

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 63-3191
Date Received: 2/1/1990
Receipt No: M005676
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

V JAY HARPER Phone: (208)459-3735
23750 HOWE RD
PARMA ID USA 83660

DEEON J HARPER Phone: (208)459-3735
23750 HOWE RD
PARMA ID USA 83660

2. Date of Priority: 07/01/1960

3. Source: CHRISTIAN GULCH WASTEWAY Trib. to: DIXIE DRAIN

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
04N	05W	1	SE SE	CANYON	

5. Description of diverting works:

CEMENT BOX W/BOARD, FLOOD IRR.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	3/15	11/15	2.22	

7. Total Quantity Appropriated is:
2.22 C.F.S.

8. Total consumptive use:

SCANNED
APR 22 2008

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4	of 1/4	Lot	Use	Acres
04N	04W	6	NW	SW	6	IRRIGATION	21
			SW	SW	7	IRRIGATION	14
						Section Acres	35
04N	05W	1	SW	NE		IRRIGATION	26
			SE	NE		IRRIGATION	31
			NE	SE		IRRIGATION	19
						Section Acres	76
						Total Acres	111

11. Place of use in counties: CANYON

12. Do you own the property listed above as place of use? Yes

13. Other Water Rights Used:

14. Remarks:

15. Basis of Claim: License

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

RECEIVED**AUG 08 2001****WATER RESOURCES
WESTERN REGION**

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
 Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
<u>63-70531</u>					
<u>63-3191</u>					

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts. ☒
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s) Earl + Clarice Martin
34143 B1077 LN, Parma, Id. 83660
4. New Owner/Claimant(s) ~~Parma~~ V. Jay, Deen J. Harper
 Name Connector (Check one): ☐ and, ☐ or, ☒ and/or
- New Mailing Address ~~V. Jay~~ 23750 Howe Rd.
- City, State and ZIP Code Parma, Idaho 83660
- New Telephone Number (208) 459, 3735
5. Date you acquired the property March 8th 1991

6. **If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7.** If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT

(If the right(s) will not be split, skip this area and proceed to item 7)

Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT

(If the right(s) will not be split, skip this area and proceed to item 7)

Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7. Signature of New Owner(s) or Claimant(s) *V. Gay Harper*
(include title if applicable) _____

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only

Received by _____	Date _____	Fee _____
Received by _____	Date _____	Receipt No. _____
Processed by _____	AJ Date _____	WR _____ Date _____

200104831

WARRANTY DEED

For Value Received EARL H. MARTIN and CLARICE L. MARTIN, husband and wife,
of Parma, Canyon County, Idaho,

the grantor s, do hereby grant, bargain, sell and convey unto

VERNON J. HARPER and DEEON J. HARPER, husband and wife,

of: 23750 Howe Road, Parma, ID 83660

the grantee s, the following described premises, situated in Canyon
County, State of Idaho, to-wit:

That part of the South Half of the Northeast Quarter (S½NE¼)
lying North of the center line of the right of way of the
Riverside Canal, in Section 1, Township 4 North, Range 5 West of
the Boise Meridian.

-AND-

BEGINNING at the Southeast corner of the Northeast Quarter of the
Southeast Quarter (NE¼SE¼) of said Section 1 and running thence
South along the Section line 90 feet; thence West on a line
parallel with the North boundary line of the Southeast Quarter of
the Southeast Quarter (SE¼SE¼) of said Section 1 a distance of
200 feet; thence North along a line parallel with the East
boundary line of said Section 1 to a point in the center line of
the right of way of the Riverside Canal; thence Southeasterly
along the center line of the right of way of the Riverside Canal
to a point in the East boundary line of the Northeast Quarter of
the Southeast Quarter (NE¼SE¼) of said Section 1; thence South
along said East line approximately 110 feet to the point of
beginning, all being in Section 1, Township 4 North, Range 5 West
of the Boise Meridian.

Together with all water and ditch rights and rights of way for
water and ditches.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees,
their heirs and assigns forever. And the said Grantor^s do hereby covenant to
and with the said Grantees, that they are the owners in fee simple of said premises; that said
premises are free from all incumbrances

and that they will warrant and defend the same from all lawful claims whatsoever.
Dated: March 11, 1991.

Earl H. Martin

Clarice L. Martin

STATE OF IDAHO, COUNTY OF Canyon) ss.

On this 15th day of March, 1991,
before me, a notary public in and for said State, personally appeared
EARL H. MARTIN and CLARICE L. MARTIN
husband and wife,

known to me to be the persons whose names are
subscribed to the within instrument, and acknowledged to me that
they executed the same.

Notary Public.
Residing at Caldwell, Idaho
My Commission Expires: 5-15-92

STATE OF IDAHO, COUNTY OF

I hereby certify that this instrument was filed for record at the
request of

at _____ minutes past _____ o'clock m., this
day of _____ 19____,
in my office, and duly recorded in Book _____ of Deeds at
page _____

Ex-Officio Recorder.

By _____ Deputy.

Fees \$
Mail to:

INSTRUMENT NO. 200,27302

WARRANTY DEED

FOR VALUE RECEIVED, CLARICE L. MARTIN, individually and as personal representative of the Estate of Earl H. Martin, deceased, the Grantor, does hereby grant, bargain, sell and convey unto VERNON J. HARPER and DEEON J. HARPER, husband and wife, of 23750 Howe Road, Parma, Idaho, 83660, the Grantees, the following described premises, situated in Canyon County, State of Idaho, to-wit:

East Half of the Southeast Quarter ($E\frac{1}{2}SE\frac{1}{4}$) North of the Riverside Canal in Section 1, Township 4 North, Range 5 West of the Boise Meridian, Canyon County, Idaho.

Together with all water and ditch rights and rights of way for water and ditches.

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining.

TO HAVE AND TO HOLD The said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that she is the owner in fee simple of said premises; that said premises are free from all incumbrances, and that she will warrant and defend the same from all lawful claims whatsoever.

Dated this 31st day of January, 1995.

Clarice L. Martin
Clarice L. Martin, Individually
and as Personal Representative

GIGRAY, MILLER, DOWNEN & WILPER

ATTORNEYS AT LAW

TELEPHONE 208-459-0081

9TH AND DEARBORN STS. - P. O. BOX 840
CALDWELL, IDAHO 83606-0840

ATTORNEYS AT LAW
TELEPHONE 208-459-0091
9TH AND DEARBORN STS. - P. O. BOX 640
CALDWELL, IDAHO 83608-0640

1 STATE OF IDAHO)
2 County of Canyon) ss.

3 On this 31st day of January, 1995, before me, the
4 undersigned, a Notary Public in and for said State, personally
5 appeared CLARICE L. MARTIN, individually and as personal repre-
6 sentative of the Estate of Earl H. Martin, deceased, known to me
7 to be the person whose name is subscribed to the within instru-
8 ment, and acknowledged to me that she executed the same.

9 IN WITNESS WHEREOF, I have hereunto set my hand and
10 affixed my official seal the day and year in this certificate
11 first above written.

12 Elsie Aguilar
13 Notary Public for Idaho
14 Residing at Caldwell, Idaho
15 My Commission Expires 1-28-2000

200127302

RECORDED

01 JUL 10 AM 11 51

G NOEL MALES
CANYON COUNTY RECORDER
BY [Signature]

REQUEST [Signature]
TYPE Fee FEE 6.00

Earl
HG

given to title
11/6/91

Water
#3- 31514

PERSONAL REPRESENTATIVE'S DEED

THIS INDENTURE, Made and entered into this 23rd day of January, 1990, by and between CLARICE L. MARTIN, the duly appointed and acting personal representative of the estate of Ethel A. Lindsay, deceased, hereinafter referred to as Party of the First Part, and JAY HARPER and DEEON HARPER, husband and wife, of 23750 Howe Road, Parma, Idaho 83660, hereinafter referred to for convenience as Parties of the Second Part, WITNESSETH:

WHEREAS, On December 15, 1986, the Party of the First Part was appointed as the personal representative of the estate of Ethel A. Lindsay, deceased, by the District Court of the Third Judicial District of the State of Idaho, in and for the County of Canyon, Magistrate Division, and is now the duly qualified and acting personal representative of said deceased;

NOW, THEREFORE, The Party of the First Part, for and in consideration of the sum of TEN AND NO/100 (\$10.00) DOLLARS, lawful money of the United States of America, and other good and valuable considerations, to her in hand paid by the Parties of the Second Part, the receipt whereof is hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents does hereby grant, demise and convey unto the said Parties of the Second Part, their heirs and assigns forever, all of the right, title and interest of Ethel A. Lindsay, deceased, and all of her estate, in and to that certain real property, situated in the said County of Canyon, State of Idaho, more particularly described as follows, to-wit:

This parcel consists of Government Lot 6, a portion of Government Lot 7 and a portion of the Southeast Quarter of the Southwest Quarter of Section 6, Township 4 North, Range 4 West of the Boise Meridian and is more particularly described as follows:

BEGINNING at the northwest corner of said Government Lot 6 (W. 1/4 corner of said Section 6);

Thence North 89°18'24" East along the northerly boundary of said Government Lot 6 a distance of 1127.94 feet to the northeast corner of said Government Lot 6;

Thence South 0°12'43" East along the easterly boundary of said Government Lot 6 a distance of 1338.54 feet to a point in the approximate centerline of the Dixie Slough;

GRAY, MILLER, DOWNEY & FOSBER
ATTORNEYS AT LAW
501 WEST DRABONE ST., P. O. BOX 818
IDAHO FALLS, IDAHO 83401-0818
TELEPHONE 368-4554-4661
FAX 368-4554-4661

WILLIAM L. MILLER, JAMES L. FURBER
Attorneys at Law
915 1/2th Broadway Bldg. - N. O. Post 648
Telephone 198-488-0081
CALDWELL, IRANO 88606-0640

1 Thence traversing said centerline as follows:
2 South 14°24'22" East a distance of 540.85 feet;
3 South 24°18'28" East a distance of 203.08 feet;
4 South 36°14'31" East a distance of 192.43 feet to the
centerline of the existing county road bridge over said
Dixie Slough;

5 Thence South 59°02'46" West along the projection of the
centerline of said bridge a distance of 251.81 feet to a
point in the centerline of the Riverside Canal;

6 Thence traversing said centerline as follows:
7 North 51°06'14" West a distance of 404.62 feet;
8 Northwesternly 165.05 feet along the arc of a curve to
the right having a central angle of 12°26'15", a radius
of 760.36 feet and a long chord which bears North
9 44°53'06" West a distance of 164.73 feet;
10 North 38°39'59" West a distance of 331.16 feet;
North 44°39'54" West a distance of 391.41 feet;

11 Northwesternly 287.71 feet along the arc of a curve to
the left having a central angle of 29°24'29", a radius
of 560.55 feet and a long chord which bears North
12 59°22'08" West a distance of 284.56 feet;
13 North 74°04'23" West a distance of 87.78 feet to a point
on the westerly boundary of the Southwest Quarter of
14 said Section 6;

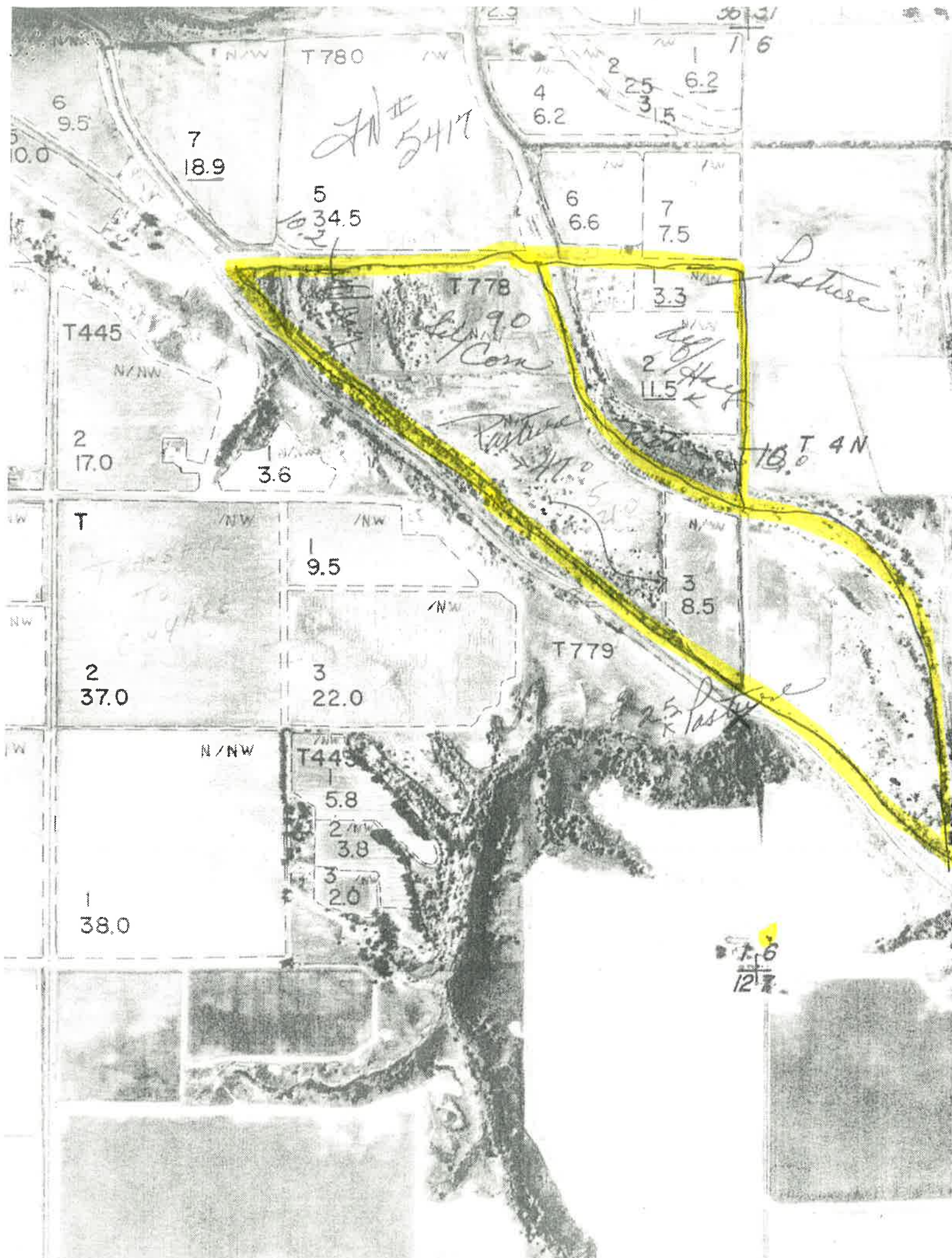
15 Thence North 0°17'26" West along said Westerly boundary
a distance of 1241.74 feet to the POINT OF BEGINNING.

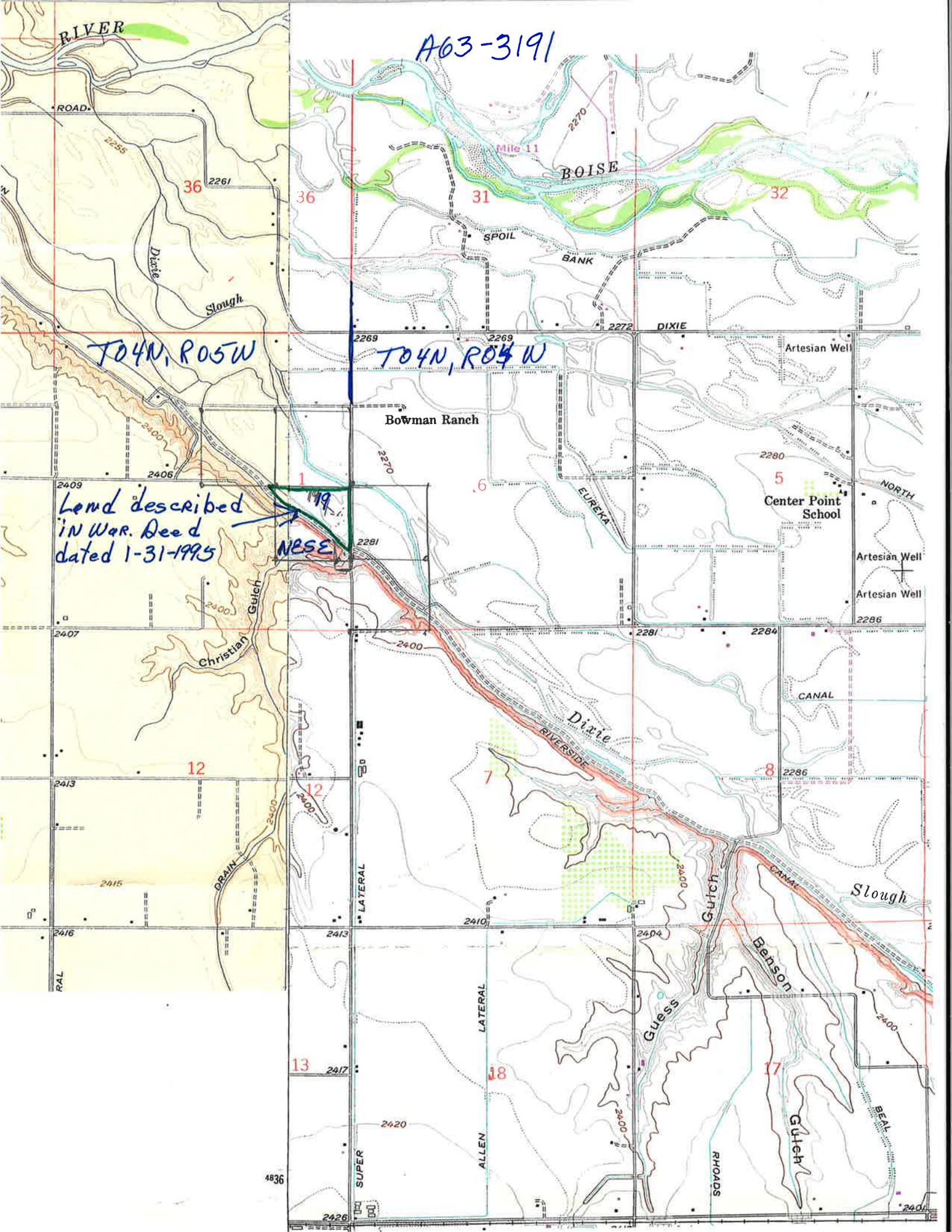
16 This parcel contains 46.732 acres.

17 Together with all water and ditch rights and rights of
18 way for water and ditches.

19 TO HAVE AND TO HOLD All and singular the above men-
20 tioned and described premises, together with the appurtenances
thereunto appertaining, unto the said Parties of the Second Part,
21 their heirs and assigns forever.

22
23
24





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: A63-03191
Date Received: 2/01/1990
Receipt No: M005676
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: EARL MARTIN 208-459-3776
Address: 24143 BLUFF LN.
PARMA, ID 83660

OR

Name: CLARICE L. MARTIN 208-459-3776
Address: 24143 BLUFF LN.
PARMA, ID 83660

2. Date of Priority: JUL 01, 1960

3. Source: CHRISTIAN GULCH WASTEWAY Trib. to: DIXIE DRAIN

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
04N	05W	1	SE	SE			CANYON

5. Description of diverting works:
CEMENT BOX W/BOARD, FLOOD IRR.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	2.220		

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

8. Total consumptive use is 388.5 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
04N	04W	6	NW		SW	6	IRR	21.0
			SW		SW	7	IRR	14.0
							Section Acres	35.0
	05W	1	SW		NE		IRR	26.0
			SE		NE		IRR	31.0
			NE		SE		IRR	19.0
							Section Acres	76.0
							Total Acres	111.0

11. Place of use in counties: CANYON

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
DRAIN #6

14. Remarks:

15. Basis of Claim: LICENSE
Water Right Number: 28616

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): Clarice L. Martin Date: Feb. 1, 1990

Date: _____

State of Idaho)
County of Ada) SS.

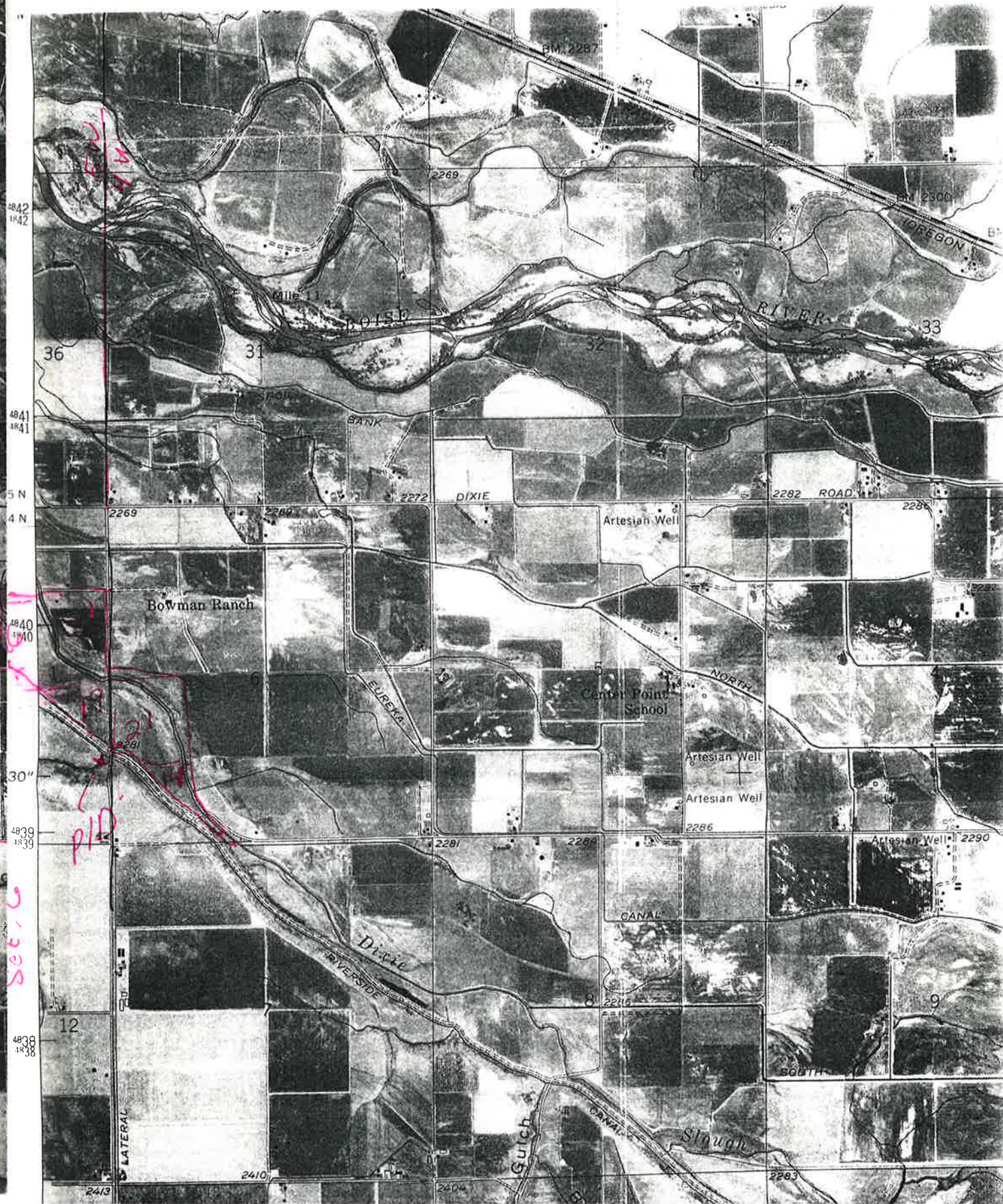
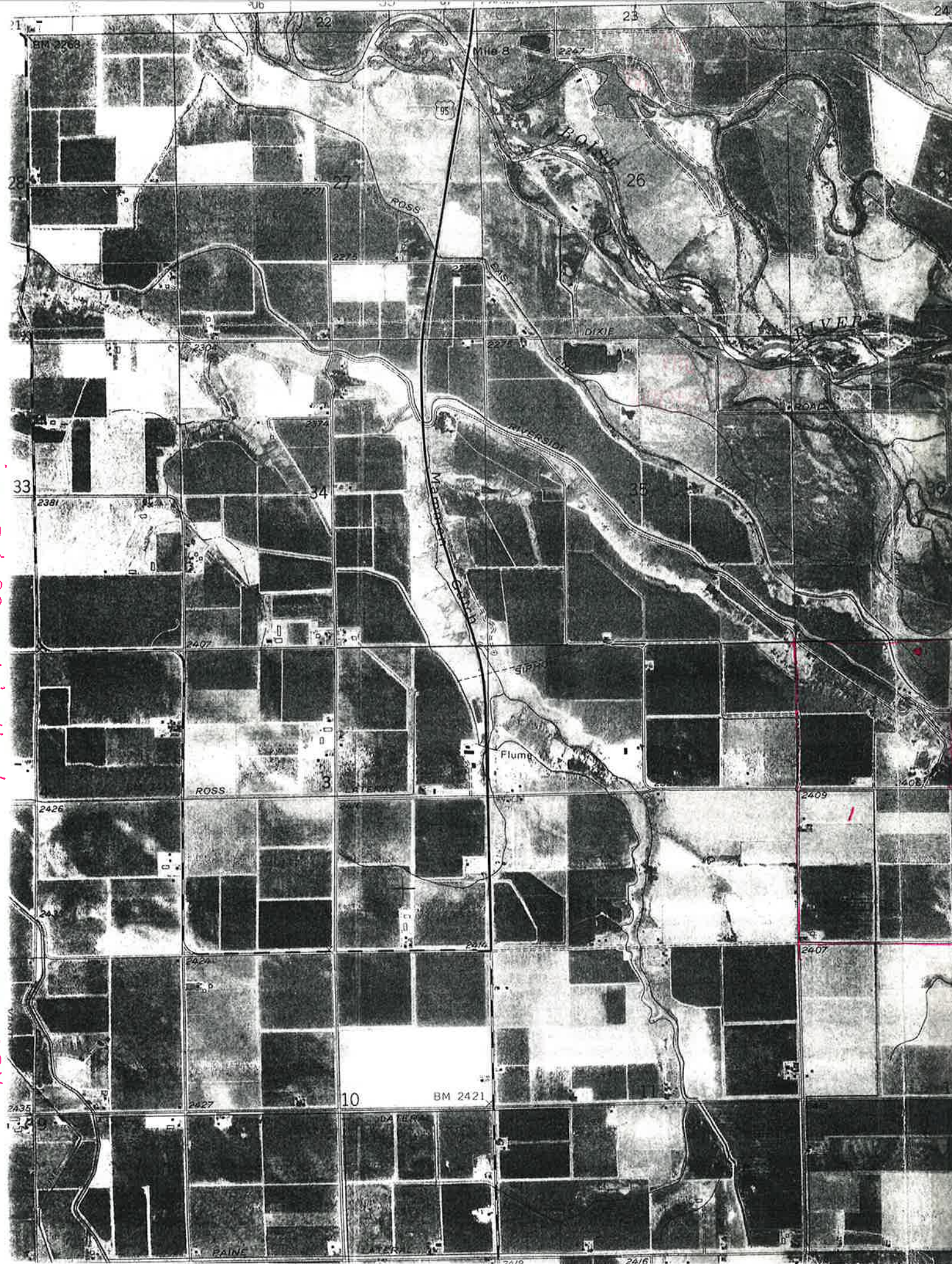
Subscribed and sworn (or affirmed) before me this 1 day
of Feb. 19 90

Linda Werner
Notary Public

Seal

Residing at _____
My Commission Expires _____
LINDA WERNER
RESIDING AT EAGLE, IDAHO
COMMISSION EXPIRES DEC. 8, 1994

A63-03191



RECEIVED
MAR 31 2009
DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho
MAR 30 2009
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) SPECIAL MASTER'S REPORT
Case No. 39576) FINDINGS OF FACT AND
CONCLUSIONS OF LAW
FOR WATER RIGHT 63-03191

I. FINDINGS OF FACT

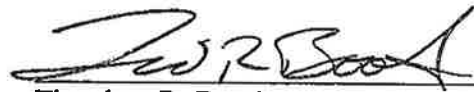
A notice of claim was filed for the above-captioned water right pursuant to I.C. § 42-1409. The Director of the State of Idaho Department of Water Resources (IDWR) examined the water system for this reporting area. The *Director's Report* contained a recommendation or abstract for the elements of this water right.

On June 19, 2007, the Riverside Irrigation District, though its attorney Albert P. Barker, filed an objection to the *Director's Report*, asserting that the source should be described as wastewater. On March 25, 2009, the parties filed a *Standard Form 5 – Stipulated Elements of a Water Right* which resolved the objection. The Idaho Department of Water Resources concurred with the stipulation.

II. CONCLUSIONS OF LAW

Therefore based on the file and record herein and pursuant to the *Standard Form 5*, IT IS RECOMMENDED that water right 63-03191 be decreed with the elements as set forth in the attached *Recommendation for Partial Decree Pursuant to I.R.C.P. 54(b)*.

Dated March 30, 2009

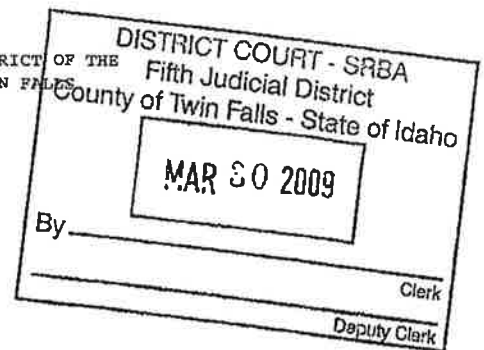

Theodore R. Booth
Special Master
Snake River Basin Adjudication

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)
)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 63-03191



NAME AND ADDRESS:

DEEON J HARPER
V JAY HARPER
23750 HOWE RD
PARMA, ID 83660

SOURCE:

CHRISTIAN GULCH WASTEWAY TRIBUTARY: DIXIE DRAIN

The source of this water right includes waste water. This right remains subject to the right of the original appropriator, in good faith and in compliance with state laws governing changes in use and/or expansion of water rights, to cease wasting water, to change the place or manner of wasting it, or to recapture it.

QUANTITY:

2.22 CFS

PRIORITY DATE:

07/01/1960

POINT OF DIVERSION:

T04N R05W S01 SESE Within Canyon County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
Irrigation	03-15 TO 11-15	2.22 CFS

The use of water for irrigation under this right may begin as early as March 1, provided other elements of the right are not exceeded. The use of water before March 15 under this remark is subordinate to all water rights having no subordinated early irrigation use and a priority date earlier than the date a partial decree is entered for this right.

PLACE OF USE:

Irrigation	Within Canyon County
T04N R04W S06 LOT 6 (NWSW) 24.0	LOT 7 (SWSW) 5.0
R05W S01 SWNE 29.0	SENE 34.0
NESE 19.0	
111.0 Acres Total	

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. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication



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)

Case No. 39576)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

Water Right(s): 63-03191

On March 30, 2009, Special Master THEODORE R. BOOTH issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s) pursuant to SRBA Administrative Order 1 (AO1), Section 13a.

Pursuant to SRBA Administrative Order 1, Section 13a, any party to the adjudication including parties to the subcase, may file a Motion to Alter or Amend on or before the 28th day of the next month.

Failure of any party in the adjudication to pursue or participate in a Motion to Alter or Amend the SPECIAL MASTER'S RECOMMENDATION shall constitute a waiver of the right to challenge it before the Presiding Judge.

DATED March 30, 2009.



DIANA R DELANEY
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

Case No. 39576

CERTIFICATE OF MAILING

Water Right(s): 63-03191

CERTIFICATE OF MAILING

I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on March 30, 2009, with sufficient first-class postage prepaid to the following:

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

RIVERSIDE IRRIGATION DISTRICT

Represented by:
ALBERT P BARKER
1010 W JEFFERSON, STE 102
PO BOX 2139
BOISE, ID 83701-2139
Phone: 208-336-0700

DEEON J HARPER

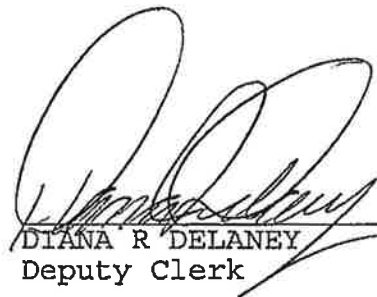
V JAY HARPER

Represented by:
JOHNSON, MATTHEW A
WHITE PETERSON GIGRAY ROSSMAN
5700 E FRANKLIN RD STE 200
NAMPA, ID 83687-7901
Phone: 208-466-9272

CERTIFICATE OF MAILING

PAGE 1
03/30/09

USDI BUREAU OF RECLAMATION
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724



DIANA R DELANEY
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

Case No. 39576

) Subcase No. 63-03191
)
)
)
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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

V. Jay & Deeon J. Harper

OBJECTOR

Riverside Irrigation District


Matthew Johnson, Attorney

3/4/09
Date

Albert P. Barker, Attorney Date

CERTIFICATE OF MAILING

I certify that on _____, 2009, 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:

RIVERSIDE IRRIGATION DISTRICT

Represented by:
ALBERT P BARKER
1010 W JEFFERSON, STE 102
PO BOX 2139
BOISE, ID 83701-2139
Phone: 208-336-0700

USDI BUREAU OF RECLAMATION

Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

DEEON J HARPER

V JAY HARPER

Represented by:
WM. F GIGRAY JR.
PO BOX 640
CALDWELL, ID 83605
Phone: 208-459-0091

DIRECTOR OF IDWR

PO BOX 83720
BOISE, ID 83720-0098

Signature of person or attorney mailing the form

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

RIGHT NUMBER: 63-3191

NAME AND ADDRESS: V JAY HARPER
23750 HOWE RD
PARMA ID 83660DEEON J HARPER
23750 HOWE RD
PARMA ID 83660

SOURCE: CHRISTIAN GULCH WASTEWAY TRIBUTARY: DIXIE DRAIN

The source of this water right includes waste water. This right remains subject to the right of the original appropriator, in good faith and in compliance with state laws governing changes in use and/or expansion of water rights, to cease wasting water, to change the place or manner of wasting it, or to recapture it.

may
J

QUANTITY: 2.220 CFS

PRIORITY DATE: 07/01/1960

POINT OF DIVERSION:

T04N R05W S1 SESE Within CANYON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	2.220 CFS
The use of water for irrigation under this right may begin as early as March 1, provided other elements of the right are not exceeded. The use of water before March 15 under this remark is subordinate to all water rights having no subordinated early irrigation use and a priority date earlier than the date a partial decree is entered for this right.		

PLACE OF USE: IRRIGATION in CANYON County

T04N R04W S06 Lot 6 NWSW	24.00	T04N R04W S06 Lot 7 SWSW	5.00
T04N R05W S01 SWNE	29.00	T04N R05W S01 SENE	34.00
T04N R05W S01 NESE	19.00		

111 ACRES TOTAL

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 - License

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

Shurte, Jan

From: Shurte, Jan
Sent: Monday, February 23, 2009 4:19 PM
To: Spencer, Nick
Cc: Ridgeway, Renea; Williams, Ray; Christensen, Kelly
Subject: Status Conf Tues 2/24/09

Hi Nick,

I just went through the files for tomorrow's status conferences and found the following:

63-3191 - Sent SF5 Rec. to state office on 1-29-09.

63-32463 - Sent signed SF5 and Cover Page to state office on 10-9-08.

63-32468 - Uncontested Overlap for 63-32463 - no objection filed on this one, yet SRBA Court shows an SF5 pending?

63-3200 & 63-9212 - Sent SF5 rec to state office on 1-29-09.

XL Ranches @ 2:00 - 63-5343, 63-16366 & 63-16543 - Not sure as these are Kelly's - sending cc to him on this one.

Will you be needing me on any of these?

Thanks,
 Jan

63-3191 - Status Conf. - Prepare SF5 again?
 63-3200 & 63-9212 - 63-3200 - Settled & ^{SF5 will} be circulating
 BOR - state land people are looking at the crossing agreement - wanting to change the language
 63-9212 - Wants crossing language, is not ready
 Prepare SF5's again - Will ask Renea.
 on 63-9212.

63-32463 & 32468 - Pat Takaseugi is having chemotherapy & he will sign the SF5's (or SF5) & return. 63-32468 is an uncontested overlap to 63-32463 & I do not have when we have sent the SF5 out for 63-32468.

2/23/2009

William F. Gigray, Jr., Deceased
GIGRAY, MILLER & DOWNEN
9th Avenue and Dearborn Street
P.O. Box 640
Caldwell, Idaho 83606-0640
Telephone: (208) 459-0091
Facsimile: (208) 459-0096
ISB No.: 393

RECEIVED

FEB 25 2009

DEPARTMENT OF
WATER RESOURCES

By:

Wm. F. Gigray, III
Matthew A. Johnson
WHITE PETERSON GIGRAY ROSSMAN
NYE & NICHOLS, P.A.

*Appointed Receiver by Order of the Idaho Supreme Court,
Docket #35800, Ref. #08-448*

5700 East Franklin Road, Suite 200

Nampa, Idaho 83687-7901

Telephone: (208) 466-9272

Facsimile: (208) 466-4405

ISB No.: 1435, 7789

wfg@whitepeterson.com

mjohnson@whitepeterson.com

Attorneys for V. Jay Harper and Deon J. Harper

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,

Case No. 39576.

)
) SUBCASE NOS. 63-3191
) 63-3200
) 63-9212
)

) NOTICE OF CHANGE OF
) ATTORNEY
)

) [I.R.C.P. 11 (b)(1)]
)

PLEASE TAKE NOTICE THAT:

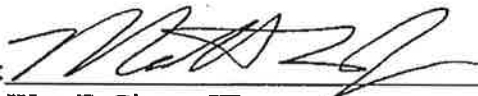
WITHDRAWING ATTORNEY: On the 30th day of October, 2008, Wm. F. Gigray, Jr., died and at the time of his death, was practicing law as a solo practitioner and there was no partner, executor or other responsible and willing party capable of conducting the affairs of his practice of law and subsequently an *Order Granting Petition of White Peterson Gigray Rossman Nye & Nichols, P.A. Appointment as Receiver to Protect Clients and Practice of William F. Gigray, Jr., Lawyer*, was entered by the Idaho Supreme Court in Docket No. #35800, Ref. #08-448, on November 17, 2008, and *White Peterson Gigray Rossman Nye & Nichols, P.A.* acts on behalf of Wm. F. Gigray, Jr. to hereby withdraw as attorney of record for V. JAY HARPER and DEEON J. HARPER, and

SUBSTITUTING ATTORNEY: Wm. F. Gigray, III and Matthew A. Johnson of the firm of WHITE PETERSON GIGRAY ROSSMAN NYE & NICHOLS, P.A. is substituted as attorney of record for V. JAY HARPER and DEEON J. HARPER and notice may be sent to the attention of Matthew A. Johnson in said firm.

DATED this 29th day of February, 2009.

Withdrawing Attorney:

William F. Gigray, Jr., Deceased, of the firm
GIGRAY, MILLER & DOWNEN

By: 

Wm. F. Gigray, III
WHITE PETERSON GIGRAY ROSSMAN NYE &
NICHOLS, P.A. - *Appointment as Receiver to
Protect Clients and Practice of William F.
Gigray, Jr., Lawyer*, pursuant to Idaho Supreme
Court Order Docket No. #35800, Ref. #08-448,
dated November 17, 2008.

DATED this 24th day of February, 2009.

Substituting Attorney:

WHITE PETERSON GIGRAY ROSSMAN NYE &
NICHOLS, P.A.

By:


Matthew A. Johnson

Attorneys for V. Jay & Deon J. Harper

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that on the 24th day of February, 2009, a true and correct copy of the above and foregoing instrument was served upon the following by the method indicated below:

Albert P. Barker
BARKER ROSHOLT & SIMPSON LLP
1010 W. Jefferson, Ste. 102
P.O. Box 2139
Boise, ID 83701-2139
*Attorneys for Riverside Irrigation
District and Wilder Irrigation District*

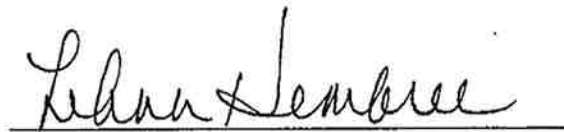
☒ U.S. Mail
☐ Overnight Mail
☐ Hand Delivery
☒ Facsimile: (208) 344-6034

U.S. Department of Justice
Environmental & Nat'l Resources
550 W. Fort Street, MSC 033
Boise, ID 83724
*Attorneys for USDI Bureau of
Reclamation*

☒ U.S. Mail
☐ Overnight Mail
☐ Hand Delivery
☐ Facsimile

Director of IDWR
P.O. Box 83720
Boise, Idaho 83720-0098

☒ U.S. Mail
☐ Overnight Mail
☐ Hand Delivery
☐ Facsimile


for WHITE PETERSON

Shurte, Jan

From: Ridgeway, Renea
Sent: Tuesday, February 24, 2009 12:57 PM
To: Shurte, Jan; Spencer, Nick
Subject: 63-3200, 63-3191, and 63-9212

Hi Jan,

Below is where we stand on the three waste water cases that had status conferences today. Could you please resend the recommendations with the necessary changes for 63-3200 and 63-3191 (see below)? Apparently, these documents were never forwarded to the new attorney of record. Thanks!

Life's a journey. Roll down the window and enjoy the breeze!

Renea Ridgeway
Paralegal
Office of the Attorney General
Natural Resources Division
Idaho Department of Water Resources
(208) 287-4814 office
(208) 287-6700 fax

From: Paul Arrington [mailto:pla@idahowaters.com]
Sent: Tuesday, February 24, 2009 11:43 AM
To: Ridgeway, Renea
Subject: RE: Todays initial hearings

All water rights have the same "waste water" remark as that indicated on 63-3200 (see minor change below). This includes 3191.

You are correct on 9212.

Paul L. Arrington
Barker Rosholt & Simpson LLP
(208) 733-0700 - telephone
(208) 404-9436 - mobile

CONFIDENTIALITY NOTICE: This e-mail and its attachments are confidential and may be privileged. If you believe this e-mail has been sent to you in error, please notify the sender immediately and delete this email. Do not deliver, distribute or copy this transmission.

From: Ridgeway, Renea [mailto:Renea.Ridgeway@idwr.idaho.gov]
Sent: Tuesday, February 24, 2009 11:33 AM
To: Paul Arrington
Subject: Todays initial hearings

Just to make sure that I get this right before asking the water agent to do anything - this is what we want –

63-9212 – Nothing until you and BOR discuss the crossing agreement language.

63-3200 – Needs waste water remark – simply **"The source of this water includes waste water. The wasting of water may be discontinued at any time."** This remark should be under the source element and this SF5 does not include the crossing language.

63-3191 – Mr. Johnson wants the Janicek language. And this right does not include the crossing language.

2/24/2009

Thanks!

Life's a journey. Roll down the window and enjoy the breeze!

Renea Ridgeway
Paralegal
Office of the Attorney General
Natural Resources Division
Idaho Department of Water Resources
(208) 287-4814 office
(208) 287-6700 fax

2/24/2009

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

RIGHT NUMBER: 63-3191

NAME AND ADDRESS: V JAY HARPER
23750 HOWE RD
PARMA ID 83660

DEEON J HARPER
23750 HOWE RD
PARMA ID 83660

SOURCE: CHRISTIAN GULCH WASTEWAY TRIBUTARY: DIXIE DRAIN

The source of this water right includes waste water. This right remains subject to the right of the original appropriator, in good faith and in compliance with state laws governing changes in use and/or expansion of water rights, to cease wasting water, to change the place or manner of wasting it, or to recapture it.

QUANTITY: 2.220 CFS

PRIORITY DATE: 07/01/1960

POINT OF DIVERSION:

T04N R05W S1 SESE Within CANYON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	2.220 CFS
The use of water for irrigation under this right may begin as early as March 1, provided other elements of the right are not exceeded. The use of water before March 15 under this remark is subordinate to all water rights having no subordinated early irrigation use and a priority date earlier than the date a partial decree is entered for this right.		

PLACE OF USE: IRRIGATION in CANYON County

T04N R04W S06 Lot 6 NWSW	24.00	T04N R04W S06 Lot 7 SWSW	5.00
T04N R05W S01	SWNE 29.00	T04N R05W S01	SENE 34.00
T04N R05W S01	NESE 19.00		

111 ACRES TOTAL

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 - License

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

Shurte, Jan

From: Ridgeway, Renea
Sent: Tuesday, February 24, 2009 8:32 AM
To: Shurte, Jan; Spencer, Nick
Cc: Williams, Ray
Subject: RE: Status Conf Tues 2/24/09

The XL Ranch cases are Ray's. I sent the SF5s out to the attorney when Ray was out on medical leave. When he returned he was informed and I stopped tracking the cases. However, on Nick's request I e-mailed the law firm and followed up a couple weeks ago. Mr. Gould responded and stated that Mr. Clayton was reviewing the modifications and that he thought Mr. Clayton was in agreement. Once he had this confirmed he was to complete the SF5s and return them to the Department.

63-3191, 63-3200, and 63-9212 – The attorney handling the case passed away and everything was up in the air. We finally received confirmation yesterday that an attorney at White Peterson would be taking over the cases. The SF5s were sent to the January 30 and I called to follow up on their status on February 12. I spoke to Matthew Johnson at White Peterson who informed me of Mr. Gigray's death and told me that his firm was still trying to contact two of the claimants to see if they wanted White Peterson to represent them. I discussed this issue with Nick and Paul Arrington at a meeting we had here at the Department on February 13. I was out of the office yesterday afternoon and when I returned there were several e-mails between the new attorney and Paul Arrington. All of which I forwarded to Nick for his review. They will be printed out and placed in the file.

63-32463 and 63-32486 – I sent the SF5s to claimants on 10-10-08. I left voice mail messages on 12-10-08 and 02-02-09. The claimants have not returned either one of my messages. I believe all parties, except the claimants have signed the documents

If you need any additional information, please let me know. Thank you!

Life's a journey. Roll down the window and enjoy the breeze!

Renea Ridgeway
 Paralegal
 Office of the Attorney General
 Natural Resources Division
 Idaho Department of Water Resources
 (208) 287-4814 office
 (208) 287-6700 fax

From: Shurte, Jan
Sent: Monday, February 23, 2009 4:24 PM
To: Spencer, Nick
Cc: Ridgeway, Renea; Williams, Ray
Subject: FW: Status Conf Tues 2/24/09

Here's Kelly's response to XL Ranches, just so you know. I just need to know if you have the same info as I do. Thanks, Jan

From: Christensen, Kelly
Sent: Monday, February 23, 2009 4:22 PM
To: Shurte, Jan
Subject: RE: Status Conf Tues 2/24/09

Shouldn't need either one of us. SF-5s have been routed for some time and got lost on the attorney's desk. A tickler went out to him last week and he replied that he would ck with his claimant. He thought that they were o.k. though.

kkc

2/24/2009

From: Shurte, Jan
Sent: Monday, February 23, 2009 4:19 PM
To: Spencer, Nick
Cc: Ridgeway, Renea; Williams, Ray; Christensen, Kelly
Subject: Status Conf Tues 2/24/09

Hi Nick,

I just went through the files for tomorrow's status conferences and found the following:

63-3191 – Sent SF5 Rec. to state office on 1-29-09.

63-32463 – Sent signed SF5 and Cover Page to state office on 10-9-08.

63-32468 – Uncontested Overlap for 63-32463 – no objection filed on this one, yet SRBA Court shows an SF5 pending?

63-3200 & 63-9212 – Sent SF5 rec to state office on 1-29-09.

XL Ranches @ 2:00 – 63-5343, 63-16366 & 63-16543 – Not sure as these are Kelly's – sending cc to him on this one.

Will you be needing me on any of these?

Thanks,
Jan

2/24/2009

Walker, Kay

From: Walker, Kay
Sent: Wednesday, October 01, 2008 3:11 PM
To: Williams, Ray
Cc: Walker, Kay
Subject: RE: Claim 63-3191 - Harper

I looked at Paul's list and this one was not on it... will hold SF5 until I hear more. Thanks for your help!! Kay

From: Williams, Ray
Sent: Wednesday, October 01, 2008 2:14 PM
To: Walker, Kay
Subject: RE: Claim 63-3191 - Harper

I wasn't sure if this was one on the list that Paul sent to Nick. I'll keep my eyes open.

From: Walker, Kay
Sent: Wednesday, October 01, 2008 2:04 PM
To: Williams, Ray
Cc: Walker, Kay
Subject: RE: Claim 63-3191 - Harper

That helps a lot! I guess we are waiting for Paul to send the waste water language that the claimant's agreed upon (per Nick's memo). Will keep holding this one until I get the waste water language from Nick. Thanks for your help!! Kay

From: Williams, Ray
Sent: Wednesday, October 01, 2008 1:56 PM
To: Walker, Kay
Subject: RE: Claim 63-3191 - Harper

Hi, Kay -

I took a look at the notes (and I copied an e-mail of Nick's that I have attached). I'm not real familiar with this one, but I don't see anything preventing us from doing an SF5 now. I think agreement has been reached on everything (waste water language and removal of the remark).

Does that help?

Thanks!

Ray

From: Walker, Kay
Sent: Wednesday, October 01, 2008 1:39 PM
To: Williams, Ray

10/1/2008

Cc: Walker, Kay

Subject: Claim 63-3191 - Harper

Hi, Ray! I had prepared this recommendation for SF5 but then pulled it from Lori's basket for some reason. Could you look at your notes from the hearing on September 9th and see if there is anything on them that would prevent us from preparing SF5 now? I am sorry I didn't make better notes on the file for my own purposes. It's called "old-timers" syndrome. There is no hurry on this from my end – just thought I should find out what might be going on. Thanks in advance! Kay

10/1/2008

Walker, Kay

From: Walker, Kay
Sent: Wednesday, October 01, 2008 2:04 PM
To: Williams, Ray
Cc: Walker, Kay
Subject: RE: Claim 63-3191 - Harper

That helps a lot! I guess we are waiting for Paul to send the waste water language that the claimant's agreed upon (per Nick's memo). Will keep holding this one until I get the waste water language from Nick. Thanks for your help!! Kay

From: Williams, Ray
Sent: Wednesday, October 01, 2008 1:56 PM
To: Walker, Kay
Subject: RE: Claim 63-3191 - Harper

Hi, Kay -

I took a look at the notes (and I copied an e-mail of Nick's that I have attached). I'm not real familiar with this one, but I don't see anything preventing us from doing an SF5 now. I think agreement has been reached on everything (waste water language and removal of the remark).

Does that help?

Thanks!

Ray

From: Walker, Kay
Sent: Wednesday, October 01, 2008 1:39 PM
To: Williams, Ray
Cc: Walker, Kay
Subject: Claim 63-3191 - Harper

Hi, Ray! I had prepared this recommendation for SF5 but then pulled it from Lori's basket for some reason. Could you look at your notes from the hearing on September 9th and see if there is anything on them that would prevent us from preparing SF5 now? I am sorry I didn't make better notes on the file for my own purposes. It's called "old-timers" syndrome. There is no hurry on this from my end – just thought I should find out what might be going on. Thanks in advance! Kay

Spencer, Nick

From: Spencer, Nick
Sent: Tuesday, September 09, 2008 4:22 PM
To: Walker, Kay
Cc: Shurte, Jan; Ridgeway, Renea; 'pla@idahowaters.com'
Subject: 63-3191 (Harper)

Hi Kay. We just had a telephone status conference in this case. Paul Arrington and Bill Gigray are close to reaching agreement on waste water language. However, a source of confusion in the discussions has been the fact that the explanatory material section of the recommendation contains the standard remark that use of the right is combined with water from Riverside Irrigation District. Paul has checked the irrigation district's records, and the irrigation district does not deliver water to this land. The claimant, understandably, wants the remark removed and my feeling is that we don't want it even in explanatory material if it is incorrect. I am presuming that Paul's representation in this regard is sufficient to enable us to remove the remark from the water right description. Is that correct? Let me know your thoughts. Also, Paul will soon be sending me the wastewater language that the parties have agreed upon. When he does I will forward it to you so that we can prepare the SF-5. NBS

09/09/2008

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

RIGHT NUMBER: 63-3191

NAME AND ADDRESS: V JAY HARPER
23750 HOWE RD
PARMA ID 83660

DEEON J HARPER
23750 HOWE RD
PARMA ID 83660

SOURCE: CHRISTIAN GULCH WASTEWAY

TRIBUTARY: DIXIE DRAIN

The source of this water right is waste water. The wasting of water may be discontinued at any time.

QUANTITY: 2.220 CFS

PRIORITY DATE: 07/01/1960

POINT OF DIVERSION:

T04N R05W S1 SESE Within CANYON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

03/15 11/15

2.220 CFS

The use of water for irrigation under this right may begin as early as March 1, provided other elements of the right are not exceeded. The use of water before March 15 under this remark is subordinate to all water rights having no subordinated early irrigation use and a priority date earlier than the date a partial decree is entered for this right.

PLACE OF USE: IRRIGATION in CANYON County

T04N R04W S06 Lot 6 NWSW	24.00	T04N R04W S06 Lot 7 SWSW	5.00
T04N R05W S01 SWNE	29.00	T04N R05W S01 SENE	34.00
T04N R05W S01 NESE	19.00		

111 ACRES TOTAL

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 - License

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

for SF5-
KW
9/1/08

Removed exp.
remark re:
Riverside Irrig.
Dist.

2008 JUN 23 AM 11:49
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

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	)	ORDER SETTING STATUS
	)	CONFERENCE
Case No. 39576	)	
_____	)	SUBCASE NO: 63-03191

Please be advised that Special Master THEODORE R. BOOTH
has set a Status Conference in the above subcase(s)
as follows:

TUESDAY, SEPTEMBER 09, 2008 at 04:00 PM (MT)

SRBA
DISTRICT COURT
253 3RD AVENUE NORTH
TWIN FALLS, ID

Parties may participate by telephone by dialing the number
225-383-1099 and when prompted entering the code 675342.

IT IS SO ORDERED.

Dated: JUNE 23, 2008

/S/ THEODORE R. BOOTH
Special Master
Snake River Basin Adjudication

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

CERTIFICATE OF MAILING

I Certify that a true and correct copy of the ORDER SETTING STATUS CONFERENCE was mailed on JUNE 23, 2008, with sufficient first-class postage to the following:

RIVERSIDE IRRIGATION DISTRICT

Represented by:
ALBERT P BARKER
1010 W JEFFERSON, STE 102
PO BOX 2139
BOISE, ID 83701-2139
Phone: 208-336-0700

USDI BUREAU OF RECLAMATION

Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

DEEON J HARPER

V JAY HARPER
Represented by:
WM. F GIGRAY JR.
PO BOX 640
CALDWELL, ID 83605
Phone: 208-459-0091

DIRECTOR OF IDWR

PO BOX 83720
BOISE, ID 83720-0098

RECEIVED

MAY 26 2008

DEPARTMENT OF
WATER RESOURCES

2008 MAY 23 PM 12:06
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED

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

Case No. 39576

) ORDER SETTING SUBCASE(S)
) FOR INITIAL HEARING

) SUBCASE NOS: 63-03191 63-03200
63-09212

The Initial Hearing for this subcase will be held before
Special Master THEODORE R. BOOTH

THURSDAY, JUNE 19, 2008 at 09:15 AM (MT)
IDAHO SUPREME COURT BUILDING
451 WEST STATE STREET
BOISE, ID

ATTENDANCE IS MANDATORY. All parties are required to
attend and must have full settlement authority.

At the Initial Hearing you will have an opportunity
to meet with a representative of the Idaho Department of
Water Resources (IDWR) and/or the objector in an attempt
to reconcile any difference between the claim and the
Director's Report. Bring any and all information you
believe is relevant to your claim and/or objection. If
the claim cannot be reconciled at the Initial Hearing,
the court will set the subcase(s) for trial within 45
days of the Initial Hearing. IF YOU INTEND TO AMEND YOUR
CLAIM, YOU MUST DO SO AT OR BEFORE THE INITIAL HEARING.

Settlement documents must be filed with the court by
JUNE 16, 2008 or hearing will not be vacated.

IT IS SO ORDERED.

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

(continued)

Dated: MAY 23, 2008

/S/ THEODORE R. BOOTH
Special Master
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I Certify that a true and correct copy of the ORDER SETTING
SUBCASE(S) FOR INITIAL HEARING was mailed on MAY 23, 2008,
with sufficient first-class postage to the following:

RIVERSIDE IRRIGATION DISTRICT
WILDER IRRIGATION DISTRICT

Represented by:
ALBERT P BARKER
1010 W JEFFERSON, STE 102
PO BOX 2139
BOISE, ID 83701-2139
Phone: 208-336-0700

USDI BUREAU OF RECLAMATION
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

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

DEEON J HARPER
V JAY HARPER
23750 HOWE RD
PARMA, ID 83660
Phone: 208-459-3735

ALFRED KANDLER
BERTA KANDLER
24005 BOISE RIVER RD
CALDWELL, ID 83605
Phone: 208-459-4753

RECEIVED
JUN 19 2007
DEPARTMENT OF
WATER RESOURCES

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)

A. Subcase 63-3191
(Insert water right number)

Case No. 39576)
_____)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Riverside Irrigation District
Address: PO Box 1080
Parma, ID 83660
Daytime Phone: 208-880-3449

Name & Address of Attorney, if any:

Albert P. Barker
Barker Rosholt & Simpson, LLP
1010 W. Jefferson, Ste. 102, Boise ID 83702

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: V Jay and Deeon Harper
Address: 23750 Howe Rd.
Parma, ID 83660

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☐ **Name and Address**

Should be: _____

2. ☒ **Source**

Should be: The source should be described as waste waters, and waste waters belong to the Riverside Irrigation District.

3. ☐ **Quantity**

Should be: _____

4. ☐ **Priority Date**

Should be: _____

5. ☐ **Point of Diversion**

Should be: _____

6. ☐ **Instream Flow Beginning and Ending Point**

Should be: _____

7. ☐ **Purpose(s) of Use**

Should be: _____

8. ☐ **Period of Year**

Should be: _____

9. ☐ **Place of Use**

Should be: _____

10 ☐ **I object because:**

☐ This water right Should not exist.

☐ This water right was not recommended, but Should be recommended with the elements described above.

E. REASONS SUPPORTING OBJECTIONS(S): There has been no lawful appropriation of this right. The description of the source should have been waste water. The waste waters belong to the Riverside Irrigation District and are not available for private development and appropriation. Further, any attempted development of this right constitutes a trespass against the drains of the Riverside Irrigation District. Proposed waste water remark does not sufficiently protect original appropriator.

F. VERIFICATION (must be completed)

State of IDAHO)
)ss.
County of ADA)

Albert P. BARLER, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and(6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

(Signature of person filing objection)

[Signature]

(Attorney signing in representative capacity)

Subscribed and sworn to before me on: June 18, 2007

Suzanne Estes
Notary Public for Idaho
Residing at: Boise
My Commission Expires: June 1, 2012



INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

G. CERTIFICATE OF MAILING

I certify that on JUN 18 2007, 200__, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

Name: V Jay and Deeon Harper
Address: 23750 Howe Rd.
Parma, ID 83660

3. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

United States Department of Justice
Environment & Nat'l Resources Div
550 W Fort Street, MSC 033
Boise, ID 83724

Chief, Natural Resources Division
Office of Attorney General
PO Box 44449
Boise, ID 83711-4449



Signature of objector or attorney
mailing on Objector's behalf

12/10/2006

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

RIGHT NUMBER: 63-3191
NAME AND ADDRESS: V JAY HARPER
23750 HOWE RD
PARMA ID 83660

DEEON J HARPER
23750 HOWE RD
PARMA ID 83660

SOURCE: CHRISTIAN GULCH WASTEWAY TRIBUTARY: DIXIE DRAIN

QUANTITY: 2.220 CFS

PRIORITY DATE: 07/01/1960

POINT OF
DIVERSION: T04N R05W S1 SESE Within CANYON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	2.220 CFS
The use of water for irrigation under this right may begin as early as March 1, provided other elements of the right are not exceeded. The use of water before March 15 under this remark is subordinate to all water rights having no subordinated early irrigation use and a priority date earlier than the date a partial decree is entered for this right.		

PLACE OF USE: IRRIGATION in CANYON County

T04N R04W S06 Lot 6 NWSW	24.00	T04N R04W S06 Lot 7 SWSW	5.00
T04N R05W S01 SWNE	29.00	T04N R05W S01 SENE	34.00
T04N R05W S01 NESE	19.00		

111 ACRES TOTAL

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.

This right remains subject to the right of the original appropriator, in good faith and in compliance with state laws governing changes in use and/or expansion of water rights, to cease wasting water, to change the place or manner of wasting it, or to recapture it.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Use of this right is combined with water from Riverside Irrigation District.

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

11/02/2006

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

RIGHT NUMBER: 63-3191

NAME AND ADDRESS: V JAY HARPER
23750 HOWE RD
PARMA ID 83660

DEEON J HARPER
23750 HOWE RD
PARMA ID 83660

SOURCE: CHRISTIAN GULCH WASTEWAY

TRIBUTARY: DIXIE DRAIN

QUANTITY: 2.220 CFS

PRIORITY DATE: 07/01/1960

POINT OF DIVERSION:

T04N R05W S1 SESE Within CANYON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

03/15 11/15

2.220 CFS

The use of water for irrigation under this right may begin as early as March 1, provided other elements of the right are not exceeded. The use of water before March 15 under this remark is subordinate to all water rights having no subordinated early irrigation use and a priority date earlier than the date a partial decree is entered for this right.

PLACE OF USE:

IRRIGATION in CANYON County

T04N R04W S06 Lot 6 NWSW 24.00

T04N R04W S06 Lot 7 SWSW 5.00

T04N R05W S01 SWNE 29.00

T04N R05W S01 SENE 34.00

T04N R05W S01 NESE 19.00

111 ACRES TOTAL

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

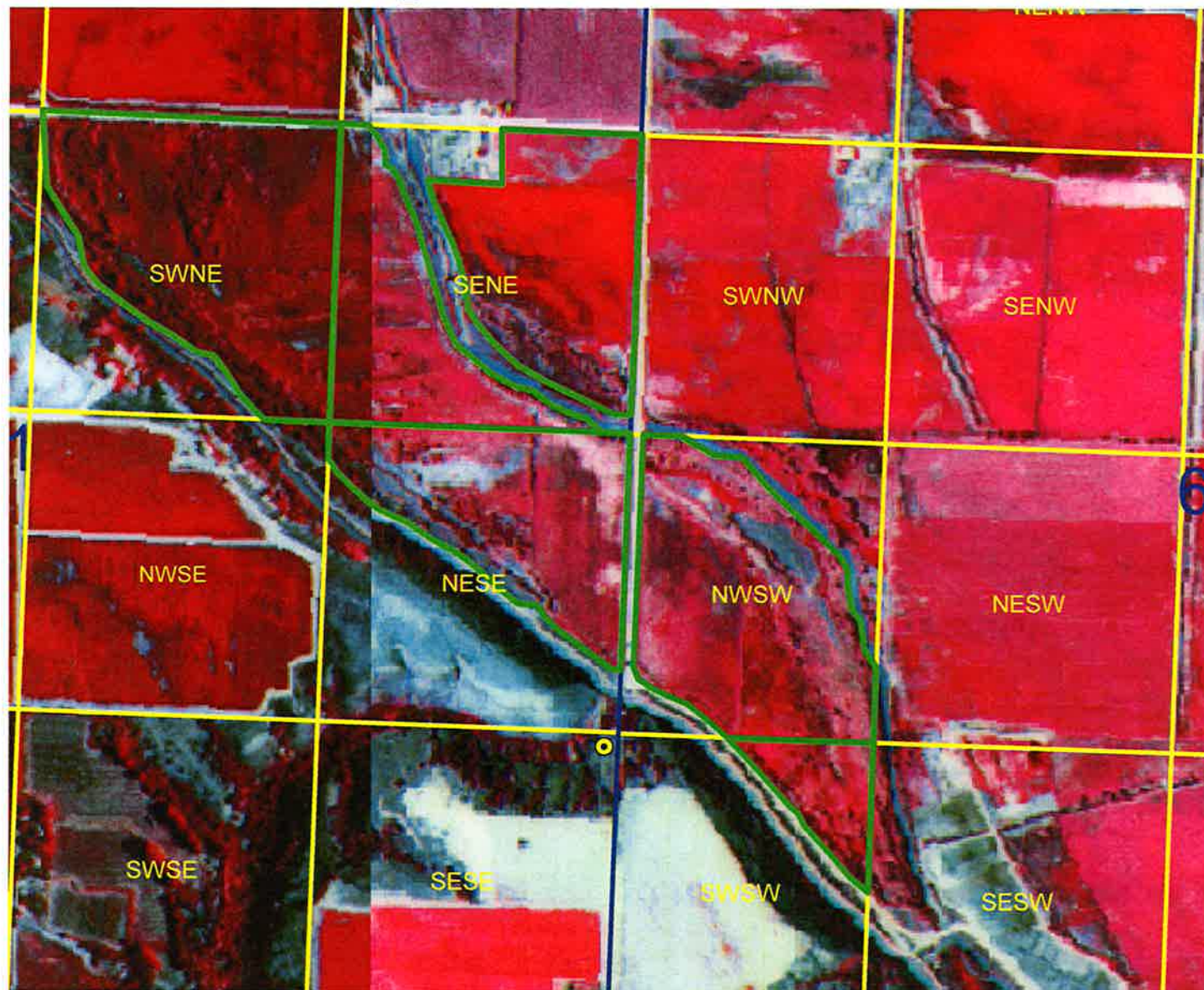
This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Use of this right is combined with water from Riverside Irrigation District.

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

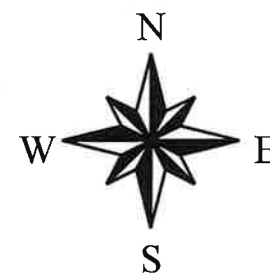
Idaho Department of Water Resources



**T04N, R04W,
SEC 6
T04N, R05W,
SEC 1**

-  Place of Use
-  Section Lines
-  1/4 1/4
-  Point of Diversion

Irrigated Acres = 111



1987 NAPP

0.00008 Miles

Claim No: 63-3191

Prepared By: Kimberly Brown

Date: November 2, 2006

Adjudication Claim Report 63-3191

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	CLARICE L MARTIN 24143 BLUFF LN PARMA, ID 83660 (208)459-3776
Original Owner	EARL H MARTIN 24143 BLUFF LN PARMA, ID 83660 (208)459-3776
Current Owner	V JAY HARPER 23750 HOWE RD PARMA, ID 83660 (208)459-3735
Current Owner	DEEON J HARPER 23750 HOWE RD PARMA, ID 83660 (208)459-3735

(*) See #63-31513 &
#63-31514 files.

Priority Date: 07/01/1960 ✓ (late proof)
Basis: License ✓
Status: Active

Source
CHRISTIAN GULCH WASTEWAY ✓

Tributary
DIXIE DRAIN ✓

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION ✓	3/15	11/15 ✓	2.220 CFS
	Total Diversion:		2.220 CFS

* Volume not applicable $\rightarrow$ surface water

~~Volume:~~

~~11.0 acres~~

~~$\times$ 4.5 af/acre~~

Annual Volume

~~499.5~~

~~499.5~~

~~499.5 af/annum~~

Location of Point(s) of Diversion

CHRISTIAN GULCH WASTEWAY SE1/4SE1/4 ✓ Sec. 1, Twp 04N, Rge 05W, B.M. ✓
CANYON County ✓

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	04W	6										21.0	14.0						35.0
												L 6	L 7						
04N	05W	1			26.0	31.0						24	5			19.0			76.0
					29	34													
Total Acres: 111																			

ADD 839 - Season of use is 3/01 to 11/15.

ADD - Use is combined with water from Riverside Irr. Dist.

AD70 C05 - POU Accomplished Transfer

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POU REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-3191

11/02/2006

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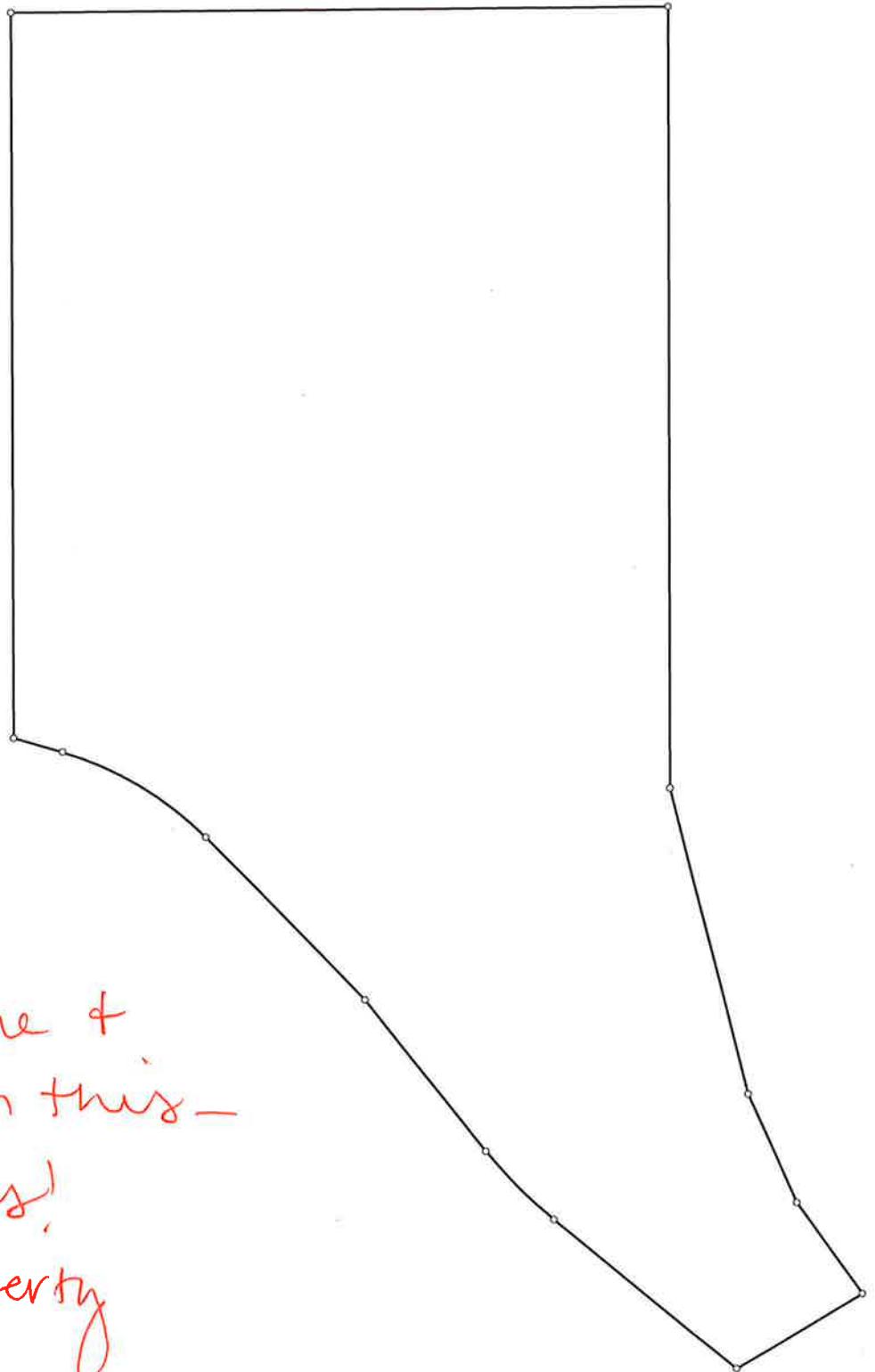
Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Purpose of Use	Acres/Total	Name
-226	Claim	04N	04W	6	NW	SW		IRRIGATION	20/7139.3	THE RIVERSIDE IRRIGATION DIST LTI
-299	Claim	04N	04W	6	NW	SW		IRRIGATION	20/7139.3	THE RIVERSIDE IRRIGATION DIST LTI
-300	Claim	04N	04W	6	NW	SW		IRRIGATION	20/7139.3	THE RIVERSIDE IRRIGATION DIST LTI
2374	Claim	04N	04W	6	NW	SW		IRRIGATION	20/7139.3	THE RIVERSIDE IRRIGATION DIST LTI
2389	Claim	04N	04W	6	NW	SW		IRRIGATION	20/7139.3	THE RIVERSIDE IRRIGATION DIST LTI
4010	Claim	04N	04W	6	NW	SW		IRRIGATION	20/7139.3	THE RIVERSIDE IRRIGATION DIST LTI
-227	Claim	04N	04W	6	NW	SW		IRRIGATION	20/7139.3	THE RIVERSIDE IRRIGATION DIST LTI
-228	Claim	04N	04W	6	NW	SW		IRRIGATION	20/7139.3	THE RIVERSIDE IRRIGATION DIST LTI
-229	Claim	04N	04W	6	NW	SW		IRRIGATION	20/7139.3	THE RIVERSIDE IRRIGATION DIST LTI
4007	Claim	04N	04W	6	NW	SW		IRRIGATION	20/7139.3	THE RIVERSIDE IRRIGATION DIST LTI
2279	Claim	04N	04W	6	NW	SW		IRRIGATION	20/7139.3	THE RIVERSIDE IRRIGATION DIST LTI
4008	Claim	04N	04W	6	NW	SW		IRRIGATION	20/7139.3	THE RIVERSIDE IRRIGATION DIST LTI
3191	Claim	04N	04W	6	NW	SW	6	IRRIGATION	21/111	V JAY HARPER
3191	Water Right	04N	04W	6	NW	SW	6	IRRIGATION	21/111	EARL MARTIN
2279	Claim	04N	04W	6	SW	SW		IRRIGATION	15/7139.3	THE RIVERSIDE IRRIGATION DIST LTI
2374	Claim	04N	04W	6	SW	SW		IRRIGATION	15/7139.3	THE RIVERSIDE IRRIGATION DIST LTI
4010	Claim	04N	04W	6	SW	SW		IRRIGATION	15/7139.3	THE RIVERSIDE IRRIGATION DIST LTI
-226	Claim	04N	04W	6	SW	SW		IRRIGATION	15/7139.3	THE RIVERSIDE IRRIGATION DIST LTI
-227	Claim	04N	04W	6	SW	SW		IRRIGATION	15/7139.3	THE RIVERSIDE IRRIGATION DIST LTI
4007	Claim	04N	04W	6	SW	SW		IRRIGATION	15/7139.3	THE RIVERSIDE IRRIGATION DIST LTI
-228	Claim	04N	04W	6	SW	SW		IRRIGATION	15/7139.3	THE RIVERSIDE IRRIGATION DIST LTI
-229	Claim	04N	04W	6	SW	SW		IRRIGATION	15/7139.3	THE RIVERSIDE IRRIGATION DIST LTI
-299	Claim	04N	04W	6	SW	SW		IRRIGATION	15/7139.3	THE RIVERSIDE IRRIGATION DIST LTI
-300	Claim	04N	04W	6	SW	SW		IRRIGATION	15/7139.3	THE RIVERSIDE IRRIGATION DIST LTI
2389	Claim	04N	04W	6	SW	SW		IRRIGATION	15/7139.3	THE RIVERSIDE IRRIGATION DIST LTI
4008	Claim	04N	04W	6	SW	SW		IRRIGATION	15/7139.3	THE RIVERSIDE IRRIGATION DIST LTI
3191	Claim	04N	04W	6	SW	SW	7	IRRIGATION	14/111	V JAY HARPER
3191	Water Right	04N	04W	6	SW	SW	7	IRRIGATION	14/111	EARL MARTIN

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POU REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-3191

11/02/2006

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Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Purpose of Use	Acres/Total	Name
3191	Claim	04N	05W	1	SW	NE		IRRIGATION	26/111	V JAY HARPER
3191	Water Right	04N	05W	1	SW	NE		IRRIGATION	26/111	EARL MARTIN
3191	Claim	04N	05W	1	SE	NE		IRRIGATION	31/111	V JAY HARPER
3191	Water Right	04N	05W	1	SE	NE		IRRIGATION	31/111	EARL MARTIN
3191	Claim	04N	05W	1	NE	SE		IRRIGATION	19/111	V JAY HARPER
3191	Water Right	04N	05W	1	NE	SE		IRRIGATION	19/111	EARL MARTIN



Kimberly -
come find me &
I will explain this -
Thanks!
Liberty

Title:		Date: 11-01-2006
Scale: 1 inch = 294 feet	File: HARPER.des	

Data and Deed Call Listing of File: HARPER.des

Tract 1: 46.732 Acres: 2035637 Sq Feet: Closure = s13.4835w 0.01 Feet: Precision >1/999999: Perimeter = 6564 Feet

001=N2268645.19M E1394186.88M

002=ROTATE +0.0000

003=N89.1824E 1127.94

004=S00.1243E 1338.54

005=S14.2422E 540.85

006=S24.1828E 203.08

007=S36.1431E 192.43

008=S59.0246W 251.81

009=N51.0614W 404.62

010: Rt, R=760.36, Arc=165.05, Delta=12.2615
Bng=N44.5316W, Chd=164.73

011=N38.3959W 331.16

012=N44.3954W 391.41

013: Lt, R=560.55, Arc=287.71, Delta=29.2429
Bng=N59.2208W, Chd=284.56

014=N74.0423W 87.78

015=N00.1726W 1241.74

CONVERSATION MEMORANDUM

**RE: Snake River Basin Adjudication Water Right Nos. A63-31514
Notice of Error Reply**

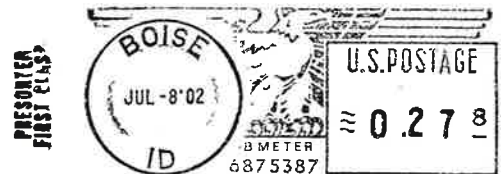
October 23, 2006

Jay Harper called and said that he spoke with Jan Shurte at the Basin 63 Part III Preliminary Meeting in Caldwell on 10/18/06. Mr. Harper says that he owns the entire 111 acres, not the Martins. He will fax a copy of his Warranty Deeds for Sections 1 and 6 so that we can have Liberty run the metes and bounds.

*After our telephone conversation, I reviewed the file and found that Mr. Harper had spoken with Ron Howerton about this very same issue in July 2002 and told Mr. Howerton that he was going to go to the Title Co. to get a copy of all of his deeds and get them to us in order to clear up this matter (see Adjudication Memorandum in file). Apparently, he did not follow through on this commitment.

Kimberly Brown
Senior Water Resource Agent
Western Region

RETURN SERVICE
REQUESTED



JUL 12 2002

63-3191 $\rightarrow$ 63-31513

MARTIN 143 836602017 1A01 17 07/10/02
RETURN TO SENDER
MARTIN, CLARICE
8265 W KINGSBURY DR
MIDDLETON ID 83644-5688
RETURN TO SENDER

RETURN TO SENDER

EAGLES 43460

11. 12. 13. 14. 15. 16. 17. 18. 19. 20. 21. 22. 23. 24. 25. 26. 27. 28. 29. 30. 31. 32. 33. 34. 35. 36. 37. 38. 39. 40. 41. 42. 43. 44. 45. 46. 47. 48. 49. 50. 51. 52. 53. 54. 55. 56. 57. 58. 59. 60. 61. 62. 63. 64. 65. 66. 67. 68. 69. 70. 71. 72. 73. 74. 75. 76. 77. 78. 79. 80. 81. 82. 83. 84. 85. 86. 87. 88. 89. 90. 91. 92. 93. 94. 95. 96. 97. 98. 99. 100. 101. 102. 103. 104. 105. 106. 107. 108. 109. 110. 111. 112. 113. 114. 115. 116. 117. 118. 119. 120. 121. 122. 123. 124. 125. 126. 127. 128. 129. 130. 131. 132. 133. 134. 135. 136. 137. 138. 139. 140. 141. 142. 143. 144. 145. 146. 147. 148. 149. 150. 151. 152. 153. 154. 155. 156. 157. 158. 159. 160. 161. 162. 163. 164. 165. 166. 167. 168. 169. 170. 171. 172. 173. 174. 175. 176. 177. 178. 179. 180. 181. 182. 183. 184. 185. 186. 187. 188. 189. 190. 191. 192. 193. 194. 195. 196. 197. 198. 199. 200. 201. 202. 203. 204. 205. 206. 207. 208. 209. 210. 211. 212. 213. 214. 215. 216. 217. 218. 219. 220. 221. 222. 223. 224. 225. 226. 227. 228. 229. 230. 231. 232. 233. 234. 235. 236. 237. 238. 239. 240. 241. 242. 243. 244. 245. 246. 247. 248. 249. 250. 251. 252. 253. 254. 255. 256. 257. 258. 259. 260. 261. 262. 263. 264. 265. 266. 267. 268. 269. 270. 271. 272. 273. 274. 275. 276. 277. 278. 279. 280. 281. 282. 283. 284. 285. 286. 287. 288. 289. 290. 291. 292. 293. 294. 295. 296. 297. 298. 299. 300. 301. 302. 303. 304. 305. 306. 307. 308. 309. 310. 311. 312. 313. 314. 315. 316. 317. 318. 319. 320. 321. 322. 323. 324. 325. 326. 327. 328. 329. 330. 331. 332. 333. 334. 335. 336. 337. 338. 339. 340. 341. 342. 343. 344. 345. 346. 347. 348. 349. 350. 351. 352. 353. 354. 355. 356. 357. 358. 359. 360. 361. 362. 363. 364. 365. 366. 367. 368. 369. 370. 371. 372. 373. 374. 375. 376. 377. 378. 379. 380. 381. 382. 383. 384. 385. 386. 387. 388. 389. 390. 391. 392. 393. 394. 395. 396. 397. 398. 399. 400. 401. 402. 403. 404. 405. 406. 407. 408. 409. 410. 411. 412. 413. 414. 415. 416. 417. 418. 419. 420. 421. 422. 423. 424. 425. 426. 427. 428. 429. 430. 431. 432. 433. 434. 435. 436. 437. 438. 439. 440. 441. 442. 443. 444. 445. 446. 447. 448. 449. 450. 451. 452. 453. 454. 455. 456. 457. 458. 459. 460. 461. 462. 463. 464. 465. 466. 467. 468. 469. 470. 471. 472. 473. 474. 475. 476. 477. 478. 479. 480. 481. 482. 483. 484. 485. 486. 487. 488. 489. 490. 491. 492. 493. 494. 495. 496. 497. 498. 499. 500. 501. 502. 503. 504. 505. 506. 507. 508. 509. 510. 511. 512. 513. 514. 515. 516. 517. 518. 519. 520. 521. 522. 523. 524. 525. 526. 527. 528. 529. 530. 531. 532. 533. 534. 535. 536. 537. 538. 539. 540. 541. 542. 543. 544. 545. 546. 547. 548. 549. 550. 551. 552. 553. 554. 555. 556. 557. 558. 559. 560. 561. 562. 563. 564. 565. 566. 567. 568. 569. 570. 571. 572. 573. 574. 575. 576. 577. 578. 579. 580. 581. 582. 583. 584. 585. 586. 587. 588. 589. 590. 591. 592. 593. 594. 595. 596. 597. 598. 599. 600. 601. 602. 603. 604. 605. 606. 607. 608. 609. 610. 611. 612. 613. 614. 615. 616. 617. 618. 619. 620. 621. 622. 623. 624. 625. 626. 627. 628. 629. 630. 631. 632. 633. 634. 635. 636. 637. 638. 639. 640. 641. 642. 643. 644. 645. 646. 647. 648. 649. 650. 651. 652. 653. 654. 655. 656. 657. 658. 659. 660. 661. 662. 663. 664. 665. 666. 667. 668. 669. 670. 671. 672. 673. 674. 675. 676. 677. 678. 679. 680. 681. 682. 683. 684. 685. 686. 687. 688. 689. 690. 691. 692. 693. 694. 695. 696. 697. 698. 699. 700. 701. 702. 703. 704. 705. 706. 707. 708. 709. 710. 711. 712. 713. 714. 715. 716. 717. 718. 719. 720. 721. 722. 723. 724. 725. 726. 727. 728. 729. 730. 731. 732. 733. 734. 735. 736. 737. 738. 739. 740. 741. 742. 743. 744. 745. 746. 747. 748. 749. 750. 751. 752. 753. 754. 755. 756. 757. 758. 759. 760. 761. 762. 763. 764. 765. 766. 767. 768. 769. 770. 771. 772. 773. 774. 775. 776. 777. 778. 779. 780. 781. 782. 783. 784. 785. 786. 787. 788. 789. 790. 791. 792. 793. 794. 795. 796. 797. 798. 799. 800. 801. 802. 803. 804. 805. 806. 807. 808. 809. 810. 811. 812. 813. 814. 815. 816. 817. 818. 819. 820. 821. 822. 823. 824. 825. 826. 827. 828. 829. 830. 831. 832. 833. 834. 835. 836. 837. 838. 839. 840. 841. 842. 843. 844. 845. 846. 847

Not re-sent to Martin's. See memo in file 7-12-02

ADJUDICATION MEMORANDUM

CLAIM NO: 63-3191 / 63-31514

SUBJECT: Change of ownership

EMPLOYEE: D. Hatfield

DATE: 7-12-02

63-3191 was split due to ownership change - for 19ac. going to Harper & 92ac staying in Martin's name. Harper called to say he purchased All property. We only rec'd deeds showing part of the land - therefore the claim was split. Ron H. talked to Mr. Harper 7-12-02 and he's going to go to the title Co & get All deeds for all of his land & bring them (or mail them). Hopefully to clear up situation. May need to combine back to 63-3191.

License and Certificate of Water Right

63-3191
 License No. 28616 Priority July 1, 1960 Amount 2.22 c. f. s.
 (late proof)

THIS IS TO CERTIFY that EARL MARTIN

Parma, Idaho, made application for a permit to appropriate the
 ic waters of the State of Idaho, dated March 3, 1960; that Permit No. 28616
 issued under said application; that Certificate of Completion of Works, with a carrying capacity
 2.44 second feet, was issued thereunder on March 30, 1965, showing
 said works were completed on the 23 day of March, 1965; and
 on the 12 day of August, 1966 EARL MARTIN

Parma, State of Idaho, made proof to the satisfaction of the
 e Reclamation Engineer of Idaho, of a right to the use of the waters of Christian Gulch Wasteway

butary of Dixie Drain for the purpose of irrigation,
 or Use Permit No. 28616 of the Department of Reclamation, and
 said right to the use of said waters has been perfected in accordance with the laws of Idaho,
 is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record ~~XX~~
~~XX~~ ~~of license, at Page~~, on the 1 day of March, 1968.
 The right hereby confirmed dates from July 1, 1960 (late proof)

The Point of Diversion is located
 e SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 1, Twp. 4 N, R. 5 W, B.M. Canyon County.
 That the amount of water to which such right is entitled and hereby confirmed, for the purposes
 said, is limited to an amount actually needed and beneficially used for said purposes, and shall
 exceed 2.22 cubic feet per second.

Description and location of use:

| Ap. | Range | Section | Forty-Acre Tract | No. Acres Described in Permit | No. Acres Actually Irrigated |
|----------------------------------|-------|---------|--|-------------------------------|------------------------------|
| N | 5 W | 1 | SW $\frac{1}{4}$ NE $\frac{1}{4}$ | 23 | 26 |
| | | | SE $\frac{1}{4}$ NE $\frac{1}{4}$ | 40 | 31 |
| | | | NE $\frac{1}{4}$ SE $\frac{1}{4}$ | 17 | 19 |
| N | 4 W | 6 | Lot 6 (NW $\frac{1}{4}$ SW $\frac{1}{4}$) | 36 | 21 |
| | | | Lot 7 (SW $\frac{1}{4}$ SW $\frac{1}{4}$) | 6 | 14 |
| Total number of acres irrigated: | | | | | 111 |

MICROFILMED

AUG 18 1992

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place
 e herein described, as provided by the laws of Idaho.

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO
REPORT OF EXAMINER

Permit No. 28616

This proof is for Beneficial Use In Water District No. _____

1. Name of applicant Earl Martin, Route #1, Parma, Idaho

2. Source of water supply: Christian Gulch Wasteway, tributary Dixie Drain

3. Location of point of diversion: Is in the SE/4 of Section 1

T. 4 N R. 5 W County of Canyon

4. Describe works as they exist, giving dimensions and capacities of same:

CONCRETE CHECK AT CHRISTIAN GULCH WASTEWAY -
10" CORRUGATED STEEL APPROX 200' ACROSS
CANAL BOTTOM - TO CONCRETE DIVERSION WORKS
THROUGH EARTH DITCHES (10" CONDUIT
FROM PD TO DIVERSION WORKS - CAPACITY EXCEEDS 175")

5. Water is used for: irrigation

6. State whether or not water has been turned into works of diversion: YES

7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if other than irrigation):

Sec. 6
Lot 6 (NW/4SW/4); Lot 7 (SW/4SW/4), T. 4 N., R. 4 W., B. M.; SE/4, NE/4, SE/4,
Sec. 1, T. 4 N., R. 5 W., B. M.

(Submit map on attached plat, showing location and details of above description.)

8. What large stream would the water here appropriated finally reach? _____

Remarks:

UNABLE TO CONTACT EARL MARTIN
OR PEOPLE FARMING

WASTE WATER AVAILABLE AT PD APPEARS TO
EXCEED 5 cfs.

This examination was made on the 1ST day of NOV, 1967

(Signed) D. R.

Examiner.

28616 Plat ✓
DW

INSTRUCTIONS TO EXAMINERS

1. Always carefully note the location of the point of diversion and accurately plat same.
2. When proof is for beneficial use, carefully check up the number of acres actually irrigated in each forty and accurately plat same.
3. Make a map showing the correct location of streams and ditches, and the irrigated lands, and any adjacent permanent landmarks, such as towns, lakes, large streams and public roads.
4. If any unusual conditions are discovered, make plain statement of them under remarks.
5. Always see the holder, if possible, and go over the whole ground with him and make your report only upon actual existing facts and conditions.
6. Give general characteristics of soils, topography, and crops raised.

Earl Martin *Bonnet Creek*
Route #1 *in drain ditch,*
Parma, Idaho *beneficial diversion*
box

Permit No. 28616

Examination for Beneficial Use

County Canyon

Quantity: 2.44 c.f.s. Sec. 1 T4N R. 5 W

Source: Christian Gulch Wasteway
tributary Dixie Drain

P.D.: SESEK, Sec. 1, 4 N 5 W

Use: irrigation

Extension:

Protest:

Completion of Works: March 30, 1965
2.44 c.f.s.

Other Rights:

Filed: March 3, 1960

Due: April 14, 1966

Priority: July 1, 1960 late proof
Made: Aug. 12, 1966

10th INLET - *PARMA*
See - *canal*
ACROSS CANAL

7-42-66
4-14-66
3-28-
3-3-
6-21-66
30
7-1-66

28616

200 40

100 241

12

243

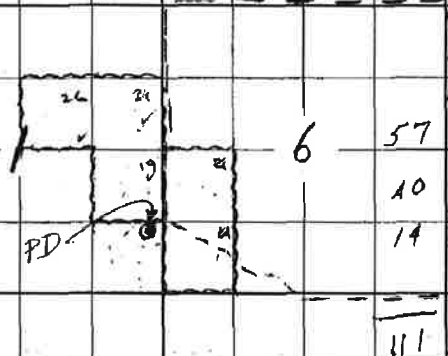
C 760

R

Ry 4N

Twp. 4N

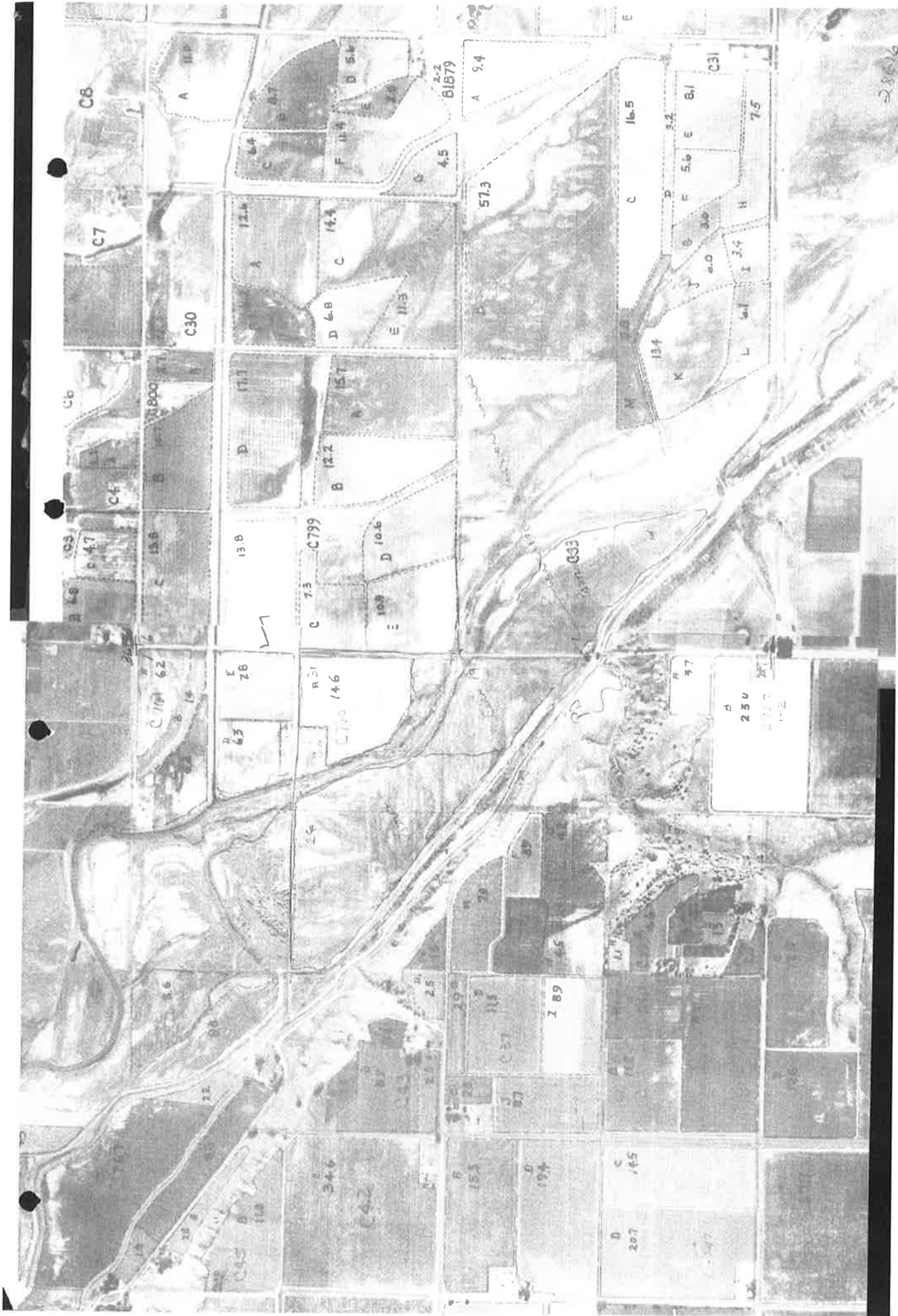
To Caldwell



176A - 111 acres

Su30 - 5

Q - 2.22 c f s.



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)
Case No. 39576)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 63-20531

NAME AND ADDRESS: CLARICE MARTIN
EARL H MARTIN
24143 BLUFF LN
PARMA, ID 83660

SOURCE: GROUNDWATER

QUANTITY: 0.06 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE: 02/14/1960

POINT OF DIVERSION: T04N R05W S01 SENE Within Canyon County

| PURPOSE AND
PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE | QUANTITY |
|-------------------------------|-----------------|----------------|----------|
| | Domestic 1 HOME | 01-01 TO 12-31 | 0.04 CFS |
| | Stockwater | 01-01 TO 12-31 | 0.02 CFS |

| | | | |
|---------------|---------------|------|----------------------|
| PLACE OF USE: | Stockwater | | Within Canyon County |
| | T04N R05W S01 | SENE | |
| | Domestic | | Within Canyon County |
| | T04N R05W S01 | SENE | |

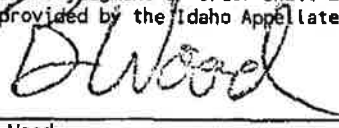
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

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. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.


Barry Wood
Administrative District Judge
Presiding Judge of the
Snake River Basin Adjudication

MICROFILMED

MAR 17 2000