

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 70252

This is to certify that: KATHY J MORGAN And
 CODY G MORGAN
 756 S 2800 E
 HAZELTON ID 83335
 (208)438-8159

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 Change

<u>Right</u>	<u>Origin/Basis</u>	<u>Priority</u>	<u>Rate</u>	<u>Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
36-8643	WR/License	03/10/1992	1.64 cfs	45.6 af	N/A	520.0	GROUND WATER
36-14632	WR/Decreed	03/11/1960	0.07 cfs	44.6 af	N/A	N/A	GROUND WATER
36-2252	WR/Decreed	03/11/1954	3.32 cfs	N/A	301.0	508.6	GROUND WATER
36-2472	WR/Decreed	02/06/1961	1.28 cfs	N/A	N/A	508.6	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>
36-8643	YES	YES	YES	YES	YES	YES
36-14632	NO	NO	YES	YES	NO	NO
36-2252	YES	YES	YES	YES	YES	YES
36-2472	YES	YES	YES	YES	YES	YES

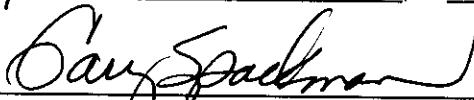
Summary of Water Rights After the Approved Change

<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>
36-8643	36-16094	0.03 cfs	0.6 af	N/A	N/A	36-16093	1.61 cfs	45 af	N/A	510.0
36-14632	36-14632	0.07 cfs	44.6 af	N/A	N/A		N/A	N/A	N/A	N/A
36-2252	36-16098	0.06 cfs	17.0 af	N/A	N/A	36-16097	3.26 cfs	N/A	295.2	498.8
36-2472	36-16096	0.02 cfs	11.7 af	N/A	N/A	36-16095	1.26 cfs	N/A	N/A	498.8
COMBINED										
TOTALS		0.18 cfs	73.9 af	N/A	N/A		N/A	N/A	N/A	510.0

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 70252

Detailed Water Right Description(s) attached

Dated this 17th day of September, 20 03



Chief, Water Allocation Bureau

WATER RIGHT NO. 36-14632
As Modified by Transfer No. 70252

In accordance with the approval of Transfer No. 70252, Water Right No. 36-14632 is now described as follows.

Right Holder: KATHY J MORGAN And
 CODY G MORGAN
 756 S 2800 E
 HAZELTON ID 83335

Priority Date: March 11, 1960

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
COMMERCIAL	01/01 to	12/31	0.07 CFS	1.0 AF
DOMESTIC	01/01 to	12/31	0.07 CFS	4.8 AF
STOCKWATER	01/01 to	12/31	0.07 CFS	38.8 AF
			0.07 CFS	44.6 AF

LOCATION OF POINT(S) OF DIVERSION:

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

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

PLACE OF USE: COMMERCIAL

Twp Rge Sec	NE				NW				SW				SE				
09S 21E 26	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>Totals</u>
							X										

PLACE OF USE: DOMESTIC

Twp Rge Sec	NE				NW				SW				SE				
09S 21E 26	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>Totals</u>
							X										

PLACE OF USE: STOCKWATER

Twp Rge Sec	NE				NW				SW				SE				
09S 21E 26	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>Totals</u>
						X	X		X	X							

WATER RIGHT NO. 36-14632
As Modified by Transfer No. 70252

CONDITIONS OF APPROVAL

1. The total instantaneous diversion of water from all points of diversion under Rights 36-14632, 36-16094, 36-16096, and 36-16098 shall not exceed 0.18 cfs, nor total combined annual volume of 73.9 af.
2. Rights 36-16094, 36-16096, and 36-16098 are also diverted through the points of diversion described above.
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. Prior to diversion of water under this approval, the right holder shall provide a lockable controlling works for all authorized points of diversion. The controlling works must be suitable for control of the diversions and acceptable to the watermaster.
5. Prior to the diversion and use of water under Transfer approval 70252, the right holder shall install and maintain acceptable measuring device(s), including data logger(s), 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. The domestic use authorized under this right shall not exceed 13,000 gallons per day per home.
8. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
9. The right holder shall accomplish the change authorized by this approval within 3 years.
10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
11. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 17th day of September, 20 03



Chief, Water Allocation Bureau

WATER RIGHT NO. 36-16093
As Modified by Transfer No. 70252

In accordance with the approval of Transfer No. 70252, Water Right No. 36-16093 is now described as follows.

Right Holder: CARL W BAILEY
 576 W 300 S
 HEYBURN ID 83336

Priority Date: March 10, 1992

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	to 10/31	1.61 CFS	45.0 AF
			1.61 CFS	45.0 AF

LOCATION OF POINT(S) OF DIVERSION:

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

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	
09S 21E 23											35.0	35.0			39.0	39.0	148.0
09S 21E 26	40.0	40.0	40.0	38.0	40.0	39.0	26.0	40.0	29.0	21.0					9.0		362.0

Total Acres: 510

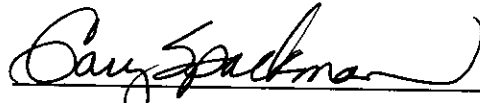
WATER RIGHT NO. 36-16093
As Modified by Transfer No. 70252

CONDITIONS OF APPROVAL

1. Rights 36-16093, 36-16095, and 36-16097 when combined shall not exceed the irrigation of 510 acres.
2. Rights 36-16095 and 36-16097 are also diverted through the point of diversion described above.
3. 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. 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.
5. 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.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 17th day of September, 20 03



Chief, Water Allocation Bureau

WATER RIGHT NO. 36-16094
As Modified by Transfer No. 70252

In accordance with the approval of Transfer No. 70252, Water Right No. 36-16094 is now described as follows.

Right Holder: KATHY J MORGAN And
 CODY G MORGAN
 756 S 2800 E
 HAZELTON ID 83335

Priority Date: March 10, 1992

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
STOCKWATER	01/01	to 12/31	0.03 CFS	0.6 AF
			0.03 CFS	0.6 AF

LOCATION OF POINT(S) OF DIVERSION:

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

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

PLACE OF USE: STOCKWATER

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09S	21E	26																	
								X	X			X	X						

CONDITIONS OF APPROVAL

1. The total instantaneous diversion of water from all points of diversion under Rights 36-14632, 36-16094, 36-16096, and 36-16098 shall not exceed 0.18 cfs, nor total combined annual volume of 73.9 af.
2. Rights 36-14632, 36-16096, and 36-16098 are also diverted through the points of diversion described above.
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. Prior to diversion of water under this approval, the right holder shall provide a lockable controlling works for all authorized points of diversion. The controlling works must be suitable for control of the diversions and acceptable to the watermaster.
5. Prior to the diversion and use of water under Transfer approval 70252, the right holder shall install and maintain acceptable measuring device(s), including data logger(s), at the authorized point(s) of diversion, in accordance with Department specifications.

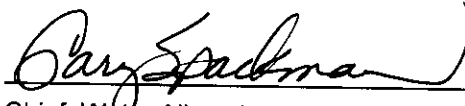
WATER RIGHT NO. 36-16094
As Modified by Transfer No. 70252

CONDITIONS OF APPROVAL

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. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
8. 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.
9. 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. The right holder shall accomplish the change authorized by this approval within 3 years.
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.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 17th day of September, 20 03



Chief, Water Allocation Bureau

WATER RIGHT NO. 36-16095
As Modified by Transfer No. 70252

In accordance with the approval of Transfer No. 70252, Water Right No. 36-16095 is now described as follows.

Right Holder: CARL W BAILEY
 RT 4 BOX 260 B
 RUPERT ID 83350

And

STEPHANIE G BAILEY
 576 W 300 S
 HEYBURN ID 83336

Priority Date: February 06, 1961

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15	to 11/15	1.26 CFS	
			1.26 CFS	

LOCATION OF POINT(S) OF DIVERSION:

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

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09S 21E 23											35.0	35.0			39.0	39.0	148.0
09S 21E 26	40.0	40.0	39.0	38.0	35.0	39.0	25.6	40.0	26.0	21.2			7.0				350.8

Total Acres: 498.8

WATER RIGHT NO. 36-16095
As Modified by Transfer No. 70252

CONDITIONS OF APPROVAL

1. Rights 36-16095 and 36-16907 when combined shall not exceed a total annual maximum diversion volume of 1995.2 af at the field headgate, and the irrigation of 498.8 acres.
2. Rights 36-16093 and 36-16097 are also diverted through the point of diversion described above.
3. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 17th day of September, 20 03



Chief, Water Allocation Bureau

WATER RIGHT NO. 36-16096
As Modified by Transfer No. 70252

In accordance with the approval of Transfer No. 70252, Water Right No. 36-16096 is now described as follows.

Right Holder: KATHY J MORGAN And
 CODY G MORGAN
 756 S 2800 E
 HAZELTON ID 83335

Priority Date: February 06, 1961

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
STOCKWATER	01/01	to 12/31	0.02 CFS	11.7 AF
			0.02 CFS	11.7 AF

LOCATION OF POINT(S) OF DIVERSION:

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

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

PLACE OF USE: STOCKWATER

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	
09S	21E	26						X	X		X	X							

CONDITIONS OF APPROVAL

1. The total instantaneous diversion of water from all points of diversion under Rights 36-14632, 36-16094, 36-16096, and 36-16098 shall not exceed 0.18 cfs, nor total combined annual volume of 73.9 af.
2. Rights 36-14632, 36-16094, and 36-16098 are also diverted through the points of diversion described above.
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. Prior to diversion of water under this approval, the right holder shall provide a lockable controlling works for all authorized points of diversion. The controlling works must be suitable for control of the diversions and acceptable to the watermaster.

WATER RIGHT NO. 36-16096
As Modified by Transfer No. 70252

CONDITIONS OF APPROVAL

5. Prior to the diversion and use of water under Transfer approval 70252, the right holder shall install and maintain acceptable measuring device(s), including data logger(s), 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. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
8. The right holder shall accomplish the change authorized by this approval within 3 years.
9. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
10. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 17th day of September, 2003



Chief, Water Allocation Bureau

WATER RIGHT NO. 36-16097
As Modified by Transfer No. 70252

In accordance with the approval of Transfer No. 70252, Water Right No. 36-16097 is now described as follows.

Right Holder: STEPHANIE G BAILEY
 576 W 300 S
 HEYBURN ID 83336

And

CARL W BAILEY
 RT 4 BOX 260 B
 RUPERT ID 83350

Priority Date: March 11, 1954

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15	to 11/15	3.26 CFS	
			3.26 CFS	

LOCATION OF POINT(S) OF DIVERSION:

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

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09S 21E 23											35.0	35.0			39.0	39.0	148.0
09S 21E 26	40.0	40.0	39.0	38.0	35.0	39.0	25.6	40.0	26.0	21.2				7.0			350.8

Total Acres: 498.8

WATER RIGHT NO. 36-16097
As Modified by Transfer No. 70252

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 295.2 acres within the place of use described above in a single irrigation season.
2. Rights 36-16095 and 36-16907 when combined shall not exceed a total annual maximum diversion volume of 1995.2 af at the field headgate, and the irrigation of 498.8 acres.
3. Rights 36-16093 and 36-16095 are also diverted through the points of diversion described above.
4. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 17th day of September, 2003



Chief, Water Allocation Bureau

WATER RIGHT NO. 36-16098
As Modified by Transfer No. 70252

In accordance with the approval of Transfer No. 70252, Water Right No. 36-16098 is now described as follows.

Right Holder: KATHY J MORGAN And
 CODY G MORGAN
 756 S 2800 E
 HAZELTON ID 83335

Priority Date: March 11, 1954

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
STOCKWATER	01/01 to	12/31	0.06 CFS	17.0 AF
			0.06 CFS	17.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SWSWNW	Sec. 26 Twp 09S Rge 21E JEROME County
GROUND WATER	NWSW	Sec. 26 Twp 09S Rge 21E JEROME County

PLACE OF USE: STOCKWATER

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09S 21E 26						X	X			X	X						

WATER RIGHT NO. 36-16098
As Modified by Transfer No. 70252

CONDITIONS OF APPROVAL

1. The total instantaneous diversion of water from all points of diversion under Rights 36-14632, 36-16094, 36-16096, and 36-16098 shall not exceed 0.18 cfs, nor total combined annual volume of 73.9 af.
2. Rights 36-14632, 36-16094, and 36-16096 are also diverted through the points of diversion described above.
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. Prior to diversion of water under this approval, the right holder shall provide a lockable controlling works for all authorized points of diversion. The controlling works must be suitable for control of the diversions and acceptable to the watermaster.
5. Prior to the diversion and use of water under Transfer approval 70252, the right holder shall install and maintain acceptable measuring device(s), including data logger(s), 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. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
8. The right holder shall accomplish the change authorized by this approval within 3 years.
9. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
10. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 17th day of September, 20 03


Chief, Water Allocation Bureau