

No Color
Documents
In File

Identification No. 11-4017
Claim No. 42169
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 Hervin L. Hemmert
post office address P. O. Box 118, ST. Charles, Idaho 83272
2. The point of diversion is in NW $\frac{1}{4}$ of NW $\frac{1}{4}$ Section 7 Township 15 S
Range 44 E B.M. located on St. Charles Big creek north fork
(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:

<u>all is used</u>	amount:	_____ c.f.s. or _____	acre feet
<u>March 1, 1894</u>	amount:	<u>all water</u>	_____ c.f.s. or _____
_____	amount:	_____ c.f.s. or _____	acre feet

* see letter of Jan. 10, 1968 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 <u>irrigation</u>	period of use from	<u>April 1</u>	to	<u>Oct. 31</u>	(both dates inclusive)
use <u>livestock</u>	period of use from	<u>Jan. 1</u>	to	<u>Dec. 31</u>	(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 earth, concrete, steel, and rock.; length is 430 feet; height is 8 feet; width at bottom is 28 feet; width at top is 19 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 _____
_____;

11-4017

_____, 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-

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 _____;

location of reservoir by 40-acre subdivisions

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
65-74	10	10	10	10	10
75-84	10	10	10	10	10
85+	10	10	10	10	10

describe

[illegible][illegible]

b. Do you get water through a ditch owned by several users? Yes If yes, give the name of the ditch _____ . The other users and their respective _____

interests in the ditch are (if known) Weldon Peterson, St. Charles,
Ronald Thornock, Bloomington, Friday O. Peterson, St. Charles
Ben Bateman, Bloomington, Hulme Dunford, Bloomington

6. Where water is used for stock watering, give number of each kind of stock watered 150 head cattle
10 head of horses

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

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.

10-13-67
(Date)

Heaven H. Henson
(Signature of Claimant)

State of Idaho }
County of Bear Lake } ss.

On this 13th day of October 19 67, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

Notary Public residing at Paris, Idaho

My commission expires Oct 10th 1970

Received by ef Date 12-5-67 For Department Use Only
Exception filed

Prelim. check by _____ Date _____

Fee received by me Date 12-6-67 Fee \$

Approved for publication by _____

Published in _____ Dates _____

11-4017

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.

Commencing at the Northeast corner of Section 1, Township 15 South, Range 43 East, Boise Meridian in Idaho; running thence South 160 rods; thence 75 rods; thence North 160 rods to Township line; thence East 75 rods to the place of beginning.

Commencing at the Northeast corner of the Southeast quarter of Section 1, Township 15 South, Range 43 East of Boise Meridian; run thence South 71.25 rods; thence West 158 rods thence South 20 rods, more or less to center of creek; thence in a Northwesterly direction along channel of creek 2 rods more or less to quarter-section line; thence North along said line, 98 rods, more or less to center of said Section 1; thence East 160 rods, to place of beginning, and containing 71.75 acres, more or less.

11-4017

)))))))

AFFIDAVIT

)

being first duly sworn,

deposes and says: _____ The Big Creek dam which is in question was
_____ built as long as I can remember and it has been used for
_____ irrigating purposes ever since.

I am in my eighties now and I have seen the water from the St. Charles, creek used for irrigation during this time.

John Brewer
(signature)

Subscribed and sworn to before me this 12th day of October 1967.

Theresa Shephard
(Notary Public)

Residing at Paris Idaho.
My commission expires Oct 10 1970

11-4017

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*..., 19*68*, and ending with the weekly issue dated *February 1*..., 19*68*.

Mary A. Preston
Publisher.

SUBSCRIBED and sworn to before me this
6th day of *February*..., 19*68*.

(SEAL)

L. Hugh Shepherd
Notary Public.

My commission expires *Oct 10th*..., 19*70*.

NOTICE OF CLAIM TO A WATER RIGHT

No. 11-4017

Notice is hereby given that *Hervin L. Hemmert*, P.O. Box 118, St. Charles, Idaho, has filed a claim to a water right established by diversion and application to beneficial use of all the water of *Big 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 from *April 1* to *October 31* and for stock water purposes from *January*

1 to *December 31* with a priority of *March 1, 1894* for all the water; the place of use is *Sec. 7, T. 15 S., R. 48 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*.

11-4017

The Paris Post

IDAHO'S OLDEST NEWSPAPER

PARIS, IDAHO

February 1, 1968

Department of Reclamation
107 State House
Boise, Idaho 83701

Re: Claim 11-4017 (German Hermann)
Legal-Claim to Water Right - 29 lines
published Jan. 25, Febr. 1 6.67

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

Mary A. Preston

Your Patronage is Appreciated

11-4017

WRR100
11-4017

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHTS PROOF READING REPORT

01 WATER RIGHT NUMBER - 11-4017 02 OLD (D) NUMBER -

03001 - HEMMERT LAST NAME 04001 - HERVIN L. FIRST NAME 05001 - C ORIG. OWNER

06 ADD LINE 1 - P.O. BOX 118

07 ADD LINE 2 -

08 ADD LINE 3 - 09 CITY - SAINT CHARLES 10 STATE - ID 11 ZIP - 83272

12 STAGE - S STATUTORY CLAIM 13 STATUS -

14001 - ST. CHARLES CREEK, N. FORK SOURCE TRIBUTARY OF 15001 - ST. CHARLES CREEK 17 CCUNTY - 07 BEAR LAKE

16 DIVERSION MEANS -

18 DIVERSION CAPACITY - .000 19 TOTAL DIVERSION RATE - .000 20 TOTAL DIVERSION VOLUME - .00

21 WATER DISTRICT -

TRACT SEC TWN RNG LOT DIVERSION POINTS RFLG STREAM INDEX FIELDS

22001 - NMNM 23001 - 07 24001 - 15S 25001 - 44E 26001 - 27001 - 28001 - 0 100.0 172.0 11.0 0.0 0.0 0.0 0 0 0 1.0

29 NON-IRRIGATION USE -

USE CODE / USE TWN RNG PLACE OF USE SEC TRACT ACRES LOT

30001 - 31001 - 32001 - 33001 - 34001 - 35001 - 36001 - TOTAL ACRES: 0

PERIOD FROM PERIOD TO USE CODE / USE WATER USE DIVERSION RATE DIVERSION VOLUME

37001 - 0401 38001 - 1031 39001 - 01 IRRIGATION 40001 - 0.000 41001 - 0.00
37002 - 0101 38002 - 1231 39002 - 04 STOCKWATER 40002 - 0.000 41002 - 0.00

42 DECREE PLAINTIFF NAME - 43 DECREE DEFENDANT NAME -

REMARKS
44001 - CLAIMED ALL WTR. OF SAINT CHARLES CK. N. FORK.
44002 - P/U INCOMPLETE. SEE FILE.
44003 - SEE ST. CHARLES CR. DECREE FOR OVERLAPS.

APPROVAL CONDITIONS: 45001 -

46 OTHER RIGHTS FOR SAME USE -

47 PRIORITY - D A T E S - 1-MAR-1894 55 LICENSE - D A T E S - 63 TRANSFER/AMENDED -
48 PROOF DUE - 56 APPL RECEIVED - 64 BLE/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 -

WRR100
11-4017

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHTS PROOF READING REPORT

PAGE 2
12-MAR-1986 21:02:05

52 HEARING
53 VERIFIED
54 LAST UPDATE - 13-NOV-1981

60 ORDER SHOW CAUSE -
61 CATE_1
62 DATE_2

D A T E S

D A T E S

F L A G S

VERIFIED JKN

3/4/86

IDENT. NO. 11-4017

ID AHO DEPARTMENT OF WATER RESOURCES

WATER RIGHT DATA ENTRY LOG

[illegible]

WATER RIGHT ANALYSIS FORM

- DATA ENTRY -

Identification No. _____

Old No. _____

New No. _____

1 11-4017

Record

1. Original Owner: Hervin L. Hemmert

Present Owner: _____

2. Address: P.O. Box 1183. City: Saint Charles State: Mo Zip: 832724. A. Source of Water: Saint Charles Creek, Big North Fork

B. Tributary of: _____

5. A. Stage (A,P,L,D,S,J): I

B. Status (D,L,R,C,A,I,F - leave blank if valid): _____

C. Priority Date: 3-1-1894D. County: 07

E. Total Diversion Rate: _____

F. Total Diversion Volume: _____

G. Transfer/Amendment (P,T of A or blank): _____

H. Water District: _____

I. DLE/Carey Act (D,C or blank): _____

J. Right Basis (for adjudication claims A,B,C only): _____

	Tract	Sec.	Twp.	Rge.	Gov't Lot	Rediv.
6. A. Point of Diversion	<u>NWNW</u>	<u>7</u>	<u>15</u>	<u>44E</u>		

7. Period of Use, Use, Diversion Rate/Volume:

from 4-1 to 10-31 for A purposes. Amount (cfs or AC-FT/yr)from 1-1 to 12-31 for I purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

8. Use Code:

all remarks

de 10-18

[illegible]

9. A. Decree Name:

B. Decree Date:

10.	Remarks:	A. Claimed all water of Saint Charles Cr, Big M. Fork. B. 8/94 incomplete, see file. C. D. E.
-----	----------	--

11. Other Uses (Non-irrigation explanatory information):

12. Other Rights for Same Use:

13. A. Proof Due Date:

B. Date Permit Approved or Denied:

C. Protested Date:

D. Hearing Date:

E. Old Number:

F. Proof Made (P or blank):

G. Field Exam Made (P,R,F or blank):

H. Conditions of Approval:

14. Diversion Means (brief narrative):

February 9, 1968

Re: Claim No. 11-4017

Hervin L. Hemmert
P. O. Box 118
St. Charles, Idaho 83272

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. 11-4017.

Enclosed is your receipt No. 214 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. McElldowney
Appropriation Examiner

DWM:ks

Enclosure: Receipt No. 214

11-4017

**NOTICE OF CLAIM TO A
WATER RIGHT
No. 11-4017**

Notice is hereby given that
Herrin L. Hemmert, P.O. Box
118, St. Charles, Idaho, has fil-
ed a claim to a water right esta-
blished by diversion and appli-
cation to beneficial use of all
the water of Big St. Charles
Creek with point of diversion in
the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 7, T 16 S,
R. 44 E, B.M., Bear Lake Coun-
ty; the water is claimed to be
used for irrigation from April
1 to October 31 and for stock
water purposes from January
1 to December 31 with a prior-
ity of March 1, 1894 for all the
water; the place of use is Sec.
7, T. 16 S, R. 43 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.

11-4017

January 16, 1968

Re: Application No. 11-4017

Paris Post
Paris,
Idaho

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

11-4017

NOTICE OF CLAIM TO A WATER RIGHT

No. 11-4017

Notice is hereby given that Hervin L. Hemmert, P. O. Box 118, St.
Charles, Idaho has filed a claim to a water right established
by diversion and application to beneficial use of all (cubic/feet/per/second)/
/acre/feet/ of water from/ ^{Big} the water of St. Charles Creek with point of diversion
in the NW/4, sec. 7, T. 15 S. R. 44 E, B.M., Edin Lake County;
the water is claimed to be used for irrigation from April 1 to October 31 and for stock
water purposes from January 1 to December 31 with a priority of March
1, 1894 for all the water sed. 7, T. 15 S, R. 43 E,
E.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.

11-4017

67

St. Charles, Idaho
January 10, 1968

Dept. Of Reclamation
State Of Idaho
107th State House
Boise, Idaho 83701

RECEIVED
JAN 12 1968
Department of Reclamation

Dept. of Reclamation,

We are claiming the priority of the water of St. Charles
Creek since March 1, 1894.

Thank you.

Yours Truly,

Hervin Hemmert
Hervin Hemmert

Box 118

St. Charles, Idaho

Ref: Application of Claim No. 11-4017

11-4017

January 4, 1964

Re: Application of Claim No. 11-4017

Hervin L. Hemmert
P. O. Box 118
St. Charles, Idaho 83272

Dear Mr. Hemmert:

We are in receipt of your claim and your personal check in the amount of \$10.00. However, before we can continue processing your claim to a water right, you must inform the department by return mail as to the month, day and year that you are claiming the priority of the water of the water of St. Charles Creek.

Your prompt attention to this matter is appreciated.

Very truly yours,

Donald W. McEldowney
Water Rights Clerk

DWM:ks

11-4017

Nov. 21, 1967
St. Charles, Idaho

Dear Mr. Alfred,

We discovered that we did not send \$5.00 fee for claim irrigating land; and we wish to send the money now. If you have any further question on this please write soon.

Yours Truly
Mrs Hervein Hemmett
Box 118
St. Charles, Idaho

RECEIVED

NOV 28 1967

Department of Reclamation

11-4017

Dec. 4, 1967
St. Charles,
Idaho

Dept of Reclamation,

This is to be an
record as we just sent
tho \$, 0 for recording claim
fee. If you need further
information please answer
soon.

Yours,

Herwin Hemment

Box 118

St. Charles,

Idaho 83372

RECEIVED

DEC 5 1967

Department of Reclamation

S. H.

11-4017