

DEPARTMENT OF  
WATER RESOURCES

01/04/2006

IDAHO DEPARTMENT OF WATER RESOURCES  
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 45-79K

NAME AND ADDRESS: DARLENE HARPER  
206 N LINCOLN  
OAKLEY ID 83346

ARNOLD HARPER  
206 N LINCOLN  
OAKLEY ID 83346

SOURCE: BIRCH CREEK

TRIBUTARY: GOOSE CREEK

QUANTITY: 0.006 CFS

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED  
DIVERSION RATE OF 0.269 CFS AT THE POINT OF MEASUREMENT IN THE  
SESESE OF SECTION 14, T14S, R22E. COMBINED RIGHT NOS.: 45-79A,  
45-79J, 45-79K, 45-79L, 45-79M, 45-79N, 45-79P, 45-79Q, 45-79R, 45-79S,  
45-79T, 45-79U, 45-10008, 45-10249, 45-10690, 45-10754, 45-10767,  
45-10891, AND 45-11104.

PRIORITY DATE: 12/05/1882

POINT OF  
DIVERSION: T14S R22E S14 SESESE Within CASSIA County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
|-----------------------|----------------------|-----------------|
| IRRIGATION            | 3/15-11/15           | 0.006 CFS       |
|                       | 2/28 11/15           |                 |

PLACE OF USE: IRRIGATION Within CASSIA County

T13S R22E S33 SESW 1.00  
1 ACRES TOTAL

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A  
COMBINED TOTAL OF 1 ACRE IN A SINGLE IRRIGATION SEASON.  
COMBINED RIGHT NOS.: 45-77R, 45-78J, & 45-79K.

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.

The operation and use of this water right is also subject to the terms and  
conditions of the Water Rotation Agreement ("Agreement") entered into  
by certain users on 10 September, 1992. The Agreement was filed and  
recorded in the office of the Cassia County Recorder on 27 May, 1993  
as Instrument No.: 224804; the provisions of such Agreement to apply  
fully to this water right.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 45-79G.

USE OF THIS RIGHT IS COMBINED WITH WATER FROM OAKLEY CANAL CO.

PROPERTY IS ALSO KNOWN AS PART OF LOT 2, BLK 23, OAKLEY  
TOWNSITE. PARCEL #RPOK0020230030.

## CERTIFICATE OF SERVICE

I certify that on April 12, 2004, I caused to be served true and correct copies of this Standard Form 5, to the following persons, in the manner indicated and addressed as follows:

1. Original to:

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

☐ Overnight Mail  
☐ Regular Mail  
☒ Hand-Delivered  
☐ Facsimile

2. Copies to:

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

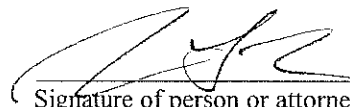
☐ Overnight Mail  
☒ Regular Mail  
☐ Hand-Delivered  
☐ Facsimile

Tim Payton  
President, Birch Creek Waterusers  
c/o Travis Thompson  
113 Main Avenue West, Suite 303  
Twin Falls, ID 83301-6167

☐ Overnight Mail  
☐ Regular Mail  
☒ Hand-Delivered  
☐ Facsimile

Arnold Harper  
Darlene Harper  
206 N Lincoln  
Oakley, ID 83346

☐ Overnight Mail  
☒ Regular Mail  
☐ Hand-Delivered  
☐ Facsimile

  
\_\_\_\_\_  
Signature of person or attorney mailing the form