

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,
County of Bear Lake

ss.

Michael A. Hagen
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 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

July 3, 1980, and ending
with the issue of July 10, 1980

Michael A. Hagen
Fees, 934

Subscribed and sworn to before me this 24 day
of July, 1980

Santa League

Notary Public, Residing at Montpelier, Idaho

My Commission Expires July, 1984

NOTICE OF CLAIMS TO WATER RIGHTS

Notice is hereby given that the following claim(s) to water right(s) have been established by diversion and application to beneficial use:

11-4095

HUNZEKER & SONS, FRED
RT. 1, MONTPELIER, ID 83254
Source: OVID CREEK tributary to BEAR RIVER
Priority Date: 12-10-1864
Amount: 6.76 CFS
Diversion Point: SWSE Sec 14 T 13S R 43E, BEAR LAKE Co.
Use: IRRIGATION (6.76 CFS) from 04-01 to 11-01
Place of Use: NESW NWSW SWSW SESW Sec 07 T 13S R 44E NWSW Sec 13 T 13S R 43E SWSE SESE Sec 14 T 13S R 43E NENE NWNE Sec 23 T 13S R 43E NENE NWNE SWNE SENE NENW NWNW SWNW SENW Sec 24 T 13S R 43E FOR 338 ACRES
Diversion Means: HEADGATE & DITCHES.

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

(s) C. Stephen Allred
C. STEPHEN ALLRED
Director

Published 7-03 & 7-10-80.

Jy 3-10

RECEIVED
AUG 27 1980
Department of Water Resources
Eastern District Office

ok kw
8/27/80

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
CLAIM TO A WATER RIGHT

Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that Fred Hunzeker and Sons
(Name of Claimant)
Route #1, Montpelier, Idaho 83254 Telephone No. 847-1303
(Mailing Address) (Zip Code)

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

(1) Date of priority: (When was the water first applied to a beneficial use) Dec. 10 1864

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 is that a claim may be filed on single family domestic use from a ground water source.

(2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)
Ovid Creek (formerly North 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, gpd, AFA)	(Domestic, Irrigation, Stock, Etc.)	(Both dates inclusive)	
			(Mo., Day)	(Mo., Day)
Quantity	<u>6.76 cfs</u>	Use <u>Irrigation</u>	Period of Use From <u>4/1</u>	To <u>11/1</u>
Quantity		Use	Period of Use From	To
Quantity		Use	Period of Use From	To
Quantity		Use	Period of Use From	To
Quantity		Use	Period of Use From	To

(4) 6.76 cfs TOTAL QUANTITY USED.
(cfs, gpd, AFA)

(5) A) Point of diversion: (Location of point where water is diverted from its source)
SW ¼ SE ¼, Sec. 14 Twp. 13S 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. Describe any changes in the system and give the date of the change. Headgate and ditches

(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.

T	R	SEC.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
13S	44E	7									8	11	29	10					58
13S	43E	13									35								35
		14														19	35		54
		23	14	5															19
		24	40	40	12	1	40	25	2	12									172

172 Ac
F.W.H.

No. of acres 338 - Correct

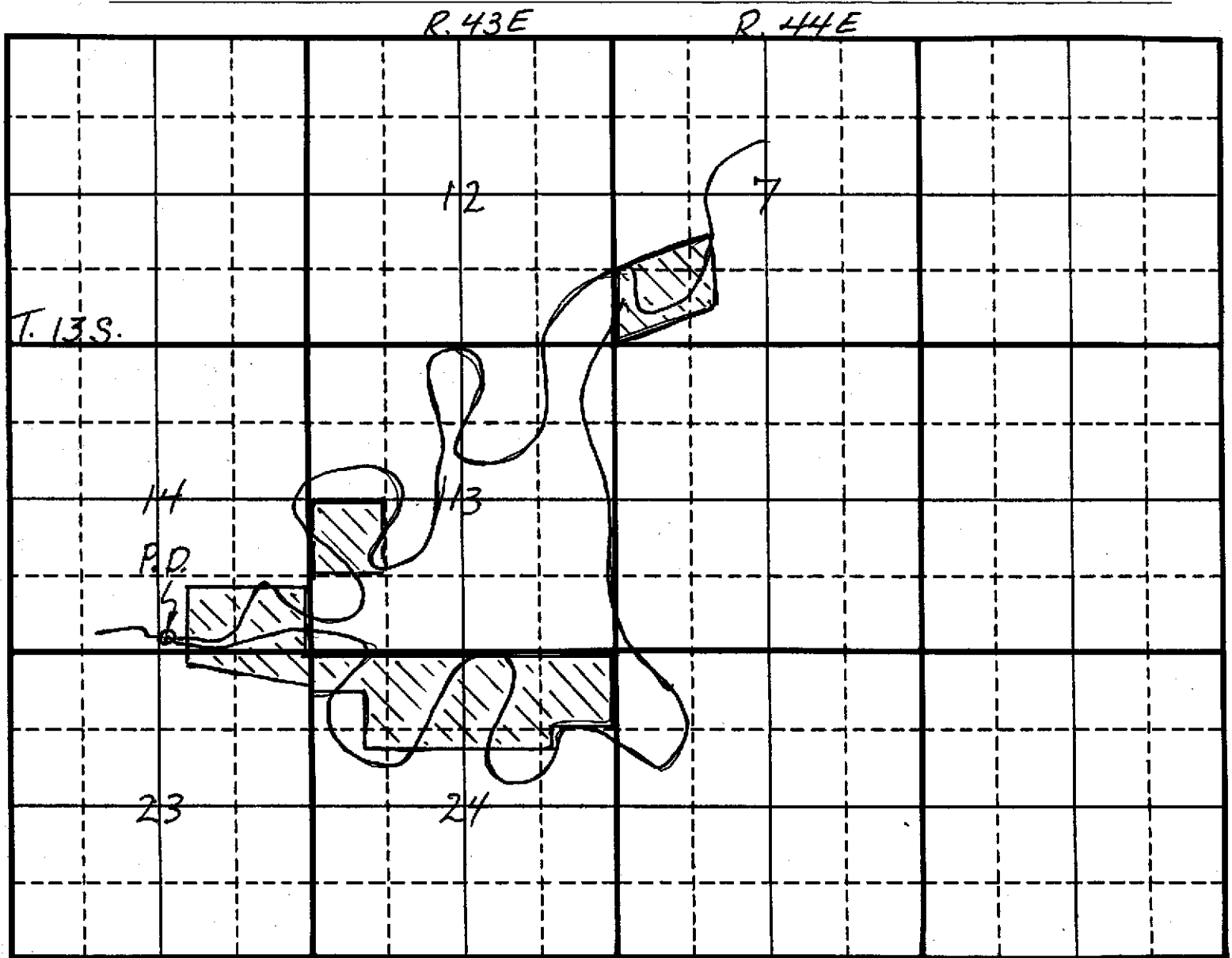
B) If water is used for other than irrigation, fully describe that use, being as specific as possible:

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

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

MICROFILMED

(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 Bear Lake) 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 affiant's knowledge.

Sworn to before me this 3 day of June, 1980.

Fred W. Hunsaker
(Claimant)

Stephen Bartels
Notary Public
Residing at Montpelier

My commission expires life

Received by kw Date 6/20/80 FOR DEPARTMENT USE ONLY
Prelim. check by eme Date 6/10/79 Exception filed by: _____ Date _____
\$20.00 fee received by kw Date 6-20-80 #14893 Forwarded to claimant by: _____
Published in The News Examiner _____
Dates 7/3 & 7/10/80 _____

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STATE OF IDAHO,
County of Bear Lake

ss.

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(11-4095)

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Use: IRRIGATION (6.76 CFS) from 04-01 to 11-01
Place of Use: NESW NWSW SWSW SESW Sec 07 T 13S R 44E NWSW Sec 13 T 13S R 43E SWSE SESE Sec 14 T 13S R 43E NENE NWNE Sec 23 T 13S R 43E NENE NWNE SWNE SENE NENW NWNW SWNW SENW Sec 24 T 13S R 43E FOR 338 ACRES
Diversion Means: HEADGATE & DITCHES.

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

(s) C. Stephen Allred
C. STEPHEN ALLRED
Director

Published 7-03 & 7-10-80.

Jy 3-10

RECEIVED
AUG 27 1980
Department of Water Resources
Eastern District Office

ok kw
8/27/80

WRR100
11-4095

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHTS PROOF READING REPORT

PAGE 1
16-DEC-1985 10:39:24

01 WATER RIGHT NUMBER - 11-4095

02 OLD (D) NUMBER -

03001 - HUNZEKER & SONS ✓
LAST NAME

04001 - FRED ✓
FIRST NAME

05001 - C
ORIG. OWNER

06 ADD LINE 1 - RT. 1 ✓

07 ADD LINE 2 -

08 ADD LINE 3 -

09 CITY - MONTPELIER ✓

10 STATE - ID

11 ZIP - 83254 ✓

12 STAGE - S STATUTORY CLAIM

13 STATUS -

14001 - OVID CREEK ✓
SOURCE

15001 - BEAR RIVER ✓
TRIBUTARY OF

16 DIVERSION MEANS - HEADGATE & DITCHES. ✓

17 COUNTY - 07 BEAR LAKE

18 DIVERSION CAPACITY - .000

19 TOTAL DIVERSION RATE - 6.760

20 TOTAL DIVERSION VOLUME - .00

21 WATER DISTRICT -

TRACT	SEC	TWN	RNG	LOT	RFLG	ST	RE	A	M	I	N	D	E	X	F	I	E	L	D	S
22001 -	SWSE	23001 - 14	24001 - 13S	25001 - 43E	26001 -	27001 -														
				28001 -	0	100.0	171.0	0.0	0.0	0.0	0.0	0.0	0.0	0	0	0	0	0	8.8	

29 NON-IRRIGATION USE -

USE CODE / USE	TWN	RNG	SEC	TRACT	ACRES	LOT
30001 - 01 IRRIGATION	31001 - 13S	32001 - 43E	33001 - 13	34001 - NWSW	35001 - 35	36001 -
30002 - 01 IRRIGATION	31002 - 13S	32002 - 44E	33002 - 07	34002 - NESW	35002 - 08	36002 -
30003 - 01 IRRIGATION	31003 - 13S	32003 - 44E	33003 - 07	34003 - NWSW	35003 - 11	36003 -
30004 - 01 IRRIGATION	31004 - 13S	32004 - 44E	33004 - 07	34004 - SWSW	35004 - 79	36004 -
30005 - 01 IRRIGATION	31005 - 13S	32005 - 44E	33005 - 07	34005 - SESW	35005 - 10	36005 -
30006 - 01 IRRIGATION	31006 - 13S	32006 - 43E	33006 - 24	34006 - NENE	35006 - 40	36006 -
30007 - 01 IRRIGATION	31007 - 13S	32007 - 43E	33007 - 24	34007 - NWNW	35007 - 40	36007 -
30008 - 01 IRRIGATION	31008 - 13S	32008 - 43E	33008 - 24	34008 - SWNE	35008 - 12	36008 -
30009 - 01 IRRIGATION	31009 - 13S	32009 - 43E	33009 - 24	34009 - SENE	35009 - 01	36009 -
30010 - 01 IRRIGATION	31010 - 13S	32010 - 43E	33010 - 24	34010 - NENW	35010 - 40	36010 -
30011 - 01 IRRIGATION	31011 - 13S	32011 - 43E	33011 - 24	34011 - NWNW	35011 - 25	36011 -
30012 - 01 IRRIGATION	31012 - 13S	32012 - 43E	33012 - 24	34012 - SWNW	35012 - 02	36012 -
30013 - 01 IRRIGATION	31013 - 13S	32013 - 43E	33013 - 24	34013 - SENW	35013 - 12	36013 -
30014 - 01 IRRIGATION	31014 - 13S	32014 - 43E	33014 - 23	34014 - NENE	35014 - 14	36014 -
30015 - 01 IRRIGATION	31015 - 13S	32015 - 43E	33015 - 23	34015 - NWNW	35015 - 05	36015 -
30016 - 01 IRRIGATION	31016 - 13S	32016 - 43E	33016 - 14	34016 - SWSE	35016 - 19	36016 -
30017 - 01 IRRIGATION	31017 - 13S	32017 - 43E	33017 - 14	34017 - SESE	35017 - 35	36017 -

TOTAL ACRES: 338 ✓

PERIOD FROM	PERIOD TO	USE CODE / USE	WATER USE	DIVERSION RATE	DIVERSION VOLUME
37001 - 0401 ✓	38001 - 1101 ✓	39001 - 01 IRRIGATION	40001 -	6.760 ✓	41001 - 0.00

42 DECREE PLAINTIFF NAME -

43 DECREE DEFENDANT NAME -

WRR100
11-4095

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHTS PROOF READING REPORT

PAGE 2
16-DEC-1985 10:39:24

REMARKS

44001 -

APPROVAL CONDITIONS: 45001 -

46 OTHER RIGHTS FOR SAME USE -

98/11/2
VERIFIED JKN

----- D A T E S -----		----- D A T E S -----		----- F L A G S -----	
47	PRIORITY - 10-DEC-1864 ✓	55	LICENSE -	63	TRANSFER/AMENDED -
48	PROOF DUE -	56	APPL RECEIVED -	64	DLE/CAREY ACT -
49	PROOF MADE -	57	FIELD EXAM MADE -	65	FLAG_1 -
50	APPROVE/DENIED -	58	DECREE -	66	FLAG_2 -
51	PROTESTED -	59	START WORK -	67	FLAG_3 -
52	HEARING -	60	ORDER SHOW CAUSE -		
53	VERIFIED -	61	DATE_1 -		
54	LAST UPDATE - 13-NOV-1981	62	DATE_2 -		

WATER RIGHT
DATA ENTRY LOG

Date _____

Item

ku

6/26

Original form entered

Edit Report Correct

Date Protested

Date of Hearing

Date Approved/Denied

(Proof due date, stage and/or status,
conditions of approval, water district)

Record Verified

Amendment Approved

Extension Approved

Partial Proof

Proof Complete

Field Exam Received

**Field Exam Accepted
and changes entered**

License Signed

Transfer Approved

Keypunched by State Office

[illegible]

State of Idaho
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: Ernest
11 4095

Right Number 11-4095 Applicant Hunziker

NOTE: IF ANY OF THE ITEMS BELOW ARE MISSING, THE CLAIM IS INCOMPLETE AND MUST BE RETURNED IMMEDIATELY TO THE CLAIMANT ALONG WITH THE APPROPRIATE COVER LETTER.

CHECK:

- ☒ Name and address.
 - ☒ Date of priority. (Check for a date past the mandatory filing dates.) (One date only.)
 - ☒ Source.
 - ☒ Quantity, use, period.
 - ☒ Point(s) of diversion.
 - ☒ Location of use.
 - ☒ Signature/notarization/fee.
- 7/21

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received.
- ☒ Claim published correctly.
- ☐ Exceptions processed.

By Ernest Carlson Date 8-31-1980

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By Hunziker Date 9/3/80

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

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

JULY 21, 1980

FRED HUNZEKER & SONS
RT. 1
MONTPELIER

ID 83254

RE: Claim No. 11-4095

Dear Claimant:

The Department of Water Resources has completed the advertising of your claim to a water right, and no further action is authorized under Section 42-243 and 42-244, IDAHO CODE. Your claim will be retained in our files and will be available at any time for use by you or the court.

The filing and advertising of the claim does not confirm the water right claimed, but will serve to record and preserve 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 with the claim, you may have that information or evidence added at any time. Please refer to the claim identification number when corresponding with this office.

We are enclosing a copy of your claim for your records. If you have questions, or if this office may be of further assistance, please feel free to contact us.

Yours truly,

RONALD D. CARLSON
Eastern Region Supervisor

Enclosure

MICROFILMED

August 11, 1980

RE: Claim to a Water Right No. 11-4095 HUNZEKER

The News-Examiner
P.O. Box 278
Montpelier, Idaho 83254

Gentlemen:

Would you please submit an affidavit of publication and certified bill in connection with the above referenced application(s). The legal notice was to have been published in your paper on July 3 and 10, 1980.

Your cooperation in this matter is greatly appreciated.

Very truly yours,

KAY WALKER
Secretary

CW:kw

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

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

JUNE 26, 1980

The News-Examiner
P. O. Box 278
Montpelier, Idaho 83254

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. We have allowed ample time for you to submit a galley proof to this office for review before the first publication date. 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. Your cooperation is appreciated.

Please send the affidavit of publication and publication billings to this office before JULY 21, 1980.

Yours truly,

RONALD D. CARLSON
Supervisor
Eastern Region

Encl.

TRANSMITTED

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C. STEPHEN ALLRED

Director

Published 7/03 & 7/10/80.

MICROFILMED

11-4095-

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RT. 1, MONTPELIER, ID 83254

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SWSE SESE Sec 14 T 13S R 43E NENE NWNE Sec 23 T 13S R 43E NENE
NWNE SWNE SENE NENW NWNW SWNW SENW Sec 24 T 13S R 43E
FOR 338 ACRES

Diversion Means: HEADGATE & DITCHES.

RECORDED



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION

John V. Evans
Governor

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

C. Stephen Allred
Director

June 12, 1980

RECEIVED

JUN 20 1980

Department of Water Resources
Eastern District Office

Fred Hunzeker & Sons
Rt. #1
Montpelier, ID 83254

Dear Mr. Hunzeker:

Thank you for your claim to a water right form. The form is enclosed along with your Check No. 92-112 for \$20.00.

Unfortunately, there is a mistake in item #6. The total amount of land in Sec. 24, Twp. 13S, Rge. 24E, should be 172 acres not 179 acres. This is apparently a typographical error, since the total acreage of 338 is correct.

The department cannot make this correction, since this is a notarized document. Please make the correction and initial it, and return it to this office along with the statutory filing fee of \$20.00.

If you have any further questions please feel free to contact me.

Sincerely,

Steve McCormick

STEVE McCORMICK
Water Resource Analyst

SM:tj

Enclosure

RECEIVED