

11/17/2006

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

RIGHT NUMBER: 67-154

NAME AND ADDRESS: CLIFFORD HOPPER
RT 1 BOX 56
2450 HOPPER RD
MIDVALE ID 83645

SOURCE: UNNAMED STREAM

TRIBUTARY: DEER CREEK

QUANTITY: 0.130 CFS

PRIORITY DATE: 05/15/1879

POINT OF DIVERSION:

T14N R03W S30 NENW Within WASHINGTON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	3/15 10/31	0.130 CFS

PLACE OF USE: IRRIGATION in WASHINGTON County

T14N R03W S30	SWNE	4.00	T14N R03W S30	SENE	5.00
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9 ACRES TOTAL

Right Nos. 67-154 and 67-7071 are limited to the irrigation of a combined total of 9.0 acres 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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Source is also known as Hot Creek.



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

December 7, 2006

JAMES E. RISCH
Governor

KARL J. DREHER
Director

CLIFFORD HOPPER
RT1 BOX 56
2450 HOPPER RD
MIDVALE ID 83645

COPY

RE: CORRECTIONS OF 67-154 AND 67-7071

Dear Mr. Hopper:

I spoke to your son David Hopper today and he explained that the mapping supplied by our office was incorrect. The map showed the point of diversion on the west side of the 40 acre tract described as the NENW S30 T14N R3W. Your son stated it should be on the west side of that same tract. I corrected the file for water right 67-154, and have contacted Monica Van Bussum concerning water right 67-7071. She stated she would make the same change to that water right, and correct the source to read an unnamed stream tributary to Deer Creek, with the condition that it is known locally as Hot Creek.

copy
Enclosed
DAN
12-13-06.

This should correct all of the error that you and your son mentioned on the notice of error form. You should be getting an copy of the claims that we will be sending to the courts within the few couple of weeks. **Please carefully check every aspect of all of your water rights in this mailing.** It is rare that a mistake is made, but it can happen. If you find that something on the water rights are not correct at that time, you will want to make sure you file an objection to the court, and contact Monica Van Bussum to ensure they will be decreed correctly.

If you have any questions or concerns please contact Monica Van Bussum at our State office – telephone number 287-4800 or myself at the above address.

Respectfully,

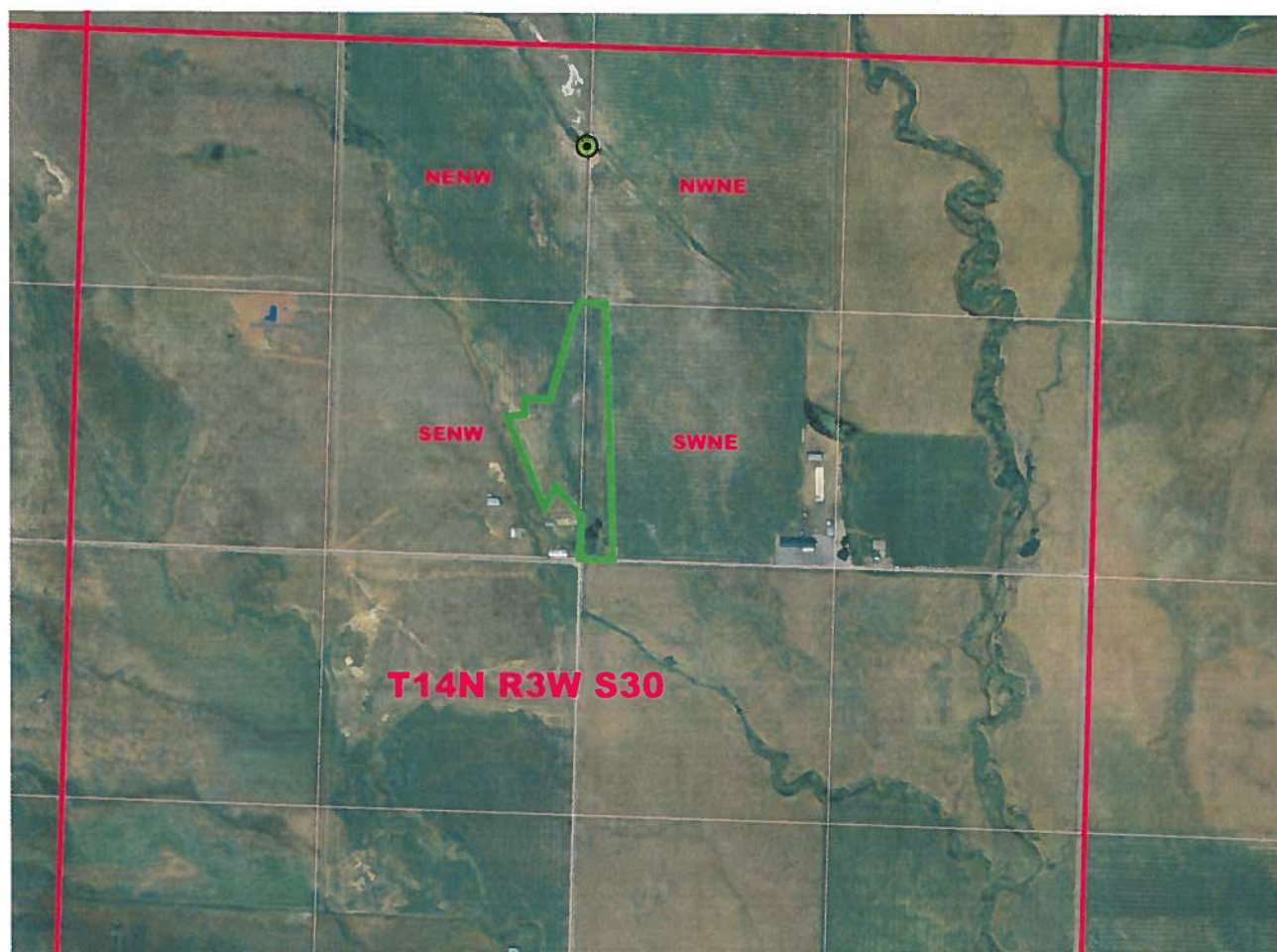
Daniel A. Nelson
Sr. Water Right Agent

Enclosures



**State of Idaho
Idaho Department of Water Resources
Western Region**

**T14N R3W SECTION(S) 30
WATER RIGHT(S) : 67-154
CORRECTION MAP FROM NOTICE OF ERROR**



-  Point of Diversion
-  Place of Use
-  Section Lines
-  Quarter Quarter Lines

**GIS Place of Use Illustration
1987 NAPP Photography
Prepared by: Dan Nelson
Date: December 2006**



11/20/2006

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: December 8, 2006

Water right number: 67-154

CLIFFORD HOPPER
RT 1 BOX 56
2450 HOPPER RD
MIDVALE ID 83645
Telephone Number: (208)355-2412

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:

POD is on E side of QQ
Rec. POD is on ephemeral stream
check source on 67-154 in decree Mr. A

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

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

DATE: 11-29-06 SIGNATURE: David Hopper
Please print your name: David Hopper

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

This should be FOR 67-7071
as well, source is unnamed stream

tributary to Deer Creek. POD location
on map is on other side of the
new 40-acre tract. per telephone
call with claimant. corrections
~~are~~ already made on 67-154.
Monica has 67-7071.

DAN 12-12-06.

SCANNED
DEC 08 2006



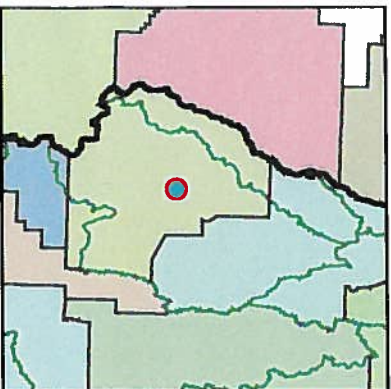
Idaho Department of Water Resources

SRBA Recommendation:

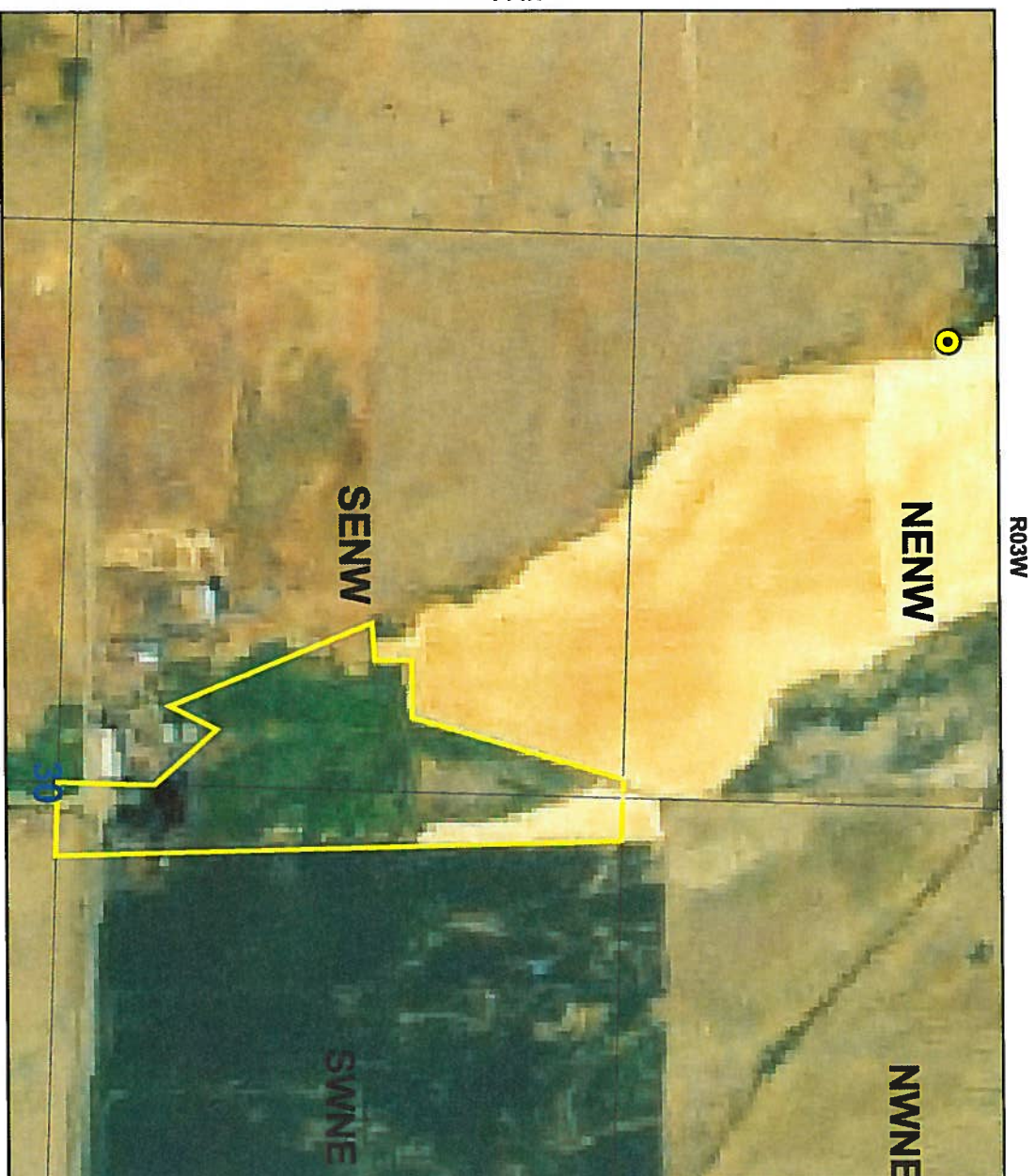
67-154
(Irrigation)

Legend

- Point of Diversion
- Place of Use
- Townships
- PLS Sections
- Quarter Quarters



T14N



Prepared by L. Graves
On Friday, November 17, 2006
1987/88 Aerial Photography

Adjudication Claim Report 67-154

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	VICTOR HOPPER MIDVALE, ID 83645
Current Owner	CLIFFORD HOPPER RT 1 BOX 56 2450 HOPPER RD MIDVALE, ID 83645 (208)355-2412

Priority Date: 05/15/1879
Basis: Decreed
Status: Active

Source		Tributary	
KEITHLY CREEK	unnamed stream	WEISER RIVER	Deer Creek
Beneficial Use	From To	Diversion Rate	Annual Volume
IRRIGATION	~~4/01~~ to 10/31 3/15	0.130 CFS	
Total Diversion:		0.130 CFS	

Location of Point(s) of Diversion
~~KEITHLY CREEK~~ *unnamed stream* NE1/4NW1/4  Sec. 30, Twp 14N, Rge 03W, B.M.
 WASHINGTON County

Place of Use
IRRIGATION

[illegible]

Total Acres: 9

Claim Received Date: 9/28/1989
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal: S
Owner Name Connector: OR
Water District Number: 67
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits:

add E55 - limited to
9 ac when
combined
w/ 67-7071

B01 - Source AKA
Hot Creek

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 67-154

WATER RIGHT NUMBER: 67-154

Owner Type Name and Address
 Current Owner VICTOR HOPPER
 MIDVALE, ID 83645

Priority Date: 05/15/1879

Basis: Decreed

Status: Active

Source Tributary
 KEITHLY CREEK WEISER RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	/ to /	0.130 CFS	
	<u>Total Diversion:</u>	0.130 CFS	

Location of Point(s) of Diversion

KEITHLY CREEK

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
14N	03W	30								X									

Licensed Date:

Decreed Date: 6/20/1921

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

State or Federal:

Owner Name Connector:

Water District Number: 67

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Decree Defendant: William Allison, et al

Decree Plaintiff: John T Muir, et al

Civil Case Number:

Judicial District: Seventh District

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

Combined Use Limits:

overlap

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 67-7071 V1

WATER RIGHT NUMBER: 67-7071 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	CLIFFORD HOPPER RT 1 BOX 56 2450 HOPPER RD MIDVALE, ID 83645 (208)355-2412

Priority Date: 02/09/1972

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
HOT CREEK	DEER CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/15 to 10/15	0.040 CFS	
STOCKWATER	1/01 to 12/31	0.020 CFS	
	<u>Total Diversion:</u>	0.040 CFS	

Location of Point(s) of Diversion

HOT CREEK	NE1/4NW1/4	Sec. 30, Twp 14N, Rge 03W, B.M.
WASHINGTON County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
14N	03W	30			4.0				5.0										9.0

Total Acres: 9

STOCKWATER same as IRRIGATIONConditions of Approval:

1. S39 The use of water for irrigation under this right may begin as early as March 15 and may continue to as late as October 31, provided other elements of the right are not exceeded. The use of water before April 15 and after October 15 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.
2. E55 Right Nos. 67-7071 and 67-154 are limited to the irrigation of a combined total of 9 acres in a single irrigation season.
3. 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:

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 67-7071 V1

Comments:

1. awamtje 4/21/2004 Period of Use
Comment: Need appropriate shoulder remark.
2. mmount 6/15/2006 pou
Comment: Direct overlap with decreed right 67-154.

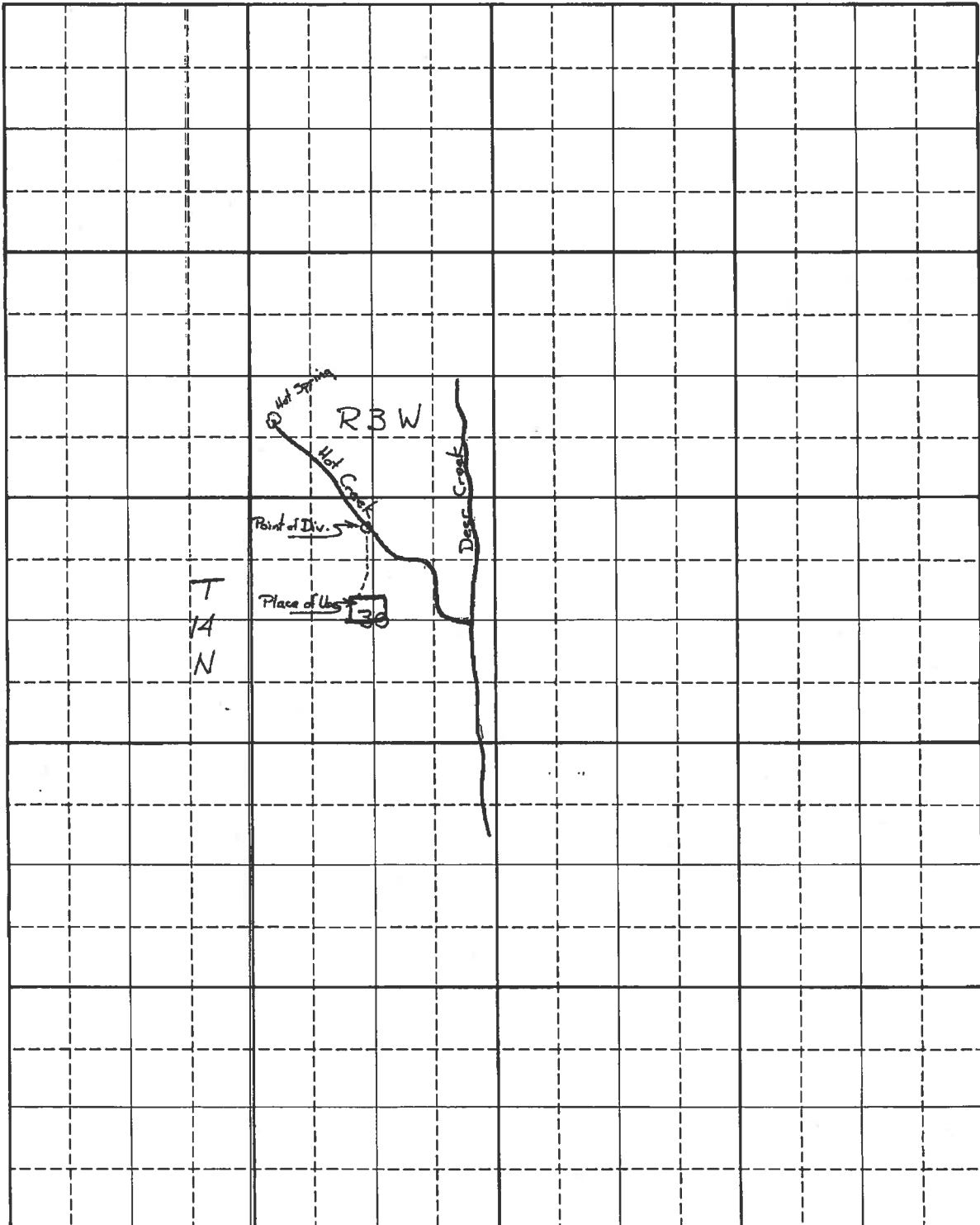
Dates and Other Information:

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:
Water District Number: 67
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits:

Water Supply Bank:

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



Scale: 2 inches equal 1 mile

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Clifford Hopper
(Applicant)
1078

That the defendant, Victor L. Hopper, is entitled to $6\frac{1}{2}$ inches of water from Warm Springs, a tributary of Keithley Creek for use on 10 acres situated in the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 30, Twp. 14 N. R. 3 W., B. M., under priority date, May 15, 1879.

That the defendant, Allen Seid, is entitled to 2 inches of water from Warm Springs, a tributary of Keithley Creek for use upon two acres situated in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 30, Twp. 14 N., R. 3 W., B. M., under priority date, May 15, 1879.

That the defendant, Otho Towell, is entitled to $26\frac{1}{2}$ inches of water from Keithley Creek diverted therefrom in three separate ditches upon the land of the said Otho Towell to wit: the S $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 2, Twp. 13 N., R. 4 W., B. M., $6\frac{1}{2}$ inches thereof under priority date, May 1, 1886 and 20 inches thereof under priority date, May 15, 1899.

That the defendant, Frank Towell, is entitled to $28\frac{1}{8}$ inches of water from Keithley Creek diverted in 2 separate ditches upon the land of the said Frank Towell to wit: the SW $\frac{1}{4}$ NE $\frac{1}{4}$ and the E $\frac{1}{2}$ NE $\frac{1}{4}$, Sec. 2, Twp. 13 N. R. 4 W., B. M., under priority date for $18\frac{1}{2}$ inches of said water, May 15, 1884 and $9\frac{3}{8}$ inches of said water under priority date, May 15, 1899.

That the defendant, Elihu G. Johnson, is entitled to $3\frac{1}{8}$ inches of water from Keithley Creek diverted in a ditch upon and for the use of 5 acres of land in Lot 1 Sec. 1. and to 5 inches of water diverted from Keithley Creek in a ditch upon and for use upon the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of said Sec. 1, Twp. 13 N. R. 4 W., B. M., both under priority date, May 15, 1899.

That the defendant, Charles T. Reavis, is entitled to $68\frac{1}{2}$ inches of water from Keithley Creek diverted through three separate ditches to and upon his lands to wit: Lots 2, 3, and 4 and the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 1, Twp. 13 N. R. 4 W., B. M., under priority date, for 2 $\frac{1}{2}$ inches thereof, May 15, 1882 and for $48\frac{1}{2}$

JUL 24 1906

Northeast Quarter of the Northwest Quarter and Lot 1, Section 31, Township 14 North, Range 3 West Boise Meridian.

VICTOR L HOPPER: The Southeast Quarter of the Northwest Quarter, Section 30, Township 14 North, Range 3 West Boise Meridian.

ALLEN SKID: The Southwest Quarter of the Northeast Quarter of Section 30, Township 14 North, Range 3 West Boise Meridian.

CHARLES T REAVIS: Lots 2, 3, 4 and the Southwest Quarter of the Northwest Quarter, Section 1, Township 13 North, Range 4 West Boise Meridian, excepting a tract of about six acres out of the said Lot 4.

W F SKID: The Southeast Quarter of the Northwest Quarter, the Northeast Quarter of the Southwest Quarter, and Lot 3, Section 31, Township 14 North, Range 3 West Boise Meridian.

WILLIAM S POTTER: The West half of the Southeast Quarter and the Southeast Quarter of the Southeast Quarter, Section 35, Township 14 North, Range 4 West and Lot 2, Section 2, Township 13 North, Range 4 West Boise Meridian. Also an irregular tract of eight acres out of the Southwest corner of the Northeast Quarter of the Southeast Quarter of Section 35, Township 14 North, Range 4 West Boise Meridian.

WILLIAM WIGGINS: Lot 3, Section 19, Township 14 North, Range 3 West Boise Meridian.

FRANK TOWELL: The Northeast Quarter of the Northeast Quarter and the South half of the Northeast Quarter Section 2, Township 13 North, Range 4 West Boise Meridian.

FORUNST BURNS AND CLIFFORD BURNS: The North half of the Northeast Quarter Section 31, Township 14 North, Range 3 West Boise Meridian.

EDWARD M WIGGINS: The Southeast Quarter Section 32, Township 14 North, Range 3 West Boise Meridian.

JOHN ZENNER: The Southeast Quarter of the Northwest Quarter Section 35, Township 14 North, Range 4 West Boise Meridian.

MALTER J HOPPER: The Southwest Quarter of the Southwest Quarter Section 36, and an irregular tract out of the Southeast Corner of the Northeast Quarter of the Southeast Quarter of Section 35, all in Township 14 North, Range 4 West, and also an irregular tract of about six acres out of the Northwest corner of Lot 4, Section 1, Township 13 North, Range 4 West Boise Meridian.

WILLIAM WICKS: The Northwest Quarter of the Southeast Quarter of Section 31, Township 14 North, Range 3 West Boise Meridian.

OTHO TOWELL: The South half of the Northwest Quarter, Section 2, Township 13 North Range 4 West Boise Meridian.

CARRIE CLAYTON: The South half of the Northeast Quarter Section 31, Township 14 North, Range 3 West Boise Meridian.

JACOB ADER: The Northwest Quarter of the Southeast Quarter of Section 30, Township 14 North, Range 3 West Boise Meridian.

E M STEWART: The Southwest Quarter of the Southeast Quarter of Section 30, Township 14 North, Range 3 West Boise Meridian.

JAMES KEITHLEY: The Southeast Quarter of the Southwest Quarter and the Southwest Quarter of the Southeast Quarter of Section 36, Township 14 North, Range 4 West Boise Meridian.

WALTER C KEITHLEY: The Southeast Quarter of the Southeast Quarter of Section 36, Township 14 North, Range 4 West Boise Meridian.

JUL 24 1906

Janet Ketchum
J B Hamilton
Whitney P James
Council Valley Orchards Company
Henry Van Kleeck

West Fork Weiser River.
E. J. Glenn Ditch.

T J Glenn
Joel Glenn
C L Ham
J H Bridgewood

Osborn-Grooms Ditch.

C. L Ham
Bridgewood and Riddell

Keithley Creek.

Andrew M Reed

Ohloe Keithley
Curt W Randleman
Curt W Randleman - Little Keithley Creek

Victor L Hopper

Allen Seid
Charles T Reavis

W F Seid

William S Potter

William Wiggins
Frank Towell

Forrest Burns and Clifford Burns

Edward M Wiggins
John Zencher
Walter J Hopper
William Wicks
Otho Towell

Carrie Clayton
Jacob Adar
E M Stewart
James Keithley

20, July 1, 1905 / 67 0138
10, July 1, 1905 / 67 0139
40, July 1, 1905 / 67 0140
110, July 1, 1905 / 67 0141
274, July 1, 1905 / 67 0142

Start here

53 May 1, 1898 / 67 0143
15 May 1, 1900 / 67 0144
4 May 1, 1900 / 67 0145
8 May 1, 1900 / 67 0146
22 May 1, 1900 / 67 0147
26 May 1, 1900 / 67 0148

64 May 15, 1871 / 67 0149
64 May 15, 1906 / 67 0150
274 May 15, 1877 / 67 0151
624 May 15, 1879 / 67 0152
8 May 1, 1897 / 67 0153 (Book 4 p 667)
64 May 15, 1879 / 67 0154
2 May 15, 1879 / 67 0155
20 May 15, 1882 / 67 0156
48 3/4 May 15, 1883 / 67 0157
43 3/4 May 15, 1883 / 67 0158
2 May 15, 1883 / 67 0159
2 May 15, 1883 / 67 0160
24 May 15, 1889 / 67 0161
7 May 15, 1901 / 67 0162
24 May 15, 1884 / 67 0163
18 3/4 May 15, 1884 / 67 0164
9 3/8 May 15, 1899 / 67 0165
74 May 15, 1884 / 67 0166
5 May 15, 1886 / 67 0167
50 May 15, 1884 / 67 0168
84 May 15, 1885 / 67 0169
11 May 15, 1885 / 67 0170
34 May 15, 1896 / 67 0171
64 May 1, 1886 / 67 0172
20 May 15, 1899 / 67 0173
2 May 15, 1886 / 67 0174
20 May 15, 1890 / 67 0175
4 May 15, 1890 / 67 0176
May 15, 1877 / 67 0177

JUL 24 1996