

RECEIVED

NOV 13 2008

Department of Water Resources  
Eastern RegionSTATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

## CLAIM TO A WATER RIGHT

Under the provisions of Section 42-243, *Idaho Code*, any person claiming a water right established by diversion and application of water to beneficial use must file a claim with the Department of Water Resources. **The filing of this claim does not confirm the water right claimed.** Water rights represented by a valid permit, license, decree, or previous claim are exempt from this requirement, as are uses of water for domestic purposes as defined in Section 42-111, *Idaho Code*. A filing fee must be submitted with this claim. See the instruction sheet to determine the appropriate fee. *None Connected*

Notice is hereby given that Nick & Krystal Bollschweiler  
Michael Derricott, Karen Derricott, Kasey Derricott  
(Name of Claimant)Mailing Address: 4706 Hwy 36 Ovid ID 83254Telephone No: (208) 945-2877 Email: 6earlake75@hotmail.com

claims a right to the diversion and beneficial use of surface or ground water. The extent and nature of said claim is as follows:

1. Date of Priority: (When the water was first applied to beneficial use) 12/26/1893  
**A claim is not acceptable for the use of surface water with a priority later than May 20, 1971. A claim is not acceptable for the use of ground water with a priority date later than March 25, 1963, unless the water is used for domestic purposes as defined in Section 42-111, *Idaho Code*.**

2. Describe the source of water: (Name of stream, lake, spring, etc., or ground water)  
South Dell Creek tributary to Bear River  
Springs South Dell Creek
3. Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

(cfs or af)	(Irrigation, Domestic, Stock, Etc.)	(Both dates inclusive) (MM/DD)	(MM/DD)
Quantity <u>3.0 cfs</u>	Use <u>Irrigation</u>	Period of Use From <u>4/15</u>	to <u>10/31</u>
Quantity _____	Use _____	Period of Use From _____	to _____
Quantity _____	Use _____	Period of Use From _____	to _____
Quantity _____	Use _____	Period of Use From _____	to _____

4. 3.0 cfs TOTAL QUANTITY USED.  
(cfs or af)

5. A) Location of point of diversion is See Supplement Page  $\frac{1}{4}$  of \_\_\_\_\_  $\frac{1}{4}$  of \_\_\_\_\_  $\frac{1}{4}$ , Govt. Lot \_\_\_\_\_  
Sec. \_\_\_\_\_ Township \_\_\_\_\_ Range \_\_\_\_\_ B.M., \_\_\_\_\_ County; additional points  
of diversion, if any: \_\_\_\_\_

(B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch etc.). Give sizes and capacities. Be specific. Describe any changes in the system and give the date of the change.

See attached pages 1 + 2.

## Ident. No. \_\_\_\_\_

6. A) Describe the place of use within each 40-acre tract in the appropriate box using the symbols listed below. If the use is for irrigation, describe the location by listing the number of irrigated acres within each 40-acre tract.

**D - domestic, S - stockwater, M - municipal, C - Commercial, I - Industrial, X - other**

Twp	Rge	Sec	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

TOTAL ACRES \_\_\_\_\_

*See Supplement Page*

- B) If water is used for purposes other than irrigation, fully describe the use. Be specific.

NOTE: Include here the type and number of stock watered: *38 cows, 2 Bulls, 4 Replacement*

- 7) Remarks: *heifers, + calves (Black Angus) 4 head 4 beef to eat -*

8. **Map** -- Attach an 8½"x11" map clearly identifying the point of diversion and the place of use by 40-acre subdivisions, section, township and range of the public land survey system. (A photocopy of a USGS 7½ minute topographic quadrangle map is preferred.) Attach an **aerial photograph** of the place of use if available.

State of Idaho )  
County of Ben Lue ) ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the forgoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

*Michael B Denton*

Claimant's Signature (and title if claim is for an organization)

Sworn to before me this 12 day of November

Notary Public

Residing at:

My commission expires:

*Crystal Kidd*  
*Montpelier*  
*3/18/2022*



**FOR DEPARTMENT USE ONLY**

Received by \_\_\_\_\_ Date \_\_\_\_\_  
Prelim. check by \_\_\_\_\_ Date 11/13/2020  
Fee \$1000. - Receipt # E046436  
Receipt prepared by B Date 11/13/2020

Published in \_\_\_\_\_  
Publication dates \_\_\_\_\_  
Publication checked by \_\_\_\_\_ Date \_\_\_\_\_  
Exceptions filed by \_\_\_\_\_

1

## Section B.

- ① I have pieces of cement pipe 8' long x 2' diameter that water runs through, I put a piece of ply wood with hole in it over inlet end of pipe so some water can go through to keep the fish alive, & rest floods out as it goes down ditch along the field.
- ② I have built reservoirs with 12" lead gate screw type, and 6" pipe pushed through the bank in 2 places. With 3" valve on each. one valve hose onto pipe that is above ground, the other one is connected to main line with risers on it 600 ft long.
- ③ Along south ditch I have 4" pipe going through the bank to open & flood irrigate as needed. Other place is cuts in bank.
- ④ I have one bigger pond with water in it year around. I put a 4" pipe inside the overflow pipe which is 30" in diameter to hold the spring run off. I use the 4" pipe to put water in a ditch on the west side of field to flood irrigate ditch 450 ft long. I also use pond to water livestock late fall & early winter, or until it snows me out from feeding in fields or time to start calving. Also to sprinkle out of when the springs drop off, and for water to help put out fires when ever needed.
- ⑤ I have a pond with 6" in bottom with a 6" valve, I use a 6" rubber hose to hook onto 6" pipe, hose is 4 ft long. This hooks into main line with sprinkler risers on it, line 3/4 mile long.
- ⑥ I have smaller pond with 6" pipe in bottom with 3" valve on it. this is how I fill & drain pond for flood irrigating. There is a 4" line for overflow that goes



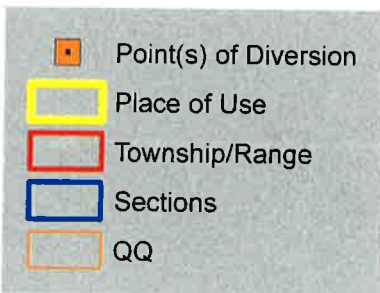
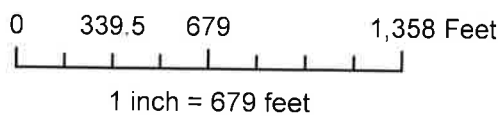
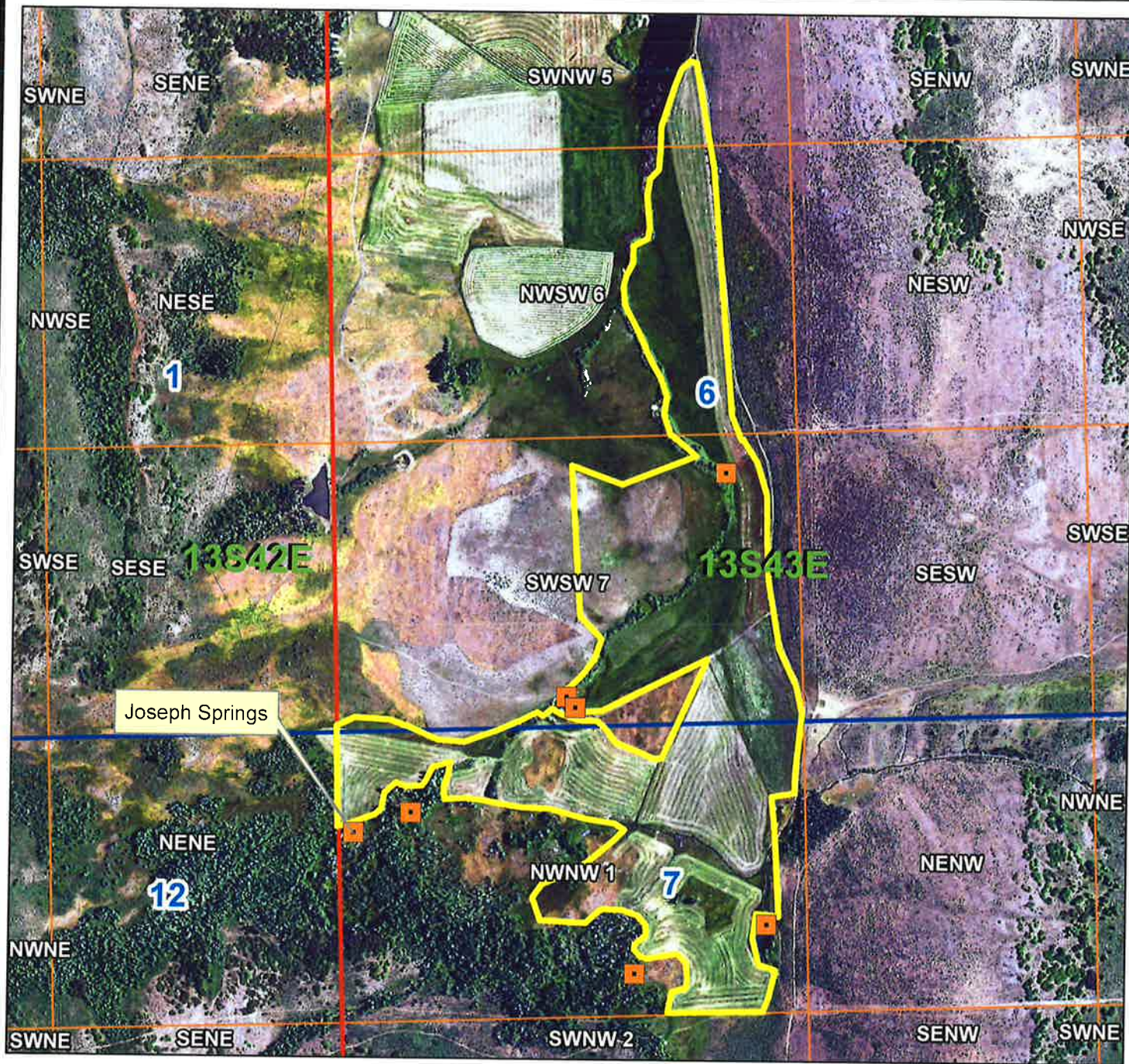
into a pipe that is underground for about 450 ft then has a 4" valve that I can close when needed the water backs up in pipe & runs out the top that I hook into to flood with, when it is not needed for that I open valve & send the water on down the pipe into pond #5 on other page, this allows me more water to sprinkle ~~and~~ with. By doing this I can keep the hay ground dry when I get ready to cut it.

(7) At the Joseph Spring I have a 6" pipe 240 ft long on top of the ground because it is too soft to get to with equipment. I raise the inlet out of the water & put cap on it when not in use. I have a 6" valve on the outlet end.

It is in a grove of trees a lot of them are dead quakes, so I have put them along both side & on top of the pipe to protect the pipe when trees fall over from the wind or rot off.

Mrs. Devine







5<sup>th</sup>. It is intended to have the works for diversion and use of said water as aforesaid completed within 2 years.

Witness my hand at Paris, Idaho, this 2 day of March 1894.

Enoch Bagley } Claimant

State of Idaho }  
County of Bear Lake } ss.

Enoch Bagley being first duly sworn, deposes and says that he is of lawful age and the Claimant of the Water Right mentioned in the foregoing notice and whose name is subscribed thereto. That the statements in said notice are true, and that the original notice, of which the foregoing is a true copy, was posted in a conspicuous place at or near the place of intended diversion on the 5<sup>th</sup> day of March 1894, at 12 o'clock M.

Enoch Bagley

Subscribed and sworn to before me this 5<sup>th</sup> day of March 1894.

G. Sponberg

Clerk

Seal >

Filed for record at request of Enoch Bagley at 9 o'clock and 12 o'clock 1894.

G. Sponberg

Clerk

### Notice of Water Right.

State of Idaho }  
County of Bear Lake } ss.

To all concerned:

Notice is hereby given:

1<sup>st</sup>. That George Hoge of Liberty, Bear Lake County, State of Idaho, hereby claims the use of all the waters of South Dell Creek and all tributary springs to the

about of 1 1/2 cubic feet per second.

And it is intended to divert said water at or near the point where a copy of this notice is posted, and more definitely decided as follows: about 80 rods West and 50 yards West of S.W. corner N.E. 1/4 Sec. 6, T. 9 S. R. 13 E. Q. 43 E. 3rd. The purpose for which said water is intended to be used is irrigation and domestic purposes.

The place of intended use is at 5 x 6, T. 9 S. R. 13 E. Q. 43 E. 1/4. It is intended to divert said water by means of the ditch 2 feet wide x 1 foot deep.

The general course of the proposed canal is Northerly. The length of the proposed canal is 1/2 mile. It is intended to use said water for irrigating the following described land:

Lot 5 & 6, T. 9 S. R. 13 E. Q. 43 E.

It is intended to have the water for diversion on and use of said water as aforesaid completed within 2 months.

Witness my hand at Davis, Idaho, this 9th day of March 1894.

George Hays Plaintiff  
County of Owyhee } ss.  
State of Idaho

George Hays first duly

deposed and says that he is of lawful age and the defendant of the State Right mentioned in the foregoing notice and whose name is subscribed thereto. That the statements in said notice are true, and that the original notice, of which the foregoing is a true copy, was posted in a conspicuous place at or near the place of intended diversion on the 9th day of March 1894, at 6 o'clock P.M.

George Hays  
Subscribed and sworn to before me this 9th day of March 1894.



In book of Miscellaneous Records at page 121 will be found the following notice to-wit:

Notice.

Is hereby given, that I George Hoge of Liberty, Bear Lake County Idaho, hereby claim all the water flowing from the spring known as

"Hodges Spring" situated about one hundred yards West from the S. W. corner of Lot six, Sec. six, Township thirteen South of Range forty three East viz about two hundred inches, measured under a four inch pressure. Said water is diverted from the natural channel at a point about twenty five yards West of the North of Lot five of said Section. The said water is claimed for the purpose of irrigating lots five and Six Sec. 6 Township 13 South of Range 43 East Boise Meridian.

The means used to divert and conduct said water is a ditch two feet wide at the top and one foot wide at bottom and two feet deep.

Liberty March 1-1887. George Hoge.

Recorded at the request of George Hoge this 1st. day of March A. D. 1887 at 10 A. M. I. L. Manton

County Recorder.

In book 2 of Miscellaneous Records page 63 will be found the following to-wit:

Notice.

is hereby given that I, the undersigned a citizen of the United States do hereby claim and appropriate all the waters of what is known as Josephs Spring, situated about 18 rods South and about 1 rod West from the N. W. corner of lot five Sec. 6 Tp. 13 S. or R. 43 E. B. M.

The quantity of said water hereby claimed being 150 inches under a four inch pressure. The point of diversion of said water is as follows, about 18 rods South and 1 rod West from the N. W. corner of lot 5 Sec. 6 Tp. 13 S. R. 43 E. B. M.

The purpose for which I claim said water is the irrigation of lots 5 and 6 Sec. 6 Tp. 13 S. R. 43 E. B. M.

The means by which I intend to divert said water and to said water and to conduct it to and upon said land is a ditch 18 inches wide and 12 inches deep, with a capacity of 150 inches under a four inch pressure.

Dated this 18th day of

Dec. 1893.

George Hoge.

I hereby certify that I posted up on this 18th day of Dec. 1893 a notice, of which the foregoing is a true copy at the point of diversion mentioned in said notice.

George Hoge.

Posted in presence of John H. Clinton

Fred W. Passey.

Filed for record at request of George Hoge Dec. 26th. 1893 at 11 ocl a. m.

G. Spongberg.

In book 2 of Miss. Records at page 195 will be found the following to-wit:

Notice of Water Right.

State of Idaho

County of Bear Lake ) ss:-

To All concerned,

Notice is hereby given.

That George Hoge of Liberty Bear Lake County Idaho, hereby claim of all the waters of South Dell Creek and all tributary Springs to the extent of 1 1/2 cubic feet per second.

2nd. It is intended to divert said water at or near the point where a copy of this notice is posted and more definitely described as follows: about 20 rods West and 50 yards South of S. W. corner N. E. 4 Sec. 6 Tp. 13 S. R. 43 E. B. M.

3rd. The purpose for which said water is intended to be used is irrigation and domestic purposes.

The place of intended use is lots 5 and 6 Tp. 13 S. R. 43 E.

4th. It is intended to divert said water by means of one ditch 2 feet wide and one foot deep.

The general course of the proposed canal is Northerly.



**State of 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

Website: [idwr.idaho.gov](http://idwr.idaho.gov) • Email: [easterninfo@idwr.idaho.gov](mailto:easterninfo@idwr.idaho.gov)

**BRAD LITTLE**  
Governor

**GARY SPACKMAN**  
Director

February 12, 2020

Krystal Bollschweiller,  
Michael B Derricott  
Karen L Derricott  
Kasey Derricott  
Nick Bollschweiller  
4706 Highway 36  
Ovid ID 83254-4910

RE: Claim No. 11-7867

Dear Applicant(s):

The Department of Water Resources has received your claim to a water right. Please refer to the claim number referenced above in all future correspondence regarding this claim.

A legal notice of this claim has been prepared and is scheduled for publication in the MONTPELIER NEWS EXAMINER on 12/2/2020 and 12/9/2020. The filing and advertising of this claim does not confirm the validity of any water rights.

Please contact this office if you have any questions regarding the claim.

Sincerely,

A handwritten signature in black ink, appearing to read 'CH', is written over a light blue circular stamp.

Christina Henman  
Administrative Assistant

**Henman, Christina**

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**From:** Henman, Christina  
**Sent:** Wednesday, November 18, 2020 4:28 PM  
**To:** NEWS EXAMINER (bjohnson@hjnews.com); NEWS EXAMINER (hjclass@hjnews.com)  
**Subject:** Legal Notice for News Examiner  
**Attachments:** 11-7867 Montpelier News Examiner.docx

LEGAL NOTICE DEPARTMENT  
NEWS EXAMINER

RE: Claim 11-7867

Dear Legal Notice Department:

Please publish the enclosed legal notice on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 12/14/2020. Your cooperation is appreciated.

Thank You,

Christina Henman  
Administrative Assistant  
Idaho Dept. of Water Resources, Eastern Region  
900 N Skyline Ste. A  
Idaho Falls, ID 83402  
Phone: (208) 497-3793



**The following claim has been filed based on diversion and beneficial use of water:**

**11-7867**

Krystal Bollschweiller, Michael B Derricott, Karen L Derricott, Kasey Derricott, Nick Bollschweiller  
4706 Highway 36

Ovid ID 83254-4910

Point of Diversion: SOUTH DELL CREEK L1 (NWNW), Sec. 7, Twp 13S, Rge 43E, B.M. BEAR LAKE County

Point of Diversion: SOUTH DELL CREEK L7 (SWSW), Sec. 6, Twp 13S, Rge 43E, B.M. BEAR LAKE County

Point of Diversion: SOUTH DELL CREEK L7 (SWSW), Sec. 6, Twp 13S, Rge 43E, B.M. BEAR LAKE County

Point of Diversion: SOUTH DELL CREEK L7 (SWSW), Sec. 6, Twp 13S, Rge 43E, B.M. BEAR LAKE County

Point of Diversion: SPRINGS L1 (SENWNW), Sec. 7, Twp 13S, Rge 43E, B.M. BEAR LAKE County

Point of Diversion: SPRINGS L1 (NWNWNW), Sec. 7, Twp 13S, Rge 43E, B.M. BEAR LAKE County

Source: South Dell Creek tributary to Sinks

Source: Springs tributary to South Dell Creek

Use: IRRIGATION 04/15 to 10/31 3.00 cfs

Total Diversion: 3.00 cfs

Priority Date: 12/26/1893

Place of Use:

IRRIGATION

T13S R43E Sec 6 L5(SWNW) L6(NWSW) L7(SWSW)

T13S R43E Sec 7 L1(NWNW)

For additional information concerning the property location, contact Eastern Region office at (208)525-7161; or for a full description of the rights, please see <https://research.idwr.idaho.gov/apps/WaterRights/StatutoryClaims>. Exceptions to a claim may be filed with the Department of Water Resources, EASTERN Region • 900 N SKYLINE DR STE A • IDAHO FALLS ID 83402-1718.

Gary Spackman, Director Published on 12/2/2020 and 12/9/2020