

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS**

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE BEAR RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 79576

Ident. Number: 13-882
Date Received: 4/18/2025
Receipt No: P001984
Claim Fee: \$74
Received By: BW

RECEIVED

APR 18 2025

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

IDWR/Preston

1. Name of Claimant(s)

SUSAN K HANSEN TRUST
541 OLD ORCHARD DR
DANVILLE CA 94526-3659

Phone: (510) 459-0649

2. Date of Priority: 6/1/1882

3. Source:

COTTONWOOD CREEK

Trib. to:

BEAR RIVER

4. Point of Diversion:

Township	Range	Section	¼ of ¼ of ¼	Lot	County	Type
12S	40E	34	SE SW		FRANKLIN	

5. Description of diverting works:

This right is conveyed through Cleveland Canal Company's ditch system. We have a concrete head gate 10 yards above the old Cleveland Road. The water is piped to the field through a steel pipe.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A
IRRIGATION	4/20	9/30	0.6		

7. Total Quantity Appropriated is:

0.6 C.F.S. and/or A.F.A.

8. Non-irrigation uses:

9. Place of use:

IRRIGATION within FRANKLIN County

Township	Range	Section	¼	of	¼	Lot	Acres
12S	40E	35	SE		SW		3.3
12S	40E	35	NE		SE		2.6
12S	40E	35	SW		SE		11
12S	40E	35	SE		SE		6.8
12S	40E	36	NW		SW		0.2

Total Acres = 23.9

10. Do you own the property listed above as place of use? Yes

If your answer is no, describe in remarks below the authority you have to claim this water right.

11. Other Water Rights Used:

Shares in Cleveland Canal Company.

12. Remarks:

Priority Date Explanation:

This is the date given on the decree. This use continues to this day. See attachments for history of diversion system. This right is conveyed through the Cleveland Canal Company ditch system.

Since the mid 1950's, this right which represents the diversion of water directly from Cottonwood Creek into the Cleveland Canal Company ditch has enabled the use of an amount of water equivalent to run 32 sprinkler heads continuously 24/7 as long as there is water in the canal. We are unsure whether this historical statement pertains to 13-882 or 13-883.

AS PER TRANS. 2612.

13. Basis of Claim: Decreed

14. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the BEAR River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Organizations:

I do solemnly swear or affirm under penalty of perjury that I am, and I have signed the foregoing document in the space below as the

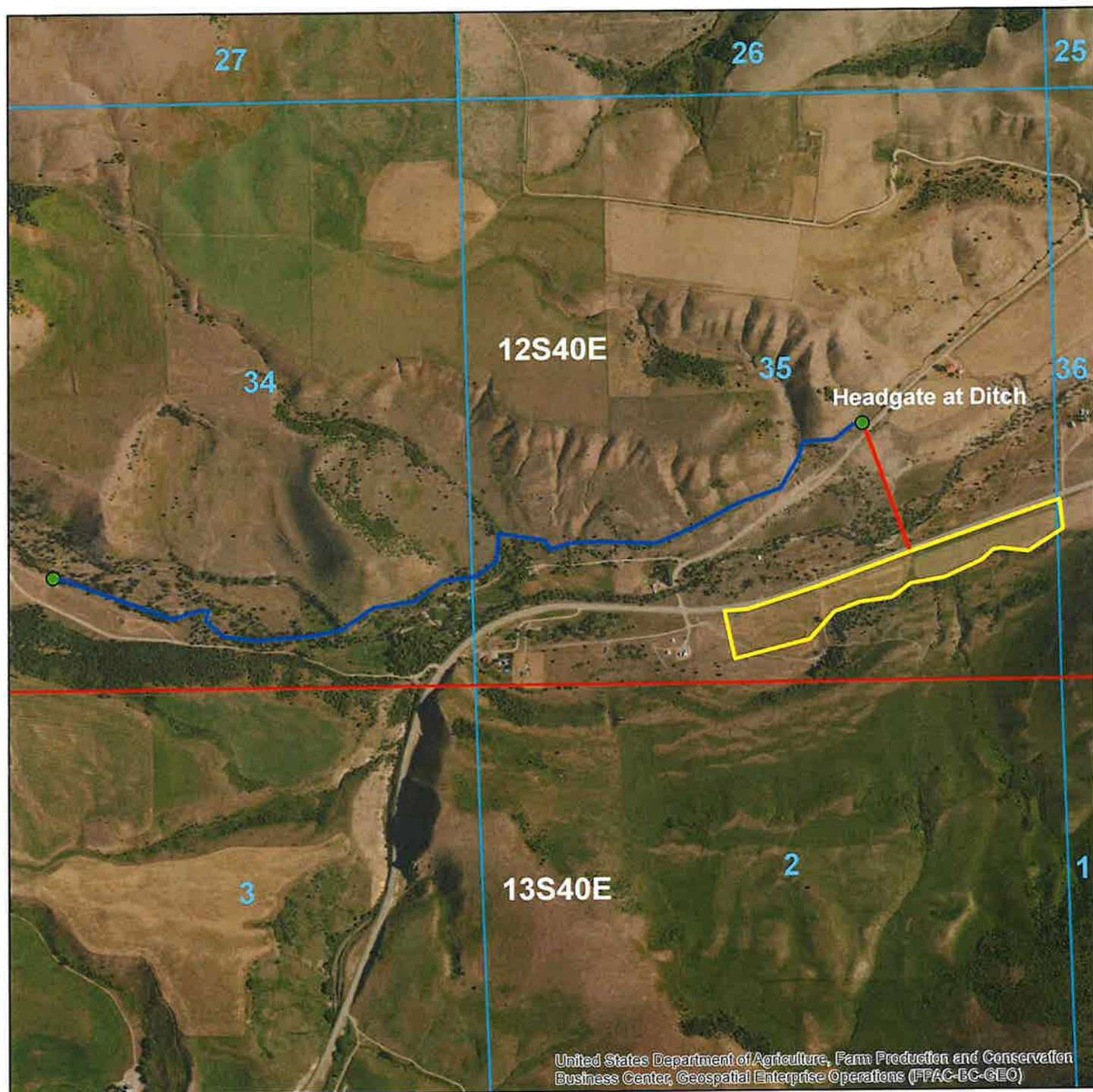
_____ Trustee _____ of _____ SUSAN K HANSEN TRUST _____,
Agents Title (please print) Name of Organization (please print)

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent H. Kent Hansen Date 4.18.2025

Printed Name of Authorized Agent H. KENT HANSEN

Claim 13-882

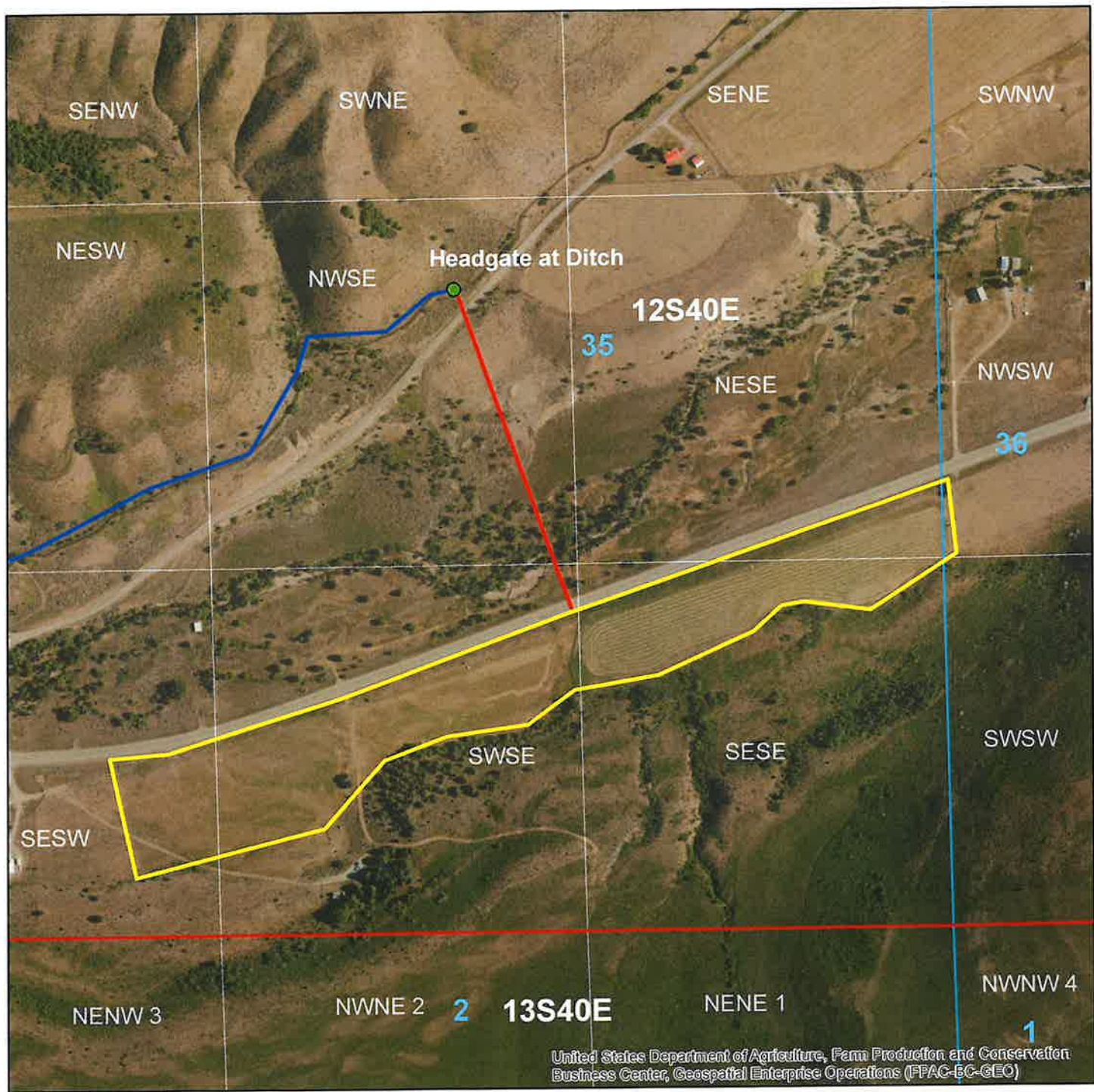


0 0.075 0.15 0.3 0.45 0.6 Miles

POD ●
POU —
DITCH —
PIPE —



Claim 13-882



0 0.0375 0.075 0.15 0.225 0.3 Miles

POD ●
POU —
DITCH —
PIPE —



Cleveland Canal Company

Historical Notes

The Cleveland Canal Company was organized in 1901 by a group of local farmers and ranchers in order to maintain and protect local water rights. These rights are described in the "Dietrich Decree" with priority dates and amounts of water to be delivered at the point of diversion. One early landowner who held a significant water right had his point of diversion changed to a location farther up Cottonwood Creek so as to take this water to a different parcel of land he owned outside the Cottonwood Drainage. His priority date was a bit earlier than the Cleveland Canal Company and this proved to be a point of contention for some time. The State of Idaho Department of Water Resources has upheld his action and the Cleveland Canal Company abides by their decision. One other historical note involves a smaller but important water right. In the 1950's, an agreement was made involving Cleveland Canal Company and the "Stewart Ranch". The Stewart Ranch has a water right of six tenths of a cubic foot per second described in a very early priority right. In order to facilitate gravity flow sprinkling on the Stewart Ranch, the Stewart family agreed to place their water in the Cleveland Canal. In return, they would be guaranteed use of this amount of water unrestricted by the canal company. The canal company agreed because allowing enough water to flow downstream to the Stewart Ranch was extremely inefficient due to so much water loss in the rocky streambed. The owners of the Stewart Ranch are shareholders in the canal company and they do pay a yearly assessment as a companion to their unique water situation in the Cleveland Canal.

Historical access to the head gate of the canal has always been from a county maintained road which passed within a few feet of the point of diversion. For many years, a government agency maintained a measuring and gauging station at this location as well. Even though the county road has been moved, this historical access needs to be understood and maintained.

Over the years, the operation of the Canal has been relatively uneventful, with the President and Directors overseeing yearly maintenance. For the most part, shareholders have been good to pay assessments and help with the general operation of the canal.

Main points of concern have centered around water loss and seepage in the lower part of the canal. With the county allowing the building of homes on the somewhat unstable land below the canal in some locations, future canal maintenance will need to be as meticulous as possible in these areas so no one can ever say that improper ditch maintenance was involved in any problems that could arise.

GENERAL DEFINITION OF A 'SHARE'

Historically, flood irrigation was the accepted method of watering the land. A "share" was defined as all the water in the canal for one hour per week. A shareholder would be given the right to use all the water for the number of hours equal to his "shares"; thus a farm with 20 shares would get all the water for 20 hours in a given week, administered by the watermaster with a schedule approved by the shareholders. The number of "shares" in the company is approximately equal to the number of hours in a week.

Changes in irrigation practices (flood to sprinklers) as well as changes in other farming practices are making this method of apportionment somewhat difficult to administer. Perhaps a redefining and clarifying of this method would make future apportionment easier.

Cleveland Idaho.

March 2 - 1931

Meeting of the stock holders
of the Cleveland Irr. Co. was held.
Henry Larsen Chairman. and
N. LeRoy Smith acting secy. in t.
absence of secy. Hyrum K. Nelson.
It was decided to use full stream
during this season.

The proposition of making an exchange
with Chester E. Watson to put his decreed
water in the Cleveland canal and asking
him to accept a ticket giving him
an equal and fair exchange of
hours in the Co. was discussed and
decided for directors to try and
make the deal.

John W. Smith was elected water
master and ditch boss.

The following were elected Directors.

John W. Smith, Mrs. May Bennett.

N. LeRoy Smith, Hyrum K. Nelson

and Fred K. Andersen.

N. LeRoy Smith.

acting Secy.

October 29, 2010

Being the duly elected Secretary of the Cleveland Irrigation
Company, I hereby certify that this document is a true and exact
photocopy of page #72 of the Minute Book of the Cleveland Irrigation
Company.

Larry D. Higgins
Secretary

Cleveland, Idaho.

April 20 - 1931.

This agreement entered into by Chester E. Walton, party of the first part, Owner of $\frac{6}{10}$ second feet of water in Cottonwood Creek and the Cleveland Irrigation Co. party of the second part.

For the mutual benefit of both parties in saving water which has heretofore been lost running down the old creek bed.

The party of the first part agreed that his decreed water $\frac{6}{10}$ of a foot be placed in the Cleveland Canal and except 4-four hours full stream. Which the Cleveland Irrigation Co. agreed to give for his decreed water. This four hours to be added to his regular water turn through out the season.

October 29, 2010

Being the duly elected Secretary of the Cleveland Irrigation Company, I hereby certify that this document is a true and exact photocopy of page #75 of the Minute Book of the Cleveland Irrigation Company..

Larry D. Higgins
Larry D. Higgins
Secretary