

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 4780
WATER RIGHT NO(S). 31-00062P/31-00063P

This is to certify that: **BRENT DALLING**
1916 N 2350 E
HAMER ID 83425

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. 31-00062P : IRRIGATION Priority: 10/31/1917	04/15 to 10/15	0.71 CFS	175.0 AF

Right No. 31-00063P : IRRIGATION Priority: 05/01/1928	04/15 to 10/15	0.29 CFS	70.7 AF
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TOTAL:	1.00 CFS	* 175.0 AF
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SOURCE

GROUNDWATER

LOCATION OF POINT(S) OF DIVERSION:

SWSW , Sec. 27, Township 07N, Range 36E
JEFFERSON County

PLACE OF USE: IRRIGATION

<u>TWN RGE SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
07N 36E 27	NESW 26	SESW 24		50
Total number of acres irrigated:				50

CONDITIONS OF APPROVAL AND REMARKS

1. Use of water under this water right will be regulated by the watermaster of State Water District No. 31.
2. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.5 afa per acre for the lands above.

RECEIVED

JUN 13 1996

Department of Water Resources
Eastern Region

TRANSFER NO. 4780
WATER RIGHT NO(S). 31-00062P/31-00063P

CONDITIONS OF APPROVAL AND REMARKS

3. Approval of this transfer in no way grants any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.
4. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
5. 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this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.
6. 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.
- * 7. Right Nos. 31-00062P and 31-00063P when combined shall not exceed a total combined annual diversion volume of 175.0 af, nor the total combined irrigation of 50.0 acres in a single season.

Dated this 6th day of June, 1996.

J. Glen Saylor
Chief, Water Alloc. Bureau

MEMORANDUM

TO: FILE NOS. 31-00062D & 31-00063D

FROM: PAM SKAGGS/^{CS}STATE OFFICE

SUBJECT: TRANSFER NO. 4780

DATE: May 30, 1996

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Transfer No. 4780 was filed to change the point of diversion under a portion of Right Nos. 31-00062D and 31-00063D, splitting each right into parts N and P.

The transfer splits the rights into two separate systems divided by the highway and separately owned. Ownership of the acres under this transfer were confirmed by the Jefferson County Assessor's office.

The season of use and diversion volume were adjusted to current standards. Right No. 31-00063P is limited by diversion volume. The watermaster of Water District No. 31 approved this transfer while acknowledging that this right has not been administered by the watermaster since being transferred to private ownership from Hamer Canal Co.

Recommended conditions include combined limits, watermaster control, irrigation overlap, right-of-way and standard transfer conditions.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 4780

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Name of applicant Brent Dalling Phone 662-5454
Post Office address 1916N 2350E HAMER, ID 83425

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 Split out right
2. Describe the reason for the proposed changes 50 acres on the west side of the Interstate was sold to Dalling. He is going to irrigate his land with an existing well on the same side of the highway. (31-00062K, 31-00063K)

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 |
|-----------------|------------|-----------------------|------------------|---------------|
| 31-0006201P | 10/31/1917 | 0.71 | IRR | 4/15 to 10/15 |
| 31-0006301P | 5/01/1923 | 0.29 | IRR | 4/15 to 10/15 |
| | | | | |
| | | | | |
2. Total amount of water being transferred 1.00 cubic feet per second and/or acre-feet per annum.
3. Source of water Groundwater tributary to
4. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		SW	SW	27	7N	36E	Jefferson	

5. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
07N	36E	27									26			24					50

Total acres 50

PART 1

6. General Information:

a. Description of diversion system well/pump to 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 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:

NONE, POU IS THE SAME. PART OF THE POU WILL
BE IRRIGATED WITH A NEW WELL

d. Remarks:

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 _____.

July 26, 1995

MCGARRY NORTH FARM LEASE AGREEMENT

LEGAL DESCRIPTION AS FOLLOWS:

The W² of SW of Sec 27 T7 R36 containing approx. 80 acres.
Approx. 8 acres in the NE of SE of SE Sec 28 T7 R36.
See enclosed map. Circled in red.

PETE MCGARRY AND VENICE MCGARRY ACTING FOR MCGARRY RANCHES
(Herein stated as "land owner"), and BRENT DALLING AND LAUREL DALLING,
(Herein stated as "share cropper"), hereby agree to the following terms:

The LAND OWNER agrees to:

- (1) Provide irrigation system of one mainline and three handlines of pipe.
- (2) Pay one third (1/3) of fertilizer, seed and spraying expenses and one third (1/3) of prorated amount of power bill and pump lease. This prorated expense will be computed by dividing eighty (80) acres into one hundred thirty (130) which equals sixty-two percent (62%) by November first to the share cropper or may defer payment until April first with accrued interest at rate of ten percent (10%) to be added to payment due. The land owner may elect to pay his share of the expenses by giving the share cropper hay from his one third crop share which price per ton value will be mutually agreed upon.
- (3) Take one third (1/3) of the hay to be stacked in a predetermined place, and one third (1/3) of the grain and fall feed rent. If ground is rented for potatoes the rent revenue will be split 50/50.
- (4) To give the share cropper the first right of refusal on land owner's share of the hay.

(5) Give the share cropper the first right of refusal to purchase farm if land owner decides to sell property.

(6) To share crop lease eighty (80) acres of ground north of road and homestead herein described as McGarry North Farm for ten (10) years through and including 1995, 1996, 1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004. At the end of ten years, the lease may be continued or land owner may buy share cropper's fifty (50) acres out at a fair market value of like ground in vicinity at a willing sale (willing seller or buyer). In the event of the death of the land owner, the survivors of the land owners will honor this lease to duration. If the land owner elects to not exercise his option to buy out the share cropper, the share cropper may exercise his option to buy out the land owner's eighty (80) acres at a fair market value.

(7) Allow that in the event of the share cropper's death, if the share cropper's survivors wish, they may continue the lease agreement or sublease to another individual, subject to the approval of the land owner, or make available the option to the land owner to exercise the buy out option before expiration of the ten-year lease.

The SHARE CROPPER agrees to:

(1) Plant eighty (80) acres to alfalfa; provide the labor to irrigate the crop ground.

(2) Give land owner one third (1/3) of hay crop.

(3) Cut, bale and stack three (3) cuttings of the hay.

(4) Pay two thirds (2/3) of the fertilizer, seed and spraying expenses and power bill and pump expenses on a prorated rate.

(5) Pay one hundred percent (100%) of the seed, fertilizer and spraying expenses and power bill and pump prorated expenses until November first, at which time the land owner will reimburse the share cropper for one third (1/3) of said expenses or the land owner will have the option of paying one third (1/3) of said expenses plus ten percent (10%) interest until April first.

(6) Provide three (3) handlines of pipe for irrigation of ground.

ANYTHING IN THIS AGREEMENT MAY BE AMENDED BY THE AGREEMENT OF BOTH PARTIES.

15th Nov Brent Dalling

Mexico, 11-14-96 Laurel Dalling

Dec. 5, 1996
Mary K. Ferguson
Notary Public
Jefferson County
Hamer, Ark. 83425
Commission Ends
7-16-1998

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. 31-000620 Decreed to Aaron Savage
in case of vs.
dated in county of
- b. License No. issued by the Idaho Department of Water Resources.
- c. Claim No. (see claim A31-000620) on file with the Idaho Department of Water Resources.
- d. Transfer No. 3029/31-000620 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 10/31/1917

5. Water is used for the following purpose:

amount 2.33 for IRR purposes from 5-01 to 9-1
(cfs/ac-ft) 4/01
amount for purposes from to
(cfs/ac-ft)
amount for purposes from to
(cfs/ac-ft)

6. Total amount of water under right 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	NE	27	7N	36E	Jefferson	

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	
7N	36E	27				40					40			40	40	40			200

Total acres 200

9. Describe any other water rights used for the same purpose as described above 31-000630

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 0.71 for IRR purposes from 4/01 to 10/01
 (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
				27	7N	36E	Jefferson	

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	
7N	36E	27									26			24					50

Total acres 50

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

1. amount 2.12 for IRR purposes from 4/01 to 11/01
 (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
		SE	NE	27	7N	36E	Jefferson	

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	
7N	36E	27				40					14			16	40	40			150

Total acres 150

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. 31-00063D Decreed to Arvon Savage
in case of _____ vs. _____

dated _____ in _____ county of _____

b. License No. _____ issued by the Idaho Department of Water Resources.

c. Claim No. See 31-00063D on file with the Idaho Department of Water Resources.

d. Transfer No. 3029 / 31-00063D 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 Ground water tributary to _____

4. Date or priority 5/01/1928

5. Water is used for the following purpose:

amount 1.17 for IRR purposes from 5-1 4/01 to 9-1 11/01
(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 _____ cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		SE	NE	27	7N	36E	Jefferson	

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
7N	36E	27				40					40			40	40	40			200

Total acres 200

9. Describe any other water rights used for the same purpose as described above 31-00062D

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 0.29 for IRR purposes from 4/01 to 11/01
 (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>27</u>	<u>7N</u>	<u>36E</u>	<u>Jefferson</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>7N</u>	<u>36E</u>	<u>27</u>									<u>26</u>			<u>24</u>					<u>50</u>

Total acres 50

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

1. amount .88 for IRR purposes from 4/01 to 11/01
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

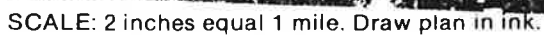
Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		<u>SE</u>	<u>NE</u>	<u>27</u>	<u>7N</u>	<u>36E</u>	<u>Jefferson</u>	

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>7N</u>	<u>36E</u>	<u>27</u>				<u>40</u>					<u>14</u>			<u>16</u>	<u>40</u>	<u>40</u>			<u>150</u>

Total acres 150

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES



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

1	<u>New Nature of Use</u>	<u>Amount (cfs/ac-ft)</u>	<u>Hours/days/year</u>	<u>Period of Use</u>
	_____	_____	_____	_____ 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 14 day of Feb, 19 96.

Brent Dalling
(Signature of Applicant)

Danue Coley
(Notary Public)

My commission expires 2/26/96**FOR DEPARTMENT USE ONLY**

Transfer contains _____ pages and _____ attachments

Received by DC Date 2/14/96 Protest filed by _____Prelim. check by _____ Fee \$100Receipted by DC E021913 Date 2/14/96 E021913Published in Jefferson Star Copies of protest forwarded by _____Pub. dates March 13, 20, 1996 Hearing held by _____ Date _____Watermaster recommendation requested on 3-11-96 Recommended for ☒ approval ☐ denial

Water Dist 31 rec'd. _____ by DC

Copy of transfer sent to lien holder _____