

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 Fred W. Hunziker & Sons Part.
(Name of Claimant)Mailing Address: 1041 BENCH RD. MONTPELIER ID, 83254Telephone No: 208-847-1253 Email: _____

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) 6-15-1892
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)
OVID Creek tributary to Bear River

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>2.36 cfs</u>	Use <u>irrigation + stock</u>	Period of Use From <u>4-15</u> to <u>10-31</u>
Quantity <u>1 cfs</u>	Use <u>stock</u>	Period of Use From <u>1-1</u> to <u>12-31</u>
Quantity _____	Use _____	Period of Use From _____ to _____
Quantity _____	Use _____	Period of Use From _____ to _____

4. 2.36 cfs TOTAL QUANTITY USED.
(cfs or af)

5. A) Location of point of diversion is NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of NE $\frac{1}{4}$, Govt. Lot _____
Sec. 13 Township 13 S Range 43 E B.M., Bear Lake 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.

There is a concrete structure with a 3 foot culvert with a head gate to divert the water into a ditch.

RECEIVED

JAN 07 2008

Department of Water Resources
Eastern Region

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	43E	13										L-3 18.6 L-6 19.4			40	40			118

TOTAL ACRES 118

- B) If water is used for purposes other than irrigation, fully describe the use. Be specific.
1200 pairs of Beef Cows need to be
watered ~~there~~ by stock water

NOTE: Include here the type and number of stock watered: _____

7. Remarks: The place of use for irrigation is
The same place for use as stock water.

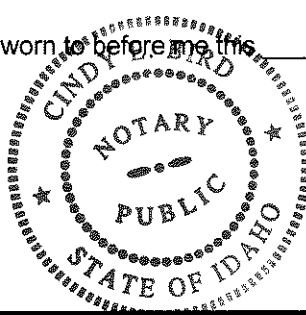
8. **Map** -- Attach an 8½"x11" map clearly identifying the point of diversion and the place of use by 40-acre subdivisions, section, township and range of the public land survey system. (A photocopy of a USGS 7½ minute topographic quadrangle map is preferred.) Attach an **aerial photograph** of the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

State of Idaho)
) ss.
 County of Bannock)

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.

Roger S. Hunsaker
 Claimant's Signature (and title if claim is for an organization)
Partner

Sworn to before me this 4th day of January, 2008.



Cindy L. Bird
 Notary Public

Residing at: Lava Hot Springs

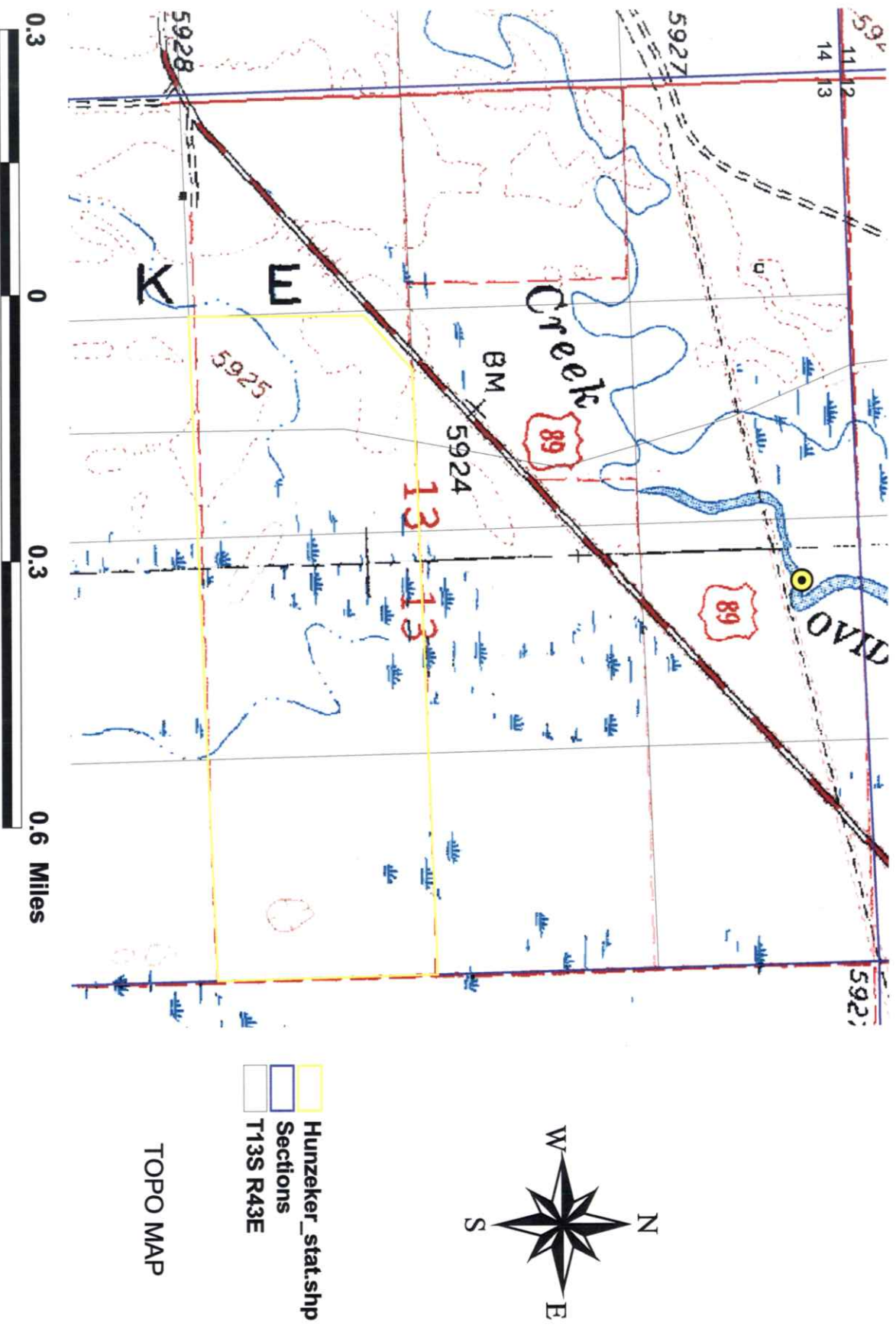
My commission expires: 6-19-2013

FOR DEPARTMENT USE ONLY

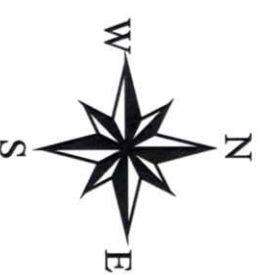
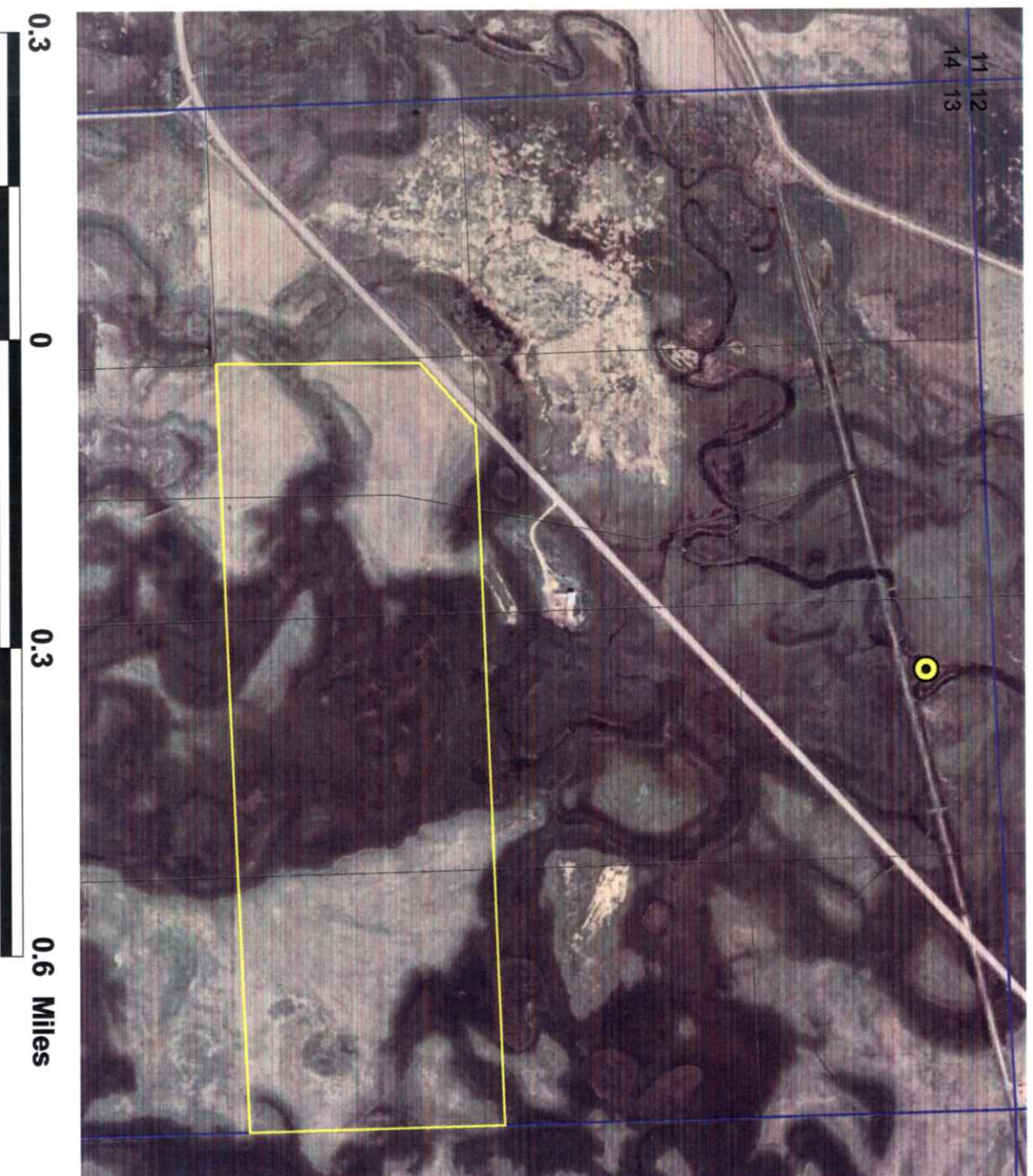
Received by _____ Date _____
 Prelim. check by _____ Date _____
 Fee 500 Receipt # ED33692
 Receipt prepared by sc Date 1/3/08

Published in News Examiner
 Publication dates 2/6 & 2/13/08
 Publication checked by _____ Date _____
 Exceptions filed by _____

Fred Hunzeker & Sons Partnership

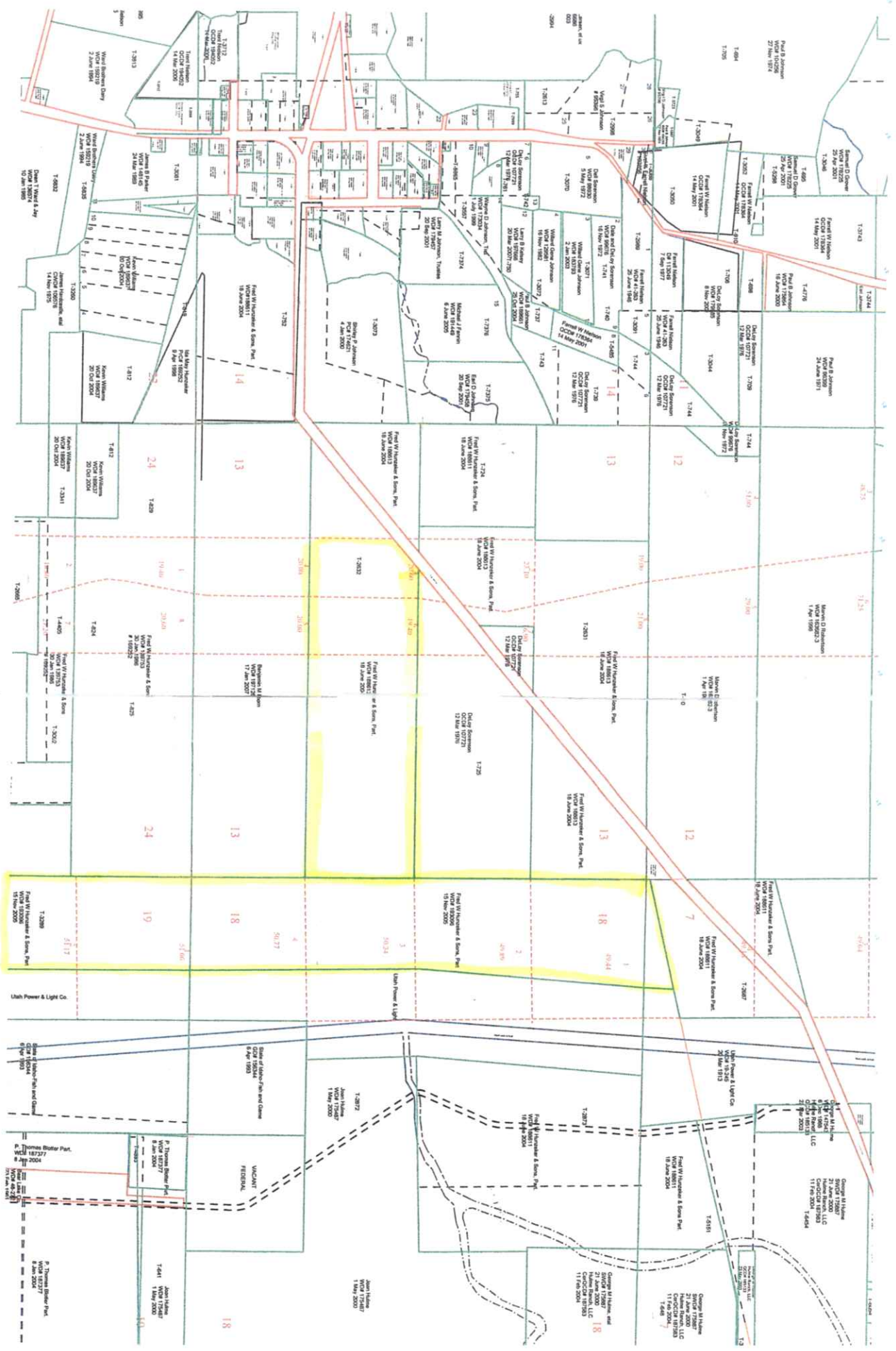


Fred Hunzeker & Sons Partnership



- Hunzeker_stat.shp
- Sections
- T13S R43E

2006 satellite imagery



FILED EFFECTIVE



STATEMENT OF PARTNERSHIP AUTHORITY

(Instructions on back of application)

The undersigned partnership hereby files a statement of partnership authority and submits the following information to the Secretary of State pursuant to Idaho Code § 53-3-303.

1. The name of the partnership is: FRED W HUNZEKER & SONS, PARTNERSHIP
2. The street address of its chief executive office is: 1041 Bench Road, Montpelier, Id 83254
3. The street address of one (1) office in Idaho: 1041 Bench Road, Montpelier, Idaho 83254

4. The names and mailing addresses of all partners (attached sheets may be added):

Name	Address
<u>Dennis H. Hunzeker</u>	<u>338 Washington, Montpelier, Idaho 83254</u>
<u>Roger G. Hunzeker</u>	<u>960 Bench Road, Montpelier, Idaho 83254</u>

OR the name and address of the registered agent in Idaho is:

5. The names of the partners authorized to execute an instrument transferring real property held in the name of the partnership:

Dennis H. Hunzeker 338 Washington St Montpelier, Idaho 83254

6. Signature of at least 2 partners:

1) [Signature]
Typed Name Dennis H. Hunzeker

2) [Signature]
Typed Name Roger G. Hunzeker

3) _____
Typed Name _____

Secretary of State use only

Idaho Secretary of State
Revised 01/2001

IDAHO SECRETARY OF STATE
04/13/2004 05:00
CK: 3439 CT: 165934 BH: 738894
1 @ 100.00 = 100.00 PARTIAL 2

K 175

TWP	Rge	Sec	NE $\frac{1}{4}$			NW $\frac{1}{4}$			SW $\frac{1}{4}$			SE $\frac{1}{4}$			TOTAL ACRES
									NE	NW	SW	SE			
13S	43E	13							38			40	40		118

TOTAL ACRES 118

The piece of land of about 118 acres is irrigated from a diversion dam in the Ovid creek and has been used for a great number of years and I have helped operate or owned this land since 1942 and it has been irrigated for well over 100 years. I personally know and witnessed this and I declare this statement to be totally true.

The water from said dam was in use since 1864 and a court decree awarded to this dam in 1889. This also I know and testify that this is true. I have owned or operated this land since 1942.

The said Thornock dam is basically a holding dam to prevent the water from draining off prematurely into the Bear Lake canal and is essential to irrigate the land from the Ovid creek diversion dam. The water for this land has produced about one ton or more per acre of hay by the use of the water from the Ovid creek diversion dam.

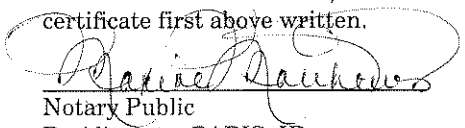
Wayne D Johnson

STATE OF IDAHO)

COUNTY OF BEAR LAKE)

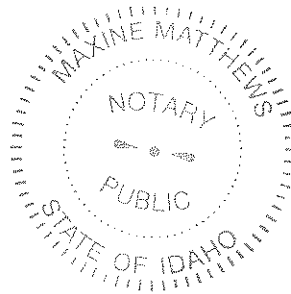
On this **19th** day of **December, 2007**, before me, the undersigned, a notary public in and for said state, personally **WAYNE JOHNSON**, proven to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same as such.

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


Notary Public

Residing at: PARIS, ID.

Commission Expires: 11-14-12



Sec 13

The United States of America.

Certificate (No. 952.) To all to whom these presents shall come, Greeting.

Whereas Anders P. Nielsen, of Bear Lake County, Idaho, has 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 full payment has been made by the said Anders P. Nielsen according to the provisions of the Act of Congress of the 21st of April 1820, entitled "An Act making further provision for the sale of the Public Lands", and the acts supplemental thereto for the North half of the South West quarter and the North half of the South East quarter of section thirty seven in Township thirteen South of Range forty three East of Boise Meridian in Idaho, containing one hundred and sixty acres according to the Official Plat of the Survey of the said lands, returned to the General Land Office by the Surveyor General, which said Tract has been purchased by the said Anders P. Nielsen.

Now Know all, That the United States of America, in consideration of the premises and in conformity with the several acts of Congress in such case made and provided have given and granted, and by these presents do give and grant unto the said Anders P. Nielsen and to his heirs, the said tract above described, to have and to hold

of whatsoever nature, thereunto
belonging, unto the said Anders O Nielsen 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 acknow-
ledged 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 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 U.
ited States.

In Testimony whereof, I, Benjamin Harrison, 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 here-
unto affixed.

Given under my hand at the City of Washington
the thirtieth day of June, in the year of our Lord, one thousand
eight hundred and ninety two, and of the Independence
of the United States, the one hundred and sixteenth

By the President, Benjamin Harrison

By M^{rs} Kear, Secretary
D. P. Roberts

Seal

Recorder of the General Land Office

Recorded, Vol 3 A Page 273.

Filed for record at request of A. O. Nielsen Oct 26th 1892 at 10:30 a.m.

L. J. O'Connell

WARRANTY DEED

For Value Received,

WAYNE D. JOHNSON AND JULIA K. JOHNSON, HUSBAND AND WIFE; AND WELDON E. JOHNSON,
Of 394 OVID ROAD, OVID, County of BEAR LAKE, State of ID., 83260,

do hereby, grant, bargain, sell, and convey unto

THE GRANTOR(S),

DENNIS HUNZEKER AND ROGER G. HUNZEKER

Of 960 BENCH ROAD, MONTPELIER, County of BEAR LAKE, State of ID., 83254,

THE GRANTEE(S),

For the sum of ten dollars and other good and valuable consideration, the following described tract of land in the County of BEAR LAKE, State of Idaho:

See Attached Exhibit "A"

To have and to hold the said premises, with their appurtenances unto the said Grantee(s), their heirs and assigns forever.
The said Grantor(s) hereby covenant to and with the said Grantee(s) that they are the owner(s) in fee simple of said premises;
that they are free from all incumbrances, and that they will warrant and defend the same from all lawful claims whatsoever.

DATED THIS 26TH DAY OF DECEMBER, 1997.

Wayne D. Johnson
WAYNE D. JOHNSON

Julia K. Johnson
JULIA K. JOHNSON

Weldon E. Johnson
WELDON E. JOHNSON

STATE OF IDAHO, COUNTY OF BEAR LAKE

On this 01th day of December, 1997, before me a Notary Public in
and for the State, personally appeared

WAYNE D. JOHNSON AND JULIA K. JOHNSON, H/W;
AND WELDON E. JOHNSON,

known to me to be the person(s) whose name(s) are subscribed to the
within instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I hereunto set my hand and seal the day
and year in the certificate first above written.

Notary Public

Residing at: OVID, IDAHO

My Commission Expires: 12/01/00

97 DEC 4 PM 4 08
DEPUTY
FEE \$16.00

BEAR LAKE COUNTY RECORDER
JOAN P. EBORN

168303

MAIL TAX NOTICE TO: DENNIS HUNZEKER AND ROGER G. HUNZEKER
960 BENCH ROAD, MONTPELIER, ID 83254

TOWNSHIP 13 SOUTH, RANGE 43 EAST OF THE BOISE MERIDIAN

PARCEL #1:

Section 13: N $\frac{1}{2}$ NE $\frac{1}{4}$; NE $\frac{1}{4}$ NW $\frac{1}{4}$.

ALSO: Commencing at a point 70 rods East from the Southwest Corner of the Northwest Quarter of Section 13, Township 13 South, Range 43 East of the Boise Meridian, and running thence East 70 rods; thence North 80 rods; thence West 70 rods; thence South 80 rods to the place of beginning.

EXCEPTING THE FOLLOWING: Commencing at a point 25 chains East from the Southwest Corner of the Northwest Quarter of Section 13, Township 13 South, Range 43 East, Boise Meridian in Idaho; running thence East 10 chains; thence North 9.26 chains, more or less, to County Road; thence in a Southwesterly direction along said County Road 14 chains, more or less, to place of beginning.

PARCEL #2:

Section 13: N $\frac{1}{2}$ SE $\frac{1}{4}$; N $\frac{1}{2}$ SW $\frac{1}{4}$.

EXCEPTING THE FOLLOWING: Any portion of the above described property lying within the Right of Way line of U.S. Highway 89.

TOGETHER WITH all water rights appertaining to said property.

W.S.F.
J.K.F.
M.B.M.