

Ident. No. TC-11-02**RECEIVED****JUL 25 2001**Department of Water Resources
Eastern Region

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TEMPORARY CHANGE APPLICATION
(To change point of diversion, place of use or purpose of use)

Name of applicant

Robert Harris

Phone

208-427-6604

Post Office address

406 Fish Hatchery Rd Grace, ID 83241**A. PURPOSE OF TRANSFER**

1. ☒ Change point of diversion
☐ Change purpose of use

☐ Add diversion point(s)
☐ Other

☒ Change place of use

2. Describe the proposed change(s) and the reason(s) therefor

I want to dry up 180
acres in Sec 1 T10S R42S that is irrigated from my
river pump & put my water in the Last Chance Canal for
delivery to 180 acres I own in Sec 7 & 8 T11S R41E.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Right Number

Priority

Amount

Nature

Period of Use

Part) 11-2545-01-18891.54 cfsIrrigationJuly 2 to Oct 1Part) 11-2565-01-18890.40 cfsIrrigationJul 2 to Oct 1

2. Amount of water being transferred 1.94 cubic feet/second and/or _____ acre-feet per annum

3. Source of water

Bear River

tributary to

Great Salt Lake

4. Point(s) of Diversion:

(s) of Diversion:									
Ident	Div	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion
					SW 30	9S	41E	Caribou	Last Chance Canal Diversion
					NE 1	10S	40E	Caribou	Branch "B" Canal Diversion

5. Acre(s) irrigated or Place(s) of Use:

5		Acre(s) or Place(s) of Use:																			
Twp	R1E	SEC	NE				NW				SW				SE				Totals		
			1/4	1/4	1/4	1/4	1/4	1/4	1/4	1/4	1/4	1/4	1/4	1/4	1/4	1/4					
11S	41E	7															A	A	A	A	100
11S	41E	8															A	A	A	A	80

Total acres 180

6. General Information:

a. Who owns the water right to be changed?

Applicant

b. Describe the arrangement allowing use of the right

Last Chance Canal will provide a permission letter.

c. Describe the affect on the land now irrigated if the change is approved pursuant to this application:

This land will be dry.d. Has the water right sought to be transferred been used this year? yes If yes, explain.

* e. Absent the changes, how would the right be used for the remainder of the year?

leased to W & H Hens

* f. Describe other water rights used for the same purpose.

11-0697 -# 11-0698Middle Fork River Creek# 13-7096Nearby springsDryed up

g. Remarks.

I hereby assume all risk in accordance with House Bill No. 4 and 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 willful misrepresentations made in this application may result in voiding its approval.

*

Robert Hens

(Signature of applicant)

FOR DEPARTMENT USE ONLY

Received by HWTDate 7-25-01Fee \$50Receipted 7-25-01 # B026955Recommend: ✓

approve

deny

Watermaster recommendation

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Temporary Change Application No

TC-11-02

And said application is hereby

subject to the following limitations and conditions:

Oct 1, 20011. This approval expires November 1, 1992 and thereafter the right reverts to the use existing prior to the temporary change.

Witness my hand this

10thAugust2001
1992Ronald Mark

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION)	
FOR TEMPORARY CHANGE OF A)	
WATER RIGHT IN THE NAME)	ORDER AUTHORIZING
OF <u>11-254, -256 (Part)</u>)	TEMPORARY CHANGE
<u>Robert Harris</u>)	

WHEREAS, a drought emergency has been declared for Caribou County to allow administrative actions to lessen the severe impacts of the drought conditions in the county; and

WHEREAS, section 42-222A, Idaho Code, provides that upon declaration of a drought emergency, the director of the Department of Water Resources (A Department) is authorized to allow temporary changes in the point of diversion, the place of use, and the purpose of use for valid existing water rights or temporary exchanges of water, as provided in section 42-240, Idaho Code, when the director determines that such changes can be accomplished in accordance with the provisions of section 42-222A, Idaho Code; and

WHEREAS, on July 25, 2001 the applicant submitted the attached Temporary Change Application ("application") to the Department; and

WHEREAS, the Department has reviewed the application and has determined the application can be approved with certain conditions; and

WHEREAS, The applicant assumes all risk and is the responsible party if diversion and use of water under the temporary change approval causes injury to other water rights or constitutes an enlargement in use of the original right;

ORDER

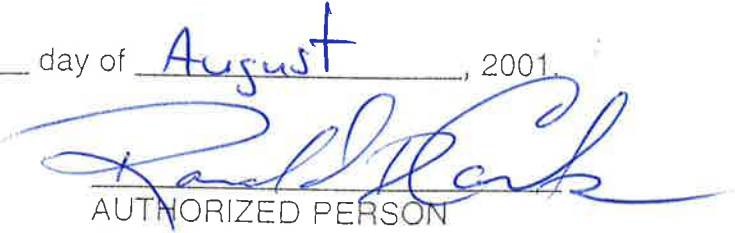
IT IS HEREBY ORDERED that the application is **APPROVED** subject to the following conditions:

1. Diversion and use of right no(s). 11-254, -256 is authorized only at the point of diversion and place of use described on the application or as otherwise approved in this order.
2. This temporary change approval does not authorize construction of a new well as a new point of diversion.
3. This temporary change approval may only be used to provide a

replacement water supply to lands or other uses that normally have a full water supply, except for the drought condition. This temporary change approval may not be used to provide water for new development or to allow expansion of the use of water under existing water rights.

4. Right(s) 11-254, 256 are limited to the irrigation of a total of 180 acres in a single irrigation season.
5. This temporary approval does not authorize the use of diversion works or a delivery system owned by or managed by a corporation or an irrigation district without the written consent of such corporation or irrigation district.
6. The applicant agrees to hold the director and the state of Idaho harmless from all liability on account of the diversion and use of water under this temporary change approval.
7. This temporary change approval does not grant any right-of-way or easement to use the diversion works or conveyance works of another person or entity.
8. The applicant shall measure the amount of water diverted and shall report the amount of water diverted under this approval. (If this condition or a similar one is used, describe the required frequency of measurement and when and where to report the amount of measured water).
9. The watermaster of Water District No. 11 is authorized to administer the temporary change approval.
10. This temporary change approval expires on 10-01-01 unless rescinded or extended by the director. Thereafter, the water right shall revert to the point of diversion, place of use and nature of use existing prior to the temporary change approval.

DATED this 10 day of August, 2001.


AUTHORIZED PERSON
IDWR

Last Chance Canal Company

P.O. Box 287 Grace, ID 83241

Thursday, August 9, 2001

ATTN: Harold Jones
Idaho Dept. Water Resources
Fax # 525-7177

Mr. Jones

This letter is to notify you that Robert Harris is hereby authorized by Last Chance Canal Company to transfer 1.94 cfs of water from Eight Mile to be carried in the East Branch Canal for the 2001 irrigation season.

Thank you,

A handwritten signature in black ink, appearing to read "Marcus Gibbs". The signature is fluid and cursive, with a large initial "M" and a stylized "G".

Marcus Gibbs
President
Last Chance Canal Co.

Water Right Use Agreement
between Robert Harris of Grace Rd.
and McFee Harris of Soda Springs Rd.

Robert agrees to let McFee use
his shares of water from the Budge
Ranch, as agreed to in the agreement
dated Nov. 1994, for a ~~set~~ undetermined
time in exchange of help on
fence and with cattle, as long as
both parties are in agreement with
the use

Signed April 4, 1995

Robert Harris

C. McFee Harris

3.85 CFS of May 1 1889 } Apr 20 to July 1
1.00 CFS of May 1 1889 }

Combined 1.94 CFS of July 2 to Oct 1
1889

Attention Harold Low

Idaho Department of Water Resources Receipt

Receipt ID E026955

Payment Amount Date Received Region Status

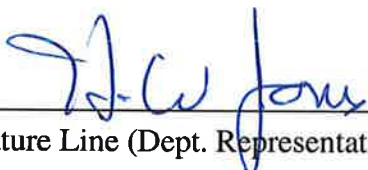
Payment Type Check Number

Payer

Comment

Fee Detail

Amount	Description	Fund	FD	PCA	SO
\$50.00	TRANSFERS	0229	21	63105	1155


Signature Line (Dept. Representative)

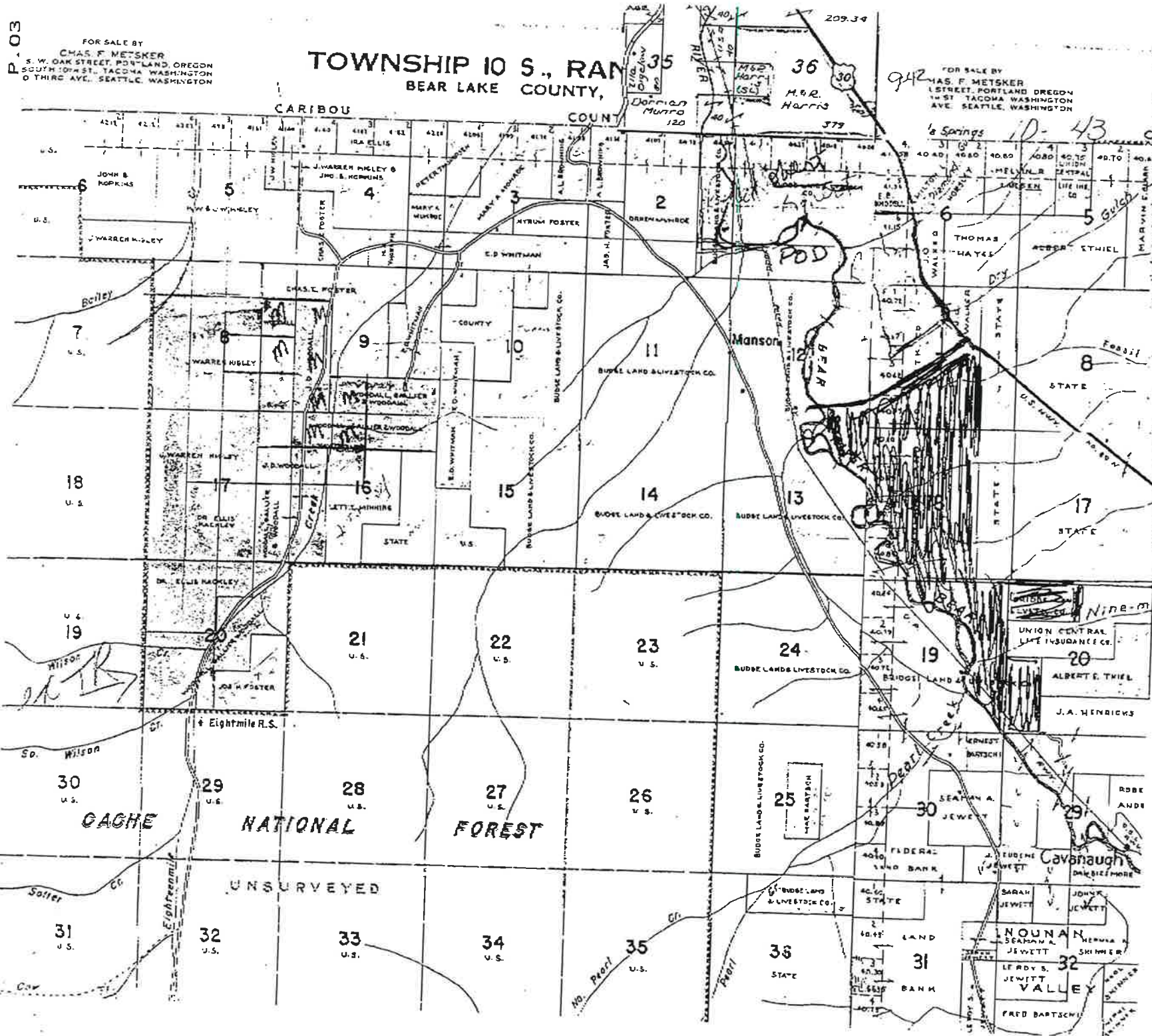
TOWNSHIP 10 S., RANGE 35 E., BEAR LAKE COUNTY, IDAHO

CARIBOU

COUNTY

FOR SALE BY
CHAS. F. METSKER
1811 1ST. TACOMA WASHINGTON
AVE. SEATTLE, WASHINGTON

FOR SALE BY
CHAS. F. METSKER
1811 1ST. TACOMA WASHINGTON
AVE. SEATTLE, WASHINGTON



Pump on
River.
Robt Harris

Jul-18-01 09:36A

DATE OF
PRIORITYAMOUNT IN
SECOND FEETPOINT OF DIVERSION AND
PLACE OF USE

east quarter of the Northeast quarter, Section 33, and the Southwest quarter of the Northwest quarter, Section 34, Township 10 South, Range 43 East, B.B.M.

- (b) 1900—May 1 1.5 c.f.s.
April 20 to July 1
0.6 c.f.s.
July 2 to October 1.

Said water to be diverted from the main channel of Bear River near the South quarter corner of Section 34, Township 10 South, Range 43 East, B.M. and used for irrigating 60 acres of land in the North half and Southeast quarter of the Southwest quarter, Section 34, and the Northeast quarter of the Southeast quarter of Section 33, Township 10 South, Range 43 East, B.B.M.

3. Budge Land and Livestock Company,
Limited:

- (a) 1889—May 1 24 c.f.s.
April 20 to July 1
9.6 c.f.s.
July 2 to October 1.

Said water to be diverted from the main channel of Bear River at a point North 61°10' East 1495 feet from the quarter section corner, on the North boundary of Section 31, Township 10 South, Range 43 East, B.B.M., for the irrigation of 963.3 acres of land in Sections 30 and 19, Township 10 South, Range 43 East, and Sections 12, 13, 24 and 25, Township 10 South, Range 42 East, B.B.M.

- (b) 1889—May 1, 2 c.f.s.
April 20 to July 1,
1 c.f.s.
July 2 to October 1.

Said water to be diverted from the main channel of Bear River at a point South 40°30' East, 1500 feet from the Northwest corner of Section 19, Township 10 South, Range 43 East, B.B.M., for the irrigation of 82.8 acres of land lying east of Bear River in Sections 24 and 13, Township 10 South, Range 42 East, B.B.M.

- (c) 1889—May 1 2.5 c.f.s.
April 20 to July 1,
1 c.f.s.
July 2 to October 1.

Said water to be diverted from the main channel of Bear River at a point North 14°30' East 1350 feet from the quarter corner on the north boundary of Section 13, Township 10 South, Range 42 East, B.B.M., for the irrigation of 93.8 acres of land, lying north and east of Bear River, in Sections 12 and 11, Township 10 South, Range 42 East, B.B.M.

Said water decreed in paragraph 3a, 3b and 3c immediately above, may be diverted and used through all or any of said ditches.

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STATE OF IDAHO

County of Caribou

Date: Dec. 13, 1994Time: 1:05 P.M.

Microfilm Records

Recorder: Edie IzattDeputy: Dennis HarsleyFee: 900 CI

WARRANTY DEED

THIS INDENTURE, Made this 25th day of October, 1994, between C. McGEE HARRIS AND JANET G. HARRIS, husband and wife, of Soda Springs, Caribou County, Idaho, hereinafter called First Party, and ROBERT C. HARRIS AND RUTH C. HARRIS, husband and wife, of 406 Fish Hatchery Road, Grace, Caribou County, Idaho, 83241, hereinafter called Second Party:

WITNESSETH: That the said First Party, for and in consideration of the sum of TEN DOLLARS and the exchange of property of like value, does by these presents, Grant, Bargain, Sell and Convey and Confirm unto said Second Party, and to said Second Party's heirs and assigns forever: All that certain lot, piece or parcel of land situate, lying and being in the County of Caribou, State of Idaho, more particularly described as follows, to-wit:

Township 11 South, Range 41 East of the Boise Meridian:

Section 5: ~~W~~~~SW~~~~4~~.

Section 7: ~~E~~~~SE~~~~4~~.

Section 8: ~~W~~~~SW~~~~4~~, ~~SE~~~~4~~, EXCEPT THEREFROM, Beginning at a point 160 feet North of the South quarter corner of said Section 8, and running
thence East 120 feet; thence North 80 feet;
thence West 120 feet; thence South 80 feet,
to the point of beginning.

Section 9: ~~NW~~~~SW~~~~4~~.

Section 16: ~~N~~~~NE~~~~4~~.

Section 17: ~~NE~~~~NE~~~~4~~ and the North 247.5 feet of the ~~NW~~~~NE~~~~4~~.

Township 9 South, Range 42 East of the Boise Meridian:

Section 35: ~~SE~~~~SE~~~~4~~.

Section 36: ~~S~~~~NW~~~~4~~, ~~S~~~~SW~~~~4~~, ~~NE~~~~SW~~~~4~~ and all that portion of the ~~SE~~~~4~~ and the ~~SW~~~~NE~~~~4~~ lying West of U.S. Highway 30-N as presently located.

Bear Lake County, Idaho:

Township 10 South, Range 42 East of the Boise Meridian:

Section 1: ALL.

Section 2: ~~E~~~~NE~~~~4~~.

Township 10 South, Range 43 East of the Boise Meridian:

Section 6: All that portion of the ~~SW~~~~4~~ lying West of the Westerly right of way of U.S. Highway 30-N as presently located.

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Section 7: All that portion of Lots 1, 2, 3, and 4, E½SW¼, W½SE¼, SE½NW¼ and all that portion of the NE½NW¼ and of the SW½NE¼ lying West of lying West of the Westerly right of way of U.S. Highway 30-N as presently located and Northerly of the Northerly right of way line of a road.

EXCEPT THEREFROM any portion thereof lying SOUTH of the following described line located in Sections 1 and 2, Township 10 South, Range 42 East of the Boise Meridian, and in the W½ and W½E¼ of Section 7, Township 10 South, Range 43 East of the Boise Meridian:

Beginning at a point 1350 feet North from the Southwest corner of the SE½SE¼ of Section 2, said point being on the Southerly right of way of a private road, and running
thence Easterly along the Southerly right of way line of said road
770 feet, more or less, to the center of the Bear River;
thence up the center of said Bear River in an Easterly and
Southerly direction to the intersection of said Bear River
and the South line of Section 1;
thence East along the South line of Section 1, 1200 feet, more or
less, to a fence line;
thence South 18°30' East along said fence line 2840 feet, more or
less, to a pipeline;
thence North 50° East 2475 feet, more or less, to the Westerly
right of way line of U.S. Highway 30-N as presently located.

TOGETHER with all water and water rights appertenant thereto, including, but not limited to the following:
Decree #11-0697 for .7 cfs of May 1, 1891 priority from Middle Fork Trout Creek; Decree #11-0698 for 1.6 cfs of May 1, 1895 priority from Middle Fork of Trout Creek; Decree #11-0676 for 1.6 cfs of May 1, 1899 priority from Middle Fork Trout Creek; License #13-7096 for 2.12 cfs from Harris Springs and Claim #13-4023 for 1.4 cfs of 1933 priority from Harris Springs; 3.85 cfs of May 1, 1889 priority from the Bear River; and 1.00 cfs priority of May 1, 1889 from the Bear River.

TOGETHER with all sprinkler and sprinkler equipment located thereon, including, but not limited to the following:
210 HP 2300 RPM Cat Diesel Motor and Cornell Centrifugal Pump
12,900 feet of Steel Mainline of sizes 6 in. through 10 in.
150 HP 2400 RPM Cat Diesel Motor and Well Line Turbine Pump
1400 feet of 10 in. mainline.

SUBJECT to the following mortgages:

Mortgage executed by C. McGee Harris and Janet G. Harris, husband and wife; Robert C. Harris and Ruth C. Harris, husband and wife, to The Federal Land Bank of Spokane, dated March 24, 1975, recorded April 10, 1975, under recorder's instrument No. 82532, in the microfilm records of Caribou County, Idaho, and recorded April 14, 1975, under recorder's instrument No. 105121, in the microfilm records of Bear Lake County, Idaho, and

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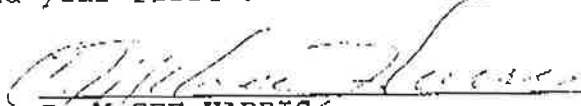
Mortgage executed by C. McGee Harris and Janet D. Harris, husband and wife, and Robert C. Harris and Ruth C. Harris, husband and wife, dated October 16, 1985, recorded October 22, 1985, No. 126011, in the microfilm records of Caribou County, Idaho, and recorded October 22, 1985, under recorder's instrument No. 138903, in the microfilm records of Bear Lake County, Idaho.

SUBJECT to all easements, rights of way, and public roads or highways adjoining or crossing said property, and further subject to retention or reservation of mineral, oil and gas rights by prior owners of said real property or by the United States of America or the State of Idaho.

TOGETHER with all and singular, the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and the rents, issues and profits thereof.

TO HAVE AND TO HOLD, all and singular, the said premises, together with the appurtenances and privileges thereunto incident unto the said First Party, and said First Party's heirs, the said premises in the quiet and peaceable possession of said Second Party, said Second Party's heirs and assigns against the said First Party, First Party's heirs and against all and every person or persons whomsoever, lawfully claiming or to claim the same, shall and will warrant and by these presents forever defend.

IN WITNESS WHEREOF, The said First Party has hereunto set their hands and seals, the day and year first above written.

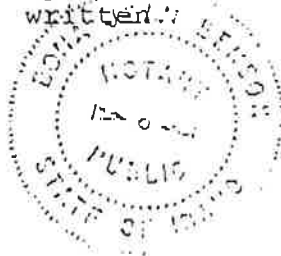

C. MCGEE HARRIS

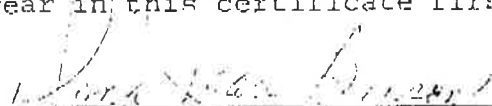

JANET G. HARRIS

STATE OF IDAHO)
: ss.
County of Caribou)

On this 18th day of November, 1994, before me the undersigned, a Notary Public in and for said County and State, personally appeared C. MCGEE HARRIS AND JANET G. HARRIS, husband and wife, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.




NOTARY PUBLIC for the State of Idaho
Residing at: Soda Springs, Idaho
Commission expires: 8/15/97.