



63-31556
T04N, R02E,
S29, SWNWNE
2000 PHOTO

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 63-31556
Date Received: 10/4/2002
Receipt No: W029765
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

JOANNE GAY HOPPE
6333 E MOCKINGBIRD #255
DALLAS TX USA 75214

Phone: (214) 821-5159

2. Date of Priority: 05/01/1955

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
04N	02E	29	NW NW NE	ADA	

5. Description of diverting works:

Pipe to water yard. 4 inch casing. 75 ft deep, 1/2 h.p. motor.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
DOMESTIC	01/01	12/31	0.02	

7. Total Quantity Appropriated is:
0.02 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:
Number of other uses: lawn and garden

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
04N	02E	29	NW	NE	DOMESTIC	

11. Place of use in counties: ADA

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

13. Other Water Rights Used:

14. Remarks:

Non-Irrigation uses: domestic lawn and garden.

15. Basis of Claim: Beneficial Use

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

CIVIL CASE NUMBER: 39576

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

Identification No. 63-31556

Date Received 10-4-02

Receipt Number W029765

NOTICE OF CLAIM
TO A
WATER RIGHT

ACQUIRED UNDER STATE LAW

For Domestic and/or Stockwater Purposes

Where Daily Use is less than 13,000 gallons per day.

Filing Fee \$25

Please type or print clearly

1. Name of Claimant (s) Joanne Gray Hoppe Phone (214-821-5159 hmw) 214-821-5200 wk

Mailing Address 6333 E. Mockingbird #255 Dallas, TX Zip 75214

2. Date of Priority (Only one per claim) 5-1-1955 Month/Day/Year

3. Source of water supply (Check one) ☒ Groundwater or Other () (a) _____
Name or kind of source

which is tributary to (b) _____

4. Location of point of diversion is: Township 4 North Range 2 East

Section 29 Northwest 1/4 of Northwest 1/4 of North East 1/4, Govt. Lot N/A BM.,

County of Ada

Additional points of diversion if any: no

5. Description of existing diversion works (Ditches, Wells, Pumps, Pipelines, Headgate 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. pipe to water yard
4" casing
75ft deep, 1/2 h.p. motor

6. Water is claimed for the following: (limited to Domestic and/or Stockwater only. See Instructions.)

For Domestic purposes from Jan 1st to Dec 31st amount .02 (cfs)
(Both dates are inclusive)

For _____ purposes from _____ to _____ amount _____

7. Total quantity claimed .02 (cfs)

8. Total consumptive use claimed is de minimus .02

9. Non-irrigation uses. Describe fully. (Domestic: give number of households served if single ownership; Stockwater: Type and Number of livestock) domestic lawn & garden

10. Place of use is: Township: 4 North Range 2 East
Section 29 NW 1/4 of NW 1/4, Govt. Lot 9 NE, B.M.,
County of Ada for (Circle One) Domestic Stock Domestic and Stock

Additional places of use, if any _____

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

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

14. Remarks: _____

15. Basis of Claim (Circle One) Beneficial Use Posted Notice License Permit Decree

Court _____ Decree Date _____ Plaintiff vs Defendant _____

If applicable provide IDWR Water Right Number _____

16. Signature (s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understood the form entitled "How you will receive notice in the Snake 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 Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) * Joanne Rogge Date 10-1-02
_____ Date _____

For Organizations: I do solemnly swear or affirm that I am _____

of _____, Title _____, that I have signed the foregoing

document in the space below as _____ of _____

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

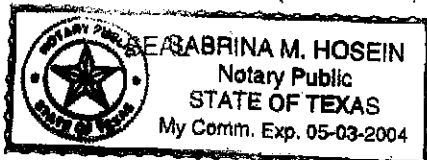
Signature of Authorized Agent _____ Date _____

Title and Organization _____

State of Idaho/or _____ } SS.

County of _____ }

Subscribed and sworn (or affirmed) before me this 1st day of October 19 2002



Notary Public State of Texas

Residing at Dallas, TX

My Commission Expires 05/03-2004

Last Name Hosein Ident. No. [Signature]

Copies: White-State, Yellow-Claimant

RECEIVED
APR 24 1997
DEPARTMENT OF
WATER RESOURCES

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

In Re SRBA)

Case 39576)

A. Subcase 63-31556
(Insert water right number)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Edwards Family LLC
Address: 4106 Sand Creek Street
Boise, Idaho 83703
Daytime Phone: 208-342-7548

Name & Address of Attorney, if any:

Dana Hofstetter
Hofstetter Law Office, LLC
608 West Franklin Street
Boise, Idaho 83702
208-424-7800

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: Joanne Gay Hoppe
Address: 4301 W Hill Road
Boise, Idaho 8370375214

D. I object to the following elements as recommended in the Director's Report.
(Please check the appropriate box(es)):

1. ☐ **Name and Address**
Should be: _____
2. ☒ **Source**
Should be: See Section E
3. ☐ **Quantity**
Should be: _____
4. ☐ **Priority Date**
Should be: _____
5. ☐ **Point of Diversion**
Should be: _____
6. ☐ **Instream Flow Beginning and Ending Point**
Should be: _____
7. ☐ **Purpose(s) of Use**
Should be: _____
8. ☐ **Period of Year**
Should be: _____
9. ☐ **Place of Use**
Should be: _____
10. **I object because:**
 - ☒ This water right should not exist.
 - ☐ This water right was not recommended, but should be recommended with the elements described above.

E. **REASONS SUPPORTING OBJECTION(S):** To the extent that this water right authorizes the diversion of water from the Stewart Gulch Geothermal Aquifer it should not exist pursuant to *Silkey v. Tiegs*. Otherwise, the following provision should be listed under "Other Provisions Necessary for Definition or Administration of this Water Right:" The diversion and use of geothermal water is not authorized under this right. Also, the local name for the cold water well should be described.

F.

VERIFICATION (Must be Completed)

State of Idaho)
) ss.
County of Ada)

Dana L. Hofstetter, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

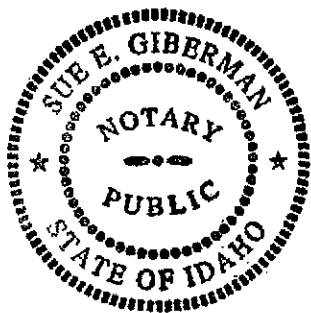
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

Signature of person filing objection

Dana L. Hofstetter

Attorney signing in representative capacity

Subscribed and sworn to before me on: April 20, 2006



Sue E. Giberman
Notary Public for the State of Idaho
Residing at: Boise Idaho
My Commission expires: 2-25-09

INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the Court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

G. CERTIFICATE OF MAILING

I certify that on April 21, 2006, I filed the original with the SRBA Court and mailed copies of this Objection, including all attachments, to the following persons:

1. Original to:
Clerk of the District Court (*via Hand Delivery*)
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707
2. One copy to the claimant of the water right at the following address:

Name: Joanne Gay Hoppe

Address: 4301 W Hill Road

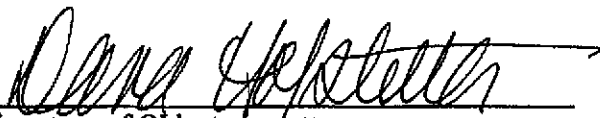
Boise, Idaho 83703

3. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environment and Natural Resources Division
550 West Fort Street, MCS 033
Boise, ID 83724



Signature of Objector or attorney
mailing on Objector's behalf

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 63-31556

NAME AND ADDRESS: JOANNE GAY HOPPE
4301 W HILL RD
BOISE ID 8370375214

DR JOANNE G HOPPE
6907 W LAKE
DALLAS TX 75214

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.020 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE: 05/01/1955

POINT OF DIVERSION:

T04N R02E S29 SWNWNE Within ADA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
DOMESTIC	01/01 12/31	0.020 CFS
DOMESTIC USE IS FOR LAWN & GARDEN IRRIGATION.		

PLACE OF USE: DOMESTIC Within ADA County

T04N R02E S29 NWNE

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

PARCEL NO. R2129500063.

PROPERTY ADDRESS IS 4301 W HILL RD.

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

In Re SRBA

Case No. 39576

Water Rights: 63-31556

**NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING**

IDWR has completed the following administrative proceeding:

XX Address change – Additional address for owner & zip code correction

☐ Substitution of Party

☐ IC § 42-222 transfer

☐ Point of diversion ☐ Place of use

☐ Period of use ☐ Nature of use

☐ Split of water right ☐ Change in ownership

☐ Other

☐ IC § 42-219 license

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Report(s)* for said water right(s). No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED: June 9, 2006



Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on June 9, 2006, I delivered the original and copies of this form, including all attachments, to the following persons, postage prepaid if required and addressed as follows:

1. Original to:

Clerk of the District Court	☐ overnight mail
Snake River Basin Adjudication	☒ regular mail
P.O. Box 2707	☐ hand-delivered
Twin Falls, ID 83303-2707	☐ facsimile

2. Copies to:

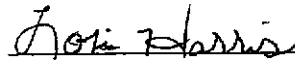
Clive Strong	☐ overnight mail
Office of the Attorney General	☒ regular mail
P.O. Box 44449	☐ hand-delivered
Boise, ID 83711-4449	☐ facsimile

United States Dept of Justice	☐ overnight mail
Environment & Natural Resource Div	☒ regular mail
550 West Fort Street MSC 033	☐ hand-delivered
Boise ID 83724	☐ facsimile

3. Copies to all parties to the subcase:

Joanne Gay Hoppe	☐ overnight mail
4301 W Hill Rd	☒ regular mail
Boise ID 83703	☐ hand-delivered
	☐ facsimile

Dr Joanne G Hoppe	☐ overnight mail
6907 W Lake	☒ regular mail
Dallas TX 75214	☐ hand-delivered
	☐ facsimile



Signature of person mailing this document

Do not change address but add address. Texas address is the permanent residence.

**SNAKE RIVER BASIN ADJUDICATION
CHANGE IN ADDRESS OF NOTICE OF CLAIM**

Water Right Number(s): 03-31556

Previous Mailing Address: _____

Additional

New Mailing Address:

Dr. Joanne G. Hoppe

6907 Westlake

Dallas, Texas 75214

home in TX 214 320 2499

Telephone Number:

(office) in TX 214-821-5200

Signature of all Claimant(s):

[Signature]

Please print your name below your signature.

Joanne G. Hoppe

Please mail or FAX this completed form to the office nearest you:

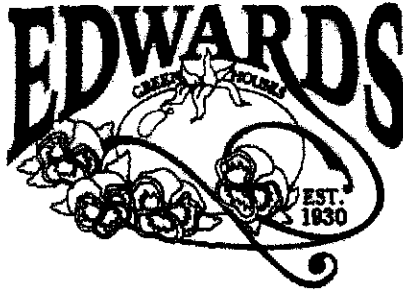
**Adjudication Bureau
Idaho Dept. of Water Resources
1910 Northwest Blvd., Ste. 210
Coeur d'Alene, ID 83814-2615
Ph. 208/769-1450 or
FAX 208/769-1454**

**Adjudication Bureau
Idaho Dept. of Water Resources
2735 Airport Way
Boise, ID 83705-5082
Ph. 208/334-2190 or
FAX 208/334-2348**

**Adjudication Bureau
Idaho Dept. of Water Resources
1341 Fillmore St., Ste. 200
Twin Falls, ID 83301-3380
Ph. 208/525-7161 or
FAX 208/736-3037**

**Adjudication Bureau
Idaho Dept. of Water Resources
900 N. Skyline, Ste. A
Idaho Falls, ID 83402-3653
Ph. 208/736-3033 or
FAX 208/525-7177**

**Adjudication Bureau
Idaho Dept. Of Water Resources
322 E. Front St.
P.O. Box 83720
Boise, Id 83720-0098
Ph 208/287-4800
FAX 208/287-6701**



May 9, 2006

Joanne Gay Hoppe
4301 W. Hill Road
Boise, ID 83703

RE: Snake River Basin Adjudication

Dear Joanne Gay Hoppe:

Recently, I was advised to file certain Objections in the Snake River Basin Adjudication ("SRBA") to protect the geothermal water right on which Edwards Greenhouses depends. I understand that you have been sent one of these Objections. I wish to apologize for not contacting you prior to the Objections being mailed. I now realize that some who have received these Objections have questions and concerns about what they mean. I would like you to know that you can contact me or the attorney listed on the Objection if you have any questions that you would like to have answered. To the extent that your well is a cold water well, we simply wish to have that noted on the water right document. Unfortunately, we could not tell from the water right descriptions, as they currently are drafted, whether a well tapped geothermal or a cold water source. We anticipate that this matter can be addressed quickly as the SRBA proceeds. Again, if you have any questions or concerns, please do not hesitate to contact us. Thank you.

Sincerely,

Garnette Monnie
4106 Sand Creek Street
Boise, ID 83703



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

JAMES E. RISCH
Governor

KARL J. DREHER
Director

June 9, 2006

JOANNE GAY HOPPE
4301 W HILL RD
BOISE ID 83703

DR JOANNE G HOPPE
6907 W LAKE
DALLAS TX 75214

Re: Water Right No. 63-31556

Dear Ms. Hoppe:

Enclosed is a copy of the above referenced water right, which reflects the additional address as you requested. Also enclosed is a copy of the Notice of Completed Administrative Proceedings, which has been sent to the Snake River Basin Court as notification of the change.

If you have any questions concerning the enclosed water right, please feel free to contact this office.

Sincerely,

Lori Harris
Technical Records Specialist 1
Adjudication Section
Western Region Office

LH:l
Enclosures

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-31556 V1

WATER RIGHT NUMBER: 63-31556 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	JOANNE GAY HOPPE 4301 W HILL ROAD BOISE, ID 8370375214 (214) 320-2499

Priority Date: 05/01/1955

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
DOMESTIC	01/01 to 12/31	0.020 CFS	
	<u>Total Diversion:</u>	0.020 CFS	

Location of Point(s) of Diversion

GROUND WATER	SW1/4NW1/4NE1/4	Sec. 29, Twp 04N, Rge 02E, B.M.
ADA County		

Place of Use

DOMESTIC

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	02E	29		X															

Conditions of Approval:

1. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
2. PARCEL NO. R2129500063.
3. N11 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
4. X01 DOMESTIC USE IS FOR LAWN & GARDEN IRRIGATION.
5. N13 THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.
6. J01 PROPERTY ADDRESS IS 4241 W HILL RD.

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 63-31556 V1

Comments:Dates and Other Information:

Decreed Date:
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 Defendant:
 Plaintiff:
 Civil Case Number:
 Judicial District:
 Notice of Error Flag:
 State or Federal:
 Owner Name Connector:
 Water District Number:
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False

Combined Use Limits:Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Contacts	10/8/2002 11:21:21 AM	rhowerto			Active
Priority Date	10/8/2002 11:24:23 AM	rhowerto			Active
POD	10/8/2002 11:25:09 AM	rhowerto			Active
Source	10/8/2002 11:25:44 AM	rhowerto			Active
POU	10/8/2002 11:27:56 AM	rhowerto			Active
Use	10/8/2002 11:29:53 AM	rhowerto			Active
Season	10/8/2002 11:31:26 AM	rhowerto			Active
Quantity	10/8/2002 11:32:26 AM	rhowerto			Active
Summary			10/08/2002	rhowerto	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
Contacts	10/8/2002 11:21:22 AM	rhowerto	(No) 1. Do you want to schedule an appointment?

Comment for 1: IN OFFICE

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-31556 V1

Priority Date	10/8/2002 11:24:25 AM	rhowerto	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (No) 4. Is the basis of claim decree or license? (No) 7. Is the basis of claim a Application or Permit? (No) 8. Is the basis of claim a posted notice? (No) 9. Is the Priority Date claimed after the date a permit is required for the source and the water use? (Yes) 12. Does the claim file contain sufficient evidence of Priority Date? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required? Description for Question 12/13 - NA DE MINIMIS USE
POD	10/8/2002 11:25:10 AM	rhowerto	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the POD? (Yes) 9. Does the file contain all the necessary information to verify the POD? (No) 10. Is a POD remark and/or condition required?
Source	10/8/2002 11:25:46 AM	rhowerto	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim an Application or Permit? (No) 6. Is the basis of claim a Posted Notice? (No) 7. Is there evidence that there has been a change in the source? (Yes) 10. Does the file contain all the necessary information to verify the source? (No) 11. Is a Source remark and/or condition required? Description for Question 10 - NA DE MINIMUS USE
POU	10/8/2002 11:27:57 AM	rhowerto	(No) 1. Is the basis of this claim a Decree or License? (Yes) 2b. Is the POU required? (No) 3. Is the basis of claim a Application or Permit? (No) 7. Is there evidence that there has been a change in the POU? (Yes) 13. Does the file contain all the necessary information to verify the POU? (No) 14. Is a POU remark and/or condition required? Description for Question 13 - TAX LOT INFO

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-31556 V1

Use	10/8/2002 11:29:55 AM	rhowerto	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Purpose of Use? (Yes) 11. Does the file contain all the necessary information to verify the Water Use? (No) 13. Is a Purpose of Use remark and/or condition required? Description for Question 10,11,12 - NA DE MINIMUS USE
Season	10/8/2002 11:31:27 AM	rhowerto	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Period of Use? (Yes) 12. Does the file contain all the necessary information to verify the Period of Use? (No) 13. Is the basis of claim a decree, license, or a transferred beneficial use right that has had the Period of Use administratively determined? (No) 15. Is irrigation claimed as a Purpose of Use? (No) 18. Is a Period of Use remark and/or condition required? Description for Question 15 - STANDARD
Quantity	10/8/2002 11:32:28 AM	rhowerto	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is the basis of claim a posted notice? (No) 7. Is a flow measurement required? (No) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit? (No) 11. Has a diversion volume limit been established by a decree, license or transfer for this water use? (Yes) 12. Is a Quantity remark or condition required? Description for Question 7 - DE MINIMUS USE
POD	10/8/2002 11:39:04 AM	rhowerto	Edited point location
POU	10/8/2002 11:41:36 AM	rhowerto	Edited shape boundary
Summary	10/8/2002 11:51:01 AM	rhowerto	(No) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (Yes) 3. Is the water being used for all of the purposes claimed and to the extent claimed? (Yes) 5. Is an additional remark and/or condition required? (Yes) 6. Would you like to view the recommended right? (No) 7. Is this a split or combined right? (No) 8. Do you have documents you would like to attach or link to the file? (Yes) 9. Would you like to set the verification date?

Water Supply Bank:

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 63-31556 V1

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-31556

WATER RIGHT NUMBER: 63-31556

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	JOANNE GAY HOPPE 4301 W HILL ROAD BOISE, ID 8370375214 (214)320-2499

Priority Date: 05/01/1955

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
DOMESTIC	01/01 to 12/31	0.020 CFS	
	<u>Total Diversion:</u>	0.020 CFS	

Location of Point(s) of Diversion

GROUND WATER	NW1/4NW1/4NE1/4	Sec. 29, Twp 04N, Rge 02E, B.M.
ADA County		

Place of Use

DOMESTIC

Twp	Rge	Sec	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
04N	02E	29		X															

Conditions of Approval:

1. Non-Irrigation uses: domestic lawn and garden.

Remarks:Comments:Dates and Other Information:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-31556

Claim Received Date: 10/4/2002

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

State or Federal:

Owner Name Connector:

Water District Number:

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

Combined Use Limits:Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
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Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
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Water Supply Bank:

Lester, Steve

From: Lester, Steve
Sent: Tuesday, October 04, 2005 8:43 AM
To: Peppersack, Jeff
Subject: 61-4002A ownership question

Jeff:

Peterson c/o Dana Hofstetter filed an Appl. for Extension of Time to Avoid Forfeiture of 61-4002A. You might recall conversations with Susan Hamlin in June about a quitclaim deed from Sunrise Park Inc. to Peterson. The quitclaim deed was dated June 2000. But the irrigation P/U was developed into a subdivision in 1994-1998 prior to the quitclaim. The right was claimed by and decreed to Sunrise Park Inc. in the SRBA.

The issue was whether or not Sunrise still owned the right after the subdivision was developed and sold to individual lot owners prior to the 2000 quitclaim deed. This was a case where we needed more information to support the quitclaim deed to overcome the presumption that the right was proportionally owned by individual homeowners. Susan sent me an email in late June that Dana was going to provide more information in that regard.

Dana sent me the attached July 13 document discussing CC&Rs for the subdivision. Those were recorded in 1980. Item 1G in that document discusses water systems. Dana's argument is that the CC&Rs are binding and clearly imply that individual lots would not be served by a separate irrigation system under any water right. That makes some sense: one would assume the irrigation system would not comply with public health requirements.

Apparently the deeds for subdivision property do not specifically reference water rights, according to Dana's information.

I'm inclined to go along with Dana's argument in the July 13 document but don't want to contradict the department's viewpoint in similar cases, if any, that might have come up.

What is your take on this? Do you want to discuss it with Susan? Do you need any other information? If so, I'd be glad to meet with you & Susan at the SO sometime soon.

Incidentally, I misspoke in talking to Susan earlier this year about this. I said something about transfer standards not recognizing quitclaim deeds as proof of ownership. I was confusing that with the guidance that we should no longer rely solely on tax notices for ownership - we should look for something more substantial. Sorry about misquoting you on that.

Thanks for the help.

Steve



61-4002A.pdf

05/31/2005

NOTICE OF ERROR

REPLY

RECEIVED

JUN 22 2005

WATER RESOURCES
WESTERN REGION

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: July 15, 2005

Water right number: 63-31556

JOANNE GAY HOPPE
6333 E MOCKINGBIRD #255
DALLAS TX 75214
Telephone Number: ~~(214) 821-5159~~

214 - 320-2499

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

phone number change 214-320-2499
all three lots into one -
∴ address change 4301 W. Hill Road

2. Describe the changes you wish to make in the proposed recommendation:

see # 1

Boise 83703

3. Give a brief explanation as to why you disagree with these portions:

(all water right info correct)

I AGREE with this proposed recommendation: no changes need to be made.

DATE: 6-15-05 SIGNATURE: Joanne Hoppe
Please print your name: Joanne Hoppe

IDWR Regional Office, 2735 Airport Wy, Boise, ID 83705, 2083342190

05/31/2005

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 63-31556

NAME AND ADDRESS: JOANNE GAY HOPPE
6333 E MOCKINGBIRD #255
DALLAS TX 75214

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.020 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED
13,000 GALLONS PER DAY.

PRIORITY DATE: 05/01/1955

POINT OF DIVERSION:
T04N R02E S29 SWNWNE Within ADA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
DOMESTIC	01/01 12/31	0.020 CFS
DOMESTIC USE IS FOR LAWN & GARDEN IRRIGATION.		

PLACE OF USE: DOMESTIC Within ADA County
T04N R02E S29 NWNE

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

PARCEL NO. R2129500063.

PROPERTY ADDRESS IS 4241 W HILL RD.

4301 W. Hill Road

11/22/2002

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 63-31556

NAME AND ADDRESS: JOANNE GAY HOPPE
6333 E MOCKINGBIRD #255
DALLAS TX 75214

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.020 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE: 05/01/1955

POINT OF DIVERSION:

T04N R02E S29 SWNWNE Within ADA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

DOMESTIC

01/01 12/31

0.020 CFS

DOMESTIC USE IS FOR LAWN & GARDEN IRRIGATION.

PLACE OF USE: DOMESTIC Within ADA County

T04N R02E S29 NWNE

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for
the definition of the rights or for the efficient administration of the water
rights as may be ultimately determined by the Court at a point in time no
later than the entry of a final unified decree. Section 42-1412(6), Idaho
Code.

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

EXPLANATORY MATERIAL: Beneficial Use

PARCEL NO. R2129500063.

PROPERTY ADDRESS IS 4241 W HILL RD.

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION FIELD REPORT**

Prior to Field Exam

- ☒ Copy of Claim, claim has been signed, sealed, and dated by notary?
- ☒ Check fees paid
- ☒ Well logs (if needed) ~
- ☒ Copy of topo or NAPP
- ☒ Check of Govt. Lots, if needed, Govt. Plat/Tax lot information
- ☒ Check POD & POU overlap, see below - include overlapping right for exam
- ☒ Evidence of Priority - if none, talk with claimant

CLAIMANT INFORMATION - verify contact information is completeClaim No(s) 63-31556

Owner: _____ Phone No. _____

Current Address: _____

- ☐ No change NAME IS THE SAME
- ☐ NEW OWNER _____
- ☐ No change Address
- ☐ NEW ADDRESS _____
- ☐ How long owned property? _____

Accompanied by: _____

PRIORITY DATE

- ☒ No change - Complete evidence submitted or not necessary
- ☐ Incomplete - Claimant should be asked when water was first used and submit proof of date.
- ☐ Priority date is acceptable/within mandatory filing dates?

Priority date, per claimant, is: _____

(If priority date, based on your exam, seems questionable, explain below.)

Source: _____ Tributary to _____

- ☒ No Change - SAME SOURCE
- ☐ Source found is different than claimed: _____

POINT OF DIVERSION

- ☐ No change
- ☒ POD found is different than claimed: _____
- ☐ If different, when did POD change? PER TAX LOT INFO

DIVERSION AND DELIVERY SYSTEM

Points of Diversion:

ID #	Govt Lot #	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks GPS ID
		SW	NW	NE	29	4N	2E	ADA	

Description of diverting works

SAME AS CLAIM**OVERLAP REVIEW**Other water rights with the same point of diversion: NONE

Does overlap add acres or uses to existing system, increase rate of flow or volume, or other? Explain:

WATER USES☒ No change☐ Different Uses

Use _____ From _____ To _____ Amount _____ CFS _____ AFA

Use _____ From _____ To _____ Amount _____ CFS _____ AFA

Use _____ From _____ To _____ Amount _____ CFS _____ AFA

TOTAL VOLUME – Groundwater only☐ Incomplete on claim, the total is, Amount _____ CFS _____ AFA☐ Changes found, the new total is, Amount _____ CFS _____ AFA☐ More than 1" per Acre? Yes _____ (claimant must complete excess flow sheet)**NON-IRRIGATION USES:**☒ No change☐ Changes Exam found: Domestic # of homes _____ Stock # _____

Types _____ Additional comments: _____

PLACE OF USE:☒ No Change☐ Changes shown below:

Place of Use			NE				NW				SW				SE				Totals
TWP	RGE	SEC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Overlap with other water rights: NONE

Does overlap increase rate of flow, volume, additional acres, different source for same acres? Explain:

Delivery System Narrative: SEE CLAIM

Well or Diversion Identification No GPS ID	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge size

FLOW MEASUREMENTS: NA

Attach appropriate documents

NARRATIVE/REMARKS/COMMENTS

N11, N13, C10

PARCEL NO R2129500063

PROPERTY ADDRESS IS 4241 W Hill RD

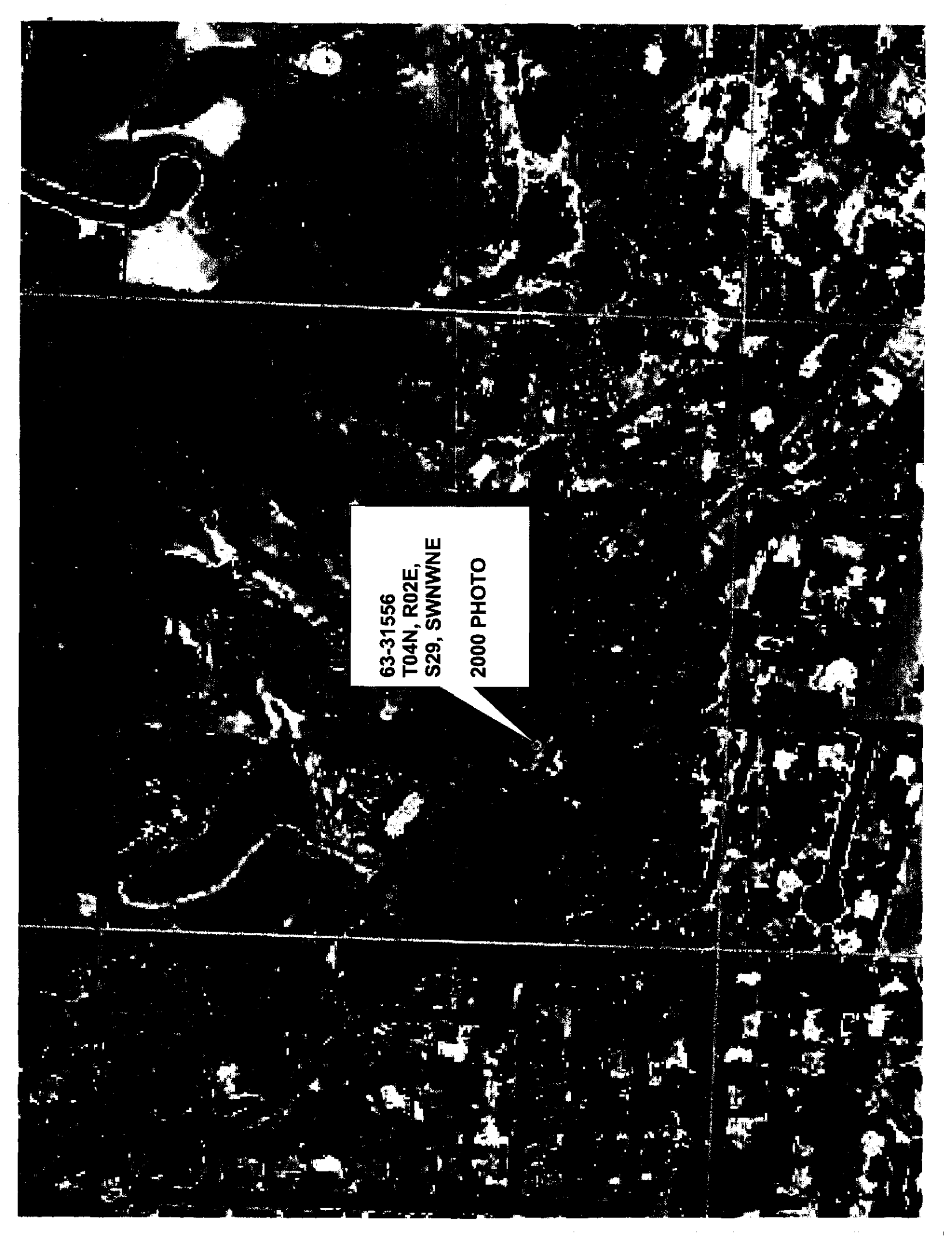
AFTER EXAM THE FILE SHOULD CONTAIN:

- ☒ Completed claim checklist
- ☐ Photographs of POD's and POU *NA*
- ☐ GPS readings *NA*
- ☒ Completed map and or GIS layout showing POD's and POU

DATE EXAM CONDUCTED: *IN OFFICE 10-8-02*

FIELD EXAMINER: *Ron Howerton*

Ron Howerton
Sr Water Agent

An aerial photograph of a coastal area, likely a beach or dune region. The image is high-contrast, showing dark, textured land and lighter, sandy areas. A white callout box is positioned in the center-left of the image, containing text. A pointer from the box indicates a specific location on the ground.

63-31556
T04N, R02E,
S29, SWNWNE

2000 PHOTO