

RECEIVED

Jan 3 1973

AFFIDAVIT OF PUBLICATION

Department of Water Administration

OK. D.D.
1-2-73

STATE OF IDAHO,)
County of Canyon.) ss.

Verla Harker
of Nampa, Canyon County, Idaho, being first duly sworn,
deposes and says:

1. That I am a citizen of the United States of America, and at all times hereinafter mentioned was over the age of twenty-one years, and not a party to the above entitled action.

2. That I am the Principle Clerk of the Idaho Free Press, a daily, (except Sunday) newspaper published in the City of Nampa, in the County of Canyon, State of Idaho; that the said newspaper is in general circulation in the said County of Canyon, and in the vicinity of Nampa, and has been uninterruptedly published in said County during a period of seventy-eight consecutive weeks prior to the first publication of the notice, a copy of which is hereto attached.

3. That the notice, of which the annexed is a printed copy, was published in said newspaper

Two Times in the regular and entire issue of said paper, and was printed in the newspaper proper, and not in a supplement.

4. That said notice was published the following dates:

December 21, 28, 1972

Verla Harker

Subscribed and sworn to before me this

28th day of December, 19 72

Adrian D. Karp

Notary Public, Residing at Nampa, Idaho

My Commission Expires June 23, 1975

63 4183

NOTICE OF CLAIM
TO A WATER RIGHT
No. 63-4183

Notice is hereby given that TERRY W. BERGEMANN, Rt. 7, Box 7483, Nampa, Ida. has filed a claim to a water right established by diversion and application to beneficial use of 0.04 cubic feet per second of water from a groundwater source with the point of diversion in the Lot 4, Sec. 4, T. 2 N., R. 2 W., B.M., Canyon County.

The water is claimed to be used from Jan. 1 to Dec. 31 for domestic purposes with a priority of November 1, 1971; the place of use is within the Lot 4, Sec. 4, T. 2 N., R. 2 W., B.M.

Any exception to this claim of water right may be filed with the Idaho Department of Water Administration, Statehouse, Boise, Idaho, 83707.

R. KEITH HIGGINSON
Director
December 21, 28, 1972

Identification No. _____
Claim No. 63-4183
Map No. _____

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

CLAIM TO A WATER RIGHT

Established by Diversion and Application to Beneficial Use

Under the provisions of Section 42-225a, Idaho Code, a person may file a claim to a right to use water which has been established by diversion and application to beneficial use. **The filing of this claim does not confirm the water right but will serve for information purposes only.** It may, however, become the basis for future adjudication of the water right by the Court.

(Please refer to the instructions on the back of this form)

1. Name of claimant TERRY W. BERGEMANN
post office address Route #7, Box 7483, Nampa, Idaho
2. The point of diversion is in NE ^{Lot 4} 1/4 of NW 1/4 Section 4 Township 2 N.
Range 2 W. B.M. located on Groundwater

(name of source)

tributary to _____ in _____ Canyon _____ County.
3. Dates of priority claimed: list the priority for each separate quantity that you claim. Priority dates should be based upon the earliest diversion of the water which has resulted in continued beneficial use since that time. If there has been an interval of five years or greater when the water was not beneficially used for the same purpose as originally appropriated, the priority that you claim should date from the time that the water was again beneficially applied following the period of non-use.
 - a. Date of priority claimed:

<u>11/1/1971</u>	amount:	<u>0.04</u>	c.f.s. or _____	acre feet
_____	amount:	_____	c.f.s. or _____	acre feet
_____	amount:	_____	c.f.s. or _____	acre feet
Total claimed <u>0.04</u> c.f.s. or _____ acre feet.				
 - b. Explain the purpose for which the water has been used and the time during the year when you have used the right claimed:
use Domestic period of use from Jan. 1 to Dec. 31 (both dates inclusive)
use _____ period of use from _____ to _____ (both dates inclusive)
use _____ period of use from _____ to _____ (both dates inclusive)
use _____ period of use from _____ to _____ (both dates inclusive).
4. Description of diverting works:
 - a. Surface water diversion dam and/or headgate: material is composed of _____
_____ ; length is _____ feet; height is _____ feet;
width at bottom is _____ feet; width at top is _____ feet; explain any increase in diversion capacity since structure was first built, giving dates and estimated capacities if known _____

 - b. Underground water diverting works: is well flowing or pumped pumped ; depth of well is 102 feet; diameter of well is 6 inches; type of pump is submersible pump 1 h.p.
capacity of pump is 90 g.p.m.; name and address of well driller is David Knie Well & Pump Service, 323 Madison Avenue, Caldwell, Idaho ;

Explain any significant increase in area irrigated since first use, give dates and acreages if known _____

b. Do you get water through a ditch owned by several users? _____ If yes, give the name of the ditch _____ The other users and their respective interests in the ditch are (if known) _____

6. Where water is used for stock watering, give number of each kind of stock watered _____

7. Where water is used for domestic or municipal purposes give number of families served 1 home name of town supplied _____

8. Where water is used for other purposes not above enumerated, give the nature of use, the extent of use, and any details regarding the initiation of the right or subsequent later expansion. Be as specific as possible, giving dates and quantities _____

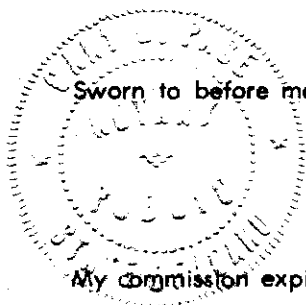
9. Remarks: please explain any details of your claim which you feel need clarification or additional explanation _____

State of Idaho

County of Ada

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 affiants knowledge.



Sworn to before me this

8

day of

December

1972

Larry M. Fugemann
Claimant

Larry J. Page
Notary Public

Residing at Boise

My commission expires

7/29/1975

Rec'd # 9119

For Department Use Only

Received by RWH Date 12-8-72

Exception filed by:

Forwarded to

Date

Prelim. check by RWH Date 12-8-72

Fee received by ij Date 12-8-72 Fee \$ 10.00

Approved for publication by LES 12-12-72

Published in State-June Press Dates 12-21 & 12-28-72

63 4183

INSTRUCTIONS

Your claim should set forth all necessary information to describe your claimed right. Failure to give enough information may make your claim of little value. Some of the items in the form may not apply to your situation. Please use additional sheets if space provided is not sufficient to fully answer the questions.

Paragraph No.

1. Give full name and post office address of person or company making the claim.
2. Describe the point of diversion by 40-acre subdivision. Give the name of the source, the drainage to which it is tributary if surface water, and the county in which the point of diversion is located. If there is more than one point of diversion, list others in the remarks section.
3. Give the priority dates and the quantities of water that you claim. You should accurately list the dates that you initiated each new use of the water. List separately the dates and amounts of water involved in each enlargement of the diversion. (Example: if you diverted 0.8 c.f.s. of water for irrigation on May 18, 1871, for the first time for use on 40 acres of land, and then later you enlarged the diversion by diverting an additional 0.4 c.f.s. of water to irrigate an additional 20 acres of land on June 1, 1901, your right should be described as follows:

Date of priority claimed:	<u>May 18, 1871</u>	amount: <u>0.8 c.f.s.</u> or _____	acre feet
	<u>June 1, 1901</u>	amount: <u>0.4 c.f.s.</u> or _____	acre feet
	Total claimed:	<u>1.2 c.f.s.</u> or _____	acre feet

Since the water was used for irrigation between April 1 and October 31 on that particular farm, part b. would be completed as follows:

use irrigation period of use from April 1 to October 31 (both dates inclusive). If the water had been used for any other purpose, you would have described the priority date, amount, use, and period of use in a similar manner.

4. Describe the diversion works and explain any changes since the right was first initiated.
5. If the water is used for irrigation, give the total acreage and list the lands irrigated by 40-acre subdivisions and complete the other questions.
- 6, 7, & 8. Describe any other uses of water.
9. In the remarks section, give any information or details that you feel are not fully covered or that need clarifying. You might explain your operation, where the water is returned to if for an industrial or non-consumptive right, the condition and temperature of the returned water, and any other information to help explain your claim.

You may wish to include as a part of your claim, affidavits of witnesses who are familiar with your right and who have a personal knowledge of the circumstances which you have described in your claim. You may submit maps, drawings, certified copies of posted notices which may have been filed in the county courthouse, water measurement records, or any other document which you feel will support your claim.

Your claim will be advertised in a county newspaper for two weeks. Exceptions to your claim which dispute the water right that you have described may be received by the Department of Reclamation and you will be provided a copy of such exceptions.

The fee for filing a Claim to a Water Right is \$10.00. Your claim and fee may be submitted to one of the following offices:

Northern District

Idaho Dept. of Water Administration
401 Front Avenue, Room 209
Coeur d'Alene, Idaho 83814

Eastern District

Idaho Dept. of Water Administration
240 South Holmes
Idaho Falls, Idaho 83401

Southern District

Idaho Dept. of Water Administration
1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301

Western District

Idaho Dept. of Water Administration
Statehouse - Annex 2
Boise, Idaho 83707

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,)
County of Canyon.) ss.

Verla Harker
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Adrian Stark

Notary Public, Residing at Nampa, Idaho

No. 63-4183

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R. KEITH HIGGINSON
Director

63 4183

WATER RIGHT NUMBER 63-4183

WATER RIGHTS EDIT REPORT

12/12/79

PAGE 80

ACT
ION

N OWNER LAST NAME - BERGEMANN
N ADDRESS LINE 1 - RT. 7 BOX 7483

FIRST NAME - TERRY W.

CITY - NAMPA

STATE - ID

N SOURCE - GROUNDWATER

N STAGE - STATRY CLM

N DIVERSION POINT - NENW 04 02N 02W LOT 04

N FROM - 01-01 TO - 12-31 USE - DOMESTIC

N USE - DOMESTIC

PRIORITY - 11-01-1971

COUNTY - CANYON

TOTAL DIV. RATE - .0400CFS

USE DIV. RATE -

.0400CFS

PLACE OF USE - T1N 02N R1G 02W SEC 04

LOT 04

63-4183

ID AHO DEPARTMENT OF WATER RESOURCES

WATER RIGHT
DATA ENTRY LOG

[illegible]

WATER RIGHT ANALYSIS FORM

- DATA ENTRY -

Identification No. 163-4183
Old No. New No.

Record

1. Original Owner: Terry W. Bergemann

Present Owner: _____

2. Address: Box 74833. City: Nampa State: ID Zip: _____4. A. Source of Water: Gr

B. Tributary of: _____

5. A. Stage (A,P,L,D,S,J): S

B. Status (D,L,R,C,A,I,F - leave blank if valid): _____

C. Priority Date: 11-1-1971D. County: 27E. Total Diversion Rate: .04

F. Total Diversion Volume: _____

G. Transfer/Amendment (P,T of A or blank): _____

H. Water District: _____

I. DLE/Carey Act (D,C or blank): _____

J. Right Basis (for adjudication claims A,B,C only): _____

	Tract	Sec.	Twp.	Rge.	Gov't Lot	Rediv.
6. A. Point of Diversion	<u>NE NW</u>	<u>4</u>	<u>2N</u>	<u>2W</u>	<u>4</u>	_____
	_____	_____	_____	_____	_____	_____
	_____	_____	_____	_____	_____	_____
	_____	_____	_____	_____	_____	_____
	_____	_____	_____	_____	_____	_____

7. Period of Use, Use, Diversion Rate/Volume:

from 1-1 to 12-31 for 20 purposes. Amount .04
(cfs or AC-Ft/yr)

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

8. Use Code: D

[illegible]

9. A. Decree Name:

B. Decree Date:

10. Remarks: A.
B.
C.
D.
E.

11. Other Uses (Non-irrigation explanatory information):

12. Other Rights for Same Use:

13. A. Proof Due Date:

B. Date Permit Approved or Denied:

C. Protested Date:

D. Hearing Date:

E. Old Number:

F. Proof Made (P or blank):

G. Field Exam Made (P,R,F or blank):

H. Conditions of Approval: _____

14. Diversion Means (brief narrative):

January 8, 1973

Re: Claim to a Water Right No. 63-4183

Mr. Terry W. Bergemann
Route #7, Box 7483
Nampa, Idaho 83651

Dear Mr. Bergemann:

The Department of Water Administration has completed the processing of your claim to a water right, and no further action is authorized under Section 42-225a and 42-225b, Idaho Code. Your claim will be retained in our files and will be available at any time for use by you or the court.

As you are aware, the filing of your claim does not, in itself, guarantee you a water right; it only records and preserves 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 in your claim file, you may have that information or evidence added at any time. Please refer to your claim number when corresponding with this office.

We are enclosing, for your records, a copy of your claim. If you have any questions, or if we can be of further assistance, please feel free to call upon us.

Sincerely,

KENNETH H. FOIT, P. E.
Western District Engineer

KHF:def

Enclosure

63 4183

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

Cecil D. Andrus
Governor

R. Keith Higginson
Director

Statehouse - Annex 2
Boise, Idaho 83707
(208) 384-2215
Western District Office



Water Rights Administration
Water Resource Investigation
Dam and Reservoir Safety
Water Well Drilling
Waste Disposal Wells
Stream Channel Protection

December 13, 1972

Re: Application for Permit No. 63-7694 N.A.N., Inc.
Claim to a Water Right No. 63-4184 Fred M. Bergemann
63-4183 Terry W. Bergemann

Idaho Free Press
P. O. Box 88
Nampa, Idaho 83651

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing ample time for you to submit us a galley proof for review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication. 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. In order to receive payment, the following certification must appear on the bill:

"I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid."

(signature of claimant)

Sincerely,

James E. Booker

63 4183

NOTICE OF CLAIM TO A WATER RIGHT

No. 63-4183

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Rt. 7, Box 7483, Nampa, Ida.
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to beneficial use of 0.04 cubic feet per second ~~none feet~~ of water
from a groundwater source
with the point of diversion in the Lot 4, Sec. 4, T. 2 N., R. 2 W., B.M.,
Canyon County

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with a priority of November 1, 1972;
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Department of Water Administration, Statehouse, Boise, Idaho, 83707.

R. KEITH HIGGINSON
Director

Published in the Idaho Free Press, Nampa, Ida.
on Dec. 21, 1972 and Dec. 28, 1972

na

OK. 001
12-21-72

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TO A WATER RIGHT
No. 63-4183

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11
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