

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: A43-02330
Date Received: 6/23/1989
Receipt No: S007732
Received By: W

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: DEC 29, 1948

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

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

5. Description of diverting works:
WELL, PUMP, PIPELINE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/01	10/31	0.800		

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

8. Total consumptive use is 120.0 Acre Feet Per Annum.

9. Non-irrigation uses:

A43-02330

Page 1

Date: 06/23/89

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MAR 03 1993

10. Place of Use:

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

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:
A43-99178F, 00171

14. Remarks:
CLAIMED WR #43-00171 AS ANOTHER RIGHT USED BUT HAVE NO
ADJUDICATION CLAIM FILED REPRESENTING THE DECREED RIGHT.

15. Basis of Claim: LICENSE
Water Right Number: 20838

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 FALLSIN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

RECEIVED

JUN 7 1989

Department of Water Resources
Southern Region Office

43-2330

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

CIVIL CASE NUMBER: 39576

Ident. Number A43-02330Date Received 6-7-89Receipt Number 5007732

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) Dec. 29, 19483. Source of water supply (a) groundwater
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 NW 1/4, Govt. Lot, _____ B.M., County of Cassia

Additional points of diversion if any: _____

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.

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6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from Mar 1 to Oct 31 amount 0.80 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.80 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 120 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				40													40

Total number of acres irrigated 40

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.
43-171, and 43-178B. or None ()

14. Remarks:

Waters uses under this claim are indential to those listed under the
license for this right.

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MAR 03 1993

Last Name Harper Ident No. _____

Copies: White -State, Yellow-Claimant

Scale: 2 inches equals 1 mile

R26E R27E

A 20x20 grid of graph paper. The grid is divided into four 10x10 quadrants by a vertical line between columns 10 and 11, and a horizontal line between rows 10 and 11. Handwritten notes and a diagram are present in the upper-left quadrant (rows 1-10, columns 1-10):

- Row 1, Column 10: "30"
- Row 2, Column 10: "Ready Use"
- Row 3, Column 10: A small diagram showing a vertical line with a horizontal line segment at the top, labeled "Well" and "31".
- Row 4, Column 10: "135."
- Row 5, Column 10: "145."
- Row 6, Column 10: "6"
- Row 7, Column 10: "7"

The rest of the grid is empty.

UNCLASSIFIED

MAR 03 1993

Last Name

Harper

Ident No.

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) ☐ Official Use ☐ Posted Notice ☒ License ☐ Permit ☐ Decree

If applicable provide IDWR Water Right Number 43-2330

Court _____ Case Number _____ Decree Date _____

Plaintiff vs Defendant _____

16. Signature (s)

(a.) By signing below, I/We acknowledge that I/We have received, read, and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not ☒ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments none

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 Boal

Residing at Maria 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

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MAR 03 1993

Last Name Harper Ident. Number _____

Copies White-State, Yellow-Claimant



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):

A43-02330
Re: 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 03 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: 43-2330

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

10/18/2000

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

RIGHT NUMBER: 43-2330

NAME AND ADDRESS: D JAY HARPER
JEANETTE W HARPER
HC 72
BOX 2156
MALTA, ID 83342

SOURCE: GROUND WATER

QUANTITY: 0.8 CFS
160 AFY

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.

RIGHT NOS. 43-02295H, 43-02330, 43-02528, 43-04166 AND 43-11235 ARE LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 3.93 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 940 AF.

PRIORITY DATE: 12/29/1948

POINT OF DIVERSION:	T13S R27E S31	SENENW	Within CASSIA County
	T13S R27E S31	SWNESE	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	0.80 CFS 160.0 AFY

PLACE OF USE:

<u>IRRIGATION Within CASSIA County</u>					
T13S R27E S31	NENE	40	T13S R27E S31	NWNE	40
T13S R27E S31	NENW	39	T13S R27E S31	SENE	37
T13S R27E S31	SWNE	10	T13S R27E S31	SENE	38
T13S R27E S31	NESE	40	T13S R27E S31	NWSE	20
T13S R27E S31 LOT 1	NWNW	50	T13S R27E S31 LOT 2	SWNW	48

362 ACRES TOTAL

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 40 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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.

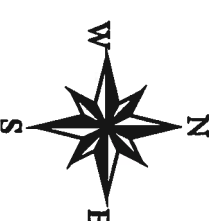
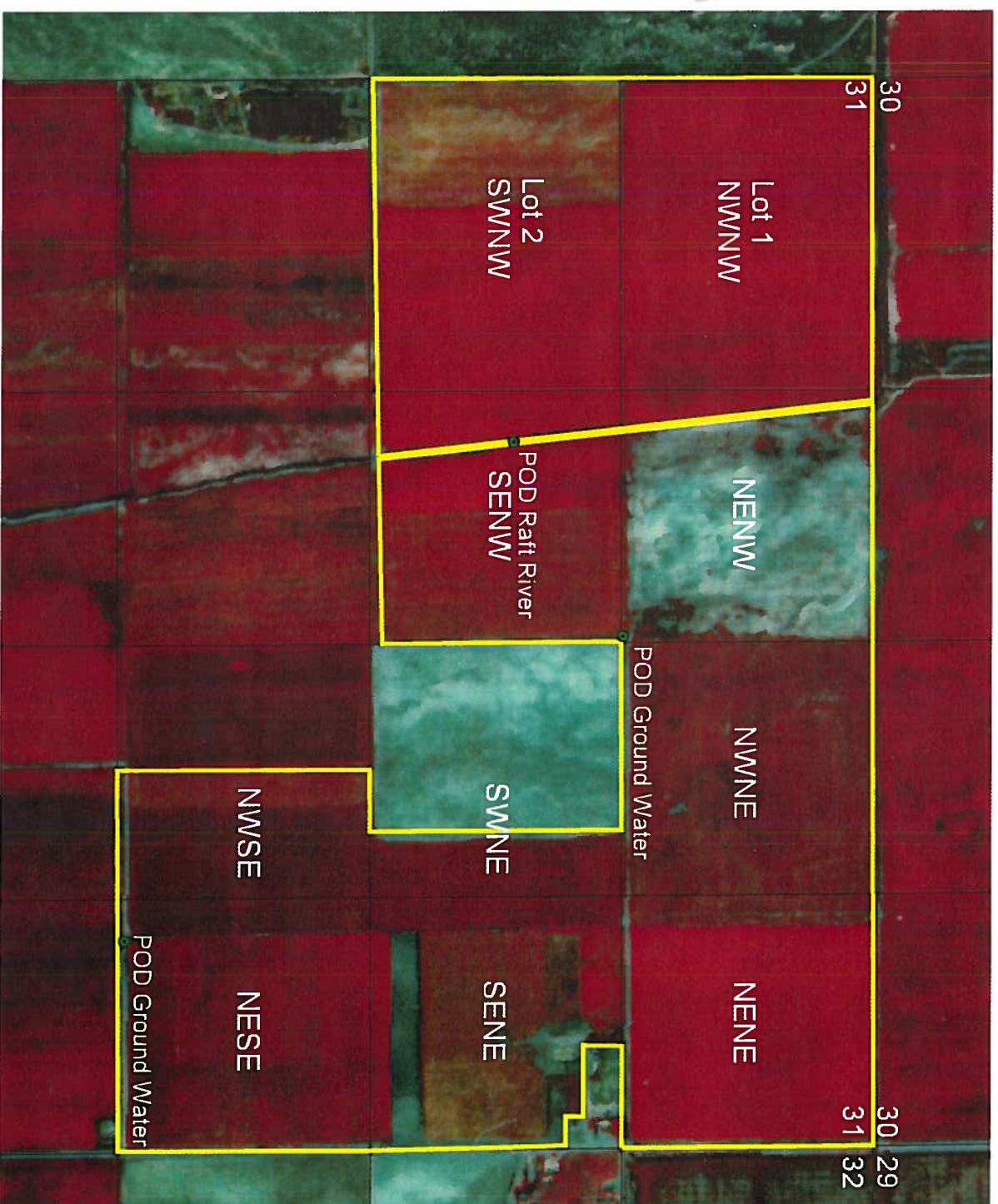
EXPLANATORY MATERIAL: BASIS OF CLAIM - License

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

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

RIGHT NO. 43-11235 IS AN EXPANSION OF THIS RIGHT AND RIGHT NOS. 43-02295H, 43-02528 AND 43-04166 PURSUANT TO SECTION 42-1416B, IDAHO CODE.

43-U01/1B, 43-U01/3D, 43-U01/7F, 43-U01/8F, 43-U2295H,
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

D. Jay Harper

Field exam conducted 5-18-00
at

Ground water rights

* 1945	43-02295H	60 acres (K06)	0.43 cfs	209 240
1948	43-02330	40 acres (K06)	0.80 cfs	160
1961	43-02528	110 acres (K06)	2.20 cfs	471 440
1959	43-04166	<u>25</u> acres (K06)	<u>0.50</u> cfs	<u>100</u>
		235 acres	3.93 cfs	940

* Uses same POD as licensed for 43-02528. Therefore 31 AF added to 43-02528 Div.

$$3.93 \text{ cfs} \div 362 \text{ acres} = 0.01086 \text{ cfs/ac.}$$

$$\begin{array}{r} - 235 \text{ acres} \\ 43-11235 \end{array} \quad \begin{array}{r} \text{modified} \\ 127 \text{ acres (K09)} \end{array} \quad \begin{array}{r} \times 1.27 \text{ ac} \\ 1.38 \text{ cfs} \end{array}$$

$$235 \text{ ac} \times 4 \text{ af/ac.} = 940 \text{ AF}$$

43-02295H, 43-02330, 43-02528, 43-04166 and 43-11235 limited to 3.93 cfs, 940 AF and 362 acres.

$$362 \text{ ac} \times 0.02 \text{ cfs/ac} = 7.24 \text{ cfs}$$

43-11235 is an expansion of 127 acres (K09) Modified

	Surface water rights	Claimed	Allowable	Claimed acres
1983	43-00171B	10.03	4.73	260
1882	43-00173D	6.40	0.61	60
1909	43-00177F	21.60	1.40	70
1911	43-00178F	48.80	4.00	220 Flood

Use of 43-00171B, 43-00173D, 43-00177F, 43-02295H, 43-02330, 43-02528, 43-04166 and 43-11235 limited to a total combined diversion rate of 7.24 cfs

A43-02330

STATE OF IDAHO

License and Certificate of Water Right

Water License No. 20838

Amount 0.8 c.f.s.

Water District No.

Priority December 29, 1948

THIS IS TO CERTIFY that JOHN A. ELISON ESTATE

of Malta, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated December 29, 1948; that Permit No. 20838 was issued under said application; that Certificate of Completion of Works, with a carrying capacity of 1.6 second feet, was issued thereunder on October 28, 1953, showing that said works were completed on the 14th day of October, 1953; and that on the 15th day of October, 1953,

JOHN A. ELISON ESTATE

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 a well,

a tributary of subterranean flow, for the purpose of domestic and irrigation, under Use Permit No. 20838 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 14 of Licenses at Page 8914, on the 16th day of November, 1967.

The right hereby confirmed dates from December 29, 1948.

The Point of Diversion is located

in the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 31, Twp. 13 S, Rge. 27 E, B.M., County of Cassia.

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 0.8 cubic feet per second.

Description and location of use:

Twp.	Range	Section	Forty-Acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
13 S	27 E	31	NE $\frac{1}{4}$ NW $\frac{1}{4}$	40	40
Total number of acres irrigated:					40

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 16th day of November, 1967.

S/ R. KEITH HIGGINSON

State Reclamation Engineer.

(SEAL)

16 2077

A43-02330

Form 23

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

PERMIT NO. 20838

REPORT ON PROOF OF Beneficial Use

JOHN A. ELISON, Estate C/o Lano Elison, Admr., Malta, Idaho

of
sunk

1/15/01

1/15/01

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO
REPORT OF ENGINEER

Permit No. 20838This proof is for Beneficial Use In Water District No. _____1. Name of applicant John A. Elison Estate, C/o Lano Elison, Admr., Malta, Idaho2. Source of water supply: Subterranean from a well3. Location of point of diversion: Is in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 31T. 13 S. R. 27 E. County of Cassia

4. Describe works as they exist, giving dimensions and capacities of same: 10 h.p. U. S. motor located over the well. Pump and motor in the well are covered with a small wooden house, difficult to get into and read numbers. Delivery is through an 8" by 8' pipe to the South into an open ditch. Pump is a Layne Bowler Turbine Well is a shallow well 40' deep by 18" diameter. Top 20' has been dug. This shallow well has now gone practically dry and is not pumped because of that.

5. Water is used for: Irrigation and domestic purposes6. State whether or not water has been turned into works of diversion: Yes

7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if other than irrigation):

Lot 1 and NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 31, Twp. 13 South, Range 27 East, B. M.See the map.

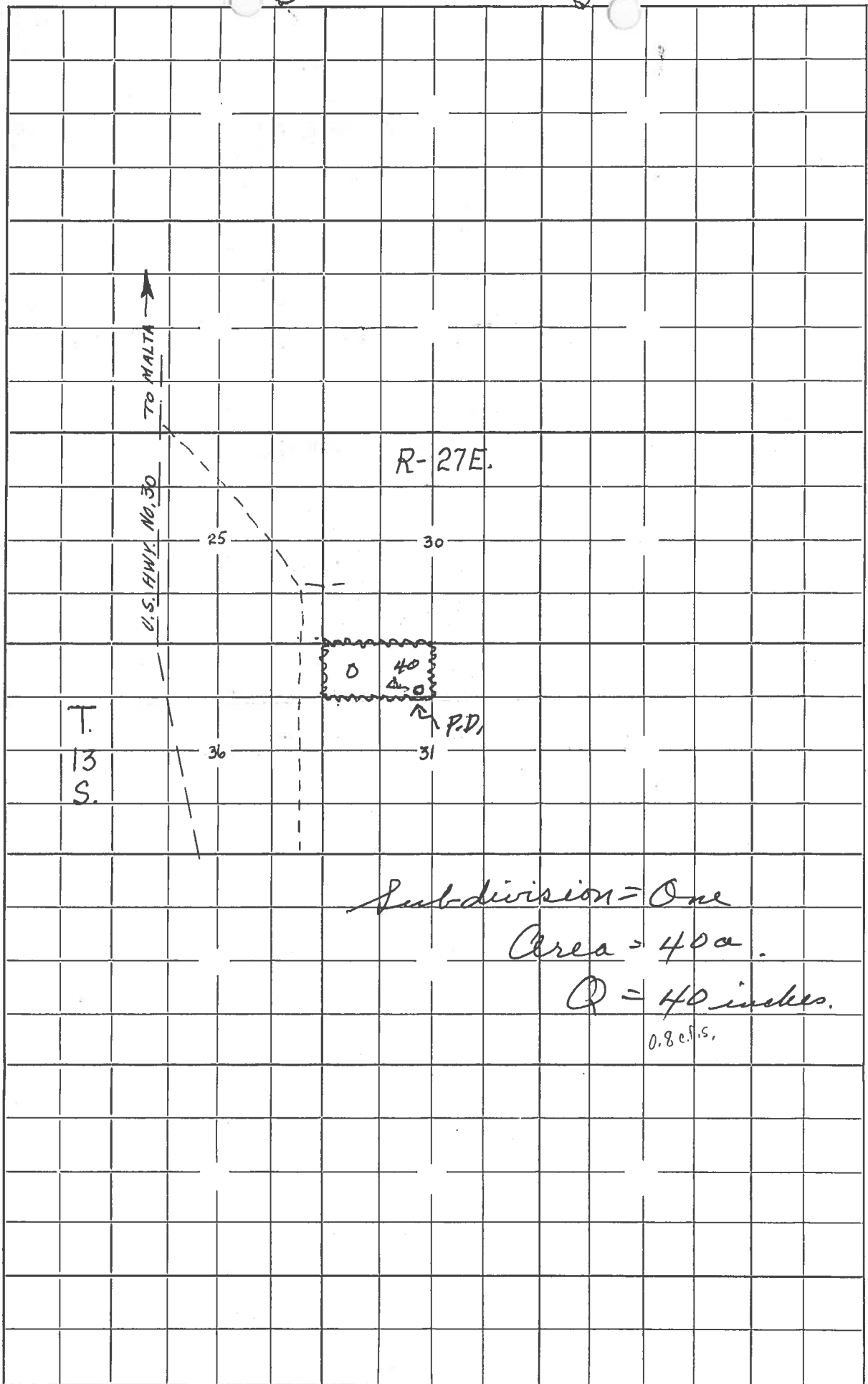
(Submit map on attached plat, showing location and details of above description.)

8. What large stream would the water here appropriated finally reach? _____

Remarks: This well is not being pumped because it will pump dry.
Lano Elison says in past years it has pumped over 80 inches of water.

This examination was made on the 12 day of Aug., 1953(Signed) E. H. Humphrey
Examiner.

20838



Scale: 2 Inches Equals 1 Mile. Draw Map In Ink.

20838

INSTRUCTIONS TO EXAMINERS

1. Always carefully note the location of the point of diversion and accurately plat same.
2. When proof is for beneficial use, carefully check up the number of acres actually irrigated in each forty and accurately plat same.
3. Make a map showing the correct location of streams and ditches, and the irrigated lands, and any adjacent permanent landmarks, such as towns, lakes, large streams and public roads.
4. If any unusual conditions are discovered, make plain statement of them under remarks.
5. Always see the holder, if possible, and go over the whole ground with him and make your report only upon actual existing facts and conditions.
6. Give general characteristics of soils, topography, and crops raised.

RECEIVED
SEP 12 1955
Department of Reclamation

John A. Ellison, Estate
Lano Ellison, Adm'r
Malta, Idaho
Permit No. 20838

Examination for Beneficial Use

County Cassia

31-135-27E

$\delta = 1.5 \text{ } 2.5$

$S = 7.6$

$\Delta = NE. NW. Sec. 31, T.13S. - R. 27E.$

See - Description

Reference to map 1953

Made: Oct. 15, 1953

Due: Dec. 31, 1955

$\frac{2.9 \times 1.6}{1.6} = 2.9$

made by - Dec. 29, 1955
Due - Dec. 31, 1953

Priority: Dec. 29, 1948

10 My. U.S. - 7000

2-201, (9192939)

270' in different place to me

Large 18' water

2 bands 10 d.

8" col.

46' x 18" col 5 bottom

dry 20'

Pumped by hot water

8' x 5' thick 7' 3

E.M. Section 15

4' x 2' 7' 6

R PROOF

CVR

MAPS

PHOTOS

MISC

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2

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