

12/13/2006

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

RIGHT NUMBER: 75-4315

NAME AND ADDRESS: VICTORIA M HARBER
PO BOX 194
CARMEN ID 83462

ALAN D HARBER
PO BOX 194
CARMEN ID 83462

SOURCE: FREEMAN CREEK

TRIBUTARY: CARMEN CREEK

QUANTITY: 0.150 CFS

PRIORITY DATE: 08/29/1918

POINT OF DIVERSION:

T23N R22E S36 NWSW Within LEMHI County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	0.150 CFS

PLACE OF USE: IRRIGATION in LEMHI County

T22N R22E S03	SESE	2.90	T22N R22E S10	NENE	2.10
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5 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 - Beneficial Use

11/11/2006

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

RIGHT NUMBER: 75-4315

NAME AND ADDRESS: VICTORIA M HARBER
PO BOX 194
CARMEN ID 83462

ALAN D HARBER
PO BOX 194
CARMEN ID 83462

SOURCE: FREEMAN CREEK

TRIBUTARY: CARMEN CREEK

QUANTITY: 0.150 CFS

PRIORITY DATE: 04/01/1949

POINT OF DIVERSION:

T23N R22E S36 NWSW Within LEMHI County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/01 10/31

0.150 CFS

PLACE OF USE:

IRRIGATION in LEMHI County

T22N R22E S03

SESE

2.90

T22N R22E S10

NENE

2.10

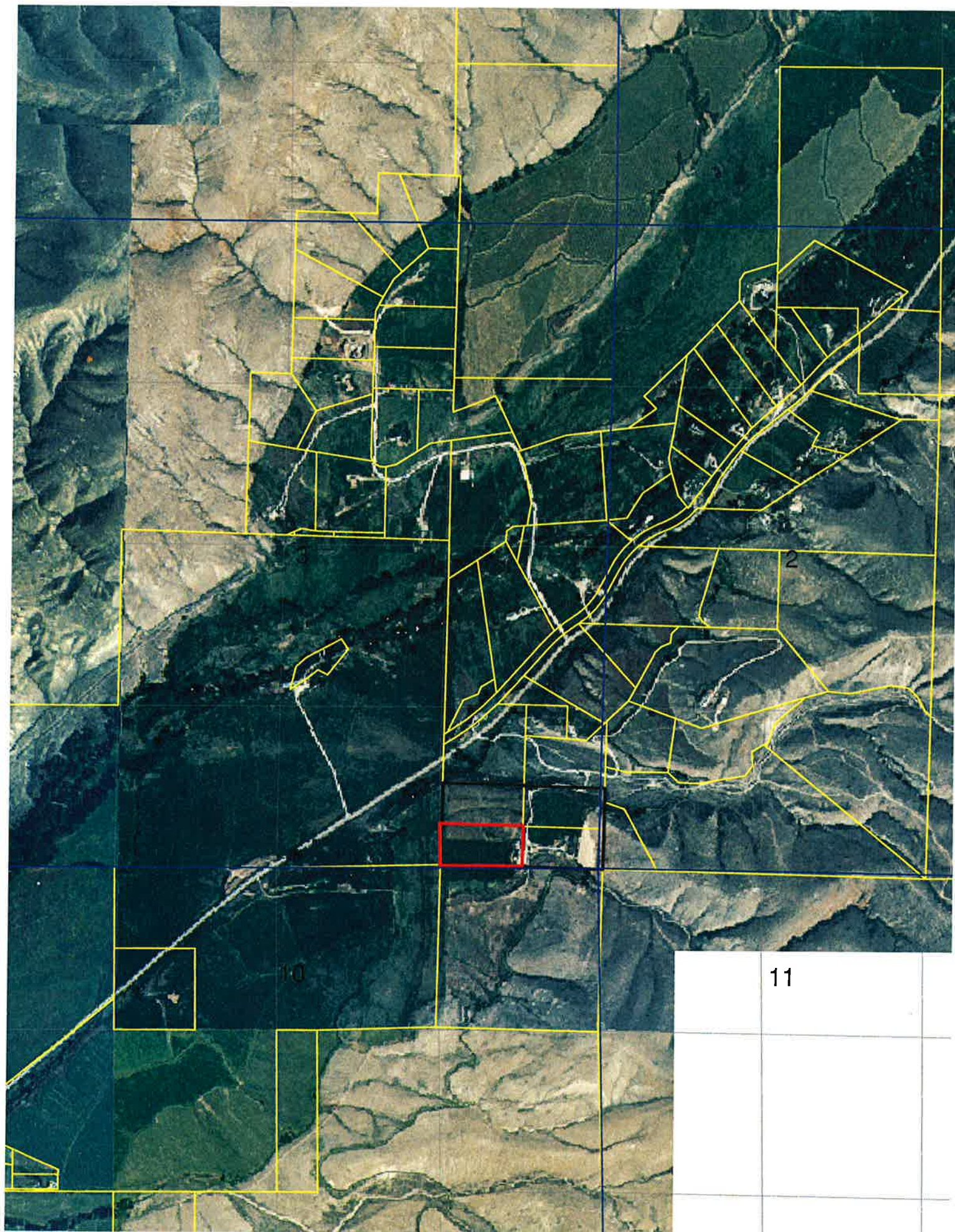
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EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

VOID



11	

11/20/2006

RECEIVED
DEC 17 2006
DEPARTMENT OF
WATER RESOURCES

**NOTICE OF ERROR
REPLY**

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: 12/13/2006

Water right number: 75-4315

VICTORIA M HARBER

PO BOX 194

CARMEN ID 83462

Telephone Number: (208)756-3531

ALAN D HARBER

PO BOX 194

CARMEN ID 83462

Telephone Number: (208)756-3531

SCANNED
19
DEC 27 2006

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

Priority date should be 1893.

2. Describe the changes you wish to make in the proposed recommendation:

More water (cfs)

3. Give a brief explanation as to why you disagree with these portions:

Water used to irrigate the ground for many years.

☐ I AGREE with this proposed recommendation: no changes need to be made.

DATE: 12-4-06

SIGNATURE:

Alan D Harber Victoria M. Harber

Please print your name: Alan D + Victoria M. Harber

IDWR Regional Office, 7600 Mineral Drive, Suite 100, Coeur D' Alene, ID 83815, 2087622800



State of Idaho

SCANNED

DEPARTMENT OF WATER RESOURCES

150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 - (208) 525-7161

EASTERN REGION

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

May 21, 1990

✓ Vicki and Alan Harber
P. O. Box 194
Salmon, Idaho 83462

RE: Amended Notice of Claim A75-04315

Dear Mr. and Mrs. Harber,

You'll find enclosed two copies of the notice of claim that you wish to amend. One has been marked 'State Copy' and the other has been marked 'Personal Copy'.

Please check over the copies for any errors that may have been made. Then please sign the 'State Copy' in front of a notary and return it to this office as soon as you can. You can keep the 'Personal Copy' for your own records.

If you have any questions, feel free to contact me at this office. The phone number is 525-7161.

Sincerely,

Paul R. Meyer
WR Agent, Senior

enc.

MICROFILMED
DEC 15 1992



State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region, 7600 Mineral Drive, Suite 100, Coeur d'Alene, Idaho 83815

Phone: (208) 762-2800

Fax: (208) 762-2819

Web Site: www.idwr.idaho.gov

JAMES E. RISCH
Governor

KARL J. DREHER
Director

December 13, 2006

Alan Harber
PO Box 194
Carmen, Idaho 83462

Re: Claims 75-4305, 75-4515 and 75-14240

Dear Mr. Harber:

Enclosed are preliminary recommendations reflecting the comments you made on the Notice of Error Reply.

All three of the above mentioned claims were initially filed with a priority date of April 1, 1949. Additional evidence has been found that would support a priority date of August 29, 1918 but not 1893 as indicated on the Notice of Error Reply.

Claims 75-14240 and 75-4305 were recommended with a diversion of 0.2 cfs and 0.1 cfs respectively since those amounts are what were asked for in the original claims. Claim 75-4315 was recommended with a diversion of 0.15 cfs, which is the statutory allotment based upon 0.03 cfs per acre.

If you disagree with this recommendation, you may file an objection with the court any time prior to October 17, 2007. I have enclosed Standard Form 1 Objection for your convenience.

Sincerely,

Keith E. Franklin
Water Resources Agent

Encl/kf

RECEIVED

DEC 17 2006

11/20/2006

DEPARTMENT OF
WATER RESOURCES

NOTICE OF ERROR
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YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: 12/13/2006

Water right number: 75-4315

VICTORIA M HARBER

PO BOX 194

CARMEN ID 83462

Telephone Number: (208)756-3531

ALAN D HARBER

PO BOX 194

CARMEN ID 83462

Telephone Number: (208)756-3531

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2. Describe the changes you wish to make in the proposed recommendation:

More water (cfs)

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___ I AGREE with this proposed recommendation: no changes need to be made.

DATE: 12-4-06

SIGNATURE:

Alan D Harber Victoria M. Harber

Please print your name:

Alan D + Victoria M. Harber

IDWR Regional Office, 7600 Mineral Drive, Suite 100, Coeur D' Alene, ID 83815, 2087622800

SCANNED
DEC 13 2006

OCT 10 2001

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: A75-04315

Date Received: 5/10/1990

Receipt No: M007019

Received By:

JUN 5 1990

Department of Water Resources

Eastern District Office

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: ALAN D. HARBER
Address: P.O. BOX 194
SALMON, ID 83462 208-756-3531

OR

Name: VICKI HARBER
Address: P.O. BOX 194
SALMON, ID 83462 208-756-3531

2. Date of Priority: APR 01, 1874

3. Source: FREEMAN CREEK Trib. to: CARMEN CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
23N	22E	36	NW	SW	LEMHI

5. Description of diverting works:
HEADBOX & DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.400		

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

8. Total consumptive use is 25.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
22N	22E	3	SE	SE	IRR	10.0

A75-04315

Page 1

Date: 05/18/90

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DEC 15 1992

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	10.0
					Total Acres	10.0

11. Place of use in counties: LEMHI

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

13. Other Water Rights Used:
NONE

14. Remarks:

15. Basis of Claim: STATUTORY CLAIM

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): Alan Harber Date: 5/25/90
Victoria Harber Date: 5/25/90

State of Idaho)
County of Lemhi) SS.

Subscribed and sworn (or affirmed) before me this 25 day

of May 19 90

Seal

Diane Kaufman
Notary Public

Residing at

Salmon

My Commission Expires

7-20-95

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: A75-04315
Date Received: 5/01/1990
Receipt No: M007019
Received By: CA

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ALAN D. HARBER
Address: P.O. BOX 194
SALMON, ID

208-756-3531

OR

83462

Name: VICKI HARBER
Address: P.O. BOX 194
SALMON, ID

208-756-3531

83462

2. Date of Priority: APR 01, 1949

3. Source: FREEMAN CREEK

Trib. to: CARMEN CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
23N	22E	36	NW SW		LEMHI

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A.F.A.

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A75-04315

Page 1

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DEC 15 1992

A7504315



10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
22N	22E	3	SE	SE	IRR	10.0

Section Acres 10.0

Total Acres 10.0

11. Place of use in counties: LEMHI

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NONE

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Number of attachments:

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

Signature of Claimant(s): Alan Naylor Date: 5/10/90
Date:

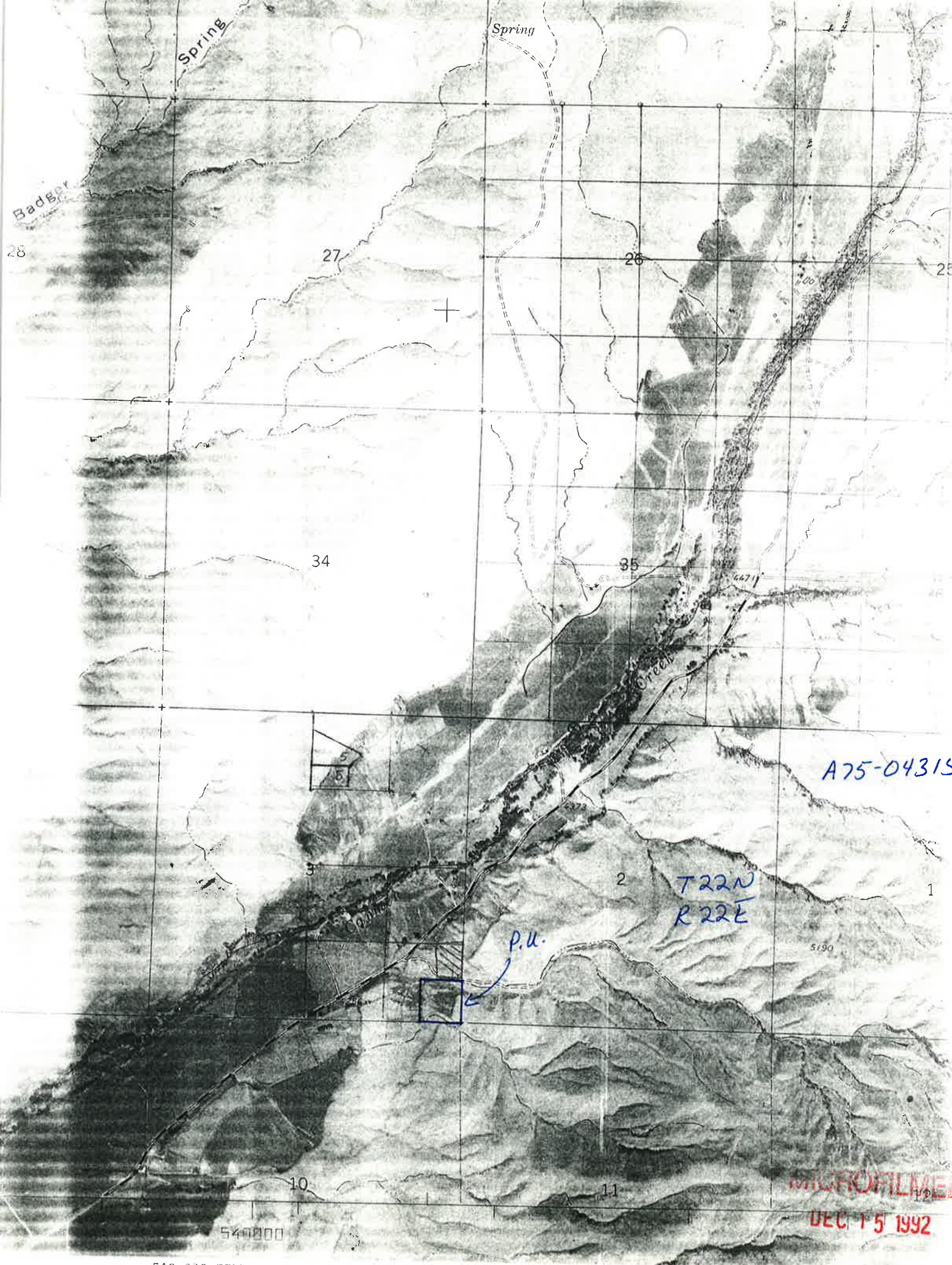
State of Idaho)
County of Lemhi) SS.

Subscribed and sworn (or affirmed) before me this 10th day
of May 19 90

Seal

Carter Fritschle
Notary Public

Residing at Carter Fritschle, Notary Public
Residing at Eagle, Idaho
My Commission Expires My commission Expires March 21, 1994



Badger

Spring

Spring

26

27

25

34

35

Green

A75-04315

T22N
R22E

P.U.

MICROFILMED
DEC 15 1992

540 000 FEET