

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 SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: **A63-04112**
Date Received: 5/ 9/1994
Receipt No: C030248
Received By: _____

COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILES

1. Name: STEPHEN E SPENCER MD 208-345-3926
Address: 2900 SHAW MOUNTAIN RD
BOISE ID 83712

2. Date of Priority: JAN 1, 1941

3. Source: COTTONWOOD CREEK Trib. to: BOISE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
03N	02E	12		NW	NE		ADA

Beginning Point of Instream Flow							
03N	02E	12	NW	NE	NW		ADA

Ending Point of Instream Flow							
03N	02E	12	NE	NE	NW		ADA

5. Description of diverting works:
CANAL AND PIPELINE ALONG ROAD

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.140		
STOCKWATER	01/01	12/31	0.020		

7. Total Quantity Appropriated is:
0.160 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 24.5 Acre Feet **MICROFILMED**

9. Non-irrigation uses:
STOCKWATER, 20 HORSES

JUL 23 1994

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
03N	02E	1	SE	SW		IRR	2.0
					Section	Acres	2.0
		12	NW	NE		IRR	2.0
			NE	NW		STOCK	
			NE	NW		IRR	3.0
			NW	NW		STOCK	
					Section	Acres	5.0
					Total	Acres	7.0

11. Place of use in counties: ADA

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:

A63-04116, A63-02572 AND A63-29962

14. Remarks:

15. Basis of Claim: BENEFICIAL USE

MICROFILMED

JUL 25 1994

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 SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A63-04112
Date Received: 5/9/1994
Receipt No: 2030-248
Received By: _____

COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILES

1. Name: STEPHEN E SPENCER MD 208-345-3926
Address: 2900 SHAW MOUNTAIN RD
BOISE ID 83712

2. Date of Priority: JUN 1, 1941

3. Source: COTTONWOOD CREEK Trib. to: BOISE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
03N	02E	12		NW	NE		ADA

Beginning Point of Instream Flow							
03N	02E	12	NW	NE	NW		ADA

Ending Point of Instream Flow							
03N	02E	12	NE	NE	NW		ADA

5. Description of diverting works:
CANAL AND PIPELINE ALONG ROAD

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.140		
STOCKWATER	01/01	12/31	0.020		

7. Total Quantity Appropriated is:
0.160 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 24.5 Acre Feet Per Annum.

9. Non-irrigation uses:
STOCKWATER, 20 HORSES

MICROFILMED

JUL 25 1994
Date: 05/10/94

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
03N	02E	1	SE	SW		IRR	2.0
					Section	Acres	2.0
		12	NW	NE		IRR	2.0
			NE	NW		STOCK	
			NE	NW		IRR	3.0
			NW	NW		STOCK	
					Section	Acres	5.0
					Total	Acres	7.0

11. Place of use in counties: ADA

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:

A63-04116, A63-02572 AND A63-29962

14. Remarks:

15. Basis of Claim: BENEFICIAL USE

MICROFILMED

JUL 25 1994

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 SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number A63-04112Date Received 5-9-94 DMSReceipt Number 6030248

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED
MAY 09 1994
Department of Water Resources

Please type or print clearly

1. Name of Claimant (s) Stephen E. Spencer, M.D. Phone (208) 345-3926Mailing Address 2900 Shaw Mountain Road, Boise, Idaho Zip 837122. Date of Priority (Only one (1) per claim) January 1, 19413. Source of water supply (a) Cottonwood Creek
which is tributary to (b) Boise River4. a. Location of existing point of diversion is: Township 3N Range 2E Section 12,
1/4 of NW 1/4 of NE 1/4, Govt. Lot, B.M., County of Ada

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township 3N Range 2E Section 12, NW 1/4 of NE 1/4 of NW 1/4,Govt. Lot _____ B.M., County of Adaending point is: Township 3N Range 2E Section 12, NE 1/4 of NE 1/4 ofNW 1/4, Govt. Lot B.M., County of Ada5. 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. Diversion on Cottonwood Creek
to canal and pipeline along road.

MICROFILMED

JUL 25 1994

HOW YOU WILL RECEIVE NOTICES IN THE SNAKE RIVER BASIN ADJUDICATION

All documents filed in the Snake River Basin Adjudication other than notices of claims are filed with the court. Notices of claims to water rights filed in the Snake River Basin Adjudication are filed with the Idaho Department of Water Resources. Copies of all documents filed in the Snake River Basin Adjudication will not be mailed to all parties (claimants) in the adjudication.

By order of the court, any document filed with the court will be mailed only to those parties who may be directly affected by it. A monthly docket sheet will be prepared by the department which contains a summary of all documents filed with the court in the previous month and the dates and locations of hearings scheduled for the following three months. The docket sheet will be filed with the district court clerk in each county within the Snake River Basin in Idaho. Copies of the docket sheet may be obtained from any of the offices of the department either in person or by mail; a small fee will be charged to cover the cost of mailing and/or copying. If you wish to receive a copy of the docket sheet each month, you should mark the appropriate place on your notice of claim form. You will be charged a small annual subscription fee to cover the cost of copying and mailing. Copies of any document listed on the docket sheet may be obtained from any of the offices of the department either in person or by mail; a small fee will be charged to cover the cost of mailing and/or copying.

Copies of all notices of claims filed with the department will be available for inspection from all offices of the department. Copies of the notices of claims may be obtained in person or by mail, but you will be charged for the cost of copying and mailing. (A claimant will not be charged for a copy of his or her own notice of claim, and a person who acquires property with water rights for which a notice of claim was filed will not be charged for a copy of the notice of claim filed by the previous owner.)

After the notices of claims have been reviewed, the director will prepare and file a report with the court. Part 1 of the report will contain the director's recommendations as to each water right claimed under state law. Part 2 of the report will list each federal reserved water right claimed. A number of reports will be prepared, one or more for each sub-basin in the Snake River Basin. When the report for your sub-basin is filed with the court, you will be mailed a notice informing you that the report for your sub-basin has been filed. The notice will be sent to the most recent address shown by the department's files. Attached to the notice will be a copy of those portions of the report describing the water rights you have claimed. If you do not agree with the way your water right is described, you may file an objection to the report with the court. You can also file an objection if you disagree with the way other claimant's water rights are described, and the notice will tell you where a copy of the full report is available for inspection. The notice will tell you when and where to file your objection. The notice of filing for each sub-basin report will also be published state-wide in local newspapers.

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Instream Stockwater purposes from 1/1 to 12/31 amount 0.02 or _____

For Irrigation purposes from 3/15 to 11/15 amount 0.14 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.16 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 24.5 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) Approximately 20 horses.

10. 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	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
3N	2E	12					s/	s/											
3N	2E	12		2			3												5
3N	2E	1											2						2

Total number of acres irrigated 7

11. In which county (ies) are lands listed above as place of use located? Ada

12. Do you own the property listed above as place of use? Yes x No _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
63-04116, 63-02572 or None ()

14. Remarks:

MICROFILMED

JUL 25 1994

Last Name SPENCER Ident No. A63-04112

Copies: White -State, Yellow-Claimant

It is very important that you inform the department in writing of any change in your address. This is to make sure that you receive the notices affecting your water rights that are to be mailed by the department.

If you are acquiring property with water rights in the Snake River Basin water system in Idaho (either by purchase, gift, inheritance, or other means), it is very important that you inquire of the department whether a notice of claim has been filed. If not, you must file a notice of claim or the water right may be declared by the court to no longer exist. If a notice of claim has been filed, it is very important that you file a written notice of change in ownership with the department. The notice of change in ownership must be accompanied by some evidence of the change in ownership, such as a copy of the deed or a property tax statement showing the name of the new owner. Again, this is to make sure that you receive the notices affecting your water rights that are to be mailed by the department.

The cost of the subscription to the docket sheet is \$7.50 for calendar year 1988. The cost of the subscription may increase a small amount for calendar year 1989 if the cost of copying and/or mailing should increase.

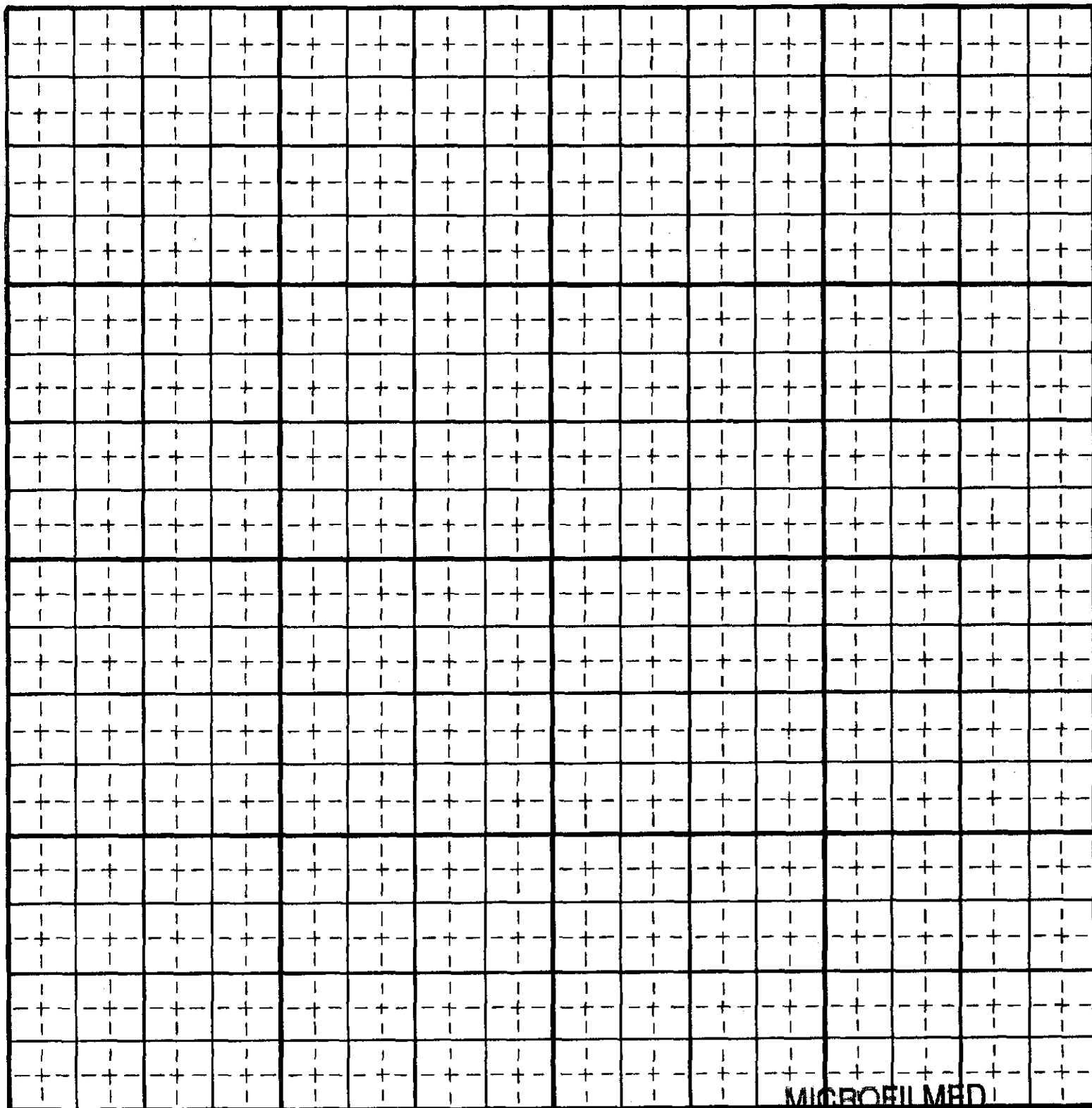
If you are planning to file a motion or other pleading (not a notice of claim) with the court (not IDWR), the court has issued an order setting a special procedure that is different from the usual civil rules. A copy of the order may be obtained from any office of IDWR; you may be charged for the cost of mailing and/or copying.

UNCLASSIFIED

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile

SEE ATTACHED MAP



MICROFILMED

JUL 25 1994

Last Name SPENCER

Ident No. A63-04112

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use ☒ Posted Notice _____ License _____ Permit _____

Decree _____

If applicable provide IDWR Water Right Number 63-4112

Court _____ Case Number _____ Decree Date _____

Plaintiff vs Defendant _____

16. Signature (s)

(a.) By signing below, I/We acknowledge that I/We have received, read, and understand the form entitled "How you will receive notice in the Snake River Basin 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 One map

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) Stephen E. Spencer, vero Date 5-2-94

Date _____

For Organizations: I do solemnly swear or affirm that I am _____

Title

of _____, that I have signed the foregoing

Organization

document in the space below as _____ of _____

Title

Organization

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

Signature of Authorized Agent _____

Title and Organization _____ Date _____

State of Idaho/or _____)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day of _____ 19 _____

SEAL

Notary Public _____

Residing at _____

My Commission Expires _____

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, Dana Hofstetter, Holland & Hart 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 Dana Hofstetter

Address P.O. Box 2527, Boise, Idaho 83701

Date 5/6/94

MICROFILMED

JUL 25 1994

A63-04112

Last Name SPENCER Ident. Number _____

Copies White-State, Yellow-Claimant

POOR ORIGINAL

SPENCER
SRBA Claim No. A63-04112

Place of
Use

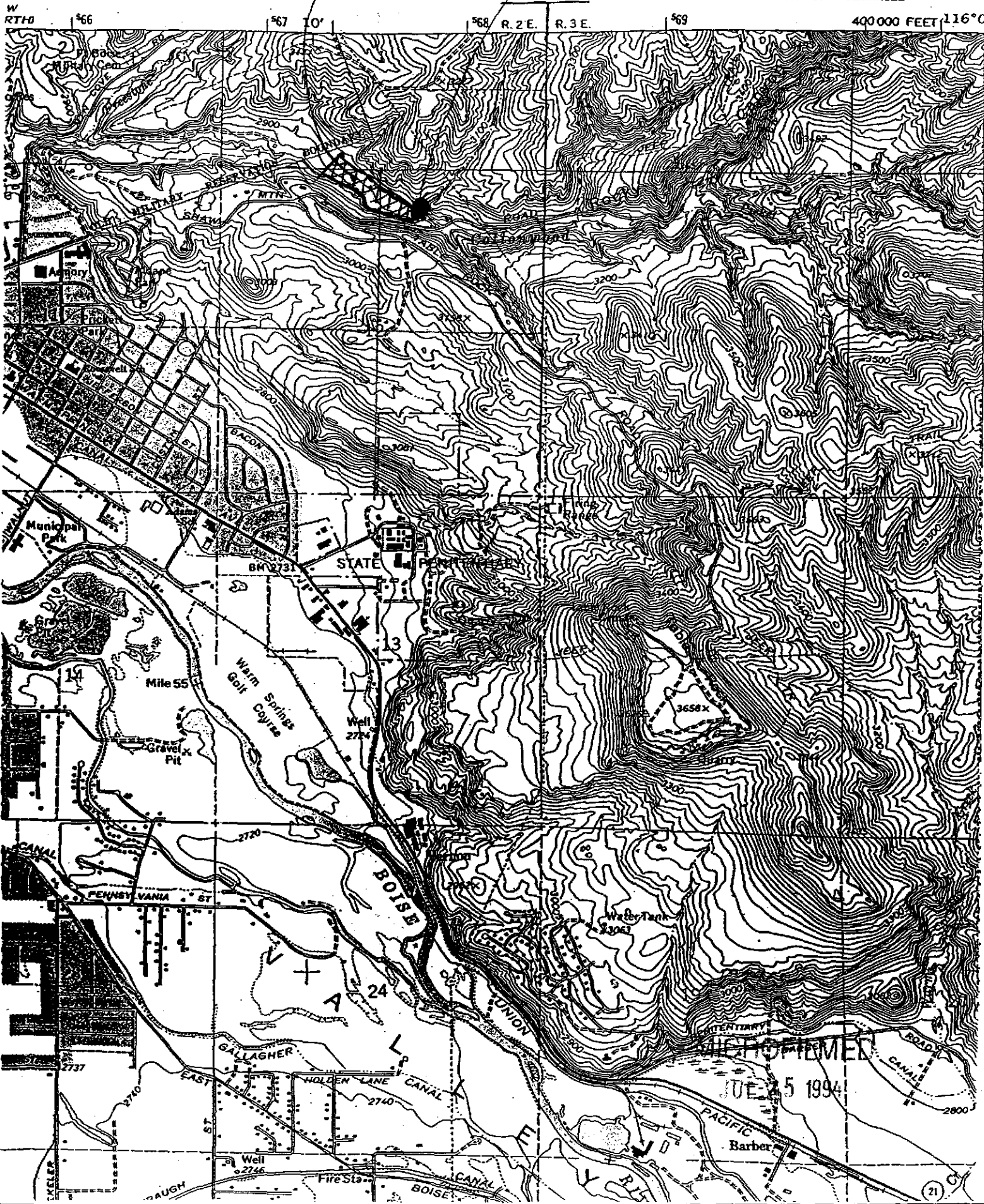
Point of
Division

BOISE SOUTH QUADRANGLE
IDAHO-ADA CO.
7.5 MINUTE SERIES (TOPOGRAPHIC)
SW/4 BOISE 15' QUADRANGLE

T. 3 N.

SW/4 BOISE 15' QUADRANGLE

400 000 FEET 116° 0



NOTICE OF ERROR

REPLY

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: July 15, 2005

Water right number: 63-4112

STEPHEN E SPENCER
2900 SHAW MOUNTAIN RD
BOISE ID 83712
Telephone Number: (208)345-3926

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

2. Describe the changes you wish to make in the proposed recommendation:

3. Give a brief explanation as to why you disagree with these portions:

X I AGREE with this proposed recommendation: no changes need to be made.

DATE: 7-12-05

SIGNATURE: Stephen E. Spencer

Please print your name: Stephen E. Spencer

IDWR Regional Office, 2735 Airport Wy, Boise, ID 83705, 2083342190

01/14/2005

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 63-4112

NAME AND ADDRESS: STEPHEN E SPENCER
2900 SHAW MOUNTAIN RD
BOISE ID 83712

SOURCE: COTTONWOOD CREEK

TRIBUTARY: BOISE RIVER

QUANTITY: 0.020 CFS

PRIORITY DATE: 01/01/1941

POINT OF DIVERSION:

T03N R02E S12 NWNE Begin of Stream Flow Within ADA County

T03N R02E S12 NENW End of Stream Flow Within ADA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

STOCKWATER

01/01 12/31

0.020 CFS

PLACE OF USE:

STOCKWATER Within ADA County

T03N R02E S12

NWNE

T03N R02E S12

NENW

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: Beneficial Use

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-4112 V1

WATER RIGHT NUMBER: 63-4112 V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	R V HANSBERGER 410 IDAHO 1ST NATL BANK BLDG BOISE, ID
Current Owner	STEPHEN E SPENCER 2900 SHAW MOUNTAIN RD BOISE, ID 83712 (208)345-3926

Priority Date: 01/01/1941

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
COTTONWOOD CREEK	BOISE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER	01/01 to 12/31	0.020 CFS	
<u>Total Diversion:</u>		0.020 CFS	

Location of Point(s) of Diversion

COTTONWOOD CREEK	NW1/4NE1/4	Sec. 12, Twp 03N, Rge 02E, B.M.
ADA County	(Beginning of Reach)	
COTTONWOOD CREEK	NE1/4NW1/4	Sec. 12, Twp 03N, Rge 02E, B.M.
ADA County	(Ending of Reach)	

Place of Use

STOCKWATER

Twp	Rge	Sec	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
03N	02E	12		X			X												

Conditions of Approval:

1. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-4112 V1

Comments:

1. segbert 1/14/2005 POU

Comment: All acres in the NWNE and NENW of Section 12 under this claim are covered by license 63-2572. No acres irrigated in the SESW of Section 1. 63-2572 has the same source (Cottonwood Creek) Only stockwater will be recommended under this claim.

Dates and Other Information:

Decreed Date:
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 Defendant:
 Plaintiff:
 Civil Case Number:
 Judicial District:
 Notice of Error Flag:
 State or Federal: S
 Owner Name Connector:
 Water District Number:
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False

Combined Use Limits:Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Priority Date	1/14/2005 2:13:57 PM	segbert			Active
POD	1/14/2005 2:14:46 PM	segbert			Active
Source	1/14/2005 2:20:37 PM	segbert			Active
POU	1/14/2005 2:21:15 PM	segbert			Active
Use	1/14/2005 2:25:37 PM	segbert			Active
Season	1/14/2005 2:26:19 PM	segbert			Active
Quantity	1/14/2005 2:28:09 PM	segbert			Active
Summary			01/14/2005	segbert	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
POD	1/14/2005 2:14:47 PM	segbert	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the POD? (Yes) 9. Does the file contain all the necessary information to verify the POD? (No) 10. Is a POD remark and/or condition required?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-4112 V1

Priority Date	1/14/2005 2:13:58 PM	segbert	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (No) 4. Is the basis of claim decree or license? (No) 7. Is the basis of claim a Application or Permit? (No) 8. Is the basis of claim a posted notice? (No) 9. Is the Priority Date claimed after the date a permit is required for the source and the water use? (Yes) 12. Does the claim file contain sufficient evidence of Priority Date? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required? Description for Question 12/13 - Affidavit
POD	1/14/2005 2:16:50 PM	segbert	Edited point location
POD	1/14/2005 2:18:58 PM	segbert	Edited point location
POU	1/14/2005 2:22:48 PM	segbert	Created polygon from PLS
Use	1/14/2005 2:25:37 PM	segbert	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Purpose of Use? (Yes) 11. Does the file contain all the necessary information to verify the Water Use? (No) 13. Is a Purpose of Use remark and/or condition required?
Season	1/14/2005 2:26:19 PM	segbert	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Period of Use? (Yes) 12. Does the file contain all the necessary information to verify the Period of Use? (No) 13. Is the basis of claim a decree, license, or a transferred beneficial use right that has had the Period of Use administratively determined? (No) 15. Is irrigation claimed as a Purpose of Use? (No) 18. Is a Period of Use remark and/or condition required?
POD	1/14/2005 2:18:43 PM	segbert	Edited point location
Quantity	1/14/2005 2:28:10 PM	segbert	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is the basis of claim a posted notice? (No) 7. Is a flow measurement required? (No) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit? (No) 11. Has a diversion volume limit been established by a decree, license or transfer for this water use? (No) 12. Is a Quantity remark or condition required?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-4112 V1

Summary	1/14/2005 2:34:07 PM	segbert	(No) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (Yes) 3. Is the water being used for all of the purposes claimed and to the extent claimed? (Yes) 5. Does this right have any combined use limits with other rights? (No) 6. Is an additional remark and/or condition required? (Yes) 7. Would you like to view the recommended right? (Yes) 8. Is this a split or combined right? (No) 9. Do you have documents you would like to attach or link to the file? (Yes) 10. Would you like to set the verification date?
Source	1/14/2005 2:20:37 PM	segbert	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim an Application or Permit? (No) 6. Is the basis of claim a Posted Notice? (No) 7. Is there evidence that there has been a change in the source? (Yes) 10. Does the file contain all the necessary information to verify the source? (No) 11. Is a Source remark and/or condition required? Description for Question 10 - Map
POU	1/14/2005 2:21:16 PM	segbert	(No) 1. Is the basis of this claim a Decree or License? (Yes) 2b. Is the POU required? (No) 3. Is the basis of claim a Application or Permit? (No) 7. Is there evidence that there has been a change in the POU? (Yes) 13. Does the file contain all the necessary information to verify the POU? (No) 14. Is a POU remark and/or condition required?
POU	1/14/2005 2:24:20 PM	segbert	Created polygon from PLS

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-4112

WATER RIGHT NUMBER: 63-4112

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	R V HANSBERGER 410 IDAHO 1ST NATL BANK BLDG BOISE, ID
Current Owner	STEPHEN E SPENCER 2900 SHAW MOUNTAIN RD BOISE, ID 83712 (208)345-3926

Priority Date: 01/01/1941 ~~1-1-1947~~ 1-1-1941 OK
 Basis: Beneficial Use
 Status: Active

<u>Source</u>	<u>Tributary</u>
COTTONWOOD CREEK	BOISE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER	1/01 to 12/31	0.020 CFS	
IRRIGATION	3/15 to 11/15	0.140 CFS	
		~~0.160 CFS~~	
		Total Diversion:	0.160 CFS
		0.02 CFS	

Location of Point(s) of Diversion

COTTONWOOD CREEK	NW 1/4 NE 1/4	Sec. 12, Twp 03N, Rge 02E, B.M.
ADA County		
COTTONWOOD CREEK	NW 1/4 NE 1/4 NW 1/4	Sec. 12, Twp 03N, Rge 02E, B.M.
ADA County	(Beginning of Reach)	
COTTONWOOD CREEK	NE 1/4 NE 1/4 NW 1/4	Sec. 12, Twp 03N, Rge 02E, B.M.
ADA County	(Ending of Reach)	

Place of Use

STOCKWATER

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03N	02E	12		X			X												

OK FOR STOCK
you

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03N	02E	1												2.0					2.0

as

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-4112

03N 02E 12 | 2.0

| 3.0

|

|

|

| 5.0

Total Acres: 7.0

2.0

Conditions of Approval:Remarks:Comments:Dates and Other Information:

Claim Received Date: 5/9/1994
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 State or Federal: S
 Owner Name Connector:
 Water District Number:
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False

Combined Use Limits:Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
----------------	---------------------------	-----------------	---------------------------	-----------------	---------------

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
----------------	------------------------	-----------------	-----------------

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION FIELD REPORT**

Prior to Field Exam

- ☒ Copy of Claim, claim has been signed, sealed, and dated by notary?
- ☒ Check fees paid
- ☐ Well logs (if needed)
- ☒ Copy of topo or NAPP
- ☒ Check of Govt. Lots, if needed, Govt. Plat/Tax lot information
- ☒ Check POD & POU overlap, see below – include overlapping right for exam
- ☒ Evidence of Priority – if none, talk with claimant

CLAIMANT INFORMATION – verify contact information is completeClaim No(s) 63-4112

Owner: _____ Phone No. _____

Current Address: _____

- ☒ No change NAME IS THE SAME
- ☐ NEW OWNER _____
- ☐ No change Address
- ☐ NEW ADDRESS _____
- ☐ How long owned property? _____

Accompanied by: _____

PRIORITY DATE

- ☒ No change – Complete evidence submitted or not necessary
- ☐ Incomplete – Claimant should be asked when water was first used and submit proof of date.
- ☐ Priority date is acceptable/within mandatory filing dates?

Priority date, per claimant, is: _____

(If priority date, based on your exam, seems questionable, explain below.)

Source: _____ Tributary to _____

- ☒ No Change – SAME SOURCE
- ☐ Source found is different than claimed: _____

POINT OF DIVERSION

- ☐ No change
- ☒ POD found is different than claimed: POD for irrigation removed - see
- ☐ If different, when did POD change? Comments

DIVERSION AND DELIVERY SYSTEM

Points of Diversion:

ID #	Govt Lot #	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks GPS ID

Description of diverting works

OVERLAP REVIEWOther water rights with the same point of diversion: 63-4116 63-2572

Does overlap add acres or uses to existing system, increase rate of flow or volume, or other? Explain:

WATER USES☐ No change☐ Different Uses*Removed irrigation - see comments*

Use _____ From _____ To _____ Amount _____ CFS _____ AFA

Use _____ From _____ To _____ Amount _____ CFS _____ AFA

Use _____ From _____ To _____ Amount _____ CFS _____ AFA

TOTAL VOLUME - Groundwater only☐ Incomplete on claim, the total is, Amount _____ CFS _____ AFA☒ Changes found, the new total is, Amount 102 CFS _____ AFA☐ More than 1" per Acre? Yes _____ (claimant must complete excess flow sheet)**NON-IRRIGATION USES:**☐ No change☐ Changes Exam found: Domestic # of homes _____ Stock # _____

Types _____ Additional comments: _____

PLACE OF USE:☒ No Change☐ Changes shown below:

Place of Use			NE				NW				SW				SE				Totals
TWP	RGE	SEC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Overlap with other water rights: 63-2572 - 63-4116

Does overlap increase rate of flow, volume, additional acres, different source for same acres? Explain:

Delivery System Narrative:

Well or Diversion Identification No GPS ID	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge size

FLOW MEASUREMENTS:

Attach appropriate documents

NARRATIVE/REMARKS/COMMENTS

All acres in the NWNE & NENW S12 under this claim are covered by Decree 63-2572. No acres irrigated in the SE SW S1. 63-2572 same source - Cottonwood Creek. Only stockwater will be recommended under this claim.

[illegible]

AFTER EXAM THE FILE SHOULD CONTAIN:

- ☐ Completed claim checklist
- ☐ Photographs of POD's and POU
- ☐ GPS readings
- ☐ Completed map and or GIS layout showing POD's and POU

DATE ~~EXAM~~ ^{Review} CONDUCTED: 1-14-05

FIELD EXAMINER: Sandy Egbert

AFFIDAVIT IN SUPPORT OF
R. V. HANSBERGER'S CLAIMS
TO WATER RIGHTS

STATE OF IDAHO)
COUNTY OF ADA) ss.

JOE ALDAPE, Being first duly sworn, deposes and
says:

I am a lifetime resident of the State of Idaho
and have lived in the Cottonwood Creek area of Ada
County, Idaho, for the greater part of my life and have
been familiar with the development of the area for over
forty years.

I have read the seven claims to a water right
submitted by R. V. Hansberger to the Department of
Water Reclamation and I know of my own personal know-
ledge that the facts and dates recited in each claim
are true and correct and that the water rights claimed
have been established by diversion and applied to
beneficial uses.

Joe Aldape
SUBSCRIBED AND SWORN to before me this 20 day of
July
June, 1971.

Marion L. Henry
Notary Public for Idaho
Residing at *Boise, Idaho*



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

May 17, 1994

DANA L HOFSTETTER
HOLLAND AND HART
PO BOX 2527
BOISE ID 83701-2527

RE: Snake River Basin Adjudication (SRBA)
Corrected Notice of Claim #A63-04112

Dear Dana,

Enclosed is a computer-generated copy of the Notice of Claim to a Water Right referenced above. I have corrected the data entry error on the priority date to match the priority date of January 1, 1941 on the Notice of Claim submitted by Stephen Spencer.

Sincerely,

Sally Sherman
Secretary, Adjudication Bureau
Department of Water Resources

SS:region

Enclosures:

Copy of Notice of Claim A63-04112

MICROFILMED

JUL 25 1994

HOLLAND & HART
ATTORNEYS AT LAW

DENVER
DENVER TECH CENTER
COLORADO SPRINGS
ASPEN
BILLINGS
BOISE
CHEYENNE
JACKSON
SALT LAKE CITY
WASHINGTON, D.C.

SUITE 1400
WEST ONE PLAZA
BOISE, IDAHO 83702-7714
MAILING ADDRESS
P.O. BOX 2527
BOISE, IDAHO 83701-2527

TELEPHONE (208) 342-5000
FACSIMILE (208) 343-8869

Dana L. Hofstetter

May 13, 1994

RECEIVED

MAY 16 1994

Department of Water Resources

Idaho Department of Water Resources
1301 N. Orchard
Boise, ID 83706

Re: SRBA Claim #A63-04112

Dear Sir/Madam:

Enclosed is copy of the printout that I received concerning Snake River Basin Adjudication ("SRBA") Claim #A63-04112. I noted that the priority date for the water right has been input as June 1, 1941. This, however, appears to be an error since the original SRBA claim indicated a priority date of January 1, 1941. I would appreciate it if you could correct this apparent inputting error and send me a corrected printout.

Thank you for your attention to this matter. Please do not hesitate to contact me if you have any questions or if I can be of further assistance.

Sincerely,

HOLLAND & HART


Dana L. Hofstetter

DLH:sh
Enclosures
39985/17915.0201

MICROFILMED

JUL 25 1994

HOLLAND & HART
ATTORNEYS AT LAW

DENVER
DENVER TECH CENTER
COLORADO SPRINGS
ASPEN
BILLINGS
BOISE
CHEYENNE
JACKSON
SALT LAKE CITY
WASHINGTON, D.C.

SUITE 1400
WEST ONE PLAZA
BOISE, IDAHO 83702-7714
MAILING ADDRESS
P.O. BOX 2527
BOISE, IDAHO 83701-2527

TELEPHONE (208) 342-5000
FACSIMILE (208) 343-8869

Dana L. Hofstetter

May 9, 1994

RECEIVED

MAY 09 1994

Department of Water Resources

HAND DELIVERY

Idaho Department of Water Resources
1301 North Orchard
Boise, ID 83706

Re: Stephen Spencer's Snake River Basin
Adjudication ("SRBA") Claim Nos. A63-02572,
A63-04116, and A63-04112 and Domestic SRBA
Claim

Dear Sir/Madam:

Enclosed of behalf of Dr. Stephen Spencer are the following
original SRBA claims and checks to cover the filing fees:

A63-02572	\$109 filing fee
<u>A63-04112</u>	\$107 filing fee
A63-04116	\$116 filing fee
~~A63-04112~~ Domestic Claim	\$ 75 filing fee

by fax
Also enclosed are photocopies of these SRBA claims. Please
date stamp the photo copies to confirm the filing date and return
them to me. Also, please provide me receipts for the filing
fees. Please let me know if you have any questions about the
SRBA claims or if the enclosed filing fees are insufficient.

Sincerely,

HOLLAND & HART

Dana L. Hofstetter
Dana L. Hofstetter

by runner when he del the claims. - ss state fees pd.
DLH:cd
Enclosures
39801/17915.0201

MICROFILMED

JUL 25 1994