

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: **A43-00096B**
Date Received: 6/13/1989
Receipt No: S008195
Received By: _____

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name: GOLDEN F. GARDINER 208-645-2563
Address: HC 72 BOX 2038
MALTA ID 83342

AND

Name: BARBARA E. GARDINER 208-645-2563
Address: HC 72 BOX 2038
MALTA ID 83342

AND

Name: NATHAN F. GARDINER 208-645-2563
Address: HC 72 BOX 2038
MALTA ID 83342

2. Date of Priority: APR 30, 1882

3. Source: QUAKING ASP SPRINGS Trib. to: CASSIA CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
14S	25E	4	SW	NE			CASSIA

5. Description of diverting works:
HEADGATE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	1.600		

7. Total Quantity Appropriated is:
1.600 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 240.0 Acre Feet Per Annum.

9. Non-irrigation uses:

MICROFILMED

10. Place of Use:

Township	Range	Section	1/4	of 1/4	Lot	Use	Acres
13S	25E	32	NW	SE		IRR	20.0
			SW	SE		IRR	30.0
			SE	SE		IRR	30.0

Section Acres 80.0

Total Acres 80.0

11. Place of use in counties: CASSIA

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:

A43-00097A, 00098A, 00410A

14. Remarks:

SEE DECREE FOR FURTHER DESCRIPTION OF P. U.

RT. IS FOR ENTIRE FLOW OF SAID SPRINGS.

P. D. SHOWN ON USGS MAP.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

ALBION-IDAHO LAND CO.

Decree Plaintiff

JOBE ADAMS ET. AL. AMENDED

vs Decree Defendant

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do do not wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments:

A43-00096B

Page

2

Date: 12/05/91

MICROFILMED

MAR 02 1993

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): _____ Date: _____

_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day

of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

MICROFILMED

MAR 02 1993

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A43-00096 B
Date Received: 6/13/1989
Receipt No: S008195
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: NATHAN F. GARDINER 208-645-2563
Address: HC 72 BOX 2038
MALTA, ID 83342
AND
Name: GOLDEN F. GARDINER 208-645-2563
Address: HC 72 BOX 2038
MALTA, ID 83342
AND
Name: BARBARA E. GARDINER 208-645-2563
Address: HC 72 BOX 2038
MALTA, ID 83342

2. Date of Priority: APR 30, 1882

3. Source: QUAKING ASP SPRINGS Trib. to: CASSIA CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
14S	25E	4	SW	NE			CASSIA

5. Description of diverting works:
HEADGATE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	1.600		

7. Total Quantity Appropriated is:
1.600 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 240.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
13S	25E	32	NW	SE		IRR	20.0
			SW	SE		IRR	30.0
			SE	SE		IRR	30.0
						Section Acres	80.0
						Total Acres	80.0

11. Place of use in counties: CASSIA

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
A43-00097A, 00098A, 00410A

14. Remarks:
SEE DECREE FOR FURTHER DESCRIPTION OF P. U.
RT. IS FOR ENTIRE FLOW OF SAID SPRINGS.
P. D. SHOWN ON USGS MAP.

OWNERSHIP CHANGE 4/18/90 ADM

15. Basis of Claim: DECREED
Case Number:
Court :
Decree date:

ALBION-IDAHO LAND CO. vs JOBE ADAMS ET. AL. AMENDED
Decree Plaintiff Decree Defendant

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): _____ Date: _____
_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____ Notary Public

Seal

Residing at _____
My Commission Expires _____

CHANGE IN OWNERSHIP OF NOTICE OF CLAIM

[] Water Right Number(s): A43-00058; A43-00059; A43-00060; A43-00061; A43-00326; A43-00096; A43-00097A; A43-00098A; A43-004

[] Name and Address of Former Claimant:

Reuben A. Ward

Box 172

Albion, Idaho 83311

[] New Claimant(s):

Nathan F. Gardiner and Golden F. Gardiner

B2v62v2 E

[] New Mailing Address:

HC 72, Box 2038

Malta, Idaho

83342

New Telephone Number: (208) 645 - 2563

[] Does the change in ownership result in a splitting of the water right claimed? yes x no

If yes, then describe the portion of the water right that is now claimed by the new owner:

[X] Attach proof of ownership

Describe proof attached:

Copy of executed Agreement of Sale

[] Signature of New Claimant(s):

Nathan F. Gardiner
Golden F. Gardiner

Date: March 29, 1990

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: 4/18/90 By: AD~

Further Action Needed:

Further Action Taken

Date: By:

Final Review and Data-Entry

Date: 4/18/90 By: AD~

Claim Numbers of Split, if any:

RECEIVED

APR 12 1990

Department of Water Resources
Southern Region Office

MICROFILMED

MAR 02 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

18-Apr-1990 14:23

Nathan/Golden/Barbara Gardiner
HC 72 Box 2038
Malta, ID 83342

RE: SRBA Claims A43-00058, A43-00059, A43-00060, A43-00061, A43-00325
A43-00326, A43-00096, A43-00097A, A43-00098A &
A43-00410A

Dear Claimants:

Pursuant to the notification that you presently own the property in which the above referenced adjudication claims are appurtenant, the Department has changed the record of the current owner as you requested. Please find enclosed copies of the computer record of the claims noting the change in claimant. Please review the record and if you have any corrections please notify this office.

Sincerely,

Allen Merritt, P.E.
Water Rights Supervisor

Encl:

MICROFILMED
MAR 02 1993

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

RECEIVED

Ident. Number: A43-00096 B
Date Received: 6/02/1989
Receipt No: 5008195
Received By: CW

JUN 08 1989

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

Department of Water Resources
Southern Region Office

1. Name: REUBEN WARD
Address: BOX 172
ALBION, ID

208-673-5349

83311

AND/OR

Name: DELLA WARD
Address: BOX 172
ALBION, ID

208-673-5349

83311

2. Date of Priority: APR 30, 1882

3. Source: QUAKING ASP SPRINGS Trib. to: CASSIA CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
14S	25E	4	SW	NE			CASSIA

5. Description of diverting works:
HEADGATE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	1.600		

7. Total Quantity Appropriated is:
1.600 C.F.S. (and/or)

A.F.A.

8. Total consumptive use is

Acre Feet Per Annum.

9. Non-irrigation uses:

A43-00096 B

Page 1

Date: 06/02/89

MICROFILMED
MAR 02 1993

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
13S	25E	32	NW	SE		IRR	20.0
			SW	SE		IRR	30.0
			SE	SE		IRR	30.0
						Section Acres	80.0
						Total Acres	80.0

11. Place of use in counties: CASSIA

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
A43-00097A, 00098A, 00410A

14. Remarks:
SEE DECREE FOR FURTHER DESCRIPTION OF P. U.
RT. IS FOR ENTIRE FLOW OF SAID SPRINGS.
P. D. SHOWN ON USGS MAP.

15. Basis of Claim: DECREED
Case Number:
Court :
Decree date:

ALBION-IDAHO LAND CO.
Decree Plaintiff

vs

JOBE ADAMS ET. AL. AMENDED
Decree Defendant

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not ☒ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): *Robert D. Hard* Date: 6-8-89
Della Hard Date: 6-8-89

State of Idaho)
County of sf) SS.

Subscribed and sworn (or affirmed) before me this 8th day
of June 19 89 *Lon. White*
Notary Public

Seal

Residing at sf
My Commission Expires 5/94

Water Right Number - 43-00096 *all*

Adj. Flag Translation: Standard Water Right Number

Old (D) Number -

+ - - - - Last Name - - - - +

+ - First Name - - +

+ - - - - Address - - - - +

+ - - - -

+ - - - -

*** C - CURRENT OWNER ***
DARRINGTON

J. EDWARD

1 -
2 -
3 -
City-
Phone -

State- Zip-

+ - - Priority Date - - +
04/30/1882+ - - Region - - - +
17+ - - Stage - - - +
D - DECREED

+ - - Status - - - +

+ - - Source - - - - -
QUAKING ASP SPRINGS

+ - -

+ - - Tributary - - - - -
CASSIA CREEK+ - - - - - Point of Diversion - - - - -
Stream Index (Blank if no Index Code)

14S 25E 4 SW NE (31) CASSIA

+ - - Code - - - Description - - - Period From - - - Water Use - - - Period To - - - Diversion Rate - - - Diversion Volume - - -

01 - IRRIGATION

+ - - Total Div. Rate - + - - Total Div. Volume - + - - Total Div. Capacity - + - - Total Consumptive Use - + - - KW Usage - + - -
1.6 for 80 acres

Twn	Rng	Sec	Tract	Lot	Acres	Place of Use Code	Description	County
13S	25E	32	NE SE			01	IRRIGATION	(31) CASSIA
13S	25E	32	NW SE			01	IRRIGATION	(31) CASSIA
13S	25E	32	SW SE			01	IRRIGATION	(31) CASSIA
13S	25E	32	SE SE			01	IRRIGATION	(31) CASSIA

Total Acres:

+ - - Diversion Means -

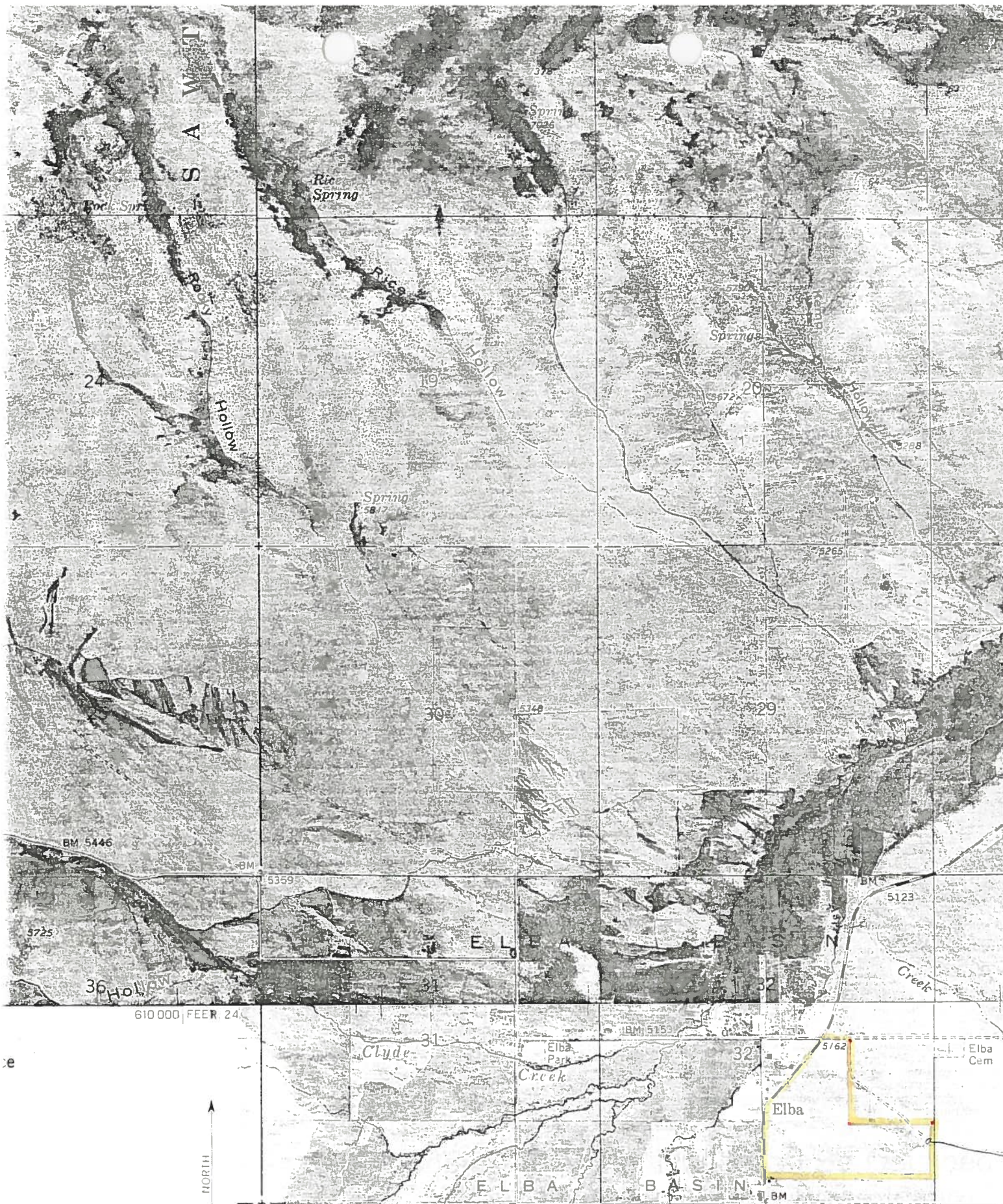
+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - 43-0097-0098, 0410

+ - - - - - Remarks - - - - -
SEE DECREE FOR FURTHER DESCRIPTION OF P. U.
RT. IS FOR ENTIRE FLOW OF SAID SPRINGS.
P. D. SHOWN ON USGS MAP.+ - - - - - Conditions of Approval - - - - -
No Conditions of Approval found.MICROFILMED
MAR 02 1993

+ - Decree Date - +
01/08/1959

MICROFILM
MAR 12 1993



THIS MAP COMPLIES WITH NATIONAL MAP ACCURACY STANDARDS
 FOR SALE BY U. S. GEOLOGICAL SURVEY, MENLO PARK, CALIF. 94025

MICROFILMED
MAR 02 1993

ences pursuant to
 ctions in the Snake
 ade and no legal
 and reproduction
 for the accuracy



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

05-Dec-1991

GOLDEN F. GARDINER
BARBARA E. GARDINER
NATHAN F. GARDINER
HC 72 BOX 2038
MALTA ID 83342

RE: Snake River Basin Adjudication (SRBA)
Cassia County - #A43-00096
Identification Number Change

Dear Mr. and Mrs. Gardiner

The Identification Number of your Notice of Claim to a Water Right has been changed from A43-00096 to A43-00096B. The suffix "B" has been added to the number in order to distinguish your claim from other claims that may claim a portion of the same original water right. This change does not affect your claim in any other way.

Enclosed is a computer-generated copy of your claim with the new Identification Number. Refer to this record number in any future inquiries or correspondence.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Jeanie', written over the typed name.

Jeanie Robertson
Records Clerk

/jr

Enclosure:
Claim A43-00096B

MICROFILMED
MAR 02 1993

01/19/2001

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 43-96B

NAME AND ADDRESS: BARBARA E GARDINER
GOLDEN F GARDINER
NATHAN F GARDINER
HC 72 BOX 2038
MALTA, ID 83342

SOURCE: QUAKING ASP CREEK TRIBUTARY: CASSIA CREEK

QUANTITY: 1.6 CFS

VERIFIED BY KKC

WHEN COMBINED THE FOLLOWING RIGHTS SHALL PROVIDE NO MORE
THAN .02 CFS PER ACRE. COMBINED RIGHT NOS. 43-96B, 43-97A,
43-98A, AND 43-410A.

PRIORITY DATE: 04/30/1882

POINT OF DIVERSION: T14S R25E S4 NESWNE Within CASSIA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04-01 10-31	1.60 CFS

PLACE OF USE:

<u>IRRIGATION Within CASSIA County</u>					
T13S R25E S32	NESE	10	T13S R25E S32	NWSE	28
T13S R25E S32	SWSE	22	T13S R25E S32	SESE	20

80 ACRES TOTAL

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION
OF A COMBINED TOTAL OF 80 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS. 43-96B, 43-97A, 43-98A, AND 43-410A.

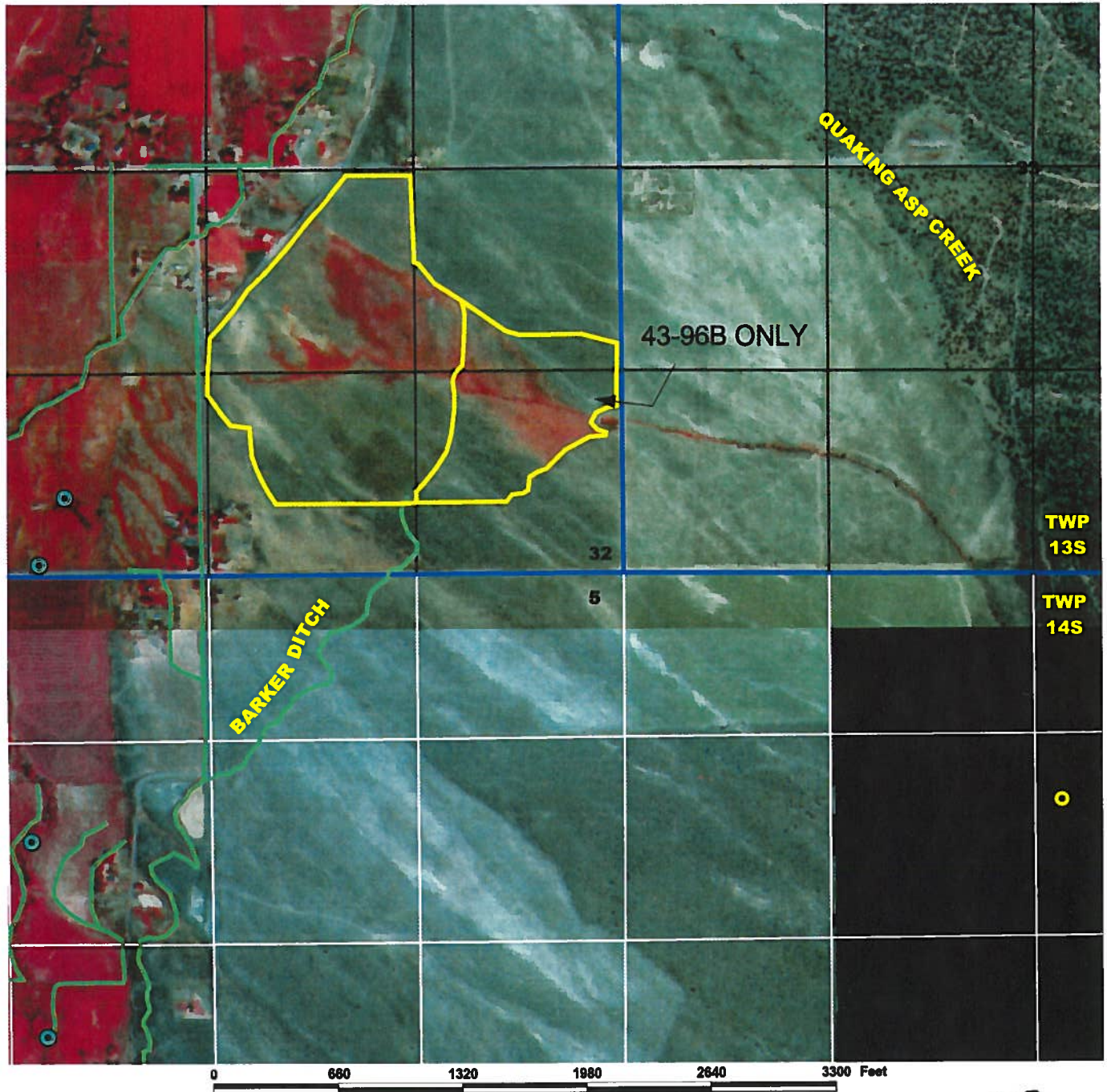
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

SOURCE IS ALSO KNOWN AS QUAKING ASP SPRINGS.

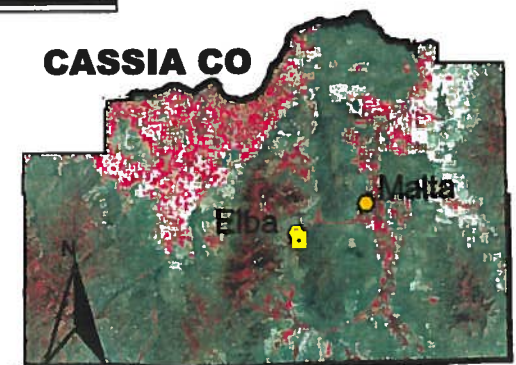
RECOMMENDED PLACE OF USE FOR 43-96B, 43-97A, 43-98A AND 43-410A



PLACE OF USE
TWP 13S, RNG 25E, SEC 32
Data entry on January 22, 2001

GIS PLACE OF USE PRESENTATION
1987/1988 NAPP AERIAL PHOTOGRAPHY
DATA ENTRY BY KELLY K CHRISTENSEN

- RECOMMENDED POINT OF DIVERSION
- RECOMMENDED PLACE OF USE
- SECTION LINES
- QUARTER/QUARTER LINES



Idaho Dept of Water Resources
Claims review notes and narrative

Date: 1-18-2001

File: 43-00096 gardiner vs tuttle split

Prepared by Kelly K Christensen

43-00096 43-00097, 43-00089, and 43-00410
SPLIT ANALYSIS

The above rights were claimed under two different ownership's as follows;

Source = Quaking Asp Spring

Gardiner		Tuttle		CLAIMED RATE TOTAL	DECREED RATE	PRIORITY DATE
A43-00096B	1.600 cfs	A43-00096A	0.30 cfs	1.900 CFS	ALL	Apr 30, 1882

Source = Green Canyon Creek

Gardiner	Claim Rate	Tuttle	Claim Rate	Combined claimed rates	Decreed rate by right	Priority date
A43-00097A	0.089 cfs	A43-00097B	0.05 cfs	0.139 CFS	0.10 CFS	June 1, 1883
A43-00098A	0.390 cfs	A43-00098B	0.22 cfs	0.610 CFS	0.44 CFS	Apr 30, 1884
A43-00410A	0.179 cfs	A43-00410B	0.10 cfs	0.279 CFS	0.20 CFS	Apr 30, 1886

Warranty deed 194896 dated April 15, 1988 and recorded April 21, 1988 Franks to Tuttle, conveys a portion of the decreed place of use and an additional 2 lots outside of the decreed place of use along with the following water rights.

0.05 s.f. of waters of Cassia Creek with date of priority of June 1, 1883

0.22 s.f. of waters of Cassia Creek with date of priority of April 30, 1884

0.05 s.f. of waters of Cassia Creek with date of priority of April 30, 1886

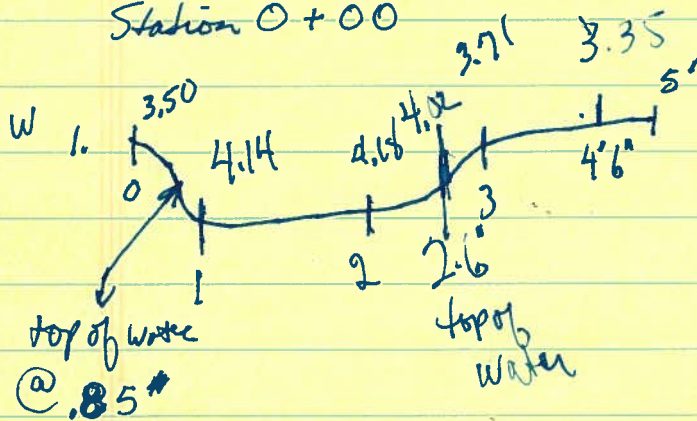
And any and all other water, water rights, or water ditches appurtenant to the above described real estate, or any part or parcel thereof.

I am recommending these rights based upon the information provided in the warranty deed for the basis for the splits. The warranty deed splits are 50% for the Green Canyon Creek rights. The Quaking Asp Spring right was not identified in the warranty deed and I found that there was no use on the Tuttle property for Quaking Asp Spring water, therefore, I am recommending that right entirely to Gardiner.

Gardiner	Recommended Rate	Tuttle	Recommended Rate
A43-00097A	0.05 cfs	A43-00097B	0.05 cfs
A43-00098A	0.22 cfs	A43-00098B	0.22 cfs
A43-00410A	0.10 cfs	A43-00410B	0.10 cfs

For A43-00096

Station 0+00



8-2-94

KKC

ADAM

E

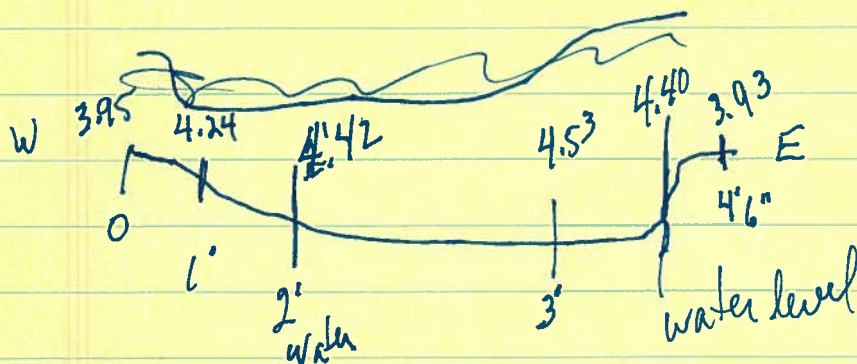
Quake Asap Liv
at P/D

2 pics

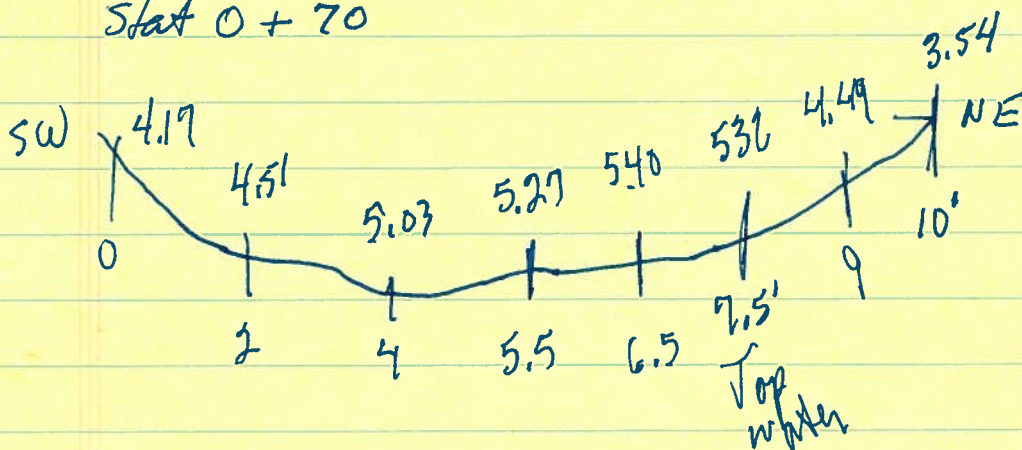
look WNW to WSW

#1

Stat 0+32



Stat 0+70



MANNING EQUATION CHANNEL CAPACITY RESULTS

08-03-1994

File Number: A43-00096

Claimant: GARDINER

Channel measured: QUAKING ASP CREEK DIVERSION

Date of measurement: 8-2-94

Measurement location:

JUST BELOW THE P/D

Calculation prepared by: KKC

Comments about the measurement:

The results of the calculation are:

The length of the channel measured is 100 feet.

The upstream and downstream rod readings are 3.50 and 4.17 feet.

The channel cross section is 3.28 ft-sq.

The wetted perimeter is 6.30 feet.

The hydraulic radius is 0.52 feet.

The slope is 0.0067

The roughness coefficient is 0.1000

The flow velocity is 0.789 ft/sec.

The rate of flow is 2.59 cfs.

CROSS SECTION NUMBER 1

For File Number A43-00096 for the QUAKING ASP CREEK DIVERSION

Number	Rod Reading	Water Depth	Distance
1	3.50	0.00	0.00
2	4.14	0.64	1.00
3	4.18	0.68	2.00
4	4.02	0.52	2.60
5	3.71	0.21	3.00
6	3.50	0.00	3.80

The area for this cross section is 1.57 square feet
and the wetted perimeter is 4.14 feet.

CROSS SECTION NUMBER 2

For File Number A43-00096 for the QUAKING ASP CREEK DIVERSION

Number	Rod Reading	Water Depth	Distance
1	3.95	0.00	0.00
2	4.24	0.29	1.00
3	4.42	0.47	2.00
4	4.53	0.58	3.00
5	4.40	0.45	4.00
6	3.95	0.00	4.70

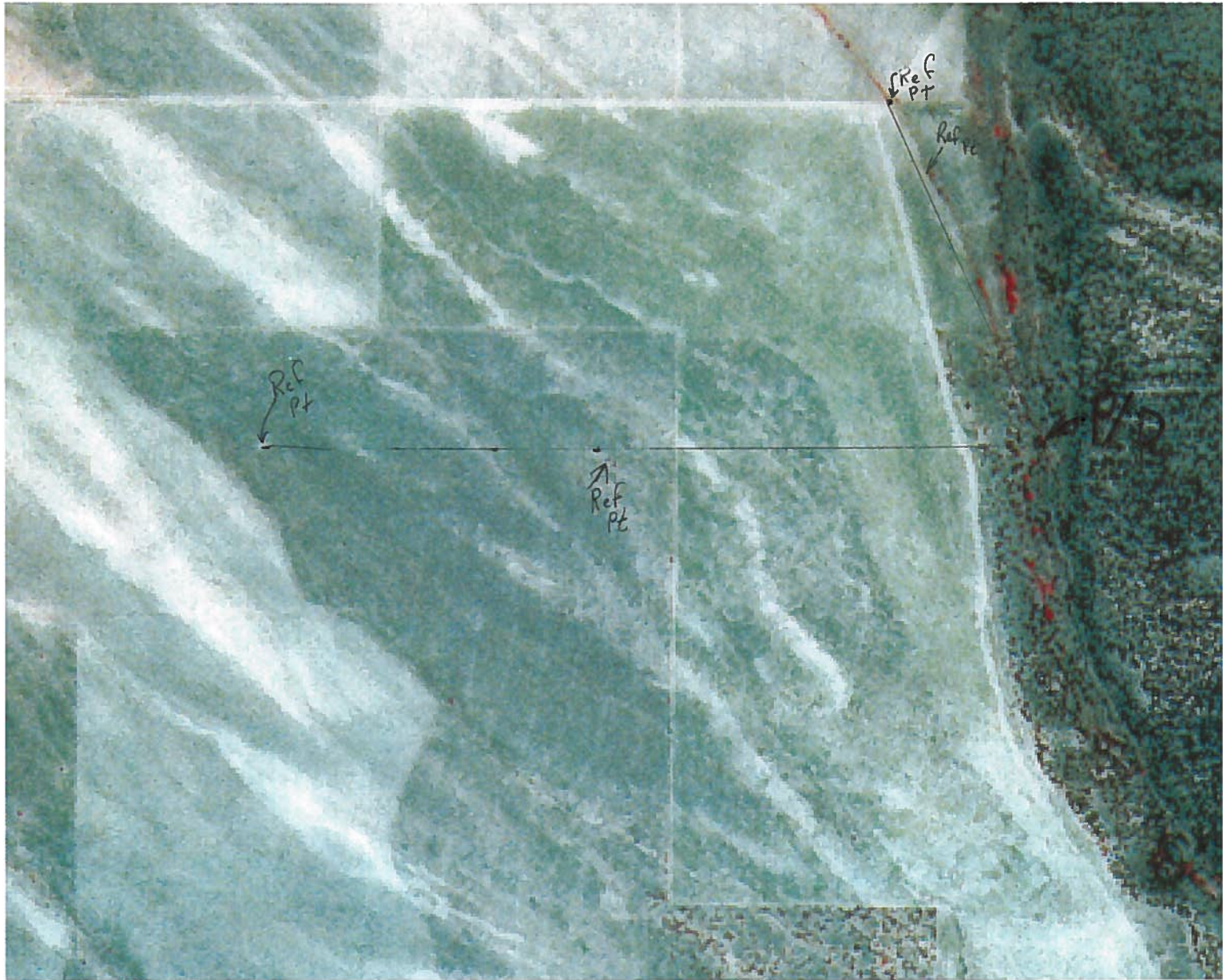
The area for this cross section is 1.72 square feet
and the wetted perimeter is 4.90 feet.

CROSS SECTION NUMBER 3

For File Number A43-00096 for the QUAKE ASP CREEK DIVERSION

Number	Rod Reading	Water Depth	Distance
1	4.17	0.00	0.00
2	4.51	0.34	2.00
3	5.03	0.86	4.00
4	5.27	1.10	5.50
5	5.40	1.23	6.50
6	5.33	1.16	7.50
7	4.49	0.32	9.00
8	4.17	0.00	9.40

The area for this cross section is 6.54 square feet
and the wetted perimeter is 9.86 feet.



Scanned copy of NAPP DD-30 NB. show the location of the
P/D. Scanned 6-1-00 KKC

**43-00096 43-00097, 43-00089, and 43-00410
SPLIT ANALYSIS**

The above rights were claimed under two different ownership's as follows;

Source = Quaking Asp Spring

Gardiner		Tuttle		CLAIMED RATE	DECREED	PRIORITY
				TOTAL	RATE	DATE
A43-00096B	1.600 cfs	A43-00096A	0.30 cfs	1.900 CFS	ALL	Apr 30, 1882

Source = Green Canyon Creek

Gardiner		Tuttle		CLAIMED RATE	DECREED	PRIORITY
				TOTAL	RATE	DATE
A43-00097A	0.089 cfs	A43-00097B	0.05 cfs	0.139 CFS	0.10 CFS	June 1, 1883
A43-00098A	0.390 cfs	A43-00098B	0.22 cfs	0.610 CFS	0.44 CFS	Apr 30, 1884
A43-00410A	0.179 cfs	A43-00410B	0.10 cfs	0.279 CFS	0.20 CFS	Apr 30, 1886

Gardiner Prop. Share

.44 .22

Warranty deed 194896 dated April 15, 1988 and recorded April 21, 1988 Franks to Tuttle, conveys a portion of the decreed place of use and an additional 2 lots outside of the decreed place of use along with the following water rights.

0.05 s.f. of waters of Cassia Creek with date of priority of June 1, 1883

0.22 s.f. of waters of Cassia Creek with date of priority of April 30, 1884

0.05 s.f. of waters of Cassia Creek with date of priority of April 30, 1886

And any and all other water, water rights, or water ditches appurtenant to the above described real estate, or any part or parcel thereof.

*Warranty Deed for Gardiner Purchase
requested 6-2-88 (called Cassia Co Recorder)*

A43-00096B 1.60 CFS (GARDNER)

A43-00096A .30 CFS Tuttle *Quak*

ASP source
tot 1.90 CFS Decree Rate = All

A43-00098A 0.089 CFS G.

00097B .05 CFS T.

tot 0.139 CFS .10 CFS dec.

A43-00098A 0.39 CFS G.

-00098B 0.22 CFS T.

tot 0.61 CFS .44 CFS dec

A43-00410A 0.179 CFS G.

000410B .10 CFS T.

tot 0.279 CFS .20 CFS dec

decree vs claims
Rights overclaimed.

TOWNSHIP
RANGE
SECTION

135
25E
32 SE 1/4 only

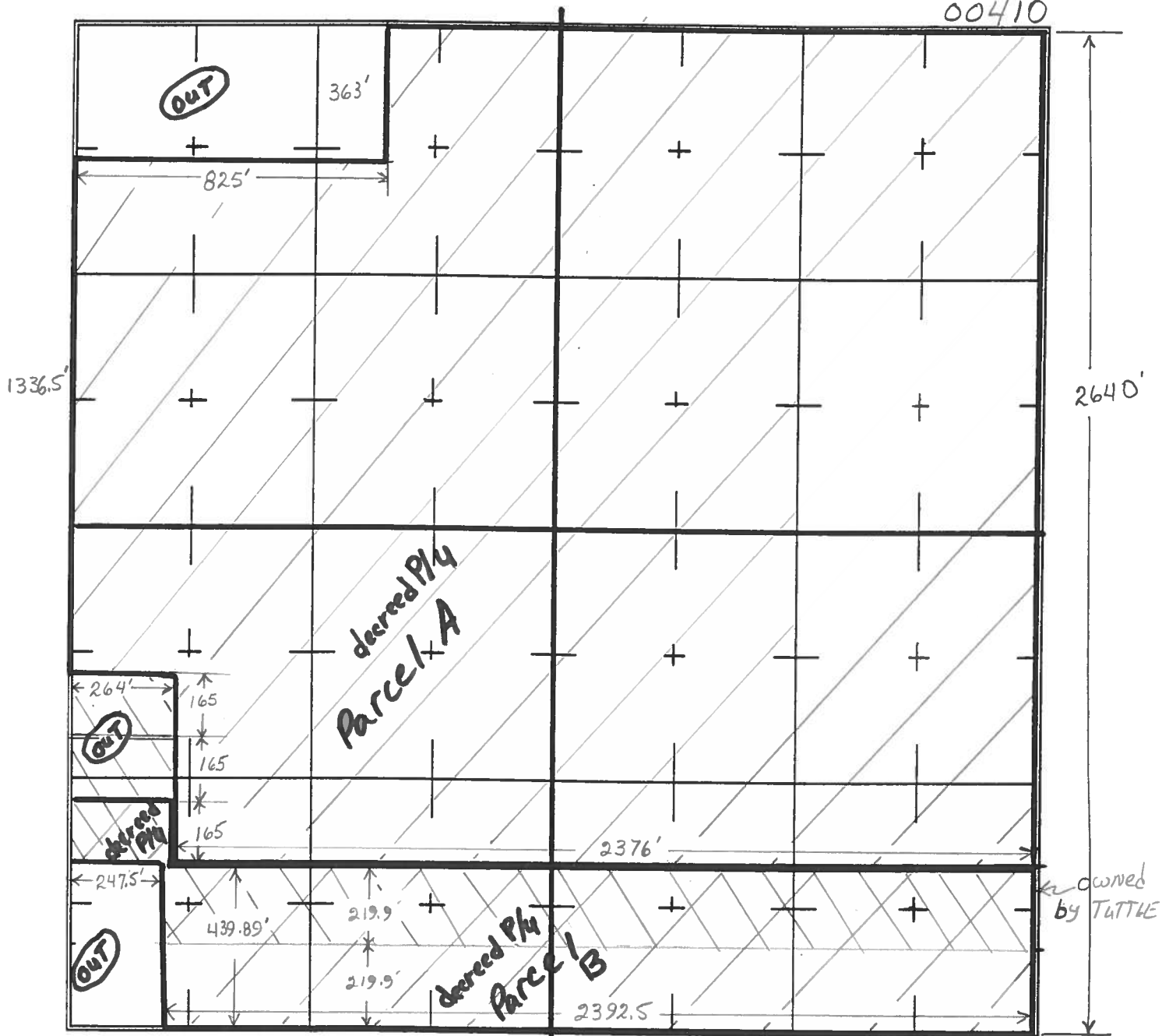
Decreed Rights

43-00096

00097

00098

00410



/// = Decreed P/U includes Parcel A & Parcel B.

Gardiner owns/claims Parcel A.

XXX = Tuttle owns/claims part of Parcel B and owns 2 additional lots outside of decreed P/U.

The south 1/2 of Parcel B is not claimed AT this time.

198 units
26'

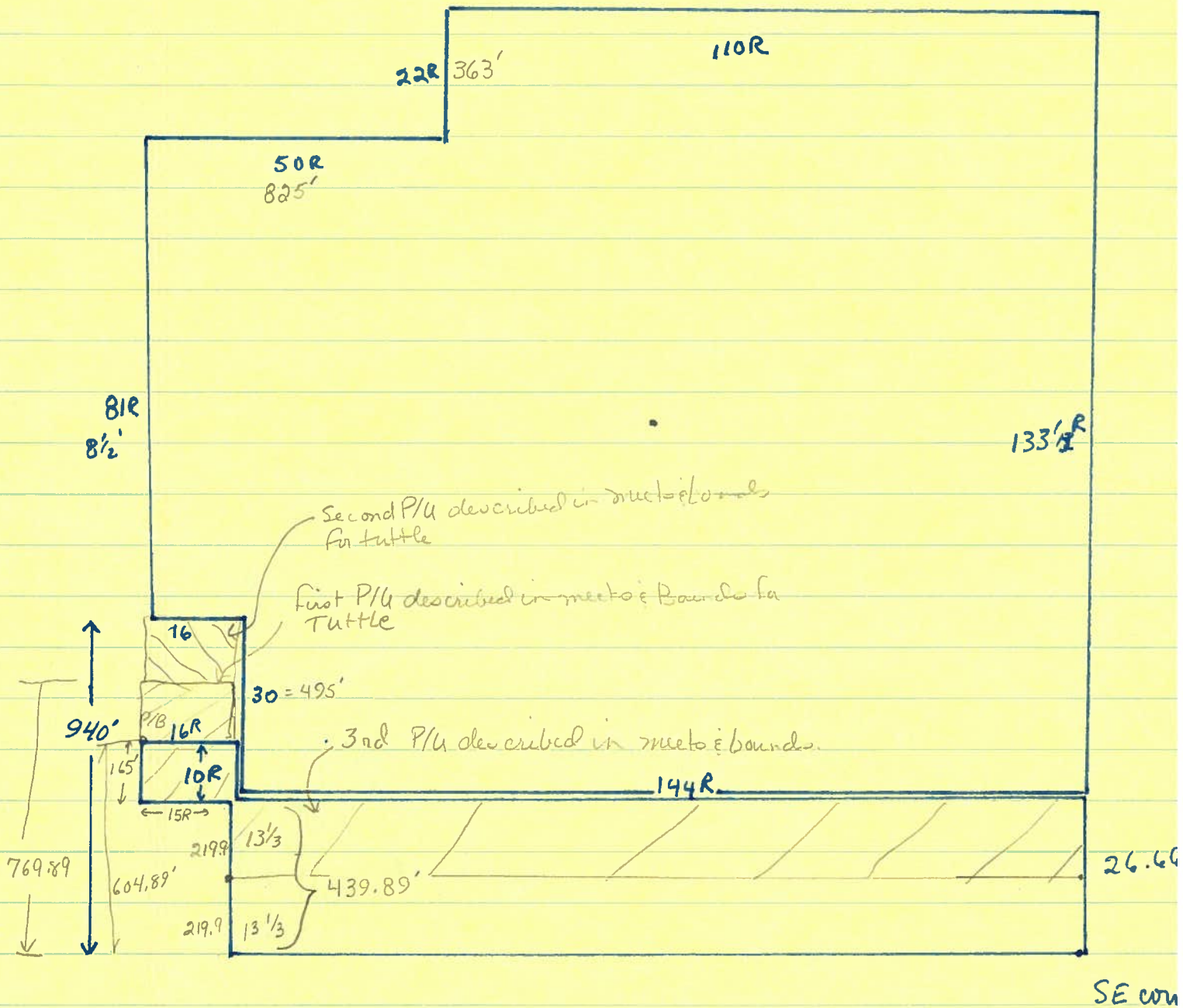
13.3' per acre
(3050)

PREPARED BY KIC (3050)

ON 2/8/86

FILE FM-SECTION-G-10-4-INCHES-30-

DECREED P/U 43-00096, 00097, 00098, 00410



46 $\frac{2}{3}$ Rods N of SW corner of SE $\frac{1}{4}$ sec 32
(769.89).

$$15R = 247.5'$$

$$16R = 264'$$

TOWNSHIP

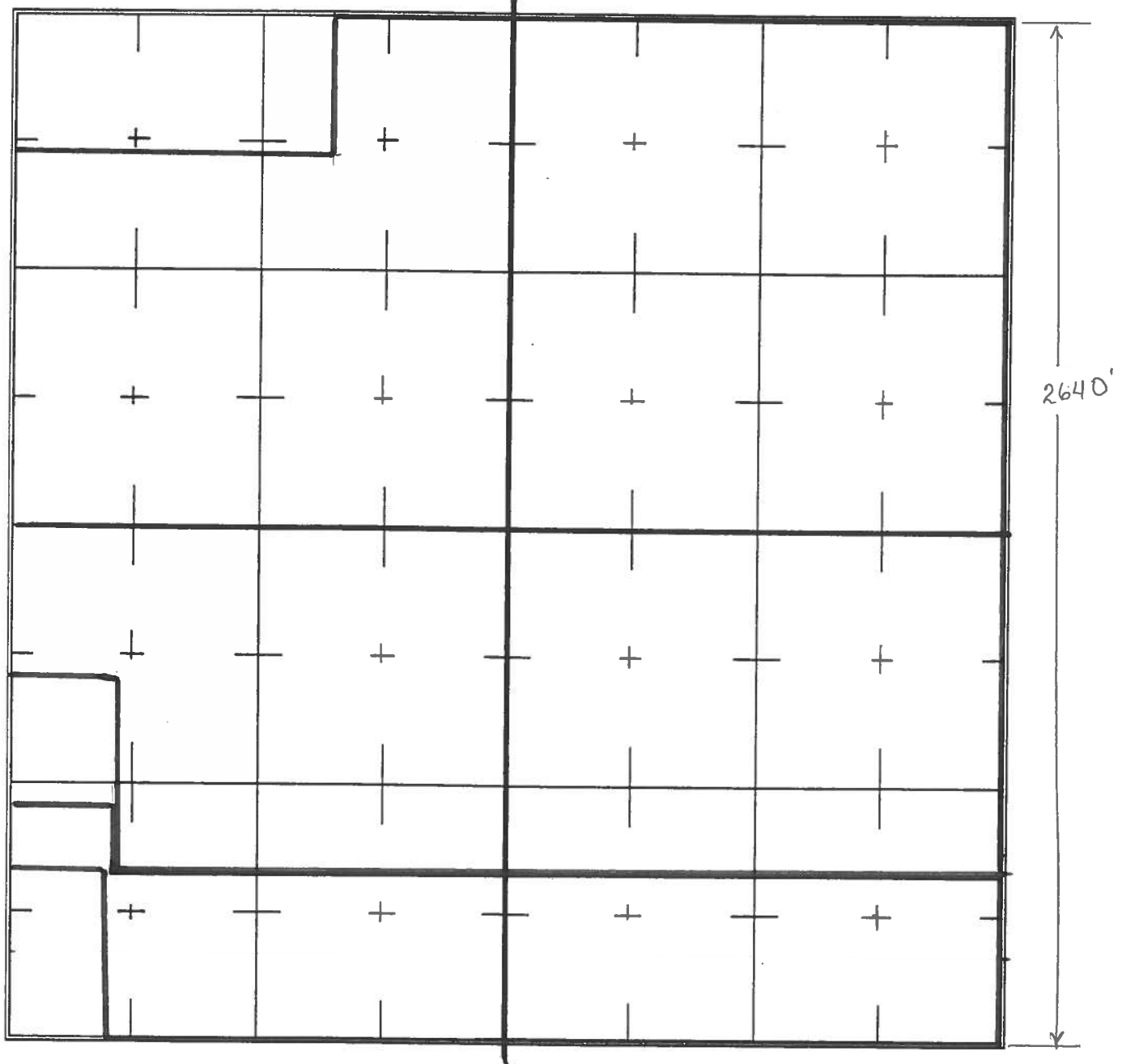
13S

RANGE

25E

SECTION

32 SE 1/4 only



198 units
264'

13.3' per unit
(30.5 ca)

PREPARED BY KKC
ON 2/6/96

CLAIM INIT
T. R. S. Q/Q
P/D
PHOTO A505 0-28
DT. & ID. 1978 Flight

R 25

notes in Paul
are Discrepancy
notes will
pardon at
his home
7-21-94

2 pic
1 pic
3 pic

some
in
out

in
out

in
out

in
out

in
out

in
out

in
out

in
out

in
out

in
out

in
out

in
out

E190

A

596

Field span

7-22-94

T 1423

A

630

in

out

in

out

in

out

in

out

in

out

in

out

in

out

in

out

in

out

109

T 137

A

630

in

out

in

out

in

out

in

out

in

out

in

out

in

109

T 137

A

630

in

out

in

out

in

out

in

out

in

out

in

out

in

109

T 137

A

630

in

out

in

out

in

out

in

out

in

out

in

out

in

109

T 137

A

630

in

out

in

out

in

out

in

out

in

out

in

out

in

109

T 137

A

630

in

out

in

out

in

out

in

out

in

out

in

out

in

109

T 137

A

630

in

out

in

out

in

out

in

out

in

out

in

out

in

109

T 137

A

630

in

out

in

out

in

out

in

out

in

out

in

out

in

109

T 137

A

630

in

out

in

out

in

out

in

out

in

out

in

out

in

109

T 137

A

630

in

out

in

out

in

out

in

out

in

out

in

out

in

109

T 137

A

630

in

out

in

out

in

out

in

out

in

out

in

out

in

109

T 137

A

630

in

out

in

out

in

out

in

out

in

out

in

out

in

109

T 137

A

630

in

out

in

out

in

out

in

out

in

out

in

out

in

109

T 137

A

630

in

out

in

out

in

out

in

out

in

out

in

out

in

109

T 137

A

630

in

out

in

out

in

out

in

out

in

out

in

out

in

109

T 137

A

630

in

out

in

out

in

out

in

out

in

out

in

out

in

109

T 137

A

630

in

out

in

out

in

out

in

out

in

out

in

out

in

109

T 137

A

630

in

out

in

out

in

out

in

out

in

out

in

out

in

109

T 137

A

630

in

out

in

out

in

out

in

out

in

out

in

out

in

109

T 137

A

630

in

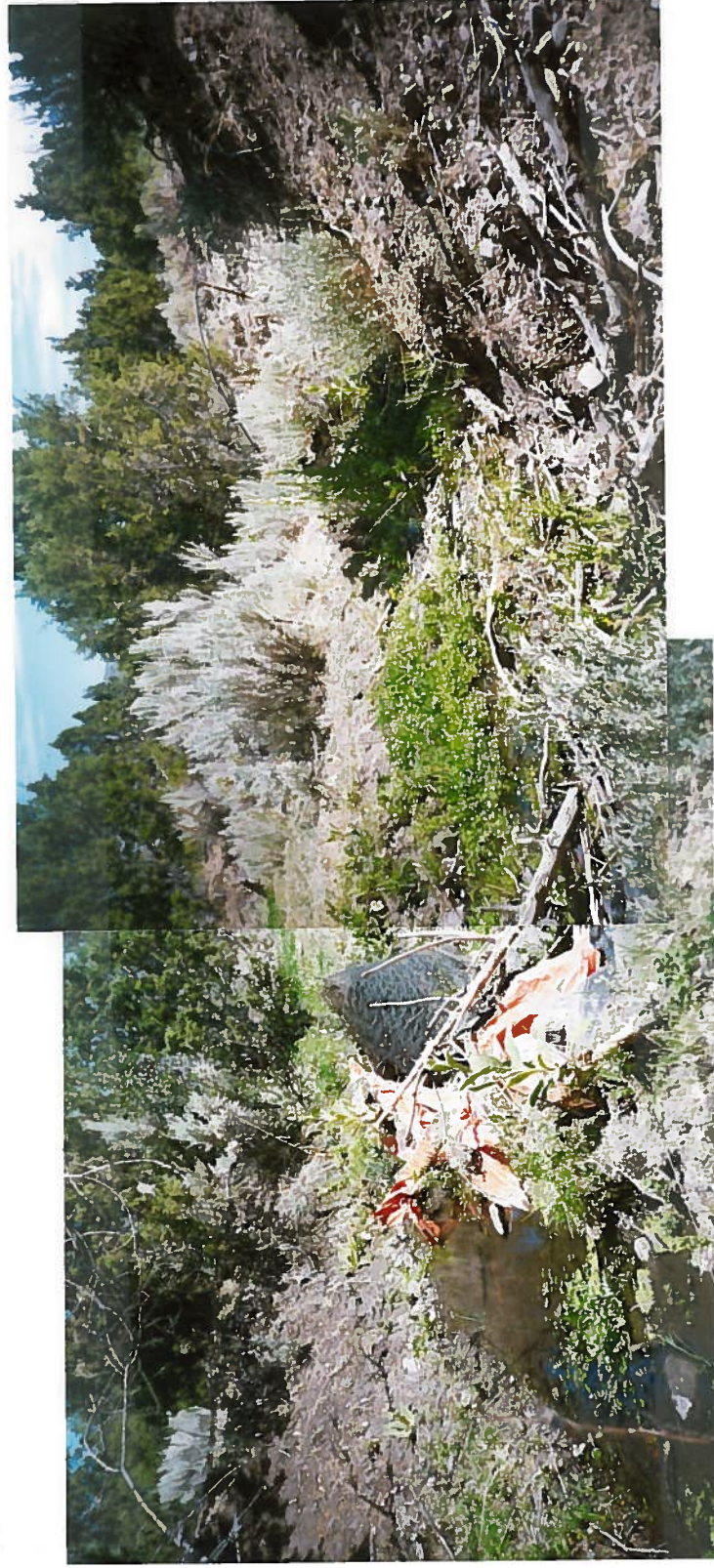
out

in

out

CLAIM # A43-00096B
DATE PHOTOS TAKEN; 7-22-94
PICTURE SET # 1

This photo set shows the diversion point from Quaking Asp Creek. You are looking north on the left down the ditch to northeast on the right, looking down Quaking Asp Creek. The water being diverted at this time did not reach the P/U.



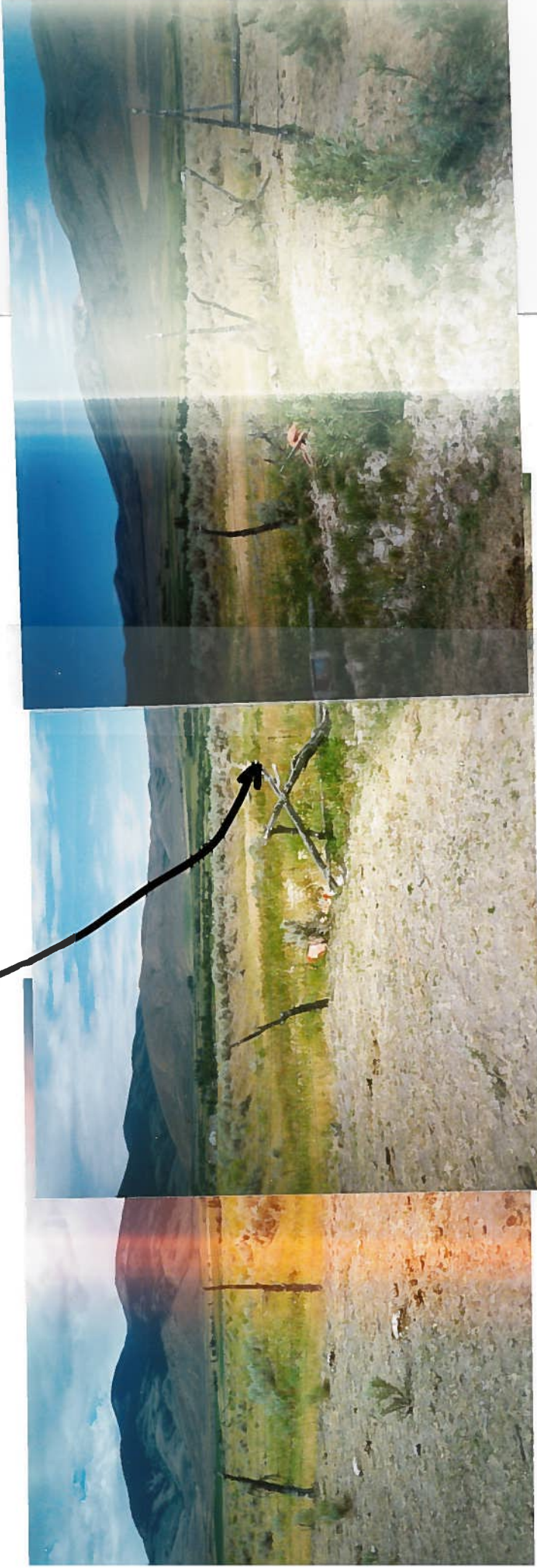
096B

KEN; 7-22-94

2

shows the ditch system and the pond at the point where the ditch enters the on the east side of the P/U and you are looking east southeast on the left to the right. Three ditches divide at this point with one going south along the ng north also along the fence and the third going west into the pond.

PICTURE # 3 LOCATION



CLAIM # A43-00096B
DATE PHOTOS TAKEN; 7-22-94
PICTURE # 3

This photo shows the remains of the control structure on the west side of the pond. A culvert goes through the dike at this point but no gate exists to regulate the discharge exists. It was being used for coyote den and the floor of the pond as a table. Note the calf carcass in the foreground. You are looking west in this photo.

COYOTE TRAIL VISIBLE IN PHOTO SET # 2

CULVERT
MOUTH



CLAIM # A43-00096B
DATE PHOTOS TAKEN; 7-22-94
PICTURE SET # 4

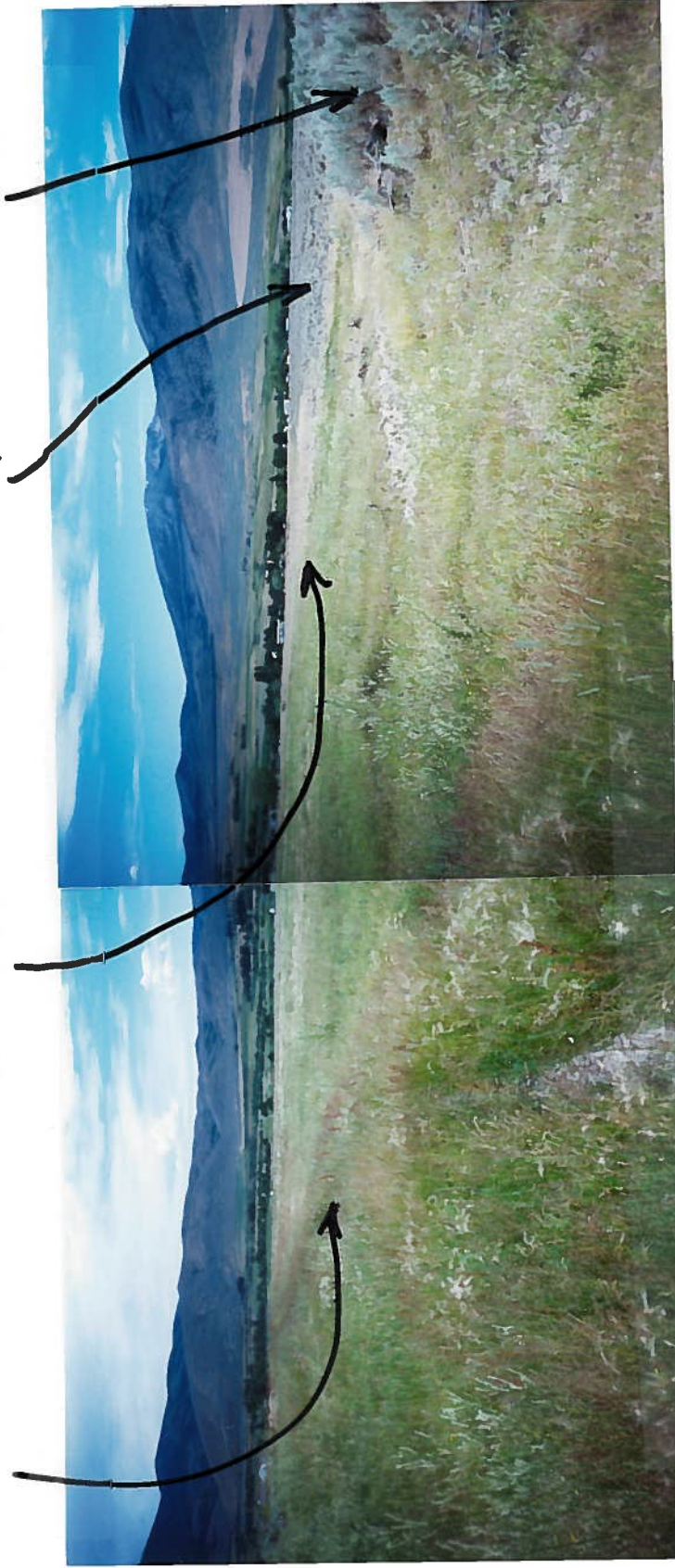
This photo set was taken along the south side of the pond and is looking east southeast on the left to northwest on the right. The ground to the left of this ditch is not considered a part of the P/U. The discharge from the culvert in the bottom of the pond enters a ditch that follows the line formed by the green to yellow change. The sagebrush beyond that point is the ground under the northern running ditch.

SOUTH DITCH

MIDDLE DITCH

NORTH DITCH P/U

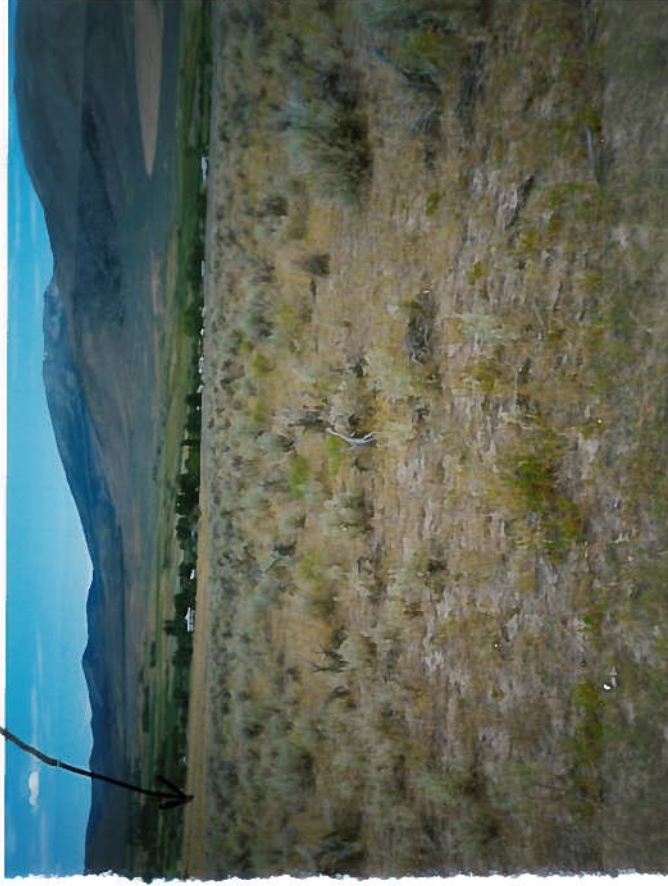
POND DIKE



CLAIM # A43-00096B
DATE PHOTOS TAKEN; 7-22-94
PICTURE # 5

This photo shows a portion of the ground below the north running ditch. This photo location is just north of the pond and is along the eastern property fence. You are looking northwest.

GROUND IRRIGATED FROM THE MIDDLE DITCH



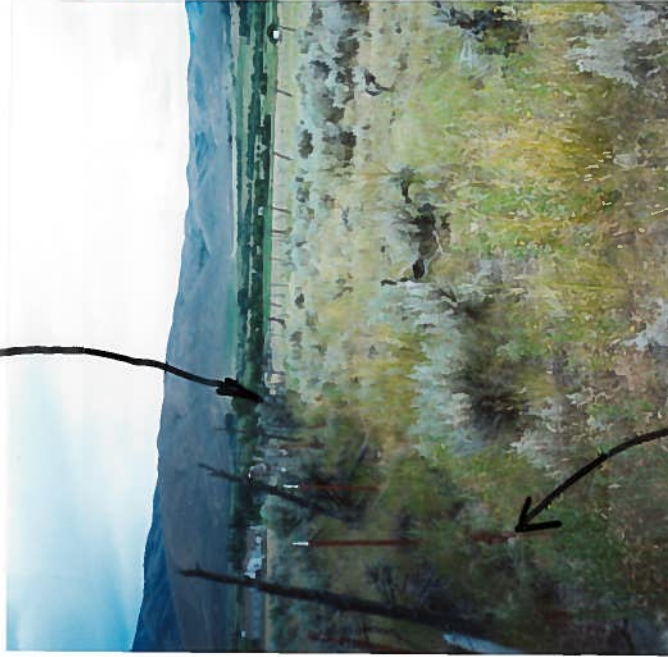
CLAIM # A43-00096B
DATE PHOTOS TAKEN; 7-22-94
PICTURE SET # 6

This photo set was taken along the fenceline on the southern border of the P/U approximately 200 yards east of the point that the Barker ditch enters the property. You are looking west on the left to northeast on the right. The ground from this point to the fence is ground under the southern ditch split from the pond. The fence running from the left to the lone tree on the right is running northeast from the southern boundary to the tree and then it runs north. A latteral roughly parallels the fence to the tree and would carry water from the Barker ditch if the flume were to be rebuilt and the washout filled in.

BARKER DITCH ENTRY POINT

MARGINAL IRRIGATION
FROM THE SOUTHERN DITCH

LONE TREE ON
MIDDLE DITCH



SOUTHERN DITCH



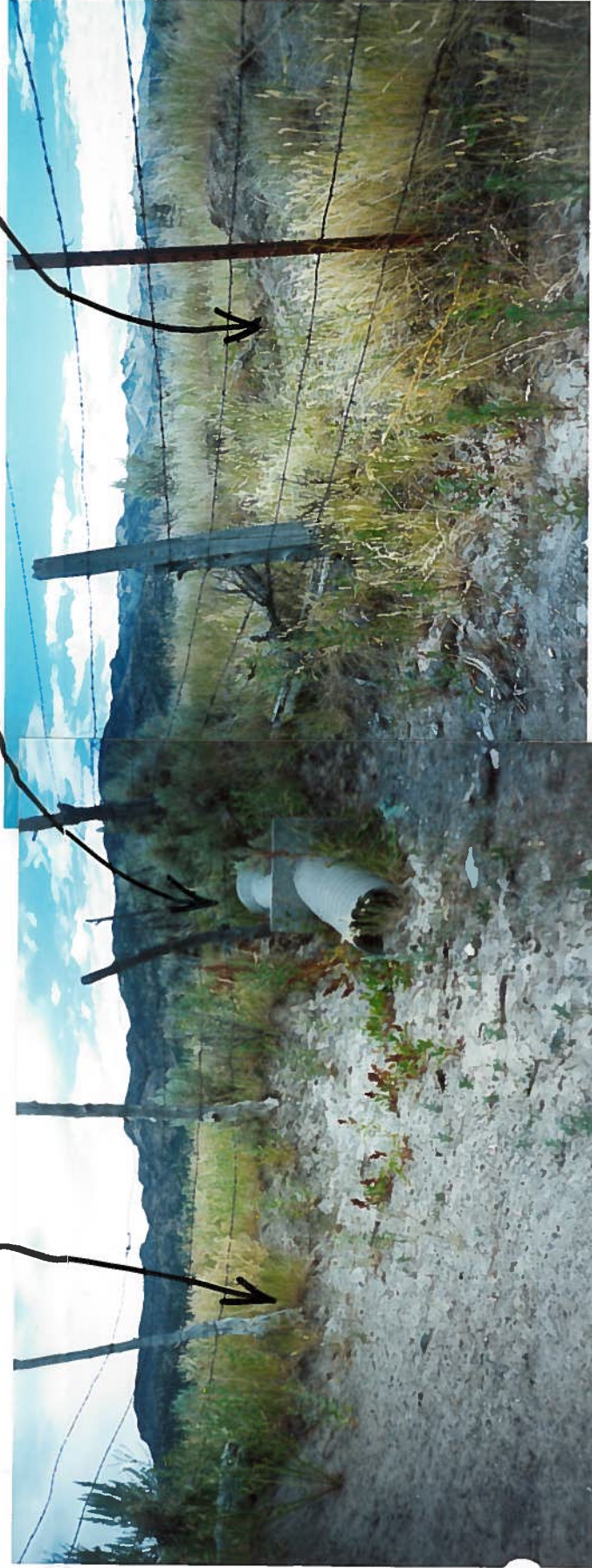
CLAIM # A43-00096B
DATE PHOTOS TAKEN; 7-22-94
PICTURE SET # 7

This shows the junction of the Barker Ditch and the southern ditch. It appears that the southern ditch was flumed across the Barker Ditch although it is not clear as this is a large washed out area. The Barker ditch comes in from the right and probably ran into the ditch that runs northeast from this point to the lone tree (see picture set # 6).

BEGINNING OF DITCH CHANNEL
TO LONE TREE

SOUTHERN
DITCH

END OF BARKER
DITCH



CLAIM # A43-00096B
DATE PHOTOS TAKEN; 7-22-94
PICTURE SET # 8

This photo set was taken from a point approximately 20 feet north of the location for picture set 7 but is looking west on the left to northwest on the right. The fence that angles to the northwest from this point parallels the swale and eventually reaches the Elba highway. This basically forms a natural barrier for the Barker Ditch water to the north of that swale. The ground to the right (north) of the swale is irrigated with Quaking Asp Creek water.

SOUTHERN BOUNDARY
FENCE

SWALE

ELBA HIGHWAY



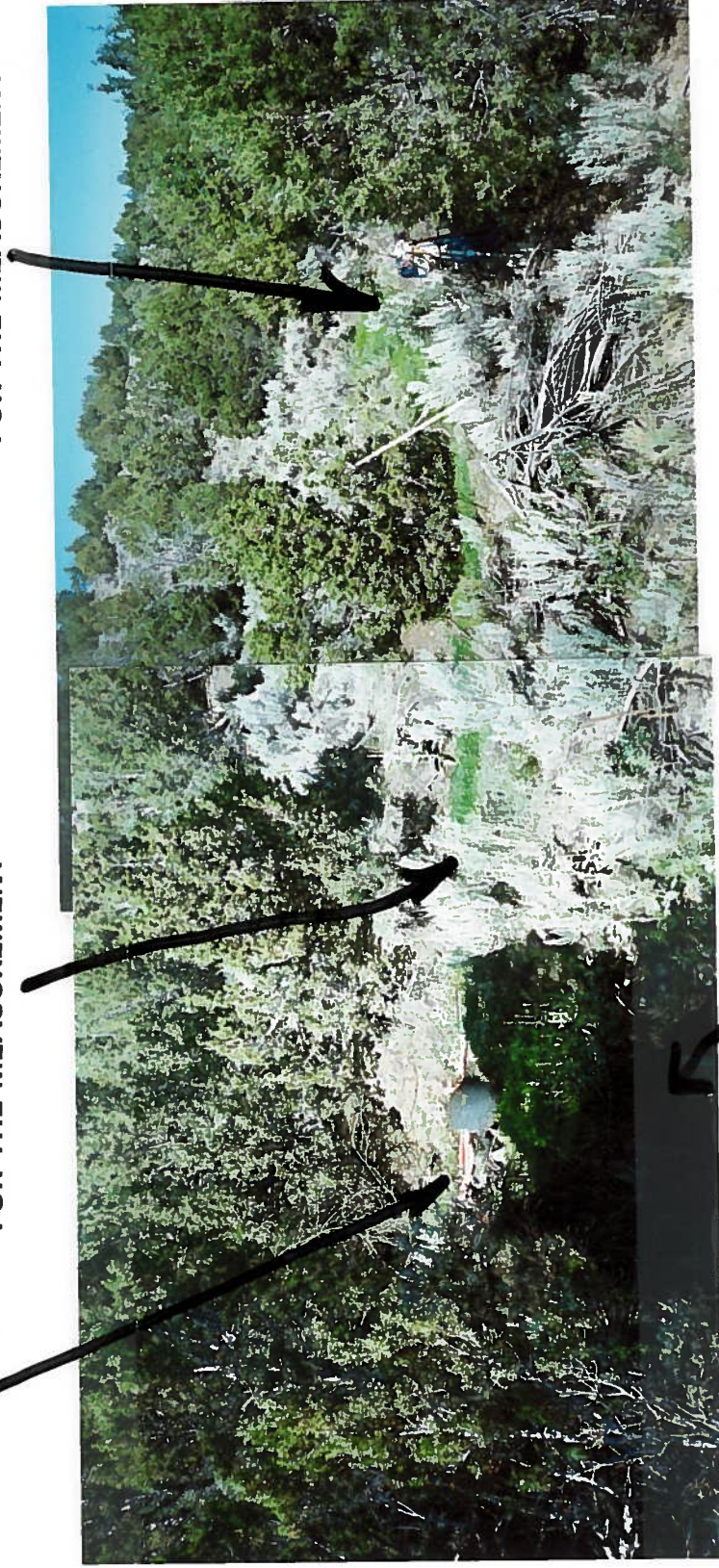
CLAIM # A43-00096B
DATE PHOTOS TAKEN; 08-2-94
PICTURE SET # 9

This photo shows the P/D and the stretch where the mannings measurement was made. As this stretch of the ditch has the smallest cross sectional area and slope, it was selected for the measurement. You are looking west on the left to northwest on the right.

POINT OF DIVERSION

BEGINNING POINT
FOR THE MEASUREMENT

ENDING POINT
FOR THE MEASUREMENT



QUAKING ASP CREEK
CHANNEL BELOW THE P/D