

OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION)
 FOR TEMPORARY CHANGE OF A)
 WATER RIGHT Robert or Ruth)
Harris 11-7474 & 11-0256)

ORDER AUTHORIZING
 TEMPORARY CHANGE TC-11-03

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 counties; and

WHEREAS, section 42-222A, Idaho Code, provides that upon declaration of a drought emergency, the director of the Department of Water Resources ("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 when the director determines that such changes can be accomplished in accordance with the provisions of section 42-222A, Idaho Code; and

WHEREAS, on 4/20/03, Robert & Ruth Harris submitted the attached Temporary Change Application TC- - to the Department; and

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

ORDER

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

1. Diversion and use of right no(s). 11-7474 & 11-256 is authorized only at the point of diversion and place of use described on the application.
2. This temporary change approval does not authorize construction of a new well as a new point of diversion.
3. The applicant assumes all risk of curtailment or mitigation should the diversion and use of water under the temporary change approval cause injury to other water rights, constitute an enlargement in use of the original right, be inconsistent with the conservation of water resources within the state of Idaho, or not be in the local public interest.
4. This temporary change approval may only be used to provide a

**ORDER AUTHORIZING
TEMPORARY CHANGE** TC-1103

replacement water supply to lands or other uses which 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.

5. Right(s) 11-7474
11-256 are limited to the irrigation of a total of 180 acres in a single irrigation season.
6. 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.
7. 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.
8. 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.
9. The applicant shall measure the amount of water diverted and shall report the amount of water diverted under this approval.
10. The watermaster of Water District No. 11 is authorized to administer the temporary change approval.
11. This temporary change approval expires on 10/31/03 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 20th day of June, 2003.


RONALD D. CARLSON
EASTERN REGION MANAGER

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 or Ruth Harris Phone (208) 427-6604

Post Office Address 406 Fish Hatchery Rd, Grace Id 83241

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change purpose of use ☐ Other

2. Describe the proposed change(s) and the reason(s) thereof DRY up 180 acres in Sec 1, T10S, R42E
that is irrigated from my river pump + put water in Last Chance Canal for
Delivery to 180 ac in Sec 7+8 T10S R41E

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

Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
<u>11-7474</u>	<u>5/1/1889</u>	<u>3.85 cfs (11.5 cfs)</u>	<u>IRRIGATION</u>	<u>4/20</u> to <u>7/1</u>
		<u>1.54 cfs</u>	<u>"</u>	<u>7/2</u> to <u>10/1</u>
<u>11-0256</u>	<u>5/1/1889</u>	<u>1.00 cfs (2.5)</u>	<u>"</u>	<u>4/20</u> to <u>7/1</u>
		<u>0.40 cfs</u>		<u>7/2</u> to <u>10/1</u>

2. Total amount of water being transferred 4.85 cfs until 7/1 cubic feet per second and/or _____ acre-feet per annum

3. Source of water BEAR RIVER tributary to _____

4. Point(s) of Diversion:

Ident No.	Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion
			SW	SE	30	9S	41E	CARIBOU	LAST CHANCE CANAL

5. Lands irrigated or place of use:

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
<u>11S</u>	<u>41E</u>	<u>7</u>													<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>100+</u>
		<u>8</u>													<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>80+</u>

Total Acres 180

6. General Information:

TC-11-03

- a. Who owns the water right to be changed? APPLICANT
- b. Describe the arrangement allowing use of the right Last Chance Canal Agreement
- c. Describe the affect on the land now irrigated if the change is approved pursuant to this application:
Land will be dry
- d. Has the water right sought to be transferred been used this year? NO If yes, explain. _____
- e. Absent the changes, how would the right be used for the remainder of the year? could not use
- f. Describe other water rights used for the same purpose.
11-697, 11-698, 13-7096
- g. Remarks: _____

I hereby assume all risk in accordance with Section 42-222A, Idaho Code, 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.

Ruth C. Harris

(Signature of applicant)

FOR DEPARTMENT USE ONLY

Received by KCW Date 6/20/03 Fee \$50.00

Received KCW # E028908 Recommend: / 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-11-03

And said application is hereby _____, subject to the following limitations and conditions:

Witness my hand this 20th day of June, 2003.

Ronald B. Clark
For the Director

LAST CHANCE CANAL COMPANY
P O BOX 287
GRACE, ID 83241

TC-11-03

IDAHO DEPARTMENT OF WATER RESOURCES
1301 NORTH ORCHARD STREET
P O BOX 83720
BOISE, ID 83720-0098

19 JUNE, 2003

TO WHOM IT MAY CONCERN:

THE LAST CHANCE CANAL COMPANY IS EXTENDING PERMISSION TO
ROBERT HARRIS TO DIVERT 4.85 CFS OF WATER INTO THE CANAL
SYSTEM UNTIL JULY 1, 2003. AFTER JULY 1, 2003, THE AMOUNT WILL
CHANGE TO 1.94 CFS FOR THE REST OF THE IRRIGATION SEASON.

LAST CHANCE CANAL COMPANY

A handwritten signature in black ink, appearing to read "Marcus Gibbs", written in a cursive style.

MARCUS GIBBS - PRESIDENT

TC-11-03

11- 0254 24.0 cfs 4/20 to 7/1
9.60 cfs 7/2 to 10/1

11- 0254 → 11- 7474 11.5 cfs
→ 11- 7475 12.5 cfs

13-782 500 SHEETS, FILLER, 5 SQUARE
42-381 50 SHEETS EYE-EASE, 5 SQUARE
42-382 100 SHEETS EYE-EASE, 5 SQUARE
42-383 100 SHEETS EYE-EASE, 5 SQUARE
42-384 100 SHEETS EYE-EASE, 5 SQUARE
42-385 100 SHEETS EYE-EASE, 5 SQUARE
42-386 100 SHEETS EYE-EASE, 5 SQUARE
42-387 100 SHEETS EYE-EASE, 5 SQUARE
42-388 100 SHEETS EYE-EASE, 5 SQUARE
42-389 200 RECYCLED WHITE, 5 SQUARE
Made in U.S.A.



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.

149197

STATE OF IDAHO

County of Caribou

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

Microfilm Records

Recorder: Edie IzattDeputy: Nancy HarsleyFee: 9.00 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 $\frac{1}{2}$ SW $\frac{1}{4}$.

Section 7: E $\frac{1}{2}$ SE $\frac{1}{4}$.

Section 8: W $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$, 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 $\frac{1}{4}$ SW $\frac{1}{4}$.

Section 16: N $\frac{1}{2}$ NE $\frac{1}{4}$.

Section 17: NE $\frac{1}{4}$ NE $\frac{1}{4}$ and the North 247.5 feet of the NW $\frac{1}{4}$ NE $\frac{1}{4}$.

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

Section 35: SE $\frac{1}{4}$ SE $\frac{1}{4}$.

Section 36: S $\frac{1}{2}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$ and all that portion of the SE $\frac{1}{4}$ and the SW $\frac{1}{4}$ NE $\frac{1}{4}$ 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 $\frac{1}{2}$ E $\frac{1}{2}$.

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

Section 6: All that portion of the SW $\frac{1}{4}$ lying West of the Westerly right of way of U.S. Highway 30-N as presently located.

Section 7: All that portion of Lots 1, 2, 3, and 4, E $\frac{1}{2}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$ and all that portion of the NE $\frac{1}{4}$ NW $\frac{1}{4}$ and of the SW $\frac{1}{4}$ NE $\frac{1}{4}$ 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 W $\frac{1}{2}$ and W $\frac{1}{2}$ SE $\frac{1}{4}$ 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 SE $\frac{1}{4}$ SE $\frac{1}{4}$ 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 2800 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

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.

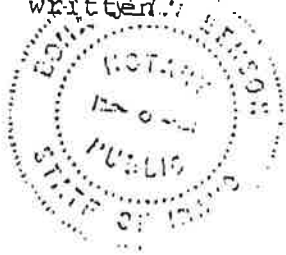

C. MCGEE HARRIS

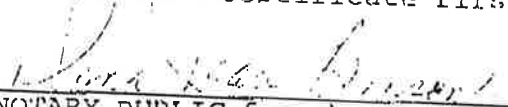

JANET G. HARRIS

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.