

IDAHO DEPARTMENT OF WATER RESOURCES RECOMMENDED
WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 31-11982

NAME AND ADDRESS:

STATE OF IDAHO, DEPARTMENT OF
LANDS
954 W JEFFERSON
PO BOX 83720
BOISE ID 83720-0050

SOURCE:

Source:
DRY CREEK

Tributary:

SPRING CREEK
~~SHERIDAN CREEK~~

QUANTITY:

3.200 CFS

~~2.870 CFS~~

PRIORITY DATE:

09/24/1912
~~09/25/1912~~

The priority for this water right is subordinate to water right nos. 31-6, 31-34, 31-35, 31-36, 31-37, 31-38, 31-52, 31-65, 31-104, 31-105, 31-134, 31-135, 31-143, 31-144, 31-147A, 31-159, 31-162, 31-163, 31-166, 31-168, 31-169, 31-184, 31-185, 31-186, 31-187, 31-188, 31-190, 31-192, 31-232, 31-237, 31-263, 31-327, 31-328, 31-329, 31-330, 31-331, 31-332, 31-336B, 31-337B, 31-344, 31-345, 31-354, 31-355, 31-360, 31-361, 31-363, 31-371, 31-2239, 31-2265, 31-2274, 31-2275, 31-2276, 31-2289, 31-2290, 31-2297, 31-2310, 31-2317A, 31-2317B, 31-2321, 31-2342, 31-2343, 31-2344, 31-2345, 31-7005, 31-10245, 31-10740, 31-10957, 31-10958, 31-10959, 31-10960, 31-10961, 31-10962, 31-11430, 31-11432 and the priority for this water right is subordinated to the point of diversion located in the SWSE of Section 5 of T13N R40E of water right numbers 31-80 and 31-326.

POINT OF DIVERSION:

T13N R40E S9 NWSW
Within CLARK County

~~T13N R40E S9 NENWSW~~
~~Within CLARK County~~

PURPOSE AND
PERIOD OF USE:

Purpose of use:

Period of use:

Quantity:

IRRIGATION

05/01 10/31

3.200 CFS

~~2.870 CFS~~

IDAHO DEPARTMENT OF WATER RESOURCES RECOMMENDED
WATER RIGHTS ACQUIRED UNDER STATE LAW

PLACE OF USE: IRRIGATION within CLARK County

T13N R40E S10 SWSW 24.0

~~T13N R40E S10 SWSW 23.5~~

T13N R40E S15 NENW 40.0

T13N R40E S15 NWNW 40.0

T13N R40E S15 SWNW 40.0

T13N R40E S16 NENE 40.0

T13N R40E S16 NWNE 40.0

T13N R40E S16 SWNE 40.0

T13N R40E S16 SENE 40.0

T13N R40E S16 NENW 25.0

T13N R40E S16 SENW 25.0

T13N R40E S16 NESW 29.0

T13N R40E S16 SWSW 0.2

T13N R40E S16 SESW 0.5

T13N R40E S16 NESE 33.0

T13N R40E S16 NWSE 27.0

443.7 ACRES TOTAL

~~143.5 ACRES TOTAL~~

Right Nos. 31-11982 and 31-12222 are limited to the irrigation of a combined total of 443.7 acres in a single irrigation season.

This right is limited to the irrigation of 160 acres within the place of use described above in a single irrigation season.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

This right is a split from former right 21-2054.

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.



Holden Kidwell
Hahn & Crapo P.L.L.C.
L A W O F F I C E S

1000 Riverwalk Drive, Suite 200
PO Box 50130
Idaho Falls, Idaho 83405

Tel: (208) 523-0620
Fax: (208) 523-9518
www.holdenlegal.com
E-mail: rharris@holdenlegal.com

February 24, 2009

Nate Arave
Senior Water Resource Agent
Idaho Department of Water Resources
900 N. Skyline Dr., Ste. A
Idaho Falls, ID 83402

RE: Claim No. 31-11982, Filed by the State of Idaho, Department of Lands.

Dear Nate:

We appreciate you sending us a draft recommendation associated with Claim No. 31-11982. We also have retrieved from IDWR's website a letter sent to you by John Marshall, counsel for the Hagenbarth family. As you may recall, Mr. Marshall appeared at the hearing on the Motion to File Late Claim on behalf of the Hagenbarths, and I appeared on behalf of Mud Lake Water Users, Inc. At that hearing, we expressed our concern regarding the late claim.

We have reviewed the letter prepared by Mr. Marshall, and concur with the comments contained therein. Specifically, we would recommend that the water right have a priority date of April 1, 1944. Our concurrence is based upon our desire to resolve this matter through a negotiated settlement. Otherwise, my clients maintain that the water right has not been used for a significant number of years, and likely has been forfeited due to non-use. Nevertheless, we would agree to resolve the matter with the elements contained in your preliminary recommendation, except that the priority date be advanced as we have indicated.

We are providing copies of this letter to Mr. Barber, counsel for the State of Idaho. From the Department of Water Resource's website, we can find no letter from the State with regards to your preliminary recommendation. We therefore invite the State to consider the proposal made by Mr. Marshall, which we have concurred with. We understand that you will be leaving the Department's employ sometime in the month of March, and hope this matter can be resolved before that time. We appreciate your kind attention to this matter, and look forward to hearing from you.

RECEIVED

FEB 25 2009

SCANNED

Department of Water Resources
Eastern Region

MAR 09 2009

Established in 1896

Nate Arave
Senior Water Resource Agent
Idaho Department of Water Resources
February 24, 2009
Page 2 of 2

Best Regards,



Robert L. Harris
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.

Enclosures

c: Mud Lake Water Users, Inc.
David Barber
John Marshall

G:\WPDATA\RLH\1047 MLWU\Nate Arave ltr 022409.wpd:cdv

SCANNED

MAR 09 2009

GIVENS PURSLEY LLP

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PO Box 2720, Boise, Idaho 83701
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Steven J. Hippler
Debora K. Kristensen
Anne C. Kunkel
Jeremy G. Ladle
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Judson B. Montgomery

Deborah E. Nelson
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Angela M. Reed
Justin A. Steiner
Scott A. Tschirgl, LL.M.
J. Will Varin
Conley E. Ward
Robert B. White

RETIRED
Kenneth L. Pursley
James A. McClure
Raymond D. Givens (1917-2008)

January 16, 2009

Nate Arave
Sr. Water Resource Agent
Idaho Department of Water Resources
900 N. Skyline Drive, Suite A
Idaho Falls, ID 83402-1718

Re: **Claim No.: 31-11982**
GP File No. 5978-4

Dear Nate:

Thank you for sending me your draft preliminary recommendation for the State of Idaho's claim no. 31-11982 and for seeking our comment. We reviewed your draft recommendation in light of the water right decrees the Hagenbarths obtained in Basin 31 when it was adjudicated in the SRBA, including the various settlement agreements we brokered in contested cases. The adjudication of Basin 31 involved many contentious subcases with controversies centered on the effect of the prior decree in the basin. In general terms, the result of the litigation and settlements required subordination of the Hagenbarths' more senior upper basin rights because they were not included in the prior decree. This is true for right 31-10245 and its priority of 9-24-1912.

Your draft recommendation for State of Idaho claim 31-11982 includes a priority date of 9-25-1912. As it currently stands, this recommendation will likely draw objection from the same parties that objected to the recommendations of the Hagenbarths' claims. It certainly would draw objection from the Hagenbarths as it would result in a water right inserted in front of rights 31-2274 and 31-2275 and without the subordination provisions the Hagenbarths' claims 31-10245 and 31-10740 were subject to. To avoid objection from the Hagenbarths, and likely objections by third parties, we would suggest the priority date for claim 31-11982 should be the day

RECEIVED
JAN 20 2009

Department of Water Resources
Eastern Region

COPY

RECEIVED

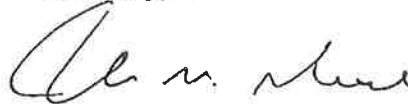
FEB 25 2009

SCANNED
Department of Water Resources
Eastern Region
MAR 09 2009

Nate Arave
January 16, 2009
Page 2

after Hagenbarths' licensed water rights 31-2274 and 31-2275 that have priorities of 3-31-1944. This would result in a recommended priority for 31-11982 of 4-1-1944. Also, the point of diversion for right 31-11982 should match the decreed point of diversion for right 31-10245, which is located in the NWNWSW of Section 36.

Sincerely,

A handwritten signature in dark ink, appearing to read "John M. Marshall", written in a cursive style.

John M. Marshall

JMM:lah
cc: David Barber

SCANNED
MAR 09 2009

GIVENS PURSLEY LLP

LAW OFFICES

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January 16, 2009

Nate Arave
Sr. Water Resource Agent
Idaho Department of Water Resources
900 N. Skyline Drive, Suite A
Idaho Falls, ID 83402-1718

Re: **Claim No.: 31-11982**
GP File No. 5978-4

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JAN 20 2009
Department of Water Resources
Eastern Region

Dear Nate:

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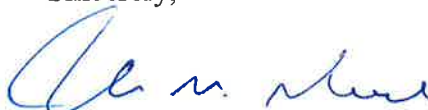
SCANNED

JAN 29 2009

Nate Arave
January 16, 2009
Page 2

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Sincerely,



John M. Marshall

JMM:lah
cc: David Barber

SCANNED
JAN 29 2009

Attention:

Date: December 18, 2007

To: File 31-11982

From: Craig L. Saxton

Upon completion of the recommendation, Garrick asked that we please send a ^{courtesy} ~~courteously~~ copy of the recommendations for 31-11982 to:

Name: Robert Harris

Address: PO Box 50130, Idaho Falls, ID 83405

Firm: Holden, Kidwell, Hahn & Crapo, PLLC

Name: Michael Lawrence

Address: PO Box 2720, Boise, ID 83701

Firm: Givens Pursley LLP

COPY

Hearing 12-18-2007

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

) Subcase No. 31-11982

) (Insert Water Right Number)

) **STANDARD FORM 4**

Case No. 39576

) **MOTION TO FILE:**

) ☒ **LATE NOTICE OF CLAIM**

) ☐ **AMENDED NOTICE OF CLAIM**

INSTRUCTIONS

This form is used to file a late Notice of Claim or an amendment to a Notice of Claim in a reporting area where the Director's Report has been filed. Forms may be obtained from the SRBA Court, the Idaho Department of Water Resources (IDWR), or you may copy or reproduce this blank form. If you copy or reproduce this form, please copy on both sides with the even number pages upside down.

The water right number for your late or amended claim must be indicated above in the blank space following "Subcase." You must use a **separate form for each** late or amended Notice of Claim.

This form has been adopted by the court in *SRBA Administrative Order 1, Rules of Procedure* (amended Sept. 30, 1996), Section 4, which may be consulted for further information.

By filing a *Motion to File a Late Notice of Claim* or a *Motion to File an Amended Notice of Claim*, you certify that it is well-grounded in fact; is warranted by existing law or a good-faith argument for the extension, modification or reversal of existing law; and is not filed for any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation.

☒ I have read *SRBA Administrative Order 1, Rules of Procedure* (amended Sept. 30, 1996).

My name is State of Idaho, Department of Lands, hereinafter referred to as the "IDL."

My address is JRW Building, Second Floor, 700 West State Street, P.O. Box 44449,
Boise, Idaho 83711-4449

My phone number is: Work (208) 334-2200 Home Not Applicable

I am an attorney representing the IDL

My name is David J. Barber, Deputy Attorney General

My address is JRW Building, Second Floor, 700 West State Street, P.O. Box 44449,
Boise, Idaho 83711-4449

My phone number is (208) 334-2400

MOTION TO FILE LATE NOTICE OF CLAIM

A Motion to File a Late Notice of Claim will require a hearing before the Presiding Judge.

☒ I did not file a Notice of Claim to the use of water in the SRBA because:

The Idaho Department of Lands is owner of water right no. 21-2054C. This water right was established in 1912 with sources listed as Sheridan Creek and Dry Creek. Subsequently, the Idaho Department of Water Resources, hereinafter referred to as "IDWR," divided the state into hydrologic basins. Sheridan Creek is in Basin 21; Dry Creek is in Basin 31. During the SRBA claims process, this difference in hydrologic basins was never identified as an issue for water right no. 21-2054C, and the uses from Basin 21 and Basin 31 were claimed under the original water right no. 21-2054C. By a separate motion, the IDL has requested that water right no. 21-2054C be amended to delete (i) Dry Creek as a source, (ii) the place of use served by this source, and (iii) the POD description from Dry Creek, among other technical corrections.

The present motion to file a late notice of claim is intended to claim those uses of water that occur in Basin 31 that were originally claimed under water right no. 21-2054C. The present motion also adds lands to the place of use that were originally licensed as irrigated lands in water right no. 21-2054C. These additional lands were not claimed in water right no. 21-2054C, because of inadvertent error.

☐ I filed a Notice of Claim and elected to defer judicial proceedings on my domestic or stock watering use. I desire to reinstate my Notice of Claim for domestic or stock watering use.

- ☒ I am providing legal and factual documentation for my claimed use of water. You must described these documents and attach a readable copy. (You do not need to fill this out if you are reinstating a Notice of Claim for domestic or stock watering use, but you **must** attach a copy of your Notice of Claim.)

This late notice of claim is based on licensed water right no. 21-2054, which claimed points of diversion from Basins 21 and 31. The adjudication back file for this licensed water right is attached as Attachment II.

I have attached:

- ☒ A fully completed Notice of Claim (available from IDWR).
- ☒ The IDWR has advised that the claim filing fee for this notice of claim is \$440.⁰⁰. A receipt that shows payment of this claim filing fee will be filed later with the District Court after the funds have been disbursed.

Follow these instructions regarding the hearing on this motion.

1. Contact the Clerk of the SRBA Court (208- 736-3011) to request a hearing date and time.
2. Fill in the following information:

This motion will be heard on Tuesday, December 18, 2007 at 1:30 p.m.
(Insert Date and Time)

at the SRBA courthouse, 253 Third Avenue, Twin Falls, Idaho.

MOTION TO FILE AMENDED NOTICE OF CLAIM

A Motion to File an Amended Notice of Claim may require a hearing before the Presiding Judge or Special Master or may be granted by leave of the court or by written consent of the parties and the Idaho Department of Water Resources. Leave to amend a claim shall be freely given when justice so requires.

- ☐ I must amend my Notice of Claim to the use of water in the SRBA because:

- ☐ I am providing legal and factual documentation to support my amended Notice of Claim. You must describe these documents and attach a readable copy.

I have attached:

- ☐ An amended Notice of Claim (available from IDWR).
- ☐ Payment of the following additional fees required by IDWR:

VERIFICATION (Must be completed)

State of Idaho

County of Ada

David J. Barber, being first duly sworn, upon oath, deposes and says:
(Insert name of person filing form)

That I am the party/claimant filing this motion for late or amended claim (as listed on Page 2) as defined I.C. §§42-1401A(1) and (7) or that I am the attorney for the party/claimant filing this motion for late or amended claim and that I have read this motion, know its contents, and believe that the statements are true to the best of my knowledge.

Signature of person filing motion

David J. Barber

Attorney signing in representative capacity

Subscribed and sworn to before me on

September 4, 2007
(Insert Date)



Olga L. Valdivia
Notary Public for Idaho
Residing at: Boise, ID
My Commission expires: 2/6/2012

INSTRUCTIONS FOR MAILING

You must mail this form, including all attachments, to the Clerk of the SRBA Court. **FAX filings will not be accepted by the SRBA Clerk of the Court.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

CERTIFICATE OF MAILING

I certify that on this 4th day of September 2007, I caused to be served the original and/or copy of this form on the following persons by the indicated method:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

- ☒ U.S. Mail, postage prepaid
☐ Hand Delivery
☐ Federal Express
☐ Facsimile: (208) 736-2121
☐ Statehouse Mail

2. Copies to

State of Idaho,
Department of Lands
954 W. Jefferson
P.O. Box 83720
Boise, ID 83720-0050

- ☐ U.S. Mail, postage prepaid
☐ Hand Delivery
☐ Federal Express
☐ Facsimile:
☒ Statehouse Mail

James F. Hagenbarth
PO Box 1128
Dillon MT 59725-1128

- ☒ U.S. Mail, postage prepaid
☐ Hand Delivery
☐ Federal Express
☐ Facsimile:
☐ Statehouse Mail

John M. Marshall
Givens Pursley LLP
PO Box 2720
Boise ID 83701

- ☒ U.S. Mail, postage prepaid
☐ Hand Delivery
☐ Federal Express
☐ Facsimile:
☐ Statehouse Mail

United States Department of Justice
Environment and Natural Resource
Division
550 West Fort Street, MSC 033
Boise, ID 83724

- ☒ U.S. Mail, postage prepaid
☐ Hand Delivery
☐ Federal Express
☐ Facsimile: (303) 312-7379
☐ Statehouse Mail

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

- ☐ U.S. Mail, postage prepaid
☐ Hand Delivery
☐ Federal Express
☐ Facsimile: _____
☒ Statehouse Mail

Chief of Natural Resource Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, Idaho 83711-4449

Not Applicable

3. If you are filing an amended Notice of Claim in a subcase being heard before the Presiding Judge or a Special Master, you must serve a copy on all parties to that subcase.

(Insert Names/address of parties)



DAVID J. BARBER
Deputy Attorney General

ATTACHMENT I

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO

IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 31-11982
Date Received:
Receipt No.:
Received By:

1. Name of Claimant(s)

STATE OF IDAHO
DEPT OF LANDS
954 W JEFFERSON
PO BOX 83720
BOISE ID 83720-0050

2. Date of Priority: 09/24/1912

3. Source: DRY CREEK Trib. to SPRING CREEK

4. Point of Diversion:

Township	Range	Section	¼ of	¼ of	¼ Lot	County	Type
13N	40E	9	NE	NW	SW	Clark	

5. Description of diverting works:

Headgate and Ditches

6. Water is used for the following purposes:

Purpose	From	To	C.F. S. (or) A.F.A.
IRRIGATION	05/01	10/31	2.87

7. Total Quantity Appropriate is:

2.87 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	¼ of	¼	Lot	Use	Acres
13N	40E	10	SW	SW		IRRIGATION	23.5
Section Acres							23.5
13N	40E	15	NW	NW		IRRIGATION	40
			NE	NW		IRRIGATION	40
			SW	NW		IRRIGATION	40
Section Acres							120
Total Acres							143.5

11. Place of use in counties: CLARK

12. Do you own the property listed as above place of use? Yes.

13. Other Water Rights Used:

14. Remarks: This right is a split from former licensed water right 21-2054C.

15. Basis of Claim: License.

Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication."

(b.) I/We do not wish to receive an pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: One.

For Organizations"

I do solemnly swear or affirm that I am Patrick A. Brown of
State of Idaho, Department of Lands, that I have signed the foregoing
Organization
document in the space below as Area Supervisor, Eastern Area of
Title
State of Idaho, Department of Lands and that the statements contained in the
Organization
Foregoing document are true and correct.

[Signature]
Signature of Authorized Agent
Area Supervisor - E I
Title
State of Idaho, Department of Lands
8/13/07
Date

State of Idaho)
County of Bonneville) ss.

Subscribed and sworn (or affirmed) before me this 13th day of August 2007

Allen B. Ruberry
Notary Public
Residing at Idaho Falls Idaho
My commission expires: 9/23/09



IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A21-02054A
Date Received: 6/21/1988
Receipt No: E000490
Received By: S.M.

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: SHERIDAN GOLDEN EAGLE
Address: P.O. BOX 247
HAMER, ID

208-662-5511

83425

2. Date of Priority: SEP 24, 1912

3. Source: SHERIDAN CREEK
DRY CREEK

Trib. to: ISLAND PARK RESERVOIR
SHERIDAN CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
13N	40E	7		SW	NW		CLARK
		9		NW	SW		CLARK

5. Description of diverting works:
HEADGATES & DITCHES.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/15	10/15	59.200		

7. Total Quantity Appropriated is:
59.200 C.F.S. (and/or)

A.F.A.

8. Total consumptive use is 4440.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE.

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
13N	41E	8	SW	SE		IRR	40.0

A21-02054A

Page

1

Date: 06/21/88

MICROFILMED

OCT 20 1992

ATTACHMENT II

SCANNED
SEP 05 2007

A2102054A



10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
13N	41E	8	SE	SE		IRR	40.0
			Section Acres				80.0
		16	NE	NE		IRR	40.0
			NW	NE		IRR	40.0
			SW	NE		IRR	40.0
			SE	NE		IRR	40.0
			NE	NW		IRR	40.0
			NW	NW		IRR	40.0
			SW	NW		IRR	40.0
			SE	NW		IRR	40.0
			NE	SW		IRR	40.0
			NW	SW		IRR	40.0
			SW	SW		IRR	40.0
			SE	SW		IRR	40.0
			NE	SE		IRR	40.0
			NW	SE		IRR	40.0
			SW	SE		IRR	40.0
			SE	SE		IRR	40.0
			Section Acres				640.0
		17	NE	NE		IRR	40.0
			NW	NE		IRR	40.0
			SW	NE		IRR	40.0
			SE	NE		IRR	40.0
			NE	NW		IRR	40.0
			NW	NW		IRR	40.0
			SW	NW		IRR	40.0
			SE	NW		IRR	40.0
			NE	SW		IRR	40.0
			NW	SW		IRR	40.0
			SW	SW		IRR	40.0
			SE	SW		IRR	40.0
			NE	SE		IRR	40.0
			NW	SE		IRR	40.0
			SW	SE		IRR	40.0
			SE	SE		IRR	40.0
			Section Acres				640.0
		18	NE	NE		IRR	40.0
			NW	NE		IRR	40.0
			SW	NE		IRR	40.0

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
13N	41E	18	SE	NE		IRR	40.0
			NE	SE		IRR	40.0
			NW	SE		IRR	40.0
			SW	SE		IRR	40.0
			SE	SE		IRR	40.0
						Section Acres	320.0
		20	NE	NE		IRR	40.0
			NW	NE		IRR	40.0
			SW	NE		IRR	40.0
			SE	NE		IRR	40.0
			NE	NW		IRR	40.0
			NW	NW		IRR	40.0
			SW	NW		IRR	40.0
			SE	NW		IRR	40.0
			NE	SW		IRR	40.0
			NW	SW		IRR	40.0
			SW	SW		IRR	40.0
			SE	SW		IRR	40.0
			NE	SE		IRR	40.0
			NW	SE		IRR	40.0
			SW	SE		IRR	40.0
			SE	SE		IRR	40.0
						Section Acres	640.0
		21	NE	NE		IRR	40.0
			NW	NE		IRR	40.0
			SW	NE		IRR	40.0
			SE	NE		IRR	40.0
			NE	NW		IRR	40.0
			NW	NW		IRR	40.0
			SW	NW		IRR	40.0
			SE	NW		IRR	40.0
			NE	SW		IRR	40.0
			NW	SW		IRR	40.0
			SW	SW		IRR	40.0
			SE	SW		IRR	40.0
			NE	SE		IRR	40.0
			NW	SE		IRR	40.0
			SW	SE		IRR	40.0
			SE	SE		IRR	40.0
						Section Acres	640.0

10. Place of Use: Continued

Total Acres 2960.0

11. Place of use in counties: CLARK

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
A21-00030/00108/02158.

14. Remarks:

15. Basis of Claim: BENEFICIAL USE
Water Right Number:

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do not wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 3

For Organizations:

I do solemnly swear or affirm that I am MANAGER Title of

Shepherd/Golder LABIE Organization, that I have signed the foregoing

document in the space below as MANAGER Title of

Shepherd/Golder LABIE Organization and that the statements contained in the foregoing document are true and correct.

RL Webster
Signature of Authorized Agent
MANAGER
Shepherd/Golder LABIE
Title and Organization

6-22-88
Date

State of Idaho)
County of Bannock) ss.

Subscribed and sworn (or affirmed) before me this 22 day
of June 19 88

Dana Green
Notary Public

Seal

Residing at Rigby
My Commission Expires 4/22/94

L. Hagenbarth

SHEET 1

LEGEND

Land under permit
all irrigated.

[illegible]

~~T. 13 N. F. 41 E.~~
~~T. 13 N. R. 40 E.~~

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SERIALS 1002

SCALE: 2 INCHES=1 MIL

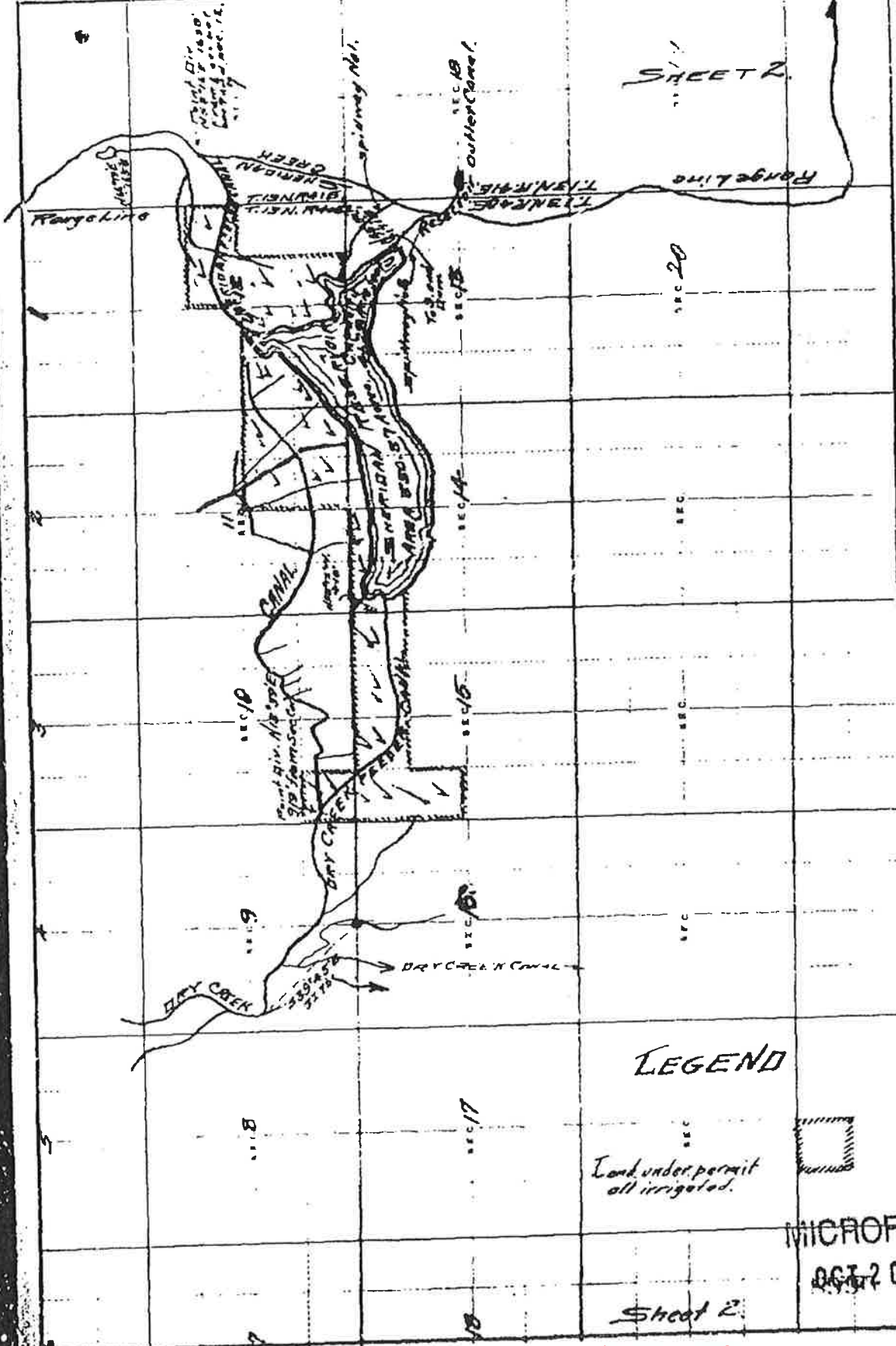
DRAW PLAN IN INK

NAME OF APPLICANT

F. Hogenborth

Permit 8990

SHEET 2.



SCALE: 2 INCHES = 1 MILE. DRAW PLAN IN INK.

SCANNED

SEP 05 2007

State of Idaho License and Certificate of Water Right

Water License No. 8990
Water District No. 75-A

Amount 75.2
Priority 9-24-1912

THIS IS TO CERTIFY that F. J. Hagenbarth of Spencer, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated September 24 1912; that Permit No. 8990 was issued under said application; that Certificate of Completion of works, with a carrying capacity of 80.0 second feet, was issued thereunder on August 27 1915, showing that said works were completed on the 7th day of January, 1915; and that on the 9th day of September, 1920,

F. J. Hagenbarth of Spencer, State of Idaho, made proof to the satisfaction of the Commissioner of Reclamation of Idaho, of the right to use the waters of Dry Creek and Sheridan Creek, a tributary of Snake River, for the purpose of irrigation and domestic use, under Use Permit No. 8990 of the State Engineer and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the Commissioner of Reclamation of Idaho and entered of record in Volume 6 of Licenses, at page 3229, on the 2nd day of January, 1925;

The right hereby confirmed dates from September 24 1912;

The Point of Diversion ^{are} located Dry Creek feeder canal bears S. 39° 45' E. 3270' from the 1/4 Corner bet. Secs. 9-16, T. 13 N., R. 40 E., B. 1 N.; Sheridan Creek Feeder in the 1/4 Sec. 11, T. 13 N., R. 41 E., B. 1 N.; canal bears N. 53° 16' E., 1638' from 1/4 Cor. bet. Secs. 7-12, T. 13 N., R. 41 E., B. 1 N. That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 75.2 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
13 N.	41 E.	8	S 1/2 SE 1/4	80	80
		16	All	640	640
		17	All	640	640
		18	E 1/2	320	320
		20	All	640	640
		21	All	640	640
13 N.	40 E.	12	S 1/2 NE 1/4	80	80
			W 1/2 SE 1/4	80	80
			SW 1/4	160	160
		11	SE 1/4	160	160
		10	SW 1/4 SE 1/4	40	40
		15	W 1/2 NW 1/4	80	80
			NE 1/4 NW 1/4	40	40
			N 1/2 NE 1/4	80	80
		14	N 1/2 NW 1/4	80	80
				<u>3760</u>	

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

WITNESS the seal and signature of the Commissioner of Reclamation, affixed at Boise, Idaho, this 2nd day of January, 1925

W. C. SWENDSEN
Commissioner of Reclamation

(SEAL)

By GEO. N. CARTER
Assistant

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SCANNED

SEP 05 2007

21 OCT 2 1925

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A21-02054B
Date Received: 8/09/1988
Receipt No: E001147
Received By: Kaw

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name:	MARGARET HAGENBARTH	406-683-2163
Address:	P.O. BOX 1128	
	DILLON, MT	59725
OR		
Name:	DAVID J. HAGENBARTH	406-683-2163
Address:	P.O. BOX 1128	
	DILLON, MT	59725
OR		
Name:	JAMES F. HAGENBARTH	406-683-2163
Address:	P.O. BOX 1128	
	DILLON, MT	59725

A2102054B



2. Date of Priority: SEP 24, 1912

3. Source: UNNAMED SPRING Trib. to: SHERIDAN CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
13N	41E	6	NW	SE	SW		CLARK

5. Description of diverting works:
DIVERSION DAM TO DITCHES FOR SUB/FLOOD IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	3.800		
STOCKWATER	04/01	12/31	0.240		

7. Total Quantity Appropriated is:
3.800 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 292.5 Acre Feet Per Annum.

9. Non-irrigation uses:
S/1091 RANGE CATTLE
A21-02054B

Page

1

Date: 08/09/88

SCANNED

SEP 05 2007

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OCT 20 1992

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres		
13N	40E	11	SE	SW		IRR	40.0		
			SE	SW		STOCK			
			NE	SE		IRR	29.0		
			NE	SE		STOCK			
			NW	SE		IRR	5.0		
			NW	SE		STOCK			
			SW	SE		IRR	40.0		
			SW	SE		STOCK			
			SE	SE		IRR	36.0		
			SE	SE		STOCK			
			Section Acres						150.0
			12	NW	SW		IRR	36.0	
				NW	SW		STOCK		
			Section Acres						36.0
14	NE	NE		IRR	3.0				
	NE	NE		STOCK					
	NW	NE		IRR	1.0				
	NW	NE		STOCK					
Section Acres						4.0			
Total Acres						190.0			

11. Place of use in counties: CLARK

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:

31-2275/4129/4130/4131/4132/4133, 01-2068/0340

14. Remarks:

SEE ATTACHMENT "A" FOR EXPLANATION ON SYSTEM OPERATION
SOURCE AKA MORRAIN SPRING

15. Basis of Claim: LICENSE

Water Right Number: 212054

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not ☒ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): James P. Hagerholt Date: 8/9/88

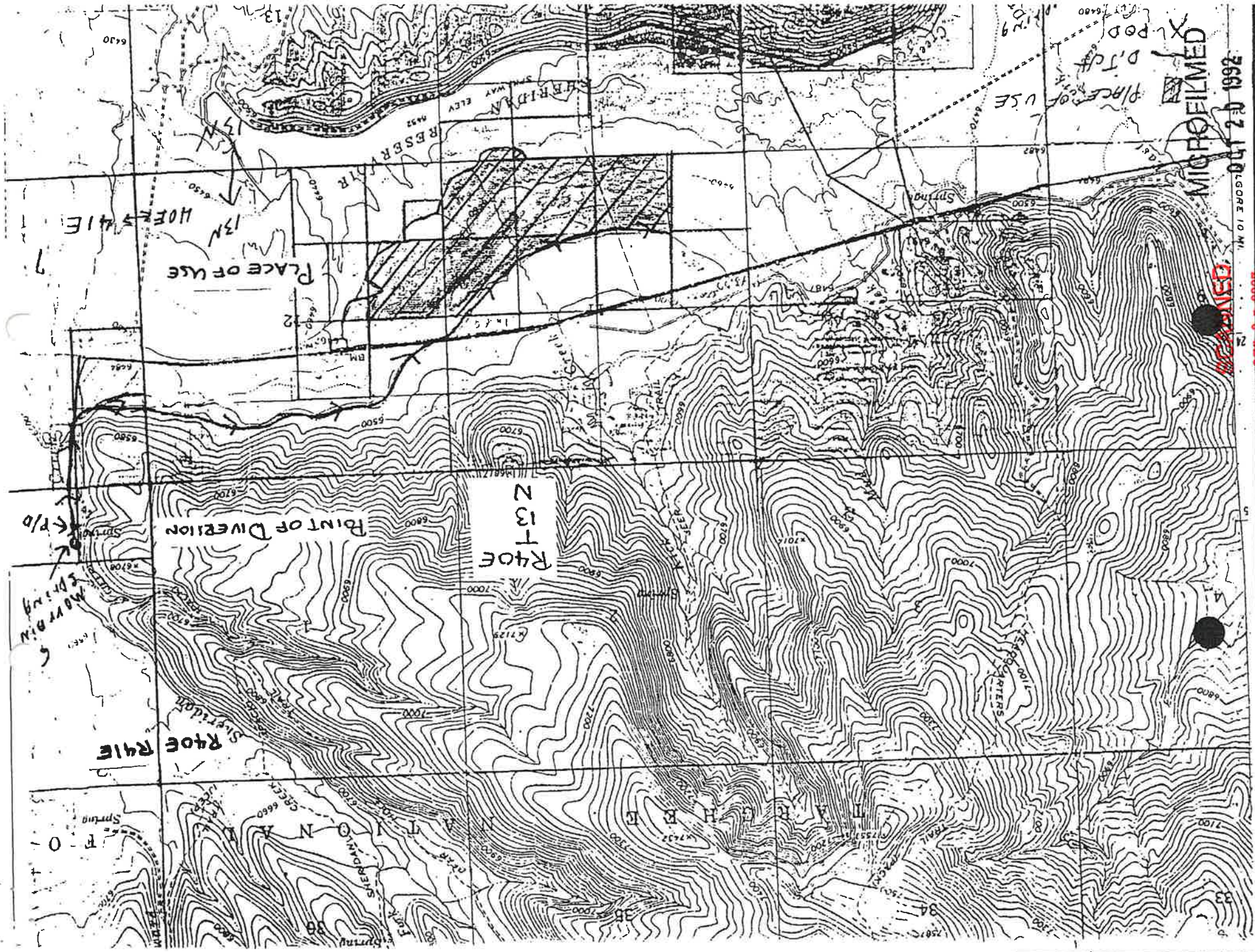
Date: _____

State of Idaho)
County of Bonnerille) SS.

Subscribed and sworn (or affirmed) before me this 9th day
of August 19 88 Dana Green
Notary Public

Seal

Residing at Rigby
My Commission Expires 4-22-1991



WIDEREELMED

26610210 LGORE 10 MI.

SEP 15 1997



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

February 1, 2001

HAGENBARTH LIVESTOCK
PO BOX 1128
DILLON MT 59725

RE: ADDITION OF ATTORNEYS TO CLAIMS

Dear Claimants:

Attorneys John Bloomquist and Patti Rowland have been added to your claims per your request.

If you have any questions feel free to contact this office at (208) 525-7161.

Respectfully submitted,

Cheri Vandermeulen
Records Clerk

SCANNED

SEP 05 2007

February 6, 1989

A 21-02054 B

Jim Hagenbarth
P.O. Box 1128
Dillon, Montana 59725

Clark Co.

RE: RIGHTS 21-2054, 31-0080 AND 31-0081

Dear Mr. Hagenbarth:

Our Eastern Regional office in Idaho Falls has asked this office to respond to your inquiry in connection with licensed right 21-2054 and decreed rights 31-0080 and 31-0081.

You have asked for the department's opinion relative to the validity and interrelationship of the above referenced water rights.

My research of the water right files does not show any particular relationship among the rights. The decreed rights do not necessarily supercede the licensed right, since the lands do not appear to overlap. The question of whether any or all of the rights are valid rights, however, depends on the use made of the rights through the years. The ultimate determination of the validity of a right will be made by the district court. The department, however, will make a recommendation to the court based on available information.

I note that you have filed adjudication claim no. A31-10245 based on license 21-2054. This license shows two sources, Dry Creek and Sheridan Creek which are in different water districts. The districts may have records relative to past use and delivery of the rights.

The Idaho statutes provide that any water right can be lost through 5 years continuous non-use. If the above referenced rights have been continuously used, you need to provide evidence of the use to the water masters of the respective water districts if their records do not show such use. In addition, you need to provide this type of information to the department for analysis and recommendation in connection with your adjudication claims.

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Jim Hagenbarth

- 2 -

February 6, 1989

Please feel free to contact the department if you have additional questions.

Sincerely,

L. GLEN SAXTON, Chief
Water Allocation Bureau

c: E. Region
Don Shenton
Adjudication Bur.

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SEP 05 2007

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OCT 20 1992

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A21-02054C
Date Received: 8/2/89
Receipt No: C008802
Received By: 9f

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: STATE OF IDAHO
Address: DEPT. OF LANDS
STATEHOUSE
BOISE, ID

83720

2. Date of Priority: SEP 24, 1912

3. Source: SHERIDAN CREEK
DRY CREEK

Trib. to: ISLAND PARK RESERV
SHERIDAN CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
13N	40E	9		NW	SW		CLARK
	41E	7		SW	NW		CLARK

5. Description of diverting works:
HEADGATE & DITCHES.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/15	10/15	2.400		

7. Total Quantity Appropriated is:
2.400 C.F.S. (and/or)

A.F.A.

8. Total consumptive use is 180.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE.

A21-02054C

Page 1

Date: 06/16/89

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SEP 05 2007

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OCT 20 1992

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
13N	40E	10	SW	SW		IRR	40.0
					Section	Acres	40.0
		12	SW	NE		IRR	40.0
			SE	NE		IRR	40.0
					Section	Acres	80.0
					Total Acres		120.0

11. Place of use in counties: CLARK

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
21-00108

14. Remarks:

15. Basis of Claim: LICENSE
Water Right Number: 8990

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 31-11982

WATER RIGHT NUMBER: 31-11982

Owner TypeName and Address

Current Owner

STATE OF IDAHO, DEPARTMENT OF LANDS
954 W JEFFERSON
PO BOX 83720
BOISE, ID 83720-0050

Priority Date: 09/24/1912

Basis: License

Status: Active

SourceTributary

DRY CREEK

SHERIDAN CREEK

Beneficial UseFrom ToDiversion RateAnnual Volume

IRRIGATION

05/01 to 10/31

2.870 CFS

Total Diversion:

2.870 CFS

Location of Point(s) of Diversion

DRY CREEK

NE1/4NW 1/4SW 1/4

Sec. 9, Twp 13N, Rge 40E, B.M.

CLARK County

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13N	40E	10											23.5						23.5
13N	40E	15					40.0	40.0	40.0										120.0

Total Acres: 143.5

Conditions of Approval:

1. P21 This right is a split from former right 21-2054.

Remarks:Comments:Dates and Other Information:

hagenbarth owns?

Hagenbarth 21-2054

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 31-11982

Claim Received Date: 8/7/2007

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

State or Federal:

Owner Name Connector:

Water District Number:

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

Combined Use Limits:

Water Supply Bank:

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Organizations:

I do solemnly swear or affirm that I am _____ Chief, Bureau of Range Management of _____ Title _____ Idaho Department of Lands, that I have signed the foregoing _____ Organization document in the space below as _____ Chief, Bureau of Range Management of _____ Title _____ Idaho Department of Lands and that the statements contained in the _____ Organization foregoing document are true and correct.

Donald E. Holbe
Signature of Authorized Agent
Chief, Bureau of Range Management
Idaho Department of Lands
Title and Organization
June 26, 1989
Date

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 26 day

of June 19 89

Seal

Virginia M. Peters
Notary Public

Residing at Basis Idaho
My Commission Expires 3/15/94

6/27/88

RE: Hagenbarth Dry Creek-Sheridan Creek
Water Delivery System

I am representing the claimants in the filing of their water rights in the Snake River Basin Water System. The claimants are Margaret Hagenbarth, David J. Hagenbarth and James F. Hagenbarth.

The claimants' predecessor, Father-in-law and Grandfather respectively, F. J. Hagenbarth, diverted waters of Sheridan Creek and Dry Creek on September 24, 1912. Part of this water was licensed for use on lands now owned by the claimants. As testimony to the above facts, see Warranty Deed filed on July 17, 1944 in Book 12 of Deeds at page 319 in the Clark County Clerk and Recorder's office and also water license # 8990/21-2054 on file with the Department of Water Resources. The deed clearly proves the claimants' control and ownership of 590 acres which were claimed as place of use by F. J. Hagenbarth in License # 21-2054. Since the claimants' predecessor, D.V. Hagenbarth, passed ownership of the above described land to the claimants via an estate, it follows that 590 miner's inches (11.8 c.f.s.) from 21-2054 belong to the claimants. Also note on Sheet #2 of the diagram on the water license that the original points of diversion are identical to those the claimants use at present. Please note on Sheet #2 that the Dry Creek source includes both the east and west forks and note the three canals leaving the point of diversion, one with a southerly course and the other two with easterly courses, but one lying more northerly. Note on sheet #2 the pond which lies in Lot 7(SWSW) of Section 6, T13NR41E. This pond is identical to Morrain Springs which is a tributary to Sheridan Creek and is the Sheridan Creek source diverted by the claimants. The point of diversion used by the claimants for Morrain Springs is identical to Sheet #2 and lies in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 6, T13NR41E. There is no question that the sources and PD's identified in this filing are identical to the sources being used by the claimants presently.

In 1943 my Father, D.V. Hagenbarth finished construction of a water delivery system which pooled the waters from many sources in the area and put the waters to an even greater beneficial use. The system is a sub-flood irrigation system with slow gradient ditches capable of handling and distributing either large or small flows of water. Mr. Hagenbarth applied for additional water out of Dry Creek as evidenced by licenses #31-2274 and #31-2275. As the years progressed this system has developed so as to put water from 8 different sources to a beneficial use on lands owned by the claimants. This use is a result of utilizing the waters from 12 different water rights on lands lying both north and south of Sheridan Ridge in T13NR40E. Of these 12 water rights, six are licenses and 6 are claims based on use. The sources are Dry Creek, Woody Headquarters Spring, Headquarters Spring, two unnamed springs, Mud Creek, Kick Creek, and Morrain Springs. Each source contributes to the water delivery system,

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SEP 05 2007

(continued-Hagenbarth water delivery system)

but will have an independent land list depending upon where the source enters the system. The total system includes 1274 acres. 1092 acres will be attached to the Dry Creek sources, an additional 163 acres will be attached to the Kick Creek filing and the remaining 19 acres will be included with Morrain Springs.

Water right #21-2054 will be separated into two rights so that those waters diverted by said right from Dry Creek will be separate from those waters diverted from Morrain Springs. By doing this it will return each right to its respective district so the user can be billed properly and the rights can be regulated correctly according to priority dates. Morrain Spring is in District 21 and Dry Creek is in District 31. 8.00 c.f.s. will be claimed for Dry Creek and 3.8 c.f.s. for Morrain Spring via 21-2054.

All the sources except Morrain Springs have the same characteristics as most creeks in this area in that the spring flow is tremendous and the summer flow is very minimal, consequently the total c.f.s.'s appropriated seem rather large for the place of use in regard to one miner's inch per acre. This maximum use is short lived. In early spring the maximum flow of water claimed has been used on the lands designated, but only for a short period of time. Later on in the summer it is not unusual for only stockwater to be available.

These comments will be included in each of the filings on all the sources of water that are put to beneficial use by the water delivery system constructed by D.V. Hagenbarth. Included with many of the filings are separate comments dealing with each individual source.

Sincerely,

James F. Hagenbarth
James F. Hagenbarth



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A • Idaho Falls, Idaho 83402-1718

Phone: (208) 525-7161 • Fax: (208) 525-7177 • Web Site: www.idwr.idaho.gov

EASTERN REGION

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

December 18, 2008

RE: Claim 31-11982

John M Marshall
Givens Pursley LLP
PO BOX 2720
Boise, Id 83701

Dear Mr. Marshall,

In an effort to resolve any possible conflicts associated with the recommendation of claim 31-11982 I'm sending out a preliminary copy. Please review this recommendation and contact me if you have any questions or concerns at the number listed below.

Respectfully Submitted,

Nate Arave
Sr. Water Resource Agent
Idaho Department of Water Resources
900 N. Skyline Drive Suite A
Idaho Falls, Id 83402-1718
(208)-525-7161



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A • Idaho Falls, Idaho 83402-1718

Phone: (208) 525-7161 • Fax: (208) 525-7177 • Web Site: www.idwr.idaho.gov

EASTERN REGION

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

December 18, 2008

RE: Claim 31-11982

James F Hagenbarth
PO BOX 1128
Dillon, MT 59725-1128

Dear Mr. Hagenbarth,

In an effort to resolve any possible conflicts associated with the recommendation of claim 31-11982 I'm sending out a preliminary copy. Please review this recommendation and contact me if you have any questions or concerns at the number listed below.

Respectfully Submitted,



Nate Arave

Sr. Water Resource Agent
Idaho Department of Water Resources
900 N. Skyline Drive Suite A
Idaho Falls, Id 83402-1718
(208)-525-7161



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A • Idaho Falls, Idaho 83402-1718

Phone: (208) 525-7161 • Fax: (208) 525-7177 • Web Site: www.idwr.idaho.gov

EASTERN REGION

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

December 18, 2008

RE: Claim 31-11982

David Barber
Idaho Department of Lands
954 W Jefferson
PO BOX 83720
Boise, Id 83720-0050

Dear Mr. Barber,

In an effort to resolve any possible conflicts associated with the recommendation of claim 31-11982 I'm sending out a preliminary copy. Please review this recommendation and contact me if you have any questions or concerns at the number listed below.

Respectfully Submitted,

Nate Arave

Sr. Water Resource Agent
Idaho Department of Water Resources
900 N. Skyline Drive Suite A
Idaho Falls, Id 83402-1718
(208)-525-7161

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 31-11982

NAME AND ADDRESS: STATE OF IDAHO, DEPARTMENT OF LANDS
954 W JEFFERSON
PO BOX 83720
BOISE ID 83720-0050

SOURCE: DRY CREEK

TRIBUTARY: SHERIDAN CREEK

QUANTITY: 2.870 CFS

PRIORITY DATE: 09/25/1912

POINT OF
DIVERSION:

T13N R40E S9 NENSW Within CLARK County

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	05/01 10/31	2.870 CFS
PLACE OF USE:	<u>IRRIGATION in CLARK County</u>		
	T13N R40E S10 SWSW	23.50 T13N R40E S15	NENW 40.00
	T13N R40E S15 NWNW	40.00 T13N R40E S15	SWNW 40.00

143.5 ACRES TOTAL

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

This right is a split from former right 21-2054.



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A • Idaho Falls, Idaho 83402-1718

Phone: (208) 525-7161 • Fax: (208) 525-7177 • Web Site: www.idwr.idaho.gov

EASTERN REGION

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

December 18, 2008

RE: Claim 31-11982

Rob Harris
Holden, Kidwell, Hahn & Crapo, PLLC
PO BOX 50130
Idaho Falls, Id 83405

Dear Mr. Harris,

In an effort to resolve any possible conflicts associated with the recommendation of claim 31-11982 I'm sending out a preliminary copy. Please review this recommendation and contact me if you have any questions or concerns at the number listed below.

Respectfully Submitted,

Nate Arave
Nate Arave

Sr. Water Resource Agent
Idaho Department of Water Resources
900 N. Skyline Drive Suite A
Idaho Falls, Id 83402-1718
(208)-525-7161



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

December 28, 2007

IDAHO DEPT OF LANDS
STATEHOUSE MAIL
PO BOX 83720
BOISE ID 83720-0050

RE: Snake River Basin Adjudication (SRBA)
Late Notice of Claim to a Water Right #31-11982

Dear Claimant:

The Notice of Claim to a Water Right you filed was received from the SRBA Court recently.

Your Notice of Claim will be investigated and reported to the Court in a future supplemental Director's Report. Please contact me at 208/287-4907 if you have any questions.

Sincerely,

Monica Van Bussum
Sr. Water Rights Agent
Adjudication Bureau

MVB:ss:state

SCANNED

DEC 28 2007



STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
LAWRENCE G. WARDEN

December 18, 2007

VIA FACSIMILE (208) 736-2121

Ms. Diana Delaney
Case Administrator
Snake River Basin Adjudication
District Court
253 Third Avenue North
Twin Falls, ID 83303

Re: Subcase No. 31-11982.

Dear Diana:

Enclosed with this letter is a copy of a receipt that evidences payment of the filing fee for the *Motion to File Late Notice of Claim* for the above subcase, which is set to be heard by the District Court today at the Status Conference. I apologize for filing this document so late. Thank you for your assistance.

Sincerely,

A handwritten signature in cursive script, reading "David J. Barber".

DAVID J. BARBER
Deputy Attorney General
Natural Resources Division

DJB/ov

Enclosure

cc: Garrick Baxter

Natural Resources Division
P.O. Box 83720, Boise, Idaho 83720-0010
Telephone: (208) 334-2400, FAX: (208) 854-8072
Located at 700 W. State Street
Joe R. Williams Building, 2nd Floor

SCANNED

DEC 21 2007

FORM: IAB

STATE OF IDAHO - STARS INTERAGENCY BILLING DATA ENTRY

REV. 10/26/99

SECTION A - AGENCY NAME (BILLING AGY)					AGENCY CODE	CONTACT NAME	PHONE #	DOCUMENT DATE	CUR DOCUMENT #
Idaho Department of Water Resources					160	Sascha Warston	207-4019	09/05/07	BILL0144
SFX	TC/ RVS	INDEX/ PCA	SEC AGY	SUBSIDIARY	REV SUBOBJ	AMOUNT	INVOICE DESCRIPTION		
01	130	43003	320	3200000	1155 -	\$440.00	Adjudication late claim 31-11982		
					-				
					-				
SECTION B - THIS SECTION CONTAINS THE DESCRIPTION AND PRICE OF MATERIALS AND SERVICES SUPPLIED									
DESCRIPTION								AMOUNT	
Adjudication late claim								\$440.00	
TOTAL								\$440.00	

SECTION C - AGENCY NAME (PAYING AGY)					AGENCY CODE	CONTACT NAME	PHONE #	DATE	CUR DOCUMENT #	
Idaho Department of Lands					320	David Barber				
SFX	TC/ RVS	INDEX /PCA	SEC AGY	SUBSIDIARY	EXP SUBOBJ	AMOUNT	PROP/COMP	INVOICE#	VENDOR#/SFX	G = GRANT/PH P = PROJECT/PH
01	290		350	3500000	-	\$440.00	/	BILL0144 01	B26000952 / DP	/
					-		/		/	/
					-		/		/	/
					-		/		/	/
					-		/		/	/
TOTAL						\$440.00				

PAYING AGENCY'S AUTHORIZED SIGNATURE



DATE

9/19/07

PAID 9/24/07

SCANNED
DEC 21 2007

12/21/2007 12:19PM ID ATTY GEN, NAT RES

NO. 992 P. 2/2

RECEIVED

DEC 21 2007

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

DEC 20 2007

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

By

Clerk

Deputy Clerk

In Re SRBA

Subcase: 31-11982

Case No. 39576

ORDER GRANTING MOTION TO FILE
LATE NOTICE OF CLAIM

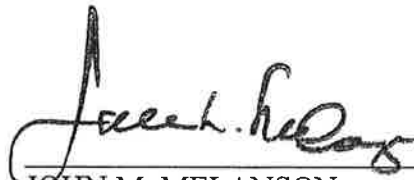
On September 5, 2007, the State of Idaho Department of Lands filed a *Motion to File Late Notice of Claim* for the above-captioned water right. Hearing was held on the *Motion* on December 18, 2007. This *Motion* complied with all procedural requirements under **SRBA Administrative Order 1**, and no objections were made to this late Notice of Claim.

THEREFORE, IT IS ORDERED, that the *Motion to File a Late Notice of Claim* for the above-captioned water right is **granted**.

The original Notice of Claim, as well as any attached filing fees, and a copy of this **Order** will be forwarded to the Idaho Department of Water Resources for further action. Following investigation by the Idaho Department of Water Resources, recommendation for the claim will be reported in the next *Late Claims Director's Report* which is issued on an annual basis. This modifies the provisions of **SRBA Administrative Order 1** 4d(2)(h).

IT IS SO ORDERED.

Dated December 20, 2007.



JOHN M. MELANSON

Presiding Judge

Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER GRANTING MOTION TO FILE LATE NOTICE OF CLAIM was mailed on December 20, 2007, with sufficient first-class postage to the following:

STATE OF IDAHO

Represented by:
DAVID J. BARBER
DEPUTY ATTORNEY GENERAL
PO BOX 44449
BOISE, ID 83711-4449
Phone: 208-334-2400

MICHAEL P LAWRENCE
GIVENS PURSLEY LLP
PO BOX 2720
BOISE, ID 83701-2720
Phone: 208-388-1200

ROBERT L HARRIS
HOLDEN KIDWELL HAHN & CRAPO
PO BOX 50130
IDAHO FALLS, ID 83405-0130
Phone: 208-523-0620

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

ORDER

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FILE COPY FOR 00357

Deputy Clerk

DEC 21 2007