

No Color
Documents
In File

Decided in Court case
of St. Charles Lumber Co. vs.
R. Keith Higginson,
dated January, 3, 1924.
See file 11-4M.

Identification No. 11-4003

Claim No. 42108

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 Lyman K. Bunderson
post office address St. Charles, Idaho 83272

2. The point of diversion is in SE $\frac{1}{4}$ of NW $\frac{1}{4}$ Section 14 Township 15 South
Range 43 East of B.M. located on St. Charles Big 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:

April 15, 1914 amount: .352 c.f.s. or .56 acre feet
____ amount: _____ c.f.s. or _____ acre feet
____ amount: _____ c.f.s. or _____ acre feet
Total claimed .352 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 April 15 to SEP 15 (both dates inclusive)
use Stock water 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 EARTH & ROCK
____; 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 _____

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_____

5. ✓

17.6
~~28~~

28

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) _____

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 A RIGHT TO ^{17.6} MINERS INCHES OF WATER
WITH A PRIORITY OF 1916. HOWEVER, THE PAST USE OF THIS
WATER HAS BEEN AT THE RATE OF AS MUCH AS 5 CFS
FOR SHORT PERIODS OF TIME AFTER WHICH IT IS TURNED
BACK TO THE CREEK.

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.

10-17-67
(Date)

Lyman K. Benson
(Signature of Claimant)

State of Idaho }
County of Bear Lake } ss.

On this 17 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.

L. Leigh Shepherd
Notary Public residing at Paris Idaho

My commission expires Oct 10th 1970

For Department Use Only

Received by <u>if</u> Date <u>10-27-67</u>	Exception filed by: _____	Forwarded to claimant by: _____	Date _____
Prelim. check by <u>Dela</u> Date <u>10-27-67</u>	_____	_____	_____
Fee received by <u>if</u> Date <u>10-27-67</u> Fee \$ <u>10.00</u>	_____	_____	_____
Approved for publication by <u>SS Noel 7/67</u>	_____	_____	_____
Published in <u>Paris Post</u> Dates <u>7/14</u>	_____	_____	_____

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INSTRUCTIONS

Paragraph No.

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.

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.

IN THE MATTER OF:)
Lyman K. Bunderson's)
Claim to Water Right)
)
)
)

AFFIDAVIT

State of Idaho)
County of Bear Lake)

Lester F. Bunderson being first duly sworn,
deposes and says: _____

Nephi Bunderson, my father, purchased the property involved in this
statement in the year of 1916. He was the owner of this property until
August of 1963 when it was sold to Lyman K. Bunderson, his son.

The water in question relative to this property has been used throughout
the ownership of the two above mentioned owners. One dam was constructed
about 500 yards east of the present dam site now in use, then later the
present dam was constructed. The water has been diverted from this stream
and used for irrigation all of this time.

I, personally, was associated with the operation of this property until
it was sold in 1963. I am now sixty-three years of age; therefore, I
remember the above mentioned operations.

L. F. Bunderson
(signature)

Subscribed and sworn to before me this 16 day of October, 19 67.

William A. McCarr
(Notary Public)

Residing at Monpelier, Ida.
My commission expires 9-16-69.

State of Idaho
County of _____

I Alvinus Brune Oct 10. 1967 being first duly sworn,
deposes and says: _____

I the undersigned have been acquainted with this matter more or less since boy hood my Grand parents and my Father lived on the opposite side of this property owned and operated by Lyman Bundy son at the second time.

The dome was built by Floyd
and has been kept up by Neely
Bunderson and still in use by
Lyman Bunderson for his
evangelizing system.

The dome is Pit in when
made and Floods a big chain
of property then runs back in
to the creek so none goes to waste,
I have known this since boy hood
I was born May 29 - 1901.
so I have known a long time

Alvin Powell
(signature)

Subscribed and sworn to before me this 10th day of October, 19 67.

L. Keith Shipp, Jr.
(Notary Public)

Residing at Paris, Idaho.
My commission expires Oct 10-1970

IN THE MATTER OF:)
)
)
)
)
)
)

AFFIDAVIT

County of _____)

_____ being first duly sworn,

deposes and says: _____

I Grover Cleveland, testify, that the following facts are true to my knowledge.

As a boy, I remember fishing on said Creek. The same Creek which Lyman Benson now uses for irrigating his land. This being done by putting a dam across the Creek.

I remember there being a pole across the creek, where the water was taken out of. I also remember seeing the water going down the side ditch to irrigate the land.

As time passed, I became more acquainted with the situation, because I helped Ray there.

So I would say I have known of the water being used for irrigation for some 45 years or more, because I am now 64 years old.

Grover Cleveland
(signature)

Subscribed and sworn to before me this 10th day of October, 19 67.

Deborah O'Keefe
(Notary Public)

Residing at Panama

My commission expires Oct 10-1970

11-4003

The Paris Post

IDAHO'S OLDEST WEEKLY NEWSPAPER

ESTABLISHED IN 1880

Thomas E. Preston, Publisher

Corner Main and Center Streets
PARIS, IDAHO 83261

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)
County of Bear Lake) ss.

I, Thomas E. 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 there-
of, for 2 consecutive weeks, commencing
with the issue dated November 16, 1967,
and ending with the weekly issue dated
November 23, 1967.

Thomas E. Preston
Publisher

Subscribed and sworn to before me this
2nd day of December, 1967.

(SEAL)

F. Hugh Shipman
Notary Public

My commission expires Oct 16th 1974.

NOTICE OF CLAIM TO A WATER RIGHT

No. 11-4003

Notice is hereby given that
Lynnan K. Bunderson, St. Char-
les, Idaho, 83272, has filed a
claim to a water right esta-
blished by diversion and appli-
cation to beneficial use of .352
(cubic feet per second) of water
from the Big Fork of St. Char-
les Creek with point of diver-
sion in SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 14,
T. 18 S, R. 40 E, B.M., Bear Lake
County; the water is claimed
to be used for irrigation pur-
poses from April 15 to Septem-
ber 15 with a priority of April
17, 1916 (.352 c.f.s.); the place
of use is SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 14,
T. 18 S, R. 40 E, B.M.

Any exception to this claim
of water right may be filed
with the Department of Re-
clamation.

R. KEITH HIGSON
State Reclamation Engineer

Published in The Paris Post,
Paris, Idaho, on November 16
and November 23.

11-4003

RECEIVED

Statement

The Paris Post

Department of Reclamation
IDaho's OLDEST NEWSPAPER

PARIS, IDAHO

November 30, 1967

Department of Reclamation
107 State House
Boise, Idaho 83701

Legal publication Nos. 16 and 23

Claim 11-4000 (30 li) Ironstream	\$6.90
Claim 11-4001 (32 li) C. Arnell	7.36
Claim 11-4003 (30 li) Banderson	6.90
Claim 11-4004 (31 li) U P & L	7.13
Total Due	\$28.29

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.

Your Patronage is Appreciated

Published

WPR100
11-4003

IDAH0 DEPARTMENT OF WATER RESOURCES
WATER RIGHTS PROOF READING REPORT

PAGE 1
18-MAR-1986 23:47:01

01 WATER RIGHT NUMBER - 11-4003 02 OLD (D) NUMBER -

03001 - RUNDERSON LAST NAME

04001 - TOLA FIRST NAME

05001 - C ORIG. OWNER

06 ADD LINE 1 - C/O WHITNEY RUNDERSON

07 ADD LINE 2 -

08 ADD LINE 3 -

09 CITY - ST. CHARLES

10 STATE - ID

11 ZIP - 832720000

12 STAGE - E DECREE

13 STATUS -

14001 - ST. CHARLES CREEK

15001 - BEAR LAKE

16 DIVERSION MEANS -

17 COUNTY - 07 BEAR LAKE

18 DIVERSION CAPACITY - .000

19 TOTAL DIVERSION RATE - .360

20 TOTAL DIVERSION VOLUME - 53.00

21 WATER DISTRICT -

TRACT SEC TWN RNG LOT DIVERSION POINTS RFLG STREAM INDEX FIELDS

22001 - SW 23001 - 14 24001 - 15S 25001 - 43E 26001 - 27001 - 0 0.0 0.0 0.0 0.0 0.0 0.0

29 NON-IRRIGATION USE -

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

30001 - 01 IRRIGATION 31001 - 15S 32001 - 43E 33001 - 14 34001 - SWNW 35001 - 08 36001 -
30002 - 01 IRRIGATION 31002 - 15S 32002 - 43E 33002 - 14 34002 - SENW 35002 - 09 36002 -

TOTAL ACRES: 17

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

37001 - 041S 38001 - 1031 39001 - 01 IRRIGATION 40001 - 0.360 41001 - 53.00

42 DECREE PLAINTIFF NAME - ST. CHARLES IRR. CO.

43 DECREE DEFENDANT NAME - R. KEITH HIGGINSON

REMARKS

44001 - DECREE GIVEN CLAIM 11-4003.

44002 - AC. IRR. = 17.6.

APPROVAL CONDITIONS: 45001 -

46 OTHER RIGHTS FOR SAME USE -

47 PRIORITY - 15-APR-1916 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/DEFINED - 58 DECREE - 4-JAN-1974 66 FLAG-2
51 PROTESTED - 59 START WORK - 67 FLAG-3
52 HEARING - 60 ORDER SHOW CAUSE -

WRP100
11-4003

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHTS PROOF READING REPORT

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

53 VERIFIED
54 LAST UPDATE - 18-MAR-1986

61 DATE-1
62 DATE-2

D A T E S

D A T E S

F L A G S

3/20/86
NJI BEHREMA
VERIFIED JKN

IDENT. NO. 11-4003

WATER RIGHT
DATA ENTRY LOG

[illegible]

WATER RIGHT ANALYSIS FORM

- DATA ENTRY -

Identification No. 11-4003
OTd No. _____ New No. _____

Record

1. Original Owner: Lyman K. Bunderson

Present Owner: _____

2. Address: _____

3. City: St. Charles State: Mo Zip: 630724. A. Source of Water: St. Charles Creek, Bigfork

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: 4-15-1916D. County: OPE. Total Diversion Rate: 36

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>SE NW 14</u>	<u>15</u>	<u>8</u>	<u>43E</u>		
	_____	_____	_____	_____	_____	_____
	_____	_____	_____	_____	_____	_____
	_____	_____	_____	_____	_____	_____
	_____	_____	_____	_____	_____	_____

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

from 4-15 to 9-15 for A purposes. Amount 36
(cfs or AC-FT/yr.)

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 _____

from _____ to _____ for _____ purposes. Amount _____

8. Use Code: ~~11~~

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):

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):

DON SAMUELSON
GOVERNOR



R. KEITH HIGGINSON
State Reclamation Engineer

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

107 STATE HOUSE

BOISE, IDAHO 83701

December 5, 1967

Re: Claim No. 11-4000, 11-4001, 11-4003, and 11-4004

The Paris Post
Paris,
Idaho 83261

Gentlemen:

Returned herewith is the bill of publication for the above referenced claims to water rights. Before a State Warrant may be issued for this amount, we must be in receipt of a signed, and certified bill.

Please have the publisher sign this bill and return it to this department for our remittance.

Very truly yours,

Donald W. McElDowney
Water Rights Clerk

DWM:ks

Enclosure: Bill of publication

11-4003

December 5, 1967

Re: Claim No. 11-4003

Lyman K. Bunderson
St. Charles,
Idaho 83272

Dear Mr. Bunderson:

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. 11-4003.

Enclosed is your receipt for the filing fee. Please contact us if we may be of further assistance.

Very truly yours,

Donald W. McElowney
Water Rights Clerk

DWM:sks

Enclosures: Receipt No. 119 for \$10.00

C
O
P
Y

11-4003

**NOTICE OF CLAIM TO A
WATER RIGHT**

No. 11-4003

Notice is hereby given that ~~Lyman H. Bunderson, St. Charles, Idaho, 83272~~, has filed a claim to a water right established by diversion and application to beneficial use of ~~.352~~ (cubic feet per second) of water from the Big Fork of St. Charles Creek with point of diversion in ~~SE 1/4 NW 1/4, Sec. 14, T. 15 S, R. 46 E, B.M., Bear Lake County~~; the water is claimed to be used for irrigation purposes from April 15 to September 15 with a priority of April 15, 1916 (.352 c.f.s.); the place of use is ~~S 1/2 NW 1/4, Sec. 14, T. 15 S, R. 46 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 November 16
and November 23.

11-4003

November 7, 1967

Re: Claim No. 11-4003

The 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. McElowney
Water Rights Clerk

DWM:ks

Enclosure: legal notice

Form 3

11-4003

NOTICE OF CLAIM TO A WATER RIGHT

No. 11-4003

Notice is hereby given that Lyman K. Bunderson, St. Charles, Idaho,
83272 has filed a claim to a water right established
by diversion and application to beneficial use of .352 (cubic feet per second)
~~11-11-11~~ of water from Big Fork of St. Charles with point of diversion
in SE 1/4, sec. 14, T. 15 S, R. 43 E, B.M., Bear Lake County;
the water is claimed to be used for irrigation
purposes from April 15 to September 15 with a priority of
April 15, 1916 (.352 c.f.s.); the place of use is SE 1/4, sec. 14, 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 November 16 and November 23.

11-4003