

12/21/2004

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

RIGHT NUMBER: 79-7068

NAME AND ADDRESS: FRED HOPP
10355 SE FOSTER RD
PORTLAND OR 97266

SOURCE: UNNAMED STREAM

TRIBUTARY: SLATE CREEK

QUANTITY: 0.030 CFS
4.000 AFY

PRIORITY DATE: 07/23/1979

POINT OF DIVERSION:

T27N R02E S33 SESW Within IDAHO County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

03/01 11/30

0.030 CFS
4.00 AFY

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS
EARLY AS FEBRUARY 15, PROVIDED OTHER ELEMENTS OF THE RIGHT
ARE NOT EXCEEDED. THE USE OF WATER BEFORE MARCH 1 A UNDER
THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO
SUBORDINATED EARLY IRRIGATION USE AND A PRIORITY DATE
EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS
RIGHT.

PLACE OF USE: IRRIGATION Within IDAHO County

T27N R02E S33 SESW 1.0

1 ACRES TOTAL

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.

EXPLANATORY MATERIAL: License

79-7068 & 79-7064



T27N R02E
Section(s) 33

- Point of Diversion
- Place of Use



Map prepared by: Greg Taylor
Date Prepared: December 21, 2004
Photography: 1992 DOQQ
Idaho Department of Water Resources

0 400 800 1200 1600 Feet

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: A79-07068
Date Received: 7/22/1988
Receipt No: W000524
Received By: _____

COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILES

1. Name: FRED HOPP
Address: 10355 SE FOSTER RD
PORTLAND, OR

503-777-4531

97266

2. Date of Priority: JUL 23, 1979

3. Source: UNNAMED STREAM

Trib. to: SLATE CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
27N	02E	33	NE	SE	SW		IDAHO

5. Description of diverting works:
DIVERSION DAM & GRAVITY PIPELINE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/01	12/01	0.060		

7. Total Quantity Appropriated is:
0.060 C.F.S. (and/or)

A.F.A.

8. Total consumptive use is

Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
27N	02E	33	SE	SW		IRR	3.0

A79-07068

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Date: 08/16/91

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10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	3.0
					Total Acres	3.0

11. Place of use in counties: IDAHO

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

13. Other Water Rights Used:
79-7064_DOM.

14. Remarks:
SOURCE LOCALLY KNOWN AS CROSLEY CK.
FIELD EXAM RECOMENDS APPROVAL OF IRRIGATION FOR ONE ACRE. SEE
ORIGINAL APP. FILE.

15. Basis of Claim: PERMIT



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type
(see instructions on back of page)

RECEIVED

AUG 16 1991

DATE OF CLOSING: Aug 7, 1991

LEGAL DESCRIPTION OF PROPERTY: Township 27N Range 2E Department of Water Resources
Section 33, SE 1/4 of SW 1/4 of 1/4, Govt. Lot , BM.
Lot , Block , Subdivision/Townsite .
If you have additional legal descriptions, please attach separate sheet.

☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)

☒ Water Right Number(s) 79-07068
Assigned by IDWR:

☒ Name and Address of Former Owner/Claimant(s)(Seller): James A. & Ella M. Klaus
HC. 01, Box 58

☒ New Owner/Claimant (Purchaser): Whitebird, ID 83554
Fred Hopp

☒ New Mailing Address: 10355 SE Foster Rd.
Portland, Ore 97266

☒ New Telephone Number: WK (503) 777-4531 HM 503-775-8754

☒ Does the change in ownership result in a splitting of the water right owned/claimed? yes ☒ no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

☒ Attach proof of ownership, describe proof attached:

(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

☒ Signature of New Owner/Claimant(s) Fred Hopp by David Ferguson Date 8-7-91

☒ Signature of Former Owner/Claimant(s): Ella M. Klaus Date 17 AUG 91
James A. Klaus Date 7 Aug 91

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: 8-16-91By: [signature]

Further Action Needed:

Further Action Taken

Date:

By:

Final Review and Data-Entry

Date:

By:

Claim Numbers of Split, if any:

ok gwe 8/16/91 claim holder signature.

Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner

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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: A79-07068
Date Received: 7/22/1988
Receipt No: W000524
Received By: RW

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: JAMES A. KLAUS
Address: HC01 BOX 58
WHITE BIRD, ID 83554

Name: ELLA M. KLAUS
Address: HC01 BOX 58
WHITE BIRD, ID 83554

2. Date of Priority: JUL 23, 1979

3. Source: UNNAMED STREAM Trib. to: SLATE CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
27N	02E	33	NE	SE	SW		IDAHO

5. Description of diverting works:
DIVERSION DAM & GRAVITY PIPELINE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/01	12/01	0.060		

7. Total Quantity Appropriated is:
0.060 C.F.S. (and/or) A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

A79-07068

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Date: 07/22/88

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10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
27N	02E	33	SE SW		IRR	3.0
Section Acres						3.0
Total Acres						3.0

11. Place of use in counties: IDAHO

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

13. Other Water Rights Used:
79-7064_DOM.

14. Remarks:
SOURCE LOCALLY KNOWN AS CROSLEY CK.
FIELD EXAM RECOMENDS APPROVAL OF IRRIGATION FOR ONE ACRE. SEE
ORIGINAL APP. FILE.

15. Basis of Claim: PERMIT

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 _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): _____ Date: _____
_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____
My Commission Expires _____

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: 39356

Ident. Number A79-07068

Date Received 5/19/1988

Receipt Number W000524 RW

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED
JUL 20 1988

Department of Water Resources
Western Regional Office

Please type or print clearly

AND/OR

1. Name of Claimant (s) JAMES A. ~~AND~~ ELLA M. KLAUS Phone (208) 839-2291
Mailing Address HCO1 BOX 58 WHITE BIRD IDAHO Zip 83554
2. Date of Priority (Only one (1) per claim) 7/23/1979
3. Source of water supply (a) UNNAMED STREAM SOMETIMES REFERED TO AS CROSLY CR.
which is tributary to (b) SLATE CREEK
4. a. Location of existing point of diversion is: Township 27N Range 2E Section 33,
NE 1/4 of SE 1/4 of SW 1/4, Govt. Lot, _____ B.M., County of IDAHO
Additional points of diversion if any: NONE
b. If instream flow, beginning point of claimed instream flow is:
Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,
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. 30 FT LONG, 6 FT HIGH, 24" THICK STONE
AND CONCRETE DIVERSION DAM IN STREAM 75 YDS. SOUTH OF HOUSE/YARD. APPROX.
150 YDS. OF BURIED 2" PVC PIPE WITH RISERS/FAUCETS IN 6 LOCATIONS. THE
DAM CREATES A POND APPROX. 5 FT. DEEP AND HAS A SPILLWAY IN THE
CENTER TO ALLOW CONTINUAL STREAM FLOW. WATER USED TO IRRIGATE LAWN,
GARDENS AND FRUIT TREES.

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Copies: White-State, Yellow-Claimant

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6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For IRRIGATION purposes from 3/1 to 12/1 amount .06 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) .06 Cfs (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is _____ 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	
27N	2E	33												3					3

Total number of acres irrigated

3

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

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.

or None ()

14. Remarks:

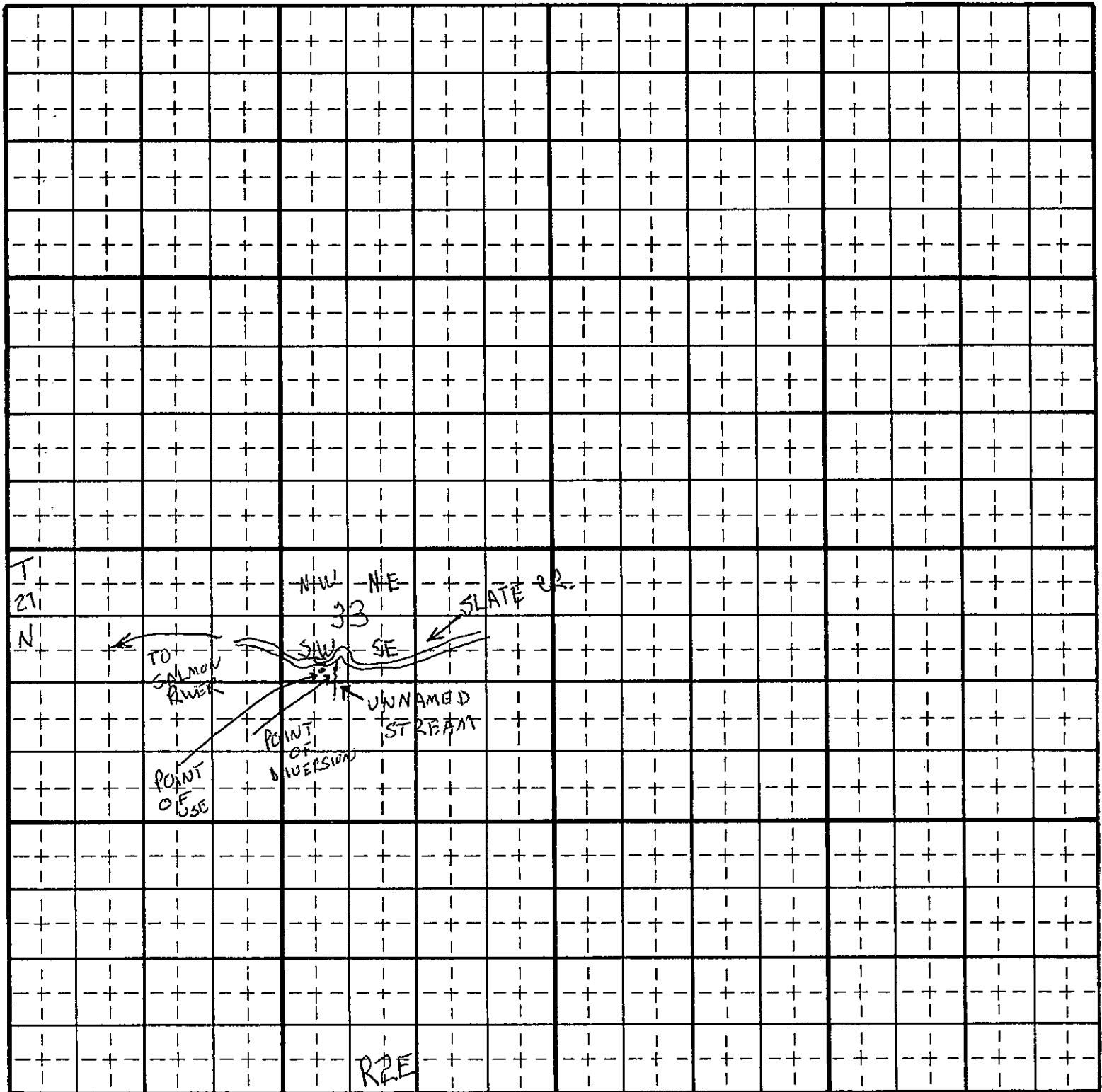
1DWR APPLICATION FOR PERMIT ON ABOVE REF. WATER RIGHT
WAS ISSUED IDENT # 79-7068 AND APPROVED BY L. G. SAXTON ON
30 AUG. 1979. REQ. FOR EXTENSION FOR PROOF OF BENEFICIAL USE WAS SUBMITTED
10 JUN 84 AND APPROVED ON 17 JULY 1984; EXTENDING PERMIT TO 1 AUG 1985.
PROPOSED PRIORITY WAS 7/23/79. BENEFICIAL USE POSTCARD RECEIPT WAS
ACKNOWLEDGED BY D. R. TUTTILL JR. ON 21 JULY 1982. I CANNOT EXPLAIN
THIS DISPARITY OF DATES BUT HAVE COPIES OF ALL TRANSACTIONS IN MY FILES.
THIS SYSTEM WAS TOTALLY COMPLETED 25 JUN 1985. POINT OF USE APPROX 3.5M
EAST OF SALMON RIVER.
Last Name KLAUS Ident No. A 79-07068

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Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile



Last Name KLAUS Ident No. A79-07068

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Copies: White-State, Yellow-Oldmark

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15. Basis of Claim (check one) Beneficial Use ☒ Posted Notice _____ License _____ Permit ☒
Decree _____
If applicable provide IDWR Water Right Number IDENT. # 79-7068 (APPLICATION FOR PERMIT)
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 ☐ 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) X J. Klaus Date 19 MAY 1988

Date _____

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 _____

Title

of _____

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 Idaho) SS.

Subscribed and sworn (or affirmed) before me this 19th day of May 19 88

SEAL

Notary Public Carsten F. Fuchsler

Residing at Eagle, Id.

My Commission Expires 3-21-94

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, _____ 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 _____

Address _____

Date _____

Last Name KLAUS Ident. Number A79-07068

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James White State, Idaho Claimant

OCT 06 1992

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 79-07068

Priority: July 23, 1979 Maximum Diversion Rate: 0.03 CFS
Annual Consumptive Volume: 3.0 AF

This is to certify, that JAMES A. KLAUS
ELLA M. KLAUS

HC 01 BOX 58

WHITE BIRD, ID 83554

has complied with the terms and conditions of the permit issued pursuant to Application for Permit dated July 23, 1979, and has submitted proof to the Department of Water Resources on June 27, 1985, that water has been applied to a beneficial use; an examination by the Department indicates that the works have a diversion capacity of .030 cfs of water from:

UNNAMED STREAM

tributary to SLATE CREEK

source and that 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	03/01 to 12/01	0.03 CFS	3.0 AF

LOCATION OF POINT(S) OF DIVERSION:

SESW , Sec. 33, Township 27N, Range 02E
IDAHO 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>
27N	02E	33	SESW	1		1

Total number of acres irrigated: 1

CONDITIONS/REMARKS:

1. The right to the use of water hereby confirmed is limited to the amount which can actually be beneficially used and is restricted and appurtenant to the lands or place of use and to the purpose herein described, as provided by the laws of Idaho.
2. This right is subject to all prior water rights and may be forfeited by five years of non-use.
3. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.

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 17TH day of MAY, 1987.

Acting for  R. Keith Higginson, Director

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OCT 06 1992



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 -(208) 327-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

August 19, 1991

Fred Hopp
10355 S.E. Foster Rd.
Portland, OR 97266

RE: Snake River Basin Adjudication (SRBA)
Idaho County - Claim #A79-07068
& License #79-07064

Dear Mr. Hopp:

Notice of the change in ownership of the above-referenced water rights has been received. The Claim to Water Rights records of the Department have been changed to reflect your new ownership of water right A79-07068.

A claim prepared from the Agency's computer is enclosed for your review and records. If you find the address is incorrect, please contact us.

Our records do not reflect that License #79-07064 was claimed in the Adjudication. I have enclosed some literature on the adjudication and a form for your possible use if you wish to file. Please contact this office or our Western Region office if you need assistance.

*returned to
F. Hopp.
w/lttr.*

Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705
208/334-2190

Yours truly,

John D. Carlson

John D. Carlson
Adjudication Supervisor

JDC:sf:west
Enclosures:

Claim #A79-07068
Domestic Form w/Instructions
D&S Pamphlet

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