

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 43-2356A
Date Received:
Receipt No:
Received By:

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

1. Name of Claimant(s)

GARY B HARPER
2040 E 850 S
DECLO ID USA 83323

Phone: (208) 645-2227

2. Date of Priority: 09/08/1950

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 Lot	County	Type
11S	27E	31	NW	SE	SE	CASSIA	

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	03/15	11/15	1.4	458.4

7. Total Quantity Appropriated is:
1.4 C.F.S. and/or 458.4 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of	1/4 Lot	Use	Acres
11S	27E	31	NE	NE	IRRIGATION	32.3
			SE	NE	IRRIGATION	32.3
			NE	SE	IRRIGATION	31.9
			SW	SE	IRRIGATION	31.9
			NW	SE	IRRIGATION	31.9
			NW	NE	IRRIGATION	32.3

SW	NE	IRRIGATION	32.3
SE	SE	IRRIGATION	31.5
		Section Acres	256.4
		Total Acres	256.4

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:

14. Remarks: **Transfer 66647**

The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.

Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.

After specific notification by the Department, the right holder shall measure the diversion or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.

The total instantaneous diversion of water from all points of diversion under Rights 43-2356A, 43-2441B, 43-4022A, 43-4023A and 43-4024C shall not exceed 4.80 cfs, nor total combined annual volume of 1025.6 af and the irrigation of 256.4 acres.

Rights 43-2441B, 43-4022A, 43-4023A and 43-4024C when combined shall not exceed a total diversion rate of 3.40 cfs, a total annual maximum diversion volume of 680.0 af at the field headgate, and the irrigation of 170 acres.

This right is limited to the irrigation of 114.6 acres within the place of use described above in a single irrigation season.

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.

Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.

Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

15. Basis of Claim: License

WATER RIGHT NO. 43-2356A
As Modified by Transfer No. 66647

In accordance with the approval of Transfer No. 66647, Water Right No. 43-2356A is now described as follows.

Right Holder: GARY B HARPER
 2040 E 850 S
 DECLO ID 83323

Priority Date: 09/08/1950

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15	11/15	1.40 CFS	458.4 AF
			1.40 CFS	458.4 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NWSESE Sec. 31 Twp 11S Rge 27E CASSIA County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
11S	27E	31	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
			32.3	32.3	32.3	32.3									31.9	31.9	31.9	31.5	256.4

Total Acres: 256.4

CONDITIONS OF APPROVAL

1. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
2. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
4. After specific notification by the Department, the right holder shall measure the diversion or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
5. The total instantaneous diversion of water from all points of diversion under Rights 43-2356A, 43-2441B, 43-4022A, 43-4023A and 43-4024C shall not exceed 4.80 cfs, nor total combined annual volume of 1025.6 af and the irrigation of 256.4 acres.
6. Rights 43-2441B, 43-4022A, 43-4023A and 43-4024C when combined shall not exceed a total diversion rate of 3.40 cfs, a total annual maximum diversion volume of 680.0 af at the field headgate, and the irrigation of 170 acres.

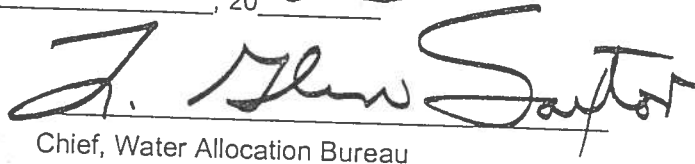
WATER RIGHT NO. 43-2356A
As Modified by Transfer No. 66647

CONDITIONS OF APPROVAL

7. This right is limited to the irrigation of 114.6 acres within the place of use described above in a single irrigation season.
8. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
9. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
10. Pursuant to Section 42-1412(6); Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 6th day of June, 2002


Chief, Water Allocation Bureau

RECEIVED

OCT 25 2001

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

Department of Water Resources
 Southern Region

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
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____

2. 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**.

3. Name and Address of Former Owner/Claimant(s)

Roland Allen Land & Livestock
1910 OAKLEY AVE Burley Id

4. New Owner/Claimant(s)

B GARY B. HARPER
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or

New Mailing Address

2040 E 850 S.

City, State and ZIP Code

DEULO, ID 83323

New Telephone Number

(208) 645-2227

5. Date you acquired the property

JAN 24, 2000

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT
(If the right(s) will not be split, skip this area and proceed to item 7)

Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT
(If the right(s) will not be split, skip this area and proceed to item 7)

Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7. Signature of New Owner(s) or Claimant(s)
(include title if applicable)

Gary B. Harper
Susan L. Harper

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only

Received by _____	Date _____	Fee _____
Receipted by _____	Date _____	Receipt No. _____
Processed by _____	AJ Date _____	WR _____ Date _____

266727

#32177

WARRANTY DEED

For Value Received, **ROLAND ALLEN LAND AND LIVESTOCK, INC., an Idaho corporation**, as Grantor, does hereby grant, bargain, sell and convey unto **GARY B. HARPER and SUSAN C. HARPER, husband and wife**, as Grantees, whose address is 2040 East 850 South, Declo, Idaho 83323, the following described premises in Cassia County, Idaho, to-wit:

PARCEL NO. 1:

TOWNSHIP 11 SOUTH, RANGE 27 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 31: E½

EXCEPTING THEREFROM, the following:

Beginning at the Northeast corner of said Section 31; Thence South 0°16'46" East along the Section line for 592.02 feet to the Point of Beginning;

Thence continuing South 0°16'46" East for 455.98 feet;

Thence North 41°25'16" West parallel to and 150.0 feet Southwesterly from the centerline of I-80 North Highway for 1388.20 feet to a point on the North line of said Section 31:

Thence North 89°33'44" East along said North line for 397.40 feet to a point that bears South 89°33'44" West for 515.88 feet from the NE corner of said Section 31;

Thence South 41°25'16" East parallel to and 150.0 feet Northeasterly from said centerline of I-80 North Highway for 784.18 feet to the Point of Beginning.

PARCEL NO. 2

TOWNSHIP 11 SOUTH, RANGE 27 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 30: All of the SE¼ of Section 30 lying South and West of the South boundary line of Interstate I-84.

TOGETHER WITH all water and water rights, ditches and ditch rights used thereon or appurtenant thereto including but not limited to State of Idaho Water Right No. T43-02441C and 2.31 cfs in Water Right No. T43-02356A.

SUBJECT TO:

Accruing taxes, levies and assessments; easements and rights of way of record if any.

Obligations to Raft River Rural Electric Cooperative under Agreement For Electric Service dated February 2, 1998, Service No. 9064 which Agreement For Electric Services was recorded on February 19, 1998 as Instrument No. 253796, records of Cassia County, Idaho.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees and their heirs and assigns forever. The Grantor does hereby covenant to and with the said Grantees, that he is the owner in fee simple of said premises, that the premises are free from all encumbrances and that he will forever warrant the title to said premises. This conveyance, however, is subject to federal patents; building or use restrictions; building and zoning regulations and ordinances of any governmental unit; all rights of way, ditch rights, and easements claimed, established or of record; accruing taxes and assessments; encumbrances which are not shown by public records and which were created prior to Grantor's ownership of the property; discrepancies, conflicts in boundary lines, shortage in area, encroachments, or any other facts which a correct survey would disclose, and which are not shown by the public records; unpatented mining claims and claims or title to water or water rights.

DATED this 5 day of January, 2000

ROLAND ALLEN LAND AND LIVESTOCK, INC.

By: Keith Hunsaker

Keith Hunsaker, Vice President

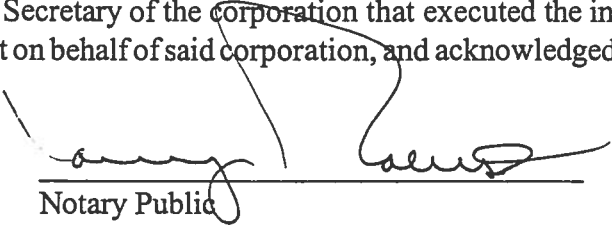
ATTEST

Roland G. Allen
Roland G. Allen, Secretary

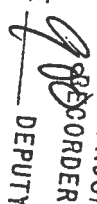
STATE OF IDAHO)
) ss.
COUNTY OF Cassia)

On this 5th day of **January, 2000**, before me, the undersigned, a Notary Public in and for said State, personally appeared **KEITH HUNSAKER and ROLAND G. ALLEN**, known or identified to me to be the Vice President and Secretary of the corporation that executed the instrument or the person who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.

Larry Roberts
Notary Public
State of Idaho



Notary Public
Residing at: Burley, ID
My Commission expires: 6-30-03

266727
CASSIA COUNTY, IDAHO
DARRELL M. ROSKELLEY
RECORDER
FEE 
DEPUTY 
'00 JAN 5 PM 3 11
RECORDED AT THE REQUEST OF
LAND TITLE & ESCROW

11S27E30

Section 30 Township 11 Range 27

600 S
2350 E

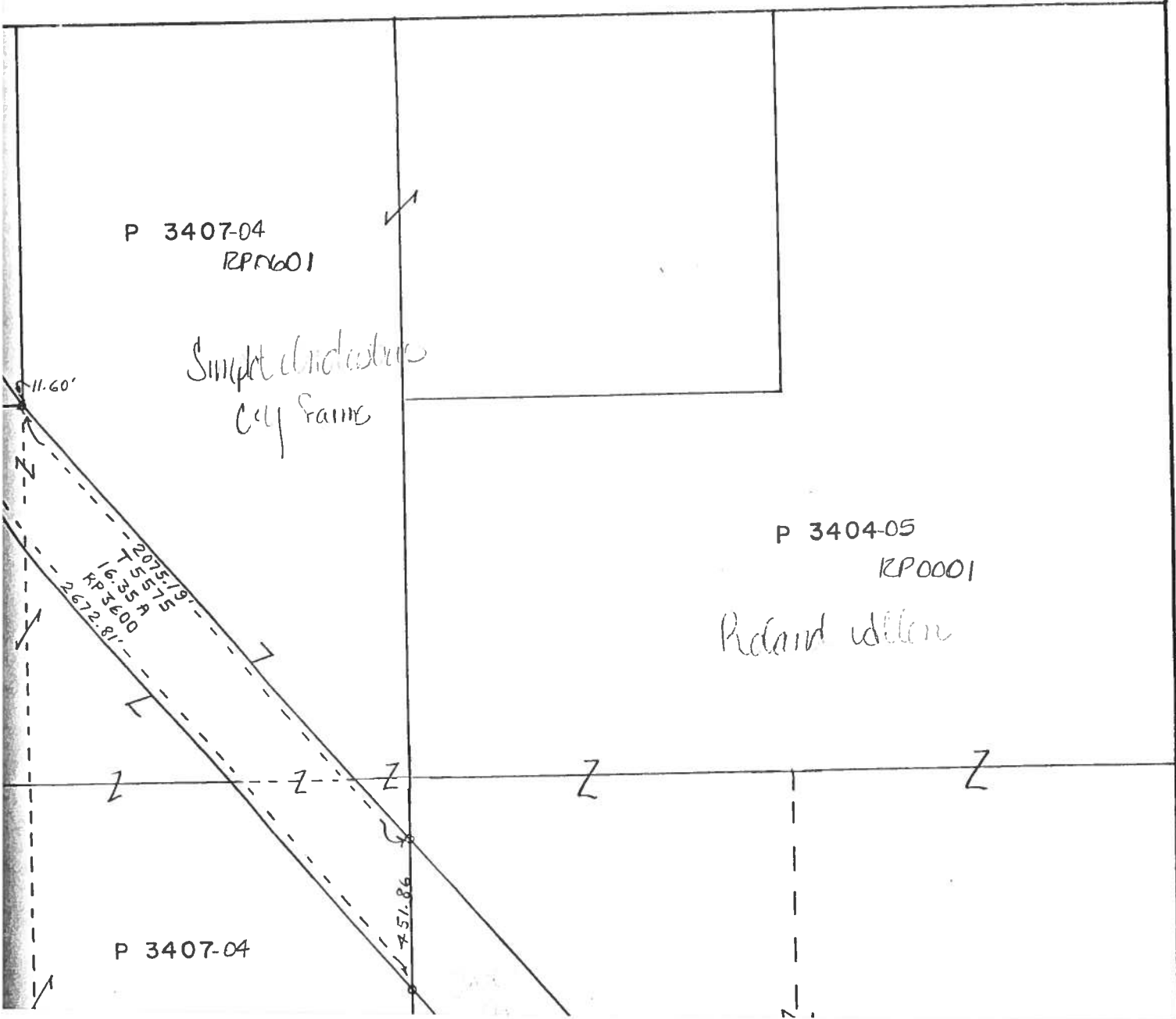
P 3407-04
RPN601

Simple undulating
cell frame

P 3404-05
RP0001

Richard Wilson

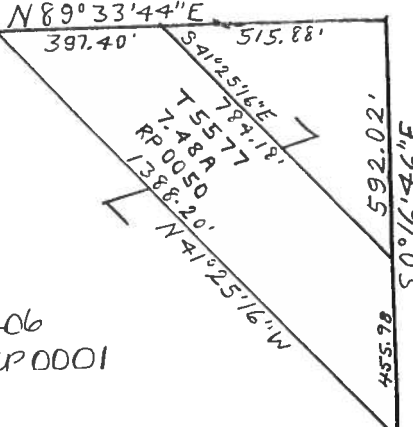
P 3407-04



11527E31

Section 31 Township 11 Range 27

700 S
2350 E



P 3404-06
RP 0001

P 3407-05
RP 2400

Simple Industries

P 3420
RP 1200

Roland Allen
Land Surveyor

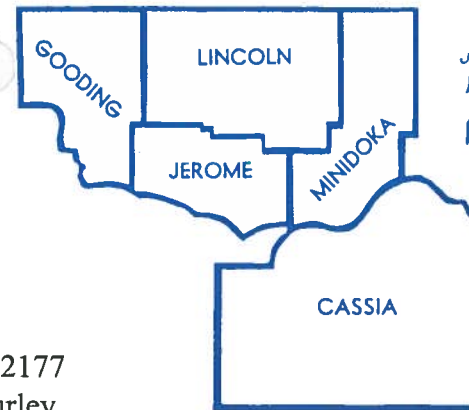
Roland Allen
Land Surveyor

Z

Z

Land Title and Escrow, Inc.

A FULL SERVICE TITLE COMPANY



REFER TO: #32177
OFFICE: Burley

January 7, 2000

Idaho Dept. of Water Resources
1341 Fillmore Street, Suite 200
Twin Falls, Idaho 83301-3380

RECEIVED
JAN 10 2000
Department of Water Resources
Southern Region

Dear Clerk:

Enclosed with this letter please find an original executed Notice of Change of Water Right Ownership on property located in Cassia county, Idaho.

Would you please make the necessary changes in the records to indicate the new owners as Gary B. Harper and Susan C. Harper for future assessments. Please send a receipted copy to this office.

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
Reconveyance Department

/nrg
enc.

BOX 177, BURLEY, IDAHO 83318
PHONE 678-3524 - FAX 678-4435

BOX 348, JEROME, IDAHO 83338
PHONE 324-3357 - FAX 324-8981

BOX 473, GOODING, IDAHO 83330
PHONE 834-8477 - FAX 834-5880

BOX 111, RUPERT, IDAHO 83350
PHONE 438-0608 - FAX 438-1199

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

RECEIVED
JAN 10 2000
Department of Water Resources
Southern Region
HIP

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.

1. Water Right Number(s) 43-02356 and 43-02441 C
- Adjudication Claim Number(s) _____
2. The following REQUIRED information must be submitted with this form.
- A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE, or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.
- AND
- B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually on file with the county.)
- OR
- C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency (formerly ASCS) AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.
3. Name and Address of Former Owner/Claimant(s) Roland Allen Land & Livestock, Inc.
1910 Oakley Avenue
Burley, ID 83318
4. New Owner/Claimant(s) Gary B. Harper and Susan C. Harper
Name connector (Check one): ☐ AND ☐ OR ☒ AND/OR
New Mailing Address 2040 East 850 South
City, State and ZIP Code Declo, Idaho 83323
New Telephone Number (208) 645-2227
5. Date you acquired the property January 5, 2000
6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the space below. If necessary, attach additional pages.
- Number of acres actually irrigated 256.4 Number and type of stock _____
2.31 cfs (T43-023456A)
86 Diversion rate in CFS 2.55 cfs Number of homes _____ Other uses _____
cubic feet per second (All-T43-02441C)
- If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.
7. Signature of New Owner/Claimant(s) Gary B. Harper Date 1-05-2000
Gary B. Harper Date _____
- (Corporations or other organizations must submit a list of directors/officers demonstrating authority to sign form.)
8. For Snake River Basin Adjudication Claims: If you are represented by an attorney and you want IDWR to correspond directly with your attorney for all matters related to your claims, please attach a Notice of Appearance completed by your attorney.

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED 2002 OCT 23

2002 OCT 23 PM 2 57

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case No. 39576

)
) FINAL ORDER DISALLOWING
) WATER RIGHT CLAIM 43-2356
)

On June 18, 2002, the Idaho Department of Water Resources filed an *Amended Director's Report* recommending that the above water right claim be split and decreed as 43-2356A and 43-2356B. No objection was filed to this *Amended Director's Report* and the time for filing objections has expired.

THEREFORE IT IS ORDERED AND ADJUDGED that water right claim 43-2356 is hereby **disallowed with prejudice** and shall not be confirmed in any partial decree or in any final decree entered in the SRBA, Case No. 39576, in whatever form that final decree may take or be styled.

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

DATED: October 23, 2002

Roger S. Burdick
ROGER S. BURDICK
Presiding Judge
Snake River Basin Adjudication

FINAL ORDER DISALLOWING WATER RIGHT CLAIM

CERTIFICATE OF MAILING

I certify that a true and correct copy of the FINAL ORDER
DISALLOWING WATER RIGHT 43-2356 was mailed on October 23, 2002,
with sufficient first-class postage to the following:

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

ROLAND ALLEN LAND & LIVESTOCK
1910 OAKLEY AVE
BURLEY, ID 83318
Phone: 208-678-4844

ORDER DISALLOWING
Page 1 10/23/02

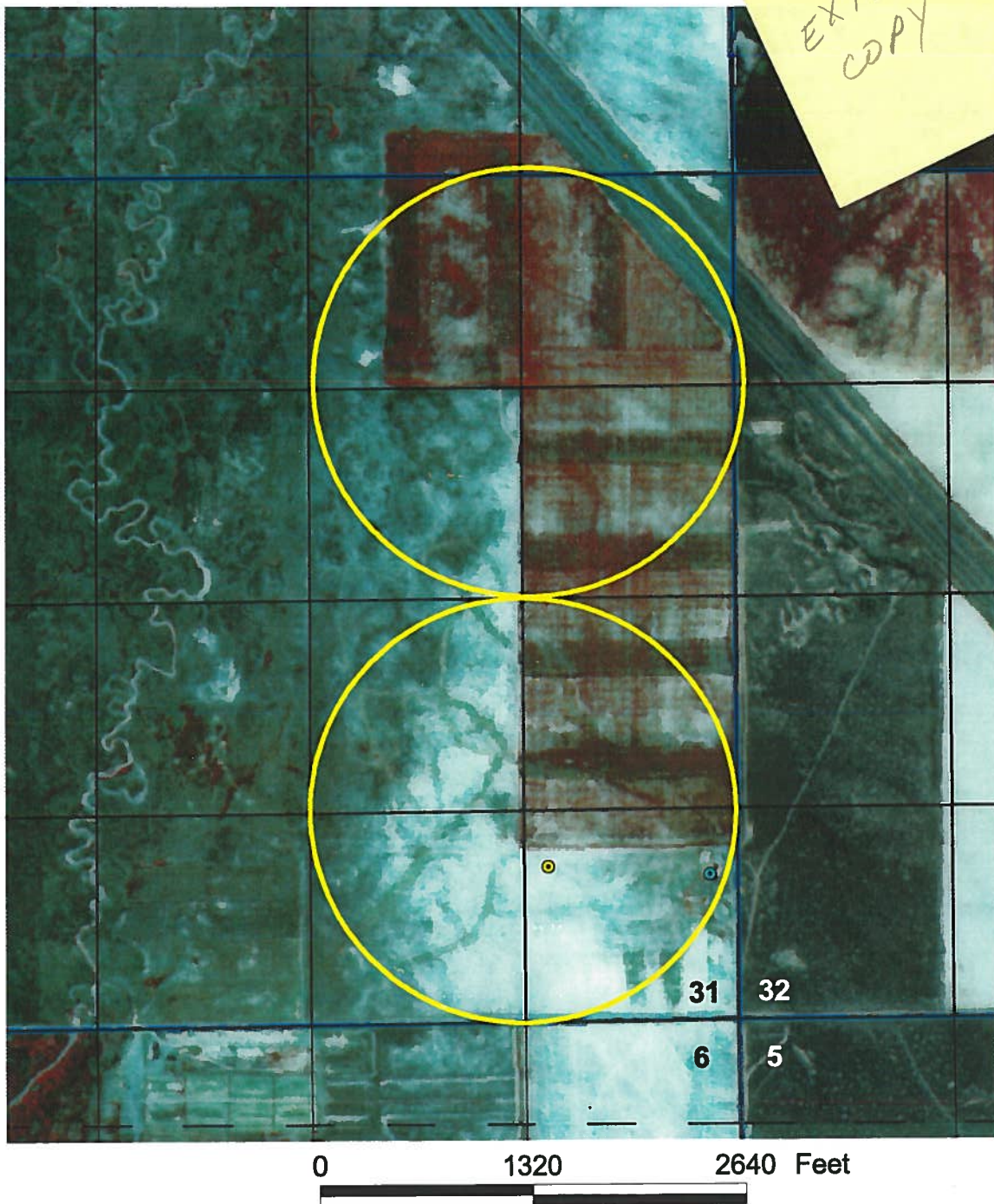
FILE COPY FOR 00297 Deputy Clerk

Rebbin Hall

Idaho Department of Water Resources

43-2356A, 43-2441B, 43-4022A, 43-4023A, & 43-4024A

EXTRA
COPY



RECOMMENDED PLACE OF USE
DATA ENTRY ON JUNE 16, 2002
TWP 11S, RNG 27E, SEC. 31



- Point of diversion
- Place of use
- Quarter-quarter lines
- Section lines

Gis Place of Use Presentation
1987/1988 Napp Photography
Prepared by Jeanie Robertson

DISTRICT COURT-SRBA
TWIN FALLS CO. IDAHO
FILED 7th 1st

2002 OCT 23 PM 2 57

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case No. 39576

)
) ORDER OF PARTIAL DECREE
)
) For Water Rights 43-2356A and 43-2356B
)

On June 18, 2002, the Idaho Department of Water Resources filed an *Amended Director's Report* recommending that water right claim 43-2356 be split and decreed as 43-2356A and 43-2356B. No objection was filed to this *Amended Director's Report* and the time for filing objections has expired.

Therefore, IT IS ORDERED that water rights 43-2356A and 43-2356B are hereby decreed as set forth in the attached *Partial Decrees Pursuant to I.R.C.P. 54(b)*.

DATED October 23, 2002

Roger S. Burdick
ROGER S. BURDICK
Presiding Judge
Snake River Basin Adjudication

ORDER OF PARTIAL DECREE

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

2002 OCT 23 PM 2 57

In Re SRBA)
Case No. 39576)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 43-02356A

NAME AND ADDRESS: GARY B HARPER
2040 E 850 S
DECLO, ID 83323

SOURCE: GROUND WATER

QUANTITY: 1.40 CFS
458.40 AFY

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF 4.8 CFS AND TO A TOTAL COMBINED ANNUAL
DIVERSION VOLUME OF 1025.6 AF. COMBINED RIGHT NOS.: 43-2356A,
43-2441B, 43-4022A, 43-4023A AND 43-4024C.

PRIORITY DATE: 09/08/1950

POINT OF DIVERSION: T11S R27E S31 NWSESE Within Cassia County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	1.40 CFS 458.40 AFY

PLACE OF USE:	Irrigation	Within Cassia County
	T11S R27E S31	
	NENE 32.3	NWNE 32.3
	SWNE 32.3	SENE 32.3
	NESE 31.9	NWSE 31.9
	SWSE 31.9	SESE 31.5
	256.4 Acres Total	

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A
COMBINED TOTAL OF 256.4 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 43-2356A, 43-2441B, 43-4022A, 43-4023A AND
43-4024C.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 114.6 ACRES WITHIN THE
PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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

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

SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.



Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

2002 OCT 23 PM 2 58

In Re SRBA)
)
Case No. 39576)
)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 43-02356B

NAME AND ADDRESS: ROLAND LAND & LIVESTOCK
1910 OAKLEY AVE
BURLEY, ID 83318

SOURCE: GROUND WATER

QUANTITY: 1.54 CFS
501.60 AFY

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF 17CFS AND TO A TOTAL COMBINED ANNUAL
DIVERSION VOLUME OF 3645.6 AF. COMBINED RIGHT NOS.: 43-2356B,
43-2441C, 43-4022B, 43-4023B AND 43-4024D.

PRIORITY DATE: 09/08/1950

POINT OF DIVERSION: T14S R27E S04 SESESW Within Cassia County
S05 LOT 3 (NENENW)
S09 SESESW
SWSSEW
SESESW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	1.54 CFS 501.60 AFY

PLACE OF USE:	Irrigation	Within Cassia County
T13S R27E S32	SWSW 33.4	SESW 33.4
	SWSE 33.1	SESE 33.1
S33	SWSW 32.8	SESW 32.8
T14S R27E S04	NENW 36.1	NWNW 36.1
	SWNW 33.4	SESW 33.4
	NESW 33.4	NWSW 33.4
	SWSW 33.4	SESW 33.4
S05	NENE 33.1	NWNE 33.1
	SWNE 20.0	SENE 20.0
	NENW 33.4	NWNW 33.4
S09	NENW 33.4	NWNW 33.4
	SWNW 33.4	SESW 33.4
	NESW 33.4	NWSW 33.4
	SWSW 33.4	SESW 33.4
911.4 Acres Total		

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A
COMBINED TOTAL OF 911.4 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 43-2356B, 43-2441C, 43-4022B, 43-4023B AND
43-4024D.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 125.4 ACRES WITHIN THE
PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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

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

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.



Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER OF PARTIAL DECREE FOR WATER RIGHTS 43-2356A & 43-2356B was mailed on October 23, 2002, with sufficient first-class postage to the following:

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

ROLAND LAND & LIVESTOCK
1910 OAKLEY AVE
BURLEY, ID 83318

GARY B HARPER
2040 E 850 S
DECLO, ID 83323

ORDER

Page 1 10/23/02

FILE COPY FOR 00297

Robbin Hall
Deputy Clerk

COPY

2007 JUN 18 PM 1:57

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED _____

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE
OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA	)	Subcase No: 43-2356, 43-2356A,
	)	43-2356B
Case No. 39576	)	
	)	NOTICE OF COMPLETED
_____	)	ADMINISTRATIVE PROCEEDING

IDWR has completed the following Administrative proceeding: **I.C. § 42-222 TRANSFER**

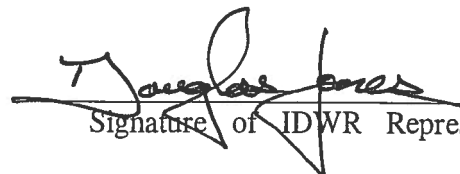
An Administrative Proceeding pursuant to I.C. § 42-222 has been completed. The following changes have been made to the water right(s):

☒ Change in Ownership	☒ Split of Water Right
☒ Point of Diversion	☒ Place of Use
☐ Period of Use	☐ Nature of Use

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Reports* for said water rights. No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

Dated: 6/18/2007

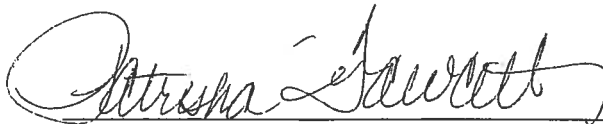


Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on 6/18, 2002, I mailed the original and copies of this form to the following persons, postage prepaid and addressed as follows:

1. Original to:
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls ID 83303-2707
2. One Copy to:
Claimant/Seller for Substitution of Party or attorney of record:
Roland Allen Land & Livestock
1910 Oakley Ave
Burley ID 83318
3. One Copy to:
Claimant/Purchaser for Substitution of Party or attorney of record:
Gary Harper
2040 E 850 S
Declo ID 83323
4. One Copy to:
Chief Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise ID 83711-4449
5. One Copy to:
United States Dept of Justice
Environment & Natural Resource Div
550 W Fort St MSC 033
Boise ID 83724



Signature of person or attorney mailing the form

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

6/13/02

RIGHT NUMBER: 43-2356

SPLIT RIGHT: SEE RIGHT NOS. 43-2356A and 43-2356B.

06/13/2002

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 43-2356A
NAME AND ADDRESS: GARY B HARPER
2040 E 850 S
DECLO ID 83323

SOURCE: GROUND WATER TRIBUTARY:

QUANTITY: 1.400 CFS
458.40 AFY

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 4.8 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 1025.6 AF. COMBINED RIGHT NOS.: 43-2356A, 43-2441B, 43-4022A, 43-4023A and 43-4024C.

PRIORITY DATE: 09/08/1950

POINT OF
DIVERSION: T11S R27E S31 NWSESE 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	1.400 CFS 458.40 AFY

PLACE OF USE: IRRIGATION Within CASSIA County

T11S R27E S31	NENE	32.3	T11S R27E S31	NWNE	32.3
T11S R27E S31	SWNE	32.3	T11S R27E S31	SENE	32.3
T11S R27E S31	NESE	31.9	T11S R27E S31	NWSE	31.9
T11S R27E S31	SWSE	31.9	T11S R27E S31	SESE	31.5

256.4 ACRES TOTAL

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 256.4 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 43-2356A, 43-2441B, 43-4022A, 43-4023A and 43-4024C.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 114.6 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

06/13/2002

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 43-2356B

NAME AND ADDRESS: ROLAND ALLEN LAND & LIVESTOCK
1910 OAKLEY AVE
BURLEY ID 83318

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 1.540 CFS
501.60 AFY

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 17 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 3645.6 AF. COMBINED RIGHT NOS.: 43-2356B, 43-2441C, 43-4022B, 43-4023B and 43-4024D.

PRIORITY DATE: 09/08/1950

POINT OF
DIVERSION: T14S R27E S4 SESESW Within CASSIA County
T14S R27E S5 NENENW Lot 3 Within CASSIA County
T14S R27E S9 SESESW Within CASSIA County
T14S R27E S9 SWSESW Within CASSIA County
T14S R27E S9 SESESW 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	1.540 CFS 501.60 AFY

PLACE OF USE: IRRIGATION Within CASSIA County

T13S R27E S32	SWSW	33.4	T13S R27E S32	SESW	33.4
T13S R27E S32	SWSE	33.1	T13S R27E S32	SESE	33.1
T13S R27E S33	SWSW	32.8	T13S R27E S33	SESW	32.8
T14S R27E S04	NENW	36.1	T14S R27E S04	NWNW	36.1
T14S R27E S04	SWNW	33.4	T14S R27E S04	SESW	33.4
T14S R27E S04	NESW	33.4	T14S R27E S04	NWSW	33.4
T14S R27E S04	SWSW	33.4	T14S R27E S04	SESW	33.4
T14S R27E S05	NENE	33.1	T14S R27E S05	NWNE	33.1
T14S R27E S05	SWNE	20.0	T14S R27E S05	SENE	20.0
T14S R27E S05	NENW	33.4	T14S R27E S05	NWNW	33.4
T14S R27E S09	NENW	33.4	T14S R27E S09	NWNW	33.4
T14S R27E S09	SWNW	33.4	T14S R27E S09	SESW	33.4
T14S R27E S09	NESW	33.4	T14S R27E S09	NWSW	33.4
T14S R27E S09	SWSW	33.4	T14S R27E S09	SESW	33.4

911.4 ACRES TOTAL

06/13/2002

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A
COMBINED TOTAL OF 911.4 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 43-2356B, 43-2441C, 43-4022B, 43-4023B and
43-4024D.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 125.4 ACRES WITHIN THE
PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - License



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

June 19, 2002

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

ROLAND ALLEN LAND & LIVESTOCK
1910 OAKLEY AVE
BURLEY ID 83318

RE: SRBA Claim(s) 43-2356, 43-2441A, 43-4022, 43-4023,
 43-4024

Dear Claimant:

Please find the enclosed copy of the Notice of Completed Administrative Proceeding, which the department has filed with the SRBA Court regarding the above referenced claims. You have received this notice pursuant to SRBA Court Administrative Order 11 requiring IDWR to report to the court and interested parties any pending changes to adjudication claims in basins for which a Director's Report has been filed with the court.

Please contact this office if you have any questions about the notice or the administrative process.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Trish Fawcett', is written over a horizontal line.

Trish Fawcett
Technical Records Specialist

cc: Gary Harper

VERIFIED BY jc 6/12/02
06/12/2002

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

RIGHT NUMBER: 43-2356A
NAME AND ADDRESS: GARY B HARPER
2040 E 850 S
DECLO ID 83323

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 1.40 CFS
458.4 AFY

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 4.8 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 1025.6 AF. COMBINED RIGHT NOS.: 43-2356A, 43-2441B, 43-4022A, 43-4023A and 43-4024C.

PRIORITY DATE: 09/08/1950

POINT OF DIVERSION:

T11S R27E S31 NWSESE 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	1.400 CFS 458.40 AFY

PLACE OF USE: IRRIGATION Within CASSIA County

T11S R27E S31	NENE	32.3	T11S R27E S31	NWNE	32.3
T11S R27E S31	SWNE	32.3	T11S R27E S31	SENE	32.3
T11S R27E S31	NESE	31.9	T11S R27E S31	NWSE	31.9
T11S R27E S31	SWSE	31.9	T11S R27E S31	SESE	31.5

256.4 ACRES TOTAL

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 256.4 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 43-2356A, 43-2441B, 43-4022A, 43-4023A and 43-4024C.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 114.6 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

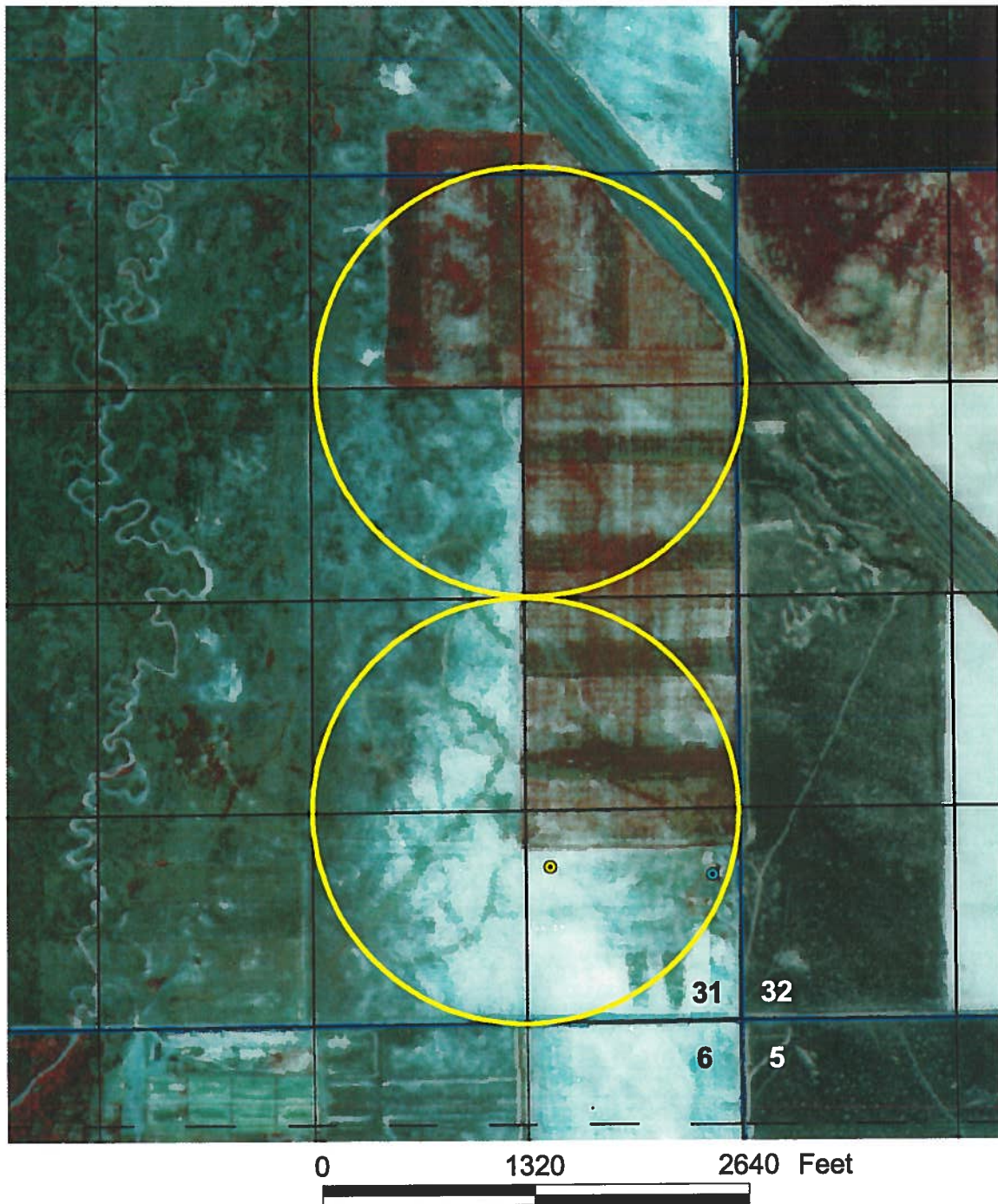
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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

EXPLANATORY MATERIAL: License

Idaho Department of Water Resources

43-2356A, 43-2441B, 43-4022A, 43-4023A, & 43-4024C



RECOMMENDED PLACE OF USE
DATA ENTRY ON JUNE 16, 2002
TWP 11S, RNG 27E, SEC. 31



- Point of diversion
- Place of use
- Quarter-quarter lines
- Section lines

Gis Place of Use Presentation
1987/1988 Napp Photography
Prepared by Jeanie Robertson

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 43-2356A V1

WATER RIGHT NUMBER: 43-2356A V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	HENRY T SCHODDE HEYBURN, ID 83336
Directors Report Owner	ROLAND ALLEN LAND & LIVESTOCK 1910 OAKLEY AVE BURLEY, ID 83318 (208)678-4844
Current Owner	GARY B HARPER 2040 E 850 S DECLO, ID 83323 (208)645-2227

Priority Date: 09/08/1950

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
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	1.400 CFS	458.40 AF
	<u>Total Diversion:</u>	1.400 CFS	458.40 AF

Location of Point(s) of Diversion

GROUND WATER	NW1/4SE1/4SE1/4	Sec. 31, Twp 11S, 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	
11S	27E	31	32.3	32.3	32.3	32.3									31.9	31.9	31.9	31.5	256.4

Total Acres: 256.4

Conditions of Approval:

1. 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:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 43-2356A V1

1. Place of Use - Irrigation USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 256.4 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 43-2356A, 43-2441B, 43-4022A, 43-4023A and 43-4024C.
2. Quantity USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 4.8 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 1025.6 AF. COMBINED RIGHT NOS.: 43-2356A, 43-2441B, 43-4022A, 43-4023A and 43-4024C.
3. Place of Use - Irrigation THIS RIGHT IS LIMITED TO THE IRRIGATION OF 114.6 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

Comments:

1. PSKAGGS 6/6/2002 2:08:55 PM Transferred Right
Comment: This is now a approved transfer, transfer number = 66646

2. jroberts 6/12/2002 Transfer 66647 Conditions
Comment: WATER RIGHT NO. 43 2356A V1

T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.

T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

O46 Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.

O1Q After specific notification by the Department, the right holder shall measure the diversion or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.

WB4 The total instantaneous diversion of water from all points of diversion under Rights 43-2356A, 43-2441B, 43-4022A, 43-4023A and 43-4024C shall not exceed 4.80 cfs, nor total combined annual volume of 1025.6 af and the irrigation of 256.4 acres.

GEN Rights 43-2441B, 43-4022A, 43-4023A and 43-4024C when combined shall not exceed a total diversion rate of 3.40 cfs, a total annual maximum diversion volume of 680.0 af at the field headgate, and the irrigation of 170 acres.

W27 This right is limited to the irrigation of 114.6 acres within the place of use described above in a single irrigation season.

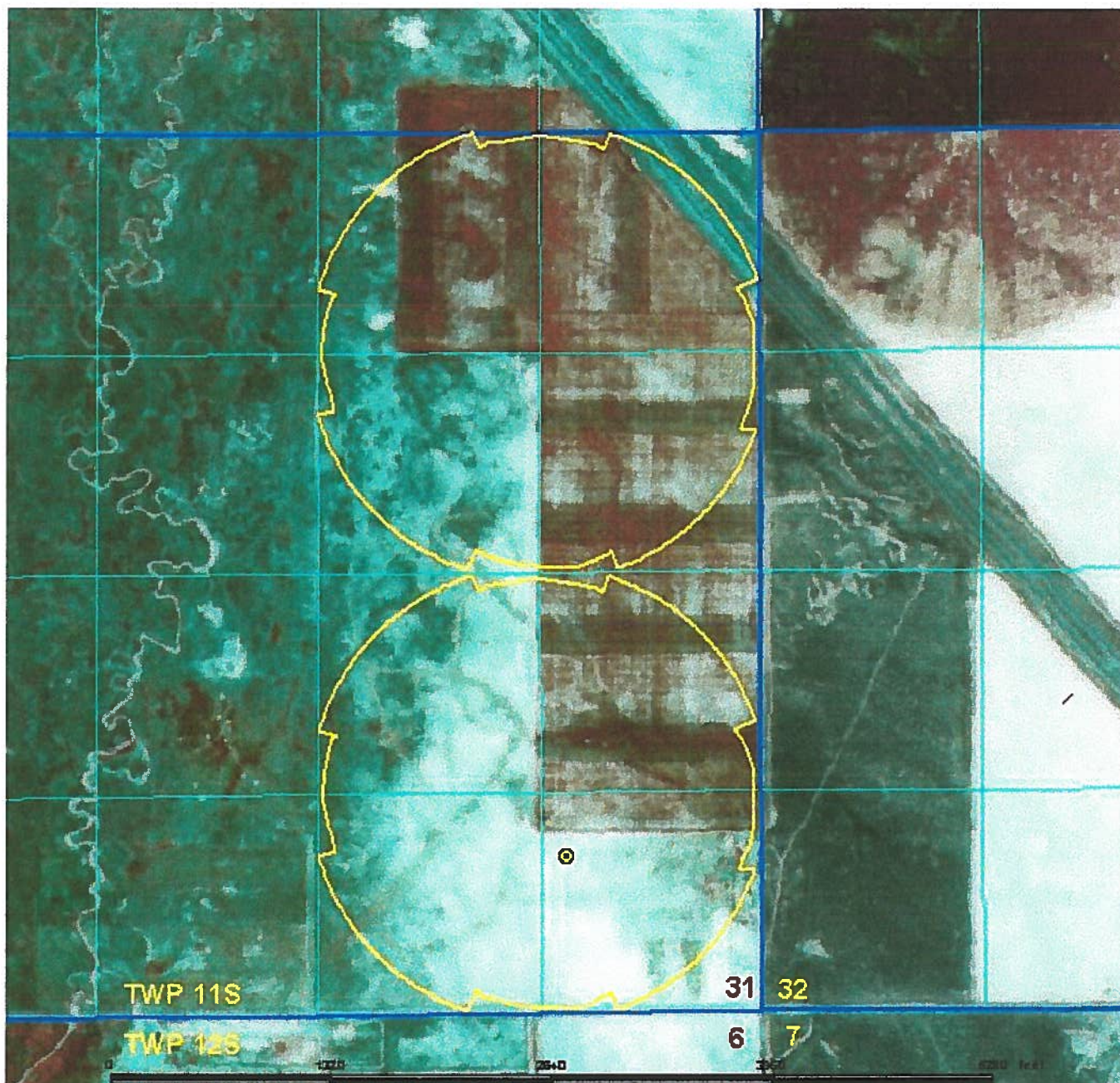
R64 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.

T17 Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.

T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

IDAHO DEPARTMENT OF WATER RESOURCES

**T-5224 & T-5225
RECOMMENDED P/U
IDAHOME FARM**



DATA ENTRY ON MARCH 18 1999
TWP 11S; RNG 27E; SEC 31



- RECOMMENDED POINT OF DIVERSION
- RECOMMENDED PLACE OF USE
- SECTION LINES
- QUARTER QUARTER LINES

GIS PLACE OF USE PRESENTATION
1987 AND/OR 1988 NAPP PHOTOGRAPHY
DATA ENTRY BY KELLY K CHRISTENSEN

#32177

WARRANTY DEED

For Value Received, **ROLAND ALLEN LAND AND LIVESTOCK, INC., an Idaho corporation**, as Grantor, does hereby grant, bargain, sell and convey unto **GARY B. HARPER and SUSAN C. HARPER, husband and wife**, as Grantees, whose address is 2040 East 850 South, Declo, Idaho 83323, the following described premises in Cassia County, Idaho, to-wit:

PARCEL NO. 1:

**TOWNSHIP 11 SOUTH, RANGE 27 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO**

Section 31: E½

EXCEPTING THEREFROM, the following:

Beginning at the Northeast corner of said Section 31; Thence South 0°16'46" East along the Section line for 592.02 feet to the Point of Beginning;

Thence continuing South 0°16'46" East for 455.98 feet;

Thence North 41°25'16" West parallel to and 150.0 feet Southwesterly from the centerline of I-80 North Highway for 1388.20 feet to a point on the North line of said Section 31;

Thence North 89°33'44" East along said North line for 397.40 feet to a point that bears South 89°33'44" West for 515.88 feet from the NE corner of said Section 31;

Thence South 41°25'16" East parallel to and 150.0 feet Northeasterly from said centerline of I-80 North Highway for 784.18 feet to the Point of Beginning.

PARCEL NO. 2

**TOWNSHIP 11 SOUTH, RANGE 27 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO**

Section 30: All of the SE¼ of Section 30 lying South and West of the South boundary line of Interstate I-84.

TOGETHER WITH all water and water rights, ditches and ditch rights used thereon or appurtenant thereto including but not limited to State of Idaho Water Right No. T43-02441C and 2.31 cfs in Water Right No. T43-02356A.

SUBJECT TO:

Accruing taxes, levies and assessments; easements and rights of way of record if any.

Obligations to Raft River Rural Electric Cooperative under Agreement For Electric Service dated February 2, 1998, Service No. 9064 which Agreement For Electric Services was recorded on February 19, 1998 as Instrument No. 253796, records of Cassia County, Idaho.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees and their heirs and assigns forever. The Grantor does hereby covenant to and with the said Grantees, that he is the owner in fee simple of said premises, that the premises are free from all encumbrances and that he will forever warrant the title to said premises. This conveyance, however, is subject to federal patents; building or use restrictions; building and zoning regulations and ordinances of any governmental unit; all rights of way, ditch rights, and easements claimed, established or of record; accruing taxes and assessments; encumbrances which are not shown by public records and which were created prior to Grantor's ownership of the property; discrepancies, conflicts in boundary lines, shortage in area, encroachments, or any other facts which a correct survey would disclose, and which are not shown by the public records; unpatented mining claims and claims or title to water or water rights.

DATED this ____ day of January, 2000

ROLAND ALLEN LAND AND LIVESTOCK, INC.

By: _____
Keith Hunsaker, Vice President

ATTEST

Roland G. Allen, Secretary

STATE OF IDAHO)
) ss.
COUNTY OF Cassia)

On this _____ day of **January, 2000**, before me, the undersigned, a Notary Public in and for said State, personally appeared **KEITH HUNSAKER and ROLAND G. ALLEN**, known or identified to me to be the Vice President and Secretary of the corporation that executed the instrument or the person who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.

Notary Public
Residing at: Burley, ID
My Commission expires: 6-30-03

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 66647

This is to certify that: ROLAND ALLEN LAND & LIVESTOCK
1910 OAKLEY AVE
BURLEY ID 83318
(208)678-4844

RECEIVED
JUN 11 2002
Department of Water Resources
Southern Region

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Change

Right	Origin/Basis	Priority	Rate	Volume	Acres	Total	Source
43-2356A	AJC/License	09/08/1950	1.40 cfs	458.4 af	114.6	114.6	GROUND WATER
43-2441B	AJC/License	03/05/1956	1.99 cfs	510.0 af	127.5	173.0	GROUND WATER
43-4022A	AJC/Statutory Claim	01/01/1953	0.83 cfs	168.0 af	42.0	173.0	GROUND WATER
43-4023A	AJC/Statutory Claim	04/01/1954	0.43 cfs	88.0 af	22.0	173.0	GROUND WATER
43-4024C	AJC/Statutory Claim	04/01/1954	0.27 cfs	131.0 af	173.0	173.0	GROUND WATER

Purpose of Transfer (Changes Proposed)

Current Number	Split	POD	POU	Add POD	Period of Use	Nature of Use
43-2356A	NO	YES	YES	NO	NO	NO
43-2441B	NO	YES	YES	NO	NO	NO
43-4022A	NO	YES	YES	NO	NO	NO
43-4023A	NO	YES	YES	NO	NO	NO
43-4024C	NO	YES	YES	NO	NO	NO

Summary of Water Rights After the Approved Change

Existing Right	New No. (changed portion)	Transfer Rate	Transfer Volume	Acre Limit	Total Acres	New No. (remaining portion)	Remaining Rate	Remaining Volume	Remaining Acre Limit	Remaining Total Acres
43-2356A	43-2356A	1.4 cfs	458.4 af	114.6	256.4		N/A	N/A		N/A
43-2441B	43-2441B	1.99 cfs	510 af	127.5	256.4		N/A	N/A		N/A
43-4022A	43-4022A	0.83 cfs	168 af	42.0	256.4		N/A	N/A		N/A
43-4023A	43-4023A	0.43 cfs	88 af	22.0	256.4		N/A	N/A		N/A
43-4024C	43-4024C	0.27 cfs	131 af	173.0	256.4		N/A	N/A		N/A
TOTALS		4.8 cfs	1025.6 af	256.4	256.4		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 6th day of June, 2002

J. Allen Saylor
Chief, Water Allocation Bureau

WATER RIGHT NO. 43-2356A
As Modified by Transfer No. 66647

In accordance with the approval of Transfer No. 66647, Water Right No. 43-2356A is now described as follows.

Right Holder: GARY B HARPER
 2040 E 850 S
 DECLO ID 83323

Priority Date: 09/08/1950

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15	11/15	1.40 CFS	458.4 AF
			1.40 CFS	458.4 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NWSESE Sec. 31 Twp 11S Rge 27E CASSIA County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
11S 27E 31	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	256.4
	32.3	32.3	32.3	32.3									31.9	31.9	31.9	31.5	

Total Acres: 256.4

CONDITIONS OF APPROVAL

1. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
2. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
4. After specific notification by the Department, the right holder shall measure the diversion or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
5. The total instantaneous diversion of water from all points of diversion under Rights 43-2356A, 43-2441B, 43-4022A, 43-4023A and 43-4024C shall not exceed 4.80 cfs, nor total combined annual volume of 1025.6 af and the irrigation of 256.4 acres.
6. Rights 43-2441B, 43-4022A, 43-4023A and 43-4024C when combined shall not exceed a total diversion rate of 3.40 cfs, a total annual maximum diversion volume of 680.0 af at the field headgate, and the irrigation of 170 acres.

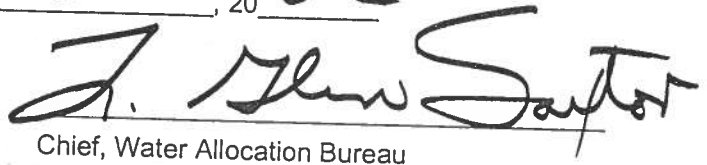
WATER RIGHT NO. 43-2356A
As Modified by Transfer No. 66647

CONDITIONS OF APPROVAL

7. This right is limited to the irrigation of 114.6 acres within the place of use described above in a single irrigation season.
8. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
9. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
10. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 6th day of June, 2002


Chief, Water Allocation Bureau

WATER RIGHT NO. 43-2441B
As Modified by Transfer No. 66647

In accordance with the approval of Transfer No. 66647, Water Right No. 43-2441B is now described as follows.

Right Holder: GARY B HARPER
 2040 E 850 S
 DECLO ID 83323

Priority Date: 03/05/1956

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15	11/15	1.99 CFS	510.0 AF
			1.99 CFS	510.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NWSESE Sec. 31 Twp 11S Rge 27E CASSIA County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
11S	27E	31	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
			32.3	32.3	32.3	32.3									31.9	31.9	31.9	31.5	256.4

Total Acres: 256.4

CONDITIONS OF APPROVAL

1. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
2. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
4. After specific notification by the Department, the right holder shall measure the diversion or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
5. The total instantaneous diversion of water from all points of diversion under Rights 43-2356A, 43-2441B, 43-4022A, 43-4023A and 43-4024C shall not exceed 4.80 cfs, nor total combined annual volume of 1025.6 af and the irrigation of 256.4 acres.
6. Rights 43-2441B, 43-4022A, 43-4023A and 43-4024C when combined shall not exceed a total diversion rate of 3.40 cfs, a total annual maximum diversion volume of 680.0 af at the field headgate, and the irrigation of 170 acres.
7. This right is limited to the irrigation of 127.5 acres within the place of use described above in a single irrigation season.

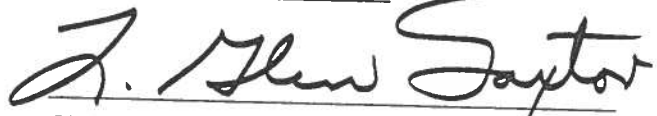
WATER RIGHT NO. 43-2441B
As Modified by Transfer No. 66647

CONDITIONS OF APPROVAL

8. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
9. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
10. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 6th day of June, 2002


Chief, Water Allocation Bureau

WATER RIGHT NO. 43-4022A
As Modified by Transfer No. 66647

In accordance with the approval of Transfer No. 66647, Water Right No. 43-4022A is now described as follows.

Right Holder: GARY B HARPER
 2040 E 850 S
 DECLO ID 83323

Priority Date: 01/01/1953

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15 to 11/15	0.83 CFS	168.0 AF
		0.83 CFS	168.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NWSESE Sec. 31 Twp 11S Rge 27E CASSIA County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
11S 27E 31	32.3	32.3	32.3	32.3									31.9	31.9	31.9	31.5	256.4

Total Acres: 256.4

CONDITIONS OF APPROVAL

1. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
2. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
4. After specific notification by the Department, the right holder shall measure the diversion or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
5. The total instantaneous diversion of water from all points of diversion under Rights 43-2356A, 43-2441B, 43-4022A, 43-4023A and 43-4024C shall not exceed 4.80 cfs, nor total combined annual volume of 1025.6 af and the irrigation of 256.4 acres.
6. Rights 43-2441B, 43-4022A, 43-4023A and 43-4024C when combined shall not exceed a total diversion rate of 3.40 cfs, a total annual maximum diversion volume of 680.0 af at the field headgate, and the irrigation of 170 acres.
7. This right is limited to the irrigation of 42 acres within the place of use described above in a single irrigation season.

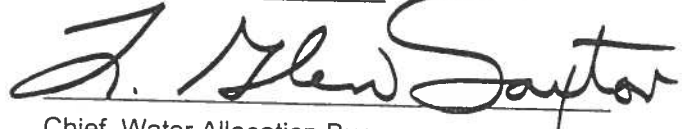
WATER RIGHT NO. 43-4022A
As Modified by Transfer No. 66647

CONDITIONS OF APPROVAL

8. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
9. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
10. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 6th day of June, 2002


Chief, Water Allocation Bureau

WATER RIGHT NO. 43-4023A
As Modified by Transfer No. 66647

In accordance with the approval of Transfer No. 66647, Water Right No. 43-4023A is now described as follows.

Right Holder: GARY B HARPER
 2040 E 850 S
 DECLO ID 83323

Priority Date: 04/01/1954

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15	11/15	0.43 CFS	88.0 AF
			0.43 CFS	88.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NWSESE Sec. 31 Twp 11S Rge 27E CASSIA County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
11S 27E 31	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	256.4
	32.3	32.3	32.3	32.3									31.9	31.9	31.9	31.5	

Total Acres: 256.4

CONDITIONS OF APPROVAL

1. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
2. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
4. After specific notification by the Department, the right holder shall measure the diversion or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
5. The total instantaneous diversion of water from all points of diversion under Rights 43-2356A, 43-2441B, 43-4022A, 43-4023A and 43-4024C shall not exceed 4.80 cfs, nor total combined annual volume of 1025.6 af and the irrigation of 256.4 acres.
6. Rights 43-2441B, 43-4022A, 43-4023A and 43-4024C when combined shall not exceed a total diversion rate of 3.40 cfs, a total annual maximum diversion volume of 680.0 af at the field headgate, and the irrigation of 170 acres.
7. This right is limited to the irrigation of 22 acres within the place of use described above in a single irrigation season.

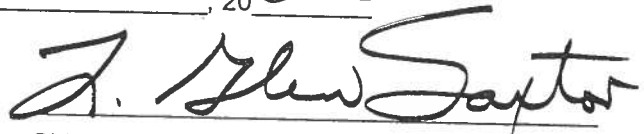
WATER RIGHT NO. 43-4023A
As Modified by Transfer No. 66647

CONDITIONS OF APPROVAL

8. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
9. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
10. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 6th day of June, 2002


Chief, Water Allocation Bureau

WATER RIGHT NO. 43-4024C
As Modified by Transfer No. 66647

In accordance with the approval of Transfer No. 66647, Water Right No. 43-4024C is now described as follows.

Right Holder: GARY B HARPER
2040 E 850 S
DECLO ID 83323

Priority Date: 04/01/1954

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15	to 11/15	0.27 CFS	131.0 AF
			0.27 CFS	131.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NWSESE Sec. 31 Twp 11S Rge 27E CASSIA County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
11S 27E 31	32.3	32.3	32.3	32.3									31.9	31.9	31.9	31.5	256.4

Total Acres: 256.4

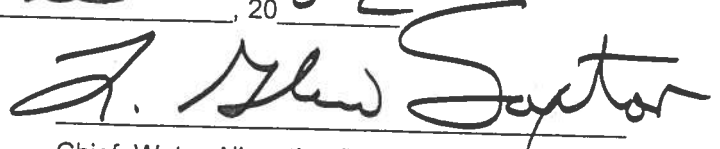
WATER RIGHT NO. 43-4024C
As Modified by Transfer No. 66647

CONDITIONS OF APPROVAL

1. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
2. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
4. After specific notification by the Department, the right holder shall measure the diversion or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
5. The total instantaneous diversion of water from all points of diversion under Rights 43-2356A, 43-2441B, 43-4022A, 43-4023A and 43-4024C shall not exceed 4.80 cfs, nor total combined annual volume of 1025.6 af and the irrigation of 256.4 acres.
6. Rights 43-2441B, 43-4022A, 43-4023A and 43-4024C when combined shall not exceed a total diversion rate of 3.40 cfs, a total annual maximum diversion volume of 680.0 af at the field headgate, and the irrigation of 170 acres.
7. This right is limited to the irrigation of 173 acres within the place of use described above in a single irrigation season.
8. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
9. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
10. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 6th day of June, 2002


Chief, Water Allocation Bureau

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 66646

RECEIVED
JUN 11 2032
Department of Water Resources
Southern Region

This is to certify that: ROLAND ALLEN LAND & LIVESTOCK
1910 OAKLEY AVE
BURLEY ID 83318
(208)678-4844

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Change

<u>Right</u>	<u>Origin/Basis</u>	<u>Priority</u>	<u>Rate</u>	<u>Volume</u>	<u>Acres</u>	<u>Total</u>	<u>Source</u>
43-2356	AJC/License	09/08/1950	2.94 cfs	960.0 af		240.0	GROUND WATER
43-4022	AJC/Beneficial Use	04/01/1953	4.64 cfs	928.0 af	232.0	933.0	GROUND WATER
43-4023	AJC/Beneficial Use	04/01/1954	2.40 cfs	480.0 af	120.0	959.0	GROUND WATER
43-4024B	AJC/Beneficial Use	04/01/1954	1.56 cfs	3836.0 af	959.0	959.0	GROUND WATER
43-2441A	AJC/License	03/05/1956	10.90 cfs	2828.0 af	707.0	959.0	GROUND WATER

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
43-2356	YES	NO	YES	YES	NO	NO
43-4022	YES	NO	YES	YES	NO	NO
43-4023	YES	NO	YES	YES	NO	NO
43-4024B	YES	NO	YES	YES	NO	NO
43-2441A	YES	NO	YES	YES	NO	NO

Summary of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (changed portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
43-2356	43-2356B	1.54 cfs	501.6 af	125.4	911.4	43-2356A	1.4 cfs	458.4 af	114.6	114.6
43-4022	43-4022B	3.73 cfs	760.0 af	190.0	911.4	43-4022A	0.83 cfs	168 af	42.0	173.0
	43-4022C	0.08 cfs	14.5 af	(Stockwater)						
43-4023	43-4023B	1.89 cfs	392.0 af	98.0	911.4	43-4023A	0.43 cfs	88 af	22.0	173.0
	43-4023C	0.08 cfs	14.5 af	(Stockwater)						
43-4024B	43-4024D	1.21 cfs	587.0 af	786.0	911.4	43-4024C	0.27 cfs	131 af	173.0	173.0
	43-4024E	0.08 cfs	14.5 af	(Stockwater)						
43-2441A	43-2441C	8.87 cfs	2318.0 af	579.5	911.4	43-2441B	1.99 cfs	510 af	127.5	173.0
	43-2441D	0.08 cfs	1.2 af	(Domestic)						
TOTALS		17.32cfs	3661.3 af	911.4	911.4		N/A	N/A	N/A	N/A

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 66646

Detailed Water Right Description(s) attached

Dated this 6TH day of June, 2002
J. Glen Saylor
Chief, Water Allocation Bureau

WATER RIGHT NO. 43-2356A

As Modified by Transfer No. 66646

In accordance with the approval of Transfer No. 66646, Water Right No. 43-2356A is now described as follows.

Right Holder: ROLAND ALLEN LAND & LIVESTOCK
1910 OAKLEY AVE
BURLEY ID 83318

Priority Date: 09/08/1950

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15 to 11/15	1.40 CFS	458.4 AF
		1.40 CFS	458.4 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NWSESE Sec. 31 Twp 11S Rge 27E CASSIA County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE			NW			SW			SE			Totals
	NE	NW	SW	NE	NW	SW	SE	NE	NW	SW	SE		
11S 27E 31	24.6			40.0				40.0				10.0	114.6

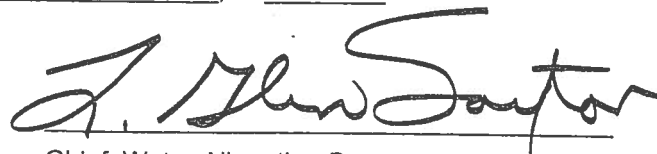
Total Acres: 114.6

CONDITIONS OF APPROVAL

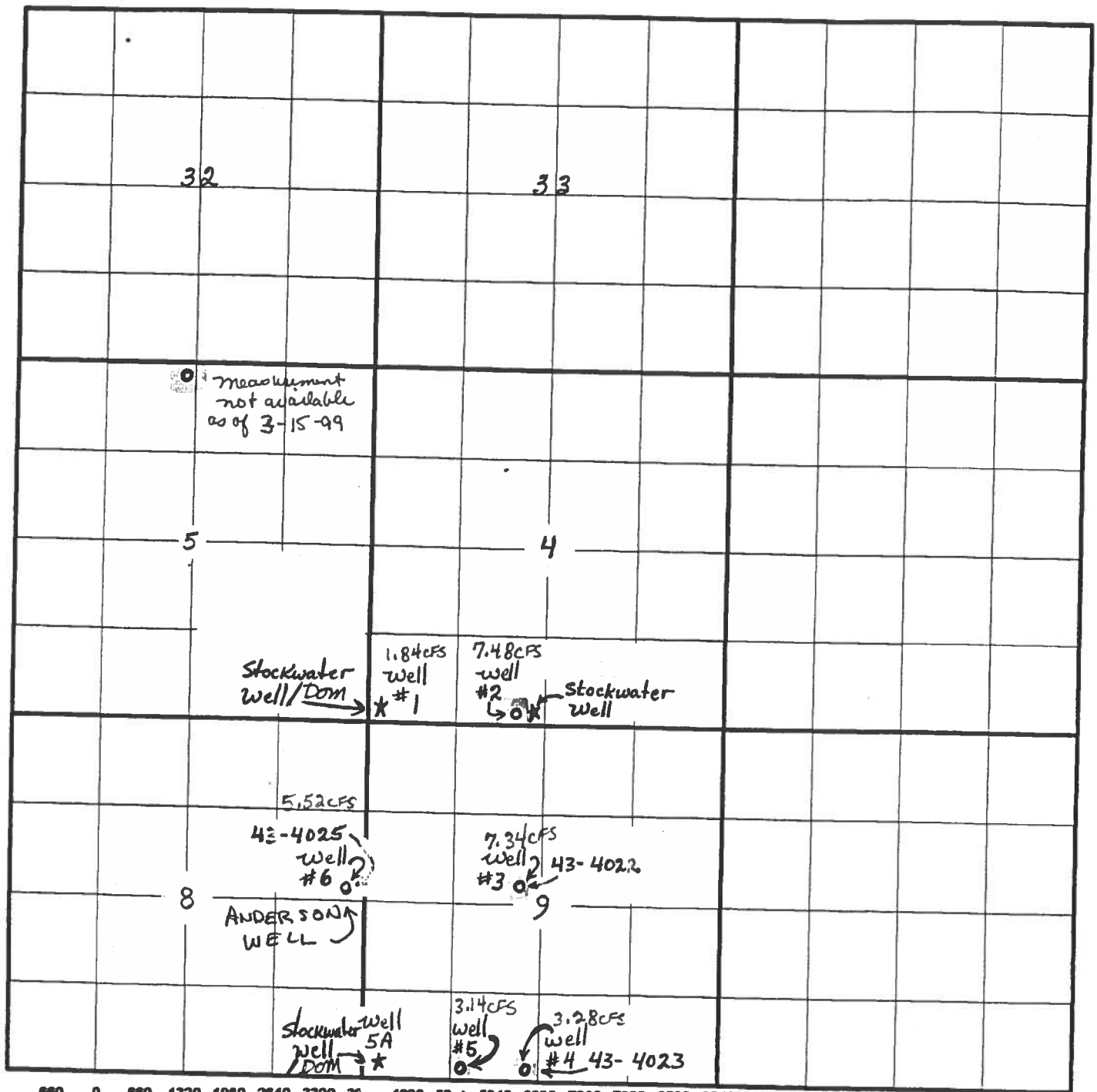
- Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 6th day of June, 2002


Chief, Water Allocation Bureau

IDAHO DEPARTMENT OF WATER RESOURCES



Well #7
43-4026
Developed in
sec 20 SWNE

○ = P/Ds for Poot transfer
(5 wells) IRR. USE

* = Stockwater wells

T-5224 & T-5225

CLAIM NUMBERS 43-04022E 43-04022G DATE 3-18-99
43-04023C 43-04024E AGENT KKC
43-02441B 43-02356A Malta Farm

TRANSFER NUMBER _____
 HOMESTEAD ENTRY NO. _____
 CLAIMED ACRE TOTAL _____
 GEOGRAPHIC INFO ACRES _____

	TNS	RNG	SEC	NE				NW				SW				SE				
				NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
CLAIM	135	27E	32											33.3	33.7			33.4	33.6	13
GIS																				
RECOM																				
CLAIM	135	27E	33											32.7	32.8					65
GIS																				
RECOM																				
CLAIM	145	27E	4					36	35.9	33.9	34.3	34.2	33.3	32.9	33.4					2
GIS																				
RECOM																				
CLAIM	145	27E	5	32.9	33.3	19.4	19.6	33.4	33.5											17
GIS																				
RECOM																				
CLAIM	145	27E	9					33.8	33.6	33.2	33.1	33.7	33.5	33.3	33.4					2
GIS																				
RECOM																				

B43-DBPOU.SHP

DBF TABLES UPDATED: B43-DBPOU.DBF

SHAPE NOS

B43-DBPOD.DBF

Sec 32 & 5 - 306 Ac

irrigation wells

33 & 4 - 339.7

145 27E Sec 4 SESESW (well # 2)

9 - 267.9

Sec 5 NE NENW (L3) -

B43POD.SHP 913.7 Ac L4

Sec 9 SESE NW (well # 3)

NOS DESCRIPTION

Sec 9 SWSE SW (well # 5)

Sec 9 SESE SW (well # 4)

145 27E Sec 4 SWSWSW (well # 1) dom/stock use

Sec 4 SESE SW - /stock

Sec 9 SWSWSW (well 5A) dom/stock

JPEG LAYOUT

T-5244-TS225-MALI FARM.

T-5224 : T5225

CLAIM NUMBER

43-04022F 43-04022H DATE 3-18-99

TRANSFER NUMBER

43-04023D

43-04024F 43-0244C

JENT KKC

CLAIMED ACRE TOTAL

43-02356B

(Idahome Farm)

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	11S	27E	31	32.3	32.5	32	32.6									31.4	32.2	32.1	32.2
GIS																			
RECOM																			
CLAIM																			
GIS																			
RECOM																			
CLAIM																			
GIS																			
RECOM																			

~~B72~~-DBPOU.SHP

SHAPE NOS.

P/D; 11S, 27E Sec 31 NWSESE

~~B72~~-DBPOD.SHP

NOS. DESCRIPTION

DBF TABLES UPDATED

~~B72~~-DBPOU.DBF

~~B72~~-DBPOD.DBF

JPEG LAYOUT

✓ 7-5224 - 5225 - IDAHOME FARM

INTEROFFICE MEMORANDUM

TO: TRANSFER FILE NOS. 5224 & 5225
FROM: KELLY K CHRISTENSEN
SUBJECT: ADJUDICATION REVIEW OF TRANSFERS
DATE: 03/18/99

The two transfers affect two independent farms. The north farm is referred to as the **Idahome Farm** and the southern farm is referred to as the **Malta Farm**.

IDAHOME FARM

This system is one well irrigating 240 acres. There is one license (43-02356) on this property and it is for 240 acres at 2.94 cfs or 0.012 cfs/acre.

Some questions exist relating to partial forfeiture for a portion of 43-02356, however I agree with Corey that there is no clear evidence of partial forfeiture and therefore I accept all 240 acres as being available for transfer. See also Corey Skinner's Memorandum dated 2-12-1998.

MALTA FARM

There are five statutory claims and one license claimed on this farm. Analysis for adjudication purposes indicates that three statutory claims and a portion of the licensed right are valid. The original farm is now owned by two different entities and they have claimed their respective portion of the rights appurtenant to their property.

After reviewing the evidence of priority available for the statutory claims, I feel that there is sufficient evidence to recommend them with their claimed priority dates (advanced to the beginning of the irrigation season for the year claimed where necessary). The history is that each well was independently developed and originally claimed as a statutory claim. Each new well provided water for new ground and/or supplemented the irrigation of ground previously developed.

Stockwater was identified as being minor and supplemental to the irrigation use. No rate was claimed for stockwater

on the statutory claims and the total diversion rate matched the claimed irrigation rates. The adjudication claims reduced the irrigation-claimed rate by 0.24 cfs and included stockwater at 0.24 cfs. The total rate matched the original statutory claimed rate.

As stockwater was developed incidental to the irrigation use, I agree with the transfer position of reducing the irrigation rate by the amount recognized for stockwater. However, I do not feel that each right should be recommended for stockwater at 0.24 cfs and then conditioned in remarks to a combined limit of 0.24 cfs. I recommend that the stockwater use be proportioned between the three earliest statutory claims at 0.08 cfs each (totaling 0.24 cfs). This appears to better describe the historical development of stockwater and does not give the appearance of a series of stockwater rights (when combined) exceeding 0.24 cfs.

Included with the documentation of the statutory claims was evidence of measurements made in 1963. As those measurements represent the best evidence of the original developed diversion rate, they are the basis for the recommendations.

The total claimed diversion rates for the statutory claims and the one licensed right, when combined, exceed an inch to the acre. My recommendation recognizes the rights in order by priority date, up to one inch per acre. In accepting each statutory claim as valid, the issue of which claims to recommend and at what rate then becomes one of diversion rates vs. priority date up to the required system total rate.

The pre transfer conditions identified by Corey Skinner are as follows:

PLACE OF USE MALTA FARM

1,025 acres irrigated -- transfer field review by CS
(this excludes a portion of the original
farm now owned and claimed by Anderson.)

66 acres for application for permit 43-07209 (on hold)
959 balance irrigated as of commencement (pre transfer)

959 acres * 0.02 cfs = 19.18 cfs

PLACE OF USE IDAHOME FARM

240 acres irrigated licensed P/U 43-02356

2.94 cfs licensed rate

COMBINED PLACE OF USE ANALYSIS

The goals of the two transfers are:

- to equally proportion the water between the two farms
- to add 16.4 acres to the Idahome Road farm
- to reduce the place of use on the Malta farm
- to split off stockwater and domestic uses also on the Malta Farm. A reduction in irrigated acres allowing a change in nature of use for the domestic and stockwater uses, allows them to be independent of all irrigation uses.

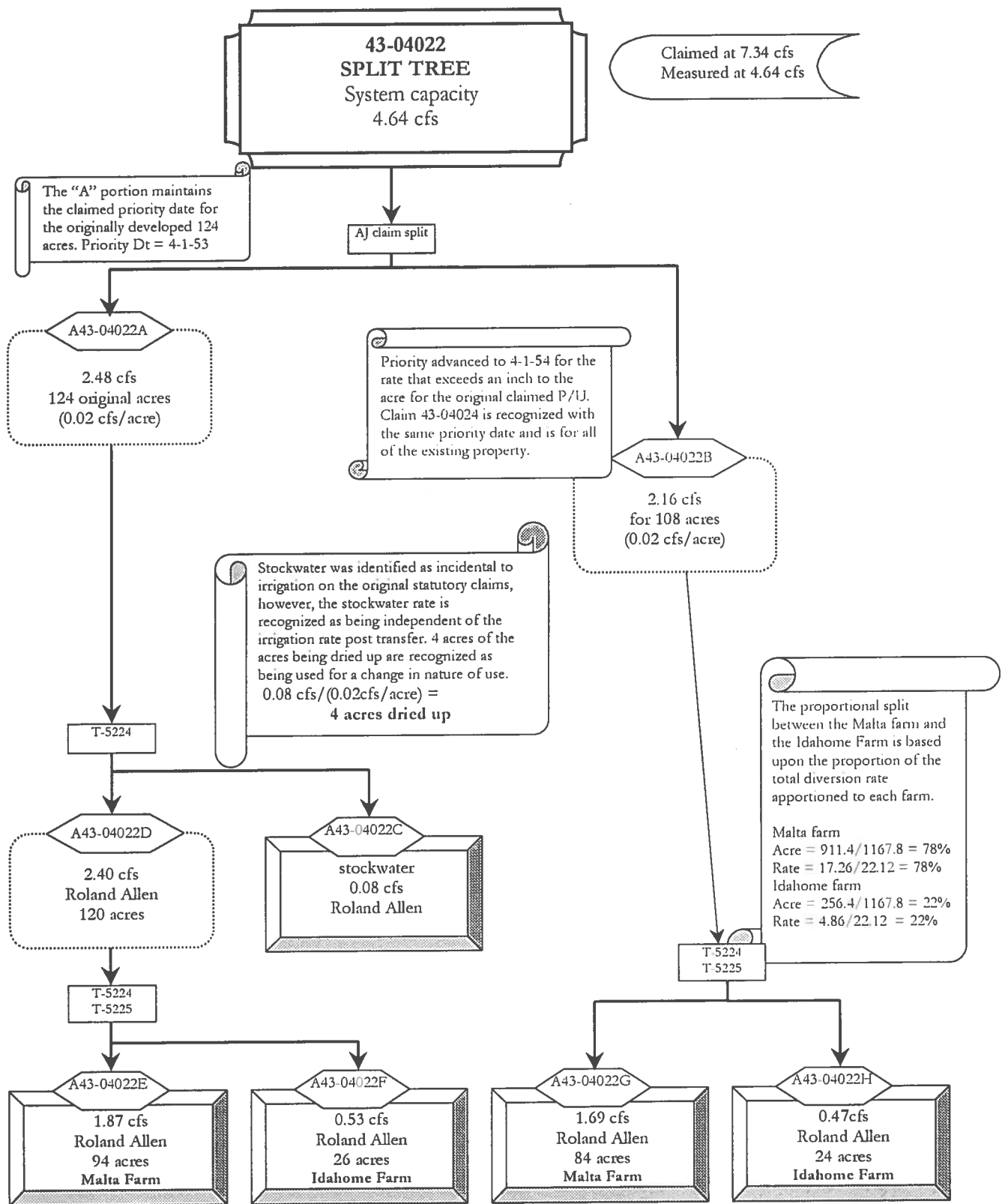
Total acres irrigated between the two systems are;

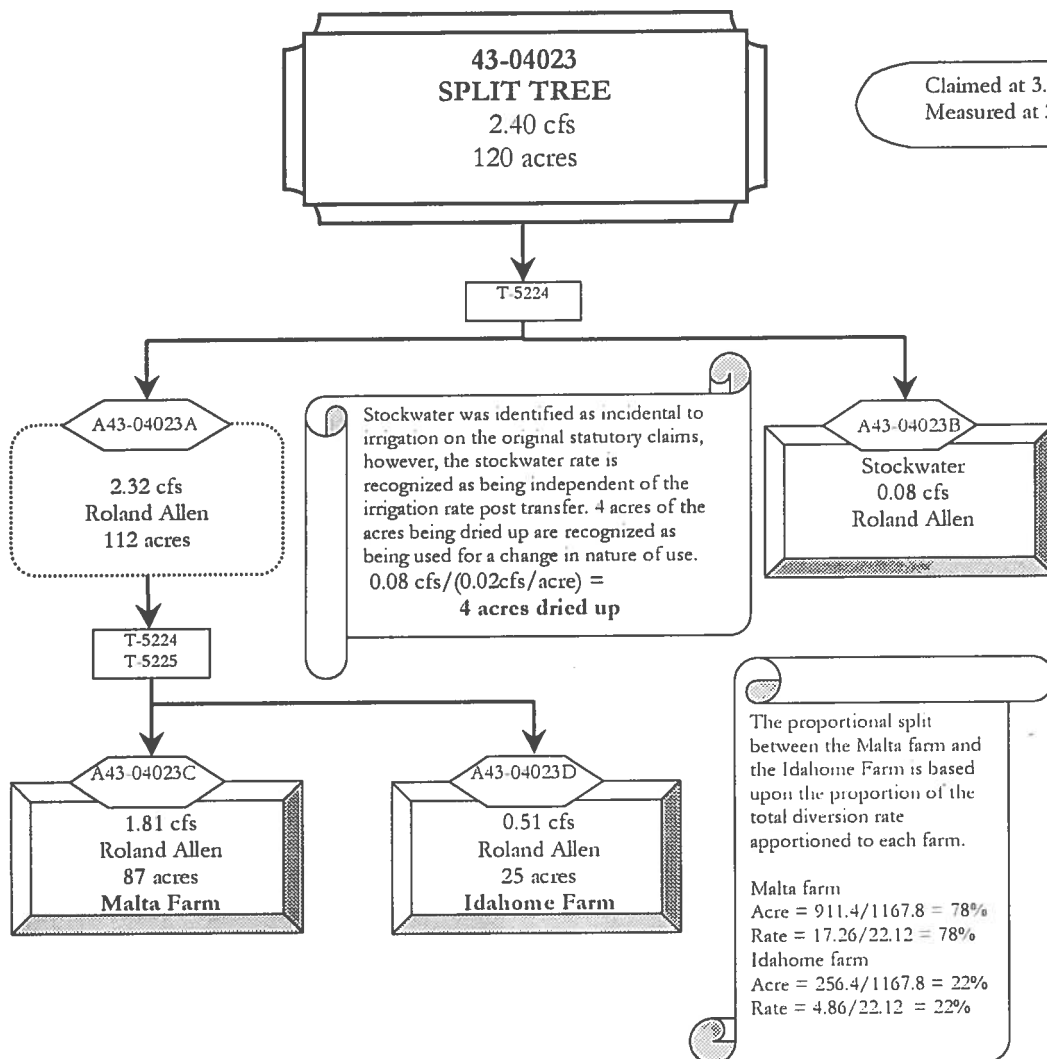
959 acres + 240 acres =	<u>1199 acres.</u>
Post transfer acres for the Malta Farm =	911.4 acres
Post transfer acres for Idahome Road =	<u>256.4 acres</u>
Total	<u>1167.8 acres</u>

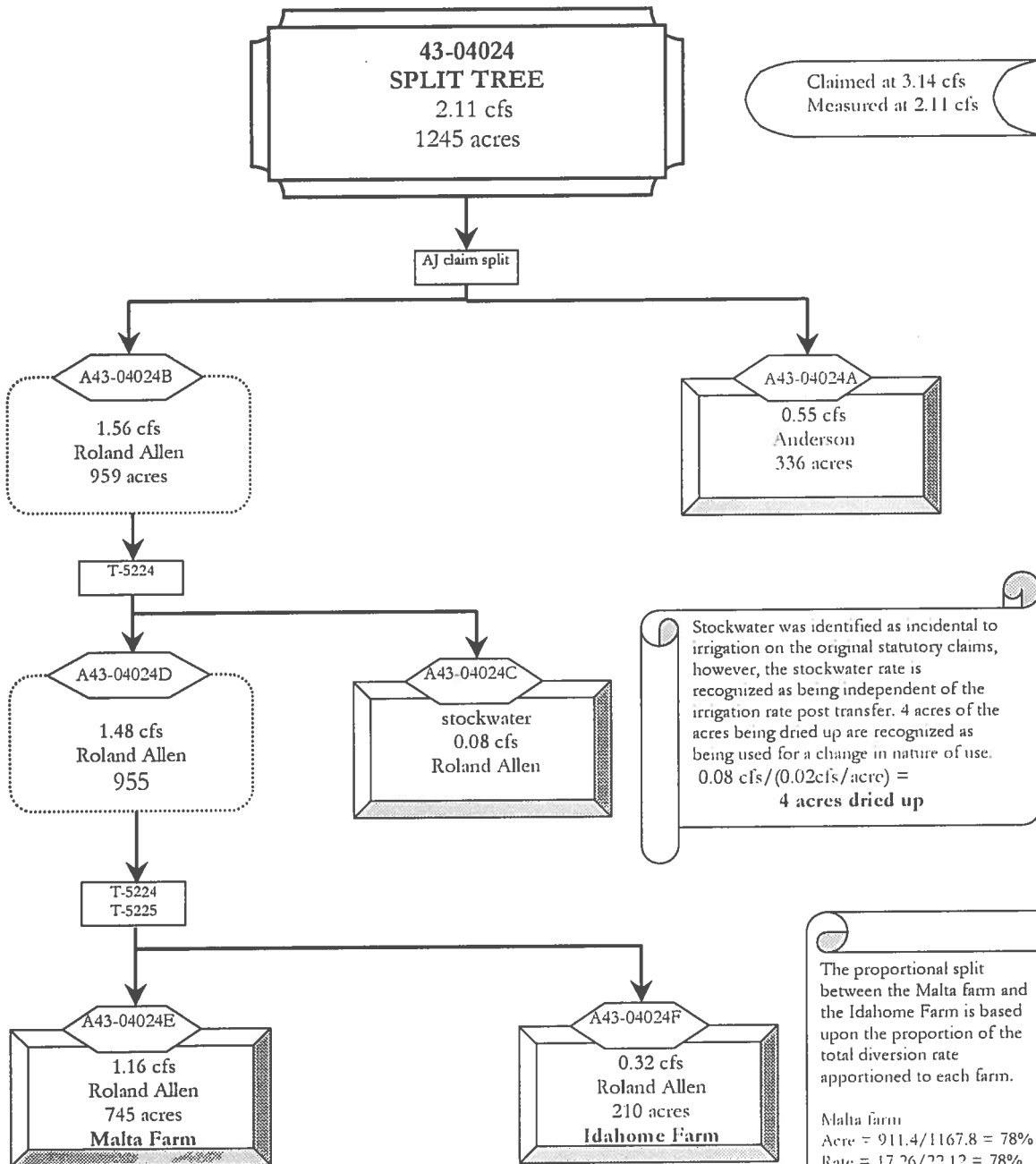
The combined post transfer P/U is therefore 31.2 acres less than the combined P/U, pre transfer. The volume for these acres can be allocated for the stockwater being split from the statutory claims). $0.24 \text{ cfs} / 0.02 \text{ cfs/acre} = 12$ acres to be dried up for the stockwater use.

Analysis and the basis for the recommendations continues within the split tree layouts developed for each right involved in these transfers. Rates shown within the initial box represent the rates recognized as valid for each statutory claim. 43-02441 shows the original licensed rate but is subsequently reduced to the rate that brings the pre transfer place of use up to one inch to the acre.

Claim suffixes, rates, and acre limits are identified on the split trees for each right to be recommended.







Three statutory claims (as split) are recognized as valid and with a priority date prior to this license. As they are being recognized as being developed prior to the license, the rate being recognized for this right is being reduced to the rate required to bring the system total to one inch per acre. The system is recognized to be 959 acres at 0.02 cfs/acre or 19.18 cfs

RIGHT	PRIORITY DT	RATE	19.18 cfs
43-04022A	04-01-1953	2.40 cfs	<u>8.36 cfs</u>
43-04022B	04-01-1954	2.16 cfs	<u>10.82 cfs (the irrigation rate to be recognized under 43-02411A)</u>
43-04023	04-01-1954	2.32 cfs	0.04 cfs domestic use
43-04024A	04-01-1954	<u>1.48 cfs</u>	0.04 cfs domestic use
total		<u>8.36 cfs</u>	<u>10.90 cfs to be recognized as valid from 43-02441A</u>

**43-2441
SPLIT TREE**
10.90 cfs
907 acres

Licensed at 18.14 cfs
Calculated at 10.90 cfs

Aj claim split

A43-02441A
0.08 cfs dom
10.82 cfs irr
Roland Allen
707 acres

10.90cfs 18.14 cfs
4.00 cfs 14.90cfs
14.90 cfs balance = 3.24 cfs
The 3.24 cfs represents the amount not
recognized as valid once the statutory
claims are recognized at system capacity.

A43-10801
Comb Rt
4.00 cfs
Anderson
200 acres

The proportional split between the Malta farm and the
Idahome Farm is based upon the proportion of the
total diversion rate apportioned to each farm.

Malta farm
Acre = $911.4/1167.8 = 78\%$
Rate = $17.26/22.12 = 78\%$
Idahome farm
Acre = $256.4/1167.8 = 22\%$
Rate = $4.86/22.12 = 22\%$

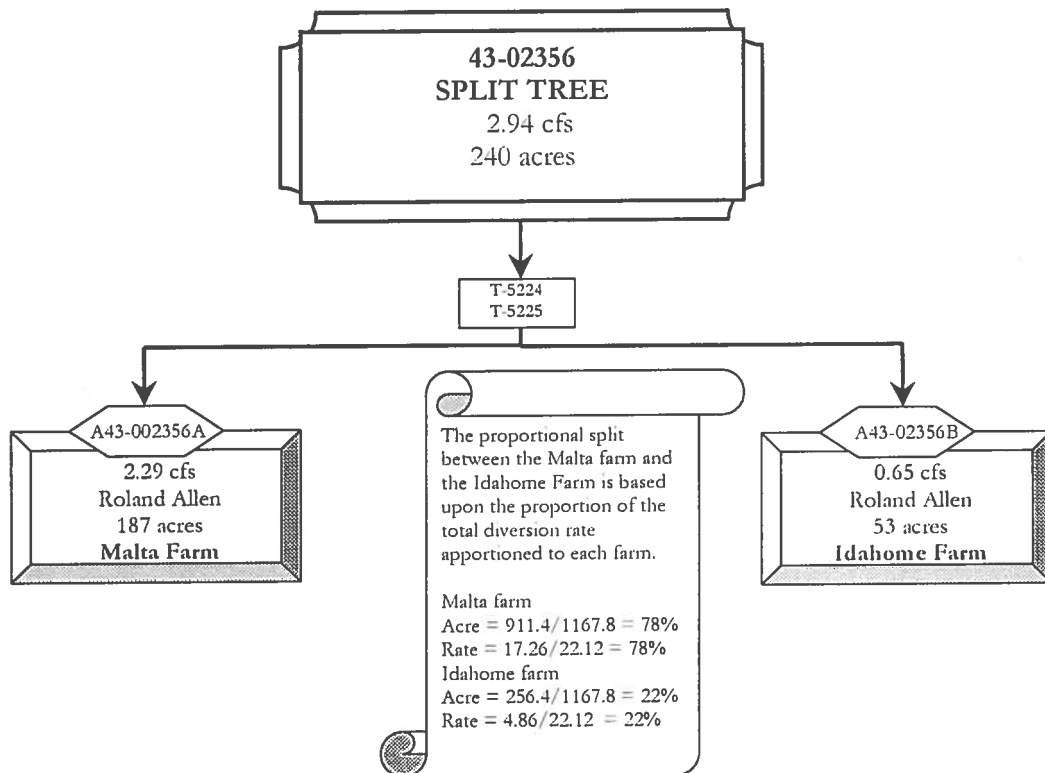
T-5224
T-5225

A43-02441B
8.44 cfs
Roland Allen
551 acres
Malta Farm

A43-02441C
2.38 cfs
Roland Allen
156 acres
Idahome Farm

A43-02441D
0.04 cfs
Roland Allen
Domestic
Malta Farm

A43-02441E
0.04 cfs
Roland Allen
Domestic
Malta Farm



6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT
(If the right(s) will not be split, skip this area and proceed to item 7)

Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT
(If the right(s) will not be split, skip this area and proceed to item 7)

Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7. **Signature of New Owner(s) or Claimant(s)**
(include title if applicable)

Gary B. Harper
Susan J. Harper

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only

Received by _____	Date _____	Fee _____
Received by _____	Date _____	Receipt No. _____
Processed by _____ AJ	Date _____	WR _____ Date _____