

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 43-4146
Date Received: 5/10/89
Receipt No: S007081
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

TONI L GARNER Phone: (208)349-5586
113 S 2550 E
DECLO ID 83323

MICHAEL D GARNER Phone: (208)349-5586
113 S 2550 E
DECLO ID 83323

2. Date of Priority: 03/01/1961

3. Source: GROUND WATER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
11S	27E	3	SW NW SW	CASSIA	
11S	27E	3	NW NE SW	CASSIA	

5. Description of diverting works:

Two connected wells and pumps, mainline, 5 pivots.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	10/31	2.87	574.8

7. Total Quantity Appropriated is:
2.87 C.F.S. and/or 574.8 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4	of 1/4	Lot	Use	Acres
10S	27E	34	SE	NE		IRRIGATION	16
			NE	SW		IRRIGATION	17
			NW	SW		IRRIGATION	17
			SW	SW		IRRIGATION	25
			SE	SW		IRRIGATION	25
			NE	SE		IRRIGATION	38
			NW	SE		IRRIGATION	39
			SW	SE		IRRIGATION	22
			SE	SE		IRRIGATION	25
			SW	NE		IRRIGATION	16
						Section Acres	240
11S	27E	2	NW	NW	4	IRRIGATION	1
						Section Acres	1
11S	27E	3	NE	NE	1	IRRIGATION	39.7
			NW	NE	2	IRRIGATION	36
			SW	NE		IRRIGATION	12
			SE	NE		IRRIGATION	14
			NE	NW	3	IRRIGATION	37
			NW	NW	4	IRRIGATION	36
			SW	NW		IRRIGATION	33
			SE	NW		IRRIGATION	34
			NE	SW		IRRIGATION	37
			NW	SW		IRRIGATION	36
			SW	SW		IRRIGATION	33
			SE	SW		IRRIGATION	35
						Section Acres	382.7
						Total Acres	623.7

11. Place of use in counties: CASSIA

12. Do you own the property listed above as place of use? Yes

13. Other Water Rights Used:

14. Remarks:

2/6/01 tf; ownership changed Del Garner to Michael Garner per 1409(6) and warranty deed received 3/13/00. Claim also amended to conform to approved transfer 4212.

1. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.0 afa per acre for the lands above.

2. Approval of this transfer in no way confirms the right(s) claimed.

3. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.

4. Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.

5. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing SRBA.

6. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.

7. The total instantaneous diversion of water from all points of diversion under Transfer 4212 shall not exceed 6.39 cfs.

8. Right 43-02511 is limited to the irrigation of 480.0 acres in the place of use described above in a single irrigation season.

9. Right 43-04146 is limited to the irrigation of 143.7 acres in the place of use described above in a single irrigation season.

15. Basis of Claim: Statutory Claim

RECEIVED

MAR 13 2000

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Department of Water Resources
Southern Region

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.

1. Water Right No(s): _____
Adjudication Claim No(s): A43-02511, 04146

2. The following **REQUIRED** information must be submitted with this form:
 - A. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water rights or claims in question, **WITH ATTACHED LEGAL DESCRIPTION.**
AND
 - B. **PLAT OF PROPERTY** or **SURVEY MAP** showing the location of the place of use of the water right(s) or claims(s) (These are usually attached to your deed or on file with the county.)
OR
 - C. If your water right or adjudication claim is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with irrigated acres outlined and point(s) of diversion clearly marked. The AERIAL PHOTO should be submitted in place of the PLAT OF PROPERTY or SURVEY MAP.

3. Name and Address of Former Owner/Claimant Del B. & Carol H. Garner
549 Rt Box 61, Declo, ID 83323

4. New Owner/Claimant(s) Michael D. & Toni L. Garner
Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
New Mailing Address 113 S 2550 E
City, State and ZIP Code Declo, ID 83323
New Telephone Number () 349-5586 670-5586 cell #

5. Date you acquired the property 1-2-1996

6. Did you acquire all of the former owner's property? If you did, skip this item and go to item 7. If you acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). Describe in detail your portion of each water right or adjudication claim in the spaces in the box below **only if the water right(s) or claim(s) need to be split between owners.** If necessary, attach additional pages. If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.

Number of acres you irrigate with this water right _____ Number and type of stock _____

Diversion rate in CFS _____ Number of homes you acquired _____ Other uses _____

7. Signature of New Owner(s) or Claimant(s). Michael D. Garner

- Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign form.

8. For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him or her for all matters related to your claims.

WARRANTY DEED

FOR VALUE RECEIVED, Del B. Garner and Carol Garner, husband and wife, of 147 South 2550 East, Declo, Idaho 83323, all hereinafter referred to as the "Grantors", hereby grant, bargain, sell and convey unto Michael D. Garner and Toni L. Garner, husband and wife of 113 South 2550 East, Declo, Idaho 83323, hereinafter referred to as the "Grantee", all the following described property situated in Cassia County, Idaho, to-wit:

PARCEL NO. 1:

TOWNSHIP 10 SOUTH, RANGE 27 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 34: SW $\frac{1}{4}$

PARCEL NO. 2:

TOWNSHIP 10 SOUTH, RANGE 27 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 34: SE $\frac{1}{4}$, NW $\frac{1}{4}$, and all of the NE $\frac{1}{4}$ except the NE $\frac{1}{4}$ NE $\frac{1}{4}$. N $\frac{1}{2}$ NE
SW $\frac{1}{4}$ NE
SE $\frac{1}{4}$ NE

TOWNSHIP 11 SOUTH, RANGE 27 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 2: A part of the NW $\frac{1}{4}$ NW $\frac{1}{4}$, described as follows: Beginning at the Northwest corner of the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 2; Thence South 1599 feet; Thence North 59°02' East 324 feet; Thence North 28°10' East 1195 feet; Thence North 25°56' West 294 feet; Thence North 87°West 530 feet, more or less, to the Point of Beginning.

Section 3: W $\frac{1}{2}$ and that part of the E $\frac{1}{2}$ lying North of a line running as follows: Beginning at the South Quarter Section Corner of said Section 3; Thence North 1320 feet; Thence North 42°38' East 1056 feet; Thence North 69°26' East 1231.5 feet; Thence North 19°42' East 924 feet; Thence North 59°02' East 541 feet, more or less, to the East boundary of said Section 3.

Section 10: N $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ and N $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$.

EXCEPTING THEREFROM THE FOLLOWING DESCRIBED PARCELS:

PARCEL A:

Part of the SW $\frac{1}{4}$ NW $\frac{1}{4}$ and part of the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 34 of Township 10 South, Range 27 East of the Boise Meridian, Cassia County, State of Idaho.

Beginning at the West $\frac{1}{4}$ section corner of Section 34 of Township 10 South, Range 27 East of the Boise Meridian, said corner marked by a 5/8" x 12" rebar on top of a U. S. General Land Office iron pipe with brass cap which shall be the Point of Beginning;

Thence North 00°03'00" East along section line for a distance of 317.20 feet to a $\frac{1}{2}$ " rebar; Thence North 88°55'16" East for a distance of 149.66 feet to a $\frac{1}{2}$ " rebar; Thence South 56°16'10" East for a distance of 111.91 feet to a $\frac{1}{2}$ " rebar; Thence South 01°23'49" West for a distance of 295.44 feet to a $\frac{1}{2}$ " rebar; Thence South 87°09'25" West for a distance of 236.08 feet to a $\frac{1}{2}$ " rebar on the West line of Section 34; Thence North 00°00'47" East along the West line of Section 34 for a distance of 49.19 feet to the Point of Beginning.

PARCEL B:

TOWNSHIP 11 SOUTH, RANGE 27 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO.

Section 10: Part of the NW $\frac{1}{4}$ NW $\frac{1}{4}$ described as follows:

Beginning at the Northwest corner of said Section 10, said corner marked by a U. S. Government Brass Cap which shall be the Point of Beginning; Thence North 89°56'06" East along section line for 310.00 feet to a point; Thence South 0°09' East for 355.00 feet to a point; Thence South 89°56'06" West for 310.00 feet to a $\frac{1}{2}$ inch rebar on section line; Thence North 0°09' West (Basis of Bearing) along said section line for 355.00 feet to the Point of Beginning.

PARCEL C:

TOWNSHIP 11 SOUTH, RANGE 27 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 10: Part of the NW $\frac{1}{4}$ NW $\frac{1}{4}$ described as follows:

Beginning at the Northwest corner of said Section 10, said corner marked by a U. S. Government Brass Cap; Thence North 89°56'06" East along section line for 310.00 feet to a point which shall be known as the Point of Beginning; Thence North 89°56'06" East along section line for 400.00 feet to a P.K. Nail; Thence South 0°09' East for 355.00 feet to a $\frac{1}{2}$ inch rebar; Thence South 89°56'06" West for 400.00 feet to a point; Thence North 0°09' West for 355.00 feet to the Point of Beginning.

PARCEL D:

Part of the N $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 10 of Township 11 South, Range 27 East of the Boise Meridian, Cassia County, State of Idaho.

Beginning at the North $\frac{1}{4}$ section corner of Section 10 of Township 11 South, Range 27 East of the Boise Meridian, said corner marked by a U. S. GLO iron pipe with brass cap which shall be the Point of Beginning;

Thence South 00°07'39" East along the east line of the NW $\frac{1}{4}$ for a distance of 660.78 feet to a $\frac{1}{2}$ " rebar at the Southeast corner of the N $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$; Thence South 89°55'40" West along the south line of the N $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ for a distance of 418.04 feet to a $\frac{1}{2}$ " rebar; Thence North 00°07'39" West for a distance of 607.86 feet to a $\frac{1}{2}$ " rebar; Thence North 00°07'39" West for a distance of 52.97 feet to the North line of Section 10; Thence North 89°56'00" East along said line for a distance of 418.04 feet to the Point of Beginning.

TO HAVE AND TO HOLD, the said premises, with their appurtenances unto the said Grantee and to the Grantees' heirs, successors and assigns forever. The Grantors do hereby covenant to and with the said Grantee that the Grantors are the owners in fee simple of said premises; that the said premises are free from all encumbrances except as above-described and that Grantors will warrant and defend the same from all lawful claims whatsoever.

DATED this 2 day of January, 1996.


Del B. Garner


Carol Garner

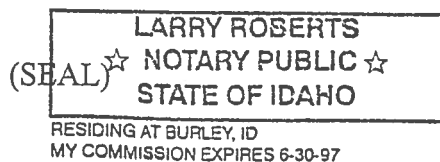
STATE OF IDAHO)

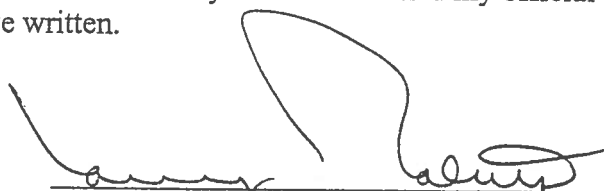
) ss.

County of Cassia)

On this 1st day of October, 1996, before me, the undersigned, a notary public in and for said State, personally appeared Del B. Garner and Carol Garner, husband and wife, known to me to be the persons whose names are subscribed to the within and foregoing document and who acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.




Notary Public for Idaho
Residing at: Burley
Commission Expires: 6-30-97

WARRANTY DEED - 4

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IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A43-04146
Date Received: 5/10/1989
Receipt No: 5007081
Received By: ADM

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: DEL B. GARNER 208-349-5574
Address: STAR RT. BOX 61
DECLO, ID 83323

AND/OR

Name: CAROL H. GARNER 208-349-5574
Address: STAR RT. BOX 61
DECLO, ID 83323

2. Date of Priority: MAR 01, 1961

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
11S	27E	3	NW	NE	SW		CASSIA
			NW	SW	SW		CASSIA

5. Description of diverting works:
TWO WELLS & PUMPS DELIVERING TO PIPELINE & SPRINKLERS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/01	2.870		

7. Total Quantity Appropriated is:
2.870 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 431.1 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

A43-04146

Page 1

Date: 05/10/89

MICROFILMED

MAR 14 1993

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
10S	27E	34	NE		SE		IRR	28.5
			NW		SE		IRR	35.2
			SW		SE		IRR	40.0
			SE		SE		IRR	40.0
							Section Acres	143.7
							Total Acres	143.7

11. Place of use in counties: CASSIA

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:

NONE; A43-02511 FROM SAME SYSTEM ON ADJACENT LANDS

14. Remarks:

15. Basis of Claim: STATUTORY CLAIM

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: See M2p A43-02511

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Del B. Garner Date: 5-10-89

Date: _____

State of Idaho)

County of Twin Falls)

SS.

Subscribed and sworn (or affirmed) before me this 10th day

of May 19 89

[Signature]
Notary Public

Seal

Residing at Kimberly, Id.

My Commission Expires 6/30/92

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 4212
WATER RIGHT NO(S). 43-02511/43-04146

Regin Adj.
RECEIVED

JUN 08 1994

Department of Water Resources
Southern Region Office

This is to certify that: **DEL B GARNER**
STAR RT BOX 61
DECLO ID 83323

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
Right No. 43-02511 :			
IRRIGATION	04/01 to 10/31	6.39 CFS	1920.0 AF
Priority: 02/08/1961			
Right No. 43-04146 :			
IRRIGATION	04/01 to 10/31	2.87 CFS	574.8 AF
Priority: 03/01/1961			
TOTAL:		6.39 CFS	2494.8 AF

SOURCE

GROUNDWATER

LOCATION OF POINT(S) OF DIVERSION:

NESW , Sec. 3, Township 11S, Range 27E
NWSW , Sec. 3, Township 11S, Range 27E
CASSIA County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
10S	27E	34	SWNE 16.0	SENE 16.0	NESW 17.0	
			NWSW 17.0	SWSW 25.0	SESW 25.0	
			NESE 38.0	NWSE 39.0	SWSE 22.0	
			SESE 25.0			240.0
11S	27E	2	Lot 4(NWNW) 1.0			1.0
		3	Lot 1(NENE) 39.7	Lot 2(NWNE) 36.0	SWNE 12.0	
			SENE 14.0	Lot 3(NENW) 37.0	Lot 4(NWNW) 36.0	
			SWNW 33.0	SENE 34.0	NESW 37.0	
			NWSW 36.0	SWSW 33.0	SESW 35.0	382.7
						* 623.7

Total number of acres irrigated:

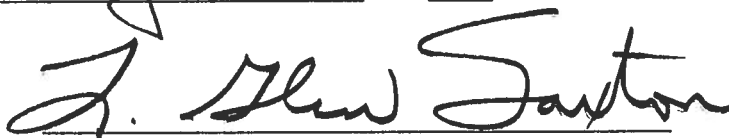
* 623.7

TRANSFER NO. 4212
WATER RIGHT NO(S). 43-02511/43-04146

CONDITIONS/REMARKS:

1. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.0 afa per acre for the lands above.
2. Approval of this transfer in no way confirms the right(s) claimed.
3. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
4. Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.
5. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
6. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
7. The total instantaneous diversion of water from all points of diversion under Transfer No. 4212 shall not exceed 6.39 cfs.
- * 8. Right No. 43-02511 is limited to the irrigation of 480.0 acres in the place of use described above in a single irrigation season.
- * 9. Right No. 43-04146 is limited to the irrigation of 143.7 acres in the place of use described above in a single irrigation season.

Dated this 27th day of May, 1994.


Chief, Water Alloc. Bureau



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

December 5, 1991

R. KEITH HIGGINSON
Director

A43-04146
DEL B. GARNER
CAROL H. GARNER
STAR RT. BOX 61
DECLO

ID 83323

RE: Evidence of Priority

RESPONSE DEADLINE

FEBRUARY 3, 1992

Dear Claimant:

The Notice(s) of Claim identified with the number shown above your name on the mailing label has been filed in the Snake River Basin Adjudication (SRBA). The Notice(s) indicate your water usage is based on "Beneficial Use" or a "Statutory Claim". Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed. **The date of first use, known as the priority date, has not been confirmed by a License, Decree or Permit.** The Department will soon conduct reviews &/or field exams for the claims in your area. Since the priority date of a beneficial use water right can not be confirmed by field examination, **proof must be provided supporting the priority date you have claimed.**

The Department will not recommend the Notice(s) be decreed by the court as claimed if no evidence of a priority date is submitted.

Please find enclosed a computer printout of your Notice(s) and the pamphlet entitled "Evidence of Priority". The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement. I direct your attention to the two sections entitled "What Kind of Evidence is Required" and "Some Examples of Documents Which May Be Evidence of the Priority Date".

Please submit the required evidence supporting the priority date(s) by **February 3, 1992**, referencing all documents with the corresponding Notice number(s). If you have any questions not covered by this letter or the enclosed pamphlet, please contact this office.

Respectfully submitted,

Allen Merritt, P.E.
Water Rights Supervisor

Enclosures

MICROFILMED
MAR 04 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

December 5, 1991

R. KEITH HIGGINSON
Director

A43-04146
DEL B. GARNER
CAROL H. GARNER
STAR RT. BOX 61
DECLO

ID 83323

RECEIVED

JAN 14 1992

Department of Water Resources
Southern Region Office

RE: Evidence of Priority

RESPONSE DEADLINE
FEBRUARY 3, 1992

Dear Claimant:

The Notice(s) of Claim identified with the number shown above your name on the mailing label has been filed in the Snake River Basin Adjudication (SRBA). The Notice(s) indicate your water usage is based on "Beneficial Use" or a "Statutory Claim". Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed. The date of first use, known as the priority date, has not been confirmed by a License, Decree or Permit. The Department will soon conduct reviews &/or field exams for the claims in your area. Since the priority date of a beneficial use water right can not be confirmed by field examination, proof must be provided supporting the priority date you have claimed.

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Please submit the required evidence supporting the priority date(s) by February 3, 1992, referencing all documents with the corresponding Notice number(s). If you have any questions not covered by this letter or the enclosed pamphlet, please contact this office.

Respectfully submitted,


Allen Merritt, P.E.
Water Rights Supervisor

Enclosures

*Enclosed is a copy of License
of water right, a Verification from
Raff River Electric that the Demand for power
had been paid.*

*If further Verification is need please
Call immediately -*

Thank you
MICROFILMED
MAR 04 1993
Del B. Garner



Raft River Rural Electric Cooperative, Inc.

250 North Main
P.O. Box 617
Malta, ID 83342
Telephone: 208-645-2211
FAX: 208-645-2300

RECEIVED

JAN 14 1992

Department of Water Resources
Southern Region Office

To Whom It May Concern:

This verification is what we have on file on Service #9058 for 1961.

INVESTIGATION REPORT 10									
NAME	ACCOUNT NUMBER	CONTRACT	DATE	TERMIN.	HP	DEBIT AMOUNT	PAID	SUBSTITION	REMARKS
Ray, Rodney	9058				119	952	248	9/14/61	

Rosella Neddo
Billing Clerk, Rosella Neddo
January 13, 1992

NOTARY

STATE OF Idaho

COUNTY OF Cassia

On this 13th day of January, 1992, before me, the undersigned, a Notary Public, personally appeared Rosella Neddo and , known to me to be the person(s) whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have herunto set my hand and affixed my official seal, the day and year first above written.

RECORDED

MAR 04 1993

Barbara Anderson

Notary Public for the State of IDAHO
Residing at ALBION, IDAHO

My commission expires 7-23-93

RECEIVED

State of Idaho
Department of Water Administration

JAN 14 1992

Department of Water Resources
Southern Region Office

LICENSE OF WATER RIGHT

License of Water Right No. 43-2511 Priority 2-8-61 Amount 6.39 c.f.s.

THIS IS TO CERTIFY, that FLOYD BONGE
of Ferris, California, has complied with the terms and conditions of Permit
No. 43-2511 issued pursuant to Application for Permit dated 2-8-61,
and has submitted proof to the Department of Water Administration on 2-15-66,
that he has applied water to a beneficial use; an examination by the Department indicates that the
works have a capacity of 6.39 c.f.s., and that the water has in fact been applied to a
beneficial use; a right to the use of water from a groundwater source
tributary of _____, is hereby confirmed in the following amounts:
Amount 6.39 c.f.s. for Irrigation from March 15 to Nov. 15 (both dates inclusive)
Amount _____ for _____ from _____ to _____ (both dates inclusive)
Amount _____ for _____ from _____ to _____ (both dates inclusive)
Subject, however, to the condition that no more than 6.39 c.f.s. of water be diverted at
any one time, said waters to be diverted within the _____

SW $\frac{1}{4}$ SW $\frac{1}{4}$ & NE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 3, Twp. 11 S., Rge. 27 E., B.M.

in the county of Cassia; and that the amount of water so diverted and to which such
right is entitled and confirmed is for the purposes aforesaid and is limited to the amount which can
actually be beneficially used and shall not exceed 1,920 acre feet per year or _____
4.0 acre feet per acre.

Description and location of place of use:

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
11 S	27E	3	31	39	40	18	39	37	39	40	40	39	39	40		39			480

Total number of acres irrigated 480

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands
or place of use herein described, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 2nd day of
July, 1971.


Director

43 2511

VERIFIED BY X 9/19/01

IDAHO DEPARTMENT OF WATER RESOURCES 09/19/2001
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

43-4146

NAME AND ADDRESS: TONI L GARNER
113 S 2550 E
DECLO ID 83323

MICHAEL D GARNER
113 S 2550 E
DECLO ID 83323

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 1.47 CFS

USE OF THIS RIGHT WITH RIGHT NO. 43-02511 IS LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF 6.39 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION
VOLUME OF 1920 AF.

PRIORITY DATE: 06/30/1985

POINT OF DIVERSION:

T11S R27E S3 NWNE Within CASSIA County

T11S R27E S3 SWNE Within CASSIA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	1.470 CFS

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY
AS MARCH 15 AND MAY CONTINUE TO AS LATE AS NOVEMBER 15, PROVIDED
OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER
BEFORE APRIL 1 AND AFTER OCTOBER 31 UNDER THIS REMARK IS SUBORDINATE
TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION
USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS
ENTERED FOR THIS RIGHT.

PLACE OF USE: IRRIGATION Within CASSIA County

T10S R27E S34	SWNE	16.0	T10S R27E S34	SENE	16.0
T10S R27E S34	NESW	17.0	T10S R27E S34	NWSW	17.0
T10S R27E S34	SWSW	25.0	T10S R27E S34	SESW	25.0
T10S R27E S34	NESE	38.0	T10S R27E S34	NWSE	39.0
T10S R27E S34	SWSE	22.0	T10S R27E S34	SESE	25.0
T11S R27E S02 Lot 4	NWNW	1.0	T11S R27E S03 Lot 1	NENE	39.7
T11S R27E S03 Lot 2	NWNE	36.0	T11S R27E S03	SWNE	12.0
T11S R27E S03	SENE	14.0	T11S R27E S03 Lot 3	NENW	37.0
T11S R27E S03 Lot 4	NWNW	36.0	T11S R27E S03	SWNW	33.0
T11S R27E S03	SENW	34.0	T11S R27E S03	NESW	37.0
T11S R27E S03	NWSW	36.0	T11S R27E S03	SWSW	33.0
T11S R27E S03	SESW	35.0			

623.7 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 43-02511 IS LIMITED TO THE IRRIGATION OF A
COMBINED TOTAL OF 623.7 ACRES IN A SINGLE IRRIGATION SEASON.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 143.7 ACRES WITHIN THE PLACE OF
USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

IDAHO DEPARTMENT OF WATER RESOURCES 09/19/2001
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

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.
THIS RIGHT IS AN EXPANSION OF RIGHT NO. 43-02511 PURSUANT TO
SECTION 42-1416B, IDAHO CODE.

EXPLANATORY MATERIAL: Beneficial Use

VERIFIED BY *R 2/7/01*
02/07/2001

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 43-4146
NAME AND ADDRESS: MICHAEL D GARNER
TONI L GARNER
113 S 2550 E
DECLO, ID 83323
SOURCE: GROUND WATER

QUANTITY: 1.47 CFS

USE OF THIS RIGHT WITH RIGHT NO. 43-~~04146~~⁰²⁵¹¹ IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 6.39 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 1920 AF.

PRIORITY DATE: 06/30/1985

POINT OF DIVERSION: T11S R27E S3 NWNESW Within CASSIA County
T11S R27E S3 SWNWSW Within CASSIA County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04-01-10-31	1.47 CFS

yes, leave in! → *NO! - this was correct per transfer #4212*

~~THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 15 AND MAY CONTINUE TO AS LATE AS NOVEMBER 15, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE APRIL 1 AND AFTER OCTOBER 31 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.~~

PLACE OF USE:

IRRIGATION Within CASSIA County					
T10S R27E S34	SWNE	16	T10S R27E S34	SENE	16
T10S R27E S34	NESW	17	T10S R27E S34	NWSW	17
T10S R27E S34	SWSW	25	T10S R27E S34	SESW	25
T10S R27E S34	NESE	38	T10S R27E S34	NWSE	39
T10S R27E S34	SWSE	22	T10S R27E S34	SESE	25
T11S R27E S2	LOT 4 NWNW	1	T11S R27E S3	LOT 1 NENE	39.7
T11S R27E S3	LOT 2 NWNE	36	T11S R27E S3	SWNE	12
T11S R27E S3	SENE	14	T11S R27E S3	LOT 3 NENW	37
T11S R27E S3	LOT 4 NWNW	36	T11S R27E S3	SWNW	33
T11S R27E S3	SENW	34	T11S R27E S3	NESW	37
T11S R27E S3	NWSW	36	T11S R27E S3	SWSW	33
T11S R27E S3	SESW	35			

623.7 ACRES TOTAL

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 143.7 ACRES
WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION
SEASON.

USE OF THIS RIGHT WITH RIGHT NO. 43-~~04146~~⁰²⁵¹¹ IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 623.7 ACRES IN A SINGLE
IRRIGATION SEASON.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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.

THIS RIGHT IS AN EXPANSION OF RIGHT NO. 43-02511 PURSUANT
TO SECTION 42-1416B, IDAHO CODE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

43-02511, & 43-04146



0 1320 2640 Feet

RECOMMENDED PLACE OF USE
DATA ENTRY ON FEB. 7, 2001
TWP 10S, RNG 27E, SEC. 34
TWP 11S, RNG 27E, SEC. 3



- Point of diversion
- Place of use
- Quarter-quarter lines
- Section lines

Gis Place of Use Presentation
1987/1988 Napp Photography
Prepared by Jeanie Robertson

Memorandum

To: Candace McHugh
CC: 43-02511 & 43-04146
From: Jeanie Robertson
Date: 02/14/01
Re: Recommendations

A43-02511 2/8/61 6.39 cfs 480 acres

- field exam done 7/13/67
- licensed for capacity of both wells of 6.39 cfs on 480 acres
- field examiner noted that more irrigation was going on in SE ¼ of Section 34, but this was not in permit and not licensed

A43-04146 3/01/61 2.87 cfs 143.7 acres

- same wells as above
- within RAFT RIVER CGWMA
- '62 photos show no irrigation
- '68 photos do show irrigation
- Transfer #4212 approved in 1994 made a ppu of both rights on 623.7 acres and assigned volume of 574.8 AF to this right, with no additional diversion rate.
- should be recommended as an expansion claim per 42-1416b with a priority date of 6/30/1985 with no additional volume or are we bound by transfer?

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT

TRANSFER NO. 4212
WATER RIGHT NO(S). 43-02511/43-04146

This is to certify that: DEL B GARNER
STAR RT BOX 61
DECLO ID 83323

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

BENEFICIAL USE	PERIOD OF USE	DIVERSION RATE	ANNUAL VOLUME
Right No. 43-02511 : IRRIGATION Priority: 02/08/1961	04/01 to 10/31	6.39 CFS	1920.0 AF
Right No. 43-04146 : IRRIGATION Priority: 03/01/1961	04/01 to 10/31	2.87 CFS	574.8 AF
TOTAL:		6.39 CFS	2494.8 AF

SOURCE

GROUNDDWATER

LOCATION OF POINT(S) OF DIVERSION:

NESW , Sec. 3, Township 11S, Range 27E
NWSW , Sec. 3, Township 11S, Range 27E
CASSIA County

PLACE OF USE: IRRIGATION

TWN	RGE	SEC	ACRES	ACRES	ACRES	TOTAL	
10S	27E	34	SWNE 16.0	SENE 16.0	NESW 17.0	240.0	
			NWSW 17.0	SWSW 25.0	SESW 25.0		
			NESE 38.0	NWSE 39.0	SWSE 22.0		
			SESE 25.0				
11S	27E	2	Lot 4(NWNW) 1.0	Lot 2(NWNE) 36.0	SWNE 12.0	382.7	
			3	Lot 1(NENE) 39.7	Lot 3(NENW) 37.0		Lot 4(NWNW) 36.0
				SENE 14.0	SENE 34.0		NESW 37.0
				SBNW 33.0	SWSW 33.0		SESW 35.0
		NWSW 36.0					
Total number of acres irrigated:						* 623.7	

PAGE 2

TRANSFER NO. 4212
WATER RIGHT NO(S). 43-02511/43-04146

CONDITIONS/REMARKS:

1. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.0 afa per acre for the lands above.
2. Approval of this transfer in no way confirms the right(s) *claimed*.
3. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
4. Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.
5. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
6. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
7. The total instantaneous diversion of water from all points of diversion under Transfer No. 4212 shall not exceed 6.39 cfs.
- * 8. Right No. 43-02511 is limited to the irrigation of 480.0 acres in the place of use described above in a single irrigation season.
- * 9. Right No. 43-04146 is limited to the irrigation of 143.7 acres in the place of use described above in a single irrigation season.

Dated this 27th day of

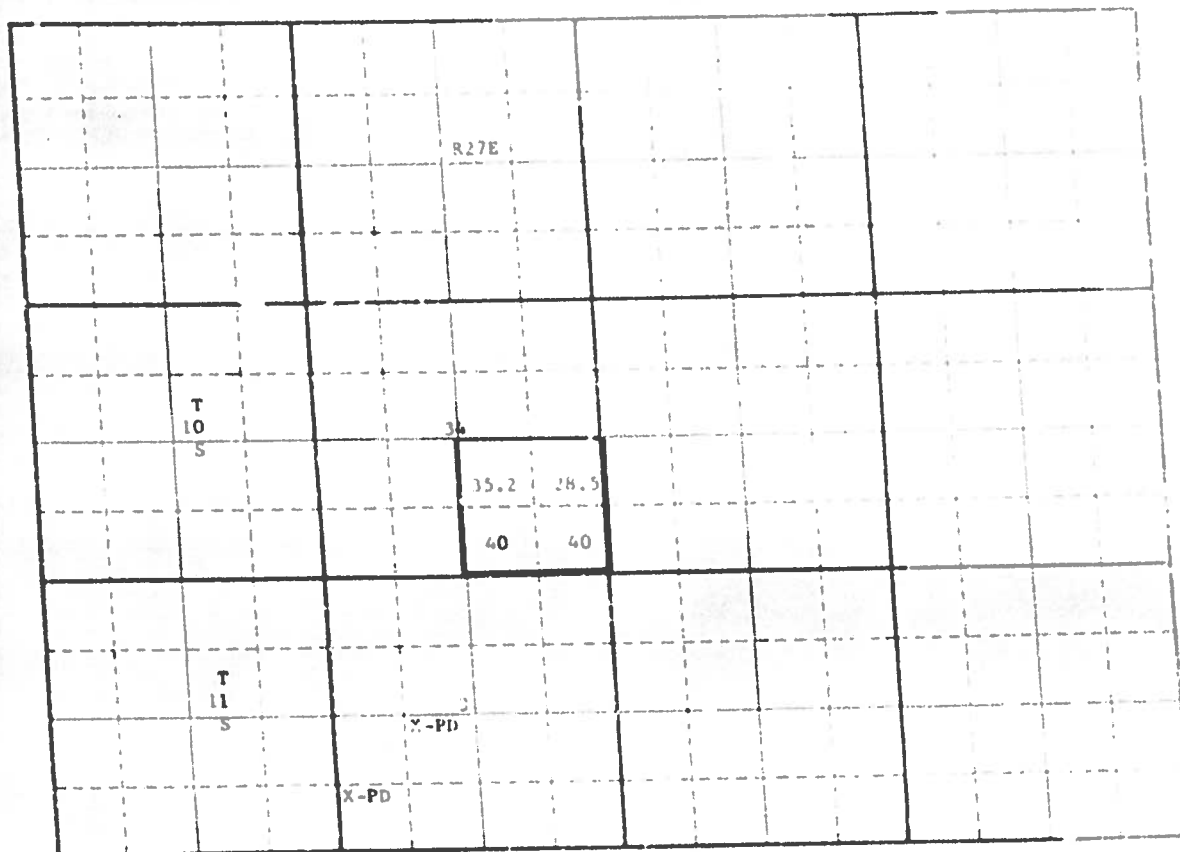
May

1994.

J. Glen Saxton
Chief, Water Alloc. Bureau

N/A

By Public Land irrigated under this water right was not included in application for original farmstead but was irrigated from the same sources. The extreme northeast corner of the field was not irrigated due to topography and shallow soil.



Scale 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho

County of L. S. S. D.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they substantiated the foregoing to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

Sworn to before me this 5th day of March

(Claimant)

1953

Notary Public
Residing at

B. H. B. B. B.

My commission expires

L. S. S. D.

FOR DEPARTMENT USE ONLY

Received by T. C. B. B.
 Payment made by 216084
 \$30.00 fee received by 216084
 Published in Press

Received by 216084
 Claimant by 216084

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

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02/07/01
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PROFILE REPORT

CLAIM NUMBER: A43-04146

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	DEL B GARNER	03/01/1961	IRRIGATION	03-15 11-01	2.87D CFS	
C	CAROL H GARNER	6/30/1985			2.870 CFS	
TOTAL DIVERSION:					2.870 CFS	
~~CONSUMPTIVE USE:~~					1.47	~~431.10 AFA~~

Water Source: GROUNDWATER

Tributary to:

Stage: ~~STATUTORY CLAIM~~ B.U.

Point(s) of Diversion: T11S R27E S03 NWESW NWSWSW CASSIA County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE					
NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	SUM	
T	R	S	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: SUM	
10S	27E	34	:	:	:	:	:	:	:	:	:	:	28	35	40	40	143.7
TOTAL ACRES																143.7	

POU County: CASSIA

Non-Irrigation Uses: NONE

Other Rights: NONE; A43-02511 FROM SAME SYSTEM ON ADJACENT LANDS

Dates: Exam Made Date: Verified Date: 01/28/1986 Objection Filed Date:

Misc: Water District Number: Field Inspection Flag: Presumption Flag:

div. rate:
 $6.39 \div 623.7 \times 143.7 = 1.47 \text{ cfs}$

Cond. Code C18
Remarks: R06 143.7Ac.
POU E11 623.7Ac.
QNT E25 6.39cfs
GEN R04 app claim 1920AF w/2511
USE 303 4/11 7/10/31

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

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QUICKLOOK INFORMATION

5
CLAIM NUMBER: A43-04146

WR ELEMENT	DATA DISCREPANCY Y/N	CORRESPONDENCE SENT/RECEIVED BY WHOM/DATE	FIELD EXAM BY WHOM/DATE	CHANGE CLAIM Y/N	ELEMENT DOCUMENTED WHOM/DATE	COMPLETED REVIEW WHOM/DATE	COMPLETED DATA ENTRY WHOM/DATE	VERIFIED DATE WHOM/DATE
PRIORITY DATE	Y -							
POINT OF DIV	Y -							
SOURCE	- IV							
PLACE OF USE	Y -							
DIV. AMOUNT CFS/VOLUME	Y -							
CONSUMPTIVE USE	/ -							
PURPOSES OF USE	- N							
PERIOD OF USE	Y -							
BASIS OF CLAIM	Y -							
REMARKS	Y -							

BARCODE UPDATED
WHOM/DATE

R PROOF

CVR

MAPS

PHOTOS

MISC

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