

RIGHT NUMBER: 43-13090

NAME AND ADDRESS: ALAN J HARPER  
BEVERLY K HARPER  
2436 E PIERCE LN  
MALTA, ID 83342

SOURCE: RAFT RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.165 CFS

RIGHT NOS. 43-13078, 43-13080, 43-13082, 43-13084, 43-13086, 43-13088, 43-13090, 43-13092, 43-13094, 43-13098 AND 43-13100 ARE LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 3.86 CFS.

PRIORITY DATE: 04/01/1881

POINT OF DIVERSION: T14S R27E S7

NWSWNE

Within CASSIA County

PURPOSE AND  
PERIOD OF USE:

PURPOSE OF USE  
IRRIGATION

| PERIOD OF USE |       |
|---------------|-------|
| 04-01         | 10-01 |

QUANTITY  
0.165 CFS

PLACE OF USE:

IRRIGATION Within CASSIA County

|               |      |    |              |       |      |    |
|---------------|------|----|--------------|-------|------|----|
| T13S R27E S31 | SESE | 25 | T14S R27E S6 | LOT 1 | NENE | 30 |
| T14S R27E S6  | NESE | 16 | T14S R27E S6 |       | NWSE | 11 |
| T14S R27E S6  | SWSE | 21 | T14S R27E S6 |       | SESE | 37 |

140 ACRES TOTAL

RIGHT NOS. 43-13078, 43-13080, 43-13082, 43-13084, 43-13086, 43-13088, 43-13090, 43-13092, 43-13094, 43-13096, 43-13098 AND 43-13100 ARE LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 140 ACRES IN A SINGLE IRRIGATION SEASON.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 29.2 ACRES WITHIN  
THE PLACE OF USE DESCRIBED ABOVE 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 - Decreed

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 43-00170B.

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: A43-00170B  
Date Received: 5/24/1989  
Receipt No: 5007349  
Received By: FD

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name: ELMO ELISON 208-645-2544  
Address: HC 72 BOX 2180  
MALTA, ID 83342  
OR  
Name: LOUISE ELISON 208-645-2544  
Address: HC 72 BOX 2180  
MALTA, ID 83342

2. Date of Priority: APR 01, 1881

3. Source: RAFT RIVER Trib. to: SNAKE RIVER

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 of | Lot | County |
|----------|-------|---------|--------|--------|--------|-----|--------|
| 14S      | 27E   | 7       | NW     | SW     | NE     |     | CASSIA |

5. Description of diverting works:  
DAMS AND DITCHES TO SPRINKLERS.

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S. | (or) | A.F.A. |
|------------|-------|-------|--------|------|--------|
| IRRIGATION | 04/01 | 10/01 | 0.171  |      |        |

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

8. Total consumptive use is 435.0 Acre Feet Per Annum.

9. Non-irrigation uses:  
NONE

| Township | Range | Section | 1/4 of | 1/4 of | Lot | Use           | Acres |
|----------|-------|---------|--------|--------|-----|---------------|-------|
| 13S      | 27E   | 31      | SE     | SE     |     | IRR           | 30.0  |
|          |       |         |        |        |     | Section Acres | 30.0  |
| 14S      | 27E   | 6       | NE     | NE     |     | IRR           | 30.0  |
|          |       |         | NE     | SE     |     | IRR           | 17.0  |
|          |       |         | NW     | SE     |     | IRR           | 10.0  |
|          |       |         | SW     | SE     |     | IRR           | 20.0  |
|          |       |         | SE     | SE     |     | IRR           | 38.0  |
|          |       |         |        |        |     |               |       |
|          |       |         |        |        |     | Total Acres   | 145.0 |

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

14. Remarks:

THIS CLAIM IS A PORTION OF 43-00170, PORTION BEING 8.5714".  
CALCULATIONS FOR THESE PORTIONS, CLAIMANT DIVIDED THE ORIGINAL  
TOTAL DECREE CFS BY 21. (21 PLACES MADE UP THE MALTA LAND AND  
IRRIGATION CO.) CLAIMANT HAS 1 1/2 PORTIONS.

\*\*\*\*\*SEE REF. RT. A43-00165B FOR OTHER WR\*\*\*\*\*

Case Number:

Decree date:

Decree Plaintiff

**VS**

Decree Defendant

MAR 02 1993

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): Edma Edison Date: 5-26-89  
\_\_\_\_\_  
Date: \_\_\_\_\_

State of Idaho )  
County of Twin Falls ) SS.

Subscribed and sworn (or affirmed) before me this 26<sup>th</sup> day  
of May 19 89

[Signature]  
Notary Public

Seal

Residing at Kimberly, ID  
My Commission Expires 6/30/99

13S.

14S.

26E. 27E

31

32

10

6

10

13

10

38

5

PU

12

7

PD

13

18

17

24

19

20

A43-00170 B

ROFIL MLD

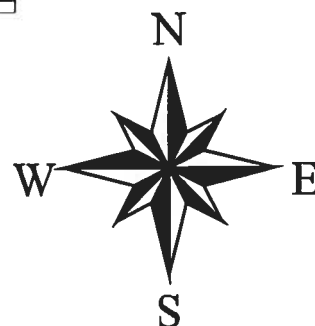
MAR 2 1993

**43-13078, 43-13080, 43-13082, 43-13084,  
43-13086, 43-13088, 43-13090, 43-13092,  
43-13094, 43-13096, 43-13098 and 43-13100**



800 0 800 1600 2400 Feet

**T13S R27E S31  
T14S R27E S06**



Map prepared by: Carter Fritschle  
Date prepared: 07/30/01  
1987-1988 NAPP photography  
Idaho Department of Water Resources

07/10/2001

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

RIGHT NUMBER: 43-13091

NAME AND ADDRESS: ELMO ELISON  
LOUISE ELISON  
2076 S 2350 E  
MALTA, ID 83342

SOURCE: RAFT RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 0.005 CFS

RIGHT NOS. 43-13079, 43-13081, 43-13083, 43-13085, 43-13087,  
43-13089, 43-13091, 43-13093, 43-13095, 43-13099 AND 43-13101  
ARE LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 0.10 CFS.

PRIORITY DATE: 04/01/1881

POINT OF DIVERSION: T14S R27E S7 NWSWNE Within CASSIA County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
|-----------------------|----------------------|-----------------|
| IRRIGATION            | 04-01 10-01          | 0.005 CFS       |

PLACE OF USE:

IRRIGATION Within CASSIA County  
T14S R27E S6 NESE 2.5

2.5 ACRES TOTAL

RIGHT NOS. 43-13079, 43-13081, 43-13083, 43-13085, 43-13087,  
43-13089, 43-13091, 43-13093, 43-13095, 43-13097, 43-13099 AND  
43-13101 ARE LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF  
2.5 ACRES IN A SINGLE IRRIGATION SEASON.

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

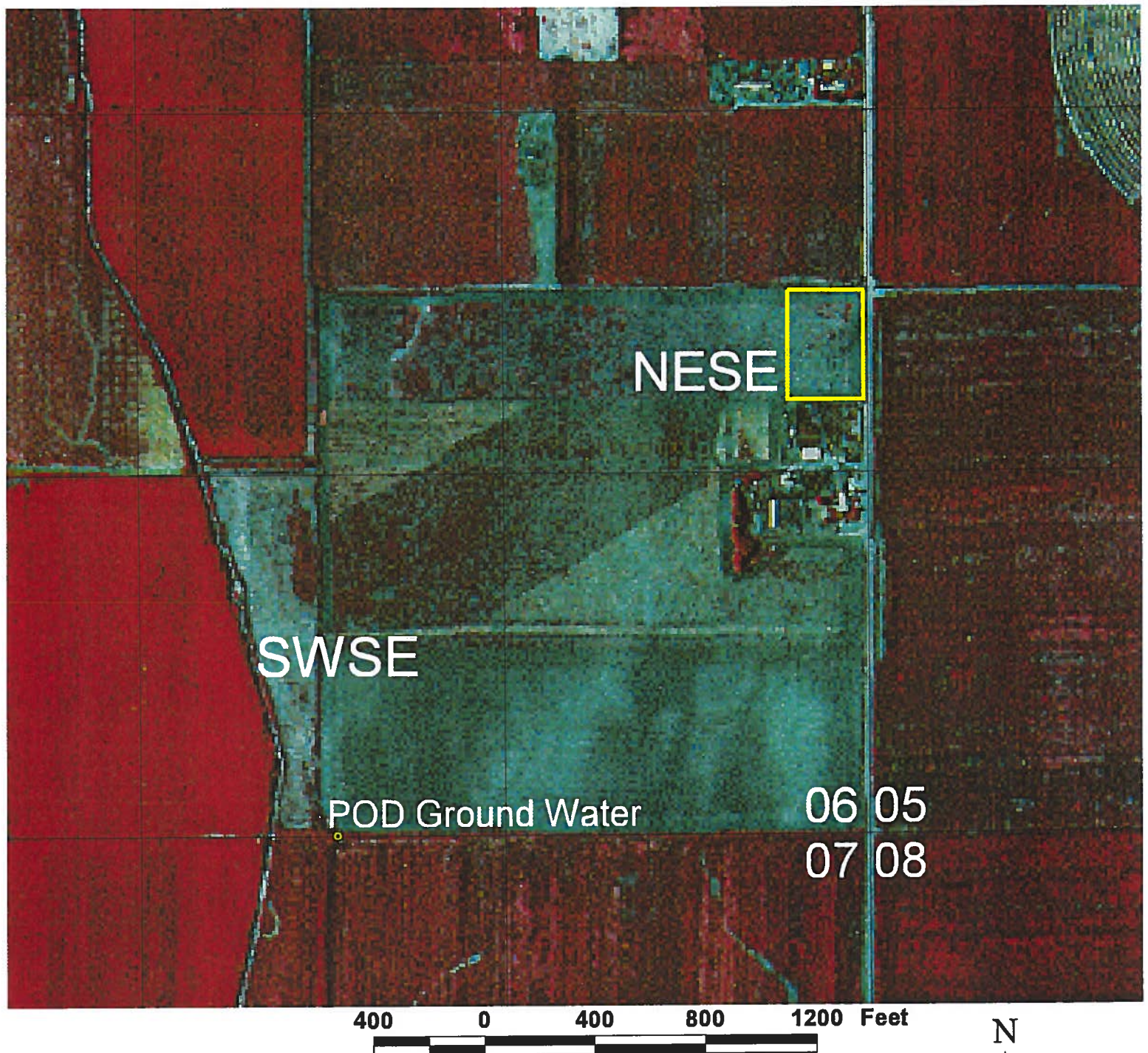
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

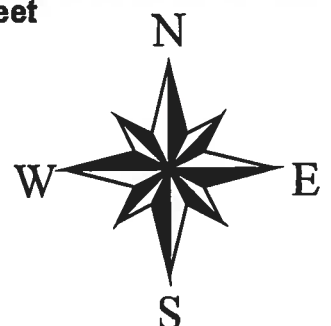
THIS RIGHT IS A SPLIT FROM FORMER RIGHT 43-00170B.

**43-13079, 43-13081, 43-13083, 43-13085,  
43-13087, 43-13089, 43-13091, 43-13093,  
43-13095, 43-13097, 43-13099 and 43-13101**



**T14S R27E S06**

Map prepared by: Carter Fritschle  
Date prepared: 07/30/01  
1987-1988 NAPP photography  
Idaho Department of Water Resources



Split into 43-13090 & 43-13091

01/24/2001

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

RIGHT NUMBER: 43-170B

NAME AND ADDRESS: ALAN J HARPER  
BEVERLY K HARPER  
2436 E PIERCE LANE  
MALTA, ID 83342

SOURCE: RAFT RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 0.17 CFS

RIGHT NOS. 43-02295F, 43-02561, 43-00165B, 43-00168B, 43-00169D, 43-00170B, 43-00172B, 43-00173B, 43-10788, 43-11265 AND 43-11266 ARE LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 4.09 CFS.

PRIORITY DATE: 04/01/1881

POINT OF DIVERSION: T14S R27E S7 NWSWNE Within CASSIA County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
|-----------------------|----------------------|-----------------|
| IRRIGATION            | 04-01 10-01          | 0.17 CFS        |

PLACE OF USE:

| <u>IRRIGATION Within CASSIA County</u> |      |    |              |       |      |    |  |
|----------------------------------------|------|----|--------------|-------|------|----|--|
| T13S R27E S31                          | SESE | 25 | T14S R27E S6 | LOT 1 | NENE | 30 |  |
| T14S R27E S6                           | NESE | 20 | T14S R27E S6 |       | NWSE | 11 |  |
| T14S R27E S6                           | SWSE | 21 | T14S R27E S6 |       | SESE | 37 |  |

144 ACRES TOTAL

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 30 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

RIGHT NOS. 43-02295F, 43-02561, 43-00165B, 43-00168B, 43-00169D, 43-00170B, 43-00172B, 43-00173B, 43-00178C, 43-10788, 43-11265 AND 43-11266 ARE LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 144 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 - Decreed

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.



**State of Idaho**

**DEPARTMENT OF WATER RESOURCES**

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866 [www.idwr.state.id.us](http://www.idwr.state.id.us)

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**DIRK KEMPTHORNE**  
Governor

**KARL J. DREHER**  
Director

November 14, 2000

ELMO ELISON  
LOUISE ELISON  
HC 72 BOX 2180  
MALTA, ID 83342

RE: Snake River Basin Adjudication (SRBA) Claim Nos. 43-00165B, 43-00168B, 43-00169D,  
43-00170B, 43-00172B, 43-00173B, 43-00178C, 43-02295F, 43-02561, 43-10788 and 43-10791

Dear Claimants:

I am reviewing the Notices of Claim to a Water Right that you filed in 1989 for the irrigation of land in Township 13 South, Range 27 East, Section 31 and Township 14 South, Range 27 East, Section 6 (the claim numbers are referenced above.) In 1991 Idaho Department of Water Resources (IDWR) received a change of ownership for most, if not all of these rights, indicating you had sold the place of use for the water rights to Alan and Beverly Harper. However, there is some confusion with the claim numbers that are listed on the change of ownership, because some numbers listed do not have a corresponding claim, and some of the identification numbers for the claims you filed are not listed on the change of ownership.

Therefore, I am requesting confirmation that the property you conveyed in 1991 to the Harpers included all of the irrigation rights that were claimed for these lands.

Please contact me at (208) 327-7939 or you may leave a message for me by calling the Adjudication Hotline at 1 (800) 451-4129.

Sincerely,

Carter Fritschle  
Water Rights Supervisor  
Adjudication Bureau

RECEIVED

DEC 08 2000

Department of Water Resources

St. George, Ut  
12-4-2000

Dept. of Water Resources

Dear Mr. Fritschle;

I recieved your letter of Nov. 14, 00 and am writing concerning the questions you ask.

We come to St. George for the winters and so I have no records or documents here to try and go over the water rights you have ~~inquired~~ inquired about. All of my papers, documents, Contracts & etc., also Alan & Beverly Harper, are some 600 miles from here. Would it be alright with you if you set this matter aside until April 1<sup>st</sup>, when we come back to Idaho, and then I could get with Alan and go over everything and see where the mistakes are.

I'm sorry there is a mix-up  
and will be glad to get  
it straightened out, and hope  
it can be put on hold until  
April when I come home and  
can have access to the documents  
I'll need to clear the matter.

Thanking you, I remain.

Sincerely

Edmo Edison

448 E. Telegraph  
Washington, Utah

84780

Cherokee Springs RV  
# 55