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MAR 07 2005

Department of Water Resources  
Eastern RegionRECEIVED  
MAR 10 2005  
Department of Water Resources  
Eastern Region

STATE OF IDAHO  
IDAHO DEPARTMENT OF WATER RESOURCES  
NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are on the back of this page.  
Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

| Water<br>Right No(s). | Adjudication<br>Claim No(s). | Split | Water<br>Right No(s). | Adjudication<br>Claim No(s). | Split |
|-----------------------|------------------------------|-------|-----------------------|------------------------------|-------|
|-----------------------|------------------------------|-------|-----------------------|------------------------------|-------|

**SEE ATTACHED WATER RIGHT LIST**

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts. \$1100<sup>00</sup>
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water rights(s) or claims(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):  
**PLAT OF PROPERTY** or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use your water rights(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county.)

**OR**

If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant Estate of Margaret Hagenbarth
4. New Owner/Claimant(s) David J. Hagenbarth & James F. Hagenbarth  
Name connector (check one): [☒] and [☐] or, [☐] and/or  
New Mailing Address PO Box 1128  
City, State and ZIP Code Dillon, MT 59725  
New Telephone Number \_\_\_\_\_
5. Date you acquired the property November 19, 2004

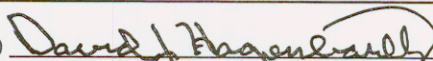
26-4170

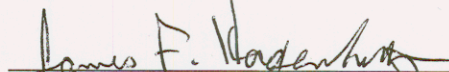
6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

| DESCRIPTION OF YOUR PORTION OF WATER RIGHT<br>(If the right(s) will not be split, skip this area and proceed to item 7) |                                                                            |                                                               |
|-------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------|---------------------------------------------------------------|
| Water Right and/or Adjudication Claim Number                                                                            |                                                                            |                                                               |
| Water Use                                                                                                               | Diversion Rate or Volume<br>(cubic feet per second or acre-feet per annum) | Description<br>(acres, number and type of stock, homes, etc.) |
| Irrigation                                                                                                              | _____                                                                      | _____                                                         |
| Stock                                                                                                                   | _____                                                                      | _____                                                         |
| Domestic                                                                                                                | _____                                                                      | _____                                                         |
| Other _____                                                                                                             | _____                                                                      | _____                                                         |
| <b>TOTAL</b>                                                                                                            | _____                                                                      | _____                                                         |

| DESCRIPTION OF YOUR PORTION OF WATER RIGHT<br>(If the right(s) will not be split, skip this area and proceed to item 7) |                                                                            |                                                               |
|-------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------|---------------------------------------------------------------|
| Water Right and/or Adjudication Claim Number                                                                            |                                                                            |                                                               |
| Water Use                                                                                                               | Diversion Rate or Volume<br>(cubic feet per second or acre-feet per annum) | Description<br>(acres, number and type of stock, homes, etc.) |
| Irrigation                                                                                                              | _____                                                                      | _____                                                         |
| Stock                                                                                                                   | _____                                                                      | _____                                                         |
| Domestic                                                                                                                | _____                                                                      | _____                                                         |
| Other _____                                                                                                             | _____                                                                      | _____                                                         |
| <b>TOTAL</b>                                                                                                            | _____                                                                      | _____                                                         |

7. Signature of New Owner(s) Or Claimant(s)  
(include title if applicable)

  
David J. Hagenbarth

  
James F. Hagenbarth

For Snake River Basin Adjudication Claims: Please attached a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him or her for all matters related to your claims.

**For Office Use Only**

Received by JC Date 3-10-05 Fee \$1100-  
 Receipted by JC Date 3-10-05 Receipt No. E030670  
 Processed by \_\_\_\_\_ Date \_\_\_\_\_ WR \_\_\_\_\_ Date \_\_\_\_\_

## BASIN 31

### Domestic & Stockwater

|            |         |
|------------|---------|
| 31-306 ✓   | PD      |
| 31-7501 ✓  | PD      |
| 31-7649 ✓  | WR only |
| 31-10153 ✓ | PD      |
| 31-10156 ✓ | PD      |
| 31-10160 ✓ | PD      |
| 31-10161 ✓ | PD      |
| 31-10162 ✓ | PD      |
| 31-10163 ✓ | PD      |
| 31-10254 ✓ | PD      |
| 31-10255 ✓ | PD      |
| 31-10256 ✓ | PD      |
| 31-10257 ✓ | PD      |
| 31-10258 ✓ | PD      |
| 31-10261 ✓ | PD      |

### Irrigation & Stockwater

|            |    |
|------------|----|
| 31-67A ✓   | PD |
| 31-67B ✓   | PD |
| 31-253 ✓   | PD |
| 31-254 ✓   | PD |
| 31-296 ✓   | PD |
| 31-297 ✓   | PD |
| 31-299A ✓  | PD |
| 31-300A ✓  | PD |
| 31-301 ✓   | PD |
| 31-307 ✓   | PD |
| 31-324 ✓   | PD |
| 31-373 ✓   | PD |
| 31-374 ✓   | PD |
| 31-2077 ✓  | PD |
| 31-2125 ✓  | PD |
| 31-2274 ✓  | PD |
| 31-2275 ✓  | PD |
| 31-4027 ✓  | PD |
| 31-10208 ✓ | PD |
| 31-10212 ✓ | PD |
| 31-10216 ✓ | PD |
| 31-10218 ✓ | PD |
| 31-10245 ✓ | PD |
| 31-10259 ✓ | PD |
| 31-10740 ✓ | PD |
| 31-11789 ✓ | PD |
| 31-11790 ✓ | PD |

## **BASIN 21**

### Stockwater

21-12433 ✗ - claim  
21-10111 ✓ PD  
21-10110 ✓ PD  
21-10108 ✗ - claim  
21-10109 ✗ - claim

### Stockwater & Irrigation

21-2054B ✗  
21-4170 ✗  
21-4171 ✗  
21-4172 ✗  
21-4173 ✗  
21-4174 ✗  
21-4175 ✗  
21-12854 - ✗

} claims

## **WATER DISTRICT 01**

01-2068A (storage - Palisades) → renumbered to 21-12938 ✗ (claim)  
01-340 - D.V. Hagenbarth → renumbered to 21-12939 ✗ (claim)

**PERSONAL REPRESENTATIVE'S  
DEED OF DISTRIBUTION**

THIS INDENTURE is made this 19 day of November, 2004, between David J. Hagenbarth and James F. Hagenbarth, Co-Personal Representatives of the Estate of Margaret Hagenbarth, the "Grantor", and David J. Hagenbarth and James F. Hagenbarth, each as his sole and separate property, whose mailing address is c/o David Hagenbarth, P. O. Box 1128, Dillon, Montana, 59725, the "Grantee".

WHEREAS, Grantor is the duly appointed and acting personal representative of the Estate of Margaret Hagenbarth, deceased; and

WHEREAS, Grantee is entitled to receive distribution of the Estate's interest in the property hereafter described in this deed under the terms of the Last Will and Testament of the decedent and pursuant to the provisions of the Idaho Uniform Probate Code;

NOW, THEREFORE, WITNESSETH, that the Grantor, for a valuable consideration, and for the purpose of distributing certain real property from the Estate of Margaret Hagenbarth, deceased, does by these presents hereby distribute, grant, bargain, sell, convey, and confirm unto the Grantee, and to the Grantee's heirs and assigns forever, all of the Estate's interest in that certain parcel of land, situate, lying and being in Clark County, Idaho, and more particularly described as follows:

See the Attached Legal Descriptions

TOGETHER with all and singular the tenements, hereditaments, and appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof;

SUBJECT to all existing easements or claims of easements, patent reservations, rights of way, protective covenants, zoning ordinances, and applicable building codes, laws and regulations, encroachments, overlaps, boundary line disputes and other matters which would be disclosed by an accurate survey or inspection of the premises.

TO HAVE AND TO HOLD, the premises and the appurtenances unto the Grantee, and to Grantee's heirs and assigns forever.

In construing this deed and where the context so requires, the singular includes the plural. The property distributed hereunder shall be the sole and separate property of the Grantee and the income thereon shall be the sole and separate property of the Grantee.

IN WITNESS WHEREOF, the Grantor has executed the within instrument the day and year first above written.

David J. Hagenbarth

David J. Hagenbarth  
Personal Representative

James F. Hagenbarth

James F. Hagenbarth  
Personal Representative

STATE OF MONTANA     )  
                                          )ss.  
County of Biaerbia     )

On the 19<sup>th</sup> day of November, 2004, before me, the undersigned, a notary public in and for said State, personally appeared David J. Hagenbarth known or identified to me to be the person whose name is subscribed to the within instrument as Co-Personal Representative of the Estate of Margaret Hagenbarth and acknowledged to me that he executed the same as such Co-Personal Representative.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.

Andrea Allen

Notary Public for Montana

Residing at: Billings, Montana

My Commission Expires: July 16, 2008

(seal)

STATE OF MONTANA    )  
                                  )ss.  
County of Bernhard )

On the 19<sup>th</sup> day of November, 2004, before me, the undersigned, a notary public in and for said State, personally appeared James F. Hagenbarth known or identified to me to be the person whose name is subscribed to the within instrument as Co-Personal Representative of the Estate of Margaret Hagenbarth and acknowledged to me that he executed the same as such Co-Personal Representative.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.

(seal)

*Quida Allen*  
Notary Public for Montana  
Residing at: Dillon, MT 59125  
My Commission Expires: July 16, 2008

G:\WPDATA\GLM2555-005\deed.distribution.wpd:as

# Hagenbarth Ranch

## Legal Description

### Idaho Unit

|    |       |      |                                                                                                                                                |        |
|----|-------|------|------------------------------------------------------------------------------------------------------------------------------------------------|--------|
| 7  | 10 N  | 36 E | That part of the E1/2E1/2E1/2 east of Old Highway 91                                                                                           | 71     |
| 8  | 10 N  | 36 E | All less Tax 1                                                                                                                                 | 638.49 |
| 9  | 10 N  | 36 E | Tax 1                                                                                                                                          | 33.13  |
| 17 | 10 N  | 36 E | All west of Interstate 15                                                                                                                      | 581.82 |
| 18 | 10 N  | 36 E | E1/2E1/2E1/2East of Old Highway 91                                                                                                             | 71     |
| 19 | 10 N  | 36 E | E1/2NE1/4NE1/4 East of Old Highway 91 East of R/W                                                                                              | 10     |
| 20 | 10 N  | 36 E | N1/2 West of I-15 and east of Old Highway 91                                                                                                   | 252    |
| 19 | 12 N  | 37 E | That part of Lot 4 lying north of the Spencer-Kilgore Road, S1/2SE1/4, SE1/4SW1/4                                                              | 130.25 |
| 20 | 12 N  | 37 E | That portion of the S1/2S1/2 lying south of the Spencer-Kilgore Road and that portion of the S1/2SW1/4 lying north of the Spencer-Kilgore Road | 150.7  |
| 24 | 12 Nv | 37 E | NE1/4SE1/4, that portion of the NE1/4 lying south and east of Spring Creek                                                                     | 64.13  |
| 29 | 12 N  | 37 E | W1/2 except SE1/4SW1/4, SW1/4SE1/4                                                                                                             | 320    |
| 30 | 12 N  | 37 E | E1/2E1/2, NW1/4NE1/4, E1/2E1/2W1/2                                                                                                             | 280    |
| 31 | 12 N  | 37 E | N1/2NE1/4, E1/2E1/2W1/2, SE1/4                                                                                                                 | 320    |
| 32 | 12 N  | 37 E | N1/2NE1/4                                                                                                                                      | 80     |
| 2  | 12 N  | 38 E | 1 Ac N1/2NE1/4NE1/4                                                                                                                            | 1      |
| 2  | 12 N  | 38 E | W1/2 Lot 1, W1/2SE1/4NE1/4, Lot 2, SW1/4NE1/4, S1/2NW1/4, NE1/4SW1/4, NW1/4SE1/4, W1/2E1/2SE1/4                                                | 315.26 |
| 11 | 12 N  | 38 E | NE1/4NE1/4, S1/2NE1/4, NE1/4SE1/4                                                                                                              | 160    |
| 12 | 12 N  | 38 E | W1/2 less SW1/4SW1/4                                                                                                                           | 280    |

| Section | Twnshp | Range | Legal                                                                                                                        | 050903 | Total Acres |
|---------|--------|-------|------------------------------------------------------------------------------------------------------------------------------|--------|-------------|
| 13      | 12 N   | 38 E  | SW1/4NW1/4                                                                                                                   |        | 40          |
| 14      | 12 N   | 38 E  | S1/2                                                                                                                         |        | 320         |
| 15      | 12 N   | 38 E  | SE1/4SW1/4, SE1/4                                                                                                            |        | 200         |
| 17      | 12 N   | 38 E  | W1/2W1/2                                                                                                                     |        | 160         |
| 18      | 12 N   | 38 E  | E1/2, E1/2SW1/4, & those portions of the SE1/4NW1/4, Lots 2, 3, and 4 which lie south and east of Spring Creek               |        | 490.16      |
| 19      | 12 N   | 38 E  | <del>NE1/4, NW1/4, &amp; those portions of lot 3 and N1/2S1/2 north of the Spencer-Kilgore Road</del> See attached revision. |        | 419.04      |
| 20      | 12 N   | 38 E  | S1/2NE1/4, NW1/4, N1/2S1/2, SW1/4SE1/4                                                                                       |        | 440         |
| 21      | 12 N   | 38 E  | NE1/4NE1/4, S1/2NW1/4, SW1/4, that portion of SE1/4 lying north of the Spencer-Kilgore Road                                  |        | 344.8       |
| 22      | 12 N   | 38 E  | That part lying north and west of Highway 22                                                                                 |        | 274         |
| 23      | 12 N   | 38 E  | That part of the NW1/4 lying north and west of Highway 22                                                                    |        | 10          |
| 4       | 12 N   | 39    | E1/2SE1/4                                                                                                                    |        | 80          |
| 25      | 13 N   | 38 E  | E1/2, E1/2SW1/4                                                                                                              |        | 400         |
| 35      | 13 N   | 38 E  | S1/2NE1/4, SE1/4NW1/4, E1/2SW1/4, SE1/4                                                                                      |        | 360         |
| 36      | 13 N   | 38 E  | S1/2SW1/4, SE1/4, W1/2NE1/4, E1/2NW1/4, NE1/4SW1/4, W1/2NW1/4, NW1/4SW1/4                                                    |        | 560         |
| 11      | 13 N   | 39 E  | W1/2, W1/2SE1/4                                                                                                              |        | 400         |
| 13      | 13 N   | 39 E  | N1/2NE1/4, NE1/4NW1/4, SW1/4NW1/4, W1/2SW1/4, SE1/4SW1/4                                                                     |        | 280         |
| 14      | 13 N   | 39 E  | All less SW1/4SW1/4                                                                                                          |        | 600         |
| 23      | 13 N   | 39 E  | N1/2NE1/4, NE1/4NW1/4                                                                                                        |        | 120         |
| 24      | 13 N   | 39 E  | N1/2NW1/4                                                                                                                    |        | 80          |
| 32      | 13 N   | 39 E  | Tax 1                                                                                                                        |        | 2.35        |
| 10      | 13 N   | 40 E  | SE1/4SW1/4, SE1/4 less 12 acres Highway 22                                                                                   |        | 200         |

| Section | Twnshp | Range | Legal                                                                                                                   | 050903 | Total Acres |
|---------|--------|-------|-------------------------------------------------------------------------------------------------------------------------|--------|-------------|
| 11      | 13 N   | 40 E  | All that part of th NW1/4SW1/4 lying south of the Yale Kilgore Road, NE1/4SW1/4, S1/2SW1/4, SE1/4                       |        | 305.42      |
| 12      | 13 N   | 40 E  | W1/2NE1/4SW1/4, NW1/4SW1/4, NW1/4SW1/4SW1/4                                                                             |        | 70          |
| 14      | 13 N   | 40 E  | N1/2N1/2NE1/4, N1/2NW1/4, SE1/4NW1/4, N1/2SW1/4                                                                         |        | 240         |
| 15      | 13 N   | 40 E  | N1/2NE1/4, NE1/4SE1/4                                                                                                   |        | 120         |
| 17      | 13 N   | 40 E  | SW1/4NW1/4                                                                                                              |        | 40          |
| 18      | 13 N   | 40 E  | N1/2NE1/4, Lot 1                                                                                                        |        | 120.5       |
| 21      | 13 N   | 40 E  | SW1/4NE1/4, Lots 3, 4, 5, 6 and 7, SE1/4NW1/4, E1/2SW1/4, SE1/4                                                         |        | 514.36      |
| 22      | 13 N   | 40 E  | S1/2SW1/4                                                                                                               |        | 80          |
| 23      | 13 N   | 40 E  | NW1/4SW1/4, S1/2SW1/4                                                                                                   |        | 120         |
| 26      | 13 N   | 40 E  | N1/2NW1/4, SW1/4NW1/4                                                                                                   |        | 120         |
| 27      | 13 N   | 40 E  | E1/2NE1/4, NW1/4NE1/4, NW1/4, NW1/4SW1/4                                                                                |        | 320         |
| 28      | 13 N   | 40 E  | N1/2, N1/2SW1/4                                                                                                         |        | 400         |
| 29      | 13 N   | 40 E  | Lots 1, 2 and 3, SE1/4NW1/4, S1/2NE1/4, NE1/4SE1/4                                                                      |        | 280         |
| 6       | 13 N   | 41 E  | Lots 1, 2, S1/2NE1/4, SE1/4                                                                                             |        | 318.8       |
| 7       | 13 N   | 41 E  | Lot 1, NE1/4NW1/4 less parcel # 2412 and those portions of Lot 2 and the SE1/4NW1/4 which lie North of the Kilgore Road |        | 132.22      |

The legal description for Parcel 2412 is as follows:

A portion of the N $\frac{1}{2}$ NW $\frac{1}{4}$  of Section 7, Township 13 North, Range 41 E.B.M., Clark County, Idaho, described as:

Beginning at a point that is E. along the N. Section line 1132 feet from the NW corner of said Section 7, and running thence E. 528 feet; thence S. 1056 feet; thence W. 528 feet; thence N. 1056 feet to the point of beginning.

CORRECTED DESCRIPTION  
Distribution of Margaret Hagenbarth Estate

Section 19 , 12 North 38 East

N1/2NE1/4, SW1/4NE1/4, E1/2NW1/4, Lots 1 and 2, and those portions of Lot 3,  
NE1/4SW1/4 and the N1/2SE1/4 which lie north of the Spencer-Kilgore Road.

Microfilm No. 050903  
6 Day Dec. 20 04  
At 11:15 O'Clock A M  
CONNIE S. OWEN  
Clark Co. Recorder  
Fee \$ 21-  
Becky Nordstrom Deputy  
Recorded at Request of  
Holden, Kidwell