

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 43-11267
Date Received: 10/18/00
Receipt No: 5023445
Received By: KKC

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name of Claimant(s)

DOUGLAS R HARPER Phone: (208)645 2278
1300 S 2201
MALTA ID USA 83342

2. Date of Priority: 10/19/1928

3. Source: FIRST HOLLOW Trib. to: CLYDE CREEK

4. Point of Diversion:

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

5. Description of diverting works:

The Clyde Creek ditch cuts across the First Hollow channel thereby diverting any water in First Hollow at that point.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	10/31	0.24	

7. Total Quantity Appropriated is:
0.24 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	
13S	24E	36	SE	NE	2	IRRIGATION	6.2
			SW	NE		IRRIGATION	6.1

Section Acres	12.3
Total Acres	12.3

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:

14. Remarks:

15. Basis of Claim: Beneficial Use

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**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) 645-2278
Mailing Address 1300 S 2201 Zip 83342

2. Date of Priority (Only one (1) per claim) 10-19-1928

3. Source of water supply (a) First Hollow
which is tributary to (b) Clyde creek

4. a. Location of existing point of diversion is: Township 138 Range 24E Section 36,
NE 1/4 of SW 1/4 of NE 1/4, Govt. Lot, _____ B.M., County of Cassia

Additional points of diversion if any: None

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. Ditch cutting across first
Hollow.

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For irrigation purposes from 4-1 to 10-31 amount 0.24 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) .0.24 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is _____ 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	
13S	24E	36			6.1	6.2													12.3

Total number of acres irrigated 12.3

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 ☒ 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. _____ or None ()

14. Remarks:

Last Name _____ Ident No. _____

Copies: White -State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use ☒ Posted Notice _____ License _____ Permit _____
Decree _____
If applicable provide IDWR Water Right Number _____
Court _____ Case Number _____ Decree Date _____
Plaintiff vs 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 do solemnly swear or affirm that the statements contained in the foregoing document are true
and correct.

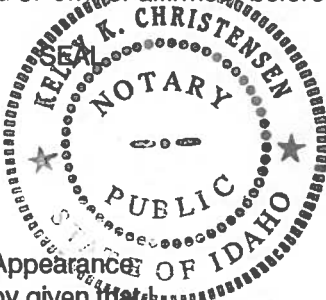
Signature of Claimant (s) Douglas R. Harper Date 6-27-2000
Date _____

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 Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 10 day of 18 2000



Notary Public Kelly K. Christensen
Residing at Twin Falls ID
My Commission Expires 3-11-04

Please Print Name

17. Notice of Appearance
Notice is hereby given that _____ 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 _____



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

October 18, 2000

DOUGLAS HARPER
1300 S 2201
MALTA ID 83342

RE: LATE CLAIM 43-11267

Dear Doug

Ron was in today and paid the \$50.00 filing fee for the claim. I have completed the data entry of the claim and have enclosed a copy of the claim, the data entered claim and the receipt. Please carefully review the document to confirm that the claim represents your intentions and that there are no data entry errors.

If you have any questions please contact this office.

Sincerely

Kelly K Christensen
Sr Water Resource Agent

Enclosures

10/24/2000

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

RIGHT NUMBER: 43-11267

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

SOURCE: FIRST HOLLOW TRIBUTARY: CLYDE CREEK

QUANTITY: 0.24 CFS

VERIFIED BY *KKC*
10-24-00

PRIORITY DATE: 10/19/1928

POINT OF DIVERSION: T13S R24E S36 NESWNE 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:

IRRIGATION Within CASSIA County
T13S R24E S36 SWNE 6.1 T13S R24E S36 LOT 2 SENE 6.2
12.3 ACRES TOTAL

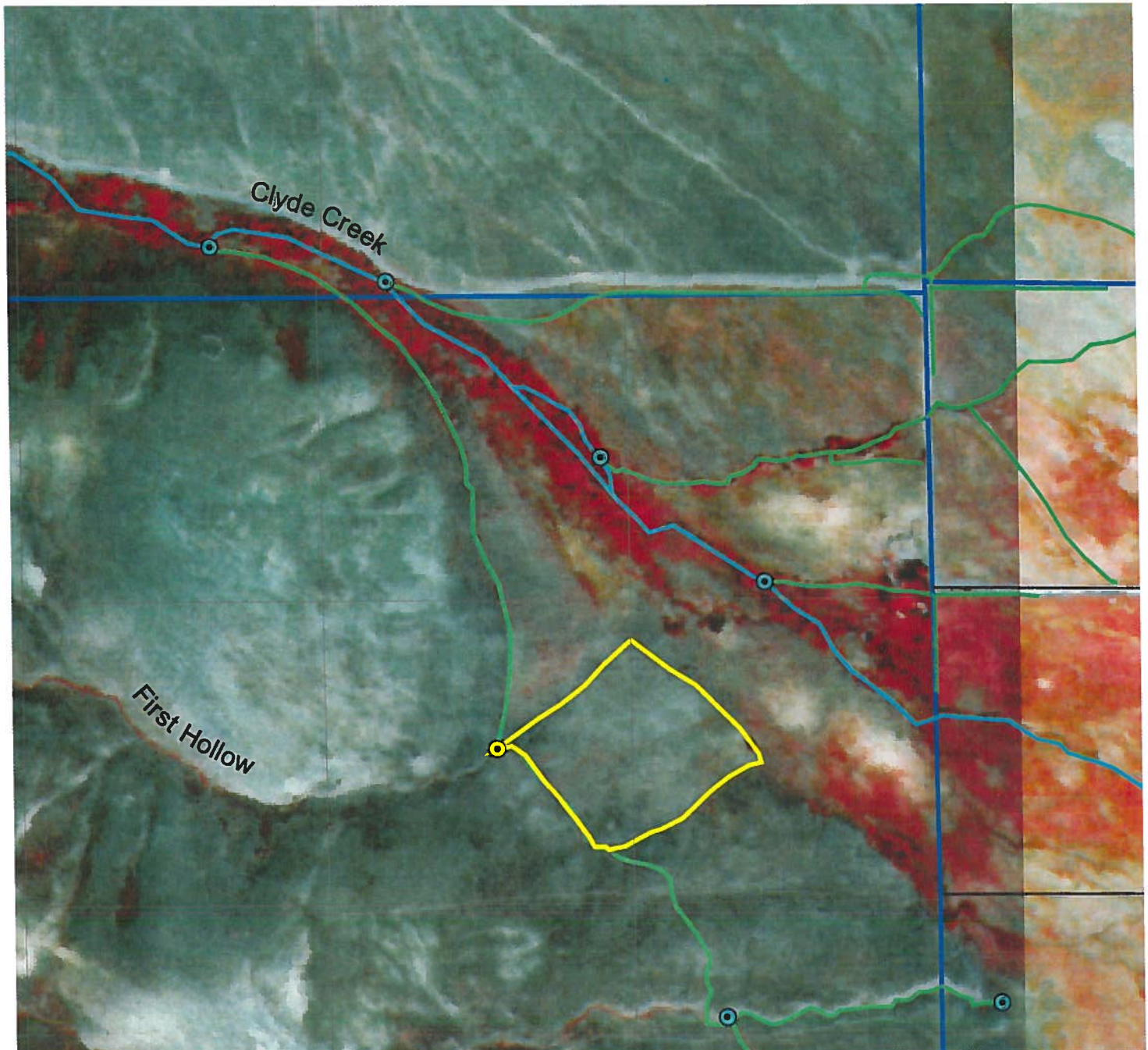
USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION
OF A COMBINED TOTAL OF 87 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS. 43-249, 43-250 AND 43-11267.

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 - Beneficial Use

RECOMMENDED PLACE OF USE FOR 43-11267

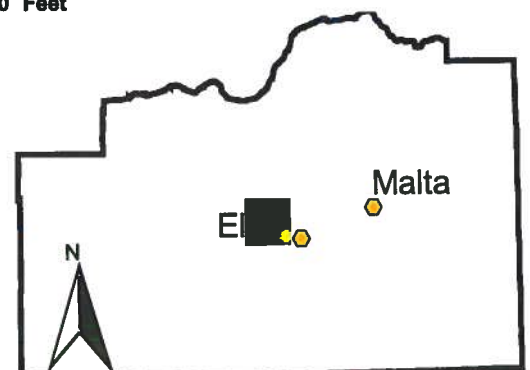


0 660 1320 1980 2640 3300 3960 Feet

PLACE OF USE
TWP 13S, RNG 24E, SEC 36
Data entry on October 24, 2000

GIS PLACE OF USE PRESENTATION
1987/1988 NAPP AERIAL PHOTOGRAPHY
DATA ENTRY BY KELLY K CHRISTENSEN

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



CLAIM NUMBER A43-00249
A43-00250
A43-11267

DATE 10-24-00
AGENT KKC

TRANSFER NUMBER _____
CLAIMED ACRE TOTAL _____
GIS ACRE TOTAL _____

				L+1 NE L+2				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													100
GIS			36	36.6	15.1	11.3	23.7													
RECOM				37	15	11	24													87
	43-11267																			
CLAIM	13S	24E	36			6.1	6.2													
GIS						6.1	6.2	within recom P/U more in acres in												
RECOM								20 in with Clyde Cr water.												
CLAIM																				
GIS																				
RECOM																				

B43-DBPOU.SHP

SHAPE NOS.

Actual Source is and always been Clyde Creek. It was just identified as Passin 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.
- See 43-249 for field maps.

DBF TABLES UPDATED

B43-DBPOU.DBF

B43-DBPOD.DBF 43-249 250 Harper. JPG

JPEG LAYOUT 43-11267 Harper. JPG



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1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

May 19, 2000

DOUGLAS HARPER
HC 61 BOX 1156
MALTA ID 83342

RE: SNAKE RIVER BASIN ADJUDICATION CLAIMS: A43-00249 & A43-00250

Dear Doug

As an introduction, I am the department agent you met in April when you were cleaning your ditches.

After discussing your irrigation practices and then reviewing your adjudication claims I noted that there was no identification of First Hollow water use in those claims although I observed the water being diverted and applied to your property. I need your input to resolve this issue.

Both Tommy Hutchison and the Moranvilles have claimed against First and Second Hollow for irrigation purposes. Both claims are based upon beneficial use and they have submitted evidence that tends to support a recommendation of one day after the completion of the JOBE ADAMS decree. Basically the evidence stated that the use had been in existence prior to the decree, however, legally I cannot recommend a beneficial use right earlier than the decree date.

I see several options available to you at this time.

1. You could file a beneficial use right and submit evidence of priority to support the use.
2. The Jobe Adams decree is sufficiently vague on sources, (the decree states that your rights have Cassia Creek as the source). I am comfortable recommending your claims with Clyde Creek as the source, however I am not comfortable including First Hollow without your input. If First Hollow water has always been a part of the delivery system for the irrigation of the ground southwest of Clyde Creek and you wish to claim that source as part of the decreed rights, you will need to amend your claims to include that source and the point of diversion.
3. Your third option is to do nothing. If you elect this option, and the other claims against First Hollow are recognized, then they would have first call for that water.

Items to consider.

HARPER
PG 2
May 19, 2000

If you claim First Hollow water as part of the decreed rights, the water would be considered a part of the decreed diversion rate and be administered at the priority date of the decreed rights.

If you elect to file a beneficial use right, I can recognize an additional diversion rate of 1 inch per acre for the ground specifically covered by First Hollow water. This would be in addition to the decreed amount under your existing claims. All rights when combined, however, would be limited to a total of one inch to the acre when used together.

I realize that this may be confusing and if you wish to discuss the issues in detail, please give me a call or stop by the office.

Sincerely

Kelly K Christensen