

IDWR Concurrence:

Vicky L. Music 9/20/07
Vicky L. Music Date
Senior Water Resource Agent

Nicholas B. Spencer 10-2-07
Nicholas B. Spencer Date
Deputy Attorney General

IDAHO DEPARTMENT OF WATER RESOURCES RECOMMENDED
WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 63-8627

NAME AND ADDRESS:

HARRIS FAMILY LTD PARTNERSHIP
4940 E MILL STATION RD
BOISE ID 83716

DALLAS H HARRIS
3051 S WISE WY
BOISE ID 83706

H & H RANCHES
PO BOX 125
BOISE ID 83701-0125

WMM
NBS
APB

SOURCE:

Source:
GROUND WATER

Tributary:

QUANTITY:

1.420 CFS
690.100 AFY

Use of this right with Right No.63-7103 shall not exceed a maximum combined annual diversion volume of 1054.7 AF at the field headgate.

The rights listed below are limited to a total combined diversion rate of 7.1 cfs and to a total combined annual diversion volume of 1597.5 AF. Combined Right Nos.: 63-365, 63-2973, 63-7103 and 63-8627.

~~USE OF THIS RIGHT WITH RIGHT NO. 63-7103 SHALL NOT EXCEED A MAXIMUM COMBINED ANNUAL DIVERSION VOLUME OF 1054.7 AF AT THE FIELD HEADGATE.~~

~~This right when combined with all other rights shall provide no more than 4.5 afa per acre for irrigation of the lands above.~~

~~The rate of diversion of water for irrigation under this right and all other water rights on the same land shall not exceed 0.02 cubic feet per second for each acre of land.~~

PRIORITY DATE:

03/21/1977

POINT OF DIVERSION:

T03N R03E S20 NESW Rediversion
Within ADA County

~~T03N R03E S20 NESW Rediversion~~
~~Within ADA County~~

T03N R03E S20 NESW Injection
Within ADA County

~~T03N R03E S20 NESW Injection~~
~~Within ADA County~~

T03N R03E S20 NESW
Within ADA County

~~T03N R03E S20 NESW Injection~~
~~Within ADA County~~

T03N R03E S20 SESW Rediversion
Within ADA County

~~T03N R03E S20 SESW Rediversion~~
~~Within ADA County~~

IDAHO DEPARTMENT OF WATER RESOURCES RECOMMENDED
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Water diverted under this right is injected into Warm Springs Creek and is rediverted from Warm Springs Creek in the NESW S20, T3N, R3E, or in the SESW, S20, T3N, R3E, at the intersection of the creek and the Penitentiary Canal.

PURPOSE AND PERIOD OF USE:	Purpose of use	Period of use:	Quantity:
	IRRIGATION	03/15 11/15	1.420 CFS 690.10 AFY

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 1 PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE MARCH 15 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

VWM
NBS
APB

PLACE OF USE:	IRRIGATION	within ADA County
	<u>T03N R03E S19 Lot 5 NESW 4.4</u>	
	<u>T03N R03E S19 Lot 5 SESW 0.4</u>	
	<u>T03N R03E S19 NESE 19.0</u>	T03N R03E S19 NESE 17.0
	<u>T03N R03E S19 SWSE 12.4</u>	
	<u>T03N R03E S19 SESE 31.1</u>	T03N R03E S19 SESE 27.0
	<u>T03N R03E S20 NESW 6.3</u>	T03N R03E S20 NESW 4.0
	<u>T03N R03E S20 NWSW 22.0</u>	T03N R03E S20 NWSW 8.0
	<u>T03N R03E S20 SWSW 38.5</u>	T03N R03E S20 SWSW 35.0
	<u>T03N R03E S20 SESW 20.0</u>	T03N R03E S20 SESW 32.0
		T03N R03E S20 SWSE 5.0
		T03N R03E S29 NWNW 15.0
		T03N R03E S29 SWNE 13.0
		T03N R03E S29 SESE 4.0
	<u>T03N R03E S29 NENW 11.9</u>	T03N R03E S29 NENW 25.0
	<u>T03N R03E S29 NWNW 29.0</u>	T03N R03E S29 NWNW 10.0

195 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 355 acres in a single irrigation season. Combined Right Nos.: 63-365, 63-2973, 63-7103 and 63-8627

Use of this right with Right No. 63-7103 is limited to the irrigation of a combined total of 238.5 acres in a single irrigation season.

~~USE OF THIS RIGHT WITH RIGHT NO. 63-7103 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 238.5 ACRES IN A SINGLE IRRIGATION SEASON.~~

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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 ode.

IDAHO DEPARTMENT OF WATER RESOURCES RECOMMENDED
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WHEN THE APPURTENANT SURFACE WATER RIGHTS ARE NOT AVAILABLE, THE PORTION OF THE PLACE OF USE LOCATED EAST OF THE REDIVERSION POINTS MAY BE IRRIGATED UNDER THIS RIGHT BY DIVERTING WATER FROM THE PENITENTIARY CANAL IN EXCHANGE FOR REPLENISHING THE PENITENTIARY CANAL WITH AN EQUAL AMOUNT OF WATER DIVERTED UNDER THIS RIGHT, SO LONG AS THE ARRANGEMENT IS ACCEPTABLE TO THE OWNERS/ OPERATORS OF THE PENITENTIARY CANAL.

WWM
NBS
APS

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

The right holder shall comply with the requirements of Sections 42-222 and 42-233 Idaho Code, when proposing any future change to the use of water under this right.

Water temperature measured at 180 degrees F.

Water is low temperature geothermal water.

Use of this right is combined with water from Boise-Kuna Irrigation District.

This right shall not be used if the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use.

The right holder shall use the full allotment of appurtenant surface water rights in conjunction with groundwater diverted under this right and shall only divert groundwater under this right when water from the appurtenant surface water rights cannot be delivered to the right holder.

The right holder shall install and maintain measuring devices and lockable controlling works at the point of diversion from Warm Springs Creek into the Penitentiary Canal and at the point where Penitentiary Canal is diverted in exchange for water diverted under this right

CERTIFICATE OF MAILING

I certify that on November 26, 2007, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P. O. Box 2707
Twin Falls, Idaho 83303-2707

2. Copies to:

Albert P Barker
1010 W Jefferson, Suite 102
PO Box 2139
Boise, ID 83701-2139

John M Marshall
601 W Bannock St
PO Box 2720
Boise, ID 83701-2720


H & H Ranches
PO Box 125
Boise, ID 83701-0125

courtesy copy

Dallas H Harris
3051 S Wise way
Boise, ID 83706

courtesy copy

IDWR Repository
P.O. Box 83720
Boise, ID 83720



Signature of person mailing the form