

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: 31-12491

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) July/01/1944 (Explain priority date selected in Remarks)
Month/Day/Year (YYYY)
3. Source of water supply (Check one) Ground Water () or Other (✓) (a) Miles Creek
which is tributary to (b) Crooked Creek
4. Location of point of diversion is: Township 13 N, Range 38 E, Section 35,
1/4 of 1/4, or Govt. Lot _____ BM, County of _____;
Parcel no. _____
Additional points of diversion, if any: Instream beginning Point SESWSW-Instream ending point SESWSW
If available, GPS coordinates: Beginning Point 44°24'8.89"N - Ending Point 111°57'22.94"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.
Cattle drink directly from Miles Creek on a portion of stream from the east boundary of the SESWSW up stream for 220 feet west all within the SESWSW of Section 35, T13N,R38E.
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 .02 cfs (✓) or AFY ()
For _____ purposes from _____ to _____ amount _____
7. Total quantity claimed .02 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 13 N, Range 38 E, Section 35,
SW 1/4 of SW 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 attached remarks and map and refer to the nine attachments in A-D in claim 31-12490. All surface
stockwater claims on BLM have same priority date, grazing permit and base property chain of title.

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: 2 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 1/11/21

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 31-12491

REMARKS

31-12491

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

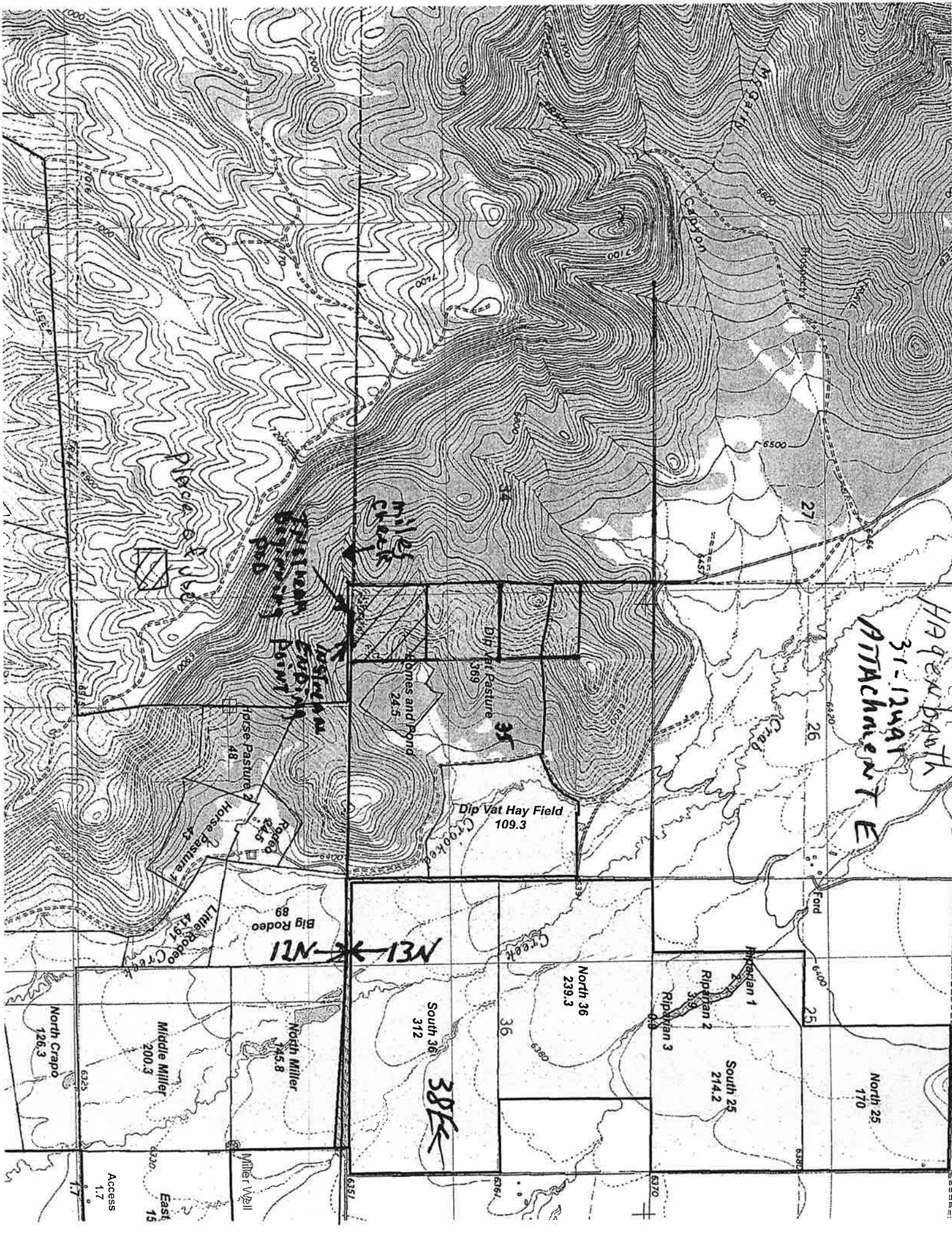
Attachment B- Grazing Preference Application and Preference Transfer Application identifying current owner and base property. Grazing Application Supplemental Information. Maps of Camas Meadow Allotment and Antelope Valley Allotment.

Attachment C (1, 2, 3) 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 E Map-



Hagerbach
31-1241
Attachment E

12N-13N

38E

Access
1.7
East
15