

RECEIVED

AUG 03 2004

Department of Water Resources
Southern Region

RECEIVED

AUG 09 2004

Department of Water Resources
Southern RegionSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIPPlease print or type. Attach pages with additional information. Instructions are included at the end of this form.
Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
	45-167A				

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s)

Clark & Tina Harman

76 E 500 S

4. New Owner/Claimant(s)

Burley, ID 83318

680-5313
678-5313

Name Connector (Check one): [] and, [] or, [] and/or

New Mailing Address

Leah Rose

City, State and ZIP Code

994 S 150 E Burley, ID 83318

New Telephone Number

(208) 677-9985

5. Date you acquired the property

8.14.1998

6. **If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7.** If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7. Signature of New Owner(s) or Claimant(s) *Snake River*
(include title if applicable)

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only

Received by _____ Date _____ Fee _____
 Receipted by _____ Date _____ Receipt No. _____
 Processed by _____ AJ Date _____ WR _____ Date _____

MARTELL C HOLLAND
CASSIA COUNTY ASSESSOR
203 EAST 15TH STREET
BURLEY, ID 83318

2004

ASSESSMENT NOTICE

& ESTIMATE OF TAX

**THIS IS NOT A BILL.
DO NOT PAY.**

PARCEL DESCRIPTION:

T 1514 SEC 9 T 12 R 23

For any questions, please notify the Assessor's Office immediately.

Assessor's Telephone Number: (208) 878-3540

PARCEL ADDRESS:

994 SO 150 EAST

83318

ROSE LEAH G

994 SOUTH 150 EAST
BURLEY ID 83318

Appeals of your property value must be filed in
writing, on a form provided by the County, by:

JUNE 28, 2004

Tax Code Area: 64-0000

Parcel Number: RP 12S23E099599 A

Property Tax Reduction is not included.

ASSESSED VALUE OF YOUR PROPERTY

CURRENT CATEGORY AND DESCRIPTION	LOTS/ACRES	LAST YEAR'S VALUE	CURRENT YEAR'S VALUE
12 RURAL RES TR 48 MANUF HS W/SID	1.690 AC	7,475 38,020	7,475 38,020
SUBTOTAL: LESS HOMEOWNERS EXEMPTION: NET TAXABLE PROPERTY VALUE:	1.690	45,495 19,010 26,485	45,495 19,010 26,485

These values may not include personal property values. Taxes are based on the values shown on this Notice and on the Budgets of the taxing districts.

ESTIMATED PROPERTY TAXES

TAXING DISTRICTS	LAST YEAR'S TAXES	CURRENT YEAR'S ESTIMATED TAXES	PHONE NUMBER	DATE OF PUBLIC BUDGET HEARING
COUNTY SCH DIST 151 BURLEY HWY VIEW CEM N CASSIA FIRE			208-878-4367 208-678-6600 208-678-5322 208-678-7020 208-878-8382	09/07/2004 06/08/2004 08/09/2004 No Response 08/16/2004
SUBTOTAL: FEES: TOTAL PROPERTY TAXES & FEES:				

THIS IS NOT A BILL. DO NOT PAY.

See the back of this Notice for details.

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

COPY

Ident. Number: A45-00167A
Date Received: 8/23/1988
Receipt No: S001657
Received By: lw

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: CLARK B. HARMAN 208-678-5313
Address: 1000S 150E
BURLEY, ID 83318

AND/OR

Name: TINA M. HARMAN 208-678-5313
Address: 1000S 150E
BURLEY, ID 83318

2. Date of Priority: NOV 23, 1881

3. Source: WILLOW CREEK Trib. to: SINKS

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
12S	23E	9	SE	SE	SE		CASSIA

5. Description of diverting works:
HEADGATE, PIPE, & DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	01/01	12/31	0.040		

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:

A45-00167A

Page 1

Date: 05/23/89

MICROFILMED
MAR 07 1993

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
12S	23E	9	SE	SE		IRR	1.9
Section Acres							1.9
Total Acres							1.9

11. Place of use in counties: CASSIA

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

13. Other Water Rights Used:
SEE REMARKS

14. Remarks:
PORTION OF 45-0167 DECREE.

15. Basis of Claim: DECREED
Case Number:
Court :
Decree date:

Decree Plaintiff

vs

Decree Defendant

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): Clark B. [Signature] Date: 5/23/89

Date: _____

State of Idaho)
County of TF) SS.

Subscribed and sworn (or affirmed) before me this 23rd day
of May 19 89 Lois White
Notary Public

Seal

Residing at TF
My Commission Expires 5/94

WARRANTY DEED

For Value Received

JOHN H. KOYLE and MARGARET H. KOYLE, husband and wife

the grantors do hereby grant, bargain, sell and convey unto

CLARK B. HARMAN AND TINA M. HARMAN, husband and wife
Route 2 Box 2430, Burley, Idaho 83318

the grantee the following described premises, to-wit:

Township 12 South, Range 23 East of the Boise Meridian,
Cassia County, Idaho,

Section 9: Beginning at the Southeast corner of said
section 9; thence North 295 feet; thence West 250 feet
thence South 295 feet; thence East 250 feet to the point
of beginning.

ALL IN CASSIA COUNTY, STATE OF IDAHO

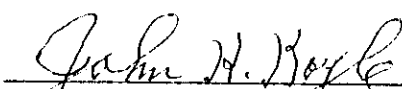
Subject to all rights-of-way, easements, covenants, conditions
and restrictions as may appear of record

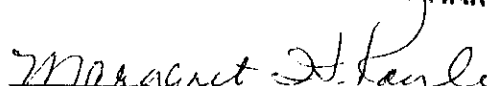
TO HAVE AND TO HOLD the said premises with their appurtenances unto the said Grantee and
their heirs and assigns forever. And the said Grantors do hereby covenant to
and with the said Grantee, that they are the owner in fee simple of said premises; that
said premises are free from all incumbrances except as above described, and that they will
warrant and defend the same from all lawful claims whatsoever.

Dated: May 8, 1989

MICROFILMED

MAR 07 1993


JOHN H. KOYLE


MARGARET H. KOYLE

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: A45-00167A
Date Received: 8/23/1988
Receipt No: S001657
Received By: tw

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: JOHN H. KOYLE 208-934-4060
Address: 1774S 1500E
GOODING, ID 83330

AND/OR

Name: MARGARET H. KOYLE 208-934-4060
Address: 1774S 1500E
GOODING, ID 83330

2. Date of Priority: NOV 23, 1881

3. Source: WILLOW CREEK Trib. to: SINKS

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
12S	23E	9	SE	SE	SE		CASSIA

5. Description of diverting works:
HEADGATE, PIPE, & DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	01/01	12/31	0.040		

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:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
12S	23E	9	SE	SE		IRR	1.9
Section Acres							1.9
Total Acres							1.9

11. Place of use in counties: CASSIA

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

13. Other Water Rights Used:
SEE REMARKS

14. Remarks:
PORTION OF 45-0167 DECREE.

15. Basis of Claim: DECREED
Case Number:
Court :
Decree date:

Decree Plaintiff

vs

Decree Defendant

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: 1

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): John H. Kyle Date: 8-23-88
Date:

State of Idaho)
County of TF) SS.

Subscribed and sworn (or affirmed) before me this 23rd day
of August 19 88 Lon White
Notary Public

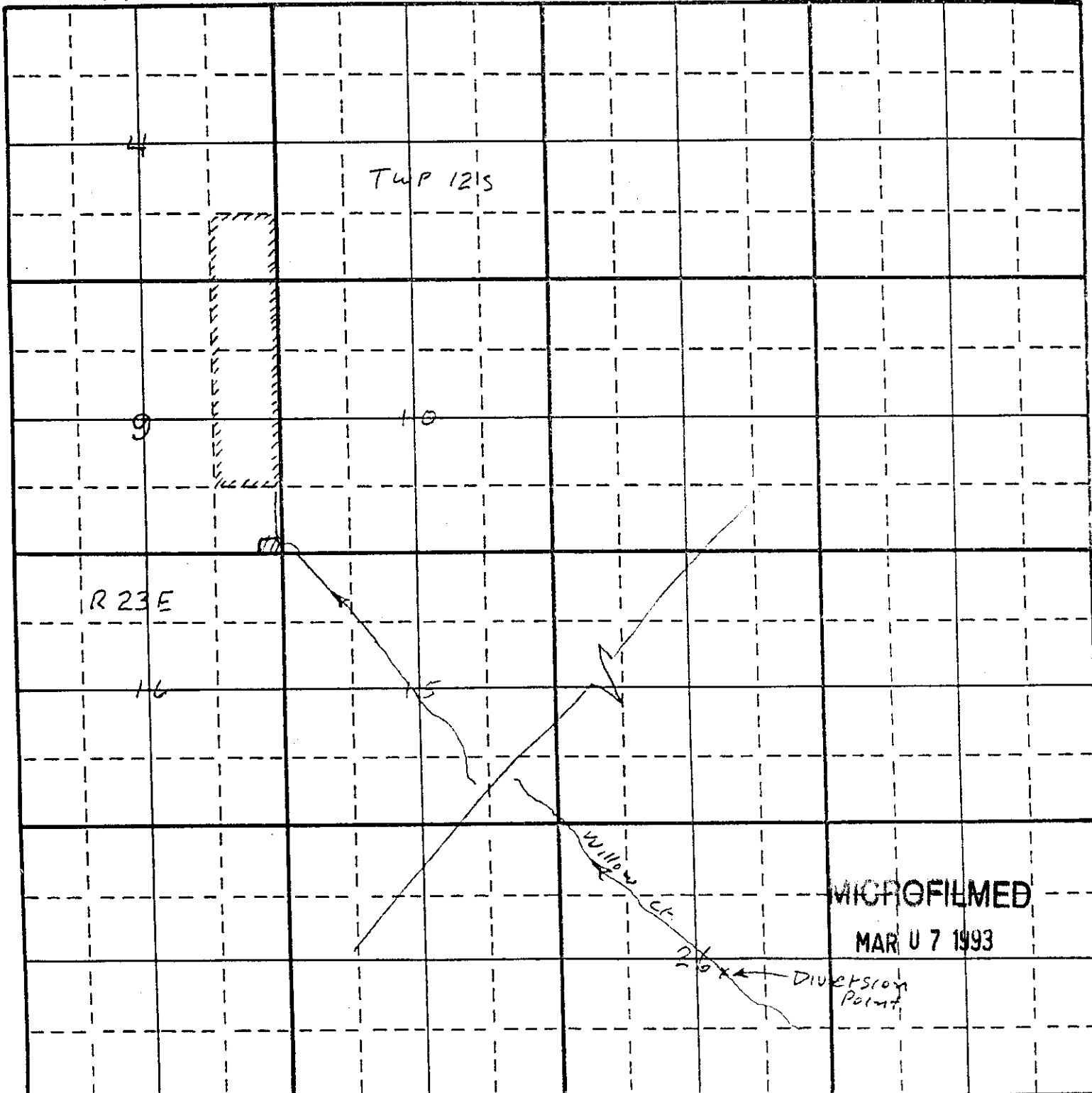
Seal

Residing at TF
My Commission Expires 5/95

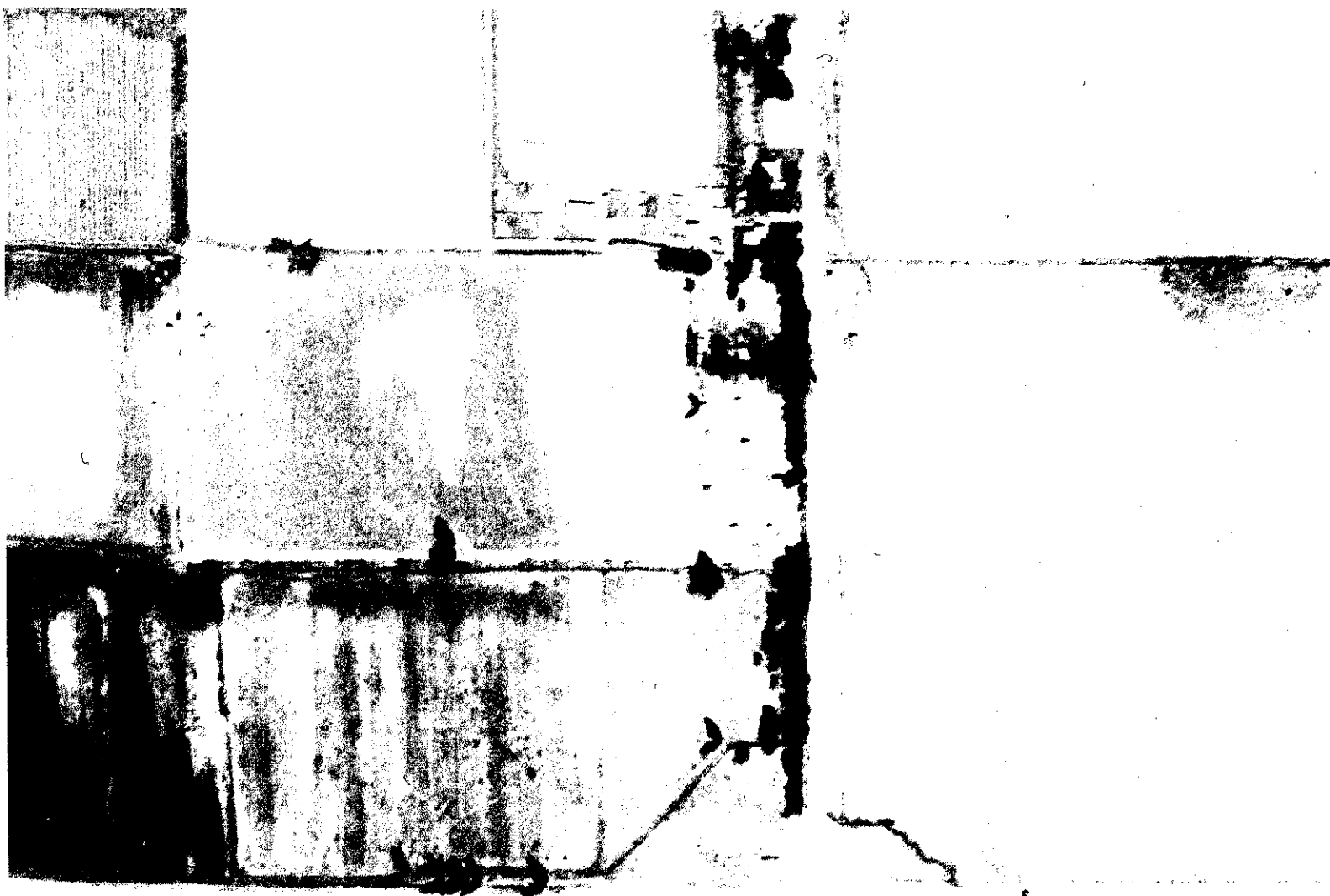
Total number of acres to be irrigated 160

4. Describe any other water rights used for the same purpose as described above. NONE
5. Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.

1.69



78 1515



78 ASCS
From Rose 12/8/05

RECEIVED
JAN 03 2005
DEPARTMENT OF
WATER RESOURCES

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case No. 39576

) A. Subcase No. 45-00167A
)
)
)
)
)

STANDARD FORM 1

OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: William A. Poulton

Address: 977 S. 150 E.
Burley, ID 83318

Daytime Phone 208-436-4717

Name & Address of Attorney, if any:
ROGER D. LING
LING, ROBINSON & WALKER
615 H Street, P. O. Box 396
Rupert, Idaho 83350
ISB No. 1018

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: Leah Rose

Address: 994 S. 150 E.
Burley, ID 83318

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es).)

1. ☐ **Name and Address**
Should be: _____
2. ☐ **Source**
Should be: _____
3. ☐ **Quantity**
Should be: _____
4. ☐ **Priority Date**
Should be: _____
5. ☐ **Point(s) of Diversion**
Should be: _____
6. ☐ **Instream Flow Description**
Should be: _____
7. ☐ **Purpose(s) of Use**
Should be: _____
8. ☐ **Period of Year**
Should be: _____
9. ☐ **Place of Use**
Should be: _____

11. **I object because:**

- X This water right should not exist.
- ☐ This water right was not recommended, but should be recommended with the elements described above.

E. **REASONS SUPPORTING OBJECTION(S):** This water right has been abandoned for over 5 years prior to making her claim and has been forfeited pursuant to I.C.S. 42-222(2).

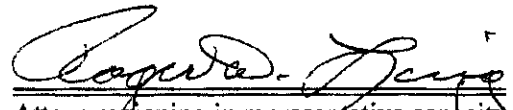
VERIFICATION (Must be Completed)

State of IDAHO)
)
County of Minidoka)

ROGER D. LING, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

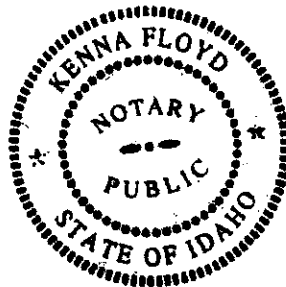
That I am the party/claimant filing this objection, as defined by I.C. § 42-1401A(1) and (6)
or that I am the attorney for the party/claimant objecting and that I have read this objection, know
its contents and believe that the statements are true to the best of my knowledge.

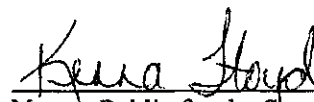
Signature of person filing objection



Attorney signing in representative capacity

Subscribed and sworn to before me on December 30, 2004.





Notary Public for the State of Idaho
Residing at: Burley
My Commission expires: 9-26-2009

INSTRUCTION FOR MAILING

You must mail the objection to the Clerk of the Court. **FAX filings will not be accepted.**
You must also send a copy to all the parties listed below in the Certificate of Mailing.

CERTIFICATE OF MAILING

I certify that on December 30, 2004, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, Idaho 83303-2707

2. One copy to the claimant of the water right at the following address:

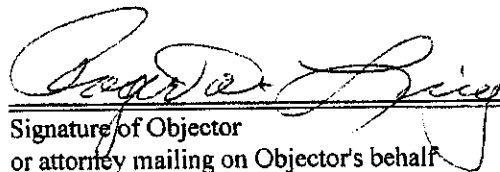
Name: Leah Rose
Address: 994 S. 150 E.
Burley, ID 83318

3. Copies to:

IDWR Document Depository
P. O. Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, Idaho 83711-4449

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, Box 033
Boise, Idaho 83734



Signature of Objector
or attorney mailing on Objector's behalf



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

October 29, 2004

RE: 45-167A & 45-167B

To Whom It May Concern:

This letter is to serve as a statement that claims were filed in the Snake River Basin Adjudication for both of the above-mentioned rights. John Koyle filed 45-167A (now owned by Leah Rose) and James Poulton filed 45-167B (now owned by William Poulton).

Recommendations have been made and Director's Reports issued for both claims. Both properties were listed as being within the legal description of the place of use for right 45-167 of the Thompson vs. Poulton Willow Creek Decree dated 3/18/1908.

Questions have arisen as to the historical use of the right that will be resolved in the SRBA court process.

Sincerely,

A handwritten signature in cursive script that reads 'Jeannie Robertson'.

Jeannie Robertson

Sr. Water Resource Agent



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

October 29, 2004

LEAH ROSE
994 S 150 E
BURLEY ID 83318

RE: 45-167A & 45-167B

Dear Ms. Rose,

Enclosed is a letter in response to your request. This letter summarizes the facts regarding the two water rights, as IDWR understands them at this time.

Sincerely,


Jeanie Robertson
Sr. Water Resource Agent

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 45-167A V1

WATER RIGHT NUMBER: 45-167A V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	LEAH ROSE 994 S 150 E BURLEY, ID 83318 (208)677-9985
Previous Owner	CLARK B HARMAN 994 S 150 E BURLEY, ID 83318 (208)678-5313
Previous Owner	TINA M HARMAN 1000 S 150 E BURLEY, ID 83318 (208)678-5313

Priority Date: 11/23/1881

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
WILLOW CREEK	SINKS

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15	to 11/15	0.040 CFS	
	<u>Total Diversion:</u>		0.040 CFS	

Location of Point(s) of Diversion

WILLOW CREEK	SE1/4SE1/4SE1/4	Sec. 9, Twp 12S, Rge 23E, B.M.
CASSIA County		
WILLOW CREEK	SW1/4NE1/4SE1/4	Sec. 26, Twp 12S, Rge 23E, B.M.
CASSIA 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	
12S	23E	9																1.6	1.6

Total Acres: 1.6

Conditions of Approval:

1. 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 45-167A V1

Remarks:

1. Quantity The amount of water diverted under the following water rights may not exceed 50% or one half of the stream flow of Willow Creek. Combined Right Nos.: 45-166A, 45-166B, 45-167A, 45-167B, 45-11928, 45-13421, 45-13623, 45-13631, & 45-13632.
2. Explanatory PARCEL NUMBER: RP 12S23E099599 A
3. Quantity The amount of water diverted under this water right, 45-167B and 45-13666 may not exceed 25% or 1/4 of the stream flow of Willow Creek at the point of diversion described below at any given time.
4. Explanatory THIS RIGHT IS A SPLIT FROM FORMER RIGHT 45-167.

Comments:

1. jroberts 3/3/2004 Basis of Recommendation
Comment: Recommended as part of 45-167, limited to 1/4 flow of Willow Creek when combined with 45-167B and its enlargement 45-13666, standard SoU. (Needs O/C - letter sent.)

[illegible]

RECEIVED

MAY 03 2004

03/03/2004

Department of Water Resources
Southern Region

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: See cover letter

Water right number: 45-167A

~~CLARK B. HARMAN~~

994 S 150 E

RT 2 BOX 2430

BURLEY ID 83318

Telephone Number: (208) 678-5313

TINA M HARMAN

1000 S 150 E

BURLEY ID 83318

Telephone Number: (208) 678-5313

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:

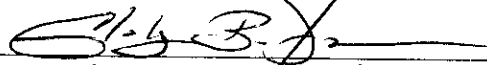
3. Give a brief explanation as to why you disagree with these portions:

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

DATE:

4/21/04

SIGNATURE:



Please print your name:

Clark B Harman

IDWR Regional Office, 1341 Fillmore St, Suite 200, Twin Falls, ID 83301, 2087363033

RECEIVED

MAY 03 2004

Department of Water Resources
Southern Region

03/03/2004

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

RIGHT NUMBER: 45-167A
NAME AND ADDRESS: CLARK B HARMAN
994 S 150 E
RT 2 BOX 2430
BURLEY ID 83318

TINA M HARMAN
1000 S 150 E
BURLEY ID 83318

SOURCE: WILLOW CREEK TRIBUTARY: SINKS

QUANTITY: 0.040 CFS
The amount of water diverted under this water right, 45-167B and 45-13666 may not exceed 25% of the stream flow of Willow Creek at the point of diversion described below at any given time. This water right shall not provide more than .02 cubic feet per second per acre at any time.

PRIORITY DATE: 11/23/1881

POINT OF DIVERSION:
T12S R23E S9 SESESE Within CASSIA County
T12S R23E S26 NENWSE Within CASSIA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	0.040 CFS

PLACE OF USE: IRRIGATION Within CASSIA County
T12S R23E S09 SESE 1.6

1.6 ACRES TOTAL

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed
THIS RIGHT IS A SPLIT FROM FORMER RIGHT 45-167.

RECEIVED

MAY 03 2004

03/03/2004

Department of Water Resources
Southern Region

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: See cover letter

Water right number: 45-167A

CLARK B HARMAN
994 S 150 E
RT 2 BOX 2430
BURLEY ID 83318
Telephone Number: (208)678-5313

TINA M HARMAN
1000 S 150 E
BURLEY ID 83318
Telephone Number: (208)678-5313

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:

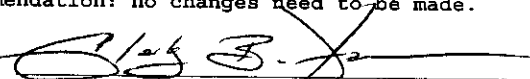
3. Give a brief explanation as to why you disagree with these portions:

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

DATE:

4/21/04

SIGNATURE:



Please print your name:

Clark B Harman

IDWR Regional Office, 1341 Fillmore St, Suite 200, Twin Falls, ID 83301, 2087363033

RECEIVED

MAY 03 2004

Department of Water Resources
Southern Region

03/03/2004

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

RIGHT NUMBER: 45-167A

NAME AND ADDRESS: CLARK B HARMAN
994 S 150 E
RT 2 BOX 2430
BURLEY ID 83318

TINA M HARMAN
1000 S 150 E
BURLEY ID 83318

SOURCE: WILLOW CREEK

TRIBUTARY: SINKS

QUANTITY: 0.040 CFS

The amount of water diverted under this water right, 45-167B and 45-13666 may not exceed 25% of the stream flow of Willow Creek at the point of diversion described below at any given time. This water right shall not provide more than .02 cubic feet per second per acre at any time.

PRIORITY DATE: 11/23/1881

POINT OF DIVERSION:

T12S R23E S9 SESESE Within CASSIA County
T12S R23E S26 NENWSE Within CASSIA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	0.040 CFS

PLACE OF USE: IRRIGATION Within CASSIA County

T12S R23E S09 SESE 1.6

1.6 ACRES TOTAL

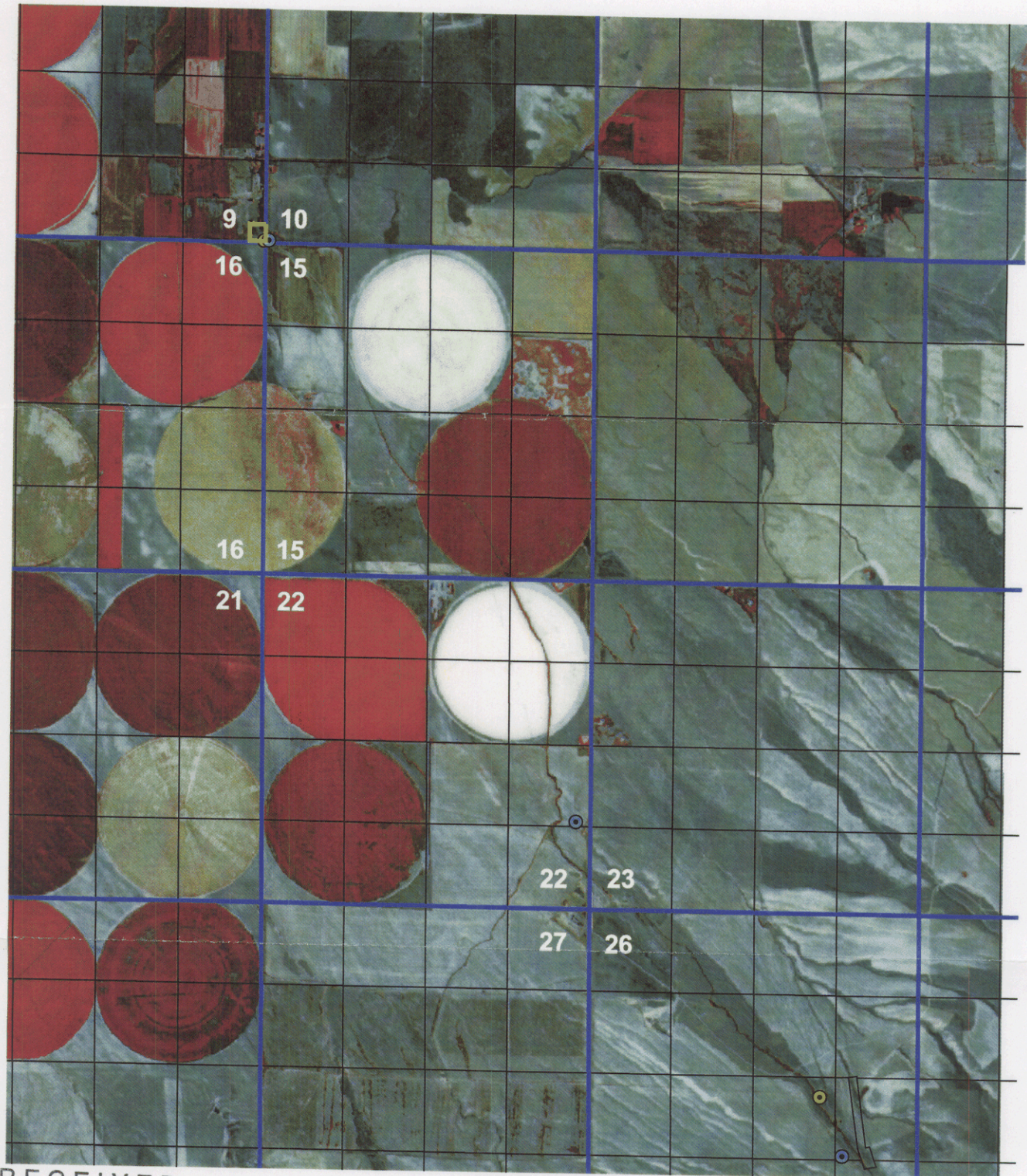
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 45-167.

45-167A



RECEIVED

MAY 03 2004

1320 0 1320 2640 3960 Feet



Department of Water Resources
Southern Region

- Point of diversion
- Place of use
- Quarter-quarter lines
- Section lines

RECOMMENDED PLACE OF USE
DATA ENTRY ON MAR. 3, 2004
TWP 12S, RNG 23E, SEC. 9



Gis Place of Use Presentation
1987/1988 Napp Photography
Prepared by Jeanie Robertson

VERIFIED BY 03/03/2004 3/3/04

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

RIGHT NUMBER: 45-167A
NAME AND ADDRESS: CLARK B HARMAN
994 S 150 E
RT 2 BOX 2430
BURLEY ID 83318
TINA M HARMAN
1000 S 150 E
BURLEY ID 83318

SOURCE: WILLOW CREEK
QUANTITY: 0.040 CFS
TRIBUTARY: SINKS

The amount of water diverted under this water right, 45-167B and 45-13666 may not exceed 25% of the stream flow of Willow Creek at the point of diversion described below at any given time. This water right shall not provide more than .02 cubic feet per second per acre at any time.

PRIORITY DATE: 11/23/1881

POINT OF DIVERSION:
T12S R23E S9 SESESE Within CASSIA County
T12S R23E S26 NENWSE Within CASSIA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	0.040 CFS

PLACE OF USE: IRRIGATION Within CASSIA County
T12S R23E S09 SESE 1.6

1.6 ACRES TOTAL

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.

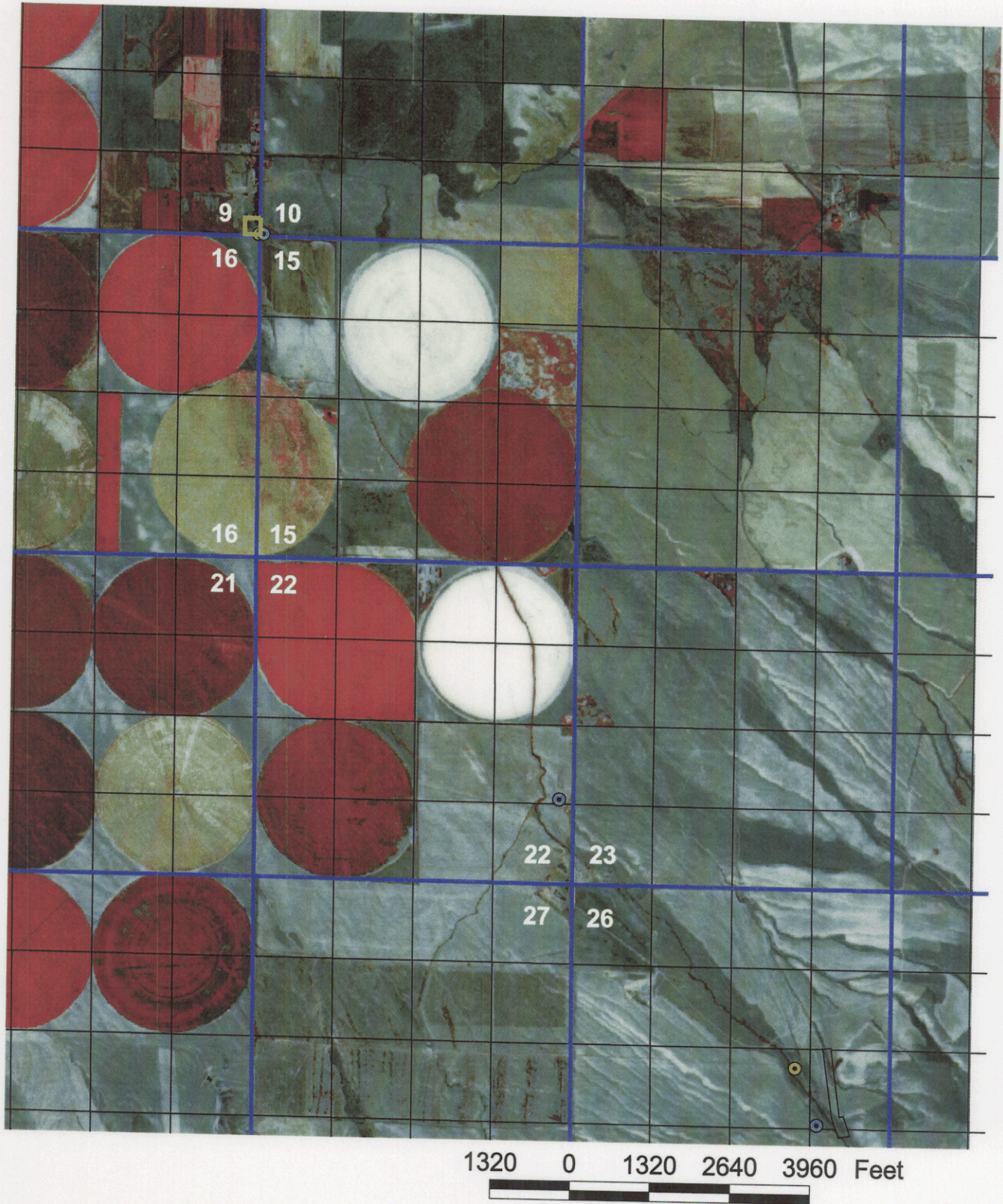
EXPLANATORY MATERIAL: Decreed

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 45-167.

Water Right 45-167A

may need O/C to Leah Rose?
(evidently not)
sold by Koyles to Harman, but
Koyles aren't claiming against
45-167, they are claiming part of
45-166 (WR 45-167 is in SESE
(not WR 45-166)) of Sec. 9)

45-167A



- Point of diversion
- Place of use
- Quarter-quarter lines
- Section lines

RECOMMENDED PLACE OF USE
DATA ENTRY ON MAR. 3, 2004
TWP 12S, RNG 23E, SEC. 9



Gis Place of Use Presentation
1987/1988 Napp Photography
Prepared by Jeanie Robertson

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 45-167A V1

WATER RIGHT NUMBER: 45-167A V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	CLARK B HARMAN 994 S 150 E RT 2 BOX 2430 BURLEY, ID 83318 (208)678-5313
Current Owner	TINA M HARMAN 1000 S 150 E BURLEY, ID 83318 (208)678-5313

Priority Date: 11/23/1881

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
WILLOW CREEK	SINKS

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 11/15	0.040 CFS	
	<u>Total Diversion:</u>	0.040 CFS	

Location of Point(s) of Diversion

WILLOW CREEK	SE1/4SE1/4SE1/4	Sec. 9, Twp 12S, Rge 23E, B.M.
CASSIA County		
WILLOW CREEK	NE1/4NW1/4SE1/4	Sec. 26, Twp 12S, Rge 23E, B.M.
CASSIA 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	
12S	23E	9																	1.6
																			1.6

Total Acres: 1.6

Conditions of Approval:

1. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 45-167A V1

1. Quantity The amount of water diverted under this water right, 45-167B and 45-13666 may not exceed 25% of the stream flow of Willow Creek at the point of diversion described below at any given time. This water right shall not provide more than .02 cubic feet per second per acre at any time.

2. Explanatory THIS RIGHT IS A SPLIT FROM FORMER RIGHT 45-167.

Comments:

1. jroberts 3/3/2004 Basis of Recommendation

Comment: Recommended as part of 45-167, limited to 1/4 flow of Willow Creek when combined with 45-167B and its enlargement 45-13666, standard SoU. (Needs O/C - letter sent.)



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

February 26, 2004

LEAH G ROSE
994 S 150 E
BURLEY ID 83318

RE: Adjudication Claim 45-167A – Ownership Change Harman to Rose?

Dear Ms. Rose,

I am currently reviewing claims in your area in order to make recommendations to the court for eventual decree of the water rights, the next phase of the adjudication process. Clark and Tina Harman filed claim 45-167A in 1989 and according to the Cassia County Assessor's records you now own this property. Please complete the enclosed Change of Ownership form and return it along with a copy of your Warranty Deed and a map of the property.

We are scheduled to mail our reports very soon therefore it is imperative that we receive your information by March 12, 2004 so we can update our records and you will receive the mailings.

Please give me a call at the office if you have any questions or would like to set up an appointment to complete this process here in our office.

Sincerely,

Jeanie Robertson
Sr. Water Resource Agent

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 45-167

WATER RIGHT NUMBER: 45-167

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	WILLIAM A POULTON RT 2 BOX 2456 BURLEY, ID 83318 (208)678-0011

Priority Date: 11/23/1881

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
WILLOW CREEK	SINKS

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	/ to /		

Total Diversion:

Location of Point(s) of Diversion

WILLOW CREEK

Place of Use

IRRIGATION Within CASSIA County

T12S R23E S09	SWNE	T12S R23E S09	NWSE
T12S R23E S09	SWSE	T12S R23E S09	SESE

Conditions of Approval:

Remarks:

1. General RT. IS FOR 1/4 THE FLOW OF WILLOW CREEK.

Comments:

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO IN AND FOR CASSIA COUNTY.

Thomas Poulton, Hugh M. Moon,
William Poulton, and the Oakley State Bank,
a corporation, substituted for J. H.
Stothard,
Defendants.

45-0166
The said Thomas Poulton, to have use and enjoy, one fourth of the flow of
said Willow Creek, the said William Poulton, to have use and enjoy one
fourth of the flow of said Creek, and the said Hugh M. Moon, to have use
and enjoy, two sixth of the flow of said Creek, and the Oakley State Bank, 1/6

thereto.

45-0167 That the defendant, William Poulton, his grantors and predecessors in interest, on the 23rd day of November, 1881, and from thence down to the filing of the complaint in said action, were, have been, and said defendant now is, the owner, in the possession and entitled to the possession of that certain real estate situated in said Cassia County, Idaho, described as follows, to wit: The west half of the southeast quarter, and the southeast quarter of the southeast quarter and the southwest quarter of the northeast quarter of section nine (9), township 12 south range 23 east of the Boise Meridian, and of the right to use for the irrigation of the same

One Fourth (1/4)
of the flow of the waters of said Willow Creek and the tributaries thereto

45-0166 That the defendant, Thomas Pounton, his grantors and predecessors and his interest, on the 23rd day of November, 1881, and from thence on down to the filing of the complaint in this action, were, have been, and the said defendant now is, the owner, in the possession and entitled to the possession of that certain real estate situated in Cassia County, Idaho, described as follows, to wit: The northeast quarter of the southeast, and the east half of the northeast quarter of section ^{9*} ~~nineteen (19)~~ and the southeast quarter of the southeast quarter of section four (4) in township 12 south of range 23 east of Boise Meridian, and of the right to the use for the irrigation of the same of *One Fourth (1/4)*

_____ the flow of the waters of Willow Creek aforesaid and
the tributaries thereto. *Error confirmed by Cassia Co. Abstract Co. 2-18-1982 jo

45-0169 The court further finds that the defendant J.H.Stothard, since the filing of the said complaint in said action, sold and conveyed his interest in the lands then owned by him and hereinafter described, and the water right appurtenant thereto to Oakley State Bank, a corporation organized and existing under the laws of the ~~state~~² of Idaho and doing a banking business in the town of Oakly in said County, which is entitled to be substituted in place of the said J.H.Stothard in said action and entitled to the judgment and decree of this court in the place and instead of said Stothard. That on the 23rd day of November, 1881, the said Oakley State

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
1341 Fillmore Street, Suite 200
Twin Falls, Idaho 83301-3380

RETURN SERVICE REQUESTED



UNDELIVERABLE AS ADDRESSED-
FORWARDING ORDER EXPIRED

for

45-167A
HARMAN
1000S/150E
~~SHIP EX ID-00040~~

Clark B

9/25/85

|||||

Log for claim A45-00167A

Spatial Dynamics LRR

3/10/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
12s23e	9	SESE	1.9	2	
Totals:			1.9	2	

AJ5809NP
No. A45-00167A

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 01/25/00
PAGE: 72

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	TINA M HARMAN	11/23/1881	IRRIGATION	01-01 12-31	0.040 CFS	
C	CLARK B HARMAN 1000S 150E BURLEY ID 83318 (208) 678-5313					
TOTAL DIVERSION:					0.040 CFS	

Water Source: WILLOW CREEK

Tributary to: SINKS

Stage: DECREED

Point(s) of Diversion: T12S R23E S09 SESESE CASSIA 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			
12S	23E	9	:					:					:					:					:		
																							01	:	1.9
TOTAL ACRES																								:	1.9

POU County: CASSIA

Other Rights: SEE REMARKS

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
A45-00167B

Other Water Rights Listing Overlapping Place(s) of Use:
A45-00167B

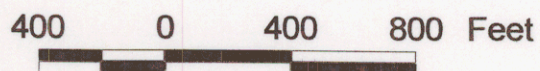
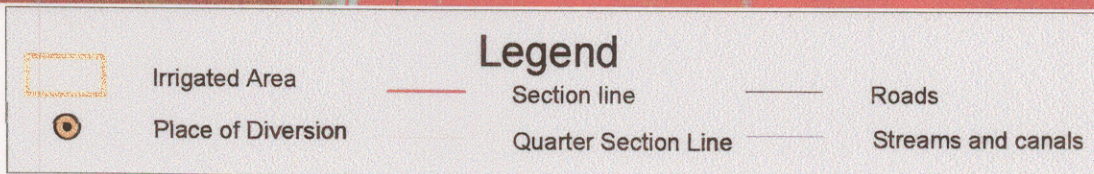
Remarks: GEN PORTION OF 45-0167 DECREE.

Dates: Exam Made Date: Verified Date: Objection Filed Date:

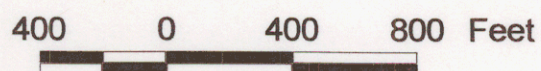
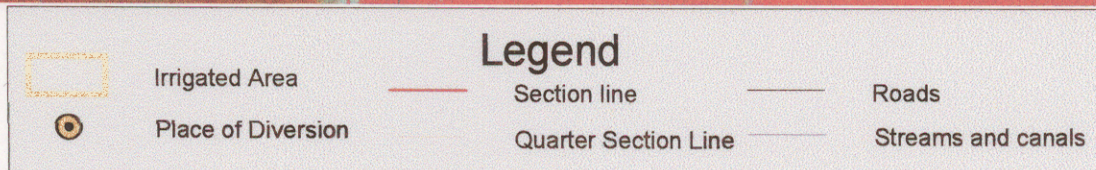
Misc: Water District Number: Field Inspection Flag:
Presumption Flag:

Audit: 08/23/88 CLELLAND 05/23/89 WHITE 03/30/95 POST-STD

Township , 12S23E



Township , 12S23E



Township , 12S23E



Legend

	Irrigated Area		Section line		Roads
	Place of Diversion		Quarter Section Line		Streams and canals



DIVERSION

0.040 CFS

Stage: DECREE

CASSIA County

IRRIGATION

11

NEW NEW

$$C = I + AC + AC^2 + \dots$$

1	0
2	1
3	1
4	1
5	1
6	0
7	0
8	1
9	1
10	1
11	1
12	1
13	1
14	1
15	1
16	1
17	1
18	1
19	1
20	1
21	1
22	1
23	1
24	1
25	1
26	1
27	1
28	1
29	1
30	1
31	1
32	1
33	1
34	1
35	1
36	1
37	1
38	1
39	1
40	1
41	1
42	1
43	1
44	1
45	1
46	1
47	1
48	1
49	1
50	1
51	1
52	1
53	1
54	1
55	1
56	1
57	1
58	1
59	1
60	1
61	1
62	1
63	1
64	1
65	1
66	1
67	1
68	1
69	1
70	1
71	1
72	1
73	1
74	1
75	1
76	1
77	1
78	1
79	1
80	1
81	1
82	1
83	1
84	1
85	1
86	1
87	1
88	1
89	1
90	1
91	1
92	1
93	1
94	1
95	1
96	1
97	1
98	1
99	1
100	1

■ ■ ■

DATE: 01/24/00
PAGE: 91