State of Idaho
Department of Water Resources

Water Right License

Water Right No. 21-13254

Priority: March 28, 2018

Maximum Diversion Rate: 4.00 CFS
Maximum Diversion Volume: 1,440.0 AF

It is hereby certified that:

JAMES F HAGENBARTH AND
DAVID J HAGENBARTH AND
HAGENBARTH LAND IDAHO LP
PO BOX 1128
DILLON MT 59725-1128

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated March 28, 2018, and has submitted Proof of Beneficial Use on December 05, 2022. An examination confirms water is diverted from:

Source : SPRING **Tributary:** SHERIDAN CREEK

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
RECREATION	11/01 to 04/30	4.00 CFS	1,440.0 AF
RECREATION STORAGE	01/01 to 12/31		4.0 AF
DIVERSION TO STORAGE	11/01 to 04/30	4.00 CFS	4.0 AF

Location of Point(s) of Diversion
SPRING NW¼ SE¼ SW¼, Sec. 6, Twp 13N, Rge 41E, B.M. CLARK County

Place of Use: RECREATION

Twp	Rng	Sec	NE				NW				SW				SE			
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
13N	41E	7					X											

Place of Use: RECREATION STORAGE

Twp	Rng	Sec	NE				NW				SW				SE			
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
13N	41E	7					X											

Conditions of Approval

1. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 01.
2. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
3. The pond established by the storage of water under this right shall not exceed a total capacity of 4.0 acre-feet or a total surface area of 0.8 acres.
4. Transfer 81352 for water right 21-4071A authorizes the diversion of 0.02 cfs and 6,500 gallons per day of water to offset evaporation losses from the pond authorized by this right.

SCANNED
JUN 27 2023

State of Idaho
Department of Water Resources

Water Right License

Water Right No. 21-13254

5. The right holder shall install and maintain an impermeable liner in the ponds to eliminate seepage losses.
6. The diversion and use of water described in this right may be subject to additional conditions and limitations agreed to by the protestant and the right holder under a separate agreement to which the Department is not a party. Because the Department is not a party, the Department is not responsible for enforcement of any aspect of the agreement not specifically addressed in other conditions herein. Enforcement of those portions of the agreement not specifically addressed in other conditions shall be the responsibility of the protestant and the water right holder.
7. Diversion of water under this right for recreation use shall be non-consumptive.
8. This right does not grant any right-of-way or easement across the land of another.

This license is issued pursuant to the provisions of Idaho Code § 42-219. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed this 26th day of June, 2023.

JAMES CEFALO
Eastern Regional Manager

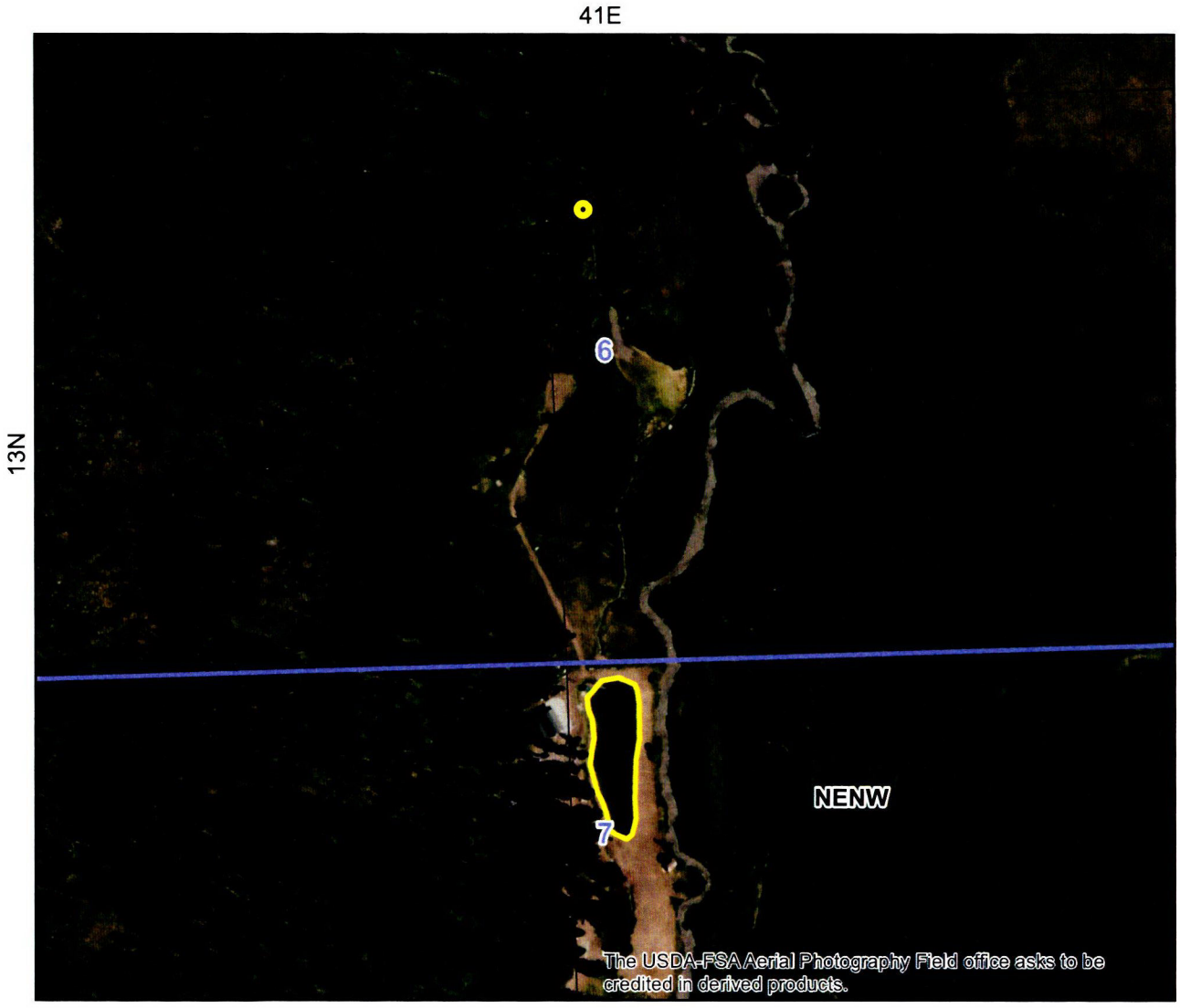
SCANNED
JUN 27 2023

State of Idaho
Department of Water Resources

Water Right

21-13254

Recreation Storage



0 0.05 0.1 0.2 Miles

Place Of Use Boundary
Townships
PLS Sections
Quarter Quarters
Point of Diversion

N

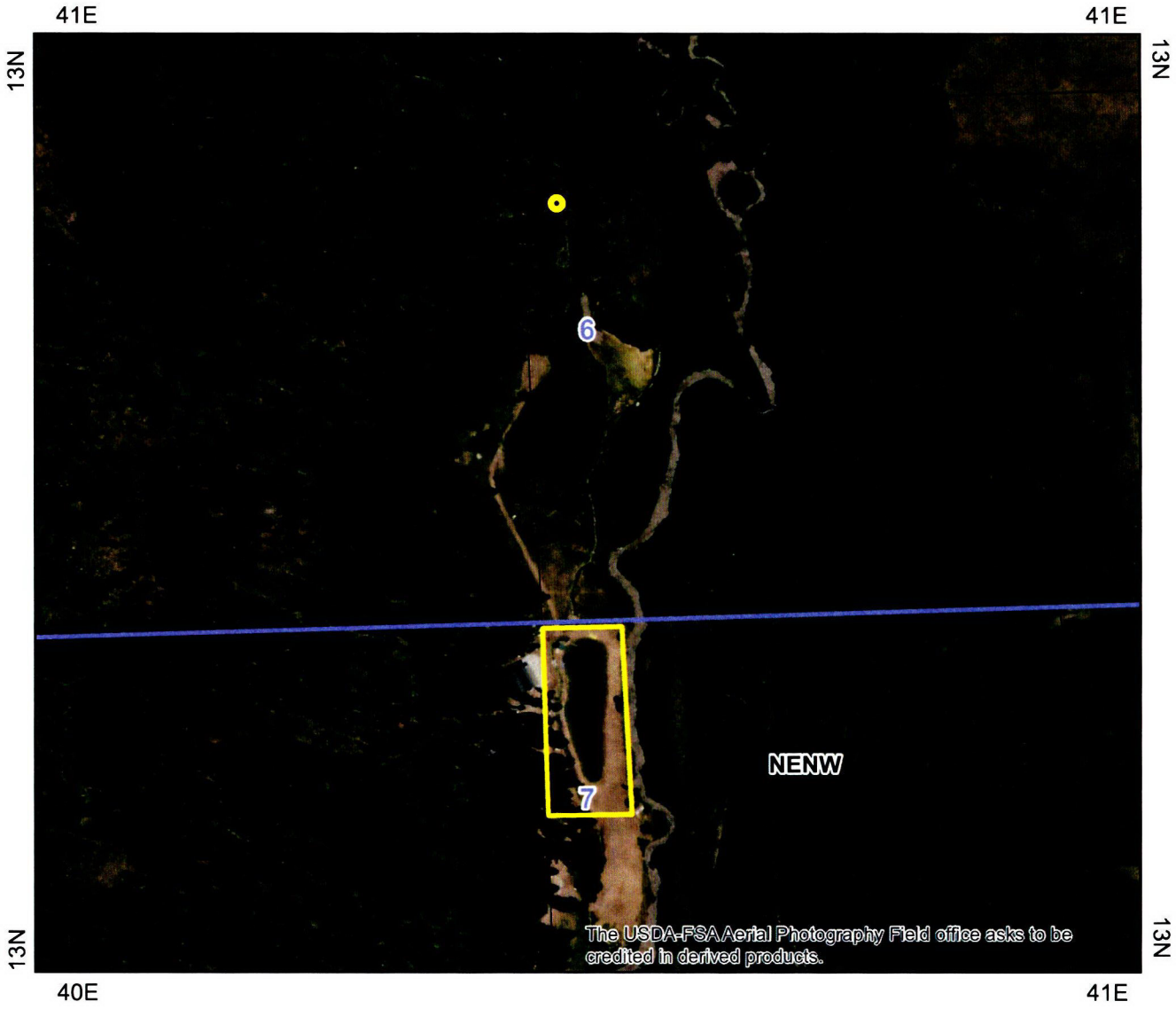
SCANNED
JUN 27 2023

State of Idaho
Department of Water Resources

Water Right

21-13254

Recreation



0 0.05 0.1 0.2 Miles

Place Of Use Boundary
Townships
PLS Sections
Quarter Quarters
Point of Diversion

N

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JUN 27 2023

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

Permit No: 21-13254
Exam Date: 5/31/23

1. Current Owner:
JAMES F HAGENBARTH AND
DAVID J HAGENBARTH AND
HAGENBARTH LAND IDAHO LP
PO BOX 1128
DILLON MT 59725-1128

B. OVERLAP REVIEW

Point of Diversion:	21-4071A	7/1/1926	0.02 cfs	Domestic
	21-2054B	9/24/1912	0.22 cfs	Irrigation
	21-12939	4/1/1939	0.19 cfs	Irrigation
	21-12854	5/1/1894	0.02 cfs	Irrigation, Stockwater
	21-13226	9/24/1912	3.58 cfs	Irrigation, Stockwater
	21-13233	5/1/1894	0.38 cfs	Irrigation
	21-13234	4/1/1939	3.08 cfs	Irrigation
	21-13306	7/1/1949	0.02 cfs	Stockwater

Water right 21-4071A is held by James Hagenbarth, David Hagenbarth and Hagenbarth Land Idaho LP.
Water rights 21-2054B, 21-12939 and 21-12854 are held by James Hagenbarth and David Hagenbarth.
Water rights 21-13223, 21-31233 and 21-13234 are held by Hagenbarth Land Idaho LP.
Water right 21-13306 is held by Hagenbarth Livestock.
Water rights do not bear a combined rate limit. Season of use for irrigation rights is 5/1 to 10/31.

Place of Use: Right 21-4071A mitigates for the evaporation from the recreation pond covered by this right.

C. DIVERSION AND DELIVERY SYSTEM

SOURCE: SPRING tributary to: SHERIDAN CREEK

POINT OF DIVERSION: NW¼ SE¼ SW¼, Sec. 6, T13N, R41E, B.M. CLARK County
Spring flow diverted into large ditch. Visible in aerial imagery.

PLACE OF USE: RECREATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13N	41E	7					X												

PLACE OF USE: RECREATION STORAGE

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13N	41E	7					X												

DELIVERY SYSTEM: Recreation pond was built along existing Hagenbarth Ditch. Water is routed out of ditch through the pond and returned to the ditch for irrigation or stockwater use downstream.

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JUN 27 2023

D. FLOW MEASUREMENTS

Two measurements performed on the Hagenbarth Ditch upstream of the pond. Measurements were primarily to confirm that the ditch has the capacity to convey at least 4.00 cfs. FlowTracker was used to measure velocity out of two culvert crossings.

Measurement 1: diameter of culvert = 2.5 ft
water depth = 1.25 ft
cross section area of water = 2.45 ft^2
average velocity = 2.1 ft/sec
flow rate = 5.15 cfs

Measurement 2: diameter of culvert = 2.5 ft
water depth = 1.05 ft
cross section area of water = 1.96 ft^2
average velocity = 2.9 ft/sec
flow rate = 5.68 cfs

Broad-crested Rectangular Weir: staff gage = 0.7 feet (8.4 inches)
flow rate = 6.33 cfs

Ditch has capacity to carry at least 4.00 cfs. Ditch is not currently measured by watermaster for Water District 1 so there are no diversion records. Pond is full and lined with an impermeable liner. Beneficial use confirmed.

E. VOLUME CALCULATIONS

Recreation storage and diversion to storage volumes would be identical. Evaporation from pond is covered by water right 21-4071A. The pond is lined, so seepage should be zero. Recreation Pond has a surface area of 0.8 acres. Schematic submitted with proof of beneficial use shows a proposed maximum pond depth of 8 feet. Observed side slopes are steep.

0.8 acres x 8 ft depth x 0.6 (sloped sides factor) = 3.84 acre-feet = 4.0 acre-feet

Recreation use (4.00 cfs) represents flow through the pond during the non-irrigation season. Even though water may flow through the pond during the irrigation season, any recreation benefit is incidental to irrigation or stockwater. Recreation use is non-consumptive. Water is discharged into Sheridan Creek upstream of the next diversion. Assume full diversion rate for full (non-irrigation) season of use.

4.00 cfs x 181 days x 1.9835 = 1,440 acre-feet

F. NARRATIVE/REMARKS/COMMENTS

Permit 21-13254 covers the storage held in and recreational flow through a recreation pond constructed next to the Hagenbarth Ditch on property owned by Bunts & Singles LLC. Application for Permit was originally filed by B&S LLC but was protested by Hagenbarth Land Idaho LP and Fremont Madison Irrigation District. To resolve the protest, B&S LLC agreed to convey the application to Hagenbarth and change the season of use to only cover the non-irrigation season. Settlement Agreement between B&S LLC and Hagenbarth is found in the backfile for water right 21-13254 and includes terms and conditions that are not on the water right and not enforced by the Department. The evaporation from the pond is offset through water right 21-4071A. Diversion under this right only occurs in the non-irrigation season (11/1 -4/30). Season of use end was changed to 4/30 to eliminate any ambiguity about the amount of water that may be diverted through the Hagenbarth Ditch on May 1st, the beginning of the irrigation season. Water in the Hagenbarth Ditch may be routed through the pond during the irrigation season because the evaporative losses are covered by senior water right 21-4071A. During the irrigation season, any recreation benefit of the flow through the pond is incidental to the irrigation use. During the non-irrigation season, when this right is active, water in the Hagenbarth Ditch is returned to Sheridan Creek approximately 500 feet downstream of the outflow from the pond.

All permit conditions have been satisfied.

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JUN 27 2023

G. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
RECREATION	11/01 to 04/30	4.00 CFS	1,440.0 AF
RECREATION STORAGE	01/01 to 12/31		4.0 AF
DIVERSION TO STORAGE	11/01 to 04/30	4.00 CFS	4.0 AF
	Totals:	4.00 CFS	1,440.0 AF

2. Recommended Amendments

____ Change P.D. as reflected above ____ Add P.D. as reflected above __X__ None

____ Change P.U. as reflected above ____ Add P.U. as reflected above __X__ None

H. AUTHENTICATION

James Cefalo -

Field Examiner's Name _____ Date 6/19/23

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JUN 27 2023



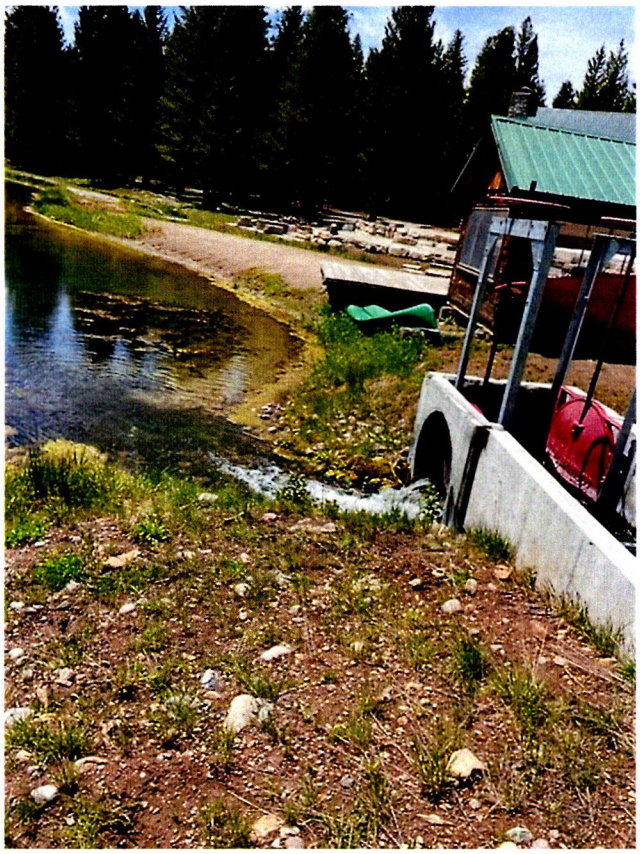
South End of Recreation Pond



Outflow from Pond into Hagenbarth Ditch



Measurement Box on Hagenbarth Ditch
Downstream of Pond Outflow



Inflow to Pond from Splitter Control Box

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JUN 27 2023



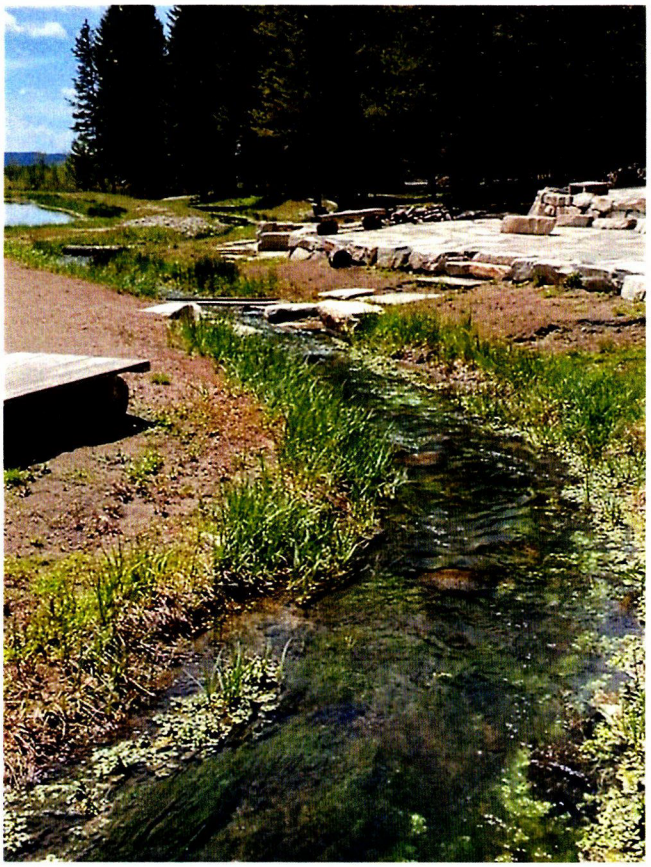
Measurement Section and Splitter Control Box



Hagenbarth Ditch out Right Side of Control Box



Hagenbarth Ditch Upstream of Control Box



Hagenbarth Ditch in front of Cabin

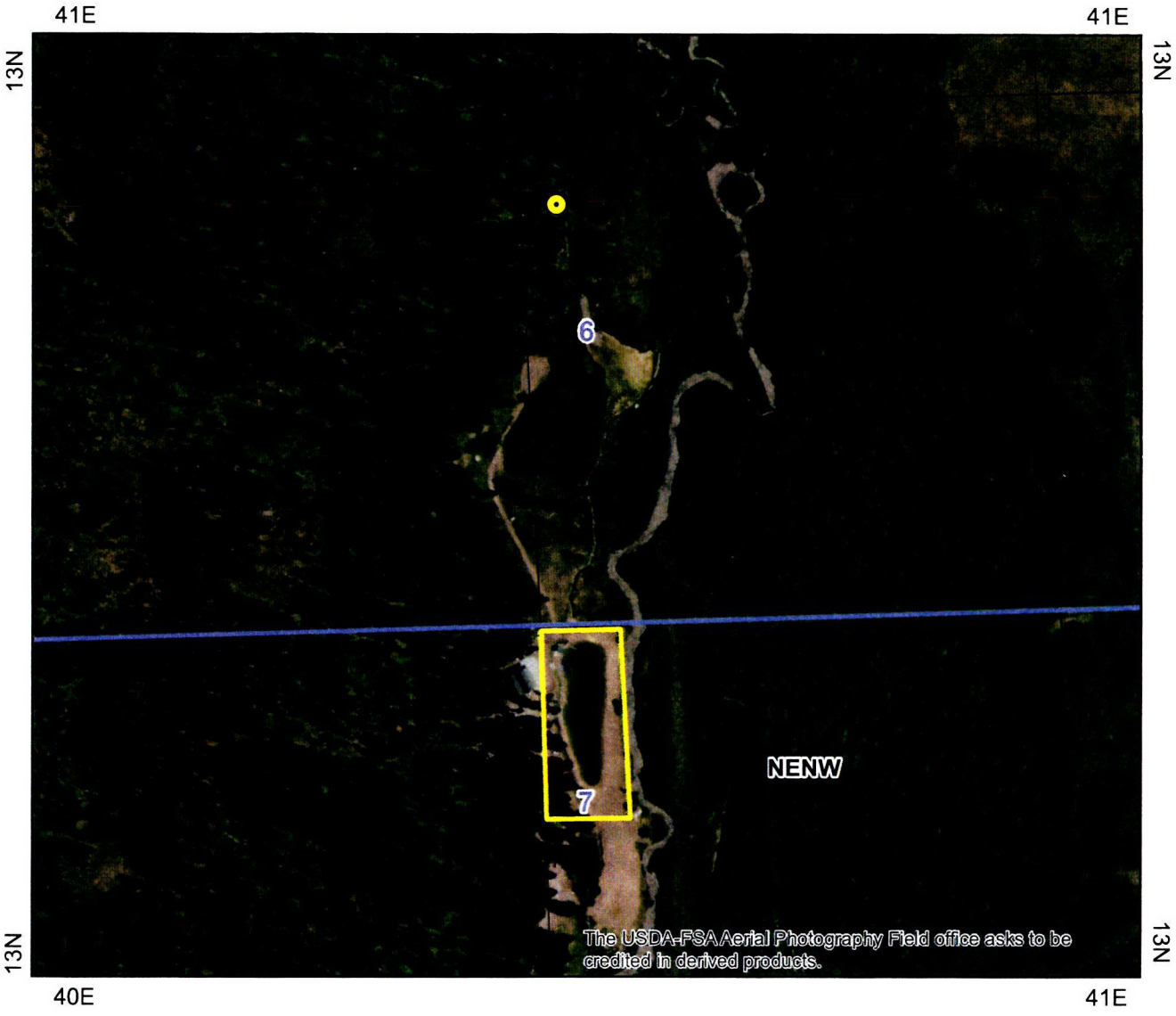
SCANNED
JUN 27 2023

State of Idaho
Department of Water Resources

Water Right

21-13254

Recreation



0 0.05 0.1 0.2 Miles

Place Of Use Boundary
Townships
PLS Sections
Quarter Quarters
Point of Diversion

N

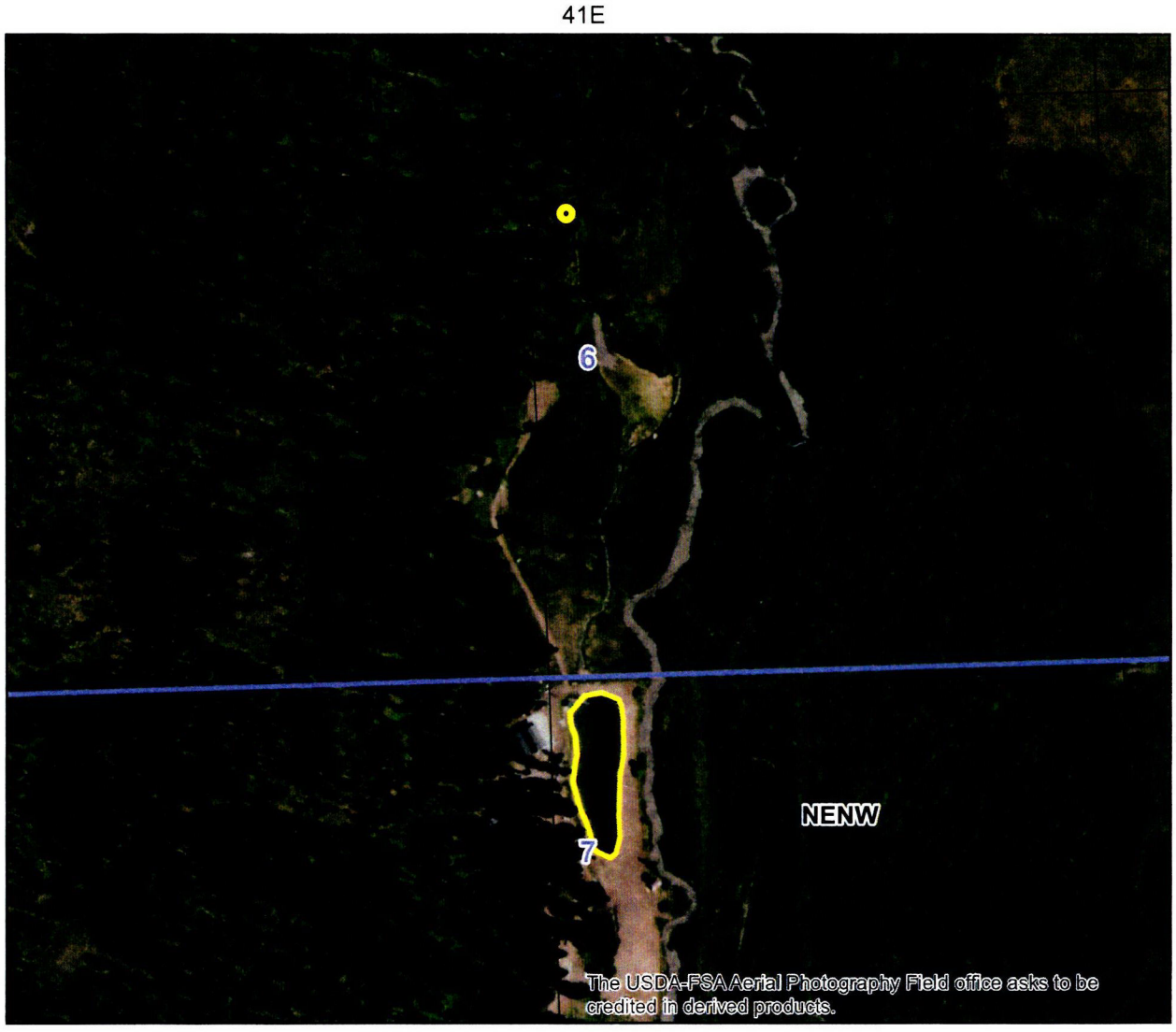
SCANNED
JUN 27 2023

State of Idaho
Department of Water Resources

Water Right

21-13254

Recreation Storage



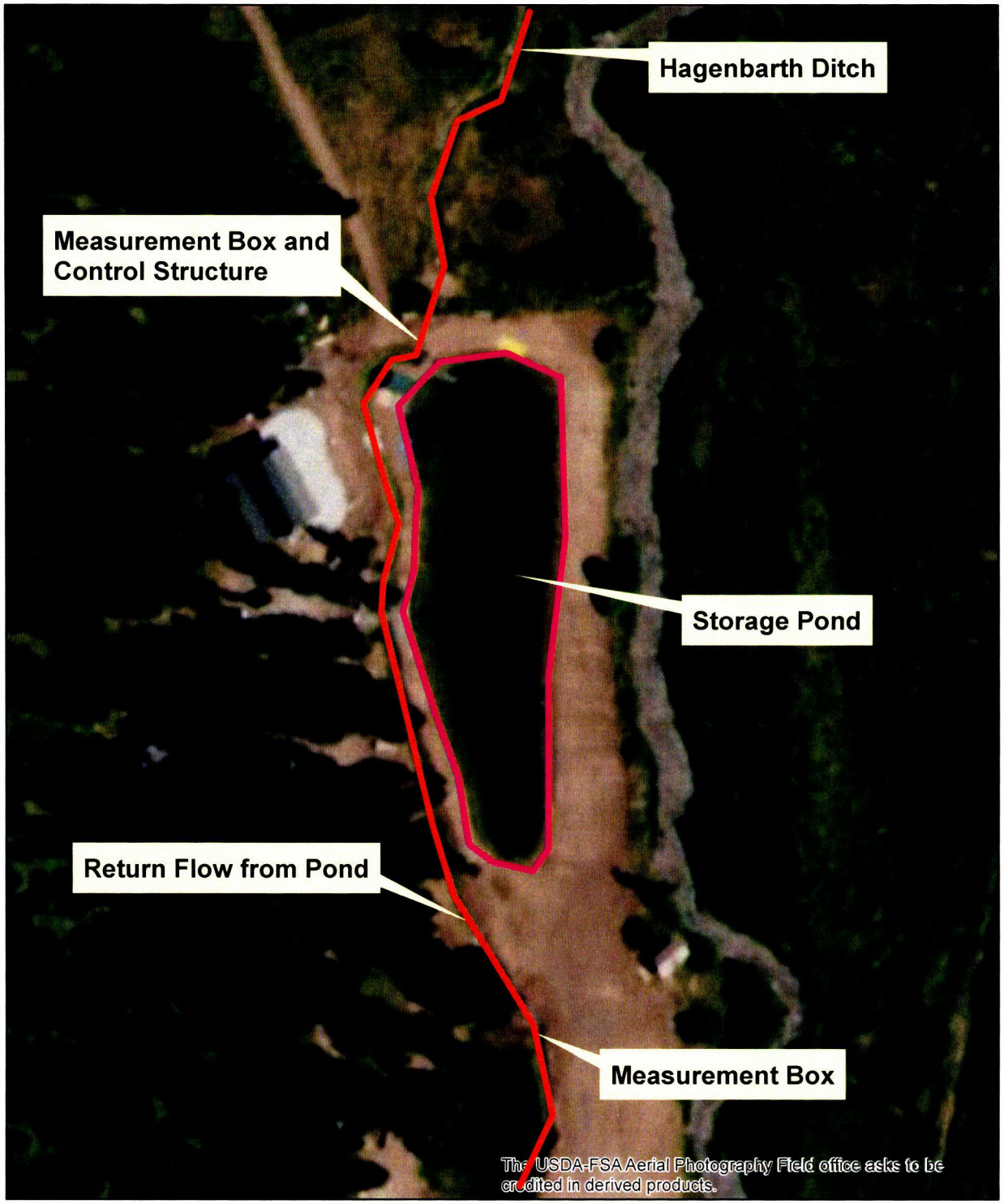
0 0.05 0.1 0.2 Miles

Place Of Use Boundary
Townships
PLS Sections
Quarter Quarters
Point of Diversion

N

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JUN 27 2023

Water Right 21-13254
Beneficial Use Field Exam Map



0 100 200 400 Feet

N

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JUN 27 2023

RECEIVED

DEC 05 2022

DEPARTMENT OF WATER RESOURCES

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

STATEMENT OF COMPLETION

FOR SUBMITTING PROOF OF BENEFICIAL USE

FOR OFFICE USE ONLY	
Amt. of Fee $	175
Receipt No.	C114195
Receipted By	KM
Date Receipted	12.5.22

The Idaho Department of Water Resources considers this form a statement by the permit holder(s) that development of a water right has been **completed** and that water has been applied to beneficial use to the extent described below. **This form must be accompanied by an examination fee, when necessary, or by a completed Beneficial Use Field Report prepared by a certified water right examiner.** Please refer to the instructions and fee schedule for this form. If ownership of the permit has changed, contact any Department office or visit the Department's website at **idwr.idaho.gov** for an *Assignment of Permit* form. If you wish to relinquish your permit because you have not established the authorized use of the water and are not applying for an extension, please notify the Department in writing.

1. Permit No. 21-13254 Telephone No. 406 683-2163
2. Name of Permit Holder(s) Hagenbarth Land Idaho LP, James F. Hagenbarth, David J. Hagenbarth
3. Mailing Address PO Box 1128 City Dillon
   State MT Zip 59725 Email jim@hbmanage.NeT
4. Source of Water Spring/Tributary to Sheridan Cr If **GROUND WATER** (well), Date Drilled mo. _____ / yr. _____
   Well Driller _____ Drilling Permit Number _____
5. Extent of use(s) completed **as authorized by the water right permit**:
   Domestic (No. of households) _____ Stockwater (No. and type of stock) _____
   Irrigation (No. of acres) _____ Other Recreation,RecreationStorage,DiversiontoStorage
6. Total rate of diversion or storage volume for which proof is submitted 4.0 cfs **OR** 8.0 acre-feet.
7. Compliance with a measuring device requirement, lockable controlling device requirement, and/or other conditions of permit: Refer to the approval conditions on your permit and respond accordingly.
   The Department will not issue a license if permit conditions are not met.

Measuring Device	**Is a measuring device required?**	Yes ☑	No ☐
	If yes, has the measuring device been installed?	Yes ☑	No ☐
Lockable Controlling Device	**Is a lockable device required to control the diversion?**	Yes ☑	No ☐
	If yes, has the lockable device been installed?	Yes ☑	No ☐
Fish Screen	**Is a fish screen required?**	Yes ☐	No ☑
	If yes, has the fish screen been installed?	Yes ☐	No ☐

   Other Conditions of Permit
   Do the approval conditions on your permit require you to submit additional information in connection with your proof of beneficial use? If yes, list the conditions below and attach documents with the required information.
   #6 Install and maintain impermeable liner in pond to eliminate seepage losses Completed? Yes ☑ No ☐
8. Fee Enclosed $ 175 or not applicable ☐. See fee schedule on page 2 of the instructions.
   Proof statements filed without an appropriate fee, will be considered incomplete.
9. Person to contact to accompany the Department representative during field examination of the water system.
   Name James F. Hagenbarth Telephone Number 406 490-2121
   Mailing Address PO Box 1128 City Dillon
   State MT Zip 59725 Email jim@hbmanage.com

The information given on this form is my true statement of the extent to which the above numbered permit has been developed and water has been diverted and applied to a beneficial use. I understand that any undeveloped portion of the permit is relinquished to the State of Idaho.

Signature of Permit Holder James F. Hagenbarth - President Date 12-2-22
(Include your title, if on behalf of company or organization)

Mail to: Idaho Department of Water Resources, PO Box 83720, Boise, ID 83720-0098

Form No. 217 12/15

SCANNED
JUN 27 2023

Statement of Completion
For Submitting Proof of Beneficial Use
Water Right No. 21-13254
Additional Information-Items in Instructions
James F. Hagenbarth

3. The water uses developed are for a recreational lined pond one acre in surface area with a recreational storage capacity of 8 acre feet.

4. Attachment A and B are maps which locate the POD, Place of Use and constructed pond. Exhibit A details the construction components of the pond and the locations of the two measuring devises. The pond and new ditch on the west side of the pond were lined with Huesker Canal3 liner to prevent any seepage either in the pond or through the bottom of the ditch. A rock emergency spillway on the west side of the pond was constructed to allow excess water to flow into the ditch if any problems occurred with the intake or outlet structures. An inline water level control structure built by Agri Drain was used to control the level of the pond. This structure mitigates outlet stoppage due to rodents, moss or trash. Exhibit B-1 is a picture of a submerged-orifice devise to measure the total flows diverted into the pond and the newly constructed ditch on the west side of the pond. Please note on the bottom end of the inlet box there are two screw water head gates that control flows into the pond and ditch. These screw gates have spoked hand wheels that can be locked with a chain and paddle lock. Exhibit C is a photo of a ramped broad-crested weir in the outlet box. This weir measures the outflow from the pond and the water in the ditch. A significant difference between the inlet and outlet flows would indicate a leak in the ditch or pond liner.

5. The water is diverted from an unnamed spring (locally called Morrain Springs) by a ditch that is illustrated in Attachment C. This ditch was constructed in the fall of 1893 by George Wall and carried the water from Morrain Spring to his land in Section 12, 13N40E. This same ditch is used to deliver water to Water Right No. 21-13254 and several other irrigation rights. When water from this ditch is not being diverted for irrigation on lands that lie below the Peterson Pond, it is diverted from the Morrain Spring Ditch into Sheridan Creek below Peterson's Pond in the SWNENW Section 7, 13N41E. (See Attachment A for description reference). There is a screw water head gate that is opened to deliver water back into Sheridan Creek from the Morrain Spring Ditch as described above. George Wall had to build a dam to keep the spring water from flowing into Sheridan Creek and gain enough elevation to reach his land. This created a small pond on Forest Service land that is part of the ditch today and lies above the Peterson Pond. All culverts on this ditch are 30" in diameter between the spring and where it diverts back into Sheridan Creek. Construction on this project was completed in August of 2021 and beneficial use of water authorized by this right has been continuous since that time.

6. A fee of $175 has been included to cover any license examination fee. The amount is based off the fee schedule indicating a $175 fee is required for a diversion of 4.00 CFS.

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JUN 27 2023

Attachment A

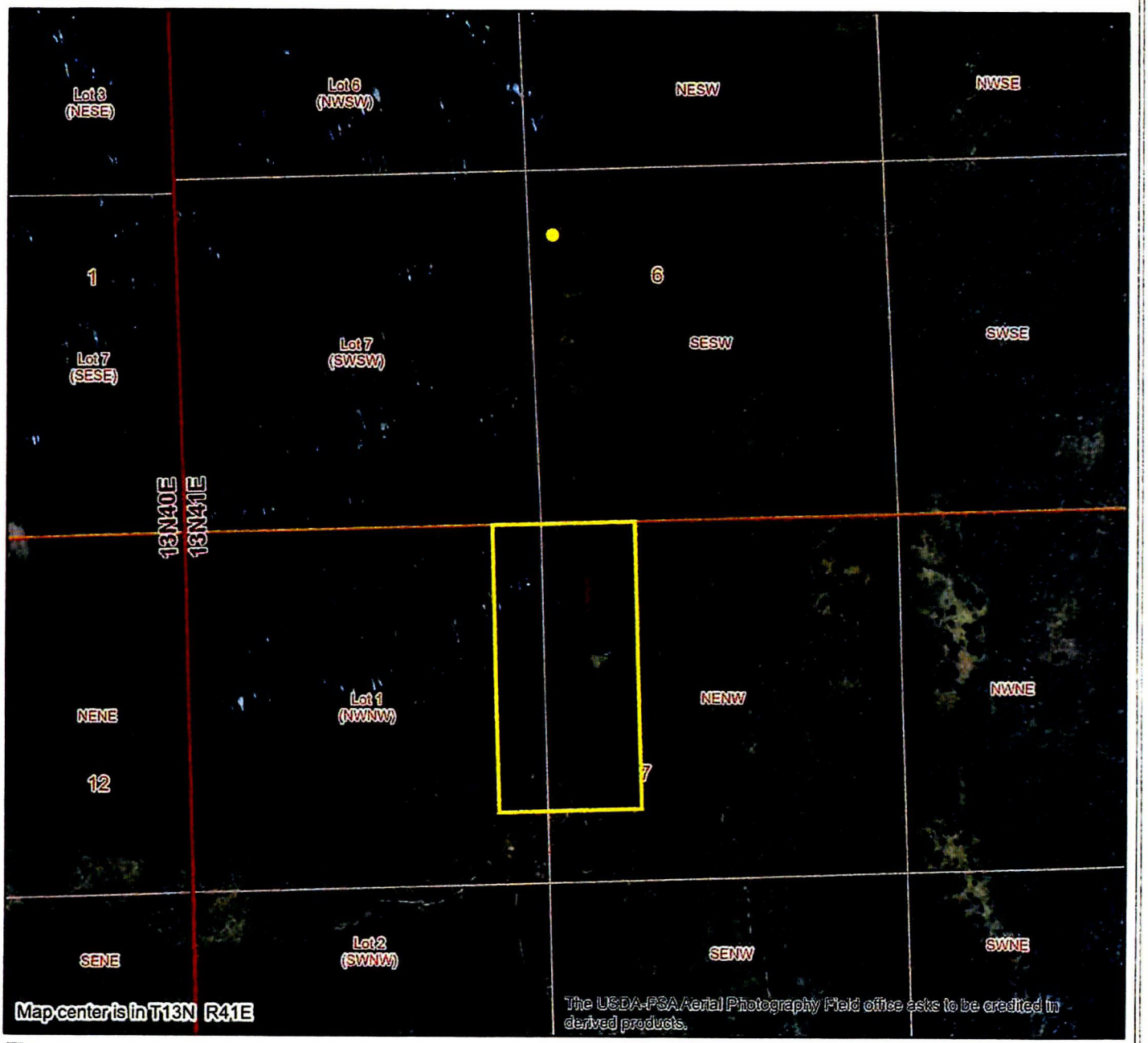
State of Idaho
Department of Water Resources

Permit to Appropriate Water

21-13254

RECREATION

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.





0 0.0375 0.075 0.15 0.225 0.3
Miles

Hagenbarth

Date created: 11/30/2022

Legend

- Point of Diversion
- Place of Use Boundary
- Townships
- PLS Sections
- Quarter Quarters



Petersen Pond

N

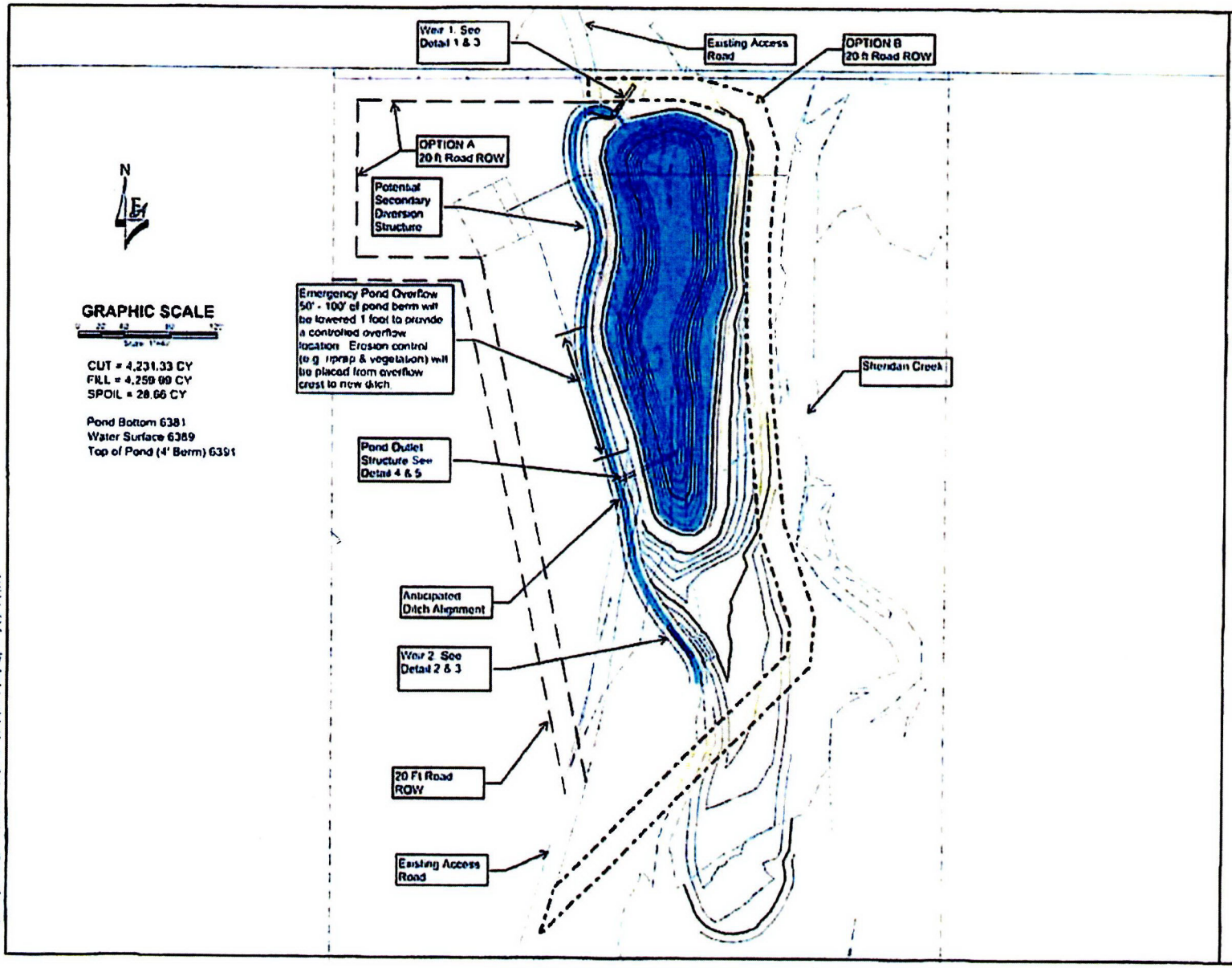
IDWR

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JUN 27 2023


Peterson Pond
ATTACHMENT B
Write a description for your map.
Legend
Untitled Polygon
Google Earth
500 ft
N

JUN 27 2023

EXHIBIT A



CONSTRUCTION NOTES

Proposed improvements are based on the following typical operating conditions. Typical ditch conveyance is not expected to exceed 12 cfs and the system is capable of maintaining at least 2 cfs in the ditch when water is available.

Proposed improvements as shown in these details represent intended installation but specific details may be modified at time of construction to better fit field conditions. Changes may include minor reconfiguration of pond shape; ditch alignment, section, or profile; and position of Weir 1 and 2 structures. Any changes will not materially alter the proposed improvements or the ability to deliver, control and measure water as required by legal agreements. Diversion, measurement, and ditch conveyance capacity will not be reduced. Weir 1 culvert will divert from the existing ditch upstream of the proposed pond and ditch and the Weir 2 diversion box will discharge to the existing ditch downstream of the proposed pond and ditch. The new ditch and pond will be lined to control seepage losses.

ATTENTION

PRELIMINARY

FORSGREN Associates Inc.

PETERSON LODGE

PETERSON LODGE POND AND DITCH LAYOUT

PLAN VIEW

1

SCANNED JUN 27 2023

Exhibit B-1

Rocky Mountain ENVIRONMENTAL ASSOCIATES, INC.

September 13, 2021

RMEA Project No. 14-0080

Justin Peterson
225 South 200 East
Salt Lake City, UT 84111

Re: Measurement Devices

Mr. Peterson:

Water-flow measurement devices are now installed and functional at the pond at the Peterson cabin at Sheridan Creek. Photos 1 and 2 show the submerged-orifice device on the inlet structure, and Photo 3 shows the ramped broad-crested weir device on the outlet structure.

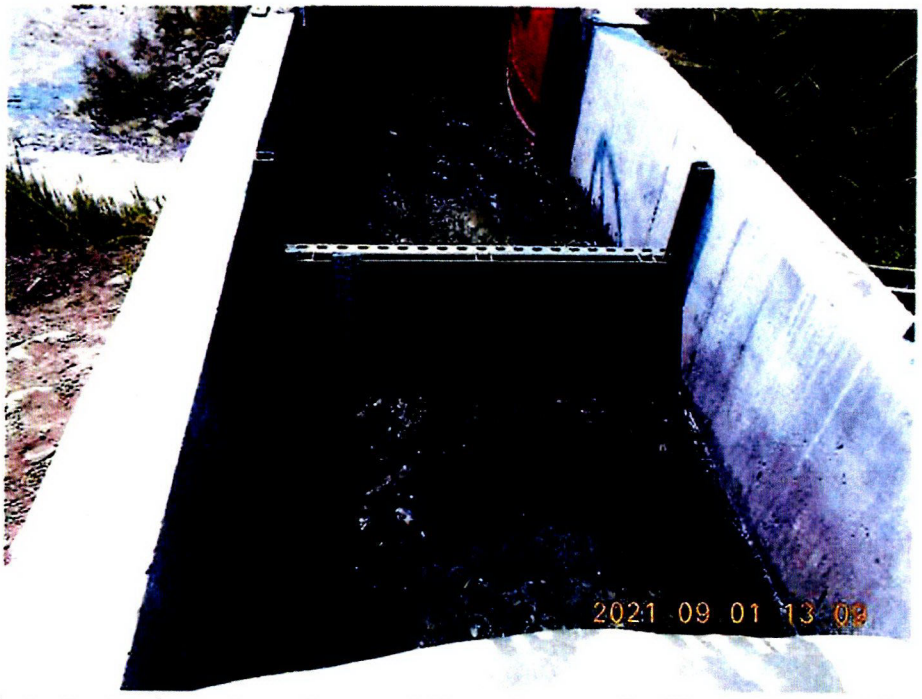


Photo 1. Looking downstream at the submerged orifice in the inlet box.

Rocky Mountain Environmental Associates, Inc.
482 Constitution Way, Suite 303, Idaho Falls, Idaho 83402
rockymountainenvironmental.com

SCANNED
JUN 27 2023

Exhibit B-2



Photo 2. Looking upstream at the submerged orifice in the inlet box.

Exhibit C



Photo 3. Ramped broad-crested weir in outlet box.

SCANNED
JUN 27 2023


Untitled Map
HAGENBARTH
Morrain Spring Ditch
Legend
ATTACHMENT C
Feature 1
Morrain Spring Ditch
Peterson Pond
POD
N
1000 ft
Google Earth

JUN 27 2023

RECEIVED

DEC 05 2022

DEPARTMENT OF WATER RESOURCES

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

STATEMENT OF COMPLETION

FOR SUBMITTING PROOF OF BENEFICIAL USE

FOR OFFICE USE ONLY	
Amt. of Fee $	175.00
Receipt No.	C114195
Receipted By	KM
Date Receipted	12.5.22

The Idaho Department of Water Resources considers this form a statement by the permit holder(s) that development of a water right has been **completed** and that water has been applied to beneficial use to the extent described below. **This form must be accompanied by an examination fee, when necessary, or by a completed Beneficial Use Field Report prepared by a certified water right examiner.** Please refer to the instructions and fee schedule for this form. If ownership of the permit has changed, contact any Department office or visit the Department's website at **idwr.idaho.gov** for an *Assignment of Permit* form. If you wish to relinquish your permit because you have not established the authorized use of the water and are not applying for an extension, please notify the Department in writing.

1. Permit No. 21-13254 Telephone No. 406 683-2163
2. Name of Permit Holder(s) Hagenbarth Land Idaho LP, James F. Hagenbarth, David J. Hagenbarth
3. Mailing Address PO Box 1128 City Dillon
   State MT Zip 59725 Email jim@hbmanage.NeT
4. Source of Water Spring/Tributary to Sheridan Cr If **GROUND WATER** (well), Date Drilled mo. _____ / yr. _____
   Well Driller _____ Drilling Permit Number _____
5. Extent of use(s) completed **as authorized by the water right permit**:
   Domestic (No. of households) _____ Stockwater (No. and type of stock) _____
   Irrigation (No. of acres) _____ Other Recreation,RecreationStorage,DiversiontoStorage
6. Total rate of diversion or storage volume for which proof is submitted 4.0 cfs **OR** 8.0 acre-feet.
7. Compliance with a measuring device requirement, lockable controlling device requirement, and/or other conditions of permit: Refer to the approval conditions on your permit and respond accordingly.
   The Department will not issue a license if permit conditions are not met.

Measuring Device	**Is a measuring device required?**	Yes ☑	No ☐
	If yes, has the measuring device been installed?	Yes ☑	No ☐
Lockable Controlling Device	**Is a lockable device required to control the diversion?**	Yes ☑	No ☐
	If yes, has the lockable device been installed?	Yes ☑	No ☐
Fish Screen	**Is a fish screen required?**	Yes ☐	No ☑
	If yes, has the fish screen been installed?	Yes ☐	No ☐

   Other Conditions of Permit
   Do the approval conditions on your permit require you to submit additional information in connection with your proof of beneficial use? If yes, list the conditions below and attach documents with the required information.
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8. Fee Enclosed $ 175 or not applicable ☐. See fee schedule on page 2 of the instructions.
   Proof statements filed without an appropriate fee, will be considered incomplete.
9. Person to contact to accompany the Department representative during field examination of the water system.
   Name James F. Hagenbarth Telephone Number 406 490-2121
   Mailing Address PO Box 1128 City Dillon
   State MT Zip 59725 Email jim@hbmanage.com

The information given on this form is my true statement of the extent to which the above numbered permit has been developed and water has been diverted and applied to a beneficial use. I understand that any undeveloped portion of the permit is relinquished to the State of Idaho.

Signature of Permit Holder James F. Hagenbarth - President Date 12-2-22
(Include your title, if on behalf of company or organization)

SCANNED

Mail to: Idaho Department of Water Resources, PO Box 83720, Boise, ID 83720-0098

DEC 08 2022

Form No. 217 12/15

Statement of Completion
For Submitting Proof of Beneficial Use

Water Right No. 21-13254

Additional Information-Items in Instructions

James F. Hagenbarth

3. The water uses developed are for a recreational lined pond one acre in surface area with a recreational storage capacity of 8 acre feet.

4. Attachment A and B are maps which locate the POD, Place of Use and constructed pond. Exhibit A details the construction components of the pond and the locations of the two measuring devises. The pond and new ditch on the west side of the pond were lined with Huesker Canal3 liner to prevent any seepage either in the pond or through the bottom of the ditch. A rock emergency spillway on the west side of the pond was constructed to allow excess water to flow into the ditch if any problems occurred with the intake or outlet structures. An inline water level control structure built by Agri Drain was used to control the level of the pond. This structure mitigates outlet stoppage due to rodents, moss or trash. Exhibit B-1 is a picture of a submerged-orifice devise to measure the total flows diverted into the pond and the newly constructed ditch on the west side of the pond. Please note on the bottom end of the inlet box there are two screw water head gates that control flows into the pond and ditch. These screw gates have spoked hand wheels that can be locked with a chain and paddle lock. Exhibit C is a photo of a ramped broad-crested weir in the outlet box. This weir measures the outflow from the pond and the water in the ditch. A significant difference between the inlet and outlet flows would indicate a leak in the ditch or pond liner.

5. The water is diverted from an unnamed spring (locally called Morrain Springs) by a ditch that is illustrated in Attachment C. This ditch was constructed in the fall of 1893 by George Wall and carried the water from Morrain Spring to his land in Section 12, 13N40E. This same ditch is used to deliver water to Water Right No. 21-13254 and several other irrigation rights. When water from this ditch is not being diverted for irrigation on lands that lie below the Peterson Pond, it is diverted from the Morrain Spring Ditch into Sheridan Creek below Peterson's Pond in the SWNENW Section 7, 13N41E. (See Attachment A for description reference). There is a screw water head gate that is opened to deliver water back into Sheridan Creek from the Morrain Spring Ditch as described above. George Wall had to build a dam to keep the spring water from flowing into Sheridan Creek and gain enough elevation to reach his land. This created a small pond on Forest Service land that is part of the ditch today and lies above the Peterson Pond. All culverts on this ditch are 30" in diameter between the spring and where it diverts back into Sheridan Creek. Construction on this project was completed in August of 2021 and beneficial use of water authorized by this right has been continuous since that time.

6. A fee of $175 has been included to cover any license examination fee. The amount is based off the fee schedule indicating a $175 fee is required for a diversion of 4.00 CFS.

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ATTACHMENT A

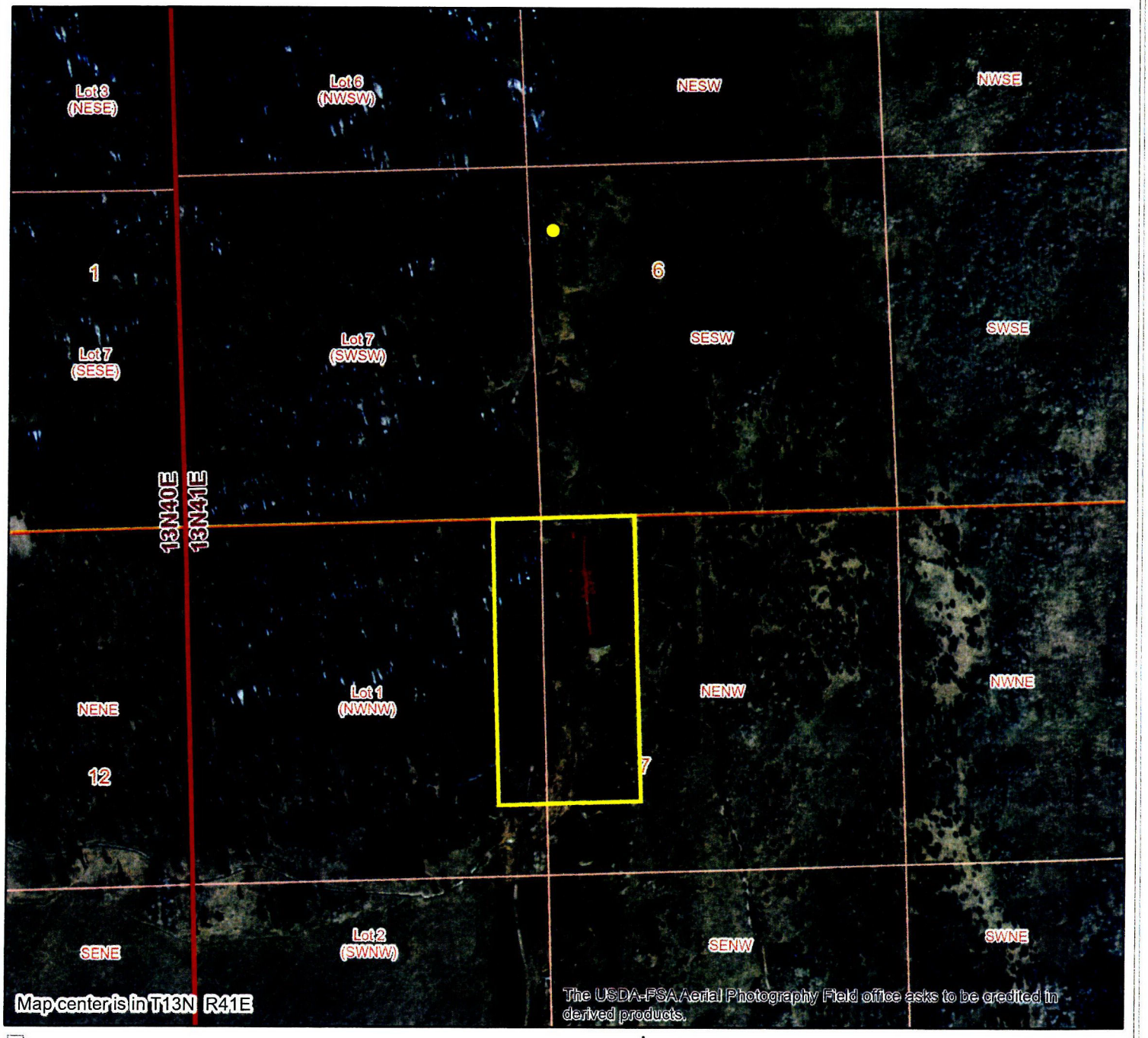
State of Idaho
Department of Water Resources

Permit to Appropriate Water

21-13254

RECREATION

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.



0 0.0375 0.075 0.15 0.225 0.3
Miles

Legend
- Point of Diversion
- Place of Use Boundary
- Townships
- PLS Sections
- Quarter Quarters

Petersen Pond

N

Hagenbarth

SCANNED
DEC 18 2022

Date created: 11/30/2022

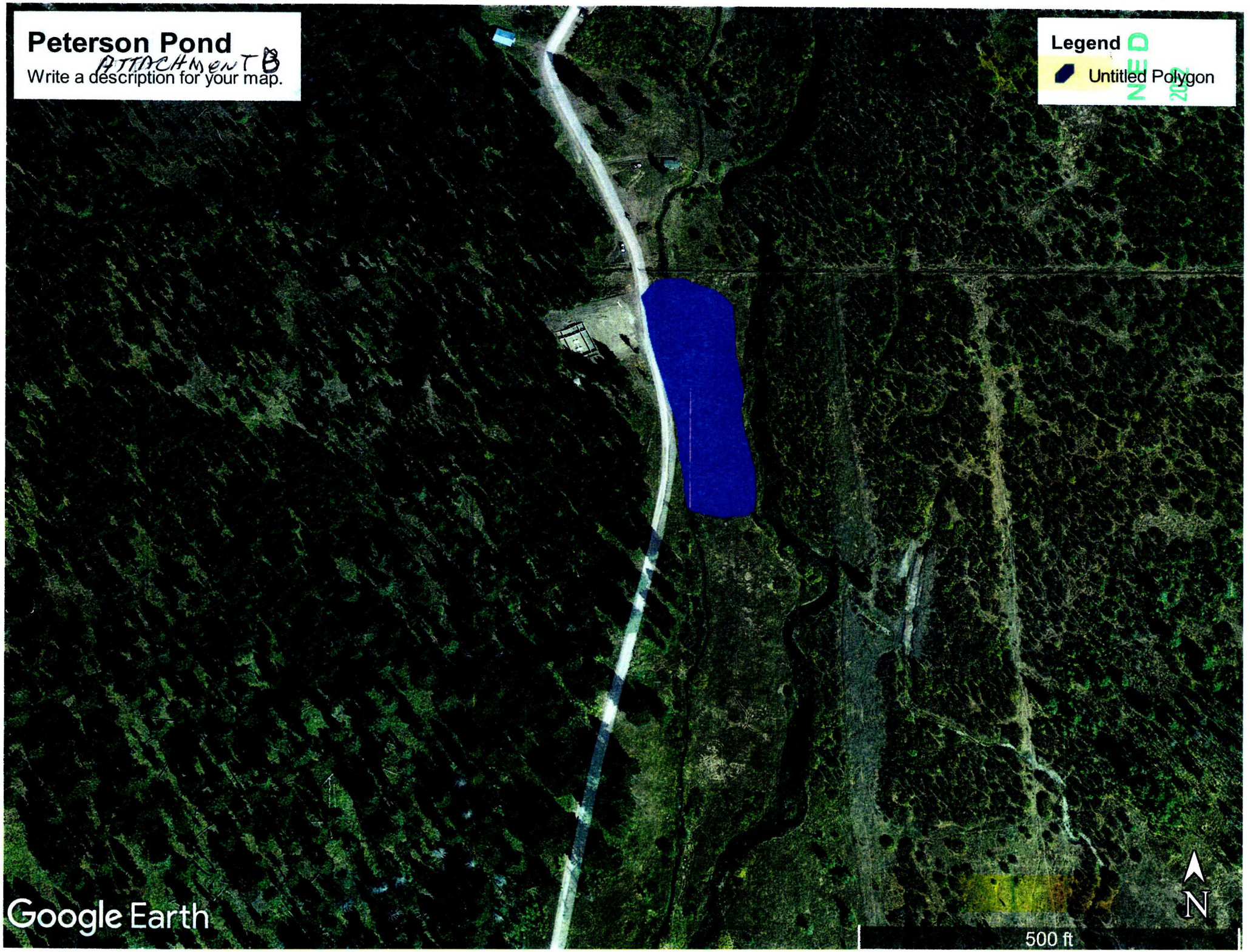
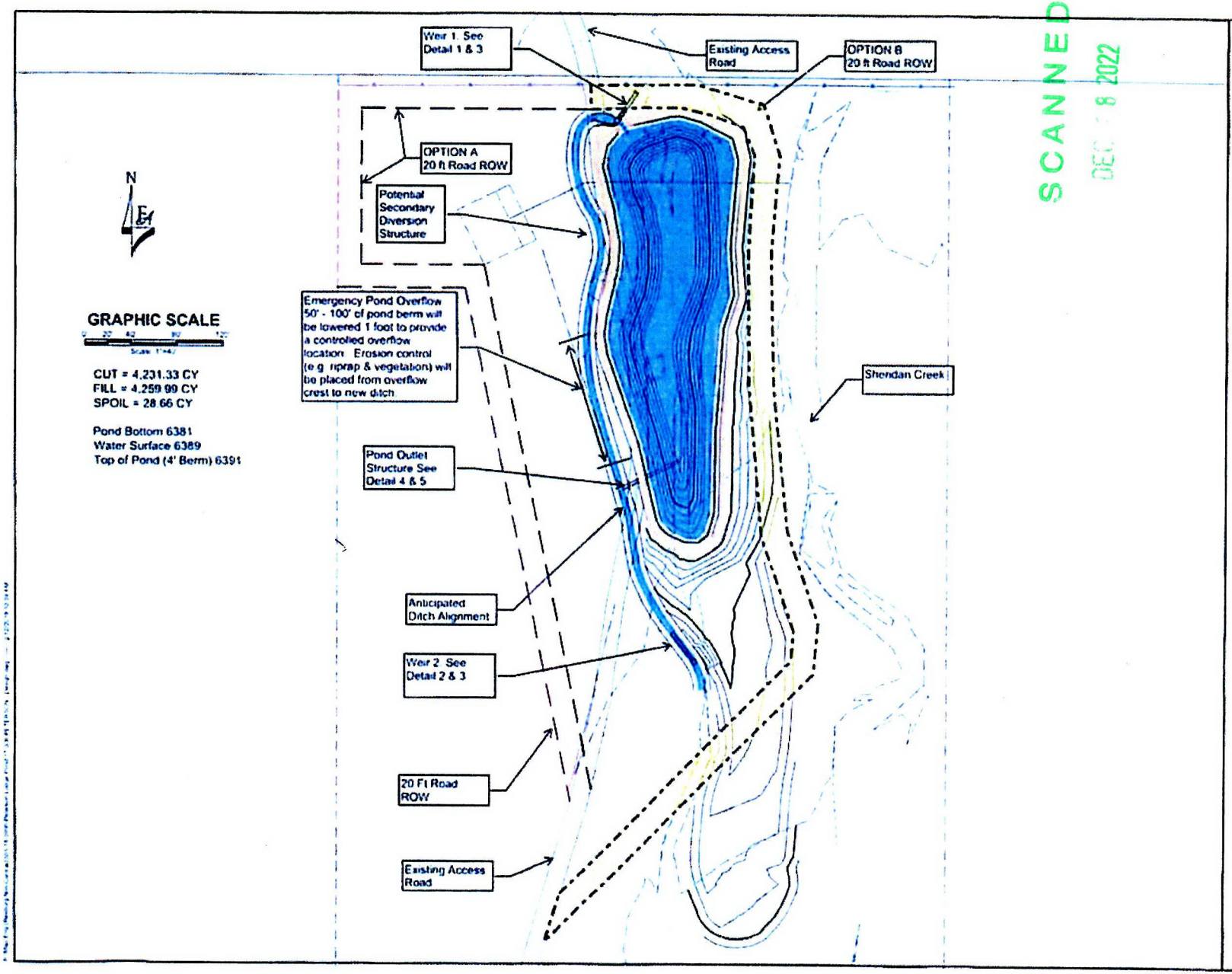

Peterson Pond
ATTACHMENT B
Write a description for your map.
Legend
Untitled Polygon
RECEIVED
2022
Google Earth
500 ft
N

EXHIBIT A



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DEC 8 2022

CONSTRUCTION NOTES

Proposed improvements are based on the following typical operating conditions. Typical ditch conveyance is not expected to exceed 12 cfs and the system is capable of maintaining at least 2 cfs in the ditch when water is available.

Proposed improvements as shown in these details represent intended installation but specific details may be modified at time of construction to better fit field conditions. Changes may include minor reconfiguration of pond shape; ditch alignment, section, or profile; and position of Weir 1 and 2 structures. Any changes will not materially alter the proposed improvements or the ability to deliver, control and measure water as required by legal agreements. Diversion, measurement, and ditch conveyance capacity will not be reduced. Weir 1 culvert will divert from the existing ditch upstream of the proposed pond and ditch and the Weir 2 diversion box will discharge to the existing ditch downstream of the proposed pond and ditch. The new ditch and pond will be lined to control seepage losses.

ATTENTION
PRELIMINARY

FORSGREN Associates Inc.

PETERSON LODGE

PETERSON LODGE
POND AND DITCH LAYOUT

PLAN VIEW

1

Exhibit B-1

Rocky Mountain ENVIRONMENTAL ASSOCIATES, INC.

September 13, 2021

RMEA Project No. 14-0080

Justin Peterson
225 South 200 East
Salt Lake City, UT 84111

Re: Measurement Devices

Mr. Peterson:

Water-flow measurement devices are now installed and functional at the pond at the Peterson cabin at Sheridan Creek. Photos 1 and 2 show the submerged-orifice device on the inlet structure, and Photo 3 shows the ramped broad-crested weir device on the outlet structure.



Photo 1. Looking downstream at the submerged orifice in the inlet box.

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Exhibit B-2



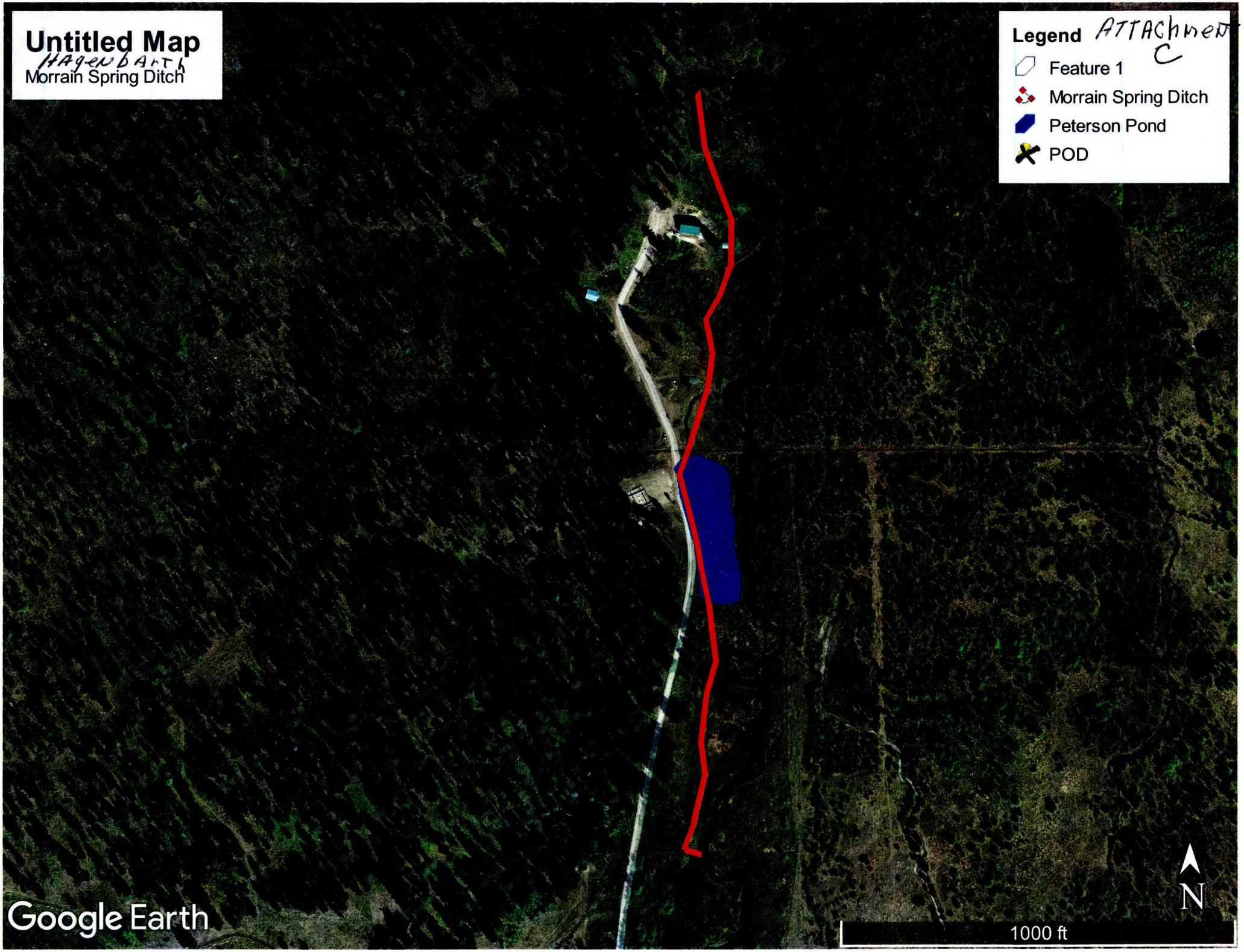
Photo 2. Looking upstream at the submerged orifice in the inlet box.

Exhibit C



Photo 3. Ramped broad-crested weir in outlet box.

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DEC 1 8 2022


Untitled Map
HAGENBARTH
Morrain Spring Ditch
Legend
ATTACHMENT C
Feature 1
Morrain Spring Ditch
Peterson Pond
POD
Google Earth
N
1000 ft

IDAHO DEPARTMENT OF
WATER RESOURCES

Eastern Region • 900 N Skyline Drive, Suite A • Idaho Falls, ID 83402-1718
Phone: 208-525-7161 • Fax: 208-525-7177 • Email: easterninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little Director Gary Spackman

June 26, 2023

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

RE: License No. 21-13254

ISSUANCE OF LICENSE

Dear Water Right Holder:

The Department of Water Resources ("Department") has issued the enclosed Water Right License confirming that a water right has been established in accordance with your permit. Please be sure to thoroughly review all the conditions of approval listed on your license. The conditions may include ongoing requirements, such as maintenance of a measuring device or implementation of mitigation, as well as information about how your water use may be administered, such as regulation by a watermaster in a water district.

The license is a PRELIMINARY ORDER issued by the Department pursuant to Rule 730 of the Department's Rules of Procedure (IDAPA 37.01.01.730). It can and will become a final order without further action by the Department unless a party petitions for reconsideration, files exceptions, or requests a hearing 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 mailing address to the Department within 120 days of the change. Water right forms are available from any office of the Department or on the Department's website at idwr.idaho.gov

If you have any questions concerning the enclosed information, please contact me at (208) 497-3784.

Sincerely,

James Cefalo
Eastern Regional Manager

Enclosure(s)

SCANNED
JUN 27 2023

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(To be used in connection with actions when a hearing was **not** held)

(Required by Rule of Procedure 730.02)

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. **Note: the petition must be received by the department within this fourteen (14) day period.** 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 Water Resource 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.

SCANNED
JUN 27 2023

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 service date 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.

SCANNED
JUN 27 2023

CERTIFICATE OF SERVICE

I hereby certify that on June 26, 2023, I served a true and correct copy of Water Right License No. 21-13254 by U.S. Mail, postage prepaid, to the following:

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

WATER DISTRICT #01
ASSISTANT WATERMASTER WD01
900 N SKYLINE DR STE A
IDAHO FALLS ID 83402

Christina Henman
Administrative Asst. I

SCANNED
JUN 27 2023

IDAHO DEPARTMENT OF
WATER RESOURCES

322 E Front Street, Suite 648, Boise ID 83702 • PO Box 83720, Boise ID 83720-0098
Phone: 208-287-4800 • Fax: 208-287-6700 • Email: idwrinfo@idwr.idaho.gov • Website: idwr.idaho.gov

Governor Brad Little **Director Gary Spackman**

December 7, 2022

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

PROOF ACKNOWLEDGEMENT LETTER

RE: Permit No. 21-13254

Dear Permit Holders:

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.

Please be advised that Idaho Code § 42-248, 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 or at the Department's website at www.idwr.idaho.gov.

If you have any questions concerning the field examination, please contact the Eastern Region Office of the Department located in Idaho Falls at (208) 525-7161.

Sincerely,

Debbi Judd
Technical Records Specialist

Enclosures

SCANNED
DEC 08 2022

Beneficial Use Proof Evaluation

Permit Number: 21-13254 Reviewer: djudd Review Date: 12/5/2022

Acceptability

1) Is the contact on the request the current permit holder? Yes
2) Does the address of record need to be updated? No
3) Proof Submitted Date: 12/5/2022
4) Proof Due Date: 6/1/2025
5) Days added for weekend due date? 0
6) Days added for holiday due date? 0
7) Number of days late: -909
8) Proof received timely? Yes

Analysis

1) Are the water uses correct? Yes
2) Are one of the following items required?
    a. Measuring Device -- No
    b. Lockable Device --Yes
    c. Fish Screen -- No
3) Are the required items installed? Yes
    a. Measuring Device -- No
    b. Lockable Device --Yes
    c. Fish Screen -- No
4) Is there a request to waive the required items?
5) Drilling Permit Number:
6) Is a drilling permit upgrade needed?
7) Was a well drillers report filed?
8) Is proof accepted? Yes

Fees

1) Is a licensing exam fee required? Yes
2) Was proof submitted with an exam report from a CWE? No
3) Filing fee due: $175.00
4) Filing fee submitted: $175.00
5) Remaining fee or (refund): $0.00

Receipt IDs

E043839

Comments

Proof acknowledged.