

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 43-4000A V1

WATER RIGHT NUMBER: 43-4000A V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	ALAN J HARPER 2436 E 1850 S MALTA, ID 83342 (208)645-2333
Current Owner	BEVERLY K HARPER 2436 E 1850 S MALTA, ID 83342 (208)645-2333
Original Owner	LOIS ELISON 2048 S 2350 E MALTA, ID 83342 (208)645-2537
Original Owner	LANO ELISON 2048 S 2350 E MALTA, ID 83342 (208)645-2537

Priority Date: 04/01/1948

Basis: Beneficial Use

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	1.600 CFS	760.00 AF
	<u>Total Diversion:</u>	1.600 CFS	760.00 AF

Location of Point(s) of Diversion

GROUND WATER	L3 (SW1/4NE1/4NW1/4)	Sec. 6,	Twp 14S,	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	
13S	27E	31											50.0	40.0		20.0	20.0		130.0
													L 4						
14S	27E	6			20.0				40.0										60.0
					L 2				L 3										

Total Acres: 190

Conditions of Approval:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 43-4000A V1

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:

1. Quantity RIGHT NOS. 43-00165A, 43-00168A, 43-00169C 43-00170A, 43-00171A, 43-00172A, 43-00173A, 43-10086, 43-11269, 43-11270, 43-02295E, 43-02324A, 43-02324B, 43-02546, 43-04000A AND 43-04000B ARE LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 7.498 CFS.
2. Quantity USE OF THIS RIGHT WITH RIGHT NO. 4 3-04000B IS LIMITED TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 760 AF.
3. Place of Use RIGHT NOS. 43-00165A, 43-00168A, 43-00169C 43-00170A, 43-00171A, 43-00172A, - Irrigation 43-00173A, 43-00178J, 43-10086, 43-11269, 43-11270, 43-02295E, 43-02324A, 43-02324B, 43-02546, 43-04000A AND 43-04000B ARE LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 338 ACRES IN A SINGLE IRRIGATION SEASON.
4. Place of Use USE OF THIS RIGHT WITH RIGHT NO. 4 3-04000B IS LIMITED TO THE IRRIGATION OF A - Irrigation COMBINED TOTAL OF 190 ACRES IN A SINGLE IRRIGATION SEASON.
5. Quantity RIGHT NOS. 43-02295E, 43-02324A, 43-02324B, 43-02546, 43-04000A AND 43-04000B ARE LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 6.76 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 1352 AF.

Comments:



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 21, 2004

ALAN HARPER
BEVERLY HARPER
2436 E 1850 ~~W~~
MALTA ID 83342

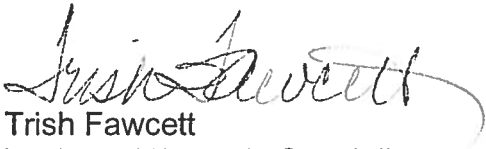
Re: SRBA Claim(s) 43-168A, 43-170A, 43-173A, 43-2295E, 43-2324A,
43-2324B, 43-2546, 43-4000A, 43-4000, 43-10086,
43-10096, 43-11269, 43-11270

Dear Mr. and Mrs. Harper:

Pursuant to the change in ownership request that has been submitted to the Department, we have changed the record of current ownership on all the above rights to you except right 43-10096. This right's legal description was not listed on the deed provided; consequently ownership was not changed to you.

The enclosed copies of the computer records of the claims are for your files. Please note the change in claimant. Review these records and if there is an error, or you have any questions, please contact this office.

Sincerely,


Trish Fawcett
Technical Records Specialist

Enc.

RECEIVED

MAR 31 2004

Department of Water Resources

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

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
 Incomplete forms will be returned.

- I. 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
43-165A	P.D.	—	43-173A	AJ	—
43-168A	AJ	—	43-178J	P.D.	—
43-169C	P.D.	—	43-2295E		—
43-170A	AJ	—	43-2324A		—
43-171A	P.D.	—	43-2324B		—
43-172A	P.D.	—	43-2546		—
43-4000A	AJ	—	43-10086		—
			43-10096	AJ	43-11270
			43-11269		43-4000B

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**.

Name and Address of Former Owner/Claimant(s)	<u>Lano A. Elison and Lois Z. Elison</u> <u>2048 South 2350 East</u> <u>Malta, ID 83342</u>
New Owner/Claimant(s)	<u>Alan J. Harper and Beverly K. Harper</u> Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
New Mailing Address	<u>2436 East 1850 South</u>
City, State and ZIP Code	<u>Malta, ID 83342</u>
New Telephone Number	() _____
Date you acquired the property	<u>March 24, 2004</u>

294659

WARRANTY DEED

THIS INDENTURE, made this 24th day of March, 2004, between **GAR T. ELISON** and **MARLA DEAKINS**, Personal Representatives of the **ESTATE OF LOIS Z. ELISON**, and **LANO A. ELISON**, a single man, of 2048 South 2350 East, Malta, Idaho 83342 ("GRANTOR"), and **ALAN J. HARPER** and **BEVERLY K. HARPER**, husband and wife, whose address is 2436 East 1850 South, Malta, Idaho 83342, ("GRANTEE").

WITNESSETH:

The Grantor for and in consideration of the sum of Ten Dollars (\$10.00), lawful money of the United States of America, and other good and valuable consideration, to the Grantor in hand paid by the Grantee, the receipt whereof is hereby acknowledged, has granted, bargained, and sold and by these presents does grant, bargain and sell, convey and confirm unto the Grantee, and to the successors and assigns of Grantee forever, all of the following described real estate situated in the County of Cassia, State of Idaho, attached hereto as Exhibit A and incorporated by reference herein.

SUBJECT TO:

- (1) Accruing taxes, levies and assessments.
- (2) Highway Right-of-Way Deed, conditioned in Special Warranty Deed as Instrument No. 209216, Book 62 of Deeds as Instrument No. 295, Film 2, Records of Cassia County, Idaho.
- (3) Agreements to purchase power with Raft River Rural Electric Cooperative, Inc.

RECORDED AT THE REQUEST OF
LAND TITLE & ESCROW

2004 MAR 24 PM 12 01

FEED. DEPUTY RECORDER

CASSIA COUNTY, IDAHO
LARRY A. MICKELSEN

(4) Oil, Gas and Mineral Lease with Standard American Company recorded as Instrument No. 73340 on Film 85, records of Cassia County, Idaho.

TOGETHER with all and singular the tenements, water rights, hereditaments and appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all estate, right, title and interest in and to said property as well in law as in equity of the Grantor.

TO HAVE AND TO HOLD, all and singular the above-mentioned and described premises, together with appurtenances unto the Grantee and to the successors and assigns of Grantee forever.

The Grantor shall and will warrant and by these presents will forever defend the said premises in the quiet and peaceable possession of the Grantee, and the successors and assigns of Grantee against all and every person and persons whomsoever lawfully claiming the same, except as aforesaid.

Letters of Administration are recorded in the office of the County Recorder, County of Cassia, State of Idaho, as Instrument No. 293464, on the 12th day of January 2004.

IN WITNESS WHEREOF, the Grantor has executed this Deed the day and year first above written.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

GRANTOR

ESTATE OF LOIS Z. ELISON

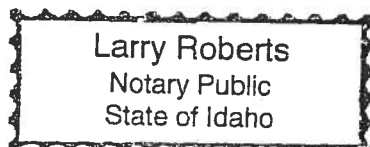
by *G. T. Elison*
GAR T. ELISON

by *Marla Deakins*
MARLA DEAKINS

Lano A. Elison
LANO A. ELISON

1 STATE OF IDAHO)
2) ss
3 County of Cassia)

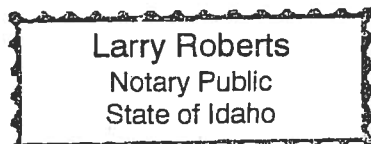
4 On this 24th day of March, in the year 2004, before me, the
5 undersigned, a Notary Public in and for said State, personally appeared **GART T. ELISON**
6 and **MARLA DEAKINS**, known or identified to me to be the persons whose names are
7 subscribed to the within instrument as the Personal Representatives of the Estate of Lois
8 Z. Elison who subscribed their names as Personal Representatives.

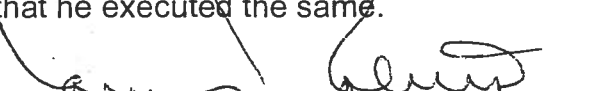


9 
10 Notary Public for Idaho
11 Residing at Burley, ID
12 My Commission Expires: 6-30-09

11 STATE OF IDAHO)
12) ss
13 County of Cassia)

14 On this 24th day of March, in the year 2004, before me, the
15 undersigned, a Notary Public in and for said State, personally appeared **LANO A.**
16 **ELISON**, known or identified to me to be the person whose name is subscribed to the
17 within instrument, and acknowledged to me that he executed the same.



18 
19 Notary Public for Idaho
20 Residing at Burley, ID
21 My Commission Expires: 6-30-09

22
23
24
25 (ElisonLano\HarperWD.wpd)
26

WARRANTY DEED - 4

PARCEL NO. 1:

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

Section 31: E $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ and W $\frac{1}{2}$ W $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$

TOWNSHIP 14 SOUTH, RANGE 27 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 6: E $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ of Lot 2, W $\frac{1}{2}$ W $\frac{1}{2}$ of Lot 1

AND ALSO:

Beginning at the E $\frac{1}{4}$ corner of said Section 6;
Thence West 1980 feet;
Thence South 660 feet;
Thence East 1980 feet;
Thence North to the Point of Beginning.

EXCEPTING THEREFROM that portion deeded for highway purposes.

PARCEL NO. 2:

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

Section 31: W $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, W $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$, Lot 4 and SE $\frac{1}{4}$ SW $\frac{1}{4}$

TOWNSHIP 14 SOUTH, RANGE 27 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 6: Beginning at the N $\frac{1}{4}$ corner of said Section 6;
Thence West 1320 feet;
Thence South 1322 feet;
Thence East 1980 feet;
Thence North 1322 feet;
Thence West 660 feet to the Point of Beginning. (Also described as the W $\frac{1}{2}$ of
Lot 2 and all of Lot 3)

EXHIBIT A
to Warranty Deed - Elison/Harper

EXCEPTING and reserving to Lano A. Elison a life estate in and to the following described real estate:

Part of the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 6, Township 14 South,
Range 27 East Boise Meridian beginning at the SE corner
of the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of said Section 6:

Thence West 285 feet;

Thence North 165 feet;

Thence East 212 feet;

Thence North 40 feet;

Thence East 73 feet;

Thence South 205 feet to the Point of Beginning.

EXHIBIT A
to Warranty Deed - Elison/Harper

WATER RIGHTS

43-165A
43-168A
43-169C
43-170A
43-171A
43-172A
43-173A
43-178J
43-2295E
43-2324A
43-2324B
43-2546
43-4000A
43-4000B
43-10086
43-10096
43-11269
43-11270

EXHIBIT A
to Warranty Deed - Elison/Harper

EXCEPTING and reserving to Lano A. Elison a life estate in and to the following described real estate:

Part of the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 6, Township 14 South,
Range 27 East Boise Meridian beginning at the SE corner
of the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of said Section 6:

Thence West 285 feet;

Thence North 165 feet;

Thence East 212 feet;

Thence North 40 feet;

Thence East 73 feet;

Thence South 205 feet to the Point of Beginning.

EXHIBIT D
to Contract of Sale - Elison/Harper

35 51 1538

T1896

S31 S6
T13 T14
R27 R27

T9348

2
62.2

37.8

3547

T9349

T2021

1
52.2

2
25.9

T8408

4
37.8

1 6

6
32.0

1
59.8

SG
T14
L27

31 32
6 5

T895

T8409

T1641

7.5

87.0

3
27.3

70.1

45.5

T1602

64.3

T1603

7.3

85.4

6

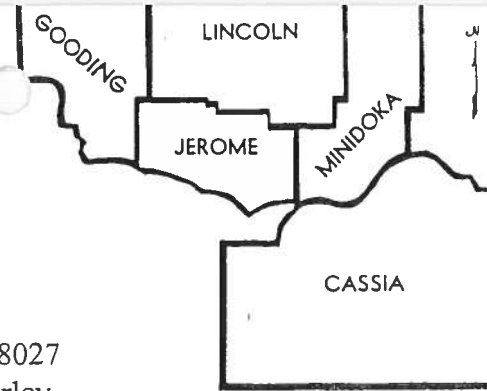
5

102.5

62.5

Land Title and Escrow, Inc.

A FULL SERVICE TITLE COMPANY



REFER TO: #38027
OFFICE: Burley

March 30, 2004

Kari Lynn Townsend
ID Dept. of Water Resources
P. O. Box 83720
Boise, ID 83720-0098

RECEIVED
MAY 19 2004
Department of Water Resources
Southern Region

RECEIVED
MAR 31 2004

Department of Water Resources

Dear Kari Lynn:

Enclosed with this letter please find the original executed Notice of Change In Water Right Ownership, a copy of the recorded Warranty Deed, aerial photos and Land Title's check in the amount of \$150.00 for the transfer fee.

Should you have any questions concerning this matter, please do not hesitate to contact me.

Very truly yours,
Land Title and Escrow, Inc.

A handwritten signature in cursive script that reads "Nancy Garrett".

Nancy Garrett
Reconveyance Department

/nrg
enc.

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: A43-04000A
Date Received: 4/19/1989
Receipt No: S006905
Received By: SCC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: LANO ELISON 208-645-2537
Address: HC 72 BOX 2176
MALTA, ID 83342
OR
Name: LOIS ELISON 208-645-2537
Address: HC 72 BOX 2176
MALTA, ID 83342

2. Date of Priority: APR 01, 1948

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
14S	27E	6	SW	NE	NW		CASSIA

5. Description of diverting works:
WELL AND PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	10/31	1.600		

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

8. Total consumptive use is 475.0 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		SW	4	IRR	50.0
			SE		SW		IRR	40.0
			NW		SE		IRR	20.0
			SW		SE		IRR	20.0
							Section Acres	130.0
14S	27E	6	NW		NE		IRR	20.0
			NE		NW		IRR	40.0
							Section Acres	60.0
							Total Acres	190.0

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:
A43-02324A & B, A43-04000B, A43-10078, A43-02546

14. Remarks:
THIS RIGHT IS SPLIT DUE TO DIFFERENT PRIORITY DATES.
ACREAGE EXPANSION IS REPORTED IN CLAIM A43-10078.

15. Basis of Claim: STATUTORY CLAIM

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): Lano Ellison Date: 4-19-89

Date: _____

State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 19th day
of April 19 89 Steve Chell
Notary Public

Seal

Residing at Twin Falls
My Commission Expires Dec 7, 1994

UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY

BURLEY 38 MI.
MALTA IDAHO 771 4 MI.

6E 27E





State of Idaho
DEPARTMENT OF WATER RESOURCES
Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

December 5, 1991

R. KEITH HIGGINSON
Director

A43-04000A
LAND ELISON
LOIS ELISON
HC 72 BOX 2176
MALTA

ID 83342

RE: Evidence of Priority

RESPONSE DEADLINE
FEBRUARY 3, 1992

Dear Claimant:

The Notice(s) of Claim identified with the number shown above your name on the mailing label has been filed in the Snake River Basin Adjudication (SRBA). The Notice(s) indicate your water usage is based on "Beneficial Use" or a "Statutory Claim". Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed. **The date of first use, known as the priority date, has not been confirmed by a License, Decree or Permit. The Department will soon conduct reviews &/or field exams for the claims in your area. Since the priority date of a beneficial use water right can not be confirmed by field examination, proof must be provided supporting the priority date you have claimed.**

The Department will not recommend the Notice(s) be decreed by the court as claimed if no evidence of a priority date is submitted.

Please find enclosed a computer printout of your Notice(s) and the pamphlet entitled "**Evidence of Priority**". The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement. I direct your attention to the two sections entitled "**What Kind of Evidence is Required**" and "**Some Examples of Documents Which May Be Evidence of the Priority Date**".

Please submit the required evidence supporting the priority date(s) by **February 3, 1992**, referencing all documents with the corresponding Notice number(s). If you have any questions not covered by this letter or the enclosed pamphlet, please contact this office.

Respectfully submitted,

Allen Merritt, P.E.
Water Rights Supervisor

Enclosures

MICROFILM

MAR 04 1992

AFFIDAVIT.

A43-04000A #B

To Whom it May Concern:

This certifies that I drilled a sixteen inch, steel casing well, about 50 feet deep, in the SW corner of the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$, Sec. 6, Twp 14 South, Range 27 EMM. in the year 1949. I installed a Pomona pump, with 35 ft. of column, with a 5 foot strainer, and bowl, with 6 inch discharge pipe, and a 5 hp electric pump. This produced about 77 inches of water. This was on the farm of Mr. J. Henry Thompson, about 5 miles south of Malta, Idaho. In the year 1958 I deepened this well with 16 inch steel casing to about 265 feet, and installed a 50 hp motor, which powered a Lane and Bowler deep well pump, producing approximately 200 inches of water. I have known Mr. J. Henry Thompson of Malta, Idaho, all during these years todate, and am personally acquainted with him, and with the well herein mentioned, and have known that it has been used each and every year since 1949, for irrigating his farm. I also know of my own personal knowledge that he used this same well, when it was an open well, with cement curb, with the aforementioned 5.h.p. pump and motor, for several years before 1949, when the water table was close to the surface, and produced a full discharge pipe of water for his farm.

Signed.

Alan E. Rogers
Well Driller at Malta, Idaho.

dated this 1 day
of October, 1959.

State of Idaho
County of Cassia. ss.

Subscribed and sworn to before me this 1st day of October, 1959.

Gene Baxter
Notary Public

Residing at Malta, Idaho.

My commission expires 3/7/63.

MICROFILM

MAR 04 1991



MEMBER

RAFT RIVER ELECTRIC COOPERATIVE, INC.

Phone 645-2405

Owned By Those We Serve

★ MALTA

January 20, 1967

Mr. J. Henry Thompson
781 North 10th East
Provo, Utah

Dear Mr. Thompson:

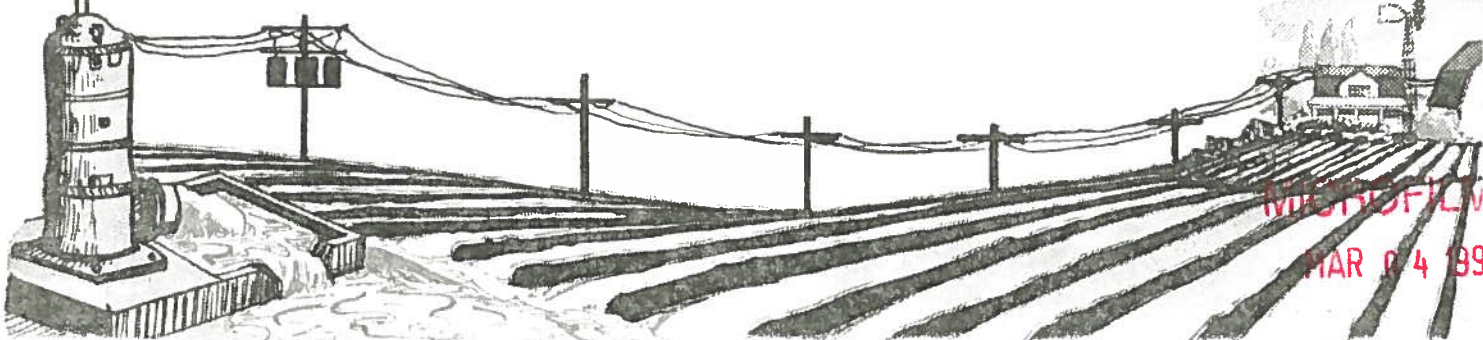
As far as I can determine on the electricity for pumping for irrigation is dated in 1948. At least, the only legible ledger cards for irrigation I can find is dated from 1948 to date.

Enclosed is a copy of a ledger card dated 1948 stating the connection date on a 5HP irrigation pump on the Keogh place.

Hope this will do you some good.

Sincerely,

Lois Whitaker
Lois Whitaker
Cashier and Secretary



MICROFILM
MAR 04 1969

A43-040004

NAME Thompson J. Henry
Address Malta, Idaho

First Date
Paid \$50.00

DELINQUENT DATE
DELINQUENT RATING
ACCOUNT NO.

READING DATE

DUE DATE

2 Element Meter X Readings by 10

MICROFILM
MAR 11 1999

DATE	METER READING			NET BILL	PENALTY	GROSS BILL	CREDIT OR ARREARS	AMOUNT PAID	DATE PAID	BALANCE
	PRESENT	PREVIOUS	KWH USED							
JUN 20	105	240	105	15	26	515	515	515	JUN 14	00
JUL 20	270	105	167	15	34	1754	515	2185	JUL 14	00
J. S. 4927 July 30-1948 Setting up Billing of \$5.15 for June 20 reading										
AUG 20	459	270	189	15	82	1746		1634	AUG 15	00
SEP 20	571	459	112	11	56	1176		1120	OCT 15	00
OCT 20	588	571	17	70	9	179		170	NOV 15	00
Turned on 6-29-49 reading 588 so no 19-727-481, paid \$40.00 annual pump charge										
JUL 20	712	588	124	18	52	1302		1240	AUG 15	00
AUG 20	906	712	194	16	83	1747		1664	SEP 15	00
SEP 20	1015	906	109	14	74	1558		1484	OCT 13	00
OCT 20	1135	1070	65	65	33	683		650	NOV 13	00

Not recorded

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: 43-4000A

LOIS ELISON
HC 72 BOX 2176
MALTA ID 83342
Telephone Number: (208)645-2537

LANO ELISON
HC 72 BOX 2176
MALTA ID 83342
Telephone Number: (208)645-2537

RECEIVED

JUN 12 2001

Department of Water Resources
Bozeman, Montana

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: 6-5-01 SIGNATURE: Lana Elison

Please print your name: Lana Elison

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



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

443-04000A

February 10, 2000

Second Notice

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

ELISON, LANO & LOIS
HC 72 BOX 2176
MALTA ID 83342

RE: Information about historical water diversion flow rate

Dear Wateruser:

This past December IDWR sent a letter to you requesting your assistance in providing information about flow rates from certain diversions (copy attached). These letters are being sent to claimants with identified rights that have not previously been confirmed (measured) either through the licensing process or by decree. IDWR desires to make the most accurate recommendation to the SRBA Court and this requires your participation and cooperation, pursuant Idaho Code §42-1410.

One advantage of providing good, verifiable information to us is that the flow rate that we recommend will be the full measure of your water right as developed. Another benefit is that disputes over the recommendation are minimized. Lastly, documentation for flow rate will likely be dated and may support evidence of priority determination.

In the absence of good information about historical diversion flow rates IDWR may conclude any of three less desirable alternatives:

- 1) Recommend disallowal of right.
- 2) Recommend a flow rate limited to a licensed rate, if a licensed diversion is part of the system, but with additional diversion volume if the use and diversion capacity is documented to have occurred before 1963.
- 3) Recommend the right as an expansion in a critical ground water area, §42-1416B I.C., which limits the flow rate AND volume to the licensed quantity. This provision also sets the priority at 6/30/1985, regardless of development date between 1963 and 1985.

Thank you for your attention to this matter and we look forward to your quick response and documentation relating to this request. Water Resource Agents from the department may be contacting you in the near future should field work be required to finalize recommendations. Inquiries related to this diversion rate information request should be made to Scott King or Cindy Bird at (208) 327-7900. Inquiries about other aspects of your claim should be made to the Southern Region Office (208) 736-3033.

Sincerely,

Scott King

Enclosures

11/01/2000

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

RIGHT NUMBER: 43-4000A

NAME AND ADDRESS: LANO ELISON
LOIS ELISON
HC 72 BOX 2176
MALTA, ID 83342

SOURCE: GROUND WATER

QUANTITY: 1.6 CFS
760 AFY

USE OF THIS RIGHT WITH RIGHT NO. 43-04000B IS LIMITED TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 760 AF.

RIGHT NOS. 43-00165A, 43-00168A, 43-00169C 43-00170A, 43-00171A, 43-00172A, 43-00173A, 43-10086, 43-11269, 43-11270, 43-02295E, 43-02324A, 43-02324B, 43-02546, 43-04000A AND 43-04000B ARE LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 7.498 CFS.

RIGHT NOS. 43-02295E, 43-02324A, 43-02324B, 43-02546, 43-04000A AND 43-04000B ARE LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 6.76 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 1352 AF.

PRIORITY DATE: 04/01/1948

POINT OF DIVERSION: T14S R27E S6 LOT 3 SWNENW 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	1.60 CFS 760.0 AFY

PLACE OF USE:

IRRIGATION Within CASSIA County

T13S R27E S31	LOT 4	SWSW	50	T13S R27E S31	SESW	40
T13S R27E S31		NWSE	20	T13S R27E S31	SWSE	20
T14S R27E S6	LOT 2	NWNE	20	T14S R27E S6	LOT 3	NENW 40

190 ACRES TOTAL

RIGHT NOS. 43-00165A, 43-00168A, 43-00169C 43-00170A, 43-00171A, 43-00172A, 43-00173A, 43-00178J, 43-10086, 43-11269, 43-11270, 43-02295E, 43-02324A, 43-02324B, 43-02546, 43-04000A AND 43-04000B ARE LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 338 ACRES IN A SINGLE IRRIGATION SEASON.

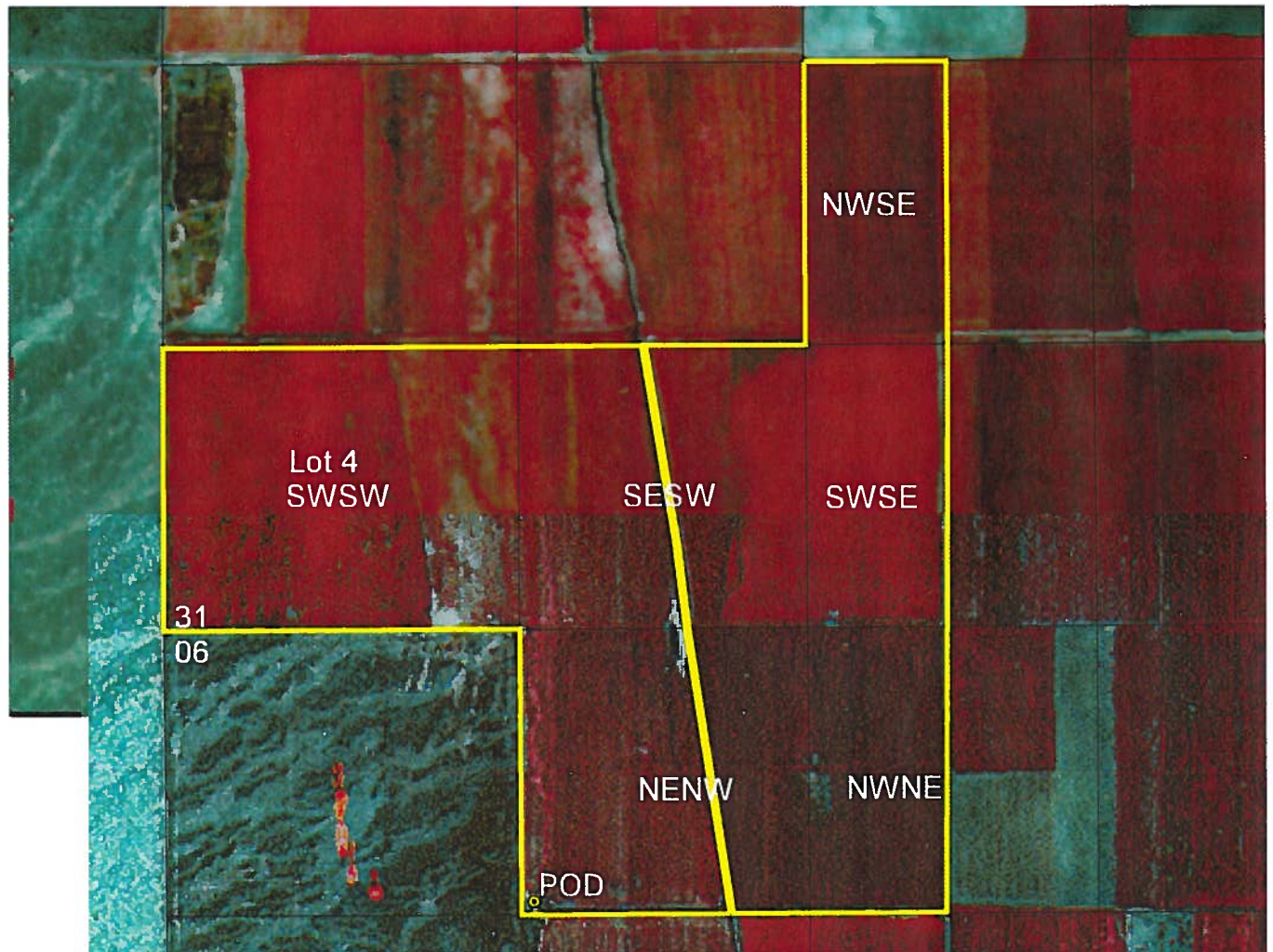
USE OF THIS RIGHT WITH RIGHT NO. 43-04000B IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 190 ACRES IN A SINGLE IRRIGATION SEASON.

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 - Beneficial Use

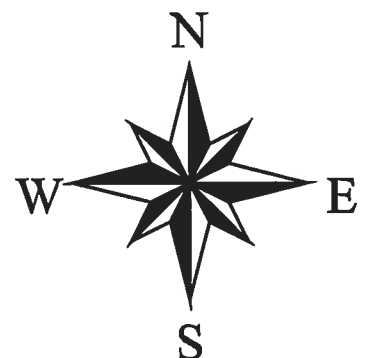
43-04000A & 43-04000B



800 0 800 1600 Feet

T13S R27E S31
T14S R27E S06

Map prepared by: Carter Fritschle
Date prepared: 12/22/99
1987-1988 NAPP photography
Idaho Department of Water Resources



Fritschle, Carter

From: King, Scott
Sent: Monday, October 30, 2000 1:25 PM
To: Fritschle, Carter
Subject: RE: POD and flow rate for 43-04000A and 43-04000B

Carter,
Elison supplied our data request form; we did not do any field work, and the form did not address POD location.

The form and any information that Cindy and I had was sent to Southern region earlier this month. Cindy estimated a flow of 3.19 cfs from the data supplied by Elison (although I don't know what the data was since it's now at Southern). I reviewed her work, and commented that the flow may have once been as high as 3.8 cfs with a higher water table. Here are the contents from our "memo" field in the database used to track our activities with these BU claims:

"Returned form 3/8/00 cb, also part -4000B, 10078. Lano will try to get the forms back to us in the next couple of weeks. 2/23/00 cb. Data to Southern 10/2, system may have produced 3.8 cfs when water levels higher (snk 10/2)."

You are welcome to look at the database found at:
dwr03PCCOMMON\SKING\B43 WELLS.MDB

It looks like I couldn't answer your question, and I doubt that the materials submitted by Elison will either. But you may want to ask someone down there (likely either Doug or Jeanie) if they have it.

Scott

-----Original Message-----

From: Fritschle, Carter
Sent: Monday, October 30, 2000 10:37 AM
To: King, Scott
Subject: POD and flow rate for 43-04000A and 43-04000B

Hi Scott,

Did you get any information for Lano Elison's claims 43-04000A and 43-04000B? An affidavit signed in 1959 said it was producing 200 inches, but there is nothing on the topo in the area of the claimed POD, and supposedly it has been there since 1948. I can probably accept the flow rate, but I would like a little better information on the location.

Thanks, Carter

MEMORANDUM

To: File
From: Scott King *SK*
Date: October 2, 2000

Subject: A43-04000 Parts A & B

RECEIVED
OCT - 5 2000
Department of Water Resources
Southern Region

Per our request regarding historic pumping rates, Elison submitted information on the current well pump. This 75-hp pump has a rated design of 3.12 cfs. Cindy Bird's computations provide an estimated capacity of 3.19 cfs. These values are less than the quantity of 3.8 cfs for the above claims.

The original claim filing from the vault, filed June 1967, indicates a claimed quantity of 3.8 cfs for 190 acres. It also states that the 50-hp well pump had a capacity of 1800 gpm. A properly designed 50-hp system lifting water 75 to 80 feet and open discharging flow could likely deliver the claimed flow of 3.8 cfs. Hydrographs show pumping lifts of this magnitude may have been possible at this location during the development period for this claim (1950's to early 1960's).

Although the recent data supplied by Elison does not support the claimed flow of 3.8 cfs, it is evident from the original claim file and from hydrographs that 3.8 cfs may have been diverted at one time.

Record ID	90	Measured Flow:	
Water Right No.	A43-04000A	Designed Flow:	3.12 cfs
Name	Lano & Lois Elison	HP/Eff Flow:	2.35 cfs
pod	14S27E6SWNENW	Sprinkler Flow:	2.09 cfs
year:		Pivot/System Flow:	
Flow Measurement:	0 gpm	=	
Curve/Pump Design:	1400 gpm	=	3.12 cfs
Horsepower / Efficiency Method			
Horsepower	50 hp		
PWL	10 ft		
Disch Psi	60 psi		
PUMP Eff Estimate	0.79 %		
TDH	149 ft		
OHP	39.5 hp		
Flow	1053 gpm	=	2.35 cfs
System Method:			
No Lines	5	Nozzle Equation: $Q=C*A*\sqrt{2*g*h} / \sqrt{1-r^4}$	
Birds per line	32	C=	1.00 Nozzle coefficient; typical 0.97 to 1.00
Ttl no nozzles	160	r=	0.0065 ft Nozzle radius
Nozzle size	5/32 in	A=	0.00013 ft^2 Nozzle area
Nozzle pressure	50 psi	h=	116 ft Head
Flow per nozzle	5.15 gpm	g=	32.2 ft/sec^2 Gravitational constant
Sprinkler Flow	825 gpm	Q=	0.011 cfs Flow per nozzle
Percent Leaks	12 %	=	5.154 gpm Flow per nozzle
Total Flow	937 gpm	=	2.09 cfs
Pivot / System rating		=	

Comments / Data Supplied:

3/8/00 received form and an attached statement for G.J. Verti-Line Pumps, Inc. describing the two pumps operating the Elison system. The ground water is pumped with a 75 hp pump to a pond were a 50 hp pump deliveries it to the system at 60 psi. The irrigaiton system includes 10 handlines with 32 birds, nozzle size 5/32 and one wheel line. The current 50 hp pump will not operate all of the handlines. The system pump will only operate approximately half of the handlines with the current system configuration.

From the information provided this does not support the claim. The maximum flow is 3.19 cfs.

Idaho Department of Water Resources
Estimated Pumping Rate Documentation Form
Flow Analysis Performed by: **Cindy Bird**

Date: **3/9/00**

Page 2 of 2

Record ID	90	Measured Flow:	
Water Right No.	A43-04000A	Designed Flow:	
Name	Lano & Lois Elison	HP/Eff Flow:	3.19 cfs
pod	14S27E6SWNENW	Sprinkler Flow:	4.18 cfs <--Max
year:		Pivot/System Flow:	
Flow Measurement:		gpm	=
Curve/Pump Design:		gpm	=
Horsepower / Efficiency Method			
Horsepower	75	hp	
PWL	170	ft	
Disch Psi	0	psi	
Eff Estimate	0.82	%	
TDH	170	ft	
OHP	61.5	hp	
Flow	1433	gpm	= 3.19 cfs
System Method:			
No Lines	10	Nozzle Equation: $Q=C*A*\sqrt{2*g*h} / \sqrt{1-r^4}$	
Birds per line	32	C=	1.00 Nozzle coefficient; typical 0.97 to 1.00
Ttl no nozzles	320	r=	0.0065 ft Nozzle radius
Nozzle size	5/32 in	A=	0.00013 ft^2 Nozzle area
Nozzle pressure	50 psi	h=	116 ft Head
Flow per nozzle	5.15 gpm	g=	32.2 ft/sec^2 Gravitational constant
Sprinkler Flow	1649 gpm	Q=	0.011 cfs Flow per nozzle
Percent Leaks	12 %	=	5.154 gpm Flow per nozzle
Total Flow	1874	gpm	= 4.18 cfs
Pivot / System rating		gpm	=

Comments / Data Supplied:

AJ5809NP
No. A43-04000A

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 05/16/00
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	LANO ELISON	04/01/1948	IRRIGATION	04-01 10-31	1.600 CFS	
C	LOIS ELISON					
TOTAL DIVERSION:					1.600 CFS	
CONSUMPTIVE USE:						475.00 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: STATUTORY CLAIM

Point(s) of Diversion: T14S R27E S06 SWNENW 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	:					:					:			04-50	40	:			20	20	:	130.0
14S	27E	6	:		20			:		40			:					:					:	60.0
TOTAL ACRES																							190.0	

POU County: CASSIA

Other Rights: A43-02324A & B, A43-04000B, A43-10078, A43-02546

Other Water Rights with Same Point(s) of Diversion with Stage (Ir
A43-04000B A43-10078

Other Water Rights Listing Overlapping Place(s) of Use:

A43-00165A A43-00168A A43-00169C A43-00170A A43-00171A A43-00172A A43-00173A A43-00173D A43-00177F A43-00178F
A43-00178J A43-02295E A43-02295G A43-02295H A43-02324B A43-02528 A43-02546 A43-04000B A43-10078 A43-10085
A43-10086

Remarks: GEN THIS RIGHT IS SPLIT DUE TO DIFFERENT PRIORITY DATES.
ACREAGE EXPANSION IS REPORTED IN CLAIM A43-10078.

Dates: Exam Made Date: Verified Date: 06/18/1985 Objection Filed Date:

Misc: Water District Number: Field Inspection Flag:
Presumption Flag:

Audit: 04/05/89 CLELLAND 03/30/95 POST-STD

A43-10078

4-1-87

1.2 cfs.

Expansion claim.

AJ5809NP
No. A43-04000B

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 05/16/00
PAGE: 2

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	LANO ELISON	06/01/1958	IRRIGATION	04-01 10-31	2.200 CFS	
C	LOIS ELISON					
TOTAL DIVERSION:					2.200 CFS	
CONSUMPTIVE USE:						475.00 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: STATUTORY CLAIM

Point(s) of Diversion: T14S R27E S06 SWNENW 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	:					:					:			04-50	40	:			20	20	:	130.0
14S	27E	6	:			20		:			40		:					:					:	60.0
																						TOTAL ACRES		190.0

POU County: CASSIA

Other Rights: A43-02324A & B, A43-04000A, A43-10078, A43-02546

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
A43-04000A A43-10078

Other Water Rights Listing Overlapping Place(s) of Use:

A43-00165A A43-00168A A43-00169C A43-00170A A43-00171A A43-00172A A43-00173A A43-00173D A43-00177F A43-00178F
A43-00178J A43-02295E A43-02295G A43-02295H A43-02324B A43-02528 A43-02546 A43-04000A A43-10078 A43-10085
A43-10086

Remarks: GEN THIS RIGHT IS SPLIT DUE TO DIFFERENT PRIORITY DATES.
ACREAGE EXPANSION IS REPORTED IN CLAIM A43-10078.

Dates: Exam Made Date: Verified Date: 06/18/1985 Objection Filed Date:

Misc: Water District Number: Field Inspection Flag:
Presumption Flag:

Audit: 04/05/89 CLELLAND 03/30/95 POST-STD

Idaho Department of Water Resources
Adjudication Bureau

December 6, 1999

Well ID # 90.
Claim 1.6 cfs

N A4304000A
P ELISON LOIS
C 14S27E6SWNENW

Lano & Lois ELISON.

Data Submission for Estimating Well Pumping Capacity

This form is for documenting historic flow rate from a well based on available information including: flow measurements, pump curves or specifications, system characteristics such as motor horsepower, depth to water, discharge pressure, and irrigation system characteristics. The department is attempting to quantify the maximum rate of flow diverted and put to beneficial use in the years prior to November 1987.

If you have any questions regarding this data request, please contact either Scott King (208) 327-7897 or Cindy Bird (208) 327-5450. You may also dial the adjudication hotline (1-800-451-4129) and ask for Scott or Cindy. If you prefer to discuss these questions with us instead of completing the form, your call is welcomed. We can also be contacted by e-mail at sking@idwr.state.id.us and cbird@idwr.state.id.us

1) Rate of Flow measurements: _____ (cfs or gpm)

Please give approximate date, person or entity performing measurement, description of measuring device and any other applicable data. Examples may include measurements made as part of an energy efficiency survey, which are often provided as a service through your electric utility.

2) Pump characteristic curves or specifications: Please include copy of pump curve, or state designed pumping capacity, rated flow and head, and approximate year of pump installation. Other helpful items may include the pump manufacturer, model number, and number of stages.



G.J. VERTI-LINE PUMPS, INC.

1970 Highland Ave. East - P.O. Box 892

Twin Falls, Idaho 83303

Fax (208) 733-5009

Phone (208) 733-4278

02/28/2000

RECEIVED
MAR 08 2000

Department of Water Resources

Lano Eliason

Malta, Id 83342

The following is the information you requested on your pumps.

Pump: 26185
HP: 75 HP
Design: 1400 GPM at 170 ft. head 3.12 cfs
Setting: 180 ft. of 10 x 2 x 1 3/16
Static Water Level: 98 ft.

Pump: D-23779
HP: 50 HP
Design: 600 GPM at 290 ft. head
Setting: 160 ft. 8 x 2 x 1 3/16
Static Water Level: 76 ft.

If you have any questions, please give me a call.

Sincerely yours,

G. J. Verti-Line Pumps, Inc.
Gail Staley - Manager

Enclosed is all the information I can gather. The 75 HP well runs into a pond where a booster pump runs to handle 10 hand lines and 1 wheel line. I can't get H.P. of booster pump. I don't know the water level with pumps on.

The boost pump operates at 60 lbs pressure
over

R PROOF

CVR

MAPS

PHOTOS

MISC

—

—

—

—

—