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Identification No. 11-4020

Claim No. 42233

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 Lorenzo Hemmert
post office address St. Charles, Idaho. P.O. Box 75

2. The point of diversion is in NW $\frac{1}{4}$ of NW $\frac{1}{4}$ Section 7 Township 15S
Range 44 E B.M. located on St. Charles Creek
(name of source)

tributary to _____ 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:

Mar. 1-1894 amount: 2.57 c.f.s. or 193 acre feet

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:

use irrigation period of use from Apr 1 to Oct 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:

a. Surface water diversion dam and/or headgate: material is composed of steel pipe, rock
and cement; 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 _____

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_____, if so, give dates and explain

width of bottom of ditch is _____ feet; depth of water is _____ feet; grade of ditch per 1000

maximum length of pipe line to first place of use is _____feet; diameter of pipe line is _____inches;

Please explain any changes or increase in size of conveying system since water was first appropriated, giving-

Age Group	No answer	No	Yes	Probably yes	Probably no
18-24	10%	10%	10%	10%	10%
25-34	10%	10%	10%	10%	10%
35-44	10%	10%	10%	10%	10%
45-54	10%	10%	10%	10%	10%
55-64	10%	10%	10%	10%	10%

total capacity of reservoir is _____ acre feet; active capacity of reservoir is _____ acre feet;

period of storage is from _____ to _____; is reservoir drained each year _____;

Age Group	Percentage
18-24	10%
25-34	15%
35-44	20%
45-54	25%
55-64	30%
65-74	35%
75-84	40%
85+	45%

location of reservoir by 40-acre subdivisions

[illegible]

[illegible]

~~_____~~ Total number of acres to be irrigated

Explain any significant increase in area irrigated since first use, give dates and acreages if known.

b. Do you get water through a ditch owned by several users? _____ If yes, give the name of the ditch _____ The other users and their respective interests in the ditch are (if known) _____

6. Where water is used for stock watering, give number of each kind of stock watered _____

7. Where water is used for domestic or municipal purposes give number of families served _____ 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 claim the right to use water from the St. Charles creeks to irrigate my field and water my stock on the following described property:

acres	location
20.6	NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 7 Twp 15S Rge 44E
20.7	NE $\frac{1}{4}$ SW $\frac{1}{4}$ " " "
14.0	SW $\frac{1}{4}$ NW $\frac{1}{4}$ " " "
7.0	SE $\frac{1}{4}$ NW $\frac{1}{4}$ " " "
62.3	acres

This property mentioned was first filed upon by John Lorenson and as I remember, he was one of the first using water from the St. Charles creeks to irrigate this land, through what we called the Big Creek Dam.

BE IT KNOWN that the undersigned hereby makes claim to a water right as described above together with all attached information and certifies that all statements are true and accurate to the best of his knowledge.

(Date)

State of Idaho

County of Blaine } ss.

On this 8th day of December 1967, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

Louisa H. Hemmert
(Signature of Claimant)

L. Hugh Shephard
Notary Public residing at Paris Idaho

My commission expires Oct 10th 1970

1-10-68 For Department Use Only

Received by ef Date 12-11-67 Exception filed by: _____ Forwarded to claimant by: _____ Date _____

Prelim. check by DR Date 1-10-68

Fee received by ef Date 1-10-68 Fee \$ 10.00

Approved for publication by _____

Published in _____ Dates _____

11-4020

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.

State of Idaho
County of _____

Lorenzo H. Hemmert

being first duly sworn,

deposes and says:

I claim the right to use
water from the St. Charles creeks to
irrigate my field and water my stock
on the following described property:

- acres -

location -

20.6 NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 7 Twp 15S Rge 44E

20.7 NE $\frac{1}{4}$ SW $\frac{1}{4}$ " " "

14.0 SW $\frac{1}{4}$ NW $\frac{1}{4}$ " " "

7.0 SE $\frac{1}{4}$ NW $\frac{1}{4}$ " " "

62.3 acres

This property mentioned was first filed
upon by John Lorinson and as I remember, he was
one of the first using water from the St. Charles
creeks to irrigate this land, through what we
called the Big Creek Dam.

Lorenzo H. Hemmert
(signature)

Subscribed and sworn to before me this 8th day of December 1967.

L. Hugh Shipman
(Notary Public)

Residing at

Paris, Idaho

My commission expires

Oct 10th 1970

RECEIVED

DEC 11 1967

Department of Reclamation

11-4020

State of Idaho
County of _____

Lorenzo H. Hemmert being first duly sworn,
deposes and says: I claim the right to use
water from the St. Charles Creek to irrigate
my field and water my stock on the
following described property:
— acres — location —

20.6	NW $\frac{1}{4}$ SW $\frac{1}{4}$	Section 7	Twp 15 S	Page 44E
20.7	NE $\frac{1}{4}$ SW $\frac{1}{4}$	"	"	"
14.0	SW $\frac{1}{4}$ NW $\frac{1}{4}$	"	"	"
7.0	SE $\frac{1}{4}$ NW $\frac{1}{4}$	"	"	"
62.3 acres				

This property mentioned was first
filed upon by John Sorenson and as I
remember, he was one of the first men using
water from the St Charles Creek to irrigate
this land, through what we called the
Big Creek Dam.

Lorenzo H. Hemmert
(signature)

Subscribed and sworn to before me this 8th day of December 19 67.

L. H. Hemmert
(Notary Public)

Residing at Paris Idaho
My commission expires Oct 10th 1970.

RECEIVED

DEC 11 1967

Department of Reclamation

11-4020

RECEIVED

FEB 7 1968

Department of Reclamation

The Paris Post

SERVING SOUTHEAST IDAHO SINCE 1880

PARIS, IDAHO 83261

Thomas E. and Mary A. Preston, Publishers

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO }
Bear Lake County } ss.

I, Mary A. Preston, publisher and manager of THE PARIS POST, a weekly newspaper published weekly at Paris, Bear Lake County, State of Idaho, do solemnly swear that a copy of the attached notice, (as per clipping), was published weekly in the regular and entire issue of said newspaper, and not in any supplement thereof, for 2..... consecutive weeks, commencing with the issue dated January 25....., 1968, and ending with the weekly issue dated February 1....., 1968.

Mary A. Preston
Publisher.

SUBSCRIBED and sworn to before me this
6th day of February....., 1968.

L. Hugh Shepherd
(SEAL) Notary Public.

My commission expires Oct 10th....., 1970.

11-4020

The Paris Post

IDAHO'S OLDEST NEWSPAPER

PARIS, IDAHO

February 1, 1968

Department of Reclamation
107 State Street
 Boise, Idaho 83701

Re: Claim 11-4020 (Forego Hemmert)
Legal Claim to Water Right - 29 lines Feb. 67
published Jan 25, Feb. 1

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.

Mary A. Preston

Your Patronage is Appreciated

11-4020

February 9, 1968

Re: Claim No. 11-4020

Lorenzo Hemmert
St. Charles,
Idaho

Dear Mr. Hemmert:

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. 11-4020.

Enclosed is your receipt No. 353 in the amount of \$10.00 for the filing fee. Please contact us if we may be of further assistance.

Very truly yours,

Donald W. McEldowney
Water Rights Clerk

DWM:ks

Enclosure: Receipt No. 353

**NOTICE OF FILING OF A
WATER RIGHT**
No. 11-4020

Notice is hereby given that Lorenzo Hemmert, St. Charles, Idaho, has filed a claim to a water right established by diversion and application to beneficial use of 2.57 cubic feet per second or 193 acre feet of water from St. Charles Creek with point of diversion in the NW 1/4 - NW 1/4, Sec. 7, T. 15 S., R. 44 E., B.M. Bear Lake County; the water is claimed to be used for irrigation purposes from April 1 to October 31 with a priority of March 1, 1894 for 2.57 c.f.s. or 193 acre feet; the place of use is NW 1/4 SW 1/4, S1/4 NW 1/4, Sec. 7, T. 15 S., R. 44 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 Paris Post,
Paris, Idaho, on January 25 and
February 1.

SCANNED

OCT 05 2003

11-4020

**NOTICE OF CLAIM TO A
WATER RIGHT**
No. 11-4020

153
Notice is hereby given that Lorenzo Hemmert, St. Charles, Idaho, has filed a claim to a water right established by diversion and application to beneficial use of 2.57 cubic feet per second or 193 acre feet of water from St. Charles Creek with point of diversion in the NW $\frac{1}{4}$ -NW $\frac{1}{4}$, Sec. 7, T. 15S, R. 44E, B.M., Bear Lake County; the water is claimed to be used for irrigation purposes from April 1 to October 31 with a priority of March 1, 1894 for 2.57 c.f.s. or 193 acre feet; the place of use is N $\frac{1}{2}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 7, T. 15S, R. 44E, 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 Paris Post,
Paris, Idaho, on January 25 and
February 4.

11-4020

January 16, 1968

Re: ~~Claim~~ No. 11-4020

Paris Post
Paris,
Idaho 83261

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
Water Rights Clerk

DWM:ks

Enclosure: legal notice

Form 3

11-4020

NOTICE OF CLAIM TO A WATER RIGHT

No. 11-4020

Notice is hereby given that Lorenzo Hemmert, St. Charles, Idaho
_____ has filed a claim to a water right established
2.57 cubic feet per second or 193 acre feet
by diversion and application to beneficial use of 2.57 /// cubic feet per second /
(acre feet) of water from St. Charles Creek with point of diversion
in the NW1/4, sec. 7, T. 15 S, R. 44 E, B.M., Bear Lake County ;
the water is claimed to be used for irrigation
purposes from April 1 to October 31 with a priority of March
1, 1894 for 2.57 ^{c.f.s.} or 193 ^{acre feet} ; the place of use is N1/4, S1/4, sec. 7, 15 S,
R. 44 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 Paris Post Paris ,
Idaho, on January 25 and February 1 .

11-4020 *di*