

SEP 29 2016

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCESDEPT OF WATER RESOURCES  
SOUTHERN REGION

## APPLICATION FOR TRANSFER OF WATER RIGHT - POINT(S) OF DIVERSION

This form may be used to apply to change and/or add points of diversion for existing water rights and to report an ownership change for a water right(s) in connection with the proposed point of diversion change(s). Do not use this form to apply for changes to other elements of a water right. See the Application for Transfer Instructions for help completing this form and for mailing addresses of Department offices where your application can be submitted.

Check all that apply:

- ☒ Change diversion point(s)    ☐ Add diversion point(s)    ☐ Ownership change    ☐ Ownership split

1. APPLICANT(S) HARPER VALLEY LAND LLC Darin Phone 208-670-0582  
 2. MAILING ADDRESS 2045 E 850 S City DECLO  
 State ID Zip 83323 Email dharper8520@gmail.com

- ☐ If the applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign for the applicant.  
☐ If the applicant is not the current water right(s) owner, attach documentation of authority to file the application.  
☐ If the application includes a change in ownership of water right(s), attach a copy of the conveyance document, such as a warranty deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property conveyed or description of the water right if no land is conveyed. Additional fee(s) are required for water right ownership changes; see Item 9 for the fee schedule.

If the ownership change resulted in the water right(s) being split, how did the division occur? Mark one:

- ☐ The water rights or claims were divided as specifically identified in a deed, contract, or other conveyance document.  
☐ The water rights or claims were divided proportionately based on the portion of their place(s) of use acquired by the new owner.

- ☒ If the application is not signed by the applicant, attach a Power of Attorney or other documentation providing authority to sign for the applicant.

3. LIST WATER RIGHT NUMBER(S) see attached sheet

IDWR agent will print copies of water right reports.

- ☐ Attach a copy of the water right(s) as recorded, available at www.idwr.idaho.gov, *Water Right Transfers, Step 1*, or by contacting any Department office.

4. TOTAL AMOUNT OF WATER transferred is 4.0 cubic feet per second and/or \_\_\_\_\_ acre-feet per annum.  
 (diversion rate) (storage volume)

5. POINT OF DIVERSION - Describe all the point(s) of diversion to be included on the water right(s) after the proposed change.

- ☐ Attach Eastern Snake Plain Aquifer (ESPA) analysis if this transfer proposes to change a point of diversion affecting the ESPA. ESPA analysis information is available at www.idwr.idaho.gov, *Water Right Transfers, Online Resources*.

| New? | Lot | 1/4 | 1/4 | 1/4 | Sec | Twp | Rge | County | Source | Local name or tag # |
|------|-----|-----|-----|-----|-----|-----|-----|--------|--------|---------------------|
|      |     |     |     |     |     |     |     |        |        |                     |
|      |     |     |     |     |     |     |     |        |        |                     |
|      |     |     |     |     |     |     |     |        |        |                     |
|      |     |     |     |     |     |     |     |        |        |                     |
|      |     |     |     |     |     |     |     |        |        |                     |
|      |     |     |     |     |     |     |     |        |        |                     |
|      |     |     |     |     |     |     |     |        |        |                     |
|      |     |     |     |     |     |     |     |        |        |                     |
|      |     |     |     |     |     |     |     |        |        |                     |
|      |     |     |     |     |     |     |     |        |        |                     |

## 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:

The well will be connected to a 10-12" mainline with a check valve, air vent, enough straight pipe for a metering device, hand valve, then dive in to the ground.

- b. Who owns the property at the point(s) of diversion? Harper Valley Land LLC  
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. MAP - ☒ 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  $\frac{1}{4}$   $\frac{1}{4}$  of section information. The Map Tool, available at [maps.idwr.idaho.gov/Transfer/InformationLayouts](http://maps.idwr.idaho.gov/Transfer/InformationLayouts) provides a satisfactory template for creating the required map.

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.

Darin G. Harper  
Signature of applicant or authorized agent

Darin G. Harper -  
Print name and title if applicable

9-26-16  
Date

Signature of applicant or authorized agent

Print name and title if applicable

Date

9. FEE - ☒ The application filing fee provided in Section 42-221, Idaho Code, must be submitted with the application for transfer. The Application fee is 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/WaterRightTransfers/Step4](http://www.idwr.idaho.gov/WaterRightTransfers/Step4) and in the Application for Transfer Instructions

## FOR DEPARTMENT USE ONLY

Transfer includes \_\_\_\_\_ pages of attachments.

Received by DM

Date 9-29-2016

Fee paid \$740- Date 9-29-2016

Received by DM

Receipt # 5035740

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)

**Transfer 81217, Harper Valley Land, LLC – List of Water Rights\***

**43-2313A**

**43-2313C**

**43--2377A**

**43-2377B**

**43-2382**

**43-2383**

**43-2398**

**43-10632**

**43-13108**

**43-13109**

**43-13110**

**43-13111**

**43-13112**

**43-13113**

**43-13114**

**43-13115**

**43-13117**

**43-13316**

**43-13356**

**43-13358**

**43-13360**

**43-13362**

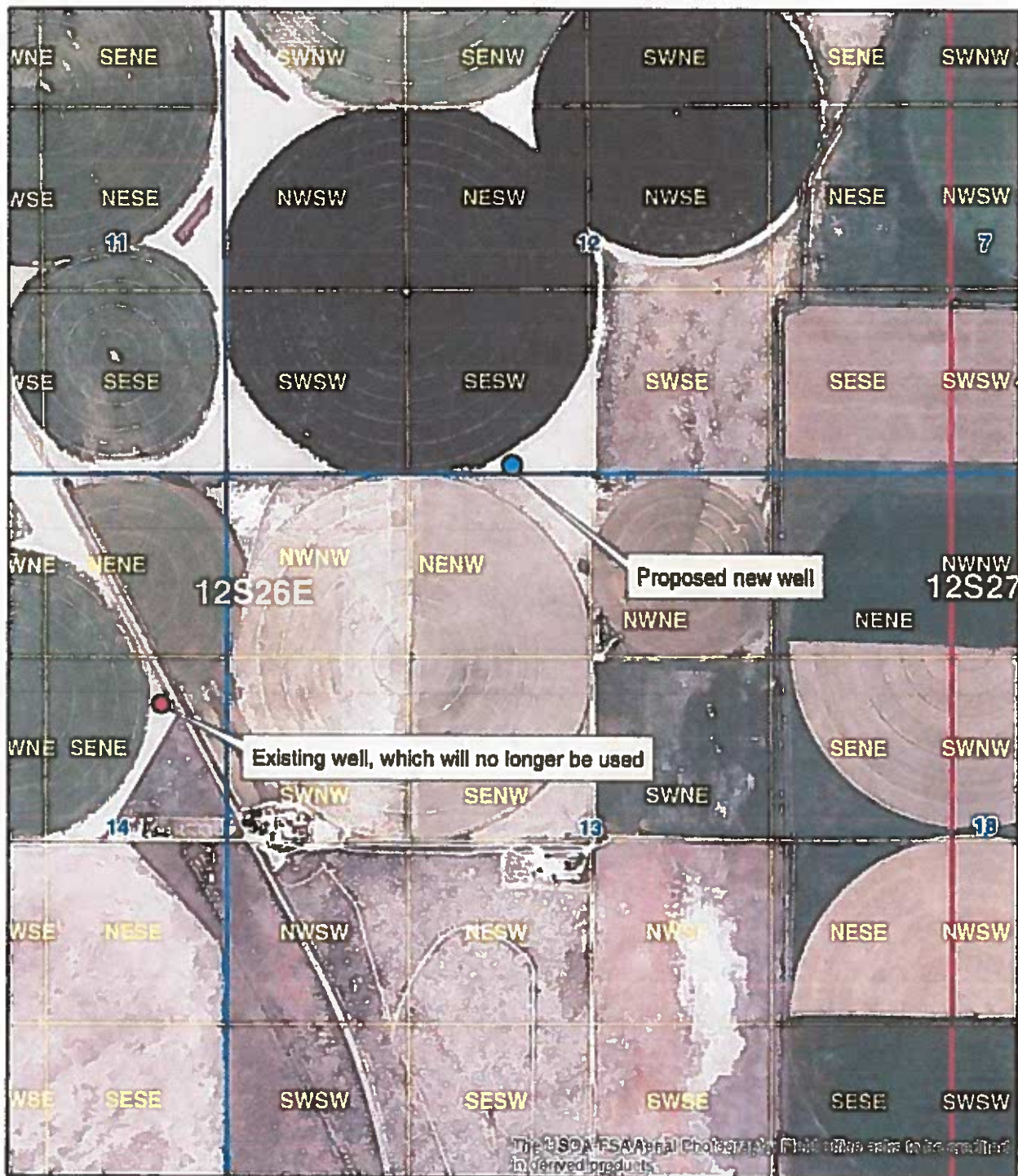
**\*The two Coe Creek rights are excluded from this list, as nothing will change on them. (43-13427, 43- 13429)**

## Transfer 81217, Harper Valley Land, LLC - List of Points of Diversion

|              |      |                                           |
|--------------|------|-------------------------------------------|
| GROUND WATER | SWSW | Sec. 1, Twp 12S, Rge 26E, CASSIA County   |
| GROUND WATER | SENE | Sec. 10, Twp 12S, Rge 26E, CASSIA County  |
| GROUND WATER | SENE | Sec. 11, Twp 12S, Rge 26E, CASSIA County  |
| GROUND WATER | NWNW | Sec. 11, Twp 12S, Rge 26E, CASSIA County  |
| GROUND WATER | SENE | Sec. 11, Twp 12S, Rge 26E, CASSIA County  |
| GROUND WATER | SWSE | Sec. 11, Twp 12S, Rge 26E, CASSIA County  |
| GROUND WATER | SWNW | Sec. 2, Twp 12S, Rge 26E, CASSIA County   |
| GROUND WATER | SWSW | Sec. 2, Twp 12S, Rge 26E, CASSIA County   |
| GROUND WATER | SWSE | Sec. 11, Twp 12S, Rge 26E, CASSIA County  |
| GROUND WATER | NWSW | Sec. 12, Twp 12S, Rge 26E, CASSIA County  |
| GROUND WATER | SWSW | Sec. 12, Twp 12S, Rge 26E, CASSIA County  |
| GROUND WATER | SESW | Sec. 12, Twp 12S, Rge 26E, CASSIA County* |
| GROUND WATER | SENE | Sec. 14, Twp 12S, Rge 26E, CASSIA County  |
| GROUND WATER | SENE | Sec. 14, Twp 12S, Rge 26E, CASSIA County  |

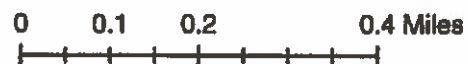
\*New well

## Harper Valley Land, LLC - Proposed Change of POD



### Legend

-  Township/Range  
 Sections  
 QQ



|                                                                                                                                                        |                                                                                  |                                                                           |                                                        |               |                  |             |
|--------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------|---------------------------------------------------------------------------|--------------------------------------------------------|---------------|------------------|-------------|
| No. <b>W 42979</b>                                                                                                                                     | <b>Due no later than Sep 30, 2016<br/>Annual Report Form</b>                     |                                                                           | <b>2. Registered Agent and Address<br/>(NO PO BOX)</b> |               |                  |             |
| Return to:<br>SECRETARY OF STATE<br>700 WEST JEFFERSON<br>PO BOX 83720<br>BOISE, ID 83720-0080<br><br><b>NO FILING FEE IF<br/>RECEIVED BY DUE DATE</b> | <b>1. Mailing Address: Correct in this box if needed.</b>                        |                                                                           | DARIN HARPER<br>2045 EAST 850 SOUTH<br>DECLO ID 83323  |               |                  |             |
|                                                                                                                                                        | HARPER VALLEY LAND, LLC<br>DARIN HARPER<br>2045 EAST 850 SOUTH<br>DECLO ID 83323 |                                                                           | <b>3. <u>New</u> Registered Agent Signature:*</b>      |               |                  |             |
| <b>4. Limited Liability Companies: Enter Names and Addresses of at least one Member or Manager.</b>                                                    |                                                                                  |                                                                           |                                                        |               |                  |             |
| Office Held                                                                                                                                            | Name                                                                             | Street or PO Address                                                      | City                                                   | State         | Country          | Postal Code |
| MANAGER                                                                                                                                                | DARIN HARPER                                                                     | 2045 EAST 850 SOUTH                                                       | DECLO                                                  | ID            | USA              | 83323       |
| MEMBER                                                                                                                                                 | TAYNA HARPER                                                                     | 2045 EAST 850 SOUTH                                                       | DECLO                                                  | ID            | USA              | 83323       |
| MEMBER                                                                                                                                                 | JONATHAN T HARPER                                                                | 2040 EAST 850 SOUTH                                                       | DECLO                                                  | ID            | USA              | 83323       |
| MEMBER                                                                                                                                                 | ALEXANDRIA HARPER                                                                | 2040 EAST 850 SOUTH                                                       | DECLO                                                  | ID            | USA              | 83323       |
| MEMBER                                                                                                                                                 | ASHLEY HARPER                                                                    | 2053 EAST 800 SOUTH                                                       | DECLO                                                  | ID            | USA              | 83323       |
| MEMBER                                                                                                                                                 | NOLAN G HARPER                                                                   | 2053 EAST 800 SOUTH                                                       | DECLO                                                  | ID            | USA              | 83323       |
| <b>5. Organized Under the Laws of:</b>                                                                                                                 |                                                                                  | <b>6. Annual Report must be signed.*</b>                                  |                                                        |               | Date: 08/01/2016 |             |
| <b>ID<br/>W 42979</b>                                                                                                                                  |                                                                                  | Signature: Darin G. Harper                                                |                                                        | Title: Member |                  |             |
| Name (type or print): Darin G. Harper                                                                                                                  |                                                                                  |                                                                           |                                                        |               |                  |             |
| Processed 08/01/2016                                                                                                                                   |                                                                                  | * Electronically provided signatures are accepted as original signatures. |                                                        |               |                  |             |

TRANSFER 81217



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](http://www.idwr.idaho.gov)

C.L. "BUTCH" OTTER  
Governor

GARY SPACKMAN  
Director

October 12, 2016

HARPER VALLEY LAND LLC  
2045 E 850 S  
DECLO, ID 83323

RE: Transfer No. 81217

Water Right No(s). 43-10632, 43-13108, 43-13109, 43-13110, 43-13111, 43-13112,  
43-13113, 43-13114, 43-13115, 43-13117, 43-13316, 43-13356, 43-13358, 43-13360,  
43-13362, 43-2313A, 43-2313C, 43-2377A, 43-2377B, 43-2382, 43-2383, 43-2398

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 **TIMES NEWS on 10/20/2016 and 10/27/2016**. Protests to this application may be submitted for a period ending ten (10) days after the second publication (**November 7, 2016**).

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,

Denise Maline  
Administrative Assistant



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](http://www.idwr.idaho.gov)

C.L. "BUTCH" OTTER  
Governor

GARY SPACKMAN  
Director

October 12, 2016

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

*Via hand delivery*

RE: Transfer No. 81217

Water Right No(s). 43-10632, 43-13108, 43-13109, 43-13110, 43-13111, 43-13112, 43-13113, 43-13114, 43-13115, 43-13117, 43-13316, 43-13356, 43-13358, 43-13360, 43-13362, 43-2313A, 43-2313C, 43-2377A, 43-2377B, 43-2382, 43-2383, 43-2398

Dear Nathan:

A copy of the above referenced application is enclosed. Please review the application, then complete the enclosed recommendation form as necessary, 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's regional offices 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.

Sincerely,

Denise Maline  
Administrative Assistant

Enclosure(s)

## Maline, Denise

---

**From:** Maline, Denise  
**Sent:** Wednesday, October 12, 2016 4:00 PM  
**To:** Times News  
**Subject:** LEGAL NOTICE  
**Attachments:** Times News Cover Letter.docx; Times News Ad.doc

Attached please find (1) legal notice being submitted for publication on October 20<sup>th</sup> & 27<sup>th</sup>, 2016. Please feel free to contact me if you have any questions, or if you are not able to run the ad on the dates requested.

Thank you in advance,

*Denise Maline  
Administrative Assistant  
Idaho Dept of Water Resources, Southern Region  
650 Addison Ave W, Ste 500  
Twin Falls, ID 83301  
(208) 736-3033  
[denise.maline@idwr.idaho.gov](mailto:denise.maline@idwr.idaho.gov)*



**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](http://www.idwr.idaho.gov)

C.L. "BUTCH" OTTER  
Governor

GARY SPACKMAN  
Director

October 12, 2016

**LEGAL NOTICE DEPARTMENT**

**TIMES NEWS**

**PO BOX 548**

**TWIN FALLS, ID 83303-0548**

RE: Transfer No. 81217

Water Right No(s): 43-10632, 43-13108, 43-13109, 43-13110, 43-13111, 43-13112,  
43-13113, 43-13114, 43-13115, 43-13117, 43-13316, 43-13356, 43-13358, 43-13360,  
43-13362, 43-2313A, 43-2313C, 43-2377A, 43-2377B, 43-2382, 43-2383, 43-2398

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 November 7, 2016. Your cooperation is appreciated.

Sincerely,

Denise Maline  
Administrative Assistant

Enclosure(s)

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT  
TRANSFER NO. 81217**

HARPER VALLEY LAND LLC, 2045 E 850 S, DECLO, ID 83323; has filed Application No. 81217 for changes to the following water rights within CASSIA County(s): Right No(s). 43-10632, 43-13108, 43-13109, 43-13110, 43-13111, 43-13112, 43-13113, 43-13114, 43-13115, 43-13117, 43-13316, 43-13356, 43-13358, 43-13360, 43-13362, 43-2313A, 43-2313C, 43-2377A, 43-2377B, 43-2382, 43-2383, 43-2398; to see a full description of these rights and the proposed transfer, please see [www.idwr.idaho.gov/apps/wr/QueryNewTransfers/QueryNewTransfers.aspx](http://www.idwr.idaho.gov/apps/wr/QueryNewTransfers/QueryNewTransfers.aspx). The purpose of the transfer is to change a portion of the above rights as follows: Application for transfer proposes to change a point of diversion (POD) for a 4.00 cfs portion of 22 ground water irrigation rights which currently irrigate 1958.0 acres with a total flow rate of 29.3 cfs, located approximately 6.5 miles northwest of Malta. The POD will change from an existing well located approximately 5.2 miles north and 0.2 miles west of Malta to a new well located approximately 5.5 miles north and 0.2 miles east of Malta.

For additional information concerning the property location, contact Southern Region office at (208) 736-3033. 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 November 7, 2016. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director  
Published on October 20<sup>th</sup> & 27<sup>th</sup>, 2016

## Bitzenburg, James

---

**From:** Carpenter, Kolby [Kolby.Carpenter@northwestfcs.com]  
**Sent:** Friday, October 07, 2016 9:58 AM  
**To:** Bitzenburg, James  
**Cc:** dharper8520@gmail.com  
**Subject:** POD Transfer  
**Attachments:** HarperPODtransferApplication.pdf

Jim,

Please use this email as our consent to the request for a change in Point of Diversion (POD) for Harper Valley Land, LLC. Together with an certified appraiser, a review of the location of the proposed new well was performed. Upon review of the application and corresponding maps provided to customer by IDWR, the new well will be located on property encumbered by Northwest Farm Credit. Hence, no issues to irrigation of the encumbered property is foreseen.

Northwest Farm Credit acknowledges the removal of the POD from SENE, Sect. 14, T12S, R26E and the addition of the POD at SESW, Sect. 12, T12S, R26E. It has been communicated to Northwest Farm Credit that water rights will not be altered with the change.

Thanks,



**Northwest**  
FARM CREDIT SERVICES

**Kolby Carpenter**  
*Relationship Manager*

1408 Pomerelle Ave, Ste B, Burley, ID 83318  
o 208.678.6684 | m 208.312.2855 | f 208.678.6683  
[northwestfcs.com](http://northwestfcs.com)

---

### CONFIDENTIALITY NOTICE:

This e-mail transmission may contain confidential information. This information is solely for the use of the individual(s) or entity to whom or which it was intended. If not an intended recipient, any review, copying, printing, disclosure, distribution or any other use is strictly prohibited.

If you have received this email in error, please immediately notify the sender by reply e-mail. Please delete this e-mail from your files if you are not the intended recipient. Thank you.

This institution is an equal opportunity provider and employer.

# MEMORANDUM

**Date:** October 3, 2016  
**To:** Transfer 81217 File  
**From:** Jim Bitzenburg  
**Re:** Evaluation of Sufficiency of Information Submitted

---

Application for transfer proposes to change a point of diversion (POD) for a 4.00 cfs portion of 22 ground water irrigation rights which currently irrigate 1958.0 acres with a total flow rate of 29.3 cfs, located approximately 6.5 miles northwest of Malta. The POD will change from an existing well located approximately 5.2 miles north and 0.2 miles west of Malta to a new well located approximately 5.5 miles north and 0.2 miles east of Malta.

Because the water rights are located within the Raft River Critical Ground Water Management Area, and a point of diversion is being changed, the application should be advertised.

The transfer is located within Water District 143, so watermaster comments will be solicited.

- **Authority to File:**  
The Department's database indicates that the water rights involved are owned by the applicant, Harper Valley Land, LLC and the application was signed by Darin Harper, who is the manager of Harper Valley Land, LLC. The latest Annual Report form on file with the Idaho Secretary of State is in the file.
- **Water Right Validity:**  
The water rights involved have all been decreed in the SRBA. Aerial imagery seems to indicate that forfeiture is not an issue.
- **Injury to Other Water Rights:**  
None anticipated or foreseen.
- **Enlargement of Use:**  
None anticipated.
- **Local Public Interest:**  
No issues anticipated. Transfer will be advertised.
- **Beneficial Use/Conservation of Water Resources:**  
Proposed use is recognized as a beneficial use of water.
- **Effect on the Economy of the Local Area:**  
None Anticipated
- **Effect of the Agricultural Base of the Area:**  
None Anticipated

Review of the application finds there is no clear inconsistency with criteria set forth in Section 42-222 Idaho Code preventing processing of this application.

## **FEE MEMORANDUM**

**Date:** October 3, 2016  
**To:** Harper Valley Land, LLC transfer #81217 file  
**From:** Jim Bitzenburg  
**Re:** Receipting/disposition of fees paid

---

This transfer was filed to change a point of diversion for 22 ground water rights to a new well because the old well was not producing a sufficient quantity of water. The POD being changed is limited to a maximum diversion rate of 4.00 cfs, so that flow rate is the basis for the \$740.00 fee, which was paid with check #5193 from Harper Family Partnership, receipt #S035740.