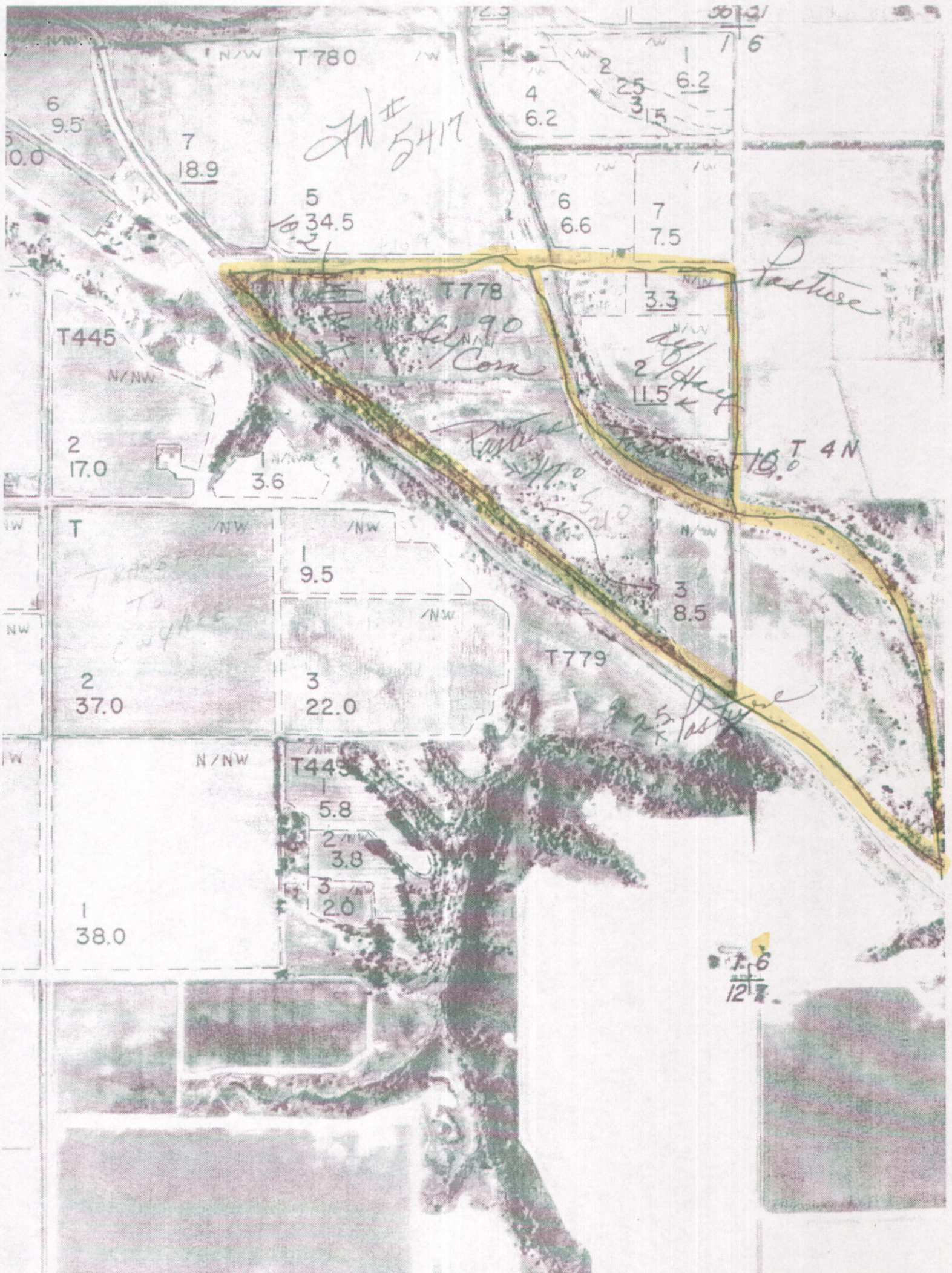
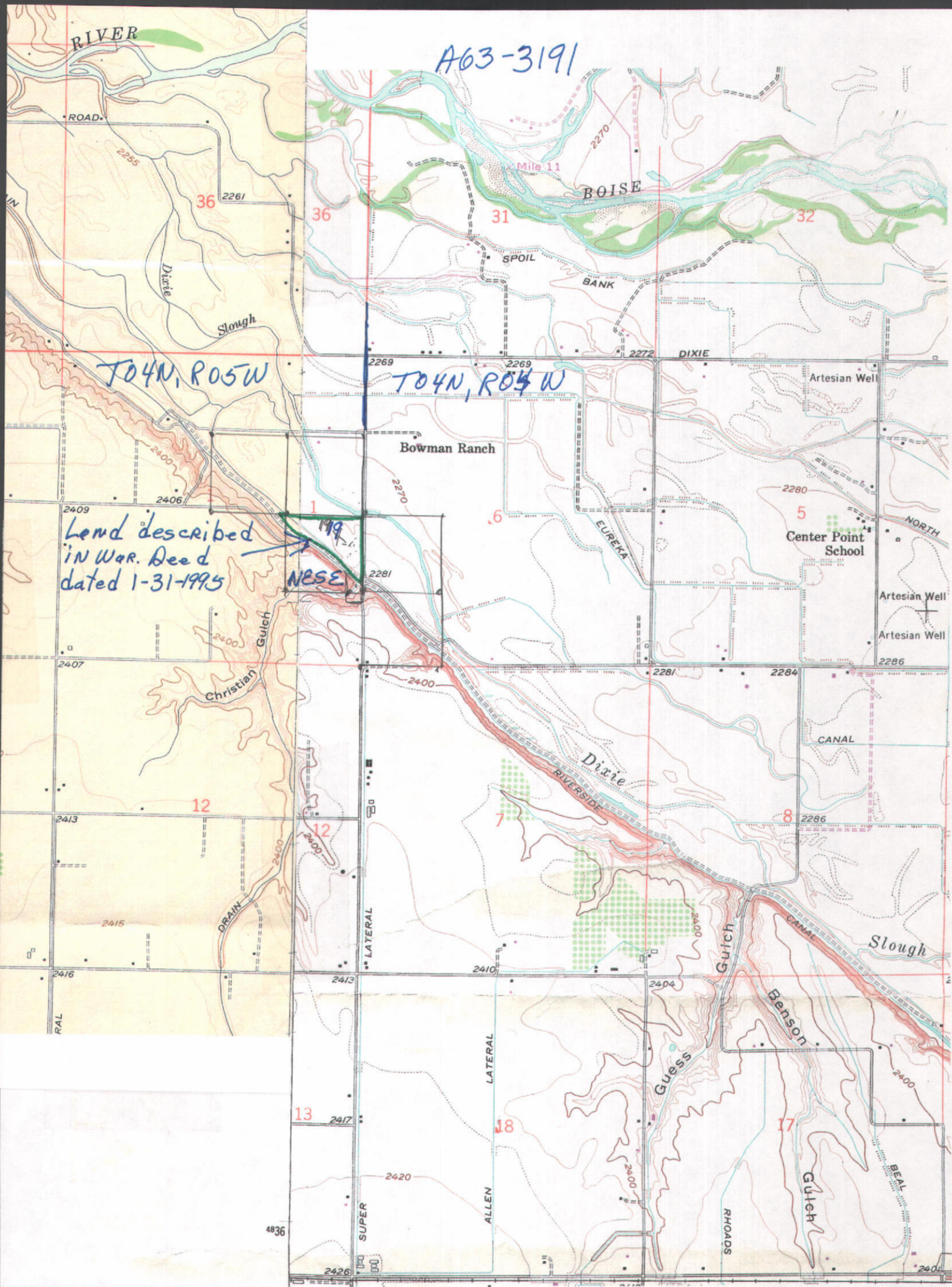
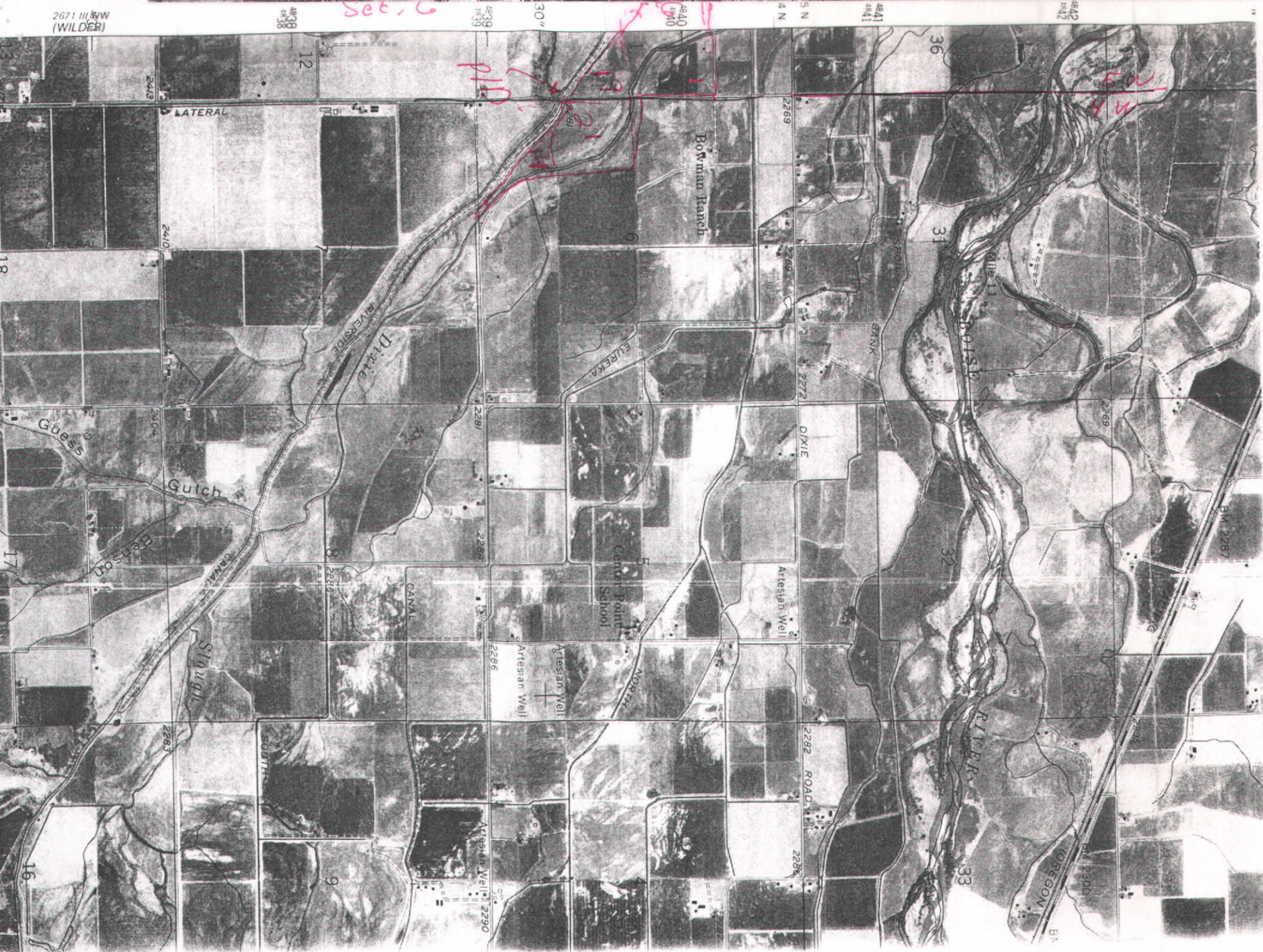




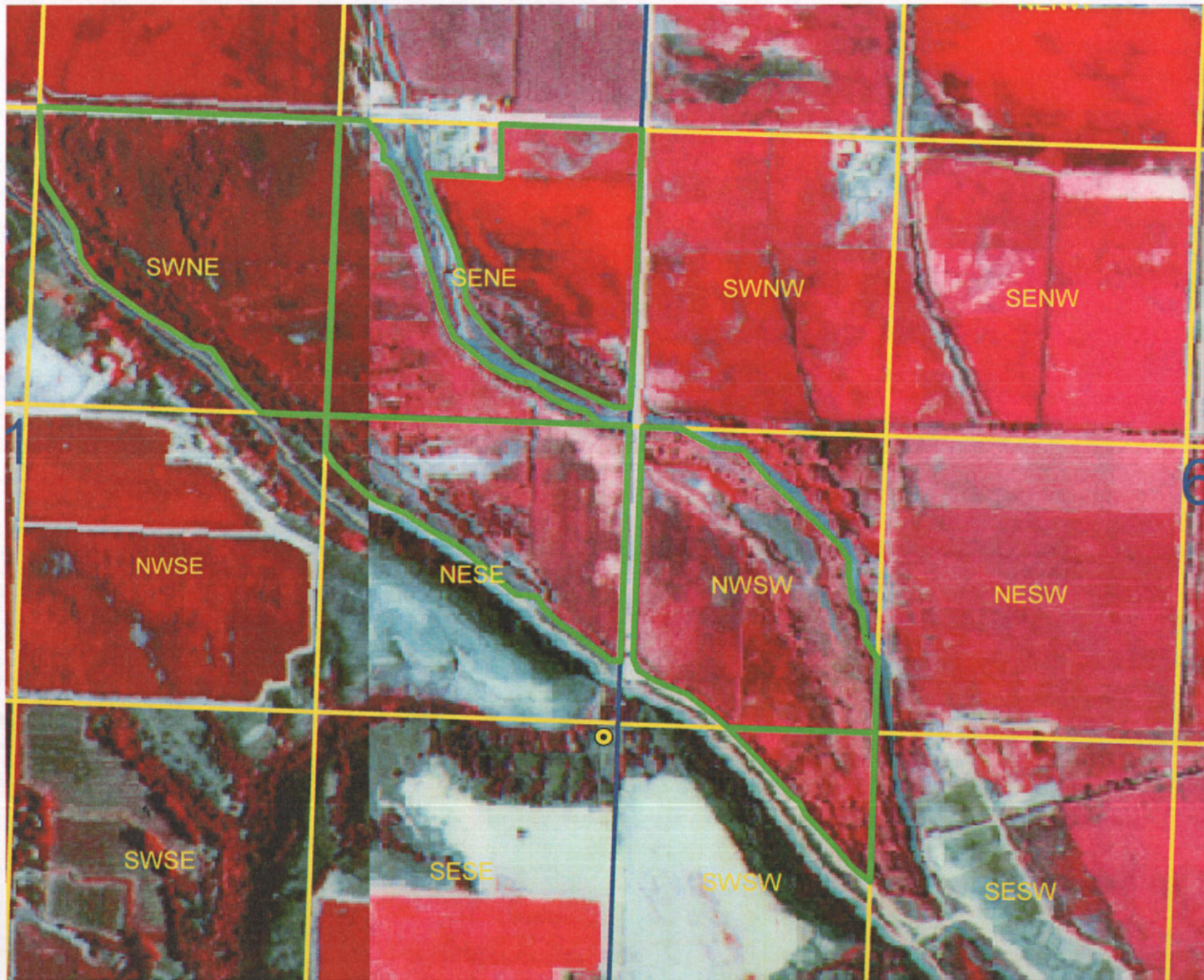
A63-3191



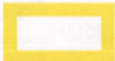
T 4N, R 5W, Sec. 1



Idaho Department of Water Resources



**T04N, R04W,
SEC 6
T04N, R05W,
SEC 1**

-  Place of Use
-  Section Lines
-  1/4 1/4
-  Point of Diversion

Irrigated Acres = 111



**Claim No: 63-3191
Prepared By: Kimberly Brown
Date: November 2, 2006**

0.00308 Miles

1987 NAPP

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 63-3191
Date Received: 2/1/1990
Receipt No: M005676
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

V JAY HARPER Phone: (208)459-3735
23750 HOWE RD
PARMA ID USA 83660

DEEON J HARPER Phone: (208)459-3735
23750 HOWE RD
PARMA ID USA 83660

2. Date of Priority: 07/01/1960

3. Source: CHRISTIAN GULCH WASTEWAY Trib. to: DIXIE DRAIN

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
04N	05W	1	SE SE	CANYON	

5. Description of diverting works:

CEMENT BOX W/BOARD, FLOOD IRR.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	3/15	11/15	2.22	

7. Total Quantity Appropriated is:
2.22 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4	of 1/4	Lot	Use	Acres
04N	04W	6	NW	SW	6	IRRIGATION	21
			SW	SW	7	IRRIGATION	14
						Section Acres	35
04N	05W	1	SW	NE		IRRIGATION	26
			SE	NE		IRRIGATION	31
			NE	SE		IRRIGATION	19
						Section Acres	76
						Total Acres	111

11. Place of use in counties: CANYON

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

13. Other Water Rights Used:

14. Remarks:

15. Basis of Claim: License

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: A63-03191
Date Received: 2/01/1990
Receipt No: M005676
Received By: LCW

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: EARL MARTIN 208-459-3776
Address: 24143 BLUFF LN.
PARMA, ID 83660
OR
Name: CLARICE L. MARTIN 208-459-3776
Address: 24143 BLUFF LN.
PARMA, ID 83660

2. Date of Priority: JUL 01, 1960

3. Source: CHRISTIAN GULCH WASTEWAY Trib. to: DIXIE DRAIN

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
04N	05W	1	SE	SE			CANYON

5. Description of diverting works:
CEMENT BOX W/BOARD, FLOOD IRR.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	2.220		

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

8. Total consumptive use is 388.5 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
04N	04W	6	NW		SW	6	IRR	21.0
			SW		SW	7	IRR	14.0
							Section Acres	35.0
	05W	1	SW		NE		IRR	26.0
			SE		NE		IRR	31.0
			NE		SE		IRR	19.0
							Section Acres	76.0
							Total Acres	111.0

11. Place of use in counties: CANYON

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

13. Other Water Rights Used:
DRAIN #6

14. Remarks:

15. Basis of Claim: LICENSE
Water Right Number: 28616

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): Charles L. Martin Date: Feb. 1, 1990

Date: _____

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 1 day
of Feb. 19 90

Linda Werner
Notary Public

Seal

Residing at _____
My Commission Expires DEC. 8, 1994
LINDA WERNER
RESIDING AT EAGLE, IDAHO

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

RECEIVED**AUG 08 2001****WATER RESOURCES
WESTERN REGION**

Please 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
<u>63-70531</u>					
<u>63-3191</u>					

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) Earl + Clarice Martin
24143 B1077 LN, Parma, Id. 83660
4. New Owner/Claimant(s) ~~Parma~~ V. Jay, Deon J. Harper
 Name Connector (Check one): ☐ and, ☐ or, ☒ and/or
- New Mailing Address ~~V. Jay~~ 23750 Howe Rd.
- City, State and ZIP Code Parma, Idaho 83660
- New Telephone Number (208) 459, 3735
5. Date you acquired the property March 8th 1991

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) V. Gay Harper
(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 _____
Received by _____	Date _____	Receipt No. _____
Processed by _____	AJ Date _____	WR _____ Date _____

200104831

WARRANTY DEED

For Value Received EARL H. MARTIN and CLARICE L. MARTIN, husband and wife,
of Parma, Canyon County, Idaho,

the grantor s, do hereby grant, bargain, sell and convey unto

VERNON J. HARPER and DEEON J. HARPER, husband and wife,

of: 23750 Howe Road, Parma, ID 83660

the grantee s, the following described premises, situated in
County, State of Idaho, to-wit:

Canyon

That part of the South Half of the Northeast Quarter (S½NE¼)
lying North of the center line of the right of way of the
Riverside Canal, in Section 1, Township 4 North, Range 5 West of
the Boise Meridian.

-AND-

BEGINNING at the Southeast corner of the Northeast Quarter of the
Southeast Quarter (NE¼SE¼) of said Section 1 and running thence
South along the Section line 90 feet; thence West on a line
parallel with the North boundary line of the Southeast Quarter of
the Southeast Quarter (SE¼SE¼) of said Section 1 a distance of
200 feet; thence North along a line parallel with the East
boundary line of said Section 1 to a point in the center line of
the right of way of the Riverside Canal; thence Southeasterly
along the center line of the right of way of the Riverside Canal
to a point in the East boundary line of the Northeast Quarter of
the Southeast Quarter (NE¼SE¼) of said Section 1; thence South
along said East line approximately 110 feet to the point of
beginning, all being in Section 1, Township 4 North, Range 5 West
of the Boise Meridian.

Together with all water and ditch rights and rights of way for
water and ditches.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees,
their heirs and assigns forever. And the said Grantor s do hereby covenant to
and with the said Grantees, that they are the owners in fee simple of said premises; that said
premises are free from all incumbrances

and that they will warrant and defend the same from all lawful claims whatsoever.

Dated: March 11, 1991.

Earl H. Martin

Clarice L. Martin

STATE OF IDAHO, COUNTY OF Canyon) ss.

On this 15th day of March, 1991,
before me, a notary public in and for said State, personally appeared
EARL H. MARTIN and CLARICE L. MARTIN
husband and wife,

known to me to be the persons whose names are
subscribed to the within instrument, and acknowledged to me that
they executed the same.

Residing at

Caldwell

Notary Public.

Idaho

My Commission Expires 5-15-92

STATE OF IDAHO, COUNTY OF

I hereby certify that this instrument was filed for record at the
request of

at _____ minutes past _____ o'clock m., this
_____ day of _____ 19____,
in my office, and duly recorded in Book _____ of Deeds at
page _____

Ex-Officio Recorder.

By _____

Deputy.

Fees \$
Mail to:

INSTRUMENT NO. 200127302

WARRANTY DEED

FOR VALUE RECEIVED, CLARICE L. MARTIN, individually and as personal representative of the Estate of Earl H. Martin, deceased, the Grantor, does hereby grant, bargain, sell and convey unto VERNON J. HARPER and DEEON J. HARPER, husband and wife, of 23750 Howe Road, Parma, Idaho, 83660, the Grantees, the following described premises, situated in Canyon County, State of Idaho, to-wit:

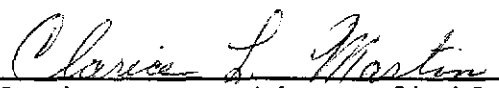
East Half of the Southeast Quarter (E½SE¼)
North of the Riverside Canal in Section 1,
Township 4 North, Range 5 West of the Boise
Meridian, Canyon County, Idaho.

Together with all water and ditch rights and
rights of way for water and ditches.

Together with all and singular the tenements,
hereditaments and appurtenances thereunto
belonging or in anywise appertaining.

TO HAVE AND TO HOLD The said premises, with their
appurtenances unto the said Grantees, their heirs and assigns
forever. And the said Grantor does hereby covenant to and with
the said Grantee, that she is the owner in fee simple of said
premises; that said premises are free from all incumbrances, and
that she will warrant and defend the same from all lawful claims
whatsoever.

Dated this 31st day of January, 1995.


Clarice L. Martin, Individually
and as Personal Representative

GIGRAY, MILLER, DOWNEN & WILPER
ATTORNEYS AT LAW
TELEPHONE 208-459-0091
9TH AND DEARBORN STS. • P. O. BOX 640
CALDWELL, IDAHO 83606-0640

1 STATE OF IDAHO)
2 County of Canyon) ss.

3 On this 31st day of January, 1995, before me, the
4 undersigned, a Notary Public in and for said State, personally
5 appeared CLARICE L. MARTIN, individually and as personal repre-
6 sentative of the Estate of Earl H. Martin, deceased, known to me
7 to be the person whose name is subscribed to the within instru-
8 ment, and acknowledged to me that she executed the same.

9 IN WITNESS WHEREOF, I have hereunto set my hand and
10 affixed my official seal the day and year in this certificate
11 first above written.

12 Elsie Aguilar
13 Notary Public for Idaho
14 Residing at Caldwell, Idaho
15 My Commission Expires 1-28-2000

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ATTORNEY AT LAW
TELEPHONE 208-459-0001
9TH AND DEARBORN STS. P. O. Box 640
CALDWELL, IDAHO 83606-0640

REQUEST Notary
TYPE Deed FEE C.C.

by Deed
CANYON COUNTY RECORDER

'01 JUL 10 AM 11 51

RECORDED

200127302

Earl
H/S

given to title
11/6/91

Water
#3-31514

PERSONAL REPRESENTATIVE'S DEED

THIS INDENTURE, Made and entered into this 23rd day of January, 1990, by and between CLARICE L. MARTIN, the duly appointed and acting personal representative of the estate of Ethel A. Lindsay, deceased, hereinafter referred to as Party of the First Part, and JAY HARPER and DEEON HARPER, husband and wife, of 23750 Howe Road, Parma, Idaho 83660, hereinafter referred to for convenience as Parties of the Second Part, WITNESSETH:

WHEREAS, On December 15, 1986, the Party of the First Part was appointed as the personal representative of the estate of Ethel A. Lindsay, deceased, by the District Court of the Third Judicial District of the State of Idaho, in and for the County of Canyon, Magistrate Division, and is now the duly qualified and acting personal representative of said deceased;

NOW, THEREFORE, The Party of the First Part, for and in consideration of the sum of TEN AND NO/100 (\$10.00) DOLLARS, lawful money of the United States of America, and other good and valuable considerations, to her in hand paid by the Parties of the Second Part, the receipt whereof is hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents does hereby grant, demise and convey unto the said Parties of the Second Part, their heirs and assigns forever, all of the right, title and interest of Ethel A. Lindsay, deceased, and all of her estate, in and to that certain real property, situated in the said County of Canyon, State of Idaho, more particularly described as follows, to-wit:

This parcel consists of Government Lot 6, a portion of Government Lot 7 and a portion of the Southeast Quarter of the Southwest Quarter of Section 6, Township 4 North, Range 4 West of the Boise Meridian and is more particularly described as follows:

BEGINNING at the northwest corner of said Government Lot 6 (W. 1/4 corner of said Section 6);

Thence North 89°18'24" East along the northerly boundary of said Government Lot 6 a distance of 1127.94 feet to the northeast corner of said Government Lot 6;

Thence South 0°12'43" East along the easterly boundary of said Government Lot 6 a distance of 1338.54 feet to a point in the approximate centerline of the Dixie Slough;

GEORGE A. MILLER, POWELL & POWELL
Attorneys at Law
One Ave. Duane St. - P. O. Box 610
Twin Falls, Idaho 83436-0610
CALDWELL, IDAHO 83406-0840

1 Thence traversing said centerline as follows:
2 South 14°24'22" East a distance of 540.85 feet;
3 South 24°18'28" East a distance of 203.08 feet;
4 South 36°14'31" East a distance of 192.43 feet to the
5 centerline of the existing county road bridge over said
6 Dixie Slough;

7 Thence South 59°02'46" West along the projection of the
8 centerline of said bridge a distance of 251.81 feet to a
9 point in the centerline of the Riverside Canal;

10 Thence traversing said centerline as follows:
11 North 51°06'14" West a distance of 404.62 feet;
12 Northwesterly 165.05 feet along the arc of a curve to
13 the right having a central angle of 12°26'15", a radius
14 of 760.36 feet and a long chord which bears North
15 44°53'06" West a distance of 164.73 feet;
16 North 38°39'59" West a distance of 331.16 feet;
17 North 44°39'54" West a distance of 391.41 feet;

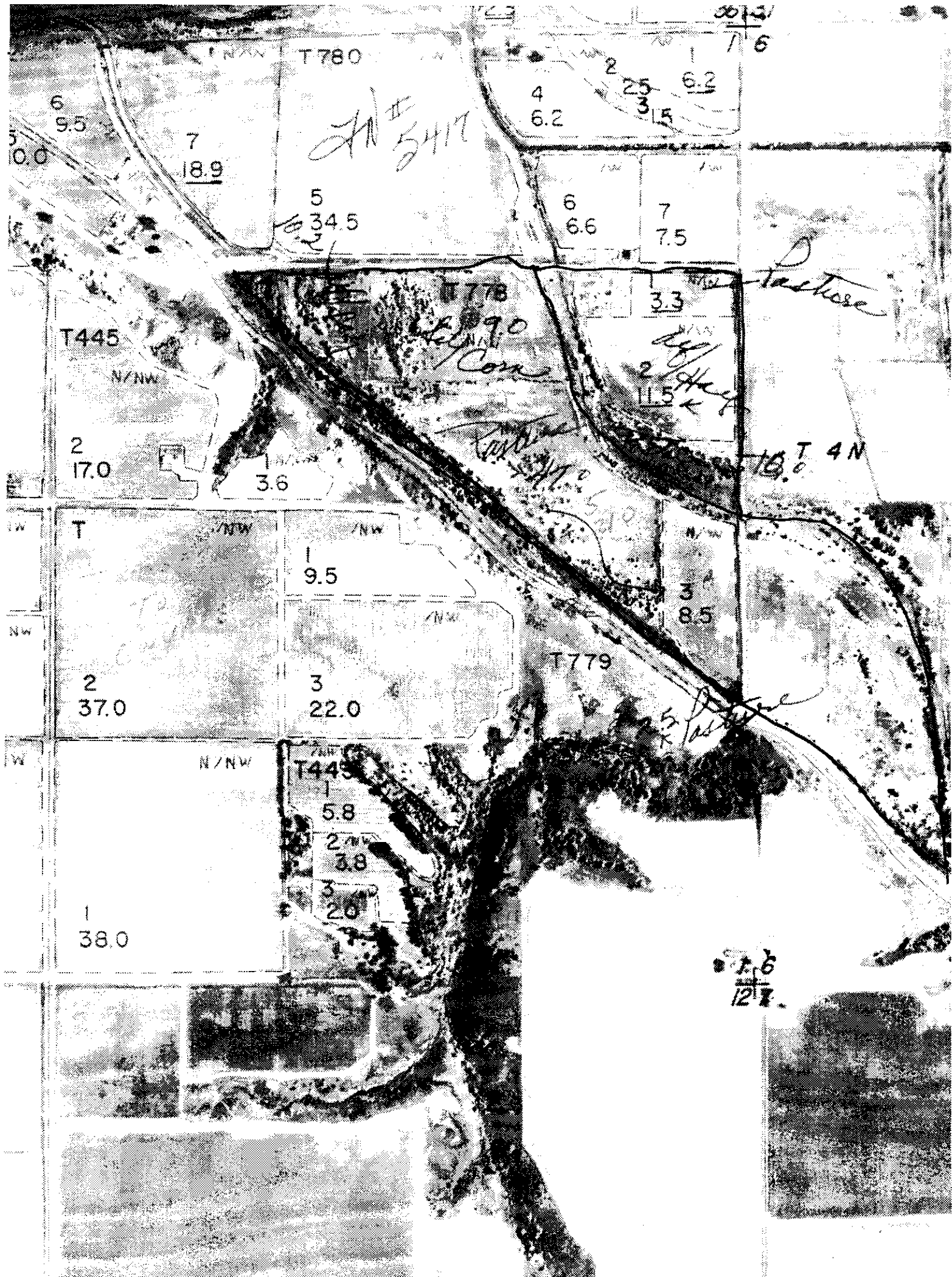
18 Northwesterly 287.71 feet along the arc of a curve to
19 the left having a central angle of 29°24'29", a radius
20 of 560.55 feet and a long chord which bears North
21 59°22'08" West a distance of 284.56 feet;
22 North 74°04'23" West a distance of 87.78 feet to a point
23 on the westerly boundary of the Southwest Quarter of
24 said Section 6;

Thence North 0°17'26" West along said Westerly boundary
a distance of 1241.74 feet to the POINT OF BEGINNING.

This parcel contains 46.732 acres.

Together with all water and ditch rights and rights of
way for water and ditches.

TO HAVE AND TO HOLD All and singular the above men-
tioned and described premises, together with the appurtenances
thereunto appertaining, unto the said Parties of the Second Part,
their heirs and assigns forever.



6
9.5

7
18.9

T780

AN 5417

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6.2

2

6.2

6
7

5
34.5

6
6.6

7
7.5

T445

N/NW

2
17.0

3.6

T778

90
Corn

3.3

2
11.5
Hay

Pasture

T 4 N
19.0

T

N/NW

NW

1
9.5

N/NW

3
8.5

T779

2
37.0

3
22.0

W

N/NW

T443

1
5.8

2
3.8

3
2.0

1
38.0

6
12.6

License and Certificate of Water Right

63-3191

er License No. 28616 Priority July 1, 1960 Amount 2.22 c.f.s.
(late proof)

THIS IS TO CERTIFY that EARL MARTIN

Parma, Idaho, made application for a permit to appropriate the
ic waters of the State of Idaho, dated March 3, 1960; that Permit No. 28616
issued under said application; that Certificate of Completion of Works, with a carrying capacity
2.44 second feet, was issued thereunder on March 30, 1965, showing
said works were completed on the 23 day of March, 1965; and
on the 12 day of August, 1966 EARL MARTIN

Parma, State of Idaho, made proof to the satisfaction of the
e Reclamation Engineer of Idaho, of a right to the use of the waters of Christian Gulch Wasteway

butary of Dixie Drain for the purpose of irrigation,
r Use Permit No. 28616 of the Department of Reclamation, and
said right to the use of said waters has been perfected in accordance with the laws of Idaho,
is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record ~~xx~~
~~xxx~~ ~~of license, not page~~, on the 1 day of March, 1968.
The right hereby confirmed dates from July 1, 1960 (late proof)

The Point of Diversion is located
e SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 1, Twp. 4 N, R. 5 W, B.M. Canyon County.
That the amount of water to which such right is entitled and hereby confirmed, for the purposes
said, is limited to an amount actually needed and beneficially used for said purposes, and shall
exceed 2.22 cubic feet per second.

Description and location of use:

Ap.	Range	Section	Forty-Acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
N	5 W	1	SW $\frac{1}{4}$ NE $\frac{1}{4}$	23	26
			SE $\frac{1}{4}$ NE $\frac{1}{4}$	40	31
			NE $\frac{1}{4}$ SE $\frac{1}{4}$	17	19
E N	4 W	6	Lot 6 (NW $\frac{1}{4}$ SW $\frac{1}{4}$)	36	21
			Lot 7 (SW $\frac{1}{4}$ SW $\frac{1}{4}$)	6	14
Total number of acres irrigated:					111

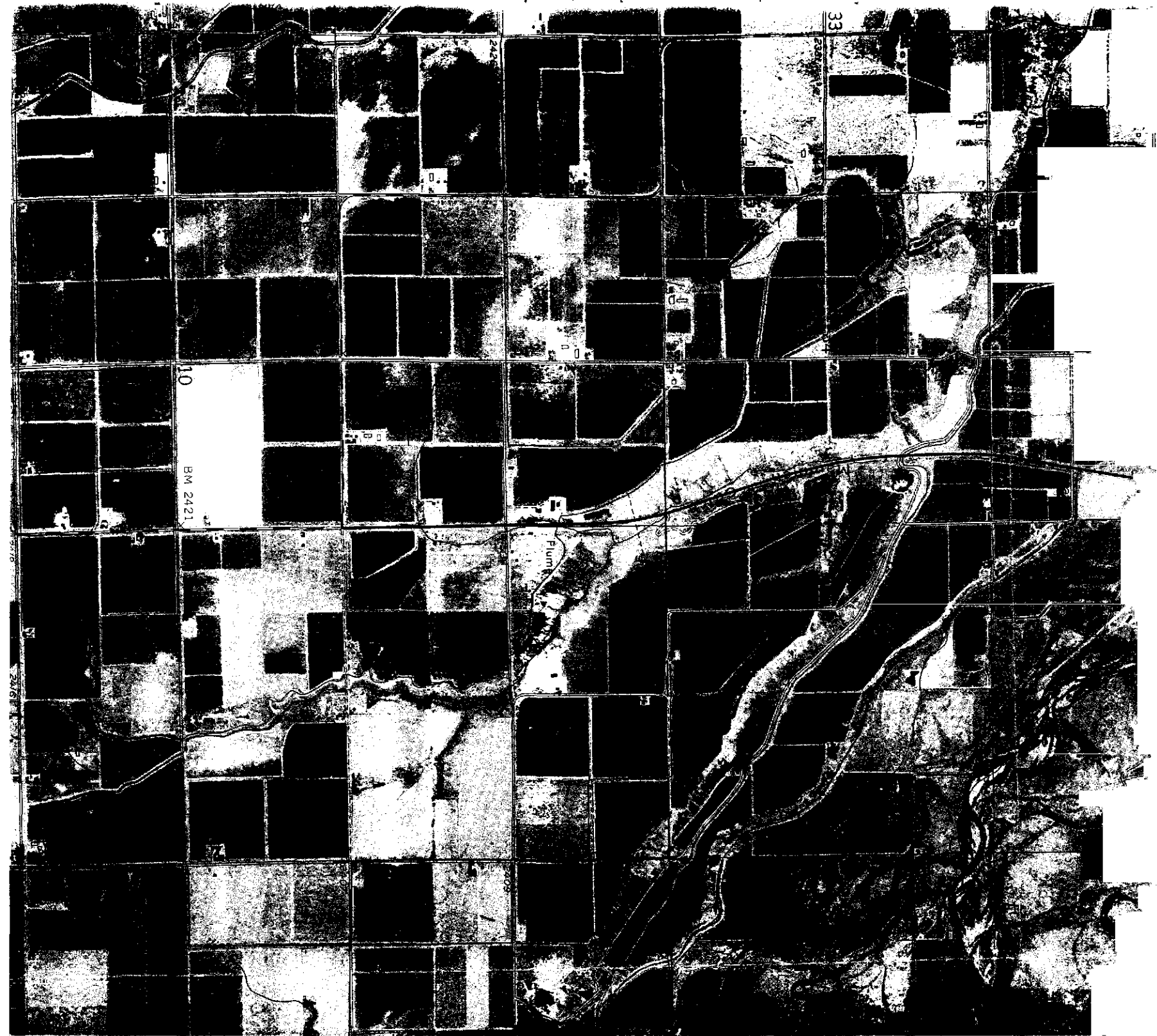
MICROFILMED

AUG 18 1992

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place
e herein described, as provided by the laws of Idaho.

AG3-03171

T 4N, R 5W, Sec. 1



SECRET

DEPARTMENT OF
THE RESOURCES

In Re SRBA) A. Subcase 63-3191
(Insert water right number)
Case No. 39576)
STANDARD FORM 1
OBJECTION

B. NAME AND ADDRESS OF PERSON OBJECTING

Name & Address of Attorney, if any:

Albert P. Barker
Barker Rosholt & Simpson, LLP
1010 W. Jefferson, Ste. 102, Boise ID 83702

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

Name: V Jay and Deeon Harper
Address: 23750 Howe Rd.
Parma, ID 83660

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: The source should be described as waste waters, and waste waters belong to the Riverside Irrigation District.

3. ☐ **Quantity**

Should be: _____

4. ☐ **Priority Date**

Should be: _____

5. ☐ **Point of Diversion**

Should be: _____

6. ☐ **Instream Flow Beginning and Ending Point**

Should be: _____

7. ☐ **Purpose(s) of Use**

Should be: _____

8. ☐ **Period of Year**

Should be: _____

9. ☐ **Place of Use**

Should be: _____

10 ☐ **I object because:**

☐ This water right Should not exist.

☐ This water right was not recommended, but Should be recommended with the elements described above.

E. REASONS SUPPORTING OBJECTIONS(S): There has been no lawful appropriation of this right. The description of the source should have been waste water. The waste waters belong to the Riverside Irrigation District and are not available for private development and appropriation. Further, any attempted development of this right constitutes a trespass against the drains of the Riverside Irrigation District. Proposed waste water remark does not sufficiently protect original appropriator.

F. VERIFICATION (must be completed)

State of IDAHO)
County of AD4)ss.

ALAN D. BARRETT, 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)

[Signature]

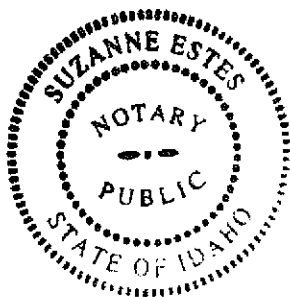
(Attorney signing in representative capacity)

Subscribed and sworn to before me on: June 18, 2007

Suzanne Estes
Notary Public for Idaho

Residing at: Boise

My Commission Expires: June 1, 2012



INSTRUCTIONS 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.

G. CERTIFICATE OF MAILING

I certify that on JUN 18 2007, 2007, 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
PO Box 2707
Twin Falls, ID 83303-2707

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

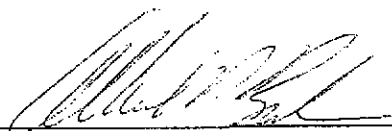
Name: V Jay and Deeon Harper
Address: 23750 Howe Rd.
Parma, ID 83660

3. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

United States Department of Justice
Environment & Nat'l Resources Div
550 W Fort Street, MSC 033
Boise, ID 83724

Chief, Natural Resources Division
Office of Attorney General
PO Box 44449
Boise, ID 83711-4449



Signature of objector or attorney
mailing on Objector's behalf

12/10/2006

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

RIGHT NUMBER: 63-3191

NAME AND ADDRESS: V JAY HARPER
23750 HOWE RD
PARMA ID 83660

DEEON J HARPER
23750 HOWE RD
PARMA ID 83660

SOURCE: CHRISTIAN GULCH WASTEWAY

TRIBUTARY: DIXIE DRAIN

QUANTITY: 2.220 CFS

PRIORITY DATE: 07/01/1960

POINT OF

DIVERSION: T04N R05W S1 SESE Within CANYON County

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

03/15 11/15

2.220 CFS

The use of water for irrigation under this right may begin as early as March 1, provided other elements of the right are not exceeded. The use of water before March 15 under this remark is subordinate to all water rights having no subordinated early irrigation use and a priority date earlier than the date a partial decree is entered for this right.

PLACE OF USE: IRRIGATION in CANYON County

T04N R04W S06 Lot 6 NWSW	24.00	T04N R04W S06 Lot 7 SWSW	5.00
T04N R05W S01 SWNE	29.00	T04N R05W S01 SENE	34.00
T04N R05W S01 NESE	19.00		

111 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.

This right remains subject to the right of the original appropriator, in good faith and in compliance with state laws governing changes in use and/or expansion of water rights, to cease wasting water, to change the place or manner of wasting it, or to recapture it.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Use of this right is combined with water from Riverside Irrigation District.

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

11/02/2006

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

RIGHT NUMBER: 63-3191

NAME AND ADDRESS: V JAY HARPER
23750 HOWE RD
PARMA ID 83660

DEEON J HARPER
23750 HOWE RD
PARMA ID 83660

SOURCE: CHRISTIAN GULCH WASTEWAY

TRIBUTARY: DIXIE DRAIN

QUANTITY: 2.220 CFS

PRIORITY DATE: 07/01/1960

POINT OF DIVERSION:

T04N R05W S1 SESE Within CANYON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

03/15 11/15

2.220 CFS

The use of water for irrigation under this right may begin as early as March 1, provided other elements of the right are not exceeded. The use of water before March 15 under this remark is subordinate to all water rights having no subordinated early irrigation use and a priority date earlier than the date a partial decree is entered for this right.

PLACE OF USE: IRRIGATION in CANYON County

T04N R04W S06 Lot 6 NWSW 24.00

T04N R04W S06 Lot 7 SWSW 5.00

T04N R05W S01 SWNE 29.00

T04N R05W S01 SENE 34.00

T04N R05W S01 NESE 19.00

111 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 - License

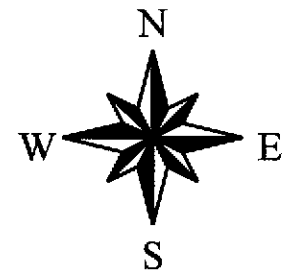
Use of this right is combined with water from Riverside Irrigation District.

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

SWS

-  **Place of Use**
-  **Section Lines**
-  **1/4 1/4**

Irrigated Acres = 111



0.00308 Miles

Claim No: 63-3191
Prepared By: Kimberly Brown
Date: November 2, 2006

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-3191

WATER RIGHT NUMBER: 63-3191 ✓

Owner Type Name and Address

Original Owner CLARICE L MARTIN
24143 BLUFF LN
PARMA, ID 83660
(208)459-3776

Original Owner EARL H MARTIN
24143 BLUFF LN
PARMA, ID 83660
(208)459-3776

Current Owner V JAY HARPER ✓
23750 HOWE RD
PARMA, ID 83660
(208)459-3735

Current Owner DEEON J HARPER ✓
23750 HOWE RD
PARMA, ID 83660
(208)459-3735

Priority Date: 07/01/1960 ✓

Basis: License ✓

Status: Active

Source

CHRISTIAN GULCH WASTEWAY ✓

Tributary

DIXIE DRAIN ✓

Beneficial Use

IRRIGATION ✓

From To

3/15 to 11/15 ✓

Diversion Rate

2.220 CFS

Total Diversion:

2.220 CFS

Location of Point(s) of Diversion

CHRISTIAN GULCH WASTEWAY

SE1/4SE1/4 ✓

Sec. 1, Twp 04N, Rge 05W, B.M. ✓

CANYON County ✓

Place of Use

IRRIGATION

Twp Rge Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
04N 04W 6																	35.0
			✓	✓							21.0	14.0					29.0
											24	5					29.0
04N 05W 1			28.0	31.0											19.0		78.0
			29	34													82.0
Total Acres: 111 ✓																	

ADD 839 - Season of use is 3/01 to 11/15.

ADD - Use is combined with water from Riverside Irr. Dist

ADD 005 - POU Accomplished Transfer

11/02/06
#63-31513 #63-31514
re-combined

⊛ See #63-31513 #
#63-31514 files.

Volume not applicable → surface water
Volume: 11.0 acres
4.5 af/acre
Annual Volume: 499.5
499.5 af/annum
499.5

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POU REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-3191

11/02/2006

1

Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Purpose of Use	Acres/Total	Name
-226	Claim	04N	04W	6	NW	SW		IRRIGATION	20/7139.3	THE RIVERSIDE IRRIGATION DIST LTI
-299	Claim	04N	04W	6	NW	SW		IRRIGATION	20/7139.3	THE RIVERSIDE IRRIGATION DIST LTI
-300	Claim	04N	04W	6	NW	SW		IRRIGATION	20/7139.3	THE RIVERSIDE IRRIGATION DIST LTI
2374	Claim	04N	04W	6	NW	SW		IRRIGATION	20/7139.3	THE RIVERSIDE IRRIGATION DIST LTI
2389	Claim	04N	04W	6	NW	SW		IRRIGATION	20/7139.3	THE RIVERSIDE IRRIGATION DIST LTI
4010	Claim	04N	04W	6	NW	SW		IRRIGATION	20/7139.3	THE RIVERSIDE IRRIGATION DIST LTI
-227	Claim	04N	04W	6	NW	SW		IRRIGATION	20/7139.3	THE RIVERSIDE IRRIGATION DIST LTI
-228	Claim	04N	04W	6	NW	SW		IRRIGATION	20/7139.3	THE RIVERSIDE IRRIGATION DIST LTI
-229	Claim	04N	04W	6	NW	SW		IRRIGATION	20/7139.3	THE RIVERSIDE IRRIGATION DIST LTI
4007	Claim	04N	04W	6	NW	SW		IRRIGATION	20/7139.3	THE RIVERSIDE IRRIGATION DIST LTI
2279	Claim	04N	04W	6	NW	SW		IRRIGATION	20/7139.3	THE RIVERSIDE IRRIGATION DIST LTI
4008	Claim	04N	04W	6	NW	SW		IRRIGATION	20/7139.3	THE RIVERSIDE IRRIGATION DIST LTI
3191	Claim	04N	04W	6	NW	SW	6	IRRIGATION	21/111	V JAY HARPER
3191	Water Right	04N	04W	6	NW	SW	6	IRRIGATION	21/111	EARL MARTIN
2279	Claim	04N	04W	6	SW	SW		IRRIGATION	15/7139.3	THE RIVERSIDE IRRIGATION DIST LTI
2374	Claim	04N	04W	6	SW	SW		IRRIGATION	15/7139.3	THE RIVERSIDE IRRIGATION DIST LTI
4010	Claim	04N	04W	6	SW	SW		IRRIGATION	15/7139.3	THE RIVERSIDE IRRIGATION DIST LTI
-226	Claim	04N	04W	6	SW	SW		IRRIGATION	15/7139.3	THE RIVERSIDE IRRIGATION DIST LTI
-227	Claim	04N	04W	6	SW	SW		IRRIGATION	15/7139.3	THE RIVERSIDE IRRIGATION DIST LTI
4007	Claim	04N	04W	6	SW	SW		IRRIGATION	15/7139.3	THE RIVERSIDE IRRIGATION DIST LTI
-228	Claim	04N	04W	6	SW	SW		IRRIGATION	15/7139.3	THE RIVERSIDE IRRIGATION DIST LTI
-229	Claim	04N	04W	6	SW	SW		IRRIGATION	15/7139.3	THE RIVERSIDE IRRIGATION DIST LTI
-299	Claim	04N	04W	6	SW	SW		IRRIGATION	15/7139.3	THE RIVERSIDE IRRIGATION DIST LTI
-300	Claim	04N	04W	6	SW	SW		IRRIGATION	15/7139.3	THE RIVERSIDE IRRIGATION DIST LTI
2389	Claim	04N	04W	6	SW	SW		IRRIGATION	15/7139.3	THE RIVERSIDE IRRIGATION DIST LTI
4008	Claim	04N	04W	6	SW	SW		IRRIGATION	15/7139.3	THE RIVERSIDE IRRIGATION DIST LTI
3191	Claim	04N	04W	6	SW	SW	7	IRRIGATION	14/111	V JAY HARPER
3191	Water Right	04N	04W	6	SW	SW	7	IRRIGATION	14/111	EARL MARTIN

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POU REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-3191

11/02/2006

2

Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Purpose of Use	Acres/Total	Name
3191	Claim	04N	05W	1	SW	NE		IRRIGATION	26/111	V JAY HARPER
3191	Water Right	04N	05W	1	SW	NE		IRRIGATION	26/111	EARL MARTIN
3191	Claim	04N	05W	1	SE	NE		IRRIGATION	31/111	V JAY HARPER
3191	Water Right	04N	05W	1	SE	NE		IRRIGATION	31/111	EARL MARTIN
3191	Claim	04N	05W	1	NE	SE		IRRIGATION	19/111	V JAY HARPER
3191	Water Right	04N	05W	1	NE	SE		IRRIGATION	19/111	EARL MARTIN



Kimberly -
come find me &
I will explain this -

Thanks!

Liberty

Title:		Date: 11-01-2006
Scale: 1 inch = 294 feet	File: HARPER.des	

Data and Deed Call Listing of File: HARPER.des

Tract 1: 46.732 Acres: 2035637 Sq Feet: Closure = s13.4835w 0.01 Feet: Precision >1/999999: Perimeter = 6564 Feet

001=N2268645.19M E1394186.88M

002=ROTATE +0.0000

003=N89.1824E 1127.94

004=S00.1243E 1338.54

005=S14.2422E 540.85

006=S24.1828E 203.08

007=S36.1431E 192.43

008=S59.0246W 251.81

009=N51.0614W 404.62

010: Rt, R=760.36, Arc=165.05, Delta=12.2615
Bng=N44.5316W, Chd=164.73

011=N38.3959W 331.16

012=N44.3954W 391.41

013: Lt, R=560.55, Arc=287.71, Delta=29.2429
Bng=N59.2208W, Chd=284.56

014=N74.0423W 87.78

015=N00.1726W 1241.74

CONVERSATION MEMORANDUM

**RE: Snake River Basin Adjudication Water Right Nos. A63-31514
Notice of Error Reply**

October 23, 2006

Jay Harper called and said that he spoke with Jan Shurte at the Basin 63 Part III Preliminary Meeting in Caldwell on 10/18/06. Mr. Harper says that he owns the entire 111 acres, not the Martins. He will fax a copy of his Warranty Deeds for Sections 1 and 6 so that we can have Liberty run the metes and bounds.

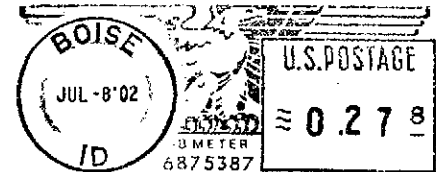
*After our telephone conversation, I reviewed the file and found that Mr. Harper had spoken with Ron Howerton about this very same issue in July 2002 and told Mr. Howerton that he was going to go to the Title Co. to get a copy of all of his deeds and get them to us in order to clear up this matter (see Adjudication Memorandum in file). Apparently, he did not follow through on this commitment.

Kimberly Brown
Senior Water Resource Agent
Western Region

IDAHO DEPARTMENT OF WATER RESOURCES
WESTERN REGION
2735 Airport Way
Boise, Idaho 83705-5082

RETURN SERVICE
REQUESTED

POSTNET
FIRST CLASS



RECEIVED

JUL 12 2002

WATER RESOURCES
WESTERN REGION

63-3191 → 63-31513

EARL H MARTIN
CLARICE L MARTIN
24143 BLUFF LN
PARMA ID 83660

MART143 836602017 1A01 17 07/10/02
RETURN TO SENDER
MARTIN, CLARICE
8265 W KINGSBURY DR
MIDDLETON ID 83644-5688
RETURN TO SENDER

EAAGTMS 83660

|||||

Not re-sent to Martin's. See memo in file 7-12-02

ADJUDICATION MEMORANDUM

CLAIM NO: 63-3191 / 63-31514

SUBJECT: Change of ownership

EMPLOYEE: D. Hatfield

DATE: 7-12-02

63-3191 was split due to ownership change - for
19ac. going to Harper + 92ac staying in Martin's
name. Harper called to say he purchased All
property. We only rec'd deeds showing part of the
land - therefore the claim was split.

Ron H. talked to Mr. Harper 7-12-02 and he's
going to go to the title Co + get All deeds for
all of his land + bring them (or mail them).

Hopefully to clear up situation. May need to
combine back to 63-3191.