

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: A63-28069
Date Received: 2/15/1990
Receipt No: W008977
Received By: _____

COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILES

1. Name: CHESTER HARRIS 208-459-6055
Address: PO BOX 23
GREENLEAF ID 83626
2. Date of Priority: AUG 1, 1930
3. Source: GROUNDWATER Trib. to:
4. Point of Diversion:
- | Township | Range | Section | 1/4 of | 1/4 of | 1/4 of | Lot | County |
|----------|-------|---------|--------|--------|--------|-----|--------|
| 04N | 04W | 28 | NW | NE | SW | | CANYON |
5. Description of diverting works:
WELL 50' WELL WITH 1.5HP PUMP, SPRINKLERS, PIPELINE, SPRAY TANK.
6. Water is used for the following purposes:
- | Purpose | From | To | C.F.S. | (or) | A.F.A. |
|------------|-------|-------|--------|------|--------|
| DOMESTIC | 01/01 | 12/31 | 0.060 | | |
| COMMERCIAL | 01/01 | 12/31 | 0.060 | | |
7. Total Quantity Appropriated is:
0.060 C.F.S. (and/or) A.F.A.
8. Total consumptive use is Acre Feet Per Annum.
9. Non-irrigation uses:
DOMESTIC, 2 HOMES; COMMERCIAL, ORCHARD SPRAYING
10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
04N	04W	28	NE	SW		DOMEST	
			NE	SW		COMMER	

11. Place of use in counties: CANYON

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

13. Other Water Rights Used:
IRRIGATION DISTRICT WATER

14. Remarks:

15. Basis of Claim: BENEFICIAL USE

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 403-28069Date Received 2-13-1990Receipt Number 6008977

RECEIVED

FEB 13 1990

Department of Water Resources
Western Regional Office

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) Chester Harris Phone (208) 459-6055Mailing Address PO Box 23 Greenleaf Id Zip 836262. Date of Priority (Only one (1) per claim) 8-1-19303. Source of water supply (a) Groundwater
which is tributary to (b) _____4. a. Location of existing point of diversion is: Township 4N Range 4W Section 28,
NW 1/4 of NE 1/4 of S4 1/4, Govt. Lot, _____ B.M., County of Canyon

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

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. WELL, 50' deep, 1 1/2 HP Pump,Sprinklers, Pipeline, Spray Tank

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6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Domestic purposes from 1-1 to 12-31 amount .06 or .

For Commercial purposes from 1-1 to 12-31 amount .06 or .

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) .06 (cfs) and/or (b) _____ (acre feet)

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

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) 2 / 0 Households, Spraying Orchards

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	
4n	4w	28									C/D								

Total number of acres irrigated _____

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

12. Do you own the property listed above as place of use? Yes ☒ 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.
IRRIGATION DISTRICT WATER or None ()

14. Remarks:

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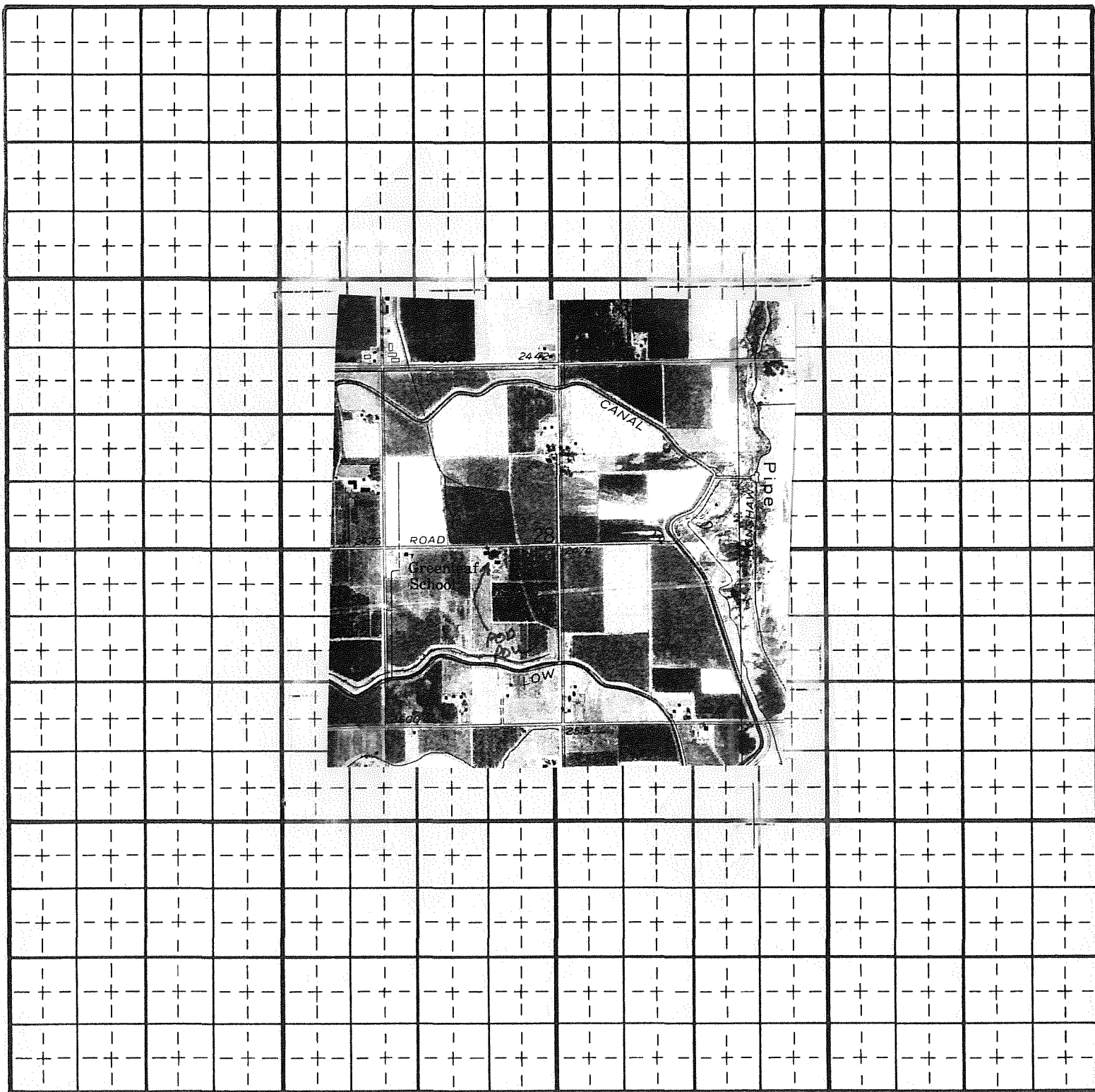
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Last Name _____ Ident No. _____

Copies: White -State, Yellow-Claimant

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

Scale: 2 inches equals 1 mile



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Last Name _____ Ident No. _____

Copies: White-State, Yellow-Claimant

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 _____

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

Signature of Claimant (s) x Mr. Chester Harris Date x 2-7-90

_____ 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 7th day of FEB 19 90

SEAL

Notary Public William Gene Gibson

Residing at Boise, Idaho

My Commission Expires 9-2-1994

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 _____

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Last Name _____ Ident. Number _____

Copies White-State, Yellow-Claimant

CLAIMANT'S NAME Harris, Chester CLAIM IDENT. NO. AL63-28069DATE RECEIVED 2-13-90 RECEIPT # W008977 FEE PAID \$ 56. FEE REQ'D \$ 56.

	YES	NO	Requ: Info:
1. Is the name and address complete with zip code?	☒	☐	*
2. Is a priority date entered?	☒	☐	*
Is the priority date acceptable in view of mandatory filing dates? See Adjudication Memos #1 and #4 to determine if a Permit is required.			
3. (a) Is a source entered?	☒	☐	*
(b) Is a tributary to entered? (if required)	☐	☒ N/A	
4. Is the legal description of the p.d. sufficient?	☒	☐	*
5. Is there a description of the diverting works?	☒	☐	
6. Are the water uses appropriate for the form? The short form is limited to D/S uses. Other uses must be filed on the long form. Note: If stockwater stor. or instream stockwater are filed on the short form & all items complete, do not return claim.	☒	☐	*
Is the period of use included?	☒	☐	
Is a quantity claimed for each use?	☒	☐	*
7. Is a total quantity claimed entered?	☒	☐	
8. If required is a consumptive use entered?	☐	☒ N/A	
Is the consumptive use correct?	☐	☒ N/A	
9. Are the non-irrigation uses listed showing # of homes, hd. of stock?	☒	☐	*
If multiple domestic, is single ownership indicated?	☒	☒	
10. Is (are) the place(s) of use and purpose(s) indicated?	☒	☐	*
11. Is (are) the county(ies) entered?	☒	☐	
12. Is the ownership of p.u. checked?	☒	☐	
13. Are other water rights listed or "none" indicated?	☒	☐	
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.)	☐	☒ N/A	
15. Is the basis of the claim indicated?	☐	☐	
16. If the basis of claim is shown as license, permit, or decree is the existing water right no. listed?	☐	☒ N/A	
If yes, compare claim w/existing right and attach proof report noting any differences in comments.	☐	☐	
If no, was water right no. found?	☐	☐	*
17. If the basis of claim is shown as beneficial use, or not marked, are there existing water rights shown in our records using the legal description or name on the claim?	☐	☒ N/A	
(If yes, attach a proof report & complete number change)	☐	☐	
NOTE: If the claim is for dom/stock this check is not as necessary unless it is located within an area where dom/stock rights were decreed.	☐	☐	
18. If the claimant requested a monthly docket sheet, was the fee paid?	☐	☒ N/A	
19. Is the claim signed by the claimant, and is the signature appropriate?	☒	☐	*
20. Has the claim been signed, sealed, and dated by a notary?	☒	☐	*
21. Was this claim filed on time? (Check ML3 for date mailed-not all were mailed on the planned date) If no, was an extension of time filed & approved?	☒	☐	*
22. Is the fee enclosed correct?	☒	☐	*

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23. Is this claim being rejected and returned to claimant? ☐ ☒
24. Can this claim be data entered? ☒ ☐
25. Was claim modified? ☐ ☒
- If yes, do modifications require notification to claimant? . . . ☐ ☐
- Note: Modifications made must be explained in comments stating where the information for any changes was found.

Claim reviewed by: sf Date 1-5-93

Claim data entered by: sf Date 1-5-93

IF REQUIRED INFORMATION IS INCOMPLETE SEE INSTRUCTIONS TO DECIDE WHETHER THE CLAIM NEEDS TO BE RETURNED OR IF IT CAN BE MODIFIED. IF IT MUST BE RETURNED INSTRUCTIONS WILL SPECIFY WHICH FORM LETTER TO USE.

Comments: _____

09/29/2006

RECEIVED

NOV 02 2006

WATER RESOURCES
WESTERN REGION

NOTICE OF ERROR
REPLY

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: October 31, 2006

Water right number: 63-28069

CHESTER HARRIS
20821 TUCKER RD
GREENLEAF ID 83626
Telephone Number: (208)459-6055

RECEIVED

NOV 03 2006

DEPARTMENT OF WATER RESOURCES

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

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

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

☒ I AGREE with this proposed recommendation: no changes need to be made.

DATE: 10-31 SIGNATURE: Chester S. Harris
Please print your name: Chester S. Harris

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

✓pw

08/15/2006

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

RIGHT NUMBER: 63-28069

NAME AND ADDRESS: CHESTER HARRIS
20821 TUCKER RD
GREENLEAF ID 83626

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.060 CFS
2.900 AFY

The quantity of water under this right for domestic use shall not exceed
13,000 gallons per day.

PRIORITY DATE: 03/01/1963

POINT OF DIVERSION:

T04N R04W S28 NWNESW Within CANYON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
COMMERCIAL	01/01 12/31	0.060 CFS 0.50 AFY
DOMESTIC	01/01 12/31	0.060 CFS 2.40 AFY

Domestic use is for 2 homes.

Commercial use is for spraying orchard.

PLACE OF USE: COMMERCIAL Within CANYON County

T04N R04W S28 NESW T04N R04W S28 SESW

DOMESTIC Within CANYON County

T04N R04W S28 NESW

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.

The quantity of water decreed for this water right for domestic use is not
a determination of historical beneficial use.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Use of this right is combined with water from Wilder Irrigation District.

Field Exam Date 3.9.06

(in office review)

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION FIELD REPORT

Prior to Field Exam

- ☒ Copy of Claim, claim has been signed, sealed, and dated by notary?
- ☒ Check fees paid \$56.00
- ☐ Well logs (if needed) - none in records (powerdocs/micro film)
- ☒ Copy of topo or NAPP
- ☒ Check of Govt. Lots, if needed, Govt. Plat/Tax lot information None in S88
- ☒ Check POD & POU overlap, see below - include overlapping right for exam
- ☒ Evidence of Priority - if none, talk with claimant

CLAIMANT INFORMATION - verify contact information is complete

Claim No(s) A63-28069

Owner: Chester Harris Phone No. _____

Current Address: 20821 Tucker Rd., Greenleaf

Property Address:
26179 Middle
Rd., Greenleaf

- ☒ No change NAME IS THE SAME
- ☐ NEW OWNER
- ☒ No change Address
- ☐ NEW ADDRESS
- ☐ How long owned property? _____

Accompanied by: N/A

PRIORITY DATE

- ☐ No change - Complete evidence submitted or not necessary
- ☐ Incomplete - Claimant should be asked when water was first used and submit proof of date.
- ☐ Priority date is acceptable/within mandatory filing dates?

Commercial use = 1963
(per letter ^{noted} 4/3/06)

Priority date, per claimant, is: 8/01/30

(If priority date, based on your exam, seems questionable, explain below.)

The evidence of priority that Chester Harris submitted on 3/6/06 is not sufficient. Therefore, I called Mr. Harris.

Source: Ground Water Tributary to _____

- ☒ No Change - SAME SOURCE
- ☐ Source found is different than claimed: _____

POINT OF DIVERSION

- ☒ No change
- ☐ POD found is different than claimed: _____
- ☐ If different, when did POD change? _____

DIVERSION AND DELIVERY SYSTEM

Points of Diversion:

ID #	Govt Lot #	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks GPS ID
		NW	NE	SW	28	4N	4W	Canyon	- claimant contact 3/8/06

Description of diverting works

OVERLAP REVIEW

Other water rights with the same point of diversion: _____

Does overlap add acres or uses to existing system, increase rate of flow or volume, or other? Explain: _____

WATER USES☒ No change☐ Different Uses

Use Commercial From 1-1 To 12-31 Amount 0.06 CFS 0.5* AFA

Use Domestic From 1-1 To 12-31 Amount 0.06 CFS 2.4 AFA

Use _____ From _____ To _____ Amount _____ CFS _____ AFA

TOTAL VOLUME – Groundwater only☒ Incomplete on claim, the total is, Amount 0.06 CFS 2.9 AFA☐ Changes found, the new total is, Amount _____ CFS _____ AFA☐ More than 1" per Acre? Yes _____ (claimant must complete excess flow sheet)**NON-IRRIGATION USES:**☒ No change☐ Changes Exam found: Domestic # of homes 2 Stock # _____Comm Types spraying orchard Additional comments: _____**PLACE OF USE:**☐ No Change☒ Changes shown below:

* see page 4 for calculation -

Place of Use			NE				NW				SW				SE				Totals
TWP	RGE	SEC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
4N	4W	28									X			X					
4N	4W	28									X								

Overlap with other water rights: 63-11647

Does overlap increase rate of flow, volume, additional acres, different source for same acres? Explain:

no overlap - different POD & use

Delivery System Narrative: Per arc view - orchard is located in SESH also.

Well or Diversion Identification No GPS ID	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge size

FLOW MEASUREMENTS:

Attach appropriate documents

NARRATIVE/REMARKS/COMMENTS

W59, X01 - 2 homes,
N10, N12
Parcel #.

AFTER EXAM THE FILE SHOULD CONTAIN:

- ☐ Completed claim checklist
- ☐ Photographs of POD's and POU
- ☐ GPS readings
- ☐ Completed map and or GIS layout showing POD's and POU

DATE EXAM CONDUCTED: in office review

FIELD EXAMINER: Kay Walker 8/15/06

Commercial use:

Spraying Orchard

per claimant: 13 sprays per year with
500 gal. tank filled 24 times per spray

500 gal x 24 fills = 12,000 gal/spray

12,000 gal/spray x 13 sprays/year = 156000 gal/year
325850

= 0.48 AF/year $\approx$ 0.5 AFA for
commercial use. kw

8/4/06

15) $0.06 \text{ cfs} \times 1.9835 \times 365 \text{ days} = 43.4 \text{ AFA}$

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-28069

WATER RIGHT NUMBER: 63-28069

Owner Type Name and Address
 Current Owner CHESTER HARRIS
 20821 TUCKER RD
 GREENLEAF, ID 83626
 (208)459-6055

Priority Date: 08/01/1930

Basis: Beneficial Use

Status: Active

Source Tributary
 GROUND WATER

Beneficial Use From To Diversion Rate Annual Volume

COMMERCIAL 1/01 to 12/31 0.060 CFS

DOMESTIC 1/01 to 12/31 0.060 CFS

Total Diversion: 0.060 CFS

0.5 AFA

~~2.4 AFA~~ 2.4

2.4 AFA

2.9 AFA

Location of Point(s) of Diversion

GROUND WATER
 CANYON County

NW1/4NE1/4SW1/4

Sec. 28, Twp 04N, Rge 04W, B.M.

Place of Use

COMMERCIAL

Twp	Rge	Sec	NE	NW	SW	SE	Totals
04N	04W	28	X				

DOMESTIC

Twp	Rge	Sec	NE	NW	SW	SE	Totals
04N	04W	28	X				

Conditions of Approval:Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 63-28069

Comments:

Dates and Other Information:

Claim Received Date: 2/15/1990
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal: S
Owner Name Connector:
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits:

Water Supply Bank:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-28069

WATER RIGHT NUMBER: 63-28069 ✓

Owner Type

Current Owner

Name and Address

CHESTER HARRIS ✓
 20821 TUCKER RD
 GREENLEAF, ID 83626
 (208)459-6055

Priority Date: 08/01/1930 ✓

Basis: Beneficial Use ✓

Status: Active

Source

GROUND WATER ✓

TributaryProperty Address:

26179 Middle Rd.

Greenleaf

Beneficial Use

COMMERCIAL ✓

DOMESTIC ✓

From To

1/01 to 12/31 ✓

1/01 to 12/31 ✓

Diversion Rate

0.060 CFS ✓

0.060 CFS ✓

Total Diversion:

0.060 CFS ✓

Annual VolumeLocation of Point(s) of Diversion

GROUND WATER

CANYON County ✓

NW1/4NE1/4SW1/4 ✓

Sec. 28, Twp 04N, Rge 04W, B.M. ✓

Place of Use

COMMERCIAL

Twp	Rge	Sec	NE				NW				SW				SE				Totals
✓ 04N	04W	28	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
											X								

DOMESTIC

Twp	Rge	Sec	NE				NW				SW				SE				Totals
✓ 04N	04W	28	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
											X								

ADD - Use combined with Wilder Irrigation DistConditions of Approval:ADD X01 - Domestic use is for 1² householdsRemarks:ADD N10 & N12 - for domestic use

a portion of
Parcel No. 1R3647200000. (53.65-56.0 AC)

CONVERSATION MEMORANDUM

**RE: Snake River Basin Adjudication Water Right Nos. A63-28069
Evidence of Priority**

March 8, 2006

Since the affidavit submitted by Chester Harris on March 6, 2006 as evidence of priority was not sufficient, I called him (#459-6055). When I asked Mr. Harris how his wife came up with the claimed priority date of Aug. 1, 1930, he said that she was in an accident and passed away in 1990. Therefore, he had no idea how she came up with that particular date. However, Mr. Harris stated that he knows that the farm was in existence in 1915 because that's when his father, Carl Harris, moved to Greenleaf from Oklahoma. Mr. Harris also said that they drilled a new well in approximately 1950/55 and that they no longer use the old well.

I told Mr. Harris that I would use this conversation as evidence of priority.

While I had Mr. Harris on the phone, I asked him some additional questions pertinent to this claim. Mr. Harris said that he moved onto this farm in 1946 and that the second house was built in 1943. There are two houses on the property, but only one is occupied (see affidavit). When I asked Mr. Harris when the second home was last occupied, he said that it was in 1986, approximately 20 years ago, when the last person lived in the other house. However, he added that his intent is to get the other house "up and ready" as a rental in the future; but that requires "a new roof and lots of work – so it will be a while."

Mr. Harris also verified that he uses Wilder Irrigation District water – for irrigation, commercial, and domestic use, he said.

** In addition, I created the attached 2004 NAPP while speaking with Mr. Harris. The location of the well is based on his description of its location.

Kimberly Brown
Senior Water Resource Agent
Western Region

#63-28069
2004 NAPP

juice plant

large house

small house

shop area

NECW

Receipt Details for ID W008977

Status	Adjustment Type	Version
	Water Right Receipt	1

General Information:

Date Received	Date Deposited	Region	Total Amount	Payment Type
2/15/1990 1:31:53 PM	2/15/1990	Western	\$81.00	Check
Payer	HARRIS ORCHARD			

Account Information:

Check #	Account #	Credit Card Name	Authorization #
6122			
Card Expiration Date	Credit Card Transaction #		

Comment ADJUDICATION CLAIM FEE**Fee Detail:**

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$81.00	ADJUDICATION CLAIM FEE	410162	9337	0	0	6490

Refund(s):

Amount	Payee	Date	Document Number
--------	-------	------	-----------------

Water Right Information:

Basin Number	Sequence Number	Split Suffix	Amount	Type
63	28068		\$25.00	Claim
63	28069		\$56.00	Claim

[Print Report](#)

REAL PROPERTY INQUIRY

+++++

01 5R36472-000- -0 062-00	SCH139+	01	45,700	50.50
		10	23,000	1.00
HARRIS, CARL W	+	19		4.50
% HARRIS, CHESTER S	+	31	58,000	
	+	32	9,400	
		+		
		+		

20821 TUCKER RD

GREENLEAF ID 83626

+++++

28-4N-4W SW	+	TOTAL	136,100	56.00
-------------	---	-------	---------	-------

NESW, SESW-NOF CANAL

+++++

+ SURVEY INST

+ DRAIN DR VALUE APPR MKB

+ CLASS R1 REAP 98 MAN 97 UNIT 2

26179 MIDDLE RD, GR

+ PARCEL 5R04N04W284800 H/O N C/B N

+ PRIOR ACCOUNT 4R36472-000- -0

+ 02 MH on Property NO

MODE:F ACTION:

TRAITS INQUIRY

TRQK318

ACCOUNT NUMBER R36472000 0 UNIT 001 TOTAL UNITS 2

SITE 26179 MIDDLE RD GR SEC/TWN/RNG 28-4N-4W

ASSESSED VALUE 168,100 ACREAGE 56.00

SUB/PARK NAME YEAR/MAKE

CLASS R1 RENTAL HOUSE CLASS '1' SPACE LOT BLOCK

+++++

YR BUILT 1909 AIR COND AIR - NONE CARPORT N

STORY 2 STORY HEATING OIL CARPORT SQ FT

FIRST SQ FT 930 EXTERIOR WOOD SIDING DECK/PATIO? N

SECOND SQ FT 448 ROOF WOOD SHINGLES POOL? N

BEDS 1 BSMT SQ FT SPA? N

BATHS 1.00 % BSMT FIN LOT SIZE

FRPLC 0 GARAGE N NEIGHBORHOOD 0

GARAGE SQ FT

+++++

COMMENTS (1 OF 2) 2 UNITS

MOBILE HOME ONLY

WIDTH/LENGTH

EXPANDO

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POU REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-28069

02/03/2006

1

Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Purpose of Use	Acres/Total	Name
I1647	Water Right	04N	04W	28	NE	SW		IRRIGATION	39/46	HARRIS ORCHARD
28069	Claim	04N	04W	28	NE	SW		COMMERCIAL		CHESTER HARRIS
28069	Claim	04N	04W	28	NE	SW		DOMESTIC		CHESTER HARRIS

Ø ok

overlap review -

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-11647

WATER RIGHT NUMBER: 63-11647

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	HARRIS ORCHARD 20821 TUCKER RD GREENLEAF, ID 83626 (208)459-6055

Priority Date: 02/11/1992

Basis: License

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	03/15 to 11/15	0.920 CFS	208.00 AF
	<u>Total Diversion:</u>	0.920 CFS	208.00 AF

Location of Point(s) of Diversion

GROUND WATER	NE1/4SE1/4SW1/4	Sec. 28, Twp 04N, Rge 04W, B.M.
CANYON 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	
04N	04W	28									39.0				7.0				46.0

Total Acres: 46

Conditions of Approval:

1. 104 If the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert groundwater shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
2. R61 This right when combined with all other rights shall provide no more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
3. 065 The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.
4. 01M After specific notification by the Department, the right holder shall install a suitable measuring device 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. Water bearing zone to be appropriated is 250 to 350 feet.

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-11647

6. WB7 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor exceed a combined annual maximum diversion volume of 207.0 af at the field headgate for the lands above.

Remarks:

Comments:

1. dnelson 11/1/2004 Field Report Narrative

Comment: The water for this permit is diverted from the well by a 25Hp pump into a mainline that travels northeast for approximately 30 feet to a cement ditch. Once the water enters the ditch it travels west over a Cipolletti weir. The water can then continue on west through a cement ditch to irrigate the south field. The water can also be diverted due south through a buried mainline. The buried mainline travel approximately 1/8 of a mile to a bubbler where a relift pump to a sprinkler system that irrigates the middle field can divert the water. The water can continue in the mainline south to a gated pipe system used to irrigate the north field and around the home.

~~The only overlapping rights are the owner's domestic and commercial water right and Wilder Irrigation District water rights.~~ This water right is supplemental to the Wilder Irrigation District water, so there should not be any problem with overlapping water rights.

This is a supplemental water right, so it should be conditioned as such. This is an open discharge system and can easily be measured and reported using power records.

2. eretelle 11/15/2004 annual volume

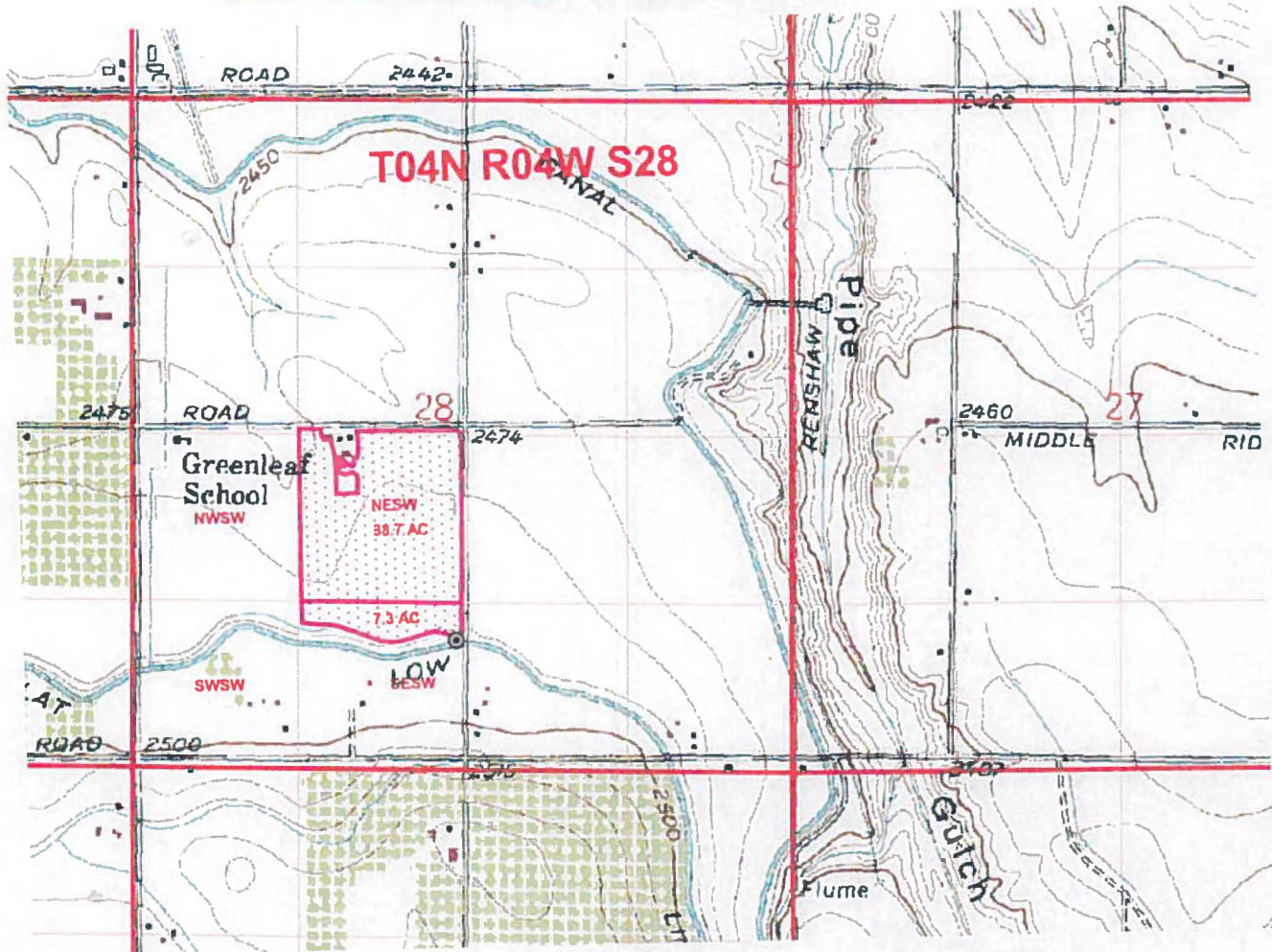
Comment: 46.3 acres x 4.5 af/acre = 208 af

Water Supply Bank:

FIELD EXAM 63-11647

QUADRANGLE MAP

BY DANIEL NELSON



- Well
- Irrigate Lands
- Section Lines
- 1/4 1/4 Lines





State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov

RECEIVED

APR 4 2006

DEPARTMENT OF
WATER RESOURCES

March 28, 2006

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

CHESTER HARRIS
20821 TUCKER RD
GREENLEAF ID 83626

RE: Notice of Claim to Water Right No. 63-28069

Dear Mr. Harris:

In final review of the above referenced notice of claim we find we need some additional information concerning the claimed use of water. If you would please answer the questions listed below and return this letter to me, it would be greatly appreciated. I have enclosed a return envelope for your convenience.

1. What year did you begin spraying the orchard? *1963*
2. How many acres does your orchard cover? *46 acres*
3. How many times per year do you spray the trees? *it varies, but about 13*
4. What size of spray tank do you use and how many times do you fill it per spraying? *500 gallon 4 times*
5. Do you use any irrigation district water for spraying the trees or just well water? *no, just well water*
6. Do you water the lawns around the houses with well water or irrigation district water? *yes we water the lawns with well water.*

All of the above information, when completed, will assist in determining a volume of water that can be allowed under the above referenced claim. Please respond to the questions and return this letter to me in the enclosed envelope within the next 2 weeks so I can finalize my recommendations. If you have any questions in regard to this matter, please do not hesitate to contact me at 287-4953.

Sincerely,

Chester Harris 4-3-06

Kay Walker
KAY WALKER
Sr. Water Resource Agent

KW:k
Enclosure



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov

March 28, 2006

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

CHESTER HARRIS
20821 TUCKER RD
GREENLEAF ID 83626

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1. What year did you begin spraying the orchard?
2. How many acres does your orchard cover?
3. How many times per year do you spray the trees?
4. What size of spray tank do you use and how many times do you fill it per spraying?
5. Do you use any irrigation district water for spraying the trees or just well water?
6. Do you water the lawns around the houses with well water or irrigation district water?

All of the above information, when completed, will assist in determining a volume of water that can be allowed under the above referenced claim. Please respond to the questions and return this letter to me in the enclosed envelope within the next 2 weeks so I can finalize my recommendations. If you have any questions in regard to this matter, please do not hesitate to contact me at 287-4953.

Sincerely,

KAY WALKER
Sr. Water Resource Agent

KW:k
Enclosure

RECEIVED

MAR 06 2006

WATER RESOURCES
WESTERN REGION

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

63-28049)
)
)
)

AFFIDAVIT

State of Idaho)
County of _____)

deposes and says:

we have 47 acres
with two houses. Only one is
Presently occupied. we estimate
that we use approximately
15,000 gal in this house per year

Chester L. Harris 3-3-06
(Signature)

not sufficient
evidence

#63-28069

RECEIVED

MAR 06 2006

WATER RESOURCES
WESTERN REGION

COMMERCIAL USE VOLUME

* Please keep in mind that these questions pertain only to the use of the water listed on the enclosed **Adjudication Claim Report**.

Type of Establishment: (example – camp, church, country club, bar/lounge, boardinghouse, factory, motel, highway rest area, hospital, laundry, office, park, restaurant, school, service station, theater)

Farm - Orchard - Spraying

Type of Facilities: (example: kitchen facility/cafeteria, lavatory facilities, shower(s), bath(s), sink(s), trailers, flush toilets)

Juice Plant

Commercial use
states for
"orchard spraying"
only — not a
juice plant!

Number of Fixtures: (example: number of flush toilets, number of bathroom/kitchen sinks, number of showers, etc.)

1 sink

How many employees (and/or public individuals) per day use each of the facilities your commercial use is based upon?

2

How many hours per day is the facility open for this specific use?

8

How many days per week is the facility open for this use?

6

Is this facility open year round? ___ Yes X No

If not, please indicate the length of time the facility is open during the year.

7 months

****** Most businesses have a good idea of how many gallons of water per day they use. If this is true in your case, please indicate how many **total gallons of water you use** for the commercial purposes explained above:

35,000 gallon Per year

Additional information you feel may be pertinent:

Shuster L. Harris
Your name

3-3-06

208-459-6055
Business telephone number

Please return to:

**ATTN: Kimberly Brown
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705-5082**



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

February 2, 2006

DIRK KEMPTHORNE
Governor

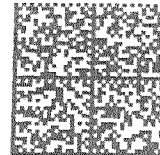
KARL J. DREHER
Director

CHESTER HARRIS
PO BOX 23
GREENLEAF ID 83626

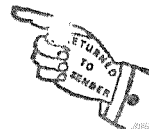
RE: EVIDENCE OF PRIORITY
Snake River Basin Claim No(s): A63-28069

IDAHO DEPARTMENT OF WATER RESOURCES
WESTERN REGION
2735 Airport Way
Boise, Idaho 83705-5082

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FEB 13 2006

WATER RESOURCES
WESTERN REGION

Chester Harris
20821 Tucker Rd.

Greenleaf

83626

LAAGTMS

83705-5082

2/14/06
resent to:



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

February 7, 2006

CHESTER HARRIS
PO BOX 23
GREENLEAF ID 83626

*+ sent
Commercial Use
Volume
Questionnaire*

RE: Commercial use for Snake River Basin Adjudication claim 63-28069

Dear Mr. Harris,

The Idaho Department of Water Resources is currently reviewing the claim to a water right you filed during claims taking in the Snake River Basin Adjudication (SRBA). During the initial review of this claim, we found that you claimed a commercial use that requires a volume amount be included in our recommendation to the SRBA Court (please refer to the enclosed copy of your adjudication claim report: under **Annual Volume**). In order for us to calculate your annual volume, it is necessary that we ask for additional information not gathered when you, or the original claimant, filed this water right.

Please refer to the **Commercial Use Volume** sheet (enclosed), answer the appropriate questions as specifically as possible, and return it to this office by March 1, 2006 so that we are able to calculate the annual volume associated with your water right; as required by the SRBA Court.

This review of your claim, in addition to the submittal of our recommendation to the SRBA Court, will result in a decreed right for your property. This water right then remains with the land as long as it is being used. We will give you the opportunity to review our recommendation and provide feedback, if necessary, prior to its submittal to the SRBA Court.

Please feel free to contact me at 334-2190 if you have any questions.

Respectfully submitted,

Kimberly Brown

Kimberly Brown
Water Resource Agent

Enclosures



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

February 2, 2006

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

CHESTER HARRIS
PO BOX 23
GREENLEAF ID 83626

RE: EVIDENCE OF PRIORITY
Snake River Basin Claim No(s): A63-28069

Dear Claimants,

In the past, you submitted the above referenced claim(s) during the Snake River Basin Adjudication (SRBA) claims taking. Enclosed is a computer generated print-out of the claim(s) for your reference only, it is not necessary to return this print-out. You 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 historical use of the water for a beneficial use 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.

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. While I encourage you to read the entire pamphlet, I direct your attention to the two sections entitled. **"What Kind of Evidence is Required"** and **"Some Examples of Documents Which May Be Evidence of the Priority Date."**

It is important that each element of the Notice of Claim be substantiated. For instance, regarding claims for irrigation, the evidence should tend to show that diversion works were in place, that they were capable of diverting the claimed diversion rate, and that the diverted water was beneficially used on the entire claimed place of use on or before the claimed priority date.

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 SRBA court for decree. This could jeopardize your water use under this right(s) if water availability problems arise in the future.

The required evidence supporting the priority date(s) requested needs to be submitted by March 1, 2006. Please let me know if you may not be able to submit proof of priority or have any questions not covered by this letter and the enclosed pamphlet, by the date indicated above.

In addition, since it is our goal to decree the historical water right within the Snake River Basin as accurately as possible, field exams are now being conducted by Department water resource agents to verify claims in this area. In the near future, you may be receiving a call from us in order to set-up an appointment for a field exam.



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

Respectfully Submitted,

Kimberly Brown

Kimberly Brown
Water Resource Agent
Adjudication Bureau

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

Enclosure: "Evidence of Priority" pamphlet
Notice of Claim A63-28069

NOTE: If you no longer own the property upon which this claim was filed, please contact this office immediately. Idaho State law requires that the Department be notified of a change of owner or address on a water right.