

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 87254**

This is to certify that: **MORGAN ENTERPRISES LLC**
762 W HIGHWAY 39
BLACKFOOT, ID 83221-5304

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>
35-12922	WR/DECREED	4/1/1982	0.660 cfs	200.0 af	N/A	151.0	GROUND WATER
35-7602B	WR/DECREED	4/9/1976	1.610 cfs	294.0 af	84.0	151.0	GROUND WATER
35-7717	WR/DECREED	5/18/1977	0.340 cfs	68.0 af	17.0	151.0	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>
35-12922	NO	NO	YES	NO	NO	NO
35-7602B	NO	NO	YES	NO	NO	NO
35-7717	NO	NO	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>
35-12922	35-12922	0.660 cfs	200.0 af	50.0	151.0	N/A	N/A	N/A	N/A	N/A
35-7602B	35-7602B	1.610 cfs	294.0 af	84.0	151.0	N/A	N/A	N/A	N/A	N/A
35-7717	35-7717	0.340 cfs	68.0 af	17.0	151.0	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		1.950 cfs	604.0 af	151.0	151.0		N/A	N/A	N/A	N/A

This water right(s) is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources. Detailed Water Right Description(s) attached.

Dated this 12th day of December, 2022.



Regional Manager

Transfer No. 87254

SUPPORT DATA

IN FILE # 35-7602B

SCANNED

DEC 19 2022

WATER RIGHT NO. 35-7602B**As Modified by Transfer No. 87254**

In accordance with the approval of Transfer No. 87254, Water Right No. 35-7602B is now described as follows:

Right Holder: MORGAN ENTERPRISES LLC
762 W HIGHWAY 39
BLACKFOOT, ID 83221-5304

Priority Date: 4/9/1976

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	04/01	to 10/31	1.610 cfs	294.0 af
			1.610 cfs	294.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER L4 (NESWSW) Sec 35 Twp 02S Rge 34E BINGHAM 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	
02S	34E	35							20.0	7.0	29.0	38.0	33.0	24.0					151.0
													L 4	L 3					

Right Acre Limit: 84.0

POU Total Acres: 151.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 84.0 acres within the authorized place of use in a single irrigation season.
2. Rights 35-7602B, 35-7717 and 35-12922 when combined shall not exceed a total diversion rate of 1.95 cfs, a total annual maximum diversion volume of 604 af at the field headgate, and the irrigation of 151 acres.
3. Use of water under this right may 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. 120.
4. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.

Transfer No. 87254

SCANNED

DEC 19 2022

WATER RIGHT NO. 35-7602B
As Modified by Transfer No. 87254

CONDITIONS OF APPROVAL

5. Prior to the diversion and use of water under Transfer approval 87254, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion 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.
6. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
7. 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.
8. Use of this right is combined with water from United Canal Co.
9. The right holder shall make full beneficial use of all surface water available to the right holder for irrigation of lands within the authorized place of use for this right. The right holder may divert ground water under this right to irrigate land with appurtenant surface water rights when the surface water supply is not reasonably sufficient to irrigate the place of use for this water right or is not available due to drought, curtailment by priority, or the seasonal startup and shutoff or maintenance schedule for canal company or irrigation district deliveries. The right holder shall not divert ground water for irrigation purposes under this right if use of the surface water supply is intentionally discontinued or reduced (for example abandoned, forfeited, sold, disallowed by court decree, or leased to the Water Supply Bank), or is not deliverable due to non-payment of annual assessments, without an approved transfer pursuant to Idaho Code § 42-222 or other Department approval.
10. Right No. 35-12922 is an enlargement of rights 35-7602B and 35-7717 pursuant to Idaho Code § 42-1426.
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.
13. Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 35-7717
As Modified by Transfer No. 87254

In accordance with the approval of Transfer No. 87254, Water Right No. 35-7717 is now described as follows:

Right Holder: MORGAN ENTERPRISES LLC
 762 W HIGHWAY 39
 BLACKFOOT, ID 83221-5304

Priority Date: 5/18/1977

Source: GROUND WATER

BENEFICIAL USE	From	To	Diversion Rate	Diversion Volume
IRRIGATION	04/01	to 10/31	0.340 cfs 0.340 cfs	68.0 af 68.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER L4 (NESWSW) Sec 35 Twp 02S Rge 34E BINGHAM 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	
02S	34E	35							20.0	7.0	29.0	38.0	33.0	24.0					151.0
													L 4	L 3					

Right Acre Limit: 17.0
 POU Total Acres: 151.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 17.0 acres within the authorized place of use in a single irrigation season.
2. Rights 35-7602B, 35-7717 and 35-12922 when combined shall not exceed a total diversion rate of 1.95 cfs, a total annual maximum diversion volume of 604 af at the field headgate, and the irrigation of 151 acres.
3. Use of water under this right may 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. 120.
4. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.

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SCANNED

DEC 19 2022

WATER RIGHT NO. 35-7717

As Modified by Transfer No. 87254

CONDITIONS OF APPROVAL

5. Prior to the diversion and use of water under Transfer approval 87254, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion 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.
6. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
7. 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.
8. Use of this right is combined with water from United Canal Co.
9. The right holder shall make full beneficial use of all surface water available to the right holder for irrigation of lands within the authorized place of use for this right. The right holder may divert ground water under this right to irrigate land with appurtenant surface water rights when the surface water supply is not reasonably sufficient to irrigate the place of use for this water right or is not available due to drought, curtailment by priority, or the seasonal startup and shutoff or maintenance schedule for canal company or irrigation district deliveries. The right holder shall not divert ground water for irrigation purposes under this right if use of the surface water supply is intentionally discontinued or reduced (for example abandoned, forfeited, sold, disallowed by court decree, or leased to the Water Supply Bank), or is not deliverable due to non-payment of annual assessments, without an approved transfer pursuant to Idaho Code § 42-222 or other Department approval.
10. Right No. 35-12922 is an enlargement of rights 35-7602B and 35-7717 pursuant to Idaho Code § 42-1426.
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.
13. Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 35-12922**As Modified by Transfer No. 87254**

In accordance with the approval of Transfer No. 87254, Water Right No. 35-12922 is now described as follows:

Right Holder: MORGAN ENTERPRISES LLC
762 W HIGHWAY 39
BLACKFOOT, ID 83221-5304

Priority Date: 4/1/1982

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	04/01	to 10/31	0.660 cfs	200.0 af
			0.660 cfs	200.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER L4 (NESWSW) Sec 35 Twp 02S Rge 34E BINGHAM 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	
02S	34E	35							20.0	7.0	29.0	38.0	33.0	24.0					151.0
													L 4	L 3					

Right Acre Limit: 50.0
POU Total Acres: 151.0

CONDITIONS OF APPROVAL

1. This right is for an enlargement of 50 acres within the place of use described for this right.
2. Rights 35-7602B, 35-7717 and 35-12922 when combined shall not exceed a total diversion rate of 1.95 cfs, a total annual maximum diversion volume of 604 af at the field headgate, and the irrigation of 151 acres.
3. Use of water under this right may 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. 120.
4. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.

Transfer No. 87254

SCANNED

DEC 19 2022

WATER RIGHT NO. 35-12922
As Modified by Transfer No. 87254

CONDITIONS OF APPROVAL

5. Prior to the diversion and use of water under Transfer approval 87254, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion 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.
6. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
7. 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.
8. Use of this right is combined with water from United Canal Co.
9. The right holder shall make full beneficial use of all surface water available to the right holder for irrigation of lands within the authorized place of use for this right. The right holder may divert ground water under this right to irrigate land with appurtenant surface water rights when the surface water supply is not reasonably sufficient to irrigate the place of use for this water right or is not available due to drought, curtailment by priority, or the seasonal startup and shutoff or maintenance schedule for canal company or irrigation district deliveries. The right holder shall not divert ground water for irrigation purposes under this right if use of the surface water supply is intentionally discontinued or reduced (for example abandoned, forfeited, sold, disallowed by court decree, or leased to the Water Supply Bank), or is not deliverable due to non-payment of annual assessments, without an approved transfer pursuant to Idaho Code § 42-222 or other Department approval.
10. This water right is subordinate to all water rights with a priority date earlier than April 12, 1994, that are not decreed as enlargements pursuant to Idaho Code § 42-1426. As between water rights decreed as enlargements pursuant to Idaho Code § 42-1426, the earlier priority right is the superior right.
11. This right is based upon an enlargement of Right Nos. 35-7602B and 35-7717 pursuant to Idaho Code § 42-1426.
12. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
13. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
14. Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

Attachment to Transfer Approval 87254

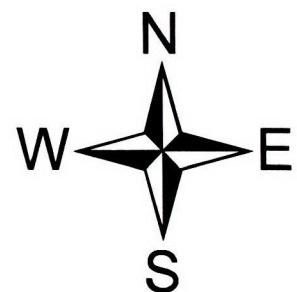
This map depicts the place of use boundary at the time of this transfer approval and is attached to the approval document solely for illustrative purposes.



Legend

- WR POD
- WR POU
- Township/Range
- Sections
- QQ

0 250 500 1,000 Feet



SCANNED
Date: 12/12/2022
DEC 19 2022