

RECEIVED

AUG 28 1971

Department of Water Administration

STATE OF IDAHO,) ss.
COUNTY OF ADA)

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 ^{weekly} consecutive 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

day of August 19 71.

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

NOTICE OF CLAIM
TO A WATER RIGHT

No. 63-4112

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 1.0 cubic feet per second of water from Cottonwood Creek, tributary to Boise River with point of diversion in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 12, T. 3N, R. 2E, B.M., Ada County.

The water is claimed to be used from April 1 to Oct. 15 for the irrigation of 35 acres with a priority of 1941; the place of use is within the W $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 12, S $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 2, T. 3N, R. 2E, 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
Aug. 5, 12, 1971.

63 4112

Identification No. _____

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 NW NE ¼ of NE ¼ Section 12 Township 3 N
Range 2 E B.M. located on Cottonwood Creek
(name of source)
tributary to Boise River 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:

1941 amount: 1.00 c.f.s. or _____ acre feet
_____ amount: _____ c.f.s. or _____ acre feet
_____ amount: _____ c.f.s. or _____ acre feet
Total claimed _____ 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 irrigation period of use from April 1 to October 15 (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 Concrete, reinforced,
dam/bridge combined; length is 14 feet; height is 5 feet;
width at bottom is 12 feet; width at top is 12 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 63 4112 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 _____
_____;

attach well logs if available; has there been any change in pump or motor since well was first completed _____; if so, give dates and explain _____

c. Conveying works: length of ditch to place of use is _____ feet; width of ditch at top is _____ feet; width of bottom of ditch is _____ feet; depth of water is _____ feet; grade of ditch per 1000 feet is _____ feet; material through which ditch passes is _____; maximum length of pipe line to first place of use is 40 feet; diameter of pipe line is 4 inches; type of pipe Aluminum; grade of pipe per 1000 feet is _____

Please explain any changes or increase in size of conveying system since water was first appropriated, giving date and dimensions if possible. From 1941 to 1962 water was diverted into a ditch
and flood irrigated. In 1962 a pump and pipe sprinkler was installed.
Water is pumped from a sump. Excess water continues on down
Cottonwood Creek.

d. If water is stored: name of reservoir _____;
total capacity of reservoir is _____ acre feet; active capacity of reservoir is _____ acre feet;
year construction commenced _____; year completed _____; date first used _____
period of storage is from _____ to _____; is reservoir drained each year _____;
is reservoir on or off stream _____ explain _____

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_____

has there been any enlargement of the reservoir since it was first built _____, if so, give dates and describe _____

5. a. Where water is used for irrigation, describe area irrigated by 40-acre subdivisions and give total acres:

[illegible]

Total number of acres to be irrigated 35

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 of 20 horses, 100 cows.

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 _____

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.

R. H. Hancher
Claimant
Mary Ann Honey
Notary Public
Residing at Boise, Idaho

My commission expires February 1, 1974

Acc't # 6973

For Department Use Only

Received by <u>D</u>	Date <u>7/23/71</u>	Exception filed by:	Forwarded to claimant by:	Date
Prelim. check by <u>D</u>	Date <u>7/23/71</u>			
Fee received by <u>ej</u>	Date <u>7/23/71</u>	Fee \$ <u>10</u>		
Approved for publication by				
Published in <u>Idaho Statesman</u>	Dates <u>8-5-71-12-71</u>			

63 4312

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.

Joe Aldape

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

Mary Lou Honey

Notary Public for Idaho
Residing at *Boise, Idaho*

STATE OF IDAHO,) ss.
COUNTY OF ADA)

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 day of August 1971.

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

63 4112

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

DWM/bb
Enclosure: Copy of Claims

63 4112

July 28, 1971

Re: Application No. 63-7470	Claim No. 63-4113
" " 63-7471	" " 63-4114
Claim No. 63-4110	" " 63-4115
" " 63-4111	" " 63-4116
" " 63-4112	

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 4112

Donald W. McEldowney
Appropriation Supervisor

Bill submitted 8-18-71 By lw

DWN:cr

Enclosures

NOTICE OF CLAIM TO A WATER RIGHT

No. 63-4112

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 appli-
cation to beneficial use of 1.0 cubic feet per second ~~acres of bank~~
of water from Cottonwood Creek, tributary to Boise, River
with point of diversion in the NE¹/₄NE¹/₄, Sec. 12, T. 3N, R. 2E, B.M.,
Ada County.

The water is claimed to be used from April 1 to Oct. 15 for the
irrigation of 35 acres
with a priority of 1941;
the place of use is within the W¹/₄NE¹/₄, N¹/₄NW¹/₄, SE¹/₄NW¹/₄, Sec. 12; S¹/₄SE¹/₄,
Sec. 2, T. 3N, R. 2E, 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

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

63 4112