

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: A43-00249
Date Received: 5/30/1989
Receipt No: MD03768
Received By: R. J. [Signature]

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: DOUGLAS R. HARPER 208-645-2278
Address: HC 61, BOX 1156
MALTA, ID 83342

OR

Name: MARIAN HARPER 208-645-2278
Address: HC 61, BOX 1156
MALTA, ID 83342

2. Date of Priority: APR 01, 1883

3. Source: CASSIA CREEK Trib. to: RAFT RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
13S	24E	25	SE	SE	SW		CASSIA
		36	NW	NW	NE		CASSIA

5. Description of diverting works:
HEADGATE & MEASURING FLUME, DITCH TO PLACE OF USE.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.240		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
13S	24E	36	NE		NE		IRR	40.0
			NW		NE		IRR	15.0
			SW		NE		IRR	15.0
			SE		NE		IRR	30.0
Section Acres								100.0
Total Acres								100.0

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:
43-0250

14. Remarks:
IRRIGATED PASTURE LAND

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

ALBION-IDAHO LAND CO.
Decree Plaintiff

vs

JOBE ADAMS ET AL
Decree Defendant

MICROFILMED
MAR 02 1993

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): *Douglas R. Haynes* Date: *5-31-89*

Date: _____

State of Idaho)
County of *Cassia*) SS.

Subscribed and sworn (or affirmed) before me this *31st* day
of *May* 19 *89*

Robert V. Worstell
Notary Public

Seal

Residing at *Twin Falls, Idaho*
My Commission Expires *1/16/1995*



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 2148 4th Ave. East, Twin Falls, Idaho 83301 (208) 734-357

CECIL D. ANDRUS
Governor

June 20, 1989

Douglas R. Harper
HC61 Box 1156
Malta, ID 83342

R. KEITH HIGGINSON
Director
KKC

00295
00294
00087
10295
10294

00296B
00086

A43-02362

00249
00250
02388

RE: SRBA Claim

Dear Claimant:

Please find enclosed your claim ~~and your check~~ # 17003768 for \$ 280.00 which you submitted to our office. I am returning these pursuant to rule 10,4 of the Department's Adjudication Rules and Regulations. In checking your claim it appears that the following items need clarification:

- Received
- (✓) Item #2 Priority date ((day/month/year))
 - () Item #4 Point of Diversion Legal Description
 - () Item #6 Uses descriptions
 - () Item #9 Description of Non-irrigation uses
 - () Item #10 Place of Use Legal Description
 - () Item #16 Signature & Notarization
 - () Improper fee (THE CORRECT FEE IS \$ _____)
 - () Other or Remarks

If you will make the necessary corrections and return your claim with the correct fee and a copy of this letter within 30 DAYS of the date of this letter, your filing will be considered timely and will not be assessed an additional late fee of \$ 50.00.

Sincerely,

Steve Clelland
Water Right's Agent

enc:

10/24/2000

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

RIGHT NUMBER: 43-249

NAME AND ADDRESS: DOUGLAS R HARPER
MARIAN HARPER
1300 S 2201
MALTA, ID 83342

SOURCE: CLYDE CREEK TRIBUTARY: CASSIA CREEK

QUANTITY: 0.24 CFS

VERIFIED BY, KKC
10-24-00

PRIORITY DATE: 04/01/1883

POINT OF DIVERSION: T13S R24E S25 SESESW Within CASSIA County
T13S R24E S25 SWSWSE Within CASSIA County
T13S R24E S36 SENWNE Within CASSIA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04-01 10-31	0.24 CFS

PLACE OF USE:

<u>IRRIGATION Within CASSIA County</u>					
T13S R24E S36	NWNE	15	T13S R24E S36	SWNE	11
T13S R24E S36 LOT 1	NENE	37	T13S R24E S36 LOT 2	SENE	24
87 ACRES TOTAL					

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION
OF A COMBINED TOTAL OF 87 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS. 43-249, 43-250 AND 43-11267.

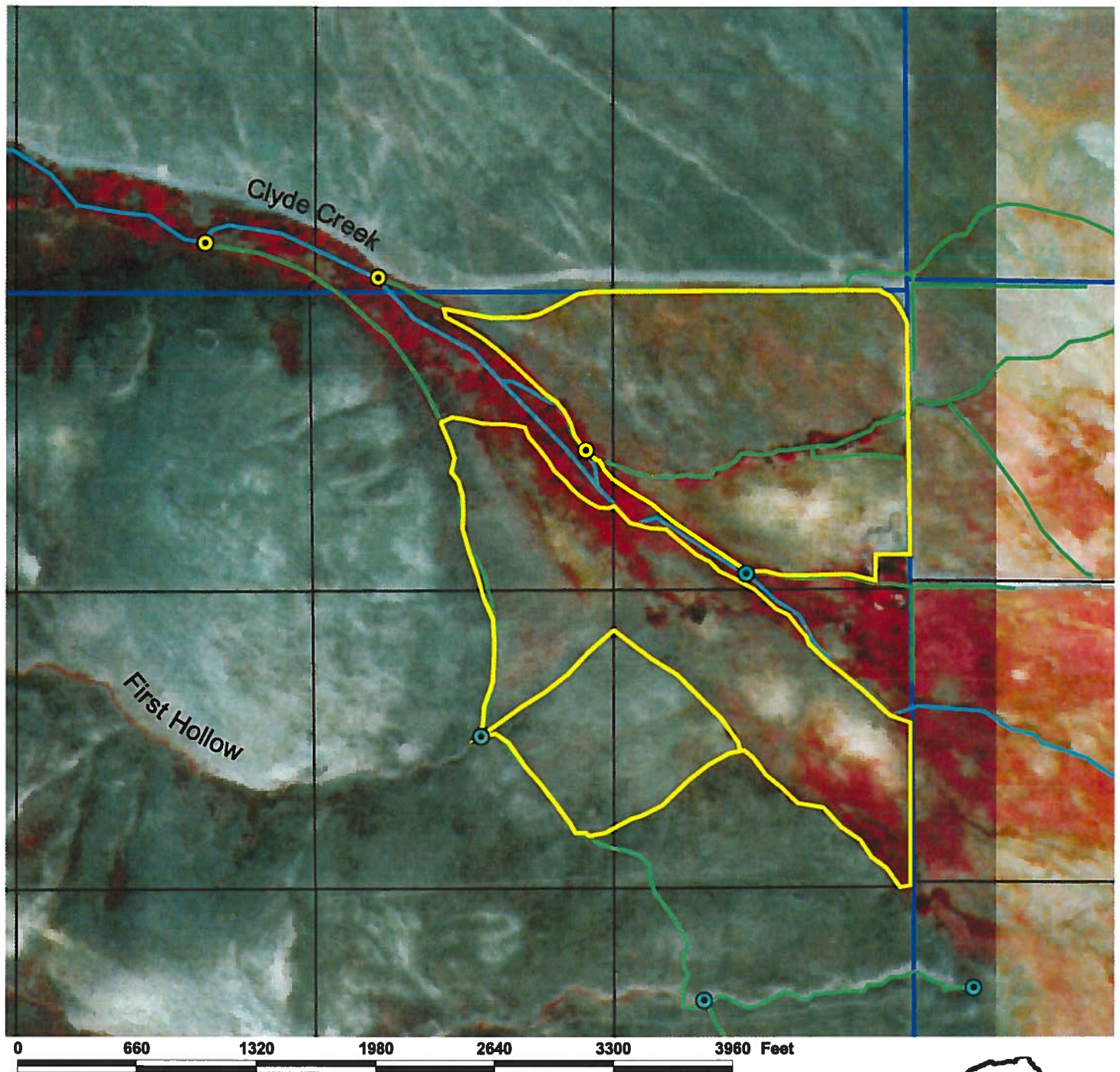
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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

Idaho Department of Water Resources

**RECOMMENDED PLACE OF USE FOR
43-249 and 43-250**



PLACE OF USE

TWP 13S, RNG 24E, SEC 36

Data entry on October 24, 2000

● **RECOMMENDED POINT OF DIVERSION**

■ **RECOMMENDED PLACE OF USE**

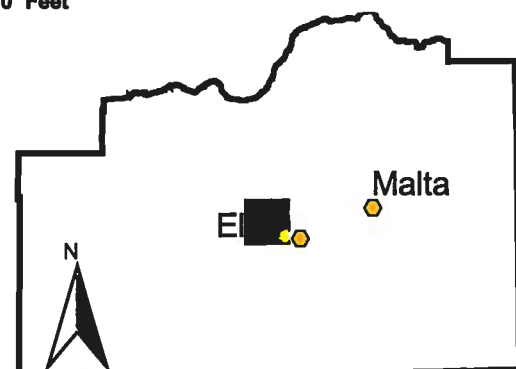
■ **SECTION LINES**

■ **QUARTER/QUARTER LINES**

GIS PLACE OF USE PRESENTATION

1987/1988 NAPP AERIAL PHOTOGRAPHY

DATA ENTRY BY KELLY K CHRISTENSEN



CLAIM NUMBER A43-00249 DATE 10-24-00 TRANSFER NUMBER _____
A43-00250 AGENT KKC CLAIMED ACRE TOTAL _____
A43-11267 GIS ACRE TOTAL _____

				Lt1	NE			Lt2	NW				SW				SE			
	TWP	RNG	SEC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
CLAIM	13S	24E	36	40	15	15	30													
GIS			36	36.6	15.1	11.3	23.7													
RECOM				37	15	11	24													
	43-11267																			
CLAIM	13S	24E	36			6.1	6.2													
GIS						6.1	6.2	within recom P/U more in acre in												
RECOM								QQ in with Clyde Cr water.												
CLAIM																				
GIS																				
RECOM																				

B43-DBPOU.SHP Actual Source is and always been Clyde Creek. It was
SHAPE NOS. just identified as Cassin Cr in the decree No Change
in Actual P/D noted.

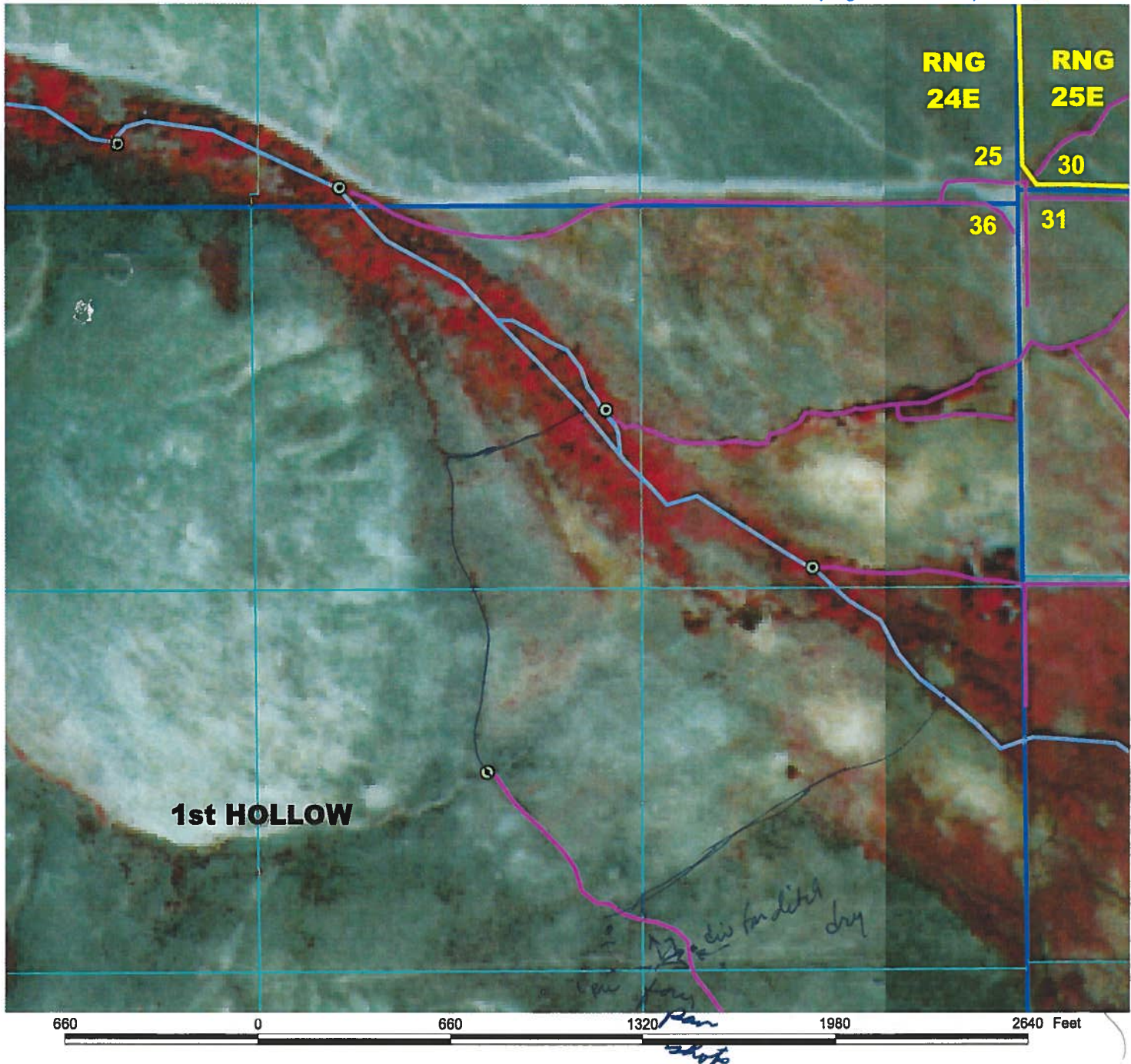
43-DBPOD.SHP _____
NOS. DESCRIPTION _____
8 Sec 36 SENWNE Clyde Cr.
9 Sec 25 SWSWSE Clyde Cr.
Sec 25 SESESW CLYDE CR (div So of channel)
Sec 36 NESWNE First Hollow.

DBF TABLES UPDATED _____
B43-DBPOU.DBF _____
B43-DBPOD.DBF 43-249 250 Harper. JPG
JPEG LAYOUT 43-11267 Harper. JPG

IDAHO DEPARTMENT OF WATER RESOURCES

**FIELD MAP
FOR 43-00249 & 43-00250**

*Field Eian
4-25-00 KKC*



PLACE OF USE

TWP 13S RNG 24E, SEC 36

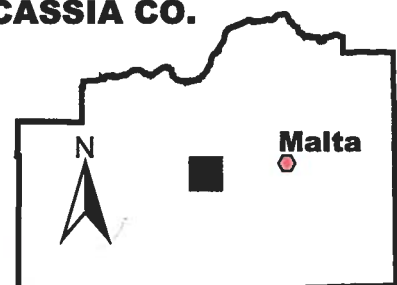
data entry on: April 25, 2000

GIS PLACE OF USE PRESENTATION

**1987 AND/OR 1988 NAPP PHOTOGRAPHY
DATA ENTRY BY KELLY K CHRISTENSEN**

- POINT OF DIVERSION**
- PLACE OF USE**
- SECTION LINES**
- QUARTER/QUARTER LINES**

CASSIA CO.



R. 2.16

Fossil 761-9
6-29-95

6910

1871

6910

pin - 1950

pin - 1950

36

25

30

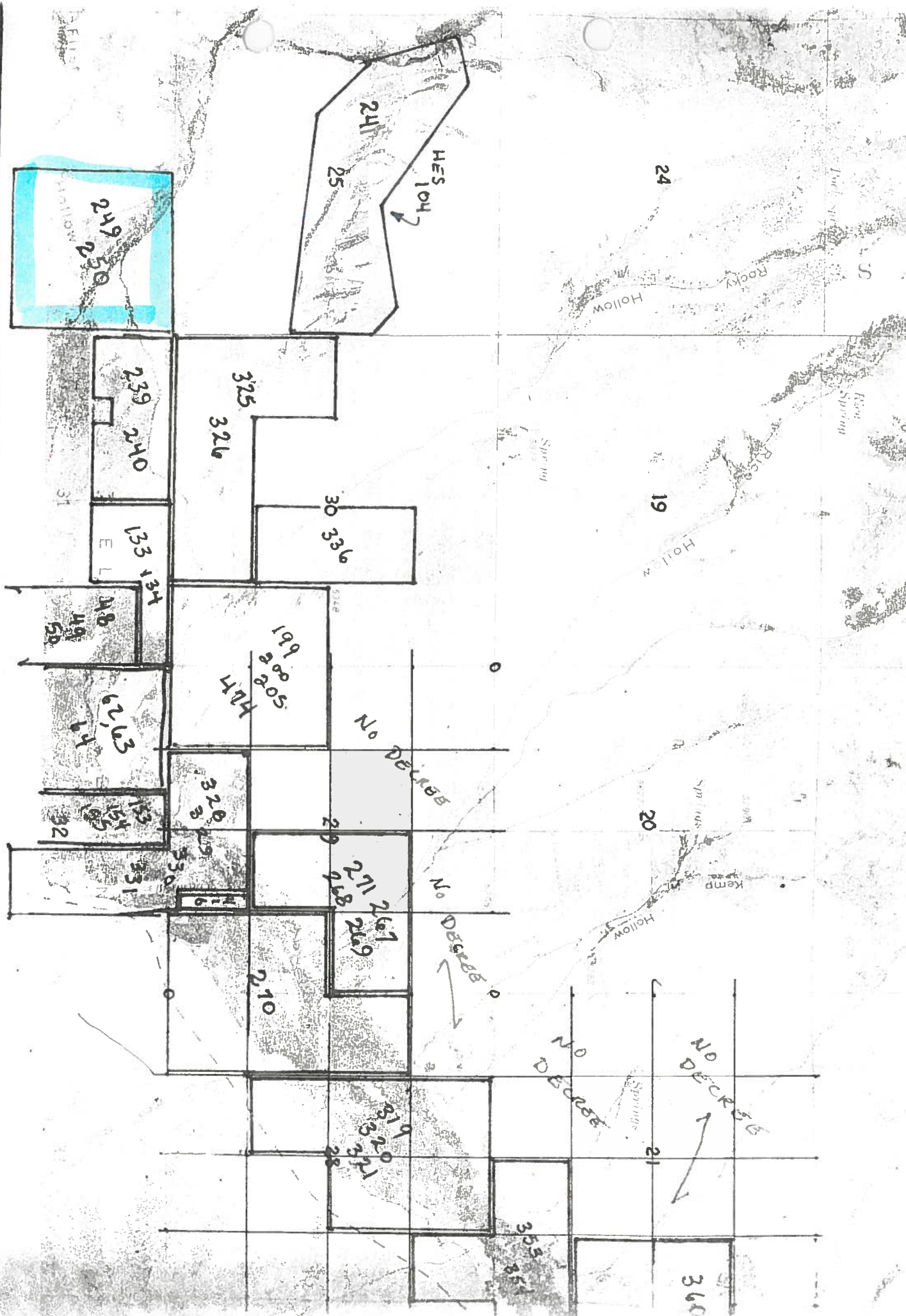
31

1377

1509

392

B



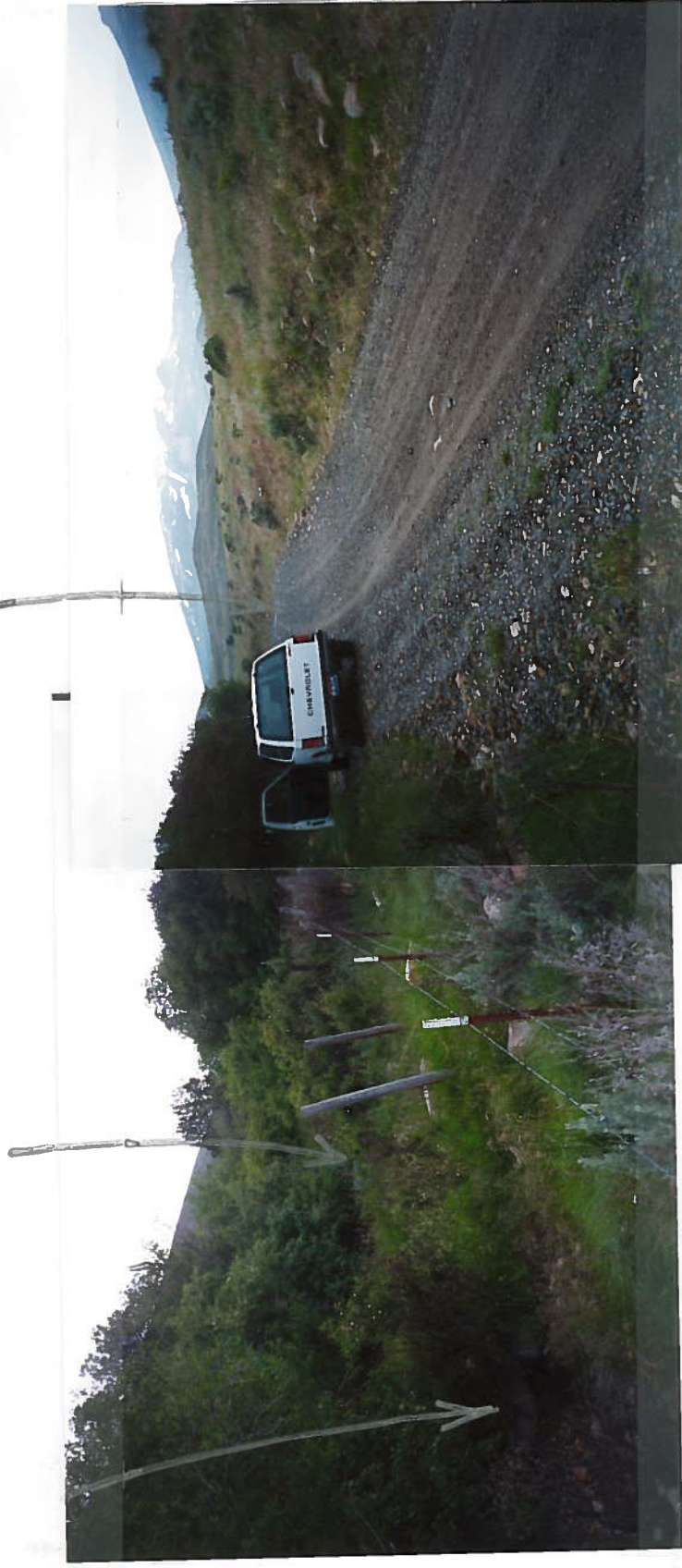
CLAIM # A43-00249 AND A43-00250
DATE PHOTOS TAKEN; 06-27-95
PICTURE SET # 1

This photo set is of the northwestern diversion of two from the north side of Clyde Creek for Harper, Pettingill and Tracy. There is an additional diversion for Harper on the south side of Clyde Creek. I found a parshall flume with a nine inch throat diverting 2.18 cfs. The flume base in the convergence section was covered with 1 to 2 tenths of silt. There was no observable difference in the water level between the inlet and the outlet indicating a fully submerged flume. The found rate was not corrected for the found conditions of the flume. The ditch system was not at capacity.

PARSHALL FLUME

HEADGATE

ELBA-OAKLEY COUNTY ROAD



CLAIM # A43-00249 AND A43-00250
DATE PHOTOS TAKEN; 06-27-95
PICTURE SET # 2

You are looking east on the left to south on the right across the northwest portion of the P/U. The ditch shown in this photo is the same ditch associated with the P/D shown in photo set 1. The ditch swings away from the Elba-Oakely road for a short distance creating a small crescent of ground that is not irrigated but basically the ditch parallels the road to the northeast corner of the property.

SOUTHERN CLYDE CREEK DITCH

CLYDE CREEK



CLAIM # A43-00249 AND A43-00250
DATE PHOTOS TAKEN; 06-27-95
PICTURE SET # 3

This photo set is looking east on the left to west on the right and gives an overview of the P/U that lays north of Clyde Creek. The ditch following the fenceline is the same ditch described in photo sets 1 and 2. Note that there are small sagebrush ridges that outline parcels of ground that cannot be reached by flood irrigation water. These areas are relatively small and have not been excluded from the recommended place of use.

IRRIGATED GROUND
SOUTH OF CLYDE CREEK

DITCH

CLYDE
CREEK



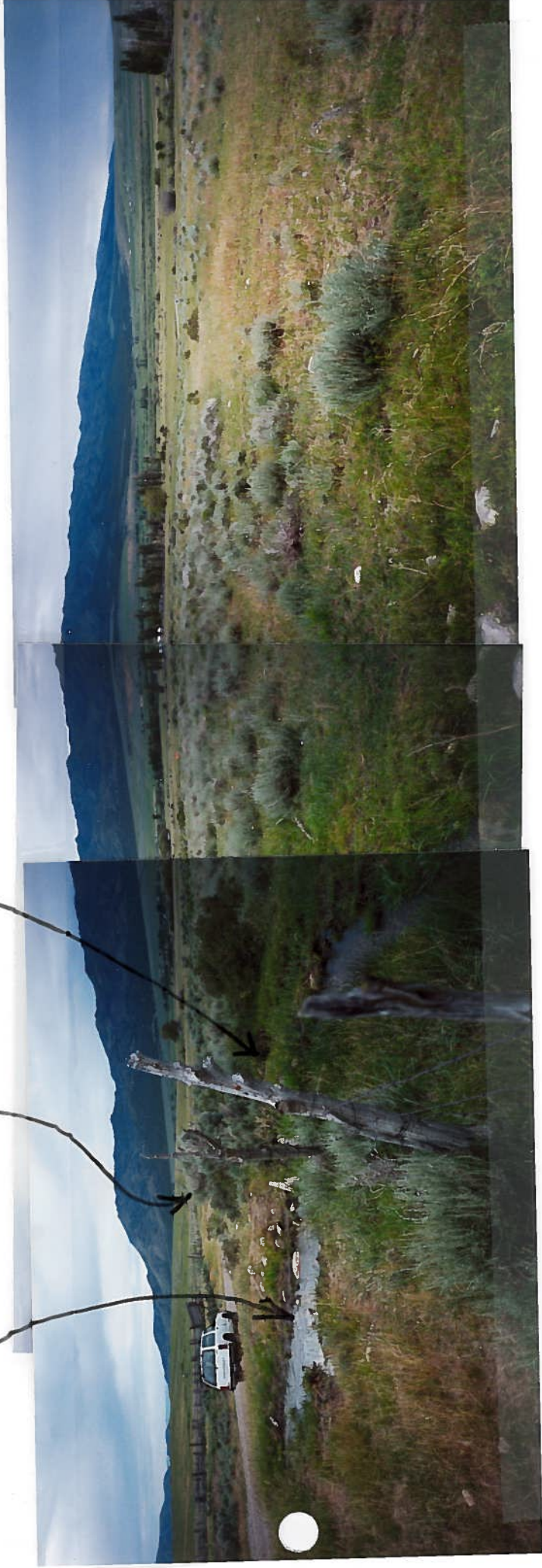
CLAIM # A43-00249 AND A43-00250
DATE PHOTOS TAKEN; 06-27-95
PICTURE SET # 4

This photo set shows the division of the ditch described in the previous photos. The branch on the left goes under the Elba-Oakley county road and then runs east between the road and the corral. Just past the corral the ditch again divides with one branch continuing east to enter the Pettingill property at the northwest corner of the P/U and the other branch swinging on the contour to the northwest corner of the Tracy P/U. Back at the fence, the ditch also continues east along the fenceline allowing Harper to irrigate the corner. Although the corner is covered by sagebrush irrigation water can and has irrigated this ground and as such is included in the recommended P/U for Harper.

PETTINGILL
TRACY DITCH

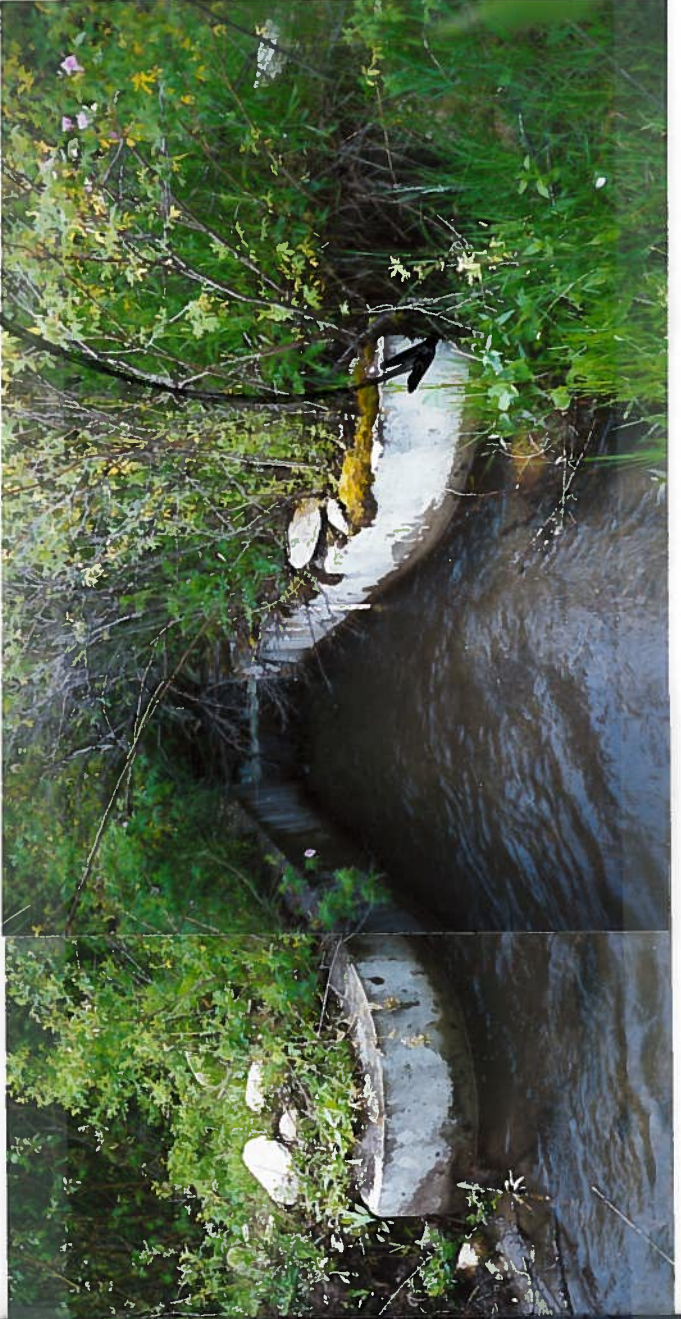
NW CORNER FOR
PETTINGILL

HARPER
DITCH



CLAIM # A43-00249 AND A43-00250
DATE PHOTOS TAKEN; 06-27-95
PICTURE SET # 5 MEASUREMENT DEVICE FOR P/D IN TNS 13S; RNG 24E; SEC 36; SE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ B.M.

You are looking southeast at the measurement device located in the TNS 13S; RNG 24E; SEC 36; SE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ B.M. This diversion is shared by Harper, Pettingill, Tracy, Nye, and Nelson. This ditch runs roughly east to enter the Pettingill property approximately 550 feet south of the NW corner of his P/U. The ditch continues east northeast across the Pettingill property to enter the Tracy property approximately 300 feet south of Tracy's NW P/U corner. The ditch eventually enters the SE quarter of section 30 above the Nye property to eventually go through a portion of the SW quarter of section 29 and to the Nelson property. There was a hole on the right side of the flume that looked to be carrying approximately 0.20 cfs. The flume has an 18 inch throat and, other than the hole, appeared to be in good shape. I found 4.26 cfs being diverted on this date. This amount did not include the water going through the hole and the system was not at capacity.



HOLE

CLAIM # A43-00249 AND 00250
DATE PHOTOS TAKEN; 06-27-95
PICTURE SET # 6 P/D IN TNS 13S; RNG 24E; SEC 36; SE¼NW¼NE¼ B.M.

This photo set shows the headgate associated with the previously logged parshall flume. You are looking southeast on the right to east on the left. The Clyde Creek channel is braided at this point with another channel running to the south of this one. This channel normally carries water and, therefore, I have recommended this I cation as the diversion point. At times the claimants construct a rock diversion at the point where the channels split to push additional water down this channel. That point could also be referred to as a diversion point although it is not recommended as such. See the following photo set for that point.

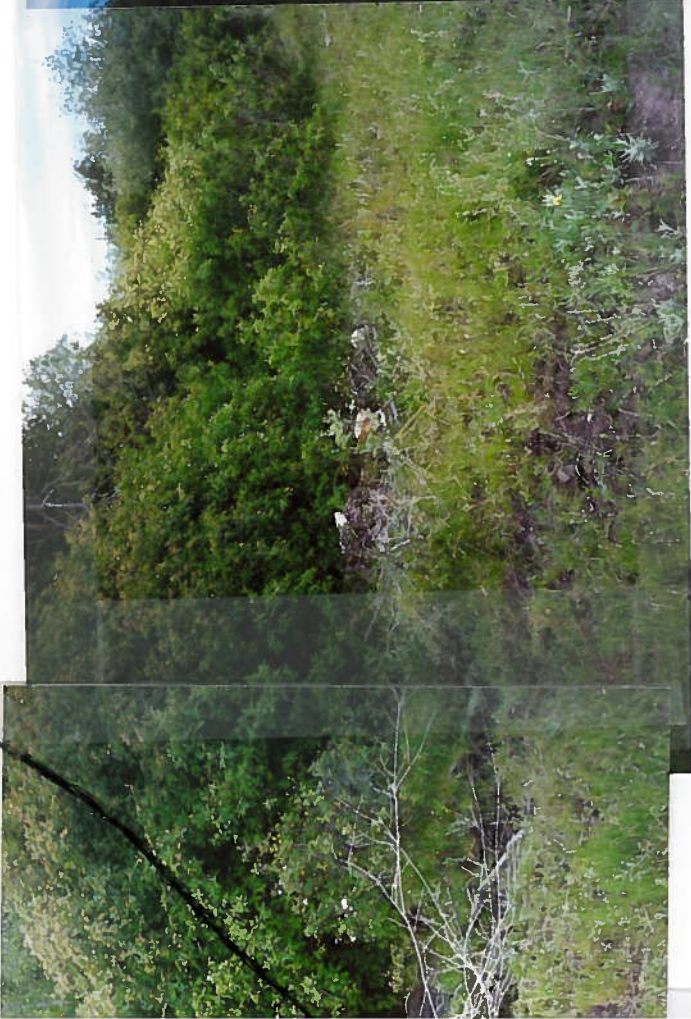
PARSHALL FLUME HEADGATE



CLAIM # A43-00249, AND A43-00250
DATE PHOTOS TAKEN; 06-27-95
PICTURE SET # 7 BRAIDED STREAM DIVERSION FOR P/D IN TNS 13S; RNG 24E; SEC 36; SE¼NW¼NE¼ B.M.

This shows the rock diversion used to control the amount of water that goes down either channel. The near channel leads to the P/D described in the previous photo set. Although, some control is exercised at this point, this point is not recommended as a point of diversion. This location is approximately 300 yards southeast of the division fence as shown in picture set # 2; file A43-00249. This photo set also shows some small sagebrush areas that indicates that irrigation water does not cover that ground. Those areas are small and have not been excluded from the recommended P/U for the Harper claims. You are looking west on the left to north northeast on the right.

CHANNEL TO P/D



DIVISION FENCE



CLAIM # A43-00249, AND A43-00250
DATE PHOTOS TAKEN; 06-27-95
PICTURE SET # 8

This photo set shows the P/U west of the county road that lays on the line between range 24E and 25E and south of the shared diversion and ditch in TNS 13E, RNG 24E; SEC 36; SE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ B.M. You are looking west on the right to south on the left.

