

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

Claim ID: 31-12488

Date Received: _____

Receipt No: _____

Claim Fee: _____ By: _____

NOTICE OF CLAIM TO A WATER RIGHT ACQUIRED UNDER STATE LAW

For Domestic and/or Stockwater Purposes
Where Daily Use is less than 13,000 gallons per day

RECEIVED

JAN 14 2021

DEPARTMENT OF
WATER RESOURCES

Please type or print clearly

1. Name of claimant(s) Hagenbarth Land Idaho LP Phone (406) 683-2163
 Mailing address PO Box 1128 Dillon MT Zip 59725
Street or Box City State
 Email address (optional) hagenbarthj@msn.com
2. Date of priority: (Only one per claim) September/01/1987 (Explain priority date selected in Remarks)
Month/Day/Year (YYYY)
3. Source of water supply (Check one) Ground Water (✓) or Other () (a) _____
 which is tributary to (b) _____
4. Location of point of diversion is: Township 12N, Range 37E, Section 17,
SE 1/4 of NE 1/4, or Govt. Lot _____ BM, County of _____ Clark _____;
 Parcel no. _____
 Additional points of diversion, if any: Well was drilled in the NESENE of Section 17
 If available, GPS coordinates: 44°22'10.42"N, 111°59'38.89"W
5. Description of diverting works (wells, pumps, spring boxes, pipelines, etc.) including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed and as enlarged and the depth of each well.
See Remarks- Attachment 1, The original pump is in the hole and no tools have gone down the well since it was drilled in 1987.
6. Water is claimed for the following: (limited to domestic and/or stockwater uses - see page 1 of the instructions)
 For Stockwater purposes from 05/15 to 11/15 amount .04 cfs (✓) or AFY ()
Month/Day Month/Day
 For _____ purposes from _____ to _____ amount _____
7. Total quantity claimed .04 cfs (✓) or AFY ()
8. Non-irrigation uses. Describe fully. (Domestic: give number of homes; Stockwater: list number and kind)
600 cattle, 2000 sheep, 10 horses

9. Location of place of use is: Township 12N, Range 38E, Section 17,
SENE 1/4 of 1/4, Govt. Lot BM, Parcel no.
If different than shown in Item 4
for (check one) **Domestic** () **Stock** (✓) **Domestic and Stock** ()

Additional places of use, if any

10. In which county(ies) are lands listed above as place of use located? Clark

11. Do you own the property listed above as place of use? Yes () No (✓)
If the answer is No, describe in Remarks below the authority you have to claim this water right.

12. Describe any other water rights used at the same place and for the same purposes as described above.
 or None (✓)

13. Remarks (include an explanation of the priority date selected):
See Remarks Attachment 1, Attachment 2-Chain of Title, reference Atts A-D in filing 31-12490 Remarks Att 3 to
verify Attachment 2. Drilling log Att 4, pump install costs Att 5 and facility costs Att 6, Map Att 7.

14. Basis of claim (check one) **Beneficial Use** (✓) **Posted Notice** () **License** () **Permit** () **Decree** ()
Court Decree Date Plaintiff v. Defendant
If applicable provide IDWR Water Right Number

15. 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: 7 plus 9 in 31-12490

For Individuals: I/We do solemnly swear or affirm under penalty of perjury that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s) Date:
 Date:

For Organizations: I do solemnly swear or affirm under penalty of perjury that I am, and that I have signed the foregoing document in the space below as the

President of Hagenbarth Land Idaho LP,
Agent's title (Please print) Name of organization (Please print)

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent James F. Hagenbarth Date 1/10/21

Printed Name of Authorized Agent James F. Hagenbarth

16. Notice of Appearance:

Notice is hereby given that I, (please print) , will be acting as attorney at law of behalf on the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature Date

Address

Name of claimant(s) Hagenbarth Land Idaho LP Claim ID 31-12488

REMARKS
Attachment 1
31-12488

Ground Water Right Filings on BLM lands in Idaho by Lessee
James F. Hagenbarth

History and information on wells drilled on BLM lands in Camas Meadow Allotment

These remarks relate to Hagenbarth Land Idaho LP filing stockwater claims as a BLM lessee of record on two wells drilled on BLM lands in the Camas Creek Allotment (ID 15012) that is under the jurisdiction of the Upper Snake Field Office of the Bureau of Land Management in the State of Idaho. The first well was permitted by the BLM District Manager, Jesse L. Kirk, to the current grazing lessee, D.V. Hagenbarth, on 8/25/1961. This well was drilled very close to the north/south section line between Sections 10 and 15, T12N, R38 and was originally located as being in the SWSW of Section 10. With the use of better instrumentation this well was actually drilled in the NWNW of Section 15, more specifically in the NENWNW subsection. This well was drilled and put on line by September 1, 1961 and this is the priority date being claimed by applicant who is the successor of D. V. Hagenbarth as lessee. (See Chain of title for base property and BLM leases). D.V. Hagenbarth and his successors developed, used, maintained and improved this well for the last 59 years. Over this time period at least three submersible pumps have been installed and in 2010 an open storage tank was replaced with a 16,500 gallon closed tank and the two water troughs were put on cement aprons with permanent bird ramps installed. This total rehab cost \$12,600 and the lessee paid \$10,100 and the Idaho State Grazing Board in the Idaho Falls District contributed \$2,500.

The second well was drilled on 9/1/1987 under Drilling Permit #31-87-E-002 issued by Ronald Carlson, Eastern Region Manager of IDWR, on 8/26/87. This well is located on BLM land in the NESWNE of Section 17, 12N, R38E. This well was drilled as a cooperative project between BLM and the lessee, James F. Hagenbarth and David J. Hagenbarth, successors to D.V. Hagenbarth. The total cost of the improvement was \$14,300 and the BLM contributed \$6000. This well has been maintained by the current lessee, Hagenbarth Land Idaho LP who is a successor to James F. Hagenbarth and David J. Hagenbarth, the lessee of record when the well was drilled. The priority date being claimed for this second well is September 1, 1987.

On 3/25/1987 the BLM filed an application that resulted in a stockwater right numbered 31-7484 being issued. This water right identified a POD in the NENWNW and a POU in the NWNW of Section 15, T12N, R38E. This water right was given a priority of 4/7/1987. This is the location of the first well described above drilled in 1961 by D.V. Hagenbarth. The BLM then attached a priority date similar to the second well described above that was drilled in 1987 in the NESWNE of Section 17, 12N, R38E. I am giving the filing history of the BLM on these two wells to clear up the confusion caused by the inaccuracy of the BLM filing and the granting of an erroneous priority date for first well drilled in Section 15 and the fact that the BLM did not file on the second well drilled on BLM land in Section 17.

CHAIN OF TITLE

31-12488
ATTACHMENT 2

Estate of Margaret Hagenbarth to David J., and James F
Hagenbarth Microfilm No. 050903

David J., and James F. Hagenbarth to Hagenbarth Land
Idaho LP Instrument No. 55133

Dubois, Clark County, Idaho

REMARKS

31-12488

WATER RIGHT FILINGS ON BLM LANDS IN IDAHO

James F. Hagenbarth

Hagenbarth Land Idaho LP

Information on BLM Allotments, Base Property, Chain of Title, Priority Dates

As the representative of the individuals and entities described above, I, James Hagenbarth, am responsible for filing Deferred De Minimis Stockwater Use Claims in the Snake River Basin Adjudication claiming stockwater rights on Federal Land. The documents below substantiate the use of surface water rising on or flowing across BLM land leased by the claimant and used by livestock authorized by the BLM on the Camas Meadow (ID 15012) and Antelope Valley (ID 15001) Allotments. Reference Attachments A-D in filing 31-12490.

Attachment A- Copy of the current BLM Grazing Permit for Hagenbarth Land Idaho LP on the Antelope Valley (ID15001) and Camas Meadow (ID15012) Grazing Allotments. 2020 Grazing Application

Attachment B- Grazing Preference Application and Preference Transfer Application identifying current owner and base property. Grazing Application Supplemental Information. Maps of Camas Meadow Allotment and Antelope Valley Allotment.

Attachment C- Chain of title from D.V. Hagenbarth to Hagenbarth Land Idaho LP. C(1)-#28499, C(2)-#050903, and C(3)-#55133 are the legal instruments that substantiate a contiguous linkage of BLM grazing leases and base property ownership being used by the claimant to substantiate the priority date claimed and linkage of title to D.V. Hagenbarth, the original appropriator and lessee. These documents also substantiate that no water rights were severed from the land.

Attachment D (1, 2, 3) - Old BLM Licenses and Permits linking current lessee with previous lessee (D.V. Hagenbarth) in Chain of Title. These Permits also include sheep and cattle numbers used on the current filings. Since sheep were grazed on these allotments in the past and may be grazed again in the future, they are included along with cattle and horses in these filings. Horses are included since they are used to manage the cattle and sheep on the allotments and drink from the stock water sources claimed.

Attachment D(1)- This is the oldest Department of Interior Grazing Permit I found that documents the earliest date I can easily claim for beneficial use of stockwater on BLM land grazed with livestock owned by D.V. Hagenbarth. Attachments D(2) and D(3) are billing statements proving that D.V. Hagenbarth continued to graze these allotments. The BLM grazing permits follow the base property ownership described in Attachment C- Chain of Title. D(1) proves that D.V. Hagenbarth's livestock put stockwater on BLM lands to beneficial use as early as July 1, 1944. The Lost River Grazing District No. 3 eventually was broken out into allotments and those permitted to D.V. Hagenbarth ranged from Spencer, Idaho northeasterly to Sheridan Creek. The Camas Meadow and Antelope Valley Allotments that are leased by Hagenbarth Land Idaho LP are some of the BLM lands included in the grazing permit covered by the 10 year Lost River Grazing Permit D(1) issued in March of 1944.

WELL DRILLER'S REPORT

State law requires that this report be filed with the Director, Department of Water Resources
within 30 days after the completion or abandonment of the well.

ATTACHMENT 4
31-12498

Hagen Bant

[illegible]

USE ADDITIONAL SHEETS IF NECESSARY — FORWARD THE WHITE COPY TO THE DEPARTMENT

ATTACHMENT 5
31-12488

INVOICE

Rec. No. 3-89
Check # 9614

DENNING WELL DRILLING, INC.

BOX 460, UCON, IDAHO 83454

523-4600

• James Hagenbarth
P.O. Box 1101
Dillon, Montana 59725

Capital Building
New well - Kellogg

10/27/89

DATE	DESCRIPTION	AMOUNT
1	3 H.P. Pump J3018	\$1343.50
2	1½" Check Valves @ \$19.45 each	38.90
1	8" Well Seal	38.50
424'	1½" Drop Pipe @ \$1.98 per foot	839.52
415'	#8 Submersible Cable @ \$1.55 per foot	643.25
39'	#10 Submersible Cable @ .97¢ per foot	37.83
2'	1" Drop Pipe @ \$1.55 per foot	3.10
30'	1½" 125 p.s.i. poly pipe @ .50¢ per ft	15.00
2	Plastic to steel adaptors	2.40
1	1½" Pitless Adaptor	59.50
1	1½" Cap	2.04
3	1½" hose clamps	2.25
1	30 AMP Disconnect	18.20
1	1½" Tee	4.41
1	1½" X 3/4" Bushing	2.40
1	Brass Bleed out Valve	7.28
1	Large Splice Kit	6.62
	Service Call, Labor, & Installation	150.00
TOTAL DUE		\$3214.70

attachment #6

Stockwater: IDAHO -
Camas Creek Allotment
Clark Co. Idaho.

31-12488
Hagenbath

Location: NESENE Sec. 17, T12NR38E

DATE Drilled 9/1/89

Driller: Denning Drilling Inc., Box 460, MENAN, ID 83454

Drilling permit # 31-87-E-002

Well depths - 480 feet. Static water level - 330'

Well is a stockwater cooperative project between the BLM and the lessee on the Camas Creek Grazing allotment. BLM contributed \$6000 to help drill the well and the lessee paid the rest.

Record of Costs:

Drilling Costs 9/89 -

\$ 2515⁰⁰

Pump Costs 10/89

3214⁰⁰

Material & Labor - Johnson 9/92

592⁴⁵

Concrete - Walters 9/92

397²²

21 (21' poles @ 2⁵⁰)

177⁵⁰

35 (6' x 8" post @ 7⁰⁰)

248⁵⁰

Lumber - troughs & forms -

2 (3 x 12 x 16) = 96 BF

120' (2 x 8) = 160 BF

20' (2 x 12) = 40 BF

30' (2 x 6) = 30 BF

326 BF/1000 = .326 x 400/1000.

130⁴⁰

20' drain tile 4"

24⁰⁰

20' All thread - @ .80

16⁰⁰

14' Powder river trough

372⁰⁰

In flow set up

18⁸⁰

Plumbing supplies

1/4" cone nipple (4) 1⁰⁵

4²⁰

1/4" metal adapters (4) 2⁰⁴

8¹⁶

(over)

1/4" Ball valves (3)	17 ⁷⁰	52 ²⁰
2" Close nipple (5)	1 ⁹²	8 ⁶⁰
2" Union (1)	1 ⁹⁹	7 ⁹⁹
1/2" Plug (2)	1 ⁴⁴	2 ⁸⁸
2" plug (1)	4 ⁵⁰	4 ⁵⁰
1/4" 90's (2)	2 ⁹⁰	5 ⁴⁰
40' - 2" black Plastic C	5 ²	46 ⁸⁰
2" - Ball valve (1)	35 ⁴⁰	35 ⁴⁰
2" - Tee (2)	5 ⁴⁴	10 ⁸⁸
2" x 1/4" Bushing (2)	2 ⁴⁶	4 ⁹²
2" - adapter - metal (4)	5 ¹⁰	20 ⁴⁰
2" - 45° (2)	4 ³³	8 ⁶⁶
2" float valve		56 ¹⁶
Float		18 ⁰⁰
20' - 1/4" black Plastic pipe @ 290		5 ⁸⁰
30' - 1/4" Gal Pipe @ 215/ft		64 ⁵⁰
1/4" Tee (1)	4 ⁰⁵	4 ⁰⁵
1/4" unions (2)		6 ²⁰
2" x 1/4" Bell (1)	4 ²⁵	4 ²⁵
2" pipe nuts (2)	1 ⁶⁰	3 ²⁰
		384 ¹⁵

Ground rod & Clamp

Concrete wire (50')

Misc supplies

Storage tank - 12,000 gal

5 loads gravel @ 28

4 loads crushed @ 30

Labor - 38.5 @ 9

TOTAL cost of project

BKM contribution

Cost contributed by loose

384 ¹⁵
15 ⁹⁰
26 ²⁵
43 ²⁵
510 ⁰⁰
140 ⁰⁰
120 ⁰⁰
346 ⁵
14,293 ¹²
6,000 ⁰⁰
8,293 ¹²

