

**STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
TRANSFER OF WATER RIGHT  
TRANSFER NO. 72041**

This is to certify that: CLINT HARPER And  
LAYNE R HARPER  
672 W 100 S  
PAUL ID 83347  
(208)431-8874

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 Change**

| <u>Right</u> | <u>Origin/Basis</u> | <u>Priority</u> | <u>Rate</u> | <u>Volume</u> | <u>Acre Limit</u> | <u>Total Acres</u> | <u>Source</u> |
|--------------|---------------------|-----------------|-------------|---------------|-------------------|--------------------|---------------|
| 36-16336     | WR/Decreed          | 10/17/1955      | 3.43 cfs    | 1040.0 af     | N/A               | 260.0              | GROUND WATER  |
| 36-7412      | WR/Decreed          | 11/30/1973      | 4.01 cfs    | 600.0 af      | N/A               | 229.0              | GROUND WATER  |

**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> |
|-----------------------|--------------|------------|------------|----------------|----------------------|----------------------|
| 36-16336              | NO           | NO         | YES        | YES            | NO                   | NO                   |
| 36-7412               | NO           | NO         | YES        | YES            | NO                   | NO                   |

**Summary of Water Rights After the Approved Change**

| <u>Existing Right</u>  | <u>New No. (changed portion)</u> | <u>Transfer Rate</u> | <u>Transfer Volume</u> | <u>Acre Limit</u> | <u>Total Acres</u> | <u>New No. (remaining portion)</u> | <u>Remaining Rate</u> | <u>Remaining Volume</u> | <u>Remaining Acre Limit</u> | <u>Remaining Total Acres</u> |
|------------------------|----------------------------------|----------------------|------------------------|-------------------|--------------------|------------------------------------|-----------------------|-------------------------|-----------------------------|------------------------------|
| 36-16336               | <b>36-16336</b>                  | 3.43 cfs             | 1040 af                | 260.0             | 460.0              |                                    | N/A                   | N/A                     | N/A                         | N/A                          |
| 36-7412                | <b>36-7412</b>                   | 4.01 cfs             | 600 af                 | 229.0             | 460.0              |                                    | N/A                   | N/A                     | N/A                         | N/A                          |
| <b>COMBINED TOTALS</b> |                                  | <b>7.44 cfs</b>      | <b>1640 af</b>         | <b>410.0</b>      | <b>460.0</b>       |                                    | <b>N/A</b>            | <b>N/A</b>              | <b>N/A</b>                  | <b>N/A</b>                   |

Detailed Water Right Description(s) attached

Dated this 2nd day of March, 2006

  
Chief, Water Allocation Bureau

**SUPPORT DATA**  
**IN FILE 36-7412**

**WATER RIGHT NO. 36-16336**  
**As Modified by Transfer No. 72041**

In accordance with the approval of Transfer No. 72041, Water Right No. 36-16336 is now described as follows.

**Right Holder:** CLINT HARPER And  
 LAYNE R HARPER  
 672 W 100 S  
 PAUL ID 83347

**Priority Date:** October 17, 1955

**Source:** GROUND WATER

| <u>BENEFICIAL USE</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> |
|-----------------------|-------------|-----------|-----------------------|---------------|
| IRRIGATION            | 03/15       | 11/15     | 3.43 CFS              | 1,040.0 AF    |
|                       |             |           | 3.43 CFS              | 1,040.0 AF    |

**LOCATION OF POINT(S) OF DIVERSION:**

GROUND WATER      NWSENE      Sec. 9   Twp 07S   Rge 23E   LINCOLN County

GROUND WATER      NENENW      Sec. 9   Twp 07S   Rge 23E   LINCOLN County

**PLACE OF USE:** IRRIGATION

| Twp | Rge | Sec | NE   |      |      |      | NW   |      |      |      | SW   |     |    |    | SE   |      |      |      | Totals |
|-----|-----|-----|------|------|------|------|------|------|------|------|------|-----|----|----|------|------|------|------|--------|
|     |     |     | NE   | NW   | SW   | SE   | NE   | NW   | SW   | SE   | NE   | NW  | SW | SE | NE   | NW   | SW   | SE   |        |
| 07S | 23E | 9   | 40.0 | 40.0 | 40.0 | 40.0 | 40.0 | 40.0 | 32.0 | 40.0 | 21.0 | 1.0 |    |    | 40.0 | 39.0 | 10.0 | 35.0 | 458.0  |
| 07S | 23E | 16  | 2.0  |      |      |      |      |      |      |      |      |     |    |    |      |      |      |      | 2.0    |

Total Acres: 460

**CONDITIONS OF APPROVAL**

1. This right is limited to the irrigation of 260 acres within the place of use described above in a single irrigation season.
2. Rights 36-7412 and 36-16336 when combined shall not exceed a total diversion rate of 7.44 cfs, a total annual maximum diversion volume of 1640.0 af at the field headgate, and the irrigation of 410.0 acres.
3. 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.
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. 130.

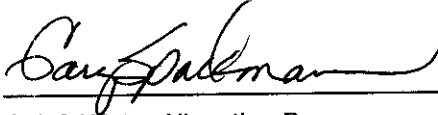
**WATER RIGHT NO. 36-16336**  
**As Modified by Transfer No. 72041**

**CONDITIONS OF APPROVAL**

5. Prior to the diversion and use of water under Transfer approval 72041, the right holder shall install and maintain acceptable measuring devices, including data loggers, at the authorized points of diversion and in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
6. The right holder shall record the quantity of water diverted and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
7. 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.
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.

This water right 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.

Dated this 2nd day of March, 2006

  
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Chief, Water Allocation Bureau

**WATER RIGHT NO. 36-7412**  
**As Modified by Transfer No. 72041**

In accordance with the approval of Transfer No. 72041, Water Right No. 36-7412 is now described as follows.

**Right Holder:** LAYNE R HARPER And  
 CLINT HARPER  
 672 W 100 S  
 PAUL ID 83347

**Priority Date:** November 30, 1973

**Source:** GROUND WATER

| <u>BENEFICIAL USE</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> |
|-----------------------|-------------|-----------|-----------------------|---------------|
| IRRIGATION            | 03/15       | 11/15     | 4.01 CFS              | 600.0 AF      |
|                       |             |           | 4.01 CFS              | 600.0 AF      |

**LOCATION OF POINT(S) OF DIVERSION:**

GROUND WATER      NWSENE      Sec. 9   Twp 07S   Rge 23E   LINCOLN County

GROUND WATER      NENENW      Sec. 9   Twp 07S   Rge 23E   LINCOLN County

**PLACE OF USE:**    IRRIGATION

| Twp | Rge | Sec | NE   |      |      |      | NW   |      |      |      | SW   |     |    |    | SE   |      |      |      | Totals |
|-----|-----|-----|------|------|------|------|------|------|------|------|------|-----|----|----|------|------|------|------|--------|
|     |     |     | NE   | NW   | SW   | SE   | NE   | NW   | SW   | SE   | NE   | NW  | SW | SE | NE   | NW   | SW   | SE   |        |
| 07S | 23E | 9   | 40.0 | 40.0 | 40.0 | 40.0 | 40.0 | 40.0 | 32.0 | 40.0 | 21.0 | 1.0 |    |    | 40.0 | 39.0 | 10.0 | 35.0 | 458.0  |
| 07S | 23E | 16  | 2.0  |      |      |      |      |      |      |      |      |     |    |    |      |      |      |      | 2.0    |

Total Acres: 460

**CONDITIONS OF APPROVAL**

1. This right is limited to the irrigation of 229 acres within the place of use described above in a single irrigation season.
2. Rights 36-7412 and 36-16336 when combined shall not exceed a total diversion rate of 7.44 cfs, a total annual maximum diversion volume of 1640.0 af at the field headgate, and the irrigation of 410.0 acres.
3. 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.
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. 130.

**WATER RIGHT NO. 36-7412**  
**As Modified by Transfer No. 72041**

**CONDITIONS OF APPROVAL**

5. Prior to the diversion and use of water under Transfer approval 72041, the right holder shall install and maintain acceptable measuring devices, including data loggers, at the authorized points of diversion and in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
6. The right holder shall record the quantity of water diverted and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
7. 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.
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.

This water right 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.

Dated this 2nd day of March, 2006

  
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Chief, Water Allocation Bureau