

08/02/2005

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:

Water right number: 21-4171

JAMES F HAGENBARTH
PO BOX 1128
DILLON MT 59725-1128
Telephone Number: (406)683-2163

DAVID J HAGENBARTH
PO BOX 1128
DILLON MT 59725-1128
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):

PRIORITY DATE, POSSIBLY POD, PLACE OF USE, COMBINED RIGHT #3, MAP
COMBINED TOTAL ACRES

2. Describe the changes you wish to make in the proposed recommendation:

PRIORITY DATE: 11/10/1893

POD: ADD NWSESW (Domestic Stockwater)

PLACE OF USE: See below.

COMBINED RIGHTS: SHOULD EVENTUALLY INCLUDE
THE PALISADE STORAGE OF 190 AF C/A 190
IN 21-12938 AND WATER FROM 21-12938
MAP NEEDS TO BE CHANGED TO REFLECT 21-12938
ADDITIONS.

3. Give a brief explanation as to why you disagree with these portions:

PRIORITY DATE: I HAVE SUPPLIED PROOF THIS SOURCE WAS CLAIMED
AT LEAST BY 11/10/1893.

POD: ORIGINAL CLAIM HAD TWO POD'S.

PLACE OF USE: SOURCE IRRIGATES 83 ACRES NOT SHOWN ON MAP OR DOCUMENT

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

DATE: 11/11/05

SIGNATURE:

James F. Hagenbarth

Please print your name:

JAMES F. HAGENBARTH

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

2. Place of use: (see original claim for place of use)

NEED TO ADD: SEC 10

NWSE-14

SWSE-24

NESE-12

SESE-28

SECS: NENE-5

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NOV 28 2005

Department of Water Resources
Eastern Region

2 & 3) The combined total acres of all rights in the
Acres irrigated by the right and water from the

DATE
12/11

2

HAGENBARTH LIVESTOCK

P.O. Box 1128
Dillon, Montana 59725

Fax: (406) 683-9452

Phone: (406) 683-2163

MEMORANDUM

Date: November 22, 2005

Time: 10:13 AM

To: Trent Galbrath

From: Jim Hagenbarth

Re: Preliminary Recommendation

Trent:

I have completed a review of the recommendations that you sent to me and have indicated where I do not agree on the respective rights. I believe most of the differences can be reconciled when we meet. I am having difficulty understanding the priority you gave most of these rights. Many of these rights are a tributary to sinks, consequently they would not be subject to any decrees on Sheridan Creek. Since we marshal these rights to irrigate the land that we control, it is appropriate to use a combined place of use. I went through all the combined rights and totaled the area irrigated by these rights and tallied the total acreage. Also I sent a map which includes all these acreage's.

I am looking forward to working with you on 12/6/2005 at 9:00 a.m. and will bring a complete set of working papers that were used to claim these rights in 1988 and thereafter. If you have any questions in the interim, please contact me.

Thanks, Jim Hagenbarth

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Eastern Region

Water Right Information
Preliminary Recommendation
Notice of Error Reply
David J. and James F. Hagenbarth
Basin 21
11/22/2005

All combined rights used on combined place of use: 21-
4170,4171,4172,4173,4174,4175,2054B,12939,12854, and 01-2068A.

Combined Place of Use Description :

T13NR40E

Sec 10

SESW 22
SWSE 37
SESE 40
NESE 40
NWSE 14
138

Sec 11

NWSW 25
SWSW 40
SESW 40
NESE 40
SWSE 40
SESE 36
NESW 38
NWSE 40
299

Sec 12

NESW 3
NWSW 36
SWSW 5
44

Sec 14

NENE 3
NWNE 10
NENW 17
NWNW 8
38

Sec 15

NENE 38
NWNE 40
78

T13NR41E

Sec 7

SWNW (Lt 2) 19
19

Combined Rights Total Acreage

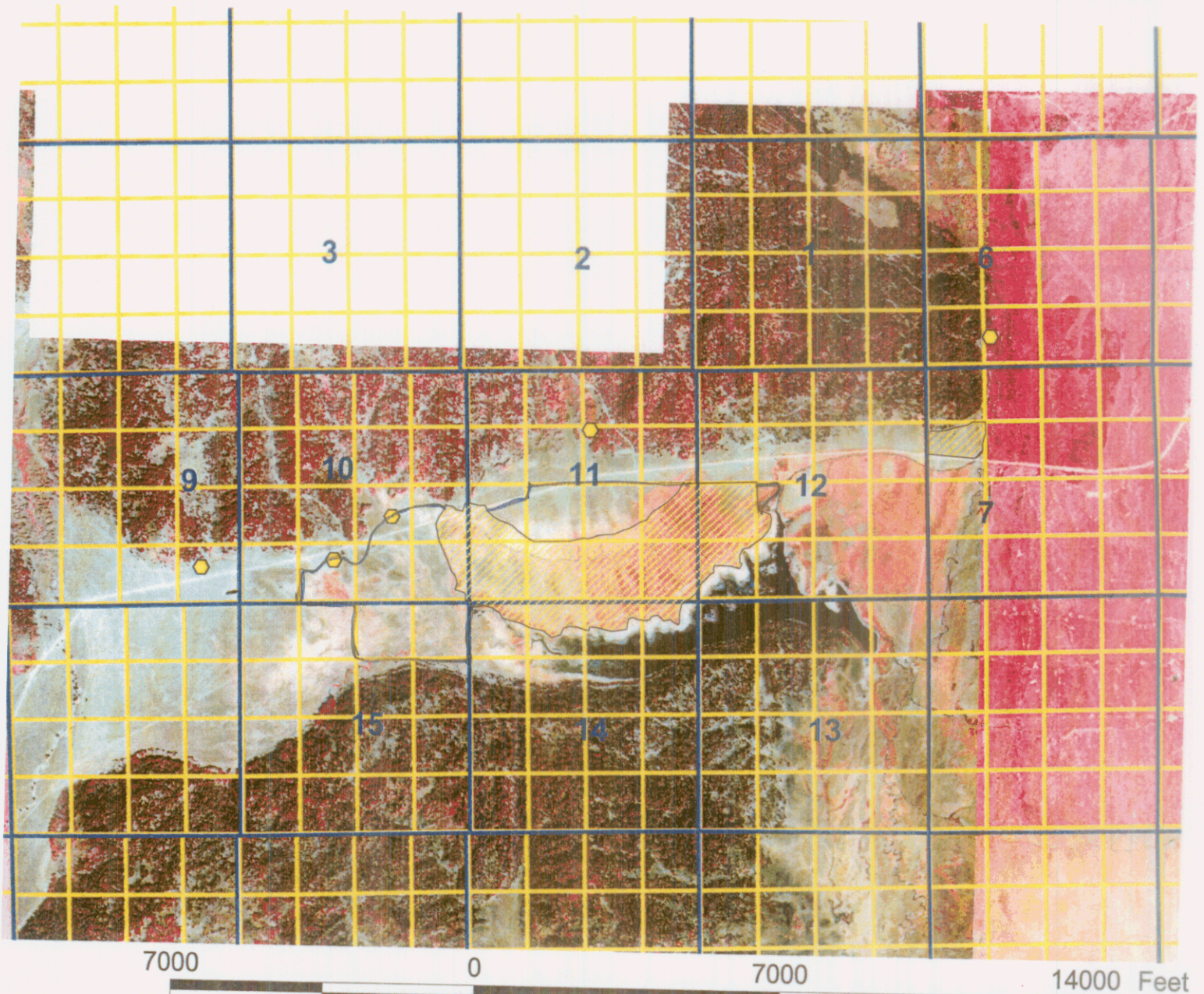
Sec 10 124
Sec 11 299
Sec 12 44
Sec 14 38
Sec 15 78
Sec 7 19
616



State of Idaho
Department of Water Resources
Eastern Region



Claim Number(s): 21-4170, 21-4171, 21-4172, 21-4173, 21-4174, 21-4175, 21-12854, 21-12939



- Place of Use
- Points of diversion
- PLSS Section LinesSections.shp
- Quarter Quarter

GIS Place of Use Illustration
1987/1988 NAPP photography
Prepared by T. Galbraith
Date: Aug 2005

