

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

RIGHT NUMBER: 22-7397

NAME AND ADDRESS: R LAYNE HARRIS  
PO BOX 63  
NEWDALE ID 83436

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 3.160 CFS ~~1.970 CFS~~  
553.00 AFY

PRIORITY DATE: 05/20/1982

POINT OF  
DIVERSION:

T06N R41E S10 SESENE Within MADISON County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u>      |
|-----------------------|----------------------|----------------------|
| IRRIGATION            | 04/01 10/31          | <u>3.160 CFS</u>     |
|                       |                      | <del>1.970 CFS</del> |
|                       |                      | 553.00 AFY           |

PLACE OF USE: IRRIGATION in MADISON County

|                        |      |              |                  |                            |      |              |                  |
|------------------------|------|--------------|------------------|----------------------------|------|--------------|------------------|
| T06N R41E S10          | NENE | <u>40.00</u> | <del>39.00</del> | T06N R41E S10              | NWNE | <u>40.00</u> | <del>38.00</del> |
| T06N R41E S10          | SWNE | 40.00        |                  | T06N R41E S10              | SENE | <u>38.00</u> | <del>37.00</del> |
| <u>158 ACRES TOTAL</u> |      |              |                  | <del>154 ACRES TOTAL</del> |      |              |                  |

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: BASIS OF CLAIM - License

Created By:

Denise Kidman:

Date: 12-23-08

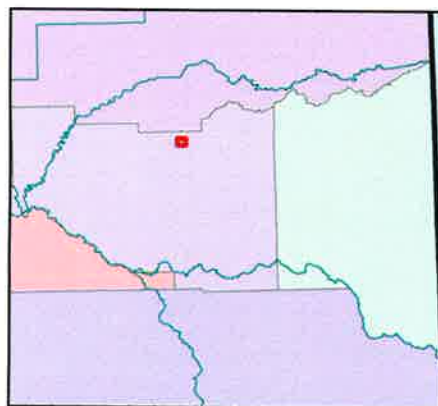


**SRBA Recommendation**  
**22-7397**  
**(IRRIGATION)**

# Idaho Department of Water Resources

## Legend

- Point of Diversion
- Place of Use
- State Outline
- Townships
- PLS Sections
- Quarter Quarters



**Madison County**  
**IDWR Basin 22**

Prepared by Denise Kidman  
On December 23, 2008  
2004 Aerial Photography





# Idaho Department of Water Resources

SRBA Recommendation:

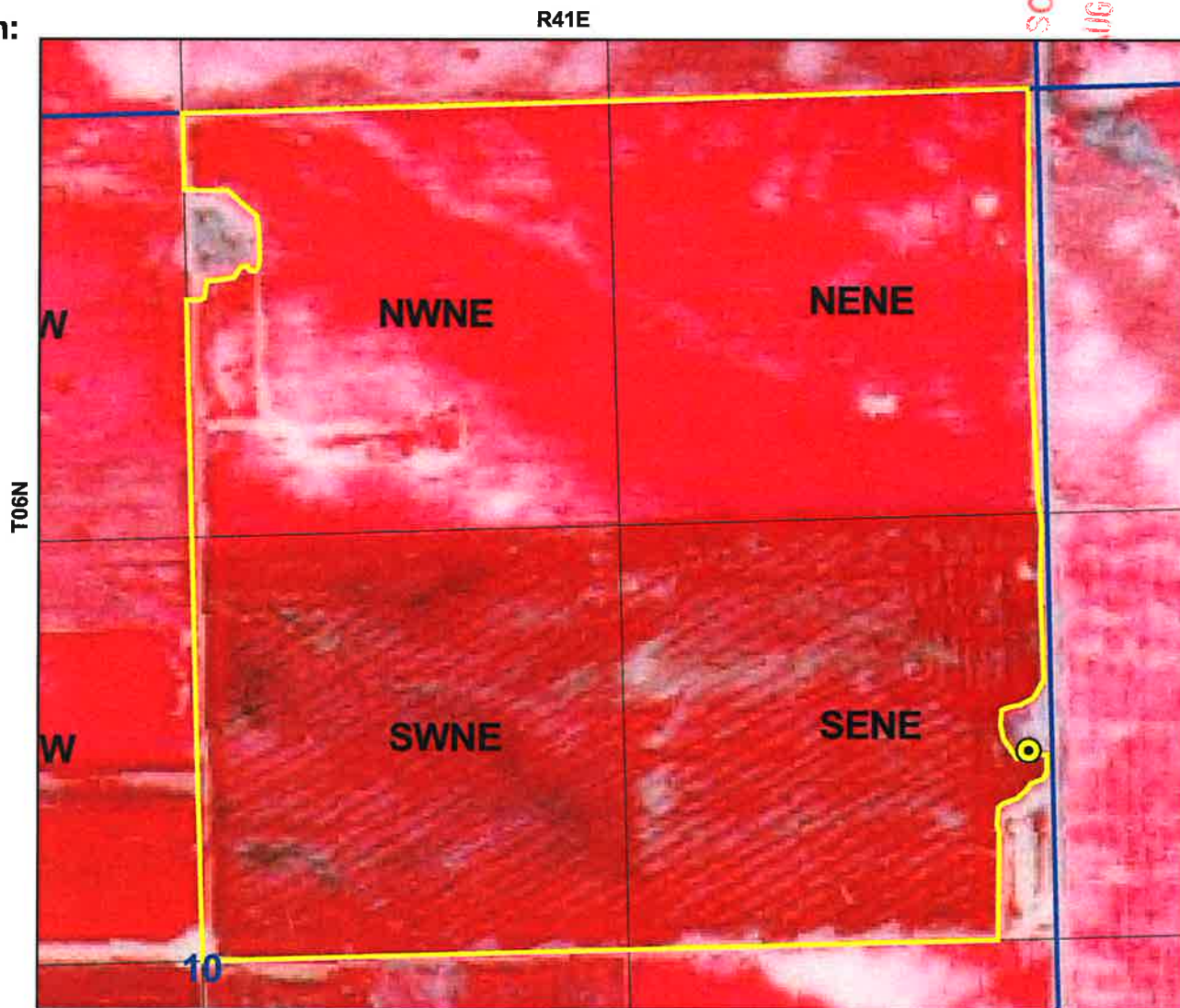
**22-7397**

## Legend

-  Point of Diversion
-  Place of Use
-  Townships
-  PLS Sections
-  Quarter Quarters



Madison County  
IDWR Basin 22



0 0.2 0.4 Miles

Prepared by T. Galbraith  
On Thursday, May 4, 2006  
1987/88 Aerial Photography

SCANNED  
16 09 2007

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 )

Water Rights: 22-7397

Case No. 39576 )

NOTICE OF COMPLETED  
ADMINISTRATIVE  
PROCEEDING

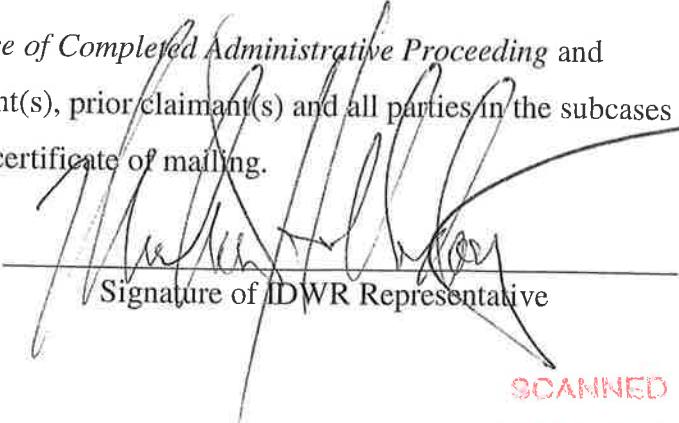
IDWR has completed the following Administrative proceeding:

- ☐ Address change
- ☐ Substitution of Party
- ☒ I.C. § 42-222 transfer 73415
  - ☐ point of diversion ☐ place of use
  - ☐ period of use ☐ nature of use
  - ☐ split of water right ☐ change in ownership
- ☒ Other-Update Conditions

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Reports* for said water rights. No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED: 4/13/2010

  
\_\_\_\_\_  
Signature of IDWR Representative

## CERTIFICATE OF MAILING

I certify that on April 14, 2010, I mailed the original and copies of this form to the following persons, postage prepaid by regular mail and addressed as follows:

1. Original to:

Clerk of the District Court  
Snake River Basin Adjudication  
PO Box 2707  
Twin Falls ID 83303-2707

2. One copy to:

Claimant/Seller for Substitution of Party or attorney of record:  
R Layne Harris  
PO Box 63  
Newdale ID 83436

3. One copy to:

Claimant/Purchaser for Substitution of Party, or attorney of record:

4. One copy to:

Each party in the subcase, or attorney of record  
R Layne Harris  
Represented by  
Robert Harris  
1000 Riverwalk DR Ste 200  
PO Box 50130  
Idaho Falls ID 83405

5. One copy each to:

Chief Natural Resources Division  
Office of the Attorney General  
PO Box 44449  
Boise ID 83711-4449

6. One Copy to:

United States Dept of Justice  
Environment & Natural Resource Div  
550 West Fort Street MSC 033  
Boise ID 83724

  
Signature of person or attorney mailing the form

04/13/2010

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

RIGHT NUMBER: 22-7397

NAME AND ADDRESS: R LAYNE HARRIS  
PO BOX 63  
NEWDALE ID 83436

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 3.160 CFS  
553.00 AFY

Right Nos. 22-7397 and 22-12900 are limited to a total combined diversion rate of 3.16 cfs.

PRIORITY DATE: 05/20/1982

POINT OF  
DIVERSION:

T06N R41E S10 SESENE Within MADISON County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u>         |
|-----------------------|----------------------|-------------------------|
| IRRIGATION            | 04/01 10/31          | 3.160 CFS<br>553.00 AFY |

PLACE OF USE:

IRRIGATION in MADISON County

|               |      |       |               |      |       |
|---------------|------|-------|---------------|------|-------|
| T06N R41E S10 | NENE | 40.00 | T06N R41E S10 | NWNE | 40.00 |
| T06N R41E S10 | SWNE | 40.00 | T06N R41E S10 | SENE | 38.00 |

158 ACRES TOTAL

Right Nos. 22-7397 and 22-12900 are limited to the irrigation of a combined total of 232 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 Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Right No. 22-12900 is also diverted through point of diversion described above.

Right No. 22-12900 is an enlargement of this right pursuant to Section 42-1426, Idaho Code.

Amended Director's Report

22-7397  
SCANNED

APR 15 2010

**WATER RIGHT NO. 22-7397**  
**As Modified by Transfer No. 73415**

In accordance with the approval of Transfer No. 73415, Water Right No. 22-7397 is now described as follows.

**Right Holder:** R LAYNE HARRIS  
 PO BOX 63  
 NEWDALE ID 83436

**Priority Date:** May 20, 1982

**Source:** GROUND WATER

| <u>BENEFICIAL USE</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> |
|-----------------------|-------------|-----------|-----------------------|---------------|
| IRRIGATION            | 04/01       | to 10/31  | 3.16 CFS              | 553.0 AF      |

**LOCATION OF POINT(S) OF DIVERSION:**

GROUND WATER                      SESENE                      Sec. 10 Twp 06N   Rge 41E   MADISON County

**PLACE OF USE:** IRRIGATION

| Twp | Rge | Sec | NE   |      |      |      | NW |    |    |    | SW |    |    |    | SE |    |    |    |        |
|-----|-----|-----|------|------|------|------|----|----|----|----|----|----|----|----|----|----|----|----|--------|
|     |     |     | NE   | NW   | SW   | SE   | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | Totals |
| 06N | 41E | 10  | 40.0 | 40.0 | 40.0 | 38.0 |    |    |    |    |    |    |    |    |    |    |    |    | 158.0  |

Total Acres: 158

**CONDITIONS OF APPROVAL**

1. Right Nos. 22-7397 and 22-12900 are limited to the irrigation of a combined total of 232 acres in a single irrigation season.
2. Right Nos. 22-7397 and 22-12900 are limited to a total combined diversion rate of 3.16 cfs.
3. Right No. 22-12900 is an enlargement of this right pursuant to Section 42-1426, Idaho Code.
4. 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.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 13 day of May, 2009

x F05

*Ernest Carha*  
 for Chief, Water Allocation Bureau

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

)

Water Rights: 22-7397

Case No. 39576

)

)

**NOTICE OF ADMINISTRATIVE  
PROCEEDING**

IDWR has received an application for an Administrative proceeding for the above  
mentioned water right(s):

The Administrative Proceeding contemplates a change in the water right(s) as indicated below:

- ☐ Address change
- ☐ Substitution of Party
- ☒ I.C. § 42-222 transfer 73415

IDWR projects the Administrative Proceeding shall be completed no later than: September  
30, 2009

DATED: 13 May 2009

Ernest Cifer

Signature of IDWR Representative

SCANNED

MAY 15 2009

*May 15*  
**CERTIFICATE OF MAILING**

I certify that on *May 15*, 2009, I mailed the original and copies of this form to the following persons, postage prepaid by regular mail and addressed as follows:

1. Original to:

Clerk of the District Court  
Snake River Basin Adjudication  
PO Box 2707  
Twin Falls ID 83303-2707

2. One copy to:

Claimant/Seller for Substitution of Party or attorney of record:  
Layne Harris  
PO Box 63  
Newdale ID 83436

3. One copy to:

Claimant/Purchaser for Substitution of Party, or attorney of record:

4. One copy to:

Each party in the subcase, or attorney of record  
Robert L Harris  
Holden Kidwell Hahn & Crapo  
1000 Riverwalk Dr Ste 200  
PO Box 50130  
Idaho Falls ID 83405

5. One copy each to:

Chief Natural Resources Division  
Office of the Attorney General  
PO Box 44449  
Boise ID 83711-4449

6. One Copy to:

United States Dept of Justice  
Environment & Natural Resource Div  
550 West Fort Street MSC 033  
Boise ID 83724

*[Signature]*  
Signature of person or attorney mailing the form

SCANNED

MAY 15 2009

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF CORRECTING )  
WATER RIGHT LICENSE NO. 22-7397 )  
IN THE NAME OF LAYNE HARRIS )  
\_\_\_\_\_ )

**PRELIMINARY ORDER  
CORRECTING LICENSE**

This matter having come before the Department of Water Resources (Department) as a request for correction of a water right license, the Department finds, concludes, and orders:

**CASE SUMMARY**

Layne Harris, through his attorneys Kent Foster and Rob Harris, requested that the Department correct Water Right License 22-7397 to show the authorized diversion rate as 3.16 cfs, or 0.02cfs per acre, of water for the 158-acre irrigated place of use. The Department issued the license in 1990 with an authorized diversion rate of 1.97 cfs based on the conclusion that the 3.21 cfs of water diverted by Mr. Harris was spread over 258 acres. Mr. Harris admits that he irrigated approximately 258 acres at the time of the Department's field examination to verify beneficial use in connection with the permit, but he asserts that the 3.21 cfs was applied only to his 158 acres during the authorized development period for Permit 22-7397.

The Department did not conduct a hearing on the matter. For this decision the Department relied upon public records maintained by the Department, including all records pertaining to water rights, claims to water rights, and applications for water rights. The Department allowed the right holder's attorney to augment the water right file with the following items relevant to this case:

- "Affidavit of Robert Layne Harris" dated July 3, 2008.
- A copy of a 1985 land lease agreement between the Corporation of the Presiding Bishop of the Church of Jesus Christ of Latter-day Saints ("Landlord") and Layne Harris ("Tenant").
- A copy of a mortgage for the NE¼ of Section 10, T6N, R41E, B.M., that R. Layne Harris, Beverly K. Harris, W. Henry Harris, Lena Harris, Danny L. Harris, and Marguerite C. Harris signed with the Federal Land Bank of Spokane.

## JURISDICTION AND AUTHORITIES

Idaho Code § 42-219 says, in pertinent part:

Upon receipt by the department of water resources of all the evidence in relation to such final proof, it shall be the duty of the department to carefully examine the same, and if the department is satisfied that the law has been fully complied with and that the water is being used at the place claimed and for the purpose for which it was originally intended, the department shall issue to such user or users a license confirming such use.

## FINDINGS OF FACT

1. On June 24, 1982, the Department issued Layne Harris (right holder) a permit to establish a right to divert 3.2 cubic feet per second (cfs) from ground water within the SE $\frac{1}{4}$ NE $\frac{1}{4}$ , Section 10, T6N, R41E, B.M., for the irrigation of 160 acre in the NE $\frac{1}{4}$  of Section 10, T6N, R41E, B.M. The priority date for the permit was April 30, 1982. As a condition of approval, the right holder was required to submit proof of beneficial use for the permit on or before July 1, 1983.
2. By September 13, 1982, the right holder had installed a 200 horsepower G. E. electric motor with an Aurora turbine pump and a 60 horsepower U. S. electric motor and an Aurora centrifugal booster pump to divert water from his well in the NE $\frac{1}{4}$  of Section 10, T6N, R41E, B.M.
3. On July 2, 1983, the permit lapsed because the right holder had not submitted a proof of beneficial use statement within the required time.
4. On July 21, 1983, the right holder submitted a proof of beneficial use statement indicating that he had irrigated 160 acres in connection with his permit.
5. On August 16, 1983, the Department reinstated the permit. As a penalty for submitting the proof of beneficial use statement after the deadline stated in the permit, the Department advanced the priority date of the permit to May 20, 1982.
6. On August 8, 1985, the right holder leased 96 acres of farmable land in the N $\frac{1}{2}$  of Section 11, T6N, R41E, B.M., from the Corporation of the Presiding Bishop of the Church of Jesus Christ of Latter-day Saints.
7. On July 17, 1987, a Department staff member conducted a beneficial use field examination in accordance with Idaho Code § 42-217 to verify the beneficial use of water established by the right holder in connection with the permit. The field examiner's report indicated that the right holder's diversion and delivery system, which included a 200 horsepower well motor and a 60 horsepower booster pump motor, applied 3.21 cfs of water using nine

quarter-mile hand lines. The field examiner recommended issuing a water right license for 3.16 cfs, or 0.02 cfs per acre, for the 158 acres he found to be irrigated within the permitted place of use.

8. A December 1, 1987, supplement to the examiner's field report prepared by a senior Department staff member stated that the right holder's irrigation system also irrigated land in the N½ of Section 11, T6N, R41E, B.M., in connection with other water rights. Including the land in Section 10 and the land in Section 11, the right holder's irrigation system covered approximately 258 acres.

9. The right holder's well in the SE¼NE¼, Section 10, T6N, R41E, B.M., was not an authorized point of diversion for water rights appurtenant to land in Section 11, T6N, R41E, B.M.

10. The field examiner's report does not state that the nine quarter-mile hand lines were used exclusively to irrigate the permitted place of use or that they were used also used to irrigate land in Section 11, T6N, R41E, B.M.

11. On January 24, 1990, a Department staff member prepared a memorandum titled "Clarification and Correction of Field Examination" for the permit. In the memorandum the staff member indicated that nine quarter-mile hand lines is generally excessive for the irrigation of 158 acres and that nine hand lines is more reasonable for 258 acres. The memorandum also explains that because the irrigation system covered 258 acres, the established diversion rate per acre was 0.0124 cfs. The author of the memorandum recommended that the Department apply the established rate per acre to the 158-acre place of use reported by the field examiner and issue a license with a total diversion rate of 1.97 cfs.

12. On February 28, 1990, the Department issued Layne Harris a water right license for the diversion of 1.97 cfs from ground water within the SE¼NE¼, Section 10, T6N, R41E, B.M., for the irrigation of 158 acres in the NE¼ of Section 10, T6N, R41E, B.M. The Department did not issue the license as an order of the Department or indicate a deadline for appealing the issuance of the license or the elements of the water right confirmed in the license.

13. On February 5, 2007, the Department received a request to correct the licensed diversion rate to 3.16 cfs from the attorney for the right holder, Kent W. Foster.

14. On June 24, 2008, the Department notified the right holder's new attorney, Robert L. Harris, that it did not have sufficient information to refute the prior diversion rate analysis or to change the license.

15. On July 8, 2008, the right holder's attorney submitted an affidavit from the right holder. In item no. 14 of the affidavit, the right holder explains that he did not lease or irrigate the 100-acre parcel (actually 96 acres according to the lease agreement) in Section 11 until 1986.

16. In item no. 5 of the right holder's affidavit, he explains that he "developed nine quarter mile handlines for convenience in order to get across the property faster." It is not clear from the right holder's statement what he means by "the property," but it can be inferred from other statement in item no. 5 that "the property" was 160 acres.

17. After the license was issued in 1990, the Department has changed the standard season of use for irrigation at the licensed place of use to 4/1 to 10/31.

18. The licensed annual volume for the right is 553.0 af or 3.5 af per acre, but a condition of approval on the license limits the use to 3.0 af per acre.

19. The standard annual diversion volume limit for irrigation in the vicinity of the licensed place of use is 3.5 af per acre.

### ANALYSIS

The essential question of this case is whether the right holder diverted and used more than 1.97 cfs of water to irrigate a 158-acre portion of the permitted place of use before extending his irrigation system to cover an additional 100 (or 96) acres. If the right holder diverted and used more than 1.97 cfs for the 158 acres prior to submitting proof of beneficial use in 1983, then the Department erred in its original determination of beneficial use and the right holder is entitled to a water right license for the additional amount.

The 1982 mortgage agreement shows that the right holder had already installed the same diversion works that were found by the Department's field examiner in 1987. The timing of the installation of the diverting works is critical for two reasons. First, the fact that the booster motor and pump were in place by 1982 refutes the assumption that the booster was installed for the purpose of pressurizing lines extended to the leased land in 1985. Second, those diverting works were capable of diverting 3.21 cfs in 1987, and likely were capable of 3.21 cfs in 1982 if a sufficient number of handlines were in place at that time.

The right holder asserts in his affidavit that he employed nine handlines on the 158 acres within the permitted place of use as a matter of convenience, even though fewer handlines may have been sufficient. Because the Department's field examiner did not indicate whether the nine handlines were used on 158 acres or 258 acres, the Department cannot positively refute his assertion, even though it may seem unusual. The right holder did not state when the nine handlines were first employed. It is possible that some were added after he submitted proof of beneficial use, but it is equally possible that all nine handlines were utilized right from the start to deliver 3.21 cfs of water to the permitted place of use.

## CONCLUSIONS OF LAW

1. Idaho Code § 42-219 obligates the Department to issue a water right license that accurately portrays the water right developed in accordance with the permit.
2. By the time he submitted proof of beneficial use for Permit 22-7397, the right holder had installed sufficient diverting works and applied 3.21 cfs of water from ground water to irrigate 158 acres within the permitted place of use in the NE¼ of Section 10, T6N, R41E, B.M.
3. The authorized diversion rate on Water Right License 22-7397 does not accurately portray the water use developed in accordance with the permit during the authorized development period.
4. The authorized season of use for Water Right License 22-7397 exceeds the accepted normal season for the authorized place of use by one day.
5. The conditions of approval on the license are not consistent with the licensed annual diversion volume limit on the license.
6. The authorized diversion rate for Water Right License 22-7397 should be 3.16 cfs.
7. The authorized season of use for Water Right License 22-7397 should be 4/1 to 10/31.
8. The conditions of approval on the license should limit the use of water to 3.5 af per acre of land irrigated.
9. The Department should correct Water Right License 22-7397 to authorize a diversion rate of 3.16 cfs, a season of use of 4/1 to 10/31, and a diversion volume limit of 3.5 af per acre.

## ORDER

IT IS HEREBY ORDERED that the authorized diversion rate for Water Right License 22-7397 shall be 3.16 cfs.

IT IS FURTHER HEREBY ORDERED that the authorized season of use for Water Right License 22-7397 shall be 4/1 to 10/31.

IT IS FURTHER HEREBY ORDERED that approval condition no. 5 on the license shall say:

This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.5 afa per acre for irrigation of the lands above.

IT IS FURTHER HEREBY ORDERED that the Department shall issue a corrected water right license document for Water Right 22-7397 on this date in connection with this order.

Dated this 3<sup>rd</sup> day of September, 2008.



GARY SPACKMAN

Administrator, Water Management Division



CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER SETTING DEADLINE AND HEARING was mailed on July 30, 2008, with sufficient first-class postage to the following:

R LAYNE HARRIS

Represented by:

ROBERT L HARRIS

1000 RIVERWALK DR, STE 200

PO BOX 50130

IDAHO FALLS, ID 83405

Phone: 208-523-0620

DIRECTOR OF IDWR

PO BOX 83720

BOISE, ID 83720-0098

RECEIVED

FEB 08 2007

DEPARTMENT OF  
WATER RESOURCES

2

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

A. Subcase 22-7397

Case No. 35976

STANDARD FORM 1  
OBJECTION

Please fill in the following information:

**B. NAME AND ADDRESS OF PERSON OBJECTING**

Name: Layne Harris

Address: PO Box 63

Newdale, ID 83436

Daytime Phone: 208-458-4936

Name & Address of Attorney, if any:

Robert L. Harris

Holden, Kidwell, Hahn & Crapo, PLLC

PO Box 50130, Idaho Falls, ID 83405-0130

**C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT**

Name: Layne Harris

Address: PO Box 63

Newdale, ID 83436

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☐ **Name and Address**  
Should be: \_\_\_\_\_
2. ☐ **Source**  
Should be: \_\_\_\_\_
3. ☒ **Quantity**  
Should be: 3.16 cfs. For additional information, please see attached memorandum prepared by Kristin Moore and Harold Jones of IDWR.
4. ☐ **Priority Date**  
Should be: \_\_\_\_\_
5. ☐ **Points of Diversion**  
Should be: \_\_\_\_\_
6. ☐ **Instream Flow Description**  
Should be: \_\_\_\_\_
7. ☐ **Purpose(s) of Use**  
Should be: \_\_\_\_\_
8. ☐ **Period of Year**  
Should be: \_\_\_\_\_
9. ☐ **Place of Use**  
Should be: \_\_\_\_\_
10. **I object because:**
  - ☐ This water right should not exist.
  - ☐ This water right was not recommended, but should be recommended with the elements described above.

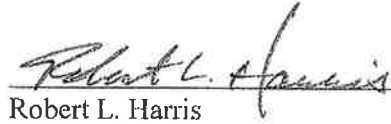
E. **REASONS SUPPORTING OBJECTION(S):** See attached memorandum prepared by Kristin Moore & Harold Jones of Idaho Department of Water Resources

VERIFICATION (Must be Completed)

State of Idaho                    )  
                                          )ss.  
County of Bonneville         )

Robert L. Harris, duly sworn, upon oath, deposes and says:

That I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

  
Robert L. Harris

Subscribed and sworn to before me this 16<sup>th</sup> day of February, 2007.



  
Notary Public for Idaho  
Residing at: Idaho Falls, ID  
My Commission Expires: July 7, 2009

G.

**CERTIFICATE OF MAILING**

I hereby certify that on this 5th day of February, 2007, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

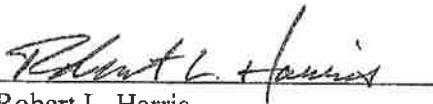
Clerk of the District Court  
Snake River Basin Adjudication  
253 Third Avenue North  
P.O. Box 2707  
Twin Falls, ID 83303-2707

2. Copies to:

IDWR Document Depository  
P.O. Box 83720  
Boise, ID 83720-0098

Chief, Natural Resources Division  
Office of the Attorney General  
State of Idaho  
P.O. Box 44449  
Boise, ID 83711-4449

United States Department of Justice  
Environmental and Natural Resource Division  
550 West Fort Street, MSC 033  
Boise, ID 83724

  
Robert L. Harris

G:\WPDATA\RLH\10136 Harris, Layne\03\Objection, 22-7397 wpd

To: Kay Walker **File 22-7397**  
From: Kristin Moore and Harold Jones  
Re: Clarification and Correction of License 22-7397

RECEIVED  
JAN 09 2006  
DEPARTMENT OF  
WATER RESOURCES

Date: December 29, 2005

Our review of SRBA claim for 22-7397 exposed what we believe to be an error in the licensing of this water right. We are asking Allocations to consider issuing a new license based on the permit and the findings of the investigation conducted by Samuel Filetti in 1987. The narrative below explains the circumstances leading to the error.

Prior to 1982, the NE1/4 of Sec 10, T06N, R41E was covered by license 22-2186 and owned by Walz Enterprises. However, a conversation with representatives of Walz Enterprises suggests Layne Harris purchased the ground in Sec 10 without a water right. Since Mr. Harris intended to continue irrigating the NE1/4 of Sec 10, T06N, R41E in May 1982 he filed permit application 22-7397 seeking to drill a new well for irrigation of the land in question.

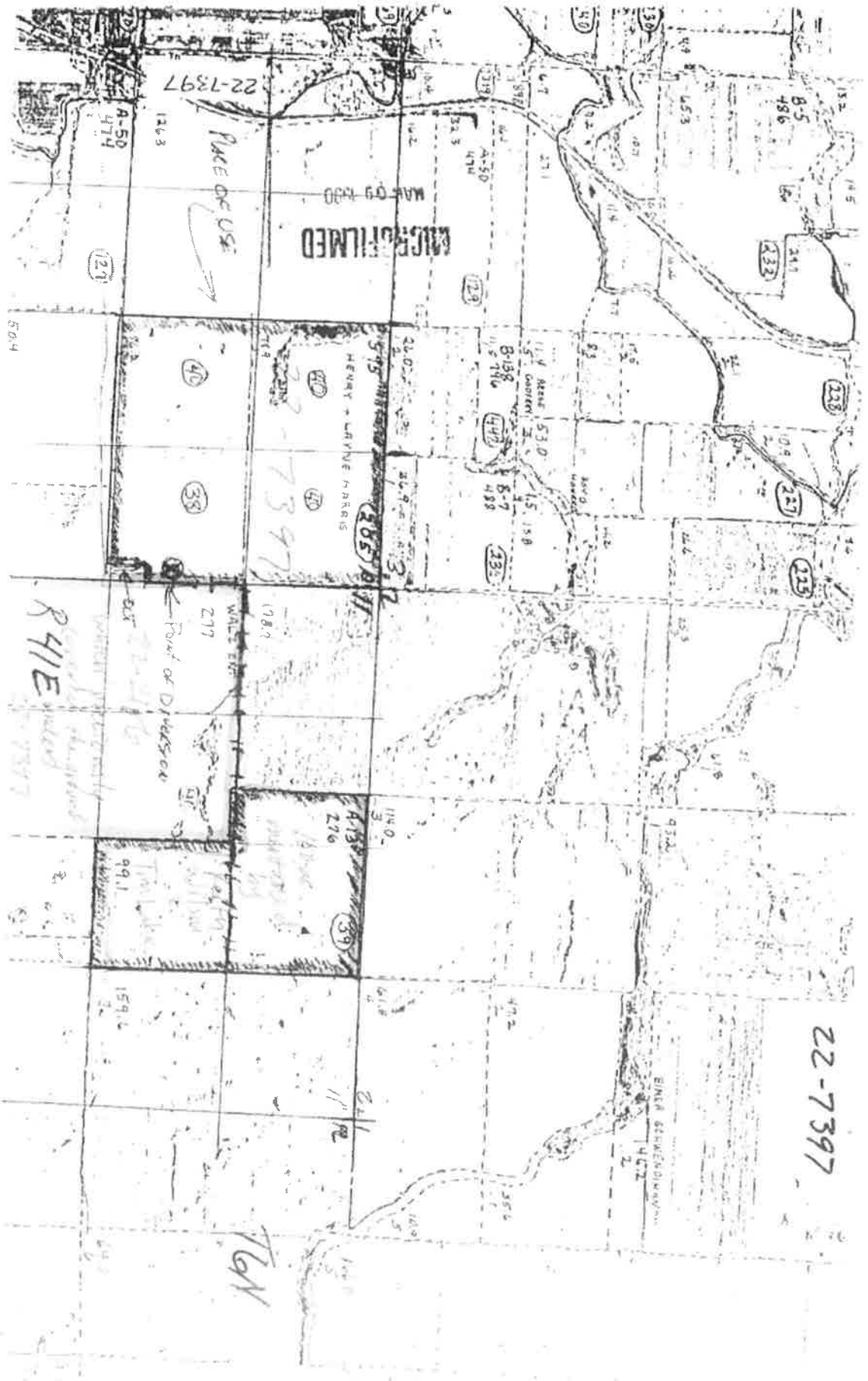
The licensing field exam for permit 22-7397, performed in summer of 1987 by Samuel Filetti (summer field examiner), shows he found 158 acres in the NE1/4 of Sec 10 being irrigated by a well in SENE of Sec 10. Mr. Filetti's report indicates he found nine ¼ mile hand lines and recommended the license be issued for 3.16 cfs (0.02 cfs/ac). But prior to forwarding the licensing field exam to Boise, Keith Wilson, Senior Water Resource Agent, reviewed Mr. Filetti's report and appears to have added a remark in the overlap review analysis section of the field exam stating additional land (approx. 100 acres) in Sec 11 T6N R41E was being irrigated from Mr. Harris' well. He also wrote that water rights 22-2196, 22-2257, 22-2271B, and 22-7234 were appurtenant to the same 100 acres in Sec 11. We believe these notes by Keith Wilson subsequently led to an analysis by Department staff that incorrectly reduced the diversion rate for license 22-7397. Enclosed, Map 1 from the Department's records shows a mainline from the Harris to the 100 acres mentioned in Mr. Wilson's notes. However, transfer 2728 filed in 1982 by Val Schwendiman and approved in 1983 included 80 of the 100 acres in Sec 11 in a 2053-acre place of use to be irrigated by 22-2196, 22-2257, 22-2271B, and 22-7234.

A review by Tim Luke on January 24, 1990 (memorandum included) includes the 100 acres in Sec 11 in the analysis for licensing 22-7397. The memorandum is self explanatory in that Mr. Luke prorated the 3.16 cfs recommended in the field exam over 258 acres rather than the 158 acres for which it was intended. We think that Mr. Luke should have approached this differently, licensing 22-7397 as Mr. Filetti recommended rather than basing the licensed quantity on a prorated share that included the 100 acres in Sec 11, 80 of which were already covered by water rights under transfer 2728. Today the land in Sec 11 is still being irrigated as reflected by transfer 2728. Additionally, Mr. Harris has never asserted any possessory interest to the land in Sec 11. Even if water from his well was going to land in Section 11 prior to licensing he did not seek a water right for that use and his well is not connected to the irrigation system providing water to that land.

Basin 22 is one of last to be reported in Eastern Region. We are diligently moving forward with recommendations and would appreciate a prompt response.

Thank you.

22-7397



MEMORANDUM

TO: FILE/PERMIT NO. 22-7397

FROM: TIM LUKE *OK*

RE: CLARIFICATION & CORRECTION OF FIELD EXAMINATION

DATE: 1-24-90

-----  
Staff review of the field examination for this permit revealed that the rate of diversion appeared to be too high. The permit is for irrigation of 160 acres. The examiner found 158 acres which could be licensed.

In conducting the examination, the examiner was looking at a system that included more than the 158 permitted acres. He had noted that there were nine, quarter mile handlines. This is generally an excessive number of handlines for only 160 acres. In the overlap review, the examiner noted that the system examined irrigated an additional 100 acres in an adjacent section. The total system therefore includes 258 acres and nine quarter mile handlines. Nine lines on 258 acres is indeed a more acceptable or realistic system.

The examiner measured 3.21 cfs as a diversion rate for the entire system. Rather than spread this rate proportionately over the entire 258 acres, the examiner assigned a rate of 0.02 cfs per acre, or a total of 3.16 cfs for the 158 acres. Had the measured rate been assigned proportionately, the rate per acre and total diversion rate for the 158 acres would be as follows:

$3.21\text{cfs}/258 \text{ acres} = 0.0124 \text{ cfs/acre} \times 158 \text{ acres} = 1.9658 \text{ or } 1.97\text{cfs}$

It is recommended that the licensed diversion rate be 1.97 cfs.

RECORDED

MAR 09 1990

Transfer No. 2728  
22-7167  
 Water Right No. 22-7234  
22-7016  
22-2271  
22-2257  
22-2196  
22-7052

**APPROVED**

STATE OF IDAHO  
 DEPARTMENT OF WATER RESOURCES

**APPLICATION FOR TRANSFER OF WATER RIGHT**

To Change the Point of Diversion and/or the Place of Use

Name of applicant Val E. Schwendiman Phone 458-4261  
 Post Office address Newdale, Idaho 83436

**A. DESCRIPTION OF RIGHT AS RECORDED****1. Right evidenced by:**

a. Decree No. \_\_\_\_\_ Decreed to \_\_\_\_\_ (Name)  
 in case of \_\_\_\_\_ vs \_\_\_\_\_  
 dated in \_\_\_\_\_ in \_\_\_\_\_ county of \_\_\_\_\_  
 (Name of court)

b. License No. 22-7234 issued by the Idaho Department of Water Resources

c. Claim No. \_\_\_\_\_ on file with the Idaho Department of Water Resources

2. If applicant is not the original holder of this right, explain how it was acquired and attach a copy of the deed or other evidence of ownership of the land to which the right is appurtenant \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

3. Source of water Groundwater tributary to \_\_\_\_\_

4. Date of priority 5-6-1977

**5. Water is used for the following purposes:**

amount 7.0 cfs for Irrigation purposes from 4-1 to 10-31  
 amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 (month/day — both dates inclusive)

6. Total amount of water under right: a. 7.00 cubic feet per second  
 &/or  
 b. \_\_\_\_\_ acre feet per annum

7. Location of original point of diversion is SE  $\frac{1}{4}$  of NE  $\frac{1}{4}$  of Section 1  
 Township 6N Range 41E B.M. in Madison County  
 Additional points of diversion, if any \_\_\_\_\_  
 \_\_\_\_\_

**8. Lands irrigated or place of use:**

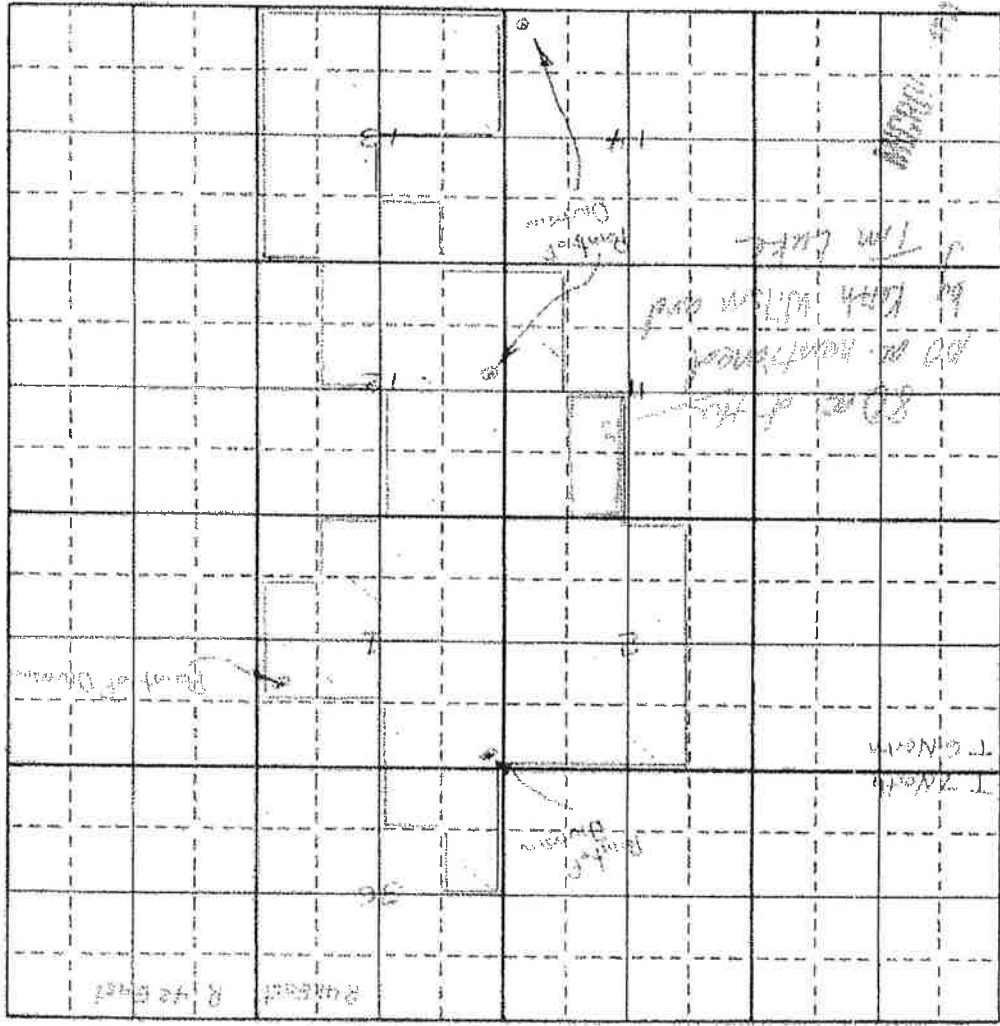
| TWP. | RANGE | SEC. | NE $\frac{1}{4}$ |                  |                  |                  | NW $\frac{1}{4}$ |                  |                  |                  | SW $\frac{1}{4}$ |                  |                  |                  | SE $\frac{1}{4}$ |                  |                  |                  | TOTALS |
|------|-------|------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|--------|
|      |       |      | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ |        |
| 6N   | 41E   | 1    |                  |                  | 40               | 39               | 39               | 39               | 40               | 40               | 40               | 40               | 39               | 40               | 32               | 40               | 15               |                  | 483    |
|      |       | 2    | 39               | 33               | 38               | 36               | 17               |                  |                  | 17               | 17               |                  |                  | 17               | 38               | 40               | 40               | 40               | 372    |
|      |       | 11   | 40               | 40               | 40               | 40               |                  |                  |                  |                  |                  |                  |                  |                  | 40               |                  |                  | 40               | 240    |
|      |       | 12   |                  |                  |                  |                  | 39               | 39               | 40               | 40               | 40               | 40               | 40               | 40               |                  |                  |                  |                  | 318    |
| 7N   |       | 36   |                  |                  |                  |                  |                  |                  |                  |                  |                  | 15               | 37               | 20               |                  |                  |                  |                  | 72     |

Total number of acres to be irrigated 1485Describe any other water rights used for the same purpose as described above \_\_\_\_\_  
 \_\_\_\_\_

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of nonuse? No If yes, describe in Item D, REMARKS.

| NO. | FACIL. | SEC. | N.W. |      |     |     | S.W. |     |     |     | E.W. |     |     |     | S.E. |     |     |     | TOTAL |
|-----|--------|------|------|------|-----|-----|------|-----|-----|-----|------|-----|-----|-----|------|-----|-----|-----|-------|
|     |        |      | 1/4  | 1/2  | 3/4 | 4/4 | 1/4  | 1/2 | 3/4 | 4/4 | 1/4  | 1/2 | 3/4 | 4/4 | 1/4  | 1/2 | 3/4 | 4/4 |       |
| 6N  | 4LE    | 1    |      |      |     |     | 40   | 39  | 39  | 19  | 40   | 40  | 40  | 40  | 39   | 40  | 32  | 40  | 15    |
|     |        | 2    | 39   | 38   | 39  | 36  | 17   |     |     | 17  | 17   |     |     | 17  | 38   | 40  | 40  | 40  | 375   |
|     |        | 11   | 40   | 40   | 40  | 40  |      |     |     |     |      |     |     | 40  |      |     |     | 40  | 340   |
|     |        | 12   |      |      |     |     | 39   | 39  | 40  | 40  | 40   | 40  | 40  | 40  | 40   | 40  |     | 40  | 398   |
|     |        | 13   | 39   | 37.5 |     |     | 40   | 38  |     |     |      |     |     |     |      |     | 40  | 40  | 482   |
| 7N  | 4LE    | 36   |      |      |     |     |      |     |     |     |      |     |     |     |      |     |     |     | 72    |

- 4 Describe any other water rights used for the same land as described above.
- 5 Draw a map indicating the new points of diversion and/or the flow and to be irrigated. Show clearly the



D REMARKS

\* Section C reflects the cumulative total of all rights involved in transfer

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

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

*W. E. Schindler*  
(Signature of Applicant)

Subscribed and sworn to before me this 15th day of July, 1982

*L. B. Boyle*  
(Notary Public)

My commission expires Life

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 22-7167B, 22-2271B, 22-7052I, 22-7234, 22-7016, 22-2257, 22-2196 and said application is hereby APPROVED, subject to the following limitations and conditions:

1. These water rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre to the 2053 acres identified in the final land list.

Witness my hand this 10<sup>th</sup> day of March, 1983

*L. Glen Saxton*  
Chief, Operations Bureau

FOR DEPARTMENT USE ONLY

Received by SM Date 7-16-82 Protest filed by \_\_\_\_\_  
Prelim. check by HWS Fee 50.00 \_\_\_\_\_  
Received by BP Date 7-16-82 #22393 \_\_\_\_\_  
Published in Standard Journal Copies of protest forwarded by \_\_\_\_\_  
Pub. dates 9/9 & 9/16/82 Hearing held by \_\_\_\_\_ Date \_\_\_\_\_  
Watermaster's commendation requested on \_\_\_\_\_ Recommended for approval denial \_\_\_\_\_  
rec'd. \_\_\_\_\_ by HWS Der

State of Idaho  
Department of Water Resources

# WATER RIGHT LICENSE

WATER RIGHT NO. 22-07397

Priority: May 20, 1982

Maximum Diversion Rate: 1.97 CFS  
Maximum Diversion Volume: 553.0 AF

This is to certify, that LAYNE HARRIS  
P.O. BOX 63  
NEWDALE, ID 83436

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated April 30, 1982; and has submitted Proof of Beneficial Use on July 21, 1983. An examination indicates that the works have a diversion capacity of 3.210 cfs of water from a GROUNDWATER source, and a water right has been established as follows:

| <u>BENEFICIAL USE</u> | <u>PERIOD OF USE</u> | <u>RATE OF DIVERSION</u> | <u>ANNUAL VOLUME</u> |
|-----------------------|----------------------|--------------------------|----------------------|
| IRRIGATION            | 04/01 to 11/01       | 1.97 CFS                 | 553.0 AF             |

LOCATION OF POINT(S) OF DIVERSION: SENE, Sec. 10, Township 06N, Range 41E  
MADISON County

PLACE OF USE: IRRIGATION

| <u>TWN RGE SEC</u> | <u>ACRES</u>       | <u>ACRES</u> | <u>ACRES</u> | <u>TOTAL</u> |
|--------------------|--------------------|--------------|--------------|--------------|
| 06N 41E 10         | NENE 40<br>SENE 38 | NWNE 40      | SWNE 40      | 158          |

Total number of acres irrigated: 158

CONDITIONS/REMARKS:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.0 afa per acre for the lands above.

**MICROFILMED**

MAR 09 1990

PAGE 2

State of Idaho  
Department of Water Resources

**WATER RIGHT LICENSE**  
WATER RIGHT NO. 22-07397

This license is issued pursuant to the provisions of Section 42-219, Idaho Code.  
Witness the seal and signature of the Director, affixed at Boise, this 28<sup>th</sup>  
day of FEBRUARY, 1990

Acting for

R. Keith Higginson, Director

**MICROFILMED**

MAR 09 1990

**APPROVED**

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant Layne Harris Phone 458-4936

Post office address Newdale, ID. 83436

2. Source of water supply (GROUNDWATER) 6-15-82 EMC  
Well which is a tributary of \_\_\_\_\_

3. Location of point of diversion is SE  $\frac{1}{4}$  of NE  $\frac{1}{4}$  of Section 10 Township 6N.

Range 41 E. B.M. Madison County, additional points of diversion if any: \_\_\_\_\_

4. Water will be used for the following purposes:

Amount 3.2 for Irrigation purposes from 4/1 to 11/1 (both dates inclusive)  
(cfs or acre-feet per annum)

Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
(cfs or acre-feet per annum)

Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
(cfs or acre-feet per annum)

Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
(cfs or acre-feet per annum)

5. Total quantity to be appropriated:

a. 3.2 cubic feet per second and/or b. \_\_\_\_\_ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. 150 hp. Turbine pump

b. Height of storage dam \_\_\_\_\_ feet, active reservoir capacity \_\_\_\_\_ acre-feet; total reservoir capacity \_\_\_\_\_ acre-feet, materials used in storage dam: \_\_\_\_\_

Period of year when water will be diverted to storage \_\_\_\_\_ to \_\_\_\_\_ inclusive.

c. Proposed well diameter is 12 inches; proposed depth of well is 200 feet.

7. Time required for the completion of the works and application of the water to the proposed beneficial use is 1 years (minimum 1 year - maximum 5 years).

8. Description of proposed uses:

a. If water is not for irrigation:

(1) Give the place of use of water: \_\_\_\_\_  $\frac{1}{4}$  of \_\_\_\_\_  $\frac{1}{4}$  of Section \_\_\_\_\_ Township \_\_\_\_\_

Range \_\_\_\_\_ B.M.

(2) Amount of power to be generated: \_\_\_\_\_ horsepower under \_\_\_\_\_ feet of head.

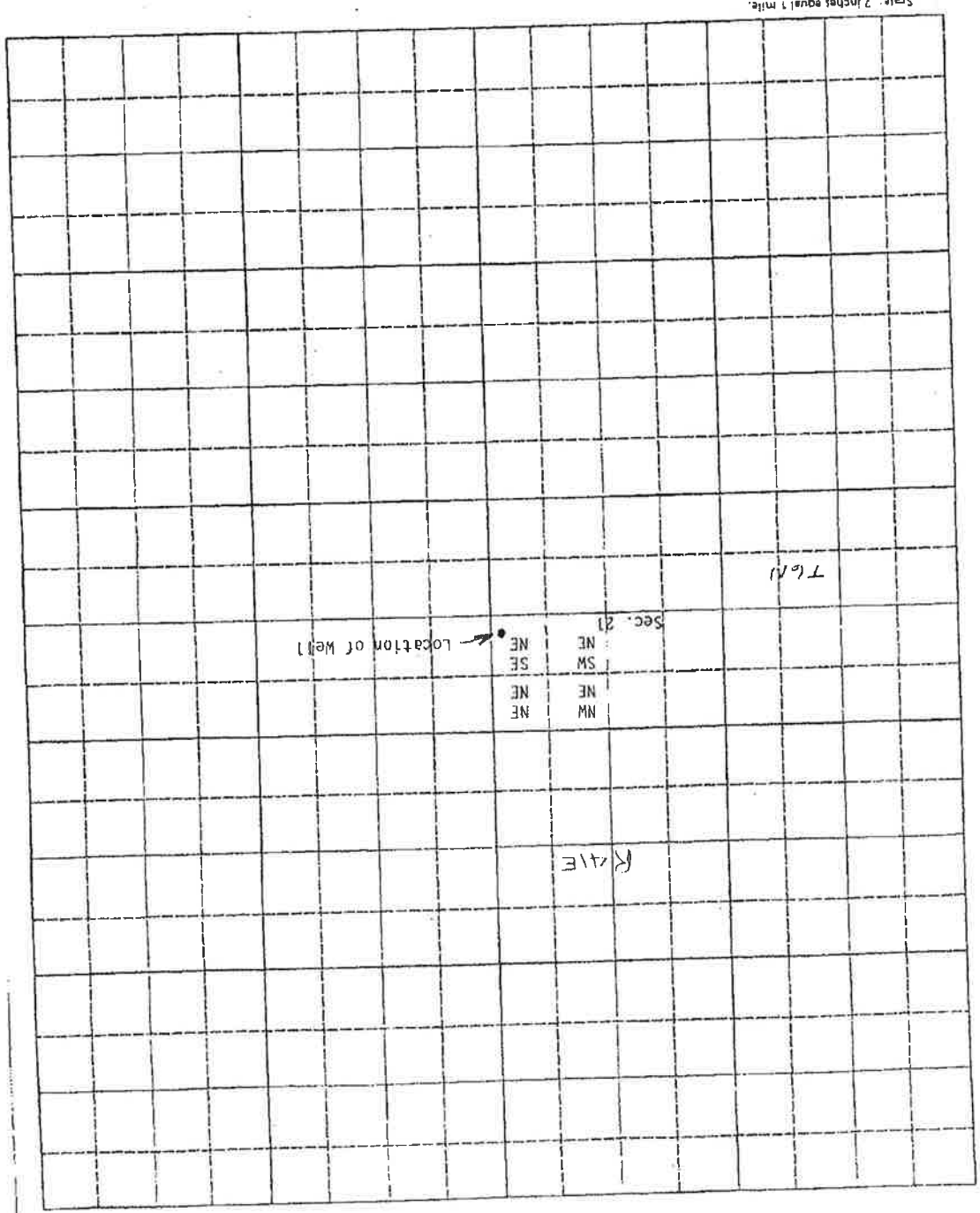
(3) List number of each kind of livestock to be watered \_\_\_\_\_

(4) Name of municipality to be served \_\_\_\_\_, or number of families to be supplied with domestic water \_\_\_\_\_

If water is to be used for other purposes describe: \_\_\_\_\_

APPROVED

11. Map of proposed project, showing clearly the proposed point of diversion to use, section number, township and range number.



Scale: 2 inches equal 1 mile.

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

(Applicant)

*[Signature]*

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
**BENEFICIAL USE FIELD REPORT**

**A. GENERAL INFORMATION**

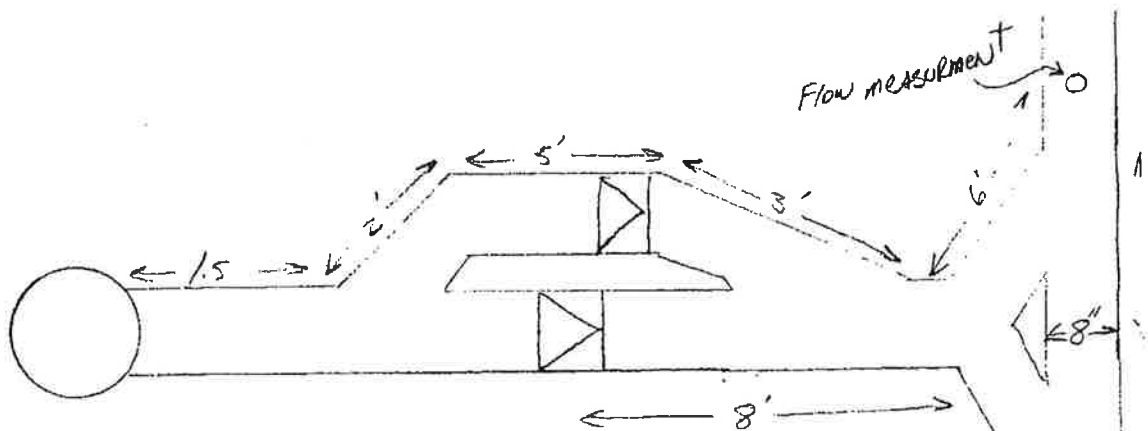
Permit No. 32-7397  
Phone No. 458-4936  
1. Owner: LAYNE HARRIS  
Current Address: BOX 63 NEWSALE ID 83436  
2. Accompanied by: LAYNE HARRIS EXAM. DATE: 7-17-87  
Address: SAME Phone No. \_\_\_\_\_  
Relationship to Permit Holder: \_\_\_\_\_  
3. Source: GROUNDWATER tributary to \_\_\_\_\_

**B. OVERLAP REVIEW**

1. Other water rights with same place of use: NONE 22-2186 ☐ Copies Attached  
2. Other water rights with same point of diversion: NONE ☐ Copies Attached ☐ Copies of Field Exam's Attached

**C. SYSTEM DESCRIPTION**

1. **Diversion System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable. ☐ Alternative diagram attached



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Scale: 1" = 1/2 scale

2. ☒ Copy of U.S.G.S. Quadrangle Attached  
Showing location(s) of point(s) of diversion and  
place(s) of use (required). ☒ Aerial Photo Attached  
(required for irrigation of 10 acres or more).  
☒ Photo of Diversion and System Attached  
(required for all but single household domestic groundwater, and stockwater).

Do not use this space

#### D. FLOW MEASUREMENTS

☐ Additional Data Sheets Attached

1.

| Measurement Equipment | Type | Make      | Model No.  | Serial No. | Size  | Calib. Date |
|-----------------------|------|-----------|------------|------------|-------|-------------|
| MANOMETER             |      |           |            |            |       |             |
| ANNUBAR               |      | DIETERICH | 7517316-55 | 091409     | 7.981 |             |
| Eagle Eye             |      | DIETERICH | 67C        | 09/146     | 10.02 |             |

2. Measurements:

Manometer Reading =  $41.8 - 7.7 = 34.1$   
 Eagle Eye Reading = 36"  
 Pressure = 72 psi  
 ID = 7.981"  
 STATIC H<sub>2</sub>O Level 320'

#### E. FLOW CALCULATIONS

☒ Additional Computation Sheets Attached

1. Measured Method:

9 Lines x 32 birds x  $\frac{5 \text{ GAL}}{\text{MIN}} \div 448.8 = 3.21 \text{ cfs}$  LIMIT TO 0.02 cfs/ac  
 $Q = 3.16 \text{ cfs}$

2. Alternate Method for Checking Purposes:

Theoretical  $Q_{cfs} = \frac{200 \times 8.814 \times .82}{320' - (2308 \times .44)} = 3.51 \text{ cfs}$

#### F. PUMP EFFICIENCY DATA (Optional)

Discharge Pressure: \_\_\_\_\_ psi x 2.31 = \_\_\_\_\_ ft (1); Dynamic pumping level: \_\_\_\_\_ ft (2)  
 Total Head: (1) + (2) = \_\_\_\_\_ (3) ; Flow rate: \_\_\_\_\_ cfs (4)

Water HP: (3) x (4)  $\div$  8.8 = \_\_\_\_\_ (5)

Meter Input KW: 3.6 x \_\_\_\_\_ KH x \_\_\_\_\_ CTR or \_\_\_\_\_ MULT x \_\_\_\_\_ PTR x \_\_\_\_\_ N/ \_\_\_\_\_ T = \_\_\_\_\_ (6)

Meter Input HP: (6) x 1.34 = \_\_\_\_\_ (7)

Panel Input KW: \_\_\_\_\_ Ave PF x \_\_\_\_\_ Ave Volts x \_\_\_\_\_ Ave Amps x .001732 = \_\_\_\_\_ (6)

Panel Input HP: (6) x 1.34 = \_\_\_\_\_ (7) Efficiency: (5)/(7) x 100 = \_\_\_\_\_ %

#### G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$V_{IR} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 158 \times 3.5 = 553$

$V_{DR} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = 3.16 \times 214 \times 1.9835 = 1341.3$

$V = \text{Smaller of } V_{IR} \text{ and } V_{DR} = 553 \text{ ac-ft}$

2. Volume Calculations for Other Uses:

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STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
LICENSING REPORT

22-2186  
Permit No.

Overlap Review

a) Other water rights with same place of use: 22-2186

b) Other water rights with same point of diversion: SEE BELOW

c) Analysis:

The system examined irrigates the following additional ground:  
1/2 NE 1/4, E 1/2 NE 1/4 NW 1/4 Sec 11, T6N, R4E;

for which -

The following groundwater rights are appurtenant

22-2196

22-2257

22-2271B

22-7234

Place of Use

22-2186 3.57 cfs / 431 ac = 0.0083 cfs/ac

CONDITION

R29

This seems to be added  
in some 5  
months after the  
Exam was completed  
in July of 1987

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MAR 09 1990

Examiner's Signature \_\_\_\_\_

Date \_\_\_\_\_

Checked in Regional Office by Keith C. Wilson

Date Dec 1, 1987

Approved in State Office by \_\_\_\_\_

Date \_\_\_\_\_

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
LICENSING REPORT

22-7377

Permit No.

## Measurement Calculations

Field Measurement Calculations (Include theoretical capacities and system capacity)

$$\text{Halls Meter: } Q = (A)(V_h) \quad A = \text{Area} = \frac{\pi d^2}{4} \quad V_h = \text{Halls Manometer Reading}$$

$$Q_{\text{gpm}} = (A)(V_h) = \left[ \frac{\pi d^2}{4} \right] (V_h) = \text{GPM} \div 448.8 \text{ gpm/cfs} = \text{CFS}$$

$$Q_{\text{cfs}} = \left[ \frac{(3.1416)(\quad)^2}{4} \right] \times (\quad) \div 448.8 = \quad \text{cfs}$$

TABLE 1

CHART TO CONVERT LINEAR INCHES DIFFERENTIAL  
IN THE MANOMETER TO MANOMETER READING

| $V_h$ = HALLS<br>Manometer<br>Reading | DIFF.<br>Inches of<br>Water | $V_h$ = HALLS<br>Manometer<br>Reading | DIFF.<br>Inches of<br>Water | $V_h$ = HALLS<br>Manometer<br>Reading | DIFF.<br>Inches of<br>Water |
|---------------------------------------|-----------------------------|---------------------------------------|-----------------------------|---------------------------------------|-----------------------------|
| 1                                     | .140                        | 17                                    | 12.435                      | 33                                    | 43.950                      |
| 1.5                                   | .240                        | 17.5                                  | 12.132                      | 33.5                                  | 45.200                      |
| 2                                     | .330                        | 18                                    | 12.848                      | 34                                    | 46.500                      |
| 2.5                                   | .470                        | 18.5                                  | 14.582                      | 34.5                                  | 47.850                      |
| 3                                     | .600                        | 19                                    | 15.334                      | 35                                    | 49.200                      |
| 3.5                                   | .750                        | 19.5                                  | 16.108                      | 35.5                                  | 50.550                      |
| 4                                     | .903                        | 20                                    | 16.898                      | 36                                    | 51.900                      |
| 4.5                                   | 1.080                       | 20.5                                  | 17.707                      | 36.5                                  | 53.250                      |
| 5                                     | 1.283                       | 21                                    | 18.534                      | 37                                    | 54.600                      |
| 5.5                                   | 1.540                       | 21.5                                  | 19.380                      | 37.5                                  | 56.000                      |
| 6                                     | 1.803                       | 22                                    | 20.746                      | 38                                    | 57.35                       |
| 6.5                                   | 2.094                       | 22.5                                  | 21.129                      | 38.5                                  | 58.7                        |
| 7                                     | 2.397                       | 23                                    | 22.031                      | 39                                    | 60.05                       |
| 7.5                                   | 2.722                       | 23.5                                  | 22.951                      | 39.5                                  | 61.4                        |
| 8                                     | 3.066                       | 24                                    | 23.891                      | 40                                    | 62.75                       |
| 8.5                                   | 3.428                       | 24.5                                  | 24.849                      | 40.5                                  | 64.1                        |
| 9                                     | 3.810                       | 25                                    | 25.823                      | 41                                    | 65.45                       |
| 9.5                                   | 4.210                       | 25.5                                  | 26.820                      | 41.5                                  | 66.8                        |
| 10                                    | 4.627                       | 26                                    | 27.834                      | 42                                    | 68.15                       |
| 10.5                                  | 5.063                       | 26.5                                  | 28.864                      | 42.5                                  | 69.5                        |
| 11                                    | 5.520                       | 27                                    | 29.917                      | 43                                    | 70.85                       |
| 11.5                                  | 5.994                       | 27.5                                  | 30.987                      | 43.5                                  | 72.2                        |
| 12                                    | 6.486                       | 28                                    | 32.075                      | 44                                    | 73.55                       |
| 12.5                                  | 6.997                       | 28.5                                  | 33.181                      | 44.5                                  | 74.9                        |
| 13                                    | 7.526                       | 29                                    | 34.307                      | 45                                    | 76.25                       |
| 13.5                                  | 8.074                       | 29.5                                  | 35.461                      | 45.5                                  | 77.6                        |
| 14                                    | 8.642                       | 30                                    | 36.580                      | 46                                    | 78.95                       |
| 14.5                                  | 9.228                       | 30.5                                  | 37.750                      | 46.5                                  | 80.3                        |
| 15                                    | 9.832                       | 31                                    | 38.960                      | 47                                    | 81.65                       |
| 15.5                                  | 10.454                      | 31.5                                  | 40.200                      | 47.5                                  | 83.00                       |
| 16                                    | 11.096                      | 32                                    | 41.450                      | 48                                    | 84.35                       |
| 16.5                                  | 11.756                      | 32.5                                  | 42.800                      |                                       |                             |

MICROFILMED

MAR 09 1990

Annubar:

B = Difference in inches of water

C = Annubar Factor: Model 75 = -3.85  
Model 73 = 4.14

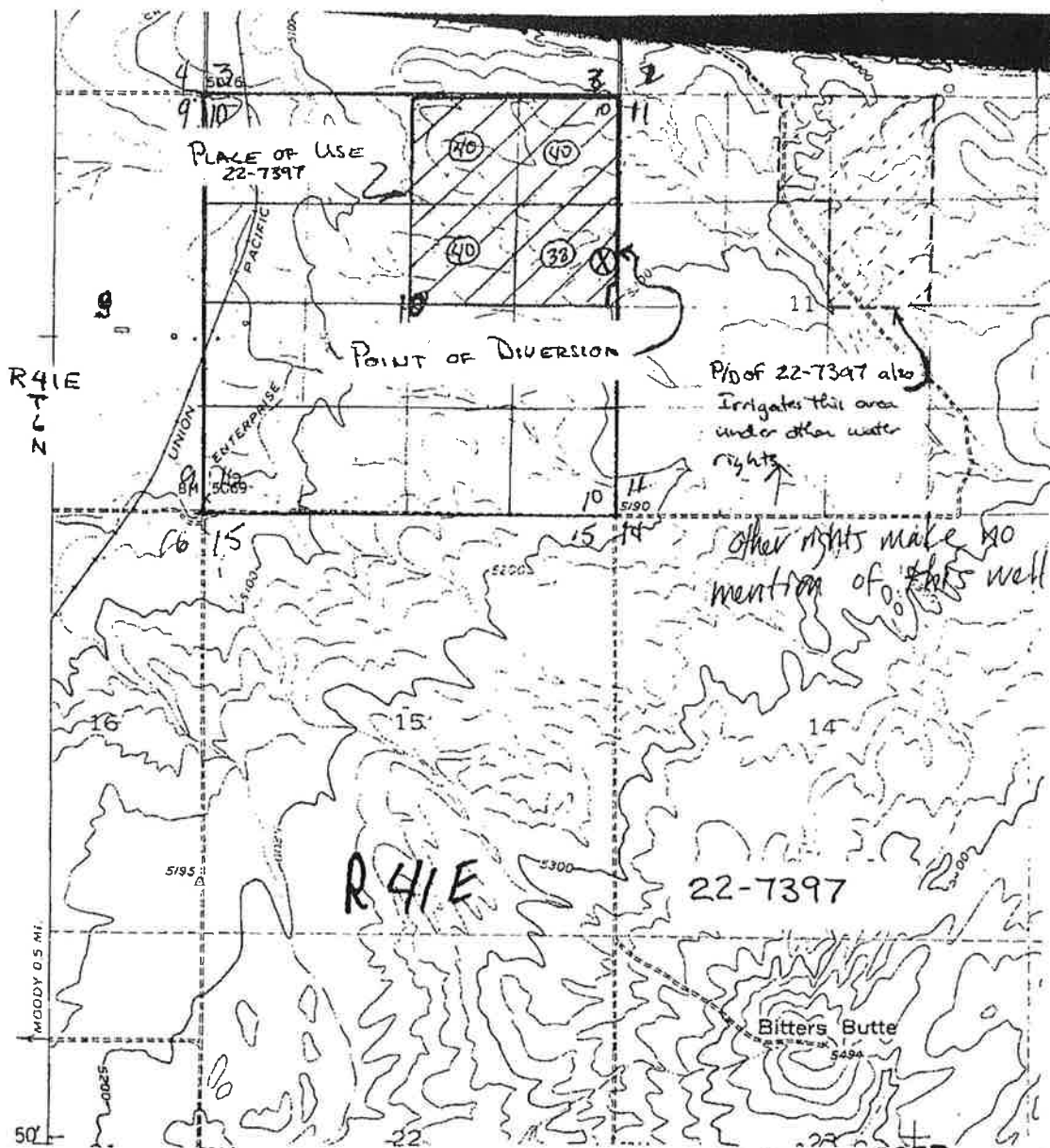
$$Q_{\text{cfs}} = \left[ \frac{(C)(id)^2 \sqrt{B}}{448.8} \right] K = \text{CFS}$$

$$Q_{\text{cfs}} = \left[ \frac{(3.87)(7.781)^2 \sqrt{34.1}}{448.8} \right] (\quad) =$$

$$Q_{\text{cfs}} = 3.21 \text{ cfs}$$

K = Flow Correction Factor  
= 1 for Manometer  
= # From Calibration Chart  
C = Correction Factor

6" ----- 3.75  
7.98" ----- 3.87  
10" ----- 3.94  
12" ----- 3.99  
14"/16" ----- 4.01  
18"/24" ----- 4.02  
30" ----- 4.03



**MICROFILMED**

MAR 09 1990

6-25-08

- Rob Harris is submitting request to have allocations modify license increasing Q. per findings of field exam. Request will be made in a couple of weeks. emc

## Moore, Kristin

---

**From:** Walker, Kay  
**Sent:** Friday, February 10, 2006 11:53 AM  
**To:** Moore, Kristin  
**Cc:** Carlsen, Ernie  
**Subject:** RE: 22-7397 Layne Harris

I have not seen this file as of today. I did a barcode query and the file is in Shelley Keen's in-basket. He is the one who determines if a license can be amended or not. I have printed out your e-mail and will attach to the file. Kay

-----Original Message-----

**From:** Moore, Kristin  
**Sent:** Wednesday, February 08, 2006 9:51 AM  
**To:** Walker, Kay  
**Subject:** 22-7397 Layne Harris

Kay,

I was wondering if you have had the chance to read over the memo and material sent to you regarding Layne Harris' license 22-7397. If you have, what do you think the chances are of actually being able to amend his license to reflect the licensing field examiner's recommendation? And if there is a chance, how long do you think it will take? Thank you.

Kristin Moore

P.S. Would you also send a copy of your response to Ernie? I'm expecting to disappear any time for maternity leave, and I don't want his claim to be forgotten. Ernie is familiar with the situation.

5-4-06

I called Shelley and he said it is very unlikely that the license will be amended. He said to recommend the claim as the license is now.  
TF

SCANNED

AUG 09 2007

Water Right No(s). A22-07397

GPS data- 2692955  
1409710

GPS Rte-<sup>#</sup> 227397  
1

**GPS DATA:**

Tag # A0015978 Location: on power panel post

**Diversion Data:**

Source: Groundwater Trib to: \_\_\_\_\_

**MOTOR**

Make: GE Model: \_\_\_\_\_ Hp: 200

SN: ETJ520120 Booster - 60 Hp U.S Motors - SN-NA

Pump - Aurora - SN-NA

**PUMP**

Make: Aurora Model: \_\_\_\_\_ Disch: \_\_\_\_\_

SN: V32 70335

**NOTES:**

I met with Layne Harris on-site. Phone + address is  
still good.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Field Exam Date: 11-16-05 Agent: J. C. Jones

SCANNED  
AUG 09 2007



A22-7397, Locking Lever

SCANNED  
AUG 09 2007

22-2226

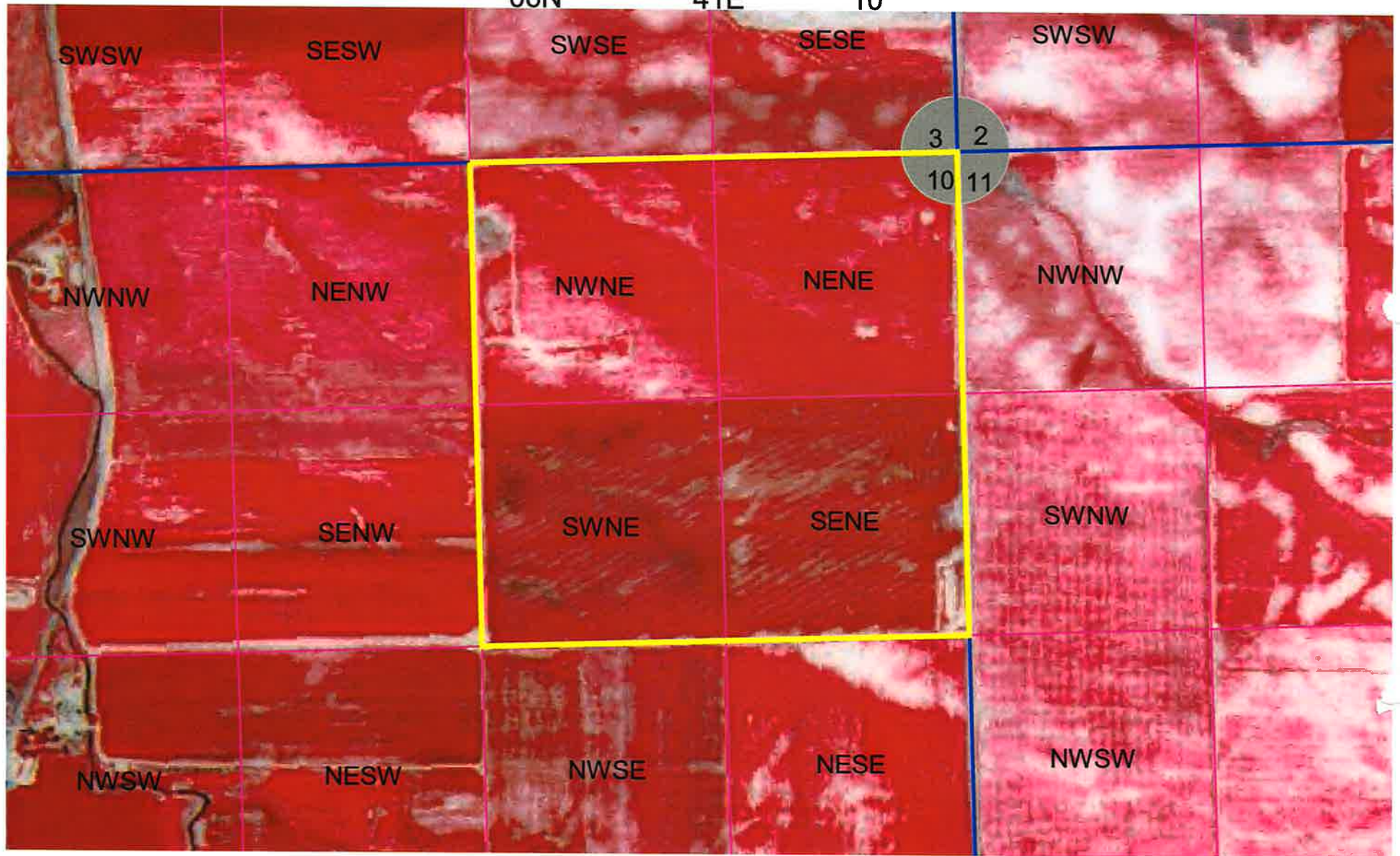
T7N, R41E  
T6N, R41E

22-7397

34 35  
32



Township 06N Range 41E Section 10



Notes:



SCANNED  
AUG 09 2007

0.2 0 0.2 0.4 Miles

Water Right #: 2207397

Examiner:

Date:

To: Kay Walker

From: Kristin Moore and Harold Jones

Re: Clarification and Correction of License 22-7397

Date: December 29, 2005

The field exam performed in summer of 1987 by Samuel Filetti (summer field examiner) showed that 158 acres were irrigated with a recommendation of 3.16 cfs from a well in SENE of Sec 10. Senior field agent Keith Wilson then added a remark about additional ground (approx. 100 acres) in Sec 11 T6N R41E that was supposedly being irrigated from the same well. The water rights listed (22-2196, 22-2257, 22-2271B, and 22-7234) as being appurtenant to that additional 100 acres were filed in Transfer 2728 in 1982 by Val Schwendiman and approved in 1983. These 100 acres were not associated with this well at the time of the field exam by Sam Filetti. The map enclosed (Map 1), which we believe to be created by Keith Wilson in part, shows mainlines connecting the two pieces of ground. However, we do not know if Mr. Wilson was on site.

License 22-2186 had originally covered the ground in NE1/4 of Sec 10 that Mr. Harris now owns and has licensed under 22-7397. Conversations with Walz Enterprises show that the ground in Sec 10 was bought without water right. This prompted Mr. Harris to drill his own well and file for license 22-7397 with a May 1982 priority date. Walz Enterprises had all the ground in common listed under licenses 22-2186 and 22-7397 and connected with a common system prior to selling to Mr. Harris. Map 1 enclosed suggests that at one time it may have been connected with the 100 acres mentioned in Mr. Wilsons notes. But none of the rights listed on that 100 acres mention the property or wells associated with 22-2186 or 22-7397. All the rights under Transfer 2728 were from wells other than Mr. Harris' in Sec 10 and were transferred to four wells located in Sec 1, 12, and 14 of T6N R41E.

A review by Tim Luke on January 24, 1990 (memorandum included) makes an attempt to include the 100 acres in Sec 11 as a part of 22-7397. The memorandum is self explanatory in that Mr. Luke then prorated the 3.16 cfs recommended in the field exam over 258 acres rather than the 158 acres for which it was intended. We think that Mr. Luke should have approached this differently, licensing 22-7397 as the examiner recommended and including a recommendation for a new permit for the 100 acres in Sec 11 with a limiting remark on the quantity of water. In light of Transfer 2728, however, this seems unnecessary since most of that ground, with the exception of 20 acres in the E1/2NW1/4 of Sec 11, was already covered prior to the field exam for 22-7397.

Our request is that Mr. Harris be allowed his full quantity of water as the field exam by Sam Filetti shows was being used at the time. Mr. Harris filed his claim for 3.16 cfs, and we believe that it is an error that he be limited to 1.97 cfs because of a lack of understanding of someone uninvolved with the entire situation. We are ready to make a recommendation on 22-7397 and would appreciate a timely response so that we can continue. Thank you.

SCANNED

JUN 06 2007

MEMORANDUM

TO: FILE/PERMIT NO. 22-7397

FROM: TIM LUKE *old Jim*

RE: CLARIFICATION & CORRECTION OF FIELD EXAMINATION

DATE: 1-24-90

-----  
Staff review of the field examination for this permit revealed that the rate of diversion appeared to be too high. The permit is for irrigation of 160 acres. The examiner found 158 acres which could be licensed.

In conducting the examination, the examiner was looking at a system that included more than the 158 permitted acres. He had noted that there were nine, quarter mile handlines. This is generally an excessive number of handlines for only 160 acres. In the overlap review, the examiner noted that the system examined irrigated an additional 100 acres in an adjacent section. The total system therefore includes 258 acres and nine quarter mile handlines. Nine lines on 258 acres is indeed a more acceptable or realistic system.

The examiner measured 3.21 cfs as a diversion rate for the entire system. Rather than spread this rate proportionately over the entire 258 acres, the examiner assigned a rate of 0.02 cfs per acre, or a total of 3.16 cfs for the 158 acres. Had the measured rate been assigned proportionately, the rate per acre and total diversion rate for the 158 acres would be as follows:

$3.21\text{cfs}/258 \text{ acres} = 0.0124 \text{ cfs/acre} \times 158 \text{ acres} = 1.9658 \text{ or } 1.97\text{cfs}$

It is recommended that the licensed diversion rate be 1.97 cfs.

RECORDED

MAR 09 1990

State of Idaho  
Department of Water Resources

**WATER RIGHT LICENSE**  
WATER RIGHT NO. 22-07397

Priority: May 20, 1982

Maximum Diversion Rate: 1.97 CFS  
Maximum Diversion Volume:<sup>1</sup> 553.0 AF

This is to certify, that LAYNE HARRIS  
P.O. BOX 63  
NEWDALE, ID 83436

has complied with the terms and conditions  
of the permit, issued pursuant to Application for Permit dated April 30, 1982; and  
has submitted Proof of Beneficial Use on July 21, 1983. An examination indicates  
that the works have a diversion capacity of 3.210 cfs of water from a **GROUNDWATER**  
source, and a water right has been established as follows:

| <u>BENEFICIAL USE</u> | <u>PERIOD OF USE</u> | <u>RATE OF DIVERSION</u> | <u>ANNUAL VOLUME</u> |
|-----------------------|----------------------|--------------------------|----------------------|
| IRRIGATION            | 04/01 to 11/01       | 1.97 CFS                 | 553.0 AF             |

LOCATION OF POINT(S) OF DIVERSION: SENE, Sec. 10, Township 06N, Range 41E  
MADISON County

PLACE OF USE: IRRIGATION

| <u>TWN</u>                       | <u>RGE</u> | <u>SEC</u> | <u>ACRES</u> | <u>ACRES</u> | <u>ACRES</u> | <u>TOTAL</u> |
|----------------------------------|------------|------------|--------------|--------------|--------------|--------------|
| 06N                              | 41E        | 10         | NENE 40      | NWNE 40      | SWNE 40      | 158          |
|                                  |            |            | SENE 38      |              |              |              |
| Total number of acres irrigated: |            |            |              |              |              | 158          |

CONDITIONS/REMARKS:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.0 afa per acre for the lands above.

**MICROFILMED**

MAR 09 1990

State of Idaho  
Department of Water Resources

**WATER RIGHT LICENSE**  
WATER RIGHT NO. 22-07397

This license is issued pursuant to the provisions of Section 42-219, Idaho Code.  
Witness the seal and signature of the Director, affixed at Boise, this 28<sup>th</sup>  
day of FEBRUARY, 1990.

Acting for

  
R. Keith Higginson, Director

MICROFILMED

MAR 09 1990

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
**LICENSING REPORT**

22-7397

Permit No.

**Overlap Review**

a) Other water rights with same place of use: 22-2186

b) Other water rights with same point of diversion: SEE BELOW

c) Analysis:

The system examined irrigates the following additional ground:

$W\frac{1}{2} NE\frac{1}{4}$ ,  $E\frac{1}{2} NE\frac{1}{4} NW\frac{1}{4}$  Sec 11, T6N, R4E;  
for which -

The following groundwater rights are appurtenant

22-2196

22-2257

22-2271B

22-7234

PLACE OF USE

22-2186  $3.57 \text{ cfs} / 431 \text{ ac} = 0.0083 \text{ cfs/ac}$

CONDITION

R29

**MICROFILMED**

MAR 09 1990

Examiner's Signature \_\_\_\_\_

Date \_\_\_\_\_

Checked in Regional Office by Keith C Wilson

Date Dec 1, 1987

Approved in State Office by \_\_\_\_\_

Date \_\_\_\_\_

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
**LICENSING REPORT**

22-7397

Permit No.

**Measurement Calculations**

Field Measurement Calculations (Include theoretical capacities and system capacity)

Halls Meter:  $Q = (A)(V_h)$        $A = \text{Area} = \frac{\pi d^2}{4}$        $V_h = \text{Halls Manometer Reading}$

$$Q_{\text{gpm}} = (A)(V_h) = \left[ \frac{\pi d^2}{4} \right] (V_h) = \text{GPM} \div 448.8 \text{ gpm/cfs} = \text{CFS}$$

$$Q_{\text{cfs}} = \left[ \frac{(3.1416) \left( \frac{\quad}{4} \right)^2}{4} \right] \times \left( \frac{\quad}{\quad} \right) \div 448.8 = \quad \text{cfs}$$

TABLE 1

CHART TO CONVERT LINEAR INCHES DIFFERENTIAL  
IN THE MANOMETER TO MANOMETER READING

| $V_h = \text{HALLS}$<br>Manometer<br>Reading | Diff.<br>Inches of<br>Water | $V_h = \text{HALLS}$<br>Manometer<br>Reading | Diff.<br>Inches of<br>Water | $V_h = \text{HALLS}$<br>Manometer<br>Reading | Diff.<br>Inches of<br>Water |
|----------------------------------------------|-----------------------------|----------------------------------------------|-----------------------------|----------------------------------------------|-----------------------------|
| 1                                            | .140                        | 17                                           | 12.435                      | 33                                           | 43.950                      |
| 1.5                                          | .240                        | 17.5                                         | 13.132                      | 33.5                                         | 45.200                      |
| 2                                            | .350                        | 18                                           | 13.848                      | 34                                           | 46.500                      |
| 2.5                                          | .470                        | 18.5                                         | 14.582                      | 34.5                                         | 47.850                      |
| 3                                            | .600                        | 19                                           | 15.336                      | 35                                           | 49.200                      |
| 3.5                                          | .750                        | 19.5                                         | 16.108                      | 35.5                                         | 50.550                      |
| 4                                            | .903                        | 20                                           | 16.898                      | 36                                           | 51.900                      |
| 4.5                                          | 1.080                       | 20.5                                         | 17.707                      | 36.5                                         | 53.250                      |
| 5                                            | 1.283                       | 21                                           | 18.534                      | 37                                           | 54.600                      |
| 5.5                                          | 1.540                       | 21.5                                         | 19.380                      | 37.5                                         | 56.000                      |
| 6                                            | 1.803                       | 22                                           | 20.246                      | 38                                           | 57.35                       |
| 6.5                                          | 2.094                       | 22.5                                         | 21.129                      | 38.5                                         | 58.7                        |
| 7                                            | 2.397                       | 23                                           | 22.031                      | 39                                           | 60.05                       |
| 7.5                                          | 2.722                       | 23.5                                         | 22.951                      | 39.5                                         | 61.4                        |
| 8                                            | 3.066                       | 24                                           | 23.891                      | 40                                           | 62.75                       |
| 8.5                                          | 3.428                       | 24.5                                         | 24.849                      | 40.5                                         | 64.1                        |
| 9                                            | 3.810                       | 25                                           | 25.825                      | 41                                           | 65.45                       |
| 9.5                                          | 4.210                       | 25.5                                         | 26.820                      | 41.5                                         | 66.8                        |
| 10                                           | 4.627                       | 26                                           | 27.834                      | 42                                           | 68.15                       |
| 10.5                                         | 5.063                       | 26.5                                         | 28.866                      | 42.5                                         | 69.5                        |
| 11                                           | 5.520                       | 27                                           | 29.917                      | 43                                           | 70.85                       |
| 11.5                                         | 5.994                       | 27.5                                         | 30.987                      | 43.5                                         | 72.2                        |
| 12                                           | 6.486                       | 28                                           | 32.075                      | 44                                           | 73.55                       |
| 12.5                                         | 6.997                       | 28.5                                         | 33.181                      | 44.5                                         | 74.9                        |
| 13                                           | 7.526                       | 29                                           | 34.307                      | 45                                           | 76.25                       |
| 13.5                                         | 8.074                       | 29.5                                         | 35.461                      | 45.5                                         | 77.6                        |
| 14                                           | 8.642                       | 30                                           | 36.630                      | 46                                           | 78.95                       |
| 14.5                                         | 9.228                       | 30.5                                         | 37.750                      | 46.5                                         | 80.3                        |
| 15                                           | 9.832                       | 31                                           | 38.960                      | 47                                           | 81.65                       |
| 15.5                                         | 10.454                      | 31.5                                         | 40.200                      | 47.5                                         | 83.00                       |
| 16                                           | 11.096                      | 32                                           | 41.450                      | 48                                           | 84.35                       |
| 16.5                                         | 11.756                      | 32.5                                         | 42.800                      |                                              |                             |

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MAR 09 1990

Annubar:

B = Difference in inches of water

C = Annubar Factor: Model 75 = -3.85  
Model 73 = 4.14

$$Q_{\text{cfs}} = \left[ \frac{(C)(id)^2 \sqrt{B}}{448.8} \right] K = \text{CFS}$$

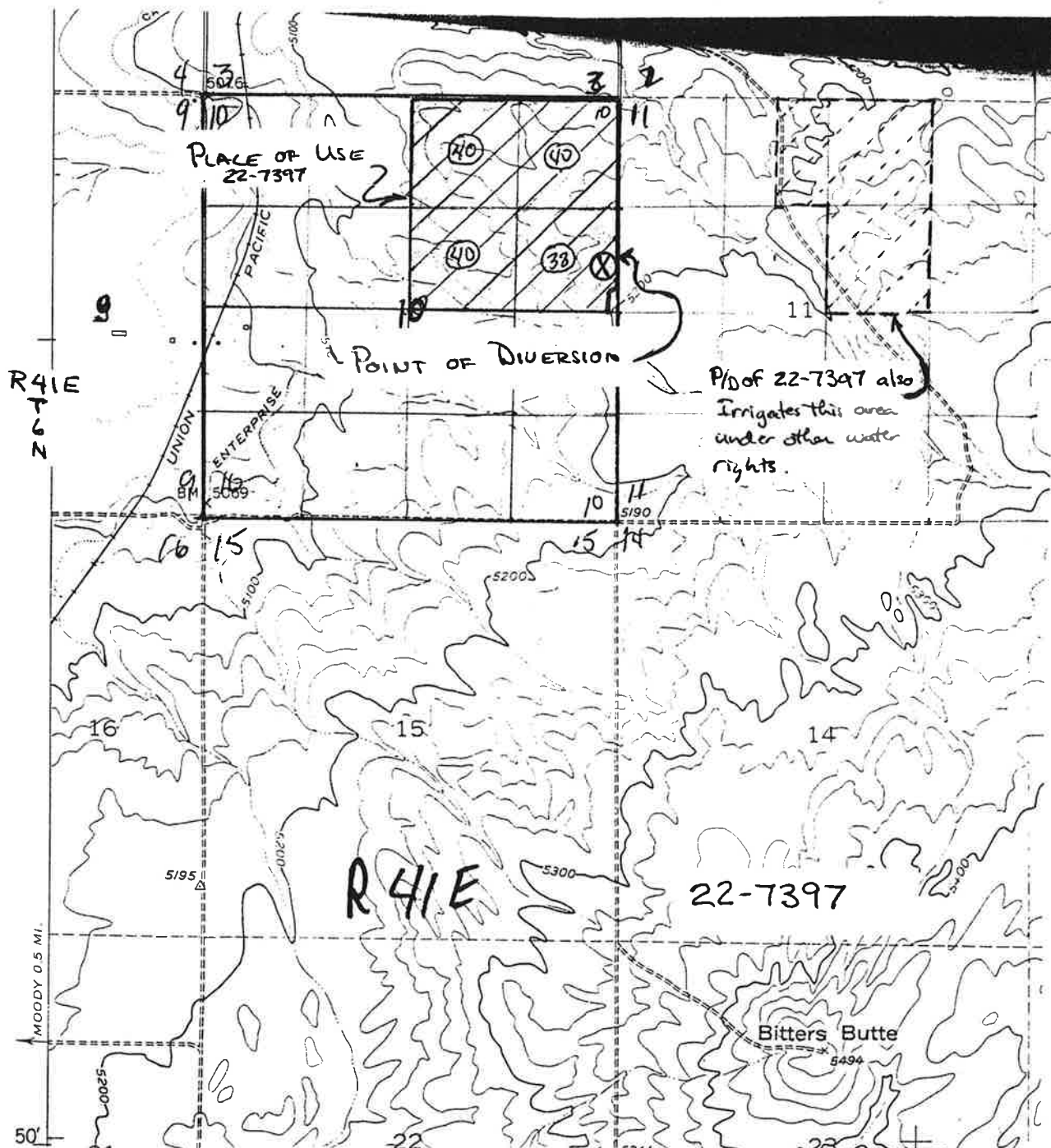
$$Q_{\text{cfs}} = \left[ \frac{(3.87)(7.981)^2 \sqrt{34.1}}{448.8} \right] \left( \frac{\quad}{\quad} \right) =$$

$$Q_{\text{cfs}} = 3.21 \text{ cfs}$$

K = Flow Correction Factor  
= 1 for Manometer  
= # From Calibration Chart

C=Correction Factor

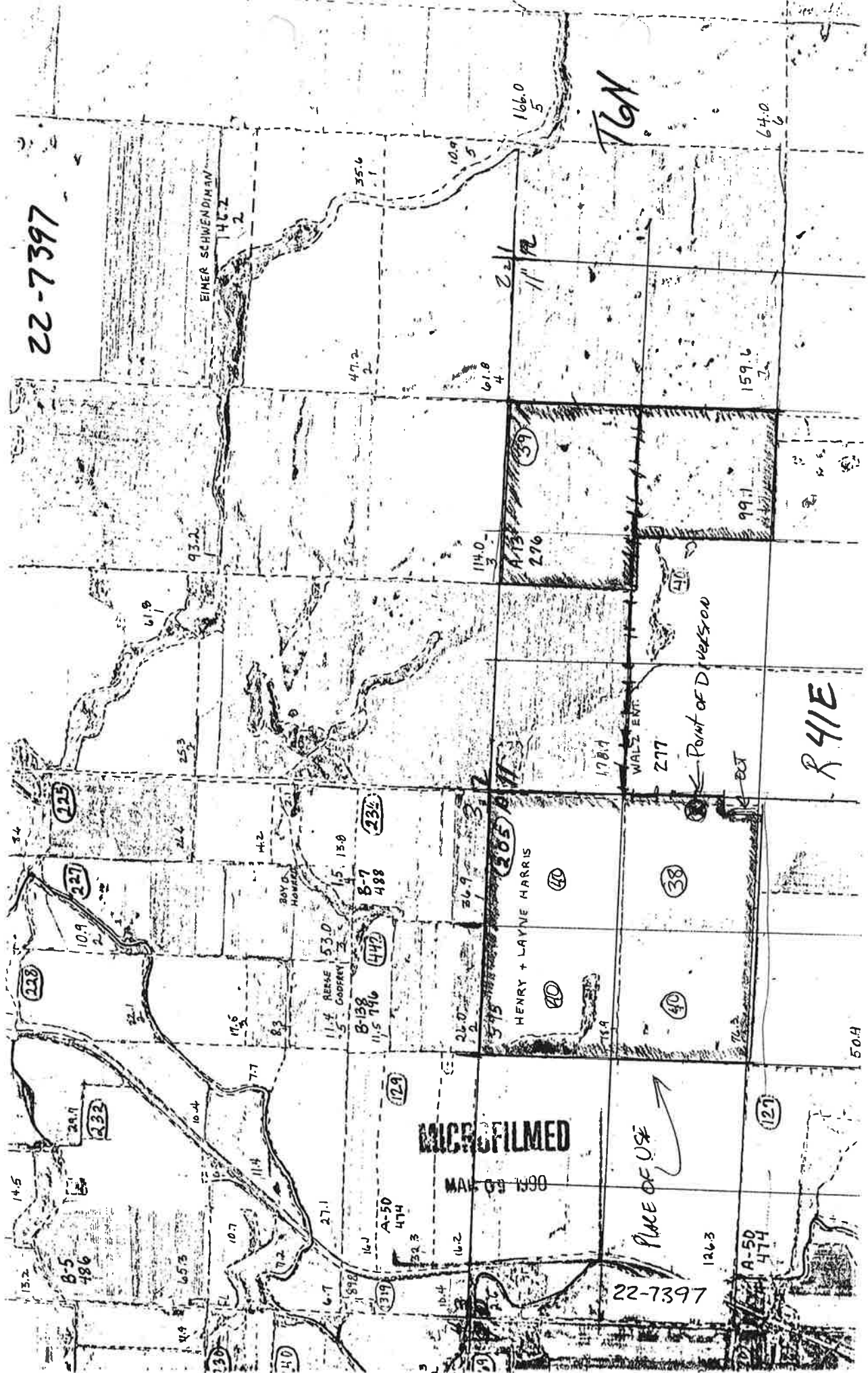
|         |           |
|---------|-----------|
| 6"      | -----3.75 |
| 7.98"   | -----3.87 |
| 10"     | -----3.94 |
| 12"     | -----3.99 |
| 14"/16" | -----4.01 |
| 18"/24" | -----4.02 |
| 30"     | -----4.03 |



**MICROFILMED**

MAR 09 1990

22-7397



MICROFILMED

MAILED 1990

22-7397

PLACE OF USE

R41E

Point of Diversion

EIMER SCHWENDIMAN

HENRY + LAYNE HARRIS

WALZ ENT

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State of Idaho

# WATER LICENSE

Water License No. G-29086 Priority October 17, 1960 Amount 3.57 c.f.s.

THIS IS TO CERTIFY, that Packer Farm Corporation of Rexburg, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated October 17, 1960; that Permit G-29086 was issued pursuant to said application; that the proposed works were completed on or about June 1961 with a storage or carrying capacity of 3.57 c.f.s., said works consisting of well, pump and motor; and that on October 19, 1965 proof was made to the satisfaction of the State Reclamation Engineer, of the beneficial use of 1285 acre feet per season, with a maximum rate of diversion of 3.57 cubic feet per second of the waters of ground water, tributary of \_\_\_\_\_ for the purpose of Irrigation from April 1 to October 31 and for \_\_\_\_\_ from \_\_\_\_\_ to \_\_\_\_\_; and for \_\_\_\_\_ from \_\_\_\_\_ to \_\_\_\_\_; and that the use of said waters has been made in accordance with the laws of Idaho, and is hereby confirmed by the State Reclamation Engineer and entered in the records of the Idaho Department of Reclamation; the point of diversion is located in NE  $\frac{1}{4}$  SW  $\frac{1}{4}$ , Sec. 11, T. 6 N., R. 41 E., B.M., and other additional points \_\_\_\_\_, in the County of Madison; and that the amount of water to which such right is entitled and which is hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes and shall not exceed 1285 acre feet per year.

Description and location of place of use:

| TWP. | RANGE | SEC. | NE $\frac{1}{4}$ |                  |                  |                  | NW $\frac{1}{4}$ |                  |                  |                  | SW $\frac{1}{4}$ |                  |                  |                  | SE $\frac{1}{4}$ |                  |                  |                  | TOTALS |
|------|-------|------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|--------|
|      |       |      | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ |        |
| 6 N  | 41 E  | 10   | 38               | 37               | 36               | 39               |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  | 150    |
|      |       | 11   |                  |                  |                  |                  |                  |                  | 38               | 39               | 39               | 39               | 38               | 38               |                  | 20               | 30               |                  | 281    |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |

Total number of acres irrigated 431

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

Witness the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this 4th day of August, 1969.

*[Signature]*  
State Reclamation Engineer

22 218

27-2186

MAR 09 1968

MICROFILMED

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: A22-07397  
Date Received: 9/14/1988  
Receipt No: E002297  
Received By: KCW

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name: R. LAYNE HARRIS 208-458-4936  
Address: P.O. BOX 63  
NEWDALE, ID 83436

2. Date of Priority: MAY 20, 1982

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 of | Lot | County  |
|----------|-------|---------|--------|--------|--------|-----|---------|
| 06N      | 41E   | 10      | SE     | SE     | NE     |     | MADISON |

5. Description of diverting works:  
WELL PUMP MAINLINE TO LATERALS WITH SPRINKLERS

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S | (or) | A.F.A. |
|------------|-------|-------|-------|------|--------|
| IRRIGATION | 04/01 | 11/01 | 3.160 |      |        |

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

8. Total consumptive use is 316.0 Acre Feet Per Annum.

9. Non-irrigation uses:  
NONE

10. Place of Use:

| Township | Range | Section | 1/4 of | 1/4 of | Lot | Use | Acres |
|----------|-------|---------|--------|--------|-----|-----|-------|
| 06N      | 41E   | 10      | NE     | NE     |     | IRR | 40.0  |
|          |       |         | NW     | NE     |     | IRR | 40.0  |
|          |       |         | SW     | NE     |     | IRR | 40.0  |

A22-07397

Page

1

Date: 09/14/88

SCANNED  
AUG 09 2007

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OCT 29 1992



10. Place of Use: Continued

| Township      | Range | Section | 1/4 of 1/4 | Lot | Use | Acres |
|---------------|-------|---------|------------|-----|-----|-------|
| 06N           | 41E   | 10      | SE NE      |     | IRR | 38.0  |
| Section Acres |       |         |            |     |     | 158.0 |
| Total Acres   |       |         |            |     |     | 158.0 |

11. Place of use in counties: MADISON

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

13. Other Water Rights Used:  
A22-02186

14. Remarks:

15. Basis of Claim: PERMIT

SCANNED  
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OCT 29 1992

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): *R. Lynn Harris* Date: 9-14-88  
\_\_\_\_\_ Date: \_\_\_\_\_

State of Idaho )  
County of Bonneville ) SS.

Subscribed and sworn (or affirmed) before me this 14<sup>th</sup> day  
of September 19 88

*Betty J. Thompson*  
Notary Public

Seal

Residing at Idaho Falls  
My Commission Expires 6-94

CRP  
87-96

HOWARD

R4E41E

11.4 REESE  
5 GODFREY

53.0  
3

1.5 13.8  
4 5

47.2  
2

(136)

1007  
10.5

(447)

1007

(236)

(127)

861

32.3

(136)

27.0  
2

36.9  
1

3.2

114.0  
3

61.8  
4

(133)

575

(20510)

HENRY + LAYNE HARRIS

(40)

(40)

R41E

A-13  
276

(37)

Trp 6N.  
T6N

178.7  
3

WALZ ENT.

POINT OF DIVERSION

T  
6  
N

(40)

(38)

76.3

859

PLACE OF USE

(135)

99.1  
17

159.6  
7

(127)

50.4  
2

861

25.5  
1

(125)

75.3  
3

9.0

124.2  
8

67.4

OCT 29 1992

50.4  
2

25.4  
1

36.8  
4

121.0  
2

60.8  
1

27.1  
2

413

SCANNED  
AUG 09 2007

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