

**STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT  
TRANSFER NO. 85339**

This is to certify that: **CODY MORGAN AND  
KATHY MORGAN  
756 S 2800 E  
HAZELTON, ID 83335**

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

**Summary of Water Rights Before the Proposed Changes**

| <u>Water Right</u> | <u>Origin/Basis</u> | <u>Priority Date</u> | <u>Diversion Rate</u> | <u>Diversion Volume</u> | <u>Acre Limit</u> | <u>Total Acres</u> | <u>Source</u> |
|--------------------|---------------------|----------------------|-----------------------|-------------------------|-------------------|--------------------|---------------|
| 36-17090           | WR/LICENSE          | 3/10/1992            | 0.020 cfs             | 0.4 af                  | N/A               | N/A                | GROUND WATER  |
| 36-17091           | WR/DECREED          | 2/6/1961             | 0.020 cfs             | 6.1 af                  | N/A               | N/A                | GROUND WATER  |
| 36-17092           | WR/DECREED          | 3/11/1954            | 0.040 cfs             | 11.0 af                 | N/A               | N/A                | GROUND WATER  |

**Purpose of Transfer (Changes Proposed)**

| <u>Current Number</u> | <u>Split</u> | <u>POD</u> | <u>POU</u> | <u>Add POD</u> | <u>Period of Use</u> | <u>Nature of Use</u> |
|-----------------------|--------------|------------|------------|----------------|----------------------|----------------------|
| 36-17090              | NO           | YES        | YES        | NO             | NO                   | NO                   |
| 36-17091              | NO           | YES        | YES        | NO             | NO                   | NO                   |
| 36-17092              | NO           | YES        | YES        | NO             | NO                   | NO                   |

**Summary Of Water Rights After the Approved Change**

| <u>Existing Right</u>  | <u>New No. (Changed Portion)</u> | <u>Transfer Rate</u> | <u>Transfer Volume</u> | <u>Acre Limit</u> | <u>Total Acres</u> | <u>New No. (remaining portion)</u> | <u>Remaining Rate</u> | <u>Remaining Volume</u> | <u>Remaining Acre Limit</u> | <u>Remaining Total Acres</u> |
|------------------------|----------------------------------|----------------------|------------------------|-------------------|--------------------|------------------------------------|-----------------------|-------------------------|-----------------------------|------------------------------|
| 36-17090               | 36-17090                         | 0.020 cfs            | 0.4 af                 | N/A               | N/A                | N/A                                | N/A                   | N/A                     | N/A                         | N/A                          |
| 36-17091               | 36-17091                         | 0.020 cfs            | 6.1 af                 | N/A               | N/A                | N/A                                | N/A                   | N/A                     | N/A                         | N/A                          |
| 36-17092               | 36-17092                         | 0.040 cfs            | 11.0 af                | N/A               | N/A                | N/A                                | N/A                   | N/A                     | N/A                         | N/A                          |
| <b>COMBINED TOTALS</b> |                                  | <b>0.080 cfs</b>     | <b>17.1 af</b>         | <b>N/A</b>        | <b>N/A</b>         |                                    | <b>N/A</b>            | <b>N/A</b>              | <b>N/A</b>                  | <b>N/A</b>                   |

This water right(s) 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. Detailed Water Right Description(s) attached.

Dated this 8<sup>th</sup> day of November, 2021.

  
\_\_\_\_\_  
Southern Region Manager

**SUPPORT DATA**

Transfer No. 85339

**IN FILE # 36-17090**

**WATER RIGHT NO. 36-17090**  
**As Modified by Transfer No. 85339**

In accordance with the approval of Transfer No. 85339, Water Right No. 36-17090 is now described as follows:

**Right Holder:** KATHY MORGAN AND/OR  
 CODY MORGAN  
 756 S 2800 E  
 HAZELTON, ID 83335

**Priority Date:** 3/10/1992

**Source:** GROUND WATER

| <u>BENEFICIAL USE</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Diversion Volume</u> |
|-----------------------|-------------|-----------|-----------------------|-------------------------|
| COMMERCIAL            | 1/1         | to 12/31  | 0.020 cfs             | 0.4 af                  |
| STOCKWATER            | 1/1         | to 12/31  | 0.020 cfs             | 0.4 af                  |
|                       |             |           | 0.020 cfs             | 0.4 af                  |

**LOCATION OF POINT(S) OF DIVERSION**

|              |        |                        |               |
|--------------|--------|------------------------|---------------|
| GROUND WATER | NWSWNW | Sec 32 Twp 07S Rge 17E | JEROME County |
| GROUND WATER | SWSWNW | Sec 32 Twp 07S Rge 17E | JEROME County |

**PLACE OF USE: COMMERCIAL**

| Twp | Rng | Sec | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    | Totals |
|-----|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
|     |     |     | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |
| 07S | 17E | 32  |    |    |    |    |    |    | X  |    |    | X  |    |    |    |    |    |    | 0      |

**PLACE OF USE: STOCKWATER**

| Twp | Rng | Sec | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    | Totals |
|-----|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
|     |     |     | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |
| 07S | 17E | 32  |    |    |    |    |    |    | X  |    |    | X  |    |    |    |    |    |    |        |

**CONDITIONS OF APPROVAL**

1. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 130.
2. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversions.

Transfer No. 85339

**WATER RIGHT NO. 36-17090**  
**As Modified by Transfer No. 85339**

**CONDITIONS OF APPROVAL**

3. Rights 36-17090, 36-17091, and 36-17092 when combined shall not exceed a total diversion rate of 0.08 cfs and a total annual maximum diversion volume of 17.1 af.
4. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable county zoning and use ordinances.
5. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable water quality monitoring and/or permitting requirements administered by the Department of Environmental Quality or the Department of Agriculture.
6. Commercial use is for a CAFO facility.
7. This right is for the use of trust water, and it is subject to review 20 years after its initial approval (date of permit approval) to re-evaluate the availability of trust water for the authorized use and to re-evaluate the public interest criteria for reallocating trust water.
8. When the minimum stream flow water rights in the Snake River at Murphy Gage are not being satisfied, the right holder shall cease diverting water for the consumptive uses authorized by this right. The minimum stream flow water rights are for 3,900 cfs from April 1 through October 31 and 5,600 cfs from November 1 through March 31. See IDAPA 37.03.08.030.
9. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

**WATER RIGHT NO. 36-17091**  
**As Modified by Transfer No. 85339**

In accordance with the approval of Transfer No. 85339, Water Right No. 36-17091 is now described as follows:

**Right Holder:** KATHY MORGAN AND/OR  
 CODY MORGAN  
 756 S 2800 E  
 HAZELTON, ID 83335

**Priority Date:** 2/6/1961

**Source:** GROUND WATER

| <u>BENEFICIAL USE</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Diversion Volume</u> |
|-----------------------|-------------|-----------|-----------------------|-------------------------|
| COMMERCIAL            | 1 /1        | to 12/31  | 0.020 cfs             | 6.1 af                  |
| STOCKWATER            | 1 /1        | to 12/31  | 0.020 cfs             | 6.1 af                  |
|                       |             |           | 0.020 cfs             | 6.1 af                  |

**LOCATION OF POINT(S) OF DIVERSION**

|              |        |                        |               |
|--------------|--------|------------------------|---------------|
| GROUND WATER | NWSWNW | Sec 32 Twp 07S Rge 17E | JEROME County |
| GROUND WATER | SWSWNW | Sec 32 Twp 07S Rge 17E | JEROME County |

**PLACE OF USE: COMMERCIAL**

| Twp | Rng | Sec | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    | Totals |
|-----|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
|     |     |     | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |
| 07S | 17E | 32  |    |    |    |    |    |    | X  |    |    |    | X  |    |    |    |    |    | 0      |

**PLACE OF USE: STOCKWATER**

| Twp | Rng | Sec | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    | Totals |
|-----|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
|     |     |     | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |
| 07S | 17E | 32  |    |    |    |    |    |    | X  |    |    |    | X  |    |    |    |    |    |        |

**CONDITIONS OF APPROVAL**

1. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 130.
2. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversions.

Transfer No. 85339

**WATER RIGHT NO. 36-17091**  
**As Modified by Transfer No. 85339**

**CONDITIONS OF APPROVAL**

3. Rights 36-17090, 36-17091 and 36-17092 when combined shall not exceed a total diversion rate of 0.08 cfs and a total annual maximum diversion volume of 17.1 af.
4. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable county zoning and use ordinances.
5. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable water quality monitoring and/or permitting requirements administered by the Department of Environmental Quality or the Department of Agriculture.
6. Commercial use is for a CAFO facility.
7. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. Pursuant to Idaho Code § 42-1412(6), 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

**WATER RIGHT NO. 36-17092**  
**As Modified by Transfer No. 85339**

In accordance with the approval of Transfer No. 85339, Water Right No. 36-17092 is now described as follows:

**Right Holder:** KATHY MORGAN AND/OR  
 CODY MORGAN  
 756 S 2800 E  
 HAZELTON, ID 83335

**Priority Date:** 3/11/1954

**Source:** GROUND WATER

| <u>BENEFICIAL USE</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Diversion Volume</u> |
|-----------------------|-------------|-----------|-----------------------|-------------------------|
| COMMERCIAL            | 1 /1        | to 12/31  | 0.040 cfs             | 11.0 af                 |
| STOCKWATER            | 1 /1        | to 12/31  | 0.040 cfs             | 11.0 af                 |
|                       |             |           | 0.040 cfs             | 11.0 af                 |

**LOCATION OF POINT(S) OF DIVERSION**

|              |        |                                      |
|--------------|--------|--------------------------------------|
| GROUND WATER | NWSWNW | Sec 32 Twp 07S Rge 17E JEROME County |
| GROUND WATER | SWSWNW | Sec 32 Twp 07S Rge 17E JEROME County |

**PLACE OF USE: COMMERCIAL**

| Twp | Rng | Sec | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    | Totals |
|-----|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
|     |     |     | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |
| 07S | 17E | 32  |    |    |    |    |    |    | X  |    |    | X  |    |    |    |    |    |    | 0      |

**PLACE OF USE: STOCKWATER**

| Twp | Rng | Sec | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    | Totals |
|-----|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
|     |     |     | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |
| 07S | 17E | 32  |    |    |    |    |    |    | X  |    |    | X  |    |    |    |    |    |    |        |

**CONDITIONS OF APPROVAL**

1. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 130.
2. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversions.

Transfer No. 85339

**WATER RIGHT NO. 36-17092**  
**As Modified by Transfer No. 85339**

**CONDITIONS OF APPROVAL**

3. Rights 36-17090, 36-17091, and 36-17092 when combined shall not exceed a total diversion rate of 0.08 cfs and a total annual maximum diversion volume of 17.1 af.
4. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable county zoning and use ordinances.
5. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable water quality monitoring and/or permitting requirements administered by the Department of Environmental Quality or the Department of Agriculture.
6. Commercial use is for a CAFO facility.
7. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. Pursuant to Idaho Code § 42-1412(6), 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

State of Idaho  
Department of Water Resources  
**Attachment to Transfer # 85339**  
36-17090, 36-17091, and 36-17092

This map depicts the COMMERCIAL and STOCKWATER place of use boundary for these water rights at the time of this approval and is attached to the approval document solely for illustrative purposes.



-  Point of Diversion
-  Place Of Use Boundary
-  Townships
-  PLS Sections
-  Quarter Quarters

0 0.075 0.15 0.3 Miles





IDAHO DEPARTMENT OF  
**WATER RESOURCES**

Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, ID 83301-5858

Phone: 208-736-3033 • Fax: 208-736-3037 • Email: [southerninfo@idwr.idaho.gov](mailto:southerninfo@idwr.idaho.gov) • Web: [idwr.idaho.gov](http://idwr.idaho.gov)

**Governor Brad Little**

**Director Gary Spackman**

November 9, 2021

CODY MORGAN  
KATHY MORGAN  
756 S 2800 E  
HAZELTON ID 83335

Re: Transfer No: 85339  
Water Right No(s): 36-17090, 36-17091, 36-17092

**Transfer Approval Notice**

Dear Water Right Holder and other Interested Persons:

The Department of Water Resources has issued the enclosed approved Transfer of Water Right(s). Please be sure to thoroughly review the conditions of approval and remarks listed on the approval document.

The Transfer of Water Right(s) is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless the APPLICANT petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

ANY PERSON aggrieved by any decision, determination, order or action of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Department and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

If the transfer approval includes a condition requiring measuring and recording devices, such devices shall comply with specifications established by the Department. Detailed specifications are available on the Department's home page on the Internet, or you can request a copy by contacting any office of the Department. Please be sure to thoroughly review the specifications to avoid unnecessary costs for reinstallation or modification due to non-conforming or improperly installed devices.

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at (208) 736-3033.

Sincerely,



Corey Skinner  
Southern Regional Manager

Enclosure

c:

BROCKWAY ENGINEERING PLLC  
C/O GREG SULLIVAN  
2016 WASHINGTON ST N STE 4  
TWIN FALLS ID 83301-3082

WATER DISTRICT 130  
NATHAN ERICKSON  
650 ADDISON AVE W STE 500  
TWIN FALLS ID 83301-5858

## CERTIFICATE OF SERVICE

I hereby certify that on November 9, 2021 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Transfer) to the person(s) listed below:

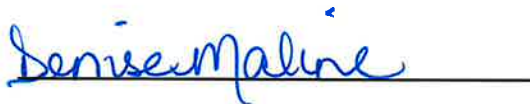
Re: Transfer No.: 85339

Water Right No(s): 36-17090, 36-17091, 36-17092

CODY MORGAN  
KATHY MORGAN  
756 S 2800 E  
HAZELTON ID 83335

BROCKWAY ENGINEERING PLLC  
C/O GREG SULLIVAN  
2016 WASHINGTON ST N STE 4  
TWIN FALLS ID 83301-3082

WATER DISTRICT 130  
NATHAN ERICKSON  
650 ADDISON AVE W STE 500  
TWIN FALLS ID 83301-5858



Denise Maline  
Administrative Assistant

## **EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER**

(To be used in connection with actions when a hearing was **not** held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "**Preliminary Order**" issued by the department pursuant to section 67-5243, Idaho Code. **It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:**

### **PETITION FOR RECONSIDERATION**

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. **Note: the petition must be received by the department within this fourteen (14) day period.** The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

### **EXCEPTIONS AND BRIEFS**

Within fourteen (14) days after: (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

### **REQUEST FOR HEARING**

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

### **ORAL ARGUMENT**

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

## **CERTIFICATE OF SERVICE**

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

## **FINAL ORDER**

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its service date if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) The petition for reconsideration is disposed of; or
- (b) The petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

## **APPEAL OF FINAL ORDER TO DISTRICT COURT**

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

## MEMORANDUM

**Date:** November 4, 2021  
**To:** Transfer 85339 File  
**From:** William Mills  
**Re:** Evaluation of Sufficiency of Information Submitted

---

Application proposes changing the points of diversion and place of use for three ground water rights with a total of 0.08 cfs used for commercial/stockwater purposes, that are currently diverted at a CAFO facility approximately 29.6 to 29.8 miles east and 12.4 to 12.6 miles south of the city center of Jerome. The application proposes moving the rights to a new place of use and diverting them from two existing wells at an existing CAFO facility located approximately 2.8 to 3.3 miles north and 1.2 to 1.7 miles east of the city center of Jerome.

Water right transfer is within the Eastern Snake Plain Aquifer and the applicant's consultant ran the ESPA model. Results indicated no mitigation would be required as a result of transferring the rights to the new place of use. Department staff ran the ESPA model analysis utilizing the same parameters and verified the consultant's findings.

Ownership of the water rights will not change as a result of processing this transfer. A contract of agreement was provided that specifies that the original owner will retain ownership of the water rights at the new location.

All PODs and POUs are within Water District 130 and Watermaster did not oppose approval of this application.

- **Authority to File:**

IDWR records indicate the applicant currently owns the water right in this transfer and a contract of agreement was provided with the application indicating the applicants will retain ownership of the water rights at the proposed place of use.

- **Water Right Validity:**

Water rights 36-17091 & 36-17092 were decreed in the SRBA on 8/27/2001 and right 36-17090 was licensed on 4/16/1999.

Water rights appear to be utilized as recent aerial imagery indicates there is an active CAFO facility at the current place of use.

- **Injury to Other Water Rights:**  
None anticipated.
- **Enlargement of Use:**  
None anticipated.
- **Local Public Interest:**  
No issues anticipated. Application was subject to public notice and protest.
- **Beneficial Use/Conservation of Water Resources:**  
Proposed use is recognized as a beneficial use of water.
- **Effect on the Economy of the Local Area:**  
None Anticipated.
- **Effect on Agricultural Base of the Local Economy:**  
None Anticipated.

**Review of the application finds there is no clear inconsistency with criteria set forth in Section 42-222 Idaho Code preventing processing of this application.**

State of Idaho  
Department of Water Resources

**RECOMMENDATION OF WATERMASTER**

Transfer No: 85339  
Water Right No: 36-17090, etc.  
Applicant Name: CODY & KATHY MORGAN

Watermaster's Recommendation:

- a) ☒ I do not oppose approval of this application
- b) ☐ I do not oppose approval of this application under the following terms:
- c) ☐ I oppose approval of this application(s) for the following reasons:
- d) ☐ Additional comment:

Dated: October 26, 2021

Water District 130



---

Nathan Erickson, Watermaster

**\* Proof of Publication \***

RECEIVED

Twin Falls Times-News  
132 Fairfield St W, Twin Falls, Idaho 83301

OCT 20 2021

WATER RESOURCES  
WESTERN REGION

SHERRI DAVIS, being duly sworn, deposes and says: That she is the Principal Clerk of the Times-News, a daily newspaper printed and published at Twin Falls, Twin Falls County, State of Idaho, and having a general circulation therein, and which said newspaper has been continuously and uninterruptedly published in said County during a period of twelve consecutive months prior to the first publication of the notice, a copy of which is attached hereto: that said notice was published in the Times-News, in conformity with Section 60-108, Idaho Code, as amended, for:

2 Insertions

IDAHO DEPT OF WATER RESOURCES  
Denise Lauerman  
2735 AIRPORT WAY  
BOISE ID 83705

RECEIVED

OCT 29 2021

DEPT OF WATER RESOURCES  
SOUTHERN REGION

ORDER NUMBER 119785

Sherrin Davis  
(Legals Clerk)

STATE OF IDAHO )  
                          )SS  
COUNTY OF TWIN FALLS )

On this 15<sup>th</sup> day of October in the year of 2021 before me, a Notary Public, personally appeared before me Sherrin Davis known or identified to me to be the person whose name subscribed to the within instrument, and being by first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

Reba M Davis  
Notary Public FOR Idaho  
Residing at: Twin Falls, Idaho  
My Commission expires: 5/8/2026



→  
✓ dm 10/29/2021

Section: Legals

Category: 50 Legal

PUBLISHED ON: 10/07/2021, 10/14/2021

TOTAL AD COST: 285.45

FILED ON: 10/14/2021

# \*\* \* Proof of Publication \* \*

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

47-17747

HOT DIGGITY 5 LLC

1296 RIVER RD

BUHL, ID 83316-5100

Point of Diversion: SENE S10 T09S R14E TWIN FALLS County

Source: MUD CREEK Tributary SNAKE RIVER

Use: POWER 01/01 to 12/31 106 CFS

Total Diversion: 106 CFS

Date Filed: 07-13-2021

Place Of Use: POWER

T09S R14E S10 SENE

Application for permit proposes diversion of up to 106.0 cfs from Mud Creek for year-round Power use. The point of diversion and place of use are located approximately 4.2 miles north and 1.7 miles west of the intersection of Main Street and Broadway Avenue in Buhl. This application proposes to appropriate trust water and will be evaluated in compliance with Section 42-203C, Idaho Code, and IDWR's Water Appropriation Rules, IDAPA 37.03.08.

## NOTICE OF PROPOSED CHANGE OF WATER RIGHT TRANSFER NO. 85109

ROTH INVESTMENTS LLC, 539 S 800 E, JEROME, ID 83338-6847 has filed Application No. 85109 for changes to the following water rights within JEROME County(s): Right No(s). 36-16860, 36-16886, 36-7235, 36-7931A, 36-7931C. The purpose of the transfer is to change a portion of the above rights as follows: Application for transfer proposes creating 2126.0 acre permissible place of use (PPU) for three irrigation ground water rights (36-7235, 36-16860 and 36-16886) and two irrigation waste water rights (36-7931A and 36-7931C) for a total of 8.77 cfs that will be limited to the irrigation of 629.0 acres. Application also proposes adding the point of diversion (POD) from right 36-7235 to rights 36-16880 and 36-16886 and the POD from 36-16880 and 36-16886 to right 36-7235, for a total of two PODs on the three ground water rights. There will be no changes to the points of diversion (PODs) for the two wastewater rights. The PPU and PODs are located approximately 6.8 to 8.5 miles east and 3.0 to 5.0 miles south of the city center of Jerome.

## TRANSFER NO. 85116

RITA S SHAW and HUBERT SHAW and ACEY RYAN SHAW and JALYN BELLE SHAW, 411 S 750 E, DIETRICH, ID 83324 has filed Application No. 85116 for changes to the following water rights within LINCOLN County(s): Right No(s). 37-21264, 37-21425, 37-7189, 37-7716. The purpose of the transfer is to change a portion of the above rights as follows: This transfer application proposes to create a permissible place of use (PPOU) for 4 ground water irrigation rights totaling 5.96 cfs for the irrigation of 353.5 acres. The transfer also proposes to identify two existing wells as authorized points of diversion (POD) for all four water rights. The PPOU and PODs are located approximately 0.1 to 2.6 miles south and 1.5 miles west to 0.5 miles east of the intersection of Main and First street in Dietrich.

## TRANSFER NO. 85304

ROTH INVESTMENTS LLC, 539 S 800 E, JEROME, ID 83338-6847 has filed Application No. 85304 for changes to the following water rights within JEROME County(s): Right No(s). 36-14247. The purpose of the transfer is to change a portion of the above rights as follows: Application proposes changing the legal description of the point of diversion for a 0.06 cfs stockwater and domestic ground water right to match the location of the existing well. Point of diversion and place of use are located approximately 6.9 to 7.2 miles east and 3.8 to 4.0 miles south of the city center of Jerome.

## TRANSFER NO. 85339

CODY MORGAN and KATHY MORGAN, 756 S 2800 E, HAZELTON, ID 83335 has filed Application No. 85339 for changes to the following water rights within JEROME County(s): Right No(s). 36-17090, 36-17091, 36-17092. The purpose of the transfer is to change a portion of the above rights as follows: Application proposes changing the points of diversion and place of use for three ground water rights with a total of 0.08 cfs used for commercial and stockwater purposes, that are currently diverted at a CAFO facility approximately 29.6 to 29.8 miles east and 12.4 to 12.6 miles south of the city center of Jerome. The application proposes moving the rights to a new place of use and diverting them from two existing wells at an existing CAFO facility located approximately 2.8 to 3.3 miles north and 1.2 to 1.7 miles east of the city center of Jerome.

Permits will be subject to all prior water rights. For additional information concerning the property locations, contact Southern Region office at (208) 736-3033; or for a full description of the rights &/or proposed transfer, please see <https://research.idwr.idaho.gov>. Protests may be submitted based on the criteria of Sec 42-222 and 42-203A, Idaho Code. Any protest against the approval of this application(s) must be filed with the Director, Dept. of Water Resources, Southern Region, 650 ADDISON AVE W, STE 500, TWIN FALLS, ID 83301-5858 together with a protest fee of \$25.00 for each application on or before **October 25, 2021**. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 10/7/2021 and 10/14/2021

✓ Sm 10/29/2021

RECEIVED

OCT 29 2021

DEPT OF WATER RESOURCES  
SOUTHERN REGION