

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 43-00171B  
Date Received:  
Receipt No: S007736  
Received By:

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

1. Name of Claimant(s)

JEANETTE W HARPER Phone: (208) 645-2533

1926 S 2350 E  
MALTA ID USA 83342

D JAY HARPER Phone: (208) 645-2533

1926 S 2350 E  
MALTA ID USA 83342

RECEIVED

JUN 15 2001

Department of Water Resources

2. Date of Priority: 03/01/1883

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

4. Point of Diversion:

| Township | Range | Section | 1/4 of 1/4 of 1/4 Lot | County | Type |
|----------|-------|---------|-----------------------|--------|------|
| 13S      | 27E   | 31      | NE NW                 | CASSIA |      |
| 13S      | 27E   | 31      | SE NW                 | CASSIA |      |
| 13S      | 27E   | 31      | NE SE                 | CASSIA |      |
| 14S      | 27E   | 7       | SW NE                 | CASSIA |      |

5. Description of diverting works:

WELL AND PUMP. INSTREAM USES.

6. Water is used for the following purposes:

Purpose  
IRRIGATION  
STOCKWATER

From To C.F.S.  
4/01 10/01 10  
1/01 12/31 0.03

(or) A.F.A

7. Total Quantity Appropriated is:  
10.03 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 |
|----------|-------|---------|------------|-----|---------------|-------|
| 13S      | 27E   | 31      | NE         | NE  | IRRIGATION    | 40    |
|          |       |         | NW         | NE  | IRRIGATION    | 40    |
|          |       |         | SW         | NE  | IRRIGATION    | 10    |
|          |       |         | SE         | NE  | IRRIGATION    | 40    |
|          |       |         | NE         | NW  | IRRIGATION    | 40    |
|          |       |         | NW         | NW  | IRRIGATION    | 50    |
|          |       |         | SW         | NW  | IRRIGATION    | 50    |
|          |       |         | SE         | NW  | IRRIGATION    | 40    |
|          |       |         | NE         | SE  | IRRIGATION    | 40    |
|          |       |         | NW         | SE  | IRRIGATION    | 20    |
|          |       |         |            |     | Section Acres | 370   |
|          |       |         |            |     | Total Acres   | 370   |

11. Place of use in counties: CASSIA

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

~~No~~ yes R.J.H.

13. Other Water Rights Used:

14. Remarks:

As is authorized under SB 1065, and after conversations with the Director of DWR, this claim is filed to represent the current water usage authorized by this decreed water right wherein waters are diverted from both surface and groundwater at

06/04/2001

any of all of the points of diversion as described above. This claim does not change the irrigated acres as is outlined in the decree, but does include an additional point of diversion. This change to an additional point of diversion has been gradual, though sometimes erratic, over the years due to the increasing withdrawal of the supporting groundwaters to the Raft River in the area. This has led to the decline in the historic flow of the Raft River which has necessitated this change. The addition of a point of diversion does not enlarge or expand the irrigated acres as is authorized by the decree

This claim represents a portion of W.R. 43-0171 which will need to be segregated from the rest of the right. This need for segregation is due to the change in ownership of the original lands into parcels held by different owners

15. Basis of Claim: Decreed

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): *D. Jay Harper* Date: 6-14-01  
6-14-01 *Jeanette Harper* Date: \_\_\_\_\_

State of Idaho )  
County of *Cassia* ) SS.

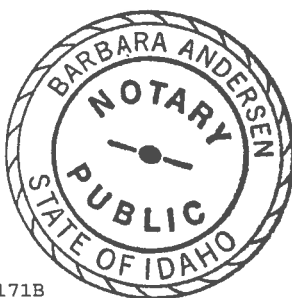
Subscribed and sworn (or affirmed) before me this  
of 14<sup>th</sup> of June 2001

*Barbara Andersen*

Notary Public

Residing at *Albion, Id*

My commission Expires 7-23-05



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: A43-00171B  
Date Received: 7/07/1989  
Receipt No: S007736  
Received By: SCC

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name: D. JAY HARPER 208-645-2533  
Address: HC 72 BOX 2156  
MALTA, ID 83342  
AND/OR  
Name: JEANETTE W. HARPER 208-645-2533  
Address: HC 72 BOX 2156  
MALTA, ID 83342

2. Date of Priority: MAR 01, 1883

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

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County |
|----------|-------|---------|--------|--------|-----|-----|--------|
| 13S      | 27E   | 31      | NE     | NW     |     |     | CASSIA |
|          |       |         | SE     | NW     |     |     | CASSIA |
|          |       |         | NE     | SE     |     |     | CASSIA |
| 14S      | 27E   | 7       | SW     | NE     |     |     | CASSIA |

5. Description of diverting works:  
WELL AND PUMP. INSTREAM USES.

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S  | (or) | A.F.A. |
|------------|-------|-------|--------|------|--------|
| IRRIGATION | 04/01 | 10/01 | 10.000 |      |        |
| STOCKWATER | 01/01 | 12/31 | 0.030  |      |        |

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

8. Total consumptive use is 780.0 Acre Feet Per Annum.

9. Non-irrigation uses:

S/100 CATTLE  
A43-00171B

Page 1

Date: 07/07/89

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10. Place of Use:

| Township      | Range | Section | 1/4 of | 1/4 | Lot | Use | Acres |
|---------------|-------|---------|--------|-----|-----|-----|-------|
| 13S           | 27E   | 31      | NE     | NE  |     | IRR | 40.0  |
|               |       |         | NW     | NE  |     | IRR | 40.0  |
|               |       |         | NE     | NW  |     | IRR | 40.0  |
|               |       |         | NW     | NW  |     | IRR | 50.0  |
|               |       |         | SW     | NW  |     | IRR | 50.0  |
|               |       |         | SE     | NW  |     | IRR | 40.0  |
| Section Acres |       |         |        |     |     |     | 260.0 |
| Total Acres   |       |         |        |     |     |     | 260.0 |

11. Place of use in counties: CASSIA

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

13. Other Water Rights Used:  
43-178B, 43-2330, 43-4166.

14. Remarks:

ATTACHMENT:

As is authorized under SB 1065, and after conversations with the Director of IDWR, this claim is filed to represent the current water usage authorized by this decreed water right wherein waters are diverted from both surface and groundwater at any of all of the points of diversion as described above. This claim does not change the irrigated acres as is outlined in the decree, but does include an additional point of diversion. This change to an additional point of diversion has been gradual, though sometimes erratic, over the years due to the increasing withdrawal of the supporting groundwaters to the Raft River in the area. This has led to the decline in the historic flow of the Raft River which has necessitated this change. The addition of a point of diversion does not enlarge or expand the irrigated acres as is authorized by the decree.

This claim represents a portion of W.R. 43-0171 which will need to be segregated from the rest of the right. This need for segregation is due to the change in ownership of the original lands into parcels held by different owners.

15. Basis of Claim: DECREED

Case Number:  
Court :  
Decree date:

|                  |        |                  |
|------------------|--------|------------------|
| Decree Plaintiff | vs     | Decree Defendant |
| A43-00171B       | Page 2 | Date: 07/07/89   |

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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): \_\_\_\_\_ Date: \_\_\_\_\_  
\_\_\_\_\_ Date: \_\_\_\_\_

State of Idaho )  
County of \_\_\_\_\_ ) SS.

Subscribed and sworn (or affirmed) before me this \_\_\_\_\_ day  
of \_\_\_\_\_ 19 \_\_\_\_\_

\_\_\_\_\_  
Notary Public

Seal

Residing at \_\_\_\_\_

My Commission Expires \_\_\_\_\_

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

A43-00171 B

Date Received

6-7-89

Receipt Number

5007736

RECEIVED

JUN 7 1989

Department of Water Resources  
Southern Region Office  
43-0171

NOTICE OF CLAIM  
TO A  
WATER RIGHT  
ACQUIRED UNDER STATE LAW

This document prepared by:  
BARNETT INTERMOUNTAIN WATER CONSULTA  
106 WEST 500 SOUTH, SUITE 101  
BOUNTIFUL, UT 84010  
(801) 292-4662  
Please contact us for technical inquiries.

## Please type or print clearly

1. Name of Claimant (s) D. Jay and/or Jeanette W. Harper Phone (208) 645-2533

Mailing Address H.C. 72, Box 2156, Malta, Idaho Zip 83342

2. Date of Priority (Only one (1) per claim) Mar. 1, 1883

3. Source of water supply (a) groundwater and/or Raft River water  
which is tributary to (b) \_\_\_\_\_

4. a. Location of existing point of diversion is: Township 13S Range 27E Section 31,  
\_\_\_\_\_ 1/4 of NE 1/4 of SE 1/4, Govt. Lot, \_\_\_\_\_ B.M., County of Cassia

Additional points of diversion if any: also, SW NE Sec. 7, T14S R27E and SE NW Sec. 31,  
T13S R27E (P's of D. from Raft River) and NE NW Sec 31 T13S R27E (well).

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.

~~Well, pump, and pipeline to place of use from groundwaters, and~~  
~~diversion dam, headgate, and ditches to place of use from Raft River,~~  
~~as well as stockwatering from stream in E1/2 NW1/4 Sec 31, T13S R27E.~~

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6. Water is claimed for the following purposes: (both dates are inclusive) (cfs) (acre feet)
- For Irrigation purposes from Apr 1 to Oct 1 amount 10.00 or \_\_\_\_\_
- For Stockwatering purposes from Jan 1 to Dec 31 amount 0.03 or \_\_\_\_\_
- For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ amount \_\_\_\_\_ or \_\_\_\_\_
- For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ amount \_\_\_\_\_ or \_\_\_\_\_
7. Total quantity claimed (a) 10.03 (cfs) and/or (b) \_\_\_\_\_ (acre feet)
8. Total consumptive use claimed is 780 acre feet per annum.
9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) Instream stockwatering of 100 cattle.
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 |        |
| 13S | 27E | 31  | 40     | 40    |       |       | 40     | 50    | 50    | 40    |        |       |       |       |        |       |       |       | 260    |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |

Total number of acres irrigated 260

11. In which county (ies) are lands listed above as place of use located? Cassia
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.  
43-178B, 43-2330, and 43-4166. or None ( )
14. Remarks:

see attached sheet

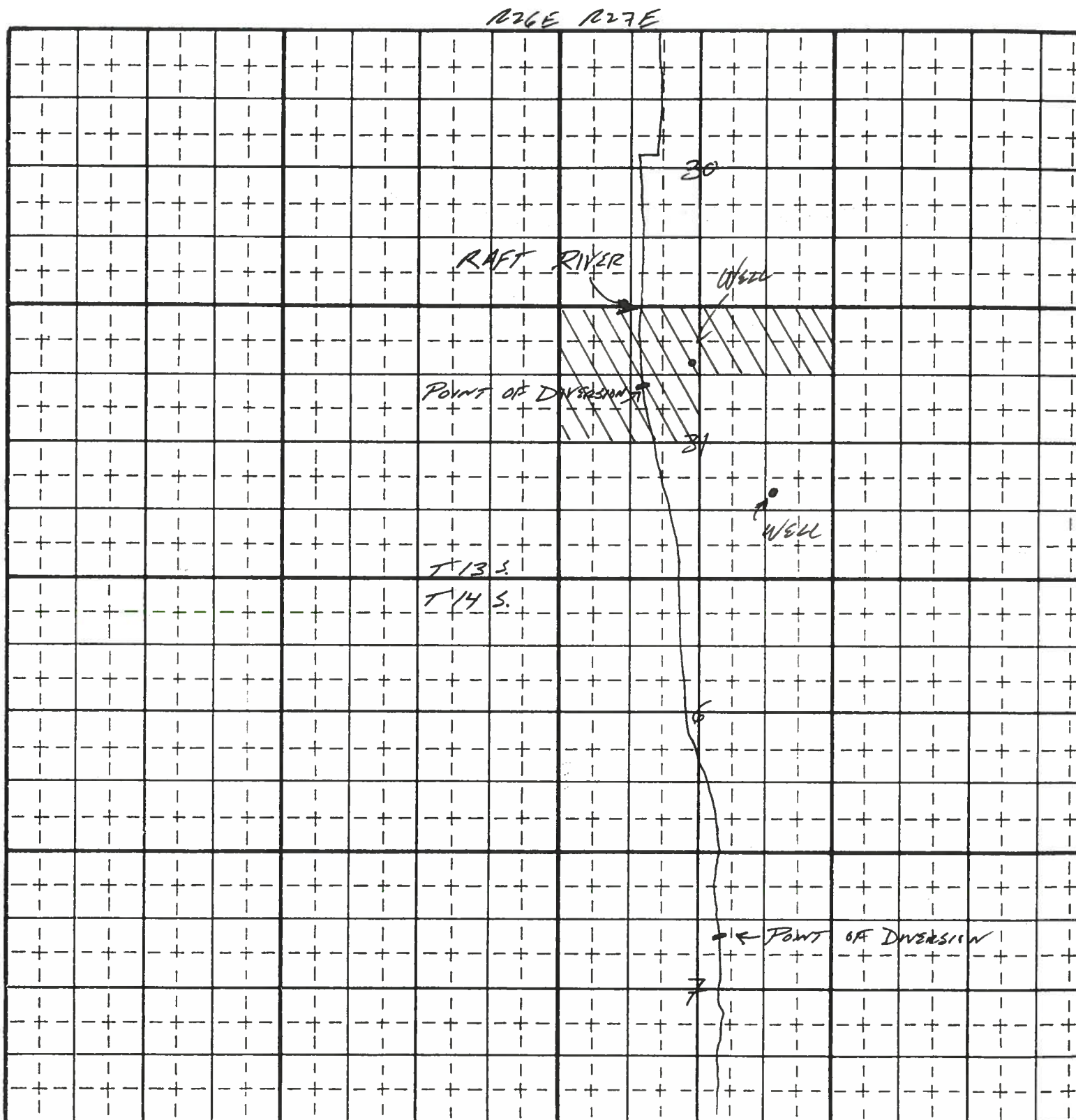
**MICROFILMED**  
**MAR 02 1993**

Last Name Harper Ident No. \_\_\_\_\_

Copies: White -State, Yellow-Claimant

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

Scale: 2 inches equals 1 mile



UNCLASSIFIED

MAR 02 1993

Last Name HARPER

Ident No.

*Copies: White-State, Yellow-Claimant*



Attachment to W.R. 43-171

As is authorized under SB 1065, and after conversations with the Director of IDWR, this claim is filed to represent the current water usage authorized by this decreed water right wherein waters are diverted from both surface and groundwater at any or all of the points of diversion as described above. This claim does not change the irrigated acres as is outlined in the decree, but does include an additional point of diversion. This change to an additional point of diversion has been gradual, though sometimes erratic, over the years due to the increasing withdrawal of the supporting groundwaters to the Raft River in the area. This has led to the decline in the historic flow of the Raft River which has necessitated this change. The addition of a point of diversion does not enlarge or expand the irrigated acres as is authorized by the decree.

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MAR 02 1993

Last Name Harper Ident No. \_\_\_\_\_



State of Idaho

# DEPARTMENT OF WATER RESOURCES

Southern Region, 2148 4th Ave. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS  
Governor

R. KEITH HIGGINSON  
Director

.Aug. 25, 1989

.D JAY HARPER  
.HC 72 BOX 2156  
.MALTA ID 83342

Dear Claimant(s):

Re: A43-02330  
A43-00171B  
A43-10436  
A43-00178F  
A43-00177F  
A43-00173D  
A43-04166  
A43-02528  
A43-02295D

Please find enclosed your receipt and a copy of a computer generated claim based on the information from your original claim(s) which has been entered in our computer records.

Please review the computer generated claim for accuracy. In a few instances clarifications may have been added by the Department at the time of data entry. If you have any questions or objections regarding the computer record of you claim(s), please contact this office.

Yours truly,

Judy Givens  
Adjudication Secretary

/jg

Enclosures:

MICROFILMED

MAR 02 1993

WHITE - State Auditor  
YELLOW - Remittance Advice  
PINK - State Auditor then Agency  
GOLDENROD - Agency Copy

# EXPENDITURE VOUCHER

AUDITOR USE

STATE OF IDAHO  
Office of State Auditor

AGENCY USE

|          |
|----------|
| 6211     |
| Date     |
| 08/01/89 |
| Code     |
| 193002   |

**VENDOR:** If you require additional information regarding this payment, please contact the State agency listed below.

AGENCY NAME: DEPT. OF WATER RESOURCES

|              |      |
|--------------|------|
| Document No. |      |
| Pre-Audit    | Date |
| Warrant No.  |      |

PAY  
TO

HARPER HEREFORD RANCHES  
HC 72, BOX 2156  
MALTA, ID 83342

CHECK ONE:

( 1 ) MISCELLANEOUS EXPENDITURE

( ) STATE CONTRACT

( ) PURCHASE ORDER

( ) MISCELLANEOUS  
ENCUMBRANCE REQUISITION

PAYMENT: ( ) PARTIAL ( ) FINAL

Encumbrance Reference No.

| LINE No. | PROGRAM   | FUND | ACCT. |     | DESCRIPTION                                              | LINE AMOUNT | AGENCY USE |
|----------|-----------|------|-------|-----|----------------------------------------------------------|-------------|------------|
|          |           |      | Maj   | Min |                                                          |             |            |
| 1        | 04 10 162 | 9337 | 8831  |     | A43-00171B & A43-10436<br>PER DON SHAFF<br>7/ 7/89 37.00 | 37.00       |            |
| TOTAL    |           |      |       |     |                                                          | 37.00       |            |

NOTE: Final payment must be accompanied by a receiving copy

TO STATE AUDITOR

Request is hereby made that a warrant be authorized and drawn in payment of the item or items described above. I hereby certify that the items described were ordered by proper authority; that they are necessary in the public service, that the items have been received and accounted for, and that the account as stated is correct and just.

AUDITOR'S CERTIFICATE

I hereby certify that the above account is in proper form; that totals carried hereon are correct; that receipts when required by law or regulation of the State Board of Examiners covering items for which reimbursement is asked are submitted herewith; and that there are funds in the state treasury and balances in appropriation accounts out of which the same may be lawfully paid.

Date

Head of Agency or Institution

State Auditor

MICROFILMED  
MAR 02 1993

05/09/2001

**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: June 15, 2001**

Water right number: 43-171B  
JEANETTE W HARPER  
1926 S 2350 E  
MALTA ID 83342  
Telephone Number: (208)645-2533

D JAY HARPER  
1926 S 2350 E  
MALTA ID 83342  
Telephone Number: (208)645-2533

RECEIVED

JUN 19 2001

Department of Water Resources

RECEIVED  
JUN 21 2001  
Department of Water Resources  
Southern Region

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

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

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

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

DATE:

June 14, 01

SIGNATURE:

D. Jay Harper

Please print your name:

D. Jay Harper

IDWR Regional Office, 1341 Fillmore St, Suite 200, Twin Falls, ID 83301, 2087363033

06/18/2001

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

RIGHT NUMBER: 43-171B

NAME AND ADDRESS: D JAY HARPER  
JEANETTE W HARPER  
1926 S 2350 E  
MALTA, ID 83342

SOURCE: RAFT RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 4.73 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE  
SHALL NOT EXCEED 13,000 GALLONS PER DAY.  
RIGHT NOS. 43-00171B, 43-00173D, 43-00177F, 43-02295H, 43-  
02330, 43-02528, 43-04166 AND 43-11235 ARE LIMITED TO A TOTAL  
COMBINED DIVERSION RATE OF 7.24 CFS.

PRIORITY DATE: 03/01/1883

POINT OF DIVERSION: T13S R27E S31 NWSENW Within CASSIA County  
T14S R27E S7 NWSWNE Within CASSIA County

PURPOSE AND  
PERIOD OF USE:

| PURPOSE OF USE | PERIOD OF USE | QUANTITY |
|----------------|---------------|----------|
| IRRIGATION     | 04-01 10-01   | 4.71 CFS |
| STOCKWATER     | 04-01 10-01   | 0.02 CFS |

PLACE OF USE:

| IRRIGATION Within CASSIA County |      |    |                             |
|---------------------------------|------|----|-----------------------------|
| T13S R27E S31                   | NENE | 40 | T13S R27E S31 NWNE 40       |
| T13S R27E S31                   | SWNE | 10 | T13S R27E S31 SENE 37       |
| T13S R27E S31                   | NENW | 39 | T13S R27E S31 LOT 1 NWNW 50 |
| T13S R27E S31 LOT 2             | SWNW | 48 | T13S R27E S31 SENW 38       |
| T13S R27E S31                   | NESE | 40 | T13S R27E S31 NWSE 20       |

STOCKWATER Use same as IRRIGATION

362 ACRES TOTAL

RIGHT NOS. 43-00171B, 43-00173D, 43-00177F, 43-00178F, 43-02295H, 43-02330, 43-02528, 43-04166 AND 43-11235 ARE LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 362 ACRES IN A SINGLE IRRIGATION SEASON.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 259 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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

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

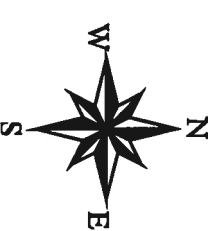
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

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

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

43-00171B, 43-00173D, 43-00177F, 43-00178F, 43-02295H,  
43-02330, 43-02528, 43-04166 & 43-11235



T13S R27E S31



Map prepared by: Carter Fritschle  
Date prepared: 06/18/01  
1987-1988 NAPP photography  
Idaho Department of Water Resources



**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)

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

June 4, 2001

D JAY HARPER  
1926 S 2350 E  
MALTA, ID 83342

RE: Snake River Basin Adjudication (SRBA) Claim Nos. 43-00171B, 43-00173D, 43-00177F and 43-00178F

Dear Mr. Harper:

I have enclosed Amended Notices of Claim to a Water Right for the claims referenced above as we discussed at the meeting in Malta on May 30, 2001. The amended claims will allow me to recommend your water rights from the Raft River with a permissible place of use within the 362 acres I found irrigated. Please review the amended claims, and if they are satisfactory, sign the claims, have your signature notarized, and return them to my attention at Idaho Department of Water Resources' state office in Boise.

You also had a question as to why the stockwater claimed on 43-00171B did not included "wintertime" use. This is because water right 43-00171 was decreed for irrigation with a season of April 1 to October 1. Extending the season for winter time stockwater would be an enlargement of the water right. If you wish to file a separate claim for instream stockwater you may. I have enclosed a blank claim form you can use to claim an instream stockwater right.

I have also enclosed a copy of Transfer No. 665 for the Malta Land and Irrigation Company water rights that was approved in 1944 and amended in 1945. This transfer was superseded by the transfer filed in 1974, which was finalized with the Memorandum Decision and Order dated March 31, 1975. Alan already has a copy of this decision and order, so I did not include another copy.

Please contact me at (208) 327-7939 if you have questions.

Sincerely,

  
Carter Fritschle  
Water Rights Supervisor  
Adjudication Bureau

Enclosures:

Amended claims  
Claim form w/instructions  
Copy of Transfer No. 665

cfs  
10-17-00

|                           |            | Claimed | allowable | period of use | claim<br>PDU |
|---------------------------|------------|---------|-----------|---------------|--------------|
| 3-1-1883                  | 43-00171B  | 10.00   | 4.73      | 4-1 to 10-1   | 260          |
| 4-1-1882                  | 43-00173 D | 6.40    | 0.61      | 4-1 to 10-1   | 60           |
| 5-24-1909                 | 43-00177F  | 21.60   | 1.40      | 3-15 to 11-15 | 70           |
| Flood<br>water 12-12-1911 | 43-00178 F | 48.8    | 4.00      | 3-15 to 11-15 | 220          |
|                           |            |         |           |               | 10.74 cfs    |

|      |          | Claimed | Rec |
|------|----------|---------|-----|
| T13S | R27E S31 | NENE 40 | 40  |
|      |          | NWNE 40 | 40  |
|      |          | SWNE 10 | 10  |
|      |          | SENE 40 | 37  |
|      |          | NENW 40 | 39  |
|      | Lot 1    | NWNW 50 | 50  |
|      | Lot 2    | SWNW 50 | 48  |
|      |          | SENW 40 | 38  |
|      |          | NESE 40 | 40  |
|      |          | NWSE 20 | 20  |
|      |          | 370     | 362 |

$$362 \text{ ac} \times .02 \text{ cfs/ac} = 7.24 \text{ cfs}$$

Right nos 43-00171B, 43-00173D, 43-00177F, 43-022  
43-02330, 43-02528, 43-04166 and 43-11235 are limited  
to a total combined diversion rate of 7.24 cfs

6/9/94

## COMMUNICATION DOCUMENTATION

Claim No. A43-00171B, -

00178F

This form is to be used to document public record information requests regarding any SRBA claim or claims. The form may also be used to document IDWR communications requesting information regarding any SRBA claim or claims when the request is not made in writing or the claim verification report is not readily available to document the request. This form is to be filed in all relevant claim files or a central office file.

IDWR Employee/Agent Frank Hitchcock

September 8, 1995 4:02pm

NAME:  
GLEN WORKMAN-APRAISER-FCS

RE:  
A43-00171B, -00178F

TF AT 11:42 INQUIRING ABOUT THE VALIDITY OF THE LISTED USAGES IN THEIR RECORDS. HE IS DOING AN UPDATE TO THE FILE RATHER THAN A FULL BLOWN APPRAISAL.

REVIEWED USAGES SOURCING RAFT RIVER ARE QUITE OFTEN TAKING GROUNDWATER. SUGGESTED HE CHECK WITH BOB HOPE, THE UPPER RAFT RIVER WATERMASTER. EXPLAINED INABILITY TO GIVE A LEGAL OPINION AS THE "VALIDITY" OTHER THAN APPURTENANCY SUBJECT TO REVIEW IN THE SRBA.

**R PROOF**

**CVR**

**MAPS**

**PHOTOS**

**MISC**

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