

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: A43-02361
Date Received: 5/31/1989
Receipt No: M003766
Received By: RLV-2K

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: RONALD HARPER
Address: HC 61, BOX 1156
MALTA, ID 83342
208-645-2283
2. Date of Priority: FEB 24, 1951
3. Source: GROUNDWATER Trib. to:
4. Point of Diversion:
- | Township | Range | Section | 1/4 | of | 1/4 | of | 1/4 | Lot | County |
|----------|-------|---------|-----|----|-----|----|-----|-----|--------|
| 12S | 26E | 25 | SW | | SW | | SE | | CASSIA |
5. Description of diverting works:
16" X 220' WELL, 100 HP PUMP.
6. Water is used for the following purposes:
- | Purpose | From | To | C.F.S. | (or) | A.F.A. |
|------------|-------|-------|--------|------|--------|
| IRRIGATION | 03/15 | 11/15 | 3.000 | | |
| STOCKWATER | 03/15 | 11/15 | 0.090 | | |
7. Total Quantity Appropriated is:
3.000 C.F.S. (and/or) A.F.A.
8. Total consumptive use is Acre Feet Per Annum.
9. Non-irrigation uses:
S/ 300 BEEF CATTLE
10. Place of Use:
- | Township | Range | Section | 1/4 | of | 1/4 | Lot | Use | Acres |
|----------|-------|---------|-----|----|-----|-----|-----|-------|
| 12S | 26E | 25 | NE | | SE | | IRR | 35.0 |
| | | | NW | | SE | | IRR | 40.0 |
- A43-02361 Page 1 Date: 05/31/89

MICROFILMED
MAR 03 1993

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
12S	26E	25	SW		SE		IRR	40.0
			SW		SE		STOCK	
			SE		SE		IRR	35.0
			Section Acres					150.0
		36	NW		NW		IRR	40.0
			SW		NW		IRR	35.0
			Section Acres					75.0
			Total Acres					225.0

11. Place of use in counties: CASSIA

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

13. Other Water Rights Used:

43-00302, 43-00296A, 43-00293A

14. Remarks:

TRANS. 1890 DENIED 9-22-1973.

THIS CLAIM IS COMBINED WITH THE OTHER CLAIMS IN A COMMON SYSTEM TO ALLOW EXPANSION TO ADDITIONAL ACREAGE OF 75 ACRES IN THE E1/2 OF THE NW 1/4 OF SEC. 36, T12S, R26E. SEE THE ATTACHED LETTER FROM BUD TRACY WITNESSING THAT THIS LAND HAS BEEN IRRIGATED SINCE THE FALL OF 1973.

15. Basis of Claim: LICENSE

Water Right Number: 21959

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): X Ronald D Harper Date: 5-31-89

Date: _____

State of Idaho)
County of Cassia) SS.

Subscribed and sworn (or affirmed) before me this 31st day
of May 19 89

Robert V. Threlkell
Notary Public

Seal

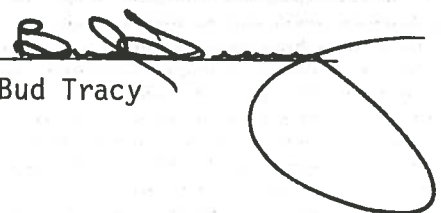
Residing at Twin Falls, Idaho
My Commission Expires 1/16/1995

May 30, 1989

TO WHOM IT MAY CONCERN:

The purpose of this letter is to record my knowledge of Elwin K. Harper expanding his water right in the Fall of 1973 to the E $\frac{1}{2}$ NW $\frac{1}{4}$ of Section 36, Township 12 South, Range 26 East.

Through conservative practices, he continued to irrigate said land until placing it in the CRP program.

Signed: 

Bud Tracy

MICROFILMED

MAR 03 1993

DO-21
S-25
T-12
R-26

1877
T1561

2
10.0

36 1877
T1564

CRIP 87-10

38.0

CRIP 87-10

37.1

1401

HEL

HEL

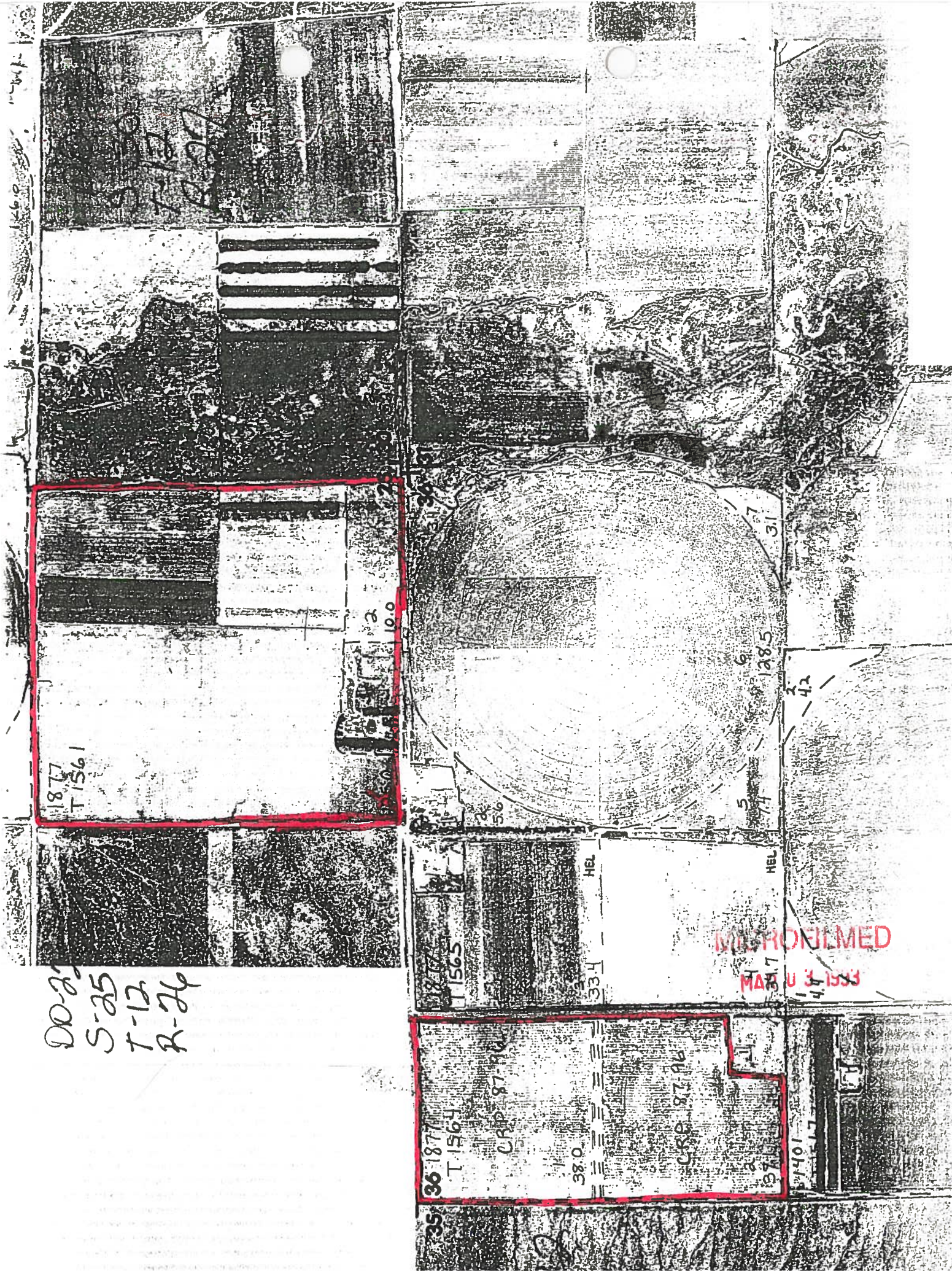
MICROFILMED
MAR 4 1953

5
74
128.5

42

7
3.1

56



04/05/2001

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

RIGHT NUMBER: 43-2361

NAME AND ADDRESS: RONALD HARPER
1300 S 2225 E
MALTA, ID 83342

SOURCE: GROUND WATER

VERIFIED BY KKC

QUANTITY: 3 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE SHALL NOT EXCEED 13,000 GALLONS PER DAY.

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 3.00 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 600 AF. COMBINED RIGHT NOS.: 43-2361 AND 43-12995.

PRIORITY DATE: 02/24/1951

POINT OF DIVERSION: T12S R26E S25 SWSWE Within CASSIA County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	03-15 11-15	3.00 CFS
STOCKWATER	03-15 11-15	600.00 AFY 0.09 CFS

PLACE OF USE:

IRRIGATION Within CASSIA County

T12S R26E S25	NESE	35	T12S R26E S25	NWSE	39
T12S R26E S25	SWSE	32	T12S R26E S25	SESE	34
T12S R26E S36	NWNW	39	T12S R26E S36	SWNW	34

STOCKWATER Within CASSIA County

T12S R26E S25	NESE	T12S R26E S25	NWSE
T12S R26E S25	SWSE	T12S R26E S25	SESE
T12S R26E S36	NWNE	T12S R26E S36	NWNW
T12S R26E S36	SWNW	T12S R26E S36	NWSW

213 ACRES TOTAL

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 150 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 213 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS. 43-293A, 43-296A, 43-302, 43-2361, 43-12994, AND 43-12995.

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.

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

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

RIGHT NO. 43-12995 IS AN EXPANSION OF THIS RIGHT PURSUANT TO SECTION 42-1416B, IDAHO CODE.

CLAIM NUMBER

A43-02361

DATE

4-4-01

TRANSFER NUMBER

AGENT

KRC

CLAIMED ACRE TOTAL

225

GIS ACRE TOTAL

213

	TWP	RNG	SEC	NE				NW				SW				SE				
				NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
CLAIM	12S	26E	25													35	40	40	35	150
GIS																35	39	32	34	
RECOM																				
CLAIM	12S	26E	36							40	35									75
GIS										39	34									
RECOM																				
CLAIM																				
GIS																				
RECOM																				

B43-DBPOU.SHP

SHAPE NOS.

43-DBPOD.SHP

NOS. DESCRIPTION

Licensed on 150ac
 recognize an unrecorded transfer
 for approx 7ac farmstead in SW SE. Sec 25
 to ground in W 1/2 NW Sec 36.

DBF TABLES UPDATED

B43-DBPOU.DBF

B43-DBPOD.DBF

JPEG LAYOUT



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

SOUTHERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

May 18, 1999

DOUGLAS R HARPER
HC 61 BOX 1156
MALTA ID 83342

RE: SNAKE RIVER BASIN ADJUDICATION CLAIMS: A43-02361, A43-00293A,
A43-00296A, & A43-00302

Dear Mr Harper

This letter is basically a copy of a letter I recently sent to Douglas Harper but tailored to your circumstances.

The department is scheduled to submit its director's report for basin 43 to the Snake River Basin Adjudication court late this fall. Accordingly, the department has scheduled this summer for field verification of adjudication claims in order to prepare the director's report. With this letter I am attempting to explain some of the changes to Idaho code and court procedures that directly affect your water rights. I understand that much of this may be difficult to follow and I expect to meet personally with you in Malta sometime this spring to go through this in depth. If you wish to call, you can reach me at the above listed number.

At claims taking in 1989, you filed the above claims in accordance to court and department directions. Since that time, through legal challenges and a change in Idaho code, the method of identifying enlargements to licensed and decreed rights have changed. The enlargements for groundwater and decreed surface water rights are treated differently and I am, therefore, addressing them separately.

As I have not visited your property or reviewed your claims with you, I have not formed a recommendation for your rights at this time. I did, however, review the evidence relating to the enlargement and, baring contrary information, find that it is sufficient to establish the priority date for the enlargement claims. This is based upon the assumption that the groundwater and surface water systems both were applied to the new acreage at the same time. The evidence submitted indicates that the enlargement for the E½NW¼ of sec 36 occurred in 1973.

The filing fee for each new claim is \$50.00. As you claimed all acres and paid the variable fees for those acres at the time of the original filing, there is no additional acreage fee due. Also,

although the original time for claims taking has past, no late fee is due as your original filings were timely. I have enclosed several irrigation claim forms for your use.

I have also attached copies of the Idaho code sections 42-1416B and 42-1426 mentioned in the following paragraphs.

**ENLARGEMENT OF 43-02361
(groundwater)**

The mandatory permit statute for groundwater rights was enacted on March 25, 1963 and the Raft River Critical groundwater area closed July 23, 1963. This right was licensed for 150 acres and is now claimed on 225 acres. All enlargements from a groundwater source within a critical groundwater management area will receive a June 30, 1985 priority date (see 42-1416B) and as the ground was developed prior to 1985, a claim needs to be filed for that enlargement. The claim would be for the difference between the licensed 150 acres and the total irrigated place of use. No additional diversion rate can be recommended.

**ENLARGEMENT OF 43-00293A, 43-00296A, & 43-00302
(decreed surface water rights)**

The decreed rights place of use is basically the same as for the licensed P/U. As Idaho code establishes different regulations for surface water, the enlargement of the decreed rights requires a second claim even though it is for the same ground. Because the ground was first irrigated after the mandatory permit date for surface water which is May 20, 1971, a beneficial use claim is not applicable for these acres. Enlargement acres as described in 42-1426 (attached) would have a 1973 priority date but with no additional diversion rate. The place of use would be the same as claimed under the groundwater source.

I realize that all of this can be confusing as I am not able to discuss all details within this letter, but hopefully, this will be sufficient for you to understand the basics of your choices.

Sincerely

Kelly K Christensen
Senior Water Resource Agent
Enclosures

TITLE 42
IRRIGATION AND DRAINAGE -- WATER
RIGHTS AND RECLAMATION
CHAPTER 14
ADJUDICATION OF WATER RIGHTS

42-1416B. CLAIM FOR EXPANDED USE IN CRITICAL GROUND WATER AREA -- DETERMINATION OF WATER AVAILABILITY.

- (1) Within any critical ground water area designated pursuant to section 42-233a, Idaho Code, a claim to the expanded use of a ground water right, which use was expanded in violation of the mandatory permit requirements, may be decreed in a general water rights adjudication if the expansion occurred after the designation of the critical ground water area, before the commencement of the adjudication, and before the date of enactment of this section. The priority date for the right decreed shall be June 30, 1985.
- (2) Water shall be deemed unavailable to fill the rights for expanded use, even if decreed in the adjudication, unless the director finds that a management program exists which will, within a time period acceptable to the director, limit the average annual water withdrawals from the aquifer designated in the critical ground water area to no more than the average annual recharge to the aquifer.
- (3) Within two (2) years after a decree determining the water rights within a critical ground water area becomes final, but not sooner than four (4) years from the date of enactment of this section, the director of the department of water resources shall make a finding as to whether an adequate management program exists to bring withdrawals into balance with recharge.
- (4) If the director finds that an adequate management program to bring withdrawals into balance with recharge does not exist, the director shall order all holders of rights to expanded use of ground water within the area to cease or reduce withdrawal of water until such time as the director determines that withdrawals have been brought into balance with recharge and sufficient ground water is available to resume or increase withdrawals. The director's order shall be issued before September 1 and shall be effective beginning with the following growing season.
- (5) For purposes of this section, the following definitions shall apply:
 - (a) "Expanded use" means an increase in the number of acres irrigated, or other additional use, under a valid ground water right without any increase in the rate of diversion or volume of water diverted.
 - (b) "Management program" means a program to recharge the aquifer, limit withdrawals from the aquifer or provide surface water supplies for all, or a portion, of the land irrigated with water withdrawn from the aquifer, including any actions designed to bring withdrawals into balance with the average annual recharge to the aquifer.
 - (c) "Recharge" refers to all processes, natural or artificial, which add water to the aquifer.
 - (d) "Withdrawal" refers to all processes, natural or artificial, which take water from the aquifer.
- (6) The hearing and judicial review provisions of section 42-1701A, Idaho Code, shall apply to any findings and orders issued by the director pursuant to this section.
- (7) Nothing contained in this section shall be construed to limit the authority of the director of the department of water resources to administer and enforce any other ground water laws of the state.

TITLE 42
IRRIGATION AND DRAINAGE -- WATER
RIGHTS AND RECLAMATION
CHAPTER 14

ADJUDICATION OF WATER RIGHTS

42-1426. ENLARGEMENTS -- WAIVER OF MANDATORY PERMIT REQUIREMENTS.

- (1) Legislative findings regarding enlargements:
 - (a) The legislature finds that prior to the commencement of the Snake River basin adjudication and subsequent to the mandatory permit system provided in sections 42-201 and 42-229, Idaho Code, persons entitled to the use of water or owning any land to which water has been made appurtenant by decree, license or constitutional appropriation have, through

water conservation and other means, enlarged the use of said water without increasing the rate of diversion and without complying with the mandatory permit system adopted by the legislature. Enlargements have been done with the knowledge of other water users, and water has been distributed based upon the right as enlarged. Junior water users made appropriations based upon a water system that reflected these enlarged uses. Thus, the legislature further finds and declares that it is in the public interest to waive the mandatory permit requirements for these enlargements in use prior to the commencement of a general adjudication, so long as such enlargements in use did not increase the rate of diversion of the original water right or exceed the rate of diversion for irrigation provided in section 42-202, Idaho Code, after the enlargement of use, and the enlargement of use did not reduce the quantity of water available to other water rights existing on the date of the enlargement in use.

- (b) The legislature further finds that it is in the public interest to waive certain statutory provisions for the appropriation of water that has been diverted and applied to beneficial use to insure the economic and agricultural base in the state of Idaho as it existed on the date of the commencement of the Snake River basin adjudication and to maintain historic water use patterns existing on that date.
- (2) The mandatory permit requirements of sections 42-201 and/or 42-229, Idaho Code, are waived, and a new water right may be decreed for the enlarged use of the original water right based upon the diversion and application to beneficial use, with a priority date as of the date of completion of the enlargement of use for any enlargement occurring on or before November 19, 1987; provided however, that the rate of diversion of the original water right and the separate water right for the enlarged use, combined, shall not exceed the rate of diversion authorized for the original water right; and further provided, that the enlargement in use did not injure water rights existing on the date of the enlargement of use. An enlargement may be decreed if conditions directly related to the injury can be imposed on the original water right and the new water right that mitigate any injury to a water right existing on the date of enactment of this act. If injury to a water right later in time cannot be mitigated, then the new right for the enlarged use shall be advanced to a date one (1) day later than the priority date for the junior water right injured by the enlargement. It is further provided that any such enlargement of use allowed in a general adjudication shall not constitute an abandonment or forfeiture of the original water right to the extent of current use.
- 3) The director shall publish a notice of enlargement of water right for all water rights recommended under this section. The notice shall contain a summary of the notice of claim and shall be published in the same manner as notices for applications to appropriate water in section 42-203A, Idaho Code. Any person who has filed an application for a water right prior to the enactment of this act or who has been issued a permit for a water right prior to enactment of this act but who has not filed a claim in an adjudication shall have one hundred twenty (120) days from the date of last publication of the notice of enlargement of a water right under this section to file a petition with the department of water resources to assert any claimed injury from the enlargement. No appeal of the determination of the department shall be allowed. If the applicant or permittee is dissatisfied with the determination of the department on any claim of injury, the sole remedy is to intervene in the general adjudication and assert their claim of injury in an objection to the water right

September 27, 1973

Re: Application for Transfer No. 43-2361

Elwin K. Harper
Malta,
Idaho 83342

Dear Mr. Harper:

Enclosed you will find an Order which **DENIES** your Application for Transfer No. 43-2361. Also enclosed, for your records, is a copy of the application.

If you have any questions concerning this matter, please do not hesitate to contact us.

Sincerely,

BOBEY D. FLEETOR
Assistant Director

BDF:JC

Enc: Order

Copy of application

bc: Southern District Office

Identification No. 1890
Transfer No. 43-2361

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

APPLICATION FOR TRANSFER OF WATER RIGHT
To Change the Point of Diversion and/or the Place of Use

DENIED

1. Name of Right Holder Elwin Kay Harper
Post office address Malta, Idaho 83342
2. Right obtained by:
a. Decree to _____ in Case of _____
(Name)
vs. _____, Dated _____ in _____
(Name of Court)
Court. County of _____
21959/
b. License No. 43-2361 issued by the State of Idaho, Department of Reclamation.
3. Source of water ground water tributary to _____
(Name of stream or source)
4. Date of Priority February 24, 1951
5. Amount of water a. 3.0 cfs c.f.s. and/or
b. _____ acre feet/annum
6. Water is used for Irrigation from March 15 to Nov. 15
and stockwater from Jan. 1 to Dec. 31 (Month, Day) (Month, Day)
7. Original location of point of diversion is SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 25,
Township 12 S, Range 26 E, B.M., in Cassia County;
Additional points of diversion, if any _____

8. Lands presently irrigated or place of use:

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
12 S	26 E	25													X	X	X	X	150

Total number of acres presently irrigated _____

43-2361

Applicant was ☐ the original holder of this right explain how it was ☐ jured: _____

10. CHANGE IN POINT OF DIVERSION

- a. Quantity to be diverted at new point: _____ c.f.s. and/or _____ acre feet
- b. New point of diversion: _____ $\frac{1}{4}$ _____ $\frac{1}{4}$, Section _____, Township _____, Range _____, B.M.
- c. Description of method of diversion and conveyance from new points of diversion: _____

- d. Is water to be conveyed to the lands previously irrigated? Yes _____ No _____
If not, the place of use should be changed below.
- e. Describe the reasons for applying for a change in the point of diversion:

- f. Do you intend to make the transfer permanent? _____
- g. Do you intend to abandon completely the old point of diversion? _____

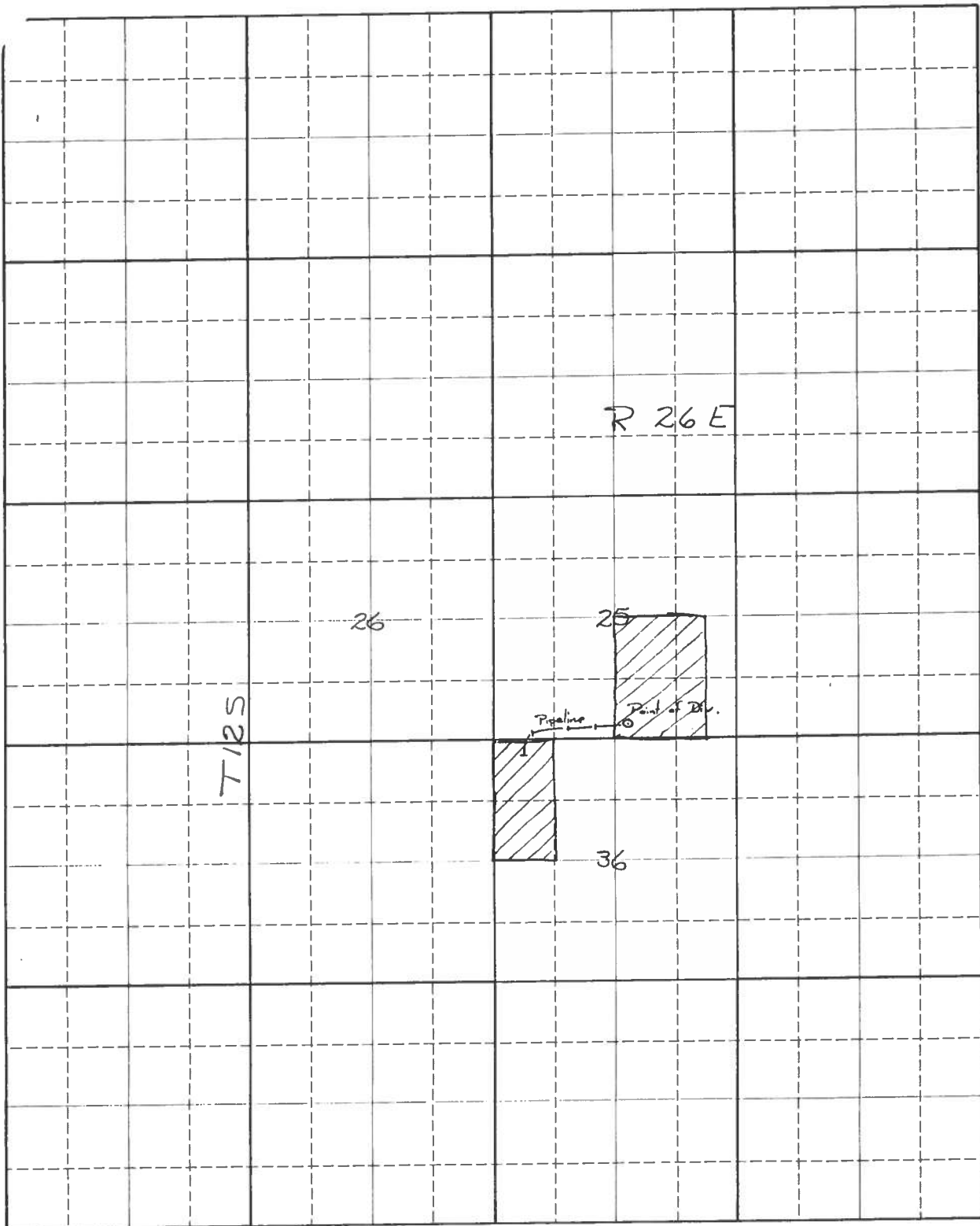
- h. Indicate on the above plat the new point of diversion and lands to be irrigated.

11. CHANGE IN PLACE OF USE

- a. Describe the new lands on which you wish to use your right.

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
12 S	26 E	25													X	X	X	X	150
		36						X	X										80

Total number of acres to be irrigated 230



SCALE: 2 Inches Equal 1 Mile. Draw Plan in Ink.

a. Do you intend to make the transfer permanent? _____

c. Are you completely abandoning the lands previously irrigated by this right? If not, explain your plans:

I would like to change my method of irrigating from flood irrigation to a sprinkling system to make better use of my water, thus for the same amount of water I could irrigate & complete my filing started in 1951 to irrigate cherries of my land.

d. Describe any other water rights that you claim for the new ground upon which you wish to transfer this right: _____

e. Indicate on the above plat the new land to be irrigated and the point of diversion.

I hereby assert that no one will be injured by such transfer and that the change will be made at my own risk. The information contained in this application is true to the best of my knowledge.

Edwin Jay Harper
(signature of applicant)

Subscribed and sworn to before me this 30 day of July, 1973

Richard J. [illegible]
(notary public)

My commission expires Jan 15, 1977.

ACTION OF STATE RECLAMATION ENGINEER AND CERTIFICATE OF TRANSFER

This is to certify that I have examined Application for Transfer of Water Rights No. 43-2361,
and said application is hereby DENIED.

1. Approval of said application is subject to the following limitations and conditions:

2. Denial of said application is for the following reasons: Pursuant to Order of September 22, 1973.

Witness my hand this 22 day of September, 1973.

R. Karl [illegible]
State Reclamation Engineer

FOR DEPARTMENT USE ONLY

Received by JDF Date 7/27/73

Protest filed by: _____ Date _____

Prelim. check by RAM Date 7-24-73

Fee received by de Date 7-20-73 Fee \$ 30.00 # 11375

Approved for publication by RJH

Published in South Idaho Press Dates 7-31 + 8-7-73

Hearing held _____

Watermaster Recommendation sent _____

BEFORE THE DEPARTMENT OF WATER ADMINISTRATION
OF THE
STATE OF IDAHO

IN THE MATTER OF DENYING Application for)
Transfer of Water Right No. 43-2361)
in the name of ELWIN KAY HARPER)

ORDER

WHEREAS, on June 12, 1953, the Department of Water Administration (formerly the Department of Reclamation) issued Water License No. 21959/43-2361 for the appropriation of 3.0 cubic feet per second of water from a ground water source within the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 25, Twp. 12S, Rge. 26E, B.M., Cassia County, to be used for the irrigation of 150 acres and stockwater purposes within the SE $\frac{1}{4}$, Sec. 25, Twp. 12S, Rge. 26E, B.M.; and,

WHEREAS, on December 9, 1970, the lands covered under the above subject license and other adjoining areas were included within a designated critical ground water area; this designation resulted from lowering water levels and the existence of valid permits and licensing providing for several times the withdrawal of water required for the existing level of development; and,

WHEREAS, on July 20, 1973, Elwin Kay Harper filed with the Department of Water Administration an application for transfer of water right to add 80 acres in the W $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 36, Twp. 12S, Rge. 26E, to Water License No. 21959/43-2361; and,

WHEREAS, the Department finds that approval of the above numbered transfer, even though not changing the licensed rate of diversion, would increase the total amount of water consumptively used during the irrigation season. The increased use would cause an additional depletion of an already critical ground water resource and create an interference with prior water rights;

IT IS, THEREFORE, HEREBY ORDERED that Application for Transfer of Water Right No. 43-2361 be DENIED.

Dated this 22 day of September, 1973.


R. KEITH HIGGINSON
Director

State of Idaho License and Certificate of Water Right

Water License No. 21959

Water District No.

Amount Three (3) second feet

Priority February 24, 1951

THIS IS TO CERTIFY that R. J. HARPER
of Malta, Idaho , made application for a permit to appropriate the
public waters of the State of Idaho, dated February 24 , 1951 ; that Permit No. 21959
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
three second feet, was issued thereunder on January 10 , 1953 , showing that said works
were completed on the 7th day of January , 19 53 ; and that on the 11th
day of March . , 1953 ,

R. J. HARPER

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

~~XXXXXXXXXX~~ (subterranean flow) , for the purpose of irrigation and stock

water use , under Use Permit No. 21959 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
8 of Licenses at page 5088 , on the 12th day of June , 19 53 ;
The right hereby confirmed dates from February 24 , 19 51 ;

The Point of Diversion is located

in the SW 1/4 SE 1/4, Sec. 25, Twp. 12 S., R. 26 E., B.M. 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 Three (3) cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
12 S.	26 E.	25	E 1/2 SE 1/4 W 1/2 SE 1/4	70 80	70 80
			Number of acres actually irrigated	- - -	150

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
 12th day of June, 1953.

(SEAL) _____
 MAKER R. KUMP
 State Reclamation Engineer

DD22

12
7.5

NHEL/W

1877
T1561

Ron
owns →

977

174W
8.5
NHEL/W

126.8
HEL

nd

26

25

Ron
owns ↓

35

36

1877

T1561

←
Laverie
Tracy
owns
1562

nd

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Current Year

TRACT NO.	FARMLAND	CROPLAND	IRRIGATED CROPLAND	HEL	027	A027	W	CW	FW	PC	AW	HW	RW	HG	CWTE	CWNA	PCW
1307	160.0	.0		N	N		Y	N	N								N
IDENTIFIER	W-28 S-36 T-13 R-24																
OWNER	1 - DOUGLAS R HARPER																
1308	80.0	.0		N	N		Y	N	N								N
IDENTIFIER	W-28 S-31 T-13 R-25																
OWNER	1 - LAVERE TRACY																
1561	148.0	135.0	135.0	N	N		Y	N	N								N
IDENTIFIER	DD22 S-25 T-12 R-26																
OWNER	1 - RON HARPER																
1562	110.0	100.1	100.1	N	N		Y	N	N								N
IDENTIFIER	DD22 S-25.30 T-12 R-27																
OWNER	1 - LAVERE TRACY																
1564	80.0	75.1	75.1	Y	Y	Y	Y	N	N								N
IDENTIFIER	DD22 S-36 T-12 R-26																
OWNER	1 - RON HARPER																
1565	240.0	216.1	216.1	Y	Y	Y	Y	N	N								N
IDENTIFIER	DD22 S-36 T-12 R-26																
OWNER	1 - DOUGLAS R HARPER																
1573	102.0	90.0	90.0	N	N		Y	N	N								N
IDENTIFIER	DD24 S-6 T-13 R-27																
OWNER	1 - DOUGLAS R HARPER																

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CASSIA
Report ID: ASCS-156EZ

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Crop Year: 94
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OPERATOR: Name, Address & I D No.	FARMLAND	CROPLAND	IRRIGATED CROPLAND	EFFECTIVE CROPLAND	FARM IDENTIFIER	STATUS
519-62-1018 S RON HARPER PO BOX 1156 MALTA	920.0	616.3	616.3	541.2	NONE	ACTIVE
ID 83342 0000						

CRP: 75.1

IFM: N

RECON. REF. NO.: A00499

OFAV NORMAL PLANTED ACRES: .0

CROP	ROT.	BASE	CRP REDUCTION	ADJ. BASE	DATE	P&CP		YIELD			
						YEAR		YEAR	NI	IR	
WHEAT	1	36.5	.0			93	35.3	94	25	70	
						92	33.9	85	25	76	
	IAM	36.3				91	36.3				
						90	42.0				
	NAW	.2				89	35.0	94	70		
						88	29.2	85	76		
	BARLEY	1	220.7	29.2	191.5	12/20/93	93	232.5	94	25	85
							92	234.4	85	25	88
IAM		230.4				91	168.5				
						90	259.7				
NAW		.0				89	208.3	94	85		
						88	291.4	85	88		
OATS		1	6.8	5.8	1.0	12/20/93	93	6.6	94	35	74
							92	6.5	85	35	76
	IAM	.0				91	5.8				
						90	9.3				
	NAW	1.0				89	5.8	94	35		
						88	5.8	85	35		