

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 36-16403
Date Received: 3/30/2006
Receipt No:
Received By:

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

1. Name of Claimant(s)

TAMARA HARMAN Phone: (208) 312-4632
465 E 1500 N
RUPERT ID 83350

SHELLEY HARMAN Phone: (208) 312-4632
465 E 1500 N
RUPERT ID 83350

JACK M HARMAN Phone: (208) 532-4236
461A E 1500 N
RUPERT ID 83350

KENT M HARMAN Phone: (208) 312-4632
465 E 1500 N
RUPERT ID 83350

2. Date of Priority: 02/20/1948

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
07S	25E	18	NE SE SE	MINIDOKA	

5. Description of diverting works:

Two (2) ground water pumps connected to pivots which irrigate the place of use.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	03/15	11/15	3.2	

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

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4	of 1/4	Lot	Use	Acres
07S	25E	18	NE		NE	IRRIGATION	40
			NW		NE	IRRIGATION	40
			SW		NE	IRRIGATION	40
			SE		NE	IRRIGATION	40
			NE		SE	IRRIGATION	40
			NW		SE	IRRIGATION	40
			SW		SE	IRRIGATION	40
			SE		SE	IRRIGATION	40
						Section Acres	320
						Total Acres	320

11. Place of use in counties: MINIDOKA

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

13. Other Water Rights Used:

14. Remarks:

Apparently IDWR issued two different licenses on same water right number for two developments on same permit. DJ, 3-30-2006

Other water right used at the same place and for the same purpose: 36-2061

15. Basis of Claim: License

RECEIVED
JAN 10 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 THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number: 36-16403

Date Received: 1-10-07

Receipt No.: 2083004

de. 20 1-12-07

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

1. Name of Claimant(s): Jack M. Harman
Shelley Harman
Kent M. Harman
Tamara Harman

Phone: (208) 312-4632

Mailing Address: 465 East, 1500 North, Rupert, ID Zip: 83350

2. Date of Priority (Only one (1) per claim): 02-20-1948

3. Source of water supply (a): groundwater

which is tributary to (b):

4. a. Location of existing point of diversion is: Township 7 S, Range 25 E, Section 18

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

Additional points of diversion if any:

Township 7 S Range 25 E Section 18. SE 1/4 of NE 1/4 of SW 1/4,
Govt. Lot _____ B.M., County of Minidoka

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

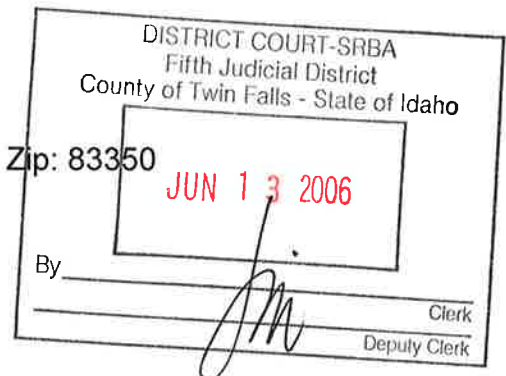
Township _____ Range _____ Section _____. ____1/4 of ____ 1/4 of ____ 1/4, Govt. Lot _____ B.M., County of _____

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. _____

Two (2) ground water pumps connected to pivots which irrigate the place of use.

Last Name Harman Ident.No. 36-16403

SCANNED
JAN 10 2007



6. Water is claimed for the following purposes:
 (both dates are inclusive) (cfs) (acre feet)
- For irrigation purposes from 3/15 to 11/15 amount 3.2 or _____
- For _____ purposes from _____ to _____ amount _____ or _____
- For _____ purposes from _____ to _____ amount _____ or _____
- For _____ purposes from _____ to _____ amount _____ or _____
7. Total quantity claimed: (a) 3.2 (cfs) and/or (b) _____ (acre feet)
8. Total consumptive use claimed is _____ acre feet per annum.
9. Non-irrigation uses – Describe fully (e.g., Domestic: Give number of households served; Stockwater: Type and number of livestock, etc.) _____

10. Description of place of use:
- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE¼				NW¼				SW¼				SE¼				Total
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
7 S	25 E	18	40	40	40	40									40	40	40	40	320

Total number of acres irrigated: 320

11. In which county(ies) are lands listed above as place of use located? Minidoka
12. Do you own the property listed above as place of use? Yes ☒ No ☐
 If your answer is No, describe in Remarks below the authority you have to claim this water right.
13. Describe any other water rights used at the same place and for the same purposes as described above.
36-02061 or None ()
14. Remarks: _____

Last Name Harman Ident.No. 36-16403

SCANNED
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15. Basis of Claim (check one): Beneficial Use ___ Posted Notice ___ License ☒ Permit ___
Decree ___

If applicable, provide IDWR Water Right Number.: _____

Court _____ Case No. _____ 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) _____ Date 5/30/06

_____ Date 5/30/06

_____ Date 5/30/06

_____ Date 5/30/06

For Organizations: I do solemnly swear or affirm that I am _____ of _____, that I have signed the foregoing document in the space below as _____ of _____ and that the statements contained in the foregoing document are true and correct.

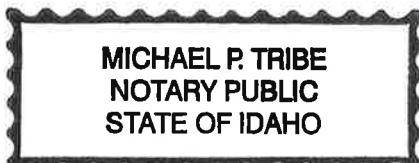
Signature of Authorized Agent _____

Title and Organization _____ Date _____

State of Idaho)
) ss.
County of Minidoka)

Subscribed and sworn (or affirmed) before me this 30 day of ^{May}~~April~~, 2006.

[SEAL]



Notary Public, State of Idaho
Residing at: _____ Rupert, Idaho
My Commission expires: 4/15/2011

17. Notice of Appearance:

Notice is hereby given that I, Michael P. Tribe, will be acting as attorney at law on behalf of the claimants signing the above, and that all notices required by law to be mailed by the director to the claimants signing above should be mailed to me at the address listed below.

Signature _____
Michael P. Tribe

LING, ROBINSON & WALKER

Address P. O. Box 396, Rupert, Idaho 83350-0396

Date May 30, 2006

Last Name Harman Ident.No. 36-16403

COANED
JAN 10 2007

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

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

Subcase: 36-16403

JAN - 9 2007

ORDER GRANTING MOTION TO FILE
LATE NOTICE OF CLAIM

By _____

Clerk

Deputy Clerk

On June 13, 2006, Jack M. Harman, Shelley Harman, Kent M. Harman and Tamara Harman, by and through their attorney Michael P. Tribe, filed a *Motion to File Late Notice of Claim* for the above-captioned water right. Hearing was held on the *Motion* on September 19, 2006, and the matter was referred to Special Master Theodore R. Booth.

On November 29, 2006, a *Special Master's Report and Recommendation* was filed for the above-captioned water right. No Challenges were filed to the *Special Master's Report and Recommendation* and the time for filing Challenges has now expired. Pursuant to I.R.C.P. 53(e)(2) and *SRBA Administrative Order 1*, Section 13f, this Court has reviewed the Findings of Fact and Conclusions of Law contained in the *Special Master's Report and Recommendation* and wholly adopts them as its own.

THEREFORE, IT IS ORDERED, that the *Motion to File a Late Notice of Claim* for the above-captioned water right is **granted**.

The original Notice of Claim, as well as any attached filing fees, and a copy of this **Order** will be forwarded to the Idaho Department of Water Resources for further action. Following investigation by the Idaho Department of Water Resources, recommendation for the claim will be reported in the next *Late Claims Director's Report* which is issued on an annual basis. This modifies the provisions of *SRBA Administrative Order 1* 4d(2)(h).

IT IS SO ORDERED.

Dated January 8, 2007.


JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER GRANTING
MOTIONS TO FILE LATE NOTICE OF CLAIM was mailed on January 09,
2007, with sufficient first-class postage to the following:

JACK M HARMAN
KENT M HARMAN
SHELLEY HARMAN
TAMARA HARMAN

Represented by:
MICHAEL P TRIBE
MICHAEL P. TRIBE
615 H STREET
PO BOX 396
RUPERT, ID 83350-0396
Phone: 208-436-4717

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

ORDER

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FILE COPY FOR 01918

Deputy Clerk

JAN 10 2007



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov

JAMES E. RISCH
Governor

KARL J. DREHER
Director

January 12, 2007

MICHAEL P TRIBE
LING ROBINSON & WALKER
PO BOX 396
RUPERT ID 83350-0396

RE: Snake River Basin Adjudication (SRBA)
Notice of Claim to a Water Right #36-16403
Your Clients: Jack M. Harman, Kent M. Harman, Shelley Harman and
Tamara Harman

Dear Mr. Tribe:

The Notice of Claim to a Water Right you filed for your clients referenced above was received from the SRBA Court recently. I have enclosed your receipt #C083004 for the filing fees your firm paid. Please retain the receipt for your records.

Your client's Notice of Claim will be investigated and reported to the Court in a future supplemental Director's Report. Please contact me at 208/287-4921 if you have any questions.

Please notify us in writing if your client's address changes or if there is a change in ownership of their property and water rights.

Sincerely,

Donald V. Shaff, MPA
Adjudication Bureau Chief

DVS:ss:region

Enclosure:

Receipt #C083004

SCANNED

JAN 11 2007

10/23/2007

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

RIGHT NUMBER: 36-16403

NAME AND ADDRESS: TAMARA HARMAN
465 E 1500 N
RUPERT ID 83350

SHELLEY HARMAN
465 E 1500 N
RUPERT ID 83350

JACK M HARMAN
461A E 1500 N
RUPERT ID 83350

KENT M HARMAN
465 E 1500 N
RUPERT ID 83350

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 3.200 CFS
1,280.000 AFY

Right Nos. 36-2061 and 36-16403 are limited to a total combined annual diversion volume of 1280 AF.

PRIORITY DATE: 02/20/1948

POINT OF DIVERSION:

T07S R25E S18 SENESW Within MINIDOKA County

T07S R25E S18 NESESE Within MINIDOKA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	3.200 CFS 1,280.00 AFY

PLACE OF USE: IRRIGATION in MINIDOKA County

T07S R25E S18	NENE	40.00	T07S R25E S18	NWNE	40.00
T07S R25E S18	SWNE	40.00	T07S R25E S18	SENE	40.00
T07S R25E S18	NESE	40.00	T07S R25E S18	NWSE	40.00
T07S R25E S18	SWSE	40.00	T07S R25E S18	SESE	40.00

320 ACRES TOTAL

Right Nos. 36-2061 and 36-16403 are limited to the irrigation of a combined total of 320 acres in a single irrigation season.

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.

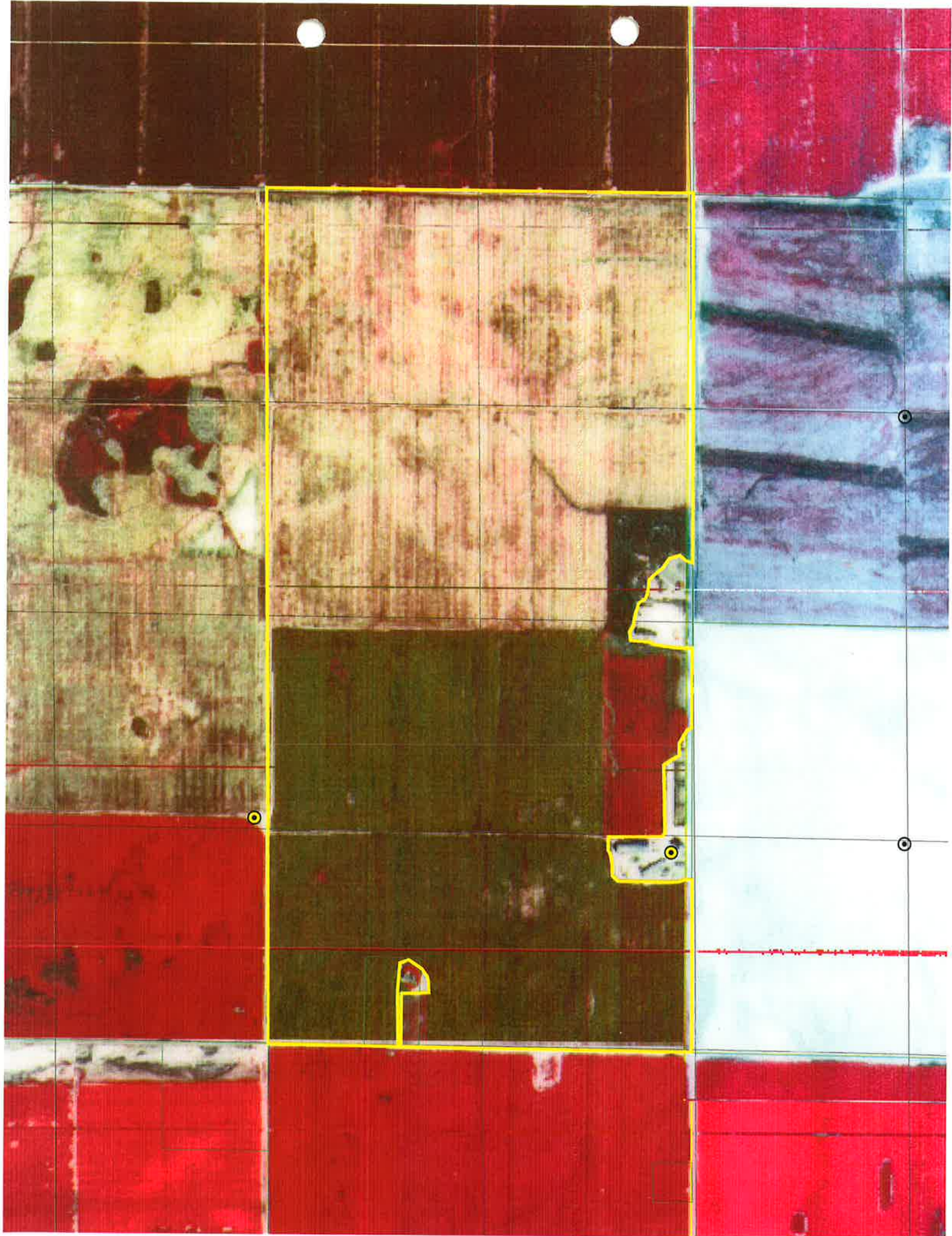
EXPLANATORY MATERIAL: BASIS OF CLAIM - License

10/23/2007

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

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

The following rights are diverted through point of diversion described above:
36-2220, 36-2501, 36-2061, 36-16403.



✓
October 27, 1955

RE: Permits Nos. 20315 and G-24078

Mr. Leonard H. Jacob
111 2nd Street West
Twin Falls, Idaho

Dear Mr. Jacob:

We have your letter of October 25 enclosing an Assignment of the above numbered Permits from Lawrence H. Duffin and wife to the Idaho Realty and Investments, Inc., accompanied by your check for seventy-five cents to cover recording fees.

We can record the Assignment so far as it relates to Permit No. G-24078, which is for 6.4 second feet of water from two wells for use on the W $\frac{1}{2}$ of Section 18, Township 7 South, Range 25 East, B.M.

So far as Permit No. 20315, two licenses have been issued on this Permit to Lawrence H. Duffin, totaling 5 second feet of water for use on the E $\frac{1}{2}$ of Section 18, Township 7 South, Range 25 East, B.M.

Where a Permit has gone to license, a transfer of title is made by deed the same as real estate and not by an Assignment of record in this Department.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:hll

20315

State of Idaho License and Certificate of Water Right

Water License No. 80315

Amount 1.8 second feet

Water District No. _____

Priority February 20, 1948

THIS IS TO CERTIFY that **LAWRENCE H. DUFFIN** of **Rupert, Idaho**, made application for a permit to appropriate the public waters of the State of Idaho, dated **February 20, 1948**; that Permit No. **80315** was issued under said application; that Certificate of Completion of works, with a carrying capacity of five (5) second feet, was issued thereunder on **January 30, 1958**, showing that said works were completed on the **28th day of January, 1958**; and that on the **10th day of September, 1954**,

LAWRENCE H. DUFFIN of **Rupert, Idaho**, made proof to the satisfaction of the State Reclamation Engineer of Idaho, of the right to use the waters of **1 well**, **artificial (Subterranean flow)**, for the purpose of **irrigation**, under Use Permit No. **80315** of the Department of Reclamation and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume **9** of Licenses at page **5813**, on the **4th day of July, 1958**; The right hereby confirmed dates from **February 20, 1948**;

The Point of Diversion is located in the **SE 1/4, SE 1/4, Sec. 18, Tp. 7 S., R. 25 E., E. M. H. Idaho County**. That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed **1.8** cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Partly-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
7 S.	25 E.	18	NE 1/4 NE 1/4	32	40.
			NW 1/4 NE 1/4	40	40
			SW 1/4 NE 1/4	40	40
			SE 1/4 NE 1/4	32	40
			NE 1/4 SE 1/4	32	40
			NW 1/4 SE 1/4	40	40
			SW 1/4 SE 1/4	40	40
			SE 1/4 SE 1/4	32	40
			Number of Acres Actually Irrigated- - - -		

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

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this **28th** day of **July, 1958**.

(SEAL)

State of Idaho License and Certificate of Water Right

Water License No. 20315Amount 3.2 second feet

Water District No. _____

Priority February 20, 1948

THIS IS TO CERTIFY that LAWRENCE H. DUFFIN
of Rupert, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated February 20, 1948; that Permit No. 20315
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
five second feet, was issued thereunder on January 30, 1953, showing that said works
were completed on the 28th day of January, 1953; and that on the 12th
day of June, 1953,

LAWRENCE H. DUFFIN
of Rupert, State of Idaho, made proof to the satisfaction of the
State Reclamation Engineer of Idaho, of the right to use the waters of a well
subterranean (subterranean flow), for the purpose of irrigation
under Use Permit No. 20315 of the Department of Reclamation
and that said right to the use of said waters has been perfected in accordance with the laws of Idaho,
and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume
9 of Licenses at page 5204, on the 17th day of December, 1953;
The right hereby confirmed dates from February 20, 1948;

The Point of Diversion is located

In the SE 1/4 SE 1/4 Sec. 18, Tp. 7 S., R. 25 E., B. M. County Minidoka

That the amount of water to which such right is entitled and hereby confirmed, for the purposes
aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall
not exceed 3.2 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
7 S.	25 E.	18	NE ¹ / ₄ NE ¹ / ₄	32	40
			NW ¹ / ₄ NE ¹ / ₄	40	40
			SW ¹ / ₄ NE ¹ / ₄	40	40
			SE ¹ / ₄ NE ¹ / ₄	33	40
			NE ¹ / ₄ SE ¹ / ₄	33	40
			NW ¹ / ₄ SE ¹ / ₄	40	40
			SW ¹ / ₄ SE ¹ / ₄	40	40
			SE ¹ / ₄ S ¹ / ₄	33	40
Number of Acres Actually Irrigated -					320

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

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this
17th day of December, 1953.

MARK B. KULP

State Reclamation Engineer.

(SEAL)

[illegible]

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 36-2061

07S	25E	18	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
			40.0	40.0	40.0	40.0									40.0	40.0	40.0	40.0	320.0

Total Acres: 320

Conditions of Approval:

1. C03 RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
2. THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 36-02220 AND 36-02501.

Remarks:Comments:

1. BEDKE 3/11/1991 SCC-STAFF REVIEW

Comment:

2. FHITCHCO 2/10/1995 CHANGE OF OWNERSHIP

Comment: OWNERSHIP CHANGE RECIEVED 02-08-1995. FORMER OWNER MAX HERBOLD, INC.; NEW OWNER JACK M. HARMAN AND/OR SHELLEY HARMAN AND KENT M. HARMAN AND/OR TAMARA HARMAN. COPY OF WARRANTY DEED ATTACHED TO FORM.

3. SSHERMAN 3/29/1995 SF3 ADDRESS CHANGE

Comment: ADDRESS CHANGED FOR HARMANS.

4. tluke 3/16/2005 POD

Comment: Correlated PODID 363939 from SpatialDataID 206120 to SpatialDataID 206113

5. tluke 3/16/2005 POD

Comment: Correlated PODID 363938 from SpatialDataID 205484 to SpatialDataID 205498

Water Supply Bank: