

RECEIVED
AUG 25 2000
Department of Water Resources
Southern Region

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 43-02287
Date Received: 8/9/00
Receipt No: SP23344
Received By: UAH

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

1. Name of Claimant(s)

Name: MATTHEW C GARDINER Phone: (435)673-7210
Address: 234 S 100 W
ST GEORGE UT USA 84770
Name: MARIE JEANNE GARDINER Phone: (435)673-7210
Address: 234 S 100 W
ST GEORGE UT USA 84770

2. Date of Priority: 05/29/1942

3. Source: GROUND WATER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County
15S	27E	28	NW NW SW	CASSIA

5. Description of diverting works:

16" X 420' WELL, PUMP, MAINLINE AND SPRINKLERS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S. (or) A.F.A
IRRIGATION	03/15	11/15	0.6
STOCKWATER	03/15	11/15	0.02

7. Total Quantity Appropriated is:
0.6 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:
Number of other uses: STOCKWATER

10. Place of use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
15S	27E	20	SE	SE		STOCKWATER	
			SE	SE		IRRIGATION	40
						Section Acres	40
15S	27E	29	NE	NE		STOCKWATER	
			SE	NE		STOCKWATER	
			NE	NE		IRRIGATION	40
			SE	NE		IRRIGATION	40
						Section Acres	80
						Total Acres	120

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: 43-10477

14. Remarks:

THIS CLAIM REPRESENTS AN ACCOMPLISHED CHANGE IN PLACE OF USE FROM THE SWNW AND NWSW SEC 28 AS ORINALLY LICENSED. CLAIM 43-10477 IS AN EXPANSION OF THIS LICENSE PER IC 42-1416B. CLAIMS 43-10477 AND 43-02287 ARE LIMITED TO A COMBINED TOTAL DIVERSION RATE OF 0.6 CFS AND A COMBINED VOLUME OF 120 AFA. THIS CLAIM IS LIMITED TO THE IRRIGATION OF 30 ACRES WITHIN THE 120 ACRES DESCRIBED ABOVE.

15. Basis of Claim: License

16. Signature(s)

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):

Monette Gardiner
Mariajeanne Gardiner

Date: 8-18-2000

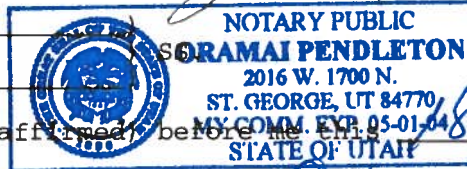
Date: 8-18-2000

State of

Utah

County of

Washington



Subscribed and sworn (or affirmed) before me this

18th

day of

August 2000

Oramai Pendleton

Notary Public

Residing at

2016 W 1700 N St George ut.

My commission Expires

05 01 04

Hancock, Vikie

From: Skinner, Corey
Sent: Friday, July 27, 2001 10:18 AM
To: Shaff, Don
Cc: Christensen, Kelly; Hancock, Vikie
Subject: Pending Transfer 69307

Transfer 69307 proposes changes to the following rights.

AJC 43-4158

Transfer, filed in the name of Matthew &/or Marie Jeanne Gardiner, proposes changing pod and pou from lands in Township 13 South, Range 26 East to lands in Township 15 South, Range 27 East. Transfer is attempting to move right from Kelly's area to Vikie's area within Basin 43, up the valley.

Hancock, Vikie

From: Skinner, Corey
Sent: Tuesday, July 17, 2001 1:53 PM
To: Christensen, Kelly; Hancock, Vikie
Subject: FYI-Gardiner Transfer

I thought I would let you two know that I received a transfer from Matthew & Marie Jeanne Gardiner. The application proposes moving groundwater right 43-4158 (one of Kelly's) to an existing point of diversion in the Bridge area (one of Vikies?). Right 43-4158 appears to overlap with some late priority Cassia Creek water, and maybe several other claims? The proposed "new" well, appears to be the same well as 43-2287, but the proposed pou appears to be new ground.

10/27/2000

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

RIGHT NUMBER: 43-2287

NAME AND ADDRESS: MARIE JEANNE GARDINER
MATTHEW C GARDINER
234 S 100 W
ST GEORGE, UT 84770

SOURCE: GROUND WATER

QUANTITY: 0.6 CFS
120 AFY

USE OF THIS RIGHT WITH RIGHT NO. 43-10477 IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 0.6 CFS AND TO A TOTAL
COMBINED ANNUAL DIVERSION VOLUME OF 120 AF.

PRIORITY DATE: 05/29/1942

POINT OF DIVERSION: T15S R27E S28 NWNWSW Within CASSIA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	03-15 11-15	0.60 CFS 120.0 AFY
STOCKWATER	03-15 11-15	0.02 CFS

PLACE OF USE:

IRRIGATION Within CASSIA County					
T15S R27E S20	SESE	40	T15S R27E S29	NENE	40
T15S R27E S29	SENE	40			
STOCKWATER Within CASSIA County					
T15S R27E S20	SESE		T15S R27E S29	NENE	
T15S R27E S29	SENE				
120 ACRES TOTAL					

USE OF THIS RIGHT WITH RIGHT NO. 43-10477 IS LIMITED TO
THE IRRIGATION OF A COMBINED TOTAL OF 120 ACRES IN A SINGLE
IRRIGATION SEASON.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 30 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION
SEASON.

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.

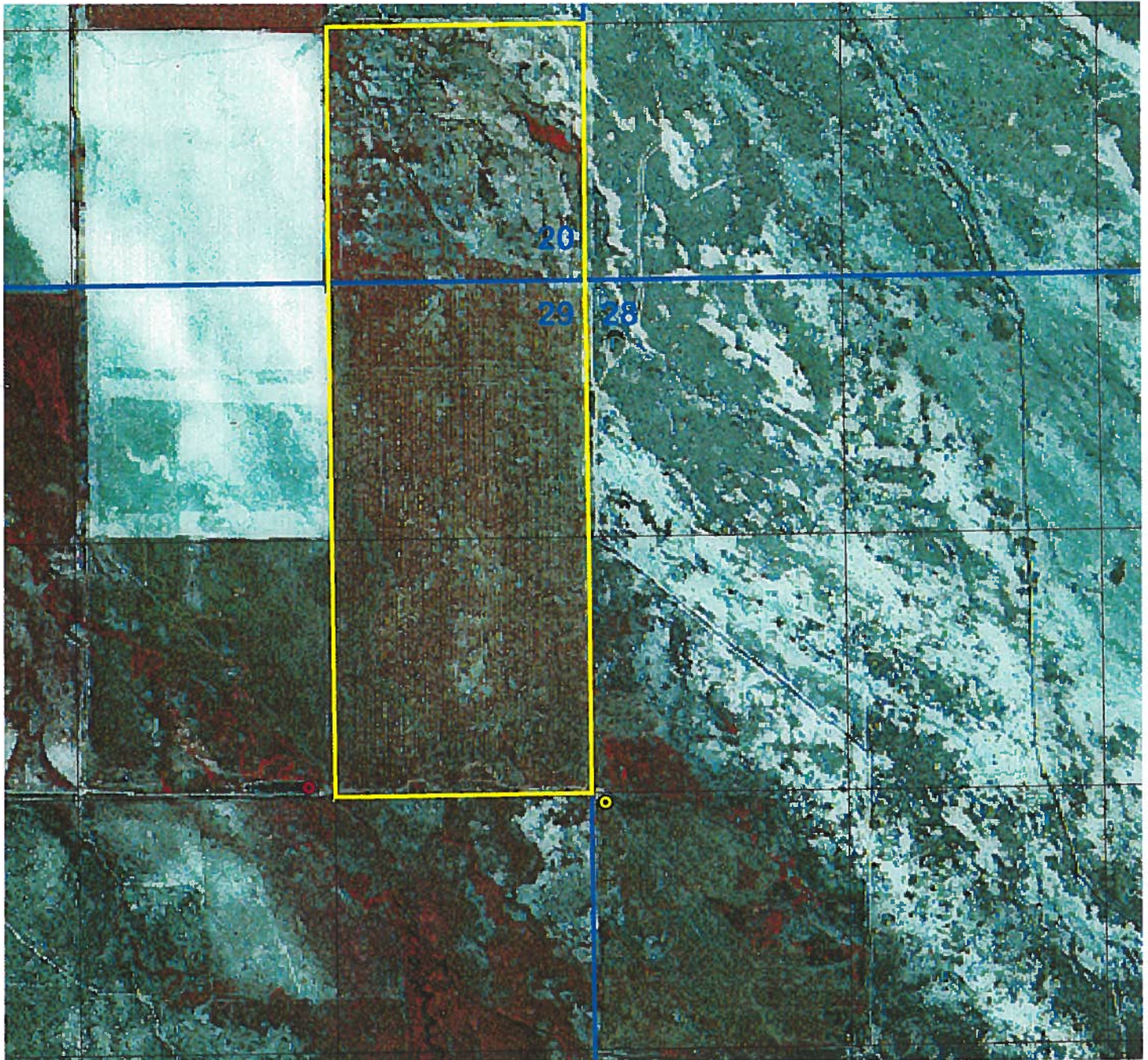
THIS RIGHT IS SUBJECT TO REGULATION BY THE WATERMASTER OF
WATER DISTRICT 43B.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT
TO SECTION 42-1425, IDAHO CODE.
RIGHT NO. 43-10477 IS AN EXPANSION OF THIS RIGHT PURSUANT
TO SECTION 42-1416B, IDAHO CODE.

RIGHTS: 43-02287, 43-10477

RECOMMENDED PLACE OF USE
TWP 15S, RNG 27E, SEC 20, 29
Data entry on August 25, 2000



● RECOMMENDED POINT OF DIVERSION

RECOMMENDED PLACE OF USE

SECTION LINES

QUARTER/QUARTER LINES



GIS PLACE OF USE PRESENTATION
1987/1988 NAPP AERIAL PHOTOGRAPHY
DATA ENTRY BY VIKIE HANCOCK

State of Idaho
License and Certificate of Water Right

Water License No. 19308
Water District No. _____

Amount 0.6 second foot
Priority May 29, 1942

THIS IS TO CERTIFY that MRS. HOPE H. GARDINER
of Malta, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated May 29, 1942; that Permit No. 19308
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
4 second feet, was issued thereunder on November 24, 1942, showing that said works
were completed on the 16th day of November, 1942; and that on the 16th
day of December, 1942.

MRS. HOPE H. GARDINER

of Malta, State of Idaho, made proof to the satisfaction of the
Commissioner of Reclamation of Idaho, of the right to use the waters of wells
(subterranean), tributary of _____, for the purpose of irrigation and livestock
purposes, under Use Permit No. 19308 of the Commissioner of Reclamation
and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is
hereby confirmed by the State Reclamation Engineer Commissioner of Reclamation of Idaho and entered of record in Volume 7
of Licenses, at page 4206, on the 14th day of March, 1944;
The right hereby confirmed dates from May 29, 1942;

The Point of Diversion is located 1900 ft. distant from S W corner Sec. 28, T. 15 S., R. 27 E., B.M.,
in the NW 1/4 SW 1/4, Sec. 28, Tp. 15 S., R. 27 E., B.M. Cassia County

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid,
is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 0.6
cubic feet per second.

Description and location of use:

Description and location of use.					
Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
15 S.	27 E.	20	SE 1/4 SE 1/4	15	--
			NE 1/4 NE 1/4	30	--
		28	SE 1/4 NE 1/4	35	--
			SW 1/4 NW 1/4	15	15
			NW 1/4 SW 1/4	20	15
Number of Acres Actually Irrigated - -					30

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use
herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the State Reclamation Engineer Commissioner of Reclamation, affixed at Boise, Idaho,
this 14th day of March, 1944

JAMES SPOFFORD

Commissioner of Reclamation
State Reclamation Engineer

(SEAL)

This

1. I

2. S

3. I

4. I

5. V

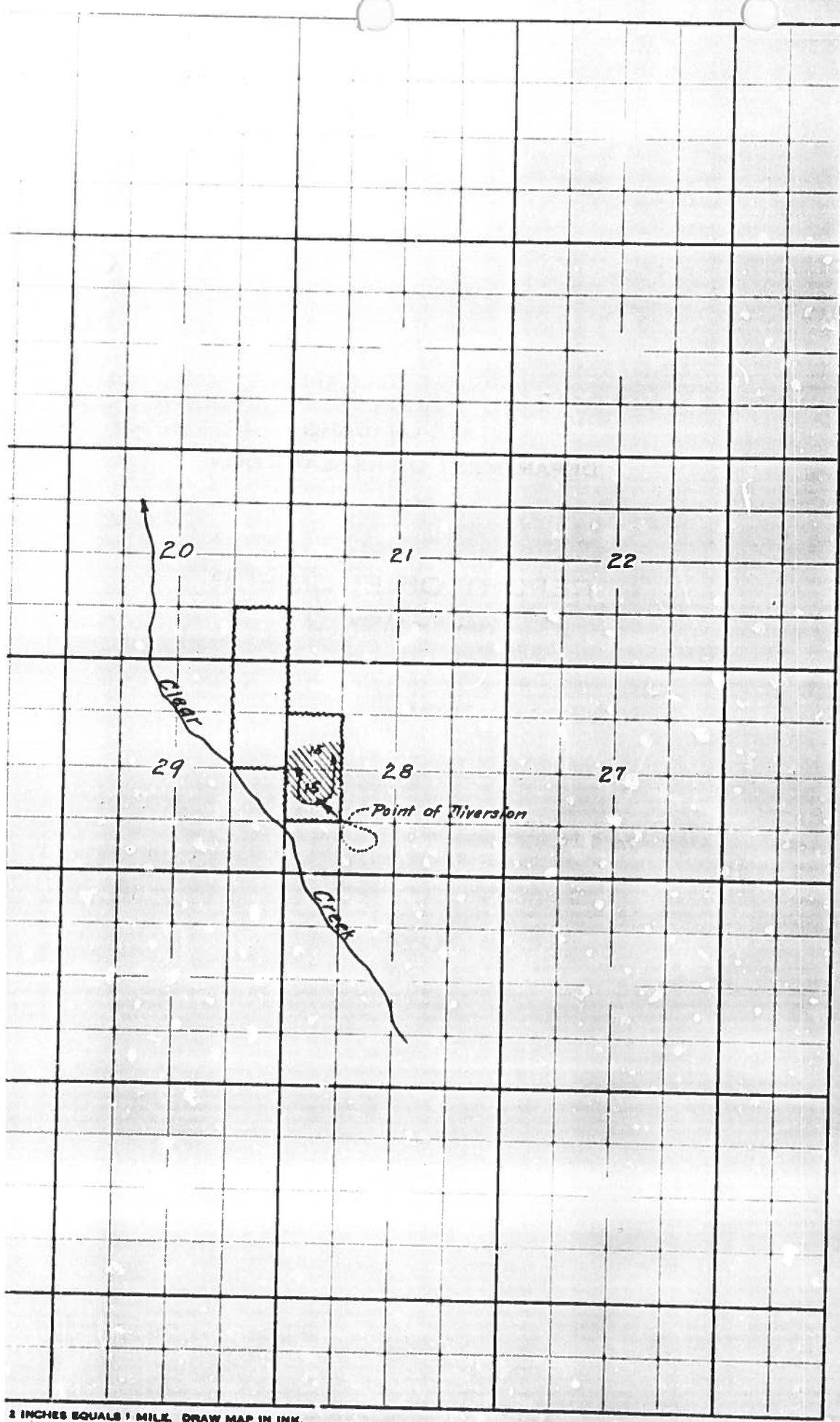
6. S

7. I

8. W

Rema

T



2 INCHES EQUALS 1 MILE. DRAW MAP IN INK.

19308



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

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

August 9, 2000

Matthew Gardiner
234 South 100 West
St. George, Utah 84770

RE: Snake River Basin Adjudication (SRBA)
Amended Claim No.: 43-10477 and New Claim No.: 43-02287

Dear Matt,

Enclosed find forms for your approval and signature. Based upon our conversation, Scott King's conversation with Goldie Gardiner, and from 1987 and 1978 aerial photos, I have established that it is reasonable to conclude that 120 acres were being irrigated from groundwater in 1987. This would be an expansion of 90 acres above and beyond the original 30 licensed in 1942.

I have amended claim 43-10477, filed by Frank Gardner, to represent the expansion of acres from the original license, and changed the priority date to that legislated by Idaho Code 42-1416B. Although the place of use lists the entire 120 acres, this expansion right will be limited to 90 acres within that 120 acres. You will notice in remarks that there are also limits placed upon diversion rate and volume when the two rights are combined.

I have also enclosed a printed copy of a new claim based upon license 43-02287. The elements of the claim were taken from the original license, with some modification based upon information found on claim 43-10477 as originally filed - such as the numbers of stock and diversion works. One thing you may notice is that the diversion rate for stockwater is included as part of the total 0.6 cfs. In the remarks section I have noted that the claim represents an accomplished transfer of the place of use, and also the limiting combined diversion rate and volume conditions. Note that claim 43-02287 will be limited to the irrigation of 30 acres within the total of 120.

I left room in the remarks section of the new claim for you to add anything you wish to add. Also, if you feel that any of the information on either of the claims is not as you wish it claimed, line through the printed information and hand print your corrections. Be sure to sign

and notarize both claims and return them to my attention for processing, along with a check for \$50.00 for the filing of the new claim.

I will be back in the office August 21st. Don't hesitate to call if you have questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'V. Hancock', written in a cursive style.

Vikie Hancock
Sr. Water Resource Agent



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

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

July 28, 2000

Matthew Gardner
234 S 100 W
St George, Utah 84770

RE: Snake River Basin Adjudication (SRBA)
Claim No.: 43-10477

Dear Mr. Gardner:

I have reviewed the file of the above reference Adjudication claim. Documents found in our file for water right license 43-02287 (original number 19308), provided some information on the chronology of events regarding water use on the property you purchased from Frank Gardner. From these historical documents, and from looking at aerial photos taken of your property in 1962, 1968 and 1987, it does appear that some increased development of water has occurred without a water right on your acreage after implementation of the Raft River Critical Groundwater Area on 7-23-1963.

The attached sheet outlines the events recorded in our files. Some of the documents available to me were poor quality microfilm copies, and I have requested good copies of the originals from our vault in Boise. If you wish to examine these documents, I will be happy to send copies to you, or you can certainly contact me for an appointment to meet here at the office. I am also enclosing dated aerial photos, with your property outlined, for your inspection.

I will be out of the office from August 10th through the 18th, but should otherwise be available, and look forward to meeting with you.

Sincerely,

Vikie Hancock
Sr. Water Resource Agent

CHRONOLOGY OF EVENTS, ADJUDICATION CLAIM 43-10477

SEE WATER RIGHT LICENSE FILE 43-02287

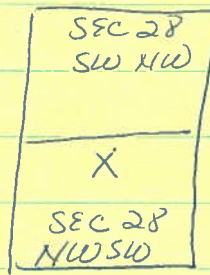
- 5-29-42 Hope Gardner files Application for Permit to Appropriate Water for livestock purposes and the irrigation of 115 acres located in the SESE Section 20, NENE & SENE Section 29, SWNW & NWSW Section 28 T15S, R27E. Point of diversion the in NWSW Sec 28.
- 11-16-42 Ms. Gardner files Notice of Completion of Works.
- 05-27-43 Field Examiner finds point of diversion in NWSW Section 28, stockwater uses, and that the total extent of irrigation is 15 acres in the SWNW and 15 acres in the NWSW Section 28.
- 3-14-44 License is issued to Hope Gardner for 0.6 cfs of groundwater for 30 acres of irrigation, or one inch per acre.
- 11-22-67 Inquiry by Frank Gardner to IDWR asking the procedure for deepening well and moving it within the same 40 acre tract on property he has inherited from his mother, Hope Gardner.
- 11-28-67 Reply from IDWR to Frank Gardner sending him a copy of license 43-02287 (originally No. 19308) and advising him that he could drill a replacement well within the NWSW of Section 28 without need of a transfer. He was also advised that only 0.6 cfs could be diverted from a new well, or the existing well, or both in any combination, and that he may only irrigate 15 acres in the SWNW and 15 acres in the NWSW of Section 28. He was told that new permits were no longer being allowed in his area and so 0.6 cfs would be the maximum rate of withdrawal that could be allowed under his proposed re-drilling.
- 12-6-67 Letter from Frank Gardner to IDWR questioning the legal basis whereby the department could limit his water right to the irrigation of the licensed 30 acres when the original permit stated an intent to develop more.
- 12-8-67 Reply from IDWR reporting that a review of the permit and license verified that the license was correct, and restating that development on the property was limited to 30 acres and 0.6 cfs.
- 06-05-89 Frank Gardner files SRBA Claim 43-10477 for 4.0 cfs, priority date 5-29-42, for the irrigation of 200 acres in the SESE Sec 20, NWSW & SWNW Sec 28, NENE & SENE Sec 29. He submits a copy of water right license 43-02287 as proof of the 1942 priority date claimed.

Drilling Permit

Hope Gardner - April 1964

License # 19308

Replacement well
- Duward Hall



Standing water level 8'

8-29' water

29-155' no water

(Not necessary to record well drilling
until 1987)

December 3, 1967

Mr. Frank T. Gardiner
123 A Street
Salt Lake City, Utah

Dear Mr. Gardiner:

Your recent letter informs that this department has made an error with regard to the licensing of Permit No. 19308.

We have reviewed the files of this office concerning the permit and find that the information is correct, as reported to you by Mr. McKidney in his letter of November 25, 1967. Even though the application was originally issued for diversion of 3.0 second feet of water for irrigation of lands in five 40-acre subdivisions, the inspection made upon submission of proof of beneficial use showed that only 30 acres were actually irrigated, therefore, the license is issued for only 0.5 second feet of water for irrigation of 15 acres in the S¹/₄ Sec. 15, T. 15 N., R. 27 E., S. M. This established the limit of the water right and no additional lands may be irrigated and no additional water may be diverted thereunder by reason of your proposed replacement well.

Very truly yours,

R. KEITH HOGUESON
State Reclamation Engineer

RECEIVED

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RECEIVED

DEC 6 1967

100 A 31

San Francisco, Calif.

12/7/67

State of Idaho
Dept. of Reclamation
157 State House
Boise, Idaho

Department of Reclamation

Attn: Mr. McElquaney and Mr. Higginson

Dear Sirs: Re your letter to me, dated Nov. 28, 1967 "Re Water License No 19308".

Please advise me as to the legal basis whereby you state in your letter that I have no right to irrigate more than "...15 acres in the NW-3/4 Sec 28 T 15 S. R. 27E S.M.

The permit originally gave permission for development of (as I recall) about 4 second feet of water. If development of additional water had not been intended or anticipated the land should never have been granted under a desert claim nor should taxes have been paid on said property for the past 20+ yrs. The land in its present condition is worth less.

Furthermore I recall being told by a reputable well driller that he, in conversation with a representative of your Dept. was informed that since the license does not describe any time limit, one might for example pump 2 second feet for six months on a license for 1 second foot year around, provided it did not exceed the inch per acre as described in the original permit.

I question whether your present ruling on new permits applies in this situation.

I believe that I have sufficient cause and basis of fact in this matter that I could easily win a court case relating thereto.

If you do not give the matter reconsideration, intent on pursuing that course of action. Lack of a reply in 7 days will be taken as evidence that you concur with my position.

If you insist on holding to your present position please refer to the code and precedent cases in the matter. I am sure you will give any such basis for your attitude.

File

Sincerely

Frank J. Gardner
Frank J. Gardner

19308

November 28, 1967

Re: Water License No. 19308

Frank T. Gordinier
181 A Street
Salt Lake City, Utah

Dear Mr. Gordinier:

We are in receipt of your letter of November 20, 1967 on the above referenced permit. Please be advised that the permit in question has been licensed. A copy of the license is enclosed.

The point of diversion listed in the license is the W&C&C, Sec. 28, T. 15 S., R. 27 E., S.M., Cassia County, Idaho. Under the existing statutes, you may drill a replacement well for the well covered by Permit No. 19308 anywhere within the W&C&C, Sec. 28. However, if the well is located within a different public land survey subdivision, you will be required to file a transfer with the Department of Reclamation prior to the drilling of this well. If you determine that a transfer is necessary, please contact the department and forms will be supplied.

You should bear in mind that only .6 cubic feet per second may be diverted from a new well or the existing well or both in any combination of events and may only irrigate 15 acres in the W&C&C and 15 acres in the W&C&C, Sec. 28, T. 15 S., R. 27 E., S.M. Inasmuch as new permits are not being allowed in your area, this would be the maximum rate of withdrawal that could be allowed under your proposed redrilling of the well.

Please contact us if you have any further questions on the matter.

Very truly yours,

Donald W. McElidowney
Water Rights Clerk

DM:als

Enclosure: Copy of water license

19308

RECEIVED

NOV 22 1967

103 N St
Salt Lake City, Utah
11/20/67

State of Idaho
Dept. of Reclamation
Boise, Idaho

Department of Reclamation

Dear Sirs:

I recently acquired from my mother certain property located at
Bridge Idaho; description SE-S&E 20 (sec)
SW-NE- NW-S&E 28
E&NE- 29 Twp 15; Rge 27
situated upon a desert claim in the name of Hope Gardiner of Malta,
Idaho. Completion of work permit No 1930.

As I wish to move and deepen the well on above said property
would you please send me a photostat of the drilling permit MX
and/or acknowledgment of my legal right to do so.

Please advise as to the required fee.

(I realize that the movement is limited to the bare 40 acre plot).

Sincerely

Frank T Gardiner

Frank T Gardiner

19308

State of Idaho

License and Certificate of Water Right

Water License No. 19308

Amount 0.6 second foot

Water District No.

Priority May 29, 1948

THIS IS TO CERTIFY that MRS. HOPE H. GARDNER of Malta, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated May 29, 1948; that Permit No. 19308 was issued under said application; that Certificate of Completion of works, with a carrying capacity of 4 second feet, was issued thereunder on November 24, 1948, showing that said works were completed on the 16th day of November, 1948; and that on the 18th day of December, 1948,

MRS. HOPE H. GARDNER

of Malta, State of Idaho, made proof to the satisfaction of the Commissioner of Reclamation of Idaho, of the right to use the waters of wells (subterranean), tributary of, for the purpose of irrigation and livestock purposes, under Use Permit No. 19308 of the Commissioner of Reclamation and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the State Reclamation Engineer, Commissioner of Reclamation of Idaho and entered of record in Volume 7 of Licenses, at page 4206, on the 14th day of March, 1944;

The right hereby confirmed dates from May 29, 1948;

The Point of Diversion is located 1900 ft. distant from S W corner Sec. 28, T. 15 S., R. 27 E., S. 1, B. M. in the NW 1/4 SW 1/4, Sec. 28, Tp. 15 S., R. 27 E., S. 1, B. M. Cassia County

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 0.6 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
15 S.	27 E.	20	SE 1/4	15	--
		29	NE 1/4	30	--
			SE 1/4	35	--
		28	SW 1/4	15	15
			NW 1/4	20	15
Number of Acres Actually Irrigated -					30

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the State Reclamation Engineer, Commissioner of Reclamation, affixed at Boise, Idaho, this 14th day of March, 1944

JAMES SPOFFORD

(SEAL)

Commissioner of Reclamation
State Reclamation Engineer

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

REPORT OF ENGINEER

Permit No. 19308

This proof is for Beneficial Use

In Water District No.

1. Name of applicant Mrs. Hope H. Gardiner, Idaho
2. Source of water supply: Subterranean
3. Location of point of diversion: Is in the NW 1/4 Sec 1 of Section 28
T. 15 S. R. 27 E. County of Cassia
4. Describe works as they exist, giving dimensions and capacities of same: An open sump 45 feet long with a well at one end, curbed with concrete 16 feet deep X 3 1/2 feet diameter, Ditches 2ft. wide X 1ft. deep; No pumping equipment was on the place at time of examination.

5. Water is used for: Irrigation and domestic (livestock)

6. State whether or not water has been turned into works of diversion: Yes

7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if for other than irrigation):
SE 1/4 Sec 20 (10 acres);
E 1/2 Sec 29 (55 acres);
SW 1/4 NW 1/4 and NW 1/4 SW 1/4 Section 28 (55 acres);
All in Twp 15 South, Range 27 East, E. M.

(Submit map on attached plat, showing location and details of above description.

8. What large stream would the water here appropriated finally reach? None

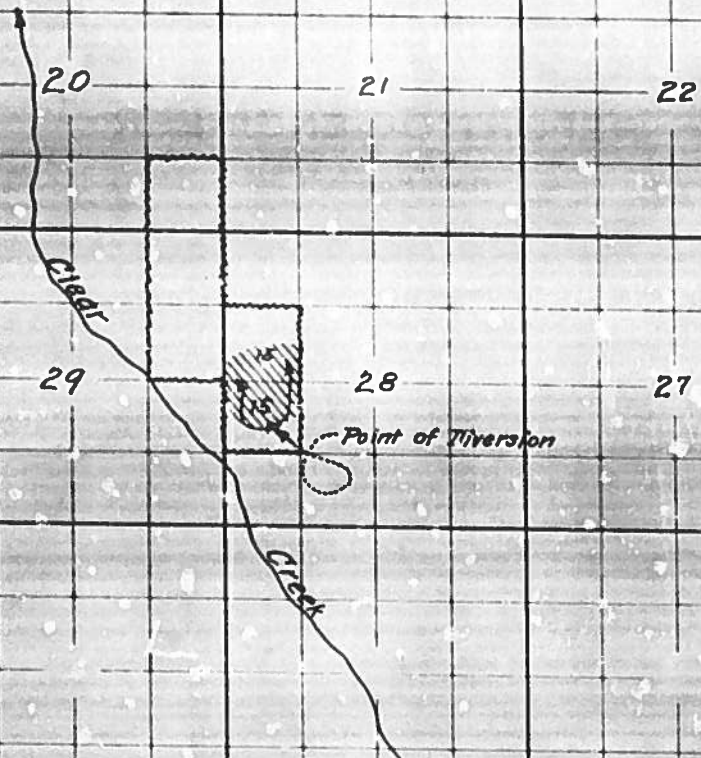
Remarks Previous irrigation has been by means of a "Farmer Water Lifter driven by a Fordson Tractor" operating under an 8ft. water table and an 8ft. draw-down.

A recently installed pole and power line are available at the point of diversion, awaiting "arrival of a pump"

This examination was made on the 27th. day of May, 1943

(Signed)

Edw. H. Johnson
Examiner.



Permit No. 19308

STATE OF IDAHO
Department of Reclamation

Proof of Completion of Works

AFFIDAVIT OF HOLDER

STATE OF IDAHO

County of Cassia

ss.

Mrs Hope B. Gardiner

First: That he is the holder and owner of Permit to Appropriate the Public Waters of the State of Idaho, No. 19308, and that his postoffice address is Malta, Idaho.

Second: That the name of the stream from which said water is to be directed is open well

Third: That the point of diversion of said water is well is located 600 feet in a northwesterly direction from the SE corner of the ~~NE 1/4~~ Sec 28 Tp 15 S Range 27 E. B. M.

Fourth: That under the terms and conditions of said permit, construction thereunder was required to be completed by Dec-16-1942, 19

Fifth: That the use for which said water is intended is irrigation and domestic use

Sixth: That on the date above mentioned, the works constructed under said permit were (or were not) fully completed and consisted of the following:

I. Kind of works: cement curb well-abt 4 ft wide and 30 feet deep.

(Reservoir, dam, ditch, flume, pipe or otherwise.)

II. Dimensions of work:

(a) Height of dam feet, length of dam at top feet, length of dam at bottom feet. Material used in construction well is lined with cement walls

(State whether wood, earth, stone or concrete.)

(b) Capacity of reservoir acre feet.

(c) Size of headgate: Width feet, height feet.

(d) Conduit. ditto width at bottom 1 1/2 feet, width at water line 3 ft. (State whether ditch, flume or pipe.) feet, depth of water 1 1/2 feet; diameter of pipe inches, average grade per mile is 30 feet. Length of conduit 3 miles.

Seventh: That said works are capable of conducting to the place of intended use 3.2 second feet of water.

Eighth: That water appropriated under said permit is available for 200 acres of land described as follows: ~~NE 1/4, Sec 28, Tp 15 S, Range 27 E. B. M.~~ Sec 28, Tp 15 S, Range 27 E. B. M.

~~NE 1/4, Sec 29, Tp 15 S, Range 27 E. B. M.~~ Sec 29, Tp 15 S, Range 27 E. B. M.

~~SE 1/4, Sec 28, Tp 15 S, Range 27 E. B. M.~~ all in Tp 15 South Range 27 E. B. M.

Ninth: Remarks: That the open well was constructed in 1937, and beneficial use has been made since the season of 1939.

Subscribed and sworn to before me this 16 day of November, 1942

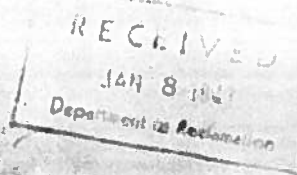
My commission expires Jan-25-1945

Sign here)

Notary Public.

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STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO



Permit No. 19308

Proof of Application of Water to Beneficial Use

Deposition of Holder

Ques. 1. State your name, residence, occupation and postoffice address.

Ans. Mrs Hope H. Gardiner. Malta, Idaho. housewife. P.O. Malta, Idaho.

Ques. 2. If acting in behalf of corporation, state its name, principal place of business (if a foreign corporation, give name of postoffice of statutory agent), your position with reference to same, and your authority for appearing in its behalf.

Ans. No

Ques. 3. State number and date of permit, and date of priority you propose to establish under the permit.

Ans. 19308, Date of Priority June 1, 1930.

Ques. 4. State source of water supply and give exact location of point of diversion: open well.

Ans. 1900 feet distant from the Southwest Corner of Sec. 28, and in the NW 1/4, Sec 28, Tp. 15 South Range 27, E.B.M.

Ques. 5. Describe your works of diversion, and state amount of water they are capable of conveying from point of diversion to place of use, and give name of canal or ditch or other works by which water is conducted to such place of use.

Ans. private ditches, will carry about 5 second feet. 3 miles of ditches. private ditch.

Ques. 6. State for what purpose water is used and describe place of use. (If for irrigation, name each subdivision in which used, and number of acres in each subdivision that have actually been irrigated with said water.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. Irrigation and domestic use.

15 acres in Sec. 20, NW 1/4, and Sec. 20, SW 1/4, NW 1/4, Sec 28, Tp 15 South, Range 27 East E.M.

Ques. 7. If for other than irrigation purposes; state how applied, amount of horse power generated, etc.

Ans.

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Ques. 8. What is the minimum amount of water required for the purpose specified above?
Ans. an inch to the acre, or 4 second feet.

Ques. 9. If you are not the person or representative of the corporation to whom above mentioned permit was originally issued, please state how ownership was acquired by present holder.
Ans. _____

Ques. 10. State when, how, in what amount and to what extent the water diverted under above mentioned permit has been used.

Ans. Since June 1st, 1939, irrigated 20 acres grain season of 1939, also 25 acres of pasture. In season of 1940 irrigated 20 acres of grain and 25 acres of pasture. In 1941, seeded and watered 10 acres of alfalfa, and 10 acres of grain and 30 acres of pasture. I did not pump in 1942. State when, how, in what amount and to what extent waters other than those diverted under the above mentioned permit have been diverted and applied to beneficial use upon the lands herein described. Give full particulars regarding such other appropriations and rights claimed thereunder.

Ans. Clear Creek overflow in 1942, flooded the place, making it too wet to crop.

(Sign) Mrs. Hope H. Eakin

I hereby certify that the foregoing testimony was read to the above subscribed before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in Kalta, County of Cassia, State of Idaho on this 16th day of October, A. D. 1942.

Henry Thompson
My commission expires Jan-25-1945 Notary Public residing at Kalta, Ida.

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

PERMIT NO. 19308.....

Proof of Application of Water to Beneficial Use
Deposition of Witness

The deposition of two witnesses, on this form, taken separately, required in each case.

Ques. 1. State your name, age, residence, occupation and postoffice address.

Ans. Lorenzo D. Tracy- age 33- Malta, Idaho. farmer- P.O. Box 41
Malta, Idaho

Ques. 2. Are you acquainted with Mrs. Hope E. Gardiner, the holder of Permit No. 19308? How long have you known him and where does he reside?

Ans. yes- 20 years.

Ques. 3. Have you read or heard read said Permit No. 19308, and are you familiar with its provisions and conditions?

Ans. yes.

Ques. 4. State source of water supply, place of diversion, and describe works for conveying water from point of diversion to place of use.

Ans. well and surface water, open well and private ditches.

Ques. 5. How many second feet of water do you estimate said works will safely conduct to place of use, and how much water have you seen being so conveyed?

Ans. 5 second feet, -- 4 second feet.

Ques. 6. State for what purpose water is used and at what place. (If for irrigation, give each sub-division in which water has been used and number of acres irrigated in each subdivision.) State whether cultivated or natural meadow land and the nature of all improvement which have been made as a direct result of said use.

Ans. irrigation and domestic use, -- 15 acres in SE 1/4, sec 20, T. 15 N. R. 20 E. in SE 1/4, sec 20, T. 15 N. R. 20 E. and 15 acres in SE 1/4, sec 20, T. 15 N. R. 20 E. in the NW 1/4, sec 20, T. 15 N. R. 20 E. East B. & M.

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Ques. 7. If for power or other purposes than irrigation, state how water has been applied and to what extent

Ans. _____

Ques. 8. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

Ans. clay loam the land subs. from clear creek, and one irrigation
will mature grain and hay crops.

Ques. 9. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent?

Ans. no

Ques. 10. State when, how, in what amount and to what extent you have witnessed the application to beneficial use of water diverted under said permit.

Ans. approximately 125 acres in grain hay and pasture. in 1932-1940
and since that time.

(Signed) Lorenzo D. Gray

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in Malta, County of Cassia, State of Idaho, on this day of December, 16th, A. D. 1942.

My commission expires Jan-25-1943

Henry Thompson
Notary Public.
Residing at Malta Idaho.