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RECEIVED

APR 28 2009

WATER RESOURCES
WESTERN REGION

March 17, 2009

Mr. Steve Lester
Idaho Department of Water Resources
2735 Airport Way
Boise, Idaho 83705

RE: Harris Family Limited Partnership Application for Permit (63-32966) Mitigation Plan - Revised

Dear Mr. Lester,

On behalf of the Harris Family Limited Partnership (Harris Family LP), please accept this letter as the mitigation plan to accompany Application for Permit (63-32966) in the name of Harris Family Limited Partnership.

The following is a revised mitigation plan to fully replace the existing version dated December 4, 2007. The Application for Permit seeks authorization to expose 5.6 acres of ground water to evaporation from three excavated ponds in Section 19, T3N, R3E, in Ada County on property better known as Harris Ranch (Figures 1 and 2). The purpose of the ponds is for aesthetic storage. All three ponds will intercept ground water.

Because these ponds are exposing ground water to evaporation, some consumption will occur. To allow the Idaho Department of Water Resources (IDWR) to process the application for permit immediately, the following mitigation is offered in lieu of a transfer to fully offset the evaporative losses caused by the ponds.

The Harris Family LP owns water right 63-2973, which authorizes the irrigation of 24 acres from groundwater with a December 28, 1953 priority date; the partial decree for this right was issued on March 10, 2008. The proposed ponds are within the permissible place of use defined for this water right. The Harris Family LP offers to retire 5.6 acres, (0.1 cfs, 25.2 afa) of irrigation from water right 63-2973 to compensate for the evaporative losses incurred by the 5.6 acres of surface area created by the proposed ponds. The Harris Family LP desires to modify the water right through administrative means to identify mitigation as a use for the water right.

Similarly, the Harris Family LP owns water right 63-365, which authorizes the irrigation of 355 acres from Warm Springs Creek with a July 2, 1902 priority date; the partial decree for this right was issued on March 10, 2008. Because the proposed ponds are within the permissible place of use defined for this water right, a portion of this water right needs to be altered to identify the new use. The Harris Family LP offers to retire 5.6 acres, (0.11 cfs, 25.2 afa) of irrigation from water right 63-365 to compensate for the evaporative losses incurred by the 5.6 acres of surface area created by the

*Amended mitigation plan
63-32966*

Mr. Lester
March 17, 2009

Page 2

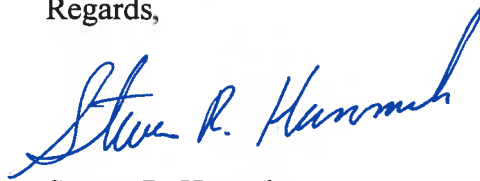
Proposed ponds. The Harris Family LP desires to modify the water right through administrative means to identify mitigation as one of the uses for the water right.

Please see Attachment 1 for the justification of why the ground water right is appropriate to mitigate the evaporation.

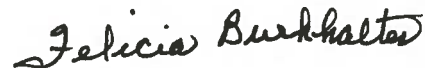
I envision that IDWR will process the application for permit and as a condition of approval that water right 63-2973 and 63-365 will be modified by an IDWR administrative process to change 5.6 acre of the water right from irrigation to mitigation as the nature of use.

If you have any questions, please call.

Regards,



Steven R. Hannula



Felicia Burkhalter

Manager, Harris Family LP

ERO
Resources
Corporation

HARRIS RANCH SUBDIVISION 10

POND AREAS AND ELEVATIONS

DATE: 11-9-2007
 JOB: 07009
 E-FILE: POND AREAS
 DRAWN BY: J. LEGLER

Riverview Engineering Company
 2045 S. Devon Way Boise, Idaho 83705
 Phone (208) 344-4240 Fax (208) 344-4240

2045 S. Devon Way Boise, Idaho 83705
 Phone (208) 344-4240 Fax (208) 344-4240

POND AREA'S AND ELEVATIONS

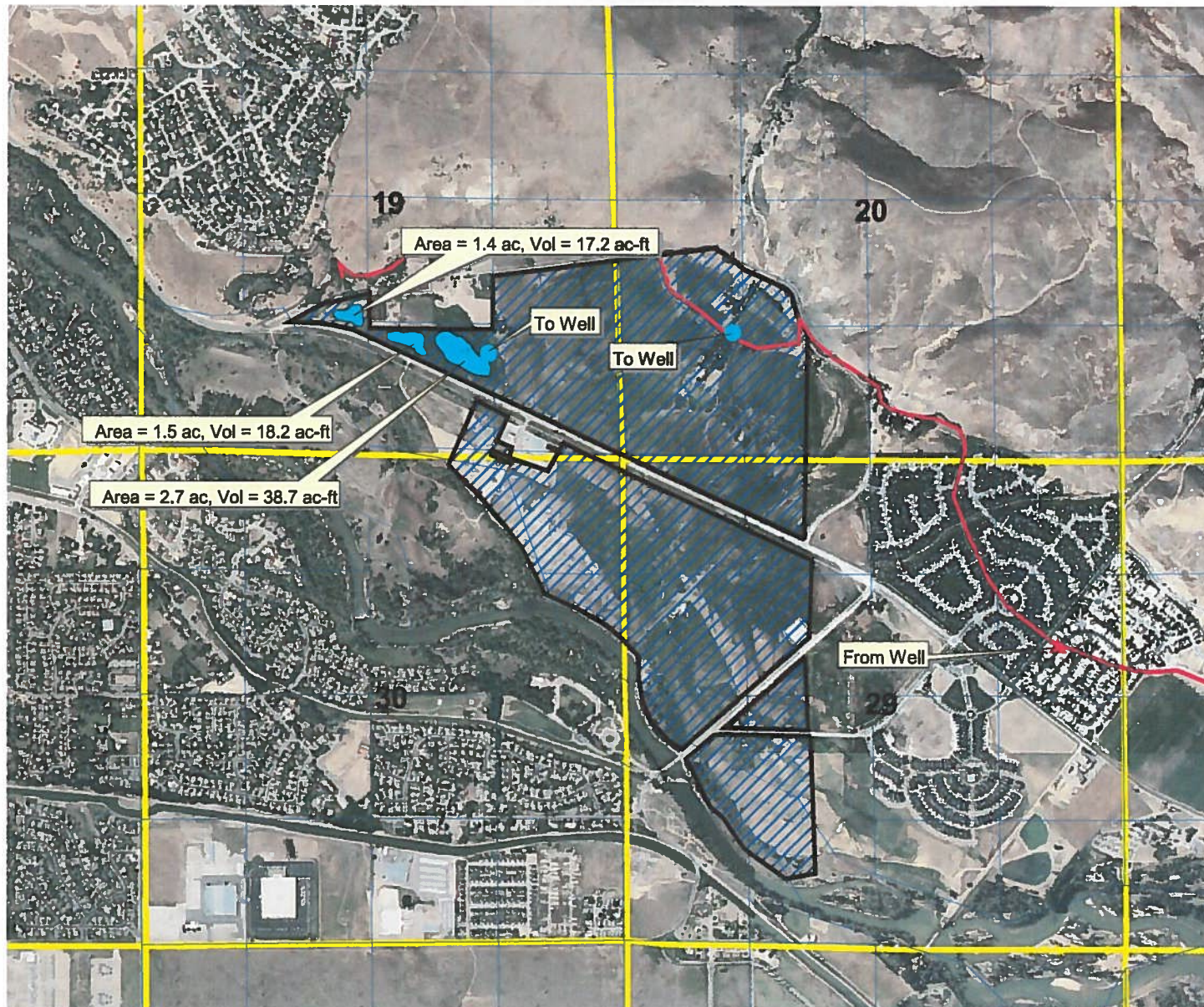
DATE:	11-9-2007
JOB:	07009
E-FILE:	POND AREAS
DRAWN BY:	J. LEGLER

**Wetzel
Engineering
Company**

**2005 E. Davis Way, Suite 2000
Fremont, CA 94538 Fax (510) 344-6300**



**Figure 2 Harris Family Ltd Partnership Points of Diversion
(T3N, R3E, Ada County)**



- Well
- Ponds
- Penitentiary Canal
- ▲ Golden Dawn Well
- ▨ Decreed PPU for 63-2973 and 63-7103
- QQ
- Sections

0.25 0 0.25 0.5 0.75 1 Miles

Prepared by ERO Resources
3314 Grace St
Boise, ID 83703
(208) 373-7983

In Re SRBA	)	PARTIAL DECREE PURSUANT TO
	)	I R C.P. 54(b) FOR
Case No. 39576	)	
	)	Water Right 63-00365

MAR 10 2008

By _____ Clerk

Deputy Clerk

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 7.1 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 1597.5 AF. COMBINED RIGHT NOS.: 63-365, 63-2973, 63-7103 AND 63-8627.

PURPOSE AND			
PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-01 TO 11-15	7.10 CFS
			1597.50 AFY

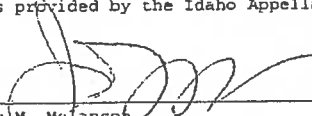
USE OF THIS RIGHT WITH RIGHT NOS. 63-2973, 63-7103 AND 63-8627
IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 355 ACRES IN
A SINGLE IRRIGATION SEASON.

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. I.C. SECTION 42-1412(6).

SREA Partial Decree Pursuant to I R C.P. 54(b) (continued)

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.



John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication

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)
)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 63-02973

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

MAR 10 2008

By

Deputy Clerk

NAME AND ADDRESS: HARRIS FAMILY LTD PARTNERSHIP
4940 E MILL STATION RD
BOISE, ID 83716

SOURCE: GROUND WATER

QUANTITY: 0.42 CFS
108.00 AFY

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 7.1 CFS AND TO A TOTAL COMBINED
ANNUAL DIVERSION VOLUME OF 1597.5 AF. COMBINED RIGHT NOS.:
63-365, 63-2973, 63-7103 AND 63-8627.

PRIORITY DATE: 12/28/1953

POINT OF DIVERSION: T03N R03E S29 SENE Within Ada County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-01 TO 11-15	0.42 CFS 108.00 AFY

PLACE OF USE:	Irrigation	Within Ada County
T03N R03E S19 LOT 4	(NESH) 4.0	LOT 5 (SESW) 0.5
	NESE 18.0	SWSE 15.7
	SESE 32.5	
S20	NESW 7.0	NWSW 24.0
	SWSW 38.0	SESW 20.0
S29	NENN 16.7	NWNW 34.0
LOT 5	(SNNW) 38.0	SENN 17.3
LOT 3	(NESW) 19.0	LOT 4 (NWSW) 19.0
LOT 4	(SWSW) 2.0	LOT 3 (SESW) 8.0
S30 LOT 9	(NENE) 27.0	LOT 9 (NNWE) 7.3
LOT 8	(SENE) 7.0	
	355.0 Acres Total	

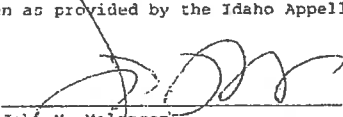
This right is limited to the irrigation of 24 acres within the
place of use described above in a single irrigation season.
USE OF THIS RIGHT WITH RIGHT NOS. 63-365, 63-7103 AND 63-8627 IS
LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 355 ACRES IN A
SINGLE IRRIGATION SEASON.

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. I.C. SECTION 42-1412(6).

RULE 54 (b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.



John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication