

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: A43-00300
Date Received: 4/28/1989
Receipt No: C006507
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

2. Date of Priority: APR 01, 1906

3. Source: CASSIA CREEK Trib. to: RAFT RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
13S	26E	23	SE	SE	NW		CASSIA

5. Description of diverting works:
HEADGATE, DITCHES, SUMP, PUMP, PIPELINES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.760		

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

8. Total consumptive use is 114.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
13S	26E	24	SW	NW		IRR	38.0

Section Acres 38.0

Total Acres 38.0

A43-00300

Page 1

Date: 05/01/89

MICROFILMED
MAR 03 1993

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:
43-00015

14. Remarks:

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

ALBION-IDAHO LAND CO.

Decree Plaintiff

vs

JOBE ADAMS ET AL

Decree Defendant

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MAR 03 1993

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 _____

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 443-00300Date Received 4-28-89Receipt Number C006507

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) Golden F. Gardiner Phone (208) 645-2563Mailing Address HC 72 Box 2038, MATHA, Idaho Zip 833422. Date of Priority (Only one (1) per claim) April 1, 19063. Source of water supply (a) Cassia Creek
which is tributary to (b) Raft River4. a. Location of existing point of diversion is: Township 13S Range 26E Section 23,
SE 1/4 of SE 1/4 of NW 1/4, Govt. Lot, _____ B.M., County of CASSIA

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of
_____ 1/4, Govt. Lot _____ B.M., County of _____5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well.

Originally a wood and earth dam was used to divert the water. The dam was recently replaced by a headgate. There is also a headgate on the ditch at the point of diversion. Just past the headgate there is a weir. Originally only unlined ditches were used. Some ditches have been replaced by a sump, pump, and pipelines.

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6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from 3-15 to 11-15 amount 0.76 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.76 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 114 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) _____

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
<u>13S</u>	<u>26E</u>	<u>24</u>							<u>38</u>										<u>38</u>

Total number of acres irrigated 38

11. In which county (ies) are lands listed above as place of use located? CASSIA

12. Do you own the property listed above as place of use? Yes ☒ No ☐
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
43-0015 or None ()

14. Remarks:

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MAR 03 1993

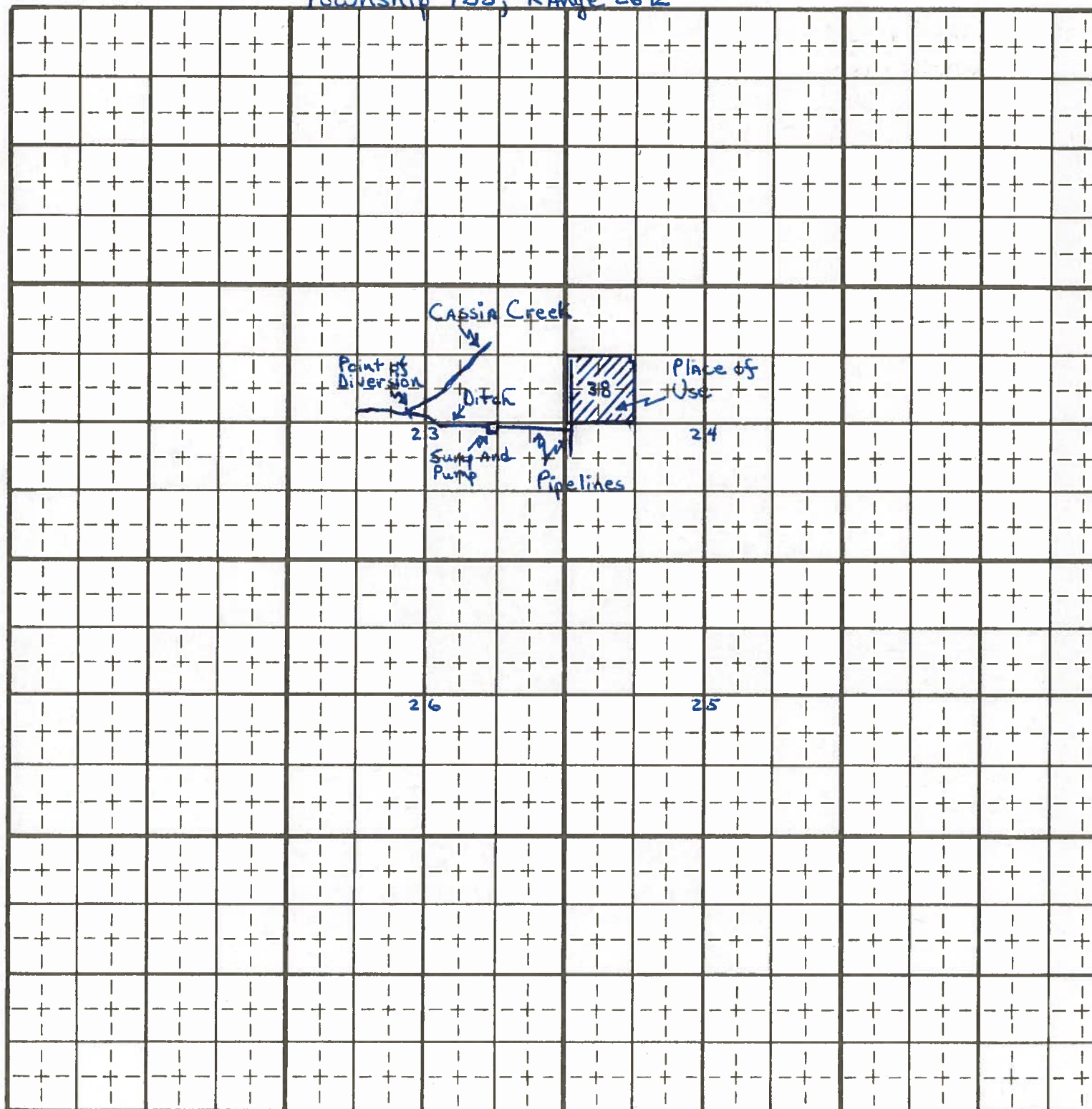
Last Name Gardiner Ident No. 443-00300

Copies: White -State, Yellow-Claimant

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile

Township 13S, Range 26E



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MAR 03 1993

Last Name Gardiner

Ident No. A43-00300

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License _____ Permit _____
Decree ☒
If applicable provide IDWR Water Right Number 43-0300
Court _____ Case Number _____ Decree Date _____
Plaintiff vs 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 do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) Golden F Gardiner Date 4-28-89

Date _____

For Organizations: I do solemnly swear or affirm that I am _____

Title
of _____, that I have signed the foregoing
Organization
document in the space below as _____ of _____
Title Organization
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization _____ Date _____

State of Idaho/or _____)
County of Cassia) SS.

Subscribed and sworn (or affirmed) before me this 28th day of April 19 89

SEAL

Notary Public

Residing at

My Commission Expires

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, _____ will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

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MAR 03 1993

Last Name Gardiner Ident. Number 443-00300

Copies White-State, Yellow-Claimant

1/30/1989

SRBA CLAIMS RECEIVING CHECKLIST #2

CLAIMANT'S NAME Gardner

CLA. IDENT. NO. A43-0030

DATE RECEIVED 4-28-89

CK # _____

AMOUNT \$ 200.4507

- | | YES | NO | Require Info? |
|--|-------------------------------------|--------------------------|---------------|
| 1. Is the name and address complete with zip code? | ☒ | ☐ | * |
| 2. Is a priority date entered?
Is the priority date acceptable in view of mandatory filing dates?
See Adjudication Memos #1 and #4 to determine if a Permit is required. | ☒ | ☐ | * |
| 3. (a) Is a source entered? | ☒ | ☐ | * |
| (b) Is a tributary to entered? (if required) | ☒ | ☐ | * |
| 4. Is the legal description of the p.d. sufficient? | ☒ | ☐ | * |
| 5. Is there a description of the diverting works? | ☒ | ☐ | |
| 6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form. | ☒ | ☐ | * |
| Is the period of use included? | ☒ | ☐ | |
| Is a quantity claimed for each use? | ☒ | ☐ | * |
| 7. Is a total quantity claimed entered? | ☒ | ☐ | |
| 8. If required is a consumptive use entered? | ☒ | ☐ | |
| Is the consumptive use correct? | ☒ | ☐ | |
| 9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, see Adjudication Memo # 4. | ☒ | ☐ | * |
| 10. Is (are) the place(s) of use and purpose(s) indicated? | ☒ | ☐ | * |
| 11. Is (are) the county(ies) entered? | ☒ | ☐ | |
| 12. Is the ownership of p.u. checked? | ☒ | ☐ | |
| 13. Are other water rights listed or "none" indicated? | ☒ | ☐ | |
| 14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.) | ☒ | ☐ | |
| 15. Is the basis of the claim indicated? | ☒ | ☐ | |
| 16. If the claimant requested a monthly docket sheet, is payment enclosed? (If yes, describe payment status in "Comments" below.) | ☒ | ☐ | |
| 17. Is the claim signed by the claimant, and is the signature appropriate? Organizations must complete the organization block. | ☒ | ☐ | * |
| 18. Has the claim been signed, sealed, and dated by a notary? | ☒ | ☐ | * |
| 19. Was this claim filed on time, or was an extension granted? | ☒ | ☐ | * |
| 20. Is the fee enclosed correct? | ☒ | ☐ | * |
| 21. If this claim is based on an existing water right, has the identification number been entered? | ☒ | ☐ | |
| 22. Should this claim be receipted and data entered? | ☒ | ☐ | |

Claim checked by: CA

Date: 4-28-89

Claim must be returned to claimant:

(Yes) (No)

Claimant must be notified of modifications:

(Yes) (No)

Receipt Prepared by: CA

Claim data entered by: CA

Sent to claimant by: _____

Date: 4-28-89

Date: 4-28-89

Date: 5-1-89

Checked by: _____

Date: _____

MICROFILMED

Comments: _____

MAR 03 1993

01/24/2001

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

RIGHT NUMBER: 43-300

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

SOURCE: CASSIA CREEK

TRIBUTARY: RAFT RIVER

QUANTITY: 0.76 CFS

VERIFIED BY KHC

PRIORITY DATE: 04/01/1906

POINT OF DIVERSION: T13S R26E S23

SESENW

Within CASSIA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
03-15 11-15

QUANTITY
0.76 CFS

PLACE OF USE:

IRRIGATION Within CASSIA County
T13S R26E S24 SWNW 38

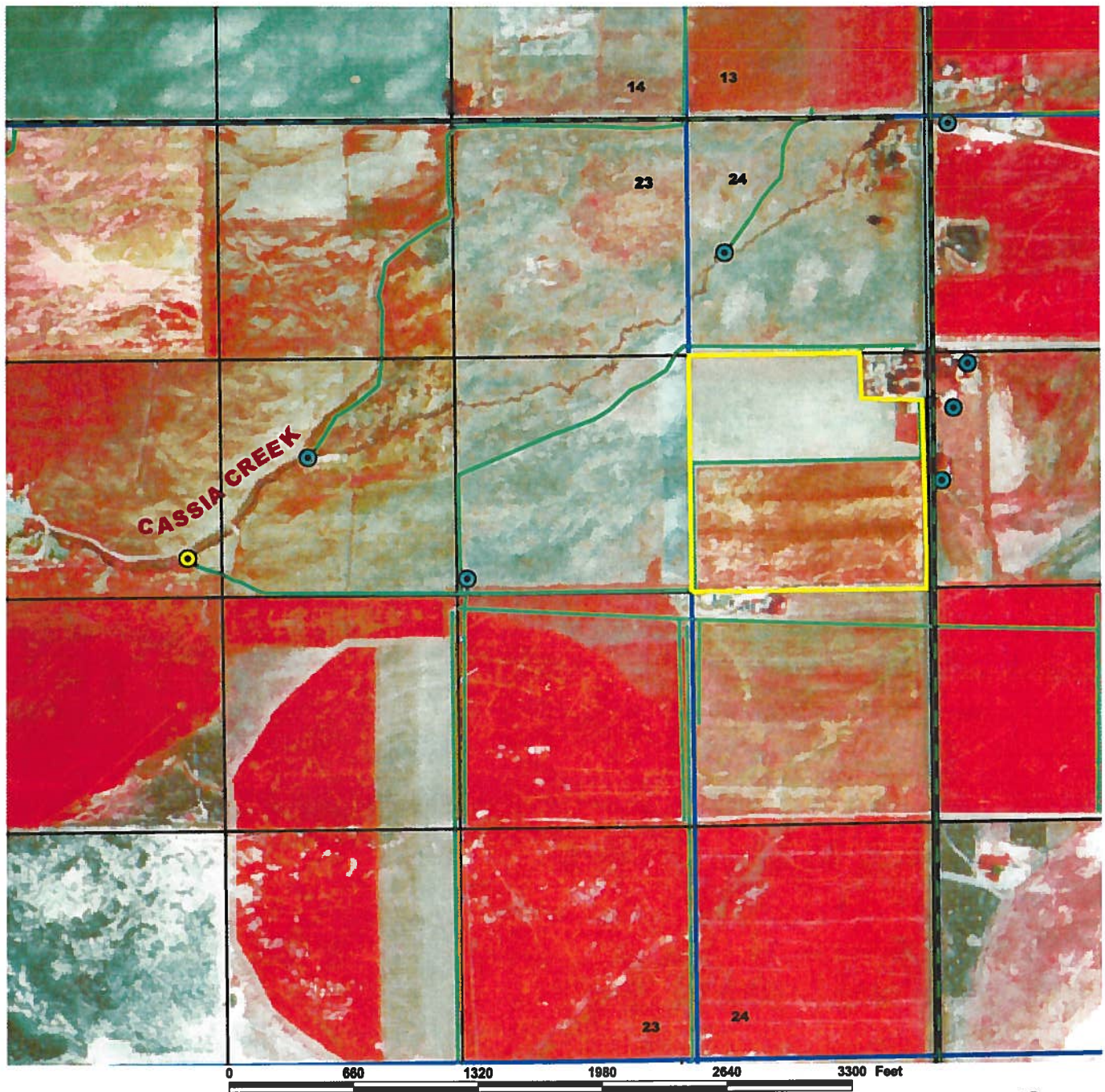
38 ACRES TOTAL

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

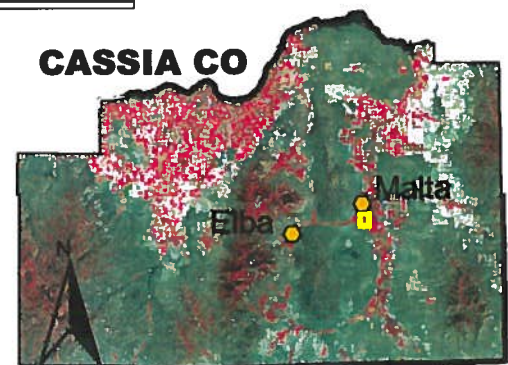
RECOMMENDED PLACE OF USE FOR 43-300



PLACE OF USE
TWP 13S, RNG 26E, SEC 24
Data entry on January 24, 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**



1. ~~43-00408~~ Cassia Cr
 1. ~~118 ac @ 2.40 cfs~~ } ~~P/O overlap with 4240~~ ³⁰¹ ³⁰⁰ .0203 CFS/AC
 1.a) ~~43-04158~~ GW } ~~P/O (P/O overlap with 10123)~~
~~118 ac @ 2.56 cfs~~

2. 43-2573 (see T-2488) GW P/O L with 4233
 167 ac 3.08 CFS = .0179 CFS/AC

3. 43-4240 Cassia Cr
 P/O overlap with ³⁰⁰ ³⁰¹ 00408 Partial P/O overlap with 2573
 no evidence of Priority

4. 43-00300 Cassia Cr 38 ac @ .76 CFS = .02 CFS/AC
 P/O L with 408 & ³⁰¹ 4240

5. 43-00301 Cassia Cr 80 ac .8 CFS .01 CFS/AC
 P/O L w/ 408, 4240, 300 Farmstead & Bldgs on E 1/2 NWSE

- 5a) ~~43-4232~~ Cassia Cr. 80 ac .8 CFS .01 CFS/AC
 (brings PPU up to 1"/Ac.) conflict in P/O across 10123
 no evidence of Priority (need to check micro fiche) ↓

6. 43-10123 GW 70 ac 1.40 CFS = .02 CFS/AC
 P/O L with 4158 conflict in P/O across with 301

7. 43-04233 GW 88 ac 8.00 CFS .023 CFS/AC EXCEEDS 1"/AC
 P/O L with 2573 88 x .02 = 1.76 CFS

43-4158 (GW)

Recom 118 2.36 cfs

claim ~~118~~ ac @ 2.36 cfs

1.50 cfs

43-10123 (GW)

claim
70 ac @ 1.40 cfs
90 cfs

2.40 cfs / 88 ac = .013 cfs

10/23

P/D limits ① 2573, 4240 10/23 } .02 ✓
301 4232 10/23 } ✓
4158, 10123 } 2.40 cfs ✓

P/u. 2573, 4240 10/23 } 330 ac ✓
301 4232 10/23 } 103 ac ✓

43-10123 claimed on 70 ac

43-4232 -

No P/u O.L.

P/D O.L. with 43-2573

Carroll Ord.

43-4240

P/u O.L. with 43-2573 N $\frac{1}{2}$ SE Sec 23 } Both
43-10123 NW SW Sec 24 } GW sources

No surface water O.L.

Surface Water Rights

Priority
A43-00300 - 4-1-06 .76 CFS for 38 Ac = .02 CFS/Ac
Sec 24

A43-00301 - 4-1-13 .80 CFS for 80 Ac = .01 CFS/Ac

complete overlap.
A43-00408 5-1-06 2.40 CFS for 118 Ac = .0203 CFS/Ac

A43-04292 4-1-31 .80 CFS for 80 Ac = .01 CFS
complete overlap with 43-00301 bringing the
rate per acre up to 1" to the Acre. (no evidence in file)

A43-04240 3-1-49 2.40 CFS 116 Ac = 0.0207 CFS/Ac
No overlap with other surface water
rights.

Claims 43-00015A thru 43-00029A are for the total P/U
represented by the above claims.



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

June 9, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

GOLDEN GARDINER
HC 72 BOX 2038
MALTA ID 83342

RE: SNAKE RIVER BASIN ADJUDICATION (SRBA) CLAIMS

Dear Mr Gardiner

I am reviewing your system in order to complete the recommendation of your rights for the SRBA court. As you may remember, I had started the review of your claims in 1994/95. In 1995 the court directed the department to review the water rights in Custer County. That review is now complete and we are again concentrating on Cassia County.

My initial review indicates two main areas of concern. One of the areas of concern regards your claims against the following rights; 43-00015, 43-00016, 43-00017, 43-00018, 43-00019, 43-00020, 43-00021, 43-00022, 43-00025, 43-00026, and 43-00029 collectively referred to the Bar M rights.

I have interviewed a number of individuals in the Malta area and have consistently received the same message that the Bar M rights have not been delivered for many, many years. The consensus is that the Bar M water was used to 'strengthen' the existing decreed rights as identified in the Jobe Adams decree (excluding the Bar M rights). As far as I can determine, the Bar M rights have never been used by the credentials committee for the Cassia Creek Irrigation District (43C) to determine voting rights. Based upon the information currently before me, I am drafting a recommendation to disallow these rights. If you have additional information that would alter this recommendation please provide it to me as soon as possible.

The second area of concern involves competing claims against the decreed rights that are for the property irrigated from Quaking Asp Spring and the Barker ditch. Is there information in your warranty deed that identifies the proportionate share that you received when you purchased the property? I have a copy of a quitclaim deed Eula Franks to Kenyon Tuttle and Heidi Tuttle identifying 0.05 cfs of 6-1-1883 water, 0.22 cfs of 4-30-1886 water, and 0.1 cfs of April 30, 1886 water. This conflicts with your claims. I will need additional information before I can complete my recommendation for these rights.

I will be contacting you toward the end of the month to review your claims on your farm near Malta. I will be out of the office from June 14 through June 20 but I should be available most any other business day if you wish to visit with me.

Sincerely,

Kelly K Christensen

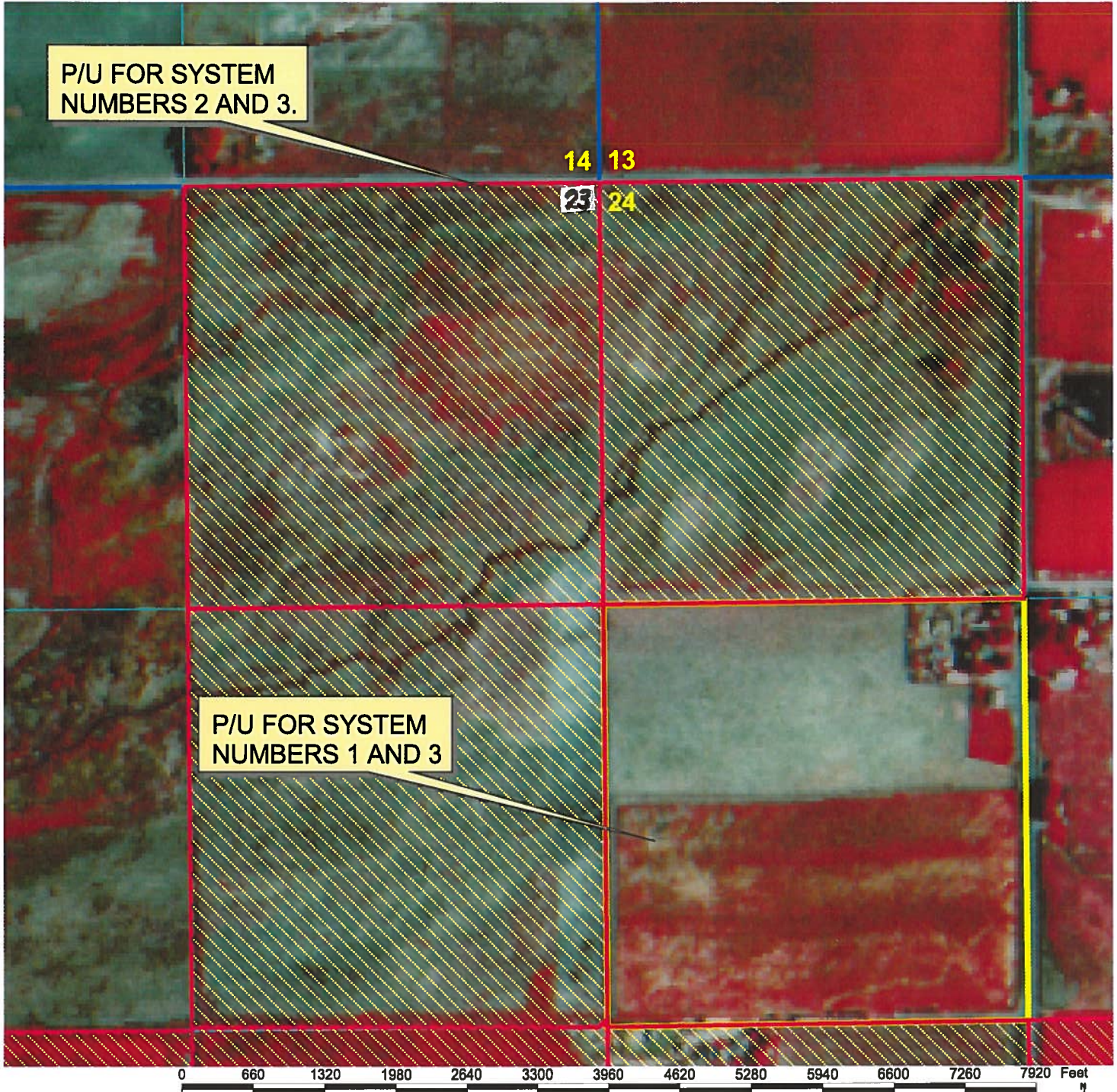
IDAHO DEPARTMENT OF WATER RESOURCES

Claims by system

1. A43-00300

2. A43-00408 & A43-04158

3. A43-00015A, 00016A, 00017A, 00018A, 00019A,
00020A, 00021A, 00022A, 00025A, 00026A, & 00029A



TWP 13S; RNG 26E;
FIELD EXAM DATE AGENT

JPEG LAYOUT CREATED 4-26-99

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

- ELBA AREA STREAMS
- ELBA AREA DITCH SYSTEM
- OUTSIDE CLAIMED P/U
- CLAIMED POINT OF DIVERSION
- CLAIMED PLACE OF USE
- SECTION LINES
- QUARTER QUARTER LINES

CASSIA Co.

