

36-2415B

http://wenet/apps/appsWorkflow/Framebuild.asp - Microsoft Internet Explorer

File Edit View Favorites Tools Help

Back Forward Stop Home Search Favorites Media Print Mail

Address http://wenet/apps/appsWorkflow/Framebuild.asp Go

Links Customize Links Free Hotmail Windows Media Windows

Information Search (WR/AJ)

B	Se...	S.	V.	Source Table	Basis	Status	Priority	Date	Di...	Source List	Water Use ...	Owner List
36	2415			wrAdjudication...	License	Parent	1960-02-18	4.11	GROUND WA...	IRRIGATION	HARMAN, JACK M (Current); HAR	
36	2415	A		wrAdjudication...	License	Closed	1960-02-18	3.77	GROUND WA...	IRRIGATION	HARMAN, JACK (Current); HARM	
36	2415	B		wrAdjudication...	License	Closed	1960-02-18	0.34	GROUND WA...	IRRIGATION	HARMAN, JACK (Current); HARM	
36	2415	1		wrAdjudication...	Decreed	Parent	1960-02-18	4.11	GROUND WA...	IRRIGATION	HARMAN, JACK M (Current); HAR	
36	2415	A	1	wrAdjudication...	Decreed	Closed	1960-02-18	3.77	GROUND WA...	IRRIGATION	HARMAN, JACK (Current); HARM	
36	2415	B	1	wrAdjudication...	Decreed	Closed	1960-02-18	0.34	GROUND WA...	IRRIGATION	HARMAN, JACK (Current); HARM	
36	2415			wrWaterApplica...		Closed	1960-02-18	4.11	GROUND WA...	IRRIGATION	ROLLOND JONES POTATOES IN	
36	2415			wrWaterRight	Decreed	Superced...	1960-02-18	4.11	GROUND WA...	IRRIGATION	HARMAN, JACK M (Current); HAR	
36	2415	A		wrWaterRight	Decreed	Active	1960-02-18	3.77	GROUND WA...	IRRIGATION	HARMAN, JACK (Current); HARM	
36	2415	B		wrWaterRight	Decreed	Active	1960-02-18	0.34	GROUND WA...	IRRIGATION	HARMAN, JACK (Current); HARM	
36	2415			wrWaterPermit		Closed	1960-02-18	4.11	GROUND WA...	IRRIGATION	ROLLOND JONES POTATOES IN	
36	2415			wrFromAdjClaim...		Closed	1960-02-18	4.11	GROUND WA...	IRRIGATION		
36	2415	A		wrToAdjClaimList		Closed	1960-02-18	3.77	GROUND WA...	IRRIGATION		
36	2415	B		wrToAdjClaimList		Closed	1960-02-18	0.34	GROUND WA...	IRRIGATION		

Show References Next Step Previous Steps: Screen ID 446

Done Local intranet

Start Inbox - Microsoft Outlook http://wenet/apps/ap... 4:12 PM

no fee received

specise deficiency letter mailed - Kari Lynn - 8.22.03

Fred Price Phoned - has ?? re Jeff's letter of 8.22.03.

Suggested he call Jeff direct to discuss. Kari Lynn 8.28.03

Discussed with Fred,

put back on call-up

9/2/03

60 day call up, per Jeff P.
Kari Lynn
9.22.03

JP

373-3831

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 36-2415B

WATER RIGHT NUMBER: 36-2415B

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	KENT HARMAN 1500 N 461-A E RUPERT, ID 83350 (208)532-4568
Directors Report Owner	RON S JONES 233 CRESCENT RUPERT, ID 83350 (208)436-0289
Current Owner	JACK HARMAN 1500 N 461-A E RUPERT, ID 83350 (208)532-4568

Priority Date: 02/18/1960

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	3/15 to 11/15	0.340 CFS	98.00 AF
	<u>Total Diversion:</u>	0.340 CFS	98.00 AF

Location of Point(s) of Diversion

GROUND WATER	NE1/4SW1/4NE1/4	Sec. 8,	Twp 07S,	Rge 25E, B.M.
MINIDOKA County				

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S	25E	9		1.0	15.0		5.0	5.0											26.0

Total Acres: 26

Conditions of Approval:

- 046 Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
- 067 The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
- 018 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

MICROFILMED

100 0 1 1000

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 36-2415B

4. R64 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.
5. T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
6. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

Remarks:

1. General Right 36-02415B is limited to the irrigation of 24.5 acres within the place of use described above in a single irrigation season. Rights 36-02415B and 36-15356B when combined shall not exceed a total diversion rate of 0.34 cfs and the irrigation of 26 acres.
Pursuant to Section 42-1412(6), Idaho Code, these water rights are 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 a final unified decree.

Comments:

1. kchrste 4/12/2002 basis for recommendation
Comment: This recommendation is based upon T-5493.

Dates and Other Information:

Licensed Date:
 Decreed Date: 8/27/2001
 Water Supply Bank Enrollment Accepted:
 Water Supply Bank Enrollment Removed:
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 State or Federal:
 Owner Name Connector:
 Water District Number:
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Decree Defendant:
 Decree Plaintiff:
 Civil Case Number: 39576
 Judicial District: FIFTH
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False

MICROFILMED

15 6 03

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
)
)
Case No. 39576)

Water Right 36-02415

ORDER AMENDING IRRIGATION PERIOD OF USE ELEMENT
IN PARTIAL DECREE AND INCORPORATING INTO PARTIAL
DECREE AN EXPRESS STATEMENT REGARDING GENERAL
PROVISIONS, *NUNC PRO TUNC*

A *Partial Decree* was entered for the above-captioned irrigation water right on December 29, 1997. The period of use element was decreed as "irrigation season." In *A&B Irrigation Dist. v. Idaho Conservation League*, 131 Idaho 411, 423, 958 P.2d 568, 580 (1998), the Idaho Supreme Court remanded with the directive to include specific dates for the period of use element. Following remand, IDWR filed a *Supplemental Director's Report, Reporting Area 3, IDWR Basin 36, Regarding Revision of Period of use (For Irrigation Water Uses) and Conjunctive Management General Provisions*, which included an irrigation period of use recommendation for this water right. No objections were filed to this recommendation and the time period for filing objections has now expired.

THEREFORE, IT IS ORDERED that the period of use for the irrigation element of the above-captioned water right is hereby amended and decreed as:

PERIOD OF USE: 03-15 11-15

IT IS FURTHER ORDERED that the *Partial Decree* for the above-captioned water right is hereby amended and decreed to contain the following:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the court at a point in time no later than the entry of a final unified decree. I.C. section 42-1412(6).

This order is being entered *nunc pro tunc* as of the date the *Partial Decree* was issued and is not intended to modify any subsequent administrative changes for the water right, if any, which occurred following entry of the *Partial Decree*.

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

Dated August 27, 2001

Roger Burdick
ROGER BURDICK
Presiding Judge
Snake River Basin Adjudication

MICROFILMED

Important Information About Your Water Right

August 27, 2001

JACK HARMAN
KENT HARMAN
RT 3 BOX 3254
RUPERT, ID 83350

Dear Water Right Claimant(s):

The reverse side of this letter contains a copy of an *Order Amending Irrigation Period of Use Element in Partial Decree and Incorporating into Partial Decree An Express Statment Regarding General Provisions, Nunc Pro Tunc* (hereinafter "*Order*") for water right number 36-02415. According to Idaho Department of Water Resources (IDWR) records, you are the current owner of this water right. If you are not the current owner, please contact IDWR immediately at:

Idaho Department of Water Resources
1301 North Orchard
Boise, ID 83706
800-451-4129

The Purpose of the *Order* is to set forth beginning and ending dates for the irrigation period of use for this water right. As stated in the face of the *Order*, this action was necessary following the decision of the Idaho Supreme Court in *A&B Irrigation Dist. v. Idaho Conservation League*, 131 Idaho 411, 423, 958 P.2d 568, 580 (1998). This *Order* also incorporates into the *Partial Decree* an express statement that the *Partial Decree* is subject to such general provisions necessary for the definition or for the efficient administration of the water right. This express statement is necessary to comply with the requirements of Idaho Code section 42-1412(6). This *Order* in combination with the *Partial Decree* that was issued for this water right on December 29, 1997, sets forth all of the elements of your water right. The Snake River Basin Adjudication (SRBA) Court suggests that you keep this document in a safe location together with a copy of the *Partial Decree* to show evidence of the water right. The original of this *Order* and the original of the *Partial Decree* for this water right are on file with SRBA Court. If you do not have a copy of the original *Partial Decree*, one can be obtained by contacting the SRBA Court at (208) 736-3011. Please note that the *Order* is entered *Nunc Pro Tunc*, meaning that the *Order* will be treated as if it were issued the same date that the *Partial Decree* was originally issued.

Sincerely,



Diana Delaney
Case Administrator

MICROFILMED

JAN 10 2002

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

1997 DEC 29 PM 3:08

In Re SRBA)
Case No. 39576)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 36-02415

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

NAME & ADDRESS: JACK HARMAN
KENT HARMAN
RT 3 BOX 3254
RUPERT ID 83350

SOURCE: GROUNDWATER

QUANTITY: 4.11 CFS

USE OF THIS RIGHT WITH RIGHT NO. 36-15356 IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 4.11 CFS AND A TOTAL COMBINED
ANNUAL DIVERSION VOLUME OF 1244 AF.

PRIORITY DATE: 02/18/1960

POINT OF DIVERSION: T07S R24E S12 SESENE Within MINIDOKA County

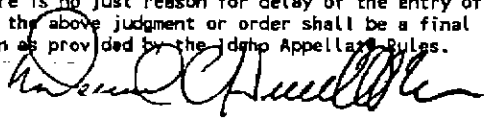
PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	IRRIGATION	Irrigation Season	4.11 CFS

PLACE OF USE:	IRRIGATION	Within MINIDOKA County			
	T07S R24E S12	NENE 37	NWNE 39	SWNE 40	SENE 35
		NESE 40	NWSE 40	SWSE 40	SESE 40
	311 ACRES TOTAL				

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 293 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
USE OF THIS RIGHT WITH RIGHT NO. 36-15356 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 311 ACRES IN A SINGLE
IRRIGATION SEASON.

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.


DANIEL C. HURLBUTT, JR.
PRESIDING JUDGE
Snake River Basin Adjudication

MICROFILMED

JAN 14 1998



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

November 24, 2003

US DEPT OF INTERIOR
BUREAU OF LAND MANAGEMENT
ATTN FRED W PRICE
IDAHO STATE OFFICE
1387 S VINNELL WY
BOISE ID 83709-1657

RE: Change of Ownership for Decreed Water Right 36-2415B

Dear Mr. Price:

Our letter of August 22, 2003 (copy enclosed) requesting the required \$25.00 (or \$100.00 if water right is divided) filing fee, evidence of Water Right ownership, plat of property, survey map or USDA Farm Service Agency aerial photo and description of portion of water right resulting from division of water right remains unanswered. Therefore, I am returning the ownership change request. A copy of your ownership change information will be kept in our files for reference.

If, at a later date, you wish to reinstate this request you may resubmit using the enclosed current ownership change request form and the support data along with the required filing fee and we will be happy to complete the request for you.

If you have any questions regarding this matter, please call me at 208-327-7941.

Sincerely,

Kari Lynn Townsend
Secretary

KLT:k

Enclosures

MICROFILMED

NOV 27 2003

RECEIVED

AUG 13 2003

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Department of Water Resources

Please print or type. Attach pages with additional information. Instructions are on the back of this page.

Incomplete forms will be returned.

1. Water Right No(s).: 36-02415B
 Adjudication Claim No(s).: _____
2. The following **REQUIRED** information must be submitted with this form:
 A. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water rights or claims in question, **WITH ATTACHED LEGAL DESCRIPTION.**

AND

B. **PLAT OF PROPERTY** or **SURVEY MAP** showing the location of the place of use of the water right(s) or claim(s). (These are usually attached to your deed or on file with the county.)

OR

C. If your water right or adjudication claim is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant Jack & Kent Harman
1500 N. 461-A E.; Rupert, Idaho 83350

4. New Owner/Claimant(s) United States Of America Acting through Department of Interior,
Bureau of Land Management, Idaho State Office
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or

New Mailing Address 1387 South Vinnell Way

City, State and ZIP Code Boise, Idaho, 83709-1657

New Telephone Number (208) 373-4000

COPY

5. Date you acquired the property Acquired interest in water right pursuant to attached Agreement.

6. **Did you acquire all of the former owner's property? If you did, skip this item and go to item 7.** If you acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). Describe in detail your portion of each water right or adjudication claim in the spaces in the box below **only if the water right(s) or claim(s) need to be split between owners.** If necessary, attach additional pages. If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.

Number of acres you irrigate with this water right _____	Number and type of stock _____
Diversion rate in CFS _____	Number of homes you acquired _____
	Other uses _____

7. Signature of New Owner(s) Justin W. Line 4-18-2003
 or Claimant(s) Water Rights Specialist, BLM

Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign form.

8. For Snake River Basin Adjudication Claims : Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him or her for all matters related to your claims.

MICROFILMED

UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENTIdaho State Office
1387 South Vinnell Way
Boise, Idaho 83709-1657In Reply Refer To:
7250/1230 (933) P*July 27, 2001*

EMS

Instruction Memorandum No. ID-2001-063

Expires: 09/30/2002

To: ICT

From: State Director

Subject: Water Rights Delegation of Authority

Idaho State Office 1203 - Delegation of Authority Manual Supplement is amended to add delegated authority to both the Deputy State Director for Resource Services and the Branch Chief for Lands and Minerals to negotiate and settle Snake River Basin Adjudication (SRBA) water rights issues. The SRBA water rights team leader (Gary Madenford) and senior water rights specialist (Fred Price) will continue to have authority to represent the BLM regarding all water rights issues.

This delegation is effective immediately. The Idaho Delegation of Authority Supplement will be revised to reflect these changes.

Contact Jimmie Buxton if you have comments or questions regarding this issue.

Signed by: Authenticated by:
Martha G. Hahn Susanna M. Henry
 Staff Assistant (ID-933)

cc:
ISO Water Rights Team
Larry Brown, DOJ Attorney
Mel Matlock (950)
Bill Ferry, Field Solicitor - Boise

COPY

MICROFILMED

JUL 31 2002

COOPERATIVE WILDLIFE HABITAT-FARMING
DEVELOPMENT AGREEMENT

THIS AGREEMENT, entered into this 29 day of April, 1999, by and between the Idaho Department of Fish and Game, acting by and through its Director, hereinafter referred to as the Department and the Bureau of Land Management, acting by and through its District Manager, hereinafter referred to as BLM, and Bob Harman of Rupert, Idaho, hereinafter referred to as LESSEE.

WITNESSETH:

WHEREAS, the Department and BLM have entered into a cooperative agreement under the authority of the Sikes Act (Public Law 93-452) on those lands know as Isolated Tracts: Area N/A and further described as follows:

Public Lands: T7S, R25E Sec 9. W $\frac{1}{2}$ NE $\frac{1}{4}$ and N $\frac{1}{2}$ NW $\frac{1}{4}$

Private Lands: N/A

WHEREAS, the Department and BLM desire to have portions of the above-described lands farmed to produce wildlife habitat.

WHEREAS, LESSEE is willing, capable and desires to farm said lands and to comply with the promises herein contained.

NOW, THEREFORE, the parties to this agreement in consideration of the mutual benefits accruing under this agreement to each of them, hereby covenant, contract and agree:

The term length of this agreement shall begin 15 April 1999, and end 15 April 2009.

MICROFILMED

COPY

LESSEE agrees to do the following:

1. To farm approximately 13.6 acres of the above-described lands, as shown in Attachment A item 1.
2. In exchange for the above farm production values received, to provide 10 acres of irrigated wildlife habitat as shown in Attachment A item 2.
3. To not store irrigation or other farm materials on areas shown in Attachment A item 2 during the hunting seasons or use the site as a turn-around location for farming machinery.
4. To till and in all respects cultivate the farmland of the above-described premises during the term of this lease in a good and farmlike manner and agree to pay all costs associated with the farming operations of these lands.
5. To maintain all existing ditches, canals, laterals, and sprinkling systems in such condition as to provide for maximum flow of waters therein.
6. All irrigated wildlife habitat in Attachment A must be irrigated adequately to promote healthy and vigorous stands.
7. To use only pesticides and herbicides which have been approved beforehand by the Department and BLM, and to use these in such a manner as to not damage wildlife habitat and still effectively control noxious weeds in the areas shown in Attachment A item 2.
8. To maintain all fences and not to graze any wildlife habitat and to immediately remove any trespass livestock from said lands as shown in Attachment A, item 2.
9. To not assign this agreement without written permission from the Department or BLM.
10. To notify the BLM of any wildfire on the agreement area or adjacent BLM lands.

MICROFILMED

APR 19 2003

COPY

11. To indemnify, save harmless and defend the Department and BLM from any and all liability, claims, loss, cost, damage or expenses arising by reason of any personal injury including death to any person or damage to any property of whatsoever ownership occurring on the hereinabove described lands arising in connection with his use or occupation thereof.
12. Title of water associated with this agreement shall continue to be legally authorized by the Idaho State Department of Water Resources (IDWR). Failure of the agreement party to remain in compliance with IDWR requirements regarding the use of water to the satisfaction of the Bureau of Land Management Authorized Officer will result in the automatic termination of this agreement. No rights to the public lands accrue due to their description specifically by this agreement, nor beyond the term of this agreement.
13. Evidence of application with the Idaho State Department of Water Resources (IDWR) for water associated with this agreement has been submitted. As soon as IDWR action on the water application has been taken, the agreement party shall notify the Bureau of Land Management Authorized Officer and provide a copy of the IDWR water authorization, or will accept termination of this Sikes agreement if IDWR rejects the application for water.
14. The Lessee shall cause title to water associated with this agreement to be transferred to the sole name of the United States within 3 (three) years from the issuing date of this agreement if the use is to continue under this or a renewed authorization.

It is mutually agreed and understood by LESSEE, the Department and BLM that:

1. Any personnel of the Department or BLM shall have the right to enter and pass across the hereinabove described lands at any time and that at no time shall the public in

MICHAEL

COPY

general be excluded from the lands as shown in Attachment A, item 1 and 2 for the purpose of lawful hunting or other recreational purposes which do not conflict with the wildlife habitat-farming development.

2. This agreement may be terminated or cancelled due to noncompliance with the terms of this agreement or to a reclassification of BLM lands as a result of a change in national need. Any noncompliance as determined by the Department Director and BLM District Manager or their duly authorized agents will be just cause for cancellation or termination of all provisions of this agreement and trespass action may be taken by BLM.
3. The Department will provide seed for the grass/forb mix identified in Attachment A item 2.
4. If LESSEE defaults on this agreement or fails to renew it within 12 months of the expiration date, LESSEE will rehabilitate, at his own expense, all public lands used for irrigated agricultural crops. The lands must be seeded to a mixture of perennial grasses, forbs and shrubs specified by the BLM District Manager.
5. The law of the landlord and tenant as construed by the courts of the State of Idaho shall apply to this agreement and that any strip or waste committed by LESSEE shall void this agreement upon the option of the Department and BLM.
6. This agreement may be reviewed by all parties annually prior to the use season. The terms of this agreement may be amended by mutual consent of all parties hereto. Any mutually accepted changes will be drafted by the Department, signed by all parties and attached hereto and will become legal and binding parts of the agreement.
7. Idaho Code, Section, 36-1604--Limitation of Liability of Landowner--will apply to the land herein described (see attachment B).

MICHO...

COPY

8. This agreement and all of the terms and covenants hereof (shall, shall not [strike one])
emure to the benefit of and be binding upon the heirs, assigns, or other successors in the
interest of the respective parties hereto during the pendency of the Cooperative Wildlife
Habitat-Farming Development Agreement on above mentioned lands.
9. All Federal lands involved in this agreement will not be subject to any Federal
subsidized program, either direct or indirect, including but not limited to set-aside, soil
bank, ASCS cost sharing; nor will Federal acreage be used in determining "normal crop
acreage" (NCA), unless mutually agreed upon by LESSEE, BLM and the Department.
10. The measured boundaries and/or acreages referred to in Attachment A are approximate
and do not prohibit subsequent adjustments of said measurements upon legal survey;
provided, however, such adjustments will not alter previously established acreage ratios
between irrigated wildlife habitat and crop land as enumerated, herein.

MICHAEL
APR 18 2003

COPY

IN WITNESS WHEREOF, the Parties hereto have executed this agreement as of the
last date written below.

IDAHO DEPARTMENT OF FISH AND GAME

By: Carl H. Zell

REGIONAL SUPERVISOR

Date: 04/28/99

BUREAU OF LAND MANAGEMENT

By: Harmon F. Skilling, Acting

Date: 4-29-99

LESSEE HARMAN LAND Ranch

By: Jack H. Harman

Date: 4-26-99

COPY

MICROFILMED

APR 21 1999

Jeff -
Fred Price will
call you to discuss
your letter of 8.27.03.

Kari Laxon
8.28.03

Do NOT
FILM!!
☺



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

August 22, 2003

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

US DEPT OF INTERIOR
BUREAU OF LAND MANAGEMENT
IDAHO STATE OFFICE
1387 S VINNELL WY
BOISE ID 83709-1657

RE: Change in Ownership for Decreed Water Right 36-2415B

Dear Mr. Price:

The Department of Water Resources acknowledges receipt of your Notice of Change in Water Right Ownership. Our review of your notice indicates that additional information is required before we can process the change. The information required is indicated below:

- ✓ Filing Fee of \$25 per water right or \$100 per water right for changes resulting from division of a water right
- ✓ Evidence of Water Right Ownership: copy of Deed, Title Policy, Contract of Sale, or other legal document indicating your ownership of the property and/or water rights in question
- ✓ Plat of Property, Survey Map or USDA Farm Service Agency Aerial Photo with irrigated acres
- ✓ Description of Portion of Water Right resulting from any division of water right

Effective July 1, 2000, the legislature enacted House Bill No. 545 requiring a filing fee for a change in water right ownership. The fee is \$25 per water right, except for ownership changes resulting in the division of a water right, which is \$100 per water right. All ownership change notices received after June 30, 2000 must include the appropriate filing fees in order to be processed.

The ownership documentation submitted indicates that the current owner of the water right shall cause title to be transferred to the U.S. within 3 years of the agreement; however, it does not indicate that the change occurs automatically without appropriate evidence that the change has occurred.

The ownership documentation submitted is not clear regarding whether or not a division of the water right is required. Water right 36-2415B authorizes irrigation of 24.5 acres within a 26-acre permissible place of use. However, the ownership documentation submitted references two parcels; a 13.6-acre parcel and a 10-acre parcel for a total of 23.6 acres. Additional information is required regarding the need for a division of the water right and the location (i.e. map) of the place of use to be changed.

MICROFILMED

1999

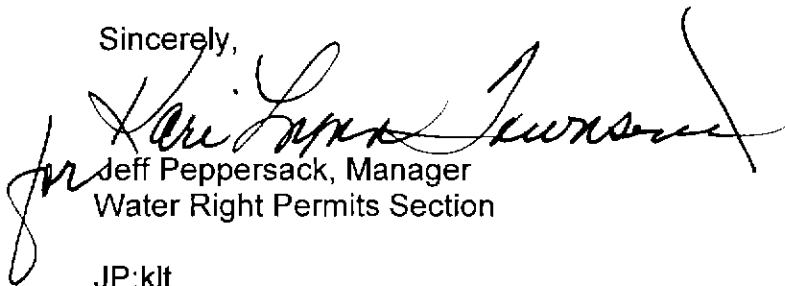
In addition, water right 36-15356 has been claimed in the Snake River Basin Adjudication as an enlargement right associated with the same place of use for water right 36-2415B. How is this right affected by the pending ownership change?

Because the Department cannot process the ownership change without proper documentation and fees, we will hold any action on your notice pending receipt of the necessary documentation and fees. If we do not receive the necessary documentation and fees within 30 days we will return your notice and all attachments and your notice will not be processed.

Please note that water right owners are required to report any change in 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.

Please feel free to contact this office if you have any questions.

Sincerely,


Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

MICROFILMED

2007 11 14