

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CLAIM TO A WATER RIGHT

Under the provisions of Section 42-243, *Idaho Code*, any person claiming a water right established by diversion and application of water to beneficial use must file a claim with the Department of Water Resources. **The filing of this claim does not confirm the water right claimed.** Water rights represented by a valid permit, license, decree, or previous claim are exempt from this requirement, as are uses of water for domestic purposes as defined in Section 42-111, *Idaho Code*. A filing fee must be submitted with this claim. See the instruction sheet to determine the appropriate fee.

Notice is hereby given that Susan K Hansen Trust

(Name of Claimant)

Mailing Address: 541 Old Orchard Drive Danville, CA. 94526Telephone No: (510) 459-0649Email: hkhansen@earthlink.net

claims a right to the diversion and beneficial use of surface or ground water. The extent and nature of said claim is as follows:

1. Date of Priority: (When the water was first applied to beneficial use) June 1, 1882

A claim is not acceptable for the use of surface water with a priority later than May 20, 1971. A claim is not acceptable for the use of ground water with a priority date later than March 25, 1963, unless the water is used for domestic purposes as defined in Section 42-111, Idaho Code.

2. Describe the source of water: (Name of stream, lake, spring, etc., or ground water)
Unnamed Spring tributary to Sinks

3. Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

(cfs or af)	(Irrigation, Domestic, Stock, Etc.)	(Both dates inclusive) (MM/DD)	(MM/DD)
Quantity <u>0.02</u>	Use <u>Stock</u>	Period of Use From <u>01/01</u>	to <u>12/31</u>
Quantity _____	Use _____	Period of Use From _____	to _____
Quantity _____	Use _____	Period of Use From _____	to _____
Quantity _____	Use _____	Period of Use From _____	to _____

4. 0.02 TOTAL QUANTITY USED.
(cfs or af)5. A) Location of point of diversion is _____ $\frac{1}{4}$ of SE $\frac{1}{4}$ of NW $\frac{1}{4}$, Govt. Lot _____
Sec. 2 Township 13S Range 40E B.M., Franklin County; additional points
of diversion, if any: _____

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch etc.). Give sizes and capacities. Be specific. Describe any changes in the system and give the date of the change.

In stream stockwater.

6. A) Describe the place of use within each 40-acre tract in the appropriate box using the symbols listed below. If the use is for irrigation, describe the location by listing the number of irrigated acres within each 40-acre tract.

D - domestic, S - stockwater, M - municipal, C - Commercial, I - Industrial, X - other

Twp	Rge	Sec	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13S	40E	2					S			S									
							Lt3												

TOTAL ACRES _____

- B) If water is used for purposes other than irrigation, fully describe the use. Be specific.
Combination of beef cattle and horses for a total of 40 head.

NOTE: Include here the type and number of stock watered: See description above

7. Remarks: _____

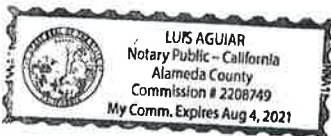
8. **Map** -- Attach an 8½"x11" map clearly identifying the point of diversion and the place of use by 40-acre subdivisions, section, township and range of the public land survey system. (A photocopy of a USGS 7½ minute topographic quadrangle map is preferred.) Attach an **aerial photograph** of the place of use if available.

State of California)
County of Contra Costa) ss.

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

Kent Horner Trustee
Claimant's Signature (and title if claim is for an organization)

Sworn to before me this 1 day of September, 2020.



Luis Aguiar
Notary Public
Residing at: Danville, CA
My commission expires: August 4, 2021

FOR DEPARTMENT USE ONLY

Received by _____ Date _____
Prelim. check by _____ Date _____
Fee \$100.00 Receipt # E046063 (100/400)
Receipt prepared by CA dh Date 4/2/21
Published in _____
Publication dates _____
Publication checked by _____ Date _____
Exceptions filed by _____

Claim to a Water Right



8/24/2020, 2:28:34 PM

Areas

 Override 1

 Override 2

 Counties

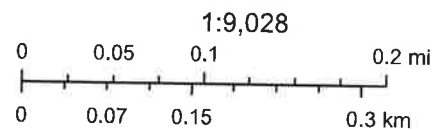
 Quarter Quarter

 Section

 Township/Range

Idaho Outline

Idaho Mask



Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community, Created by NRCS from 1:24,000 scale USGS topographic maps., Idaho Department of Water Resources

13-8067

RECEIVED
JAN 31 2021
CLERK OF DISTRICT COURT
IDAHO FALLS, IDAHO

H. Kent Hansen
541 Old Orchard Drive
Danville, Ca. 94526

January 28, 2021

Idaho Dept. of Water Resources
900 North Skyline Drive, Suite A
Idaho Falls, Idaho 83402-1718

Re: Water Right Claims / Request for Registration of Claims

Dear Sir / Madam,

Attached herein are three (3) Claims to a Water Right and corresponding maps showing the point of diversion, spring location and the place of use described on each respective claim. Also enclosed is our application w/map for a permit to utilize the water from one of the springs for domestic use and landscape watering for a permeant ranch house located on the same property.

Enclosed is our check in the amount of \$400.00 (\$100.00ea. 3claims and 1 permit) for the combined filings. I am requesting that these claims be properly registered to the Idaho property described in the claims.

Also enclosed is a document entitled Cleveland Canal Company – Historical Notes. I am requesting that this document be included with the afore mentioned claims and filed appropriately as it memorializes a transaction between the Cleveland Canal Company and the then owners of the property. This agreement documents the transfer of a water right owned by the Stewart Ranch (now known as The Juniper Ranch) to the Cleveland Canal Company in exchange for a guaranteed use of the same amount of water unrestricted from the open canal to a sprinklered irrigation system then being installed on the Stewart Ranch property. This agreement was approved by the members of the canal company and the owners of the ranch property but was only informally documented to the best of our knowledge and research. This agreement remains in force today and has been utilized continuously since its inception in the 1950's.

Thank you for your assistance with this request. If there are any questions, I can be reached by Cell phone at 510-459-0649 or office phone at 925-362-0114.

Sincerely,



H. Kent Hansen

Trustee of the Susan K. Hansen Trust

Cleveland Canal Company

Historical Notes

The Cleveland Canal Company was organized in 1901 by a group of local farmers and ranchers in order to maintain and protect local water rights. These rights are described in the "Dietrich Decree" with priority dates and amounts of water to be delivered at the point of diversion. One early landowner who held a significant water right had his point of diversion changed to a location farther up Cottonwood Creek so as to take this water to a different parcel of land he owned outside the Cottonwood Drainage. His priority date was a bit earlier than the Cleveland Canal Company and this proved to be a point of contention for some time. The State of Idaho Department of Water Resources has upheld his action and the Cleveland Canal Company abides by their decision.¹ One other historical note involves a smaller but important water right. In the 1950's, an agreement was made involving Cleveland Canal Company and the "Stewart Ranch". The Stewart Ranch has a water right of six tenth of a cubic foot per second described in a very early priority right. In order to facilitate gravity flow sprinkling on the Stewart Ranch, the Stewart family agreed to place their water in the Cleveland Canal. In return, they would be guaranteed use of this amount of water unrestricted by the canal company. The canal company agreed because allowing enough water to flow downstream to the Stewart Ranch was extremely inefficient due to so much water loss in the rocky streambed. The owners of the Stewart Ranch are shareholders in the canal company and they do pay a yearly assessment as a companion to their unique water situation in the Cleveland Canal.¹

Historical access to the head gate of the canal has always been from a county maintained road which passed within a few feet of the point of diversion. For many years, a government agency maintained a measuring and gauging station at this location as well. Even though the county road has been moved, this historical access needs to be understood and maintained.

Over the years, the operation of the Canal has been relatively uneventful, with the President and Directors overseeing yearly maintenance. For the most part, shareholders have been good to pay assessments and help with the general operation of the canal.

Main points of concern have centered around water loss and seepage in the lower part of the canal. With the county allowing the building of homes on the somewhat unstable land below the canal in some locations, future canal maintenance will need to be as meticulous as possible in these areas so no one can ever say that improper ditch maintenance was involved in any problems that could arise.

GENERAL DEFINITION OF A 'SHARE'

Historically, flood irrigation was the accepted method of watering the land. A "share" was defined as all the water in the canal for one hour per week. A shareholder would be given the right to use all the water for the number of hours equal to his "shares"; thus a farm with 20 shares would get all the water for 20 hours in a given week, administered by the watermaster with a schedule approved by the shareholders. The number of "shares" in the company is approximately equal to the number of hours in a week.

Changes in irrigation practices (flood to sprinklers) as well as changes in other farming practices are making this method of apportionment somewhat difficult to administer. Perhaps a redefining and clarifying of this method would make future apportionment easier.



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

February 10, 2021

SUSAN K HANSEN TRUST
541 OLD ORCHARD DR
DANVILLE, CA 94526-3659

RE: Application for Permit No. 13-8064
& Claim to a Water Right No. 13-8045, 13-8046, 13-8047

Dear Applicant:

The Department of Water Resources has received your water right application and claims. Please refer to the numbers referenced above in all future correspondence regarding these matters.

A legal notice has been prepared and is scheduled for publication in the PRESTON CITIZEN on 2/17/2021 and 2/24/2021.

Protests to the application may be submitted for a period ending ten (10) days after the second publication. If the application is protested, you will be sent a copy of each protest. All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, the Department will process your application and notify you of any action taken on the application. If your application is approved, the Department will send you a copy of the permit.

The filing and advertising of the claims does not confirm the validity of any water rights.

Please contact this office if you have any questions regarding the application.

Sincerely,

Christina Henman
Administrative Assistant

Henman, Christina

From: Henman, Christina
Sent: Wednesday, February 10, 2021 2:58 PM
To: 'legals@prestoncitizen.com'
Subject: Legal Notices for Preston Citizen
Attachments: 13-8064, 8065, 8066, 8067 Preston Citizen.docx

LEGAL NOTICE DEPARTMENT
PRESTON CITIZEN
PO BOX 472
PRESTON, ID 83263

RE: Application for Permit No. 13-8064

Dear Legal Notice Department:

Please publish the enclosed legal notice on the dates indicated (once a week for two consecutive weekly issues). 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. Please send the affidavit and bill to this office before 3/8/2021. Your cooperation is appreciated.

Thank You,

Christina Henman
Administrative Assistant
Idaho Dept. of Water Resources, Eastern Region
900 N Skyline Ste. A
Idaho Falls, ID 83402
Phone: (208) 497-3793

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

13-8064

SUSAN K HANSEN TRUST

541 OLD ORCHARD DR

DANVILLE, CA 94526-3659

Point of Diversion L1 (SENE) S2 T13S R40E FRANKLIN County

Source SPRING Tributary SINKS

Use: DOMESTIC

01/01 to 12/31

0.02 CFS

Total Diversion:

0.02 CFS

Date Filed: 02-01-2021

Place Of Use: DOMESTIC

T12S R40E S35

SWSE

Permits will be subject to all prior water rights. For additional information concerning the property location, contact the Eastern office at (208)525-7161; or for a full description of the right(s), please see <https://idwr.idaho.gov/apps/ExtSearch/WRAApplicationResults/>. Protests may be submitted based on the criteria of Idaho Code § 42-203A. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resources, Eastern Region, 900 N SKYLINE DR STE A, IDAHO FALLS ID 83402-1718 together with a protest fee of \$25.00 for each application on or before 3/8/2021. The protestant must also send a copy of the protest to the applicant.

The following claims have been filed based on diversion and beneficial use of water

13-8065

Susan K Hansen Trust

541 Old Orchard Dr

Danville CA 94526-3659

Point of Diversion: SPRING L1 (SENE), Sec. 2, Twp 13S, Rge 40E, B.M. FRANKLIN County

Source: Spring tributary to Sinks

Use: STOCKWATER 01/01 to 12/31 0.02 cfs

Total Diversion: 0.02 cfs

Priority Date: 06/01/1882

Place of Use:

STOCKWATER

T13S R40E Sec 2 L1 (NENE)

13-8066

Susan K Hansen Trust

541 Old Orchard Dr

Danville CA 94526-3659

Point of Diversion: SPRING SWSE, Sec. 35, Twp 12S, Rge 40E, B.M. FRANKLIN County

Source: Spring tributary to Sinks

Use: STOCKWATER 01/01 to 12/31 0.02 cfs

Total Diversion: 0.02 cfs

Priority Date: 06/01/1882

Place of Use:

STOCKWATER

T12S R40E Sec 35 SWSE

13-8067

Susan K Hansen Trust

541 Old Orchard Dr

Danville CA 94526-3659

Point of Diversion: SPRING SENW, Sec. 2, Twp 13S, Rge 40E, B.M. FRANKLIN County

Source: Spring tributary to Sinks

Use: STOCKWATER 01/01 to 12/31 0.02 cfs

Total Diversion: 0.02 cfs

Priority Date: 06/01/1882

Place of Use:

STOCKWATER

T13S R40E Sec 2 L3 (NENW) SENW

For additional information concerning the property locations, contact Eastern Region office at (208)525-7161; or for a full description of the rights, please see <https://research.idwr.idaho.gov/apps/WaterRights/StatutoryClaims>. Exceptions to a claim may be filed with the Department of Water Resources, EASTERN Region • 900 N SKYLINE DR STE A, ID 83402-1718.

Gary Spackman, Director

Published on 2/17/2021 and 2/24/2021