

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: A43-00296A
Date Received: 5/31/1989
Receipt No: M003766
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: RONALD HARPER
Address: HC 61, BOX 1156
MALTA, ID 83342
208-645-2283

2. Date of Priority: APR 01, 1894

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

4. Point of Diversion:

Township	Range	Section	1/4	of	1/4	of	1/4	Lot	County
13S	26E	11	NW		SE		SE		CASSIA

5. Description of diverting works:
HEADGATE & MEASURING WEIR.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	1.110		

7. Total Quantity Appropriated is:
1.110 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
12S	26E	25	NE		SE		IRR	35.0
			NW		SE		IRR	40.0
			SW		SE		IRR	35.0

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Date: 05/31/89

MICROFILMED
MAR 03 1993

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
12S	26E	25	SE	SE		IRR	35.0
						Section Acres	145.0
		36	NW	NW		IRR	40.0
			SW	NW		IRR	35.0
						Section Acres	75.0
						Total Acres	220.0

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:
43-02361, 43-00293, 43-00302

14. Remarks:
THIS CLAIM IS COMBINED WITH THE OTHER CLAIMS INTO ONE SYSTEM TO ALLOW EXPANSION TO COVER 75 ADDITIONAL ACRES IN THE E 1/2 OF THE NW 1/4 OF SEC. 36, T12S, R26E. SEE ATTACHED LETTER FROM BUD TRACY WITNESSING THAT THIS AREA HAS BEEN IRRIGATED BY THIS SYSTEM SINCE THE FALL OF 1973.

15. Basis of Claim: DECREED

Case Number:
Court :
Decree date:

ALBION-IDAHO LAND CO.
Decree Plaintiff

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): X *Ronald D. Harper* Date: X 5-31-89

Date: _____

State of Idaho)
County of Cassia) SS.

Subscribed and sworn (or affirmed) before me this 31st day
of Cassia ^{May} 19 89

Robert V. Thorstell
Notary Public

Seal

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

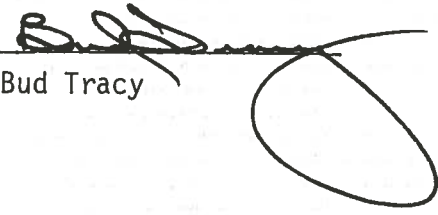
May 30, 1989

TO WHOM IT MAY CONCERN:

The purpose of this letter is to record my knowledge of Elwin K. Harper expanding his water right in the Fall of 1973 to the E $\frac{1}{2}$ NW $\frac{1}{4}$ of Section 36, Township 12 South, Range 26 East.

Through conservative practices, he continued to irrigate said land until placing it in the CRP program.

Signed:


Bud Tracy

MICROFILMED

MAR 03 1993

[illegible]

05/03/2001

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

RIGHT NUMBER: 43-296A

NAME AND ADDRESS: RONALD HARPER
1300 S 2225 E
MALTA, ID 83342

VERIFIED BY *KKC*

SOURCE: CASSIA CREEK TRIBUTARY: RAFT RIVER

QUANTITY: 1.07 CFS

WHEN COMBINED THE FOLLOWING RIGHTS SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE. COMBINED RIGHT NOS. 43-293A, 43-296A, 43-302, 43-2361, 43-12994, AND 43-12995.

PRIORITY DATE: 04/01/1894

POINT OF DIVERSION: T13S R26E S14 NENENE Within CASSIA County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	03-15 11-15	1.07 CFS

PLACE OF USE:

<u>IRRIGATION Within CASSIA County</u>					
T12S R26E S25	NESE	35	T12S R26E S25	NWSE	39
T12S R26E S25	SWSE	32	T12S R26E S25	SESE	34
T12S R26E S36	NWNW	39	T12S R26E S36	SWNW	34

213 ACRES TOTAL

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 140 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 213 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS. 43-293A, 43-296A, 43-302, 43-2361, 43-12994, AND 43-12995.

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. 43-12994 IS AN ENLARGEMENT OF THIS RIGHT PURSUANT TO SECTION 42-1426, IDAHO CODE.

SPLIT ANALYSIS FOR 43-00296

PREPARED 5-18-99
BY KKC

SD-0611-2 Basin: 43 Starting Water Right: 00296

S	E Water	Name	O	W Priority	STG/	Use	S
L Right No.		Last, First	N	Date	STS Source	Desc	S
- 43-00296		SHAW, HARRY	C	04/01/1894	D/ CASSIA CREEK	IRR	WR
- A43-00296		SPLIT RIGHT SPLIT RIGHT	C	04/01/1894	/Z CASSIA CREEK	IRR	AJ
- A43-00296A		HARPER, RONALD	C	04/01/1894	D/ CASSIA CREEK	IRR	AJ
- A43-00296B		HARPER, DOUGLAS R	C	04/01/1894	D/ CASSIA CREEK	IRR	AJ



CLAIM NUMBER

43-00296A

DATE

TRANSFER NUMBER

AGENT

CLAIMED ACRE TOTAL 22

GIS ACRE TOTAL

	TWP	RNG	SEC	NE				NW				SW				SE			
				NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
CLAIM	12S	26E	25													35	40	35	35
GIS																35.3	39.4	32.2	33.9
RECOM																			
CLAIM	12S	26E	36					40	35										
GIS								38.8	34										
RECOM																			
CLAIM																			
GIS																			
RECOM																			

B43-DBPOU.SHP

SHAPE NOS.

43-DBPOD.SHP

NOS. DESCRIPTION

DBF TABLES UPDATED

B43-DBPOU.DBF

B43-DBPOD.DBF

JPEG LAYOUT

ANALYSIS OF DECREED RIGHT 43-00293

DECREE SUMMARY

PRIORITY DATE	- 04-30-1880	
DECREED RATE	- 2.80 CFS	IMPLIED ACRES
DECREED P/U	- E $\frac{1}{4}$ SE $\frac{1}{4}$, SEC 25;	80
	LOTS 3 & 4 SEC 30	100
	TOTAL	180 ACRES

ADJUDICATION SPLIT SUMMARY

(no discrepancy with claimed priority dates)

A43-00293A

CLAIMED RATE	- 1.40CFS	CLAIMED ON	145 ACRES
(WITHIN THE DECREED P/U) THE CLAIM LISTS		70 ACRES	
(E $\frac{1}{4}$ SE $\frac{1}{4}$, SEC 25)			

A43-00293B

CLAIMED RATE	- 2.80CFS	CLAIMED ON	110 ACRES
(WITHIN THE DECREED P/U) THE CLAIM LISTS		110 ACRES	
(LOTS 3 & 4 SEC 30)			

SUMMARY

DECREED IMPLIED ACRES	-----	180
TOTAL CLAIMED ACRES	-----	255
TOTAL CLAIMED ACRES WITHIN THE DECREED P/U		- 180

PROPORTIONAL SPLIT BASED UPON DECREED IMPLIED ACRES PER CLAIM,

A43-00293A $70/180 * 2.80 \text{ CFS} = 1.09 \text{ CFS}$
A43-00293B $110/180 * 2.80 \text{ CFS} = 1.71 \text{ CFS}$

Question: As of 10-6-94 I do not know if the decree was identifying the entire 80 acres within section 25 or just referring to the 10 acres within section 25 that Tracy owns. If the decree was referring only to the 10 acres owned by Tracy, then the entire right would be for Tracy and Harper's claim would be recommended for disallowal.

prep date: October 6, 1994