

RECEIVED
JUN 16 1994

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

Ident. No. 15-7143

Department of Water Resources To appropriate the public waters of the State of Idaho

1. Name of applicant David R. Harris Phone 208-766-2694
Post office address 1010 South Woodruff Rd. Malad, Idaho 83252
2. Source of water supply Ground Water which is a tributary of _____
3. Location of point of diversion is NE ^(existing) SE $\frac{1}{4}$ of NE $\frac{1}{4}$, Govt. Lot _____
Sec. 21 Township 16 S Range 36 E B.M. Oneida County; additional
^(NEW)
points of diversion if any: NE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec 22 Twp 16 S R 36 E BM Oneida
4. Water will be used for the following purposes:
Amount 4.24 ^{cfs} for IRRIGATION purposes from MARCH 15 to NOVEMBER 15 (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) 4.24 ^{cubic feet per second} and/or (b) _____ ^{acre feet per annum}
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. Deep Well Turbine, Variable Speed Electric Motor And Booster pump - PVC underground main line, hand line and side roll lateral 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 well diameter is 16" inches; proposed depth of well is 300 feet.
d. Is ground water with a temperature of greater than 85°F being sought? No
e. If well is already drilled, when? 1976; Drilling firm YARBOROUGH DRILLING; Well was drilled for (well owner) yes
7. Time required for the completion of the works and application of the water to be proposed beneficial use is 5 years (minimum 1 year).

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	16															40		40
16S	36E	15			14						20				1	35	38	3	111
16S	36E	22		25			36												61

Total number of acres to be irrigated 212

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

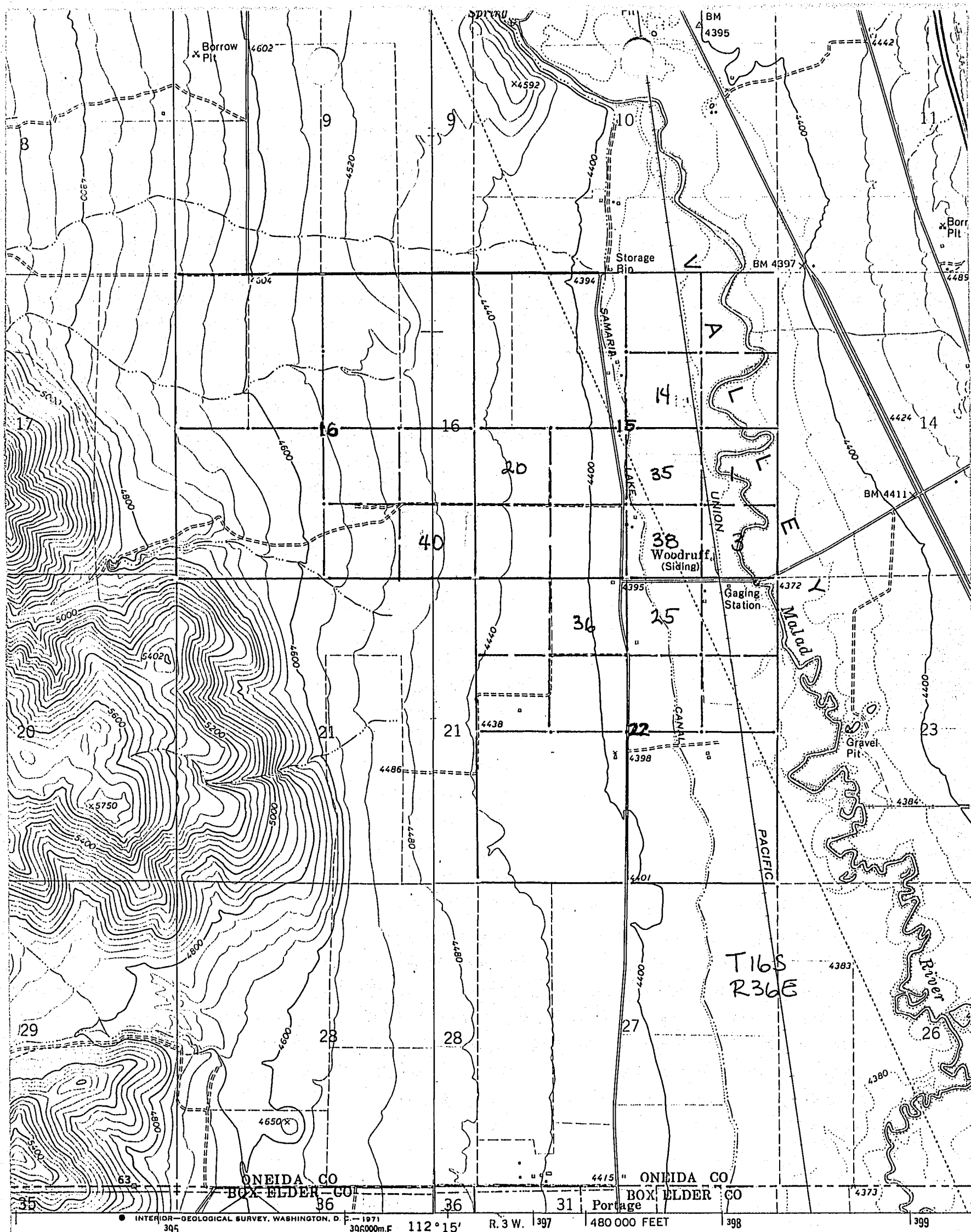
11. a. Who owns the property at the point of diversion? David Harris John Bair 2nd Pt of Div

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

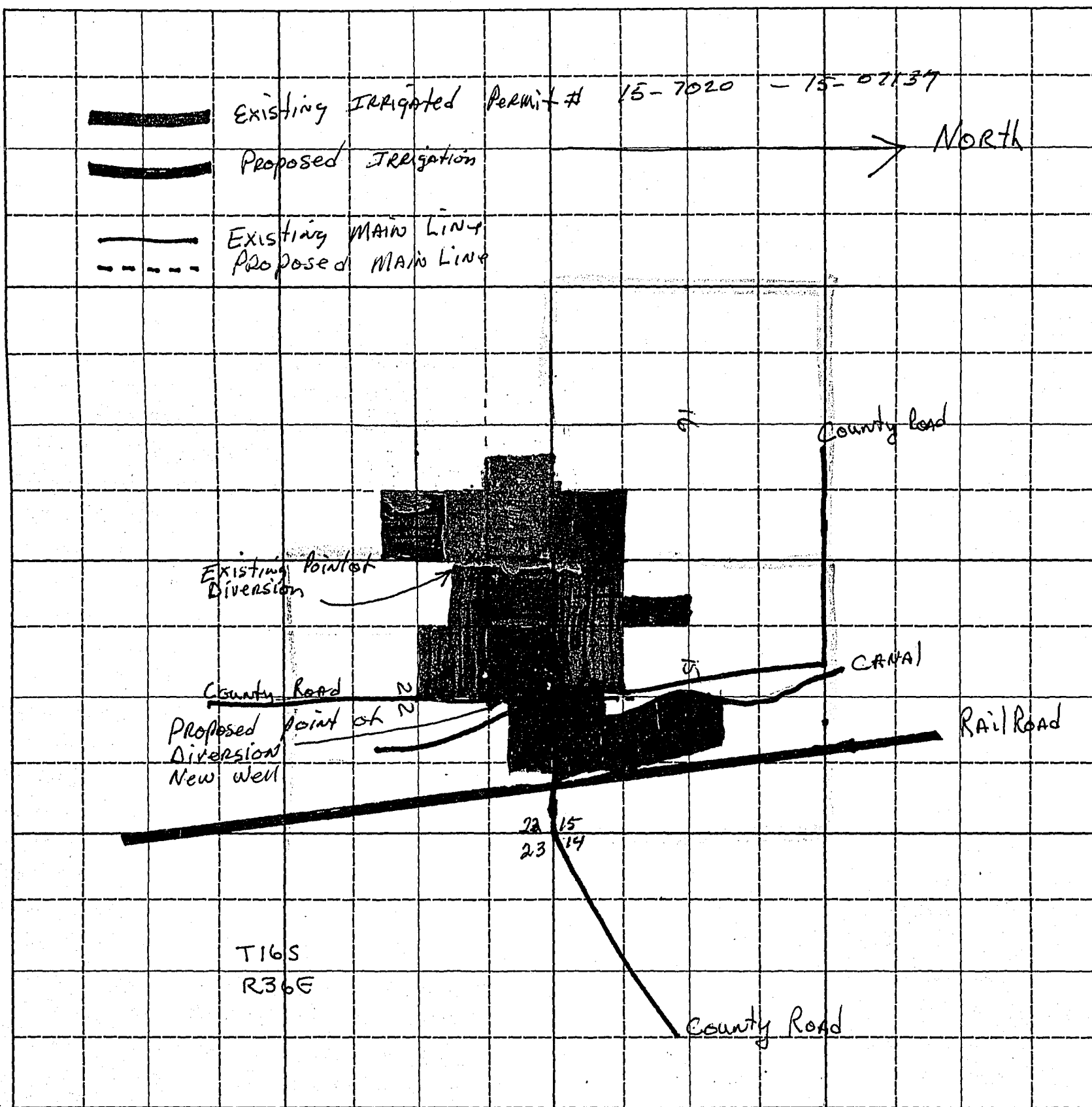
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. Property is Leased by the Applicant

Cash Lease - Development costs to be paid by Lessee

12. Remarks: _____



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.

David H. Hargis
(Applicant)

Received by WM Date 4/21/94 Time 11:47 CR #523 170.00 Preliminary check by _____
Fee \$ 125 ~~85~~ Receipted by HWJ # E019723 Date 4-22-94
Publication prepared by RB Date 5-5-12-94 Published in Id Enterprise
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:

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 15-07143

Proposed Priority: April 21, 1994 Maximum Diversion Rate: 4.24 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	4.24 CFS

LOCATION OF POINT(S) OF DIVERSION: NESENE , Sec. 21, Township 16S, Range 36E
NENENW , Sec. 22, Township 16S, Range 36E
ONEIDA 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>
16S	36E	15	SWNE 14	NWSW 20	NESE 1	
			NWSE 35	SWSE 38	SESE 3	111
		16	SESE 40			40
		22	NWNE 25	NENW 36		61

Total number of acres irrigated: 212

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before July 1, 1999.
2. Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.
4. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
5. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
6. A well drilled pursuant to this permit must be located at least 500 feet from any existing well. Well spacing closer than 500 feet must be approved by the Department of Water Resources.
7. Construction of the well must comply with Idaho well construction standards.
8. The right holder shall use the full allotment of his surface water right, to the extent it is available, in conjunction with groundwater diverted pursuant to this right.
9. The issuance of this right in no way grants any right-of-way or easement across the land of another.

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State of Idaho
Department of Water Resources

Permit To Appropriate Water

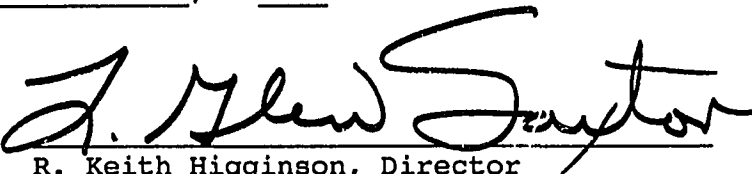
NO. 15-07143

CONDITIONS/REMARKS:

10. 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.

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

23rd day of June, 1994

for 
R. Keith Higginson, Director

04-May-1994

DAVID R HARRIS
1010 S WOODRUFF RD
MALAD ID 83252

RE: Application No. 15-07143 & 15-07144

Dear Water Right Applicant:

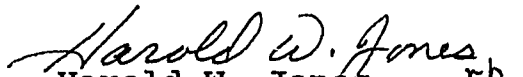
The Department of Water Resources acknowledges receipt of your water right permit. This office is currently in the process of advertising the application in the IDAHO ENTERPRISE on May 5 & 12, 1994. The advertisement will be published for two consecutive weeks, and a period of ten days following the 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 ^{rb}
Water Right Supervisor

HWJ:rb

Diversion Pt:

NENENW

Use: IRRIGATION

Date Filed:

In:

SWNE

NWSW

NESE

NWSE

S16

212.0 ACRES TOTAL

Nº 1852

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, }
County of Oneida } ss.

Donna Salvesen

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 week: 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

May 5, 19 94, and ending
with the issue of May 12, 19 94.

Donna Salvesen

Subscribed and sworn to before me this 19 day
of May, 19 94.

Susan J. Wittenman

Notary Public, Residing at Malad, Idaho

My Commission Expires 29, 19 2000

NOTICE OF APPLICATION FOR WATER RIGHT

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

15-07143

HARRIS, DAVID R
1010 S WOODRUFF RD
MALAD, ID 83252
Source: GROUNDWATER
Diversion Pt: NESENE Sec 21 T
16S R 36E in ONEIDA County.
NENENW Sec 22 T 16S R 36E
in ONEIDA County.
Use: IRRIGATION (4.240 CFS)
Total Diversion (4.240 CFS)

Date Filed: 4/21/1994

In: ONEIDA County

T16S R36E S15 SWNE NWSW
NESE NWSE SWSE SESE
S16 SESE
S22 NWNE NENW
212.0 ACRES TOTAL

15-07144

HARRIS, DAVID R
1010 S WOODRUFF RD
MALAD, ID 83252
Source: GROUNDWATER
Diversion Pt: NESESW Sec 23 T
16S R 36E in ONEIDA County.
Use: IRRIGATION (.500 CFS)
Total Diversion: (.500 CFS)

Date filed: 4/21/1994

In: ONEIDA County

T16S R36E S14 SWSE
S23 NWNE
25.0 ACRES TOTAL

The permit(s) will be subject to
all prior water rights. Protests must
be filed with the Director, Dept. of
Water Resources, Eastern Region,
900 N. Skyline, Idaho Falls, Idaho
83402 on or before May 23, 1994.

R. KEITH HIGGINSON, Director
Published: 5/5/1994 & 5/12/1994
L. 1652



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

June 24, 1994

DAVID R HARRIS
1010 S WOODRUFF RD
MALAD ID 83252

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 15-07143

Dear Permit Holder:

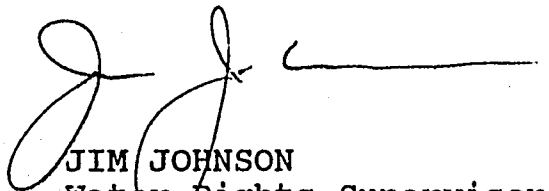
Enclosed is a copy of your approved application for permit. Please be sure to thoroughly review the "CONDITIONS/REMARKS:" listing on the permit.

As a permit owner you must commence the excavation or construction of the diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The date shown under condition no. 1 is the date when the project must be completed.

The Department will send you a "Proof Due Notice" approximately 60 days prior to the above referenced date requesting you to file either a Proof of Beneficial Use form or a Request for Extension of Time form.

If a well has not already been constructed you are required to obtain a "drilling permit" from the department. The right to drill a well is not a part of this permit to appropriate water.

Sincerely,


JIM JOHNSON
Water Rights Supervisor

JJ:dc

Enclosures

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JUL - 6 1999

Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

FOR OFFICE USE ONLY
Amt. of Fee \$: 200.
Receipt No. CO45971
Receipt By: Huilcomb
Date Received: 7/7/99

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 be accompanied by a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

1. Permit No. 15-07143 Telephone No. 208-766-2694
2. Name(s) of Permit Holder(s): David Harris
3. Mailing Address: 10101 South Woodruff Rd Malad, Id. 83252
4. Source of Water: Groundwater If GROUNDWATER (well), Date Drilled: mo. 9 yr. 96
 - a. Well Driller: Northstar Drilling Drilling Permit Number: 15-96E-004-000
 - b. OPTIONAL:
Pump Horsepower: 150 Pressure (psi): 70 Dynamic pumping level (ft): 110
5. Use(s) (as authorized by the water right permit):
Domestic (No. of households): _____ Stockwater (No. and type of stock): _____
Irrigation (No. of acres): 212 Other: _____
6. Total rate of diversion and/or volume for which proof is submitted: 4.24 cfs OR _____ acre feet
7. Measuring Device Requirement: (refer to the approval conditions on your permit and respond accordingly)
(This question is not optional. Please check either yes or no. Proofs returned not checked accordingly, will be considered incomplete)

Measuring Device:	Is a measuring device required?	Yes _____	or	No _____
	Has the measuring device been installed?	Yes _____	or	No _____
Flow Measurement Port:	Is a flow measurement port required?	Yes <u>X</u>	or	No _____
	Has the measurement port been installed?	Yes _____	or	No <u>X</u>
8. Fee Enclosed: \$ 200⁰⁰ (See Fee Schedule on back of the instructions for filing proof of beneficial use)
9. Person to contact to accompany the Department representative during field examination of the water system.
Name: David Harris Telephone Number: 208-766-2694
Address: 10101 South Woodruff Rd Malad, Idaho 83252
10. The information given on this form 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 of permit holder: David Harris owner Date: 5-15-99
(include your title, if on behalf of company or organization)

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 15-07143)
IN THE NAME OF DAVID R 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 to the Department on or before July 1, 1999; and,

WHEREAS, the Department notified the permit holder on April 30, 1999, by certified mail that proof of beneficial use was due and instructed the permit holder of the steps to be taken to submit the proof of beneficial use or an extension of time request; and,

WHEREAS, the permit lapsed on July 1, 1999, since the department had not received an acceptable proof of beneficial use statement or extension of time; and,

WHEREAS, Section 42-218a, Idaho Code, provides that the Department may reinstate a permit upon a showing of reasonable cause by the permit holder 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 July 6, 1999.

IT IS, THEREFORE, HEREBY ORDERED that Permit No. 15-07143 is **REINSTATED** with an advance in priority to April 26, 1994.

DATED this 27th day of December, 1999.

L. Glen Saxton

L. GLEN SAXTON, Chief
Water Allocation Bureau

Well Log
Weech Drilling
Rex Weech
632 E 42nd St
Burley, Idaho
83318
208-678-7633

pg 2 of 3

Date 9/26/96
Purchaser: Dave Harris
1010 South Woodruff Road
Malad, Id. 83252
Phone 1-208-766-2694

Permit #: 15-95E-0021-000
Water Right # 15-07143

Work time: 9/6/96 9/28/96
Static Water Level 45ft

Pipe: 243 ft of 16X.250 line welded casing Mitchel Lewis & Stavier machined and heat treated shoe.

Perforations:	82-90	8 rd of 8 perforations	1/2X3"
	97-105	8	
	126	1	
	130-135	5	
	138-146	8	
	150-163	13	
	175-180	5	
	195-203	6	
	205-208	3	
	212-215	3	
	219-220	1	
	224-228	3	
	235-242	8	
total		64 X8 =	512 perforations

Log:

0-15ft	Dark Brown Sandy Clay
15-22	Tan Brown sticky clay
22-30	Sand & gravel
30-40	Dark Brown Sandy Clay

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OCT 30 1996
Department of Water Resources
Eastern Region

40-45	gravel
45-60	Tan Brown Sandy clay
60-70	Brown sandy Clay
70-71	Gravel Acquirer
71-77	Tan Clay and Gravel
77-82	Brown Clay
82-90	Gravel (Black) waterbearing
90-97	Brown Sandy clay
97-105	Gravel (course and Black) waterbearing
105-110	Tan Brwon Clay and Gravel
110-125	Brown Clay(115-6) Black rock
125-126	Gravel waterbearing
126-130	Yellow Brown Clay
130-163	Gravel fine strips of clay (130-5,138-46,150-63) waterbearing
163-170	Brown clay and fine gravel
170-175	Tan Brown Clay and gravel
175-180	Gravel and Large Cobbles waterbearing
180-195	Brown Clay
195-203	Gravel(waterbearing)
203-205	Dark Grey Clay and Gravel
205-243	Gravel and grey clay strips (205-8,212-15,219-20,224-228,234-243, Waterbearing)

April 30, 1999

DAVID R HARRIS
1010 S WOODRUFF RD
MALAD ID 83252

RE: PERMIT NO. 15-07143 PROOF DUE NOTICE

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 July 1, 1999.

(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.

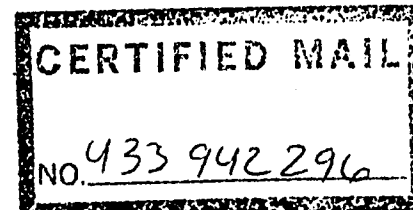
If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental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

JULIE L. YARBROUGH
Senior Secretary

Enclosures





State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

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

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

December 27, 1999

David Harris
10101 South Woodruff Rd
Malad ID 83252

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 15-07143

Dear Permit Holder:

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

Enclosed is an order reinstating the permit since proof was submitted after the proof due date. Please note that the priority date has been advanced to April 26, 1994, pursuant to Section 42-218a, Idaho Code.

Please be advised that Section 42-248, Idaho Code, requires you or the owner of this water right to maintain current ownership and address records on file with the department. Forms to file a change of ownership of a water right and/or a change in the address of the water right owner are available from any department office.

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 the field examination, please contact the EASTERN Regional Office of the department in Idaho Falls at (208)525-7161.

Sincerely,

JULIE L. YARBROUGH, Administrative Assistant
Water Allocation Bureau

Enclosure

c: IDWR - Region