

No Color
Documents
In File

WATER RIGHT SUMMARY

ACTION	RIGHT NO.	NAME	AMOUNT CFS
Original Application	11-4028	Robert H. Hemmert	1.5
Full Assignment	11-4028	Brent D. Christensen Elita J. Christensen	1.5

MICROFILMED

MAY 29 1991



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type
(see instructions on back of page)

RECEIVED

MAY 6 1991

DATE OF CLOSING: April 27, 1991

LEGAL DESCRIPTION OF PROPERTY: Township 16 South Range 43 East Department of Water Resources
Section 19, 1/4 of 1/4 of 1/4, Govt. Lot , BM.

Lot , Block , Subdivision/Townsite .

If you have additional legal descriptions, please attach separate sheet.

ALL OF SECTION EXCEPT SE $\frac{1}{4}$ NE $\frac{1}{4}$

- ☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)
- ☐ Water Right Number(s)
Assigned by IDWR: 11-4028
- ☐ Name and Address of Former Owner/Claimant(s)(Seller): Robert H. Hemmert Family Trust dated May 4, 1985
St. Charles, ID 83272
- ☐ New Owner/Claimant (Purchaser): Brent D. & Elita J. Christensen
- ☐ New Mailing Address: Box 9, 86 Choke Cherry, St. Charles, ID 83272
- ☐ New Telephone Number: (208) 945-2825 or (801) 532-3333 (Business Hours)
- ☐ Does the change in ownership result in a splitting of the water right owned/claimed? yes ☒ no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:
- ☐ Attach proof of ownership, describe proof attached: Warranty Deed
(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)
- ☐ Signature of New Owner/Claimant(s) Brent D. Christensen Date 4-27-91
Elita J. Christensen Date 4-27-91
- ☐ Signature of Former Owner/Claimant(s): X. Clyde Hemmert Date 4-27-91
(Trustee of Robert H. Hemmert Trust) Date

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: By:

Further Action Needed:

Further Action Taken

Date: By:

Final Review and Data-Entry

Date: By:

Claim Numbers of Split, if any:

MAY 29 1991

Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner

INSTRUCTIONS

This form has been prepared to assist new owners of property to comply with the requirements of Section 42-1409(7), Idaho Code. This statute provides that new property owners notify the Department of Water Resources (IDWR) of any change in ownership of a water right during an adjudication of water rights, and if a claim for the water right has not been filed to file the needed claim(s).

Separate brochures are available from IDWR describing the adjudication of water rights and the requirement to notify IDWR of changes in ownership. If you would like any of these brochures or if you have questions about completing this form please contact your nearest office of IDWR or you may call 1-800-451-4129 (toll-free).

The first line of the form asks for the date of closing so IDWR will have a record of the effective date of the property transfer.

The second line of information requires the legal description of the property being transferred. This information is **ESSENTIAL** and should be available from the documents that will be present at the time of closing. The first two lines of the legal description **MUST** be completed. IDWR's records are based upon legal descriptions using township, range, section and fractions of a section descriptions, and this information must be included on the form. If you also have available a legal description based upon a townsit e or subdivision and lot and block number, please also include this additional information. A lot and block legal description is **NOT** a substitute for the township, range, section and fraction of a section description.

After completing the legal description, if all water is supplied by a public service water supply you may check the first box; complete the name, address and telephone information for yourself, the new owner; sign the form in the space provided and return the form to the IDWR office nearest you.

If there are water rights associated with the property, the seller should be able to provide you with the water right number(s). The water right number(s) for the property are to be put in the space provided at the second box on the form. If you or the seller believe there are water rights for the property but the numbers are unknown, then you may wish to call or come into an office of IDWR for assistance in identifying the water rights for the property involved. If claims for the property have not been filed you will be so advised by IDWR.

After the water right number(s) for the property has been entered on the form, complete the name and address information for **BOTH** the former owner/seller and for yourself, the new owner, in the spaces provided. Please also include your telephone number. If the property you have purchased is only part of the property owned by the former owner/seller, you may be purchasing only part of the total water right held by the seller. This means the water right held by the seller must be split so you get your proportionate share of the water right. Be sure to include a description of the portion of the water right you have purchased. The seller should be able to help you describe the portion of the water right for the property you have purchased.

If the former owner/seller will sign the form and the seller is shown as the claimant of the water right in IDWR's records, then you do not need to attach proof of ownership of the land or the water right. The seller should know if the original claim was filed by him, or if the seller has filed a change in ownership so the seller is shown as the claimant of the water right in IDWR's records. If the seller is not going to sign the form then you must attach some proof of ownership of the property described at the top of the form or proof of ownership referencing the specific water right(s) for the property.

The new owner must sign the form in the space provided. If the former owner/seller is available to sign the form please do so in the space provided.

When complete, the new owner and the former owner/seller should each retain one of the copies and return the original of the form to IDWR. You may return the form to the IDWR office nearest you or to: Idaho Department of Water Resources, Statehouse Mail, Boise, ID 83720-9000, Attention: Adjudication Bureau.

MAY 29 1991

QUIT-CLAIM DEED

ROBERT H. HEMMERT, a widower

of St. Charles, County of Bear Lake, State of Utah, hereby
QUIT-CLAIM to

ROBERT H. HEMMERT and CLYDE HEMMERT, Trustees of the HEMMERT FAMILY TRUST
dated May 24, 1985 340 North 3rd East
Richfield, UT 84701

of St. Charles, Bear Lake County, State of Utah for the sum of
TEN AND NO/100 (\$10.00) ----- DOLLARS,
and other good and valuable consideration, receipt of which is hereby acknowledged
the following described tract s of land in BEAR LAKE County,
State of Utah:

138157

(See attached Schedule "A")

STATE OF IDAHO	
County of Bear Lake	
Date	July 5 1985
Time	4:08 PM
Deputy	Michaela Park
Clerk	Juan P. Eborn
Fee	4.00

WITNESS the hand of said grantor, this 24th day of
May, A. D. one thousand nine hundred and eighty-five

Signed in the presence of

ROBERT H. HEMMERT

STATE OF UTAH,
County of SALT LAKE

ss.

On the 24th day of May, A. D. one thousand nine hundred and eighty-five

personally appeared before me
ROBERT H. HEMMERT, a widower

the signers of the foregoing instrument, who duly acknowledge to me that he executed the same.

My commission expires 8-11-85

Address: Salt Lake City, UT

Notary Public,

SCHEDULE "A"

A.

Beginning at a point 9 rods west from the Southwest corner of the Southeast quarter of Section 12, in Township 15 South of range 43 East of the Boise Meridian, and running thence North 24 rods; thence East 38 rods; thence South 24 rods; thence East 1 rod; thence South 16 1/2 rods; thence West 39 rods; thence North 16 1/2 rods to place of beginning, and containing 9.70 acres, more or less. Together with all water and water rights appertaining to or belonging to said land.

B.

North half of the northeast quarter, the Southwest quarter of the northeast quarter, the East half of the West half, the Southeast quarter, and the lots one, two, three and four of section nineteen in Township sixteen South of Range forty-five East of the Boise Meridian, Idaho, containing six hundred five acres and thirty eight hundredths of an acre.

C.

Commencing at a point Fifty six (56) rods South of the Northeast corner of the Southwest quarter of Section 12, in Township 15 South, Range 43 East of the Boise Meridian, and running thence South 40 rods; Thence West 51 rods; thence North 40 rods; Thence East 51 rods to place of beginning and containing 12 3/4 acres, more or less.

D.

Commencing 56 rods South of the Northwest corner of the Southeast quarter of Section 12, Township 15 South, range 43 East Boise Meridian and running thence ^{thence East 29 rods} South 40 rods; thence North 40 rods; Thence West 29 rods to place of beginning, and containing 7 1/4 acres, more or less, together with the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, including any and all water rights and stock in and to the St. Charles Irrigation Co.

E.

Lot 8 in Block 8, as Platted in Plat A. St. Charles Townsite Survey, in Bear Lake Count, Idaho.

MAY 29 1991

AFFIDAVIT OF SURVIVING TRUSTEE

CLYDE HEMMERT, being duly sworn, deposes and states that he is the successor Trustee under that certain Trust Agreement known as the ROBERT H. HEMMERT FAMILY TRUST dated the 24th day of May, 1985, and is the surviving owner of the real and personal property described on Schedule "A", attached hereto, by virtue of the death of ROBERT H. HEMMERT, one of the initial Trustees of said Trust Agreement, whose death certificate is attached hereto, and by virtue of Article VI, Paragraph A., of said Trust Agreement, to wit:

ARTICLE VI

Trustees

A. The following people will act as Trustees in the following order of succession:

First: The Undersigned, ROBERT H. HEMMERT and CLYDE HEMMERT, together, or the survivor of them.

Second: At the death of the Undersigned, then CLYDE HEMMERT, son of the Undersigned, as sole Trustee.

Third: A Trustee chosen by a majority of the beneficiaries, with a parent or legal guardian voting for minor beneficiaries; provided, however, that the issue of any deceased child shall have collectively only one vote.

I CERTIFY that the above is true.

Dated: 15th day of April, 1991.

BEAR LAKE COUNTY RECORDER
JOAN P. EDORN

'91 APR 25 AM 9 11

Clyde Hemmert
CLYDE HEMMERT
FEE
DEPUTY

Clyde Hemmert
CLYDE HEMMERT

MICROFILMED

MAY 29 1991

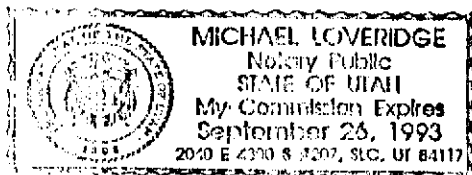
152350

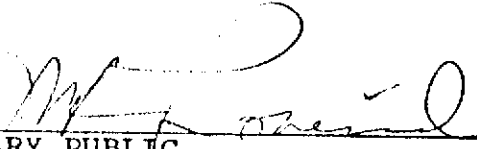
152350

STATE OF UTAH)
 : ss.
COUNTY OF SALT LAKE)

On the 15th day of April, 1991, personally appeared before me CLYDE HEMMERT, the signer of the within instrument, who duly acknowledged to me that he executed the same.

My Commission Expires:
9-26-93




NOTARY PUBLIC
Residing: Salt Lake City, Utah

RECORDED
MICHAEL LOVERIDGE

MAY 29 1991

SCHEDULE "A"

The following real property located in Bear Lake County, State of Idaho:

- A. Beginning at a point 9 rods West from the Southwest corner of the Southeast quarter of Section 12, in Township 15 South of Range 43 East of the Boise Meridian, and running thence North 24 rods; thence East 38 rods; thence South 24 rods; thence East 1 rod; thence South 16 1/2 rods; thence West 39 rods; thence North 16 1/2 rods to place of beginning, and containing 9.70 acres, more or less. Together with all water and water rights appertaining to or belonging to said land.
- B. North half of the Northeast quarter, the Southwest quarter of the Northeast quarter, the East half of the West half, the Southeast quarter, and the Lots one, two, three and four of Section Nineteen in Township Sixteen South of Range Forty-five East of the Boise Meridian, Idaho, containing six hundred five acres and thirty-eight hundredths of an acre.
- C. Commencing at a point Fifty six (56) rods South of the Northeast corner of the Southwest quarter of Section 12, in Township 15 South, Range 43 East of the Boise Meridian, and running thence South 40 rods; thence West 51 rods; thence North 40 rods; thence East 51 rods to place of beginning and containing 12 3/4 acrs, more or less.
- D. Commencing 56 rods South of the Northwest corner of the Southeast quarter of Section 12, Township 15 South, Range 43 East, Boise Meridian, and running thence South 40 rods; thence East 29 rods; thence North 40 rods; thence West 29 rods to place of beginning, and containing 7 1/4 acres, more or less, together with the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, including any and all water rights and stock in and to the St. Charles Irrigation Company.
- E. Lot 8 in Block 8, as Platted in Plat A. St. Charles Townsite Survey, in Bear Lake County, Idaho.

MICROFILMED

MAY 29 1991

SALT LAKE CITY - COUNTY HEALTH DEPARTMENT

DIVISION OF VITAL STATISTICS

STATE OF UTAH - DEPARTMENT OF HEALTH
CERTIFICATE OF DEATH

0152350

Any information on this form is to be used under the provisions of the Utah Code, Chapter 10, Section 10-10.

LOCAL FILE NUMBER 18-1001

STATE FILE NUMBER

DECEDENT	1 NAME OF DECEDENT (First, Middle, Last) Robert Hans HEHMERT			2 SEX Male	3a DATE OF DEATH (Mo, Day, Yr) MAR. 14, 1991	3b TIME OF DEATH (am, pm) Fd: 0730
	4 DATE OF BIRTH (Mo, Day, Yr) MAY 15, 1899	5 AGE (Years, Months, Days) 91	6 BIRTHPLACE (City & State or Foreign Country) St. Charles, Idaho	7 SOCIAL SECURITY NUMBER 519-01-4825		
	8a PLACE OF DEATH (Check only one) ☐ Hospital ☐ ER Outpatient ☐ DHA ☐ Nursing Home ☒ Residence ☐ Other 8b CITY, TOWN OR LOCATION OF DEATH Salt Lake City, UT 8c COUNTY OF DEATH SALT LAKE			8d NAME OF HOSPITAL, NURSING HOME OR OTHER FACILITY (If outside a facility, give street address of location) 131 Edith Avenue		
	9 SURVIVING SPOUSE (If wife, give maiden name) ---					
DISPOSITION	10 WAS DECEDENT EVER IN U.S. ARMED FORCES? ☐ Yes ☒ No		11 MARITAL STATUS ☐ Never Married ☐ Married ☒ Widowed		12a DECEDENT'S USUAL OCCUPATION (Give kind of work done during most of working life. Do NOT use retired) Farmer - Rancher	
	12b KIND OF BUSINESS OR INDUSTRY Agriculture - Livestock					
	13a RESIDENCE - STREET AND NUMBER 4833 Lanark Road		13b CITY, TOWN OR COMMUNITY Ovid		13c COUNTY Bear Lake	
	13d INSIDE CITY LIMITS? ☒ Yes ☐ No		13e ZIP CODE 83260		13f STATE Idaho	
CERTIFIER	14 WAS DECEDENT OF HISPANIC ORIGIN? (If yes, specify) ☐ Mexican ☐ Cuban ☐ Puerto Rican ☐ Other (Specify)			15 RACE (Black, White, Am. Indian, (Indo may be entered), Japanese, etc. (Specify) Caucasian		16 EDUCATION (Specify only highest grade completed) Elementary or Secondary (0-12) College (13-16 or 17+) 8
	17 FATHER'S NAME (First, Middle, Last) William Hemmert			18 MOTHER'S NAME (First, Middle, Last) Anna Osterlin		
	19 NAME, TITLE, ADDRESS AND MAILING ADDRESS OF INFORMANT Don Hemmert (son) / 4833 Lanark Road / Ovid, Idaho 83260					
	20 METHOD OF DISPOSITION ☐ Entombment ☐ Donation ☐ Other ☒ Burial ☐ Cremation ☐ Removal					
REGISTRAR	21a DATE OF DISPOSITION MAR. 18, 1991		21b PLACE OF DISPOSITION (Name of cemetery or other place) St. Charles Cemetery		21c LOCATION - City or Town, State Bear Lake County - St. Charles, IDAHO	
	22 SIGNATURE OF FUNERAL SERVICE LICENSEE <i>Thomas J. Matthews</i>		23 LICENSEE NUMBER 444		24 FUNERAL HOME (Name, address and license number) MATTHEWS MORTUARY 702 Clay Street Montpelier, Idaho 83254	
	25 DATE DECEASED WAS LAST ATTENDED BY CERTIFYING PHYSICIAN 1-31-91		26 If not certified by medical examiner, was death reported to M.E.? ☒ Yes ☐ No If yes, enter the date and hour reported. M.E. Case No. HOUR 1000 MO. MARCH DAY 19 YEAR 1991			
	27a CERTIFIER ☒ CERTIFYING PHYSICIAN To the best of my knowledge, death occurred at the time, date, and place, and due to the cause(s) and manner as stated. ☐ MEDICAL EXAMINER / LAW ENFORCEMENT OFFICIAL On the basis of examination and/or investigation, in my opinion, death occurred at the time, date, place, and due to the cause(s) and manner as stated.		27b SIGNATURE AND TITLE OF CERTIFIER <i>Richard E. Lee M.D.</i>			
28 NAME AND ADDRESS OF PERSON WHO CERTIFIED THE CAUSE OF DEATH (Item 31) (Type name) RICHARD E. LEE MD 329 10th AVE # 178 SIC UT.						
CAUSE OF DEATH	29 REGISTRAR'S SIGNATURE <i>Mary Lue J. MacKay</i>					
	30 DATE FILED (Month, Day, Year) March 14, 1991					
	31 PART I: ENTER THE DISCLOSED CAUSES, OR CIRCUMSTANCES THAT CAUSED THE DEATH. DO NOT ENTER THE MODE OF DEATH, SUCH AS CARDIAC OR RESPIRATORY ARREST, SHOCK, OR HEART FAILURE. LIST ONLY ONE CAUSE ON EACH LINE. urinary sepsis adenocarcinoma of prostate hypertension					
	32 IN YOUR OPINION, TOBACCO USE BY THE DECEDENT: ☐ Probably contributed to the cause of death ☐ Was the underlying cause of death ☒ Did not contribute to the cause of death ☐ Is unknown in relation to the cause of death					
33a MANNER OF DEATH ☒ Natural ☐ Accidental ☐ Suicide ☐ Homicide ☐ Undetermined If Injured Purposely or Accidentally ☐ Pending Investigation		33b DATE OF INJURY (Month, Day, Year)		33c TIME OF INJURY (24 Hour Clock)		33d INJURY AT WORK? ☐ Yes ☒ No
33e LOCATION (Street or rural route number, city or town, county and state)		33f PLACE OF INJURY (At home, farm, street, factory, office, building, etc. (Specify))		33g If motor vehicle accident, specify if decedent was driver, passenger or pedestrian		
34 DESCRIBE HOW INJURY OCCURRED (enter sequence of events which resulted in injury. NATURE OF INJURY SHOULD BE ENTERED IN ITEM 31)						

This is to certify that this is a true copy of the information on file in this office. This certified copy is issued under authority of Section 26-15-26 of the Utah Code Annotated, 1953 as amended.

Date Issued

MAR 19 1991

Harry L. Gibbons M.D., M.P.H.
Harry L. Gibbons, M.D., M.P.H.
Director of Health

Mary Lue J. MacKay
DEPUTY REGISTRAR



WARRANTY DEED

For Value Received TEN DOLLARS AND OTHER VALUABLE CONSIDERATION

CLYDE HEMMERT, Trustee of the HEMMERT FAMILY TRUST, dated 24 May 1985

the grantor , does hereby grant, bargain, sell and convey unto

BRENT D. CHRISTENSEN and ELITA J. CHRISTENSEN, husband and wife, as Joint Tenants With Full Rights of Survivorship (Not as Tenants in Common); P. O. Box 9, 86 Chokecherry, St. Charles, ID 83272

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

TOWNSHIP 16 SOUTH, RANGE 45 EAST OF THE BOISE MERIDIAN:

Section 19: N1/2NE1/4, SW1/4NE1/4, E1/2W1/2, SE1/4, Lots 1, 2, 3, and 4

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

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

Dated: 22 April 1991

Clyde Hemmert

STATE OF IDAHO, COUNTY OF

On this 27th day of April, 1991, before me, a notary public in and for said State, personally appeared

CLYDE HEMMERT, trustee of the HEMMERT FAMILY TRUST

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

Clyde Hemmert
Notary Public
Residing at 200 S. 3rd St., St. Charles, Idaho
Comm. Expires 10/9/94

91 MAY 1 AM 9 07
Cindy Spivey
DEPUTY FEE

BEAR LAKE COUNTY RECORDER
JAN F. ELLORN

152388

INSTRUMENT NO

MAY 29 1991

IDAHO DEPARTMENT OF WATER ADMINISTRATION

EASTERN DISTRICT OFFICE

240 S. JAMES

IDAHO FALLS, IDAHO 83401

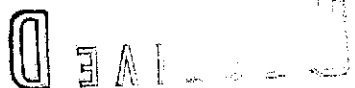
Department of Water Administration
Eastern District Office

NOV 10 1972

Identification No. 11-4028

Claim No.

Map No.



STATE OF IDAHO

DEPARTMENT OF WATER ADMINISTRATION

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 ROBERT H. HEMMERT
post office address St. Charles, Idaho 83272
2. The point of diversion is in 1/4 of 1/4 Section Township
Range B.M. located on See ITEM 9 under Remarks for points of diversion
(name of source)
tributary to all used within 100 ft. of spring Bear Lake 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: I have used the water since the property was deeded to me in 1926.
August 27, 1926 amount: 1.5 c.f.s. or acre feet
amount: c.f.s. or acre feet
amount: c.f.s. or acre feet
Total claimed 1.5 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: Water is used year round for livestock watering purposes.
use stockwater period of use from 1-1 to 12-31 (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: No diverting works; three small springs.
 - 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 ; depth of well is feet; diameter of well is inches; type of pump is
capacity of pump is g.p.m.; name and address of well driller is

11 4028

b. Do you get water through a ditch owned by several users? NO If yes, give the name of the ditch
_____. The other users and their respective
interests in the ditch are (if known) NONE

6. Where water is used for stock watering, give number of each kind of stock watered 75 head of beef cattle.
Three small springs used for livestock watering throughout the year.

7. Where water is used for domestic or municipal purposes give number of families served N.A.
name of town supplied _____

8. Where water is used for other purposes not above enumerated, give the nature of use, the extent of use,
and any details regarding the initiation of the right or subsequent later expansion. Be as specific as possible,
giving dates and quantities N.A.

9. Remarks: please explain any details of your claim which you feel need clarification or additional explanation
I have used this water and have improved upon it so that additional livestock
could be watered ever since the property was deeded to me in 1926.

These three Springs are located: 2 springs in the NESE, Sec. 19, Twpl6S, Rge. 45E
1 spring in the SWSW, Sec. 19, Twpl6S, Rge. 45E

RECEIVED

JAN 22

Department of Agriculture

State of Idaho

County of Bear Lake } 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.

Sworn to before me this 8th day of January, 1972

Robert H. Hemmert
Claimant

Joseph Skypur
Notary Public

Residing at Paris Idaho

My commission expires Oct 10th 1974

For Department Use Only

Received by <u>ej</u> Date <u>12-7-71</u>	Exception filed by: _____	Forwarded to claimant by: _____	Date _____
Prelim. check by <u>fe</u> Date <u>12-7-71</u>	_____	_____	_____
Fee received by <u>ej</u> Date <u>12-8-71</u> Fee \$ <u>10.00</u>	_____	_____	_____
Approved for publication by _____	_____	_____	_____
Published in <u>News Examiner</u> Dates <u>12-30-71 & 1-6-72</u>	_____	_____	_____

11 4028

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:	May 18, 1871	amount:	0.8 c.f.s. or	acre feet
	June 1, 1901	amount:	0.4 c.f.s. or	acre feet
	Total claimed:	1.2 c.f.s. or	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 it 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.

Identification No. _____
Claim No. 11-4028
Map No. _____

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

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 Robert H. Hemmert 945-2547
post office address St. Charles, Idaho 83272 *See Item #9 under Remarks 7/8, 12/7/11*
2. The point of diversion is in Lots 1, 2, 3, 4; E1/4NW; E1/4SW; W1/4NE; NENE; SE1/4 1/4 of 1/4 Section 19 Township 16S
Range 45 E B.M. located on three small springs
(name of source)
tributary to all used within 100 ft. of spring in Bear Lake 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: I have used the water since the property was deeded to me
in 1926. August 27, 1926 amount: 1 1/2 c.f.s. or _____ acre feet
NCY amount: _____ c.f.s. or _____ acre feet
amount: _____ c.f.s. or _____ acre feet
Total claimed _____ 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: Water is used year round for livestock watering purposes.
use stockwater period of use from 1-1 to 12-31 (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: No diverting works; three small springs.
- 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 _____ ; depth of well is _____ feet; diameter of well is _____ inches; type of pump is _____
capacity of pump is _____ g.p.m.; name and address of well driller is _____
_____ ;

b. Do you get water through a ditch owned by several users? No If yes, give the name of the ditch
The other users and their respective
interests in the ditch are (if known) none

6. Where water is used for stock watering, give number of each kind of stock watered 75 head
Three small springs used for livestock watering throughout the year.

7. Where water is used for domestic or municipal purposes give number of families served NA
name of town supplied _____

8. Where water is used for other purposes not above enumerated, give the nature of use, the extent of use,
and any details regarding the initiation of the right or subsequent later expansion. Be as specific as possible,
giving dates and quantities _____

9. Remarks: please explain any details of your claim which you feel need clarification or additional explanation
I have used this water and have improved upon it so that additional
livestock could be watered ever since the property was deeded to me in 1926.

These three Springs are located: 2 springs in the NESE Sec. 19 Twp 16SRge 45E
1 spring in the SWSW Sec. 19 Twp 16SRge 45E

ncf

State of Idaho

County of Bear Lake

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.

Sworn to before me this 9/14 day of June, 1971.

Robert H. Housman
Claimant

R. Hugh Sheppards
Notary Public

Residing at Carle Idaho

My commission expires Oct 10/12 1974

For Department Use Only

Received by <u>ef</u> Date <u>6/11/71</u>	Exception filed by: _____	Forwarded to claimant by: _____	Date _____
Prelim. check by <u>TE</u> Date <u>12/7/71</u>	_____	_____	_____
Fee received by <u>ef</u> Date <u>12/8/71</u> Fee \$ <u>10.00</u>	_____	_____	_____
Approved for publication by _____	_____	_____	_____
Published in <u>THE NEWS-EXAMINER</u> Dates <u>12-30-71</u> <u>1-6-72</u> <u>Montpelier</u>	_____	<u>11</u>	<u>4028</u>

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:	May 18, 1871	amount: 0.8 c.f.s. or	acre feet
	June 1, 1901	amount: 0.4 c.f.s. or	acre feet
	Total claimed:	1.2 c.f.s. or	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.

THE NEWS-EXAMINER

MONTPELIER, IDAHO

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,)
County of Bear Lake,) ss.

W. Jerome Taylor

being first duly sworn, deposes and says he is
Publisher and Foreman of the News-
Examiner; that the said News-Examiner is a
weekly newspaper published at Montpelier,
County of Bear Lake, State of Idaho, of
general circulation in said County and State.

That the notice attached was published in
the said News-Examiner, and not in a
supplement, for two
successive weeks, commencing with the issue
dated December 30, 1971
and ending with the issue
dated January 6, 1972

W. Jerome Taylor
Publisher and Foreman

Subscribed and sworn to before me this 21st day of January, 1972.

Joe L. Burgeon
Notary Public.

NOTICE OF CLAIM TO A WATER RIGHT No. 11-4028

Notice is hereby given that Robert H. Hemmert, St. Charles, Idaho has filed a claim to a water right established by diversion and application to beneficial use of 1.5 cubic feet per second of water from unnamed springs with points of diversion in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ (2 springs), SW $\frac{1}{4}$ SW $\frac{1}{4}$ (1 spring), Sec. 19, T. 16 S, R. 45 E, B. M., Bear Lake County.

The water is claimed to be used from January 1 to December 31 for stockwater purposes for 75 head with a priority of August 27, 1926.

Any exception to this claim of water right may be filed with the Idaho Department of Water Administration, 240 South Holmes, Idaho Falls, Idaho 83401.

R. KEITH HIGGINSON

Director

Published in The News-Examiner, Montpelier, Idaho on December 30, 1971 and January 6, 1972.

(d30; j6)

11 4028

May 13, 1991

RE: Water Right No. 11-4028

Brent D. Christensen
Elita J. Christensen
Box 9, 86 Choke Cherry
St. Charles, ID 83272

Dear Water Right Holder (s):

We are in receipt of the correspondence concerning ownership of the above referenced water right.

In Idaho, a claimed water right is considered real property; therefore, proof of owning the land is proof of owning the water right unless specifically excluded in the sale. We have placed your correspondence in the file for future reference and have changed our computer records to show you are the present owners of the property.

If you have any questions, please let us know.

Sincerely,

SHARLA CURTIS
Technical Records Specialist

SC:blm

January 26, 1972

Re: Claim to a Water Right No. 11-4028 - Robert H. Hemmert

Robert H. Hemmert
St. Charles, Idaho 83272

Dear Mr. Hemmert:

The Department of Water Administration 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,

Donald W. McEldowney
Appropriation Supervisor

DWM:bb
Enclosure: Copy of claim

11 4028



R. Keith Higginson
Director

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Flood Plain Management
Irrigation and
Flood Control Districts

STATE OF IDAHO

DEPARTMENT OF WATER ADMINISTRATION

Statehouse - Annex 2
Boise, Idaho 83707
(208) 384-2215

January 20, 1972

Re: Claim to a Water Right No. 11-4028 - Robert H. Hemmert

The News-Examiner
P. O. Box 278
Montpelier, Idaho 83254

Gentlemen:

Would you please submit an affidavit of publication and certified bill in connection with the above referenced item. The legal notice was to have been published in your paper on December 30th, 1971 and January 6th, 1972.

Your cooperation in this matter is greatly appreciated.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM/BB

11 4028

January 20, 1972

Re: Claim to a Water Right No. 11-4028 - Robert H. Hemmert

The News-Examiner
P. O. Box 278
Montpelier, Idaho 83254

Gentlemen:

Would you please submit an affidavit of publication and certified bill in connection with the above referenced item. The legal notice was to have been published in your paper on December 30th, 1971 and January 6th, 1972.

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Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM/BB

11 4028

11 4028

December 30, 1971

Re: Claim No. 11-4028 - Robert H. Hemmert

Mr. Robert H. Hemmert
St. Charles
Idaho 83272

Dear Mr. Hemmert:

It has come to our attention that, due to the changes made on your Claim No. 11-4028 in Items 2 and 3 (Point of diversion and priority date), it will be necessary for us to re-type the claim and send it to you for your signature.

Therefore, will you please sign, have notarized, and return to us the enclosed claim as soon as possible. Your claim has been advertised, and you will receive a copy of it directly after we receive the signed and notarized original from you.

Thank you for your assistance in this matter.

Very truly yours,

NORMAN C. YOUNG
District Engineer

NCY:BJ

Enc: Claim No. 11-4028

bc: Dept. of Water Admin.
Boise Office✓

11 4028

INTER-DEPARTMENT MEMO- -1

DATE

12/28/71

FROM

James Booker

TO

Norman C. Young

SUBJECT

Claim No. 11-4028 - Robert H. Hemmert

We are returning Mr. Hemmert's claim to you for some clarification. Please re-type the claim and include the changes you have made.

We feel that a change in the date of priority should be made by the claimant.


SIGNATURE

11 4028

December 20, 1971

Re: Claim No. 11-4028- Robert H. Hemmert

The News-Examiner
P. O. Box 278
Montpelier, Idaho 83254

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 our 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 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. 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 the same has been paid."

(signature of claimant)

Very truly yours,

Norman C. Young
District Engineer

Bill submitted to Boise Office 1-24-72 by ed

NORMAN C. YOUNG
District Engineer

NCY:BJ
Enc: Legal notice

11 4028

**NOTICE OF CLAIM TO A
WATER RIGHT**

No. 11-4028

Notice is hereby given that Robert H. Hemmert, St. Charles, Idaho has filed a claim to a water right established by diversion and application to beneficial use of 1.5 cubic feet per second of water from unnamed springs with points of diversion in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ (2 springs), SW $\frac{1}{4}$ SW $\frac{1}{4}$ (1 spring), Sec. 19, T. 16 S, R. 45 E, B. M., Bear Lake County.

The water is claimed to be used from January 1 to December 31 for stockwater purposes for 75 head with a priority of August 27, 1926.

Any exception to this claim of water right may be filed with the Idaho Department of Water Administration, 240 South Holmes, Idaho Falls, Idaho 83401.

R. KEITH HIGGINSON
Director

Published in The News-Examiner,
Montpelier, Idaho on December 30,
1971 and January 6, 1972.

(d30; j6)

NOTICE OF CLAIM TO A WATER RIGHT

No. 11-4028

Notice is hereby given that Robert H. Hemmert, St. Charles, Idaho

has filed a claim to a water right established by diversion and application to beneficial use of 1.5 cubic feet per second ~~xxxxxx~~ of water from unnamed springs with point of diversion in the NE1/4 (2 springs), SW1/4 (1 spring), Sec. 19, T. 16 S, R. 45 E, B.M., Bear Lake County.

The water is claimed to be used from Jan. 1 to Dec. 31 for stockwater purposes for 75 head with a priority of August 27, 1926; ~~the place of use is within the~~

Any exception to this claim of water right may be filed with the Idaho Department of Water Administration, 240 South Holmes, Idaho Falls, Idaho, 83401.

R. KEITH HIGGINSON

Director

Published in the News Examiner, Montpelier, Idaho on Dec. 30, 1971 and Jan. 6, 1972.

December 9, 1971

Robert H. Hemmert
St. Charles,
Idaho 83272

Dear Mr. Hemmert:

Attached herewith is your receipt No. 8566 in the amount of \$ 10.00
for your claim application
which was received in this office.

Very truly yours,

M. RUSSELL BOSCH
Administrative Assistant

MRB:ejw

Enclosure: Receipt

11 4028

August 6, 1971

Mr. Robert H. Hemmert
St. Charles,
Idaho 83272

Dear Mr. Hemmert:

We are returning your claim to a water right form and personal check #92-286 in the amount of \$10.00. We find in reviewing this claim that the points of diversion as listed under item #2 are somewhat unclear. Each point should be described by the 40 acre subdivision, section, township and range that it would lie within.

Please clarify this issue and return the claim so that we may begin its processing.

Very truly yours,

Dorian Clay
Appropriation Examiner

DC:cm

Enclosure

11 4028

June 28, 1971

Mr. Robert H. Hemmert
St. Charles,
Idaho 83272

Dear Mr. Hemmert:

We are returning your Claim to a Water Right. We will require some additional information and a filing fee before the claim will meet the minimum state requirements.

Under Item 3a, you must have the priority and the amount of water claimed under your water right. Under Item 3b you must have the beneficial use entered and the period of use during the year. The pencil notations will assist you in this matter. After this information has been affixed to the claim, we will need a \$10 filing fee.

If we can be of further assistance, please contact us.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM:cr

Enc: Claim to a Water Right