

MAR 19 2019

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 83002

DEPT OF WATER RESOURCES
SOUTHERN REGION**MINIMUM REQUIREMENTS CHECKLIST**
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

An application for transfer must be prepared in accordance with the minimum requirements listed below to be acceptable for processing by the Department. Incomplete applications will be returned. The instructions, fee schedule, Part 2A reports and additional Part 2B forms are available from any Department office or on the Department's website at <http://www.idwr.idaho.gov/>.

Name of Applicant(s) GW FINANCE CO LLC

Check whether each item below is attached (Yes) or not applicable (N/A) for the proposed transfer.

- Yes N/A** *Means the item is always required and must be included with the application.
- ☐ * Completed Application for Transfer of Water Right form, Part 1.
 - ☐ * Signature of applicant(s) or applicant's authorized representative on Application for Transfer Part 1. Include evidence of authority labeled Attachment #3 (see below) if signed by representative.
 - ☐ * Application for Transfer Part 2A. Attach a Part 2A report describing each water right in the transfer as currently recorded.
 - ☐ Complete and attach an Application for Transfer Part 2B for each water right for which only a portion is proposed to be changed through this transfer application
 - ☐ * Application for Transfer Part 3A is always required (see Attachment #7a below); Parts 3B and 3C must be completed for transfer applications proposing to change the nature of use of the water right(s) or proposing changes to supplemental right(s).
 - ☐ * Correct fee submitted with transfer application form. (Fee schedule is on website and instructions for application for transfer.)

Attachments to Application - Label each attachment with the corresponding number shown below as Attachment #1-9.

- ☒ ☐ #1 If the applicant is a business, partnership, organization, or association, and not currently registered in the State of Idaho as a business entity, attach documentation identifying officers authorized to sign or act on behalf of right holder. (See Part 1.)
- ☐ ☐ #2a Water Right ownership documentation if Dept. records do not show the transfer applicant as the current water right owner.
- ☐ ☐ #2b If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s).
- ☐ ☐ #3 Documentation of authority to make the change if the applicant is not the water right owner.
- ☐ ☐ #4 Power of Attorney or documentation providing authority to sign or act on the applicant's behalf. (See Part 1.)
- ☐ ☐ #5 If the transfer application proposes to change the point of diversion for a water right affecting the Eastern Snake Plain Aquifer (ESPA), attach the results of an ESPA analysis and a detailed mitigation plan to offset any depletions to hydraulically connected reaches of the Snake River. ESPA transfer spreadsheet and model grid labeled cells are available on the Department's website at <http://www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/resources.htm>.
- ☐ ☐ #6 Notarized statement of agreement or a statement on official letterhead signed by an authorized representative from each lien holder or other entity with financial interest in the water right(s) or land affected by the proposed transfer. (See Part 1.5.c.)
- ☒ * #7a Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described on the application. Include legal description labels. If only a portion of the right is proposed to be changed, identify the current location of the part of the existing right(s) proposed to be changed. (See Part 3A.)
- ☐ ☐ #7b If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use.
- ☐ ☐ #8a If the transfer application proposes to change the nature of use or period of use for one or more rights, provide documentation describing the extent of historic beneficial use for the water rights proposed to be transferred and document how enlargement will be avoided. (See Part 3B.)
- ☐ ☐ #8b If the transfer application proposes to change the place of use of a supplemental irrigation right, provide documentation regarding the historic use of the supplemental right(s) and availability or reliability of the primary right(s) being supplemented, both before and after the proposed change. (See Part 3C.)
- ☒ ☐ #9 Other. Please describe: water sharing agreement

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Name of Applicant GW FINANCE CO LLC

Phone (208) 349-5740

Mailing Address 22 N YALE RD, DECLO ID 83323

Email _____

- ☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it Attachment #1.
- ☐ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it Attachment #2a.
- ☐ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it Attachment #2b.
- ☐ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it Attachment #3.

Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

☒ No Representative

Name of Representative Nathan Garner

Phone 208-670-5521

Mailing Address 22 North Yale Rd

Email nate@heglaw creek farms.com

- ☐ Send all correspondence for this application to the representative and not to the applicant.
- OR
- ☐ Send original correspondence to the applicant and copies to the representative.
- ☐ The representative may submit information for the applicant but is not authorized to sign for the applicant.
- OR
- ☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it Attachment #4.

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.

Michael D. Garner

Signature of Applicant or Authorized Representative

Michael D. Garner
Member

Print Name and Title if applicable

03-18-19

Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

A. PURPOSE OF TRANSFER

1.	Right	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

Associated Right(s): 43-2511 , 43-4146 , 43-13175 , 43-13177 , 43-13179 , 43-13641 , 43-13643

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

**APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued**

2. Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.2**

The transfer will dry up mini-pivots on one farm and move that water to another farm.

B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT TO A SEPARATE SYSTEM, DESCRIBE PORTIONS TO BE CHANGED TO A SEPARATE SYSTEM AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.

1. Detailed Water Right Description(s) Attached labeled Part 1.

Summary of Water Rights After the Approved Change

Transferred Right (All or Part)	Transfer Rate	Transfer Volume	Acre Limit	Total Acres	Original Right (Remaining Portion)	Remaining Rate	Remaining Volume	Remaining Acre Limit	Remaining Total Acres
43-13827	0.230 cfs	108.0 af	27.0	895.9	43-2370A	1.100 cfs	520.0 af	N/A	130.0
43-13828	0.050 cfs	26.0 af	27.0	895.9	43-2464A	0.260 cfs	125.3 af	N/A	130.0
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

2. Total amount of water proposed to be transferred or changed 0.54 cubic feet per second and/or _____ acre-feet per annum
3. Points(s) of Diversion:
- ☐ No changes to point(s) of diversion are proposed-the following chart is therefore not completed. (Proceed to #4.)
- ☒ As shown in Part 1.
- ☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA. Label it **Attachment #5.**
4. Place of Use:
- ☐ No changes to place of use are proposed. (Proceed to #5.)
- ☒ As shown in Part 1.
- ☐ See Attachment.

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Unchanged Portion After Requested Changes**

Original Water Right No. 43-2370A

Current Water Right Owner

GW FINANCE CO LLC
22 N YALE RD
DECLO, ID 83323

Priority Date: 11/10/1951

Origin: Water Right

Basis: Decreed

Status Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	03/15	11/15	1.100 CFS	520.0 AFA	
Total Diversion			1.100 CFS	520.0 AFA	

Source and 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

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

POU Total Acres: 130.0

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Split Portion After Requested Changes**

Proposed Water Right No. 43-13827

(Original Water Right No. 43-2370A)

Current Water Right Owner
GW FINANCE CO LLC
22 N YALE RD
DECLO, ID 83323

Priority Date: 11/10/1951

Origin: Water Right

Basis: Decreed

Status Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	03/15	11/15	0.230 CFS	108.0 AFA	
Total Diversion			0.230 CFS	108.0 AFA	

Source and 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

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
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

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Unchanged Portion After Requested Changes**

Original Water Right No. 43-2464A

Current Water Right Owner
GW FINANCE CO LLC
22 N YALE RD
DECLO, ID 83323

Priority Date: 3/10/1958

Origin: Water Right

Basis: Decreed

Status Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	03/15	11/15	0.260 CFS	125.3 AFA	
Total Diversion			0.260 CFS	125.3 AFA	

Source and 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

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

POU Total Acres: 130.0

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Split Portion After Requested Changes**

Proposed Water Right No. 43-13828

(Original Water Right No. 43-2464A)

Current Water Right Owner

GW FINANCE CO LLC
22 N YALE RD
DECLO, ID 83323

Priority Date: 3/10/1958

Origin: Water Right

Basis: Decreed

Status Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	03/15	11/15	0.050 CFS	26.0 AFA	
Total Diversion			0.050 CFS	26.0 AFA	

Source and Point(s) of Diversion:

GROUND WATER
GROUND WATER

SWNWSW
NWNESW

Sec. 3 Twp 11S Rge 27E CASSIA County
Sec. 3 Twp 11S Rge 27E CASSIA County

Place of Use: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
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

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Unchanged Portion After Requested Changes**

Original Water Right No. 43-4081

Current Water Right Owner
GW FINANCE CO LLC
22 N YALE RD
DECLO, ID 83323

Priority Date: 6/11/1960

Origin: Water Right

Basis: Decreed

Status Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	03/15	11/15	1.240 CFS	520.0 AFA	
Total Diversion			1.240 CFS	520.0 AFA	

Source and 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

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

POU Total Acres: 130.0

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Split Portion After Requested Changes**

Proposed Water Right No. 43-13829

(Original Water Right No. 43-4081)

Current Water Right Owner
GW FINANCE CO LLC
22 N YALE RD
DECLO, ID 83323

Priority Date: 6/11/1960

Origin: Water Right

Basis: Decreed

Status Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	03/15	11/15	0.260 CFS	108.0 AFA	
Total Diversion			0.260 CFS	108.0 AFA	

Source and 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

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
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

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

5. General Information:

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future

Deep wells with flow meters in place

- b. Who owns the property at the point(s) of diversion

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

All same ownership

- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?
No, ☒ If Yes, ☒

Attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien: Northwest Farm Credit

It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.

- d. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:

Dried up

- e. Describe the use of any other water right(s) for the same purpose or land, or same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use:

All in the same place of use

- f. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

Yes No

☐
☐
☐
☐

☒
☒
☒
☒

undergone a period of five or more consecutive years of non-use,
currently leased to the Water Supply Bank,
currently used in a mitigation plan limiting the use of water under the right, or
currently enrolled in a Federal set-aside program limiting the use of water under the rights?

If yes, describe:

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No. 43-2370A

Current Water Right Owner
GW FINANCE CO LLC
22 N YALE RD
DECLO, ID 83323

Priority Date: 11/10/1951

Origin: Water Right

Basis: Decreed

Status: Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	03/15	11/15	1.330 CFS	628.0 AFA	
Total Diversion			1.330 CFS	628.0 AFA	

Source and Point(s) of Diversion:

GROUND WATER	NESESE	Sec. 36 Twp 10S Rge 26E	CASSIA County
GROUND WATER	SESWSW	Sec. 36 Twp 10S Rge 26E	CASSIA County

Describe the proposed diversion system

New well to replace old well

Place of Use: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10S	26E	36											40.0	40.0			37.0	40.0	157.0

POU Total Acres: 157.0

Conditions/Remarks:

1. Rights 43-2370A, 43-2464A, and 43-4081 when combined shall not exceed a total annual maximum diversion volume of 628.0 af and the irrigation of 157 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 Section 42-235, Idaho Code 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.
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.

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No. 43-2464A

Current Water Right Owner
GW FINANCE CO LLC
22 N YALE RD
DECLO, ID 83323

Priority Date: 3/10/1958

Origin: Water Right

Basis: Decreed

Status: Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	03/15	11/15	0.310 CFS	151.3 AFA	
Total Diversion			0.310 CFS	151.3 AFA	

Source and Point(s) of Diversion:

GROUND WATER	NESESE	Sec. 36 Twp 10S Rge 26E	CASSIA County
GROUND WATER	SESWE	Sec. 36 Twp 10S Rge 26E	CASSIA County

Describe the proposed diversion system

New well to replace old well

Place of Use: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10S	26E	36											40.0	40.0			37.0	40.0	157.0

POU Total Acres: 157.0

Conditions/Remarks:

1. Rights 43-2370A, 43-2464A, and 43-4081 when combined shall not exceed a total annual maximum diversion volume of 628.0 af and the irrigation of 157 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 Section 42-235, Idaho Code 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.
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.

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No. 43-4081

Current Water Right Owner

GW FINANCE CO LLC
22 N YALE RD
DECLO, ID 83323

Priority Date: 6/11/1960

Origin: Water Right

Basis: Decreed

Status: Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	03/15	11/15	1.500 CFS	628.0 AFA	
Total Diversion			1.500 CFS	628.0 AFA	

Source and Point(s) of Diversion:

GROUND WATER

NESESE

Sec. 36 Twp 10S Rge 26E CASSIA County

GROUND WATER

SESWSSE

Sec. 36 Twp 10S Rge 26E CASSIA County

Describe the proposed diversion system

New well to replace old well

Place of Use: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10S	28E	36											40.0	40.0			37.0	40.0	157.0

POU Total Acres: 157.0

Conditions/Remarks:

1. Rights 43-2370A, 43-2464A, and 43-4081 when combined shall not exceed a total annual maximum diversion volume of 628.0 af and the irrigation of 157 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 Section 42-235, Idaho Code 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.
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.

APPLICATION FOR TRANSFER OF WATER RIGHT PART 2B

☒ Complete and attach one copy of **Part 2B** for each right for which only a portion is proposed to be changed.

[illegible][illegible]

Transfer No. 83002

APPLICATION FOR TRANSFER OF WATER RIGHT PART 2B

☒ Complete and attach one copy of **Part 2B** for each right for which only a portion is proposed to be changed.

[illegible][illegible]

Total Acres (for irrigation use)	27.0
----------------------------------	------

**APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2B**

☒ Complete and attach one copy of **Part 2B** for each right for which only a portion is proposed to be changed.

[illegible]

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10S	26E	36											5.0	10.0			7.0	5.0	27.0

Transfer No. 83002

APPLICATION FOR TRANSFER OF WATER RIGHT PART 3

☒ Attach a map of the diversion, measurement, control, and distribution system. Label it **Attachment #7a**.
If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. Label it **Attachment #7b**. If the place of use currently consists of a permissible place of use, then the attachment is not required if the application contains a clear statement that the boundaries for the place of use are not proposed to be changed by the transfer and the total number of irrigated acres within the place of use before and after the transfer is clearly stated.

☐ If you propose to change the nature of use or period of use of all or part of the rights(s) listed in this application, attach documentation describing the extent of historic beneficial use of the portion of the right(s) proposed to be changed. Also attach documentation showing that the portion of the right(s) to be changed will not be enlarged in rate, volume, or consumptive use through the proposed change. Label it **Attachment #8a**.

☐ If you propose to change the place of use of a supplemental irrigation right, answer below and attach supporting documentation.
Label it **Attachment #8b**

1. Describe how the supplemental water rights have been used historically in conjunction with other water rights at the existing place of use. Describe the time during the irrigation season that the supplemental rights have been used. Include information about the availability or reliability of the primary right(s) being supplemented, both before and after the change. If the applicant is proposing to change a supplemental irrigation right to a primary right, provide the information required on Part 3B above.:

Transfer Contains 17 pages and 73 attachments.
Received By J Bittenburg Date 3/19/19 Prelim. Check By _____ Date _____
Fee Paid \$500.00 Date 3/19/19 Received By A Mavys Receipt # 5037219
Add'l Fee Paid _____ Date _____ Received By _____ Receipt # _____



0003454151



STATE OF IDAHO
Office of the secretary of state, Lawrence Denney
ANNUAL REPORT
Idaho Secretary of State
PO Box 83720
Boise, ID 83720-0080
(208) 334-2301
Filing Fee: \$0.00

For Office Use Only

-FILED-

File #: 0003454151

Date Filed: 3/15/2019 7:33:46 AM

B0202-4150 03/15/2019 7:33 AM Received by ID Secretary of State Lawrence Denney

Entity Name and Mailing Address: GW FINANCE COMPANY, LLC The file number of this entity on the records of the Idaho Secretary of State is: 0000069163 Address 22 N YALE RD DECLO, ID 83323-6012	
Entity Details: Entity Status Active-Existing This entity is organized under the laws of: IDAHO If applicable, the old file number of this entity on the records of the Idaho Secretary of State was: W18463	
The registered agent on record is: Registered Agent MICHAEL D GARNER Registered Agent Physical Address 22 N YALE RD DECLO, ID 83323 Mailing Address	
The name and street address of the new registered agent and office in Idaho is: Registered Agent Todd Jensen Registered Agent Physical Address 289 CENTENNIAL DRIVE HEYBURN, ID 83336 Mailing Address 289 CENTENNIAL DRIVE TODD JENSEN HEYBURN, ID 83336	
Signature of newly appointed agent: <u>Todd Jensen</u> Sign Here 03/15/2019 Date	



Limited Liability Company Managers and Members

Name	Title	Address
MICHAEL D GARNER	Member	113 S. 2550 E. DECLO, ID 83323
SCOTT C WEBB	Member	49 N YALE ROAD DECLO, ID 83323
TODD B WEBB	Member	111 S. YALE ROAD DECLO, ID 83323
MARK A WEBB	Member	73 N. YALE ROAD DECLO, ID 83323
JOSH WEBB	Member	2933 E YALE RD AMERICAN FALLS, ID 83211
ERIC WEBB	Member	320 N YALE RD AMERICAN FALLS, ID 83211

The annual report must be signed by an authorized signer of the entity.

Todd Jensen

Sign Here

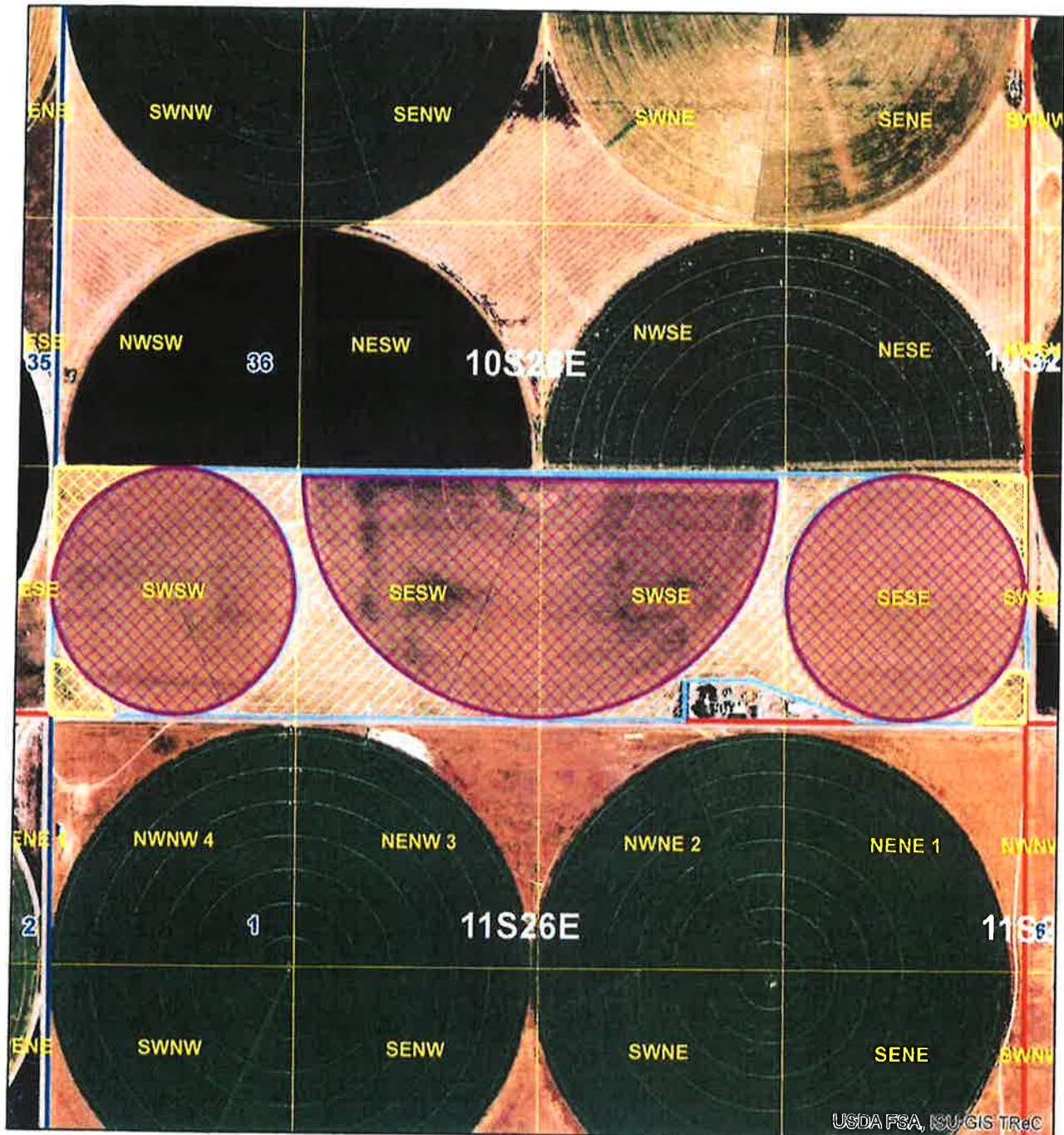
03/15/2019

Date

Signer's Title: CFO

B0202-4151 03/15/2019 7:33 AM Received by ID Secretary of State Lawrence Denney

GW Finance, LLC - acres drying up for transfers



Legend

0 0.075 0.15 0.3 Miles



Township/Range



Sections

QQ



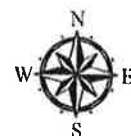
27.0 acre dry-up for transfer #83002 (#1)



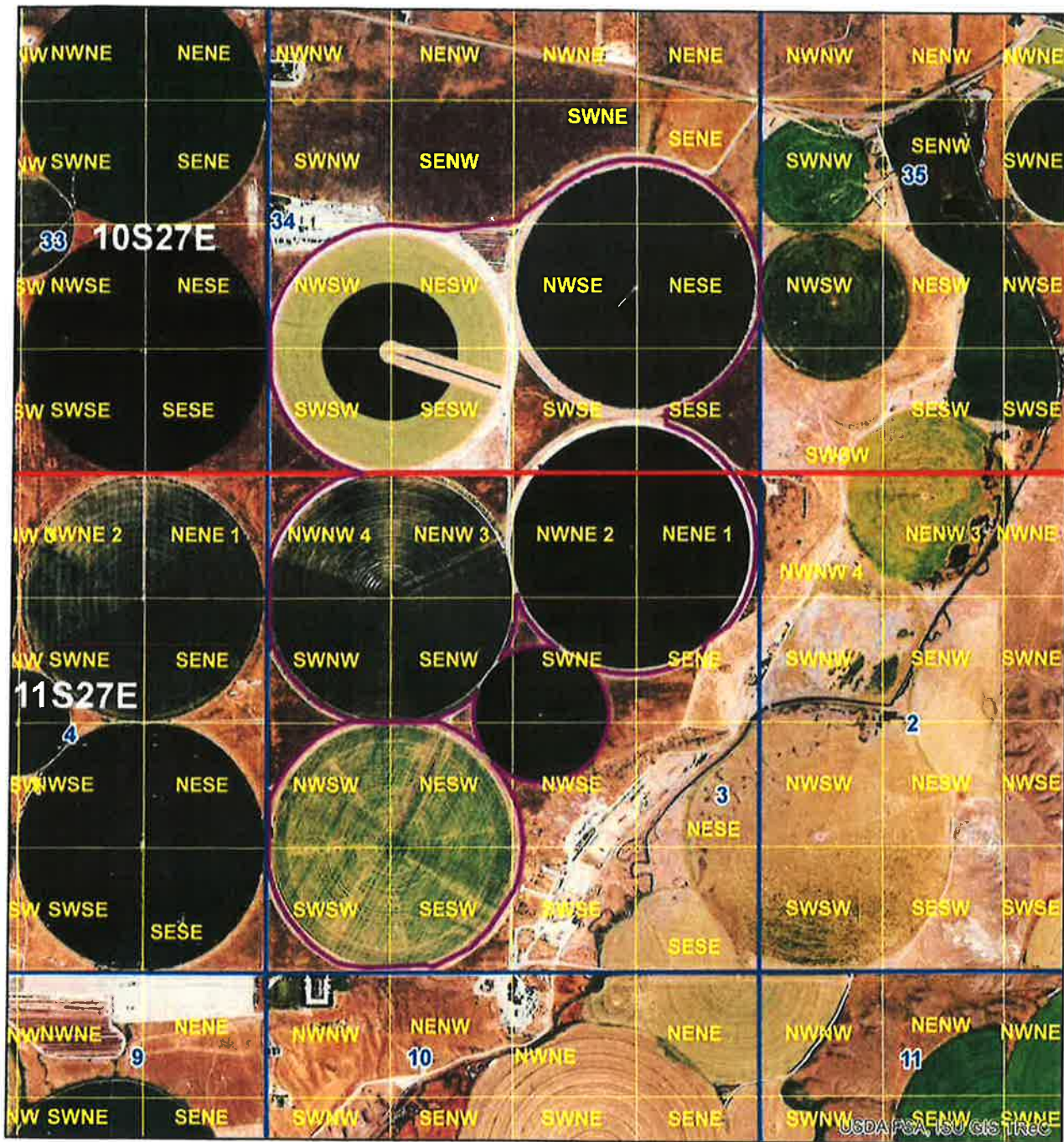
5.0 acre dry-up for transfer #83005, (#2)



125.0 acres remaining after transfers - rights 43-2370A, 43-2464A, and 43-4081



C / Finance transfer #83C



Legend

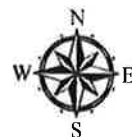
Township/Range

Sections

QQ

Irrigated acres - 2019

0 0.175 0.35 0.7 Miles



transfer 83002

WATER SHARING AGREEMENT

Garner Land, LLC agrees to allow GW Finance, LLC, owner of water rights No. 43-13827, 43-13828, and 43-13829 (splits of rights 43-2370A, 43-2464A, and 43-4081), to use these water rights on their property in Section 34, T10S, R27E and Section 3, T11S, R27E in Cassia County, Idaho; more specifically described as the proposed place of use in Idaho Department of Water Resources transfer #83002.

GW Finance, LLC agrees to use the above stated water rights on the proposed place of use described in transfer #83002 in Cassia County, Idaho. This property is owned by Garner Land, LLC. The parties to this agreement acknowledge that the above stated water rights will remain the property of GW Finance, LLC.

This agreement is entered into on March 19, 2019.

GW Finance, LLC

Michael D Garner

Garner Land, LLC

Michael D Garner



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

March 28, 2019

GW FINANCE CO LLC
22 N YALE RD
DECLO, ID 83323

RE: Transfer No. 83002
Water Right No(s). 43-2370A, 43-2464A, 43-4081

RE: Transfer No. 83005
Water Right No(s). 43-2370A, 43-2464A, 43-4081

Dear Applicant(s):

The Department of Water Resources has received your water right transfer applications. Please refer to the transfer numbers referenced above in all future correspondence regarding these transfers.

A legal notice of the applications has been prepared and is scheduled for publication in the TIMES NEWS on 4/4/2019 and 4/11/2019. Protests to these applications may be submitted for a period ending ten (10) days after the second publication. Any protest against these applications must be filed with the Department of Water Resources, together with a protest fee of \$25.00 for each application, on or before **April 22, 2019**.

If the applications are protested, you will be sent a copy of each protest. All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the applications are not protested, the Department will process your applications and notify you of any action taken on the applications. If your applications are approved, the Department will send you a copy of the approval documents.

Please contact this office if you have any questions regarding the applications.

Sincerely,

Allison Inouye
Water Resource Agent



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

BRAD LITTLE
Governor

GARY SPACKMAN
Director

March 28, 2019

WATER DISTRICT #143 *via hand delivery*
NATHAN ERICKSON
650 ADDISON AVE W, STE 500
TWIN FALLS, ID 83301

RE: Transfer No. 83002
Water Right No(s). 43-2370A, 43-2464A, 43-4081

RE: Transfer No. 83005
Water Right No(s). 43-2370A, 43-2464A, 43-4081

Dear Nathan:

Copies of the above referenced applications are enclosed. Please review the applications, then complete the enclosed recommendation forms as necessary, and return it to this office within 21 days of the date of this letter.

If the applications are approved, IDWR will include appropriate standard conditions of approval for a water right located within a water district, such as regulation by the water master, lockable controlling works, and/or measuring devices. Any special conditions or other concerns you have related to this application should be specifically addressed in your recommendation.

IDWR's regional offices can finish reviewing an unprotested application as soon as the protest period has past. Your prompt response to this request will ensure that your recommendation can be considered. If IDWR has not received your written recommendation within 21 days from the date of this letter, IDWR will presume that you do not oppose approval of the applications and that you have no comments for IDWR to consider.

Sincerely,

Allison Inouye
Water Resource Agent

Enclosure(s)

Inouye, Allison

From: Inouye, Allison
Sent: Thursday, March 28, 2019 10:02 AM
To: 'TWF Legals'
Subject: LEGAL NOTICE
Attachments: Times News Ad.docx; Times News Cover Letter.docx

Attached please find **(1)** legal notice being submitted for publication on April 4th & 11th, 2019. Please let me know if there are any questions or if you are not able to run the ad on the dates requested.

Thank you,
Allison

Allison Inouye
Water Resource Agent
Southern Regional Office | Idaho Dept. of Water Resources
p (208) 736-3033 | f (208) 736-3037
Allison.Inouye@idwr.idaho.gov



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

March 28, 2019

LEGAL NOTICE DEPARTMENT

TIMES NEWS

PO BOX 548

TWIN FALLS, ID 83303-0548

RE: Transfer No. 83002

Water Right No(s): 43-2370A, 43-2464A, 43-4081

RE: Transfer No. 83005

Water Right No(s): 43-2370A, 43-2464A, 43-4081

RE: Transfer No. 83056

Water Right No(s): 37-11199

Dear Legal Notice Department:

Please publish the enclosed legal notice on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 4/22/2019. Your cooperation is appreciated.

Sincerely,

Allison Inouye
Water Resource Agent

Enclosure(s)

**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/QueryNewTransfers. 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
Published on April 4th & 11th, 2019

Bitzenburg, James

From: Nathan Garner <nate@heglarcreekfarms.com>
Sent: Wednesday, March 27, 2019 8:01 PM
To: Bitzenburg, James
Subject: Re: Transfer application question

It doesn't matter. We don't care to get duplicates of everything. We just weren't sure what to put there. Y

Sincerely,

Nathan Garner
(208)-670-5521
Heglar Creek Farms

On Mar 27, 2019, at 4:08 PM, Bitzenburg, James <James.Bitzenburg@idwr.idaho.gov> wrote:

Nathan-

Allison in the advertising department noticed that you put yourself down as representative on both of the GW Finance transfer applications. Do you want to be listed as the representative in the database? And, do you want to receive a copy of all correspondence? She said that the address was the same as GW Finance, so I wasn't sure if you wanted all of that duplication. Let me know.

Jim

Jim Bitzenburg
Water Resource Agent
Idaho Department of Water Resources
Southern Regional Office
Phone (208)-736-3033
Fax (208)-736-3037
james.bitzenburg@idwr.idaho.gov

Bitzenburg, James

From: Lammers, Travis <travis.lammers@northwestfcs.com>
Sent: Wednesday, March 27, 2019 12:31 PM
To: Bitzenburg, James; Todd Jensen
Subject: Water Right Transfer (GW Finance Company LLC)
Attachments: Water Transfer Letter (Transfer #83002).pdf; Water Transfer Letter (Transfer #83005).pdf

Hello James,

I have attached two different letters for transfer #83002 and #83005, in behalf of GW Finance Company LLC. Let me know if you need anything else. Thanks.



Travis Lammers

Branch Manager – Relationship Manager

1408 Pomerelle Ave, Ste B, Burley, ID 83318

o 208.678.6664 | m 208.650.0255 | f 208.678.6653

northwestfcs.com

CONFIDENTIALITY NOTICE: Unless specifically stated: (i) this email does not create a legal relationship between Northwest FCS, including its subsidiaries and affiliates (collectively “Northwest”) and the recipient; (ii) Northwest disclaims any liability for the content of this email or for the consequences of any actions taken on the basis of the information provided in this email or its attachments; and (iii) Northwest reserves the right to monitor and retain email messages to and from its systems as permitted by law. Email messages may contain defects, may not be accurately replicated for viewing on other systems and may be intercepted, modified, deleted or otherwise interfered with without the knowledge of the sender or the intended recipient. Northwest makes no warranties related to these matters. This email and any attachments are intended solely for the use of the intended recipient(s) and may contain information that is confidential, privileged, proprietary, private or otherwise protected from disclosure. If you are not the intended recipient of this email, please notify the sender and delete it from your system. In communicating via email with Northwest, you consent to the foregoing. This institution is an equal opportunity provider and employer.



1408 Pomerelle Ave, Ste B
Burley, ID 83318-2068
Voice: 208.678.6650 Fax: 208.678.6653

To Whom It May Concern:

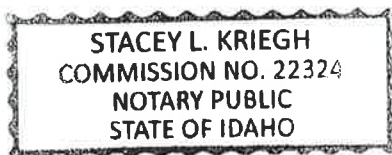
Northwest Farm Credit Services is aware of the water right transfer (Transfer #83002) under the name of GW Finance Company LLC. It is understood by Farm Credit that the water right transfer will change the point of diversion of three water rights under the name of GW Finance Company, LLC. Northwest Farm Credit Services is supportive of the change.

Please feel free to contact me with any further questions. Thanks.

Sincerely,

A handwritten signature in blue ink, appearing to read "Travis R. Lammers", with a long horizontal flourish extending to the right.

Travis R. Lammers
Branch Manager / Relationship Manager
Burley, Id
(208)678-6650
travis.lammers@northwestfcs.com



A handwritten signature in blue ink, appearing to read "Stacey L. Kriegh", written over the notary seal.
Printed Name Stacey L. Kriegh
Notary Public for the State of Idaho
Residing at Paris, ID
My commission expires 06/06/2024

TRANSFER SYNOPSIS

Date: March 20, 2019
To: Transfer 83002, GW Finance, LLC Transfer file
From: Jim Bitzenburg
Re: Summary of transfer

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 will be advertised because it changes PODs in the Raft River Critical Ground Water Area.

The proposed transfer is in Water District 143 and Watermaster comments will be solicited.

The water rights being split are 43-2464A (0.31 cfs, 151.3 AF, 157.0 acres), 43-4081 (1.50 cfs, 628.0 AF, 157.0 acres), and 43-2370A (1.33 cfs, 628.0 AF, 157.0 acres). The water rights being split will not have a change of ownership, but a water sharing agreement between GW Finance, LLC and Garner Land, LLC is included with the transfer to clarify water right ownership.

Associated water rights at the proposed PPU are: 43-2511, 43-4146, 43-13175, 43-13177, 43-13179, 43-13641, and 43-13643.

FEE MEMORANDUM

Date: March 19, 2019
To: GW Finance, LLC Transfer #83002 File
From: Jim Bitzenburg
Re: Receipting/disposition of fees paid

This transfer was filed on March 19, 2019, and involves moving a 27.0 acre, 0.54 cfs portion of three water rights to a new place of use and new points of diversion. The fee for the transfer is based on the flow rate of the portion moving, 0.54 cfs, which is \$500.00. No ownership changes are involved. The fee was paid when the application was filed by GW Finance, LLC, with check #1352, receipt #S037219.