

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 Carlson

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:

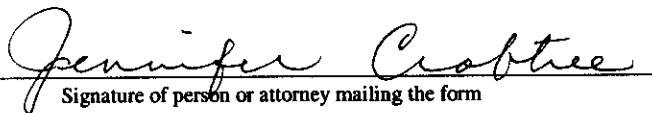
Each party in the subcase, or attorney of record	
JEFFREY C FEREDAY	JOHN K SIMPSON
GIVENS PURSLEY	ROSHOLT ROBERTSON & TUCKER
PO BOX 2720	PO BOX 2139
BOISE ID 83701	BOISE ID 83701

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: 35-12922
NAME AND ADDRESS: D NEIL MORGAN
762 W HWY 39
BLACKFOOT ID 83221

JULIA A 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: 0.660 CFS
200.000 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: 04/01/1982

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.

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	0.660 CFS 200.00 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.

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.

THIS RIGHT IS BASED UPON AN ENLARGEMENT OF RIGHT NOS. 35-7602B AND 35-7717 PURSUANT TO SECTION 42-1426, IDAHO CODE.

12/09/2002

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

EXPLANATORY MATERIAL: Beneficial Use

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.

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, 35-7602B.

THIS RIGHT IS FOR AN ENLARGEMENT OF 50 ACRES WITHIN THE PLACE OF
USE DESCRIBED FOR THIS RIGHT.

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.

WATER RIGHT NO. 35-12922
As Modified by Transfer No. 69637

In accordance with the approval of Transfer No. 69637, Water Right No. 35-12922 is now described as follows.

Right Holder: JULIA A MORGAN
 762 W HWY 39
 BLACKFOOT ID 83221

And

D NEIL MORGAN
 762 W HWY 39
 BLACKFOOT ID 83221

Priority Date: April 01, 1982

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	to 10/31	0.66 CFS	200.0 AF
			0.66 CFS	200.0 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.

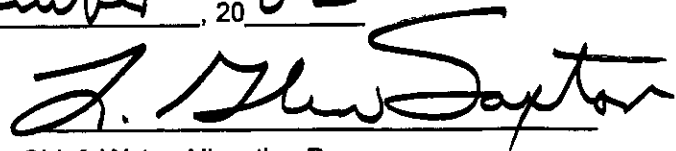
WATER RIGHT NO. 35-12922
As Modified by Transfer No. 69637

CONDITIONS OF APPROVAL

4. 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.
5. 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.
6. 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.
7. 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.
8. Use of this right is combined with water from Danskin Ditch Co.
9. 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.
10. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
11. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
12. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
13. 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