

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 87701

This is to certify that: GARDNER FARMS
578 N 100 W
BLACKFOOT, ID 83221-5714

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

<u>Water Right</u>	<u>Origin/Basis</u>	<u>Priority Date</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
35-14407	WR/DECREED	6/4/1954	2.270 cfs	N/A	114.3	149.7	GROUND WATER
35-14408	WR/DECREED	3/5/1982	0.740 cfs	N/A	35.4	149.7	GROUND WATER
35-2765	WR/DECREED	3/9/1965	0.950 cfs	224.0 af	N/A	56.0	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>
35-14407	YES	YES	YES	NO	NO	NO
35-14408	YES	YES	YES	NO	NO	NO
35-2765	NO	NO	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>
35-14407	35-14825	0.200 cfs	39.6 af	9.9	320.0	35-14407	2.070 cfs	N/A	104.4	136.7
35-14408	35-14826	0.060 cfs	12.4 af	3.1	320.0	35-14408	0.680 cfs	129.6 af	32.3	136.7
35-2765	35-2765	0.950 cfs	224.0 af	56.0	320.0	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		1.150 cfs	276.0 af	69.0	320.0		N/A	N/A	N/A	N/A

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 27th day of March, 2024.



Regional Manager

SUPPORT DATA

Transfer No. 87701

IN FILE # 35-2765

WATER RIGHT NO. 35-14407
As Modified by Transfer No. 87701

In accordance with the approval of Transfer No. 87701, Water Right No. 35-14407 is now described as follows:

Right Holder: GARDNER FARMS
578 N 100 W
BLACKFOOT, ID 83221-5714

Priority Date: 6/4/1954

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	04/01	to 10/31	2.070 cfs 2.070 cfs

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER SWSENE Sec 31 Twp 01N Rge 36E BINGHAM 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	
01N	36E	31	4.5			6.2									19.5			16.5	46.7
01N	36E	32						12.0	30.0				23.5	7.0					72.5
01S	36E	5		2.0	8.5	7.0													17.5
				L 2															

Right Acre Limit: 104.4

POU Total Acres: 136.7

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 104.4 acres within the authorized place of use in a single irrigation season.
2. Rights 35-14407 and 35-14408 when combined shall not exceed a total diversion rate of 2.12 cfs, a total annual maximum diversion volume of 547 af at the field headgate, and the irrigation of 136.7 acres.
3. Right includes accomplished change in place of use pursuant to Idaho Code § 42-1425.
4. 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. Idaho Code § 42-1412(6).

Transfer No. 87701

WATER RIGHT NO. 35-14825**As Modified by Transfer No. 87701**

In accordance with the approval of Transfer No. 87701, Water Right No. 35-14825 is now described as follows:

Right Holder: GARDNER FARMS
578 N 100 W
BLACKFOOT, ID 83221-5714

Priority Date: 6/4/1954

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	04/01	to 10/31	0.200 cfs	39.6 af
			0.200 cfs	39.6 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER NWSWSW Sec 1 Twp 01S Rge 34E BINGHAM 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	
01S	34E	1									40.0	40.0	40.0	40.0					160.0
01S	34E	2													40.0	40.0	40.0	40.0	160.0

Right Acre Limit: 9.9
POU Total Acres: 320.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 9.9 acres within the authorized place of use in a single irrigation season.
2. Rights 35-14825 and 35-14826 when combined shall not exceed a total diversion rate of 0.20 cfs, a total annual maximum diversion volume of 52 af at the field headgate, and the irrigation of 13.0 acres.
3. Rights 35-14825 and 35-14826 are limited to the irrigation of a specific 13 acres within the 320 acre place of use authorized by the rights in a single irrigation season. The specific 13 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 13 acres to be irrigated within the 320 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.

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WATER RIGHT NO. 35-14825
As Modified by Transfer No. 87701

CONDITIONS OF APPROVAL

4. 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. 120.
5. Prior to the diversion and use of water under Transfer approval 87701, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
6. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
7. 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 place of use.
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 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. 35-14408**As Modified by Transfer No. 87701**

In accordance with the approval of Transfer No. 87701, Water Right No. 35-14408 is now described as follows:

Right Holder: GARDNER FARMS
578 N 100 W
BLACKFOOT, ID 83221-5714

Priority Date: 3/5/1982

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	04/01	to 11/01	0.680 cfs	129.6 af
			0.680 cfs	129.6 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER SWSENE Sec 31 Twp 01N Rge 36E BINGHAM 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	
01N	36E	31	4.5			6.2									19.5			16.5	46.7
01N	36E	32						12.0	30.0				23.5	7.0					72.5
01S	36E	5		2.0	8.5	7.0													17.5
				L 2															

Right Acre Limit: 32.3
POU Total Acres: 136.7

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 32.3 acres within the authorized place of use in a single irrigation season.
2. Rights 35-14407 and 35-14408 when combined shall not exceed a total diversion rate of 2.12 cfs, a total annual maximum diversion volume of 547 af at the field headgate, and the irrigation of 136.7 acres.
3. Right includes accomplished change in place of use pursuant to Idaho Code § 42-1425.
4. 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. Idaho Code § 42-1412(6).

WATER RIGHT NO. 35-14826
As Modified by Transfer No. 87701

In accordance with the approval of Transfer No. 87701, Water Right No. 35-14826 is now described as follows:

Right Holder: GARDNER FARMS
 578 N 100 W
 BLACKFOOT, ID 83221-5714

Priority Date: 3/5/1982

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	04/01	to 11/01	0.060 cfs	12.4 af
			0.060 cfs	12.4 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER NWSWSW Sec 1 Twp 01S Rge 34E BINGHAM 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	
01S	34E	1									40.0	40.0	40.0	40.0					160.0
01S	34E	2													40.0	40.0	40.0	40.0	160.0

Right Acre Limit: 3.1
 POU Total Acres: 320.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 3.1 acres within the authorized place of use in a single irrigation season.
2. Rights 35-14825 and 35-14826 when combined shall not exceed a total diversion rate of 0.20 cfs, a total annual maximum diversion volume of 52 af at the field headgate, and the irrigation of 13.0 acres.
3. Rights 35-14825 and 35-14826 are limited to the irrigation of a specific 13 acres within the 320 acre place of use authorized by the rights in a single irrigation season. The specific 13 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 13 acres to be irrigated within the 320 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. 35-14826

As Modified by Transfer No. 87701

CONDITIONS OF APPROVAL

4. 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. 120.
5. Prior to the diversion and use of water under Transfer approval 87701, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
6. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
7. 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 place of use.
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 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. 35-2765**As Modified by Transfer No. 87701**

In accordance with the approval of Transfer No. 87701, Water Right No. 35-2765 is now described as follows:

Right Holder: GARDNER FARMS
578 N 100 W
BLACKFOOT, ID 83221-5714

Priority Date: 3/9/1965

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	05/15	to 09/15	0.950 cfs	224.0 af
			0.950 cfs	224.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER NWSWSW Sec 1 Twp 01S Rge 34E BINGHAM County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01S	34E	1									40.0	40.0	40.0	40.0					160.0
01S	34E	2													40.0	40.0	40.0	40.0	160.0

Right Acre Limit: 56.0

POU Total Acres: 320.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of a specific 56 acres within the 320 acre place of use authorized by this right in a single irrigation season. The specific 56 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 56 acres to be irrigated within the 320 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.
2. 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. 120.
3. Prior to the diversion and use of water under Transfer approval 87701, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.

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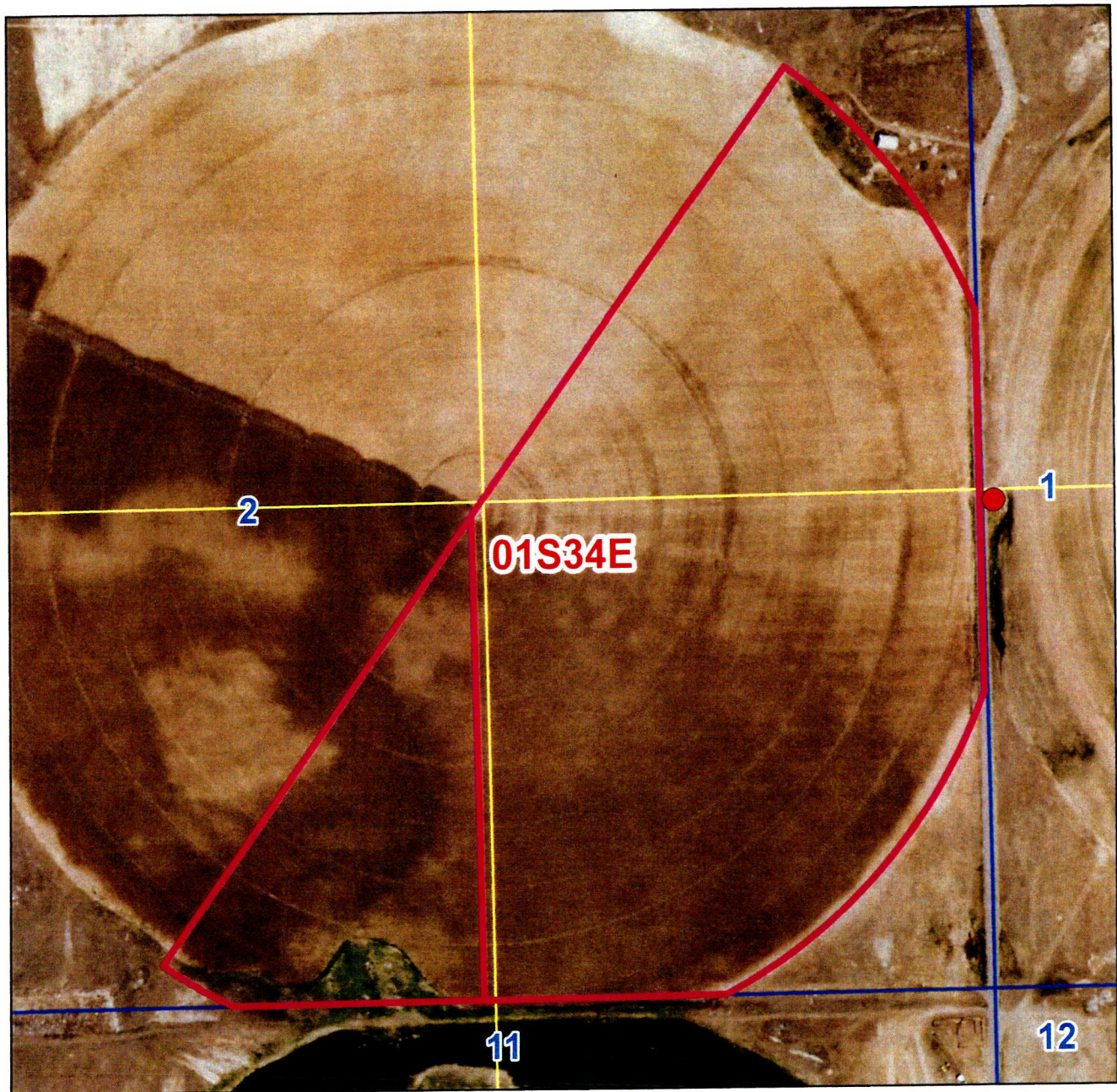
WATER RIGHT NO. 35-2765
As Modified by Transfer No. 87701

CONDITIONS OF APPROVAL

4. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
5. The period of use for the irrigation described in this approval may be extended to a beginning date of April 1 and an ending date of October 31 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before May 15 and after September 15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 3/6/2002.
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 place of use.
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.

Attachment to Transfer Approval 87701

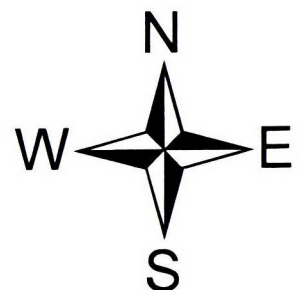
This map depicts the place of use boundary at the time of this transfer approval and is attached to the approval document solely for illustrative purposes.



Legend

- WR POD
- WR POU
- Township/Range
- Sections
- QQ

0 250 500 1,000 Feet



Date: 3/27/2024