

November 10, 1960

RE: License No. 19490
19491
D. V. Hagenbarth

Mr. Alvin S. Wright, Supervisor
Targhee National Forest
St. Anthony, Idaho

Dear Mr. Wright:

Request is hereby made by the Department of Reclamation, State of Idaho, in behalf of Mr. D. V. Hagenbarth and the water users of Water District No. 66 (Mud Lake and tributaries) for permit to go upon the lands of the National Forest to install a suitable diversion and control works for a state licensed water right owned by Mr. D. V. Hagenbarth, the location of said diversion works being in the SW¹/₄ of SW¹/₄ of Section 5, Township 13 North, Range 40 East, R.M.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer

GNC:mr

Blind copy William S. Holden

19490

November 10, 1960

RE: License No. 19490
19491

Mr. D. V. Hagenbarth
Dillon, Montana

Dear Mr. Hagenbarth:

According to the records of this office you are the owner of two licensed water rights, in aggregate amount 18.5 cubic feet per second from Dry Creek, the location of the diversion being in the SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 5, Township 13 North, Range 40 East, B.M. said diversion being within the Targhee National Forest.

Reports from watermasters for Water District No. 66 state that the diversion works for this water right are inadequate and unsatisfactory in that they do not afford workable means of controlling the creek flow, and such has been their condition for some years.

Section 42-701 Idaho Code reads as follows:

MAINTENANCE BY APPROPRIATORS - PROCEDURE UPON FAILURE TO MAINTAIN - The appropriators or users of any public waters of the state of Idaho shall maintain to the satisfaction of the department of reclamation suitable headgates and controlling works at the point where the water is diverted, which shall be of such construction that it can be locked and kept closed by the watermaster or other officer in charge, and shall also be of such construction as to regulate the flow of water at the diversion point and such appropriator shall construct and maintain, when required by the department, a rating flume or other measuring device at such point as is most practical in such canal or ditch for the purpose of assisting the watermaster or department in determining the amount of water that may be diverted into said ditch from the stream. Plans for such headgates, rating flumes or other measuring devices shall be approved by the department of reclamation, provided, that should any appropriator or user of the public waters of the state of Idaho neglect or refuse to construct or maintain such headgates, controlling works, or measuring devices, upon receiving ten days' notice from the department of reclamation within which to begin to remedy such defects as exist in accordance with the said notice, then

19490

continued - page 2

the department of reclamation may order the duly qualified and acting watermaster of the water district to shut off and refuse to deliver at the point of diversion, the water claimed by such appropriator or user until he does construct and maintain such headgates, controlling works or measuring devices or remedy the defects which exist: provided, that such appropriators or users of the public waters of the state of Idaho shall be given a reasonable time within which to complete construction of such headgates, controlling works or measuring devices, depending upon the size and extent thereof, when due diligence has been used in the prosecution of such work,

Pursuant to this statute you are hereby required to meet its requirement, within the ten days provided for compliance.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer

GNC:mr

Blind copy William S. Holden
Alvin S. Wright

19490

August 28, 1956

RE: Permit No. 19490 and 19491

Mr. D. V. Hagenbarth
Spencer
Idaho

Dear Mr. Hagenbarth:

We enclose Certificate of Completion of Works also License and Certificate of Water Right issued under Permit No. 19490 confirming your right to the use of 5.7 second feet of the waters of Dry Creek, with point of diversion in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 9, Township 13 North, Range 40 East, B.M., with priority of March 31, 1944, for irrigation and stock watering purposes, on the N $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 26; N $\frac{1}{2}$ NE $\frac{1}{4}$ and SE $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ Section 27, same Township and Range.

Also enclosed is departmental receipt No. 28094 for the \$25.00 fees, which include \$5.00 completion of works fee and \$20.00 license fee.

We also enclose Certificate of Completion of Works also License and Certificate of Water Right issued under Permit No. 19491 confirming your right to the use of 12.8 second feet of the waters of Dry Creek with point of diversion in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 9, Township 13 North, Range 40 East, B.M., with priority of March 31, 1944, for irrigation and stock watering on the SE $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$ Sec. 10; S $\frac{1}{2}$ SW $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$ Sec. 11; N $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 12; N $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$ Sec. 14; N $\frac{1}{2}$ NE $\frac{1}{4}$ Sec. 15; NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 28; SW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 29, Township 13 North, Range 40 East, B.M.

We also enclose departmental receipt No. 28095 for the \$57.90 fees for completion of works and license.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

R:hll
Enc.

19490

August 1, 1956

RE: Permits Nos. 19490 and 19491

Mr. D. V. Hagenbarth
515 South Dakota St.
Dillon, Montana

Dear Mr. Hagenbarth:

We acknowledge receipt of your letter of July 27, in which you ask whether or not your Permits Nos. 19490 and 19491 were finally approved.

We are enclosing a letter which we addressed you on August 27, 1952, which is self-explanatory, and upon receipt of the correct fees these permits can be completed.

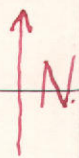
Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

R:hll
Enc.

19490



Twp 13N R 40E.

6

5

4

3

8

9

17

Roads

Reservoir

State Highway

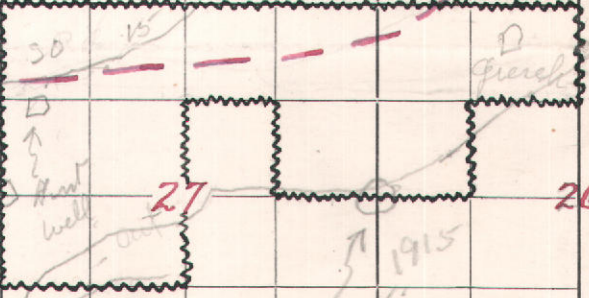
Kilgore
6 mi

29

28

27

26



State of Idaho

License and Certificate of Water Right

Water License No. 19490

Amount 5.7 second feet

Water District No.

Priority March 31, 1944

THIS IS TO CERTIFY that D. V. HAGENBARTH of Spencer, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated March 31, 1944; that Permit No. 19490 was issued under said application; that Certificate of Completion of works, with a carrying capacity of 5.7 second feet, was issued thereunder on August 23, 1956, showing that said works were completed on the 30th day of March, 1950; and that on the 30th day of March, 1950,

D. V. HAGENBARTH

of Spencer, State of Idaho, made proof to the satisfaction of the State Reclamation Engineer of Idaho, of the right to use the waters of Dry Creek, a tributary of Camas Creek, for the purpose of irrigation and stock watering, under Use Permit No. 19490 of the Department of Reclamation and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume 9 of Licenses at page 5779, on the 23rd day of August, 1956;

The right hereby confirmed dates from March 31, 1944;

The Point of Diversion is located

in the NW 1/4 SW 1/4, Sec. 9, Tp. 13 N. R. 40 E., B. M. Clark County

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 5.7 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
13 N.	40 E.	26	NE 1/4 NW 1/4	40	30
			NW 1/4 NW 1/4	40	40
			SW 1/4 NW 1/4	40	30
			NE 1/4 NE 1/4	40	40
		27	NW 1/4 NE 1/4	40	40
			SE 1/4 NE 1/4	40	40
			NE 1/4 NW 1/4	40	15
			NW 1/4 NW 1/4	40	30
		28	SW 1/4 NW 1/4	40	10
			SE 1/4 NW 1/4	40	10
			NW 1/4 SW 1/4	40	--
			NE 1/4 SW 1/4	40	--
			NW 1/4 SW 1/4	40	--
			Total Number of Acres Actually Irrigated - - 285		

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this 23rd day of August, 1956.

MARK R. KULP

State Reclamation Engineer.

(SEAL)

31 2274

No. 19490
31-2274

APPLICATION FOR PERMIT
To Appropriate the Public Waters of the State of Idaho

Application No. **26995**
Permit No. **19490**
District No.

1. Name of Applicant: **D. V. HAGENBARTH**

Postoffice address: **Spencer** County: **Clark** State: **Idaho**

I. If applicant is a corporation, give:

- (a) Date and place of incorporation:
- (b) Amount of capital stock:
- (c) Amount paid in:
- (d) Names and addresses of directors:

II. The financial resources of the applicant are:

- (b) Treasury stock:
- (d) Other resources: **Livestock and real property**

(a) Cash on hand: **\$2,000.00**

(c) Bonds to be issued:

2. Quantity of water claimed: **10.4**

cubic feet per second.

3. Source of water supply: **Dry Creek**

which is a tributary of **Camas Creek**

4. Location of point of diversion:

primary
NW $\frac{1}{4}$ SW $\frac{1}{4}$
corner of Section **9**, T. **13 N.**, R. **40 E.**, B. M., and is in the **SE $\frac{1}{4}$ SE $\frac{1}{4}$**
of Section **5**, T. **13 N.**, R. **40 E.**, B. M., County of **Clark**
secondary point of diversion
feet distant from the NW

5. Water is to be used for **Irrigation and stock watering**

6. If for mining, milling, power or manufacturing purposes, give:

(a) Point of use of water: feet distant from corner of Section

T. , R. , B. M., in the of Section , T. , R. , B. M.

(b) Amount of power generated: H. P., under feet head.

(c) Water is to be returned to at a point feet

distant from the corner of Section , T. , R. , B. M., in the
of Section , T. , R. , B. M.

7. Estimated cost of works: **\$ 500.00**

8. Kind of works: **Rubble masonry dam at secondary diversion point**

9. Height of dam **6** feet; length of dam at top **15** feet; length of dam at bottom **16**
feet; material used in dam:

10. Size of headgate: Width **5 $\frac{1}{2}$** feet; height **3 $\frac{1}{2}$** feet;

11. Ditch: Width at bottom feet; width at water line feet; depth of water feet;

dimensions of flume:

Diameter of pipe inches; length of conduit miles.

Average grade per mile feet.

12. The time required for the completion of such work is **Two (2)** years.

13. The time required for the complete application of the water to the proposed use is **Two (2)** additional years.

14. The land to be irrigated is described in the following tabulation: See remarks.

15. (a) Is reservoir to be used? **No** If so, fill in (b) and (c) below.
(b) Name of Reservoir and number of Storage Permit:
(c) Date of filing of Application for Storage Permit and Name of Applicant:

BE IT KNOWN THAT The undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

D. V. HAGENBARTH

Applicant.

By

Agent.

Date of first receipt at Department of Reclamation: 10:30 A.M. March 31, 1944

Returned to applicant for correction:

Corrected application received:

Approval of State Reclamation Engineer

The number of this permit is 19490

Recorded in Book 70 Page 19490 Approved April 15, 1944

This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions:

Bond in the sum of \$ to be filed on or before

Work to begin on or before June 15, 1944

and to continue diligently and uninterruptedly to completion,

unless temporarily interrupted by circumstances over which permit holder has no control.

One-fifth of the work above specified to be completed on or before April 15, 1945

The whole of said work to be completed on or before April 15, 1946

Beneficial use of water appropriated in accordance herewith, to be made on or before April 15, 1948

Witness my hand this 15th day of April, 1944

MARK R. KULP

State Reclamation Engineer.

IN TESTIMONY WHEREOF, We, C. A. BOTTOLTFSEN, Governor of the State of Idaho,

and GEO. H. CURTIS, Secretary of State of the State of Idaho, have caused this instrument to

be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed, this 15th

day of April, 1944

STATE OF IDAHO

Countersigned:

(SEAL)

By GEO. H. CURTIS
Secretary of State.

By C. A. BOTTOLTFSEN
Governor

Remarks:

14.

Twp.	Range	Sec.	NE ¹ / ₄				NW ¹ / ₄				SW ¹ / ₄				SE ¹ / ₄				Totals
			NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	
13 N.	40 E.	28									40	40							80
		27	40	40		40	40	40	40		40	40							320
		26					40	40	40										120
Total Number of Acres to be Irrigated -																			520
APPROVAL OF STATE RECLAMATION ENGINEER																			
WHEREAS, Application for extension of time for completion of works under Permit to appropriate the Public Waters of the State of Idaho, No. 19490, has been made by the owner thereof, D. V. Hagenbarth, of Dillon, Montana, which application was duly advertised for a period of two consecutive weeks in the Clark County Enterprise, stating that on the 6th day of April, 1946, a hearing would be held for the purpose of receiving any protests, testimony or evidence regarding such application; and, WHEREAS, At the time set for the hearing no protest, testimony or evidence had been presented, either orally or by affidavit; and, WHEREAS, It appears that the owner of said permit is entitled to a further extension of time within which to complete work:																			
NOW, THEREFORE, I, Mark R. Kulp, State Reclamation Engineer of the State of Idaho, by virtue of authority vested in me under Chapter 12 (Senate Bill 13) of the Session Laws of 1945, hereby extend the time for completion of works under Permit to appropriate the Public Waters of the State of Idaho, No. 19490, to April 15, 1950.																			
WITNESS MY HAND this 19th day of April, A. D. 1946.																			
																			MARK R. KULP State Reclamation Engineer

Permit No. 19490
 CERTIFICATE OF COMPLETION OF WORKS

TO ALL WHOM IT MAY CONCERN:

This is to certify that D. V. HAGENBARTH of Spencer, County of Clark, and State of Idaho, the holder of Permit No. 19490, issued upon Application No. 26995 bearing date of priority of March 31, 1944, authorizing the diversion of 10.4 second feet of the waters of Dry Creek, a tributary of Camas Creek, County of Clark, State of Idaho, for irrigation & stock watering purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use 5.70 second feet of the waters of Dry Creek; that the point of diversion of said waters is in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 9, Township 13 North, Range 40 East, B.M.; and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit:

N $\frac{1}{2}$ SW $\frac{1}{4}$ Section 28; N $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 27; NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 27; NE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 26;
 All in Township 13 North, Range 40 East, B.M.

Witness my hand this 23rd day of August, A. D. 1956.

MARK R. KULP
 State Reclamation Engineer

Proof of completion of works made March 30, 1950
 Certificate of Completion of Works issued August 23, 1956.

FOR 5.7 SEC. 9
 Page 5779

April 11, 1989

Kent W. Foster
Holden, Kidwell, Hahn & Crapo
P.O. Box 50130
Idaho Falls, Idaho 83405

RE: WATER RIGHT LICENSE 8990/21-2054 - F. J. HAGENBARTH - AND
31-2274 AND 31-2275

Dear Mr. Foster:

I have reviewed your letter dated March 20, 1989 in connection with the above referenced water right and other rights from Dry Creek claimed by your clients. Your letter was apparently directed to me as a result of a letter I wrote on February 6, 1989 to Jim Hagenbarth. My letter provided some general information about license 21-2054 with respect to two decreed rights identified as 31-0080 and 31-0081.

Based on your letter, I have more thoroughly reviewed the documents and letters in license file 21-2054. The content of this file is on microfilm in our Idaho Falls office should you or your clients wish to review it.

I believe your assessment of the new number (21-2054) assignment by the department to the licensed right originally identified as license 8990 is correct. More specifically, the right should have been shown in department records as two different rights (one being numbered with a Basin 21 number and the other numbered with a basin 31 number. The claims filed by your client, if confirmed by the court in the Snake River Basin adjudication, will accomplish this end. I see no particular reason to make a number change in our central files at this point as long as your client is not prejudiced in the matter.

You have asked that the department provide guidance to Mr. Shenton, the watermaster in Basin 31. Assuming the water rights in question are valid and have not been lost through non-use, the portion of licensed right 21-2054 which is diverted from Dry Creek should be administered together with other rights diverted from Dry Creek.

April 7, 1989

The problem encountered in instructing the watermaster is that the watermaster records of Basin 31 and of Water District 01 apparently do not show that these rights have been used in the recent past. In addition, the license and the supporting data in the file does not show what portion of the right was originally diverted from Dry Creek and what portion was diverted from Sheridan Creek. This is not to say that the rights or portions thereof are not valid, but the department, as you know, does not have authority to predetermine what the court may find with respect to the validity of the rights in the ongoing Snake River Basin adjudication.

It is possible that the watermaster in Basin 31 knows whether this right has been used, since the other two rights referred to in your letter (31-2274 and 31-2275) also show points of diversion in Section 9, T13N, R40E, but were assigned new identification numbers by the department showing Basin 31 prefixes.

The department does not want to prejudice the determination of the validity of the rights by instructing the watermaster to deliver them with the information now available which does not show the rights have been recently used. If the claimant can show to the satisfaction of the department that the rights have been regularly used and not lost through non-use, the department will instruct the watermaster to deliver the rights or portions thereof. If such a showing satisfactory to the department can not be made, the department will require delivery of the rights after determination of the validity of the rights by the court in the ongoing Snake River Basin adjudication. In order to facilitate the showing you may wish to immediately pursue, I would first direct you to the respective watermasters.

Please feel free to contact the department if you have questions or if we can provide any additional information.

Sincerely,

L. GLEN SAXTON, Chief
Water Allocation Bureau

c: Don Shenton
E. Region
Files

November 10, 1960

RE: License No. 19490
19491
D. V. Hagenbarth

Mr. Alvin S. Wright, Supervisor
Targhee National Forest
St. Anthony, Idaho

Dear Mr. Wright:

Request is hereby made by the Department of Reclamation, State of Idaho, in behalf of Mr. D. V. Hagenbarth and the water users of Water District No. 66 (Hud Lake and tributaries) for permit to go upon the lands of the National Forest to install a suitable diversion and control works for a state licensed water right owned by Mr. D. V. Hagenbarth, the location of said diversion works being in the SW 1/4 of Sec. 5, Township 13 North, Range 40 East, S.W.

Very truly yours,

GEO. A. CARTER
State Reclamation Engineer

GAC:rr

Blind copy William S. Holden

19490

November 10, 1960

RE: License No. 19490
19491

Mr. D. V. Hagenbarth
Billon, Montana

Dear Mr. Hagenbarth:

According to the records of this office you are the owner of two licensed water rights, in aggregate amount 12.5 cubic feet per second from Dry Creek, the location of the diversion being in the NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 5, Township 13 North, Range 40 East, B.M. said diversion being within the Targhee National Forest.

Reports from watermasters for Water District No. 66 state that the diversion works for this water right are inadequate and unsatisfactory in that they do not afford workable means of controlling the creek flow, and such has been their condition for some years.

Section 42-701 Idaho Code reads as follows:

MAINTENANCE BY APPROPRIATORS - PROVISIONS UPON FAILURE TO MAINTAIN - The appropriators or users of any public waters of the state of Idaho shall maintain to the satisfaction of the department of reclamation suitable headgates and controlling works at the point where the water is diverted, which shall be of such construction that it can be locked and kept closed by the watermaster or other officer in charge, and shall also be of such construction as to regulate the flow of water at the diversion point and such appropriator shall construct and maintain, when required by the department, a rating flume or other measuring device at such point as is most practical in such canal or ditch for the purpose of assisting the watermaster or department in determining the amount of water that may be diverted into said ditch from the stream. Plans for such headgates, rating flumes or other measuring devices shall be approved by the department of reclamation, provided, that should any appropriator or user of the public waters of the state of Idaho neglect or refuse to construct or maintain such headgates, controlling works, or measuring devices, upon receiving ten days' notice from the department of reclamation within which to begin to remedy such defects as exist in accordance with the said notice, then

19490

continued - page 2

the department of reclamation may order the duly qualified and acting watermaster of the water district to shut off and refuse to deliver at the point of diversion, the water claimed by such appropriator or user until he does construct and maintain such headgates, controlling works or measuring devices or remedy the defects which exist: provided, that such appropriators or users of the public waters of the state of Idaho shall be given a reasonable time within which to complete construction of such headgates, controlling works or measuring devices, depending upon the size and extent thereof, when due diligence has been used in the prosecution of such work.

Pursuant to this statute you are hereby required to meet its requirement, within the ten days provided for compliance.

Very truly yours,

DIC. N. CARLIN
State Reclamation Engineer

(S:CMR)

Blind copy William S. Holden
Alvin S. Wright

19490

August 28, 1956

RE: Permit No. 19490 and 19491

Mr. D. V. Hagenbarth
Spencer
Idaho

Dear Mr. Hagenbarth:

We enclose Certificate of Completion of Works also License and Certificate of Water Right issued under Permit No. 19490 confirming your right to the use of 5.7 second feet of the waters of Dry Creek, with point of diversion in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 9, Township 13 North, Range 40 East, B.M., with priority of March 31, 1944, for irrigation and stock watering purposes, on the NE $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 26; NE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ Section 27, same Township and Range.

Also enclosed is departmental receipt No. 28094 for the \$25.00 fees, which include \$5.00 completion of works fee and \$20.00 license fee.

We also enclose Certificate of Completion of Works also License and Certificate of Water Right issued under Permit No. 19491 confirming your right to the use of 12.8 second feet of the waters of Dry Creek with point of diversion in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 9, Township 13 North, Range 40 East, B.M., with priority of March 31, 1944, for irrigation and stock watering on the SE $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 10; SE $\frac{1}{4}$ SW $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$ Sec. 11; NE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 12; NE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 14; NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 15; NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 28; SW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 29, Township 13 North, Range 40 East, B.M.

We also enclose departmental receipt No. 28095 for the \$57.90 fees for completion of works and license.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

R:hll
Enc.

19490

August 1, 1956

RE: Permits Nos. 19490 and 19491

Mr. E. V. Hagenbarth
515 South Dakota St.
Billon, Montana

Dear Mr. Hagenbarth:

We acknowledge receipt of your letter of July 27, in which you ask whether or not your Permits Nos. 19490 and 19491 were finally approved.

We are enclosing a letter which we addressed you on August 27, 1952, which is self-explanatory, and upon receipt of the correct fees these permits can be completed.

Very truly yours,

W. L. HALL
State Reclamation Engineer
by

Chief Clerk

R:hll
Enc.

19490

July 27, 1956
Kellogg - Idaho

RECEIVED
AUG 1 1956
Department of Reclamation

Mark R. Kulp

Dept. Reclamation

Burien - Idaho

Dear Mr. Kulp -

Were my Permits -

#12 - 19490 - 19491 - finally

approved. If not what

is their present status.

Very Truly

D. V. Hagenbarty
515 So. Babcock St
Billings, Montana

19490

✓
August 27, 1952

RE: Permits Nos. 19490 and 19491

Mr. D. V. Hagenbarth
Spencer
Idaho

Dear Mr. Hagenbarth:

We now have on file the report of our field engineer on examination for completion of works and beneficial use under the above numbered permits.

These reports show that you have irrigated 285 acres under Permit No. 19490, located in the N $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 26, N $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, and NW $\frac{1}{4}$ Section 27, Township 13 North, Range 40 East, B.M.

Therefore, Certificate of Completion of Works and License can be issued for 285 inches, or 5.7 second feet of water from Dry Creek. The statutory fees on this permit amount to \$5.00 for completion of works, and \$20.00 for beneficial use, the latter being at the rate of \$2.00 for each 40 acre subdivision in which the land is located.

Certificate of Completion of Works and License for 12.8 second feet of water can be issued under Permit No. 19491, to be used upon 1110 acres in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ and SW $\frac{1}{4}$ Section 10, S $\frac{1}{2}$ SW $\frac{1}{4}$ and E $\frac{1}{2}$ SE $\frac{1}{4}$ Section 11, NE $\frac{1}{4}$ SW $\frac{1}{4}$ and W $\frac{1}{2}$ SW $\frac{1}{4}$ Section 12, N $\frac{1}{2}$ NE $\frac{1}{4}$ and N $\frac{1}{2}$ NW $\frac{1}{4}$ Section 14, N $\frac{1}{2}$ NE $\frac{1}{4}$ Section 15, NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$ Section 28, SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 29, Township 13 North, Range 40 East, B.M.

Completion of works fee amounts to \$5.90 (\$5.00 for the first 10 second feet and 30 cents for each additional second foot) and the License fee amounts to \$52.00 or \$2.00 for each of the 26 forties in which the land is located.

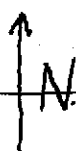
Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:fg

19490



Twp 13N R 40E

6

5

4

3

140
140
560

8

9

Roads

State Highway

Kilgore
6 mi

29

28

27

26

Hand well

1915

Y4

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

PERMIT NO. 19490

REPORT ON PROOF OF Completion of works and Beneficial Use

app. 10-4 c.f.s.

*5.70 cfs
meic*

285 acres

10-40's

D. V. Hagenbarth

Spencer, Idaho

Permit No. 19490

Examination for Completion of works

and Beneficial use

County Clark

5 + 9

1371-408

Q = 10.4 sfo.

Source = Dry Cr.

P.D. = NW₄ SW₄ S. 1. 9.

= SE S. 1. S. 5

520 a.

Apr. 15 - 1940

alt. T. Apr. 15 - 1958

INSTRUCTIONS TO EXAMINERS

1. Always carefully note the location of the point of diversion and accurately plat same.
2. When proof is for beneficial use, carefully check up the number of acres actually irrigated in each forty and accurately plat same.
3. Make a map showing the correct location of streams and ditches, and the irrigated lands, and any adjacent permanent landmarks, such as towns, lakes, large streams and public roads.
4. If any unusual conditions are discovered, make plain statement of them under remarks.
5. Always see the holder, if possible, and go over the whole ground with him and make your report only upon actual existing facts and conditions.
6. Give general characteristics of soils, topography, and crops raised.

RECEIVED
AUG 18 1952
Department of Reclamation

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO
REPORT OF ENGINEER

Permit No. 19490

This proof is for Completion of Works and Beneficial Use In Water District No. _____

1. Name of applicant D. V. Hagenbarth, Spencer, Idaho
2. Source of water supply: Dry Creek
3. Location of point of diversion: Is in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 9, S $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 5
T. 13 N. R. 40 E. County of Clark
4. Describe works as they exist, giving dimensions and capacities of same: The diversion works on Dry Creek for this Permit is the same works as used under Permit No. 19491. The head gate is approximately 12' wide by 4' high by 14' long. The headgate to the take out ditch is approximately the same size, excepting that it is only 10' long. The ditch from this head is 14 to 16 feet wide and 3 feet deep. The point of diversion is in the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 9 and is rediverted a short distance down this ditch into (continued below)
5. Water is used for: Irrigation and stock watering purposes
6. State whether or not water has been turned into works of diversion: Yes

7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if other than irrigation):

N $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 26;

N $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ Section 27;

N $\frac{1}{2}$ SW $\frac{1}{4}$ Section 28;

All in Township 13 North, Range 40 East, B. M.

(SEE MAP) One map for 19490 and 19491

(Submit map on attached plat, showing location and details of above description.)

8. What large stream would the water here appropriated finally reach?

Remarks: a ditch which carries the water to the lands irrigated in Sections 26, 27, 28 and 29 of Township 13 North, Range 40 East, B.M.

This is a high water right and is used solely for the development of pasture.

See map in 19491

This examination was made on the 7th day of August, 1951.

(Signed) E. T. Humphrey Examiner.

Rechecked Aug 13-52

July 14, 1951

Re: Permits Nos. 19490 and 19491

Mr. D. V. Hagenbarth
Spencer, Idaho

Dear Mr. Hagenbarth:

On July 9, I wrote you setting a definite date for inspection to be made in connection with your Permits Nos. 19490 and 19491.

Due to sickness, I am forced to change this date and will plan to be there later this summer. I will notify you in advance if possible.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

E. N. Humphrey
Deputy State Reclamation Engineer

ENH:bh

P.S. I intend to be in your region between August 5 and August 10. If this is not satisfactory to you, please let me know.

19490

July 2, 1931

Re: Permits Nos. 19490 and 19491

Mr. D. V. Hagenbarth
625 South Atlantic Street
Dillon, Montana

Dear Mr. Hagenbarth:

I plan to make inspection, as required by law, in connection with your Permits Nos. 19490 and 19491 sometime during the week of July 15 to July 21. I will probably be at your place on Wednesday, July 18. I may be there sooner or even later, depending on the progress of inspection.

Please be there to accompany me on the inspection or have someone else who knows full details regarding the place of use of water and etc.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

E. N. Humphrey
Deputy State Reclamation Engineer

ENH:bh

19490

April 17, 1950

Re: Permits Nos. 19490 and 19491

Mr. D. V. Hegenberth
Spencer, Idaho

Dear Mr. Hegenberth:

We acknowledge receipt of the depositions of yourself and two witnesses in Proof of Completion of Works and Beneficial Use under the above numbered Permits; also Affidavits of Publication in the Clerk County Enterprise-Banner.

Before final action is taken in the matter, the law requires that a field examination be made by an Engineer from this Department.

We are unable to say just when this examination will be made as this Department has but one Field Engineer who makes examinations all over the State.

However, the Field Engineer for this Department will try and contact you at the time he makes the examination in order that you may arrange to show him over the grounds.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:bh

19490

**NOTICE OF PROOF OF COM-
PLETION OF WORKS
and
APPLICATION OF WATER
TO BENEFICIAL USE**

Notice is hereby given that at 2:00 o'clock P.M., on the 30th day of March, 1950, at Idaho Falls, County of Bonneville, State of Idaho, before John L. Bloem, Notary Public, proof will be submitted of the completion of works for the diversion of 10.4 cubic feet per second of the waters of Dry Creek and of the application to beneficial use of said water, in accordance with the terms and conditions of Permit No. 19490 heretofore issued by the Department of Reclamation of the State of Idaho.

1. The name and post office address of the person or corporation holding said permit are D. V. Hagenbarth, Spencer, Idaho.

2. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conveying to the place of use, in accordance with the plans accompanying the application for such permit, is 10.4 cubic feet per second.

3. The use to which said water has been applied is irrigation and stock water purposes, and the amount applied to beneficial use is 10.4 cubic feet per second.

4. The place where said water is used is N $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 26, N $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, Section 27, N $\frac{1}{2}$ SW $\frac{1}{4}$, Section 28, all in Township 13 North, Range 40, East Boise Meridian, Clark County, Idaho.

5. The date of priority which said user is prepared to establish is March 31, 1944.

MARK R. KULP,
State Reclamation Engineer.
(March 3, 10, 17, 24)

Affidavit of Publication

STATE OF IDAHO }
County of Clark } ss

**AFFIDAVIT OF
PUBLICATION**

I, Reed Birch, being first duly sworn depose and say, that I am the printer of the CLARK COUNTY ENTERPRISE-BANNER a newspaper printed and published weekly at Dubois, Clark County, Idaho; and I do solemnly

swear that the Notice of Proof

..... copy of which notice appears attached hereto, was published in the regular and entire issue of said news-

paper, and not in any supplement thereof for

.....4..... consecutive issues, the first publica-

tion having been made on the 3..... day of

.....March..... 1950., and the last

publication having been made on the 24.....

day of March....., 1950..

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 subscribers living within the county of publication, and that it has been continuously and uninterruptedly published in said county during a period of seventy-eight consecutive weeks, prior to the first publication of the said notice, except for temporary suspension permitted during war emergency under the provisions of Chapter 16, Idaho Session Laws of 1943.

Reed Birch

Subscribed to and sworn before me this 1

day of April, 1950.

Arthur C. Smith

Notary Public

(S E A L)

My commission expires January 20, 1953.

19490

PERMIT NO. 19490

Proof of Completion of Works

DEPOSITION OF HOLDER

Ques. 1. State your name, residence, occupation and postoffice address.

Ans. D. V. Hagenbarth, Spencer, Idaho, Livestock raiser and farmer, Spencer, Idaho.

Ques. 2. If acting in behalf of a corporation, state its name, principal place of business, your position with reference to same, and your authority for appearing in its behalf.

Ans. --

Ques. 3. State number and date of permit, amount of water you are authorized to divert, source, and point of diversion.

Ans. #19490, April 15, 1944, 10.4 sfs from Dry Creek, Div. at NW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 9, SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 5, Twp. 13 N.R. 40, E.B.M.

Ques. 4. State purpose for which water is to be used, and, if for irrigation, state the number of acres and give description of the land you intend to reclaim.

Ans. Irrigation and livestock; 520 acres: N $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 26, N $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, Section 27, N $\frac{1}{2}$ SW $\frac{1}{4}$, Section 28, Twp. 13 N.R. 40, E.B.M.

Ques. 5. State whether or not the water has been turned into your works of diversion, and, if so, when and to what extent.

Ans. Yes. First water was turned in prior to the issuance of permit, and was wholly completed in September, 1949.

Ques. 6. State whether or not the works of diversion are fully completed, and whether or not they comply in all respects with the terms of the permit.

Ans. They are completed and comply with the terms of permit.

Ques. 7. If the works of diversion do not comply with all the terms of your permit, state fully those particulars in which there is any variance.

Ans. --

Ques. 8. Give description of works, state dimensions and capacity of each part, and give cost of same.

Ans. Upper diversion dirt dam, lower diversion headgate across; Water is carried through Hunt Well Ditch running southerly through Sections 9, 16, 21, and 20, then east along approximately South line of Sections 20, 21, 22, and 23; ditch will carry in excess of 1200 inches of water. Cost \$3,000 including work on permit 19491.

(Sign here.) *D. V. Hagenbarth*

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, in Idaho Falls,

County of Bonneville, State of Idaho, on this 30th day of March A. D. 1950.

John L. Bhow

Notary Public.

My Commission expires Nov. 9, 1951.

19490

Permit No. 19490

Proof of Completion of Works**DEPOSITION OF WITNESS**

Ques. 1. State your name, residence, occupation and postoffice address.

Ans. Raymond T. Michener, age 38, Idaho Falls, Idaho, Sales of Irrigation Equipment, 210 H St., Idaho Falls, Idaho.

Ques. 2. Are you acquainted with D. V. Hagenbarth, the holder of Permit No. 19490, authorizing the diversion of 10.4 second-feet of the waters of Dry Creek, at Spencer for Irriga-^{tion and Livestock.} purposes? How long have you known him, and where does he reside?

Ans. Yes. 2½ years. Spencer, Idaho.

Ques. 3. Have you read or heard read said Permit No. 19490, and are you familiar with its terms and conditions?

Ans. Yes.

Ques. 4. (If for irrigation purposes). Are you acquainted with the land proposed to be irrigated under said permit? If so, describe same, state its character, and give your estimate of the amount of water required for its profitable cultivation.

Yes. N½NW¼, SW¼NW¼, Section 26, N½NE¼, SE¼NE¼, NW¼, N½SW¼, Section 27, N½SW¼, Section 28, all in Twp. 13 N.R. 40, E.B.M.

The soil is a mountain loam, and would require at least one inch per acre for proper irrigation.

Ques. 5. Are the works of diversion fully completed and of sufficient capacity to convey the entire amount of water set out in the permit from point of diversion to place of use?

Ans. Yes.

Ques. 6. Describe the works of diversion as they now exist, and give your estimate of their capacity.

Ans. The upper point of diversion is a dirt dam, and the lower is a headgate across the creek. Water is conveyed to the land through the Hunt Well ditch, which runs southerly through Sections 9, 16, 21, 20, then easterly along the south line of Sections 20, 21, 22, and 23. Works are of sufficient capacity to carry 25 cfs.

(Sign here.)

Raymond T. Michener

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in Idaho Falls County of Bonneville, State of Idaho, on this 30th day of March, A. D. 1950.

John L. Blum
NOTARY PUBLIC, in & for said State
Residing at: Idaho Falls, Idaho

19490

Permit No. 19490

Proof of Completion of Works**DEPOSITION OF WITNESS**

Ques. 1. State your name, residence, occupation and postoffice address.

Ans. H. L. McBirney, 128 4th St., Idaho Falls, Idaho, Agricultural Sales Manager; 128 4th St., Idaho Falls, Idaho.

Ques. 2. Are you acquainted with D. V. Hagenbarth, the holder of Permit No. 19490, authorizing the diversion of 10.4 second-feet of the waters of Dry Creek, at Spencer for Irrigation and Livestock purposes? How long have you known him, and where does he reside?

Ans. Yes. 17 years. Spencer, Idaho.

Ques. 3. Have you read or heard read said Permit No. 19490, and are you familiar with its terms and conditions?

Ans. Yes.

Ques. 4. (If for irrigation purposes). Are you acquainted with the land proposed to be irrigated under said permit? If so, describe same, state its character, and give your estimate of the amount of water required for its profitable cultivation.

Ans. Yes. N $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 26, N $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, Section 27, N $\frac{1}{2}$ SW $\frac{1}{4}$, Section 28, all in Twp. 13 N.R. 40, E.B.M. Land is Arid, mountain loam, and would require at least 1 inch per acre for cultivation.

Ques. 5. Are the works of diversion fully completed and of sufficient capacity to convey the entire amount of water set out in the permit from point of diversion to place of use?

Ans. Yes.

Ques. 6. Describe the works of diversion as they now exist, and give your estimate of their capacity.

Ans. Water diverted NW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 9, SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 5, Twp. 13 N.R. 40, E.B.M.; headgate constructed across creek to turn water, with diversion dam of lumber and earth back-fill, diversion gate of metal and lumber, and series of ditches which were surveyed to assure proper flow. Works of capacity sufficient to divert 40 C.F.S.

(Sign here.)

H. L. McBirney

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in Idaho Falls County of Bonneville, State of Idaho, on this 30th day of March, A. D. 1950.

NOTARY PUBLIC, in & for said State
Residing at: Idaho Falls, Idaho

19490

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Permit No. 19490

Proof of Application of Water to Beneficial Use

Deposition of Holder

Ques. 1. State your name, residence, occupation and postoffice address.

Ans. D. V. Hagenbarth, Spencer, Idaho, Livestock Grower and farmer, Spencer, Idaho.

Ques. 2. If acting in behalf of corporation, state its name, principal place of business (if a foreign corporation, give name of postoffice of statutory agent), your position with reference to same, and your authority for appearing in its behalf.

Ans. ---

Ques. 3. State number and date of permit, and date of priority you propose to establish under the permit.

Ans. #19490, April 15, 1944, March 31, 1944.

Ques. 4. State source of water supply and give exact location of point of diversion.

Ans. Dry Creek. NW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 9, SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 5, Twp. 13 N.R. 40 E.B.M.

Ques. 5. Describe your works of diversion, and state amount of water they are capable of conveying from point of diversion to place of use, and give name of canal or ditch or other works by which water is conducted to such place of use.

Ans. Upper diversion is dirt dam, and lower diversion is headgate across creek, irrigating system consists of numerous ditches and laterals, water is conveyed to land through the Hunt Well Ditch which runs southerly across Sections 9, 16, 21, and 20, thence easterly along the Southerly side of Sections 20, 21, and 22, and 23. This ditch can carry in excess of 1200 inches of water.

Ques. 6. State for what purpose water is used and describe place of use. (If for irrigation, name each subdivision in which used, and number of acres in each subdivision that have actually been irrigated with said water.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. Irrigation: N $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 26, N $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, Section 27, N $\frac{1}{2}$ SW $\frac{1}{4}$, Section 28, Twp. 13 N.R. 40, E.B.M. 520 acres in all which were formerly sparse meadow land scattered with sage brush. I planted timothy seed and irrigation has killed sage brush, and has made good pasture land.

Ques. 7. If for other than irrigation purposes; state how applied, amount of horse power generated, etc.

Ans. Livestock is also watered in ditches.

19490

11-5

Ques. 8. What is the minimum amount of water required for the purpose specified above?
Ans. 1 inch per acre.

Ques. 9. If you are not the person or representative of the corporation to whom above mentioned permit was originally issued, please state how ownership was acquired by present holder.
Ans. --

Ques. 10. State when, how, in what amount and to what extent the water diverted under above mentioned permit has been used.

Ans. This work was commenced prior to my application for permit, and water was put to beneficial use. I have diverted and used in excess of 10.4 cfs through this system and spread it over the lands to increase the forage; it is used in the early summer, and Dry Creek reduces to about 100 inches about the 1st week of August.

Ques. 11. State when, how, in what amount and to what extent waters other than those diverted under the above mentioned permit have been diverted and applied to beneficial use upon the lands herein described. Give full particulars regarding such other appropriations and rights claimed thereunder.

Ans. I have another permit (19491) to irrigate adjoining lands, and have been irrigating about 600 acres of land in connection with other permit. Water under both permits are diverted in the same places, and carried through the same ditches. Permit 19491 also carries water through what is known as Dry Creek Feeder Canal.

(Sign)

D. V. Augenbarty

I hereby certify that the foregoing testimony was read to the above subscribed before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in Idaho Falls, County of Bonneville, State of Idaho, on this 30th day of March, A. D. 1950.

John S. Blum

NOTARY PUBLIC, in & for said State
Residing at: Idaho Falls, Idaho

My commission expires Nov. 9, 1951.

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

PERMIT NO. 19490

Proof of Application of Water to Beneficial Use

Deposition of Witness

The deposition of two witnesses, on this form, taken separately, required in each case.

Ques. 1. State your name, age, residence, occupation and postoffice address.

Ans. H. L. McBirney, age 50, Idaho Falls, Idaho, Agricultural Sales Manager, 128 4th St., Idaho Falls, Idaho.

Ques. 2. Are you acquainted with D. V. Hagenbarth, the holder of Permit No. 19490? How long have you known him and where does he reside?

Ans. Yes. 17 years. Spencer, Idaho.

Ques. 3. Have you read or heard read said Permit No. 19490, and are you familiar with its provisions and conditions?

Ans. Yes, I am familiar with it.

Ques. 4. State source of water supply, place of diversion, and describe works for conveying water from point of diversion to place of use.

Ans. Dry Creek. Diverted NW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 9, SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 5, Twp. 13 N.R. 40, E.B.M.; headgate constructed across creek to turn water, with diversion dam of lumber and earth back-fill, diversion gate of metal and lumber, and series of ditches which were surveyed to assure proper flow.

Ques. 5. How many second feet of water do you estimate said works will safely conduct to place of use, and how much water have you seen being so conveyed?

Ans. Capacity sufficient to divert 40 cfs, I have seen about 35 cfs.

Ques. 6. State for what purpose water is used and at what place. (If for irrigation, give each subdivision in which water has been used and number of acres irrigated in each subdivision.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. N $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 26, 120 acres; N $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, and N $\frac{1}{2}$ SW $\frac{1}{4}$, Section 27, /N $\frac{1}{2}$ SW $\frac{1}{4}$, Section 28, /Twp. 13 N.R. 40, E.B.M. Although there is a little waste, most of the land is irrigated. This is natural meadow land and irrigation is to stimulate growth of grees and grass already growing; much could be cultivated. Irrigation has killed sage brush and increased forage. Also land has been seeded with timothy to supplement natural forage.

19490

Ques. 7. If for power or other purposes than irrigation, state how water has been applied and to what extent.

Ans. Water is also used for purpose of watering livestock.

Ques. 8. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

Ans. Land is arid in character, of a mountain loam, and would require at least 1 inch per acre for proper irrigation.

Ques. 9. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent?

Ans. I have no interest.

Ques. 10. State when, how, in what amount and to what extent you have witnessed the application to beneficial use of water diverted under said permit.

Ans. I have seen system working in early part of the summer/since of each year prior to the issuance of permit. I assisted in running surveys on the ditch when under construction to establish proper grade. I have seen about 35 cfs being diverted (with permit 19491), I have seen about 12 cfs conveyed to this land.

(Signed)

H. L. Mc Birney

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in Idaho Falls, Idaho, County of Bonneville, State of Idaho, on this 30th day of March, A. D. 19 50.

John L. Blum

Notary Public.

My commission expires Nov. 9, 1951.

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

PERMIT NO. 19490

Proof of Application of Water to Beneficial Use

Deposition of Witness

The deposition of two witnesses, on this form, taken separately, required in each case.

Ques. 1. State your name, age, residence, occupation and postoffice address.

Ans. Raymond T. Michener, age 38, Idaho Falls, Idaho, Sales of
Irrigation Equipment, 210 H St., Idaho Falls, Idaho

Ques. 2. Are you acquainted with D. V. Hagenbarth, the
holder of Permit No. 19490? How long have you known him and where does
he reside?

Ans. Yes. 2½ years. Spencer, Idaho.

Ques. 3. Have you read or heard read said Permit No. 19490, and are you
familiar with its provisions and conditions?

Ans. Yes, I am familiar with it.

Ques. 4. State source of water supply, place of diversion, and describe works for con-
veying water from point of diversion to place of use.

Ans. Dry Creek. Two points of diversion, one dirt dam in SE¼SE¼,
Section 5, and headgate across creek in NW¼NW¼SW¼, Section 9, Twp. 13
N. R. 40, E.B.M. Series of ditches which are surveyed to assure flow.

Ques. 5. How many second feet of water do you estimate said works will safely con-
duct to place of use, and how much water have you seen being so conveyed?

Ans. Ditches of sufficient capacity to handle approximately 25 cfs of
water. I have seen about 30 to 35 cfs.

Ques. 6. State for what purpose water is used and at what place. (If for irrigation, give
each subdivision in which water has been used and number of acres irrigated in each
subdivision.) State whether cultivated or natural meadow land and the nature of all im-
provements which have been made as a direct result of said use.

Ans. N¼NW¼, SW¼NW¼, Section 26, 120 acres; N¼NE¼, SE¼NE¼, NW¼, and
N¼SW¼, Section 27, 320 acres N¼SW¼, Section 28, 80 acres Twp. 13
N.R. 40, E.B.M. This land was formerly sparsely scattered with natural
grasses and sagebrush. Applicant has broadcast timothy seed and applied
the water which has eliminated most of the sage brush and increased the
grasses and forage. I have not seen this land under actual irrigation,
however I have seen the ditches and know they are sufficient in capacity
to irrigate the land, and the condition of the land shows that water
has been applied.

19490

Ques. 7. If for power or other purposes than irrigation, state how water has been applied and to what extent,

Ans. Water is also used for purpose of watering livestock.

Ques. 8. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

Ans. This land requires irrigation for the successful production of crops, and is a mountain loam type soil. The land will require about 1 inch to per acre for proper irrigation.

Ques. 9. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent?

Ans. I have no interest.

Ques. 10. State when, how, in what amount and to what extent you have witnessed the application to beneficial use of water diverted under said permit.

Ans. As mentioned before, I have not seen this land actually under irrigation, but the condition of the land is such to indicate that it has been irrigated, and the works are of sufficient capacity to irrigate it.

(Signed)

Raymond T. Michener

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in Idaho Falls, Idaho, County of Bonneville, State of Idaho, on this 30th day of March, A. D. 1950.

John A. Bloom
Notary Public.

My commission expires Nov. 9, 1951.

February 25, 1950

Re: Permits Nos. 19490 and 19491

Clerk County Enterprise
Dubois, Idaho

Gentlemen:

At the request of Mr. John L. Bloem, of Idaho Falls, we are sending to Mr. Arthur Porter, at Rexburg, copy of two notices for publication in your paper for four consecutive weeks, commencing with your issue of Friday, March 3.

We understand that these notices will be set up by Mr. Porter and sent you in time for publication to appear on that date.

When publication is completed, Affidavits of Publication, together with statement of costs, should be sent to Mr. D. V. Hagenbarth, in care of Mr. John L. Bloem, Rogers Building, Idaho Falls.

Please acknowledge receipt of these notices, and furnish this office with a copy of the first issue containing same.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:bn

CC: Mr. Arthur Porter.

1 9490

NOTICE OF PROOF OF COMPLETION OF WORKS
and
APPLICATION OF WATER TO BENEFICIAL USE

Notice is hereby given that at 2:00 o'clock P. M., on the 30th day of March, 1950, at Idaho Falls, County of Bonneville, State of Idaho, before John L. Bloom, Notary Public proof will be submitted of the completion of works for the diversion of 10.4 cubic feet per second of the waters of Dry Creek and of the application to beneficial use of said water, in accordance with the terms and conditions of Permit No. 19490 heretofore issued by the Department of Reclamation of the State of Idaho.

1. The name and postoffice address of the person or corporation holding said permit are D. V. Hagenbarth, Spencer, Idaho.
2. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conveying to the place of use, in accordance with the plans accompanying the application for such permit, is 10.4 cubic feet per second.
3. The use to which said water has been applied is Irrigation and stock water purposes, and the amount applied to beneficial use is 10.4 cubic feet per second.
4. The place where said water is used is N $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 26, N $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, Section 27, N $\frac{1}{2}$ SW $\frac{1}{4}$, Section 28, all in Township 13 North, Range 40, East Boise Meridian, Clark County, Idaho.
5. The date of priority which said user is prepared to establish is March 31, 1944.

MARK R. KULP

State Reclamation Engineer

19490

February 25, 1950

Re: Permit No. 19490 and 19491

Mr. John L. Bloom
201 Rogers Building
Idaho Falls, Idaho

Dear Mr. Bloom:

We acknowledge receipt of your letter of February 22, 1950, with forms enclosed.

We have set March 30, 1950 as the date for making proof of the Permits Nos. 19490 and 19491, and are today writing the Clark County Enterprise that we are sending a copy of these notices to Mr. Arthur Porter to be set up and transmitted to that newspaper for publication commencing March 3, 1950.

We have instructed the Enterprise to publish the notices once a week for four consecutive weeks and to send the Affidavits of Publication to Mr. Hagenbarth, in your care, together with statement of costs.

Under separate cover we are sending you the necessary forms of deposition to be used in making these proofs, consisting of depositions for the Permit Holder and two witnesses for Completion of Works Proof and depositions for the Permit Holder and two witnesses for Beneficial Use Proof, which must be made separately for each of these Permits.

At the time set, Mr. Hagenbarth should appear before you, together with two disinterested witnesses who are familiar with the terms of the Permits and the work done thereunder for the purpose of executing the depositions.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

A:bb
CC: Mr. D. V. Hagenbarth.

Chief Clerk

19490

RALPH L. ALBAUGH
JOHN L. BLOEM
ERROL H. HILLMAN
GEORGE L. BARNARD

P. O. BOX 428
TELEPHONE 328
OR 2354

LAW OFFICES OF
ALBAUGH, BLOEM & HILLMAN
SUITE 201-B ROGERS BUILDING
IDAHO FALLS, IDAHO

February 22, 1950

RECEIVED
FEB 25 1950
Department of Reclamation

Re: Permits 19490-19491

STATE RECLAMATION ENGINEER
Boise
Idaho

Gentlemen:

Mr. D. V. Hagenbarth will forward the papers hereinafter mentioned from Dillon, where is staying at present.

Enclosed you will find two Forms No. 11, and two sets of Forms No. 36, one for each of the above permit numbers.

You will observe I did not fill in the date of the hearing, as I was not sure on what date you would be able to have the notices in the hands of the newspaper for publication. The Clark County Enterprise is published on Fridays, which means the copy should be in the hands of the printer by Wednesday in order to assure publication.

As you possibly know, the Enterprise type is set in Rexburg by Arthur Porter before it is taken to Dubois for printing, so if you would mail the notice direct to Mr. Porter at Rexburg, Idaho, in time to reach him by a Wednesday, you could count on the first publication the following Friday.

Please advise me what date you fill in for the hearing.

Very truly yours,

ALBAUGH, BLOEM & HILLMAN

By John L. Bloem

JLB:s
Encls

19490

3-10-17-24

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) February 23, 1950

(P. O.) C/o Stanley Crowley, Idaho Falls, Idaho

TO THE STATE RECLAMATION ENGINEER:

Boise, Idaho.

Dear Sir:

You are hereby authorized to have the attached notice published at my expense in the
Clark County Enterprise of Dubois, Idaho published in
the county in which the works are situated.

x. D. V. Haggenbarth

(In case of canals or other works designed to divert and carry more than 50 cubic feet of water per second, the following certificate must be signed by a well-known and competent engineer.)

I hereby certify that the facts set forth in the attached notice are true.

Engineer.

19490

Kellon, Mont
625 So. Alton St
Feb 23, 1950

Mr. Mark L. Kulp

Boise - Ida.

Dear Mr. Kulp:-

RECEIVED
FEB 25 1950
Department of Reclamation

Will appreciate
your department's handling
of inclosed notes of proof
of works & water application
forms.

Best personal regards -
Dane Hagenbarty.

19490

19490
February 21, 1950

Albaugh, Bloem & Hillman
Box 428
Idaho Falls, Idaho

Attention: Mr. John L. Bloem

Dear Mr. Bloem:

In reply to your letter of February 11, 1950, which reached us this morning, requesting forms of notice for Completion of Works and Beneficial Use Proofs under Permits Nos. 19490 and 19491, in the name of D. V. Hagenbarth:

A separate notice for each Permit should be made in duplicate on Form 36 enclosed, setting the time and place and naming the Notary Public before whom the Proof is to be made. Both copies of the notice to be returned to this Department together with Form 11 which is Permit Holders authorization for us to have the notice published at his expense in the designated county newspaper for the statutory four weeks preceeding the date set for making the proof.

We are enclosing a couple of extra copies of Form 36 in case you may wish to keep a copy in your own files for each Permit.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:bn
Enc.

19490

RALPH L. ALBAUGH
JOHN L. BLOEM
ERROL H. HILLMAN
GEORGE L. BARNARD

P.O. BOX 428
TELEPHONE 326
OR 2354

LAW OFFICES OF
ALBAUGH, BLOEM & HILLMAN
SUITE 201-S ROGERS BUILDING
IDAHO FALLS, IDAHO

February 17, 1950

RECEIVED
FEB 21 1950
Department of Reclamation

DEPARTMENT OF RECLAMATION
Boise
Idaho

Gentlemen:

Re: Permits 19490-19491

D. V. Hagenbarth has requested us to prepare the notices to you that he has completed the works required under the above numbered permits, and has also applied the waters appropriated to beneficial use.

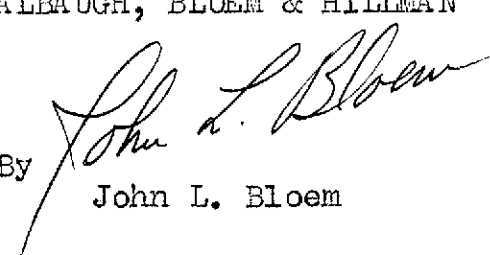
Will you kindly send us the necessary forms for this notice?

Very truly yours,

ALBAUGH, BLOEM & HILLMAN

JLB.s

By


John L. Bloem

19490

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

APPROVAL OF STATE RECLAMATION ENGINEER

WHEREAS, Application for extension of time for completion of works under Permit to Appropriate the Public Waters of the State of Idaho, No. 19490, has been made by the owner thereof, D. V. Hagenbarth, of Dillon, Montana, which application was duly advertised for a period of two consecutive weeks in the Clark County Enterprise, stating that on the 6th day of April, 1946, a hearing would be held for the purpose of receiving any protests, testimony or evidence regarding such application; and,

WHEREAS, At the time set for the hearing no protest, testimony or evidence had been presented, either orally or by affidavit; and,

WHEREAS, It appears that the owner of said permit is entitled to a further extension of time within which to complete work:

NOW, THEREFORE, I, Mark R. Kulp, State Reclamation Engineer of the State of Idaho, by virtue of authority vested in me under Chapter 12 (Senate Bill 13) of the Session Laws of 1945, hereby extend the time for completion of works under Permit to Appropriate the Public Waters of the State of Idaho, No. 19490, to April 15, 1950.

WITNESS MY HAND this 19th day of April, A. D. 1946.

Mark R. Kulp
MARK R. KULP
State Reclamation Engineer

19490

✓
April 19, 1946

Re: Permits Nos. 19490-19491

Mr. D. V. Hagenbarth
Dillon, Montana

Dear Mr. Hagenbarth:

We enclose herewith the approval of the
State Reclamation Engineer of your appli-
cation for extension of time for completion
of work under the above numbered permits
until April 15, 1950.

These should be attached to the original
permits, of which they now form a part.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A
Encls.

19490

**NOTICE OF APPLICATION FOR
EXTENSION OF TIME FOR
COMPLETION OF WORKS UN-
DER SENATE BILL NO. 13.
SESSION LAWS OF 1945.**

Notice is hereby given that on the 6th day of April, 1946, at 11:00 o'clock A. M., a hearing will be held by the State Reclamation Engineer, or his deputy, at Room 107 State House, Boise, County of Ada, State of Idaho, for the purpose of receiving any protests, testimony and evidence regarding an application for extension of time for completion of works under Permit to Appropriate the Public Waters of the State of Idaho, No. 19490. The said protests and evidence may be submitted either orally or by affidavit by any person or persons owning or in possession of a right to the use of any waters of a stream or source of supply affected by the said extension.

1. The number of said Permit is 19490.

2. The name and postoffice address of the person or persons or corporation holding said permit are: D. V. Hagenbarth, Dillon, Montana.

3. The amount of water claimed by the said permit or permits is 10.4 cubic feet per second from Dry Creek which is tributary to Camas Creek.

MARK R. KULP

13-2t State Reclamation Engineer

RECEIVED

APR 18 1946

Department of Reclamation

Affidavit of Publication

STATE OF IDAHO }
County of Clark } ss

**AFFIDAVIT OF
PUBLICATION**

I, **Arthur C. Porter**, being first duly sworn depose and say, that I am the printer of the CLARK COUNTY ENTERPRISE-~~NEWS~~ ~~NEWS~~ a newspaper printed and published weekly at Dubois, Clark County, Idaho; and I do solemnly

swear that the Notice of Application for Extension of Time for Completion of Works copy of which notice appears attached hereto, was published in the regular and entire issue of said news-

paper, and not in any supplement thereof for

two (2) consecutive issues, the first publica-

tion having been made on the 29th day of

March 1946, and the last

publication having been made on the 5th

day of April, 1946.

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 subscribers living within the county of publication, and that it has been continuously and uninterruptedly published in said county during a period of seventy-eight consecutive weeks, prior to the first publication of the said notice, except for temporary suspension permitted during war emergency under the provisions of Chapter 16, Idaho Session Laws of 1943.

Arthur C. Porter

Subscribed to and sworn before me this 5th

day of April, 1946.

J. H. Smith

Notary Public

(SEAL)

My commission expires 19 1946

19490

April 12, 1946

Re: Permits Nos. 19490-19491

Mr. D. V. Hagenbarth
Dillon, Montana

Dear Mr. Hagenbarth:

There have been no protests filed to your application for extension of time for completion of works under the above numbered permits.

Therefore, upon receipt of the affidavit of publication, which the Clark County Enterprise Banner was instructed to send you, the application will be approved, and the extension of time allowed.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

19490

The Enterprise-Banner

OFFICIAL PUBLICATION OF CLARK COUNTY

Advertising • Commercial Printing • Office Supplies



DUBOIS, IDAHO

April 5, 1946

19490

Mark R. Kulp
State Reclamation Engineer
Department of Reclamation
Boise, Idaho

Dear Sir:

This is to acknowledge receipt of three notices for publication of Application for Extension of Time for Completion of Works Under Senate Bill No. 13, Session Laws of 1945, re Permit Nos. 19059, 19490 and 19491, dated March 22, 1946

Copy of first publication on March 29, 1946, is enclosed herewith, as requested.

Yours truly,

CLARK COUNTY ENTERPRISE

Arthur C. Porter
ARTHUR C. PORTER, Publisher

/ Enc.

19490



March 22, 1946

Re: Permits Nos. 19490-19491

Mr. D. V. Hagenbarth
Dillon, Montana

Dear Mr. Hagenbarth:

April 6, 1946, at 11:00 o'clock A.M. has been set as the time for the hearing on your applications for extension of time for completion of works on the above numbered permits; the place, Room 107 State House, Department of Reclamation, Boise, Idaho.

A copy of the notices has been sent to the Clark County Enterprise, with instructions to publish it once a week for two consecutive weeks prior to that date, and to send you the affidavits of publication, together with statement of cost.

If no protests are filed, the extension will be approved, upon receipt from you of the affidavit of publication.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A

19490

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

BOISE

Date . ~~March 22~~, 1946 . .

Re: Permits Nos. 19490-19491

Clark County Enterprise

Dubois, Idaho

Gentlemen:

Enclosed you will find ^{two} notice, for publication once a week for two consecutive weeks prior to **April 6, 1946** the date set for hearing, the expense of the publication to be paid by the applicant, **D. V. Hagenbarth, Dillon, Montana**

to whom you should furnish proof of publication on or prior to the date set for hearing.

Please acknowledge receipt of this notice, and furnish this office with a copy of the first publication.

Very truly yours,

MARK R. KULP
State Reclamation Engineer

By

Chief Clerk

19490

NOTICE FOR PUBLICATION

NOTICE OF APPLICATION FOR EXTENSION OF TIME FOR COMPLETION
OF WORKS UNDER SENATE BILL NO. 13, SESSION LAWS OF 1945

Notice is hereby given that on the 6th day of April
1944, at 11:00 o'clock A. M., a hearing will be held by the
State Reclamation Engineer, or his deputy, at Room 107 State House, Boise
County of Ada, State of Idaho, for the purpose of
receiving any protests, testimony and evidence regarding an applica-
tion for extension of time for completion of works under Permit to
Appropriate the Public Waters of the State of Idaho, No. 19490
The said protests and evidence may be submitted either orally or by
affidavit by any person or persons owning or in possession of a right
to the use of any waters of a stream or source of supply affected by
the said extension.

1. The number of said Permit is 19490
2. The name and postoffice address of the person or persons
or corporation holding said permit are : D. V. Hagenbarth,

Dillon, Montana

3. The amount of water claimed by the said permit or
permits is 10.4 cubic feet per second from Dry Creek
which is tributary to Gama Creek

MARK R. KULP

State Reclamation Engineer

19490

D. V. HAGENBARTH

~~BOX 303~~
~~IDAHO FALLS, IDAHO~~

Dillon, Mont
Mar 11, 1946

Dept of Reclamation

RECEIVED

MAR 12 1946

Department of Reclamation

Dear J. L. Anderson -

Incloses

my extension application for permit
#19490. Unfortunately I cannot
locate another farm for permit
19491. Will appreciate this additional
farm.

Dr T hanks -

D. V. Hagenbарт

P. S. If application is not in proper
form please correct.
19490

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) March 11th, 1946

(P. O.) Dillon, Montana

STATE RECLAMATION ENGINEER :

TO THE COMMISSIONER OF RECLAMATION:

Boise, Idaho.

Dear Sir:

You are hereby authorized to have the attached notice published at my expense in the
Clark County Enterprise of Dubois, Idaho, published in
the county in which the works are situated.

S. V. Hagenbush

(In case of canals or other works designed to divert and carry more than 50 cubic feet of water
per second, the following certificate must be signed by a well-known and competent engineer)

I hereby certify that the facts set forth in the attached notice are true.

Engineer.

19490

PERMIT NO. 19490

APPLICATION FOR EXTENSION OF TIME FOR COMPLETION OF WORKS
UNDER SENATE BILL NO. 13, SESSION LAWS OF 1945.

MONTANA
STATE OF ~~IDAHO~~)
(
County of BEAVERHEAD

D. V. Hagenbarth of Dillon, State of Montana
~~-Idaho~~, being first duly sworn, upon his oath deposes and says:

That he is the owner and holder of Permit to appropriate the
Public Waters of the State of Idaho, No. 19490

That under the terms and conditions of said Permit, completion
of works thereunder is required by April 15th, 1946.

That he has heretofore in good faith performed the following
work and taken the following steps to bring about the completion of the
said works described under the said permit, to-wit:

Initial work performed by cleaning and enlarging
main diversion ditch leading from the dam site.

That he is unable to complete the remainder of said works and
submit proof of completion of works within the required time, for the
following reasons, to-wit:

Inability to get, under war conditions, the heavy

machinery necessary to move the required dirt at the
diversion point.

Wherefore, he makes application to the State Reclamation Engineer
to extend the time for Completion of Works under the said permit to
March 1st, 1951, pursuant to the provisions of Senate
Bill No. 13, Session Laws of 1945.

Subscribed and sworn to before me this 11th day of March, 1946

My commission expires
Nov. 28, 1947.

D. V. Hagenbarth
Notary Public for Idaho-Montana
Residing at Dillon, Idaho
NOTARY PUBLIC for the State of Montana
Residing at Dillon, Montana

My Commission Expires Nov. 28, 1947

Date of receipt at office of Department of Reclamation March 12 1946

19490

March 4, 1946

Re: Permits Nos. 19490 and 19491

Mr. W. V. Hagenbarth
Dillon, Montana

Dear Mr. Hagenbarth:

We are in receipt of your letter of February 28th, in which you request an extension of time for completion of works under the above numbered permits.

We enclose a summary of Senate Bill No. 13 of the 1945 Session Laws, which provides for such extension under certain conditions; and also forms of application for such extension.

A separate application should be submitted for each permit, and returned promptly to this Department. A notice will then be prepared, similar to the form of Notice enclosed, which must be published once a week for two consecutive weeks, at your expense.

In returning the applications, please also return Form 10, which is your authorization for us to have the notice published at your expense in the newspaper you designate, of general circulation in the county where the water is diverted.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A
Encls.

19490

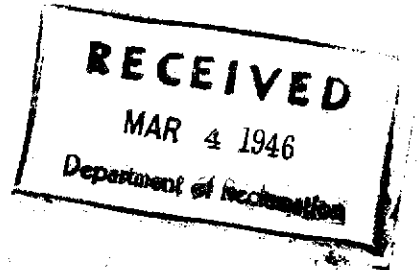
D. V. HAGENBARTH

BOX 997

IDAHO FALLS, IDAHO

Dillon, Mont

2/28/46



Idaho Dept. Reclamation

Buis - I do.

Dear Mr. Kulp -

Reference is to

my application for permit to appropriate
water under permit #2 - 19491

& 19490. Proof was to be submitted
by April 15, 1946.

Was unable, under poor
conditions last year to complete my work.

Please consider my application for ex-
tension of time & advise me per.

In Thanks

19490
D. V. HagenbARTH

State of Idaho
DEPARTMENT OF RECLAMATION
BOISE

INSTRUCTIONS
PROOF OF COMPLETION OF WORKS

Mr. D. V. Hagenbarth

Spencer, Idaho

Boise, Idaho, February 1, 1946

Dear Sir:—

I enclose herewith blank form upon which to give notice that you are prepared and desire to submit proof of completion of works under your permit No. 19490.

This form should be filled out and mailed to the Department of Reclamation, at least 60 days before the date upon which proof is to be submitted, which proof **MUST** be on or before April 15, 1946. Upon receipt of the blank properly filled out, notice for publication will be sent to the paper direct from this office, which notice must be published a period of four weeks prior to the date of proof.

The proof may be submitted at any place convenient to you and two witnesses, where there is a notary public or other officer authorized to administer oaths.

The certificate that shall be issued under this proof does not give you a perpetual right to the use of the water for which application is made, as it only confirms the completion of the works of a capacity to divert and convey to the place of intended use a certain amount of water. The law requires that another proof be submitted when the water has been fully applied to a beneficial use, at which time license is issued for the amount of water actually in use. Information in regard to this last proof will be furnished on request.

Very truly yours,

MARK R. KULP

Commissioner of Reclamation
State Reclamation Engineer

19490

D. V. HAGENBARTH

BOX 997

IDAHO FALLS, IDAHO

4/24/44

RECEIVED
APR 25 1944
Department of Reclamation

Dept of Reclamation

Dear J. L. Anderson -

Received your letter of 4/18
with permits - Thanks.

The description in question
is correct as noted in permit -

that is NW 1/4 of S W 1/4 is
correct - so I have so
corrected on my plat.

Very Truly
Dane HagenbARTH

19490

April 18, 1944

Re: Permits Nos. 19490 and 19491

Mr. D. V. Hagenbarth
Spencer, Idaho

Dear Mr. Hagenbarth:

We enclose herewith Permits Nos. 19490 and 19491,
and call your attention to the conditions of same
as set forth on the fourth page thereof.

Your attention is called to a slight discrepancy in
the land description in Permit no. 19490, as given
under Question 14, and the plat.

The plat includes the NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 27, whereas under
Question 14, in the permit itself, it is the NW $\frac{1}{4}$ SW $\frac{1}{4}$
which you have checked.

We have assumed that the plat is correct, and that
it should be the NE $\frac{1}{4}$ SW $\frac{1}{4}$, and have so recorded it.
But if this is not correct, please advise us promptly,
so that a correction may be made.

Very truly yours,

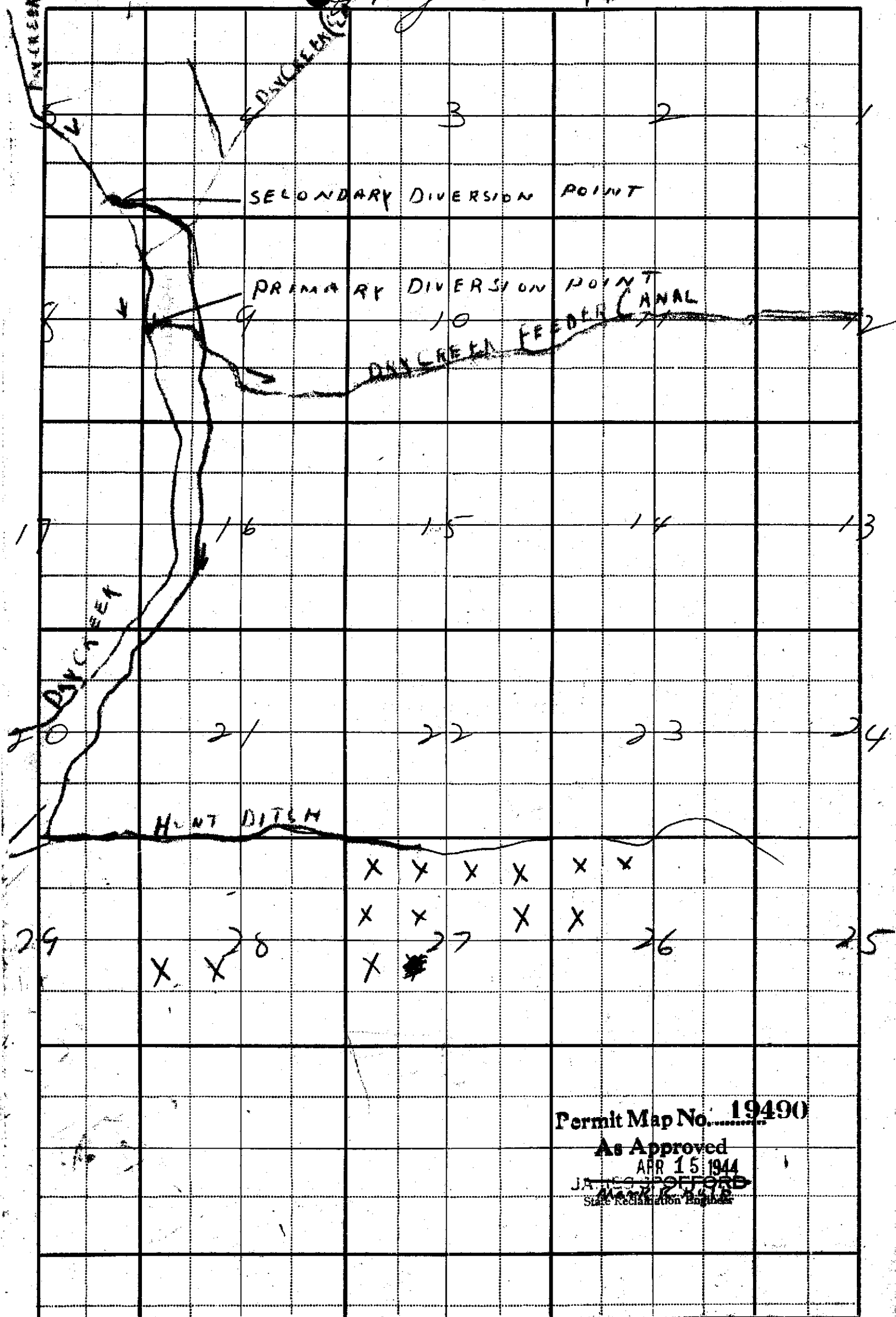
MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A
Encls.

19490

D. V. Hagenburth



Permit Map No. 19490
As Approved
APR 15 1944
JAMES SPOTFORD
State Reclamation Engineer

19490

**NOTICE OF PROOF OF COM-
PLETION OF WORKS
and**

**APPLICATION OF WATER
TO BENEFICIAL USE**

Notice is hereby given that at 2:00 o'clock P.M., on the 30th day of March, 1950, at Idaho Falls, County of Bonneville, State of Idaho, before John L. Bloem, Notary Public, proof will be submitted of the completion of works for the diversion of 10.4 cubic feet per second of the waters of Dry Creek and of the application to beneficial use of said water, in accordance with the terms and conditions of Permit No. 19490 heretofore issued by the Department of Reclamation of the State of Idaho.

1. The name and post office address of the person or corporation holding said permit are D. V. Hagenbarth, Spencer, Idaho.

2. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conveying to the place of use, in accordance with the plans accompanying the application for such permit, is 10.4 cubic feet per second.

3. The use to which said water has been applied is irrigation and

stock water purposes, and the amount applied to beneficial use is 10.4 cubic feet per second.

4. The place where said water is used is N $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 26, N $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, Section 27, N $\frac{1}{2}$ SW $\frac{1}{4}$, Section 28, all in Township 13 North, Range 40, East Boise Meridian, Clark County, Idaho.

5. The date of priority which said user is prepared to establish is March 31, 1944.

MARK R. KULP,

State Reclamation Engineer,
(March 3) 10, 17, 24)

**NOTICE OF APPLICATION FOR
EXTENSION OF TIME FOR
COMPLETION OF WORKS UN-
DER SENATE BILL NO. 13,
SESSION LAWS OF 1945.**

Notice is hereby given that on the 6th day of April, 1946, at 11:00 o'clock A. M., a hearing will be held by the State Reclamation Engineer, or his deputy, at Room 107 State House, Boise, County of Ada, State of Idaho, for the purpose of receiving any protests, testimony and evidence regarding an application for extension of time for completion of works under Permit to Appropriate the Public Waters of the State of Idaho, No. 19490. The said protests and evidence may be submitted either orally or by affidavit by any person or persons owning or in possession of a right to the use of any waters of a stream or source of supply affected by the said extension.

1. The number of said Permit is 19490.

2. The name and postoffice address of the person or persons or corporation holding said permit are: D. V. Hagenbarth, Dillon, Montana.

3. The amount of water claimed by the said permit or permits is 10.4 cubic feet per second from Dry Creek which is tributary to Camas Creek.

MARK R. KULP

13-21 State Reclamation Engineer