

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: A43-00097A
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 01, 1883

3. Source: GREEN CANYON CREEK Trib. to: CASSIA CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
14S	24E	12	NE	NW			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	0.089		

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

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

10. Place of Use:

11. Place of use in counties: CASSIA

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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; A43-0032
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

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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:

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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: A43-00097A
Date Received: 6/02/1989
Receipt No: 5008195
Received By: LW

RECEIVED

JUN 08 1989

Department of Water Resources
Southern Region Office

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: REUBEN WARD 208-673-5349
Address: BOX 172
ALBION, ID 83311
AND/OR
Name: DELLA WARD 208-673-5349
Address: BOX 172
ALBION, ID 83311

2. Date of Priority: ^{April} JUN 01, 1883

3. Source: GREEN CANYON CREEK Trib. to: CASSIA CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
14S	24E	12	NE	NW			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	0.089		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

A43-00097A

Page 1

Date: 06/02/89

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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:
A43-00096, 00098A, 00410A

14. Remarks:
CLAIM REPRESENTS 131/146 OF 43-00097 DECREE FOR .10 CFS.

15. Basis of Claim: DECREED
Case Number:
Court :
Decree date: 1/08/1929

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): *Reuben H. Ford* Date: 6-8-89
Della Ford Date: 6-8-89

State of Idaho)
County of TF) SS.

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

Seal

Residing at TF
My Commission Expires 5/84

(OD-26)

Water Right Number - 43-00097 ✓

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 - - +
06/01/1883 17

+ - - Region - - - +

+ - - Stage - - - +
D - DECREED

+ - - Status -

+ - - - - Source - - - - -
GREEN CANYON CREEK+ - - - - Tributary - - - - -
CASSIA CREEK+ - - - - Point of Diversion - - - - -
Stream Index (Blank if no Index Code)+ - - Code - - - Description - - - Water Use - - -
Period From Period To Diversion Rate Diversion Volume

01 - IRRIGATION

0.100

+ - - Total Div. Rate - + - - Total Div. Volume - + - - Total Div. Capacity - + - - Total Consumptive Use - + - - KW Usage - +

0.100

131
146 = 897

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 - 43-0096, 0098, 0410

+ - - - - Remarks - - - - -
SEE DECREE FOR FURTHER DESCRIPTION OF P. U.+ - - - - Conditions of Approval - - - - -
No Conditions of Approval found.+ - - - - Decree Plaintiff - - - +
ALBION-IDAHO LAND CO.+ - - - - Decree Defendant - - - +
JOBE ADAMS ET. AL. AMENDED+ - Decree Date - +
01/08/1929MICROFILMED
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Water right number - 43-00097

Adj. flag translation: Standard Water Right Number

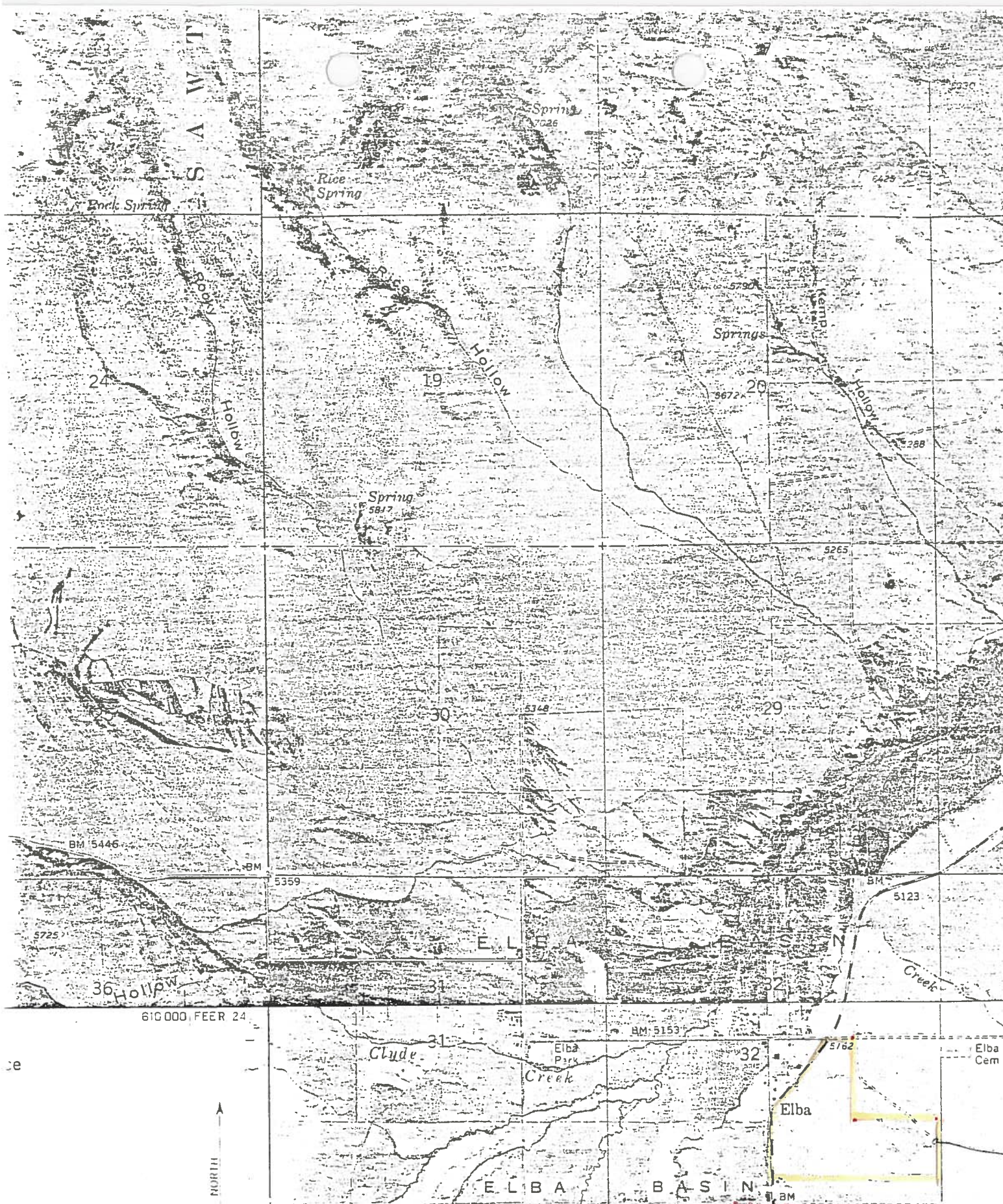
+ - - Audit Fields - 02/11/86

05/28/88 CONVERT

+ - - - - - Water Rights Dates and Flags Area - - - - -

Proof Due Date	- 00/00/0000	Field Exam Made	- 00/00/0000	Field Exam Fee	-
Approved/Denied	- 00/00/0000	Protested Date	- 00/00/0000	Swan Falls	-
Proof Made Date	- 00/00/0000	Hearing Date	- 00/00/0000	Temporary Right	- P
Start Work Date	- 00/00/0000	Verified Date	- 04/23/1985	DLE/Carey Act	-
Order Show Cause	- 00/00/0000	Receipt Number	-	Water District	- 43C
Licensed Date	- 00/00/0000	Appl Received	- 00/00/0000	Transfer/Amended	-
Decree Date	- 01/08/1929				

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

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MAR 02 1993

sources pursuant to
 tions in the Snake
 age; and no legal
 and reproduction
 for the accuracy

01/22/2001

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

RIGHT NUMBER: 43-97A

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

VERIFIED BY KKC

SOURCE: GREEN CREEK

TRIBUTARY: DRY CREEK

QUANTITY: 0.05 CFS

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: 04/01/1883

POINT OF DIVERSION: T14S R24E S11 NWSWSE 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	0.05 CFS

PLACE OF USE:

<u>IRRIGATION Within CASSIA County</u>					
T13S R25E S32	NESE	4.1	T13S R25E S32	NWSE	28
T13S R25E S32	SWSE	22	T13S R25E S32	SESE	3.5

57.6 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 GREEN CANYON CREEK.

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