

RECEIVED
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WATER RESOURCES
WESTERN REGION
Department of Water Supply Bank No. _____

Water Right No. _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION TO SELL OR LEASE A WATER RIGHT
TO THE WATER SUPPLY BANK

Name of Seller/Lessor Harris Family Limited Partnership
Post office address 4940 E. Mill Station Dr. Boise, ID 83716

Phone (208) 344-1131

1. DESCRIPTION OF RIGHT:

Right evidenced by:

- a. Decree No. _____ Decreed to _____
(Name)
in case of _____ vs. _____
dated _____ in _____ county of _____
(Name of court)
- b. License No. 63-365 issued by the Idaho Department of Water Resources.
- c. Permit No. _____ issued by the Idaho Department of Water Resources.

2. DESCRIPTION OF PORTION OF RIGHT FOR SALE OR LEASE: (If the entire right is for sale or lease, show "all" on line

a. below and skip the remainder of part 2.)

- a. Amount of water under right: ALL cubic feet per second &/or
_____ acre-feet per annum
- b. Point of diversion: _____ ¼ of _____ ¼ of Section _____ Township _____ Range
_____, B.M. in _____ County.
Additional points _____

c. Place of use:

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

If the right is for irrigation, show the number of acres for the part of the right to be put into the bank.

Total number of acres _____

3. ADDITIONAL INFORMATION ABOUT RIGHT, OR PORTION THEREOF, FOR SALE OR LEASE

a. Explain how the seller/lessor acquired the right, or portion thereof, and attach a copy of the deed to the land to which it is appurtenant or other evidence of ownership of the right. If the right is not recorded in the name of the seller/lessor, attach a copy of a change of ownership form as required by Section 42-248 or 42-1409(6), Idaho Code, together with required documentation.

A 1902 decree by Judge Stewart in a case between Perrault (Plaintiff) vs. Morton (Defendant). The Harris Family owns this property. The attached Special Master's Recommendation for partial decree identifies the Harris Family Limited Partnership as the owner o the water right.

b. Describe the frequency of water use under the right, or portion thereof, during the past five (5) years of use. Attach watermaster records, pumping power bills, or other evidence to demonstrate that the right has not been lost through abandonment or forfeiture. (This information is not required if a partial decree has been issued on the right within the last 5 years).

The Special Master's Recommendation for Partial Decree was issued December 4, 2007.

- c. If the right is from a surface water source, describe the period of the year that water is typically available to satisfy the right.

Warm Springs Creek typically flows until mid-June, but is dependent on snowmelt and spring rains.

- d. Describe any other water rights with the same purpose and place of use as the right, or portion thereof, offered for lease. Will the present place of use continue to receive water from any source? If so, describe.

63-2973, 63-7103, 63-8627. The present place of use is described as a permissible place of use, which includes all of the water rights plus Boise-Kuna Irrigation District water.

- e. If the water right is a permit, describe the work accomplished toward developing the right.

- f. If the right to the use of the water or the use of the diversion works or irrigation system is represented by shares of stock in a company or corporation, or if such works or system is owned or managed by an irrigation district, a written consent of the sale or lease must be attached.

4. REMARKS:

5. SALE/LEASE AGREEMENT

1. The water right, or portion thereof, described above is offered to the Idaho Water Resource Board:

_____ For sale;

☒ For lease for period from 3/1/2008 to INDEFINITE
(Day, month, year) (Day, month, year)

(This lease period may be shown as "indefinite", if the total duration of lease is unknown); or

_____ As a gift to the State of Idaho.

2. Show the minimum payment acceptable to the Seller/Lessor. Include the method of determining the minimum payment. The minimum payment may be shown as the "current rental rate".

Current rental rate

I hereby assert that the information contained in this application is true to the best of my knowledge, and that I have the authorities necessary to offer this right for sale or lease to the Idaho Water Resource Board.

The owner/lessor acknowledges the following:

1. Payment to the owner/lessor is contingent upon the sale or rental of the right from the bank.
2. While a right is in the bank, the owner of the right may not use the right even if the right is not rented.
3. A right accepted into the bank stays in the bank until the Board releases it or until the lease term expires.
4. While a water right is in the bank, forfeiture provisions are stayed.
5. Acceptance of a right into the bank does not, in itself, confirm the validity of the right or any elements of the water right.

1-22-08
Date

Felicia Harris Beukhalter
Signature

FOR DEPARTMENT USE ONLY

Received by John VanOrder ^{by:} DB Date 1-29-08 Preliminary check by _____
Watermaster recommendation requested on _____ Received _____
Recommended for _____ approval _____ denial by _____

DISTRICT COURT - 3RD
TWIN FALLS CO., IDAHO

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

2007 DEC 4 AM 11 45

Water Right 63-00365

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

SOURCE: WARM SPRINGS CREEK TRIBUTARY: BOISE RIVER

QUANTITY: 7.10 CFS
1597.50 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: 07/02/1902

POINT OF DIVERSION: T03N R03E S20 NESW Within Ada County

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

PLACE OF USE:	Irrigation	Within Ada County
T03N R03E S19 LOT 4	(NESW) 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	NENW 16.7	NWNW 34.0
LOT 5	(SNNW) 38.0	SENW 17.3
LOT 3	(NESW) 19.0	(NWSW) 19.0
LOT 4	(SWSW) 2.0	(SESW) 8.0
S30 LOT 9	(NENE) 27.0	LOT 9 (NWNW) 7.3
LOT 8	(SENE) 7.0	
	355.0 Acres Total	

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.

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).

SRBA 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

