

11/14/2006

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: 67-7071

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:

True POD is on E side of QQ
Rec POD is on ephemeral stream

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, 322 E Front St
PO Box 83720, Boise, ID 83720-0098, 2082874800

POD i shape have been updated. JD 12/14/06

SCANNED
DEC 08 2006



Idaho Department of Water Resources

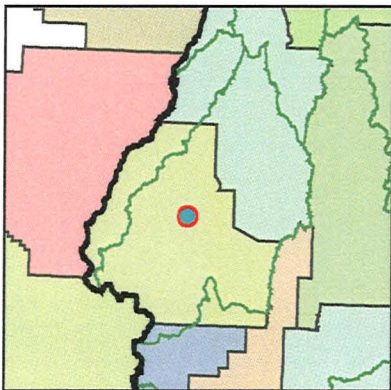
SRBA Recommendation:

67-154

(Irrigation)

Legend

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



Washington County
IDWR Basin 67



0 0.2 0.4 Miles

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

SCANNED
DEC 08 2006

for
67-154
67-707
R03

12/13/2006

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

RIGHT NUMBER: 67-7071

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

SOURCE: UNNAMED STREAM

TRIBUTARY: DEER CREEK

QUANTITY: 0.040 CFS

PRIORITY DATE: 02/09/1972

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	4/15 10/15	0.040 CFS
STOCKWATER	1/01 12/31	0.020 CFS

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.

PLACE OF USE: IRRIGATION in WASHINGTON County

T14N R03W S30	SWNE	4.00	T14N R03W S30	SENE	5.00
---------------	------	------	---------------	------	------

STOCKWATER same as IRRIGATION

9 ACRES TOTAL

Right Nos. 67-7071 and 67-154 are limited to the irrigation of a combined total of 9 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 - License

Source is locally known as Hot Creek.



Idaho Department of Water Resources

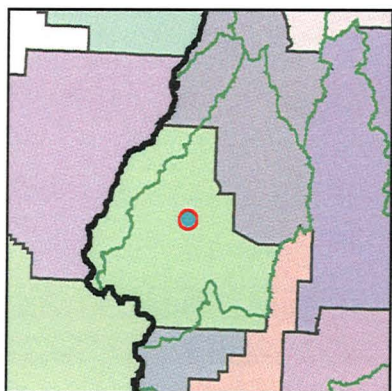
SRBA Recommendation:

67-7071

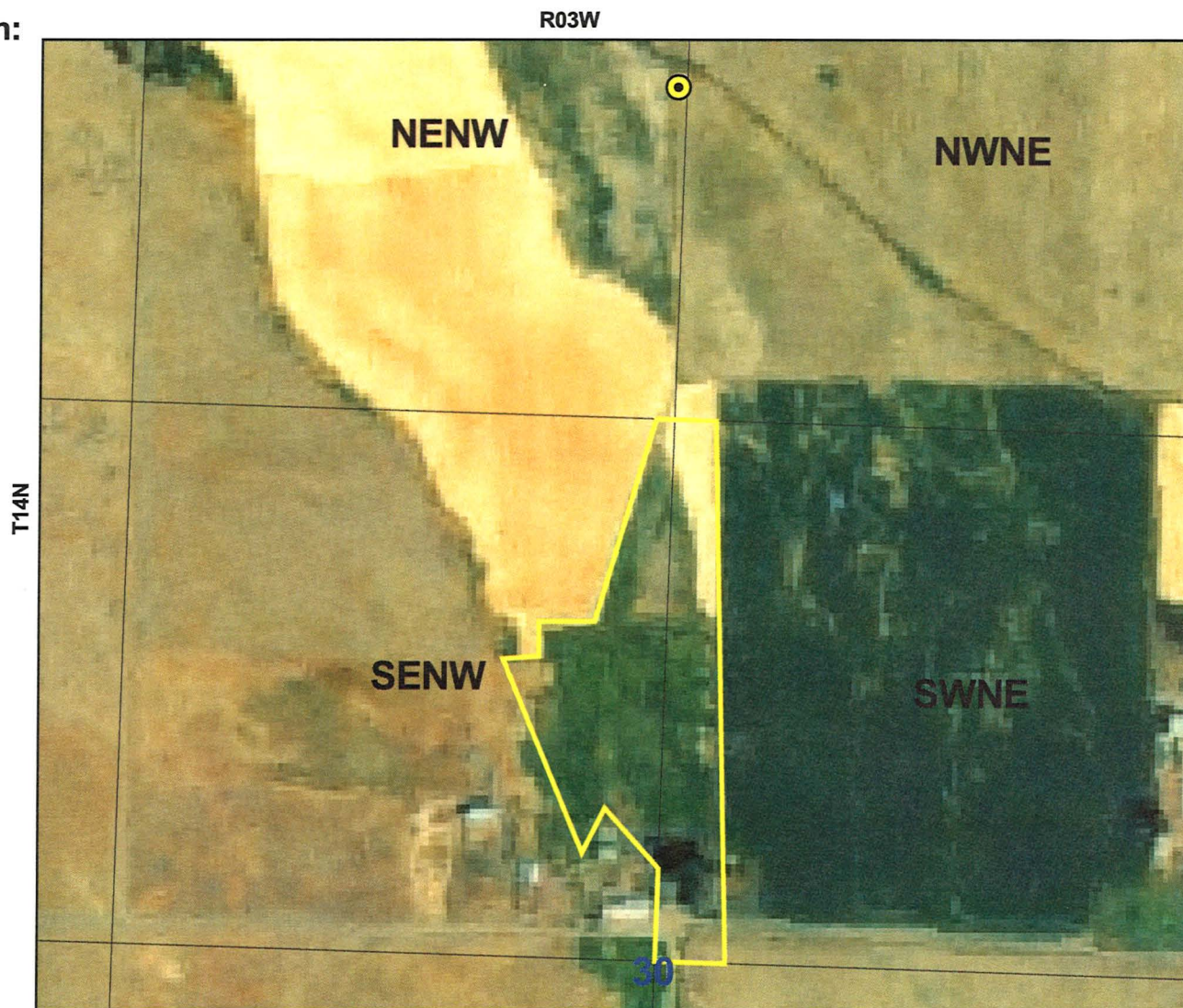
(Irrigation)

Legend

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



Washington County
IDWR Basin 67



0 0.2 0.4 Miles

Prepared by IDWR State Office
On Wednesday, December 13, 2006
1987/88 Aerial Photography

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>
UNNAMED STREAM	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

UNNAMED STREAM	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. Source is locally known as Hot Creek.
4. 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.

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

Remarks:Comments:

1. awarntje 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.

3. mvanbussum 12/13/2006 NOE POD

Comment: Per NOE process, POD moved to eastern side of QQ. It appears we initially incorrectly recommended the POD.

4. mvanbussum 12/13/2006 NOE Source

Comment: It appears source was licensed incorrectly. Hot Creek is not on USGS maps; it is a local name. Changed recommended source to unnamed stream trib to Deer Creek and added explanatory remark that source is locally known as Hot Creek.

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:Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Priority Date	4/21/2004 8:35:58 AM	awarntje			Active
POD	4/21/2004 8:48:26 AM	awarntje			Active
Source	4/21/2004 8:49:03 AM	awarntje			Active
POU	4/21/2004 8:50:30 AM	awarntje			Active
Use	4/21/2004 8:51:26 AM	awarntje			Active
Season	4/21/2004 8:55:33 AM	awarntje			Active
Quantity	4/21/2004 8:58:24 AM	awarntje			Active
Summary			04/21/2004	awarntje	Active
Contacts	6/15/2006 3:11:58 PM	mmount			Active
Priority Date	6/15/2006 3:12:13 PM	mmount			Active

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-7071 V1

POD	6/15/2006 3:12:35 PM	mmount	Active
Source	6/15/2006 3:13:07 PM	mmount	Active
POU	6/15/2006 3:13:26 PM	mmount	Active
Use	6/15/2006 3:38:50 PM	mmount	Active
Season	6/15/2006 3:39:10 PM	mmount	Active
Quantity	6/15/2006 3:42:45 PM	mmount	Active
POU	6/15/2006 3:43:23 PM	mmount	Active
Summary		06/15/2006	mmount Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
Contacts	6/15/2006 3:11:59 PM	mmount	(No) 1. Do you want to schedule an appointment? Comment for 1: desk review
POD	6/15/2006 3:12:35 PM	mmount	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a POD? (Yes) 5. Can the claimed POD be verified using the water right file? (No) 10. Is a POD remark and/or condition required?
POU	6/15/2006 3:13:26 PM	mmount	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 2a. Is the POU required? (Yes) 5. Does the Decree or License have a POU? (Yes) 6. Can the claimed POU be verified using the water right file? (No) 14. Is a POU remark and/or condition required?
POU	6/15/2006 3:43:24 PM	mmount	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 2a. Is the POU required? (Yes) 5. Does the Decree or License have a POU? (Yes) 6. Can the claimed POU be verified using the water right file? (Yes) 14. Is a POU remark and/or condition required?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-7071 V1

Quantity	6/15/2006 3:42:46 PM	mmount	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a diversion rate and/or volume? (Yes) 5. Can the claimed diversion rate and/or volume be verified using the water right file? (Yes) 8. Does the parent right have an annual diversion volume limit? (Yes) 10. Is a irrigation a purpose of use? (No) 12. Is a Quantity remark or condition required? Description for Question 10 - $1.98 * 183 * .04 = 15 + 2$ af (from stockwater) = 17
POU	6/15/2006 3:46:55 PM	mmount	Updated shape for Active POU
Priority Date	4/21/2004 8:35:58 AM	awarntje	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (Yes) 4. Is the basis of claim decree or license? (Yes) 5. Does the decree or license have a Priority Date? (Yes) 6. Did the Claimant claim the decreed or licensed Priority Date ? (Yes) 15. Is the basis of claim coded correctly?
POD	4/21/2004 8:45:55 AM	awarntje	Edited point location
Source	4/21/2004 8:49:03 AM	awarntje	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a source? (Yes) 5. Can the claimed source be verified using the water right file?
POU	4/21/2004 8:50:31 AM	awarntje	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 2a. Is the POU required? (Yes) 5. Does the Decree or License have a POU? (Yes) 6. Can the claimed POU be verified using the water right file?
General	6/15/2006 3:12:14 PM	mmount	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (Yes) 4. Is the basis of claim decree or license? (Yes) 5. Does the decree or license have a Priority Date? (Yes) 6. Did the Claimant claim the decreed or licensed Priority Date ? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required?
Source	6/15/2006 3:13:08 PM	mmount	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a source? (Yes) 5. Can the claimed source be verified using the water right file? (No) 11. Is a Source remark and/or condition required?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-7071 V1

Use	6/15/2006 3:38:50 PM	mmount	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a Purpose of Use? (Yes) 5. Can the claimed Purpose of Use be verified using the water right file? (No) 13. Is a Purpose of Use remark and/or condition required?
Season	6/15/2006 3:39:11 PM	mmount	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a Period of Use? (Yes) 5. Can the claimed Period of Use be verified using the water right file? (Yes) 14. Is irrigation claimed as a Purpose of Use? (No) 16. Is the Period of Use on the decree, license or transfer shorter on either the start date or end date than allowable under current IDWR standards? (Yes) 18. Is a Period of Use remark and/or condition required?
Summary	6/15/2006 3:45:11 PM	mmount	(Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (No) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture? (Yes) 5. Does this right have any combined use limits with other rights? (No) 6. Is an additional remark and/or condition required? (Yes) 7. Would you like to view the recommended right? (No) 8. Is this a split or combined right? (No) 9. Do you have documents you would like to attach or link to the file? (Yes) 10. Would you like to set the verification date?
POD	6/15/2006 3:47:09 PM	mmount	Updated shape
POD	4/21/2004 8:47:39 AM	awarntje	Edited PLS
POD	4/21/2004 8:48:27 AM	awarntje	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a POD? (Yes) 5. Can the claimed POD be verified using the water right file?
Use	4/21/2004 8:51:27 AM	awarntje	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a Purpose of Use? (Yes) 5. Can the claimed Purpose of Use be verified using the water right file?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-7071 V1

Season	4/21/2004 8:55:34 AM	awarntje	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a Period of Use? (Yes) 5. Can the claimed Period of Use be verified using the water right file? (Yes) 14. Is irrigation claimed as a Purpose of Use? (Yes) 16. Is the Period of Use on the decree, license or transfer shorter on either the start date or end date than allowable under current IDWR standards? (No) 17. Was the Period of Use shortened by a Transfer to a standard Period of Use that is shorter than the current standard Period of Use? (Yes) 18. Is a Period of Use remark and/or condition required?
Quantity	4/21/2004 8:58:25 AM	awarntje	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a diversion rate and/or volume? (Yes) 5. Can the claimed diversion rate and/or volume be verified using the water right file? (Yes) 8. Does the parent right have an annual diversion volume limit? (Yes) 10. Is a irrigation a purpose of use? Description for Question 10 - .04 cfs for 17 af
Summary	4/21/2004 9:20:04 AM	awarntje	(Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice?
POU	2/17/2004 2:06:44 PM	awarntje	Edited shape boundary
POD	12/13/2006 10:04:20 AM	mvanbussum	Updated shape

Water Supply Bank:



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

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.

This should correct all of the error that you and your son mentioned on the notice of error form. You should be getting a 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

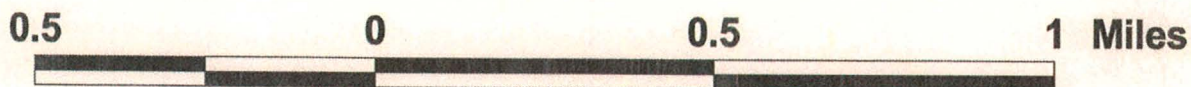
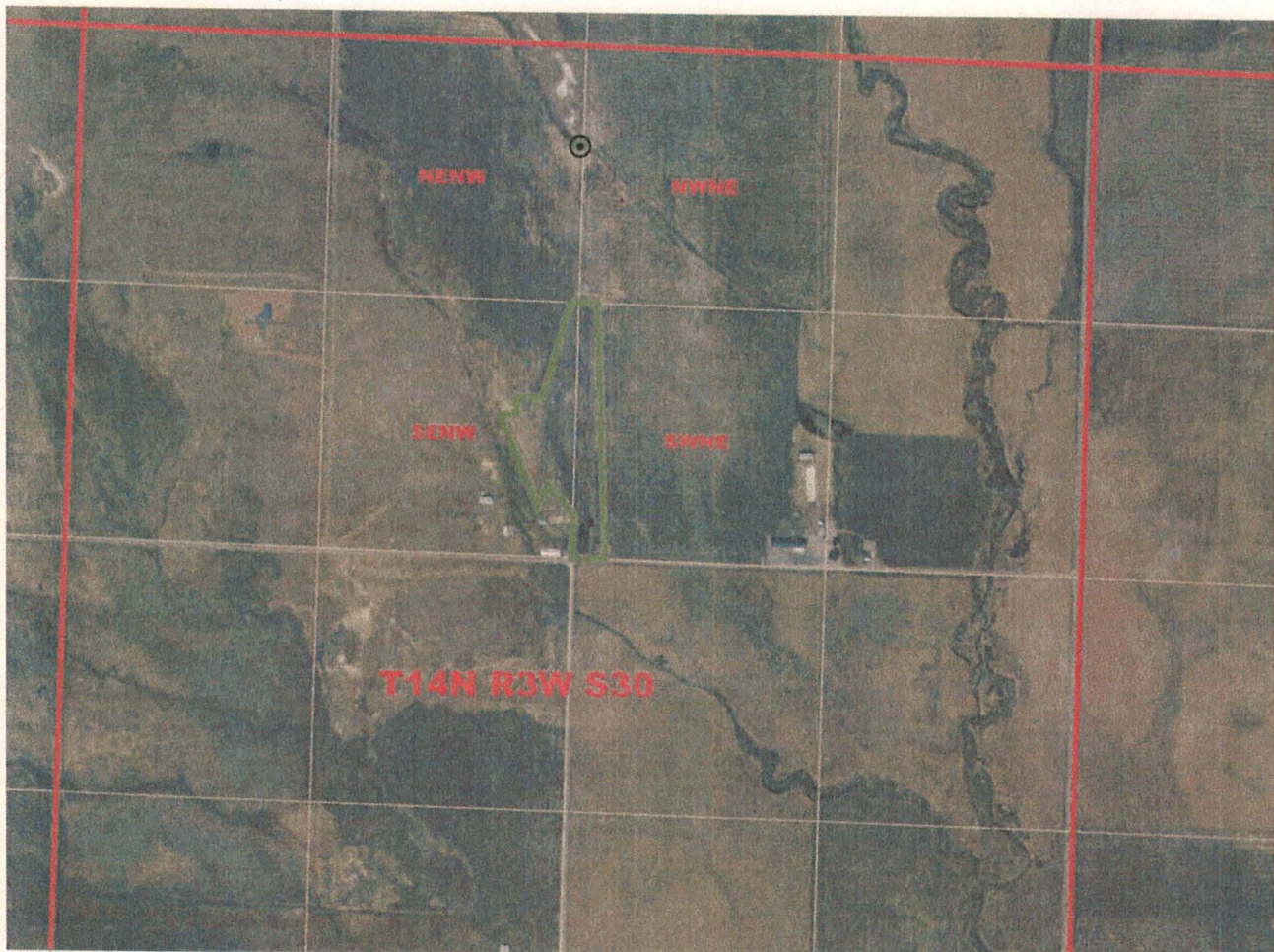


State of Idaho
Idaho Department of Water Resources
Western Region

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
already made on 67-154.
Monica has 67-7071.

DAN 12-13-06.

SCANNED
DEC 08 2006

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: A67-07071
Date Received: 9/28/1989
Receipt No: 4004734
Received By: J. R.

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: CLIFFORD HOPPER 208-355-2412
Address: RT 1 BOX 56
2450 HOPPER ROAD
MIDVALE, ID 83645

2. Date of Priority: FEB 09, 1972

3. Source: HOT CREEK Trib. to: DEER CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
14N	03W	30	NE	NW			WASHINGTON

5. Description of diverting works:
CONCRETE PIPE & SLIDING GATE.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/15	10/15	0.040		
STOCKWATER	01/01	12/31	0.020		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
S/160

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
14N	03W	30	SW	NE		IRR	4.0

A67-07071

Page 1

Date: 09/28/89

SCANNED
MAY 10 2004

MICROFILMED
OCT 02 1992

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
14N	03W	30	SE	NW		IRR	5.0
Section Acres							9.0
Total Acres							9.0

11. Place of use in counties: WASHINGTON

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

13. Other Water Rights Used:
DECREED RIGHT 67-0154.

14. Remarks:

15. Basis of Claim: LICENSE

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): Clifford Hopper Date: Sept. 28, 1989
_____ Date: _____

State of Idaho)
County of Washington) SS.

Subscribed and sworn (or affirmed) before me this 28 day
of Sept. 19 89

John Dale Carlson
Notary Public

Seal

Residing at Bon Id

My Commission Expires 4/2/94

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 67-7071 Priority February 9, 1972 Amount 0.04 cfs

THIS IS TO CERTIFY, that CLIFFORD HOPPER
of Midvale, Idaho, has complied with the terms and conditions of Permit
No. 67-7071 issued pursuant to Application for Permit dated February 9, 1972,
and has submitted proof to the Department of Water Resources on August 2, 1976,
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 0.04 cfs of water from Hot Creek,
tributary to Deer Creek, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
<u>Irrigation</u>	from <u>April 15</u> to <u>October 15</u>	at <u>0.04</u> cfs and	<u>15</u> acre feet
<u>Stockwater</u>	from <u>January 1</u> to <u>December 31</u>	at <u>0.02</u> cfs and	<u>2</u> acre feet
	from _____ to _____	at _____ cfs and	
	(both dates inclusive)		

Subject, however, to the condition that no more than 0.04 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
17 acre feet per year, said waters to be diverted within the NE1/4, Sec. 30, Twp. 14N,
Rge. 3W, B. M. in the County of Washington

Description and location of place of use:

Twp.	Range	Sec.	NE1/4				NW1/4				SW1/4				SE1/4				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	
<u>14N</u>	<u>3W</u>	<u>30</u>			<u>X</u>					<u>X</u>	<u>(Domestic and Stockwater)</u>								<u>9</u>
					<u>4</u>					<u>5</u>									

Total number of acres irrigated 9

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands or place of use herein described, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 20 day of

February, 19 79.

Director