

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 81053**

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

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Changes

<u>Water Right</u>	<u>Origin/Basis</u>	<u>Priority Date</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
43-13749	WR/DECREED	4/1/1871	0.020 cfs	N/A	8.9	20.0	RAFT RIVER
43-13750	WR/DECREED	4/1/1879	0.070 cfs	N/A	8.9	20.0	RAFT RIVER
43-13751	WR/DECREED	6/1/1879	0.090 cfs	N/A	11.8	20.0	RAFT RIVER
43-13752	WR/DECREED	4/1/1881	0.020 cfs	N/A	3.0	20.0	RAFT RIVER
43-13753	WR/DECREED	3/1/1883	0.090 cfs	N/A	5.3	20.0	RAFT RIVER
43-13754	WR/DECREED	4/1/1879	0.020 cfs	N/A	8.9	20.0	RAFT RIVER
43-13755	WR/DECREED	4/1/1882	0.040 cfs	N/A	3.0	20.0	RAFT RIVER
43-13756	WR/DECREED	12/12/1911	0.300 cfs	N/A	N/A	20.0	RAFT RIVER
43-13757	WR/DECREED	3/5/1945	0.140 cfs	68.0 af	N/A	20.0	GROUND WATER
43-13758	WR/DECREED	4/1/1948	0.170 cfs	80.0 af	N/A	20.0	GROUND WATER
43-13759	WR/DECREED	6/1/1958	0.230 cfs	N/A	N/A	20.0	GROUND WATER
43-13760	WR/DECREED	4/1/1871	0.070 cfs	N/A	8.9	20.0	RAFT RIVER
43-13761	WR/DECREED	4/1/1871	N/A	N/A	8.9	20.0	RAFT RIVER
43-13762	WR/DECREED	4/1/1871	N/A	N/A	8.9	20.0	RAFT RIVER

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
43-13749	NO	NO	NO	YES	NO	NO
43-13750	NO	NO	NO	YES	NO	NO
43-13751	NO	NO	NO	YES	NO	NO
43-13752	NO	NO	NO	YES	NO	NO
43-13753	NO	NO	NO	YES	NO	NO
43-13754	NO	NO	NO	YES	NO	NO
43-13755	NO	NO	NO	YES	NO	NO
43-13756	NO	NO	NO	YES	NO	NO
43-13757	NO	YES	NO	NO	NO	NO
43-13758	NO	YES	NO	NO	NO	NO
43-13759	NO	YES	NO	NO	NO	NO
43-13760	NO	NO	NO	YES	NO	NO
43-13761	NO	NO	NO	YES	NO	NO
43-13762	NO	NO	NO	YES	NO	NO

Transfer No. 81053

SUPPORT DATA
IN FILE # 43-13749

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 81053

Summary Of Water Rights After the Approved Change

Existing Right	New No. (Changed Portion)	Transfer Rate	Transfer Volume	Acre Limit	Total Acres	New No. (remaining portion)	Remaining Rate	Remaining Volume	Remaining Acre Limit	Remaining Total Acres
43-13749	43-13749	0.020 cfs	N/A	8.9	20.0	N/A	N/A	N/A	N/A	N/A
43-13750	43-13750	0.070 cfs	N/A	8.9	20.0	N/A	N/A	N/A	N/A	N/A
43-13751	43-13751	0.090 cfs	N/A	11.8	20.0	N/A	N/A	N/A	N/A	N/A
43-13752	43-13752	0.020 cfs	N/A	3.0	20.0	N/A	N/A	N/A	N/A	N/A
43-13753	43-13753	0.090 cfs	N/A	5.3	20.0	N/A	N/A	N/A	N/A	N/A
43-13754	43-13754	0.020 cfs	N/A	8.9	20.0	N/A	N/A	N/A	N/A	N/A
43-13755	43-13755	0.040 cfs	N/A	3.0	20.0	N/A	N/A	N/A	N/A	N/A
43-13756	43-13756	0.300 cfs	N/A	N/A	20.0	N/A	N/A	N/A	N/A	N/A
43-13757	43-13757	0.140 cfs	68.0 af	N/A	20.0	N/A	N/A	N/A	N/A	N/A
43-13758	43-13758	0.170 cfs	80.0 af	N/A	20.0	N/A	N/A	N/A	N/A	N/A
43-13759	43-13759	0.230 cfs	N/A	N/A	20.0	N/A	N/A	N/A	N/A	N/A
43-13760	43-13760	0.070 cfs	N/A	8.9	20.0	N/A	N/A	N/A	N/A	N/A
43-13761	43-13761	0.003 cfs	N/A	8.9	20.0	N/A	N/A	N/A	N/A	N/A
43-13762	43-13762	0.003 cfs	N/A	8.9	20.0	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		0.440 cfs	N/A	N/A	20.0		N/A	N/A	N/A	N/A

This water right(s) is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources. Detailed Water Right Description(s) attached.

Dated this 29th day of November, 2016.


Southern Region Manager

WATER RIGHT NO. 43-13749
As Modified by Transfer No. 81053

In accordance with the approval of Transfer No. 81053, Water Right No. 43-13749 is now described as follows:

Right Holder: D JAY HARPER
 JEANETTE W HARPER
 1926 S 2350 E
 MALTA, ID 83342

Priority Date: 4/1/1871

Source: RAFT RIVER

Tributary: SNAKE RIVER

BENEFICIAL USE
 IRRIGATION

From 04/30 **to** 07/01 **To**

Diversion Rate
 0.020 cfs
 0.020 cfs

LOCATION OF POINT(S) OF DIVERSION

RAFT RIVER	NWSENW	Sec 31 Twp 13S Rge 27E	CASSIA County
RAFT RIVER	L3 (NENW)	Sec 6 Twp 14S Rge 27E	CASSIA County
RAFT RIVER	NWSWNE	Sec 7 Twp 14S Rge 27E	CASSIA County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13S	27E	31														20.0			20.0

Right Acre Limit: 8.9
 POU Total Acres: 20.0

CONDITIONS OF APPROVAL

1. Prior to the diversion and use of water under this approval, the right holder shall comply with all fish screening and/or fish passage requirements of the Idaho Department of Fish and Game.
2. This right is limited to the irrigation of 8.9 acres within the authorized place of use in a single irrigation season.
3. Rights 43-13749, 43-13750, 43-13754, 43-13760, 43-13761 and 43-13762 when combined shall not exceed the irrigation of 8.9 acres.
4. Rights 43-13749, 43-13750, 43-13751, 43-13752, 43-13753, 43-13754, 43-13755, 43-13756, 43-13757, 43-13758, 43-13759, 43-13760, 43-13761 and 43-13762 when combined shall not exceed a total diversion rate of .44 cfs, and the irrigation of 20 acres.

Transfer No. 81053

WATER RIGHT NO. 43-13749
As Modified by Transfer No. 81053

CONDITIONS OF APPROVAL

5. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 43 B.
6. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
7. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
8. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
9. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
10. 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.

WATER RIGHT NO. 43-13758
As Modified by Transfer No. 81053

In accordance with the approval of Transfer No. 81053, Water Right No. 43-13758 is now described as follows:

Right Holder: D JAY HARPER And
 JEANETTE W HARPER
 1926 S 2350 E
 MALTA, ID 83342

Priority Date: 4/1/1948

Source: GROUND WATER

BENEFICIAL USE
 IRRIGATION

From 03/15 **To** 11/15

Diversion Rate
 0.170 cfs
 0.170 cfs

Diversion Volume
 80.0 af
 80.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER SENENW Sec 31 Twp 13S Rge 27E CASSIA County
 GROUND WATER SWNESE Sec 31 Twp 13S Rge 27E CASSIA County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13S	27E	31														20.0			20.0

POU Total Acres: 20.0

CONDITIONS OF APPROVAL

1. Rights 43-13758 and 43-13759 when combined shall not exceed a total annual maximum diversion volume of 80 af at the field headgate, and the irrigation of 20 acres.
2. Rights 43-13757, 43-13758 and 43-13759 when combined shall not exceed a total diversion rate .4 cfs, a total annual maximum diversion volume of 80 af at the field headgate, and the irrigation of 20 acres.
3. Rights 43-13749, 43-13750, 43-13751, 43-13752, 43-13753, 43-13754, 43-13755, 43-13756, 43-13757, 43-13758, 43-13759, 43-13760, 43-13761 and 43-13762 when combined shall not exceed a total diversion rate of .44 cfs, and the irrigation of 20 acres.
4. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 143.

Transfer No. 81053

WATER RIGHT NO. 43-13758
As Modified by Transfer No. 81053

CONDITIONS OF APPROVAL

5. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
6. The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.
7. If the surface water right(s) appurtenant to the place of use for this right is unavailable for any reason other than drought or curtailment by priority (for example abandoned, forfeited, sold, transferred, leased, used on another place of use, or disallowed by court decree), the right holder shall not divert ground water for irrigation purposes on the land with appurtenant surface water rights without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
8. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
9. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
11. 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.

WATER RIGHT NO. 43-13759

As Modified by Transfer No. 81053

In accordance with the approval of Transfer No. 81053, Water Right No. 43-13759 is now described as follows:

Right Holder: D JAY HARPER
JEANETTE W HARPER
1926 S 2350 E
MALTA, ID 83342

Priority Date: 6/1/1958

Source: GROUND WATER

BENEFICIAL USE
IRRIGATION

From 03/15 **To** 11/15

Diversion Rate
0.230 cfs
0.230 cfs

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER SENENW Sec 31 Twp 13S Rge 27E CASSIA County
GROUND WATER SWNESE Sec 31 Twp 13S Rge 27E CASSIA County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13S	27E	31															20.0		20.0

POU Total Acres: 20.0

CONDITIONS OF APPROVAL

1. Rights 43-13758 and 43-13759 when combined shall not exceed a total annual maximum diversion volume of 80 af at the field headgate, and the irrigation of 20 acres.
2. Rights 43-13757, 43-13758 and 43-13759 when combined shall not exceed a total diversion rate .4 cfs, a total annual maximum diversion volume of 80 af at the field headgate, and the irrigation of 20 acres.
3. Rights 43-13749, 43-13750, 43-13751, 43-13752, 43-13753, 43-13754, 43-13755, 43-13756, 43-13757, 43-13758, 43-13759, 43-13760, 43-13761 and 43-13762 when combined shall not exceed a total diversion rate of .44 cfs, and the irrigation of 20 acres.
4. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 143.

Transfer No. 81053

WATER RIGHT NO. 43-13759

As Modified by Transfer No. 81053

CONDITIONS OF APPROVAL

5. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
6. The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.
7. If the surface water right(s) appurtenant to the place of use for this right is unavailable for any reason other than drought or curtailment by priority (for example abandoned, forfeited, sold, transferred, leased, used on another place of use, or disallowed by court decree), the right holder shall not divert ground water for irrigation purposes on the land with appurtenant surface water rights without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
8. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
9. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
11. 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.

WATER RIGHT NO. 43-13760
As Modified by Transfer No. 81053

In accordance with the approval of Transfer No. 81053, Water Right No. 43-13760 is now described as follows:

Right Holder: D JAY HARPER And
 JEANETTE W HARPER
 1926 S 2350 E
 MALTA, ID 83342

Priority Date: 4/1/1871

Source: RAFT RIVER

Tributary: SNAKE RIVER

BENEFICIAL USE
 IRRIGATION

From 04/01 **to** 07/01

Diversion Rate
 0.070 cfs
 0.070 cfs

LOCATION OF POINT(S) OF DIVERSION

RAFT RIVER	NWSENW	Sec 31 Twp 13S Rge 27E	CASSIA County
RAFT RIVER	L3 (NENW)	Sec 6 Twp 14S Rge 27E	CASSIA County
RAFT RIVER	NWSWNE	Sec 7 Twp 14S Rge 27E	CASSIA County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13S	27E	31														20.0			20.0

Right Acre Limit: 8.9

POU Total Acres: 20.0

CONDITIONS OF APPROVAL

1. Prior to the diversion and use of water under this approval, the right holder shall comply with all fish screening and/or fish passage requirements of the Idaho Department of Fish and Game.
2. This right is limited to the irrigation of 8.9 acres within the authorized place of use in a single irrigation season.
3. Rights 43-13749, 43-13750, 43-13754, 43-13760, 43-13761 and 43-13762 when combined shall not exceed the irrigation of 8.9 acres.
4. Rights 43-13749, 43-13750, 43-13751, 43-13752, 43-13753, 43-13754, 43-13755, 43-13756, 43-13757, 43-13758, 43-13759, 43-13760, 43-13761 and 43-13762 when combined shall not exceed a total diversion rate of .44 cfs, and the irrigation of 20 acres.

Transfer No. 81053

WATER RIGHT NO. 43-13760
As Modified by Transfer No. 81053

CONDITIONS OF APPROVAL

5. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 43 B.
6. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
7. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
8. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
9. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
10. 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.

WATER RIGHT NO. 43-13761
As Modified by Transfer No. 81053

In accordance with the approval of Transfer No. 81053, Water Right No. 43-13761 is now described as follows:

Right Holder: D JAY HARPER AND
 JEANETTE W HARPER
 1926 S 2350 E
 MALTA, ID 83342

Priority Date: 4/1/1871

Source: RAFT RIVER

Tributary: SNAKE RIVER

BENEFICIAL USE
 IRRIGATION

From 04/30 **to** 07/01

Diversion Rate
 0.003 cfs
 0.003 cfs

LOCATION OF POINT(S) OF DIVERSION

RAFT RIVER	NWSENW	Sec 31 Twp 13S Rge 27E	CASSIA County
RAFT RIVER	L3 (NENW)	Sec 6 Twp 14S Rge 27E	CASSIA County
RAFT RIVER	NWSWNE	Sec 7 Twp 14S Rge 27E	CASSIA County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13S	27E	31														20.0			20.0

Right Acre Limit: 8.9
 POU Total Acres: 20.0

CONDITIONS OF APPROVAL

1. Prior to the diversion and use of water under this approval, the right holder shall comply with all fish screening and/or fish passage requirements of the Idaho Department of Fish and Game.
2. This right is limited to the irrigation of 8.9 acres within the authorized place of use in a single irrigation season.
3. Rights 43-13749, 43-13750, 43-13754, 43-13760, 43-13761 and 43-13762 when combined shall not exceed the irrigation of 8.9 acres.
4. Rights 43-13749, 43-13750, 43-13751, 43-13752, 43-13753, 43-13754, 43-13755, 43-13756, 43-13757, 43-13758, 43-13759, 43-13760, 43-13761 and 43-13762 when combined shall not exceed a total diversion rate of .44 cfs, and the irrigation of 20 acres.

Transfer No. 81053

WATER RIGHT NO. 43-13761
As Modified by Transfer No. 81053

CONDITIONS OF APPROVAL

5. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 43 B.
6. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
7. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
8. The diversion rate of this right is .003 cfs.
9. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
11. 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.

WATER RIGHT NO. 43-13762
As Modified by Transfer No. 81053

In accordance with the approval of Transfer No. 81053, Water Right No. 43-13762 is now described as follows:

Right Holder: D JAY HARPER And
 JEANETTE W HARPER
 1926 S 2350 E
 MALTA, ID 83342

Priority Date: 4/1/1871

Source: RAFT RIVER

Tributary: SNAKE RIVER

BENEFICIAL USE
 IRRIGATION

From 03/15 **To** 11/15

Diversion Rate
 0.003 cfs
 0.003 cfs

LOCATION OF POINT(S) OF DIVERSION

RAFT RIVER	NWSENW	Sec 31 Twp 13S Rge 27E	CASSIA County
RAFT RIVER	L3 (NENW)	Sec 6 Twp 14S Rge 27E	CASSIA County
RAFT RIVER	NWSWNE	Sec 7 Twp 14S Rge 27E	CASSIA County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13S	27E	31														20.0			20.0

Right Acre Limit: 8.9

POU Total Acres: 20.0

CONDITIONS OF APPROVAL

1. Prior to the diversion and use of water under this approval, the right holder shall comply with all fish screening and/or fish passage requirements of the Idaho Department of Fish and Game.
2. This right is limited to the irrigation of 8.9 acres within the authorized place of use in a single irrigation season.
3. Rights 43-13749, 43-13750, 43-13754, 43-13760, 43-13761 and 43-13762 when combined shall not exceed the irrigation of 8.9 acres.
4. Rights 43-13749, 43-13750, 43-13751, 43-13752, 43-13753, 43-13754, 43-13755, 43-13756, 43-13757, 43-13758, 43-13759, 43-13760, 43-13761 and 43-13762 when combined shall not exceed a total diversion rate of .44 cfs, and the irrigation of 20 acres.

Transfer No. 81053

WATER RIGHT NO. 43-13762
As Modified by Transfer No. 81053

CONDITIONS OF APPROVAL

5. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 43 B.
6. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
7. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
8. The diversion rate of this right is .003 cfs.
9. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
11. 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.

WATER RIGHT NO. 43-13750

As Modified by Transfer No. 81053

In accordance with the approval of Transfer No. 81053, Water Right No. 43-13750 is now described as follows:

Right Holder: D JAY HARPER And
JEANETTE W HARPER
1926 S 2350 E
MALTA, ID 83342

Priority Date: 4/1/1879

Source: RAFT RIVER

Tributary: SNAKE RIVER

BENEFICIAL USE
IRRIGATION

From 07/01 **to** 10/01

Diversion Rate
0.070 cfs
0.070 cfs

LOCATION OF POINT(S) OF DIVERSION

RAFT RIVER	NWSENW	Sec 31 Twp 13S Rge 27E	CASSIA County
RAFT RIVER	L3 (NENW)	Sec 6 Twp 14S Rge 27E	CASSIA County
RAFT RIVER	NWSWNE	Sec 7 Twp 14S Rge 27E	CASSIA County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13S	27E	31														20.0			20.0

Right Acre Limit: 8.9

POU Total Acres: 20.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 8.9 acres within the authorized place of use in a single irrigation season.
2. Prior to the diversion and use of water under this approval, the right holder shall comply with all fish screening and/or fish passage requirements of the Idaho Department of Fish and Game.
3. Rights 43-13749, 43-13750, 43-13754, 43-13760, 43-13761 and 43-13762 when combined shall not exceed the irrigation of 8.9 acres.
4. Rights 43-13749, 43-13750, 43-13751, 43-13752, 43-13753, 43-13754, 43-13755, 43-13756, 43-13757, 43-13758, 43-13759, 43-13760, 43-13761 and 43-13762 when combined shall not exceed a total diversion rate of .44 cfs, and the irrigation of 20 acres.

Transfer No. 81053

WATER RIGHT NO. 43-13750
As Modified by Transfer No. 81053

CONDITIONS OF APPROVAL

5. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 43 B.
6. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
7. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
8. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
9. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
10. 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.

WATER RIGHT NO. 43-13751**As Modified by Transfer No. 81053**

In accordance with the approval of Transfer No. 81053, Water Right No. 43-13751 is now described as follows:

Right Holder: D JAY HARPER And
JEANETTE W HARPER
1926 S 2350 E
MALTA, ID 83342

Priority Date: 6/1/1879

Source: RAFT RIVER

Tributary: SNAKE RIVER

BENEFICIAL USE
IRRIGATION

From
04/01 to **To**
10/01

Diversion Rate
0.090 cfs
0.090 cfs

LOCATION OF POINT(S) OF DIVERSION

RAFT RIVER	NWSENW	Sec 31 Twp 13S Rge 27E	CASSIA County
RAFT RIVER	L3 (NENW)	Sec 6 Twp 14S Rge 27E	CASSIA County
RAFT RIVER	NWSWNE	Sec 7 Twp 14S Rge 27E	CASSIA County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13S	27E	31															20.0		20.0

Right Acre Limit: 11.8

POU Total Acres: 20.0

CONDITIONS OF APPROVAL

1. Prior to the diversion and use of water under this approval, the right holder shall comply with all fish screening and/or fish passage requirements of the Idaho Department of Fish and Game.
2. This right is limited to the irrigation of 11.8 acres within the authorized place of use in a single irrigation season.
3. Rights 43-13749, 43-13750, 43-13751, 43-13752, 43-13753, 43-13754, 43-13755, 43-13756, 43-13757, 43-13758, 43-13759, 43-13760, 43-13761 and 43-13762 when combined shall not exceed a total diversion rate of .44 cfs, and the irrigation of 20 acres.
4. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 43 B.

Transfer No. 81053

WATER RIGHT NO. 43-13751
As Modified by Transfer No. 81053

CONDITIONS OF APPROVAL

5. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
6. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
7. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. 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.

WATER RIGHT NO. 43-13752**As Modified by Transfer No. 81053**

In accordance with the approval of Transfer No. 81053, Water Right No. 43-13752 is now described as follows:

Right Holder: D JAY HARPER And
JEANETTE W HARPER
1926 S 2350 E
MALTA, ID 83342

Priority Date: 4/1/1881

Source: RAFT RIVER

Tributary: SNAKE RIVER

BENEFICIAL USE
IRRIGATION

From 04/01 **to** 10/01

Diversion Rate
0.020 cfs
0.020 cfs

LOCATION OF POINT(S) OF DIVERSION

RAFT RIVER	NWSENW	Sec 31 Twp 13S Rge 27E	CASSIA County
RAFT RIVER	L3 (NENW)	Sec 6 Twp 14S Rge 27E	CASSIA County
RAFT RIVER	NWSWNE	Sec 7 Twp 14S Rge 27E	CASSIA County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13S	27E	31														20.0			20.0

Right Acre Limit: 3.0

POU Total Acres: 20.0

CONDITIONS OF APPROVAL

1. Prior to the diversion and use of water under this approval, the right holder shall comply with all fish screening and/or fish passage requirements of the Idaho Department of Fish and Game.
2. This right is limited to the irrigation of 3 acres within the authorized place of use in a single irrigation season.
3. Rights 43-13749, 43-13750, 43-13751, 43-13752, 43-13753, 43-13754, 43-13755, 43-13756, 43-13757, 43-13758, 43-13759, 43-13760, 43-13761 and 43-13762 when combined shall not exceed a total diversion rate of .44 cfs, and the irrigation of 20 acres.
4. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 43 B.

Transfer No. 81053

WATER RIGHT NO. 43-13752
As Modified by Transfer No. 81053

CONDITIONS OF APPROVAL

5. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
6. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
7. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. 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.

WATER RIGHT NO. 43-13753

As Modified by Transfer No. 81053

In accordance with the approval of Transfer No. 81053, Water Right No. 43-13753 is now described as follows:

Right Holder: D JAY HARPER And
JEANETTE W HARPER
1926 S 2350 E
MALTA, ID 83342

Priority Date: 3/1/1883

Source: RAFT RIVER

Tributary: SNAKE RIVER

BENEFICIAL USE
IRRIGATION

From 04/01 **To** 10/01

Diversion Rate
0.090 cfs
0.090 cfs

LOCATION OF POINT(S) OF DIVERSION

RAFT RIVER	NWSENW	Sec 31 Twp 13S Rge 27E CASSIA County
RAFT RIVER	L3 (NENW)	Sec 6 Twp 14S Rge 27E CASSIA County
RAFT RIVER	NWSWNE	Sec 7 Twp 14S Rge 27E CASSIA County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13S	27E	31														20.0			20.0

Right Acre Limit: 5.3
POU Total Acres: 20.0

CONDITIONS OF APPROVAL

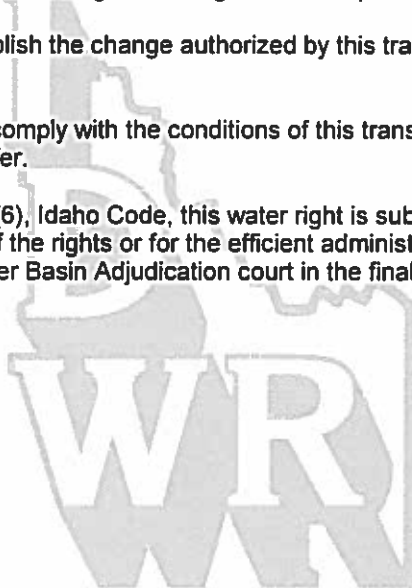
1. Prior to the diversion and use of water under this approval, the right holder shall comply with all fish screening and/or fish passage requirements of the Idaho Department of Fish and Game.
2. This right is limited to the irrigation of 5.3 acres within the authorized place of use in a single irrigation season.
3. Rights 43-13749, 43-13750, 43-13751, 43-13752, 43-13753, 43-13754, 43-13755, 43-13756, 43-13757, 43-13758, 43-13759, 43-13760, 43-13761 and 43-13762 when combined shall not exceed a total diversion rate of .44 cfs, and the irrigation of 20 acres.
4. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 43 B.

Transfer No. 81053

WATER RIGHT NO. 43-13753
As Modified by Transfer No. 81053

CONDITIONS OF APPROVAL

5. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
6. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
7. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. 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.



WATER RIGHT NO. 43-13754
As Modified by Transfer No. 81053

In accordance with the approval of Transfer No. 81053, Water Right No. 43-13754 is now described as follows:

Right Holder: D JAY HARPER And
JEANETTE W HARPER
1926 S 2350 E
MALTA, ID 83342

Priority Date: 4/1/1879

Source: RAFT RIVER

Tributary: SNAKE RIVER

BENEFICIAL USE
IRRIGATION

From 04/01 **To** 10/01

Diversion Rate
0.020 cfs
0.020 cfs

LOCATION OF POINT(S) OF DIVERSION

RAFT RIVER	NWSENW	Sec 31 Twp 13S Rge 27E	CASSIA County
RAFT RIVER	L3 (NENW)	Sec 6 Twp 14S Rge 27E	CASSIA County
RAFT RIVER	NWSWNE	Sec 7 Twp 14S Rge 27E	CASSIA County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13S	27E	31															20.0		20.0

Right Acre Limit: 8.9
POU Total Acres: 20.0

CONDITIONS OF APPROVAL

1. Prior to the diversion and use of water under this approval, the right holder shall comply with all fish screening and/or fish passage requirements of the Idaho Department of Fish and Game.
2. This right is limited to the irrigation of 8.9 acres within the authorized place of use in a single irrigation season.
3. Rights 43-13749, 43-13750, 43-13754, 43-13760, 43-13761 and 43-13762 when combined shall not exceed the irrigation of 8.9 acres.
4. Rights 43-13749, 43-13750, 43-13751, 43-13752, 43-13753, 43-13754, 43-13755, 43-13756, 43-13757, 43-13758, 43-13759, 43-13760, 43-13761 and 43-13762 when combined shall not exceed a total diversion rate of .44 cfs, and the irrigation of 20 acres.

Transfer No. 81053

WATER RIGHT NO. 43-13754
As Modified by Transfer No. 81053

CONDITIONS OF APPROVAL

5. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 43 B.
6. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
7. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
8. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
9. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
10. 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.

WATER RIGHT NO. 43-13755
As Modified by Transfer No. 81053

In accordance with the approval of Transfer No. 81053, Water Right No. 43-13755 is now described as follows:

Right Holder: D JAY HARPER And
 JEANETTE W HARPER
 1926 S 2350 E
 MALTA, ID 83342

Priority Date: 4/1/1882

Source: RAFT RIVER

Tributary: SNAKE RIVER

BENEFICIAL USE
 IRRIGATION

From 04/01 **to** 10/01

Diversion Rate
 0.040 cfs
 0.040 cfs

LOCATION OF POINT(S) OF DIVERSION

RAFT RIVER	NWSENW	Sec 31 Twp 13S Rge 27E	CASSIA County
RAFT RIVER	L3 (NENW)	Sec 6 Twp 14S Rge 27E	CASSIA County
RAFT RIVER	NWSWNE	Sec 7 Twp 14S Rge 27E	CASSIA County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13S	27E	31														20.0			20.0

Right Acre Limit: 3.0

POU Total Acres: 20.0

CONDITIONS OF APPROVAL

1. Prior to the diversion and use of water under this approval, the right holder shall comply with all fish screening and/or fish passage requirements of the Idaho Department of Fish and Game.
2. This right is limited to the irrigation of 3 acres within the authorized place of use in a single irrigation season.
3. Rights 43-13749, 43-13750, 43-13751, 43-13752, 43-13753, 43-13754, 43-13755, 43-13756, 43-13757, 43-13758, 43-13759, 43-13760, 43-13761 and 43-13762 when combined shall not exceed a total diversion rate of .44 cfs, and the irrigation of 20 acres.
4. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 43 B.

Transfer No. 81053

WATER RIGHT NO. 43-13755
As Modified by Transfer No. 81053

CONDITIONS OF APPROVAL

5. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
6. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
7. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. 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.

WATER RIGHT NO. 43-13756**As Modified by Transfer No. 81053**

In accordance with the approval of Transfer No. 81053, Water Right No. 43-13756 is now described as follows:

Right Holder: D JAY HARPER And
JEANETTE W HARPER
1926 S 2350 E
MALTA, ID 83342

Priority Date: 12/12/1911

Source: RAFT RIVER

Tributary: SNAKE RIVER

BENEFICIAL USE
IRRIGATION

From 03/15 **to** 11/15

Diversion Rate
0.300 cfs
0.300 cfs

LOCATION OF POINT(S) OF DIVERSION

RAFT RIVER	NWSENW	Sec 31 Twp 13S Rge 27E	CASSIA County
RAFT RIVER	L3 (NENW)	Sec 6 Twp 14S Rge 27E	CASSIA County
RAFT RIVER	NWSWNE	Sec 7 Twp 14S Rge 27E	CASSIA County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13S	27E	31															20.0		20.0

POU Total Acres: 20.0

CONDITIONS OF APPROVAL

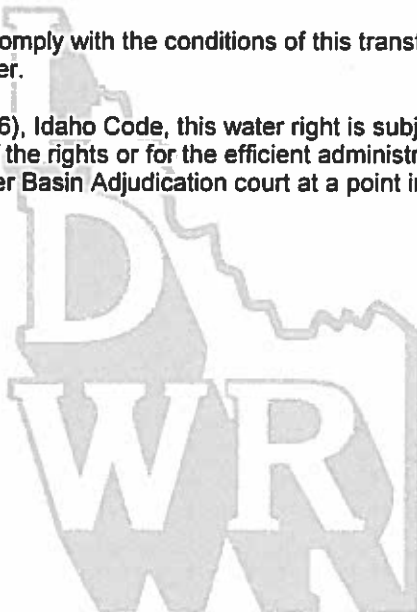
1. Prior to the diversion and use of water under this approval, the right holder shall comply with all fish screening and/or fish passage requirements of the Idaho Department of Fish and Game.
2. Rights 43-13749, 43-13750, 43-13751, 43-13752, 43-13753, 43-13754, 43-13755, 43-13756, 43-13757, 43-13758, 43-13759, 43-13760, 43-13761 and 43-13762 when combined shall not exceed a total diversion rate of .44 cfs, and the irrigation of 20 acres.
3. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 43 B.
4. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).

Transfer No. 81053

WATER RIGHT NO. 43-13756
As Modified by Transfer No. 81053

CONDITIONS OF APPROVAL

5. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
6. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
8. 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 may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.



WATER RIGHT NO. 43-13757

As Modified by Transfer No. 81053

In accordance with the approval of Transfer No. 81053, Water Right No. 43-13757 is now described as follows:

Right Holder: D JAY HARPER
JEANETTE W HARPER
1926 S 2350 E
MALTA, ID 83342

Priority Date: 3/5/1945

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	03/15	to 11/15	0.140 cfs 0.140 cfs	68.0 af 68.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SEENW	Sec 31 Twp 13S Rge 27E	CASSIA County
GROUND WATER	SWNESE	Sec 31 Twp 13S Rge 27E	CASSIA County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13S	27E	31															20.0		20.0

POU Total Acres: 20.0

CONDITIONS OF APPROVAL

1. Rights 43-13757, 43-13758, and 43-13759 when combined shall not exceed a total diversion rate .4 cfs, a total annual maximum diversion volume of 80 af at the field headgate, and the irrigation of 20 acres.
2. Rights 43-13749, 43-13750, 43-13751, 43-13752, 43-13753, 43-13754, 43-13755, 43-13756, 43-13757, 43-13758, 43-13759, 43-13760, 43-13761 and 43-13762 when combined shall not exceed a total diversion rate of .44 cfs, and the irrigation of 20 acres.
3. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No.143.
4. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).

Transfer No. 81053

WATER RIGHT NO. 43-13757
As Modified by Transfer No. 81053

CONDITIONS OF APPROVAL

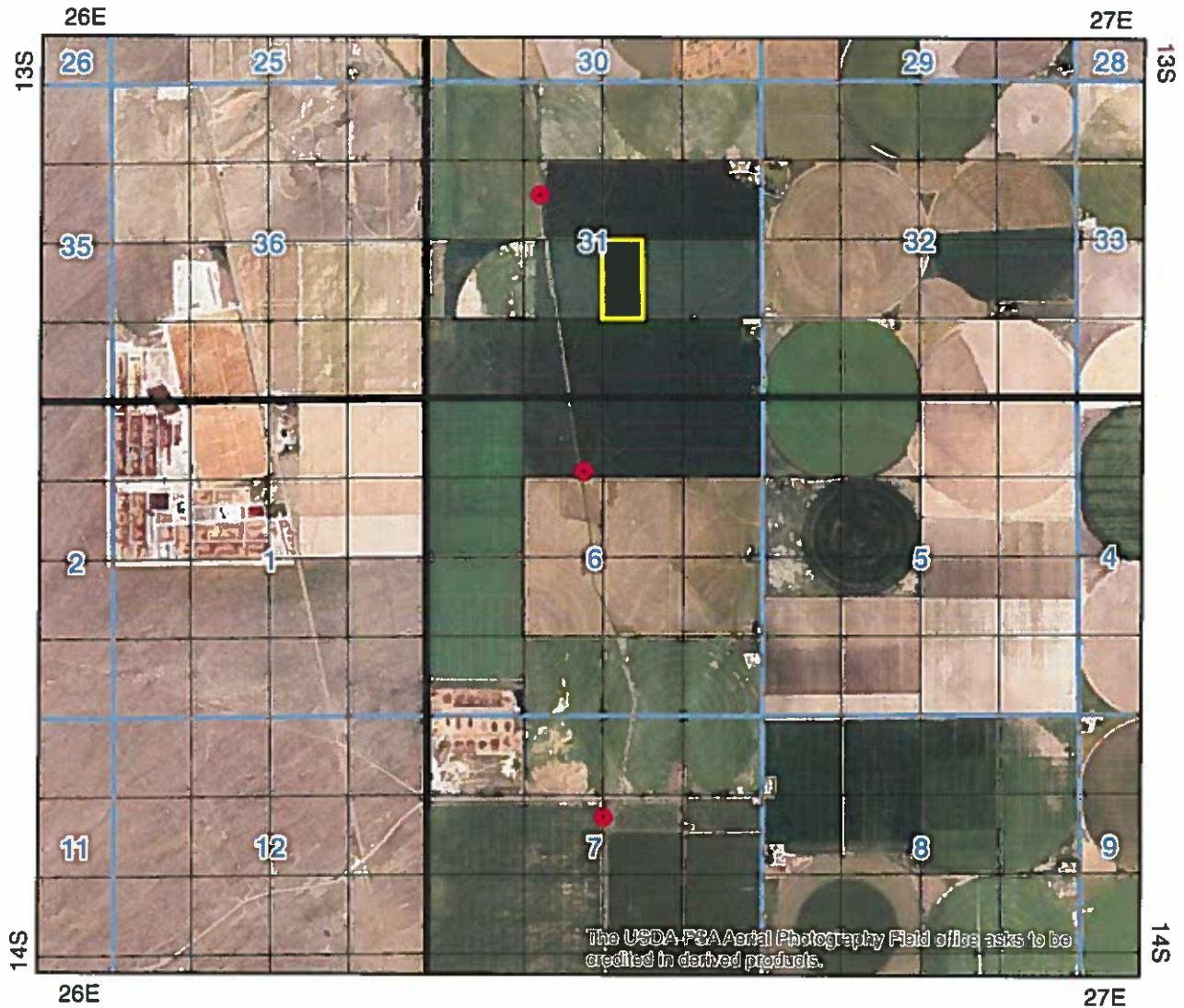
5. The right holder shall make full beneficial use of all surface water available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right for land with an appurtenant surface water right(s) to those times when the surface water supply is not available or reasonably sufficient to irrigate the place of use authorized under this right.
6. If the surface water right(s) appurtenant to the place of use for this right is unavailable for any reason other than drought or curtailment by priority (for example abandoned, forfeited, sold, transferred, leased, used on another place of use, or disallowed by court decree), the right holder shall not divert ground water for irrigation purposes on the land with appurtenant surface water rights without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
7. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
8. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
9. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
10. 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.

State of Idaho
Department of Water Resources

Attachment to Transfer # 81053

43-13749, 43-13750, 43-13751, 43-13752, 43-13753,
43-13754, 43-13755, 43-13756, 43-13760, 43-13761 and 43-13762

This map depicts the IRRIGATION place of use boundary for these water right at the time of this approval and is attached to the approval document solely for illustrative purposes.



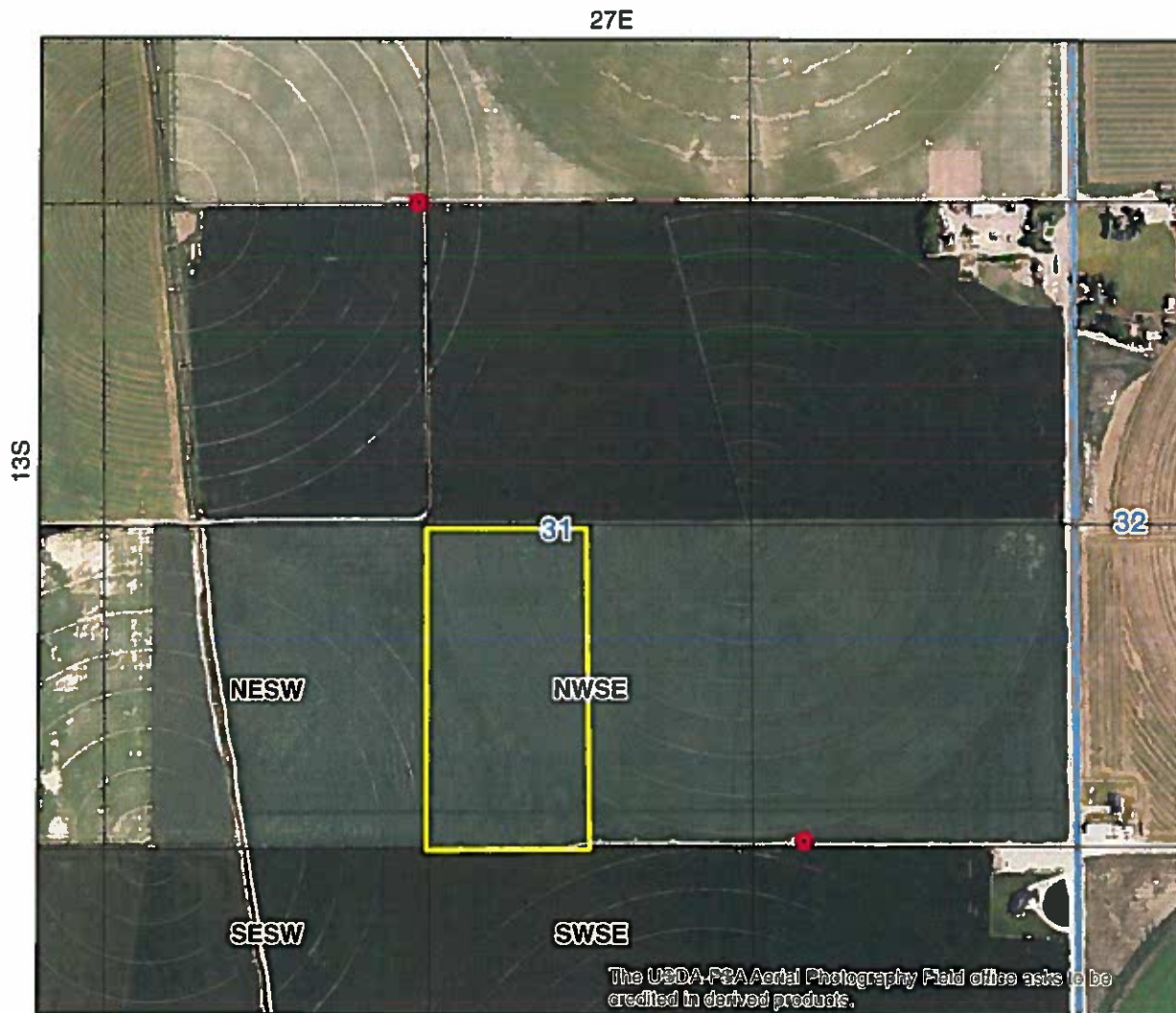
- Point of Diversion
- Place Of Use Boundary
- Townships
- PLS Sections

0 0.35 0.7 1.4 Miles



State of Idaho
Department of Water Resources
Attachment to Transfer # 81053
43-13757, 43-13758, and 43-13759

This map depicts the IRRIGATION place of use boundary for these water rights at the time of this approval and is attached to the approval document solely for illustrative purposes.



- Point of Diversion
- Place Of Use Boundary
- Townships
- PLS Sections

0 0.075 0.15 0.3 Miles





State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, Idaho 83301-5858
Phone: (208) 736-3033 • Fax: (208) 736-3037 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

November 30, 2016

D JAY HARPER
JEANETTE W HARPER
1926 S 2350 E
MALTA ID 83342

Re: Transfer No: 81053
Water Right No(s): 43-13749, 43-13750, 43-13751, 43-13752, 43-13753, 43-13754,
43-13755, 43-13756, 43-13757, 43-13758, 43-13759, 43-13760, 43-13761, 43-13762

Transfer Approval Notice

Dear Water Right Holder and other Interested Persons:

The Department of Water Resources has issued the enclosed approved Transfer of Water Right(s). Please be sure to thoroughly review the conditions of approval and remarks listed on the approval document.

The Transfer of Water Right(s) is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless the APPLICANT petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

ANY PERSON aggrieved by any decision, determination, order or action of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Department and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

If the transfer approval includes a condition requiring measuring and recording devices, such devices shall comply with specifications established by the Department. Detailed specifications are available on the Department's home page on the Internet, or you can request a copy by contacting any office of the Department. Please be sure to thoroughly review the specifications to avoid unnecessary costs for reinstallation or modification due to non-conforming or improperly installed devices.

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at (208) 736-3033.

Sincerely,

A handwritten signature in black ink, appearing to read "Corey Skinner". The signature is fluid and cursive, with the first name "Corey" being more prominent than the last name "Skinner".

Corey Skinner
Southern Regional Manager

Enclosure

cc:

NATHAN ERICKSON WATER MASTER
WATER DISTRICT 143
650 ADDISON AVE W STE 500
TWIN FALLS ID 83301

RICK NEFF WATER MASTER
WATER DISTRICT 43B
PO BOX 55
MALTA ID 83342

CERTIFICATE OF SERVICE

I hereby certify that on November 30, 2016 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below:

Re: Transfer No.: 81053

Water Right No(s): 43-13749, 43-13750, 43-13751, 43-13752, 43-13753, 43-13754, 43-13755, 43-13756, 43-13757, 43-13758, 43-13759, 43-13760, 43-13761, 43-13762

**D JAY HARPER
JEANETTE W HARPER
1926 S 2350 E
MALTA ID 83342**

**NATHAN ERICKSON WATER MASTER
WATER DISTRICT 143
650 ADDISON AVE W STE 500
TWIN FALLS ID 83301**

via e-mail

**RICK NEFF WATER MASTER
WATER DISTRICT 43B
PO BOX 55
MALTA ID 83342**

A handwritten signature in cursive script, reading "Denise Maline", is written over a horizontal line.

**Denise Maline
Administrative Assistant**

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(To be used in connection with actions when a hearing was **not** held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "**Preliminary Order**" issued by the department pursuant to section 67-5243, Idaho Code. **It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:**

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. **Note: the petition must be received by the department within this fourteen (14) day period.** The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after: (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its service date if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) The petition for reconsideration is disposed of; or
- (b) The petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

MEMORANDUM

TO: Transfer # 81053 File

FROM: Corey Skinner

DATE: November 29, 2016

SUBJECT: Point of Diversion Description Correction

While reviewing the Transfer # 81053 file for final approval it was noted that there was a typographical error in the proposed new (existing) point of diversion description for the eleven Raft River rights involved with the application. The point of diversion description was incorrectly listed as NWSENW of Section 31, **Township 14 South**, Range 27 East when it should have been listed as NWSENW of Section 31, **Township 13 South**, Range 27 East (as described on the map that accompanied the application).

This day I contacted the applicant and discussed the situation with him. He provided an e-mail response (see e-mail in file) indicating that the correct location is NWSENW of Section 31, **Township 13 South**, Range 27 East. The application will be approved accordingly (with the correct description).

Skinner, Corey

From: Janet Harper [jayandjan1957@gmail.com]
Sent: Tuesday, November 29, 2016 9:39 AM
To: Skinner, Corey
Subject: Re: Transfer # 81053 Point of Diversion Description Correction

YES, the correct location is NWSNW of Section 31, Township 13 South, Range 27 East.

On Tue, Nov 29, 2016 at 9:10 AM, Skinner, Corey <Corey.Skinner@idwr.idaho.gov> wrote:

Jay,

As we discussed on the phone, a review of your transfer application, # 80153, indicated that there is a typo in the legal description of the point of diversion to be added for the eleven Raft River water rights. The application lists the point of diversion description as being located in the NWSNW of Section 31, Township 14 South, Range 27 East. It appears that the Township (14 South) is incorrect, and it should be listed as...

NWSNW of Section 31, **Township 13 South**, Range 27 East.

The map that accompanied the application indicates that the location is in NWSNW of Section 31, Township 13 South, Range 27 East.

I need you to respond/reply to this e-mail indicating that the correct location is NWSNW of Section 31, **Township 13 South**, Range 27 East. Once I receive your response/reply, I can continue working on approving the application with the correct location.

Thanks,

Corey

State of Idaho
Department of Water Resources

RECOMMENDATION OF WATERMASTER

Transfer No: 81053
Water Right No: 43-13749, etc.
Applicant Name: D Jay & Jeanette W Harper

Watermaster's Recommendation:

- a) ☒ I do not oppose approval of this application
- b) ☐ I do not oppose approval of this application under the following terms:
- c) ☐ I oppose approval of this application(s) for the following reasons:
- d) ☐ Additional comment:

Dated: September 13, 2016

Water District 143



Nathan Erickson, Watermaster



Proof of Publication **



Twin Falls Times-News
132 Fairfield St W, Twin Falls, Idaho 83301

RECEIVED

AUG 29 2016

DEPT OF WATER RESOURCES
SOUTHERN REGION

RUBY AUFDERHEIDE, being duly sworn, deposes and says: That she is the Principal Clerk of the Times-News, a daily newspaper printed and published at Twin Falls, Twin Falls County, State of Idaho, and having a general circulation therein, and which said newspaper has been continuously and uninterruptedly published in said County during a period of twelve consecutive months prior to the first publication of the notice, a copy of which is attached hereto: that said notice was published in the Times-News, in conformity with Section 60-108, Idaho Code, as amended, for:

2 Insertions

ID DEPARTMENT OF WATER RESOURCES
650 ADDISON AVE W, STE 500
TWIN FALLS, ID 83301

ORDER NUMBER 30176

T# 80639

T# 81053

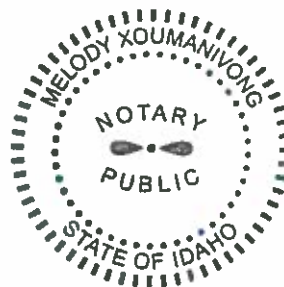
T# 81078

Ruby Aufderheide
(Legals Clerk)

STATE OF IDAHO)
.SS
COUNTY OF TWIN FALLS)

On this 25th day of August in the year of 2016 before me, a Notary Public, personally appeared before me Ruby Aufderheide known or identified to me to be the person whose name subscribed to the within instrument, and being by first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

Melody Xoumanivong
Notary Public FOR Idaho
Residing at: Twin Falls, Idaho
My Commission expires: 4/21/2017



PUBLISHED ON: 08/18/2016, 08/25/2016

TOTAL AD COST: 233.07

FILED ON: 8/25/2016

✓ OK DM 9-1-2016

* **Proof of Publication** *

RECEIVED

AUG 29 2016

DEPT OF WATER RESOURCES
SOUTHERN REGION

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 80639**

EAST VALLEY CATTLE LLC, 471 N 300 W, JEROME, ID 83338; has filed Application No. 80639 for changes to the following water rights within CASSIA County(s): Right No(s). 43-13449, 43-13451, 43-13452, 43-13453, 43-13455, 43-13457, 43-13459, 43-13461, 43-13463, 43-13491, 43-13493, 43-13495, 43-13497, 43-13499, 43-13501, 43-13503, 43-13505, 43-13507, 43-13509, 43-13511. The purpose of the transfer is to change a portion of the above rights as follows: Application for transfer proposes to change the nature of use, place of use (POU), points of diversion (POD), and period of use for a 1.75 cfs, 212.4 acre portion of irrigation water right 43-13452 which currently irrigates 329.4 acres within a 9204.0 acre permissible place of use located approximately 6.8 to 14.3 miles north and 2.5 to 8.4 miles east of Malta. The application proposes to change the nature of use and POU of these rights from irrigation during the irrigation season to year-round stockwater/commercial use at a CAFO located approximately 4.8 to 5.8 miles east and 7.5 to 8.5 miles north of Malta. The transfer proposes changing the POD for the converted portion from the currently authorized irrigation wells to eight wells to be associated with the CAFO facility. The transfer also proposes to add five existing points of diversion to the three currently authorized CAFO wells for the nineteen rights currently appurtenant to the CAFO. The twenty rights will allow for the total diversion of 4.61 cfs from eight authorized PODs for the CAFO facility.

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 81053**

D. JAY HARPER and JEANETTE W HARPER, 1926 S 2350 E, MALTA, ID 83342; has filed Application No. 81053 for changes to the following water rights within CASSIA County(s): Right No(s). 43-13749, 43-13750, 43-13751, 43-13752, 43-13753, 43-13754, 43-13755, 43-13756, 43-13757, 43-13758, 43-13759, 43-13760, 43-13761, 43-13762. The purpose of the transfer is to change a portion of the above rights as follows: Application proposes changing two ground water points of diversion located approximately 1.3 miles east and 5.0 miles south and 1.7 miles east and 5.4 miles south of Malta to two existing points of diversion located approximately 1.3 miles east and 4.0 miles south and 1.7 miles east and 4.5 miles south of Malta for three water rights used for the irrigation of 20 acres. In addition the application proposes to add an existing point of diversion for 11 rights from Raft River. The new authorized Raft River point of diversion is located approximately 1.2 miles east and 4.1 miles south of Malta. In total, the three ground water rights and 11 Raft River rights will allow for the diversion of up to 0.44 cfs for the irrigation of 20 acres.

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 81078**

ARLO P LLOYD, 2227 ELBA ALMO RD, ELBA, ID 83342; has filed Application No. 81078 for changes to the following water rights within CASSIA County(s): Right No(s). 43-4132. The purpose of the transfer is to change a portion of the above rights as follows: Application proposes to change the place of use of a stockwater and irrigation right for 13.2 acres, from land located approximately 7.4 miles south and 9.3 miles west of Malta to land located approximately 7.1 miles south and 9.8 miles west of Malta. The existing point of diversion from Black Sand Hollow Creek, located approximately 7.95 miles south and 8.65 miles west of Malta will continue to divert 0.77 cfs of water for stockwater and the irrigation of 13.2 acres at the new place of use.

For additional information concerning the property location, contact Southern Region office at (208) 736-3033; or to see a full description of these rights and/or the proposed transfers, please see www.idwr.idaho.gov/apps/wr/QueryNewTransfers/QueryNewTransfers.aspx. 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, Southern Region, 650 Addison Ave W, Ste 500, Twin Falls ID 83301 together with a protest fee of \$25.00 for each application on or before September 6, 2016. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

PUBLISH: August 18 and 25, 2016

✓ OK DM 9-1-2016