

PD

\$73⁰⁰

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: A31-10258
Date Received: 8/16/1988
Receipt No: E001335
Received By: _____

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

A310258



2. Date of Priority: FEB 05, 1915

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
12N	39E	4	SE	SE	SE		CLARK
Beginning Point of Minimum Instream Flow							
12N	39E	4	NE	SE	SE		CLARK
Ending Point of Minimum Instream Flow							
12N	39E	4	SW	SE	SE		CLARK

5. Description of diverting works:
INSTREAM FLOW FOR STOCKWATER

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
STOCKWATER	01/01	12/31	0.230		

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

A31-10258

Page

1

A.F.A.

Date: 08/16/88

MICROFILMED

NOV 17 1992

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
S/1000 RANGE CATTLE

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
12N	39E	4	SE SE		STOCK	

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:
NONE

14. Remarks:

SPRINGS AKA AS HIBBARD SPRINGS
PREDECESSOR RECEIVED A PATENT ON 02/05/1915 FOR THIS PLACE OF USE
IT FOLLOWS THAT LIVESTOCK WOULD HAVE WATERED ON THIS PLACE OF USE
AS EARLY AS THE PATENT DATE.

15. Basis of Claim: BENEFICIAL USE

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.

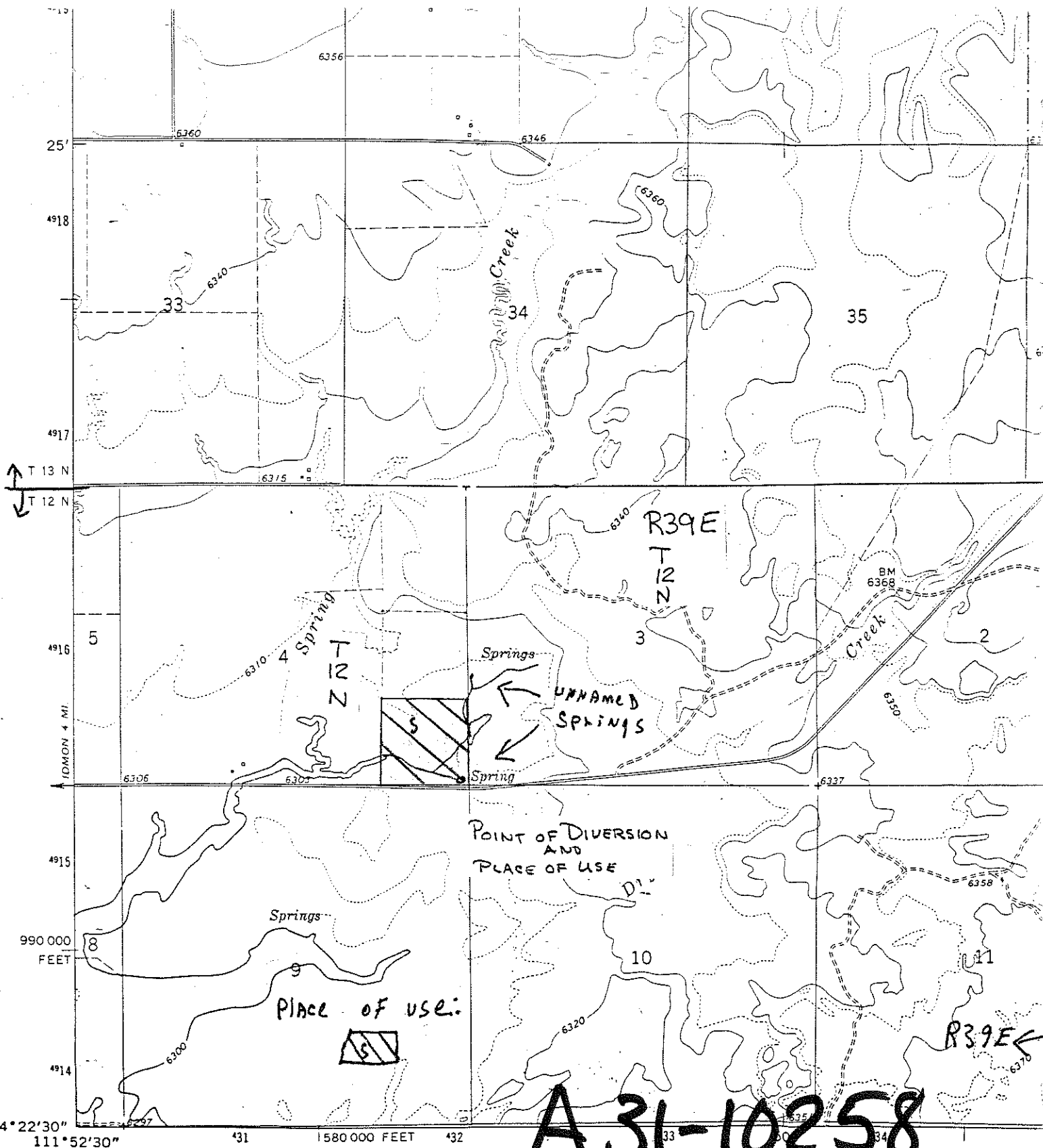
Signature of Claimant(s): *James T. Hagan* Date: 8/16/88
_____ Date: _____

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 16 day
of Aug 19 88 *Ernest Carlson*
Notary Public

Seal

Residing at *Idaho Falls ID*
My Commission Expires *14 June 1994*



Mapped, edited, and published by the Geological Survey

Control by USGS and NOS/NOAA

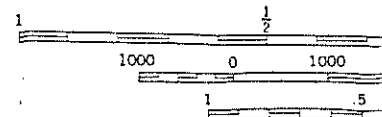
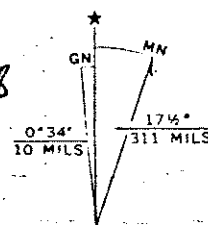
Topography by photogrammetric methods from aerial photographs taken 1971. Field checked 1972

Projection and 10,000-foot grid ticks: Idaho coordinate system, east zone (transverse Mercator) 1000-metre Universal Transverse Mercator grid ticks, zone 12, shown in blue. 1927 North American datum

Fine red dashed lines indicate selected fence lines

Where omitted, land lines have not been established

Hagenbath
P.O. Box 1128
Dillon, MT
59725



MICROFILMED

NOV 17 1992

UTM GRID AND 1972 MAGNETIC NORTH DECLINATION AT CENTER OF SHEET

THIS MAP COMPLETES

05/24/92 14:17:10
PAGE 2

ADJUDICATION CLAIMS PROCF READING REPORT

ADJUDICATION CLAIMS PROCF READING REPORT

PREFIX TRANSLATION: ADJUDICATION CLAIM

WATER RIGHT NUMBER - 431-10252

SPRINGS AKA AS HIGGARD SPRINGS

PREDECESSOR RECEIVED A PATENT ON 02/05/1915 FOR THIS PLACE OF USE
IT FOLLOWS THAT LIVESTOCK WOULD HAVE WATERED ON THIS PLACE OF USE
AS EARLY AS THE PATENT DATE.

NO OLD WATER RIGHT NUMBERS FOUND.

NO CONDITIONS OF APPROVAL

NO CONDITIONS OF APPROVAL FOUND.

DECREE PLAINTIFF

DECREE DEFENDANT

DEGREE DATE

06/00/0000

AUDIT FIELDS - 08/16/88 WILSON 09/20/89 REFUND

COMMENTS

NO COMMENTS FOUND

ADJUDICATION RIGHTS DATES AND FLAG AREA

COURT REPORT FILING	- 00/00/0000	FIELD INSPECTION MADE	- 00/00/0000	CIVIL CASE NUMBER	- 39576
DEFECTION FILED DATE	- 00/00/0000	FIELD INSPECTION FLAG	-	OLD CASE NUMBER	-
RESPONSE FILED DATE	- 00/00/0000	VERIFIED DATE	- 00/00/0000	OLD JUDICIAL DISTRICT	- P
CLAIM RECEIVED DATE	- 03/16/1988	LAST AGREED DATE	- 00/00/0000	TEMPORARY RIGHT	-
PROCF OUR DATE	- 00/00/0000	PROCF MADE DATE	- 00/00/0000	WATER DISTRICT	- S
LICENSED DATE	- 00/00/0000	RECEIPT NUMBER	- 5001335	FEDERAL/STATE INDICATOR	-
CLAIMS TAPE TAPON FLG	-	PROF OWNERSHIP FLAG	- Y	PRESUMPTION FLAG	-
FEE EXEMPT FLAG	-	NAME CONNECTOR	- OR	NOTICE OF ERROR FLAG	-

RP 12N39E 077 210A

DATA ENTRY
ENTERED 10-3-91 AS
CHECKED 12/14/91

VERIFIED
OCT 13 1992

CERTIFIED
MAILED 1993
WATER EXAMINER

MICROFILMED
APR 14 1994

OCT-07-1997
0071

RIGHT NUMBER: 31-10258

NAME AND ADDRESS:

JAMES F HAGENBARTH
MARGARET HAGENBARTH
DAVID J HAGENBARTH
PO BOX 1128
DILLON MT 59725

SOURCE:

UNNAMED SPRINGS

TRIBUTARY: SPRING CREEK

QUANTITY:

0.23 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE:

02/05/1915

POINT OF DIVERSION:

T12N R39E S04

NESESE (B) Within CLARK County
SWESESE (E)
SESESE

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
STOCKWATER

PERIOD OF USE
01-01 12-31

QUANTITY
0.23 CFS

PLACE OF USE:

STOCKWATER
T12N R39E S04

Within CLARK County
SESE

OTHER MATTERS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

EXPLANATORY MATERIAL:

BASIS OF CLAIM - BENEFICIAL USE
PARCEL NO. RP12N39E047210A
STOCKWATER, 1000 RANGE CATTLE

Paul \$793

AJ5808NP
(OD-26)

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT

10/02/97 11:05:32
Page 1

Water Right Number - R31-10258

Prefix Translation: RESEARCH

Old (D) Number -

*** C - CURRENT OWNER ***
HAGENBARTH JAMES F
1 - PO BOX 1128
2 -
3 -
City- DILLON
Phone - 406-683-2163
1 - PO BOX 1128
2 -
3 -
City- DILLON
Phone - 406-683-2163
State- MT Zip- 59725

HAGENBARTH MARGARET

HAGENBARTH DAVID J

Priority Date - - - +
02/05/1915
Region - - - +
ERROR IN REGION J - BENEFICIAL USE + - - - Status - - - +

Source - - - - +
UNNAMED SPRINGS
Tributary - - - - +
SPRING CREEK

Twn	Rng	Sec	Tract	Lot	Rflg	County	Point of Diversion	Diversion Name
12N	39E	4	SE SE SE NE SE SE SW SE SE	8		(33) CLARK (33) CLARK (33) CLARK		

Code	Description	Period From	Period To	Water Use	Diversion Rate	Diversion Volume
04 - STOCKWATER		01/01	12/31		0.230	

+ - Total Div. Rate - + - Total Div. Volume - + - Total Div. Capacity - + - Total Consumptive Use - + - KW Usage - +
0.230

Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County
12N	39E	4	SE SE			04 STOCKWATER		(33) CLARK

+ - - Diversion Means - INSTREAM FLOW FOR STOCKWATER
+ - - Non-Irrigation Use -
+ - - Other Rights for Same Use - NONE

AJ5808NP
(00-26)

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT

10/02/97 11:06:32
Page 2

Water right number - R31-10258

Prefix Translation: RESEARCH

----- Remarks -----

EXP PARCEL NO. RP12N39E047210A
STOCKWATER, 1000 RANGE CATTLE

----- No Old Water Right Numbers found. -----

----- Conditions of Approval -----
N11 - THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
- DETERMINATION OF HISTORICAL BENEFICIAL USE.
N13 - THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
- GALLONS PER DAY.

----- Decree Plaintiff ----- + ----- Decree Defendant ----- + ----- Decree Date ----- +
00/00/0000

----- Audit Fields - 10/04/93 DUNN1 03/30/95 POST-STD 09/30/97 AJU5-ECA -----

----- Date: 10/03/1993 User Id: DUNN1 Subject: COPIED FROM REMARKS -----
SPRINGS AKA AS HIBBARD SPRINGS
IT FOLLOWS THAT LIVESTOCK WOULD HAVE WATERED ON THIS PLACE OF USE AS EARLY AS THE PATENT DATE.
Date: 09/30/1997 User Id: AJU5-ECA Subject: AJU5 STOCK ONLY UPDATE
USE-NOT-IRRIGATION FIELD TEXT DELETED AND MADE EXP REMARK. CONDITION CODES N11 AND N13 ADDED IF NOT ALREADY PART OF RECORD.
ANY GEN REMARK CHANGED TO EXP REMARK. IF BLM/USFS, DELETED L12.

----- Adjudication Rights Dates and Flags Area -----

Court Report Filing	- 00/00/0000	Field Inspection Made	- 00/00/0000	Civil Case Number	- 39576
Objection Filed Date	- 00/00/0000	Verified Date	- 00/00/0000	Old Case Number	-
Response Filed Date	- 00/00/0000	Last Amended Date	- 00/00/0000	Old Judicial District	-
Claim Received Date	- 08/16/1988	Proof Made Date	- 00/00/0000	Temporary Right	- P
Proof Due Date	- 00/00/0000	Receipt Number	- E001335	Water District	-
Licensed Date	- 00/00/0000	POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	- OR	Presumption Flag	-
				Notice of Error Flag	-

Allen
ecor

12/15/2000

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommended Right Report

WATER RIGHT NO. 31-10258

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

Priority Date: 02/05/1915
Basis: Beneficial Use
Status: Valid

Source Tributary to
~~UNNAMED~~ SPRINGS SPRING CREEK

Beneficial Use From To Diversion Rate Volume Subuse Code
STOCKWATER 1/01 12/31 0.23 CFS
Total Diversion 0.23 CFS

Point(s) of Diversion:
Township Range Section 1/4 of 1/4 of 1/4 Lot County
E-12N 39E 4 SW SE SE 0 CLARK
B-12N 39E 4 NE SE SE 0 CLARK
B-12N 39E 4 SE SE SE 0 CLARK

Place(s) of use:

Place of Use Legal Description: STOCKWATER CLARK County

Townsh	Rang	Secti	Lo	Tract	Acres	Lo	Tract	Acres	Lo	Tract	Acres	Lo	Tract	Acres
12N	39E	4		SESE										

Conditions of Approval:

- N13 THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.
- N11 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

Remarks:

- Explanatory PARCEL NO. RP12N39E047210A STOCKWATER, 1000 RANGE CATTLE

Comments:

Author	Date	Subject	Comment
DUNNI	10/3/93	COPIED FROM REMARKS	
AJU5-ECA	9/30/97	AJU5 STOCK ONLY UPDATE	SPRINGS AKA AS HIBBARD SPRINGS PREDECESSOR RECEIVED A PATENT ON 02/05/1915 FOR THIS PLACE OF USE IT FOLLOWS THAT LIVESTOCK WOULD HAVE WATERED ON THIS PLACE OF USE AS EARLY AS THE PATENT DATE. USE-NOT-IRRIGATION FIELD TEXT DELETED AND MADE EXP REMARK. CONDITION CODES N11 AND N13 ADDED IF NOT ALREADY PART OF RECORD. ANY GEN REMARK



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,

A handwritten signature in cursive script that reads "Cheri Vandermeulen".

Cheri Vandermeulen
Records Clerk

03/16/2001

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

RIGHT NUMBER: 31-10258

NAME AND ADDRESS: DAVID J HAGENBARTH
JAMES F HAGENBARTH
MARGARET HAGENBARTH
PO BOX 1128
DILLON, MT 59725

SOURCE: UNNAMED STREAM TRIBUTARY: SPRING CREEK

QUANTITY: 0.23 CFS

PRIORITY DATE: 02/05/1915

POINT OF DIVERSION:	T12N R39E S4	NESESE	Beginning of Stream Flow	Within CLARK County
	T12N R39E S4	SWSESE	End of Stream Flow	Within CLARK County
	T12N R39E S4	SESESE	Beginning of Stream Flow	Within CLARK County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	05-01 12-15	0.23 CFS

PLACE OF USE:

STOCKWATER Within CLARK County
T12N R39E S4 SESE

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

PARCEL NO. RP12N39E047210A
STOCKWATER, 1000 RANGE CATTLE

01/24/2001

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: March 9, 2001

Water right number: 31-10258

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

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

JAMES F HAGENBARTH
PO BOX 1128
DILLON MT 59725
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):
 - 1) Period of use
 - 2) Quantity

change On
2. Describe the changes you wish to make in the proposed recommendation:
 - 1) Change from 5/01 10/31 to 5/01 12/15
 - 2) Change from .02 CFS to .23CFS.

2 → PAID \$73⁰⁰ RECEIPT # 8001335
3. Give a brief explanation as to why you disagree with these portions:
 - 1) I have used this stockwater right several times over the years in December. It is important to describe this right as it has been historically used.
 - 2) The flows along this spring creek are adequate to water over 1000 cattle at one time. In the summer 1000 head of cattle will drink more than 13,000 gallons per day. This is a holding pen and has accommodated up to 1000 cattle at times. The filed claim ask for .23 CFS and the recommendation was for .02, an amount of water that is not adequate to meet the needs of the claimed historical use that has occurred in the past.

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

DATE: 3/5/2001

SIGNATURE: *James F Hagenbarth*

Please print your name: James F. Hagenbarth

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

Changed per notes

Source should read "Unmanned Stream"

*3/12/01
ABN*