

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 43-111 V1

WATER RIGHT NUMBER: 43-111 V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	MARIAN P HOPE 2354 E OLSON RD BOX 2270 MALTA, ID 83342 (208) 645-2315
Original Owner	ROBERT S HOPE 2354 E OLSON RD BOX 2270 MALTA, ID 83342 (208)645-2315
Current Owner	DAREN LYNN STEGELMEIER 30 N MORGAN VALLEY DR MORGAN, UT 84050
Current Owner	MARCELLE STEED STEGELMEIER 30 N MORGAN VALLEY DR MORGAN, UT 84050

Priority Date: 06/30/1887

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
RAFT RIVER	SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 11/15	1.200 CFS	
	<u>Total Diversion:</u>	1.200 CFS	

Location of Point(s) of Diversion

RAFT RIVER	L4 NW1/4SW1/4SW1/4	Sec. 18, Twp 15S, Rge 27E, B.M.
CASSIA County		

Place of UseIRRIGATION Within CASSIA County

T15S R27E S08	SWNW 35.0	T15S R27E S08	SENW 40.0
T15S R27E S08	NESW 30.0	T15S R27E S08	NWSW 36.0
Total Acres: 141			

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.

Remarks:

1. Place of Use THIS RIGHT IS LIMITED TO THE IRRIGATION OF 60 ACRES WITHIN THE PLACE OF USE
- Irrigation DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

all
SCANNED
14N 06 2012

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 43-111 V1

2. Place of Use - Irrigation USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 141 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 43-2410 and 43-11247.
3. Quantity USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 2.82 CFS. COMBINED RIGHT NOS.: 43-2410 and 43-11247.
4. Point of Diversion THE POINT OF DIVERSION DESCRIBED ABOVE REPRESENTS AN UNUSED FACILITY DUE TO INFREQUENT AVAILABILITY OF WATER. BEFORE THIS RIGHT MAY BE DIVERTED THE WATERUSER MUST FILE A TRANSFER TO ESTABLISH AN ACTIVE POINT OF DIVERSION, OR SHOW THAT AN EASMENT AND MEANS TO CONVEY WATER FROM THE DIVERSION TO THE PLACE OF USE EXISTS

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: S
Owner Name Connector: AND/OR
Water District Number: 43B
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



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

September 6, 2001

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

DAREN LYNN STEGELMEIER
MARCELLE STEED STEGELMEIER
30 N MORGAN VALLEY DR
MORGAN UT 84050

Re: SRBA Claim(s) 43-111, 43-2410, 43-10287, 43-11247

Dear Mr. and Mrs. Stegelmeier:

Pursuant to the change in ownership request that has been submitted to the Department, we have changed the record of current ownership to you. Please find the enclosed copies of the computer records of the claim(s) noting the change in claimant. Review these records and if there is an error, or you have any questions, please contact this office.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Trish Fawcett'.

Trish Fawcett
Technical Records Specialist

Enc.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

RECEIVED

SEP 05 2001

Department of Water Resources
Southern Region

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
Incomplete forms will be returned.

Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
Ident. Number	43-11247				
	43-111				
	43-2410				
	43-10287				

The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

Name and Address of Former Owner/Claimant(s) Robert S. Hope
2354 E. Olson Rd Box 2270 Malta, ID 83342

New Owner/Claimant(s) Daren Lynn Stegelmeier Marcelle Steed Stegelmeier
 Name Connector (Check one): ☐ and, ☒ or, ☒ and/or

New Mailing Address 30 N. Morgan Valley drive

City, State and ZIP Code Morgan, UT 84050

New Telephone Number ()

Date you acquired the property 8/31/01

RECEIVED

SEP 05 2001

Department of Water Resources
Southern Region

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 43-11247 ✓
Date Received: 9/1/00
Receipt No: S023369
Received By: vhancock

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

Name: ROBERT S HOPE Phone: (208) 645-2315

Address: 2354 E OLSON RD BOX 2270
MALTA ID USA 83342

2. Date of Priority: 06/30/1985

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County
15S	27E	8	NW SW SW	CASSIA

5. Description of diverting works:

450 FT WELL. LIFT PUMP 40 HP, BOOSTER 50 HP. DIVERTS TO UNDERGROUND MAINLINE
PIPE -10", 8", 6", 4" WITH 3" RISERS AT 50' INTERVALS. 3" HANDLINES. ALL SPRKLR.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	03/15	11/15	1.93	
STOCKWATER	01/01	12/31	0.02	

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

8. Total consumptive use:

9. Non-irrigation uses:

Number of other uses: 8 - STOCKWATER CLAIMED FOR 5 BEEF CATTLE, 2 PIGS, 50
CHICKENS.

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
15S	27E	8	SW	NE	IRRIGATION	30
			SW	NW	IRRIGATION	38
			NW	SW	IRRIGATION	34
			NW	SE	IRRIGATION	39
			SW	NE	STOCKWATER	
			SW	NW	STOCKWATER	
			NW	SW	STOCKWATER	
			NW	SE	STOCKWATER	
Section Acres						141
Total Acres						141

11. Place of use in counties: CASSIA

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

13. Other Water Rights Used:

14. Remarks:

THIS IS AN EXPANSION OF CLAIM 43-02410 AS RECEIVED FROM CLAIMANT. THERE IS AN ACTUAL EXPANSION OF 6 ACRES IN ADDITION TO THE 135 ACRES LICENSED. PRIORITY DATE 6-30-1985 PER IC 42-1416B. POINT OF DIVERSION PER CLAIM AND MAP SUBMITTED. VH 9-1-2000.

15. Basis of Claim: Beneficial Use

CONTINUATION

SCHEDULE A

Order Number: 34531

TOWNSHIP 15 SOUTH, RANGE 27 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 8: S½NW¼ and N½SW¼, EXCEPTING that portion deeded to the State of
Idaho for highway purposes.

ALSO EXCEPTING THEREFROM the following described tract:

Beginning at the Southeast corner of the N½SW¼ of said Section 8, said
corner being North 63°48'02" West 2949.58 feet from the Southeast
corner of said Section 8;
Thence South 89°40'04" West along the South line of the N½SW¼ of Section
8 for 55.32 feet to the Easterly right-of-way line of State Highway 81;
Thence along said right-of-way line North 42°25'50" West 855.37 feet;
Thence North 89°33'22" East 629.79 feet to the East line of the N½SW¼ of
said Section 8;
Thence along said East line South 00°14'24" East 635.91 feet to the Point of
Beginning.



25
134.4

28
131.9

T1659

2EB 03 1901

21.0

2
55.8

5
199.2

3
51.8

4
19.1

33
125.2

T9368

35
3.9

36
8.5

7 8
18 17

37
14.2

38
26.1

77.2

39
126.9

41
8.0

40
8.5

3
36.2

276991

WARRANTY DEED

#34531

For Value Received

THE ROBERT S. HOPE FAMILY TRUST, dated the 8th day of November, 1995

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto

DAREN LYNN STEGELMEIER and MARCELLE STEED STEGELMEIER, Husband and Wife

Address: 30 N. MORGAN VALLEY DRIVE, MORGAN, UT 84050

Hereinafter called the Grantee, the following described premises situated in Cassia County, Idaho, to-wit:

See attached Exhibit "A"

TOGETHER WITH all water and water rights, ditches and ditch rights used thereon or appurtenant thereto.

SUBJECT TO:

All reservations in patents or deeds in the chain of title.

Taxes for 2001 and subsequent years, a lien, but not yet due or payable.

Agreement For Purchase of Power, dated April 8, 1955, and recorded August 5, 1955 as Instrument No. 187057 in Book 9 of Bills of Sale and Agreements on Page 60, records of Cassia County, Idaho. (Corrected by document recorded January 28, 1960 as Instrument No. 204888 in Book 10 of Bills of Sale and Agreements, records of Cassia County, Idaho.)

Geothermal Lease and Agreement, dated May 16, 1972, and recorded July 14, 1972 as Instrument No. 64055 on Film No. 77, records of Cassia County, Idaho.

Geothermal Lease And Agreement, dated May 23, 1978 and recorded September 1, 1978 as Instrument No. 110703 on Film No. 120, records of Cassia County, Idaho.

Agreement For Electric Service, dated January 30, 1997 and recorded April 4, 1997 as Instrument No. 248295 on Film No. 286, records of Cassia County, Idaho.

TO HAVE AND TO HOLD, the said premises, with their appurtenances unto the said Grantee and to the successors heirs and assigns of the Grantee forever. The Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that they are free from all incumbrances except as above described and that Grantor will warrant and defend the same from all lawful claims whatsoever.

Dated: August 30, 2001

THE ROBERT S. HOPE FAMILY TRUST

BY: Robert S. Hope
Robert S. Hope, Co-Trustee

BY: Marian P. Hope
Marian P. Hope, Co-Trustee

RECEIVED

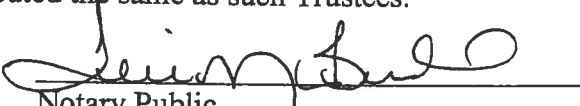
SEP 05 2001

Department of Water Resources
Southern Region

IDAHO)
) ss.
COUNTY OF CASSIA)

On this 30th day of August, 2001, before me, the undersigned, a Notary Public in and for said State, personally appeared Robert S. Hope and Marian P. Hope, known or identified to me to be the person whose name is subscribed to the within instrument as Co- Trustees of the ROBERT S. HOPE FAMILY TRUST , and acknowledged to me that they executed the same as such Trustees.

Terri McBride
Notary Public
State of Idaho


Notary Public

Residing at: Lupert

My Commission expires: 7/5/2002

Exhibit "A"

TOWNSHIP 15 SOUTH, RANGE 27 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 8: S½NW¼ and N½SW¼, EXCEPTING that portion deeded to the State of Idaho for highway purposes.

ALSO EXCEPTING THEREFROM the following described tract:

Beginning at the Southeast corner of the N½SW¼ of said Section 8, said corner being North 63°48'02" West 2949.58 feet from the Southeast corner of said Section 8;

Thence South 89°40'04" West along the South line of the N½SW¼ of Section 8 for 55.32 feet to the Easterly right-of-way line of State Highway 81;

Thence along said right-of-way line North 42°25'50" West 855.37 feet;

Thence North 89°33'22" East 629.79 feet to the East line of the N½SW¼ of said Section 8;

Thence along said East line South 00°14'24" East 635.91 feet to the Point of Beginning.

276991

CASSIA COUNTY, IDAHO
DARRELL M. ROSKELLEY

RECORDER

FEE 900

DEPUTY *flm*

01 AUG 31 PM 4 16

RECORDED AT THE REQUEST OF

LAND TITLE & ESCROW

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: **A43-00111**
Date Received: 5/31/1989
Receipt No: M003765
Received By: _____

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

1. Name: MARIAN P. HOPE
Address: HC 72 BOX 2270
MALTA ID

83342

OR

Name: ROBERT S. HOPE
Address: HC 72 BOX 2270
MALTA ID

208-645-2315

83342

2. Date of Priority: JUN 30, 1887

3. Source: RAFT RIVER

Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
15S	27E	18	SW	SW	SW		CASSIA

5. Description of diverting works:

DAM ACROSS RAFT RIVER, DITCH TO FLOOD IRRIG.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	1.200		

7. Total Quantity Appropriated is:

1.200 C.F.S. (and/or)

A.F.A.

8. Total consumptive use is

Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
15S	27E	8	SW	NW		IRR	35.0

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
15S	27E	8	SE	NW		IRR	40.0
			NE	SW		IRR	35.0
			NW	SW		IRR	40.0

Section Acres 150.0

Total Acres 150.0

11. Place of use in counties: CASSIA

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

13. Other Water Rights Used:
43-02410

14. Remarks:

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

ALBION-IDAHO LAND CO.

Decree Plaintiff

JOBE ADAMS ET AL

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

Signature of Claimant(s): _____ Date: _____

_____ Date: _____

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: A43-00111
Date Received: 5/31/1989
Receipt No: NOV 3765
Received By: AB

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: MARIAN P. HOPE
Address: HC 72 BOX 2270
MALTA, ID

83342

OR

Name: ROBERT S. HOPE
Address: HC 72 BOX 2270
MALTA, ID

208-645-2315

83342

2. Date of Priority: JUN 30, 1887

3. Source: RAFT RIVER

Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
15S	26E	18	SW	SW	SW		CASSIA

5. Description of diverting works:
DAM ACROSS RAFT RIVER, DITCH TO FLOOD IRRIG.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	1.200		

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

A.F.A.

8. Total consumptive use is

Acre Feet Per Annum.

9. Non-irrigation uses:

PA: R27E

A43-00111

1

Date: 05/31/89

correct/send to claimant...

MAR 02 1990

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: A43-00111
Date Received: 5/31/1989
Receipt No: MOV376
Received By: AB

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: MARIAN P. HOPE
Address: HC 72 BOX 2270
MALTA, ID

83342

OR

Name: ROBERT S. HOPE
Address: HC 72 BOX 2270
MALTA, ID

208-645-2315

83342

2. Date of Priority: JUN 30, 1887

3. Source: RAFT RIVER

Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
15S	26E	18	SW	SW	SW		CASSIA

5. Description of diverting works:

DAM ACROSS RAFT RIVER, DITCH TO FLOOD IRRIG.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	1.200		

7. Total Quantity Appropriated is:

1.200 C.F.S. (and/or)

A.F.A.

8. Total consumptive use is

Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
15S	27E	8	SW		NW		IRR	35.0
			SE		NW		IRR	40.0
			NE		SW		IRR	35.0
			NW		SW		IRR	40.0
Section Acres								150.0
Total Acres								150.0

11. Place of use in counties: CASSIA

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

13. Other Water Rights Used:
43-02410

14. Remarks:

15. Basis of Claim: DECREED
Case Number:
Court :
Decree date:

ALBION-IDAHO LAND CO.
Decree Plaintiff

vs

JOBE ADAMS ET AL
Decree 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/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 _____

MICROFILMED
MAR 02 1993

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 A43-00111

Date Received 5-31-89

Receipt Number _____

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) ROBERT S. OR MARIAN P. HOPE Phone (208) 645-2315

Mailing Address HC 72 BOX 2270 MALTA, IDAHO Zip 83342

2. Date of Priority (Only one (1) per claim) JUNE 30, 1887

3. Source of water supply (a) UPPER RAFT RIVER
which is tributary to (b) SNAKE RIVER

4. a. Location of existing point of diversion is: Township 15S Range 27E Section 18,
SW 1/4 of SW 1/4 of SW 1/4, Govt. Lot, _____ B.M., County of CASSIA

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 _____ 1/4,

Govt. Lot _____ B.M., County of _____

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

_____ 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.

DAM ACROSS RAFT RIVER IN
SECTION 18 - DITCH THROUGH SECTIONS 18, 7 AND 8.

MICROFILMED
MAR 02 1993

6. Water is claimed for the following purposes: (both dates are inclusive) (cfs) (acre feet)

(cfs)

(acre feet)

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or

7. Total quantity claimed (a) 1.20 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 2.5 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.

[illegible]

Total number of acres irrigated 150

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

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.

43-2410

or None ()

14. Remarks:

LICENSE 432410 - GROUNDWATER WELL - 1.93 CFS

PRIORITY DATE JUNE 15, 1954 - POINT OF DIVERSION

SW 1/4 NW 1/4 SW 1/4 - SEC 8 - T15S - R27E

DECREE 43-0111 - WATER FROM RAFT RIVER IS ONLY

AVAILABLE WHEN OTHER PEOPLE WITH EARLIER DECREE DATES ARE NOT USING IT.

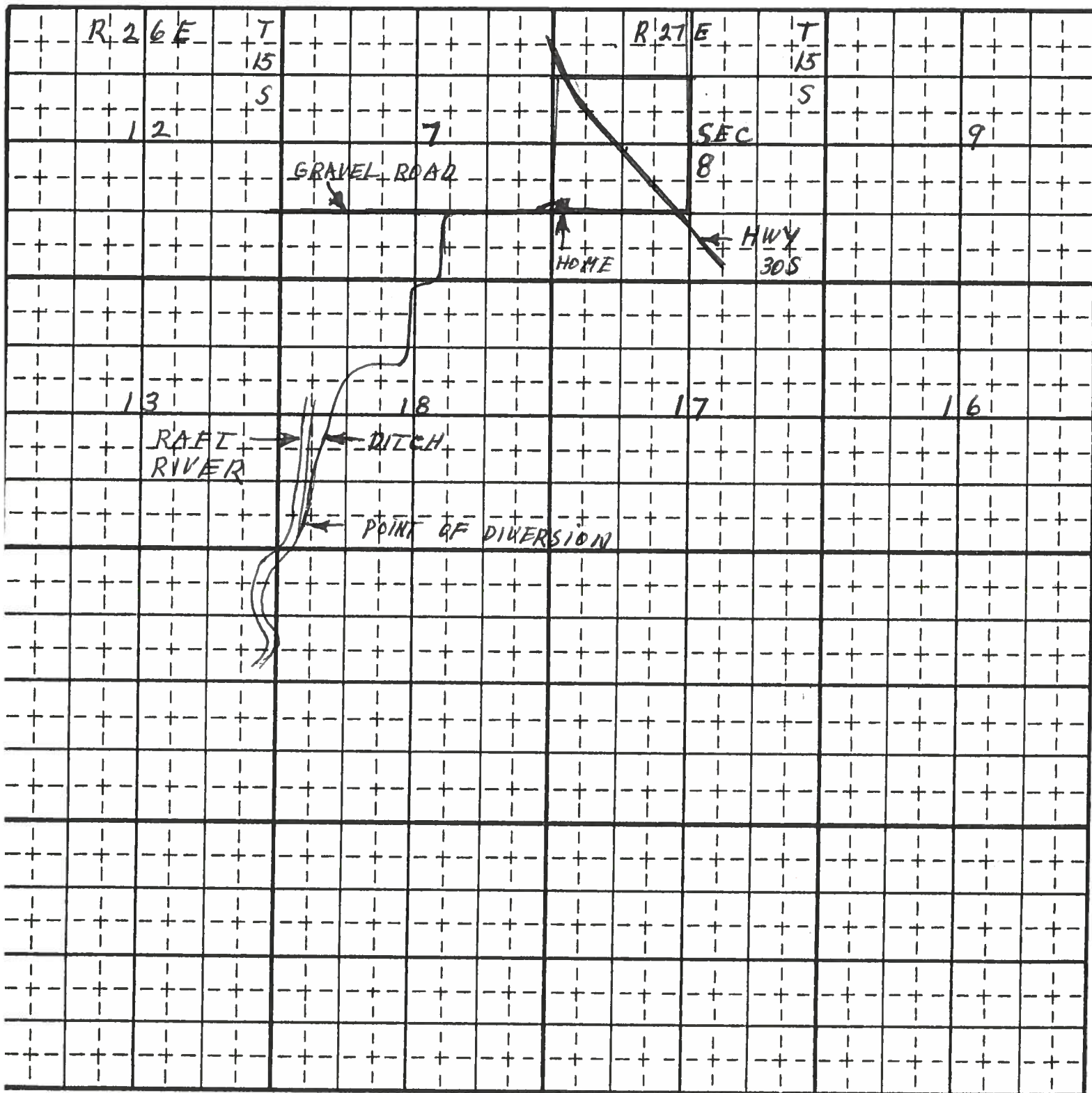
Last Name HOPE Ident No. _____

MICROFILMED

Copies: White -State, Yellow-Claimant
MAR 02 1993

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

Scale: 2 inches equals 1 mile



MICROFILMED

MAR 02 1993

Last Name HOPF Ident No. _____

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Be ☐ Special Use ☐ Posted Notice ☐ nse ☐ Permit ☐

Decree ☒

If applicable provide IDWR Water Right Number 43-0111

Court _____ Case Number _____ Decree Date JUNE 30, 1887

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 0

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

Signature of Claimant (s) Robert S. Hope Date 5-31-89

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 _____ 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 Idaho)
County of Cassia) SS.

Subscribed and sworn (or affirmed) before me this 31st day of May 19 89

SEAL

Notary Public Rosella Hedder

Residing at Malta, Idaho

My Commission Expires April 6, 1993

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 _____

MICROFILMED
MAR 02 1993

Last Name HOPE Ident. Number _____

Copies White-State, Yellow-Claimant



**DO
NOT
FILM**

TELEPHONE MEMORANDUM

Incoming Call

Outgoing Call

925

Returning Call

TO:

Robert Hope

645-2315

DATE:

08-09-94

FROM:

FILE:

HOPE

FILE NO:

-00111 + -02410

SUBJECT:

Follow-up to leaving field mem
and 08-08.

REMARKS:

left msg. w/ phone #.

8:30 talked to Mrs.

54 " " MR - meet @ the house

FIELD EXAM:

1) send updated claim
form w/ corrected
PID legal.

ROUTING
INSTRUCTIONS:

CALENDAR
DATES:

06/06/2001

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

RIGHT NUMBER: 43-111

NAME AND ADDRESS: ROBERT S HOPE
2354 E OLSON RD
BOX 2270
MALTA, ID 83342
MARIAN P HOPE
2354 E OLSON RD BOX 2270
MALTA, ID 83342

SOURCE: RAFT RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 1.2 CFS

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 2.82 CFS. COMBINED RIGHT
NOS.: 43-2410 and 43-11247.

PRIORITY DATE: 06/30/1887

POINT OF DIVERSION: T15S R27E S18 LOT 4 NWSWSW Within CASSIA County

THE POINT OF DIVERSION DESCRIBED ABOVE REPRESENTS AN UNUSED
FACILITY DUE TO INFREQUENT AVAILABILITY OF WATER. BEFORE THIS
RIGHT MAY BE DIVERTED THE WATERUSER MUST FILE A TRANSFER TO
ESTABLISH AN ACTIVE POINT OF DIVERSION, OR SHOW THAT AN
EASMENT AND MEANS TO CONVEY WATER FROM THE DIVERSION TO THE
PLACE OF USE EXISTS

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03-15 11-15	1.20 CFS

PLACE OF USE:

<u>IRRIGATION Within CASSIA County</u>			
T15S R27E S8	SWNW	35	T15S R27E S8 SENW 40
T15S R27E S8	NESW	30	T15S R27E S8 NWSW 36

141 ACRES TOTAL

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 60 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE
IRRIGATION SEASON.

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 141
ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 43-2410 and 43-11247.

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.

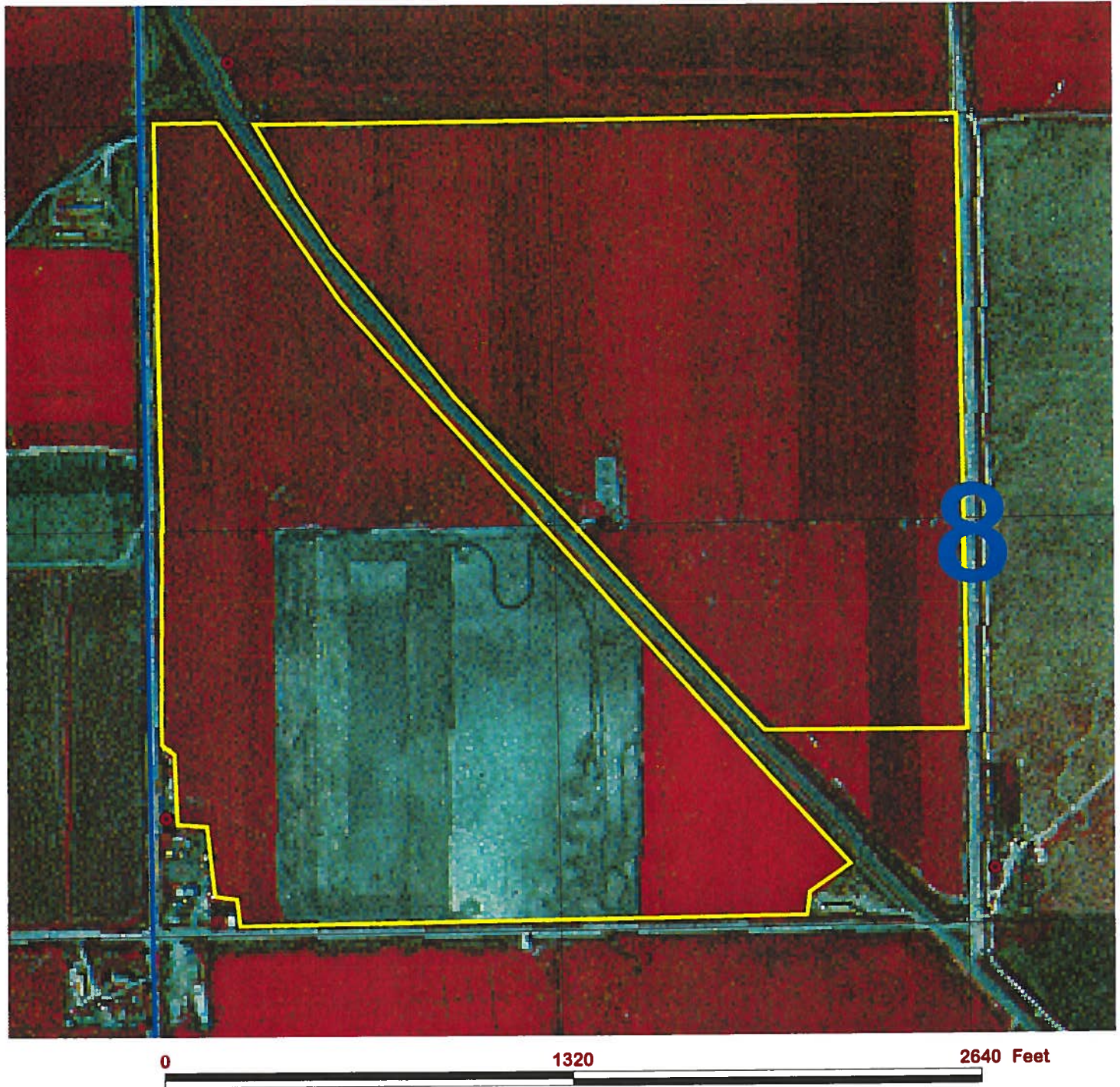
EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

all
SCANNED
JAN 06 2012

Water Right 43-111

RIGHTS: 43-111, 43-2410, 43-11247

RECOMMENDED PLACE OF USE
TWP 15S, RNG 27E, SEC 08
Data entry on June 5, 2001



○ RECOMMENDED POINT OF DIVERSION

□ RECOMMENDED PLACE OF USE

□ SECTION LINES

□ QUARTER/QUARTER LINES



GIS PLACE OF USE PRESENTATION
1987/1988 NAPP AERIAL PHOTOGRAPHY
PREPARED BY VIKIE HANCOCK

Bob Slope

5-30-01

Meeting in Malta

Came in to tell me that the area I had deleted from the POI in the center of the field was historically always irrigated, but that he had sold some acres in the SE corner of the field. He said that 5 acres was no longer irrigated but that the center cut out was.

I told him I could probably adjust the map & send him a new one, but that it appeared that it wouldn't much change the recommendation as far as acres went.

6-8-01

New GIS map prepared & sent to claimant. Re-calculated location of acres on claims. Still irrigating 141 acres per GIS.

JDH?

5-31-01

ID. Dept. of Water Resources

1341 Fillmore St. Suite 200

Twin Falls, ID 83301-3380

RECEIVED

JUN 01 2001

Department of Water Resources
Southern Region

Ref. Property Sale for Robert S. Hope.

Enclosed is a copy of the description of the 5 acres we sold to the Fiber Optic Cable Company.

It was nice to meet you at the meeting Wednesday night 5-30-01.

Sincerely,

Robert S. Hope

(208) 645-2315

WARRANTY DEED

For Value Received ROBERT S. HOPE AND MARIAN P. HOPE, TRUSTEES OF THE
ROBERT S. HOPE FAMILY TRUST, dated November 8, 1995

RECEIVED

JUN 01 2001

Department of Water Resources
Southern Region

the grantor s. do hereby grant, bargain, sell and convey unto
LEVEL 3 COMMUNICATIONS, LLC
1025 Eldorado Blvd., Broomfield, CO 80021

the grantee, the following described premises, to-wit:

A parcel or tract of land located in the North half of the Southwest quarter (N $\frac{1}{2}$ SW $\frac{1}{4}$) of Section 8,
Township 15 South, Range 27 East, Boise Meridian, Cassia County, Idaho, described as follows:

Beginning at the Southeast corner of the North half of the Southwest quarter of said Section 8, said
corner being North 63°48'02" West 2949.58 feet from the Southeast corner of said section 8; thence
South 89°40'04" West along the South line of the North half of the Southwest quarter of said Section 8 for
55.32 feet to the Easterly right-of-way line of State Highway 81; thence along said right-of-way line North
42°25'50" West 855.37 feet; thence North 89°33'22" East 629.79 feet to the East line of the North half of
the Southwest quarter of said Section 8; thence along said East line South 00°14'24" East 635.91 feet to
the point of beginning.

SUBJECT TO: General taxes for the year 1999 and subsequent years.

TO HAVE AND TO HOLD the said premises with their appurtenances unto the said Grantee,
its heirs and assigns forever. And the said Grantors do hereby covenant to
and with the said Grantee, that they are the owner in fee simple of said premises; that
said premises are free from all incumbrances except as above described, and that they will
warrant and defend the same from all lawful claims whatsoever.

Dated: September 2, 1999

Robert S. Hope
Robert S. Hope, Trustee

Marian P. Hope
Marian P. Hope, Trustee

05/10/2001

**NOTICE OF ERROR
REPLY**

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: June 15, 2001

Water right number: 43-111

MARIAN P HOPE
2354 E OLSON RD BOX 2270
MALTA ID 83342
Telephone Number: (208) 645-2315

ROBERT S HOPE
2354 E OLSON RD BOX 2270
MALTA ID 83342
Telephone Number: (208) 645-2315

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

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

See 43-11247

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

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

DATE: 5-27-01 SIGNATURE: Robert S. Hope
Please print your name: ROBERT S. HOPE

IDWR Regional Office, 1341 Fillmore St, Suite 200, Twin Falls, ID 83301, 2087363033

09/19/2000

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

RIGHT NUMBER: 43-111

NAME AND ADDRESS: ROBERT S HOPE
2354 E OLSON RD BOX 2270
MALTA, ID 83342
MARIAN P HOPE
2354 OLSON RD BOX 2270
MALTA, ID 83342

SOURCE: RAFT RIVER TRIBUTARY: Snake River

QUANTITY: 1.2 CFS

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 2.82 CFS. COMBINED RIGHT
NOS.: 43-2410 and 43-11247.

PRIORITY DATE: 06/30/1887

POINT OF DIVERSION: T15S R27E S18 LOT 4 NWSWSW Within CASSIA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03-15 11-15	1.20 CFS

PLACE OF USE:

<u>IRRIGATION Within CASSIA County</u>					
T15S R27E S8	SENW	39	T15S R27E S8	SWNW	34
T15S R27E S8	NESW	32	T15S R27E S8	NWSW	36
141 ACRES TOTAL					

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 60 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION
SEASON.

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED
TO THE IRRIGATION OF A COMBINED TOTAL OF 141 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: 43-2410 and 43-11247.

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.

THIS RIGHT IS SUBJECT TO REGULATION BY THE WATERMASTER OF
WATER DISTRICT 43B.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

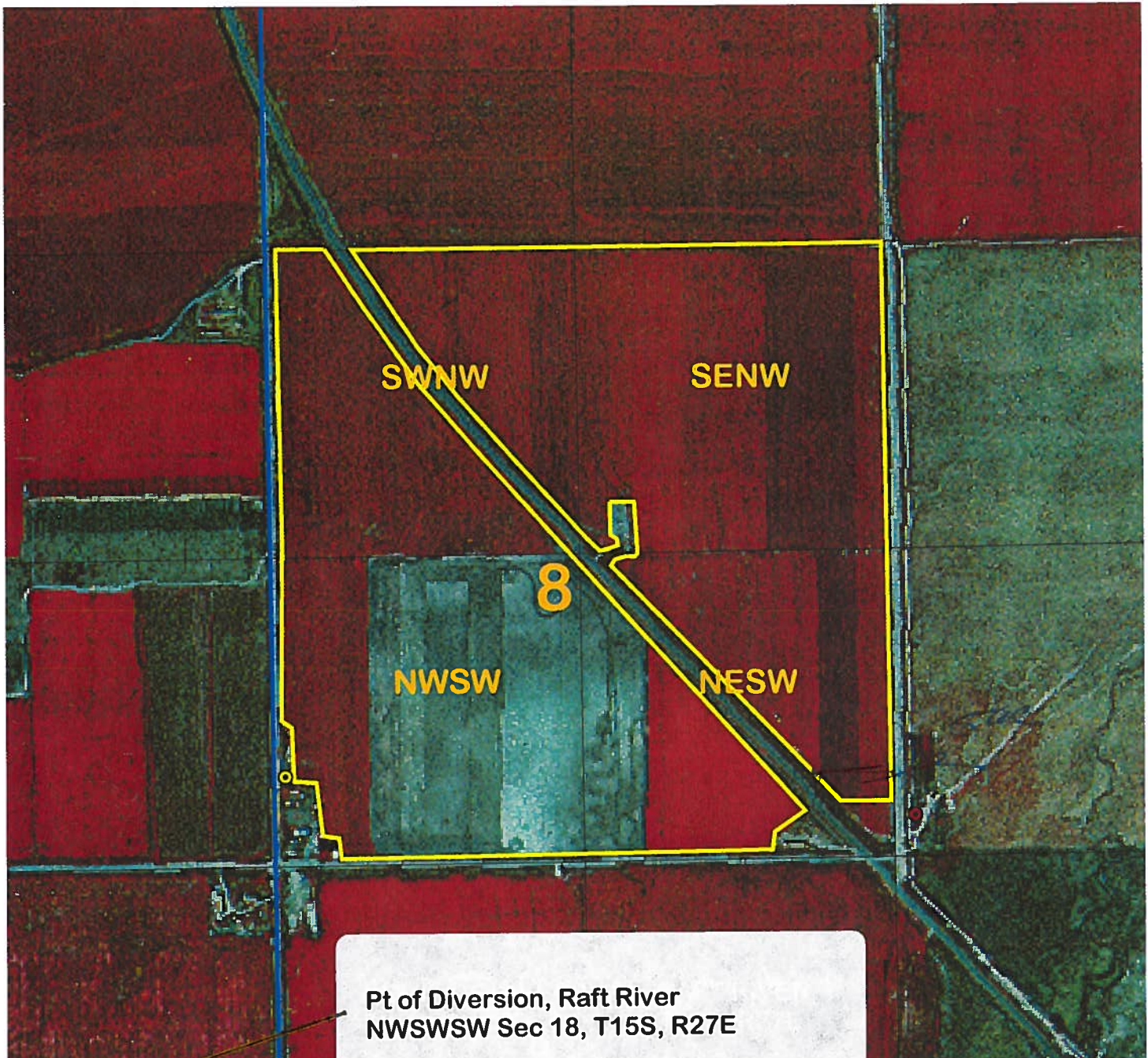
THE POINT OF DIVERSION DESCRIBED ABOVE REPRESENTS AN UNUSED FACILITY DUE TO
INFREQUENT AVAILABILITY OF WATER. BEFORE THIS RIGHT MAY BE DIVERTED THE WATER USER
MUST FILE A TRANSFER TO ESTABLISH AN ACTIVE POINT OF DIVERSION, OR SHOW THAT AN EASEMENT
AND MEANS TO CONVEY WATER FROM THE DIVERSION TO THE PLACE OF USE EXISTS.

ADDED
3-16-01

Idaho Department of Water Resources

**RIGHTS: 43-00111, 43-02410
and 43-11247**

**RECOMMENDED PLACE OF USE
TWP 15S, RNG 27E, SEC 8
Data entry on September 1, 2000**



RECOMMENDED POINT OF DIVERSION



RECOMMENDED PLACE OF USE



SECTION LINES



QUARTER/QUARTER LINES



GIS PLACE OF USE PRESENTATION
1987/1988 NAPP AERIAL PHOTOGRAPHY
DATA ENTRY BY VIKIE HANCOCK

DATE: 12/09/99
PAGE: 7

43-11247
IDAH0 DE
ADJUDIC

USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
03-15 <i>add</i> 11-15	1,200 CFS	
TOTAL DIVERSION:	1,200 CFS	

Stage: DECREED

CASSIA County

SE

TOTAL ACRES

Other Water Rights Listing Overlapping Place(s) of Use:
A43-02410

Objection Filed Date:

Field Inspection Flag:
Presumption Flag:

C-18

into historical case I at ^{any} other time.
Transfer of the work is applied for.

✓ E-04 2.82 c/s

✓ $R_{\text{eff}} = 160 \text{ pK}$

Box - 43B

RECOMMENDATION NOTES

From: Vikie Hancock

9/5/00

Regarding: Claims 43-00111, 43-02410, 43-11247

The above combined water rights irrigate a total of 141 acres in the place of use described on all three claims. They total a combined diversion rate of 1.13 cfs.

43-00111 is based upon a water right included in the Jobe Adams decree for 1.2 cfs of Raft River water for use on four identified 40 acre tracts, or a possible place of use of 160 acres. This 60 inches of water represents a portion of a water right for 160 inches included in the 1893 Lee Kirk -v- Bartholomew decree for use by William Holt upon four identified 40 acre tracts in Section 7, T15S, R27E. Transfer No. 112 was filed in 1912 to formally move this 1.2 cfs from a specific sixty acres in section 7 to sixty acres identified by map in section 8. This transfer, as well as the 1893 decree, was superceded by the 1928 Jobe Adams Decree. In addition to right 43-00111 for 1.2 cfs, the Jobe Adams also included the remaining 2.0 cfs from the Lee Kirk decree, and decreed it as water right 43-00222 for use upon the original four tract place of use, or another possible 160 acres.

In this case, it would not be reasonable to assume that the intent of the Jobe Adams Decree was to expand use of the 3.2 cfs, originally decreed for use on 160 acres at one inch per acre (by inference) in 1893, to the irrigation of 320 acres in 1928. In fact there is evidence, in this case, that the identification of forty-acre tracts does not indicate that the entire 40 acres was intended to be included in the place of use.

My recommendation for 43-00111 will be for 1.2 cfs of Raft River water for use on 60 acres within the irrigated permissible place of use identified by GIS. Note, however, that there may be issues of non-use of this right due to the decreased availability of Raft River to this property. These issues should be considered at such point that a future administrative transfer is applied for. See file.

43-02410 is a claim for groundwater, based upon the license of the some number, for a total of 135 acres within the place of use. Claimant, Mr. Robert Hope, states that the number of acres irrigated with this licensed right was increased to 147 acres prior to 1963, and currently he irrigates 141 acres. 1962 aerial photos verify that the farm was irrigated to that extent prior to the initiation of the Raft River Critical Groundwater Area. Analysis of the surface water available to the property indicates that groundwater was most likely used to develop the entire number of acres irrigated. Mr. Hope has filed expansion claim **43-11247** based upon Beneficial Use with a priority date of 6-30-1968 to cover the expanded acres. My intent is to recommend both these claims with the appropriate combined limits on diversion rate and volume.



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

July 12, 2000

Robert Hope
30 Chestnut Street
Kane, PA 16735

RE: Snake River Basin Adjudication (SRBA)
Claim Nos.: A43-00111, A43-02410

Dear Mr. Hope:

Thank you for your patience while general decisions were made that had the potential of affecting your claims.

It has been decided by the Director that all decreed rights to surface water from Raft River will be validated in the SRBA as originally decreed in the Jobe Adams even though, in some cases, those rights have been unused for many years due to the unavailability, and unreliability, of Raft River water. Therefore your claim number A43-00111 will be recommended as claimed.

In a related decision, the Director determined that decreed surface water rights from Raft River will not be allowed to be diverted through the well head, as some claimants had sought to do.

Using 1987 NAPP Aerial photography, and our ArcView computer program to calculate the irrigated acres, I agree with your assessment of 147 acres on your farm. I obtained 1962 aerial photos of your property and it appears that an expansion claim would be appropriate, as the increase in acres occurred prior to the initiation of the Raft River Critical Groundwater Area which curtailed all development from groundwater after 1963. This expansion claim should reflect the number of acres that you wish to claim as irrigated from your well over and above the 135 acres licensed under 43-02410. You may claim an inch per acre on the expanded acres, but there will be conditions put upon the final recommendation that limits the combined diversion rate of the expansion claim and claim A43-02410 to the original licensed diversion rate and volume.

I understand that you will be back in Malta in August and that you may wish to wait until then to take care of this - which would be perfectly fine as there has been a delay in our completion of recommendations of

claims in this basin. On the chance that you may want to get this done before you go through the upheaval of moving however, I am enclosing the Notice of Claim form that you will need to complete and return, again with a check for \$50.00.

I thank you again for your patience, and please don't hesitate to contact me with any concerns you have.

Sincerely,

Vikie Hancock
Sr. Water Resource Agent



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

4/10/00

ROBERT HOPE
30 CHESTNUT ST
KANE PA 16735

RE: Possible enlargement claim

Dear Mr. Hope,

We have received your letter, dated 4/4/2000, along with check #202. We are returning the check due to the lack of claim to apply the fee to. I have reviewed Vikie's information and correspondence and concur that some changes could be made in your claims. However, until a signed notarized claim is returned to IDWR we cannot hold onto the check.

For your information, there is some preliminary discussion within IDWR that an accommodation may be made for Raft River water users who can't divert their rights. Vikie, when she gets back from her trip, will contact you to outline alternatives (including filing an enlargement claim). Please bear with us while decisions are made and correspondence is sent out.

Thank you for getting back to Vikie so promptly. I will have to ask you to act on future correspondences just as quickly because everyone's timelines are getting short. We anticipate issuing a Preliminary Director's Report and starting an error correction period in mid-June.

Sincerely,

Douglas Jones, PE
Water Rights Supervisor
Southern Adjudication Unit

Vikie,

① Shape can be trimmed
as far as total acres;
but you are right, there
is an expansion (not enlg)

② You'll need to write
& describe decree from
well option.

April 4, 2000

Idaho Dept. of Water Resources
1341 Fillmore # 200
Twin Falls, Idaho 83301

RECEIVED

APR 10 2000

Department of Water Resources
Southern Region

Re: Snake River Basin Adjudication

Attn: Vickie Hancock:

I received your letter in which you asked about the number of acres I have been irrigating with sprinkler lines. The answer is 146 acres. It appears the 1976 photos from the ASCS were correct as approximately 148 acres were being shown. In 1978 we had .8 acres less for a stackyard and 1.2 acres less for house, corral and buildings. My current taxable property is 147 acres. The original deeded property was 160 acres minus waste (Roads). There are roads on 3 sides of the property plus a state highway diagonally through the middle. The road areas add up to approximately 13 acres.

Last September I sold 5 acres to Level III Communications LLC for their Fiber Optic Cable Repeater Station. They said I could still farm the unused portion of the 5 acres they didn't need.

I have used surface water from Raft River one year. It is unknown to me at this time when it was and I can't look it up from here. It seems like it was 1986 or 1987. The water had to come through 2 neighbor's fields to get to my place. That property has all been sold and the new owners have filled in the ditches. Other people downstream have priority water rights over mine so if they want the water, I have to let it go. I can only take water early in the season when the river is high.

Originally my farm was flood irrigated and there was not enough water to cover it I did install sprinkler pipes to spread the water over all my land. I still am not able to adequately water all in a dry season. However, the rains have helped.

I would like to have license to continue to irrigate the approximate 145 acres with sprinkler lines. I am enclosing a check for \$50.00 for the filing of an enlargement claim from 135 acres to 145 acres as your letter stated. I don't know how the ASCS photos taken in 1987 ever came up with 154 acres.

Thank you for your letter. If you need further information, you can contact me by phone at 814-837-9729 or write to my address at 30 Chestnut Street - Kane, PA. 16735.

We plan to return to Idaho in August 2000.

Sincerely,

Robert S. Hope
Robert S. Hope



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

March 29, 2000

Robert S. Hope
30 Chestnut Street
Kane, Pa 16735

RE: Snake River Basin Adjudication (SRBA)
Claim Nos.: A43-00111 and A43-02410

Dear Mr. Hope:

I am in the process of finalizing the Water Right recommendations for claims filed in the SRBA. I had a few questions, and so called your phone number and reached Mr. Steve Cordner, who gave me your address in Pennsylvania.

My primary question concerned the number of acres you have been irrigating with groundwater using sprinkler lines. Mr. Cordner told me that the entire farm is irrigated with the well, and as you know, the license that your SRBA claim is based upon is for a total of 135 acres.

It appears from 1976 and 1978 ASCS photos that we have here in the office, that you were irrigating approximately 148 acres then. 1987 ASCS photos indicate approximately 154 acres. When former agent Frank Hitchcock did his preliminary investigation of your claim, he made notes that the surface ditches were removed in 1979 when you added sprinkler lines, and that water from Raft River was no longer available. Mr. Cordner verified that the ditches that once conveyed water from the river were in disrepair.

If you began irrigating more than the licensed 135 acres from groundwater prior to 1987, you may file an enlargement claim for the additional acres. This would enable you to irrigate more than 135 acres in one irrigation season with no increase in diversion rate or volume to that already licensed. This would require that, at the time of the Director's Report to the SRBA Court, it would be advertised that an enlargement of use had been claimed. The cost of filing an enlargement claim would be \$50.00.

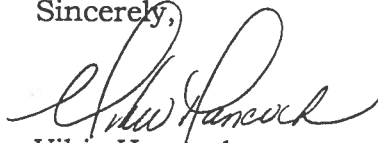
The alternative is a recommendation of 135 acres to be irrigated in one irrigation season, within a *permissible place of use* of 154 acres. This would not require any change in your claim or any advertisement, as there would be no enlargement of use, only some flexibility as to the particular 135 acres you wish to irrigate each year. If I don't hear from you, this is how I will recommend your water right.

As you are probably aware, five years of non-use of a water right may cause your right to the water to be forfeited. There may be an issue of forfeiture in regard to your Raft River decreed right. The department hesitates to disallow

any SRBA claim due to non-use, but it is hard to recommend a water right if the method of conveyance has been abandoned for many years. Please let me know what the history of your use of Raft River water has been since you put in the sprinkler lines, or in any case, since the late 1970s.

I'm sorry that I was not able to meet with you. If there are any general issues that develop that may affect your claims, I'll be sure to let you know. I look forward to your reply.

Sincerely,

A handwritten signature in cursive script, appearing to read "Vikie Hancock".

Vikie Hancock

Sr. Water Resource Agent

COMMUNICATION DOCUMENTATION

From: Vikie Hancock

March 29, 2000

Regarding:

A43-00111 and A43-02410

Customer:

Robert Hope

[illegible]

I called Mr. Hope's number and reached Steve Cordner who is living in the home and running the farm for the claimant. Mr. Hope is temporarily in Pennsylvania on an LDS mission. This is Mr. Cordner's first year running the farm.

I explained the adjudication to Mr. Cordner and told him I had a few questions about Mr. Hope's claim. I asked him if they were currently using sprinkler irrigation from the well on the entire farm. He said they were. I told him that the claim was based upon a license for 135 acres and that the original claim had been filed for 135 acres. I told him that if the entire (approximately) 160 had been under sprinkler since before 1987 Mr. Hope could file an expansion claim on that. If not, the department's recommendation to the court would be that they be limited to 135 acres within the 160 in a single irrigation season.

I inquired as to his use of Raft River water. He said that the ditches were in disrepair and that it would be quite a pain to get the water now. He didn't know when the last time was that the surface water had been used on the farm.

I obtained Mr. Hope's phone number and address and told Mr. Cordner that I would write to the claimant and explain the situation regarding the groundwater irrigation. I also suggested that he call Mr. Hope. I explained what would be needed if Mr. Hope decided to file an expansion claim and the beneficial use documents needed to prove priority prior to 1987.

Hope's address in Pennsylvania:

**30 Chestnut Street
Kane, Pennsylvania 16735
Ph: 814-837-9729**

Steve Corder's address at the Hope house:

2354 Olsen Road
Malta, Id 83342

36

DATED at Boise, Idaho, this 8th day of January, A. D. 1929.

Charles C. Cavanah
District Judge.

U.S.DISTRICT COURT
DISTRICT OF IDAHO
FILED APR 8 1929
W. D. McREYNOLDS, Clerk

By _____ Deputy

IN THE DISTRICT COURT OF THE UNITED STATES,
FOR THE DISTRICT OF IDAHO, SOUTHERN DIVISION.

Albion Idaho Land Company,
a corporation,

Plaintiff.

-vs-

Jobe Adams, et al,

Defendants.

IN EQUITY No. 992.

STIPULATION FOR AMENDMENT

OF DECREE.

IT IS HEREBY STIPULATED AND AGREED By and between the parties hereto, appearing by and thru their respective counsel, that the decree made in this cause on the 18th day of October, 1928, and filed October 22, 1928, may be, by order of the Court amended in the following particulars, viz.,

1. Alfred H. Barker and other
heirs at law of Brigham O.
Barker, deceased,

1881-Apr. 30 .8 s.f.
1894-Apr. 1 2 s.f.

To be diverted from Green Canyon Creek,
" " Cassia Creek,
for the irrigation of $E\frac{1}{2}SW\frac{1}{4}$, $W\frac{1}{2}SE\frac{1}{4}$,
Sec. 5, Tp. 14 S. R. 25 E.B.M., also
beginning at a point 14.72 rods South
of NW Corner of $SW\frac{1}{4}NW\frac{1}{4}$, Sec. 5, thence
South 80 rods, thence East 160 rods,
thence North 80 rods, thence West 160
rods to place of beginning.

2. Samuel H. Barker

1880-Apr. 30 1.5 s.f.
1880-Apr. 30 .5 s.f.
1894-Apr. 1 2.4 s.f.

To be diverted from Cassia Creek
To be diverted from Antelope Springs
To be diverted from Cassia Creek,
for the irrigation of $W\frac{1}{2}SW\frac{1}{4}$, Sec. 5,
 $W\frac{1}{2}NW\frac{1}{4}$ Sec. 8, Lot 5, Sec. 6, Tp. 14
S. R. 25 E.B.M.

3. Osmer W. Ball

1909-Oct. 7 2.74 s.f.
1909-Oct. 7 2.26 s.f.
1912-May 1 2.26 s.f.

To be diverted from Raft River,
" " " " " "
" " " " " "
" " " " " "
for the irrigation of $NW\frac{1}{4}SE\frac{1}{4}$, $NE\frac{1}{4}SE\frac{1}{4}$,
 $SW\frac{1}{4}SE\frac{1}{4}$, $SE\frac{1}{4}SE\frac{1}{4}$, Sec. 5, $NW\frac{1}{4}NE\frac{1}{4}$, $SW\frac{1}{4}NE\frac{1}{4}$,
 $SE\frac{1}{4}NE\frac{1}{4}$, $NE\frac{1}{4}NE\frac{1}{4}$ Sec. 8, Tp. 14 S. R.
27 E.B.M.

4. E. U. Beecher

1875-Apr. 30 .3 s.f.
1877-Apr. 30 .16 s.f.
1880-Apr. 30 1.6 s.f.

To be diverted from Springs on Jerusha
L. Savage ranch.
To be diverted from South Fork Cassia
" " " " " "
" " " " " "
Creek, for the irrigation of
Beginning at the SW corner of $NW\frac{1}{4}$ Sec.
32 Tp. 13 S. R. 25 E.B.M. thence North
160 rods thence East 132 rods thence

43-00051
52

00473
0054
0053

0055
56
57

0062

63
64

South 160 rods, thence West 132 rods to place of beginning, also beginning at the SE corner of NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 31, Tp. 13 S. R. 25 E.B.M., thence North 217 ft. thence West 100 feet, thence South 217 feet, thence East 100 feet to place of beginning.

43-00065	5.	<u>O. F. Beecher</u>	
66		1873-Apr. 1	.2 s.f.
67		1879-Apr. 1	.4 s.f.
		1883-Apr. 30	.6 s.f.

To be diverted from Cassia Creek, for the irrigation of $N\frac{1}{2}SE\frac{1}{4}$, Sec. 23, Tp. 13 S. R. 25 E.B.M. also beginning 2 rods West from NE corner of $NW\frac{1}{4}SW\frac{1}{4}$ Sec. 24, Tp. 13 S.R. 25 E.B.M., thence West 78 rods, thence South 80 rods, thence East 78 rods, thence North 80 rods to place of beginning.

0075 6. Henry E. Bigler.
1881-Apr. 1 1.1 s.f.
1881-Apr. 1 .2 s.f.

To be diverted from Connor Creek,
" " Springs for the
irrigation of $E\frac{1}{2}NE\frac{1}{4}NE\frac{1}{4}$ Sec. 22, $S\frac{1}{2}NW\frac{1}{4}$,
 $N\frac{1}{2}SW\frac{1}{4}$, Sec. 23, Tp. 13 S. R. 25 E.B.M..
excepting the following tract, to-wit;
Beginning at the NE corner of $S\frac{1}{2}NW\frac{1}{4}$
Sec. 23, thence West 32 rods, thence
South 6 rods, 92 ft., thence in a
Northeasterly direction to a point 78
feet South of the NE corner of $S\frac{1}{2}NW\frac{1}{4}$,
Sec. 23, thence North to place of
beginning.

0076	1881-Jly 15	.37 s.f.
0081	1883-Apr. 30	.25 s.f.
0078	1881-Jly 15	.08 s.f.

To be diverted from Connor Creek

" " Springs for the
irrigation of NE $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 22,
Tp. 13 S. R. 25 E.B.M.

0082 7. H. R. Booth,
1914-June 27 3.2 s.f.

To be diverted from Raft River for the
irrigation of NE $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ Sec. 18
NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 17 Tp. 15 S. R. 27 E.B.M.

8. First National Bank of
Brigham City, Utah.
1887-June 30 1.2 s.f.

To be diverted from Raft River for the
irrigation of $S\frac{1}{2}NW\frac{1}{4}$, $N\frac{1}{2}SW\frac{1}{4}$, Sec. 8, Tp.
15 S. R. 27 E.B.M.

0096
97
98
0410

9. J. Edw. Darrington
1882-Apr. 30 All
1883-June 1 .1 s.f.
1884-Apr. 30 .44 s.f.
1886-Apr. 30 .2 s.f.

Quaking Asp Springs,
To be diverted from Green Canyon Creek
" " " " " "
" " " " " "

for the irrigation of
Commencing at the SE corner of Sec. 32,
Tp. 13 S. R. 25 E.B.M., thence North
26 $\frac{2}{3}$ rods, thence West 144 rods,
thence North 10 rods, thence West 16
rods, thence South 10 rods, thence East
15 rods, Thence South to South Sec. 11.
thence East 145 rods, to place of be-
ginning, also commencing 26 $\frac{2}{3}$ rods
North of SE cor. SE $\frac{1}{4}$ SE $\frac{1}{4}$ said Sec. 32,
thence West 144 rods, thence North 30
rods, thence West 16 rods, thence North
81 rods, 8 $\frac{1}{2}$ ft., thence East 50 rods,
thence North 22 rods, thence East 110
rods, thence South 133 $\frac{1}{3}$ rods to
place of beginning.

See Right No. 43-0111

*superseded by Albee -
Idaho Land Co. vs Adams
decree dated 10-18-1928*

STATE OF IDAHO

---OFFICE OF STATE ENGINEER---

CERTIFICATE NO. 112, AUTHORIZING TRANSFER OF WATER RIGHT.

Permission is hereby granted DAVE J. CLARK, of Bridge, County of Cassia, State of Idaho, to transfer the use of sixty (60) inches of the waters of RAFT RIVER, in the county of Cassia and State of Idaho, from the lands upon which it is now used, i. e., the West half of Northeast quarter (W2 NE4) and North half of Southeast quarter (N2 SE4), Section 7, Township 15 South, Range 27, East of Boise Meridian, to the following described tract, to-wit: Northwest quarter of Southwest quarter (NW4 SW4) and South half of Southwest quarter of Northwest quarter (S2 SW4 NW4), Section 8, Township 15 South, Range 27 East of Boise Meridian.

Permission is granted the above named party to divert, hereafter, the above described waters from Raft river at a point at the southeast corner of the Northwest quarter of Northeast quarter (NW4 NE4), Section 24, Township 15 South, Range 26, East of Boise Meridian, and carry same through the Olson-Koogh Ditch.

The water appurtenant to the above described lands was adjudged by decree, dated October 5, 1893, of C. O. Stockslager, Judge of the Fourth Judicial District of the State of Idaho, in and for the County of Cassia, in the matter of Lee Kirk, et al., plaintiffs, vs. A. Bartholomew, et al., defendants, title to the use of which water has heretofore been duly vested in the above named party by proper deeds and conveyances.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of my office at Boise, Idaho, this 6th day of December, 1912.

(SEAL)

A. E. Robinson,
State Engineer.

MICROFILMED

1p15-8. R26 E.

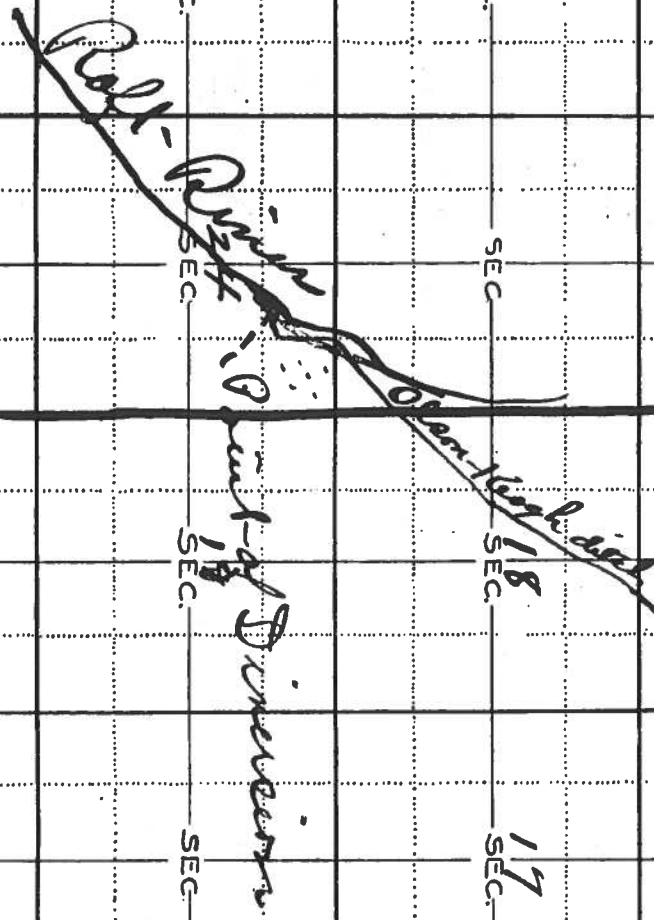
1p15-8. Range 27 E.

SEC. SEC. SEC. SEC. SEC. SEC. SEC. SEC.

SEC. SEC. SEC. SEC. SEC. SEC. SEC. SEC.

SEC. SEC. SEC. SEC. SEC. SEC. SEC. SEC.

MICROFILMED



-12-

of Boise Meridian. That said James Bronson was, on the 30th day of April 1882, the owner and since has been and now is the owner & in possession of the said lands.

I find that David Hubbard appropriated for the irrigation of the lands hereinafter described from the waters of said Raft River for the entire season, from April 1st to October 1st, 50 inches of water. That said David Hubbard used the above amount of said water during the time mentioned each year from April 30th, 1882, down to the date of this decree. That said lands on which said water was used as aforesaid are particularly described as follows, to wit: The East 1/2 of the North East 1/4 and South West 1/4 of the North East 1/4 of Sec. 12, Township 16 South of Range 24 East of Boise Meridian. David Hubbard aforesaid was on the 30th day of April 1882, the owner and since has been and now is the owner in possession of said lands.

I find that J. W. Hubbard has appropriated for the irrigation of the lands hereinafter described, from the waters of said Raft River for the entire season from April 1st to October 1st, 75 inches of water. That said J. W. Hubbard used the above amount of said water during the time mentioned each year from April 30th 1882 down to the date of this decree. That said lands on which said water was used as aforesaid are particularly described as follows, to wit: The North East 1/4 of the North West 1/4, the North West 1/4 of the North East 1/4 and Lots 1 & 2 Sec. 7, Township 16 South of Range 24 East of Boise Meridian. That said J. W. Hubbard was on the 30th day of April 1882, the owner, and since has been and now is the owner in possession of said lands.

I find that William Holt appropriated from Raft River, on the 30th day of June 1887, one hundred and sixty inches of water to be used on the following described land, in irrigating the same. That he has used said amount of water on said land from April 1st to October 15th each and every year since said appropriation down to the date of these findings. That the land upon which said waters has been so used is described as follows, to wit: The North half of the South East Quarter and the West half of the North East Quarter of Section 7, Township 15 South, Range 27 East of the Boise Meridian.

I find that John R. Jones appropriated from Raft River, on the 30th

From Findings of Fact. Lee Kiek-v- Bartholomew Decree - 1893

CONTACT PERSON: _____

PHONE NUMBER: (____) ____-____

DATE OF FIELD EXAM: 08/10/94

APPOINTMENT MADE: Y(____) N(____)

TIME: 1:30 A(____) P(____)

ACCOMPANIED BY: _____

PHONE NUMBER: (____) 645-2315

RELATIONSHIP TO CLAIMANT: _____

DIRECTIONS TO PROPERTY / NOTES:

came from old BRIDE school, WIFE-BRIDE REARS
off of HWY 81 - turn at. behind old hotel (Hawes
road)

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

PAGE: 1
GENERAL INFORMATION

10:43:46
05/21/95
18
CLAIM NUMBER: A43-00111

LAST: HOPE FIRST: MARIAN P
ADDRESS: HC 72 BOX 2270
CITY: MALTA STATE: ID ZIP: 83342
PHONE NUMBER: 208-000-0000

OWNER CODE: C

LAST: HOPE FIRST: ROBERT S
ADDRESS: HC 72 BOX 2270
CITY: MALTA STATE: ID ZIP: 83342
PHONE NUMBER: 208-645-2315

OWNER CODE: C

FIELD EXAM REQUIRED?
VERIFICATION REQUIRED DUE TO REMARKS?
NO REMARKS IN CLAIM

DATABASE	FIELD EXAMINER
N	

FIELD EXAMINATION INFORMATION

CONTACT PERSON: _____ PHONE NUMBER: (____) ____-____
DATE OF FIELD EXAM: ____/____/____ APPOINTMENT MADE: Y(____) N(____) TIME: ____:____ A(____) P(____)
ACCOMPANIED BY: _____ PHONE NUMBER: (____) ____-____
RELATIONSHIP TO CLAIMANT: _____
DIRECTIONS TO PROPERTY / NOTES:

