

6. GENERAL INFORMATION

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future:

Well, meter, wheel lines, hand lines.

- b. Who owns the property at the point(s) of diversion? David Harper & Heather Harper
If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

- c. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

Yes No

- ☐ ☒ undergone a period of five or more consecutive years of non-use,
☐ ☒ currently used in a mitigation plan limiting the use of water under the right(s), or
☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the right(s)?

If yes, describe:

- d. Is any portion of the water right(s) proposed to be changed currently leased to the Water Supply Bank? ☐ Yes ☒ No

- ☐ If yes and there are multiple owners, attach a Lessor Designation form.
☐ If yes, the individual owner or designated lessor must complete, sign and attach an IRS Form W-9.
(Disregard if these items are on file and ownership has not changed.)

7. MAIP - ☒ Attach a map of the diversion, measurement, control and distribution system. Include the place of use if a split of the water right occurred. Clearly label the map with township, range, section and $\frac{1}{4}$ of section information. You may create a map at idwr.idaho.gov, Water Rights, Water Right Transfers, File a Transfer Application, Step 2C.

8. SIGNATURE - The information in this application is true to the best of my knowledge. I understand any willful misrepresentations in this application may result in rejection of the application or cancellation of an approval.


Signature of applicant or authorized agent

David K Harper
Print name and title if applicable

28 Jan 2021
Date


Signature of applicant or authorized agent

Heather M Harper
Print name and title if applicable

1-28-21
Date

9. FEE - ☐ The application filing fee provided in Idaho Code § 42-221.O. must be submitted with the application for transfer. Applications for changes pursuant to Idaho Code § 42-221.O.8. require a filing fee of \$50 per water right. All other application fees are based on the total amount of water proposed for transfer in Item 4: the larger fee for either cubic feet per second (diversion rate) or acre-feet per annum (storage volume). The Fee Schedule is available at www.idwr.idaho.gov, Water Right Transfers, Step 4 and in the Application for Transfer Instructions.

FOR DEPARTMENT USE ONLY

Transfer includes _____ pages of attachments. Received by _____ Date _____
Fee paid 500.00 Date 1-29-21 Received by M. Pettis Receipt # E044598
Preliminary review by _____ Date _____ Active in the Water Supply Bank? Yes ☐ No ☐
W-9 received? Yes ☐ No ☐ Name on W-9 _____ W-9 forwarded to fiscal? Yes ☐ No ☐
(Do NOT scan the W-9 - confidential information is held by fiscal only)

[illegible]

POU 35-14722 35-14725 35-14728

 Water Right POD

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

1/28/2021

Water Right 35-14722

Owner Type **Name and Address**
Current Owner DAVID HARPER
445 N 3600 E
LEWISVILLE, ID 83431-5039
(208) 754-0464

Current Owner HEATHER HARPER
445 N 3600 E
LEWISVILLE, ID 83431-5039
(208) 754-0464

Priority Date: 3/5/1948

Basis: Decreed

Status: Active

Source
GROUND WATER

Tributary

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	10/31	0.120 CFS	24.9 AF
	<u>Total Diversion</u>		0.120 CFS	24.9 AF

Source and Point(s) of Diversion

GROUND WATER	NWNENW	Sec. 22, Twp 05N, Rge 38E, MADISON County
GROUND WATER	SWSWSW	Sec. 15, Twp 05N, Rge 38E, MADISON County

Place Of Use

IRRIGATION within MADISON County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05N	38E	15										17.2							17.2

Right Acre Limit: 6.2

POU Total Acres: 17.2

Conditions of Approval:

1. X27 This right is limited to the irrigation of 6.2 acres within the authorized place of use in a single irrigation season.
2. X35 Rights 35-14722, 35-14725 and 35-14728 when combined shall not exceed the irrigation of 17.2 acres.
3. E17 Use of this right is combined with water from Palisades Water Users Association.
4. E03 Use of this right is combined with water from Butte & Market Lake Canal Co.
5. U45 The place of use does not include federal land.
6. T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

1/28/2021

Water Right 35-14725

Owner Type **Name and Address**
Current Owner HEATHER HARPER
445 N 3600 E
LEWISVILLE, ID 83431-5039
(208) 754-0464

Current Owner DAVID HARPER
445 N 3600 E
LEWISVILLE, ID 83431-5039
(208) 754-0464

Priority Date: 12/31/1940

Basis: Decreed

Status: Active

Source
GROUND WATER

Tributary

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	10/31	0.180 CFS	41.4 AF
	<u>Total Diversion</u>		0.180 CFS	41.4 AF

Source and Point(s) of Diversion

GROUND WATER	NWNENW	Sec. 22, Twp 05N, Rge 38E, MADISON County
GROUND WATER	SWSWSW	Sec. 15, Twp 05N, Rge 38E, MADISON County

Place Of Use

IRRIGATION within MADISON County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05N	38E	15										17.2							17.2

Right Acre Limit: 10.4

POU Total Acres: 17.2

Conditions of Approval:

1. X27 This right is limited to the irrigation of 10.4 acres within the authorized place of use in a single irrigation season.
2. X35 Rights 35-14722, 35-14725 and 35-14728 when combined shall not exceed the irrigation of 17.2 acres.
3. E17 Use of this right is combined with water from Palisades Water Users Association.
4. E03 Use of this right is combined with water from Butte & Market Lake Canal Co.
5. U45 The place of use does not include federal land.
6. T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

1/28/2021

Page 3 of 3

WARRANTY DEED

ID:

435390

County:

Jefferson

Date:

11.6.2020

Time:

4:11

South Lands, LLC, an Idaho limited liability company, c/o Rod South, of 4946 N. 2900 East, Idaho Falls, ID 83401 (hereinafter "Grantor"), for and in consideration of \$10.00 and other good and valuable consideration, hereby transfers, grants, conveys, and warrants unto David K. and Heather M. Harper, husband and wife,* of Lewisville (hereinafter collectively "Grantee"), the following described real property (hereinafter referred to as the "Subject Property") located in Madison County, Idaho, to wit: * mailing address: 445 N 3600 E Lewisville ID 83431

See Exhibit A, which is attached hereto and incorporated herein by reference.

Together with: Except as provided herein, all and singular the tenements, hereditaments, appurtenances, easements, rights, water rights (if any), rights of way, and improvements thereunto belonging or in anywise appertaining; the reversion and reversions, remainder and remainders, rents, issues, profits thereof; and all estate, right, title, and interest in and to the said property, as well in law as in equity.

Subject to: All easements, encumbrances, rights of way, covenants, conditions, restrictions, reservations, patent reservations, dedications, easements, applicable building and zoning ordinances and use regulations and restrictions of record, all facts and circumstances that would be revealed by inspection of the property or inquiry of persons in possession thereof, and payment of present year's property taxes, which are an accruing lien not yet due.

Grantor, for itself, its heirs, successors, and assigns, warrants and represents as follows:

Grantor has the legal right to transfer the real property described herein.

Grantor is the owner of the real property described in this Warranty Deed and has the legal right to convey said real property to Grantees.

The real property described in this deed is free from all liens, encumbrances, and defects in title, except as otherwise shown in this deed or of record.

Grantor will forever warrant and defend the quiet and peaceful possession of the Subject Property granted by this warranty deed to Grantees, their successors in interest, heirs, and assigns against all lawful claims.

Date: October 17, 2020.



South Lands, LLC
By: Rod South
Its: MEMBER

Acknowledgment

State of Idaho
County Jefferson of ss.

On this 16th day of November, 2020, before me, the undersigned, a notary public, personally appeared Rod South in his capacity as Member of South Lands, LLC, an Idaho limited liability company, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that said limited liability company executed the same.



Notary Public for Idaho
Residing at: Shale Falls ID
(Seal)

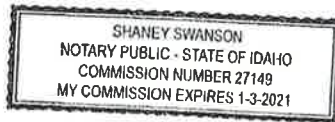


Exhibit A

Part of the SW1/4 of Section 15, Township 5 North, Range 38 East, of the Boise Meridian, Madison County, Idaho, more particularly described as follows:

Beginning at the Southwest Corner of said Section 15, said position being monumented with a 1949 Brass Cap, Recorded as Instrument No. 403511 in the Madison County Clerk's Office;

Thence N00°24'19"E along the West line of said Section 15 for a Distance of 2636.78 Feet to the West Quarter (W1/4) Corner of said Section 15, said position being monumented with an Aluminum Cap over a 5/8" Iron Rod, Recorded as Instrument No. 432919 in the Madison County Clerk's Office;

Thence S89°46'00"E along the East-West centerline of Section 15 for a Distance of 91.52 Feet;

Thence S18°33'40"E for a Distance of 132.75 Feet to the True Point of Beginning.

Thence N78°19'18"E for a Distance of 201.45 Feet;

Thence S89°50'13"E for a Distance of 365.81 Feet;

Thence S12°06'06"E for a Distance of 235.37 Feet;

Thence S89°50'13"E for a Distance of 165.00 Feet;

Thence S00°09'47"W for a Distance of 607.00 Feet;

Thence S89°50'26"E for a Distance of 413.37 Feet to the Intersection of the East line of the Northwest Quarter (NW1/4) of the Southwest Quarter (SW1/4) of said section 15;

Thence S00°37'02"W along said East line for a Distance of 132.86 Feet;

Thence S71°21'22"W for a Distance of 832.35 Feet;

Thence N18°54'32"W for a Distance of 1263.97 Feet;

Thence N78°19'18"E for a Distance of 10.87 Feet to the True Point of Beginning, Containing 17.02 Acres More or Less.

Subject to: Easements and Right-of-Ways for highways, roads, ditches, canals, power poles, and transmission lines as they exist.



State of Idaho

DEPARTMENT OF WATER RESOURCES

EASTERN Region • 900 N SKYLINE DR STE A • IDAHO FALLS, ID 83402-1718

Phone: (208)525-7161 • Fax: (208)525-7177 • Website: www.idwr.idaho.gov

Brad Little
Governor

Gary Spackman
Director

February 3, 2021

DAVID HARPER
HEATHER HARPER
445 N 3600 E
LEWISVILLE, ID 83431-5039

RE: Transfer No. 84667
Water Right No(s). 35-14722, 35-14725, 35-14728

Dear Applicant(s):

The Department of Water Resources has received your water right transfer application. Please refer to the transfer number referenced above in all future correspondence regarding this transfer.

A legal notice of the application has been prepared and is scheduled for publication in the REXBURG STANDARD JOURNAL on 2/12/2021 and 2/19/2021. Protests to this application may be submitted for a period ending ten (10) days after the second publication.

If the application is protested, you will be sent a copy of each protest. All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, the Department will process your application and notify you of any action taken on the application. If your application is approved, the Department will send you a copy of the approval document.

Please contact this office if you have any questions regarding the application.

Sincerely,

Christina Henman
Administrative Assistant

Henman, Christina

From: Henman, Christina
Sent: Wednesday, February 03, 2021 2:07 PM
To: Jordan, Blake
Subject: Application for Transfer No. 84667
Attachments: RecommendationForm Transfer33.docx

Watermaster:

The Idaho Department of Water Resources (IDWR) is seeking written comment and/or recommendations from you regarding the above referenced water right application. You can find a copy of the application at: <https://idwr.idaho.gov/apps/ExtSearch/WRAJSearch/WRADJSearch.aspx>. Please review the application, then complete the enclosed recommendation form and return it to this office within 21 Days of the date of this letter.

If the application is approved, IDWR will include appropriate standard conditions of approval for a water right located within a water district, such as regulation by the watermaster, lockable controlling works, and/or measuring devices. Any special conditions or other concerns you have related to this application should be specifically addressed in your recommendation.

IDWR can finish reviewing an unprotested application as soon as the protest period has past. Your prompt response to this request will ensure that your recommendation can be considered. If IDWR has not received your written recommendation within 21 Days from the date of this letter, IDWR will presume that you do not oppose approval of the application and that you have no comments for IDWR to consider.

Please contact this office if you have any questions regarding the application.

Henman, Christina

From: Henman, Christina
Sent: Wednesday, February 03, 2021 2:26 PM
To: STANDARD JOURNAL (legalnotices@postregister.com)
Subject: Legal Notice for Standard Journal
Attachments: 84667 Standard Journal.docx

LEGAL NOTICE DEPARTMENT
REXBURG STANDARD JOURNAL
PO BOX 10
REXBURG, ID 83440

RE: Transfer No. 84667
Water Right No(s). 35-14722, 35-14725, 35-14728

Dear Legal Notice Department:

Please publish the enclosed legal notice on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 3/1/2021. Your cooperation is appreciated.

Thank You,

Christina Henman
Administrative Assistant
Idaho Dept. of Water Resources, Eastern Region
900 N Skyline Ste. A
Idaho Falls, ID 83402
Phone: (208) 497-3793

NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 84667

DAVID HARPER and HEATHER HARPER, 445 N 3600 E, LEWISVILLE, ID 83431-5039 has filed Application No. 84667 for changes to the following water rights within MADISON County(s): Right No(s). 35-14722, 35-14725, 35-14728; to see a full description of these rights and the proposed transfer, please see <https://research.idwr.idaho.gov/apps/waterrights/querynewtransfers>. The purpose of the transfer is to change a portion of the above rights as follows: Change point of diversion. The point of diversion is in NWSW, Section 15, T05N, R38E for 0.31 cfs from ground water. The place of use will remain the same for 17.2 acres.

For additional information concerning the property location, contact Eastern Region office at (208)525-7161. Protests may be submitted based on the criteria of Idaho Code Sec. 42-222. Any protest against the proposed change must be filed with the Department of Water Resources, Eastern Region, 900 N SKYLINE DR STE A, IDAHO FALLS ID 83402-1718 together with a protest fee of \$25.00 for each application on or before 3/1/2021. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 2/12/2021 and 2/19/2021