

12/13/2006

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

RIGHT NUMBER: 75-14240

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: 0.200 CFS

PRIORITY DATE: 08/29/1918

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

0.200 CFS

PLACE OF USE: IRRIGATION in LEMHI County

T22N R22E S03 SESE 4.70

4.7 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

11/03/2006

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

RIGHT NUMBER: 75-14240
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: 0.200 CFS
PRIORITY DATE: 04/01/1949
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	0.200 CFS

PLACE OF USE: IRRIGATION in LEMHI County

T22N R22E S03 SESE 4.70

4.7 ACRES TOTAL

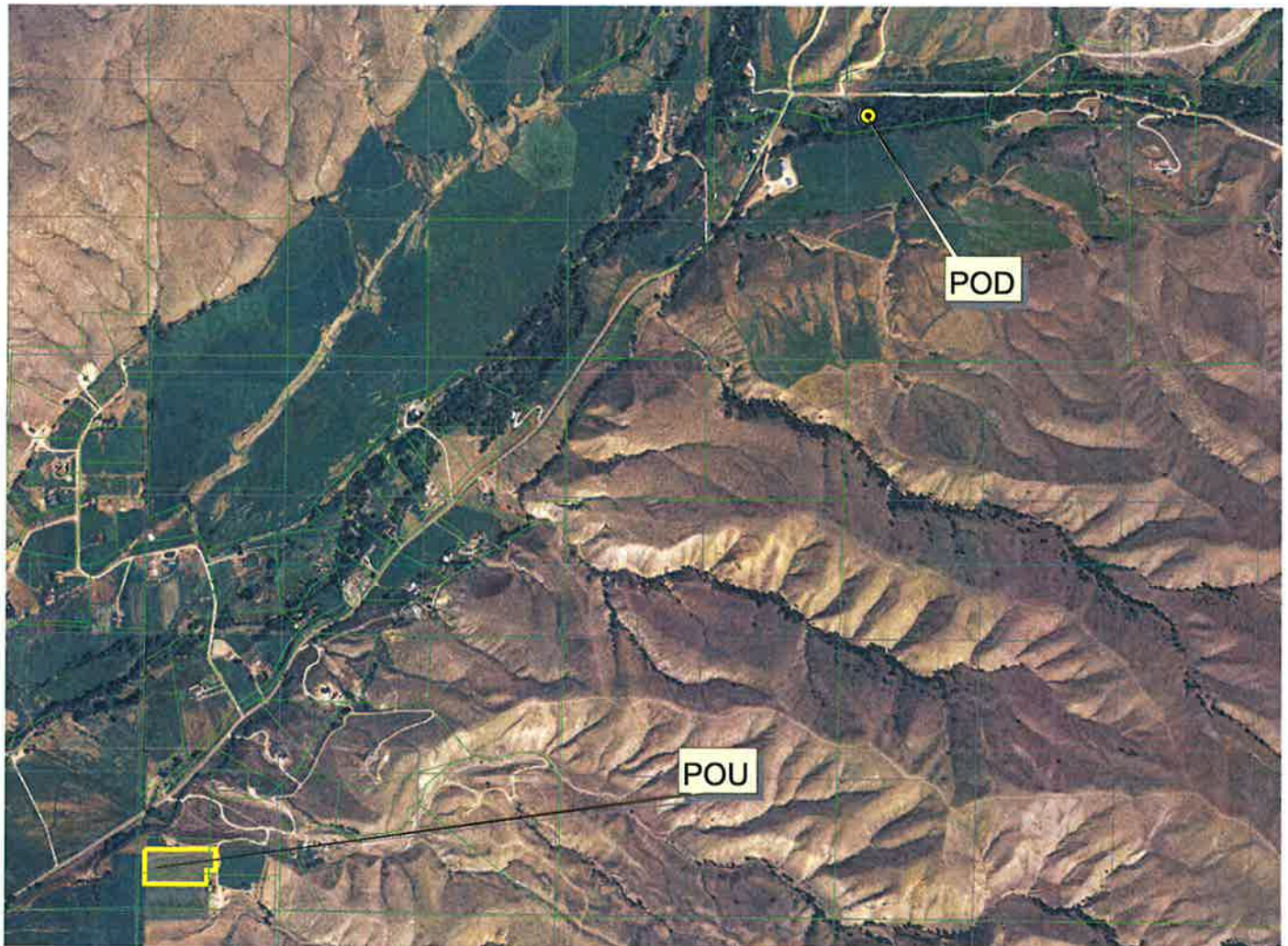
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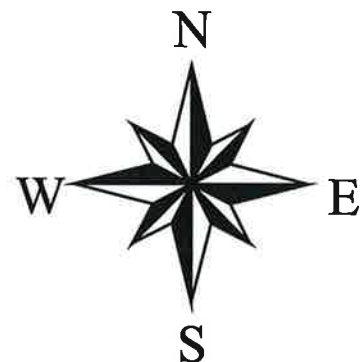
EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

✓ 9 id.

75-14240



-  Lemhi taxlots
-  GCDB23N22E GCDB
-  GCDB22N22E GCDB
-  Pou.shp
-  Pod.shp
-  Administrative BasinsAdminbas.shp



11/20/2006

RECEIVED

DEC 12 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: 75-14240

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

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. I disagree with quantity, it should be more.

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

Change priority. Raise cfs for more water use.

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

Priority date is incorrect. Water has been used for many years to irrigate this ground.

☐ 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

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

11/20/2006

RECEIVED
DEC 12 2006

NOTICE OF ERROR
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DEPARTMENT OF
WATER RESOURCES

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

Water right number: 75-14240

VICTORIA M HARBER
PO BOX 194
CARMEN ID 83462
Telephone Number: (208)756-3531

ALAN D HARBER
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CARMEN ID 83462
Telephone Number: (208)756-3531

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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

Estimating Conveyance Loss using the Worstell Method

Claim No.

Formula: $S = (w)(i)(0.0667)$

Where: S = loss in cfs per mile

w = top width of the high water mark in feet

i = loss rate in feet per day (see Table)

Type of soil	i (ft/day)
medium clay loam	0.5 - 1.5
impervious clay	0.5
medium soils	1.0
somewhat pervious soils	1.5 - 2.0
gravels	2.5 - 5.0

Worksheet:

w = 3 ft assumed

i = 1.0 ft/day

ditch length (mi.) = 2.1 miles

Conveyance Loss:

$$S = (3 \text{ ft})(1 \text{ ft/day})(0.0667) = 0.2 \text{ cfs/mile}$$

Loss = 0.42 cfs/mile

$$0.2 \times 2.1 = 0.42 \text{ cfs}$$

$$\begin{aligned} (4.7 \text{ ac})(0.03 \text{ cfs/ac}) &= 0.14 \text{ cfs} \\ + & 0.42 \text{ cfs} \\ \hline & 0.56 \text{ cfs} \end{aligned}$$

claimed 0.2 cfs is OK.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION SECTION
CLAIM VERIFICATION FIELD EXAM SHEET
(Use with the ECVR)

CLAIM NO(s).

A 75 14240

1. ☒ No Change NAME IS SAME

☐ NEW OWNER: _____

☒ No Change ADDRESS

☐ NEW ADDRESS: _____

2. ☐ No Change - DATE OF PRIORITY: Completed evidence submitted

☐ Incomplete - Claimant should be asked during the exam when was water first used and submit proof of date of priority.

Priority date, per claimant, is: _____

(If the priority date, based on your exam, seems questionable, explain below.)

3. ☒ No Change — SAME SOURCE

☐ Source is different than that claimed:

Source found: _____

4. ☒ No Change — POINT OF DIVERSION

☐ Point of diversion is different than the claim and/or new P/D's:

GPS Site Tag No.: A0011563 GPS 790

Township _____ Range _____ Section _____ 1/4 _____ 1/4 _____ 1/4 _____
Township _____ Range _____ Section _____ 1/4 _____ 1/4 _____ 1/4 _____

5. ☒ No Change - DESCRIPTION OF DIVERTING WORKS

☐ Incomplete description, list below:

6. ☒ No Change - WATER USES
☐ Different uses, (list uses found):

Use _____	From _____	To _____	Amount _____	CFS _____	AFA _____
Use _____	From _____	To _____	Amount _____	CFS _____	AFA _____
Use _____	From _____	To _____	Amount _____	CFS _____	AFA _____

7. ☐ No Change - TOTAL VOLUME

☐ Incomplete on claim, the total is, Amount _____ CFS _____ AFA

☐ Changes found, the new total is, Amount _____ CFS _____ AFA

8. ☒ No Change - NON-IRRIGATION USES:

☐ Changes Exam found:

Domestic # of homes: _____ Stock # _____ List types: _____

Additional comments: _____

9. ☒ No Change — PLACE OF USE: (If changed, list below.)

Use: _____	Township _____	Range _____	Section _____	1/4 _____	1/4 _____
Use: _____	Township _____	Range _____	Section _____	1/4 _____	1/4 _____
Use: _____	Township _____	Range _____	Section _____	1/4 _____	1/4 _____
Use: _____	Township _____	Range _____	Section _____	1/4 _____	1/4 _____

Remarks: (Comments pertinent to field examination) ☐ See additional attachment

☐ SYSTEM DIAGRAM INCLUDED ☐ NA

☐ Shown on GIS Layout

☐ CK IF IN OFFICE EXAM

DATE EXAM CONDUCTED: _____

FIELD EXAMINER:

	Print Name
	Signature



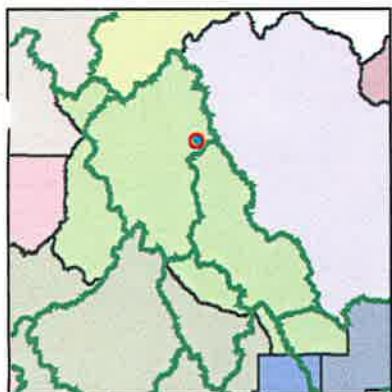
Idaho Department of Water Resources

SRBA Claim:

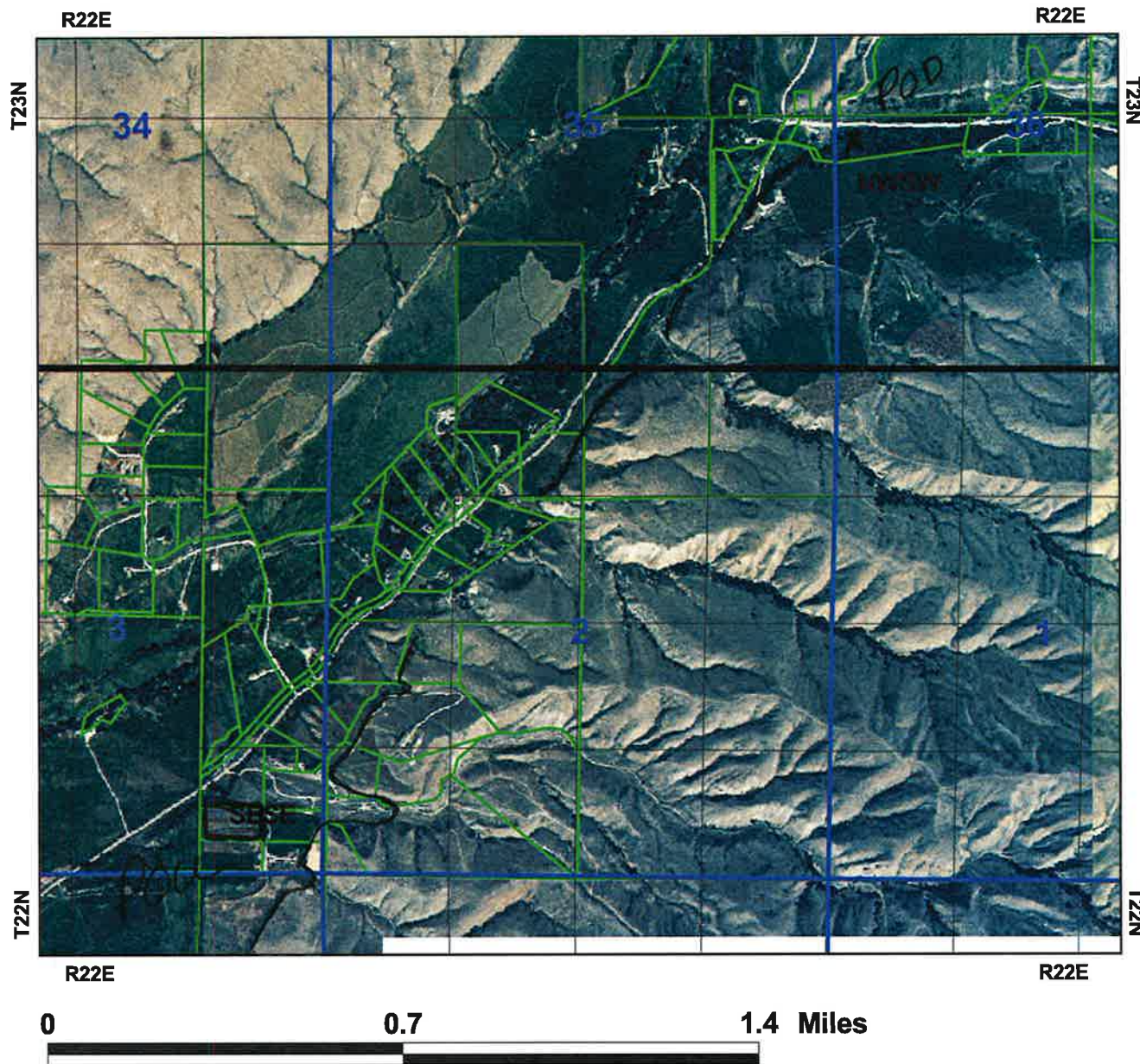
75-14240

Legend

-  Townships
-  PLS Sections
-  Quarter Quarters
-  Parcels



Lemhi County
IDWR Basin 75



Prepared by R. Brown
On Friday, May 19, 2006
1987/88 Aerial Photography

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLSIN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER:

Ident. Number

Date Received

Receipt Number

39576
75-14240C078949
d.o. 08-29-05NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) Alan and/or Victoria Harber Phone (208) 756-3531Mailing Address PO Box 194 Carmen ID Zip 834622. Date of Priority (Only one (1) per claim) 4-1-19493. Source of water supply (a) Freeman Creek
which is tributary to (b) Carmen Creek4. a. Location of existing point of diversion is: Township 23N Range 22E Section 36,
_____ 1/4 of NW 1/4 of SW 1/4, Govt. Lot, _____ B.M., County of Lemhi

Additional points of diversion if any: _____

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

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

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

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

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

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

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AUG 29 2005

6. Water is claimed for the following purposes:

(both dates are inclusive) (cfs) (acre feet)

For irrigation purposes from 4/1 to 11/1 amount .20 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) .20 (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:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- 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	
22N	22E	3																5	5

Total number of acres irrigated 5

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

12. Do you own the property listed above as place of use? Yes X No _____

If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above. _____ or None ()

14. Remarks:

Last Name Harber Ident No. 75-14240

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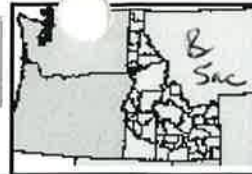
AUG 29 2005

The lat/long you provided was 45° 15' 33.000" N; 113° 5' 00" W

Here are the results:

SE quarter of the SE quarter of Section 3, Township 22N, Range 22E

IDTM NAD83 coordinates: Easting=2512989; Northing=1561978



Choose the map-display background: ☒ Photo ☐ Topo

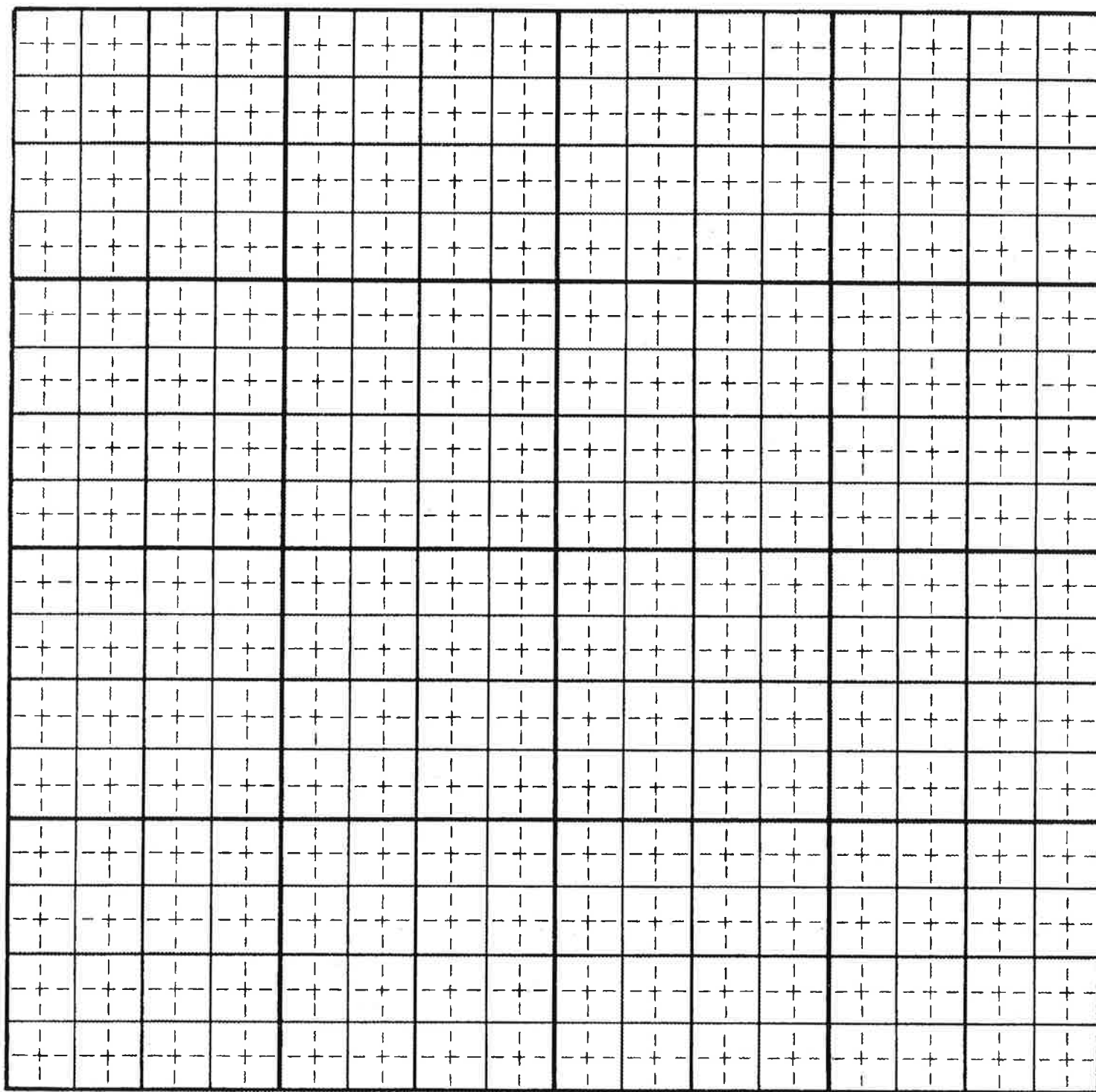


Haber 75-14240

SCANNED
AUG 29 2005

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile



Last Name

Harber

Ident No.

75-14240

SCANNED

AUG 29 2005

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) Alay Fisher Date 8-10-05
Victoria Harbor Date 8-10-05

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 Lemhi) SS.

Subscribed and sworn (or affirmed) before me this 10th day of August 2005



Notary Public Ellen Wenger
Residing at Salmon Id
My Commission Expires 4/21/11

Please Print Name

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

Signature _____
Address _____
Date _____

Last Name Harber Ident. Number 75-14240

SCANNED
AUG 29 2005

4/5/1989

SRBA CLAIMS RECEIVING CHECKLIST #2

CLAIMANT'S NAME Harber, A. / Victoria CLAIM IDENT. NO. 75-14240DATE RECEIVED 8-10-05 CK # C078949 AMOUNT \$ 120.

- | | YES | NO | Required Info? |
|--|--|-------------------------------------|----------------|
| 1. Is the name and address complete with zip code? | ☒ | ☐ | * |
| 2. Is a priority date entered? | ☒ | ☐ | * |
| Is the priority date acceptable in view of mandatory filing dates? | ☒ | ☐ | * |
| See Adjudication Memos #1 and #4 to determine if a Permit is required. | ☒ | ☐ | |
| 3. (a) Is a source entered? | ☒ | ☐ | * |
| (b) Is a tributary to entered? (if required) | ☒ N/A | ☐ | |
| 4. Is the legal description of the p.d. sufficient? | ☒ | ☐ | * |
| 5. Is there a description of the diverting works? | ☒ | ☐ | |
| 6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form. | ☒ | ☐ | * |
| Is the period of use included? | ☒ | ☐ | |
| Is a quantity claimed for each use? | ☒ | ☐ | * |
| 7. Is a total quantity claimed entered? | ☒ | ☐ | |
| 8. If required is a consumptive use entered? | ☒ N/A | ☐ | |
| Is the consumptive use correct? | ☒ N/A | ☐ | |
| 9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, see Adjudication Memo # 4. | ☒ N/A | ☐ | * |
| 10. Is (are) the place(s) of use and purpose(s) indicated? | ☒ | ☐ | * |
| 11. Is (are) the county(ies) entered? | ☒ | ☐ | |
| 12. Is the ownership of p.u. checked? | ☒ | ☐ | |
| 13. Are other water rights listed or "none" indicated? | ☐ | ☒ | |
| 14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.) | ☒ N/A | ☐ | |
| 15. Is the basis of the claim indicated? | ☒ | ☐ | |
| 16. If the claimant requested a monthly docket sheet, is payment enclosed? (If yes, describe payment status in "Comments" below.) | ☒ N/A | ☐ | |
| 17. Is the claim signed by the claimant, and is the signature appropriate? Organizations must complete the organization block. | ☒ | ☐ | * |
| 18. Has the claim been signed, sealed, and dated by a notary? | ☒ | ☐ | * |
| 19. Was this claim filed on time, or was an extension granted? | ☒ | ☐ | * |
| 20. Is the fee enclosed correct? | ☒ Exempt | ☐ | * |
| 21. If this claim is based on an existing water right, has the identification number been entered? | ☒ N/A | ☐ | |
| 22. Should this claim be data entered? | ☒ | ☐ | |

Claim checked by: P. Sherman Date: _____Claim must be returned to claimant: _____ (Yes) ☒ (No)Claimant must be notified of modifications: _____ (Yes) ☒ (No)
 Receipt Prepared by: P. McGourty
 Claim data entered by: P. Sherman
 Sent to claimant by: _____

 Date: 8-24-05
 Date: 8-29-05 Checked by: _____ Date: _____
 Date: _____

Comments: _____