

No Color
Documents
In File

Identification No.

Claim No.

Map No.

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

CLAIM TO A WATER RIGHT

Established by Diversion and Application to Beneficial Use

Under the provisions of Section 42-225a, Idaho Code, a person may file a claim to a right to use water which has been established by diversion and application to beneficial use. **The filing of this claim does not confirm the water right but will serve for information purposes only.** It may, however, become the basis for future adjudication of the water right by the Court.

(Please refer to the instructions on the back of this form)

1. Name of claimant Ivan M. Harris
post office address 2007 Warm Springs Avenue, Boise, Idaho
2. The point of diversion is in NE $\frac{1}{4}$ of SW $\frac{1}{4}$ Section 30 Township 12 South
Range 28 East B.M. located on underground water-bearing strata
(name of source)
tributary to _____ in Cassia County.
3. Dates of priority claimed: list the priority for each separate quantity that you claim. Priority dates should be based upon the earliest diversion of the water which has resulted in continued beneficial use since that time. If there has been an interval of five years or greater when the water was not beneficially used for the same purpose as originally appropriated, the priority that you claim should date from the time that the water was again beneficially applied following the period of non-use.
 - a. Date of priority claimed:
May 15, 1955 amount: 2.0 c.f.s. or _____ acre feet
_____ amount: _____ c.f.s. or _____ acre feet
_____ amount: _____ c.f.s. or _____ acre feet
Total claimed _____ c.f.s. or _____ acre feet.
 - b. Explain the purpose for which the water has been used and the time during the year when you have used the right claimed:
use irrigation period of use from March 1 to October 31 (both dates inclusive)
use domestic period of use from January 1 to December 31 (both dates inclusive)
use _____ period of use from _____ to _____ (both dates inclusive)
use _____ period of use from _____ to _____ (both dates inclusive).
4. Description of diverting works:
 - a. Surface water diversion dam and/or headgate: material is composed of _____
_____ ; length is _____ feet; height is _____ feet;
width at bottom is _____ feet; width at top is _____ feet; explain any increase in diversion capacity since structure was first built, giving dates and estimated capacities if known _____

 - b. Underground water diverting works: is well flowing or pumped pumped ; depth of well is 485 feet; diameter of well is 14 & 10 inches; type of pump is Fairbanks-Morse Pamona
capacity of pump is 900 + g.p.m.; name and address of well driller is Frank P. Conley
Star Route, Declo, Idaho ;

43-4041

if so, give dates and explain.

width of bottom of ditch is 3 feet; depth of ~~water~~ stream is 2 feet; grade of ditch per 1000

Silt loam soil

feet; diameter of pipe line is _____ inches;

_____; grade of pipe per 1000 feet is _____.

Please explain any changes or increase in size of conveying system since water was first appropriated, giving-

ing date and dimensions if possible.

If water is stored: name of reservoir _____

total capacity of reservoir is _____ acre feet; active capacity of reservoir is _____ acre feet;

_____ year construction commenced _____; year completed _____; date first used _____

period of storage is from _____ to _____; is reservoir drained each year _____;

is reservoir on or off stream

Age Group	Percentage
18-24	100%
25-34	99%
35-44	98%
45-54	97%
55-64	96%
65-74	95%
75-84	94%
85+	93%

if feeder canal is used give maximum carrying capacity—c.f.s.; if reservoir is off stream, describe

location of reservoir by 40-acre subdivisions

has there been any enlargement of the reservoir since it was first built _____, if so, give dates and

describe

5. a. Where water is used for irrigation, describe area irrigated by 40-acre subdivisions and give total acres:

Total number of acres to be irrigated 328.60

Explain any significant increase in area irrigated since first use, give dates and acreages if known.

b. Do you get water through a ditch owned by several users? no If yes, give the name of the ditch _____ The other users and their respective interests in the ditch are (if known) _____

6. Where water is used for stock watering, give number of each kind of stock watered Cattle - up to 300 head

7. Where water is used for domestic or municipal purposes give number of families served 2 families name of town supplied _____

8. Where water is used for other purposes not above enumerated, give the nature of use, the extent of use, and any details regarding the initiation of the right or subsequent later expansion. Be as specific as possible, giving dates and quantities _____

9. Remarks: please explain any details of your claim which you feel need clarification or additional explanation This well was drilled under Permit No. 22034 issued by the Department of Reclamation of the State of Idaho. An Order of Cancellation of Permit No. 22034 was entered by the State Reclamation Engineer on October 5, 1967. This claim is made without prejudice to any rights existing under Permit No. 22034.
The land to which the claimed water rights are appurtenant is owned by Ivan M. Harris and Golda Harris, husband and wife, Ivan M. Harris, Jr. and Lellah Harris, husband and wife, and Lawrence Hettinger and Edna Hettinger, husband and wife, subject to the contract purchasers' interest of Ben S. Paxton and Maxine C. Paxton, husband and wife, under Real Estate Agreement made the 3rd day of November, 1965, and this claim is made for the benefit of both the contract sellers and the contract purchasers of said land.

State of Idaho

County of Ada

ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiants knowledge.

Sworn to before me this 8th

day of

July

19 71

Ivan M. Harris
Ivan M. Harris Claimant

William J. Ruigert
Notary Public

Residing at Boise, Idaho

My commission expires 7-17-75.

Feit # 69123 For Department Use Only

Received by ij Date 7-13-71

Exception filed by: _____

Forwarded to
claimant by: _____

Date _____

Prelim. check by ij Date 7-13-71

Fee received by ij Date 7/13/71 Fee \$ 10.00

Approved for publication by _____

Published in South Idaho Press Dates 8-3-71 to 10-7-71

43-4041

INSTRUCTIONS

Paragraph No.

Your claim should set forth all necessary information to describe your claimed right. Failure to give enough information may make your claim of little value. Some of the items in the form may not apply to your situation. Please use additional sheets if space provided is not sufficient to fully answer the questions.

1. Give full name and post office address of person or company making the claim.
2. Describe the point of diversion by 40-acre subdivision. Give the name of the source, the drainage to which it is tributary if surface water, and the county in which the point of diversion is located. If there is more than one point of diversion, list others in the remarks section.
3. Give the priority dates and the quantities of water that you claim. You should accurately list the dates that you initiated each new use of the water. List separately the dates and amounts of water involved in each enlargement of the diversion. (Example: if you diverted 0.8 c.f.s. of water for irrigation on May 18, 1871, for the first time for use on 40 acres of land, and then later you enlarged the diversion by diverting an additional 0.4 c.f.s. of water to irrigate an additional 20 acres of land on June 1, 1901, your right should be described as follows:

Date of priority claimed:		May 18, 1871	amount:	0.8 c.f.s. or	acre feet
		June 1, 1901	amount:	0.4 c.f.s. or	acre feet
Total claimed:		1.2 c.f.s. or	acre feet		

Since the water was used for irrigation between April 1 and October 31 on that particular farm, part b. would be completed as follows:

use irrigation period of use from April 1 to October 31 (both dates inclusive). If the water had been used for any other purpose, you would have described the priority date, amount, use, and period of use in a similar manner.

4. Describe the diversion works and explain any changes since the right was first initiated.
5. If the water is used for irrigation, give the total acreage and list the lands irrigated by 40-acre subdivisions and complete the other questions.
- 6, 7, & 8. Describe any other uses of water.
9. In the remarks section, give any information or details that you feel are not fully covered or that need clarifying. You might explain your operation, where the water is returned to it for an industrial or non-consumptive right, the condition and temperature of the returned water, and any other information to help explain your claim.

You may wish to include as a part of your claim, affidavits of witnesses who are familiar with your right and who have a personal knowledge of the circumstances which you have described in your claim. You may submit maps, drawings, certified copies of posted notices which may have been filed in the county courthouse, water measurement records, or any other document which you feel will support your claim.

Your claim will be advertised in a county newspaper for two weeks. Exceptions to your claim which dispute the water right that you have described may be received by the Department of Reclamation and you will be provided a copy of such exceptions.

The fee for filing this claim with the Department of Reclamation, Room 107, Statehouse, Boise, Idaho 83701, is \$10.00.

IN THE MATTER OF:)
)
CLAIM TO A WATER RIGHT BY)
IVAN M. HARRIS UNDER IDAHO)
CODE SECTION 42-225a.)

A F F I D A V I T

STATE OF IDAHO)
) ss.
COUNTY OF ADA)

IVAN M. HARRIS, being first duly sworn, on oath deposes and says:

I made Desert Land Entry on April 9, 1954 on Lots 1, 2, 3 and 4 ($W\frac{1}{2}W\frac{1}{2}$), the $NE\frac{1}{4}SW\frac{1}{4}$ and the $E\frac{1}{2}NW\frac{1}{4}$ of Section 30, Township 12 South, Range 28 East, B. M., in Cassia County, Idaho, under Desert Land Entry No. Idaho 01986. I reclaimed the lands in that Desert Entry and was granted a patent for those lands by the United States of America on January 2, 1957.

In order to obtain water for the irrigation of said described lands, I had two wells drilled by Frank P. Conley, a licensed well driller (License No. 76) whose residence at that time was at Declo, Idaho. One such well was drilled in Lot 4 ($SW\frac{1}{4}SW\frac{1}{4}$) of said Section 30 at a point approximately 20 feet north and 900 feet east from the southwest corner of said Section 30. The diameter of this well was 16 inches and it was drilled to a total depth of 540 feet. This well was cased to a depth of 185 feet with 16-inch casing and from 185 feet to a depth of 346 feet with 14-inch casing. A Fairbanks-Morse Pamona pump with a U. S. Motor (100 horsepower) was installed

43-4041

in this well. This well produced a flow of 120 miners inches or more from the time it was first placed in operation in May of 1956 until I sold my interest in the property in 1965.

The other well was drilled in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 30 at a point approximately 40 feet north and 30 feet west from the southeast corner of the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 30. The diameter of this well was 14 inches to a depth of 292 feet and 12 inches from 292 feet to 357 feet and 10 inches from 357 feet to 485 feet, the latter being the total depth of the well. A Fairbanks-Morse Pamona pump with a U. S. Motor (75 horsepower) was installed in this well. This well produced a flow of 100 miners inches or more from the time it was first placed in operation in May of 1955 until I contracted to sell my interest in the property in 1965.

Water is distributed from the well in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 30 by means of a main ditch extending north a distance of 3,960 feet, more or less, having a depth of 2 feet, a bottom width of 3 feet and a top width of 6 feet. Smaller ditches extend westerly from this main ditch.

Water from the well in Lot 4 of said Section 30 is distributed by means of a main ditch extending north from the well a distance of approximately 5,280 feet, having a depth of 2 feet, a bottom width of 3 feet and a top width of 6 feet. Smaller ditches extend easterly and westerly from this main ditch.

Irrigation of the lands in the Desert Entry commenced on or before May 15, 1955 using water from the well in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 30. The full 100 miners inch flow of the well was used for irrigation commencing on or before May 15, 1955, and since that date has been used for the irrigation of Lots 1, 2 and 3, the E $\frac{1}{2}$ NW $\frac{1}{4}$ and the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 30.

Irrigation of the lands in the Desert Entry commenced on or before May 15, 1956 using water from the well in Lot 4 of said Section 30. The full 120 miners inch flow of the well was used for irrigation commencing on or before May 15, 1956, and since that date has been used for the irrigation of Lots 1, 2, 3 and 4, the E $\frac{1}{2}$ NW $\frac{1}{4}$ and the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 30.


Ivan M. Harris

SUBSCRIBED AND SWORN to before me this 8th day of July, 1971.


Notary Public for the State of Idaho
Residing at Boise, Idaho.

43-4041

SOUTH IDAHO PRESS

BURLEY, IDAHO

AFFIDAVIT OF PUBLICATION

County of Cassia,)
) ss.
STATE OF IDAHO)

Wicki Metts, being first

duly sworn, deposes and says that she is the

bookkeeper of the South Idaho Press, a daily newspaper published at Burley, Idaho, in the county aforesaid and that the paper is of general circulation therein. Deponent further states that the printed notice attached hereto was duly published according to law in the regular editions of

The South Idaho Press for 2 consecutive weeks, commencing with the issue

dated August 3, 1971, and ending

with the issue dated August 10, 1971.

Wicki Metts

Subscribed and sworn to before me

this 11th day of August

1971.

Edith Raustadt Notary Public

Cost of Publication

Notary Fee

Total Cost

My commission expires October 23, 1971

71-215

**NOTICE OF CLAIM
TO A WATER RIGHT**
No. 43-4041

Notice is hereby given that Ivan M. Harris, 2007 Warm Springs Ave., Boise, Idaho has filed a claim to a water right established by diversion and application to beneficial use of 2.0 cubic feet per second of water from a ground water source with point of diversion in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 30, T. 12S, R. 28E, B.M., Cassia County.

The water is claimed to be used from Jan. 1 to Dec. 31 for domestic purposes; and from March 1 to Oct. 31 for the irrigation of 328.6 acres with a priority of May 15, 1955; the place of use is within the NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 30, T. 12S, R. 28E, B.M.

Any exception to this claim of water right may be filed with the Idaho Department of Water Administration, Statehouse, Boise, Idaho.

R. KEITH HIGGINSON
Director

Published in the South Idaho Press, Burley, Idaho on Aug. 3 and Aug. 10, 1971.

43-4041

43-4041

February 17, 1972

Mr. Ben Paxton
Malta, Idaho 83342

Dear Mr. Paxton:

Following your telephone call today, I have checked the files of this office concerning the two wells apparently drilled by Ivan M. Harris in 1955 and 1956 on lands in Section 30; Twp. 12S, Rge. 28E, B.M. Our records show that Permit No. 22034 was issued to Mr. Harris and he had until 1967 within which to drill the wells and apply the water to beneficial use. The Proof of Completion of Works was submitted, but it was indicated at that time, that there had been a failure of some of the pumping equipment and that he was not then using the water.

On August 10, 1967, we notified him by certified mail at his home address in Boise that the permit would be cancelled unless Proof of Beneficial Use was received before September 19, 1967. The return receipt card was signed by Mr. Harris. No further information was received from him, and therefore, on October 5, 1967, the permit was permanently cancelled. This office has no authority to reinstate a permit, except upon the finding of an error on the part of the department. You are probably aware that Mr. Harris has filed Claim Nos. 43-4040 and 43-4041 covering these two wells in which he has claimed the right to 2.4 cfs of water from the well in Lot 4 and 2.0 cfs of water from the well in the NE1/4SW1/4, Section 30; Twp. 12S, Rge. 28E, B.M.

If you desire further information concerning these wells, please let me know.

Very truly yours,

R. KEITH HIGGINSON
Director

RKH:mjl

43-4041

August 26, 1971

Re: Claims to Water Right No's. 43-4040 & 43-4041

Ivan M. Harris
2007 Warm Springs Avenue
Boise, Idaho 83702

Dear Mr. Harris:

The Department of Water Administration has completed the processing of your claims to the water rights, and no further action is authorized under Sections 42-225a and 42-225b, Idaho Code. Your claims will be retained in our files and will be available at any time for use by you or the court.

As you are aware, the filing of your claims does not, in itself, guarantee you a water right; it only records and preserves the information and the evidence which you included in your claim.

If, at a later date, you find that you have additional information or supporting evidence that you would like to have included in your claim files, you may have that information or evidence added at any time. Please refer to your claim numbers when corresponding with this office.

We are enclosing, for your records, copies of your claims. If you have any questions, or if we can be of further assistance, please feel free to call upon us.

Very truly yours,

Donald W. McElDowney
Appropriation Supervisor

DWM:dr

Enclosures: Copies of claims

cc: William F. Ringert
ANDERSON, KAUFMAN, ANDERSON & RINGERT
P. O. Box 2773
Boise, Idaho 83701

434041

July 28, 1971

Re: Claims No. 43-4040 & 43-4041 - Ivan M. Harris

Mr. William F. Ringert
ANDERSON, KAUFMAN, ANDERSON & RINGERT
P.O. Box 2773
Boise, Idaho 83701

Dear Mr. Ringert:

Pursuant to your telephone call of this date, enclosed please find certified copies of the above referenced claims to a water right.

The fee for the copies is \$4.00 which you may remit to this office at your convenience.

Very truly yours,

Donald W. McElowney
Appropriation Supervisor

DWM:DR
Enclosures (2)

43-4041

Re: Claim to a Water Right No. 43-4040 -- Ivan M. Harris
 " " " " " " " 43-4041 -- " " "

Gentlemen:

After sending us a galley proof, proceed with the publication on the dates we have inserted assuming the notice is correct. If we have any corrections, we will notify you before the first publication date. If you cannot publish the notice on the proposed dates, please contact us immediately.

"I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid."

Very truly yours,

Bill submitted 8-18-71 By *sk*

43-4041

71-215

NOTICE OF CLAIM
TO A WATER RIGHT
No. 43-4041

Notice is hereby given that Ivan M. Harris, 2007 Warm Springs Ave., Boise, Idaho has filed a claim to a water right established by diversion and application to beneficial use of 2.0 cubic feet per second of water from a ground water source with point of diversion in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 30, T. 12S, R. 28E, B.M., Cassia County.

The water is claimed to be used from Jan. 1 to Dec. 31 for domestic purposes; and from March 1 to Oct. 31 for the irrigation of 328.6 acres with a priority of May 15, 1955; the place of use is within the NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 30, T. 12S, R. 28E, B.M.

Any exception to this claim of water right may be filed with the Idaho Department of Water Administration, Statehouse, Boise, Idaho.

R. KEITH HIGGINSON
Director

Published in the South Idaho Press, Burley, Idaho on Aug. 3 and Aug. 10, 1971.

OK
Com
8-3-71

43-4041

NOTICE OF CLAIM TO A WATER RIGHT

No. 43-4041

Notice is hereby given that Ivan M. Harris, 2007 Warm Springs Ave.,
Boise, Idaho

has filed a claim to a water right established by diversion and appli-
cation to beneficial use of 2.0 cubic feet per second ~~surface~~
of water from a ground water source

with point of diversion in the NW $\frac{1}{4}$, Sec. 30, T. 12S, R. 28E, B.M.,
Cassia County

The water is claimed to be used from Jan. 1 to Dec. 31 for domestic
purposes; and from March 1 to Oct. 31 for the irrigation of 328.6 acres
with a priority of May 15, 1955;
the place of use is within the NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 30, T. 12S,
R. 28E, B.M.

Any exception to this claim of water right may be filed with the
Idaho Department of Water Administration., Statehouse, Boise, Idaho.

R. KEITH HIGGINSON

Director

Published in the South Idaho Press, Burley, Idaho
on Aug. 3 and Aug. 10, 1971

43-4041