

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 69544

RECEIVED

JAN 11 2002

Department of Water Resources
Southern Region

RECEIVED

JAN 14 2002

Department of Water Resources
Eastern Region

This is to certify that: BINGHAM COOPERATIVE INC
PO BOX 887
BLACKFOOT ID 83221
(208)785-3440

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. 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 Change

Right	Origin/Basis	Priority	Rate	Volume	Acres	Total	Source
35-7262	AJC/License	11/13/1972	0.92 cfs	161.0 af	50.0	50.0	GROUND WATER
35-13112	AJC/Beneficial Use	11/13/1972	0.07 cfs		50.0	50.0	GROUND WATER

Purpose of Transfer (Changes Proposed)

Current Number	Split	POD	POU	Add POD	Period of Use	Nature of Use
35-7262	YES	YES	YES	NO	YES	YES
35-13112	YES	YES	YES	NO	NO	NO

Summary of Water Rights After the Approved Change

Existing Right	New No. (changed portion)	Transfer Rate	Transfer Volume	Acre Limit	Total Acres	New No. (remaining portion)	Remaining Rate	Remaining Volume	Remaining Acre Limit	Remaining Total Acres
35-7262	35-13340	0.65 cfs	118.8 af	22.2	25.0	35-13339	0.27 cfs	48.3 af	13.8	15.0
35-13112	35-13362	0.05 cfs	11.2 af	2.8	25.0	35-13361	0.02 cfs		1.2	15.0
TOTALS		0.65 cfs	130.0 af	N/A	25.0		0.27 cfs	60.0 af	N/A	15.0

Detailed Water Right Description(s) attached

Dated this

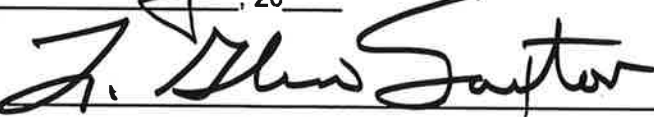
10th

day of

January

20

02


Chief, Water Allocation Bureau

WATER RIGHT NO. 35-13339
As Modified by Transfer No. 69544

In accordance with the approval of Transfer No. 69544, Water Right No. 35-13339 is now described as follows.

Right Holder: MARGARET M LILYA Or
 CLAUDON E LILYA
 345 W 400 N
 BLACKFOOT ID 83221

Priority Date: 11/13/1972

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	to 11/01	0.27 CFS	48.3 AF
			0.27 CFS	48.3 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NWNW Sec. 21 Twp 02S Rge 35E BINGHAM County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02S	35E	21						5.0	10.0										15.0

Total Acres: 15

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 13.8 acres within the place of use described above in a single irrigation season.
2. Use of this right with Right 35-13361 is limited to a total combined diversion rate of 0.27 cfs and to a total combined annual diversion volume of 60 af.
3. Use of this right with Right 35-13361 is limited to the irrigation of a combined total of 15.0 acres in a single irrigation season.
4. 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. 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. All water rights within Basin 35 are from connected sources of water in the Snake River Basin and shall be administered conjunctively.
5. Right 35-13361 is also diverted through the point(s) of diversion described above.
6. Right 35-13361 is an enlargement of this right pursuant to Section 42-1426, Idaho Code.

WATER RIGHT NO. 35-13339
As Modified by Transfer No. 69544

CONDITIONS OF APPROVAL

7. Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
8. Use of this right is combined with water from Peoples Canal & Irrigation Co.
9. Pursuant to Section 42-1412(6), Idaho Code, 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 may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

This water right 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.

Dated this 10th day of January, 2002



Chief, Water Allocation Bureau

WATER RIGHT NO. 35-13340**As Modified by Transfer No. 69544**

In accordance with the approval of Transfer No. 69544, Water Right No. 35-13340 is now described as follows.

Right Holder: BINGHAM COOPERATIVE INC
PO BOX 887
BLACKFOOT ID 83221

Priority Date: 11/13/1972

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	to 11/01	0.47 CFS	88.8 AF
COMMERCIAL	01/01	to 12/31	0.18 CFS	30.0 AF
			0.65 CFS	118.8 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NWNW Sec. 32 Twp 02S Rge 35E BINGHAM County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02S 35E 32						18.0	7.0										25.0

Total Acres: 25

PLACE OF USE: COMMERCIAL

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02S 35E 32						X											

CONDITIONS OF APPROVAL

1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
2. Right 35-13340 is limited to the irrigation of 22.2 acres within the place of use described above in a single irrigation season.
2. Rights 35-13340 and 35-13362 when combined shall not exceed a total diversion rate of 0.65 cfs.
4. 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.
5. Right 35-13362 is an enlargement of this right pursuant to Section 42-1426, Idaho Code.

WATER RIGHT NO. 35-13340
As Modified by Transfer No. 69544

CONDITIONS OF APPROVAL

6. Right 35-13362 is also diverted through the point(s) of diversion described above.
7. All water rights within Basin 35 are from connected sources of water in the Snake River Basin and shall be administered conjunctively.
8. 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.
9. The right holder shall accomplish the change authorized by this transfer within one (1) 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.
11. Pursuant to Section 42-1412(6), Idaho Code, 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 may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
12. Commercial use is for processing fertilizer.

This water right 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.

Dated this 10th day of January, 2002



Chief, Water Allocation Bureau

WATER RIGHT NO. 35-13361
As Modified by Transfer No. 69544

In accordance with the approval of Transfer No. 69544, Water Right No. 35-13361 is now described as follows.

Right Holder: CLAUDON E LILYA Or
MARGARET M LILYA
345 W 400 N
BLACKFOOT ID 83221

Priority Date: 11/13/1972

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01 to 10/31	0.02 CFS	
		0.02 CFS	

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NWNW Sec. 21 Twp 02S Rge 35E BINGHAM County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02S 35E 21					5.0	10.0											15.0

Total Acres: 15

CONDITIONS OF APPROVAL

1. Use of this right with Right 35-13339 is limited to a total combined diversion rate of 0.27 cfs and to a total combined annual diversion volume of 60 af.
2. 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.
3. 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. 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. All water rights within Basin 35 are from connected sources of water in the Snake River Basin and shall be administered conjunctively.
4. Use of this right with Right 35-13339 is limited to the irrigation of a combined total of 15.0 acres in a single irrigation season.

WATER RIGHT NO. 35-13361
As Modified by Transfer No. 69544

CONDITIONS OF APPROVAL

5. Use of this right is combined with water from Peoples Canal & Irrigation Co.
6. Right 35-13339 is also diverted through the point(s) of diversion described above.
7. This right is based upon an enlargement of Right 35-13339 pursuant to Section 42-1426, Idaho Code.
8. Pursuant to Section 42-1412(6), Idaho Code, 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 may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

This water right 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.

Dated this 10th day of January, 2002


Chief, Water Allocation Bureau

WATER RIGHT NO. 35-13362
As Modified by Transfer No. 69544

In accordance with the approval of Transfer No. 69544, Water Right No. 35-13362 is now described as follows.

Right Holder: BINGHAM COOPERATIVE INC
 PO BOX 887
 BLACKFOOT ID 83221

Priority Date: 11/13/1972

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01 to 10/31	0.05 CFS	11.2 AF
		0.05 CFS	11.2 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NWNW Sec. 32 Twp 02S Rge 35E BINGHAM County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
02S 35E 32					18.0	7.0											25.0

Total Acres: 25

CONDITIONS OF APPROVAL

1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
2. Right 35-13362 is limited to the irrigation of 2.8 acres within the place of use described above in a single irrigation season.
3. Rights 35-13340 and 35-13362 when combined shall not exceed a total diversion rate of 0.65 cfs.
4. 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.
5. Right 35-13362 is an enlargement of Right 35-13340 pursuant to Section 42-1426, Idaho Code.
6. 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.
7. Right 35-13340 is also diverted through the point(s) of diversion described above.
8. All water rights within Basin 35 are from connected sources of water in the Snake River Basin and shall be administered conjunctively.

WATER RIGHT NO. 35-13362
As Modified by Transfer No. 69544

CONDITIONS OF APPROVAL

9. 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.
10. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
11. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
12. Pursuant to Section 42-1412(6), Idaho Code, 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 may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

This water right 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.

Dated this 10th day of January, 2002


Chief, Water Allocation Bureau

APPLICATION FOR TRANSFER OF WATER RIGHT
 PART 1

me of Applicant BINGHAM COOPERATIVE INC. Phone 208-785-3440
 st Office address P.O. Box 887 Blackfoot ID 83221

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 We purchased 25 acres of water right
 and will convert 10 acres worth to Commercial process water and
 use 25 acres of the right for irrigation of our own property.

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>35-7262</u>	<u>11-13-1972</u>	<u>0.18 / 25</u>	<u>Commercial</u>	<u>1-1 to 12-31</u>
<u>35-13340</u>		<u>0.47</u>	<u>Irrigation</u>	<u>4-1 to 11-01</u>
				to
				to

2. Total amount of water being transferred 0.65 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
			NW	32	2S	35E	Bingham	

5. Lands irrigated or place of use:

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
2S	35E	32						C											
								~~25~~										25	
								18	7										
														</					

PART 1

6. General Information:

a. Description of diversion system well + pump to sprinklers and process
water in main building

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:
This ground is now a subdivision for homes.

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

Witness my hand this _____ day of _____, 20 _____.

For the Director

Page 1

IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2

Current Water Right No. 35-7262

Priority Date: 11/13/1972
Origin: Adjudication Recommendation
Basis: License
Status: Active

GROUND WATER

Beneficial Use	From	To	Diversion Rate	Volume	Subuse Code
IRRIGATION	4/01	11/01	0.92 CFS	161.0 AFA	
Total Diversion			0.92 CFS	161.0 AFA	

Source and Point(s) of Diversion:

Source	Twp	Range	Section	1/4 of 1/4 of 1/4	Lot	County
GROUND WATER	02S	35E	21	NWNW		BINGHAM

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02S	35E	21						40.0	10.0										50.0

Total Acres: 50

Conditions/Remarks:

1. USE OF THIS RIGHT WITH RIGHT NO. 35-13112 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 0.92 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 200 AF.^^
2. USE OF THIS RIGHT WITH RIGHT NO. 35-13112 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 50 ACRES IN A SINGLE IRRIGATION SEASON.^^ THIS RIGHT IS LIMITED TO THE IRRIGATION OF 46 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
3. RIGHT NO. 35-13112 IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.^^ RIGHT NO. 35-13112 IS AN ENLARGEMENT OF THIS RIGHT PURSUANT TO SECTION 42-1426, IDAHO CODE.^^
4. RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
5. USE OF THIS RIGHT IS COMBINED WITH WATER FROM PEOPLES CANAL & IRRIGATION CO.

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 _____

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 0.65 cfs 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
		NW	NW	21	25	35E	Bingham	

3. Lands irrigated or place of use:

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
25	35E	21						35											35

Total Acres _____

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

1. amount 0.27 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
		NW	NW	21	25	35E	Bingham	

3. Lands irrigated or place of use:

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
25	35E	21						5	10										15

Total Acres 15

APPLICATION FOR TRANSFER OF WATER RIGHT PART 3

3
13.5

4
10.4

Pioneer Rd 30 29

100 31 32

T2S
R
3SE

Binglow
Coop

T1635
4653
15.9

Highway 26

Point of
Diversion

T50
634
24.2

PART 3

1. CHANGES IN NATURE OF USE

1.	<u>New Nature of Use</u>	<u>Amount(cfs/af-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.



Mike J. Jensen
(Signature of Applicant)

Subscribed and sworn to before me this 1 day of November, 2001.

Mary Ann Johnson
(Notary Public)

My commission expires 8/12/06

FOR DEPARTMENT USE ONLY

Transfer contains 6 pages and 11 attachments

Received by _____ Date _____ Protest filed by _____

Prelim. Check by Kew EG 27245 Fee \$100 to \$150

Received by HGT #E027236 Date _____

Published in Morning News Copies of protest forwarded by _____

Pub. Dates 11/15 & 11/22/01 Hearing held by _____ Date _____

Watermaster recommendations requested on _____ Recommended for ☐ approval ☐ denial

_____ received _____ by _____

Copy of transfer sent to lien holder _____