

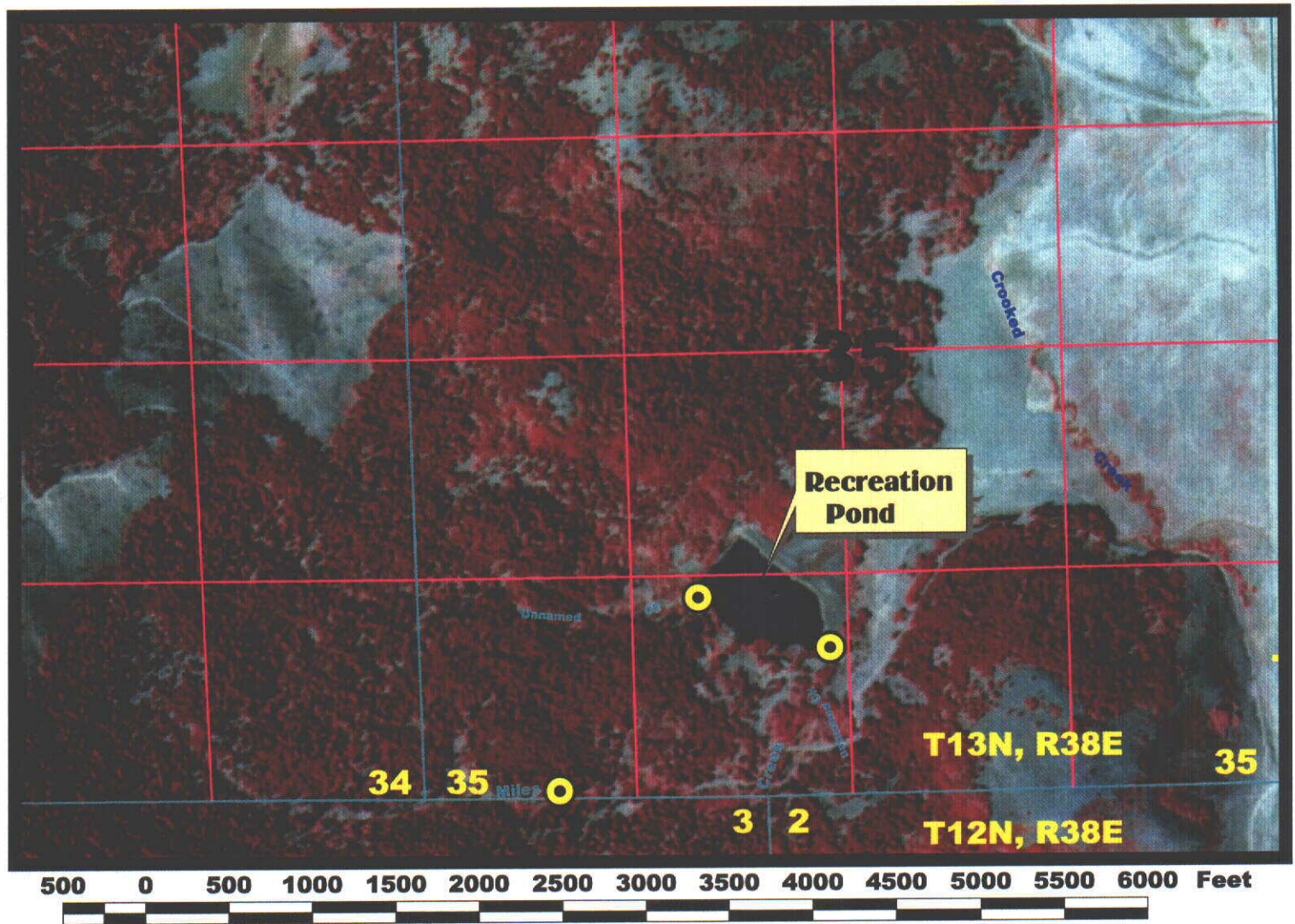


STATE OF IDAHO

Department of Water Resources

Eastern Region

Water Right(s): 31-07345



LEGEND



Point of Diversion

SESE

Place of Use



Section Line



Quarter-section line

**Legal Description: T13N, R38E
Sec. 35 E2SW (Recreation Pond)**

**Point(s) of Diversion: T13N, R38E
Sec. 35 NWSESW (Unnamed Ck)
SESWSW (Miles Ck)
NESESW (Unnamed Ck)
NESENW (Miles Ck)**



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

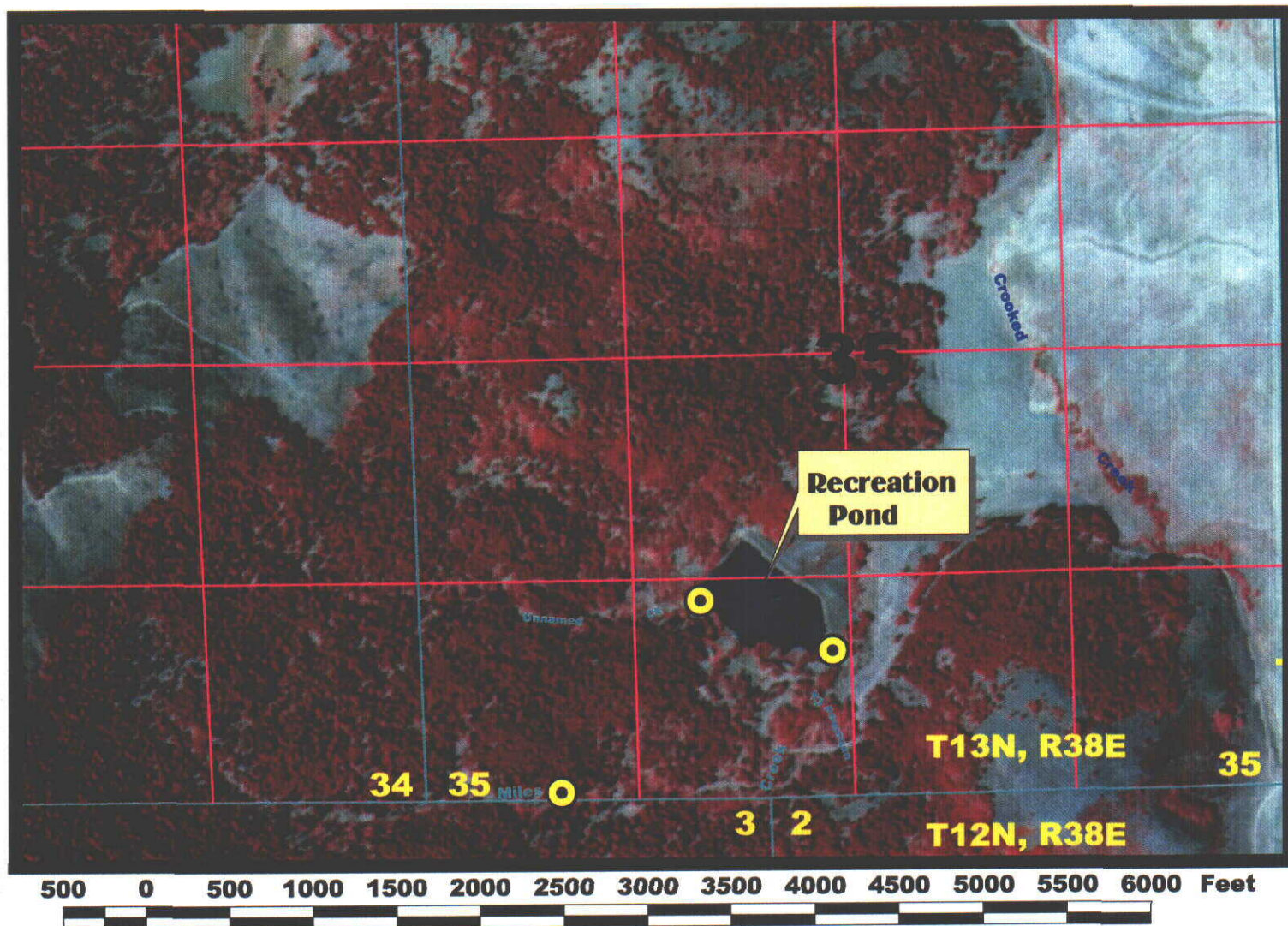


STATE OF IDAHO

Department of Water Resources

Eastern Region

Water Right(s): 31-07345



LEGEND



Point of Diversion

SESE

Place of Use



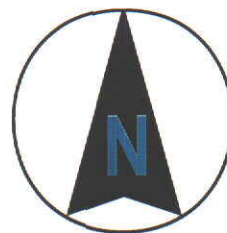
Section Line



Quarter-section line

**Legal Description: T13N, R38E
Sec. 35 E2SW (Recreation Pond)**

**Point(s) of Diversion: T13N, R38E
Sec. 35 NWSESW (Unnamed Ck)
SESWSW (Miles Ck)
NESESW (Unnamed Ck)
NESENW (Miles Ck)**



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



Electronic CVR
9/28/2K
ABR

Photos by: ABR
7/11/2K

03/19/2001

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

RIGHT NUMBER: 31-7345

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

SOURCE: MILES CREEK
UNNAMED STREAM

TRIBUTARY: CROOKED CREEK
MILES CREEK

QUANTITY: 0.74 CFS
60 AFY

PRIORITY DATE: 09/26/1980

POINT OF DIVERSION:	T13N R38E S35	SESWSW	Within CLARK County
	T13N R38E S35	NESESW	Within CLARK County
	T13N R38E S35	NESESW	Within CLARK County
	T13N R38E S35	NWSESW	Within CLARK County

THREE POINTS OF DIVERSION LOCATED IN T13N, R38E, S35 SESW.

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
WILDLIFE STORAGE	01-01 12-31	60.00 AFY
RECREATION STORAGE	01-01 12-31	60.00 AFY
DIVERSION TO STORAGE	01-01 12-31	0.74 CFS

PLACE OF USE:

WILDLIFE STORAGE	Within CLARK
County	
T13N R38E S35	NESW T13N R38E S35 SESW

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 - License

A3107345



FIELD AMENDMENT FORM

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): _____ Date: _____
_____ Date: _____

For Organizations:

I do solemnly swear or affirm that I am JAMES F. HAGENBANTH of
Title
representing CLAIMANTS, that I have signed the foregoing
Organization
document in the space below as Representative of
Title
representing CLAIMANTS and that the statements contained in the
Organization
foregoing document are true and correct.

James F. Hagenbantz
Signature of Authorized Agent

Title and Organization

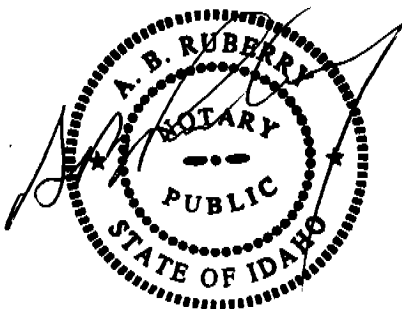
3/2/2001
Date

State of Idaho)
County of BANNOCKVILLE) SS.

Subscribed and sworn (or affirmed) before me this 2nd day
of MARCH 20 01

Aaron B. Ruberry
Notary Public

Seal



Residing at BANNOCKVILLE ID

My Commission Expires 09/23/03

THIS AMENDMENT ADDS POO'S
AS LCONSUS TO 31-07345.

AM

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 31-7345
Date Received: 9/28/00
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

JAMES F HAGENBARTH Phone: (208)683-2163

PO BOX 1128
DILLON MT USA 59725

DAVID J HAGENBARTH Phone: (208)683-2163

PO BOX 1128
DILLON MT USA 59725

2. Date of Priority: 09/26/1980

3. Source: MILES CREEK Trib. to: CROOKED CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County
13N	38E	35	SW SW	CLARK
13N	38E	35	SE SW	CLARK

5. Description of diverting works:

MILES CREEK DIVERTED INTO RESERVOIR

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
WILDLIFE STORAGE	01/01	12/31		60
RECREATION STORAGE	01/01	12/31		60
DIVERSION TO STORAGE	01/01	12/31	0.74	

7. Total Quantity Appropriated is:

0.74 C.F.S. and/or 60 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
13N	38E	35	NE	SW	WILDLIFE STORAGE	
			SE	SW	WILDLIFE STORAGE	

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:

CLAIMANTS HAVE DIVERTED MILES CREEK FOR THE USES DESCRIBED UNDER PERMIT 31-7345. THE FLOWS OF MILES CREEK ARE DIVERTED INTO THE RESERVOIR IN THE SESEW OF SEC 35, T13N, R38E. WATER THEN FLOWS OVER THE RESERVOIRS SPILLWAY AND IS PICKED UP BY DITCHES AND PUT TO BENEFICIAL USE ON THE PLACE OF USE. THIS STORAGE IS FOR WILDLIFE AND RECREATION AND IS NOT FOR IRRIGATION.

15. Basis of Claim: License

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:

Ident. Number

Date Received

Receipt Number

39576

31-07345

7/28/00

E026026

NOTICE OF CLAIM
TO A
WATER RIGHT

ACQUIRED UNDER STATE LAW

RECEIVED

JUL 18 2000

Department of Water Resources
Eastern Region

Please type or print clearly

1. Name of Claimant (s)

James F. Hagenbarth
DAVID J. Hagenbarth

Phone (406) 683-2163

Mailing Address

P.O. Box 1128 Dillon, MT

Zip

59725

2. Date of Priority (Only one (1) per claim)

9/26/1980

3. Source of water supply (a)

Miles Creek & UNNAMED STREAMS

which is tributary to (b)

Crooked Creek

4. a. Location of existing point of diversion is: Township

13N

Range

38E

Section

35

1/4 of SW 1/4 of SW 1/4, Govt. Lot,

B.M., County of

CLARK

Additional points of diversion if any:

SESW

b. If instream flow, beginning point of claimed instream flow is:

Township

Range

Section

1/4 of

1/4 of

1/4,

Govt. Lot

B.M., County of

ending point is: Township

Range

Section

1/4 of

1/4 of

1/4, Govt. Lot

B.M., County of

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well.

CLAIMANTS HAVE DIVERTED Miles
Creek For the uses described under permit 31-7345. The Flows
of Miles Creek are diverted INTO THE reservoir IN THE SESW
OF SEC 35, T13N R38E. WATER THEN Flows over THE Reservoirs spillway
AND is picked up by ditches and put to beneficial use on the
place of use. This storage is For wildlife AND Recreation
AND is NOT For irrigation.

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For WILDLIFE STORAGE purposes from 01/01 to 12/31 amount _____ or 60.00 AFA

For RECREATION STORAGE purposes from 01/01 to 12/31 amount _____ or 60.00 AFA

For DISPOSITION TO STORAGE purposes from 01/01 to 12/31 amount 0.24 CFS or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.24 (cfs) and/or (b) 60.00 (acre feet)

8. Total consumptive use claimed is _____ acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) WILDLIFE STORAGE & RECREATION STORAGE

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
<u>13N</u>	<u>38E</u>	<u>35</u>									X			X					

Total number of acres irrigated _____

11. In which county (ies) are lands listed above as place of use located? C/ArN

12. Do you own the property listed above as place of use? Yes ✓ No _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
31-00307-Same PDS. 31-00066, 00068, 00069, 00307, 00324, 00323, 31003 or None ()

14. Remarks: This right is being filed as a result of delinquency identified during adjudication inspection!

Last Name _____ Ident No. _____

Copies: White -State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License X Permit _____

Decree _____

If applicable provide IDWR Water Right Number 31-07345

Court _____ Case Number _____ Decree Date _____

Plaintiff vs Defendant _____

16. Signature (s)

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

Number of attachments 1

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) Daniel Hagenbarts Date 7/17/00

James P. Hagenbarts Date 7/17/00

For Organizations: I do solemnly swear or affirm that I am _____

of _____ Title _____, that I have signed the foregoing

document in the space below as _____ of _____

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

Signature of Authorized Agent _____

Title and Organization _____ Date _____

State of Idaho/or Montana)
County of Beaverhead) SS.

Subscribed and sworn (or affirmed) before me this 17th day of July, 2000

SEAL

Notary Public Cynthia B. Coad

Residing at Dillon, MT

My Commission Expires 5/5/03

Please Print Name

17. Notice of Appearance:

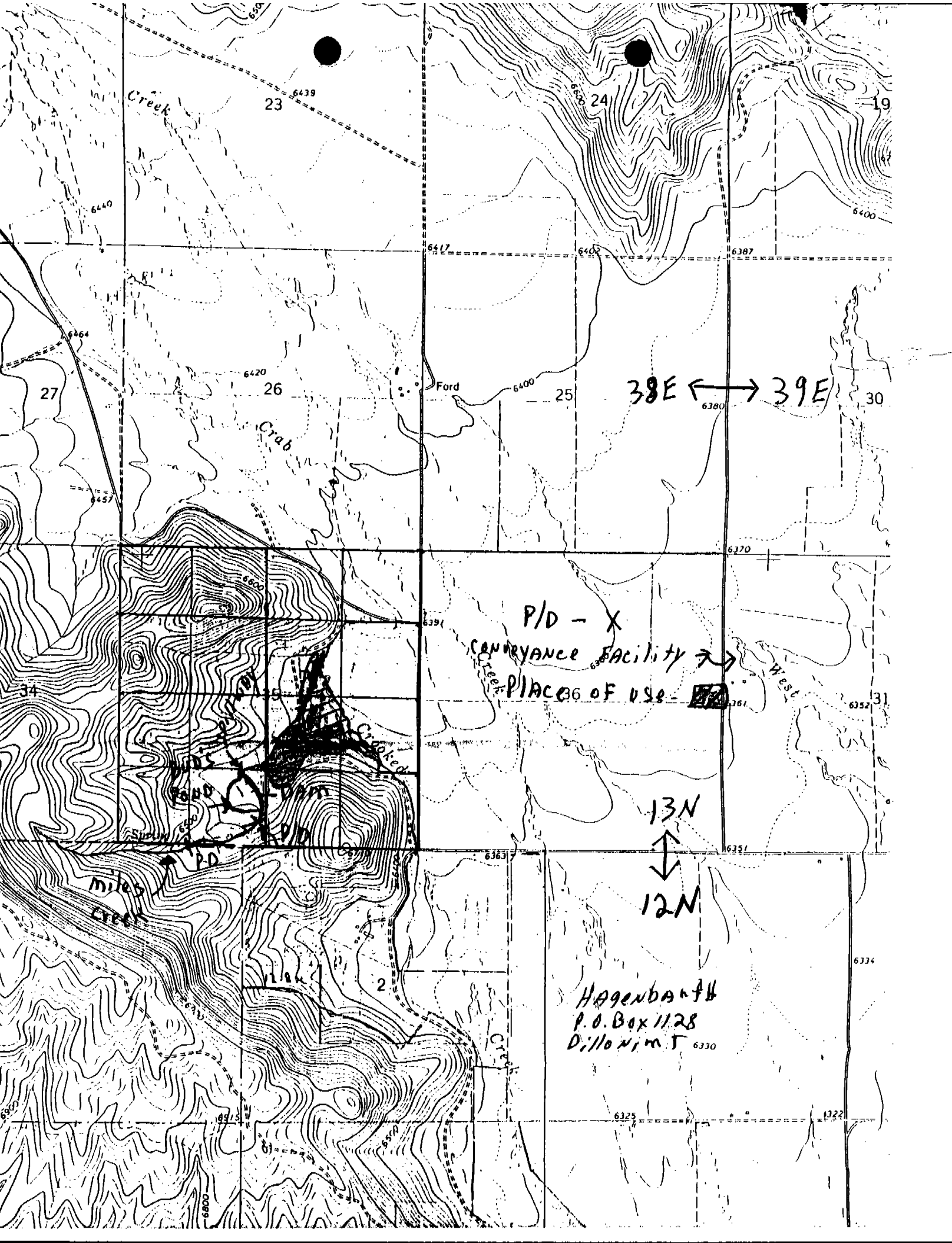
Notice is hereby given that I, _____ will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

Last Name _____ Ident. Number _____



Creek

23

6439

24

19

6400

6417

6400

6387

27

26

Ford

25

38E ← → 39E

30

Crab

6464

6420

6400

6380

6457

6370

6391

P/D - X

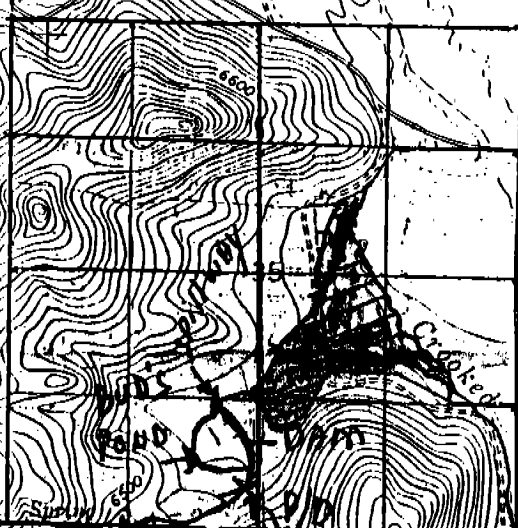
CONVEYANCE FACILITY →

PLACE OF USE - [shaded box]

West

31

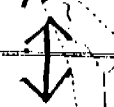
34



P/D

miles
Creek

13N



12N

6334

Hagenbach
P.O. Box 1128
Dillon, MT 59703

6325

6322

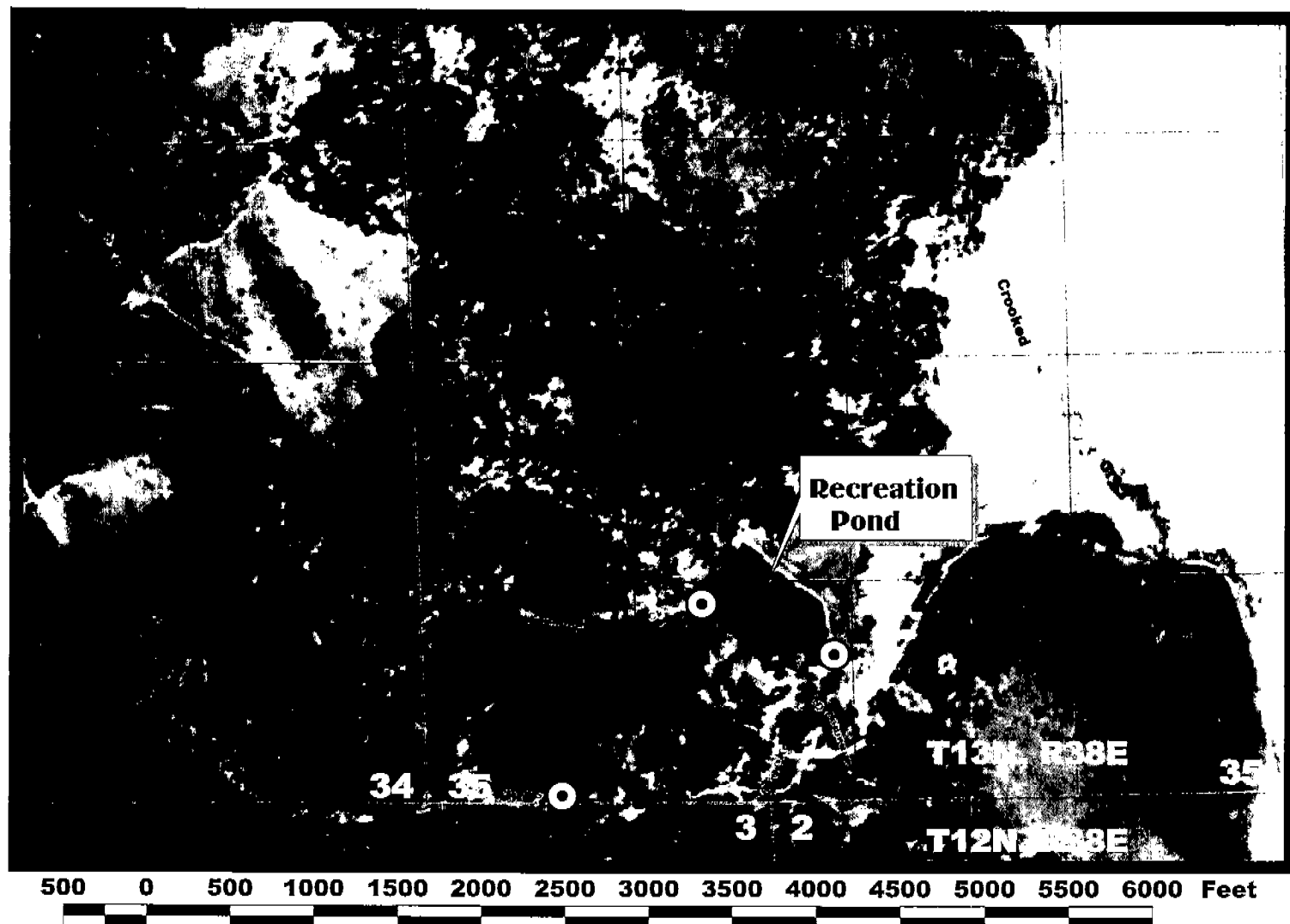


STATE OF IDAHO

Department of Water Resources

Eastern Region

Water Right(s): 31-07345



LEGEND



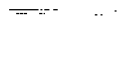
Point of Diversion

SESE

Place of Use



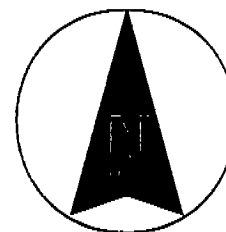
Section Line



Quarter-section line

**Legal Description: T13N, R38E
Sec. 35 E2SW (Recreation Pond)**

**Point(s) of Diversion: T13N, R38E
Sec. 35 NWSESW (Unnamed Ck)
SESWSW (Miles Ck)
NESESW (Unnamed Ck)
NESENW (Miles Ck)**



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

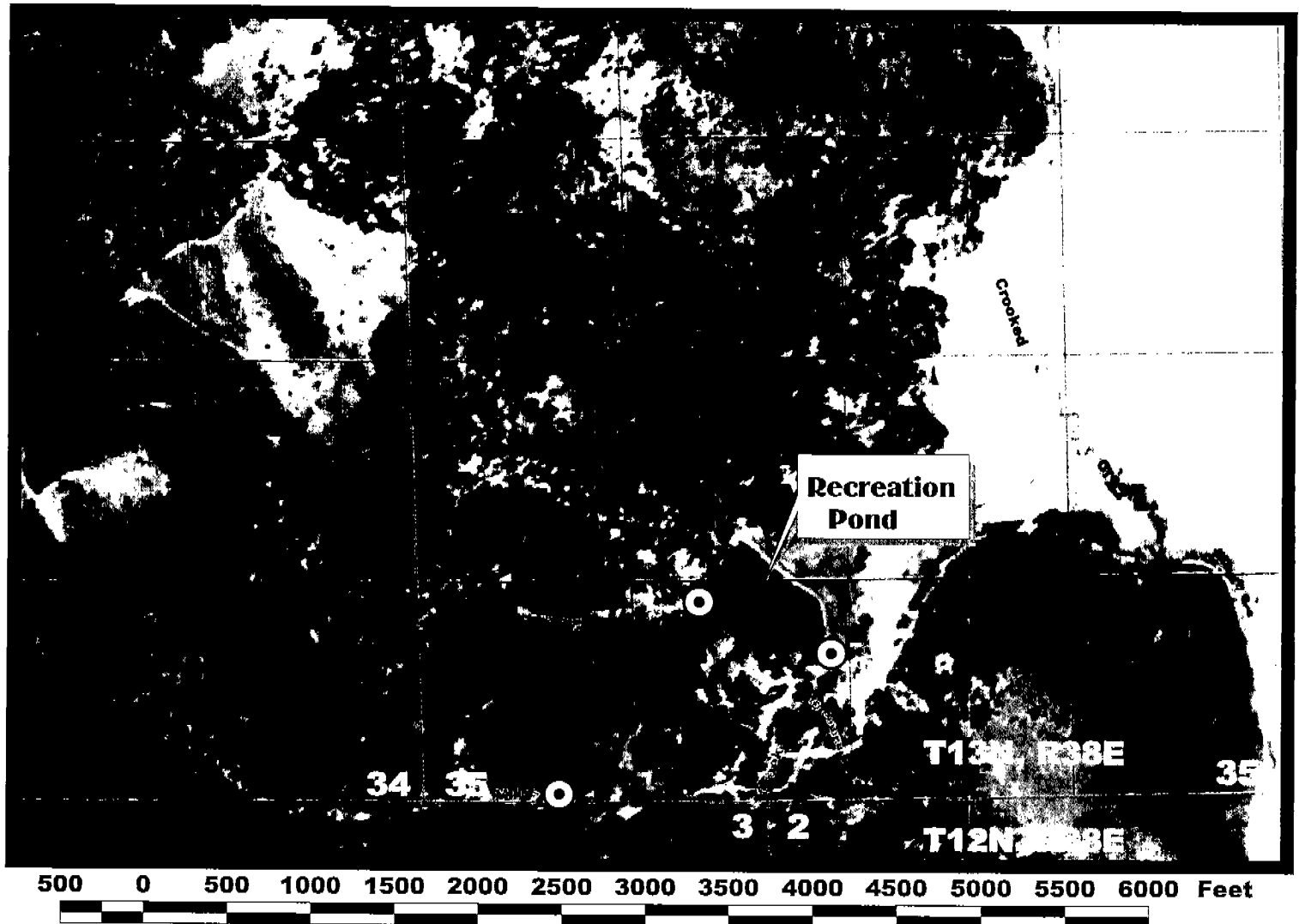


STATE OF IDAHO

Department of Water Resources

Eastern Region

Water Right(s): 31-07345



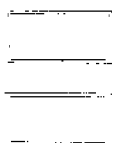
LEGEND



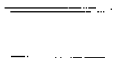
Point of Diversion

SESE

Place of Use



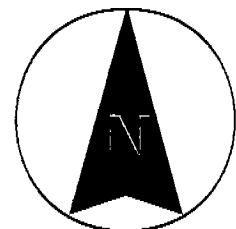
Section Line



Quarter-section line

**Legal Description: T13N, R38E
Sec. 35 E2SW (Recreation Pond)**

**Point(s) of Diversion: T13N, R38E
Sec. 35 NWSESW (Unnamed Ck)
SESWSW (Miles Ck)
NESESW (Unnamed Ck)
NESENW (Miles Ck)**



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



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: 31-7345

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):
Points of Diversion
Map

2. Describe the changes you wish to make to the proposed recommendation:
POD described as T13N R38E S35 ~~SESESW should be NESESW.~~
POD described as T13N R38E S35 ~~NESESW should be NWSESW.~~
Correct Map

3. Give a brief explanation as to why you disagree with these portions:
These two PODs were not described correctly, consequently only two were identified on the map. The POD in the NWSESW needs to be placed on the map and the POD described as being in the SESESW is really in the NESESW.

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

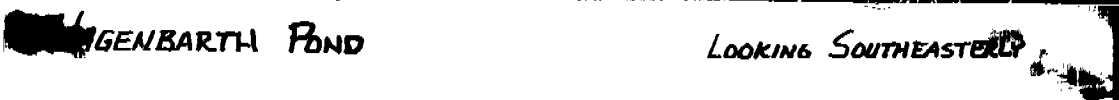
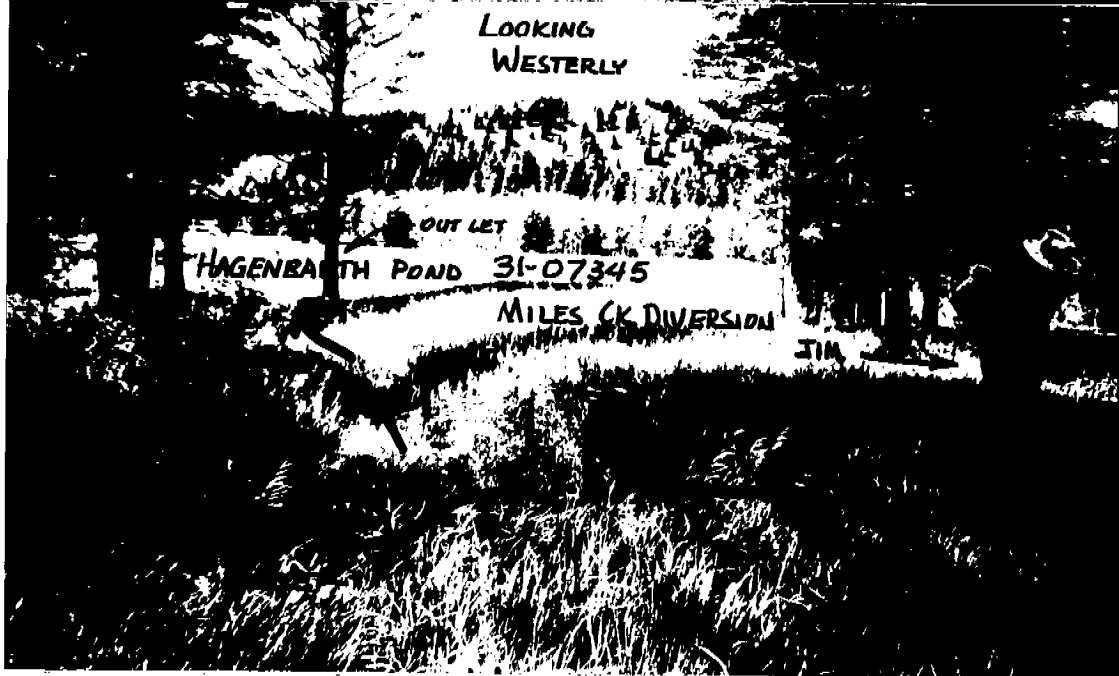
DATE: 3/5/2001

SIGNATURE: James F Hagenbarth

Please print your name: James F. Hagenbarth

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

REVISIT AMONMONT CLAIM 3/7/01
NOB/AMONMONT CORRECTS POD'S FOR ¹⁶² LICO¹⁶² SW
AND FLOW CLAIM. As: T.13N., R.38E. Sec. 35 SESESW
(2) NESESW ok.
NWSE SW. ON
CP3



Exposure 2/R
9/28/2000
ABE

Photos by: ABE
7/11/2K

WR0749NP

No. 31-07345

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 07/28/00

PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	JAMES F HAGENBARTH	09/26/1980	WILDLIFE STORAGE	01/01 12/31		60.00 AFA
C	DAVID J HAGENBARTH		RECREATION STORAGE	01/01 12/31		60.00 AFA
	PO BOX 1128		DIVERSION TO STORAGE	01/01 12/31	0.740 CFS	
	DILLON MT 59725					
TOTAL DIVERSION:					0.740 CFS	60.00 AFA

Water Source: MILES CREEK
UNNAMED STREAMSTributary to: CROOKED CREEK
CROOKED CREEK

Stage: LICENSE

Point(s) of Diversion Capacity: 3.60 AFA

Point(s) of Diversion: T13N R38E S35 SWSW SESW CLARK County

Place of use Legal Description for: WILDLIFE STORAGE

NE				NW				SW				SE			
NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE
T	R	S	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac
13N 38E 35 :															

Pou County: CLARK

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
31-00307Other Water Rights Listing Overlapping Place(s) of use:
31-00066 31-00067 31-00068 31-00069 31-00307 31-00324 31-00373 31-00374

Conditions of Approval:

- R04 - Use of water under this water right will be regulated by the
- watermaster of State Water District No. 31.

Remarks: GEN Measuring devices of a type approved by the Department shall be
permanently maintained at each point of diversion.The Director retains jurisdiction to require a bypass flow for
maintenance of fish, wildlife, riparian and aquatic habitat.* Three points of diversion are located within the SESW, S35, ?
T13N, R38E. Two

Dates: App. Received: 09/26/1980 Priority Date: 09/26/1980
Proof Due Date: 12/01/1986 Proof Made Date: 10/10/1986
Exam Made Date: 07/20/1993 Exam Sent to S.O.: 05/07/1997
Licensed Date: 08/28/1998

Misc: Water District Number: 31 Field Exam Fee: R (Received)

WR0749NP

No. 31-07345

IDAHO DEPARTMENT OF WATER RESOURCES

WATER RIGHT PROFILE REPORT

DATE: 07/28/00

PAGE: 2

=====

Audit: 09/22/87 05/22/88 CONVERT 09/29/88 CURTIS 12/08/93 WILSON
05/06/97 KWILSON 07/22/98 SCURTIS 07/23/98 SCURTIS 08/19/98 SCURTIS

State of Idaho
Department of Water Resources
REQUEST FOR EXTENSION OF TIME
TO FILE ADJUDICATION CLAIM(S)

The Idaho Department of Water Resources will consider this form as a request by the claimant for an additional period of time in which to file claim(s) beyond the 90 days allowed by Section 42-1409(10), Idaho Code.

James F. Hagenbanth & David J. Hagenbanth ⁴⁰⁶ ~~(208)~~ 683-2163
Name of Claimant Daniel J. Hagenbanth Phone Number
P.O. Box 1128 Dillon MT 59725
Mailing Address City State Zip

CLARK
County(s) where place of use is located Date claim originally due

31-07345
Identify water right(s) for which extension is requested

State why an extension of time is requested explaining how a diligent effort has been made to meet the deadline:

IN TOTAL WE HAVE FILED OVER 60 WATER RIGHTS IN THE SRBA.
I FAILED TO RECOGNIZE THAT A STORAGE RIGHT WAS NECESSARY
IN COMPLETING 31-07345. I REQUEST THAT AN EXTENSION
OF TIME BE GRANTED TO ENABLE ME TO PROPERLY FILE. DUE TO
THE LARGE NUMBER OF CLAIMS FILED, THIS OVERSIGHT WAS UNINTENTIONAL
AND I REQUEST THAT THE LATE FEE BE WAIVED.

Claimant requests an extension to _____, 19 ____
James F. Hagenbanth
Daniel J. Hagenbanth
Signature Date of request 7/11, 19 00

Title _____

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

The above request for extension of time is hereby [☒ granted] [☐ denied] for the following reasons:

Claimant made good faith effort to file SRBA claims (60+)
This water right was simply overlooked 96

and if granted the filing deadline is extended to July 31, ~~2000~~ 2000

Signed this 20 day of July, ~~2000~~ 2000

Ernest Carlson on behalf of
Director or his designated agent
Dave Jathill

Mail to: Idaho Department of Water Resources
1301 N. Orchard St.
Boise, ID 83706



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

July 20, 2000

*Ref Claims #
31-07345*

JAMES & DAVID HAGENBARTH
PO BOX 1128
DILLON MT 59725

RE: EXTENSION OF TIME & CHECK NO. 06062 DATED 7/17/00 FOR \$174.00

Dear Messrs. Hagenbarth:

Your request for extension of time to file an adjudication claim has been granted and the form enclosed. Please keep it for your files.

However, the fees are only \$124.00. Please send another check to our office to the attention of Allen Ruberry.

Sincerely,

Jennifer Crabtree
Technical Records Specialist

Enclosure