

3/9/2018

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	DAVID J HAGENBARTH PO BOX 1128 DILLON, MT 59725-1128
Current Owner	JAMES F HAGENBARTH PO BOX 1128 DILLON, MT 59725-1128

Status: Active

<u>Source</u>	<u>Tributary</u>
DRY CREEK	CAMAS CREEK

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	05/01	10/31	0.160 CFS	
STOCKWATER	05/01	10/31	0.020 CFS	
	Total Diversion		0.160 CFS	

DRY CREEK NWNWSW Sec. 9, Twp 13N, Rge 40E, CLARK County

STOCKWATER within CLARK County

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
13N	40E	10													X	X			

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
13N	40E	10													12.0	8.0			20.0

Right Acre Limit: 8.0

POU Total Acres: 20.0

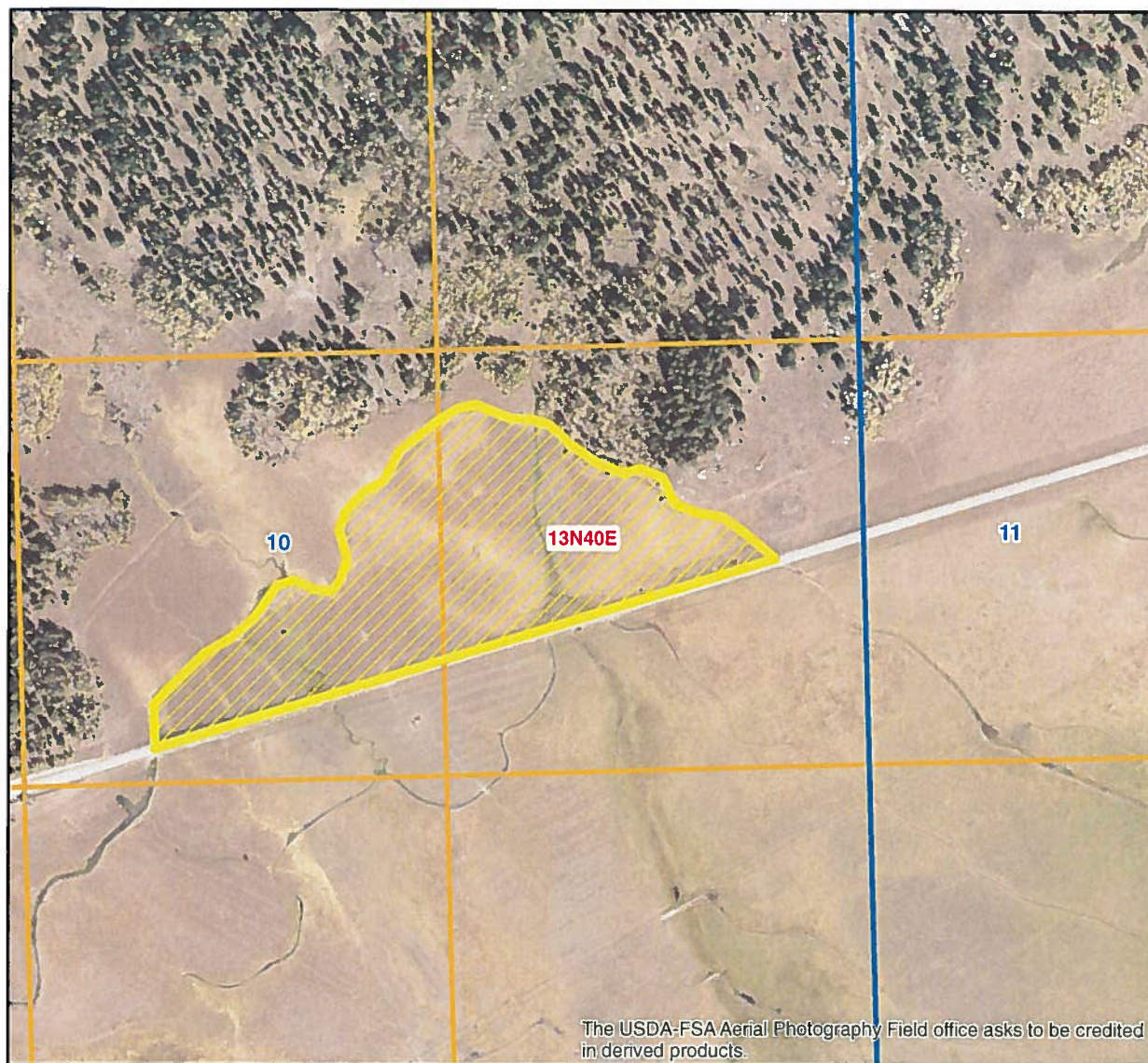
1. K06 This right is limited to the irrigation of 8.0 acres within the place of use described above in a single irrigation season.
2. X35 Rights 31-2274, 31-2275, 31-10245 and 31-10740 when combined shall not exceed a total diversion rate of 0.40 cfs and the irrigation of 20 acres.
3. X35 Rights 21-2054B, 21-4170, 21-4171, 21-4172, 21-4173, 21-4174, 21-4175, 21-12854, 21-12939, 31-2274, 31-3375, 31-10245 and 31-10740 when combined shall not exceed the irrigation of 39 acres.

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

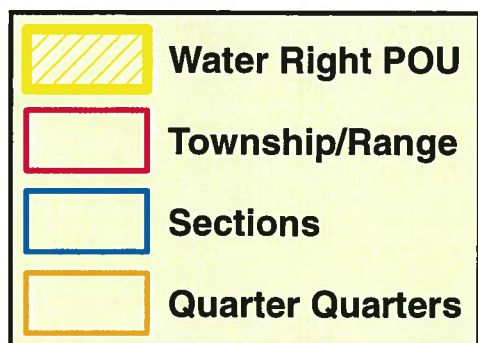
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4. Pursuant to a call in times of scarcity the priority date of this water right is November 2, 1930. In addition, the priority date for this water right is subordinated to the point of diversion located in the SWSE of Section 5 of T13N R40E of water right numbers 31-80 and 31-326, as described by the stipulation and subordination agreement recorded on March 17, 2003, as instrument no. 050002 in the office of the Clark County Recorder.
5. X02 Stockwater use is for 100 range cattle.
6. N05 The quantity of water under this right for stockwater use shall not exceed 1,000 gallons per day.
7. N08 The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.
8. E62 This right when combined with Right No. 31-2274, 31-2275 and 31-10245 shall provide no more than 0.02 cfs per acre.
9. C18 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.

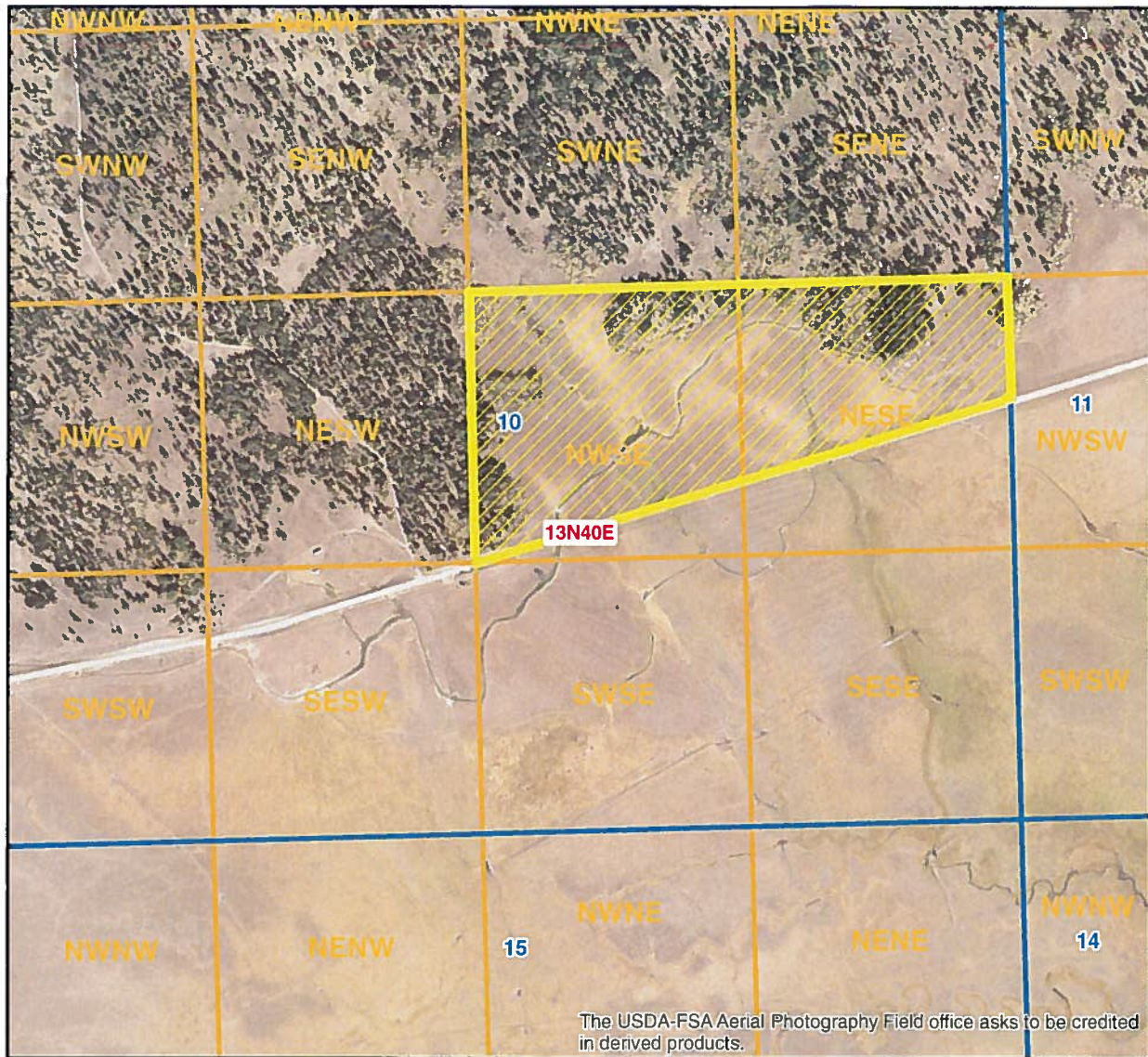
Irrigation Place of Use for Water Rights 31-2274, 31-2275, 31-10245 and 31-10740



2013 Aerial Photo

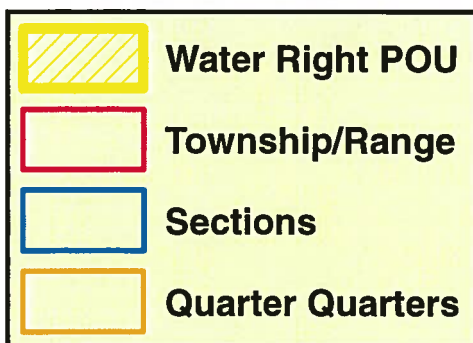


Stockwater Place of Use for Water Rights 31-2274, 31-2275 and 31-10740



The USDA-FSA Aerial Photography Field office asks to be credited in derived products.

2013 Aerial Photo



0 0.2 0.4 Miles



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Conditions of Approval:

1. K06 THIS RIGHT IS LIMITED TO THE IRRIGATION OF 434 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
2. N05 THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE SHALL NOT EXCEED 13,000 GALLONS PER DAY.
3. Pursuant to a call in times of scarcity the priority date of this water right is November 2, 1930. In addition, the priority date for this water right is subordinated to the point of diversion located in the SWSE of Section 5 of T13N R40E of water right numbers 31-80 and 31-326, as described by the stipulation and subordination agreement recorded on March 17, 2003, as instrument no. 050002 in the office of the Clark County Recorder.
4. E56 USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 1089.6 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 31-02274, 31-02275, 31-10245, 31-10740.
5. N08 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
6. RIGHTS HAVE ALSO BEEN CLAIMED TO WATER FROM BASIN 21 FOR THE SAME PURPOSE OF USE AT THE SAME PLACE OF USE DESCRIBED ABOVE, WHICH WILL BE INCLUDED IN A DIRECTORS REPORT TO BE FILED AT A LATER DATE. ANY WATER RIGHTS RECOMMENDED IN THE BASIN 21 REPORT FOR THE SAME PURPOSE OF USE AT THE SAME PLACE OF USE DESCRIBED ABOVE WILL CONTAIN COMBINED USE LIMITATIONS FOR THIS RIGHT AND THE BASIN 21 RIGHTS.
7. STOCKWATER, 1100 RANGE CATTLE.
8. U42 PLACE OF USE IN T13N R40E S11 NWSW DOES NOT INCLUDE ANY STATE PUBLIC SCHOOL ENDOWMENT LAND.
9. E62 THIS RIGHT WHEN COMBINED WITH RIGHT NO. 31-02274, 31-02275, 31-10240, 31-10740 SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE.
10. C18 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.
11. E52 USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 21.79 CFS. COMBINED RIGHT NOS.: 31-02274, 31-02275, 31-10245, 31-10740.

Water Right Splits

David Hagenbarth & James Hagenbarth > Hagenbarth Land LLC

David H & James H Rights						Hagenbarth Land LLC Rights						
<u>Right #</u>	<u>Rate</u>	<u>Acres</u>	<u>Right #</u>	<u>STRate</u>	<u>ST Vol</u>	<u>Rate</u>	<u>Acres</u>	<u>Right #</u>	<u>STRate</u>	<u>STVol</u>	<u>Rate</u>	<u>Acres</u>
21-2054B	3.80	190.0	21-2054B	0.00	0	0.22	11.1	21-13226	0.24	13,000	3.58	178.9
21-4170	0.50	241.0	21-4170	0.02	1,000	0.03	14.1	21-13227	0.21	12,000	0.47	226.9
21-4171	0.25	326.0	21-4171	0.02	3,000	0.02	19.0	21-13228	0.21	10,000	0.23	307.0
21-4172	3.00	306.0	21-4172	0.02	1,000	0.17	17.8	21-13229	0.21	12,000	2.83	288.2
21-4173	3.50	383.0	21-4173	0.02	1,000	0.20	22.3	21-13230	0.21	12,000	3.30	360.7
21-4174	1.00	434.0	21-4174	0.02	1,000	0.06	25.3	21-13231	0.21	12,000	0.94	408.7
21-4175	1.00	668.9	21-4175	0.02	1,000	0.06	39.0	21-13232	0.21	12,000	0.94	629.9
21-12854	0.40	63.0	21-12854	0.02	13,000	0.02	3.7	21-13233	0.00	0	0.38	59.3
21-12939	3.27	240.0	21-12939			0.19	14.0	21-13234			3.08	226.0
Combined		668.9					39					629.9
w/o 21-2045B (only on 21-4175)		355.8					20.7					335.1
31-2274	5.70	285.0	31-2274	0.02	100 cws	0.10	5.2	31-12429	0.22	1000 cws	5.60	279.8
31-2275	12.80	706.0	31-2275	0.02	100 cws	0.23	13.0	31-12430	0.22	1000 cws	12.57	693.0
31-10245	8.00	400.0	31-10245			0.15	7.3	31-12431			7.85	392.7
31-10740	8.68	434.0	31-10740	0.02	1,000	0.16	8.0	31-12432	0.21	12,000	8.52	426.0
Combined	21.79	1089.6				0.40	20.0				21.39	1069.6
All Rights Combined							39					629.9