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Documents
In File

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

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

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

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

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

SOURCE

GROUNDWATER

LOCATION OF POINT(S) OF DIVERSION:

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

PLACE OF USE: IRRIGATION

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

JUN 29 1934

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

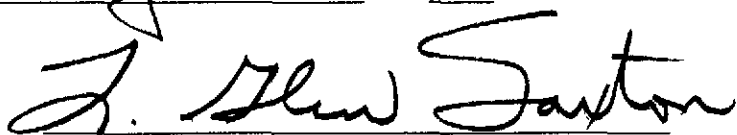
CONDITIONS/REMARKS:

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this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.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

Dated this 27th day of

May

, 1994.



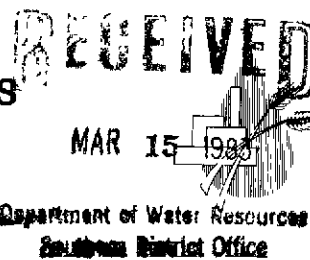
Chief, Water Alloc. Bureau

Should questions arise during the processing of this application please contact:

SHERL L. CHAPMAN
410 S. Orchard, Suite 144
Boise, ID 83705
344-6690

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CLAIM TO A WATER RIGHT



Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that Del Garner (Name of Claimant)

Star Route, Declo, Idaho 83323 (Mailing Address) Telephone No. 349-5574 (Zip Code)

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

(1) Date of priority: (When was the water first applied to a beneficial use) March 1, 1961

A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source

(2) Describe the source of water (Name of stream, lake, spring, etc., or ground water)
Ground Water tributary to ----

(3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed.

(cfs, af)		(Domestic, Irrigation, Stock, Etc.)		(Both dates inclusive)	
				(Mo., Day)	(Mo., Day)
Quantity	<u>2.87 cfs</u>	Use	<u>Irrigation</u>	Period of Use From	<u>3-15</u> To <u>11-1</u>
Quantity		Use		Period of Use From	To
Quantity		Use		Period of Use From	To
Quantity		Use		Period of Use From	To
Quantity		Use		Period of Use From	To

(4) 2.87 cfs (cfs, af) TOTAL QUANTITY USED.

(5) A) Point of diversion. (Location of point where water is diverted from its source)
SW 1/4 SW 1/4, Sec 3 Twp. 11S Rge. 27E B M, County of Cassia
Additional points of diversion. NE/4 SW/4, Sec. 3, T11S, R27E

B) Describe means of diversion of water (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.) Give sizes and capacities be as specific as possible. Describe any changes in the system and give the date of the change.
Drilled wells, vertical turbine pumps, open ditch system converted to sprinkler system.

(6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location

T	R	SEC	NE1/4				NW1/4				SW1/4				SE1/4				TOTAL
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
10S	27E	34													28.53	5.24	40	40	143.7

No. of acres 143.7

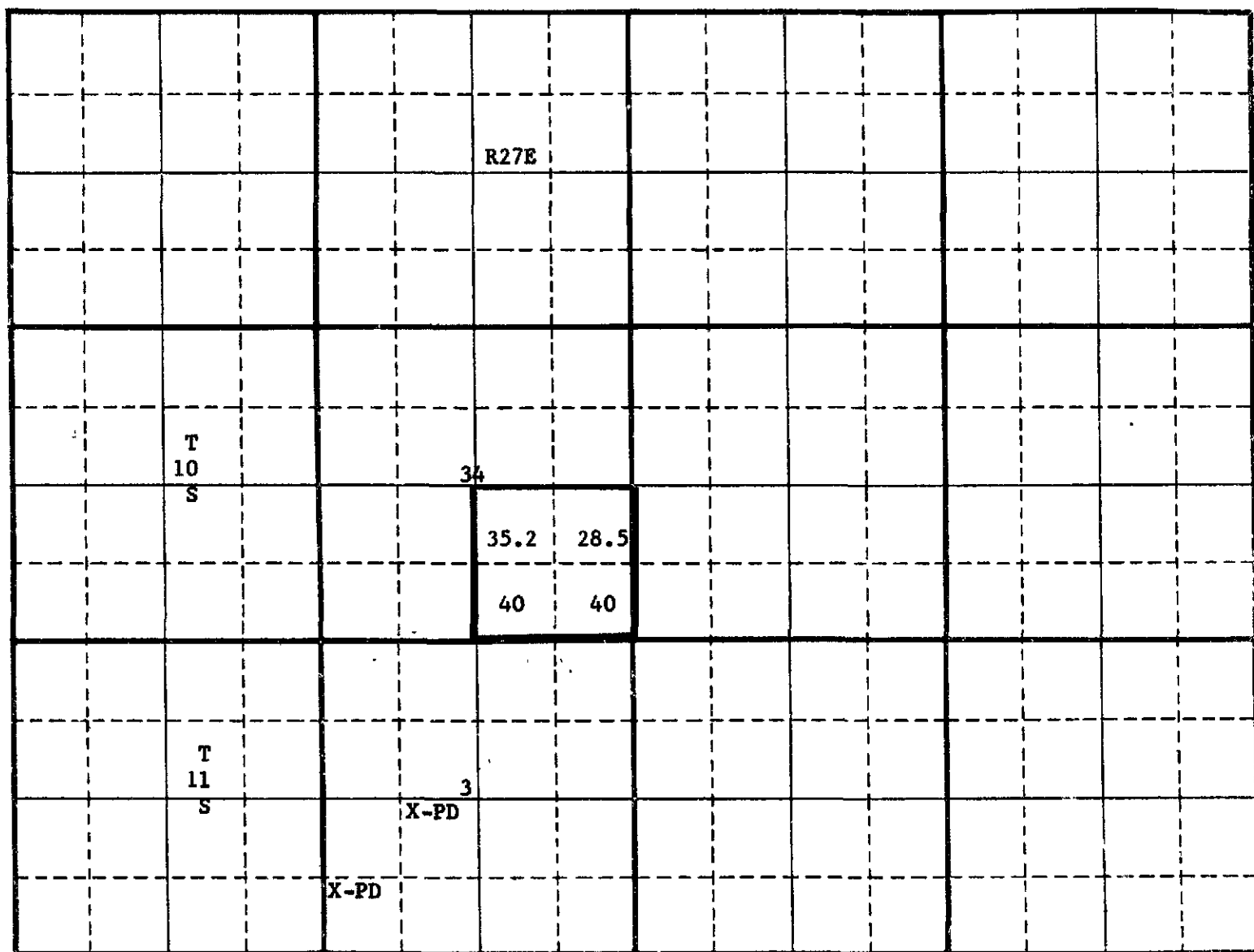
B) If water is used for other than irrigation, fully describe that use, being as specific as possible. N/A

NOTE Include here the type and number of stock watered. N/A

If you are claiming water as a member of an organization, list name of organization. N/A

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



Scale 2 inches equal 1 mile.

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

State of Idaho)
County of Cassia) ss.

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

Del B Garner
(Claimant)

Sworn to before me this 5th day of March, 19 83.

Notary Public
Residing at Boyer Bozell

My commission expires Life Term

FOR DEPARTMENT USE ONLY

Received by me Date 3/5/83 Exception filed by _____ Date _____
Printed check by T. C. Blau Date _____
Fee received by _____ Date 3/5 # 26084
Published in South Idaho Press
Dated 4/14 & 4/21/83

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SOUTH IDAHO PRESS
BURLEY, IDAHO

AFFIDAVIT OF PUBLICATION

County of Cassia,)

STATE OF IDAHO) ss.

Mary Summers being first

duly sworn, deposes and says that she is the

Clerk of the South Idaho Press, a daily newspaper published at Burley, Idaho, in the county aforesaid and that the paper is of general circulation therein. Deponent further states that the printed notice attached hereto was duly published according to law in the regular editions of

The South Idaho Press for Two consecutive weeks, commencing with the issue

dated April 14th, 1983, and ending

with the issue dated April 21st, 1983

Subscribed and sworn to before me

this 21st day of April

1983

Notary Public

Cost of Publication \$72.15

Notary Fee

Total Cost \$72.15

Legal Notices

82-89

NOTICE OF CLAIMS TO WATER RIGHTS

Notice is hereby given that the following claim(s) to water right(s) have been established by diversion and application to beneficial use:

43-4142

ANDERSON, DEWAYNE R. &/or VERDA
BOX 473, ELBA, ID 83326
Source: SPRINGS trib to CASSIA CREEK
Priority Date: 06/01/1973
Diversion Pt: SESE NESE Sec 29 T 13S R 25E
Use: IRRIGATION (0.60 CFS) STOCKWATER (0.02 CFS)
In: NESE SESE Sec 29 T 13S R 25E FOR 30 ACRES

43-4143

DURFEE, LYLE N.
MALTA, ID 83342
Source: SPRINGS trib to CASSIA CREEK
Priority Date: 04/01/1981
Diversion Pt: NWSE Sec 22 T 13S R 25E
Use: IRRIGATION (0.30 CFS)
In: NWSE Sec 22 T 13S R 25E FOR 27 ACRES

43-4144

DURFEE, LYLE N.
MALTA, ID 83342
Source: GROUNDWATER
Priority Date: 01/01/1962
Diversion Pt: SENE Sec 21 T 13S R 25E
Use: STOCKWATER (0.02 CFS) HEATING (0.04 CFS)
In: SENE Sec 21 T 13S R 25E

43-4148

DURFEE, LYLE N.
MALTA, ID 83342
Source: WASTE WATER trib to CASSIA CREEK
Priority Date: 07/31/1968
Diversion Pt: NESW Sec 22 T 13S R 25E
Use: IRRIGATION (1.70 CFS)
In: SWNE NESE NWSE Sec 22 T 13S R 25E FOR 85 ACRES

43-4146

GARNER, DEL
STAR RT., DECLO, ID 83323
Source: GROUNDWATER
Priority Date: 03/01/1961
Diversion Pt: SWSW NESW Sec 03 T 11S R 27E
Use: IRRIGATION (2.87 CFS)
In: NESE NWSE SWSE SESE 34 T 10S R 27E FOR 143.7 ACRES

43-4147

GARNER, DEL
STAR RT., DECLO, ID 83323
Source: GROUNDWATER
Priority Date: 01/20/1961
Diversion Pt: NWNW Sec 34 T 10S R 27E
Use: DOMESTIC (0.06 CFS) STOCKWATER (0.02 CFS)
In: NWNW Sec 34 T 10S R 27E

43-4148

SUNSET RANCH INC.
BOX 1267, BURLEY, ID 83318
Source: GROUNDWATER
Priority Date: 03/15/1934
Diversion Pt: SWNE SENE Sec 25 T 12S R 26E SWNW Sec 30 T 12S R 27E
Use: IRRIGATION (1.48 CFS)
In: NWSE SE SE Sec 24 T 12S R 26E SENE Sec 25 T 12S R 26E SWSW SESW Sec 19 T 12S R 27E NENW SENW Sec 30 T 12S R 27E FOR 74 ACRES

43-4167

SIMPLOT INDUSTRIES, INC.
P.O. BOX 27, BOISE, ID 83701
Source: GROUNDWATER

Priority Date: 01/01/1947

Diversion Pt: NWSW Sec 20 T 10S R 23E

Use: INDUSTRIAL (1.60 CFS)

In: NWSW Sec 20 T 10S R 22E

43-4168

MATTHEWS BROS., INC

RT. 1, OAKLEY, ID 83346

Source: GROUNDWATER

Priority Date: 03/15/1955

Diversion Pt: NWSW Sec 15 T 13S R 22E

Use: IRRIGATION (3.18 CFS)

In: NWNE SWNE SWSW SESW NWSE Sec 15 T 13S R 22E FOR 195 ACRES

43-4169

WELCH, GEORGE C.

842 E. 42ND ST., RT. 2, BURLEY, ID 83318

Source: GROUNDWATER

Priority Date: 06/01/1960

Diversion Pt: LOT 01 (NENE) Sec 05 T 11S R 23E

Use: IRRIGATION (0.04 CFS) DOMESTIC (0.04 CFS)

In: LOT 01 (NENE) Sec 05 T 11S R 23E FOR 1.5 ACRES

43-4170

WELCH, GEORGE C.

842 E. 42ND ST., RT. 2, BURLEY, ID 83318

Source: GROUNDWATER

Priority Date: 06/01/1960

Diversion Pt: LOT 01 (NENE) Sec 05 T 11S R 23E

Use: IRRIGATION (0.10 CFS) STOCKWATER (0.02 CFS) DOMESTIC (0.04 CFS)

In: LOT 01 (NENE) Sec 05 T 11S R 23E FOR 3.5 ACRES

Any exception to any claim of water rights may be filed with the Director of the Idaho Department of Water Resources, 1041 Blue Lakes Bld North, Twin Falls, Idaho 83301.

A. KENNETH DUNN

Director

Published in the South Idaho Press on April 4 and 21, 1983.

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**THIS
RIGHT HAS BEEN
DECREED IN THE
SRBA**

MEMORANDUM

TO: FILE 43-4146
FROM: PAM SKAGGS ^{CK}
RE: TRANSFER # 4212
DATE: 11-9-43

=====

Original Transfer Application, Form and correspondence regarding the above referenced Transfer is located within file # 43-2511.

JUN 29 1953

MEMORANDUM

TO: FILES 43-02511 & 43-04146

FROM: PAM SKAGGS^{CS}/STATE OFFICE

SUBJECT: TRANSFER NO. 4212

DATE: May 26, 1994

=====

Transfer No. 4212 was filed to change the place of use to reflect the single combined system from two wells as used with a new pivot system, and change one point of diversion to correct the legal description of an existing well.

The transfer includes Right No. 43-02511 as licensed for 480 acres and 6.39 cfs, the capacity of the system, and Right No. 43-04146 that was filed to claim an additional 143.7 acres under the same system.

Proof of ownership was provided and no other water rights overlap this system. Total rate of diversion is limited to the system capacity of 6.39 cfs and a total combined volume of 2,494.8 afa for 623.7 acres.

Recommended conditions include permissible place of use limits for each right, multiple points of diversion, measuring devices, irrigation overlap, non-confirmation of the statutory claim and standard transfer conditions.

JUN 29 1994

WR0749NP
No. T43-04146

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 05/26/94
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD		DIVERSION RATE	DIVERSION VOLUME
				FROM	TO		
C	DEL B GARNER STAR RT BOX 61 DECLO ID 83323 (208) 349-5574	03/01/1961	IRRIGATION	04-01	10-31	2.87 CFS	574.80 AFA
TOTAL DIVERSION:						2.87 CFS	574.80 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: STATUTORY CLAIM

Point(s) of Diversion Capacity: 6.39 CFS

Point(s) of Diversion: T11S R27E S03 NESW NWSW CASSIA County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE																				
				NENE		NWNE		SWNE		SENE		NENW		NWNW		SWNW		SENW		NESW		NWSW		SWSW		SESW		NESE		NWSE		SWSE		SESE		
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM	
10S	27E	34	:									:									:															
10S	27E	34	:					16	16			:									:	17	17		25	25		38	39		22	25			240.0	
11S	27E	2	:									:			04-01						:														1.0	
11S	27E	3	:	01-39	02-36			12	14			:	03-37	04-36		33	34				:	37	36		33	35								382.7		
																												TOTAL ACRES				623.7				

Pou County: CASSIA

Other Water Rights with Same Point(s) of Diversion and Source:
43-02511 43-04146 T43-02511

Other Water Rights Listing Overlapping Place(s) of use:
43-00427B 43-02321 43-02511 43-02574B 43-02576B 43-04012 43-04013B 43-04015 43-04146 T43-02511

Conditions of Approval:

- R31 - This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.0 afa per acre for the lands above.
- T01 - Approval of this transfer in no way confirms the right(s) claimed.
- T07 - The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
- T08 - Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.
- T09 - Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
- T17 - Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.

Remarks: The total instantaneous diversion of water from all points of diversion under Transfer No. 4212 shall not exceed 6.39 cfs.
Right No. 43-04146 is limited to the irrigation of 143.7 acres in

WR0749NP
No. T43-04146

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 05/26/94
PAGE: 2

Remarks: the place of use described above in a single irrigation season.

Dates: App. Received: 01/18/1994 Priority Date: 03/01/1961
Proof Due Date: Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date:

Misc: Water District Number: Field Exam Fee:

Comments: Date: 10/29/1993 User-ID: BALDWIN Subject: T# 4212
T# 4212 filed on 7/13/1993.
T# 4212 proposes to change point of diversion, place of use, and
create a permissible place of use.
Water rights in this transfer are 43-02511 & A43-04146.

Date: 01/26/1994 User-ID: BALDWIN Subject: AMENDED APP. FOR TRANSFER
T#4212 was AMENDED on 1/18/94 to change place of use and create a
permissible place of use.

Date: 05/26/1994 User-ID: SKAGGS Subject: COPIED FROM REMARKS
AC. IRR = 143.7_(FROM ORIGINAL CLAIM)

Audit: 09/08/93 SKAGGS 10/29/93 BALDWIN 01/26/94 BALDWIN 05/26/94 SKAGGS
05/26/94 SKAGGS

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Southern Region

1941 Blue Lakes Blvd. N.
Twin Falls, Idaho 83301
(208) 734-1579

MAY 6, 1987

DEL GARNER
STAR PT.
DEELO

ID 87127

RE: Claim No. 43-4146

Dear Claimant:

The Department of Water Resources has completed the advertising of your claim to a water right, and no further action is authorized under Section 42-247 and 42-244, IDAHO CODE. Your claim will be retained in our files and will be available at any time for use by you or the court.

The filing and advertising of the claim does not confirm the water right claimed but will serve to record and preserve the information and the evidence which you included in your claim.

If, at a later date, you find that you have additional information or supporting evidence that you would like to have included with the claim, you may have that information or evidence added at any time. Please refer to the claim identification number when corresponding with this office.

We are enclosing a copy of your claim for your records. If you have questions or if this office may be of further assistance, please feel free to contact us.

Yours truly,



ALLEN D. MERRITT
Senior Water Resource Analyst

Enclosure

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NOTICE OF CLAIMS TO WATER RIGHT

Notice is hereby given that the following claim(s) to water right(s) have been established by diversion and application to beneficial use:

43-4146

GARNER, DEL

STAR RT., DECLD. ID 83323

Source: GROUNDWATER

Priority Date: 03/01/1961

Diversion Pt: SWSW NESW Sec 03 T 11S R 27E

Use: IRRIGATION (2.87 CFS)

In: NESE NWSE SWSE SESE Sec 34 T 10S R 27E FOR ~~144 ACRES~~ 143.7 ACRES

Any exception to any claim of water right may be filed with the Director of the Idaho Department of Water Resources, 1041 Blue Lakes Blvd. North, Twin Falls, Idaho 83301.

A. KENNETH DUNN

Director

Published 4/14 & 4/21/83.

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Southern Region

1041 Blue Lakes Blvd N.
Twin Falls, Idaho 83301
(208) 734-3578

APRIL 6, 1983

South Idaho Press
P.O. Box 190
Burley, Idaho 83318

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. We have allowed ample time for you to submit a galley proof to this office for review before the first publication date. 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. Your cooperation is appreciated.

Please send the affidavit of publication and publication billings to this office before MAY 2, 1983.

Yours truly,

Mary A. Newby
Secretary

Encl.

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State of Idaho
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: T.G. Blau

Right Number 43-4146 Applicant GARNER, Del

NOTE: IF ANY OF THE ITEMS BELOW ARE MISSING, THE CLAIM IS INCOMPLETE AND MUST BE RETURNED IMMEDIATELY TO THE CLAIMANT ALONG WITH THE APPROPRIATE COVER LETTER.

CHECK:

- ☒ Name and address.
- ☒ Date of priority. (Check for a date past the mandatory filing dates.) (One date only.)
- ☒ Source.
- ☒ Quantity, use, period.
- ☒ Point(s) of diversion.
- ☒ Location of use.
- ☒ Signature/notarization/fee.

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received.
- ☒ Claim published correctly.
- ☒ Exceptions processed.

By ADM Date 5/2/83

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By RC Date 5/19/83

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RECEIVED
MAY 19 1983
Department of Water Resources