

NOTICE OF AMENDED
CLAIM TO A
WATER RIGHT

No. 31-4027

NOTICE IS HEREBY
GIVEN that Claim to a Water
Right No. 31-4027 in the
names of Margaret, David J.
and James F. Hagenbarth,
Dillon, Montana, was filed
for the diversion and appli-
cation to beneficial use of
4.00 c.f.s. of water from Scalp
Creek tributary to sinks with
point of diversion within the
SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 3, T. 13N,
R. 39E, B.M., Clark County;
the water is claimed to be
used from Apr. 1 to July 15
for the irrigation of 455 acres
within the S $\frac{1}{2}$ NE $\frac{1}{4}$, 312
E $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$, Sec. 14,
N $\frac{1}{2}$ NE $\frac{1}{4}$, Sec. 23,
NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 24,
N $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$,
W $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec.
13, T. 13N, R. 39E; and from
July 16 to Oct. 31 for
stockwatering purposes for
300-500 cows and calves
within the E $\frac{1}{2}$ NW $\frac{1}{4}$,
NE $\frac{1}{4}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, Sec.
11, SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 2,
N $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec.
14, T. 13N, R. 39E, B.M.

The claimants now pro-
pose to amend claim No.
31-4027 amending the place
of use to the S $\frac{1}{2}$ NE $\frac{1}{4}$,
E $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$, Sec. 14,
N $\frac{1}{2}$ NE $\frac{1}{4}$, Sec. 23,
NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 24,
N $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$,
W $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec.
13, T. 13N, R. 39E, B.M., for
the irrigation of 471 acres.

Any exception to any claim
of water right may be filed
with the Idaho Department of
Water Resources, 1515 Lin-
coln Road, Idaho Falls,
Idaho, 83401.

/s/ C. Stephen Allred
Director

Published October 31 and
November 7, 1979.

Affidavit of Publication

THE RIGBY STAR

RECEIVED

NOV 20 1979

Department of Water Resources
Eastern District Office

STATE OF IDAHO,

County of Jefferson

SS

I, Marie B. Nye, do solemnly swear that I am the
Publisher of THE RIGBY STAR, a weekly
newspaper as defined by Idaho Codes Annotated Section 58-106 as
amended, and that said newspaper is a weekly newspaper, printed and
published at Rigby, Jefferson County, Idaho, having a general circulation in
said county, and that said newspaper has been printed and published as a
weekly newspaper, in said county for more than 78 consecutive weeks prior
to the first publication of the attached notice.

And affiant further says that at the times herein mentioned said
publication as per clipping attached, was published in said newspaper in the
regular and entire issue thereof, and not in any supplement issue thereof,
for 3 consecutive issues thereof; first publication having been made on
the

Thirty-First day of October, 19 79

and the last publication on the

Seventh day of November, 19 79

And affiant further says that at the times herein mentioned said
newspaper was made up of at least four pages of at least five columns each
printed from type matter of at least seventeen and three-fourths inches
depth; and that there are at least two hundred bonafide subscribers in
Jefferson County.

Marie B. Nye

Publisher

Subscribed in my presence and sworn to before me this Seventh
day of November, 19 79.

[SEAL]

Evelyn M. F. Hughes

Notary Public for the State of Idaho
Residence and P. O. Address, Rigby, Idaho.

My commission expires Life, 19

Publication Fee: \$ 22.96

MICROFILMED

The REXBURG STANDARD and
The REXBURG JOURNAL
REXBURG, IDAHO

Affidavit of Publication

STATE OF IDAHO }
County of Madison } ss.

I, Bruce Porter
being first duly sworn, depose and say,
that I am the printer of THE REXBURG

Journal, a newspaper printed and
published weekly at Rexburg, Madison
County, Idaho; and I do solemnly swear
that the

Notice For Water Right
No. 31-4027

a copy of which notice appears attached
hereto, was published in the regular and
entire issue of said newspaper, and not in

any supplement issue thereof for two
consecutive issues, the first publication hav-

ing been made on August 2, 1979
and the last publication having been made

on August 9, 1979

Further, that said newspaper is one of
general circulation in said county; that it
is a legal newspaper, conforming to legal
specifications under the Idaho Statutes; that
it has at least two hundred bona fide sub-
scribers living within the county of publica-
tion; and that it has been continuously and
uninterruptedly published in said county dur-
a period of seventy-eight consecutive weeks
prior to the first publication of the said not-
ice.

[Signature]

Subscribed to and sworn to before me

this August 10, 1979

[Signature]

(SEAL)

Notary Public.

My commission expires life

**NOTICE OF APPLICATION
FOR WATER RIGHT**

Notice is hereby given that the following
application(s) have been submitted for permit to
appropriate the public waters of the State of
Idaho:

Applicant No.: 31-4027

Applicant: HAGENBRATH, MARGARET &/or
DAVID J. &/or JAMES F.; P.O. BOX 1128,
DILLON, MT. 59725

Source: SCALP CREEK tributary to SINKS

Date Filed: 05/01/1948

Amount: 4.00 CFS

Diversion Point: SENE Sec 03 T 13N R 39E,
CLARK Co.

Use: IRRIGATION (3.00 CFS) from 04/01 to
07/15; STOCKWATER (1.00 CFS) from 07/16
to 10/31

Place of Use: SWNE SENE NESW SESW
NESE NWSE SWSE SESE Sec 14 T 13N R
39E NENE NWNE Sec 23 T 13N R 39E NENE
Sec 24 T 13N R 39E NENE NWNE SWNW
NWSW SWSW SESW Sec 13 T 13N R 39E
FOR 455 ACRES

Diversion Means: DIKE & DITCH

Any exception to any claim of water right may
be filed with the Director of the Idaho Depart-
ment of Water Resources, 1515 Lincoln Rd.,
Boise, Idaho 83709.

C. STEPHEN ALLRED
Director

Publ. Aug. 2 and 9, 1979J

RECEIVED

SEP 5 1979

Department of Water Resources
Eastern District Office

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

AMENDED CLAIM TO A WATER RIGHT AMENDED

Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that Margaret Hagenbarth, David J. Hagenbarth, James F. Hagenbarth
(Name of Claimant)

P.O. Box 1128, Dillon, Montana 59725 Telephone No. (406) 683-2163
(Mailing Address) (Zip Code)

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

(1) Date of priority: (When was the water first applied to a beneficial use) May 1, 1948

A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.

(2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)
Scalp Creek tributary to sinks

(3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

(cfs, gpd, AFA)		(Domestic, Irrigation, Stock, Etc.)		(Both dates inclusive)	
				(Mo., Day)	(Mo., Day)
Quantity	3.00 cfs	Use	Irrigation	Period of Use From	4/1 To 7/15
Quantity	1.00 cfs	Use	Stockwater	Period of Use From	7/16 To 10/31
Quantity		Use		Period of Use From	To
Quantity		Use		Period of Use From	To
Quantity		Use		Period of Use From	To

(4) 4.00 cfs TOTAL QUANTITY USED.
(cfs, gpd, AFA)

(5) A) Point of diversion: (Location of point where water is diverted from its source)
SE ¼ NE ¼, Sec. 3 Twp. 13N Rge. 39E B.M., County of Clark
Additional points of diversion:

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. Earth diversion dike (10' wide by 40' long) and ditch (3500' long, 3' deep by 4' wide) which runs in southeasterly direction co-mingling with Moose Creek in the SE¼SW¼, Sec. 2, T. 13N, R. 39E, B.M.

(6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

T	R	SEC.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
13N	39E	14			14	28					15			30	40	35	40	40	242 5/8
		23	30	14												30			44
		24						15											15
		13	20	5					25			40	40	40					170 3/4
13N	39E	11					X			X	X					X	X		
		2												X					
		14	X	X	X														

No. of acres 471 5/8

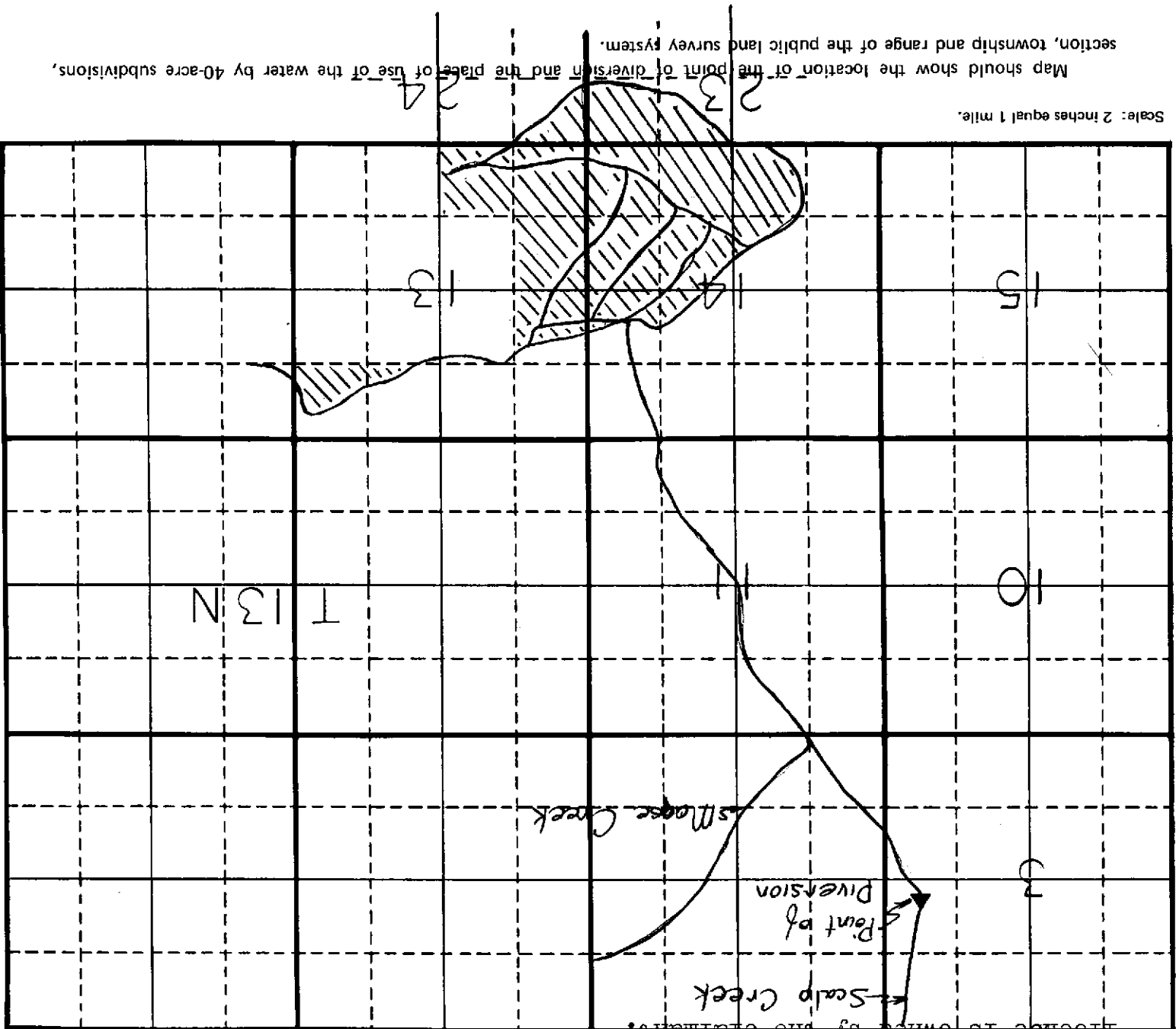
B) If water is used for other than irrigation, fully describe that use, being as specific as possible: Scalp Creek is used for stockwater in the 40's described above marked by an "x". Scalp Creek used from 7/16 to 10/31.

NOTE: Include here the type and number of stock watered: 300 to 500 pairs of cattle

(7) If you are claiming water as a member of an organization, list name of organization:

MICROFILMED

(8) Remarks
R. 39E. It flows in a ditch running southeasterly through Sec. 11 and the N. 1/2 of Sec. 14, T. 13N, R. 39E. This ditch flows into a slow-moving subirrigation system which services lands in Sec. 13, 14, 23, & 24. Moose Creek is under water license No. 3132077 and the land appropriated to this license is owned by the claimant.



State of ~~Idaho~~ Montana)
(ss.)
County of ~~Clark~~ Beaverhead)

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

Sworn to before me this 22nd day of October, 1979.
Notary Public
Residing at D. 1105 MT.

James J. Montgomery
James J. Montgomery
(Claimant)

My commission expires 12/6/80

FOR DEPARTMENT USE ONLY

Received by *BMG* Date *10/24/79* Exception filed by: Forwarded to: Date
Prelim. check by *BMG* Date *10/24/79* claimant by:
Published in *The Star* Date
Dates *Nov 14 8-1979*

Affidavit of Publication

THE RIGBY STAR

**NOTICE OF AMENDED
CLAIM TO A
WATER RIGHT**

No. 31-4027

NOTICE IS HEREBY GIVEN that Claim to a Water Right No. 31-4027 in the names of Margaret, David J. and James F. Hagenbarth, Dillon, Montana, was filed for the diversion and application to beneficial use of 4.00 c.f.s. of water from Scalp Creek tributary to sinks with point of diversion within the SE 1/4 NE 1/4, Sec. 3, T. 13N, R. 39E, B.M., Clark County; the water is claimed to be used from Apr. 1 to July 15 for the irrigation of 455 acres within the S 1/2 NE 1/4, E 1/2 SW 1/4, SE 1/4, Sec. 14, N 1/2 NE 1/4, Sec. 23, NE 1/4 NE 1/4, Sec. 24, N 1/2 NE 1/4, SW 1/4 NW 1/4, W 1/2 SW 1/4, SE 1/4 SW 1/4, Sec. 13, T. 13N, R. 39E; and from July 16 to Oct. 31 for stockwatering purposes for 300-500 cows and calves within the E 1/2 NW 1/4, NE 1/4 SW 1/4, W 1/2 SE 1/4, Sec. 11, SE 1/4 SW 1/4, Sec. 2, N 1/2 NE 1/4, SW 1/4 NE 1/4, Sec. 14, T. 13N, R. 39E, B.M.

The claimants now propose to amend claim No. 31-4027 amending the place of use to the S 1/2 NE 1/4, E 1/2 SW 1/4, SE 1/4, Sec. 14, N 1/2 NE 1/4, Sec. 23, NW 1/4 NW 1/4, Sec. 24, N 1/2 NE 1/4, SW 1/4 NW 1/4, W 1/2 SW 1/4, SE 1/4 SW 1/4, Sec. 13, T. 13N, R. 39E, B.M., for the irrigation of 471 acres.

Any exception to any claim of water right may be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401.

/s/ C. Stephen Allred
Director

Published October 31, 1979
November 7, 1979

STATE OF IDAHO,

County of Jefferson

ss

I, Marie B. Nye, do solemnly swear that I am the Publisher of THE RIGBY STAR, a weekly newspaper as defined by Idaho Codes Annotated Section 58-106 as amended, and that said newspaper is a weekly newspaper, printed and published at Rigby, Jefferson County, Idaho, having a general circulation in said county, and that said newspaper has been printed and published as a weekly newspaper, in said county for more than 78 consecutive weeks prior to the first publication of the attached notice.

And affiant further says that at the times herein mentioned said publication as per clipping attached, was published in said newspaper in the regular and entire issue thereof, and not in any supplement issue thereof, for 3 consecutive issues thereof; first publication having been made on the

Thirty-First day of October, 19 79

and the last publication on the

Seventh day of November, 19 79

And affiant further says that at the times herein mentioned said newspaper was made up of at least four pages of at least five columns each printed from type matter of at least seventeen and three-fourths inches depth; and that there are at least two hundred bonafide subscribers in Jefferson County.

Marie B. Nye

Publisher

Subscribed in my presence and sworn to before me this Seventh day of November, 19 79.

[SEAL]

Evelyn M. F. Hagenbarth

Notary Public for the State of Idaho
Residence and P. O. Address, Rigby, Idaho.

My commission expires Life, 19

Publication Fee: \$ 22.96

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
CLAIM TO A WATER RIGHT

Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that Margaret Hagenbarth, David J. Hagenbarth, James F. Hagenbarth
(Name of Claimant)
P. O. Box 1128, Dillon, Montana 59725 Telephone No. (406) 683-2163
(Mailing Address) (Zip Code)

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

(1) Date of priority: (When was the water first applied to a beneficial use) May 1, 1948

A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.

(2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)
Scalp Creek tributary to sinks

(3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

(cfs, gpd, AFA)		(Domestic, Irrigation, Stock, Etc.)		(Both dates inclusive)	
				(Mo., Day)	(Mo., Day)
Quantity	3.00 cfs	Use	Irrigation	Period of Use From 4/1	To 7/15
Quantity	1.00 cfs	Use	Stockwater	Period of Use From 7/16	To 10/31
Quantity		Use		Period of Use From	To
Quantity		Use		Period of Use From	To
Quantity		Use		Period of Use From	To
(4)	4.00 cfs	TOTAL QUANTITY USED.			
(cfs, gpd, AFA)					

(5) A) Point of diversion: (Location of point where water is diverted from its source)
SE ¼ NE ¼, Sec. 3 Twp. 13N Rge. 39E B.M., County of Clark
Additional points of diversion:

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. Earth diversion dike (10' wide by 40' long) and ditch (3500' long, 3' deep by 4' wide) which runs in a southeasterly direction co-mingling with Moose Creek in the SE¼SW¼ of Sec. 2, Twp. 13N, Rge. 39E, B.M.

(6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

T	R	SEC.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
13N	39E	14			14	28					5			30	40	40	40	40	237
		23	30	14															44
		24	15																15
		13	20	5					14			40	40	40					159
13N	39E	11					X			X	X					X	X		
		2												X					
		14	X	X	X														

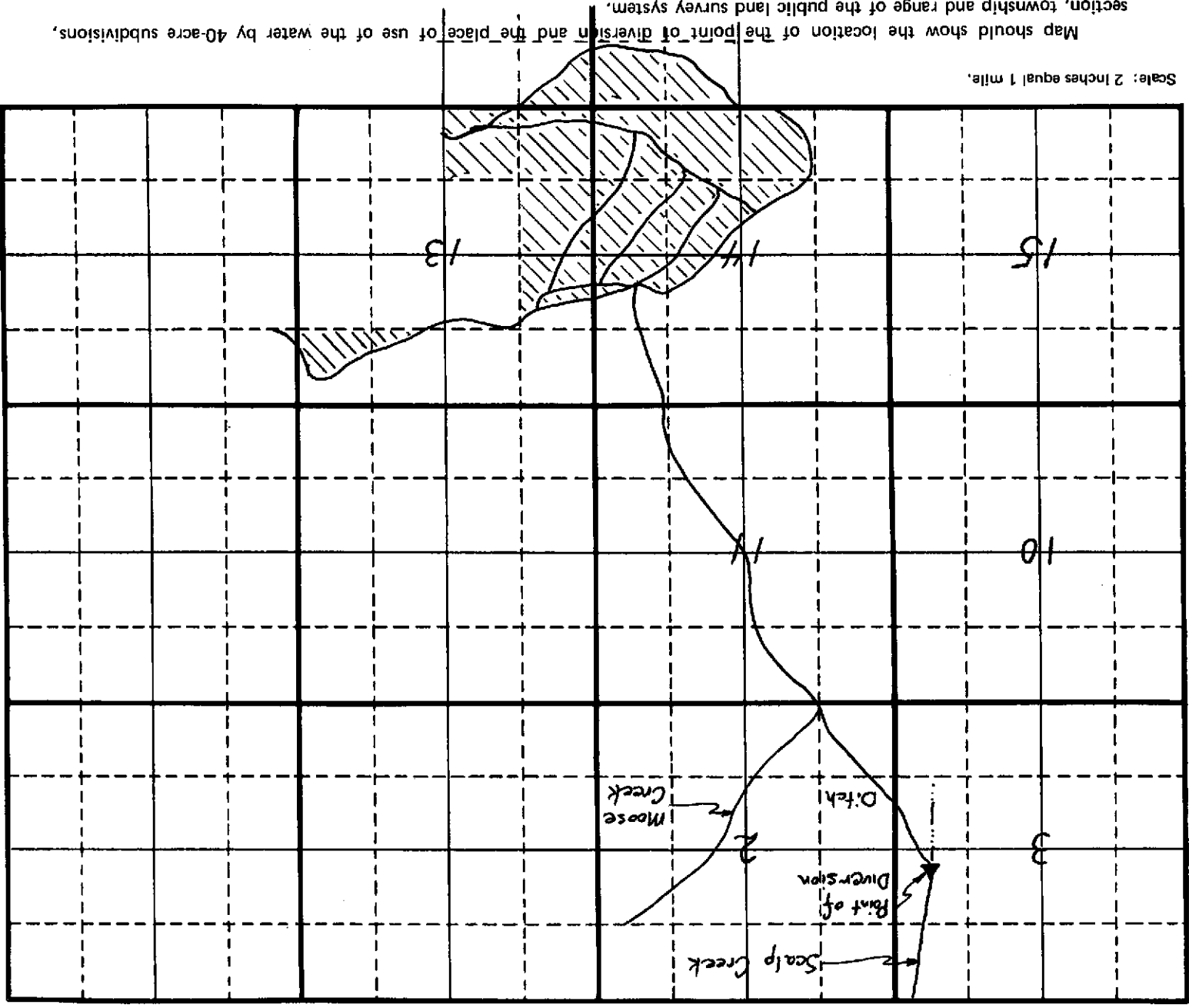
No. of acres 455

B) If water is used for other than irrigation, fully describe that use, being as specific as possible; Scalp Creek is used for stockwater in the 40's described above marked by an "X", Scalp Creek is the only available running water in Sections 11 and 14 for livestock and is used from 7/16 to 10/31/

NOTE: Include here the type and number of stock watered: 300 to 500 pairs of cattle

(7) If you are claiming water as a member of an organization, list name of organization:

(8) Remarks Water is co-mingled with Moose Creek in SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 2, T. 13N, R. 39E. It flows in a ditch running southeasterly through Sec. 11 and the NE $\frac{1}{4}$ of Sec. 14, T. 13N, R. 39E. This ditch flows into a slow-moving subirrigation system which services lands in Sections 13, 14, 23 & 24. Moose Creek is under water license No. 31-2077 and the land appropriated to this license is owned by the claimant.



State of Idaho)
County of CLARK) ss.
Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

Sworn to before me this 23 day of JULY, 1979.
David F. Hargrave
(Claimant)

R. RHULE LEONARDSON
CLERK OF DISTRICT COURT
CLARK COUNTY, IDAHO
Notary Public
Residing at _____
My commission expires _____
BY _____ DEPUTY

Received by _____ dh
Prelim. check by _____ dh
\$20.00 fee received by _____ dh
Published in Standard Journal
Dates August 2 & 9, 1979
7-23-79
7-19-79 FOR DEPARTMENT USE ONLY
Exception filed by: _____
Forwarded to _____
Date _____
claimant by: _____
Date _____

The REXBURG STANDARD and
The REXBURG JOURNAL
REXBURG, IDAHO

Affidavit of Publication

STATE OF IDAHO }
County of Madison } ss.

I, Bruce Porter,
being first duly sworn, depose and say,
that I am the printer of THE REXBURG

Journal, a newspaper printed and
published weekly at Rexburg, Madison
County, Idaho; and I do solemnly swear
that the

Notice For Water Right
No. 31-4027

a copy of which notice appears attached
hereto, was published in the regular and
entire issue of said newspaper, and not in

any supplement issue thereof for two
consecutive issues, the first publication hav-

ing been made on August 2, 1979
and the last publication having been made

on August 9, 1979.
Further, that said newspaper is one of
general circulation in said county; that it
is a legal newspaper, conforming to legal
specifications under the Idaho Statutes; that
it has at least two hundred bona fide sub-
scribers living within the county of publica-
tion; and that it has been continuously and
uninterruptedly published in said county dur-
a period of seventy-eight consecutive weeks
prior to the first publication of the said not-
ice.

[Signature]

Subscribed to and sworn to before me
this August 10, 1979

[Signature]
(SEAL) Notary Public.

My commission expires 1980

**NOTICE OF APPLICATION
FOR WATER RIGHT**

Notice is hereby given that the following
application(s) have been submitted for permit to
appropriate the public waters of the State of
Idaho:

Applicant No.: 31-4027

Applicant: HAGENBRATH, MARGARET &/or
DAVID J. &/or JAMES F.; P.O. BOX 1128,
DILLON, MT. 59725

Source: SCALP CREEK tributary to SINKS

Date Filed: 05/01/1948

Amount: 4.00 CFS

Diversion Point: SENE Sec 03 T 13N R 39E,
CLARK Co.

Use: IRRIGATION (3.00 CFS) from 04/01 to
07/15; STOCKWATER (1.00 CFS) from 07/16
to 10/31

Place of Use: SWNE SENE NESW SESW
NESE NWSE SWSE SESE Sec 14 T 13N R
39E NENE NWNE Sec 23 T 13N R 39E NENE
Sec 24 T 13N R 39E NENE NWNE SWNW
NWSW SWSW SESW Sec 13 T 13N R 39E
FOR 455 ACRES

Diversion Means: DIKE & DITCH

Any exception to any claim of water right may
be filed with the Director of the Idaho Depart-
ment of Water Resources, 1515 Lincoln Rd.,
Boise, Idaho 83799.

C. STEPHEN ALLRED
Director

Publ. Aug. 2 and 9, 1979

REGISTERED

SEP 5 1979

Department of Water Resources
Boise, Idaho 83799

RECEIVED
SEP 10 1979

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

1515 Lincoln Road
Idaho Falls, Idaho 83401
(208) 523-7186

AUGUST 20, 1979

MARGARET HAGENBARTH
DAVID J. HAGENBARTH
JAMES F. HAGENBARTH
P. O. BOX 1128
DILLON

MT 59725

RE: Claim No. 31-4027

Dear Claimant:

The Department of Water Resources has completed the advertising of your claim to a water right, and no further action is authorized under Section 42-243 and 42-244, IDAHO CODE. Your claim will be retained in our files and will be available at any time for use by you or the court.

The filing and advertising of the claim does not confirm the water right claimed, but will serve to record and preserve the information and the evidence which you included in your claim.

If, at a later date, you find that you have additional information or supporting evidence that you would like to have included with the claim, you may have that information or evidence added at any time. Please refer to the claim identification number when corresponding with this office.

We are enclosing a copy of your claim for your records. If you have questions, or if this office may be of further assistance, please feel free to contact us.

Yours truly,

RONALD D. CARLSON
Eastern Region Supervisor

Enclosure

MICROFILMED

October 26, 1979

RE: Amended Claim No. 31-4027 HAGENBARTH

Star
P.O. Box 37
Rigby, Idaho 83442

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing time for you to submit us a galley proof for review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill.

Very truly yours,

COLLEEN WRAY
Sr. Secretary

Bill submitted _____ by _____

Enclosure

MICROFILMED

NOTICE OF AMENDED CLAIM TO A WATER RIGHT

NO. 31-4027

Notice is hereby given that Claim to a Water Right No. 31-4027 in the names of Margaret, David J. and James F. Hagenbarth, Dillon, Montana, was filed for the diversion and application to beneficial use of 4.00 c.f.s. of water from Scalp Creek tributary to sinks with point of diversion within the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 3, T. 13N, R. 39E, B.M., Clark County; the water is claimed to be used from Apr. 1 to July 15 for the irrigation of 455 acres within the S $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$, Sec. 14, N $\frac{1}{2}$ NE $\frac{1}{4}$, Sec. 23, NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 24, N $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 13, T. 13N, R. 39E; and from July 16 to Oct. 31 for stockwatering purposes for 300-500 cows and calves within the E $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 11, SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 2, N $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 14, T. 13N, R. 39E, B.M.

The claimants now propose to amend claim No. 31-4027 amending the place of use to the S $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$, Sec. 14, N $\frac{1}{2}$ NE $\frac{1}{4}$, Sec. 23, NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 24, N $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 13, T. 13N, R. 39E, B.M., for the irrigation of 471 acres.

Any exception to any claim of water right may be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401.

C. STEPHEN ALLRED

Director

Published in The Star, Rigby, Idaho, on Nov. 1 and 8, 1979.

RECEIVED

10/22/79

OCT 24 1979

Department of Water Resources
- Eastern District Office

Mr. Carlson

Thanks so much for
being so patient with such
an error riddled application.
I believe that it is in order -
I made the acknowledge the
change needed in item 6
under Dec 24. I compared all
figures in item 6 to the
map and made three
more changes - two in
Dec 14 and one in Dec 13 -
I initiated all changes -

Thanks again,

Jim Hagerhorst

RECEIVED

State of Idaho
Department of Water Resources

Amended. CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: *Ernest*

Right Number _____ Applicant *Hagenbarth*

NOTE: IF ANY OF THE ITEMS BELOW ARE MISSING, THE CLAIM IS INCOMPLETE AND MUST BE RETURNED IMMEDIATELY TO THE CLAIMANT ALONG WITH THE APPROPRIATE COVER LETTER.

CHECK:

- ☒ Name and address.
- ☒ Date of priority. (Check for a date past the mandatory filing dates.) (One date only.)
- ☒ Source.
- ☒ Quantity, use, period.
- ☒ Point(s) of diversion.
- ☒ Location of use.
- ☒ Signature/notarization/fee.

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received.
- ☒ Claim published correctly.
- ☐ Exceptions processed.

By *Ernest Carlson*

Date *11/20/79*

Primary consideration with this claim is the use of water and not ownership of property. Therefore it was decided not to readvertise because of minor error in legal description for place of use. EMC.

STATE OFFICE PROCESSING:

- ☐ Claim review complete.

By _____ Date _____

ENCLOSURE



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

1515 Lincoln Road
Idaho Falls, Idaho 83401
(208) 523-7186

September 25, 1979

Margaret Hagenbarth
David J. Hagenbarth
James F. Hagenbarth
P.O. Box 1128
Dillon, MT 59725

Dear Hagenbarth's:

Subsequent to the final review of your claim in our Eastern Regional Office, an error was detected on the legal description for the land located in Sec. 24, T. 13N, R. 39E, under Item #6, when compared to the plat map of Item #8. Enclosed you will, therefore, find a copy of your original claim and an amended claim which reflects a change in the land list making it consistent with the plat map.

The amended claim should be reviewed and any changes which you make initialled. When you are confident the amended claim is correct, sign it in the presence of a Notary Public and return it to this office. Please do not forward any money as there is no filing fee for an amended claim.

Feel free to call this office, should there be any questions concerning the above.

Respectfully submitted,

ERNEST M. CARLSEN
Water Resource Analyst

EMC:jd

Enclosures

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

1515 Lincoln Road
Idaho Falls, Idaho 83401
(208) 523-7186

JULY 27, 1979

The Standard Journal
P. O. Box 10
Rexburg, Idaho 83440

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. We have allowed ample time for you to submit a galley proof to this office for review before the first publication date. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before AUGUST 20, 1979.

Yours truly,

RONALD D. CARLSON
Supervisor
Eastern Region

Encl.

RECEIVED

NOTICE OF CLAIMS TO WATER RIGHTS

Notice is hereby given that the following claim(s) to water right(s) have been established by diversion and application to beneficial use:

21-4027-

HUGENBARTH, MARGARET &/or DAVID J. &/or JAMES F.

P. O. BOX 1128, DILLON, MT 59725

Source: SCALP CREEK tributary to SINKS

Priority Date: 05/01/1948

Amount: 4.00 CFS

Diversion Point: SENE Sec 03 T 13N R 39E, CLARK Co.

Use: IRRIGATION (3.00 CFS) from 04/01 to 07/15
STOCKWATER (1.00 CFS) from 07/16 to 10/31

Place of Use: SWNE SENE NESW SESW NESE NWSE SWSE SESE Sec 14 T 13N R 39E NENE
NWNE Sec 23 T 13N R 39E NENE Sec 24 T 13N R 39E NENE NWNE SWNW
NWSW SWSW SESW Sec 13 T 13N R 39E FOR 455 ACRES

Diversion Means: DIKE & DITCH

Any exception to any claim of water right may be filed with
the Director of the Idaho Department of Water Resources, 1515
Lincoln Road, Boise, Idaho 83709.

C. STEPHEN ALLRED

Director

Published 8/2 & 8/9/79.

RECEIVED
AUG 11 1979
CLERK OF DISTRICT COURT

State of Idaho
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: RP

Right Number

31 4027

Applicant

HAGENBARTH

NOTE: IF ANY OF THE ITEMS BELOW ARE MISSING, THE CLAIM IS INCOMPLETE AND MUST BE RETURNED IMMEDIATELY TO THE CLAIMANT ALONG WITH THE APPROPRIATE COVER LETTER.

CHECK:

- ☒ Name and address.
- ☒ Date of priority. (Check for a date past the mandatory filing dates.) (One date only.)
- ☒ Source.
- ☒ Quantity, use, period.
- ☒ Point(s) of diversion.
- ☒ Location of use.
- ☒ Signature/notarization/fee.

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received.
- ☒ Claim published correctly. ok J.S.
- N/A Exceptions processed.

By _____ Date _____

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By Juni Date 12/4/79

RECORDED