

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 43-2562B
Date Received: 3/23/90
Receipt No: X111111
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

D JAY HARPER
1926 S 2350 E
MALTA ID USA 83342

Phone: (208) 645-2533

JEANETTE W HARPER
1926 S 2350 E
MALTA ID USA 83342

Phone: (208) 645-2533

2. Date of Priority: 04/06/1963

3. Source: GROUND WATER

Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
13S	27E	31	NE SE	CASSIA	
13S	27E	31	NE NW	CASSIA	
13S	27E	31	NW SW 3	CASSIA	

5. Description of diverting works:

3 DEEP WELLS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	10/31	0.6	120

7. Total Quantity Appropriated is:
0.6 C.F.S. and/or 120 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
13S	27E	31	SW	NE	IRRIGATION	30
					Section Acres	30
					Total Acres	30

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:

5. CON'T: LAYNE BOWLER TURBINE PUMP. CONCRETE DIVERSION WORKS & EARTH
DITCHES & ALUMINUM MAINLINE
RAFT RIVER WATER ALSO USED ON THESE ACRES
***** OWNERSHIP CHANGE FROM USDA, FMHA TO TERRY AND ROSE SCHAEFFER
COPY OF QUITCLAIM DEED SUBMITTED WITH FORM. 2/29/00 jr
*****OWNERSHIP CHANGE/SPLIT*****
OWNERSHIP CHANGE FROM SCHAEFFER TO HARPER FOR PORTION OF RIGHT. COPY OF WARRANTY DEED
SUBMITTED WITH FORM 4/21/00 jr
CLAIM AMENDED PER APPROVED TRANSFER #5753. 2/9/01 jr

15. Basis of Claim: License

Southern

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 5753
WATER RIGHT NO. 43-02562B

RECEIVED

SEP 01 2000

Department of Water Resources
Southern Region

This is to certify that: D JAY HARPER
JEANETTE HARPER
1926 S 2350 E
MALTA ID 83342

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/01 to 10/31	* 0.60 CFS	120.0 AF *

SOURCE

GROUNDWATER

Priority: 04/06/1963

LOCATION OF POINT(S) OF DIVERSION:

Lot 3 (NENW , Sec. 31, Township 13S, Range 27E
NWSW), Sec. 31, Township 13S, Range 27E
NESE , Sec. 31, Township 13S, Range 27E
CASSIA County

PLACE OF USE: IRRIGATION

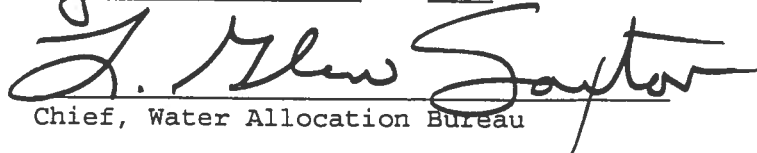
<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
13S	27E	31	SWNE	30		30
Total number of acres irrigated:						30

CONDITIONS OF APPROVAL AND REMARKS

1. 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.
2. The right holder shall use the full allotment of appurtenant surface water rights in conjunction with groundwater diverted under this right and shall only divert groundwater under this right when water from the appurtenant surface water rights cannot be delivered to the right holder.

TRANSFER NO. 5753
WATER RIGHT NO. 43-02562BCONDITIONS OF APPROVAL AND REMARKS

3. If the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert groundwater shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
4. 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.
5. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
6. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
7. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
8. 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.
- * 9. The total instantaneous diversion of water from all points of diversion under Transfer 5753 shall not exceed 0.60 cfs, nor a total combined annual volume of 120.0 af.
10. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/15 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.
11. Approval of Transfer 5753 does not grant any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.

Dated this 29th day ofAugust, 2000
Chief, Water Allocation Bureau

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MALTA ID USA 83342

Phone: (208) 645-2533

JEANETTE W HARPER
1926 S 2350 E
MALTA ID USA 83342

Phone: (208) 645-2533

2. Date of Priority: 04/06/1963

3. Source: GROUND WATER

Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
13S	27E	31	NW SW 3	CASSIA	

5. Description of diverting works:

DEEP WELL 200' W/50HP U.S. ELECTRIC MOTOR; SEE REMARKS

6. Water is used for the following purposes:

Purpose
IRRIGATION

From To C.F.S.
04/01 10/31 0.62

(or) A.F.A

7. Total Quantity Appropriated is:
0.62 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

43-2562B

02/09

*Claim as split
proportionately
from original
sale . . .
 $2.36 \div 118 \times 31 = 0.62 \text{ cfs}$*

1

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
13S	27E	31	SW	NE	IRRIGATION	31
Section Acres						31
Total Acres						31

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:

5. CON'T: LAYNE BOWLER TURBINE PUMP. CONCRETE DIVERSION WORKS & EARTH
DITCHES & ALUMINUM MAINLINE
RAFT RIVER WATER ALSO USED ON THESE ACRES
***** OWNERSHIP CHANGE FROM USDA, FMHA TO TERRY AND ROSE SCHAEFFER
COPY OF QUITCLAIM DEED SUBMITTED WITH FORM. 2/29/00 jr *****OWNERSHIP
CHANGE/SPLIT***** OWNERSHIP CHANGE FROM SCHAEFFER TO HARPER
FOR PORTION OF RIGHT. COPY OF WARRANTY DEED SUBMITTED WITH FORM
4/21/00 jr

15. Basis of Claim: License

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: **A43-02562B**

Date Received: 3/23/1990

Receipt No: X111111

Received By: ownership change split *

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

1. Name: D JAY HARPER 208-645-2533
Address: 1926 S 2350 E
MALTA ID 83342

AND/OR

Name: JEANETTE HARPER 208-645-2533
Address: 1926 S 2350 E
MALTA ID 83342

2. Date of Priority: APR 6, 1963

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	NW	SW		3	CASSIA

5. Description of diverting works:

DEEP WELL 200' W/50HP U.S. ELECTRIC MOTOR; SEE REMARKS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	10/31	0.600		

7. Total Quantity Appropriated is:

0.600 C.F.S. (and/or) A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
13S	27E	31	SW	NE		IRR	30.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	30.0
					Total Acres	30.0

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:

A43-00177G

14. Remarks:

5. CON'T: LAYNE BOWLER TURBINE PUMP. CONCRETE DIVERSION WORKS
& EARTH DITCHES & ALUMINUM MAINLINE.

RAFT RIVER WATER ALSO USED ON THESE ACRES.

OWNERSHIP CHANGE FROM USDA, FMHA TO TERRY AND ROSE SCHAEFFER.

COPY OF QUITCLAIM DEED SUBMITTED WITH FORM. 2/29/00 jr

*****OWNERSHIP CHANGE/SPLIT*****

OWNERSHIP CHANGE FROM SCHAEFFER TO HARPER FOR PORTION OF RIGHT.

COPY OF WARRANTY DEED SUBMITTED WITH FORM. 4/21/00 jr

15. Basis of Claim: LICENSE

Water Right Number: 31019

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

RECEIVED
APR 17 2000
Department of Water Resources
Southern Region

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) A43-00177G , A43-02562
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) Terry A. & Julianne Rose Schaeffer

 4. New Owner/Claimant(s) D. Jay & Jeanette Harper
Name connector (Check one): ☐ AND ☐ OR ☐ AND/OR
New Mailing Address 1926 S. 2350 E.
City, State and ZIP Code Malta, ID 83342
New Telephone Number (208) 645 - 2533
 5. Date you acquired the property April 13, 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 spaces below. If necessary, attach additional pages.
- *See Attached
- Number of acres actually irrigated _____ Number and type of stock _____
- Diversion rate in CFS _____ Number of homes _____ Other uses _____
cubic feet per second
- 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) D. Jay Harper Date 4-13-2000
Jeanette Harper Date _____
 8. (Corporations or other organizations must submit a list of directors/officers demonstrating authority to sign form.)
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.

For Value Received

TERRY A. SCHAEFFER and ROSE SCHAEFFER, Husband and Wife

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto

D. JAY HARPER and JEANETTE HARPER, Husband and Wife
Address: 1926 S. 2350 E., MALTA, ID 83342

Hereinafter called the Grantee, the following described premises situated in Cassia County, Idaho, to-wit:

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

Section 31: **W $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ E $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$**

TOGETHER WITH all water and water rights, ditches and ditch rights used thereon or appurtenant thereto including but not limited to water license No. A43-00177G, and A43-02562.

SUBJECT TO:

All reservations in patents or deeds in the chain of title.

Taxes for 2000 and subsequent years, a lien, but not yet due or payable.

Agreement contained in Special Warranty Deed, recorded April 24, 1957 as Instrument No. 193312 in Book 59 of Deeds on Page 311, records of Cassia County Idaho.

Right of Way Deed, dated July 3, 1940 and recorded June 19, 1964 as Instrument No. 19190 on Film No. 28, records of Cassia County, Idaho.

Oil, Gas And Mineral Lease, dated November 14, 1973 and recorded November 21, 1973 as Instrument No. 73480 on Film No. 85, records of Cassia County, Idaho.

Reservation in Warranty Deed, dated June 21, 1972 and recorded January 11, 1988 as Instrument No. 193046 on Film No. 195, records of Cassia County, Idaho.

TO HAVE AND TO HOLD, the said premises, with their appurtenances unto the said Grantee and to the successors heirs and assigns of the Grantee forever. The Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that they are free from all incumbrances except as above described and that Grantor will warrant and defend the same from all lawful claims whatsoever.

Dated: April 11, 2000

Terry A. Schaeffer
TERRY A. SCHAEFFER

Rose Schaeffer
ROSE SCHAEFFER

STATE OF IDAHO)
) ss.
COUNTY OF CASSIA)

On this 13th day of April, 2000, before me, the undersigned, a Notary Public in and for said State, personally appeared TERRY A. SCHAEFFER and ROSE SCHAEFFER, known or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

Terri McBride
Notary Public
State of Idaho

Terri McBride
Notary Public
Residing at: Lupert
My Commission expires: 2/5/2002

268646

CASSIA COUNTY, IDAHO
DARRELL H. ROSKELLEY

FEE 1.00 RECORDER
DEPUTY BJ

'00 APR 13 PM 3 57

RECORDED AT THE REQUEST OF

LAND TITLE & ESCROW

61.0

10.0

FSA MAP

07

T1896



42.0

T1599

2
62.2

SUBJECT

30.0

22.0

4
33.9

T2021

2
52.2

3
25.9

5
45.0

SUBJECT

T8408

4
37.8

6

6
32.0

59.8

3

out

NE SW & NW SW 31-13-27

Transfer 81 acres to Alan J. & Beverly K. Harper
from 2.14 CFS and 118 acres originally

81 acres = 1.46 CFS from Adjudication No.'s A43-00178H, A43-00171D, A43-02562

Transfer 31 acres to D. Jay Harper in SW NE 31-13-27
from 2.14 CFS and 118 acres originally

31 acres = .56 CFS from Adjudication No.'s A43-00178H, A43-00171D, A43-02562

See A43-00177G also.

Keeping 10.00 acres

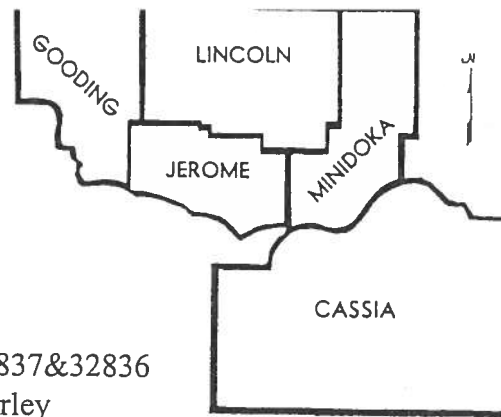
from 2.14 CFS and 118 acres originally

5.62 = .012 CFS

Part of NE SW

Land Title and Escrow, Inc.

A FULL SERVICE TITLE COMPANY



REFER TO: 32837&32836
OFFICE: Burley

April 14, 2000

Idaho Department of Water Resources
1341 Fillmore St., Ste. 200
Twin Falls, ID 83301

RECEIVED
APR 17 2000
Department of Water Resources
Southern Region

RE: Water right ownership changes Schaeffer/Harper

Dear Agent:

Enclosed please find two Notice of Change of Water Right Ownership forms. One for Alan Harper and one for D. Jay Harper purchasing from Terry Schaeffer. This involves a split of water rights and I have attached an addendum for both notices outlining the split and CFS ratio. Please send a receipted copy of these forms to me at box 177 Burley, ID 83318.

Should you have any questions concerning this matter, please don't hesitate to contact me at 678-3524.

Very truly yours
Land Title and Escrow, Inc.

A handwritten signature in cursive script, appearing to read "Terri L. McBride".

Terri L. McBride
Escrow Officer

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

BOX 348, JEROME, IDAHO 83338
PHONE 324-3357 - FAX 324-8961

BOX 473, GOODING, IDAHO 83330
PHONE 934-8477 - FAX 934-5890

BOX 111, RUPERT, IDAHO 83350
PHONE 438-0808 - FAX 438-1199



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

April 24, 2000

JAY & JEANETTE HARPER
1926 S 2350 E
MALTA ID 83342

RE: OWNERSHIP CHANGE A43-00177G and A43-02562

Dear Claimants,

Pursuant to the notification that you have purchased property from the Schaeffers' to which the above mentioned rights are appurtenant, I have changed our records. I wasn't clear on what the addendum was directing for the splits of the rights, but have made some assumptions based on previous conversations as to what the intentions of the sale were and by the specific rights you mentioned on your form.

I have changed A43-00177G to your names and because A43-02562 was appurtenant to the entire parcel, I have split that right and your portion has been renumbered to A43-02562B.

If you have any questions or if these assumptions were not your intentions, feel free to give me a call at the office.

Sincerely,

Jeanie Robertson
Sr. Water Resource Agent

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
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1. Name of Claimant(s)

D JAY HARPER
1926 S 2350 E
MALTA ID USA 83342

Phone: (208)645-2533

JEANETTE W HARPER
1926 S 2350 E
MALTA ID USA 83342

Phone: (208)645-2533

2. Date of Priority: 04/06/1963

3. Source: GROUND WATER

Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
13S	27E	31	NE SE	CASSIA	
13S	27E	31	NE NW	CASSIA	
13S	27E	31	NW SW 3	CASSIA	

5. Description of diverting works:

3 DEEP WELLS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	10/31	0.6	120

7. Total Quantity Appropriated is:
0.6 C.F.S. and/or 120 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
13S	27E	31	SW	NE	IRRIGATION	30
Section Acres						30
Total Acres						30

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:

5. CON'T: LAYNE BOWLER TURBINE PUMP. CONCRETE DIVERSION WORKS & EARTH
DITCHES & ALUMINUM MAINLINE

RAFT RIVER WATER ALSO USED ON THESE ACRES

***** OWNERSHIP CHANGE FROM USDA, FMHA TO TERRY AND ROSE SCHAEFFER

COPY OF QUITCLAIM DEED SUBMITTED WITH FORM. 2/29/00 jr

*****OWNERSHIP CHANGE/SPLIT*****

OWNERSHIP CHANGE FROM SCHAEFFER TO HARPER FOR PORTION OF RIGHT. COPY OF WARRANTY DEED
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CLAIM AMENDED PER APPROVED TRANSFER #5753. 2/9/01 jr

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MALTA ID USA 83342

Phone: (208)645-2533

JEANETTE W HARPER
1926 S 2350 E
MALTA ID USA 83342

Phone: (208)645-2533

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5. Description of diverting works:

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6. Water is used for the following purposes:

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IRRIGATION	04/01	10/31	0.62	

7. Total Quantity Appropriated is:

0.62 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
13S	27E	31	SW	NE	IRRIGATION	31
					Section Acres	31
					Total Acres	31

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:

5. CON'T: LAYNE BOWLER TURBINE PUMP. CONCRETE DIVERSION WORKS & EARTH
DITCHES & ALUMINUM MAINLINE
RAFT RIVER WATER ALSO USED ON THESE ACRES
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COPY OF QUITCLAIM DEED SUBMITTED WITH FORM. 2/29/00 jr *****OWNERSHIP
CHANGE/SPLIT***** OWNERSHIP CHANGE FROM SCHAEFFER TO HARPER
FOR PORTION OF RIGHT. COPY OF WARRANTY DEED SUBMITTED WITH FORM
4/21/00 jr

15. Basis of Claim: License

**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: 43-2562B

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

JEANETTE W 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

VERIFIED BY *[Signature]* 2/9/01

02/09/2001

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

RIGHT NUMBER: 43-2562B

NAME AND ADDRESS: D JAY HARPER
JEANETTE W HARPER
1926 S 2350 E
MALTA, ID 83342

SOURCE: GROUND WATER

QUANTITY: 0.6 CFS
120 AFY

WHEN COMBINED USE OF THE FOLLOWING RIGHT NOS. SHALL PROVIDE
NO MORE THAN .02 CFS PER ACRE.: 43-00177G, 43-02562B, 43-
12940, & 43-12943.

PRIORITY DATE: 04/06/1963

POINT OF DIVERSION:	T13S R27E S31	SENENW	Within CASSIA County
	T13S R27E S31 LOT 3	SWNWSW	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	04-01 10-31	0.60 CFS 120.00 AFY

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN
AS EARLY AS MARCH 15 AND MAY CONTINUE TO AS LATE AS NOVEMBER
15, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED.
THE USE OF WATER BEFORE APRIL 1 AND AFTER OCTOBER 31 UNDER
THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO
SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE
EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS
RIGHT.

PLACE OF USE:

IRRIGATION Within CASSIA County
T13S R27E S31 SWNE 30

30 ACRES TOTAL

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION
OF A COMBINED TOTAL OF 30 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 43-00177G, 43-02562B, 43-12940, & 43-
12943.

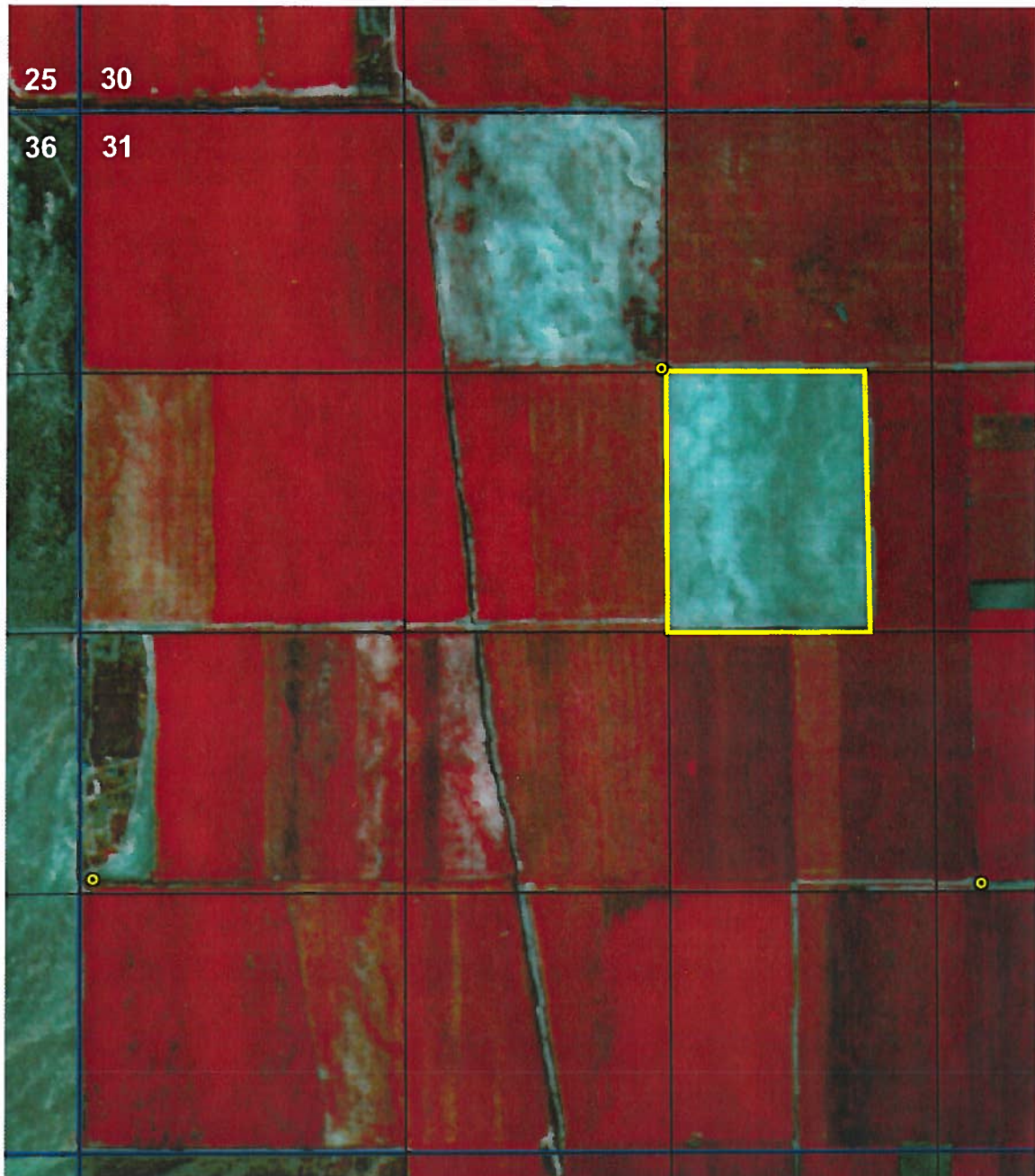
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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

Water Right 43-2562B

43-00177G, 43-02562B, 43-12940, & 43-12943



0 1320 2640 Feet

RECOMMENDED PLACE OF USE
DATA ENTRY ON FEB. 9, 2001
TWP 13S, 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

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 5753
WATER RIGHT NO. 43-02562B

RECEIVED

SEP 01 2000

Department of Water Resources
Southern Region

This is to certify that: D JAY HARPER
JEANETTE HARPER
1926 S 2350 E
MALTA ID 83342

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/01 to 10/31	* 0.60 CFS	120.0 AF *

SOURCE

GROUNDWATER

Priority: 04/06/1963

LOCATION OF POINT(S) OF DIVERSION:

NENW , Sec. 31, Township 13S, Range 27E
Lot 3(NWSW), Sec. 31, Township 13S, Range 27E
NESE , Sec. 31, Township 13S, Range 27E
CASSIA County

PLACE OF USE: IRRIGATION

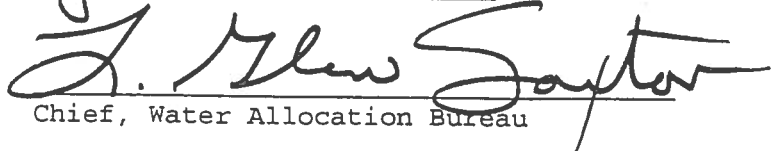
<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
13S	27E	31	SWNE	30		30
Total number of acres irrigated:						30

CONDITIONS OF APPROVAL AND REMARKS

1. 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.
2. The right holder shall use the full allotment of appurtenant surface water rights in conjunction with groundwater diverted under this right and shall only divert groundwater under this right when water from the appurtenant surface water rights cannot be delivered to the right holder.

TRANSFER NO. 5753
WATER RIGHT NO. 43-02562BCONDITIONS OF APPROVAL AND REMARKS

3. If the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert groundwater shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
4. This right when combined with all other rights shall provide no more than 0.01 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
5. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
6. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
7. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
8. 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.
- * 9. The total instantaneous diversion of water from all points of diversion under Transfer 5753 shall not exceed 0.60 cfs, nor a total combined annual volume of 120.0 af.
10. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/15 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.
11. Approval of Transfer 5753 does not grant any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.

Dated this 29th day ofAugust, 2000
Chief, Water Allocation Bureau

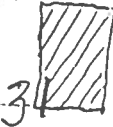
STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

1. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.

Sec 31 135 27E

Proposed P.O.D.



30 Acres

Proposed P.O.D.

Existing P.O.D.

Memorandum

To: T5753

From: John Freitag, Water Resource Agent

Re: Overlapping Rights

Date: 06/05/00

Transfer 5753 is proposing to split right 43-02562 into parts "A" and "B" and add two points of diversion to part "B". A43-02562B is the adjudication claim which is representative of the "B" portion.

Transfer 5753 involves the irrigation of 30 acres in T13S, R27E, S31 SWNE. A43-02562B is the only claim for this 30 acres in which **groundwater** is the source. There are two, or possibly three other claims that include some or all of the 30 acres involved in this transfer. A43-0077G, A43-00178H, and possibly A43-00171D, all three of these have Raft River as the source.

There are two other claims both for 10 acres in T13S, R27E, S31 SWNE. Review of these files show that neither overlap the 30 acres involved in T5753.

T # 5753

Memorandum

To: Transfer #5753
CC: A43-02562B
From: Jeanie Robertson
Date: 08/02/00
Re: Transfer Review

I helped Mr. Harper with the ownership change on his portion of the right. He indicated he wanted to change the point of diversion to his system and showed me the wells he wanted to use. I intend to recommend the 30 acres under this claim for the diversion rate of 0.6 cfs and have no problem with this transfer of the point of diversion.

MEMO

FROM: Allen Merritt

DATE: August 2, 2000

TO: Transfer File No. 5753

In the name of: Jay &/or Jeanette Harper

Water Right(s):

T43-02562B

A43-02562B

SUBJECT: Review and Recommendation

This transfer proposes to add diversion points to the right to allow irrigation of lands under a pivot that is supplied water from several existing wells that have not historically been associated with watering the land.

See Freitag memo dated 6/5/00.

The transfer was processed without protest.

SRBA claims are being reviewed by Jeanie Robertson and she has no problem with approval of the transfer since the lands are irrigated.

Recommendation

I recommend that this transfer be approved subject to the following conditions:

- No new wells authorized to be drilled under this approval.
- Subject to SRBA.
- Any surface water associated with these lands be used to the fullest extent possible before use of ground water.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

11:32:47
04/24/00
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PROFILE REPORT

CLAIM NUMBER: A43-02562B

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	D JAY HARPER	04/06/1963	IRRIGATION	04-01 10-31	0.600 CFS	120AF
C	JEANETTE HARPER					
TOTAL DIVERSION:					0.600 CFS	

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion:

T13S R27E S31 Lot03

SW NWSW)
SE NENEW
SW NESE

CASSIA County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE												
T	R	S		NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	SUM
				Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		
13S	27E	31	:				30	:					:					:						30.0
TOTAL ACRES																							30.0	

POU County: CASSIA

Other Rights: A43-00177G

Remarks: GEN 5. CON'T: LAYNE BOWLER TURBINE PUMP. CONCRETE DIVERSION WORKS
& EARTH DITCHES & ALUMINUM MAINLINE.
RAFT RIVER WATER ALSO USED ON THESE ACRES.

OWNERSHIP CHANGE FROM USDA, FMHA TO TERRY AND ROSE SCHAEFFER.
COPY OF QUITCLAIM DEED SUBMITTED WITH FORM. 2/29/00 jr
*****OWNERSHIP CHANGE/SPLIT*****
OWNERSHIP CHANGE FROM SCHAEFFER TO HARPER FOR PORTION OF RIGHT.
COPY OF WARRANTY DEED SUBMITTED WITH FORM. 4/21/00 jr

Dates: Exam Made Date: Verified Date: Objection Filed Date:
Misc: Water District Number: Field Inspection Flag:
Presumption Flag:

Cond. Code C18
Remarks:
poll E14 30Ac.
wall
QNT E28.02Ac
wall
USE SD3
4/11 → 10/31

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

11:32:27
04/24/00

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QUICKLOOK INFORMATION

11
CLAIM NUMBER: A43-02562B

WR ELEMENT	DATA DISCREPANCY Y/N	CORRESPONDENCE SENT/RECEIVED BY WHOM/DATE	FIELD EXAM BY WHOM/DATE	CHANGE CLAIM Y/N	ELEMENT DOCUMENTED WHOM/DATE	COMPLETED REVIEW WHOM/DATE	COMPLETED DATA ENTRY WHOM/DATE	VERIFIED DATE WHOM/DATE
PRIORITY DATE	-N							
POINT OF DIV	Y-							
SOURCE	-N							
PLACE OF USE	-N							
DIV. AMOUNT GFS/VOLUME	Y-							
CONSUMPTIVE USE	/							
PURPOSES OF USE	-N							
PERIOD OF USE	-N							
BASIS OF CLAIM	-N							
REMARKS	Y-							

BARCODE UPDATED
WHOM/DATE
