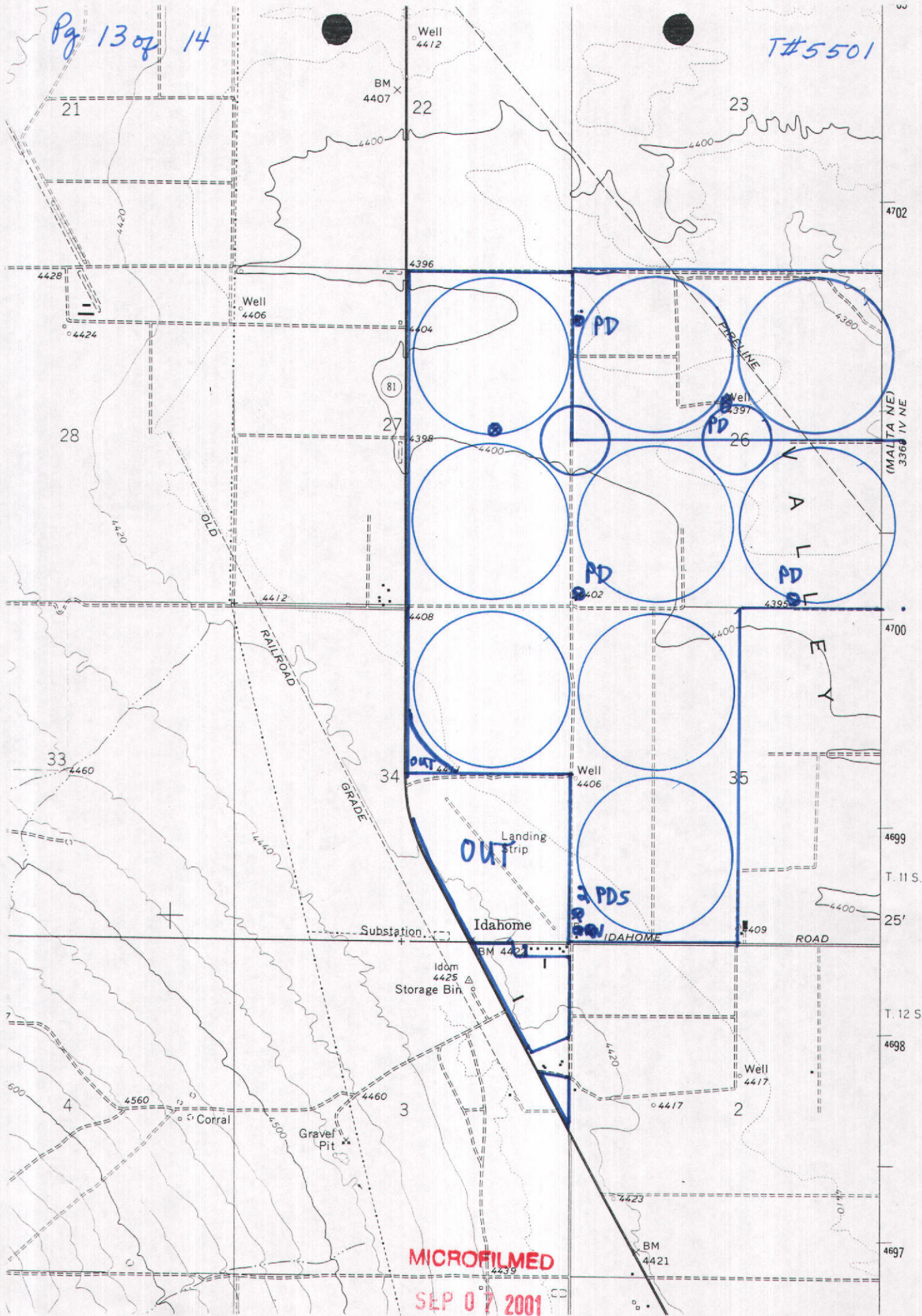
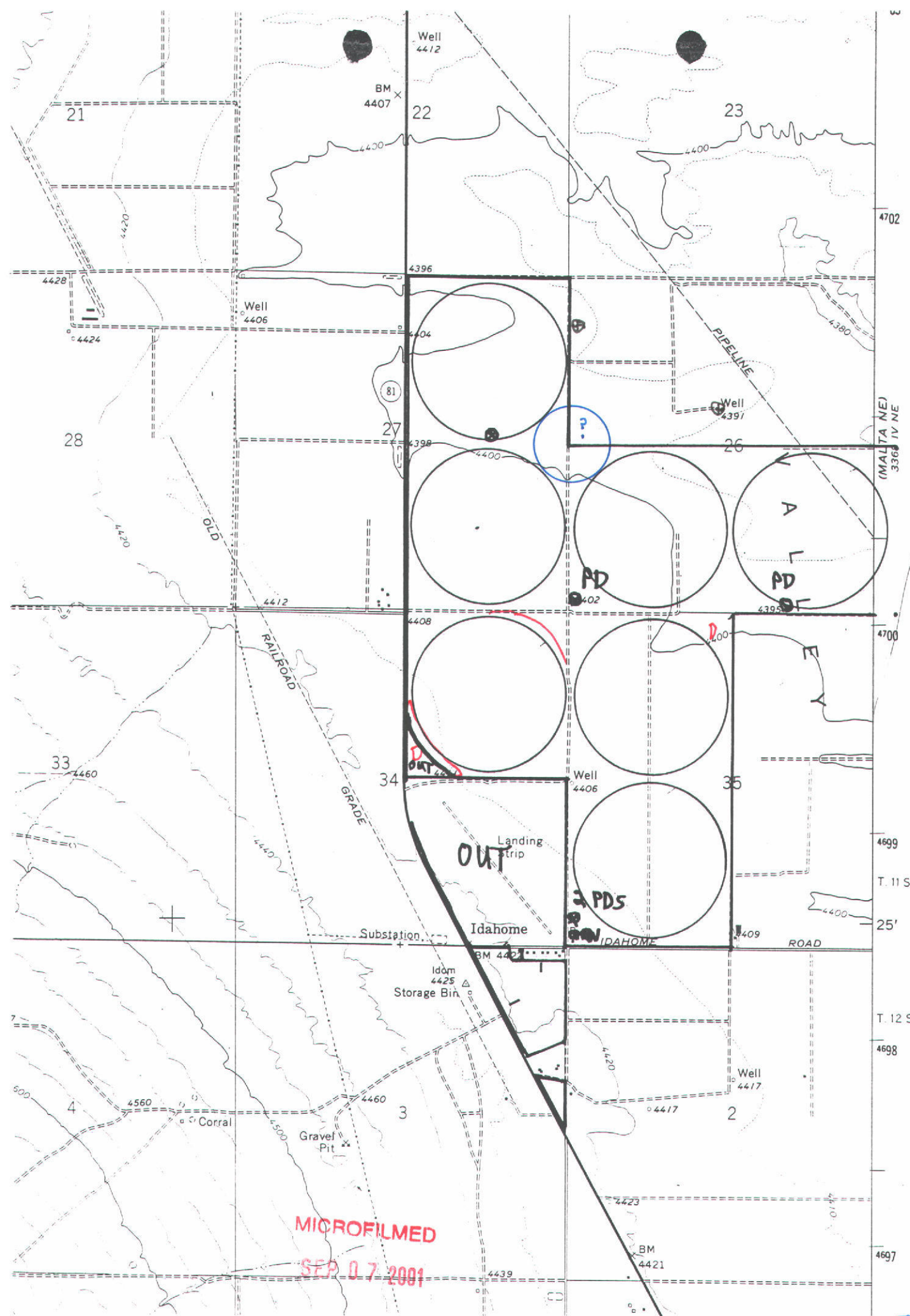


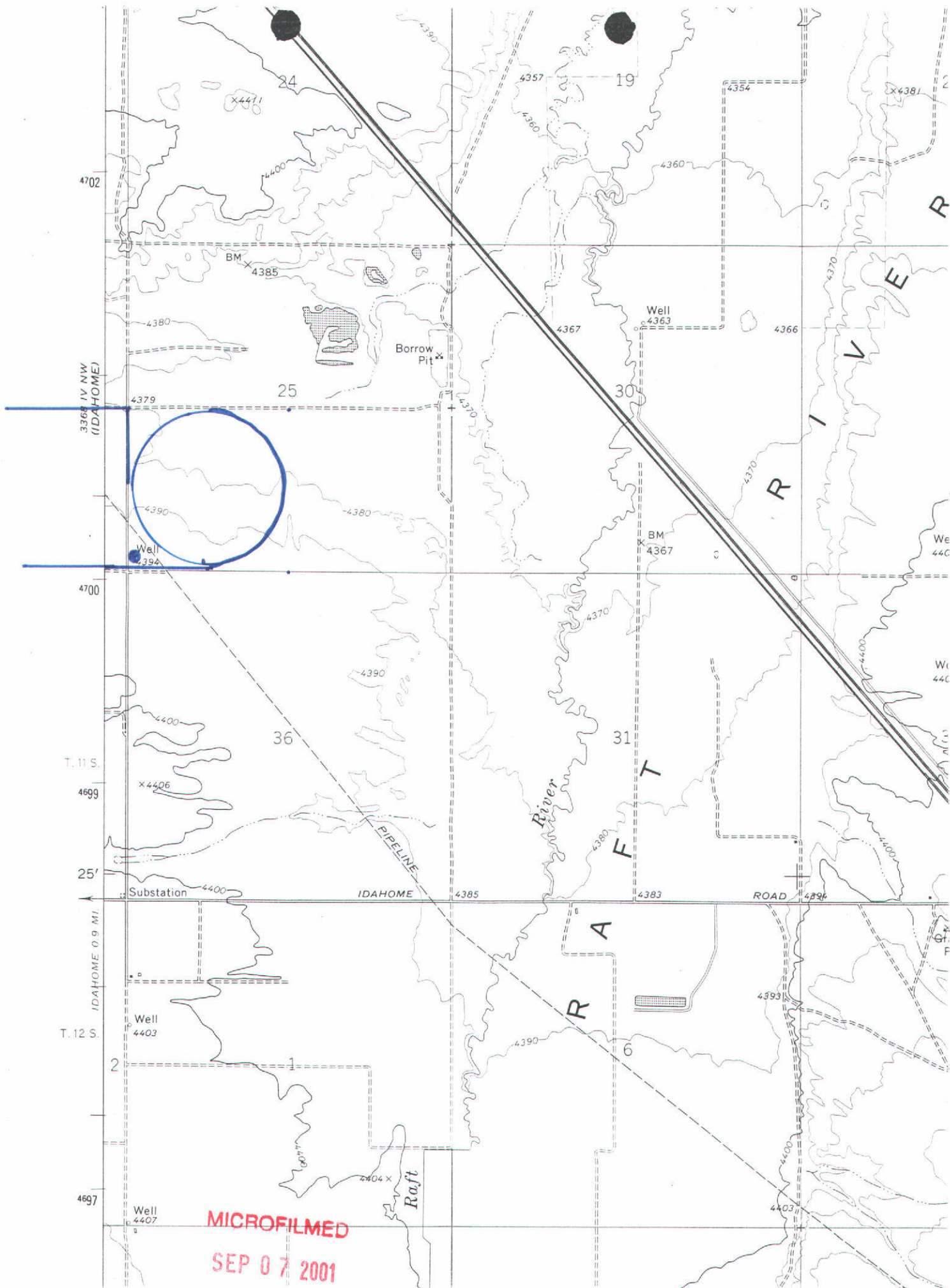
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T#5501



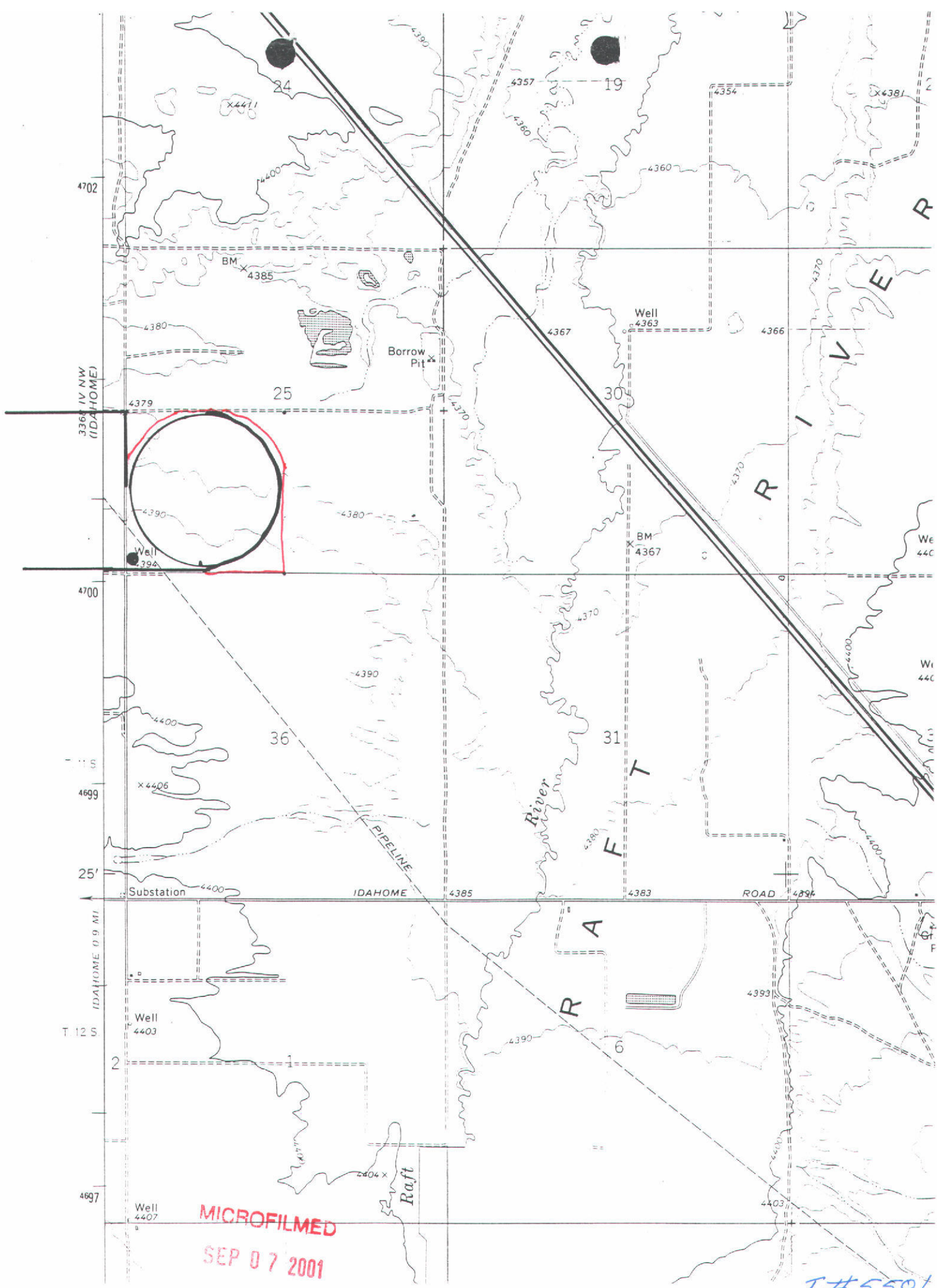


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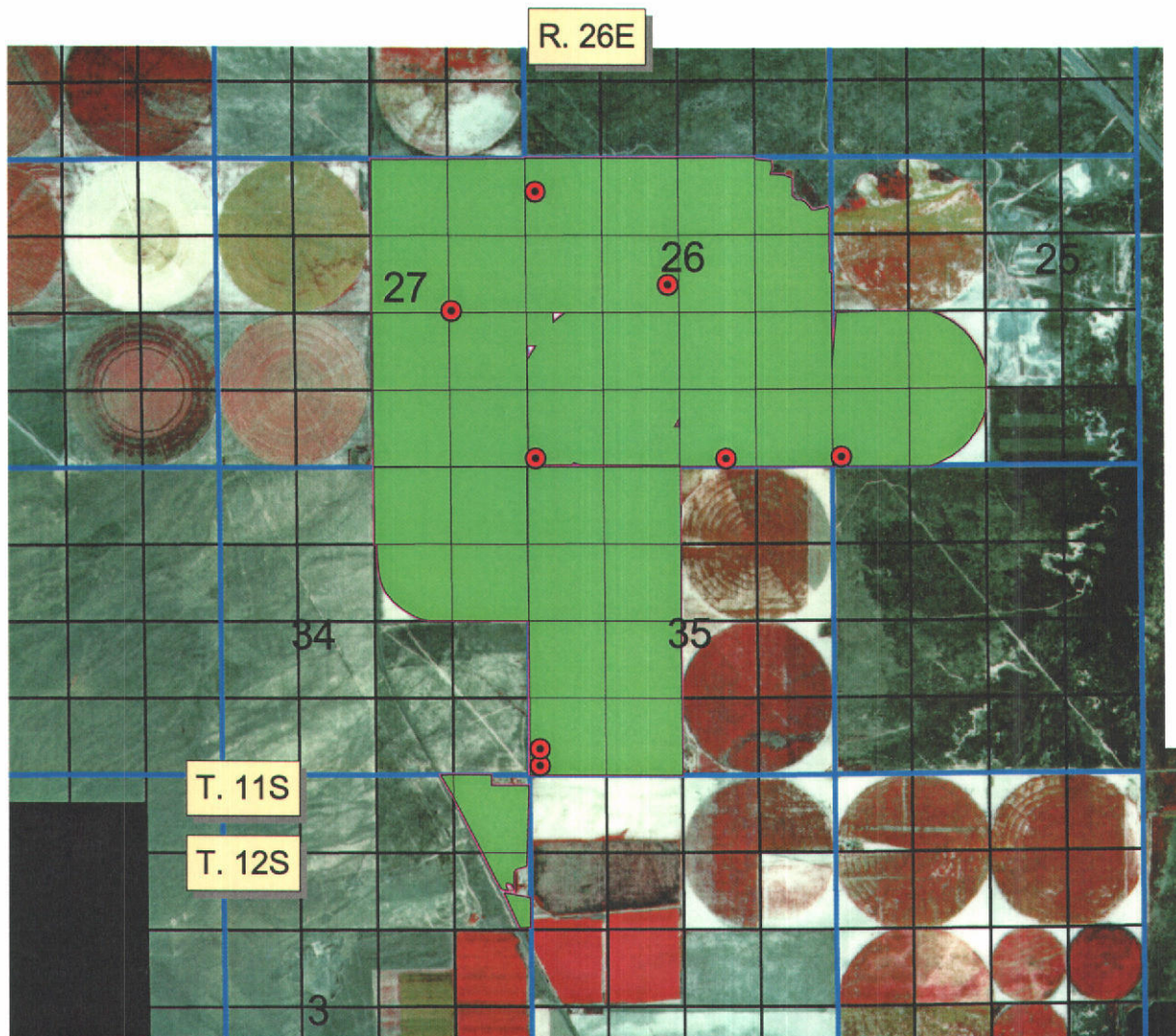


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PROPOSED PPU, GARY HARPER TRANSFER

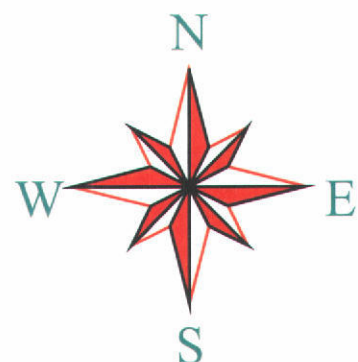


● Irrigation Wells

■ Proposed PPU

Prepared By J. E. Stanton

7-22-1999
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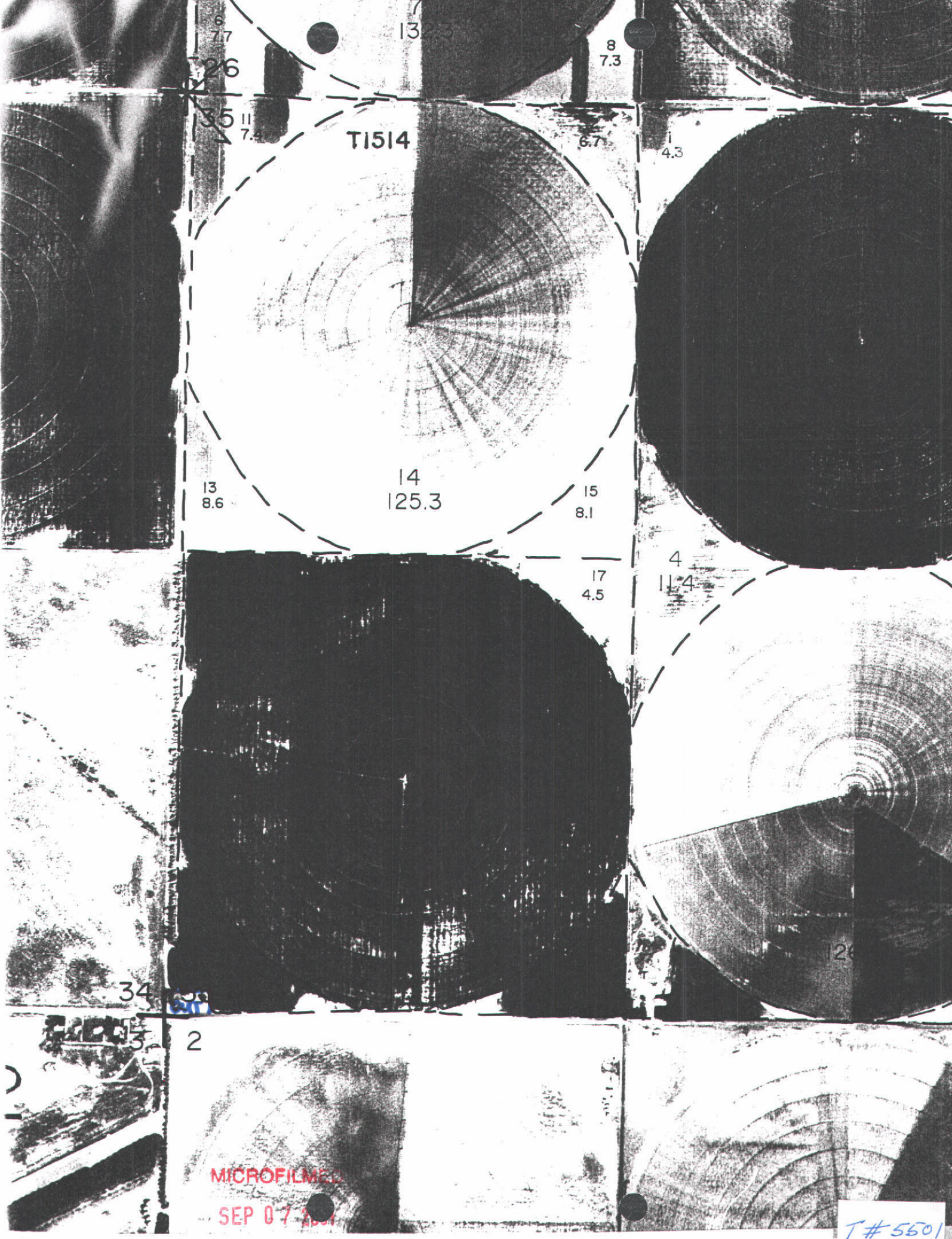
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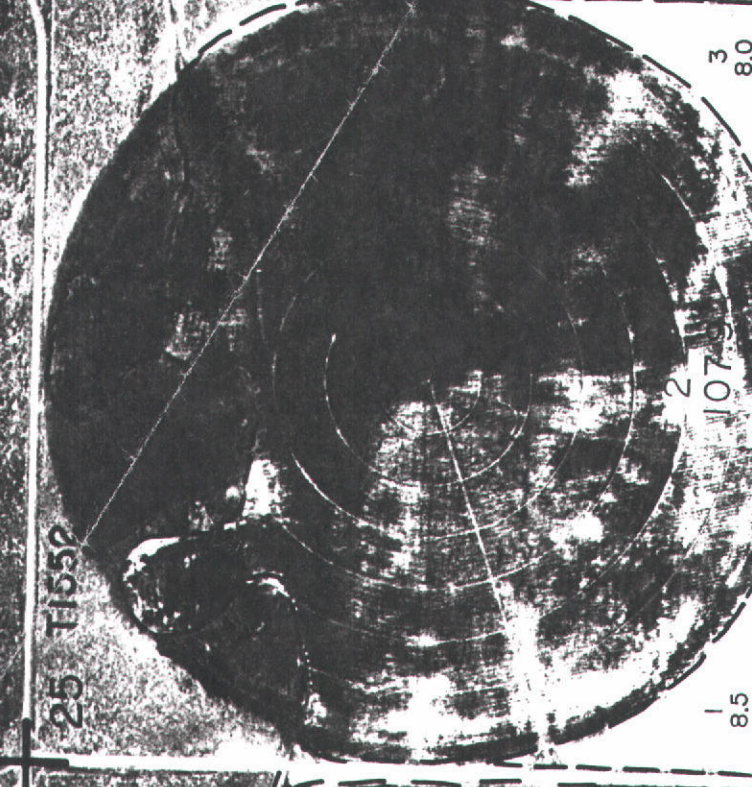
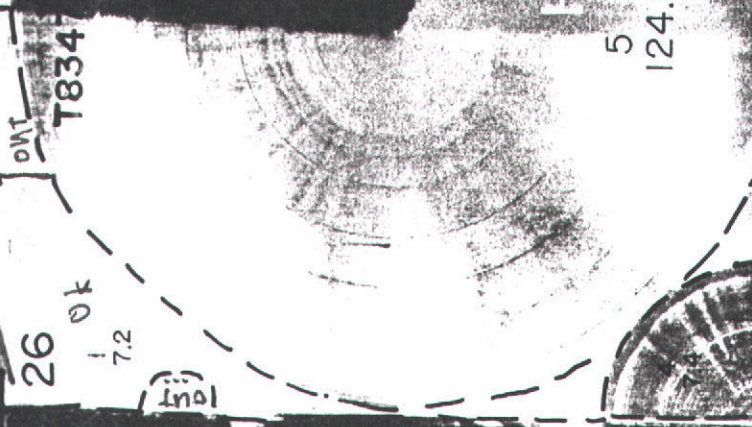
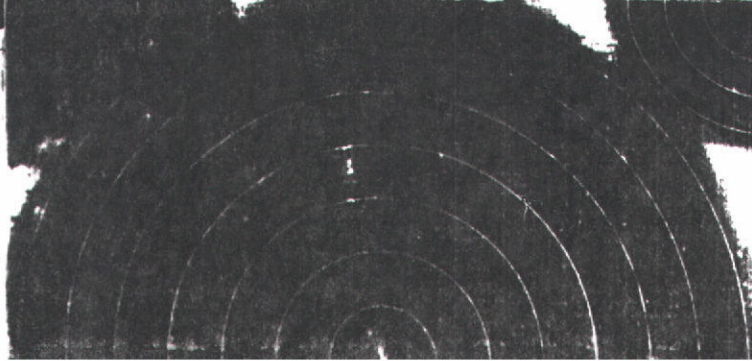
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State of Idaho

License and Certificate of Water Right

Water License No. 20443

Amount May 1, 1948

Water District No.

Priority 2.3 second feet

THIS IS TO CERTIFY that R. L. Simplot
of Declo, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated May 1, 1948, that Permit No. 20443
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
3.2 second feet, was issued thereunder on January 13, 1949, showing that said works
were completed on the 18th day of December, 1948; and that on the 23rd
day of February, 1949

R. L. SIMPLOT.

of Declo State of Idaho, made proof to the satisfaction of the
State Reclamation Engineer of Idaho, of the right to use the waters of subterranean flow
from a well for the purpose of irrigation and domestic use
under Use Permit No. 20443 of the Department of Reclamation,
and that said right to the use of said waters has been perfected in accordance with the laws of Idaho,
and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume
8 of Licenses at page 4557, on the 15th day of December, 1950;

The right hereby confirmed dates from May 1, 1948

The Point of Diversion is located

in the SW 1/4 SW 1/4 Sec. 35, T. 11 S., R. 26 E., B. M. Cassia County

That the amount of water to which such right is entitled and hereby confirmed, for the purposes
aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall
not exceed 2.3 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
11 S.	26 E.	35	NE 1/4 NW 1/4	40	40
			NW 1/4 NW 1/4	40	40
			SW 1/4 NW 1/4	40	40
			SE 1/4 NW 1/4	40	40
			Number of Acres Actually Irrigated -	-	160

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place
of use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this

15th day of December, 1950.

MARK R. KULP

State Reclamation Engineer

(SEAL)

43 2309

Transfer Review: 66921/5501
CBC

Water Rights					Check		
WR No.	WR Basis	Rate (cfs)	Volume (af)	Acres	File	Proof	Season of Use
43-2309	License	2.3			160	X	X n/a
43-2312A	License	3.35			160	X	X n/a
43-2385	License	3.2			160	X	X n/a
43-2391	License	2.8			140	X	X n/a
43-2564	License	2.2	840		210	X	X 4/1-10/31
43-4009	Sta Claim	3.2			160	X	X 4/1-10/31
43-4091	Sta Claim	3.2			160	X	X S 10/1-2/1, Irr 4/1-10/31
43-4092	Sta Claim	4			200	X	X 4/1-10/31
43-4141	Sta Claim	2.72			266	X	X 3/15-11/15
43-10037	AJ Claim	4			140	X	X 4/1-10/31

Application--rights after change				
WR No.	Basis	Rate (cfs)	Volume (af)	Acres
43-2309	License	2.3	640	160
43-2312A	License	3.35	640	160
43-2385	License	3.2	640	160
43-2391	License	2.8	560	140
43-2564	License	2.2	840	210
43-4009	Ben Use	3.2	640	160
43-4091	Ben Use	3.2	640	160
43-4092	Ben Use	4	800	200
43-4141	Ben Use	2.12	424	266
43-10037	Ben Use	2.8	560	140
Requested Totals:		23.83	6384	1596

AJ Agent Recommendations					
WR No.	Basis	Rate (cfs)	Volume (af)	Acres	PPU (ac)
43-2309	License	2.3	640	160	1579
43-2312A	License	5.2	1280	320	1579
43-2385	License	3.2	640	160	1579
43-2391	License	2.8	560	140	1579
43-2564	License	2.2	840	210	1579
43-4009	Ben Use	2	624	156	1579
43-4091	Ben Use	2.7	622	155.5	1579
43-4092	Ben Use	0.23 *	60	15	1579
43-4141	Ben Use	2.67	414	263.5	1579
43-10037	Ben Use	1.55 *	137	137	1579
Recommended Totals:		23.07	5680		1579

* Rights 43-2312A, 43-4092 and 43-10037 are limited to 5.2 cfs when combined, therefore 4092 and 10037 not included in the recommended total rate.

AJ Recommendations						Comb. Div	Comb. Div	Check
WR No.	Update	Rate (cfs)	Volume (af)	Acre Limit	PPU (ac)	Rate (cfs)	Vol. (af)	Season
43-2309	AJ Rec	2.3	640	160	1579	23.07	5680	3/15-11/15
43-2312A	AJ Rec	5.2 **	1280	320	1579	23.07	5680	3/15-11/15
43-2385	AJ Rec	3.2	640	160	1579	23.07	5680	3/15-11/15
43-2391	AJ Rec	2.8	560	140	1579	23.07	5680	3/15-11/15
43-2564	AJ Rec	2.2	840	210	1579	23.07	5680	W61
43-4009	AJ Rec	2	624	156	1579	23.07	5680	3/15-11/15
43-4091	AJ Rec	2.8	622	155.5	1579	23.07	5680	3/15-11/15
43-4092	AJ Rec	0.23 **	60	15	1579	23.07	5680	3/15-11/15
43-4141	AJ Rec	2.67	414	263.5	1579	23.07	5680	3/15-11/15
43-10037	AJ Rec	1.55 **	137	137	1579	23.07	5680	3/15-11/15
Total		23.17	5680					

AJ Limits:

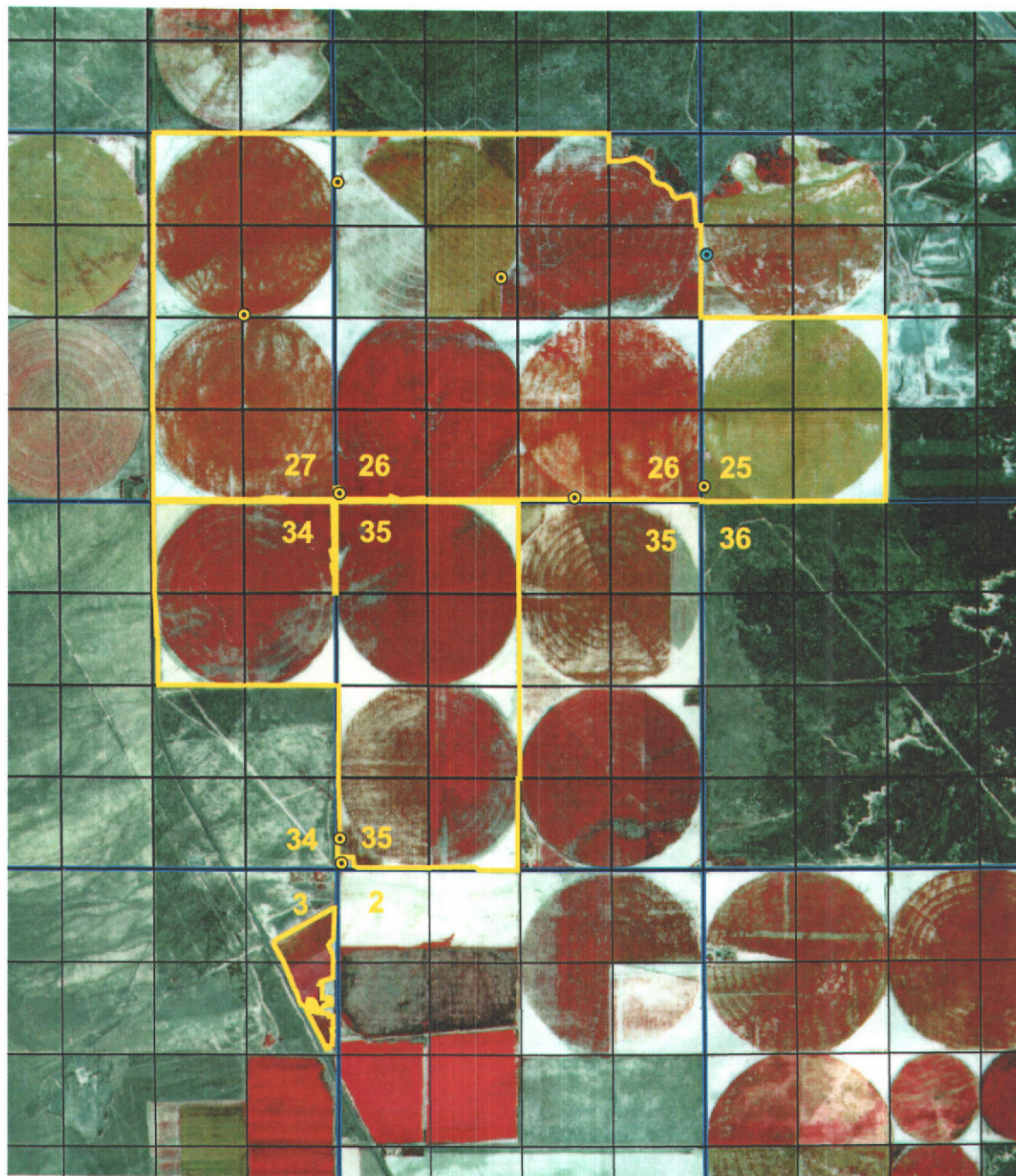
1. Limited to Irrigation of a Combined Total for All rights = 1579 ac. in single irrigation season.
2. Total Combined Annual Diversion Volume for All rights = 5680 af.
3. Combined Diversion Rate for All rights = 23.07 cfs.
4. Individual rights given acre limit within PPU.

** Water right nos. 43-2316A, 43-4092 and 43-10037 are limited to a total combined diversion rate of 5.2 cfs.

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Idaho Department of Water Resources

43-02309, 43-02312A, 43-02385, 43-02391,
43-02564, 4304009, 43-04091, 43-04092,
43-04141 and 43-10037



0 1320 2640 3960 Feet

RECOMMENDED PLACE OF USE
DATA ENTRY ON APR. 27, 2000
TWP 11S, RNG 26E, SEC. 25, 26, 27, 34, & 35
TWP 12S, RNG 26E, SEC. 3



- Point of diversion
- Place of use
- Quarter-quarter lines
- Section lines

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SEP 07 2001

Gis Place of Use Presentation
1987/1988 Napp Photography
Prepared by Jeanie Robertson

SOUTH IDAHO PRESS
BURLEY, IDAHO
AFFIDAVIT OF PUBLICATION

OCT 08 1999
Department of Water Resources
Southern Region

County of Cassia)
) ss
STATE OF IDAHO)

Ruth Holmes, being first duly sworn, deposes and says that she is the Legals clerk of the South Idaho Press, a daily newspaper published at Burley, Idaho, in the county aforesaid and that the printed notice attached hereto was duly published according to law in the regular editions of the South Idaho Press for 2 consecutive week(s), commencing on September 27, 1999 and ending with the October 4, 1999.

Ruth Holmes

STATE OF IDAHO)
COUNTY OF)
Cassia)

On this 5th day of October in the year of 1999, me, a Notary Public, personally appeared Ruth Holmes, identified to me to be the person whose name is subscribed within instrument, and being by me first duly sworn, deposes that the statements therein are true, and acknowledged to me that she executed the same.

James K. B...
Notary Public for Idaho

Residing at: Rupert, Idaho

My commission expires: 6

Cost of Publication 176.60
Affidavit Fee 5.00
Total Cost 176.60

OK
MB
10/12/99

99-382
NOTICE OF APPLICATIONS FOR
PROPOSED CHANGES TO
WATER RIGHTS

Notice is hereby given that seven applications for transfer and one extension of time to avoid forfeiture application have been filed with the Department of Water Resources as described below:

Transfer No. 5493 by Jack and Kent Harman (1500 N. 461-A E, Rupert, ID 83350) requests modification of rights 36-02415 and 36-15356. The rights are recorded with priority dates of 2/18/1960 and 6/30/1973 respectively. The rights are limited to 4.11 cfs diverted from groundwater for irrigation of 311 acres. The rights are currently diverted and used within Section 12, T07S, R 24E, Minidoka County. The transfer proposes to dry up 26 acres and move that portion (0.34 cfs) to irrigate 26 other acres within Section 9, T07S, R25E, to be diverted from an existing well within NESW Section 8, T07S, R25E, all Minidoka County.

Transfer No. 5496 by Magic Valley Foods Inc. (PO Box 475, Rupert, ID 83350) request modification of rights 36-02250 and 36-11867. The rights are recorded with priority dates of 3/05/1954 and 3/15/1974 respectively. The rights are limited to 4.32 cfs diverted from groundwater for irrigation of 301 acres. The rights are currently diverted and used within Sections 7 and 18, T08S, R23E, Minidoka County. The transfer proposes to dry up 18.4 acres and change the nature use of that portion (0.26 cfs) to year round commercial use in an existing potato processing plant and co-generation facility. These facilities are located in Section 29, T09S, R24E; water to be diverted from two existing wells within SWSW Section 29, T09S, R24E, all Minidoka County.

Transfer No. 5498 & No. 5554 by Peter and Sylvia Grush (2025 S Hwy 81, Malta, ID 83342) request modification of rights 43-02447 and 43-02448. The rights are recorded with priority date of 7/26/1956 for irrigation of 640 acres in Section 15 from two wells (one section 15 and one Section 14 limited to 11.95 cfs) all T13S, R26E, Cassia County.

Transfer No. 5498 proposes to dry up 35 acres of the above rights and move that portion (0.65 cfs) to irrigate 35 acres at a site where it is combined with rights 43-02450B (priority 10/14/1956, 1.52 cfs for 76 acres), A43-10539 (priority 10/14/1956, 1.22 cfs for 101.6 acres) and A43-10541 (priority 10/14/1956, 0.62 cfs for 52 acres). Combined rights to be diverted from an existing well within NENE Section 27 to irrigate a combined 264 acres at a rate of 4.01 cfs all within Section 27, T13S, R27E, Cassia County. **Transfer No. 5554** proposes to dry up another 77 acres of above rights and move that portion (1.52 cfs) to irrigate 77 acres within a 107 acre permissible place of use within Section 36, T13S, R26E and Section 1, T14S, R26E. Water to be diverted from existing well within Section 1 and combined with dairy waste, all in Cassia County. After said transfer of above rights, 528 acres (9.78 cfs) will remain at the original site.

Transfer No. 5501 by Gary Harper (2040 E. 850 S, Declo, ID 83323) requests that ten water rights from groundwater be combined into a permissible place of use of 1600 acres within Sections 25, 26, 27, 34, 35, T11S, R26E and Section 3, T12S, R26E, all Cassia County. The rights are to be diverted from eight interconnected existing wells within these same sections. The total rate of diversion from this system is 23.83 cfs. The rights to be combined range in priority from 1948 to 1970 and are currently recorded for use within the proposed permissible place of use from these same wells. For specific details regarding these individual rights please contact IDWR Southern Region.

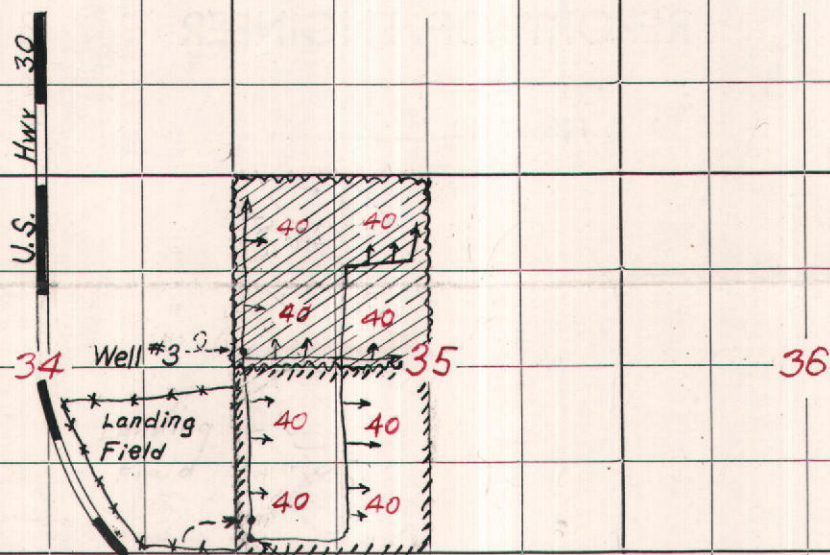
Transfer No. 5517 & 5542 by the US Bureau of Land Management (15 E. 200 S., Burley, ID 83318) propose to change the place of use of two rights for stockwater which are diverted from groundwater via wells. **Transfer 5517** proposes modification of right 43-02654 (priority 2/6/1957; 0.10cfs) currently diverted from a well within SESE Section 7, T13S, R28E for use in Sections 1, 12 & 13, T13S, R27E and Sections 6, 7, 17, 18 & 20, T13S, R28E. The transfer proposes the place of use to be within Section 12, T13S, R27E and Sections 6, 7, 18 & 20, T13S, R28E all Cassia County. **Transfer 5542** proposes modification of right 43-02707 (priority 1/10/1968; 0.02cfs) currently diverted from a well within NENE Section 27 T12S, R27E for use in same section. The transfer proposes the place of use to be within Sections 9, 17, 22, 26 & 28, T12S, R27E all Cassia County.

Applications for Extension of Time to Avoid Forfeiture by R Reed Call (1395 N. 1500 E., Provo UT 84604) for right 43-02530A, recorded with priority of 7/11/1961 for 3.06cfs from groundwater diverted from a well within SWSE Section 12 and used to irrigate 153 acres within SE1/4 Section 12, all T13S, R26E, Cassia County. Right last used in 1994; a five year extension is requested.

Any protest against the proposed application must be filed with the Department of Water Resources, Southern Region, 1341 Fillmore St., Suite 200; Twin Falls, ID 83301 together with a protest fee of \$25.00 on or before October 15, 1999 to be considered by the Department in its decision to grant or deny any part of the proposed applications. (Each application requires a separate protest). The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director
Published by the South Idaho Press on September 27 and October 4, 1999.

MICROFILMED
SEP 07 2001



Well #2 Point of Diversion
for this Permit --- Well #1 Under Permit 19616 (Don Butler)

NOTICE OF PROOF APPLICATION
OF WATER TO BENEFICIAL
USE

Notice is hereby given that at 10:00 a.m. on the 23rd day of February, 1949, at Burley, County of Cassia, State of Idaho, before Dean Kloepfer, Notary Public, proof will be submitted of the application to beneficial use of 3.2 cubic feet per second of the waters of Subterranean Source in accordance with the terms and conditions of Permit No. 20443 heretofore issued by the Department of Reclamation of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are R. E. Smith

plot, Route No. 1, Declo, Idaho.

The use to which said water has been applied is irrigation and domestic purposes.

The amount applied to beneficial use is 160 inches or 3.2 second feet.

The place where said water is used NW 1/4 of Sec. 35, T. 11 S. R. 26 E. B. M.

The name of the canal or ditch or other works by which said water is conducted to such place of use is Ditch No. 1.

The right to take water from such works is based upon Permit No. 20443.

The source of supply from which such water is diverted is Subterranean Water from well in the SW 1/4 SW 1/4 Section 35, Twp. 11 South, Range 26 East, B. M.

The date of priority which said user is prepared to establish is May 1, 1948.

MARK R. KULP

State Reclamation Engineer.
Published in the Burley Herald,
Jan. 20-27, Feb. 3, 10, 1949.

20443

Affidavit of Publication.

The Burley Herald-Bulletin

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO }
COUNTY OF CASSIA } ss.

J. J. Bugosh

....., first being duly sworn, deposes and says: That he is the printer of The Burley Herald and/or The Burley Bulletin, a weekly newspaper published at Burley, in the County of Cassia, State of Idaho; that the said newspaper has a general circulation in said county, and that the said newspaper is published weekly and has been continuously and uninterruptedly published in said county, not less frequently than once a week, during a period of seventy-eight consecutive weeks immediately prior to the first publication of the printed notice herein referred to;

That said newspaper at all times herein mentioned, has been a newspaper of general circulation, made up of at least four pages of at least five columns each, printed from typed matter or stereotyped forms of at least seventeen and three-fourths inches depth, and during the whole of said time has had at least two hundred bona-fide subscribers living within said County of Cassia.

Affiant further states that the printed notice attached hereto was duly published according to law, in the regular weekly editions of the said newspaper and not in any supplement thereof, for four..... consecutive weeks, commencing with the issue dated ..Jan. 20 19. 49., and ending with the issue dated Feb. 10, 19. 49..

Subscribed and sworn to before me this day of 19. 49.

Hazel G. Stoddall
Notary Public in and for the State of Idaho,
Residing at Burley, Idaho.

My Commission Expires June 4, 1951

20443

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 66921

This is to certify that: GARY B HARPER
2040 E 850 S
DECLO ID 83323
(208)645-2227

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. 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>Acres</u>	<u>Total</u>	<u>Source</u>
43-2309	AJC/License	05/01/1948	2.30 cfs	640.0 af	1,579.0	1,579.0	GROUND WATER
43-2312A	AJC/License	06/19/1948	5.20 cfs	1280.0 af	1,579.0	1,579.0	GROUND WATER
43-2385	AJC/License	01/20/1953	3.20 cfs	640.0 af	1,579.0	1,579.0	GROUND WATER
43-2391	AJC/License	04/18/1953	2.80 cfs	560.0 af	1,579.0	1,579.0	GROUND WATER
43-2564	AJC/License	06/09/1963	2.20 cfs	840.0 af	1,579.0	1,579.0	GROUND WATER
43-4009	AJC/Beneficial Use	05/15/1953	2.00 cfs	624.0 af	1,579.0	1,579.0	GROUND WATER
43-4091	AJC/Beneficial Use	04/01/1954	2.80 cfs	622.0 af	1,579.0	1,579.0	GROUND WATER
43-4092	AJC/Beneficial Use	04/01/1954	0.23 cfs	60.0 af	1,579.0	1,579.0	GROUND WATER
43-4141	AJC/Beneficial Use	04/03/1954	2.67 cfs	414.0 af	1,579.0	1,579.0	GROUND WATER
43-10037	AJC/Beneficial Use	06/30/1985	1.55 cfs		1,579.0	1,579.0	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>
43-2309	NO	NO	YES	YES	NO	NO
43-2312A	NO	NO	YES	YES	NO	NO
43-2385	NO	NO	YES	YES	NO	NO
43-2391	NO	NO	YES	YES	NO	NO
43-2564	NO	NO	YES	YES	NO	NO
43-4009	NO	NO	YES	YES	NO	NO
43-4091	NO	NO	YES	YES	NO	NO
43-4092	NO	NO	YES	YES	NO	NO
43-4141	NO	NO	YES	YES	NO	NO
43-10037	NO	NO	YES	YES	NO	NO

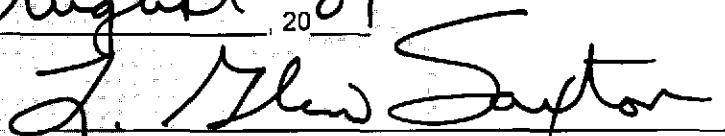
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Summary of Water Rights After the Approved Change

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
43-2309	43-2309	2.3 cfs	640 af	160.0	1,600.0		N/A	N/A	N/A	N/A
43-2312A	43-2312A	5.2 cfs	1280 af	320.0	1,600.0		N/A	N/A	N/A	N/A
43-2385	43-2385	3.2 cfs	640 af	160.0	1,600.0		N/A	N/A	N/A	N/A
43-2391	43-2391	2.8 cfs	560 af	140.0	1,600.0		N/A	N/A	N/A	N/A
43-2564	43-2564	2.2 cfs	840 af	210.0	1,600.0		N/A	N/A	N/A	N/A
43-4009	43-4009	2 cfs	624 af	156.0	1,600.0		N/A	N/A	N/A	N/A
43-4091	43-4091	2.8 cfs	622 af	155.5	1,600.0		N/A	N/A	N/A	N/A
43-4092	43-4092	0.23 cfs	60 af	15.0	1,600.0		N/A	N/A	N/A	N/A
43-4141	43-4141	2.67 cfs	414 af	263.5	1,600.0		N/A	N/A	N/A	N/A
43-10037	43-10037	1.55 cfs		137.0	1,600.0		N/A	N/A	N/A	N/A
TOTALS		23.07 cfs	5680 af	1579.0	1600.0		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 24th day of August, 2001


Chief, Water Allocation Bureau

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SEP 07 2001

WATER RIGHT NO. 43-2309
As Modified by Transfer No. 66921

In accordance with the approval of Transfer No. 66921, Water Right No. 43-2309 is now described as follows.

Right Holder: GARY B HARPER
 2040 E 850 S
 DECLO ID 83323

Priority Date: 05/01/1948

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	10/31	2.30 CFS	640.0 AF
			2.30 CFS	640.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SESWSE	Sec. 26	Twp 11S	Rge 26E	CASSIA County
GROUND WATER	SWSWSW	Sec. 35	Twp 11S	Rge 26E	CASSIA County
GROUND WATER	SWSWSW	Sec. 35	Twp 11S	Rge 26E	CASSIA County
GROUND WATER	SWSWSW	Sec. 25	Twp 11S	Rge 26E	CASSIA County
GROUND WATER	SWSWSW	Sec. 26	Twp 11S	Rge 26E	CASSIA County
GROUND WATER	SWNWNW	Sec. 26	Twp 11S	Rge 26E	CASSIA County
GROUND WATER	SWSENE	Sec. 27	Twp 11S	Rge 26E	CASSIA County
GROUND WATER	SESENW	Sec. 26	Twp 11S	Rge 26E	CASSIA 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	
11S 26E 25									33.0	39.0	40.0	33.0					145.0
11S 26E 26	24.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	39.0	38.0	39.0	40.0	40.0	40.0	40.0	620.0
11S 26E 27													40.0	40.0	40.0	40.0	320.0
11S 26E 34																	153.0
11S 26E 35					40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0					320.0
12S 26E 3	31.0	1.0		10.0													42.0
	L1	L2															

Total Acres: 1600

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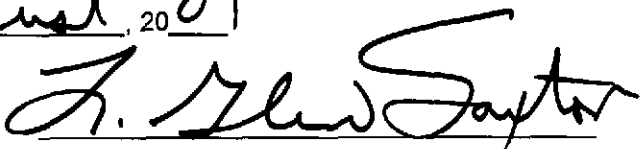
WATER RIGHT NO. 43-2309
As Modified by Transfer No. 66921

CONDITIONS OF APPROVAL

1. Water right no. 43-2309 is limited to the irrigation of 160 acres within the place of use described above in a single irrigation season.
2. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
3. Rights 43-2309, 43-2312A, 43-2385, 43-2391, 43-2564, 43-4009, 43-4091, 43-4092, 43-4141, 43-10037 when combined shall not exceed a total diversion rate of 23.07 cfs from all authorized points of diversion, a total annual maximum diversion volume of 5680 af at the field headgate, and the irrigation of 1579 acres.
4. After specific notification by the Department, the right holder shall measure the diversion or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
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 lands above.
6. The right holder shall accomplish the change authorized by this transfer within one (1) 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. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
9. Right no. 43-10037 is an expansion of right nos. 43-2309, 43-2312A, 43-2385, 43-2391, 43-2564, 43-4009, 43-4091, 43-4092 and 43-4141 pursuant to section 42-1416B, Idaho Code.
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 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.

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 24th day of August, 2001


Chief, Water Allocation Bureau

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SEP 07 2001

WATER RIGHT NO. 43-2312A
As Modified by Transfer No. 66921

In accordance with the approval of Transfer No. 66921, Water Right No. 43-2312A is now described as follows.

Right Holder: GARY B HARPER
 2040 E 850 S
 DECLO ID 83323

Priority Date: 06/19/1948

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15	to 11/15	5.20 CFS	1,280.0 AF
			5.20 CFS	1,280.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SESWSE	Sec. 26	Twp 11S	Rge 26E	CASSIA County
GROUND WATER	SWSWSW	Sec. 35	Twp 11S	Rge 26E	CASSIA County
GROUND WATER	SWSWSW	Sec. 35	Twp 11S	Rge 26E	CASSIA County
GROUND WATER	SWSWSW	Sec. 25	Twp 11S	Rge 26E	CASSIA County
GROUND WATER	SWSWSW	Sec. 26	Twp 11S	Rge 26E	CASSIA County
GROUND WATER	SWNWNW	Sec. 26	Twp 11S	Rge 26E	CASSIA County
GROUND WATER	SWSENE	Sec. 27	Twp 11S	Rge 26E	CASSIA County
GROUND WATER	SESENW	Sec. 26	Twp 11S	Rge 26E	CASSIA 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	
11S	26E	25									33.0	39.0	40.0	33.0					145.0
11S	26E	26	24.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	39.0	38.0	39.0	40.0	40.0	40.0	40.0	620.0
11S	26E	27	40.0	40.0	40.0	40.0									40.0	40.0	40.0	40.0	320.0
11S	26E	34	40.0	40.0	33.0	40.0													153.0
11S	26E	35					40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0					320.0
12S	26E	3	31.0	1.0		10.0													42.0
			L1	L2															

Total Acres: 1600

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SEP 07 2001

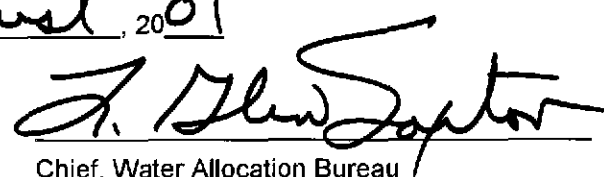
WATER RIGHT NO. 43-2312A
As Modified by Transfer No. 66921

CONDITIONS OF APPROVAL

1. Water right no. 43-2312A is limited to the irrigation of 320 acres within the place of use described above in a single irrigation season.
2. Rights 43-2312A, 43-4092 and 43-10037 when combined shall not exceed a total diversion rate of 5.2 cfs.
3. Rights 43-2309, 43-2312A, 43-2385, 43-2391, 43-2564, 43-4009, 43-4091, 43-4092, 43-4141, 43-10037 when combined shall not exceed a total diversion rate of 23.07 cfs from all authorized points of diversion, a total annual maximum diversion volume of 5680 af at the field headgate, and the irrigation of 1579 acres.
4. Rights 43-2309, 43-2312A, 43-2385, 43-2391, 43-2564, 43-4009, 43-4091, 43-4092, 43-4141, 43-10037 when combined shall not exceed a total diversion rate of 23.07 cfs, a total annual maximum diversion volume of 5680 af at the field headgate, and the irrigation of 1579 acres.
5. After specific notification by the Department, the right holder shall measure the diversion or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
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 lands above.
7. The right holder shall accomplish the change authorized by this transfer within one (1) 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. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
10. Right no. 43-10037 is an expansion of right nos. 43-2309, 43-2312A, 43-2385, 43-2391, 43-2564, 43-4009, 43-4091, 43-4092 and 43-4141 pursuant to section 42-1416B, Idaho Code.
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 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.

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 24th day of August, 2001


Chief, Water Allocation Bureau

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SEP 07 2001

WATER RIGHT NO. 43-2385
As Modified by Transfer No. 66921

In accordance with the approval of Transfer No. 66921, Water Right No. 43-2385 is now described as follows.

Right Holder: GARY B HARPER
 2040 E 850 S
 DECLO ID 83323

Priority Date: 01/20/1953

Source: GROUNDWATER

Tributary: N/A

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15	to 11/15	3.20 CFS	640.0 AF
			3.20 CFS	640.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SESWSE	Sec. 26 Twp 11S Rge 26E	CASSIA County
GROUND WATER	SWSWSW	Sec. 35 Twp 11S Rge 26E	CASSIA County
GROUND WATER	SWSWSW	Sec. 35 Twp 11S Rge 26E	CASSIA County
GROUND WATER	SWSWSW	Sec. 25 Twp 11S Rge 26E	CASSIA County
GROUND WATER	SWSWSW	Sec. 26 Twp 11S Rge 26E	CASSIA County
GROUND WATER	SWNWNW	Sec. 26 Twp 11S Rge 26E	CASSIA County
GROUND WATER	SWSENE	Sec. 27 Twp 11S Rge 26E	CASSIA County
GROUND WATER	SESENW	Sec. 26 Twp 11S Rge 26E	CASSIA 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	
11S 26E 25									33.0	39.0	40.0	33.0					145.0
11S 26E 26	24.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	39.0	38.0	39.0	40.0	40.0	40.0	40.0	620.0
11S 26E 27	40.0	40.0	40.0	40.0									40.0	40.0	40.0	40.0	320.0
11S 26E 34	40.0	40.0	33.0	40.0													153.0
11S 26E 35					40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0					320.0
12S 26E 3	31.0	1.0		10.0													42.0
	L1	L2															

Total Acres: 1600

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SEP 07 2000

WATER RIGHT NO. 43-2385
As Modified by Transfer No. 66921

CONDITIONS OF APPROVAL

1. Water right no. 43-2385 is limited to the irrigation of 160 acres within the place of use described above in a single irrigation season.
2. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
3. Rights 43-2309, 43-2312A, 43-2385, 43-2391, 43-2564, 43-4009, 43-4091, 43-4092, 43-4141, 43-10037 when combined shall not exceed a total diversion rate of 23.07 cfs from all authorized points of diversion, a total annual maximum diversion volume of 5680 af at the field headgate, and the irrigation of 1579 acres.
4. After specific notification by the Department, the right holder shall measure the diversion or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
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 lands above.
6. The right holder shall accomplish the change authorized by this transfer within one (1) 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. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
9. Right no. 43-10037 is an expansion of right nos. 43-2309, 43-2312A, 43-2385, 43-2391, 43-2564, 43-4009, 43-4091, 43-4092 and 43-4141 pursuant to section 42-1416B, Idaho Code.
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 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.

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 24th day of August, 2001


Chief, Water Allocation Bureau

MICROFILMED

SEP 27 2001

WATER RIGHT NO. 43-2391
As Modified by Transfer No. 66921

In accordance with the approval of Transfer No. 66921, Water Right No. 43-2391 is now described as follows.

Right Holder: GARY B HARPER
 2040 E 850 S
 DECLO ID 83323

Priority Date: 04/18/1953

Source: GROUNDWATER

Tributary: N/A

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15	to 11/15	2.80 CFS	560.0 AF
			2.80 CFS	560.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SESWSE	Sec. 26 Twp 11S Rge 26E	CASSIA County
GROUND WATER	SWSWSW	Sec. 35 Twp 11S Rge 26E	CASSIA County
GROUND WATER	SWSWSW	Sec. 35 Twp 11S Rge 26E	CASSIA County
GROUND WATER	SWSWSW	Sec. 25 Twp 11S Rge 26E	CASSIA County
GROUND WATER	SWSWSW	Sec. 26 Twp 11S Rge 26E	CASSIA County
GROUND WATER	SWNWNW	Sec. 26 Twp 11S Rge 26E	CASSIA County
GROUND WATER	SWSENE	Sec. 27 Twp 11S Rge 26E	CASSIA County
GROUND WATER	SESENW	Sec. 26 Twp 11S Rge 26E	CASSIA 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	
11S 26E 25									33.0	39.0	40.0	33.0					145.0
11S 26E 26	24.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	39.0	38.0	39.0	40.0	40.0	40.0	40.0	620.0
11S 26E 27	40.0	40.0	40.0	40.0									40.0	40.0	40.0	40.0	320.0
11S 26E 34	40.0	40.0	33.0	40.0													153.0
11S 26E 35					40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0					320.0
12S 26E 3	31.0	1.0		10.0													42.0
	L 1	L 2															

Total Acres: 1600

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SEP 07 2001

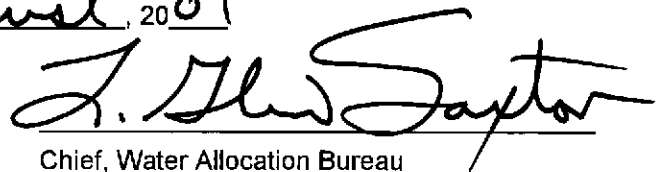
WATER RIGHT NO. 43-2391
As Modified by Transfer No. 66921

CONDITIONS OF APPROVAL

1. Water right no. 43-2391 is limited to the irrigation of 140 acres within the place of use described above in a single irrigation season.
2. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
3. Rights 43-2309, 43-2312A, 43-2385, 43-2391, 43-2564, 43-4009, 43-4091, 43-4092, 43-4141, 43-10037 when combined shall not exceed a total diversion rate of 23.07 cfs from all authorized points of diversion, a total annual maximum diversion volume of 5680 af at the field headgate, and the irrigation of 1579 acres.
4. After specific notification by the Department, the right holder shall measure the diversion or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
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 lands above.
6. The right holder shall accomplish the change authorized by this transfer within one (1) 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. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
9. Right no. 43-10037 is an expansion of right nos. 43-2309, 43-2312A, 43-2385, 43-2391, 43-2564, 43-4009, 43-4091, 43-4092 and 43-4141 pursuant to section 42-1416B, Idaho Code.
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 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.

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 24th day of August, 2001


Chief, Water Allocation Bureau

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SEP 3 7 2001

WATER RIGHT NO. 43-2564
As Modified by Transfer No. 66921

In accordance with the approval of Transfer No. 66921, Water Right No. 43-2564 is now described as follows.

Right Holder: GARY B HARPER
 2040 E 850 S
 DECLO ID 83323

Priority Date: 06/09/1963

Source: GROUNDWATER

Tributary: N/A

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	to 10/31	2.20 CFS	840.0 AF
			2.20 CFS	840.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SESWSE	Sec. 26	Twp 11S	Rge 26E	CASSIA County
GROUND WATER	SWSWSW	Sec. 35	Twp 11S	Rge 26E	CASSIA County
GROUND WATER	SWSWSW	Sec. 35	Twp 11S	Rge 26E	CASSIA County
GROUND WATER	SWSWSW	Sec. 25	Twp 11S	Rge 26E	CASSIA County
GROUND WATER	SWSWSW	Sec. 26	Twp 11S	Rge 26E	CASSIA County
GROUND WATER	SWNWNW	Sec. 26	Twp 11S	Rge 26E	CASSIA County
GROUND WATER	SWSENE	Sec. 27	Twp 11S	Rge 26E	CASSIA County
GROUND WATER	SESENW	Sec. 26	Twp 11S	Rge 26E	CASSIA 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	
11S 26E 25									33.0	39.0	40.0	33.0					145.0
11S 26E 26	24.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	39.0	38.0	39.0	40.0	40.0	40.0	40.0	620.0
11S 26E 27	40.0	40.0	40.0	40.0									40.0	40.0	40.0	40.0	320.0
11S 26E 34	40.0	40.0	33.0	40.0													153.0
11S 26E 35					40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0					320.0
12S 26E 3	31.0	1.0		10.0													42.0
	L1	L2															

Total Acres: 1600

CONDITIONS OF APPROVAL

1. Water right no. 43-2564 is limited to the irrigation of 210 acres within the place of use described above in a single irrigation season.
2. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.

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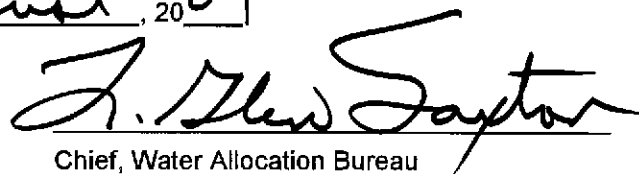
WATER RIGHT NO. 43-2564
As Modified by Transfer No. 66921

CONDITIONS OF APPROVAL

3. Rights 43-2309, 43-2312A, 43-2385, 43-2391, 43-2564, 43-4009, 43-4091, 43-4092, 43-4141, 43-10037 when combined shall not exceed a total diversion rate of 23.07 cfs from all authorized points of diversion, a total annual maximum diversion volume of 5680 af at the field headgate, and the irrigation of 1579 acres.
4. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/15 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.
5. After specific notification by the Department, the right holder shall measure the diversion or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
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 lands above.
7. The right holder shall accomplish the change authorized by this transfer within one (1) 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. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
10. Right no. 43-10037 is an expansion of right nos. 43-2309, 43-2312A, 43-2385, 43-2391, 43-2564, 43-4009, 43-4091, 43-4092 and 43-4141 pursuant to section 42-1416B, Idaho Code.
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 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.

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 24th day of August, 2001


Chief, Water Allocation Bureau

MICROFILMED

SEP 07 2001

WATER RIGHT NO. 43-4009
As Modified by Transfer No. 66921

In accordance with the approval of Transfer No. 66921, Water Right No. 43-4009 is now described as follows.

Right Holder: GARY B HARPER
 2040 E 850 S
 DECLO ID 83323

Priority Date: 05/15/1953

Source: GROUNDWATER

Tributary: N/A

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15	to 11/15	2.00 CFS	624.0 AF
			2.00 CFS	624.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SESWSE	Sec. 26	Twp 11S	Rge 26E	CASSIA County
GROUND WATER	SWSWSW	Sec. 35	Twp 11S	Rge 26E	CASSIA County
GROUND WATER	SWSWSW	Sec. 35	Twp 11S	Rge 26E	CASSIA County
GROUND WATER	SWSWSW	Sec. 25	Twp 11S	Rge 26E	CASSIA County
GROUND WATER	SWSWSW	Sec. 26	Twp 11S	Rge 26E	CASSIA County
GROUND WATER	SWNWNW	Sec. 26	Twp 11S	Rge 26E	CASSIA County
GROUND WATER	SWSENE	Sec. 27	Twp 11S	Rge 26E	CASSIA County
GROUND WATER	SESENW	Sec. 26	Twp 11S	Rge 26E	CASSIA 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	
11S 26E 25									33.0	39.0	40.0	33.0					145.0
11S 26E 26	24.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	39.0	38.0	39.0	40.0	40.0	40.0	40.0	620.0
11S 26E 27	40.0	40.0	40.0	40.0									40.0	40.0	40.0	40.0	320.0
11S 26E 34	40.0	40.0	33.0	40.0													153.0
11S 26E 35					40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0					320.0
12S 26E 3	31.0	1.0		10.0													42.0
	L1	L2															

Total Acres: 1600

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SEP 07 2001

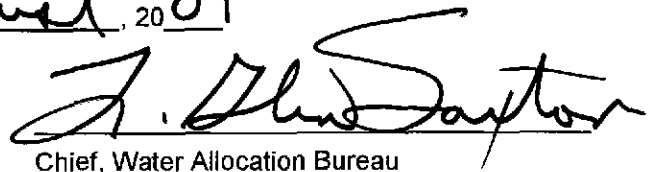
WATER RIGHT NO. 43-4009
As Modified by Transfer No. 66921

CONDITIONS OF APPROVAL

1. Water right no. 43-4009 is limited to the irrigation of 156 acres within the place of use described above in a single irrigation season.
2. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
3. Rights 43-2309, 43-2312A, 43-2385, 43-2391, 43-2564, 43-4009, 43-4091, 43-4092, 43-4141, 43-10037 when combined shall not exceed a total diversion rate of 23.07 cfs from all authorized points of diversion, a total annual maximum diversion volume of 5680 af at the field headgate, and the irrigation of 1579 acres.
4. After specific notification by the Department, the right holder shall measure the diversion or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
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 lands above.
6. The right holder shall accomplish the change authorized by this transfer within one (1) 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. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
9. Right no. 43-10037 is an expansion of right nos. 43-2309, 43-2312A, 43-2385, 43-2391, 43-2564, 43-4009, 43-4091, 43-4092 and 43-4141 pursuant to section 42-1416B, Idaho Code.
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 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.

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 24th day of August, 2001


Chief, Water Allocation Bureau

MICROFILMED

SEP 07 2001

WATER RIGHT NO. 43-4091
As Modified by Transfer No. 66921

In accordance with the approval of Transfer No. 66921, Water Right No. 43-4091 is now described as follows.

Right Holder: GARY B HARPER
 2040 E 850 S
 DECLO ID 83323

Priority Date: 04/01/1954

Source: GROUNDWATER

Tributary: N/A

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15	to 11/15	2.80 CFS	622.0 AF
			2.80 CFS	622.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SESWSE	Sec. 26 Twp 11S Rge 26E	CASSIA County
GROUND WATER	SWSWSW	Sec. 35 Twp 11S Rge 26E	CASSIA County
GROUND WATER	SWSWSW	Sec. 35 Twp 11S Rge 26E	CASSIA County
GROUND WATER	SWSWSW	Sec. 25 Twp 11S Rge 26E	CASSIA County
GROUND WATER	SWSWSW	Sec. 26 Twp 11S Rge 26E	CASSIA County
GROUND WATER	SWNWNW	Sec. 26 Twp 11S Rge 26E	CASSIA County
GROUND WATER	SWSENE	Sec. 27 Twp 11S Rge 26E	CASSIA County
GROUND WATER	SESENW	Sec. 26 Twp 11S Rge 26E	CASSIA 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	
11S 26E 25									33.0	39.0	40.0	33.0					145.0
11S 26E 26	24.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	39.0	38.0	39.0	40.0	40.0	40.0	40.0	620.0
11S 26E 27	40.0	40.0	40.0	40.0									40.0	40.0	40.0	40.0	320.0
11S 26E 34	40.0	40.0	33.0	40.0													153.0
11S 26E 35					40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0					320.0
12S 26E 3	31.0	1.0		10.0													42.0
	L1	L2															

Total Acres: 1600

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SEP 07 2001

WATER RIGHT NO. 43-4091
As Modified by Transfer No. 66921

CONDITIONS OF APPROVAL

1. Water right no. 43-4091 is limited to the irrigation of 155.5 acres within the place of use described above in a single irrigation season.
2. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
3. Rights 43-2309, 43-2312A, 43-2385, 43-2391, 43-2564, 43-4009, 43-4091, 43-4092, 43-4141, 43-10037 when combined shall not exceed a total diversion rate of 23.07 cfs from all authorized points of diversion, a total annual maximum diversion volume of 5680 af at the field headgate, and the irrigation of 1579 acres.
4. After specific notification by the Department, the right holder shall measure the diversion or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
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 lands above.
6. The right holder shall accomplish the change authorized by this transfer within one (1) 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. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
9. Right no. 43-10037 is an expansion of right nos. 43-2309, 43-2312A, 43-2385, 43-2391, 43-2564, 43-4009, 43-4091, 43-4092 and 43-4141 pursuant to section 42-1416B, Idaho Code.
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 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.

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 24th day of August, 2001


Chief, Water Allocation Bureau

MICROFILMED

SEP 07 2001

WATER RIGHT NO. 43-4092
As Modified by Transfer No. 66921

In accordance with the approval of Transfer No. 66921, Water Right No. 43-4092 is now described as follows.

Right Holder: GARY B HARPER
 2040 E 850 S
 DECLO ID 83323

Priority Date: 04/01/1954

Source: GROUNDWATER

Tributary: N/A

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15	to 11/15	0.23 CFS	60.0 AF
			0.23 CFS	60.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SESWSE	Sec. 26	Twp 11S	Rge 26E	CASSIA County
GROUND WATER	SWSWSW	Sec. 35	Twp 11S	Rge 26E	CASSIA County
GROUND WATER	SWSWSW	Sec. 35	Twp 11S	Rge 26E	CASSIA County
GROUND WATER	SWSWSW	Sec. 25	Twp 11S	Rge 26E	CASSIA County
GROUND WATER	SWSWSW	Sec. 26	Twp 11S	Rge 26E	CASSIA County
GROUND WATER	SWNWNW	Sec. 26	Twp 11S	Rge 26E	CASSIA County
GROUND WATER	SWSENE	Sec. 27	Twp 11S	Rge 26E	CASSIA 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	
11S 26E 25									33.0	39.0	40.0	33.0					145.0
11S 26E 26	24.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	39.0	38.0	39.0	40.0	40.0	40.0	40.0	620.0
11S 26E 27	40.0	40.0	40.0	40.0									40.0	40.0	40.0	40.0	320.0
11S 26E 34	40.0	40.0	33.0	40.0													153.0
11S 26E 35					40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0					320.0
12S 26E 3	31.0	1.0		10.0													42.0
	L1	L2															

Total Acres: 1600

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SEP 8 7 2001

WATER RIGHT NO. 43-4092
As Modified by Transfer No. 66921

CONDITIONS OF APPROVAL

1. Water right no. 43-4092 is limited to the irrigation of 15 acres within the place of use described above in a single irrigation season.
2. Rights 43-2312A, 43-4092 and 43-10037 when combined shall not exceed a total diversion rate of 5.2 cfs.
3. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
4. Rights 43-2309, 43-2312A, 43-2385, 43-2391, 43-2564, 43-4009, 43-4091, 43-4092, 43-4141, 43-10037 when combined shall not exceed a total diversion rate of 23.07 cfs from all authorized points of diversion, a total annual maximum diversion volume of 5680 af at the field headgate, and the irrigation of 1579 acres.
5. After specific notification by the Department, the right holder shall measure the diversion or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
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 lands above.
7. The right holder shall accomplish the change authorized by this transfer within one (1) 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. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
10. Right no. 43-10037 is an expansion of right nos. 43-2309, 43-2312A, 43-2385, 43-2391, 43-2564, 43-4009, 43-4091, 43-4092 and 43-4141 pursuant to section 42-1416B, Idaho Code.
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 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.

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 24th day of August, 2001


Chief, Water Allocation Bureau

MICROFILMED

SEP 07 2001

WATER RIGHT NO. 43-4141
As Modified by Transfer No. 66921

In accordance with the approval of Transfer No. 66921, Water Right No. 43-4141 is now described as follows.

Right Holder: GARY B HARPER
 2040 E 850 S
 DECLO ID 83323

Priority Date: 04/03/1954

Source: GROUNDWATER

Tributary: N/A

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15	to 11/15	2.67 CFS	414.0 AF
			2.67 CFS	414.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SESWSE	Sec. 26	Twp 11S	Rge 26E	CASSIA County
GROUND WATER	SWSWSW	Sec. 35	Twp 11S	Rge 26E	CASSIA County
GROUND WATER	SWSWSW	Sec. 35	Twp 11S	Rge 26E	CASSIA County
GROUND WATER	SWSWSW	Sec. 25	Twp 11S	Rge 26E	CASSIA County
GROUND WATER	SWSWSW	Sec. 26	Twp 11S	Rge 26E	CASSIA County
GROUND WATER	SWNWNW	Sec. 26	Twp 11S	Rge 26E	CASSIA County
GROUND WATER	SWSENE	Sec. 27	Twp 11S	Rge 26E	CASSIA County
GROUND WATER	SESENW	Sec. 26	Twp 11S	Rge 26E	CASSIA 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	
11S 26E 25									33.0	39.0	40.0	33.0					145.0
11S 26E 26	24.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	39.0	38.0	39.0	40.0	40.0	40.0	40.0	620.0
11S 26E 27	40.0	40.0	40.0	40.0									40.0	40.0	40.0	40.0	320.0
11S 26E 34	40.0	40.0	33.0	40.0													153.0
11S 26E 35					40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0					320.0
12S 26E 3	31.0	1.0		10.0													42.0
	L1	L2															

Total Acres: 1600

MICROFILMED

SEP 07 2001

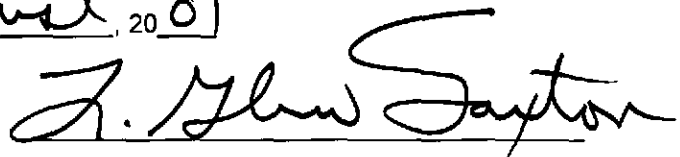
WATER RIGHT NO. 43-4141
As Modified by Transfer No. 66921

CONDITIONS OF APPROVAL

1. Water right no. 43-4141 is limited to the irrigation of 263.5 acres within the place of use described above in a single irrigation season.
2. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
3. Rights 43-2309, 43-2312A, 43-2385, 43-2391, 43-2564, 43-4009, 43-4091, 43-4092, 43-4141, 43-10037 when combined shall not exceed a total diversion rate of 23.07 cfs from all authorized points of diversion, a total annual maximum diversion volume of 5680 af at the field headgate, and the irrigation of 1579 acres.
4. After specific notification by the Department, the right holder shall measure the diversion or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
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 lands above.
6. The right holder shall accomplish the change authorized by this transfer within one (1) 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. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
9. Right no. 43-10037 is an expansion of right nos. 43-2309, 43-2312A, 43-2385, 43-2391, 43-2564, 43-4009, 43-4091, 43-4092 and 43-4141 pursuant to section 42-1416B, Idaho Code.
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 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.

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 24th day of August, 2001


Chief, Water Allocation Bureau

MICROFILMED

SEP 07 2001

WATER RIGHT NO. 43-10037

As Modified by Transfer No. 66921

In accordance with the approval of Transfer No. 66921, Water Right No. 43-10037 is now described as follows.

Right Holder: GARY B HARPER

2040 E 850 S

DECLO ID 83323

Priority Date: 03/15/1970**Source:** GROUNDWATER**Tributary:** N/A**BENEFICIAL USE**

IRRIGATION

From

03/15 to 11/15

To**Diversion Rate**

1.55 CFS

1.55 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SESWSE	Sec. 26	Twp 11S	Rge 26E	CASSIA County
GROUND WATER	SWSWSW	Sec. 35	Twp 11S	Rge 26E	CASSIA County
GROUND WATER	SWSWSW	Sec. 35	Twp 11S	Rge 26E	CASSIA County
GROUND WATER	SWSWSW	Sec. 25	Twp 11S	Rge 26E	CASSIA County
GROUND WATER	SWSWSW	Sec. 26	Twp 11S	Rge 26E	CASSIA County
GROUND WATER	SWNWNW	Sec. 26	Twp 11S	Rge 26E	CASSIA County
GROUND WATER	SWSENE	Sec. 27	Twp 11S	Rge 26E	CASSIA County
GROUND WATER	SESENW	Sec. 26	Twp 11S	Rge 26E	CASSIA 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	
11S 26E 25									33.0	39.0	40.0	33.0					145.0
11S 26E 26	24.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	39.0	38.0	39.0	40.0	40.0	40.0	40.0	620.0
11S 26E 27	40.0	40.0	40.0	40.0									40.0	40.0	40.0	40.0	320.0
11S 26E 34	40.0	40.0	33.0	40.0													153.0
11S 26E 35					40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0					320.0
12S 26E 3	31.0	1.0		10.0													42.0
	L 1	L 2															

Total Acres: 1600

MICROFILMED

SEP 07 2001

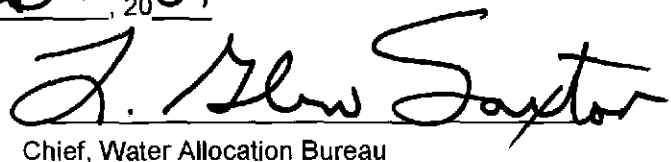
WATER RIGHT NO. 43-10037
As Modified by Transfer No. 66921

CONDITIONS OF APPROVAL

1. Water right no. 43-10037 is limited to the irrigation of 137 acres within the place of use described above in a single irrigation season.
2. Rights 43-2312A, 43-4092 and 43-10037 when combined shall not exceed a total diversion rate of 5.2 cfs.
3. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
4. Rights 43-2309, 43-2312A, 43-2385, 43-2391, 43-2564, 43-4009, 43-4091, 43-4092, 43-4141, 43-10037 when combined shall not exceed a total diversion rate of 23.07 cfs from all authorized points of diversion, a total annual maximum diversion volume of 5680 af at the field headgate, and the irrigation of 1579 acres.
5. After specific notification by the Department, the right holder shall measure the diversion or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
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 lands above.
7. The right holder shall accomplish the change authorized by this transfer within one (1) 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. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
10. Right no. 43-10037 is an expansion of right nos. 43-2309, 43-2312A, 43-2385, 43-2391, 43-2564, 43-4009, 43-4091, 43-4092 and 43-4141 pursuant to section 42-1416B, Idaho Code.
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 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.

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 24th day of August, 2001


Chief, Water Allocation Bureau

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SEP 07 2001

Page 1 of 14STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 5501

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

RECEIVED

MAR 17 1999

Department of Water Resources
Southern RegionName of applicant Gary B. Harper Phone 645-2227
Post Office address 2040 E 850 S, Declo, ID 83223

RECEIVED

A. PURPOSE OF TRANSFER

JUN 14 2000

1. ☐ Change point of diversion ☒ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☒ Other Create PPU

Department of Water Resources

2. Describe the reason for the proposed changes I want to dry up 3 pivot corners in order to irrigate a single block of land in another section. I also want to describe the existing permissible place of use that exists on this farm.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE See Attachment A

1. Right Number _____ Priority _____ Amount (cfs/ac-ft) _____ Nature of Use _____ Period of Use _____ to _____
 _____ to _____
 _____ to _____
 _____ to _____
23,83 # 3-29-99
2. Total amount of water being transferred ~~25,83~~ cubic feet per second and/or _____ acre-feet per annum.
3. Source of water Groundwater tributary to _____
4. Point(s) of Diversion: See Attachment A

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

5. Lands irrigated or place of use: Permissible Place of Use of 1596 ac/yr

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
11S	26E	25	4								33	33	40	33					145
		26	40	40	40	40	40	40	40	40	40	39	38	39	40	40	40	40	3620
		27	40	40	40	40									40	40	40	40	320
		34	40	40	33	40													153
		35	~~40~~	~~40~~	~~40~~	~~40~~	40	40	40	40	40	40	40	40					320
															MICROFILMED				
12S	26E	3	34	1		10									SEP 27 2001				42
			41	12															

Total acres 1596 ~~1296~~ 1600

ATTACHMENT A

Part 1.B. Description of Rights After Requested Change

1. Right #	Priority	CFS	Ac/Yr	AFA
43-02309	5-1-1948	2.30	160.0	640.0
43-02312A	6-19-1948	3.35	160.0	640.0
43-02385	1-20-1953	3.20	160.0	640.0
43-02391	4-18-1953	2.80	140.0	560.0
43-02564	6-9-1963	2.20	210.0	840.0
A43-04009	5-15-1953	3.20	160.0	640.0
A43-04091	4-1-1954	3.20	160.0	640.0
A43-04092	4-1-1954	4.00	200.0	800.0
A43-04141	4-3-1954	~~2.72~~ 2.12 8	266.0*	424.0*
A43-10037	3-15-1970	2.80	140.0	560.0
Total		23.83	1596.0	6384.0

All rights to be used for irrigation 4-1 to 10-31

*160 acres are fully licensed under 43-02312A, leaving 106 new acres covered by this claim.

4. Points of Diversion

1/4	1/4	1/4	Sec.	Twp.	Rge.	County
SW	SW	SW	25	11S	26E	Cassia
SW	NW	NW	26	"	"	"
SE	SE	NW	26	"	"	"
SW	SW	SW	26	"	"	"
SE	SW	SE	26	"	"	"
SW	SE	NE	27	"	"	"
**SW	SW	SW	35	"	"	"

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** 2 wells in this location

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T#5501

PART 1

6. General Information:

a. Description of diversion system ⁸ connected wells & pumps, mainlines, pivot & handline sprinklers

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? ✓ Yes _____ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:
Land will no longer be irrigated.

d. Remarks:
Two wells are under repair at this time. I estimate the normal system capacity to be about 8000 gpm plus the output of the 2 wells in the N¹/₂ Sec. 26.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____
And said application is hereby _____, subject to the following limitations and conditions:

Witness my hand this _____ day of _____, 19 _____

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PART 2

A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. 43-02309

STAGE: LICENSE

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
IRRIGATION	to	2.30 CFS
DOMESTIC	to	
	Totals	2.30 CFS

SOURCE

GROUNDWATER

Priority: 05/01/1948

LOCATION OF POINT(S) OF DIVERSION:SWSW , Sec. 35, Township 11S, Range 26E
CASSIA CountyPLACE OF USE: IRRIGATION

<u>TWN RGE SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
11S 26E 35	NENW 40	NWNW 40	SWNW 40	160
	SENW 40			160
		Total number of acres irrigated:		160

PLACE OF USE: DOMESTIC, same as IRRIGATION useCONDITIONS/REMARKS:

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PART 2

TRANS NO. 5501

A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. 43-02312A

STAGE: LICENSE

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
IRRIGATION	to	3.35 CFS

SOURCE

GROUNDWATER

Priority: 06/19/1948

LOCATION OF POINT(S) OF DIVERSION:SWSW , Sec. 25, Township 11S, Range 26E
NWSW , Sec. 35, Township 11S, Range 26E
CASSIA CountyPLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
11S	26E	25	NESW 40	NWSW 40	SWSW 40	160
			SESW 40			160
Total number of acres irrigated:						160

CONDITIONS/REMARKS:

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PART 2

TRANS NO. 5501

A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. 43-02385

STAGE: LICENSE

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
IRRIGATION	to	3.20 CFS

SOURCE

GROUNDWATER

Priority: 01/20/1953

LOCATION OF POINT(S) OF DIVERSION:NWNW , Sec. 26, Township 11S, Range 26E
CASSIA CountyPLACE OF USE: IRRIGATION

<u>TWN RGE SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
11S 26E 26	NENW 40	NWNW 40	SWNW 40	160
	SEnw 40			160
		Total number of acres irrigated:		160

CONDITIONS/REMARKS:

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A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. 43-02391

STAGE: LICENSE

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
IRRIGATION	to	2.80 CFS

SOURCE

GROUNDWATER

Priority: 04/18/1953

LOCATION OF POINT(S) OF DIVERSION:SENW , Sec. 26, Township 11S, Range 26E
CASSIA CountyPLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
11S	26E	26	NENE 20	NWNE 40	SWNE 40	140
			SENE 40			140
Total number of acres irrigated:						140

CONDITIONS/REMARKS:

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A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. 43-02564

STAGE: LICENSE

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/01 to 10/31	2.20 CFS	840.0 AF

SOURCE

GROUNDWATER

Priority: 06/09/1963

LOCATION OF POINT(S) OF DIVERSION:SWSW , Sec. 26, Township 11S, Range 26E
CASSIA CountyPLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
11S	26E	26	NESW 40	NWSW 39	SWSW 38	
			SESW 39	NWSE 27	SWSE 27	210
				Total number of acres irrigated:		210

CONDITIONS/REMARKS:

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PART 2

TRANS NO. 5501

A. DESCRIPTION OF RIGHT AS RECORDED:

Claim No. A43-04009

STAGE: STATUTORY CLAIM

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
IRRIGATION	04/01 to 10/31	3.20 CFS

SOURCE

GROUNDWATER

Priority: 05/15/1953

LOCATION OF POINT(S) OF DIVERSION:

SWSWSW , Sec. 25, Township 11S, Range 26E
SWSWSW , Sec. 26, Township 11S, Range 26E
SESWSE , Sec. 26, Township 11S, Range 26E
SWSENE , Sec. 27, Township 11S, Range 26E
SWSWSW , Sec. 35, Township 11S, Range 26E
CASSIA County

PLACE OF USE: IRRIGATION

<u>TWN RGE SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
11S 26E 34	NENE 40	NWNE 40	SWNE 40	160
	SENE 40			160
		Total number of acres irrigated:		160

CONDITIONS/REMARKS:

1. TRANS. 1574 & 2796.
2. ALL WR ARE PART OF THE SAME SYSTEM.
3. 2 P/D'S IN SW,SW,SW SEC. 35.

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A. DESCRIPTION OF RIGHT AS RECORDED:

Claim No. A43-04091

STAGE: STATUTORY CLAIM

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
IRRIGATION	04/01 to 10/30	3.20 CFS

SOURCE

GROUNDWATER

Priority: 04/01/1954

LOCATION OF POINT(S) OF DIVERSION:

SWSWSW , Sec. 25, Township 11S, Range 26E
SWSWSW , Sec. 26, Township 11S, Range 26E
SESWSE , Sec. 26, Township 11S, Range 26E
SWSENE , Sec. 27, Township 11S, Range 26E
SWSWSW , Sec. 35, Township 11S, Range 26E
CASSIA County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
11S	26E	35	NESW 40	NWSW 40	SWSW 40	
			SESW 40			160
				Total number of acres irrigated:		160

CONDITIONS/REMARKS:

1. PRIORITY MAY BE EARLIER THAN 1954
ALL WATER RIGHTS ARE PART OF THE SAME SYSTEM.
2. 2 P/D'S IN SW,SW,SW SEC. 35.
3. THIS IS THE REFERENCE RIGHT FOR ALL OTHER WR LISTED.

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A. DESCRIPTION OF RIGHT AS RECORDED:

Claim No. A43-04092

STAGE: STATUTORY CLAIM

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
IRRIGATION	04/01 to 10/30	4.00 CFS

SOURCE

GROUNDWATER

Priority: 04/01/1954

LOCATION OF POINT(S) OF DIVERSION:

SWSWSW , Sec. 25, Township 11S, Range 26E
SWSWSW , Sec. 26, Township 11S, Range 26E
SESWSE , Sec. 26, Township 11S, Range 26E
SWSENE , Sec. 27, Township 11S, Range 26E
SWSWSW , Sec. 35, Township 11S, Range 26E
CASSIA County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
11S	26E	27	SWNE 20	SENE 20	NESE 40	
			NWSE 40	SWSE 40	SESE 40	200
				Total number of acres irrigated:		200

CONDITIONS/REMARKS:

1. PRIORITY MAY BE EARLIER THAN 1954
TRANS. 2340.
2. APPROVAL OF TRANSFER DOES NOT VALIDATE THIS CLAIM.
3. 2 P/D'S IN SW,SW,SW SEC. 35
ALL WR ARE PART OF THE SAME SYSTEM.
4. EXPANSION OF ACRES UNDER THIS CLAIM SHOWN ON WR A43-10037.

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PART 2

TRANS NO. 5501

A. DESCRIPTION OF RIGHT AS RECORDED:

Claim No. A43-04141

STAGE: STATUTORY CLAIM

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
IRRIGATION	03/15 to 11/15	2.72 CFS

SOURCE

GROUNDWATER

Priority: 04/03/1954

LOCATION OF POINT(S) OF DIVERSION:

SWSWSW , Sec. 25, Township 11S, Range 26E
 SWSWSW , Sec. 26, Township 11S, Range 26E
 SESWSE , Sec. 26, Township 11S, Range 26E
 SWSENE , Sec. 27, Township 11S, Range 26E
 SWSWSW , Sec. 35, Township 11S, Range 26E
 CASSIA County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
11S	26E	25	NESW 40	NWSW 40	SWSW 40	
			SESW 40			160
		26	NESE 40	NWSE 13	SWSE 13	
			SESE 40			106
						266

Total number of acres irrigated: 266

CONDITIONS/REMARKS:

- 2 P/D'S IN SW,SW,SW SEC. 35
ALL WR ARE PART OF THE SAME SYSTEM.

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PART 2

TRANS NO. 5501

A. DESCRIPTION OF RIGHT AS RECORDED:

Claim No. A43-10037

STAGE: BENEFICIAL USE

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
IRRIGATION	04/01 to 10/30	4.00 CFS

SOURCE

GROUNDWATER

Priority: 03/15/1970

LOCATION OF POINT(S) OF DIVERSION:

SWSWSW , Sec. 25, Township 11S, Range 26E
SWSWSW , Sec. 26, Township 11S, Range 26E
SESWSE , Sec. 26, Township 11S, Range 26E
SWSENE , Sec. 27, Township 11S, Range 26E
SWSWSW , Sec. 35, Township 11S, Range 26E
CASSIA County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
11S	26E	27	NENE 40	NWNE 40	SWNE 20	
			SENE 20			120
12S	26E	3	NENE 10	SENE 10		20
Total number of acres irrigated:						140

CONDITIONS/REMARKS:

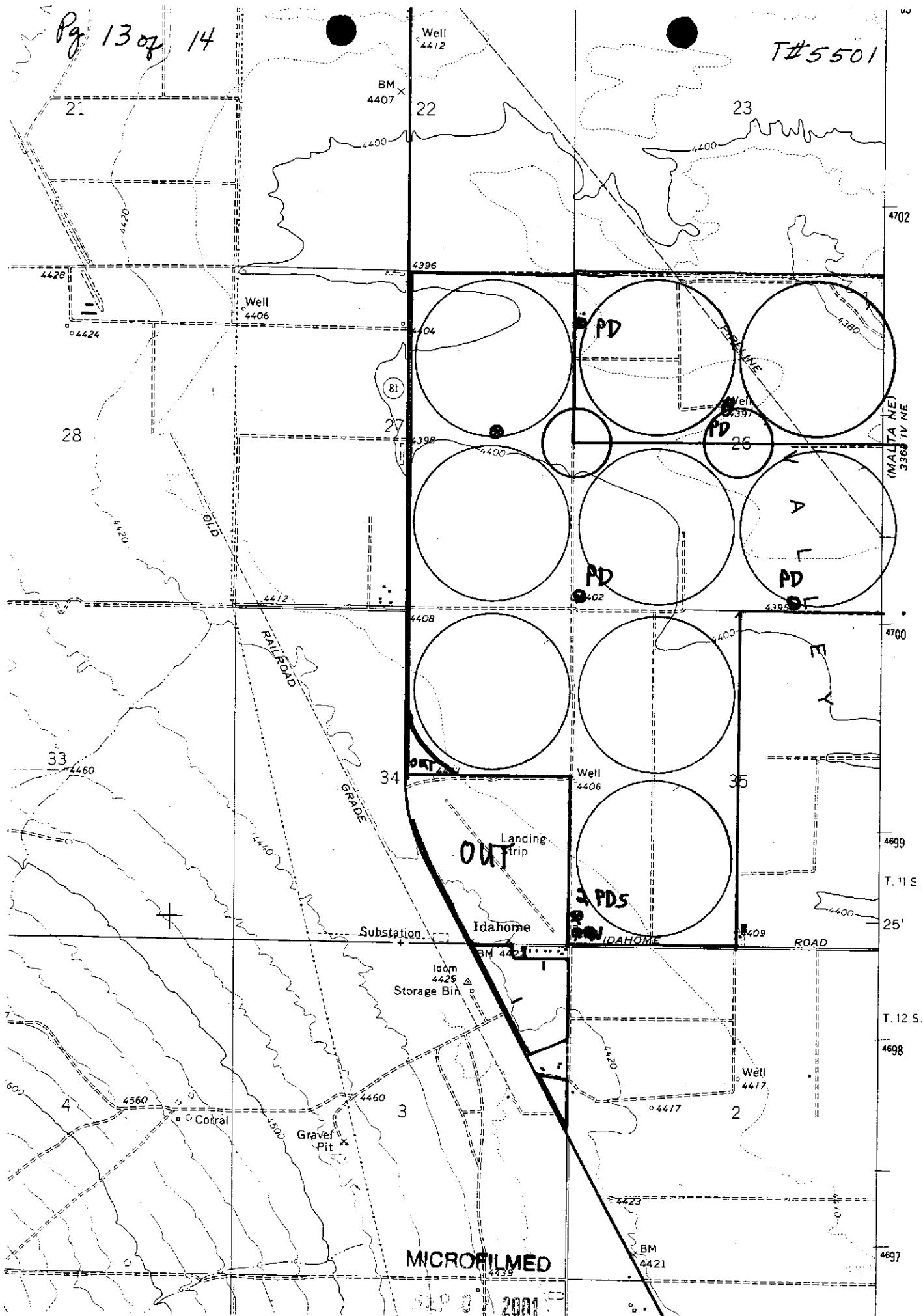
- 2 P/D'S IN SW,SW,SW SEC. 35
ALL WR ARE PART OF THE SAME SYSTEM.

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Pg 13 of 14

T#5501



PART 3

B. CHANGES IN NATURE OF USE

1	New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
				to
				to

2. Quantity and quality of return flows and location of discharge:

3. Describe effects on other water uses resulting from the proposed change:

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.

Gary B. Harper

(Signature of Applicant)

Subscribed and sworn to before me this 8th day of January, 19 99

JF Stanton

(Notary Public)

My commission expires 10-25-2000

FOR DEPARTMENT USE ONLY

Transfer contains 14 pages and 16 attachments

Received by JF Stanton Date 1-8-99 Protest filed by None

Prelim. check by gs Fee \$100. 5021715

Receipted by gs Date 1-8-99

Published in _____

Pub. dates _____

Watermaster recommendation requested on N/A

Copies of protest forwarded by _____

Hearing held by _____ Date _____

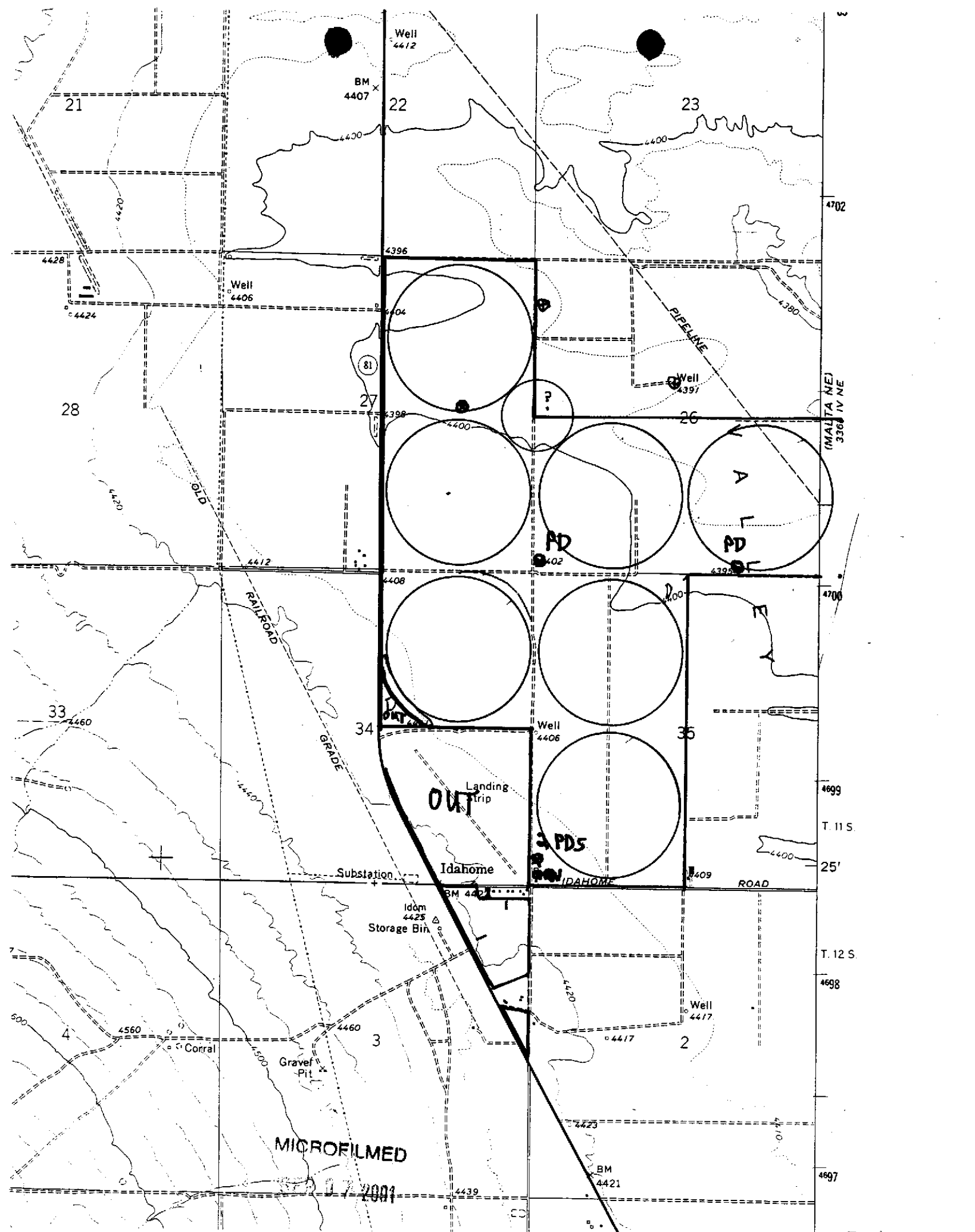
Recommended for ☒ approval ☐ denial

_____ rec'd. _____ by LO

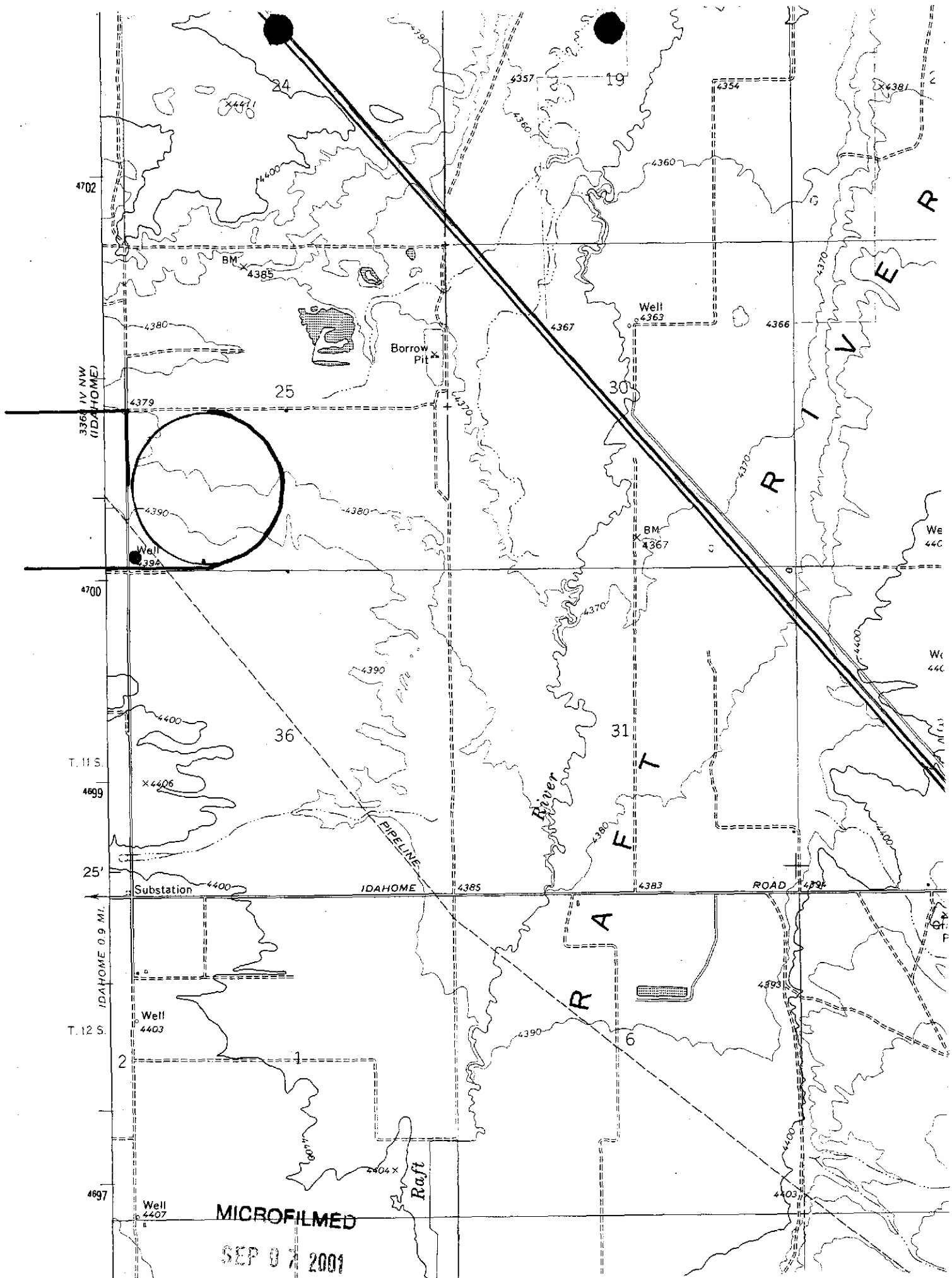
Copy of transfer sent to lien holder _____

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SEP 07 2001



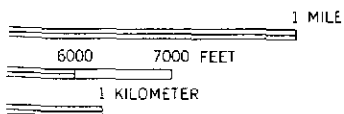
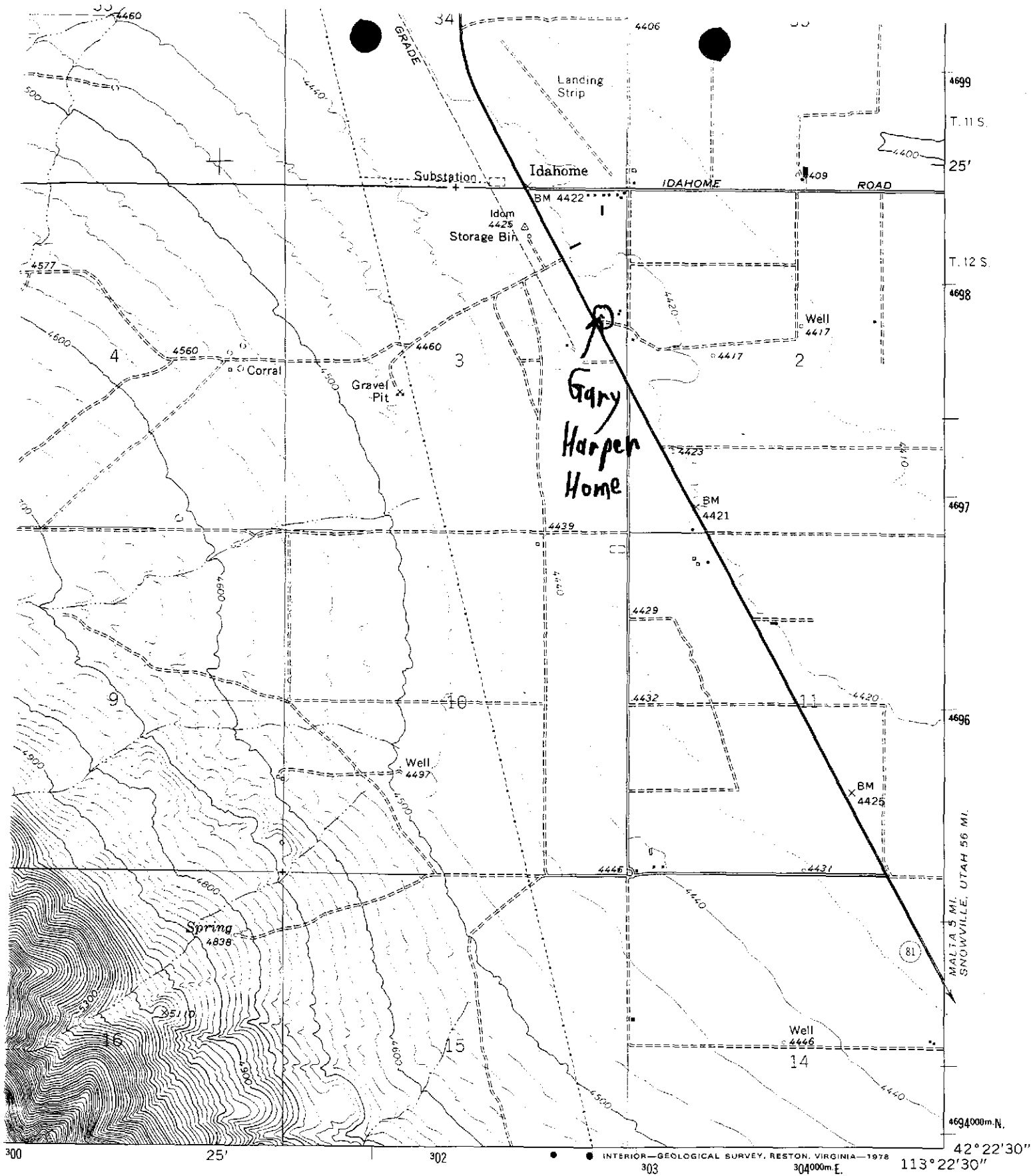
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SEP 07 2001

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RS
29

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SEP 07 2001

ROAD CLASSIFICATION

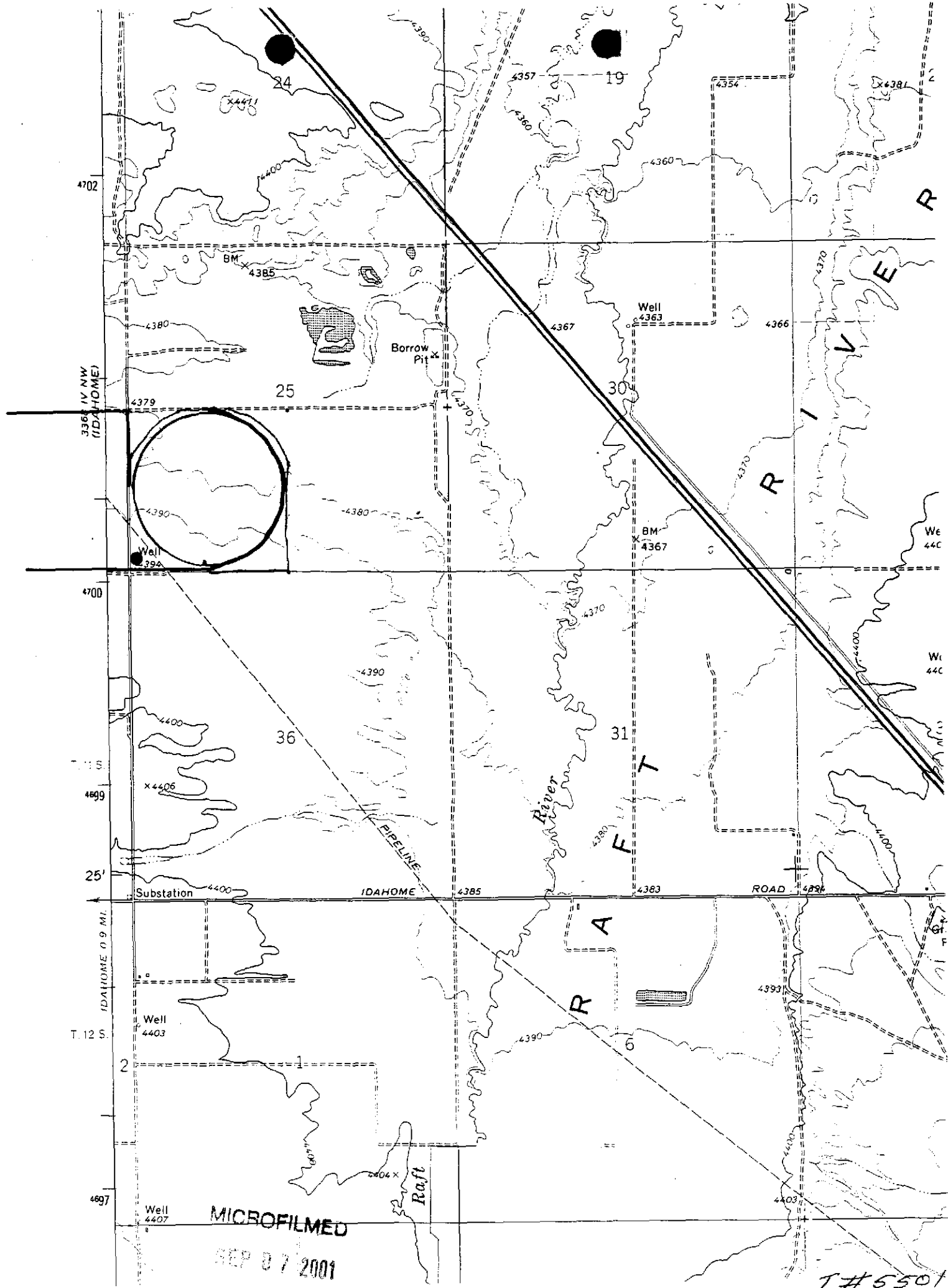
Primary highway, all weather, hard surface

Light-duty road, all weather, improved surface

Unimproved road, fair or dry weather

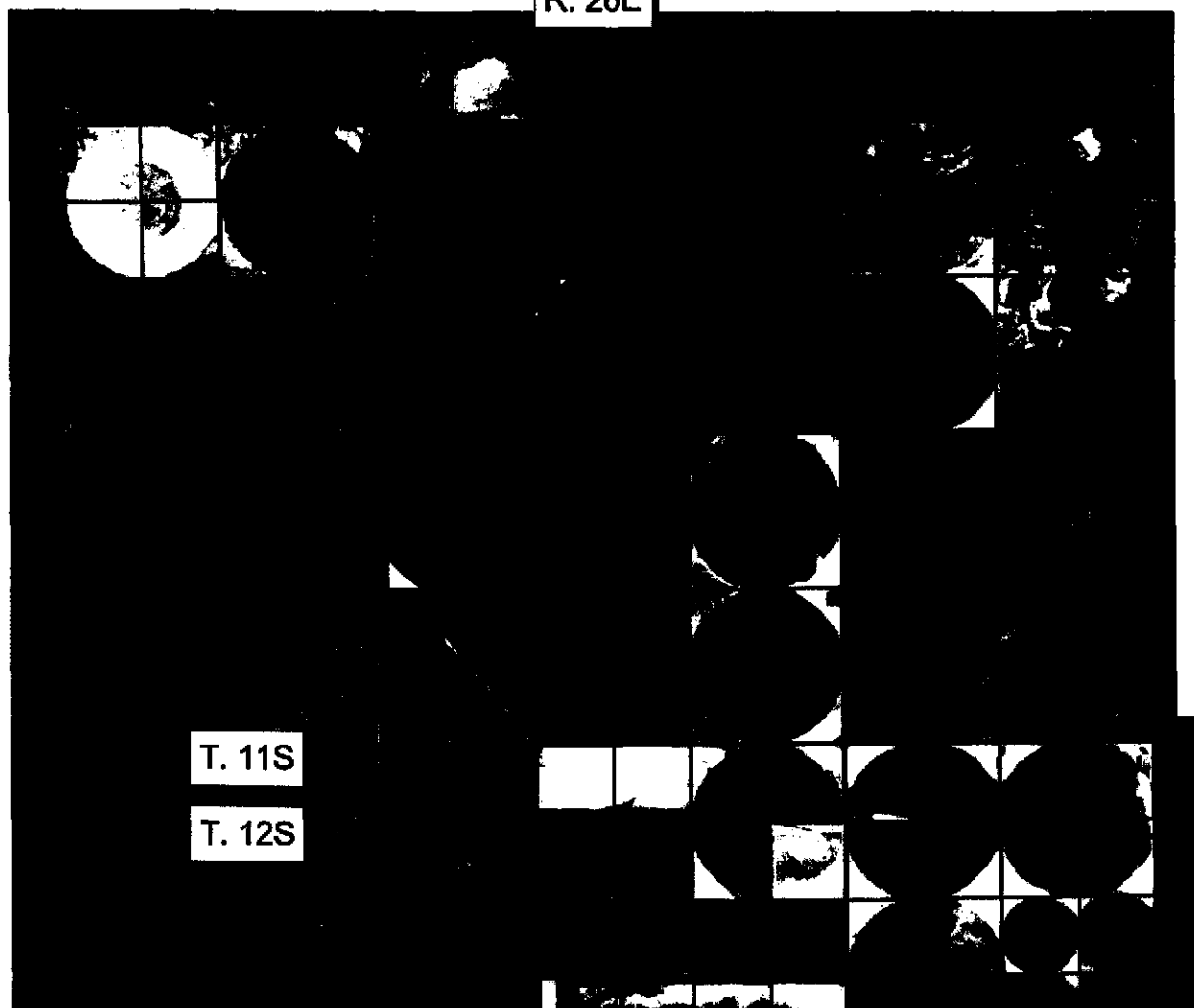
Interstate Route U. S. Route State Route

T#5501



PROPOSED PPU, GARY HARPER TRANSFER

R. 26E



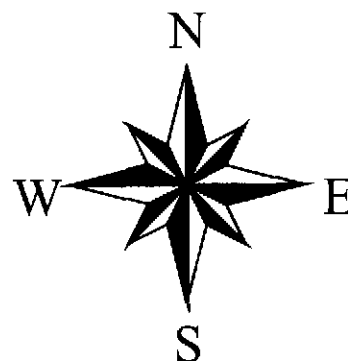
● Irrigation Wells

■ Proposed PPU

Prepared By J.E. Stanton
7-22-1999

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T#5501

CC-18

S-3

T-12

R-26

34

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21.5

T-17

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3 2

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OFF-SC-48

T#5501

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T834

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T1284

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T1514

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SEP 07 2001

T#5501

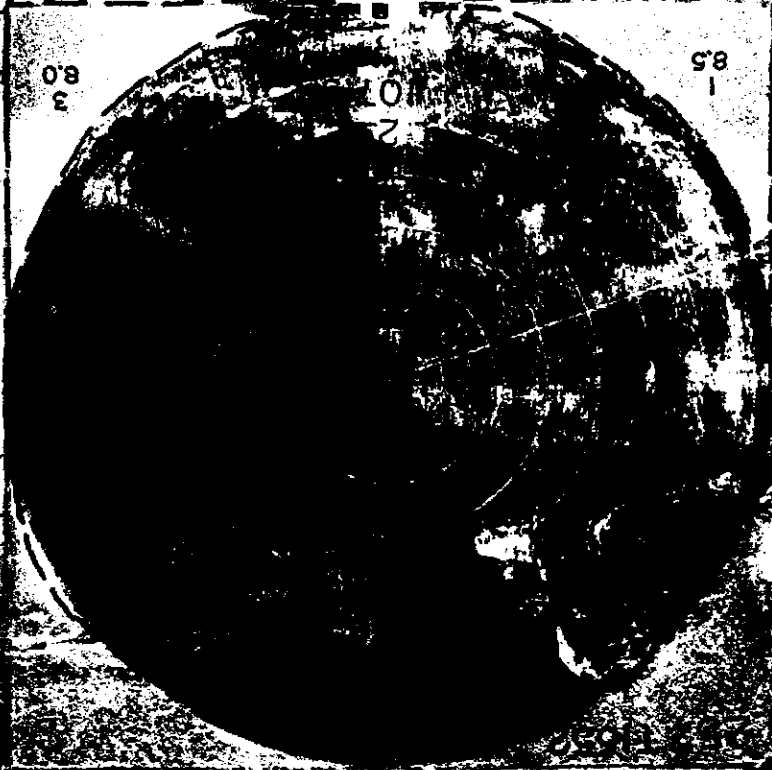
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T128

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T1514

REPRODUCTION
74.3
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MICROFILM

SEP 07 1967

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MICROFILMED

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RECEIVED

SEP 07 2001

T#5501

Station	Date	Time	Qq	Remarks
---------	------	------	----	---------

11	26	25	SESW	33.2
11	26	25	NWSW	39.0
11	26	25	SWSW	40.1
11	26	25	NESW	33.0
11	26	26	NWNW	40.2
11	26	26	SENE	39.6
11	26	26	SWNE	40.1
11	26	26	SENW	40.1
11	26	26	SWNW	40.1
11	26	26	NENW	40.2
11	26	26	NENE	19.0
11	26	26	SWSW	38.3
11	26	26	NWSW	39.1
11	26	26	SESW	38.8
11	26	26	NESE	40.1
11	26	26	NWSE	40.2
11	26	26	NESW	40.1
11	26	26	SWSE	39.9
11	26	26	NWNE	40.2
11	26	26	SESE	40.1
11	26	27	NENE	40.0
11	26	27	NWSE	40.2
11	26	27	NWNE	39.6
11	26	27	NESE	40.4
11	26	27	SESE	40.0
11	26	27	SWNE	40.1
11	26	27	SENE	40.4
11	26	27	SWSE	39.7
11	26	34	SENE	39.9
11	26	34	NENE	39.9
11	26	34	NWNE	40.0
11	26	34	SWNE	33.2
11	26	35	SWNW	40.0
11	26	35	NWNW	40.0
11	26	35	SENW	40.1
11	26	35	NENW	40.0
11	26	35	NESW	40.1
11	26	35	NWSW	40.1
11	26	35	SESW	40.1
11	26	35	SWSW	40.0

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SEP 07 2001

T# 5501

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T834

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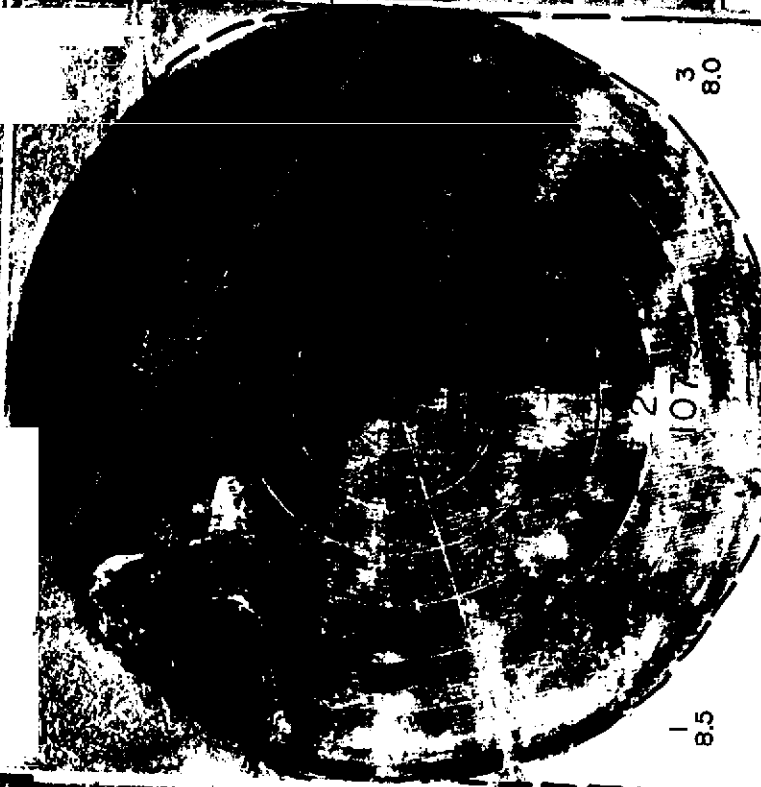
T1284

8 7.3
ok

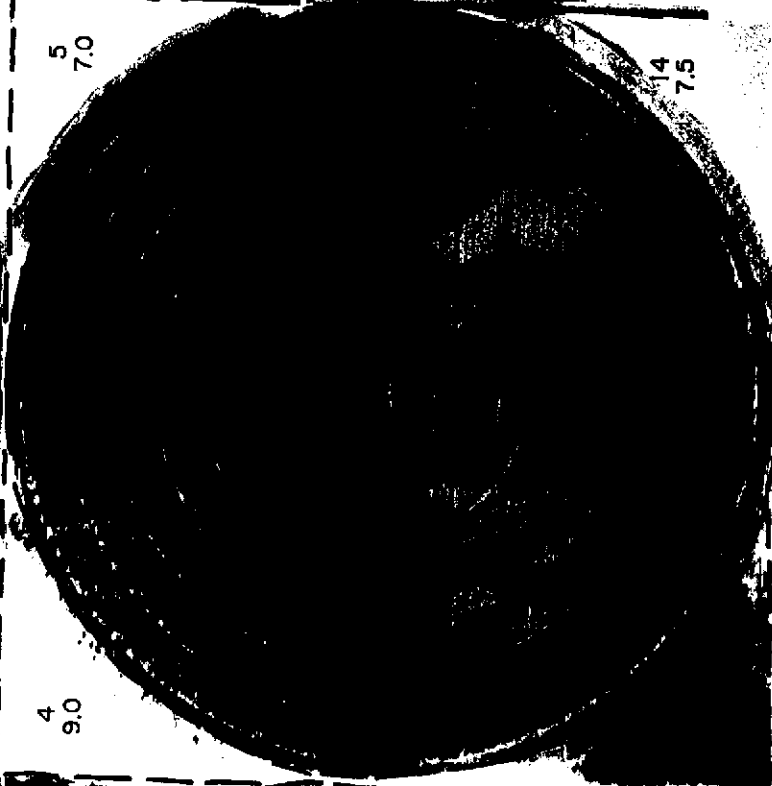
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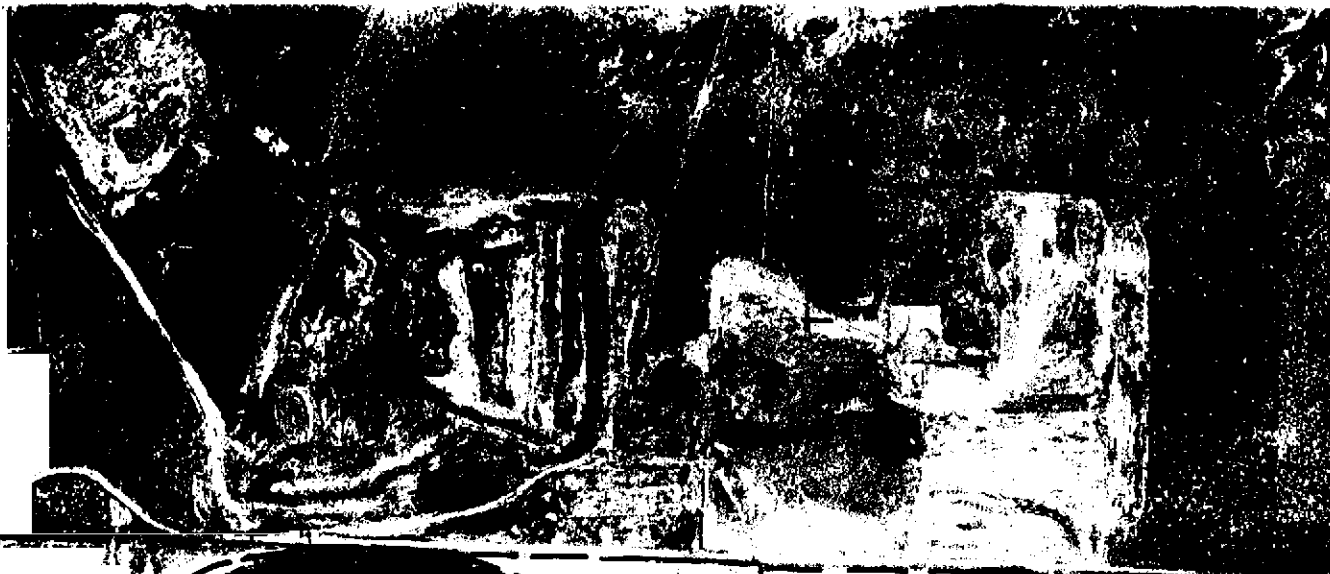
35 2 6.6



3 8.0



14 7.5



CC-16-34
PD-26-34
T11
R26

124.5

T1231

1323

T1514

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SEP 07 2001

50 114
50 114

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4 9.0
7.5

3 6.9

2 13.0

6 3.7

8 7.3

4.3

35 2 6.6

6 7.7

26

35 7.4

14 7.5

36

MAKE CHECK PAYABLE TO:
GAYLE EREKSON
CASSIA COUNTY TAX COLLECTOR
1459 OVERLAND PH 678-7202
BURLEY, ID 83318

1998 TAX BILL/RECEIPT

PARCEL
RP11S26

BILL# 11436 CODE AREA 17-00 L

1ST HALF DUE

TAX 332.74

LATE

INT

COST

TOT

2ND HALF DUE

TAX 332.74

LATE

INT

COST

TOT

FULL DUE

TAX 665.48

LATE

INT

COST

TOT

TOT MV

WAC

TOT ACS

DEC 20 1998

CASSIA CO., IDAHO
TREASURER & TAX COLLECTOR

HARPER GARY B ETUX
849 SOUTH 2051 EAST
DECLD ID 83323

TAXING DISTRICT	RATE
COUNTY	.003353390
SCH DIST 151	.006760785
RAFT RIVER HWY	.001710304
RAFT RIV FIRE	.000205235
FLOOD DIST 15	.000319807
AMOUNT DUE	.012349521

SW1/4

S 25 T 11 R 24

★ ★ ★ IMPORTANT ★ ★ ★
PLEASE READ BOTH FRONT AND BACK

★ ★ ★ MONTHLY PAYMENTS ARE ACCEPTED ★ ★ ★

PAYMENTS RECEIVED WITH A DELINQUENCY WILL BE
APPLIED TO THE OLDEST DELINQUENT YEAR.

TO AVOID LATE CHARGES, PAYMENTS MUST BE
RECEIVED OR POSTMARKED BY THE DUE DATE.

KEEP TOP PORTION FOR YOUR RECORDS.

PERSONAL CHECKS ARE YOUR RECEIPT
SUBJECT TO BANK CLEARANCE.

FOR PROPER CREDIT THIS STUB MUST BE RETURNED WITH PAYMENT
PERSONAL CHECKS ARE SUBJECT TO BANK CLEARANCE

HARPER, GARY B. ETUX

1998
11436



AMOUNT DUE 332.74

CASSIA COUNTY
RP11S26E254800A
17-00

MICROFILMED

SEP 07 2001

LATE
INT
COST
TOT

DELINQUENT IF NOT PAID ON OR BEFORE JUNE 20, 1999

DATE PAID

State of Idaho

License and Certificate of Water Right

Water License No. 20443 Priority May 1, 1948 Amount 2.3 second feet

THIS IS TO CERTIFY that R. L. SIMPLOT

of Declo, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated May 1, 1948; that Permit No. 20443 was issued under said application; that Certificate of Completion of works, with a carrying capacity of 3.2 second feet, was issued thereunder on January 13, 1949, showing that said works were completed on the 18th day of December, 1948; and that on the 23rd day of February, 1949

R. L. SIMPLOT

of Declo, State of Idaho, made proof to the satisfaction of the State Reclamation Engineer of Idaho, of a right to the use of the waters of subterranean flow ~~contributed~~ from a well for the purpose of irrigation and domestic use, under Use Permit No. 20443 of the Department of Reclamation, and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume 8 of Licenses, at Page 4657, on the 15th day of December, 1950; The right hereby confirmed dates from May 1, 1948;

The Point of Diversion is located

in the SW 1/4 SW 1/4, Sec. 35, Tp. 11 S., R. 26 E., B. M. Cassia County.

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 2.3 cubic feet per second.

Description and location of use:

TWP.	RANGE	SECTION	FORTY-ACRE TRACT	NO. ACRES DESCRIBED IN PERMIT	NO. ACRES ACTUALLY IRRIGATED
11 S.	26 E.	35	NE $\frac{1}{4}$ NW $\frac{1}{4}$	40	40
			NW $\frac{1}{4}$ NW $\frac{1}{4}$	40	40
			SW $\frac{1}{4}$ NW $\frac{1}{4}$	40	40
			SE $\frac{1}{4}$ NW $\frac{1}{4}$	40	40
			Number of Acres Actually Irrigated - - -		

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this 15th day of December, 1950

Mark R. Kelly

State Reclamation Engineer.

MICROFILMED

SEP 07 2001

State of Idaho

License and Certificate of Water Right

Water License No. 20443

To R. L. SIMPLOT

Declo, Idaho

Source of Supply Subterranean (well)

Cassia County

Amount 2.3 Sec. Feet

Point of Diversion SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 35,

Twp. 11 South, Range 26 East, B. M.

Place of Use NW $\frac{1}{4}$ Section 35, Twp. 11

South, Range 26 East, B. M.

Purpose Irrigation and domestic use

Date of Priority May 1, 1948

Recorded December 15, 1950

in Book 8 of Licenses, Page 4657.

MICROFILMED

SEP 07 2001

State of Idaho

License and Certificate of Water Right

Water License No. **20443**Amount **May 1, 1948**

Water District No. _____

Priority **2.3 second feet**

THIS IS TO CERTIFY that **R. L. Simplot** of **Declo, Idaho**, made application for a permit to appropriate the public waters of the State of Idaho, dated **May 1, 1948**, that Permit No. **20443** was issued under said application; that Certificate of Completion of works, with a carrying capacity of **3.2 second feet**, was issued thereunder on **January 13, 1949**, showing that said works were completed on the **18th day of December 1948**; and that on the **23rd day of February 1949**

R. L. SIMPLOT.

of **Declo** State of **Idaho**, made proof to the satisfaction of the State Reclamation Engineer of Idaho of the right to use the waters of **subterranean flow** ~~appropriated~~ from a well for the purpose of **irrigation and domestic use**, under Use Permit No. **20443** of the Department of Reclamation, and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume **8** of Licenses at page **4557**, on the **15th day of December 1950**:

The right hereby confirmed dates from **May 1, 1948**

The Point of Diversion is located

in the **SW 1/4** **34** **SW 1/4** **35** **T. 11 N. R. 26 E. B. M. Cassia County**

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed **2.3 cubic feet per second**.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
11 S.	26 E.	35	NE NW	40	40
			NW NW	40	40
			SW NW	40	40
			SE NW	40	40
Number of Acres Actually Irrigated				-	160

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this **15th day of December, 1950.**

MARK R. KULP

State Reclamation Engineer

(SEAL)

N^o 20443
43-2309

APPLICATION FOR PERMIT
To Appropriate the Public Waters of the State of Idaho

APPLICATION No. 28086
PERMIT No. 20443
DISTRICT No.

1. Name of Applicant: R. L. SIMPLOT

Postoffice address: Route 1, Declo

County: Cassia

State: Idaho

I. If applicant is a corporation, give:

- (a) Date and place of incorporation:
- (b) Amount of capital stock:
- (c) Amount paid in:
- (d) Names and addresses of directors:

II. The financial resources of the applicant are:

- (b) Treasury stock:
- (d) Other resources:
- (a) Cash on hand:
- (c) Bonds to be issued:

2. Quantity of water claimed: 3.2

cubic feet per second.

3. Source of water supply: A well (subterranean)

which is a tributary of

4. Location of point of diversion:

feet distant from the

corner of Section , T. , R. , B.M., and is in the SW $\frac{1}{4}$ SW $\frac{1}{4}$

of Section 35 , T. 11 S., R. 26 E., B.M., County of Cassia

5. Water is to be used for Irrigation and domestic purposes

6. If for mining, milling, power or manufacturing purposes, give:

(a) Point of use of water: feet distant from corner of Section

T. , R. , B.M., in the of Section , T. , R. , B.M.

(b) Amount of power generated: H.P., under feet head.

(c) Water is to be returned to at a point feet

distant from the corner of Section , T. , R. , B.M., in the
of Section , T. , R. , B.M.

7. Estimated cost of works: \$ 10,000.00

8. Kind of works: Well, pump and ditches

9. Height of dam feet; length of dam at top

feet; length of dam at bottom

feet; material used in dam:

10. Size of headgate: Width feet; height

feet.

11. Ditch: Width at bottom 2 feet; width at water line 3 feet; depth of water 2 feet;

dimensions of flume:

Diameter of pipe inches; length of conduit 1 $\frac{1}{2}$ miles.

Average grade per mile feet.

12. The time required for the completion of such work is Three months ~~years~~

13. The time required for the complete application of the water to the proposed use is Two (2) additional years

14. The land to be irrigated is described in the following tabulation: See remarks.

15. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are: None

16. (a) Is reservoir to be used? If so, fill in (b) and (c) below:
(b) Name of Reservoir and number of Storage Permit:
(c) Date of filing of Application for Storage Permit and Name of Applicant:

BE IT KNOWN THAT The undersigned hereby makes application for permit to appropriate the public water of the State of Idaho as herein set forth.

R. L. SIMPLOT Applicant.

By

Agent.

Date of first receipt at Department of Reclamation: 10:30 A. M. May 1, 1948

Returned to applicant for correction:

Corrected application received:

Approval of State Reclamation Engineer

The number of this permit is 20443

Recorded in Book 73 Page 20443 Approved May 12, 1948

This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions:

Bond in the sum of \$ to be filed on or before

Work to begin on or before July 12, 1948

and to continue diligently and uninterruptedly to completion,

unless temporarily interrupted by circumstances over which permit holder has no control.

One-fifth of the work above specified to be completed on or before -

The whole of said work to be completed on or before August 12, 1948

Beneficial use of water appropriated in accordance herewith, to be made on or before August 12, 1950

WITNESS My hand this 12th day of May, 1948

MARK R. KULP
State Reclamation Engineer.

IN TESTIMONY WHEREOF, We, C. A. ROBINS, Governor of the State of Idaho,
and J. D. "CY" PRICE, Secretary of State of the State of Idaho, have caused this instrument to

be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed, this 12th

day of May, 1948.

STATE OF IDAHO

Countersigned:

(SEAL)

By J. D. "CY" PRICE

By C. A. ROBINS

Governor.

Secretary of State.

REMARKS:

14.

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
11 S.	26 E.	35					40	40	40	40									160

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

In the Matter of the Reinstatement of Permit No. 20443)
Under the Provisions of Section 41-311, I. C. A.)

ORDER REINSTATING PERMIT

WHEREAS, Permit No. 20443 lapsed through failure of the holder to make proof of completion of the works of diversion within the time specified in the Permit, to-wit: August 12, 1948; and,

WHEREAS, On the 30th day of November, 1948, notice to show cause why said permit should not be canceled, under the provisions of Section 5594, Compiled Statutes of Idaho, was duly served on the holder of said permit; and,

WHEREAS, On the 8th day of December, 1948, the holder filed notice of appearance to offer proof to show that the works of diversion under said permit were fully completed within the time required; and

WHEREAS, On the 5th day of January, 1949, depositions of the holder and two witnesses were received at the Department of Reclamation showing that the said works of diversion were completed within the time required in the permit; and,

WHEREAS, After examination of the said depositions the State Reclamation Engineer of the State of Idaho, is fully satisfied that the works of diversion were completed as required under the terms of said Permit No. 20443, and that the holder has acted in good faith;

IT IS, THEREFORE, Hereby Ordered that said Permit No. 20443 be, and the same is, hereby reinstated, and that a certificate of completion of works be issued to the applicant herein.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of this Department, at Boise, Idaho, this 13th day of January, 1949.

MARK R. KULP
State Reclamation Engineer

SEAL

CERTIFICATE OF COMPLETION OF WORKS

TO ALL WHOM IT MAY CONCERN:

This is to certify that R. L. SIMPLOT of Declo, County of Cassia, and State of Idaho, the holder of Permit No. 20443, issued upon Application No. 28086 bearing date of priority of May 1, 1948, authorizing the diversion of 3.2 second feet of the waters of subterranean flow from a well, County of Cassia, State of Idaho, for irrigation and domestic purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use 3.2 second feet of the waters of said well; that the point of diversion of said waters is in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 35, Township 11 South, Range 26 East, B.M. and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: Northwest Quarter Section 35, Township 11 South, Range 26 East, B.M.

Witness my hand this 13th day of January, A.D. 1949.

MARK R. KULP
State Reclamation Engineer

Proof of completion of works made December 18, 1948.
Certificate of Completion of Works issued January 13, 1949.

LICENSE ISSUED FOR 2.3 SEC. FT.
P. 4657



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

August 28, 2001

GARY B HARPER
2040 E 850 S
DECLO ID 83323

RE: Transfer No.: 66921 - Water Rights 43-2309, 43-2312A, 43-2385, 43-2391
43-2564, 43-4009, 43-4091, 43-4092, 43-4141, 43-10037
Transfer Approval Notice

Dear Water Right Holder(s):

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.

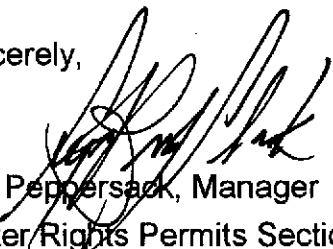
Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's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

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SEP 07 2001

If you have any questions, please contact me at 208-327-7940.

Sincerely,



For Jeff Peppersack, Manager
Water/Rights Permits Section

JP:klt

Enclosure(s)

MICROFILMED

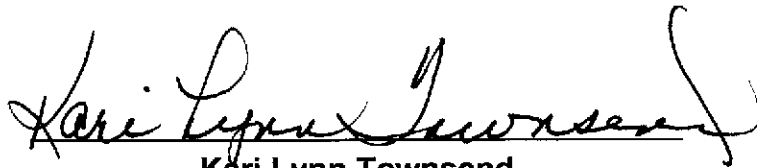
SEP 07 2001

CERTIFICATE OF MAILING

I hereby certify that on August 28, 2001 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below:

**RE: TRANSFER NO. 66921 - WATER RIGHTS 43-2309, 43-2312A, 43-2385,
43-2391, 43-2564, 43-4009, 43-4091, 43-4092, 43-4141, 43-10037**

**GARY B HARPER
2040 E 850 S
DECLO ID 83323**

A handwritten signature in black ink, reading "Kari Lynn Townsend". The signature is written in a cursive style with a large, sweeping "K" and a long, trailing flourish at the end.

**Kari Lynn Townsend
Secretary**

**MICROFILMED
SEP 07 2001**

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

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. 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 Idaho Water Resource Board (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).

MICROFILMED

SEP 07 2001

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 issuance 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.

TRANSFER OF WATER RIGHT ANALYSIS

Reviewed by Cynthia Bridge Clark *CBC*

Trans # 666921 / 5501

WR No(s) 43-2309 43-2312A 43-2385 43-2391
Resulting Splits 43-2564 43-4009 43-4091 43-4092
43-4141 43-10037

Name: GARY Harper Correct Fee Pd _____ Ad ok X

AREA OF CONCERN: Moratorium Boise/INAVE
GWMA NA
Water District 43-A
Water Master Comments NA
TRUST/NON-TRUST

XFER TYPE: Change POD _____ Add POD X
Change POU X Change use period _____
Change Nature _____
Other CREATE PDU

POU COMPARISON: _____
OWNERSHIP PROOF: Tax Notice, ALLEGED REPORTS, CB AT

MAP SUBMITTED: X
EXPANSION: SEE REC FOR 43-10037

GROUNDWATER:

DRILLING PERMIT

All wells - 046
WMD - North/East/West
≤ 0.24 cfs/5 acres - No MD
> 0.24 cfs/5 acres - 067

Supp irr (irr = only use) - 065-104
Supp irr (+ other uses) - 100-105
≤ 0.24 cfs/5 acres - No MD
> 0.24 cfs/5 acres - 01M 01Q

STORAGE - 18A-R02-01P-18B-NA
IRR ≤ 5 ac - R66/R67/R68/R69 (0.03 cfs/ac)
5 ac - R62/R63/R64/R65 (0.02 cfs/ac)
STOCKWATER - R37 (BLM/USFS)
MINING - 054-106
FISH PROP - 029(70'S only)-007-042-106
Bridge)
HEAT/COOL - R07(injection well)
FIRE PROT. - 077

MISC CONDITIONS/REMARKS:

~~T01~~ - 1 yr to develop
~~T02~~ - comply or rescind
~~T03~~ - on-going Snake River Basin Adjudication
~~T04~~ - measure all p/d's but no Water Master Control
(used with WB4)
~~T16~~ - Special T17 & R43 combined - multiple pds in WD
~~T19~~ - replaces C18
Protested - 020-W19
Multiple p/d's per 1/4 - W32
Non-consumptive - 027
Water Quality - 106-R07
Subd lot desc (pd) - W59
Subd lot desc (pu) - W60
Use definitions - W02 ie - S/50 range
Single p/d intended - 076
Zoning ord. (dairys only) - 082

SURFACE WATER:

WD - R04 (WD# _____)
≤ 0.20 cfs/others - R02, 01P or No MD
> 0.20 cfs - R43
WD, SPRINGS/SINK, INACTIVE WD & REST OF STATE
≤ 0.24 cfs/5 acres - No MD
> 0.24 cfs/5 acres - 01M or 01Q

LOCATION:

Boise Front LoGeo - 058 (<85 GW)
~~Non-Trust~~ - R55 (consumptive uses)
Non-Trust - 048-049 (cons uses or non-cons. > 1.0 cfs)

USES:

POWER - 17H-17K (+uses)-025--106
MUNICIPAL
Restricted area - 022,075
Irr., GW supp to SW - 102
DOMESTIC
Surface water - WB5 (Big Wood or Boise above Star
27A (Payette R)
> 1 in restricted area - 070-071-075(no parks/common areas, etc)
Irr use listed separate - WB5

W51 - 2+ yrs to develop
W54 - forfeited ac/rate (used rarely)
W55 - (transfer shrinks total water to less ac)
W57 - no right-of-way
W58 - pending claim (statutory or AJ b/u claim)
W59 - measure p/d's (source changed to original trib)
W61 - extended irr season
W62 - replaces N05/08/09-14
W63 - replaces C12
W35: ~~W64~~ - + p/ds, cfs & afa (used with T17)
W65 - remaining right (only if specifically requested, i.e. protest)
WD6 - measure & report "
WD7 - irr ac removed "
WD8 - land application of waste water
WD9 - Not confirmation of validity, use on unchanged portion of split
01Q - used instead of 01M when have another meas. Cond (i.e. T17 & 01M)

OTHER CONDITIONS/REMARKS: W35, W61 (ADD "FROM ALL AUTHORIZED POINTS OF DIV")

STANDARD IRR SEASON 3/15 - 11/15 STANDARD IRR VOLUME/AC 3.0/4.0

(43-2564 Now-STANDARD)

CBC

TRANSFER SUMMARY

WATER RIGHT UPDATE BASED ON: Water Right _____ SRBA Claim _____ SRBA Recommendation X
Water Right ID Updated _____

ALL OF RIGHTS: See other side _____

PART OF RIGHTS:	Unchanged	Changed
_____ TO	_____	_____
_____ TO	_____	_____
_____ TO	_____	_____
_____ TO	_____	_____

COMMENTS:

Approved based on SRBA Recommendations (see review sheet & Robertson memo).

FINAL CHECK LIST:

Shapefile created	_____
T files created/updated	_____
New/Old T # comment	_____
Approval form printed	_____
Transfer Memo	_____
Post approval update	_____
Removed from Inventory	_____

Transfer Review: 66921/5501
CBC *llc*

Water Rights

WR No.	WR Basis	Rate (cfs)	Volume (af)	Acres	Check File	Proof	Season of Use
43-2309	License	2.3			160 X	X	n/a
43-2312A	License	3.35			160 X	X	n/a
43-2385	License	3.2			160 X	X	n/a
43-2391	License	2.8			140 X	X	n/a
43-2564	License	2.2	840		210 X	X	4/1-10/31
43-4009	Sta Claim	3.2			160 X	X	4/1-10/31
43-4091	Sta Claim	3.2			160 X	X	S 10/1-2/1, Irr 4/1-10/31
43-4092	Sta Claim	4			200 X	X	4/1-10/31
43-4141	Sta Claim	2.72			266 X	X	3/15-11/15
43-10037	AJ Claim	4			140 X	X	4/1-10/31

Application--rights after change

WR No.	Basis	Rate (cfs)	Volume (af)	Acres
43-2309	License	2.3	640	160
43-2312A	License	3.35	640	160
43-2385	License	3.2	640	160
43-2391	License	2.8	560	140
43-2564	License	2.2	840	210
43-4009	Ben Use	3.2	640	160
43-4091	Ben Use	3.2	640	160
43-4092	Ben Use	4	800	200
43-4141	Ben Use	2.12	424	266
43-10037	Ben Use	2.8	560	140
Requested Totals:		23.83	6384	1596

AJ Agent Recommendations

WR No.	Basis	Rate (cfs)	Volume (af)	Acres	PPU (ac)
43-2309	License	2.3	640	160	1579
43-2312A	License	5.2	1280	320	1579
43-2385	License	3.2	640	160	1579
43-2391	License	2.8	560	140	1579
43-2564	License	2.2	840	210	1579
43-4009	Ben Use	2	624	156	1579
43-4091	Ben Use	2.7	622	155.5	1579
43-4092	Ben Use	0.23 *	60	15	1579
43-4141	Ben Use	2.67	414	263.5	1579
43-10037	Ben Use	1.55 *	137	137	1579
Recommended Totals:		23.07	5680		1579

* Rights 43-2312A, 43-4092 and 43-10037 are limited to 5.2 cfs when combined, therefore 4092 and 10037 not included in the recommended total rate.

AJ Recommendations

WR No.	Basis	Rate (cfs)	Volume (af)	Acres	PPU (ac)	Comb. Div Rate (cfs)	Comb. Div Vol (af)	Check Season
43-2309	AJ Rec	2.3	640	160	1579	23.07	5680	3/15-11/15
43-2312A	AJ Rec	5.2 **	1280	320	1579	23.07	5680	3/15-11/15
43-2385	AJ Rec	3.2	640	160	1579	23.07	5680	3/15-11/15
43-2391	AJ Rec	2.8	560	140	1579	23.07	5680	3/15-11/15
43-2564	AJ Rec	2.2	840	210	1579	23.07	5680	W61
43-4009	AJ Rec	2	624	156	1579	23.07	5680	3/15-11/15
43-4091	AJ Rec	2.8	622	155.5	1579	23.07	5680	3/15-11/15
43-4092	AJ Rec	0.23 **	60	15	1579	23.07	5680	3/15-11/15
43-4141	AJ Rec	2.67	414	263.5	1579	23.07	5680	3/15-11/15
43-10037	AJ Rec	1.55 **	137	137	1579	23.07	5680	3/15-11/15
Total		23.17	5680					

- AJ Limits:**
1. Limited to Irrigation of a Combined Total for All rights = 1579 ac. in single irrigation season.
 2. Total Combined Annual Diversion Volume for All rights = 5680 af.
 3. Combined Diversion Rate for All rights = 23.07 cfs.
 4. Individual rights given acre limit within PPU.

** Water right nos. 43-2316A, 43-4092 and 43-10037 are limited to a total combined diversion rate of 5.2 cfs.

MICROFILMED
SEP 8 1980

MEMO

FROM: Allen Merritt



DATE: June 7, 2000 Department of Water Resources

TO: Transfer File No. 5501

Water Right(s): T43-02309
T43-02312A
T43-02385
T43-02391
T43-02564
T43-04009
T43-04091
T43-04092
T43-04141
T43-10037

In the Name of: Gary Harper

SUBJECT: Review and Recommendation

This transfer proposes to tie the 10 rights listed above into a common system served by 8 existing wells and intended to serve a 1600 acres PPU. It is the intent to dry up some historically irrigated acres (pivot corners) and cover other acres not licensed or covered under the rights.

The transfer was advertised without protest.

SRBA is completing review of the rights. Jeanie Robertson has reviewed the rights and provided a memo dated 4/27/00. Based on the SRBA review the rights should be limited when combined to 23.07 cfs and 5680 afa for irrigation of no more than 1579 acres in any one season.

Recommendation

I recommend that this transfer be approved subject to the following conditions:

- Subject to SRBA. Rights individually limited as to be recommended in the SRBA. (See Robertson memo)
- When all rights combined they are limited to 23.07 cfs and 5680 afa for irrigation of no more than 1579 acres within the 1600 PPU in any one season.
- No new wells are authorized to be drilled with this approval.

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SEP 07 2001

RECEIVED
JUN 14 2000

Memorandum

To: Transfer #5501
CC: A43-02309, A43-02312A, A43-02385, A43-A43-02391, A43-04009,
A43-04091, A43-04092, A43-04141, A43-02564, and A43-10037
From: Jeanie Robertson
Date: 04/27/00
Re: Recommendations

These claims were claimed on individual tracts as licensed or developed, but the wells have since been tied together and are now operating under one system. I reviewed them separately, according to priority date, but recommended in a PPU of 1579 acres with eight wells.

I recommend a total of 23.07 cfs in a permissible place of use of 1579 acres, with a total combined annual volume of 5680 AF.

A43-02309 5/1/48 2.3 cfs 160 acres

PoD was a well in the SWSWSW of Section 35. The field exam was done 5/11/49 and the well measured at 2.3 cfs. (Harper refers to this well as #1A.) Another well was noted at the time, also in the SWSWSW of Section 35 and was measured at 2.7 cfs. (Harper refers to this as well #1.) The notes said it was associated with Permit 19616, which was never completed to the license process. (*I believe this well was later claimed under A43-04091)

R43-02309 2.3 cfs 640 AF 160/1579 ac ppu

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A43-02312A 6/19/48 3.35 cfs 160 acres

PoDs were two wells, one in the SWSWSW of Section 25 (Harper refers to as #3A) and the other in the NWNWSW of Section 35, [not shown on system map today, transferred to another well in the SWNENE of Section 27 – see transfer #2340 approved 5/2/1979.] (Harper refers to as #4.) They were each licensed for 160 acres and 2.6 cfs. Mistakes were made on the WR database after an approved transfer was done on a portion of this right, resulting in a reduction of the wrong portion of the right and the acres in the SW ¼ of Section 27 being deleted. The water right DB has since been corrected showing 43-02312A for 5.2 cfs and 320 acres.

R43-02312A 5.2 cfs 1280 AF 320/1579 ac ppu

A43-04092 4/1/1954 4cfs 200 acres

This claim was for the same 160 acres in the SE ¼ of Section 27 that were mistakenly deleted from 43-02312A and 40 additional acres in the NE ¼ of Section 27. The PoD was the same well previously licensed under part of 43-02312A for 2.6 cfs, originally in the NWNWSW of Section 35 and later transferred to another well in the SWSENE of Section 27 - see transfer # 2340 approved 5/2/1979. (Harper refers to as #4) According to 1963 aerial photos, approximately 15 acres in the NE ¼ of Section appear irrigated, not the 40 as claimed. I can recommend additional volume for these acres, but no additional flow rate as the system from that well was measured at 2.6 cfs during a field exam done in July of 1954.

R43-04092 0.23 cfs* 60 AF 15/1579 ac ppu
(*limited to 5.2 cfs when combined with
43-02312A and 43-10037)

A43-02385 1/20/1953 3.2 cfs 160 acres

PoD was well in SWNWNW of Section 26 and measured at 3.2 cfs. (Harper refers to as #5)

R43-02385 3.2 cfs 640 AF 160/1579 ac ppu

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SEP 07 2001

A43-02391 4/18/1953 2.8 cfs 140 acres

PoD was well in SESENW of Section 26 and measured at 2.8 cfs. (Harper refers to as #6) More than 20 acres in the NENE ¼ of Section 26 may be irrigated, but only 20 were licensed and claimed.

R43-02391 2.8 cfs 560 AF 140/1579 ac ppu

A43-04009 5/15/1953 3.2 cfs 160 acres

PoD was originally for a well in the SWNE of Section 34. Information in the file states that there was a 30 hp motor in 1953 which was changed to a 60 hp in 1961. A theoretical calculation shows that a 30 hp will deliver 2 cfs and a 60 hp will deliver 3.2 cfs. For the 1953 priority date, I recommend 2 cfs on 156 acres.

R43-04009 2 cfs 624 AF 156/1579 ac ppu

A43-04091 4/1/1954 3.2 cfs 160 acres

PoD was the other well in the SWSWSW of Section 35 and measured during the field exam done for 43-02309 as 135 in. or 2.7 cfs. (Harper refers to this as #1) I recommend 155.5 irrigated acres.

R43-04091 2.7 cfs 622 AF 155.5/1579 ac ppu

A43-04141 4/3/1954 2.72 cfs 266 acres

PoD is a well in the SWSE of Section 26 and there is good evidence in the file that power was purchased in 1954 from Raft River Rural Electric Company. (Harper refers to this as #3) I measured the well at about 2.67 cfs during a field exam in late August of 1994. This claim is supplemental to 160 acres in the SW ¼ of Section 25 (part of 43-02312A) and .6 cfs could be used to bring those up to .02 cfs/acre. It also includes 103.5 acres in the SE ¼ of Section 26 and 2.07 cfs would be required at .02 cfs/ac for a total of 2.67 cfs.

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SEP 07 2001

April 27, 2000

R43-04141 2.67 cfs 414 AF 263.5/1579 ac ppu

A43-02564 6/9/1963 2.2 cfs 210 acres

PoD was a well in the SWSWSW ¼ of Section 26. (Harper refers to this as #2)

R43-02564 2.2 cfs 840 AF 210/1579 ac ppu

A43-10037 3/15/1970 4 cfs 140 acres

This is an Expansion claim in a Critical Groundwater Area and can be recommended under 42-1416b with a priority date of 6/30/1985 with no additional diversion rate or volume. I believe it is an expansion of 43-02312A and will recommend as such. I found 137 acres irrigated in this area.

R43-10037 *1.55 cfs - AF 137/1579 ac ppu
(limited to 5.2 cfs when combined with
43-02312A and 43-04092)

MICROFILMED
SEP 07 2001

✓ # 5501

Gary Harper

WATER RIGHT NO. 43-02309 et al

Need proof of
ownership.
Need copy of deed
~~then~~ can sell
dry.
RM
5/8/07

IDWR TRANSFER ANALYSIS SHEET

APPLICANT

Gary Warner

TRANSFER NO.

5501

1. Right number(s)

43-02309-ell et

2. Type of right

Decree ☒ License ☒ Statutory Claim ☐
☒ SRBA Beneficial Use Claim

3. Purpose of transfer

Change P/D ☐ Add P/D ☒ Change P/U ☒
Change N/U ☐ Change Source ☐ Split Right ☐
☒ Other: Create PPU

4. Check Existing Right:

☒ Source ☒ Priority ☒ Amount ☒ Purpose
☒ Period ☒ SRBA Claim
☒ Description of original point(s) of diversion
☒ Description of original place of use
☒ Overlapping rights on original place of use

Comments:

5. Check Proposed Right for amount of land &/or water transferred:

☒ Also see attached memo for more analysis information

- a. ☒ All of right
- b. ☐ Part of right (NOTE: Part B should be filled in only if part of right is owned by the applicant)
- c. ☒ Description of point(s) of diversion
- d. ☒ Description of place of use
- e. ☒ Map showing P/D & P/U after transfer
- f. ☒ Correct notarized signature and \$100 fee
- g. ☒ Proof of ownership of right &/or land from which water is transferred
- h. ☒ Expansion in use of right - Comments: None requested

Requested PPU is for 4 acres more than what present licenses & claims cover.

i. ☒

Existing rights from same source, on land water is being transferred to; right number(s): _____

j. ☒

SRBA claim(s) - Comments (NOTE! Approved transfer amends SRBA claim; differences between existing water right and SRBA claim? any ownership or other outstanding issues? Explain) _____

k. ☒

Comment letters

If yes

☒

Yes

No

Water District #

☒

Lienholder, others, see #2 below for name and address

INITIAL ALLOCATION REVIEW BY

J. Stanton

DATE

7-22-99

SRBA SUPERVISOR REVIEW BY

DATE

PUBLICATION REVIEW BY

DATE

1. Legal Notice electronically sent to DWR03::VAULT ☐ Yes2. COMMENT LETTERS Copy of Pg 1 to AJ ☐ Yes

Watermaster recommendation requested on _____, Received on _____

Other comments letters - send to the following name(s) & address(es): _____

3. Transfer published correctly? ☒ Yes ☐ No4. Affidavit of publication received? ☒ Yes ☐ No5. Protests received? ☐ Yes ☒ No; Acknowledgement sent? ☐ Yes6. Copies made for Region file (see attached supplemental page)? ☐ Yes**RECOMMENDED ACTION**1. ☒ Approve

(Limited)

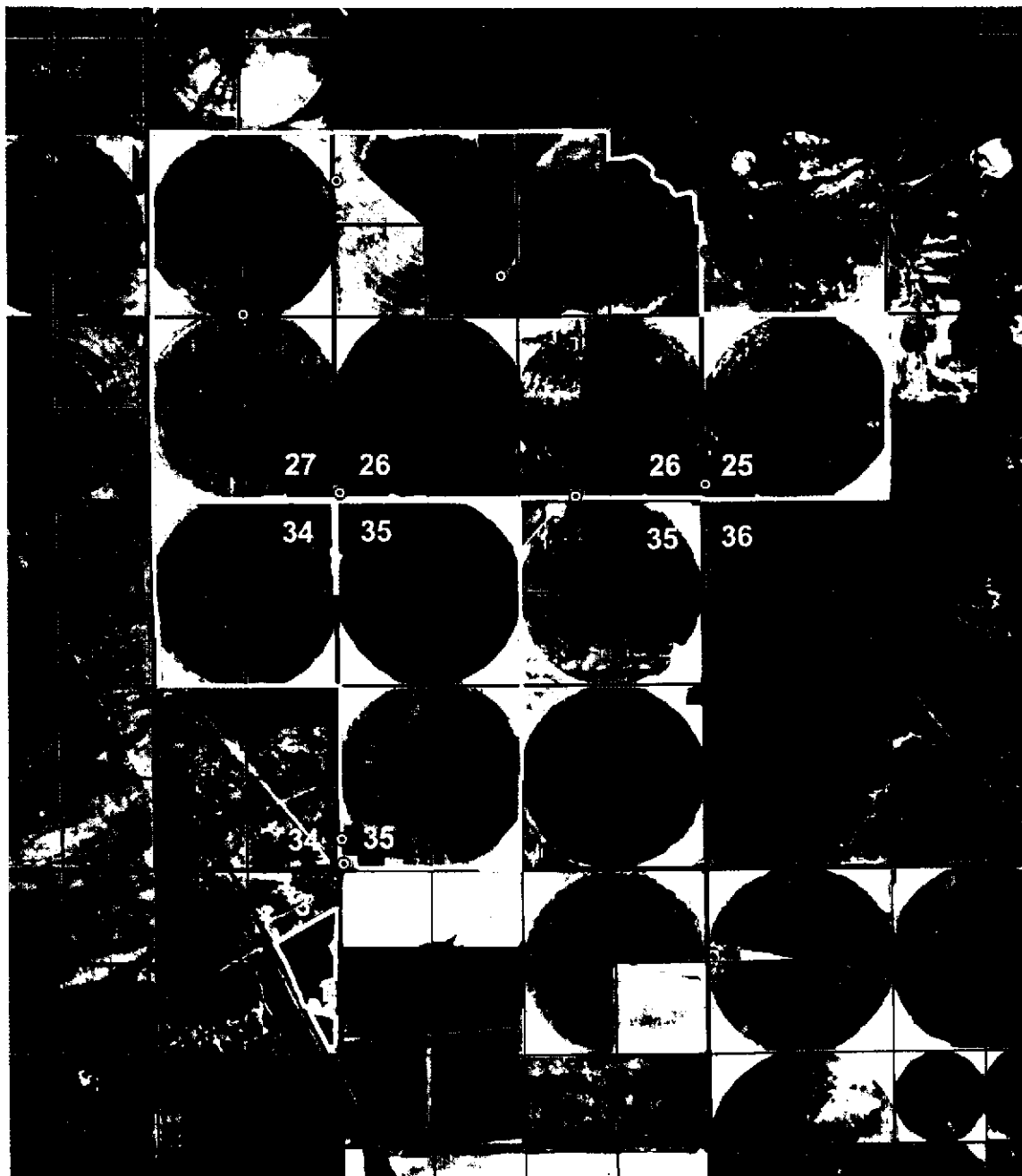
2. ☐ Deny due to _____

3. Conditions (special conditions in Water Districts) _____

☒ Also see attached memo for recommendation dated: 6/7/204. By ADDate 6/7/20

Idaho Department of Water Resources

43-02309, 43-02312A, 43-02385, 43-02391,
43-02564, 4304009, 43-04091, 43-04092,
43-04141 and 43-10037



RECOMMENDED PLACE OF USE
DATA ENTRY ON APR. 27, 2000
TWP 11S, RNG 26E, SEC. 25, 26, 27, 34, & 35
TWP 12S, RNG 26E, SEC. 3

MICROFILMED

APR 27 2000

- ⊙ Point of diversion
- Place of use
- Quarter-quarter lines
- Section lines

Gis Place of Use Presentation
1987/1988 Napp Photography
Prepared by Jeanie Robertson

**Farm Bureau**

FARM BUREAU MUTUAL INSURANCE
COMPANY OF IDAHO
WESTERN FARM BUREAU LIFE
INSURANCE COMPANY

Jim Paskett

444 E. 5th North • P.O. Box Burley, ID • 83318
Bus: (208) 678-0431 • Fax: (208) 678-5368
Cellular: (208) 431-0357 • Res: (208) 645-2467

FACSIMILE TRANSMITTAL SHEET

to:	<i>Jim Stanton</i>	from:	<i>Jim Paskett</i>
Company:		date:	<i>6-7-00</i>
fax number:	<i>208-736-3037</i>	total no. of pages including cover:	<i>2</i>
Phone number:		sender's reference number:	
Re:		Your reference number:	

☐ Urgent ☐ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle

notes/Comments:

*If you need more than this
Please Call my Cell Phone.*

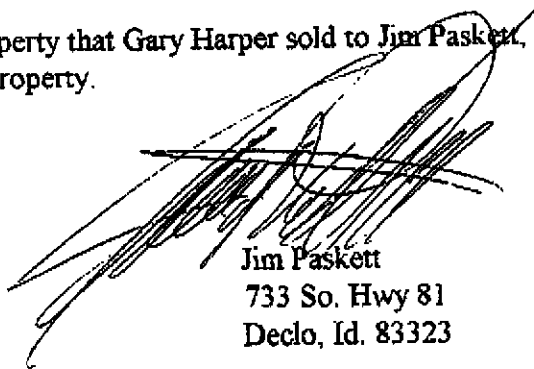
*Thanks
Jim*

MICROFILMED

SEP 07 2001

To Whom it May Concern:

Regarding the property that Gary Harper sold to Jim Paskett, there were no water rights attached to said property.



Jim Paskett
733 So. Hwy 81
Declo, Id. 83323

Transfer # 5501

MICROFILMED
SEP 07 2001



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

May 12, 2000

Gary B. Harper
2040 E 850 S
Declo, ID
83323

RE: App. for Transfer #5501

Dear Mr. Harper;

We have completed regional review of the above-referenced transfer. I have obtained proof of ownership of the subject property from the Cassia County assessor. There is still the question of the SW pivot corner in the NE $\frac{1}{4}$ of Sec. 34, however. We need a copy of the deed or other document that verifying that this corner was sold without water rights. If the deed is not specific on this point, a written statement from the present owner should suffice. Please provide this information by June 13. Your application cannot be forwarded to our Boise office until this matter is dealt with. Without the necessary documentation, we must conclude that you have fewer acres available for transfer.

Regards,

James E. Stanton
Sr. Water Resource Agent

MICROFILMED
SEP 07 2001

RECEIVED

MAY 12 2000

Department of Water Resources
Southern Region

From the Office of:

CASSIA COUNTY ASSESSOR

Martell C Holland, Assessor

1459 Overland Ave
Burley, Id 83318
Phone: 878-3540

Fax # 878-1014

FACSIMILE TRANSMITTAL COVER SHEETDate: May 12, 2000To: Water ResourcesAttention: JinFax Number: 736-3037From: Cassia County Assessor's Office KarenTotal Number of Pages Sent, Including This Page 6Re: Mary Harper

Memo, Message or Special Instructions:

If you do not receive all pages clearly, or if the transmission is not successfully received,
please call the sender as soon as possible at our telephone number listed above.

Cassia County Assessor's Office

MICROFILMED

SEP 07 2001

UNIFORM ASSESSMENT DEVELOPMENT
SOFTWARE SYSTEMS
PMB001
NUMERIC ROLL
BY SPECIFIC NAME

PAGE 2

05/12/2000
11:34:06

** PARCEL KEY TYPE PARCEL NO STATUS CODE OLD PARCEL NO MAP NUMBER	NAME/ADDRESS	LEGAL DESCRIPTION	CAT	QUANTITY	UNIT	MARKET	REVIEW YEAR
✓ RP 11526E260000 A 017-00 RP11526E260000T	HARPER, GARY B & HARPER, SUSAN C 2040 EAST 850 SOUTH DECLD	N1/2 B 26 T 11 R 26	1 10 19 31 32	317.500 1.000 1.500	AC AC AC	107,930 4,600 2,000 19,825	2000 2000 2000 2000
211225 155700				320.000	**	134,375	***
PROPERTY ADDRESS:							
INSR VR: 1995							
✓ RP 11526E260000 A 017-00 RP11526E260000T	HARPER, GARY B & HARPER, SUSAN C 2040 EAST 850 SOUTH DECLD	N 1/361/2 S 26 T 11 R 26	1 19 32	106.000 .650	AC AC	36,040 882	2000 2000 2000
199523				106.650	**	36,922	***
PROPERTY ADDRESS:							
INSR VR: 1995							
✓ RP 11526E267200 A 017-00 RP11526E267200T	HARPER, GARY B, ETUX 2040 EAST 850 SOUTH DECLD	E1/3 OF THE S1/2 B 26 T 11 R 26	1 19	104.170 1.300	AC AC	35,418 35,418	2000 2000
147436				105.670	**	35,418	***
PROPERTY ADDRESS:							
INSR VR: 1995							
✓ RP 11526E267930 A 017-00 RP11526E267930T	HARPER, GARY B & HARPER, SUSAN C 2040 EAST 850 SOUTH DECLD	CENTER 1/3 OF S1/2 S 26 T 11 R 26	1 19	106.000 .650	AC AC	36,040 882	2000 2000
199523				106.650	**	36,040	***
PROPERTY ADDRESS:							
INSR VR: 1995							
✓ RP 11526E270000 A 017-00 RP11526E270000T	HARPER, GARY B & HARPER, SUSAN C 2040 EAST 850 SOUTH DECLD	E1/2 H/W B 27 T 11 R 26	1 5 19	287.500 28.000 4.300	AC AC AC	97,750 896	2000 2000 2000
2122123							

MICROFILMED

SEP 0 2001

UNIFORM ASSESSMENT DEVELOPMENT
SOFTWARE SYSTEMS
PMB001
NUMERIC ROLL
BY SPECIFIC NAME

5/12/2000
11:32:06

PAGE 3

** PARCEL KEY
TYPE PARCEL NO STATUS
CODE OLD PARCEL NO
MAP NUMBER

MARKET REVIEW
YEAR

QUANTITY UNIT

CAT

LEGAL DESCRIPTION

NAME/ADDRESS

PROPERTY ADDRESS:

INSP YR: 1999

98,646 ***

✓ RP 11826E340001 A
D17-00 RP11826E340000T
HARPER, GARY B
& HARPER, SUSAN C
2040 EAST B50 SOUTH
DECLD ID 83323
147436
141,000 AC
10,680 AC
1,000 AC
3,000 AC
1 5 10 19
47,940 342 4,650 1999
1999 1999 1999

PROPERTY ADDRESS:

INSP YR: 1999

52,882 ***

✓ RP 11826E340001 A
D17-00 RP11826E340000T
HARPER, GARY B
& HARPER, SUSAN C
2040 EAST B50 SOUTH
DECLD ID 83323
212299
157701
159191
94653
311,500 AC
6,000 AC
1,000 AC
1,500 AC
1 5 10 19 32
105,910 192 4,600 1998
1998 1998 1998

PROPERTY ADDRESS:

INSP YR: 1999

113,802 ***

RP 11827E308100 A
D17-00 RP11827E308000T
HARPER, GARY B
& HARPER, SUSAN C
2040 EAST B50 SOUTH
DECLD ID 83323
266727
236523
8,000 AC
30,620 AC
1 5
2,720 980 2000
2000

PROPERTY ADDRESS:

INSP YR: 2000

3,700 ***

RP 11827E308100 A
D17-00
HARPER, GARY B
& HARPER, SUSAN C
2040 EAST B50 SOUTH
DECLD ID 83323
266727
236523
225016
260,000 AC
20,000 AC
1,000 AC
1,520 AC
1 5 10 19 32
88,400 1,600 4,600 2000
2000 2000 2000

MICROFILM

SEP 07 2000

UNIFORM ASSESSMENT DEVELOPMENT
SOFTWARE SYSTEMS
PM0001
NUMERIC ROLL
BY SPECIFIC NAME

5/12/2000
11:04:04

PAGE 1

PARCEL KEY ##
TYPE PARCEL NO STATUS
CODE OLD PARCEL NO
MAP NUMBER

NAME/ADDRESS

LEGAL DESCRIPTION

CAT

QUANTITY UNIT

MARKET REVIEW
YEAR

230798

PROPERTY ADDRESS

312.520 **

96,690 ***

INSP VR: 2000

RP 12526E02400 A
016-00 RP12526E014B01A

HARPER, GARY B
& HARPER, SUSAN C
2040 EAST 850 SOUTH
DECLD ID B3323

SW1/4
S 1 T 12 R 26

1
5
19144.000 AC
15.000 AC
1.000 AC48,950 1998
480 1998
1998

239267

PROPERTY ADDRESS

140.000 **

49,440 ***

INSP VR: 1998

RP 12526E02400 A
017-00 RP12526E02400A

HARPER, GARY B
& HARPER, SUSAN C
2040 EAST 850 SOUTH
DECLD ID B3323

NW1/4 SEC 2 T 12 R 26

1
10
19
31138.250 AC
1.000 AC
1.500 AC53,805 1999
4,600 1999
9,685 1999

239834

PROPERTY ADDRESS

160.750 **

68,090 ***

INSP VR: 1999

RP 12526E02400 A
017-00 RP12526E02400A

HARPER, GARY B
& HARPER, SUSAN C
2040 EAST 850 SOUTH
DECLD ID B3323

N1/2S1/2
S 2 T 12 R 26

1
5
19192.010 AC
5.170 AC
2.520 AC51,785 1999
165 1999
1999

239834

PROPERTY ADDRESS

160.000 **

51,950 ***

INSP VR: 1999

RP 12526E02400 A
017-00 RP12526E02400A

HARPER, GARY B
& HARPER, SUSAN C
2040 EAST 850 SOUTH
DECLD ID B3323

S1/2S1/2 E/HWY
S 2 T 12 R 26

1
10
32131.030 AC
1.000 AC44,557 1998
4,600 1998
16,322 1998

231116

231116

231116

231116

INSP VR: 1998

PROPERTY ADDRESS

132.050 **

65,479 ***

RP 23226E110000 A

HARPER, GARY B

N1/2N1/2 E/HWY

1

110.150 AC

37,451 2000

07 2001

MICROFILMED

UNIFORM ASSESSMENT DEVELOPMENT
SOFTWARE SYSTEMS
P18001
NUMERIC ROLL
BY SPECIFIC NAME

3/12/0000
11 30:06

PAGE 2

** PARCEL KEY **
TYPE PARCEL NO STATUS
CODE OLD PARCEL NO
MAP NUMBER

NAME/ADDRESS

LEGAL DESCRIPTION

CAT

QUANTITY UNIT

MARKET REVIEW
YEAR

017-00 RP12526E1100000T & HARPER, SUSAN C H/W 5 11 T 12 R 26 1P 750 AC 2000
2040 EAST 850 SOUTH
DECLD ID B0323

231116
185944
185943

PROPERTY ADDRESS

110,900 ** 37,451 ***

INSP YR: 1995

RP 12526E117200 A HARPER, GARY B 1 79,660 AC 27,084 1999
015-00 RP12526E117200A & HARPER, SUSAN H/W 5 11 T 12 R 26
2040 EAST 850 SOUTH
DECLD ID B0323

229367

PROPERTY ADDRESS

79,660 ** 27,084 ***

INSP YR: 1999

RP 12526E122400 A HARPER, GARY B 1 267,500 AC 90,950 1998
015-00 RP12526E122400A & HARPER, SUSAN H/W 5 12 T 12 R 26
2040 EAST 850 SOUTH
DECLD ID B0323

229367
84469
7437

PROPERTY ADDRESS

320,000 ** 92,630 ***

INSP YR: 1998

RP 12526E302400 A HARPER, DENNIS J, ETUX 1 235,000 AC 79,900 2000
018-00 RP12526E302400T & HARPER, GARY B 3 85,000 AC 12,920 2000
2040 EAST 850 SOUTH
DECLD ID B0323

INSP YR: 1996

PROPERTY ADDRESS

328,600 ** 184,464 ***

NUMBER OF PARCELS- 22 TOTAL QUANTITY 3,437 290 TOTAL MARKET ** 2,032,141

REQUESTED NAMES

HARPER, GARY*
HARPER, GARY B*
HARPER, GARY B, ETUX*

**** PROMPT RESPONSES ****

SEP 07 2001

SOUTH IDAHO PRESS
BURLEY, IDAHO
AFFIDAVIT OF PUBLICATION

OCT 08 1999
Department of Water Resources
Southern Region

County of Cassia)
STATE OF IDAHO) SS

99-382
NOTICE OF APPLICATIONS FOR
PROPOSED CHANGES TO
WATER RIGHTS

Ruth Holmes, being first duly sworn, deposes and says that she is the Legals clerk of the South Idaho Press, a daily newspaper published at Burley, Idaho, in the county aforesaid and that the printed notice attached hereto was duly published according to law in the regular editions of the South Idaho Press for 2 consecutive week(s), commencing on September 27, 1999 and ending with the issue dated October 4, 1999.

Ruth Holmes

STATE OF IDAHO)
COUNTY OF)
Cassia)

On this 5th day of October in the year of 1999, me, a Notary Public, personally appeared Ruth Holmes identified to me to be the person whose name is subscribed within instrument, and being by me first duly sworn, deposes and acknowledges that the statements therein are true, and acknowledged to be executed the same.

Jan K. B...
Notary Public for Idaho

Residing at: Rupert, Idaho

My commission expires: 6

Cost of Publication 176.60
Affidavit Fee 5.00
Total Cost 176.60

OK
MB
10/12/99

Notice is hereby given that seven applications for transfer and one extension of time to avoid forfeiture application have been filed with the Department of Water Resources as described below:

Transfer No. 5493 by Jack and Kent Harman (1500 N. 461-A E. Rupert, ID 83350) requests modification of rights 36-02415 and 36-15356. The rights are recorded with priority dates of 2/18/1960 and 6/30/1973 respectively. The rights are limited to 4.11 cfs diverted from groundwater for irrigation of 311 acres. The rights are currently diverted and used within Section 12, T07S, R 24E, Minidoka County. The transfer proposes to dry up 26 acres and move that portion (0.34 cfs) to irrigate 26 other acres within Section 9, T07S, R25E, to be diverted from an existing well within NESW Section 8, T07S, R25E, all Minidoka County.

Transfer No. 5496 by Magic Valley Foods Inc. (PO Box 473, Rupert, ID 83350) request modification of rights 36-02250 and 36-11867. The rights are recorded with priority dates of 3/05/1954 and 3/15/1974 respectively. The rights are limited to 4.32 cfs diverted from groundwater for irrigation of 301 acres. The rights are currently diverted and used within Sections 7 and 18, T06S, R23E, Minidoka County. The transfer proposes to dry up 18.4 acres and change the nature use of that portion (0.26 cfs) to year round commercial use in an existing potato processing plant and co-generation facility. These facilities are located in Section 29, T09S, R24E; water to be diverted from two existing wells within SWSW Section 29, T09S, R24E, all Minidoka County.

Transfer No. 5498 & No. 5504 by Peter and Sylvia Grush (2025 S Hwy 81, Malta, ID 83342) request modification of rights 43-02447 and 43-02448. The rights are recorded with priority date of 7/26/1956 for irrigation of 640 acres in Section 15 from two wells (one section 15 and one section 14 limited to 11.95 cfs) all T13S, R26E, Cassia County.

Transfer No. 5498 proposes to dry up 35 acres of the above rights and move that portion (0.65 cfs) to irrigate 35 acres at a site where it is combined with rights; 43-02450B (priority 10/14/1956, 1.32 cfs for 76 acres), A43-10539 (priority 10/14/1956, 1.22 cfs for 101.6 acres) and A43-10541 (priority 10/14/1956, 0.62 cfs for 52 acres). Combined rights to be diverted from an existing well within NENE Section 27 to irrigate a combined 264 acres at a rate of 4.01 cfs all within Section 27, T13S, R27E, Cassia County.

Transfer No. 5504 proposes to dry up another 71 acres of above rights and move that portion (1.52 cfs) to irrigate 77 acres within a 107 acre permissible place of use within Section 36, T13S, R26E and Section 1, T14S, R26E. Water to be diverted from existing well within Section 1 and combined with dairy waste, all in Cassia County. After said transfer of above rights, 528 acres (9.78 cfs) will remain at the original site.

Transfer No. 5505 by Gary Hager (2040 E. 536 S, Declo, ID 83229) requests that ten water rights from groundwater be combined into a permissible place of use of 1680 acres within Sections 25, 26, 27, 34, 35, T11S, R26E and Section 3, T12S, R26E, all Cassia County. The rights are to be diverted from eight interconnected existing wells within these same sections. The total rate of diversion from this system is 23.83 cfs. The rights to be combined range in priority from 1948 to 1970 and are currently recorded for use within the proposed permissible place of use from these same wells. For specific details regarding these individual rights please contact IDWR Southern Region.

Transfer No. 5517 & 5542 by the US Bureau of Land Management (15 E. 200 S, Burley, ID 83318) propose to change the place of use of two rights for stockwater which are diverted from groundwater via wells. **Transfer 5517** proposes modification of right 43-02654 (priority 2/6/1957; 0.10cfs) currently diverted from a well within SESE Section 7, T13S, R24E for use in Sections 1, 12 & 13, T13S, R27E and Sections 6, 7, 17, 18 & 20, T13S, R28E. The transfer proposes the place of use to be within Section 12, T13S, R27E and Sections 6, 7, 18 & 20, T13S, R28E all Cassia County. **Transfer 5542** proposes modification of right 43-02707 (priority 1/10/1968; 0.02cfs) currently diverted from a well within NENE Section 27, T12S, R27E for use in same section. The transfer proposes the place of use to be within Sections 9, 17, 22, 26 & 28, T12S, R27E all Cassia County.

Applications for Extension of Time to Avoid Forfeiture by R Reed Call (1395 N. 1500 E., Provo UT 84604) for right 43-02530A recorded with priority of 7/11/1961 for 3.06cfs from groundwater diverted from a well within SWSE Section 12 and used to irrigate 153 acres within SE1/4 Section 12, all T13S, R26E, Cassia County. Rights last used in 1994; a five year extension is requested.

Any protest against the proposed application must be filed with the Department of Water Resources, Southern Region, 1341 Fillmore St., Suite 200; Twin Falls, ID 83301 together with a protest fee of \$25.00 on or before October 15, 1999 to be considered by the Department in its decision to grant or deny any part of the proposed applications. (Each application requires a separate protest). The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director
Published by the South Idaho Press on September 27 and October 4, 1999.

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SEP 07 2001

**NOTICE OF APPLICATIONS FOR PROPOSED
CHANGES TO WATER RIGHTS**

Notice is hereby given that seven applications for transfer and one extension of time to avoid forfeiture application have been filed with the Department of Water Resources as described below:

Transfer No. 5493 by Jack and Kent Harman (1500 N 461-A E, Rupert, ID 83350) requests modification of rights 36-02415 and 36-15356. The rights are recorded with priority dates of 2/18/1960 and 6/30/1973 respectively. The rights are limited to 4.11 cfs diverted from groundwater for irrigation of 311 acres. The rights are currently diverted and used within Section 12, T07S, R 24E, Minidoka County. The transfer proposes to dry up 26 acres and move that portion (0.34 cfs) to irrigate 26 other acres within Section 9, T07S, R25E, to be diverted from an existing well within NESW Section 8, T07S, R25E, all Minidoka County.

Transfer No. 5496 by Magic Valley Foods Inc (PO Box 475, Rupert, ID 83350) requests modification of rights 36-02250 and 36-11867. The rights are recorded with priority dates of 3/05/1954 and 3/15/1974 respectively. The rights are limited to 4.32 cfs diverted from groundwater for irrigation of 301 acres. The rights are currently diverted and used within Sections 7 and 18, T08S, R 23E, Minidoka County. The transfer proposes to dry up 18.4 acres and change the nature of use of that portion (0.26-cfs) to year round commercial use in an existing potato processing plant and co-generation facility. These facilities are located in Section 29, T09S, R24E; water to be diverted from two existing wells within SWSW Section 29, T09S, R24E, all Minidoka County.

Transfers No. 5498 & No. 5554 by Peter and Sylvia Grush (2025 S Hwy 81, Malta, ID 83342) requests modification of rights 43-02447 and 43-02448. The rights are recorded with priority date of 7/26/1956 for irrigation of 640 acres in Section 15 from two wells (one Section 15 and one Section 14 limited to 11.95 cfs) all T13S, R26E, Cassia County. **Transfer No. 5498** proposes to dry up 35 acres of the above rights and move that portion (0.65 cfs) to irrigate 35 acres at a site where it is to be combined with rights: 43-02450B (priority 10/14/1956, 1.52 cfs for 76 acres), A43-10539 (priority 10/14/1956, 1.22 cfs for 101.6 acres) and A43-10541 (priority 10/14/1956, 0.62 cfs for 52 acres). Combined rights to be diverted from an existing well within NENE Section 27 to irrigate a combined 264 acres at a rate of 4.01 cfs all within Section 27, T13S, R27E, Cassia County. **Transfer No. 5554** proposes to dry up another 77 acres of above rights and move that portion (1.52 cfs) to irrigate 77 acres within a 107 acre permissible place of use within Section 36, T13S, R26E and Section 1, T14S, R26E. Water to be diverted from existing well within Section 1 and combined with dairy waste, all in Cassia County. After said transfers of above rights, 528 acres (9.78 cfs) will remain at the original site.

Transfer No. 5501 by Gary Harper (2040 E 850 S, Declo, ID 83323) requests that ten water rights from groundwater be combined into a permissible place of use of 1600 acres within Sections 25, 26, 27, 34, 35, T11S, R26E and Section 3, T12S, R26E, all Cassia County. The rights are to be diverted from eight interconnected existing wells within these same sections. The total rate of diversion from this system is 23.83 cfs. The rights to be combined range in priority from 1948 to 1970 and are currently recorded for use within the proposed permissible place of use from these same wells. For specific details regarding these individual rights please contact IDWR Southern Region.

Transfers No. 5517 & No. 5542 by the US Bureau of Land Management (15 E 200 S, Burley, ID 83318) propose to change the place of use of two rights for stockwater which are diverted from groundwater via wells. **Transfer 5517** proposes modification of right 43-02654 (priority 2/6/1957; 0.10 cfs) currently diverted from a well within SESE Section 7, T13S, R28E for use in Sections 1, 12 & 13, T13S, R27E and Sections 6, 7, 17, 18 & 20, T13S, R28E. The transfer proposes the place of use to be within Section 12, T13S, R27E and Sections 6, 7, 18 & 20, T13S, R28E all Cassia County. **Transfer 5542** proposes modification of right 43-02707 (priority 1/10/1968; 0.02

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SEP 07 2001

cfs) currently diverted from a well within NENE Section 27 T12S, R27E for use in same section. The transfer proposes the place of use to be within Sections 9, 17, 22, 26 & 28, T12S, R27E all Cassia County.

Application for Extension of Time to Avoid Forfeiture by R Reed Call (1395 N 1500 E, Provo, UT 84604) for right 43-02530A recorded with a priority of 7/11/1961 for 3.06 cfs from groundwater diverted from a well within SWSE Section 12 and used to irrigate 153 acres within SE1/4 Section 12, all T13S, R26E, Cassia County. Right last used in 1994; a five year extension is requested.

Any protest against the proposed applications must be filed with the Department of Water Resources, Southern Region, 1341 Fillmore St., Suite 200; Twin Falls, ID 83301 together with a protest fee of \$25.00 on or before October 15, 1999 to be considered by the Department in its decision to grant or deny any part of the proposed applications. **(Each application requires a separate protest).** The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director

Published in the South Idaho Press on 9/27 & 10/4/99.

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State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

**DIRK KEMPTHORNE
GOVERNOR**

**KARL J. DREHER
DIRECTOR**

September 16, 1999

ATTN LEGALS
SOUTH IDAHO PRESS
230 EAST MAIN
BURLEY ID 83318

Ladies and Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper.

We have inserted the required publication dates. If you cannot publish the notice on the proposed dates, please contact us immediately.

In order to receive payment, an affidavit of publication must be submitted to the Department along with the publication bill.

Very truly yours,

Mary Baldwin
Administrative Assistant

Enclosure

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SEP 07 2001



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

Date: _____

To Whom It May Concern:

I grant permission to the Department of Water Resources to obtain copies of power records, copies of pump evaluation or energy audit reports from either Raft River Rural Electric Coop or from Robin Wells. I understand this information will be used by IDWR in evaluation of Notice of Claims filed in the Snake River Basin Adjudication.

Identification Information:

Power Pole No: _____

Farm or Account Name: _____

Gary B. Harper
(Signed by Owner or Authorized Agent)

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SEP 07 2001

T# 5501



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

July 23, 1999

Gary Harper
2040 E 850 S
Declo, ID
83323

RE: App. for Transfer Filed 1-8-1999

Dear Mr. Harper;

While reviewing your application, I have found a couple of small discrepancies in the proposed place of use. In the NE/NE Sec. 26, there are 20 licensed acres. However, it appears that 24 acres are actually irrigated in this tract; is this correct? In the SE/NE Sec. 3, there are a couple of acres around your home that appear to be irrigated; is this correct? The ASCS photo shows a straight boundary on the south end of a 17-acre field, but irrigation appears to continue on south in a U-shaped pattern around the home. Enclosed is a GIS map of the proposed p/u for your review. Let me know if you have any comments on the map. Once these questions are resolved, I will turn your file over to our secretary for advertising.

Regards,

James E. Stanton
Sr. Water Resource Agent

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SEP 07 2001

T#5501

TO: File

DATE: August 6, 1999

FROM: Jim Stanton

SUBJECT: App. for Transfer, Gary Harper

I have visited the subject property to confirm well locations and p/u. A GIS map of the property has been completed, and this shows a total p/u of 1600 acres. This slightly exceeds the 1596 licensed or claimed acres, but should not be a problem. Harper said that cannot pump enough water to take care of all the land every year, so leaves some corners out on a rotation basis; about 7 corners a year are watered. There is no pump in the Sec. 25 well now, as it is being repaired. A good portion of Harper's water rights are based on beneficial use, and all are under SRBA review by Jeannie. Approval of transfer should be based on SRBA findings. Harper has given permission for us to get Robin Wells' pump-test data; I have requested this twice from Robin, but so far have only gotten talk and no action. I could only find ASCS data showing recent irrigation on one of the 2 corners in Sec. 25 that are to be dried up, but could not find the 1995 data at all.

This application should be advertised, then held until SRBA review is completed. The Basin 43 Director's Report is due by the end of the year, but the process seems to be way behind. The new land in Sec. 3 that is being added to the system is being irrigated this year.

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SEP 07 2001

T-# 5501

TO: File

DATE: July 22, 1999

FROM: Jim Stanton

SUBJECT: App. for Transfer, Gary Harper

I visited the subject property accompanied by the applicant, and reviewed ASCS slides in the Burley office. The SW pivot corner of the NE 1/4 Sec. 34 (5 acres) was sold without water rights several years ago, and has not been watered for 6 years or more according to Mr. Harper. The other 2 acres (which Harper still owns) are covered by the end gun of the pivot sprinkler. The full 7 acres are proposed to be moved to new land in Sec. 3.

The transfer also dries up the 2 east pivot corners in the SW 1/4 Sec. 25. The slides for 1994, 1996 and 1997 show the NE corner as being dry; 1995 & 1998 data was not available. The additional p/u in Sec. 3 is now under sprinklers, so a resumption of use may have occurred on any questionable portions of these rights and claims. Due to water-supply problems from old wells plugging up with hard-water deposits, only about 7 corners are watered each year according to the Harper.

All of these wells were measured in the past by Robin Wells, and Harper has given permission for Robin to turn over his test data to me. The well in Sec. 25 has no pump right now, so hopefully this data can be used to determine the overall system capacity for both the transfer and the SRBA recommendations. Jeannie Robertson is the SRBA agent for this area, and has had trouble with getting flow readings on several of the Harper wells.

Although most of the tracts are shown as 40 acres, county roads surround all these sections. So the actual p/u is less than the 1596 acres shown. But the tracts were either licensed as 40's or were claimed as 40's under beneficial use. There is a question as what is actually irrigated and farmed in the NE/NE Sec. 26. The tract is licensed as 20 acres, but the aerial photo/dot grid shows 32 acres as being irrigated.

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SEP 07 2001

T#5501

Harper transfer. NE $\frac{1}{4}$ S. 34 has pivot w/end gun (adds a couple acres to pivot coverage); both west corners dry in 1994, W $\frac{1}{2}$ S. 35; 2 east corners in NW $\frac{1}{4}$ & NE corner in SW $\frac{1}{4}$ dry. E $\frac{1}{2}$ S. 27. all 4 west corners are dry, 2 inside east corners have 4-tower pivot w/some dry land between pivots, outer east corners are irrigated. S. 26; NW/SW has 2 ac dry, NW/SE has 2 ac dry, SW $\frac{1}{4}$ S. 25 - pivot w/end gun, only SW corner fully irrigated in 1994. Slide CC-16
1996 slide - S. 34 NE $\frac{1}{4}$; NW corner appears watered, SW corner is dry. S. 35; W $\frac{1}{2}$ has water except for NE corner.
S. 27 E $\frac{1}{2}$ - all corners appear irrigated, but 2 interior east corners lose about 1 acre each. S. 25 SW $\frac{1}{4}$ - 2 north corners still mostly dry, SE corner appears watered.
1997 - SW $\frac{1}{4}$ S. 25; only SW corner looks wet, NE $\frac{1}{4}$ S. 34; 2 west corners dry.

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SEP 07 2001

T#5501

S 1/2 26	43-02564	2,20 cfs
SW 25, SE 26	A43-04141	2,72 cfs
SW 25	43-02312A	3,35 cfs
NE 27	A43-10037	4,00 cfs
SE 27	A43-04092	4,00 cfs
NW 35	43-02309	2,30 cfs
SW 35	A43-04091	3,20 cfs
NE 3	A43-04009	3,20 cfs

210 ac	
256 ac	*
160 ac	* 100% overlap
140 ac	expansion claim } 24.00 cfs
200 ac	
160 ac	
<u>160 ac</u>	
1136 ac	
<u>160</u>	
<u>1276</u>	

6 wells

SW/SW 35	1	1300 gal
"	2	800
SWSW 26	3	1100
SWSE "	4	1600
SWSW 25	5	800
SE NE 27	6	1400

~~7000~~ = 15.6

8000 = 17.83 cfs

131 + 1153 = 1284

south well
north "

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SEP 07 2004

T# 5501

Questions For Gary Harper

ties in 2-3
yrs ago

1. Are 2 wells in NW $\frac{1}{4}$ sec, 26 part of system? NO are channeled separately.
are under 43-2385 & 2391, are part of system - include in transfer

2. SW corner of NE ^E pivot & SW corner of SE ^W pivot in S. 34 ^S are shown as
dry by SRBA. How long has this been the case? S. 34 corner - sold 5 acres
to Jim Paskett, corner is no longer watered, but wants to show rights on 2 ac
they still own (35 ac total in SW/NE). Other corner is watered most years.
not watered for 6 years or more

3. is moving 21 ac from S. 25 to about 22 ac in S. 3, so is 1 acre short here.
But gave up 5 ac in S. 34 some time in the past. So could have 5 acres
here. Minus the 1 extra acre in S. 3 leave 4 acres over historic use that could
be moved back to S. 25. Total PPU is 1292 acres if the 4 acres has been
lost thru abandonment, 1296 acres if it is still valid.

4. Was corner sold recently to Paskett sold with or without water rights?
sold dry,

alternates corner
- hole about 7

corners a
year, has
problems with
old wells plugging
up w/ carbonates
from hard water

5. I took the 5 acres sold to Paskett ~~removed~~ plus the 2 acres retained in that
corner & moved it to Sec. 3. I also moved the 2 lost corners in Sec. 25,
plus 1 acre in the NW corner in 25 to Sec. 3. 2 acres get almost
no water

6. Claim A37-10037 was reduced from 4 cfs to 2.8 cfs (1" / ac for
140 ac). leave at 4 cfs

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SEP 07 2001

7. How is water provided to small pivot between S. 26 & 27?
150-200 gm

also has small pivot in center corners of Sec. 26 T#5501

Abriqation Wells of Gary B. Harper

Pol 802 1. SW/SW/SW S, 25 115 26E ARE

Pol 8020 2. SE/SE/NW S, 26 "

Pol 8018 2. SW/NW/NW "

Pol 8048, 8049 3. SW/SW/SW S, 26 "

Pol 803 4. SE/SW/SE S, 26 "

Pol 808, 8011 5. SW/SW/SW S, 35 " (north well)

Pol 807 6. " " " (south well)

Pol 801 7. Center of E 1/2 S, 27 "

Pol 14034 8. NE/SW/SW S, 2 125 26E

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SEP 87 2011

given to Robin Wells 3-29-99 so he can get his test data

T #5501

43-2309

REPORT OF WELL DRILLER
State of IdahoRECEIVED
APR 25 1967

Department of Reclamation

State law requires that this report shall be filed with the State Reclamation Engineer within 30 days after completion or abandonment of the well.

WELL OWNER:

Name Bob SimplotAddress Star Route # 3Declo, IdahoOwner's Permit No. 20443 4657NATURE OF WORK (check): Replacement well ☒New well ☐ Deepened ☐ Abandoned ☐Water is to be used for: IrrigationMETHOD OF CONSTRUCTION: Rotary ☒ Cable ☐Dug ☐ Other ☐

(explain)

CASING SCHEDULE: Threaded ☐ Welded ☒16" "Diam. from 0 ft. to 245 ft.12 3/4" "Diam. from 235 ft. to 385 ft."Diam. from ft. to ft."Diam. from ft. to ft.Thickness of casing: Material: Steel ☐ concrete ☐ wood ☐ other ☐

(explain)

PERFORATED? Yes ☒ No ☐ Type ofperforator used: Size of perforations: 3/16 " by 2 "600 perforations from 135 ft. to 235 ft.540 perforations from 245 ft. to 335 ft.120 perforations from 255 ft. to 275 ft.perforations from ft. to ft.WAS SCREEN INSTALLED? Yes ☐ No ☒Manufacturer's name Type Model No. Diam. Slot size Set from ft. to ft.Diam. Slot size Set from ft. to ft.CONSTRUCTION: Well gravel packed? Yes ☒No. ☐ size of gravel Gravelplaced from 125 ft. to 245 ft. Surface sealprovided? Yes ☐ No ☒ To what depth? ft. Material used in seal: Gravel packed,Back filled with cuttings.Did any strata contain unusable water? Yes ☐No. ☒ Type of water: Depth of strata ft. Method of sealingstrata off: Surface casing used? Yes ☐ No. ☐Cemented in place? Yes ☐ No ☒

Locate well in section

LOCATION OF WELL: County CassiaS/W Wobner of Sec. 35 T. 11 N/S R. 26 E/W

Use other side for additional remarks

Size of drilled hole: 16" an 12" Total
depth of well: 1100 Standing water
level below ground: 76ft. Temp.
Fahr. ° Test delivery: 1,260 gpm
or cfs Pump? ☒ Bail ☐
Size of pump and motor used to make test:

Length of time of test: Hrs. Min.
Drawdown: ft. Artesian pressure: ft.
above land surface Give flow cfs
or gpm. Shutoff pressure:
Controlled by: Valve ☐ Cap ☐ Plug ☐
No control ☐ Does well leak around casing?
Yes ☐ No ☒

DEPTH		MATERIAL	WATER YES OR NO
FROM	TO		
FEET	FEET		
0	40	Sandy clay	
40	50	Sand, gravel, water	
50	70	Clay	
70	80	Gravel	
80	110	Clay	
110	120	Gravel an clay	
120	140	Sand an clay	
140	165	Gravel an water	
165	180	Gravel an clay	<u>yes</u>
180	185	Sand an coarse gravel	"
185	190	Clay an sand	<u>no</u>
190	200	Gravel an sand	"
200	230	Gravel	"
230	240	Clay an gravel	"
240	242	Sand	<u>no</u>
242	270	Gravel, small amount of clay	"
270	290	Clay an gravel, hard	"
290	300	Softer, gravel an clay	"
300	320	Clay an sand	<u>no</u>
320	325	Sand an gravel	"
325	335	Hard, cemented	<u>no</u>
335	340	Yellow clay an gravel	"
340	350	Sand an heaving	<u>no</u>
350	355	Yellow clay an gravel	"
355	380	Softer, more gravel	"
380	380	Clay an gravel	"
380	400	Clay	<u>no</u>
400	420	Grey clay	<u>no</u>
420	430	Blue clay	<u>no</u>
430	435	Blue clay an gravel	<u>no</u>
435	442	Blue clay	<u>no</u>
442	445	Blue clay an gravel	<u>no</u>
445	455	Blue clay	<u>no</u>
455	460	Grey clay, little more gravel	"
460	480	Grey clay	<u>no</u>
480	500	Grey clay, an gravel, drilled faster	
500	520	Very little gravel	"
520	540	Blue clay (over)	<u>no</u>

Work started: June, 20, 1966Work finished: July, 22, 1966

Well Driller's Statement: This well was
drilled under my supervision and this report
is true to the best of my knowledge.

Name: Ivan BortzAddress: Grace, Idaho Box 226Signed by: License No. 51 Date: 20443
43-2309

Formation.

540---570.	Harder blue clay
570---585.	Softer, grey clay
585---600.	Hard
600---630.	Blue clay
630---660.	Hard with white clay
660---735.	Hard blue clay, white cast
735---726.	Rough
736---735.	Blue clay or shale
735---775.	White clay, extremely slow, but smooth going
775---840.	Blue clay, drilling faster
840---855.	Little whiter clay, slower drilling, rough
855---870.	Dark blue clay, black tint
870---872.	Blue clay, softer
872---880.	Hard white clay
880---885.	Softer blue clay
885---930.	Rough spots
930---945.	Soft white clay
945---995.	Extra rough spots, white clay
995---1005	Blue shale
1005---1039.	Rough, blue shale
1039---1050.	Very slow going
1050---1100.	Softer blue shale, an limestone.

water
yes no
yes
no
no
no
no
yes
yes
no
no
no
no
no
no
yes
yes
yes
yes
yes
yes

This well filled in from first pumping, up to 385ft. Or to the bottom of the pipe.

Size of drilled hole was, 20" to 245ft, 15" to 385ft, 9 7/8" to 1100ft.

With rotary. So now the hole is only from surface to 385ft. The rest filled in.

This is why I haven't gotten this report in before now. They put another test on it on April, 20, 1967.

20443
43-2309

✓
December 20, 1950

Re: Permit No. 20443

Mr. R. L. Simplot
Peclo, Idaho

Dear Mr. Simplot:

We enclose License and Certificate of Water Right issued under Permit No. 20443, confirming your right to the use of 2.3 second feet of water from a well in the SW 1/4 Section 35, Township 11 South, Range 25 East, B.M., with priority of May 1, 1948, for irrigation and domestic use on the NW 1/4 of said Section 35.

We also enclose Departmental Receipt No. 22907 for the \$8.00 fee paid in connection with this proof.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:bh
Enc.

20443

✓
April 24, 1950

Re: Permit No. 20443

Mr. R. L. Simplot
Declo, Idaho

Dear Mr. Simplot:

We now have on file the report of our Field Engineer on examination for Beneficial Use under your Permit No. 20443.

This report shows that you have irrigated 160 acres in the NW $\frac{1}{4}$ Section 35, Township 11 South, Range 26 East, B.M.

Therefore, upon receipt of the statutory fee of \$8.00, a License will be issued for 2.3 second feet of water from a well in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:bh

20443

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

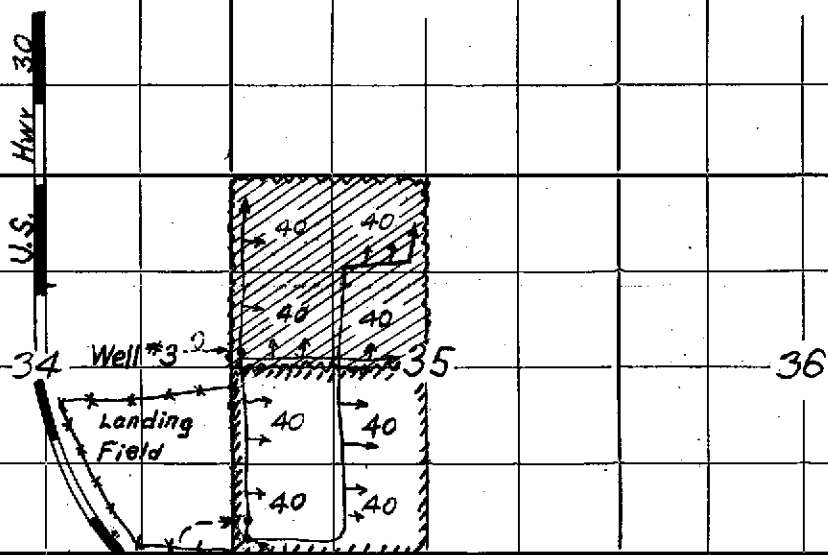
PERMIT NO. 20443

REPORT ON PROOF OF Beneficial use

app. 3.2 c/s.

*2.3 c/s
mark*

*160 acres
4-40's*



Well #2 Point of Diversion for this Permit --- Well #1 Under Permit 19616 (Don Bunker)

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO
REPORT OF ENGINEER

Permit No. 20443This proof is for Beneficial use

In Water District No. _____

1. Name of applicant R. L. Simplot, Declo, Idaho
2. Source of water supply: Subterranean (well)
3. Location of point of diversion: Is in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 35
T. 11 S. R. 26 E. County of Cassia
4. Describe works as they exist, giving dimensions and capacities of same: _____
Well #2. 275' deep, cased 275' with 6" casing. Denning Pump, 10" pipe, 12" bowls,
Powered by Farm-all Tractor, belt connected. Concrete control box (3 way).
Ditches 3' wide and 1' deep.
Well #1. 260' deep, cased 260' with 12" casing. Peerless Gear Turbo pump. TD9
Diesel Engine, directly connected. Concrete header box. Ditches 3' wide x 1' deep.
5. Water is used for: Irrigation and domestic purposes
6. State whether or not water has been turned into works of diversion: Yes
7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if other than irrigation):

NW $\frac{1}{4}$ Section 35, Township 11 South, Range 26 East, B. M.

(Submit map on attached plat, showing location and details of above description.)

8. What large stream would the water here appropriated finally reach? Unknown

Remarks: Well #2. "Q" = 115 inches"Well #1. "Q" = 135 inches" - (est. J.S.F.)This examination was made on the 11th day of May, 1949.

(Signed) _____

Examiner.

20443

71
R. L. Simplot

Declo, Idaho

Permit No. 20443

Examination for Beneficial use

County Cassia

RECEIVED
APR 17 1950

Department of Reclamation

INSTRUCTIONS TO EXAMINERS

1. Always carefully note the location of the point of diversion and accurately plat same.
2. When proof is for beneficial use, carefully check up the number of acres actually irrigated in each forty and accurately plat same.
3. Make a map showing the correct location of streams and ditches, and the irrigated lands, and any adjacent permanent landmarks, such as towns, lakes, large streams and public roads.
4. If any unusual conditions are discovered, make plain statement of them under remarks.
5. Always see the holder, if possible, and go over the whole ground with him and make your report only upon actual existing facts and conditions.
6. Give general characteristics of soils, topography, and crops raised.

✓
March 16, 1949

Re: Permit No. 20443

Mr. Dean Kloopfer
Bank and Trust Company Building
Burley, Idaho

Dear Mr. Kloopfer:

We acknowledge receipt of your letter of March 14, enclosing Affidavit of Publication in the Burley Herald, on notice of Beneficial Use Proof under Permit No. 20443, of R. L. Simplot.

This, with the depositions previously submitted, complete Beneficial Use Proof under this Permit, but before final action is taken in the matter, the law requires that a field examination be made by an Engineer from this Department.

We are unable to say just when this examination will be made, as this Department has but one Field Engineer who makes examinations all over the State.

However, Mr. Tolman, Field Engineer for this Department, will try and contact Mr. Simplot at the time he makes the examination in order that he may arrange to show him over the grounds.

Very truly yours,

MARK R. RULP
State Reclamation Engineer
By

Chief Clerk

A:bh

20443

**NOTICE OF PROOF APPLICATION
OF WATER TO BENEFICIAL
USE**

Notice is hereby given that at 10:00 a.m. on the 23rd day of February, 1949, at Burley, County of Cassia, State of Idaho, before Dean Kloepfer, Notary Public, proof will be submitted of the application to beneficial use of 3.2 cubic feet per second of the waters of Subterranean Source in accordance with the terms and conditions of Permit No. 20443 heretofore issued by the Department of Reclamation of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are E. J. Kulp

plot, Route No. 1, Declo, Idaho.

The use to which said water has been applied is irrigation and domestic purposes.

The amount applied to beneficial use is 160 inches or 3.2 second feet.

The place where said water is used NW 1/4 of Sec. 35 T. 11 S. R. 26 E. B. M.

The name of the canal or ditch or other works by which said water is conducted to such place of use is Ditch No. 1.

The right to take water from such works is based upon Permit No. 20443.

The source of supply from which such water is diverted is Subterranean Water from well in the SW 1/4 SW 1/4 Section 35, Twp. 11, South, Range 26 East, B. M.

The date of priority which said user is prepared to establish is May 1, 1948.

MAURICE KULP
State Reclamation Engineer.
Published in the Burley Herald,
Jan. 20-27, Feb. 3, 10, 1949.

20443

Affidavit of Publication.

The Burley Herald-Bulletin

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO }
COUNTY OF CASSIA } ss.

J. J. Bugosh

first being duly sworn, deposes and says: That he is the printer of The Burley Herald and/or The Burley Bulletin, a weekly newspaper published at Burley, in the County of Cassia, State of Idaho; that the said newspaper has a general circulation in said county, and that the said newspaper is published weekly and has been continuously and uninterruptedly published in said county, not less frequently than once a week, during a period of seventy-eight consecutive weeks immediately prior to the first publication of the printed notice herein referred to;

That said newspaper at all times herein mentioned, has been a newspaper of general circulation, made up of at least four pages of at least five columns each, printed from typed matter or stereotyped forms of at least seventeen and three-fourths inches depth, and during the whole of said time has had at least two hundred bona-fide subscribers living within said County of Cassia.

Affiant further states that the printed notice attached hereto was duly published according to law, in the regular weekly editions of the said newspaper and not in any supplement thereof, for **four** consecutive weeks, commencing with the issue dated **Jan. 20, 1949**, and ending with the issue dated **Feb. 10, 1949**.

Subscribed and sworn to before me this

14th day of March, 1949.

J. J. Bugosh
Hazel G. Strode

Notary Public in and for the State of Idaho,
Residing at Burley, Idaho.

My Commission Expires June 4, 1951

20443

Dean Kloepper

ATTORNEY AT LAW

IDAHO BANK & TRUST CO. BUILDING

BURLEY, IDAHO

March 14, 1949



Jeanne L. Anderson
Chief Clerk
Department of Reclamation
Boise, Idaho

RE: Permit No. 20443

Dear Madam:

The Affidavit has apparently been misplaced on the above application. I will secure either the Affidavit or a duplicate and forward it to you immediately.

Very truly yours,

A handwritten signature in cursive script that reads "Dean Kloepper". The signature is written in dark ink and is positioned above the printed name.

Dean Kloepper

DK/bc

Please find affidavit as per your request.

20443

✓
March 12, 1949

Re: Permit No. 20443

Mr. Dean Kloepper
Bank and Trust Company Building
Burley, Idaho

Dear Mr. Kloepper:

We acknowledge receipt of your letter of March 1, enclosing the depositions of R. L. Simplot and two witnesses in Proof of Beneficial Use under Permit No. 20443.

However, we have not yet received the Affidavit of Publication which is a necessary part of this proof.

The Burley Herald-Bulletin was instructed to send this Affidavit to Mr. Simplot and if it has not been received, we suggest that the matter be taken up with them promptly, in order to complete this proof.

Very truly yours,

HAROLD R. KULP
State Reclamation Engineer
By

Chief Clerk

A:hh

CC: R. L. Simplot

20443

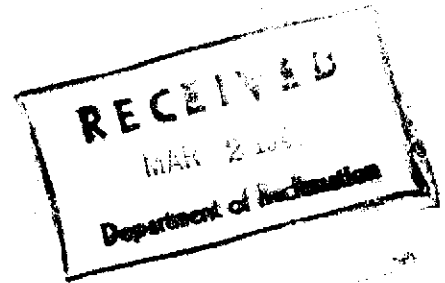
Dean Kloefer

ATTORNEY AT LAW

IDAHO BANK & TRUST CO. BUILDING

BURLEY, IDAHO

March 1, 1949



Jeanne L. Anderson
Chief Clerk
Department of Reclamation
State House
Boise, Idaho

Dear Madam:

Enclosed find the form 16 and form 17 in RE: Permit No. 20443, R. L. Simplot. I have been in court since the 23rd so haven't forwarded these to you. Kindly excuse the delay. Forward any other instruments or information on this directly to me.

Very truly yours,

Dean Kloefer
Dean Kloefer

DK/bc

me 4/1

20443

THE BURLEY

HERALD-BULLETIN

PUBLISHED BY THE MIST PUBLISHING COMPANY

Cassia County's Best Advertising Medium

★ HIGH QUALITY PHOTO-OFFSET AND LETTERPRESS PRINTING

PHONE 2 or 3--129 EAST MAIN STREET

BURLEY, IDAHO

January 18, 1949

20443
Mr. Mark R. Kulp
State Reclamation Engineer
Department of Reclamation
Boise, Idaho

Dear Sir:

This is to acknowledge receipt of the legal for publication of "Notice of Proof Application of Water to Beneficial Use for R. L. Simplot of Rt. #1, Declo, Idaho. We have placed it in this Thursday paper and dated it to run four issues, Jan. 20-27 Feb. 3 and 10, 1949.

Thanking you, we remain,

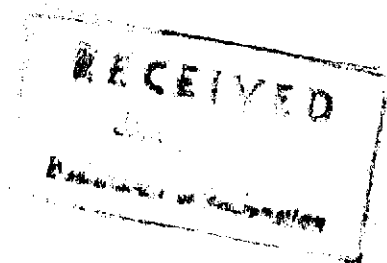
Very truly yours,

The Burley Herald-Bulletin

By

Hazel G. Woodall

Hazel G. Woodall,
Associate Editor



20443

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Permit No. 20443-----

Proof of Application of Water to Beneficial Use

Deposition of Holder

Ques. 1. State your name, residence, occupation and postoffice address.

Ans. R.L. Simplot, Declo, Idaho; Rancher, P.O. Declo, Idaho.....

Ques. 2. If acting in behalf of corporation, state its name, principal place of business (if a foreign corporation, give name of postoffice of statutory agent), your position with reference to same, and your authority for appearing in its behalf.

Ans. Individual.....

Ques. 3. State number and date of permit, and date of priority you propose to establish under the permit.

Ans. Permit #20443, May 12, 1948 (date approved) priority-May 1, 1948.....

Ques. 4. State source of water supply and give exact location of point of diversion.

Ans. Subterranean Water, tapped by well; located in SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 35,
T. 11 S. R. 26 EBM, County of Cassia.....

Ques. 5. Describe your works of diversion, and state amount of water they are capable of conveying from point of diversion to place of use, and give name of canal or ditch or other works by which water is conducted to such place of use.

Ans. Left Pump, ditches, takes water from well, Capable of conveying
at least 3.2 Cubic feet per second; canal has no names, merely
irrigation ditches.....

Ques. 6. State for what purpose water is used and describe place of use. (If for irrigation, name each subdivision in which used, and number of acres in each subdivision that have actually been irrigated with said water.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. Irrigation purposes; Cultivated land, sandy loam, land cleared
and has been irrigated, NW $\frac{1}{4}$ Sec. 35, T. 11 S R 26 EBM.....

Ques. 7. If for other than irrigation purposes; state how applied, amount of horse power generated, etc.

Ans. Irrigation only.....

20443

11/11/48

Ques. 8. What is the minimum amount of water required for the purpose specified above?
Ans. 3 cubic feet per second

Ques. 9. If you are not the person or representative of the corporation to whom above mentioned permit was originally issued, please state how ownership was acquired by present holder.
Ans. individual, applicant only

Ques. 10. State when, how, in what amount and to what extent the water diverted under above mentioned permit has been used.
Ans. Approximately 3 cubic feet per second applied for irrigation purposes during season of 1948

Ques. 11. State when, how, in what amount and to what extent waters other than those diverted under the above mentioned permit have been diverted and applied to beneficial use upon the lands herein described. Give full particulars regarding such other appropriations and rights claimed thereunder.
Ans. No other appropriations

(Sign)

R. L. Simplot

I hereby certify that the foregoing testimony was read to the above subscribed before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in Burley, County of Cassia, State of Idaho, on this 23rd day of February, A. D. 1949.

Dean Klaffer

My commission expires

March 19, 1949

20443

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

PERMIT NO. 20443

Proof of Application of Water to Beneficial Use

Deposition of Witness

The deposition of two witnesses, on this form, taken separately, required in each case.

Ques. 1. State your name, age, residence, occupation and postoffice address.

Ans. John A. Rambosek --- 34--1551 Miller Ave., Burley, Idaho--- potato dealer
1551 Miller Avenue, Burley, Idaho

Ques. 2. Are you acquainted with R. L. Simplot, the holder of Permit No. 20443? How long have you known him and where does he reside?

Ans. Known him three (3) years. He resides at Declo, Idaho.

Ques. 3. Have you read or heard read said Permit No. 20443, and are you familiar with its provisions and conditions?

Ans. Yes.

Ques. 4. State source of water supply, place of diversion, and describe works for conveying water from point of diversion to place of use.

Ans. Subterranean Water (well) point of diversion located SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 35 T 11 S
R 26 EBM Water is pumped to surface and carried to place of use by
irrigation ditches.

Ques. 5. How many second feet of water do you estimate said works will safely conduct to place of use, and how much water have you seen being so conveyed?

Ans. 3.2 Cubic Feet per second

Ques. 6. State for what purpose water is used and at what place. (If for irrigation, give each subdivision in which water has been used and number of acres irrigated in each subdivision.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. Water is used for irrigation to irrigate NW $\frac{1}{4}$ Sec 35 T 11 S R 26 EBM
Land has been cleared. Crop planted and taken during the season of
1948, water used from above described well.

20443

Ques. 7. If for power or other purposes than irrigation, state how water has been applied and to what extent.

Ans. Irrigation only.

Ques. 8. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

Ans. Sandy Loom requires 3.2 Cubic Feet per second

Ques. 9. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent?

Ans. No interests.

Ques. 10. State when, how, in what amount and to what extent you have witnessed the application to beneficial use of water diverted under said permit.

Ans. Observed water being pumped and conveyed to above described land during season 1948 and crops grown thereupon.

(Signed)

John A. Rambert

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in Burley, Idaho, County of Cassia, State of Idaho, on this 23 day of February, A. D. 19 49.

Dean Klopfer

Notary Public.

My commission expires March 19, 1949.

20443

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

PERMIT NO. 20443**Proof of Application of Water to Beneficial Use****Deposition of Witness**

The deposition of two witnesses, on this form, taken separately, required in each case.

Ques. 1. State your name, age, residence, occupation and postoffice address.

Ans. Bert J. Hayward --- 27---Post Office Box 813, Burley, Idaho---Potato Dealer
Post Office Box 813, Burley, Idaho

Ques. 2. Are you acquainted with R. L. Simplot, the holder of Permit No. 20443? How long have you known him and where does he reside?

Ans. Known him five (5) years. He resides at Declo, Idaho.

Ques. 3. Have you read or heard read said Permit No. 20443, and are you familiar with its provisions and conditions?

Ans. Yes

Ques. 4. State source of water supply, place of diversion, and describe works for conveying water from point of diversion to place of use.

Ans. Subterranean Water (Well) point of diversion located SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 35 T11 S
R 26 EBM Water is pumped to surface and carried to place of use
by irrigation ditches.

Ques. 5. How many second feet of water do you estimate said works will safely conduct to place of use, and how much water have you seen being so conveyed?

Ans. 3.2 Cubic Feet per second

Ques. 6. State for what purpose water is used and at what place. (If for irrigation, give each subdivision in which water has been used and number of acres irrigated in each subdivision.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. Water is used for irrigation to irrigate NW $\frac{1}{4}$ Sec 35 T 11 S R 26 EBM
Land has been cleared. Crop planted and taken during the season of
1948, water used from above described well.

20443

Ques. 7. If for power or other purposes than irrigation, state how water has been applied and to what extent.

Ans. Irrigation only.

Ques. 8. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

Ans. Sandy loam requires 3.2 Cubic Feet per second.

Ques. 9. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent?

Ans. No interests.

Ques. 10. State when, how, in what amount and to what extent you have witnessed the application to beneficial use of water diverted under said permit.

Ans. Observed water being pumped and conveyed to above described land during season 1948 and crops grown thereupon.

(Signed)

Bert J. Hayward

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in Burley, Idaho

County of Cassia, State of Idaho, on this 23 day of February

A. D. 19 49

Dean Klopfer

Notary Public.

My commission expires March 19, 1949

20443

NOTICE FOR PUBLICATION
NOTICE OF PROOF APPLICATION OF WATER
TO BENEFICIAL USE

Notice is hereby given that at 10:00 A. M. on the 23rd day of February, 1949,
at Burley, County of Cassia, State of Idaho, before
Dean Kleapfer, Notary Public, proof will be submitted of the
application to beneficial use of 3.2 cubic feet per second of the waters of Subterranean
Source in accordance with the terms and conditions of Permit No. 20443
heretofore issued by the Department of Reclamation of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are

R. L. Simplot, Route # 1, Declo, Idaho

The use to which said water has been applied is irrigation and domestic purposes

The amount applied to beneficial use is 160 inches at 3.2 second feet

The place where said water is used (if for irrigation, give full and accurate description of the

~~irrigated area~~ NW 1/4 of Sec. 35 T. 11 S. R. 26 E. B. M.

The name of the canal or ditch or other works by which said water is conducted to such place of
use is Ditch No. # 1

The right to take water from such works is based upon Permit No. 20443

The source of supply from which such water is diverted is Subterranean Water from well
in the SW 1/4 SW 1/4 Section 35, Twp. 11 South, Range 26 East, B. M.

The date of priority which said user is prepared to establish is May 12, 1948

MARK R. KULP

State Reclamation Engineer.

20443

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Re: Permit No. 20443

Date: January 17, 1949

Barley Herald-Bulletin

Barley, Idaho

Gentlemen:

Enclosed you will find notice for publication once a week for four consecutive weeks prior to **February 23, 1949** the date set for proof, the expense of the publication to be paid by the applicant, **R. L. Simplet** of **Route 1,**

Declo, Idaho, to whom you should furnish proof of publication on or prior to the date set for proof.

Please acknowledge receipt of this notice, and furnish this office with a copy of the first publication, in order that we may check same.

Very truly yours,

MARK R. KULP

State Reclamation Engineer
By

Chief Clerk

20443

January 15, 1949

Re: Permit No. 20443

Mr. Dean Kloepper
Idaho Bank and Trust Co. Bldg.
Burley, Idaho

Dear Mr. Kloepper

We enclose Certificate of Completion of Works issued under Permit No. 20443 in the name of R. L. Simplot for the diversion of 3.2 second feet of water from a well in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 35, Twp. 11S., Range 26 E. B.M. for irrigation and domestic use on the NW $\frac{1}{4}$ of this section.

We also enclose Departmental Receipt No. 21188 for the \$5.00 fee paid in connection with completion of works proof.

Notice of beneficial use proof to be made under this permit before you as Notary Public on February 23, 1949, will be sent to the Burley Herald-Bulletin with instructions to publish it once a week for four consecutive weeks prior to that date and to send Mr. Simplot the affidavit of publication together with statement of costs.

We enclose herewith the necessary forms of deposition for making this proof consisting of one for Mr. Simplot and one for each of two witnesses, and at the time set Mr. Simplot and two disinterested witnesses who are familiar with the terms of the permit and the work done thereunder should appear before you for the purpose of executing the depositions.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A/gt
Encls.

20443

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

In the Matter of the Reinstatement
of Permit No. 20443 Under the
Provisions of Section ~~5594, Idaho~~
~~Compiled Statutes~~ 41-311, I.C.A.

ORDER REINSTATING PERMIT

WHEREAS, Permit No. 20443 lapsed through failure of the holder to make proof of completion of the works of diversion within the time specified in the Permit, to-wit: August 12, 1948; and,

WHEREAS, On the 30th day of November, 1948 notice to show cause why said permit should not be canceled, under the provisions of Section 5594, Compiled Statutes of Idaho, was duly served on the holder of said permit; and,

WHEREAS, On the 8th day of December, 1948 the holder filed notice of appearance to offer proof to show that the works of diversion under said permit were fully completed within the time required; and,

WHEREAS, On the 5th day of January, 1949 depositions of the holder and two witnesses were received at the Department of Reclamation showing that the said works of diversion were completed within the time required in the permit; and,

WHEREAS, After examination of the said depositions, the ~~Commissioner of~~
Engineer of Reclamation of the State of Idaho, is fully satisfied that the works of diversion were completed as required under the terms of said Permit No. 20443, and that the holder has acted in good faith;

IT IS, THEREFORE, Hereby Ordered that said Permit No. 20443 be, and the same is, hereby reinstated, and that a certificate of completion of works be issued to the applicant herein.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of this Department, at Boise, Idaho, this 13th day of January, 1949.

Mark R. Kuep
Commissioner of Reclamation
State Reclamation Engineer

By _____ Assistant

20443

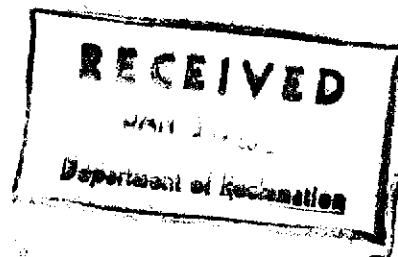
Dean Kloepper

ATTORNEY AT LAW

IDAHO BANK & TRUST CO. BUILDING

BURLEY, IDAHO

January 11, 1949



Department of Reclamation
State of Idaho
State House
Boise, Idaho

RE: Simplot Application

Gentlemen:

Enclosed find \$5.00 for the R. L. Simplot water application.
Kindly proceed with sending the proper instruments for publication.

Very truly yours,

Dean Kloepper

hc

enclosure

20443

✓
January 7, 1949

Re: Permit No. 20443

Mr. Dean Kloepper
Idaho Bank & Trust Co. Bldg.
Burley, Idaho

Dear Mr. Kloepper:

We acknowledge receipt of your letter of January 5 enclosing the depositions of R. L. Simplot and two witnesses in proof of completion of works under Permit No. 20443. These have been approved and certificate of completion of works will be issued upon receipt of the statutory fee of \$5.00.

We shall then send to the Burley Herald copy of notice of beneficial use proof to be made under this permit at 10:00 o'clock A.M., February 23, 1949, with instructions in regard to publishing same.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A/gt

20443

PERMIT NO. 20443

Proof of Completion of Works

DEPOSITION OF HOLDER

Ques. 1. State your name, residence, occupation and postoffice address.

Ans. R. L. Simplot, Declo, Idaho----Farmer ----Declo, Idaho

Ques. 2. If acting in behalf of a corporation, state its name, principal place of business, your position with reference to same, and your authority for appearing in its behalf.

Ans. Individual

Ques. 3. State number and date of permit, amount of water you are authorized to divert, source, and point of diversion.

Ans. 20443--May 12, 1948--3.2 Cubic Feet-- Subterranean Water--SW $\frac{1}{4}$ SEC. 35 T. 11 S. R. 26 E. B. M.

Ques. 4. State purpose for which water is to be used, and, if for irrigation, state the number of acres and give description of the land you intend to reclaim.

Ans. 160 acres--NE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ SEC. 35 T. 11 S. R. 26 E. B. M.

(Also known as the NW $\frac{1}{4}$, Sec. 35 T. 11 S. R. 26 E. B. M.)

Ques. 5. State whether or not the water has been turned into your works of diversion, and, if so, when and to what extent.

Ans. Yes--Used for Irrigation Season 1948

Ques. 6. State whether or not the works of diversion are fully completed, and whether or not they comply in all respects with the terms of the permit.

Ans. Completed June 15, 1948. *** Comply with Permit

Ques. 7. If the works of diversion do not comply with all the terms of your permit, state fully those particulars in which there is any variance.

Ans.

Ques. 8. Give description of works, state dimensions and capacity of each part, and give cost of same.

Ans. Pumping by Wells Cost \$2,500.00

(Sign here.)

R. L. Simplot

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, in Burley

County of Cassia, State of Idaho, on this 18th day of December A. D. 1948

Dean Klaffner
Notary Public.

My Commission expires March 19, 1949

20443

1447

Permit No. 20443

Proof of Completion of Works**DEPOSITION OF WITNESS**

Ques. 1. State your name, residence, occupation and postoffice address.

Ans. I. D. Anderson---Rupert, Idaho---Produce Dealer

Ques. 2. Are you acquainted with R. L. Simplot, the holder of Permit No. 20443, authorizing the diversion of 3.2 second-feet of the waters of Subterranean Water, at Idaho for Irrigation purposes? How long have you known him, and where does he reside?

Ans. 20 years---Declo, Idaho

Ques. 3. Have you read or heard read said Permit No. 20443, and are you familiar with its terms and conditions?

Ans. Yes

Ques. 4. (If for irrigation purposes). Are you acquainted with the land proposed to be irrigated under said permit? If so, describe same, state its character, and give your estimate of the amount of water required for its profitable cultivation.

Ans. Cleared land, sandy loam---160 inches

Ques. 5. Are the works of diversion fully completed and of sufficient capacity to convey the entire amount of water set out in the permit from point of diversion to place of use?

Ans. Yes

Ques. 6. Describe the works of diversion as they now exist, and give your estimate of their capacity.

Ans. Pumping well--irrigation ditches in--works completed, Capacity, 170 inches.

(Sign here.)

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in Burley County of Cassia, State of Idaho, on this 5th day of January, A. D. 1942.

Dean Kleeper

20443

Permit No. 20443

Proof of Completion of Works**DEPOSITION OF WITNESS**

Ques. 1. State your name, residence, occupation and postoffice address.

Ans. Bert Hayward-----Burley, Idaho-----Produce Dealer

Ques. 2. Are you acquainted with R. L. Simplot, the holder of Permit No. 20443, authorizing the diversion of 3.2 second-feet of the waters of Subterranean Water, at Idaho for Irrigation purposes? How long have you known him, and where does he reside?

Ans. 3 years----Daclo, Idaho

Ques. 3. Have you read or heard read said Permit No. 20443, and are you familiar with its terms and conditions?

Ans. Yes

Ques. 4. (If for irrigation purposes). Are you acquainted with the land proposed to be irrigated under said permit? If so, describe same, state its character, and give your estimate of the amount of water required for its profitable cultivation.

Ans. Cleared land, sandy loam---160 inches

Ques. 5. Are the works of diversion fully completed and of sufficient capacity to convey the entire amount of water set out in the permit from point of diversion to place of use?

Ans. Yes

Ques. 6. Describe the works of diversion as they now exist, and give your estimate of their capacity.

Ans. Pumping well--irrigation ditches in--works completed. Capacity 170 inches.

(Sign here.)

Bert J. Hayward

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in Burley County of Cassia, State of Idaho, on this 5th day of January, A. D. 1949.

Dean K. Boyer

20443

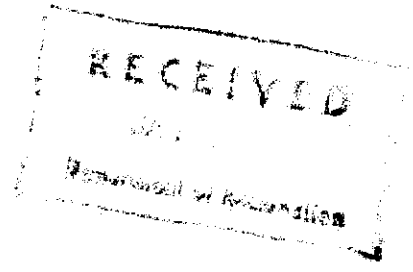
Dean Kloepler

ATTORNEY AT LAW

IDAHO BANK & TRUST CO. BUILDING

BURLEY, IDAHO

January 5, 1949



Jeanne I. Anderson
Chief Clerk
Department of Reclamation
State House
Boise, Idaho

Dear Madam:

Enclosed find Form 11 filled out, Completion of Works signed by Mr. Simplot, original and copy of Notice for Publication and Form 14 filled out by Mr. Loren D. Anderson and Mr. Bert Hayward. Will you kindly proceed with the forwarding of the Notice of Publication? I have allowed sufficient time for the same to be published.

Thanking you in advance for your interest in this matter,

Very truly yours,

A handwritten signature in cursive script that reads "Dean Kloepler". The signature is written in dark ink and is positioned above the printed name.

Dean Kloepler

bc

20443

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) January 5, 1949

(P. O.) Burley, Idaho

STATE RECLAMATION ENGINEER

TO THE COMMISSIONER OF RECLAMATION:

Boise, Idaho.

Dear Sir:

You are hereby authorized to have the attached notice published at my expense in the
Burley Herald-Bulletin of Burley, published in
the county in which the works are situated.

*R. L. Simplot by
Dean K. Kasper
His Attorney*

(In case of canals or other works designed to divert and carry more than 50 cubic feet of water
per second, the following certificate must be signed by a well-known and competent engineer)

I hereby certify that the facts set forth in the attached notice are true.

Engineer.

20443

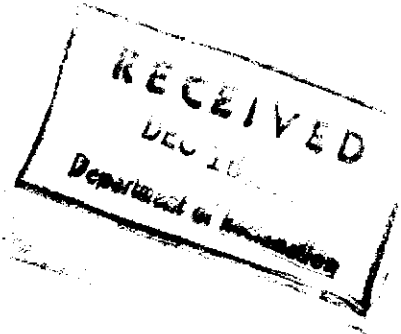
Dean Kloepper

ATTORNEY AT LAW

IDAH0 BANK & TRUST CO. BUILDING

BURLEY, IDAH0

December 15, 1948



Department of Reclamation
Jeanne L. Anderson, Chief Clerk
Boise, Idaho

Dear Madam:

Will secure the signature of Mr. Simplot, on the forms as requested by your letter of December 10. At the present time Mr. Simplot is out of town but upon his return, will proceed as suggested.

Very truly yours,

Dean Kloepper

Dean Kloepper

DK:bc

20443

December 10, 1948

Re: Permit No. 20443

Mr. Dean Kloepper
Bank & Trust Co. Building
Burley, Idaho

Dear Mr. Kloepper:

Reference is made to your letter of December 8 in reply to notice that Permit No. 20443, in the name of R. L. Simplot, is being held for cancellation for failure to make the proof of completion of works by August 12, 1948, as required under the terms of the permit.

Since you state that the works have been completed and the water applied to beneficial use, you may have Mr. Simplot and two witnesses execute Forms 14 and 15, stating that the works were so completed prior to August 12, 1948.

You may also fill out in duplicate Form 10 setting a time and place for making proof of beneficial use, both copies to be returned to this Department together with Form 11 which is our authorization to have the notice published at Mr. Simplot's expense.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A/gt
Encls.

P.S. We find no record of having received the letter you refer to requesting forms for making these proofs.

20443

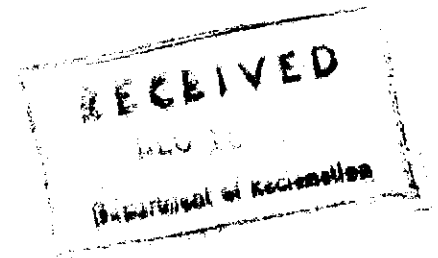
Dean Kloepfer

ATTORNEY AT LAW

IDAHO BANK & TRUST CO. BUILDING

BURLEY, IDAHO

December 8, 1948



Department of Reclamation
State House
Boise, Idaho

RE: Permit No. 20443
SIMPLLOT

Gentlemen:

Relative to your Notice of Cancellation of November 30, 1948, which states that we have 40 days from date of this Notice to show why the permit should not be cancelled. May I state that my files disclose that Deposition forms were requested that this matter might be completed but the same was not received by me. Possible I am in error about above, but under the circumstances I request that the permit not be cancelled as the works have been completed, the water has been applied to beneficial use and a crop taken from the land described in the application. If there is any further information necessary, kindly let me know as we are highly interested in proceeding with the publication and the final proof.

Very truly yours,

Dean Kloepfer

DK:bc

20443

RETURN RECEIPT

Received from the Postmaster the Registered or Insured Article, the original number of which appears on the face of this Card.

1 *Ans Simplot*

(Signature or name of addressee)

2 *Janet Simplot*

(Signature of addressee's agent—Agent should enter addressee's name on line ONE above)

Date of delivery

1 - 1

194*8*

20442

Post Office Department
SPECIAL BUSINESS

PENALTY FOR PRIVATE USE TO AVOID PAYMENT OF POSTAGE, \$300

(GPO)

POST MARK OF DELIVERING
OFFICE



Return to

Street and Number,
or Post Office Box,

(NAME OF SENDER)

Dep't of

Reclamation

REGISTERED ARTICLE

State of Idaho - State House

No. 87703
INSURED PARCEL

BOISE,

No. _____

IDAHO.

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

November 30

8

, 194

Re: Permit No. 20443

To Mr. R. I. Simplot
Route 1
Declo, Idaho

It appearing to the State Reclamation Engineer that the terms and conditions of Permit No. 20443
to appropriate the Public Waters of the State of Idaho, have not been complied with as to
Completion of works August 12, 1948

you are hereby notified in compliance with Sec. 41-311, Idaho Code annotated that said Permit No. 20443
is hereby held for cancellation.

You are hereby required to show cause before the State Reclamation Engineer on or before forty days from
date of this notice why said Permit should not be cancelled.

Said Permit No. 20443 claims the use of 3.2 cubic feet per second of the
waters of a well with point of diversion located
in the 3rd 34th Section 35, Twp. 11 South, Range 26 East, S. M.
and
was approved May 12, 1948

In Witness Whereof, I have hereunto set my hand and affixed the seal of my office at Boise, Idaho, the
30th day of November, 1948

State Reclamation Engineer.

By

Assistant.

20443

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

November 30

1948

Re: Permit No. 20443

To Mr. R. I. Simplot
Route 1
Deslo, Idaho

It appearing to the State Reclamation Engineer that the terms and conditions of Permit No. 20443

to Appropriate the Public Waters of the State of Idaho, have not been complied with as to

Completion of works August 12, 1948

you are hereby notified in compliance with Sec. 41-311, Idaho Code annotated that said Permit No. 20443
is hereby held for cancellation.

You are hereby required to show cause before the State Reclamation Engineer on or before forty days from
date of this notice why said Permit should not be cancelled.

Said Permit No. 20443 claims the use of 3.2 cubic feet per second of the
waters of a well with point of diversion located
in the SW₁ SW₄ Section 36, Twp. 11 South, Range 26 East, B. M.
and
was approved May 12, 1948

In Witness Whereof, I have hereunto set my hand and affixed the seal of my office at Boise, Idaho, the

30th day of November, 1948

Mark R. Keshge

State Reclamation Engineer.

By _____
Assistant.

20443

May 17, 1948

Re: Permit No. 20443

Mr. R. L. Simplot
Route #1
Declo, Idaho

Dear Mr. Simplot:

We enclose Permit No. 20443 and direct your attention to the limitations and conditions of same as given on the fourth page under approval of the State Reclamation Engineer.

In checking this application, however, we note that the point of diversion (or location of the well) is given in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 35, whereas your land is the NW $\frac{1}{4}$ of this section. Is that the right description of the location of the well or should it be in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of the section? Please advise us as to this.

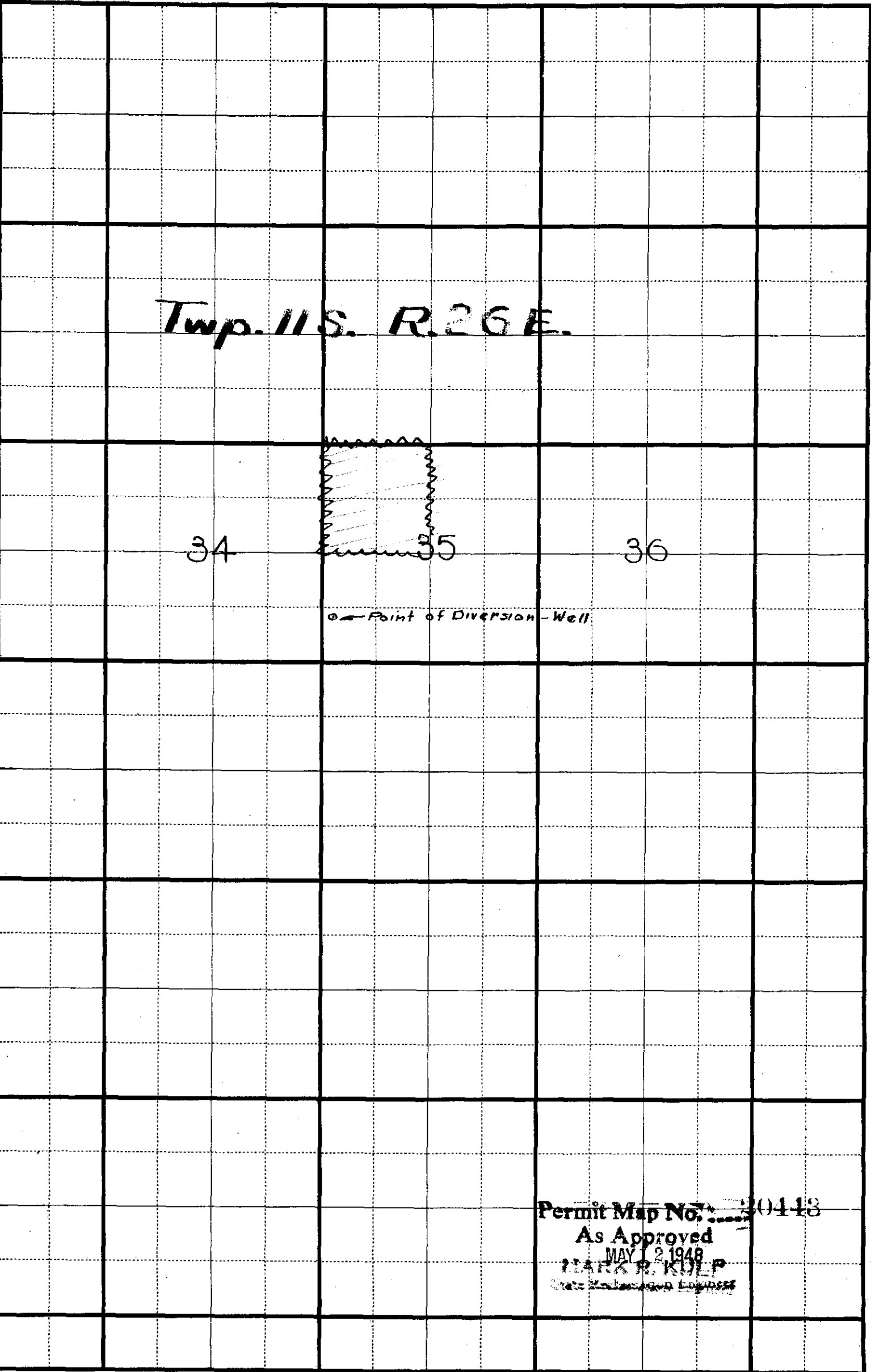
Very truly yours,

MARK R. MULLP
State Reclamation Engineer
By

Chief Clerk

A/dm
Enc.

20443



20443