

SRBA Claim Number A63-16362 Date of Photos 10/23/2001
Photographer PPenicucci Legal Description 76NRSES34 NWSW

① Power of
diversion.

Located on north
side of neighbors'
driveway



② South side of
neighbors'
driveway. Culvert
empties into large
ditch to pond.



SRBA Claim Number A63-16362

Date of Photos 10/23/2001

Photographer P. Piniucchi

Legal Description T6NRSE333 NESE

③ Place of use

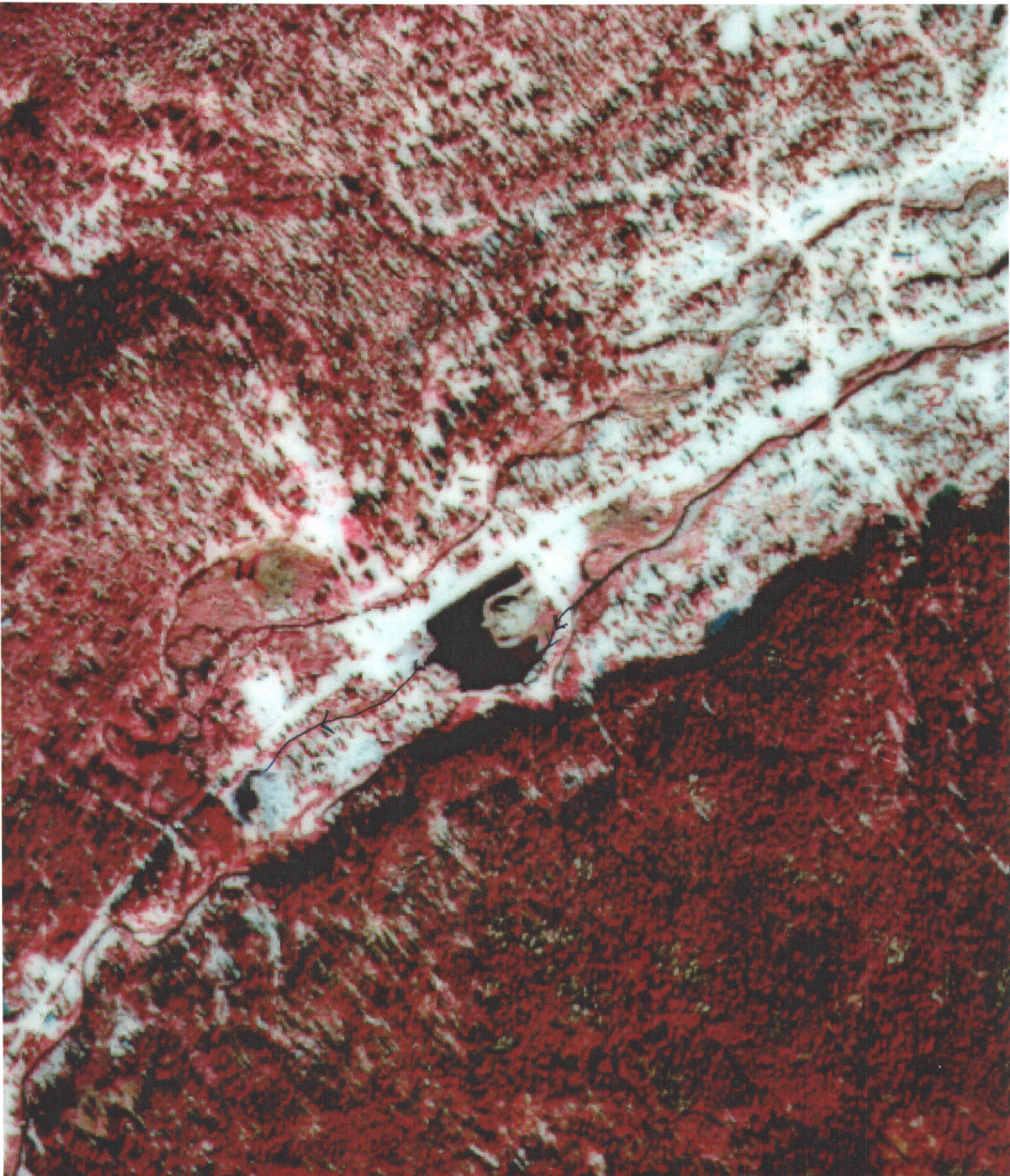
Photo is taken
from southeast
corner, near
inlet, looking
north toward
Highway 21



④ Outlet ditch.

Ditch parallels
highway to another
pond, then discharges
to Flores Creek.





A63-16362

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A63-16362
Date Received: 5/18/1989
Receipt No: W002907
Received By: DE JH

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: DALLAS HARRIS 208-344-2573
Address: 3051 WISE WAY
BOISE, ID 83712

2. Date of Priority: DEC 31, 1935

3. Source: MORES CREEK Trib. to: BOISE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
06N	05E	34	NW	NW	SW		BOISE

5. Description of diverting works:
SEE REMARKS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
WILDLIFE	01/01	12/31	1.000		
AESTHETIC	01/01	12/31	1.000		

7. Total Quantity Appropriated is:
1.000 C.F.S. (and/or) 724.00 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
FLOW THROUGH POND IS TO PRESERVE WILDLIFE HABITAT & AESTHETICS.

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
06N	05E	33	NE	SE		AES WILDLF	

A63-16362

Page 1

Date: 07/18/89

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AUG 25 1992

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
06N	05E	34			WILDLF AES	

11. Place of use in counties: BOISE

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
NONE

14. Remarks:

DESCRIP. OF DIVERTING WORKS: OPEN CULVERT INTO DREDGE POND WATER
FLOWS THROUGH POND AND BACK INTO MORES CREEK, FLOW IS CONTROLLED
BY HEADGATE AT BOTH INLET AND OUTLET.
FLOW THROUGH POND RETURNS DIRECTLY TO MORES CREEK ANY WATER
PERCOLATING INTO THE GROUND RETURNS TO THE CREEK AS UNDERFLOW.

15. Basis of Claim: BENEFICIAL USE

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): _____ Date: _____
_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____
My Commission Expires _____

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 863-110362Date Received 5-18-89Receipt Number W002907 (8775)

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

MAY 13 1989

Hand-delivered
Department of Water Resources
Western Regional Office

Please type or print clearly

1. Name of Claimant (s) Dallas Harris Phone (208) 344 2573Mailing Address 3051 Wise Way Boise Id Zip 837122. Date of Priority (Only one (1) per claim) 19353. Source of water supply (a) Mores Creek
which is tributary to (b) Boise River

X 4. a. Location of existing point of diversion is: Township 6N Range 5E Section 34,
NW 1/4 of NW 1/4 of SW 1/4, Govt. Lot, _____ B.M., County of Boise

Additional points of diversion if any: Noneb. If instream flow, beginning point of claimed instream flow is: N/A

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____

_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. open culvert into dredge pond
water flows through pond and back into Mores Creek
flow is controlled by headgate at both inlet and outlet

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AUG 25 1992

HOW YOU WILL RECEIVE NOTICES IN THE SNAKE RIVER BASIN ADJUDICATION

All documents filed in the Snake River Basin Adjudication other than notices of claims are filed with the court. Notices of claims to water rights filed in the Snake River Basin Adjudication are filed with the Idaho Department of Water Resources. Copies of all documents filed in the Snake River Basin Adjudication will not be mailed to all parties (claimants) in the adjudication.

By order of the court, any document filed with the court will be mailed only to those parties who may be directly affected by it. A monthly docket sheet will be prepared by the department which contains a summary of all documents filed with the court in the previous month and the dates and locations of hearings scheduled for the following three months. The docket sheet will be filed with the district court clerk in each county within the Snake River Basin in Idaho. Copies of the docket sheet may be obtained from any of the offices of the department either in person or by mail; a small fee will be charged to cover the cost of mailing and/or copying. If you wish to receive a copy of the docket sheet each month, you should mark the appropriate place on your notice of claim form. You will be charged a small annual subscription fee to cover the cost of copying and mailing. Copies of any document listed on the docket sheet may be obtained from any of the offices of the department either in person or by mail; a small fee will be charged to cover the cost of mailing and/or copying.

Copies of all notices of claims filed with the department will be available for inspection from all offices of the department. Copies of the notices of claims may be obtained in person or by mail, but you will be charged for the cost of copying and mailing. (A claimant will not be charged for a copy of his or her own notice of claim, and a person who acquires property with water rights for which a notice of claim was filed will not be charged for a copy of the notice of claim filed by the previous owner.)

After the notices of claims have been reviewed, the director will prepare and file a report with the court. Part 1 of the report will contain the director's recommendations as to each water right claimed under state law. Part 2 of the report will list each federal reserved water right claimed. A number of reports will be prepared, one or more for each sub-basin in the Snake River Basin. When the report for your sub-basin is filed with the court, you will be mailed a notice informing you that the report for your sub-basin has been filed. The notice will be sent to the most recent address shown by the department's files. Attached to the notice will be a copy of those portions of the report describing the water rights you have claimed. If you do not agree with the way your water right is described, you may file an objection to the report with the court. You can also file an objection if you disagree with the way other claimant's water rights are described, and the notice will tell you where a copy of the full report is available for inspection. The notice will tell you when and where to file your objection. The notice of filing for each sub-basin report will also be published state-wide in local newspapers.

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For wildlife & Aesthetic purposes from Jan 1 to Dec 31 amount 1.0 or 724

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 1.0 (cfs) and/or (b) 724 (acre feet)

8. Total consumptive use claimed is 0 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) flow through pond is to preserve wildlife habitat and aesthetics

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
<u>6N</u>	<u>5E</u>	<u>33</u>													<u>W/S</u>				<u>-</u>
<u>6N</u>	<u>5E</u>	<u>34</u>										<u>W/S</u>							<u>-</u>

Total number of acres irrigated 0

11. In which county (ies) are lands listed above as place of use located? Boise

12. Do you own the property listed above as place of use? Yes X No _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above. _____ or None (X)

14. Remarks: flow through pond returns directly to Mores Creek
any water percolating into the ground returns to
the creek as underflow

MICROFILMED

Last Name Harris Ident No. _____

Copies: White - State Aug 25 1992

It is very important that you inform the department in writing of any change in your address. This is to make sure that you receive the notices affecting your water rights that are to be mailed by the department.

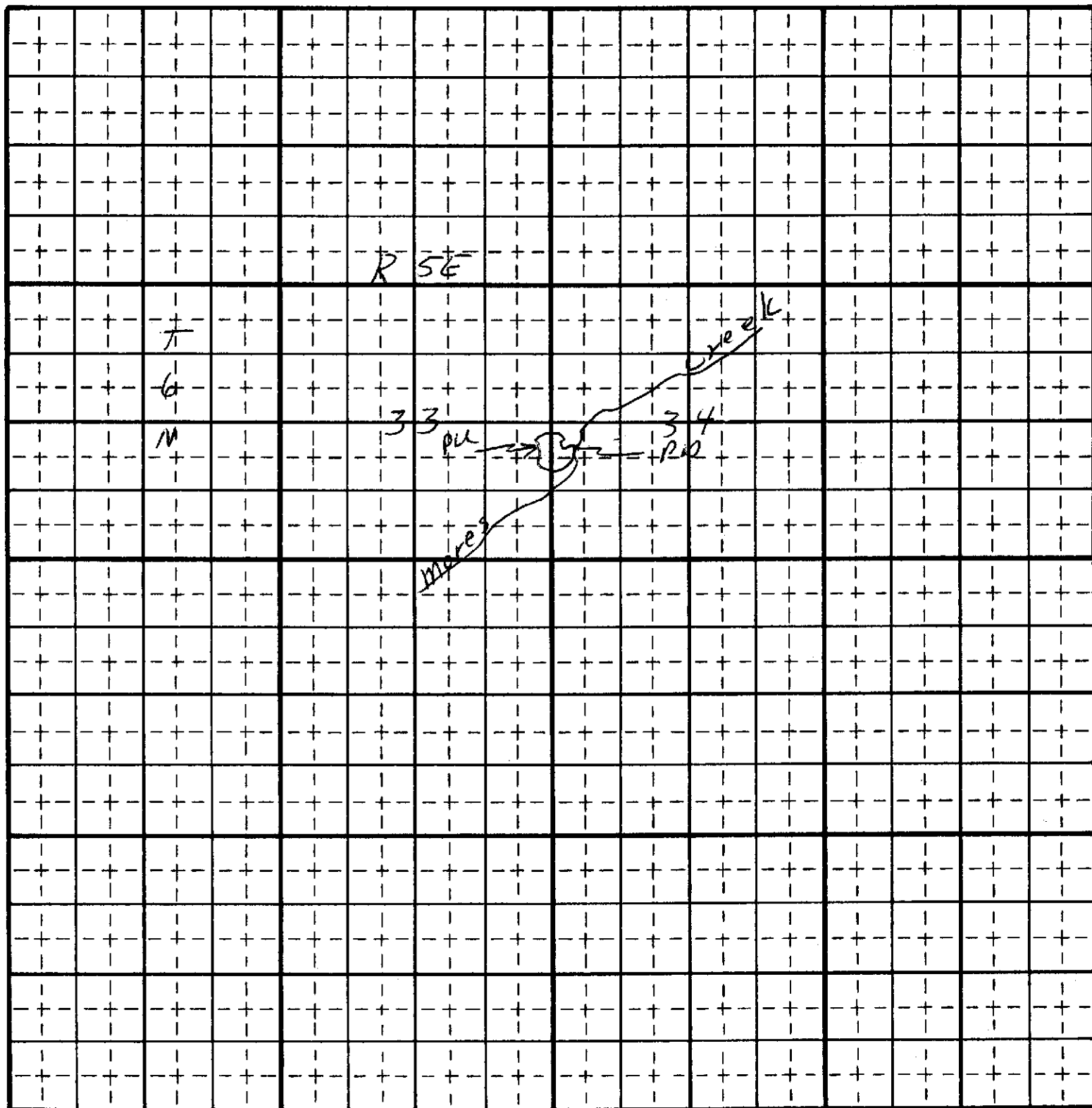
If you are acquiring property with water rights in the Snake River Basin water system in Idaho (either by purchase, gift, inheritance, or other means), it is very important that you inquire of the department whether a notice of claim has been filed. If not, you must file a notice of claim or the water right may be declared by the court to no longer exist. If a notice of claim has been filed, it is very important that you file a written notice of change in ownership with the department. The notice of change in ownership must be accompanied by some evidence of the change in ownership, such as a copy of the deed or a property tax statement showing the name of the new owner. Again, this is to make sure that you receive the notices affecting your water rights that are to be mailed by the department.

The cost of the subscription to the docket sheet is \$7.50 for calendar year 1988. The cost of the subscription may increase a small amount for calendar year 1989 if the cost of copying and/or mailing should increase.

If you are planning to file a motion or other pleading (not a notice of claim) with the court (not IDWR), the court has issued an order setting a special procedure that is different from the usual civil rules. A copy of the order may be obtained from any office of IDWR; you may be charged for the cost of mailing and/or copying.

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile



Last Name Harris Ident No. _____

MICROFILMED
Copies: White-State, Yellow-Claimant
AUG 25 1992

15. Basis of Claim (check one) Beneficial Use ☒ Posted Notice _____ License _____ Permit _____
Decree _____

If applicable provide IDWR Water Right Number _____

Court _____ Case Number _____ Decree Date _____

Plaintiff vs Defendant _____

16. Signature (s)

(a.) By signing below, I/We acknowledge that I/We have received, read, and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not ☒ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments 0

☒ For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) [Signature] Date _____

_____ Date _____

For Organizations: I do solemnly swear or affirm that I am _____

Title

of _____, that I have signed the foregoing

Organization

document in the space below as _____ of _____

Title

Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization _____ Date _____

State of Idaho/or _____)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 18 day of May 19 89

Notary Public [Signature]

Residing at 3205 E Hubbard Rd Meridian Id

My Commission Expires 6/14/89

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, _____ will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

Last Name _____ Ident. Number _____

MICROFILMED
Copies White-State, Yellow-Claimant

AUG 25 1992

04/01/2002

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 63-16362

NAME AND ADDRESS: DALLAS H HARRIS
3051 S WISE WY
BOISE ID 83706

SOURCE: MORES CREEK

TRIBUTARY: BOISE RIVER

QUANTITY: 1.00 CFS
57.6 AFY

PRIORITY DATE: 12/31/1938

POINT OF DIVERSION:

T06N R05E S34 NWNWSW Within BOISE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
WILDLIFE FROM STORAGE	01/01 12/31	57.60 AFY
WILDLIFE	01/01 12/31	1.000 CFS
AESTHETIC	01/01 12/31	1.000 CFS
AESTHETIC STORAGE	01/01 12/31	57.60 AFY
WILDLIFE STORAGE	01/01 12/31	57.60 AFY

PLACE OF USE: WILDLIFE Within BOISE County

T06N R05E S33 NESE T06N R05E S34 NWSW

WILDLIFE FROM STORAGE same as WILDLIFE
AESTHETIC same as WILDLIFE
AESTHETIC STORAGE same as WILDLIFE
WILDLIFE STORAGE same as WILDLIFE

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 CODE.

EXPLANATORY MATERIAL: Beneficial Use

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PURPOSE OF USE
PURSUANT TO SECTION 42-1425, IDAHO CODE.

April 1, 2002

DALLAS H HARRIS
ATTN: FELICIA BURKHALTER
3051 S WISE WY
BOISE ID 83706

RE: Notice of Error reply for Snake River Basin Adjudication (SRBA) claim 63-16362.

Dear Felicia Burkhalter:

The department received your Notice of Error reply on March 29, 2002. I appreciate your prompt attention to this matter.

I checked our database and confirmed that no Place of Use was data entered for the recommendation. I have made the changes as you requested. In addition, I listed the T6N, R05E, Section 33, NESE as a place of use also since the pond seems to be split by a section line.

Please look over the amended recommendation and feel free to contact me if you have any questions. If everything looks satisfactory, no further action needs to be taken. You will be notified by the SRBA court that a directors report has been issued around the beginning of May 2002.

Respectfully submitted,

Craig L. Saxton
Water Resource Agent
Adjudication Bureau

02/28/2002

NOTICE OF ERROR
REPLY

RECEIVED

MAR 29 2002

WATER RESOURCES
WESTERN REGION

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: April 5, 2002

Water right number: 63-16362

DALLAS H HARRIS
3051 S WISE WY
BOISE ID 83706
Telephone Number: (208) 344-2573

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

Place of Use. The place of use description is absent. As a required element of a water right it must be included.

2. Describe the changes you wish to make in the proposed recommendation:

Place of Use – T6N, R5E, Sec. 34, NWSW

3. Give a brief explanation as to why you disagree with these portions:

The place of use exists as a pond at the point of diversion. It must be included to satisfy the requirements of the SRBA as an element of the water right.

 I AGREE with this proposed recommendation. No changes need to be made.

DATE: 3-25-02

SIGNATURE: Felicia Burkhalter

Please print your name: Felicia Burkhalter, Sole Representative of Dallas Harris Estate

IDWR Regional Office, 2735 Airport Wy., Boise, ID 83705, 2083342190

02/21/2002

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 63-16362

NAME AND ADDRESS: DALLAS H HARRIS
3051 S WISE WY
BOISE ID 83706

SOURCE: MORES CREEK

TRIBUTARY: BOISE RIVER

QUANTITY: 1.00 CFS
57.6 AFY

PRIORITY DATE: 12/31/1938

POINT OF DIVERSION:

T06N R05E S34 NWNWSW Within BOISE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
WILDLIFE FROM STORAGE	01/01 12/31	57.60 AFY
WILDLIFE	01/01 12/31	1.000 CFS
AESTHETIC	01/01 12/31	1.000 CFS
AESTHETIC STORAGE	01/01 12/31	57.60 AFY
WILDLIFE STORAGE	01/01 12/31	57.60 AFY

PLACE OF USE:

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 CODE.

EXPLANATORY MATERIAL: Beneficial Use

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PURPOSE OF USE
PURSUANT TO SECTION 42-1425, IDAHO CODE.

*Not Valid
Carton
4-1-02*

IDAHO DEPARTMENT OF WATER RESOURCES 01/28/2002
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

NAME AND ADDRESS: DALLAS H HARRIS
3051 S WISE WY
BOISE ID 83706

SOURCE: MORES CREEK

TRIBUTARY: BOISE RIVER

QUANTITY: 1.00 CFS
724.0 AFY

PRIORITY DATE: 01/01/1938 *12/31/1938*

POINT OF DIVERSION:

T06N R05E S34 NWNWSW Within BOISE County

PURPOSE AND
PERIOD OF USE:

*Div to storage?
pool on stream
to off stream pond.
Use is pond*

PURPOSE OF USE	PERIOD OF USE	QUANTITY
AESTHETIC	1/01 12/31	1.000 CFS
WILDLIFE	1/01 12/31	1.000 CFS
PLACE OF USE: <u>AESTHETIC Within BOISE County</u>		
T06N R05E S33	T06N R05E S34	
<u>WILDLIFE Within BOISE County</u>		
T06N R05E S33 NESE	T06N R05E S34	

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 CODE.

EXPLANATORY MATERIAL: Beneficial Use

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PURPOSE OF USE
PURSUANT TO SECTION 42-1425, IDAHO CODE.

*Same pool as (A) 63-15418- (different survey
different use)*

*Wild Storage 7.2 57.6
Wild Am Storage 7.2
A es. Storage 7.2
7.2 57.6*

*Pond
4.66 ACRES
on GIS*

$$\frac{650\text{ft long} \times 484\text{ft wide}}{43,560} = 7.2$$

$$7.2 \times 8 \text{ depth} = 57.6$$

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WESTERN REGION ADJUDICATION SECTION
CLAIM VERIFICATION FIELD EXAM SHEET
(Use with the ECVR)

CLAIM NO(s). A63-16362

1. No Change NAME IS SAME
NEW OWNER: Family Trust/Estate in probate. COJO paperwork left
No Change ADDRESS
NEW ADDRESS: w/claimant @ field exam 10/23/2001.

2. No Change - DATE OF PRIORITY: Completed evidence submitted
Incomplete - Claimant should be asked during the exam when was water first used and submit proof of date of priority.

Priority date, per claimant, is: Dec 31, 1935
(If the priority date, based on your exam, seems questionable, explain below.)

Evidence supports 1938 priority date. Assents pond
has been kept full for fish & wildlife since inception.
Recommend 12/31/1938

3. No Change — SAME SOURCE
Source is different than that claimed:

Source found: Mones Creek

4. No Change — POINT OF DIVERSION
Point of diversion is different than the claim and/or new P/D's:

Also POD
for 63-15458

Township 6N Range 5E Section 34 1/4 NW 1/4 NW 1/4 SW
Township _____ Range _____ Section _____ 1/4 _____ 1/4 _____ 1/4 _____

5. No Change - DESCRIPTION OF DIVERTING WORKS
Incomplete description, list below:

OUTFLOW OF POND to smaller pond to south west, then
to Mones Creek.
POD shared WITH (A) 63-15418 (different owners)

6. No Change - WATER USES

Different uses, (list uses found):

Use _____	From _____	To _____	Amount _____	CFS _____	AFA _____
Use _____	From _____	To _____	Amount _____	CFS _____	AFA _____
Use _____	From _____	To _____	Amount _____	CFS _____	AFA _____

7. No Change - TOTAL VOLUME

Incomplete on claim, the total is, Amount _____ CFS _____ AFA _____

Changes found, the new total is, Amount _____ CFS _____ AFA _____

8. No Change - NON-IRRIGATION USES:

Changes Exam found:

Domestic # of homes: _____ Stock # _____ List types: _____

Additional comments: _____

9. No Change — PLACE OF USE: (If changed, list below.)

Use: _____	Township _____	Range _____	Section _____	1/4 _____	1/4 _____
Use: _____	Township _____	Range _____	Section _____	1/4 _____	1/4 _____
Use: _____	Township _____	Range _____	Section _____	1/4 _____	1/4 _____
Use: _____	Township _____	Range _____	Section _____	1/4 _____	1/4 _____

Remarks: (Comments pertinent to field examination) See additional attachment

SYSTEM DIAGRAM INCLUDED

NA

Shown on GIS Layout

CK IF IN OFFICE EXAM

DATE EXAM CONDUCTED: 10/23/2001

FIELD EXAMINER: _____

Print Name

Signature



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

August 15, 2001

DALLAS HARRIS
3051 WISE WAY
BOISE, ID 83712

Re: Claim No(s) 63-16362

Dear Claimant(s):

In the past, you submitted the above referenced claim(s) in the Snake River Basin Adjudication. Enclosed is a computer generated print-out of the claim(s) for your reference only; this print-out is **NOT** to be returned or re-filed. You have indicated when this claim was filed that the water right(s) was based on either a "Statutory Claim" or "Beneficial Use" of the water. Water rights of this type are established by the historical use of water for a beneficial purpose, dating back to the time the water was first used, this date being the "**Priority Date**" as shown on the enclosed print-out. Your claim(s) has not been confirmed by a previous filing with the Department of Water Resources since there is no decree, license, or permit on file to verify the use of this water. For this reason, the Department is required to gather evidence from claimants supporting the date of priority for claims based on historical beneficial use of water. Any other claims you may have filed, that are not listed above, do not require evidence of priority be submitted at this time.

Enclosed is a pamphlet entitled "**Evidence of Priority**" which describes why evidence of the priority date is necessary along with examples of types of evidence that can be submitted to fulfill this requirement. If no evidence is submitted, or we do not hear from you within the time limit below, your priority date, as claimed, may not be recommended to the Court for decree. This could jeopardize your water use under this right(s), if water availability problems arise in the future. It is our goal to decree the historical water rights within the Snake River Basin as accurately as possible. ~~Field exams to verify~~ claims in this area are now being conducted by Department personnel. Please contact this office as soon as possible to schedule a field exam appointment convenient for you.

The required evidence supporting the priority date(s) must be submitted by **October 15, 2001**, referencing all documents with the corresponding claim number(s). If you have any questions not covered by this letter, or the enclosed pamphlet, please call the Western Region office shown above.

Adjudication Section
Department of Water Resources
Western Region Office

JS:lh
Enclosures

12/1/1938
11/1/1938
acceptance

AJ5809NP
No. A63-16362

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 05/22/01
PAGE: 111

OWNER CODE: C
NAME & ADDRESS: DALLAS HARRIS, 3051 WISE WAY, BOISE ID 83712, (208) 344-2573
PRIORITY DATE: 12/31/1935
WATER USE: WILDLIFE AESTHETIC
USE PERIOD FROM TO: 01-01 12-31, 01-01 12-31
DIVERSION RATE: 1,000 CFS, 1,000 CFS
DIVERSION VOLUME: 1,000 CFS
TOTAL DIVERSION: 1,000 CFS
STAGE: BENEFICIAL USE
BOISE COUNTY

Water Source: MORES CREEK
Point(s) of Diversion: T06N R05E S34 NW1/4SW
Tributary to: BOISE RIVER
Stage: BENEFICIAL USE
BOISE COUNTY

Place of use Legal Description for: WILDLIFE

T	R	S	NE	NW	SW	SE	NE	NW	SW	SE
06N 05E 33										
06N 05E 34										

Place of use Legal Description for: AESTHETIC

T	R	S	NE	NW	SW	SE	NE	NW	SW	SE
06N 05E 33										
06N 05E 34										

POU County: BOISE

Non-Irrigation Uses: FLOW THROUGH POND IS TO PRESERVE WILDLIFE HABITAT & AESTHETICS.

Other Rights: NONE

Remarks: GEN DESCRIP. OF DIVERTING WORKS: OPEN CULVERT INTO DREDGE POND WATER FLOWS THROUGH POND AND BACK INTO MORES CREEK, FLOW IS CONTROLLED BY HEADGATE AT BOTH INLET AND OUTLET.
FLOW THROUGH POND RETURNS DIRECTLY TO MORES CREEK ANY WATER PERCOLATING INTO THE GROUND RETURNS TO THE CREEK AS UNDERFLOW.

Dates: Exam Made Date: Verified Date: Objection Filed Date:
Misc: Water District Number: Field Inspection Flag: Presumption Flag:

NO need to confirm to court
among

DONE
11/1/1938

C18
Cond-EXP
C04

IS USE
amount
OK

MANNING EQUATION - DATA COLLECTION

Claim Number(s): A63-16362

Name of Claimant(s): HARRIS

Name of Ditch, Canal, or Stream: Moore's CR Diversion

Date of Measurement: 10/23/2001 Data Collected By: RM

Measurement Location: 1/4 1/4 Section T R

Cross Section Data

Basis: high water mark() maximum capacity(X)

Note: minimum of five depth or rod readings; first and last must be equal or zero

depth or rod reading	distance from initial point	depth or rod reading	distance from initial point
1. <u> </u>	<u> </u>	7. <u> </u>	<u> </u>
2. <u> </u>	<u> </u>	8. <u> </u>	<u> </u>
3. <u> </u>	<u> </u>	9. <u> </u>	<u> </u>
4. <u> </u>	<u> </u>	10. <u> </u>	<u> </u>
5. <u> </u>	<u> </u>	11. <u> </u>	<u> </u>
6. <u> </u>	<u> </u>	12. <u> </u>	<u> </u>

Slope Data

Basis: high water mark() channel bottom() land surface()

Level Readings:	upstream	downstream	
upper stadia	<u>19.50</u>	<u>19.260</u>	
center	<u>19.265</u>	<u>19.065</u>	<u>.20</u>
lower stadia	<u>19.04</u>	<u>18.880</u>	channel length
stadia difference	(<u>.46</u> + <u>.38</u>) x 100 = <u>84</u>		

Note: for elevations, the downstream rod reading must be higher than the upstream rod reading

Comments 24" culvert

Are maps and/or photos attached? yes()

.20' / 84'

MANNING'S "n" (roughness coefficient)

BASIC "n" CHANNEL MATERIAL				CHANNEL OBSTRUCTIONS			
earth	.020		(1)	negligible	.000		(1)
rock	.025		(2)	minor	.010		(2)
fine gravel	.024		(3)		.015		(3)
coarse gravel	.028		(4)	appreciable	.020		(4)
					.030		(5)
				severe	.040		(6)
					.050		(7)
					.060		(8)
SURFACE IRREGULARITY				VEGETATION			
smooth	.000		(1)	low	.005		(1)
minor	.005		(2)		.010		(2)
moderate	.010		(3)	medium	.015		(3)
severe	.020		(4)		.020		(4)
					.025		(5)
				high	.030		(6)
					.040		(7)
					.050		(8)
				very high	.060		(9)
					.075		(10)
					.100		(11)
VARIATIONS IN SIZE AND SHAPE OF CROSS-SECTION				DEGREE OF MEANDERING			
gradual	.000		(1)	minor	1.00		(1)
occasional	.005		(2)	appreciable	1.15		(2)
frequent	.010		(3)	severe	1.30		(3)
	.015		(4)				

A63-16362

10/23/2001

Evidence of Priority

Dev. vs Wild/Aes? Date of change. Mill burned 1952.
Av. depth: Mostly 7-8'. One place 20' deep @ highest H₂O

Mannings on ditch,

Culvert size 24"

Ownership? Papers in case Estate still not settled. Left C of D
form for submission when estate is settled.

GPS meas. Photo 1 "HARRIS"

Culvert outlet Photo 2

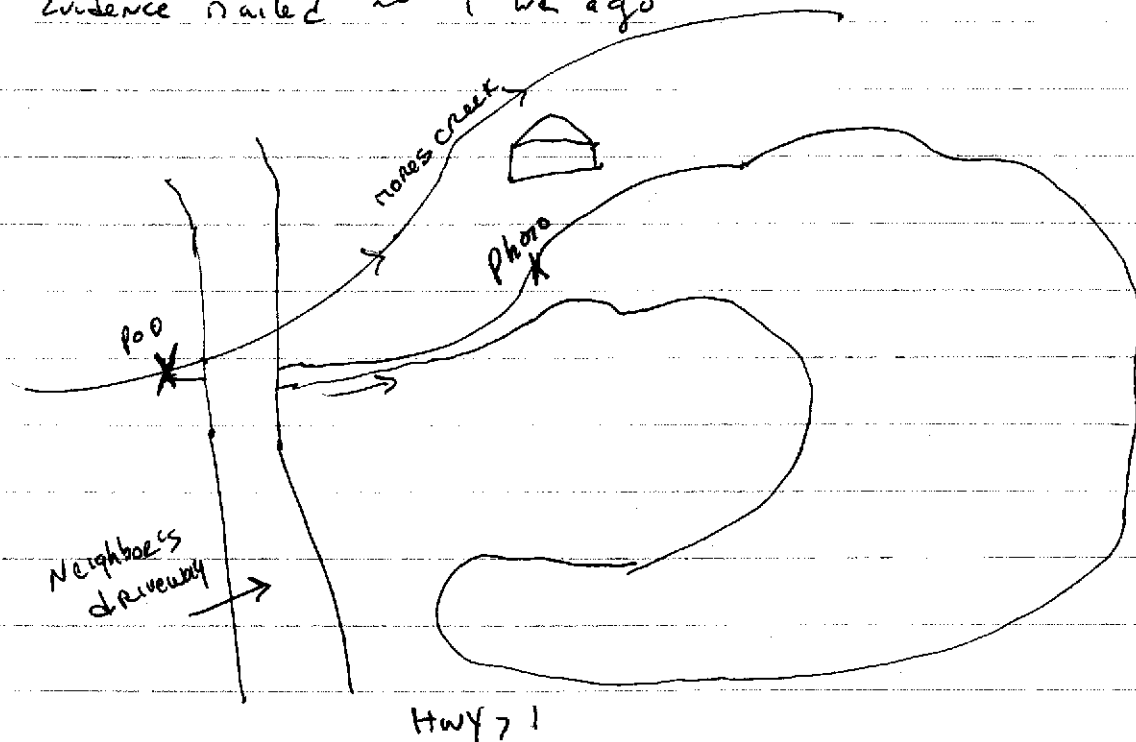
Photo 3 outlet ditch / canal / seep to Bradley's pond

4 outlet ditch looking back toward

5 Pond from ditch outlet ~~Harris' pond~~

Water seeps to ditch that parallels HWY 21 (see
photos). Culverred under driveway to swirl to
neighbors pond.

Evidence marked in 1 wk ago



SRBA Claim Number A63-16362 Date of Photos 10/23/2001
Photographer M. Newkirk Legal Description 76NRSES 34 NWSW

① Point of
diversion.

Located on north
side of neighbors'
driveway



② South side of
neighbors'
driveway. Culvert
empties into large
ditch to pond.



SRBA Claim Number A63-16362

Date of Photos 10/23/2001

Photographer P. Pinicucci

Legal Description T1N R5E S33 W5E

③ Place of use

Photo is taken
from southeast
corner, near
inlet, looking
north toward
Highway 21



④ Outlet Ditch.

Ditch parallels
highway to another
pond, then discharges
to Pores Creek.





A63-16362

RECEIVED

OCT 15 2001

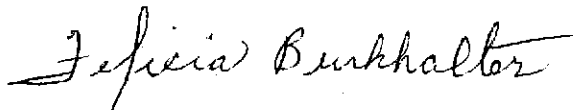
WATER RESOURCES
WESTERN REGION

State of Idaho
Dept. of Water Resources
2735 Airport Way
Boise, Idaho 83705

RE: Claim Nos. 16362

Enclosed you will find evidence to support claim 63-16362.

Sincerely ,



Felicia Burkhalter

Representative of Dallas Harris Estate

Felicia Burkhalter
2710 Shady Lane
Boise, Idaho 83712

Phone: 343-3360

IN THE MATTER OF)
NOTICE OF CLAIM TO)
A WATER RIGHT NO.(S))

63-3261)

State of Idaho,)
County of Boise)

AFFIDAVIT

Larry Eno

being first duly sworn,

deposes and says: That water from Mores Creek was diverted to flow into

the dredge or log pond about 1938. At that time ~~IX~~ the pond was

used for log storage for Harris Brothers sawmill.

This diversion of water to the pond has been maintained

since 1938 and keeps the pond at a level to enhance habitat

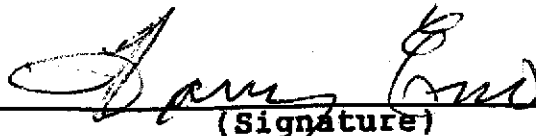
for fish and other animals.

I lived in Idaho City in 1938 and later worked ^{now} Harris Brothers

Lumber Co. I have been on this property many times

and have helped Dallas Harris maintain the outlet for the

diversion.


(Signature)

Subscribed and sworn to before me this

day _____ of _____, 19____.

SEAL

(Notary Public)

Residing at _____.

My Commission Expires _____.

**IDWR FIELD EXAM
COMMUNICATION DOCUMENTATION**

Claim Number(s) A63-F316362

Contact Person Dallas HARRIS 344-2573
Felicia Burkhalter 3433360

Date/Time of Exam

IDWR Employee/Agent M. Minicucci

Directions to Property Gated, x from Warm Springs (Hwy 21)

Info to determine measurement method

Culvert in stream
Measure ditch?

450
~~900~~ gpn?

1 AFR = 1 CFS for
12 HRS

Miscellaneous

4/21/2001: 11:30 am, No Answer 11:45 No Answer
4/24/2001: 10:24 am No answer
10/15/2001: 11:42 am No answer 3433360 left msg
Burkhalter
10/19/2001:

Maria

I believe you have been assigned field work for water right no. 63-16362 in the name of Dallas Harris. Mr. Harris' daughter, Felicia Burkhalter, called inquiring about evidence of priority & also asked about a field exam. Please contact her.

Telephone # is 343-3360

Address: 2710 Shady Lane
Boise, ID 83716

Thanks,

Gary

10/9/2001

3425 from Boise

MP 42 : gate is right by

40.5 miles from Hwy 21

Alexander Flats 40.5 : Do not go left

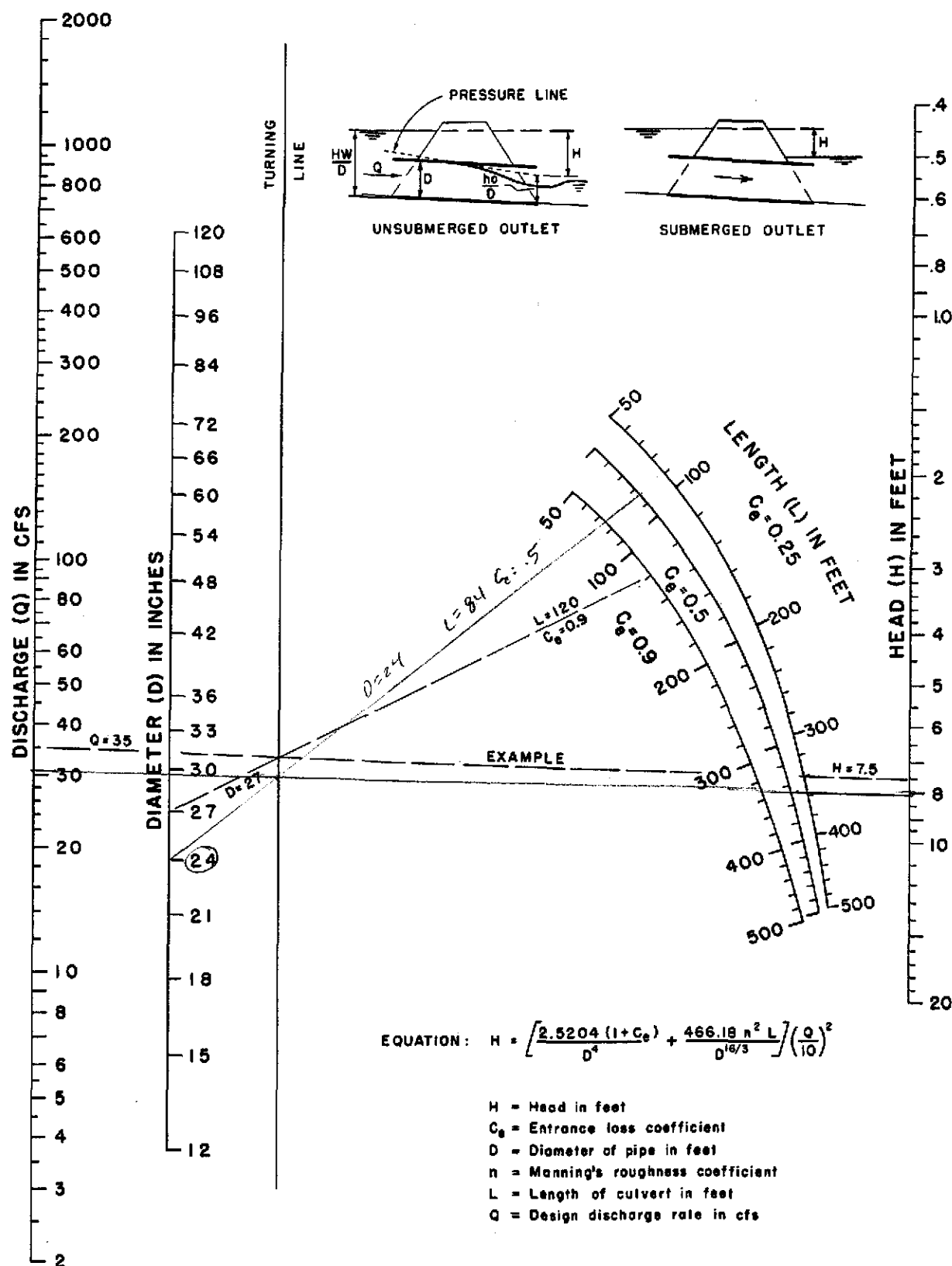
Go straight.

Cinder block house, then

Alexander creek, then

10/9/01 10:37
Liz near 1
403-05376
Chattanooga + Atlanta
383 3481 - west am

Scot King



**HEAD FOR
C. M. PIPE CULVERTS
FLOWING FULL
n = 0.024**

1/30/1989

SRBA CLAIMS RECEIVING CHECKLIST #2

CLAIMANT'S NAME HarrisCLAIM IDENT. NO. A63-DATE RECEIVED. 5-18-89CK # 7906AMOUNT \$ 175(150) the claim

Required Info?

1. Is the name and address complete with zip code? ☒ YES ☐ NO ☐ *
2. Is a priority date entered? ☒ YES ☐ NO ☐ *
- Is the priority date acceptable in view of mandatory filing dates? ☒ YES ☐ NO ☐ *
- See Adjudication Memos #1 and #4 to determine if a Permit is required.
3. (a) Is a source entered? ☒ YES ☐ NO ☐ *
- (b) Is a tributary to entered? (if required) ☐ YES ☒ N/A ☐ *
4. Is the legal description of the p.d. sufficient? ☒ YES ☐ NO ☐ *
5. Is there a description of the diverting works? ☒ YES ☐ NO ☐ *
6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form. ☒ YES ☐ NO ☐ *
- Is the period of use included? ☒ YES ☐ NO ☐ *
- Is a quantity claimed for each use? ☒ YES ☐ NO ☐ *
7. Is a total quantity claimed entered? ☒ YES ☐ NO ☐ *
8. If required is a consumptive use entered? ☐ YES ☒ N/A ☐ *
- Is the consumptive use correct? ☐ YES ☒ N/A ☐ *
9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, see Adjudication Memo # 4. ☐ YES ☒ N/A ☐ *
10. Is (are) the place(s) of use and purpose(s) indicated? ☒ YES ☐ NO ☐ *
11. Is (are) the county(ies) entered? ☒ YES ☐ NO ☐ *
12. Is the ownership of p.u. checked? ☒ YES ☐ NO ☐ *
13. Are other water rights listed or "none" indicated? ☒ YES ☐ NO ☐ *
14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.) ☐ YES ☒ N/A ☐ *
15. Is the basis of the claim indicated? ☒ YES ☐ NO ☐ *
16. If the claimant requested a monthly docket sheet, is payment enclosed? (If yes, describe payment status in "Comments" below.) ☐ YES ☒ N/A ☐ *
17. Is the claim signed by the claimant, and is the signature appropriate? Organizations must complete the organization block. ☒ YES ☐ NO ☐ *
18. Has the claim been signed, sealed, and dated by a notary? ☒ YES ☐ NO ☐ *
19. Was this claim filed on time, or was an extension granted? ☒ YES ☐ NO ☐ *
20. Is the fee enclosed correct? ☐ YES ☒ Exempt ☐ NO ☐ *
21. If this claim is based on an existing water right, has the identification number been entered? ☐ YES ☒ N/A ☐ *
22. Should this claim be receipted and data entered? ☒ YES ☐ NO ☐ *

Claim checked by: [Signature]Date: 7-14-89Claim must be returned to claimant: ☐ (Yes) ☒ (No)Claimant must be notified of modifications: ☐ (Yes) ☒ (No)

Receipt Prepared by: mmh

Claim data entered by: mmh

Sent to claimant by: mmh

Date: 5-22-89

Date: mmh

Date: mmh

Checked by: mmh Date: mmhComments: mmh

INDEXED

AUG 25 1989