

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 43-11270 V1

WATER RIGHT NUMBER: 43-11270 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	LANO ELISON 2048 S 2350 E MALTA, ID 83342 (208)645-2537
Original Owner	LOIS ELISON 2048 S 2350 E MALTA, ID 83342 (208)645-2537

Priority Date: 04/01/1871

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
RAFT RIVER	SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 11/15	0.059 CFS	
	<u>Total Diversion:</u>	0.059 CFS	

Location of Point(s) of Diversion

RAFT RIVER	NW1/4SW1/4NE1/4	Sec. 7, 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	40.0	10.0	160.0
													L 4						
14S	27E	6	10.0	40.0	20.0	38.0	40.0								20.0	10.0			178.0
			L 1	L 2			L 3												

Total Acres: 338

Conditions of Approval:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 43-11270 V1

1. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
2. 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. Place of Use - Irrigation 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.
3. Place of Use - Irrigation RIGHT NOS. 43-00165A, 43-00168A, 43-00172A, 43-10086, 43-11269 AND 43-11270 ARE LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 150 ACRES IN A SINGLE IRRIGATION SEASON.
4. Place of Use - Irrigation THIS RIGHT IS LIMITED TO THE IRRIGATION OF 150 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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.

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

RECEIVED
MAR 31 2004
 Department of Water Resources

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

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
43-165A	P.D.	___	43-173A	AJ	___
43-168A	AJ	___	43-178J	P.D.	___
43-169C	P.D.	___	43-2295E	} AJ	___
43-170A	AJ	___	43-2324A		___
43-171A	P.D.	___	43-2324B		___
43-172A	P.D.	___	43-2546	} 43-10096 > AJ	43-11270 > AJ
43-4000A	AJ	___	43-10086		

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>

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

RECORDER
 FEEB. AD. DEPUTY

CASSIA COUNTY, IDAHO
 LARRY A. MICKELSEN

294659

(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.

....., SINGH, SINGH, LLP
LAWYERS
BURLEY, IDAHO

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GRANTOR

ESTATE OF LOIS Z. ELISON

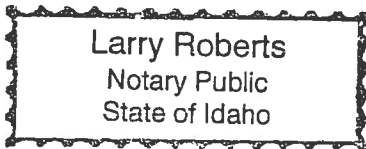
by *Gar T. Elison*
GAR T. ELISON

by *Marla Deakins*
MARLA DEAKINS

Lano A. Elison
LANO A. ELISON

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

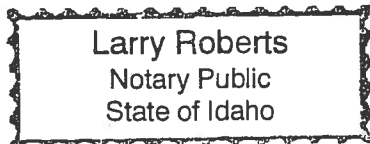
4 On this 24th day of March, in the year 2004, before me, the
5 undersigned, a Notary Public in and for said State, personally appeared **GART T. ELISON**
6 and **MARLA DEAKINS**, known or identified to me to be the persons whose names are
7 subscribed to the within instrument as the Personal Representatives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



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

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

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

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25 (ElisonLano\HarperWD.wpd)

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)

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.

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

318 531 T1358

T1896

S31 S6
T13 T14
R27 R27

T9348

2
62.2

30.9

T9347

T9349

T2021

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52.2

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25.9

T8408

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37.8

1 6

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7.7

6
32.0

1
59.8

25.6

SG
T14
L27

31 32
6 5

T895

T8409

T1641

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27.3

T1602

70.1

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45.5

T1606

1
7.3

85.4

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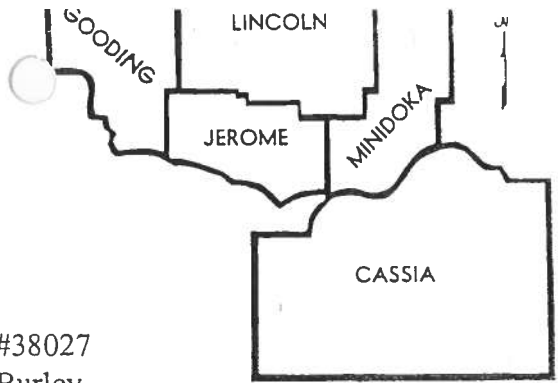
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102.5

62.6

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.

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: A43-10085
Date Received: 4/19/1989
Receipt No: S006905
Received By: SC

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, 1871

3. Source: RAFT RIVER Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
14S	27E	7	NW	SW	NE		CASSIA

5. Description of diverting works:
DAMS AND DITCHES TO SPRINKLERS.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	01/01	12/31	0.120		

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

8. Total consumptive use is 825.0 Acre Feet Per Annum.

9. Non-irrigation uses:
DECREED FOR IRRIGATION BUT PRIMARY USE IS STOCKWATER.

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	40.0
			~~SW~~	~~SE~~		~~IRR~~	~~40.0~~ <i>dup.</i>
			SE	SE		IRR	10.0
			~~SE~~	~~SE~~		~~IRR~~	~~10.0~~ <i>dup.</i>
Section Acres							210.0 <i>160 Ac.</i>
14S	27E	6	NE	NE		IRR	10.0
			NW	NE		IRR	40.0
			SW	NE		IRR	20.0
			SE	NE		IRR	38.0
			NE	NW		IRR	40.0
			NE	SE		IRR	20.0
			NW	SE		IRR	10.0
Section Acres							178.0
Total Acres							388.0

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:
SEE REMARKS.

14. Remarks:
TRANS. 2505 & 665.
THIS CLAIM IS A COMBINATION OF A PORTION OF EACH OF THESE WR'S
43-00164 FOR 2.975" & 43-00175 FOR 2.975".
CALCULATIONS FOR THESE PORTIONS, CLAIMANT DIVIDED THE ORIGINAL
TOTAL DECREE CFS BY 21. (21 PLACES MADE UP THE MALTA LAND AND
IRRIGATION CO.) CLAIMANT NOW OWNS 2-1/2 PLACES AND SO HE
MULTIPLIES THE FIRST FIGURE BY 2.5.
****SEE REF. RT. A43-00165A FOR OTHER WR*****

15. Basis of Claim: DECREED
Case Number:
Court :
Decree date: 10/18/1928

ALBION-IDAHO LAND CO.
Decree Plaintiff

JOBE ADAMS, ET. AL.
Decree Defendant

A43-10085

Page

2

Date: 04/19/89

MICROFILMED

MAR 04 1993

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 Elison Date: 4-19-89

Date: _____

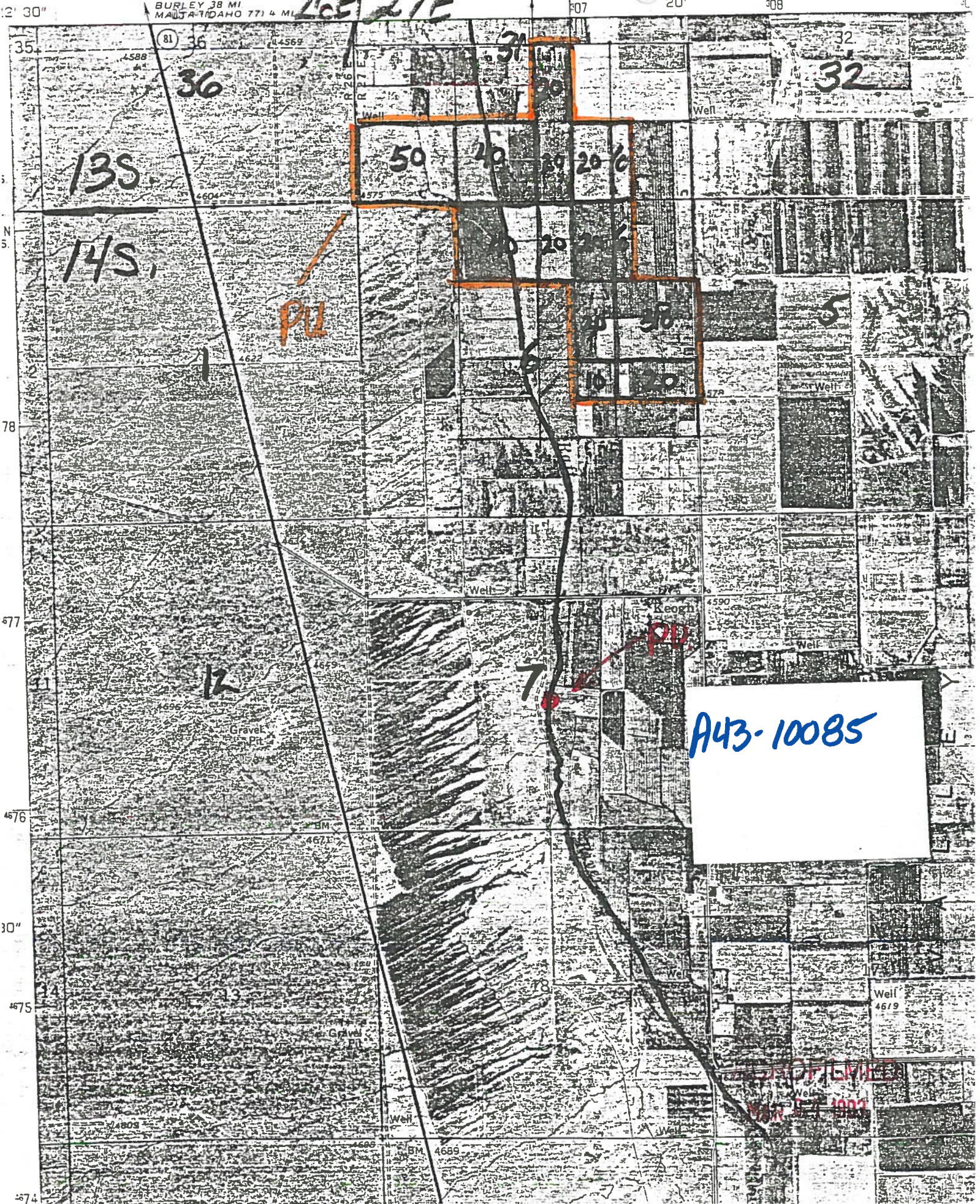
State of Idaho)
County of Twin Falls) SS.

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

Seal

Residing at Twin Falls
My Commission Expires Dec 7, 1994

UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY



A43-10085

REPRODUCTION
MAR 5 1981

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 43-11269 V1

WATER RIGHT NUMBER: 43-11269 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	LANO ELISON 2048 S 2350 E MALTA, ID 83342 (208)645-2537
Original Owner	LOIS ELISON 2048 S 2350 E MALTA, ID 83342 (208)645-2537

Priority Date: 04/01/1871

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
RAFT RIVER	SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/30 to 07/01	0.059 CFS	
	<u>Total Diversion:</u>	0.059 CFS	

Location of Point(s) of Diversion

RAFT RIVER	NW1/4SW1/4NE1/4	Sec. 7, 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	40.0	10.0	160.0	
											L 4								
14S	27E	6	10.0	40.0	20.0	38.0	40.0								20.0	10.0		178.0	
			L 1	L 2			L 3												

Total Acres: 338

Conditions of Approval:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 43-11269 V1

1. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
2. 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.

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4. Place of Use - Irrigation THIS RIGHT IS LIMITED TO THE IRRIGATION OF 1 50 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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.

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

RECEIVED
MAR 31 2004
 Department of Water Resources

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>

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

RECORDER
 LARRY A. MICKELSEN
 FEE \$1.00 DEPUTY *[Signature]*

CASSIA COUNTY, IDAHO
 LARRY A. MICKELSEN

294659

(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.

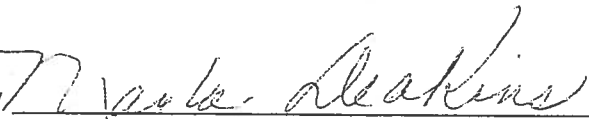
IN WITNESS WHEREOF, the Grantor has executed this Deed the day and year first above written.

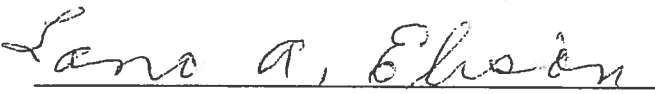
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GRANTOR

ESTATE OF LOIS Z. ELISON

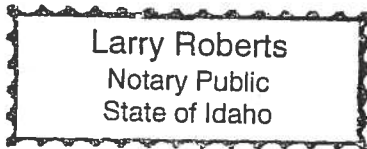
by 
GAR T. ELISON

by 
MARLA DEAKINS


LANO A. ELISON

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

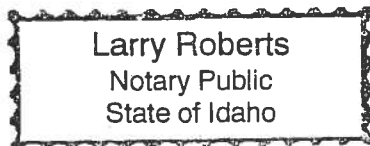
4 On this 24th day of March, in the year 2004, before me, the
5 undersigned, a Notary Public in and for said State, personally appeared **GART. ELISON**
6 and **MARLA DEAKINS**, known or identified to me to be the persons whose names are
7 subscribed to the within instrument as the Personal Representatives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

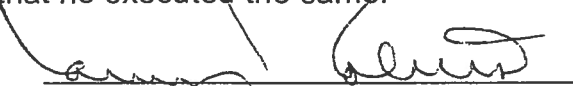



Notary Public for Idaho
Residing at Burley, ID
My Commission Expires: 6-30-09

10
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.




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

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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)

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.

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

31 31 11.54

T1896

S31 S6
T13 T14
R27 R27

T9348

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T9347

T9349

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T2021

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T8408

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S6
T14
L27

31 32
6 5

T895

T8409

T1641

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T1602

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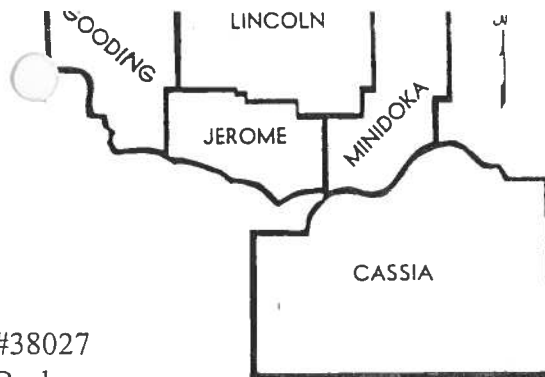
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Land Title and Escrow, Inc.

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:

[Handwritten signature] *Trish*
☺

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.

Nancy Garrett

Nancy Garrett
Reconveyance Department

/nrg
enc.

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: 43-11269

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

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

RECEIVED

JUN 12 2001

Department of Water Resources
Boise, Idaho

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: Lano Elison

Please print your name: LANO ELISON

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

10/31/2000

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

RIGHT NUMBER: 43-11269

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

SOURCE: RAFT RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 0.059 CFS

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.

Fixed

PRIORITY DATE: 04/01/1871

POINT OF DIVERSION: T14S R27E S7 NWSWNE Within CASSIA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04-30 07-01	0.06 CFS

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	40
T13S R27E S31		SESE	10	T14S R27E S6	LOT 1	NENE	10
T14S R27E S6	LOT 2	NWNE	40	T14S R27E S6		SWNE	20
T14S R27E S6		SENE	38	T14S R27E S6	LOT 3	NENW	40
T14S R27E S6		NESE	20	T14S R27E S6		NWSE	10

338 ACRES TOTAL

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

RIGHT NOS. 43-00165A, 43-00168A, 43-00172A, 43-10086, 43-11269 AND 43-11270 ARE LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 150 ACRES IN A SINGLE IRRIGATION SEASON.

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.

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 - Decreed

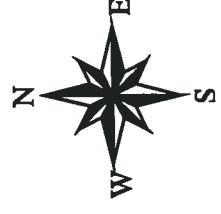
RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

43-00165A, 43-00168A, 43-00169C, 43-00170A,
43-00171A, 43-00172A, 43-00173A, 43-00178J,
43-10086, 43-11269 and 43-11270



T13S R27E S31
T14S R27E S06

Map prepared by: Carter Fritschle
Date prepared: 10/31/00
1987-1988 NAPP photography
Idaho Department of Water Resources



**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: 43-11270

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

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

RECEIVED

JUN 12 2001

Department of Water Resources
Twin Falls, Idaho

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: Lano Elison

Please print your name: LANO ELISON

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

10/31/2000

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

RIGHT NUMBER: 43-11270

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

SOURCE: RAFT RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 0.059 CFS

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.

PRIORITY DATE: 04/01/1871

POINT OF DIVERSION: T14S R27E S7 NWSWNE 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	0.06 CFS

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	40
T13S R27E S31		SESE	10	T14S R27E S6	LOT 1	NENE	10
T14S R27E S6	LOT 2	NWNE	40	T14S R27E S6		SWNE	20
T14S R27E S6		SENE	38	T14S R27E S6	LOT 3	NENW	40
T14S R27E S6		NESE	20	T14S R27E S6		NWSE	10

338 ACRES TOTAL

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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.

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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 - Decreed

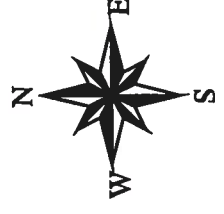
RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

43-00165A, 43-00168A, 43-00169C, 43-00170A,
43-00171A, 43-00172A, 43-00173A, 43-00178J,
43-10086, 43-11269 and 43-11270



T13S R27E S31
T14S R27E S06

Map prepared by: Carter Fritschle
Date prepared: 10/31/00
1987-1988 NAPP photography
Idaho Department of Water Resources



R PROOF

CVR

MAPS

PHOTOS

MISC

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