

T14N R43E R44E

P43E

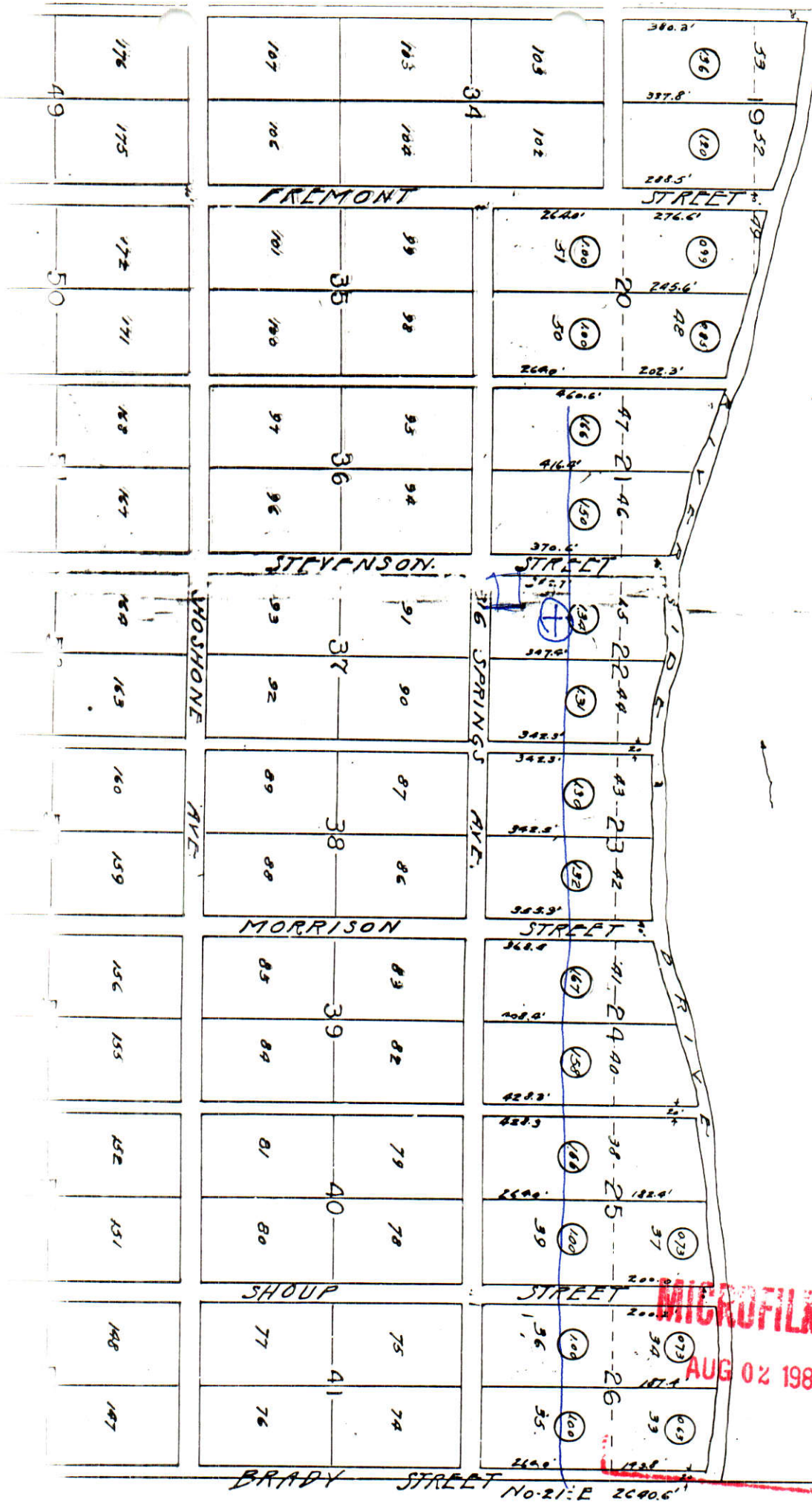
R. 43 E.

R. 44 E.



Snake River Henry's Fork

B O U L E V A R D



MICROFILMED  
AUG 02 1989

THE FREMONT COUNTY HERALD-CHRONICLE

St. Anthony, Id. 3

Ashton, Idaho

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO

County of Fremont

I, Terry Weatherston  
being first duly sworn, depose and say,  
that I am the printer of THE FREMONT  
COUNTY HERALD-CHRONICLE, a semi-weekly  
newspaper printed and published in  
Fremont County, Idaho; and I do solemnly  
swear that the Notice Of Correction  
a copy of which notice appears attached  
hereto, was published in the regular and  
entire issue of said newspaper, and not  
in any supplement issue thereof  
for Two consecutive issues, the  
first publication having been made on  
May 18, 1989

and the last publication having been  
made on May 25, 1989

Further, that said newspaper is one  
of general circulation in said county;  
that it is a legal newspaper, conforming  
to legal specifications under Idaho  
statutes; that it has at least two  
hundred bona fide subscribers living  
within the county of publication; and  
that it has been continuously and  
uninterruptedly published in said county  
during a period of seventy-eight  
consecutive weeks prior to the first  
publication of said notice.

-----  
STATE OF IDAHO )  
COUNTY OF MADISON )

On this 26th day of May  
in the year of 1989, before me, a Notary  
Public, personally appeared Terry  
Weatherston, known or identified to me to  
be the person whose name subscribed to  
the within instrument, and being by me  
first duly sworn, declared that the  
statements therein are true, and  
acknowledged to me that he executed the  
same.

-----  
Notary Public for Idaho  
Residing at Rexburg, Idaho  
My commission expires: June 8, 1993

RECEIVED

JUN 5 1989

Department of Water Resources  
Boise District Office

NOTICE OF CORRECTION

Notice is hereby given that application  
No. 21-7410 in the name of Tad E., Jean  
B. and Joanne Hopkins was advertised in-  
correctly on April 20 and 27, 1989. The  
Point of Diversion was advertised as be-  
ing NWNE SEC36 T14N SWNE SEC 36  
T14N R43E. Whereas, the actual Point of  
Diversion is NWNE SEC 36T14N R43E.

Protests against the granting of this ap-

plication as a result of this correction must  
be filed with the Idaho Department of  
Water Resources, 150 Shoup Ave., Suite  
15, Idaho Falls, Idaho, 83402 on or before  
JUNE 5, 1989.

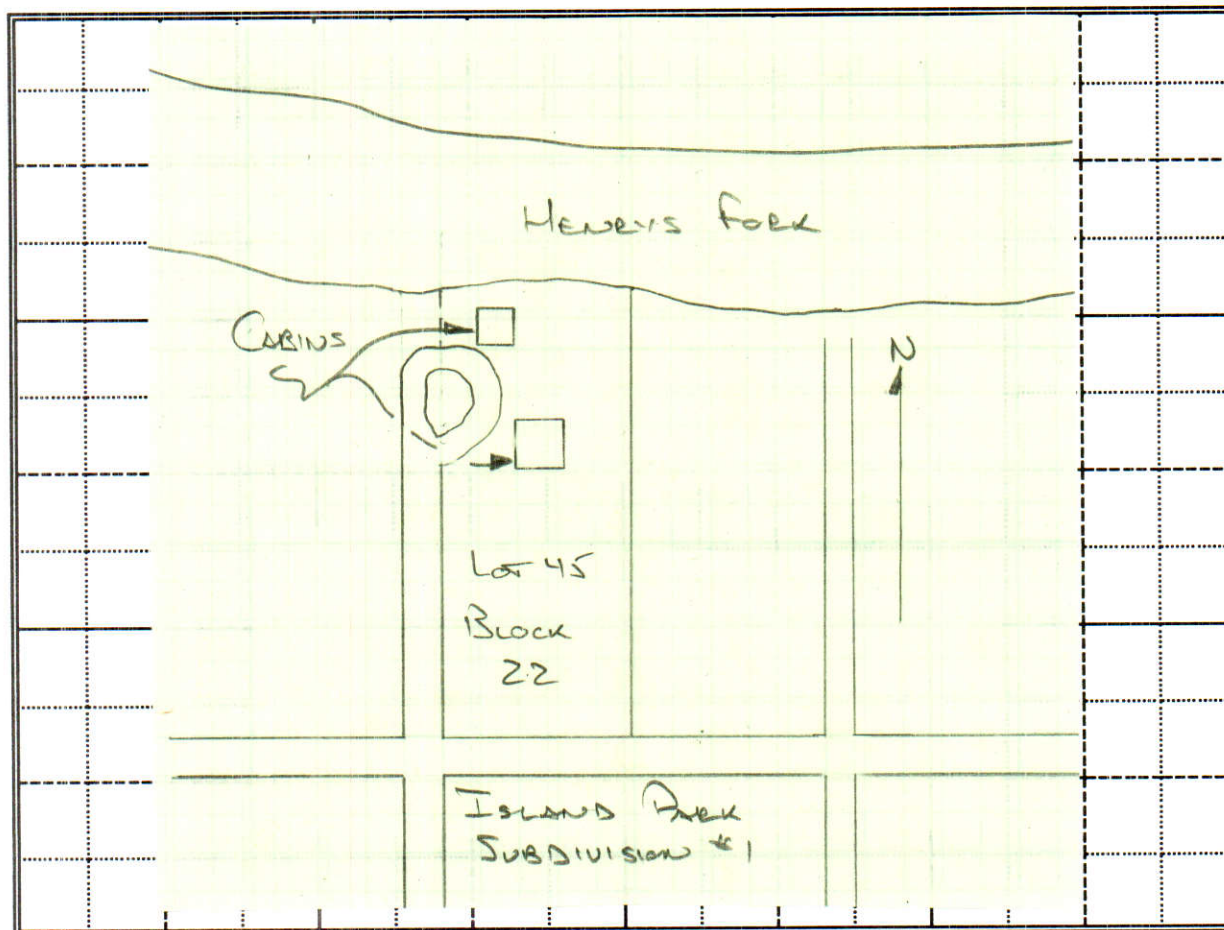
R. KEITH HIGGINSON  
Director

Publ. May 18 and 25, 1989HC.

MICROFILMED

AUG 02 1989

3. **Delivery System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable.



Scale: 1" = \_\_\_\_\_

\_\_\_\_ Copy of USGS Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required).

\_\_\_\_ Aerial Photo Attached (required for irrigation of 10+ acres)

\_\_\_\_ Photo of Diversion and System Attached

4.

| Well or Diversion Identification No.* | Motor Make | Hp | Motor Serial No. | Pump Make | Pump Serial No. or Discharge Size |
|---------------------------------------|------------|----|------------------|-----------|-----------------------------------|
|                                       | Unknown    |    |                  |           |                                   |
|                                       |            |    |                  |           |                                   |
|                                       |            |    |                  |           |                                   |

\*Code to correspond with No. on map and aerial photo

#### D. FLOW MEASUREMENTS

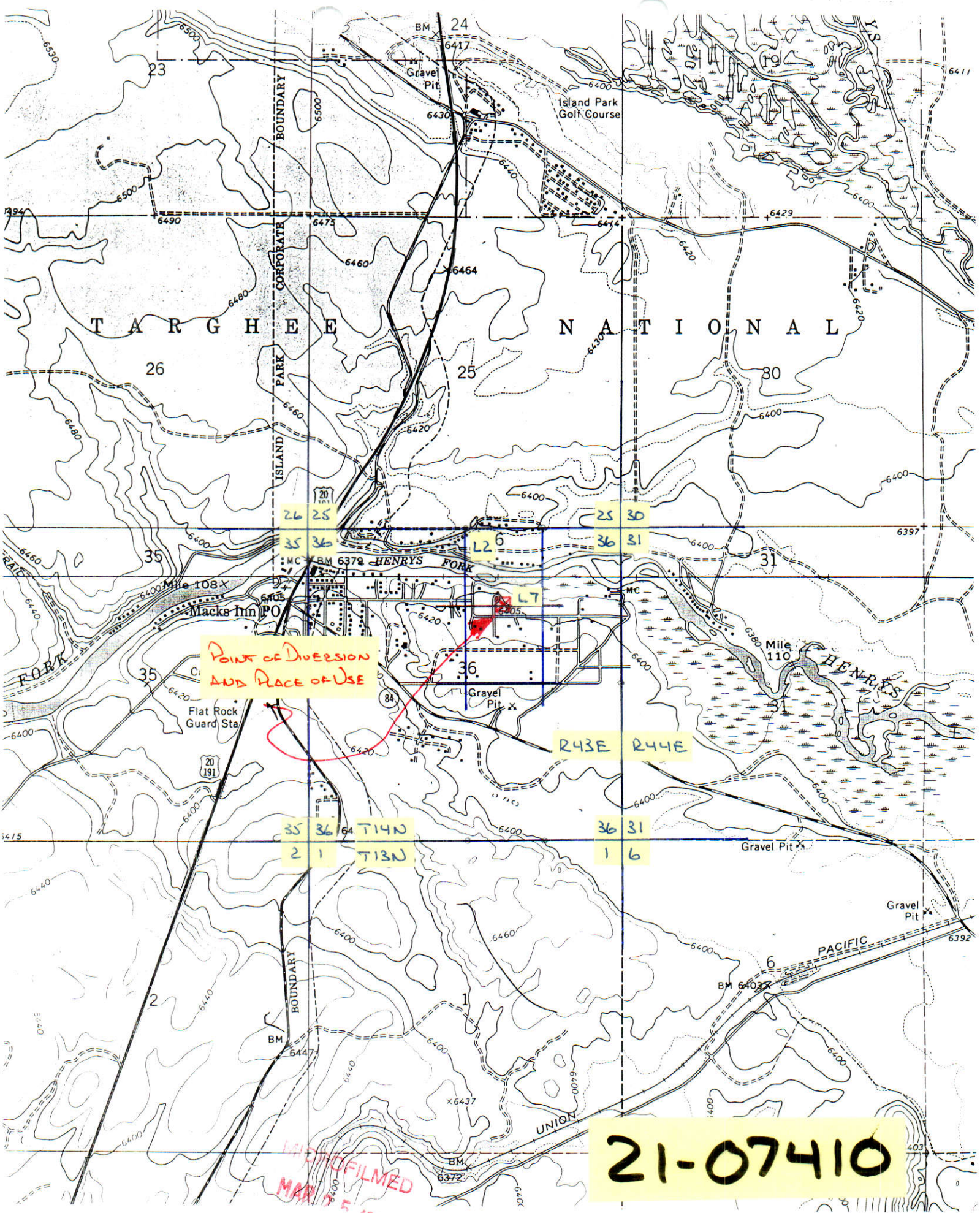
1.

| Measurement Equipment | Type | Make | Model No. | Serial No. | Size | Calib. Date |
|-----------------------|------|------|-----------|------------|------|-------------|
|                       |      |      |           |            |      |             |
|                       |      |      |           |            |      |             |

2. Measurements: \_\_\_\_\_

MICROFILMED

MAR 25 1998



Point of Diversion  
and Place of Use

R43E R44E

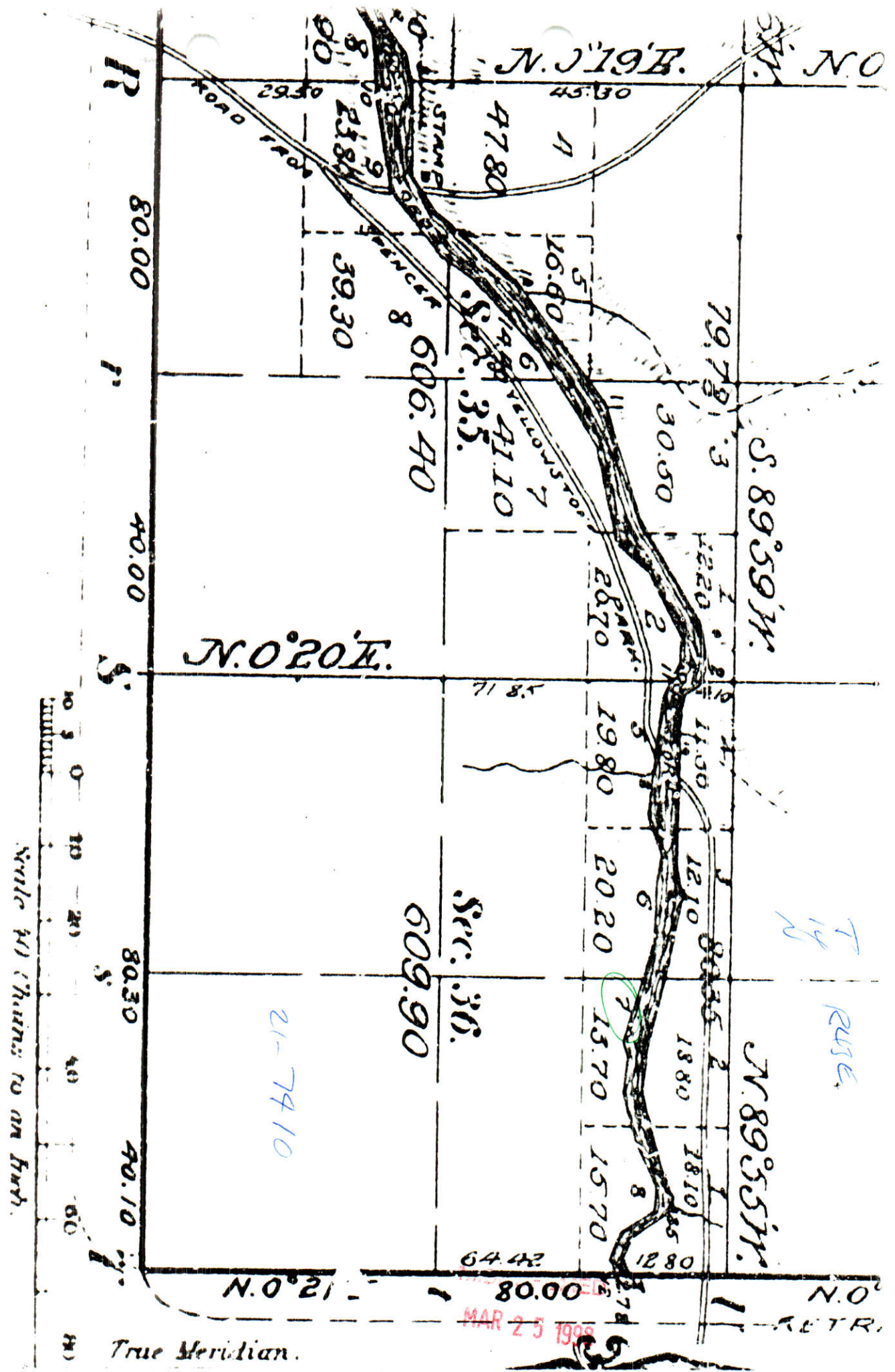
T14N  
T13N

36 31  
1 6

21-07410

REPRODUCED FROM  
MAR 15 1998

The above. Map of Township 13 N. 14 North of  
 Boise Meridian Idaho



MAR 25 1998

State of Idaho  
Department of Water Resources

# WATER RIGHT LICENSE

WATER RIGHT NO. 21-07410

Priority: March 13, 1989

Maximum Diversion Rate:

0.06 CFS

Maximum Diversion Volume:

1.2 AF

This is to certify, that TAD E HOPKINS  
JEAN B HOPKINS  
JOANNE HOPKINS

193 10TH

IDAHO FALLS ID 83404

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated March 13, 1989; and has submitted Proof of Beneficial Use on August 10, 1989. An examination indicates that the works have a diversion capacity of 0.060 cfs of water from a GROUNDWATER source, and a water right has been established as follows:

| <u>BENEFICIAL USE</u> | <u>PERIOD OF USE</u> | <u>RATE OF DIVERSION</u> | <u>ANNUAL VOLUME</u> |
|-----------------------|----------------------|--------------------------|----------------------|
| DOMESTIC              | 01/01 to 12/31       | 0.06 CFS                 | 1.2 AF               |

LOCATION OF POINT(S) OF DIVERSION: Lot 7( NWNE), Sec. 36, Township 14N, Range 43E  
FREMONT County

PLACE OF USE: DOMESTIC

TWN RGE SEC

14N 43E 36 Lot 7(NWNE)

## CONDITIONS OF APPROVAL AND REMARKS

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license shall be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. The use of water under this right shall not give rise to any claim against the holder of a senior water right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.
6. The Director retains jurisdiction of the right to incorporate the use into a water district, require streamflow augmentation or other action needed to protect prior surface water and groundwater rights.

MICROFILMED

MAR 25 1990

State of Idaho  
Department of Water Resources

# WATER RIGHT LICENSE

WATER RIGHT NO. 21-07410

## CONDITIONS OF APPROVAL AND REMARKS

7. Place of use is located within Lot 45, Blk. 22, Island Park Subdivision, Mack's Inn.
8. Domestic use is for 2 cabins.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. Witness the seal and signature of the Director, affixed at Boise, this 19<sup>TH</sup> day of MARCH, 1992.

Acting for  KARL J. DREHER, Director

MICROFILMED

MAR 25 1992

**RECEIVED**  
AUG 10 1989

Department of Water Resources

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

**PROOF OF BENEFICIAL USE**

For Office Use Only

Fee Received 50.00

Date 8-10-89

Receipt # 00940

Receipt by JB

Reviewed by 228.9/1/89

Sent to region       

The Idaho Department of Water Resources will consider this form as a statement that the permit holder(s) has completed all development that will occur under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below. This form must be accompanied by a license examination fee or a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

Permit No. 21-07410

Name(s) of Permit Holder: JEAN B. HOPKINS, JOANNE HOPKINS, TAD E. HOPKINS

Post Office Address: 193 10TH ST., IDAHO FALLS, IDAHO 83404

Telephone No. 208-523-1401

Source of Water: WELL (UNDERGROUND) NEAR HENRY'S FORK, SNAKE RIVER

Extent of Use:

Domestic 2 (number of households) Stockwater \_\_\_\_\_ (number and type of stock)

Irrigation \_\_\_\_\_ (acres) Other/Remark \_\_\_\_\_

Total rate and/or volume for which proof is submitted 0.06 cfs \_\_\_\_\_ acre-feet

Show the date water was first diverted and beneficially used under this permit: FALL 1968

Measuring Device: Required? ☐ Yes ☒ No  
Installed? ☐ Yes ☒ No

Fee enclosed \$ 50.00  
(See License Examination Fee Schedule)

Flow Measurement Port: Required? ☐ Yes ☒ No  
Installed? ☐ Yes ☒ No

Person to contact to accompany the Department representative during the field examination:

TAD E. HOPKINS 523-1401  
(Name) (Telephone Number)

193 10TH ST., IDAHO FALLS, IDAHO 83404  
(Address)

The above information is my true statement of the extent to which the above numbered permit has been developed and I relinquish any undeveloped portion of the permit to the state of Idaho.

**MICROFILMED**

SEP 25 1989

8/9/89  
Date

Tad E. Hopkins  
Signature of Permit Holder (and title, if appropriate)

State of Idaho  
Department of Water Resources  
**Permit To Appropriate Water**

NO. 21-07410

Proposed Priority: March 13, 1989

Maximum Diversion Rate:

0.06 CFS

This is to certify, that **JEAN B. HOPKINS**  
**JOANNE HOPKINS**  
**TAD E. HOPKINS**  
193 10TH  
IDAHO FALLS, ID 83404

has applied for a permit to appropriate water from: **GROUNDWATER**  
and a permit is **APPROVED** for development of water as follows:

BENEFICIAL USE

PERIOD OF USE

RATE OF DIVERSION

DOMESTIC

01/01 to 12/31

0.06 CFS

LOCATION OF POINT(S) OF DIVERSION:

NWNE Sec. 36, Township 14N, Range 43E  
FREMONT County

PLACE OF USE: DOMESTIC

TWN RGE SEC

14N 43E 36

NWNE

SWNE

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before **August 1, 1990**.
2. Subject to all prior water rights.
3. Permit holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
4. The right to the use of water acquired under this permit shall not give rise to any right or claim against the holder of a senior right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.
5. The Director retains jurisdiction of the permit and any license subsequently issued to incorporate the use into a water district, require streamflow augmentation or other action needed to protect prior surface water and groundwater rights.
6. Place of use also known as Lot 45, Island Park Subdivision, Mack's Inn.
7. Domestic use is for 2 cabins.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code.  
Witness the seal and signature of the Director, affixed at Boise, this

**26<sup>th</sup>** day of **July**, 19**89**.

**MICROFILMED**

**AUG 02 1989**

*[Signature]*  
for **R. Keith Higginson, Director**

Ident. No. 21-07410

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name: TAD E. HOPKINS 208-523-1401  
Address: 193 10TH  
IDAHO FALLS, ID 83404  
AND/OR  
Name: JEAN B. HOPKINS 208-523-1401  
Address: 193 10TH  
IDAHO FALLS, ID 83404  
AND/OR  
Name: JOANNE HOPKINS 619-755-3792  
Address: 2770 CAMINITO CEDROS  
DELMAR, CA 92014
2. Source: GROUNDWATER Trib. to:
3. Location of point of diversion:  

|          |       |         |               |               |     |     |         |
|----------|-------|---------|---------------|---------------|-----|-----|---------|
| Township | Range | Section | 1/4 of        | 1/4 of        | 1/4 | Lot | County  |
| 14N      | 43E   | 36      | NW            | NE            |     |     | FREMONT |
|          |       |         | <del>SW</del> | <del>NE</del> |     |     | FREMONT |

AS PER PHONE CON W/HB. HOPKINS 3/22/89
4. Water will be used for the following purposes: 

|          |       |       |       |      |     |
|----------|-------|-------|-------|------|-----|
| Purpose  | From  | To    | CFS   | (or) | AFA |
| DOMESTIC | 01/01 | 12/31 | 0.060 |      |     |
5. Total quantity appropriated is:  
0.060 CFS (and/or) AFA
6. Proposed diverting works:
  - a. Description of ditches, flumes, pumps, headgates, etc.  
WELL AND PUMP TO TWO DOMESTIC.
  - b. Height of storage dam feet; active reservoir capacity  
acre-feet; total reservoir capacity acre-feet; period of  
year when water will be diverted to storage: to inclusive.
  - c. Proposed well diameter is 6 inches; proposed depth of well is 80  
feet.
  - d. Is groundwater with a temperature greater than 90F being sought? NO

**MICROFILMED**

AUG 02 1989

7. Time required for the completion of the works and application of the water to the proposed beneficial use is 1 years.

8. Description of proposed uses:  
DOMESTIC USE FOR TWO CABINS

9. Description of place of use:

| Township | Range | Section | 1/4 of 1/4 | Lot | Use    | Acres |
|----------|-------|---------|------------|-----|--------|-------|
| 14N      | 43E   | 36      | NW NE      |     | DOMEST |       |
|          |       |         | SW NE      |     | DOMEST |       |

10. Describe any other water rights used for the same purposes.  
NONE

11. a. Who owns the property at the point of diversion?

APPLICANTS

b. Who owns the land to be irrigated or place of use?

APPLICANTS

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing.

12. Remarks:

ISLAND PARK SUBDIVISION, LOT 45, MACK'S INN. ANY QUESTIONS CONCERNING THIS APPLICATION, PLEASE CONTACT MR. TAD HOPKINS.

13. Map of proposed point of diversion and place of use attached? [!]

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.

Tad E. Hopkins  
Applicant

**MICROFILMED**

AUG 02 1989

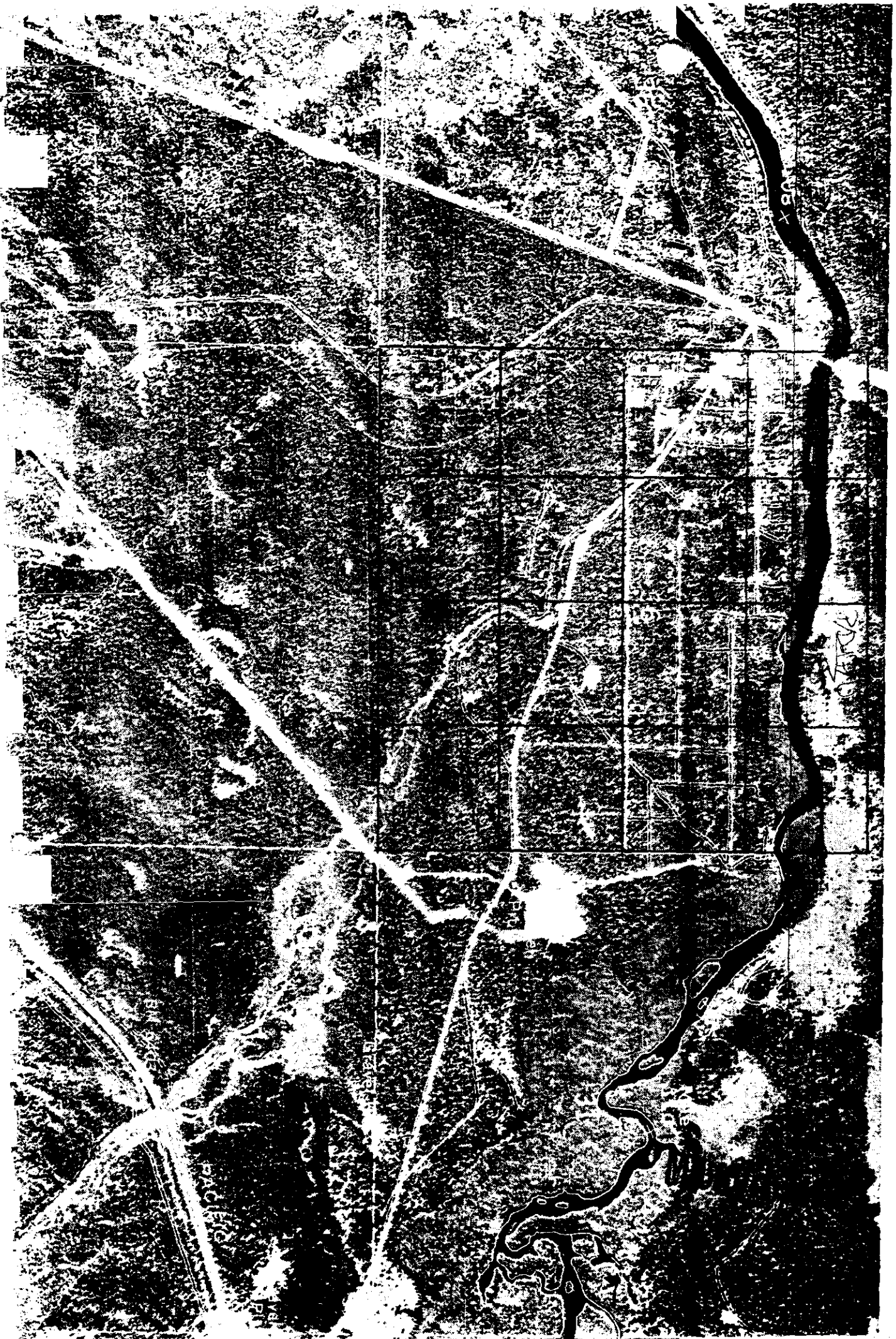
Ident. No. 21-07410  
Page 3

Received by PM Date 3/3/89 Time 1406 Preliminary check by AMK  
Fee \$ 30<sup>00</sup> Receipted by PM # E006076 Date 3/13/89  
Publication prepared by RB Date 4-11-89 Published in Herald-Chronicle  
Publication approved RB Date 6-8-89  
*4-20, 26, 89*  
*NOC 5-18, 25, 89*

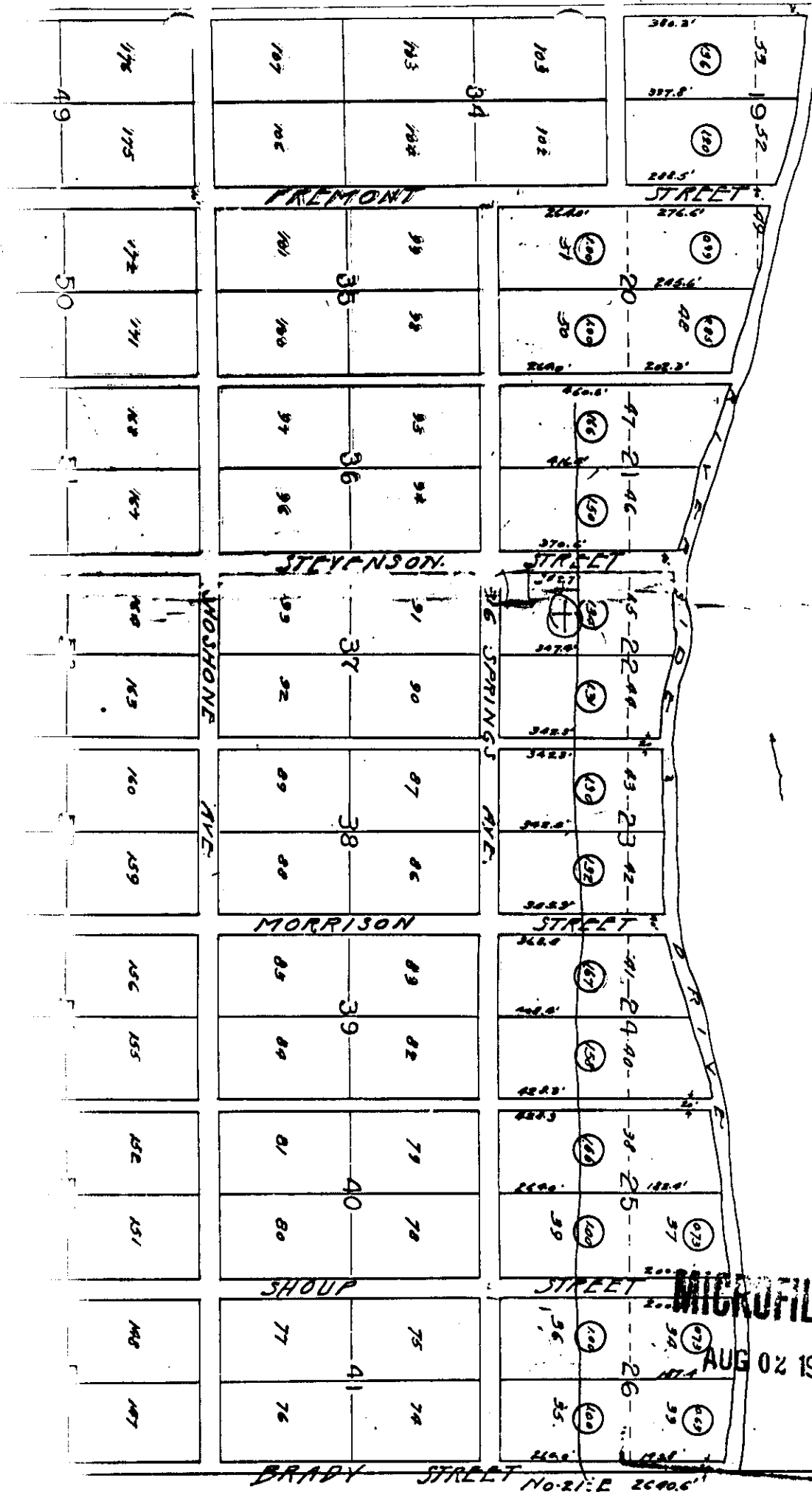
**MICROFILMED**

AUG 02 1989

T140 R 43 E R 44 E  
R43E R. 43 E. R. 44 E.



Snake River Henry's Fork



THE FREMONT COUNTY HERALD-CHRONICLE

St. Anthony, Idaho

Ashton, Idaho

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO

County of Fremont

I, Terry Weatherston  
being first duly sworn, depose and say,  
that I am the printer of THE FREMONT  
COUNTY HERALD-CHRONICLE, a semi-weekly  
newspaper printed and published in  
Fremont County, Idaho; and I do solemnly  
swear that the Notice Of Correction  
a copy of which notice appears attached  
hereto, was published in the regular and  
entire issue of said newspaper, and not  
in any supplement issue thereof  
for Two consecutive issues, the  
first publication having been made on  
May 18, 1989

and the last publication having been  
made on May 25, 1989 .

Further, that said newspaper is one  
of general circulation in said county;  
that it is a legal newspaper, conforming  
to legal specifications under Idaho  
statutes; that it has at least two  
hundred bona fide subscribers living  
within the county of publication; and  
that it has been continuously and  
uninterruptedly published in said county  
during a period of seventy-eight  
consecutive weeks prior to the first  
publication of said notice.

-----  
STATE OF IDAHO )  
COUNTY OF MADISON )

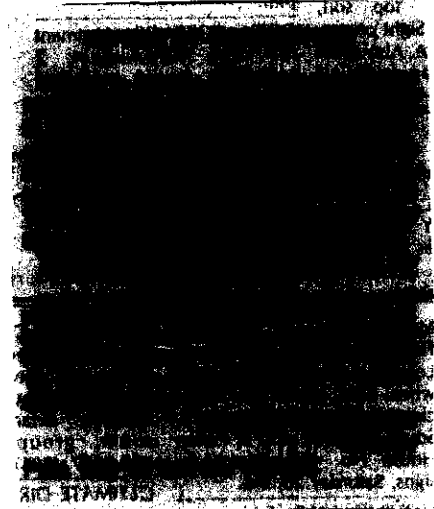
On this 26th day of May  
in the year of 1989 , before me, a Notary  
Public, personally appeared Terry  
Weatherston, known or identified to me to  
be the person whose name subscribed to  
the within instrument, and being by me  
first duly sworn, declared that the  
statements therein are true, and  
acknowledged to me that he executed the  
same.

-----  
Notary Public for Idaho  
Residing at Rexburg, Idaho  
My commission expires: June 8, 1993

RECEIVED

JUN 5 1989

Department of Water Resources  
District Office



MICROFILMED

AUG 02 1989

THE FREMONT COUNTY HERALD-CHRONICLE

St. Anthony, Idaho

Ashton, Idaho

RECEIVED

AFFIDAVIT OF PUBLICATION

MAY 1 1989

STATE OF IDAHO

County of Fremont

Department of Water Resources  
Eastern District Office

Terry Weatherston

being first duly sworn, depose and say,  
that I am the printer of THE FREMONT  
COUNTY HERALD-CHRONICLE, a semi-weekly  
newspaper printed and published in  
Fremont County, Idaho; and I do solemnly  
swear that the Notice Of Application  
copy of which notice appears attached  
hereto, was published in the regular and  
entire issue of said newspaper, and not  
in any supplement issue thereof  
on two consecutive issues, the  
first publication having been made on  
April 20, 1989

and the last publication having been  
made on April 27, 1989

Further, that said newspaper is one  
of general circulation in said county;  
that it is a legal newspaper, conforming  
to legal specifications under Idaho  
statutes; that it has at least two  
hundred bona fide subscribers living  
within the county of publication; and  
that it has been continuously and  
uninterruptedly published in said county  
during a period of seventy-eight  
consecutive weeks prior to the first  
publication of said notice.

*Terry Weatherston*

STATE OF IDAHO )  
COUNTY OF MADISON )

On this 28th day of April  
in the year of 1989, before me, a Notary  
Public, personally appeared Terry  
Weatherston, known or identified to me to  
be the person whose name subscribed to  
the within instrument, and being by me  
first duly sworn, declared that the  
statements therein are true, and  
acknowledged to me that he executed the  
same.

*Gregory L. Gold*  
Notary Public for Idaho  
Residing at Rexburg, Idaho  
My commission expires: June 8, 1993

NOTICE OF APPLICATION  
FOR WATER RIGHT

The Following application(s) have been  
filed to appropriate the public waters of  
the State of Idaho:

21-07309  
SEELEY BROTHERS  
BOX 654  
ASHTON, ID 83420  
Source: WILLOW CREEK Tributary:  
HENRYS FORK SNAKE RIVER  
Diversion Pt: SWSE Sec 11 T 09N R  
42E  
Use: IRRIGATION STORAGE (30.00  
AF) IRRIGATION FROM STORAGE  
(30.00 AF)  
Date Filed: 12/29/1982  
In: T09N R42E S11 SESW NESE  
NWSE SWSE SESE, S14 NWNE NENW  
NWNW SWNW, S15 SENE NESE SESE  
440.0 ACRES TOTAL

21-07312  
BAUM, CLARK  
BOX 432  
ASHTON, ID 83420  
Source: UNNAMED DRAIN Tributary:  
BLACK SPRING  
Diversion Pt: SENE Sec 34 T 09N R  
42E  
Use: IRRIGATION (1.000 CFS)  
Date Filed: 2/07/1983  
In: T09N R42E S34 NENE NWNE  
SWNE SENE 160.0 ACRES TOTAL

21-07313  
BAUM, CLARK  
BOX 432  
ASHTON, ID 83420  
Source: GROUNDWATER  
Diversion Pt: NENE Sec 34 T 09N R  
42E  
Use: IRRIGATION (3.200 CFS)  
Date Filed: 2/07/1983  
In: T09N R42E S34 160.0 ACRES  
TOTAL

21-07410  
HOPKINS, TAD E.  
HOPKINS, JEAN B.  
HOPKINS, JOANNE  
193 10th  
IDAHO FALLS, ID 83404  
Source: GROUNDWATER  
Diversion Pt: NWNE Sec 36 T 14N R  
43E SWNE Sec 36 T 14N R 43E  
Use: DOMESTIC (.060 CFS)  
Date Filed: 3/13/1989  
In: T14N R43E S36 NWNE SWNE

21-07419  
HAYWARD, JAMES A.  
Rt. 1, BOX 197-1  
ST. ANTHONY, ID 83445  
Source: GROUNDWATER  
Diversion Pt: LOT 7 (NWNWNE) Sec 27  
T 08N R 41E  
Use: COMMERCIAL (.040 CFS)  
DOMESTIC (.040 CFS)  
Date Filed: 3/09/1989  
In: T08N R41E S27 NWNE

21-07420  
CALDWELL, ROLLAND T.  
HC 66 BOX 46  
ISLAND PARK, ID 83429  
Source: GROUNDWATER  
Diversion Pt: NWSE Sec 17 T 12N R  
43E  
Use: DOMESTIC (.060 CFS)  
Date Filed: 3/10/1989  
In: T12N R43E S17 NWSE

21-07421  
C & B TIMBER, A PARTNERSHIP OF  
R. CARL BATES & ERNEST  
CARLSON  
P.O. BOX 622  
ASHTON, ID 83420  
Source: GROUNDWATER  
Diversion Pt: SWNWSE Sec 30 T 09N  
R 43E  
Use: COMMERCIAL (.040 CFS)  
Date Filed: 3/20/1989  
In: T09N R43E S30 NWSE

200

RECORDED

APR 2 1989



## State of Idaho

# DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

March 19, 1998

PHILIP E. BATT  
GOVERNOR

KARL J. DREHER  
DIRECTOR

TAD E HOPKINS  
JEAN B HOPKINS  
JOANNE HOPKINS  
193 10TH  
IDAHO FALLS ID 83404

RE: WATER RIGHT NO. 21-07410

Dear Water Right Holder(s):

The Department of Water Resources (the Department) has issued the enclosed license confirming that a water right has been established in accordance with the permit referenced above. The license is a preliminary order issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department unless a party petitions for reconsideration or files an exception and/or brief as further described below:

### PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the Department within fourteen (14) days of the service date of this order. The Department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See section 67-5243(3), Idaho Code.

### EXCEPTIONS AND BRIEFS

Within twenty-one (21) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding. Otherwise, this preliminary order will become a final order of the Department.

If any party appeals or takes exceptions to this preliminary order, opposing parties shall have twenty-one (21) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Department. The Department retains the right to review the preliminary order on its own motion.

### ORAL ARGUMENT

If the Department grants a petition to review the preliminary order, the Department shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Department will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Department orders otherwise, all oral arguments will be heard in Boise, Idaho.

### CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Department in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with Rules of Procedure 302 and 303.

### FINAL ORDER

The Department will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Department may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The Department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of; or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

### APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

If you have any questions, please call me at 208-327-7946.

Sincerely,

A handwritten signature in cursive script, reading "Shelley W. Keen". The signature is written in dark ink and is positioned above the typed name.

Shelley W. Keen  
Water Rights Supervisor

SK:klt

Enclosure

MICROFILMED

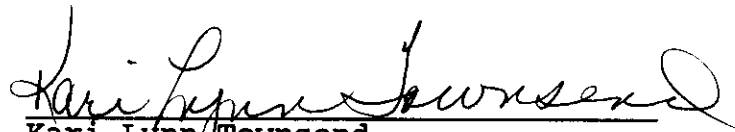
MAR 25 1998

CERTIFICATE OF MAILING

I hereby certify that on the 19th day of March, 1998, I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved License) to the person(s) listed below:

Water Right No. 21-07410

TAD E HOPKINS  
JEAN B HOPKINS  
JOANNE HOPKINS  
193 10TH  
IDAHO FALLS ID 83404

  
Kari Lynn Townsend  
Secretary

MICROFILMED

MAR 25 1998

## B/U FIELD EXAM REVIEW

by Cindy Lou

Permit #: 21-7410 Name: Hopkins Date: 3/17/98 ✓ Lots ✓

|            |                                         |                         |                                                                                                                                                                                                                                                                                                           |
|------------|-----------------------------------------|-------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| NAME       | Chng                                    | Same                    | Or Address Change?                                                                                                                                                                                                                                                                                        |
| SOURCE     | ✓                                       | ✓                       | Clarify source _____<br>Prelim. Order to Void - Source change.                                                                                                                                                                                                                                            |
| P/D        | ✓                                       | ✓                       | Amendment Needed? Addn'l 1/4? <u>Legal add g. L. 7</u> P39<br>Same 1/4? <u>W32</u> P36<br>Overlap(s) _____                                                                                                                                                                                                |
| P/U        | ✓                                       | ✓                       | Amendment Needed? <u>LT 7 NWNE only</u> P41<br>Overlap(s) _____<br>(Gov't use special ¶'s) _____ *P/D & P/U Amend? P37                                                                                                                                                                                    |
| RATE       | ✓                                       | ✓                       | Permit/proof fee limits <u>0.06</u> / <u>0.20</u> \$5000<br>Measured Quantity = <u>NA</u> cfs Theoretical Quantity = <u>NA</u> cfs<br><u>allow permitted</u><br>(HP) $\frac{8.8 \times 0.70 \times}{+ (2.31 \times)}$ = ? cfs<br>Recommended capacity <u>0.06</u> cfs<br>Recommended rate <u>0.06</u> cfs |
| VOLUME     | ✓                                       | ✓                       | Season: ( <u>1</u> ) <u>1/1-12/31</u> = <u>365</u> days<br>Calculations: <u>minimal use</u><br><u>2 hrs x 0.6 AF/hr = 1.2 AF</u><br>Flow limit: <u>0.06</u> cfs x <u>365</u> days/yr. x 1.9835 = <u>43.4</u> AF<br>Recommended volume <u>1.2</u> AF                                                       |
| USES       | ✓                                       | ✓                       | Same Nature of Use? _____ P46<br>Amendment Needed? _____                                                                                                                                                                                                                                                  |
| REMARKS    | ✓                                       | ✓                       | Multiple p/d's in same 1/4? Use W32<br><u>① W60/LT 45, BK 22 Island PK Subd #1, ② W01/2</u>                                                                                                                                                                                                               |
| CONDITIONS | ✓                                       | ✓                       | Measuring Device (R43) or Lockable Controlling Works (R02)<br>Watermaster Control (R04) - WD # _____<br>Irrigation rate/annual volume overlap<br>GW irrigation replaces surface water (050)<br>GW irrigation supplements surface water (065)<br>Water Quality<br>Other _____                              |
| PRIORITY   | App Rod                                 | Due                     | Rc'd                                                                                                                                                                                                                                                                                                      |
|            | <u>3/13/89</u>                          | <u>8/1/90</u>           | <u>8/10/89</u>                                                                                                                                                                                                                                                                                            |
|            | Receipt# <u>6009401</u>                 | Fee OK? (Yes/No)        |                                                                                                                                                                                                                                                                                                           |
|            | Order to Reinstate Needed? Yes/No Done? |                         | Advanced to: _____                                                                                                                                                                                                                                                                                        |
|            | Priority <u>3/13/89</u>                 | Examined <u>7/30/92</u> |                                                                                                                                                                                                                                                                                                           |
| COMMENTS:  | <u>license as permitted</u>             |                         |                                                                                                                                                                                                                                                                                                           |

| USE          | CFS         | VOLUME     |
|--------------|-------------|------------|
| <u>Dom/2</u> | <u>0.06</u> | <u>1.2</u> |
| <u>/</u>     | <u>/</u>    | <u>/</u>   |
| <u>/</u>     | <u>/</u>    | <u>/</u>   |
| TOTAL        | <u>0.06</u> | <u>1.2</u> |

SRBA Overlap \_\_\_\_\_  
Adjustment Memo \_\_\_\_\_  
• LICENSE  
#1 AMEND: \_\_\_\_\_/P38  
#2 AMEND: (R)P42/(C)P47

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
**BENEFICIAL USE FIELD REPORT**

RECEIVED  
JAN 07 1998

Department of Water Resources

**A. GENERAL INFORMATION**

Permit No. 21-07410

1. Owner: TAD E. AND JEAN B. AND JOANNE HOPKINS Phone No. (208) 523-1401

Current Address: 193 10<sup>TH</sup> ST. IDAHO FALLS ID 83404

2. Accompanied by: — EXAM DATE: 7-30-92

Address: — Phone No. —

Relationship to Permit Holder: —

3. Source: GROUNDWATER tributary to —

**B. OVERLAP REVIEW**

1. Other water rights with the same place of use: —

2. Other water rights with the same point of diversion: —

**C. DIVERSION AND DELIVERY SYSTEM**

**1. Point(s) of Diversion:**

| Ident No. | Gov't Lot | 1/4 | 1/4 | 1/4 | Sec. | Twp. | Rge. | County  | Method of Determination/Remarks |
|-----------|-----------|-----|-----|-----|------|------|------|---------|---------------------------------|
|           | 7         |     | NW  | NE  | 36   | 14N  | 43E  | FREMONT | USGS, NAPP, OUSIDE              |
|           |           |     |     |     |      |      |      |         |                                 |
|           |           |     |     |     |      |      |      |         |                                 |
|           |           |     |     |     |      |      |      |         |                                 |

**2. Place(s) of Use:**

Indicate Method of Determination

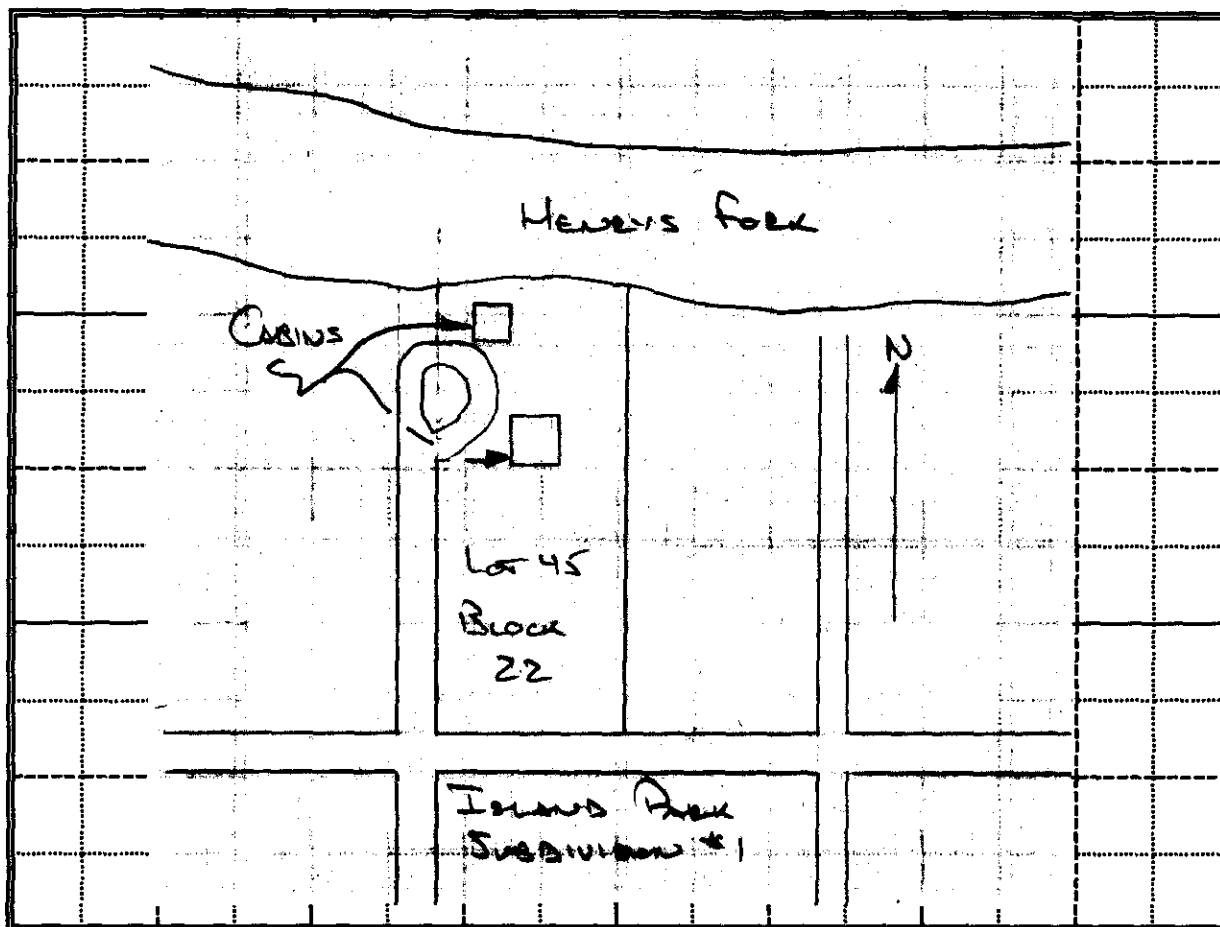
SAME

| 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 | 43E | 36  |    | D/2 |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    | L7  |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
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MAR 25 1998

3. **Delivery System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe I.D. as applicable.



Scale: 1" = \_\_\_\_\_

\_\_\_\_ Copy of USGS Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required).

\_\_\_\_ Aerial Photo Attached (required for irrigation of 10+ acres)

\_\_\_\_ Photo of Diversion and System Attached

4.

| Well or Diversion Identification No.* | Motor Make | Hp | Motor Serial No. | Pump Make | Pump Serial No. or Discharge Size |
|---------------------------------------|------------|----|------------------|-----------|-----------------------------------|
|                                       | Unknown    |    |                  |           |                                   |
|                                       |            |    |                  |           |                                   |
|                                       |            |    |                  |           |                                   |

\*Code to correspond with No. on map and aerial photo

#### D. FLOW MEASUREMENTS

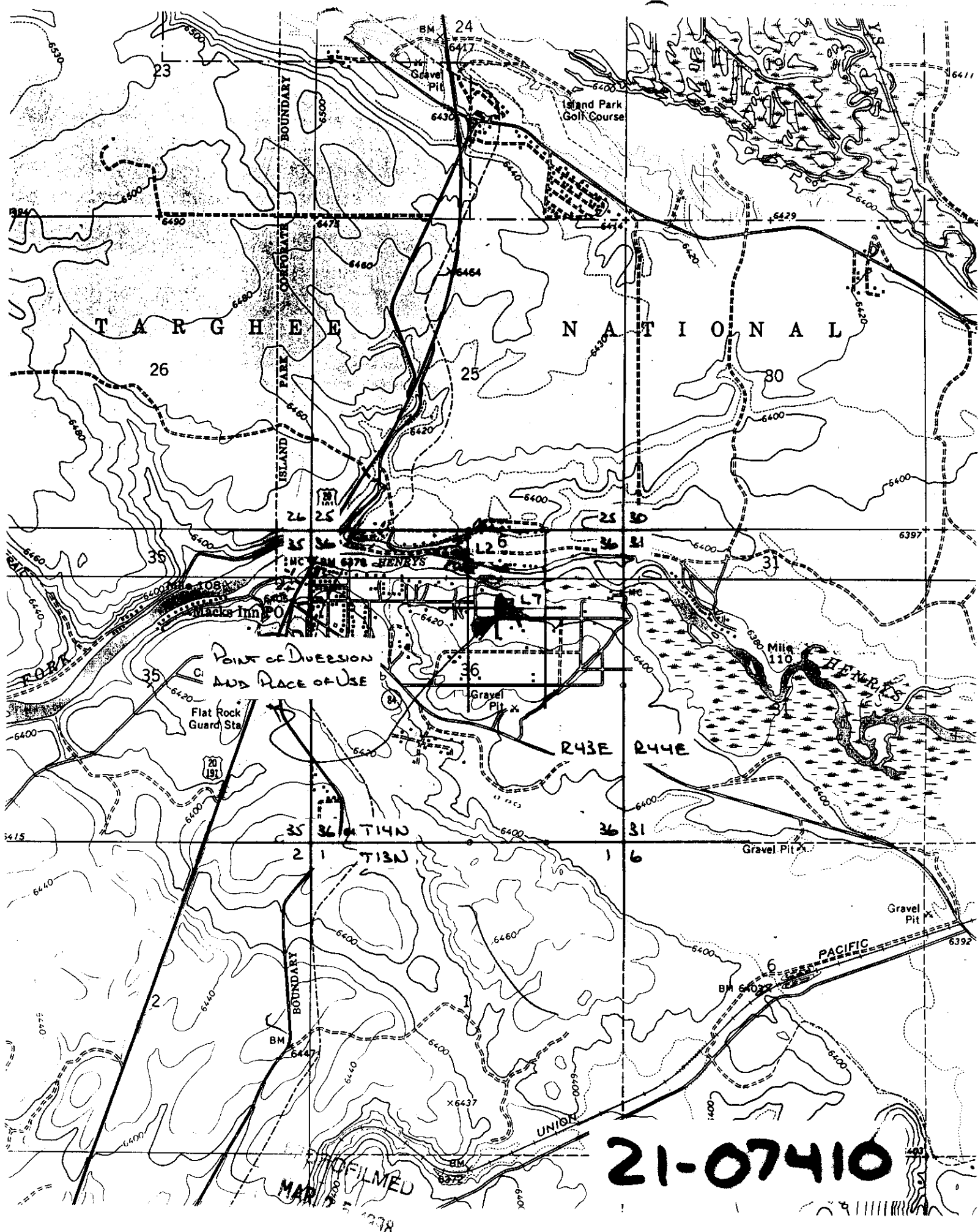
1.

| Measurement Equipment | Type | Make | Model No. | Serial No. | Size | Calib. Date |
|-----------------------|------|------|-----------|------------|------|-------------|
| ←                     |      |      |           |            |      |             |
|                       |      |      |           |            |      |             |

2. Measurements: \_\_\_\_\_

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MAR 25 1998



The chart displays a ship's track from station 10 to station 1. The track is plotted on a grid of latitude and longitude. Key data points include bearings (e.g., N. 19° E., S. 89° 59' W.), distances (e.g., 47.80, 16.60, 41.10), and times (e.g., 80.00, 70.00, 60.00). The chart also includes a compass rose, a scale bar, and a date stamp 'MAR 25 1900'.

~~MAR 25 1960~~

E. NARRATIVE/REMARKS/COMMENTS

Well & pump with pipelines to two cabins. Cabins are accessible all year. Some minimal lawn watering during summer.

Have conditions of permit approval been met? ☐ yes ☐ no

MICROFILMED  
MAR 25 1998

**F. FLOW CALCULATIONS**

\_\_\_\_ Additional Computation Sheets Attached

Measured Method:

IDWR STD FOR 2 HOMES = 0.06 cfs

RECOMMEND AS PER STANDARD

**G. VOLUME CALCULATIONS**

## 1. Volume Calculations for Irrigation:

 $V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) =$  \_\_\_\_\_ $V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 =$  \_\_\_\_\_ $V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} =$  \_\_\_\_\_

## 2. Volume Calculations for Other Uses:

IDWR STD FOR SINGLE HOME WITH LAWN = 1.20 AFA/HOME  
AS CABINS ARE USED ONLY PERIODICALLY, RECOMMEND  
0.60 AFA / HOME. 2 HOMES \* 0.6 AFA = 1.2 AFA

**H. RECOMMENDATIONS**

## 1. Recommended Amounts

| Beneficial Use  | Period of Use |              | Rate of Diversion<br>Q (cfs) | Annual Volume<br>V (afa) |
|-----------------|---------------|--------------|------------------------------|--------------------------|
|                 | From          | To           |                              |                          |
| <u>DOMESTIC</u> | <u>1-1</u>    | <u>12-31</u> | <u>0.06</u>                  | <u>1.2</u>               |
| _____           | _____         | _____        | _____                        | _____                    |
| _____           | _____         | _____        | _____                        | _____                    |
| _____           | _____         | _____        | _____                        | _____                    |
| _____           | _____         | _____        | _____                        | _____                    |
| Totals:         |               |              | <u>0.06</u>                  | <u>1.2</u>               |

## 2. Recommended Amendments

\_\_\_\_ Change P.D. as reflected above    \_\_\_\_ Add P.D. as reflected above    X None  
\_\_\_\_ Change P.U. as reflected above    \_\_\_\_ Add P.U. as reflected above    \_\_\_\_ Other

**I. AUTHENTICATION**Field Examiner's Name: [Signature] Date 12-1-97

Reviewer \_\_\_\_\_ Date \_\_\_\_\_

SEAL

MICROFILMED  
MAR 25 1998

October 10, 1989

Permit No. 21-07410

Jean B. Hopkins, Joanne Hopkins,  
Tad E. Hopkins  
193 10th St.  
Idaho Falls, ID 83404

Dear Permit Holder:

We acknowledge receipt of your statement submitted as proof of beneficial use for the above referenced permit.

Before a license can be issued, a field examination must be made by a representative of this Department.

A field examiner will contact you to arrange to examine your system.

If you have any questions regarding the field examination, please contact this office by phone at 525-7161, or in person in the third floor State Office Building, 150 Shoup, Idaho Falls, Idaho.

Sincerely,

KEITH C. WILSON  
Sr. Resource Agent

KCW:lk

MICROFILMED

MAR 25 1998

S T A T E   O F   I D A H O  
D E P A R T M E N T   O F   W A T E R   R E S O U R C E S

-----

Statehouse  
Boise, Idaho 83720  
(208) 334-7900  
July 26, 1989

TAD E. HOPKINS  
JEAN B. HOPKINS  
JOANNE HOPKINS  
193 10TH  
IDAHO FALLS, ID 83404

P E R M I T   A P P R O V A L   N O T I C E

RE: PERMIT NO.        21-07410

Dear Permit Holder:

Enclosed is a copy of your approved application for permit. We direct your attention to the conditions of approval on the final page.

You should be aware that the groundwater you propose to divert is located within a drainage basin where surface waters are regulated during the months of low flow. It is possible that diversion of groundwater may have an adverse impact on these surface water flows. Information available to us at this time does not warrant refusing to issue permits in your area, but we do caution that diversions of groundwater are not allowed to deplete flows available for surface water users with earlier priority dates. Siting your well as far from surface sources as possible and casing out upper water producing zones may reduce the potential of interference.

Section 42-235, Idaho Code, requires that a "drilling permit" must be obtained from the department for all wells constructed after July 1, 1987. A drilling permit is a separate permit that must be issued in addition to your permit to appropriate water. Commencement of well construction or diversion of water under your permit to appropriate water is prohibited unless a drilling permit is obtained.

We have enclosed a form entitled "Instructions for Proof of Beneficial Use". Please read the instructions carefully since you must take further action to develop this permit. Also enclosed for your convenience is a form entitled "Proof of

**INSTRUCTIONS**

**AUG 02 1989**

Beneficial Use" that must be submitted to the Department when your project is completed. If development is complete, you may submit proof of beneficial use immediately.

Sincerely,

GARY SPACKMAN, Supervisor  
Water Right Permits Section

GS: SC  
Enclosures

**MICROFILMED**

AUG 02 1989

NOTICE OF CORRECTION

Notice is hereby given that application No. 21-7410 in the name of Tad E., Jean B. & Joanne Hopkins was advertised incorrectly on April 20 and 27, 1989. The Point of Diversion was advertised as being NWNE SEC36 T14N R43E SWNE SEC 36 T14N R43E. Whereas, the actual Point of Diversion is NWNE SEC 36 T14N R43E.

Protests against the granting of this application as a result of this correction must be filed with the Idaho Department of Water Resources, 150 Shoup Ave., Suite 15, Idaho Falls, Idaho, 83402 on or before JUNE 5, 1989.

R. Keith Higginson

Director

Published in the HERALD-CHRONICLE May 18 & 25, 1989.

RECEIVED

AUG 02 1989

April 12, 1989

Tad E. and/or Jean B. Hopkins  
193 10th  
Idaho Falls, ID 83404

RE: Applications for Permit No. 21-7410

Dear Water Right Applicant:

The Department of Water Resources acknowledges receipt of your water right permit. The application has been assigned the above identification No. Please refer to this number in all further correspondence.

This office is currently in the process of advertising the application in the Herald-Chronicle. The advertisement will be published for two consecutive weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

If the application is protested, you will be sent a copy of the protest. The protest must be resolved before the application is approved or denied. If the protest is not resolved voluntarily, this Department will conduct a conference and/or hearing on the matter.

If the application is not protested, it will be forwarded to our state office in about five weeks. State office personnel will conduct a complete review prior to final processing of the application and will notify you of the outcome of this review. When a permit is issued, you will be sent a copy. A typical processing time for an unprotested application is about eight weeks.

Please feel free to contact this office if you have any questions regarding this procedure.

Sincerely,

HAROLD W. JONES  
Water Rights Supervisor

HWJ/rb

Microfilm

AUG 02 1989

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
Eastern Region  
150 Shoup Ave., Suite 15

---

Idaho Falls, Idaho 83402  
(208) 525-7161

APRIL 11, 1989

HERALD CHRONICLE  
P.O. BOX 10  
REXBURG, ID 83440

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before MAY 8, 1989.

Yours truly,

Rita Bodell  
Secretary

Encl.

INDEXED

AUG 02 1989

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NOTICE OF APPLICATION FOR WATER RIGHT

The Following application(s) have been filed to appropriate the public waters of the State of Idaho:

**MICROFILMED**

AUG 02 1989

21-07410

HOPKINS, TAD E.  
HOPKINS, JEAN B.  
HOPKINS, JOANNE  
193 10TH  
IDAHO FALLS, ID 83404

Source: GROUNDWATER

|               |      |                    |
|---------------|------|--------------------|
| Diversion Pt: | NWNE | Sec 36 T 14N R 43E |
|               | SWNE | Sec 36 T 14N R 43E |

Use: DOMESTIC ( .060 CFS)

Date Filed: 3/13/1989

|                   |      |      |
|-------------------|------|------|
| In: T14N R43E S36 | NWNE | SWNE |
|-------------------|------|------|

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The permit(s) will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code and/or the new public interest criteria of Sec. 42-203C, Idaho Code. Protests must be filed with the Director, Dept. of Water Resources, 150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 on or before MAY 8, 1989.

R. Keith Higginson, Director

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