

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 29-07962)
IN THE NAME OF JEFFREY F. & KATHLEEN M 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 August 1, 1992; and,

WHEREAS, the Department notified the permit holder by certified mail that proof was due and instructed the permit holder of the steps to be taken to submit the proof of beneficial use; and,

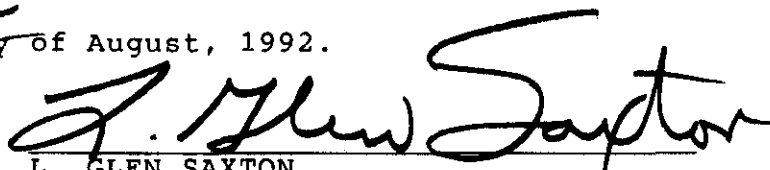
WHEREAS, on August 1, 1992, the permit lapsed for failure to submit the proof of beneficial use; and,

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 3, 1992;

IT IS, THEREFORE, HEREBY ORDERED that Permit No. 29-07962 be REINSTATED with an advance in priority to March 25, 1990.

Dated this 6th day of August, 1992.


L. GLEN SAXTON

Chief, Water Allocation Bureau

MICROFILMED

AUG 12 1992

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 29-07962

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

This is to certify, that **KATHLEEN M. HARRIS**
JEFFREY F. 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:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
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STOCKWATER	01/01 to 12/31	0.05 CFS
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LOCATION OF POINT(S) OF DIVERSION: SWSWNE Sec. 10, Township 09S, Range 36E
BANNOCK County

PLACE OF USE: STOCKWATER

TWN RGE SEC

09S 36E 10 SWNE

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before **August 1, 1992**.
2. Subject to all prior water rights.
3. Permit holder shall commence the excavation or construction of diverting works within one year of the date this permit is issued and shall proceed diligently until the project is complete.
4. 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.
5. 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.
6. Stockwater use is for 150 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

23rd day of July, 1990
NOT RECORDED

JUL 27 1990

for R. Keith Higginson
R. Keith Higginson, Director

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant Jeffrey F. or Kathleen M. Harris Phone (208) 254-3454

Post office address PO Box 252, Nic Cammon, Idaho 83250

2. Source of water supply Spring which is a tributary of Sinks

3. Location of point of diversion is SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of NE $\frac{1}{4}$, Govt. Lot _____

Sec. 10 Township 9S Range 36E B.M. Brownock 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).

JUL 3 1990

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: _____

MICROFILMED
JUL 27 1990

JUL 27 1990

Jeffrey Davis
(Applicant)

Received by DMD Date 4-25-90 Time 11:30A. Preliminary check by _____
Fee \$ 30⁰⁰ Receipted by DMD # ED12512 Date 3/23/1990
Publication prepared by LB Date 6-7-14-90 Published in ID State Jnl
Publication approved LB Date 6-26-90

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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JUL 27 1990

VOID

Ident. No. _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant Jeffrey F. 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 Sinks
3. Location of point of diversion is SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of NE $\frac{1}{4}$, Govt. Lot _____
Sec. 10 Township 9S Range 36E B.M. Bowman 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 official use is
2 years (minimum 1 year).

MICROFILMED

JUL 27 1990

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

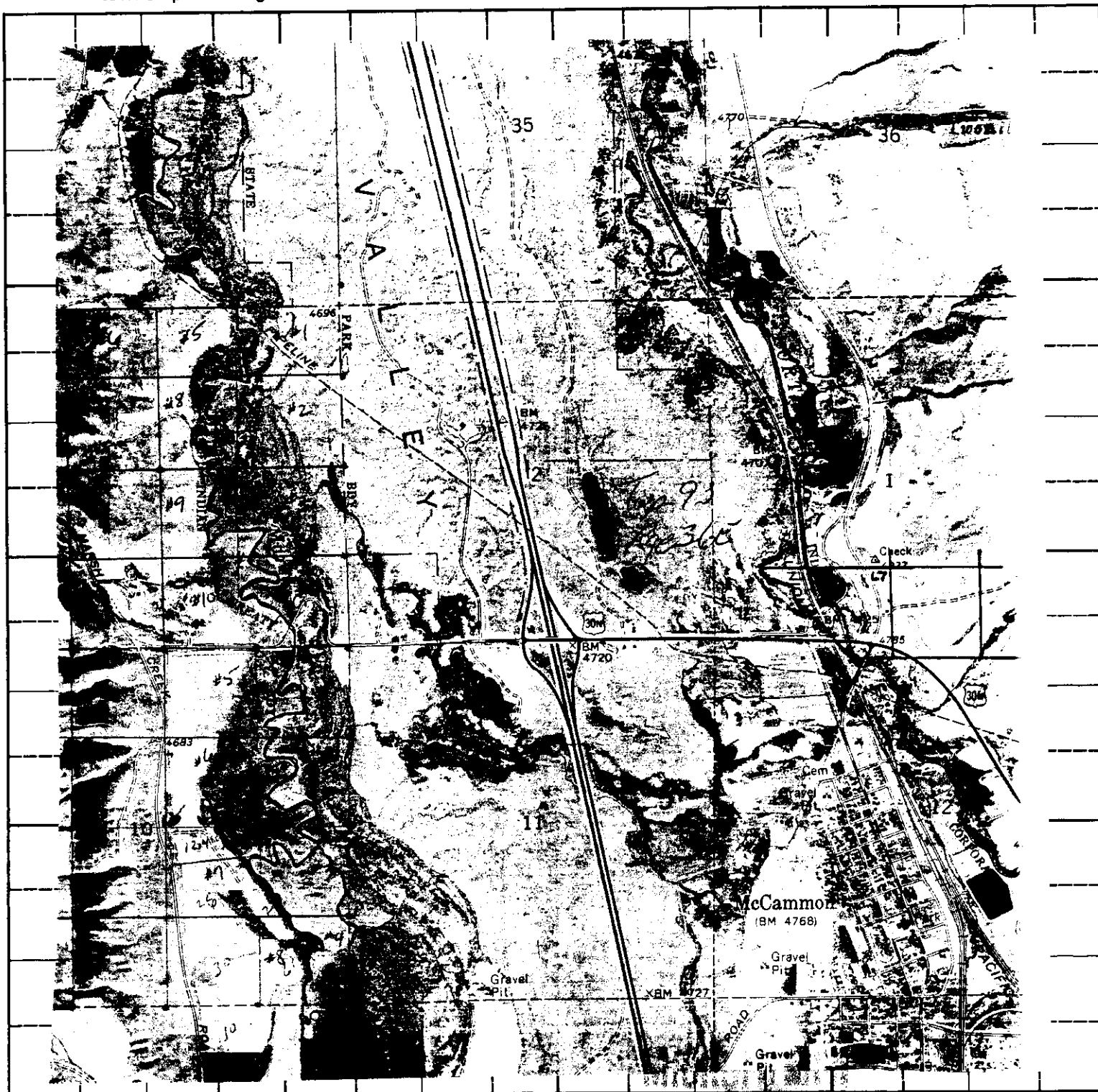
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. _____

12. Remarks: _____

RECEIVED

JUL 27 1990

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.

JUL 27 1990

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.

(Applicant)

Received by DMD Date 23 March 90 Time 10:32 Preliminary check by _____

Fee \$ 30⁰⁰ Receipted by DMD # E012512 Date 3/23/1990

Publication prepared by _____ Date _____ Published in _____

Publication approved _____ Date _____

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:

RECORDED

JUL 27 1990

3.3 ACRES TOTAL
29-07960
SKOOG, JANET M.
SKOOG, THOMAS J.
9589 N. POCATELLO CREEK RD.
POCATELLO, ID 83201
Source: GROUNDWATER
Diversión Pt:
SWSESW Sec 18 T 04S R 35E
Use: IRRIGATION (.060 CFS)
STOCKWATER (.020 CFS)
DOMESTIC (.020 CFS)
Total Diversión: (.060 CFS)
Date Filed: 3-20-1990
In: T04S R35E S18 SESW
2.0 ACRES TOTAL

29-07961
MC CAMMON DITCH CO., LTD.
C/O LYNDON GREEN, PRES.
1791 E. 16TH ST.
MC CAMMON, ID 83251
Source: POND
Tributary: SINKS
Diversión Pt:
SWNE Sec 24 T 09S R 36E
Use: IRRIGATION (10.000 CFS)
Total Diversión: (10.000 CFS)
Date Filed: 3-22-1990
In: T09S R36E S12 SWNW NESW
NWSW SWSW SESW NWSE SWSE
S13 NENE NWNE SWNE SENE
NENW NWNW SWNW SENW NESW

NWSW SWSW SESW NESE NWSL
SWSE SESE
S14 SENE SWSW NESE NWSE
SWSE SESE
S22 NENE SENE NESE SESE
S23 NENE NWNE SWNE SENE
NENW NWNW SWNW SENW
NWSW SESW NESE NWSE SWSE
SESE
S24 NENE NWNE SWNE SENE
NENW NWNW SWNW SENW NESW
NWSW SWSW SESW NESE NWSE
SWSE SESE
S25 NWNE NENW NWNW SWNW
SESW
S26 NENE NWNE SWNE SENE
NENW NWNW SWNW SENW NESW
NWSE SWSE SESE
S27 NENE NWNE SWNE SENE
NENW NWNW NESE
R37E S18 NWNW SWNW SENW
NESW NWSW SWSW SESW
S19 SENE NENW NWNW SWNW
SESW NESW NWSW SWSW SESW
NESE NWSE SWSE SESE
S30 NWNE NENW NWNW
2599.9 ACRES TOTAL

29-07962
HARRIS, JEFFREY F.
HARRIS, KATHLEEN M.
P.O. BOX 252
MC CAMMON, ID 83250
Source: SPRING
Tributary: SINKS
Diversión Pt:
SWSWNE Sec 10 T 09S R 36E
Use: STOCKWATER (.050 CFS)
Total Diversión: (.050 CFS)
Date Filed: 4-25-1990
In: T09S R36E S10 SWNE

29-07963
HARRIS, JEFFREY F.
HARRIS, KATHLEEN M.
P.O. BOX 252
MC CAMMON, ID 83250
Source: SPRING
Tributary: SINKS
Diversión Pt:
SESENE Sec 10 T 09S R 36E
Use: IRRIGATION (.200 CFS)
Total Diversión: (.200 CFS)
Date Filed: 3-23-1990
In: T09S R36E S10 NENE SENE
10.0 ACRES TOTAL

29-07964
ROST, ROBERT H.
ROST, LA RITA S.
P.O. BOX 516
POCATELLO, ID 83204
Source: GROUNDWATER
Diversión Pt:
NESW Sec 8 T 07S R 35E
Use: COMMERCIAL (.020 CFS)
Total Diversión: (.020 CFS)
Date Filed: 4-19-1990
In: T07S R35E S08 NESW
29-07965

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JUL 27 1990

August 7, 1992

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

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 29-07962

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

AUG 12 1992

11/91

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AUG 03 1992

Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

OFFICE USE ONLY

Amt. of Fee \$ 50.00

Date 8-4-92

Receipt No. C025124

Receipt by [Signature]

PROOF OF BENEFICIAL USE

The Idaho Department of Water Resources considers this form 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, when necessary, or a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

1. Permit No. 29-07962 Telephone No. 254-3454
2. Name(s) of Permit Holder(s): Jeffrey F. + Kathleen M. Harris
3. Mailing Address: Box 252 McCommon, Idaho 83250
4. Source of Water: Spring
- If GROUNDWATER, Well Driller's Name: _____ Date Drilled: _____

OPTIONAL:

Pump horsepower: _____ Pressure (psi): _____ Dynamic pumping level (ft.): _____

5. Extent of Use (as authorized by the permit):

Domestic _____ (No. of households) Stockwater ✓ 150 stock cattle (No. and type of stock)

Irrigation _____ (No. of acres) Other _____

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

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

Measuring device: Required? _____ Yes X No Installed? _____ Yes _____ NoFlow Measurement Port: Required? _____ Yes X No Installed? _____ Yes _____ No

8. Fee Enclosed: \$
- 50.00
- (See License Fee Schedule on back of Instruction Sheet)

9. Person to contact to accompany the Department representative during field examination of the water system.

Jeffrey Harris 254-3454
Name Telephone No.

McCommon, Idaho 1000 Flamingo (Box 252)
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.

MICROFILMED

AUG 12 1992

8/30/92
DateKathleen Harris
Signature (and title, if on behalf of a company or organization)

May 31, 1992

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

PROOF DUE NOTICE

RE: PERMIT NO. 29-07962

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 August 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.

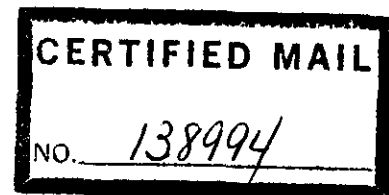
If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental 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



MAILED

AUG 12 1992

S T A T E O F I D A H O
DEPARTMENT OF WATER RESOURCES

Statehouse
Boise, Idaho 83720
(208) 327-7900
July 23, 1990

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

PERMIT APPROVAL NOTICE

RE: PERMIT NO. P29-07962

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.

Please note the requirement that as a permit holder you must commence the excavation or construction of diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The enclosed blue card must be completed and returned to this office as soon as you commence construction, no later than one year from the date the permit was approved.

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 into a license.

Sincerely,

GARY SPACKMAN, Supervisor
Water Right Permits Section

GS: SC
Enclosures

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JUL 27 1990

23-May-1990

Jeffrey F. or Kathleen M. Harris
P.O. Box 252
McCammon, ID 83250

RE: Application for Permit No. 29-7962 & 29-7963

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 7 & 14, 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

MICROFILMED

JUL 27 1990

29-07962

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

Source: SPRING

Tributary: SINKS

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

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

Date Filed: 4/25/ 1990

In: T09S R36E S10 SWNE

Michael L. L. L.

JUL 27 1990



State of Idaho

DEPARTMENT OF WATER RESOURCES

150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 - (208) 525-7161

EASTERN REGION

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

April 3, 1990

Jeffery and Kathleen Harris
P. O. Box 252
McCammon, Idaho 83250

RE: Applications for Permit

Dear Mr. and Mrs. Harris,

This letter is in reference to the two Applications for Permit that you filed with the Idaho Department of Water Resources on March 23, 1990.

Unfortunately, before we can process them, your signature is needed on both forms.

I have included photo-copies of both applications. Please sign each copy below the map on the third page and return them to this office.

Be sure to return both signed photo-copies of your Applications for Permit within thirty (30) days of the date of this letter to avoid return of your original applications and fees.

If you have any questions, please contact this office. The telephone number is 525-7161.

Sincerely,

Paul R. Meyer
WR Agent, Senior

enc.

RECEIVED

APR 20 1990

Department of Water Resources
Eastern District Office

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JUL 27 1990