

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant David R Harris Phone 766-2694
Post office address 1010 South Woodruff Rd. Malad, Idaho 83252
2. Source of water supply Groundwater which is a tributary of na
3. Location of point of diversion is SE * 1/4 of NE SE 1/4 of NE * 1/4, Govt. Lot _____
Sec. 21 Township 16S Range 36E B.M. Oneida County; additional
points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 3.2 for Irrigation purposes from April 1 to November 1 (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) 3.2 and/or (b) _____
cubic feet per second acre feet per annum

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Deep Well Turbine, Main Line, Sprinkler

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.

Exists c. Proposed well diameter is 14 inches; proposed depth of well is 205 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

All in place years (minimum 1 year).
one

* Changes made per phone call message stating Legal on Lic. 15-7020 is correct - Kcw
* Standard season of use. 3/10/92 RW

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. _____
 - 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	
16S	36E	15											40	40					80
16S	36E	21		40															40
16S	36E	22								40									40

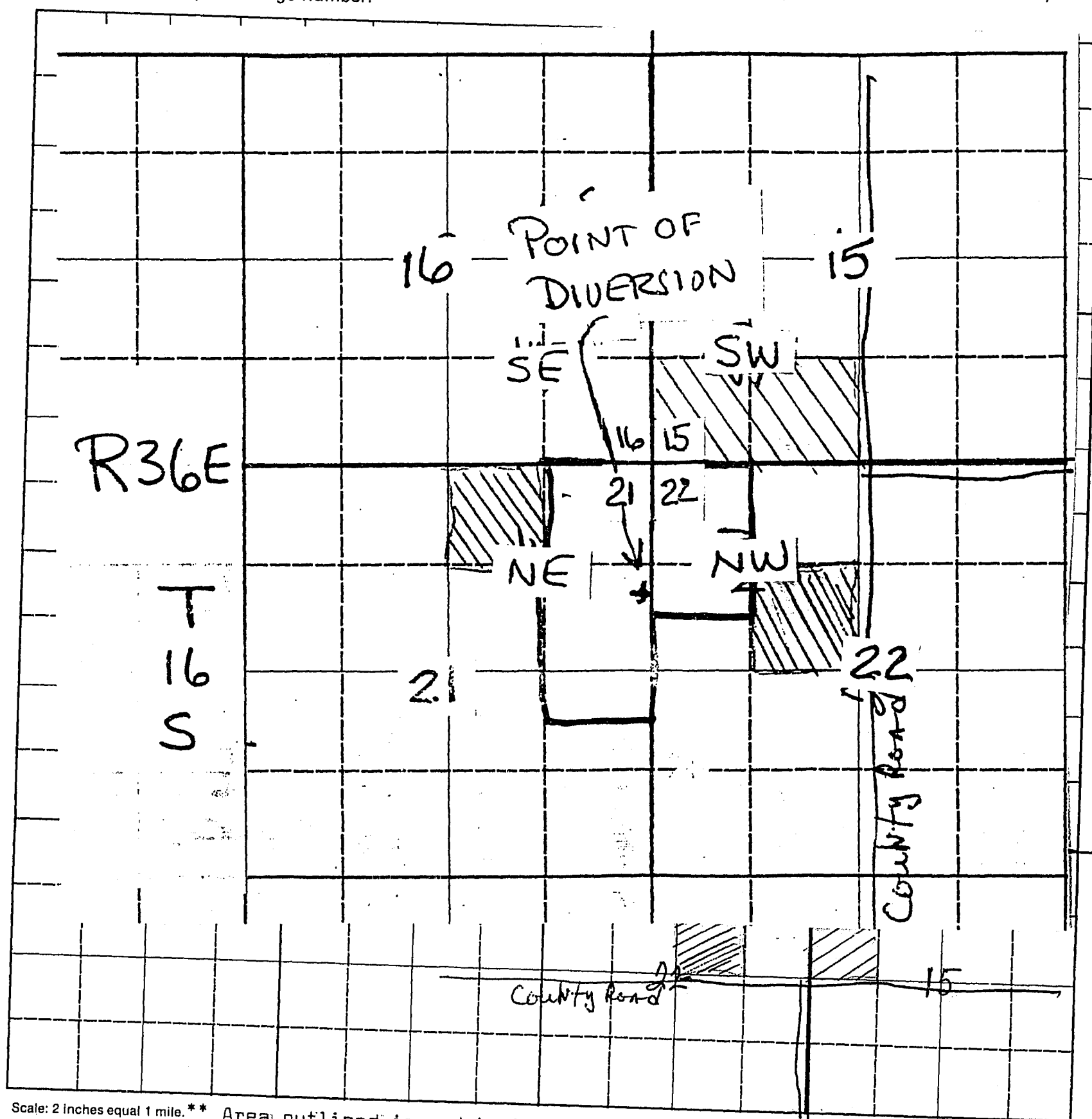
Total number of acres to be irrigated 160

10. Describe any other water rights used for the same purposes as described above. _____
11. a. Who owns the property at the point of diversion? Farm Credit/ Morgan D. & Ann B. Harris
- b. Who owns the land to be irrigated or place of use? Morgan Harris Clair Lundberg
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. All ground is leased and operated by applicant
12. Remarks: Point of diversion is an operating well under permit to applicant
irrigating 140 acres License# 15-7020

12. A. 90

15-7137

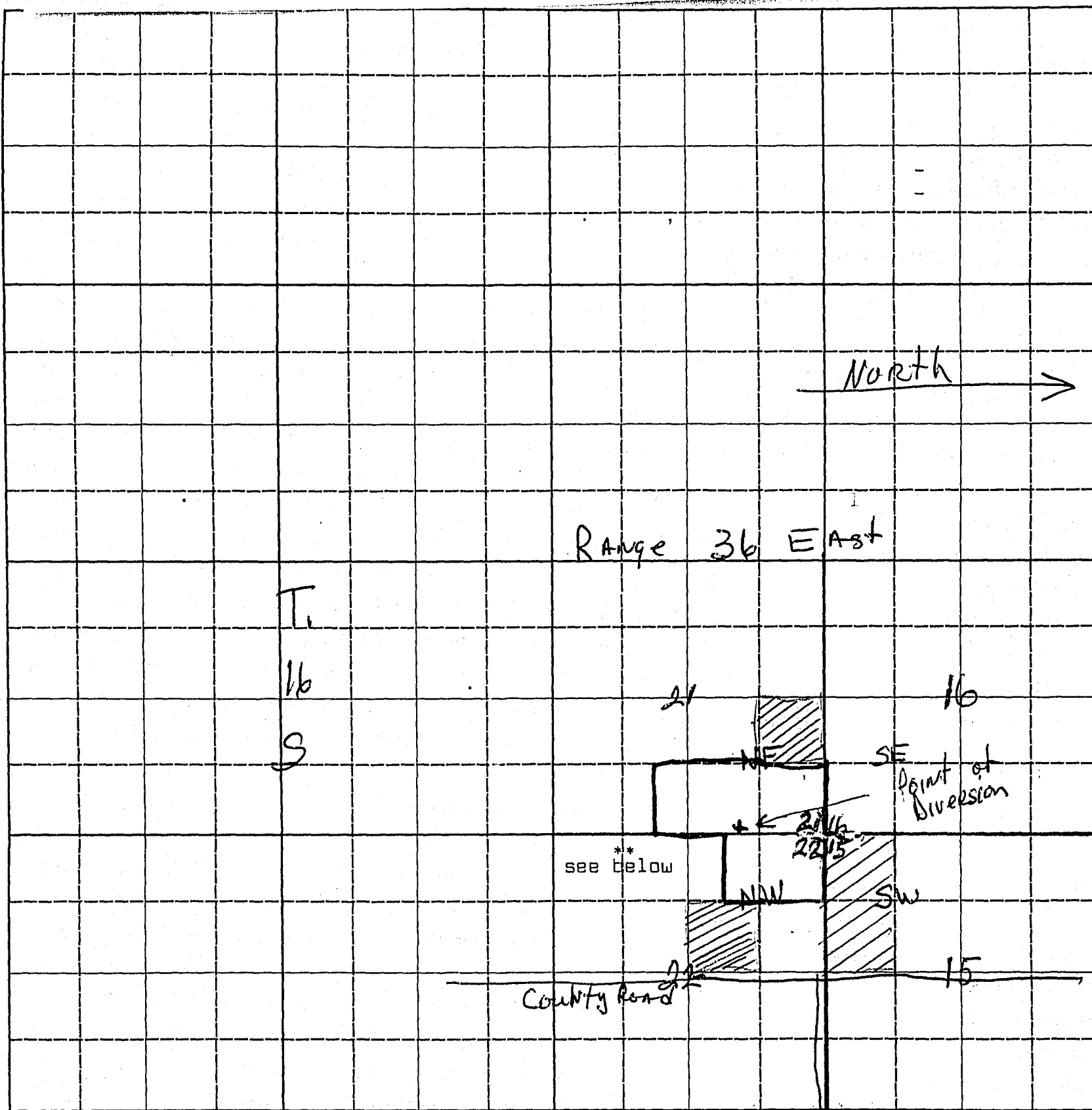
13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile. ** Area outlined in red is irrigated under permit held by applicant

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.

Amir R. Davis
(Applicant)



Scale: 2 inches equal 1 mile. ** Area outlined in red is irrigated under permit held by applicant

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.

Amir R. Davis
(Applicant)

Received by LB Date 3-2-92 Time 12:15 P Preliminary check by _____
Fee \$ 105 Received by LB # E016994 Date 3-4-92
Publication prepared by LB Date 3-19-92 Published in Idaho Enterprise
Publication approved LB Date 4-22-92

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:

To Keith
Date 3-9 Time 1255 ^{A.M.}_{P.M.}

WHILE YOU WERE OUT

Dave Harris
of _____
Phone 459-6643
AREA CODE NUMBER EXTENSION

Telephoned	☒	Please call	☒
Called to see you	☒	Will call again	☐
Wants to see you	☐	Returned your call	☐

Message Re: P.O.D is
Correct on License
15-07020. your letter
to him stated the P.O.D
was wrong

Signed J



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

05 March 1992

David R. Harris
1010 S. Woodruff Rd.
Malad, Idaho 83252

RE: Legal Description on Application for Permit

Dear Mr. Harris:

Enclosed is a copy of an application for permit that was received by this office. The legal description of the point of diversion in Item # 3 (SE1/4 SE1/4 NW1/4) does not match the legal description on the map (--1/4 SE1/4 NE1/4). Note: Legal description license 15-7020 is --1/4SE1/4~~NE~~1/4 Sec 21, T16S, R36E.

Please review the copy of the application, decide which legal description is correct then call me on or before 16 March 1992. The changes can be made as per our phone conversation and I will be happy to make the necessary changes on the application.

Your prompt response will be appreciated.

Sincerely,

Keith C. Wilson
Senior Resource Agent

No 1421

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, }
County of Oneida } ss.

Sandra Struhs

being duly sworn,
deposes and says: That she is the secretary of THE IDAHO ENTERPRISE, a weekly newspaper published at Malad, in the County of Oneida and State of Idaho; that said paper has been and is in general circulation in the county aforesaid, and in the vicinity of Malad; that the advertisement, a copy of which is attached hereto, was published in said newspaper once a week for 2 consecutive weeks in the regular and entire issue of said paper during the period of time of publication, and was published in the newspaper proper and not a supplement; that said paper has been established and regularly published for more than seventy-eight consecutive weeks prior to the date of first publication of said advertisement.

Such notice was published in the issue beginning with March 19, 1992, and ending with the issue of March 26, 1992

Sandra Struhs

Fee \$ 35.42

Subscribed and sworn to before me this 9th day of April, 1992.

Susan Wittman
Notary Public, Residing at Malad, Idaho

My Commission Expires 29, 1994

NOTICE OF APPLICATION FOR WATER RIGHT

The Following application(s) have been filed to appropriate the public waters of the State of Idaho:

HARRIS, DAVID R.
1010 S. WOODRUFF RD
MALAD, ID 83252

Source: GROUNDWATER
Diversion Pt: SENE

Sec 21 T 16S R 36E in ONEIDA County.

Uses: IRRIGATION (3,200 CFS)

Total Diversion: (3,200 CFS)

Date Filed: 2/21/1992

In: ONEIDA County

T16S R36E S15 SWSW SESW

S21 NWNE

S22 SENW

160.0 ACRES TOTAL

The permit(s) will be subject to all prior water rights. Protests must be filed with the Director, Department of Water Resources, Eastern Region, 150 Shoup Avenue, Suite 15, Idaho Falls, Idaho 83402 on or before APRIL 6, 1992.

R. KEITH HIGGINSON, Director

3-19-26 T2

No. 1421

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 15-07137

Proposed Priority: February 21, 1992 Maximum Diversion Rate: 3.20 CFS
This is to certify, that DAVID R HARRIS

1010 S WOODRUFF RD
MALAD ID 83252

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	04/15 to 10/15	3.20 CFS

LOCATION OF POINT(S) OF DIVERSION: SENE , Sec. 21, Township 16S, Range 36E
ONEIDA County

<u>PLACE OF USE:</u> IRRIGATION						
<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
16S	36E	15	SWSW 40	SESW 40		80
		21	NWNE 40			40
		22	SENE 40			40

Total number of acres irrigated: 160

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before September 1, 1993.
2. Subject to all prior water rights.
3. A flow measurement port or other device as specified by the Department shall be installed by the right holder to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department.
4. The issuance of this right in no way grants any right-of-way or easement across the land of another.
5. The rate of diversion of water for irrigation under this right and all other water rights on the same land shall not exceed 0.02 cubic feet per second for each acre of land.
6. This permit does not authorize the development and irrigation of new land not previously irrigated.

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

16 day of February, 1993

[Signature]
for R. Keith Higginson, Director

The permit(s) will be subject to all prior water rights. Protests must be filed with the Director, Dept. of Water Resources, Eastern Region, 150 Shoup Avenue, Suite 15, Idaho Falls, Idaho 83402 on or before APRIL 6, 1992.

R. KEITH HIGGINSON, Director

Published: 3/19/1992 & 3/26/1992

15-07137

HARRIS, DAVID R
1010 S WOODRUFF RD
MALAD, ID 83252

Source: GROUNDWATER

Diversion Pt: SENE Sec 21 T 16S R 36E in ONEIDA County.

Use: IRRIGATION (3.200 CFS)
Total Diversion: (3.200 CFS)

Date Filed: 2/21/1992

In: ONEIDA County		
T16S R36E S15	SWSW	SESW
S21	NWNE	
S22	SENW	

160.0 ACRES TOTAL

NOTICE OF APPLICATION FOR WATER RIGHT

The Following application(s) have been filed to appropriate the public waters of the State of Idaho:

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region
150 Shoup Ave., Suite 15

Idaho Falls, Idaho 83402
(208) 525-7161

MARCH 11, 1992

THE IDAHO ENTERPRISE
P.O. BOX 205
MALAD CITY, ID 83252

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before APRIL 6, 1992.

Yours truly,

Rita Bodell
Secretary

Encl.

12-Mar-1992

DAVID R HARRIS
1010 S WOODRUFF RD
MALAD ID 83252

RE: Application No. 15-7136 & 15-7137

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 Enterprise on 3-19 & 26-1992. 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

H

May 27, 1992

DAVID R HARRIS
1010 S WOODRUFF RD
MALAD ID 83252

RE: Water Right No. 15-07137

Certified Mail No. 139113

Dear Water Right Holder(s):

In response to record low streamflows and declining groundwater levels resulting from drought conditions, the Director of the Department of Water Resources has declared a moratorium on approval on certain pending and future applications to appropriate water in the Snake River Basin. The moratorium applies to both surface water and groundwater appropriations.

Department records show that you filed an application to appropriate water for irrigation which has not been approved by the Department. Unless you can demonstrate that your proposal qualifies for a narrow exemption to the moratorium, the department will hold your application, and will not process it until the moratorium is lifted.

An application for groundwater to supplement a normally sufficient surface water irrigation supply is exempt from the moratorium. If you can demonstrate that you normally receive an adequate supply of irrigation water from a surface water source, and that you will continue to fully use the surface water, when available, the Department will continue processing your application. If there are other impediments to approval such as a protest or necessary consent from other agencies, the other obstacle to approval must also be removed independent of the moratorium.

The enclosed form requests information which will determine whether your proposed use will qualify for the supplemental irrigation exemption. IF YOU FEEL YOUR PROPOSED USE QUALIFIES AS AN EXEMPT USE, YOU MUST COMPLETE THE FORM AND RETURN IT TO THIS OFFICE. If the form is not completed and returned, your application will be held without action. If you return the form but the use does not qualify, the Department will notify you that the application will be held without further processing.

Certain domestic and non-consumptive uses are also exempt from the moratorium. If your application proposes one of these uses in addition to irrigation, the department will resolve the exemption issue by reviewing the file.

The Department has scheduled a public meeting on June 2, 1992 where the details of the moratorium can be discussed. The meeting location is:

Preston, Idaho June 2, 1992 7:00p.m.
Franklin County Fairgrounds
Robinson Building
2nd North 2nd West

Sincerely,

GARY SPACKMAN, Supervisor
Water Right Permits Section

GS:cz



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

July 28, 1992

DAVID R HARRIS
1010 S WOODRUFF RD
MALAD ID 83252

RE: Application for Permit No. 15-07137

Dear Applicant(s):

On May 21, 1992, the Department of Water Resources sent you a letter explaining that a moratorium had been declared on the approval of certain pending and future applications to appropriate water in the Bear River Basin.

The letter included a request to complete and return to us a "Moratorium Exemption Questionnaire". The information would determine whether your proposed use(s) would qualify for the supplemental irrigation exemption, be partially approved, or be held without action. As of this date, the Department has not received the questionnaire. Enclosed is another one for your convenience.

Please return the questionnaire within twenty (20) days of the date of mailing of this letter, or the Department will initiate proceedings to void your application.

If you have any questions regarding this request, please contact me immediately at 327-5452.

Sincerely,

A handwritten signature in cursive script that reads "Brenda L. Miller".

BRENDA L. MILLER
Water Resource Agent

Enclosure

RECEIVED

AUG 18 1992

MORATORIUM EXEMPTION QUESTIONNAIRE Department of Water Resources

IF YOUR APPLICATION PROPOSES AN IRRIGATION USE, PLEASE
COMPLETE AND RETURN THE FOLLOWING:

- Has ALL the land you propose to irrigate been irrigated with surface water in the past?
No. No surface water is available to us.

- Do you summer fallow any of your irrigated land? If so, how many acres?
No

- List the water right(s) you have used to irrigate the land listed on the application. If you have received water from a canal company or water district, please identify the canal company or water district.

Well licence # 15-7020

- During the last ten years, how many years has your surface irrigation water been available for the entire irrigation season?
No surface water is available, however we have irrigated all of the land under this application for more than ten years from the above licenced well.
- What crops have you grown in the past ten years?

Wheat Barley Alfalfa

I understand if my proposed diversion of groundwater is approved as a supplemental use, that I can only use my well during periods of drought, when a full supply of water is not available. I also agree that my surface water will be fully used to the extent available, will not be sold or used on other lands, and that a change in use of my surface water may result in revocation of any groundwater right granted pursuant to my application for supplemental water.

Dated this 17 day of August, 1992.

Signature *David Durr* Application No. 15-07137

MORGAN HARRIS

DOUBLE H DAIRY
1010 South Woodruff Rd.
~~XXXXXX~~
MALAD CITY, IDAHO 83252

DAVID HARRIS

August 17, 1992

RECEIVED

AUG 18 1992

Department of Water Resources

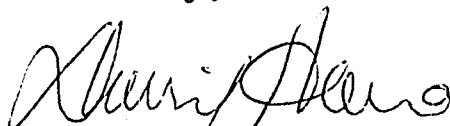
Brenda L. Miller
State of Idaho
Department of Water Resources
1301 North Orchard
Boise, Idaho 83720-9000

RE: Application for permits No. 15-07137[#], 15-07136[#]

Dear Brenda L. Miller, Water Resource Agent:

This letter is a follow up of our phone conversation about the above permit applications. In 1976 we applied for well permits #15-7020 and #15-7028 and subsequently drilled those wells. We were the only farm in our area to have a well until about 1985 when one of our neighbors drilled one. Four more wells were drilled last year. Since drilling our wells we have acquired some other ground and put it under irrigation. Since so many other wells were being drilled we felt we should apply to cover the ground that we did not have a permit on. All of the ground under the above applications has been under irrigation for at least ten years. We hope you will take this into consideration in granting these permits.

Sincerely,


David R. Harris



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

MEMORANDUM TO: Staff
FROM : R. Keith Higginson *RKH*
DATE : July 1, 1992
SUBJECT : Snake River Basin Moratorium

As expected, the moratorium on new uses of surface and ground water of the Snake River Basin upstream from the Weiser gaging station has generated several questions concerning intent.

You will recall that the moratorium provided several exceptions:

- domestic uses
- nonconsumptive uses
- drought wells
- drilling permits to replace or deepen

It appears that a number of situations have been identified where applications for permits have been filed to cover presently existing uses of water. I see no reason to hold up the processing and approval of such permits since it will make no difference on the quantity of water that is being withdrawn in the basin during this drought period. If we are not going to consider issuing permits to cover such existing uses then we need to issue cease and desist orders to stop the use. I don't want to take that action where there is an alternative.

Therefore, the purpose of this memo is to advise that it is the intent of the moratorium order issued on May 15, 1992 to hold up the issuance of permits authorizing new or expanded uses of water within the Snake River Basin. The moratorium may be interpreted to allow the continued processing and approval of applications proposing to cover an existing use. Such existing use must predate the start of the Snake River Basin Adjudication in November 1987.

MEMORANDUM

TO: Applications 15-07136 & 15-07137
FROM: Brenda
DATE: August 19, 1992
RE: PERMANENT PERMITS

=====

The above referenced applications should be considered exempt from the Bear River Moratorium criteria because they are pre-existing development. See copy of Director's July 1, 1992 memo in file which exempts pre-1987 development from the Snake River Basin Moratorium and allows said applications to be processed as permanent permits.

We are using the Director's memo as a guideline for processing applications for pre-existing development outside the Snake River Basin Adjudication boundaries.



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

February 17, 1993

DAVID R HARRIS
1010 S WOODRUFF RD
MALAD ID 83252

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 15-07137

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.

Be sure to note the special condition requiring you to install a measuring device. Enclosed, for your reference, is a list of measuring device options.

Sincerely,

BRENDA L. MILLER
Water Resource Agent

BLM:cz

Enclosures

OFFICE USE ONLY
Amt. of Fee \$ 175.00
Date 3-4-93
Receipt No. CO26918
Receipt by [Signature]

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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. 15-07137 Telephone No. 766-2694
2. Name(s) of Permit Holder(s): DAVID R HARRIS
3. Mailing Address: 1010 South Woodruff Rd Malad, Id 83252
4. Source of Water: Ground Water

If GROUNDWATER, Well Driller's Name: Yarborough Drilling Date Drilled: 1976

OPTIONAL:

Pump horsepower: 150 Pressure (psi): 85 Dynamic pumping level (ft.): 100

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

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

Irrigation 160 (No. of acres) Other _____

6. Total rate and/or volume for which proof is submitted 3.2 cfs OR _____ acre/feet

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

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

OR
Flow Measurement Port: Required? ☒ Yes ☐ No Installed? ☒ Yes ☐ No

8. Fee Enclosed: \$ 175.00 (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.

Same As Above
Name _____ Telephone No. _____

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.

3-4-93 [Signature] Owner
Date Signature (and title, if on behalf of a company or organization)

March 12, 1993

DAVID R HARRIS
1010 S WOODRUFF RD
MALAD ID 83252

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 15-07137

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. 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