

**DIRECTOR'S REPORT OF DEFERRED
DE MINIMIS DOMESTIC AND/OR STOCK WATER USE**

Claim Nos.

31-12488, 31-12489, 31-12490, 31-12491, 31-12492, 31-12493, 31-12494, 31-12495, 31-12504, 31-12505, and 31-12506

In Re SRBA

Twin Falls County Civil Case No. 39576

Report to the SRBA District Court

Prepared by the Idaho Department of Water Resources
Gary Spackman, Director
Craig Saxton, Manager, Adjudication Section

May 24, 2022

DESCRIPTIVE SUMMARY

This is a Director's Report of Deferred *De Minimis* Domestic and/or Stock Water Use submitted by the Director of the Idaho Department of Water Resources (IDWR).

INTRODUCTION

Motions for Determination of Deferred *De Minimis* Domestic and/or Stock Water Use (Motions), and Notices of Claim to a Water Right for water right claim nos. 31-12488, 31-12489, 31-12490, 31-12491, 31-12492, 31-14293, 31-12494, 31-12495, 31-12504, 31-12505, and 31-12506, were submitted to the Court on January 14, 2021. IDWR published notice of the pendency and purpose of the Motions. IDWR published notices of the pendency and purpose of the Motions. *See Affidavit of Publication*, filed simultaneously herewith. Sandra Thiel, Senior Water Rights Agent, Adjudication Section, conducted the examination of the above mentioned water right claims on behalf of the Director. The materials used in and results of the examination of the elements of water right claims are discussed below.

DISCUSSION

Priority Date

1. General overview of priority date considerations for stockwater claims on federal land

The Idaho Supreme Court in *Joyce Livestock Co. v. United States of America*, 144 Idaho 1 (2007) made clear ranchers could establish beneficial use instream water rights on federal land for watering their livestock if the ranchers held a valid grazing permit for grazing livestock on the federal land. The Court also determined that these instream water rights so acquired by ranchers were appurtenant to the ranchers' patented or base property. *Joyce Livestock*, 144 Idaho at 12. The Court remanded for redetermination of the priority date of the water rights because the ranchers claimed priority dates that predated their grazing authorization from the Bureau of

Land Management (BLM). *Id.* at 16. The Court noted a BLM Class 1 grazing license could only be issued to a rancher if the rancher had been grazing livestock on the public range for at least five years prior to the enactment of the Taylor Grazing Act in 1934. *Id.* The court held that instream stockwater rights based on BLM Class 1 grazing permits pass with the land as a matter of law, unless the water right is expressly reserved. *Id.* at 14.

Following the remand of *Joyce Livestock Co.* and companion case *LU Ranching Co. v. United States*, 144 Idaho 89 (2007), the SRBA district court determined the priority dates for LU Ranching Co.'s 15 water rights based on applications for grazing permits filed by LU Ranching Co.'s predecessors. *See Memorandum Decision on Remand and Order of Amended Partial Decrees* (SRBA Subcase no. 55-10288B, et al.) (July 3, 2008). Because instream stockwater rights based on Class 1 grazing permits pass with the land as a matter of law, Judge Melanson held that a court determining the priority date of an instream stockwater right under Class 1 licenses "need only look at the earliest date that a water right can be established that is associated with a particular parcel of homestead or base ranch property." *Id.* at 4-5. Recognizing a Class 1 grazing license required grazing that predated the grazing permit application, the court held that a Class 1 grazing license in conjunction with representations of earlier water use made by the claimant is sufficient evidence to establish priority dates predating the Taylor Grazing Act for LU Ranching Co.'s water rights on the federal land. *See Id.* at 7.

Effective July 1, 2021, the Idaho Legislature passed House Bill No. 186 which modified Section 42-1411, Idaho Code, to instruct the Director of the Idaho Department of Water Resources to accept the date of the first grazing permit issued on the federal grazing allotment to establish the date of priority and that there shall be a rebuttable presumption that the claimant's base property relates back to the base property when the first grazing permit was issued on the

federal grazing land or when water was first applied to beneficial use on the federal land.

Therefore, for beneficial use instream stockwater claims on federal land, IDWR reviews information about the earliest available grazing permit applicable to the federal grazing allotment which the claimant has authorization to graze stock.

2. Hagenbarth Land Idaho's claimed priority date

The claimed priority date for ground water claim 31-12488 is 9/1/1987. The well driller report on file with IDWR shows the completion date as 8/30/1987. According to documents included with the claim, the well was drilled as a cooperative project between the BLM and lessee James Hagenbarth. The priority date is recommended as claimed.

Claim 31-12489 is based on licensed BLM right 31-7484 with a priority date of 4/7/1987. IDWR conducted a licensing exam to verify beneficial use on 7/15/1994. Hagenbarth claimed a priority date of September 1, 1961, for this well. USGS Earth Explorer Imagery dated September 9, 1971, shows evidence of a trough at the well location. The recommended priority date is September 9, 1971.

The claimed priority date for instream stockwater claims 31-12490, 31-12491, 31-12492, 31-12493, 31-12494, 31-12495, 31-12504, 31-12505, and 31-12506 is July 1, 1944. The claimed priority date is supported by a 10-year grazing permit entitled *United States Department of the Interior Grazing Service*, issued to Dave V. Hagenbarth on March 18, 1944, but did not describe the base property. According to the BLM Idaho History site, the General Land Office and Grazing Service created five grazing districts in Idaho in the 1930's. District 3 was the Lost River District.¹ A License for Grazing Privileges was issued to D. V. Hagenbarth on April 1,

¹ BLM Idaho History, U.S. Department of the Interior Bureau of Land Management <https://www.blm.gov/about/history/history-by-region/idaho> (last visited March 15, 2022.).

1955, for Section 3 and again on March 27, 1969. The 1969, document for Section 3 includes the Camas Creek and Antelope Valley Allotments. The priority date is recommended as claimed.

Point of Diversion

The above listed claims filed by Hagenbarth Land Idaho LP, are for use of water within Camas Meadow and Antelope Valley grazing districts.

The IDWR database includes a well driller report for a well completed on August 30, 1987, at the point of diversion for claim 31-12488.

Claim 31-12489 overlaps existing Water Right 31-7484 decreed to the BLM in the Snake River Basin Adjudication (SRBA). The point of diversion for 31-12489 is recommended consistent with Water Right 31-7484. None of the other 10 claims overlap BLM rights.

The claimed points of diversion for instream stockwater claims 31-12490, 31-12491, 31-12492, 31-12493, 31-12494, 31-12495, 31-12504, 31-12505, and 31-12506 represent the beginning points and ending points for instream stockwater use and were verified by identifying stream locations using USGS Quadrangle maps. The points of diversion are recommended as claimed.

Source

A well driller report which included GPS coordinates of the well location confirms the source for claim 31-12488. Claim 31-12489 is based on BLM water right 31-7484. The beneficial use exam for this right confirmed the source as a well. IDWR verified the claimed instream surface water sources using topographic maps and the National Hydrography Database.

Water Rights	Season of Use	Allotment	Source	Tributary
31-12488*	5/15 – 11/15	Camas Meadow	Ground Water	
31-12489*	5/15 – 11/15	Camas Meadow	Ground Water	

31-12490	5/15 – 7/15	Camas Meadow	Unnamed Stream	Spring Creek
31-12491	5/15 – 11/15	Camas Meadow	Miles Creek	Crooked Creek
31-12492	5/15 – 11/15	Camas Meadow	Unnamed Spring	Miles Creek
31-12493	5/15 – 11/15	Camas Meadow	Spring	Sinks
31-12494	5/15 – 11/15	Camas Meadow	Unnamed Spring	Sinks
31-12495	5/15 – 7/15	Camas Meadow	Unnamed Creek	Sinks
31-12504	6/1 – 11/15	Antelope Valley	Unnamed Stream**	Sinks
31-12505	6/1 – 11/15	Antelope Valley	Unnamed Stream**	Sinks
31-12506	6/1 – 11/15	Antelope Valley	Unnamed Stream	Sinks

* Diverted

** Claimed as Unnamed Spring but recommended source as Unnamed Stream because use is for the stretch of unnamed stream supplied by the spring source.

Place of Use

Claim 31-12490 included a grazing application for Camas Creek and Antelope Valley for Hagenbarth Land Idaho LP. The document entitled *Grazing Preference Application and Preference Transfer Application* (“Grazing Preference”) dated 2/5/2016 described the base property as 10,807 acres. On February 5, 2022, Jim Hagenbarth requested that the BLM change the base property. On February 21, 2022, Mr. Hagenbarth emailed IDWR an amended Grazing Preference, including BLM maps identifying the base property for each grazing unit. The base property for Camas Meadow allotment is T12N, R38E, Section 14, N½ SW¼. The base property for Antelope Valley is T13N, R39E, Section 13, W½ SW¼.

The estate of D.V. Hagenbarth, the original holder of the grazing permit, includes the property described on the updated Grazing Preference. All claimed beneficial use of the water occurs within the Camas Meadow and Antelope Valley allotments. Both base properties are owned by Hagenbarth Land Idaho LP. All the claims are appurtenant to the base property.

Purpose of Use and Period of Use

Historical and current use of water for stockwater is supported by the document entitled, *United States Department of the Interior Grazing Service 10 Year Grazing Permit* issued to Dave

V. Hagenbarth March 18, 1944.

The period of use under these water rights is limited to the period of use authorized by the United States for grazing on Federal land as described in the grazing permit.

Quantity

Instream claims 31-12490, 31-12491, 31-12492, 31-12493, 31-12494, 31-12495, 31-12504, 31-12505, and 31-12506 seek diversion rates of 0.02 cubic feet per second ("cfs"). Claimed diversion rates for instream stockwater of 0.02 cfs are recommended as claimed.² Claims 31-12488 and 31-12489 claim diversion of 0.04 cfs from ground water and are recommended as claimed.

CONCLUSION

The claims listed below, submitted by Hagenbarth Land Idaho LP for watering livestock within the Camas Creek and Antelope Valley allotments, are hereby recommended. IDWR's standard conditions have been added where necessary to further describe specific elements of the water rights.

Pursuant to Judge Wildman's *Order Amending Procedures in the SRBA for Adjudication of Deferred De Minimis Domestic and Stock Water Claims*, dated October 17, 2017, the Director submits this Director's Report of Deferred *De Minimis* Domestic or Stock Water Uses for Claim Nos. 31-12488, 31-12489, 31-12490, 31-12491, 31-12492, 31-12493, 31-12494, 31-12495, 31-12504, 31-12505, and 31-12506, which includes the recommendation of the deferred *de minimis* water right numbers listed above.

² *Adjudication Memo #58 Diversion Rates for de minimis Stockwater Rights* states "For de minimis instream stockwater rights, the maximum diversion rate cannot exceed 0.02 cfs."

Respectfully submitted this 24th day of May, 2022.

A handwritten signature in blue ink, reading "Craig L. Saxton", is positioned above a horizontal line.

CRAIG L. SAXTON
Manager, Adjudication Section

CERTIFICATE OF SERVICE

I certify that on May 24, 2022, I caused to be served a true and correct copy of this Director's Report of Deferred *De Minimis* Domestic and/or Stock Water Use, to the following persons, in the manner indicated 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, ID 83303-2707

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ E-mail
☐ FAX

2. Copies to:

Chief, Natural Resources Div.
Office of the Attorney General
P.O. Box 83720
Boise, ID 83720-0010

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ E-mail

United States Department of Justice
Environment & Natural Resources Div.
550 W. Fort Street MSC 033
Boise, ID 83724

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ E-mail

Clark County Courthouse
224 West Main St
Dubois, ID 83423

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ E-mail

Hagenbarth Land Idaho LP
PO Box 1128
Dillon, MT 59725

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ E-mail



Signature of person delivering form

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

RIGHT NUMBER: 31-12488

NAME AND ADDRESS: HAGENBARTH LAND IDAHO LP
PO BOX 1128
DILLON MT 59725-1128

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.040 CFS

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

PRIORITY DATE: 09/01/1987

POINT OF DIVERSION: T12N R38E S17 SENE Within CLARK County

PURPOSE AND

PERIOD OF USE:	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	STOCKWATER	5/15 11/15	0.040 CFS

The period of use under this water right is limited to the period of use authorized by the United States for grazing on Federal land as described in the applicable grazing permit, annual operating instructions, and other controlling documents.

PLACE OF USE:

STOCKWATER in CLARK County
T12N R38E S17 SENE

This right is appurtenant to the base property described below: T13N, R38E, S36, S $\frac{1}{2}$ SW $\frac{1}{4}$.

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. Idaho Code § 42-1412(6).

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use
Parcel No. RP12N38E171000.

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

RIGHT NUMBER: 31-12489

NAME AND ADDRESS: HAGENBARTH LAND IDAHO LP
PO BOX 1128
DILLON MT 59725-1128

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.040 CFS

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

PRIORITY DATE: 09/01/1961

POINT OF DIVERSION: T12N R38E S15 NWNW Within CLARK County

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

STOCKWATER

05/15 11/15

0.040 CFS

The period of use under this water right is limited to the period of use authorized by the United States for grazing on Federal land as described in the applicable grazing permit, annual operating instructions, and other controlling documents.

PLACE OF USE:

STOCKWATER in CLARK County

T12N R38E S15 NWNW

This right is appurtenant to the base property described below: T13N, R38E, S36, S $\frac{1}{2}$ SW $\frac{1}{4}$.

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

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

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. Idaho Code § 42-1412(6).

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Parcel No. RP12N38E151000.

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

RIGHT NUMBER: 31-12490

NAME AND ADDRESS: HAGENBARTH LAND IDAHO LP
PO BOX 1128
DILLON MT 59725-1128

SOURCE: UNNAMED STREAM

TRIBUTARY: SPRING CREEK

QUANTITY: 0.020 CFS

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

PRIORITY DATE: 07/01/1944

POINT OF DIVERSION: T12N R38E S21 NWNE Begin of Stream Flow Within CLARK County
T12N R38E S21 NWNW End of Stream Flow Within CLARK County

PURPOSE AND

PERIOD OF USE:	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	STOCKWATER	05/15 07/15	0.020 CFS

Stockwater use is for the in-stream watering of livestock.

The period of use under this water right is limited to the period of use authorized by the United States for grazing on Federal land as described in the applicable grazing permit, annual operating instructions, and other controlling documents.

PLACE OF USE:

STOCKWATER in CLARK County

T12N R38E S21	NWNE	T12N R38E S21	NENW
T12N R38E S21	NWNW		

This right is appurtenant to the base property described below: T13N, R38E, S36, S $\frac{1}{2}$ SW $\frac{1}{4}$.

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. Idaho Code § 42-1412(6).

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Parcel No. RP12N38E211000.

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

RIGHT NUMBER: 31-12491

NAME AND ADDRESS: HAGENBARTH LAND IDAHO LP
PO BOX 1128
DILLON MT 59725-1128

SOURCE: MILES CREEK

TRIBUTARY: CROOKED CREEK

QUANTITY: 0.020 CFS

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

PRIORITY DATE: 07/01/1944

POINT OF DIVERSION: T13N R38E S35 SWSW Begin of Stream Flow Within CLARK County
T13N R38E S35 SWSW End of Stream Flow Within CLARK County

PURPOSE AND

PERIOD OF USE:	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	STOCKWATER	05/15 11/15	0.020 CFS

The period of use under this water right is limited to the period of use authorized by the United States for grazing on Federal land as described in the applicable grazing permit, annual operating instructions, and other controlling documents.

Stockwater use is for the in-stream watering of livestock.

PLACE OF USE:

STOCKWATER in CLARK County
T13N R38E S35 SWSW

This right is appurtenant to the base property described below: T13N, R38E, S36, S $\frac{1}{2}$ SW $\frac{1}{4}$.

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. Idaho Code § 42-1412(6).

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use
Parcel No. RP12N38E211000.

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

RIGHT NUMBER: 31-12492

NAME AND ADDRESS: HAGENBARTH LAND IDAHO LP
PO BOX 1128
DILLON MT 59725-1128

SOURCE: UNNAMED SPRING

TRIBUTARY: MILES CREEK

QUANTITY: 0.020 CFS

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

PRIORITY DATE: 07/01/1944

POINT OF DIVERSION: T13N R38E S35 SWSW Within CLARK County

PURPOSE AND PERIOD OF USE:	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	STOCKWATER	05/15 11/15	0.020 CFS

The period of use under this water right is limited to the period of use authorized by the United States for grazing on Federal land as described in the applicable grazing permit, annual operating instructions, and other controlling documents.

Stockwater use is for the in-stream watering of livestock.

PLACE OF USE:

STOCKWATER in CLARK County
T13N R38E S35 SWSW

This right is appurtenant to the base property described below: T13N, R38E, S36, S $\frac{1}{2}$ SW $\frac{1}{4}$.

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. Idaho Code § 42-1412(6).

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use
Parcel No. RP00N00E001000.

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

RIGHT NUMBER: 31-12493

NAME AND ADDRESS: HAGENBARTH LAND IDAHO LP
PO BOX 1128
DILLON MT 59725-1128

SOURCE: SPRING

TRIBUTARY: SINKS

QUANTITY: 0.020 CFS

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

PRIORITY DATE: 07/01/1944

POINT OF DIVERSION: T13N R38E S35 SWSW Within CLARK County

PURPOSE AND

PERIOD OF USE:	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	STOCKWATER	05/15 11/15	0.020 CFS

Stockwater use is for the in-stream watering of livestock.

The period of use under this water right is limited to the period of use authorized by the United States for grazing on Federal land as described in the applicable grazing permit, annual operating instructions, and other controlling documents.

PLACE OF USE:

STOCKWATER in CLARK County
T13N R38E S35 SWSW

This right is appurtenant to the base property described below: T13N, R38E, S36, S $\frac{1}{2}$ SW $\frac{1}{4}$.

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

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

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. Idaho Code § 42-1412(6).

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Parcel No. RP00N00E001000.

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

RIGHT NUMBER: 31-12494

NAME AND ADDRESS: HAGENBARTH LAND IDAHO LP
PO BOX 1128
DILLON MT 59725-1128

SOURCE: UNNAMED SPRING

TRIBUTARY: SINKS

QUANTITY: 0.020 CFS

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

PRIORITY DATE: 07/01/1944

POINT OF DIVERSION: T12N R38E S2 NWSW Within CLARK County

PURPOSE AND

PERIOD OF USE:	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	STOCKWATER	05/15 11/14	0.020 CFS

The period of use under this water right is limited to the period of use authorized by the United States for grazing on Federal land as described in the applicable grazing permit, annual operating instructions, and other controlling documents.

Stockwater use is for the in-stream watering of livestock.

PLACE OF USE:

STOCKWATER in CLARK County
T12N R38E S02 NWSW

This right is appurtenant to the base property described below: T13N, R38E, S36, S $\frac{1}{2}$ SW $\frac{1}{4}$.

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

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

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. Idaho Code § 42-1412(6).

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Parcel No. RP12N38E021000.

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

RIGHT NUMBER: 31-12495

NAME AND ADDRESS: HAGENBARTH LAND IDAHO LP
PO BOX 1128
DILLON MT 59725-1128

SOURCE: UNNAMED CREEK

TRIBUTARY: SINKS

QUANTITY: 0.020 CFS

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

PRIORITY DATE: 07/01/1944

POINT OF DIVERSION: T12N R38E S15 SENE Begin of Stream Flow Within CLARK County
T12N R38E S15 SENE End of Stream Flow Within CLARK County

PURPOSE AND

PERIOD OF USE:	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	STOCKWATER	05/15 07/15	0.020 CFS

The period of use under this water right is limited to the period of use authorized by the United States for grazing on Federal land as described in the applicable grazing permit, annual operating instructions, and other controlling documents.

Stockwater use is for the in-stream watering of livestock.

PLACE OF USE:

STOCKWATER in CLARK County
T12N R38E S15 SENE

This right is appurtenant to the base property described below: T13N, R38E, S36, S $\frac{1}{2}$ SW $\frac{1}{4}$.

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. Idaho Code § 42-1412(6).

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Parcel No. RP12N38E151000.

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

RIGHT NUMBER: 31-12504

NAME AND ADDRESS: HAGENBARTH LAND IDAHO LP
PO BOX 1128
DILLON MT 59725-1128

SOURCE: UNNAMED STREAM

TRIBUTARY: SINKS

QUANTITY: 0.020 CFS

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

PRIORITY DATE: 07/01/1944

POINT OF DIVERSION: T13N R39E S11 NWNE End of Stream Flow Within CLARK County
T13N R39E S11 NWNE Begin of Stream Flow Within CLARK County

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

STOCKWATER

06/01 11/15

0.020 CFS

Stockwater use is for the in-stream watering of livestock.

The period of use under this water right is limited to the period of use authorized by the United States for grazing on Federal land as described in the applicable grazing permit, annual operating instructions, and other controlling documents.

PLACE OF USE:

STOCKWATER in CLARK County

T13N R39E S11 NWNE

This right is appurtenant to the base property described below: T13N, R38E, S36, S $\frac{1}{2}$ SE $\frac{1}{4}$.

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. Idaho Code § 42-1412(6).

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Parcel No. RP13N39E111000.

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

RIGHT NUMBER: 31-12505

NAME AND ADDRESS: HAGENBARTH LAND IDAHO LP
PO BOX 1128
DILLON MT 59725-1128

SOURCE: UNNAMED STREAM

TRIBUTARY: SINKS

QUANTITY: 0.020 CFS

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

PRIORITY DATE: 07/01/1944

POINT OF DIVERSION: T13N R39E S12 SWNE Lot 3 Begin of Stream Flow Within CLARK County
T13N R39E S12 SENW Lot 2 End of Stream Flow Within CLARK County

PURPOSE AND

PERIOD OF USE:	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	STOCKWATER	06/01 11/15	0.020 CFS

The period of use under this water right is limited to the period of use authorized by the United States for grazing on Federal land as described in the applicable grazing permit, annual operating instructions, and other controlling documents.

Stockwater use is for the in-stream watering of livestock.

PLACE OF USE:

STOCKWATER in CLARK County

T13N R39E S12 Lot 3 SWNE T13N R39E S12 Lot 2 SENW

This right is appurtenant to the base property described below: T13N, R38E, S36, S½SE¼.

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

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

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. Idaho Code § 42-1412(6).

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Parcel No. RP13N39E121000.

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

RIGHT NUMBER: 31-12506

NAME AND ADDRESS: HAGENBARTH LAND IDAHO LP
PO BOX 1128
DILLON MT 59725-1128

SOURCE: UNNAMED STREAM

TRIBUTARY: SINKS

QUANTITY: 0.020 CFS

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

PRIORITY DATE: 07/01/1944

POINT OF DIVERSION: T13N R39E S12 SESW Begin of Stream Flow Within CLARK County
T13N R39E S12 SESW End of Stream Flow Within CLARK County

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

STOCKWATER

06/01 11/15

0.020 CFS

Stockwater use is for the in-stream watering of livestock.

The period of use under this water right is limited to the period of use authorized by the United States for grazing on Federal land as described in the applicable grazing permit, annual operating instructions, and other controlling documents.

PLACE OF USE:

STOCKWATER in CLARK County

T13N R39E S12 SESW

This right is appurtenant to the base property described below: T13N, R38E, S36, S4SE4.

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. Idaho Code § 42-1412(6).

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Parcel No. RP13N39E121000.