

AFFIDAVIT OF PUBLICATION
The Rigby Star

RECEIVED
APR 5 1968
Department of Reclamation

STATE OF IDAHO, }
County of Jefferson } ss.

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

And affiant further says that said attached notice, advertisement or publication as per clipping attached, was published in said newspaper in the regular and entire issue thereof, and not in any supplement issue thereof, for Two consecutive issues thereof;

first publication having been made on the 7th day of March, 1968 and the last publication on the

14th day of March, 1968

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

Hope B Jones

Subscribed in my presence and sworn to before me this 4th day of April, 1968
(SEAL)

R. Keith Higginson
Notary Public for the State of Idaho,
Residence and P.O. Address Rigby Idaho.

My commission expires _____, 19__

Publication Fee: \$_____

MY COMMISSION EXPIRES JULY 15, 1969

**NOTICE OF CLAIM TO A
WATER RIGHT**
No. 25-4001

Notice is hereby given that L. A. Hartert & Company, Box 820, Idaho Falls, Idaho has filed a claim to a water right established by diversion and application to beneficial use of 2.0 (cubic feet per second) of water from a subterranean source with point of diversion in SSE $\frac{1}{4}$ NE $\frac{1}{4}$, sec. 16, T. 5 N, R. 38 E, B.M., Jefferson County; the water is claimed to be used for irrigation purposes from April 15 to October 15 with a priority of May 1, 1950 for 2.0 c.f.s.; the place of use is NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, sec. 16, T. 5 N, R. 38 E, B.M.

Any exception to this claim of water right may be filed with the Department of Reclamation.

R. KEITH HIGGINSON
State Reclamation Engineer
Publish: March 7, 14, 1968.

bill submitted 4-15-68

25-4001

Identification No. 35-4072
25-4001 P

Claim No. 423121

Map No. _____

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
CLAIM TO A WATER RIGHT

Established by Diversion and Application to Beneficial Use

Under the provisions of Section 42-225a, Idaho Code, a person may file a claim to a right to use water which has been established by diversion and application to beneficial use. **The filing of this claim does not confirm the water right but will serve for information purposes only.** It may, however, become the basis for future adjudication of the water right by the Court.

(Please refer to the instructions on the back of this form)

1. Name of claimant L. A. HARTERT & COMPANY
post office address P. O. Box 820, Idaho Falls, Idaho

2. The point of diversion is in SE $\frac{1}{4}$ of NE $\frac{1}{4}$ Section 16 Township 5N
Range 38 E. B.M. located on (underground water)
(name of source)

tributary to _____ in Jefferson County.

3. Dates of priority claimed: list the priority for each separate quantity that you claim. Priority dates should be based upon the earliest diversion of the water which has resulted in continued beneficial use since that time. If there has been an interval of five years or greater when the water was not beneficially used for the same purpose as originally appropriated, the priority that you claim should date from the time that the water was again beneficially applied following the period of non-use.

a. Date of priority claimed:

May 1, 1950 amount: 2.00 c.f.s. or _____ acre feet
_____ amount: _____ c.f.s. or _____ acre feet
_____ amount: _____ c.f.s. or _____ acre feet
Total claimed 2.00 c.f.s. or _____ acre feet.

b. Explain the purpose for which the water has been used and the time during the year when you have used the right claimed:

use Irrigation period of use from 4-15- to 10-15 (both dates inclusive)
use _____ period of use from _____ to _____ (both dates inclusive)
use _____ period of use from _____ to _____ (both dates inclusive)
use _____ period of use from _____ to _____ (both dates inclusive).

4. Description of diverting works:

a. Surface water diversion dam and/or headgate: material is composed of _____
_____ ; length is _____ feet; height is _____ feet;
width at bottom is _____ feet; width at top is _____ feet; explain any increase in diversion capacity since structure was first built, giving dates and estimated capacities if known _____

b. Underground water diverting works: is well flowing or pumped pumped ; depth of well is 80 feet; diameter of well is 16 inches; type of pump is 50 h.p. turbine
capacity of pump is 850 g.p.m.; name and address of well driller is unknown

35-4072
25-4001

c. Conveying works: length of ditch to place of use is _____ feet; width of ditch at top is _____ feet; width of bottom of ditch is _____ feet; depth of water is _____ feet; grade of ditch per 1000 feet is _____ feet; material through which ditch passes is _____; maximum length of pipe line to first place of use is _____ feet; diameter of pipe line is _____ inches; type of pipe _____; grade of pipe per 1000 feet is _____.

d. If water is stored: name of reservoir _____;
total capacity of reservoir is _____ acre feet; active capacity of reservoir is _____ acre feet;
year construction commenced _____; year completed _____; date first used _____
period of storage is from _____ to _____; is reservoir drained each year _____;
is reservoir on or off stream _____ explain _____

has there been any enlargement of the reservoir since it was first built_____, if so, give dates and describe_____

[illegible]

Explain any significant increase in area irrigated since first use, give dates and acreages if known _____
Acreage irrigated was increased from 80 acres under a gravity system to 142
acres under a sprinkler system in 1956.

interests in the ditch are (if known) _____

1. **Introduction**
 2. **Background**
 3. **Methodology**
 4. **Results**
 5. **Discussion**
 6. **Conclusion**
 7. **References**
 8. **Appendix**
 9. **Figure 1**
 10. **Figure 2**
 11. **Figure 3**
 12. **Figure 4**
 13. **Figure 5**
 14. **Figure 6**
 15. **Figure 7**
 16. **Figure 8**
 17. **Figure 9**
 18. **Figure 10**
 19. **Figure 11**
 20. **Figure 12**
 21. **Figure 13**
 22. **Figure 14**
 23. **Figure 15**
 24. **Figure 16**
 25. **Figure 17**
 26. **Figure 18**
 27. **Figure 19**
 28. **Figure 20**
 29. **Figure 21**
 30. **Figure 22**
 31. **Figure 23**
 32. **Figure 24**
 33. **Figure 25**
 34. **Figure 26**
 35. **Figure 27**
 36. **Figure 28**
 37. **Figure 29**
 38. **Figure 30**
 39. **Figure 31**
 40. **Figure 32**
 41. **Figure 33**
 42. **Figure 34**
 43. **Figure 35**
 44. **Figure 36**
 45. **Figure 37**
 46. **Figure 38**
 47. **Figure 39**
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 51. **Figure 43**
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 65. **Figure 57**
 66. **Figure 58**
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 68. **Figure 60**
 69. **Figure 61**
 70. **Figure 62**
 71. **Figure 63**
 72. **Figure 64**
 73. **Figure 65**
 74. **Figure 66**
 75. **Figure 67**
 76. **Figure 68**
 77. **Figure 69**
 78. **Figure 70**
 79. **Figure 71**
 80. **Figure 72**
 81. **Figure 73**
 82. **Figure 74**
 83. **Figure 75**
 84. **Figure 76**
 85. **Figure 77**
 86. **Figure 78**
 87. **Figure 79**
 88. **Figure 80**
 89. **Figure 81**
 90. **Figure 82**
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 93. **Figure 85**
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 98. **Figure 90**
 99. **Figure 91**
 100. **Figure 92**
 101. **Figure 93**
 102. **Figure 94**
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 212. **Figure 204**
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 214. **Figure 206**
 215. **Figure 207**
 216. **Figure 208**
 217. **Figure 209**

name of town supplied _____

giving dates and quantities

Published in _____ Dates _____

25-4001

INSTRUCTIONS

Your claim should set forth all necessary information to describe your claimed right. Failure to give enough information may make your claim of little value. Some of the items in the form may not apply to your situation. Please use additional sheets if space provided is not sufficient to fully answer the questions.

Paragraph No.

1. Give full name and post office address of person or company making the claim.
2. Describe the point of diversion by 40-acre subdivision. Give the name of the source, the drainage to which it is tributary if surface water, and the county in which the point of diversion is located. If there is more than one point of diversion, list others in the remarks section.
3. Give the priority dates and the quantities of water that you claim. You should accurately list the dates that you initiated each new use of the water. List separately the dates and amounts of water involved in each enlargement of the diversion. (Example: if you diverted 0.8 c.f.s. of water for irrigation on May 18, 1871, for the first time for use on 40 acres of land, and then later you enlarged the diversion by diverting an additional 0.4 c.f.s. of water to irrigate an additional 20 acres of land on June 1, 1901, your right should be described as follows:

Date of priority claimed:	<u>May 18, 1871</u>	amount:	<u>0.8 c.f.s.</u>	or	<u> </u>	acre feet
	<u>June 1, 1901</u>	amount:	<u>0.4 c.f.s.</u>	or	<u> </u>	acre feet
		Total claimed:	<u>1.2 c.f.s.</u>	or	<u> </u>	acre feet

Since the water was used for irrigation between April 1 and October 31 on that particular farm, part b. would be completed as follows:

use irrigation period of use from April 1 to October 31 (both dates inclusive). If the water had been used for any other purpose, you would have described the priority date, amount, use, and period of use in a similar manner.

4. Describe the diversion works and explain any changes since the right was first initiated.
5. If the water is used for irrigation, give the total acreage and list the lands irrigated by 40-acre subdivisions and complete the other questions.
- 6, 7, & 8. Describe any other uses of water.
9. In the remarks section, give any information or details that you feel are not fully covered or that need clarifying. You might explain your operation, where the water is returned to if for an industrial or non-consumptive right, the condition and temperature of the returned water, and any other information to help explain your claim.

You may wish to include as a part of your claim, affidavits of witnesses who are familiar with your right and who have a personal knowledge of the circumstances which you have described in your claim. You may submit maps, drawings, certified copies of posted notices which may have been filed in the county courthouse, water measurement records, or any other document which you feel will support your claim.

Your claim will be advertised in a county newspaper for two weeks. Exceptions to your claim which dispute the water right that you have described may be received by the Department of Reclamation and you will be provided a copy of such exceptions.

The fee for filing this claim with the Department of Reclamation, Room 107, Statehouse, Boise, Idaho 83701, is \$10.00.

A F F I D A V I T

STATE OF IDAHO)
) ss.
County of)

RONALD B. WILSON, being first duly sworn on his oath,
deposes and says:

That he is a citizen of the United States of America,
over the age of twenty-one (21) years, and resides at 3400
North 36th Street, Boise, Idaho;

Affiant further says that he installed a sprinkler
system, pump and mainline on a well drilled in April of 1950,
on land owned by L. A. Hartert & Company first gravity irrigated
and that the well was drilled in the Southeast Quarter of the
Northeast Quarter (SE $\frac{1}{4}$ NE $\frac{1}{4}$), of Section Sixteen (16), Township
Five (5) North, Range 38, East of the Boise Meridian, to a
depth of 80 feet, with the water level varying from 36-40 feet,
16" in diameter, producing 4 cu. ft. of water, and was used to
irrigate the Northeast Quarter (NE $\frac{1}{4}$), of the same section and
range;

Affiant further says that he was aware that 2700 feet
of mainline was installed by Rogers Brothers Company of Idaho
Falls, Idaho, and that this affiant knows that this land was
originally owned by Sylner Bergeman and that he had the well
dug in April of 1950; that L. A. Hartert & Company purchased
this land in 1952 and put in a larger pump, but that the origin-
al pump used by Sylner Bergeman pumped 2 cu. ft. per sec. of
water and that the larger pump installed by L. A. Hartert &
Company also pumped 2 cu. ft. of water, but as L. A. Hartert
& Company installed the sprinkler system, they were able to
put more land under cultivation, whereas under the gravity
irrigation by Bergeman, he had to use 2" per acre for irriga-
tion and that this affiant knows that additional acreage was
irrigated after the sprinkler system was installed in 1952, on
the West Half of the Northeast Quarter (W $\frac{1}{2}$ NE $\frac{1}{4}$), of said section
and range, from 1950 to 1951, and that Bergeman used part of
the East Half of the Northeast Quarter (E $\frac{1}{2}$ NE $\frac{1}{4}$) and L. A. Hartert
& Company used the entire Northeast Quarter (NE $\frac{1}{4}$) and put same
under cultivation in 1952;

Affiant further says that he knows that Rogers Brothers
Company installed 5140 feet of mainline and 12 quarter mile
laterals, this being more than most sprinkler operations because
of the odd shape of the land being cultivated;

25-4001

That this affiant further knows that Bergamin actually just used the East Half of the Northeast Quarter (E $\frac{1}{2}$ NE $\frac{1}{4}$), from 1950 to 1951, whereas, L. A. Hartert & Company used the entire Northeast Quarter (NE $\frac{1}{4}$), starting in 1952, and first using 6 quarter mile laterals;

This affiant knows that during all this period of time, L. A. Hartert & Company has produced hay, grain and potatoes since the beginning.

Ronald B. Wilson

Subscribed and sworn to before me this 30th day of January, 1968.

Ruth Roberts

Notary Public for Idaho
Residing at Idaho Falls, Idaho
My Commission Expires: February 16, 1969

AFFIDAVIT OF PUBLICATION
The Rigby Star

RECEIVED
 APR 3 1968
 Department of Reclamation

STATE OF IDAHO, }
 County of Jefferson } ss.

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

And affiant further says that said attached notice, advertisement or publication as per clipping attached, was published in said newspaper in the regular and entire issue thereof, and not in any supplement issue thereof, for Two consecutive issues thereof;

first publication having been made on the

7th day of March, 1968
 and the last publication on the

14th day of March, 1968

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

Hope B Jones

Subscribed in my presence and sworn to before me this 4th
 day of April, 1968
 (SEAL)

[Signature]
 Notary Public for the State of Idaho,
 Residence and P.O. Address Rigby Idaho.

My commission expires _____, 19__

Publication Fee: \$_____

My commission expires JULY 15, 1969

NOTICE OF CLAIM TO A WATER RIGHT

Notice is hereby given that L. A. [Name] & Company, Box 328, Idaho [Address] has filed a claim to a water right established by diversion and application to beneficial use of [Amount] cubic feet per second of water from a substantial source with [Amount] of diversion in [Location], [County], Idaho. The claim is claimed to be used for irrigation from April 15 to October 15, 1968. The use is for [Purpose].

Any objection to the water right may be filed with the Department of Reclamation.

B. KURT HIGGINSON
 State Reclamation Engineer
 Publish: March 7, 1968.

25-4001

April 15, 1908

Re: Claim No. 25-4001

L. A. Hartert & Company
P. O. Box 320
Idaho Falls, Idaho

Gentlemen:

Your claim to a water right has been received and processed by the Department of Reclamation. The information in your claim is filed under Claim No. 25-4001.

Enclosed is receipt No. 540 in the amount of \$10.00 for your filing fee. Please contact us if we may be of further assistance.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:ks

Enclosure: Receipt No. 540

cc: Gilbert C. St. Clair

25-4001

April 3, 1968

Re: Application for Water No. 25-4001 and 25-4002
L. A. Hartert & Company

Rigby Star
Rigby,
Idaho 83442

Gentlemen:

As of this date we have not received an affidavit of publication or a bill of publication for the above referenced applications. We are enclosing a copy of our transmittal letter to clarify our previous instructions.

Your prompt attention to this matter will be greatly appreciated.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:ks

Enclosure: Copy of transmittal letter

C
O
P
Y

25-4001

**NOTICE OF CLAIM TO A
WATER RIGHT
No. 25-4001**

Notice is hereby given that L. A. Hartert & Company, Box 320, Idaho Falls, Idaho has filed a claim to a water right established by diversion and application to beneficial use of 2.0 (cubic feet per second) of water from a subterranean source with point of diversion in SSE 1/4 NE 1/4, sec. 16, T. 5 N, R. 38 E, B.M., Jefferson County; the water is claimed to be used for irrigation purposes from April 15 to October 15 with a priority of May 1, 1950 for 2.0 c.f.s.; the place of use is NE 1/4, NE 1/4 NW 1/4, sec. 16, T. 5 N, R. 38 E, B.M.

Any exception to this claim of water right may be filed with the Department of Reclamation.

R. KEITH HIGGINSON

State Reclamation Engineer

Publish: March 7, 1968.

March 1, 1968

Re: Claim No. 25-4001
L.A. Hartert & Company

Rigby Star
Rigby,
Idaho 83442

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing ample time for you to submit us a galley proof for review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted assuming the notice is correct. If we have any corrections, we will notify you before the first publication date. If you can not publish the notice on the proposed dates please contact us immediately.

An affidavit of publication must be submitted to the Department of Reclamation, along with the publication bill. In order to receive payment, the following certification must appear on the bill:

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of same has been paid.

(Do not sign letter)

Signature of claimant

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:ks

Enclosure: legal notice

NOTICE OF CLAIM TO A WATER RIGHT

No. 25-4001

Notice is hereby given that L. A. Hartert & Company, Box 820, Idaho Falls,
Idaho has filed a claim to a water right established
by diversion and application to beneficial use of 2.0 (cubic feet per second)
(~~acre/feet~~) of water from a subterranean source with point of diversion
in SE¹/₄NE¹/₄, sec. 16, T. 5 N, R. 38 E, B.M., Jefferson County;
the water is claimed to be used for May 1, 1950 irrigation
purposes from April 15 to October 15 with a priority of May 1,
1950 for 2.0 c.f.s.; the place of use is NE¹/₄, NE¹/₄NW¹/₄, sec. 16, T.
5 N, R. 38 E, B.M.

Any exception to this claim of water right may be filed with the Department of
Reclamation.

R. KEITH HIGGINSON
State Reclamation Engineer

Published in the Rigby Star, Rigby,
Idaho, on March 7 and March 14.

25-4001

LAW OFFICES
ST. CLAIR, ST. CLAIR & HILLER
HASBROUCK BUILDING
P. O. BOX 29
IDAHO FALLS, IDAHO 83401
TELEPHONE 522-2350

ROBERT W. ST. CLAIR
GILBERT C. ST. CLAIR
MORTON B. HILLER
WILLIS B. BENJAMIN

February 19, 1968

CLENCY ST. CLAIR (1871-1957)
PAUL T. PETERSON (1892-1967)

Idaho Department of Reclamation
State House
Boise, Idaho

Re: L. A. Hartert & Co.
Claim to Water Right

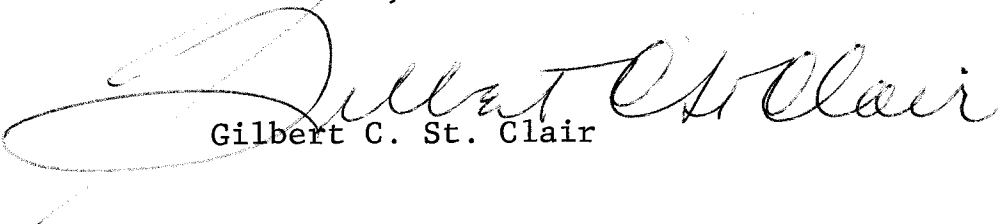
Gentlemen:

Enclosed please find two claims to Water Rights,
both in duplicate, Affidavits in support of such claims,
and a check of L. A. Hartert & Company in the amount of
\$20.00 to cover same, for filing.

Thanking you, we are

Very truly yours

ST. CLAIR, ST. CLAIR & HILLER


Gilbert C. St. Clair

GCS:ms
Encls.

RECEIVED
FEB 20 1968
Department of Reclamation

25-4001