

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Section 42-225a, Idaho Code

CLAIM TO A WATER RIGHT

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.

Notice is hereby given that Reed S. Hymas

(name of claimant)

of Ovid, Idaho 83260, claims a right to the diversion and beneficial use of
(mailing address)

the public water of the State of Idaho

The extent and nature of said claim is as follows:

- (1) Describe source of water: (name of stream, lake, spring, etc., or ground water) Snyder Creek & springs, tributary to, Emmigration Creek
- (2) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

Amount	<u>0.50</u>	Use	<u>irrigation</u>	Period of Use:	From <u>Apr. 15</u>	To <u>Oct. 15</u>
Amount	<u>0.04</u>	Use	<u>domestic</u>	Period of Use:	From <u>Jan. 1</u>	To <u>Dec. 31</u>
Amount		Use		Period of Use:	From _____	To _____
	(cfs, gpm or a/f)		(dom., irri., stock, etc.)		(both dates inclusive)	

- (3) Total quantity of water claimed: 0.54 cubic feet per second, or _____ acre feet per annum, and/or _____ gallons per minute.

- (4) Priority claimed: (the date water was first applied to beneficial use) 1907
- A claim is not acceptable on a ground-water source with a priority later than March 25, 1963 or on a surface-water source with a priority later than May 20, 1971. An exception to this rule is that a claim may be filed on domestic use from a ground-water source.

- (5) A) Point of diversion: (give location of point where water is diverted from its source)
NW 1/4, NW 1/4, Sec. 30 Twp. 12S Rge. 43E B. M. County of Bear Lake
 Additional points of diversion: _____

B) Describe means of diversion of water: (pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.) Give sizes and capacities; be as specific as possible. diversion dams and ditches for irrigation use. a 1/2-inch pipeline from spring to house for domestic use.

- (6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

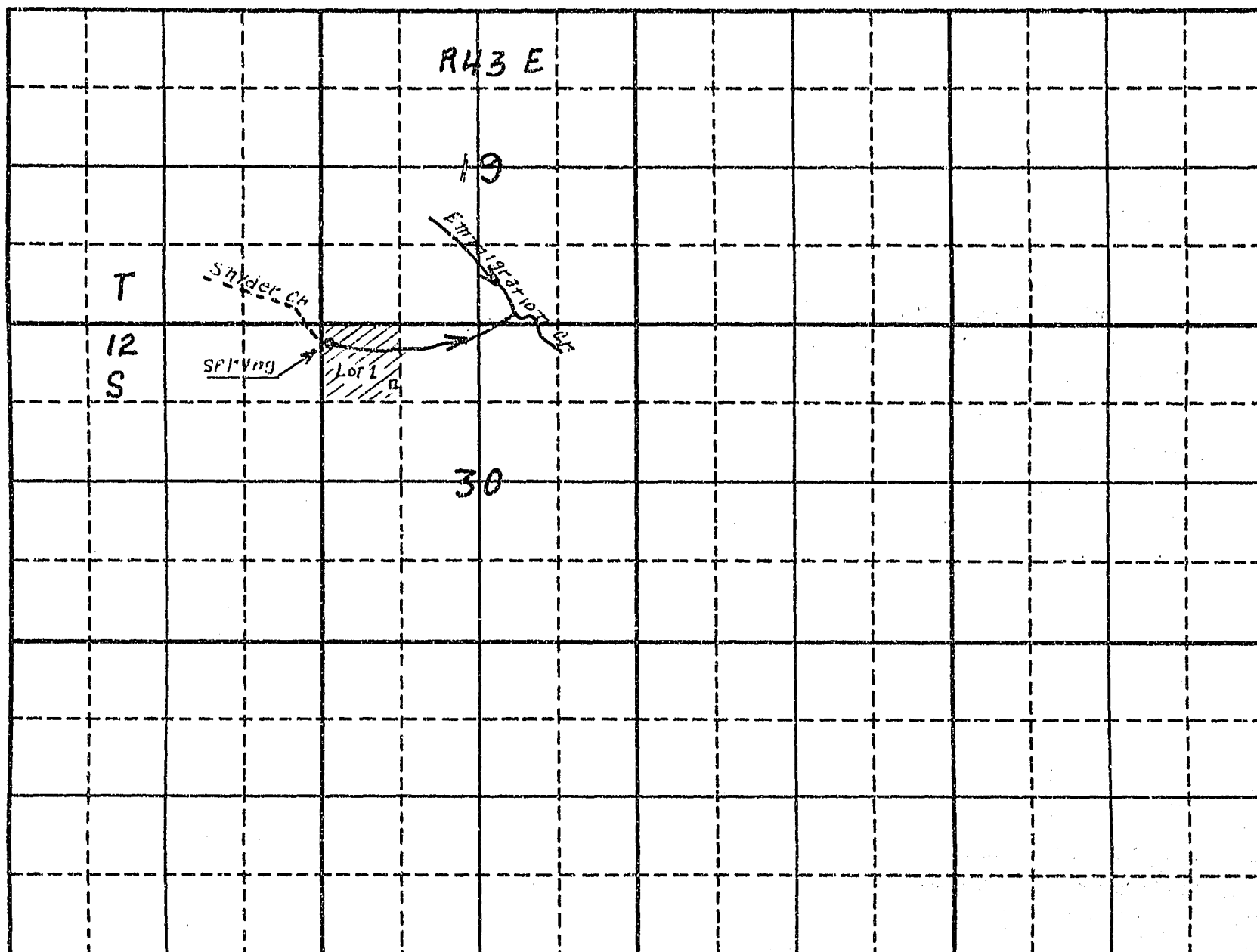
[illegible]

Total No. of acres 25

- B) If the water is used for other than irrigation, fully describe that use, being as specific as possible: domestic use for one family, and some livestock.

- (7) If you are claiming water as a member of an organization, list name of organization: _____

(8) Remarks _____



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
County of Beauregard) ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiants knowledge.

Rud S. Hyman
(Claimant)

Sworn to before me this 16 day of February, 19 76.

Phyllis J. Smith
Notary Public
Residing at Montpelier, Idaho

My commission expires Sept. 1977

For Department Use Only

Received by <u>OW</u>	Date <u>2-18-76</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>ST</u>	Date <u>2-18-76</u>		claimant by:	
\$10.00 fee received by <u>OW</u>	Date <u>2-18-76</u>			
Approved for publication by <u>me</u>	<u>3-15-76</u>	<u>75624</u>		
Published in <u>Newspaper</u>				
Dates <u>Feb 26 + Mar 4, 1976</u>				

privilege in the future of piping one of the small springs, involved in this water right, from its source down to the farm dwelling house of second party on his said premises, -for domestic, house, garden and lawn use; however, it is here specified that the lower-main part of said pipe line shall be of pipe not exceeding one-half inch in diameter. And that in connection with this special pipe-line privilege, it is agreed on part of second party that any loss which first party shall sustain in the use of said waters by reason of such special use by second part, shall be compensated for by a longer period of use of the main valum of said stream and its spring "feeders" on the premises of first party.

Finally, it is mutually agreed and understood that each party hereto shall faithfully abide by the foregoing stipulations, and carry out the letter and the spirit of the foregoing agreement, and hereby state as between the parties hereto the uses of said waters herein provided for shall become appurtenant to the tracts herein described respectively.

IN WITNESS WHEREOF, We have hereunto set our hands this 28th day of May, 1927.

Edwin A. Austin, Trustee.
Lee Prescott,

STATE OF IDAHO,)
) ss
County of Bear Lake)

On this 28th day of May, 1927, before me Edwin L. McClave, a Notary Public in and for said County and State, personally appeared before me Edwin A. Austin, Trustee of the estate of Alnora N. Austin, now deceased, and Lee Prescott, personally known to me to be the persons whose names are subscribed to the within instrument, and duly acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate above written.

(SEAL)

Edwin L. McClave, Notary Public,
Residing at _____ Idaho,
My Commission expires March 8th 1928,
Residence, Montpelier, Idaho.

Filed for record at request of Lee Prescott, May 31st 1927, at 2:45 p. m.,

Fee \$1.60,

AMY MUNK,

County Recorder,

Deputy.

Nº 319

RECEIVED

MAR 15 1976

AFFIDAVIT OF PUBLICATION

Department of Water Resources
Eastern District Office

STATE OF IDAHO,

County of Bear Lake

ss.

Loren W. Thompson
being duly sworn,

deposes and says:

That he is the publisher of THE NEWS-EXAMINER, a weekly newspaper published at Montpelier, in the County of Bear Lake and State of Idaho; and said paper has been and is in general circulation in the county aforesaid, and in the vicinity of Montpelier; that the advertisement, a copy of which is attached hereto, was published in said newspaper once a week for two consecutive weeks in the regular and entire issue of said paper during the period and time of publication, and was published in the newspaper proper and not a supplement; that said paper has been established and regularly published for more than seventy-eight consecutive weeks prior to the date of first publication of said advertisement.

Such notice was published in the issue beginning with

February 26, 1976, and ending
with the issue of March 4, 1976.

Loren W. Thompson
Fees, 12.76

Subscribed and sworn to before me this 12th day
of March, 1976.

Handa J. Thompson

Notary Public, Residing at Montpelier, Idaho

My Commission Expires March 13, 1979

NOTICE OF CLAIM TO A
WATER RIGHT
NO. 11-4045

Notice is hereby given that Reed S. Hymas, Ovid, Idaho has filed a claim to a water right established by diversion and application to beneficial use of 0.54 cubic feet per second of water from Snyder Creek and springs tributary to Emmigration Creek with point of diversion in the NW 1/4 NW 1/4, Sec. 30, T. 12S, R. 43E, B.M., Bear Lake County.

The water is claimed to be used from Jan. 1 to Dec. 31 for domestic purposes for one family and from Apr. 15 to Oct. 15 for the irrigation of 25 acres with a priority of 1907; the place of use is within the NW 1/4 NW 1/4, Sec. 30, T. 12S, R. 43E, B.M.

Any exception to this claim of water right may be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401.

R. KEITH HIGGINSON
Director

Published in the News Examiner, Montpelier, Idaho on February 26 and March 4, 1976.

IN 11-26-M4

C
O
P
Y
February 12, 1976

Reed S. Hymas
Ovid
Idaho 83260

Dear Mr. Hymas:

We are unable to accept your claim to a water right because no filing fee was submitted with it and because the amount of water being claimed in item 2 on the form was not made clear.

The Idaho Code states that one (1) inch or 0.02 c.f.s. of water may be claimed for each acre irrigated. The amount normally claimed for domestic use for one family is 0.04 c.f.s.

We have taken the liberty of preparing a typed claim form with the correct amounts of water for the irrigation of 25 acres and domestic use for one family, shown in item 2.

Please inspect the claim carefully and if it meets with your approval, sign it in the presence of a notary public and return it to this office with the statutory filing fee of \$10.00.

If you have any questions about your claim, please do not hesitate to contact us.

Very truly yours,

LOREN O. HOLMES
Assistant Regional Supervisor

LOH:me

Enclosures

February 20, 1976

RE: Claim to a Water Right No. 11-4045

Mr. Reed S. Hymas
Ovid,
Idaho 83260

Dear Mr. Hymas:

Attached herewith is departmental receipt No. 15624 in the amount of \$10.00 for the above referenced claim to a water right.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:CH

Attachment

NOTICE OF CLAIM TO A WATER RIGHT

NO. 11-4045

Notice is hereby given that Reed S. Hymas,
Ovid, Idaho

has filed a claim to a water right established by diversion and application
to beneficial use of 0.54 cubic feet per second ~~XXXXXXXXXXXXXXXXXXXX~~
of water from Snyder Creek and springs tributary to Emmigration Creek
with point of diversion in the NW¹/₄NW¹/₄, Sec. 30, T. 12S, R. 43E, B.M.,
Bear Lake County

The water is claimed to be used from Jan. 1 to Dec. 31 for domestic
purposes for one family and from Apr. 15 to Oct. 15 for the irrigation of
25 acres
with a priority of 1907;
the place of use is within the NW¹/₄NW¹/₄, Sec. 30, T. 12S, R. 43E, B.M.

Any exception to this claim of water right may be filed with the Idaho
Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401.

R. KEITH HIGGINSON

Director

Published in the News Examiner, Montpelier, Idaho
on February 26 and March 4, 1976

Staff - L.

the O.

February 20, 1976

RE: Claim to a Water Right No. 11-4045 HYMAS

The News Examiner
P.O. Box 278
Montpelier, Idaho 83245

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 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. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

Bill submitted 3-15-76 by CW

RDC:CN

Enc: Legal Notice (1)

March 18, 1976

RE: Claim to a Water Right No. 11-4045 Reed S. Hymas

Mr. Dennis M. Carlsen
138 North Main
Logan, Utah 84321

Dear Mr. Carlsen:

Please find enclosed your letter of exception and copy of the water users agreement. Since your exception represents a formal statement by you which becomes part of the official file of the Department, it is necessary for it to be in affidavit form, i.e. signed in the presence of a notary public.

If you wish to resubmit your exception, after having it notarized, we will then include it in our files.

If you have any questions, please feel free to contact us.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:CM

Enclosures

March 18, 1976

RE: Claim to a Water Right No. 11-4045

Mr. Reed S. Hymas
Ovid,
Idaho 83260

Dear Mr. Hymas:

The Department of Water Resources has completed the processing of your claim to a water right and no further action is authorized under Sections 42-225a and 42-225b, Idaho Code. Your claim will be retained in our files and will be available at any time for use by you or the court.

As you are aware, the filing of your claim does not, in itself, guarantee you a water right; it only records and preserves the information and the evidence which you included in your claim.

If, at a later date, you find that you have additional information or supporting evidence that you would like to have included in your claim file, you may have that information or evidence added at any time. Please refer to your claim number when corresponding with this office.

We are enclosing, for your records, a copy of your claim. If you have any questions or if we can be of further assistance, please feel free to call upon us.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:CN

Enclosure: Copy of Claim

privilege in the future of piping one of the small springs, involved in this water right, from its source down to the farm dwelling house of second party on his said premises, for domestic, house, garden and lawn use; however, it is here specified that the lower-main part of said pipe line shall be of pipe not exceeding one-half inch in diameter. And that in connection with this special pipe-line privilege, it is agreed on part of second party that any loss which first party shall sustain in the use of said waters by reason of such special use by second party, shall be compensated for by a longer period of use of the main valuum of said stream and its spring "feeders" on the premises of first party.

Finally, it is mutually agreed and understood that each party hereto shall faithfully abide by the foregoing stipulations, and carry out the letter and the spirit of the foregoing agreement, and hereby state as between the parties hereto the uses of said waters herein provided for shall become appurtenant to the tracts herein described respectively.

IN WITNESS WHEREOF, We have hereunto set our hands this 28th day of May, 1927.

Edwin A. Austin, Trustee.
Lee Prescott,

STATE OF IDAHO,)
) ss
County of Bear Lake)

On this 28th day of May, 1927, before me Edwin L. McClave, a Notary Public in and for said County and State, personally appeared before me Edwin A. Austin, Trustee of the estate of Alnora N. Austin, now deceased, and Lee Prescott, personally known to me to be the persons whose names are subscribed to the within instrument, and duly acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate above written.

(SEAL)
Edwin L. McClave, Notary Public,
Residing at _____ Idaho,
My Commission expires March 8th 1928,
Residence, Montpelier, Idaho.

Filed for record at request of Lee Prescott, May 31st 1927, at 2:45 p. m.,
Fee \$1.60,

AMY MUNK, County Recorder,

No. 29991,

WATER USERS' AGREEMENT.

THIS AGREEMENT MADE AND ENTERED INTO, By and between Edwin A. Austin, as Trustee for the estate of Alnora N. Austin, deceased, party of the first part, and Lee Prescott, party of the second part.

WITNESSETH, That whereas both parties hereto have certain interests in and to the use of water of a small stream called "Snyder Creek", situate and naturally flowing through Lot 1, and NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 30, Township 12, South, Range 43 East B. M., in Bear Lake County, Idaho; and whereas, the parties hereto desire to enter into this written agreement for the purpose of defining the respective rights, and the manner of the use of said waters, between said parties hereto:

Now therefore, said parties hereby agree to the following water rights in said stream, and its immediate springs and tributaries, and to the manner of its use on the lands, hereinafter described and belonging to the parties hereto, respectively:

(1) That the said party of the first part and his predecessor in interest has been the owner of, in the possession of and entitled to the possession of the following described tracts of land:

SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 19; NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 30, Township 12 (twelve) South, Range 43 East, B. M., in Bear Lake County, State of Idaho; that for more than 20 years said parties in interest have used continuously a considerable portion of waters of said stream and its spring "feeders" on said tracts of land, or some portion thereof, for beneficial purposes and irrigation.

(2) That for a period of 20 years the said second party, and his predecessors in interest have been owners, in possession of, and entitled to the possession of the following described lands:

Lot 4, Sec. 19; Lot 1, Sec. 30, Township 12 South, Range 43 East, B. M., said Bear Lake County; and that for several years last past such parties in interest have used a certain portion of the waters of said stream for purposes of irrigation and for beneficial use on said lands, or some areas thereof.

(3) It is now mutually agreed between the parties hereto, and the same, and all other provisions herein set forth shall be binding upon the heirs, successors and assigns of the parties hereto, that the entire interest in and to the use of the waters of said Snyder Creek and its springs "feeders" shall be divided and used fifty-fifty by the parties hereto; and that for the purpose of obtaining the maximum benefits from the use of said waters, the same and all of it shall be used by one of the parties hereto at a time on the respective premises, by turn and turn about, or by rotation; that such individual use shall be for a minimum period of five days, but that the parties hereto may agree hereafter on "turn" of longer period.

(4) It is specially agreed and understood that said second party may have the

RECEIVED

MAR 11 1976

Department of Water Resources
Eastern District Office

Logan, Utah
10 March, 1976

RECEIVED

APR 7 1976

Department of Water Resources
Eastern District Office

State of Idaho
Department of Water Resources
1515 Lincoln Road
Idaho Falls, Idaho 83401

Attention Ronald D. Carlsen, Supervisor

Dear Mr. Carlsen,

Enclosed please find an exception to the claim number 11-4045.

The feedersprings on the Snyder Creek have been used by both parties according to the water users agreement No. 29991 established and filed on May 31, 1927 at 2:45 P.M..

Only waters usable by gravity flow were used which were two of the feeder springs. The Snyder Creek itself cannot be used by gravity flow and therefore the waters from Snyder Creek have been used solely by Edwin A. Austin prior to 1927, and since 1927 by C. N. Carlsen and since 1972 by Dennis M. Carlsen.

DMC/adh

Dennis M. Carlsen
Dennis M. Carlsen
C. N. Carlsen
C. N. Carlsen

On this 30th day of March, 1976 personally appeared C. N. Carlsen and Dennis M. Carlsen, known to me to be the persons whose names are signed to the above instrument.

Elaine W. Webb
Elaine W. Webb, Notary Public
Residing at Paris, Idaho
Commission expires May 13, 1977

Stylish Fabrics Corporation of Utah

138 NORTH MAIN
LOGAN, UTAH 84321

RECEIVED

APR 7 1976

MESSAGE DATE

State of Idaho
Dept. of Water Resources
1815 Lincoln Road
Idaho Falls, Idaho 83401

REPLY DATE Department of Water Resources
Eastern District Office

Dear Mr. Carlson,
#1 - Enclosed please find
the information for claim
11-4045.

#2 - Also Please find information
with regard to claim #11-4047

Sincerely,
Dennis J. Carlson

SENT BY

ANSWERED BY



FORM NO. PK102R-3
AVAILABLE FROM BUSINESS ENVELOPE MANUFACTURER

C. • BRONX, N.Y. • CLINTON, TENN. • MELROSE, PARK, ILL. • ANAHEIM, CALIF.

LOT # 586032



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

EASTERN DISTRICT

Cecil D. Andrus
Governor

R. Keith Higginson
Director

1515 Lincoln Road
Idaho Falls, Idaho 83401
(208) 523-7186

April 14, 1976

RE: Claim to a Water Right No. 11-4045

Mr. Reed S. Hymas
Ovid, Idaho 83260

Dear Mr. Hymas:

Enclosed please find a copy of the exception filed by Dennis M. Carlsen in connection with your Claim No. 11-4045. The following is a quote from the provisions of the Idaho Code under which this claim has been filed:

42-225b. Recording of claims by department-----Corrections.-----

.....
.At any time after filing a claim under the provisions of this section, any person who disagrees that a right has been established as set forth in said claim may file an exception thereto in duplicate, in affidavit form, accompanied by such proof as said person deems appropriate. An exception filed shall be made a part of the file of the claim in the Department of Water Administration (renamed Department of Water Resources, July 1, 1974) and shall be considered the same as other evidence in said file. A copy of an exception filed shall be forwarded to the claimant by the Department of Water Resources. Such claims may be corrected by the claimant only by filing of an amended claim in the same form as the original which shall be recorded and numbered by the department the same as the original and for which no additional filing fee shall be required.

Only the above action has been contemplated by the Idaho Legislature and we are not authorized to hold hearings or evaluate for conformation or final censorship of the described rights.

If you have any questions regarding this matter, please contact us.

Very truly yours,

RONALD D. CARLSON
Supervisor, Eastern Region

RDC:cw

Enclosure

cc: IDWR - State Office



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

EASTERN DISTRICT

Cecil D. Andrus
Governor

R. Keith Higginson
Director

1515 Lincoln Road
Idaho Falls, Idaho 83401
(208) 523-7186

April 14, 1976

RE: Claim to a Water Right No. 11-4045 REED S. HYMAS

Mr. Dennis M. Carlsen
138 North Main
Logan, Utah 84321

Dear Mr. Carlsen:

We have included a copy of Record No. 5, Miscellaneous, Water Users Agreement as part of the above referenced file as an exception to the claim submitted by Reed S. Hymas. The following is a quote from the provisions of the Idaho Code under which this claim has been filed:

42-225b. Recording of claims by department-----Corrections.-----

.....
At any time after filing a claim under the provisions of this section, any person who disagrees that a right has been established as set forth in said claim may file an exception thereto in duplicate, in affidavit form, accompanied by such proof as said person deems appropriate. An exception filed shall be made a part of the file of the claim in the Department of Water Administration (renamed Department of Water Resources, July 1, 1974) and shall be considered the same as other evidence in said file. A copy of an exception filed shall be forwarded to the claimant by the Department of Water Resources. Such claims may be corrected by the claimant only by filing of an amended claim in the same form as the original which shall be recorded and numbered by the department the same as the original and for which no additional filing fee shall be required.

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If you have any questions regarding this matter, please contact us.

Very truly yours,

RONALD D. CARLSON
Supervisor, Eastern Region

RDC:cw

cc: IDWR - State Office