

STATE 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.

Notice is hereby given that Ronald & Sally Harper
(Name of Claimant)Mailing Address: 1151 Main Bern. Idaho 83220Telephone No: 847-0219 Email: _____

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) Feb. 27, 1957
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)
Spring tributary to Bear River

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>0.04</u>	Use <u>Domestic</u>	Period of Use From <u>01/01</u> to <u>12/31</u>
Quantity <u>0.02</u>	Use <u>Stock water</u>	Period of Use From <u>01/01</u> to <u>12/31</u>
Quantity _____	Use _____	Period of Use From _____ to _____
Quantity _____	Use _____	Period of Use From _____ to _____

4. 0.06 TOTAL QUANTITY USED.
(cfs or af)

5. A) Location of point of diversion is NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of SE $\frac{1}{4}$, Govt. Lot _____
Sec. 26 Township 12S Range 43E B.M., Bear Lake 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.

4x6 Conduit box - Sloping roof cover with door - over flow
Pipe approx - 6" - Spring flows into house's basement
where there is a pressure pump.

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JUL 30 2009

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	
12S	43E	26													~~7~~ 3				

TOTAL ACRES _____

- B) If water is used for purposes other than irrigation, fully describe the use. Be specific. Domestic use for house + 1/2 acre irrigation

NOTE: Include here the type and number of stock watered: 2-5 Sheep

7. Remarks: _____

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 Boise) 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.

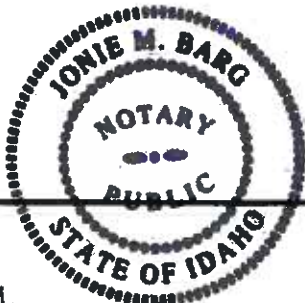
Paul J. Hargis Claimant's Signature (and title if claim is for an organization)

Sworn to before me this 30th day of July, 2009.

Jonie M. Barg
 Notary Public

Residing at: aldano Falls, Idaho

My commission expires: July 24, 2013



FOR DEPARTMENT USE ONLY

Received by DK Date _____
 Prelim. check by _____ Date _____
 Fee 4.00 Receipt # E035257
 Receipt prepared by DK Date 8-7-09

Published in _____
 Publication dates _____
 Publication checked by _____ Date _____
 Exceptions filed by _____

Ronald Haspic



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JUL 30 2003

U.S. Forest Service

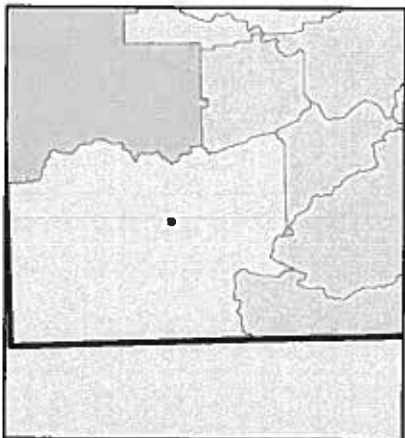


Idaho Department of Water Resources

Adjudication Claim
11-7642
(STOCKWATER)

Legend

- Point of Diversion
- Place of Use
- State Outline
- Townships
- PLS Sections
- Quarter Quarters

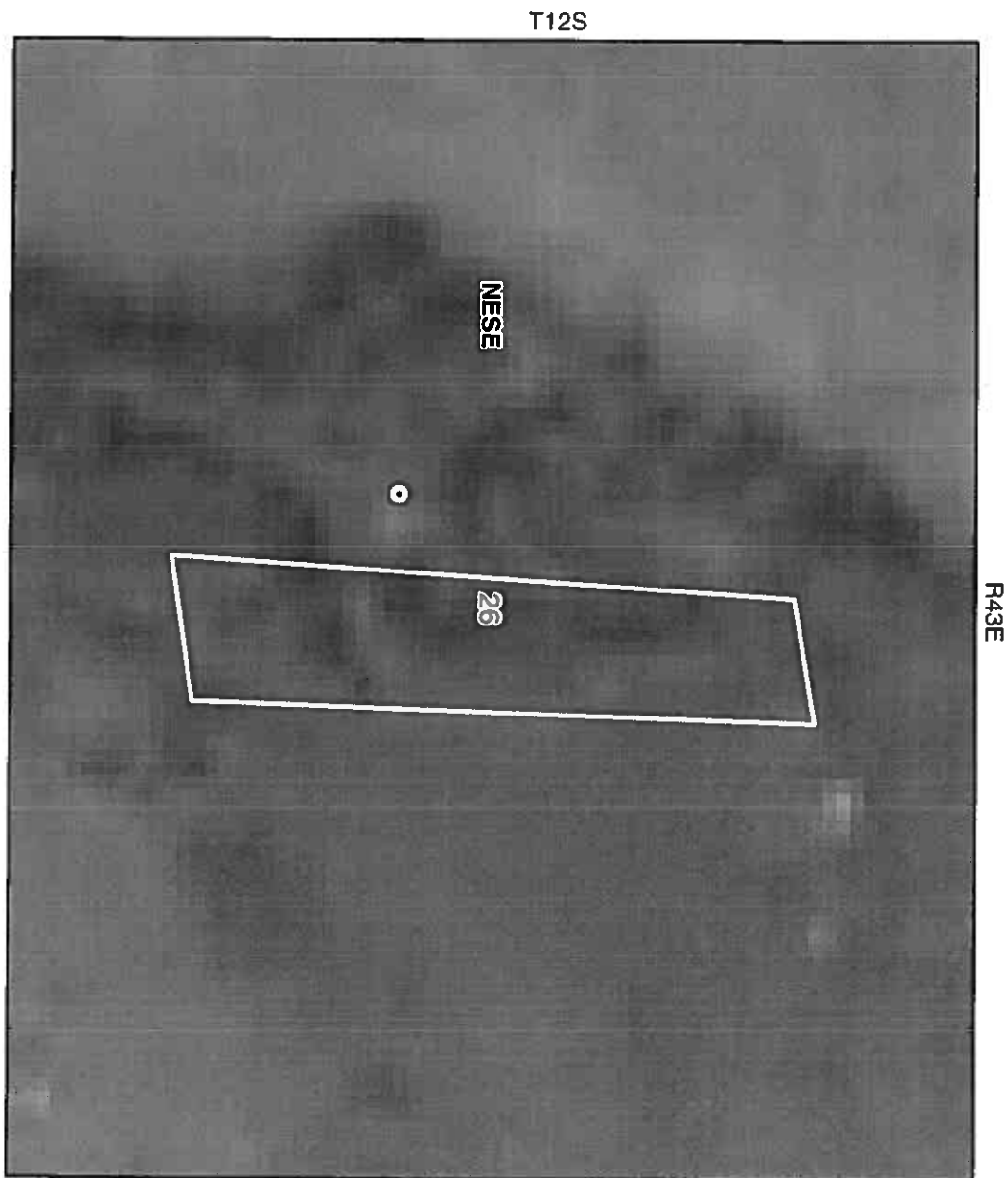


Bear Lake County
IDWR Basin 11

Prepared by Denise Kidman
On November 05, 2009
2004 Aerial Photography



0 0.005 0.01 0.02 Miles



11-7642



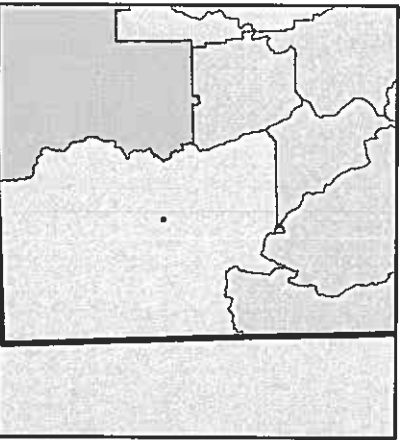
Idaho Department of Water Resources

Adjudication Claim
11-7642
(DOMESTIC)

R43E

Legend

- Point of Diversion
- Place of Use
- State Outline
- Townships
- PLS Sections
- Quarter Quarters



Bear Lake County
IDWR Basin 11



0 0.02 0.04 0.08 Miles



T12S

NESE

26

11-7642

Prepared by Denise Kidman
On November 05, 2009
2004 Aerial Photography

QUIT CLAIM DEED

THIS INDENTURE, Made the 27th day of August in the year of our Lord
 One Thousand Nine Hundred and Eighty between Diane Harper, a single woman,
 of Roosevelt, of the County of Duchesne
 and State of Utah the party of the first part, and Ronald Leo Harper,
 of Montpelier, of the County of Bear Lake
 and State of Idaho, the party of the second part,

WITNESSETH, That the said party of the first part, for and in consideration of the sum of
 ONE DOLLAR AND OTHER GOOD AND VALUABLE CONSIDERATIONS
 lawful money of the United States of America, to them in hand paid by the said party of the second part, the
 receipt whereof is hereby acknowledged, do es by these presents demise, release and forever Quit claim unto the said
 party of the second part, and to his heirs and assigns
 all that certain real estate situated in
 Bear Lake County, of the State of Idaho, particularly described as follows, to-wit:

Township 12 South, Range 43 East of the Boise Meridian:

Section 26: Beginning at a point 2111 feet North 10° 15' West from the Southeast
 corner of said Section 26, and running
 thence North 10° 15' West 175 feet; thence South 71° 40' West 100 feet;
 thence South 10° 15' East 175 feet; thence North 71° 40' East 100 feet,
 to the point of beginning.

122561

'80 SEP 4 AM 9 18

Jo Benton
 CLERK

Together with all and singular, the tenements, hereditaments and appurtenances thereunto belonging, or in anywise
 appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof.

TO HAVE AND TO HOLD all and singular the said premises, together with the appurtenances unto said
 party of the second part, and to his heirs and assigns forever.

IN TESTIMONY WHEREOF, The said party of the first part has hereunto set her hand and
 seal the day and year first above written.

Signed, Sealed and Delivered in the Presence of

Diane Harper

Diane Harper
 DIANE HARPER

[SEAL]

[SEAL]

[SEAL]

[SEAL]

RECEIVED

JUL 30 2009

Department of Water Resources
 Eastern Region

11- 7642

STATE OF ~~IDAHO~~ UTAH

County of Duchesne

SS.

On this 29th day of August in the year 19 80, before me
the undersigned Barber Buchanan, a Notary Public
in and for said County and State personally appeared Diane Harper, a single woman,

known to me to be the person whose name is subscribed to the within instrument, and acknowledged to
me that s he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this
certificate, first above written.

Barber Buchanan
Notary Public.

Residence Kaanapali, Utah

My commission expires:

My Commission Expires May 3 1982

No

Diane Harper

TO

Ronald Leo Harper

Dated August 27, 19 80.

QUIT CLAIM DEED

STATE OF IDAHO.

County of

SS.

I hereby certify that this instrument was filed for
record at request of

at minutes past

o'clock, M.

this day of

A. D. 19, in my office and duly recorded in

Book of Books at page

Ex-Officio Recorder

By Deputy.

Fee, \$

PAID TO STATE REGISTRY BOARD

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JUL 30 2009

Department of Water Resources
Eastern Region

11- 7642

WARRANTY DEED

For Value Received,

RONALD L. HARPER,

THE GRANTOR(S),

do(es) hereby, grant, bargain, sell, and convey unto

RONALD L. HARPER and SALLY E. HARPER, husband and wife, as Community Property, with Rights of Survivorship,
of 1151 MAIN, BERN, County of BEAR LAKE, State of IDAHO 83254,

THE GRANTEE(S),

For the sum of ten dollars and other good and valuable consideration, the following described tract of land in the County of Bear Lake, State of Idaho:

TOWNSHIP 12 SOUTH, RANGE 43 EAST OF THE BOISE MERIDIAN:

Section 26: Beginning at a point 2,111 feet North 10°15' West from the Southeast Corner of said Section 26, and running thence North 10°15' West 175 feet; thence South 71°40' West 100 feet; thence South 10°15' East 175 feet; thence North 71°40' East 100 feet to the point of beginning.

ALSO: Commencing at a point 2286 feet North 10°15' West and 100 feet South 71°40' West from the Southeast corner of Section 26, Township 12 South, Range 43 East of the Boise Meridian in Idaho; as the TRUE POINT OF BEGINNING; thence South 10°15' East 175 feet; thence North 71°40' East 100 feet; thence South 10°15' East 145 feet, more or less, to the Northerly boundary line of the Gary Kunz property line; thence South 71°40' West 225 feet; thence North 10°15' West 320 feet, more or less, to a point 125 feet South 71°40' West from the point of beginning; thence North 71°40' East 125 feet to the True Point of Beginning.

To have and to hold the said premises, with their appurtenances unto the said Grantee(s), their heirs and assigns forever. And the said Grantor(s) hereby covenant to and with the said Grantee(s) that they are the owner(s) in fee simple of said premises; that they are free from all encumbrances, and that they will warrant and defend the same from all lawful claims whatsoever.

DATED THIS JULY 28, 2009


RONALD L. HARPER

STATE OF IDAHO, COUNTY OF BEAR LAKE

On this 28 day of July, 2009, before me a Notary Public in and for the State, personally appeared

RONALD L. HARPER

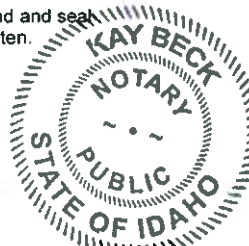
known to me to be the person(s) whose name(s) are subscribed to the within instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I hereunto set my hand and seal the day and year in the certificate first above written.


Notary Public

Residing at:

My Commission Expires: 12-01-12



MAIL TAX NOTICE TO: **RONALD L. HARPER and SALLY E. HARPER**
1151 MAIN, BERN, ID. 83254

Instrument # 205183

BEAR LAKE COUNTY

7-29-2009 08:34:11 No. of Pages: 1

Recorded for: FIRST IDAHO TITLE COMPANY

KERRY HADDOCK Fee: 3.00

Ex-Officio Recorder Deputy: 

Index to: WARRANTY DEED

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JUL 30 2009

Department of Water Resources
Eastern Region

11- 7642



3-3

WARRANTY DEED

For Value Received HAROLD A. KUNZ and BARBARA CASTLETON KUNZ, husband and wife

the grantor s, do hereby grant, bargain, sell and convey unto RONALD LEO HARPER and DIANE HARPER, husband and wife

the grantee s, the following described premises, in BEAR LAKE County Idaho, to-wit:

Township 12 South, Range 43 East of the Boise Meridian:

Section 26: Beginning at a point 2111 feet North 10°15' West from the Southeast corner of said Section 26, and running thence North 10°15' West 175 feet; thence South 71°40' West 100 feet; thence South 10°15' East 175 feet; thence North 71°40' East 100 feet, to the Point of Beginning.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, their heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantee, that they are the owners in fee simple of said premises; that they are free from all incumbrances

and that t he y will warrant and defend the same from all lawful claims whatsoever.

Dated:

Harold A. Kunz
HAROLD A. KUNZ

Barbara Castleton Kunz
BARBARA CASTLETON KUNZ

STATE OF IDAHO, COUNTY OF BOISE
On this 12th day of May 1972, before me, a notary public in and for said State, personally appeared Harold A. Kunz and Barbara Castleton Kunz, husband and wife,

known to me to be the person s whose names are subscribed to the within instrument, and acknowledged to me that they executed the same

Residing at 1200 W. Washington
Comm. Expires 1-6-73
Notary Public

STATE OF IDAHO, COUNTY OF BOISE
I hereby certify that this instrument was filed for record at the request of JACQUES LILLIS CO.

at 15 minutes past 2 o'clock p.m. this 12th day of June 1972, in my office, and duly recorded in Book of Deeds at Boise

By *James Barker*
Notary Public
Fees \$ 1.00
Mail to *James Barker*

INSTRUMENT No. 38472

INDEXED



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JUL 30 2009

Department of Water Resources Eastern Region

11- 7642

WARRANTY DEED

For Value Received

Harold A. Kunz and Barbara C. Kunz, husband and wife

the grantor^s, do hereby grant, bargain, sell and convey unto

Ronald L. Harper and Diane Harper, husband and wife

the grantee^s, the following described premises, in Bear Lake County Idaho, to wit:

Commencing at a point 2286 feet North 10°15' West and 100 feet South 71°40' West from the Southeast corner of Section 26, Township 12 South, Range 43 East of the Boise Meridian in Idaho; as the TRUE POINT OF BEGINNING; thence South 10°15' East 175 feet; thence North 71°40' East 100 feet; thence South 10°15' East 145 feet, more or less, to the Northerly boundary line of the Gary Kunz property line; thence South 71°40' West 225 feet; thence North 10°15' West 320 feet, more or less, to a point 125 feet South 71°40' West from the point of beginning; thence North 71°40' East 125 feet to the point of beginning.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee^s, their heirs and assigns forever. And the said Grantor^s do hereby covenant to and with the said Grantee^s, that they the owner^s in fee simple of said premises; that they are free from all incumbrances

and that they will warrant and defend the same from all lawful claims whatsoever.

Dated: August 26, 1971

STATE OF IDAHO, COUNTY OF Bear Lake
On this 27 day of August, 19 71,
before me, a notary public in and for said State, personally
appeared
Harold A. Kunz and Barbara C. Kunz,
husband and wife

known to me to be the person^s whose name^s
subscribed to the within instrument, and acknowledged to
me that they executed the same.

[Signature] Notary Public
Residing at _____, Idaho
Comm. Expires November 10, 1973

STATE OF IDAHO, COUNTY OF Bear Lake
I hereby certify that this instrument was filed for record at
the request of Southeast Title & Realty Co.
at 3 minutes past 10 o'clock A.M.
this 30 day of August
19 72, in my office, and duly recorded in Book 14, no. 10 file
of Deeds at page _____

James B. Huskins
Ex-Officio Recorder
By Jessamine Barber Deputy.

Fee \$ 1.00
Mail to: Southeast Title & Realty Co.
Montpelier, Idaho 83251

INSTRUMENT No.

39071

INDEXED

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JUL 30 2009

Department of Water Resources

11- 7642

parties of the second part:

WITNESSETH, That the said part 1.9 of the first part, for and in consideration of the sum of _____ ONE DOLLAR AND OTHER VALUABLE CONSIDERATION _____ DOLLARS lawful money of the United States of America to them _____ in hand paid by the said part Y. of the second part, the receipt whereof is hereby acknowledged, he Y. granted, bargained, sold, aliened, remised, released, conveyed and confirmed, and by these presents do GRANT, BARGAIN, SELL, ALIEN, REMISE, RELEASE, CONVEY, and CONFIRM unto the said part X. of the second part, and to _____ heirs and assigns forever, all that certain piece or parcel of land, situated in the County of Bear Lake, State of Idaho, and known and described as follows, to-wit:

Ronald L. & Sally E. Harper
1151 Main St.
Bern, Idaho 83220
208 847 0219
bernharpers@hotmail.com

Denise Kidman
Water Resource Agent
900 North Skyline Drive, Suite A
208 525 7161

RE: Warranty Deed Record

August 5, 2009

Hi Denise,

Thanks again for your help with filling on the spring to our home. We are not sure what will happen but we now are now confident that we have done all we can. Enclosed you will find a copy of the Warranty Deed that was recorded February 26, 1957 on the property that the house sits on. We will send the information from the original owners as soon as we receive it. If there is something else we should do feel free to advise us further.

Sincerely,


Ron and Sally Harper

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AUG 07 2009

Department of Water Resources
Eastern Region



State of Idaho

DEPARTMENT OF WATER RESOURCES

Eastern Region, 900 North Skyline Drive, Suite A • Idaho Falls, Idaho 83402-1718
Phone: (208) 525-7161 • Fax: (208) 525-7177 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

September 24, 2009

Ronald & Sally Harper
1151 Main
Bern ID 83220

RE: Water Right Claim No 11-7642

Dear Claimant:

The Department of Water Resources acknowledges receipt of your water right claim. Please refer to the above referenced number in all future correspondence regarding this application.

A legal notice of the claim has been prepared and is scheduled for publication in the News Examiner on November 18 and 25, 2009. If exceptions to the claim are filed you will be sent a copy of the exception(s).

The filing and advertising of the claim does not confirm the water right claimed. It will serve to record and preserve the information and the evidence, including any exception, regarding the claim.

If, at a later date, you find that you have additional information or supporting evidence that you would like to have included with the claim, you may have the information or evidence added at any time. Corrections to the claim may be made by filing an amended claim; no additional filing fees are required to amend a claim.

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. Failure to report these changes could result in a \$100.00 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

We are enclosing a copy of the claim for your records. Please feel free to contact this office if you have any questions.

Sincerely,

Sharla Cox
Administrative Assistant



State of Idaho

DEPARTMENT OF WATER RESOURCES

Eastern Region, 900 North Skyline Drive, Suite A • Idaho Falls, Idaho 83402-1718

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

November 10, 2009

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

Legal Notice Department

News Examiner

PO Box 278

Montpelier ID 83254

RE: Legal Ad

Dear Legal Dept:

Enclosed you will find a legal notice which we wish to have published in your newspaper 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 November 7, 2009. Your cooperation is appreciated.

Sincerely

Sharla Cox
Administrative Assistant

Cox, Sharla

From: Cox, Sharla
Sent: Tuesday, November 10, 2009 3:46 PM
To: 'addesignne@dcdi.net'
Subject: Legal Ad for your Paper

Contacts: News Examiner
Attachments: News Examiner.RTF



News Examiner.RTF
(17 KB)

Sharla

Sharla Cox
Administrative Assistant
Idaho Department of Water Resources
900 N. Skyline Dr. Ste. A
Idaho Falls ID 83402
208-525-7161 - telephone
208-525-7177 - fax
sharla.cox@idwr.idaho.gov

The following claim(s) have been filed based on diversion and beneficial use of water:

11-7642

RONALD AND SALLY HARPER

1151 MAIN

BERN ID 83220

Point(s) of Diversion: NENESE S26 T12S R43E, BEAR LAKE County

Source SPRING, Tributary BEAR RIVER

Use: DOMESTIC	01/01 To 12/31	0.04 CFS
STOCKWATER	01/01 To 12/31	0.02 CFS

Total Diversion:	0.06 CFS
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Priority Date: 2/27/1957

Place Of Use: DOMESTIC AND STOCKWATER

T12S R43E S26 NESE

Exceptions to a claim may be filed with the Department of Water Resource, Eastern Region, 900 N Skyline Dr Ste A, Idaho Falls ID 83402 together with an exception fee of \$25.00.

GARY SPACKMAN, Interim Director

Published on November 18 and 25, 2009