

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 74278

This is to certify that: MATTHEW C And MARIE JEANNE GARDINER
 234 S 100 W
 ST GEORGE UT 84770
 (435)674-6080

have requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Change

<u>Right</u>	<u>Origin/Basis</u>	<u>Priority</u>	<u>Rate</u>	<u>Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
43-408	WR/Decreed	05/01/1906	2.36 cfs	N/A	N/A	118.0	CASSIA CREEK
43-4158	WR/Decreed	03/15/1962	2.36 cfs	472 af	N/A	118.0	GROUND WATER

Associated Water Right Also Included in Transfer Approval (Conditions Updated)

<u>Right</u>	<u>Origin/Basis</u>	<u>Priority</u>	<u>Rate</u>	<u>Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
43-10123	WR/Decreed	03/15/1962	1.4 cfs	240 af	N/A	70.0	GROUND WATER

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
43-408	NO	NO	YES	NO	NO	NO
43-4158	YES	YES	YES	NO	NO	NO

Summary of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (changed portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
N/A	N/A	N/A	N/A	N/A	N/A	43-408	1.36 cfs	N/A	N/A	68.0
43-4158	43-13534	1.00 cfs	200 af	N/A	50.0	43-13533	1.36 cfs	272 af	N/A	68.0
COMBINED										
TOTALS		1.00 cfs	200 af	N/A	50.0		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 5th day of March, 20 08

 Chief, Water Allocation Bureau

SUPPORT DATA

IN FILE # 43-408

WATER RIGHT NO. 43-13533
As Modified by Transfer No. 74278

In accordance with the approval of Transfer No. 74278, Water Right No. 43-13533 is now described as follows.

Right Holder: MATTHEW C And MARIE JEANNE GARDINER
 234 S 100 W
 ST GEORGE UT 84770

Priority Date: March 15, 1962

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15	to 11/15	1.36 CFS	272.0 AF
			1.36 CFS	272.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SWSENE Sec. 23 Twp 13S Rge 26E CASSIA County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13S 26E 23	30.0			30.0													60.0
13S 26E 24							8.0										8.0

Total Acres: 68

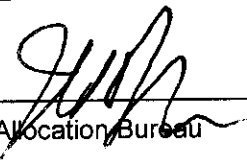
WATER RIGHT NO. 43-13533
As Modified by Transfer No. 74278

CONDITIONS OF APPROVAL

1. Use of the rights listed below is limited to the irrigation of a combined total of 68 acres in a single irrigation season. Combined right nos. 43-408 and 43-13533.
2. When combined the following rights shall provide no more than .02 cfs per acre. Combined right nos. 43-408 and 43-13533.
3. Use of the rights listed below is limited to a total combined diversion rate of 1.40 cfs. Combined right nos: 43-10123 and 43-13533.
4. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

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

Dated this 5th day of March, 20 08



Chief, Water Allocation Bureau

WATER RIGHT NO. 43-13534
As Modified by Transfer No. 74278

In accordance with the approval of Transfer No. 74278, Water Right No. 43-13534 is now described as follows.

Right Holder: MATTHEW C And MARIE JEANNE GARDINER
 234 S 100 W
 ST GEORGE UT 84770

Priority Date: March 15, 1962

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15	to 11/15	1.00 CFS	200.0 AF
			1.00 CFS	200.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NWNWSW Sec. 28 Twp 15S Rge 27E CASSIA County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
15S 27E 28							30.0				20.0						50.0

Total Acres: 50

WATER RIGHT NO. 43-13534
As Modified by Transfer No. 74278

CONDITIONS OF APPROVAL

1. Prior to diversion and use of water under Transfer approval 74278, the right holder shall install and maintain totalizing flow meters that meet IDWR specifications at the dedicated distribution lines to the authorized place of use for right 43-13534 and the authorized place of use for rights 43-2287 and 43-10477.
2. After specific notification by the Department, the right holder shall record the quantity of water diverted or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
3. The following rights are diverted through point(s) of diversion described above: 43-2287 and 43-10477
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.
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.

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

Dated this 5th day of March, 2008



Chief, Water Allocation Bureau

WATER RIGHT NO. 43-408
As Modified by Transfer No. 74278

In accordance with the approval of Transfer No. 74278, Water Right No. 43-408 is now described as follows.

Right Holder: MATTHEW C And MARIE JEANNE GARDINER
 234 S 100 W
 ST GEORGE UT 84770

Priority Date: May 01, 1906

Source: CASSIA CREEK

Tributary: RAFT RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	03/15	11/15	1.36 CFS
			1.36 CFS

LOCATION OF POINT(S) OF DIVERSION:

CASSIA CREEK SESENW Sec. 23 Twp 13S Rge 26E CASSIA County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13S 26E 23	30.0			30.0													60.0
13S 26E 24					8.0												8.0

Total Acres: 68

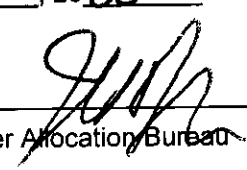
WATER RIGHT NO. 43-408
As Modified by Transfer No. 74278

CONDITIONS OF APPROVAL

1. The approval of this transfer redefines all of the elements of this water right, and the new use of water authorized by this approval shall constitute the full extent of the right.
2. Rights 43-408 and 43-13533 when combined shall not exceed the irrigation of 68 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. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 43C.
5. 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).
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.

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

Dated this 5th day of March, 2008



Chief, Water Allocation Bureau

WATER RIGHT NO. 43-10123
As Modified by Transfer No. 74278

In accordance with the approval of Transfer No. 74278, Water Right No. 43-10123 is now described as follows.

Right Holder: GOLDEN F GARDINER
 1750 S HWY 81
 MALTA ID 83342

Priority Date: March 15, 1962

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15	11/15	1.40 CFS	240.0 AF
			1.40 CFS	240.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SWSENE Sec. 23 Twp 13S Rge 26E CASSIA County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13S 26E 24									35.0	35.0							70.0

Total Acres: 70

WATER RIGHT NO. 43-10123
As Modified by Transfer No. 74278

CONDITIONS OF APPROVAL

1. When combined the following rights shall provide no more than .02 cfs per acre. Combined right nos. 43-301, 43-4232, and 43-10123.
2. When combined the following rights shall provide no more than .02 cfs per acre. Combined right nos. 43-2573, 43-4240, and 43-10123.
3. Use of the rights listed below is limited to the irrigation of a combined total of 330 acres in a single irrigation season. Combined right nos. 43-2573, 43-4240, and 43-10123.
4. Use of the rights listed below is limited to the irrigation of a combined total of 103 acres in a single irrigation season. Combined right nos. 43-301, 43-4232, and 43-10123.
5. Use of the rights listed below is limited to a total combined diversion rate of 1.40 cfs. Combined right nos: 43-10123 and 43-13533.
6. This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), IDAHO CODE.

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

Dated this 5th day of March, 20 08



Chief, Water Allocation Bureau