

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 HERBERT STUBERS
(Name of Claimant)
Route #1, Box 205, Cottonwood, ID 83522 Telephone No. 962-3527
(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) Sept., 1965

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)
spring tributary to Cottonwood Creek

(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>0.02 cfs</u>	Use	<u>stockwater</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
Quantity		Use		Period of Use From	To
Quantity		Use		Period of Use From	To

(4) TOTAL QUANTITY USED.

(5) A) Point of diversion. (Location of point where water is diverted from its source)
S.E. ¼ NW ¼, Sec 12 Twp. 32N Rge. 2E B.M., County of Idaho
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. Tile drain from spring to creek and cows drink out of creek

(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	
32N	2E	12								X									

No. of acres

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: 45 hd. cattle

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

MICROFILMED

Dates

Published in

~~\$20.00 fee received by~~

Received by _____
Prelim. check by _____

Received by _____

Date _____
Date _____

Date _____

Date _____

2007-8-2-21

Forwarded to
claimant by:

Date _____

FOR DEPARTMENT USE ONLY

My commission expires

Sworn to before me this 17 day of

day of

(Claimant)

Notary Public _____
Residing at _____

Residing at

attain's knowledge.

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

State of Idaho

County of

SS.

SS.

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.

Scale 2 inches equal 1 mile.

TWO.32N

12

* P.O.D.

RCE 2E

$\frac{0.00}{0.00}$

Page 27

(8) Remarks

Affidavit of Publication

STATE OF IDAHO, }
COUNTY OF IDAHO, } ss.

I, ROBERT E. WHERRY, being first duly sworn, depose and say that I am the Publisher of the COTTONWOOD CHRONICLE, a weekly newspaper, published and issued weekly at Cottonwood, Idaho County, State of Idaho, which is of general circulation in said county and state, that the said notice, of which the one hereto is attached is a true copy, was published in said newspaper for 2 weeks being published 2 times, the first publication being on the 10th day of December 1978, and the last publication on the 17th day of December 1978, and that the said notice was published in the newspaper proper and not in a supplement; that said newspaper has been continuously and uninterruptedly published in said county during a period of seventy-eight (78) consecutive weeks prior to the first publication of said notice or advertisement.

Robert E. Wherry

Subscribed and sworn to before me this 15th day of January 1978

Stewart E. Wherry, Notary Public,

for the State of Idaho, residing at Cottonwood, Idaho.

RECEIVED

JAN 15 1978

Department of Water Resources
Northern District Office

FILED

State of Idaho
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: JK

Right Number

85-4171

Applicant

Herbert Fabus
85-4171

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. Trib to Red Rock Creek
- ☒ Quantity, use, period.
- ☒ Point(s) of diversion.
- ☒ Location of use.
- ☒ Signature/notarization/fee.

FINAL REGIONAL PROCESSING REVIEW:

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

By

mm

Date

1/19/82

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By

kw

Date

1/25/82

MINIDOCU 11/78

RECEIVED
JAN 25 1982

Department of Water Resources

POINT OF DIVERSION AND STREAM INDEX INFORMATION

TRACT	SEC	TWP	RGE	gov't lot	rediv. (R)	REACH
SE NW	12	32 N	02 E	--	--	002.3

IDAHO STREAM CODE INDEX

2720.0480.0330.0020.0010.015.-----

TRACT	SEC	TWP	RGE	gov't lot	rediv. (R)	REACH
-----	-----	-----	-----	-----	-----	-----

IDAHO STREAM CODE INDEX

TRACT	SEC	TWP	RGE	gov't lot	rediv. (R)	REACH
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IDAHO STREAM CODE INDEX

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IDAHO STREAM CODE INDEX

TRACT	SEC	TWP	RGE	gov't lot	rediv. (R)	REACH
-----	-----	-----	-----	-----	-----	-----

IDAHO STREAM CODE INDEX

RECEIVED

IDENT. NO. 85-4171

I D A H O D E P A R T M E N T O F W A T E R R E S O U R C E S

WATER RIGHT DATA ENTRY LOG

[illegible]

B5-4171

STUBERS, HERBERT

RT. 1 BOX 205, COTTONWOOD, ID 83522

Source. SPRING tributary to COTTONWOOD CREEK

Priority Date 09/01/1965

Amount: 0.02 CFS

Diversion Point. SENW Sec 12 T 32N R 02E, IDAHO Co.

Use: STOCKWATER (0.02 CFS) from 01/01 to 12/31

Place of Use. SENW Sec 12 T 32N R 02E

Diversion Means: TILE DRAIN FROM SPRING.

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Northern Region

JOHN V. EVANS
Governor
C. STEPHEN ALLRED
Director

4055 Government Way
Coeur d'Alene, ID 83814
(208) 667-6484

DECEMBER 29, 1981

HERBERT STUBERS
RT. 1 BOX 205
COTTONWOOD ID 83522

RE: Claim No. 85-4171

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,

Robert G. Haynes, P.E.
Regional Supervisor

Enclosure

MICROFILMED

(8) Remarks _____

A hand-drawn map on a grid. The grid is composed of 12 columns and 12 rows. The map is labeled 'Twp. 32N' in the second column from the left and 'Rge 2E' in the fourth column from the left. A specific section is marked with an asterisk and labeled 'Plot of 430 ± P.D.' and '12'.

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)
) ss.
County of Ada)

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.

Herbert B Stupkas
(Claimant)

Sworn to before me this 17 day of November, 19 81

Notary Public
Residing at Boise

My commission expires Life

FOR DEPARTMENT USE ONLY

Received by JK Date 11/17/81 Exception filed by: _____ Forwarded to _____ Date _____
Prelim. check by JK Date 12-2-81 _____ claimant by: _____
\$20.00 fee received by JK Date 11/17/81 #397
Published in Coltonwood Chronicle _____
Dates 12/10 & 17/81 _____

Affidavit of Publication

STATE OF IDAHO, }
COUNTY OF IDAHO, } ss.

I, ROBERT E. WHERRY, being first duly sworn, depose and say that I am the Publisher of the COTTONWOOD CHRONICLE, a weekly newspaper, published and issued weekly at Cottonwood, Idaho County, State of Idaho, which is of general circulation in said county and state, that the said notice, of which the one hereto is attached is a true copy, was published in said newspaper for 2 weeks being published 2 times, the first publication being on the 10th day of December, 1978, and the last publication on the 17th day of December, 1978; and that the said notice was published in the newspaper proper and not in a supplement; that said newspaper has been continuously and uninterruptedly published in said county during a period of seventy-eight (78) consecutive weeks prior to the first publication of said notice or advertisement.

Robert E. Wherry

Subscribed and sworn to before me this 4th day of January, 1978.

Dorinda E. Wherry, Notary Public,

for the State of Idaho, residing at Cottonwood, Idaho.

RECEIVED

JAN 15 1982

Department of Water Resources
Northern District Office

PUBLIC NOTICES BECAUSE THE PEOPLE MUST KNOW

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:

85-4170

SONNEN, RONALD J. and-or DORIS GREENCREEK, ID 83533

Source: MUD SPRING tributary to RED ROCK CREEK

SPRING tributary to GREEN CREEK

Priority Date: 01-01-1932

Amount: 0.07 CFS

Diversion Point: SWSW Sec 08 T 32N R 02E SWNW Sec 28 T 32N R 02E, IDAHO Co.

Use: STOCKWATER (0.03 CFS) from 01-01 to 12-31

DOMESTIC (0.04 CFS) from 01-01 to 12-31

Place of Use: NENW Sec 17 T 32N R 02E SWNW Sec 28 T 32N R 02E

Diversion Means: CISTERN AND PIPELINE.

85-4171

STUBBERS, HERBERT
Rt. 1 BOX 205, COTTONWOOD, ID 83522

Source: SPRING tributary to COTTONWOOD CREEK

Priority Date: 09-01-1965

Amount: 0.02 CFS

Diversion Point: SENW Sec 12 T 32N R 02E, IDAHO Co.

Use: STOCKWATER (0.02 CFS) from 01-01 to 12-31

Place of Use: SENW Sec 12 T 32N R 02E

Diversion Means: TILE DRAIN FROM SPRING.

Any exception to any claim of water right may be filed with the Director of the Idaho Department of Water Resources, 4055 Govt. Way, Coeur d'Alene, Id., 83814.

A. KENNETH DUNN
Director

Published in the Cottonwood Chronicle Dec. 10 and 17, 1981.