

RECEIVED

AUG 20 1971

Department of Water Administration

STATE OF IDAHO,)
COUNTY OF ADA) ss.

Georgene Davis

_____, being duly sworn, deposes and says: That she is the Principal Clerk of The Idaho Statesman, a daily newspaper printed and published at Boise, Ada County, State of Idaho, and having a general circulation therein and which said newspaper has been continuously and uninterruptedly published in said County during a period of twelve consecutive months prior to the first publication of the notice, a copy of which is attached hereto; that said notice was published in the regular edition of The Idaho

Statesman for Two consecutive weekly insertions, beginning with the issue of August 5, 1971, and ending with the issue of August 12, 1971.

Georgene Davis

Subscribed and sworn to before me this 12th day of August, 1971.

Jana A. Young
Notary Public for Idaho, Residing at Boise, Idaho

LEGAL NOTICES

NOTICE OF CLAIM
TO A WATER RIGHT

No. 63-4115

Notice is hereby given that R. V. Hansberger, 410 Idaho First National Bank Building Boise, Idaho has filed a claim to a water right established by diversion and application to beneficial use of 0.02 cubic feet per second of water from Five Mile Creek, tributary to Cottonwood Creek with point of diversion in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 33, T. 4N. R. 3E, B.M., Ada County.

The water is claimed to be used from April 1 to Oct. 31 for stock-watering purposes with a priority of 1931 the place of use is within the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 33, T. 4N. R. 3E, B.M.

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

R. KEITH HIGGINSON
Director
Pub. Aug. 5, 12, 1971.

63 4115

Identification No. 63-41152
Claim No. _____
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 R.V. Hansberger
post office address 410 Idaho First National Bank Building - Boise
2. The point of diversion is in SW NE $\frac{1}{4}$ of NE $\frac{1}{4}$ Section 33 Township 4 N
Range 3 E B.M. located on Five Mile Creek
(name of source)
tributary to Cottonwood Creek in Ada 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:
1931 amount: 0.02 c.f.s. or _____ acre feet
_____ amount: _____ c.f.s. or _____ acre feet
_____ amount: _____ c.f.s. or _____ acre feet
Total claimed 0.02 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 stock water period of use from April 1 to October 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 _____ ; depth of well is _____ feet; diameter of well is _____ inches; type of pump is _____
capacity of pump is _____ g.p.m.; name and address of well driller is _____
_____ 62 1115 ;

63-4445

if feeder canal is used give maximum carrying capacity_____c.f.s.; if reservoir is off stream, describe location of reservoir by 40-acre subdivisions_____

[illegible]

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 Maximum
200 cows; or 100 horses; or 300 sheep

7. Where water is used for domestic or municipal purposes give number of families served _____
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
This creek is used only for water for grazing stock. The runoff enters
Cottonwood Creek. A holding pond will be constructed to store water.

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

28

day of

June

, 1971.

Claimant

Notary Public

Residing at

Boise, Idaho

My commission expires

February 1, 1974

LCCL #6973

For Department Use Only

Received by

D

Date

7-23-71

Exception filed by:

Forwarded to
claimant by:

Date

Prelim. check by

D

Date

7-23-71

Fee received by

41

Date

7/23/71

Fee \$10.00

63

1115

Approved for publication by

Published in

Idaho Statesman Dates 8-5-71-12-71

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. or</u>	<u> </u>	acre feet
	<u>June 1, 1901</u>	amount:	<u>0.4 c.f.s. or</u>	<u> </u>	acre feet
		Total claimed:	<u>1.2 c.f.s. or</u>	<u> </u>	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 this claim with the Department of Reclamation, Room 107, Statehouse, Boise, Idaho 83701, is \$10.00.

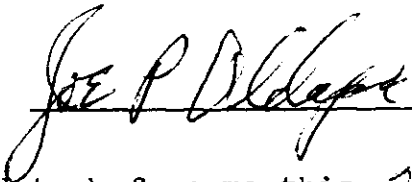
AFFIDAVIT IN SUPPORT OF
R. V. HANSBERGER'S CLAIMS
TO WATER RIGHTS

STATE OF IDAHO)
) ss.
COUNTY OF ADA)

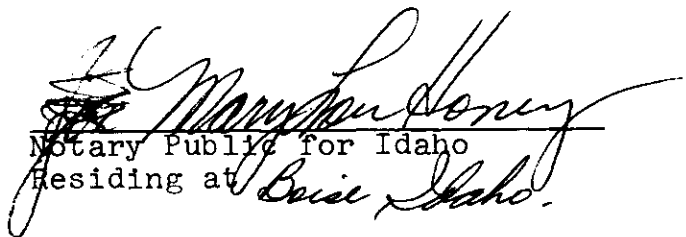
JOE ALDAPE, Being first duly sworn, deposes and
says:

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.



SUBSCRIBED AND SWORN to before me this 28 day of
June, 1971. 63 1115



Notary Public for Idaho
Residing at Boise Idaho.

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

STATE OF IDAHO)
) ss.
COUNTY OF ADA)

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are true and correct and that the water rights claimed
have been established by diversion and applied to
beneficial uses.



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



Notary Public for Idaho
Residing at Boise, Idaho

STATE OF IDAHO,)
COUNTY OF ADA) ss.

Georgene Davis

, being duly sworn, deposes and says: That she is the Principal Clerk of The Idaho Statesman, a daily newspaper printed and published at Boise, Ada County, State of Idaho, and having a general circulation therein and which said newspaper has been continuously and uninterruptedly published in said County during a period of twelve consecutive months prior to the first publication of the notice, a copy of which is attached hereto; that said notice was published in the regular edition of The Idaho

Statesman for Two ~~consecutive~~ ^{weekly} insertions, beginning with the issue of August 5, 19 71, and ending with the issue of August 12, 19 71.

Georgene Davis

Subscribed and sworn to before me this 12th
August 71
day of _____, 19 ____.

Lana A. Young

Notary Public for Idaho, Residing at Boise, Idaho

63 4115

WATER RIGHT NUMBER 63-4115

WATER RIGHTS EDIT REPORT

12/12/79

PAGE 52

ACT
ION

N OWNER LAST NAME - HANSBERGER FIRST NAME - E. V.
N ADDRESS LINE 1 - 410 IDAHO 1ST NATL. BANK BLDG.
N CITY - BOISE STATE - ID
N SOURCE - FIVEMILE CREEK TRIBUTARY OF - COTTONWOOD CREEK
N STAGE - STATRY CLM PRIORITY - 06-01-1931 COUNTY - ADA TOTAL DIV. RATE - .0200CFS
N DIVERSION POINT - NENE 33 04N 03E
N FROM - 04-01 TO - 10-31 USE - STOCKWATER USE DIV. RATE - .0200CFS
N USE - STOCKWATER PLACE OF USE - TWN 04N RNG 03E SEC 33 TRACT NENE
N NON IRRIG USE - S/300 RANGE & 300 SHEEP.

3/79

IDENT. NO. 63-4115

IDAHO DEPARTMENT OF WATER RESOURCES

WATER RIGHT
DATA ENTRY LOG

[illegible]

- DATA ENTRY -

Record

Present Owner: _____

from _____ to _____ for _____ purposes. Amount _____

ch 11-6-79

8. Use Code: S

TWP.	RANGE	SEC.	NE1/4				NW1/4				SW1/4				SE1/4				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	
4N	3E	33	S																

9. A. Decree Name:

B. Decree Date:

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

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

S/300 range & 300 sheep.

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):

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

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



R. Keith Higginson
Director

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Flood Plain Management
Irrigation and
Flood Control Districts

August 25, 1971

Claim to a Water Right No. 63-4111 63-4114
63-4112 63-4115
63-4113 63-4116

R. V. Hansberger
410 Idaho First National Bank Bldg.
Boise, Idaho

Dear Mr. Hansberger:

The Department of Water Administration has completed the processing of your claims to a water right and no further action is authorized under Sections 42-225a and 42-225b, Idaho Code. Your claims 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 claims does not, in itself, guarantee you a water right; it only records and preserves the information and the evidence which you included in your claims.

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 files, you may have that information or evidence added at any time. Please refer to your claim numbers when corresponding with this office.

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

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

63 4115

DWM/bb
Enclosure: Copy of Claims

July 28, 1971

Re: Application No. 63-7470
" " 63-7471
Claim No. 63-4110
" " 63-4111
" " 63-4112

Claim No. 63-4113
" " 63-4114
" " 63-4115
" " 63-4116

The Idaho Statesman
Box 2640
Boise, Idaho 83701

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 our 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 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. 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)

Very truly yours,

63 4115

Donald W. McEldowney
Appropriation Supervisor

Bill submitted 8-18-71 By dc

DWM:cr

Enclosures

NOTICE OF CLAIM TO A WATER RIGHT

No. 63-4115

Notice is hereby given that R. V. Hansberger,

410 Idaho First National Bank Building, Boise, Idaho

has filed a claim to a water right established by diversion and application to beneficial use of 0.02 cubic feet per second ~~acresfeet~~ of water from Five Mile Creek, tributary to Cottonwood Creek with point of diversion in the NE~~1~~NE~~4~~, Sec. 33, T. 4N, R. 3E, B.M.,
Ada County.

The water is claimed to be used from April 1 to Oct. 31 for stock-watering purposes with a priority of 1931; the place of use is within the NE~~1~~NE~~4~~, Sec. 33, T. 4N, R. 3E, B.M.

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

R. KEITH HIGGINSON

Director

63 4115

Published in the Idaho Statesman, Boise, Idaho on Aug. 5 and Aug. 12, 1971.