

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 80574**

This is to certify that: **HOWARD L MORRIS**
1101 E 2900 S
HAGERMAN, ID 83332

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>
36-8723	WR/LICENSE	4/11/1994	2.400 cfs	500.0 af	N/A	125.0	WASTE WATER

Associated Water Rights Also Included in the Transfer Approval (Conditions Updated)

<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>
36-10141B	WR/DECREED	12/1/1908	0.430 cfs	N/A		75.0	MARTIN-CURREN TUNNEL
36-134E	WR/DECREED	10/9/1884	0.820 cfs	N/A		75.0	MARTIN-CURREN TUNNEL
36-135E	WR/DECREED	4/1/1908	0.820 cfs	N/A		75.0	MARTIN-CURREN TUNNEL
36-10141A	WR/DECREED	12/1/1908	0.820 cfs	N/A		143.0	MARTIN-CURREN TUNNEL
36-135D	WR/DECREED	4/1/1908	1.580 cfs	N/A		143.0	MARTIN-CURREN TUNNEL
36-134D	WR/DECREED	10/9/1884	1.580 cfs	N/A		143.0	MARTIN-CURREN TUNNEL

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>
36-8723	NO	YES	YES	NO	NO	NO

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>
36-8723	36-8723	2.400 cfs	500.0 af	125.0	200.0	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		2.400 cfs	500.0 af	125.0	200.0		N/A	N/A	N/A	N/A

SUPPORT DATA

IN FILE # 36-8723

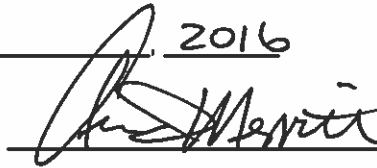
Transfer No. 80574

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 80574

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 8th day of February, 2016



Southern Region Manager



WATER RIGHT NO. 36-8723**As Modified by Transfer No. 80574**

In accordance with the approval of Transfer No. 80574, Water Right No. 36-8723 is now described as follows:

Right Holder: HOWARD L MORRIS
1101 E 2900 S
HAGERMAN, ID 83332

Priority Date: 4/11/1994

Source: WASTE WATER

Tributary: SNAKE RIVER

BENEFICIAL USE
IRRIGATION

From 04/01 **To** 10/31

Diversion Rate
2.400 cfs
2.400 cfs

Diversion Volume
500.0 af
500.0 af

LOCATION OF POINT(S) OF DIVERSION

WASTE WATER NWSW Sec 5 Twp 08S Rge 14E GOODING 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	
07S	14E	31													20.0			40.0	60.0
07S	14E	32										9.0	6.0						15.0
08S	14E	6	37.0	36.0	7.0	35.0	10.0												125.0
			L 1	L 2			L 3												

Right Acre Limit: 125.0

POU Total Acres: 200.0

CONDITIONS OF APPROVAL

1. The source of this water right is waste water. The right remains subject to the right of the original appropriator, in good faith and in compliance with state laws governing changes in use and/or expansion of water rights, to cease wasting water, to change the place or manner of wasting it, or to recapture it. This water right is subject to the future use and distribution of waste water by the Northside Canal Company Ltd., Inc. for use on its shareholder lands.
2. This right when combined with all other rights shall provide no more than 0.02 cfs per acre.
3. 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.
4. 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.

Transfer No. 80574

WATER RIGHT NO. 36-8723

As Modified by Transfer No. 80574

CONDITIONS OF APPROVAL

5. This right is limited to the irrigation of a specific 125.0 acres within the 200.0 acre place of use authorized by this right in a single irrigation season. The specific 125.0 acres to be irrigated by the right holder are shown in the electronic shape file associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 125.0 acres to be irrigated within the 200.0 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.
6. Rights 36-134D, 36-135D, 36-10141A and 36-8723 when combined shall not exceed a total diversion rate of 3.98 cfs and the irrigation of 143 acres.
7. Rights 36-134E, 36-135E, 36-10141B and 36-8723 when combined shall not exceed the irrigation of 200 acres.
8. Rights 36-134D, 36-134E, 36-135D, 36-135E, 36-10141A, 36-10141B and 36-8723 when combined shall not exceed the irrigation of 218 acres.
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: May 17 1994) 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 issuance of this right does not grant any right-of-way or easement across the land of another.
11. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
12. 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. 36-10141B
As Modified by Transfer No. 80574

In accordance with the approval of Transfer No. 80574, Water Right No. 36-10141B is now described as follows:

Right Holder: HOWARD L MORRIS AND
 RHONDA K MORRIS
 1101 E 2900 S
 HAGERMAN, ID 83332

Priority Date: 12/1/1908

Source: MARTIN-CURREN TUNNEL

Tributary: BILLINGSLEY CREEK

BENEFICIAL USE

IRRIGATION

STOCKWATER

From

02/15

01/01

to

To

11/30

to

12/31

Diversion Rate

0.430 cfs

0.020 cfs

0.430 cfs

LOCATION OF POINT(S) OF DIVERSION

MARTIN-CURREN TUNNEL SESWNW

Sec 32 Twp 07S Rge 14E GOODING 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	
07S	14E	31													20.0			40.0	60.0
07S	14E	32										9.0	6.0						15.0

POU Total Acres: 75.0

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	
07S	14E	31													X				
07S	14E	32										X							

CONDITIONS OF APPROVAL

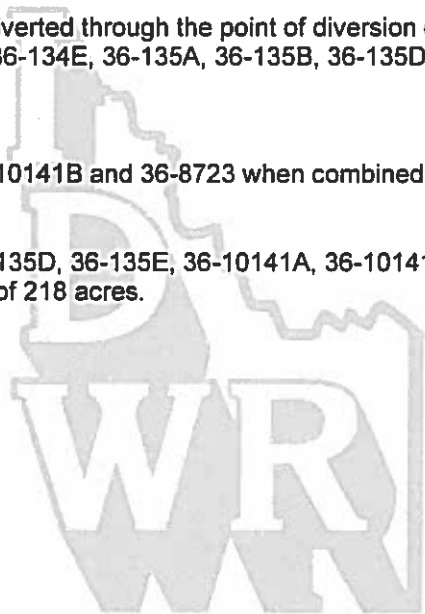
1. This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
2. The appropriator is entitled to the quantity of water described for stockwater purposes at a point of measurement where the delivery ditch enters the place of use described.
3. The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.

Transfer No. 80574

WATER RIGHT NO. 36-10141B
As Modified by Transfer No. 80574

CONDITIONS OF APPROVAL

4. Use of this right with rights nos. 36-134E & 36-135E are limited to the irrigation of a combined total of 75 acres in a single irrigation season.
5. The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.
6. The following rights are also diverted through the point of diversion described above: 36-102, 36-134A, 36-134B, 36-134D, 36-134E, 36-135A, 36-135B, 36-135D, 36-135E, 36-2551, 36-7694, and 36-10141A.
Stockwater, 300 range.
7. Rights 36-134E, 36-135E, 36-10141B and 36-8723 when combined shall not exceed the irrigation of 200 acres.
8. Rights 36-134D, 36-134E, 36-135D, 36-135E, 36-10141A, 36-10141B and 36-8723 when combined shall not exceed the irrigation of 218 acres.



WATER RIGHT NO. 36-134E**As Modified by Transfer No. 80574**

In accordance with the approval of Transfer No. 80574, Water Right No. 36-134E is now described as follows:

Right Holder: RHONDA K MORRIS AND
HOWARD L MORRIS
1101 E 2900 S
HAGERMAN, ID 83332

Priority Date: 10/9/1884

Source: MARTIN-CURREN TUNNEL

Tributary: BILLINGSLEY CREEK

BENEFICIAL USE

IRRIGATION

STOCKWATER

From

02/15

to

To

11/30

to

12/31

Diversion Rate

0.820 cfs

0.040 cfs

0.820 cfs

LOCATION OF POINT(S) OF DIVERSION

MARTIN-CURREN TUNNEL SESWNW

Sec 32 Twp 07S Rge 14E GOODING 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	
07S	14E	31													20.0			40.0	60.0
07S	14E	32										9.0	6.0						15.0

POU Total Acres: 75.0

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	
07S	14E	31													X				
07S	14E	32										X							

CONDITIONS OF APPROVAL

1. This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
2. The appropriator is entitled to the quantity of water described for stockwater purposes at a point of measurement where the delivery ditch enters the place of use described, so long as the quantity diverted at the point of diversion does not constitute unreasonable waste.

Transfer No. 80574

WATER RIGHT NO. 36-134E
As Modified by Transfer No. 80574

CONDITIONS OF APPROVAL

3. The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.
4. Use of this right with rights nos. 36-135E & 36-10141B are limited to the irrigation of a combined total of 75 acres in a single irrigation season.
5. The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.
6. The following rights are also diverted through the point of diversion described above: 36-102, 36-134A, 36-134B, 36-134D, 36-135A, 36-135B, 36-135D, 36-135E, 36-2551, 36-7694, 36-10141A, and 36-10141B.
Stockwater, 300 range.
7. Rights 36-134E, 36-135E, 36-10141B and 36-8723 when combined shall not exceed the irrigation of 200 acres.
8. Rights 36-134D, 36-134E, 36-135D, 36-135E, 36-10141A, 36-10141B and 36-8723 when combined shall not exceed the irrigation of 218 acres.

WATER RIGHT NO. 36-135E
As Modified by Transfer No. 80574

In accordance with the approval of Transfer No. 80574, Water Right No. 36-135E is now described as follows:

Right Holder: RHONDA K MORRIS AND
HOWARD L MORRIS
1101 E 2900 S
HAGERMAN, ID 83332

Priority Date: 4/1/1908

Source: MARTIN-CURREN TUNNEL **Tributary:** BILLINGSLEY CREEK

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	2/15	to 11/30	0.820 cfs
STOCKWATER	1/01	to 12/31	0.020 cfs
			0.820 cfs

LOCATION OF POINT(S) OF DIVERSION

MARTIN-CURREN TUNNEL SESWNW Sec 32 Twp 07S Rge 14E GOODING 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	
07S	14E	31													20.0			40.0	60.0
07S	14E	32										9.0	6.0						15.0

POU Total Acres: 75.0

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	
07S	14E	31													X				
07S	14E	32										X							

CONDITIONS OF APPROVAL

1. The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.
2. The appropriator is entitled to the quantity of water described for stockwater purposes at a point of measurement where the delivery ditch enters the place of use described, so long as the quantity diverted at the point of diversion does not constitute unreasonable waste.

Transfer No. 80574

WATER RIGHT NO. 36-135E
As Modified by Transfer No. 80574

CONDITIONS OF APPROVAL

3. The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.
4. Use of this right with rights nos. 36-134E & 36-10141B are limited to the irrigation of a combined total of 75 acres in a single irrigation season.
5. The following rights are also diverted through the point of diversion described above: 36-102, 36-134A, 36-134B, 36-134D, 36-134E, 36-135A, 36-135B, 36-135D, 36-2551, 36-7694, 36-10141A, and 36-10141B.
Stockwater, 100 range.
6. Rights 36-134E, 36-135E, 36-10141B and 36-8723 when combined shall not exceed the irrigation of 200 acres.
7. Rights 36-134D, 36-134E, 36-135D, 36-135E, 36-10141A, 36-10141B and 36-8723 when combined shall not exceed the irrigation of 218 acres.

WATER RIGHT NO. 36-10141A
As Modified by Transfer No. 80574

In accordance with the approval of Transfer No. 80574, Water Right No. 36-10141A is now described as follows:

Right Holder: HOWARD L MORRIS AND
 RHONDA K MORRIS
 1101 E 2900 S
 HAGERMAN, ID 83332

Priority Date: 12/1/1908

Source: MARTIN-CURREN TUNNEL

Tributary: BILLINGSLEY CREEK

BENEFICIAL USE

IRRIGATION
 STOCKWATER

From

2/15
 1/01

to

To

11/30
 to 12/31

Diversion Rate

0.820 cfs
 0.030 cfs
 0.820 cfs

LOCATION OF POINT(S) OF DIVERSION

MARTIN-CURREN TUNNEL SESWNW

Sec 32 Twp 07S Rge 14E GOODING 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	
08S	14E	6	40.0	40.0	8.0	40.0	15.0												143.0
			L 1	L 2			L 3												

POU Total Acres: 143.0

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	
08S	14E	6	X	X		X													
			L 1	L 2															

CONDITIONS OF APPROVAL

1. The appropriator is entitled to the quantity of water described for stockwater purposes at a point of measurement where the delivery ditch enters the place of use described.
2. The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.
3. The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.

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WATER RIGHT NO. 36-10141A
As Modified by Transfer No. 80574

CONDITIONS OF APPROVAL

4. Use of this right with rights nos. 36-134D & 36-135D are limited to the irrigation of a combined total of 143 acres in a single irrigation season.
5. This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
6. The following rights are also diverted through the point of diversion described above: 36-102, 36-134A, 36-134B, 36-134D, 36-134E, 36-135A, 36-135B, 36-135D, 36-135E, 36-2551, 36-7694, and 36-10141B.
Stockwater, 100 range.
7. Rights 36-134D, 36-135D, 36-10141A and 36-8723 when combined shall not exceed a total diversion rate of 3.98 cfs and the irrigation of 143 acres.
8. Rights 36-134D, 36-134E, 36-135D, 36-135E, 36-10141A, 36-10141B and 36-8723 when combined shall not exceed the irrigation of 218 acres.

WATER RIGHT NO. 36-135D
As Modified by Transfer No. 80574

In accordance with the approval of Transfer No. 80574, Water Right No. 36-135D is now described as follows:

Right Holder: HOWARD L MORRIS AND
 RHONDA K MORRIS
 1101 E 2900 S
 HAGERMAN, ID 83332

Priority Date: 4/1/1908

Source: MARTIN-CURREN TUNNEL

Tributary: BILLINGSLEY CREEK

BENEFICIAL USE

IRRIGATION

STOCKWATER

From

2/15

1/01

to

To

11/30

to

12/31

Diversion Rate

1.580 cfs

0.030 cfs

1.580 cfs

LOCATION OF POINT(S) OF DIVERSION

MARTIN-CURREN TUNNEL SESWNW

Sec 32 Twp 07S Rge 14E GOODING 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	
08S	14E	6	40.0	40.0	8.0	40.0	15.0												143.0
			L1	L2			L3												

POU Total Acres: 143.0

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	
08S	14E	6	X	X		X													
			L1	L2															

CONDITIONS OF APPROVAL

1. The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.
2. The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.

Transfer No. 80574

WATER RIGHT NO. 36-135D

As Modified by Transfer No. 80574

CONDITIONS OF APPROVAL

3. The following rights are also diverted through the point of diversion described above: 36-102, 36-134A, 36-134B, 36-134D, 36-134E, 36-135A, 36-135B, 36-135E, 36-2551, 36-7694, 36-10141A, and 36-10141B.
Stockwater, 100 range.
4. The appropriator is entitled to the quantity of water described for stockwater purposes at a point of measurement where the delivery ditch enters the place of use described.
5. Use of this right with rights nos. 36-134D & 36-10141A are limited to the irrigation of a combined total of 143 acres in a single irrigation season.
6. This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
7. Rights 36-134D, 36-135D, 36-10141A and 36-8723 when combined shall not exceed a total diversion rate of 3.98 cfs and the irrigation of 143 acres.
8. Rights 36-134D, 36-134E, 36-135D, 36-135E, 36-10141A, 36-10141B and 36-8723 when combined shall not exceed the irrigation of 218 acres.

WATER RIGHT NO. 36-134D**As Modified by Transfer No. 80574**

In accordance with the approval of Transfer No. 80574, Water Right No. 36-134D is now described as follows:

Right Holder: HOWARD L MORRIS AND
RHONDA K MORRIS
1101 E 2900 S
HAGERMAN, ID 83332

Priority Date: 10/9/1884

Source: MARTIN-CURREN TUNNEL

Tributary: BILLINGSLEY CREEK

BENEFICIAL USE

IRRIGATION

STOCKWATER

From

2/15

1/01

to

To

11/30

to

12/31

Diversion Rate

1.580 cfs

0.060 cfs

1.580 cfs

LOCATION OF POINT(S) OF DIVERSION

MARTIN-CURREN TUNNEL SESWNW

Sec 32 Twp 07S Rge 14E GOODING 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	
08S	14E	6	40.0	40.0	8.0	40.0	15.0												143.0
			L 1	L 2			L 3												

POU Total Acres: 143.0

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	
08S	14E	6	X	X															
			L 1	L 2															

CONDITIONS OF APPROVAL

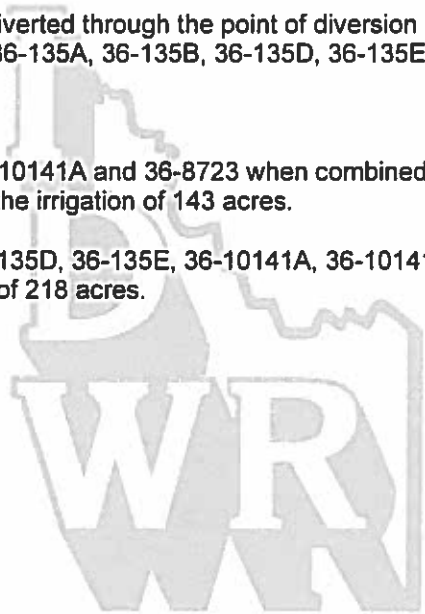
1. This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
2. The appropriator is entitled to the quantity of water described for stockwater purposes at a point of measurement where the delivery ditch enters the place of use described.
3. The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.

Transfer No. 80574

WATER RIGHT NO. 36-134D
As Modified by Transfer No. 80574

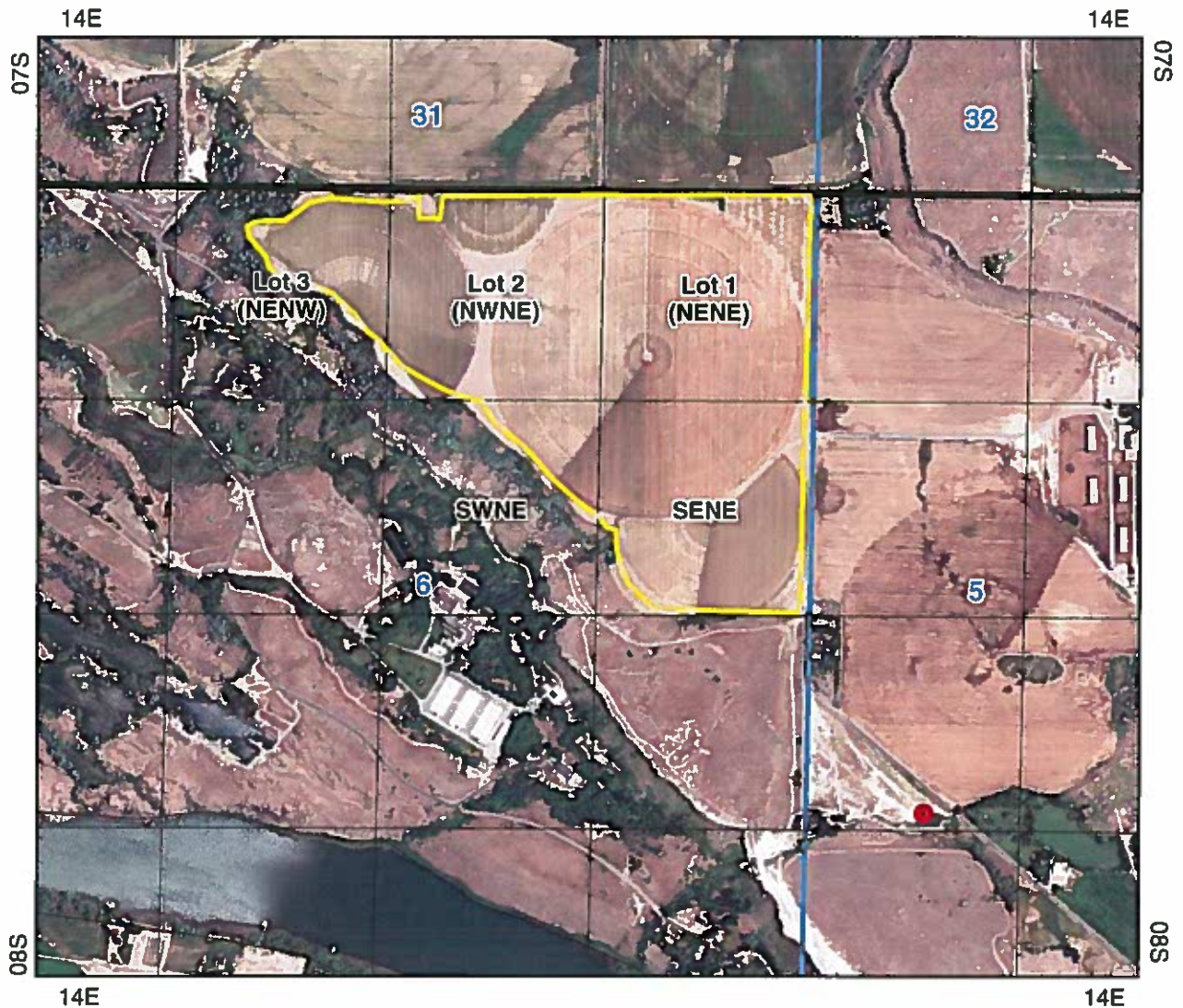
CONDITIONS OF APPROVAL

4. The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.
5. Use of this right with rights nos. 36-135D & 36-10141A are limited to the irrigation of a combined total of 143 acres in a single irrigation season.
6. The following rights are also diverted through the point of diversion described above: 36-102, 36-134A, 36-134B, 36-134E, 36-135A, 36-135B, 36-135D, 36-135E, 36-2551, 36-7694, 36-10141A, and 36-10141B.
Stockwater, 100 range.
7. Rights 36-134D, 36-135D, 36-10141A and 36-8723 when combined shall not exceed a total diversion rate of 3.98 cfs and the irrigation of 143 acres.
8. Rights 36-134D, 36-134E, 36-135D, 36-135E, 36-10141A, 36-10141B and 36-8723 when combined shall not exceed the irrigation of 218 acres.



State of Idaho
Department of Water Resources
Attachment to Transfer No. 80574
36-8723

This map depicts the IRRIGATION place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.



0 0.125 0.25 0.5 Miles

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





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

February 9, 2016

HOWARD L MORRIS
1101 E 2900 S
HAGERMAN ID 83332

Re: Transfer No: 80574
Water Right No(s).: 36-134D, 36-134E, 36-135D, 36-135E, 36-8723, 36-10141A,
36-10141B

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 "Allen Merritt". The signature is stylized with a large, sweeping initial "A" and a distinct "M".

Allen Merritt
Southern Regional Manager

Enclosure

cc:

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

CERTIFICATE OF SERVICE

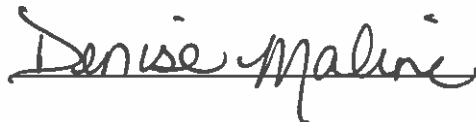
I hereby certify that on February 9, 2016 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below:

Re: Transfer No.: 80574

**Water Right No(s): 36-134D, 36-134E, 36-135D, 36-135E, 36-8723, 36-10141A,
36-10141B**

**HOWARD L MORRIS
RHONDA K MORRIS
1101 E 2900 S
HAGERMAN ID 83332**

**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 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.

CORRECTED MEMORANDUM

Date: February 2, 2016
To: Transfer 80574
From: William Mills
Re: Evaluation of Sufficiency of Information Submitted

Application for transfer proposes updating the point of diversion (POD) for a 2.40 cfs, 125 acre waste water right, 36-8723, to correctly identify the location where water is diverted from the lateral 26 waste stream and reflect changes made in 2015. POD is located 2.6 miles east and 4.0 miles south of Hagerman. Application also proposes creating a 200 acre permissible place of use (PPU) for this 125 acre right. Proposed PPU is located 2.9 to 3.8 miles south and 1.6 to 2.6 miles east of Hagerman.

Overlap review indicates this waste water right can be combined with surface water rights 36-134D (1.58 cfs; 143 acres), 36-135D (1.58 cfs; 143 acres), and 36-10141A (0.82 cfs; 143 acres) at its current place of use (POU). A condition on 36-8723 limits all 4 rights when combined to 3.98 cfs, which is equivalent to the total combined flow allowed under the three surface water rights. There are also three surface water rights appurtenant to the 75 additional acres being added to this water right's PPU: rights 36-134E (0.820 cfs); 36-135E (0.820 cfs) and 36-10141B (0.430 cfs). All of the surface water rights have been added as associated rights in this transfer to allow adding combined limit conditions. A combined limit condition was added to 36-8723 (125 acres) and to the three rights appurtenant to the 75 acres being added to this right, (36-134E; 36-135E; 36-10141B) which limits all four rights when combined to 200 acres. A combined limit was also added to the three surface water rights at the current POU for 36-8723, which limits 36-134D, 36-135E, 36-10141A and 36-8723 when combined to 3.98 cfs and 143 acres. A third combined limit was added to all the rights limiting all rights when combined to 218 acres (75 acres + 143 acres).

There is also a waste water permit, 36-17011, that has a mitigation use and shape that identifies the PPU in the NESE of Sec. 31, Twp. 07S, Rge. 14E. The intent of the mitigation is to provide waste water as an alternate source of irrigation water for water rights diverted from the Martin-Curren Tunnel to mitigate the Rangen curtailment order. The three associated water rights currently used to irrigate the applicant's portion of the NESE of Sec. 31 (36-134E; 36-135E & 36-10141B), do use the Martin-Curren Tunnel as their source of water.

The GIS irrigation shapefile ("206 map") for right 36-8723 identifies the 125 acres where this right was originally licensed as the current POU.

This waste water right's POD is in water district 130 and the associated water right's PODs are in water district 36A. Watermaster comments will be solicited from the Watermasters of both water districts.

- **Authority to File:**
IDWR records indicate the applicant currently owns the water right and the associated water rights in the transfer.
- **Water Right Validity:**
Water right 36-8723 was licensed on 5/11/2011. Recent aerial photography indicates that the property associated with this transfer appears irrigated.
- **Injury to Other Water Rights:**
None anticipated.
- **Enlargement of Use:**
None anticipated.
- **Local Public Interest:**
No issues anticipated. Application will be subject to public notice and protest.
- **Beneficial Use/Conservation of Water Resources:**
Proposed use is recognized as a beneficial uses of water.
- **Effect on the Economy of the Local Area:**
None Anticipated.
- **Effect on Agricultural Base of the Local Economy:**
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.

MEMORANDUM

Date: February 2, 2016
To: Transfer 80574
From: Bill Mills
Re: Fee Evaluation

Filing fees charged for transfer application #80574 were based on the on the current transfer fee schedule and included \$660.00 for the 2.40 cfs being transferred in the application (Receipt No.S035145).

State of Idaho
Department of Water Resources

RECOMMENDATION OF WATERMASTER

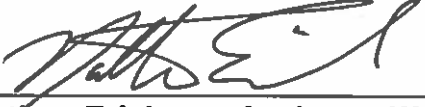
Application No: T# 80574
Water Right No: 36-8723
Applicant Name: Howard L Morris

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:~~ ^{7E}
- c) ☐ I oppose approval of this application(s) for the following reasons:
- d) ☐ Additional comment:

Dated: January 28, 2016

Water District 130



Nathan Erickson, Assistant Watermaster

*** Proof of Publication ***

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

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 15970

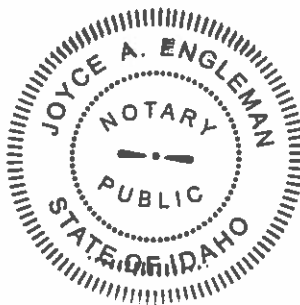
Ruby Aufderheide
(Legals Clerk)

STATE OF IDAHO)
SS
COUNTY OF TWIN FALLS)

On this 14th day of Jan 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.

Joyce A. Engleman
Notary Public FOR Idaho
Residing at: Twin Falls, Idaho 6/28/14
My Commission expires: 6/28/14

PUBLISHED ON: 01/07/2016, 01/14/2016



TOTAL AD COST: 215.61
FILED ON: 1/14/2016

RECEIVED

JAN 25 2016

DEPT OF WATER RESOURCES
SOUTHERN REGION

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

43-13745
CLAIR TEETER ✓
JUDY TEETER
1355 E 1750 S
MALTA, ID 83342
Point of Diversion SWNW S22 T13S R25E CASSIA County
Source GROUND WATER Tributary
Use: DOMESTIC 01/01 to 12/31 0.04 CFS
Use: HEATING 01/01 to 12/31 0.09 CFS
Use: RECREATION 01/01 to 12/31 0.09 CFS
Use: STOCKWATER 01/01 to 12/31 0.09 CFS
Total Diversion: 0.09 CFS
Date Filed: 7/25/2015
Place Of Use: DOMESTIC, HEATING, RECREATION, STOCK-
WATER
T13S R25E S22 SWNW

Application proposes to divert up to 0.09 cfs from an existing well for domestic, heating, stockwater and recreational uses on a property located approximately 2.1 miles north and 1.5 miles east of the City of Elba. After the water is used, it discharges into an open channel and sinks into the aquifer.

NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 80574

✓ HOWARD L MORRIS, 1101 E 2900 S, HAGERMAN, ID 83332, has filed Application No. 80574 for changes to the following water rights within GOODING County(s): Right No(s). 36-8723. The purpose of the transfer is to change a portion of the above rights as follows: Application for transfer proposes changing the point of diversion (POD) for a 2.40 cfs, 125 acre irrigation waste water right to identify the actual location where water is diverted from the waste stream. The POD is located approximately 2.6 miles east and 4.0 miles south of Hagerman. Application also proposes creating a 200 acre permissible place of use (PPU). Proposed PPU is located 2.9 to 3.8 miles south and 1.6 to 2.6 miles east of Hagerman.

NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 80575

✓ GLOBAL AG PROPERTIES USA LLC, C/O WESTCHESTER GROUP INVESTMENT MANAGEMENT 2004 FOX DR STE L, CHAMPAIGN, IL 61820; has filed Application No. 80575 for changes to the following water rights within JEROME County(s): Right No(s). 36-15165, 36-16417, 36-16419, 36-16421, 36-16423, 36-16425, 36-16501, 36-2339, 36-2340, 36-2346, 36-2360, 36-2363, 36-2389, 36-2431, 36-2451, 36-4200, 36-8403. The purpose of the transfer is to change a portion of the above rights as follows: Application proposes creating a 3,110 acre permissible place of use for 17 ground water irrigation rights. The proposed permissible place of use and points of diversion are located approximately 8.5 to 11.5 miles north and 6.2 to 9.7 miles east of Hazelton. The application proposes the diversion of 38.84 cfs from eight existing wells for the irrigation of 2,545.9 acres within the 3,110 acre permissible place of use.

Permits will be subject to all prior water rights. For additional information concerning the property locations, contact Southern Region office at (208) 736-3033; or for a full description of the rights &/or proposed transfer, please see www.idwr.idaho.gov/apps/wr/QueryNewTransfers/QueryNewTransfers.aspx. For additional information on new permits, please see www.idwr.idaho.gov/WaterManagement/WaterRights/#New_Listings. Protests may be submitted based on the criteria of Sec 42-222 and 42-203A, Idaho Code. Any protest against the approval of this application(s) must be filed with the Director, Dept. 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 January 25, 2016. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director
Published on January 7th and 14th, 2016

✓ OK DM 1/29/2016

State of Idaho
Department of Water Resources
Transfer of Water Right(s)
RECOMMENDATION FORM

RECEIVED

JAN 11 2016

DEPT OF WATER RESOURCES
SOUTHERN REGION

Transfer Application No.: 80574

Water Right No(s): 36-8723

Transfer Applicant's Name: HOWARD L MORRIS
1101 E 2900 S
HAGERMAN, ID 83332

Recommendation:

- a) ☒ I do not oppose approval of this application.
- b) ☐ I do not oppose approval of this application if it is conditioned as follows:
- c) ☐ I oppose approval of this application for the following reasons:
- d) ☐ Additional comments:

Dated this 8th day of January, 2016

Water District No. 36A



Water master's Signature

Frank Erwin

Printed Name

Customer Ad Proof

60002276 ID DEPARTMENT OF WATER RESOURCES

Order Nbr 15970

Publication	Times News		
Contact	ID DEPARTMENT OF WATER RESOURCES	PO Number	
Address 1	650 ADDISON AVE W, STE 500	Rate	Legal Notice
Address 2		Order Price	215.61
City St Zip	TWIN FALLS ID 83301	Amount Paid	0.00
Phone	2087363033	Amount Due	215.61
Fax			
Section	Legals	Start/End Dates	01/07/2016 - 01/14/2016
SubSection		Insertions	2
Category	50 Legal	Size	142
Ad Key	15970-1	Salesperson(s)	Ruby Aufderheide
Keywords	App 43-13745 Trans 80574 Trans 80575	Taken By	Janet Cranney
Notes			

Ad Proof

**Proof of legal notice received
from Times News 12/31/2015
(4 total pages)**

✓ SW

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

43-13745

CLAIR TEETER

JUDY TEETER

1355 E 1750 S

MALTA, ID 83342

Point of Diversion SWNW S22 T13S R25E CASSIA County

Source GROUND WATER Tributary

Use: DOMESTIC 01/01 to 12/31 0.04 CFS

Use: HEATING 01/01 to 12/31 0.09 CFS

Use: RECREATION 01/01 to 12/31 0.09 CFS

Use: STOCKWATER 01/01 to 12/31 0.09 CFS

Total Diversion: 0.09 CFS

Date Filed: 7/25/2015

Place Of Use: DOMESTIC, HEATING, RECREATION, STOCK-WATER

T13S R25E S22 SWNW

Application proposes to divert up to 0.09 cfs from an existing well for domestic, heating, stockwater and recreational uses on a property located approximately 2.1 miles north and 1.5 miles east of the City of Elba. After the water is used, it discharges into an open channel and sinks into the aquifer.

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

TRANSFER NO. 80574

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Permits will be subject to all prior water rights. For additional information concerning the property locations, contact Southern Region office at (208) 736-3033; or for a full description of the rights &/or proposed transfer, please see www.idwr.idaho.gov/apps/wr/QueryNewTransfers/QueryNewTransfers.aspx. For additional information on new permits, please see www.idwr.idaho.gov/WaterManagement/WaterRights/#New_Listings. Protests may be submitted based on the criteria of Sec 42-222 and 42-203A, Idaho Code. Any protest against the approval of this application(s) must be filed with the Director, Dept. 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 January 25, 2016. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on January 7th and 14th, 2016

✓ OK AM

12/31/2015

E-Mail sent to
newspaper

Customer Ad Proof

#Error

Publication	Online		
Contact	ID DEPARTMENT OF WATER RESOURCES	PO Number	
Address 1	650 ADDISON AVE W, STE 500	Rate	Legal Notice
Address 2		Order Price	215.61
City St Zip	TWIN FALLS ID 83301	Amount Paid	0.00
Phone	2087363033	Amount Due	215.61
Fax			
Section	Legals	Start/End Dates	01/07/2016 - 01/14/2016
SubSection		Insertions	2
Category	50 Legal	Size	142
Ad Key	15970-1	Salesperson(s)	Ruby Aufderheide
Keywords	43-13745/80574/80575	Taken By	Janet Cranney
Notes			

Ad Proof

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MALTA, ID 83342

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Use: STOCKWATER 01/01 to 12/31 0.09 CFS

Total Diversion: 0.09 CFS

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Place Of Use: DOMESTIC, HEATING, RECREATION, STOCK-
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T13S R25E S22 SWNW

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GARY SPACKMAN, Director

Published on January 7th and 14th, 2016

✓ ok dm

12/31/2015

E-mail sent to
newspaper.