

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 90235**

This is to certify that: **AMY GARDINER AND
WHITNEY GARDINER
4305 GOODRICK LN, POST OFFICE 1514
WILSON, WY 83014**

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>
22-7144	WR/DECREED	6/30/1975	1.780 cfs	472.5 af	N/A	135.0	GROUND WATER

Associated Water Rights Also Included in the Transfer Approval (Conditions Updated)

<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>
22-7143	WR/DECREED	6/30/1975	1.570 cfs	420.0 af		120.0	GROUND WATER
22-7145	WR/DECREED	6/30/1975	3.180 cfs	477.0 af	159.0	304.0	GROUND WATER
22-7146	WR/DECREED	6/30/1975	2.980 cfs	447.0 af	149.0	304.0	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>
22-7144	YES	YES	YES	NO	NO	NO

Summary Of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (Changed Portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
22-7144	22-14745	0.220 cfs	59.5 af	17.0	80.0	22-7144	1.560 cfs	413.0 af	N/A	118.0
COMBINED TOTALS		0.220 cfs	59.5 af	17.0	80.0		N/A	N/A	N/A	N/A

Transfer No. 90235

**Support Data
In File # 22-7144**

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 90235

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 12th day of March, 2026


Water Resources Program Manager



WATER RIGHT NO. 22-7144
As Modified by Transfer No. 90235

In accordance with the approval of Transfer No. 90235, Water Right No. 22-7144 is now described as follows:

Right Holder: THOMAS E HILL AND
 LEXIE G HILL
 1540 S 6000 W
 DRIGGS, ID 83422-4839

Priority Date: 6/30/1975

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	04/15	to 10/31	1.560 cfs	413.0 af
			1.560 cfs	413.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER L2 (NESWNW) Sec 19 Twp 06N Rge 45E TETON 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	
06N	45E	18													25.8	30.3	31.4	30.5	118.0

POU Total Acres: 118.0

CONDITIONS OF APPROVAL

1. The rights listed below are limited to a total combined diversion rate of 6.27 cfs.
 Combined Right Nos.: 22-7143, 22-7144, 22-7145, and 22-7146
2. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
3. 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. 22-14745**As Modified by Transfer No. 90235**

In accordance with the approval of Transfer No. 90235, Water Right No. 22-14745 is now described as follows:

Right Holder: THOMAS E HILL AND
LEXIE G HILL
1540 S 6000 W
DRIGGS, ID 83422-4839

Priority Date: 6/30/1975

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	04/15	to 10/31	0.220 cfs	59.5 af
			0.220 cfs	59.5 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER SESW Sec 34 Twp 06N Rge 44E TETON 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	
06N	44E	34											40.0	40.0					80.0

Right Acre Limit: 17.0

POU Total Acres: 80.0

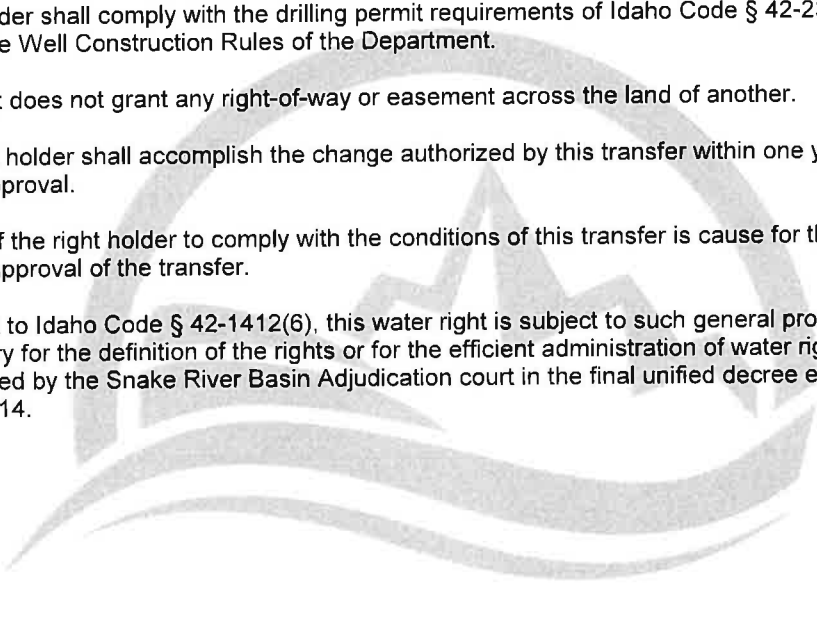
CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of a specific 17 acres within the 80 acre place of use authorized by this right in a single irrigation season. The specific 17 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 17 acres to be irrigated within the 80 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. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
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. 122.

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WATER RIGHT NO. 22-14745
As Modified by Transfer No. 90235

CONDITIONS OF APPROVAL

4. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
 5. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
 6. Right holder shall comply with the drilling permit requirements of Idaho Code § 42-235 and applicable Well Construction Rules of the Department.
 7. This right does not grant any right-of-way or easement across the land of another.
 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.
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WATER RIGHT NO. 22-7143
As Modified by Transfer No. 90235

In accordance with the approval of Transfer No. 90235, Water Right No. 22-7143 is now described as follows:

Right Holder: THOMAS E HILL AND
 LEXIE G HILL
 1540 S 6000 W
 DRIGGS, ID 83422-4839

Priority Date: 6/30/1975

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	04/15	to 10/31	1.570 cfs	420.0 af
			1.570 cfs	420.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER L2 (NESWNW) Sec 19 Twp 06N Rge 45E TETON 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	
06N	45E	18									28.9	29.0	29.9	32.2					120.0
											L 3	L 4							

POU Total Acres: 120.0

CONDITIONS OF APPROVAL

1. The rights listed below are limited to a total combined diversion rate of 6.27 cfs. Combined Right Nos.: 22-7143, 22-7144, 22-7145, and 22-7146.
2. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
3. 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. 22-7145
As Modified by Transfer No. 90235

In accordance with the approval of Transfer No. 90235, Water Right No. 22-7145 is now described as follows:

Right Holder: CHALCO LLC
 17122 E RIRIE HWY
 RIRIE, ID 83443-5028

Priority Date: 6/30/1975

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	04/15	to 10/15	3.180 cfs	477.0 af
			3.180 cfs	477.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER L2 (NESWNW) Sec 19 Twp 06N Rge 45E TETON 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	
06N	45E	19	39.0	40.0	40.0	38.0	40.0	32.0	37.0	38.0									304.0
								L 1	L 2										

Right Acre Limit: 159.0

POU Total Acres: 304.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 159.0 acres within the place of use described above in a single irrigation season.
2. Right Nos. 22-7145 and 22-7146 are limited to the irrigation of a combined total of 304.0 acres in a single irrigation season.
3. Right Nos. 22-7145 and 22-7146 are limited to a total combined diversion rate of 3.36 cfs and to a total combined annual diversion volume of 924.0 AF.
4. Rights 22-7143, 22-7144, 22-7145, and 22-7146 when combined shall not exceed a total diversion rate of 6.27 cfs.
5. A measuring device of a type approved by the Department shall be permanently installed and maintained as part of the diverting works.
6. The following rights are also diverted through point of diversion described above: 22-7143, 22-7144, 22-7145, 22-7146.

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WATER RIGHT NO. 22-7145
As Modified by Transfer No. 90235

CONDITIONS OF APPROVAL

7. Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
8. This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.



WATER RIGHT NO. 22-7146 **As Modified by Transfer No. 90235**

In accordance with the approval of Transfer No. 90235, Water Right No. 22-7146 is now described as follows:

Right Holder: CHALCO LLC
 17122 E RIRIE HWY
 RIRIE, ID 83443-5028

Priority Date: 6/30/1975

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	04/15	to 10/15	2.980 cfs	447.0 af
			2.980 cfs	447.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER L2 (NESWNW) Sec 19 Twp 06N Rge 45E TETON 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	
06N	45E	19	39.0	40.0	40.0	38.0	40.0	32.0	37.0	38.0									304.0
								L 1	L 2										

Right Acre Limit: 149.0
 POU Total Acres: 304.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 149.0 acres within the place of use described above in a single irrigation season.
2. Right Nos. 22-7145 and 22-7146 are limited to the irrigation of a combined total of 304.0 acres in a single irrigation season.
3. Right Nos. 22-7145 and 22-7146 are limited to a total combined diversion rate of 3.36 cfs and to a total combined annual diversion volume of 924.0 AF.
4. Rights 22-7143, 22-7144, 22-7145, and 22-7146 when combined shall not exceed a total diversion rate of 6.27 cfs.
5. A measuring device of a type approved by the Department shall be permanently installed and maintained as part of the diverting works.
6. The following rights are also diverted through point of diversion described above: 22-7143, 22-7144, 22-7145, 22-7146.

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WATER RIGHT NO. 22-7146
As Modified by Transfer No. 90235

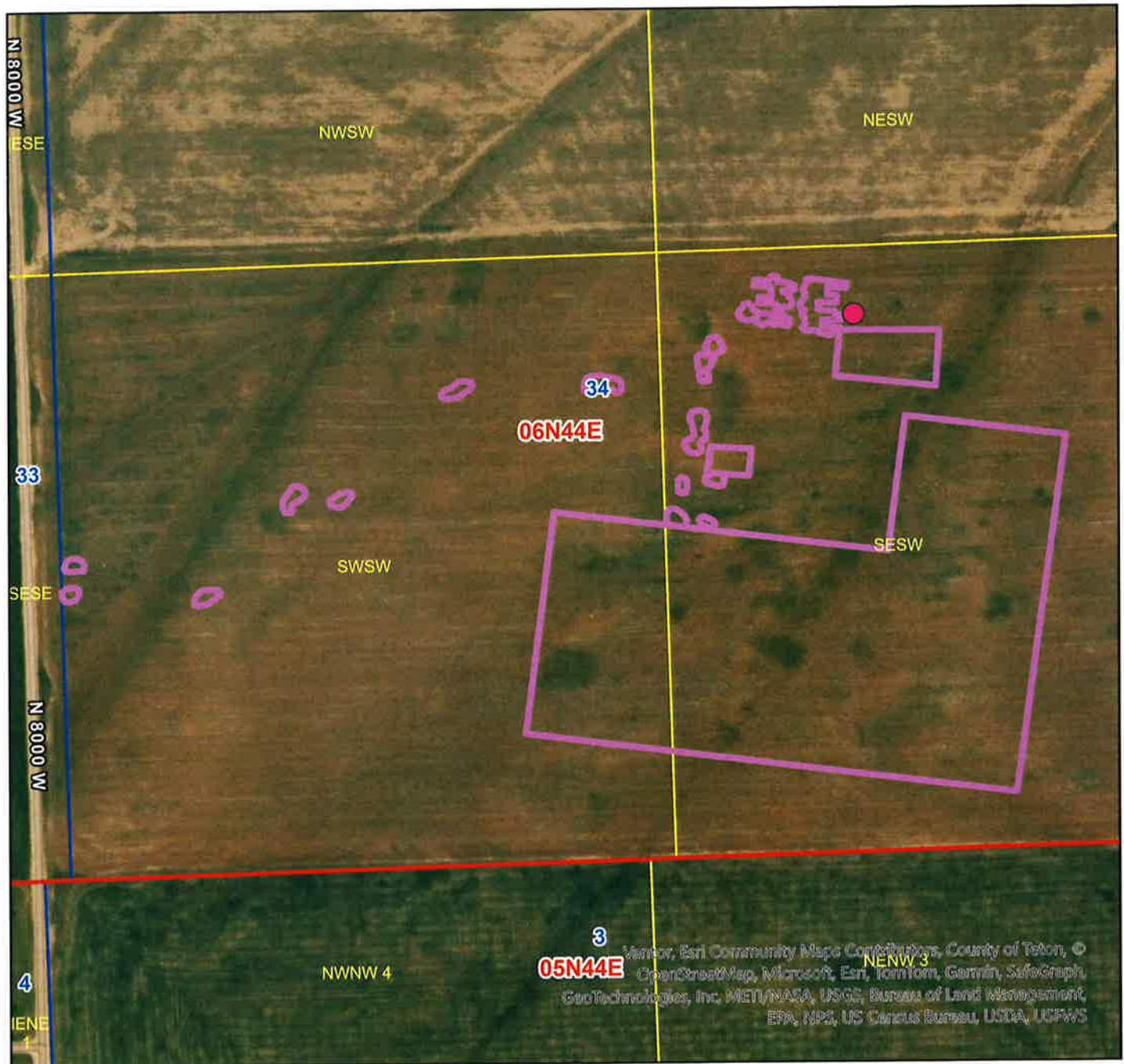
CONDITIONS OF APPROVAL

7. Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
8. This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.



Attachment to Transfer Approval 90235

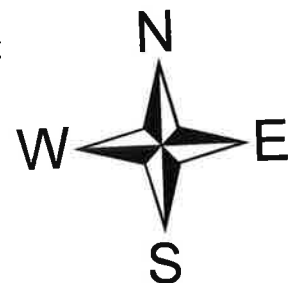
This map depicts the place of use boundary at the time of this transfer approval and is attached to the approval document solely for illustrative purposes.



Legend

- Water Right POD
- Water Right POU
- Township/Range
- Sections
- QQ

0 250 500 1,000 Feet



Date: 3/12/2026



March 12, 2026

WHITNEY GARDINER
AMY GARDINER
4305 GOODRICK LN POST OFFICE 1514
WILSON WY 83014

Re: Transfer No: 90235
Water Right No(s): 22-7143, 22-7144, 22-7145, 22-7146, 22-14745

Transfer Approval Notice

Dear Water Right Holder:

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) 525-7161.

Sincerely,



Christina Henman
Administrative Assistant

Enclosure
CC:

ROCKY MOUNTAIN ENVIRONMENTAL ASSOC INC
482 CONSTITUTION WAY STE 303
IDAHO FALLS ID 83402-3552

THOMAS E HILL
LEXIE G HILL
1540 S 6000 W
DRIGGS ID 83422-4839

CHALCO LLC
17122 E RIRIE HWY
RIRIE ID 83443-5028

CERTIFICATE OF SERVICE

I hereby certify that on March 12, 2026 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.: 90235

Water Right No(s): 22-7143, 22-7144, 22-7145, 22-7146, 22-14745

**WHITNEY GARDINER
AMY GARDINER
4305 GOODRICK LN POST OFFICE 1514
WILSON WY 83014**

**ROCKY MOUNTAIN ENVIRONMENTAL ASSOC INC
482 CONSTITUTION WAY STE 303
IDAHO FALLS ID 83402-3552**

**THOMAS E HILL
LEXIE G HILL
1540 S 6000 W
DRIGGS ID 83422-4839**

**CHALCO LLC
17122 E RIRIE HWY
RIRIE ID 83443-5028**



**Christina Henman
Administrative Assistant**

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

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

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

PETITION FOR RECONSIDERATION

(See Idaho Code § 67-5243(3))

Any party may file a petition for reconsideration of this preliminary order with the Department within fourteen (14) days of the service date of this order as shown on the certificate of service. **Note: the petition must be received by the Department within this fourteen (14) day period.** The presiding officer 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.

PETITION FOR REVIEW (EXCEPTIONS)

(See Idaho Code § 67-5245)

Within fourteen (14) days after: (a) the service date of this preliminary order, (b) the service date of a denial of a petition for reconsideration of this preliminary order, or (c) the failure within twenty-one (21) days of the presiding officer to act on a petition for reconsideration of this preliminary order, any party may petition the Director in writing to review any part of this preliminary order by filing exceptions, and any supporting brief, with the Department.¹ Any parties opposing the exceptions shall have fourteen (14) days from the service date of the exceptions to file a brief. If the Director determines that oral argument is to be heard, the Director will provide reasonable notice to the parties of the place, date, and hour for the argument.

The Director will issue a final order on exceptions within fifty-six (56) days of receipt of the written briefs or oral argument, whichever is later, unless extended for good cause. The Director may remand the matter for or hold an evidentiary hearing if further factual development of the record is necessary before issuing a final order.

REQUEST FOR HEARING

(See Idaho Code § 42-1701A(3))

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 Idaho Code § 42-1701A(3). A written petition to the Director contesting the preliminary order and requesting a hearing must be filed with the Department

¹ The Director may decide to review this preliminary order upon his own motion. Should the Director decide to do so, the Director will provide written notice to the parties within the period the parties are allowed to petition the director for review of the preliminary order.

by any aggrieved person **within fifteen (15) days after service of this preliminary order.**

CERTIFICATE OF SERVICE

(See IDAPA 37.01.01.053, 37.01.01.202)

All documents filed with the Department in connection with a petition for reconsideration, petition for review, or a request for hearing of this preliminary order shall be served on all other parties to the proceedings in accordance with Rules of Procedure 53 and 202.