STATE OF IDAHO
# DEPARTMENT OF WATER RESOURCES

## TRANSFER OF WATER RIGHT
## TRANSFER NO. 83002

This is to certify that: GW FINANCE CO LLC
22 N YALE RD
DECLO, ID 83323

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

| Water Right | Origin/Basis | Priority Date | Diversion Rate | Diversion Volume | Acre Limit | Total Acres | Source |
|---|---|---|---|---|---|---|---|
| 43-2370A | WR/DECREED | 11/10/1951 | 1.330 cfs | 628.0 af | N/A | 157.0 | GROUND WATER |
| 43-2464A | WR/DECREED | 3/10/1958 | 0.310 cfs | 151.3 af | N/A | 157.0 | GROUND WATER |
| 43-4081 | WR/DECREED | 6/11/1960 | 1.500 cfs | 628.0 af | N/A | 157.0 | GROUND WATER |

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

| Water Right | Origin/Basis | Priority Date | Diversion Rate | Diversion Volume | Acre Limit | Total Acres | Source |
|---|---|---|---|---|---|---|---|
| 43-2511 | WR/DECREED | 2/8/1961 | 6.390 cfs | 1920.0 af | 480.0 | 895.9 | GROUND WATER |
| 43-4146 | WR/DECREED | 6/30/1985 | 1.470 cfs | N/A | 143.7 | 895.9 | GROUND WATER |
| 43-13175 | WR/DECREED | 5/29/1950 | 0.460 cfs | 108.0 af | 27.0 | 895.9 | GROUND WATER |
| 43-13177 | WR/DECREED | 11/27/1957 | 0.350 cfs | 170.8 af | 59.0 | 895.9 | GROUND WATER |
| 43-13179 | WR/DECREED | 11/30/1957 | 0.610 cfs | 236.0 af | 59.0 | 895.9 | GROUND WATER |
| 43-13641 | WR/DECREED | 3/18/1960 | 0.030 cfs | 25.2 af | 6.3 | 895.9 | GROUND WATER |
| 43-13643 | WR/DECREED | 6/30/1953 | 0.680 cfs | 144.0 af | 36.0 | 895.9 | GROUND WATER |

### Purpose of Transfer (Changes Proposed)

| Current Number | Split | POD | POU | Add POD | Period of Use | Nature of Use |
|---|---|---|---|---|---|---|
| 43-2370A | YES | YES | YES | NO | NO | NO |
| 43-2464A | YES | YES | YES | NO | NO | NO |
| 43-4081 | YES | YES | YES | NO | NO | NO |

SUPPORT DATA
IN FILE # 43-2370A

### Summary Of Water Rights After the Approved Change

| Existing Right | New No. (Changed Portion) | Transfer Rate | Transfer Volume | Acre Limit | Total Acres | New No. (remaining portion) | Remaining Rate | Remaining Volume | Remaining Acre Limit | Remaining Total Acres |
|---|---|---|---|---|---|---|---|---|---|---|
| 43-2370A | 43-13827 | 0.230 cfs | 108.0 af | 27.0 | 895.9 | 43-2370A | 1.100 cfs | 520.0 af | N/A | 130.0 |
| 43-2464A | 43-13828 | 0.050 cfs | 26.0 af | 27.0 | 895.9 | 43-2464A | 0.260 cfs | 125.3 af | N/A | 130.0 |
| 43-4081 | 43-13829 | 0.260 cfs | 108.0 af | 27.0 | 895.9 | 43-4081 | 1.240 cfs | 520.0 af | N/A | 130.0 |
| **COMBINED TOTALS** | | **0.540 cfs** | **108.0 af** | **27.0** | **895.9** | | **N/A** | **N/A** | **N/A** | **N/A** |

Transfer No. 83002

**STATE OF IDAHO**
# DEPARTMENT OF WATER RESOURCES

**TRANSFER OF WATER RIGHT**
**TRANSFER NO. 83002**

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 24th day of May, 2019.

Southern Region Manager

# WATER RIGHT NO. 43-2370A

## As Modified by Transfer No. 83002

In accordance with the approval of Transfer No. 83002, Water Right No. 43-2370A is now described as follows:

**Right Holder:** GW FINANCE CO LLC
22 N YALE RD
DECLO, ID 83323

**Priority Date:** 11/10/1951

**Source:** GROUND WATER

| BENEFICIAL USE | From | | To | Diversion Rate | Diversion Volume |
|---|---|---|---|---|---|
| IRRIGATION | 03/15 | to | 11/15 | 1.100 cfs | 520.0 af |
| | | | | 1.100 cfs | 520.0 af |

**LOCATION OF POINT(S) OF DIVERSION**

| | | | |
|---|---|---|---|
| GROUND WATER | NESESE | Sec 36 Twp 10S Rge 26E | CASSIA County |
| GROUND WATER | SESWSE | Sec 36 Twp 10S Rge 26E | CASSIA County |

**PLACE OF USE: IRRIGATION**

| | | | NE | | | | NW | | | | SW | | | | SE | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Twp | Rng | Sec | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | Totals |
| 10S | 26E | 36 | | | | | | | | | | | 35.0 | 30.0 | | | 30.0 | 35.0 | 130.0 |

POU Total Acres: 130.0

**CONDITIONS OF APPROVAL**

1. Rights 43-2370A, 43-2464A, and 43-4081 when combined shall not exceed a total annual maximum diversion volume of 520.0 af and the irrigation of 130.0 acres.
2. 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.
3. Right holder shall comply with the drilling permit requirements of Idaho Code § 42-235 and applicable Well Construction Rules of the Department.
4. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
5. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
6. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

Transfer No. 83002

# WATER RIGHT NO. 43-2370A

## As Modified by Transfer No. 83002

**CONDITIONS OF APPROVAL**

7. 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. 43-13827

## As Modified by Transfer No. 83002

In accordance with the approval of Transfer No. 83002, Water Right No. 43-13827 is now described as follows:

**Right Holder:** GW FINANCE CO LLC
22 N YALE RD
DECLO, ID 83323

**Priority Date:** 11/10/1951

**Source:** GROUND WATER

| BENEFICIAL USE | From | | To | Diversion Rate | Diversion Volume |
|---|---|---|---|---|---|
| IRRIGATION | 03/15 | to | 11/15 | 0.230 cfs | 108.0 af |
| | | | | 0.230 cfs | 108.0 af |

**LOCATION OF POINT(S) OF DIVERSION**

| | | | | |
|---|---|---|---|---|
| GROUND WATER | SWNWSW | Sec 3 | Twp 11S Rge 27E | CASSIA County |
| GROUND WATER | NWNESW | Sec 3 | Twp 11S Rge 27E | CASSIA County |

**PLACE OF USE: IRRIGATION**

| | | | NE | | | | NW | | | | SW | | | | SE | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Twp | Rng | Sec | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | Totals |
| 10S | 27E | 34 | | 9.9 | 40.0 | 15.0 | 20.0 | 12.0 | 27.0 | 40.0 | 40.0 | 31.0 | 33.0 | 40.0 | 39.0 | 40.0 | 40.0 | 26.0 | 452.9 |
| 11S | 27E | 3 | 39.0 | 40.0 | 39.0 | 18.0 | 40.0 | 34.0 | 35.0 | 40.0 | 40.0 | 34.0 | 32.0 | 35.0 | | 17.0 | | | 443.0 |
| | | | L 1 | L 2 | | | L 3 | L 4 | | | | | | | | | | | |

Right Acre Limit: 27.0
POU Total Acres: 895.9

**CONDITIONS OF APPROVAL**

1. This right is limited to the irrigation of 27.0 acres within the authorized place of use in a single irrigation season.

2. Rights 43-13827, 43-13828, and 43-13829 when combined shall not exceed a total diversion rate of 0.54 cfs, a total annual maximum diversion volume of 108.0 af at the field headgate, and the irrigation of 27.0 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. 143.

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(s).

Transfer No. 83002

# WATER RIGHT NO. 43-13827

## As Modified by Transfer No. 83002

**CONDITIONS OF APPROVAL**

5. Rights 43-2511, 43-4146, 43-13175, 43-13177, 43-13179, 43-13641, 43-13643, 43-13827, 43-13828, and 43-13829 are limited to the irrigation of a specific 732.7 acres within the 895.9 acre place of use authorized by this right in a single irrigation season. The specific 732.7 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 732.7 acres to be irrigated within the 895.9 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. 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.

7. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

9. 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. 43-2464A

## As Modified by Transfer No. 83002

In accordance with the approval of Transfer No. 83002, Water Right No. 43-2464A is now described as follows:

**Right Holder:** GW FINANCE CO LLC
22 N YALE RD
DECLO, ID 83323

**Priority Date:** 3/10/1958

**Source:** GROUND WATER

| BENEFICIAL USE | From | | To | Diversion Rate | Diversion Volume |
|---|---|---|---|---|---|
| IRRIGATION | 03/15 | to | 11/15 | 0.260 cfs | 125.3 af |
| | | | | 0.260 cfs | 125.3 af |

**LOCATION OF POINT(S) OF DIVERSION**

| | | | |
|---|---|---|---|
| GROUND WATER | NESESE | Sec 36 Twp 10S Rge 26E | CASSIA County |
| GROUND WATER | SESWSE | Sec 36 Twp 10S Rge 26E | CASSIA County |

**PLACE OF USE: IRRIGATION**

| | | | NE | | | | NW | | | | SW | | | | SE | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Twp | Rng | Sec | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | Totals |
| 10S | 26E | 36 | | | | | | | | | | | 35.0 | 30.0 | | | 30.0 | 35.0 | 130.0 |

POU Total Acres: 130.0

**CONDITIONS OF APPROVAL**

1. Rights 43-2370A, 43-2464A, and 43-4081 when combined shall not exceed a total annual maximum diversion volume of 520.0 af and the irrigation of 130.0 acres.
2. 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.
3. Right holder shall comply with the drilling permit requirements of Idaho Code § 42-235 and applicable Well Construction Rules of the Department.
4. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
5. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
6. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

Transfer No. 83002

# WATER RIGHT NO. 43-2464A

## As Modified by Transfer No. 83002

**CONDITIONS OF APPROVAL**

7. 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. 43-13828

## As Modified by Transfer No. 83002

In accordance with the approval of Transfer No. 83002, Water Right No. 43-13828 is now described as follows:

**Right Holder:** GW FINANCE CO LLC
22 N YALE RD
DECLO, ID 83323

**Priority Date:** 3/10/1958

**Source:** GROUND WATER

| BENEFICIAL USE | From | | To | Diversion Rate | Diversion Volume |
|---|---|---|---|---|---|
| IRRIGATION | 03/15 | to | 11/15 | 0.050 cfs | 26.0 af |
| | | | | 0.050 cfs | 26.0 af |

**LOCATION OF POINT(S) OF DIVERSION**

| | | | | |
|---|---|---|---|---|
| GROUND WATER | SWNWSW | Sec 3 | Twp 11S Rge 27E | CASSIA County |
| GROUND WATER | NWNESW | Sec 3 | Twp 11S Rge 27E | CASSIA County |

**PLACE OF USE: IRRIGATION**

| | | | NE | | | | NW | | | | SW | | | | SE | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Twp | Rng | Sec | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | Totals |
| 10S | 27E | 34 | | 9.9 | 40.0 | 15.0 | 20.0 | 12.0 | 27.0 | 40.0 | 40.0 | 31.0 | 33.0 | 40.0 | 39.0 | 40.0 | 40.0 | 26.0 | 452.9 |
| 11S | 27E | 3 | 39.0 | 40.0 | 39.0 | 18.0 | 40.0 | 34.0 | 35.0 | 40.0 | 40.0 | 34.0 | 32.0 | 35.0 | | 17.0 | | | 443.0 |
| | | | L 1 | L 2 | | | L 3 | L 4 | | | | | | | | | | | |

Right Acre Limit: 27.0
POU Total Acres: 895.9

**CONDITIONS OF APPROVAL**

1. This right is limited to the irrigation of 27.0 acres within the authorized place of use in a single irrigation season.

2. Rights 43-13827, 43-13828, and 43-13829 when combined shall not exceed a total diversion rate of 0.54 cfs, a total annual maximum diversion volume of 108.0 af at the field headgate, and the irrigation of 27.0 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. 143.

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(s).

Transfer No. 83002

# WATER RIGHT NO. 43-13828

## As Modified by Transfer No. 83002

**CONDITIONS OF APPROVAL**

5. Rights 43-2511, 43-4146, 43-13175, 43-13177, 43-13179, 43-13641, 43-13643, 43-13827, 43-13828, and 43-13829 are limited to the irrigation of a specific 732.7 acres within the 895.9 acre place of use authorized by this right in a single irrigation season. The specific 732.7 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 732.7 acres to be irrigated within the 895.9 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. 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.

7. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

9. 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. 43-4081

## As Modified by Transfer No. 83002

In accordance with the approval of Transfer No. 83002, Water Right No. 43-4081 is now described as follows:

**Right Holder:** GW FINANCE CO LLC
22 N YALE RD
DECLO, ID 83323

**Priority Date:** 6/11/1960

**Source:** GROUND WATER

| BENEFICIAL USE | From | | To | Diversion Rate | Diversion Volume |
|---|---|---|---|---|---|
| IRRIGATION | 03/15 | to | 11/15 | 1.240 cfs | 520.0 af |
| | | | | 1.240 cfs | 520.0 af |

**LOCATION OF POINT(S) OF DIVERSION**

| | | | |
|---|---|---|---|
| GROUND WATER | NESESE | Sec 36 Twp 10S Rge 26E | CASSIA County |
| GROUND WATER | SESWSE | Sec 36 Twp 10S Rge 26E | CASSIA County |

**PLACE OF USE: IRRIGATION**

| | | | NE | | | | NW | | | | SW | | | | SE | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Twp | Rng | Sec | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | Totals |
| 10S | 26E | 36 | | | | | | | | | | | 35.0 | 30.0 | | | 30.0 | 35.0 | 130.0 |

POU Total Acres: 130.0

**CONDITIONS OF APPROVAL**

1. Rights 43-2370A, 43-2464A, and 43-4081 when combined shall not exceed a total annual maximum diversion volume of 520.0 af and the irrigation of 130.0 acres.
2. 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.
3. Right holder shall comply with the drilling permit requirements of Idaho Code § 42-235 and applicable Well Construction Rules of the Department.
4. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
5. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
6. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

Transfer No. 83002

# WATER RIGHT NO. 43-4081

## As Modified by Transfer No. 83002

**CONDITIONS OF APPROVAL**

7. 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. 43-13829

## As Modified by Transfer No. 83002

In accordance with the approval of Transfer No. 83002, Water Right No. 43-13829 is now described as follows:

**Right Holder:** GW FINANCE CO LLC
22 N YALE RD
DECLO, ID 83323

**Priority Date:** 6/11/1960

**Source:** GROUND WATER

| BENEFICIAL USE | From | | To | Diversion Rate | Diversion Volume |
|---|---|---|---|---|---|
| IRRIGATION | 03/15 | to | 11/15 | 0.260 cfs | 108.0 af |
| | | | | 0.260 cfs | 108.0 af |

**LOCATION OF POINT(S) OF DIVERSION**

| | | | | |
|---|---|---|---|---|
| GROUND WATER | SWNWSW | Sec 3 | Twp 11S Rge 27E | CASSIA County |
| GROUND WATER | NWNESW | Sec 3 | Twp 11S Rge 27E | CASSIA County |

**PLACE OF USE: IRRIGATION**

| | | | NE | | | | NW | | | | SW | | | | SE | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Twp | Rng | Sec | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | Totals |
| 10S | 27E | 34 | | 9.9 | 40.0 | 15.0 | 20.0 | 12.0 | 27.0 | 40.0 | 40.0 | 31.0 | 33.0 | 40.0 | 39.0 | 40.0 | 40.0 | 26.0 | 452.9 |
| 11S | 27E | 3 | 39.0 | 40.0 | 39.0 | 18.0 | 40.0 | 34.0 | 35.0 | 40.0 | 40.0 | 34.0 | 32.0 | 35.0 | | 17.0 | | | 443.0 |
| | | | L 1 | L 2 | | | L 3 | L 4 | | | | | | | | | | | |

Right Acre Limit: 27.0
POU Total Acres: 895.9

**CONDITIONS OF APPROVAL**

1. This right is limited to the irrigation of 27.0 acres within the authorized place of use in a single irrigation season.

2. Rights 43-13827, 43-13828, and 43-13829 when combined shall not exceed a total diversion rate of 0.54 cfs, a total annual maximum diversion volume of 108.0 af at the field headgate, and the irrigation of 27.0 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. 143.

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(s).

Transfer No. 83002

# WATER RIGHT NO. 43-13829

## As Modified by Transfer No. 83002

**CONDITIONS OF APPROVAL**

5. Rights 43-2511, 43-4146, 43-13175, 43-13177, 43-13179, 43-13641, 43-13643, 43-13827, 43-13828, and 43-13829 are limited to the irrigation of a specific 732.7 acres within the 895.9 acre place of use authorized by this right in a single irrigation season. The specific 732.7 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 732.7 acres to be irrigated within the 895.9 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. 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.

7. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

9. 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. 43-2511

## As Modified by Transfer No. 83002

In accordance with the approval of Transfer No. 83002, Water Right No. 43-2511 is now described as follows:

**Right Holder:** GARNER LAND LLC
22 N YALE RD
DECLO, ID 83323

**Priority Date:** 2/8/1961

**Source:** GROUND WATER

| BENEFICIAL USE | From | | To | Diversion Rate | Diversion Volume |
|---|---|---|---|---|---|
| IRRIGATION | 04/01 | to | 10/31 | 6.390 cfs | 1920.0 af |
| | | | | 6.390 cfs | 1920.0 af |

**LOCATION OF POINT(S) OF DIVERSION**

| | | | | |
|---|---|---|---|---|
| GROUND WATER | NWNESW | Sec 3 | Twp 11S Rge 27E | CASSIA County |
| GROUND WATER | SWNWSW | Sec 3 | Twp 11S Rge 27E | CASSIA County |

**PLACE OF USE: IRRIGATION**

| | | | NE | | | | NW | | | | SW | | | | SE | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Twp | Rng | Sec | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | Totals |
| 10S | 27E | 34 | | 9.9 | 40.0 | 15.0 | 20.0 | 12.0 | 27.0 | 40.0 | 40.0 | 31.0 | 33.0 | 40.0 | 39.0 | 40.0 | 40.0 | 26.0 | 452.9 |
| 11S | 27E | 3 | 39.0 | 40.0 | 39.0 | 18.0 | 40.0 | 34.0 | 35.0 | 40.0 | 40.0 | 34.0 | 32.0 | 35.0 | | 17.0 | | | 443.0 |
| | | | L 1 | L 2 | | | L 3 | L 4 | | | | | | | | | | | |

Right Acre Limit: 480.0
POU Total Acres: 895.9

**CONDITIONS OF APPROVAL**

1. This right is limited to the irrigation of 480 acres within the authorized place of use in a single irrigation season.

2. Rights 42-2511, and 43-4146 when combined shall not exceed a total diversion rate of 6.39 cfs, a total annual maximum diversion volume of 1920 af at the field headgate, and the irrigation of 623.7 acres.

3. Rights 43-2511, 43-4146, 43-13175, 43-13177, 43-13179, 43-13641, and 43-13643 when combined shall not exceed a total diversion rate of 8.52 cfs, a total annual maximum diversion volume of 2408 af at the field headgate, and the irrigation of 705.7 acres.

# WATER RIGHT NO. 43-2511

## As Modified by Transfer No. 83002

**CONDITIONS OF APPROVAL**

4. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/15 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 6/28/2002

5. Right no. 43-4146 is an expansion of this right pursuant to section 42-1416b, Idaho Code.

6. 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.

7. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.

8. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

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.

11. Rights 43-2511, 43-4146, 43-13175, 43-13177, 43-13179, 43-13641, 43-13643, 43-13827, 43-13828, and 43-13829 are limited to the irrigation of a specific 732.7 acres within the 895.9 acre place of use authorized by this right in a single irrigation season. The specific 732.7 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 732.7 acres to be irrigated within the 895.9 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.

# WATER RIGHT NO. 43-4146

## As Modified by Transfer No. 83002

In accordance with the approval of Transfer No. 83002, Water Right No. 43-4146 is now described as follows:

**Right Holder:** GARNER LAND LLC
22 N YALE RD
DECLO, ID 83323

**Priority Date:** 6/30/1985

**Source:** GROUND WATER

| BENEFICIAL USE | From | | To | Diversion Rate |
|---|---|---|---|---|
| IRRIGATION | 04/01 | to | 10/31 | 1.470 cfs |
| | | | | 1.470 cfs |

**LOCATION OF POINT(S) OF DIVERSION**

| | | | | |
|---|---|---|---|---|
| GROUND WATER | NWNESW | Sec 3 | Twp 11S Rge 27E | CASSIA County |
| GROUND WATER | SWNWSW | Sec 3 | Twp 11S Rge 27E | CASSIA County |

**PLACE OF USE: IRRIGATION**

| | | | NE | | | | NW | | | | SW | | | | SE | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Twp | Rng | Sec | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | Totals |
| 10S | 27E | 34 | | 9.9 | 40.0 | 15.0 | 20.0 | 12.0 | 27.0 | 40.0 | 40.0 | 31.0 | 33.0 | 40.0 | 39.0 | 40.0 | 40.0 | 26.0 | 452.9 |
| 11S | 27E | 3 | 39.0 | 40.0 | 39.0 | 18.0 | 40.0 | 34.0 | 35.0 | 40.0 | 40.0 | 34.0 | 32.0 | 35.0 | | 17.0 | | | 443.0 |
| | | | L 1 | L 2 | | | L 3 | L 4 | | | | | | | | | | | |

Right Acre Limit: 143.7
POU Total Acres: 895.9

**CONDITIONS OF APPROVAL**

1. This right is limited to the irrigation of 143.7 acres within the authorized place of use in a single irrigation season.

2. Rights 42-2511, and 43-4146 when combined shall not exceed a total diversion rate of 6.39 cfs, a total annual maximum diversion volume of 1920 af at the field headgate, and the irrigation of 623.7 acres.

3. Rights 43-2511, 43-4146, 43-13175, 43-13177, 43-13179, 43-13641, and 43-13643 when combined shall not exceed a total diversion rate of 8.52 cfs, a total annual maximum diversion volume of 2408 af at the field headgate, and the irrigation of 705.7 acres.

# WATER RIGHT NO. 43-4146

## As Modified by Transfer No. 83002

**CONDITIONS OF APPROVAL**

4. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/15 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 6/28/2002

5. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.

6. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.

7. This right is an expansion of right no. 43-2511 pursuant to section 42-1416b, Idaho Code.

8. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

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.

11. Rights 43-2511, 43-4146, 43-13175, 43-13177, 43-13179, 43-13641, 43-13643, 43-13827, 43-13828, and 43-13829 are limited to the irrigation of a specific 732.7 acres within the 895.9 acre place of use authorized by this right in a single irrigation season. The specific 732.7 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 732.7 acres to be irrigated within the 895.9 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.

# WATER RIGHT NO. 43-13175

## As Modified by Transfer No. 83002

In accordance with the approval of Transfer No. 83002, Water Right No. 43-13175 is now described as follows:

**Right Holder:** GARNER LAND LLC
22 N YALE RD
DECLO, ID 83323

**Priority Date:** 5/29/1950

**Source:** GROUND WATER

| BENEFICIAL USE | From | | To | Diversion Rate | Diversion Volume |
|---|---|---|---|---|---|
| IRRIGATION | 03/15 | to | 11/15 | 0.460 cfs | 108.0 af |
| | | | | 0.460 cfs | 108.0 af |

**LOCATION OF POINT(S) OF DIVERSION**

| | | | | |
|---|---|---|---|---|
| GROUND WATER | NWNESW | Sec 3 | Twp 11S Rge 27E | CASSIA County |
| GROUND WATER | SWNWSW | Sec 3 | Twp 11S Rge 27E | CASSIA County |

**PLACE OF USE: IRRIGATION**

| | | | NE | | | | NW | | | | SW | | | | SE | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Twp | Rng | Sec | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | Totals |
| 10S | 27E | 34 | | 9.9 | 40.0 | 15.0 | 20.0 | 12.0 | 27.0 | 40.0 | 40.0 | 31.0 | 33.0 | 40.0 | 39.0 | 40.0 | 40.0 | 26.0 | 452.9 |
| 11S | 27E | 3 | 39.0 | 40.0 | 39.0 | 18.0 | 40.0 | 34.0 | 35.0 | 40.0 | 40.0 | 34.0 | 32.0 | 35.0 | | 17.0 | | | 443.0 |
| | | | L 1 | L 2 | | | L 3 | L 4 | | | | | | | | | | | |

Right Acre Limit: 27.0
POU Total Acres: 895.9

**CONDITIONS OF APPROVAL**

1. This right is limited to the irrigation of 27.0 acres within the place of use described above in a single irrigation season.

2. Rights 43-13175, 43-13177, and 43-13179 when combined shall not exceed a total diversion rate of 1.42 cfs, a total annual maximum diversion volume of 344.0 af at the field headgate, and the irrigation of 86 acres.

3. Rights 43-2511, 43-4146, 43-13175, 43-13177, 43-13179, 43-13641, and 43-13643 when combined shall not exceed a total diversion rate of 8.52 cfs, a total annual maximum diversion volume of 2408 af at the field headgate, and the irrigation of 705.7 acres.

4. 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.

# WATER RIGHT NO. 43-13175

## As Modified by Transfer No. 83002

**CONDITIONS OF APPROVAL**

5. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.

6. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

8. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

9. Rights 43-2511, 43-4146, 43-13175, 43-13177, 43-13179, 43-13641, 43-13643, 43-13827, 43-13828, and 43-13829 are limited to the irrigation of a specific 732.7 acres within the 895.9 acre place of use authorized by this right in a single irrigation season. The specific 732.7 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 732.7 acres to be irrigated within the 895.9 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.

# WATER RIGHT NO. 43-13177

## As Modified by Transfer No. 83002

In accordance with the approval of Transfer No. 83002, Water Right No. 43-13177 is now described as follows:

**Right Holder:** GARNER LAND LLC
22 N YALE RD
DECLO, ID 83323

**Priority Date:** 11/27/1957

**Source:** GROUND WATER

| BENEFICIAL USE | From | | To | Diversion Rate | Diversion Volume |
|---|---|---|---|---|---|
| IRRIGATION | 03/15 | to | 11/15 | 0.350 cfs | 170.8 af |
| | | | | 0.350 cfs | 170.8 af |

**LOCATION OF POINT(S) OF DIVERSION**

| | | | | |
|---|---|---|---|---|
| GROUND WATER | NWNESW | Sec 3 | Twp 11S Rge 27E | CASSIA County |
| GROUND WATER | SWNWSW | Sec 3 | Twp 11S Rge 27E | CASSIA County |

**PLACE OF USE: IRRIGATION**

| | | | NE | | | | NW | | | | SW | | | | SE | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Twp | Rng | Sec | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | Totals |
| 10S | 27E | 34 | | 9.9 | 40.0 | 15.0 | 20.0 | 12.0 | 27.0 | 40.0 | 40.0 | 31.0 | 33.0 | 40.0 | 39.0 | 40.0 | 40.0 | 26.0 | 452.9 |
| 11S | 27E | 3 | 39.0 | 40.0 | 39.0 | 18.0 | 40.0 | 34.0 | 35.0 | 40.0 | 40.0 | 34.0 | 32.0 | 35.0 | | 17.0 | | | 443.0 |
| | | | L 1 | L 2 | | | L 3 | L 4 | | | | | | | | | | | |

Right Acre Limit: 59.0
POU Total Acres: 895.9

**CONDITIONS OF APPROVAL**

1. Rights 43-13177 and 43-13179 when combined shall not exceed a total annual maximum diversion volume of 236.0 af at the field headgate, and the irrigation of 59.0 acres.

2. Rights 43-13175, 43-13177, and 43-13179 when combined shall not exceed a total diversion rate of 1.42 cfs, a total annual maximum diversion volume of 344.0 af at the field headgate, and the irrigation of 86 acres.

3. Rights 43-2511, 43-4146, 43-13175, 43-13177, 43-13179, 43-13641, and 43-13643 when combined shall not exceed a total diversion rate of 8.52 cfs, a total annual maximum diversion volume of 2408 af at the field headgate, and the irrigation of 705.7 acres.

4. 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.

# WATER RIGHT NO. 43-13177

## As Modified by Transfer No. 83002

**CONDITIONS OF APPROVAL**

5. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.

6. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

8. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

9. Rights 43-2511, 43-4146, 43-13175, 43-13177, 43-13179, 43-13641, 43-13643, 43-13827, 43-13828, and 43-13829 are limited to the irrigation of a specific 732.7 acres within the 895.9 acre place of use authorized by this right in a single irrigation season. The specific 732.7 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 732.7 acres to be irrigated within the 895.9 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.

# WATER RIGHT NO. 43-13179

## As Modified by Transfer No. 83002

In accordance with the approval of Transfer No. 83002, Water Right No. 43-13179 is now described as follows:

**Right Holder:** GARNER LAND LLC
22 N YALE RD
DECLO, ID 83323

**Priority Date:** 11/30/1957

**Source:** GROUND WATER

| BENEFICIAL USE | From | | To | Diversion Rate | Diversion Volume |
|---|---|---|---|---|---|
| IRRIGATION | 03/15 | to | 11/15 | 0.610 cfs | 236.0 af |
| | | | | 0.610 cfs | 236.0 af |

**LOCATION OF POINT(S) OF DIVERSION**

| | | | | |
|---|---|---|---|---|
| GROUND WATER | NWNESW | Sec 3 | Twp 11S Rge 27E | CASSIA County |
| GROUND WATER | SWNWSW | Sec 3 | Twp 11S Rge 27E | CASSIA County |

**PLACE OF USE: IRRIGATION**

| | | | NE | | | | NW | | | | SW | | | | SE | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Twp | Rng | Sec | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | Totals |
| 10S | 27E | 34 | | 9.9 | 40.0 | 15.0 | 20.0 | 12.0 | 27.0 | 40.0 | 40.0 | 31.0 | 33.0 | 40.0 | 39.0 | 40.0 | 40.0 | 26.0 | 452.9 |
| 11S | 27E | 3 | 39.0 | 40.0 | 39.0 | 18.0 | 40.0 | 34.0 | 35.0 | 40.0 | 40.0 | 34.0 | 32.0 | 35.0 | | 17.0 | | | 443.0 |
| | | | L 1 | L 2 | | | L 3 | L 4 | | | | | | | | | | | |

Right Acre Limit: 59.0
POU Total Acres: 895.9

**CONDITIONS OF APPROVAL**

1. Rights 43-13177 and 43-13179 when combined shall not exceed a total annual maximum diversion volume of 236.0 af at the field headgate, and the irrigation of 59.0 acres.

2. Rights 43-13175, 43-13177, and 43-13179 when combined shall not exceed a total diversion rate of 1.42 cfs, a total annual maximum diversion volume of 344.0 af at the field headgate, and the irrigation of 86 acres.

3. Rights 43-2511, 43-4146, 43-13175, 43-13177, 43-13179, 43-13641, and 43-13643 when combined shall not exceed a total diversion rate of 8.52 cfs, a total annual maximum diversion volume of 2408 af at the field headgate, and the irrigation of 705.7 acres.

4. 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.

# WATER RIGHT NO. 43-13179

## As Modified by Transfer No. 83002

**CONDITIONS OF APPROVAL**

5. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.

6. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

8. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

9. Rights 43-2511, 43-4146, 43-13175, 43-13177, 43-13179, 43-13641, 43-13643, 43-13827, 43-13828, and 43-13829 are limited to the irrigation of a specific 732.7 acres within the 895.9 acre place of use authorized by this right in a single irrigation season. The specific 732.7 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 732.7 acres to be irrigated within the 895.9 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.

# WATER RIGHT NO. 43-13641

## As Modified by Transfer No. 83002

In accordance with the approval of Transfer No. 83002, Water Right No. 43-13641 is now described as follows:

**Right Holder:** GARNER LAND LLC
22 N YALE RD
DECLO, ID 83323

**Priority Date:** 3/18/1960

**Source:** GROUND WATER

| BENEFICIAL USE | From | | To | Diversion Rate | Diversion Volume |
|---|---|---|---|---|---|
| IRRIGATION | 03/15 | to | 11/15 | 0.030 cfs | 25.2 af |
| | | | | 0.030 cfs | 25.2 af |

**LOCATION OF POINT(S) OF DIVERSION**

| | | | | |
|---|---|---|---|---|
| GROUND WATER | NWNESW | Sec 3 | Twp 11S Rge 27E | CASSIA County |
| GROUND WATER | SWNWSW | Sec 3 | Twp 11S Rge 27E | CASSIA County |

**PLACE OF USE: IRRIGATION**

| | | | NE | | | | NW | | | | SW | | | | SE | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Twp | Rng | Sec | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | Totals |
| 10S | 27E | 34 | | 9.9 | 40.0 | 15.0 | 20.0 | 12.0 | 27.0 | 40.0 | 40.0 | 31.0 | 33.0 | 40.0 | 39.0 | 40.0 | 40.0 | 26.0 | 452.9 |
| 11S | 27E | 3 | 39.0 | 40.0 | 39.0 | 18.0 | 40.0 | 34.0 | 35.0 | 40.0 | 40.0 | 34.0 | 32.0 | 35.0 | | 17.0 | | | 443.0 |
| | | | L 1 | L 2 | | | L 3 | L 4 | | | | | | | | | | | |

Right Acre Limit: 6.3
POU Total Acres: 895.9

**CONDITIONS OF APPROVAL**

1. This right is limited to the irrigation of 6.3 acres within the place of use described above in a single irrigation season.

2. Rights 43-13641 and 43-13643 when combined shall not exceed a total diversion rate of 0.71 cfs, a total annual maximum diversion volume of 144 af at the field headgate, and the irrigation of 36 acres.

3. Rights 43-2511, 43-4146, 43-13175, 43-13177, 43-13179, 43-13641, and 43-13643 when combined shall not exceed a total diversion rate of 8.52 cfs, a total annual maximum diversion volume of 2408 af at the field headgate, and the irrigation of 705.7 acres.

4. 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.

Transfer No. 83002

# WATER RIGHT NO. 43-13641

## As Modified by Transfer No. 83002

**CONDITIONS OF APPROVAL**

5. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.

6. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

8. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

9. Rights 43-2511, 43-4146, 43-13175, 43-13177, 43-13179, 43-13641, 43-13643, 43-13827, 43-13828, and 43-13829 are limited to the irrigation of a specific 732.7 acres within the 895.9 acre place of use authorized by this right in a single irrigation season. The specific 732.7 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 732.7 acres to be irrigated within the 895.9 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.

# WATER RIGHT NO. 43-13643

## As Modified by Transfer No. 83002

In accordance with the approval of Transfer No. 83002, Water Right No. 43-13643 is now described as follows:

**Right Holder:** GARNER LAND LLC
22 N YALE RD
DECLO, ID 83323

**Priority Date:** 6/30/1953

**Source:** GROUND WATER

| BENEFICIAL USE | From | | To | Diversion Rate | Diversion Volume |
|---|---|---|---|---|---|
| IRRIGATION | 03/15 | to | 11/15 | 0.680 cfs | 144.0 af |
| | | | | 0.680 cfs | 144.0 af |

**LOCATION OF POINT(S) OF DIVERSION**

| | | | | |
|---|---|---|---|---|
| GROUND WATER | NWNESW | Sec 3 | Twp 11S Rge 27E | CASSIA County |
| GROUND WATER | SWNWSW | Sec 3 | Twp 11S Rge 27E | CASSIA County |

**PLACE OF USE: IRRIGATION**

| | | | NE | | | | NW | | | | SW | | | | SE | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Twp | Rng | Sec | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | Totals |
| 10S | 27E | 34 | | 9.9 | 40.0 | 15.0 | 20.0 | 12.0 | 27.0 | 40.0 | 40.0 | 31.0 | 33.0 | 40.0 | 39.0 | 40.0 | 40.0 | 26.0 | 452.9 |
| 11S | 27E | 3 | 39.0 | 40.0 | 39.0 | 18.0 | 40.0 | 34.0 | 35.0 | 40.0 | 40.0 | 34.0 | 32.0 | 35.0 | | 17.0 | | | 443.0 |
| | | | L 1 | L 2 | | | L 3 | L 4 | | | | | | | | | | | |

Right Acre Limit: 36.0
POU Total Acres: 895.9

**CONDITIONS OF APPROVAL**

1. Rights 43-13641 and 43-13643 when combined shall not exceed a total diversion rate of 0.71 cfs, a total annual maximum diversion volume of 144 af at the field headgate, and the irrigation of 36 acres.

2. Rights 43-2511, 43-4146, 43-13175, 43-13177, 43-13179, 43-13641, and 43-13643 when combined shall not exceed a total diversion rate of 8.52 cfs, a total annual maximum diversion volume of 2408 af at the field headgate, and the irrigation of 705.7 acres.

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. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.

Transfer No. 83002

# WATER RIGHT NO. 43-13643

## As Modified by Transfer No. 83002

**CONDITIONS OF APPROVAL**

5. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

6. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

7. 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.

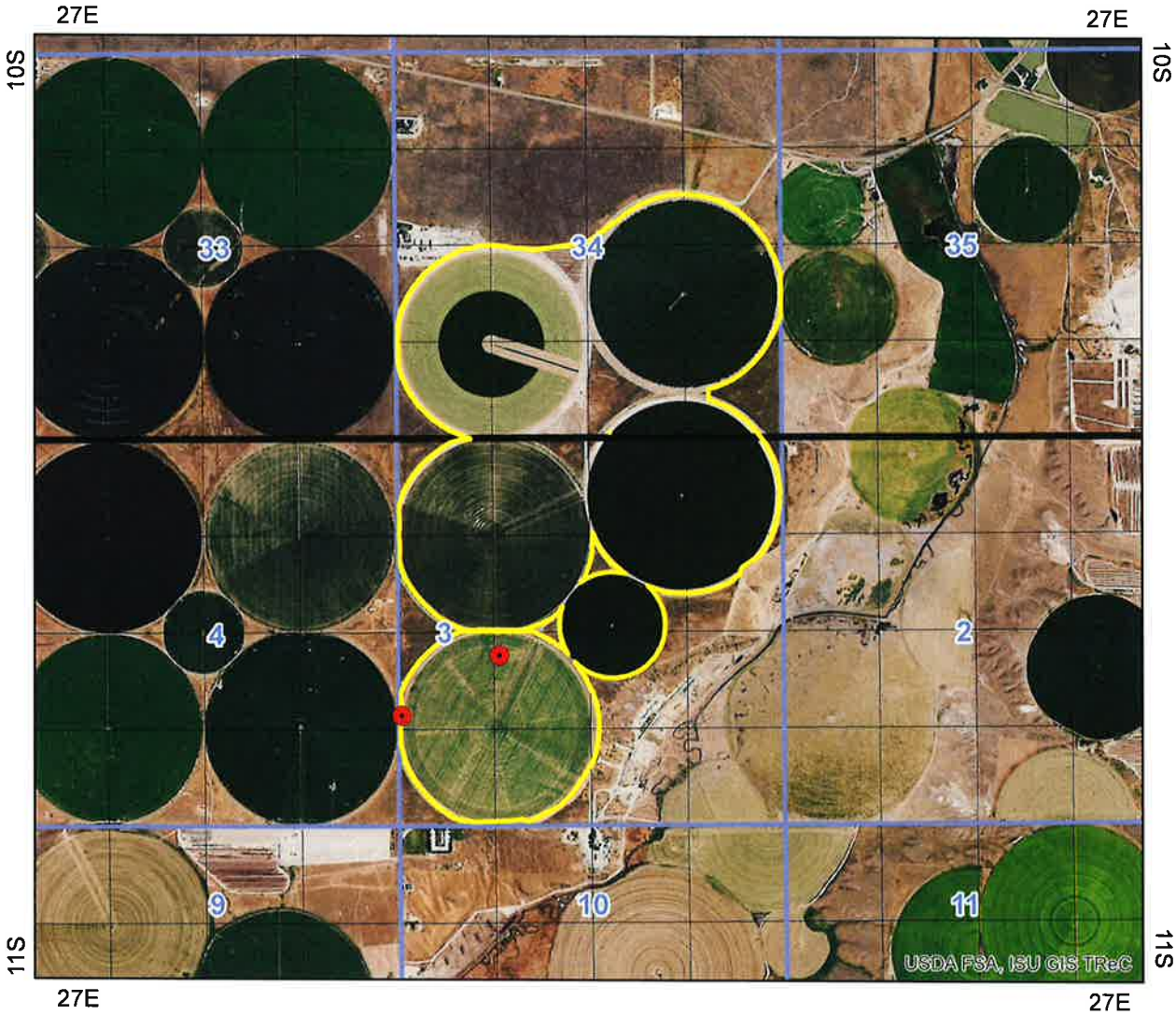
8. Rights 43-2511, 43-4146, 43-13175, 43-13177, 43-13179, 43-13641, 43-13643, 43-13827, 43-13828, and 43-13829 are limited to the irrigation of a specific 732.7 acres within the 895.9 acre place of use authorized by this right in a single irrigation season. The specific 732.7 acres to be irrigated by 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 732.7 acres to be irrigated within the 895.9 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.

**State of Idaho**
**Department of Water Resources**

# Attachment to Transfer # 83002

**43-2511, 43-4146, 43-13175, 43-13177, 43-13179, 43-13641, 43-13643, 43-13827, 43-13828, and 43-13829**

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




Point of Diversion

Place Of Use Boundary

Townships

PLS Sections

Quarter Quarters

0 0.3 0.6 1.2 Miles

N

State of Idaho
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION • 650 ADDISON AVE W STE 500 • TWIN FALLS ID 83301-5858
Phone: (208) 736-3033 • Fax: (208) 736-3037
Website: www.idwr.idaho.gov • Email: southerninfo@idwr.idaho.gov

BRAD LITTLE
Governor

GARY SPACKMAN
Director

May 24, 2019

GW FINANCE CO LLC
22 N YALE RD
DECLO ID 83323

Re: Transfer No: 83002
Water Right No(s).: 43-2370A, 43-2464A, 43-2511, 43-4081, 43-4146, 43-13175, 43-13177, 43-13179, 43-13641, 43-13643

**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,

Corey Skinner
Southern Regional Manager

Enclosure

cc:

GARNER LAND LLC
22 N YALE RD
DECLO ID 83323

WATER DISTRICT 143
NATHAN ERICKSON
650 ADDISON AVE W STE 500
TWIN FALLS ID 83301-5858

## CERTIFICATE OF SERVICE

I hereby certify that on May 24, 2019 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Transfer) to the person(s) listed below:

Re: Transfer No.: 83002
Water Right No(s).: 43-2370A, 43-2464A, 43-2511, 43-4081, 43-4146, 43-13175, 43-13177, 43-13179, 43-13641, 43-13643

GW FINANCE CO LLC
22 N YALE RD
DECLO ID 83323

GARNER LAND LLC
22 N YALE RD
DECLO ID 83323

WATER DISTRICT 143
NATHAN ERICKSON
650 ADDISON AVE W STE 500
TWIN FALLS ID 83301-5858

Denise Maline

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.

# MEMORANDUM

**Date:** April 30, 2019

**To:** GW Finance, LLC transfer #83002 file

**From:** Jim Bitzenburg

**Re:** Evaluation of Sufficiency of Information Submitted

---

Application for transfer proposes to change the place of use (POU) and points of diversion (POD) for a 0.54 cfs, 27.0 acre portion of three irrigation ground water rights which currently irrigate 157.0 acres located approximately 13.5 to 13.8 miles north and 0.2 mile west to 0.8 mile east of Malta. The transferred portion will be moved into an existing 895.9 acre permissible place of use (PPU) located approximately 12.5 to 14.1 miles north and 3.8 to 4.8 miles east of Malta. The transfer proposes changing the PODs for the transferred portion from the currently authorized wells to two existing wells associated with the proposed place of use.

The transfer was advertised and not protested.

The proposed transfer is in Water District 143 and Watermaster comments were solicited; the Watermaster did not oppose the transfer.

- **Authority to File:**
  The Department's database indicates that the water rights being split and moved are owned by the applicant, GW Finance, LLC. The application was signed by Mike Garner, the registered agent of GW Finance, LLC. See attachment from the Idaho Secretary of State office, *Annual Report*. The land that the split rights are moving to is owned by Garner Land, LLC so a water sharing agreement has been signed by both parties to clarify water right ownership issues

- **Water Right Validity:**
  Based on aerial imagery, forfeiture of the rights being moved does not appear to be an issue.

- **Injury to Other Water Rights:**
  None anticipated or foreseen. A 27.0 acre portion of rights 43-2370A, 43-2464A, and 43-4081 will be dried up at the original place of use.

- **Enlargement of Use:**
  None anticipated. Flow rate, acres, and volume transferred to the new POU will be dried up at the original POU.

- **Local Public Interest:**
  No issues anticipated. The application was advertised.

- **Beneficial Use/Conservation of Water Resources:**
  Proposed use is recognized as a beneficial use of water.

- **Effect on the Economy of the Local Area:**
  None Anticipated

- **Effect of the Agricultural Base of the Area:**
  None Anticipated

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

# ** 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 83238

Ruby Aufderheide
(Legals Clerk)

STATE OF IDAHO )
.SS
COUNTY OF TWIN FALLS )

On this 11 day of April in the year of 2019 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.

Miriam King
Notary Public FOR Idaho
Residing at: Twin Falls, Idaho
My Commission expires: 5.10.22

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT TRANSFER NO. 83056**

ALONZO B LEAVELL, PO BOX 54, GOODING, ID 83330-0054; has filed Application No. 83056 for changes to the following water rights within GOODING County(s): Right No(s). 37-11199. The purpose of the transfer is to change a portion of the above rights as follows: Application for transfer proposes transferring a 0.04 cfs (15.6 acre feet) portion from a commercial/stockwater ground water right and moving it to an existing well and a new place of use (POU) at an existing stock yard facility. Proposed point of diversion (POD) and POU are located approximately 1.8 to 2.0 miles east and 4.2 to 4.5 miles south of the intersection of Main St and Lincoln Ave in Jerome. Current PODs and POU are located approximately 0.3 to 1.0 miles west and 1.3 to 1.6 miles north of the intersection of Hwy 26 and Hwy 46 in Gooding.

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT TRANSFER NO. 83002**

GW FINANCE CO LLC, 22 N YALE RD, DECLO, ID 83323; has filed Application No. 83002 for changes to the following water rights within CASSIA County(s): Right No(s). 43-2370A, 43-2464A, 43-4081. The purpose of the transfer is to change a portion of the above rights as follows: Application for transfer proposes to change the place of use (POU) and points of diversion (POD) for a 0.54 cfs, 27.0 acre portion of three irrigation ground water rights which currently irrigate 157.0 acres located approximately 13.5 to 13.8 miles north and 0.2 mile west to 0.8 mile east of Malta. The transferred portion will be moved into an existing 895.9 acre permissible place of use (PPU) located approximately 12.5 to 14.1 miles north and 3.8 to 4.8 miles east of Malta. The transfer proposes changing the PODs for the transferred portion from the currently authorized wells to two existing wells associated with the proposed place of use.

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT TRANSFER NO. 83005**

GW FINANCE CO LLC, 22 N YALE RD, DECLO, ID 83323; has filed Application No. 83005 for changes to the following water rights within CASSIA County(s): Right No(s). 43-2370A, 43-2464A, 43-4081. The purpose of the transfer is to change a portion of the above rights as follows: Application for transfer proposes to change the place of use (POU) and points of diversion (POD) for a 0.10 cfs, 5.0 acre portion of three irrigation ground water rights which currently irrigate 157.0 acres located approximately 13.5 to 13.8 miles north and 0.2 mile west to 0.8 mile east of Malta. The transferred portion will be moved into an existing 4326.1 acre permissible place of use (PPU) located approximately 11.5 to 17.8 miles north and 5.3 to 7.6 miles east of Malta. The transfer proposes changing the PODs for the transferred portion from the currently authorized wells to thirteen existing wells associated with the proposed place of use.

For additional information concerning the property location, contact Southern Region office at (208) 736-3033; or to see a full description of these rights and/or the proposed transfers, please see research.idwr.idaho.gov/apps/waterrights/Query-NewTransfers. Protests may be submitted based on the criteria of Idaho Code Sec. 42-222. Any protest against the proposed change must be filed with the Department of Water Resources, Southern Region, 650 ADDISON AVE W, STE 500, TWIN FALLS, ID 83301-5858 together with a protest fee of $25.00 for each application on or before **April 22, 2019**. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director
**PUBLISH:** April 4 and 11, 2019

Section: Legals
Category: 50 Legal
PUBLISHED ON: 04/04/2019, 04/11/2019

RECEIVED
APR 18 2019
DEPT OF WATER RESOURCES
SOUTHERN REGION

TOTAL AD COST: 198.15
FILED ON: 4/11/2019

MIRIAM KING
NOTARY PUBLIC
MY COMMISSION EXPIRES 5-10-2022
STATE OF IDAHO
COMMISSION NUMBER 67698

✓ ok bm 4/22/2019

State of Idaho
Department of Water Resources

# RECOMMENDATION OF WATERMASTER

Transfer No: 83002
Water Right No: 43-2370A
Applicant Name: GW FINANCE CO LLC

Watermaster's Recommendation:

a) _X_ I do not oppose approval of this application

b) ___ I do not oppose approval of this application under the following terms:

c) ___ I oppose approval of this application(s) for the following reasons:

d) ___ Additional comment:

**Dated: April 12, 2019**

**Water District 143**

**Nathan Erickson, Watermaster**

# Customer Ad Proof

## 60002276 ID DEPARTMENT OF WATER RESOURCES

## Order Nbr 83238

| | | | |
|---|---|---|---|
| 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 | 198.15 |
| City St Zip | TWIN FALLS ID 83301 | Amount Paid | 0.00 |
| Phone | 2087363033 | Amount Due | 198.15 |
| Fax | | | |
| Section | Legals | Start/End Dates | 04/04/2019 - 04/11/2019 |
| SubSection | | Insertions | 2 |
| Category | 50 Legal | Size | 130 |
| Ad Key | 83238-1 | Salesperson(s) | Ruby Aufderheide |
| Keywords | Transfer 83002, 83005, 83056 | Taken By | Ruby Aufderheide |
| Notes | | | |

Ad Proof

**Proof of legal notice received**

**from Times News 3/28/2019**

# Customer Ad Proof

**60002276 ID DEPARTMENT OF WATER RESOURCES** **Order Nbr 83238**

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT TRANSFER NO. 83056**

ALONZO B LEAVELL, PO BOX 54, GOODING, ID 83330-0054; has filed Application No. 83056 for changes to the following water rights within GOODING County(s): Right No(s). 37-11199. The purpose of the transfer is to change a portion of the above rights as follows: Application for transfer proposes transferring a 0.04 cfs (15.6 acre feet) portion from a commercial/stockwater ground water right and moving it to an existing well and a new place of use (POU) at an existing stock yard facility. Proposed point of diversion (POD) and POU are located approximately 1.8 to 2.0 miles east and 4.2 to 4.5 miles south of the intersection of Main St and Lincoln Ave in Jerome. Current PODs and POU are located approximately 0.3 to 1.0 miles west and 1.3 to 1.6 miles north of the intersection of Hwy 26 and Hwy 46 in Gooding.

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT TRANSFER NO. 83002**

GW FINANCE CO LLC, 22 N YALE RD, DECLO, ID 83323; has filed Application No. 83002 for changes to the following water rights within CASSIA County(s): Right No(s). 43-2370A, 43-2464A, 43-4081. The purpose of the transfer is to change a portion of the above rights as follows: Application for transfer proposes to change the place of use (POU) and points of diversion (POD) for a 0.54 cfs, 27.0 acre portion of three irrigation ground water rights which currently irrigate 157.0 acres located approximately 13.5 to 13.8 miles north and 0.2 mile west to 0.8 mile east of Malta. The transferred portion will be moved into an existing 895.9 acre permissible place of use (PPU) located approximately 12.5 to 14.1 miles north and 3.8 to 4.8 miles east of Malta. The transfer proposes changing the PODs for the transferred portion from the currently authorized wells to two existing wells associated with the proposed place of use.

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT TRANSFER NO. 83005**

GW FINANCE CO LLC, 22 N YALE RD, DECLO, ID 83323; has filed Application No. 83005 for changes to the following water rights within CASSIA County(s): Right No(s). 43-2370A, 43-2464A, 43-4081. The purpose of the transfer is to change a portion of the above rights as follows: Application for transfer proposes to change the place of use (POU) and points of diversion (POD) for a 0.10 cfs, 5.0 acre portion of three irrigation ground water rights which currently irrigate 157.0 acres located approximately 13.5 to 13.8 miles north and 0.2 mile west to 0.8 mile east of Malta. The transferred portion will be moved into an existing 4326.1 acre permissible place of use (PPU) located approximately 11.5 to 17.8 miles north and 5.3 to 7.6 miles east of Malta. The transfer proposes changing the PODs for the transferred portion from the currently authorized wells to thirteen existing wells associated with the proposed place of use.

For additional information concerning the property location, contact Southern Region office at (208) 736-3033; or to see a full description of these rights and/or the proposed transfers, please see research.idwr.idaho.gov/apps/waterrights/Query-NewTransfers. Protests may be submitted based on the criteria of Idaho Code Sec. 42-222. Any protest against the proposed change must be filed with the Department of Water Resources, Southern Region, 650 ADDISON AVE W, STE 500, TWIN FALLS, ID 83301-5858 together with a protest fee of $25.00 for each application on or before **April 22, 2019**. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

**PUBLISH:** April 4 and 11, 2019

Proof rec'd 3/28/19
ok ✓
MI