

IN THE MATTER OF PERMIT NO. 29-08042)
) ORDER OF
IN THE NAME OF JEFFERY AND KATHLEEN HARRIS) REINSTATEMENT

APR 08 1992

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 29-08042

Proposed Priority: March 23, 1990 Maximum Diversion Rate: 0.05 CFS

This is to certify, that **JEFFERY F. HARRIS**
KATHLEEN M. HARRIS
P.O. BOX 252
MC CAMMON, ID 83250

has applied for a permit to appropriate water from:

SPRING

tributary of **SINKS**

and a permit is **APPROVED** for development of water as follows:

BENEFICIAL USE

PERIOD OF USE

RATE OF DIVERSION

STOCKWATER

01/01 to 12/31

0.05 CFS

LOCATION OF POINT(S) OF DIVERSION:

NWNWNE

**Sec. 10, Township 09S, Range 36E
BANNOCK County**

PLACE OF USE: **STOCKWATER**

TWN RGE SEC

09S 36E 10

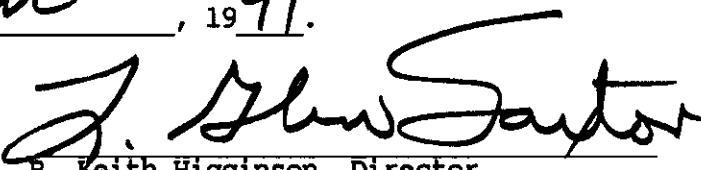
NWNE

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before **March 2, 1992**.
2. Subject to all prior water rights.
3. The right to the use of water acquired under this permit shall not give rise to any right or claim against the holder of a senior right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.
4. The Director retains jurisdiction of the permit and any license subsequently issued to incorporate the use into a water district, require streamflow augmentation or other action needed to protect prior surface water and groundwater rights.
5. Stockwater use is for 150 range cattle.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code.
Witness the seal and signature of the Director, affixed at Boise, this

7th day of March, 1991.


R. Keith Higginson, Director

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MAR 19 1991

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant Jeffery F Harris or Kathleen M. Harris Phone (208) 254-3454
Post office address PO Box 252, Mc Cammon Idaho 83250
2. Source of water supply Spring which is a tributary of Snake
3. Location of point of diversion is NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of NE $\frac{1}{4}$, Govt. Lot _____
Sec. 10 Township 9S Range 36E B.M. Banworth County; additional
points of diversion if any: _____
4. Water will be used for the following purposes:
Amount .05 for Stockwater purposes from Jan 1 to Dec 31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) .05 and/or (b) _____
cubic feet per second acre feet per annum
6. Proposed diverting works:
 - a. Description of ditches, flumes, pumps, headgates, etc. Headbox in the spring, pipe to trough
 - b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total
reservoir capacity _____ acre-feet; period of year when water will be diverted to storage:
_____ to _____ inclusive.
 - c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.
 - d. Is ground water with a temperature of greater than 90°F being sought? NO
7. Time required for the completion of the works and application of the water to the proposed beneficial use is
2 years (minimum 1 year).

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8. Description of proposed uses (if irrigation only, go to item 9):

- Hydropower; show total feet of head and proposed capacity in KW. _____
- Stockwatering; list number and kind of livestock. 150 cattle
- Municipal; show name of municipality. _____
- Domestic; show number of households. _____
- Other; describe fully. _____

9. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- If water is used for other purposes, place a symbol of the use (example: *D* for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
<u>9S</u>	<u>36E</u>	<u>10</u>		<u>S</u>															

Total number of acres to be irrigated _____

10. Describe any other water rights used for the same purposes as described above. None

11. a. Who owns the property at the point of diversion? Applicant

b. Who owns the land to be irrigated or place of use? Applicant

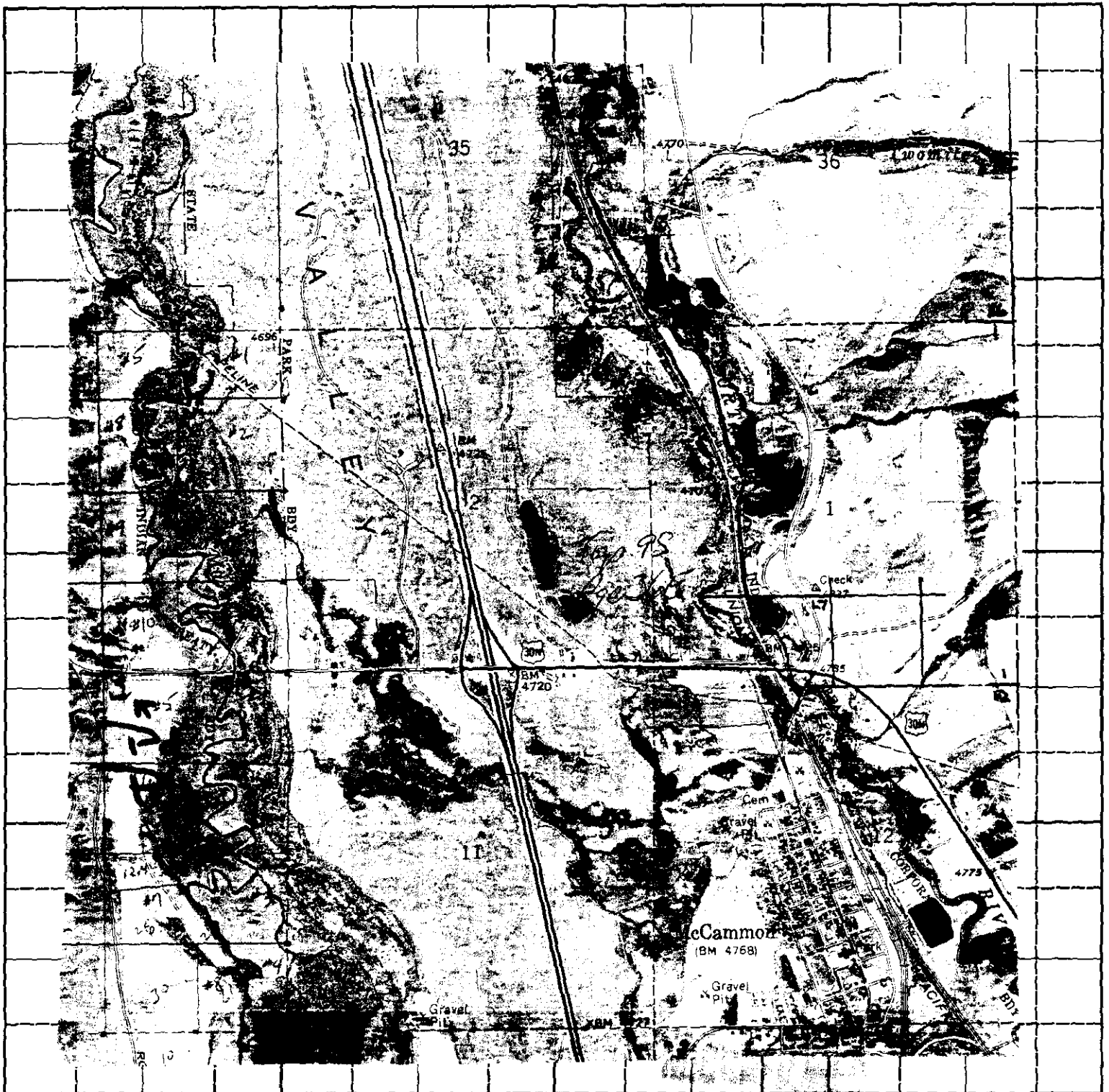
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. _____

12. Remarks: _____

NOT REFILED

MAR 19 1964

13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile.

MAR 19 1991

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Jeff Harris

(Applicant)

Received by DMS Date 23 March 91 Time 10:37 Preliminary check by KCLW
Fee \$ 30⁰⁰ Receipted by DMD # E012512 Date 3/23/1990
Publication prepared by LB Date 1-3-91 Published in Idaho State Journal
Publication approved LB Date 1-22-91

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. _____, and said application is hereby _____.

1. Approval of said application is subject to the following limitations and conditions:

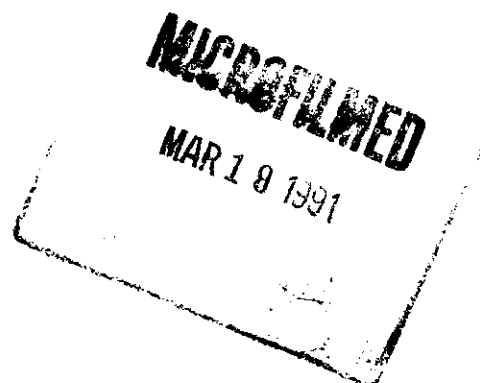
a. SUBJECT TO ALL PRIOR WATER RIGHTS.

b. Proof of construction of works and application of water to beneficial use shall be submitted on or before _____, 19 ____.

c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.

d. The water right acquired under this permit if for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit.

e. Other:



PROOF OF PUBLICATION **RECEIVED**

STATE OF IDAHO
County of Bannock

ss.

JAN 11 1991

Department of Water Resources
Eastern District Office

Sandra K. Wann

being first duly sworn on oath deposes and says: That she was at all times herein mentioned a citizen of the United States of America, more than 21 years of age, and the Principal Clerk of THE IDAHO STATE JOURNAL, a daily newspaper, printed and published at Pocatello, Bannock County, Idaho, and having a general circulation therein.

That the document or notice, a true copy of which is attached, was published in the said IDAHO STATE JOURNAL, on the following dates, to-wit:

3 January	1991	19
10 January	1991	19
	19	19
	19	19
	19	19

That said paper has been continuously and uninterruptedly published in said County for a period of seventy-eight weeks prior to the publication of said notice or advertisement and is a newspaper within the meaning of the laws of Idaho.

Sandra K. Wann

STATE OF IDAHO

COUNTY OF Bannock

On this 10th day of January in the year of 1991, before me,

a Notary Public, personally appeared Sandra K. Wann, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

Notary Public for Idaho

Residing at

Pocatello

My commission expires: July, 1991

RECEIVED

MAR 19 1991

29-07975
ELECTRIC CONSTRUCTION
& SALES INC.
P.O. BOX 4054
POCATELLO, ID 832054054
Source: GROUNDWATER
Diversión Pt:
SWNWNW Sec 22 T 06S R 34E
Use: COMMERCIAL (0.40 CFS)
IRRIGATION (0.30 CFS)
Total Diversión: (0.70 CFS)
Date Filed: 3-26-1990
In: T06S R34E S22 NWNW
1.0 ACRES TOTAL

29-08037
AEI CORPORATION
1297 E. COUNTY RD.
POCATELLO, ID 83202
Source: GROUNDWATER
Diversión Pt:
SWSW Sec 12 T 06S R 33E
Use: INDUSTRIAL (0.40 CFS)
DOMESTIC (0.20 CFS)
Total Diversión: (0.60 CFS)
Date Filed: 11-13-1990
In: T06S R33E S12 SWSW
29-08039

BURMESTER, FRED
17471 S. JENKINS RD.
ARIMO, ID 83214
Source: GROUNDWATER
Diversión Pt:
NWNW Sec 35 T 10S R 36E
Use: IRRIGATION (2.000 CFS)
Total Diversión: (2.000 CFS)
Date Filed: 11-15-1990
In: T10S R36E S26 NESW NWSW
SWSW
S35 NWNW SWNE NENW NWNW
SWNW
264.0 ACRES TOTAL

29-08040
LIDDELL, WILLIAM DAVID
LIDDELL, SHARON OHLHORST
5080 W. 3400 S.
WELLSVILLE, UT 84338
Source: SPRING
Tributary: SINKS
Diversión Pt:
SWSWNE Sec 6 T 10S R 38E
Use: DOMESTIC (0.40 CFS)
Total Diversión: (0.40 CFS)
Date Filed: 4-20-1990
In: T10S R38E S06 SWNE
29-08041

COOK, H. MARY
COOK, DARRYL B.
2126 PINTO
POCATELLO, ID 83201
Source: GROUNDWATER
Diversión Pt:
SWNWSE Sec 21 T 07S R 35E
Use: IRRIGATION (2.00 CFS)
Total Diversión: (2.00 CFS)
Date Filed: 3-19-1990
In: T07S R35E S21 NESW NWSE
10.0 ACRES TOTAL

29-08042
HARRIS, KATHLEEN M.
HARRIS, JEFFERY F.
P.O. BOX 252
MC CAMMON, ID 83250
Source: SPRING
Tributary: SINKS
Diversión Pt:
NWNWNE Sec 10 T 09S R 38E
Use: STOCKWATER (0.050 CFS)
Total Diversión: (0.050 CFS)
Date Filed: 3-23-1990
In: T09S R36E S10 NWNW
29-08043

WHEATLEY, BRUCE H.
WHEATLEY, DARLENE
2584 W. ARIMO RD.
ARIMO, ID 83214
Source: GROUNDWATER
Diversión Pt:
SESW Sec 5 T 10S R 36E
Use: IRRIGATION (1.00 CFS)
Total Diversión: (1.00 CFS)
Date Filed: 3-20-1990
In: T10S R36E S05 SESW
5.0 ACRES TOTAL

29-08044
GOODLIFFE, ARNOLD J.
GOODLIFFE, BECKY B.
11540 N. BUFFALO RD.
POCATELLO, ID 83202
Source: GROUNDWATER
Diversión Pt:
NESWNW Sec 2 T 06S R 34E
Use: IRRIGATION (0.060 CFS)
Total Diversión: (0.060 CFS)
Date Filed: 4-2-1990
In: T06S R34E S02 SWNW
2.0 ACRES TOTAL
The permit(s) will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code and/or the new public inter.

March 6, 1992

JEFFERY F. HARRIS
KATHLEEN M. HARRIS
P.O. BOX 252
MC CAMMON ID 83250

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 29-08042

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. Enclosed is an order advancing the priority of the permit since the proof was received after the proof due date. The next step in the process of developing a water right is for the department to conduct a field examination to determine and confirm the use being made of the water.

If you have questions concerning this matter, please feel free to contact the EASTERN Regional Office in Idaho Falls at (208)525-7161.

Sincerely,

Karen L. Gustafson
Secretary/Records Manager

c: IDWR - Region

Enclosure

MICROFILMED

APR 08 1992



STATE OF IDAHO

For Office Use Only
Amt. of Fee \$ 50.00
Date 3-3-92
Receipt No. 1023409
Received by WLB

Department of Water Resources

DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

The Idaho Department of Water Resources will consider this form as a statement that the permit holder(s) has/have completed all development that will occur under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below. This form must be accompanied by a license examination fee or a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

1. Permit No. 29-08042 Telephone No. (208) 254-3454
2. Name(s) of Permit Holder(s): Jeffrey F Harris KATHLEEN M HARRIS
3. Post Office Address: Box 252 McEAMMON IDAHO 83250
4. Source of Water: SPRING
 - a. If ground water, well driller's name: _____ Date drilled: _____
 - b. Pump horsepower: _____ Pressure (psi): _____ Dynamic pumping level (ft.): _____
5. Extent of Use:

Domestic _____ (No. of households)	Irrigation _____ (No. of acres)
Stockwater <u>150</u> <u>200</u> (No. and type of stock) <u>CALVES</u>	Other _____

6. Total rate and/or volume for which proof is submitted 0.05 cfs _____ acre/feet

7. Refer to the approval conditions on your permit and respond accordingly:

Measuring device: Required? Yes XNo Installed? Yes No
OR
Flow Measurement Port: Required? Yes XNo Installed? Yes No

8. Fee Enclosed: \$ 50.00 (See License Examination Fee Schedule)

9. Person to contact to accompany the Department representative during the field examination:

Jeffrey F. Harris 208-254-3454
Name Telephone No.
Box 252 McEAMMON, IDAHO.
Address

10. The above information is my true statement of the extent to which the above numbered permit has been developed and I relinquish any undeveloped portion of the permit to the state of Idaho.

FEB 26 1992 Jeffrey F. Harris
Date Signature (and title if on behalf of a company or organization)

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APR 08 1992

ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE

Permit No. 29-08042 Reviewed by Klg Date 3/4/92

GENERAL CONSIDERATIONS

TYPES OF USE

yes Name same as permit? Stockwater - 150
yes Address same as permit?
NO Proof timely received? Correct Uses? yes
If not, complete calculation below.

SOURCE OF WATER

☒ Surface water source
☐ Ground water source
NA Drilling permit required?
☐ Copy in the file? Drilling Permit No. _____
☐ Amount paid for permit _____ Correct?
☐ Well log in the file?

LICENSE EXAMINATION FEE

MEASURING DEVICE

yes Required?
50 Amount Submitted
yes Correct?
NA Required?
☐ Installed?
☐ Waiver requested?

PRIORITY CALCULATION

Date proof received 3/3/92 62
Date proof due 3/2/92 - 61
No. of days late = 1
Priority Date 3/23/90 + 82
New Priority Date 3/24/90 83

DEFICIENCIES OR ACTION ITEMS

proof acceptable
needs an order

DATA ENTRY

New Address _____

Proof Made 3/3/92
3/6/92 Klg

138404
December 31, 1991

JEFFERY F. HARRIS
KATHLEEN M. HARRIS
P.O. BOX 252
MC CAMMON ID 83250

PROOF DUE NOTICE

RE: PERMIT NO. 29-08042

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before March 1, 1992. (See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental agency or by litigation which might bring title to the water in question, more than one extension of time can be granted. An extension of time request form is enclosed for your convenience.

Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the lapse notice, the permit will no longer be of any force nor effect.

SINCERELY,

Karen L. Gustafson
Secretary/Records Manager

Enclosures

UNRECORDED
APR 08 1992



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

March 18, 1991

JEFFERY F. HARRIS
KATHLEEN M. HARRIS
P.O. BOX 252
MC CAMMON, ID 83250

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 29-08042

Dear Permit Holder:

Enclosed is a copy of your approved application for permit. We direct your attention to the conditions of approval on the final page.

Enclosed is a form entitled "Instructions for Proof of Beneficial Use". Please read the instructions carefully since you must take further action to develop this permit. Also enclosed is a form entitled "Proof of Beneficial Use". If your project is already completed you should complete and submit this form immediately.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:blm

Enclosures

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MAR 19 1991

APPLICATION FOR PERMIT REVIEW

Application #: 29-8042

Reviewer: Pam Skaggs ²⁸

Date: 2-25-91

✓ Existing:

✓ No - 26A-P17

✓ Complete in 1 year - P16

Yes

Proof not submitted - P16

Proof submitted - N/A

Groundwater:

GT. 0.7 cfs - 01G-P03, 01C-P03(existing well)

LT. 0.7 cfs - N/A

Drilling Permit:

Approved w/permit - P99

Not included - 046-P23(All GW, even existing wells)

✓ Location:

✓ Water Districts ^{links} - WD No. 29

Surface water - 005, 005-01H-P01(LT.7 w/pump)
005-01J-P08(GT.7)

Groundwater - P05

Irrigation Districts - 023

Canal Co. Areas - 023

Drainage Districts - 024

Boise Front (63) - 058 (Groundwater)

✓ Swan Falls Flag - 1 (1 or Blank)

Trust - ~~051-052-053-P74~~(Cons.), 041(DCMI, w/Irr
or Irr & Dom)

✓ Non Trust - 048-049

River Basins:

(Surface Water) Water District Control Condition &....

Boise (63) - 11D-P72

Payette (65) - 047-P04, 059-P71

Snake (01, 02 & 03) - 11A-P04(01), 061-P07(02/03 No W.D.Cond.)

Use:

Fish Propagation - 002-P06, 06A, 007, 09E-P10, 010, 042, 044

Power - Use Power Review

Mining - 06A, 006, 010, 09E-P10 & 054(req.)

Storage - 18A-for multiple measuring devices(In WD),
18B-P09(Size)

Rec. & Aesthetic - 027(Non-Consumptive)

Domestic - 021(restricted areas)

Ownership:

Non land owner - 004

Protested:

Agreement - 020

Minimum Stream Flow:

Overlapping uses - 029-P20

✓ Beneficial Use Due Date: - 03-02-1992

Other Conditions Recommended _____

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MAR 19 1991

Signature
3/19/91

Form No. 202a
4/87STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT ANALYSIS SHEET

KW

INITIAL REVIEW BY KCW Wilson DATE 5 April 1990 APPLICATION NUMBER 29-8042
Jeffery or Kathleen HarrisREQUIRED INFORMATION

- ☒ Name (If applicant is a corporation or partnership, names must be provided for the director, officers, & other partners.)
- ☒ Address
- ☒ Source (See USGS Quad for names of water sources)
- ☒ Point of Diversion (10 acres for spring, lot & block descriptions for subdivisions, local name, flow and/or volume)
- ☒ County
- ☒ Quantity (flow and/or volume)
- ☒ Period of Use
- ☒ Nature of proposed use (Include description of use.)
- ☒ Description of diverting works
- ☒ Time required for beneficial use of water
- ☒ Place of use or acres irrigated
- ☒ Map
- ☒ Signature (If applicant is corp. partnership, or municipality, title of signator is required)
- ☒ Fee
- ☒ Yes ☐ No* In form to receipt

ADDITIONAL INFORMATION

- ☐ Overlapping place of use (Describe source & relationship to present application on the back.)
- ☐ Overlapping point of diversion
- ☐ Yes ☒ No Field check required
- ☐ Field check by _____
- ☐ Yes ☒ No Field report attached
- ☐ Yes ☒ No Critical groundwater area
- ☐ Yes ☒ No Groundwater management area
- ☐ Yes ☒ No Send dam safety information
- ☐ Yes ☒ No Send power requirement letter
- ☐ Yes ☒ No Send fish farm requirement letter
- ☐ Yes ☒ No Power residency affidavit
- ☐ Yes ☒ No Power efficiency form
- ☐ Yes ☒ No Within trustwater boundary (If yes, attach trust water supplementary analysis sheet.)
- ☐ Yes ☒ No Diversion greater than 5 cfs or 500 acre ft. (If yes, attach large diversion supplementary analysis sheet.)
- ☐ See reverse side for additional information

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT

Date Requested FEB 08 1991**RECEIVED**

Department of Water Resources

SEND COPIES TO _____ Idaho Dept. of Health & Welfare _____ U.S. BLM
 _____ Idaho Dept. of Fish & Game _____ U.S. Forest Service
 _____ Idaho Dept. of Lands _____ Water District
 _____ Adjudication Bureau Unit _____ Other

LOCAL PUBLIC INTEREST

Comments received from:

<u> </u> City	<u> </u> Idaho Fish & Game	<u> </u> Irrigation District
<u> </u> County	<u> </u> Idaho Health & Welfare	<u> </u> Canal Company
<u> </u> Reservations	<u> </u> Division of Environment	<u> </u> Other <u> </u>

Project impacts/implications report

COMMENTS

29-08042

HARRIS, KATHLEEN M.
HARRIS, JEFFERY F.
P.O. BOX 252
MC CAMMON, ID 83250

Source: SPRING

Tributary: SINKS

Diversion Pt: NWNWNE Sec 10 T 09S R 36E

Use: STOCKWATER (.050 CFS)
Total Diversion: (.050 CFS)

Date Filed: 3/23/ 1990

In: T09S R36E S10 NWNE

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MAR 19 1991

21-Dec-1990

JEFFERY F HARRIS
PO BOX 252
MC CAMMON ID 83250

RE: Application No. 29-08042

Dear Water Right Applicant:

The Department of Water Resources acknowledges receipt of your water right permit. This office is currently in the process of advertising the application in IDAHO STATE JOURNAL on JANUARY 3 & 10, 1991. The advertisement will be published for two consecutive weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

If the application is protested, you will be sent a copy of the protest. The protest must be resolved before the application is approved or denied. If the protest is not resolved voluntarily, this Department will conduct a conference and/or hearing on the matter.

If the application is not protested, it will be forwarded to our state office in about five weeks. State office personnel will conduct a complete review prior to final processing of the application and will notify you of the outcome of this review. When a permit is issued, you will be sent a copy. A typical processing time for an unprotested application is about eight weeks.

Please feel free to contact this office if you have any questions regarding this procedure.

Sincerely,

HAROLD W. JONES
Water Rights Supervisor

HWJ/rb

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MAR 19 1991