

29

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
MAY - 9 2011	
By _____	Clerk
_____	Deputy Clerk

**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	)	Subcase Nos. 02-7369
	)	
Case No. 39576	)	
	)	STANDARD FORM 5
	)	
_____	)	STIPULATED ELEMENTS OF A WATER RIGHT

This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANTS/OBJECTORS:

Jeff C Harper 4-23-11
Jeff C. Harper Date

Jackie Harper 4/23/11
Jackie Harper Date

STANDARD FORM 5 – 02-7369

IDWR Concurrence:

Carter Fritschle 5-5-11
Carter Fritschle Date
Water Rights Adjudication Section Manager

Andrea L. Courtney 5/5/11
Andrea L. Courtney Date
Deputy Attorney General

04/13/2011

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

RIGHT NUMBER: 2-7369

NAME AND ADDRESS: JACKIE HARPER
~~1130 S HWY 30~~ 518 OLD HWY 30
MOUNTAIN HOME ID 83647

JEFF C HARPER
~~1130 S HWY 30~~ 518 OLD HWY 30
MOUNTAIN HOME ID 83647

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

QUANTITY: 7.700 CFS
1,540.00 AFY

PRIORITY DATE: 12/28/1981

POINT OF
DIVERSION:

T06S R07E S1 SENE Lot 8 Within OWYHEE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	7.700 CFS 1,540.00 AFY

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 15 AND MAY CONTINUE TO AS LATE AS NOVEMBER 15, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE APRIL 1 AND AFTER OCTOBER 31 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

PLACE OF USE: IRRIGATION in OWYHEE County

T06S R07E S12	NESE	36.00	T06S R07E S12	NWSE	13.00
T06S R07E S12	SWSE	30.00	T06S R07E S12	SESE	39.00
T06S R07E S13	NENE	39.00	T06S R07E S13	NWNE	38.00
T06S R07E S13	SWNE	40.00	T06S R07E S13	SENE	39.00
T06S R07E S13	NENW	40.00	T06S R07E S13	NWNW	40.00
T06S R07E S13	SWNW	40.00	T06S R07E S13	SENE	40.00
T06S R07E S13	NESW	40.00	T06S R07E S13	NWSW	40.00
T06S R07E S13	SWSW	40.00	T06S R07E S13	SESW	40.00
T06S R07E S13	NESE	39.00	T06S R07E S13	NWSE	40.00
T06S R07E S13	SWSE	39.00	T06S R07E S13	SESE	39.00
T06S R07E S24	NENE	40.00	T06S R07E S24	NWNE	40.00
T06S R07E S24	SWNE	40.00	T06S R07E S24	SENE	40.00
T06S R08E S07	NESW	40.00	T06S R08E S07 Lot 3	NWSW	32.00
T06S R08E S07 Lot 4	SWSW	32.00	T06S R08E S07	SESW	40.00
T06S R08E S18	NENE	40.00	T06S R08E S18	NWNE	40.00
T06S R08E S18	SWNE	40.00	T06S R08E S18	SENE	40.00

T06S R08E S18	NENW	40.00	T06S R08E S18 Lot 1 NWNW	32.00
T06S R08E S18 Lot 2 SWNW		32.00	T06S R08E S18	SENW 40.00
T06S R08E S18	NESW	40.00	T06S R08E S18 Lot 3 NWSW	33.00
T06S R08E S18 Lot 4 SWSW		33.00	T06S R08E S18	SESW 40.00
T06S R08E S18	NESE	40.00	T06S R08E S18	NWSE 40.00
T06S R08E S18	SWSE	40.00	T06S R08E S18	SESE 40.00
T06S R08E S19	NENE	40.00	T06S R08E S19	NWNE 40.00
T06S R08E S19	NENW	37.00	T06S R08E S19 Lot 1 NWNW	33.00
T06S R08E S19 Lot 2 SWNW		33.00	T06S R08E S19	SENW 37.00

1885 ACRES TOTAL

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 385 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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

~~Water shall not be diverted under this right when flows in the Snake River are below established minimum flow amounts at any of the following locations: Weiser, 4750 cfs; Johnson Bar, 5000 cfs; Lime Point, 13,000 cfs.~~

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

Approval of Transfer 5026 does not grant any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.

Failure of the right holder to comply with the conditions of Transfer 5026 is cause for the Director to rescind approval of the transfer.

This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.0 afa per acre for irrigation of the lands above.

JCH
AK
CH
CT

CERTIFICATE OF MAILING

I certify that on May 6, 2011, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid 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, Idaho 83303-2707

2. Copies to:

JEFF C & JACKIE HARPER
Represented by:
DANA L. HOFSTETTER
608 WEST FRANKLIN STREET
BOISE, ID 83702

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

JACKIE HARPER
JEFF C HARPER
518 OLD HWY 30
MOUNTAIN HOME, ID 83647



Signature of person or attorney mailing the form