

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 43-2295E V1

WATER RIGHT NUMBER: 43-2295E V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	ALAN J HARPER 2436 E 1850 S MALTA, ID 83342 (208)645-2333
Current Owner	BEVERLY K HARPER 2436 E 1850 S MALTA, ID 83342 (208)645-2333
Original Owner	LANO ELISON 2048 S 2350 E MALTA, ID 83342 (208)645-2537
Original Owner	LOIS ELISON 2048 S 2350 E MALTA, ID 83342 (208)645-2537

Priority Date: 03/05/1945

Basis: License

Status: Active

SourceTributary

GROUND WATER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 11/15	1.736 CFS	843.60 AF
	<u>Total Diversion:</u>	1.736 CFS	843.60 AF

Location of Point(s) of Diversion

GROUND WATER NW1/4NE1/4SE1/4 Sec. 6, Twp 14S, Rge 27E, B.M.
CASSIA County

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13S	27E	31														20.0	40.0	10.0	70.0
14S	27E	6	10.0	40.0	20.0	38.0	40.0								20.0	10.0			178.0
			L 1	L 2			L 3												

Total Acres: 248

Conditions of Approval:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 43-2295E V1

1. C03 RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
2. C18 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.

Remarks:

1. Quantity RIGHT NOS. 43-00165A, 43-00168A, 43-00169C 43-00170A, 43-00171A, 43-00172A, 43-00173A, 43-10086, 43-11269, 43-11270, 43-02295E, 43-02324A, 43-02324B, 43-02546, 43-04000A AND 43-04000B ARE LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 7.498 CFS.
2. Place of Use - Irrigation RIGHT NOS. 43-00165A, 43-00168A, 43-00169C 43-00170A, 43-00171A, 43-00172A, 43-00173A, 43-00178J, 43-10086, 43-11269, 43-11270, 43-02295E, 43-02324A, 43-02324B, 43-02546, 43-04000A AND 43-04000B ARE LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 338 ACRES IN A SINGLE IRRIGATION SEASON.
3. Quantity RIGHT NOS. 43-02295E, 43-02324A, 43-02324B, 43-02546, 43-04000A AND 43-04000B ARE LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 6.76 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 1352 AF.

Comments:



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

May 21, 2004

ALAN HARPER
BEVERLY HARPER
2436 E 1850 
MALTA ID 83342

Re: SRBA Claim(s) 43-168A, 43-170A, 43-173A, 43-2295E, 43-2324A,
43-2324B, 43-2546, 43-4000A, 43-4000, 43-10086,
43-10096, 43-11269, 43-11270

Dear Mr. and Mrs. Harper:

Pursuant to the change in ownership request that has been submitted to the Department, we have changed the record of current ownership on all the above rights to you except right 43-10096. This right's legal description was not listed on the deed provided; consequently ownership was not changed to you.

The enclosed copies of the computer records of the claims are for your files. Please note the change in claimant. Review these records and if there is an error, or you have any questions, please contact this office.

Sincerely,



Trish Fawcett
Technical Records Specialist

Enc.

RECEIVED

MAR 31 2004

Department of Water Resources

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
43-165A	P.D.		43-173A	AJ	
43-168A	AJ		43-178J	P.D.	
43-169C	P.D.		43-2295E		
43-170A	AJ		43-2324A		
43-171A	P.D.		43-2324B		
43-172A	P.D.		43-2546		
43-4000A	AJ		43-10086		
			43-10096	AJ	
			43-11269		
			43-11270		
			43-4000B		

The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

Name and Address of Former Owner/Claimant(s)	<u>Lano A. Elison and Lois Z. Elison</u> <u>2048 South 2350 East</u> <u>Malta, ID 83342</u>
New Owner/Claimant(s)	<u>Alan J. Harper and Beverly K. Harper</u> Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
New Mailing Address	<u>2436 East 1850 South</u>
City, State and ZIP Code	<u>Malta, ID 83342</u>
New Telephone Number	() _____
Date you acquired the property	<u>March 24, 2004</u>

294659

WARRANTY DEED

THIS INDENTURE, made this 24th day of March, 2004,
 between **GAR T. ELISON** and **MARLA DEAKINS**, Personal Representatives of the
ESTATE OF LOIS Z. ELISON, and **LANO A. ELISON**, a single man, of 2048 South
 2350 East, Malta, Idaho 83342 ("**GRANTOR**"), and **ALAN J. HARPER** and **BEVERLY**
K. HARPER, husband and wife, whose address is 2436 East 1850 South, Malta, Idaho
 83342, ("**GRANTEE**").

WITNESSETH:

The Grantor for and in consideration of the sum of Ten Dollars (\$10.00),
 lawful money of the United States of America, and other good and valuable
 consideration, to the Grantor in hand paid by the Grantee, the receipt whereof is hereby
 acknowledged, has granted, bargained, and sold and by these presents does grant,
 bargain and sell, convey and confirm unto the Grantee, and to the successors and
 assigns of Grantee forever, all of the following described real estate situated in the
 County of Cassia, State of Idaho, attached hereto as Exhibit A and incorporated by
 reference herein.

SUBJECT TO:

- (1) Accruing taxes, levies and assessments.
- (2) Highway Right-of-Way Deed, conditioned in
 Special Warranty Deed as Instrument No.
 209216, Book 62 of Deeds as Instrument No.
 295, Film 2, Records of Cassia County, Idaho.
- (3) Agreements to purchase power with Raft River
 Rural Electric Cooperative, Inc.

RECORDED AT THE REQUEST OF
 LAND TITLE & ESCROW

2004 MAR 24 PM 12 01

RECORDER
 LARRY A. MICKELSEN
 DEPUTY

CASSIA COUNTY, IDAHO
 LARRY A. MICKELSEN

294659

(4) Oil, Gas and Mineral Lease with Standard American Company recorded as Instrument No. 73340 on Film 85, records of Cassia County, Idaho.

TOGETHER with all and singular the tenements, water rights, hereditaments and appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all estate, right, title and interest in and to said property as well in law as in equity of the Grantor.

TO HAVE AND TO HOLD, all and singular the above-mentioned and described premises, together with appurtenances unto the Grantee and to the successors and assigns of Grantee forever.

The Grantor shall and will warrant and by these presents will forever defend the said premises in the quiet and peaceable possession of the Grantee, and the successors and assigns of Grantee against all and every person and persons whomsoever lawfully claiming the same, except as aforesaid.

Letters of Administration are recorded in the office of the County Recorder, County of Cassia, State of Idaho, as Instrument No. 293464, on the 12th day of January 2004.

IN WITNESS WHEREOF, the Grantor has executed this Deed the day and year first above written.

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STANLEY, SMITH & STONE, LLP
LAWYERS
BURLEY, IDAHO

GRANTOR

ESTATE OF LOIS Z. ELISON

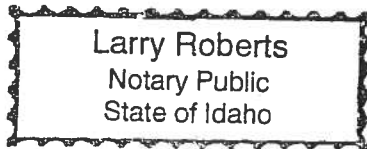
by *Gar T. Elison*
GAR T. ELISON

by *Marla Deakins*
MARLA DEAKINS

Lano A. Elison
LANO A. ELISON

1 STATE OF IDAHO)
2 County of Cassia) ss
3)

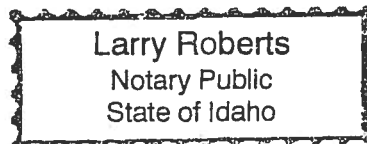
4 On this 24th day of March, in the year 2004, before me, the
5 undersigned, a Notary Public in and for said State, personally appeared **GART T. ELISON**
6 and **MARLA DEAKINS**, known or identified to me to be the persons whose names are
7 subscribed to the within instrument as the Personal Representatives of the Estate of Lois
8 Z. Elison who subscribed their names as Personal Representatives.



9 
10 Notary Public for Idaho
11 Residing at Burley, ID
12 My Commission Expires: 6-30-09

13 STATE OF IDAHO)
14 County of Cassia) ss
15)

16 On this 24th day of March, in the year 2004, before me, the
17 undersigned, a Notary Public in and for said State, personally appeared **LANO A.**
18 **ELISON**, known or identified to me to be the person whose name is subscribed to the
19 within instrument, and acknowledged to me that he executed the same.



20 
21 Notary Public for Idaho
22 Residing at Burley, ID
23 My Commission Expires: 6-30-09

24
25 (ElisonLano\HarperWD.wpd)
26

WARRANTY DEED - 4

PARCEL NO. 1:

TOWNSHIP 13 SOUTH, RANGE 27 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 31: $E\frac{1}{2}SW\frac{1}{4}SE\frac{1}{4}$ and $W\frac{1}{2}W\frac{1}{2}SE\frac{1}{4}SE\frac{1}{4}$

TOWNSHIP 14 SOUTH, RANGE 27 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 6: $E\frac{1}{2}SW\frac{1}{4}NE\frac{1}{4}$, $SE\frac{1}{4}NE\frac{1}{4}$, $E\frac{1}{2}$ of Lot 2, $W\frac{1}{2}W\frac{1}{2}$ of Lot 1

AND ALSO:

Beginning at the $E\frac{1}{4}$ corner of said Section 6;
Thence West 1980 feet;
Thence South 660 feet;
Thence East 1980 feet;
Thence North to the Point of Beginning.

EXCEPTING THEREFROM that portion deeded for highway purposes.

PARCEL NO. 2:

TOWNSHIP 13 SOUTH, RANGE 27 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 31: $W\frac{1}{2}SW\frac{1}{4}SE\frac{1}{4}$, $W\frac{1}{2}NW\frac{1}{4}SE\frac{1}{4}$, Lot 4 and $SE\frac{1}{4}SW\frac{1}{4}$

TOWNSHIP 14 SOUTH, RANGE 27 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 6: Beginning at the $N\frac{1}{4}$ corner of said Section 6;
Thence West 1320 feet;
Thence South 1322 feet;
Thence East 1980 feet;
Thence North 1322 feet;
Thence West 660 feet to the Point of Beginning. (Also described as the $W\frac{1}{2}$ of
Lot 2 and all of Lot 3)

EXCEPTING and reserving to Lano A. Elison a life estate in and to the following described real estate:

Part of the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 6, Township 14 South,
Range 27 East Boise Meridian beginning at the SE corner
of the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of said Section 6:

Thence West 285 feet;

Thence North 165 feet;

Thence East 212 feet;

Thence North 40 feet;

Thence East 73 feet;

Thence South 205 feet to the Point of Beginning.

WATER RIGHTS

43-165A
43-168A
43-169C
43-170A
43-171A
43-172A
43-173A
43-178J
43-2295E
43-2324A
43-2324B
43-2546
43-4000A
43-4000B
43-10086
43-10096
43-11269
43-11270

EXHIBIT A
to Warranty Deed - Elison/Harper

EXCEPTING and reserving to Lano A. Elison a life estate in and to the following described real estate:

Part of the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 6, Township 14 South,
Range 27 East Boise Meridian beginning at the SE corner
of the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of said Section 6:

Thence West 285 feet;

Thence North 165 feet;

Thence East 212 feet;

Thence North 40 feet;

Thence East 73 feet;

Thence South 205 feet to the Point of Beginning.

EXHIBIT D
to Contract of Sale - Elison/Harper

315 31 41 554

T1896

S31 S6
T13 T14
R27 R27

T9348

2
62.2

T9347

T9349

1
52.2

T2021

2
25.5

T8408

4
37.8

1 6

25.5

6
32.0

1
59.8

SG
T14
L27

31 32
6 5

T895

T8409

T1641

7.5

3
27.3

87.0

T1602

70.1 45.5

T1603

7.3

85.4

6

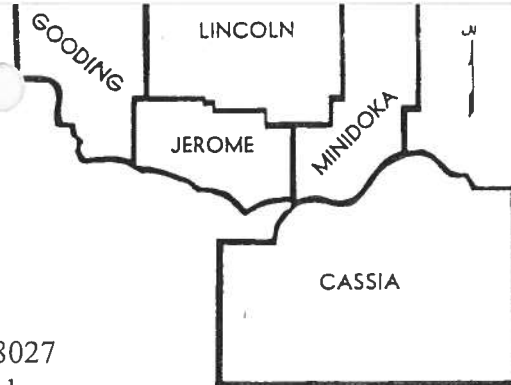
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102.5

62.6

Land Title and Escrow, Inc.

A FULL SERVICE TITLE COMPANY



REFER TO: #38027

OFFICE: Burley

March 30, 2004

Kari Lynn Townsend
ID Dept. of Water Resources
P. O. Box 83720
Boise, ID 83720-0098

RECEIVED
MAY 19 2004
Department of Water Resources
Southern Region

RECEIVED

MAR 31 2004

Department of Water Resources

Dear Kari Lynn:

Enclosed with this letter please find the original executed Notice of Change In Water Right Ownership, a copy of the recorded Warranty Deed, aerial photos and Land Title's check in the amount of \$150.00 for the transfer fee.

Should you have any questions concerning this matter, please do not hesitate to contact me.

Very truly yours,
Land Title and Escrow, Inc.

Nancy Garrett

Nancy Garrett
Reconveyance Department

/nrg
enc.

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: **A43-02295E**
Date Received: 4/19/1989
Receipt No: S006905
Received By: _____

AMENDED

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

AMENDED

1. Name: LANO ELISON 208-645-2537
Address: HC 72 BOX 2176
MALTA ID 83342
OR
Name: LOIS ELISON 208-645-2537
Address: HC 72 BOX 2176
MALTA ID 83342

2. Date of Priority: MAR 5, 1945

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
14S	27E	6	NW	NE	SE		CASSIA

5. Description of diverting works:
WELL AND PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/01	10/31	1.736		

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

8. Total consumptive use is 624.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
13S	27E	31	NE	SE		IRR	20.0

MICROFILMED

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
13S	27E	31	SW		SE		IRR	40.0
			SE		SE		IRR	10.0
Section Acres								70.0
14S	27E	6	NE		NE		IRR	10.0
			NW		NE		IRR	40.0
			SW		NE		IRR	20.0
			SE		NE		IRR	38.0
			NE		NW		IRR	40.0
			NE		SE		IRR	20.0
			NW		SE		IRR	10.0
Section Acres								178.0
Total Acres								248.0

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:

A43-02324A & B, A43-04000A & B, A43-10078, A43-02546

14. Remarks:

TRANS. 2009 AND 1668.

THIS IS A PART OF WR 43-02295D.

AMOUNT CLAIMED CALCULATED FROM MALTA LAND & IRRIGATION CO.

SUMMARY OF DECREE. (SEE ATTACHMENT)

DWR NOTE

CORRECT FLOW FIGURES ADDED 6-2-1989

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 10/18/1928

ALBION-IDAHO LAND CO.

Decree Plaintiff

JOBE ADAMS ET.AL.

vs

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): Lano Elison Date: 1-29-92

Date: _____

State of Idaho)
County of Tusk Falls) SS.

Subscribed and sworn (or affirmed) before me this 29th day
of Jan 19 92

[Signature]
Notary Public

Seal

Residing at Kinsley, Id

My Commission Expires 6/30/94

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: A43-02295E
Date Received: 4/19/1989
Receipt No: S006905
Received By: SCC

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: LANO ELISON 208-645-2537
Address: HC 72 BOX 2176
MALTA, ID 83342

OR

Name: LOIS ELISON 208-645-2537
Address: HC 72 BOX 2176
MALTA, ID 83342

2. Date of Priority: MAR 05, 1945

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
14S	27E	6	NW	NE	SE		CASSIA

5. Description of diverting works:
WELL AND PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/01	10/31	1.736		

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

8. Total consumptive use is 624.0 Acre Feet Per Annum.

9. Non-irrigation uses:

A43-02295E

Page 1

Date: 06/02/89

MICROFILMED

MAR 03 1993

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
13S	27E	31	SW	SE		IRR	40.0
			SE	SE		IRR	10.0
						Section Acres	50.0
14S	27E	6	NE	NE		IRR	10.0
			NW	NE		IRR	40.0
			SW	NE		IRR	20.0
			SE	NE		IRR	38.0
			NE	NW		IRR	40.0
			NE	SE		IRR	20.0
			NW	SE		IRR	10.0
						Section Acres	178.0
		31	NE	SE		IRR	20.0
						Section Acres	20.0
						Total Acres	248.0

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:

A43-02324A & B, A43-04000A & B, A43-10078, A43-02546

14. Remarks:

TRANS. 2009 AND 1668.

THIS IS A PART OF WR 43-02295D.

AMOUNT CLAIMED CALCULATED FROM MALTA LAND & IRRIGATION CO.

SUMMARY OF DECREE.(SEE ATTACHMENT)

DWR NOTE

CORRECT FLOW FIGURES ADDED 6-2-1989

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 10/18/1928

ALBION-IDAHO LAND CO.

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): Lano Elson Date: 6-2-89

Date: _____

State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 2nd day

of June 19 89

Steve Callan
Notary Public

Seal

Residing at Twin Falls

My Commission Expires Dec 7, 1994

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: A43-02295E
Date Received: 4/19/1989
Receipt No: S006905
Received By: SCC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: LANO ELISON 208-645-2537
Address: HC 72 BOX 2176
MALTA, ID 83342

OR
Name: LOIS ELISON 208-645-2537
Address: HC 72 BOX 2176
MALTA, ID 83342

2. Date of Priority: MAR 05, 1945

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
14S	27E	6	NW	NE	SE		CASSIA

5. Description of diverting works:
WELL AND PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/01	10/31	1.070		

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

8. Total consumptive use is 624.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
13S	27E	31	SW	SE		IRR	40.0
			SE	SE		IRR	10.0
					Section Acres		50.0
14S	27E	6	NE	NE		IRR	10.0
			NW	NE		IRR	40.0
			SW	NE		IRR	20.0
			SE	NE		IRR	38.0
			NE	NW		IRR	40.0
			NE	SE		IRR	20.0
			NW	SE		IRR	10.0
					Section Acres		178.0
		31	NE	SE		IRR	20.0
					Section Acres		20.0
					Total Acres		248.0

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:
A43-02324A & B, A43-04000A & B, A43-10078, A43-02546

14. Remarks:
TRANS. 2009 AND 1668.
THIS IS A PART OF WR 43-02295D.
AMOUNT CLAIMED CALCULATED FROM MALTA LAND & IRRIGATION CO.
SUMMARY OF DECREE.(SEE ATTACHMENT)

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 10/18/1928

ALBION-IDAHO LAND CO.

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): Lano Ellison Date: 4-19-89

Date: _____

State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 19th day
of April 19 89 Steve C. Oll
Notary Public

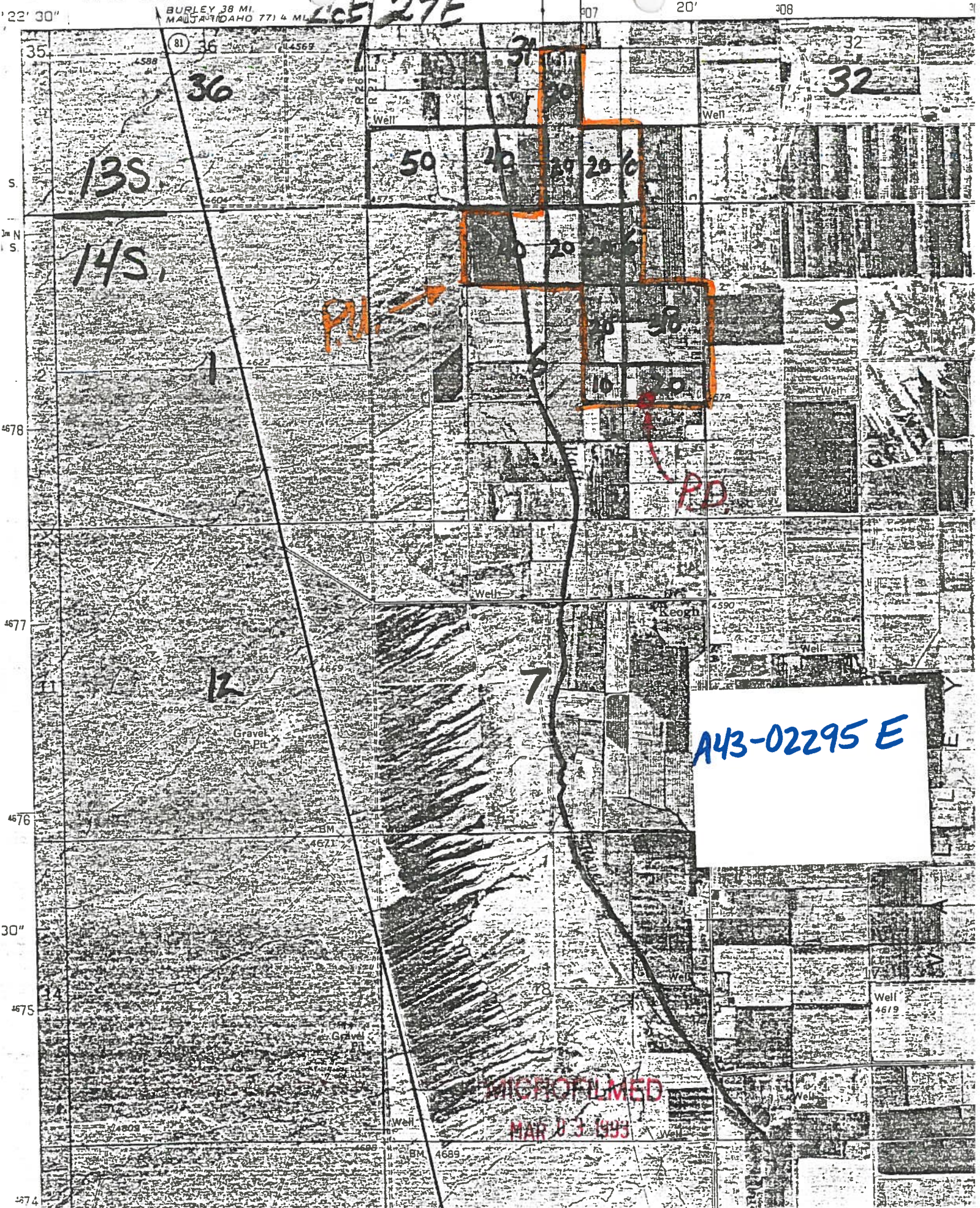
Seal

Residing at Twin Falls
My Commission Expires Dec 7, 1994

DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY

BURLEY 38 MI.
MAJORITY IDAHO 771 4 MI.

27E



A43-02295 E

MICROFILMED
MAR 13 1993

MALTA LAND AND IRRIGATION COMPANY

Water rights to the following described lands:

60 acre tracts on lower unit

25.24 inches	of Raft River Water	dated April 1, 1871	- Usage	April 1st to July 1st
2.38 "	" " " "	" " " "	"	Continuous $\langle 164 + 175 \rangle$
7.62 "	" " " "	" " " 30th ? "	"	April 1st to July 1st
7.62 "	" " " "	" " " 1, 1879	"	April 1st to October 1st
17.34 "	" " " "	" " " June 1, 1879	"	April 1st to October 1st
60.00	total	1.2 cfs		
22.86 inches	" " " "	" " " April 1, 1871	"	July 1st to October 1st
60 "	" " " "	" " " Dec. 12, 1911	"	Continuous
21.43 "	" Subterranean water as shown on Cert. #19601 from Dept. of Reclamation, Boise, Idaho			Mar. 5, 1945

This description of water is for all 7 men on lower unit whose names are:

Floyd Bell, Elmo Elison, Jno. A. ¹/₂ Elison, Lano Elison, R. C. Graham,

Deward Bell and J. H. Thompson.

DECREE:

Albion-Idaho Land Co.

v.

Jobe Adams et. AL.

10/18/1928

MICROFILMED

MAR 03 1993

Water Calculation:

$$21.43" \times 2.5 = 53.58"$$

$$1.07 \text{ cfs}$$

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: 43-2295E

LOIS ELISON
HC 72 BOX 2176
MALTA ID 83342
Telephone Number: (208)645-2537

LANO ELISON
HC 72 BOX 2176
MALTA ID 83342
Telephone Number: (208)645-2537

RECEIVED

JUN 12 2001

Department of Water Resources

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: 6-5-01 SIGNATURE: Lano Elison

Please print your name: LANO ELISON

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

11/01/2000

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

RIGHT NUMBER: 43-2295E

NAME AND ADDRESS: LANO ELISON
LOIS ELISON
HC 72 BOX 2176
MALTA, ID 83342

SOURCE: GROUND WATER

QUANTITY: 1.736 CFS
843.6 AFY

RIGHT NOS. 43-02295E, 43-02324A, 43-02324B, 43-02546, 43-04000A AND 43-04000B ARE LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 6.76 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 1352 AF.

RIGHT NOS. 43-00165A, 43-00168A, 43-00169C 43-00170A, 43-00171A, 43-00172A, 43-00173A, 43-10086, 43-11269, 43-11270, 43-02295E, 43-02324A, 43-02324B, 43-02546, 43-04000A AND 43-04000B ARE LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 7.498 CFS.

PRIORITY DATE: 03/05/1945

POINT OF DIVERSION: T14S R27E S6 NWNESE 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	1.74 CFS 843.6 AFY

PLACE OF USE:

IRRIGATION Within CASSIA County

T13S R27E S31	NWSE	20	T13S R27E S31	SWSE	40
T13S R27E S31	SESE	10	T14S R27E S6	LOT 1	NENE 10
T14S R27E S6	LOT 2	NWNE 40	T14S R27E S6		SWNE 20
T14S R27E S6	SENE	38	T14S R27E S6	LOT 3	NENW 40
T14S R27E S6	NESE	20	T14S R27E S6		NWSE 10

248 ACRES TOTAL

RIGHT NOS. 43-00165A, 43-00168A, 43-00169C 43-00170A, 43-00171A, 43-00172A, 43-00173A, 43-00178J, 43-10086, 43-11269, 43-11270, 43-02295E, 43-02324A, 43-02324B, 43-02546, 43-04000A AND 43-04000B ARE LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 338 ACRES IN A SINGLE IRRIGATION SEASON.

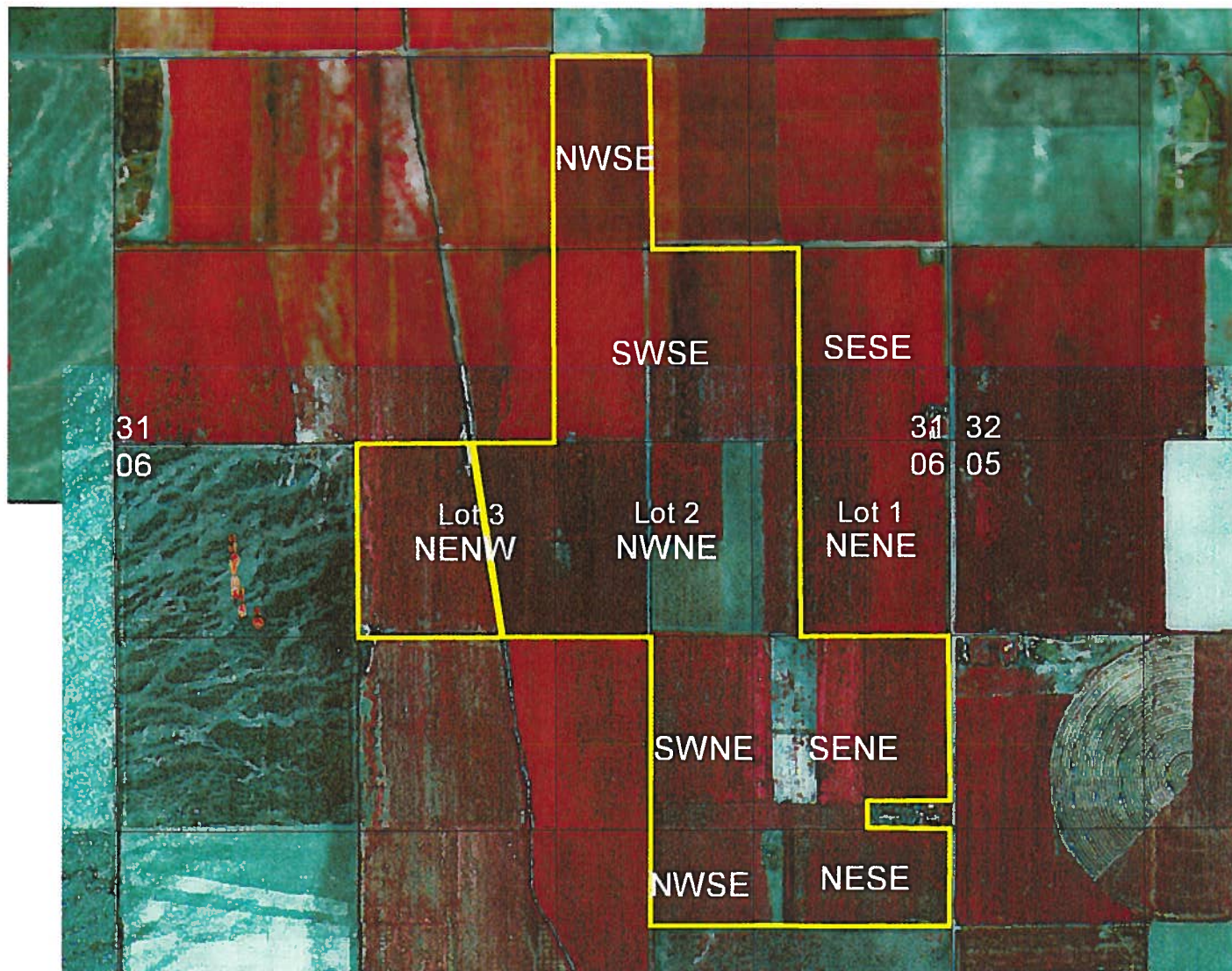
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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

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

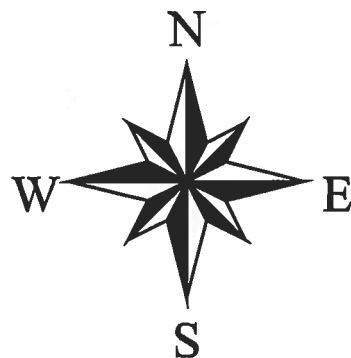
43-02295E



700 0 700 1400 2100 2800 3500 Feet

T13S R27E S31
T14S R27E S06

Map prepared by: Carter Fritschle
Date prepared: 12/29/99
1987-1988 NAPP photography
Idaho Department of Water Resources



C4
3-2-01

43-02295 Licensed for 5 cfs on 720 acres

Splits	Portion of POU	Portion of Diversion Rate
43-02295 E	250 acres	1.74 cfs
43-02295 F	145 acres	1.00 cfs
43-02295 G	120 acres	0.83 cfs
43-02295 H	60 acres	0.42 cfs
43-02295 J	5 acres	0.04 cfs
43-02295 K	<u>140 acres</u>	<u>0.97 cfs</u>
	720 acres	5.00 cfs

State of Idaho
License and Certificate of Water Right

Water License No. 19601 Amount Five (5) second feet
Water District No. _____ Priority March 5, 1945

THIS IS TO CERTIFY that MALTA LAND & IRRIGATION COMPANY
of Malta, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated March 5, 1945; that Permit No. 19601
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
five(5) second feet, was issued thereunder on May 1, 1945, showing that said works
were completed on the 24th day of April, 1945; and that on the 11th
day of June, 1945,
MALTA LAND & IRRIGATION COMPANY

of Malta, State of Idaho, made proof to the satisfaction of the
State Reclamation Engineer of Idaho, of the right to use the waters of five wells
(subterranean), a tributary of _____, for the purpose of irrigation and domestic use
, under Use Permit No. 19601 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
7 of Licenses at page 4286, on the 8th day of March, 1946;
The right hereby confirmed dates from March 5, 1945;
The Points of Diversion ^{are} located as follows: 2 in the NW 1/4 NE 1/4 and 3 in the
~~in the~~ NE 1/4 NE 1/4, Sec. 7, Tp. 14 S., R. 27 E., B. M. Cassia 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 five(5) cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
The water covered by this license is supplemental to decreed rights from other sources, and is appurtenant to the following described lands:					
			<u>N 1/2 NE 1/4 Section 7; NE 1/4, E 1/2 NW 1/4, E 1/2 SW 1/4, SE 1/4 Section 6; Township 14 South, Range 27 East, B.M. SE 1/4 Section 31; Township 13 South, Range 27 East, B. M.</u>		

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
8th day of March, 1946.

MAR K. KULP
State Reclamation Engineer

(SEAL)

AC3 - 10078 (EXP)

CLAIM NUMBER 43-00165A 43-00170A DATE 43-00173A
43-00168A 43-00171A AGENT 43-00178B
43-00169C 43-00172A

TRANSFER NUMBER _____
 CLAIMED ACRE TOTAL 33
 GIS ACRE TOTAL 33

	TWP	RNG	SEC	NE				NW				SW				SE			
				NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
CLAIM	13S	27E	31											50	40		20	40	10
GIS	13S	27E	31											50	40		18	40	10
RECOM	13S	27E	31																
CLAIM	14S	27E	6	10	20	10	40	20	38	40						20	10		
GIS	14S	27E	6	10	41	20	38	41								20	10		
RECOM	14S	27E	6																
CLAIM																			
GIS																			
RECOM																			

B43-DBPOU.SHP

SHAPE NOS.

43-DBPOD.SHP

NOS. DESCRIPTION

DBF TABLES UPDATED

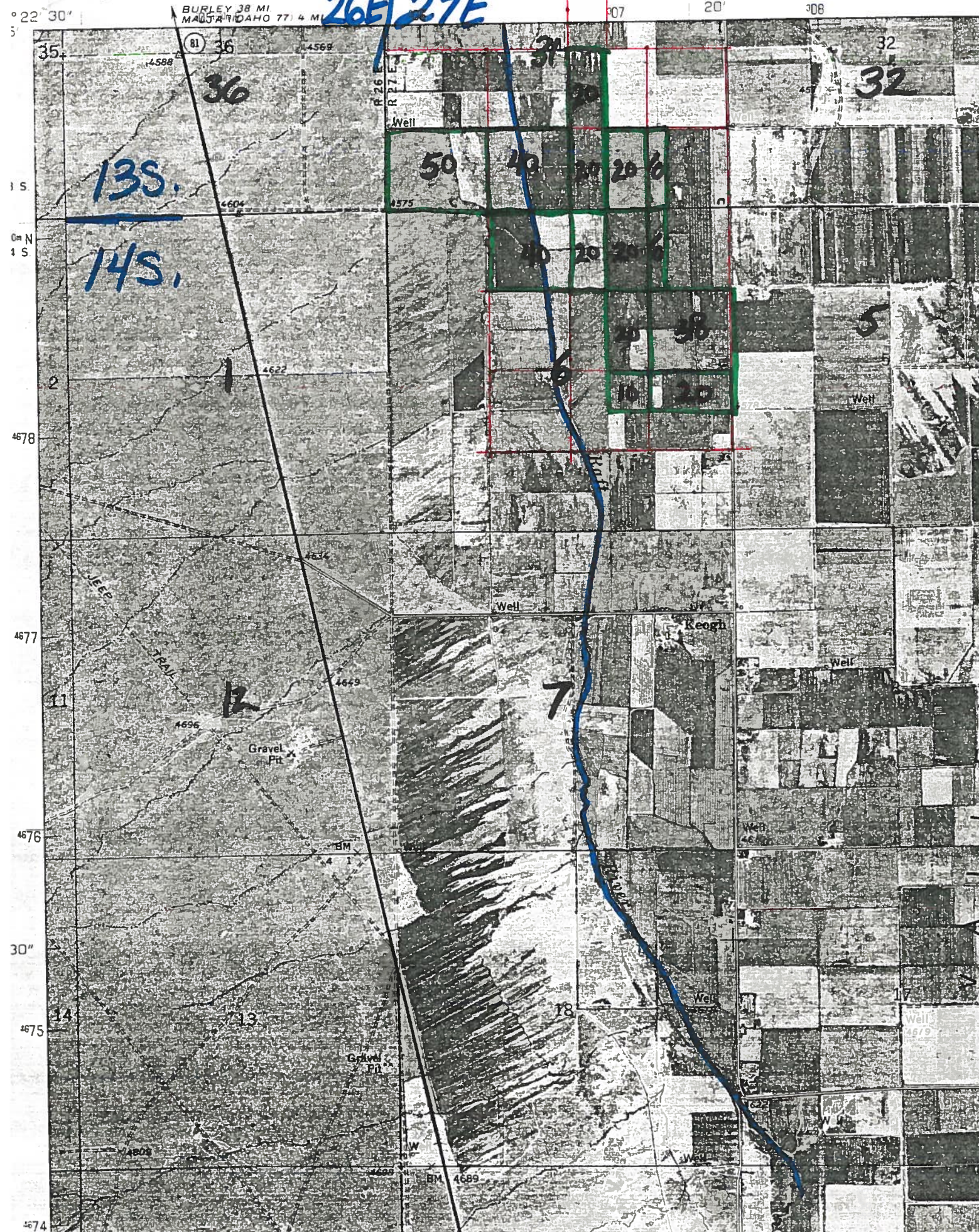
43-DBPOU.DBF

43-DBPOD.DBF

LAYOUT

26E/27E

307 | 20' | 308



$\times 2\frac{1}{2} = \text{TOTAL}$

60-42

Continuous
continuous

12/12/1911

?

Dimensions	Part	Notes	Dimensions	Part	Notes
1.19"	✓ 43-0164	.5 ffs	4-30 to 7-1	4-1-1871	2.975"
7.62"	✓ 0165	3.2 ffs	4-30 to 7-1	"	A43-00165A
1.19"	✓ A43-10085	.5 ffs	continuous 4-1 to 11-1	"	2.975"
10.02"	✓ 0176	4.21	4-1 to 7-1	"	1.75 ffs (8)
14.81	✓ 0176	4.21	4-1 to 7-1	"	25.24"
7.62"	✓ one claim 0166	3.2	"	"	2.38"
2.62"	✓ 0167	3.2	"	"	7.62"

22.86 ✓	<u>0168</u>	9.6	7-1 to 10-1	4-1-1879	22.86" ~~7.62~~ " 1.51"
7.62" ✓	<u>0172</u>	3.2	" 4-1 to 10-1	" 7.62"	

Part	QTY	UNIT PRICE	DATE	TOTAL
0169A	7.2	"	6-1-1879	0.85
0169B	5.6	"	"	0.67
0170	2.4	"	4-1-1881	0.29

17.14" ✓
 13.33" ✓
 5.71" ✓

Max
 C.C.

15.24" ✓ 0.173 6.4

Revised - 178B
6-2-89

4-1-1882 0.76
15.24 =

23.8 ✓
full 80"
amount

0/71 10,0

250"

④ 1-1883
3.1-1883 1,63
80''

5.83 cfs total export

40" - 0178 B 48/52 (7) (x 2 1/2)

MALTA LAND AND IRRIGATION COMPANY

Water rights to the following described lands:

60 acre tracts on lower unit

-176	25.24	inches of Raft River Water dated April 1, 1871 - Usage	April 1st to July 1st
-166	2.38	" " " " " " " " " " " "	Continuous (164 + 175)
-167	7.62	" " " " " " " " " " " "	April 1st to July 1st
-165	7.62	" " " " " " " " " " " "	April 1st to July 1st
-172	7.62	" " " " " " " " " " " "	April 1st to October 1st
-169A	17.14	" " " " " " " " " " " "	April 1st to October 1st
	60.00	total 1.2 cfs	
-168	22.86	inches " " " " " " " " " " " "	July 1st to October 1st
	60	" " " " " " " " " " " "	Continuous
	21.43	" Subterranean water as shown on Cert. #19601 from Dept. of Reclamation, Boise, Idaho	Mar. 5, 1945

This description of water is for all 7 men on lower unit whose names are:

Floyd Bell, Elmo Elison, Jno. A. ¹/₂ Elison, Lano Elison, R. C. Graham,Deward Bell and J. H. Thompson.DECREE:

Albion-Idaho Land Co.

v.

Jobe Adams et. AL.

10/18/1928

MALTA LAND AND IRRIGATION COMPANY

rights to the following described lands:

40 acre tracts for lower unit

-169B	13.34	inches of Raft River Water dated June 1, 1879 - Usage	April 1st to October 1st
-170-	5.71	" " " " " "	April 1, 1881 " " " " "
-173-	15.24	" " " " " "	April 1, 1882 " " " " "
178B	40	" " " " " "	Dec. 12, 1911 " Continuous
-14.28	"	" Subterranean water ~~as shown on Cert. of Transfer~~ <i>abandoned!</i> #19601	Mar. 5, 1945 Continuous

For Floyd Ball, Elmo Elison, Jno. A. Elison, Deward Bell,

R. C. Graham, Lano Elison and J. Henry Thompson.

Water rights to the following described lands:

71-80	inches of R _a ft River Water dated April 1, 1883 - Usage	Continuous
40	" " " " " " Dec. 12, 1911 "	"

For Jno. A. Elison, Floyd Bell, Deward Bell, J. H. Thompson, Lano Elison and Elmo Elison. Lano Elison has 20 inches extra of Dec. 12, 1911 water and Elmo Elison also has 20 inches extra of May 24, 1909 water, R. C. Graham has 90 inches of May 24, 1909 water and Floyd Bell 10 inches of May 24, 1909 water extra.

22' 30"

BURLEY 38 MI
MAD. T. IDAHO 771 4 M

26E 27E

107

20

308

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S
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M
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678

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4578

30"

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10

212

UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY

BURLEY 38 MI.
MAUSA (IDAHO 77) 4 MI.

26E 27E

307

20'

308

30

22' 30"



IDAHO
CASSIA
Report ID: ASCS-156EZ

U.S. Dept. of Agriculture
Agri. Stab. & Conserv. Svc.
Abbreviated 156 Farm Record

FARM 2770
Prepared: 12/27/93
Crop Year: 94
Page: 2

No. of Tracts: 6

Current Year

TRACT NO.	FARMLAND	CROPLAND	IRRIGATED CROPLAND	HEL	027	A027	W	CW	FW	PC	AW	MW	RW	MG	CWTE	CWNA	PCW
1600	62.0	55.7	55.7	N	N	N	Y	N	N	—							N
IDENTIFIER			S-31 T-13 R-27	S-1	T-14	R-27	EE-28										
OWNER		1 - ALAN HARPER															
1602	94.0	85.4	85.4	N	N	N	Y	N	N	—							N
IDENTIFIER			S-6 T-14 R-27	EE-30													
OWNER		1 - ALAN HARPER															
1895	120.0	115.6	115.6	N	N	N	Y	N	N	—							N
IDENTIFIER			S-6 T-14 R-27	EE-30													
OWNER		1 - ALAN HARPER															
2021	190.0	182.0	182.0	Y	Y	Y	Y	N	N	—							N
IDENTIFIER			S-6 T-14 R-27	S-31	T-13	R-27	DD-28										
OWNER		1 - LAND ELISON															
8408	60.0	58.6	58.6	N	N	N	Y	N	N	—							N
IDENTIFIER			S-6 T-14 R-27	S-31	T-13	R-27	EE-28										
OWNER		1 - LAND ELISON															
8409	90.0	87.0	87.0	N	N	N	N	N	N	—							N
IDENTIFIER			S-6 T-14 R-27	EE-30													
OWNER		1 - LAND ELISON															

Alan Harper farms

CLAIM NUMBER A43-02295E DATE _____
AGENT _____

TRANSFER NUMBER _____
CLAIMED ACRE TOTAL 248
GIS ACRE TOTAL _____

	TWP	RNG	SEC	NE				NW				SW				SE				
				NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
CLAIM	13S	27E	31													20		40	10	70
GIS	13S	27E	31													18		40	10	68
RECOM	13S	27E	31																	
CLAIM	14S	27E	6	10	40	20	38	40								20	10			178
GIS	14S	27E	6	10	41	20	38	41								20	9.9			179
RECOM	14S	27E	6																	
CLAIM																				
GIS																				
RECOM																				

B43-DBPOU.SHP _____

SHAPE NOS. _____

43-DBPOD.SHP _____

NOS.	DESCRIPTION

DBF TABLES UPDATED _____

B43-DBPOU.DBF _____

B43-DBPOD.DBF _____

JPEG LAYOUT _____

R PROOF

CVR

MAPS

PHOTOS

MISC
