

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 29-07991)
IN THE NAME OF MARSHALL & EILEEN HARRIS)

ORDER OF
REINSTATEMENT

WHEREAS, the Department issued the above-captioned permit with the condition that proof of construction of works and application of water to beneficial use (proof of beneficial use) be submitted on or before September 1, 1991; and

WHEREAS, the Department notified the permit holder by certified mail that proof was due and instructed the permit holder that the permit lapsed for failure of the permit holder to submit the proof of beneficial use; and,

WHEREAS, the Department was unable to locate the completed proof until November 1, 1991; and,

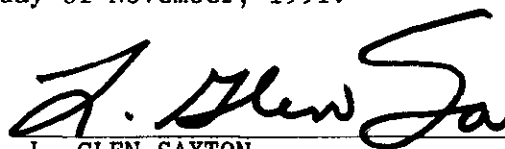
WHEREAS, the Department did not take action on the proof of beneficial use until November 14, 1991, more than two months after it was received; and,

WHEREAS, Section 42-218a of the Idaho Code provides that a permit may be reinstated upon a showing of reasonable cause within sixty days of the date of the notice of lapsing; and,

WHEREAS, the permit holder has provided a reasonable showing why the permit should be reinstated by submitting proof of beneficial use on August 29, 1991;

IT IS, THEREFORE, HEREBY ORDERED that permit No. 29-07991 be REINSTATED with no advance in priority.

Dated this 15th day of November, 1991.


L. GLEN SAXTON
Chief, Water Allocation Bureau

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State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 29-07991

Proposed Priority: April 25, 1990 Maximum Diversion Rate: 0.14 CFS
This is to certify, that **EILEEN HARRIS**

MARSHALL C. HARRIS
902 E. JENSON RD.
MC CAMMON, ID 83250

has applied for a permit to appropriate water from: **GROUNDWATER**
and a permit is **APPROVED** for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
IRRIGATION	03/15 to 11/15	0.10 CFS
DOMESTIC	01/01 to 12/31	0.04 CFS
Totals		0.14 CFS

LOCATION OF POINT(S) OF DIVERSION: SESE Sec. 23, Township 09S, Range 36E
BANNOCK County

PLACE OF USE: IRRIGATION

<u>TWN</u> <u>RGE</u> <u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
09S 36E 23	SESE 5			5

Total number of acres irrigated: 5

PLACE OF USE: DOMESTIC, same as IRRIGATION use

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before **September 1, 1991.**
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. Permit holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
6. The rate of diversion of water for irrigation under this permit and all other water rights on the same land shall not exceed 0.02 cubic feet per second for each acre of land.
7. Domestic use is for one home.

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 29-07991

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

21st day of August, 1990.

R. Keith Higginson
for R. Keith Higginson, Director

SEE PAGE 1

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant Marshall C. or Eileen Harris Phone (208) 254-3490

Post office address 902 E. Jensen Rd., McCammon, ID 83250

2. Source of water supply Groundwater which is a tributary of —

3. Location of point of diversion is — $\frac{1}{4}$ of SE $\frac{1}{4}$ of SE $\frac{1}{4}$, Govt. Lot —

Sec. 23 Township 9S Range 36E B.M. Bannock County; additional

points of diversion if any: —

4. Water will be used for the following purposes:

Amount .10 for Irrigation purposes from 3/15 to 11/15 (both dates inclusive)
(cfs or acre-feet per annum)

Amount .04 for Domestic purposes from 1/1 to 12/31 (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)

5. Total quantity to be appropriated is (a) .14 and/or (b) —
cubic feet per second acre feet per annum

6. ~~Proposed~~ ^{Existing} diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Well, pump, sprinklers

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~~ ^{Existing} well diameter is 8" inches; proposed depth of well is 90 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 for the proposed beneficial use is
1 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. _____
- Municipal; show name of municipality. _____
- Domestic; show number of households. One house
- 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	
9S	36E	23																D 5	5

Total number of acres to be irrigated 5

10. Describe any other water rights used for the same purposes as described above. McCammon

Ditch Co. water is also available

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

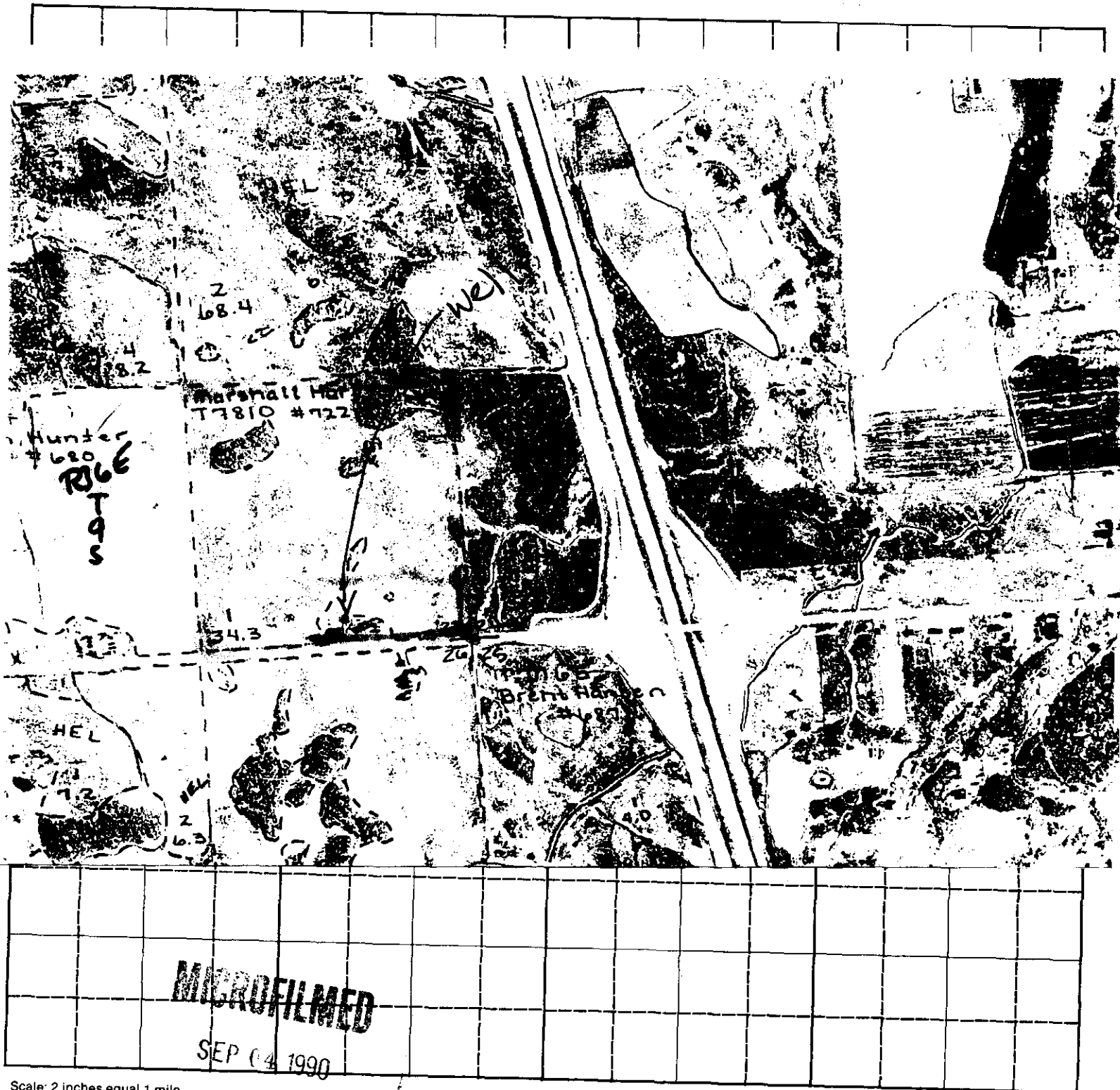
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. _____

12. Remarks: Actual use began ^{near} ~~in~~ or before 1973

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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.

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

[Signature]
(Applicant)

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



Received by Ret Date 4/25/90 Time 11:20 Preliminary check by KCW
Fee \$ 30.00 Receipted by Ret # E013630 Date 4/25/90
Publication prepared by LB Date 6-21-90 Published in ID State Jnl
Publication approved LB Date 7-16-90

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:

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SEP 14 1990

11: 1075 R36E S01SWNW
2.0 ACRES TOTAL

29-07988

SMITH, SANDRA
SMITH, T. CRAIG
1827 E. ARIMO ROAD
ARIMO, ID 83214
Source: UNNAMED STREAM
Tributary: MARSH CREEK
Diversion Pt:
SWNESE Sec 12 T 10S R 36E
Use: IRRIGATION (.060 CFS)
STOCKWATER (.030 CFS)
Total Diversion: (.060 CFS)
Date Filed: 4-19-1990
In: T10S R36E S12 NESE
2.0 ACRES TOTAL

29-07989

SMITH, SANDRA
SMITH, T. CRAIG
1827 E. ARIMO ROAD
ARIMO, ID 83214
Source: GROUNDWATER
Diversion Pt:
SWNESE Sec 12 T 10S R 36E
Use: IRRIGATION (.060 CFS)
DOMESTIC (.020 CFS)
STOCKWATER (.020 CFS)
Total Diversion: (.100 CFS)
Date Filed: 4-19-1990
In: T10S R36E S12 NESE SESE
2.0 ACRES TOTAL

29-07990

BAKER, REX L.
BAKER, PEGGY ANN
11716 S. DEMPSEY CREEK RD.
LAVA HOT SPRINGS, ID 83246
Source: SPRING
Tributary: SINKS
Diversion Pt:
SWSESW Sec 32 T 09S R 38E
Use: DOMESTIC (.060 CFS)
STOCKWATER (.030 CFS)
Total Diversion: (.090 CFS)
Date Filed: 4-20-1990
In: T09S R38E S32 SESW NESE
SWSE

29-07991

HARRIS, EILEEN
HARRIS, MARSHALL C.
902 E. JENSON RD.
MCCAMMON, ID 83250
Source: GROUNDWATER
Diversion Pt:
SESE Sec 23 T 09S R 36E
Use: IRRIGATION (.100 CFS)
DOMESTIC (.040 CFS)
Total Diversion: (.140 CFS)
Date Filed: 4-25-1990
In: T09S R36E S23 SESE
5.0 ACRES TOTAL

29-07992

THOMPSON, JAMES L.
7659 S. MARSH CREEK RD.
MCCAMMON, ID 83250
Source: GROUNDWATER
Diversion Pt:
NWSE Sec 10 T 09S R 36E
Use: DOMESTIC (.040 CFS)
IRRIGATION (.020 CFS)
Total Diversion: (.040 CFS)
Date Filed: 4-24-1990
In: T09S R36E S10 NWSE
1.0 ACRE TOTAL

29-07993

CLEZIE, LANE
CLEZIE, BARBARA
13542 W. TRAIL CREEK
POCATELLO, ID 83204
Source: GROUNDWATER
Diversion Pt:
NENENW Sec 33 T 06S R 34E
Use: IRRIGATION (.080 CFS)
DOMESTIC (.020 CFS)
STOCKWATER (.020 CFS)
Total Diversion: (.120 CFS)
Date Filed: 4-18-1990
In: T06S R34E S33 NWNE NENW
3.8 ACRES TOTAL

The permit(s) will be subject to a
prior water rights. Protests may be
submitted based on the criteria of
Sec. 42-203A, Idaho Code and/or the
new public interest criteria of Sec.
42-203C, Idaho Code. Protests must
be filed with the Director, Dept. of
Water Resources, 150 Shoup Ave.,
Suite 15, Idaho Falls, Idaho 83402 on
or before JULY 9, 1990.

R. Keith Higginson, Director
June 21, 28, 1990

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November 15, 1991

EILEEN HARRIS
MARSHALL C. HARRIS
902 E. JENSON RD.
MC CAMMON ID 83250

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 29-07991

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,

Nina Shields
Secretary/Records Manager

c: IDWR - Region

Enclosure

NOV 20 1991

RECEIVED
AUG 29 1991

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

For Office Use Only
Amt. of Fee \$ 50.00
Date 8-29-91
Receipt No. CO2166
Received by [Signature]

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. 29-07991 Telephone No. 254-3490
2. Name(s) of Permit Holder(s): Marshall & Harris
3. Post Office Address: 902 E Jensen Road 83250 McCallum Idaho
4. Source of Water: Well
- a. If ground water, well driller's name: Mitchell Date drilled: 1973
- b. Pump horsepower: 1 1/2 Pressure (psi): 60 Dynamic pumping level (ft.): 35'

5. Extent of Use:

Domestic X 1 (No. of households) Irrigation X 5 (No. of acres)

Stockwater 100 cattle, 5 horses (No. and type of stock) Other _____

6. Total rate and/or volume for which proof is submitted 0.14 cfs _____ acre/feet

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

Measuring device: Required? Yes X No Installed? Yes No

OR

Flow Measurement Port: Required? Yes X No Installed? Yes No8. Fee Enclosed: \$ 50.00 (See License Examination Fee Schedule)

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

Marshall Harris or Irene Harris 254-3490

Name Telephone No.

902 E Jensen Road 83250 McCallum 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.

[Signature]8-28-91

Date

Signature (and title if on behalf of a company or organization)

NOV 20 1991

HARRIS CONSTRUCTION CO.

MARSHALL C. HARRIS

418 S. 4TH AVE., STE. B 233-0162

POCATELLO, ID 83201



Key Bank of Idaho
Pocatello West Center Office
P.O. Box 1788
Pocatello, Idaho 83204

AUG 29 1991

3487

92-155/1241

PAY

THE
ORDER
OF

Fifty and 00/100

Water Resources -

DATE

AMOUNT

50/100

Marshall C. Harris

⑈00003487⑈ ⑆124101555⑆00 001917 4⑈

⑈0000005000⑈

PAID

NOV 20 1991

PAY TO THE ORDER OF
STATE TREASURER
Department of Water Resources

0049 03737

⑈124100019⑈

WEST CENTER OFFICE

POCATELLO, IDAHO

83204

⑈124100019⑈

NOV 29 1991

⑈124100019⑈
WEST CENTER OFFICE
POCATELLO, IDAHO
83204

*Please find
enclosed returned
Check*

September 5, 1991

EILEEN HARRIS
MARSHALL C. HARRIS
902 E. JENSON RD.
MC CAMMON ID 83250

LAPSE NOTICE

RE: PERMIT NO. 29-07991

Dear Permit Holder:

You are hereby notified that under the provisions of Section 42-218A, Idaho Code, the above referenced permit has lapsed and is of no further force nor effect. The department provided the proper forms to you in our proof due notice dated June 30, 1991. No further construction or additional development is authorized under this permit unless it is reinstated.

The permit can only be reinstated if you submit an acceptable proof of beneficial use or an acceptable request for extension of time to the department within sixty (60) days of the mailing of this lapse notice. An acceptable proof of beneficial use submittal must include the examination fee or a completed field examination report. A request for extension of time must be accompanied by a fifteen dollar (\$15) fee.

Enclosed again for your use are a proof of beneficial use form and a request for extension of time form. Please note that only one extension of time can be granted unless the project has not been completed because of lack of a necessary approval by a government agency or by litigation which may bring title to the water in question.

L. GLEN SAXTON
Chief, Water Allocation Bureau

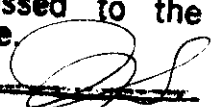
LGS:rf

Enclosures

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NOV 20 1991

CERTIFICATION OF MAILING

I hereby certify that on 9-9-91
a copy/an original of this document was
deposited in the United States mail,
postage prepaid addressed to the
individual(s) named above.



138774
~~138774~~
June 30, 1991

EILEEN HARRIS
MARSHALL C. HARRIS
902 E. JENSON RD.
MC CAMMON, ID 83250

PROOF DUE NOTICE
RE: PERMIT NO. 29-07991

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 September 1, 1991. (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,

Rita Fleck
Secretary/Records Manager

Enclosures

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NOV 20 1991

S T A T E O F I D A H O
D E P A R T M E N T O F W A T E R R E S O U R C E S

Statehouse
Boise, Idaho 83720
(208) 327-7900
August 21, 1990

EILEEN HARRIS
MARSHALL C. HARRIS
902 E. JENSON RD.
MC CAMMON, ID 83250

P E R M I T A P P R O V A L N O T I C E

RE: PERMIT NO. 29-07991

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.

You should be aware that the groundwater you propose to divert is located within a drainage basin where surface waters are regulated during the months of low flow. It is possible that diversion of groundwater may have an adverse impact on these surface water flows. Information available to us at this time does not warrant refusing to issue permits in your area, but we do caution that diversions of groundwater are not allowed to deplete flows available for surface water users with earlier priority dates. Siting your well as far from surface sources as possible and casing out upper water producing zones may reduce the potential of interference.

Section 42-235, Idaho Code, requires that a "drilling permit" must be obtained from the department for all wells constructed after July 1, 1987. A drilling permit is a separate permit that must be issued in addition to your permit to appropriate water. Commencement of well construction or diversion of water under your permit to appropriate water is prohibited unless a drilling permit is obtained.

We have enclosed 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 for your convenience is a form entitled "Proof of

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Beneficial Use" that must be submitted to the Department when your project is completed. If development is complete, you may submit proof of beneficial use immediately.

Sincerely,

GARY SPACKMAN, Supervisor
Water Right Permits Section

GS: SC
Enclosures

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SEP 04 1990

12-Jun-1990

MARSHALL C. OR EILEEN HARRIS

MCCAMMON, ID 83250

RE: Application for Permit No. 29-07991

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 the IDAHO STATE JOURNAL on June 21 & 28, 1990. 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

RECEIVED

SEP 04 1990

29-07991

HARRIS, EILEEN
HARRIS, MARSHALL C.
902 E. JENSON RD.
MCCAMMON, ID 83250

Source: GROUNDWATER

Diversion Pt: SESE Sec 23 T 09S R 36E

Use: IRRIGATION (.100 CFS)
DOMESTIC (.040 CFS)
Total Diversion: (.140 CFS)

Date Filed: 4/25/ 1990

In: T09S R36E S23 SESE

5.0 ACRES TOTAL

RECORDED

SEP 04 1990