

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 88637**

This is to certify that: **GARNER CAPITAL INVESTMENTS LLC AND
GARNER LAND LLC
147 S 2550 E
DECLO, ID 83323-6016**

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>
43-13175	WR/DECREED	5/29/1950	0.460 cfs	108.0 af	27.0	895.9	GROUND WATER
43-13177	WR/DECREED	11/27/1957	0.350 cfs	170.8 af	59.0	895.9	GROUND WATER
43-13179	WR/DECREED	11/30/1957	0.610 cfs	236.0 af	59.0	895.9	GROUND WATER
43-13599	WR/DECREED	8/13/1956	0.350 cfs	68.3 af	19.5	N/A	GROUND WATER
43-13641	WR/DECREED	3/18/1960	0.030 cfs	25.2 af	6.3	895.9	GROUND WATER
43-13643	WR/DECREED	6/30/1953	0.680 cfs	144.0 af	36.0	895.9	GROUND WATER
43-13721	WR/DECREED	8/13/1956	0.010 cfs	1.8 af	0.5	N/A	GROUND WATER
43-13827	WR/DECREED	11/10/1951	0.230 cfs	108.0 af	27.0	895.9	GROUND WATER
43-13828	WR/DECREED	3/10/1958	0.050 cfs	26.0 af	27.0	895.9	GROUND WATER
43-13829	WR/DECREED	6/11/1960	0.260 cfs	108.0 af	27.0	895.9	GROUND WATER
43-13895	WR/DECREED	8/13/1956	0.340 cfs	66.5 af	19.0	19.0	GROUND WATER
43-2511	WR/DECREED	2/8/1961	6.390 cfs	1920.0 af	480.0	895.9	GROUND WATER
43-4146	WR/DECREED	6/30/1985	1.470 cfs	N/A	143.7	895.9	GROUND WATER

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>
43-13175	NO	NO	YES	YES	NO	NO
43-13177	NO	NO	YES	YES	NO	NO
43-13179	NO	NO	YES	YES	NO	NO
43-13599	NO	YES	YES	YES	NO	NO
43-13641	NO	NO	YES	YES	NO	NO
43-13643	NO	NO	YES	YES	NO	NO
43-13721	NO	YES	YES	YES	NO	NO
43-13827	NO	NO	YES	YES	NO	NO
43-13828	NO	NO	YES	YES	NO	NO
43-13829	NO	NO	YES	YES	NO	NO
43-13895	NO	YES	YES	YES	NO	NO
43-2511	NO	NO	YES	YES	NO	NO
43-4146	NO	NO	YES	YES	NO	NO

SUPPORT DATA

Transfer No. 88637

IN FILE # 43-2511

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 88637**

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>
43-13175	43-13175	0.460 cfs	108.0 af	27.0	895.9	N/A	N/A	N/A	N/A	N/A
43-13177	43-13177	0.350 cfs	170.8 af	59.0	895.9	N/A	N/A	N/A	N/A	N/A
43-13179	43-13179	0.610 cfs	236.0 af	59.0	895.9	N/A	N/A	N/A	N/A	N/A
43-13599	43-13599	0.350 cfs	68.3 af	19.5	895.9	N/A	N/A	N/A	N/A	N/A
43-13641	43-13641	0.030 cfs	25.2 af	6.3	895.9	N/A	N/A	N/A	N/A	N/A
43-13643	43-13643	0.680 cfs	144.0 af	36.0	895.9	N/A	N/A	N/A	N/A	N/A
43-13721	43-13721	0.010 cfs	1.8 af	0.5	895.9	N/A	N/A	N/A	N/A	N/A
43-13827	43-13827	0.230 cfs	108.0 af	27.0	895.9	N/A	N/A	N/A	N/A	N/A
43-13828	43-13828	0.050 cfs	26.0 af	27.0	895.9	N/A	N/A	N/A	N/A	N/A
43-13829	43-13829	0.260 cfs	108.0 af	27.0	895.9	N/A	N/A	N/A	N/A	N/A
43-13895	43-13895	0.340 cfs	66.5 af	19.0	895.9	N/A	N/A	N/A	N/A	N/A
43-2511	43-2511	6.390 cfs	1920.0 af	480.0	895.9	N/A	N/A	N/A	N/A	N/A
43-4146	43-4146	1.470 cfs	N/A	143.7	895.9	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		9.760 cfs	2652.6 af	771.7	895.9		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 25th day of January, 2024.



Southern Region Manager

WATER RIGHT NO. 43-13599
As Modified by Transfer No. 88637

In accordance with the approval of Transfer No. 88637, Water Right No. 43-13599 is now described as follows:

Right Holder: GARNER CAPITAL INVESTMENTS LLC
 147 S 2550 E
 DECLO, ID 83323-6016

Priority Date: 8/13/1956

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	0.350 cfs	68.3 af
			0.350 cfs	68.3 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	L3 (NENW)	Sec 3 Twp 11S Rge 27E CASSIA County
GROUND WATER	NWNESW	Sec 3 Twp 11S Rge 27E CASSIA County
GROUND WATER	SWNWSW	Sec 3 Twp 11S Rge 27E CASSIA County

PLACE OF USE: IRRIGATION

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: 19.5
 POU Total Acres: 895.9

CONDITIONS OF APPROVAL

1. Right holder shall comply with the drilling permit requirements of Idaho Code § 42-235 and applicable Well Construction Rules of the Department.
2. This right is limited to the irrigation of 19.5 acres within the authorized place of use in a single irrigation season.
3. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 143.
4. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).

Transfer No. 88637

WATER RIGHT NO. 43-13599

As Modified by Transfer No. 88637

CONDITIONS OF APPROVAL

5. Rights 43-2511, 43-4146, 43-13175, 43-13177, 43-13179, 43-13599, 43-13641, 43-13643, 43-13721, 43-13827, 43-13828, 43-13829 and 43-13895 are limited to the irrigation of a specific 771.7 acres within the 895.9 acre place of use authorized by this right in a single irrigation season. The specific 771.7 acres to be irrigated by the right holder are shown in the electronic shape file associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 771.7 acres to be irrigated within the 895.9 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.
6. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
7. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/15 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than June 28, 2002.
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. 43-13827**As Modified by Transfer No. 88637**

In accordance with the approval of Transfer No. 88637, Water Right No. 43-13827 is now described as follows:

Right Holder: GARNER CAPITAL INVESTMENTS LLC
147 S 2550 E
DECLO, ID 83323-6016

Priority Date: 11/10/1951

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	03/15	to 11/15	0.230 cfs	108.0 af
			0.230 cfs	108.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	L3 (NENW)	Sec 3	Twp 11S Rge 27E	CASSIA County
GROUND WATER	NWNESW	Sec 3	Twp 11S Rge 27E	CASSIA County
GROUND WATER	SWNWSW	Sec 3	Twp 11S Rge 27E	CASSIA County

PLACE OF USE: IRRIGATION

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

CONDITIONS OF APPROVAL

1. Right holder shall comply with the drilling permit requirements of Idaho Code § 42-235 and applicable Well Construction Rules of the Department.
2. This right is limited to the irrigation of 27.0 acres within the authorized place of use in a single irrigation season.
3. Rights 43-13827, 43-13828, and 43-13829 when combined shall not exceed a total diversion rate of 0.54 cfs, a total annual maximum diversion volume of 108.0 af at the field headgate, and the irrigation of 27.0 acres.
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. 143.

Transfer No. 88637

WATER RIGHT NO. 43-13827
As Modified by Transfer No. 88637

CONDITIONS OF APPROVAL

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. Rights 43-2511, 43-4146, 43-13175, 43-13177, 43-13179, 43-13599, 43-13641, 43-13643, 43-13721, 43-13827, 43-13828, 43-13829 and 43-13895 are limited to the irrigation of a specific 771.7 acres within the 895.9 acre place of use authorized by this right in a single irrigation season. The specific 771.7 acres to be irrigated by the right holder are shown in the electronic shape file associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 771.7 acres to be irrigated within the 895.9 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.
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 lands above.
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. 43-13828**As Modified by Transfer No. 88637**

In accordance with the approval of Transfer No. 88637, Water Right No. 43-13828 is now described as follows:

Right Holder: GARNER CAPITAL INVESTMENTS LLC
147 S 2550 E
DECLO, ID 83323-6016

Priority Date: 3/10/1958

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	03/15	to 11/15	0.050 cfs	26.0 af
			0.050 cfs	26.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	L3 (NENW)	Sec 3	Twp 11S Rge 27E	CASSIA County
GROUND WATER	NWNESW	Sec 3	Twp 11S Rge 27E	CASSIA County
GROUND WATER	SWNWSW	Sec 3	Twp 11S Rge 27E	CASSIA County

PLACE OF USE: IRRIGATION

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

CONDITIONS OF APPROVAL

1. Right holder shall comply with the drilling permit requirements of Idaho Code § 42-235 and applicable Well Construction Rules of the Department.
2. This right is limited to the irrigation of 27.0 acres within the authorized place of use in a single irrigation season.
3. Rights 43-13827, 43-13828, and 43-13829 when combined shall not exceed a total diversion rate of 0.54 cfs, a total annual maximum diversion volume of 108.0 af at the field headgate, and the irrigation of 27.0 acres.
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. 143.

Transfer No. 88637

WATER RIGHT NO. 43-13828

As Modified by Transfer No. 88637

CONDITIONS OF APPROVAL

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. Rights 43-2511, 43-4146, 43-13175, 43-13177, 43-13179, 43-13599, 43-13641, 43-13643, 43-13721, 43-13827, 43-13828, 43-13829 and 43-13895 are limited to the irrigation of a specific 771.7 acres within the 895.9 acre place of use authorized by this right in a single irrigation season. The specific 771.7 acres to be irrigated by the right holder are shown in the electronic shape file associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 771.7 acres to be irrigated within the 895.9 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.
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 lands above.
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. 43-13829**As Modified by Transfer No. 88637**

In accordance with the approval of Transfer No. 88637, Water Right No. 43-13829 is now described as follows:

Right Holder: GARNER CAPITAL INVESTMENTS LLC
147 S 2550 E
DECLO, ID 83323-6016

Priority Date: 6/11/1960

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	03/15	to 11/15	0.260 cfs	108.0 af
			0.260 cfs	108.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	L3 (NENW)	Sec 3	Twp 11S Rge 27E	CASSIA County
GROUND WATER	NWNESW	Sec 3	Twp 11S Rge 27E	CASSIA County
GROUND WATER	SWNWSW	Sec 3	Twp 11S Rge 27E	CASSIA County

PLACE OF USE: IRRIGATION

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

CONDITIONS OF APPROVAL

1. Right holder shall comply with the drilling permit requirements of Idaho Code § 42-235 and applicable Well Construction Rules of the Department.
2. This right is limited to the irrigation of 27.0 acres within the authorized place of use in a single irrigation season.
3. Rights 43-13827, 43-13828, and 43-13829 when combined shall not exceed a total diversion rate of 0.54 cfs, a total annual maximum diversion volume of 108.0 af at the field headgate, and the irrigation of 27.0 acres.
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. 143.

Transfer No. 88637

WATER RIGHT NO. 43-13829

As Modified by Transfer No. 88637

CONDITIONS OF APPROVAL

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. Rights 43-2511, 43-4146, 43-13175, 43-13177, 43-13179, 43-13599, 43-13641, 43-13643, 43-13721, 43-13827, 43-13828, 43-13829 and 43-13895 are limited to the irrigation of a specific 771.7 acres within the 895.9 acre place of use authorized by this right in a single irrigation season. The specific 771.7 acres to be irrigated by the right holder are shown in the electronic shape file associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 771.7 acres to be irrigated within the 895.9 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.
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 lands above.
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. 43-13895
As Modified by Transfer No. 88637

In accordance with the approval of Transfer No. 88637, Water Right No. 43-13895 is now described as follows:

Right Holder: GARNER CAPITAL INVESTMENTS LLC
 147 S 2550 E
 DECLO, ID 83323-6016

Priority Date: 8/13/1956

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	0.340 cfs	66.5 af
			0.340 cfs	66.5 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	L3 (NENW)	Sec 3 Twp 11S Rge 27E CASSIA County
GROUND WATER	NWNESW	Sec 3 Twp 11S Rge 27E CASSIA County
GROUND WATER	SWNWSW	Sec 3 Twp 11S Rge 27E CASSIA County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	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: 19.0
 POU Total Acres: 895.9

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 19 acres within the authorized place of use in a single irrigation season.
2. Right holder shall comply with the drilling permit requirements of Idaho Code § 42-235 and applicable Well Construction Rules of the Department.
3. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 143.
4. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).

Transfer No. 88637

WATER RIGHT NO. 43-13895
As Modified by Transfer No. 88637

CONDITIONS OF APPROVAL

5. Rights 43-2511, 43-4146, 43-13175, 43-13177, 43-13179, 43-13599, 43-13641, 43-13643, 43-13721, 43-13827, 43-13828, 43-13829 and 43-13895 are limited to the irrigation of a specific 771.7 acres within the 895.9 acre place of use authorized by this right in a single irrigation season. The specific 771.7 acres to be irrigated by the right holder are shown in the electronic shape file associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 771.7 acres to be irrigated within the 895.9 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.
6. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
7. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/15 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than June 28, 2002.
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. 43-2511**As Modified by Transfer No. 88637**

In accordance with the approval of Transfer No. 88637, Water Right No. 43-2511 is now described as follows:

Right Holder: GARNER LAND LLC
147 S 2550 E
DECLO, ID 83323-6016

Priority Date: 2/8/1961

Source: GROUND WATER

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

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	L3 (NENW)	Sec 3	Twp 11S Rge 27E	CASSIA County
GROUND WATER	NWNESW	Sec 3	Twp 11S Rge 27E	CASSIA County
GROUND WATER	SWNWSW	Sec 3	Twp 11S Rge 27E	CASSIA County

PLACE OF USE: IRRIGATION

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: 480.0

POU Total Acres: 895.9

CONDITIONS OF APPROVAL

1. Right holder shall comply with the drilling permit requirements of Idaho Code § 42-235 and applicable Well Construction Rules of the Department.
2. This right is limited to the irrigation of 480 acres within the authorized place of use in a single irrigation season.
3. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 143.
4. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).

Transfer No. 88637

WATER RIGHT NO. 43-2511

As Modified by Transfer No. 88637

CONDITIONS OF APPROVAL

5. Rights 42-2511, and 43-4146 when combined shall not exceed a total diversion rate of 6.39 cfs, a total annual maximum diversion volume of 1920 af at the field headgate, and the irrigation of 623.7 acres.
6. Rights 43-2511, 43-4146, 43-13175, 43-13177, 43-13179, 43-13641, and 43-13643 when combined shall not exceed a total diversion rate of 8.52 cfs, a total annual maximum diversion volume of 2408 af at the field headgate, and the irrigation of 705.7 acres.
7. Rights 43-2511, 43-4146, 43-13175, 43-13177, 43-13179, 43-13599, 43-13641, 43-13643, 43-13721, 43-13827, 43-13828, 43-13829 and 43-13895 are limited to the irrigation of a specific 771.7 acres within the 895.9 acre place of use authorized by this right in a single irrigation season. The specific 771.7 acres to be irrigated by the right holder are shown in the electronic shape file associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 771.7 acres to be irrigated within the 895.9 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.
8. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/15 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 6/28/2002
9. Right no. 43-4146 is an expansion of this right pursuant to section 42-1416b, Idaho Code.
10. 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.
11. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
12. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
13. Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 43-4146**As Modified by Transfer No. 88637**

In accordance with the approval of Transfer No. 88637, Water Right No. 43-4146 is now described as follows:

Right Holder: GARNER LAND LLC
147 S 2550 E
DECLO, ID 83323-6016

Priority Date: 6/30/1985

Source: GROUND WATER

BENEFICIAL USE

IRRIGATION

From

04/01

To

to 10/31

Diversion Rate

1.470 cfs

1.470 cfs

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	L3 (NENW)	Sec 3	Twp 11S Rge 27E	CASSIA County
GROUND WATER	NWNESW	Sec 3	Twp 11S Rge 27E	CASSIA County
GROUND WATER	SWNWSW	Sec 3	Twp 11S Rge 27E	CASSIA County

PLACE OF USE: IRRIGATION

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: 143.7

POU Total Acres: 895.9

CONDITIONS OF APPROVAL

1. Right holder shall comply with the drilling permit requirements of Idaho Code § 42-235 and applicable Well Construction Rules of the Department.
2. This right is limited to the irrigation of 143.7 acres within the authorized place of use in a single irrigation season.
3. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 143.
4. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).

Transfer No. 88637

WATER RIGHT NO. 43-4146

As Modified by Transfer No. 88637

CONDITIONS OF APPROVAL

5. Rights 42-2511, and 43-4146 when combined shall not exceed a total diversion rate of 6.39 cfs, a total annual maximum diversion volume of 1920 af at the field headgate, and the irrigation of 623.7 acres.
6. Rights 43-2511, 43-4146, 43-13175, 43-13177, 43-13179, 43-13641, and 43-13643 when combined shall not exceed a total diversion rate of 8.52 cfs, a total annual maximum diversion volume of 2408 af at the field headgate, and the irrigation of 705.7 acres.
7. Rights 43-2511, 43-4146, 43-13175, 43-13177, 43-13179, 43-13599, 43-13641, 43-13643, 43-13721, 43-13827, 43-13828, 43-13829 and 43-13895 are limited to the irrigation of a specific 771.7 acres within the 895.9 acre place of use authorized by this right in a single irrigation season. The specific 771.7 acres to be irrigated by the right holder are shown in the electronic shape file associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 771.7 acres to be irrigated within the 895.9 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.
8. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/15 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 6/28/2002
9. 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.
10. This right is an expansion of right no. 43-2511 pursuant to section 42-1416b, Idaho Code.
11. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
12. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
13. Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 43-13175**As Modified by Transfer No. 88637**

In accordance with the approval of Transfer No. 88637, Water Right No. 43-13175 is now described as follows:

Right Holder: GARNER LAND LLC
147 S 2550 E
DECLO, ID 83323-6016

Priority Date: 5/29/1950

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	03/15	to 11/15	0.460 cfs	108.0 af
			0.460 cfs	108.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	L3 (NENW)	Sec 3	Twp 11S Rge 27E	CASSIA County
GROUND WATER	NWNESW	Sec 3	Twp 11S Rge 27E	CASSIA County
GROUND WATER	SWNWSW	Sec 3	Twp 11S Rge 27E	CASSIA County

PLACE OF USE: IRRIGATION

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

CONDITIONS OF APPROVAL

1. Right holder shall comply with the drilling permit requirements of Idaho Code § 42-235 and applicable Well Construction Rules of the Department.
2. This right is limited to the irrigation of 27.0 acres within the place of use described above in a single irrigation season.
3. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No.143.
4. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).

Transfer No. 88637

WATER RIGHT NO. 43-13175
As Modified by Transfer No. 88637

CONDITIONS OF APPROVAL

5. Rights 43-13175, 43-13177, and 43-13179 when combined shall not exceed a total diversion rate of 1.42 cfs, a total annual maximum diversion volume of 344.0 af at the field headgate, and the irrigation of 86 acres.
6. Rights 43-2511, 43-4146, 43-13175, 43-13177, 43-13179, 43-13641, and 43-13643 when combined shall not exceed a total diversion rate of 8.52 cfs, a total annual maximum diversion volume of 2408 af at the field headgate, and the irrigation of 705.7 acres.
7. Rights 43-2511, 43-4146, 43-13175, 43-13177, 43-13179, 43-13599, 43-13641, 43-13643, 43-13721, 43-13827, 43-13828, 43-13829 and 43-13895 are limited to the irrigation of a specific 771.7 acres within the 895.9 acre place of use authorized by this right in a single irrigation season. The specific 771.7 acres to be irrigated by the right holder are shown in the electronic shape file associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 771.7 acres to be irrigated within the 895.9 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.
8. 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.
9. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
11. Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 43-13177**As Modified by Transfer No. 88637**

In accordance with the approval of Transfer No. 88637, Water Right No. 43-13177 is now described as follows:

Right Holder: GARNER LAND LLC
147 S 2550 E
DECLO, ID 83323-6016

Priority Date: 11/27/1957

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	03/15	to 11/15	0.350 cfs	170.8 af
			0.350 cfs	170.8 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	L3 (NENW)	Sec 3	Twp 11S Rge 27E	CASSIA County
GROUND WATER	NWNESW	Sec 3	Twp 11S Rge 27E	CASSIA County
GROUND WATER	SWNWSW	Sec 3	Twp 11S Rge 27E	CASSIA County

PLACE OF USE: IRRIGATION

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: 59.0

POU Total Acres: 895.9

CONDITIONS OF APPROVAL

1. Right holder shall comply with the drilling permit requirements of Idaho Code § 42-235 and applicable Well Construction Rules of the Department.
2. This right is limited to the irrigation of 59 acres within the authorized place of use in a single irrigation season.
3. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 143.
4. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).

Transfer No. 88637

WATER RIGHT NO. 43-13177
As Modified by Transfer No. 88637

CONDITIONS OF APPROVAL

5. Rights 43-13177 and 43-13179 when combined shall not exceed a total annual maximum diversion volume of 236.0 af at the field headgate, and the irrigation of 59.0 acres.
6. Rights 43-13175, 43-13177, and 43-13179 when combined shall not exceed a total diversion rate of 1.42 cfs, a total annual maximum diversion volume of 344.0 af at the field headgate, and the irrigation of 86 acres.
7. Rights 43-2511, 43-4146, 43-13175, 43-13177, 43-13179, 43-13641, and 43-13643 when combined shall not exceed a total diversion rate of 8.52 cfs, a total annual maximum diversion volume of 2408 af at the field headgate, and the irrigation of 705.7 acres.
8. Rights 43-2511, 43-4146, 43-13175, 43-13177, 43-13179, 43-13599, 43-13641, 43-13643, 43-13721, 43-13827, 43-13828, 43-13829 and 43-13895 are limited to the irrigation of a specific 771.7 acres within the 895.9 acre place of use authorized by this right in a single irrigation season. The specific 771.7 acres to be irrigated by the right holder are shown in the electronic shape file associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 771.7 acres to be irrigated within the 895.9 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.
9. 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.
10. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
11. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
12. Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 43-13179
As Modified by Transfer No. 88637

In accordance with the approval of Transfer No. 88637, Water Right No. 43-13179 is now described as follows:

Right Holder: GARNER LAND LLC
 147 S 2550 E
 DECLO, ID 83323-6016

Priority Date: 11/30/1957

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	03/15	to 11/15	0.610 cfs	236.0 af
			0.610 cfs	236.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	L3 (NENW)	Sec 3	Twp 11S Rge 27E	CASSIA County
GROUND WATER	NWNESW	Sec 3	Twp 11S Rge 27E	CASSIA County
GROUND WATER	SWNWSW	Sec 3	Twp 11S Rge 27E	CASSIA County

PLACE OF USE: IRRIGATION

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: 59.0

POU Total Acres: 895.9

CONDITIONS OF APPROVAL

1. Right holder shall comply with the drilling permit requirements of Idaho Code § 42-235 and applicable Well Construction Rules of the Department.
2. This right is limited to the irrigation of 59 acres within the authorized place of use in a single irrigation season.
3. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 143.
4. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).

Transfer No. 88637

WATER RIGHT NO. 43-13179

As Modified by Transfer No. 88637

CONDITIONS OF APPROVAL

5. Rights 43-13177 and 43-13179 when combined shall not exceed a total annual maximum diversion volume of 236.0 af at the field headgate, and the irrigation of 59.0 acres.
6. Rights 43-13175, 43-13177, and 43-13179 when combined shall not exceed a total diversion rate of 1.42 cfs, a total annual maximum diversion volume of 344.0 af at the field headgate, and the irrigation of 86 acres.
7. Rights 43-2511, 43-4146, 43-13175, 43-13177, 43-13179, 43-13641, and 43-13643 when combined shall not exceed a total diversion rate of 8.52 cfs, a total annual maximum diversion volume of 2408 af at the field headgate, and the irrigation of 705.7 acres.
8. Rights 43-2511, 43-4146, 43-13175, 43-13177, 43-13179, 43-13599, 43-13641, 43-13643, 43-13721, 43-13827, 43-13828, 43-13829 and 43-13895 are limited to the irrigation of a specific 771.7 acres within the 895.9 acre place of use authorized by this right in a single irrigation season. The specific 771.7 acres to be irrigated by the right holder are shown in the electronic shape file associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 771.7 acres to be irrigated within the 895.9 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.
9. 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.
10. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
11. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
12. Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 43-13641
As Modified by Transfer No. 88637

In accordance with the approval of Transfer No. 88637, Water Right No. 43-13641 is now described as follows:

Right Holder: GARNER LAND LLC
 147 S 2550 E
 DECLO, ID 83323-6016

Priority Date: 3/18/1960

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	03/15	to 11/15	0.030 cfs	25.2 af
			0.030 cfs	25.2 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	L3 (NENW)	Sec 3	Twp 11S Rge 27E	CASSIA County
GROUND WATER	NWNESW	Sec 3	Twp 11S Rge 27E	CASSIA County
GROUND WATER	SWNWSW	Sec 3	Twp 11S Rge 27E	CASSIA County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	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: 6.3
 POU Total Acres: 895.9

CONDITIONS OF APPROVAL

1. Right holder shall comply with the drilling permit requirements of Idaho Code § 42-235 and applicable Well Construction Rules of the Department.
2. This right is limited to the irrigation of 6.3 acres within the place of use described above in a single irrigation season.
3. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 143.
4. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).

Transfer No. 88637

WATER RIGHT NO. 43-13641
As Modified by Transfer No. 88637

CONDITIONS OF APPROVAL

5. Rights 43-13641 and 43-13643 when combined shall not exceed a total diversion rate of 0.71 cfs, a total annual maximum diversion volume of 144 af at the field headgate, and the irrigation of 36 acres.
6. Rights 43-2511, 43-4146, 43-13175, 43-13177, 43-13179, 43-13641, and 43-13643 when combined shall not exceed a total diversion rate of 8.52 cfs, a total annual maximum diversion volume of 2408 af at the field headgate, and the irrigation of 705.7 acres.
7. Rights 43-2511, 43-4146, 43-13175, 43-13177, 43-13179, 43-13599, 43-13641, 43-13643, 43-13721, 43-13827, 43-13828, 43-13829 and 43-13895 are limited to the irrigation of a specific 771.7 acres within the 895.9 acre place of use authorized by this right in a single irrigation season. The specific 771.7 acres to be irrigated by the right holder are shown in the electronic shape file associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 771.7 acres to be irrigated within the 895.9 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.
8. 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.
9. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
11. Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 43-13643
As Modified by Transfer No. 88637

In accordance with the approval of Transfer No. 88637, Water Right No. 43-13643 is now described as follows:

Right Holder: GARNER LAND LLC
 147 S 2550 E
 DECLO, ID 83323-6016

Priority Date: 6/30/1953

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	03/15	to 11/15	0.680 cfs	144.0 af
			0.680 cfs	144.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	L3 (NENW)	Sec 3	Twp 11S Rge 27E	CASSIA County
GROUND WATER	NWNESW	Sec 3	Twp 11S Rge 27E	CASSIA County
GROUND WATER	SWNWSW	Sec 3	Twp 11S Rge 27E	CASSIA County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	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: 36.0
 POU Total Acres: 895.9

CONDITIONS OF APPROVAL

1. Right holder shall comply with the drilling permit requirements of Idaho Code § 42-235 and applicable Well Construction Rules of the Department.
2. This right is limited to the irrigation of 36 acres within the authorized place of use in a single irrigation season.
3. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 143.
4. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).

Transfer No. 88637

WATER RIGHT NO. 43-13643
As Modified by Transfer No. 88637

CONDITIONS OF APPROVAL

5. Rights 43-13641 and 43-13643 when combined shall not exceed a total diversion rate of 0.71 cfs, a total annual maximum diversion volume of 144 af at the field headgate, and the irrigation of 36 acres.
6. Rights 43-2511, 43-4146, 43-13175, 43-13177, 43-13179, 43-13641, and 43-13643 when combined shall not exceed a total diversion rate of 8.52 cfs, a total annual maximum diversion volume of 2408 af at the field headgate, and the irrigation of 705.7 acres.
7. Rights 43-2511, 43-4146, 43-13175, 43-13177, 43-13179, 43-13599, 43-13641, 43-13643, 43-13721, 43-13827, 43-13828, 43-13829 and 43-13895 are limited to the irrigation of a specific 771.7 acres within the 895.9 acre place of use authorized by this right in a single irrigation season. The specific 771.7 acres to be irrigated by the right holder are shown in the electronic shape file associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 771.7 acres to be irrigated within the 895.9 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.
8. 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.
9. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
11. Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 43-13721**As Modified by Transfer No. 88637**

In accordance with the approval of Transfer No. 88637, Water Right No. 43-13721 is now described as follows:

Right Holder: GARNER CAPITAL INVESTMENTS LLC
147 S 2550 E
DECLO, ID 83323-6016

Priority Date: 8/13/1956

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	0.010 cfs	1.8 af
			0.010 cfs	1.8 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	L3 (NENW)	Sec 3	Twp 11S Rge 27E	CASSIA County
GROUND WATER	NWNESW	Sec 3	Twp 11S Rge 27E	CASSIA County
GROUND WATER	SWNWSW	Sec 3	Twp 11S Rge 27E	CASSIA County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	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: 0.5
POU Total Acres: 895.9

CONDITIONS OF APPROVAL

1. Right holder shall comply with the drilling permit requirements of Idaho Code § 42-235 and applicable Well Construction Rules of the Department.
2. This right is limited to the irrigation of 0.5 acres within the authorized place of use in a single irrigation season.
3. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 143.
4. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).

Transfer No. 88637

WATER RIGHT NO. 43-13721

As Modified by Transfer No. 88637

CONDITIONS OF APPROVAL

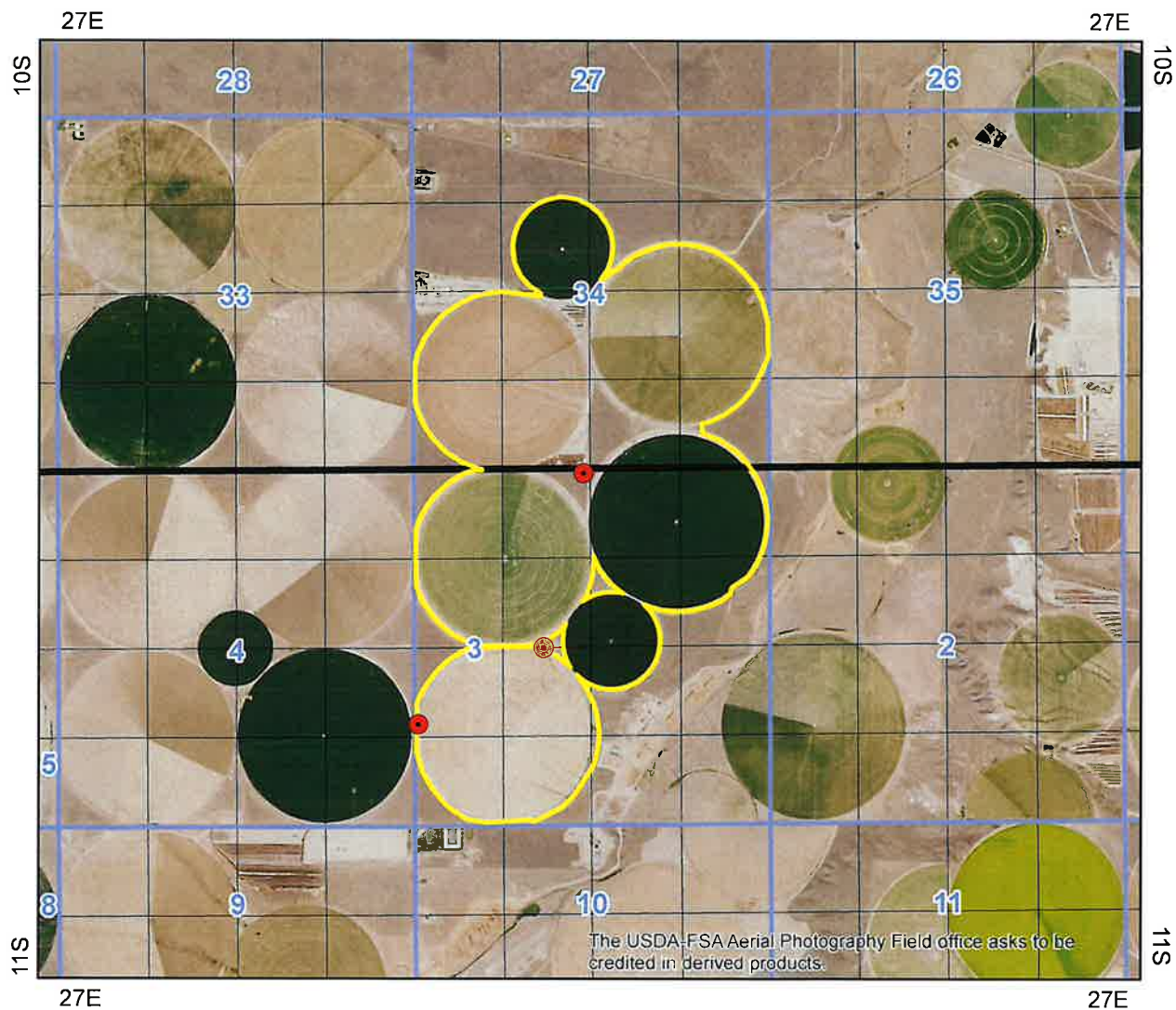
5. Rights 43-2511, 43-4146, 43-13175, 43-13177, 43-13179, 43-13599, 43-13641, 43-13643, 43-13721, 43-13827, 43-13828, 43-13829 and 43-13895 are limited to the irrigation of a specific 771.7 acres within the 895.9 acre place of use authorized by this right in a single irrigation season. The specific 771.7 acres to be irrigated by the right holder are shown in the electronic shape file associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 771.7 acres to be irrigated within the 895.9 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.
6. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
7. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/15 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than June 28, 2002.
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.

State of Idaho
Department of Water Resources

Attachment to Transfer # 88637

43-2511, 43-4146, 43-13175, 43-13177, 43-13179, 43-13599, 43-13641,
43-13643, 43-13721, 43-13827, 43-13828, 43-13829, and 43-13895

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



-  Point of Diversion
-  Place Of Use Boundary
-  Townships
-  PLS Sections
-  Quarter Quarters



IDAHO DEPARTMENT OF
WATER RESOURCES

Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, ID 83301-5858

Phone: 208-736-3033 • Fax: 208-736-3037 • Email: southerninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Mathew Weaver

January 26, 2024

GARNER LAND LLC
GARNER CAPITAL INVESTMENTS LLC
147 S 2550 E
DECLO ID 83323-6016

Re: Transfer No: 88637

Water Right No(s): 43-2511, 43-4146, 43-13175, 43-13177, 43-13179,
43-13599, 43-13641, 43-13643, 43-13721, 43-13827, 43-13828, 43-13829,
43-13895

Transfer Approval Notice

Dear Water Right Holder(s):

The Department of Water Resources has issued the enclosed approved Transfer of Water Right(s). Please be sure to thoroughly review the conditions of approval and remarks listed on the approval document.

The Transfer of Water Right(s) is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless the APPLICANT petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

ANY PERSON aggrieved by any decision, determination, order or action of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Department and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

If the transfer approval includes a condition requiring measuring and recording devices, such devices shall comply with specifications established by the Department. Detailed specifications are available on the Department's home page on the Internet, or you can request a copy by contacting any office of the Department. Please be sure to thoroughly review the specifications to avoid unnecessary costs for reinstallation or modification due to non-conforming or improperly installed devices.

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at (208) 736-3033.

Sincerely,



Corey Skinner
Southern Regional Manager

Enclosure

c:

WATER DISTRICT 143
BRIAN RAGAN
PO BOX 83720
BOISE ID 83720-0098

CERTIFICATE OF SERVICE

I hereby certify that on January 26, 2024 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Transfer) to the person(s) listed below:

Re: Transfer No.: 88637

Water Right No(s): 43-2511, 43-4146, 43-13175, 43-13177, 43-13179,
43-13599, 43-13641, 43-13643, 43-13721, 43-13827, 43-13828, 43-13829,
43-13895

GARNER LAND LLC
GARNER CAPITAL INVESTMENTS LLC
147 S 2550 E
DECLO ID 83323-6016

BRIAN RAGAN
WATER DISTRICT 143
PO BOX 83720
BOISE ID 83720-0098



Denise Maline
Administrative Assistant

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(To be used in connection with actions when a hearing was **not** held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "**Preliminary Order**" issued by the department pursuant to section 67-5243, Idaho Code. **It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:**

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. **Note: the petition must be received by the department within this fourteen (14) day period.** The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after: (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its service date if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) The petition for reconsideration is disposed of; or
- (b) The petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

MEMORANDUM

Date: January 11, 2024
To: Transfer 88637 File
From: William Mills
Re: Evaluation of Sufficiency of Information Submitted

Application proposes moving three irrigation ground water rights (combined 0.7 cfs) used to irrigate 39 acres from their current location to the applicant's farm. The current location for the three water rights is approximately 3.0 to 3.3 miles north and 0 to 0.3 miles east of Malta. Applicant's farm is located approximately 12.0 to 13.8 miles north and 3.8 to 4.8 miles east of Malta. Application also proposes drilling a new well on the applicant's farm and adding it as an authorized point of diversion to ten irrigation ground water rights and the three rights proposed to be moved to the farm (total combined 9.76 cfs) that will be used to irrigate 771.7 acres.

Proposed POD and both places of use involved in this transfer are located in Water District 143. Watermaster comments were solicited. The Watermaster indicated he had no concerns or comments regarding this transfer application.

- **Authority to File:**
IDWR records indicate the applicants currently own the water rights and properties the water rights are being transferred to.
- **Water Right Validity:** Water rights in this transfer application were all decreed in the SRBA on 6/28/2002. Recent aerial and satellite imagery indicate the properties associated with this transfer appear irrigated.
- **Injury to Other Water Rights:**
None anticipated.
- **Enlargement of Use:**
None anticipated.
- **Local Public Interest:**
No issues anticipated.
- **Beneficial Use/Conservation of Water Resources:**
Proposed uses are recognized as beneficial uses of water.
- **Effect on the Economy of the Local Area:**
None Anticipated.

- **Effect on Agricultural Base of the Local Economy:**
None Anticipated.

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

* : Proof of Publication *

Twin Falls Times-News
132 Fairfield St W, Twin Falls, Idaho 83301

SHERRI DAVIS, being duly sworn, deposes and says: That she is the Principal Clerk of the Times-News, a daily newspaper printed and published at Twin Falls, Twin Falls County, State of Idaho, and having a general circulation therein, and which said newspaper has been continuously and uninterruptedly published in said County during a period of twelve consecutive months prior to the first publication of the notice, a copy of which is attached hereto: that said notice was published in the Times-News, in conformity with Section 60-108, Idaho Code, as amended, for:

2 Insertions

ID DEPARTMENT OF WATER RESOURCES Southern Region
Denise Maliine Administrative Assistant
650 ADDISON AVE W, STE 500
TWIN FALLS ID 83301

RECEIVED

JAN 02 2024

ORDER NUMBER 147260

DEPT OF WATER RESOURCES
SOUTHERN REGION

Sherrin Davis

(Legals Clerk)

STATE OF IDAHO)
SS
COUNTY OF TWIN FALLS)

On this 28th day of December in the year of 2023 before me, a Notary Public, personally appeared before me Sherri Davis known or identified to me to be the person whose name subscribed to the within instrument, and being by first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

Morgan Shindle
Notary Public FOR Idaho

Residing at: Twin Falls, Idaho

My Commission expires: 11/20/2029

Section: Legals

Category: 50 Legal

PUBLISHED ON: 12/21/2023, 12/28/2023

TOTAL AD COST: 226.69

FILED ON: 12/28/2023

NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 88637

GARNER LAND LLC and GARNER CAPITAL INVESTMENTS LLC, 147 S 2550 E, DECLO, ID 83323-6016 has filed Application No. 88637 for changes to the following water rights within CASSIA County(s): Right No(s). 43-13175, 43-13177, 43-13179, 43-13599, 43-13641, 43-13643, 43-13721, 43-13827, 43-13828, 43-13829, 43-13895, 43-2511, 43-4146. The purpose of the transfer is to change a portion of the above rights as follows: Application proposes moving three irrigation ground water rights (combined 0.7 cfs) used to irrigate 39 acres from their current location to the applicant's farm. The current location for the three water rights is approximately 3.0 to 3.3 miles north and 0 to 0.3 miles east of Malta. Applicant's farm is located approximately 12.0 to 13.8 miles north and 3.8 to 4.8 miles east of Malta. Application also proposes drilling a new well on the applicant's farm and adding it as an authorized point of diversion to ten irrigation ground water rights and the three rights proposed to be moved to the farm (total combined 9.76 cfs) that will be used to irrigate 771.7 acres.

TRANSFER NO. 88663

TAMMARA D BECK, 5811 N DUXBURY PIER LN, GARDEN CITY, ID 83714 has filed Application No. 88663 for changes to the following water rights within TWIN FALLS County(s): Right No(s). 47-4064. The purpose of the transfer is to change a portion of the above rights as follows: Application for transfer proposes to add a new point of diversion (POD) for a low-temperature geothermal water right with a combined flow rate of 0.05 cfs for domestic, heating, and recreational uses. The new well will be located approximately 6.9 miles north and 3.8 miles west of the intersection of Highway 30 and Clear Lakes Road in Buhl.

TRANSFER NO. 88670

OKSTIN REA LLC, 21234 HIGHWAY 30, FILER, ID 83328-5510 has filed Application No. 88670 for changes to the following water rights within TWIN FALLS County(s): Right No(s). 47-8278. The purpose of the transfer is to change a portion of the above rights as follows: Application proposes transferring a 12.0 acre foot portion (0.10 cfs) of a ground water right for commercial use from an existing dairy located approximately 4.1 to 4.4 miles west and 0.7 to 1.0 miles south of Twin Falls (Blue Lakes and Addison), to an RV Park facility for commercial use located approximately 5.6 to 5.8 miles west and 0.1 to 0.3 miles north of Twin Falls (Blue Lakes and Addison). The transferred portion of the right, 12.0 acre feet (0.10 cfs), will be diverted from an existing well located at the RV Park facility.

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 <https://research.idwr.idaho.gov>. 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 January 8, 2024. The protestant must also send a copy of the protest to the applicant.

MATHEW WEAVER, Director

Published on December 21st & 28th, 2023



✓ OK DM
1-4-2024

Maline, Denise

From: Ragan, Brian
Sent: Monday, December 18, 2023 11:14 AM
To: Maline, Denise
Subject: RE: Comment Letter for Transfer 88637 - Garner Land LLC & Garner Capital Investments LLC

I have no concerns or comments with this proposed transfer.

Brian Ragan
IDWR Water Distribution Section
(208) 287-4934

From: Maline, Denise <Denise.Maline@idwr.idaho.gov>
Sent: Monday, December 18, 2023 10:27 AM
To: Ragan, Brian <Brian.Ragan@idwr.idaho.gov>
Subject: Comment Letter for Transfer 88637 - Garner Land LLC & Garner Capital Investments LLC

Good morning Brian,

Attached is an application for transfer currently being processed by the department within WD143. Please review the application and provide any necessary comments within 21 days.

If you have any questions regarding this application, please feel free to contact Bill Mills at our office.

Thank you in advance,

Denise @ Southern



Denise Maline, Administrative Assistant I
Idaho Dept. of Water Resources, Southern Region
650 Addison Ave W Ste 500
Twin Falls ID 83301-5858
(208) 293-9908
denise.maline@idwr.idaho.gov