

T4085 MORGAN

4085

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 4085
WATER RIGHT NO(S). 35-07602B/35-07717

RECEIVED
SEP 17 1993
Department of Water Resources
Eastern District Office

This is to certify that: **NEIL MORGAN**
JULIE MORGAN
762 W HWY 39
BLACKFOOT ID 83221

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
Right No. 35-07602B :			
IRRIGATION	04/01 to 10/31	1.61 CFS	324.0 AF
Priority: 04/09/1976			
Right No. 35-07717 :			
IRRIGATION	04/01 to 10/31	0.34 CFS	68.8 AF
Priority: 05/18/1977			

SOURCE

GROUNDWATER

LOCATION OF POINT(S) OF DIVERSION:

SWSW , Sec. 35, Township 02S, Range 34E
BINGHAM 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>
02S	34E	35	SWNW 13	NESW 30	NWSW 14	
			Lot 4(SWSW) 16	Lot 3(ESW) 25.2		98.2
				Total number of acres irrigated:		98.2

CONDITIONS/REMARKS:

1. 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.
2. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.0 afa per acre for the lands above.

TRANSFER NO. 4085
WATER RIGHT NO(S). 35-07602B/35-07717

CONDITIONS/REMARKS:

3. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
4. Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.
5. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
6. Right No. 35-07602B is limited to the irrigation of 81 acres in the place of use described above in a single irrigation season.
7. Right No. 35-07717 is limited to the irrigation of 17.2 acres in the place of use described above in a single irrigation season.

Dated this 2nd day of September, 1993.


Chief, Water Alloc. Bureau

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 74085

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

Name of applicant NEIL OR JOLIE MORGAN Phone 684-3988Post Office address 762 W. HWY 39, BLACKFOOT, ID. 83221

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____

2. Describe the reason for the proposed changes APPLICANT IS PURCHASING LAND FROM
CURRENT RIGHT HOLDER. AS PART OF SALE, SELLER IS ALLOWING THIS
RIGHT TO BE TRANSFERRED OFF OF HIS LAND TO THE APPLICANTS.
SEE DISCLAIMER ATTACHED.

B. 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>3S-07602B</u>	<u>4/9/1976</u>	<u>~~16~~ 1.61</u>	<u>IRR.</u>	<u>4/1</u> to <u>11/1</u>
<u>3S-07717</u>	<u>5/18/1977</u>	<u>0.34</u>	<u>IRR.</u>	<u>4/1</u> to <u>11/1</u>
_____	_____	_____	_____	_____ to _____
_____	_____	_____	_____	_____ to _____

2. Total amount of water being transferred ~~26~~ 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
<u>4</u>		<u>SW</u>	<u>SW</u>	<u>35</u>	<u>2S</u>	<u>34E</u>	<u>BINGHAM</u>	

5. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
<u>2S</u>	<u>34E</u>	<u>35</u>							<u>13</u>		<u>30</u>	<u>14</u>	<u>14</u>	<u>13*</u>					<u>~~16~~ 98</u>

* 8 ACRES UNDER 3S-07602B
 17 ACRES UNDER 3S-07717

Total acres ~~16~~ 98

PART 1

6. General Information:

a. Description of diversion system WELL AND PUMP INTO MAINLINE TO SPRINKLERSb. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes X 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:

PORTION OF THE PLACE OF USE TRANSFERRED & WILL CONTINUE
TO BE IRRIGATED W/ WATER FROM THE DANKIN CANAL COMPANY.
~~THERE ARE~~ THE NEW PLACE OF USE ALSO IS COVERED AND HAS BEEN
IRRIGATED W/ DANKIN CANAL CO. WATER. NO EXPANSION IN ACRES WILL OCCUR.

d. Remarks:

WELL IN THE SE 1/4 SW 1/4 SEC. 34 T2S R34E WILL BE USED
~~STOP~~ FOR SUPPLYING WATER TO ~~PATRA GELAR~~ HUMIDIFIERS.
~~IT WILL NO LONGER BE USED FOR IRRIGATION AND 3 ACRES W/1~~
CORNER OF CENTER PIVOT.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

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

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

Witness my hand this _____ day of _____, 19 _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. 35-07602 issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. 2818 which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☒ Tax Notice ☐ Warranty Deed ☐ Other _____

3. Source of water GROUNDWATER tributary to _____

4. Date or priority 4/9/1976

5. Water is used for the following purpose:

amount 1.67 for IRRIGATION purposes from 4/1 to 11/1
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 1.67 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		SE	SW	34	2S	34E	BIDG	
		SW	SW	35	2S	34E	BIDG	

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
2S	34E	34									20			34					54
		35														14	16		30

Total acres 84

9. Describe any other water rights used for the same purpose as described above 35-07717, DAWSKIN CREEK

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?
NO If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount 1.61 for IRRIGATION purposes from 4/1 to 11/1
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
<u>3</u>		<u>SE</u>	<u>SW</u>	<u>34</u>	<u>2S</u>	<u>34E</u>	<u>BINGHAM</u>	
<u>4</u>		<u>SW</u>	<u>SW</u>	<u>35</u>	<u>2S</u>	<u>34E</u>	<u>BINGHAM</u>	

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
<u>2S</u>	<u>34E</u>	<u>35</u>							<u>13</u>		<u>30</u>	<u>14</u>	<u>16</u>	<u>23</u>					<u>81</u>
													<u>8</u>						
													<u>13</u>						

Total acres 81

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount 0.06 for IRRIGATION purposes from 4/1 to 11/1
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
<u>3</u>		<u>SE</u>	<u>SW</u>	<u>35</u>	<u>2S</u>	<u>34E</u>	<u>BINGHAM</u>	

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
<u>2S</u>	<u>34E</u>	<u>35</u>															<u>3</u>		<u>3</u>

Total acres 3

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. 35-07717 issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. 2818 which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☒ Tax Notice

☐ Warranty Deed

☐ Other _____

3. Source of water GROUNDWATER tributary to _____

4. Date or priority 5/18/1977

5. Water is used for the following purpose:

amount 0.34 for IRRIGATION purposes from 4/1 to 11/1
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 0.34 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		SE	SW	34	2S	34E	BING	
		SW	SW	35	2S	34E	BING	

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
2S	34E	34									17								17

Total acres 17

9. Describe any other water rights used for the same purpose as described above 35-07602; DAWSKIN CANAL

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?
 _____ If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total acres _____

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

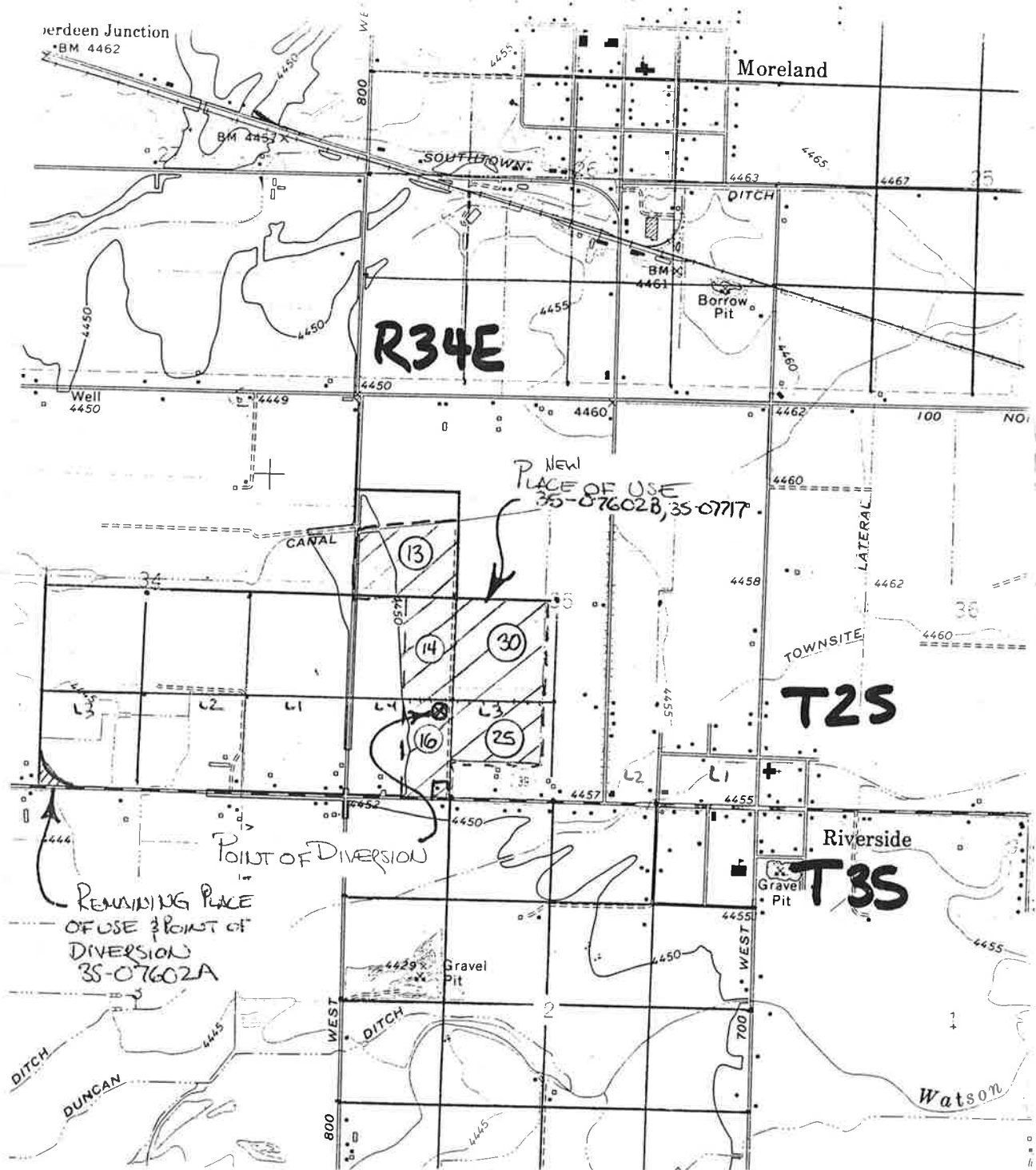
3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total acres _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.**



SCALE: 2 inches equal 1 mile. Draw plan in ink.

PART 3**B. CHANGES IN NATURE OF USE**

1	New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
				to _____
				to _____

2. Quantity and quality of return flows and location of discharge:

3. 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.

Subscribed and sworn to before me this 13th day of February, 19 93.

(Signature of Applicant)

(Notary Public)

My commission expires 07-17-96**FOR DEPARTMENT USE ONLY**

Transfer contains _____ pages and _____ attachments

Received by HWS Date 8-30-93 2-16-93Prelim. check by E018273 Fee \$50.00Receipted by HWS #E01990 Date 8-30-93 2-16-93Published in Blackfoot Morning NewsPub. dates March 4 & 11, 1993

Watermaster recommendation requested on _____

_____ rec'd. _____

Copy of transfer sent to lien holder _____

Protest filed by _____

Copies of protest forwarded by _____

Hearing held by _____ Date _____

Recommended for ☐ approval ☐ denial

by _____

MEMO

FROM: H.W. JONES
TO: APPLC. FOR TRANSF.
A35-07602,-07717
NEIL OR JULIE MORGAN

RECOMMENDATION AND CONDITIONS:

THE TRANSFER SHOULD BE GRANTED WITH THE FOLLOWING CONDITIONS;

- THE CHANGE AUTHORIZED BY THIS TRANSFER SHALL BE ACCOMPLISHED WITHIN ONE YEAR (1) YEAR OF THIS APPROVAL.**
- FAILURE TO COMPLY WITH THE CONDITIONS OF THIS TRANSFER IS CAUSE FOR THE DIRECTOR TO ISSUE AN ORDER TO SHOW CAUSE WHY THE APPROVAL OF THE TRANSFER SHOULD NOT BE RESCINDED.**
- APPROVAL OF THIS TRANSFER DOES NOT PRECLUDE THE OPPORTUNITY FOR REVIEW OF THE VALIDITY OF THE WATER RIGHT IN THE ONGOING SNAKE RIVER BASIN ADJUDICATION.**

