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BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

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Department of Water Resources

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 6/20/03, 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 & 11-0256 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
11-252 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

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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 R42E

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>"</u> | <u>7/2</u> to <u>10/1</u> |
- 4.85 cfs until 7/1
1.94 cfs after
2. Total amount of water being transferred 1.94 cfs cubic feet per second and/or 7/1 acre-feet per annum.
3. Source of water BEAR RIVER tributary to 7/1
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	CARBON	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	
11S	41E	7																	100+
		8																	80+

Total Acres 180

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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
Receipted 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

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 69264

This is to certify that: EIGHT MILE RANCH LLC
C/O MC GEE HARRIS
1501 EIGHT MILE RD
SODA SPRINGS ID 83276
(208)547-3082

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Change

<u>Right</u>	<u>Origin/Basis</u>	<u>Priority</u>	<u>Rate</u>	<u>Volume</u>	<u>Acres</u>	<u>Total</u>	<u>Source</u>
11-254	WR/Decreed	05/01/1889	24 cfs	N/A			BEAR RIVER

Purpose of Transfer (Changes Proposed)

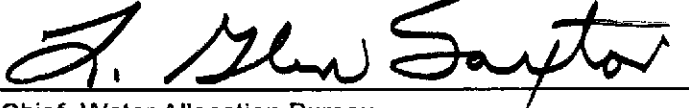
<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
11-254	YES	YES	YES	YES	NO	NO

Summary of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (changed portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
11-254	11-7475	12.5 cfs	1756 af	501.7	32,000	11-7474	11.5 cfs	N/A	461.6	461.6
TOTALS		12.5 cfs	1756 af	501.7	501.7		11.5 cfs	N/A	461.1	461.6

Detailed Water Right Description(s) attached

Dated this 29th day of November, 2002


Chief, Water Allocation Bureau

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WATER RIGHT NO. 11-7474
As Modified by Transfer No. 69264

In accordance with the approval of Transfer No. 69264, Water Right No. 11-7474 is now described as follows.

Right Holder: EIGHT MILE RANCH LLC
C/O MC GEE HARRIS
1501 EIGHT MILE RD
SODA SPRINGS ID 83276

Priority Date: May 01, 1889

Source: BEAR RIVER

Tributary: GREAT SALT LAKE

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	07/02 to	10/01	4.60 CFS
IRRIGATION	04/20 to	07/01	11.50 CFS
			11.50 CFS

LOCATION OF POINT(S) OF DIVERSION:

BEAR RIVER Sec. 19 Twp 10S Rge 43E BEAR LAKE County

PLACE OF USE: IRRIGATION

Twp Rge Sec

Twp 10S Rge 42E Sections 12, 13, 24, 25

Twp 10S Rge 43E Sections 19, 30

Total Acres: 461.6

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 29th day of November, 2002



Chief, Water Allocation Bureau

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WATER RIGHT NO. 11-7475
As Modified by Transfer No. 69264

In accordance with the approval of Transfer No. 69264, Water Right No. 11-7475 is now described as follows.

Right Holder: EIGHT MILE RANCH LLC
C/O MC GEE HARRIS
1501 EIGHT MILE RD
SODA SPRINGS ID 83276

LAST CHANCE CANAL CO LTD (Lessee)
PO BOX 93
GRACE ID 83241

Priority Date: May 01, 1889

Source: BEAR RIVER

Tributary: GREAT SALT LAKE

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/20 to	07/01	12.50 CFS	1,756.0 AF
IRRIGATION	07/02 to	10/01	5.00 CFS	920.0 AF
			12.50 CFS	1,756.0 AF

LOCATION OF POINT(S) OF DIVERSION:

BEAR RIVER	SWSE	Sec. 30 Twp 09S	Rge 41E	CARIBOU County
BEAR RIVER	NENE	Sec. 1 Twp 10S	Rge 40E	CARIBOU County

PLACE OF USE: IRRIGATION

Twp 08S Rge 39E Sections 21, 22, 26, 27, 28, 34, 35
Twp 09S Rge 39E Sections 2, 3, 4, 9, 10, 13, 14, 15, 16, 21, 22, 23, 24, 25, 26, 36
Twp 09S Rge 40E Sections 19, 20, 21, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36
Twp 10S Rge 39E Sections 1, 12, 13
Twp 10S Rge 40E Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 33, 34, 35, 36
Twp 10S Rge 40E Sections 5, 6, 7, 8, 17, 18, 19, 20, 28, 29, 30, 31, 32, 33
Twp 11S Rge 40E Sections 1, 2, 3, 4, 9, 10, 11, 12, 13, 14, 15, 24
Twp 11S Rge 41E Sections 4, 5, 6, 7, 8, 9, 18

Total Acres: 32,000

CONDITIONS OF APPROVAL

1. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
2. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 11.
3. Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.

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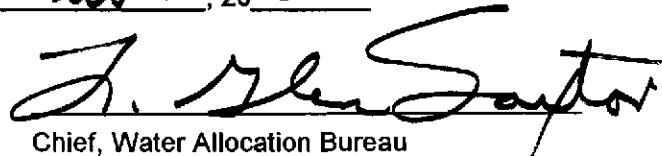
WATER RIGHT NO. 11-7475
As Modified by Transfer No. 69264

CONDITIONS OF APPROVAL

4. The total instantaneous diversion of water from all points of diversion under Right 11-7475 shall not exceed 12.5 cfs, nor total combined annual volume of 1756.0 af.
5. This right is limited to the irrigation of 501.7 acres within the place of use described above in a single irrigation season.
6. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
8. Approval of this transfer does not confirm the validity of this water right.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 29th day of November, 2002


Chief, Water Allocation Bureau

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MEMORANDUM

TO: FILE 11-07474
FROM: VAULT
RE: TRANSFER # 69264
DATE: 12.2.02

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**Original Transfer Application, Form and correspondence regarding the above
referenced Transfer is located within:**

FILE # 11- 256

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