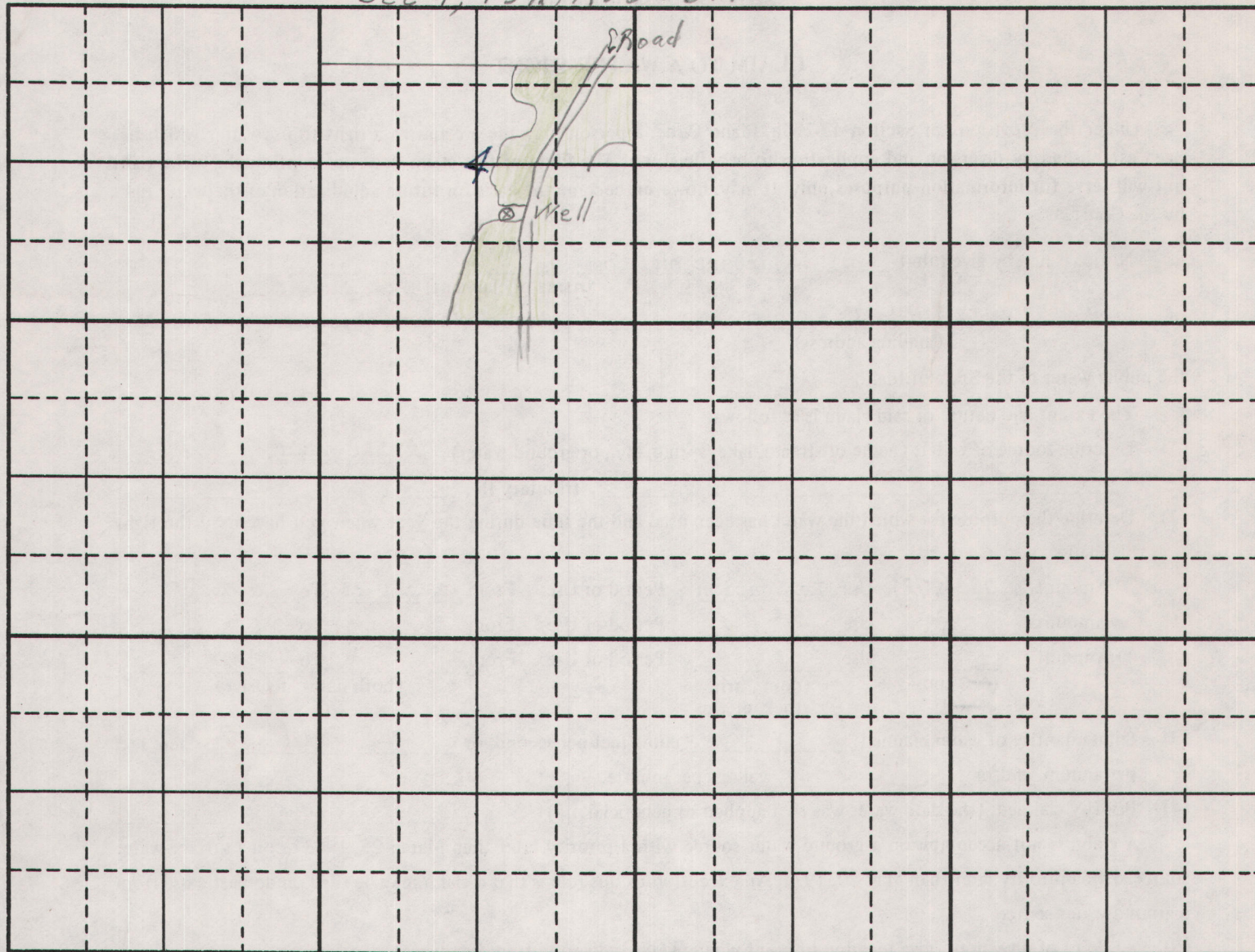


(8) Remarks \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Sec 4, T5N, R38E, B1M



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho )  
 ) ss.  
 County of Bonneville )

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

By L. A. HARTERT & COMPANY  
Richard A. Hartert, Sec'y.  
 (Claimant)

Sworn to before me this 1st day of February, 19 78.

Linda Ely  
 Notary Public  
 Residing at Idaho Falls, Idaho

My commission expires Permanent

For Department Use Only

|                                       |                     |                     |              |      |
|---------------------------------------|---------------------|---------------------|--------------|------|
| Received by <u>CW</u>                 | Date <u>2-01-78</u> | Exception filed by: | Forwarded to | Date |
| Prelim. check by <u>JAG</u>           | Date <u>2/1/78</u>  |                     | claimant by: |      |
| \$10.00 fee received by <u>CW</u>     | Date <u>2-01-78</u> |                     |              |      |
| Approved for publication by <u>me</u> | <u>2-01-78</u>      |                     |              |      |
| Published in <u>Ligby Star</u>        |                     |                     |              |      |
| Dates <u>Feb. 19 &amp; 16, 1978</u>   |                     |                     |              |      |

Affidavit of Publication

THE RIGBY STAR

**RECEIVED**

FEB 21 1978

Department of Water Resources  
Eastern District Office

**NOTICE OF CLAIM  
TO A WATER RIGHT**

No. 35-4068

NOTICE IS HEREBY GIVEN that L. A. Hartert & Company, Idaho Falls, Idaho has filed a claim to a water right established by diversion and application to beneficial use of 0.78 cubic feet per second of water from a ground-water source with point of diversion in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ , Sec. 4, T. 5N, R. 38E, B.M., Jefferson County.

The water is claimed to be used from Apr. 20 to Oct. 1 for the irrigation of 61 acres with a priority of May, 1948; the place of use is within the NE $\frac{1}{4}$ , SE $\frac{1}{4}$ SW $\frac{1}{4}$ , W $\frac{1}{2}$ SE $\frac{1}{4}$ , Sec. 4, T. 5N, R. 38E, B.M.

Any exception to this claim of water right may be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401.

C. Stephen Allred  
Director

Published in the Rigby Star, Rigby, Idaho on February 9 and 16, 1978.

STATE OF IDAHO,

County of Jefferson

ss

I, Russell Jones, do solemnly swear that I am the Editor 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 at the times herein mentioned said 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 2 consecutive issues thereof; first publication having been made on the

Ninth day of February, 1978

and the last publication on the

Sixteenth day of February, 1978

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 bonafide subscribers in Jefferson County.

Russell Jones  
Editor

Subscribed in my presence and sworn to before me this Sixteenth day of February, 1978.

[SEAL]

Evelyn M. F. Flegler  
Notary Public for the State of Idaho  
Residence and P. O. Address, Rigby, Idaho.

My commission expires Non-Exper, 19    

Publication Fee: \$ 12.09

**MICROFILMED**

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
Section 42-225a, Idaho Code

CLAIM TO A WATER RIGHT

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.

Notice is hereby given that L. A. Hartert and Company  
(name of claimant)  
of Box 820, Idaho Falls, Idaho, claims a right to the diversion and beneficial use of  
(mailing address)  
the public water of the State of Idaho

The extent and nature of said claim is as follows:

(1) Describe source of water: (name of stream, lake, spring, etc., or ground water) ground water  
\_\_\_\_\_, tributary to, \_\_\_\_\_

(2) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

Amount 350 (6.78) Use Irrigation Period of Use: From April 20 To October 1  
Amount \_\_\_\_\_ Use \_\_\_\_\_ Period of Use: From \_\_\_\_\_ To \_\_\_\_\_  
Amount \_\_\_\_\_ Use \_\_\_\_\_ Period of Use: From \_\_\_\_\_ To \_\_\_\_\_  
(cfs, gpm (dom., irri., stock, etc.) (both dates inclusive)

(3) Total quantity of water claimed: \_\_\_\_\_ cubic feet per second, or \_\_\_\_\_ acre feet  
per annum, and/or 350 gallons per minute.

(4) Priority claimed: (the date water was first applied to beneficial use) May, 1948

A claim is not acceptable on a ground-water source with a priority later than March 25, 1963 or on a surface-water source with a priority later than May 20, 1971. An exception to this rule is that a claim may be filed on domestic use from a ground-water source.

(5) A) Point of diversion: (give location of point where water is diverted from its source)  
NW ¼ SE ¼, Sec. 4 Twp. 5N Rge. 38 B. M. County of Jefferson  
Additional points of diversion: \_\_\_\_\_

B) Describe means of diversion of water: (pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.) Give sizes and capacities; be as specific as possible. Electric pump & sprinkler  
20 H.P. motor, 350 gpm

(6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

| T  | R  | SEC. | NE¼ |     |     |     | NW¼ |     |     |     | SW¼ |     |     |     | SE¼ |     |     |     | TOTAL |
|----|----|------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-------|
|    |    |      | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ |       |
| 5N | 38 | 4    | 4   | 2   | 9   | 4   |     |     |     |     |     |     | 7   |     | 17  | 18  |     |     | 61    |
|    |    |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |       |
|    |    |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |       |
|    |    |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |       |
|    |    |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |       |
|    |    |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |       |
|    |    |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |       |
|    |    |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |       |
|    |    |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |       |
|    |    |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |       |

Total No. of acres 61

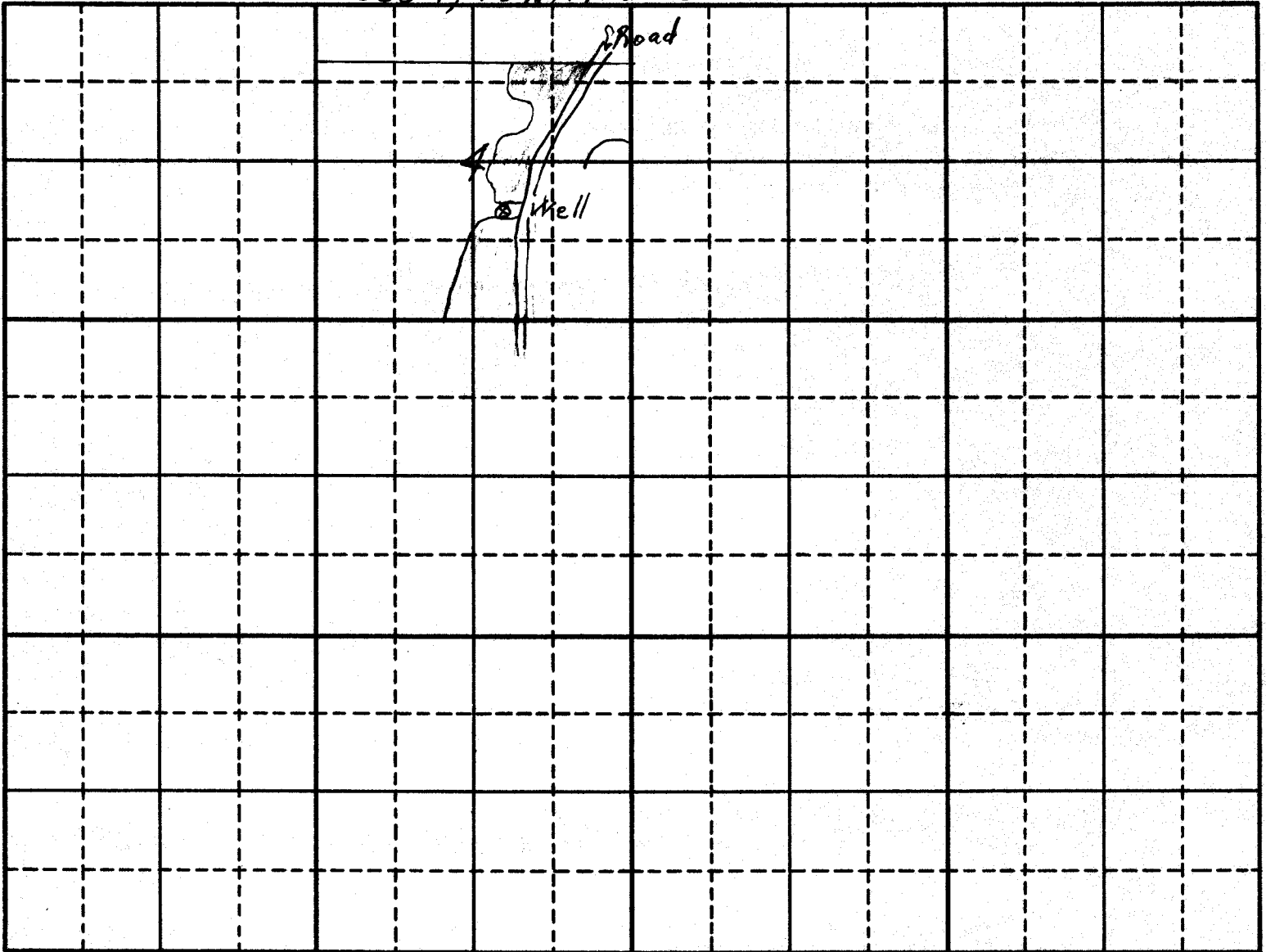
B) If the water is used for other than irrigation, fully describe that use, being as specific as possible: N/A

If you are claiming water as a member of an organization, list name of organization: N/A

MICROFILMED

(8) Remarks \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Sec 4, T5N, R38E, B1M



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho )  
County of Bonneville ) ss.

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

By L. A. HARTERT & COMPANY  
Richard A. Hartert, Secretary,  
(Claimant)

Sworn to before me this 1st day of February, 19 78.

Freda Ely  
Notary Public  
Residing at Idaho Falls, Idaho

My commission expires Permanent

For Department Use Only

|                                       |                     |                     |              |      |
|---------------------------------------|---------------------|---------------------|--------------|------|
| Received by <u>CW</u>                 | Date <u>2-01-78</u> | Exception filed by: | Forwarded to | Date |
| Prelim. check by <u>JH</u>            | Date <u>2/1/78</u>  |                     | claimant by: |      |
| \$10.00 fee received by <u>CW</u>     | Date <u>2/01-78</u> |                     |              |      |
| Approved for publication by <u>me</u> | <u>2-01-78</u>      | <u>#9815</u>        |              |      |
| Published in <u>Highway Star</u>      |                     |                     |              |      |
| Dates <u>Feb. 09 &amp; 16, 1978</u>   |                     |                     |              |      |

IN THE MATTER OF:

State of Idaho

County of Bonneville

RECEIVED  
ADMINISTRATIVE

FEB 1 1978

Department of Water Resources  
Eastern District Office

Merritt Johns

being first duly sworn,

deposes and says: In May of 1948 I helped my father, H. R. Johns, drill an

irrigation well for Herman Gohr. It was 105' deep. The location is in

the W $\frac{1}{2}$  of SE $\frac{1}{4}$  of Sec. 4. T5 N. R 38 EBM.

Merritt R. Johns  
(signature)

Subscribed and sworn to before me this 1st day of February 19 78.

Freda Ely  
(notary public)

Residing at Idaho Falls, Idaho  
My commission expires Permanent

MICROFILMED

# Affidavit of Publication

THE RIGBY STAR

FEB 21 1978

Department of Water Resources  
Eastern District Office

## NOTICE OF CLAIM TO A WATER RIGHT

No. 35-4068

NOTICE IS HEREBY GIVEN that L. A. Hartert & Company, Idaho Falls, Idaho has filed a claim to a water right established by diversion and application to beneficial use of 0.78 cubic feet per second of water from a ground-water source with point of diversion in the NW 1/4 SE 1/4, Sec. 4, T. 5N, R. 38E, B.M., Jefferson County.

The water is claimed to be used from Apr. 20 to Oct. 1 for the irrigation of 61 acres with a priority of May, 1948; the place of use is within the NE 1/4, SE 1/4 SW 1/4, W 1/2 SE 1/4, Sec. 4, T. 5N, R. 38E, B.M.

Any exception to this claim of water right may be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401.

C. Stephen Allred  
Director

Published in the Rigby Star, Rigby, Idaho on February 9 and 16, 1978.

STATE OF IDAHO,

County of Jefferson

ss

I, Russell Jones, do solemnly swear that I am the Editor 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.

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Ninth day of February, 1978

and the last publication on the

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Russell Jones  
Editor

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[SEAL]

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

My commission expires Non-Exper, 19  

Publication Fee: \$ 12.09



STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
EASTERN REGION

John V. Evans  
Governor

C. Stephen Allred  
Director

1515 Lincoln Road  
Idaho Falls, Idaho 83401  
(208) 523-7186

February 27, 1978

RE: Claim to a Water Right No. 35-4068

L. A. Hartert and Company  
Box 820  
Idaho Falls, Idaho 83401

Gentlemen:

The Department of Water Resources has completed the processing of your claim to a water right and no further action is authorized under Sections 42-225a and 42-225b, Idaho Code. Your claim will be retained in our files and will be available at any time for use by you or the court.

As you are aware, the filing of your claim does not, in itself, guarantee you a water right; it only records and preserves the information and the evidence which you included in your claim.

If, at a later date, you find that you have additional information or supporting evidence that you would like to have included in your claim file, you may have that information or evidence added at any time. Please refer to your claim number when corresponding with this office.

We are enclosing, for your records, a copy of your claim. If you have any questions or if we can be of further assistance, please feel free to call upon us.

Very truly yours,

RONALD D. CARLSON  
Supervisor  
Eastern Region

RDC:CD

Enclosure

February 3, 1978

RE: Application for Permit No. 25-7144 DUTSON  
35-7780 WELLS  
Claim to a Water Right No. 35-4068 HARTERT

Rigby Star  
P.O. Box 37  
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 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. 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.

Very truly yours,

RONALD D. CARLSON  
Supervisor,  
Eastern Region

Bill submitted 2-21-78 by CW

RDC:CW

Enc: Legal Notice (3)

NOTICE OF CLAIM TO A WATER RIGHT

NO. 35-4068

Notice is hereby given that L. A. Hartert & Company,  
Idaho Falls, Idaho

has filed a claim to a water right established by diversion and application  
to beneficial use of 0.78 cubic feet per second ~~acre feet per annum~~  
of water from a ground-water source

with point of diversion in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ , Sec. 4, T. 5N, R. 38E, B.M.,  
Jefferson County

The water is claimed to be used from Apr. 20 to Oct. 1 for the  
irrigation of 61 acres

with a priority of May, 1948;  
the place of use is within the NE $\frac{1}{4}$ , SE $\frac{1}{4}$ SW $\frac{1}{4}$ , W $\frac{1}{2}$ SE $\frac{1}{4}$ , Sec. 4, T. 5N,  
R. 38E, B.M.

Any exception to this claim of water right may be filed with the Idaho  
Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401.

C. STEPHEN ALLRED  
XXXXXXXXXXXXXXXXXXXXX  
R. KEITH HIGGINSON

Director

Published in the Rigby Star, Rigby, Idaho  
on February 9 and February 16, 1978

*D.M.  
C.W.-h*

RECORDED