

04/26/2001

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

RIGHT NUMBER: 43-13003

NAME AND ADDRESS: ALAN J HARPER
BEVERLY K HARPER
2436 E PIERCE LN
MALTA, ID 83342

SOURCE: RAFT RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 2.8 CFS

RIGHT NOS. 43-02295K, 43-02454, 43-12996, 43-12997, 43-12998, 43-12999, 43-13000, 43-13001 AND 43-13002 ARE LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 3.54 CFS.

PRIORITY DATE: 12/12/1911

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	2.80 CFS

PLACE OF USE:

<u>IRRIGATION Within CASSIA County</u>					
T14S R27E S6	SESW	40	T14S R27E S6	SWSE	19
T14S R27E S7	NENE	39	T14S R27E S7	NWNE	39
T14S R27E S7	NENW	40			

177 ACRES TOTAL

RIGHT NOS. 43-02295K, 43-02454, 43-12996, 43-12997, 43-12998, 43-12999, 43-13000, 43-13001, 43-13002 AND 43-13003 ARE LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 177 ACRES IN A SINGLE IRRIGATION SEASON.

RIGHT NOS. 43-02295K, 43-12996, 43-12997, 43-12998, 43-12999, 43-13000, 43-13001, 43-13002 AND 43-13003 ARE LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 140 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 POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 43-10257.

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 43-13003
Date Received:
Receipt No:
Received By:

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

RECEIVED
APR 03 2001
Department of Water Resources

1. Name of Claimant(s)

ALAN J HARPER Phone: (208)645-2333

2436 E PIERCE LN
MALTA ID USA 83342

BEVERLY K HARPER Phone: (208)645-2333

2436 E PIERCE LN
MALTA ID USA 83342

2. Date of Priority: 12/12/1911

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	Type
14S	27E	7	SW NW NE	CASSIA	

5. Description of diverting works:

HEADGATE AND LATERALS WITH IRRIG. PUMP & SPRINKLERS.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	3/15	11/15	2.80	

7. Total Quantity Appropriated is:
2.80 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
14S	27E	6	SE	SW	IRRIGATION	39
			SW	SE	IRRIGATION	20
			Section Acres			
14S	27E	7	NE	NE	IRRIGATION	38
			NE	NW	IRRIGATION	40
			NW	NE	IRRIGATION	40
			Section Acres			
Total Acres						177

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:

THIS CLAIM IS BASED ON RAFT RIVER DECREED RIGHT 43-00178.

15. Basis of Claim: Decreed

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.

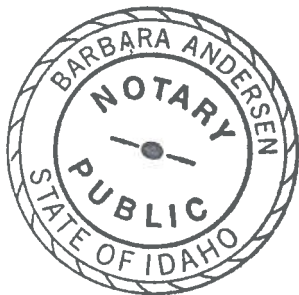
Signature of Claimant(s): *[Signature]* Date: 3/12/01
3-12-01 Beverly K. Harper Date: _____

State of Idaho)
County of Cassia) SS.

Subscribed and sworn (or affirmed) before me this 12th day
of March 2001

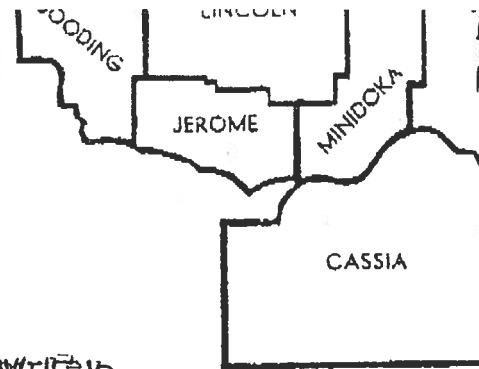
[Signature]
Notary Public

Residing at *[Signature]*
My commission Expires 7-23-05



Land Title and Escrow, Inc.

A FULL SERVICE TITLE COMPANY



REFER TO:

RECEIVED

December 2, 1996

DEC 02 1996

Via Facsimile

Department of Water Resources
Boise, Idaho

Idaho Dept. of Water Resources
Fax No. 1-208-736-3037

RE: Water profile

Dear Sir or Madam:

Enclosed please find a photostatic copy of a Warranty Deed with property located in Cassia County, Idaho.

Would you please prepare a water profile on this property and fax back to me at 208-678-4435 at your earliest convenience.

Should you have any questions concerning this letter, please do not hesitate to contact this office.

Very truly yours,
LAND TITLE AND ESCROW, INC.

Nancy Garrett

Nancy Garrett
Reconveyance Department

/nrg

enc.

Total: 2 pages

BOX 177 BURLEY IDAHO 83318
PHONE 676-3624 - FAX 678-4435

BOX 348 JEROME IDAHO 83338
PHONE 324-3357 - FAX 324-8981

BOX 473 GOODING IDAHO 83330
PHONE 534-3477 - FAX 534-8880

BOX 111 RUPERT IDAHO 83350
PHONE 436-0806 - FAX 436-1188

139992

WARRANTY DEED

For Value Received

O. John Nye and Bessie D. Nye, husband and wife,

the grantor s, do hereby grant, bargain, sell and convey unto

Douglas Glen Nye

the grantee the following described premises, to-wit:

Parcel No. 1. That certain parcel of real property beginning at the Northeast corner of Section 7, Township 14 South, Range 27 East, Boise Meridian, and running thence West 2,640 feet more or less to a point on the half section line; thence South 1,270 feet to a point; thence East 50 feet to a point; thence South 50 feet to a point; thence East 1,160 feet to a point; thence North 50 feet to a point; thence East 500 feet to a point; thence South 50 feet to a point; thence East 990 feet more or less to a point on the eastern boundary line of Section 7, Township 14 South, Range 27 East, Boise Meridian; thence North along the eastern boundary of said Section line 1,320 feet to the point of beginning.

Parcel No. 2. The Northeast one-quarter of the Northeast one-quarter of Section 7, Township 14 South, Range 27, East, Boise Meridian.

Parcel No. 3. The Southeast one-quarter of the Southwest one-quarter of the East one-half of the Southeast one-quarter of the Southeast one-quarter of Section 6, Township 14 South, Range 27, East, Boise Meridian.

together with all the Vendors right, title and interest in and to a well on the above described premises and all water rights appurtenant to the above described property from Bull River.

 ATTORNEY & RECORDS
 CASSIA COUNTY ABSTRACT
 139992

DEC 9 4 14 PM '81

 CASSIA COUNTY
 CLERK
 BY *[Signature]*
 DEPUTY

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, his heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantee that they are the owner in fee simple of said premises; that said premises are free from all incumbrances except as above described.

and that he will warrant and defend the same from all lawful claims whatsoever.

Dated:

[Signature]
[Signature]

STATE OF IDAHO, COUNTY OF CASSIA

On this 5th day of July, 1977,
 before me, a Notary Public in and for said State, personally
 appeared O. John Nye and Bessie D. Nye,

known to me to be the persons whose names are
 subscribed to the within instrument, and acknowledged to
 me that they executed the same.

Residing at Albion,
 Comm. Expires 12/78

[Signature]
 Notary Public
 Idaho

STATE OF IDAHO, COUNTY OF

I hereby certify that this instrument was filed for record at
 the request of

at _____ minutes past _____ o'clock in
 this _____ day of _____
 1977, in my office, and duly recorded in Book
 of Deeds at page _____

Ex-Officio Recorder

By _____ Fees \$ _____
 Mail to _____

INSTRUMENT NO.

139993

Page 2

K14450

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: **A43-10257**
Date Received: 6/ 6/1989
Receipt No: S007554
Received By: _____

**COPY FOR
YOUR FILES**

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

**COPY FOR
YOUR FILES**

1. Name: ALAN J HARPER
Address: 2436 E PIERCE LN
MALTA ID

208-645-2333

83342

AND

Name: BEVERLY K HARPER
Address: 2436 E PIERCE LN
MALTA ID

208-645-2333

83342

2. Date of Priority: DEC 12, 1911

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	SW	NW	NE		CASSIA

5. Description of diverting works:

HEADGATE AND LATERALS WITH IRRIG. PUMP & SPRINKLERS.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	4.880		

7. Total Quantity Appropriated is:

4.880 C.F.S. (and/or)

A.F.A.

8. Total consumptive use is

Acre Feet Per Annum.

9. Non-irrigation uses:

NONE

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
14S	27E	6	SE	SW	IRR	39.0
			SW	SE	IRR	20.0
			Section Acres			59.0
		7	NE	NE	IRR	38.0
			NW	NE	IRR	40.0
			NE	NW	IRR	40.0
			Section Acres			118.0
			Total Acres			177.0

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:
WR A43-02454

14. Remarks:

THIS CLAIM IS BASED ON RAFT RIVER DECREED RIGHTS 43-00169, 43-00168, 43-00172, 43-00167, 43-00166, 43-00164, 43-00165, 43-00178A, 43-00178B.

5/4/99 tf; OWNERSHIP CHANGED NYE TO HARPER PER 1409(6) AND WARRANTY DEED REC'D 2/23/99.

15. Basis of Claim: DECREED

Water Right Number: 26706

Case Number:

Court :

Decree date: / /

Decree Plaintiff

vs

Decree Defendant



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

May 4, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

ALAN J HARPER
BEVERLY K HARPER
2436 E PIERCE LN
MALTA ID 83342

RE: SRBA Claim(s) A43-02454, A43-10257

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 to you. Please find the enclosed copies of the computer record of the claim(s) noting the change in claimant. Review these records and if there is an error, or you have any questions, please contact this office.

Sincerely,

A handwritten signature in cursive script, reading 'Trish Fawcett'.

Trish Fawcett
Technical Records Specialist

enc.

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES

RECEIVED

FEB 12 1999

Department of Water Resources
Southern Region

NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

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 No(s).: _____
Adjudication Claim No(s).: A43-02454 & A43-10257

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 attached to your deed or on file with the county.)
OR
 - C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.

3. Name and Address of Former Owner/Claimant: Douglas Glen Nye and DeAnn Nye
346 South 200 West, Brigham City

4. New Owner/Claimant(s): Alan J. Harper and Beverly K. Harper UT 843
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
 New Mailing Address: 2436 E. Pierce Lane
 City, State and ZIP Code: Malta, ID 83342
 New Telephone Number: (208) 645-2333

5. Date you acquired the property: Feb. 20, 1997

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.
 Number of acres you irrigate 177 Number and type of stock _____
 Diversion rate in CFS _____ Number of homes 1 Other uses _____
 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 or Claimant(s): Alan J. Harper
Beverly K. Harper
(Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign form.)

8. For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him or her for all matters related to your claims..

EE30

S-7,6

T-14-S

R-27-E

3
27.3

1
70.1

2
45.5

T1602

T1643

T1603

1
7.3

1
85.4

2
103.5

Deep well
Pump

RR Point
Diverston

+

WARRANTY DEED

COPI II

#27974

For Value Received

DOUGLAS GLEN NYE and DeANN NYE, husband and wife

RECEIVED

FEB 12 1999

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

Department of Water Resources
Southern Region

ALAN J. HARPER and BEVERLY K. HARPER, husband and wife

Address: 2436 East Pierce Lane
Malta, Idaho 83342

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

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

Section 6: SE $\frac{1}{4}$ SW $\frac{1}{4}$ and W $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$

Section 7: NE $\frac{1}{4}$ NW $\frac{1}{4}$

Section 7: Beginning at the Northeast corner of said Section 7, and running thence West 2,640 feet, more or less, to a point on the half section line;
Thence South 1,270 feet to a point;
Thence East 50 feet to a point;
Thence South 50 feet to a point;
Thence East 1,100 feet to a point;
Thence North 50 feet to a point;
Thence East 500 feet to a point;
Thence South 50 feet to a point;
Thence East 990 feet, more or less, to a point on the Eastern boundary line of said Section 7;
Thence North along the Eastern boundary of said Section line 1,320 feet to the Point of Beginning.

EXCEPTING that portion deeded to the Raft River Highway District for Highway purposes.

TOGETHER WITH all water and water rights, ditches and ditch rights used thereon or appurtenant to including but not limited to State of Idaho Water Adjudication A43-02454 and A43-10257.

SUBJECT TO:

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

Taxes for 1997 and subsequent years.

Condition in Warranty Deeds from Malta Land and Irrigation Company, a corporation, as the same appears in the chain of title, which reads as follows: "This deed is accepted with the understanding that Malta Land and Irrigation Company, shall administer, apportion and distribute all water to which the grantee shall be entitled to, and with the further understanding that grantee shall hereafter pay his proportionate share of all water charges and of the maintenance of all conduits and ditches for the use of said water. (Covers all property described herein, with the exception of the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 7, Township 14 South, Range 27 East of the Boise Meridian.)

Easement contained in Right of Way Deed between Frank C. Lee and Jennie Lee, his wife, and Raft River Highway District, dated June 2, 1940 and recorded June 19, 1964 as Instrument No. 19184 on Film No. 28, records of Cassia County, Idaho.

AGREEMENT FOR PURCHASE OF POWER between Raft River Rural Electric Cooperative, Inc., and O. John Nye/Bessie D. Nye, dated May 21, 1980 and recorded September 4, 1980 as Instrument No. 128846 on Film No. 137, records of Cassia County, Idaho.

Financing Statement of Douglas G. Nye and DeAnn C. Nye, a married couple, and The Federal Land Bank of Spokane, as Secured Party, filed October 6, 1981 as Instrument No. 138710 on Film No. 145, records of Cassia County, Idaho.

CONTINUATION of Financing Statement filed June 18, 1986 as Instrument No. 179200 on Film No. 181, records of Cassia County, Idaho.

CONTINUATION of Financing Statement filed September 20, 1991 as Instrument No. 215351 on Film No. 228, records of Cassia County, Idaho.

Real Estate Mortgage in favor of The Federal Land Bank of Spokane, a corporation, which the Grantee upon acceptance of this deed assumes and agrees to pay the balance thereof.

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: February 20, 1997

Douglas Glen Nye

DeAnn Nye

STATE OF UTAH)
) ss.
COUNTY OF)

On this ____ day of February, 1997, before me, the undersigned, a Notary Public in and for said State, personally appeared DOUGLAS GLEN NYE and DeANN NYE, 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.

Notary Public
Residing at:
My Commission expires:

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A43-10257
Date Received: 5/22/1989
Receipt No: 5007554
Received By: AD

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: DOUGLAS GLEN NYE
Address: 346 S., 2ND WEST
BRIGHAM CITY, UT

84302

AND/OR

Name: DEANN C. NYE
Address: 346 S., 2ND WEST
BRIGHAM CITY, UT

84302

2. Date of Priority: DEC 12, 1911

3. Source: RAFT RIVER

Trib. to: SNAKE RIVER

4. Point of Diversion:

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

5. Description of diverting works:
HEADGATE AND LATERALS WITH IRRIG. PUMP & SPRINKLERS.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	4.880		

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

A.F.A.

8. Total consumptive use is

Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

A43-10257

Page 1

Date: 05/25/89

MICROFILMED
MAR 04 1993

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
14S	27E	6	SE	SW		IRR	39.0
			SW	SE		IRR	20.0
			Section Acres				59.0
		7	NE	NE		IRR	38.0
			NW	NE		IRR	40.0
			NE	NW		IRR	40.0
			Section Acres				118.0
			Total Acres				177.0

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:
WR A43-02454

14. Remarks:

THIS CLAIM IS BASED ON RAFT RIVER DECREEED RIGHTS 43-00169,
43-00168, 43-00172, 43-00167, 43-00166, 43-00164,
43-00165, 43-00178A, 43-00178B.

15. Basis of Claim: DECREEED
Water Right Number: 26706
Case Number:
Court :
Decree date:

Decree Plaintiff

vs

Decree Defendant

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:

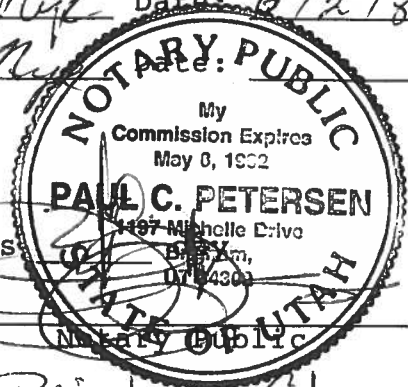
I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): _____ Date: 6/2/89

State of Utah)
County of Box Elder) SS.

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

Seal



Residing at Brigham City Utah

My Commission Expires 5-8-92



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

July 19, 1989

Re: A43-02454
A43-10257 ✓

Douglas Glen Nye
346 S., 2nd West
Brigham City, Ut 84302

Dear Claimant(s):

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

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

Yours truly,

A handwritten signature in cursive script, appearing to read 'Judy Givens'.

Judy Givens
Adjudication Secretary

/jg

Enclosures:

MICROFILMED

MAR 04 1993

SD-0611-2 Basin: 43 Starting Water Right: 02331

S E L	Water Right No.	Name Last, First	O W N	Priority Date	STG/ STS	Source	Use Desc	S Y S
-	43-02331	HARPER, D. JAY	C	12/29/1948	L/	GROUNDWATER	IRR DOMEST	W
-	A43-02331	SPLIT RIGHT	C	12/29/1948	/Z	SPLIT RIGHT	IRR DOMEST	A
-	A43-02331B	HARPER, ALAN J HARPER, BEVERLY K	C C	12/29/1948	L/	GROUNDWATER	IRR	A

* Decreed copied to Water Right Database (G6=Print Profile Rpt) (G8=Cancel)
(Enter=Continue) (G1=Print Screen Query) (G7=This Query) (Menu _____)

12-18-98

Amended Claim after notification from BLM. Changed acres in Section 31 to Section 6, corrected diversion rate to , 28 cfs to match "total diversion rate." Changed address.

- said he bought land from Doug Nye (A43-02454 & A43-0257) - gave him v/c for those...

04/26/2001

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

RIGHT NUMBER: 43-10257

NAME AND ADDRESS: ALAN J HARPER
BEVERLY K HARPER
2436 E PIERCE LN
MALTA, ID 83342

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

SPLIT RIGHT: SEE RIGHT NOS. 43-12996, 43-12997, 43-12998,
43-12999, 43-13000, 43-13001, 43-13002 AND 43-13003.

Split Analysis for Malta Land and Irrigation Company's Decreed Rights

Maximum allowable diversion rates for the splits of the base rights. Some have been overclaimed and some have been underclaimed. The following "files" are at the state office:
 L. Elison POU, E. Elison POU, A. Harper POU, Harper POU (Nye)

Basin 43 Root Right No. cfs	L. Elison POU	E. Elison POU	Hutchison POU	A. Harper POU	Warr POU	Harper POU (Nye)	Anderson POU	Whitaker POU	Parke POU	D. Harper POU	FMHA POU	Pierce POU	Total of Splits
00164	A43-10085	A43-10791	A43-10792	A43-10378	A43-10381	A43-10257	A43-10606	A43-10435					
0.50	0.059	0.036	0.10	0.024	0.095	0.048	0.024	.048					0.434
00165	A43-00165A	A43-00165B	A43-00165C	A43-10378	A43-10381	A43-10257	A43-10606	A43-10435					
3.20	0.38	0.23	0.61	0.15	0.61	0.30	0.15	0.30					3
00166	A43-10086	A43-10788	A43-10789	A43-10378	A43-10381	A43-10257	A43-10606	A43-10435					2.73
3.20	0.38	0.23	0.61	0.15	0.61	0.30	0.15	0.30					
00167	A43-10086	A43-10788		A43-10378	A43-10381	A43-10257	A43-10606	A43-10435					2.12
3.20	0.38	0.23		0.15	0.61	0.30	0.15	0.30					
00168	A43-00168A	A43-00168B	A43-00168C	A43-10379	A43-10387	A43-10257	A43-10607	A43-10433					8.23
9.60	1.14	0.69	1.83	0.46	1.83	0.91	0.46	0.91					
00169A	A43-00169C	A43-00169D	A43-00169E	A43-10379	A43-10388	A43-10257	A43-10607	A43-10433					6.15
7.20	0.86	0.51	1.37	0.34	1.37	0.68	0.34	0.68					
00169B	A43-00169C	A43-00169D		A43-10379	A43-10388	A43-10257	A43-10607	A43-10433					4.01
5.60	0.67	0.40		0.53	1.07	0.27	0.27	0.80	(0.27)				
00170	A43-00170A	A43-00170B		A43-10380	A43-00170C	A43-10257			A43-00170D				1.48
2.40	0.29	.17		0.23	0.46	0.11	(0.11)	(0.34)	0.11	A43-00171B	A43-00171D	A43-00171C	
00171	A43-00171A									4.73	1.64	2.00	10.01
10.00	1.64												
00172	A43-00172A	A43-00172B	A43-00172C	A43-10379	A43-10387	A43-10257	A43-10607	A43-10433					2.43
3.20	0.38	0.23	0.61	0.15	0.61	0.30	0.15	0.30					
00173	A43-00173A	A43-00173B		A43-10380	A43-00173C					A43-00173D			
6.40	0.76	0.38		0.30	1.22			(0.91)	(0.61)	0.61			3.27
00175	A43-10085	A43-10791	A43-10792	A43-10378	A43-10381	A43-10257	A43-10606	A43-10435					3.60
0.50	0.06	0.036	0.10	0.024	0.095	0.047	0.024	0.047					
00176	A43-10086	A43-10788	A43-10789	A43-10378	A43-10381	A43-10257	A43-10606	A43-10435					
4.21	0.50	0.30	0.80	0.2	0.80	0.40	0.20	0.40					
00178B	A43-00178J	A43-00178C	A43-00178D		A43-00178E	A43-10257	A43-10608	A43-10434		A43-00178F	A43-00178H	A43-00178G	3.60
48.80	5.40	2.90	3.20		8.00	2.80	1.60	4.80		4.00	0.80	2.20	35.70

"Potential" claimants who have claimed only ground water, but appear to be entitled to Raft River decreed water are the LDS Church and Tracy.

() Claimant did not claim any water with this priority date.

NOTE: A43-00170D is claimed in T14S, R27E, S05 for all of the diversion rate of right 43-00170 (2.40 cfs). The claimants (Parke) did not claim any portion of the other rights appurtenant to their land.

This table suggests a possible method of splitting rights that were combined at claims taking, and a possible assignment of diversion rates to the splits.

Root Right Number Total Quantity Deceased	Priority Date	Season of use	L. Elison POU	A. Harper POU (E. Elison)	Hutchison POU	A. Harper POU	Warr POU	A. Harper POU (Nye)	Anderson POU	Whitaker POU
43-00164 0.50	04-01-1871	04-30 to 07-01	A43-11269 0.059	A43-11265 0.036	A43-10792A 0.10	A43-11251 0.174	A43-12961 0.705	43-12996 0.048	A43-10606A 0.174	A43-10435A 0.348
43-00165 (* Combined w/ 43-00164) 3.20	04-01-1871	04-30 to 07-01	A43-00165A 0.38	A43-00165B 0.23	A43-00165C 0.61		*	*	*	*
43-00166 3.20	04-01-1871	04-01 to 07-01	A43-10086 1.26	A43-10788 0.76	A43-10789 1.41	A43-11253 0.30	A43-12963 2.02	43-12997 0.30	A43-10606C 0.50	A43-10435B 1.00
43-00167 (* Combined w/ 43-00166) 3.20	04-01-1871	04-01 to 07-01	*	*	*	*	*	*	*	*
43-00168 9.60	04-01-1879	07-01 to 10-01	A43-00168A 1.14	A43-00168B 0.69	A43-00168C 1.83	A43-11254 0.46	A43-12964 1.83	43-12999 0.46	A43-10607A 0.46	A43-10433A 0.91
43-00169A 7.20	06-01-1879	04-01 to 10-01	A43-00169C 1.53	A43-00169D 0.91	A43-00169E 1.37	A43-11256 0.87	A43-10388 2.44	43-13001 0.34	A43-10607B 0.61	A43-10433B 1.48
43-00169B (* Combined w/ 43-00169A) 5.60	06-01-1879	04-01 to 10-01	*	*	*	*	*	*	*	*
43-00170 (* Combined w/ 43-00173) 2.40	04-01-1881	04-01 to 10-01	A43-00170A 0.29	A43-00170B 0.17		*	A43-00170C 0.46	43-13002 0.11	0.11	0.34
43-00171 10.00	03-01-1883	04-01 to 10-01	A43-00171A 1.64			A43-00171B 4.73				
43-00172 3.20	04-01-1879	04-01 to 10-01	A43-00172A 0.38	A43-00172B 0.23	A43-00172C 0.61	A43-11255 0.15	A43-12965 0.61	43-13000 0.30	A43-10607C 0.15	0.30
43-00173 6.40	04-01-1882	04-01 to 10-01	A43-00173A 0.76	A43-00173B 0.38		A43-10380 0.53	A43-00173C 1.22			0.91
43-00175 0.50	04-01-1871	Not Specified	A43-11270 0.059	A43-11266 0.036	A43-10792B 0.10	A43-11252 0.03	A43-12962 0.10	43-12998 0.048	A43-10606B 0.024	A43-10435C 0.048
43-00176 (* Combined w/ 43-00166) 4.21	04-01-1871	04-01 to 07-01	*	*	*	*	*	?	*	*
43-00178 48.80	12-12-1911	Not Specified	A43-00178J 5.40	A43-00178C 2.90	A43-00178D 3.20		A43-00178E 8.00	43-13003 2.80	A43-10608 1.60	A43-10434 4.80

Hutchinson's rights are limited by Transfer No. 5140.

Nye claimed 4.88 cfs with a priority date of 12-12-1911 and a season of use of 3-15 to 11-15 under A43-10257. Additional claims could be filed. The amounts shown in blue represent Nye's (Harper's) share of each of the rights.

The amounts shown in red were not claimed by the claimant. An additional claim or claim(s) will be necessary to claim the unclaimed amounts.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 43-10257 V1

WATER RIGHT NUMBER: 43-10257 V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	DEANN C NYE 346 S 2ND WEST BRIGHAM CITY, UT 84302
Current Owner	ALAN J HARPER 2436 E PIERCE LN MALTA, ID 83342 (208)645-2333
Original Owner	DOUGLAS GLEN NYE 346 S 2ND WEST BRIGHAM CITY, UT 84302
Current Owner	BEVERLY K HARPER 2436 E PIERCE LN MALTA, ID 83342 (208)645-2333

Priority Date: 12/12/1911

Basis: Decreed

Status: Parent

<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	04/01 to 07/01	4.870 CFS	
	<u>Total Diversion:</u>	4.870 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	
14S	27E	6												40.0				19.0	59.0
14S	27E	7	39.0	39.0			40.0												118.0

Total Acres: 177

Conditions of Approval:

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 43-10257 V1

Remarks:

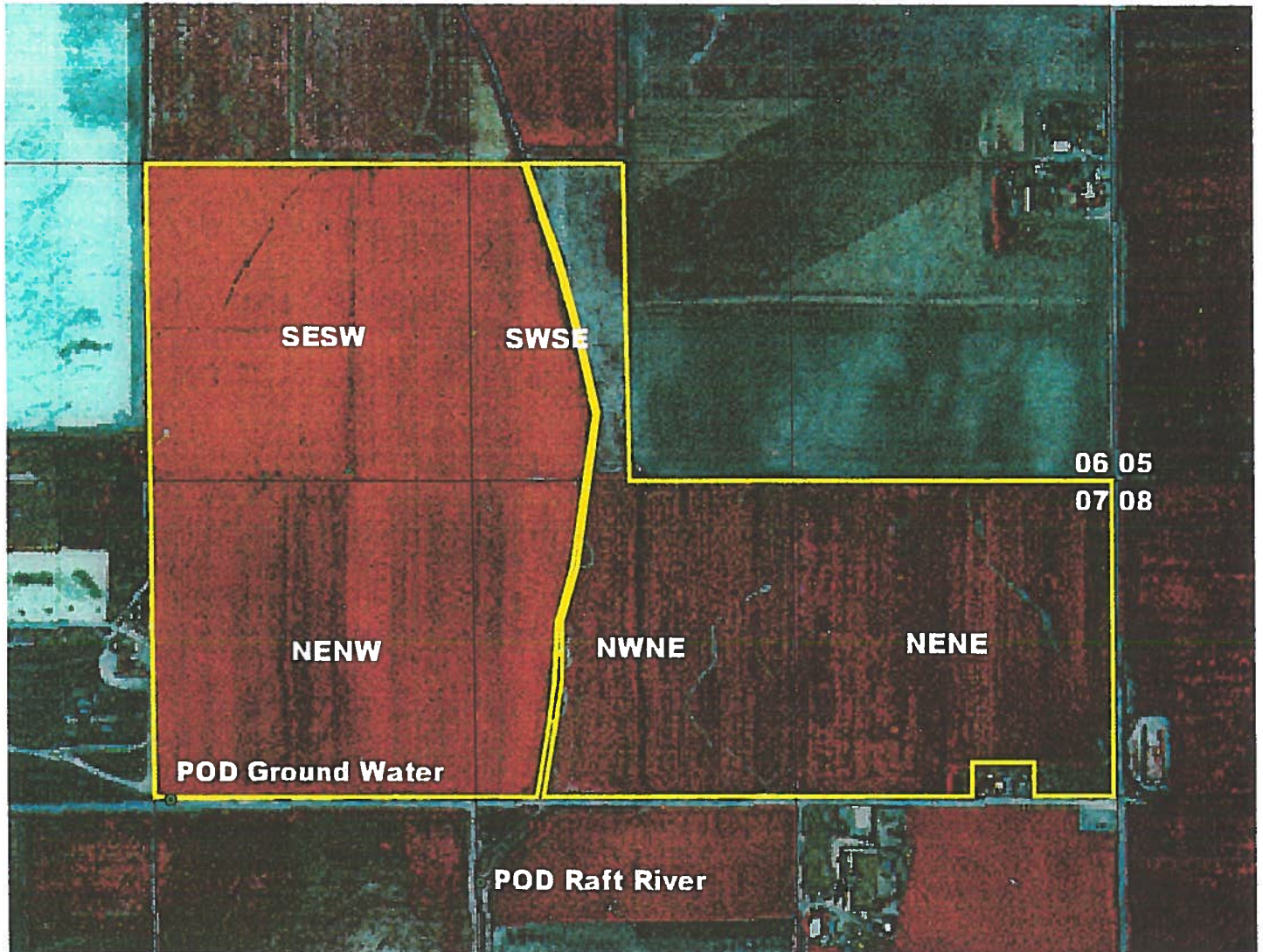
1. General SPLIT RIGHT: SEE RIGHT NOS. 43-12996, 43-12997, 43-12998, 43-12999, 43-13000, 43-13001, 43-13002 AND 43-13003.

Comments:

Dates and Other Information:

Decreed Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Defendant:
Plaintiff:
Civil Case Number:
Judicial District:
Notice of Error Flag: RECEIVED - RECOMMENDATION CHANGED
State or Federal: S
Owner Name Connector:
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

43-02295K, 43-02454, 43-12996, 43-12997,
43-12998, 43-12999, 43-13000, 43-13001,
43-13002 & 43-13003



700 0 700 1400 2100 Feet

T14S R27E S06 & S07

Map prepared by: Carter Fritschle
Date prepared: 04/25/01
1987-1988 NAPP photography
Idaho Department of Water Resources

