

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE BEAR RIVER BASIN WATER SYSTEM

RECEIVED

AUG 28 2023

CIVIL CASE NUMBER: 79576

Claim ID: 11-4062

Date Received: 8/28/23

Receipt No: 7000400

Claim Fee: 729.20 By: _____

IDWR/Preston NOTICE OF CLAIM TO A WATER RIGHT ACQUIRED UNDER STATE LAW

Please type or print clearly

- Name of claimant(s) Scot D or Lorie Hennings Phone (208) 540-1512
Mailing address 1501 Hayes Lane Montpelier Id. Zip 83254
Street or Box City State
Email address (optional) lorie.hennings@yahoo.com
- Date of priority: (Only one per claim) 6/1/1900 (Explain priority date selected in Remarks)
Month/Day/Year (YYYY)
- Source of water supply (Check one) Ground Water () or Other (☒) (a) Spring
which is tributary to (b) Sinks
- a. Location of point of diversion is: Township 12S, Range 43E, Section 3,
SW 1/4 of NE 1/4, Govt. Lot _____, BM, County of Bear Lake
Parcel no. 125432030000
Additional points of diversion, if any: _____
If available, GPS Coordinates _____
- b. If instream flow, beginning point of claimed instream flow is:
Township _____, Range _____, Section _____, _____ 1/4 of _____ 1/4,
Govt. Lot _____, BM, County of _____
Ending point is: Township _____, Range _____, Section _____, _____ 1/4 of _____ 1/4,
Govt. Lot _____, BM, County of _____
- Description of existing diversion works (dams, reservoirs, ditches, wells, pumps, pipelines, headgates, etc.),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well.
Flood gating (irrigating) property, Stockwater with
trough was already establish. Old homestead water was
established pre 1900, still in use. (calling attachment)

6. Water is claimed for the following purposes:

(dates are inclusive MM-DD)

(cfs)

(acre-feet)

For Irrigation purposes from 5/01 to 9/30 amount 0.500 or _____
 For Stockwater purposes from 4/01 to 10/31 amount 0.100 or _____
 For Domestic purposes from 4/01 to 10/31 amount 0.100 or _____
 For _____ purposes from _____ to _____ amount 0.500 or _____

7. Total quantity claimed (a) 0.500 (cfs) and/or (b) _____ (acre-feet)

8. Non-irrigation uses; describe fully (e.g., Domestic: Give number of households served; Stockwater: Type and number of livestock, etc.) _____

9. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
<u>12S</u>	<u>43E</u>	<u>3</u>			<u>400</u>	<u>100</u>													<u>50.0</u>

Parcel no(s). 12S43E030000

Total number of acres irrigated 50.0

10. In which county(ies) are lands listed above as place of use located? Bear Lake

11. Do you own the property listed above as place of use? Yes (☒) No ()

If your answer is No, describe in Remarks below the authority you have to claim this water right.

12. Describe any other water rights used at the same place and for the same purposes as described above.

_____ or None ()

13. Remarks (Include an explanation of the priority date selected):

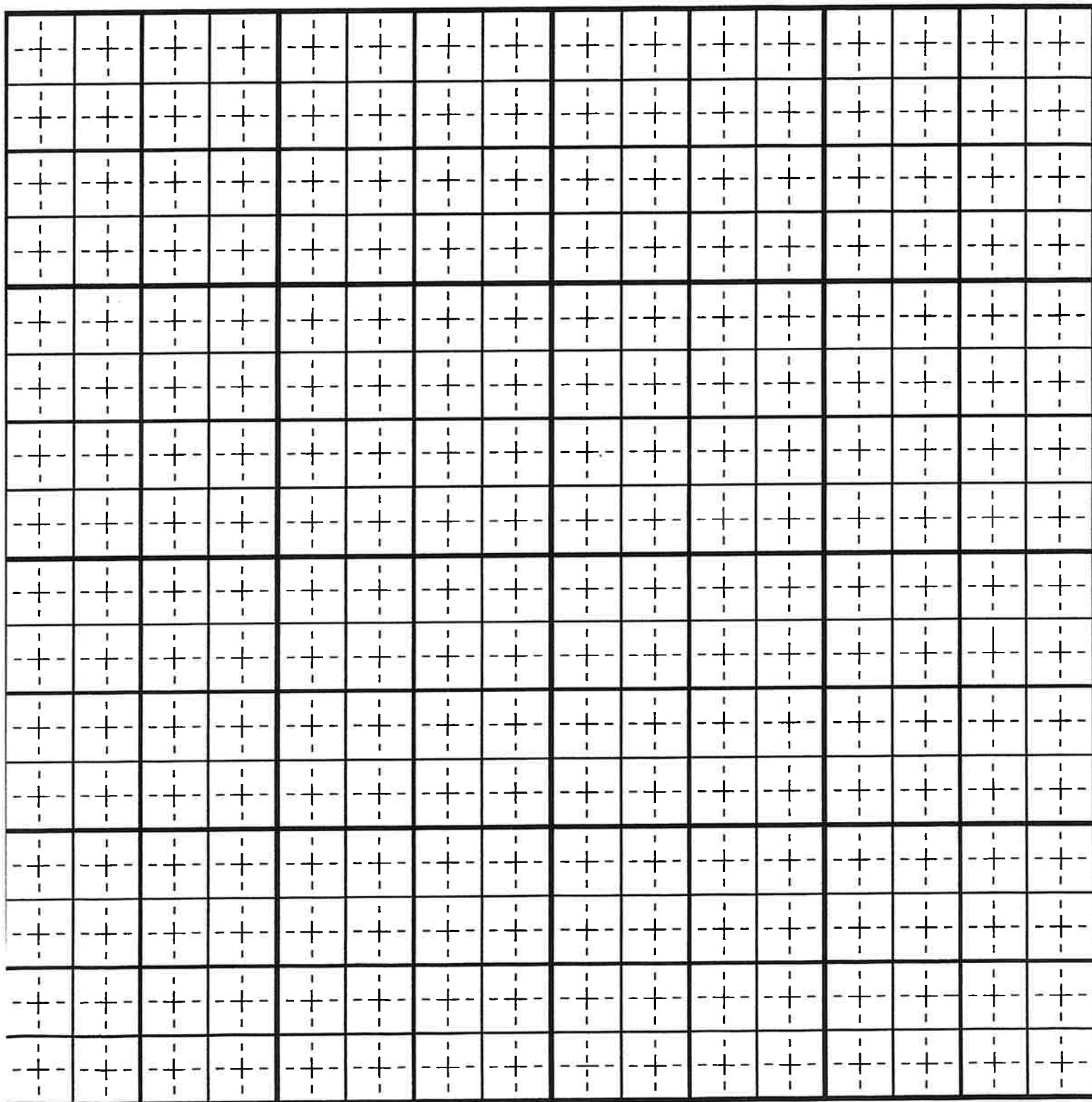
Date was set on decree, no change in system.
in the Bear Lake County Records shows all water
rights on said property, was established in
1904 for all water, ditches ext. Speaking with
the family of Maxine Cutler they recalled watering
stock with Homestead spring in a massive stock tank.
Neils Petersen was the original homesteader who
established streams and ditches

Name of claimant(s) _____

Claim ID _____

Map of Project: Attach aerial photograph or topographic map showing clearly the point of diversion, place of use, section number, township, and range number, unless unavailable. Otherwise sketch the elements above on the grid below.

Scale: 2 inches equals 1 mile



Name of claimant(s) _____ Claim ID _____

14. Basis of claim (Check one) Beneficial Use (☒) Posted Notice (☐) License (☐) Permit (☐) Decree (☐)

Court _____ Decree Date _____ Plaintiff v. Defendant _____

If applicable provide IDWR Water Right Number 11-4062

15. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notices in the Bear River Basin Water System Adjudication."

(b.) I/We do (☐) do not (☐) wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals: I/We do solemnly swear or affirm under penalty of perjury that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s)  Date: 8-28-2

Date: _____

For Organizations: I do solemnly swear or affirm under penalty of perjury that I am, and that I have signed the foregoing document in the space below as the

_____ of _____
Agent's title (Please print) Name of organization (Please print)

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____ Date _____

Printed Name of Authorized Agent _____

16. Notice of Appearance:

Notice is hereby given that I, (please print) _____, will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____ Date _____

Address _____

(1)

The property has a homestead spring that we use to haul drinking water, since we bought the property in around 2020. stock water is being used for watering 50 plus head of cattle from 1/01-12/31 and crop flooding has been used to flood approx 50 acres by flood gating, nothing has changed or diversions made.

James Cefalo stated this property has irrigation right for approx 50 acres and since 2020 we have been using water on field watering what acres we can approx 30 ~~acres~~ acres

~~The above~~

The connecting property has ~~sewer~~^{waste} water that runs and floods our property into ~~our~~ field ~~and~~ ~~and~~ ~~and~~ ~~and~~ ~~and~~ a ditch line was dug ~~and~~^{from} previous owner tried to divert water.

The waste water is being used to help irrigate field to help it grow adding it to our spring water.

IDAHO DEPARTMENT OF WATER RESOURCES

6/3/2021

Proof Report

Water Right 11-4062*Catters*

Owner Type **Name and Address**
 Current Owner SCOT D HENNINGS
 1501 HAYES LN
 MONTPELIER, ID 83254-5071
 (208) 540-1512

Current Owner LORIE HENNINGS
 1501 HAYES LN
 MONTPELIER, ID 83254-5071
 (208) 540-1512

Priority Date: 6/1/1900**Basis:** Statutory Claim**Status:** Active

Source
 SPRING

Tributary
 SINKS

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	5/01	9/30	0.500 CFS	
STOCKWATER	4/01	10/31	0.100 CFS	
DOMESTIC	4/01	10/31	0.100 CFS	
<u>Total Diversion</u>			0.500 CFS	

Source and Point(s) of Diversion

SPRING

SWNE

Sec. 3, Twp 12S, Rge 43E, BEAR LAKE County

Place Of Use

IRRIGATION within BEAR LAKE County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
12S	43E	3			40.0	10.0													50.0

POU Total Acres: 50.0

STOCKWATER Same as IRRIGATION

DOMESTIC Same as IRRIGATION

Conditions of Approval:

To Whom It May Concern

This statement is concerning property in Nounan Idaho, owned by Scott and Lorie Hennings, which they purchased from the Maxine B. Cutler Family Trust, of which I was trustee. The water on this property was used to water the livestock.

Signed,
Linda Peterson Cochran
8-27-2023

Land Patent Details

Accession Nr: ID0530 __.382 Document Type: State Volume Patent State: Idaho Issue Date: 9/28/1904 Cancelled: No

Names On Document

 PETERSEN, NIELS D

Military Rank: ---

Miscellaneous Information

Land Office:	Blackfoot
US Reservations:	Yes
Mineral Reservations:	No
Tribe:	---
Militia:	---
State In Favor Of:	---
Authority:	May 20, 1862: Homestead EntryOriginal (12 Stat. 392)

Document Numbers

Document Nr:	4182
Misc. Doc. Nr:	5461
BLM Serial Nr:	IDIDAA 011639
Indian Allot. Nr:	---

Survey Information

Total Acres:	119.00
Survey Date:	---
Geographic Name:	---
Metes/Bounds:	No

Land Descriptions

State	Meridian	Twp - Rng	Aliquots	Section	Survey #	County
ID	Boise	012S - 043E	Lot/Trct 1	3		Bear Lake
REMARKS: LOT 1 OR NENE QUARTER						
ID	Boise	012S - 043E	S½NE¼	3		Bear Lake

THE UNITED STATES OF AMERICA.



To all to whom these Presents shall come, Greeting:

Whereas, There has been deposited in the General Land Office of the United States a Certificate of the Register of the Land Office at Blackfoot, Idaho, whereby it appears that, pursuant to the Act of Congress approved 20th May, 1862, "To secure Homesteads to actual Settlers on the Public Domain," and the acts supplemental thereto, the claim of Niels D. Petersen

has been established and duly consummated, in conformity to law, for the Plot numbered one and the South half of the North East quarter, of Section three in Township Twelve South of Range forty-three East of Boise Meridian in Idaho containing one hundred and nineteen acres

according to the Official Plot of the Survey of said Land, returned to the General Land Office by the Surveyor General.

Now know ye that there is, therefore, granted by the United States unto the said Niels D. Petersen

the tract of Land above described: To have and to hold the said tract of Land with the appurtenances thereof, unto the said Niels D. Petersen and to his heirs and assigns forever; subject to any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes, and rights to ditches and reservoirs used in connection with such water rights as may be recognized and acknowledged by the local customs, laws, and decisions of courts, and also subject to the right of the proprietor of a vein or lode to extract and remove his ore therefrom, should the same be found to penetrate or intersect the premises hereby granted, as provided by law, and there is reserved from the lands hereby granted a right of way thereon for ditches or canals constructed by the authority of the United States.

In testimony whereof, J. Theodore Roosevelt, President of the United States of America, have caused these letters to be made Patent, and the seal of the General Land Office to be hereunto affixed.

Given under my hand at the City of Washington, the twenty eighth day of September, in the year of our Lord one thousand nine hundred and four, and of the Independence of the United States the one hundred and thirty ninth

By the President, J. Roosevelt

By H. W. McKean, Secretary.

C. A. Brush, Recorder of the General Land Office



State of Idaho

DEPARTMENT OF WATER RESOURCES

Eastern Region • 900 N SKYLINE DR STE A • IDAHO FALLS, ID 83402-1718
Phone: (208)525-7161 • Fax: (208)525-7177 • Website: www.idwr.idaho.gov

Brad Little
Governor

Gary Spackman
Director

June 03, 2021

SCOT D HENNINGS
LORIE HENNINGS
1501 HAYES LN
MONTPELIER ID 83254-5071

Re: Change in Ownership for Water Right No(s): 11-4062

Dear Water Right Holder(s):

The Department of Water Resources (Department) acknowledges the receipt of correspondence changing ownership of the above referenced water right(s) to you. The Department has modified its records and has enclosed a computer-generated report for you.

Updating the ownership record for a water right does not reconfirm the validity of the right. When processing a Notice of Change in Water Right Ownership, the Department does not review the history of water use to determine if the right has been forfeited or deliberately abandoned through five years or more of non-use. To read more about water right forfeiture, including how to protect a water right from forfeiture, please see Idaho Code §§ 42-222 and 42-223.

Please note, water right owners are required to report any change of water right ownership and any change of mailing address to the Department within 120 days of the change. Reporting forms are available from any office of the Department, or from the Department's website.

If you have any questions concerning the enclosed information, please contact me at (208) 497-3787.

Sincerely,

Jonie Barg
Technical Records Specialist 1

Enclosure(s)

cc: WATER DISTRICT 11



State of Idaho

DEPARTMENT OF WATER RESOURCES

Eastern Region • 900 N Skyline Drive, Suite A • Idaho Falls ID 83402-1718

Phone: (208) 525-7161 • Fax: (208) 525-7177

Website: idwr.idaho.gov • Email: easterninfo@idwr.idaho.gov

BRAD LITTLE

Governor

May 28, 2021

GARY SPACKMAN

Director

Scott Hennings
Lorie Hennings
1501 Hayes Ln
Montpelier ID 83254

RE: Notice of Change in Water Right Ownership: 11-4062

Dear Sir/Madam:

The Department of Water Resources acknowledges receipt of your Notice of Change in Water Right Ownership.

Our review of your notice indicates that additional information is required before we can process the change. The information required is indicated below:

**** **Evidence of Ownership:** Copy of the full 'recorded' Deed or other legal document indicating your ownership in the above mentioned water right and/or property. The department acknowledges receipt of a partial unrecorded copy of your deed, but we need a full copy of the "recorded" Deed.

Because the Department cannot process the ownership change without proper documentation/fees, we will hold any action on your notice pending receipt of the necessary information/fees. If we do not receive the necessary information/fees within 30 days we will return your notice and all attachments and your notice will not be processed.

Please note that Section 42-248, Idaho Code, requires you or the owner of this water right to maintain current ownership and address records on file with the department. Forms to file a change of ownership of a water right and/or a change in the address of the water right owner are available from any department office, or at the department's website at: www.idwr.idaho.gov.

Please feel free to contact the Department if you have any questions at 208-525-7161.

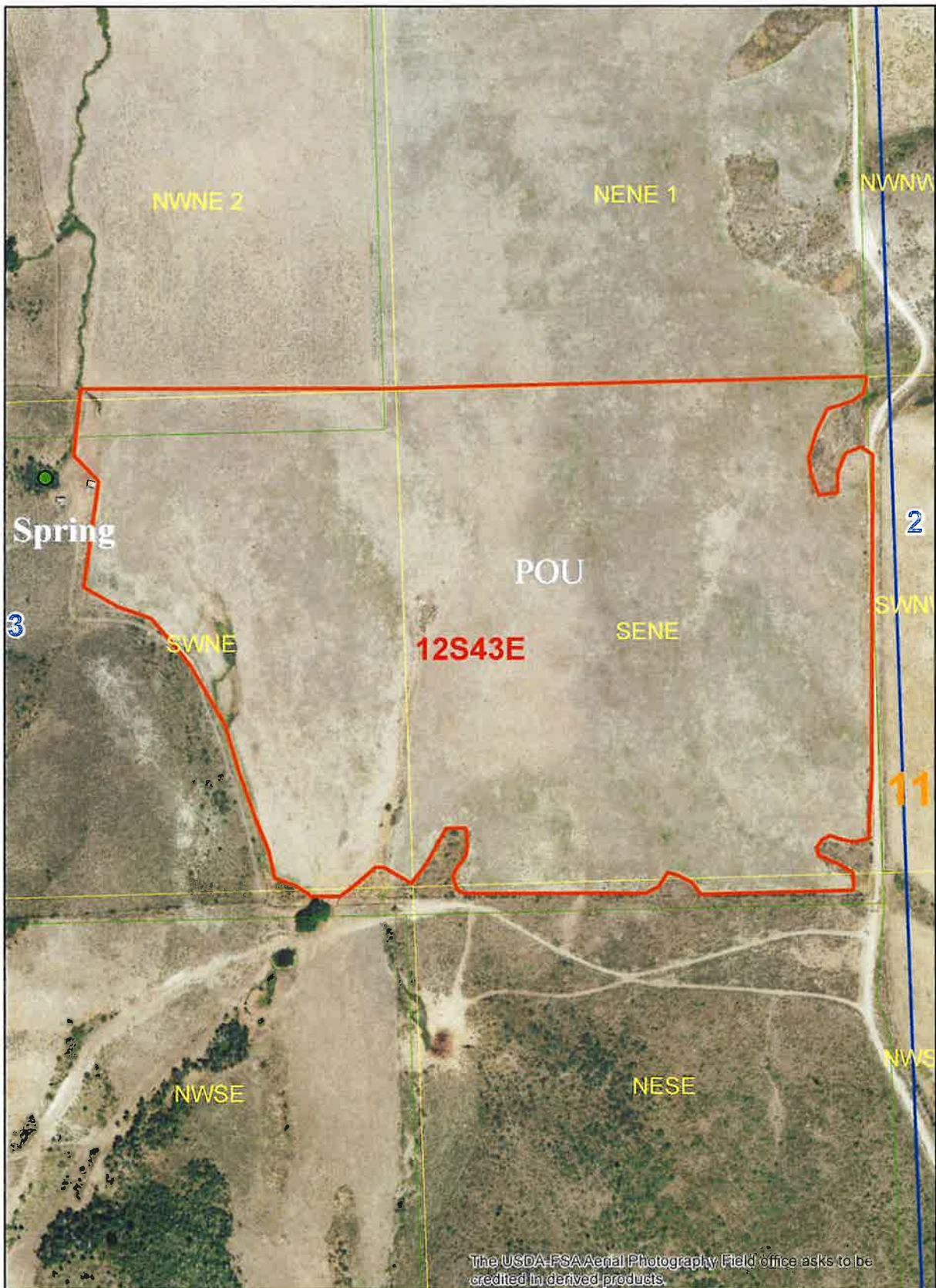
Sincerely,


Jonie Barg
Technical Records Specialist

Enclosure(s)

Jonie.barg@idwr.idaho.gov

Claim 11-4062



0 0.0425 0.085 0.17 Miles