

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 43-00177F
Date Received:
Receipt No: S007735
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: 05/24/1909

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 SE	CASSIA	
14S	27E	7	SW NE	CASSIA	
13S	27E	31	SE NW	CASSIA	
13S	27E	31	NE NW	CASSIA	D. J. H.

5. Description of diverting works:

WELL, PUMP, PIPELINE, DAM, HEADGATE, DITCHES

6. Water is used for the following purposes:

Purpose
IRRIGATION

From To C.F.S.
3/15 11/15 21.6

(or) A.F.A

7. Total Quantity Appropriated is:
21.6 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 D.J.H.

13. Other Water Rights Used:

14. Remarks:

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. 43-0177 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): Q. 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

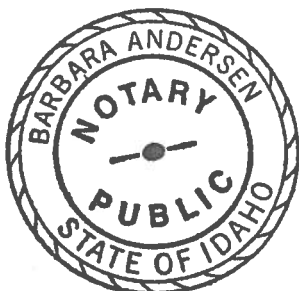
of June 2001

Barbara Andersen

Notary Public

Residing at Albia, 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: A43-00177F
Date Received: 6/23/1989
Receipt No: S007735
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: D. JAY HARPER 208-645-2533
Address: H.C. 72
BOX 2156
MALTA, ID 83342

AND/OR
Name: JEANETTE W. HARPER 208-645-2533
Address: H.C. 72
BOX 2156
MALTA, ID 83342

2. Date of Priority: MAY 24, 1909

3. Source: RAFT RIVER &/OR GROUNDWATER Trib. to: SNAKE RIVER

4. Point of Diversion:

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

5. Description of diverting works:
WELL, PUMP, PIPELINE, DAM, HEADGATE, DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	21.600		

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

8. Total consumptive use is 210.0 Acre Feet Per Annum.

9. Non-irrigation uses:

A43-00177F

Page 1

Date: 06/23/89

MICROFILMED

MAR 02 1993

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
13S	27E	31	SW	NE		IRR	10.0
			SE	NE		IRR	40.0
			NW	SE		IRR	20.0
						Section Acres	70.0
						Total Acres	70.0

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:
A43-02528, 00173D, 00178F, 02295D

14. Remarks:
SEE ATTACHED SHEET.

15. Basis of Claim: DECREED
Case Number:
Court :
Decree date: 10/23/1928

ALBION IDAHO LAND
Decree Plaintiff

vs

JOBE ADAMS ET AL
Decree 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/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 A43-00177FDate Received 6-7-89Receipt Number 5007735

RECEIVED

JUN 7 1989

Department of Water Resources
Southern Region Office
43-0177

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

This document prepared by:
BARNETT INTERMOUNTAIN WATER CONSULTANT
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) 645-2533Mailing Address H.C. 72, Box 2156, Malta, Idaho Zip 833422. Date of Priority (Only one (1) per claim) May 24, 19093. 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 CassiaAdditional points of diversion if any: also, SW NE Sec. 7, T14S R27E and SE NW Sec. 31,
T13S R27E (points of diversion from the Raft River).

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.

MICROFILMED

MAR 12 1993

6. Water is claimed for the following purposes: (both dates are inclusive) (cfs) (acre feet)
- For Irrigation purposes from Mar 15 to Nov 15 amount 21.60 or _____
- For _____ purposes from _____ to _____ amount _____ or _____
- For _____ purposes from _____ to _____ amount _____ or _____
- For _____ purposes from _____ to _____ amount _____ or _____
7. Total quantity claimed (a) 21.60 (cfs) and/or (b) _____ (acre feet)
8. Total consumptive use claimed is 210 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:
- 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	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			10	40										20			70

Total number of acres irrigated 70

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.
43-2528, 43-173, 43-178B, and 43-2295D. or None ()
14. Remarks:

see attached sheet

MICROFILMED

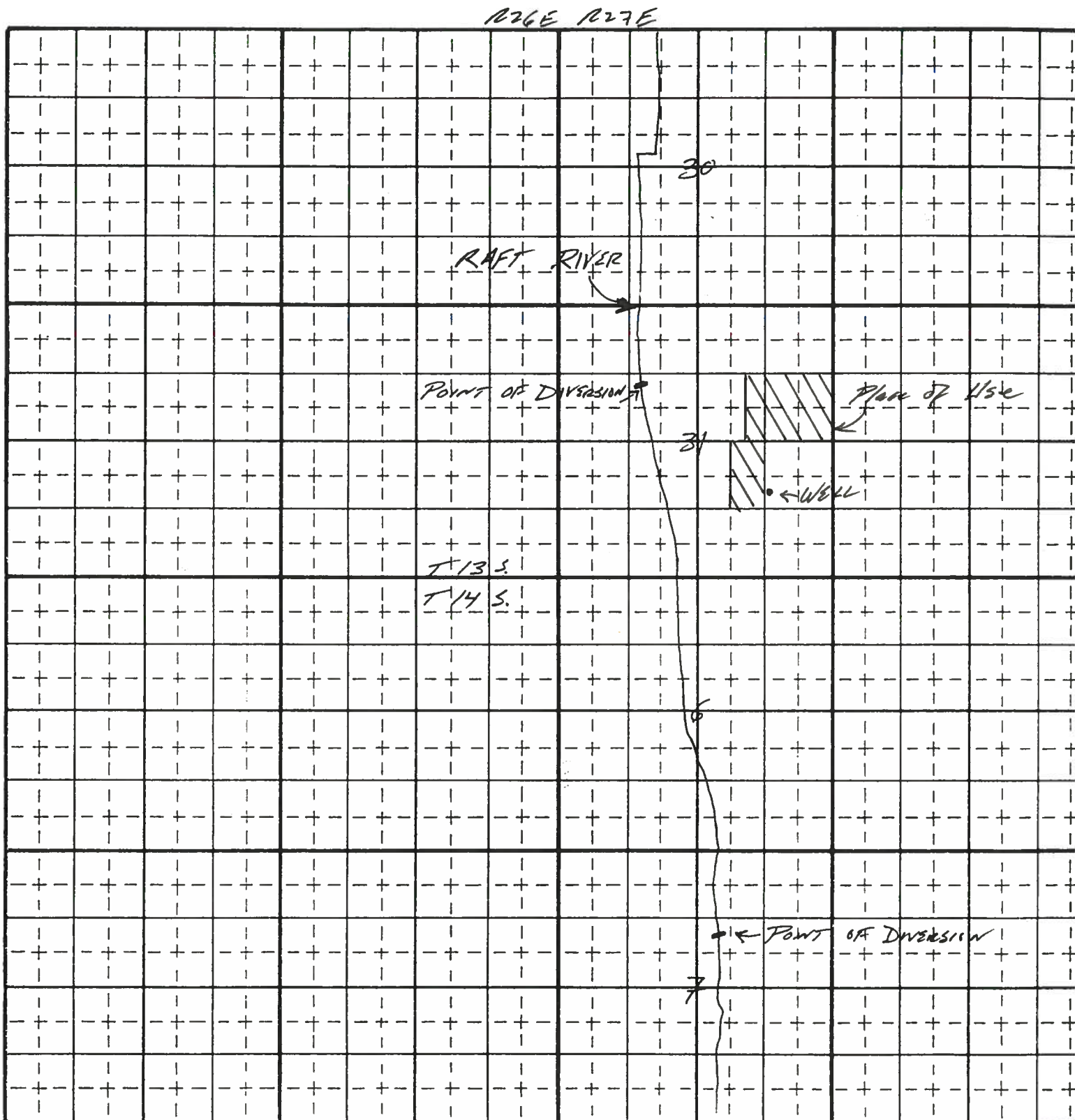
MAR 02 1993

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



MICROFILMED

MAR 02 1993

Last Name HARPER Ident No. _____

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) ☐ Official Use ☒ Decree ☐ Posted Notice ☐ License ☐ Permit
If applicable provide IDWR Water Right Number 43-177
Court U.S. District Court Case Number _____ Decree Date Oct 23, 1928
Plaintiff vs Defendant Albion Idaho Land vs. Jobe Adams et al.

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 one

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 _____
_____ Date _____

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 _____) SS.

Subscribed and sworn (or affirmed) before me this 6 day of JUNE 19 89

SEAL

Notary Public Boyd Borol
Residing at 2122 Idaho
My Commission Expires 10-15-91

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 D. Jay Harper
Address HC 72, Box 2156
Date June 6, 1989

Last Name Harper Ident. Number _____

MICROFILMED

MAR 02 1993

Copies White-State, Yellow-Claimant

Attachment to W.R. 43-177

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.

This claim represents a portion of W.R. 43-0177 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.

MICROFILMED

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

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

Dear Claimant(s):

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 U 2 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: 43-177F

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 Resource
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: 43-177F

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

SOURCE: RAFT RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 1.4 CFS

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: 05/24/1909

POINT OF DIVERSION:	T13S R27E S31	NWSENW	Within CASSIA County
	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	03-15 11-15	1.40 CFS

PLACE OF USE:

<u>IRRIGATION Within CASSIA County</u>					
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

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.

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 POINT OF DIVERSION
PURSUANT TO SECTION 42-1425, IDAHO CODE.

30 31 32

30 29 31

Lot 1
NW

Lot 2
SW

NENW

NWNE

NENE

SENE

SWNE

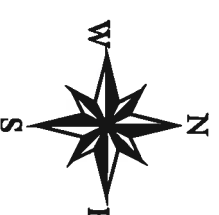
NWSE

NESE

POD Raft River

POD Ground Water

POD Ground Water



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

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 include "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

WR5809NP
No. 43-00177

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 10/17/00
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	MALTA LAND & IRRIGATION CO.	05/24/1909	IRRIGATION	00/00 00/00	21.600 CFS	
TOTAL DIVERSION:					21.600 CFS	

Water Source: RAFT RIVER

Tributary to: SNAKE RIVER

Stage: DECREED

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE													
T	R	S		NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	SUM	
				Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac			
13S	27E	31	:			410	410	:					:					:			210			:	100
13S	27E	32	:					:			410		:			410		:						:	80
14S	27E	5	:					:			04-120		:					:						:	20
14S	27E	17	:					:					:			410	410	:						:	80
14S	27E	18	:					:					:					:	410			410		:	80
14S	27E	20	:					:	410	410	410	410	:	410	410	410	410	:						:	320
14S	27E	29	:					:	410	410	410	410	:	410	410	410		:						:	280
14S	27E	32	:					:		410	410		:		410			:						:	120

Pou County: CASSIA

1080

Remarks: GEN TRANS. 665.

Dates: App. Received: Priority Date: 05/24/1909
Proof Due Date: Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date:

1080 x .02 = 21.6

Decreed at 0.02 c

Misc: Water District Number: 43B Field Exam Fee:

D Jay Harper claimed 70 ac.

70 ac x 0.02 cfs/ac = 1.40 cfs.

24
10-17-00

		Claimed	allowable	period of use	Claim FOU
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 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
	SE NW	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

R PROOF

CVR

MAPS

PHOTOS

MISC

—

—

—

—

—