

APR 21 2016

DEPT OF WATER RESOURCES
SOUTHERN REGION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 80871

MINIMUM REQUIREMENTS CHECKLIST
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

An application for transfer must be prepared in accordance with the minimum requirements listed below to be acceptable for processing by the Department. Incomplete applications will be returned. The instructions, fee schedule, Part 2A reports and additional Part 2B forms are available from any Department office or on the Department's website at www.idwr.idaho.gov.

Name of Applicant(s) Cody D Morgan; Kathy J Morgan Kathy

Check whether each item below is *attached* (Yes) or *not applicable* (N/A) for the proposed transfer.

Yes N/A * Means the item is always required and must be included with the application.

- ☒ * Completed Application for Transfer of Water Right form, Part 1.
- ☒ * Signature of applicant(s) or applicant's authorized representative on Application for Transfer Part 1. Include evidence of authority labeled Attachment #3 (see below) if signed by representative.
- ☒ * Application for Transfer Part 2A. Attach a Part 2A report describing each water right in the transfer as currently recorded.
- ☒ ☐ Complete and attach an Application for Transfer Part 2B for each water right for which only a portion is proposed to be changed through this transfer application.
- ☒ * Application for Transfer Part 3A is always required (see Attachment #7a below); Parts 3B and 3C must be completed for transfer applications proposing to change the nature of use of the water right(s) or proposing changes to supplemental right(s).
- ☒ * Correct fee submitted with transfer application form. (Fee schedule is on website and instructions for application for transfer.)

Attachments to Application - Label each attachment with the corresponding number shown below as Attachment #1-10.

- ☒ ☐ #1 If the applicant is a business, partnership, organization, or association, and not currently registered in the State of Idaho as a business entity, attach documentation identifying officers authorized to sign or act on behalf of right holder. (See Part 1.)
- ☒ ☐ #2a Water Right ownership documentation if Dept. records do not show the applicant as the current water right owner. **
- ☐ ☒ #2b If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). **
** Additional fee(s) required for water right ownership changes; see fee schedule.
- ☐ ☒ #3 Documentation of authority to make the change if the applicant is not the water right owner.
- ☐ ☒ #4 Power of Attorney or documentation providing authority to sign or act on the applicant's behalf. (See Part 1.)
- ☐ ☒ #5 If the transfer application proposes to change the point of diversion for a water right affecting the Eastern Snake Plain Aquifer (ESPA), attach the results of an ESPA analysis and a detailed mitigation plan to offset any depletions to hydraulically connected reaches of the Snake River. ESPA transfer spreadsheet and model grid labeled cells are available on the Department's website at www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/resources.htm.
- ☒ ☐ #6 Notarized statement of agreement or a statement on official letterhead signed by an authorized representative from each lien holder or other entity with financial interest in the water right(s) or land affected by the proposed transfer. (See Part 1.5.c.)
- ☒ * #7a Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described on the application. Include legal description labels. If only a portion of the right is proposed to be changed, identify the current location of the part of the existing right(s) proposed to be changed. (See Part 3A.)
- ☒ ☐ #7b If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. If some or all of any right is leased to the Water Supply Bank, you must also show the the specific location and/or acres to be idled at the new, proposed place of use to satisfy lease requirements.
- ☐ ☒ #8a If the transfer application proposes to change the nature of use or period of use for one or more rights, provide documentation describing the extent of historic beneficial use for the water rights proposed to be transferred and document how enlargement will be avoided. (See Part 3B.) Additional fee required for proposed changes to nature of use; see fee schedule.
- ☐ ☒ #8b If the transfer application proposes to change the place of use of a supplemental irrigation right, provide documentation regarding the historic use of the supplemental right(s) and availability or reliability of the primary right(s) being supplemented, both before and after the proposed change. (See Part 3C.)
- ☐ ☒ #9 Water Supply Bank information for all rights proposed for transfer and currently leased to the Bank. (Attachment WSB)
- ☐ ☒ #10 Other. Please describe: _____

RECEIVED

APR 21 2016

DEPT OF WATER RESOURCES
SOUTHERN REGION

CRESTVIEW FARM IRRIGATION TRANSFER
Cody and ~~Cathy~~ Morgan

Kathy

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

APR 27 2016

DEPT OF WATER RESOURCES
SOUTHERN REGION

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1

Name of Applicant(s) Cody G. Morgan; Kathy J. Morgan Phone (208) 438-8159

Mailing address 756 S, 2800 E Hazelton, ID 83335 Email _____

- ☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it **Attachment #1**.
- ☐ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it **Attachment #2a**.
- ☐ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it **Attachment #2b**.
- ☐ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it **Attachment #3**.

Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

☐ No Representative

Name of Representative Hattie Zobott Phone 736-8543

Mailing address Brockway Engineering 2016 Washington St. N., Ste 4 Twin Falls, 83301 Email hattie.zobott@brockwayeng.c

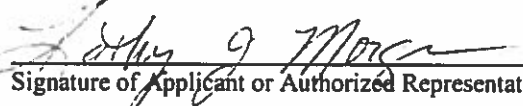
- ☐ Send all correspondence for this application to the representative and not to the applicant.
OR
- ☒ Send original correspondence to the applicant and copies to the representative.
- ☒ The representative may submit information for the applicant but is not authorized to sign for the applicant.
OR
- ☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it **Attachment #4**.

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). 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 rejection of the application or cancellation of an approval.


Signature of Applicant or Authorized Representative

Cody G Morgan
Print Name and Title if applicable

4-19-16
Date


Signature of Applicant or Authorized Representative

Kathy J Morgan
Print Name and Title if applicable

4-19-16
Date

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☒ Other Create permissible place of use
2. Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.2**.
The applicant seeks to create a Permissible Place of Use and change the Place of Use for their farm. The place of use transfer will correct the shape of irrigation after two accompanying nature of use transfers.

- AMENDED -

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

APR 21 2016

**APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1**

DEPT OF WATER RESOURCES
SOUTHERN REGION

Name of Applicant(s) Cody D Morgan; Kathy J Morgan Phone (208) 438-8159
Mailing address 756 S Hazelton, ID 83335 Email _____

- ☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it **Attachment #1**.
- ☐ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it **Attachment #2a**.
- ☐ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it **Attachment #2b**.
- ☐ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it **Attachment #3**.

Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

☐ No Representative

Name of Representative Hattie Zobott Phone 736-8543
Mailing address Brockway Engineering 2016 Washington St. N. Ste 4 Twin Falls, 83301 Email hattie.zobott@brockwayeng.com

- ☐ Send all correspondence for this application to the representative and not to the applicant.
OR
☒ Send original correspondence to the applicant and copies to the representative.
- ☒ The representative may submit information for the applicant but is not authorized to sign for the applicant.
OR
☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it **Attachment #4**.

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). 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 rejection of the application or cancellation of an approval.

[Signature]
Signature of Applicant or Authorized Representative

Cody G Morgan
Print Name and Title if applicable

4-19-16
Date

[Signature]
Signature of Applicant or Authorized Representative

Kathy J. Morgan
Print Name and Title if applicable

4-19-16
Date

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☒ Other Create permissible place of use

2. Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.2**.

The applicant seeks to create a Permissible Place of Use and change the Place of Use for their farm. The place of use transfer will correct the shape of irrigation after two accompanying nature of use transfers.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1 Continued

B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT, DESCRIBE PORTIONS TO BE CHANGED AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.

1.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
All or Part ☐ ☒	36-16407	1.44/41.1	Irrigation	04/01 to 10/31	Groundwater
☐ ☒	36-16409	1.13/552.7	Irrigation	03/15 to 11/15	Groundwater
☐ ☒	36-16411	2.86/1037.1	Irrigation	03/15 to 11/15	Groundwater
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 5.76 cfs and/or 1652.0 acre-feet.

2. Total amount of water proposed to be transferred or changed 5.44 cubic feet per second and/or 1474.3 acre-feet per year.

3. Point(s) of Diversion:

- ☒ No changes to point(s) of diversion are proposed - the following chart is therefore not completed. (Proceed to #4.)
☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA.
 Label it Attachment #5.

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #

4. Place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

- ☐ No changes to place of use are proposed - the following chart is therefore not completed. (Proceed to #5.)

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09S	21E	23											33.3	32.6			17.3	34.6	117.8
09S	21E	26	38.5	39.4	34.9	31.8	38.6	31.6	0.3	22.6	7.6					5.5			245.2
Total Acres (for irrigation use)																			368.6

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

5. General Information:

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future:

Diversion system in place and will maintain current measuring devices.

- b. Who owns the property at the point(s) of diversion? Applicant

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?

If yes, ☒ attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien: Farm Credit Services

It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.

- d. Are any of the water rights proposed for transfer currently leased to the Water Supply Bank?

If yes, ☐ complete Attachment WSB.

- e. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:

The place of use will reflect current irrigation practices. A PPU for the property will be created.

- f. Describe the use of any other water right(s) for the same purpose or land, or the same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use:

Stockwater, and commercial water rights for the adjacent Crestview Calves calf raising farm overlap the POU/PPU for the irrigation.

- g. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

Yes No

- ☐ ☒ undergone a period of five or more consecutive years of non-use,
☐ ☒ currently leased to the Water Supply Bank,
☐ ☒ currently used in a mitigation plan limiting the use of water under the right, or
☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the rights?

If yes, describe:

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

Current Water Right No.: 36-16407

Current Owner: CODY G MORGAN
KATHY J MORGAN

Priority Date: 3/10/1992

Origin: Water Right

Status: Active

Basis: License

Source

Tributary

GROUND WATER

Beneficial Use

From To

Diversion Rate

Annual Volume

IRRIGATION

04/01 to 10/31

1.53 CFS

43.5 AF

Total Diversion

1.53 CFS

43.5 AF

Location of Point(s) of Diversion

GROUND WATER

NE1/4SW1/4NW1/4

Sec. 26, Twp 09S, Rge 21E B.M.

JEROME County

Place of Use

IRRIGATION Within JEROME County

T09S R21E S23	SWSW	36.00	T09S R21E S23	SESW	35.00
T09S R21E S23	SWSE	11.00	T09S R21E S23	SESE	9.00
T09S R21E S26	NENE	40.00	T09S R21E S26	NWNE	40.00
T09S R21E S26	SWNE	40.00	T09S R21E S26	SENE	39.00
T09S R21E S26	NENW	40.00	T09S R21E S26	NWNW	34.00
T09S R21E S26	SWNW	15.00	T09S R21E S26	SENW	37.00
T09S R21E S26	NESW	7.50	T09S R21E S26	NWSE	7.00

Total Acres: 390.5

Conditions of Approval:

1. 131 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.
2. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3. R64 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.
4. R55 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.
5. X61 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. 067 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.
7. X35 Rights 36-16407, 36-16409, and 36-16411 when combined shall not exceed a total annual maximum diversion volume of 1562.0 af at the field headgate, and the irrigation of 390.5 acres.
8. R05 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. 052 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.
10. T20 Approval of Transfer 72741 does not confirm the validity of this water right.
11. R43 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.
12. T07 The right holder shall accomplish the change authorized by Transfer 70375 within one (1) year of the date of the Transfer 70375 approval.
13. X36 Rights 36-16409 and 36-16411 are also diverted through the point of diversion described above.

Licensed Date: 4/16/1999

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

Current Water Right No.: 36-16409

Current Owner: CODY G MORGAN
KATHY J MORGAN

Priority Date: 2/6/1961

Origin: Water Right

Status: Active

Basis: Decreed

Source

Tributary

GROUND WATER

Beneficial Use

From To

Diversion Rate

Annual Volume

IRRIGATION

03/15 to 11/15

1.2 CFS

585.6 AF

Total Diversion

1.2 CFS

585.6 AF

Location of Point(s) of Diversion

GROUND WATER

NE1/4SW1/4NW1/4

Sec. 26, Twp 09S, Rge 21E B.M.

JEROME County

Place of Use

IRRIGATION Within JEROME County

T09S R21E S23	SWSW	36.00	T09S R21E S23	SESW	35.00
T09S R21E S23	SWSE	11.00	T09S R21E S23	SESE	9.00
T09S R21E S26	NENE	40.00	T09S R21E S26	NWNE	40.00
T09S R21E S26	SWNE	40.00	T09S R21E S26	SENE	39.00
T09S R21E S26	NENW	40.00	T09S R21E S26	NWNW	34.00
T09S R21E S26	SWNW	15.00	T09S R21E S26	SENW	37.00
T09S R21E S26	NESW	7.50	T09S R21E S26	NWSE	7.00

Total Acres: 390.5

Conditions of Approval:

1. 067 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. X35 Rights 36-16407, 36-16409, and 36-16411 when combined shall not exceed a total annual maximum diversion volume of 1562.0 af at the field headgate, and the irrigation of 390.5 acres.
3. 131 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.
4. T08 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. R64 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.
6. T07 The right holder shall accomplish the change authorized by Transfer 70375 within one (1) year of the date of the Transfer 70375 approval.
7. X36 Rights 36-16407 and 36-16411 are also diverted through the point of diversion described above.
8. R05 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. R43 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. T19 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.

Decreed Date: 8/27/2001

Conditions of Approval:

1. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
2. X36 Rights 36-16407 and 36-16409 are also diverted through the point of diversion described above.
3. T07 The right holder shall accomplish the change authorized by Transfer 70375 within one (1) year of the date of the Transfer 70375 approval.
4. X27 This right is limited to the irrigation of 274.7 acres within the place of use described above in a single irrigation season.
5. R64 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.
6. R05 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.
7. 067 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.
8. T19 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.
9. 131 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.
10. X35 Rights 36-16407, 36-16409, and 36-16411 when combined shall not exceed a total annual maximum diversion volume of 1562.0 af at the field headgate, and the irrigation of 390.5 acres.
11. R43 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.

Decreed Date: 8/27/2001

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT PART 2B

IF ONLY A PORTION OF THE RIGHT IS PROPOSED TO BE CHANGED, DESCRIBE THE PORTION BEING CHANGED AS IT APPEARS BEFORE THE REQUESTED CHANGES

- ☒ Complete and attach one copy of **Part 2B** for each right for which only a portion is proposed to be changed.

Right Number: 36-16407

- [illegible]

2. Lands irrigated or place of use: (If irrigation, identify with number of acres irrigated per $\frac{1}{4}$ $\frac{1}{4}$ tract.)

[illegible]

Total Acres (for irrigation use) 390.5

DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2B

IF ONLY A PORTION OF THE RIGHT IS PROPOSED TO BE CHANGED, DESCRIBE THE PORTION BEING CHANGED AS IT APPEARS BEFORE THE REQUESTED CHANGES

- ☒ Complete and attach one copy of **Part 2B** for each right for which only a portion is proposed to be changed.

Right Number: 36-16409

- [illegible]

2. Lands irrigated or place of use: (If irrigation, identify with number of acres irrigated per $\frac{1}{4}$ $\frac{1}{4}$ tract.)

[illegible]

Total Acres (for irrigation use) 390.5

Total Acres (for irrigation use) 390.5

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

A. PLAT MAP (See Part 3A of Instructions for application for transfer for complete requirements.)

- ☒ Attach a map of the diversion, measurement, control, and distribution system. Label it **Attachment #7a**.
- ☒ If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (**GIS**) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. Label it **Attachment #7b**.

If the place of use currently consists of a permissible place of use, then the attachment is not required if the application contains a clear statement that the boundaries for the place of use are not proposed to be changed by the transfer and the total number of irrigated acres within the place of use before and after the transfer is clearly stated.

If any part of the irrigation water right is leased to the Water Supply Bank, you must also specify the location and number of acres that will remain idled for the duration of the lease contract at the new, proposed place of use.

B. CHANGES IN NATURE OF USE (Water Balance)

- ☐ If you propose to change the nature of use or period of use of all or part of the right(s) listed in this application, attach documentation describing the extent of historic beneficial use of the portion of the right(s) proposed to be changed. Also attach documentation showing that the portion of the right(s) to be changed will not be enlarged in rate, volume, or consumptive use through the proposed change. Label it **Attachment #8a**.

C. PLACE OF USE CHANGES TO SUPPLEMENTAL IRRIGATION RIGHTS

- ☐ If you propose to change the place of use of a supplemental irrigation right, answer below and attach supporting documentation. Label it **Attachment #8b**.

Describe how the supplemental water rights have been used historically in conjunction with other water rights at the existing place of use. Describe the time during the irrigation season that the supplemental rights have been used. Include information about the availability or reliability of the primary right(s) being supplemented, both before and after the change. If the applicant is proposing to change a supplemental irrigation right to a primary right, provide the information required on Part 3B above:

[illegible]

FOR DEPARTMENT USE ONLY

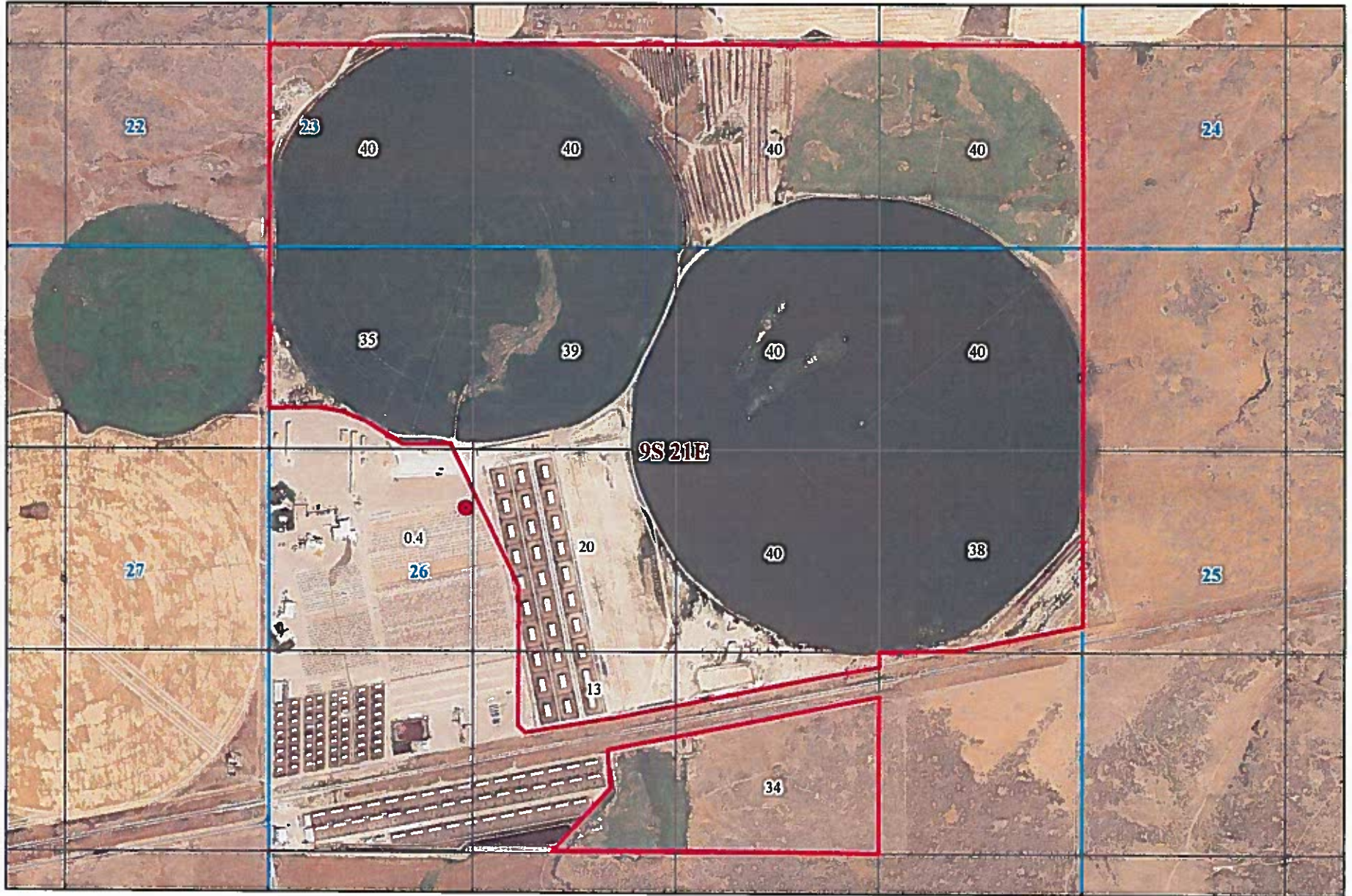
Transfer contains _____ pages and _____ attachments.

Received by DM Date 4-21-2016 Preliminary check by _____ Date _____

Fee paid \$ 900 - Date 4-21-2016 Received by Am Receipt # 5035410

Add'l fee paid _____ Date _____ Received by _____ Receipt # _____

Check all that apply: Attachment WSB ☐ (copy sent to state office) Lessor Designation form ☐ &/or W-9 ☐ (originals to state office)



TRANSFER 80871

0 300 600 1,200 Feet

ARLAN MORGAN
TRANSFER PPU MAP 2015
NAIP 2013 AERIAL

- Legend
- Point_of_Diversion
 - PROP_PPU
 - township
 - Sections
 - ladesc



Attachment 6
Lien Holder Letter



PO Box 5576
Twin Falls, ID 83303-5576
Voice: 208.732.1000 Fax: 208.734.0665

April 15, 2016

Crestview Calves
Crestview Calves, Inc.
Magicview Calf Ranch, LLC
756 South 2800 East
Hazelton, ID 83335

RE: Application for Loan Modification – Loan Nos. 6001911, 6008949, 6009629, 6009630, 6009631, 6069549, 6083219 and 6099491
Water rights – Change of use (Crestview Farm, Crestview Calves and Riverview Ranch/Cody and Cathy Morgan)

Dear Mr. and Mrs. Morgan:

Northwest Farm Credit Services, FLCA and Northwest Farm Credit Services, PCA (together herein "Northwest FCS") is in receipt of your Application for Loan Modification requesting consent to the change of use from irrigation to stockwater for water rights with State of Idaho, Department of Water Resources, Water Right Nos. 36-16407, 36-16409, 36-16411, 36-14632, 36-16094, 36-16096, 36-16098, 36-16408, 36-16410 and 36-16412, which serve as collateral for the above referenced loans. Northwest FCS has reviewed the Application for Transfer of Water Right and hereby gives consent to the change of use. The water rights will continue to be subject to the liens in favor of Northwest FCS.

Any and all costs and fees associated with this change of use shall be the responsibility of Crestview Calves, Crestview Calves, Inc. and Magicview Calf Ranch, LLC.

All other terms and conditions of the notes/loan agreements, associated deeds of trusts/mortgages and other loan documents remain in full force and effect. This is a one-time authorization and future actions will require written consent by Northwest FCS. This consent letter is intended to evidence the lienholder's agreement to the proposed changes as required in Part 1.5(c) of the Application for Transfer of Water Right.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeff Freckleton", is written over a horizontal line.

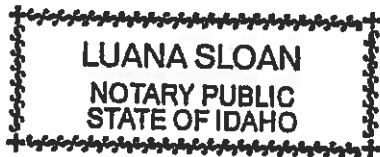
Jeff Freckleton
Relationship Manager II/AVP

TRANSFER 80871

Here to Help You Grow

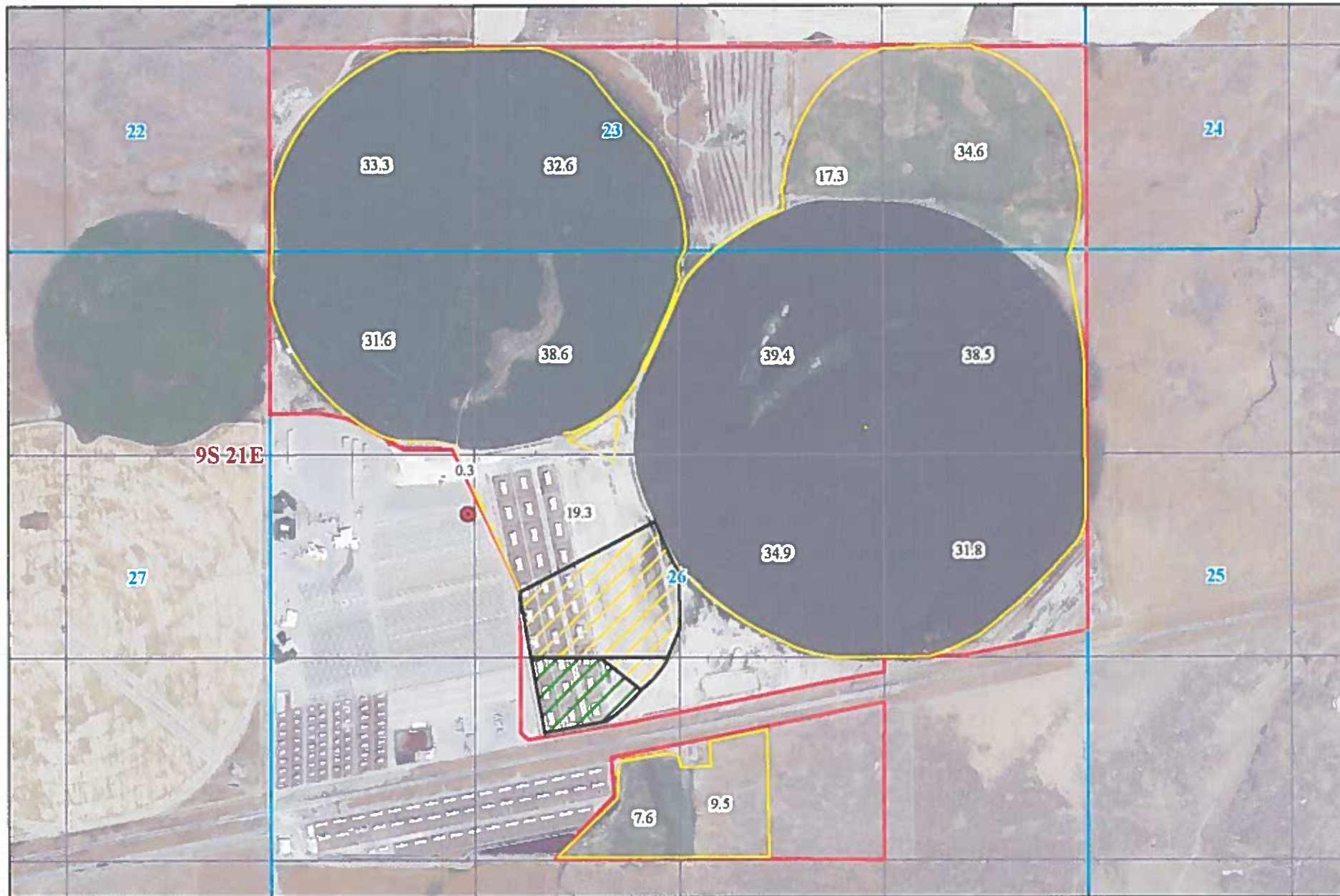
STATE OF Idaho)
County of Twin Falls)ss.

On this 15th day of April, 2016, before me personally appeared Jeff Freckleton, known to me to be an authorized agent of Northwest FCS, that executed the within instrument, and acknowledged to me that such corporation executed the same as its free act and deed; and on oath stated that he was authorized to executed said instrument.



Luana Sloan
Notary Public for the State of Idaho
Residing at 551 Lochsa Rd. Twin Falls, ID 83301
My commission expires January 23, 2020
Printed Name Luana Sloan

Attachment 7B
Irrigation Permissible Place of Use (PPU), Place of Use (POU),
Historical Use (2011), and Dry Up Acreage for accompanying
Transfers



9S-21E

0.3

19.3

7.6

9.5

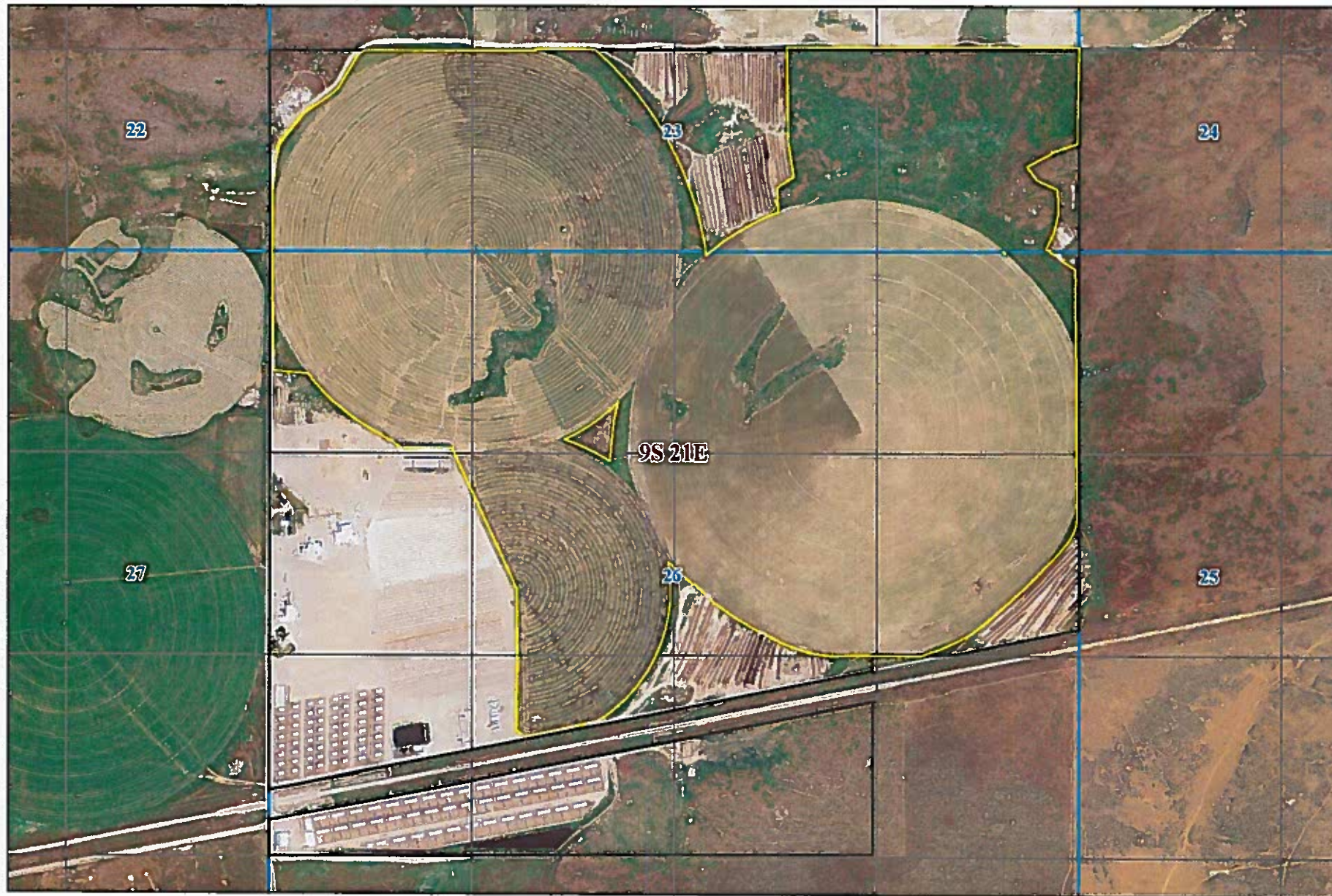
0 300 600 1,200 Feet

CRESTVIEW - MORGAN
TRANSFER POU IN PPU MAP 2015
NAIP 2013 AERIAL

Legend

- Acres_Transferring_off POU= 368.2
- Crestview PROP_PPU
- Riverview twnshp
- Point_of_Diversion Sections
- ladesc





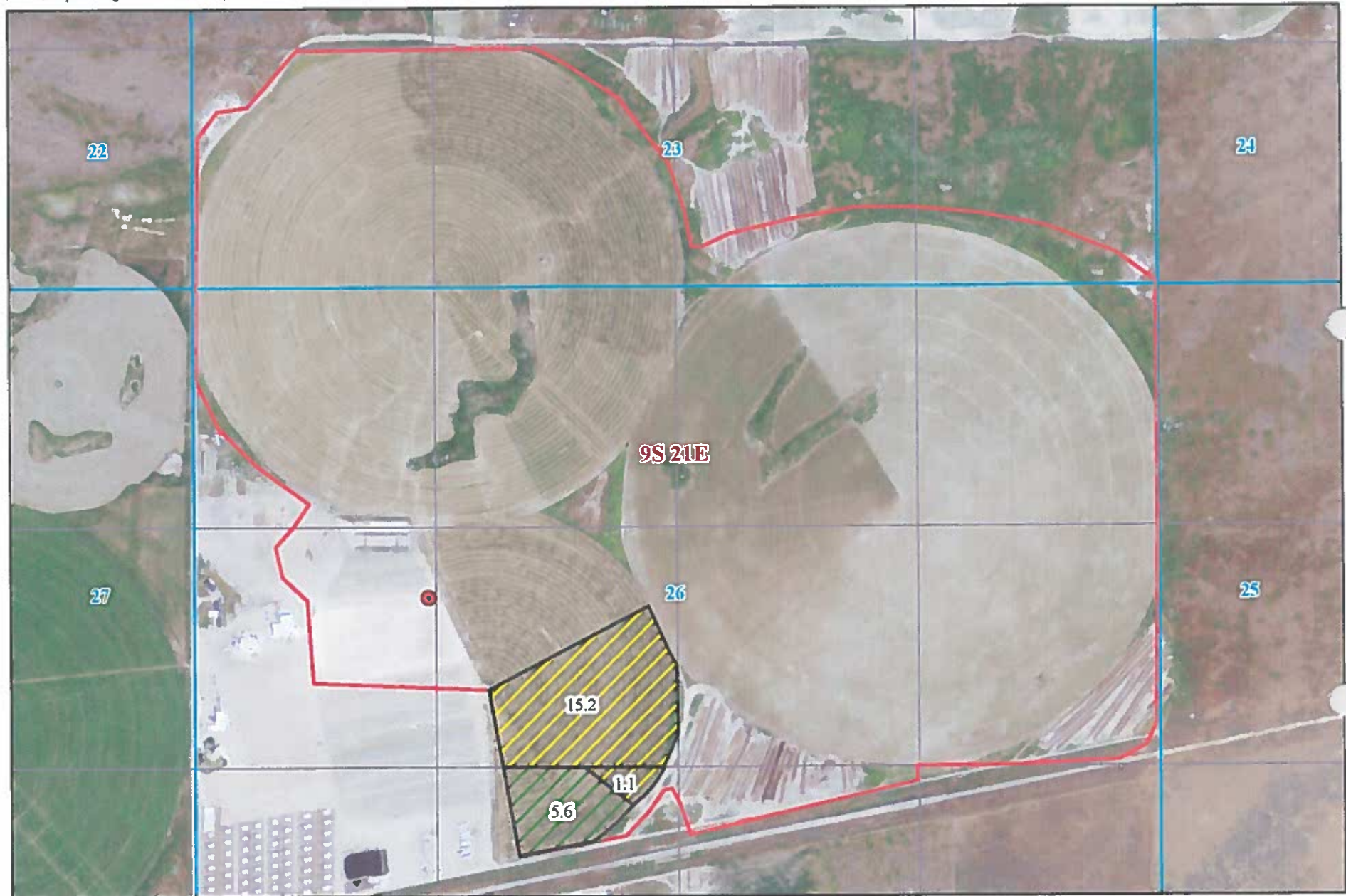
0 300 600 1,200 Feet

ARLAN MORGAN
IRRIGATION REVIEW 2011
NAIP 2011 AERIAL

Legend

- Irrigation_2011=390.5
- Parcels
- twshp
- Sections
- ladesc





0 250 500 1,000 Feet

ARLEN MORGAN
TRANSFER ACRES OFF
NAIP 2011 AERIAL

Legend

- Point_of_Diversion
- Acres_Transferring_off
- ▨ Crestview
- ▨ Riverview
- ▭ WR_POU_36-16407
- ▭ twnshp
- ▭ Sections
- ▭ ladesc



**Crestview Farm Transfer
Water Right Calculation
Brockway Engineering PLLC**

Base Water Rights Before Combination Limits

WR #s	Crestview Pre Transfer(s)					Crestview Calves Portion					Riverview Ranch Portion					Crestview Farm Post Transfers			
	cfs	AFA	Acres	Acre Limit	-	cfs	AFA	Acres	%	-	cfs	AFA	Acres	%	=	cfs	AFA	Acres	Acre Limit
36-16407	1.53	43.5	10.9	390.5		0.06	1.82	0.46	4%		0.02	0.62	0.16	1%		1.44	41.1	10.3	368.6
36-16409	1.2	585.6	146.4			0.05	24.47	6.12	4%		0.02	8.40	2.10	1%		1.13	552.7	138.2	
36-16411	3.03	1098.8	274.7			0.13	45.92	11.48	4%		0.04	15.76	3.94	1%		2.86	1037.1	259.3	
Total	5.76	1727.9	432	390.5		0.24	72.21	18.05	4%		0.08	24.78	6.20	1%		5.44	1630.9	407.8	368.6

Combination Total

WR #s		Crestview Pre Transfer(s)				Crestview Calves Portion				Riverview Ranch Portion				Crestview Farm Post Transfers					
WR #s	cfs	AFA	Acres	Acre Limit		cfs	AFA	Acres	✓		cfs	AFA	Acres	✓		cfs	AFA	Acres	Acre Limit
36-16407	1.53	1562	390.5	390.5	-	0.06	1.64	0.41	1.65	-	0.02	0.56	0.14	0.57	=	1.44	1474.3	368.6	368.6
36-16409	1.2				0.05	22.12	5.53	22.12	0.02	7.59	1.90	7.59	1.13						
36-16411	3.03				0.13	41.51	10.38	41.51	0.04	14.24	3.56	14.24	2.86						
Total	5.76	1562	390.5	390.5		0.24	65.28	16.32	65.28		0.08	22.40	5.60	22.40		5.44	1474.3	368.6	368.6

Crestview Calves Transfer
Water Right Calculation
Brockway Engineering PLLC

Crestview Multiple Irrigation to Multiple Stock

Irrigation				Combined Rights			
Combined Total Acres	390.5			cfs	AFA	Acres	Check AFA
Combined Total AFA	1562	4.00	AFA/acre	0.06	1.64	0.41	1.65
Combined Acres S/T	16.32	4.18%		0.05	22.12	5.53	22.12
Combined Volume S/T	65.28	4.18%		0.13	41.51	10.38	41.51
Combined CFS	5.76	0.015	cfs/acre				
Period	214.00	days		0.24	65.28	16.32	65.28
Sum WR AFA	1727.9	4.00	AFA/acre				
Sum WR Acres	432.0						
Sum sold/Transferring AFA	72.2	4.2%					
Sum CFS	5.76						

Water Right					Base Rights Irrigation				Residual Irrigation			
	Amount				cfs	AFA	Acres	Check %	cfs	AFA		Check %
36-16407	1.53	43.5	10.9		0.06	1.82	0.46	4.2%	1.47	41.7	10.4	96%
36-16409	1.2	585.6	146.4	390.5	0.05	24.47	6.12	4.2%	1.15	561.1	140.3	96%
36-16411	3.03	1098.8	274.7		0.13	45.92	11.48	4.2%	2.90	1052.9	263.2	96%
Total	5.76	1727.9	432	432:390.5	0.24	72.21	18.05	4.2%	5.52	1655.7	413.9	96%

	Transferring		Remaining		Total	Check %
Irrigation Parts Total	0.24	CFS	5.52	CFS	5.76	100.0%
	65.28	AFA	1496.7	AFA	1562.00	
	16.32	Acres	374.2	Acres	390.5	

	Transferring		Existing		Total
Stockwater Total	0.24	CFS	0.55	CFS	0.79
	65.28	AFA	127.2	AFA	192.48

Riverview Ranch Transfer
Water Right Calculation
Brockway Engineering PLLC

Riverview Multiple Irrigation to Multiple Stock

Irrigation

Combined Total Acres	390.5		
Combined Total AFA	1562	4.00	AFA/acre
Combined Acres S/T	5.6	1.43%	
Combined Volume S/T	22.4	1.43%	
Combined CFS	5.76	0.015	cfs/acre
Period	214.00	days	

Combined Rights

cfs	AFA	Acres	CheckAFA
0.02	0.56	0.14	0.57
0.02	7.59	1.90	7.59
0.04	14.24	3.56	14.24
0.08	22.40	5.60	22.40

Sum WR AFA	1727.9	4.00	AFA/acre
Sum WR Acres	432.0		
Sum sold/Transferring AFA	24.8	1.43%	
Sum CFS	5.76	0.013	

Water Right

Amount

	cfs	AFA	Acres	Acre Limit
36-16407	1.53	43.5	10.9	
36-16409	1.2	585.6	146.4	390.5
36-16411	3.03	1098.8	274.7	
Total	5.76	1727.9	432	432:390.5

Transfer

cfs	AFA	Acres	Check %
0.02	0.62	0.16	1.4%
0.02	8.40	2.10	1.4%
0.04	15.76	3.94	1.4%
0.08	24.78	6.20	1.4%

Residual Irrigation

cfs	AFA	Acres	Check %
1.51	42.9	10.7	99%
1.18	577.2	144.3	99%
2.99	1083.0	270.8	99%
5.68	1703.1	425.8	99%

Transferring

Remaining

Total

	0.08	CFS	5.68	CFS	5.76	Check %
Total	22.40	AFA	1539.6	AFA	1562.00	100.0%
	5.60	Acres	384.9	Acres	390.5	

State of Idaho
Department of Water Resources

RECOMMENDATION OF WATERMASTER

Transfer No: 80871
Water Right No: 36-16407, etc.
Applicant Name: Cody & Cathy Morgan (Crestview Farms)

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:

Dated: September 15, 2016

Water District 130



Nathan Erickson, Watermaster

MEMORANDUM

Date: May 10, 2016
To: Transfer 80871
From: James Bitzenburg
Re: Legal Notice Not Required

Legal Notice Not Required
5/10/2016

Pursuant to Section 42-222, Idaho Code, the Department has discretion to provide public notice as deemed appropriate. The water right changes proposed through this transfer application do not appear to change the effect on the original or hydraulically connected water source or affect other water rights. Therefore, staff review of the transfer application found no cause to require public notice. This application will continue processing without advertisement and be forwarded for approval consideration.

Application proposes shifting the POU to contiguous lands owned by applicants, and creation of a PPU, so advertising is not required per March 18, 2009 Allen Merritt memo regarding guidance for determining advertising of transfers.

MEMORANDUM

Date: May 6, 2016
To: Transfer 80871, Morgan - Crestview Farm Irrigation File
From: Jim Bitzenburg
Re: Evaluation of Sufficiency of Information Submitted

Application for transfer proposes creation of a 459.4 acre irrigation Permissible Place of Use (PPU) for portions of three ground water rights which authorize the irrigation of 368.6 acres on ground located approximately 8.6 to 9.6 miles west and 0.4 to 1.3 miles north of Paul. Note that the proposed permissible place of use is described on one of the maps accompanying the application, instead of in Part 1 of the application, which describes the 206 condition acre list. The transfer also proposes to modify the place of use for the farm to reflect recent changes in operation. After the transfer, 368.6 acres will be irrigated within the proposed 459.4 acre PPU. Proposed transfer will authorize diversion of up to 5.44 cfs from an existing well.

- **Authority to File:**
The applicants are listed as the current owners of the rights being transferred according to IDWR records. Tax lot information shows the applicants are the owners of the lands involved in the transfer. Application was signed by both applicants.
- **Water Right Validity:**
The rights involved in the transfer have been decreed in the SRBA or are based on a license. Aerial imagery shows the lands have been irrigated within the last 5 years. Forfeiture does not appear to be an issue.
- **Injury to Other Water Rights:**
None anticipated or foreseen. .
- **Enlargement of Use:**
None anticipated. The irrigation POU will only be re-arranged and the irrigated acreage will remain the same.
- **Local Public Interest:**
No issues anticipated. .
- **Beneficial Use/Conservation of Water Resources:**
Proposed use is recognized as a beneficial use of water.
- **Effect on the Economy of the Local Area:**
None Anticipated
- **Effect of the Agricultural Base of the Area:**
None Anticipated

Review of the application finds there is no clear inconsistency with criteria set forth in Section 42-222 Idaho Code preventing processing of this application.

FEE MEMORANDUM

Date: May 2, 2016
To: Crestview Calves – 80864, Riverview Ranch – 80869, Crestview Farm Irrigation – 80871 Files
From: Jim Bitzenburg
Re: Receipting/disposition of fees paid

The above transfers were filed on April 21, 2016 in the name of Cody and Kathy Morgan with a check from Brockway Engineering (representative) for \$2100.00 (check #13326). The Crestview Calves transfer (80864) intends to change the nature of use, change the points of diversion (POD), and change the place (POU) of use for a portion of three water rights (0.24 cfs), and add a POD for those rights and the seven existing rights (0.55 cfs) on the facility. The fee for the change of nature of use is \$250.00 and the fee for the addition of the POD for the ten rights (0.79 cfs total) is \$500.00 for a total fee of **\$750.00**.

The Riverview Ranch transfer (80869) will change the nature of use for a portion (0.08 cfs) of three water rights, and change the POD and POU for the same rights. The change of nature of use fee is \$250.00 and the transfer fee for 0.08 cfs is \$200.00 for a total of **\$450.00**.

The Crestview Farm Irrigation transfer (80871) will create a Permissible Place Use and change the place of use for three irrigation rights (5.44 cfs, combined limit). The fee is **\$900.00** for the changes.

The total for the three transfers is \$2100.00, which was paid in full, IDWR receipt S035410 dated 4/21/2016.



BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

RECEIVED

APR 21 2016

DEPT OF WATER RESOURCES
SOUTHERN REGION

April 19, 2016

Allen Merrit
650 Addison Avenue West, Suite 500
Twin Falls, ID 83301-5858

Re: Crestview Calves, Riverview Ranch, and Crestview Farm Transfers

Dear Mr. Merrit:

The applicant seeks to change the use of a portion of the irrigation rights for Crestview Farm to stockwater and commercial rights for two calf rearing operations called Crestview Calves and Riverview Ranch. Crestview Farm and Crestview Calves are adjacent with the expansion of the calf operation directly offsetting irrigation of the farm. Crestview is located between Hazelton and Paul, Idaho, within Township 9 South, Range 21 East, and Section 26. Riverview Ranch is located to the south of the Crestview facility within Township 10 South, Range 21 East, and Section 22.

The Crestview Calves transfer will change the beneficial use of 16.3 acres from irrigation to stockwater and commercial use to support the expansion of the facility from 38,000 calves (7,500 Animal Units) to approximately 51,000 calves (13,500 Animal Unit Total). The Riverview Ranch transfer will change the beneficial use of 5.6 acres from irrigation to stockwater and commercial use to support the development of the facility for 7,500 calves (1,500 Animal Units). The remaining 368.2 acres of irrigation will be transferred into a new Permissible Place of Use (PPU) with a revised Place of Use for the irrigation.

Sincerely,

Hattie Zobott, P.E.

Enc: Transfer Applications, Transfer Application Fees: \$2,100
Brockway Engineering Check # 13324
Cc: Arlen Morgan, Cody Morgan—electronic copies only

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