT: DEONOR

DIRECTIONS TO PROPERTY / NOTES:

7/11/21 Met w/ Jim @ Cook House - Reviewed claims. VISITED PM.

A. AJ CLAIM: # A31-10259 PRIORITY DATE: 05-01-1898 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: No Proof of Priority Submitted. 2nd Request mailed 4/14/
1898 probably isn't going to work since it pre-dates the Nov. 1 1930
USC November 2, 1930 - THE DAY AFTER THE DECREE.

RECOMMENDED PRIORITY DATE: 11/2/1930

REVIEWED BY ABR

DATE 5/9/4

7/11/2K EXPLAINED THE PRIORITY DATE THEORY IN RELATION TO THE SAME &
"THAT HAD A VALID RIGHT BEEN IN-PLACE PRIOR TO THE DECREE THAT A
RIGHT) WOULD HAVE BEEN UNJOINED TO THAT DECREE." SUCH A WR
FOUND, THOUGH, THE EARLIEST PRIORITY DATE CAN ONLY BE
DAY AFTER THE DECREE, OR NOV. 2, 1930.

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
A31-10259	13N	38E	25		NW	NE		CLARK
A31-10259	13N	38E	25		SW	NE		CLARK

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

WR RECORDS IN SAME 40 ACRE TRACT
NONE

SOURCE: WASTEWATER

TRIB:

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:

Q: DOES THIS 'WASTEWATER' RETURN TO A STREAM AFTER HILLMAN'S 4
31-000B2 - ?^② HOW MUCH IS WASTE? ^③ POINTS OF DIVERSION?
A: ^① THERE IS NO RETURN TO ANY STREAM. ^② 31-000B2 IS FOR 1.6 CFS, IRRIGATING (BY D
NW 1/4 SEC. 25 T13N R38E. BUT, APPEARS TO BE CLAIMED AS PPU AS 31-000B2 THEN 31-
AT 0.0282 cfs/ac WHICH 1904 RTS ARE ON IT IS CONCEIVABLE (IN A NORMAL WATER YEAR - ACCORD
SUB-MOISTURE AND HIGH RUN-OFF) THAT 1.6 CFS OR EVEN MORE COULD FLOW TO NW 1/4 SEC. 25.
^③ POD'S ARE RECOMMENDED BY QQ ONLY, AS CLAIMED. ACTUAL POD(S) IS A NORTH-
DITCH @ FENCE LINE WHICH CATCHES RUN-OFF IS THEN DITCHED OUT ONTO NE
INTER-CONNECTING AND DOWN-GRADIENT DITCH SYSTEM.
7/11/2K DATE OF ACTUAL FIELD EXAM (IN A DRY YEAR) THERE WAS NO WATER
IN-FACT ALL SURFACE RTS WERE TURNED OFF BY WM DUE TO A CALL 1
LISFWS GAMG REFUGES.

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE:

TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	COUNTY	DIVERSION NAME
13N	38E	25		NW	NE		CLARK	
				SW	NE		CLARK	

SOURCE: WASTEWATER

TRIB: SINKS

REVIEWED BY: ABR

DATE: 7/11/2K

SYSTEM DESCRIPTION:

SEE ABOVE FOR VERBAL, GDS FOR DITCH LAYOUT.

Jim HAGENBARTH INDICATES A NORTH/SOUTH FLOWING DITCH COLLECT
WASTEWATER FROM THIS (WEST) HILLMAN FIELDS.

HAGENBARTH
WASTEWATER FIELD

EAST LOOKS: SOUTH

WASTEWATER
DITCH

PAGE: 5
PLACE OF USE REVIEW SHEET

535
CLAIM NUMBER: A31-10259

A. ROOT WATER RIGHT NUMBERS: A31-10259

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.
13N	38E	25	NE	NE		HAGENBARTH, MARGARET	A31-10259 736.0	- 7	31.0	HILL CO RD
13N	38E	25	NW	NE		HAGENBARTH, MARGARET	A31-10259 735.0	- 7	23.0	LAKE RD
13N	38E	25	SW	NE		HAGENBARTH, MARGARET	A31-10259 740.0	- 7	9.0	
13N	38E	25	SE	NE		HAGENBARTH, MARGARET	A31-10259 740.0	- 7	7.0	-1 COL
TOTAL ACRES							A31-10259 151.00		70.00	

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:

ALONG NORTH BOUNDARY THE ROAD IS BETWEEN FENCES FORMING A LAKE, POU
IS INSIDE SO. FENCE WHICH IS SOUTH OF SECTION LINE $\frac{24}{25}$ THIS REDUCTION OF

RECOMMENDATIONS:

TOTAL ACRES: 1460

REVIEWED BY: [Signature]

DATE: 5/2/24

PAGE: 1
PURPOSES REVIEW SHEET

537
CLAIM NUMBER: A31-1025

A. AJ CLAIMED USES:

PURPOSES
A31-10259 IRRIGATION

1. MONTH/DAY
FROM 04-15 TO 10-15
TOTAL DIVERSION RATE/VOLUME CLAIMED

2. DIVERSION QUANTITY
1.600 CFS
1.600 CFS ?

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
N
Y
Y

D. PERIOD OF USE:

RECOMMEND AS CLAIMED?

Y() N()

RECOMMEND TO WR STANDARDS OR OTHER?

Y() N() EXPLAIN IN NOTES, BELOW

NOTES:

1. PERIODS OR VISO CLAIMED - NOT TO DEPT. STO IS 5/1 TO 10/31.

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

No Prior Record TBL

*** 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 DRY-NO WATER, 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

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 = 226.5 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

CLAIMED
 $\frac{1.60 \text{ cfs}}{15/\text{ac}} = 0.0107$

$\frac{1.60}{146} = 0.01095$

RECOMMENDATIONS:

REC. PURPOSES	REC. PERIOD FROM TO	REC. DIV RATE CFS	REC. DIV VIL. AF/A	REC. CONS USE
IRRIGATION	~~04-15~~ 5/1 10/31 ~~10-15~~	DATABASE EXAMINER 1.600	DATABASE EXAMINER	DATABASE EXAMINER 226.5
TOTAL FOR THIS RIGHT		1.600		226.5

REVIEWED BY:

DATE:

AKK

2/11/24

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: 51-10259

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

-

A31-10259

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:

BU claim @ 1.6 cfs - "Measuring Reservoir" - Dry - NO WATER

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: 12
QUICKLOOK INFORMATION

542
CLAIM NUMBER: A31-1025

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 BY
PRIORITY DATE	Y							
POINT OF DIV.	Y							
SOURCE	Y							
PLACE OF USE	Y							
DIV. AMOUNT CFS/VOLUME	Y							
CONSUMPTIVE USE	-							
PURPOSES								
PERIOD OF USE	Y							
BASIS OF CLAIM	Y							
REMARKS	Y							

"VERIFIED BY" CODES

TOPD MAP/ORTHO-PQ = 1
ASCS MAP = 2
WATERMASTER RECORDS = 3
MAPP 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

00:32:14
03/24/93
543

PAGE: 13
PROFILE REPORT

CLAIM NUMBER: A31-1025

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVE VOL
C	MARGARET HAGENBARTH	05/01/1898	IRRIGATION	04-15 10-15	1.60 CFS	
C	DAVID J. HAGENBARTH					
C	JAMES F. HAGENBARTH					
	P.O. BOX 1128					
	DILLON MT 59725					
	(436) 683-2163					
				TOTAL DIVERSION:	1.60 CFS	
				CONSUMPTIVE USE:		

WATER SOURCE: WASTEWATER

TRIBUTARY TO:

STAGE: BENEFIC

POINT(S) OF DIVERSION:

T13N R38E S25

NWNE

SWNE

CLARK COUNTY

PLACE OF USE LEGAL DESCRIPTION FOR: IRRIGATION

				NE				NW				SW				SE			
				NE	NW	SW	SE					NE	NW	SW	SE				
T	R	S	:	LT	AC	LT	AC	LT	AC	LT	AC	LT	AC	LT	AC	LT	AC	LT	AC
13N	38E	25	:	36		35		40		40									
																TOTAL ACRES			

POU COUNTY: CLARK

NON-IRRIGATION USES: NONE

OTHER RIGHTS: NONE

REMARKS: IN THE N 1/2 OF SEC 25, T13N, R38E, WATER NATURALLY FLOWS ALONG AN EASTERLY AND SOUTHEASTERLY COURSE. THIS BEING THE CASE AND THE FACT THAT THE CLAIMANTS LAND IS IN THE NE 1/4 OF SEC. 25, ANY WASTEWATER FLOWING OFF OF THE NW 1/4 WOULD FLOW ONTO THE NE 1/4 AND WOULD PROVIDE BENEFIT TO THE CLAIMANTS LAND. SINCE THE RIGHT FOR THE NW 1/4 HAD WATER UNDER S1-0082 (05/01/1898) WASTEWATER WOULD HAVE FLOWED ONTO THE CLAIMANTS LAND FROM THAT DATE ALSO. THE DOCTRINE OF BENEFICIAL USE GIVES THE CLAIMANTS THE RIGHT TO CLAIM THIS WASTEWATER.

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: 31-10259

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):
2. Describe the changes you wish to make in the proposed recommendation:
3. Give a brief explanation as to why you disagree with these portions:

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

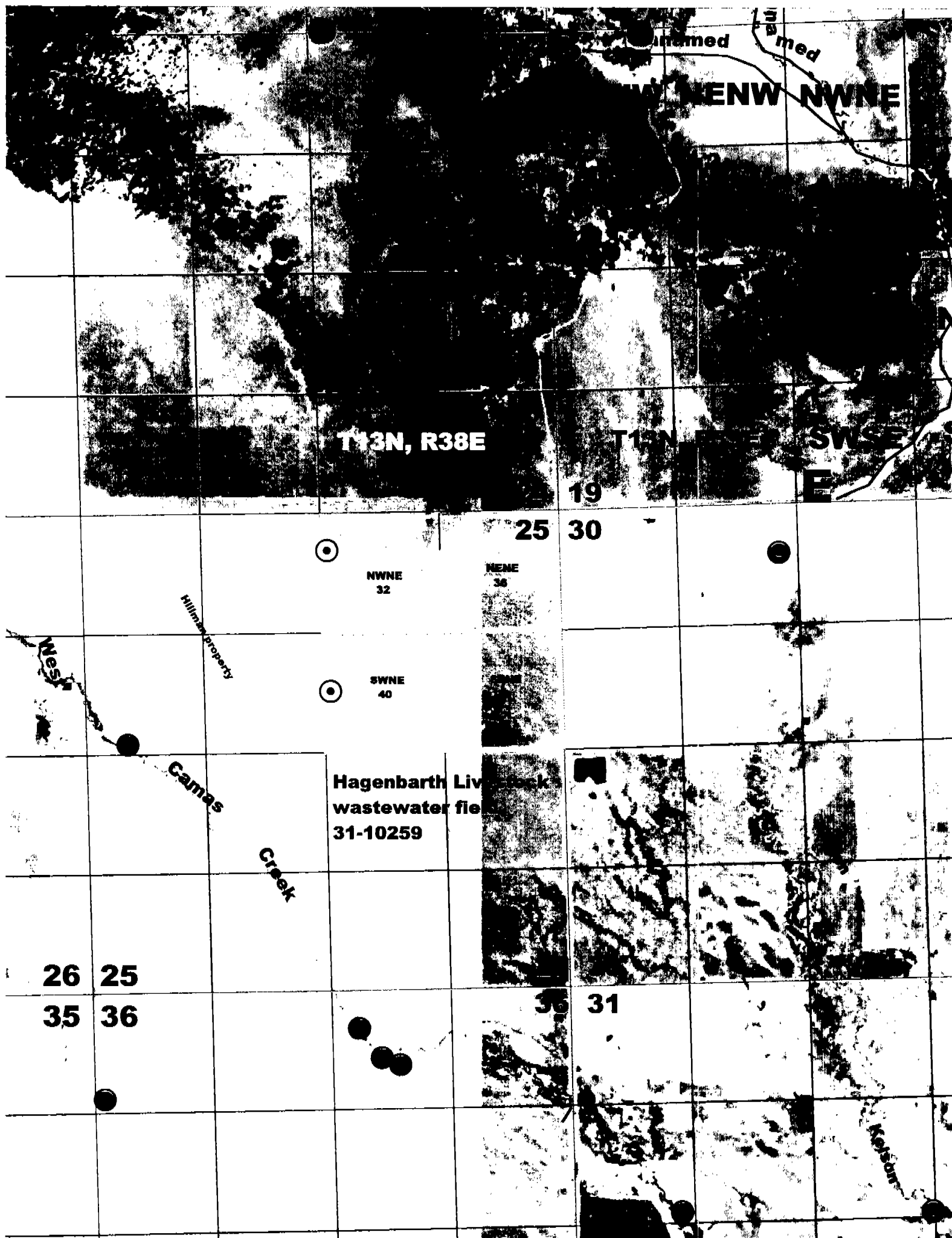
DATE: 3/5/2001

SIGNATURE: James F Hagenbarth

Please print your name: James F. Hagenbarth

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





T13N, R38E

19

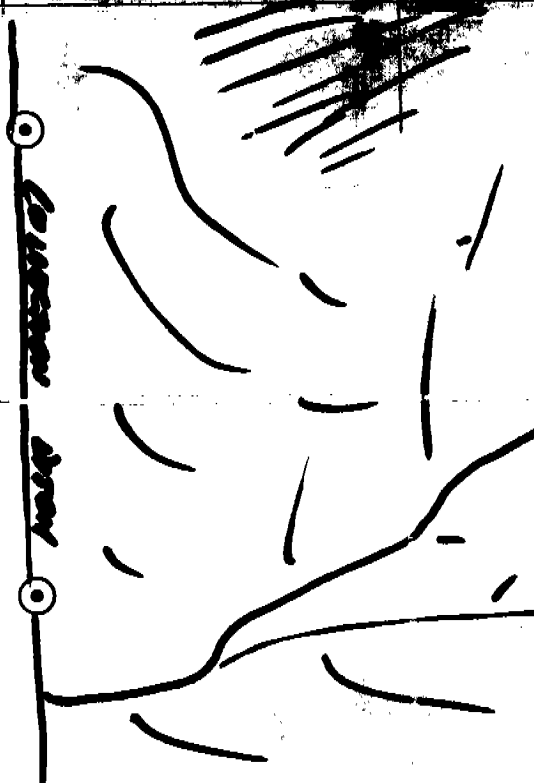
13

25

30

Human
Runoff

Human
Runoff



**Hagenbarth Livestock
wastewater field
31-10259**

Creek

DONEY, CROWLEY, BLOOMQUIST & UDA, P.C.

Attorneys at Law

Ted J. Doney (1942-1994)
*Frank C. Crowley, MS
John E. Bloomquist
†Michael J. Uda, MS

Suite 200, Diamond Block
44 West 6th Avenue
P.O. Box 1185
Helena, MT 59624-1185
(406) 443-2211
Fax: (406) 449-8443
E Mail: plr@doneylaw.com

108 South Washington
P.O. Box 1418
Dillon, MT 59725
(406) 683-8795
Fax: (406) 683-8796

‡R. Allan Payne, Rgp, MS
Matthew J. Quinn, Jr.
Patti L. Rowland
Nancy Zalutsky, CLA, Paralegal
Please Reply to Dillon Office

RECEIVED

APR 26 2000

Department of Water Resources
Eastern Region

April 26, 2000

State of Idaho
DEPARTMENT OF WATER RESOURCES
900 N. Skyline Dr., Suite A
Idaho Falls, ID 83402-1718

RE: Priority date of Hagenbarth Notice of Claim A31-10259

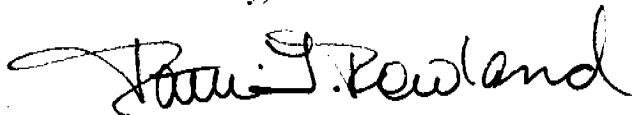
ATTN: Cheri Vandermeulen, Records Clerk

Dear Ms. Vandermeulen:

Please find enclosed the Affidavit of James F. Hagenbarth which is being submitted as supporting documentation for the claimed priority date of the above- mentioned water right claim.

If you have any additional questions, please contact myself or attorney John E. Bloomquist.

Sincerely,



Patti L. Rowland
Attorney at Law

Enc.

plr/dln

1
2
3
4 IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF
5 THE STATE OF IDAHO, IN AND FOR
6 THE COUNTY OF TWIN FALLS

7 * * * * *

8 IN RE THE GENERAL ADJUDICATION
9 OF RIGHTS TO THE USE OF WATER
10 FROM THE SNAKE RIVER BASIN
11 WATER SYSTEM

12) Claim Number A31-10259
13) Civil Case Number 39576

14) AFFIDAVIT OF JAMES F. HAGENBARTH
15) IN SUPPORT OF THE PRIORITY DATE
16) CLAIMED

17 * * * * *

18 STATE OF MONTANA)
19)
20 County of Beaverhead)

21 James F. Hagenbarth, being first duly sworn, deposes and says:

22 1. That he is 51 years of age and is familiar with the historic irrigation practices
23 associated with the above-mentioned water right claim and place of use.

24 2. I filed Notice of Claim A31-10259 for a wastewater right with a May 1, 1898 priority
25 date on behalf of myself, my brother David J. Hagenbarth, and my mother Margaret Hagenbarth as
26 co-owners.

27 3. My father purchased the property in Section 25, T13N, R38E, Clark County, and the
28 appurtenant 151 acre place of use located in the NE¼ of Section 25, in approximately 1940.
Although there was an intervening owner, my grandfather had owned the property earlier.

1 Water is diverted for irrigation of land in the NW¼ of Section 25, T13N, R38E, Clark
2 County by our neighbor. I believe current ownership of that land is with Randy Hillman. The water
3 right appurtenant to the land was decreed in the Suave Decree to M. Hillman for 1.6 cfs with a
4 priority date of May 1, 1898. I believe the M. Hillman decreed water right appears in the Suave
5 Decree as water right number 40. REF: Pg. 66 Suave Decree 31-00082.

6 3. Due to the contours and slope of the land in the N½ of Section 25, irrigation of

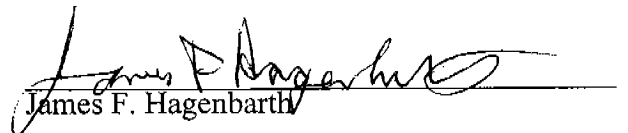
1 the NW¼ of Section 25 creates a supply of wastewater which flows in an easterly direction. This
2 wastewater has historically flowed on the land my family owns in the NE¼ of Section 25 creating a
3 benefit to that land.

4 4. Throughout the years, various ditches have existed on our property in the NE¼ of
5 Section 25 to control the wastewater which comes from the NW¼ of Section 25. The wastewater is
6 managed by a ditch system which spreads the water on our pasture land. Rather than washing away
7 our pasture, the water is beneficially used on our 151 acre place of use in the NE¼ of Section 25.

8 5. The M. Hillman decreed right which is appurtenant to the irrigated property in the
9 NW¼ of Section 25 is the source of wastewater which flows on our land in the NE¼ of Section 25.
10 The priority date for the M. Hillman decreed water is May 1, 1898. It follows that this wastewater
11 has flowed across our land in the NE¼ of Section 25 creating a benefit to our land since the time it
12 was originally diverted by M. Hillman.

13 6. I have personal knowledge that the wastewater has been beneficially used in this
14 manner during the time my family has owned the property in Section 25.

15
16 DATED this 26th day of April, 2000.

17
18 
19 James F. Hagenbarth

20
21 SUBSCRIBED AND SWORN TO before me this 26th day of April, 2000.

22
23 
24 Notary Public for the State of Montana
25 Residing at Beaverhead Co. Montana
26 My commission expires 1/1/2004
27
28

April 14, 2000

A31-10259
MARGARET HAGENBARTH
DAVID J HAGENBARTH
JAMES F HAGENBARTH
PO BOX 1128
DILLON MT 59725

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. This letter is the final reminder that the above documentation needs to be provided.

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 the entire 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".

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

Please submit the documentation supporting the priority date by May 1, 2000, referencing all documents with the corresponding Notice number. If you have any questions not covered by this letter or the enclosed pamphlet, please contact Allen Ruberry at 525-7161

Respectfully submitted,

Cheri Vandermeulen
Records Clerk

Enclosure: Brochure on "Evidence of Priority"
Notice of Claim A29-10259



State of Idaho
DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - FAX: (208) 525-1717

DOOR 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.

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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

*Second Request
for Proof of Priority
MMSO 4/14/94
Received 5/10/94*

MICROFILMED

APR 14 1994