

12/20/2004

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

RIGHT NUMBER: 37-11247
NAME AND ADDRESS: DALE E HARRIS
1655 E 1600 S
GOODING ID 83330

ALTA K HARRIS
1655 E 1600 S
GOODING ID 83330

SOURCE: WASTE WATER TRIBUTARY: BIG WOOD RIVER
QUANTITY: 0.200 CFS
PRIORITY DATE: 03/15/1956
POINT OF DIVERSION:

T05S R14E S26 SWNE Within GOODING County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	0.200 CFS

PLACE OF USE: IRRIGATION Within GOODING County

T05S R14E S26	NWNE	5.3	T05S R14E S26	SWNE	4.7
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10 ACRES TOTAL

Right Nos. 37-359C, 37-1164J and 37-11247 are limited to the irrigation of a combined total of 50 acres in a single irrigation season.

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

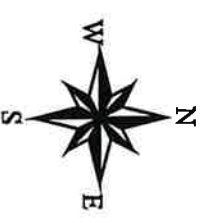
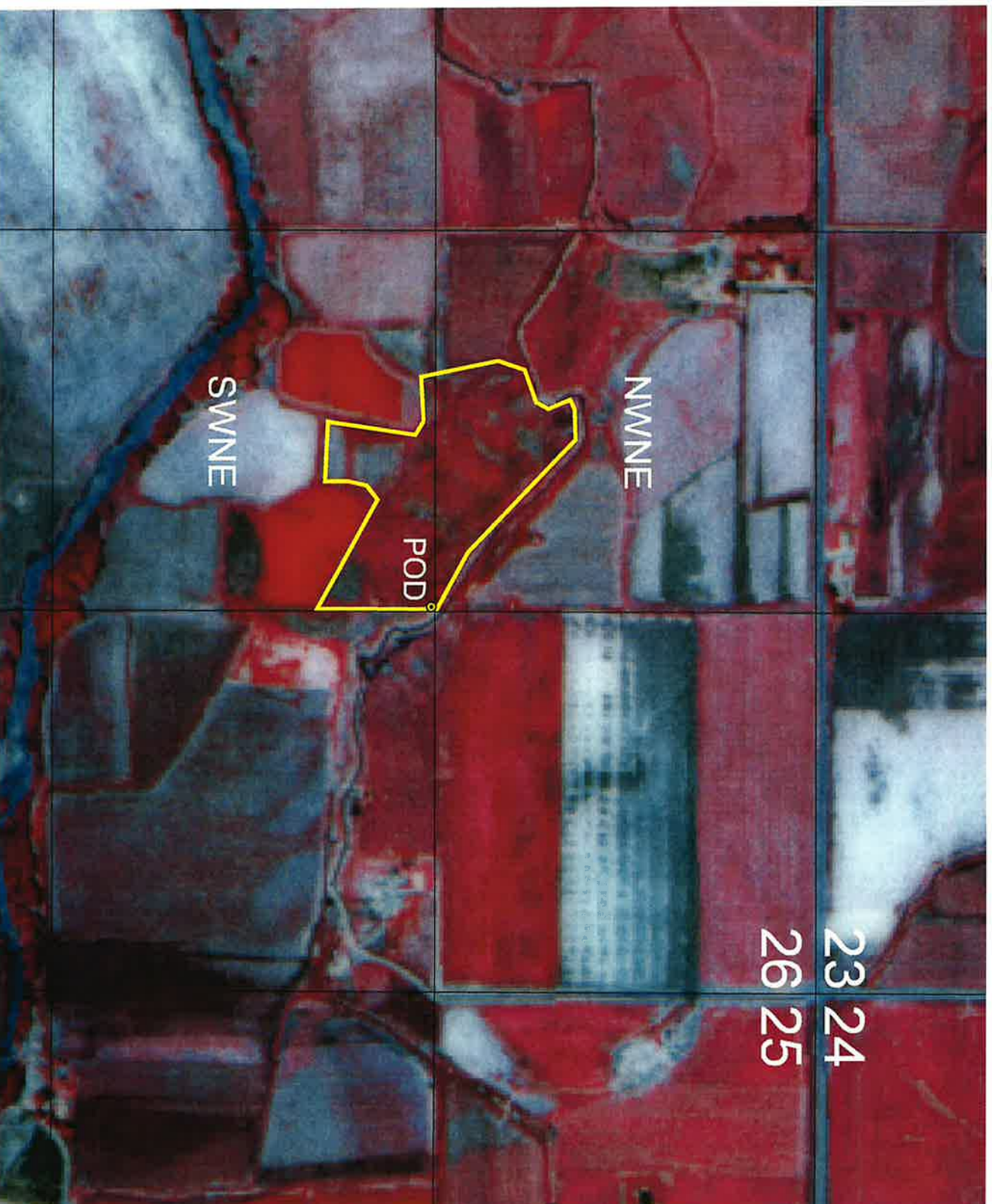
This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: Beneficial Use

Use of this right is combined with water from Big Wood Canal Co.

37-11247

T05S R14E
S26



Map prepared by: Carter Fritschle
Date prepared: 12/20/04
1987-1988 NAPP photography
Idaho Department of Water Resources

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POU REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 37-11247

08/26/2003

1

Water Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Purpose of Use	Acres/Total	Name
1-6	Claim	05S	14E	26	NW	NE		IRRIGATION	23/27301.2	AMERICAN FALLS RESERVOIR DIST #2
<i>0.36 cfs</i> 37-359C	Claim	05S	14E	26	NW	NE		IRRIGATION	40/60	ALTA K HARRIS
37-867	Claim	05S	14E	26	NW	NE		IRRIGATION	36/173356	BIG WOOD CANAL CO
<i>0.17 cfs</i> 37-1164J	Claim	05S	14E	26	NW	NE		IRRIGATION	40/60	ALTA K HARRIS
37-11247	Claim	05S	14E	26	NW	NE		IRRIGATION	5/10	DALE E HARRIS
37-669A	Water Right	05S	14E	26	NW	NE		IRRIGATION		DELLAH VANDERGRAFT
37-867	Water Right	05S	14E	26	NW	NE		IRRIGATION		BIG WOOD CANAL CO
37-870	Water Right	05S	14E	26	NW	NE		IRRIGATION		BIG WOOD CANAL CO
37-872	Water Right	05S	14E	26	NW	NE		IRRIGATION		BIG WOOD CANAL CO
37-20733	Claim	05S	14E	26	NW	NE		IRRIGATION FROM STORAGE	36/	BIG WOOD CANAL CO
37-359B	Claim	05S	14E	26	SW	NE		IRRIGATION	8/105	GARY L & LUCY C OSBORNE FAMILY LTD PARTNERSHIP
37-359C	Claim	05S	14E	26	SW	NE		IRRIGATION	20/60	ALTA K HARRIS
37-867	Claim	05S	14E	26	SW	NE		IRRIGATION	33/173356	BIG WOOD CANAL CO
37-1164G	Claim	05S	14E	26	SW	NE		IRRIGATION	8/105	GARY L & LUCY C OSBORNE FAMILY LTD PARTNERSHIP
37-1164J	Claim	05S	14E	26	SW	NE		IRRIGATION	20/60	ALTA K HARRIS
37-11247	Claim	05S	14E	26	SW	NE		IRRIGATION	5/10	DALE E HARRIS
37-359A	Water Right	05S	14E	26	SW	NE		IRRIGATION		KATIE JONES
37-359B	Water Right	05S	14E	26	SW	NE		IRRIGATION	8/105	ELLA STEWART
37-1164A	Water Right	05S	14E	26	SW	NE		IRRIGATION		KATIE JONES
37-1164G	Water Right	05S	14E	26	SW	NE		IRRIGATION	8/105	ELLA STEWART
37-20733	Claim	05S	14E	26	SW	NE		IRRIGATION FROM STORAGE	33/	BIG WOOD CANAL CO

IDWR Field Exam Form

04/07/2004

Contacts Data Entry Form

Owner Type	Full Name	Address	City	State	Zip	Phone
Current Owner	DALE E HARRIS	1655 E 1600 S	GOODING	ID	83330	(208)934-5154
Current Owner	ALTA K HARRIS	1655 E 1600 S	GOODING	ID	83330	(208)934-5154

Date of Field Exam: _____ Time: 9 AM

Accompanied By: _____ Phone Number: _____

Relationship to Claimant: NONE

Directions to Property (if different from above) and/or update owner information:

Personal interview with Mr. Harris regarding
his waste water claim A37-11247
The place of use is same and POD
is same

Reviewer: LEEDate: 4-16-04

Point of Diversion and Source Data Entry Form

Claim Number 37-11247

Claimed Point of Diversion and Source

T05S R14E S26 NESWNE Within GOODING County Source: WASTE WATER BIG WOOD RIVER

☐ Use Claimed POD and Source as Recommended POD and Source

Water Right Point of Diversion and Source

Recommended Point of Diversion and Source

Source Information

Source

Tributary To

_____	_____
_____	_____
_____	_____

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

Other rights from this POD? BWOC shares - Amer. Falls water

Document how the POD and Source were verified:

By letter from Mr Conrad, this water
has been used years ago when farming
begin in Gooding areaReviewer: KEEDate: 4-16-04

Place Of Use Data Entry Form

Claim Number 37-11247

Claimed Place Of Use

T05S R14E S26 NWNE 5.0 T05S R14E S26 SWNE 5.0
Total Acres 10

☐ Use Claimed POU as Recommended POU

Water Right Place Of Use

Recommended Place of Use

☐ See corrections to claimed POU above

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use

Total Acres 10

Document how the POU was verified:

same as on application and by Mr
Norris is still same as on application

Reviewer: KEEDate: 4-16-04

Period of Use and Quantity Data Entry Form

Claim Number 37-11247

Claimed Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
IRRIGATION	4/01	11/01	1	

Overall Diversion Rate 1

Overall Diversion Volume

☐ Use Claimed Period of Use and Quantity as Recommended Period of Use and Quantity

Water Right 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
Irrigation	3-15	11-15	0.20	

Overall Diversion Rate Varies Overall Diversion Volume 10 cfs or possibly more

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

This use varies on water available
some years good some bad, during
drought years water is scarce
but on good water years this water right
is good

Limited to
0.02 cfs/ac.
CA

Reviewer: LEEDate: 4-16-04

37-11247

On 4-16-04 I met with Dale Harris to discuss his waste water claim and also to see the waste ditch he and Mr. ~~Her~~ McLeod receive their water. Dale advised me that of all the people - neighbors - he has talked to that they think Mr William Corrab is correct with his letter that this water was available ever since farming began in the Gooding area and the April 1, 1884 is correct.

Dale advised me that the POW & POD are the same and the available water depend on the year and how much water is available for farming. The 1 CFS has been sufficient with his other rights and he does not want to change any thing.

RECEIVED

APR 07 2004

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

Department of Water Resources

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 37-11247
Date Received: 9/2/1988
Receipt No: S002049
Received By:

COPY

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name of Claimant(s)

DALE E HARRIS Phone: (208)934-5154

1655 E 1600 S
GOODING ID USA 83330

ALTA K HARRIS Phone: (208)934-5154

1655 E 1600 S
GOODING ID USA 83330

2. Date of Priority: 04/01/1884

3. Source: WASTE WATER Trib. to: BIG WOOD RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
05S	14E	26	NE SW NE	GOODING	

5. Description of diverting works:

CHECK DAMS IN WASTE DITCH, GRAVITY IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/01	11/01	1	

7. Total Quantity Appropriated is:
1 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4	of 1/4	Lot	Use	Acres
05S	14E	26	NW	NE		IRRIGATION	5
			SW	NE		IRRIGATION	5
						Section Acres	10
						Total Acres	10

11. Place of use in counties: GOODING

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

13. Other Water Rights Used:

14. Remarks:

AS FAR AS WE KNOW, WASTE WATER HAS BEEN USED ON THIS FARM EVER SINCE THE LAND WAS OPENED TO FARMING. WATER IS USED ON PASTURE.

15. Basis of Claim: Beneficial Use

COPY



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866 www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

March 4, 2004

37-11247
DALE E HARRIS
ALTA K HARRIS
1655 E 1600 S
GOODING ID 83330

Re: Evidence of Priority Date

Dear Claimants:

RESPONSE DEADLINE
APRIL 10, 2004

The Notice of Claim to a Water Right (claim) identified with the number shown above your name has been filed in the Snake River Basin Adjudication (SRBA). The claim indicates your water usage is based on "Beneficial Use" or a "Statutory Claim." Water rights of this type are established by the historic use of water, dating back to when water was first used for the purpose claimed, and are termed beneficial use rights. The date of first use, known as the priority date, has not been confirmed by a License, Decree or Permit. Since the priority date and historic use of a beneficial use right cannot be confirmed by field examination, **proof must be provided by the claimant** supporting the priority date claimed and the historic use of the water.

If you no longer own the property to which the claim is appurtenant please forward this correspondence to the present owner, or return it to Idaho Department of Water Resources (IDWR). If you have received this correspondence from the previous owner of the property it is recommended that you file a Change of Ownership form with IDWR in order to receive future mailings and to participate in the adjudication.

Enclosed you will find a computer printout of your claim and the pamphlet entitled "Evidence of Priority." The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement.

PLEASE NOTE: IDWR will recommend the SRBA Court decree the claim disallowed if no evidence of the priority date and of the historic use is submitted. It will be to your advantage to provide clear and convincing evidence. If you choose to submit statements from individuals as evidence, the statement should be in the form of a notarized affidavit.

Please submit the required evidence supporting the priority date and the historic use by the date shown above, referencing all documents with the corresponding claim number. If you have questions not covered by this letter or the enclosed pamphlet, please contact this office. Our toll free number is 1-800-451-4129.

Sincerely,


Carter Fritschle
Water Rights Supervisor

Enclosures

E. NARRATIVE/REMARKS/COMMENTS

FROM: Georgia Satterlee
DATE: 12 March 1998
RE: 37-08393

On 02 March 1998 at 1000 hrs., I arrived at property located at 1655 E. 1600 S. in Gooding County. I looked for the well and could not find it. Finally Mrs. Harris came out of the house and showed me the pump house where the well is located. The photographs depict the need for some serious house cleaning.

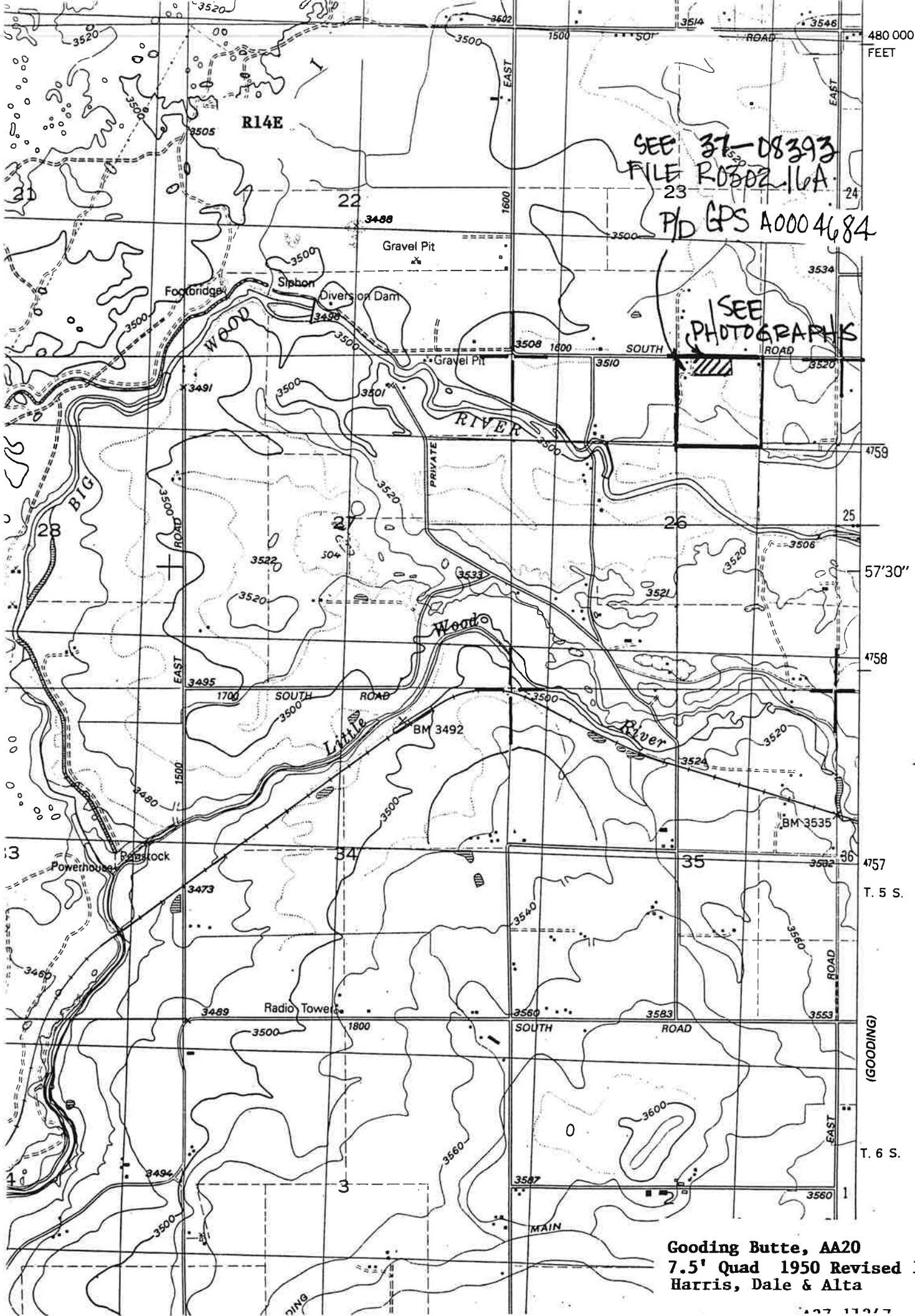
The well is under the rubble and located in the NWNWNE $\frac{1}{4}$ Section 26, T05S, R14E, Gooding County. The well serves one home and stockwater for horses. All uses are located in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of said section.

The commercial use was for a dairy which is no longer in use and there appears to be no attempt to fire it up.

The measurement made was from two different faucets using a bucket and stopwatch.

The recommendation is for domestic (one home) and stockwater (8-13 horses).

Also, while at the place of use I took photos of what appears to be a portion of the irrigated acreage from claim A37-11247 (waste water) and A37-00359C,-01164J (Big Wood River). Hope it helps down the adjudication rd.



SEE 37-08393
FILE R0302.16A
PD GPS A0004684

SEE PHOTOGRAPHS

Gooding Butte, AA20
7.5' Quad 1950 Revised 1992
Harris, Dale & Alta



Photo looking SE'ly

Standing at the most NW'ly corner
of 3 acre field

Field dimensions are $250' \times 528' = 3 \text{ ac} +$



Photo looking S'ly

ditch runs N-S along the W'ly side of 3 acre field

DID NOT VIEW FIELD IN SWNE $\frac{1}{4}$ Sec 26...

Harris, Dale E. & Alta
02 March 1998 Satterlee, G.

A37-11247

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: A37-11247
Date Received: 9/02/1988
Receipt No: 5062049
Received By: JP

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: DALE E. HARRIS 208-934-5154
Address: 1655 E. 1600
GOODING, ID 83330

AND/OR
Name: ALTA HARRIS 208-934-5154
Address: 1655 E. 1600
GOODING, ID 83330

2. Date of Priority: APR 01, 1884

3. Source: WASTE WATER Trib. to: BIG WOOD RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
05S	14E	26	NE	SW	NE		GOODING

5. Description of diverting works:
CHECK DAMS IN WASTE DITCH, GRAVITY IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	1.000		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05S	14E	26	NW	NE		IRR	5.0
			SW	NE		IRR	5.0
						Section Acres	10.0
						Total Acres	10.0

11. Place of use in counties: GOODING

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

13. Other Water Rights Used:

AMERICAN FALLS & BWCC SHARES, 37-0359C, 1164J

14. Remarks:

AS FAR AS WE KNOW, WASTE WATER HAS BEEN USED ON THIS FARM EVER
SINCE THE LAND WAS OPENED TO FARMING. WATER IS USED ON PASTURE.

15. Basis of Claim: BENEFICIAL USE

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not x 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): Alta K. Harris Date: 9-2-88

Date: _____

State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 2nd day
of September 19 88

Roxanne Storey
Notary Public

Seal

Residing at Buhl, Id
My Commission Expires 6-30-94