

PD

473⁰⁰

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: A31-10257
Date Received: 8/16/1988
Receipt No: E001335
Received By: Kaw

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: MARGARET HAGENBARTH 406-683-2163
Address: P.O. BOX 1128 59725
DILLON, MT
OR
Name: DAVID J. HAGENBARTH 406-683-2163
Address: P.O. BOX 1128 59725
DILLON, MT
OR
Name: JAMES F. HAGENBARTH 406-683-2163
Address: P.O. BOX 1128 59725
DILLON, MT



2. Date of Priority: APR 01, 1889

3. Source: WEST CAMAS Trib. to: CAMAS CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County			
13N	38E	25	SW	NE	SW		CLARK			
			SE	NE	SW		CLARK			
		36	NE	SE	SW		CLARK			
			SE	SE	SW		CLARK			
			NW	NW	NE		CLARK			
			SW	NW	NE		CLARK			
			SE	NW	NE		CLARK			
			NE	NE	NW		CLARK			
			Beginning Point of Minimum Instream Flow	13N	38E	25	NW	NE	SW	CLARK
				Ending Point of Minimum Instream Flow	13N	38E	36	NE	NW	NE

5. Description of diverting works:
INSTREAM FLOW FOR STOCKWATER

A31-10257

Page 1

Date: 08/16/88 MICROFILMED

NOV 17 1992

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
STOCKWATER	04/10	12/31	0.230		

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

A.F.A.

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
13N	38E	25	NE	SW		STOCK	
			SE	SW		STOCK	
		36	NW	NE		STOCK	
			NE	NW		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:
A31-00373

14. Remarks:

SINCE 31-0214 WITH A PRIORITY OF 04/01/1889 HAS A P/D LYING ON THE SAME LAND CLAIMED AS PLACE OF USE IN THIS FILING AND HAS A PLACE OF USE W/IN 1/2 MILE OF THE CLAIMANTS P/U IT IS OBVIOUS THAT LIVESTOCK WATERED FROM WEST CAMAS ON THE CLAIMANTS LAND AS EARLY AS 4/01/1889.

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 F. Hagerlund* Date: 8/16/88

Date: _____

State of Idaho)
County of Bonnaville) SS.

Subscribed and sworn (or affirmed) before me this 16 day

of Aug 19 88

Ernest Carlson
Notary Public

Seal

Residing at *Adelphi Falls, ID*

My Commission Expires 14 June 1994



A 31-10257 NOV 17 1992

INLAND DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PUMP READING REPORT

AUS000NP
C00-260

WATER RIGHT NUMBER - 451-10257 PREFIX TRANSLATION: ADJUDICATION CLAIM OLD (O) NUMBER -

*** C - CURRENT OWNER ***
HAGENBARTH

1 - P.O. BOX 1128

2 -

CITY- DILLON

PHONE - 406-683-2163

1 - P.O. BOX 1128

2 -

CITY- DILLON

PHONE - 406-683-2163

1 - P.O. BOX 1128

2 -

CITY- DILLON

PHONE - 406-683-2163

HAGENBARTH

DAVID J.

JAMES E.

*** PRIORITY DATE - - - - - + - - - - - REGION - - - - - + - - - - - STAGE - - - - - + - - - - - STATUS - - - - - +
04/01/1989 ERROR IN REGION J - BENEFICIAL USE - - - - - + - - - - - TRIBUTARY - - - - - +
- - - - - SOURCE - - - - - + - - - - - CANAS CREEK - - - - - +
- - - - - WEST CANAS - - - - - +

TWR RWS TRACT LOT APLS COUNTY POINT OF DIVERSION - - - - - STREAM INDEX (BLANK IF NO INDEX CODE) - - - - - +

13N	38E	25	30 NE SW	(33)	CLARK	
		25	30 SE SW	(33)	CLARK	
		25	30 NE NE	(33)	CLARK	
		25	30 SE NE	(33)	CLARK	
		25	30 NW NE	(33)	CLARK	
		25	30 SW NE	(33)	CLARK	
		25	30 NW SW	(33)	CLARK	
		25	30 SE SW	(33)	CLARK	
		25	30 NW SW	(33)	CLARK	
		25	30 SE SW	(33)	CLARK	

CODE DESCRIPTION PERIOD FROM PERIOD TO WATER USE DIVERSION RATE DIVERSION VOLUME - - - - - +

04 - STOCKWATER 04/10 12/31 0.230

*** TOTAL DIV. RATE - - - - - + - - - - - TOTAL DIV. VOLUME - - - - - + - - - - - TOTAL DIV. CAPACITY - - - - - + - - - - - TOTAL CONSUMPTIVE USE - - - - - + - - - - - KW USAGE - - - - - +
0.230 0.0

TWR RWS TRACT LOT ACRES PLACE OF USE CODE DESCRIPTION COUNTY

13N	38E	25	30 NE SW	04	STOCKWATER	(33)	CLARK
13N	38E	25	30 SE SW	04	STOCKWATER	(33)	CLARK
13N	38E	25	30 NW NE	04	STOCKWATER	(33)	CLARK

05/24/92 14:16:04
PAGE 2

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROCEEDING REPORT

ADJ-806NP
C00-200

WATER RIGHT NUMBER - A31-10257 PREFIX TRANSLATION: ADJUDICATION CLAIM

TWN	RNG	SEC	TRACT	LOT	ACRES	PLACE OF USE	CODE	DESCRIPTION	COUNTY
13N	39E	35	NE NW		04	STOCKWATER			(33) CLARK

DIVERSION MEANS - INSTREAM FLOW FOR STOCKWATER
NON-IRRIGATION USE - 5/1000 RANGE CATTLE
OTHER RIGHTS FOR SAME USE - A31-00373

REMARKS
SINCE A1-0215 WITH A PRIORITY OF 04/01/1989 HAS A P/O LYING ON THE SAME LINED SURFACE OF USE IN THIS FILING AND HAS A PLACE OF USE WITHIN 1/2 MILE OF THE CLAIMANTS P/O IT IS OBVIOUS THAT LIVESTOCK RAISED FROM WEST CARRAS IN THE CLAIMANTS LAND AS EARLY AS 4/01/1893.

OLD WATER RIGHT NUMBERS -
NO OLD WATER RIGHT NUMBERS FOUND.
CONDITIONS OF APPROVAL -
NO CONDITIONS OF APPROVAL FOUND.

DECREES PLAINTIFF - + - - - - DECREES DEFENDANT - - - - +
DEGREE DATE - + 00/00/0000

AUDIT FIELDS - 04/16/88 WILSON 09/26/89 REFUNDAL

COMMENTS - - - - - NO COMMENTS FOUND

COURT REPORT FILING	00/00/0000	FIELD INSPECTION MADE	00/00/0000	CIVIL CASE NUMBER	39576
OBJECTION FILED DATE	02/00/0000	FIELD INSPECTION FLAG	-	OLD CASE NUMBER	-
RESPONSE FILED DATE	00/00/0000	VERIFIED DATE	-	OLD JUDICIAL DISTRICT	-
CLAIM RECEIVED DATE	04/16/1988	LAST AMENDED DATE	-	TEMPORARY RIGHT	P
PROCE VUE DATE	00/00/0000	PROCE MADE DATE	-	WATER DISTRICT	-
LICENSED DATE	00/00/0000	RECEIPT NUMBER	-	FEDERAL/STATE INDICATOR	S
CLAIMS TAPR ERROR FLAG	-	POW OWNERSHIP FLAG	-	PRESUMPTION FLAG	-
FEE EXEMPT FLAG	-	NAME CONNECTOR	-	NOTICE OF ERROR FLAG	-

WATER EXAMINER

VERIFIED
OCT 13 1992

Verified By:
Terry K. O'Neil-PQ
Assoc. Map
Inspector
Field Photos
Field Exam
Chief (See Remarks)
Checked by:
Project Engineer
IDWR Records

DATA ENTRY
ENTERED 10-3-93
CHECKED 12-18-93

RP 1038E25 0010 A
" " 36 0 610 A

MICROFILMED
APR 14 1994

OCT-07-1997
0069

RIGHT NUMBER: 31-10257

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



SOURCE: WEST CAMAS

TRIBUTARY: CAMAS CREEK

QUANTITY: 0.23 CFS

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

PRIORITY DATE: 04/01/1889

POINT OF DIVERSION: T13N R38E S25

(B) Within CLARK County

S36

(E)

NAMES
SAMES
SENESS
MESESS
SESESS
NEENNE
MUMME
SUNNNE
SENNNE
MENNEM

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
STOCKWATER

PERIOD OF USE
04-10 12-31

QUANTITY
0.23 CFS

PLACE OF USE:

STOCKWATER
T13N R38E S25
S36

Within CLARK County
NESW
NNNE

SESW
NENN

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 NOS. RP13N38E250010A, RP13N38E360610A
STOCKWATER, 1000 RANGE CATTLE

Water Right Number - R31-10257

Prefix Translation: RESEARCH

Old (D) Number -

*** C - CURRENT OWNER ***
HAGENBARTH MARGARET
1 - PO BOX 1128
2 -
3 -
City- DILLON
Phone - 406-683-2163
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 DAVID J

HAGENBARTH JAMES F

James F HagenbARTH

Priority Date - 04/01/1889
Region - ERROR IN REGION
Stage - J - BENEFICIAL USE
Status -

Source - WEST CAMAS
Tributary - CAMAS CREEK

Twn	Rng	Sec	Tract	Lot	Rflg	County	Point of Diversion	Diversion Name
13N	38E	25	NW NE SW	B	(33)	CLARK		
		36	NE NW NE	E	(33)	CLARK		

Code	Description	Period From	Period To	Water Use	Diversion Rate	Diversion Volume
04 - STOCKWATER		04/10	12/31		0.230	
+ - Total Div. Rate - 0.230						
+ - Total Div. Volume -						
+ - Total Div. Capacity -						
+ - Total Consumptive Use - 0.0						
+ - KW Usage -						

Twn	Rng	Sec	Tract	Lot	Acres	Place of Use	Code	Description	County
13N	38E	25	NE SW				04	STOCKWATER	(33) CLARK
13N	38E	25	SE SW				04	STOCKWATER	(33) CLARK
13N	38E	36	NW NE				04	STOCKWATER	(33) CLARK
13N	38E	36	NE NW				04	STOCKWATER	(33) CLARK

+ - Diversion Means - INSTREAM FLOW FOR STOCKWATER
+ - Non-Irrigation Use -
+ - Other Rights for Same Use - A31-00373

AJ5808NP
(OD-26)

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT

10/02/97 11:05:20
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Water right number - R31-10257

Prefix Translation: RESEARCH

EXP PARCEL NOS. RP13N38E250010A, RP13N38E360610A
STOCKWATER, 1000 RANGE CATTLE

Old Water Right Numbers
No Old Water Right Numbers found.

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
SINCE 31-0214 WITH A PRIORITY OF 04/01/1889 HAS A P/D LYING ON THE SAME LAND CLAIMED AS PLACE OF USE IN THIS FILING AND HAS A
PLACE OF USE W/IN 1/2 MILE OF THE CLAIMANTS P/U IT IS OBVIOUS THAT LIVESTOCK WATERED FROM WEST CAMAS ON THE CLAIMANTS LAND AS
EARLY AS 4/01/1889.
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	-
Objection Filed Date	- 00/00/0000	Field Inspection Flag	- 00/00/0000	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 00/00/0000	Old Judicial District	-
Claim Received Date	- 08/16/1988	Last Amended Date	- 00/00/0000	Temporary Right	- P
Proof Due Date	- 00/00/0000	Proof Made Date	- 00/00/0000	Water District	-
Licensed Date	- 00/00/0000	Receipt Number	- E001335	Federal/State Indicator	- S
		POU Ownership Flag	- Y	Presumption Flag	-
		Name Connector	- OR	Notice of Error Flag	-

39576

ECW

12/15/2000

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommended Right Report

WATER RIGHT NO. 31-10257

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

Change
5/1 to 10/31
per allen ✓

Priority Date: 04/01/1889
Basis: Beneficial Use
Status: Valid

Source	Tributary to
WEST CAMAS CREEK	CAMAS CREEK

Beneficial Use	From	To	Diversion Rate	Volume	Subuse Code
STOCKWATER	4/10	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 of	Lot	County
13N	38E	36	NE	NW	NE 0	CLARK	✓
13N	38E	25	NW	NE	SW 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
ip	e	on	t			t			t			t		
13N	38E	25		NESW			SESW							
		36		NWNE										
				NENW										

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.

✓ per Ennis + allen
CR ✓

Remarks:

- Explanatory PARCEL NOS. RP13N38E250010A, RP13N38E360610A STOCKWATER, 1000 RANGE CATTLE

Comments:

Author	Date	Subject	Comment
DUNNI	10/3/93	COPIED FROM REMARKS	SINCE 31-0214 WITH A PRIORITY OF 04/01/1889 HAS A P/D LYING ON THE SAME LAND CLAIMED AS PLACE OF USE IN THIS FILING AND HAS A PLACE OF USE W/IN 1/2 MILE OF THE CLAIMANTS P/U IT IS OBVIOUS THAT LIVESTOCK WATERED FROM WEST CAMAS ON THE CLAIMANTS LAND AS EARLY AS 4/01/1889.

J.E.
are
JC

31-10257

2

HAGENBARTH LIVESTOCK

P.O. Box 1128

Dillon, Montana 59725

Fax: (406) 683-9452

Phone: (406) 683-2163

FAX COVER SHEET

Date: January 25, 2001

Time: 12:03 PM

To: Mr. Ernie Carlson

State of Idaho

Department of Water Resources

Eastern Idaho

Idaho Falls, ID

Phone:

Fax: (208) 525-7177

Number of pages including cover sheet: 1

Dear Mr. Carlson:

Please sent any correspondence in regard to the adjudication to:

The address that is now on the claims, it is the same.

and our attorneys

→ Doney, Crowley, Bloomquist & Uda

John Bloomquist or Patti Rowland

108 South Washington

PO Box 1418

Dillon, MT 59725-1418

These attorneys are in the process of getting a notice of appearance.

Thanks,

Sam Hagenbach

✓ Jim Hagenbarth

HLHLHLHLHLHLHLHLHLHLHLHLHLHLHLHLHLHLHLHLHL



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 KEMP THORNE
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

03/12/2001

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

RIGHT NUMBER: 31-10257

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

SOURCE: WEST CAMAS CREEK TRIBUTARY: CAMAS CREEK

QUANTITY: 0.23 CFS

PRIORITY DATE: 04/01/1889

POINT OF DIVERSION:	T13N R38E S25	NWNESW	Beginning of Stream Flow	Within CLARK County
	T13N R38E S36	NENWNE	End 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:

<u>STOCKWATER Within CLARK County</u>			
T13N R38E S25	NESW	T13N R38E S25	SESW
T13N R38E S36	NWNE	T13N R38E S36	NENW

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.

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 NOS. RP13N38E250010A, RP13N38E360610A
STOCKWATER, 1000 RANGE CATTLE

PERIOD OF USE EXPANDED PER NOE.

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: 31-10257

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):
Period of use

CID NO → OK

2. Describe the changes you wish to make in the proposed recommendation:
Change from 5/01 10/31 to 5/01 12/15

3. Give a brief explanation as to why you disagree with these portions:
I have used this stockwater right several times over the years as late as December. It is important to describe this right as it has been historically used.

 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

*3/12/01
5470000 Period of Use
[Signature]*