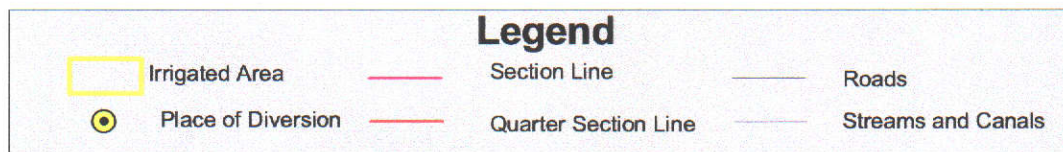
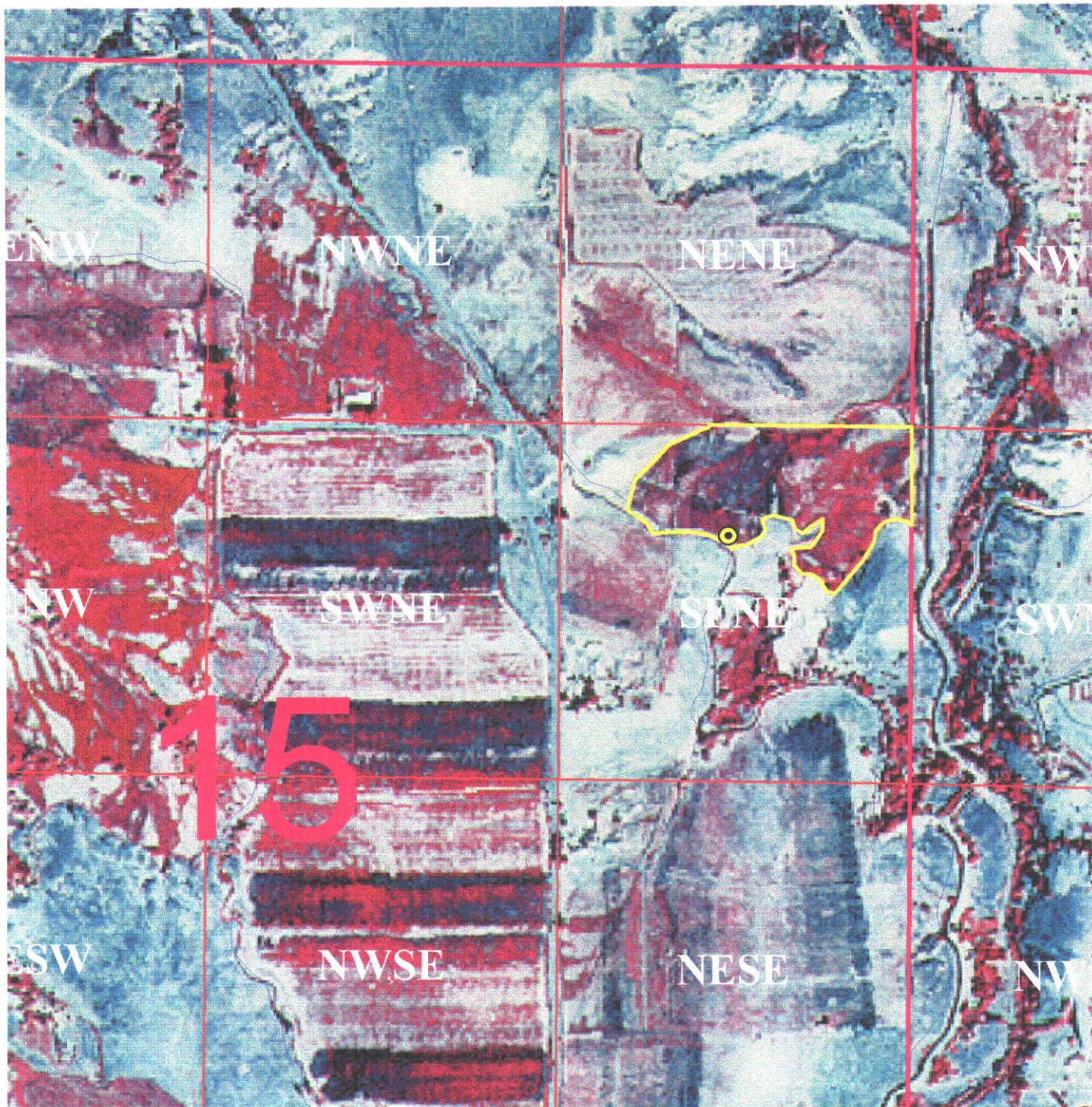


Water Right Claim Number 47-04371
Township , 9S14E

02/23/2001

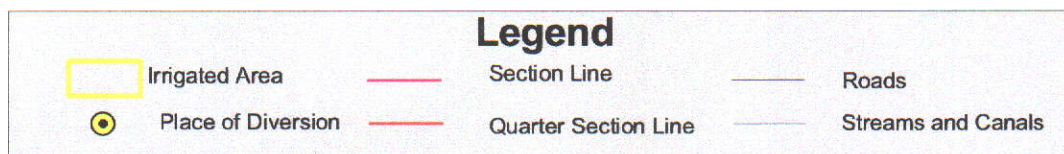
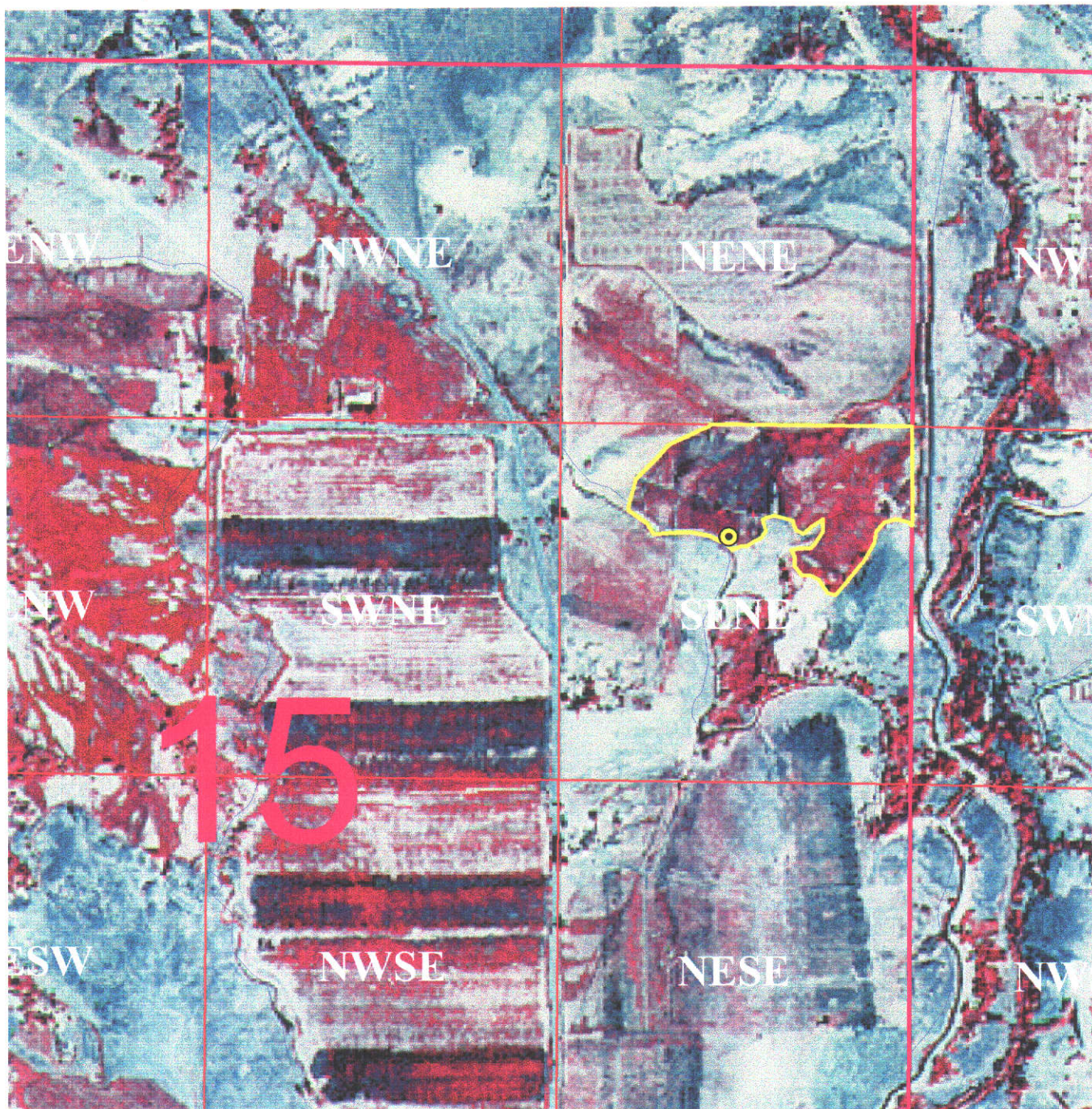


400 0 400 800 Feet



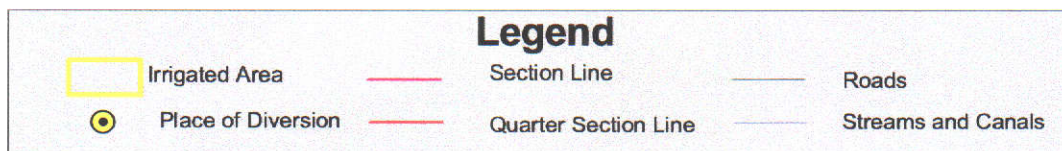
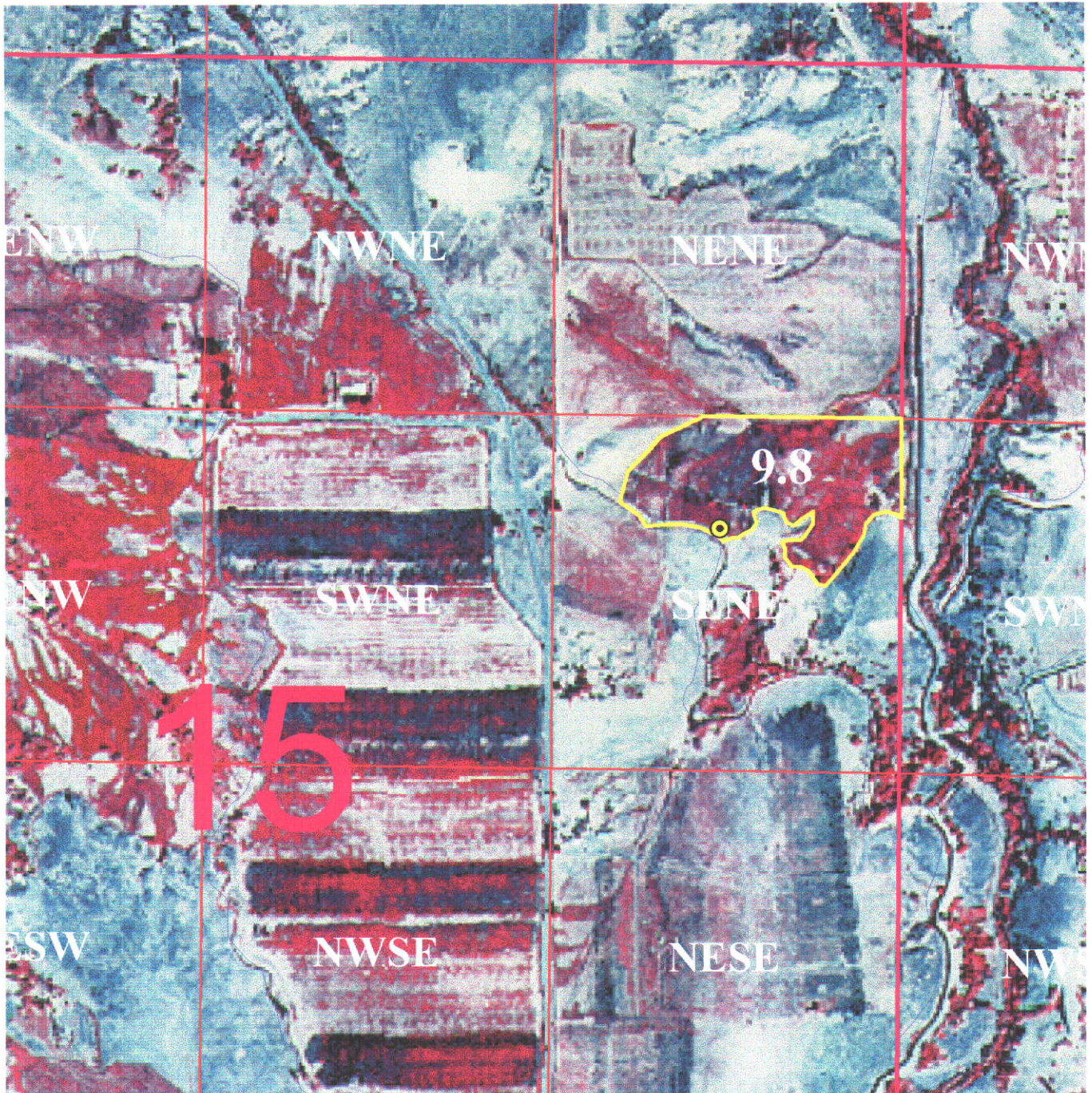
Water Right Claim Number 47-04371
Township , 9S14E

02/23/2001



Water Right Claim Number 47-04371
Township , 9S14E

02/23/2001



400 0 400 800 Feet



 SPATIAL
DYNAMICS

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: A47-04371
Date Received: 12/20/1988
Receipt No: S004688
Received By: JRC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: GARY HARMS 208-543-4446
Address: RT. 3 4456 RIVER RD.
BUHL, ID 83316

2. Date of Priority: JAN 01, 1935

3. Source: UNNAMED STREAM (SEEPAGE) Trib. to: MUD CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
09S	14E	15	NE	SE	NE		TWIN FALLS

5. Description of diverting works:
EARTH DAM, DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	01/01	12/31	0.300		
STOCKWATER	01/01	12/31	0.020		

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

8. Total consumptive use is 15.0 Acre Feet Per Annum.

9. Non-irrigation uses:
S/40 RANGE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
09S	14E	15	SE	NE		IRR	5.0
			SE	NE		STOCK	

Section Acres 5.0

A47-04371

Page 1

Date: 12/20/88

MICROFILMED

MAR 11 1993

10. Place of Use: Continued

Total Acres 5.0

11. Place of use in counties: TWIN FALLS

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

13. Other Water Rights Used:
A47-04066

14. Remarks:
THERE ARE 2 P/DS IN THE SENE SEC. 15.

15. Basis of Claim: STATUTORY CLAIM

16. Signature(s)

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

Number of attachments: 0

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): [Signature] Date: 12-20-88
Date: _____

State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 20th day
of December 19 88 [Signature]
Notary Public

Seal

Residing at Twin Falls
My Commission Expires Dec 7, 1994

RECEIVED

FEB 17 1995

Department of Water Resources
Southern Region

2-16-95

Enclosed Affidavits for
A 47-04371 And A 47-04066
Gary Harms
Rt 3-4456 River Rd
Buhl, Idaho 83316

Information on 2 sources
of water.

Mud Creek & Supage

Gary Harms

Rt 3-4456 River Rd

Buhl, Idaho 83316

NOV 28 1996

Individual
Acknowledgement

West One Bank, Idaho, N.A.

WEST ONE
BANK

STATE OF IDAHO,

COUNTY OF

Twin Falls } ss.

On this

14

day of

Jan

, in the year 19

95

, before me

Linda Webster

_____, a notary public in and for said State of

Idaho, personally appeared

Robert L. Turner

known or identified to me (or proved to me on the oath of _____)

to be the person

whose name

15

subscribed to the within instrument and acknowledged to me that _____ he _____

executed the same.

RECEIVED

FEB 17 1995

Residing at

Bull Fork

My commission expires

10-7-99

Department of Water Resources
Southern Region

RECEIVED

FEB 17 1995

Department of Water Resources
Southern Region

I helped build/dig the ditch which transports
irrigation water from Mud Creek to the property currently owned
by Gary Harms. This was accomplished during the summer of 1940.

I personally witnessed the seep water filed on by
Gary Harms being used to irrigate pasture during the irrigation
season of 1945.

Robert L. Turner 11/4 1988

NOV 28 1996

Individual
Acknowledgement

West One Bank, Idaho, N.A.
WEST ONE
BANK

STATE OF IDAHO,

COUNTY OF

Twin Falls } ss.

On this

14

day of

Feb

, in the year 19

95

, before me

Linda Webster

, a notary public in and for said State of

Idaho, personally appeared

Gary Harms

known or identified to me (or proved to me on the oath of

) to be the person

whose name

IS

subscribed to the within instrument and acknowledged to me that

he

executed the same.

Linda Webster

Notary Public for Idaho

Residing at

Boise Ad

My commission expires

10-7-99

RECEIVED

FEB 17 1995

Department of Water Resources
Southern Region

My family baled alfalfa hay in 1945 on what is now
my property. This hay was irrigated with water delivered to the hay
field from Mud Creek via a ditch built in 1940.

The seep water I filed on during the water adjudication
process has been used on my place since before my parents
purchased the property in 1949.

Gay Darns

2/14/95

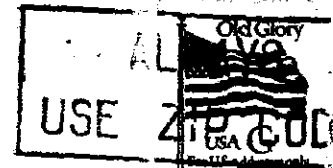
NOV 28 1996

Gary Harms.
Rt 3 - 4456 River Rd
Buhl, Idaho 83316

RECEIVED

FEB 17 1995

Department of Water Resources
Southern Region



NOV 28 1995

State of Idaho Dept of Water Resources
Southern Region
222 Shoshone St East
Twin Falls, Idaho 83301



DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

GOVERNOR PHILIP E. BATT

R. KEITH HIGGINSON
Director

January 10, 1995

A47-04371
GARY HARMS
RT. 3 4456 RIVER RD.
BUHL ID 83316

RE: Evidence of Priority

* RESPONSE DEADLINE *
* MARCH 15, 1995 *

Dear Claimant:

The Notice of Claim identified with the number shown above your name on the mailing label has been filed in the Snake River Basin Adjudication (SRBA). The Notice indicates your water usage is based on "Beneficial Use" or a "Statutory Claim". Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed. The date of first use, known as the priority date, has not been confirmed by a License, Decree or Permit. The Department will, at a later date, conduct reviews &/or field exams for the claims in your area. Since the priority date of a beneficial use water right can not be confirmed by field examination, proof must be provided by the claimant supporting the priority date claimed.

If you no longer own the property to which the claim is appurtenant please forward this correspondence to the present owner, or return it to the department. If you have received this correspondence from the previous owner of the property it is recommended that you file a Change of Ownership form with the Department in order to receive future mailings and to continue to be a party in the adjudication.

Please find enclosed a computer printout of your Notice of Claim and the pamphlet entitled "Evidence of Priority". The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement.

SPECIAL NOTE: The Department will not recommend the Notice be decreed by the court as claimed if no evidence of a priority date is submitted. It will be to your advantage to provide clear and convincing evidence. If you choose to submit statements from individuals as evidence, the statement must be in the form of a

January 10, 1995
page 2

notarized affidavit.

Please submit the required evidence supporting the priority date by March 15, 1995, referencing all documents with the corresponding Notice number. If you have any questions not covered by this letter or the enclosed pamphlet, please contact this office.

Sincerely,

Douglas Jones, P.E.
Water Rights Supervisor

Enc.

NOV 28 1996

Log for claim 47-04371

Spatial Dynamics BTD

2/23/01

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
09s14e	15	SENE	5	9.8	Indiscernible
Totals:			5	9.8	

Water Right Claim Number 47-04371
Township , 9S14E

02/23/2001



Legend

- | | | |
|----------------|--------------------|----------------------|
| Irrigated Area | ——— | Section Line |
| ⊙ | Place of Diversion | ——— |
| | | Quarter Section Line |
| | | Roads |
| | | Streams and Canals |



400 0 400 800 Feet



SPATIAL
DYNAMICS

Water Right Claim Number 47-04371
Township , 9S14E

02/23/2001



Legend

- | | | | |
|----------------|--------------------|--------------------|----------------------|
| Irrigated Area | — | Section Line | |
| ⊙ | Place of Diversion | — | Quarter Section Line |
| | | Roads | |
| | | Streams and Canals | |



400 0 400 800 Feet



*SPATIAL
DYNAMICS*

Water Right Claim Number 47-04371
Township , 9S14E

02/23/2001



Legend

- | | | | | | |
|---|--------------------|---|----------------------|---|--------------------|
| — | Irrigated Area | — | Section Line | — | Roads |
| ⊙ | Place of Diversion | — | Quarter Section Line | — | Streams and Canals |



400 0 400 800 Feet

SPATIAL
DYNAMICS

AJ5809NP
No. A47-04371

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 01/30/01
PAGE: 145

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	GARY HARMS RT 3 4456 RIVER RD BUHL ID 83316 (208) 543-4446	01/01/1935	IRRIGATION STOCKWATER	01-01 12-31 01-01 12-31	0.300 CFS 0.020 CFS	
TOTAL DIVERSION:					0.300 CFS	
CONSUMPTIVE USE:						15.00 AFA

Water Source: UNNAMED STREAM (SEEPAGE)

Tributary to: MUD CREEK

Stage: STATUTORY CLAIM

Point(s) of Diversion: T09S R14E S15 NESENE

TWIN FALLS County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE														
T	R	S		NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	SUM		
---	---	---	---	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	---
09S	14E	15	:				05	:					:					:							:	5.0
																							TOTAL ACRES	5.0		

Place of use Legal Description for: STOCKWATER

NE				NW				SW				SE														
T	R	S		NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:			
---	---	---	---	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	
09S	14E	15	:				S	:					:					:							:	

POU County: TWIN FALLS

Non-Irrigation Uses: S/40 RANGE

Other Rights: A47-04066

Other Water Rights Listing Overlapping Place(s) of Use:
A01-0020920 A47-02259 A47-04066

Remarks: GEN THERE ARE 2 P/DS IN THE SENE SEC. 15.

Dates: Exam Made Date: Verified Date: 03/07/1986 Objection Filed Date:

Misc: Water District Number: Field Inspection Flag:
Presumption Flag:

Audit: 12/20/88 CLELLAND 03/30/95 POST-STD

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CLAIM TO A WATER RIGHT



Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that Gary Harms

(Name of Claimant)

Route #3 Box 228, Buhl, ID 83316
(Mailing Address)

Telephone No. 543-4446

(Zip Code)

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

- (1) Date of priority: (When was the water first applied to a beneficial use) 1935

A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.

- (2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)

Seepage tributary to Mud Creek

- (3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

Quantity	(cfs, af)	Use	(Domestic, Irrigation, Stock, Etc.)	[Both dates inclusive]	
				(Mo., Day)	(Mo., Day)
Quantity <u>0.30</u> cfs		Use <u>Irrigation</u>		Period of Use From <u>Jan 1</u>	To <u>Dec 31</u>
Quantity <u>0.02</u> cfs		Use <u>Livestock</u>		Period of Use From <u>Jan 1</u>	To <u>Dec 31</u>
Quantity _____		Use _____		Period of Use From _____	To _____
Quantity _____		Use _____		Period of Use From _____	To _____

- (4) 0.30 TOTAL QUANTITY USED.
(cfs, af)

- (5) A) Point of diversion: (Location of point where water is diverted from its source)
2 pts. SE 1/4 NE 1/4, Sec. 15, Twp. 9S, Rge. 14E, B.M., County of Twin Falls
Additional points of diversion: _____

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. 4' high earth dam, 6" pipeline to ditch & gravity irrigation system. Stock drink from ditches. (upper diversion. Lower diversion ~~was added 1/1/84 to ditch~~
~~add/ditch/1/1/1984 to ditch/1/1/1984~~ is 6' dam & ditch.

- (6) A) Describe location of use by listing number of irrigated acres within each 40 acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

T	R	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
9S	14E	15				x 1 1/2													1 1/2

No. of acres 1 1/2

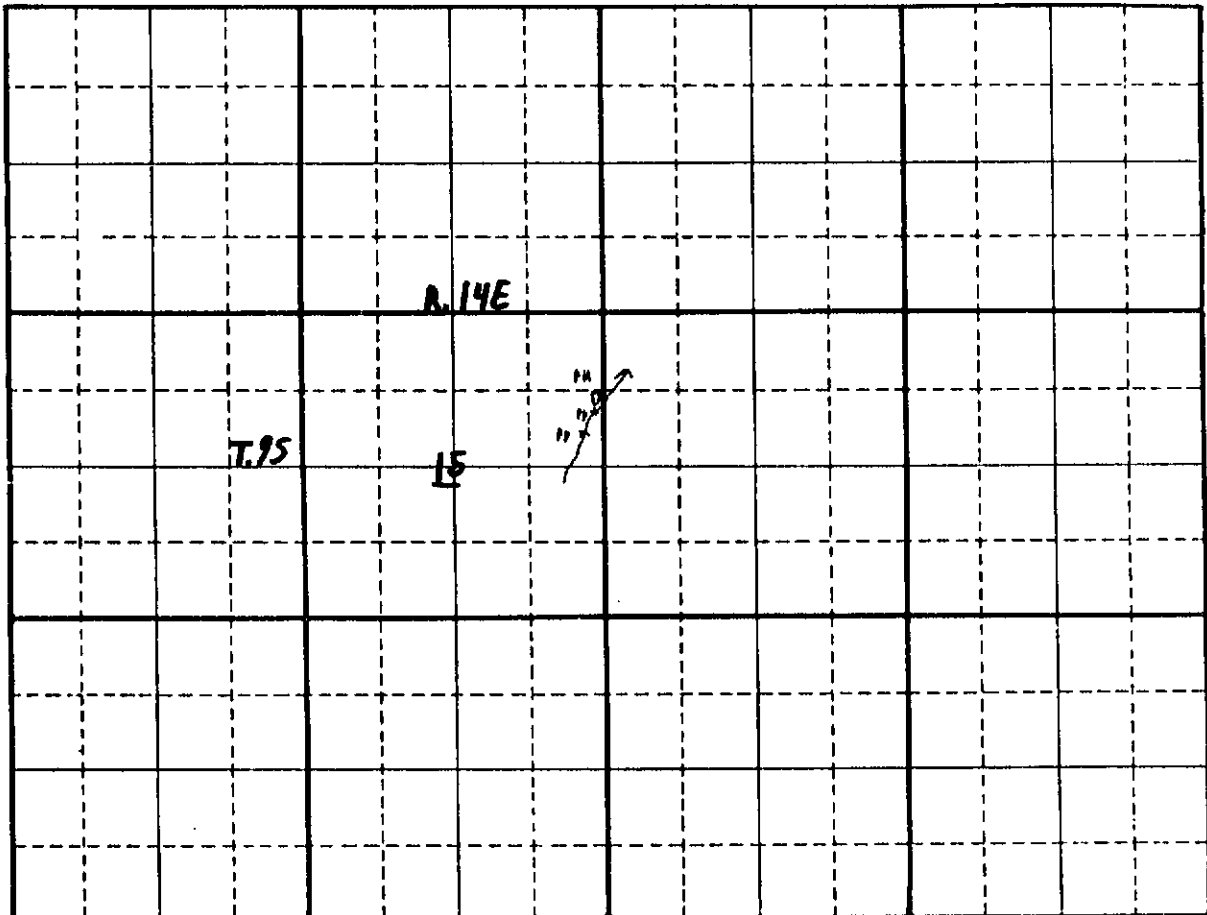
B) If water is used for other than irrigation, fully describe that use, being as specific as possible:

NOTE: Include here the type and number of stock watered: 20 cow-calf pairs

- (7) If you are claiming water as a member of an organization, list name of organization:

MICROFILMED

(8) Remarks This water is warm, so can be used nearly all year.



Scale: 2 Inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
) ss.
County of Twin Falls)

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 affiant's knowledge.

Sworn to before me this 14th day of April, 1983.

[Signature]
(Claimant)

[Signature]
Notary Public
Residing at Twin Falls, ID
Shoshone

My commission expires Life

FOR DEPARTMENT USE ONLY

Received by J.F. Harker Date 4-14-83 Exception filed by: _____ Forwarded to _____ Date _____
Prelim. check by ADM Date 4/18/83 claimant by: _____
\$30.00 fee received by JF Date 4-14-83 #27210
Published in Times News
Dates 5/19 & 5/26/83