

T3170 NORTH HIGHLANDER FARMS

NOV 1 1985

STATE OF IDAHO

Department of Water Resources
Eastern District Office

DEPARTMENT OF WATER RESOURCES

AMENDED

APPLICATION FOR TRANSFER OF WATER RIGHT

AMENDED

To Change the Point of Diversion and/or the Place of Use

Name of applicant North Highlander Farms, Inc. Phone 529-3073Post Office address 1845 Tiffany Drive, Idaho Falls, ID 83401

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____ (Name)
in case of _____ vs _____
dated in _____ in _____ county of _____
(Name of court)
- b. License No. 35/2153/35-2656 issued by the Idaho Department of Water Resources
- c. Claim No. _____ on file with the Idaho Department of Water Resources

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant. If the applicant is not the original holder of the water right, explain how it was acquired _____

3. Source of water groundwater tributary to _____4. Date of priority May 14, 1954 (35-2153) & July 18, 1964 (35-2656)

5. Water is used for the following purposes:

35-2153 amount 7.99cfs for Irrigation purposes from Not specified to _____

35-2656 amount 2.30cfs for Irrigation purposes from 4/01 to 11/01

amount _____ for _____ purposes from _____ to _____
(month/day — both dates inclusive)

6. Total amount of water under right: a. 10.29 cubic feet per second
&/or
b. _____ acre feet per annum

7. Location of original point of diversion is SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 6
Township 3S Range 33E, B.M., in Bingham County
Additional points of diversion, if any SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 6, SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 7 (35-2153);
SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 6, (35-2656), all in T. 3S, R. 33E, B.M.

8. Lands irrigated or place of use:

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
35-2153	3S	6	40	40	40	40					40	31	31	40					302
		7													27	40	40	39	146
		8									12								12
35-2656	3S	6					39.5	39.5	40	40									159

Total number of acres to be irrigated 6199. Describe any other water rights used for the same purpose as described above None

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of nonuse? No
If yes, describe in item D, REMARKS.

B. DESCRIPTION OF PORTION OF RIGHT OWNED BY APPLICANT (If the entire right is owned by the applicant, omit part B). 2.78 (35-2153)

1. Amount of water: a. _____ cubic feet per second &/or b. _____ acre feet per annum
2. Point of diversion SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 6 Township 3S
Range 33E, B.M., Bingham County
Additional points _____

3. Place of use:

35-2153
3S

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
			40	40	40	40													160

Total number of acres to be irrigated 160

C. DESCRIPTION OF RIGHT OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. General Information 35-2153 (2.78)
35-2656 (2.30)
- a. Amount of water to be diverted 5.08 c.f.s. &/or _____ acre feet
- b. Description of diverting works Three separate systems. Two center pivot systems and a solid set system with sprinklers.
- c. Describe the reasons for the proposed changes Adding a point of diversion for use with solid sets to irrigate corners not covered by center pivots and to indicate actual acres irrigated due to corrections in NW $\frac{1}{4}$ of Sec. 6.

2. Change in point of diversion 35-2656
Point of diversion NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 6 Township 3S
Range 33E, B.M., Bingham County
Additional points 35-2153 - NE $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 6, T. 3S, R. 33E

3. Change in place of use NO CHANGE

- a. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? X Yes _____ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed change.
- b. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer

D. REMARKS

License 35-2656 reflects 159 acres of irrigation. From the plat map with corrections in the NW $\frac{1}{4}$ only 140.97 acres would be irrigatable. This transfer reflects the actual irrigated acres, and adds a third system to the N $\frac{1}{2}$, Sec. 6. The N $\frac{1}{2}$, Sec. 6 now has two center pivots each with its own system and a third system for solid sets to catch the corner not watered by center pivots.

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 willfull misrepresentations made in this application may result in voiding its approval.

[Signature]
(Signature of Applicant)

Subscribed and sworn to before me this 9th day of October, 19 85

[Signature]
(Notary Public)

My commission expires Life Term

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 35-2153/2656 and said application is hereby APPROVED, subject to the following limitations and conditions:

Witness my hand this 28th day of October, 19 85

[Signature]
Chief, Operations Bureau

FOR DEPARTMENT USE ONLY

Received by <u>AW</u>	Date <u>10-9-85</u>	Protest filed by _____
Prelim. check by <u>KCW</u>	Fee <u>\$50.00</u> <u>#33305</u>	_____
Receipted by <u>CT</u>	Date <u>5-31-85</u>	_____
Published in <u>Morning News</u>	Copies of protest forwarded by _____	
Pub. dates <u>6-27-85</u> <u>7-4-85</u>	Hearing held by _____ Date _____	
Watermaster recommendation requested on <u>N/A</u>	Recommended for <u>approval</u> <u>denial</u>	
_____ rec'd.	by <u>Jim</u>	