

D.E. by *CT*

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: A43-04232  
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, 1931

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 | 04/01 | 10/01 | 0.800  |      |        |

7. Total Quantity Appropriated is:  
0.800 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           | 26E   | 24      | NE     | SW  |     | IRR | 40.0  |
|               |       |         | NW     | SE  |     | IRR | 40.0  |
| Section Acres |       |         |        |     |     |     | 80.0  |

A43-04232

Page 1

Date: 04/28/89

MICROFILMED  
MAR 04 1993

10. Place of Use: Continued

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:  
43-00301, 43-00015

14. Remarks:

15. Basis of Claim: STATUTORY CLAIM

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 \_\_\_\_\_

43-4232 <sup>KKC</sup> micro fiche

State of Idaho  
Dept. of Water Resources  
1041 Blue Lakes Blvd. North  
Twin Falls, Idaho 83301

June 28, 1985

RECEIVED

JUL 21 1985

DEPT. OF WATER RESOURCES  
TWIN FALLS, IDAHO

Gentlemen:

Enclosed please find claims to water rights. Supporting documents are available as needed. All of the water claimed was used prior to the critical water area declaration of 1963.

I appreciate your help in getting these worked out.

Sincerely,  
Golden Gardner

fm 43-4233 micro film

REMARKS

PP1

The total farmed acres are 409. Of this total, 167 acres are irrigated under state of Idaho license MG-31139/43-2573 from a well located in the NE1/4 NE1/4 section 26, Twp. 13S. Rge. 26 E.B.M.

2

Thirty-six acres located in the SW1/4 NW1/4 section 24 have a decree dated April 1, 1906 <sup>00300</sup> from the middle fork of Cassia Creek with a point of diversion in the SE1/4 NW1/4 section 23, Twp. 13S. Rge. 26 E.B.M.

43-00300

3

Eighty acres located in the NE 1/4 SW1/4, NW1/4 SE1/4 section 24 have a decree dated April 1, 1913 <sup>00301</sup> from the middle fork of Cassia Creek. This 80 acres had a 1931 permit #17441 for additional water. I am claiming additional 0.8 cfs to provide a full miner's inch per acre.

43-00301

43-04232

4

The claimed water under permit #21712 Cassia Creek is one inch per acre on 120 acres NW1/4 SE1/4, NE1/4 SE1/4, section 23, Twp. 13S. Rge. 26 E.B.M. and the NW 1/4 SW 1/4, Section 24 Twp. 13S. Rge. 26 E.B.M. This water has been diverted since 1949. The point of diversion is in the SE1/4 NW1/4 section 23, Twp. 13S. Rge. 26 E.B.M.

43-04240

5

The claimed water from ground water is for 28 acres in the SW1/4 SW1/4 section 24 and 30 acres in the NW1/4 NW1/4 section 25 and 30 acres in the NE1/4 NE1/4 section 26 all in Twp. 13S. Rge. 26 E.B.M. This water was first used on this

43-04233

2. Sec 24 SWNW 360,
3. Sec 24 NESW 40, NWSE 40
4. Sec 23 NWSE 40, NESE 40,  
Sec 24 NWSW 40
5. Sec 24 SW SW 28  
Sec 25 MWNW 30 Sec 26 NENE 30

*In 43-4233 microfilm*

ground beginning in 1955. The well is located in the NE 1/4  
NE 1/4 section 26, Twp 13 S. Rge 26 E.B.M.

43-04233

Therefore, applicant claims the benefit of the provisions contained in paragraph 7.D of the Swan Falls framework contract executed by the Governor and Attorney General of the State of Idaho and the Idaho Power Company, and reserves the right under any present or future Department of Water Resources rules and regulations, legislation and adjudication proceedings involving the Snake River and its tributaries, to have "Grandfathered," the rights claimed herein as of the dates in the attached claim forms.

Due to time constraints, the supporting documents are not enclosed; they are available upon request.

Water right 43-04232



ROBERT E. SMYLLIE  
Governor

STATE OF IDAHO  
DEPARTMENT OF RECLAMATION  
GEO. N. CARTER, STATE RECLAMATION ENGINEER  
BOISE

October 5, 1959

RE: Permit No. 21712  
17441

Golden Gardiner  
Malta, Idaho

Dear Mr. Gardiner:

RE: Water rights pertaining to  $N\frac{1}{2}SE\frac{1}{4}$  Section 23;  $SW\frac{1}{4}NW\frac{1}{4}$ ,  $N\frac{1}{2}SW\frac{1}{4}$ ,  $SE\frac{1}{4}SW\frac{1}{4}$ ,  $NW\frac{1}{4}SE\frac{1}{4}$  Section 24, Township 13 South, Range 26 East.

Decreed Rights:

43-02300 { Jesse & Lavilla Shill - 0.8 c.f.s., priority April 1, 1906, Middle Fork Cassia Creek to irrigate  $SW\frac{1}{4}NW\frac{1}{4}$  Section 24.  
43-02501 { Also 0.8 c.f.s., Priority April 1, 1913, Middle Fork Cassia Creek to irrigate  $NW\frac{1}{4}SE\frac{1}{4}$ ,  $NE\frac{1}{4}SW\frac{1}{4}$  Section 24.

Permits:

P/4 matches  
00300  
43-2195

43-02195 canceled by 21712  
No. 11448 - Jesse S Shill - 7/12/15, approved 7/30/15, Certificate of Completion of Works issued for 0.8 c.f.s. from Middle Fork Cassia Creek, with point of diversion in  $SW\frac{1}{4}NE\frac{1}{4}$  Section 23 to irrigate  $SW\frac{1}{4}NW\frac{1}{4}$  Section 24.

43-2270 (right canceled in 21712) also claimed as 43-04232  
43-2270 No. 17441 - Jesse Shill - 4/2/31, approved 4/11/31, Certificate of Completion of Works issued for 2.4 c.f.s. from Middle Fork Cassia Creek, with point of diversion in  $SE\frac{1}{4}NW\frac{1}{4}$  Section 23 to irrigate  $SW\frac{1}{4}NW\frac{1}{4}$ ,  $NE\frac{1}{4}SW\frac{1}{4}$ ,  $NW\frac{1}{4}SE\frac{1}{4}$  Section 24. Beneficial use proof due 4/11/36. Water to be used from October 1 each year to April 1 following year.

43-2257  
43-2270  
43-2195  
No. 21712 - Data sent you October 2, 1959  
43-02195 canceled by 21712  
Permit No. 11448 is a duplicate of the decreed water right, Priority April 1, 1906, which already gives a full miner's inch per acre.

43-07357  
43-04232  
Permit No. 17441 can be used to provide a full miner's inch per acre or 0.8 c.f.s. additional water for  $NW\frac{1}{4}SE\frac{1}{4}$ ,  $NE\frac{1}{4}SW\frac{1}{4}$  Section 24, provided the 80 acres are all irrigated.

Permit No. 21712 covers land not otherwise covered.

These permits all have been certified as to completion of works; beneficial use of the water has not been proven.

MICROFILMED  
MAR 04 1993

Continued  
Page 2

13-02270 { For you to use Permit No. 17441, it will be necessary for you to have an as-  
13-04232 { signment of the permit or show legal proof of your ownership of the land and  
water rights. You could make proof of beneficial use of the water and receive  
a water license to irrigate the NE $\frac{1}{4}$ SW $\frac{1}{4}$ , NW $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 24, amount of water  
rights to total one miner's inch per acre, however your priority would be  
approximately five years prior to the date of making the proof. Under Permit  
13-2357 { No. 21712 your priority would be about three and a half years prior to making  
-4240 { the proof of beneficial use of the water.

At this time you have a use right under Permits 17441 and 21712 which is probably recognized among the other users of water from the same source. If you took the case to the District Court you could possibly obtain an earlier priority than noted above as priority we could allow on a Water License.

Very truly yours,

*Ralph W. Thomas*  
Ralph W. Thomas  
Office Engineer

RWT:mr

MICROFILMED  
MAR 04 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

A43-04232

Date Received

4-28-89

Receipt Number

0006507

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, Malta, Idaho Zip 833422. Date of Priority (Only one (1) per claim) April 1, 19313. 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.

MICROFILMED

MAR 04 1993

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 0.80 or \_\_\_\_\_

For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ amount \_\_\_\_\_ or \_\_\_\_\_

For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ amount \_\_\_\_\_ or \_\_\_\_\_

For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ amount \_\_\_\_\_ or \_\_\_\_\_

7. Total quantity claimed (a) 0.80 (cfs) and/or (b) \_\_\_\_\_ (acre feet)

8. Total consumptive use claimed is 240 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 |        |
| 13S | 26E | 24  |        |       |       |       |        |       |       |       | 40     |       |       |       |        | 40    |       |       | 80     |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |

Total number of acres irrigated 80

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.  
43-0301, 43-0015 or None ( )

14. Remarks:

**MICROFILMED**

**MAR 04 1993**

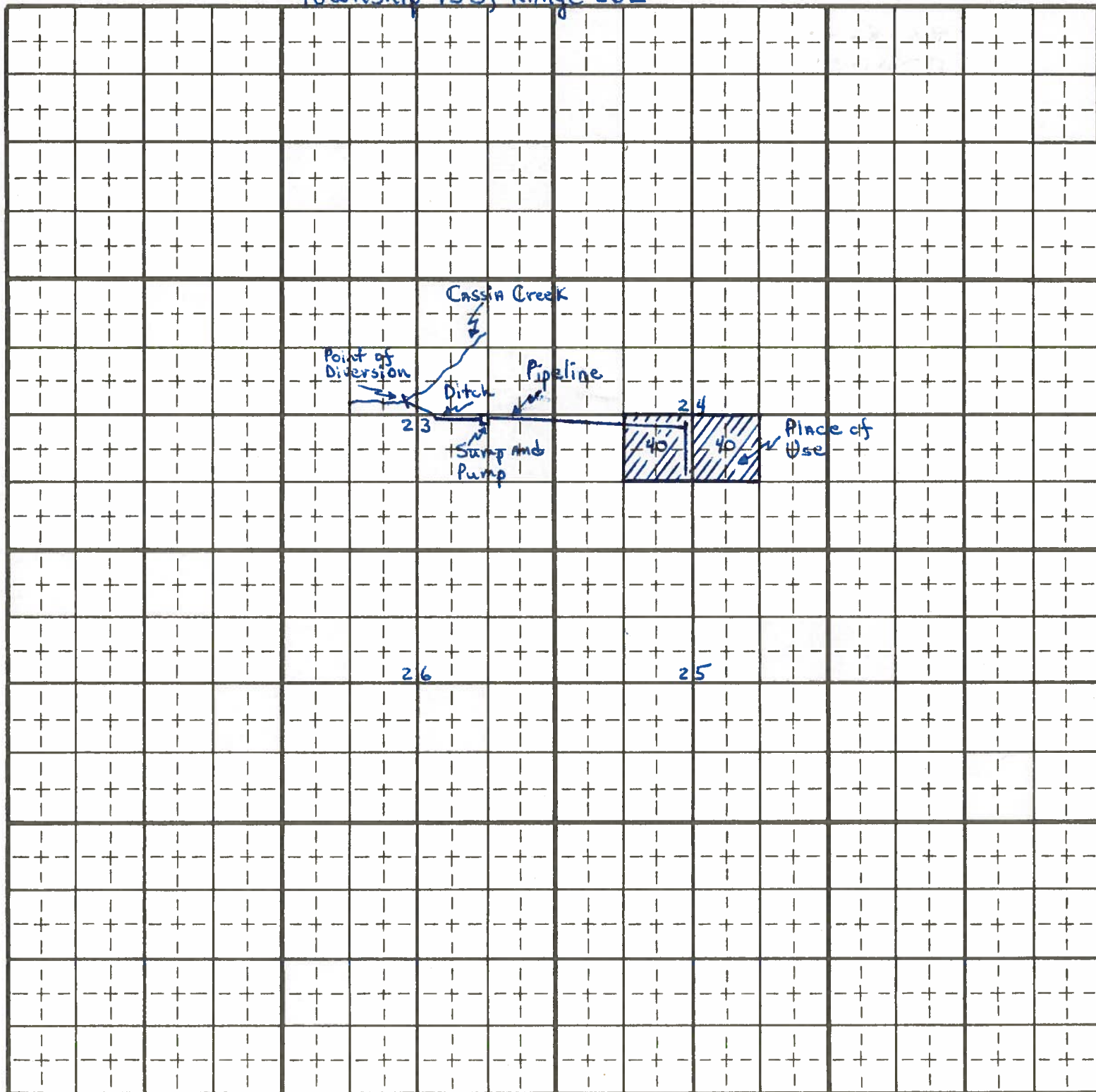
Last Name Gardiner Ident No. A43-04232

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



MICROFILMED  
MAR 04 1993

Last Name Gardiner

Ident No. A43-04232

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 43-4232  
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 & 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 \_\_\_\_\_

Title

of \_\_\_\_\_

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 1989

SEAL

Notary Public Janet Tolley

Residing at Malta Idaho

My Commission Expires 3/17/92

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 \_\_\_\_\_

**MICROFILMED**

**MAR 04 1993**

Last Name Gardiner Ident. Number A 43-04232

Copies White-State, Yellow-Claimant

1/30/1989

SRBA CLAIMS RECEIVING CHECKLIST #2

CLAIMANT'S NAME Gardner

CLAIM IDENT. NO. A43-04232

DATE RECEIVED 4-28-89

CK # \_\_\_\_\_

AMOUNT \$ 000.6507

|                                                                                                                                                                                                                          | YES                                 | NO                       | Required Info? |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|--------------------------|----------------|
| 1. Is the name and address complete with zip code?                                                                                                                                                                       | <input checked="" type="checkbox"/> | <input type="checkbox"/> | *              |
| 2. Is a priority date entered?                                                                                                                                                                                           | <input type="checkbox"/>            | <input type="checkbox"/> | *              |
| 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?                                                                                                                                                                                              | <input type="checkbox"/>            | <input type="checkbox"/> | *              |
| (b) Is a tributary to entered? (if required)                                                                                                                                                                             | <input type="checkbox"/>            | <input type="checkbox"/> | *              |
| 4. Is the legal description of the p.d. sufficient?                                                                                                                                                                      | <input type="checkbox"/>            | <input type="checkbox"/> | *              |
| 5. Is there a description of the diverting works?                                                                                                                                                                        | <input type="checkbox"/>            | <input type="checkbox"/> |                |
| 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.              | <input type="checkbox"/>            | <input type="checkbox"/> | *              |
| Is the period of use included?                                                                                                                                                                                           | <input type="checkbox"/>            | <input type="checkbox"/> |                |
| Is a quantity claimed for each use?                                                                                                                                                                                      | <input type="checkbox"/>            | <input type="checkbox"/> | *              |
| 7. Is a total quantity claimed entered?                                                                                                                                                                                  | <input type="checkbox"/>            | <input type="checkbox"/> |                |
| 8. If required is a consumptive use entered?                                                                                                                                                                             | <input type="checkbox"/>            | <input type="checkbox"/> |                |
| Is the consumptive use correct?                                                                                                                                                                                          | <input type="checkbox"/>            | <input type="checkbox"/> |                |
| 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. | <input type="checkbox"/>            | <input type="checkbox"/> | *              |
| 10. Is (are) the place(s) of use and purpose(s) indicated?                                                                                                                                                               | <input type="checkbox"/>            | <input type="checkbox"/> | *              |
| 11. Is (are) the county(ies) entered?                                                                                                                                                                                    | <input type="checkbox"/>            | <input type="checkbox"/> |                |
| 12. Is the ownership of p.u. checked?                                                                                                                                                                                    | <input type="checkbox"/>            | <input type="checkbox"/> |                |
| 13. Are other water rights listed or "none" indicated?                                                                                                                                                                   | <input type="checkbox"/>            | <input type="checkbox"/> |                |
| 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.)                                                                  | <input type="checkbox"/>            | <input type="checkbox"/> |                |
| 15. Is the basis of the claim indicated?                                                                                                                                                                                 | <input type="checkbox"/>            | <input type="checkbox"/> |                |
| 16. If the claimant requested a monthly docket sheet, is payment enclosed? (If yes, describe payment status in "Comments" below.)                                                                                        | <input type="checkbox"/>            | <input type="checkbox"/> |                |
| 17. Is the claim signed by the claimant, and is the signature appropriate? Organizations must complete the organization block.                                                                                           | <input type="checkbox"/>            | <input type="checkbox"/> | *              |
| 18. Has the claim been signed, sealed, and dated by a notary?                                                                                                                                                            | <input type="checkbox"/>            | <input type="checkbox"/> | *              |
| 19. Was this claim filed on time, or was an extension granted?                                                                                                                                                           | <input type="checkbox"/>            | <input type="checkbox"/> | *              |
| 20. Is the fee enclosed correct?                                                                                                                                                                                         | <input type="checkbox"/>            | <input type="checkbox"/> | *              |
| 21. If this claim is based on an existing water right, has the identification number been entered?                                                                                                                       | <input type="checkbox"/>            | <input type="checkbox"/> |                |
| 22. Should this claim be receipted and data entered?                                                                                                                                                                     | <input checked="" type="checkbox"/> | <input type="checkbox"/> |                |

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: \_\_\_\_\_

Checked by: \_\_\_\_\_ Date: \_\_\_\_\_

**MICROFILMED**

Comments: \_\_\_\_\_

**MAR 04 1993**



State of Idaho  
**DEPARTMENT OF WATER RESOURCES**

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

CECIL D. ANDRUS  
Governor

December 5, 1991

R. KEITH HIGGINSON  
Director

A43-04232  
GOLDEN F. GARDINER  
HC 72 BOX, 2038

MALTA

ID 83342

RE: Evidence of Priority

**\*RESPONSE DEADLINE\***  
**FEBRUARY 3, 1992**  
\*\*\*\*\*

Dear Claimant:

The Notice(s) of Claim identified with the number shown above your name on the mailing label has been filed in the Snake River Basin Adjudication (SRBA). The Notice(s) indicate your water usage is based on "Beneficial Use" or a "Statutory Claim". Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed. The date of first use, known as the priority date, has not been confirmed by a License, Decree or Permit. The Department will soon conduct reviews &/or field exams for the claims in your area. Since the priority date of a beneficial use water right can not be confirmed by field examination, proof must be provided supporting the priority date you have claimed.

The Department will not recommend the Notice(s) be decreed by the court as claimed if no evidence of a priority date is submitted.

Please find enclosed a computer printout of your Notice(s) and the pamphlet entitled "Evidence of Priority". The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement. I direct your attention to the two sections entitled "What Kind of Evidence is Required" and "Some Examples of Documents Which May Be Evidence of the Priority Date".

Please submit the required evidence supporting the priority date(s) by February 3, 1992, referencing all documents with the corresponding Notice number(s). If you have any questions not covered by this letter or the enclosed pamphlet, please contact this office.

Respectfully submitted,

Allen Merritt, P.E.  
Water Rights Supervisor

Enclosures

**MICROFILMED**

**MAR 04 1993**

01/24/2001

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

RIGHT NUMBER: 43-4232

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

VERIFIED BY KKC

SOURCE: CASSIA CREEK

TRIBUTARY: RAFT RIVER

QUANTITY: 0.5 CFS

WHEN COMBINED THE FOLLOWING RIGHTS SHALL PROVIDE NO MORE  
THAN .02 CFS PER ACRE. COMBINED RIGHT NOS. 43-301, 43-4232,  
AND 43-10123

PRIORITY DATE: 04/01/1931

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  
0.50 CFS

PLACE OF USE:

IRRIGATION Within CASSIA County

T13S R26E S24

NESW

38

T13S R26E S24

NWSE

27

65 ACRES TOTAL

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION  
OF A COMBINED TOTAL OF 65 ACRES IN A SINGLE IRRIGATION SEASON.  
COMBINED RIGHT NOS. 43-301, AND 43-4232.

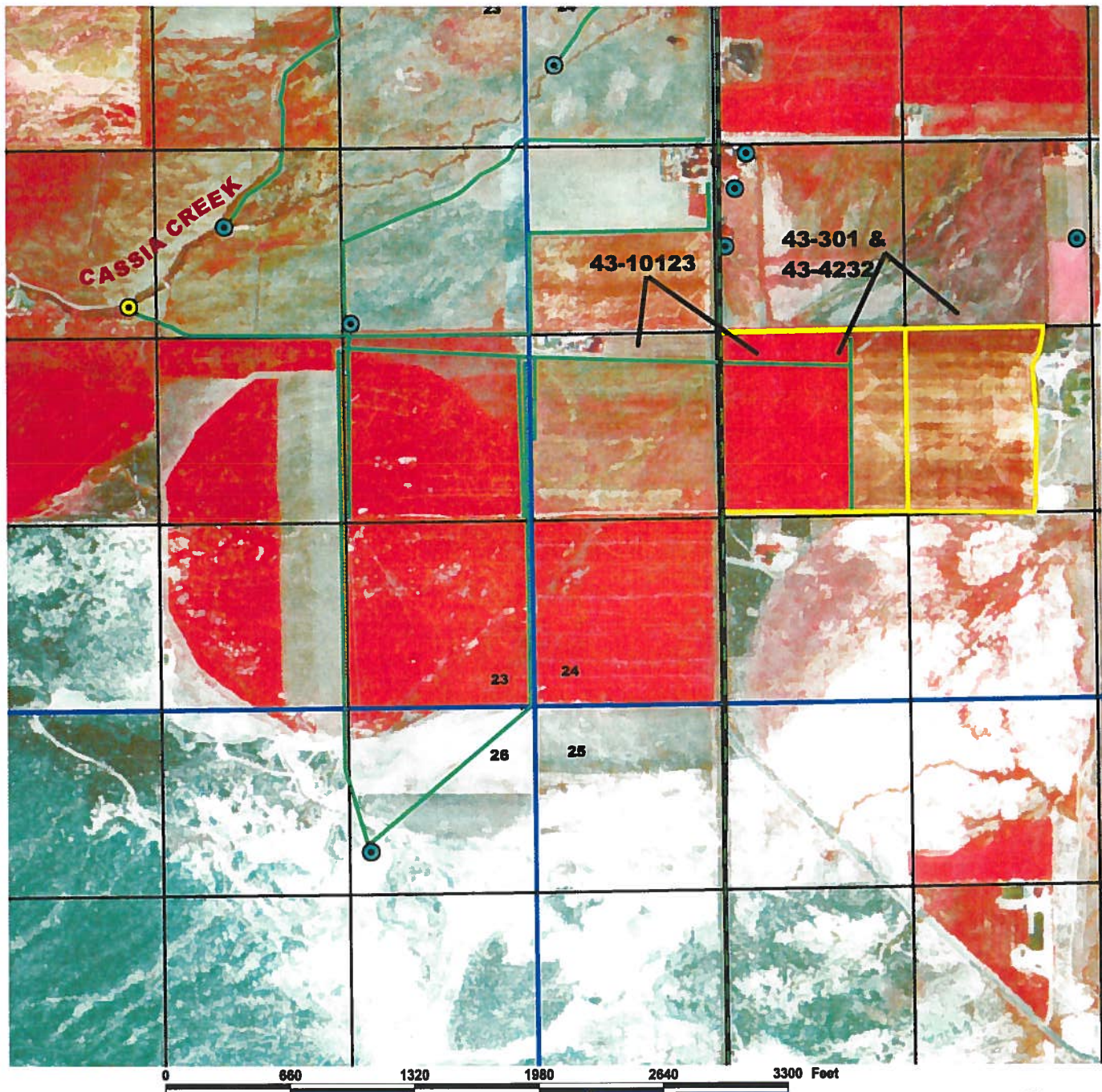
USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION  
OF A COMBINED TOTAL OF 103 ACRES IN A SINGLE IRRIGATION  
SEASON. COMBINED RIGHT NOS. 43-301, 43-4232, AND 43-10123

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 - Beneficial Use

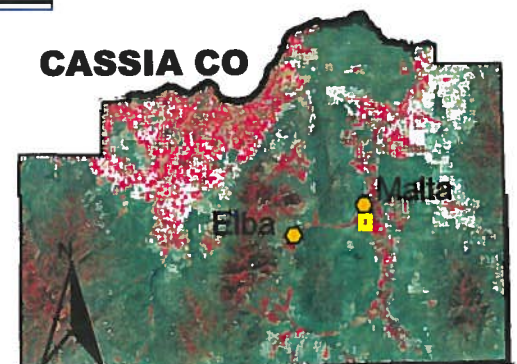
## RECOMMENDED PLACE OF USE FOR 43-301 AND 43-4232



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



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

Assoc Ordin

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

~~A43~~-00300 - 4-1-06 <sup>Priority</sup> .76 CFS for 38 AC = .02 CFS/AC  
Sec 24

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

~~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.

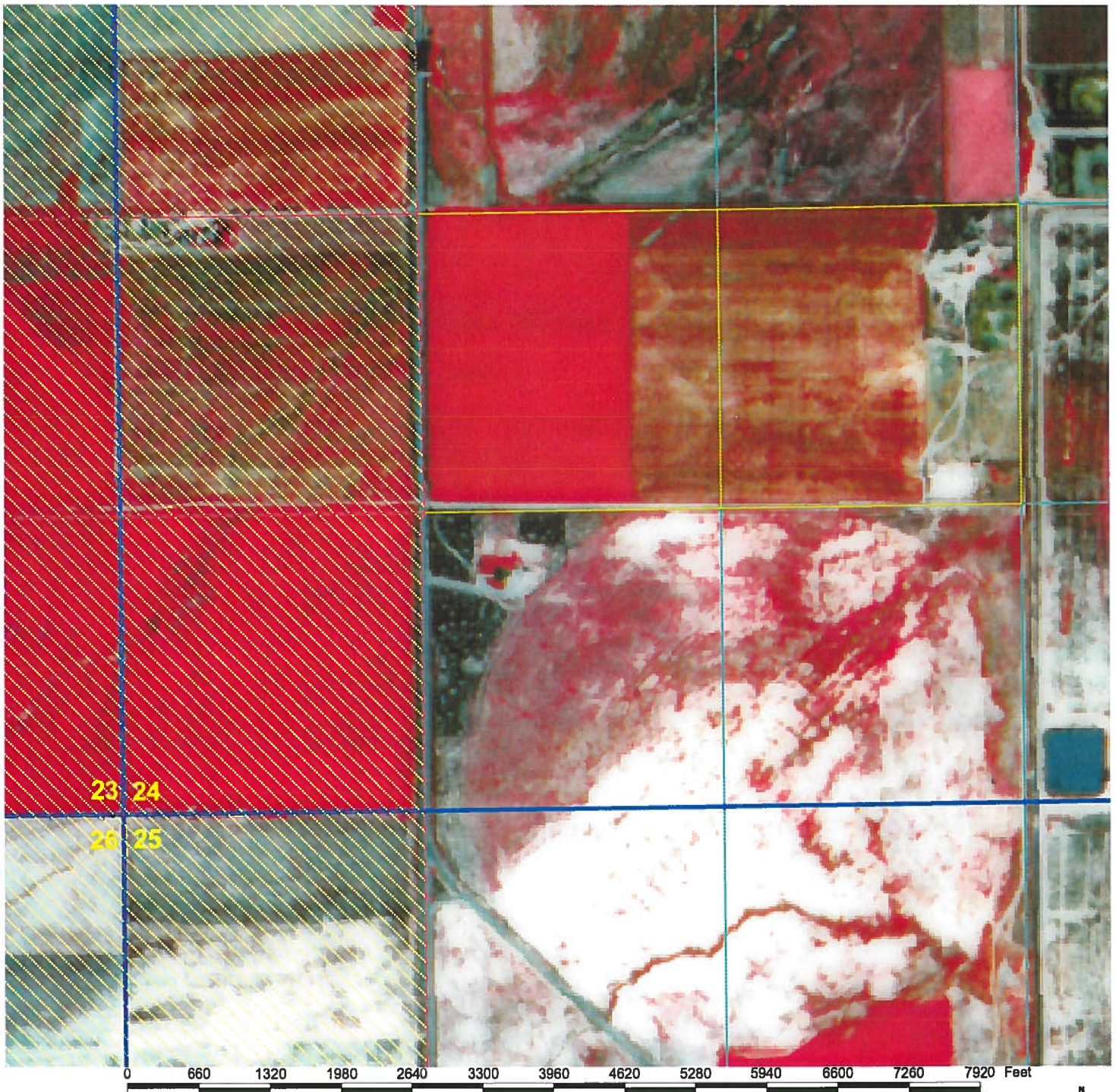
Sincerely,

Kelly K Christensen

# IDAHO DEPARTMENT OF WATER RESOURCES

## Claims by system

1. A43-00301 & 04232
2. Overlap occurs in NENW with A43-10123



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

JPEG LAYOUT CREATED

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.

