

Vicki Kelly

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

)

Water Rights: 35-07602B, 35-
07717, 35-12922

Case No. 39576

)

)

NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING

IDWR has completed the following Administrative proceeding:

- ☐ Address change
- ☐ Substitution of Party
- ☐ I.C. § 42-222 transfer **69637**
 - ☐ point of diversion ☒ place of use
 - ☐ period of use ☐ nature of use
 - ☐ split of water right ☐ change in ownership

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Reports* for said water rights. No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED: Dec 9, 2002

Ernest Cadogan

Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on Dec 13, 2002, I mailed the original and copies of this form to the following persons, postage prepaid by regular mail and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
PO Box 2707
Twin Falls ID 83303-2707

2. One copy to:

Claimant/Seller for Substitution of Party or attorney of record:
D NEIL & JULIA A MORGAN
762 W HWY 39
BLACKFOOT ID 83221

3. One copy to:

Claimant/Purchaser for Substitution of Party, or attorney of record:
N/A

4. One copy to:

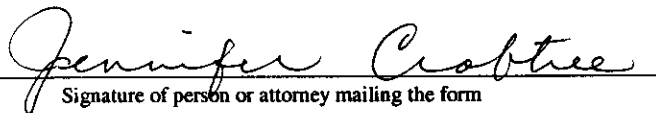
Each party in the subcase, or attorney of record	
JEFFREY C FEREDAY	JOHN K SIMPSON
GIVENS PURSLEY	ROSHOLT ROBERTSON & TUCKER
PO BOX 2720	PO BOX 2139
BOISE ID 83701	BOISE ID 83701

5. One copy each to:

Chief Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise ID 83711-4449

6. One Copy to:

United States Dept of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724


Signature of person or attorney mailing the form

12/09/2002

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 35-7602B
NAME AND ADDRESS: JULIA A MORGAN
762 W HWY 39
BLACKFOOT ID 83221
D NEIL MORGAN
762 W HWY 39
BLACKFOOT ID 83221

SOURCE: GROUND WATER

TRIBUTARY:

The right holder shall use the full allotment of appurtenant surface water rights in conjunction with ground water diverted under this right and shall only divert ground water under this right when water from the appurtenant surface water rights cannot be delivered to the right holder.

QUANTITY: 1.610 CFS
294.000 AFY

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 1.95 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 604 AF. COMBINED RIGHT NOS.: 35-7602B, 35-7717 AND 35-12922.

PRIORITY DATE: 04/09/1976

POINT OF DIVERSION:

T02S R34E S35 NESWSW Lot 4 Within BINGHAM County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	1.610 CFS 294.00 AFY

PLACE OF USE:

IRRIGATION Within BINGHAM County

T02S R34E S35	SENW	5.0	T02S R34E S35	NESW	35.0
T02S R34E S35	NWSW	37.0	T02S R34E S35 Lot 4 SWSW		39.0
T02S R34E S35 Lot 3	SESW	35.0			

151 ACRES TOTAL

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 151 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 35-7602B, 35-07717 AND 35-12922.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 84 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: License

12/09/2002

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

If the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert ground water shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.

USE OF THIS RIGHT IS COMBINED WITH WATER FROM DANSKIN DITCH CO.

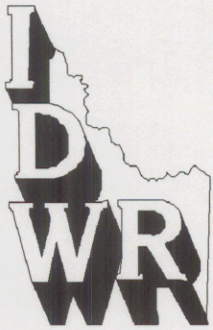
THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF
DIVERSION DESCRIBED ABOVE: 35-7717, 35-12922.

RIGHT NO. 35-12922 IS AN ENLARGEMENT OF THIS RIGHT AND 35-07717
PURSUANT TO SECTION 42-1426, IDAHO CODE.

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.

The right holder shall accomplish the change authorized by transfer 69637 by December 6, 2003.

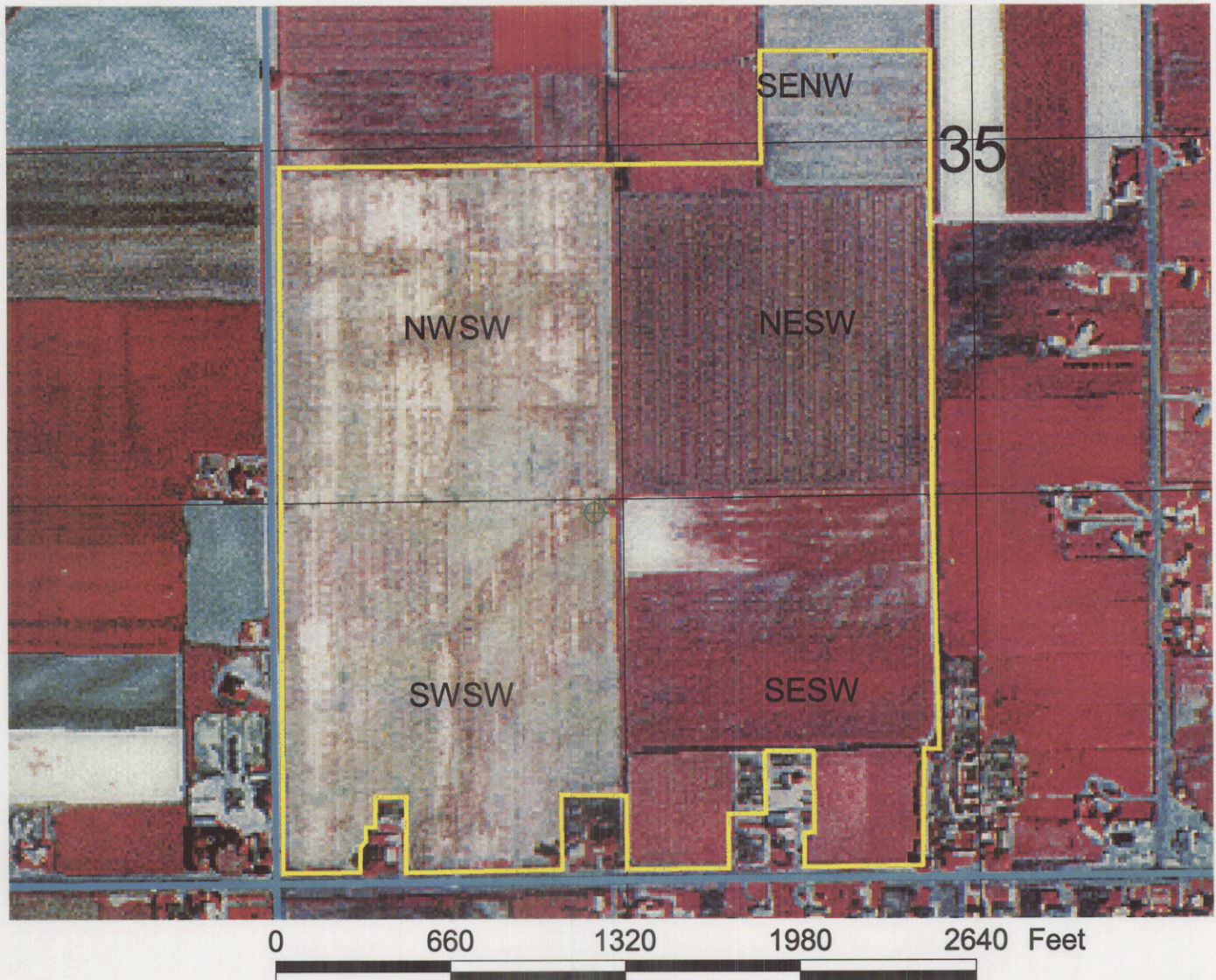
Failure of the right holder to comply with the conditions of transfer 69637 is cause for the Director to rescind approval of the transfer.



Department of Water Resources

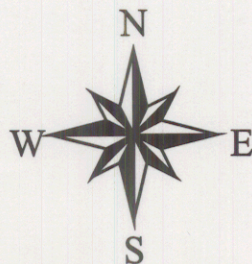
Claim No.: 35-7602B
35-7717
35-12922

Twp 02S, Rge 34E



Irrigated Acres = 151

- Well.shp
- Place of use.shp
- Sections
- QQ



GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepare by: E. Carlsen
Date: December 2002

1 of 10

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 69637APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1Name of Applicant D. NEIL OR JULIA A. MORGAN Phone 684-3060Office address 762 W Hwy 39, Blackfoot Id 83221

PURPOSE OF TRANSFER

☐ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use☐ Change nature of use ☐ Change period of use ☐ Other _____Describe the reason for the proposed changes CHANGE IN IRRIGATION SYSTEM

DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
<u>35-7602B</u>	<u>4/9/1976</u>	<u>1.61 cfs</u>	<u>IRRIGATION</u>	<u>4/1</u> to <u>10/31</u>
<u>35-7717</u>	<u>5/18/1977</u>	<u>0.34 cfs</u>	<u>IRRIGATION</u>	<u>4/1</u> to <u>10/31</u>
<u>35-12922</u>	<u>4/01/1982</u>	<u>0.658</u>	<u>IRRIGATION</u>	<u>4/1</u> to <u>10/31</u>

2. Total amount of water being transferred 1.95 cubic feet per second and/or _____ acre-feet per annum.3. Source of water GROUNDWATER tributary to _____

4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion
L-4	NE	SW	SW	35	2S	34E	BINGHAM	

5. Lands irrigated or place of use:

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
2S	R34E	35								5.0	35	37	39	35					151
													L-4	L-3					

Total Acres 151

PART 1

5. General Information:

a. Description of diversion system well pump mainline to laterals with sprinklers

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?
 Yes ☒ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:
will be irrigated using Danskin Ditch Co. shares

d. Remarks:
Transfer of groundwater will not result in expansion. Land to which groundwater is to be transferred has Danskin Ditch Co. shares

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____

and the said application is hereby _____, subject to the following conditions:

Witness my hand this _____ day of _____, 20_____.

 For the Director

Page 1

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2**

Current Water Right No. 35-7602B

Priority Date: 04/09/1976

Origin: Adjudication Recommendation

Basis: License

Status: Active

Source: GROUND WATER

Trib

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	4/01 10/31	1.61 CFS		
	Total Diversion	1.61 CFS		

Source and Point(s) of Diversion:

<u>Source</u>	<u>Twp</u>	<u>Range</u>	<u>Section</u>	<u>1/4 of 1/4 of 1/4</u>	<u>Lot</u>	<u>County</u>
GROUND WATER	02S	34E	35	NESWSW	4	BINGHAM

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02S 34E 35							16.8		31.0	39.0	39.0	25.2					151.0
											L 4	L 3					

Total Acres: 151

Conditions/Remarks:

- USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 1.95 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 604 AF. COMBINED RIGHT NOS.: 35-07717 AND 35-12922.
- THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 35-07717, 35-12922.
RIGHT NO. 35-12922 IS AN ENLARGEMENT OF THIS RIGHT AND 35-07717 PURSUANT TO SECTION 42-1426, IDAHO CODE.
- 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.
- USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 151 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 35-07717 AND 35-12922. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 84 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
- RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

Page 2

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2**

Current Water Right No. 35-7602B

6. THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER IN BASIN 35 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER RIGHTS IN BASIN 35: WATER RIGHT NO. SOURCE NONE NONE THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER IN BASIN 35 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER RIGHTS IN THE SNAKE RIVER BASIN: WATER RIGHT NO. SOURCE NONE NONE ALL WATER RIGHTS WITHIN BASIN 35 ARE FROM CONNECTED SOURCES OF WATER IN THE SNAKE RIVER BASIN AND SHALL BE ADMINISTERED CONJUNCTIVELY.
7. USE OF THIS RIGHT IS COMBINED WITH WATER FROM DANSKIN DITCH CO.

Documentation of Ownership of the Current Place of Use

Is this property subject to any liens, deeds of trust, mortgages, or contracts or other encumbrances? no

Describe the affect on the current place of use for this water right if the place of use is changed pursuant to this transfer will be irrigated using Danskinn Ditch Co. shares

To your knowledge, has any portion of the water right undergone a period of five(5) or more consecutive no years of non-use?

Page 1

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2**

Current Water Right No. 35-7717

Priority Date: 05/18/1977

Origin: Adjudication Recommendation

Basis: License

Status: Active

Source: GROUND WATER

Trib

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	4/01 10/31	0.34 CFS		
	Total Diversion	0.34 CFS		

Source and Point(s) of Diversion:

<u>Source</u>	<u>Twp</u>	<u>Range</u>	<u>Section</u>	<u>1/4 of 1/4 of 1/4</u>	<u>Lot</u>	<u>County</u>
GROUND WATER	02S	34E	35	NESWSW	4	BINGHAM

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02S 34E 35							16.8		31.0	39.0	39.0	25.2					151.0
											L 4	L 3					

Total Acres: 151

Conditions/Remarks:

- THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 35-07602B AND 35-12922.
RIGHT NO. 35-12922 IS AN ENLARGEMENT OF THIS RIGHT AND 35-07602B PURSUANT TO SECTION 42-1426, IDAHO CODE.
- USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 151 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 35-07602B AND 35-12922. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 17 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
- 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.
- USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 1.95 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 604 AF. COMBINED RIGHT NOS.: 35-07602B AND 35-12922.
- RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

page 6 of 10

T69637

Page 2

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2**

Current Water Right No. 35-7717

6. THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER IN BASIN 35 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER RIGHTS IN BASIN 35: WATER RIGHT NO. SOURCE NONE NONE THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER IN BASIN 35 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER RIGHTS IN THE SNAKE RIVER BASIN: WATER RIGHT NO. SOURCE NONE NONE ALL WATER RIGHTS WITHIN BASIN 35 ARE FROM CONNECTED SOURCES OF WATER IN THE SNAKE RIVER BASIN AND SHALL BE ADMINISTERED CONJUNCTIVELY.
7. USE OF THIS RIGHT IS COMBINED WITH WATER FROM DANSKIN DITCH CO.

Documentation of Ownership of the Current Place of Use

Is this property subject to any liens, deeds of trust, mortgages, or contracts or other encumbrances? *NO*

Describe the affect on the current place of use for this water right if the place of use is changed pursuant to this transfer *will be irrigated using Danskin Ditch Co. shares*

To your knowledge, has any portion of the water right undergone a period of five(5) or more consecutive *no* years of non-use?

Page 1

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2**

Current Water Right No. 35-12922

Priority Date: 04/01/1982

Origin: Adjudication Recommendation

Basis: Beneficial Use

Status: Active

Source: GROUND WATER

Trib

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	4/01 10/31	0.66 CFS		
Total Diversion		0.66 CFS		

Source and Point(s) of Diversion:

<u>Source</u>	<u>Twp</u>	<u>Range</u>	<u>Section</u>	<u>1/4 of 1/4 of 1/4</u>	<u>Lot</u>	<u>County</u>
GROUND WATER	02S	34E	35	NESWSW	4	BINGHAM

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02S 34E 35							16.8		31.0	39.0	39.0	25.2					151.0
											L 4	L 3					

Total Acres: 151

Conditions/Remarks:

- USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 151 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 35-07717, 35-07602B.
- 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.
POINT OF DIVERSION DESCRIBED ABOVE.
THIS RIGHT IS BASED UPON AN ENLARGEMENT OF RIGHT NO. 35-07717 PURSUANT TO SECTION 42-1426, IDAHO CODE.
- USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 1.95 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 604 AF. COMBINED RIGHT NOS.: 35-07717 AND 35-07602B.
- RIGHT NOS. 35-07602B AND 35-07717 ARE ALSO DIVERTED THROUGH THE POINT OF DIVERSION DESCRIBED ABOVE.
THIS RIGHT IS FOR AN ENLARGEMENT OF 50 ACRES WITHIN THE PLACE OF USE DESCRIBED FOR THIS RIGHT.

Page 2

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2**

Current Water Right No. 35-12922

5. THIS WATER RIGHT IS SUBORDINATE TO ALL WATER RIGHTS WITH A PRIORITY DATE EARLIER THAN APRIL 12, 1994, THAT ARE NOT DECREED AS ENLARGEMENTS PURSUANT TO SECTION 42-1426, IDAHO CODE. AS BETWEEN WATER RIGHTS DECREED AS ENLARGEMENTS PURSUANT TO SECTION 42-1426, IDAHO CODE, THE EARLIER PRIORITY RIGHT IS THE SUPERIOR RIGHT.
6. THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER IN BASIN 35 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER RIGHTS IN BASIN 35:

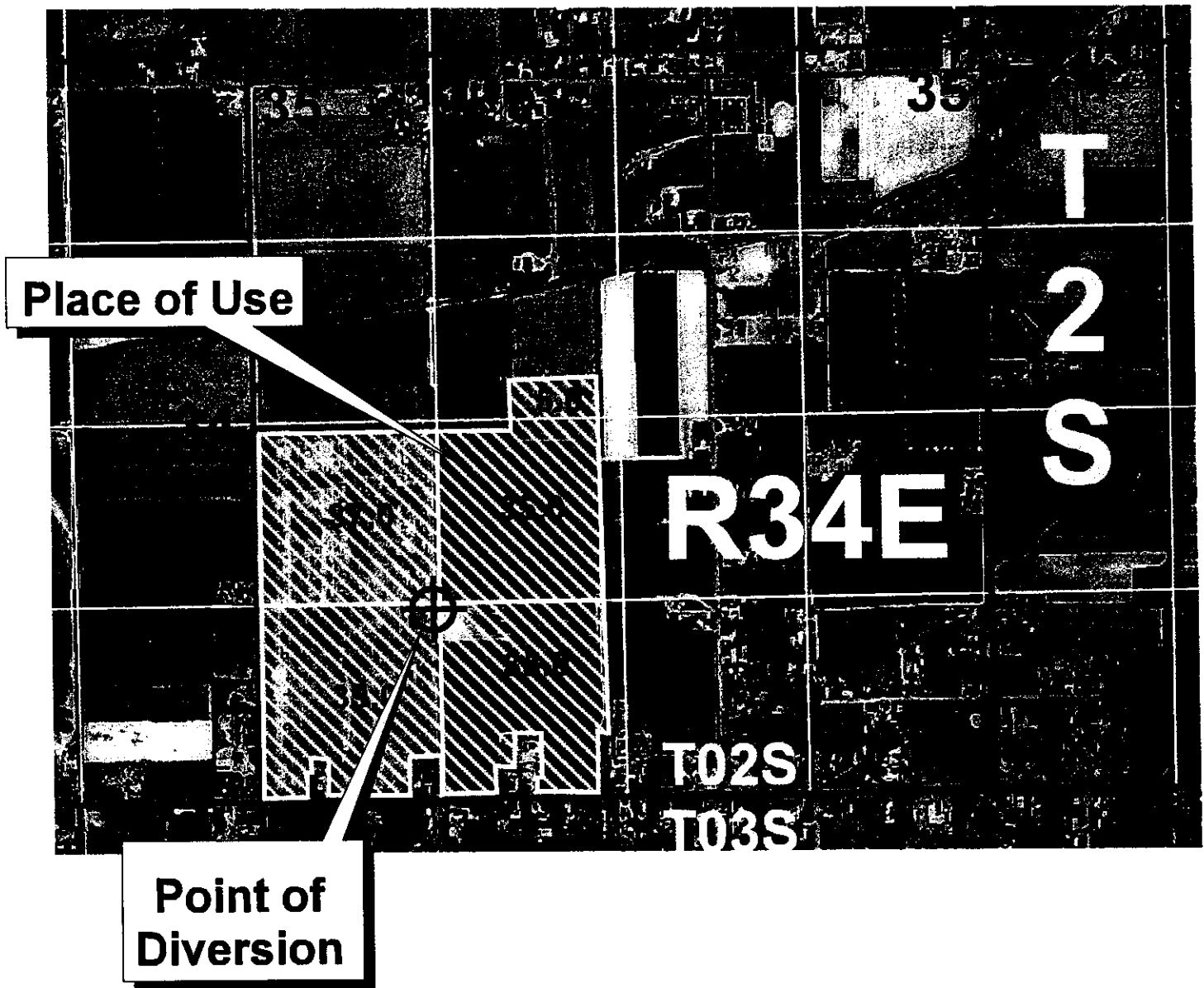
WATER RIGHT NO.	SOURCE NONE	NONE
THE FOLLOWING WATER RIGHTS FROM		
THE FOLLOWING SOURCES OF WATER IN BASIN 35 SHALL BE ADMINISTERED		
SEPARATELY FROM ALL OTHER WATER RIGHTS IN THE SNAKE RIVER BASIN: WATER		
RIGHT NO.	SOURCE NONE	NONE
ALL WATER RIGHTS WITHIN BASIN 35 ARE		
FROM CONNECTED SOURCES OF WATER IN THE SNAKE RIVER BASIN AND SHALL BE		
ADMINISTERED CONJUNCTIVELY.		
7. USE OF THIS RIGHT IS COMBINED WITH WATER FROM DANSKIN DITCH CO.

Documentation of Ownership of the Current Place of Use

Is this property subject to any liens, deeds of trust, mortgages, or contracts or other encumbrances? *NO*

Describe the affect on the current place of use for this water right if the place of use is changed pursuant to this transfer *will be irrigated using Danskin Ditch Co. shares*

To your knowledge, has any portion of the water right undergone a period of five(5) or more consecutive *NO* years of non-use?



SEC 35, T02S, R34E

35-7602B

35-7717

35-12922

CHANGES IN NATURE OF USE

New Nature of UseAmount(cfs/af-ft)Hours/days/yearPeriod of Use

to

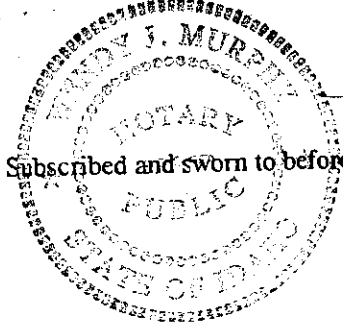
to

Quantity and quality of return flows and location of discharge:

Describe effects on other water uses resulting from the proposed change:

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.



[Signature]
(Signature of Applicant)

Subscribed and sworn to before me this 28th day of December, 20 01.

Wendy J. Murphy
(Notary Public)

My commission expires 6/23/06

FOR DEPARTMENT USE ONLY

Transfer contains 10 pages and 2 attachments

Received by Kaw Date 12/28/2001 1215 hrs Protest filed by _____

Prelim. Check by _____ Fee \$ 290.00 E027355 _____

Receipted by Kaw Date 12/28/2001 _____

Published in Moening News Copies of protest forwarded by _____

Pub. Dates Jan 17 & 24, 2002 Hearing held by _____ Date _____

Watermaster recommendations requested on _____ Recommended for ☐ approval ☐ denial

_____ received _____ by _____

Copy of transfer sent to lien holder _____

WATER RIGHT NO. 35-7602B
As Modified by Transfer No. 69637

In accordance with the approval of Transfer No. 69637, Water Right No. 35-7602B is now described as follows.

Right Holder: D NEIL MORGAN
 762 W HWY 39
 BLACKFOOT ID 83221

And

JULIA A MORGAN
 762 W HWY 39
 BLACKFOOT ID 83221

Priority Date: April 09, 1976

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	10/31	1.61 CFS	294.0 AF
			1.61 CFS	294.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER Lot 4 NESWSW Sec. 35 Twp 02S Rge 34E BINGHAM County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02S 34E 35								5.0	35.0	37.0	39.0	35.0					151.0
											L 4	L 3					

Total Acres: 151

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 84 acres within the place of use described above in a single irrigation season.
2. Rights 35-7602B, 35-7717 and 35-12922 when combined shall not exceed a total diversion rate of 1.95 cfs, a total annual maximum diversion volume of 604 af at the field headgate, and the irrigation of 151 acres.
3. Right 35-12922 is an enlargement of rights 35-7602B and 35-7717 pursuant to Section 42-1426, Idaho Code.

WATER RIGHT NO. 35-7602B
As Modified by Transfer No. 69637

CONDITIONS OF APPROVAL

4. The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
5. The right holder shall use the full allotment of appurtenant surface water rights in conjunction with ground water diverted under this right and shall only divert ground water under this right when water from the appurtenant surface water rights cannot be delivered to the right holder.
6. If the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert groundwater shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
7. Use of this right is combined with water from Danskin Ditch Co.
8. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
9. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
10. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
11. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
12. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 6th day of December, 2002


Chief, Water Allocation Bureau