

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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
) Water Right 21-02054C

NAME AND ADDRESS: STATE OF IDAHO
DEPT OF LANDS
300 N 6TH ST
PO BOX 83720
BOISE, ID 83720-0050

SOURCE: SPRING TRIBUTARY: SHERIDAN CREEK

QUANTITY: 0.624 CFS

PRIORITY DATE: 09/25/1912

POINT OF DIVERSION: T13N R41E S06 SWSESW Within Clark County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	05-01 TO 10-31	0.624 CFS

PLACE OF USE: Irrigation Within Clark County

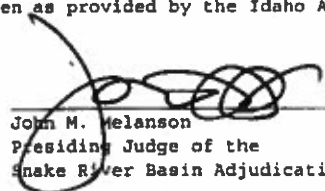
T13N R40E S12	SWNE 10.5	SENE 16.7
	SENE 4.0	
31.2 Acres Total		

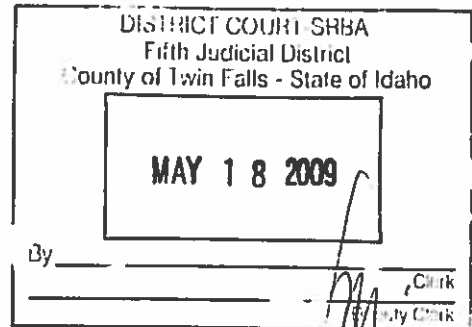
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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. 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 M. Melanson
Presiding Judge of the
Snake River Basin Adjudication



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

RIGHT NUMBER: 21-2054C

NAME AND ADDRESS: STATE OF IDAHO
DEPT OF LANDS
300 N 6TH ST
PO BOX 83720
BOISE ID 83720-0050

SOURCE: Source: Tributary:
SPRING SHERIDAN CREEK

QUANTITY: 0.624 CFS 0.000 AFY

PRIORITY DATE: 09/25/1912 ~~09/24/1912~~

POINT OF DIVERSION: T13N R41E S6 SWSESW Within CLARK County

PURPOSE AND PERIOD OF USE:	<u>Purpose of use</u>	<u>Period of use:</u>	<u>Quantity:</u>
	IRRIGATION	05/01 10/31	0.624 CFS

PLACE OF USE: IRRIGATION within CLARK County

T13N R40E S12 SWNE 10.5

T13N R40E S12 SENE 16.7

T13N R40E S12 SENW 4.0

31.2 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

Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

Created By:

Denise Kidman:

Date: 10-27-08

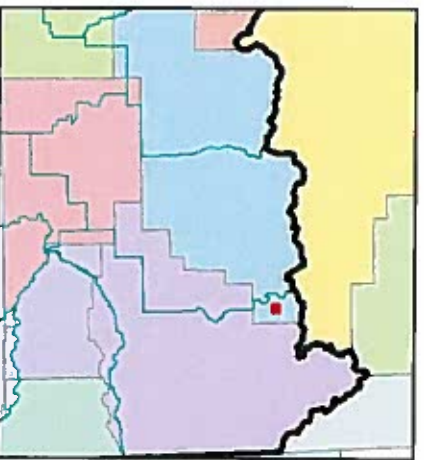
Idaho Department of Water Resources



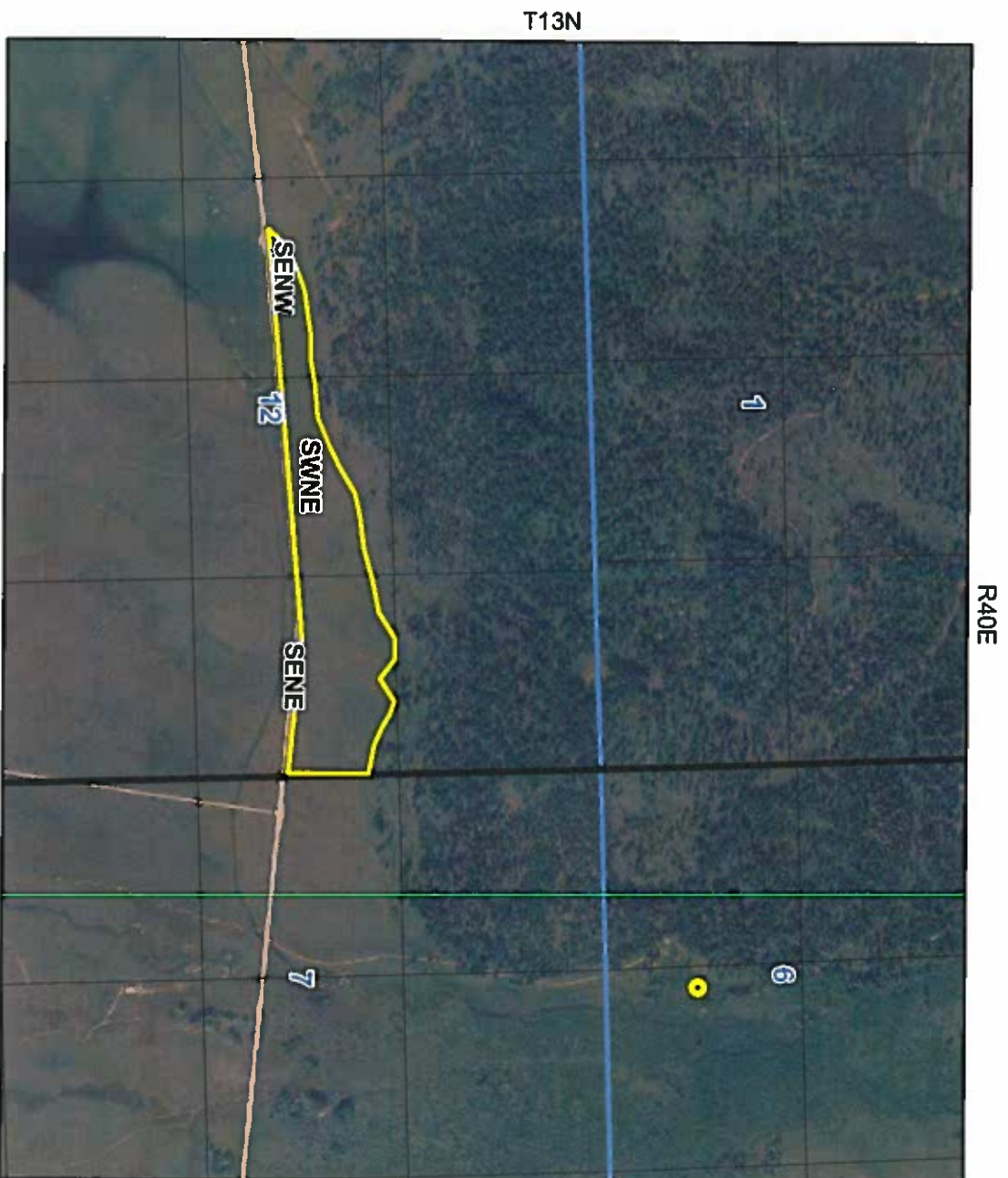
SRBA Recommendation
21-2054C
(IRRIGATION)

Legend

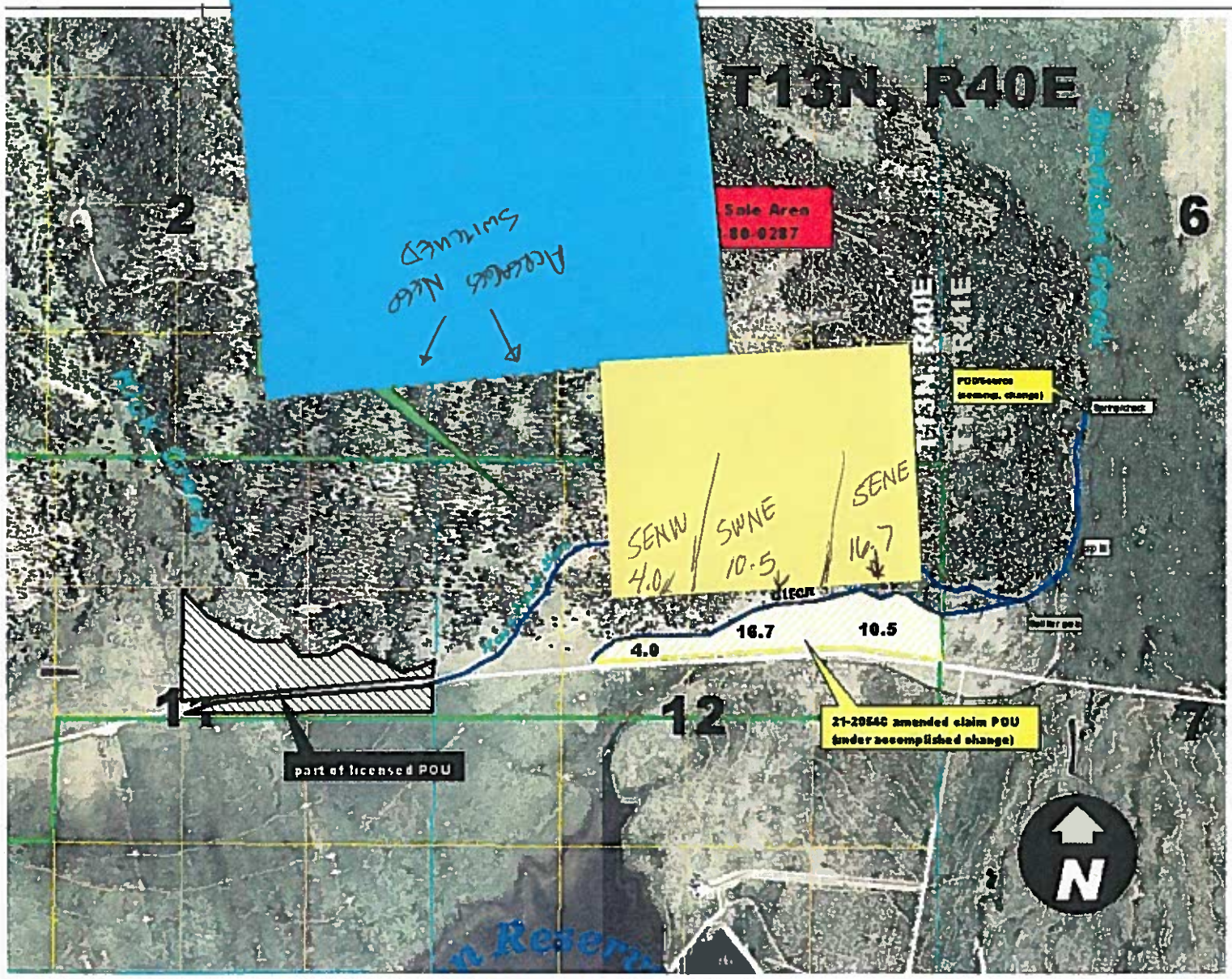
- Point of Diversion
- Place of Use
- State Outline
- Townships
- PLS Sections
- Quarter Quarters

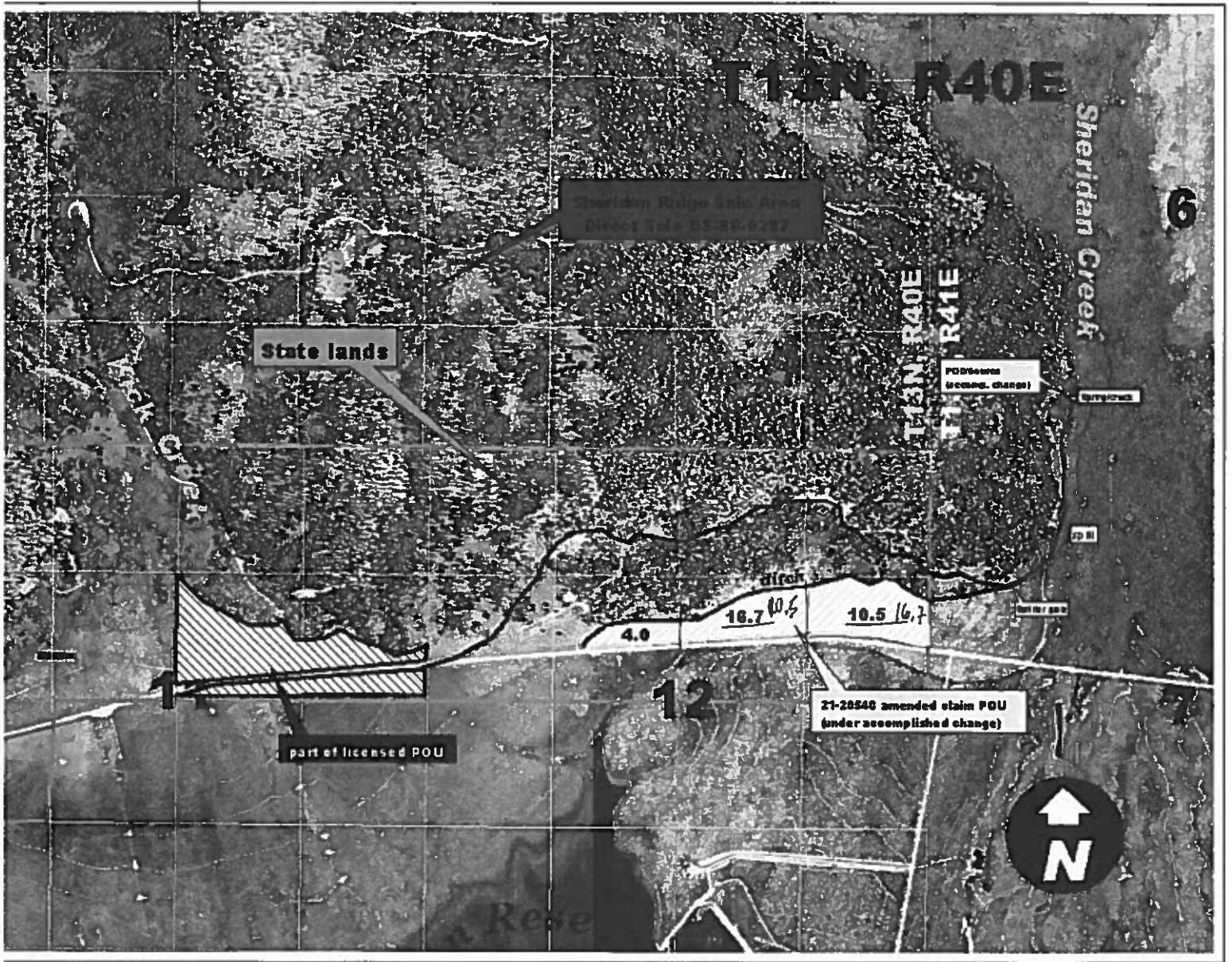


Clark County
IDWR Basin 21



Prepared by Denise Kidman
On October 27, 2008
2004 Aerial Photography





COPY

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
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

CIV
AME
Ide
Dat
Rec
Rec

Need To
Adjust

Add CFS 3 ~~Done~~
CFS 5 ~~Done~~

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~~
SPRING ~~SHERIDAN CREEK~~

~~TRIBUTARY: SHERIDAN CREEK~~
TRIBUTARY: SHERIDAN CREEK ~~ISLAND~~
~~PARK RESERVOIR~~

4. Point of Diversion:

Township	Range	Section	¼ of	¼ of	¼ Lot	County	Type
13N	40E	9	NW	SW		CLARK County	
13N	41E	67	SWNW	SE	SWNW	CLARK County	

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	10/31/15	<u>0.624</u> 2-87 CFS

7. Total Quantity Appropriate is: 0.624 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	26.00
						Section Acres	26.00
13N	40E	12	SW	NE		IRRIGATION	109.500 - 18.7
			SE	NE		IRRIGATION	16.200 - 10.5
			SE	NW		IRRIGATION	4.000
						Total Acres	611.2

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:

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 Idaho of
Title
State of Idaho, Department of Lands and that the statements contained in the
Organization
Foregoing document are true and correct.

Patrick A. Brown
Signature of Authorized Agent

Title

Area Supervisor - EI
State of Idaho, Department of Lands

Date

8/13/07

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, ID

My commission expires: 9/23/09



COPY

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

Subcase No. 21-2054C

(Insert Water Right Number)

Case No. 39576

CERTIFICATE OF SERVICE

I certify that on this 4th day of September 2007, I caused to be served the originals and/or copies of the Amended Notice of Claim for subcase no. 21-2054C and of the letter dated September 4, 2007 addressed to Diana Delaney, chief Clerk, on the following persons by the indicated method:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

- ☒ U.S. Mail, postage prepaid
☐ Hand Delivery
☐ Federal Express
☐ Facsimile: (208) 736-2121
☐ Statehouse Mail

2. Copies to

State of Idaho,
Department of Lands
954 W. Jefferson
P.O. Box 83720
Boise, ID 83720-0050

- ☐ U.S. Mail, postage prepaid
☐ Hand Delivery
☐ Federal Express
☐ Facsimile:
☒ Statehouse Mail

James F. Hagenbarth
PO Box 1128
Dillon MT 59725-1128

- ☒ U.S. Mail, postage prepaid
☐ Hand Delivery
☐ Federal Express
☐ Facsimile:
☐ Statehouse Mail

John M. Marshall
Givens Pursley LLP
PO Box 2720
Boise ID 83701

- ☒ U.S. Mail, postage prepaid
- ☐ Hand Delivery
- ☐ Federal Express
- ☐ Facsimile:
- ☐ Statehouse Mail

United States Department of Justice
Environment and Natural Resource
Division
550 West Fort Street, MSC 033
Boise, ID 83724

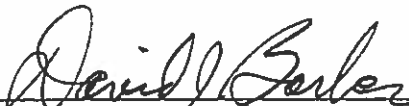
- ☒ U.S. Mail, postage prepaid
- ☐ Hand Delivery
- ☐ Federal Express
- ☐ Facsimile: (303) 312-7379
- ☐ Statehouse Mail

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

- ☐ U.S. Mail, postage prepaid
- ☐ Hand Delivery
- ☐ Federal Express
- ☐ Facsimile: _____
- ☒ Statehouse Mail

Chief of Natural Resource Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, Idaho 83711-4449

Not Applicable



DAVID J. BARBER
Deputy Attorney General



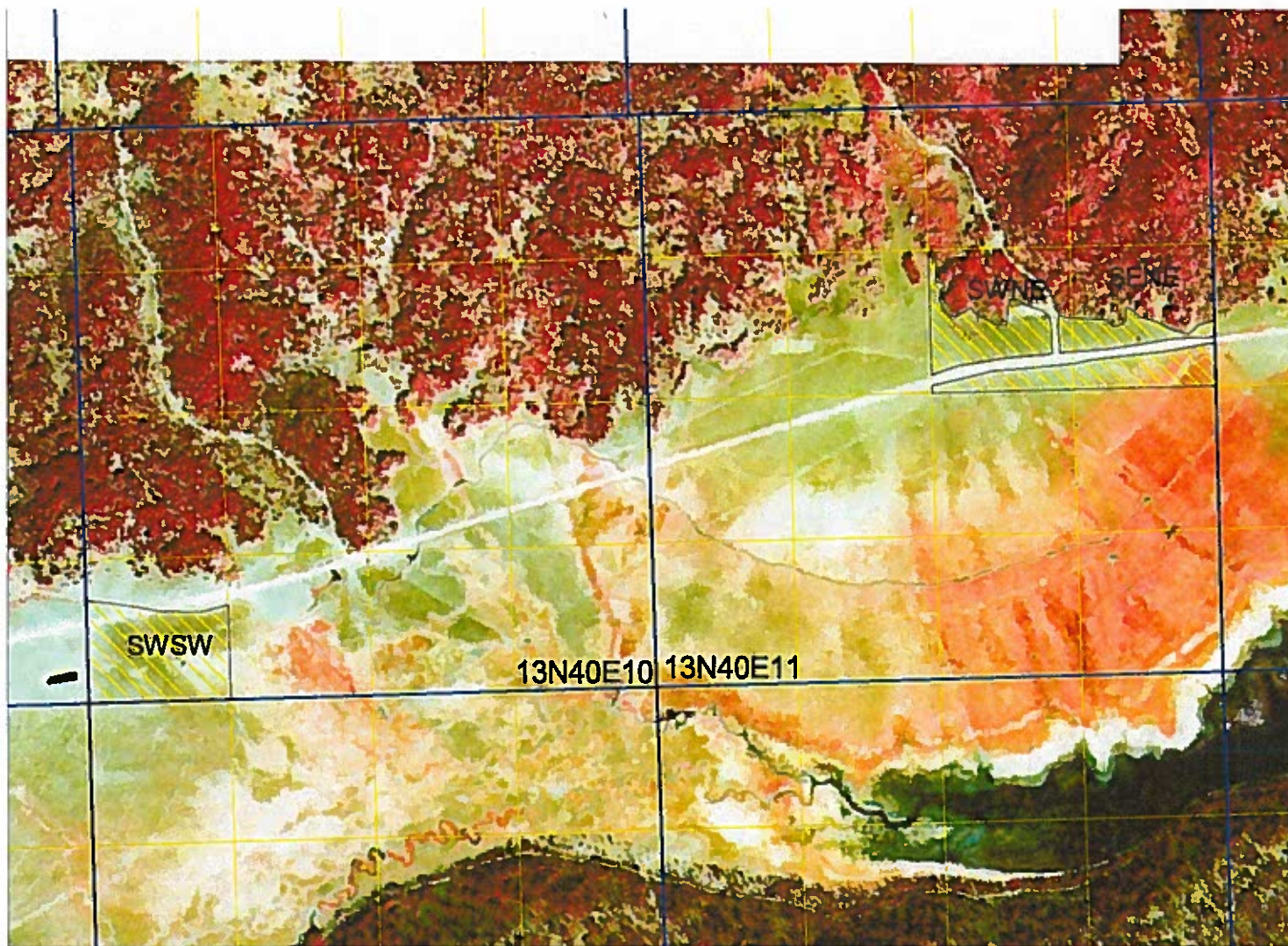
State of Idaho

Department of Water Resources

Eastern Region



Water Right(s): 21-2054C



Acres Irrigated = 61

2000 0 2000 4000 Feet

- 21-2054c.shp
- Basins
- Sections
- Quarter Quarter

SCANNED
JUL 07 2006

PROFILED



GIS Place of Use Illustration
1987/1988 NAPP photography
Prepared by R. Mikesell
Date: January 2006

01/13/2006

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

RIGHT NUMBER: 21-2054C

NAME AND ADDRESS: STATE OF IDAHO
DEPT OF LANDS
954 W JEFFERSON
PO BOX 83720
BOISE ID 83720-0050

SOURCE: DRY CREEK
SHERIDAN CREEK

TRIBUTARY: SHERIDAN CREEK
TRIBUTARY: ISLAND PARK RESERVOIR

QUANTITY: 2.400 CFS

PRIORITY DATE: 09/24/1912

POINT OF DIVERSION:

T13N R40E S9 NWSW Within CLARK County

T13N R41E S7 NWSEW Within CLARK County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	05/01 10/15	2.400 CFS

PLACE OF USE: IRRIGATION Within CLARK County

T13N R40E S10	SWSW	26.00	T13N R40E S11	SWNE	19.00
T13N R40E S11	SENE	16.00			

61 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

AUG 16 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: A21-02054C
Date Received: 8/2/89
Receipt No: C008802
Received By: 9/

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

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

83720

Department of

2. Date of Priority: SEP 24, 1912

3. Source: SHERIDAN CREEK
DRY CREEK

Trib. to: ISLAND PARK RESERV
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.

MICROFILMED
OCT 20 1992

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 _____ Title
_____, that I have signed the foregoing
Organization
document in the space below as _____ Chief, Bureau of Range Management of
Idaho Department of Lands _____ Title
_____, and that the statements contained in the
Organization
foregoing document are true and correct.

Donald E. Hobbs
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



Idaho Department of Water Resources

MEMORANDUM

File: 21-2054C
Date: October 27, 2008
Subject: Recommendation

POU was claimed as 21-2054C and owned by State of Idaho but was split from 21-108 (Hagenbarth) into 21-108A (State of Idaho). Same POU was claimed by both Hagenbarth and State of Idaho which caused the confusion. Hagenbarth has an agreement with State of Idaho for POU.

21-108A was disallowed and recommended as 21-2054D.

From the original claim, the following changes were made:

- Deleted Dry Creek as POD

- Deleted POD description for Dry Creek

- Actual POD is located T13N R41E SEC 6 SWSESW

- POU was updated to T13N R40E SEC 12 SWNE = 10.5 acres

 - SENE = 16.7 acres

 - SENE = 4.0 acres

- Dry Creek POD was renumbered as 31-11982

These changes should solve the objections. An SF5 will be sent to the legal department in Boise.

In Re SRBA) SUBCASE: 21-02054C
)
)
) STANDARD FORM 5
)
) STIPULATED ELEMENTS OF A WATER
Case No. 39576) RIGHT
)

The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

OBJECTOR:
James Hagenbarth

John Marshall
GIVENS PURSLEY
Attorney for James Hagenbarth

IDWR CONCURRENCE:

Denise Kidman 10-27-08
Denise Kidman Date

Garrick Baxter Date
Deputy Attorney General
Attorney for IDWR

CERTIFICATE OF MAILING

I certify that on _____, 2008, I mailed the original and the copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, Idaho 83303-2707

U.S. MAIL

2. Copies to:

James Hagenbarth
c/o John Marshall
GIVENS PURSLEY
P. O. Box 2720
601 W. Bannock St.
Boise, ID 83701

U.S. MAIL

State of Idaho
Department of Lands
Eastern Idaho Supervisory Area
3563 Ririe Highway
Idaho Falls, ID 83401

U.S. MAIL

State of Idaho
Department of Lands
300 N. 6th St., Ste. 103
PO Box 83720
Boise, ID 83720-0050

U.S. MAIL

IDWR Depository
PO Box 83720
Boise, ID 83720

U.S. MAIL

Chief of Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, ID 83711-4449

Signature of person mailing the form

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

RIGHT NUMBER: 21-2054C
NAME AND ADDRESS: STATE OF IDAHO
DEPT OF LANDS
300 N 6TH ST
PO BOX 83720
BOISE ID 83720-0050

SOURCE: Source: Tributary:
SPRING SHERIDAN CREEK

QUANTITY: 0.624 CFS 0.000 AFY

PRIORITY DATE: 09/25/1912 ~~09/24/1912~~

POINT OF DIVERSION: T13N R41E S6 SWSESW Within CLARK County

PURPOSE AND PERIOD OF USE:	Purpose of use	Period of use:	Quantity:
	IRRIGATION	05/01 10/31	0.624 CFS

PLACE OF USE: IRRIGATION within CLARK County

T13N R40E S12 SWNE 10.5
T13N R40E S12 SENE 16.7
T13N R40E S12 SENW 4.0

31.2 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

Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

Galbraith, Trent

From: Baxter, Garrick
Sent: Tuesday, August 07, 2007 10:00
To: Galbraith, Trent
Cc: Harvey, Becky
Subject: FW: Water Right No. 21-2054C

Hi Trent,
Looks like Dept of Lands has a plan to resolve a couple questions at the end of his email. I will send the response directly to David Barber or write me. If you respond directly to David, we can keep abreast of the matter.
Thanks,
Garrick

-----Original Message-----

From: Barber, David [mailto:david.barber@idwr.idaho.gov]
Sent: Tuesday, August 07, 2007 8:48 AM
To: Baxter, Garrick
Subject: Water Right No. 21-2054C

Dear Garrick:

My present understanding of the facts regarding the original water right was established around 1982. Dry Creek. Subsequently, IDWR divided the section 12 into two basins. Dry Creek is in Basin 31. Dry Creek in hydrologic basins was never identified as a water right was claimed with the claim number 31-11982. The following actions are necessary.

(1) Existing water right number 21-2054C needs to be amended to include:
(i) Dry Creek, (ii) the place of use served by Dry Creek. Other technical details would be described as the SWSESW of section 12 described as follows: section 12 SWNE (10.5 acres). The diversion rate would also have to be recommended from my client about the diversion.
(2) A motion to file a late notice of claim that source in Basin 31 needs to be filed. The POD would be in B.M. Clark County. The POU would be as follows: NWNW (40 acres), NENW (40 acres), SWNW (40 acres). originally claimed in water right no. 21-2054C; its diversion rate would be 2.87 c.f.s., which is based on

I need several determinations from IDWR. Will the amendment of water right no. 21-2054C as described be? What will the filing fee be for the late water right? Finally, I need a water right number from IDWR for the amendment.
Thank you for your assistance.

Sincerely,
David J. Barber

1. ✓ Delete Dry Creek
2. ✓ POU served by Dry Creek
POD

3. ~~Delete~~ POD Description Dry Creek

POD ✓ = SWSESW Sec 12 13N 41E

POU ✓ = Sec 12 SWNE = 10.5 acres
SENE = 16.7 acres
SENW = 4.0 acres

~~~~~  
Separate Late WR for Dry  
Creek = B31 31-11982

not in area map  
POD = NENW Sec 9 13N 40E

POU =  
Sec 10 SWSW 23.5 acres  
Sec 15 NWNW 40 }  
NENW 40 }  
SWNW 40 }  
not in area map  
under 21-2054C  
may have own

2.87 cfs

RECEIVED  
APR 21 2005  
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 21-2054C  
(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  
Pillon, 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

RIGHT AS LISTED IN DIRECTOR'S REPORT

F IDAHO Dept of LANDS  
W Jefferson PO Box 83720-0050  
ID 83720-0050

Objection 12-21-07  
WR. should not exist  
claimed use has been  
forfeited.

objector = Hagenbarth  
Claimant = State of Id

**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: \_\_\_\_\_
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

## **OBJECTIONS**

**BASIN 21**

**Hagenbarth**

**21-2054C**

### **This water right should not exist**

The basis for this water right is License # 8990/21-2054 which was used by the original licensee to divert water from Dry Creek and Sheridan Creek. The recommended right claims Dry Creek as a tributary to Sheridan Creek. Dry Creek is a tributary to Spring Creek in Basin 31 and has already been decreed under the SRBA. Those lands irrigated by Dry Creek and Sheridan Creek water in combination were claimed under water rights decreed in Basin 31. The POU in T13N R40E S10 SWSW can only be irrigated with Dry Creek water in regard to this claim and this decree is final. The land in Section 11 (SWNW & SENE) being claimed in this recommendation cannot be physically irrigated from the claimed POD because said POU is higher in elevation than the claimed POD.

# State of Idaho License and Certificate of Water Right

Water License No. 8990

Amount 74.2

Water District No. 56-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, 1915, showing that said works were completed on the 9th day of January, 1916; 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 is located Dry Creek feeder canal bears S. 39° 45' E. 3270' from the corner of Secs. 9-16, T. 13 N., R. 40 E., B. 1 E., in the 1/4 Sec. 14, T. 13 N., R. 40 E., B. 1 E., Sheridan Creek Feeder canal bears N. 53° 16' E., 1638' from 1/2 Cor. bet. Secs. 7-12, T. 13 N., R. 41 E., B. 1 E.

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 <sub>2</sub> SE <sub>4</sub>  | 80                            | 80                           |
|       |       | 16   | All                             | 640                           | 640                          |
|       |       | 17   | All                             | 640                           | 640                          |
|       |       | 18   | E <sub>2</sub>                  | 320                           | 320                          |
|       |       | 20   | All                             | 640                           | 640                          |
|       |       | 21   | All                             | 640                           | 640                          |
| 13 N. | 40 E. | 12   | S <sub>2</sub> NE <sub>4</sub>  | 80                            | 80                           |
|       |       |      | W <sub>2</sub> SE <sub>2</sub>  | 80                            | 80                           |
|       |       |      | SW <sub>2</sub>                 | 160                           | 160                          |
|       |       | 11   | SE <sub>2</sub>                 | 160                           | 160                          |
|       |       | 10   | SW <sub>2</sub> SW <sub>2</sub> | 40                            | 40                           |
|       |       | 15   | W <sub>2</sub> NW <sub>2</sub>  | 80                            | 80                           |
|       |       |      | NE <sub>2</sub> NW <sub>2</sub> | 40                            | 40                           |
|       |       | 14   | N <sub>2</sub> NE <sub>2</sub>  | 80                            | 80                           |
|       |       |      | N <sub>2</sub> NW <sub>2</sub>  | 80                            | 80                           |
|       |       |      |                                 | 3760                          |                              |

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)

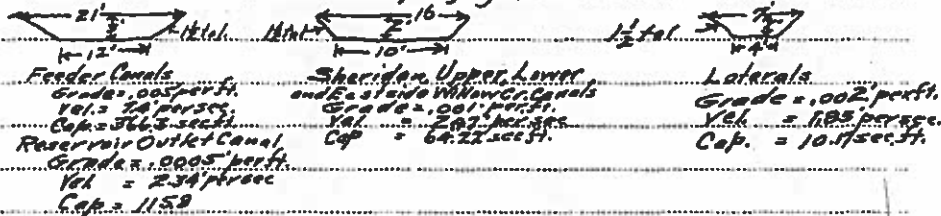
By GEO. H. CARTER  
Assistant

## REPORT OF ENGINEER

This proof is for Beneficial use

In Water District No. ....

1. State name of applicant and number of permit: F.J. Hagenbarth \*8990
2. State source of water supply: Sheridan Creek, Dry Creek, Willow Creek, Taylor Cr.

[illegible]

5. State whether or not water has been turned into works of diversion: Yes.  
All land is irrigated and principal crop is hay.
6. Give exact location of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if for other than irrigation):
7. Submit map on enclosed plat, showing location and details of above description.
8. How many parties conduct water in this system? Sheridan Ranch.
9. Give names and amount of each right: F. U. Hogenbarth. See paragraph 6.

10. What large stream would the water here appropriated finally reach? Snake River.

11. Describe the various tributaries en route, from point of diversion to the principal drainage stream: Shoridan Creek, Called Shotgun Creek farther down, empties into North Fork of Snake River.

Fly Creek is tributary to Camas Creek, which terminates  
 in Mud Lake, also tributary to Sheridan Creek and empties  
 into north fork of Snake River.  
 Remarks: Flood water is generally used for the 1st irrigation  
 without resort to the storage water in the Reservoir  
 which is used later in the season.

This examination was made on the 18-24 day of July 1920

(Signed)

**Examiner.**

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

STATE OF IDAHO,  
County of Clark } ss.  
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 C. W. Hardy Notary Public.

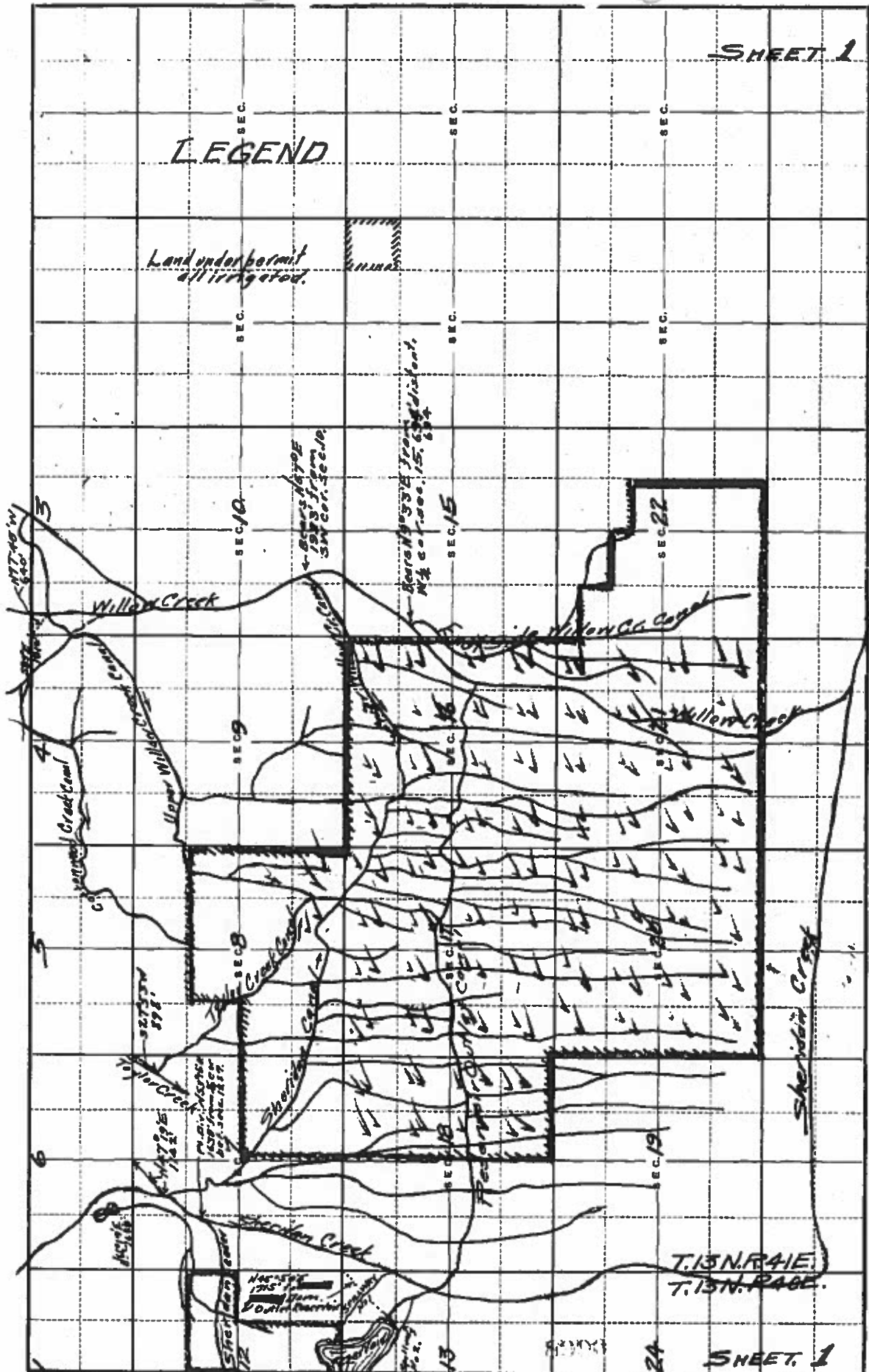
### Instructions to Examiners

1. Examiners will not be permitted to examine any of the records 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

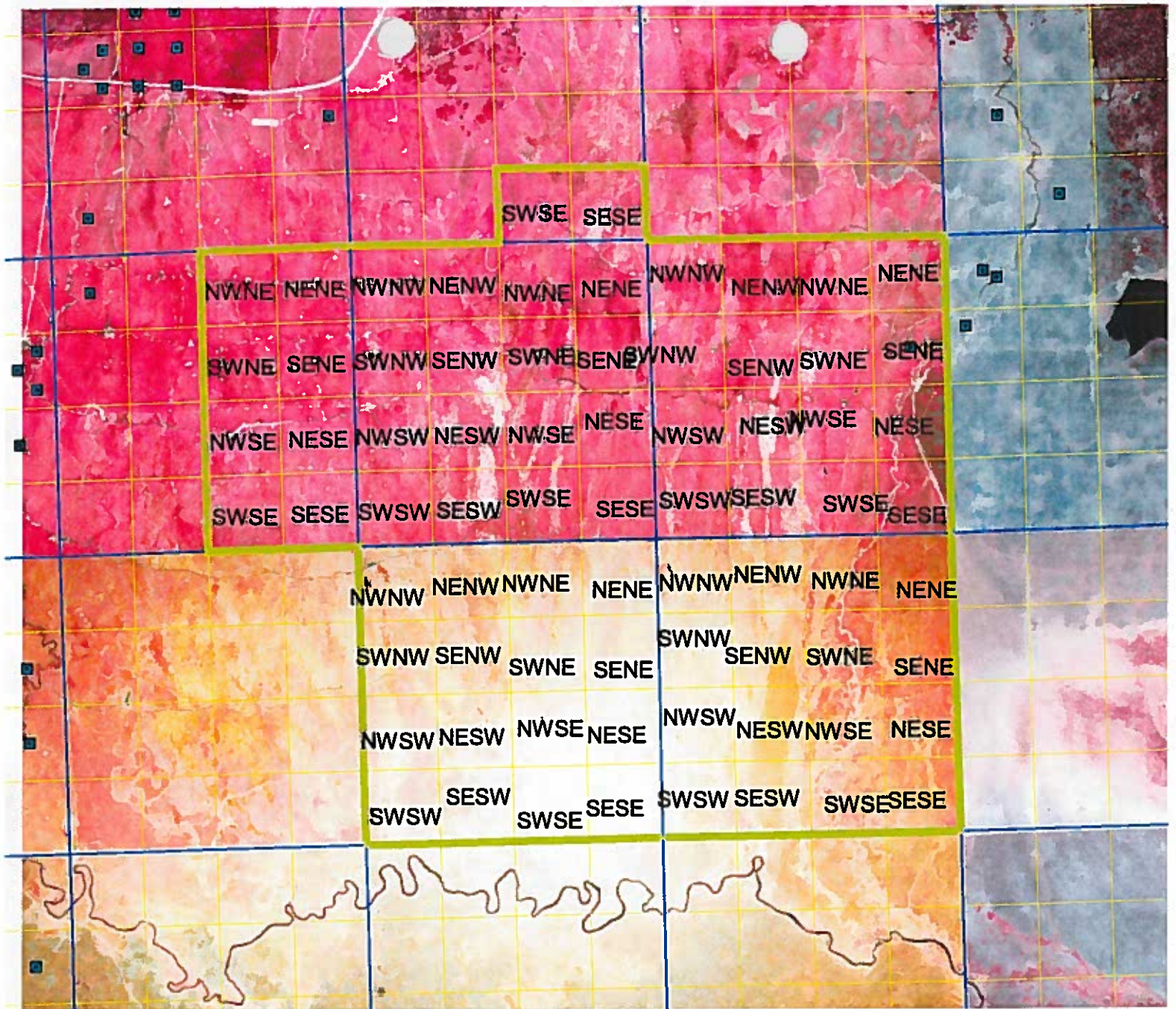
LEGEND

Land under permit  
all irrigated.



Permit 8990





**21-02054C**  
**T13N R41E**

SCANNED  
DEC 17 2004

PROFILED