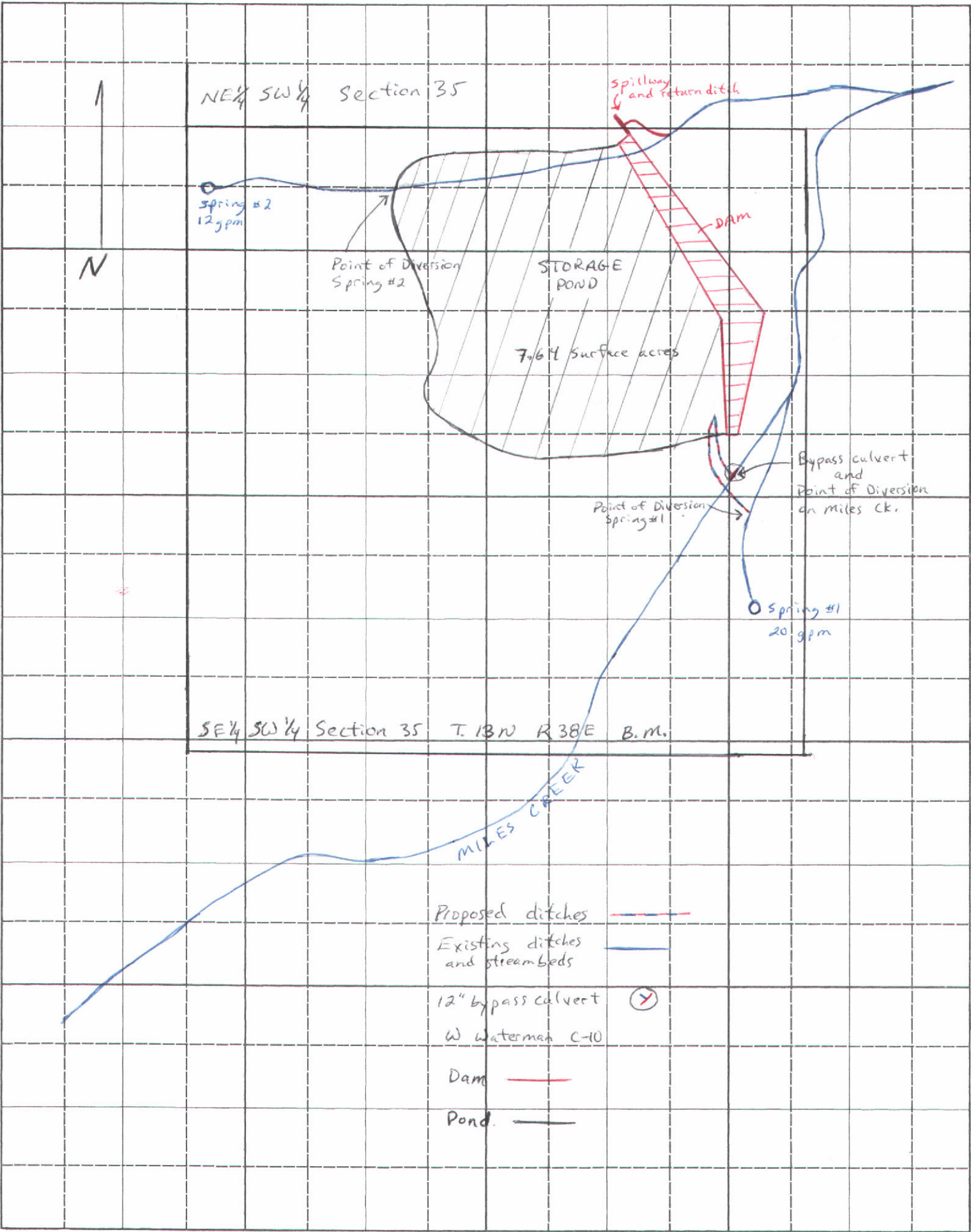


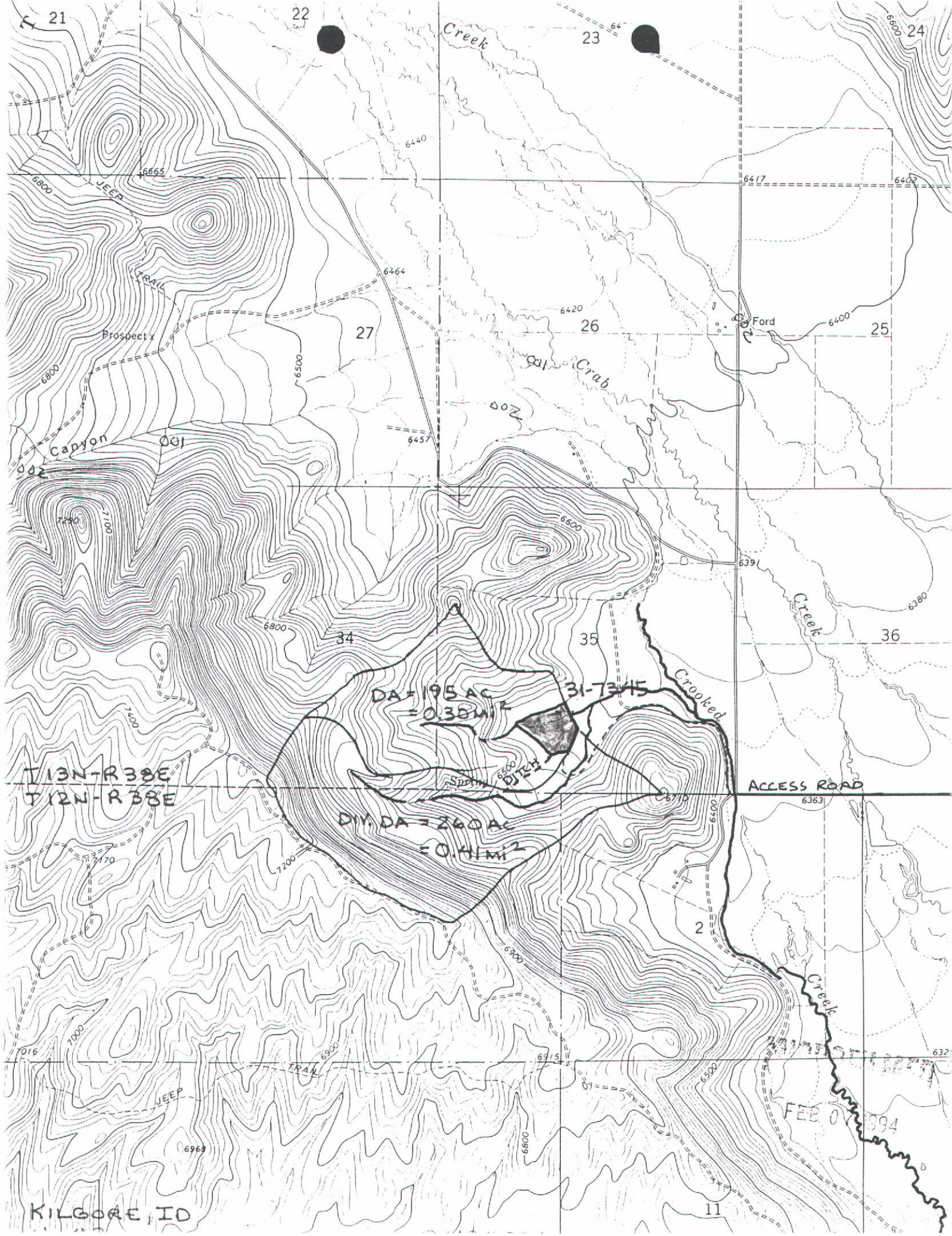
11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile,
1" = 264'

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.

David J. Hagenbush
James F. Hagenbush
(Applicant)



Creek

23

24

21

22

6800
JEOP

6800
TRAIL

Prospect

6800
Canyon

27

26

25

Ford

Crab

34

35

36

DA = 195 AC
= 0.35 MI²

31-7345

DIY DA = 260 AC
= 0.41 MI²

ACCESS ROAD

T13N-R38E
T12N-R38E

2

FEB 01 1994

KILGOARE ID

11

27

20

Crab

6457

R38E

T13N

6600

6391

35

Crooked Creek

Crooked

#4-POINT OF DIVERSION

POINT "B"

UNNAMED STREAM #2

2' FLUME

6" BURIED PIPE

#2-POINT OF DIVERSION

#3-POINT OF DIVERSION

Spring

650

T13N

T12N

#1-POINT OF DIVERSION

POINT "A"

UNNAMED STREAM #1

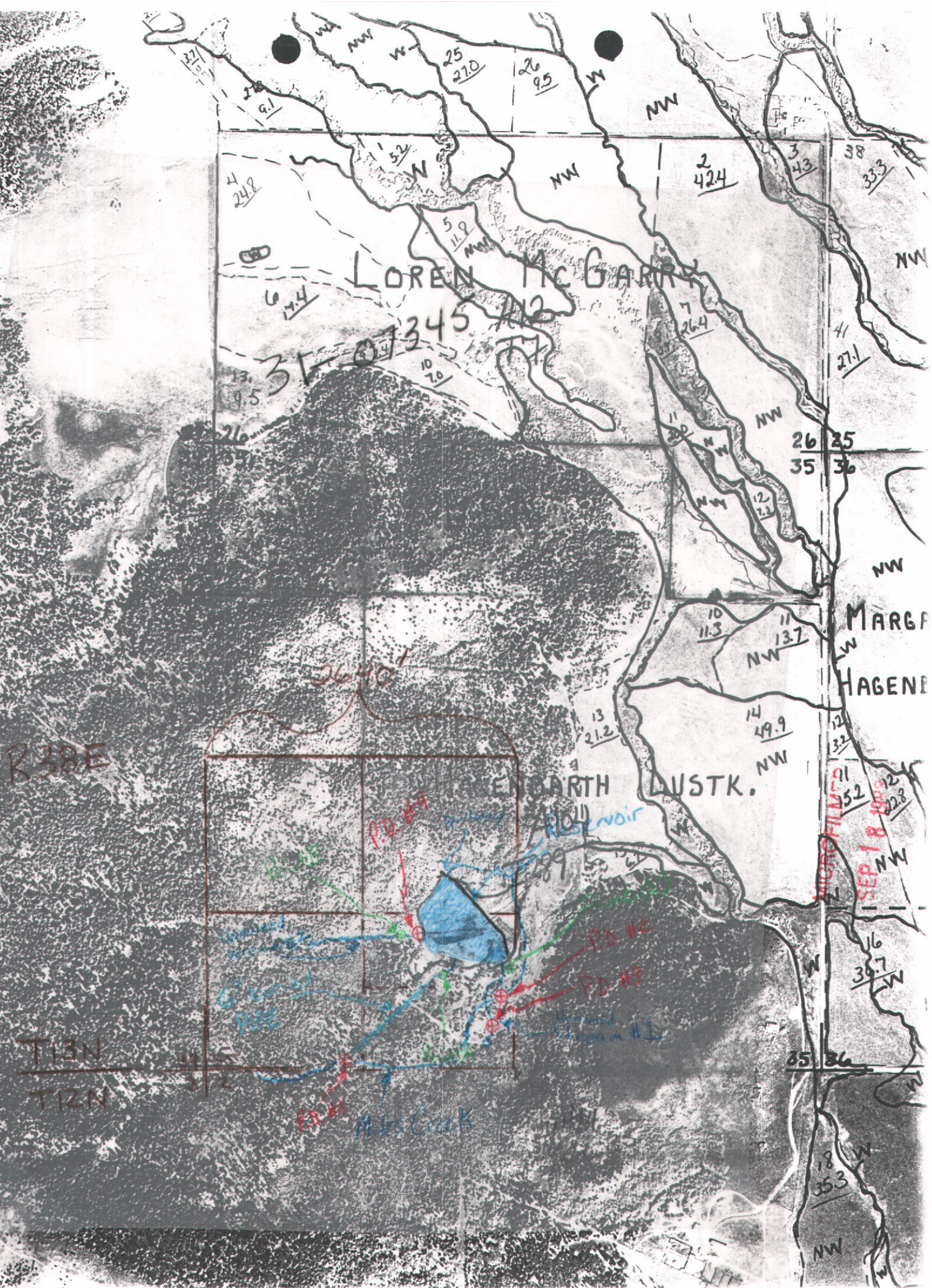
6400

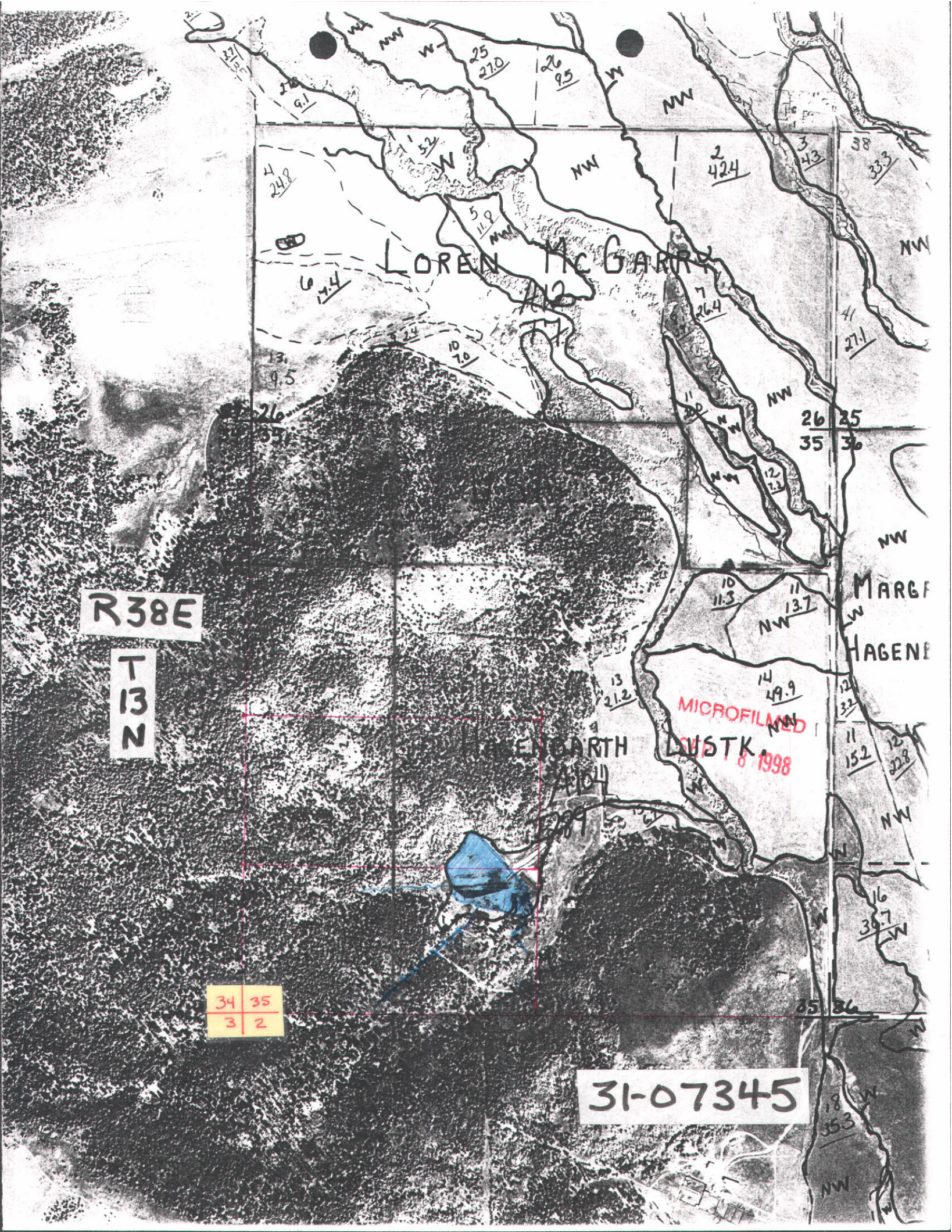
6363

MICROFILMED
SEP 18 1998

31-07345

2





LOREN MC GARRY

R38E

T13N

MICROFILMED
JULY 8 1998

MARGARET HAGENE

34	35
3	2

31-07345

P.D. #1



POINT OF DIVERSION #1

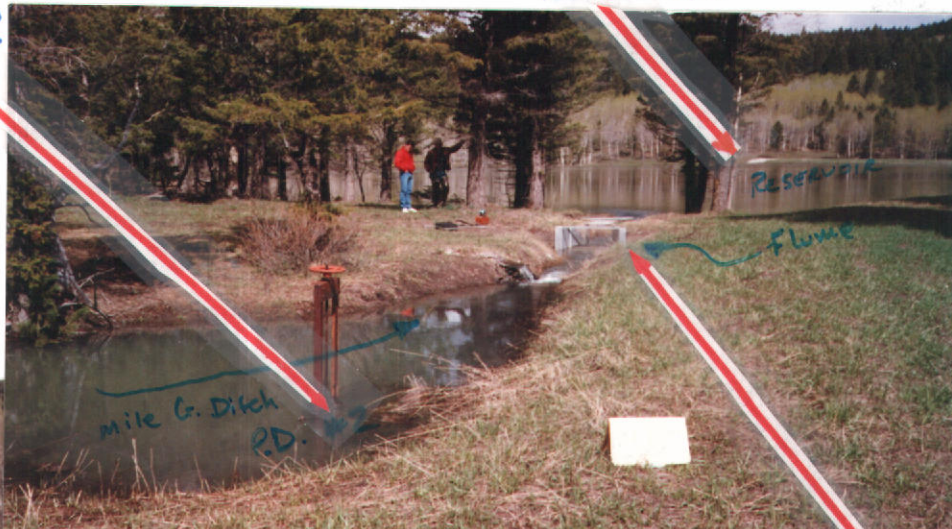
31-07345

MICROFILMED

SEP 18 1998

POINT OF DIVERSION #2
from Miles Creek

RESERVOIR



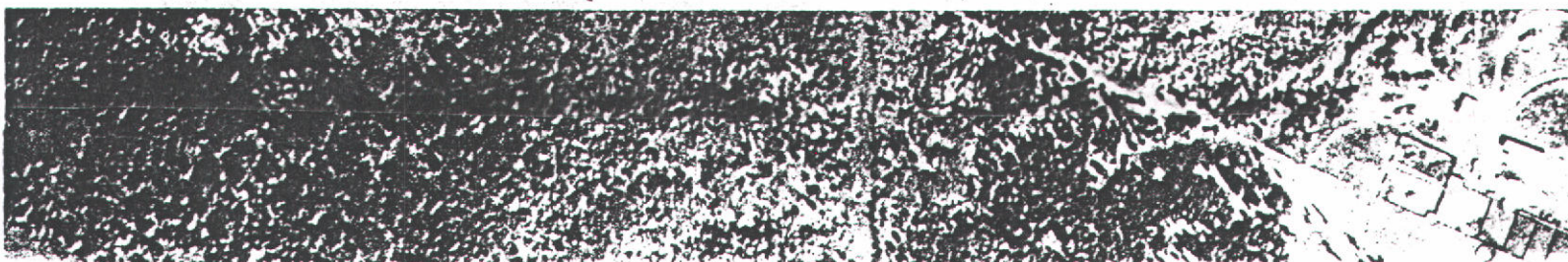
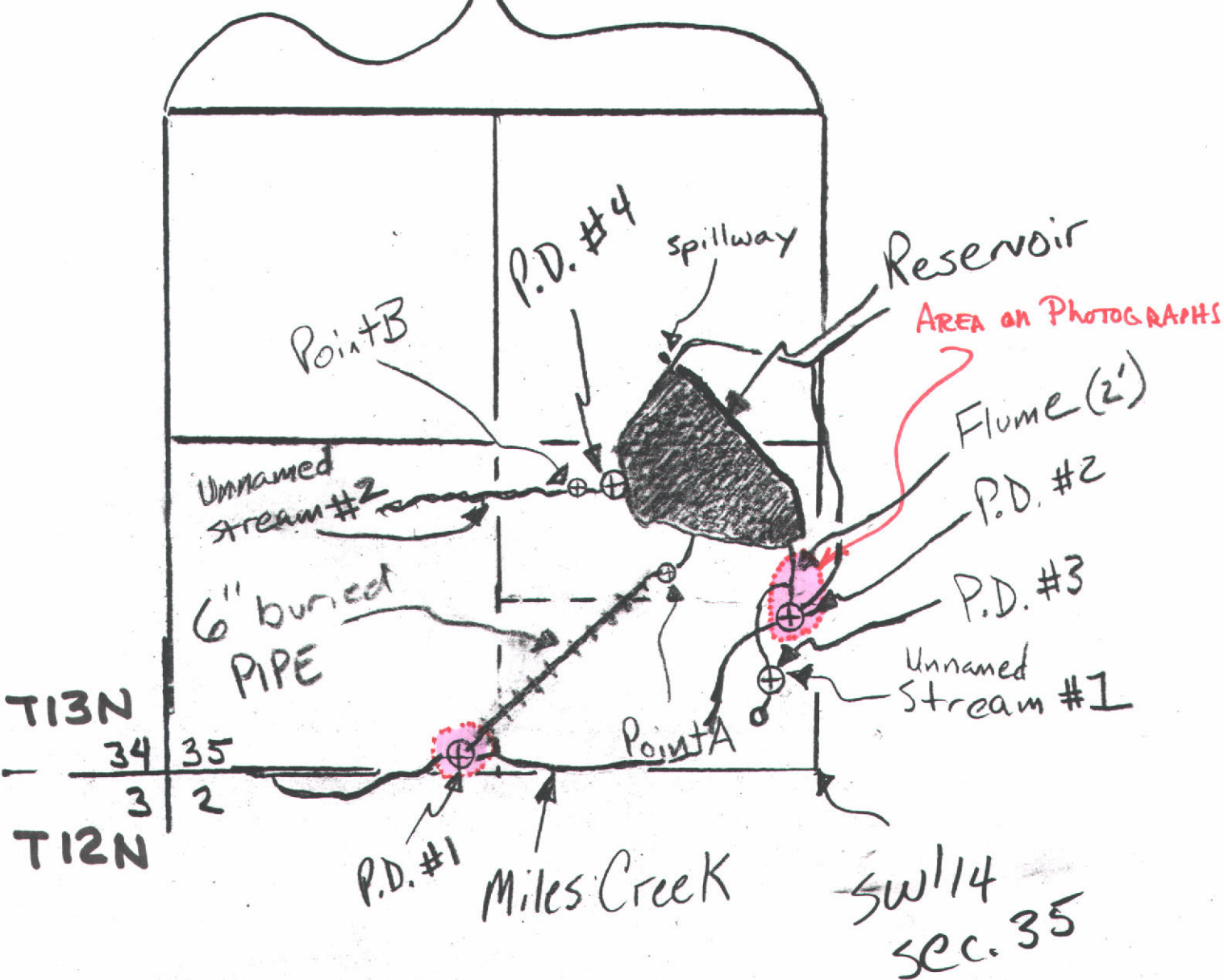
POINT OF DIVERSION #2
from Miles Creek



31-07345
MICROFILMED
SEP 18 1998

2640'

R38E



MICROFILMED

SEP 18 1998

31-7345

State of Idaho
Department of Water Resources
Water Right License
WATER RIGHT NO. 31-07345

Priority: September 26, 1980

Maximum Diversion Rate:

0.74 CFS

Maximum Diversion Volume:

60.0 AF

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

PO BOX 1128
DILLON MT 59725

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated September 26, 1980; and has submitted Proof of Beneficial Use on October 10, 1986. An examination indicates that the works have a diversion capacity of 3.600 cfs of water from:

MILES CREEK	tributary to	CROOKED CREEK
UNNAMED STREAMS	tributary to	CROOKED CREEK

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>
WILDLIFE STORAGE	01/01 to 12/31		60.0 AF
RECREATION STORAGE	01/01 to 12/31		60.0 AF
DIVERSION TO STORAGE	01/01 to 12/31	0.74 CFS	
	Totals	0.74 CFS	60.0 AF

LOCATION OF POINT(S) OF DIVERSION:

SWSW , Sec. 35, Township 13N, Range 38E
SESW , Sec. 35, Township 13N, Range 38E
CLARK County

PLACE OF USE: WILDLIFE STORAGE

TWN RGE SEC

13N 38E 35

NESW

SESW

CONDITIONS OF APPROVAL AND REMARKS

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license shall be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.

MICROFILMED

SEP 18 1998

State of Idaho
Department of Water Resources

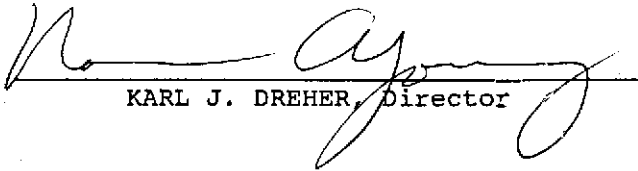
Water Right License

WATER RIGHT NO. 31-07345

CONDITIONS OF APPROVAL AND REMARKS

5. Use of water under this water right will be regulated by the watermaster of State Water District No. 31.
6. Measuring devices of a type approved by the Department shall be permanently maintained at each point of diversion.
7. The Director retains jurisdiction to require a bypass flow for maintenance of fish, wildlife, riparian and aquatic habitat.
8. Three points of diversion are located within the SESW, S35, T13N, R38E.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. Witness the seal and signature of the Director, affixed at Boise, this 28th day of August, 1998.


KARL J. DREHER, Director

MICROFILMED

SEP 18 1998

RECEIVED

AUG 14 1998

State of Idaho
Department of Water Resources

Department of Water Resources

APPLICATION FOR AMENDMENT

(For Licensing Purposes)

WATER RIGHT NO. 31-07345

Date of Priority: September 26, 1980 Maximum Diversion Rate: 0.74 CFS
Maximum Diversion Volume: 60.0 AF

Comes now JAMES F HAGENBARTH
DAVID J HAGENBARTH

PO BOX 1128
DILLON MT 59725

and represents to the Director of the

Idaho Department of Water Resources:

That he is the owner and holder of Permit to Appropriate the Public Waters of the
State of Idaho No. 31-07345, and requests that the permit be changed as follows:

Source: MILES CREEK tributary to CROOKED CREEK
Source: UNNAMED STREAMS tributary to CROOKED CREEK

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
WILDLIFE STORAGE	01/01 to 12/31		60.0 AF
RECREATION STORAGE	01/01 to 12/31		60.0 AF
DIVERSION TO STORAGE	01/01 to 12/31	0.74 CFS	
	Totals	0.74 CFS	60.0 AF

LOCATION OF POINT(S) OF DIVERSION: SWSW , Sec. 35, Township 13N, Range 38E
SESW , Sec. 35, Township 13N, Range 38E
CLARK County

PLACE OF USE: WILDLIFE STORAGE

TWN RGE SEC

13N 38E 35 NESW SESW

Permit holder asserts that no one will be injured by such change and that such change
will be made at permit holder's own risk.

Signed at Dillon, MT, this 10th day of August, 1998.

MICROFILMED

SEP 18 1998

James F HagenbARTH
(Signature)
David J HagenbARTH

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 31-07345

FOR DEPARTMENT USE ONLY

Preliminary check by SWK Fee = 50⁰⁰ Receipted by KS # 0043133 Date 8/14/98

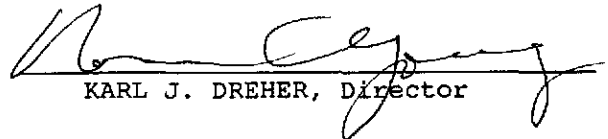
ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, Karl J. Dreher, of the Department of Water Resources hereby approve the
above Application for Amendment for Permit No. 31-07345 with the following;

CONDITIONS OF APPROVAL AND REMARKS

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license shall be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. Use of water under this water right will be regulated by the watermaster of State Water District No. 31.
6. Measuring devices of a type approved by the Department shall be permanently maintained at each point of diversion.
7. The Director retains jurisdiction to require a bypass flow for maintenance of fish, wildlife, riparian and aquatic habitat.
8. Three points of diversion are located within the SESW, S35, T13N, R38E.

Witness my hand this 28TH day of AUGUST, 1998.


KARL J. DREHER, Director

MICROFILMED

SEP 18 1998

STATE OF IDAHO

APPLICATION FOR AMENDMENT OF A PERMIT

To change the point of diversion and/or the place of use.

Comes now James F. Hagenbarth &/or David J. Phone (406) 683-2163
of (address) P. O. Box 1128, Dillon, MT 59725, and represents to the
Director of the Idaho Department of Water Resources:

That he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho
No. 31-7345 and requests that the permit and permit map be changed as follows:

1. Point of diversion: SE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$
 $\frac{1}{4}$ $\frac{1}{4}$, Section 35, Township 13N, Range 38E, B.M.,
County of Clark. Other points of diversion: Two PDs in SE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$,
one PD in NW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$, all in Sec. 35, 13N, 38E. An additional PD in
the SE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 35, 13N, 38E. Four PDs in total.
(NEW P/D)

2. Period and nature of use: (irrigation, domestic, stockwatering, industrial, etc.) NO CHANGE

Amount .74 for diversion purposes from Jan. 1 to Dec. 31 (both dates inclusive)
(cfs or acre feet per annum) to storage

Amount 60 AF for fish purposes from Jan. 1 to Dec. 31 (both dates inclusive)
(cfs or acre feet per annum) culture storage

Amount 60 AF for Recreation purposes from Jan. 1 to Dec. 31 (both dates inclusive)
(cfs or acre feet per annum) storage

Amount 60 AF for Wildlife purposes from Jan. 1 to Dec. 31 (both dates inclusive)
(cfs or acre feet per annum) Habitat storage

3. Place of use or land to be irrigated: NO CHANGE

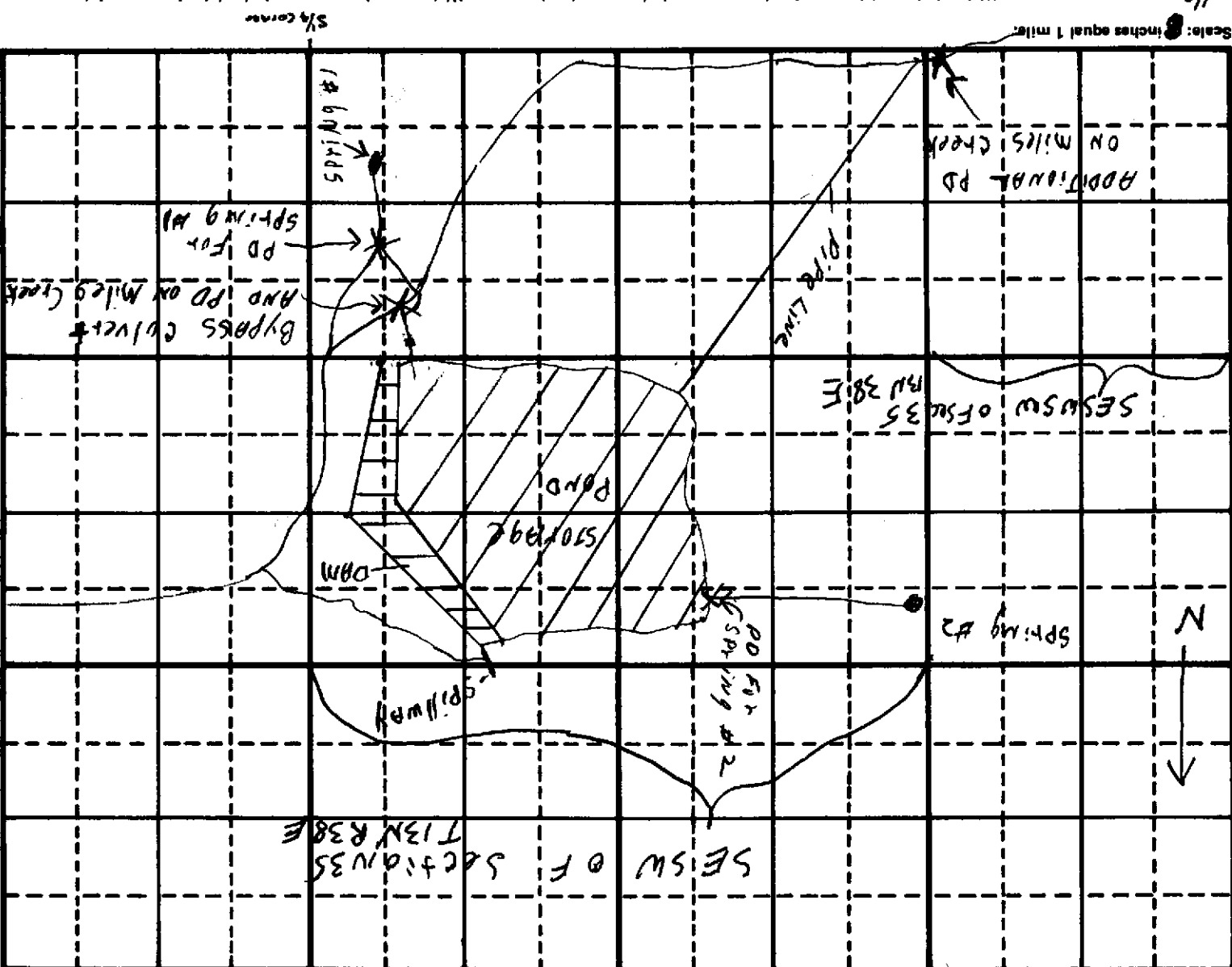
TWP	RGE	SEC	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
13N	38E	35												H					

Total number of acres to be irrigated = 0

4. a. Who owns the property at the point of diversion? All PDs except additional are owned
by claimants. Additional PD on land owned by BLM.
b. Who owns the land to be irrigated or the place of use? Claimant.

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the
applicant to make this filing: Applicant was advised by BLM (Don Watson- Idaho
Falls office) to secure permit for additional PD and the BLM would
proceed with issuance of needed permits. PD involves construction
of small diversion and intake structure and 1250 feet of shallow
buried 4 to 6 inch pipe. Intrusion on BLM is only for a few feet.
Source sinks within 100 yards of diversion if flow is less than 80 GPM.

Complete the following map by showing land and point of diversion as proposed by this amendment.
 Show 40-acre subdivisions, townships, ranges and ditches.



That no one will be injured by such change, and that such change will be made at permit holder's own risk.
 Signed at Kilgore, Idaho, this 25th day of June, 1988.

James E. McGowan
 (Signature)

FOR DEPARTMENT USE ONLY

Preliminary check by Fee = \$20.00 # E000808 Received by dg Date 7-21-88
 Publication prepared by dg Date 7-27-88 Published in Post Register
 Publication dates 8-4-88 to 8-11-88

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, L. GLEN SAXTON, of the Department of Water Resources hereby
 Approve the above Application for Amendment provided the conditions as set forth
 in Permit No. 31-7345 are met.

23 *mt*
 Witness my hand and seal this 23 day of September, 19 88
L. Glen Saxton
 Chief, Operations Bureau
 SEP 30 1988

Proof of Publication
The Post-Register

RECEIVED

AUG 19 1988

Department of Water Resources
Eastern District Office

State of Idaho, }
County of Bonneville } ss

I, J. Robb Brady, first being duly sworn, depose and say: That I am the Principal Clerk of The Post Company, a corporation of Idaho Falls, Bonneville County, Idaho, publishers of The Post-Register, a newspaper of general circulation, published daily, except Saturday, 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 1st day of November, 1931, and each of said newspapers have been published continuously and uninterruptedly, prior to consolidation, for more than seventy-eight (78) weeks 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 weeks, first publication having been made on the 4th day of August, 1988, last publication having been made on the 11th day of August, 1988, 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.

Subscribed and sworn to before me, this 17th day of August, 1988.

J. Robb Brady
Deon K. Napier
Notary Public

My commission expires September 30, 1988.

B10

**NOTICE OF PROPOSED
AMENDING OF WATER PERMIT**
Notice is hereby given that Application for Permit No. 31-7345 assigned to James F. and/or David J. Hagenbarth, Dillon, Montana, was filed for the diversion of .74 cfs and/or 60 AF of water from Miles Creek tributary to Crooked Creek, with the point of diversion within SE1/4SW1/4 (3 points), Sec. 35, T. 13N, R. 38E, B.M., Clark County; to be used from Jan. 1 to Dec. 31 for diversion to storage, fish culture storage, recreation storage, and wildlife habitat storage, within the SE1/4SW1/4, Sec. 35, T. 13N, R. 38E, B.M.
The applicant now proposes to amend Permit No. 31-7345, changing the point of diversion to the NW1/4SE1/4SW1/4, SE1/4SW1/4SW1/4, and two points within the SE1/4SE1/4SW1/4, Sec. 35, T. 13N, R. 38E, B.M., Clark County; to be used from Jan. 1 to Dec. 31 for diversion to storage,

fish culture storage, recreation storage, and wildlife habitat storage within the SE1/4SW1/4, Sec. 35, T. 13N, R. 38E, B.M.

Any protest to the proposed amending of the application must be filed with the Idaho Department of Water Resources, 150 Shoup, Suite 15, Idaho Falls, Idaho, 83402, on or before August 22, 1988.

R. Keith Higginson
Director

Published: August 4, 11, 1988

RECEIVED

SEP 30 1988

RECEIVED

OCT 10 1986

For Office Use Only

Fee Received 4100.00

Date 10-6-86 10-10-86

Receipt # 39301

Receipt by [Signature]

Reviewed by [Signature]

Sent to region 10-1486

STATE OF IDAHO

Department of Water Resources

DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

The Idaho Department of Water Resources will consider this form as a statement that the permit holder(s) has 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 or a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

Permit No. 31-7345

Name(s) of Permit Holder: JAMES F. OR DAVID S. HAGENBARTH. ✓

Post Office Address: P.O. Box 1128 ✓

Dillon MT. ✓ Telephone No. 406-683-2163.

Source of Water: MILES CREEK. ✓

Extent of Use:

Domestic _____ (number of households) Stockwater _____ (number and type of stock)

Irrigation _____ (acres) Other/Remark GO A.F. FOR FISH PROD.

GO A.F. FOR RECREATION / GO A.F. FOR WILDLIFE /

Total rate and/or volume for which proof is submitted 0.74 cfs 60 acre-feet

Show the date water was first diverted and beneficially used under this permit: 9-27-86

Measuring Device: Required? ☒ Yes ☐ No
Installed? ☒ Yes ☐ No

Fee enclosed \$ 100.00 ✓
(See License Examination Fee Schedule)

Flow Measurement Port: Required? ☐ Yes ☐ No
Installed? ☐ Yes ☐ No

Person to contact to accompany the Department representative during the field examination:

DAVE HAGENBARTH Same
(Name) (Telephone Number)

(Address)

The above information 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.

9/26/86
Date

David S. HagenbARTH
Signature of Permit Holder (and title, if appropriate)

For Office Use Only
Fee Received <u>15.00</u>
Date <u>11-4-82</u>
Receipt # <u>25246</u>

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

REQUEST FOR EXTENSION OF TIME

To provide additional time in which to submit
proof of beneficial use on a water right permit

NOV 4 1982

DEPARTMENT OF WATER RESOURCES

James F. Hagenbarth and/or
David J. Hagenbarth

(Name)

of P. O. Box 1128, Dillon

(Address)

State of Montana, deposes and says:

That he is the holder, or the duly authorized agent of the holder*, of Permit to Appropriate the Public Water of the State of Idaho No. 31-7345.

That under the terms and conditions of said permit, work thereunder was required to be completed on or before December 1, 19 82.

That he has heretofore performed the following work described under said permit: Cleared resevoir
(This must be filled out! If no work has been completed put none.)
site of trees and brush, stripped top soil and sod, constructed cut-off
trench, constructed dam to a height of 13 feet 800 feet long, excavated
area upstream from dam 2 feet over a 6 acre site, purchased measuring
device, inclined gate, and diversion structure. 3200 man hours
Costing \$ 85,200

That he is unable to complete the remainder of the work within the required time for the following reasons, to-wit:
Amount of excavation required to assure proper depth for winter fish
habitat and storage is substantial. Shortness of working season, under-
estimation of time required to excavate, mechanical failures, and
unfavorable weather have prevented full excavation up to present.

Wherefore, he asks that the Department of Water Resources extend the time for the completion of obligations under said permit to December 1, 19 86.
(1 yr. minimum, 5 yrs. maximum)

NOTE
AS OF JULY 1, 1980,
THERE IS A \$15.00
CHARGE FOR REQUESTS
FOR EXTENSION OF
TIME.

James F. Hagenbarth

David J. Hagenbarth

(Signature)*

*IF OTHER THAN HOLDER, Power of Attorney must be supplied.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

IT IS HEREBY ORDERED that the above application for extension of time be APPROVED and the time within which to submit the statement of beneficial use is extended to December 1, 1986.

Signed this 17th day of November, 19 82.

L. Glen Saxton
Chief, Operations Bureau

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

APPROVED

To appropriate the public waters of the State of Idaho

1. Name of applicant James F. Hagenbarth &/or David J. Hagenbarth Phone (406)683-2163
Post office address P. O. Box 1128, Dillon, Montana 59725 10/29/80 *EM*
2. Source of water supply Miles Creek which is a tributary of ~~Gamas-Creek~~ Crooked Creek
3. Location of point of diversion is SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 35 Township 13N
Range 38E B.M. Clark County, additional points of diversion if any: _____
Three points of diversion all in above described 40 acres.
4. Water will be used for the following purposes:
- | | |
|--|------------------------|
| Amount <u>.74</u> for <u>diversion to</u> purposes from <u>Jan. 1</u> to <u>Dec. 31</u> (both dates inclusive) | |
| <small>(cfs or acre-feet per annum)</small> | <u>storage</u> |
| Amount <u>60 AF</u> for <u>fish culture</u> purposes from <u>Jan. 1</u> to <u>Dec. 31</u> (both dates inclusive) | |
| <small>(cfs or acre-feet per annum)</small> | <u>storage</u> |
| Amount <u>60 AF</u> for <u>Recreation</u> purposes from <u>Jan. 1</u> to <u>Dec. 31</u> (both dates inclusive) | |
| <small>(cfs or acre-feet per annum)</small> | <u>storage</u> |
| Amount <u>60 AF</u> for <u>wildlife</u> purposes from <u>Jan. 1</u> to <u>Dec. 31</u> (both dates inclusive) | |
| <small>(cfs or acre-feet per annum)</small> | <u>habitat storage</u> |
5. Total quantity to be appropriated:
- a. .74 cubic feet per second and/or b. 60 acre-feet per annum.
6. Proposed diverting works:
- a. Description of ditches, flumes, pumps, headgates, etc. A 100' long and 2' wide ditch from Miles Creek to reservoir site. A 12" gate and culvert to divert from Miles Creek. A 300' long and 2' wide ditch to divert spring #1. A 856' long and 14' high dam to divert spring #2 and impound water. A spillway to return water to Miles Creek.
- b. Height of storage dam 14 feet, active reservoir capacity 0 acre-feet; total reservoir capacity 60 acre-feet, materials used in storage dam: Native earth fill and rock rip-rap.
Period of year when water will be diverted to storage Jan. 1 to Dec. 31 inclusive.
(Month/Day) (Month/Day)
- c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.
7. Time required for the completion of the works and application of the water to the proposed beneficial use is 2 years (minimum 1 year — maximum 5 years).
8. Description of proposed uses:
- a. If water is not for irrigation:
- (1) Give the place of use of water: SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 35 Township 13N
Range 38E B.M.
- (2) Amount of power to be generated: _____ horsepower under _____ feet of head.
- (3) List number of each kind of livestock to be watered _____

- (4) Name of municipality to be served _____, or number of families to be supplied with domestic water _____.
- (5) If water is to be used for other purposes describe: Fish culture, recreation, wildlife habitat.

10. Remarks	Applicants have Permit #31-2231 on Miles Creek appropriating .74 cfs
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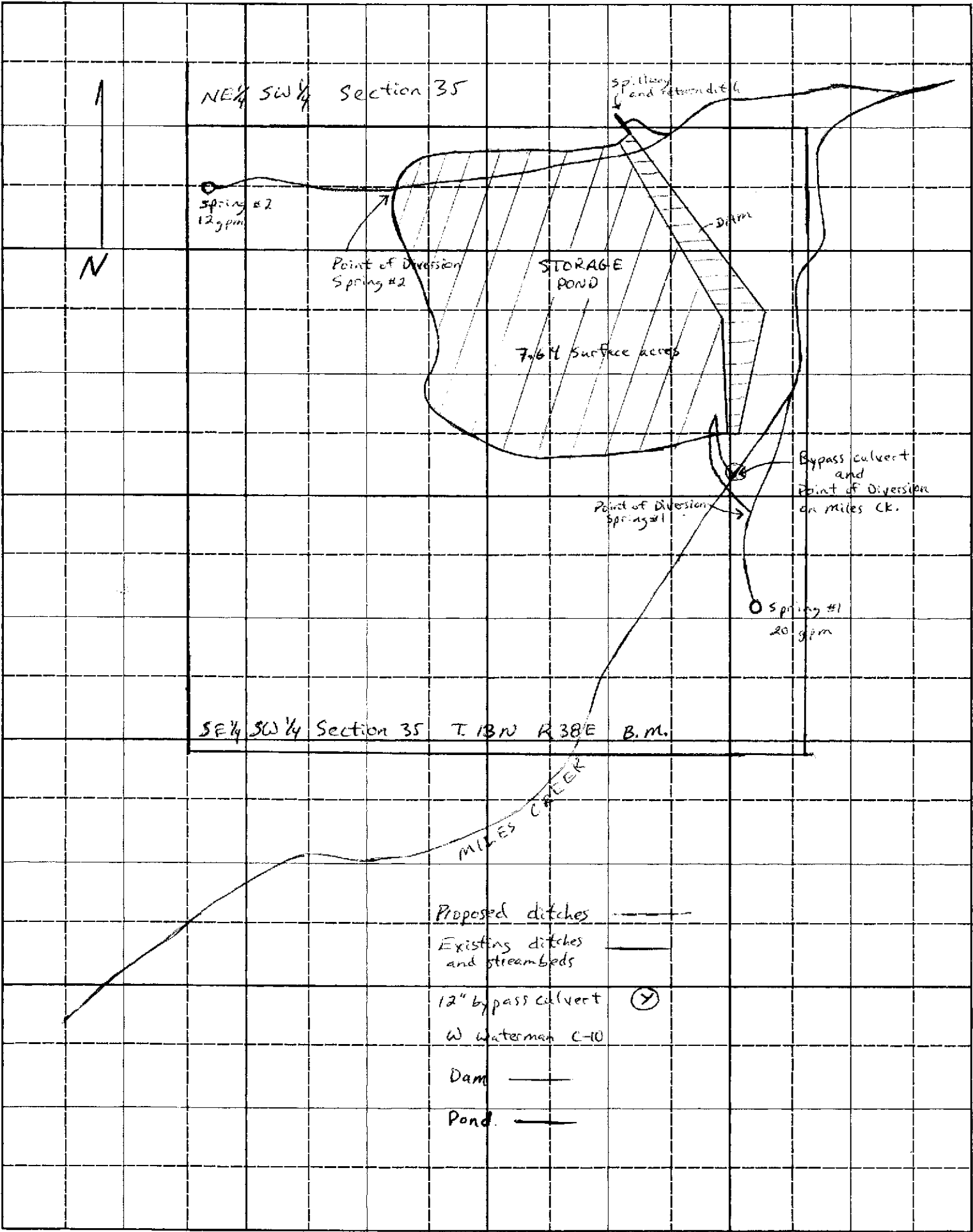
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the

9. a. Who owns the property at the point of diversion

Total number of acres to be irrigated

b. If water is for irrigation, indicate acreage in each subdivision in the tabulation below:

11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile,
1" = 264'

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.

David J. Hagenbach
James E. Hagenbach
(Applicant)

9/26/80 Proposed Priority

Received by JK Date 9/26/80 Time 11 AM

Preliminary check by BMC Fee \$ 45.00

Received by BMC Date 9/26/80 # 16021

Publication prepared by BMC Date 9/30/80

Published in Bigby Star

Publication dates 10/9 & 10/16/80

Publication approved BMC Date 10/27/80

Protests filed by: None

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by BMC JK

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 31-7345, and said application is hereby approved.

1. Approval of said application is subject to the following limitations and conditions:

a. SUBJECT TO ALL PRIOR WATER RIGHTS.

b. Proof of construction of works and application of water to beneficial use shall be submitted on or before _____, December 1, 19 82.

c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.

d. Other:

A measuring device of a type approved by the Department shall be permanently installed and maintained as part of the diverting works.

Use of water under this permit is subject to control by the watermaster of State Water District #31, Mud Lake & Trib.

The storage of water is contingent upon certification by the Department of Water Resources, of the applicant's dam under the dam safety provisions of the Idaho Code, authorizing storage.

Witness my hand this 18th day of November 19 80.

Chief, Operations Bureau

A. Munson

Affidavit of Publication

RECEIVED

THE RIGBY STAR

OCT 27 1980

NOTICE OF APPLICATION
FOR WATER RIGHT

4b Notice is hereby given that the following application(s) have been submitted for permit to appropriate the public waters of the State of Idaho:

31-7345

Hagenbarth, James F. &/or
David J.; P. O. Box 1128,
Dillon, Mt 59725

Source: Miles Creek
tributary to Crooked Creek
Date Filed: 09/28/1980

Amount: 0.74 CFS 60.0 AC-
FT

Diversion Point: SESW Sec
35 T 13N R 38E, Clark Co.

Use: Wildlife Storage (60.0
AC-FT) from 01/01 to 12/31;
Fish Prop. Storage (60.0 AC-
FT) from 01/01 to 12/31;
Recreation Storage (60.0 AC-
FT) from 01/01 to 12/31;
Diversion to Storage (0.74
CFS) from 01/01 to 12/31

Place of Use: SESW Sec 35
T 13N R 38E

Diversion Means: Ditch
Gate, Culvert, Dam and
Spillway.

If issued, the permit(s) will
be subject to all prior water
rights. Protests against the
granting of any permit must
be filed with the Director of
the Idaho Department of
Water Resources, 1515
Lincoln Road, Idaho Falls,
Idaho 83401 on or before
OCTOBER 27, 1980.

/s/ C. Stephen Allred
Director

Published October 9 and 16,
1980

STATE OF IDAHO,

County of Jefferson

ss

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

And affiant further says that at the times herein mentioned said
publication as per clipping attached, was published in said newspaper in the
regular and entire issue thereof, and not in any supplement issue thereof,
for 2 consecutive issues thereof; first publication having been made on
the

Ninth day of October, 19 80

and the last publication on the

Sixteenth day of October, 19 80

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

Marie B. Nye
Publisher

Subscribed in my presence and sworn to before me this Sixteenth
day of October, 19 80.
[SEAL]

Evelyn M. F. Taylor
Notary Public for the State of Idaho
Residence and P. O. Address, Rigby, Idaho.

My commission expires Life, 19

Publication Fee: \$ 18.86



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

August 31, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

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

RE: WATER RIGHT NO. 31-07345

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 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 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 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. Otherwise, this preliminary order will become a final order of the Department.

If any party appeals or takes exceptions to this 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 the 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.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Department in connection with the 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.

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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.

For your records I have also enclosed a copy of your Application for Amendment of Permit, which was approved.

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

Sincerely,



Shelley W. Keen
Water Rights Supervisor

SK:klt

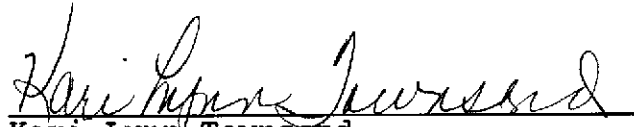
Enclosure

CERTIFICATE OF MAILING

I hereby certify that on the 31st day of August, 1998, 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. 31-07345

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


Kari Lynn Townsend
Secretary

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SEP 18 1998

8/10/98

Dear Shelly -

I put a GPS on the land &
your assessment of the POV
was correct.

Thanks

Jim
Hagel

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SEP 18 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

July 31, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

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

RE: WATER RIGHT NO. 31-07345

Dear Permit Holder(s):

The Department of Water Resources is reviewing the permit referenced above prior to issuing a water right license. By issuing a license, the Department confirms that a water right has been established in compliance with the terms of the permit. The examiner who verified your water use reported that your place(s) of use is in a location other than what was described on your permit. Therefore, before a license can be issued, the permit must be amended to depict your water right as it was actually developed.

The enclosed Application for Amendment form depicts the place(s) of use and other information as it will appear on the license when it is issued. Please review the amendment form carefully. If you concur with the information presented, please sign the form and return it with the \$50.00 filing fee within 14 days.

Also, please note that some of the proposed conditions of approval and remarks may be modified upon further administrative review.

If you do not concur, or if you have any questions about this information, please contact me as soon as possible. My telephone number is (208)327-7946.

Sincerely,

Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosure

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LICENSE REVIEW CHECKLIST

PERMIT NO. 31-07345 DATE 5/29/98 REVIEWER: SHARLA

NAME Change/OK
 Address OK
 SOURCE chg add unn. streams Does change clarify orig. intended source? If no, Void permit
 POINT OF DIV OK Change (P39 /P47) Add (P45/P42) Feds - P40
W32 (multiple in 1/4) 3 in SESW
W36 (overlap)
W59 (subd. desc)

Overlaps: Right(s): _____
 File reviewed _____ Profile reports printed _____

PLACE OF USE chg Change (P41/P47) Add (P41/P42) Feds - P43
W60 (subd. desc)
W27 (ppu acre limit)

Overlaps: Right(s): _____
 File reviewed _____ Profile reports printed _____

PD & PU amend (P37) Feds - P48

RATE OF DIV
 Permitted Rate .74 cfs
 Fee limit 1.00 cfs \$ 100.00
 Measured 3.60 cfs .24 + 3.26 + .1 = 3.6 cfs
 Theoretical W cfs
 Recommended Total Div Rate .74 cfs

WATER USES	Change (P46)		
<u>Rec stor</u>	<u>60</u> cfs	<u>60</u> af	Irrig - overlap (R58-R61, R62-R65, R66-R69)
<u>Unl'd stor</u>	<u>60</u> cfs	<u>60</u> af	supp. gw (WB7/065/079)
<u>Div to stor</u>	<u>.74</u> cfs	<u>af</u>	overlap spec. combined rts (W35)
	<u>af</u>	<u>af</u>	<1acre (W31)
	<u>af</u>	<u>af</u>	Domestic (W01/WB5/070/071/075)
	<u>af</u>	<u>af</u>	Power (W42 or W43/025/027/R22 or R23)
TOTALS	<u>.74</u> cfs	<u>60</u> af	Fish (042) Fire (077) Wtr Quality (081/R07)

Flow rate _____ cfs X _____ days X 1.98 = _____ af

REMARKS _____

ADD'L CONDITIONS _____ Watermaster Control WD# _____
 _____ GW Measurement/Measuring Device
 _____ Others Trust (052/R55 - remove 051) Non-trust (048/049)

Advance Priority _____ yes no SRBA Claim req'd Adjust Memo P41 P38
A31-00307 Amend letters P42
not filed

DAM SUMMARY SHEET

Page No. 3

01/31/96

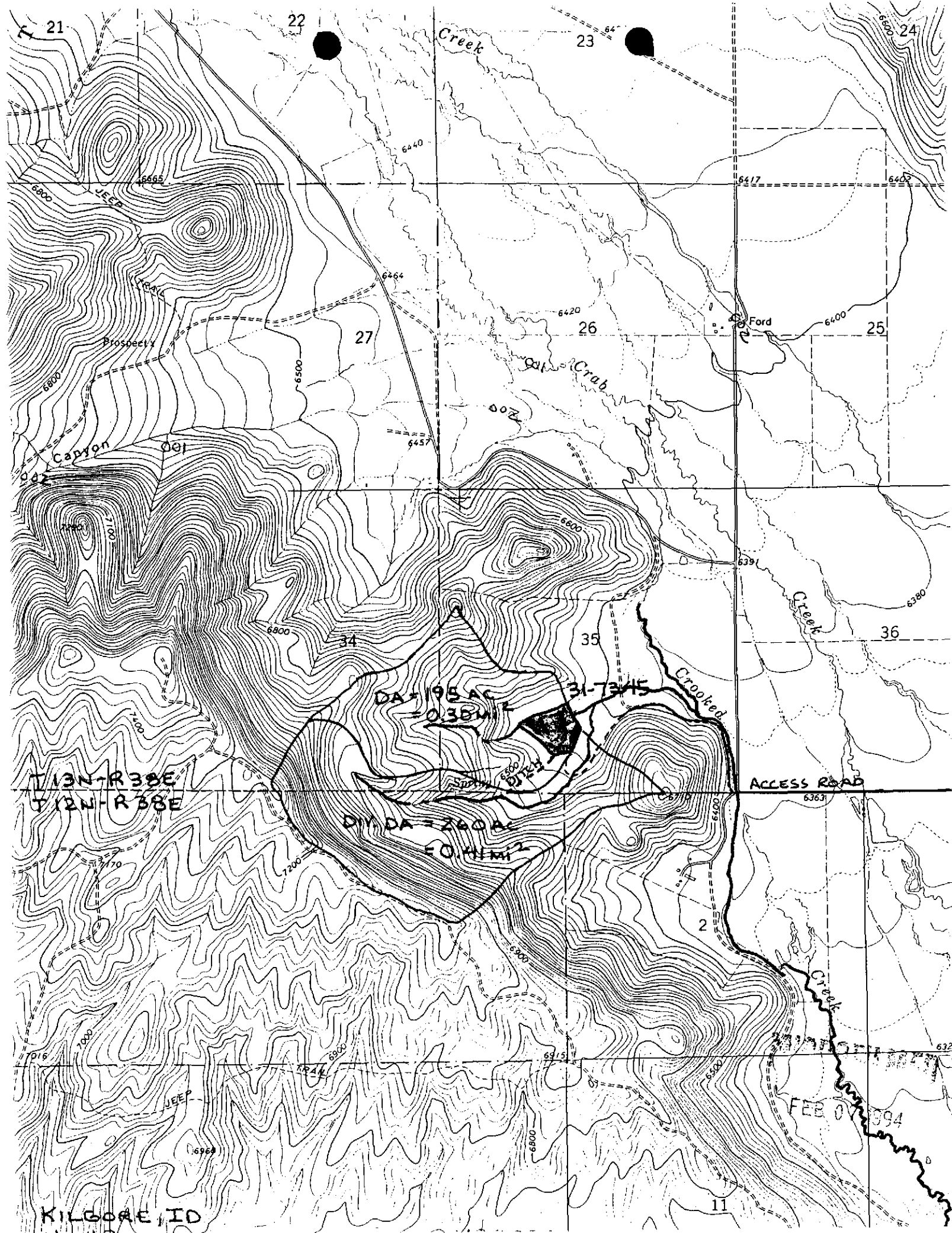
BASIN ----->	: 31	CONDITION ----->	: EX
DAM NUMBER ----->	: 7345	MAINTENANCE ----->	: ROUTINE
FED_ID_NO ----->	: 1D00406	INSPECTION DATE -->	: 1095 MO/YR
DAM NAME ----->	: HAGENBARTH	CERTIFICATE EXP -->	: 1100 MO/YR
COUNTY ----->	: CLARK	LAST RISK EVAL -->	: 0690 MO/YR
STREAM ----->	: TR-CROOKED CREEK	SURVEY DATE ----->	: 06/20/90
REGION ----->	: E	CALL UP DATE ----->	: / /
PURPOSE ----->	: 1	CERT ISSUE DATE -->	: 01/30/96
RISK CATEGORY ----->	: 3	INSPECT INTERVAL -->	: 2YR
SIZE CATEGORY ----->	: 3	PHASE 1 INSP DATE -->	: / /
Q-Q SECTION ----->	: SW	OPERATION PLAN ----->	: N
SECTION ----->	: 35	SEISMIC ANALYSIS-->	: N
TOWNSHIP ----->	: 13N	RESTRICTED ----->	:
RANGE ----->	: 38E	JOINT INSPECTION -->	:
LATITUDE DEC ----->	: 44.4063	QUAD NUMBER ----->	: U43
LONGITUDE DEC ----->	: 111.9507	QUAD NAME ----->	: KILGORE
DAM TYPE ----->	: EARTH		
STORAGE CAPACITY -->	: 60 ACFT		
HEIGHT ----->	: 12.0 FT		
DRAINAGE AREA ----->	: 0.3 SQMI		
RESERVOIR AREA -->	: 8 AC		
YEAR COMPLETED -->	: 1986		
CREST ELEVATION -->	: 6420 MSL		
CREST LENGTH ----->	: 955 FT		
SPILLWAY TYPE ----->	: RPCHAN	DAM OWNER ----->	: DAVID AND JAMES HAGENBARTH
SPILLWAY DEPTH -->	: 3.3 FT	ADDRESS-1 ----->	: C/O JAMES HAGENBARTH
SPILLWAY CAPACITY -->	: 49 CFS	ADDRESS-2 ----->	: P O BOX 1128
OUTLET TYPE ----->	: RNFCNP	CITY ----->	: DILLON
OUTLET SIZE ----->	: 12 IN	STATE ----->	: MT
OUTLET CAPACITY -->	: 10 CFS	ZIP CODE ----->	: 59725
IDF ----->	: Q50	ZIP SUFFIX ----->	:
IDF MAGNITUDE ----->	: 13 CFS	PHONE ----->	: 6832163
RELEASE CAPACITY-->	: 59 CFS	AREA CODE ----->	: 406

GENERAL REMARKS : NATURAL DRAIN AREA = 195 AC. DIVERTED DRAIN AREA = 260 AC. Q50 DETERMINED FOR TOTAL DRAIN AREA = 455 AC.

TECHNICAL REMARKS : SPILLWAY & RELEASE CAP ARE WITH 2.0' FB.

RESTRICTIONS :

ALTERNATE CONTACTS :



KILGORE, ID

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

JAN 02 1996

RECORD OF INSPECTION OF DAM

Department of Water Resources

Name of dam: HAGENBARTH DAM Stream: MILES CREEK ☐ Offstream

Name of owner: JAMES HAGENBARTH Location: NWSE, SEC 36, T 13N, R 36E

Individuals accompanying inspector: GREG TAYLOR - IDWR

Reservoir characteristics: Dam height 11 FT Surface area 8 ACRES Storage capacity 60 AF

Hazard class: LOW RISK Photographs: YES

CONDITION OF EMBANKMENT OR STRUCTURE: ☐ Poor ☐ Fair ☐ Good ☒ Excellent

Type: ☒ Earth ☐ Rockfill ☐ Conc. arch ☐ Conc. gravity ☐ Timber crib ☐ Other _____

	UPSTREAM SLOPE	CREST	DOWNSTREAM SLOPE	TOE AREA
Surface cover material	<u>NONE</u>	<u>NONE</u>	<u>NONE</u>	
Growth	<u>TALL GRASS</u>	<u>TALL GRASS</u>	<u>TALL GRASS</u>	
Settlement or cracks	<u>NONE</u>	<u>NONE</u>	<u>NONE</u>	
Surface erosion	<u>NONE</u>	<u>NONE</u>	<u>NONE</u>	
Debris	<u>NONE</u>	<u>NONE</u>	<u>NONE</u>	
Animal burrows	<u>NONE</u>	<u>NONE</u>	<u>NONE</u>	
Crest width and slope measurements	<u>2 1/2:1</u>	<u>25 FT</u>	<u>3:1</u>	

CONDITION OF OUTLET WORKS: ☐ Poor ☐ Fair ☐ Good ☒ Excellent

Location: ☐ Left side ☒ Center ☐ Right side ☐ Other _____

Description and condition: INCLINED STEM TO GATE VALVE

Gate hoist: ☒ Manual ☐ Electric ☐ Other _____

Stem: ☒ Inclined from entrance to crest ☐ Vertical on tower at entrance
☐ Vertical through dam from crest ☐ Downstream valve

Entrance: SUBMERGED Outlet: 12 IN. DIA. R.C.P.

CONDITION OF SPILLWAY: ☐ Poor ☐ Fair ☐ Good ☒ Excellent

Location: ☒ Left abutment ☐ Right abutment ☐ Away from dam ☐ Other _____

Base width 60 FT Freeboard at crest ~4 FT Sideslope 3:1 Channel slope MILD Fetch —

Overflow channel: ☐ Well defined ☐ Flow directed away from toe ☐ Flow could reach toe

Erosion control present: ROCK RIPRAP AND CONCRETE SILL Erosion present: NONE

Maintenance condition: Debris NONE Growth GRASS

SEEPAGE:

Reservoir level during inspection: FULL AND SPILLING

	TOE AREA	DOWNSTREAM SLOPE	ABUTMENTS	OTHER
Piping of material evident (Est. G.P.M.)	<u>NONE</u>	<u>NONE</u>	<u>NONE</u>	
Flowing water (Est. G.P.M.)	<u>NONE</u>	<u>NONE</u>	<u>NONE</u>	
Marshy or standing water	<u>NONE</u>	<u>NONE</u>	<u>NONE</u>	
Damp	<u>NONE</u>	<u>NONE</u>	<u>NONE</u>	
Evident from growth present	<u>NONE</u>	<u>NONE</u>	<u>NONE</u>	

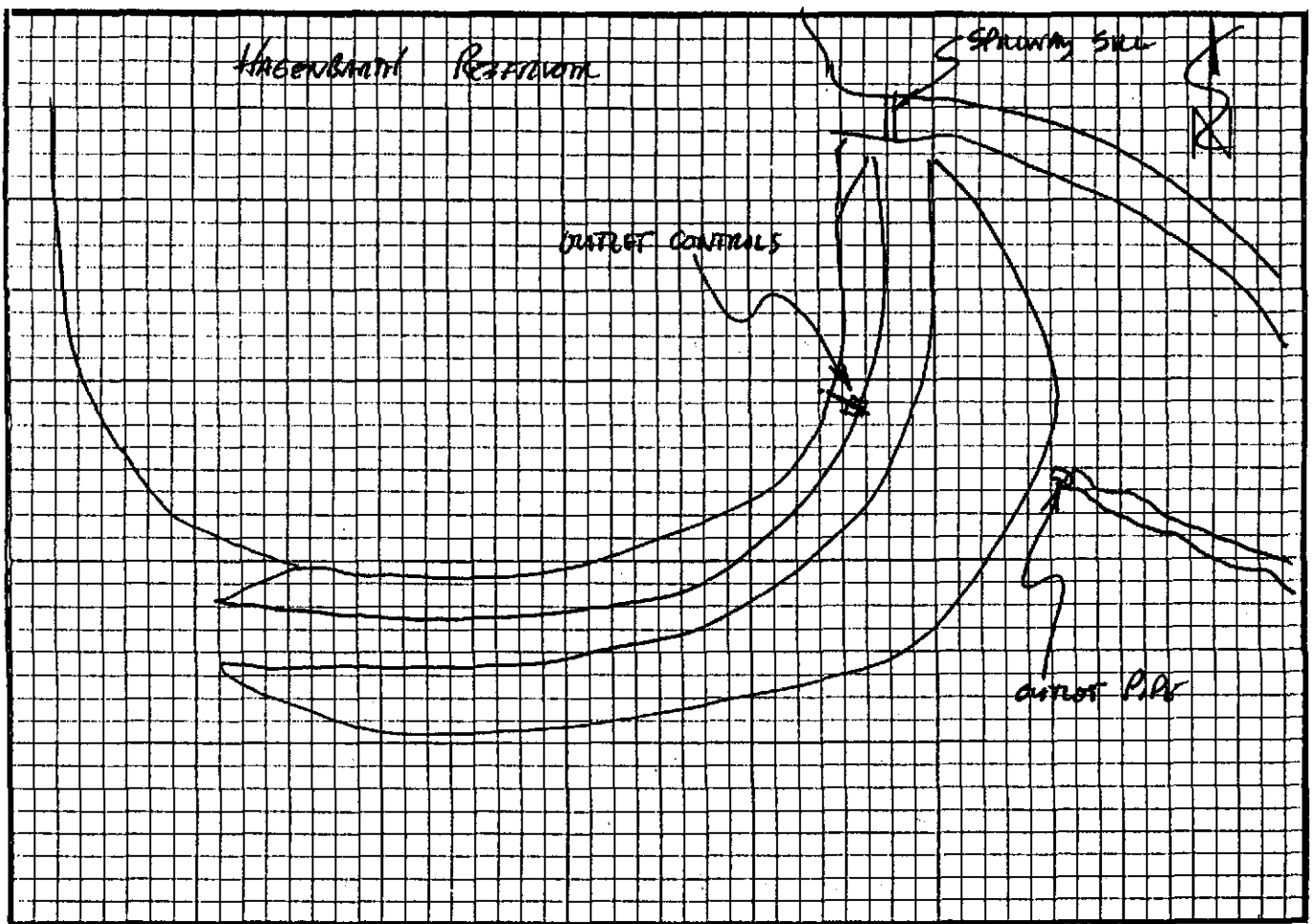
SEP 18 1998

MAR 13 1996

GENERAL CONDITION AND DESCRIPTION OF DAM: EXCELLENT

INSTRUMENTATION READINGS (Piezometer, Seepage measurement, Alignment, Elevation, etc.) None

SKETCH OF DAM SHOWING LOCATION OF SPILLWAY AND OUTLET WORKS AND ANY MAINTENANCE PROBLEMS:



RECOMMENDATIONS: ISSUE CERTIFICATE FOR 5 YEARS :

- CONTINUE REGULAR MAINTENANCE

Date: OCT. 5, 19 95

Inspected by: DW

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RECEIVED
MAY 09 1997

STATE OF IDAHO Department of Water Resources
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RE-EXAM

A. GENERAL INFORMATION

Permit No. 31-07345

1. Owner: James F. / David J. Hagenbarth Phone No. _____

Current Address: Po Box 1128 Dillon MT. 59725

2. Accompanied by: James Hagenbarth EXAM. DATE: July 20 1993

Address: _____ Phone No. _____

Relationship to Permit Holder: Same

3. Source: Miles Cr. Unnamed Stream #1 tributary to Crooked Creek
Unnamed Stream #2

B. OVERLAP REVIEW

1. Other water rights with same place of use: NONE

☐ Copies Attached

2. Other water rights with same point of diversion: NONE

☐ Copies Attached

☐ Copies of Field Exam's Attached

C. SYSTEM DESCRIPTION

1. **Diversion System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable. ☒ Alternative diagram attached

Diagram area with grid lines and faint text.

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Scale: 1" = _____

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2. ☒ Copy of U.S.G.S. Quadrangle Attached
Showing location(s) of point(s) of diversion and
place(s) of use (required).

☒ Photo of Diversion and System Attached

(required for all but single household domestic groundwater, and stockwater.

☒ Aerial Photo Attached
(required for irrigation of 10 acres or more).

Do not use this space

D. FLOW MEASUREMENTS

☐ Additional Data Sheets Attached

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
Pygmy i. Rod						
2' Parshall Flume						
ORANGE PEEL						

2. Measurements:

Pygmy - Miles Creek - 30' below pipe discharge into open ditch = 0.24 cfs - Point A on map
Flume - Miles Creek - Parshall Flume on map - 3.26 cfs - Unnamed stream #1 discharges into this ditch above flume.
Orange Peel - Unnamed Stream #2 - 0.10 cfs

E. FLOW CALCULATIONS

☒ Additional Computation Sheets Attached

1. Measured Method:

Q-Note
Copy of water measurement manual for Parshall Flume
Note sheet for orange peel method

2. Alternate Method for Checking Purposes:

F. PUMP EFFICIENCY DATA (Optional)

Discharge Pressure: _____ psi x 2.31 = _____ ft (1); Dynamic pumping level: _____ ft (2)

Total Head: (1) + (2) = _____ (3) : Flow rate: _____ cfs (4)

Water HP: (3) x (4) ÷ 8.8 = _____ (5)

Meter Input KW: 3.6 x _____ KH x _____ CTR or _____ MULT x _____ PTR x _____ N/ _____ T = _____ (6)

Meter Input HP: (6) x 1.34 = _____ (7)

Panel Input KW: _____ Ave PF x _____ Ave Volts x _____ Ave Amps x .001732 = _____ (6)

Panel Input HP: (6) x 1.34 = _____ (7) Efficiency: (5)/(7) x 100 = _____ %

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) =$ _____

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

$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} =$ _____

2. Volume Calculations for Other Uses:

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I. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use From To	Rate of Diversion Q (cfs)	Annual Volume V (ata)
Diversion to Storage	1-1 12-31	0.74 cfs	60 AF
Recreation Storage	1-1 12-31		60 AF
Wildlife Storage	1-1 12-31		60 AF
Totals:		0.74 cfs	60 AF

2. Recommended Amendments

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

J. AUTHENTICATION

Field Examiner's Name

Signature

Certification Date

Field Report Preparation Date

9-13-96

K. Licensing recommendation shall be prepared by an Idaho Department of Water Resources employee on a computer printout attached hereto.

CONSULTANT SEAL

MEMO

22-Jul-1993

TO: File 31-07345

From: Greg Taylor

Re-exam was performed July 20, 1993 by Greg Taylor and Gary Buss.

Point of Diversion: #1) T13N R38E S.35 SESWSW Miles Creek
#2) -SESESW Miles Creek
#3) SESESW Unnamed Stream #1
#4) NWSESW Unnamed Stream #2

System Description

Water is diverted at P.D. #1 from Miles Creek through a 6" PVC pipe. The pipe runs underground for approximately 1000' and then discharges into an open ditch. An open-channel measurement was taken at point A; 0.24 cfs was measured. The highwater mark on the banks of this ditch was found to be at least 1/2' higher than it was on 7-20-93. Ditch discharges into reservoir approximately 100' downstream from measurement point A.

Water that cannot be diverted through the 6" pipe at P.D. #1 flows into a natural channel and then is diverted at P.D. #2. After being diverted at this point, the water flows approximately 20' in an open ditch and then water from Unnamed Stream #1 ditch discharges into the ditch diverted from Miles Creek. (The ditch from Unnamed Stream #1 is piped across Miles Creek 20' upstream from P.D. #2.) A 2 foot flume is installed approx. 15' downstream from the confluence of Miles Cr. ditch and Unnamed Stream #1 ditch. The highwater mark on flumes staff gage was observed at 0.56 ft., or, 3.26 cfs. Keith Wilson measured the flumes staff gage as 0.46 ft., or, 2.40 cfs in 1989. The ditch discharges into reservoir approx. 30' downstream from flume.

Point of diversion #4 is the point where Unnamed Stream #2 discharges into reservoir. Measurement was taken at point B and was found to be 0.10 cfs. The highwater mark on banks of channel were again found to be at least 1/2' greater than they were on 7-20-1993.

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Recommendations

- 1) Four(4) points of diversion with three sources as noted above: two unnamed streams and Miles Creek.
- 2) Place of Use: NESW and SESW S.35, T13N R38E.
- 3) Nature of Use: "Diversion to Storage" 0.74 cfs
 "Recreation Storage" 60 af
 "Wildlife Storage" 60 af
The fish culture storage is not necessarily a nature of use for this right because the fish are grown strictly for private fishing and there is no sale of fish. Recreation Storage covers the use.
- 4) Totals: 0.74 cfs and 60 af. Limited by Permit.
- 5) Period of Use: 01/01 to 12/31.

The capacity of the system to divert is much greater than the 0.74 total cfs recommended. The consumptive use volume of this right is de minimus. Observations of the outflow at the spillway reflect a net loss of nearly zero. A measurement was not taken of outflow, but the flow appeared to be equal to the inflow at that point in time.

SEE PHOTOS ENCLOSED IN FILE OF THE FLUME, CONFLUENCE OF UNNAMED STREAM, POINT OF DIVERSION #1 AND POINT OF DIVERSION #2.

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SEP 18 1996

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Water District 01
DISCHARGE MEASUREMENT NOTES

Meas. No. _____
Comp. by Taylor
Checked by _____

Sta. No. _____
Mika Creek 30' below pipe discharge into open ditch.
 Date July 20, 1993 Party Tyler, Russ
 Width 2.80 Area .61 Vel. .39 G. H. _____ Disch. 0.24 gfs
 Method _____ No. secs. _____ G. H. change _____ in _____ hrs. Susp. Red
 Method coef. _____ Hor. angle coef. _____ Susp. coef. _____ Meter No. _____

[illegible]

Measurement rated excellent (2%), good (5%), fair (8%), poor (over 8%), based on following conditions: Cross section _____

Flow Weather

Other Air °F@

Gage Water °F@

..... Record removed Intake flushed ^U

Observer: Also did "orange Peel" measurement.
 $V = 2.02 \text{ ft/sec}$ $A = .1125 \text{ ft}^2$

Control.....

Remarks _____

G. H. of zero flow ----- ft.

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SEP 18 1978

3107345

Unnamed Stream #2

Measurement take @ Point B on ASCS overlay

Width = 0.8 ft.

Depth = 0.1 ft.

$$\text{Area} = W \cdot D = .8(.1) = 0.08 \text{ ft}^2$$

Velocity = 1.28 ft/sec.

$$Q = V \cdot A$$

$$Q = 1.28 \text{ fps}(0.08 \text{ ft}^2) =$$

$$Q = 0.10 \text{ cfs}$$

31-07345

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SEP 18 1998

Table 16.—Free-flow discharge through Parshall measuring flumes,
1- to 8-foot size, in second-feet. Computed from the formula
 $Q = 4WH_a^{1.523}W^{0.026}$. (See secs. 41 and 42.)

Upper head H_a		Discharge per second for flumes of various throat widths							
		1 foot	2 feet	3 feet	4 feet	5 feet	6 feet	7 feet	8 feet
Feet	Inches	Cubic feet	Cubic feet	Cubic feet	Cubic feet	Cubic feet	Cubic feet	Cubic feet	Cubic feet
0.20	2 3/8	0.35	0.66	0.97	1.26				
.21	2 3/8	.37	.71	1.04	1.36				
.22	2 3/8	.40	.77	1.12	1.47				
.23	2 3/8	.43	.82	1.20	1.58				
.24	2 3/8	.46	.88	1.28	1.69				
.25	3	.49	.93	1.37	1.80	2.22	2.63		
.26	3 3/8	.51	.99	1.46	1.91	2.36	2.80		
.27	3 3/8	.54	1.05	1.55	2.03	2.50	2.97		
.28	3 3/8	.58	1.11	1.64	2.15	2.65	3.15		
.29	3 3/8	.61	1.18	1.73	2.27	2.80	3.33		
.30	3 3/8	.64	1.24	1.82	2.39	2.96	3.52	4.08	4.62
.31	3 3/8	.68	1.30	1.92	2.52	3.12	3.71	4.30	4.88
.32	3 3/8	.71	1.37	2.02	2.65	3.28	3.90	4.52	5.13
.33	3 3/8	.74	1.44	2.12	2.78	3.44	4.10	4.75	5.39
.34	3 3/8	.77	1.50	2.22	2.92	3.61	4.30	4.98	5.66
.35	4 3/8	.80	1.57	2.32	3.06	3.78	4.50	5.22	5.93
.36	4 3/8	.84	1.64	2.42	3.20	3.95	4.71	5.46	6.20
.37	4 3/8	.88	1.72	2.53	3.34	4.13	4.92	5.70	6.48
.38	4 3/8	.92	1.79	2.64	3.48	4.31	5.13	5.95	6.74
.39	4 3/8	.95	1.86	2.75	3.62	4.49	5.35	6.20	7.05
.40	4 3/8	.99	1.93	2.86	3.77	4.68	5.57	6.46	7.34
.41	4 3/8	1.03	2.01	2.97	3.92	4.86	5.80	6.72	7.64
.42	4 3/8	1.07	2.09	3.08	4.07	5.05	6.02	6.98	7.94
.43	5 3/8	1.11	2.16	3.20	4.22	5.24	6.25	7.25	8.24
.44	5 3/8	1.15	2.24	3.32	4.38	5.43	6.48	7.52	8.55
.45	5 3/8	1.19	2.32	3.44	4.54	5.63	6.72	7.80	8.87
.46	5 3/8	1.23	2.40	3.56	4.70	5.83	6.96	8.08	9.19
.47	5 3/8	1.27	2.48	3.68	4.86	6.03	7.20	8.36	9.51
.48	5 3/8	1.31	2.57	3.80	5.03	6.24	7.44	8.65	9.84
.49	5 3/8	1.35	2.65	3.92	5.20	6.45	7.69	8.94	10.17
.50	6	1.39	2.73	4.05	5.36	6.66	7.94	9.23	10.51
.51	6 3/8	1.44	2.82	4.18	5.53	6.87	8.20	9.53	10.85
.52	6 3/8	1.48	2.90	4.31	5.70	7.09	8.46	9.83	11.19
.53	6 3/8	1.52	2.99	4.44	5.88	7.30	8.72	10.14	11.54
.54	6 3/8	1.57	3.08	4.57	6.05	7.52	8.98	10.45	11.89
.55	6 3/8	1.62	3.17	4.70	6.23	7.74	9.25	10.76	12.24
.56	6 3/8	1.66	3.26	4.84	6.41	7.97	9.52	11.07	12.60
.57	6 3/8	1.70	3.35	4.98	6.59	8.20	9.79	11.39	12.96
.58	6 3/8	1.75	3.44	5.11	6.77	8.43	10.07	11.71	13.33
.59	7 1/8	1.80	3.53	5.25	6.96	8.66	10.35	12.03	13.70
.60	7 1/8	1.84	3.62	5.39	7.15	8.89	10.63	12.36	14.08
.61	7 1/8	1.88	3.72	5.53	7.34	9.13	10.92	12.69	14.46
.62	7 1/8	1.93	3.81	5.68	7.53	9.37	11.20	13.02	14.84
.63	7 1/8	1.98	3.91	5.82	7.72	9.61	11.49	13.36	15.23
.64	7 1/8	2.03	4.01	5.97	7.91	9.85	11.78	13.70	15.62
.65	7 1/8	2.08	4.11	6.12	8.11	10.10	12.08	14.05	16.01
.66	7 1/8	2.13	4.20	6.26	8.31	10.34	12.38	14.40	16.41
.67	8 1/8	2.18	4.30	6.41	8.51	10.59	12.68	14.75	16.81
.68	8 1/8	2.23	4.40	6.56	8.71	10.85	12.98	15.10	17.22
.69	8 1/8	2.28	4.50	6.71	8.91	11.10	13.28	15.46	17.63

Highwater mark 7-20-93 0.56 ft. on staff gage

1989 - Keith Wilson read staff gage and height of
water was 0.46 ft.

MICROFILMED

SEP 18 1998

31-07345

27

20

Crab

6457

R38E

T13N

6600

35

6391

Creek

Crooked

#4-POINT OF DIVERSION

POINT "B"

UNNAMED STREAM #2

2' FLUME

6" BURIED PIPE

#2-POINT OF DIVERSION

#3-POINT OF DIVERSION

Spring

650

T13N

T12N

#1-POINT OF DIVERSION

POINT "A"

UNNAMED STREAM #1

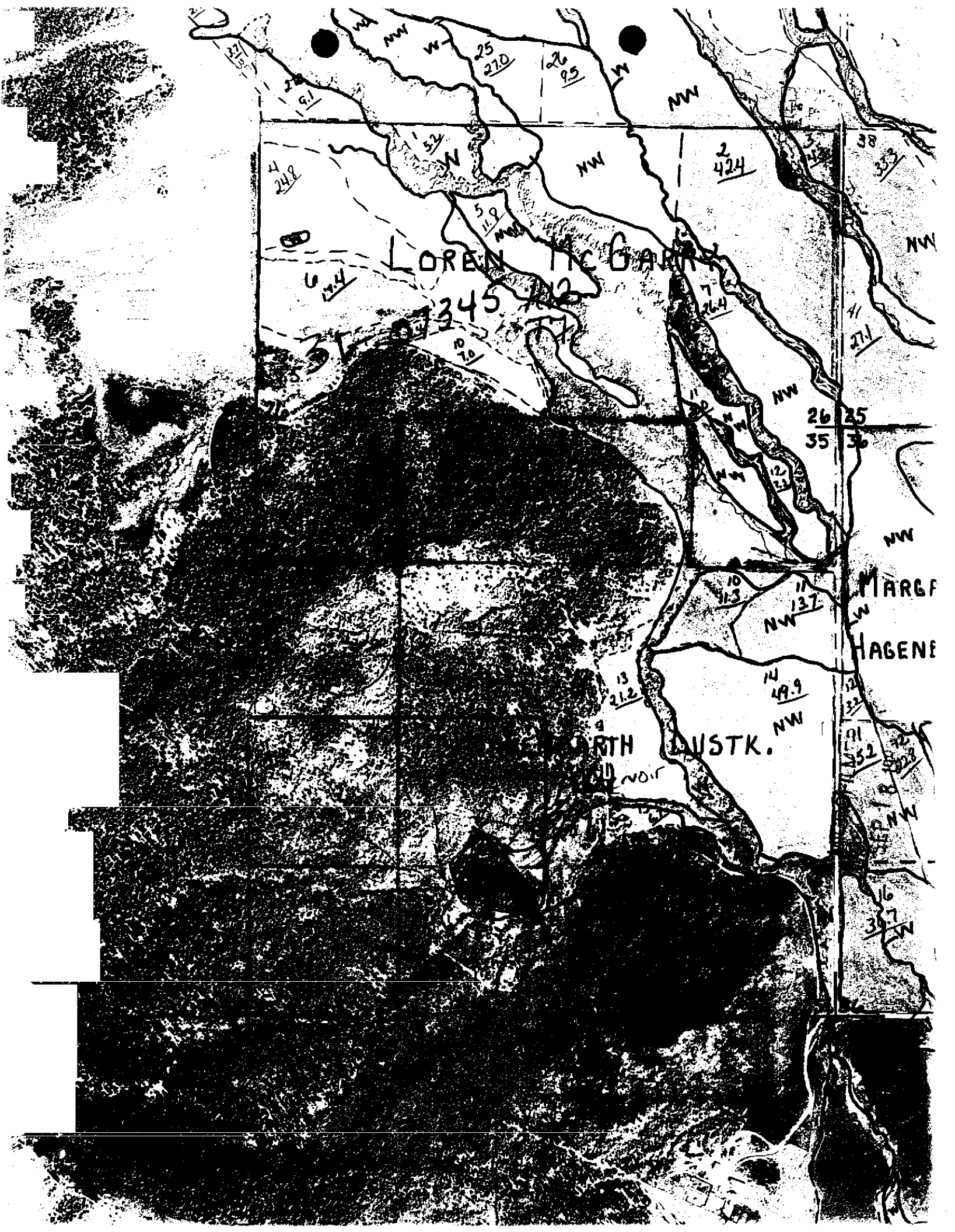
6400

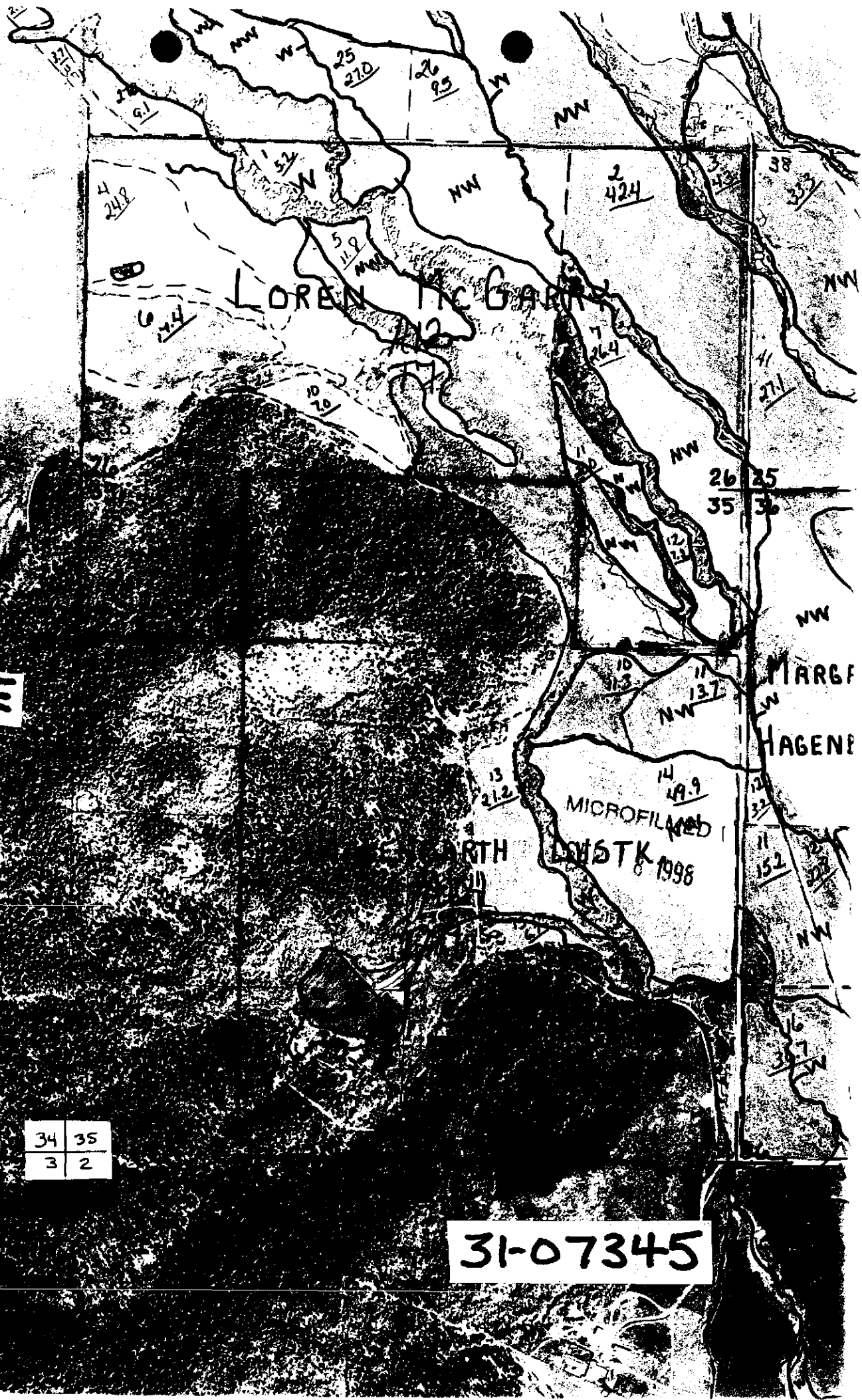
6363

MICROFILMED
SEP 18 1998

31-07345

2





R38E

T
13
N

34	35
3	2

31-07345

MICROFILMED
1998

P.D. #1



POINT OF DIVERSION # 1

31-07345

MICROFILMED

SEP 18 1998

POINT OF DIVERSION #2
from Miles Creek

RESERVOIR

DISCHARGE
FROM UNNAMED
STREAM #1

FLOW TO
FLUME

FLUME

POINT OF DIVERSION #2
from Miles Creek

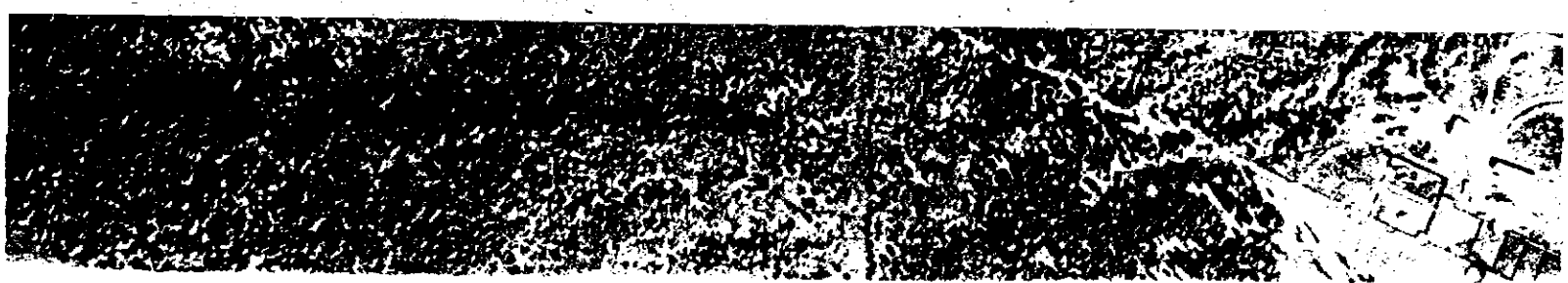
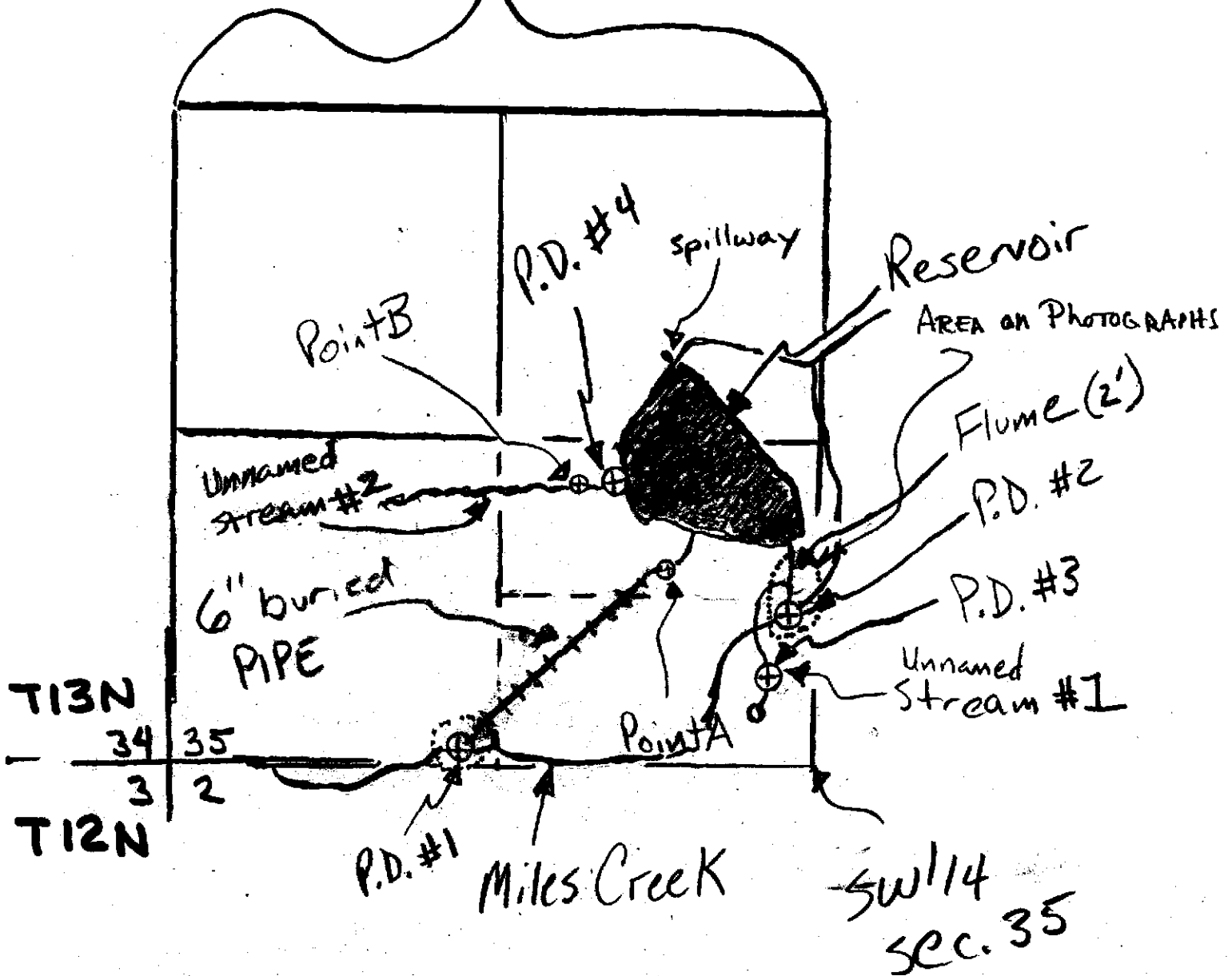
MICROFILMED

SEP 18 1998

31-07345

2640'

R38E



MICROFILMED

SEP 18 1998

31-7345

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

Permit No. 31-7345

Phone No. (406)-683-2163

1. Owner: James F or David J. Hagenbarth

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

2. Accompanied by: James F. Hagenbarth

EXAM. DATE: 16 May 89

Address: Same

Phone No. _____

Relationship to Permit Holder: _____

3. Source: Miles Creek tributary to Crooked Creek

B. OVERLAP REVIEW

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

☐ Copies Attached

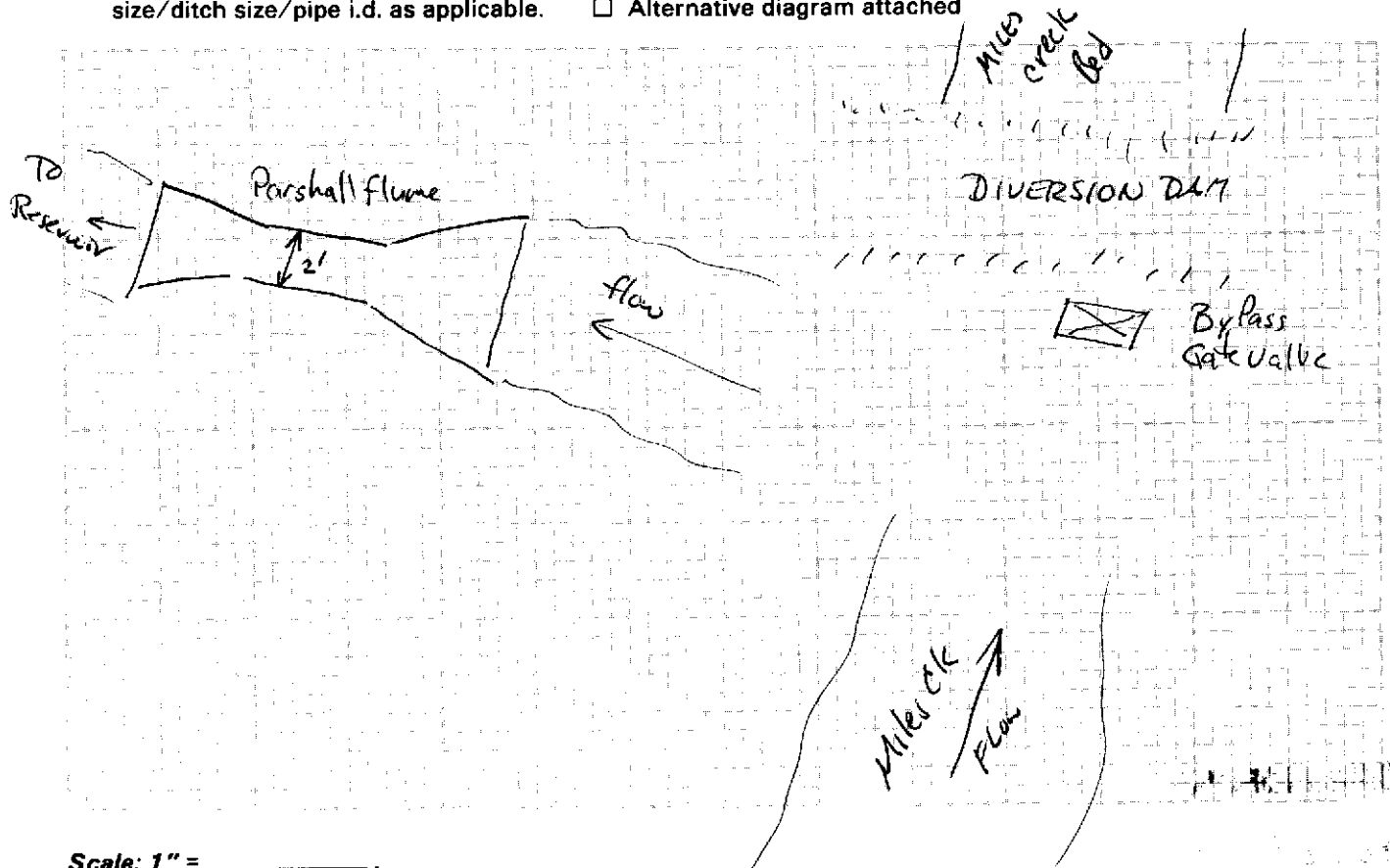
2. Other water rights with same point of diversion: _____

☐ Copies Attached

☐ Copies of Field Exam's Attached

C. SYSTEM DESCRIPTION

1. **Diversion System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable. ☐ Alternative diagram attached



Scale: 1" = _____

2. ☒ Copy of U.S.G.S. Quadrangle Attached
Showing location(s) of point(s) of diversion and
place(s) of use (required).

☒ Photo of Diversion and System Attached

(required for all but single household domestic groundwater, and stockwater).

☒ Aerial Photo Attached
(required for irrigation of 10 acres or more).

3. Narrative: Description (As operating at time of measurement. Indicate pressure, number of sprinklers, etc.)

Division Dam from Miller Ck to Reverend's Spring #1 direct to pipeline over
Miles Ck to diversion dist. thru 2' landfill flume to Reverend's

☐ See Remarks on page 4 for continuation

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size

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

5. Point(s) of Diversion:

Ident. No.	Gov't. Lot	%	%	%	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
# 1		SE	SW	SW	35	13N	38E	Clark	ON SITE
# 2		SE	SE	SW	35	13N	38E	Clark	
# 3		SE	SE	SW	35	13N	38E	Clark	
# 4		NW	SE	SW	35	13N	38E	Clark	

[illegible][illegible]

Do not use this space

Do not use this space

D. FLOW MEASUREMENTS

☐ Additional Data Sheets Attached

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
Parshall flume					2'	

2. Measurements:

0.46' thru 2' Parshall flume = 2.4 cfs (Total flow at spring #1, 1/2 mile Ck)

E. FLOW CALCULATIONS

☐ Additional Computation Sheets Attached

1. Measured Method:

2. Alternate Method for Checking Purposes:

F. PUMP EFFICIENCY DATA (Optional)

Discharge Pressure: _____ psi x 2.31 = _____ ft (1); Dynamic pumping level: _____ ft (2)

Total Head: (1) + (2) = _____ (3) ; Flow rate: _____ cfs (4)

Water HP: (3) x (4) ÷ 8.8 = _____ (5)

Meter Input KW: 3.6 x _____ KH x _____ CTR or _____ MULT x _____ PTR x _____ N/ _____ T = _____ (6)

Meter Input HP: (6) x 1.34 = _____ (7)

Panel Input KW: _____ Ave PF x _____ Ave Volts x _____ Ave Amps x .001732 = _____ (6)

Panel Input HP: (6) x 1.34 = _____ (7) Efficiency: (5)/(7) x 100 = _____ %

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) =$ _____

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

$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} =$ _____

2. Volume Calculations for Other Uses:

H. REMARKS AND OVERLAP REVIEW ANALYSIS

Re Exam due to low flow!
Kear

I. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use
 Period of Use From To
 Rate of Diversion Q (cfs)
 Annual Volume V (afa)

2. Recommended Amendments

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

J. AUTHENTICATION

Field Examiner's Name

Signature

Certification Date

Field Report Preparation Date

Kent C. Wilson
Kent C. Wilson

CONSULTANT SEAL

K. Licensing recommendation shall be prepared by an Idaho Department of Water Resources employee on a computer printout attached hereto.



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - (208) 334-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

September 29, 1988

RE: Permit No. 31-7345

James F. &/or David J. Hagenbarth
Box 1128
Dillon, MT 59725

Dear Permit Holder(s):

Enclosed is a copy of the approved Application for Amendment submitted
in connection with the above referenced permit.

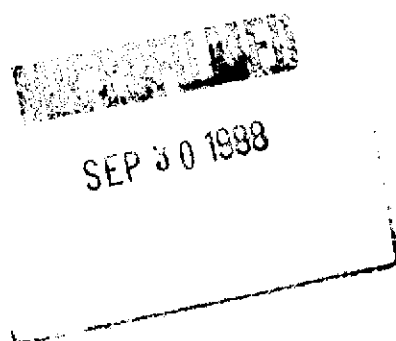
If you have any questions concerning this matter, please feel free to
contact our office.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc

Enclosure



State of Idaho
Department of Water Resources

AMENDMENT ANALYSIS SHEET

INITIAL REVIEW BY: GB

Right Number 31-7345 Applicant Hagenbarth

Purpose of Amendment: ☒ Change point of diversion. ☒ Add diversion point(s).
☐ Increase amount. ☐ Change place of use. ☐ Other _____

CHECK:

- ☒ Description of amended point(s) of diversion.
- ☒ Amount, nature and period of use. If increased, delay date of priority.
- ☒ Description of amended places of use. If expanded, delay date of priority.
- ☒ Ownership of point of diversion and place of use.
- ☒ Map.
- ☒ Signature (must be permit holder).
- ☒ Fee.
- ☒ Existing water rights from the same source, amended place of use.

☐ Right number(s) N/A

☒ Yes ☐ No Should amendment be advertised?

☐ Yes ☒ No Should date of priority be delayed? If yes, to what date? _____

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received.
- ☒ Amendment published correctly.

protest date
8-22-88

NA - ☐ Protests processed.

☒ Approve.

☐ Deny.

Conditions That special use permit is secured from BLM. ✓
+ ~~attached below~~

By HLJ Date 8-31-88

STATE OFFICE PROCESSING:

☒ Amendment correct and complete. By Jim Date 9-22-88

☐ Approved copy sent to applicant and to Region. By _____ Date _____

A measuring device of a type approved by the Department shall be permanently installed and maintained as part of the diverting works.

Use of water under this permit is subject to control by the watermaster of State Water District #31, Mud Lake & Trib.

The storage of water is contingent upon certification by the Department of Water Resources, of the applicant's dam under the dam safety provisions of the Idaho Code, authorizing storage.

RECEIVED
SEP 23 1988

Department of Water Resources

POINT OF DIVERSION AND STREAM INDEX INFORMATION

TRACT	SEC	TWP	RGE	gov't lot	rediv. (R)	REACH
IDAHO STREAM CODE INDEX						

TRACT	SEC	TWP	RGE	gov't lot	rediv. (R)	REACH
IDAHO STREAM CODE INDEX						

TRACT	SEC	TWP	RGE	gov't lot	rediv. (R)	REACH
IDAHO STREAM CODE INDEX						

TRACT	SEC	TWP	RGE	gov't lot	rediv. (R)	REACH
IDAHO STREAM CODE INDEX						

TRACT	SEC	TWP	RGE	gov't lot	rediv. (R)	REACH
IDAHO STREAM CODE INDEX						



State of Idaho

DEPARTMENT OF WATER RESOURCES

150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 - (208) 525-7161

EASTERN REGION

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

July 29, 1988

James F. &/or David J. Hagenbarth
P.O. Box 1128
Dillon, MT 59725

RE: Application for Amendment of a Permit No. 31-07345

Dear Water Right Applicant:

The Department of Water Resources acknowledges receipt of your water right application for amendment of a permit. The application has been assigned identification No. 31-07345. Please refer to this number in all further correspondence.

This office is currently in the process of advertising the application in the Post Register. The advertisement will be published 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.

If the application is not protested, it will be forwarded to our state office in about five weeks. State office personnel will conduct a complete review prior to final processing of the application and will notify you of the outcome of this review. When a permit is issued, you will be sent a copy. A typical processing time for an unprotested application is about eight weeks.

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

Sincerely,

Ernest Carlsen
Water Rights Supervisor

EC/dg

RECEIVED
JUL 31 1988
WATER RIGHTS DIVISION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region
150 Shoup Ave., Suite 15

Idaho Falls, Idaho 834
(208) 525-7161

JULY 27, 1988

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 AUGUST 22, 1988.

Yours truly,

Deena Green
Secretary

Encl.

MICROFILMED

SEP 30 1988

NOTICE OF PROPOSED AMENDING OF WATER PERMIT

Notice is hereby given that Application for Permit No. 31-7345 assigned to James F. and/or David J. Hagenbarth, Dillon, Montana, was filed for the diversion of .74 cfs and/or 60 AF of water from Miles Creek tributary to Crooked Creek, with the point of diversion within SE1/4SW1/4 (3 points), Sec. 35, T. 13N, R. 38E, B.M., Clark County; to be used from Jan. 1 to Dec. 31 for diversion to storage, fish culture storage, recreation storage, and wildlife habitat storage, within the SE1/4SW1/4, Sec. 35, T. 13N, R. 38E, B.M.

The applicant now proposes to amend Permit No. 31-7345, changing the point of diversion to the NW1/4SE1/4SW1/4, SE1/4SW1/4SW1/4, and two points within the SE1/4SE1/4SW1/4, Sec. 35, T. 13N, R. 38E, B.M., Clark County; to be used from Jan. 1 to Dec. 31 for diversion to storage, fish culture storage, recreation storage, and wildlife habitat storage within the SE1/4SW1/4, Sec. 35, T. 13N, R. 38E, B.M.

Any protest to the proposed amending of the application must be filed with the Idaho Department of Water Resources, 150 Shoup, Suite 15, Idaho Falls, Idaho, 83402, on or before August 22, 1988.

R. Keith Higginson

Director

Published in ~~The Morning News~~ on August 4 and 11, 1988

REFILED

SEP 30 1988

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

150 Shoup, Suite 15
Idaho Falls, Idaho 83402
(208) 525-7161

JANUARY 12, 1987

JAMES F. HAGENBARTH
P.O. BOX 1128
DILLON

MT

RE: Permit No. 31-7345

Dear Permit Holder:

We acknowledge receipt of your statement submitted as proof of beneficial use for the above referenced permit.

Before a license can be issued, a field examination must be made by a representative of this department.

A field examiner will contact you to arrange to examine your system.

If you have any questions regarding the field examination, please contact this office by phone at 525-7161 or in person in the third floor State Office Building, 150 Shoup, Idaho Falls, Idaho.

Sincerely,
s/HAROLD W. JONES
Sr. Resource Asent.

MICROFILMED

SEP 30 1988



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS

Governor

A. KENNETH DUNN

Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

October 30, 1986

James Hagenbarth
P.O. Box 1128
Dillon, MT 59725

RE: Hagenbarth Dam

D31-7345

Dear Mr. Hagenbarth:

The Department appreciates your meeting with our inspector, Steve McCormick, during the final construction inspection (September 27th) of your new dam. As indicated, the dam has been constructed in accordance with the Department's requirements and is hereby approved for storage. As discussed with Steve McCormick, you should control the initial filling of the reservoir by regulating the diversion flow and/or opening the outlet, such that the level of the reservoir is increased gradually, no more than one foot per day.

Regarding your water right, you are reminded there are certain conditions that pertain to diversion and storage (i.e. maintaining the flume installed to measure flow diversion; diversion is subject to control by the watermaster, Water District 31; and storage of water is contingent upon this Department's authorization of storage at the dam).

In accordance with Title 42, Chapter 17 of the Idaho Code, the Department has issued the enclosed certificate authorizing storage at your dam. Prior to expiration of the certificate (November 1988) the Department will re-examine the dam to evaluate its condition and the performance of maintenance.

If you have not already done so, we recommend you seed the embankment slopes and crest with native grasses to control surface erosion on the dam.

Should you have any questions, please contact Steve McCormick (phone 525-7168) in our Eastern Regional Office in Idaho Falls.

Very truly yours,

David H. Hollingshead
DAVID H. HOLLINGSHEAD
Dam Safety Section

DHH:ldt

Enclosure

CC: IDWR-E. Reg., Water Right File

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440
CERTIFIED MAIL
SEPTEMBER 30, 1986

138323

HAGENBARTH, JAMES F. & DAVID J.
P.O. BOX 1128
DILLON, MT 59725

PROOF DUE NOTICE

RE: PERMIT NO. 31-7345

DEAR PERMIT HOLDER:

ONE OF THE CONDITIONS OF APPROVAL OF THE ABOVE REFERENCED WATER PERMIT WAS THAT PROOF OF THE EXTENT OF YOUR BENEFICIAL USE MUST BE SUBMITTED TO THIS OFFICE ON OR BEFORE DECEMBER 1, 1986. (SEE LAST PAGE OF YOUR APPROVED PERMIT OR YOUR LAST APPROVED EXTENSION REQUEST.) ENCLOSED IS A FORM WHICH WHEN ACCOMPANIED BY THE LICENSE EXAMINATION FEE OR A COMPLETED FIELD EXAMINATION REPORT PREPARED BY A CERTIFIED WATER RIGHT EXAMINER MAY BE USED TO SUBMIT THE REQUIRED PROOF.

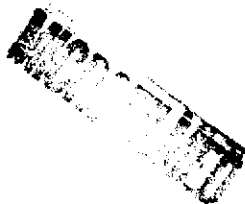
IF YOU HAVE NOT FULLY COMPLETED YOUR PROJECT, AND YOU OR A PREVIOUS OWNER OF THIS PERMIT HAVE NOT RECEIVED A PRIOR EXTENSION OF TIME, YOU MAY REQUEST AN EXTENSION OF TIME IF THE DELAY IS FOR REASONABLE CAUSE AS PROVIDED IN SECTION 42-204, IDAHO CODE. IF YOU HAVE BEEN PREVENTED FROM PROCEEDING BY A GOVERNMENTAL AGENCY OR BY LITIGATION WHICH MIGHT BRING TITLE TO THE WATER IN QUESTION, MORE THAN ONE EXTENSION OF TIME CAN BE GRANTED. AN EXTENSION OF TIME REQUEST FORM IS ENCLOSED FOR YOUR CONVENIENCE.

EITHER AN ACCEPTABLE PROOF OF BENEFICIAL USE SUBMITTAL OR AN ACCEPTABLE REQUEST FOR AN EXTENSION OF TIME MUST BE RECEIVED BY THIS DEPARTMENT ON OR BEFORE THE ABOVE DESCRIBED PROOF DUE DATE. IF NEITHER IS RECEIVED, THE DEPARTMENT WILL SEND YOU A LAPSE NOTICE. WITHIN SIXTY (60) DAYS OF THE MAILING OF THE LAPSE NOTICE, THE PERMIT WILL NO LONGER BE OF ANY FORCE NOR EFFECT.

SINCERELY,

RITA FLECK
SECRETARY/RECORDS MANAGER

ENCLOSURES





State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS

Governor

A. KENNETH DUNN

Director

Mailing address:

Statehouse

Boise, Idaho 83720

(208) 334-4440

SEPTEMBER 1, 1985

DEAR PERMIT HOLDER:

ACCORDING TO OUR RECORDS, YOU ARE THE HOLDER OF A WATER PERMIT ON WHICH PROOF OF BENEFICIAL USE OF WATER WAS NOT SUBMITTED BEFORE JULY 1, 1985, WHICH INDICATES YOUR PROJECT IS NOT COMPLETE. THEREFORE, YOU NEED TO BE AWARE OF CHANGES IN IDAHO LAW, EFFECTIVE JULY 1, 1985, WHICH IMPACT ALL WATER PERMITS ISSUED BY THIS DEPARTMENT.

SPECIFICALLY, PURSUANT TO SECTION 42-203D, IDAHO CODE, THE DEPARTMENT MUST REVIEW ALL PERMITS FOR WHICH DEVELOPMENT OF WATER USE WAS NO COMPLETED ON OR BEFORE JULY 1, 1985, TO DETERMINE IF THEY MEET THE NEW REQUIREMENTS OF CHAPTER 2, TITLE 42, IDAHO CODE. RULES AND REGULATIONS GOVERNING THE RE-EVALUATION OF PERMITS ARE NOT YET FINALIZED. HOWEVER, IF YOU COMPLETED THE DEVELOPMENT UNDER YOUR PERMIT BEFORE JULY 1, 1985, YOU SHOULD SUBMIT A PROOF OF BENEFICIAL USE STATEMENT, STATING THAT THE PROJECT WAS COMPLETED BEFORE JULY 1, 1985 SO THAT YOUR PERMIT WILL NOT BE SUBJECT TO THE REVIEW REQUIREMENTS OF SECTION 42-203D, WHICH READS AS FOLLOWS:

42-203D. REVIEW OF PERMITS - OPPORTUNITY FOR HEARING. - (1)THE DEPARTMENT SHALL REVIEW ALL PERMITS ISSUED PRIOR TO THE EFFECTIVE DATE [JULY 1, 1985] OF THIS SECTION, EXCEPT TO THE EXTENT A PERMIT HAS BEEN PUT TO BENEFICIAL USE PRIOR TO JULY 1, 1985, TO DETERMINE WHETHER THEY COMPLY WITH THE PROVISIONS OF CHAPTER 2, TITLE 42, IDAHO CODE. IF THE DEPARTMENT FINDS THAT THE PROPOSED USE DOES NOT SATISFY THE CRITERIA OF CHAPTER 2, TITLE 42, IDAHO CODE, THEN THE DEPARTMENT SHALL EITHER CANCEL THE PERMIT OR IMPOSE THE CONDITIONS REQUIRED TO BRING THE PERMIT INTO COMPLIANCE WITH CHAPTER 2, TITLE 42, IDAHO CODE. IF THE DEPARTMENT FINDS THAT THE PERMIT SATISFIES THE CRITERIA ESTABLISHED IN CHAPTER 2, TITLE 42, IDAHO CODE, THEN THE DEPARTMENT SHALL ENTER AN ORDER CONTINUING THE PERMIT.

(2)THE DEPARTMENT SHALL PROVIDE AN OPPORTUNITY FOR HEARING IN ACCORDANCE WITH SECTION 42-1701A, IDAHO CODE, AND SECTIONS 67-5209 THROUGH 67-5215, IDAHO CODE, FOR EACH HOLDER OF A PERMIT THAT IS PROPOSED EITHER TO BE CANCELLED OR MADE SUBJECT TO NEW CONDITIONS.

YOU MAY OBTAIN PROOF OF BENEFICIAL USE FORMS FROM THE DEPARTMENT. IF YOU HAVE ANY QUESTIONS, PLEASE LET US KNOW.

SINCERELY,

L. GLEN SAXTON
CHIEF, OPERATIONS BUREAU



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS

Governor

A. KENNETH DUNN

Director

Mailing address:

Statehouse

Boise, Idaho 83720

(208) 334-4440

November 17, 1982

James F. and David J. Hagenbarth
Miles Creek
P. O. Box 1128
Dillon, Montana 59725

Dear Gentlemen:

Re: Permit No. 31-7345

Enclosed is a copy of the approved request for extension of time. The time within which to submit the statement of beneficial use is extended to December 1, 1986.

Sincerely,

RITA I. FLECK
Sr. Secretary

Enc: Ext of Time

RECEIVED
NOV 22 1982
STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS

Governor

A. KENNETH DUNN

Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

EXTENSION OF TIME

November 4, 1982

Hagenbarth Livestock
David & James Hagenbarth
P. O. Box 1128
Dillon, MT 59725

PERMIT NO. 31-7345, James F. Hagenbarth and/or David J. Hagenbarth

We are in receipt of the \$15 extension fee for Extension(s) of Time to provide additional time in which to submit proof of beneficial use on a water right permit.

Your request for extension(s) of time is being reviewed by staff. You will be informed of our decision when review has been completed.

Enclosed is our receipt No. 25246.

Roberta Garrett
Records Supervisor

Enclosure

NOV 11 1982

David J. Hagenbarth
P. O. Box 1128
Dillon, Montana 59725
November 2, 1982

Department of Water Resources
Statehouse
Boise, Idaho 83720

Re: Request for Extension of Time
Permit # 31-7345

Sir/Madam:

Earlier on this date I made a certified mailing of
a request for extension of time on permit # 31-7345.

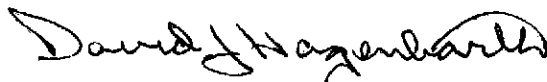
I enclose a copy.

In this mailing I neglected to include a check for
\$15.00 to cover the charge.

In this letter I enclose the check.

Thank you.

Yours very truly,

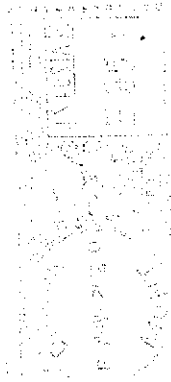


David J. Hagenbarth

Enclosures (2)

RECEIVED
NOV 10 1982

David & James Hagenbarth
P. O. Box 1128
Dillon, Montana 59725



State of Idaho
Department of Water Resources
Statehouse
Boise, Idaho 83720

RECEIVED
MAY 1972
DEPT. OF WATER RESOURCES
STATE OF IDAHO

CERTIFIED
P 248 862 954
MAIL

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440
CERTIFIED MAIL

138678

HAGENBARTH, JAMES F. & DAVID J.
P.O. BOX 1128
DILLON, MT 59725

SEPTEMBER 30, 1982

DEAR PERMIT HOLDER:

ONE OF THE CONDITIONS OF APPROVAL OF YOUR WATER PERMIT NO. 31-7345 WAS THAT EVIDENCE OF THE EXTENT OF DEVELOPMENT MUST BE SUBMITTED TO THIS OFFICE ON OR BEFORE DECEMBER 01, 1982. (SEE LAST PAGE OF YOUR APPROVED PERMIT). ENCLOSED IS A POST CARD WHICH MAY BE USED TO SUBMIT THE REQUIRED PROOF OF BENEFICIAL USE.

IF YOU HAVE NOT FULLY COMPLETED YOUR PROJECT, AND YOU HAVE NOT PREVIOUSLY RECEIVED AN EXTENSION OF TIME, YOU MAY REQUEST AN EXTENSION OF TIME PROVIDED THE DELAY IS FOR REASONABLE CAUSE AS INDICATED IN SECTION 42-204, IDAHO CODE, AMENDED. IF YOU HAVE BEEN PREVENTED FROM PROCEEDING BY A GOVERNMENTAL AGENCY OR BY LITIGATION, MORE THAN ONE EXTENSION OF TIME CAN BE GRANTED.

EITHER THE BENEFICIAL USE POST CARD OR A REQUEST FOR AN EXTENSION OF TIME MUST BE RECEIVED BY THIS DEPARTMENT ON OR BEFORE THE ABOVE MENTIONED DATE, OTHERWISE, THE PERMIT WILL LAPSE AND BE OF NO FURTHER FORCE OR EFFECT WITHIN 60 DAYS.

SINCERELY,

RITA FLECK
SR. SECRETARY

ENCLOSURE

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440

HAGENBARTH, JAMES F. & DAVID J.
P.O. BOX 1128
DILLON, MT 59725

DECEMBER 04, 1980

RE: PERMIT NO. 31-7345

DEAR PERMIT HOLDER:

ENCLOSED IS A COPY OF YOUR APPROVED APPLICATION FOR PERMIT. WE DIRECT YOUR ATTENTION TO THE CONDITIONS OF APPROVAL ON THE FOURTH PAGE.

BE SURE TO NOTE THE SPECIAL CONDITION REQUIRING YOU TO INSTALL AND MAINTAIN A MEASURING DEVICE AT YOUR POINT OF DIVERSION. WE HAVE ENCLOSED A DESCRIPTION OF THE DIFFERENT TYPES OF MEASURING DEVICES ACCEPTED BY THIS OFFICE.

WE HAVE ENCLOSED A FORM ENTITLED "MAKING PROOF OF BENEFICIAL USE". PLEASE READ THE INSTRUCTIONS CAREFULLY SINCE YOU MUST TAKE FURTHER ACTION TO DEVELOP THIS PERMIT INTO A LICENSE.

SINCERELY,

DAVID R. TUTHILL, JR., P.E.
SUPERVISOR, WATER ALLOCATION SECTION

ENCLOSURE

MICROFILMED

State of Idaho
Department of Water Resources

APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY: Ernest Carlson

APPLICATION NUMBER: 31 7345
31-7345

CHECK:

- ☒ Source.
☒ Point of diversion.
☒ County.
☒ Quantity of water and period of use.
☒ Description of diverting works.
☒ Time required for beneficial use of water.
☒ Place of use or acres irrigated.
☒ Map.
☒ Signature.
☒ Fee.
☐ Yes ☒ No Field check required.
☐ Yes ☒ No Critical groundwater area.
☒ Yes ☐ No Request dam safety information. Sent by: _____
☒ Yes ☐ No* In form to receipt.

Field check by: _____
Date: _____
Comments: _____

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT:

Application to construct a small dam has been verbally approved
and forwarded to state office. 10-29-1980.

SEND COPIES TO:

- ☐ Idaho State Health Department.
☐ Idaho Fish and Game Department.
☐ Idaho Department of Lands.
☐ U.S. Bureau of Land Management.
☐ U.S. Forest Service.
☒ Other Water District 31

Copies sent by: _____ Date: _____

EW 10/15

PROCESSING:

- ☒ Yes ☐ No Platted by: Ernest Map No. 4-43.
☒ Yes ☐ No Other rights on same place of use. decreed rights from Miles Creek
for 0.74 cfs. No Overlap
☒ Yes ☐ No* In form for advertising. 10/27 ✓
Final date for protests: _____
☐ Yes ☒ No Protests received. If yes, record information on 4th page of application.

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received. Date: 10-27-1980 ✓
☒ Application published correctly. If not, record action taken: _____
☒ Fee amount, receipt date & number, recorded on application.
☒ Publication dates and paper, recorded on application.
☐ Protests, dates, withdrawal, etc., recorded on application.
☒ Recommendation & initial, recorded on application.
01- ☒ Yes ☐ No Measuring device required. -
05- ☐ Yes ☒ No Access port required.
☒ Yes ☐ No Will water be delivered by watermaster? If yes, what district? 31
10-26-1980. Date of priority recommended.
Special conditions of approval or cover letter. _____

Code #18.

MICROFILMED

By: Ernest Carlson Date: 10-29-1980.

STATE OFFICE REVIEW:

SLW/L02, L09 01, 05 (31 Mud Lake #Tul.) 18

☐ See attached sheet for more information.
By: Robyn Date: 11/7/80

October 14, 1980

RE: Application for Permit No. 31-7345 HAGENBARTH

Mr. Don Shenton, Watermaster
Water District No. 31
Dubois, Idaho 83423

Dear Don:

We are enclosing a copy of an application that may be of interest to your water district. Please review the application and submit any comments you may have to our Department as soon as possible. The last date of protest is October 20, 1980, and we are required to take final action shortly thereafter.

If we may be of further assistance, please feel free to contact us.

Respectfully submitted,

ERNEST CARLSEN
Sr. Resource Analyst

EC:cw:kw

Enclosure

100-100000

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

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

OCTOBER 3, 1980

The Risby Star
P. O. Box 37
Risby, Idaho 83442

Gentlemen:

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

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

Please send the affidavit of publication and publication billing to this office before OCTOBER 27, 1980.

Yours truly,

RONALD D. CARLSON
Supervisor
Eastern Region

Encl.

MICROFILMED

NOTICE OF APPLICATION FOR WATER RIGHT

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

If issued, the permit(s) will be subject to all prior water rights. Protests against the granting of any permit must be filed with the Director of the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho 83401 on or before OCTOBER 27, 1980.

C. STEPHEN ALLRED

Director

Published 10/09 & 10/16/80.

MICROFILMED

31-2345

HAGENBARTH, JAMES F. &/or DAVID J.

P.O. BOX 1128, DILLON, MT 59725

Source: MILES CREEK tributary to CROOKED CREEK

Date Filed: 09/26/1980

Amount: 0.74 CFS 60.0 AC-FT

Diversion Point: SESW Sec 35 T 13N R 38E, CLARK Co.

Use: WILDLIFE STORAGE	(60.0 AC-FT)	from 01/01 to 12/31
FISH PROP. STORAGE	(60.0 AC-FT)	from 01/01 to 12/31
RECREATION STORAGE	(60.0 AC-FT)	from 01/01 to 12/31
DIVERSION TO STORAGE	(0.74 CFS)	from 01/01 to 12/31

Place of Use: SESW Sec 35 T 13N R 38E

Diversion Means: DITCH, GATE, CULVERT, DAM & SPILLWAY.

MICROFILMED