

BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

May 2, 2005

Idaho Department of Water Resources
Southern Region Office
1341 Fillmore, Suite 200
Twin Falls, ID 83301

RECEIVED
MAY 02 2005
Department of Water Resources
Southern Region
request

Re: Harper Farm Transfers and Water Bank Applications

To Whom It May Concern:

RECEIVED
MAY 04 2005
Department of Water Resources
Southern Region

Please find the following in the enclosed:

- Supporting Narrative for both transfers and a copy of a limiting power of attorney associated with any further correspondence appurtenant to these transfers.
- Application for Transfer of Water Right, which seeks to create a permissible place of use for all water rights appurtenant to portion of the Harper Farm North of Highway 24.
- Application for Transfer of Water Right which seeks to create a permissible place of use for all water rights appurtenant to portion of the Harper Farm South of Highway 24 and to transfer a portion of 36-2288 and 36-11673 to this portion of the farm.
- Two (2) Applications to lease a Water Right to the Water Supply Bank for water rights 36-11673 (portion) and 36-7020

In addition, I would like a determination of the total fees for these transfers and water bank applications so that I could get that money to IDWR as soon as possible. If you have any questions, please do not hesitate to give me a call. Thank you and have a great day.

Sincerely,

Daren T. Nelson, Hydrologist

Attachment: Application for Lease of Water Right to Water Supply Bank
Quitclaim Deed for 36-11673

Application for Lease of Water Right to Water Supply Bank
Quitclaim Deed for 36-7020

CHARLES E.
BROCKWAY,
PH.D., P.E.

CHARLES G.
BROCKWAY,
PH.D., P.E.

2016 NORTH
WASHINGTON
STREET • SUITE 4

TWIN FALLS,
IDAHO 83301

208•736•8543

FAX: 736•8506

Application for Transfer (PPU) - (Northern Portion of Farm)
Map: PPU for Northern Portion of Farm
Exhibit A: Part 2 B & C of associated transfer

Application for Transfer (PPU) - (Southern Portion of Farm)
Ground-Water Rights Transfer Spreadsheet Analysis
Mitigation Schedule
Quitclaim Deed for 36-11673
Approval Letter for Transfer and Split of 36-11673
Exhibit A: PPU for Southern Portion of Farm
Exhibit B: Water Right 36-2288
Exhibit C: Water Right 36-11673

LIMITED POWER OF ATTORNEY

KNOWN ALL MEN BY THESE PRESENT:

I, Layne R. Harper, Larry Harper, Clint Harper, and Kevin Harper, hereby nominate and appoint Brockway Engineering (Daren T. Nelson) as my attorney-in-fact with full authority to act for and on my behalf to undertake any and all acts or matters pertaining to water right transfers before the Idaho Department of Water Resources for the following water right transactions:

The water right transfer associated with water right 36-2201, 36-2202, 36-2204, 36-2288, 36-2401, 36-7960A, 36-7960B, and 36-11673 to create a permissible place of use and to transfer 50 acres to the places of use outlined in the transfer.

The water right transfer associated with water right 36-2288 and 36-7412 to create a permissible place of use in the places of use outlined in the transfer.

The leasing of water rights 36-7020 and 36-11673 to the water supply bank.

in Lincoln County, Idaho. Additionally, I hereby ratify and confirm any and all such acts on matters as contemplated herein.

My agent is hereby authorized to sign, seal and deliver, as my act in deed, those said instruments of writing that may be necessary or proper to carry into execution and effect the applications, and transfers above-mentioned. Further, I hereby declare that each and every application, transfer, agreement, receipt, or payment which shall be by my said agent given, made or done for the aforesaid purposes shall be as good, valid, and effectual as if they had been signed, sealed, and delivered by me in my own proper person; and I hereby undertake at all times to ratify whatsoever my said agent shall lawfully do or cause to be done in or concerning the said premises by virtue of these present. This Limited Power of Attorney will become void upon approval, denial or withdrawal of the above referenced applications.

Dated this 29th day of April, 2005 ~~2004~~.

Layne R. Harper
Signature
Kevin Harper
Signature

Larry Harper
Signature
Clint Harper
Signature

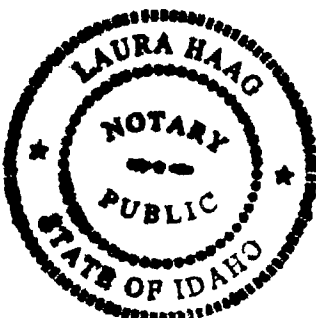
State of Idaho)

County of Minidoka) ss.

On this 29th Day of April, 2005 ~~2004~~, before me, a Notary Public in and for said County and State, personally appeared Layne, Kevin, Larry & Clint Harper known or identified to me to be the individual whose name and subscription to the within instrument, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

S
E
A
L



Laura Haag
Notary Public
In and for said State and County
May 10, 2007
My Commission Expires

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MAY 02 2005
Department of Water Resources
Southern Region

Supporting Narrative

Application for two transfers in the Harper Farm located in Township 7S, Range 23E.

To Whom It May Concern:

Both of these transfers are set up so that they are not dependent on one another. The ultimate goal of these two transfers is to create a more efficient irrigation system by drying up the corners of the pivots and transferring them to new pivots. This includes the transfer of the water associated with 25 acres of the land in the northern portion of the farm and 25 acres of some land south of the farm to the southern portion of the farm. In addition, in order to create a flexible irrigation system the user requests that the water rights be then combined into two separate PPU's. There will be two separate PPU's because the southern portion of the farm is separated by Highway 24 and is not hydraulically connected with the northern portion of the farm. The remaining land in that northern portion would then be put into a PPU so that the user can manage the entire northern portion of the farm under the conditions of the PPU. The new transferred water rights and the existing water rights associated with the southern portion of the farm will then be put into another PPU.

#1: To create a Permissible Place of Use applicable to the Northern Portion of the Harper Farm

This proposed water right transfer requests that a permissible place of use (PPU) be approved for water rights 36-2288 and 36-7412. The Harper family wants to create this PPU in order to better manage the water system that is currently in place. 36-2288 has historically supplied irrigation to the Harper farm through a well in NESENW, Section 9, Township 7S, Range 23E. Whereas 36-7412 has historically supplied irrigation to the Harper farm through a well in NENENW, Section 9, Township 7S, Range 23E. The place of use (POU) and points of diversion for these two rights can be seen in the attached map. In addition, the proposed POU for this PPU is also shown in the attached map.

If the 2nd transfer is approved 25 acres of water right 36-2288 will be transferred to the southern portion of the farm and the total authorized acreage, volume, and rate of diversion, would be reduced accordingly. However, if the 2nd transfer is not approved the PPU would still be put into place and the current rate of diversion, volume limit, and total authorized acreage would stay in place as outlined in the transfer.

#2: To create a Permissible Place of Use applicable to the Southern Portion of the Harper Farm and to transfer a portion of 36-2288 and 36-11673 to this Portion of the Farm

This proposed water right transfer requests that a total of fifty acres (1 cfs or 200 afa) be transferred to the southern portion of the Harper Farm located in Township 7S Range 23E. Twenty-five acres (0.5 cfs or 100 afa) will be split from water right 36-2288 and the remaining twenty-five acres (0.5 cfs or 100 afa) will be split from water right 36-11673. This proposed water right transfer also requests that a permissible place of use (PPU) be approved for the water rights described in the following table.

Water Right #	Priority Date	Amount (cfs/afa)
GROUP #1: SECTION 25 (NE) – CLAIMS		
36-2201	03/02/1953	4.48 / ---
36-2202	03/02/1953	4.40 / ---
36-2204	03/07/1953	1.80 / ---
36-2288 (portion)	10/17/1955	0.50 / 100
36-2401	09/20/1959	2.50 / 780
36-7960A	01/26/1981	0.90 / ---
36-7960B	01/26/1981	0.90 / ---
36-11673 (portion)	12/31/1953	0.50 / 100
TOTAL		15.32 / 4156

This table shows how the water rights will be after this proposed transfer. The Harper family wants to transfer these rights and create this PPU in order to create a flexible irrigation system and in order to increase the irrigatable acres at this location.

Water right 36-11673 is a primary groundwater right that has historically irrigated the POU shown in Exhibit C. Exhibit C also shows the portion of the water right that will be dried up. Recently the Harper family has acquired canal shares to irrigate this POU and wants to transfer a portion of the primary groundwater right to the proposed PPU. At this time IDWR shows that 36-11673 is owned by Glen and Viola Hawkes; however Larry Harper has acquired this property and its associated water rights (see attached Quitclaim Deed) and agrees to this transfer (see attached letter).

Water Right 36-2288 has historically supplied irrigation to the Harper farm through a well in NESENE, Section 9, Township 7S, Range 23E. This right currently has combined limits of 435 Ac. and 1740 afa with 36-7412. These rights do overlap in the NWNE and SWNE quarters of section 9; however, the lands that are being dried up are only located in the POU associated with 36-2288 (see Exhibit B). Water right 36-7412 is only included in Part 2 of this transfer since its combined use limitations will need to be changed due to the split of 36-2288.

The Ground-Water Rights Transfer Spreadsheet was used in order to estimate the effect that this transfer would have on the Snake River. The Harper farm is located near the

intersection of four model cells and the POD's associated with these water rights are located in differing cells. Only the 50 acres being transferred were analyzed. The southern portion of the farm straddles cell R11, C25 and Cell R11, 24. If the entire 200 afa in the proposed transfer were to be pumped from cell R11, C24 the Net Transfer Impact (Percent of Historical) would be below the 5% negative impact requirement set by IDWR. However, if the entire 200 afa in the proposed transfer were to be pumped from cell R11, C25 the Net Transfer Impact (Percent of Historical) would exceed the 5% requirement set by IDWR. Since, it is likely that the bulk of the water from this transfer will be pumped from the POD located in cell R11, C24 this transfer would require some mitigation. Thus, a mitigation schedule will be set up in order to reduce the impact of the transfer below this 5% requirement. As seen in the attached spreadsheets and graphs, if the user were to temporarily dry up 8 acres of land for the first three years following the approval of the transfer the 5% requirement would then be met. Thus in order to meet the 5% requirement set by IDWR and pursuant the approval of this transfer the user has agreed to temporarily reduce the total amount of pumping by 32 afa and temporarily dry up 8 acres of land located in this PPU (see mitigation schedule).

If you have any questions concerning this narrative or either of these transfers, please do not hesitate to contact our office. Thank you for your time and thorough review of these transfers.

Sincerely,

A handwritten signature in black ink, appearing to read 'D-T-N', followed by a long horizontal line extending to the right.

Daren T. Nelson, Hydrologist