

## IDAHO DEPARTMENT OF WATER RESOURCES

## Adjudication Recommendation Report 43-11247 V1

WATER RIGHT NUMBER: 43-11247 V1

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

Priority Date: 06/30/1985

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> |
|-----------------------|-------------------------|-----------------------|----------------------|
| IRRIGATION            | 03/15 to 11/15          | 0.120 CFS             |                      |
|                       | <u>Total Diversion:</u> | 0.120 CFS             |                      |

Location of Point(s) of Diversion

|               |                 |                                |
|---------------|-----------------|--------------------------------|
| GROUND WATER  | SW1/4NW1/4SW1/4 | Sec. 8, Twp 15S, Rge 27E, B.M. |
| CASSIA County |                 |                                |

Place of UseIRRIGATION Within CASSIA County

|                  |      |      |               |      |      |
|------------------|------|------|---------------|------|------|
| T15S R27E S08    | SWNW | 35.0 | T15S R27E S08 | SENE | 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 - 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.: 43-111, 43-2410.
2. General THIS RIGHT IS AN EXPANSION OF RIGHT NO. 43-2410 PURSUANT TO SECTION 42-1416B, IDAHO CODE.
3. Place of Use - Irrigation THIS RIGHT IS LIMITED TO THE IRRIGATION OF 6 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 43-11247 V1

4. Quantity      USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 2.82 CFS. COMBINED RIGHT NOS.: 43-111, 43-2410.
5. Quantity      USE OF THIS RIGHT WITH RIGHT NO. 43-2410 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 1.93 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 540 AF.

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:    AND/OR  
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



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 KEMPTHORN  
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<br>Right No(s).  | Adjudication<br>Claim No(s). | Split | Water<br>Right No(s). | Adjudication<br>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

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

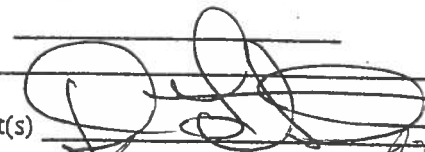
**DESCRIPTION OF YOUR PORTION OF WATER RIGHT**  
(If the right(s) will not be split, skip this area and proceed to item 7)

|                                                    |                                                                            |                                                              |
|----------------------------------------------------|----------------------------------------------------------------------------|--------------------------------------------------------------|
| Water Right and/or Adjudication Claim Number _____ |                                                                            |                                                              |
| Water Use                                          | Diversion Rate or Volume<br>(cubic feet per second or acre-feet per annum) | Description<br>(acres, number and type of stock, homes, etc) |
| Irrigation                                         | _____                                                                      | _____                                                        |
| Stock                                              | _____                                                                      | _____                                                        |
| Domestic                                           | _____                                                                      | _____                                                        |
| Other _____                                        | _____                                                                      | _____                                                        |
| Total                                              | _____                                                                      | _____                                                        |

**DESCRIPTION OF YOUR PORTION OF WATER RIGHT**  
(If the right(s) will not be split, skip this area and proceed to item 7)

|                                                    |                                                                            |                                                              |
|----------------------------------------------------|----------------------------------------------------------------------------|--------------------------------------------------------------|
| Water Right and/or Adjudication Claim Number _____ |                                                                            |                                                              |
| Water Use                                          | Diversion Rate or Volume<br>(cubic feet per second or acre-feet per annum) | Description<br>(acres, number and type of stock, homes, etc) |
| Irrigation                                         | _____                                                                      | _____                                                        |
| Stock                                              | _____                                                                      | _____                                                        |
| Domestic                                           | _____                                                                      | _____                                                        |
| Other _____                                        | _____                                                                      | _____                                                        |
| Total                                              | _____                                                                      | _____                                                        |

7. Signature of New Owner(s) or Claimant(s)  
(include title if applicable)

  
Marcello Reed  
 \_\_\_\_\_

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only

|                                    |                     |                     |
|------------------------------------|---------------------|---------------------|
| Received by <u>[Signature]</u>     | Date <u>9/5/01</u>  | Fee <u>\$</u>       |
| Receipted by <u>[Signature]</u>    | Date _____          | Receipt No. _____   |
| Processed by <u>[Signature]</u> AJ | Date <u>9/10/01</u> | WR _____ Date _____ |

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 5 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:

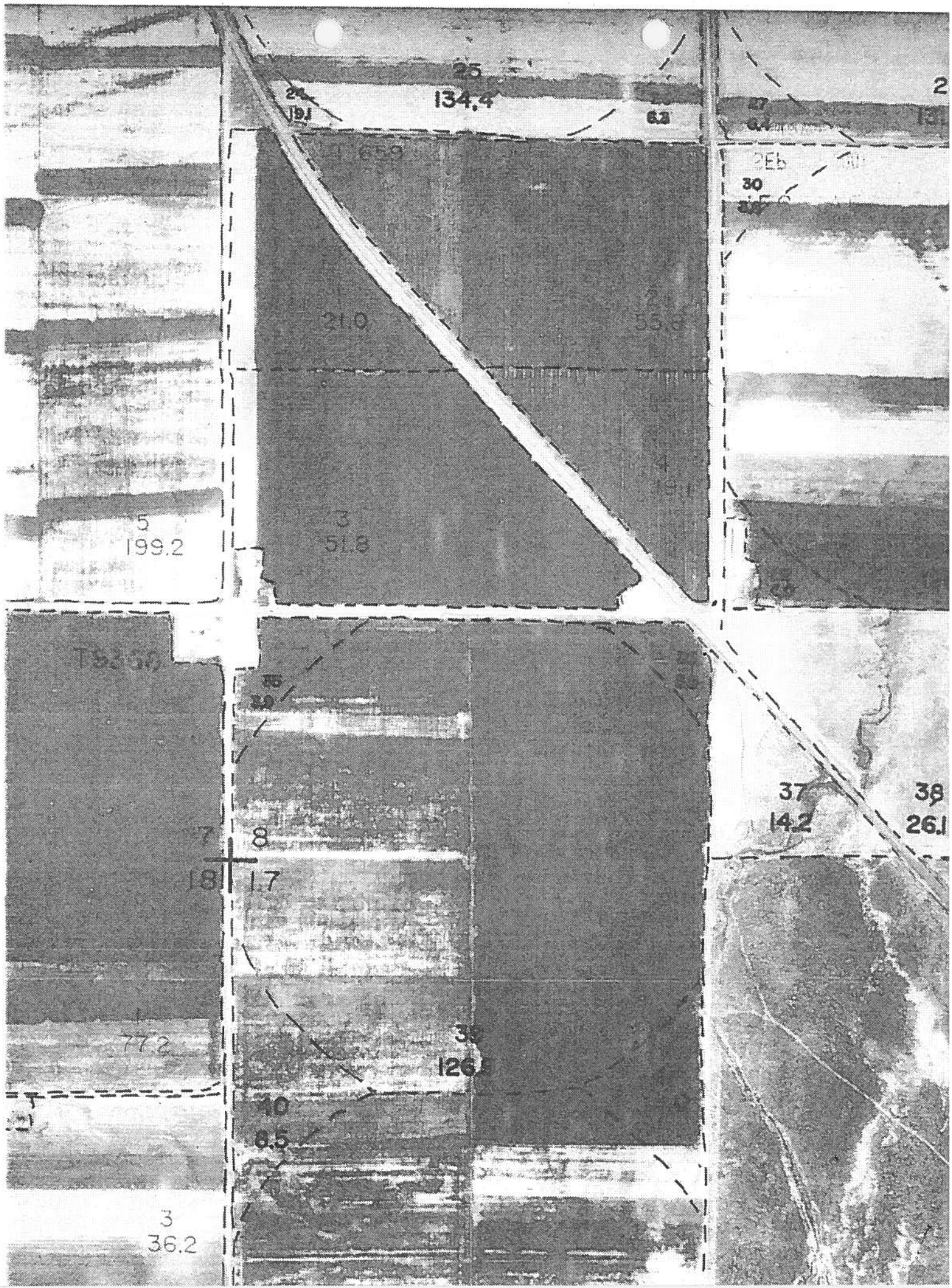
Beginning at the Southeast corner of the N½SW¼ of said Section 8, said corner being North 63°48'02" West 2949.58 feet from the Southeast corner of said Section 8;

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.



276991

# WARRANTY DEED

#34531

For Value Received

**THE ROBERT S. HOPE FAMILY TRUST, dated the 8<sup>th</sup> 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

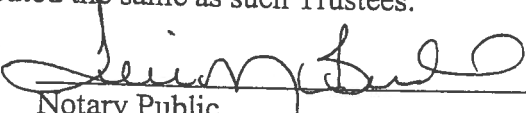
IDAHO )

) ss.

COUNTY OF CASSIA )

On this 30<sup>th</sup> 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: 2/5/2002

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:

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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 9.00 DEPUTY *flw*

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 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    |
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|          |       |         | 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



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

September 1, 2000

Robert S. Hope  
2354 E. Olson Road, Box 2270  
Malta, Idaho 83342

RE: Snake River Basin Adjudication (SRBA)  
Claim No.: 43-11247

Dear Mr. Hope,

Please find enclosed a copy of your new claim for expansion acres. Since it is a new claim, separate from your existing claim based upon groundwater license 43-02410, it is identified with a completely different number.

I included remarks on the claim that help explain that it is a claim for the number of acres expanded over the original license. I also changed the priority date to that specified by Idaho Code. All expansion claims have the priority date of 6-30-1985, which is designed to mitigate injury to other water users in the critical groundwater area.

Welcome back to Idaho, and thank you for your accurate and prompt attention to this issue. Receipt for \$50.00 is also enclosed.

Sincerely,

Vikie Hancock  
Sr. Water Resource Agent

RECEIVED

AUG 31 2000

Department of Water Resources  
Southern Region

30 Aug 2000

20 Dept. of Water Resources  
Fillmore St. Suite 200  
in Falls, Id. 83301-3380  
Vickie Hancock,

Re: Irrigation Expansion Claim.

Thank you for your letter dated July 12, in which you agreed to my calculations 47 acres of farm land. I have recently sold 5 acres to a fiber optic cable company to install a relay station. They told me I could continue to farm what they did not use for their building. My most recent calculation shows 141 acres as open for irrigation. I still intend to claim irrigation expansion. Enclosed is a check for \$50.00 per your request. Thank you for your help in my behalf.

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 <sup>N</sup>  
Ident. Number A42-02410 43-1124  
Date Received 8-31-2000  
Receipt Number 5923369

NOTICE OF CLAIM  
TO A  
WATER RIGHT  
ACQUIRED UNDER STATE LAW

RECEIVED  
AUG 31 2000  
Department of Water Resources  
Southern Region

Please type or print clearly

1. Name of Claimant (s) ROBERT S. HOPE Phone (208) 645-2315  
Mailing Address 2354 E. OLSON RD. BOX 2270 MALTA, ID Zip 83342
2. Date of Priority (Only one (1) per claim) JUNE 15, 1954
3. Source of water supply (a) GROUNDWATER  
which is tributary to (b) \_\_\_\_\_
4. a. Location of existing point of diversion is: Township 15S Range 27E Section 8,  
NW 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, Govt. Lot \_\_\_\_\_ B.M., County of \_\_\_\_\_
5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),  
including the dates of any changes or enlargements in use, the dimensions of the diversion works as  
constructed and as enlarged and the depth of each well.  
WELL CASING SIZE 20" TO 315' + 16" CASING 295' TO 450'  
PUMP + BOWLS - LAYNE + BOWLER INSTALLED BY AURORA PUMP CO. TWIN  
FALLS, ID. IN 1957. PUMP WAS PULLED AND REWORKED THEN REINS  
LED 3-10-97 - BOWL SIZE - 2 STAGE 12" SET AT 160'. LIFT MOTOR IS  
40 HP - BOOSTER PUMP IS 50 HP - PUMP PIPE IS 8" WITH 2" AND  
1 3/16" OIL LUB. COLUMN. MAINLINE PIPE IS 10"-8"-6" + 4" UNBERGER  
WITH 3" RISERS EVERY 50'. 3" HANDLINES TO SPRINKLE IRRIGATE.

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For IRRIGATION purposes from 3-15 to 11-15 amount 1.93 or \_\_\_\_\_

For STOCKWATER purposes from 01-01 to 12-31 amount 0.02 or \_\_\_\_\_

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

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

7. Total quantity claimed (a) 1.930 (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.) STOCK - 5 BEEF CATTLE, 2 PIGS - 50 CHICKENS ONE Household

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 |        |
| 15S | 27E | 8   |        |       | 30    |       |        |       | 38    |       |        |       | 34    |       |        |       | 39    |       | 141    |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |

Total number of acres irrigated 141

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.  
A-43-10287, DOMESTIC + STOCKWATER or None ( )

14. Remarks:  
DOMESTIC HOUSE 01/01 TO 12/31 0.04 CFS  
STOCKWATER 01/01 TO 12/31 0.02 CFS

Last Name HOPE Ident No. A43-02410  
43-11247

Copies: White -State, Yellow-Claimant

Scale: 2 inches equals 1 mile

SW 1/4 OF NW 1/4

NW 1/4

NE 1/4

SE 1/4

WELL

DIVERSION POINT

STATE HWY 81

43-11247

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

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

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

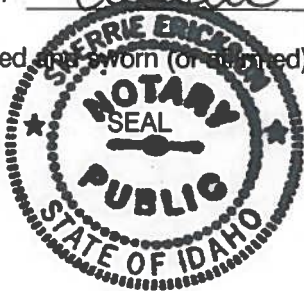
Signature of Claimant (s) Robert S. Hope Date August 30, 2000  
Marian P. Hope Date Aug. 30, 2000

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 30<sup>th</sup> day of August 2000  
Notary Public Sherrin Erickson  
Residing at Almo  
My Commission Expires 3/14/02  
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 HOPE Ident. Number 443-02410  
443-11247

Copies White-State, Yellow-Claimant

06/06/2001

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

RIGHT NUMBER: 43-11247  
NAME AND ADDRESS: ROBERT S HOPE  
2354 E OLSON RD BOX 2270  
MALTA, ID 83342  
SOURCE: GROUND WATER  
QUANTITY: 0.12 CFS

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A  
TOTAL COMBINED DIVERSION RATE OF 2.82 CFS. COMBINED RIGHT  
NOS.: 43-111, 43-2410.

USE OF THIS RIGHT WITH RIGHT NO. 43-2410 IS LIMITED TO A  
TOTAL COMBINED DIVERSION RATE OF 1.93 CFS AND TO A TOTAL  
COMBINED ANNUAL DIVERSION VOLUME OF 540 AF.

PRIORITY DATE: 06/30/1985

POINT OF DIVERSION: T15S R27E S8 SWNWSW Within CASSIA County

PURPOSE AND  
PERIOD OF USE:

| PURPOSE OF USE | PERIOD OF USE | QUANTITY |
|----------------|---------------|----------|
| IRRIGATION     | 03-15 11-15   | 0.12 CFS |

PLACE OF USE:

| IRRIGATION Within CASSIA County |      |    |                      |
|---------------------------------|------|----|----------------------|
| T15S R27E S8                    | SWNW | 35 | T15S R27E S8 SENW 40 |
| T15S R27E S8                    | NESW | 30 | T15S R27E S8 NWSW 36 |

141 ACRES TOTAL

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.: 43-111, 43-2410.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 6 ACRES WITHIN  
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION  
SEASON.

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.

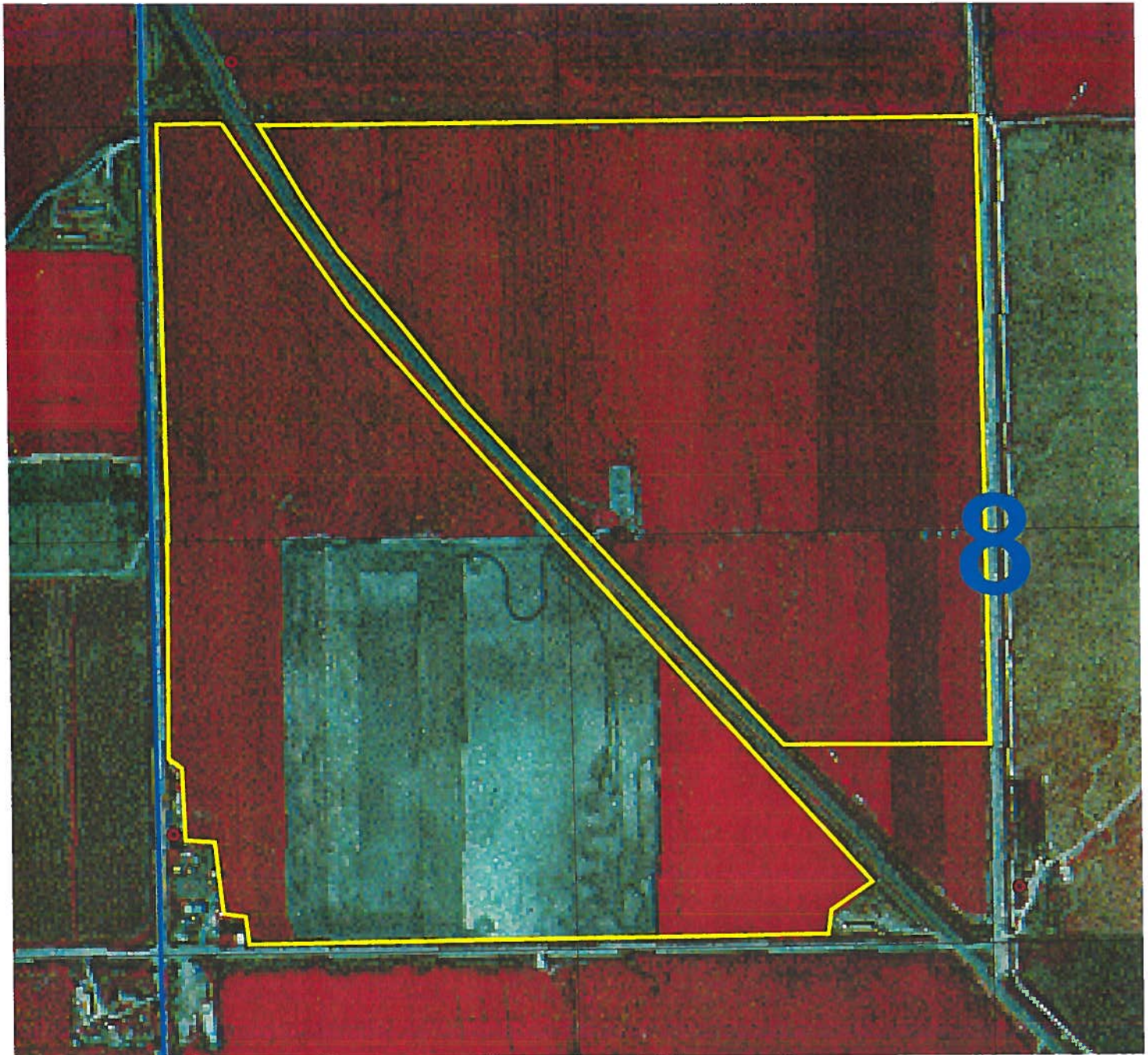
THIS RIGHT IS AN EXPANSION OF RIGHT NO. 43-2410 PURSUANT TO  
SECTION 42-1416B, IDAHO CODE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

# Idaho Department of Water Resources

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

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



0 1320 2640 Feet

-  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 Hope

5-30-01

Meeting in Malta

Came in to tell me that the area I had deleted from the Poll 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

## 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

**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: 43-11247

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:

*Adjust area of use per our conversation about the center of map.*

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

09/18/2000

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

RIGHT NUMBER: 43-11247  
NAME AND ADDRESS: ROBERT S HOPE  
2354 E OLSON RD BOX 2270  
MALTA, ID 83342

SOURCE: GROUND WATER

QUANTITY: 0.12 CFS

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A  
TOTAL COMBINED DIVERSION RATE OF 2.82 CFS. COMBINED RIGHT  
NOS.: 43-111, 43-2410.

USE OF THIS RIGHT WITH RIGHT NO. 43-2410 IS LIMITED TO A  
TOTAL COMBINED DIVERSION RATE OF 1.93 CFS AND TO A TOTAL  
COMBINED ANNUAL DIVERSION VOLUME OF 540 AF.

PRIORITY DATE: 06/30/1985

POINT OF DIVERSION: T15S R27E S8 SWNWSW 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          | 0.12 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

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.: 43-111, 43-2410.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 6 ACRES WITHIN  
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION  
SEASON.

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.

THIS RIGHT IS AN EXPANSION OF RIGHT NO. 43-2410 PURSUANT TO  
SECTION 42-1416B, IDAHO CODE.

EXPLANATORY MATERIAL: 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

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            |            |
| <del>STOCKWATER</del> | <del>01/01</del> | <del>12/31</del> | <del>0.02</del> |            |

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

0.12 cfs

8. Total consumptive use:

9. Non-irrigation uses:

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

no vol  
stockwater under  
claim 2410  
License  
ch'd per 2410  
& GIS

delete

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   |

*See  
S. 15  
6 ac  
w/in PPA*

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

✓ C 18

✓ K 06 - limited to 6 ac w/in PPA

✓ K 04 - this is an expansion of 2410

✓ B 89 - 433

✓ E 05 - 2410 & 11247 limited to 1.93 cfs & 540 cfs

✓ E 04 - 11247, 2410, 0011 limited to 2.82 cfs

✓ E 14 - " " " " to 141 acres

## **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

**FILE NOTES**

**CLAIM NO(S): 43-02410, 43-00111**

**TWP 15S, RNG 27E  
SEC 08**



**V. HANCOCK**

**1962 AERIAL PHOTO**



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

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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.

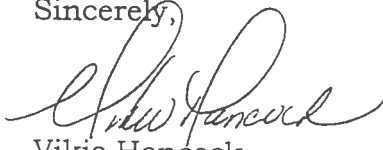
The alternative is a recommendation of 135 acres to be irrigated in one irrigation season, within a *permissible place of use* of 154 acres. This would not require any change in your claim or any advertisement, as there would be no enlargement of use, only some flexibility as to the particular 135 acres 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