

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

In Re SRBA)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 21-02054B

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

JUN 12 2008

By _____

Clerk
Deputy Clerk

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

SOURCE: SPRING TRIBUTARY: SHERIDAN CREEK

QUANTITY: 3.80 CFS

The quantity of water under this right for stockwater use shall
not exceed 13,000 gallons per day.

PRIORITY DATE: 09/24/1912

POINT OF DIVERSION: T13N R41E S06 NWSESW Within Clark County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	05-01 TO 10-31	3.80 CFS
	Stockwater	05-01 TO 10-31	0.24 CFS

PLACE OF USE:	Irrigation	Within Clark County
	T13N R40E S10	SESW 25.0 NESE 28.0 NWSE 12.0 SWSE 36.0 SESE 40.0
	S11	NESW 40.0 NWSW 27.0 SWSW 40.0 SESW 40.0 NESE 40.0 NWSE 40.0 SWSE 40.0 SESE 39.0
	S12	NESW 7.4 NWSW 40.0 SWSW 16.0
	S14	NENE 9.7 NWNE 19.0 NENW 21.0 NWNW 9.8
	S15	NENE 40.0 NWNE 40.0
	R41E S07 LOT 2	(SWNW)19.0
	668.9 Acres Total	

Stockwater	Within Clark County
T13N R40E S11	SESW NESE NWSE SWSE
S12	SESE NWSW
S14	NENE NWNE

The rights listed below are limited to the irrigation of a
combined total of 668.9 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 190 acres within the
place of use described above in a single irrigation season.

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

The quantity of water decreed for this water right for
stockwater use is not a determination of historical beneficial
use.

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS

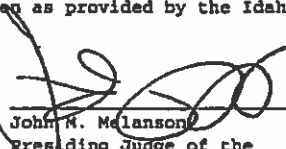
SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

OTHER PROVISIONS (continued)

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. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.



John N. Melanson
Presiding Judge of the
Snake River Basin Adjudication



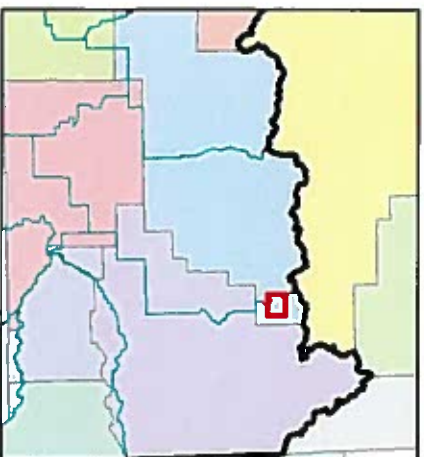
SRBA Recommendation
21-2054B

Idaho Department of Water Resources

Claim Numbers: 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

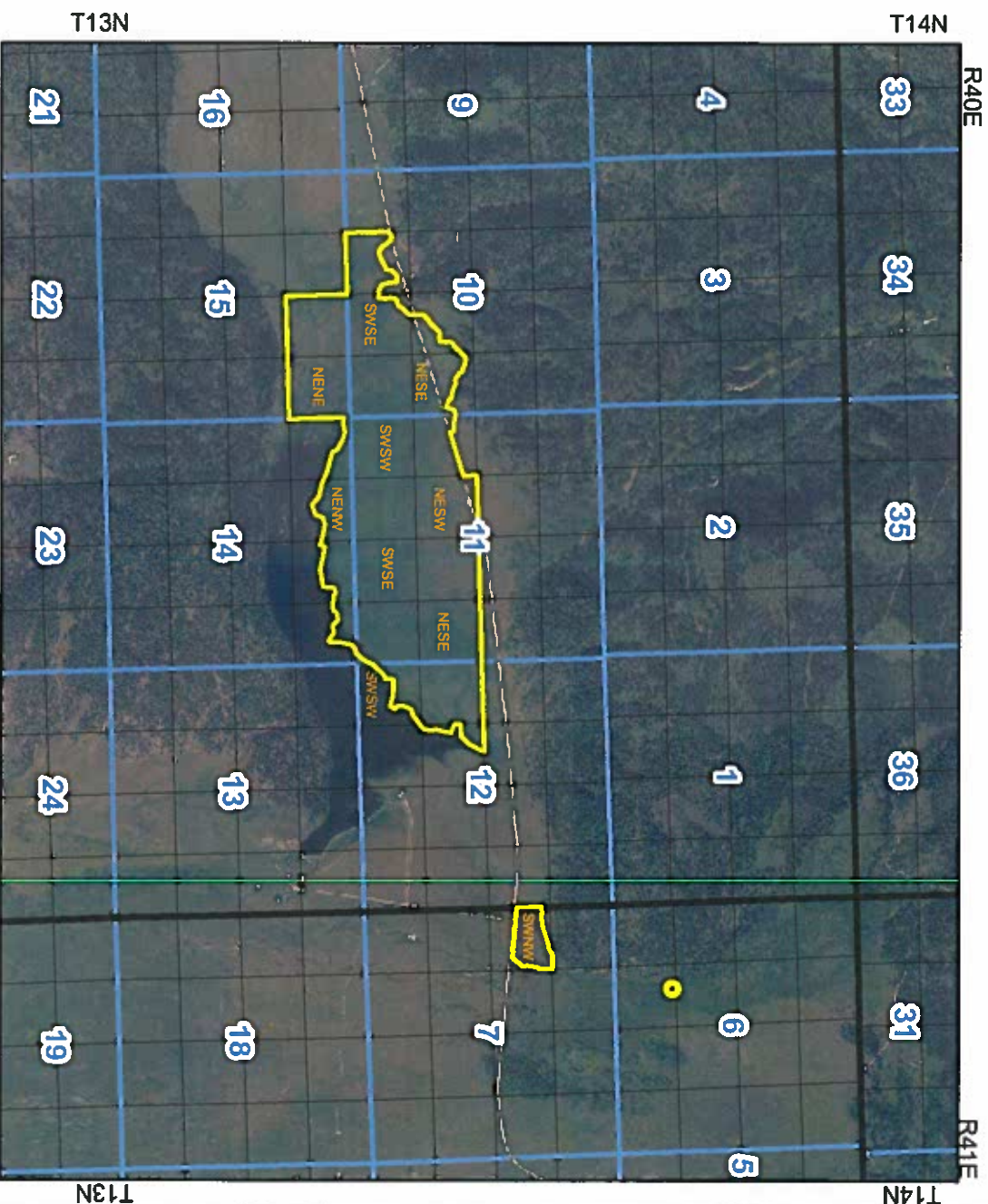
Legend

- Point of Diversion
- Place of Use
- Townships
- PLS Sections
- Quarter Quarters



Clark County
IDWR Basin 21

Prepared by Denise Kidman
On Friday, April 04, 2008
2004 Aerial Photography



0 0.5 1 2 Miles

PROTECTED



SCANNED
APR 04 2008

04/04/2008

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 21-2054B

NAME AND ADDRESS: JAMES F HAGENBARTH
PO BOX 1128
DILLON MT 59725-1128

DAVID J HAGENBARTH
PO BOX 1128
DILLON MT 59725-1128

SOURCE: SPRING

TRIBUTARY: SHERIDAN CREEK

QUANTITY: 3.800 CFS

The quantity of water under this right for stockwater use shall not exceed
13,000 gallons per day.

PRIORITY DATE: 09/24/1912

POINT OF
DIVERSION: T13N R41E S6 NWSESW Within CLARK County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USEPERIOD OF USEQUANTITY

IRRIGATION

05/01 10/31

3.800 CFS

STOCKWATER

05/01 10/31

0.240 CFS

PLACE OF USE: IRRIGATION in CLARK County

T13N R40E S10	SESW	25.00	T13N R40E S10	NESE	28.00
T13N R40E S10	NWSE	12.00	T13N R40E S10	SWSE	36.00
T13N R40E S10	SESE	40.00	T13N R40E S11	NESW	40.00
T13N R40E S11	NWSW	27.00	T13N R40E S11	SWSW	40.00
T13N R40E S11	SESW	40.00	T13N R40E S11	NESE	40.00
T13N R40E S11	NWSE	40.00	T13N R40E S11	SWSE	40.00
T13N R40E S11	SESE	39.00	T13N R40E S12	NESW	7.40
T13N R40E S12	NWSW	40.00	T13N R40E S12	SWSW	16.00
T13N R40E S14	NENE	9.70	T13N R40E S14	NWNE	19.00
T13N R40E S14	NENW	21.00	T13N R40E S14	NWNW	9.80
T13N R40E S15	NENE	40.00	T13N R40E S15	NWNE	40.00
T13N R41E S07 Lot 2 SWNW		19.00			

STOCKWATER in CLARK County

T13N R40E S11	SESW		T13N R40E S11	NESE	
T13N R40E S11	NWSE		T13N R40E S11	SWSE	
T13N R40E S11	SESE		T13N R40E S12	NWSW	
T13N R40E S14	NENE		T13N R40E S14	NWNE	

668.9 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 668.9 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 190 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.

The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

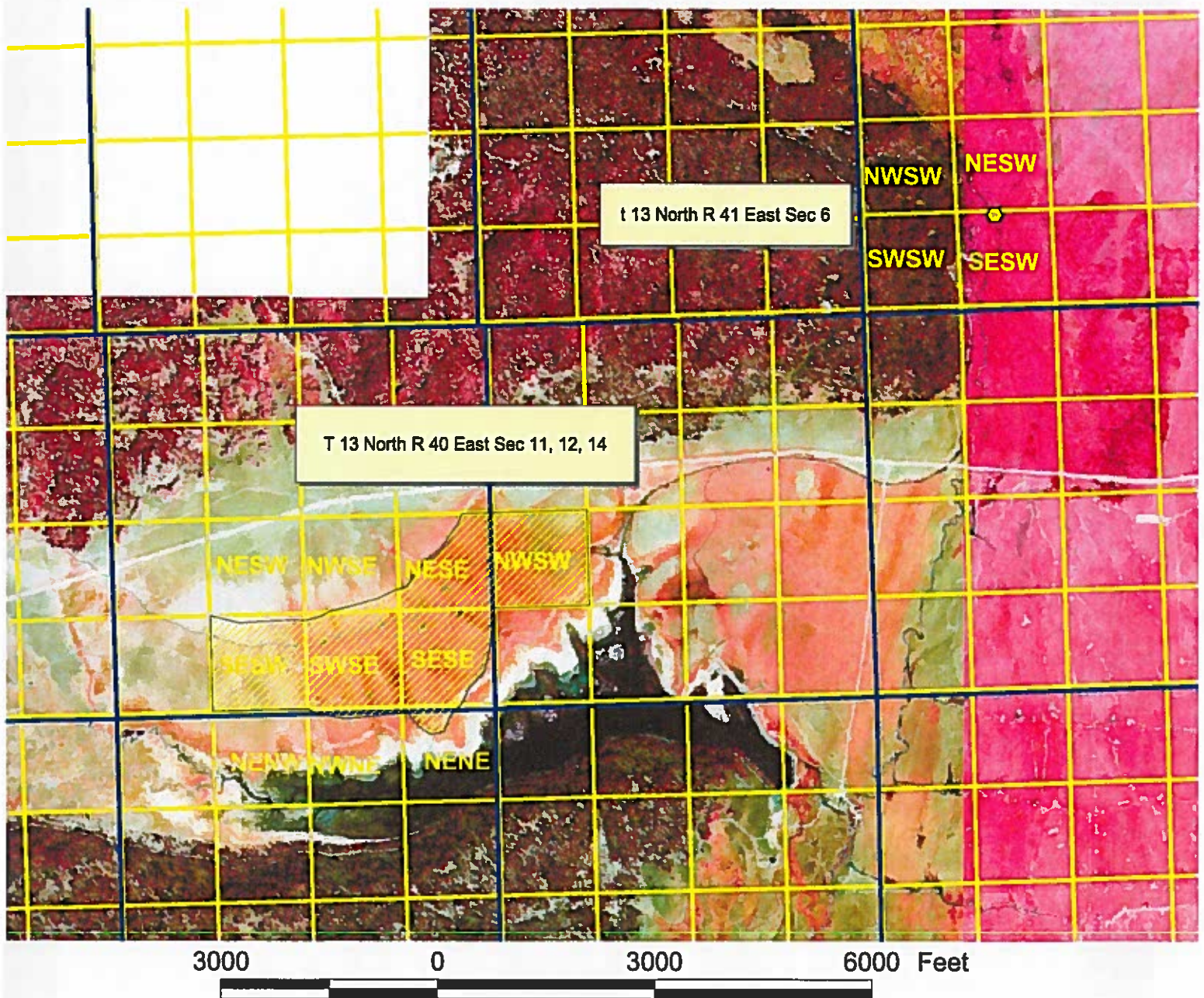
Storage water may be supplemental to this water right (both in and out of priority) when Sheridan Creek natural flow is sufficient to exchange for available Henrys Fork storage.



State of Idaho
Department of Water Resources
Eastern Region



Claim Number(s): 21-2054B



- Place of Use
- Points of diversion
- PLSS Section LinesSections.shp
- Quarter Quarter

PROFILE

GIS Place of Use Illustration
1987/1988 NAPP photography
Prepared by T. Galbraith
Date: July 2005

SCANNED
JUL 07 2006

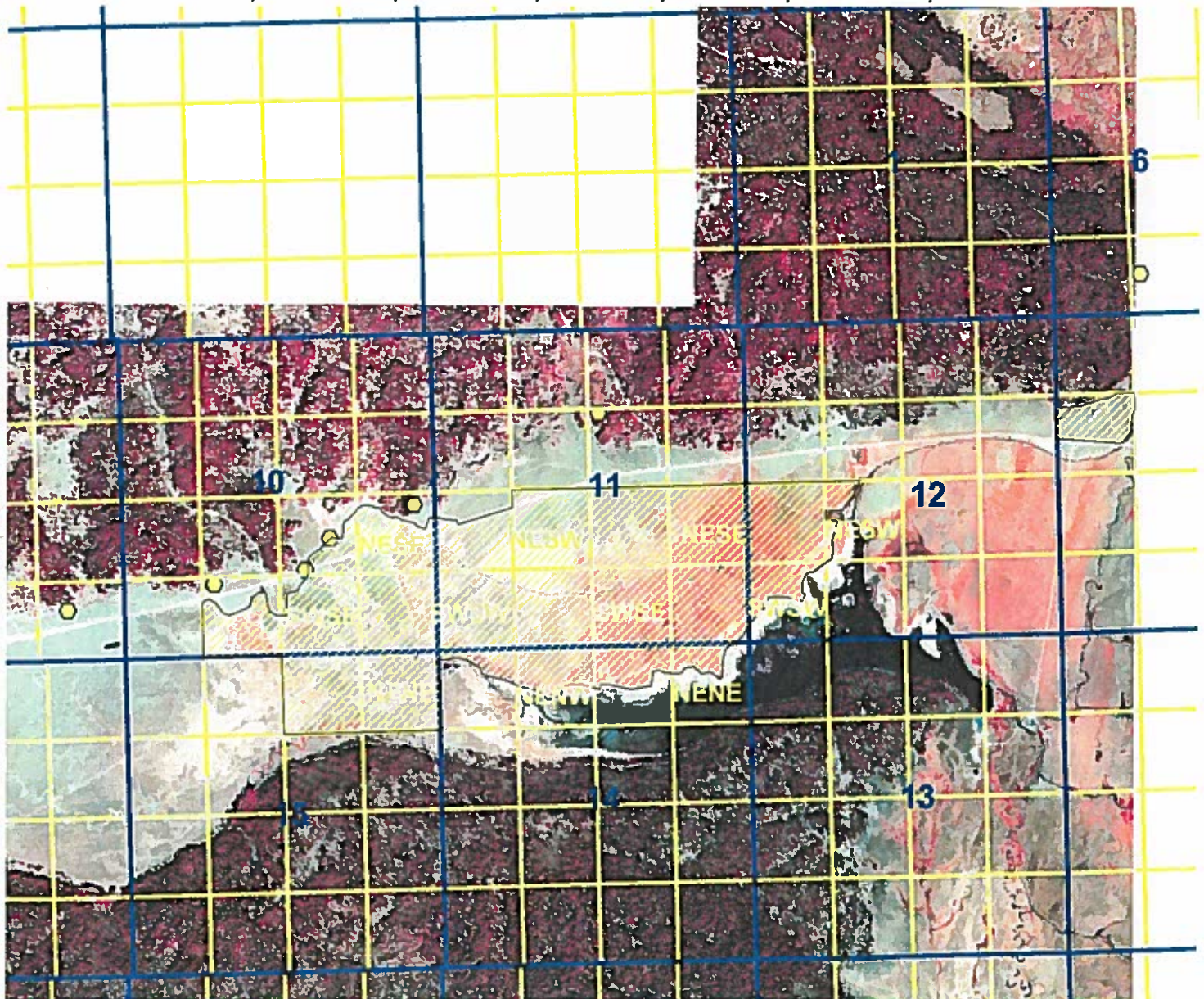




State of Idaho
Department of Water Resources
Eastern Region



Claim No.(s): 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



4000 0 4000 8000 Feet

- Place of Use
- Sections
- Quarter Quarter
- Points Of Diversion

ROFILED

GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepared by T. Galbraith
Date: Dec. 2005

SCANNED

JUL 07 2006



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

1

12/06/2005

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

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

07/12/2005

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

RIGHT NUMBER: 21-2054B
NAME AND ADDRESS: JAMES F HAGENBARTH
PO BOX 1128
DILLON MT 59725-1128

DAVID J HAGENBARTH
PO BOX 1128
DILLON MT 59725-1128

SOURCE: SPRING TRIBUTARY: SHERIDAN CREEK

QUANTITY: 3.800 CFS

PRIORITY DATE: 09/24/1912

POINT OF DIVERSION:
T13N R41E S6 NWSESW 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	3.800 CFS
STOCKWATER	05/01 10/31	0.240 CFS

PLACE OF USE: IRRIGATION Within CLARK County

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	NWSW	36.0
T13N R40E S14	NENE	3.0	T13N R40E S14	NWNE	1.0

STOCKWATER Within CLARK County

T13N R40E S11	SESW	T13N R40E S11	NESE
T13N R40E S11	NWSE	T13N R40E S11	SWSE
T13N R40E S11	SESE	T13N R40E S12	NWSW
T13N R40E S14	NENE	T13N R40E S14	NWNE

190 ACRES TOTAL

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 21-2054B

WATER RIGHT NUMBER: 21-2054B

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	JAMES F 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
Attorney	JOHN BLOOMQUIST DONEY CROWLEY BLOOMQUIST 108 S WASHINGTON PO BOX 1418 DILLON, MT 59725-1418
Attorney	PATTI ROWLAND DONEY CROWLEY BLOOMQUIST 108 S WASHINGTON PO BOX 1418 DILLON, MT 59725-1418
Current Owner	DAVID J HAGENBARTH PO BOX 1128 DILLON, MT 59725-1128 (406)683-2163

Priority Date: 09/24/1912

Basis: License

Status: Active

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

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/01 to 11/01	3.800 CFS	
STOCKWATER	4/01 to 12/31	0.240 CFS	
<u>Total Diversion:</u>		3.800 CFS	

Location of Point(s) of Diversion

SPRING	NW1/4SE1/4SW1/4	Sec. 6,	Twp 13N,	Rge 41E, B.M.
CLARK County				

Place of UseIRRIGATION Within CLARK County

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	NWSW	36.0
T13N R40E S14	NENE	3.0	T13N R40E S14	NWNE	1.0

Total Acres: 190

PROFILED

SCANNED
APR 11 2005

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 21-2054B

STOCKWATER Within CLARK County

T13N R40E S11	SESW	T13N R40E S11	NESE
T13N R40E S11	NWSE	T13N R40E S11	SWSE
T13N R40E S11	SESE	T13N R40E S12	NWSW
T13N R40E S14	NENE	T13N R40E S14	NWNE

Conditions of Approval:

Remarks:

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

Comments: OWNERSHIP CHANGED 04/12/2005 KMJ

PROFILED

SCANNED
APR 11 2005

SCANNED

AUG 11 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: A21-02054B
Date Received: 8/09/1988
Receipt No: E001147
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
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

A2102054B



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

MICROFILMED

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. Hagerlindt 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

Carlsen, Ernie

From: Olenichak, Tony
Sent: Monday, August 27, 2007 5:27 PM
To: Carlsen, Ernie
Subject: Remark and limitations for Hagenbarth claims

Ernie,

Here is your proposed remark for the Hagenbarth claims with the delivery limitations historically applied by Water District #1 to diversions with storage deliveries/exchanges on tributaries to the Henrys Fork and Snake River:

REMARK: Storage water may be diverted from this source when it is available for exchange.

Limitations:

- 1) Storage may not be delivered/exchanged when there isn't enough Sheridan Creek water to fill senior downstream Sheridan Creek water rights.
- 2) Storage may not be delivered/exchanged to diversions on Sheridan Creek when a "futile call" is in place on Sheridan Creek, e.g., Sheridan Creek is not reaching the Henrys Fork River/Island Park Reservoir.
- 3) The cumulative discharge rate of storage delivery/exchange to all Sheridan Creek diversions may not exceed the discharge of Sheridan Creek flowing into the Henrys Fork River/Island Park Reservoir.
- 4) Storage delivery/exchange is limited to reservoir fill volume and allocation computed by Water District #1 each year. For example, if the claimant has 60 acre-feet of Island Park Reservoir space and 190 acre-feet of Palisades Water User Shares, and the fill to Island Park spaceholders is 62% and the fill to Palisades spaceholders is 15%, the amount of storage to be delivered/exchanged is limited to the 37.2 acre-feet of Island Park allocation plus 28.5 acre-feet of Palisades allocation (65.7 acre-feet total storage available).
- 5) Island Park allocated storage may only be used on 80 acres located in the NESW and NWSE of Section 11, Twp 13N, Rge 40E, according to the Fremont-Madison Irrigation District's place-of-use records.
- 6) If the place-of-use is subdivided and sold, storage may not be available to subdivided lots or new owners of the natural-flow water right(s), i.e., the current owner may retain ownership of the storage shares in Fremont-Madison Irrigation District and/or Palisades Water Users, Inc. (the ownership of storage shares doesn't necessarily convey to new owners of the natural-flow right or property).

Tony

RECEIVED
APR 21 2006
DEPARTMENT OF
WATER RESOURCES

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

In Re SRBA

A. Subcase

21-2054B
(Insert water right number)

Case No. 39576

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: JAMES F. HAGENBARTH
Address: P.O. Box 1128
Dillon, MT 59725
Daytime Phone: 406 683-2163

Name & Address of Attorney, if any:

John M. Marshall, Esq.
Givens Pursley LLP
601 W. Bannock Street
Boise, ID 83702

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: JAMES F. HAGENBARTH & DAVID J. HAGENBARTH
Address: P.O. Box 1128
Dillon, MT 59725

60 AF/A Island Park

PROFILED

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☐ **Name and Address**
Should be: _____
2. ☐ **Source**
Should be: _____
3. ☐ **Quantity**
Should be: _____
4. ☐ **Priority Date**
Should be: _____
5. ☐ **Point of Diversion**
Should be: _____
6. ☐ **Instream Flow Beginning and Ending Point**
Should be: _____
7. ☐ **Purpose(s) of Use**
Should be: _____
8. ☐ **Period of Year**
Should be: _____
9. ☒ **Place of Use**
Should be: SAME EXCEPT DELETE: S12 SWNW & S15 SESE
CHANGE TOTAL TO 668.9.
10. ☐ **I object because:**
 - ☐ This water right Should not exist.
 - ☐ This water right was not recommended, but Should be recommended with the elements described above.

E. **REASONS SUPPORTING OBJECTIONS(S):** See ATTACHMENT
Need To Amend other provisions.

07/12/2005

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: 21-2054B

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):

PLACE OF USE, Combined RIGHTS; combine rights POU & MAP

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

T13N 40E
Sec 11 - SE3W-40 SECTION 12: NWSW-36 Sec 14: NENE-3
SESE-36 NESE-29
NWSE-5
SWSE-40 NWNE-1

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

PLACE OF USE in recommendation describes LAND FOR
21-2054A belonging to RIVERBEND (FRANK VANDERSLIT)
SEE ORIGINAL CLAIM FOR POU FOR 21-2054B.

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

DATE: _____

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

1) Combined RIGHTS: This right is used in combination with:
21-4170, 4171, 4172, 4173, 4174, 4175, 12854, 12439 & 12438.

Combined RIGHT POU & MAP: map needs to identify places of
USE FOR THE combined rights.

combine basin 31 rights

SCANNED

JUL 07 2006

FILED



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. SKYLINE DR., SUITE A, IDAHO FALLS, ID 83402-1718

PHONE: (208) 525-7161 FAX: (208) 525-7177 WEB SITE: www.idwr.state.id.us

EASTERN REGION

April 15, 2005

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

RE: NOTICE(S) OF CHANGE OF WATER RIGHT OWNERSHIP FOR NOTICE(S) OF CLAIM TO A WATER RIGHT

Dear Claimant:

The request for Change of Water Right Ownership concerning the above-referenced Notice(s) of Claim has been processed and the Department's records updated to reflect you as the new claimant.

The enclosed report shows this change along with listing the elements of the water right being claimed. Please review this report and contact this office if there are corrections or questions.

Respectfully yours,

Katy Jackson
Office Specialist 1

Enclosure

PROFILED

SCANNED
JUL 07 2006

$$2$$

P.O. Box 1128
Dillon, Montana 59725

Phone: (406) 683-2163

FAX COVER SHEET

Time: 9:21 AM

Fax: 208 525-7177

Number of pages including cover sheet: 1

Trent:

I have three rights with a source that is identified as a spring (Morrain Springs) that is tributary to Sheridan Creek: 21-12854, 21-12939 and 21-2054B. All of these rights are relatively junior. I also hold contracts for storage water that total 60 AF in Island Park Reservoir and 190 AF in Palisades Reservoir. To the extent there has been water master control of my Basin 21 rights in the past, my out-of-priority diversions from Morrain Springs, which is a tributary to Sheridan Creek, have been offset by releases from the two reservoirs. To preserve this practice in the decrees, I propose the following language for these rights to be added to the "other provisions necessary" portion of the decree: "water may be diverted out of priority under this right when an equivalent amount of water is being provided by storage water." This language would clearly explain to all how and where the storage water may to be delivered. Thanks for your attention and diligence.

Jim Hagenbarth

HLHLHLHLHLHLHLHLHLHLHLHLHLHLHLHLHLHLHLHLHLHLHLHL

PROFILES

SCANNED
JUL 07 2006

Received Time Jan. 6. 9:13AM

OKC
4-12-05

RECEIVED

MAR 07 2005

Department of Water Resources
Eastern RegionRECEIVED
MAR 10 2005
Department of Water Resources
Eastern Region

STATE OF IDAHO

IDAHO DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
-----------------------	------------------------------	-------	-----------------------	------------------------------	-------

SEE ATTACHED WATER RIGHT LIST

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts. \$1100⁰⁰
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water rights(s) or claims(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use your water rights(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county.)

OR

If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant Estate of Margaret Hagenbarth
4. New Owner/Claimant(s) David J. Hagenbarth & James F. Hagenbarth
Name connector (check one): ☒ and ☐ or, ☐ and/or
- New Mailing Address PO Box 1128
- City, State and ZIP Code Dillon, MT 59725
- New Telephone Number _____
5. Date you acquired the property November 19, 2004

SCANNED

APR 11 2005

PROFIT

CHANGE COMPLETED
DATE: 4/12/05
KMD

21-2054B

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc.)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
TOTAL	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc.)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
TOTAL	_____	_____

7. Signature of New Owner(s) Or Claimant(s) David J. Hagenbarth
(include title if applicable)

David J. Hagenbarth

James F. Hagenbarth

For Snake River Basin Adjudication Claims: Please attached a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him or her for all matters related to your claims.

For Office Use Only

Received by gc Date 3-10-05 Fee \$1100-
 Received by gc Date 3-10-05 Receipt No. E030670
 Processed by _____ Date _____ WR _____ Date _____

PROCESSED

SCANNED

APR 11 2005

BASIN 21

Stockwater

21-12433 X - claim
21-10111 ✓ PD
21-10110 ✓ PD
21-10108 X - claim
21-10109 X - claim

Stockwater & Irrigation

21-2054B *
21-4170 *
21-4171 *
21-4172 *
21-4173 *
21-4174 *
21-4175 *
21-12854 - *
} claims

WATER DISTRICT 01

01-2068A (storage - Palisades) → renumbered to 21-12938 X (claim)
01-340 - D.V. Hagenbarth → renumbered to 21-12939 X (claim)

G:\WPDATA\KWP\2555.005 Hagenbarth\Water Rights.wpd.cdv

PROFILED

SCANNED
APR 11 2025

BASIN 31

Domestic & Stockwater

31-306 ✓	PD
31-7501 ✓	PD
31-7649 ✓	WR only
31-10153 ✓	PD
31-10156 ✓	PD
31-10160 ✓	PD
31-10161 ✓	PD
31-10162 ✓	PD
31-10163 ✓	PD
31-10254 ✓	PD
31-10255 ✓	PD
31-10256 ✓	PD
31-10257 ✓	PD
31-10258 ✓	PD
31-10261 ✓	PD

Irrigation & Stockwater

31-67A ✓	PD
31-67B ✓	PD
31-253 ✓	PD
31-254 ✓	PD
31-296 ✓	PD
31-297 ✓	PD
31-299A ✓	PD
31-300A ✓	PD
31-301 ✓	PD
31-307 ✓	PD
31-324 ✓	PD
31-373 ✓	PD
31-374 ✓	PD
31-2077 ✓	PD
31-2125 ✓	PD
31-2274 ✓	PD
31-2275 ✓	PD
31-4027 ✓	PD
31-10208 ✓	PD
31-10212 ✓	PD
31-10216 ✓	PD
31-10218 ✓	PD
31-10245 ✓	PD
31-10259 ✓	PD
31-10740 ✓	PD
31-11789 ✓	PD
31-11790 ✓	PD

PROFILED

SCANNED

APR 11 2005

**PERSONAL REPRESENTATIVE'S
DEED OF DISTRIBUTION**

THIS INDENTURE is made this 19 day of November, 2004, between David J. Hagenbarth and James F. Hagenbarth, Co-Personal Representatives of the Estate of Margaret Hagenbarth, the "Grantor", and David J. Hagenbarth and James F. Hagenbarth, each as his sole and separate property, whose mailing address is c/o David Hagenbarth, P. O. Box 1128, Dillon, Montana, 59725, the "Grantee".

WHEREAS, Grantor is the duly appointed and acting personal representative of the Estate of Margaret Hagenbarth, deceased; and

WHEREAS, Grantee is entitled to receive distribution of the Estate's interest in the property hereafter described in this deed under the terms of the Last Will and Testament of the decedent and pursuant to the provisions of the Idaho Uniform Probate Code;

NOW, THEREFORE, WITNESSETH, that the Grantor, for a valuable consideration, and for the purpose of distributing certain real property from the Estate of Margaret Hagenbarth, deceased, does by these presents hereby distribute, grant, bargain, sell, convey, and confirm unto the Grantee, and to the Grantee's heirs and assigns forever, all of the Estate's interest in that certain parcel of land, situate, lying and being in Clark County, Idaho, and more particularly described as follows:

See the Attached Legal Descriptions

TOGETHER with all and singular the tenements, hereditaments, and appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof;

SUBJECT to all existing easements or claims of easements, patent reservations, rights of way, protective covenants, zoning ordinances, and applicable building codes, laws and regulations, encroachments, overlaps, boundary line disputes and other matters which would be disclosed by an accurate survey or inspection of the premises.

TO HAVE AND TO HOLD, the premises and the appurtenances unto the Grantee, and to Grantee's heirs and assigns forever.

In construing this deed and where the context so requires, the singular includes the plural. The property distributed hereunder shall be the sole and separate property of the Grantee and the income thereon shall be the sole and separate property of the Grantee.

PROFILED

APR 11 2005

IN WITNESS WHEREOF, the Grantor has executed the within instrument the day and year first above written.

David J. Hagenbarth

David J. Hagenbarth
Personal Representative

James F. Hagenbarth

James F. Hagenbarth
Personal Representative

STATE OF MONTANA)
)ss.
County of Beauregard)

On the 19th day of November, 2004, before me, the undersigned, a notary public in and for said State, personally appeared David J. Hagenbarth known or identified to me to be the person whose name is subscribed to the within instrument as Co-Personal Representative of the Estate of Margaret Hagenbarth and acknowledged to me that he executed the same as such Co-Personal Representative.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.

Shirley Allen

Notary Public for Montana

Residing at: Deer Lodge, Montana

My Commission Expires: July 16, 2008

(seal)

PROFILED

SCANNED

STATE OF MONTANA)
)ss.
 County of Beauregard)

On the 15th day of November, 2004, before me, the undersigned, a notary public in and for said State, personally appeared James F. Hagenbarth known or identified to me to be the person whose name is subscribed to the within instrument as Co-Personal Representative of the Estate of Margaret Hagenbarth and acknowledged to me that he executed the same as such Co-Personal Representative.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.

(seal)

Andrea Allen
 Notary Public for Montana
 Residing at: Dillon, MT 59105
 My Commission Expires: July 16, 2008

G:\WPDATA\GLM\2555-005\Jeed distribution.wpd as

PROFILED

SCANNED

APR 11 2005

Hagenbarth Ranch Legal Description Idaho Unit

7	10 N	36 E	That part of the E1/2E1/2E1/2 east of Old Highway 91	71
8	10 N	36 E	All less Tax 1	638.49
9	10 N	36 E	Tax 1	33.13
17	10 N	36 E	All west of Interstate 15	581.82
18	10 N	36 E	E1/2E1/2E1/2East of Old Highway 91	71
19	10 N	36 E	E1/2NE1/4NE1/4 East of Old Highway 91 East of R/W	10
20	10 N	36 E	N1/2 West of I-15 and east of Old Highway 91	252
19	12 N	37 E	That part of Lot 4 lying north of the Spencer-Kilgore Road, S1/2SE1/4, SE1/4SW1/4	130.25
20	12 N	37 E	That portion of the S1/2S1/2 lying south of the Spencer-Kilgore Road and that portion of the S1/2SW1/4 lying north of the Spencer-Kilgore Road	150.7
24	12 Nv	37 E	NE1/4SE1/4, that portion of the NE1/4 lying south and east of Spring Creek	64.13
29	12 N	37 E	W1/2 except SE1/4SW1/4, SW1/4SE1/4	320
30	12 N	37 E	E1/2E1/2, NW1/4NE1/4, E1/2E1/2W1/2	280
31	12 N	37 E	N1/2NE1/4, E1/2E1/2W1/2, SE1/4	320
32	12 N	37 E	N1/2NE1/4	80
2	12 N	38 E	1 Ac N1/2NE1/4NE1/4	1
2	12 N	38 E	W1/2 Lot 1, W1/2SE1/4NE1/4, Lot 2, SW1/4NE1/4, S1/2NW1/4, NE1/4SW1/4, NW1/4SE1/4, W1/2E1/2SE1/4	315.26
11	12 N	38 E	NE1/4NE1/4, S1/2NE1/4, NE1/4SE1/4	160
12	12 N	38 E	W1/2 less SW1/4SW1/4	280

SCAN: 280

APR 11 2015

PROFILED

Section	Twnshp	Range	Legal	Total Acres
13	12 N	38 E	SW1/4NW1/4	40
14	12 N	38 E	S1/2	320
15	12 N	38 E	SE1/4SW1/4, SE1/4	200
17	12 N	38 E	W1/2W1/2	160
18	12 N	38 E	E1/2, E1/2SW1/4, & those portions of the SE1/4NW1/4, Lots 2, 3, and 4 which lie south and east of Spring Creek	490.16
19	12 N	38 E	~~NE1/4, NW1/4, & those portions of Lot 3 and N1/2S1/2 not shown on Spencer-Kilgore Road~~ See attached revision.	419.04
20	12 N	38 E	S1/2NE1/4, NW1/4, N1/2S1/2, SW1/4SE1/4	440
21	12 N	38 E	NE1/4NE1/4, S1/2NW1/4, SW1/4, that portion of SE1/4 lying north of the Spencer-Kilgore Road	344.8
22	12 N	38 E	That part lying north and west of Highway 22	274
23	12 N	38 E	That part of the NW1/4 lying north and west of Highway 22	10
4	12 N	39	E1/2SE1/4	80
25	13 N	38 E	E1/2, E1/2SW1/4	400
35	13 N	38 E	S1/2NE1/4, SE1/4NW1/4, E1/2SW1/4, SE1/4	360
36	13 N	38 E	S1/2SW1/4, SE1/4, W1/2NE1/4, E1/2NW1/4, NE1/4SW1/4, W1/2NW1/4, NW1/4SW1/4	560
11	13 N	39 E	W1/2, W1/2SE1/4	400
13	13 N	39 E	N1/2NE1/4, NE1/4NW1/4, SW1/4NW1/4, W1/2SW1/4, SE1/4SW1/4	280
14	13 N	39 E	All less SW1/4SW1/4	600
23	13 N	39 E	N1/2NE1/4, NE1/4NW1/4	120
24	13 N	39 E	N1/2NW1/4	80
32	13 N	39 E	Tax 1	2.35
10	13 N	40 E	SE1/4SW1/4, SE1/4 less 12 acres Highway 22	200

050903

SCANNED

APR 11 2003

FILED

Section	Twnshp	Range	Le	050903	Total Acres
11	13 N	40 E	All that part of th NW1/4SW1/4 lying south of the Yale Kilgore Road, NE1/4SW1/4, S1/2SW1/4, SE1/4		305.42
12	13 N	40 E	W1/2NE1/4SW1/4, NW1/4SW1/4, NW1/4SW1/4SW1/4		70
14	13 N	40 E	N1/2N1/2NE1/4, N1/2NW1/4, SE1/4NW1/4, N1/2SW1/4		240
15	13 N	40 E	N1/2NE1/4, NE1/4SE1/4		120
17	13 N	40 E	SW1/4NW1/4		40
18	13 N	40 E	N1/2NE1/4, Lot 1		120.5
21	13 N	40 E	SW1/4NE1/4, Lots 3, 4, 5, 6 and 7, SE1/4NW1/4, E1/2SW1/4, SE1/4		514.36
22	13 N	40 E	S1/2SW1/4		80
23	13 N	40 E	NW1/4SW1/4, S1/2SW1/4		120
26	13 N	40 E	N1/2NW1/4, SW1/4NW1/4		120
27	13 N	40 E	E1/2NE1/4, NW1/4NE1/4, NW1/4, NW1/4SW1/4		320
28	13 N	40 E	N1/2, N1/2SW1/4		400
29	13 N	40 E	Lots 1, 2 and 3, SE1/4NW1/4, S1/2NE1/4, NE1/4SE1/4		280
6	13 N	41 E	Lots 1, 2, S1/2NE1/4, SE1/4		318.8
7	13 N	41 E	Lot 1, NE1/4NW1/4 less parcel # 2412 and those portions of Lot 2 and the SE1/4NW1/4 which lie North of the Kilgore Road		132.22

The legal description for Parcel 2412 is as follows:

A portion of the N $\frac{1}{2}$ NW $\frac{1}{4}$ of Section 7, Township 13 North, Range 41 E.B.M., Clark County, Idaho, described as:

Beginning at a point that is E. along the N. Section line 1132 feet from the NW corner of said Section 7, and running thence E. 528 feet; thence S. 1056 feet; thence W. 528 feet; thence N. 1056 feet to the point of beginning.

SCANNED

APR 11 2005

CORRECTED DESCRIPTION
Distribution of Margaret Hagenbarth Estate

Section 19 , 12 North 38 East

N1/2NE1/4, SW1/4NE1/4, E1/2NW1/4, Lots 1 and 2, and those portions of Lot 3,
NE1/4SW1/4 and the N1/2SE1/4 which lie north of the Spencer-Kilgore Road.

Microfilm No. 050903
6 Day Dec. 20 04
At 11:15 O'Clock A M
CONNIE S. OWEN
Clark Co. Recorder
Fee \$ 21-
Becky Nordstrom Deputy
Recorded at Request of
Holden, Kidwell

PROFILED

APR 11

State of Idaho License and Certificate of Water Right

Water License No. 8990

Amount 75.2

Water District No. 76-A

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, 1916, showing that said works were completed on the 27th day of January, 1918; 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 corner bet. Secs. 9-16, T. 13 N., R. 40 E., S. 4; Sheridan Creek Feeder in the 1/4 Sec. 14, T. 13 N., R. 40 E., S. 4; canal bears N. 53° 16' E., 1638' from 1/2 Cor. bet. Secs. 7-12, T. 13 N., R. 41 E., S. 4.

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 75.2 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 ¹ / ₂ SE ¹ / ₄	80	80
		16	All	640	640
		17	All	640	640
		18	E ¹ / ₂	320	320
		20	All	640	640
		21	All	640	640
13 N.	40 E.	12	S ¹ / ₂ NE ¹ / ₄	80	80
			W ¹ / ₂ SE ¹ / ₄	80	80
			SW ¹ / ₄	160	160
		11	SE ¹ / ₄	160	160
		10	SW ¹ / ₄ SW ¹ / ₄	40	40
		15	W ¹ / ₂ NW ¹ / ₄	80	80
			NE ¹ / ₄ NW ¹ / ₄	40	40
			E ¹ / ₂ NE ¹ / ₄	80	80
		14	N ¹ / ₂ NW ¹ / ₄	80	80

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place 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

(This report must be sworn to when not made by an attache of the office.)

STATE OF IDAHO,

County of

Clark

85.

A. J. Anderson

, being first duly sworn, deposes and says that the

statements contained in the within report are correct to the best of his knowledge and belief.

Subscribed and sworn to before me this 7 day of Sept 1920

My commission expires

1924

Clayton

Notary Public.

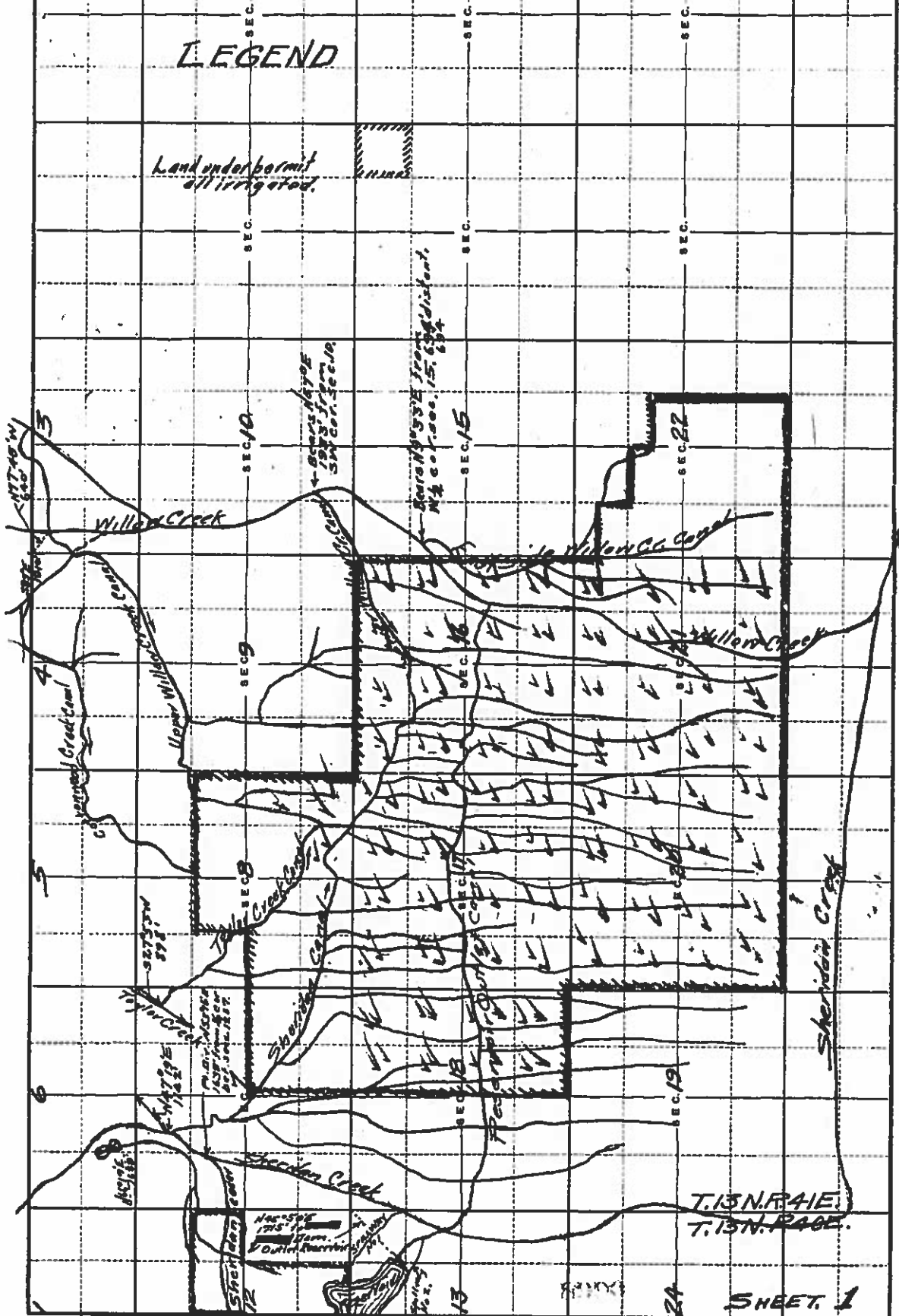
Instructions to Examiners

1. Examiners will not be permitted to examine any of the receipts in the office pertaining to this permit. They are to furnish a report of the facts and conditions as they exist, from their own observations and inquiries.
2. Always carefully note the location of the point of diversion, and accurately plat same.
3. Find out how many parties own right in the ditch or canal and give their names and amount of right.
4. When proof is for beneficial use, carefully check up the number of acres actually irrigated in each forty and accurately plat same.
5. Make a map showing the correct location of streams and ditches, and the irrigated lands, and any adjacent permanent landmarks, such as towns, lakes, large streams and public roads.
6. If any unusual conditions are discovered, make a plain statement of them under permit.
7. Always see the holder, if possible, and go over the whole ground with him, and make your report only upon actual existing facts and conditions.

SHEET 1

LEGEND

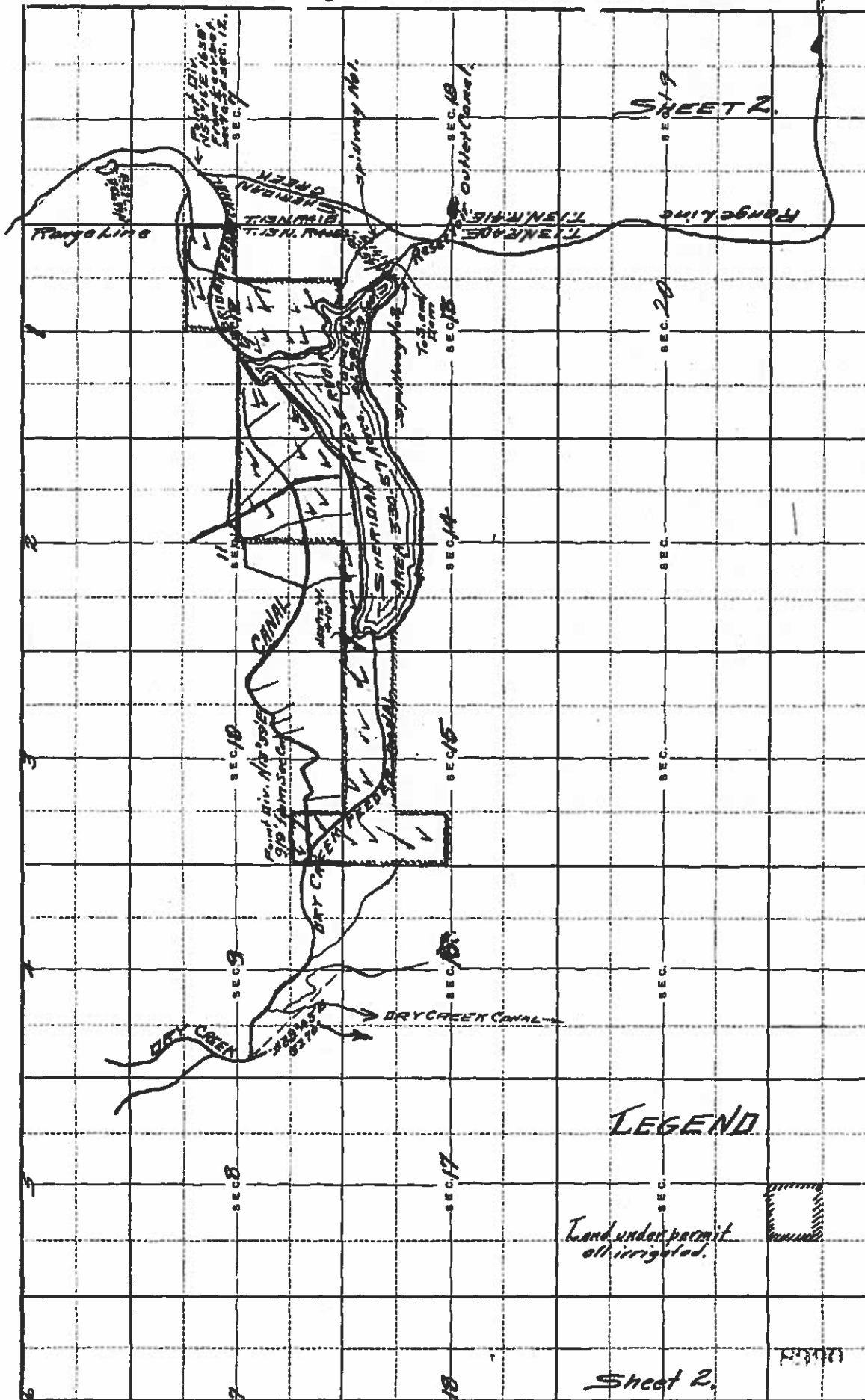
Land under permit
all irrigated.



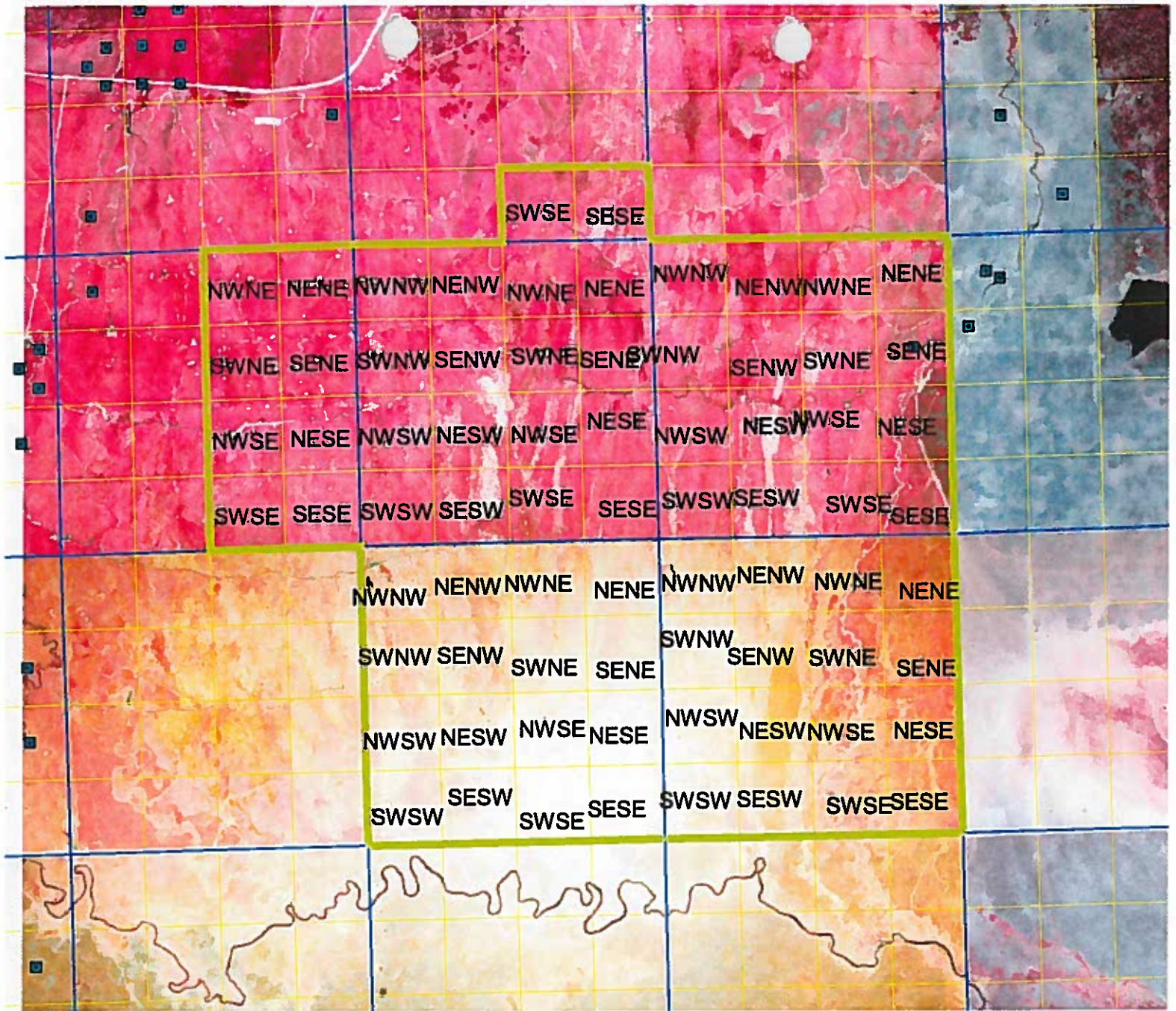
NAME OF APPLICANT

Hagenbarth

Permit 8990



SCALE: 2 INCHES=1 MILE. DRAW PLAN IN INK.



21-02054B
T13N R41E

SCANNED
DEC 17 2004

PROFILED

AUG 10 2001



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
GOVERNORKARL 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". The signature is written in dark ink and is positioned above the printed name and title.

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
James F. Hagenbarth

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