

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: A43-00295
Date Received: 6/20/1989
Receipt No: M003768
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

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

2. Date of Priority: APR 30, 1885

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	26E	11	NW	SE	SE		CASSIA

5. Description of diverting works:
HEADGATE AND MEASURING DEVICE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	2.000		

7. Total Quantity Appropriated is:
2.000 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 of	Lot	Use	Acres
12S	26E	36	NE	NE		IRR	40.0
			NW	NE		IRR	35.0
			SW	NE		IRR	40.0

A43-00295

Page 1

Date: 06/20/89

MICROFILMED

MAR 03 1993

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
12S	26E	36	SE	NE	IRR	40.0
			NE	NW	IRR	35.0
			SE	NW	IRR	40.0
					Section Acres	230.0
					Total Acres	230.0

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:
43-0294, 43-00296B, 43-02388

14. Remarks:
THIS PLACE OF USE AREA HAS BEEN EXPANDED TO COVER THE AREA
INDICATED ABOVE. SEE ATTACHED LETTER FROM NEIGHBOR- BUD TRACY

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

ALBION-IDAHO LAND CO.
Decree Plaintiff

vs

JOBE ADAMS ET AL
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): _____ Date: _____
_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

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: 39576Ident. Number 43-00295Date Received 5-31-89Receipt Number M003768

RECEIVED
MAY 31 1989

Department of Water Resources

**NOTICE OF CLAIM
TO A
WATER RIGHT**

ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) Douglas R Harper Phone (208) 645-2278Mailing Address HC 61 Box 1156 Zip 833422. Date of Priority (Only one (1) per claim) 4/30/18853. Source of water supply (a) Cassia Creek
which is tributary to (b) Raft River4. a. Location of existing point of diversion is: Township 135 Range 26E Section 11,
NW 1/4 of SE 1/4 of SE 1/4, Govt. Lot, _____ B.M., County of Cassia

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____

_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well.Headgate & Mearnsing Device

MICROFILMED

MAR 03 1993

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from 3/15 to 11/15 amount 2.00 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 2.00 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 720 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) _____

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
12S	26E	36	40	35		40													115
12S	26E	36			40	35			40										115
					Expanded Area														

Total number of acres irrigated 230

11. In which county (ies) are lands listed above as place of use located? Cassia

12. Do you own the property listed above as place of use? Yes X No _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
43-00294, 43-00296-B, 43-02388 or None ()

14. Remarks: This place of use area has been expanded to cover the area indicated above. See attached letter from neighbor - Bud Tracy

MICROFILMED

MAR 03 1993

Last Name Harper Ident No. 43-00295

Copies: White -State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License _____ Permit _____
Decree X
If applicable provide IDWR Water Right Number 43-00295
Court _____ Case Number _____ Decree Date 10/18/192
Plaintiff vs Defendant Albion - Idaho Land Co.

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 do solemnly swear or affirm that the statements contained in the foregoing document are true
and correct.

Signature of Claimant (s) Douglas R Harper Date 5-31-89
Date _____

For Organizations: I do solemnly swear or affirm that I am _____ Title _____
of _____, that I have signed the foregoing
Organization
document in the space below as _____ of _____
Title Organization
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____
Title and Organization _____ Date _____

State of Idaho/or _____)
County of Cassia) SS.

Subscribed and sworn (or affirmed) before me this 31st day of May 1989
SEAL Notary Public Robert V. Worstell
Residing at Twin Falls, Idaho
My Commission Expires 1/16/1995
Please Print Name

17. Notice of Appearance:
Notice is hereby given that I, _____ will be acting as attorney at law on behalf
of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above
should be mailed to me at the address listed below.

Signature _____
Address _____
Date _____

Last Name _____ Ident. Number _____

MICROFILMED

MAR 03 1993
Copies: White-State, Yellow-Claimant

市

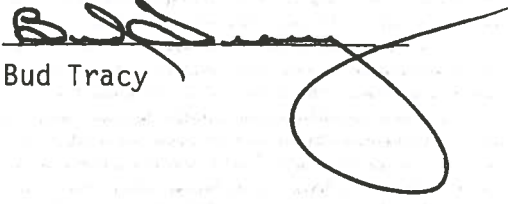
MAR 03 1993

May 30, 1989

TO WHOM IT MAY CONCERN:

The purpose of this letter is to record my knowledge of Douglas R. Harper expanding his water right in the Spring of 1971 to the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 36, Township 12 South, Range 27 East. Furthermore, in the Spring of 1974, he expanded his usage to the W $\frac{1}{2}$ NW $\frac{1}{4}$ of Section 36, Township 12 South, Range 26 East.

Through conservative practices, he continues to irrigate said land as of this writing.

Signed: 

Bud Tracy

MICROFILMED
MAR 03 1993



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

A43-02362

00249

00250

02388

00296B

00086

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:

- Receipted
- (✓) 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:

Water Right Number - 43-00295

Adj. Flag Translation: Standard Water Right Number

Old (D) Number -

+ - - - - Last Name - - - - +
*** C - CURRENT OWNER ***
SHAW

+ - First Name - - +

+ - - - - Address - - - - +

HARRY

1 -

2 -

3 -

City -

Phone -

State - Zip -

+ - - Priority Date - - +
04/30/1885+ - - Region - - - +
17+ - - Stage - - - +
D - DECREED

+ - - Status - - +

+ - - Source - - - - +
CASSIA CREEK+ - - Tributary - - - - +
RAFT RIVER+ - - - - TwN Rng Sec Tract Lot Rflg County Point of Diversion - - - - +
Stream Index (Blank if no Index Code)

+ - - Code Description

Period From Period To

Water Use Diversion Rate Diversion Volume

01 - IRRIGATION

+ - Total Div. Rate - +
2.000

+ - Total Div. Volume - +

+ - Total Div. Capacity - +

+ - Total Consumptive Use - +

+ - KW Usage - +
2.000

TwN	Rng	Sec	Tract	Lot	Acres	Place of Use	Code	Description	County
12S	26E	36	NE NE				01	IRRIGATION	31 CASSIA
12S	26E	36	NW NE				01	IRRIGATION	31 CASSIA
12S	26E	36	SE NE				01	IRRIGATION	31 CASSIA

Total Acres:

+ - - Diversion Means -

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - 43-0294

+ - - - - Remarks - - - - +
No Remarks found.+ - - - - Conditions of Approval - - - - +
No Conditions of Approval found.+ - - - - Decree Plaintiff - - - +
ALBION-IDAHO LAND CO.+ - - - - Decree Defendant - - - +
JOBE ADAMS ET AL+ - - Microfilm Rolls - + - Decree Date - +
10/18/1928MICROFILMED
MAR 03 1993

Water right number - 43-00295

Adj. flag translation: Standard Water Right Number

+ - - Audit Fields - 02/11/86

05/28/88 CONVERT

	Water Rights Dates and Flags Area	
Proof Due Date	- 00/00/0000	Field Exam Made
Approved/Denied	- 00/00/0000	Protested Date
Proof Made Date	- 00/00/0000	Hearing Date
Start Work Date	- 00/00/0000	Verified Date
Order Show Cause	- 00/00/0000	Receipt Number
Licensed Date	- 00/00/0000	Appl Received
Decree Date	- 10/18/1928	
		Field Exam Fee
		Swan Falls
		Temporary Right
		DLE/Carey Act
		Water District
		Transfer/Amended

MICROFILMED
MAR U 3 1993

05/03/2001

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

RIGHT NUMBER: 43-295

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

VERIFIED BY KKC

SOURCE: CASSIA CREEK

TRIBUTARY: RAFT RIVER

QUANTITY: 2 CFS

WHEN COMBINED THE FOLLOWING RIGHTS SHALL PROVIDE NO MORE THAN .02 CFS
PER ACRE. COMBINED RIGHT NOS. 43-294, 43-295, 43-296B, 43-2338, 43-12992,
AND 43-12993.

PRIORITY DATE: 04/30/1885

POINT OF DIVERSION: T13S R26E S14

NENENE

Within CASSIA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
3-15 11-15

QUANTITY
2.00 CFS

PLACE OF USE:

IRRIGATION Within CASSIA County

T12S R26E S36	NENE	38	T12S R26E S36	NWNE	36
T12S R26E S36	SWNE	40	T12S R26E S36	SENE	35
T12S R26E S36	NENW	35	T12S R26E S36	SENE	40

224 ACRES TOTAL

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 109 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION
SEASON.

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION
OF A COMBINED TOTAL OF 224 ACRES IN A SINGLE IRRIGATION
SEASON. COMBINED RIGHT NOS. 43-294, 43-295, 43-296B, 43-2388,
43-12992, AND 43-12993.

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

RIGHT NO. 43-12992 IS AN ENLARGEMENT OF THIS RIGHT PURSUANT
TO SECTION 42-1426, IDAHO CODE.