

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 _____	acre feet
_____	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 _____

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_____; if so, give dates and explain _____

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_____

1. What is the main purpose of the document?
 2. What are the key findings of the study?
 3. What are the implications of the findings?
 4. What are the limitations of the study?
 5. What are the conclusions of the study?

[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)

Theresa J. Hemmick
(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 10 1970

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

Prelim. check by _____ Date _____

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

Approved for publication by _____

Published in _____ Dates _____

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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

RECEIVED

FEB 7 1968

The Paris Post

SERVING SOUTHEAST IDAHO SINCE 1880

PARIS, IDAHO 83261

Thomas E. and Mary A. Preston, Publishers

Department of Reclamation

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*

L. Hugh Shepherd

(SEAL)

Notary Public.

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

NOTICE OF CLAIM TO A WATER RIGHT

No. 11-4017

Notice is hereby given that *Herman V. Hegmert*, 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. 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*.

11-4017

Statement

The Paris Post

IDAHO'S OLDEST NEWSPAPER

PARIS, IDAHO

February 1, 1967

Department of Reclamation
107 State House
Boise, Idaho 83701

Re: Claim 11-4017 (Bernice Bennett)

Legal-Claim to Water Right - 29 lines \$6.67
published Jan 25, 1967

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

Mary A. Preston

Your Patronage is Appreciated

11-4017

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. McElowney
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 ~~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 $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 1, T 16 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. 43 E, B.M.

Any exception to this claim of water right may be filed with the Department of Reclamation.

R. KEITH HIGGENSON,
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. McElldowney
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/ ^{Eig} the water of St. Charles Creek with point of diversion
in the NW/4th, sec. 7, T. 15 S. R. 44 E, B.M., B&M. 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 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.

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St. Charles, Idaho
January 10, 1968

RECEIVED
JAN 12 1968
Department of Reclamation

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

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

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January 4, 1968

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. 27, 1967
St. Charles, Idaho

Dear Mr. Alfred,

We discovered that we did not send \$0.00 fee for claim of irrigating land; and we wish to send the money now. If you have any further question on this please write soon.

Yours Truly
Mrs Herwin Hemment
Box 118
St. Charles, Idaho

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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
the \$10 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

