

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)

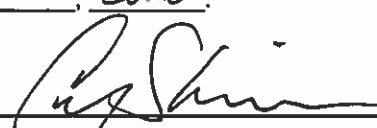
<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
36-16407	YES	YES	YES	NO	YES	YES
36-16409	YES	YES	YES	NO	YES	YES
36-16411	YES	YES	YES	NO	YES	YES

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.

Transfer No. 80869

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

<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	0.4 af
STOCKWATER	1/1	to 12/31	0.020 cfs	0.4 af
			0.020 cfs	0.4 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. 36-17090

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

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	03/15	to 11/15	1.130 cfs	552.8 af
			1.130 cfs	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

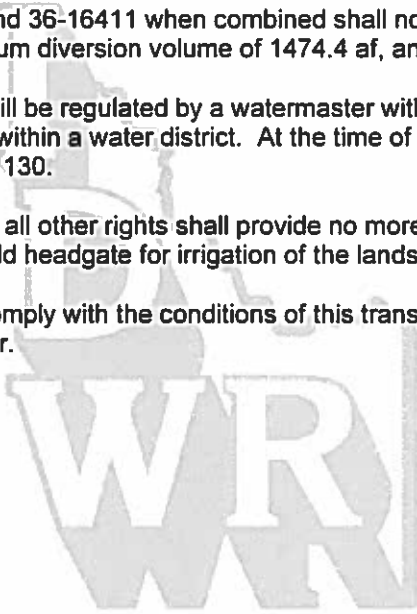
1. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry 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

BENEFICIAL USE

	<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

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	03/15	to 11/15	2.860 cfs	1037.1 af
			2.860 cfs	1037.1 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

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

BENEFICIAL USE	From	To	Diversion Rate	Diversion Volume
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.

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.



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

0 0.045 0.09 0.18 Miles





State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, Idaho 83301-5858

Phone: (208) 736-3033 • Fax: (208) 736-3037 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

October 28, 2016

CODY G MORGAN
KATHY J MORGAN
PO BOX 95
PAUL ID 83347-0095

Re: Transfer No: 80864
Water Right No(s): 36-14632, 36-16094, 36-16096, 36-16098, 36-16407, 36-16408,
36-16409, 36-16410, 36-16411, 36-16412

Re: Transfer No: 80869
Water Right No(s): 36-16407, 36-16409, 36-16411

Re: Transfer No: 80871
Water Right No(s): 36-16407, 36-16409, 36-16411

Transfer Approval Notice

Dear Water Right Holder and other Interested Persons:

The Department of Water Resources has issued the enclosed approved Transfer of Water Right(s). Please be sure to thoroughly review the conditions of approval and remarks listed on the approval document.

The Transfer of Water Right(s) is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless the APPLICANT petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

ANY PERSON aggrieved by any decision, determination, order or action of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Department and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

If the transfer approval includes a condition requiring measuring and recording devices, such devices shall comply with specifications established by the Department. Detailed specifications are available on the Department's home page on the Internet, or you can request a copy by contacting any office of the Department. Please be sure to thoroughly review the specifications to avoid unnecessary costs for reinstallation or modification due to non-conforming or improperly installed devices.

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at (208) 736-3033.

Sincerely,

A handwritten signature in black ink, appearing to read "Corey Skinner". The signature is fluid and cursive, with the first name "Corey" written in a larger, more prominent script than the last name "Skinner".

Corey Skinner
Southern Regional Manager

Enclosure

cc:

BROCKWAY ENGINEERING PLLC
C/O HATTIE ZOBOTT
2016 N WASHINGTON ST STE 4
TWIN FALLS ID 83301

NATHAN ERICKSON WATER MASTER
WATER DISTRICT 130
650 ADDISON AVE W STE 500
TWIN FALLS ID 83301

CERTIFICATE OF SERVICE

I hereby certify that on October 28, 2016 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below:

Re: Transfer No: 80864

Water Right No(s): 36-14632, 36-16094, 36-16096, 36-16098, 36-16407, 36-16408,
36-16409, 36-16410, 36-16411, 36-16412

Re: Transfer No: 80869

Water Right No(s): 36-16407, 36-16409, 36-16411

Re: Transfer No: 80871

Water Right No(s): 36-16407, 36-16409, 36-16411

CODY G MORGAN
KATHY J MORGAN
PO BOX 95
PAUL ID 83347-0095

BROCKWAY ENGINEERING PLLC
C/O HATTIE ZOBOTT
2016 N WASHINGTON ST STE 4
TWIN FALLS ID 83301

NATHAN ERICKSON WATER MASTER *via e-mail*
WATER DISTRICT 130
650 ADDISON AVE W STE 500
TWIN FALLS ID 83301

A handwritten signature in cursive script, reading "Denise Maline", is written over a solid horizontal line.

Denise Maline
Administrative Assistant

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(To be used in connection with actions when a hearing was **not** held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "**Preliminary Order**" issued by the department pursuant to section 67-5243, Idaho Code. **It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:**

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. **Note: the petition must be received by the department within this fourteen (14) day period.** The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after: (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its service date if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

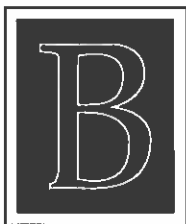
- (a) The petition for reconsideration is disposed of; or
- (b) The petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.



BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

RECEIVED

OCT 07 2016

DEPT OF WATER RESOURCES
SOUTHERN REGION

October 5, 2016

Jim Bitzenburg
650 Addison Avenue West, Suite 500
Twin Falls, ID 83301-5858

Re: Cody Morgan Riverview Well Permit Fee Increase

Dear Mr. Bitzenburg:

The Riverview transfer proposed to transfer water rights for stockwater and commercial use to a well drilled for domestic use (Transfer 80869). The change requires the difference in permit cost be paid to the IDWR for the use of the well for other purposes than domestic use. The difference in fees is \$125.00, per the letter addressed September 30th from the IDWR, and is enclosed.

Cordially,



Hattie Zobott, P.E.

Enc: Well Drilling Permit Fee Adjustment: \$125.00
Brockway Engineering Check # 13612

Cc: Cody and Kathy Morgan

CHARLES E.
BROCKWAY,
Ph.D., P.E.

CHARLES G.
BROCKWAY,
Ph.D., P.E.

2016 NORTH
WASHINGTON
STREET • SUITE 4

TWIN FALLS,
IDAHO 83301

208•736•8543

FAX: 736•8506

\$125 - pd for upgrade = D0034615
DM 10/1/2016 # S035756

State of Idaho
Department of Water Resources

RECOMMENDATION OF WATERMASTER

Transfer No: 808669
Water Right No: 36-16407, etc.
Applicant Name: Cody & Cathy Morgan (Riverview Ranch)

Watermaster's Recommendation:

- a) ☒ I do not oppose approval of this application
- b) ☐ I do not oppose approval of this application under the following terms:
- c) ☐ I oppose approval of this application(s) for the following reasons:
- d) ☒ Additional comment:

Make sure meter conditions are added. Meters should be from the approved meter list and installed prior to use.

Dated: October 5, 2016

Water District 130



Nathan Erickson, Watermaster

Bitzenburg, James

From: Hattie Zobott [hattie.zobott@brockwayeng.com]
Sent: Monday, September 26, 2016 11:21 AM
To: Bitzenburg, James
Subject: Cody Morgan Riverview Transfer
Attachments: RiverviewCorrectePOU 09-26-16.pdf

Dear Jim,

Thank you for the phone call. I reviewed the Riverview Ranch Place of Use and found that there were errors on page 3 of the application. The corrected page three is attached.

Thank you,

Hattie Zobott, P.E.

Brockway Engineering, PLLC
2016 Washington St. North, Suite 4
Twin Falls, ID 83301
(208) 736-8543
hattie.zobott@brockwayeng.com

All information, calculations, maps, drawings, or other documents transmitted via e-mail are preliminary unless explicitly stated in the e-mail text or in the documents themselves.

JUN 06 2016

Twin Falls Times-News
132 Fairfield St W, Twin Falls, Idaho 83301

DEPT OF WATER RESOURCES
SOUTHERN REGION

RUBY AUFDERHEIDE, being duly sworn, deposes and says: That she is the Principal Clerk of the Times-News, a daily newspaper printed and published at Twin Falls, Twin Falls County, State of Idaho, and having a general circulation therein, and which said newspaper has been continuously and uninterruptedly published in said County during a period of twelve consecutive months prior to the first publication of the notice, a copy of which is attached hereto: that said notice was published in the Times-News, in conformity with Section 60-108, Idaho Code, as amended, for:

2 Insertions

ID DEPARTMENT OF WATER RESOURCES
650 ADDISON AVE W, STE 500
TWIN FALLS, ID 83301

ORDER NUMBER 24161

Ruby Aufderheide
(Legals Clerk)

STATE OF IDAHO)
.SS
COUNTY OF TWIN FALLS)

On this 26th day of May in the year of 2016 before me, a Notary Public, personally appeared before me Ruby Aufderheide known or identified to me to be the person whose name subscribed to the within instrument, and being by first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

Melody Xoumanivong
Notary Public FOR Idaho
Residing at: Twin Falls, Idaho
My Commission expires: 4/21/2017

PUBLISHED ON: 05/19/2016, 05/26/2016

TOTAL AD COST: 227.25

FILED ON: 5/26/2016

NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 80866

ROTH INVESTMENTS LLC, 539 S 800 E, JEROME, ID 83338; has filed Application No. 80866 for changes to the following water rights within JEROME County(s): Right No(s). 36-16683. The purpose of the transfer is to change a portion of the above rights as follows: Transfer proposes to convert a 40 acre portion (0.74cfs) of a ground water irrigation right to stockwater and commercial use at an existing dairy facility, located on a farm approximately 2.8 to 4.3 miles east and 0.25 to 2.5 miles north of the center of the City of Jerome. The diversion of the 0.74 cfs will be from three existing wells at the dairy site.

NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 80867

ROTH INVESTMENTS LLC, 539 S 800 E, JEROME, ID 83338; has filed Application No. 80867 for changes to the following water rights within JEROME County(s): Right No(s). 36-16683. The purpose of the transfer is to change a portion of the above rights as follows: Transfer proposes to move a 2.3 acre portion (0.04 cfs) of a ground water irrigation right located on a farm approximately 2.8 to 4.3 miles east and 0.25 to 2.5 miles north of the center of the City of Jerome, to an adjacent farm within an existing 240.4 acre permissible place of use located approximately 4.3 to 5.3 miles east and 1.5 to 2.0 miles north of the center of the City of Jerome. The diversion of the 0.04 cfs will be from an existing well at the proposed place of use.

NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 80864

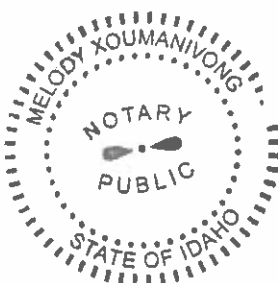
KATHY J MORGAN and CODY G MORGAN, 756 S 2800 E, HAZELTON, ID 83335; has filed Application No. 80864 for changes to the following water rights within JEROME County(s): Right No(s). 36-14632, 36-16094, 36-16096, 36-16098, 36-16407, 36-16408, 36-16409, 36-16410, 36-16411, 36-16412. The purpose of the transfer is to change a portion of the above rights as follows: Application proposes converting a 16.3 acre portion (0.24 cfs) of ground water irrigation rights 36-16407, 36-16409, and 36-16411 to stockwater and commercial use associated with an existing CAFO located approximately 9.0 miles west and 0.5 mile north of Paul. The transferred portions will be diverted from two existing wells at the CAFO site, a new well to be drilled at the CAFO site, and the existing irrigation well that currently serves as the point of diversion for the transferred portions. The application also proposes adding the new well to be drilled and the existing irrigation well as authorized points of diversion for the existing rights at the CAFO site, which divert 0.55 cfs. The total amount being transferred is 0.79 cfs.

NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 80869

KATHY J MORGAN and CODY G MORGAN, 756 S 2800 E, HAZELTON, ID 83335; has filed Application No. 80869 for changes to the following water rights within JEROME County(s): Right No(s). 36-16407, 36-16409, 36-16411. The purpose of the transfer is to change a portion of the above rights as follows: Application proposes converting a 5.6 acre portion (0.08 cfs) of ground water irrigation rights 36-16407, 36-16409, and 36-16411 to stockwater and commercial use associated with an existing calf rearing operation located approximately 9.7 miles west and 4.5 miles south of Paul. The transfer proposes to change the point of diversion of the converted rights to an existing well located on the site of the calf rearing facility.

For additional information concerning the property location, contact Southern Region office at (208) 736-3033; or to see a full description of these rights and/or the proposed transfers, please see www.idwr.idaho.gov/apps/wr/QueryNewTransfers/QueryNewTransfers.aspx. Protests may be submitted based on the criteria of Idaho Code Sec. 42-222. Any protest against the proposed change must be filed with the Department of Water Resources, Southern Region, 650 Addison Ave W, Ste 500, Twin Falls ID 83301 together with a protest fee of \$25.00 for each application on or before June 6, 2016. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director
Published on May 19th & 26th, 2016



✓ OK AM
6/7/2016