

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 5577
WATER RIGHT NO(S). 63-00184/63-00365/63-02973
63-03261/63-07103

This is to certify that: **DALLAS HARRIS**
3051 WISE WAY
BOISE ID 83712

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
Right No. 63-02973 :			
IRRIGATION	03/01 to 11/15	0.42 CFS	108.0 AF
Priority: 12/28/1953			
Right No. 63-03261 :			
IRRIGATION	04/01 to 11/01	0.70 CFS	158.0 AF
Priority: 10/03/1961			
Right No. 63-07103 :			
IRRIGATION	04/01 to 11/01	1.20 CFS	363.0 AF
Priority: 06/25/1968			
	SUBTOTAL:	* 2.32 CFS	627.8 AF *
Right No. 63-00184 :			
IRRIGATION	03/01 to 11/15	2.24 CFS	504.0 AF
Priority: 06/01/1869			
Right No. 63-00365 :			
IRRIGATION	03/01 to 11/15	10.70 CFS	2593.6 AF
Priority: 07/02/1902			
	TOTAL:	** 11.80 CFS	2655.0 AF **

<u>SOURCE</u>	<u>TRIBUTARY OF</u>
Right No. 63-02973, 63-03261 & 63-07103 :	
GROUNDWATER	
Right No. 63-00184 :	
BOISE RIVER	SNAKE RIVER
Right No. 63-00365 :	
WARM SPRINGS CREEK	BOISE RIVER

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LOCATION OF POINT(S) OF DIVERSION:

Right No. 63-02973, 63-03261 & 63-07103 :
 SENE, Sec. 29, Township 03N, Range 03E

Right No. 63-00184 :
 Lot 9 (SWSE), Sec. 33, Township 03N, Range 03E

Right No. 63-00365 :
 NESW, Sec. 20, Township 03N, Range 03E

ADA County

PLACE OF USE: IRRIGATION

TWN	RGE	SEC	ACRES	ACRES	ACRES	TOTAL
03N	03E	19	Lot 4 (NESW) 4	Lot 5 (SESW) 1	NESE 18	
			SWSE 10	SESE 28		61
		20	NESW 7	NWSW 24	SWSW 36	
			SESW 20	SWSE 1		88
		28	SWNW 6	NESW 18	NWSW 31	
			Lot 2 (SWSW) 1	Lot 1 (SESW) 19		75
		29	NENE 33	NWNE 38	SWNE 17	
			SENE 13	NENW 15	NWNW 34	
			Lot 5 (SWNW) 38	SENW 15	Lot 3 (NESW) 20	
			Lot 4 (NWSW) 19	Lot 4 (SWSW) 2	Lot 3 (SESW) 8	
			NESE 27	NWSE 38	Lot 2 (SWSE) 17	
			Lot 1 (SESE) 2			336
		30	NENE 20	NWNE 3	SENE 7	30
Total number of acres irrigated:						*** 590

CONDITIONS OF APPROVAL AND REMARKS

1. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
2. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
4. 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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CONDITIONS OF APPROVAL AND REMARKS

5. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
- *** 6. Right 63-00184 is limited to the irrigation of 112 acres within the place of use described above in a single irrigation season.
- *** 7. Right 63-00365 is limited to the irrigation of 533 acres within the place of use described above in a single irrigation season.
- *** 8. Right 63-02973 is limited to the irrigation of 24 acres within the place of use described above in a single irrigation season.
- *** 9. Right 63-03261 is limited to the irrigation of 35 acres within the place of use described above in a single irrigation season.
- *** 10. Right 63-07103 is limited to the irrigation of 80.5 acres within the place of use described above in a single irrigation season.
11. Use of water under Right 63-00184 will be regulated by the watermaster of State Water District No. 63, Boise River.
12. Use of water under Right 63-00365 will be regulated by the watermaster of State Water District No. 63-T, Warm Springs Creek.
- * 13. Rights 63-02973, 63-03261 and 63-07103 when combined shall not exceed a total diversion rate of 2.32 cfs, a total annual maximum diversion volume of 627.8 af at the field headgate, and the irrigation of 139.5 acres.
14. The period of use for the irrigation described in this approval for Rights 63-03261 and 63-07103 may be extended to a beginning date of 3/1 and an ending date of 11/15 provided that beneficial use of the water can shown and other elements of the right are not exceeded. The use of water before 4/1 and after 11/1 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.
15. The wells previously used under Rights 63-02973 and 63-03261 located in Section 28, Twp. 3N, Rge. 3E, shall be abandoned in a manner which complies with Department well abandonment rules.
- ** 16. The total instantaneous diversion of water from all points of diversion under Transfer 5577 shall not exceed 11.80 cfs, nor total combined annual volume of 2655.0 af, and the irrigation of 590 acres.

Dated this 12th day of May, 2000.

L. Glen Saylor
Chief, Water Allocation Bureau

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JUN 22 2000

In the District Court of the Third Judicial District of the State
of Idaho, in and for the County of Ada.

Kate A. Perrault, Joseph	)	
Perrault and O. S. Torrey,	)	
Plaintiffs,	)	
vs.	)	DEFAULT.
William E. Morton,	)	
Defendant.	)	

In this action, the defendant William E. Morton having been regularly served with process, and having failed to appear and answer the plaintiff's complaint filed herein, and the time allowed by law for answering having expired, the default of the said defendant William E. Morton in the premises is hereby duly entered according to law.

Witness my hand and the seal of said Court this 2nd day of
July A.D. 1902.

(SEAL)

J. H. Wickersham, Clerk,
By, C. O. Ellsworth, Deputy Clerk.

In the District Court of the Third Judicial District of the
State of Idaho, within and for Ada County.

Kate A. Perrault, and Joseph	)	
Perrault, her husband and O.S.	)	
Torrey,	)	
Plaintiff,	)	Decree.
vs.	)	
William E. Morton,	)	
Defendant.	)	

This cause came regularly on for trial before the Court this 2nd day of July 1902, at 10 o'clock A.M., Messrs Wood & Wilson appearing as attorneys for plaintiffs; and it satisfactorily appearing to the Court that the said defendant William E. Morton had been duly and regularly served with summons herein and with an order to show cause, and it further appearing from the records herein that the said defendant, William E. Morton, did through his attorney, T. D. Cahalan Esq., enter his appearance in said cause in open Court on the 25th day of June A.D. 1902 in answer to the order to show cause issued herein; and it further appearing to the Court that the default of the defendant for failure to answer the complaint herein had been duly and regularly entered by order of said Court, the Court thereupon proceeded to hear and consider the

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testimony of the plaintiffs in support of the complaint herein; Whereupon Joseph Perrault, one of the plaintiffs, was called, sworn and examined in behalf of plaintiffs and documentary evidence was also introduced by plaintiffs, and plaintiffs rested; whereupon the Court took the matter under consideration, and being duly advised in the premises, ordered that judgment be entered in behalf of plaintiffs and against the said defendant as prayed for in the complaint, without damages or costs herein.

63 0365

Wherefore, by reason of the law and the premises aforesaid, it is hereby ordered, adjudged and decreed, and this does order, adjudge and decree, that the plaintiff, Kate A. Perrault is the owner of the waters of the said Warm Springs Creek in Ada County, Idaho and is entitled to the use of the same for irrigation and general domestic uses upon the lands hereinafter described; that the temporary restraining order heretofore issued herein be made perpetual, and that the said defendant, his agents, attorneys and employees be, and they hereby are, restrained and enjoined from in any way diverting, interfering with or obstructing the flow of the waters of Warm Springs Creek, Ada County Idaho, or from in any way obstructing or preventing the same from flowing down to over and upon the lands of plaintiff herein, to-wit: The West 1/2 of the South-west 1/4 and the North-east 1/4 of the South-west 1/4 and the South-east 1/4 of the North-west 1/4, and the South-east 1/4 of the South-west 1/4 of Section 20, and the North-west 1/4 of the North-west 1/4 and Lots 4 and 5 in Section 29 and Lot 8 in Section 30, Twp 3 North, Range 3 East Boise Meridian, also the following described tract contiguous to the land above described, commencing with a rock with four crosses on the same about 300 yards East of the dwelling house formerly occupied by William Kohlepp above the first point of rocks that puts down from the bluff and running thence in a direct and straight line a little East of South to a dead cottonwood tree standing in the slough, thence in a direct and straight line to a stake on the bank of the

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Boise River at the mouth of the slough aforesaid and all lands lying easterly of lines described as aforesaid in sections 19 and 20 Township 3 North, Range 3 East, also the North-west 1/4 of the South-west 1/4 and Lots 1 and 2 and the East 1/2 of the North-east 1/4 and Lot 3 all in Section 29 in said Township 3 North, Range 3 East, all of said land constituting what if commonly known as the Kelly Hot Springs Ranch, containing 576 and 35/100 acres more or less.

Done in open Court this 2nd day of July, 1902.

Filed July 2, 1902.
Entered July 2, 1902.

Geo. H. Stewart,
Judge.

J.H. Wickersham Clerk

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MEMORANDUM

TO: FILE 63-00365

FROM: VAULT

RE: TRANSFER # 5577

DATE: 12/17/99

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

FILE # 63-00184

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