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DEC 21 2007

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

DEC 20 2007

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

By

Clerk

Deputy Clerk

In Re SRBA

Subcase: 31-11982

Case No. 39576

ORDER GRANTING MOTION TO FILE
LATE NOTICE OF CLAIM

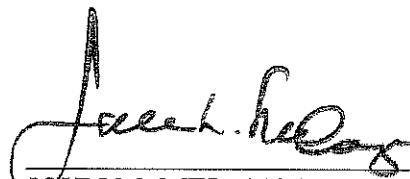
On September 5, 2007, the State of Idaho Department of Lands filed a *Motion to File Late Notice of Claim* for the above-captioned water right. Hearing was held on the *Motion* on December 18, 2007. This *Motion* complied with all procedural requirements under **SRBA Administrative Order 1**, and no objections were made to this late Notice of Claim.

THEREFORE, IT IS ORDERED, that the *Motion to File a Late Notice of Claim* for the above-captioned water right is **granted**.

The original Notice of Claim, as well as any attached filing fees, and a copy of this **Order** will be forwarded to the Idaho Department of Water Resources for further action. Following investigation by the Idaho Department of Water Resources, recommendation for the claim will be reported in the next *Late Claims Director's Report* which is issued on an annual basis. This modifies the provisions of **SRBA Administrative Order 1** 4d(2)(h).

IT IS SO ORDERED.

Dated December 20, 2007.



JOHN M. MELANSON

Presiding Judge

Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER GRANTING MOTION TO FILE LATE NOTICE OF CLAIM was mailed on December 20, 2007, with sufficient first-class postage to the following:

STATE OF IDAHO

Represented by:

DAVID J. BARBER
DEPUTY ATTORNEY GENERAL
PO BOX 44449
BOISE, ID 83711-4449
Phone: 208-334-2400

MICHAEL P LAWRENCE
GIVENS PURSLEY LLP
PO BOX 2720
BOISE, ID 83701-2720
Phone: 208-388-1200

ROBERT L HARRIS
HOLDEN KIDWELL HAHN & CRAPO
PO BOX 50130
IDAHO FALLS, ID 83405-0130
Phone: 208-523-0620

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

A handwritten signature in cursive script, appearing to read "Julie Murphy", is written over a horizontal line. The signature is fluid and stylized, with the first name "Julie" being more prominent than the last name "Murphy".



STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
LAWRENCE G. WASDEN

December 18, 2007

VIA FACSIMILE (208) 736-2121

Ms. Diana Delaney
Case Administrator
Snake River Basin Adjudication
District Court
253 Third Avenue North
Twin Falls, ID 83303

Re: Subcase No. 31-11982.

Dear Diana:

Enclosed with this letter is a copy of a receipt that evidences payment of the filing fee for the *Motion to File Late Notice of Claim* for the above subcase, which is set to be heard by the District Court today at the Status Conference. I apologize for filing this document so late. Thank you for your assistance.

Sincerely,

A handwritten signature in black ink, reading "David J. Barber".

DAVID J. BARBER
Deputy Attorney General
Natural Resources Division

DJB/ov

Enclosure

cc: Garrick Baxter

FORM IAB

STATE OF IDAHO - STARS
INTERAGENCY BILLING DATA ENTRY

REV. 10/23/95

SECTION A - AGENCY NAME (BILLING AGY)				AGENCY CODE	CONTACT NAME	PHONE #	DOCUMENT DATE	CUR DOCUMENT #
Idaho Department of Water Resources				360	Saecha Watson	287-8819	09/05/07	BILL0144
SFX	TCI RVS	INDEX /PCA	SEC AGY	SUBSIDIARY	REV SUBOBJ	AMOUNT	INVOICE DESCRIPTION	
01	130	1	320	3200000	1155	\$440.00	Adjudication late claim	31-11982
SECTION B - THIS SECTION CONTAINS THE DESCRIPTION AND PRICE OF MATERIALS AND SERVICES SUPPLIED								
DESCRIPTION							AMOUNT	
Adjudication late claim							\$440.00	
TOTAL							\$440.00	

SECTION C - AGENCY NAME (PAYING AGY)				AGENCY CODE	CONTACT NAME	PHONE #	DATE	CUR DOCUMENT #		
Idaho Department of Lands				126	David Barber					
SFX	TCI RVS	INDEX /PCA	SEC AGY	SUBSIDIARY	EXP SUBOBJ	AMOUNT	PROPI/COMP	INVOICES	VENDOR/ISFX	G = GRANT/PH P = PROJECT/PH
01	290	1	350	3500000	-	\$440.00	/	BILL0144 01	B26000952 / DP	/
							/		/	/
							/		/	/
							/		/	/
							/		/	/
TOTAL						\$440.00				

PAYING AGENCY'S AUTHORIZED SIGNATURE

TOTAL \$440.00

DATE 9/14/07

Dad 9/24/07

ATTACHMENT I

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
 RIGHTS TO THE USE OF WATER FROM
 THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 31-11982
 Date Received:
 Receipt No.:
 Received By:

1. Name of Claimant(s)

STATE OF IDAHO
 DEPT OF LANDS
 954 W JEFFERSON
 PO BOX 83720
 BOISE ID 83720-0050

2. Date of Priority: 09/24/1912

3. Source: DRY CREEK Trib. to SPRING CREEK

4. Point of Diversion:

Township	Range	Section	¼ of	¼ of	¼ Lot	County	Type
13N	40E	9	NE	NW	SW	Clark	

5. Description of diverting works:

Headgate and Ditches

6. Water is used for the following purposes:

Purpose	From	To	C.F. S. (or) A.F.A.
IRRIGATION	05/01	10/31	2.87

7. Total Quantity Appropriate is:

2.87 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	¼ of	¼	Lot	Use	Acres
13N	40E	10	SW	SW		IRRIGATION	23.5
Section Acres							23.5
13N	40E	15	NW	NW		IRRIGATION	40
			NE	NW		IRRIGATION	40
			SW	NW		IRRIGATION	40
Section Acres							120
Total Acres							143.5

11. Place of use in counties: CLARK

12. Do you own the property listed as above place of use? Yes.

13. Other Water Rights Used:

14. Remarks: This right is a split from former licensed water right 21-2054C.

15. Basis of Claim: License.

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 not wish to receive an pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: One.

For Organizations"

I do solemnly swear or affirm that I am Patrick A. Brown of
State of Idaho, Department of Lands, that I have signed the foregoing
Organization
document in the space below as Area Supervisor, Eastern Area of
Title
State of Idaho, Department of Lands and that the statements contained in the
Organization
Foregoing document are true and correct.

[Signature]
Signature of Authorized Agent

Area Supervisor - CE
Title

State of Idaho, Department of Lands
State of Idaho, Department of Lands

8/13/07
Date

State of Idaho)
County of Bonneville) ss.

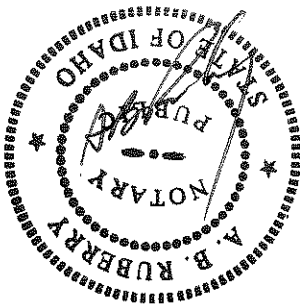
Subscribed and sworn (or affirmed) before me this 13th day of August 2007

Allen B. Ruberry

Notary Public

Residing at Idaho Falls Idaho

My commission expires: 9/23/09



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: A21-02054A
Date Received: 6/21/1988
Receipt No: E000490
Received By: S.M.

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: SHERIDAN GOLDEN EAGLE 208-662-5511
Address: P.O. BOX 247
HAMER, ID 83425
2. Date of Priority: SEP 24, 1912
3. Source: SHERIDAN CREEK Trib. to: ISLAND PARK RESERVOIR
DRY CREEK SHERIDAN CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
13N	40E	7		SW	NW		CLARK
		9		NW	SW		CLARK

5. Description of diverting works:
HEADGATES & DITCHES.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/15	10/15	59.200		

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

A.F.A.

8. Total consumptive use is 4440.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE.

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
13N	41E	8	SW	SE		IRR	40.0

A21-02054A

Page 1

Date: 06/21/88

MICROFILMED

OCT 20 1992

ATTACHMENT II

A2102054A



10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
13N	41E	8	SE	SE		IRR	40.0
Section Acres							80.0
		16	NE	NE		IRR	40.0
			NW	NE		IRR	40.0
			SW	NE		IRR	40.0
			SE	NE		IRR	40.0
			NE	NW		IRR	40.0
			NW	NW		IRR	40.0
			SW	NW		IRR	40.0
			SE	NW		IRR	40.0
			NE	SW		IRR	40.0
			NW	SW		IRR	40.0
			SW	SW		IRR	40.0
			SE	SW		IRR	40.0
			NE	SE		IRR	40.0
			NW	SE		IRR	40.0
			SW	SE		IRR	40.0
			SE	SE		IRR	40.0
Section Acres							640.0
		17	NE	NE		IRR	40.0
			NW	NE		IRR	40.0
			SW	NE		IRR	40.0
			SE	NE		IRR	40.0
			NE	NW		IRR	40.0
			NW	NW		IRR	40.0
			SW	NW		IRR	40.0
			SE	NW		IRR	40.0
			NE	SW		IRR	40.0
			NW	SW		IRR	40.0
			SW	SW		IRR	40.0
			SE	SW		IRR	40.0
			NE	SE		IRR	40.0
			NW	SE		IRR	40.0
			SW	SE		IRR	40.0
			SE	SE		IRR	40.0
Section Acres							640.0
		18	NE	NE		IRR	40.0
			NW	NE		IRR	40.0
			SW	NE		IRR	40.0

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
13N	41E	18	SE	NE		IRR	40.0
			NE	SE		IRR	40.0
			NW	SE		IRR	40.0
			SW	SE		IRR	40.0
			SE	SE		IRR	40.0

Section Acres 320.0

20	NE	NE	IRR	40.0
	NW	NE	IRR	40.0
	SW	NE	IRR	40.0
	SE	NE	IRR	40.0
	NE	NW	IRR	40.0
	NW	NW	IRR	40.0
	SW	NW	IRR	40.0
	SE	NW	IRR	40.0
	NE	SW	IRR	40.0
	NW	SW	IRR	40.0
	SW	SW	IRR	40.0
	SE	SW	IRR	40.0
	NE	SE	IRR	40.0
	NW	SE	IRR	40.0
	SW	SE	IRR	40.0
	SE	SE	IRR	40.0

Section Acres 640.0

21	NE	NE	IRR	40.0
	NW	NE	IRR	40.0
	SW	NE	IRR	40.0
	SE	NE	IRR	40.0
	NE	NW	IRR	40.0
	NW	NW	IRR	40.0
	SW	NW	IRR	40.0
	SE	NW	IRR	40.0
	NE	SW	IRR	40.0
	NW	SW	IRR	40.0
	SW	SW	IRR	40.0
	SE	SW	IRR	40.0
	NE	SE	IRR	40.0
	NW	SE	IRR	40.0
	SW	SE	IRR	40.0
	SE	SE	IRR	40.0

Section Acres 640.0

10. Place of Use: Continued

Total Acres 2960.0

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:
A21-00030/00108/02158.

14. Remarks:

15. Basis of Claim: BENEFICIAL USE
Water Right Number:

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 not wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 3

For Organizations:

I do solemnly swear or affirm that I am MANAGER of

Sheridan/Golder LABIE, that I have signed the foregoing
Organization Title

document in the space below as MANAGER of

Sheridan/Golder LABIE and that the statements contained in the
Organization Title

foregoing document are true and correct.

RL Webster
Signature of Authorized Agent
MANAGER
Sheridan/Golder LABIE
Title and Organization

6-22-88
Date

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 22 day
of June 19 88

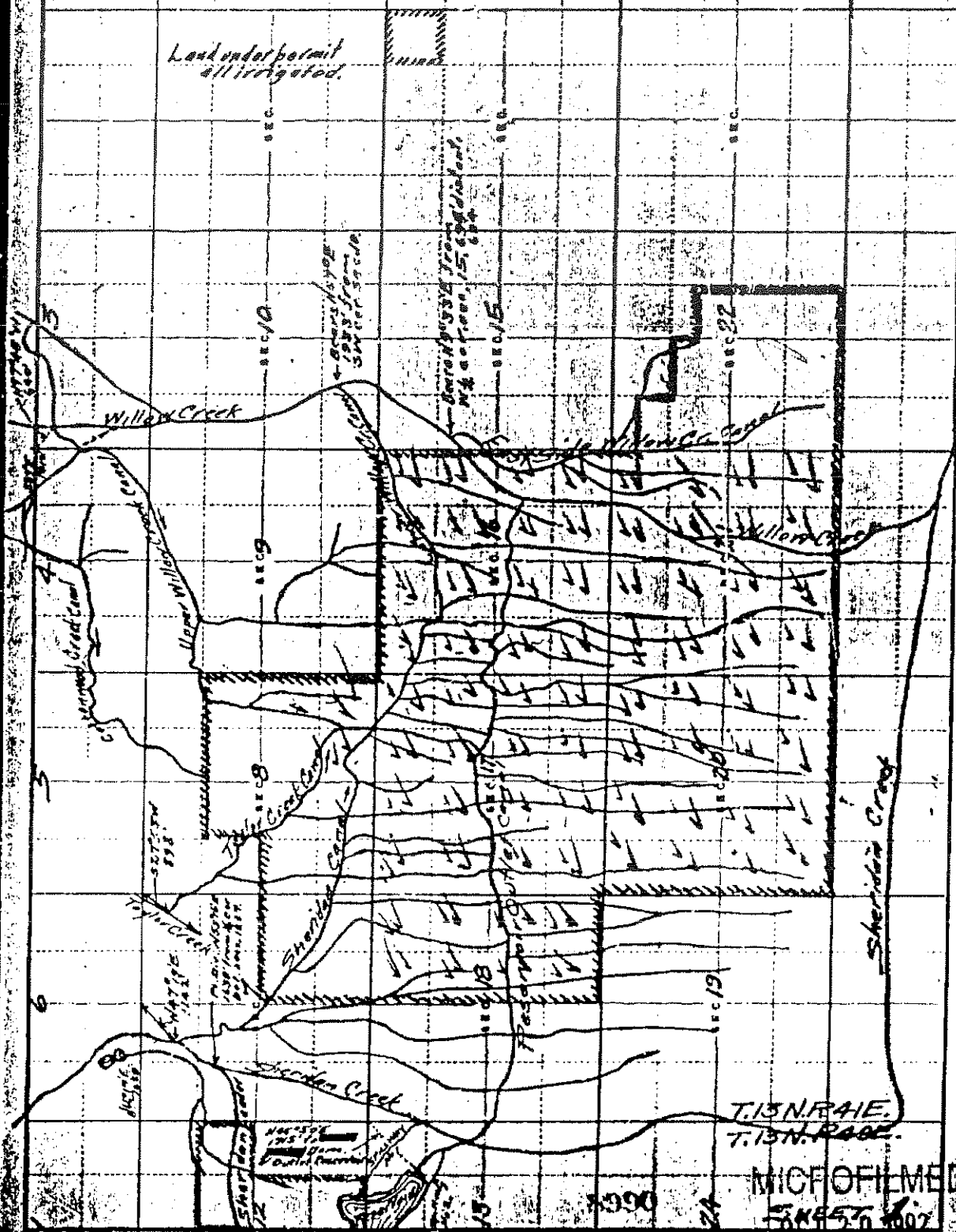
Dana Green
Notary Public

Seal

Residing at Ryhy
My Commission Expires 4/22/94

LEGEND

Land under permit
all irrigated.



T.13N.R.4E.
T.13N.R.4E.

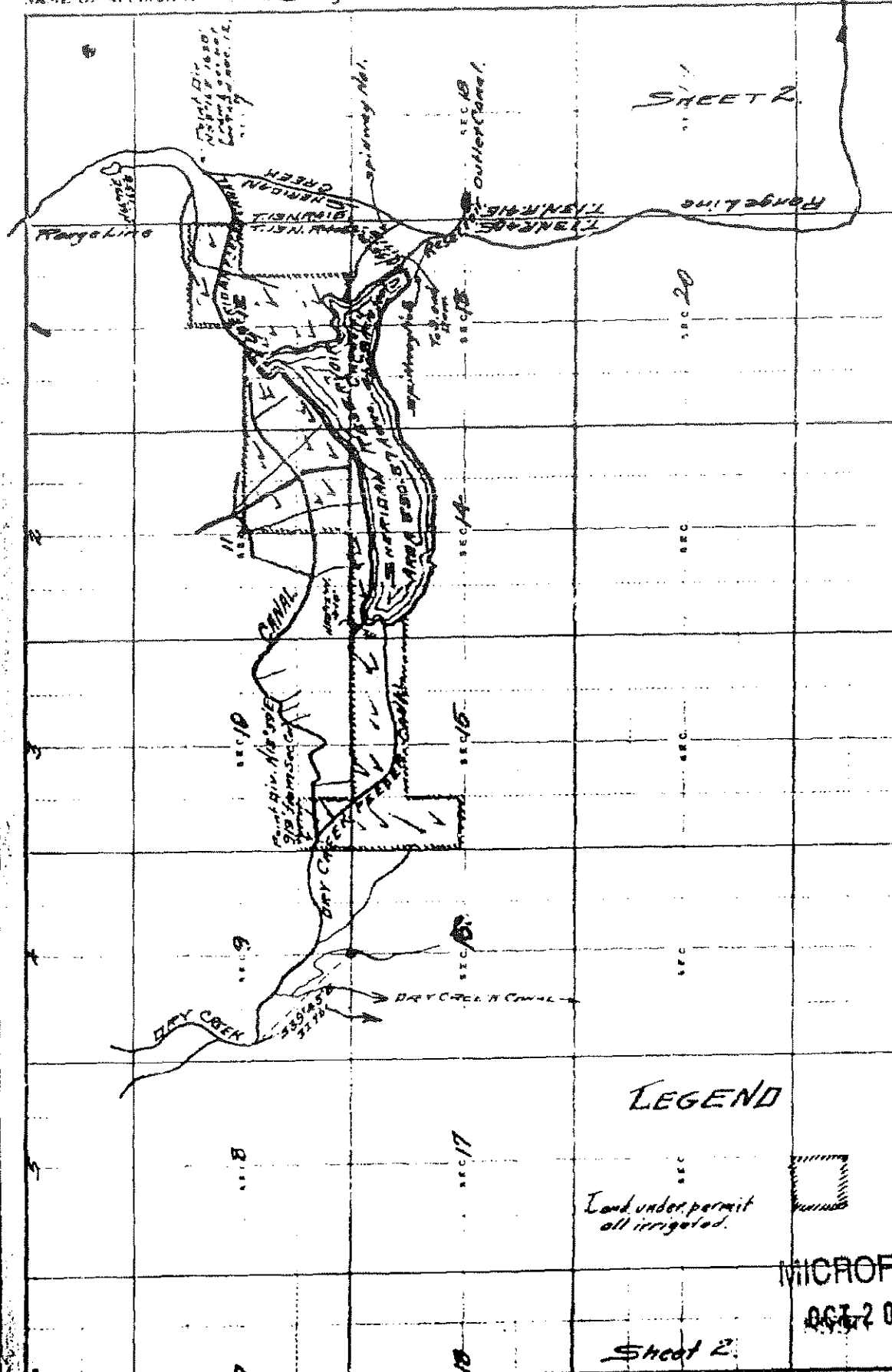
MICROFILMED
SHEET 1

NAME OF APPLICANT

F. Hogenborth

Permit 8990

SHEET 2



LEGEND

Land under permit
all irrigated.

MICROFILM

OCT 20 19

Sheet 2

State of Idaho License and Certificate of Water Right

Water License No. 8990
Water District No. 36-A

Amount 74.2
Priority 9-24-1912

THIS IS TO CERTIFY that F. J. Hagenbarth of Spencer, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated September 24 1912; that Permit No. 8990 was issued under said application; that Certificate of Completion of works, with a carrying capacity of 80.0 second feet, was issued thereunder on August 27, 1915, showing that said works were completed on the 5th day of January, 1915; and that on the 9th day of September, 1920,

F. J. Hagenbarth of Spencer, State of Idaho, made proof to the satisfaction of the Commissioner of Reclamation of Idaho, of the right to use the waters of Dry Creek and Sheridan Creek, a tributary of Snake River, for the purpose of irrigation and domestic use, under Use Permit No. 8990 of the State Engineer and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the Commissioner of Reclamation of Idaho and entered of record in Volume 6 of Licenses, at page 3229, on the 2nd day of January, 1925;

The right hereby confirmed dates from September 24, 1912;

The Point of Diversion located Dry Creek feeder canal bears S. 39° 45' E. 3270' from the 1/4 Corner bet. Secs. 9-16, T. 13 N., R. 40 E., B. 1; Sheridan Creek Feeder in the 1/4 Sec. 11, T. 13 N., R. 41 E., B. 1.

canal bears N. 53° 16' E., 1638' from 1/4 Cor. bet. Secs. 7-12, T. 13 N., R. 41 E., B. 1.

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 74.2 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
13 N.	41 E.	8	S ₂ SE ₄	80	80
		15	A11	640	640
		17	A11	640	640
		18	E ₁	320	320
		20	A11	640	640
13 N.	40 E.	21	A11	640	640
		12	S ₁ NE ₄	80	80
			W ₁ SE ₄	80	80
			SW ₄	160	160
		11	SE ₁	160	160
		10	SW ₁ SE ₄	40	40
		15	W ₁ NW ₄	80	80
			NE ₁ NW ₄	40	40
			N ₁ NE ₄	80	80
		14	N ₁ NW ₄	80	80
				3760	

The right to the use of the water aforesaid hereby confirmed is restricted to the land to which of use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the Commissioner of Reclamation, affixed at Boise, Idaho, this 2nd day of January, 1925

W. C. SWENDSEN
Commissioner of Reclamation.

(SEAL)

By GEO. H. CARTER
Assistant

MICROFILM

21 OCT 2 1925

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: A21-02054B
Date Received: 8/09/1988
Receipt No: E001147
Received By: Kia

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: SEP 24, 1912

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
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	3.800		
STOCKWATER	04/01	12/31	0.240		

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

8. Total consumptive use is 292.5 Acre Feet Per Annum.

9. Non-irrigation uses:
S/1091 RANGE CATTLE

A21-02054B

Page

1

Date: 08/09/88

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OCT 20 1992

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
13N	40E	11	SE		SW		IRR	40.0
			SE		SW		STOCK	
			NE		SE		IRR	29.0
			NE		SE		STOCK	
			NW		SE		IRR	5.0
			NW		SE		STOCK	
			SW		SE		IRR	40.0
			SW		SE		STOCK	
			SE		SE		IRR	36.0
			SE		SE		STOCK	
							Section Acres	150.0
		12	NW		SW		IRR	36.0
			NW		SW		STOCK	
							Section Acres	36.0
		14	NE		NE		IRR	3.0
			NE		NE		STOCK	
			NW		NE		IRR	1.0
			NW		NE		STOCK	
							Section Acres	4.0
							Total Acres	190.0

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:

31-2275/4129/4130/4131/4132/4133, 01-2068/0340

14. Remarks:

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

15. Basis of Claim: LICENSE

Water Right Number: 212054

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 P. Hagerholt 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



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

February 6, 1989

A 21-02054 B

Jim Hagenbarth
P.O. Box 1128
Dillon, Montana 59725

Clark Co.

RE: RIGHTS 21-2054, 31-0080 AND 31-0081

Dear Mr. Hagenbarth:

Our Eastern Regional office in Idaho Falls has asked this office to respond to your inquiry in connection with licensed right 21-2054 and decreed rights 31-0080 and 31-0081.

You have asked for the department's opinion relative to the validity and interrelationship of the above referenced water rights.

My research of the water right files does not show any particular relationship among the rights. The decreed rights do not necessarily supercede the licensed right, since the lands do not appear to overlap. The question of whether any or all of the rights are valid rights, however, depends on the use made of the rights through the years. The ultimate determination of the validity of a right will be made by the district court. The department, however, will make a recommendation to the court based on available information.

I note that you have filed adjudication claim no. A31-10245 based on license 21-2054. This license shows two sources, Dry Creek and Sheridan Creek which are in different water districts. The districts may have records relative to past use and delivery of the rights.

The Idaho statutes provide that any water right can be lost through 5 years continuous non-use. If the above referenced rights have been continuously used, you need to provide evidence of the use to the water masters of the respective water districts if their records do not show such use. In addition, you need to provide this type of information to the department for analysis and recommendation in connection with your adjudication claims.

MICROFILMED

OCT 20 1992

Jim Hagenbarth

- 2 -

February 6, 1989

Please feel free to contact the department if you have additional questions.

Sincerely,

L. GLEN SAXTON, Chief
Water Allocation Bureau

c: E. Region
Don Shenton
Adjudication Bur.

MICROFILMED

OCT 20 1992

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)

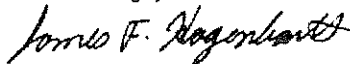
but will have an independent land list depending upon where the source enters the system. The total system includes 1274 acres. 1092 acres will be attached to the Dry Creek sources, an additional 163 acres will be attached to the Kick Creek filing and the remaining 19 acres will be included with Morrain 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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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: A21-02054C
Date Received: 8/2/89
Receipt No: C008802
Received By: 9f

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: STATE OF IDAHO
Address: DEPT. OF LANDS
STATEHOUSE
BOISE, ID

83720

JUN 3
Department of



2. Date of Priority: SEP 24, 1912

3. Source: SHERIDAN CREEK Trib. to: ISLAND PARK RESER
DRY CREEK SHERIDAN CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
13N	40E	9	NW	SW			CLARK
	41E	7	SW	NW			CLARK

5. Description of diverting works:
HEADGATE & DITCHES.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/15	10/15	2.400		

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

8. Total consumptive use is 180.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE.

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10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
13N	40E	10	SW		SW		IRR	40.0
						Section	Acres	40.0
		12	SW		NE		IRR	40.0
			SE		NE		IRR	40.0
						Section	Acres	80.0
						Total	Acres	120.0

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:
21-00108

14. Remarks:

15. Basis of Claim: LICENSE
Water Right Number: 8990

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 Organizations:

I do solemnly swear or affirm that I am Chief, Bureau of Range Management of Idaho Department of Lands, that I have signed the foregoing Organization document in the space below as Chief, Bureau of Range Management of and that the statements contained in the foregoing document are true and correct.

Donald E. Holbe
Signature of Authorized Agent
Chief, Bureau of Range Management
Idaho Department of Lands
Title and Organization

June 26, 1989
Date

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 26 day

of June 19 89

Seal

Virginia M. Peters
Notary Public

Residing at Boise Idaho

My Commission Expires 3/15/94