

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: 3/-12489

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/01/1961 (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 38E, Section 15,
NW 1/4 of NW 1/4, or Govt. Lot _____ BM, County of cLARK;
 Parcel no. _____
 Additional points of diversion, if any: Well is in the NENWNW of Section 15, T12N,R38E
 If available, GPS coordinates: 44°22'29.34"N, 111°58'10.95"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
6. Water is claimed for the following: (limited to domestic and/or stockwater uses - see page 1 of the instructions)

	Month/Day	Month/Day	cfs (✓) or AFY ()
For <u>Stockwater</u> purposes from <u>05/15</u> to <u>11/15</u> amount <u>.04</u>			
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,
NW 1/4 of NW 1/4, Govt. Lot _____ BM, Parcel no. _____
for (check one) **Domestic** () **Stock** (✓) **Domestic and Stock** ()

If different than shown in Item 4

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.
31-7484 See remarks in Remarks- Attachment 1 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 in
Att 3 to verify Attachment 2. Range Imp Permit-Att 4. Rehab costs-Att 5A&5B. Map Att 6

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 31-12489

REMARKS

Attachment 1

31-12489

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 drilling of the **second well** was finished and tested 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 NESENE 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. A 3 HP pump was installed by Denning on 10/27/1989 and the permanent watering facilities were completed in September of 1992. The development included one stock tank with a permanent bird ramp, a 12,000 gallon storage tank, a generator shelter and a pole water cell giving access to two fields at once. 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, when the well was first tested and water flows were determined to be a constant 15 gpm.

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 NESENE 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 in 1987.

CHAIN OF TITLE

31-12489

Attachment 2

D. V. Hagenbarth to Margaret Hagenbarth, David J., and
James F. Hagenbarth Microfilm No. 28499

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
31-12489
Attachment 3
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.

ATTACHMENT 4
31-12489

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

RANGE IMPROVEMENT APPLICATION AND PERMIT
(Section 4 & 15, Taylor Grazing Act)

FORM APPROVED
BUDGET BUREAU NO. 42-R1324

Office I-3
Date Filed 8-25-61

Name

D. V. Hagenbarth

Post Office

Kilgore, Idaho

☒ Applies for a permit to construct, maintain, and use, in connection with his authorized grazing privileges, the following-described improvement on public lands:

Stock-watering well

☒ Applies for a permit to maintain and use, in connection with his authorized grazing privileges, the following-described improvement on public lands:

Stock-watering well

The purpose, need, and use for such improvement is as follows:

Mr. Hagenbarth has constructed a well to water his stock for their relief during the present drought. It will be used from now on. The well is 370 ft. deep; starts out 3 in. and goes to 6 in. The well is equipped with troughs on both sides of the fence and has a storage tank.

The improvement is to be located in SW 1/4, SW 1/4, Section 10, Township 12N, Range 38E, Boise Meridian, State of Idaho. The location of improvement is shown on township diagram on reverse side hereof. A sketch or specifications for improvement accompany this application. Applicant will operate, repair, and maintain said improvement in a good and serviceable condition.

☐ Estimated cost of improvement is \$ _____ in labor, and \$ _____ in material, and will be paid by the applicant

☐ Estimated present value of the improvement is \$ well 3890
grazing use 2400

Aug 25, 1961
(Date)

D. V. Hagenbarth
(Signature of Applicant)

PERMIT

A permit is hereby issued subject to the following conditions:

1. The permit shall cover only such portions of range improvements as are actually located upon public lands.
2. The permit does not accord to the permittee any preference, privilege, or consideration of any kind except as expressly provided herein.
3. The permit is subject to cancellation in whole or in part if the lands or portions thereof are withdrawn or reserved under a Public Land Order or are classified for disposal under any public land law, where such improvement or part thereof would interfere with the use of the land for the purposes of such withdrawal, reservation, or disposal.
4. The permittee will comply with the laws of the State within which the improvements are located with respect to water filings and to the construction and maintenance of fences if the permit covers such improvements.
5. Any public lands or impounded waters will be left open to the public for hunting and fishing, subject to appli-

cable State laws and regulations, and to recreational use to the extent that such use is consistent with the purposes for which the permit is granted.

6. The permit is subject to cancellation for noncompliance with the rules and regulations now or hereafter approved by the Secretary of the Interior, or where the improvement would interfere with range management practices determined by the Bureau of Land Management, or for a violation of any of the terms of this permit.

7. If the permit is for construction of an improvement, it shall become void without further notice if it is not completed by January 1, 1962. Within 30 days after completion of the improvement, the permittee shall advise the signing officer in writing: (a) the date the project was completed; and, (b) the cost of the project, specifying separately the cost of labor and materials.

8. Special conditions: The permittee is to maintain any water development and water control structure in such condition and repair that it is safe to livestock watering there at all times.

(Attach sheet if necessary)

Approval recommended by:

H. R. Webster

T. W. Waddoups
(Chairman, Advisory Board)

10/13/61

(Date Issued)

(Signing Officer)

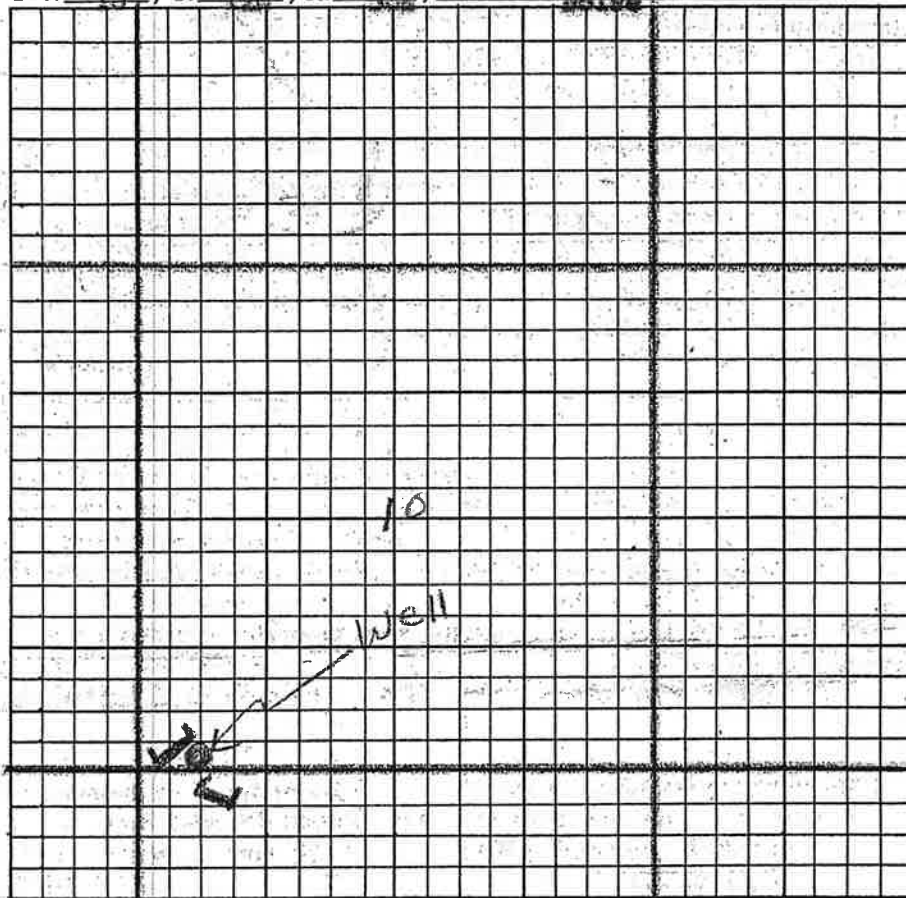
Jesse L. Kirk

District Manager

(Title)

10/16/61

Sec. 10, T. 12N, R. 30E, Range Mer.



Scale 0.6 equals one mile

To be filled in upon completion of project: This improvement has been completed satisfactorily (date) at a cost of \$ _____ for materials and \$ _____ for labor, in accordance with the conditions of the permit.

(Date of Inspection)

(Inspecting Officer)

(Project Number Assigned)

ATTACHMENT 5A CAMRAS MOUND ALLOTMENT

2010 - Rehab

BLM well - Sec 15, NENWNW - 12N38E

Drilled - 1961 - 589 ft deep

31-12489

Hagen Ranch

MATERIALS

①	30' - 160 PSI 1/4" Black Poly Pipe @ 70 ³⁵ /ft	21 ¹⁰
①	Pipe & Fittings (STANDARD Lumber # 110849) (8/5/10)	29 ⁶⁷
✓ ②	Plumbing (STANDARD Plumbing - Rexburg # 261811 -	47 ⁰⁵
③	Fabricating Iron (Intermountain Int. Dillon 108497-1N	873 ⁸¹
④	Plumbing Sup (STANDARD Lumber) # 110053/1	330 ²⁷
⑤	Plumbing - C&H Ranch 7/30/10	15 ⁹⁴
⑥	Plumbing (STANDARD - Rexburg) # 272440	62 ⁴⁶
✓ ⑦	Plumbing (STANDARD - Rexburg) # 278035	83 ⁶⁰
✓ ⑧	Welding & Cutting Sup (Air GAS-IF) 703998	57 ⁰⁹
⑨	Welding & Cutting Sup (WALMART) 8/10/10	14 ⁷⁸
⑩	Concrete - Walters - Rox # 849 & 848	2194 ³⁰
⑪	Other - Rawhide - Misc.	33 ⁰³
⑫	Gravel -	90 ⁰⁰
⑬	Storage Tank	590 ⁰⁰
⑭	180' 2" 160 PSI Black Plastic Pipe	324 ⁰⁰
		4767 ¹⁰

LABOR

⑤	Rawhide	2320 ⁰⁰
⑥	Bucky	3040 ⁰⁰
⑦	PA T	2220 ⁰⁰
		7580

Mileage

Rawhide 483 @ 50 = 24150

TOTALS

MATERIALS	4767 ¹⁰
LABOR	7580 ⁰⁰
Mileage	24150
Total Rehab Costs	12,588 ⁶⁰

Note: Old Water Troughs were NOT replaced
 Done: F. H. (date) 11/20/11

Jim Hagenbarth

