

No Color  
Documents  
In File

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES



CLAIM TO A WATER RIGHT

Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that Hervin &/or Dwight Hemmert  
St. Charles, Idaho 83272 (Name of Claimant) 945-2426  
(Mailing Address) (Zip Code) Telephone No.

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

(1) Date of priority: (When was the water first applied to a beneficial use) May, 1916

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 is that a claim may be filed on single family domestic use from a ground water source.

(2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water) spring tributary to sinks

(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, af)       |  | (Domestic, Irrigation, Stock, Etc.) |  | (Both dates inclusive) |             |
|-----------------|--|-------------------------------------|--|------------------------|-------------|
| Quantity        |  | Use                                 |  | (Mo., Day)             | (Mo., Day)  |
| <u>0.02 cfs</u> |  | <u>stockwater</u>                   |  | <u>5/1</u>             | <u>11/1</u> |
| Quantity        |  | Use                                 |  | Period of Use From     | To          |
| Quantity        |  | Use                                 |  | Period of Use From     | To          |
| Quantity        |  | Use                                 |  | Period of Use From     | To          |
| Quantity        |  | Use                                 |  | Period of Use From     | To          |
| Quantity        |  | Use                                 |  | Period of Use From     | To          |

(4) 0.02 cfs TOTAL QUANTITY USED.  
(cfs, af)

(5) A) Point of diversion: (Location of point where water is diverted from its source)  
NW ¼ NE ¼, Sec. 9 Twp. 16S Rge. 45E B.M., County of Bear Lake  
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. Describe any changes in the system and give the date of the change.  
small pipe to pond and tank from spring

(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 |       |
| 16S | 45E | 9    |     | X   |     |     |     |     |     |     |     |     |     |     |     |     |     |     |       |
|     |     |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |       |
|     |     |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |       |
|     |     |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |       |
|     |     |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |       |
|     |     |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |       |
|     |     |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |       |
|     |     |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |       |
|     |     |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |       |

No. of acres

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

NOTE: Include here the type and number of stock watered: 200 head rangal cattle

(7) If you are claiming water as a member of an organization, list name of organization:

Scale: 2 inches equal 1 mile.

A grid map with a solid border and dashed internal lines. The grid is 10 units wide and 10 units high. A small square is marked with an 'X' at the intersection of the 4th vertical line from the left and the 6th horizontal line from the bottom. An arrow points from the text 'Place of Use' to this marked square. Below the marked square, the text 'Point of Dispersion' is written. To the right of the marked square, the text 'T. 16 South' is written. Below that, the text 'R. 45 East' is written.

Place of Use

Point of Dispersion

T. 16 South

R. 45 East

State of Idaho )  
County of ) ss. )  
*Donnell*

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 affiant's knowledge.

attiant's knowledge.

Sworn to before me this 27 day of \_\_\_\_\_

Notary Public  
Residing at \_\_\_\_\_

*John Hall*

My commission expires

6-15-85

FOR DEPARTMENT USE ONLY

Forwarded to  
claimant by:

Date \_\_\_\_\_

Received by                      Prelim. check by S.M. \$30.00 fee received by                      Published in News & Experiment Dates 9/15-9/18/83

99950#  
8-29-8  
8-12-1983  
8-29-8

10/11/1953 5:00 PM  
3/8/6 5:11 PM

1983 #916  
386

**RECEIVED**  
**AFFIDAVIT OF PUBLICATION**

OCT 13 1983

Department of Water Resources  
Eastern District Office

IDAHO,  
Bear Lake } ss.

Maria B. Nye  
being duly sworn,

I say:  
the Publisher of THE  
MINER, a weekly newspaper published at Mont-  
pelier, County of Bear Lake and State of Idaho; and  
has been and is in general circulation in the  
vicinity of Montpelier; that the  
newspaper, a copy of which is attached hereto, was pub-  
lished once a week for 2 con-  
secutive issues in the regular and entire issue of said paper  
during the period and time of publication, and was published  
as a newspaper proper and not a supplement; that said  
newspaper has been established and regularly published for more  
than eight consecutive weeks prior to the date of  
publication of said advertisement.

It was published in the issue beginning with  
September 1, 1983, and ending  
on September 8, 1983.  
Maria B. Nye

and sworn to before me this 13th day  
September, 1983.  
William A. Driscoll

Notary Public, Residing at Montpelier, Idaho  
Commission Expires Lifetime, 19    

LEGAL NO. 2386  
OFFICE OF CLAIMS TO  
WATER RIGHTS  
The following claim(s) have been filed on  
water right(s) created by diversion and  
beneficial use:  
11-4266  
HEMMERT, HERVIN &/or DWIGHT  
ST. CHARLES, ID 83272  
Source: SPRING trib. to SINKS  
Priority Date: 05/01/1916  
Diversion Pt: NWNE Sec 09 T 16S R 45E  
Use: STOCKWATER (0.02 CFS)  
In: NWNE Sec 09 T 16S R 45E  
11-4264  
KUNZ, ROGER L.  
875 LUCILLE, POCATELLO, ID 83201  
Source: POND trib. to SINKS  
Priority Date: 06/01/1958  
Diversion Pt: SWSW Sec 36 T 12S R 43E  
Use: IRRIGATION (0.80 CFS)  
STOCKWATER (0.04 CFS)  
In: SWSW Sec 36 T 12S R 43E NWNW Sec 01  
T 13S R 43E FOR 40 ACRES  
11-4263  
HULME, CHARLES E. &/or MELVIN J.  
BLOOMINGTON, ID 83223  
Source: SPRING trib. to DRY CREEK  
Priority Date: 11/06/1901  
Diversion Pt: SWNW Sec 28 T 14S R 43E  
Use: STOCKWATER (0.03 CFS)  
In: SWNW Sec 28 T 14S R 43E  
11-4262  
HULME, CHARLES E. &/or MELVIN J.  
BLOOMINGTON, ID 83223  
Source: SPRING  
Priority Date: 12/23/1914  
Diversion Pt: SENE Sec 28 T 14S R 43E  
Use: STOCKWATER (0.03 CFS)  
In: SENE NESE Sec 28 T 14S R 43E  
11-4261  
HULME, CHARLES E. &/or MELVIN J.  
BLOOMINGTON, ID 83223  
Source: SPRING trib. to DRY CREEK  
Priority Date: 05/14/1920  
Diversion Pt: NWSW Sec 28 T 14S R 43E  
Use: STOCKWATER (0.04 CFS)  
In: NWSW Sec 28 T 14S R 43E  
11-4260  
HALL FAMILY TRUST  
2643 IOWA ST., OGDEN, UT 84401  
Source: SPRING trib. to THOMAS FORK  
CREEK  
Priority Date: 05/09/1929  
Diversion Pt: SESW Sec 07 T 12S R 46E  
NENW NWNE NENE Sec 18 T 12S R 46E  
NWNW Sec 17 T 12S R 46E  
Use: STOCKWATER (0.10 CFS)  
In: SESW Sec 07 T 12S R 46E NWNW Sec 17  
T 12S R 46E NENE NWNE NENW Sec 18  
T 12S R 46E  
11-4259  
HALL FAMILY TRUST  
2643 IOWA ST., OGDEN, UT 84401  
Source: SPRING trib. to THOMAS FORK  
CREEK  
Priority Date: 03/25/1921  
Diversion Pt: SESW Sec 07 T 12S R 46E  
NENW NWNE NENE Sec 18 T 12S R 46E  
NWNW Sec 17 T 12S R 46E  
Use: STOCKWATER (0.10 CFS)  
In: SESE Sec 07 T 12S R 46E SWSW Sec 08  
T 12S R 46E  
Exceptions to a claim may be filed with the  
Director, Dept. of Water Resources, 150  
Shoup Ave., Suite 15, Idaho Falls, Idaho  
83402.  
KEN DUNN, Dir.  
9-1, 9-3  
79 LINES

01 WATER RIGHT NUMBER - 11-4266 02 OLD (D) NUMBER -

03001 - HEMMERT LAST NAME 04001 - HERVIN FIRST NAME 05001 - C ORIG. OWNER 03002 - HEMMERT 04002 - DWIGHT 05002 - C

06 ADD LINE 1 - 07 ADD LINE 2 - 08 ADD LINE 3 - 09 CITY - ST. CHARLES 10 STATE - ID 11 ZIP - 83272

12 STAGE - S STATUTORY CLAIM 13 STATUS - 14001 - SPRING SOURCE 15001 - SINKS TRIBUTARY OF

16 DIVERSION MEANS - PIPE, POND & TANK 17 COUNTY - 07 BEAR LAKE 18 DIVERSION CAPACITY - .000 19 TOTAL DIVERSION RATE - .020 20 TOTAL DIVERSION VOLUME - .00

21 WATER DISTRICT -

| TRACT   | SEC  | TWN        | RNG         | LOT         | RFLG            | STREAM    | INDEX | FIELD | S   |
|---------|------|------------|-------------|-------------|-----------------|-----------|-------|-------|-----|
| 22001 - | NWNE | 23001 - 09 | 24001 - 16S | 25001 - 45E | 26001 - 27001 - | 28001 - 0 | 0.0   | 0.0   | 0.0 |

29 NON-IRRIGATION USE - S/200 RANGE CATTLE

| USE CODE / USE        | TWN         | RNG         | PLACE OF USE | TRACT        | ACRES   | LOT     | TOTAL ACRES: 0 |
|-----------------------|-------------|-------------|--------------|--------------|---------|---------|----------------|
| 30001 - 04 STOCKWATER | 31001 - 16S | 32001 - 45E | 33001 - 09   | 34001 - NWNE | 35001 - | 36001 - |                |

| PERIOD FROM  | PERIOD TO    | USE CODE / USE        | WATER USE | DIVERSION RATE | DIVERSION VOLUME |
|--------------|--------------|-----------------------|-----------|----------------|------------------|
| 37001 - 0501 | 38001 - 1101 | 39001 - 04 STOCKWATER | 40001 -   | 0.020          | 41001 - 0.00     |

42 DECREE PLAINTIFF NAME - 43 DECREE DEFENDANT NAME -

44001 - REMARKS

APPROVAL CONDITIONS: 45001 -

46 OTHER RIGHTS FOR SAME USE -

| 47 PRIORITY       | DATE       | 55 LICENSE          | DATE | 63 TRANSFER/AMENDED |
|-------------------|------------|---------------------|------|---------------------|
| 48 PROOF DUE      | 1-MAY-1916 | 56 APPL RECEIVED    |      | 64 DLE/CAREY ACT    |
| 49 PROOF MADE     |            | 57 FIELD EXAM MADE  |      | 65 FLAG_1           |
| 50 APPROVE/DENIED |            | 58 DECREE           |      | 66 FLAG_2           |
| 51 PROTESTED      |            | 59 START WORK       |      | 67 FLAG_3           |
| 52 HEARING        |            | 60 ORDER SHOW CAUSE |      |                     |
| 53 VERIFIED       |            | 61 DATE_1           |      |                     |

WRR100  
11-4266

IDAHO DEPARTMENT OF WATER RESOURCES  
WATER RIGHTS PROOF READING REPORT

PAGE 2  
16-DEC-1985 10:39:24

----- D A T E S -----  
54 LAST UPDATE - 29-AUG-1983 62 DATE\_2 -

VERIFIED JKN  
3/17/86

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
Eastern Region

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150 Shoup Ave., Suite 15  
Idaho Falls, Idaho 83402  
(208) 525-7161

SEPTEMBER 19, 1983

MICROFILMED

HERVIN HEMMERT  
DNIGHT HEMMERT  
ST. CHARLES

ID 83272

RE: Claim No. 11-4266

Dear Claimant:

The Department of Water Resources has completed the advertising of your claim to a water right, and no further action is authorized under Section 42-243 and 42-244, IDAHO CODE. Your claim will be retained in our files and will be available at any time for use by you or the court.

The filing and advertising of the claim does not confirm the water right claimed, but will serve to record and preserve 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 with the claim, you may have that information or evidence added at any time. Please refer to the claim identification number when corresponding with this office.

We are enclosing a copy of your claim for your records. If you have questions, or if this office may be of further assistance, please feel free to contact us.

Yours truly,

RONALD D. CARLSON  
Eastern Region Supervisor

Enclosure



STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
EASTERN REGION

John V. Evans  
Governor

A. Kenneth Dunn  
Director

150 Shoup — Suite 15  
Idaho Falls, Idaho 83402  
(208) 525-7161

September 20, 1983

RE: Claim to a Water Right No. 11-4266 HEMMERT  
11-4264 KUNZ  
11-4263 HULME  
11-4262 "  
11-4261 "  
11-4260 HALL  
11-4259 "

News-Examiner  
P.O. Box 278  
Montpelier, ID 83254

Gentlemen:

Would you please submit an affidavit of publication and certified bill in connection with the above referenced application(s). The legal notice was to have been published in your paper on September 1 and 8, 1983.

Your cooperation in this matter is greatly appreciated.

Very truly yours,

COLLEEN WRAY  
Adm. Secretary

*Called  
10-7-83*

State of Idaho  
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: Steve McCormick

Right Number 11 4266 Applicant Hemmett

NOTE: IF ANY OF THE ITEMS BELOW ARE MISSING, THE CLAIM IS INCOMPLETE AND MUST BE RETURNED IMMEDIATELY TO THE CLAIMANT ALONG WITH THE APPROPRIATE COVER LETTER.

CHECK:

- ☒ Name and address.
- ☒ Date of priority. (Check for a date past the mandatory filing dates.) (One date only.)
- ☒ Source.
- ☒ Quantity, use, period.
- ☒ Point(s) of diversion.
- ☒ Location of use.
- ☒ Signature/notarization/fee.

Sept 19, 1983

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received.
- ☒ Claim published correctly.
- ☒ Exceptions processed.

By Ernest Carlier Date Oct 17, 1983

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By AC Date 10/25/83

RECEIVED  
OCT 28 1983

Department of Water Resources

IDENT. NO.

11-4500

WATER RIGHT  
DATA ENTRY LOG

Date \_\_\_\_\_

Item

BP

8/24/83

Original form entered

Edit Report Correct

Date Protested

Date of Hearing

Date Approved/Denied  
(Proof due date, stage and/or status,  
conditions of approval, water district)

Record Verified

Amendment Approved

Extension Approved

### Partial Proof

**Proof Complete**

Field Exam Received

Field Exam Accepted  
and changes entered

License Updated

Transfer Updated

Keypunched by State Office

11-4266

HEMMERT, HERVIN &/or DWIGHT

ST. CHARLES, ID 83272

Source: SPRING trib. to SINKS

Priority Date: 05/01/1916

Diversion Pt: NWNE Sec 09 T 16S R 45E

Use: STOCKWATER (0.02 CFS)

In: NWNE Sec 09 T 16S R 45E

**LEGAL NO. 2386**

**NOTICE OF CLAIMS TO  
WATER RIGHTS**

The following claim(s) have been filed  
water right(s) created by diversion at  
beneficial use:

11-4266

HEMMERT, HERVIN &/or DWIGHT

ST. CHARLES, ID 83272

Source: SPRING trib. to SINKS

Priority Date: 05/01/1916

Diversion Pt: NWNE Sec 09 T 16S R 45E

Use: STOCKWATER (0.02 CFS)

In: NWNE Sec 09 T 16S R 45E