

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: 21-4175

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, place of use, total acres for combined rights.
Combine rights, map.*

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

*Priority date: 11/10/1893
Place of use: Is not accurately described. Leaves out 106 acres. Need to look at
Amended claim. Sec 10 & 15.
Total acres for combined right. Need to go thru all combined rights & refigure acreage.
Combine rights: water used on same land via 21-12938 + 21-2054 B + 21-12855*

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

*Priority date: I have submitted info that clearly establishes a priority date.
Place of use: Amended claim specifically identifies irrigated area. They are not described correctly in preliminary recommendation!
Combined rights: water via these other rights are also on description & map.*

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

DATE: 11/13/05 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) ²³ MAP - map needs to be corrected to show total area
irrigated by combined rights AND specifically those areas
not included in this preliminary recommendation. MAP
does NOT identify the POD.*

RECEIVED

NOV 28 2005

Department of Water Resources
Eastern Region

*Kyle
2/1*

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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Department of Water Resources
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

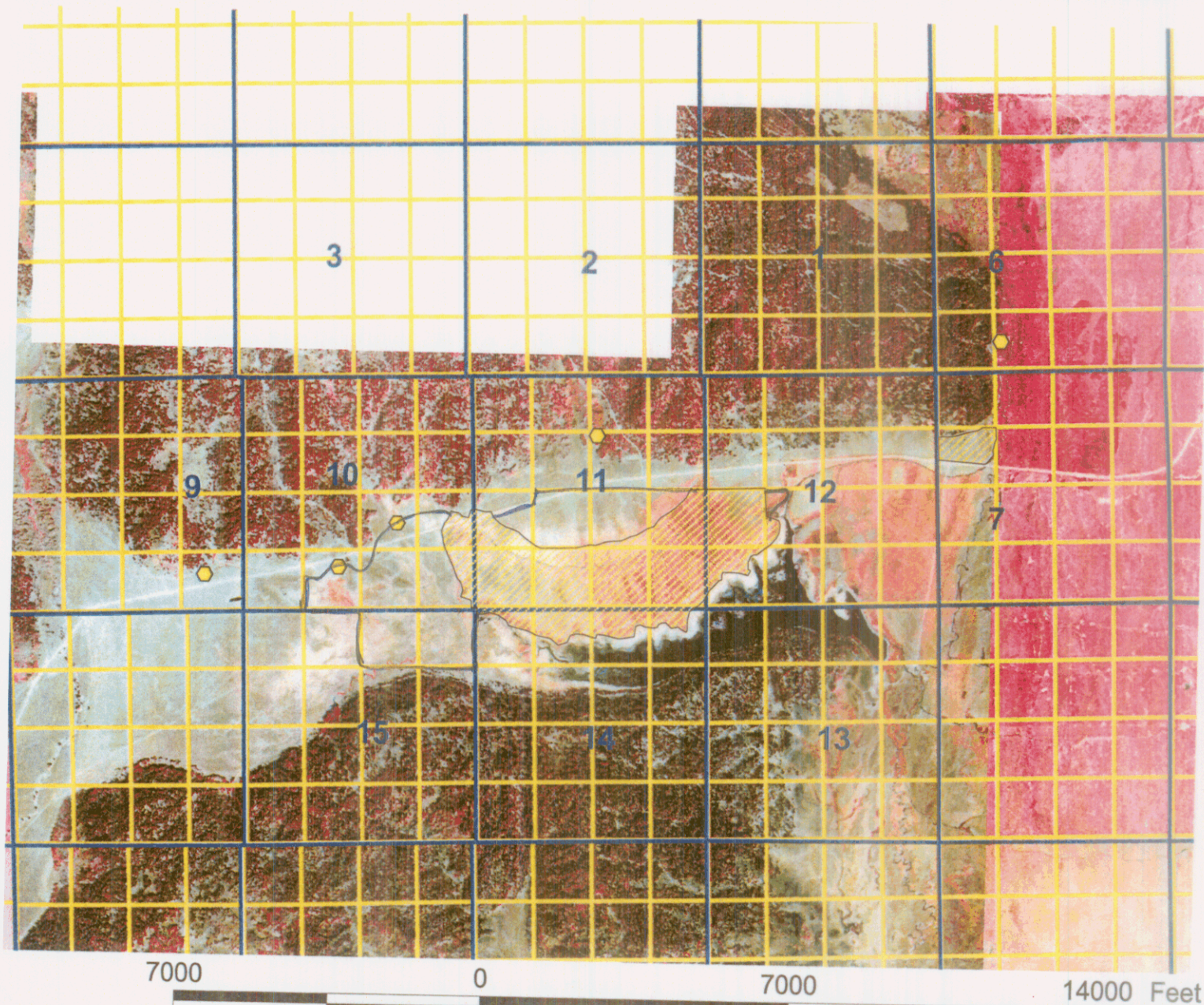
Sec 10 124
Sec 11 299
Sec 12 44
Sec 14 38
Sec 15 78
Sec 7 19
616



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

