

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 80869

This is to certify that: CODY G MORGAN
KATHY J MORGAN
PO BOX 95
PAUL, ID 83347-0095

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. A summary of the changes is also listed below. 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 Changes

<u>Water Right</u>	<u>Origin/Basis</u>	<u>Priority Date</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
36-16407	WR/LICENSE	3/10/1992	1.470 cfs	41.7 af	N/A	374.2	GROUND WATER
36-16409	WR/DECREED	2/6/1961	1.150 cfs	561.2 af	N/A	374.2	GROUND WATER
36-16411	WR/DECREED	3/11/1954	2.900 cfs	1052.9 af	264.3	374.2	GROUND WATER

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
36-16407	YES	YES	YES	NO	YES	YES
36-16409	YES	YES	YES	NO	YES	YES
36-16411	YES	YES	YES	NO	YES	YES

Summary Of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (Changed Portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
36-16407	36-17090	0.020 cfs	0.4 af	N/A	N/A	36-16407	1.450 cfs	41.1 af	N/A	368.6
36-16409	36-17091	0.020 cfs	6.1 af	N/A	N/A	36-16409	1.130 cfs	552.8 af	N/A	368.6
36-16411	36-17092	0.040 cfs	11.0 af	N/A	N/A	36-16411	2.860 cfs	1037.1 af	260.7	368.6
COMBINED TOTALS		0.080 cfs	17.1 af	N/A	N/A		N/A	N/A	N/A	N/A

This water right(s) 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. Detailed Water Right Description(s) attached.

Dated this 5th day of October, 2016.


Southern Region Manager

SUPPORT DATA

Transfer No. 80869

IN FILE # 36-16407

WATER RIGHT NO. 36-16407
As Modified by Transfer No. 80869

In accordance with the approval of Transfer No. 80869, Water Right No. 36-16407 is now described as follows:

Right Holder: KATHY J MORGAN AND/OR
 CODY G MORGAN
 PO BOX 95
 PAUL, ID 83347-0095

Priority Date: 3/10/1992

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	04/01	to 10/31	1.450 cfs	41.1 af
			1.450 cfs	41.1 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER NESWNW Sec 26 Twp 09S Rge 21E JEROME County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09S	21E	23											36.0	35.0			11.0	9.0	91.0
09S	21E	26	40.0	40.0	40.0	39.0	40.0	34.0	15.0	21.8	0.8					7.0			277.6

POU Total Acres: 368.6

CONDITIONS OF APPROVAL

1. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 130.
2. 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.
3. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
4. 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.

WATER RIGHT NO. 36-16407
As Modified by Transfer No. 80869

CONDITIONS OF APPROVAL

5. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/15 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than September 20, 2003 (Transfer 70375 approval date).
6. The right holder shall accomplish the change authorized by Transfer 70375 within one (1) year of the date of the Transfer 70375 approval.
7. Diversion and use of water under this right is subject to an annual use fee if rules are subsequently promulgated which provide for the submittal of the fee.
8. Rights 36-16407, 36-16409, and 36-16411 when combined shall not exceed a total diversion rate of 5.44 cfs, a total annual maximum diversion volume of 1474.4 af, and the irrigation of 368.6 acres.
9. This right is for the use of trust water and is subject to review 20 years after the issuance of the permit to determine availability of water and to re-evaluate the public interest.
10. Prior to the diversion and use of water under Transfer approval 70375, the right holder shall install and maintain acceptable measuring device(s), including data logger(s), at the authorized point of diversion and in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
11. Rights 36-16409 and 36-16411 are also diverted through the point of diversion described above.
12. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
13. Approval of Transfer 80869 does not confirm the validity of this water right.

WATER RIGHT NO. 36-17090**As Modified by Transfer No. 80869**

In accordance with the approval of Transfer No. 80869, Water Right No. 36-17090 is now described as follows:

Right Holder: KATHY J MORGAN AND/OR
CODY G MORGAN
PO BOX 95
PAUL, ID 83347-0095

Priority Date: 3/10/1992

Source: GROUND WATER

BENEFICIAL USE

COMMERCIAL
STOCKWATER

From

1/1
1/1

To

to 12/31
to 12/31

Diversion Rate

0.020 cfs
0.020 cfs
0.020 cfs

Diversion Volume

0.4 af
0.4 af
0.4 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER

SENE

Sec 22 Twp 10S Rge 21E JEROME County

PLACE OF USE: COMMERCIAL

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10S	21E	22			X	X									X	X			0.0

PLACE OF USE: STOCKWATER

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10S	21E	22			X	X									X	X			0.0

CONDITIONS OF APPROVAL

1. Rights 36-17090, 36-17091, and 36-17092 when combined shall not exceed a total diversion rate of 0.08 cfs and a total annual maximum diversion volume of 17.1 af.
2. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 130.
3. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.

WATER RIGHT NO. 36-17090
As Modified by Transfer No. 80869

CONDITIONS OF APPROVAL

4. Prior to diversion and use of water under Transfer approval 80869, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion, in accordance with Department specifications.
5. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
6. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable county zoning and use ordinances.
7. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable water quality monitoring and/or permitting requirements administered by the Department of Environmental Quality or the Department of Agriculture.
8. Commercial use is for a calf-rearing operation.
9. This right is for the use of trust water, and it is subject to review 20 years after its initial approval (date of permit approval) to re-evaluate the availability of trust water for the authorized use and to re-evaluate the public interest criteria for reallocating trust water.
10. The right holder shall accomplish the change authorized by this transfer within one 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.

WATER RIGHT NO. 36-16409
As Modified by Transfer No. 80869

In accordance with the approval of Transfer No. 80869, Water Right No. 36-16409 is now described as follows:

Right Holder: KATHY J MORGAN AND/OR
 CODY G MORGAN
 PO BOX 95
 PAUL, ID 83347-0095

Priority Date: 2/6/1961

Source: GROUND WATER

BENEFICIAL USE
 IRRIGATION

From 03/15 **To** 11/15

Diversion Rate
 1.130 cfs
 1.130 cfs

Diversion Volume
 552.8 af
 552.8 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER NESWNW Sec 26 Twp 09S Rge 21E JEROME County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09S	21E	23											36.0	35.0			11.0	9.0	91.0
09S	21E	26	40.0	40.0	40.0	39.0	40.0	34.0	15.0	21.8	0.8					7.0			277.6

POU Total Acres: 368.6

CONDITIONS OF APPROVAL

1. 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.
2. 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.
3. The right holder shall accomplish the change authorized by Transfer 70375 within one (1) year of the date of the Transfer 70375 approval.
4. Prior to the diversion and use of water under Transfer approval 70375, the right holder shall install and maintain acceptable measuring device(s), including data logger(s), at the authorized point of diversion and in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.

Transfer No. 80869

WATER RIGHT NO. 36-16409
As Modified by Transfer No. 80869

CONDITIONS OF APPROVAL

5. Rights 36-16407 and 36-16411 are also diverted through the point of diversion described above.
6. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
7. Rights 36-16407, 36-16409, and 36-16411 when combined shall not exceed a total diversion rate of 5.44 cfs, a total annual maximum diversion volume of 1474.4 af, and the irrigation of 368.6 acres.
8. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 130.
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. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

WATER RIGHT NO. 36-17091
As Modified by Transfer No. 80869

In accordance with the approval of Transfer No. 80869, Water Right No. 36-17091 is now described as follows:

Right Holder: KATHY J MORGAN AND/OR
 CODY G MORGAN
 PO BOX 95
 PAUL, ID 83347-0095

Priority Date: 2/6/1961

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
COMMERCIAL	1/1	to 12/31	0.020 cfs	6.1 af
STOCKWATER	1/1	to 12/31	0.020 cfs	6.1 af
			0.020 cfs	6.1 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER SENE Sec 22 Twp 10S Rge 21E JEROME County

PLACE OF USE: COMMERCIAL

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10S	21E	22			X	X									X	X			0.0

PLACE OF USE: STOCKWATER

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10S	21E	22			X	X									X	X			0.0

CONDITIONS OF APPROVAL

1. Rights 36-17090, 36-17091 and 36-17092 when combined shall not exceed a total diversion rate of 0.08 cfs and a total annual maximum diversion volume of 17.1 af.
2. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 130.
3. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.

Transfer No. 80869

WATER RIGHT NO. 36-17091
As Modified by Transfer No. 80869

CONDITIONS OF APPROVAL

4. Prior to diversion and use of water under Transfer approval 80869, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion, in accordance with Department specifications.
5. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
6. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable county zoning and use ordinances.
7. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable water quality monitoring and/or permitting requirements administered by the Department of Environmental Quality or the Department of Agriculture.
8. Commercial use is for a calf-rearing operation.
9. The right holder shall accomplish the change authorized by this transfer within one 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 36-16411
As Modified by Transfer No. 80869

In accordance with the approval of Transfer No. 80869, Water Right No. 36-16411 is now described as follows:

Right Holder: KATHY J MORGAN AND/OR
 CODY G MORGAN
 PO BOX 95
 PAUL, ID 83347-0095

Priority Date: 3/11/1954

Source: GROUND WATER

BENEFICIAL USE
 IRRIGATION

From 03/15 **to** 11/15

Diversion Rate
 2.860 cfs
 2.860 cfs

Diversion Volume
 1037.1 af
 1037.1 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER NESWNW Sec 26 Twp 09S Rge 21E JEROME County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09S	21E	23											36.0	35.0			11.0	9.0	91.0
09S	21E	26	40.0	40.0	40.0	39.0	40.0	34.0	15.0	21.8	0.8					7.0			277.6

Right Acre Limit: 260.7

POU Total Acres: 368.6

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 260.7 acres within the place of use described above in a single irrigation season.
2. Rights 36-16407, 36-16409, and 36-16411 when combined shall not exceed a total diversion rate of 5.44 cfs, a total annual maximum diversion volume of 1474.4 af, and the irrigation of 368.6 acres.
3. 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.
4. 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.
5. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

Transfer No. 80869

WATER RIGHT NO. 36-16411
As Modified by Transfer No. 80869

CONDITIONS OF APPROVAL

6. The right holder shall accomplish the change authorized by Transfer 70375 within one (1) year of the date of the Transfer 70375 approval.
7. Rights 36-16407 and 36-16409 are also diverted through the point of diversion described above.
8. Prior to the diversion and use of water under Transfer approval 70375, the right holder shall install and maintain acceptable measuring device(s), including data logger(s), at the authorized point of diversion and in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
9. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
10. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 130.
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.

WATER RIGHT NO. 36-17092
As Modified by Transfer No. 80869

In accordance with the approval of Transfer No. 80869, Water Right No. 36-17092 is now described as follows:

Right Holder: KATHY J MORGAN AND/OR
 CODY G MORGAN
 PO BOX 95
 PAUL, ID 83347-0095

Priority Date: 3/11/1954

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
COMMERCIAL	1 / 1	to 12/31	0.040 cfs	11.0 af
STOCKWATER	1 / 1	to 12/31	0.040 cfs	11.0 af
			0.040 cfs	11.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER SENE Sec 22 Twp 10S Rge 21E JEROME County

PLACE OF USE: COMMERCIAL

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10S	21E	22			X	X									X	X			0.0

PLACE OF USE: STOCKWATER

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10S	21E	22			X	X									X	X			0.0

CONDITIONS OF APPROVAL

1. Rights 36-17090, 36-17091, and 36-17092 when combined shall not exceed a total diversion rate of 0.08 cfs and a total annual maximum diversion volume of 17.1 af.
2. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 130.
3. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.

Transfer No. 80869

WATER RIGHT NO. 36-17092
As Modified by Transfer No. 80869

CONDITIONS OF APPROVAL

4. Prior to diversion and use of water under Transfer approval 80869, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion, in accordance with Department specifications.
5. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
6. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable county zoning and use ordinances.
7. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable water quality monitoring and/or permitting requirements administered by the Department of Environmental Quality or the Department of Agriculture.
8. Commercial use is for a calf-rearing operation.
9. The right holder shall accomplish the change authorized by this transfer within one 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

State of Idaho
Department of Water Resources
Attachment to Transfer # 80869
Rights 36-17090, 36-17091, and 36-17092

This map depicts the STOCKWATER & COMMERCIAL place of use boundary for these water rights at the time of this approval and is attached to the approval document solely for illustrative purposes.

21E



- Point of Diversion
- Place Of Use Boundary
- Townships
- PLS Sections

0 0.045 0.09 0.18 Miles

