

T5541 NORTH HIGHLANDER FARMS INC

Eastern

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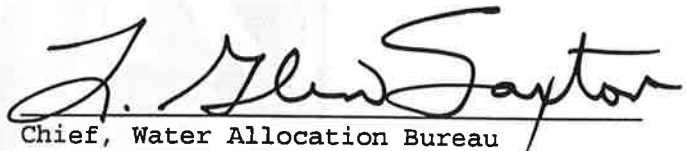
1. The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
2. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.

TRANSFER NO. 5541
WATER RIGHT NO(S). 35-02472/35-12931

CONDITIONS OF APPROVAL AND REMARKS

3. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
4. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
- ** 5. Right 35-02472 is limited to the irrigation of 120.0 acres in the place of use described above in a single irrigation season.
- ** 6. Right 35-12931 is limited to the irrigation of 22.0 acres in the place of use described above in a single irrigation season.
- * ** 7. Rights 35-02172 and 35-12931 when combined shall not exceed a total diversion rate of 2.36 cfs, a total annual maximum diversion volume of 568.0 af at the field headgate, and the irrigation of 142.0 acres.
8. Right 35-12931 is an enlargement of Right 35-02472 pursuant to Section 42-1426, Idaho Code.
9. Right 35-12931 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.
10. All water rights within Basin 35 are from connected sources of water in the Snake River Basin and shall be administered conjunctively.

Dated this 5th day of November, 1999.


Chief, Water Allocation Bureau

MEMORANDUM

TO: Files 35-02472 & 35-12931

FROM: Pam Skaggs^{CS}/State Office

SUBJECT: Transfer 5541

DATE: November 5, 1999

Transfer 5541 changes the place of use to remove these water rights from 13 acres that are BLM property. The applicant will concentrate all of the water rights on a 142 acre permissible place of use on his property. Expansion Right 35-12931 has been reduced from 26 acres to 22. The net result of the transfer is a reduction of total irrigated acres and diversion volume associated with those acres.

Recommended conditions include measuring & annual reporting, permissible place of use limits, combined right limits, enlargement right conditions for 35-12931, Basin 35 connected sources, irrigation overlap and standard transfer conditions.

SO 9/24/99.

Page 1 of 8STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 5541

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

Name of applicant North Highlander Farms Inc Phone 208 529 3073
 Post Office address c/o R W Bennett 1845 Tiffany Dr Idaho Falls ID

A. PURPOSE OF TRANSFER

83404

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 water to be removed from lands
administered by BLM and applied to pivot corners

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>35-02472</u>	<u>7/26/1956</u>	<u>2.360</u>	<u>irrigation</u>	<u>4/1</u> to <u>10/31</u>
<u>35-12931</u>	<u>5/1/1975</u>	<u>0.37</u>	<u>irrigation</u>	<u>4/1</u> to <u>10/31</u>
_____	_____	_____	_____	_____ to _____
_____	_____	_____	_____	_____ to _____

2. Total amount of water being transferred 2.36 * 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	NE	SW	19	35	33E	Bingham	

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	
35	33E	19									40	31	31	40					142

* 35-02472 & 35-12931 are limited to total diversion rate 2.36

Total acres

142

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A. DESCRIPTION OF RIGHT AS RECORDED

AJ5809NP

No. 35-12931

IDAHO DEPARTMENT OF WATER RESOURCES

ADJUDICATION CLAIM PROFILE REPORT

DATE: 08/16/99

PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	NORTH HIGHLANDER FARMS INC	05/01/1975	IRRIGATION	04-01 10-31	0.420 CFS	

TOTAL DIVERSION: 0.420 CFS

Water Source: GROUNDWATER

Tributary to:

Stage: BENEFICIAL USE

Point(s) of Diversion:

T03S R33E S19

SWNESW

BINGHAM County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE						
T	R	S		Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	SUM		
03S	33E	19	:									39	03-29	04-28	37	:	07 06	146.0
															TOTAL ACRES	146.0		

POU County: BINGHAM

Other Rights: 35-02472

Conditions of Approval:

- C11 - 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.
- C12 - THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER
- IN BASIN 35 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER
 - RIGHTS IN BASIN 35:
 - WATER RIGHT NO. SOURCE
 - NONE NONE
 - THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER
 - IN BASIN 35 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER
 - RIGHTS IN THE SNAKE RIVER BASIN:
 - WATER RIGHT NO. SOURCE
 - NONE NONE
 - ALL WATER RIGHTS WITHIN BASIN 35 ARE FROM CONNECTED SOURCES
 - OF WATER IN THE SNAKE RIVER BASIN AND SHALL BE ADMINISTERED
 - CONJUNCTIVELY.

Remarks: QNT

USE OF THIS RIGHT WITH RIGHT NO. 35-02472 IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 2.36 CFS AND TO A TOTAL
COMBINED ANNUAL DIVERSION VOLUME OF 584 AF.

POU1

USE OF THIS RIGHT WITH RIGHT NO. 35-02472 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 146 ACRES IN A SINGLE
IRRIGATION SEASON.

AJ5809NP
No. 35-12931

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

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DATE: 08/16/99
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Remarks: GEN THIS RIGHT IS BASED UPON AN ENLARGEMENT OF RIGHT
NO. 35-02472 PURSUANT TO SECTION 42-1426, IDAHO CODE.

EXP RIGHT NO. 35-02472 IS ALSO DIVERTED THROUGH POINT OF DIVERSION
DESCRIBED ABOVE.

THIS RIGHT IS FOR AN ENLARGEMENT OF 26 ACRES WITHIN THE
PLACE OF USE DESCRIBED FOR THIS RIGHT.

Dates: Exam Made Date: 10/16/1992 Verified Date: Objection Filed Date: 06/02/1999

Misc: Water District Number: Field Inspection Flag:
Presumption Flag: E

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 _____

RWB

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AJ5809NP
No. 35-02472

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 08/16/99
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	NORTH HIGHLANDER FARMS INC	07/27/1956	IRRIGATION	04-01 10-31	2.360 CFS	
TOTAL DIVERSION:					2.360 CFS	

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion:

T03S R33E S19

SWNESW

BINGHAM County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE										
				NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:			
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM
---	---	---	:	-----	-----	-----	-----	:	-----	-----	-----	-----	:	-----	-----	-----	-----	:	-----	-----	-----	-----	-----	:	-----	
03S	33E	19	:					:					:	39	03-29	04-28	37	:		07	06			:	146.0	
			:					:					:					:						:	TOTAL ACRES	
			:					:					:					:						:	146.0	

POU County: BINGHAM

Other Rights: 35-12931

Conditions of Approval:

- C05 - RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO
- SECTION 42-1425, IDAHO CODE.
- C12 - THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER
- IN BASIN 35 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER
- RIGHTS IN BASIN 35:
- | - | WATER RIGHT NO. | SOURCE |
|---|-----------------|--------|
| - | NONE | NONE |
- THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER
- IN BASIN 35 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER
- RIGHTS IN THE SNAKE RIVER BASIN:
- | - | WATER RIGHT NO. | SOURCE |
|---|-----------------|--------|
| - | NONE | NONE |
- ALL WATER RIGHTS WITHIN BASIN 35 ARE FROM CONNECTED SOURCES
- OF WATER IN THE SNAKE RIVER BASIN AND SHALL BE ADMINISTERED
- CONJUNCTIVELY.

Remarks: QNT

USE OF THIS RIGHT WITH RIGHT NO. 35-12931 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 2.36 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 584 AF.

POU1

USE OF THIS RIGHT WITH RIGHT NO. 35-12931 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 146 ACRES IN A SINGLE IRRIGATION SEASON.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 120 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

EXP

RIGHT NO. 35-12931 IS ALSO DIVERTED THROUGH POINT OF DIVERSION

AJ5809NP
No. 35-02472

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

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Remarks: DESCRIBED ABOVE.
RIGHT NO. 35-12931 IS AN ENLARGEMENT OF THIS RIGHT PURSUANT
TO SECTION 42-1426, IDAHO CODE.

Dates: Exam Made Date: 10/16/1992 Verified Date: Objection Filed Date: 06/02/1999

Misc: Water District Number: Field Inspection Flag:
Presumption Flag: C

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

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



RW Bennett Presr
(Signature of Applicant)
18th day of August, 19 99
Wendy J. Murphy
(Notary Public)

My commission expires

6/23/00

FOR DEPARTMENT USE ONLY

Transfer contains 8 pages and 3 attachments bac

Received by _____ Date _____ Protest filed by _____

Prelim. check by _____ Fee 100.00Receipted by bac Date 8/17/99 Receipt EO 25219Published in Morning News Copies of protest forwarded by _____Pub. dates 8/26 & 9/2/99 Hearing held by _____ Date _____Watermaster recommendation requested on _____ Recommended for ☐ approval ☐ denial

_____ rec'd. _____ by _____

Copy of transfer sent to lien holder _____