

No Color
Documents
In File

Identification No. 85-4035

Claim No. _____

Map No. _____

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

CLAIM TO A WATER RIGHT

Established by Diversion and Application to Beneficial Use

Under the provisions of Section 42-225a, Idaho Code, a person may file a claim to a right to use water which has been established by diversion and application to beneficial use. **The filing of this claim does not confirm the water right but will serve for information purposes only.** It may, however, become the basis for future adjudication of the water right by the Court.

(Please refer to the instructions on the back of this form)

1. Name of claimant Archie E. Hopkins
post office address Culdesac, Idaho 83524

2. The point of diversion is in SW 1/4 SE 1/4 of NW 1/4 Section 23 Township 35 N.
Range 3 WBM B.M. located on (Spring on the F.A. Hopkins Ranch)
(name of source)
small tributary to unnamed creek in NezPerce County.

3. Dates of priority claimed: list the priority for each separate quantity that you claim. Priority dates should be based upon the earliest diversion of the water which has resulted in continued beneficial use since that time. If there has been an interval of five years or greater when the water was not beneficially used for the same purpose as originally appropriated, the priority that you claim should date from the time that the water was again beneficially applied following the period of non-use.

a. Date of priority claimed:

<u>7-1-1930</u>	amount: <u>.02</u>	c.f.s. or	acre feet
<u>7-1-1930</u>	amount: <u>.02</u>	c.f.s. or	acre feet
	amount: _____	c.f.s. or	acre feet
Total claimed _____ c.f.s. or _____ acre feet.			

b. Explain the purpose for which the water has been used and the time during the year when you have used the right claimed:

use <u>house, yard & garden</u>	period of use from <u>12-1-</u>	to <u>1-1-</u>	(both dates inclusive)
use <u>stock</u>	period of use from <u>12-1-</u>	to <u>1-1-</u>	(both dates inclusive)
use _____	period of use from _____	to _____	(both dates inclusive)
use _____	period of use from _____	to _____	(both dates inclusive)

4. Description of diverting works:

a. Surface water diversion dam and/or headgate: material is composed of cement spring box
; length is 7 feet; height is 5 feet;
width at bottom is 5 feet; width at top is 5 feet; explain any increase in diversion capacity since structure was first built, giving dates and estimated capacities if known _____

b. Underground water diverting works: is well flowing or pumped _____; depth of well is _____ feet; diameter of well is _____ inches; type of pump is _____
capacity of pump is _____ g.p.m.; name and address of well driller is _____

if feeder canal is used give maximum carrying capacity_____c.f.s.; if reservoir is off stream, describe location of reservoir by 40-acre subdivisions_____

[illegible]

Explain any significant increase in area irrigated since first use, give dates and acreages if known.

b. Do you get water through a ditch owned by several users? _____ If yes, give the name of the ditch _____ The other users and their respective interests in the ditch are (if known) _____

6. Where water is used for stock watering, give number of each kind of stock watered 3 horses,
5 cattle

7. Where water is used for domestic or municipal purposes give number of families served one
name of town supplied _____

8. Where water is used for other purposes not above enumerated, give the nature of use, the extent of use, and any details regarding the initiation of the right or subsequent later expansion. Be as specific as possible, giving dates and quantities _____

9. Remarks: please explain any details of your claim which you feel need clarification or additional explanation

This water is piped to my house, yard and garden plots from the cement spring box in a 2 in. pipe and is reduced to a 3/4 pipe for the house and used some of the time for stock water. This source of water has been used on the 40 A. tract and the three acres I own on which the house is located for over 40 years for house use, yard, garden patches and stock according to information given me by Mr. F. A. Hopkins and other people in the community. I purchased this dwelling and the land from F. A. Hopkins in 1965 and He still owns the land on which the spring I get my water from is located and He reserved the overflow or any excess water from this spring that I do not use, but I may use the entire amount produced by this one spring if I so desire as He has a larger spring some 20ft. East of mine which is piped into a separate cement spring box for his own use. For a period of 40 years or more the people who owned this property have used this supply of water for this property and the rest of the 40 A. tract around it.

State of Idaho

County of NezPerce

ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiants knowledge.

Sworn to before me this

1st

day of December

1972

Archie E. Hopkins
Claimant

Ellen Louise Setters
Notary Public

Residing at Caldesac, Idaho

My commission expires

April 4, 1973

For Department Use Only

Received by CB Date 12-4-72

Exception filed by: _____

Forwarded to
claimant by: _____

Date _____

Prelim. check by CB Date 12-4-72 # 8497

Fee received by FE Date 12/7/72 Fee \$10.00

Approved for publication by FE 12/7/72

Published in LEGISLATION TRIBUNE Dates 12-14 +

12-21-72

05 4025

INSTRUCTIONS

Your claim should set forth all necessary information to describe your claimed right. Failure to give enough information may make your claim of little value. Some of the items in the form may not apply to your situation. Please use additional sheets if space provided is not sufficient to fully answer the questions.

Paragraph No.

1. Give full name and post office address of person or company making the claim.
2. Describe the point of diversion by 40-acre subdivision. Give the name of the source, the drainage to which it is tributary if surface water, and the county in which the point of diversion is located. If there is more than one point of diversion, list others in the remarks section.
3. Give the priority dates and the quantities of water that you claim. You should accurately list the dates that you initiated each new use of the water. List separately the dates and amounts of water involved in each enlargement of the diversion. (Example: if you diverted 0.8 c.f.s. of water for irrigation on May 18, 1871, for the first time for use on 40 acres of land, and then later you enlarged the diversion by diverting an additional 0.4 c.f.s. of water to irrigate an additional 20 acres of land on June 1, 1901, your right should be described as follows:

Date of priority claimed:	May 18, 1871	amount:	0.8 c.f.s. or	acre feet
	June 1, 1901	amount:	0.4 c.f.s. or	acre feet
	Total claimed:		1.2 c.f.s. or	acre feet

Since the water was used for irrigation between April 1 and October 31 on that particular farm, part b. would be completed as follows:

use irrigation period of use from April 1 to October 31 (both dates inclusive). If the water had been used for any other purpose, you would have described the priority date, amount, use, and period of use in a similar manner.

4. Describe the diversion works and explain any changes since the right was first initiated.
5. If the water is used for irrigation, give the total acreage and list the lands irrigated by 40-acre subdivisions and complete the other questions.
- 6, 7, & 8. Describe any other uses of water.
9. In the remarks section, give any information or details that you feel are not fully covered or that need clarifying. You might explain your operation, where the water is returned to if for an industrial or non-consumptive right, the condition and temperature of the returned water, and any other information to help explain your claim.

You may wish to include as a part of your claim, affidavits of witnesses who are familiar with your right and who have a personal knowledge of the circumstances which you have described in your claim. You may submit maps, drawings, certified copies of posted notices which may have been filed in the county courthouse, water measurement records, or any other document which you feel will support your claim.

Your claim will be advertised in a county newspaper for two weeks. Exceptions to your claim which dispute the water right that you have described may be received by the Department of Reclamation and you will be provided a copy of such exceptions.

The fee for filing a Claim to a Water Right is \$10.00. Your claim and fee may be submitted to one of the following offices:

Northern District
Idaho Dept. of Water Administration
401 Front Avenue, Room 209
Coeur d'Alene, Idaho 83814

Southern District
Idaho Dept. of Water Administration
1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301

Eastern District
Idaho Dept. of Water Administration
240 South Holmes
Idaho Falls, Idaho 83401

Western District
Idaho Dept. of Water Administration
Statehouse - Annex 2
Boise, Idaho 83707

PUBLISHER'S AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, }
County of Nez Perce } ss.

D.N. Sinclair, being duly sworn

NOTICE OF CLAIM TO A WATER RIGHT

No. 85-4035

Notice is hereby given that Archie E. Hopkins, Culesac, Idaho has filed a claim to a water right established by diversion and application to beneficial use, of 0.04 cubic feet per second of water from an unnamed spring with point of diversion in the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 23, T. 35N, R. 3W, B.M., Nez Perce County, Idaho.

The water is claimed to be used from Jan. 1 to Dec. 31 for domestic and stockwatering purposes with a priority of July 1, 1930 the place of use is within the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 23, T. 35N, R. 3W, B.M.

Any exception to this claim of water right may be filed with the Idaho Department of Water Administration, 401 Front Avenue, Coeur d'Alene, Idaho 83814.

R. Keith Hargraves
Director

Published in the Lewiston Morning Tribune, Lewiston, Idaho, on Dec. 14 and Dec. 21, 1972.

deposes and says, I am the Office Manager of the Tribune Publishing Company, a corporation organized and existing under and by virtue of the laws of the State of Idaho, publishers of the LEWISTON MORNING TRIBUNE, a newspaper of general circulation published at Lewiston, Nez Perce County, Idaho; That the said Lewiston Morning Tribune is an established paper and has been published regularly and issued regularly at least once a day for more than 20 consecutive years immediately preceding the first publication of this notice, and has been so published uninterruptedly for said period; that the Notice of Claim to A Water Right attached hereto and which is made a part of this affidavit was published in the said Lewiston Morning Tribune, once a week for two consecutive weeks, the first publication thereof being on the 14th day of December, A. D. 1972, and the last publication thereof being on the 21st day of December, A. D. 1972, and said Claim to A Water right was so published in the regular and entire issue of the said newspaper and not in a supplement thereof and was so published in every issue and number of the said paper, during the period and times of publication as set forth above.

D.N. Sinclair

SUBSCRIBED AND SWORN TO BEFORE ME THIS THE

22 day of December, 1972

Norman W. Rich 8-28-76

Notary Public in and for the State of Idaho,
residing at Lewiston, therein.

ACT
ION

N OWNER LAST NAME - HOPKINS

FIRST NAME - ARCHIE E.

N SOURCE - SPRING

CITY - CULDESAC

STATE - ID ZIP CODE - 83524

N STAGE - STATRY CLM

TRIBUTARY OF - UNNAMED STREAM

N DIVERSION POINT - SENW 23 35N 03W

PRIORITY - 07-01-1930

COUNTY - NEZ PERCE

TOTAL DIV. RATE -

.0400CFS

N FROM - 01-01 TO - 12-31 USE - STOCKWATER

USE DIV. RATE - .0200CFS

N FROM - 01-01 TO - 12-31 USE - DOMESTIC

USE DIV. RATE - .0200CFS

N REMARKS - P7U INCOMPLETE. SEE FILE.

N NON IRRIG USE - S/8 RANGE D/1 HOME.

IDENT. NO. 85-4035

WATER RIGHT
DATA ENTRY LOG

[illegible]

- DATA ENTRY -

Record

Present Owner: _____

J. Right Basis (for adjudication claims A,B,C only):

7. Period of Use, Use, Diversion Rate/Volume:

[illegible]

8. Use Code: 1113 29 Remarks

8. Use Code: <i>1113 79</i>	<i>Remarks</i>
-----------------------------	----------------

9. A. Decree Name:

B. Decree Date:

10. Remarks: A. P/u incomplete. See file.
B.
C.
D.
E.

11. Other Uses (Non-irrigation explanatory information):

S/8 range D/1 home

12. Other Rights for Same Use:

13. A. Proof Due Date:

B. Date Permit Approved or Denied:

C. Protested Date:

D. Hearing Date:

E. Old Number:

F. Proof Made (P or blank):

G. Field Exam Made (P,R,F or blank):

H. Conditions of Approval:

14. Diversion Means (brief narrative):

STATE OF IDAHO

DEPARTMENT OF WATER ADMINISTRATION

NORTHERN DISTRICT OFFICE



Cecil D. Andrus
Governor
R. Keith Higginson
Director

401 Front Ave., Rm. 209
Coeur D'Alene, Idaho 83814
(208) 667-6484

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Waste Disposal Wells
Stream Channel Protection
Geothermal Resources

January 9, 1973

Re: Application for Permit No. 85-7048 - Frank A. Hopkins
Claim to a Water Right No. 85-4034 - " " "
" " " " " " 85-4035 - Archie E. Hopkins

Donald A. Anderson
Route #2, Box 2
Culdesac, ID 83524

Dear Mr. Anderson:

Enclosed please find a copy of the application No. 85-7048 in the name of Frank A. Hopkins. As you can see, the requirement for a description is by 40-acre tracts and Mr. Hopkins lists the point of diversion and place of use to his own property. This information was also contained in our legal notice published in the Lewiston Morning Tribune on December 7 and December 14, 1972.

The following are the principle items we can consider at a conference and/or hearing in either approving or denying an application for permit (Section 42-203, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purposes intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?

The Department may reject an application and refuse issuance of a permit, partially approve the permit, approve the permit for a quantity less than applied for, or approve the permit subject to special conditions.

The last day that we could receive protests on this application was December 25, 1972; however, because of the holidays and the fact that your letter was dated December 23, we will allow you ten days in which to file a protest in accordance with the above items. Please submit this protest on or before January 19, 1973.

85 4035

Page 2

Re: 85-7048, 85-4034, and 85-4035

Donald A. Anderson

January 9, 1973

A protest against the Claims No. 85-4034 and 85-4035 may be filed any time. The same general rules for these claims should be followed as in the application. Also, each application and claim protest must be a separate item.

The fee for the enclosed copies is \$.75. Please make checks payable to the Idaho Department of Water Administration. Additional copies of the claims are available upon request.

If you should have any questions, or if we can be of further assistance, please feel free to contact us.

Very truly yours,

Ervin E. Ballou
Water Resource Examiner
Northern District

EEB:cr

Enc: Copy of Application
Application for Permit form
w/instructions

cc: Keith Lunders
Route #2, Box 1-E
Culdesac, ID 83524

bcc: State Office ✓

85 4035

December, 23, 1972

Idaho Department of Water Administration
401 Front Ave.
Coeur d'Alene, Idaho 83814

RECEIVED

DEC 27 1972

Attn: Mr. R. Keith Higginson

Department of Water Administration
Northern District Office

Dear Mr. Higginson:

This is a Protest of granting Water Rights and Water Permits on the following Applications:

(1) Notice of Claim to a Water Right No. 85-4034

Frank A. Hopkins; P.O. Box 83, Culdesac, Idaho

(2) Notice of Claim to a Water Right No. 85-4035

Archie E. Hopkins, Culdesac, Idaho

(3) Notice of Application for Water Permit No. 85-7048

Frank A. Hopkins; P.O. Box 83, Culdesac, Idaho

This Protest is being filed with your office, because of the lack of a suitable description of the locations of the springs, and creeks. This information had been requested from your office on Monday, December 18, 1972 by Telephone, and as of this date, it hasn't been received.

Thank you for your immediate attention on this matter, Please send applications and instructions on how to apply for Water Rights and Water Permits.

Respectfully Yours,

Donald A. Andersen

Donald A. Andersen

Rt 2 Box 2

Culdesac, Idaho 83524

Keith Lunders

Keith Lunders

Rt 2 Box 1-E

Culdesac, Idaho 83524

85 4035

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION
NORTHERN DISTRICT OFFICE



Cecil D. Andrus
Governor
R. Keith Higginson
Director

401 Front Ave., Rm. 209
Coeur D'Alene, Idaho 83814
(208) 667-6484

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Waste Disposal Wells
Stream Channel Protection
Geothermal Resources

February 26, 1973

Re: Claim No. 85-4035

Archie E. Hopkins
Culdesac,
Idaho 83524

Dear Mr. Hopkins:

The Department of Water Administration has completed the processing of your claim to a water right, and no further action is authorized under Section 42-225a and 42-225b, Idaho Code. Your claim will be retained in our files and will be available at any time for use by you or the court.

As you are aware, the filing of a claim does not, in itself, guarantee you a water right; it only records and preserves the information and the evidence which you included in your claim.

If, at a later date, you find that you have additional information or supporting evidence that you would like to have included in your claim file, you may have that information or evidence added at any time. Please refer to your claim number when corresponding with this office.

We are enclosing, for your records, a copy of your claim. If you have any questions, or if we may be of further assistance, please contact us.

Very truly yours,

Fred Eisenbarth
Water Resource Supervisor
Northern District

FE:CR

Enc: copy of claim

85 4035

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION
NORTHERN DISTRICT OFFICE



Cecil D. Andrus
Governor

R. Keith Higginson
Director

401 Front Ave., Rm. 209
Coeur D'Alene, Idaho 83814
(208) 667-6484

Water Rights Administration
Water Resource Investigations
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Geothermal Resources

January 9, 1973

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Claim to a Water Right No. 85-4034 - " " "
" " " " " " 85-4035 - Archie E. Hopkins

Donald A. Anderson
Route #2, Box 2
Culdesac, ID 83524

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85 4035

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Ervin E. Ballou
Water Resource Examiner
Northern District

EEB:cr

Enc: Copy of Application
Application for Permit form
w/instructions

cc: Keith Lunders
Route #2, Box 1-E
Culdesac, ID 83524

bcc: State Office

85 4034

December, 23, 1972

RECEIVED

DEC 27 1972

Idaho Department of Water Administration
401 Front Ave.
Coeur d'Alene, Idaho 83814

Attn: Mr. R. Keith Higginson

Department of Water Conservation
Northern District Office

Dear Mr. Higginson:

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Archie E. Hopkins, Culdesac, Idaho

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Donald A. Andersen

Donald A. Andersen
Rt 2 Box 2
Culdesac, Idaho 83524

Keith Lunders

Keith Lunders
Rt 2 Box 4-E
Culdesac, Idaho 83524

85 4035

December 8, 1972

Re: Claim No. 85-4034 - Frank A. Hopkins
" " 85-4035 - Archie E. Hopkins
" " 85-4036 - Don Van Buren

Lewiston Morning Tribune
505 C Street
Lewiston, ID 83501

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing ample time for you to submit us a galley proof for review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication. 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. In order to receive payment, the following certification must appear on the bill:

"I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid."

(signature of claimant)

Very truly yours,

Fred Eisenbarth
Water Resource Supervisor
Northern District

Bill submitted 1-41-73 by de

FE:CR

Enc: Legal Notices (3)

85-4035

THE *Tribune* PUBLISHING CO.

Producers of Printing of Distinction
5th & C Sts. Lewiston, Idaho 83501
Phone 742-9411

Sold to

State of Idaho
Dept. of Water Admin.
401 Front Avenue Rm 209
Coeur D'Alene, Idaho 83814

Date Dec. 21st, 19 72

REQUISITION NO.	JOB NO.	QUANTITY	DESCRIPTION	AMOUNT
			Notice of A Claim to A Water Right #85-4035 Archie Hopkins 33 Lines, 2 times hereby certify the above account is correct and just, that the copies were actually published and the amount is correctly calculated and charged. I am, therefore, relieved of payment therefor. Signed: <u>Tribune Publishing Co.</u> By: <u>[Signature]</u> THANK YOU FOR YOUR PATRONAGE CHECK YOUR ORDER CAREFULLY AND CALL US IF NOT SATISFACTORY	12.21 85 4035 Office Mgr.

NOTICE OF CLAIM TO A WATER RIGHT

NO. 85-4035

Notice is hereby given that Archie E. Hopkins,

Culdesac, Idaho

has filed a claim to a water right established by diversion and application
to beneficial use of 0.02 cubic feet per second ~~acre feet per annum~~
of water from an unnamed spring

with point of diversion in the SE 1/4, Sec. 23, T. 35N, R. 3W, B.M.,

Nez Perce County

The water is claimed to be used from Jan. 1 to Dec. 31 for domestic

and stockwatering purposes

with a priority of July 1, 1930;

the place of use is within the SE 1/4, Sec. 23, T. 35N, R. 3W, B.M.

Any exception to this claim of water right may be filed with the Idaho
Department of Water Administration, 401 Front Avenue, Coeur d'Alene, Idaho
83814.

R. KEITH HIGGINSON

Director

Published in the Lewiston Morning Tribune, Lewiston, Idaho

on Dec. 14 and Dec. 21, 1972

85 4035

Legal 12-14-72 2 T-W Betz

NOTICE OF CLAIM TO A WATER RIGHT
No. 85-4035

Notice is hereby given that Archie E. Hopkins, Culdesac, Idaho has filed a claim to a water right established by diversion and application to beneficial use of 0.04 cubic feet per second of water from an unnamed spring with point of diversion in the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 23, T. 35N, R. 3W, B.M., Nez Perce County.

The water is claimed to be used from Jan. 1 to Dec. 31 for domestic and stockwatering purposes with a priority of July 1, 1930 the place of use is within the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 23, T. 35N, R. 3W, B.M.

Any exception to this claim of water right may be filed with the Idaho Department of Water Administration, 401 Front Avenue, Coeur d'Alene, Idaho 83814.

R. Keith Higginson

Director

Published in the Lewiston Morning Tribune, Lewiston, Idaho, on Dec. 14 and Dec. 21, 1972.

4035

December 8, 1972

Re: Claim to a Water Right No. 85-4035

Archie E. Hopkins
Culdesac,
Idaho 83524

Dear Mr. Hopkins:

Attached herewith is your receipt No. 8497 in the amount of \$10 for the filing fee on the above referenced claim, which was received in this office.

Very truly yours,

Fred Eisenbarth
Water Resource Supervisor
Northern District

FE:CR

Enc: Receipt

85 4035