

12/06/2005

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

RIGHT NUMBER: 21-12939
NAME AND ADDRESS: JAMES F HAGENBARTH
PO BOX 1128
DILLON MT 59725-1128

DAVID J HAGENBARTH
PO BOX 1128
DILLON MT 59725-1128

SCANNED
JUN 21 2006

SOURCE: UNNAMED SPRING
QUANTITY: 3.270 CFS
PRIORITY DATE: 04/01/1939
POINT OF DIVERSION:

TRIBUTARY: SHERIDAN CREEK

PROFILED

T13N R41E S6 SWSESW Within CLARK County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	05/01 10/31	3.270 CFS

PLACE OF USE: IRRIGATION Within CLARK County

T13N R40E S10	SESW	25.0	T13N R40E S10	NESE	28.0
T13N R40E S10	NWSE	12.0	T13N R40E S10	SWSE	36.0
T13N R40E S10	SESE	40.0	T13N R40E S11	NESW	40.0
T13N R40E S11	NWSW	27.0	T13N R40E S11	SWSW	40.0
T13N R40E S11	SESW	40.0	T13N R40E S11	NESE	40.0
T13N R40E S11	NWSE	40.0	T13N R40E S11	SWSE	40.0
T13N R40E S11	SESE	39.0	T13N R40E S12	SWNW	0.2
T13N R40E S12	NESW	7.4	T13N R40E S12	NWSW	40.0
T13N R40E S12	SWSW	16.0	T13N R40E S14	NENE	9.7
T13N R40E S14	NWNE	19.0	T13N R40E S14	NENW	21.0
T13N R40E S14	NWNW	9.8	T13N R40E S15	NENE	40.0
T13N R40E S15	NWNE	40.0	T13N R40E S15	SENE	0.1
T13N R41E S07 Lot 2	SWNW	19.0			

669.2 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 669.2 acres in a single irrigation season. Combined Right Nos.: 21-2054B, 21-4170, 21-4171, 21-4172, 21-4173, 21-4174, 21-4175, 21-12854, 21-12939, 31-2274, 31-2275, 31-10245, 31-10740

This right is limited to the irrigation of 240 acres within the place of use described above in a single irrigation season.

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.

Water Right 21-12939

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW
EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 21-12939

WATER RIGHT NUMBER: 21-12939

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	DAVID J HAGENBARTH PO BOX 1128 DILLON, MT 59725-1128 (406)683-2163
Original Owner	MARGARET HAGENBARTH PO BOX 1128 DILLON, MT 59725-1128 (406)683-2163
Current Owner	JAMES F HAGENBARTH PO BOX 1128 DILLON, MT 59725-1128 (406)683-2163

Priority Date: 04/01/1939

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
UNNAMED SPRING	SHERIDAN CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 11/01	6.000 CFS	

Total Diversion:Location of Point(s) of Diversion

UNNAMED SPRING	NW1/4SE1/4SW1/4	Sec. 6, Twp 13N, Rge 14E, B.M.
CLARK County		

Place of UseIRRIGATION Within CLARK County

T13N R40E S11	NWSW	14.0	T13N R40E S11	SWSW	40.0
T13N R40E S11	SESW	40.0	T13N R40E S11	NESE	29.0
T13N R40E S11	NWSE	5.0	T13N R40E S11	SWSE	40.0
T13N R40E S11	SESE	36.0	T13N R40E S12	NESW	3.0
T13N R40E S12	NWSW	36.0	T13N R40E S12	SWSW	5.0
T13N R40E S14	NENE	3.0	T13N R40E S14	NWNE	10.0
T13N R40E S14	NENW	17.0	T13N R40E S14	NWNW	8.0
T13N R41E S07 Lot 2 SWNW 19.0					

Total Acres: 305

Conditions of Approval:

SCANNED
APR 14 2006

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 21-12939

Remarks:

1. General SEE ATTACHMENT "A" ON SYSTEM OPERATION SOURCE AKA MORRAIN SPRING
2. General RENUMBERED FROM 01-340

Comments: OWNERSHIP CHANGED 04/12/2005 KMJ

SCANNED

APR 14 2015

PROFILED

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

RENUMBERED FROM 01-340

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 21-12939
Date Received: 2/7/2005
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

DAVID J HAGENBARTH Phone: (406) 683-2163

PO BOX 1128
DILLON MT USA 59725-1128

MARGARET HAGENBARTH Phone: (406) 683-2163

PO BOX 1128
DILLON MT USA 59725-1128

JAMES F HAGENBARTH Phone: (406) 683-2163

PO BOX 1128
DILLON MT USA 59725-1128

2. Date of Priority: 04/01/1939

3. Source: UNNAMED SPRING Trib. to: SHERIDAN CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
13N	14E	6	NW SE SW	CLARK	

5. Description of diverting works:

DIVERSION DAM TO DITCHES FOR SUB/FLOOD IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	11/01	6	

7. Total Quantity Appropriated is:

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4	of 1/4	Lot	Use	Acres
13N	40E	11	NW	SW		IRRIGATION	14
			SW	SW		IRRIGATION	40
			SE	SW		IRRIGATION	40
			NE	SE		IRRIGATION	29
			NW	SE		IRRIGATION	5
			SW	SE		IRRIGATION	40
			SE	SE		IRRIGATION	36
						Section Acres	204
13N	40E	12	NE	SW		IRRIGATION	3
			NW	SW		IRRIGATION	36
			SW	SW		IRRIGATION	5
						Section Acres	44
13N	40E	14	NE	NE		IRRIGATION	3
			NW	NE		IRRIGATION	10
			NE	NW		IRRIGATION	17
			NW	NW		IRRIGATION	8
						Section Acres	38
13N	41E	7	SW	NW	2	IRRIGATION	19
						Section Acres	19
						Total Acres	305

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:

RENUMBERED FROM 01-340

SEE ATTACHMENT "A" ON SYSTEM OPERATION SOURCE AKA MORRAIN SPRING

15. Basis of Claim: Decreed

AUG 22 2001

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: A01-00340
Date Received: 8/09/1988
Receipt No: E001147
Received By: KCW

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

2. Date of Priority: APR 01, 1939

3. Source: UNNAMED SPRING Trib. to: SHERIDAN CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
13N	41E	6	NW	SE	SW		CLARK

5. Description of diverting works:
DIVERSION DAM TO DITCHES FOR SUB/FLOOD IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	6.000		

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

8. Total consumptive use is 457.5 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

A01-00340

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Date: 08/09/88

A0100340



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10. Place of Use:

Township	Range	Section	1/4	of 1/4	Lot	Use	Acres
13N	40E	11	NW	SW		IRR	14.0
			SW	SW		IRR	40.0
			SE	SW		IRR	40.0
			NE	SE		IRR	29.0
			NW	SE		IRR	5.0
			SW	SE		IRR	40.0
			SE	SE		IRR	36.0
			Section Acres				204.0
		12	NE	SW		IRR	3.0
			NW	SW		IRR	36.0
			SW	SW		IRR	5.0
			Section Acres				44.0
		14	NE	NE		IRR	3.0
			NW	NE		IRR	10.0
			NE	NW		IRR	17.0
			NW	NW		IRR	8.0
			Section Acres				38.0
	41E	7	SW	NW	2	IRR	19.0
			Section Acres				19.0
			Total Acres				305.0

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:

31-2275/10245/4129/4130/4131/4132/4133/4134, 21-2054B, 01-2068

14. Remarks:

SEE ATTACHMENT "A" ON SYSTEM OPERATION
SOURCE AKA MORRAIN SPRING

15. Basis of Claim: DECREEED

Case Number:

Court :

Decree date:

ABERDEEN SPRINGFIELD ETAL

Decree Plaintiff

A01-00340

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vs

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HENRY EAGLE.

Decree Defendant

Date: 08/09/88

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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. Wogenhans Date: 8/9/88

Date: _____

State of Idaho)
County of Bonnerille) SS.

Subscribed and sworn (or affirmed) before me this 9th day
of August 19 88 Deena Green
Notary Public

Seal

Residing at Ridgely
My Commission Expires 4-22-1994

6/27/88

RE: Hagenbarth Dry Creek-Sheridan Creek
Water Delivery System

I am representing the claimants in the filing of their water rights in the Snake River Basin Water System. The claimants are Margaret Hagenbarth, David J. Hagenbarth and James F. Hagenbarth.

The claimants' predecessor, Father-in-law and Grandfather respectively, F. J. Hagenbarth, diverted waters of Sheridan Creek and Dry Creek on September 24, 1912. Part of this water was licensed for use on lands now owned by the claimants. As testimony to the above facts, see Warranty Deed filed on July 17, 1944 in Book 12 of Deeds at page 319 in the Clark County Clerk and Recorder's office and also water license # 8990/21-2054 on file with the Department of Water Resources. The deed clearly proves the claimants' control and ownership of 590 acres which were claimed as place of use by F. J. Hagenbarth in License # 21-2054. Since the claimants' predecessor, D.V. Hagenbarth, passed ownership of the above described land to the claimants via an estate, it follows that 590 miner's inches (11.8 c.f.s.) from 21-2054 belong to the claimants. Also note on Sheet #2 of the diagram on the water license that the original points of diversion are identical to those the claimants use at present. Please note on Sheet #2 that the Dry Creek source includes both the east and west forks and note the three canals leaving the point of diversion, one with a southerly course and the other two with easterly courses, but one lying more northerly. Note on sheet #2 the pond which lies in Lot 7(SWSW) of Section 6, T13NR41E. This pond is identical to Morrain Springs which is a tributary to Sheridan Creek and is the Sheridan Creek source diverted by the claimants. The point of diversion used by the claimants for Morrain Springs is identical to Sheet #2 and lies in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 6, T13NR41E. There is no question that the sources and PD's identified in this filing are identical to the sources being used by the claimants presently.

In 1943 my Father, D.V. Hagenbarth finished construction of a water delivery system which pooled the waters from many sources in the area and put the waters to an even greater beneficial use. The system is a sub-flood irrigation system with slow gradient ditches capable of handling and distributing either large or small flows of water. Mr. Hagenbarth applied for additional water out of Dry Creek as evidenced by licenses #31-2274 and #31-2275. As the years progressed this system has developed so as to put water from 8 different sources to a beneficial use on lands owned by the claimants. This use is a result of utilizing the waters from 12 different water rights on lands lying both north and south of Sheridan Ridge in T13NR40E. Of these 12 water rights, six are licenses and 6 are claims based on use. The sources are Dry Creek, Woody Headquarters Spring, Headquarters Spring, two unnamed springs, Mud Creek, Kick Creek, and Morrain Springs. Each source contributes to the water delivery system.

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(continued-Hagenbarth water delivery system)

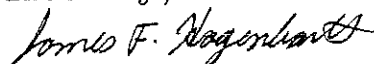
but will have an independent land list depending upon where the source enters the system. The total system includes 1274 acres. 1092 acres will be attached to the Dry Creek sources, an additional 163 acres will be attached to the Kick Creek filing and the remaining 19 acres will be included with Morrain Springs.

Water right #21-2054 will be separated into two rights so that those waters diverted by said right from Dry Creek will be separate from those waters diverted from Morrain Springs. By doing this it will return each right to its respective district so the user can be billed properly and the rights can be regulated correctly according to priority dates. Morrain Spring is in District 21 and Dry Creek is in District 31. 8.00 c.f.s. will be claimed for Dry Creek and 3.8 c.f.s. for Morrain Spring via 21-2054.

All the sources except Morrain Springs have the same characteristics as most creeks in this area in that the spring flow is tremendous and the summer flow is very minimal, consequently the total c.f.s.'s appropriated seem rather large for the place of use in regard to one miner's inch per acre. This maximum use is short lived. In early spring the maximum flow of water claimed has been used on the lands designated, but only for a short period of time. Later on in the summer it is not unusual for only stockwater to be available.

These comments will be included in each of the filings on all the sources of water that are put to beneficial use by the water delivery system constructed by D.V. Hagenbarth. Included with many of the filings are separate comments dealing with each individual source.

Sincerely,



James F. Hagenbarth

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