

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: A43-02528
Date Received: 6/23/1989
Receipt No: S007729
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

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

AND/OR

Name: JEANETTE W. HARPER 208-645-2533
Address: HC 72
BOX 2156 83342
MALTA, ID

2. Date of Priority: JUN 06, 1961

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

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

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

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/01	10/31	2.200		

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

8. Total consumptive use is 330.0 Acre Feet Per Annum.

9. Non-irrigation uses:

A43-02528

Page 1

Date: 06/23/89

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10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
13S	27E	31	SW		NE		IRR	10.0
			SE		NE		IRR	40.0
			NE		SE		IRR	40.0
			NW		SE		IRR	20.0
							Section Acres	110.0
							Total Acres	110.0

11. Place of use in counties: CASSIA

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

13. Other Water Rights Used:
A43-02295D, 00173D, 00177F, 00178F

14. Remarks:

15. Basis of Claim: LICENSE
Water Right Number: 29780

16: Signature(s)

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

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): _____ Date: _____
_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____
My Commission Expires _____

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
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CIVIL CASE NUMBER: 39576

Ident. Number A43-02528Date Received 6-7-89Receipt Number 5007729

RECEIVED

JUN 7 1989

Department of Water Resources
Southern Region Office
43-2528

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

This document prepared by:
BARNETT INTERMOUNTAIN WATER CONSULTANTS
106 WEST 500 SOUTH, SUITE 101
BOUNTIFUL, UT 84010
(801) 292-4662
Please contact us for technical inquiries.

Please type or print clearly

1. Name of Claimant (s) D. Jay and/or Jeanette W. Harper Phone (208) 645-2533Mailing Address H.C. 72, Box 2156, Malta, Idaho Zip 833422. Date of Priority (Only one (1) per claim) June 6, 19613. Source of water supply (a) groundwater
which is tributary to (b) _____4. a. Location of existing point of diversion is: Township 13S Range 27E Section 31,
_____ 1/4 of NE 1/4 of SE 1/4, Govt. Lot, _____ B.M., County of Cassia

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of

_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. _____Well, pump, and pipeline to place of use.

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6. Water is claimed for the following purposes: (both dates are inclusive) (cfs) (acre feet)
- For Irrigation purposes from Mar 1 to Oct 31 amount 2.20 or _____
- For _____ purposes from _____ to _____ amount _____ or _____
- For _____ purposes from _____ to _____ amount _____ or _____
- For _____ purposes from _____ to _____ amount _____ or _____
7. Total quantity claimed (a) 2.20 (cfs) and/or (b) _____ (acre feet)
8. Total consumptive use claimed is 330 acre feet per annum.
9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) _____
10. Description of place of use:
- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
 - If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
13S	27E	31			10	40									40	20			110

Total number of acres irrigated 110

11. In which county (ies) are lands listed above as place of use located? Cassia
12. Do you own the property listed above as place of use? Yes X No _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.
13. Describe any other water rights used at the same place and for the same purposes as described above.
43-2295D, 43-173, 43-177, and 43-178B. or None ()
14. Remarks:

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

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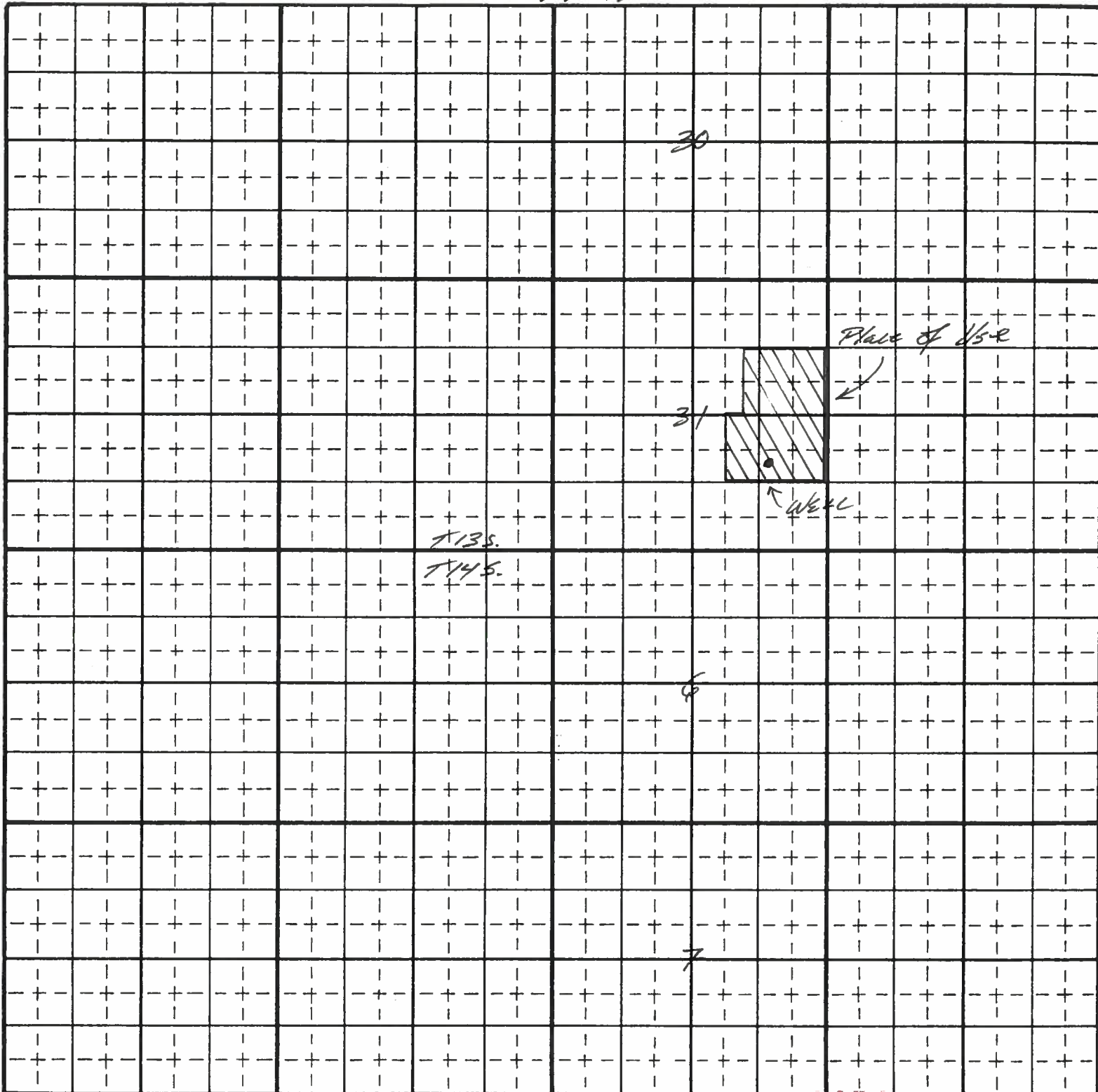
Last Name Harper Ident No. _____

Copies: White -State, Yellow-Claimant

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile

R26E R27E



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Last Name

HARPER

Ident No.

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Official Use _____ Posted Notice _____ License X Permit _____

43-2528

Court _____ Case Number _____ Decree Date _____

16. Signature (s)

Number of attachments none

Signature of Claimant (s) _____ Date _____

Date _____

of _____, that I have signed the foregoing

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization _____ Date _____

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

Notary Public Bapt Bapt

Residing at 11212 Idaho

My Commission Expires 10-15-91

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, _____ will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature N. Clay Harper

Address HC 72, Box 2156

Date June 6, 1989

MICROFILMED
MAR 03 1993

Last Name Harper Ident. Number _____

Copies White-State, Yellow-Claimant



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 2148 4th Ave. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

.Aug. 25, 1989

.D JAY HARPER
.HC 72 BOX 2156
.MALTA ID 83342

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

Dear Claimant(s):

Please find enclosed your receipt and a copy of a computer generated claim based on the information from your original claim(s) which has been entered in our computer records.

Please review the computer generated claim for accuracy. In a few instances clarifications may have been added by the Department at the time of data entry. If you have any questions or objections regarding the computer record of you claim(s), please contact this office.

Yours truly,

Judy Givens
Adjudication Secretary

/jg

Enclosures:

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MAR 03 1993

05/09/2001

**NOTICE OF ERROR
REPLY**

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: June 15, 2001

Water right number: 43-2528

JEANETTE W HARPER
1926 S 2350 E
MALTA ID 83342
Telephone Number: (208) 645-2533

D JAY HARPER
1926 S 2350 E
MALTA ID 83342
Telephone Number: (208) 645-2533

RECEIVED

JUN 19 2001

Department of Water Resources

RECEIVED

JUN 21 2001

Department of Water Resources
Southern Region

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

2. Describe the changes you wish to make in the proposed recommendation:

3. Give a brief explanation as to why you disagree with these portions:

☒ I AGREE with this proposed recommendation; no changes need to be made.

DATE: June 14, 01 SIGNATURE: D. Jay Harper

Please print your name: D. Jay Harper

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

10/18/2000

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

RIGHT NUMBER: 43-2528

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

SOURCE: GROUND WATER

QUANTITY: 2.2 CFS
471 AFY

RIGHT NOS. 43-00171B, 43-00173D, 43-00177F, 43-02295H, 43-02330, 43-02528, 43-04166 AND 43-11235 ARE LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 7.24 CFS.

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

PRIORITY DATE: 06/06/1961

POINT OF DIVERSION:	T13S R27E S31	SENENW	Within CASSIA County
	T13S R27E S31	SWNESE	Within CASSIA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03-15 11-15	2.20 CFS 471.0 AFY

PLACE OF USE:

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

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 110 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

RIGHT NOS. 43-00171B, 43-00173D, 43-00177F, 43-00178F, 43-02295H, 43-02330, 43-02528, 43-04166 AND 43-11235 ARE LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 362 ACRES IN A SINGLE IRRIGATION SEASON.

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

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

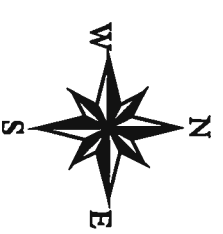
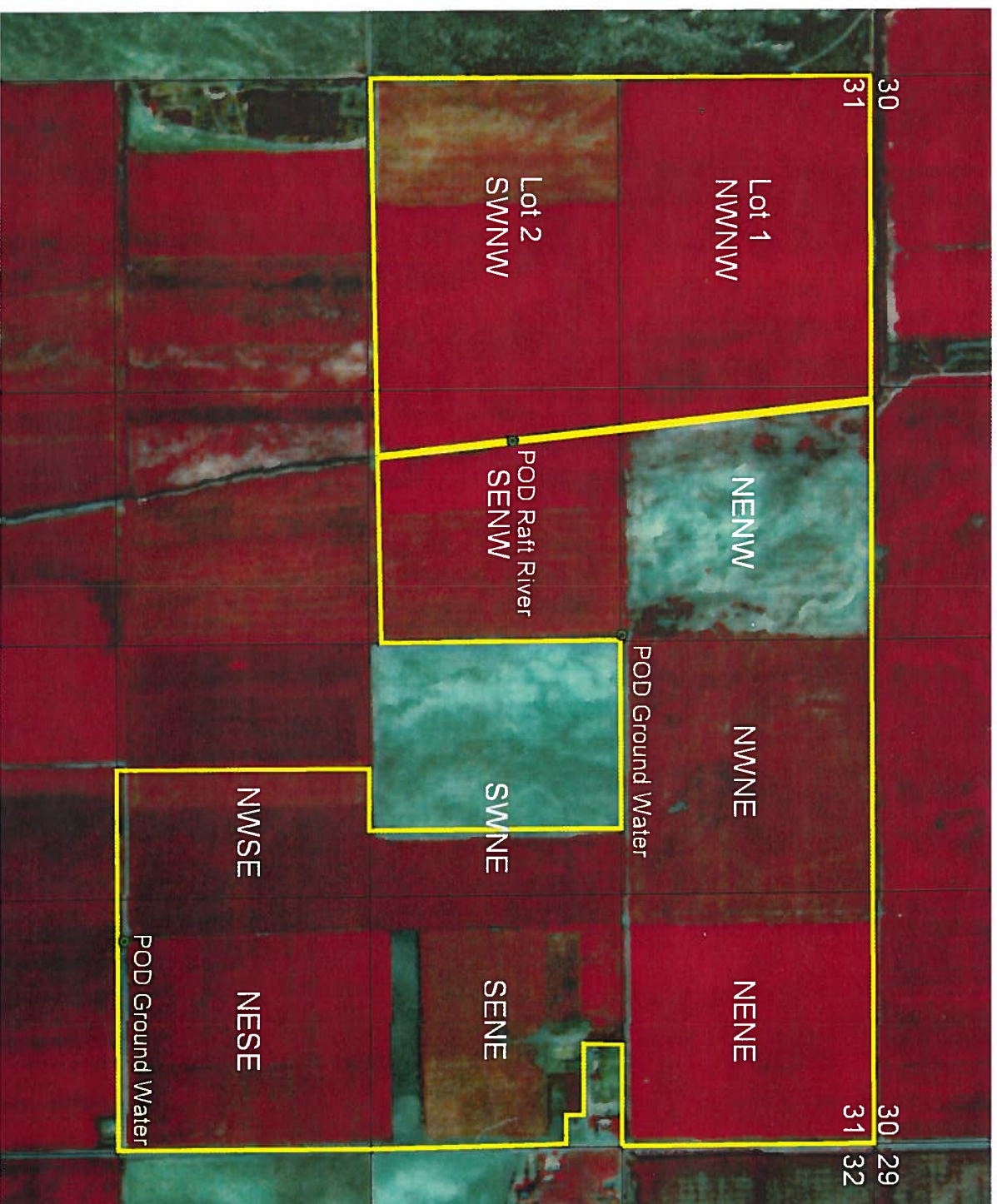
EXPLANATORY MATERIAL: BASIS OF CLAIM - License

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

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

RIGHT NO. 43-11235 IS AN EXPANSION OF THIS RIGHT AND RIGHT NOS. 43-02295H, 43-02330 AND 43-04166 PURSUANT TO SECTION 42-1416B, IDAHO CODE.

**43-00171B, 43-00173D, 43-00177F, 43-00178F, 43-02295H,
43-02330, 43-02528, 43-04166 & 43-11235**



T13S R27E S31

Map prepared by: Carter Fritschle
Date prepared: 06/18/01
1987-1988 NAPP photography
Idaho Department of Water Resources

D. Jay Harper

Field exam conducted 5-18-00

CH

Ground Water rights

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

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

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

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

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

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

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

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

	Surface water rights	Claimed	Allowable	Claimed acres
1883	43-00171B	10.03	4.73	260
~~1882~~	43-00173D	6.40	0.61	60
1909	43-00177F	21.60	1.40	70
1911	43-00178F	48.80	4.00	220 ^{Fixed}

Use of 43-00171B, 43-00173D, 43-00177F, 43-02295H, 43-02330, 43-02528, 43-04166 and 43-11235 limited to

State of Idaho

License and Certificate of Water Right

Water License No. G-29780 Amount 2.2 c.f.s.

Water District No. _____ Priority June 6, 1961

THIS IS TO CERTIFY that D. JAY HARPER
of Malta, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated June 6, 19 61; that Permit No. G-29780
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
2.2 second feet, was issued thereunder on November 13, 1963, showing that said works
were completed on the 30th day of April, 1963; and that on the 30th
day of April, 19 63,

D. JAY 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
, a tributary of subterranean flow, for the purpose of irrigation & stock
water, under Use Permit No. G-29780 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
12 of Licenses at page 7781, on the 13 day of November, 19 63;
The right hereby confirmed dates from June 6, 19 61;

The Point of Diversion is located

in the NE 1/4 SE 1/4, Sec. 31, Tp. 13 S, R. 27 E., B. M. Cassia County

That the amount of water to which such right is entitled and hereby confirmed, for the purposes
aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall
not exceed 2.2 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
13	27 E	31	SE $\frac{1}{4}$ NE $\frac{1}{4}$	40	40
			SW $\frac{1}{4}$ NE $\frac{1}{4}$	10	10
			NE $\frac{1}{4}$ SE $\frac{1}{4}$	40	40
			NW $\frac{1}{4}$ SE $\frac{1}{4}$	20	20
			Total number of acres to be irrigated:		110

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

13th day of November, 19 63.

CARL E. TAPPAN
State Reclamation Engineer.

(SEAL)

13 2:28

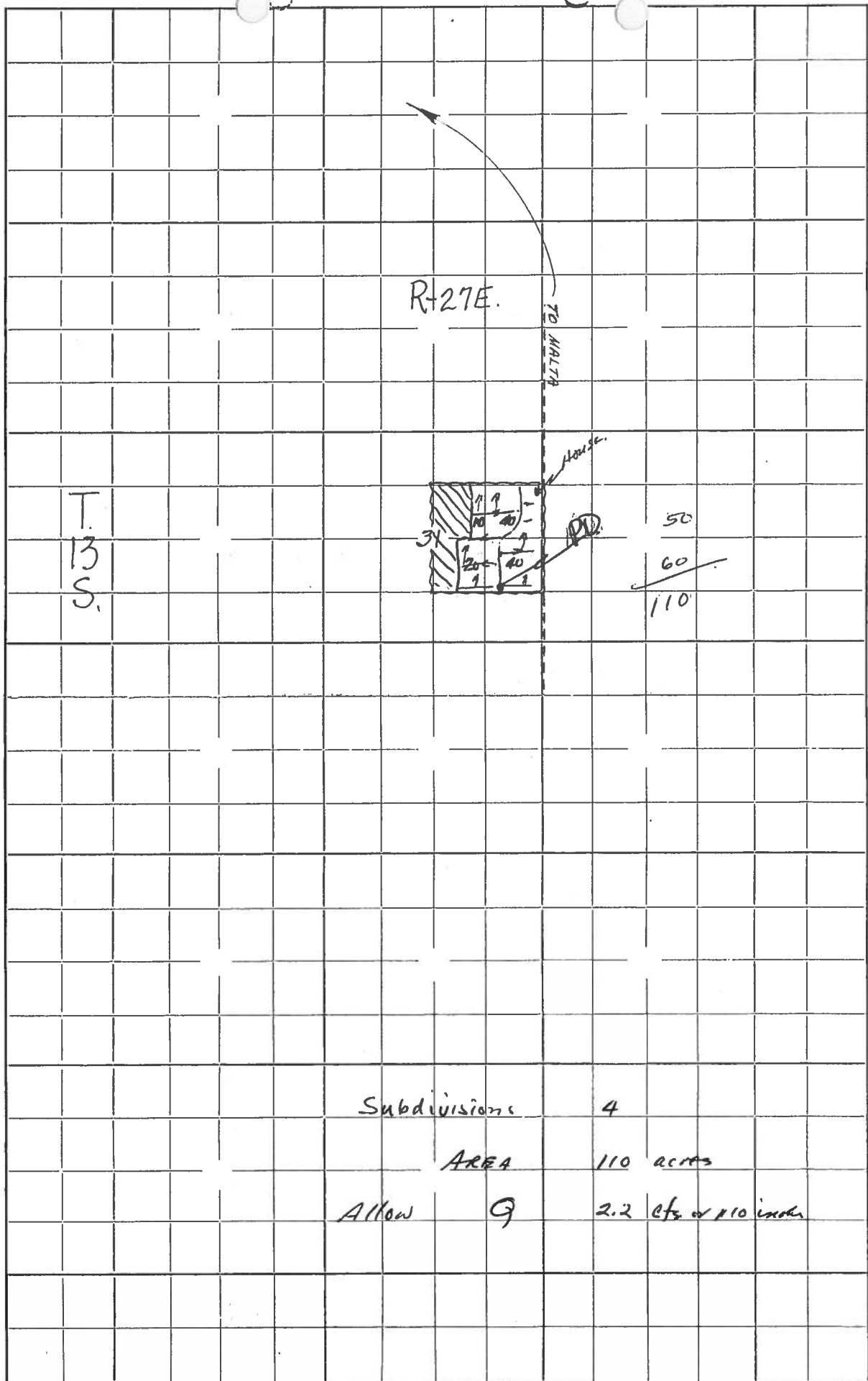
STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

PERMIT NO. G-29780

REPORT ON PROOF OF Completion of Works & Beneficial Use

D. Jay Harper, Malta, Idaho



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

29780

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

REPORT OF ENGINEER

Permit No. G-29780

This proof is for Completion of Works & Beneficial Use In Water District No. _____

1. Name of applicant: D. Jay Harper

2. Source of water supply: Subterranean

3. Location of point of diversion: Is in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 31

T. 13S R. 27 E.B.M. County of Cassia

4. Describe works as they exist, giving dimensions and capacities of same: 50 HP GE Motor

"VMJ 815025, Layne Butler Pump 23970 (14K0 GPM @ 110' @ 1770 RPM)
11.5' X 10" Column, 10" discharge to concrete spill box to open ditch.
Well 300' X 16" - 14", Casing - 120' X 14" - 12.5' X 14"

5. Water is used for: irrigation and stock water

6. State whether or not water has been turned into works of diversion: yes.

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

50 acres in S $\frac{1}{4}$ NE $\frac{1}{4}$, 60 acres in N $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 13, Twp. 13 S., Rge. 27 E.B.M.

Making a total of 110 acres.

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

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

Remarks: Mr. D. Jay Harper a long

Measured by Current Meter #375; Q = 3.72 cfs

This examination was made on the 20th day of June, 1963

(Signed) [Signature] Examiner.

29780

300' x 16' - 14" D. Jay Harper
 120' x 16' - 14" Malta, Idaho
 120' x 16' - 14" well of 6-17-63
 120' x 16' - 14" Permit No. G-29780

Examination for Completion of Works & Beneficial Use

County Cassia Sec. 31 T. 13S R. 27 E. BM
 Quantity: 2.2 cfs.

Source: Well

P.D.: NE. SE. 1/4 Sec. 31, T. 13S. - R. 27E. 27N

Use: Irrigation & Stock

Filed: June 6, 1961

Due: June 9, 1966

Extension: —

Protest: —

Completion of Works: —

Other Rights: 110-1910 Paper Price

INSTRUCTIONS TO EXAMINERS

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

RECEIVED
 JUN 25 1963
 DEPARTMENT OF RECLAMATION

R PROOF

CVR

MAPS

PHOTOS

MISC