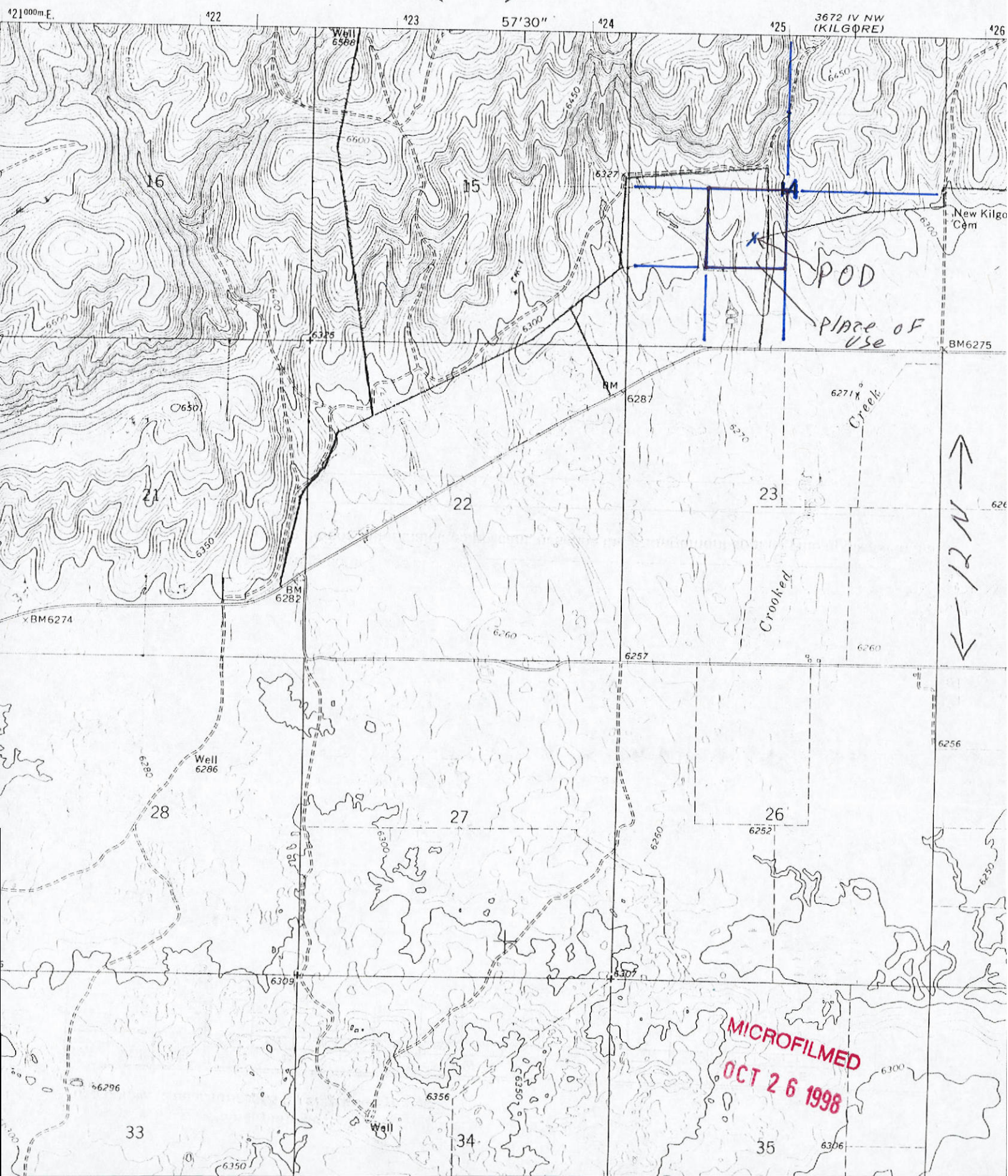
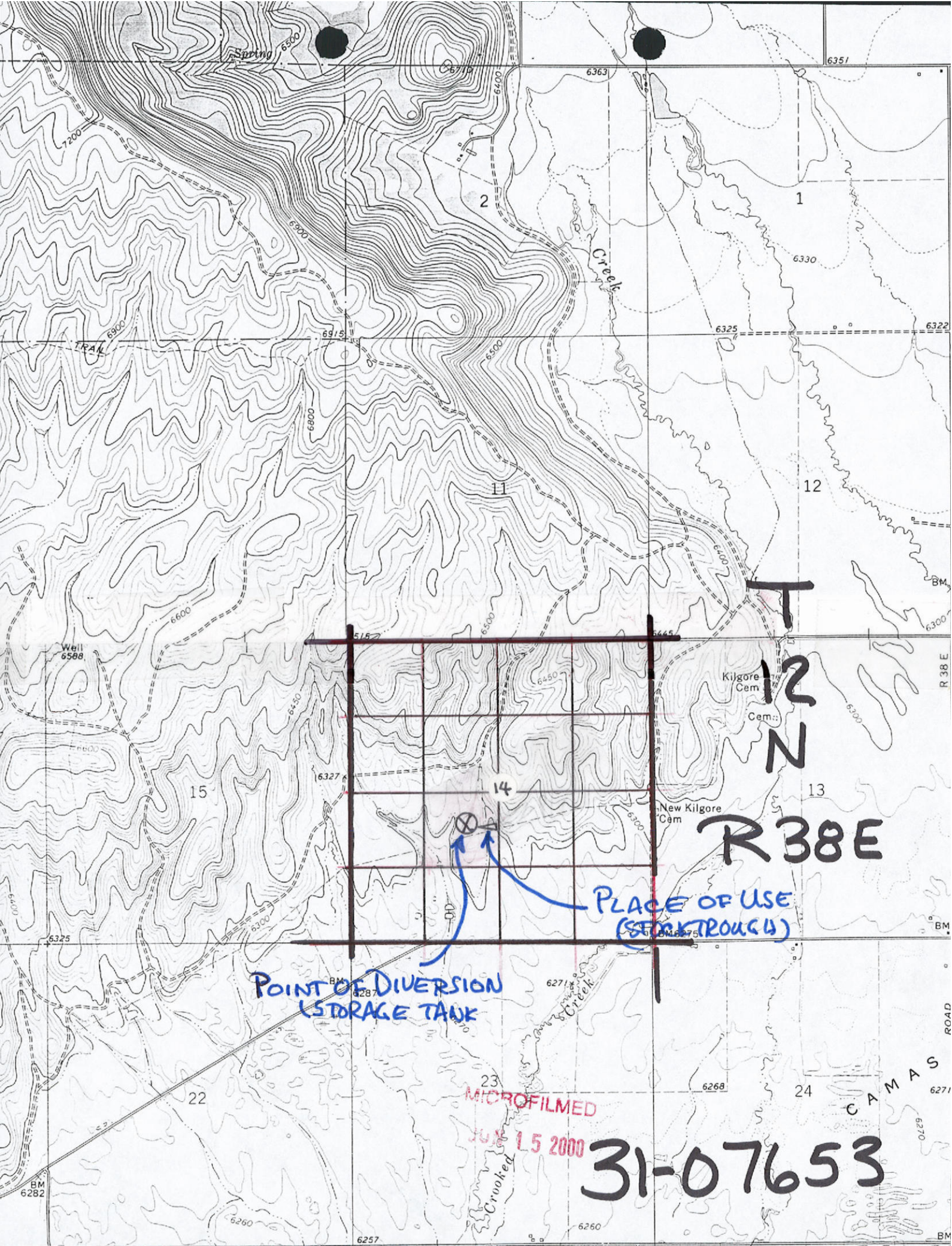


UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY

Hagen branch

38E





Spring 6500

6570

6363

6351

2

1

6330

6325

6322

12

T

Kilgore Cem

12N

13

R38E

New Kilgore Cem

PLACE OF USE (STOCK TROUGH)

POINT OF DIVERSION (STORAGE TANK)

MICROFILMED
JUN 15 2000

31-07653

CAMAS ROAD

22

24

BM 6282

6257

6260

6270

BM



PLACE OF USE
(STOCK TANK)

POINT OF DIVERSION

STORAGE TANK 27



MICROFILMED
JUN 15 2000

31-07653



MICROFILMED
OCT 26 1998

31-07653

prepared by Scott King

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 31-07653

Priority: September 1, 1998

Maximum Diversion Rate:

0.03 CFS

Maximum Diversion Volume:

9.0 AF

This is to certify, that DAVID J HAGENBARTH
JAMES F HAGENBARTH

PO BOX 1128

DILLON MT 59725-1128

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated September 1, 1998; and has submitted Proof of Beneficial Use on February 5, 1999. An examination indicates that the works have a diversion capacity of 0.030 cfs of water from a GROUNDWATER source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
STOCKWATER	05/01 to 12/31	0.03 CFS	9.0 AF

LOCATION OF POINT(S) OF DIVERSION:

NESW , Sec. 14, Township 12N, Range 38E
CLARK County

PLACE OF USE: STOCKWATER

TWN RGE SEC

12N 38E 14

NESW

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources. Signed and sealed this 6TH day of

JUNE, 2000.

Acting for

KARL J. DREHER, Director

MICROFILMED

JUN 15 2000

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES RECEIVED

PROOF OF BENEFICIAL USE

FEB 05 1999

The Idaho Department of Water Resources considers this form a statement that the permit holder(s) has/have completed all development that will occur under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below. This form must be accompanied by a license examination fee, when necessary, or be accompanied by a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

1. Permit No. 31-07653 Telephone No. (406)-683-2163
2. Name(s) of Permit Holder(s): David J. Hagenbarth, James F. Hagenbarth
3. Mailing Address: P.O. Box 1128 Dillon, MT 59725
4. Source of Water: GROUND WATER If GROUNDWATER (well), Date Drilled: mo. 7 / yr. 98
- a. Well Driller: Denning Well Drilling, INC Drilling Permit Number: ~~00004791~~ 31-98-E-0009
- b. OPTIONAL:
Pump Horsepower: 1 HP Pressure (psi): _____ Dynamic pumping level (ft): _____

5. Use(s) (as authorized by the water right permit):

Domestic (No. of households): _____ Stockwater (No. and type of stock): 1000 cattle

Irrigation (No. of acres): _____ Other: _____

6. Total rate of diversion and/or volume for which proof is submitted: 0.05 cfs OR _____ acre feet

7. Measuring Device Requirement: (refer to the approval conditions on your permit and respond accordingly)

(This question is not optional. Please check either yes or no. Proofs returned not checked accordingly, will be considered incomplete)

Measuring Device:	Is a measuring device required?	Yes _____ or No <u>✓</u>
	Has the measuring device been installed?	Yes _____ or No <u>✓</u>
Flow Measurement Port:	Is a flow measurement port required?	Yes _____ or No <u>✓</u>
	Has the measurement port been installed?	Yes _____ or No <u>✓</u>

8. Fee Enclosed: \$ 50 (See Fee Schedule on back of the instructions for filing proof of beneficial use)

9. Person to contact to accompany the Department representative during field examination of the water system.

Name: James F. Hagenbarth Telephone Number: 406-683-2163
207-778-5350

Address: PO Box 1128 Dillon, MT 59725

10. The information given on this form is my true statement of the extent to which the above numbered permit has been developed and I relinquish any undeveloped portion of the permit to the State of Idaho.

Signature of permit holder:

James F. Hagenbarth MICROFILMED
(include your title, if on behalf of company or organization)
MAY 03 1999

Date: 2/11/99

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 31-07653

Proposed Priority: September 1, 1998 Maximum Diversion Rate: 0.05 CFS

This is to certify, that DAVID J HAGENBARTH
JAMES F HAGENBARTH
PO BOX 1128
DILLON MT 59725-1128

has applied for a permit to appropriate water from: GROUNDWATER

and a permit is APPROVED for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
-----------------------	----------------------	--------------------------

STOCKWATER	05/01 to 12/31	0.05 CFS
------------	----------------	----------

LOCATION OF POINT(S) OF DIVERSION: NESW , Sec. 14, Township 12N, Range 38E
CLARK County

PLACE OF USE: STOCKWATER

TWN RGE SEC

12N 38E 14

NESW

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before November 1, 1999.
2. Subject to all prior water rights.
3. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
4. Stockwater use is for 1000 range cattle.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code.
Witness the signature of the Director, affixed at Boise, this

21st day of October, 1998.

Karl J. Dreher
Karl J. Dreher, Director
for

MICROFILMED

OCT 26 1998

Ident. No. 31-07653RECEIVED
OCT 16 1998STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

SEP 01 1998

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

Department of Water Resources
Eastern Region

Department of Water Resources

1. Name of Applicant DAVID J. HAGENBARTH AND JAMES F. HAGENBARTH Phone (406) 683-2163
Mailing address P.O. Box 1128 Dillon, MT 59725
2. Source of water supply Well (Groundwater) which is a tributary of _____
3. Location of point of diversion is Township 12 N Range 38 E Sec. 14, in the SE 1/4, NE 1/4, SW 1/4, Govt. Lot _____, B.M., CLARK County; additional points of diversion if any: _____
4. Water will be used for the following purposes:
- | | |
|--|---|
| Amount <u>0.05</u> for <u>Stockwater</u> | purposes from <u>5/1</u> to <u>12/31</u> (both dates inclusive) |
| (cfs or acre-feet per annum) | |
| Amount _____ for _____ | purposes from _____ to _____ (both dates inclusive) |
| (cfs or acre-feet per annum) | |
| Amount _____ for _____ | purposes from _____ to _____ (both dates inclusive) |
| (cfs or acre-feet per annum) | |
| Amount _____ for _____ | purposes from _____ to _____ (both dates inclusive) |
| (cfs or acre-feet per annum) | |
| Amount _____ for _____ | purposes from _____ to _____ (both dates inclusive) |
| (cfs or acre-feet per annum) | |
| Amount _____ for _____ | purposes from _____ to _____ (both dates inclusive) |
| (cfs or acre-feet per annum) | |
5. Total quantity to be appropriated is (a) 0.05 and/or (b) _____
cubic feet per second acre feet per annum
6. Proposed diverting works:
- a. Describe type and size of devices used to divert water from the source 1 Horse submersible pump with 12000 gallon storage tank and 500 Gallon Rubber tire tank.
- b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet
- c. Proposed well diameter is 6 inches; proposed depth of well is 200 feet
- d. Is ground water with a temperature of greater than 85°F being sought? NO
- e. If well is already drilled, when? 2/17/98; Drilling firm Penning Drilling Inc.
Well was drilled for (well owner) DAVID J. & JAMES F. HAGENBARTH; Drilling Permit No. 31-98-E-0069-000
well tag # 0004891
7. Time required for completion of works and application of water to proposed beneficial use is 1 years (minimum 1 year)
complete
8. Description of proposed uses (if irrigation only, go to item 9):
- a. Hydropower; show total feet of head and proposed capacity in KW. _____
- b. Stockwatering; list number and kind of livestock. 1000 CATTLE
- c. Municipal; show name of municipality. _____
- d. Domestic; show number of households. _____
- e. Other; describe fully. _____

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OCT 26 1998

9. Description of place of use:

- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RGE	SEC	N E				N W				S W				S E				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
12N	38E	14									S								

Total number of acres to be irrigated _____

10. Describe any other water rights used for the same purposes as described above. None

11. a. Who owns the property at the point of diversion? Same as Applicant

b. Who owns the land to be irrigated or place of use? " " "

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: _____

12. Remarks: Well was on line on 8/3/98

13. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8½"x11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. (A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.)

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

James F. Hagendorf
David J. Hagendorf
 Signature of Applicant (and title, if applicable)

MICROFILMED
 OCT 26 1998

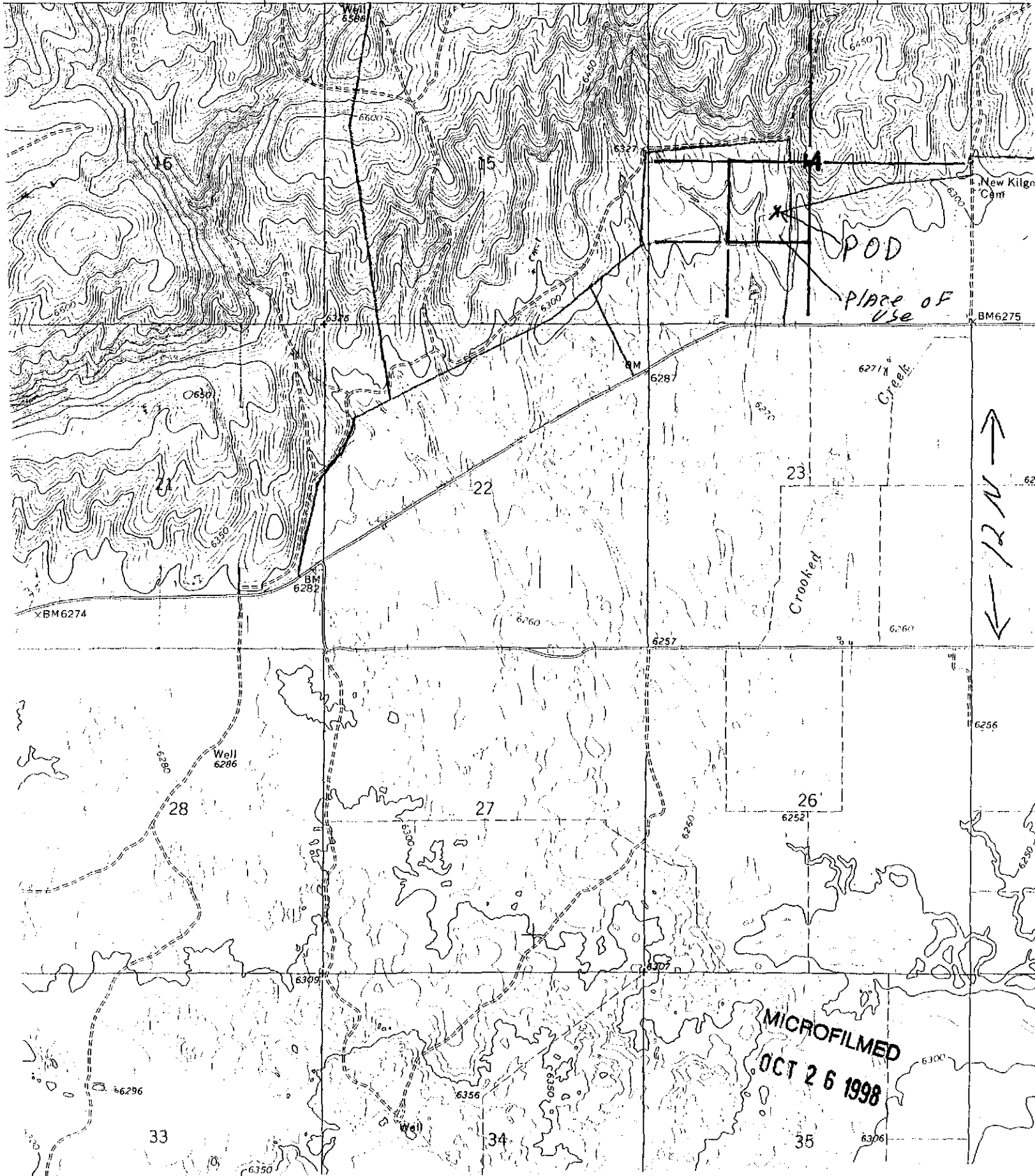
Received by HWT Date 9-1-1998 Time _____ Preliminary check by _____
 Fee \$ 50 Received by HWT # E024410 Date 9-1-98
 Publication prepared by bc Date 9/17 & 9/24 Published in Post Register
 Publication approved bc Date 10/9/98

UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY

Hagen branch

38E
↔

421 000m E 422 423 57'30" 424 425 3672 IV NW (KILGORE) 426



↑
N
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MICROFILMED
OCT 26 1998



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

June 8, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

DAVID J HAGENBARTH
JAMES F HAGENBARTH
PO BOX 1128
DILLON MT 59725-1128

RE: WATER RIGHT NO. 31-07653

Dear Water Right Holder(s):

The Department of Water Resources (the Department) has issued the enclosed license confirming that a water right has been established in accordance with the permit referenced above. The license is a preliminary order issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department unless a party petitions for reconsideration or files an exception and/or brief as described in the enclosed information sheet.

Also, please note that water right owners are required to report any change of water right ownership and/or change of mailing address to the department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the department or visit the department's homepage on the Internet to obtain the proper reporting form.

If you have any questions, please call me at 208-327-7946.

Sincerely,

Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosure

MICROFILMED

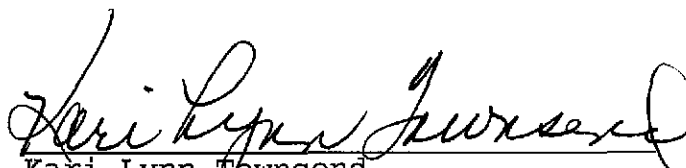
JUN 15 2000

CERTIFICATE OF MAILING

I hereby certify that on the 8th day of June, 2000, I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved License) to the person(s) listed below:

Water Right No. 31-07653

DAVID J HAGENBARTH
JAMES F HAGENBARTH
PO BOX 1128
DILLON MT 59725-1128


Kari Lynn Townsend
Secretary

MICROFILMED
JUN 15 2000

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

The accompanying order or approved document is a "Preliminary Order" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department of Water Resources (department) unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the department or the Idaho Water Resource Board (Board) is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of; or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

MICROFILMED

JUN 15 2000

Form 230-7
11/97
DMD

IDAHO DEPARTMENT OF WATER RESOURCES
WELL DRILLER'S REPORT

Office Use Only		
Inspected by		
Twp	Rge	Sec
1/4 1/4 1/4		
Lat	Long	

1. WELL TAG NO. D 0004791
DRILLING PERMIT NO. 31-98-E-0009.000
Other IDWR No. _____

2. OWNER: David J & James H Hagenbarth
Name _____
Address Box 1128
City Blaine State MT Zip 59725

3. LOCATION OF WELL by legal description:

Sketch map location must agree with written location.

N E S W	Twp. <u>12</u>	North ☒ or South ☐
	Rge. <u>38</u>	East ☒ or West ☐
	Sec. <u>14</u>	SE 1/4 NE 1/4 SW 1/4
	Gov't Lot _____	County <u>CCC</u>
Lat: _____		Long: _____
Address of Well Site _____		
City <u>Kilgore</u>		

(Give at least name of road - Distance to Road or Landmark)

Lt. _____ Bk. _____ Sub. _____ Name _____

4. USE:

☒ Domestic ☐ Municipal ☐ Monitor ☐ Irrigation
☐ Thermal ☐ Injection ☐ Other _____

5. TYPE OF WORK check all that apply (Replacement etc.)
☒ New Well ☐ Modify ☐ Abandonment ☐ Other _____

6. DRILL METHOD

☒ Air Rotary ☐ Cable ☐ Mud Rotary ☐ Other _____

7. SEALING PROCEDURES

SEAL/FILTER PACK			APPROXIMATE		METHOD
Material	From	To	Feet	or	
Bentonite	0	20	7		Overbore

Was drive shoe used? ☒ Y ☐ N Shoe Depth(s) _____
Was drive shoe seal tested? ☐ Y ☐ N How? _____

8. CASING/LINER:

Diameter	From	To	Gauge	Material	Casing	Welded	Threaded
6	1	189	8.50	Steel	☒	☒	☐

Length of Headpipe _____ Length of Tailpipe _____

9. PERFORATIONS/SCREENS

Perforations _____ Method _____
Screens _____ Screen Type _____

From	To	Slot Size	Number	Diameter	Material	Casing	Liner
						☐	☐

10. STATIC WATER LEVEL OR ARTESIAN PRESSURE:

20 ft. below ground Artesian pressure _____ lb.
Depth flow encountered _____ ft. Describe access port or control devices: _____

11. WELL TESTS:

☐ Pump ☐ Bailor ☐ Air ☐ Flowing Artesian

Yield gal/min	Drawdown	Pumping Level	Time

Water Temp. _____ Bottom hole temp. _____

Water Quality test or comments: _____

12. LITHOLOGIC LOG: (Describe repairs or abandonment)

Core Dia.	From	To	Remarks: Lithology, Water Quality & Temperature	Y	N
	0	20	CLAY HARD & SOFT		
	20	120	SHALE BROWN w/ SOIL SPOTS		
	120	121	LOOSE LAVA		
	121	200	BLACK LAVA w/ CRACKS		

RECEIVED

JUL 30 1998

Department of Water Resources
Eastern Region

Completed _____ Depth 200' (Measurable)
Date: Started 7/10/98 Completed 7/17/98

13. DRILLER'S CERTIFICATION

I/We certify that all minimum well construction standards were complied with at the time this rig was removed.

Company Name Penning Drilling Inc. Firm No. 10

Firm Official [Signature] Date 7/17/98

and _____
Driller or Operator _____ Date _____

(Sign once if Firm Official & Operator)

FORWARD WHITE COPY TO WATER RESOURCES

MICROFILMED

JUN 15 2000

SD-0420-2
MODIFY RECORD

Idaho Department of Water Resources
Modify Comment

Date: 06/01/00
Time: 09:06:08

Water Right Number: L31-07653

Comment Date: 6/ 1/2000 User ID: SKEEN

Subject: Licensing Review_____

Licensing review and data entry by S. Keen on 6/1/2000. No_____
overlaps._____

(Enter=Continue/Exit) (Gold2=Update) (Gold3=Delete) (Gold4=Prev) (Gold5=Next)

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED

MAR 1 2000

Department of Water Resources

A. GENERAL INFORMATION

Permit No. 31-07653

1. Owner: David J. James F. Hagenbarth

Phone No. (406) 683-2163

Current Address: P.O. Box 1128 Dillon MT 59725-1128

2. Accompanied by: James Hagenbarth

EXAM DATE: 8-17-1999

Address: _____

Phone No. _____

Relationship to Permit Holder: owner

3. Source: Groundwater

tributary to _____

B. OVERLAP REVIEW

1. Other water rights with the same place of use: _____

2. Other water rights with the same point of diversion: _____

C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion:

Ident No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
			NE	SW	14	12N	38E	Clark	On site / USGS Quad

2. Place(s) of Use:

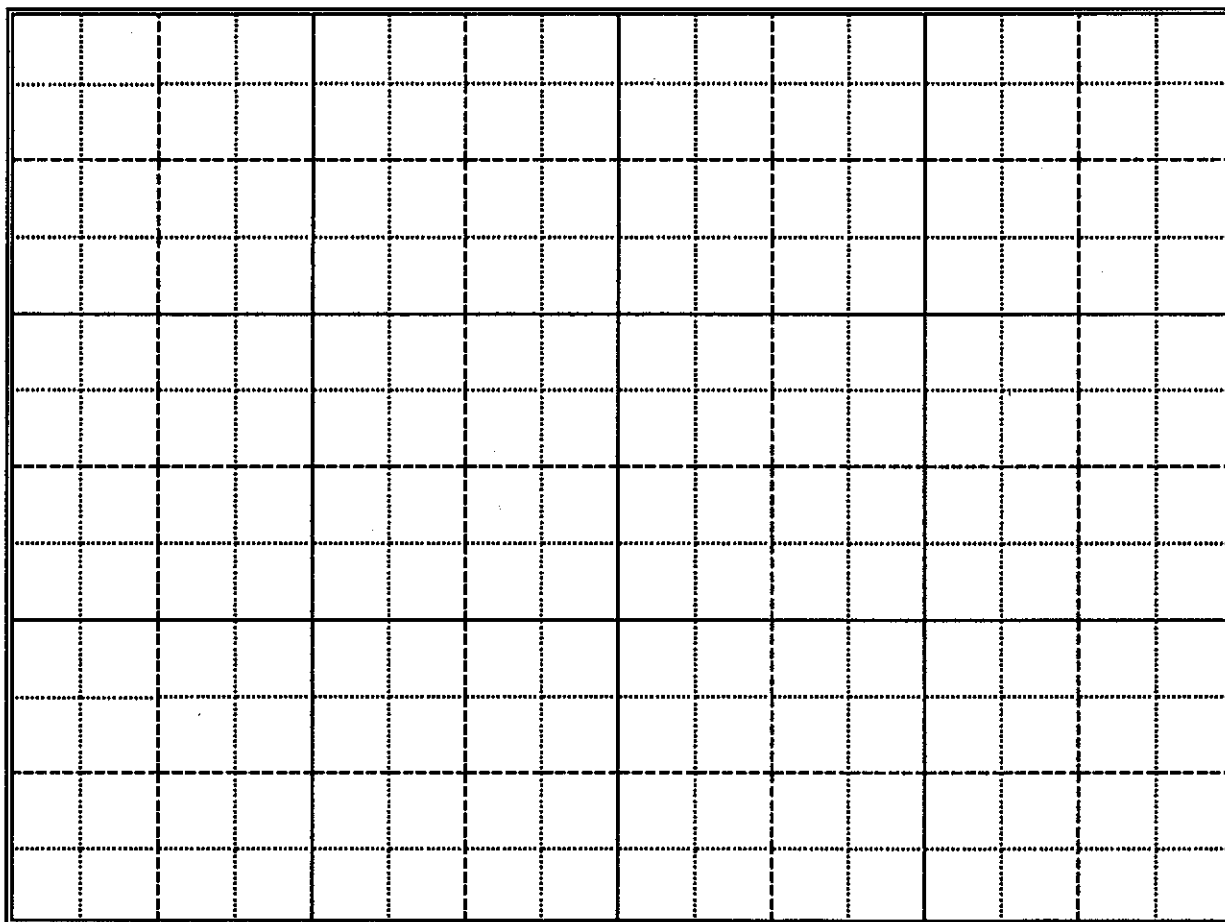
Indicate Method of Determination On site / USGS Quad

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
12N	38E	14																	

MICROFILMED

JUN 15 2000

3. **Delivery System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable.



Scale: 1" = _____

☒ Copy of USGS Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required).

☐ Aerial Photo Attached (required for irrigation of 10+ acres)

☒ Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
	Franklin Electric	1	2801084915	—	—

*Code to correspond with No. on map and aerial photo

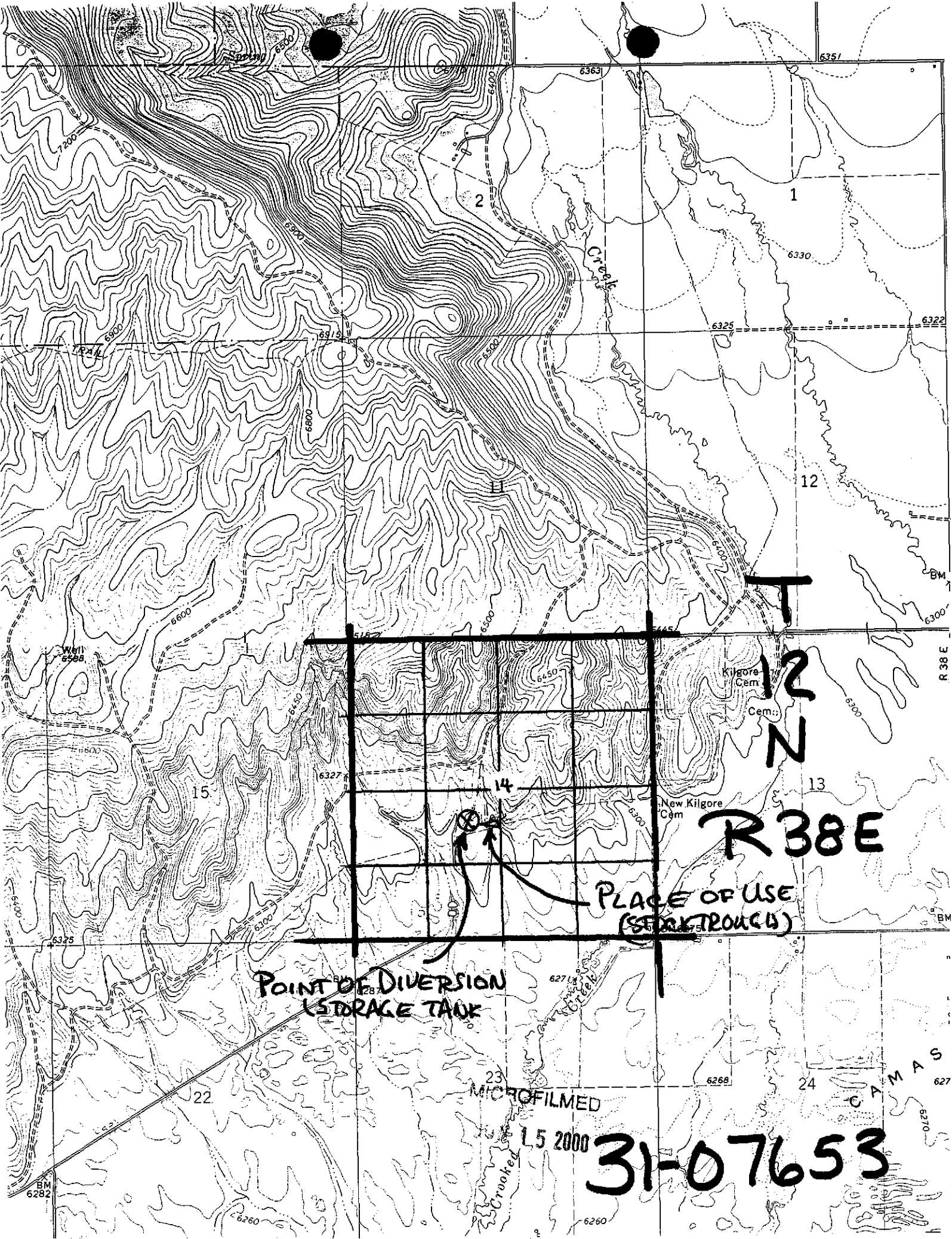
D. FLOW MEASUREMENTS

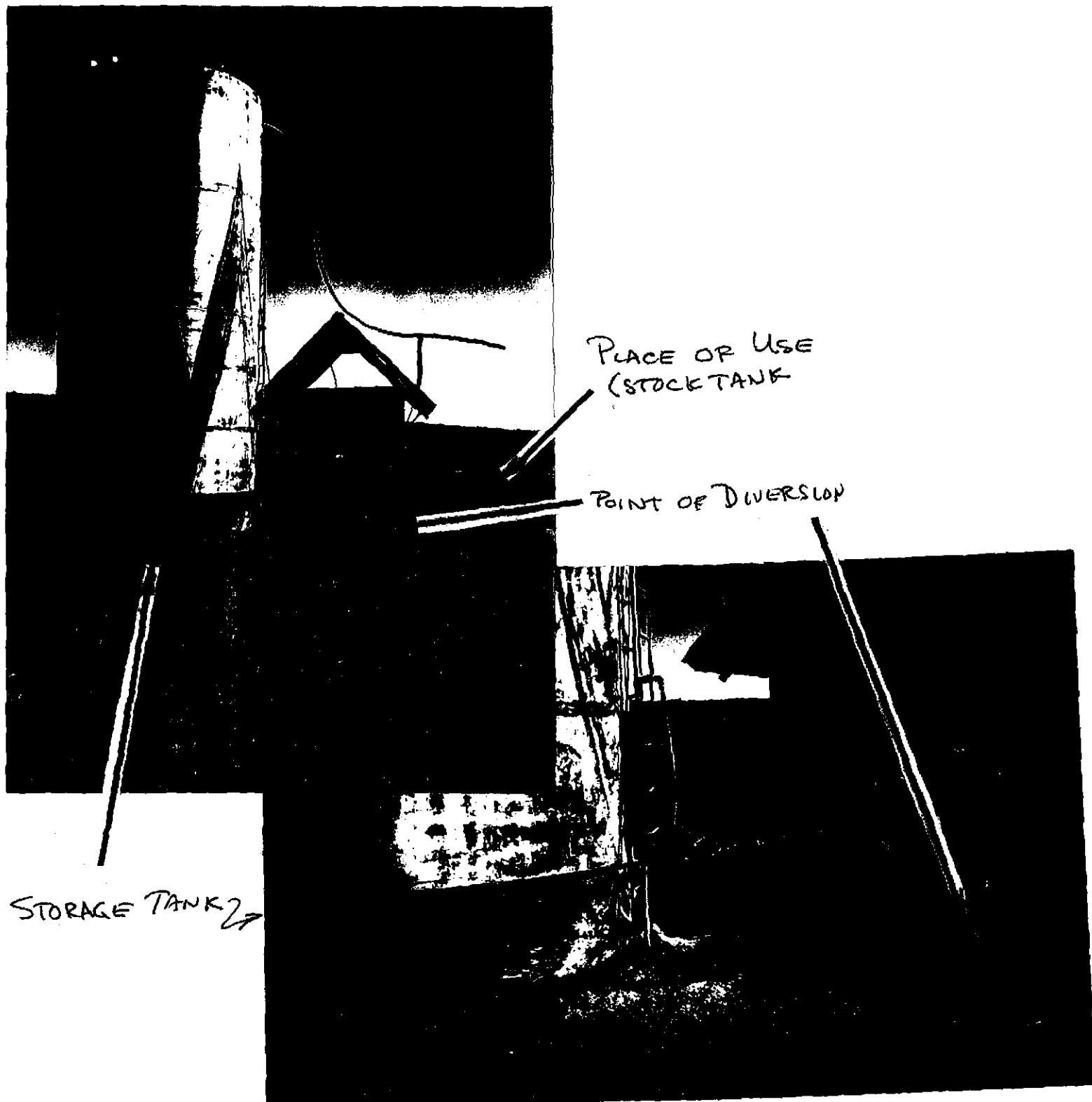
1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date

2. Measurements: $2\frac{1}{2} \text{ gal} / 9.76 \text{ sec} = 151.8 \text{ gpm} = 0.03 \text{ cfs}$

1000 head range cattle





STORAGE TANK

PLACE OF USE
(STOCK TANK)

POINT OF DIVERSION

MICROFILMED
JUN 15 2000

31-07653

NEGATIVES 31-07653

JUN 15 2000

E. NARRATIVE/REMARKS/COMMENTS

well pump manure to 17000 gal (10.8' x 24.8') storage tank to
stock trough for 1000 cattle (max)

Have conditions of permit approval been met? ☒ yes ☐ no

MICROFILMED
JUN 15 2000

Additional Computation Sheets Attached

Q LIMITED TO CAPACITY

1. Volume Calculations for Irrigation:

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 =$$

$$V_{D1} = \text{Smaller of } V_{IB} \text{ and } V_{DB} =$$

$$V_{\text{stock water}} = (0.0134) \cdot 1000 = 13.4 \text{ af/yr} \left(\frac{244}{365} \right) = 8.95 \text{ af} = 9.0 \text{ af}$$

$V_{@0.03cf} = 0.03cf (1.9835) = 0.059cf/day$
 #days required to produce 9.0cta = 151days $\therefore V_{STOCKWATER} = 9.0cta$

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
Stockwater (1000 head range cattle)	5/1	12/31	0.03 cfs	
		Totals:	0.03 cfs	

☐ Change P.D. as reflected above ☐ Add P.D. as reflected above ☐ None
☐ Change P.U. as reflected above ☐ Add P.U. as reflected above ☐ Other

Field Examiner's Name KEITH C WILSON Date 8-17-1999

Reviewer _____ Date _____

SEAL

MICROFILMED
 MAR 15 2000

**ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE**

Permit No. 31-07653 Reviewed by [Signature] Date 4-15-99

GENERAL CONSIDERATIONS

TYPES OF USE

yes Name same as permit?
yes Address same as permit?
yes Proof timely received? Correct Uses? yes
If not, complete calculation below.

SOURCE OF WATER

 Surface water source
✓ Ground water source
yes Drilling permit required?
no Copy in the file? Drilling Permit No. 31-98-E-0009
75- Amount paid for permit yes Correct?
no Well log in the file?

LICENSE EXAMINATION FEE

MEASURING DEVICE

yes Required?
50- Amount Submitted
yes Correct?
no Required?
1 Installed?
 Waiver requested?

PRIORITY CALCULATION

Date proof received	<u> </u>	<u> </u> <u>-</u> <u>=</u> <u>+</u> <u> </u>	<u> </u>
Date proof due	<u> </u>		<u> </u>
No. of days late	<u> </u>		<u> </u>
Priority Date	<u> </u>		<u> </u>
New Priority Date	<u> </u>		<u> </u>

DEFICIENCIES OR ACTION ITEMS

Proof Acceptable

DATA ENTRY

New Address X Proof Made 2-5-99



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

April 19, 1999

DAVID HAGENBARTH
JAMES HAGENBARTH
PO BOX 1128
DILLON MT 59725-1128

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 31-07653

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. The next step in the process of developing a water right is for the department to conduct a field examination to determine and confirm the use being made of the water.

Be advised that Section 42-248, Idaho Code, requires you or the owner of this water right to maintain current ownership and address records on file with the department. Forms to file a change of ownership of a water right and/or a change in the address of the water right owner are available from any department office.

If you have questions concerning the field examination, please contact the **EASTERN** Regional Office of the department in Idaho Falls at (208)525-7161.

Sincerely,

JULIE L. YARBROUGH
Senior Secretary, Water Allocation Bureau

c: IDWR - Regional Office

MICROFILMED

MAY 03 1999



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

October 21, 1998

DAVID J HAGENBARTH
JAMES F HAGENBARTH
PO BOX 1128
DILLON MT 59725-1128

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 31-07653

Dear Permit Holder:

The Department of Water Resources (IDWR) has issued the enclosed permit authorizing you to establish a new water right. Please be sure to thoroughly review the conditions of approval and remarks listed on your permit.

The permit is a preliminary order issued by IDWR pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by IDWR unless a party petitions for reconsideration or files an exception and/or brief as described in the enclosed information sheet.

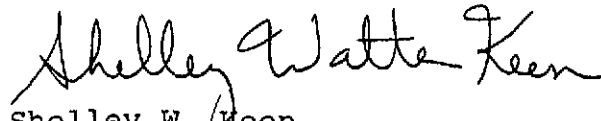
Enclosed is a form entitled "Instructions for Proof of Beneficial Use". Please read the instructions carefully since you must take further action to develop this permit into a licensed water right. Also enclosed is a form entitled "Proof of Beneficial Use". If your project is already completed, you should complete and submit this form immediately.

The right to drill a well is not a part of this permit to appropriate water. Beginning in July of 1987, a statute was enacted which requires a drilling permit for new well construction and deepening of existing wells. If the well(s) proposed for use under this right were drilled or deepened after July 1, 1987, a separate drilling permit must be obtained from this Department. Please contact the Groundwater Protection Section located here at this office or our regional office nearest you.

Also, please note that water right owners are required to report any change of water right ownership and/or change of mailing address to the department within 120 days of the change. Failure to report these changes could result in a \$100 late **MICROFILMED** fee. Contact any office of the department or visit the department's homepage on the Internet to obtain the proper reporting **OCT 26 1998**

If you have any questions, please call me at 208-327-7946.

Sincerely,

A handwritten signature in cursive script that reads "Shelley W. Keen". The signature is written in dark ink and is positioned above the typed name.

Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosures

MICROFILMED

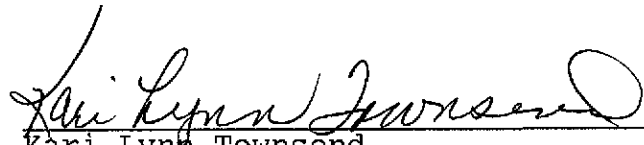
OCT 26 1998

CERTIFICATE OF MAILING

I hereby certify that on the 21st day of October, 1998, I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Permit) to the person(s) listed below:

Water Right No. 31-07653

DAVID J HAGENBARTH
JAMES F HAGENBARTH
PO BOX 1128
DILLON MT 59725-1128


Kari Lynn Townsend
Secretary

MICROFILMED

OCT 26 1998

Responding to Preliminary Orders Issued by the Idaho Department of Water Resources

The Idaho Department of Water Resources (Department) issues water right permits, licenses, and transfers as preliminary orders pursuant to section 67-5243, Idaho Code. A preliminary order can and will become a final order without further action of the department unless a party petitions for reconsideration or files an exception and/or brief as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the Department within fourteen (14) days of the service date of the order. The Department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See section 67-5243(3), Idaho Code.

EXCEPTIONS AND BRIEFS

Within twenty-one (21) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from a preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding. Otherwise, a preliminary order will become a final order of the Department.

If any party appeals or takes exceptions to a preliminary order, opposing parties shall have twenty-one (21) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Department. The Department retains the right to review the preliminary order on its own motion.

ORAL ARGUMENT

If the Department grants a petition to review a preliminary order, the Department shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Department will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Department orders otherwise, all oral arguments will be heard in Boise, Idaho.

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OCT 26 1998

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Department in connection with a preliminary order shall be served on all other parties to the proceedings in accordance with Rules of Procedure 302 and 303.

FINAL ORDER

The Department will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Department may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of; or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

APPLICATION FOR PERMIT STATE OFFICE ANALYSIS

by *Cindy Lou*

No.: 31-07653 Name: Hagenbarth Date: 10/16/98 Ad OK? / / Gvmt Lts: /

AREA OF CONCERN: No/Yes: ESRP Mor / GWMA / Trust / Non-trust Outside Aquifer

PROTESTED: - 020 (Protest Agreement) or *W19 (Order)

SYSTEM COMPLETED:

- > 1 year - 26A-P17
- ≤ 1 year/no proof - P16

GROUNDWATER: (✓ FLO-CH)

WMD (✓ MAP)

- > 0.24 cfs/5 acres - North / East / West
- ≤ 0.24 cfs/5 acres - 067 or No MD (in-stream stock or power)
- WMD Supplemental use - No MD
- > 0.24 cfs/5 acres - 065-079 (if GW use SW 1st-statewide)-(cannot move SW off)
- ≤ 0.24 cfs/5 acres - 01M (report when notified)
- No MD

DRILLING PERMIT:

All wells (✓ WDQ3) - 046-P23

In Basin 34? - 086

Irr. within WD - P05 (new well location)

SURFACE WATER: (✓ FLO-CH) (Surface water that *doesn't* sink is regulated):

FISH & GAME CONTACTED: - YES / No; RESPONSE: _____

IN/ABOVE MIN. STR. FLOW (✓ MAP) - *WB9

WD (✓ MAP & LISTING) - R04 (WD # _____)

- > 0.10 cfs - 01J-P08 (MD & LD)
- ≤ 0.10 cfs - 01H-P01 (LD), 01P or No MD (in-stream stock)

WMD (✓ MAP)

- > 0.24 cfs/5 acres - 067 or No MD (in-stream stock or power)
- ≤ 0.24 cfs/5 acres - No MD

SPRINGS/SINK, INACTIVE WD & REST OF STATE

- > 0.24 cfs/5 acres - 01M or No MD (in-stream stock or power)
- ≤ 0.24 cfs/5 acres - No MD

RIVER BASINS: (*Surface water):

Snake R (01) - *W22 -P04, NA

(02/03-irr) - 007 (w/ remark *WB9 if above Weiser), NA

Payette R(65) - *W22 (regulated uses), 047-P04 (Payette Lake), NA

Salmon R (70's) - 029 (fish screens), NA

Weiser R (67) - 086, 087

USE:

Domestic surface - *WB5 (Big Wood R or Boise R ↑ Star Bridge); 27A (Payette River); NA

- > 1 in rest. area - 071-070
- Fire Protection - 077
- Fish Propagation - 029(70's only)-007-042(req)-081 (WQ)-P10
- Heating/Cooling - R07 (injection well)
- Irr ≤ 5 acres - R66/R67/R68/R69 (0.03 cfs/acre + 3.0/3.5/4.0/4.5 AF)
- > 5 acres - R62/R63/R64/R65 (0.02 cfs/acre + 3.0/3.5/4.0/4.5 AF)
- Mining - 054(req)-081-P10
- Municipal - 022, 075, 004 (+memo?), NA (not in restricted area)
- Power - 17H/17K(+uses)-08A-025(P18)-01N-028-081(P10)-027 (if no other cons. use); 17G (FERC) or 17M (FERC); 18B-P09; >25 cfs-P18
- Stockwater - R37 (BLM/USFS); NA
- Storage (✓ 3 compo.) - 18A (in & out MD for on-stream storage), 18B-P09 (>10' dam), NA

LOCATION:

42-248 area - P84 (in 20/30/40/50/60/70/80 (87) basin)

Boise Front LoGeo - 058 (<85° GW temp only)

In-stream dev. - P52 (stream channel alteration)

Mitigation - 120

SWAN FALLS FLAG (See Code Chart) - S

Trust - 051-052-053-P74 (Consumptive Uses), NA

Non-Trust (1) - 048-049 (Consumptive Uses), NA

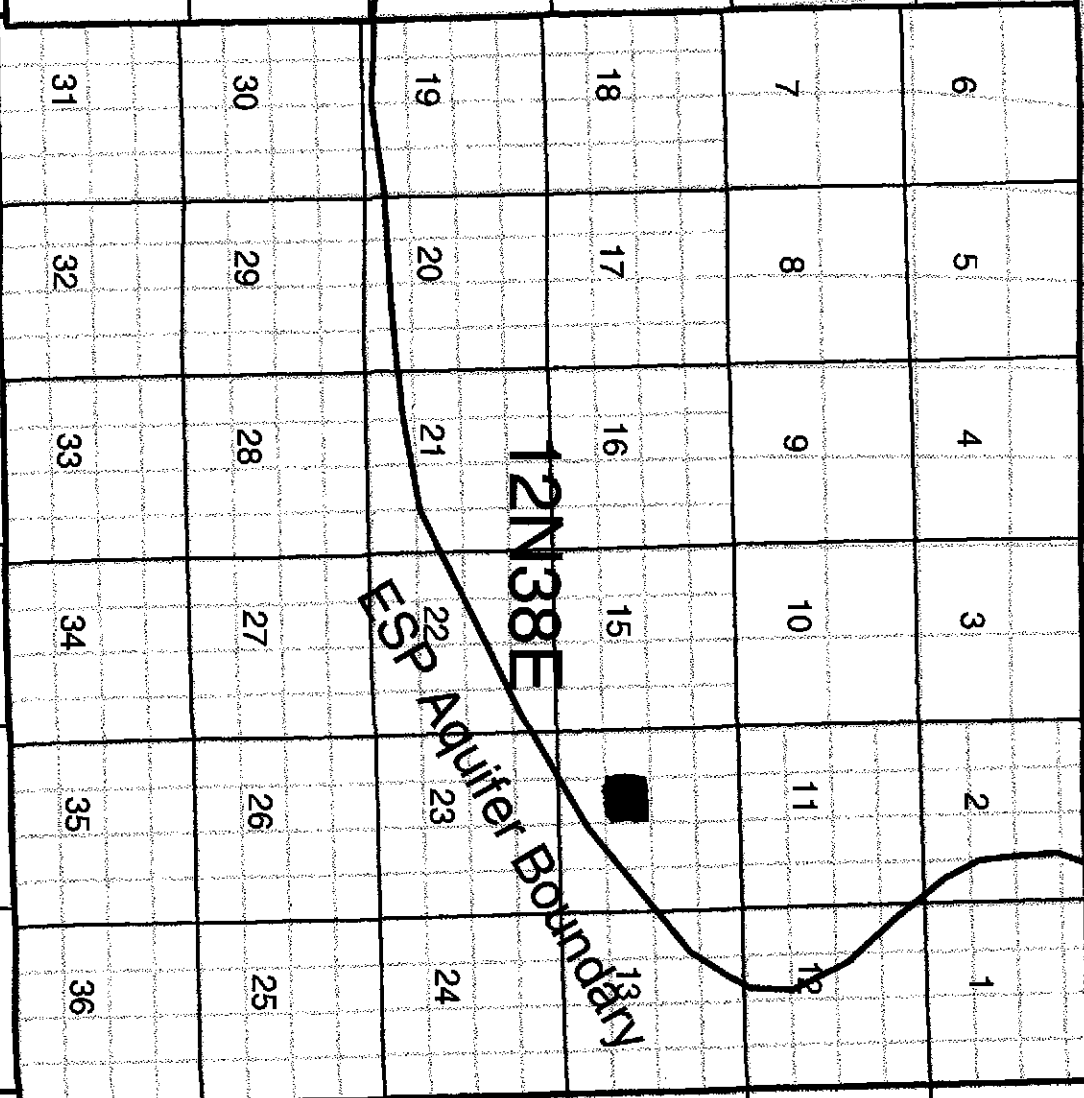
OWNERSHIP: - 004 (PD/PU) _____

OTHER CONDITIONS: _____

STANDARD REMARKS: DUPLICATE 1000 RC

BENEFICIAL USE DUE: 10/1/1999

COMMENTS: _____



12N38E

ESP Aquifer Boundary

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OCT 26 1998

31-07653

prepared by Scott King

RECEIVED

OCT 16 1998

DEPARTMENT OF WATER RESOURCES

Dist. for staffing

Submitted for advertising

9-1-98

Form No. 202

4/87

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

APPLICATIONS FOR PERMIT ANALYSIS PERMIT

INITIAL REVIEW BY HUT DATE 9-1-98 APPLICATION NO. 31-07653

HAGENBARTH
REQUIRED INFORMATION

- ☒ Name (If applicant is a corporation or partnership, names must be provided for the director, officers, & other partners.)
- ☒ Address
- ☒ Source (See USGS Quad for names of water sources)
- ☒ Point of Diversion (10 acres for spring, lot & block descriptions for subdivisions, local name, flow and/or volume)
- ☒ County
- ☒ Quantity (flow and/or volume)
- ☒ Period of Use
- ☒ Nature of proposed use (Include description of use.)
- ☒ Description of diverting works
- ☒ Time required for beneficial use of water
- ☒ Place of use or acres irrigated
- ☒ Map
- ☒ Signature (If applicant is corp., partnership, or municipality, title of signatory is required)
- ☒ Fee
- ☒ Yes ☐ No* In form to receipt

ADDITIONAL INFORMATION

- ☐ Overlapping place of use (Describe source & relationship to present application on the back.)
- ☐ Overlapping point of diversion
- ☐ Yes ☒ No Field check required
- ☐ Yes ☒ No Field check by _____
- ☐ Yes ☒ No Field report attached
- ☐ Yes ☒ No Critical groundwater area
- ☐ Yes ☒ No Groundwater management area
- ☐ Yes ☒ No Send dam safety information
- ☐ Yes ☒ No Send power requirement letter
- ☐ Yes ☒ No Send fish farm requirement letter
- ☐ Yes ☒ No Power residency affidavit
- ☐ Yes ☒ No Power efficiency form
- ☒ Yes ☐ No Within trustwater boundary (If yes, attach trust water supplementary analysis sheet.)
- ☐ Yes ☒ No Diversion greater than 5 cfs or 500 acre ft. (If yes, attach large diversion supplementary analysis sheet.)
- ☐ See reverse side for additional information

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT

Date Requested _____

PROCESSING

☒ Yes ☒ No In form for advertising
☒ Yes ☒ No Statewide advertising
☒ Yes ☒ No Fee amount, receipt date & No. recorded on application

SEND COPIES TO

☐ Idaho Dept. of Health & Welfare ☐ U.S. BLM
☐ Idaho Dept. of Fish & Game ☐ U.S. Forest Service
☐ Idaho Dept. of Lands ☐ Water District
☐ Adjudication Bureau Unit ☐ Other _____

FINAL REGIONAL PROCESSING REVIEW

☒ Yes ☐ No Affidavit of publication received
☒ Yes ☐ No Application published correctly. If not, record action taken _____

☒ Yes ☒ No Publication dates & paper, recorded on application
☐ Yes ☒ No Protests received
Final date for protest _____
☐ Yes ☐ No Protests, dates, resolution of protest, recorded on application
☐ Yes ☐ No Recommendations attached
☐ Yes ☐ No Measuring device required
☐ Yes ☐ No Access port required
☐ Yes ☐ No Will water be delivered by watermaster? If yes, what Dist. _____
☐ Yes ☐ No Special conditions of approval or cover letter below.

Date of priority recommended 9-1-1998
By: [Signature] Date: 10-13-1998
STATE OFFICE REVIEW

By _____ Date: _____
ADDITIONAL INFORMATION

Proof of Publication

The Post Register

State of Idaho
County of Bonneville

I, S. Bob Bright or Robert Park, first being duly sworn, depose and say: That I am the Production Supervisor or Asst. Prod. Supervisor of The Post Company, a corporation of Idaho Falls, Bonneville County, Idaho, publishers of The Post Register, a newspaper of general circulation, published daily at Idaho Falls, Idaho; said Post Register being a consolidation of the Idaho Falls Times, established in the year 1890, The Idaho Register, established in the year 1880 and the Idaho Falls Post, established in 1903, such consolidation being made on the First day of November, 1931, and each of said newspapers have been published continuously and uninterruptedly, prior to consolidation, for more than twelve consecutive months and said Post Register having been published continuously and uninterruptedly from the date of such consolidation, up to and including the last publication of notice hereinafter referred to.

That the notice, of which a copy is hereto attached and made a part of this affidavit, was published in said Post Register for two consecutive (days) weeks, first publication having been made on the 17th day of September, 1998, last publication having been made on the 24th day of September, 1998, and that the said notice was published in the regular and entire issue of said paper on the respective dates of publication, and that such notice was published in the newspaper and not in a supplement.

Robert Park

Subscribed and sworn to before me, this 30th day of September, 1998

Patricia O'Malley
Notary Public

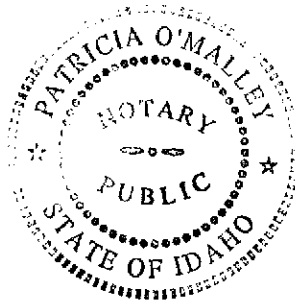
My commission expires January 3, 2003

NOTICE OF APPLICATION FOR TRUST WATER RIGHT

31-07653
HAGENBARTH, DAVID J
HAGENBARTH, JAMES F
P.O. BOX 1128
DILLON, MT 59725
Source: GROUNDWATER
Diversion Pt: SENESW Sec 14 T 12N R
38E in CLARK County.
Use: STOCKWATER (0.050 CFS)
Total Diversion: (0.050 CFS)
Date Filed: 9/1/1998
In: CLARK County
T12N R38E S14

NESW
The permit(s) will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code and/or the new public interest criteria of Sec. 42-203C, Idaho Code. Protests must be filed with the applicant and the Director, Dept. of Water Resources, along with a \$25.00 filing fee, 900 N. Skyline Dr., Idaho Falls, ID, 83402, on or before OCTOBER 5, 1998.

KARL J. DREHER, Director
Published: September 17, 24, 1998.



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OCT 26 1998
RECEIVED
OCT 02 1998
Department of Water Resources
Eastern Region



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - Fax (208) 525-7177

EASTERN REGION

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

SEPTEMBER 9, 1998

Legal Notices Department
THE POST-REGISTER
P.O. BOX 1800
IDAHO FALLS, ID 83403

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. If you cannot publish the notice on the proposed dates, please contact us immediately.

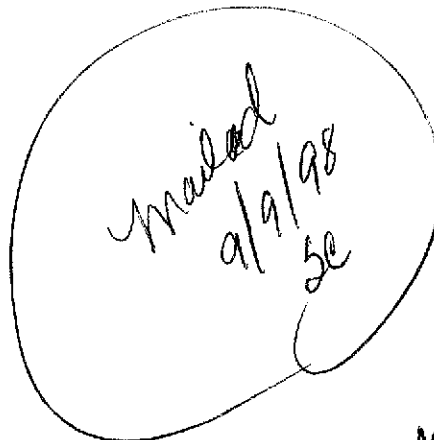
An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before OCTOBER 5, 1998.

Yours truly,

Sharla Cox
Secretary

Encl.



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OCT 26 1998

NOTICE OF APPLICATION FOR TRUST WATER RIGHT

MICROFILMED

OCT 26 1998

31-07653

HAGENBARTH, DAVID J
HAGENBARTH, JAMES F
PO BOX 1128
DILLON, MT 59725

Source: GROUNDWATER

Diversion Pt: SENESW Sec 14 T 12N R 38E in CLARK County.

Use: STOCKWATER	(	0.050 CFS)
Total Diversion:	(	0.050 CFS)

Date Filed: 9/ 1/1998

In: CLARK County	
T12N R38E S14	NESW

MICROFILMED

OCT 26 1998

The permit(s) will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code and/or the new public interest criteria of Sec. 42-203C, Idaho Code. Protests must be filed with the applicant and the Director, Dept. of Water Resources, along with a \$25.00 filing fee, 900 N. Skyline Dr., Idaho Falls, ID, 83402, on or before OCTOBER 5, 1998.

KARL J. DREHER, Director

Published: 9/17/1998 & 9/24/1998

MICROFILMED

OCT 26 1998



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - Fax (208) 525-7177

EASTERN REGION

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

September 9, 1998

DAVID J HAGENBRATH
JAMES F HAGENBRATH
PO BOX 1128
DILLON MT 59725

RE: Application for Permit #33-07653

Dear Applicant:

This office is currently in the process of advertising the application in the Post Register on September 17 and 24, 1998. The advertisement will be published once a week for two consecutive weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

If the application is protested, you will be sent a copy of the protest. The protest must be resolved before the application is approved or denied. If the protest is not resolved voluntarily, this Department will conduct a conference and/or hearing on the matter.

Please feel free to contact this office if you have any questions regarding this procedure.

Sincerely,

Harold W. Jones
Water Right Supervisor

HWJ::sc

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OCT 26 1998