

09/29/2005

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

RIGHT NUMBER: 22-12580

NAME AND ADDRESS: CYRUS FAY HARRIS
3342 N SALEM RD
REXBURG ID 83440

DONNA R HARRIS
3342 N SALEM RD
REXBURG ID 83440

SOURCE: UNNAMED SLOUGH

TRIBUTARY: TETON RIVER

QUANTITY: 1.540 CFS

PRIORITY DATE: 01/01/1924

POINT OF DIVERSION:

T07N R39E S35 SENWNE 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	1.540 CFS

PLACE OF USE: IRRIGATION Within MADISON County

T07N R39E S35	NWNE	34.0	T07N R39E S35	SWNE	8.5
T07N R39E S35	NENW	33.0	T07N R39E S35	SENE	1.7

77.2 ACRES TOTAL

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

This right is subject to regulation by the watermaster of Water District 01.

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 - Beneficial Use

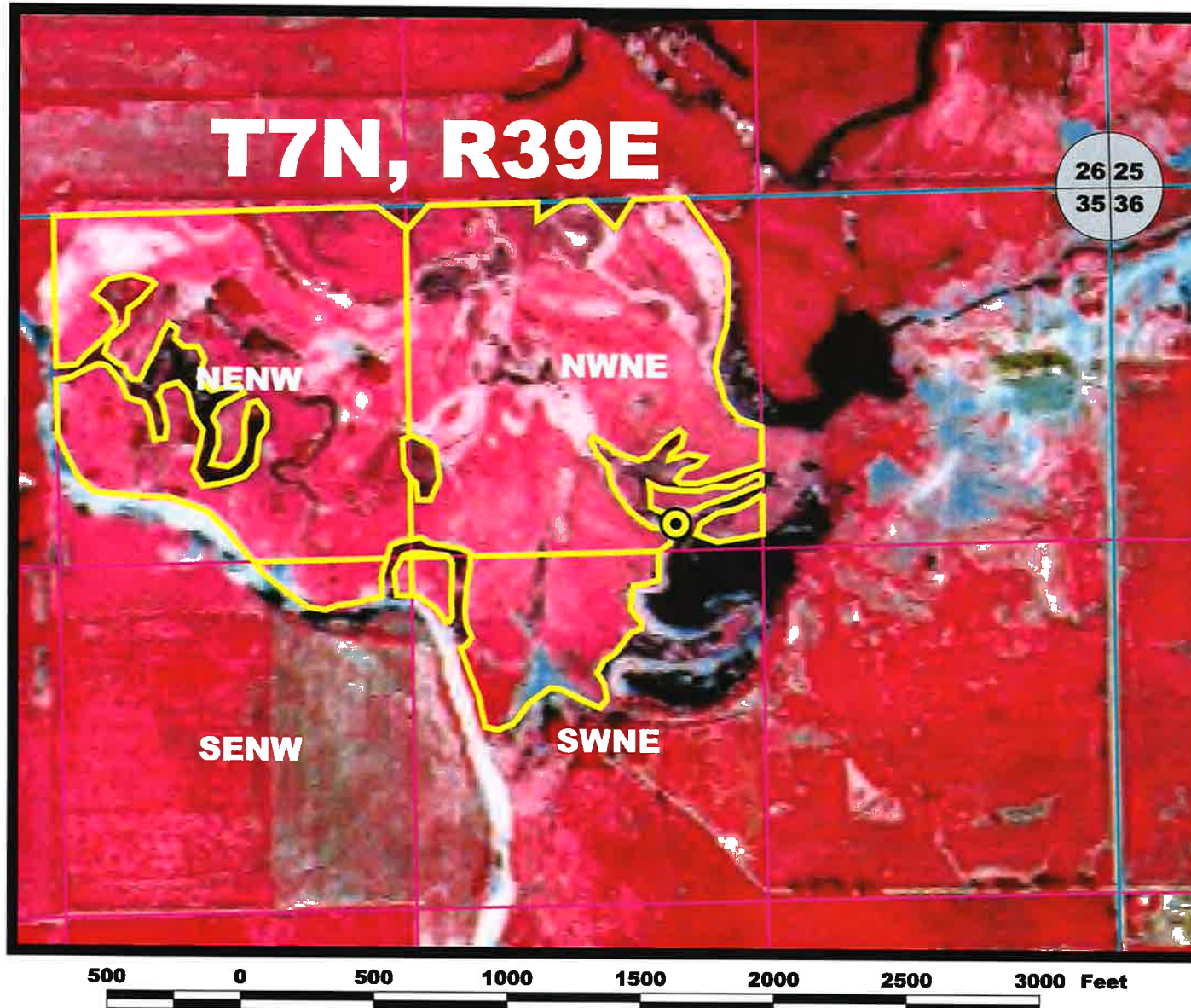
Use of water under this right is combined with water from Consolidated Canal and Roxanna Canal.



State of Idaho

Department of Water Resources

Eastern Region



Water Right(s):
22-12580

Point(s) of Diversion:
T7N, R39E
Sec. 35 SENWNE

Place of Use: (parts of)
T7N, R39E
Sec. 35 W2NE, E2NW

LEGEND



Point of Diversion



Place of Use



Section



Quarter-Quarter



GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepared by: A. Ruberry
Date: September 2005

Claim no. A22-12580

Claimant Contact Log

<u>Date</u>	<u>Remarks</u>	<u>Agent initials</u>
8/10/04	356-6368 12:55 Fay Harris Jr. stopped in a month ago. Don Harris is brother. Please come back wed-10 days. Ground is run along w/ A22-11636	
8/24/04	356-6368 7:40 - call 1st part next week	
9/3/04	356-6368 12:26 - no answer	
9/9/04	Post card suggesting mid morning	9/9/04 Thursday.
9/9/04	Met w/ Don & Fay Harris @ PCR	Bar

Contacts Data Entry Form

Claim Number: A22-12580

Owner Type	Full Name	Address	City	State	Zip
------------	-----------	---------	------	-------	-----

Current Owner: _____ Phone No.: _____

Current Owner: _____ Phone No.: _____

Current Owner: _____ Phone No.: _____

Name connector: and _____, or _____, and/or _____.

Representing Attorney: _____ Phone No.: _____

Accompanied By: _____ Phone No.: _____

Relationship to Claimant: _____ Date of Field Exam: _____

Discussion of right origin and split history. Questions and problems.Don Harris will send a ownership. Cyrus deceased. Bar9/29/06 No Clo of Record - Recommended to Original Claimant

Reviewer: _____ Date: _____

Priority Date Data Entry Form

Claim Number: A22-12580

Water Right Priority Date: _____ Water Right Basis: _____

Claimed Priority Date: _____ Claimed Basis: _____

Recommended Priority Date: _____ Recommended Basis: _____

Document the evidence submitted/reviewed for the priority date claimed, include your analysis of the evidence:

F. Sidney Huntley affidavit supports spring 1924 Q3AC 9/27/64

Reviewer: _____

Date: _____



Unnamed slough that is water source, looking west along south edge. Water springs up all along south edge.



First point of diversion. Water flows from right to left. Culvert is blocked to back up water causing sub-irrigation of pastures. Similar pattern of use for all other PODs shown below.

Waypoint 20

Bae 9/27/04



Channel below 2nd point of diversion (I thought culvert was in photo). *Waypoint ~~21~~ 21*



Third point of diversion. Water flows from left to right. *Waypoint ~~21~~ 22 bac 9/27/04*



Fourth point of diversion. Water flows away from viewer.

Waypoint 23



Fifth point of diversion. Water flows towards viewer.

Waypoint 24 *Bac 9/27/04*



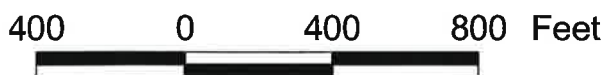
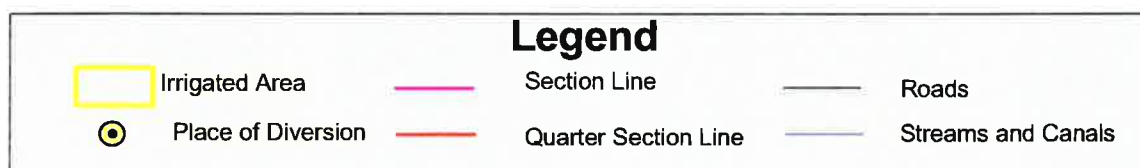
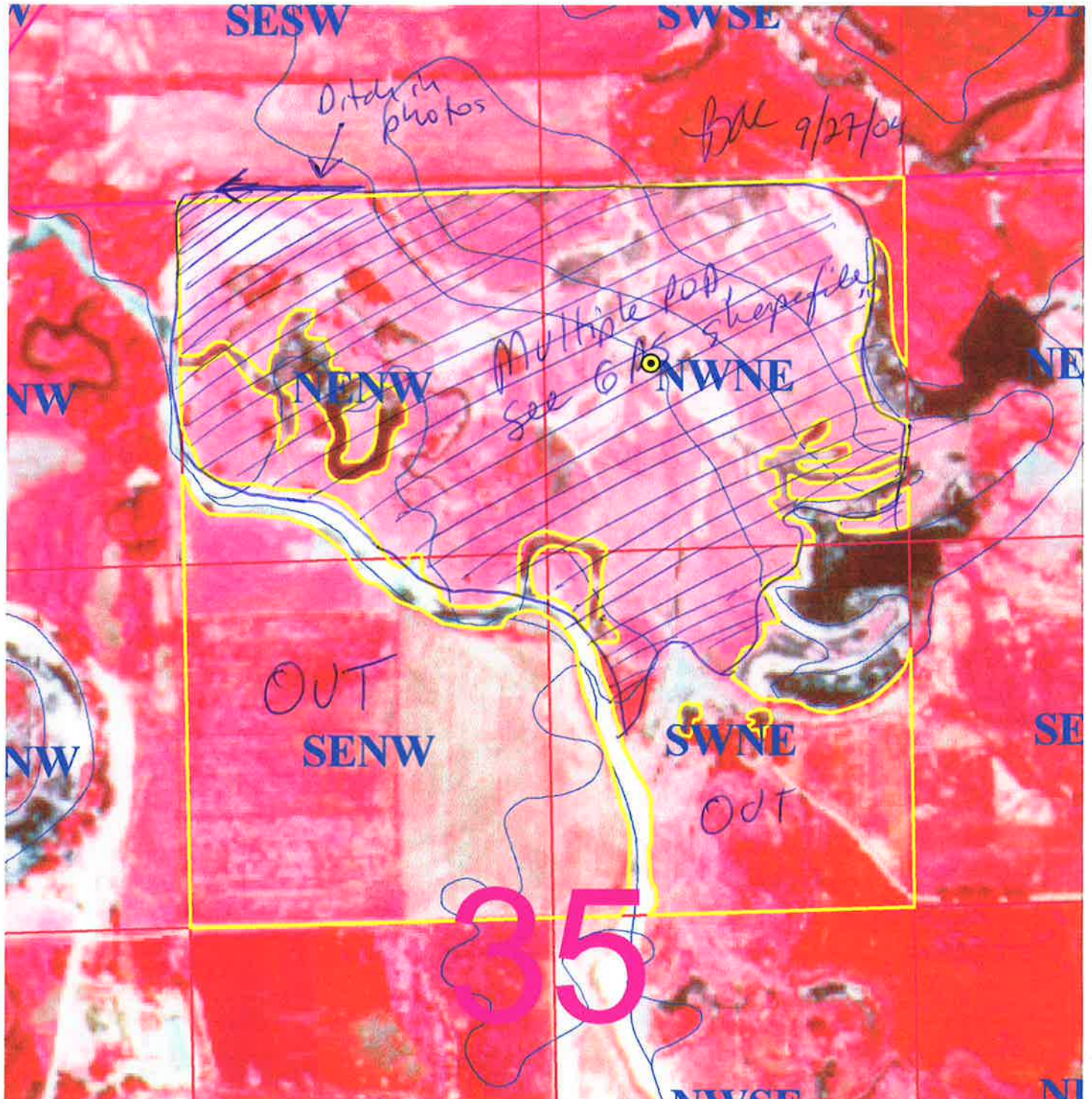
Looking west along ditch at north edge of POU, built to carry water to the west part of POU. Photo doesn't show very well but there is a ditch here.

Waypoint 25

Bac 9/27/04

Water Right Claim Number 22-12580
Township , 7N39E

07/20/2001



T7N, R39E

26 25

35 36

NWNE

SWNE

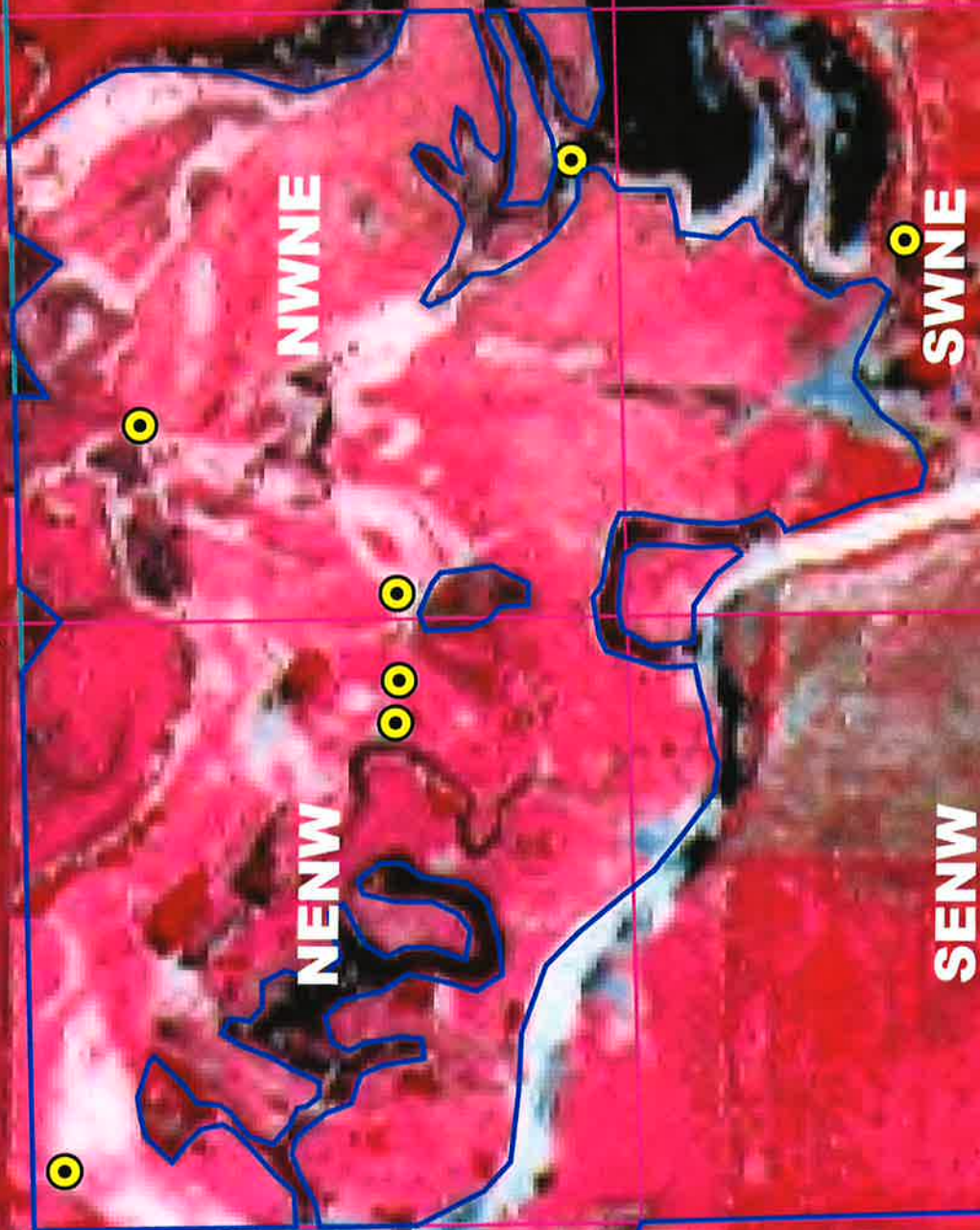
NENW

SENW



T7N, R39E

26 25
35 36



Point of Diversion and Source Data Entry Form

Claim Number: A22-12580Water Right Point(s) of diversion and Source.

Water Right Point of Diversion: T _____, R _____, Sec. _____, _____, _____, _____, County: _____

Source: _____ Tributary to: _____

Water Right Point of Diversion: T _____, R _____, Sec. _____, _____, _____, _____, County: _____

Source: _____ Tributary to: _____

Claimed Point(s) of Diversion and Source.

Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source	Tributary to

Recommended Point(s) of Diversion and Source.

Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source	Tributary to

Other rights from this POD? _____

Transfers Pending or approved: _____

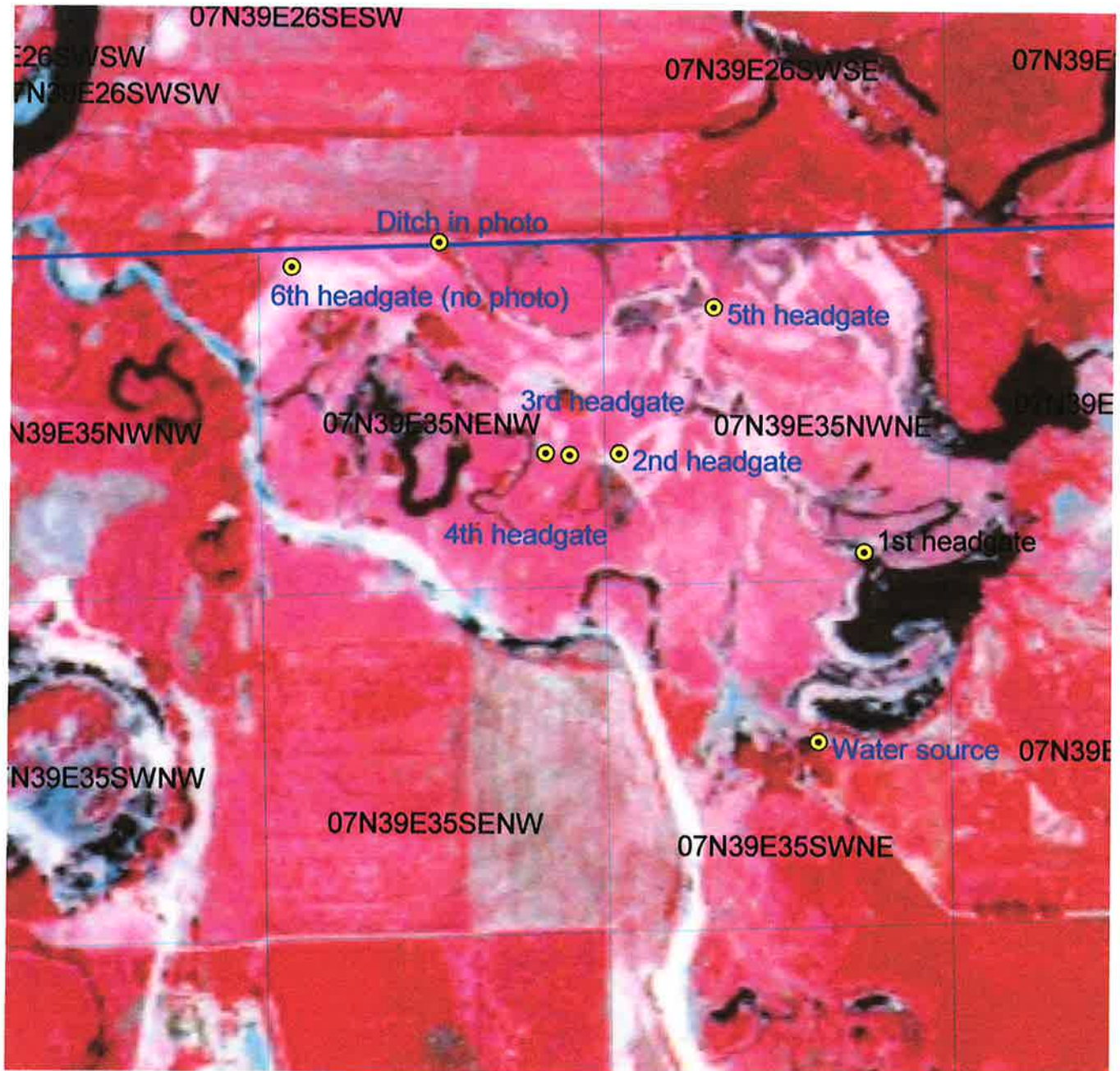
Document how the POD and Source were verified:

Points of diversion are locations where culverts may be checked up, backing up water and raising water table for S-B irrigation. Topography & conditions make this practice possible. Even late in the dry year, pasture had green-growing grass. See GPS, shapefile for multiple PODs. CBAL 9/27/04

Claim 'surface' as Source ⇒ Recommend Llaneros Slough.

Reviewer: _____ Date: _____

GPS Locations A22-12580



1987 Aerial Photography from IDWR



- Temp_gps.dbf
- Gcdb_tr.shp
- PLSS Section LinesGcdb_sections.shp
- Gcdb_qq.shp

Illustration prepared by
Water Resources Field Services
208 681 9100

Season of Use and Quantity Data Entry Form

Claim Number: A22-12580Water Right Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume

Overall Diversion Rate _____

Overall Diversion Volume _____

Claimed Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume

Overall Diversion Rate _____

Overall Diversion Volume _____

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume

Overall Diversion Rate _____

Overall Diversion Volume _____

Document how the Period of Use and/or Diversion Rate were verified:

Field exam provided no useful info. for
Q. Rate of flow through culverts depends
on how long it has been checked above
how full slough is. I propose standard rate
per acre or alternate rate based on 5.6 in.
practise. BAC 9/27/04

Reviewer: _____

Date: _____

THE DEPARTMENT OF
WATER RESOURCES.

AFFIDAVIT

Phyllis Wellard Banta

Debra P. Keller
 Notary Public for Idaho
 Residing at: Rexburg, Idaho
 My Commission Expires: 11-15-93

MICROFILMED

NOV 6 7 1964

"H" Misc.
Fay Harris

IN THE MATTER OF:)
)
THE DEPARTMENT OF) AFFIDAVIT
WATER RESOURCES.)
)
FAY HARRIS.)
_____)

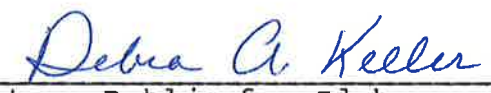
STATE OF IDAHO,)
) ss
County of Madison.)

I, F. SIDNEY HINCKLEY, of 4912 West 2000 South, Rexburg, Idaho 83440, have personal knowledge that in 1924 my father, Ira N. Hinckley, rented property from Kate Baker, which includes the same property that is now owned by Fay Harris. The property was rented through 1937. A Mr. John Willard then bought the property.

Several large ponds or sloughs on the Northeast side of the property allowed us to sub-irrigate the pasture land located on the North side of the property. The ponds or sloughs were fed by the springs out of the adjacent hills and were basically full year round.


F. Sidney Hinckley

SUBSCRIBED AND SWORN To before me this 20th day of September, 1988.


Notary Public for Idaho
Residing at: Rexburg, Idaho
My Commission Expires: 11-15-93

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NOV 6 7 1992

June 4, 2004

**CYRUS OR DONNA HARRIS
3342 N SALEM RD
REXBURG ID 83440**

RE: EVIDENCE OF PRIORITY FOR SRBA WATER RIGHT CLAIM 22-12580

Dear Claimant (s):

The Idaho Department of Water Resources is nearing the end of water rights review in Basin 22, the Teton River drainage. The Notice(s) of Claim identified with the number shown above has been filed in the Snake River Basin Adjudication (SRBA). The Notice of Claim indicates water usage is based on "Beneficial Use". Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed, at or on the place of use identified on the Claim. The date the water was first put to beneficial use, known as the priority date, has not been confirmed by License, Decree, or Permit. For this reason, proof must be provided supporting the priority date. As the claimant, you are responsible for submitting the necessary proof to support the priority date.

Your claim, as referenced above, claims a Priority Date of JAN 1 1924, from SURFACE.

It is important that each element of the Notice of Claim be verified. 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.

For your reference, I have provided a printout of your Notice of Claim and the pamphlet entitled "**Evidence of Priority**". The pamphlet describes the types of evidence which are acceptable and suggests which documents will 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**". **PLEASE READ THE ENCLOSED PAMPHLET.**

It is our goal to recommend historical water rights within the Snake River Basin as accurately as possible. Field exams to verify other elements of the Notice of Claim have been or soon will be conducted by Department personnel.

.....
The Department will not recommend the Notice of Claim be decreed by the court if evidence of a priority date is not submitted. The Notice of Claim will be disallowed.
.....

Please submit documentation supporting the priority date within 30 days of the date of this letter, referencing all documents with the corresponding claim number. If you have any questions not covered by this letter or the enclosed pamphlet, please feel free to contact this office.

Respectfully submitted,



Allen B. Ruberry
Sr. Water Resource Agent
Adjudication Bureau

cc: File

Enclosure: Brochure on "Evidence of Priority"

Date Received _____

State of Idaho
Department of Water Resources

REQUEST FOR EXTENSION OF TIME
TO FILE ADJUDICATION CLAIM(S)

The Idaho Department of Water Resources will consider this form as a request that the claimant be granted an additional period of time in which to file claim(s) beyond the 90 days allowed by Section 42-1409(10), Idaho Code.

Cyprus Fay Harris and Donna R. Harris
Name of Claimant

3342 North Salem Road
Post Office Address

Rexburg, Idaho 83440
City, State, Zip Code

Madison
County(s) where Place of Use is located

August 25, 1988
Date Claim Originally Due

Beneficial use of unnamed ponds, Roxanna, Consolidated & Saurey/Summer Ditch.
Identify water right(s) for which extension is requested

State reason(s) why an extension of time is requested:

Several rights in several different systems, some of which are in the County
of Fremont. Need to have the filings done on the systems before I can
complete my own beneficial use application.

Claimant requests an extension to 3-9, 1989.

Fay Harris
Signature

Title

=====

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

The above request for extension of time is hereby
X granted _____ denied,

and the filing deadline extended to March 3, 1989.

Signed this 7 day of September, 1988.

David B. Shaw
Director or his designated agent
DAVID B. SHAW

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NOV 07 1988

150^e
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: A22-12580

Date Received: 3/01/1989

Receipt No: M002794

Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: CYRUS FAY HARRIS 208-356-6368
Address: 3342 N. SALEM RD.
REXBURG, ID 83440

OR

Name: DONNA R. HARRIS 208-356-6368
Address: 3342 N. SALEM RD.
REXBURG, ID 83440

2. Date of Priority: JAN 01, 1924

3. Source: SURFACE Trib. to: TETON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
07N	39E	35	NW	NE			MADISON

5. Description of diverting works:

18" PIPE, 24" PIPE, 2-18" PIPE, 36" PIPE, 24" PIPE, 24" PIPE & HDGT, CKBOX

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	4.000		

7. Total Quantity Appropriated is:

4.000 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 250.0 Acre Feet Per Annum.

9. Non-irrigation uses:

NONE

A22-12580

Page 1

Date: 03/01/89

A2212580



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10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07N	39E	35	NW	NE		IRR	40.0
			SW	NE		IRR	20.0
			NE	NW		IRR	30.0
			SE	NW		IRR	10.0
					Section Acres		100.0
					Total Acres		100.0

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:

5SHARES OF CAPITAL STOCK CONSOL.CANAL, 1 SHARE ROXANNA CANAL

14. Remarks:

BECAUSE THE WATER FROM THE CONSOLIDATED AND ROXANNA IS GENERALLY INSUFF. ALL AMOUNTS CLAIMED ARE REQUIRED.

15. Basis of Claim: BENEFICIAL USE

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NOV 6 7 1952

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

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

State of Idaho)
County of _____) SS.

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

Notary Public

Seal

Residing at _____
My Commission Expires _____

100-
15000

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: 39356

Ident. Number

A22-12580

Date Received

3/1/89

Receipt Number

M002794
E2

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) Cyrus Fay Harris & Donna R. Harris Phone (208) 356-6368
Mailing Address 3342 N. Salem Rd., Rexburg, Idaho Zip 83440
2. Date of Priority (Only one (1) per claim) January 1, 1924
3. Source of water supply (a) Ponds & sloughs from springs
which is tributary to (b) Teton River
4. a. Location of existing point of diversion is: Township 7 N. Range 39 E. Section 35,
1/4 of NW 1/4 of NE 1/4, Govt. Lot, B.M., County of Madison
Additional points of diversion if any: NE 1/4 NW 1/4
- 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. _____
7 different works (see map attached)
1. 18 inch gal. steel pipe, 14 feet long
2. 24 inch steel pipe, 18 feet long
3. 2 18 inch steel pipe, 10 feet long each
4. 36 inch pipe, 21 feet long, open on top 1/2 of length
5. 24 inch pipe, 24 feet long
6. 24 inch pipe, 22 feet long with 24 inch steel headgate
7. Check wood box

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6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from 4-1 to 11-1 amount 4 or
For purposes from to amount or
For purposes from to amount or
For purposes from to amount or

7. Total quantity claimed (a) 4 (cfs) and/or (b) (acre feet)

8. Total consumptive use claimed is 250 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.)

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	
7N	39E	35		40	20		30			10									100

Total number of acres irrigated 100

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

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.
5 shares of capital stock of Consolidated Canal Company and 1 share of or None ()

14. Remarks: Capital Stock of Roxanna Canal Company.

Because the water from the Consolidated and Roxanna is generally insufficient to water the acreage described above, all amounts claimed from the ponds and sloughs are required.

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NOV 6 7 1992

Last Name HARRIS 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 2 Affidavits

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

Signature of Claimant (s) Jay Harris Date March 1, 1989

Donna Harris Date March 1, 1989

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)
) SS.
County of Madison)

Subscribed and sworn (or affirmed) before me this 1st day of March 19 89

SEAL

Notary Public Jerry R. Rigby

Residing at Rexburg, Idaho

My Commission Expires 11-9-93

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, JERRY R. RIGBY 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 Jerry R. Rigby

Address P.O. Box 250, Rexburg, Idaho 83440

Date 3-1-89

Last Name HARRIS Ident. Number

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NOV 6 7 1992

Copies White-State, Yellow-Claimant

