

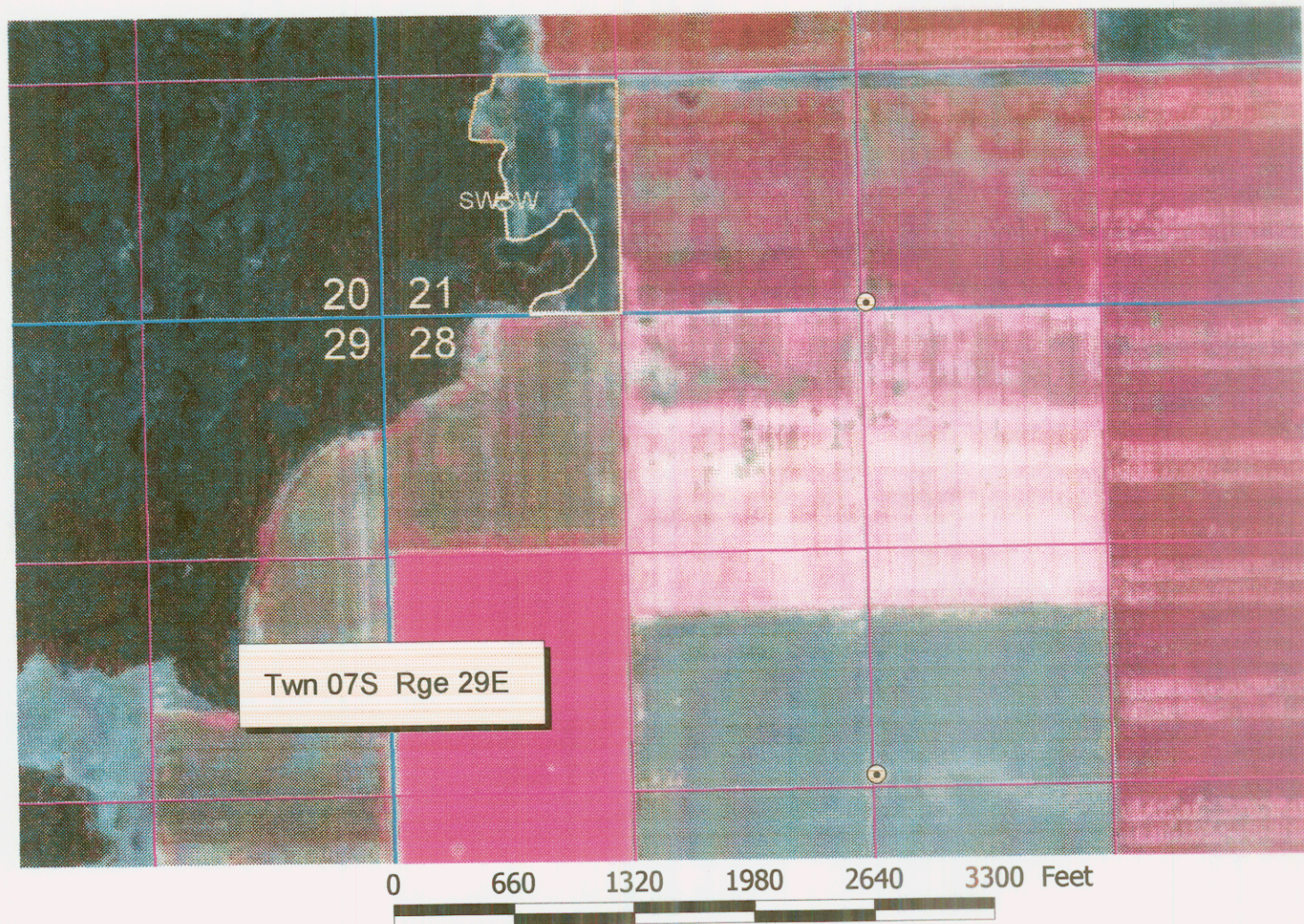


# STATE OF IDAHO

## Department of Water Resources

### Eastern Region

Water Right(s): 35-08574



#### LEGEND



Point of Diversion



Place of Use



Section Line



Quarter-section line

**Acres Irrigated = 20**



GIS Place of Use illustration  
1987/1988 NAPP photography  
Prepared by: E. Carlsen  
Date: March 1999

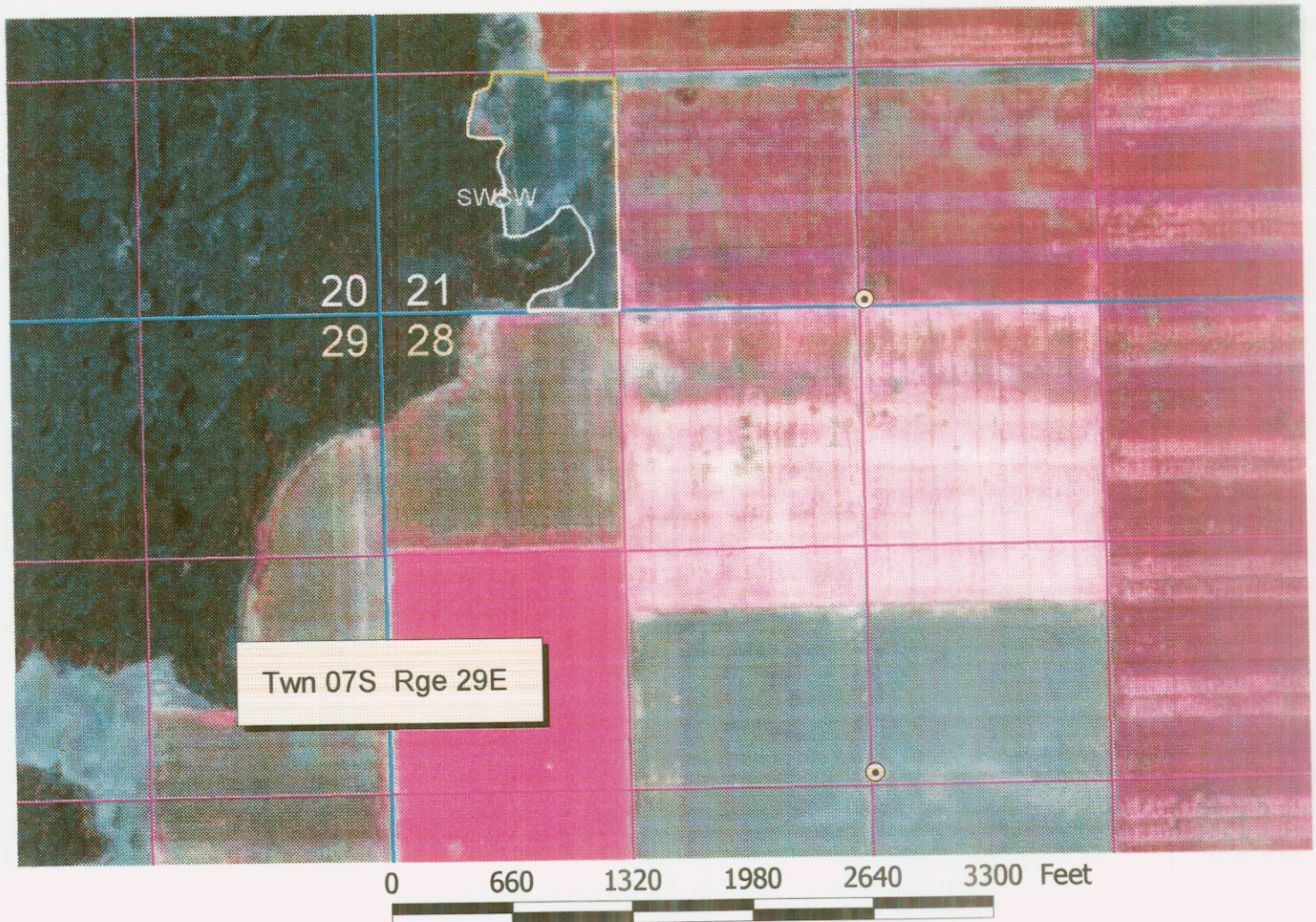


# STATE OF IDAHO

## Department of Water Resources

### Eastern Region

Water Right(s): 35-08574



#### LEGEND



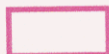
Point of Diversion



Place of Use



Section Line



Quarter-section line

**Acres Irrigated = 20**



GIS Place of Use Illustration  
1987/1988 NAPP photography  
Prepared by: E. Carlsen  
Date: March 1999

DATE: 03/16/99  
PAGE: 1

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## DIVERSION VOLUME

80.00 AFA

80.00 AFA

**Stage: LICENSE**

**POWER County**  
**POWER County**

SE

20.0

**Objection Filed Date:**

14/3/99.  
BMC

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 SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 435-08574Date Received 3-20-90Receipt Number E012646

NOTICE OF CLAIM  
TO A  
WATER RIGHT  
ACQUIRED UNDER STATE LAW



MAR 30 1990

Department of Water Resources  
Eastern District Office

Please type or print clearly

1. Name of Claimant (s) Ben F. Kopp and Beatrice Kopp Phone ( 208 ) 226-2753Mailing Address 2804 S. Vollmer Loop, American Falls, ID Zip 832112. Date of Priority (Only one (1) per claim) April 1, 1976 (35-8574)3. Source of water supply (a) groundwater

which is tributary to (b) \_\_\_\_\_

4. a. Location of existing point of diversion is: Township 7S Range 29E Section 21,  
\_\_\_\_\_ 1/4 of SW 1/4 of SE 1/4, Govt. Lot, \_\_\_\_\_ B.M., County of Power

Additional points of diversion if any: \_\_\_\_\_

b. If instream flow, beginning point of claimed instream flow is:

Township \_\_\_\_\_ Range \_\_\_\_\_ Section \_\_\_\_\_, \_\_\_\_\_ 1/4 of \_\_\_\_\_ 1/4 of \_\_\_\_\_

Govt. Lot \_\_\_\_\_ B.M., County of \_\_\_\_\_

ending point is: Township \_\_\_\_\_ Range \_\_\_\_\_ Section \_\_\_\_\_, \_\_\_\_\_ 1/4 of \_\_\_\_\_ 1/4 of \_\_\_\_\_

\_\_\_\_\_ 1/4, Govt. Lot \_\_\_\_\_ B.M., County of \_\_\_\_\_

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),  
including the dates of any changes or enlargements in use, the dimensions of the diversion works as  
constructed and as enlarged and the depth of each well.Well 20" to 250' and 16" to 350' with 125hp motor and 40hp booster.  
14" mainline with 6" lateral half-mile linear.

A3508574



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6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For irrigation purposes from 4/1 to 11/1 amount .4 or 70

For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ amount \_\_\_\_\_ or \_\_\_\_\_

For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ amount \_\_\_\_\_ or \_\_\_\_\_

For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ amount \_\_\_\_\_ or \_\_\_\_\_

7. Total quantity claimed (a) .4 (cfs) and/or (b) 70 (acre feet)

8. Total consumptive use claimed is 70 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) \_\_\_\_\_

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

| TWP | RNG | SEC | NE 1/4 |       |       |       | NW 1/4 |       |       |       | SW 1/4 |       |       |       | SE 1/4 |       |       |       | 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 |        |
| 7S  | 29E | 21  |        |       |       |       |        |       |       |       |        |       | 20    |       |        |       |       |       | 20     |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |

Total number of acres irrigated 20

11. In which county (ies) are lands listed above as place of use located? Power

12. Do you own the property listed above as place of use? Yes x No \_\_\_\_\_

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

13. Describe any other water rights used at the same place and for the same purposes as described above. \_\_\_\_\_ or None ( x )

14. Remarks: Well expansion of permit #G-33291 on April 1, 1976 with  
beneficial use applied annually since 1976.

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**DEC 10 1992**

Last Name KOPP Ident No. \_\_\_\_\_

Copies: White -State, Yellow-Claimant

**Scale: 2 inches equals 1 mile**

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DEC 10 1992

Last Name KOPP Ident No.

*Copies: White-State, Yellow-Claimant*

15. Basis of Claim (check one) Beneficial Use \_\_\_\_\_ Posted Notice \_\_\_\_\_ License \_\_\_\_\_ Permit 35-8574  
Decree \_\_\_\_\_  
If applicable provide IDWR Water Right Number \_\_\_\_\_  
Court \_\_\_\_\_ Case Number \_\_\_\_\_ Decree Date \_\_\_\_\_  
Plaintiff vs Defendant \_\_\_\_\_

16. 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 Snake River Basin Adjudication." (b.) I/We do \_\_\_\_\_ do not X \_\_\_\_\_  
wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments \_\_\_\_\_

**For Individuals:** I do solemnly swear or affirm that the statements contained in the foregoing document are true  
and correct.

Signature of Claimant (s) Ben F. Kopp Date 28 March 1990  
Beatrice Kopp Date 28 March 1990

**For Organizations:** I do solemnly swear or affirm that I am \_\_\_\_\_

\_\_\_\_\_ Title  
of \_\_\_\_\_, that I have signed the foregoing  
Organization

document in the space below as \_\_\_\_\_ of \_\_\_\_\_  
Title Organization

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

Signature of Authorized Agent \_\_\_\_\_

Title and Organization \_\_\_\_\_ Date \_\_\_\_\_

State of Idaho/or \_\_\_\_\_ )  
County of Bannock ) SS.

Subscribed and sworn (or affirmed) before me this 28th day of March 19 90

SEAL

Notary Public John B. Kugler

Residing at Pocatello, Idaho

My Commission Expires July 17, 1993

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, John B. Kugler will be acting as attorney at law on behalf  
of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above  
should be mailed to me at the address listed below.

Signature John B. Kugler

Address P.O. Box 4943, Pocatello, ID 83205

Date 28 March 1990

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DEC 10 1992

Last Name KOPP Ident. Number \_\_\_\_\_

Copies White-State, Yellow-Claimant

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 SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A35-08574  
Date Received: 4/02/1990  
Receipt No: E012646  
Received By: DC

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name: BEN F. KOPP 208-226-2753  
Address: 2804 S. VOLLMER LOOP  
AMERICAN FALLS, ID 83211  
AND  
Name: BEATRICE KOPP 208-226-2753  
Address: 2804 S. VOLLMER LOOP  
AMERICAN FALLS, ID 83211
2. Date of Priority: MAY 03, 1985
3. Source: GROUNDWATER Trib. to:
4. Point of Diversion:  
Township Range Section 1/4 of 1/4 of 1/4 Lot County  
07S 29E 21 SW SE POWER
5. Description of diverting works:  
WELL/PUMP TO MAINLINE AND LATERALS
6. Water is used for the following purposes:  
Purpose From To C.F.S. (or) A.F.A.  
IRRIGATION 04/01 11/01 0.400
7. Total Quantity Appropriated is:  
0.400 C.F.S. (and/or) A.F.A.
8. Total consumptive use is 70.0 Acre Feet Per Annum.
9. Non-irrigation uses:  
NONE

A35-08574

Page 1

Date: 04/02/90

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DEC 10 1992

10. Place of Use:

| Township | Range | Section | 1/4 of 1/4 | Lot | Use           | Acres |
|----------|-------|---------|------------|-----|---------------|-------|
| 07S      | 29E   | 21      | SW SW      |     | IRR           | 20.0  |
|          |       |         |            |     | Section Acres | 20.0  |
|          |       |         |            |     | Total Acres   | 20.0  |

11. Place of use in counties: POWER

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:  
35-02874

14. Remarks:

15. Basis of Claim: PERMIT

File

State of Idaho  
Department of Water Resources

**RECEIVED**  
FEB 21 1994

# WATER RIGHT LICENSE

WATER RIGHT NO. 35-08574

Department of Water Resources  
Eastern District Office

Priority: May 3, 1985

Maximum Diversion Rate: 0.40 CFS

Maximum Diversion Volume: 80.0 AF

This is to certify, that BEN F KOPP  
2804 VOLLMER LOOP

AMERICAN FALLS ID 83211 has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated May 3, 1985; and has submitted Proof of Beneficial Use on April 5, 1990. An examination indicates that the works have a diversion capacity of 7.870 cfs of water from a GROUNDWATER source, and a water right has been established as follows:

| <u>BENEFICIAL USE</u> | <u>PERIOD OF USE</u> | <u>RATE OF DIVERSION</u> | <u>ANNUAL VOLUME</u> |
|-----------------------|----------------------|--------------------------|----------------------|
| IRRIGATION            | 04/01 to 10/31       | 0.40 CFS                 | 80.0 AF              |

LOCATION OF POINT(S) OF DIVERSION: SWSE , Sec. 21, Township 07S, Range 29E  
SWNE , Sec. 28, Township 07S, Range 29E  
POWER County

PLACE OF USE: IRRIGATION

| <u>TWN</u> | <u>RGE</u> | <u>SEC</u> | <u>ACRES</u> | <u>ACRES</u> | <u>ACRES</u> | <u>TOTAL</u> |
|------------|------------|------------|--------------|--------------|--------------|--------------|
| 07S        | 29E        | 21         | SWSW         | 20           |              | 20           |

Total number of acres irrigated: 20

CONDITIONS/REMARKS:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right limited to the amount that can actually be beneficially use used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.0 afa per acre for the lands above.
6. The following rights are also diverted through the points of diversion described above: 35-02612 and 35-02845.

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APR 15 1994

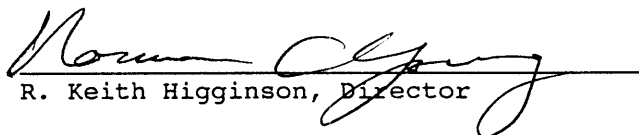
State of Idaho  
Department of Water Resources

# WATER RIGHT LICENSE

WATER RIGHT NO. 35-08574

This license is issued pursuant to the provisions of Section 42-219, Idaho Code.  
Witness the seal and signature of the Director, affixed at Boise, this 22<sup>ND</sup>  
day of January, 1994.

Acting for

  
R. Keith Higginson, Director

MICROFILMED

APR 15 1994