

No Color
Documents
In File

Identification No. 11-4015
Claim No. 42177
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 Bertha A. Peterson - By Oren Peterson
post office address St. Charles 2 Idaho
2. The point of diversion is in NW $\frac{1}{4}$ of NW $\frac{1}{4}$ Section 7 Township 15S
Range 44E B.M. located on St. Charles Creek
(name of source)
tributary to North fork St. Charles Creek in Pear 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: 1894
all water in creek amount: 30 c.f.s. or _____ acre feet
_____ amount: _____ c.f.s. or _____ acre feet
_____ amount: _____ c.f.s. or _____ acre feet
Total claimed 30 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 irrigating period of use from March 30 to July 1 (both dates inclusive)
use water livestock period of use from Aug 1 to Sept 30 (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 Concrete, dirt
& rock levy 430'; length is 9'4" feet; height is 8 feet;
width at bottom is 38 feet; with 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 _____

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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

total capacity of reservoir is _____acre feet; active capacity of reservoir is _____acre feet;

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

_____ year construction commenced _____; year completed _____; date first used _____

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

_____ explain _____ is reservoir on or off stream

if feeder canal is used give maximum carrying capacity—c.f.s.; if reservoir is off stream, describe

location of reservoir by 40-acre subdivisions

has there been any enlargement of the reservoir since it was first built _____, if so, give dates and

describe

5. a. Where water is used for irrigation, describe area irrigated by 40-acre subdivisions and give total acres:

[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

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 12th day of October 1967, personally appeared before me the signer(s) of the
re instrument, who duly acknowledged to me that he (she) (they) executed the same.

Bertha Peterson
are true and accurate to the best of his knowledge.
Oren Peterson
(Signature of Claimant)

Notary Public residing at Gan Shoko

My commission expires Oct 10' 1970

12-5-67 For Department Use Only

Received by ref Date 12-16-67 Exception filed by: _____ Forwarded to _____ Date _____

Prelim. check by Dela Date 12-12-67 none _____

Fee received by ref Date 12-12-67 Fee \$ 10.00 _____

Approved for publication by ref 12-26-67 _____

Published in Caribbean Dates 1-4/11-68 _____

11-4015

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 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 4*....., 19*68*., and ending with the weekly issue dated *January 11*...., 19*68*.

Mary A. Preston.....
Publisher.

SUBSCRIBED and sworn to before me this
31st day of *January*....., 19*68*.

L. Hugh Shepard.....
(SEAL) Notary Public.

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

NOTICE OF CLAIM TO A WATER RIGHT

No. 11-4015

Notice is hereby given that *Bertha A. Peterson* (~~By Oren Peterson~~), ~~St. Charles, Idaho~~, has filed a claim to a water right established by diversion and application to beneficial use of *20* cubic feet per second of water from the North Fork of *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 *March 30* to *July 1* and for watering livestock purposes from *August 1* to *September 30* with a priority of *1891* for *30 c.f.s.*; the place of use is the *NE 1/4 NE 1/4*, Sec. *1*, T. *15 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 4 & 11*,
1968.

11-4015

The Paris Post

IDAHO'S OLDEST NEWSPAPER

PARIS, IDAHO

January 29, 1968

Department of Reclamation
107 State House
Boise, Idaho 83701

Re: Claim 11-4015 (See below)

Legal Claim to Public Right - 32 lines
published Jan. 4, 11

\$ 7.36

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.

Mary A. Preston

Your Patronage is Appreciated

11-4015

01 WATER RIGHT NUMBER - 11-4015 02 OLD (D) NUMBER -

03001 - PETERSON LAST NAME 04001 - BERTH A. FIRST NAME 05001 - C ORIG. OWNER

06 ADD LINE 1 - C/O OREN PETERSON 07 ADD LINE 2 -

08 ADD LINE 3 - 09 CITY - ST. CHARLES 10 STATE - ID 11 ZIP - 832720000

12 STAGE - S STATUTORY CLAIM 13 STATUS -

14001 - ST. CHARLES CREEK, N. FORK SOURCE TRIBUTARY OF 15001 - ST. CHARLES CREEK

16 DIVERSION MEANS - 17 COUNTY - 07 BEAR LAKE

18 DIVERSION CAPACITY - .000 19 TOTAL DIVERSION RATE - 30.000 20 TOTAL DIVERSION VOLUME - .00

21 WATER DISTRICT -

TRACT SEC TWN RNG LOT RFLG STREAM INDEX FIELDS

22001 - NWNW 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 1.1

29 NON-IRRIGATION USE -

USE CODE / USE PLACE OF USE TRACT ACRES LOT

30001 - 01 IRRIGATION 31001 - 15S 32001 - 43E 33001 - 01 34001 - NENE 35001 - 40 36001 - TOTAL ACRES: 40

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

37001 - 0330 38001 - 0701 39001 - 01 IRRIGATION 40001 - 30.000 41001 - 0.00
37002 - 0801 38002 - 0930 39002 - 04 STOCKWATER 40002 - 0.000 41002 - 0.00

42 DECREE PLAINTIFF NAME - 43 DECREE DEFENDANT NAME -

44001 - REMARKS

APPROVAL CONDITIONS: 45001 -

46 OTHER RIGHTS FOR SAME USE -

47 PRIORITY - DATES - 1-JUN-1894 55 LICENSE 63 TRANSFER/AMENDED

48 PROOF DUE 56 APPL RECEIVED 64 DUE/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
11-4015

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHTS PROOF READING REPORT

PAGE 2
18-MAR-1986 23:47:01

----- D A T E S -----
54 LAST UPDATE - 18-MAR-1986 62 DATE-2 -

78/02/86
VERIFIED JKN

IDENT. NO. 11-4015

ID A H O D E P A R T M E N T O F W A T E R R E S O U R C E S

WATER RIGHT
DATA ENTRY LOG

[illegible]

WATER RIGHT ANALYSIS FORM

- DATA ENTRY -

Identification No. 1 11-4015
Old No. New No.

Record

1. Original Owner: Bertha A. Peterson

Present Owner: _____

2. Address: c/o Oren Peterson3. City: Saint Charles State: Id Zip: _____4. A. Source of Water: Saint Charles Creek, North ForkB. Tributary of: Saint Charles Creek5. 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: 6-1-1894D. County: 07E. Total Diversion Rate: 30.

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>NW NW</u>	<u>7</u>	<u>15</u>	<u>2</u>	<u>44E</u>	

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

from 3-30 to 7-1 for A purposes. Amount 30.
(cfs or AC-Ft/yr)from 8-1 to 9-30 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: 7

[illegible]

B. Decree Date:

10. Remarks: A.
B.
C.
D.
E.

12. Other Rights for Same Use:

B. Date Permit Approved or Denied:

D. Hearing Date:

F. Proof Made (P or blank):

H. Conditions of Approval:

14. Diversion Means (brief narrative):

February 1, 1968

Re: Claim No. 11-4015

c/o Oren Peterson
Bertha A. Peterson
St. Charles, Idaho

Dear Mrs. Peterson:

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. 11-4015.

Enclosed is your receipt No. 228 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

C
O
P
Y

11-4015

DON SAMUELSON
GOVERNOR



R. KEITH HIGGINSON
State Reclamation Engineer

STATE OF IDAHO

DEPARTMENT OF RECLAMATION
107 STATE HOUSE
BOISE, IDAHO 83701

January 30, 1968

Re: Claim No. 11-4005, 11-4006, 11-4015, 11-4016, 11-4018, and
11-4019

Paris Post
Paris,
Idaho 83661

Gentlemen:

As of this date, we have not received the affidavit or the bill of publication for the above referenced applications for claims. We are enclosing a copy of our transmittal letter. Your prompt attention is appreciated.

Very truly yours,

Donald W. McElldowney
Water Rights Clerk

DWM:ks

Enclosure

11-4015

**NOTICE OF CLAIM TO A
WATER RIGHT
No. 11-4015**

Notice is hereby given that ~~Bert A. Peterson~~ ~~(By Open Peterson)~~, St. Charles, Idaho, has filed a claim to a water right established by diversion and application to beneficial use of 30 cubic feet per second of water from the North Fork of 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 March 30 to July 1 and for watering livestock purposes from August 1 to September 30 with a priority of 1894 for 30 c.f.s.; the place of use is the ~~NE 1/4 NE 1/4, Sec. 1, T. 15 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 4 & 11,
1968.

— D —

11-4015

December 26, 1967

Re: Claim No. 11-4015

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

11-4015

NOTICE OF CLAIM TO A WATER RIGHT

No. 11-4015

Notice is hereby given that Bertha A. Peterson (By Oren Peterson), St.
Charles, Idaho has filed a claim to a water right established
by diversion and application to beneficial use of 30 (cubic feet per second)
(~~acre/feet~~) of water from the North Fork of St. Charles Creek with point of diversion
in the NW¹ NW¹, sec. 7, T. 15 S., R. 44 E., B.M., Bear Lake County ;
the water is claimed to be used for irrigation purposes from March 30 to July
1 and for watering livestock
purposes from August 1 to September 30 with a priority of
1894 for 30 c.f.s.; the place of use is the NE¹ NE¹, sec. 1, T. 15 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 4 and January 21.

11-4015