

IDAHO DEPARTMENT OF WATER RESOURCES RECOMMENDED
WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 22-325A

NAME AND ADDRESS: GARRY W JARDINE
358 N 800 W
TETONIA ID 83452
MAEDENE JARDINE
358 N 800 W
TETONIA ID 83452

SOURCE: Source: Packsaddle Creek Tributary: TETON RIVER

QUANTITY: 1.900 CFS ~~1.200 CFS~~ 0.000 AFY

PRIORITY DATE: 06/01/1891

POINT OF DIVERSION: T05N R44E S8 SWSWNE Within TETON County

PURPOSE AND PERIOD OF USE:	Purpose of use	Period of use:	Quantity:
	IRRIGATION	4/15 10/31	<u>1.900 CFS</u> 1.200 CFS

PLACE OF USE:	IRRIGATION	within TETON County
	<u>T05N R44E S04 NESE 20.0</u>	T05N R44E S04 NESE 19.0
	<u>T05N R44E S04 NWSE 24.0</u>	
	<u>T05N R44E S04 SWSE 22.0</u>	
	<u>T05N R44E S09 NENE 40.0</u>	
	<u>T05N R44E S09 NWNE 40.0</u>	
	<u>T05N R44E S09 SWNE 40.0</u>	
	<u>T05N R44E S09 SENE 37.0</u>	
	<u>T05N R44E S09 NENW 37.0</u>	T05N R44E S09 NENW 30.0
	<u>T05N R44E S09 NWNW 10.0</u>	
	<u>T05N R44E S09 SWNW 14.0</u>	
	<u>T05N R44E S09 SENW 40.0</u>	T05N R44E S09 SENW 30.0

324 ACRES TOTAL ~~282 ACRES TOTAL~~

This right is limited to the irrigation of 95 acres within the place of use described above in a single irrigation season.

The rights listed below are limited to the irrigation of a combined total of 295 acres in a single irrigation season. Combined Right Nos.: 22-193A, 22-325A, and 22-326G.

~~This right is limited to the irrigation of 60 acres within the place of use described above in a single irrigation season.~~

~~The rights listed below are limited to the irrigation of a combined total of 260 acres in a single irrigation season. Combined Right Nos.: 22-193A, 22-325A, and 22-326G.~~

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

Water is delivered through Packsaddle Pipeline.

Standard Form 5

22-325A

Created By:

Denise Kidman:

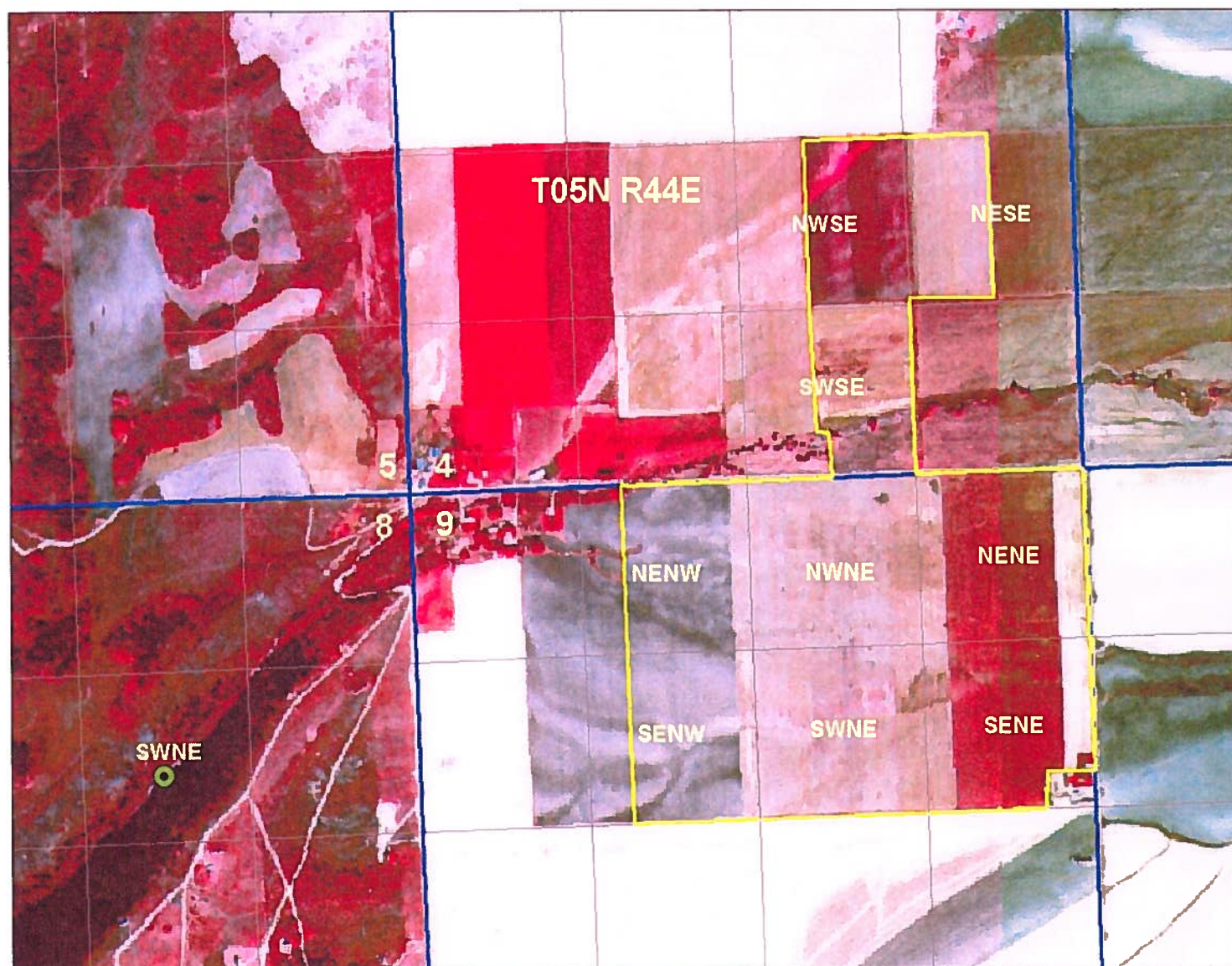
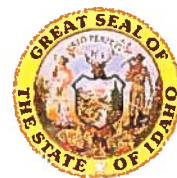
Date: 10-10-08

Department of Water Resources

Eastern Region

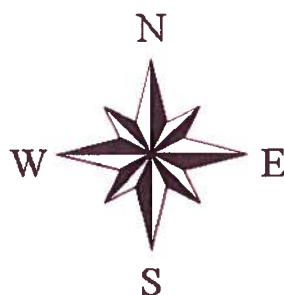


Claim No.: 22-193A, 22-325A,
& 22-326G



0 0.25 0.5 0.75 1 Miles

- Point of Diversion
- Place of Use
- Township/Range
- Sections
- QQ



GIS Place of Use Illustration
1987/88 NAPP Photography
Prepared by: Kristin Moore
Date Prepared: May 2006

SCANNED

JUN 29 2007



Idaho Department of Water Resources

MEMORANDUM

File: 22-193A, 22-325A, 22-325G- Jardine
Date: October 10, 2008
Subject: Objection Resolution

Jardine's provided death certificates for Belle and Donald Jardine and NCAP's removing them from the above referenced WR's were sent to the court.

Jardine's provided evidence that the Teton County Taxlot information was incorrect. The evidence can be found in the file for 22-193A. The acreage that was omitted due to the taxlot information was added and a new recommendation was created. Condition code E56 was updated to show the added acreage. While updating ArcMap, three acres was removed in T05N R44E Sec 9 SESENE, B.M. from the above water rights because a domestic water right (22-12123 Jardine) covers the acreage. The shapefile was updated to reflect the acreage irrigated in T05N R44E Sec 9 NENWNW and NWNENW, B.M. The acreage removed includes a home and areas with terrain that shows a low possibility of irrigation.

New layouts and SF5's were drafted and will be sent to the Jardine's for approval.

From the desk of Denise Kidman

22-193A

22-325A

22-326G

(IRRIGATION)

Point of Diversion

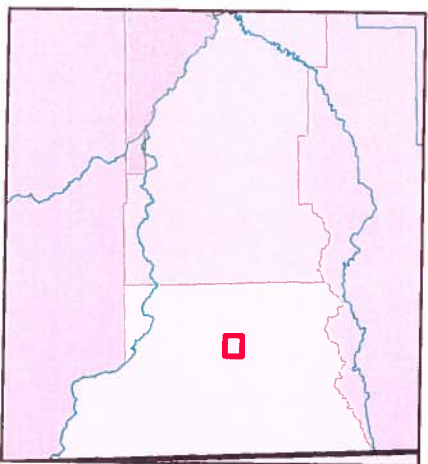
Place of Use

State Outline

Townships

PLS Sections

Quarter Quarters



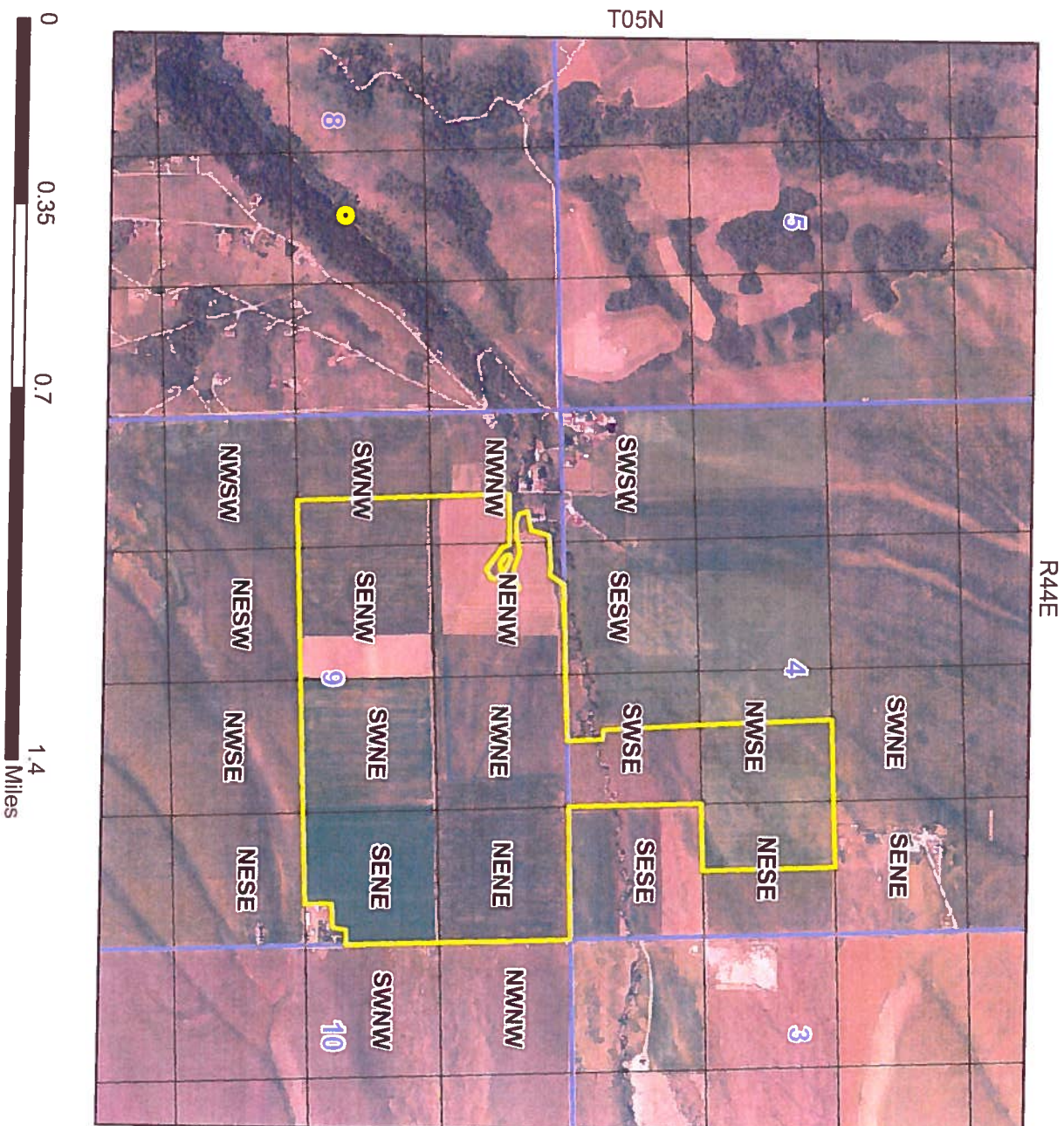
Teton County

IDWR Basin 22

Prepared by Denise Kidman

On October 10, 2008

2004 Aerial Photography





State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A • Idaho Falls, Idaho 83402-1718

Phone: (208) 525-7161 • Fax: (208) 525-7177 • Web Site: www.idwr.idaho.gov

EASTERN REGION

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

September 4, 2008

GARRY AND MAEDENE JARDINE
358 N 800 W
TETONIA ID 83452

RE: Notice of Change of Water Right Ownership (NCO) for 22-193A, 22-325A
& 22-326G and Notice of Completed Administrative Proceeding (NCAP)

Dear Sir/Madam:

The Idaho Department of Water Resources (IDWR) acknowledges receipt of an NCO changing the right holder for the above referenced water right(s). Based on this NCO, IDWR water right records for the Snake River Basin Adjudication (SRBA) have been updated.

Furthermore, as directed by the SRBA Court, this office mailed a copy of the updated water right record(s) to each party listed on the enclosed NCAP. The intent of this mailing is to ensure each party has a current record of water right(s) as recorded in the SRBA.

Please feel free to contact me if you have any questions concerning this matter.

Respectfully,

Bobby Kern
Office Specialist II

Enclosure

SCANNED
OCT 22 2008

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

In Re SRBA

)

Water Rights: 22-193A, 22-325A
& 22-326G

Case No. 39576

)

)

**NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING**

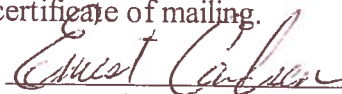
IDWR has completed the following Administrative proceeding:

- ☐ Address change
- ☒ Substitution of Party JARDINE-JARDINE
- ☐ I.C. § 42-222 transfer
- | | |
|---|--|
| ☐ point of diversion | ☐ place of use |
| ☐ period of use | ☐ nature of use |
| ☐ split of water right | ☐ change in ownership |

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Reports* for said water rights. No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED: 9-23-08



Signature of IDWR Representative

SCANNED
OCT 22 2008

CERTIFICATE OF MAILING

I certify that on Sept 26, 2008, I mailed the original and copies of this form to the following persons, postage prepaid by regular mail and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
PO Box 2707
Twin Falls ID 83303-2707

2. One copy to:

Claimant/Seller for Substitution of Party or attorney of record:
Donald W. & Belle Jardine
354 N 800 W, Tetonia, ID 83452

Garry W. and Maedene Jardine
358 N 800 W, Tetonia, ID 83452

3. One copy to:

Claimant/Purchaser for Substitution of Party, or attorney of record:
Garry W. and Maedene Jardine
358 N 800 W, Tetonia, ID 83452

4. One copy to:

Each party in the subcase, or attorney of record

5. One copy each to:

Chief Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise ID 83711-4449

6. One Copy to:

United States Dept of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724


Signature of person or attorney mailing the form

SCANNED

OCT 2 11

09/04/2008

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 22-325A
NAME AND ADDRESS: GARRY W JARDINE
358 N 800 W
TETONIA ID 83452
MAEDENE JARDINE
358 N 800 W
TETONIA ID 83452

SOURCE: PACKSADDLE CREEK TRIBUTARY: TETON RIVER

QUANTITY: 1.900 CFS

PRIORITY DATE: 06/01/1891

POINT OF
DIVERSION:

T05N R44E S8 SWSWNE Within TETON County

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>		<u>PERIOD OF USE</u>		<u>QUANTITY</u>
	IRRIGATION		04/15 10/31		1.900 CFS
PLACE OF USE:	<u>IRRIGATION in TETON County</u>				
	T05N R44E S04	NESE	19.00	T05N R44E S04	NWSE 24.00
	T05N R44E S04	SWSE	22.00	T05N R44E S09	NENE 40.00
	T05N R44E S09	NWNE	40.00	T05N R44E S09	SWNE 40.00
	T05N R44E S09	SENE	40.00	T05N R44E S09	NENW 40.00
	T05N R44E S09	NWNW	14.00	T05N R44E S09	SWNW 15.00
	T05N R44E S09	SENW	40.00		

334 ACRES TOTAL

This right is limited to the irrigation of 95 acres within the place of use described above in a single irrigation season.

295

The rights listed below are limited to the irrigation of a combined total of acres in a single irrigation season. Combined Right Nos.: 22-193A, 22-325A, and 22-326G.

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

Water is delivered through Packsaddle Pipeline.

SCANNED

OCT 22 2008

09/04/2008

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 22-326G
NAME AND ADDRESS: GARRY W JARDINE
358 N 800 W
TETONIA ID 83452
MAEDENE JARDINE
358 N 800 W
TETONIA ID 83452

SOURCE: PACKSADDLE CREEK TRIBUTARY: TETON RIVER

QUANTITY: 1.800 CFS

PRIORITY DATE: 04/05/1889

POINT OF
DIVERSION:

T05N R44E S8 SWSWNE Within TETON County

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	04/15 10/31	1.800 CFS
PLACE OF USE:	<u>IRRIGATION in TETON County</u>		
	T05N R44E S04 NESE	19.00	T05N R44E S04 NWSE 24.00
	T05N R44E S04 SWSE	22.00	T05N R44E S09 NENE 40.00
	T05N R44E S09 NWNE	40.00	T05N R44E S09 SWNE 40.00
	T05N R44E S09 SENE	37.00	T05N R44E S09 NENW 30.00
	T05N R44E S09 SENW	30.00	

282 ACRES TOTAL

This right is limited to the irrigation of 90 acres within the place of use described above in a single irrigation season.

260

The rights listed below are limited to the irrigation of a combined total of acres in a single irrigation season. Combined Right Nos.: 22-193A, 22-325A, and 22-326G.

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

Water is delivered through Packsaddle Pipeline.

This right is a combination of old Right Nos 22-326B and 22-326F.

SCANNED
OCT 22 2003

09/04/2008

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 22-193A

NAME AND ADDRESS: MAEDENE JARDINE
358 N 800 W
TETONIA ID 83452

GARRY W JARDINE
358 N 800 W
TETONIA ID 83452

SOURCE: PACKSADDLE CREEK

TRIBUTARY: TETON RIVER

QUANTITY: 2.200 CFS

PRIORITY DATE: 06/01/1895

POINT OF
DIVERSION:

T05N R44E S8 SWSWNE Within TETON County

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>		<u>PERIOD OF USE</u>		<u>QUANTITY</u>
	IRRIGATION		04/15 10/31		2.200 CFS
PLACE OF USE:	<u>IRRIGATION in TETON County</u>				
	T05N R44E S04	NESE	19.00	T05N R44E S04	NWSE 24.00
	T05N R44E S04	SWSE	22.00	T05N R44E S09	NENE 40.00
	T05N R44E S09	NWNE	40.00	T05N R44E S09	SWNE 40.00
	T05N R44E S09	SENE	37.00	T05N R44E S09	NENW 30.00
	T05N R44E S09	SENW	30.00		

282 ACRES TOTAL

260

The rights listed below are limited to the irrigation of a combined total of acres in a single irrigation season. Combined Right Nos.: 22-193A, 22-325A, and 22-326G.

This right is limited to the irrigation of 110 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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Water is delivered through Packsaddle Pipeline.

SCANNED
OCT 27 2008

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

Please print or type. *Attach pages with additional information. Instructions are included at the end of this form. Incomplete forms will be returned.*

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case IDWR will produce new water right number(s) for the split(s).

Water Right No(s)	Adjudication Claim No(s)	Split(s)	Water Right No(s)	Adjudication Claim No(s)	Split(s)
Adg 22-325A					
Adg 22-193A					
Adg 22-326A					
WR 22-12123 - done					

2. The following **REQUIRED** information must be submitted with this form:

A. ~~The appropriate **FILING FEE**. See instructions for fee amounts.~~

B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.

Certificate of Death.

C. ~~Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are on file with the county Planning and Zoning or Recorder's Office).~~

OR

D. ~~If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency or equivalent **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The AERIAL PHOTO should be submitted in place of the PLAT OF PROPERTY or SURVEY MAP.~~

3. Name and Address of Former Owner/Claimant(s)

Donald & Belle Jardine

4. New Owner/Claimant(s)

Garry & Maedene Jardine

Name Connector (Check one): [] and, [] or, ☒ and/or

New Mailing Address

3538 N. 800 W.

City, State and ZIP Code

Tetonia, Id 83452

New Telephone Number

(208) 456-2637

Email:

RECEIVED
SEP 02 2008

5. Date you acquired the property _____

6. **If the change in ownership affects the entire water right for each water right or adjudication claim number listed in line 1, then skip this line and go to line 7.** If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (you may copy this page, if necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right will not be split, skip this area and proceed to line 7)		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Water Right and/or Adjudication Claim Number _____		
Irrigation		
Stock		
Domestic		
Other		
Totals		
Water Right and/or Adjudication Claim Number _____		
Irrigation		
Stock		
Domestic		
Other		
Totals		
Water Right and/or Adjudication Claim Number _____		
Irrigation		
Stock		
Domestic		
Other		
Totals		

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

7. Signature(s) of New Owner(s) or Claimant(s) _____

Larry Gardiner

(title if applicable)
Maureen Gardiner

(title if applicable)

IT IS IMPORTANT TO FILE THIS COMPLETED FORM AT THE APPROPRIATE IDWR OFFICE, WITH PAYMENT OF THE FILING FEE AND THE OWNERSHIP DOCUMENT(S), AS REFERRED TO IN LINE 2.

For IDWR Office Use Only:

Received by _____ Date _____
 Received by _____ Date _____
 Processed by _____ AJ Date _____

Receipt Amt. _____
 Receipt No. _____
 WR _____ Date _____

SCANNED
OCT 22 2006

CERTIFICATION OF VITAL RECORD

STATE OF IDAHO

IDAHO DEPARTMENT OF HEALTH AND WELFARE
COOPERATIVE CENTER FOR HEALTH STATISTICS

CERTIFICATE OF DEATH

DATE FILED: JANUARY 24, 1994

STATE FILE NUMBER: 93-08118

DECEDENT: DONALD WILLIAM JARDINE

DATE OF DEATH: DEC. 27, 1993

PLACE OF DEATH: ASHTON, IDAHO

DATE OF BIRTH: JUNE 21, 1908

PLACE OF BIRTH: UTAH

AGE: 85 YEARS

SEX: MALE

VETERAN? NO

MARITAL STATUS: MARRIED

SPOUSE (MAIDEN): BELLE CALDWELL

~~_____~~ RESIDENCE: TETONIA, IDAHO

FATHER: RUSSELL K. JARDINE

FATHERS BIRTHPLACE: UTAH

MOTHER (MAIDEN): EFFIE MARIE CLARK

MOTHERS BIRTHPLACE: UTAH

MORTUARY: WADE FUNERAL HOME

MORTICIAN: MARK L. WADE

DRIGGS, IDAHO

DISPOSITION: BURIAL

CERTIFYING PHYSICIAN: STEPHEN J. CHEYNE, MD

AUTOPSY: NO

1. CAUSE OF DEATH, UNDERLYING CAUSE LAST:

INTERVAL

METASTATIC LUNG CA.
UNKNOWN PRIMARY

2. OTHER CONDITIONS CONTRIBUTING TO DEATH BUT UNRELATED TO ABOVE CAUSES:

NONE LISTED

RECEIVED
AUG 25 2008

Department of Water Resources
Eastern Region

I certify that this is a true and correct reproduction or abstract of an official record filed with the IDAHO COOPERATIVE CENTER FOR HEALTH STATISTICS.

JANUARY 26, 1994

DATE ISSUED:

Jane S. Smith

JANE S. SMITH
State Registrar

CERTIFICATION OF VITAL RECORD

STATE OF IDAHO

IDAHO DEPARTMENT OF HEALTH AND WELFARE
COOPERATIVE CENTER FOR HEALTH STATISTICS

CERTIFICATE OF DEATH

DATE FILED: APRIL 18, 1994

STATE FILE NUMBER: 94-02237

DECEDENT: BELLE CALDWELL JARDINE

DATE OF DEATH: MAR. 30, 1994 PLACE OF DEATH: TETONIA, IDAHO

DATE OF BIRTH: SEPT. 21, 1908 PLACE OF BIRTH: IDAHO

AGE: 85 YEARS SEX: FEMALE VETERAN? NO

MARITAL STATUS: WIDOWED

SOCIAL SECURITY NUMBER: 518-66-9945 RESIDENCE: TETONIA, IDAHO

FATHER: MARONI CALDWELL

FATHERS BIRTHPLACE: UTAH

MOTHER (MAIDEN): HARRIET WILLIAMSON HILL

MOTHERS BIRTHPLACE: ENGLAND

MORTUARY: WADE FUNERAL HOME

MORTICIAN: MARK L. WADE

DRIGGS, IDAHO

DISPOSITION: BURIAL

CERTIFYING PHYSICIAN: LAWRENCE T. CURTIS, MD

AUTOPSY: NO

1. CAUSE OF DEATH, UNDERLYING CAUSE LAST:

INTERVAL

OSTEOPOROSIS - SEVERE

15 YEARS

2. OTHER CONDITIONS CONTRIBUTING TO DEATH BUT UNRELATED TO ABOVE CAUSES:

NONE LISTED

RECEIVED

AUG 25 2008

Department of Water Resources
Eastern Region

I certify that this is a true and correct reproduction or abstract of an official record filed with the IDAHO COOPERATIVE CENTER FOR HEALTH STATISTICS

APRIL 20, 1994

DATE ISSUED:

JANE S. SMITH
State Registrar

MEMORANDUM to FILE

Date: July 23, 2008
To: Claims 22-193A, 22-325A, and 22-326G
From: Joseph Larsen of Idaho Department of Water Resources
Re: Recommended PPU for Claims in the SRBA

The GIS Tax-lot Data provided to this Department contains errors in ownership by incorrectly dividing property owned by Garry and Meadene Jardine. Property is located in T05N R44E Sec. 9 NENW, NWNW, SWNW, and SENW was incorrectly divided and labeled with other owners. Because of this Department took proportionate shares of the three rights and recommended those values. The Jardines Objected to Recommendation 22-325A but not stacked rights 22-193A and 22-326G.

The Jardines have supplied this Department with documentation that these properties are still owned by them and were erroneously divided to other individuals. Based on the evidence this Department can move forward with recommending Claim 22-325A with corrected acres.

However, because Objections were never filed for Claims 22-193A and 22-326G the proportionate shares that were initially removed reduce the allowable acres per right making the new Recommendation limited to less acres than should be allowed to be irrigated on the property.

Because the entire property has historically been irrigated and because the homeowners which to continue to irrigate their entire property, the Jardines must file Standard Form 1 Objections for both 22-193A and 22-326G. If these Late Objections are accepted by the SRBA court then the rights' PPU should be adjusted to read as is found on the Amended Recommendation for 22-325A which is listed below:

T05N R44E S04	NESE	19.00	T05N R44E S04	NWSE	24.00
T05N R44E S04	SWSE	22.00	T05N R44E S09	NENE	40.00
T05N R44E S09	NWNE	40.00	T05N R44E S09	SWNE	40.00
T05N R44E S09	SENE	37.00	T05N R44E S09	NENW	<u>40.00</u>
					30.00
<u>T05N R44E S09</u>	<u>NWNW</u>	<u>14.00</u>	<u>T05N R44E S09</u>	<u>SWNW</u>	<u>15.00</u>
T05N R44E S09	SENW	<u>40.00</u>			
		30.00			

331.0 ~~282.0~~ ACRES TOTAL

The combined limits on all rights will need to be adjusted to reflect these changes.


23 Jun 2008

RECEIVED
JAN 31 2007
Department of Water Resources
Adjudication Bureau

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

In Re SRBA

A: Subcase 22 - 325 A

(Insert water right number)

Case No. 39576

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B: NAME AND ADDRESS OF PERSON OBJECTING

Name: Garry and Mae Dene Jardine

Address: 358 N 800 W

Tetonia, Id 83452

Daytime Phone: 208-456-2637

Name & Address of Attorney, if any:

C: CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: SAME AS ABOVE

Address:

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☐ Name and Address
Should be: _____
2. ☐ Source
Should be: _____
3. ☒ Quantity
Should be: 1.9 cfs
4. ☐ Priority Date
Should be: _____
5. ☐ Point(s) of Diversion
Should be: _____
6. ☐ Instream Flow Description
Should be: _____
7. ☐ Purpose(s) of Use
Should be: _____
8. ☐ Period of Year
Should be: _____
9. ☒ Place of Use
Should be: 110 AC of SN 4E Sec 9 NENW-SENW
NWNW-SWNW

11. I object because:

- ☐ This water right should not exist.
- ☐ This water right was not recommended, but should be recommended with the elements described above.

E. REASONS SUPPORTING OBJECTION(S): TAX data base not

correct with Land Deeds

INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the Court. FAX filings will not be accepted. You must also send a copy to all the parties listed below in the Certificate of Mailing.

G. CERTIFICATE OF MAILING

I certify that on _____, 199__, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

Name: _____
Address: _____

3. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
PO Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724

Signature of Objector or attorney
mailing on Objector's behalf

F:

VERIFICATION (Must be Completed)

State of _____)
)ss.
County of _____)

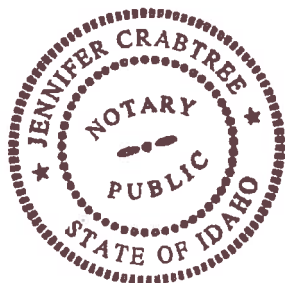
_____, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6)
or that I am the attorney for the party/claimant objecting and that I have read this objection, know
its contents and believe that the statements are true to the best of my knowledge.

Harvey Gordonie
(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on: Jan 24, 2007



Jennifer Crabtree
Notary Public for Idaho
Residing at: Idaho Falls
My Commission Expires: 9/23/09

Retyped copy
original flood
damaged copy.

B Y - L A W S

of

PACK SADDLE WATER CORPORATION

ARTICLE I. Area Served

Section 1. The area included within the system of this corporation, hereinafter called "the system lands" is located in Teton County, Idaho, and more particularly described as follows, to-wit:

Commencing at the SW corner of Section 4, Twp. 5 N., R. 44, E.B.M., and running thence East 50 rods; thence North 160 rods; thence West 50 rods, and thence South 160 rods to the point of beginning. Also, commencing at a point 100 rods East of the SW corner of Section 4, Twp. 5 N., R. 44, E.B.M., and running thence East 90 rods; thence North 160 rods; thence West 90 rods, and thence South 160 rods to the point of beginning. Also, SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 4, Twp. 5 N., R. 44, E.B.M.,

belonging to stockholder Vernal Kay, and which shall be entitled to 6 quarter mile laterals with 198 risers.

Commencing at the SE corner of the NE $\frac{1}{4}$ of Sec. 5, Twp. 5 N., R. 44, E.B.M., and running thence North 2745'; thence West 1320'; thence South 2745', and thence East 1320' to the point of beginning,

belonging to stockholder Leon Rammell, and which shall be entitled to two quarter mile laterals with 66 risers.

Commencing at a point 50 rods East of the SW corner of Sec. 4, Twp. 5 N., R. 44, E.B.M., and running thence East 50 rods; thence North 160 rods; thence West 50 rods, and thence South 160 rods to the point of beginning,

belonging to stockholder Arthur Caldwell, and which shall be entitled to two quarter mile laterals with 66 risers.

Commencing at the NE corner of the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 4, Twp. 5 N., R. 44, E.B.M., and running thence West 50 rods; thence South 160 rods; thence East 50 rods and thence North 160 rods to the place of beginning. Also, the NE $\frac{1}{4}$ and the East 110 rods of the NW $\frac{1}{4}$ of Sec. 9, Twp. 5 N., R. 44, E.B.M.,

belonging to stockholder Don Jardine, and which shall be entitled to 11 quarter miles laterals with 363 risers.

Commencing at the NW corner of Sec. 9, Twp. 5 N., R. 44 E.B.M., and running thence East 50 rods; thence South 160 rods; thence West 50 rods, and thence North 160 rods to the point of beginning. Also, commencing at the NW corner of the SW $\frac{1}{4}$ of Sec. 9, Twp. 5 N., R. 44 E.B.M., and running thence East 2640'; thence South 1070'; thence West 2640'; and thence North 1070' to the point of beginning,

belonging to stockholder Harold Lerwill, and which shall be entitled to three quarter mile laterals with 99 risers.

The corporation system also includes the metal mainline and branch mainlines which shall receive this corporation's stockholders' individually decreed water from Pack Saddle Creek at a point near the SW corner of the NW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 8, Twp. 5 N., R. 44, E.B.M., and shall be carried and delivered to the stockholders' above described lands by means of said main pipeline and branch mainlines by gravity flow and pressure to points of delivery to the stockholders, which points of delivery shall be lateral pipelines with sprinklers attached, which lateral pipelines shall be owned and maintained by the stockholders from the point of attachment to the corporation's main pipeline and branch mainlines.

Section 2. There shall be no other lands included within the system; provided, however, new lands may be included within the system if by the consent of at least two-thirds of the stock represented in person or by proxy at a meeting called for that purpose at which there is a quorum present.

Article II - Directors

Section 1. The corporate powers of this corporation shall be vested in a board of five directors, all of whom must be stockholders of Pack Saddle Water Corporation.

Section 2. The directors shall be elected by written, secret ballot at the annual meeting by a majority of the stock represented at said meeting either in person or by proxy. The term of office of the directors, after such organization, shall be one year each. At each and every annual meeting thereafter, new directors shall be elected to succeed those presently in office, to hold office for a term of one year, or until their successors are elected and qualified. Their term of office shall begin immediately after their election.

Section 3. Vacancies in the board shall be filled by the other members of the board in office, and such person so elected shall fill out the unexpired term of the person causing the vacancy.

Section 4. The directors shall have the power:

(a) To call meetings of the board of directors when they deem it necessary, by giving such notice as the exigency of the case and the importance of the business may require.

(b) To appoint and remove all officers, agents and employees of the company, prescribe their duties, fix their compensation and require from them security for faithful service.

(c) to make rules and regulations, not inconsistent with the laws of the State of Idaho, or the general laws of the United States and the By-Laws of this corporation, for the guidance of the officers and management of the affairs of the corporation.

(d) To levy assessments at such times and of such amounts as may be necessary for paying off the indebtedness of the corporation and for carrying on the business of the corporation, or for any other purpose that the said directors may believe to be to the better interest of the company, in conformity with the statutes of the State of Idaho.

(e) To give notice to the stockholders of the assessments so levied, and requiring each stockholder to pay to the Secretary-Treasurer the amount of said assessment in a manner provided for in these By-Laws.

(f) To cause to be kept a complete record of all their acts and proceedings and of the proceedings of the stockholders, and present a summary of all their acts and doings at the regular annual meeting of the stockholders, showing in detail the assets and liabilities of the corporation, and generally the condition of its affairs. A similar statement shall be presented at any other meeting of the stockholders when required to do so by persons holding at least one-third of the capital stock of the corporation.

(g) To supervise all of the officers of the corporation, and see that their duties are properly discharged; to require the Secretary-Treasurer to keep full and accurate books and to prescribe the form and mode of keeping said books.

(h) to cause to be issued to the stockholders, in proportion to their several interests, certificates of stock, not to exceed in the aggregate the amount of the capital stock of said corporation.

Section 5. The members of the board of directors shall receive no salary as such, but may be paid for their actual time and expenses at a rate to be determined from time to time by the board of directors.

Article III - Officers

Section 1. The officers of this corporation shall consist of a President, a Vice-President and a Secretary-Treasurer. These officers shall be elected by written, secret ballot by the board of directors at a meeting of the directors, immediately following the annual meeting of the stockholders, and shall serve for a term of one year or until their successors have been elected and qualified. The board of directors shall have the power to fill any vacancy that may occur by death or otherwise of any one or more of said officers; providing, however, all officers must be members of the board of directors and any officers so appointed shall hold office until the next regular meeting of the board of directors immediately following the annual meeting of the stockholders.

Section 2. The President shall preside at all meetings of the stockholders and directors. He shall sign instruments in writing, which have first been approved by the board of directors; he shall call meetings of the board of directors whenever he deems it necessary or when required to do so as hereinafter provided; and he shall have, subject to the advice and control of the board of directors, the general superintendency of the affairs of the corporation. In the absence or inability to act of the President, the Vice-President shall perform his duties. The President shall have the same vote as all other directors and stockholders.

Section 3. It shall be the duty of the Secretary:

(a) To keep a record of the proceedings of the board of directors and the stockholders.

(b) To keep a book of blank certificates of stock, fill up and countersign all certificates issued, and make the corresponding entries in the margin of such books on the issuance of the same.

(c) To keep a proper transfer book and a stock ledger in debit and credit form, showing the number of shares issued to and transferred by any stockholder, and the date of such issuance and transfer, and to whom transferred.

(d) To keep safely all money and evidences of debts and certificates of deposit belonging to the corporation, a list of all debts owing by the corporation, and to pay out and disburse the money on hand under and by direction of the board of directors, and in conformity with the By-Laws of this corporation.

(e) At the annual meeting of the stockholders, to submit a statement of his accounts with proper vouchers and at any other meeting when required to do so by the directors, showing in detail the

amount of money received by him, to whom paid, and the amount still remaining then in the treasury; also, the securities for money, and showing generally the financial condition of the corporation.

(f) To countersign all checks drawn by the President, keep proper account books, and discharge such other duties as pertain to his office, and as shall be prescribed by the directors.

Section 4. All officers of this corporation shall receive such salary and compensation for their services as may be fixed by the stockholders at the annual meeting of the corporation, and all such claims shall be audited and allowed under the By-Laws.

Article IV - Distribution of Water

Section 1. The District Watermaster shall regulate the distribution of this corporation's stockholders' water through the system's main pipeline and branch mainlines into each stockholder's laterals according to the decrees of the stockholders' individual water rights in the same fashion as if the water was being diverted as heretofore; providing however, the board of directors of this corporation shall be responsible for the regulation and distribution of the water according to the stockholders' respective decrees and rights, and therefore, may employ a Watermaster for the corporation. Each quarter mile lateral pipe shall be 4 inches in diameter and shall each have 33 11/64 inch nozzles. Therefore, the number of laterals, the size of the pipe and the number and size of nozzles shall be the means used for regulating and distributing the water; however, if the pressure differentiation in the pipes at different points along the system would make such means of distribution inequitable, the board of directors shall have the power to regulate the water by means of meters or by measuring in any other equitable manner.

Section 2. A Watermaster that may be appointed shall, annually, and at all times when called upon by the directors, make a written report to such directors as to the services performed by him the water distributed, and to whom, and in what quantities distributed, and of the general condition of the canal system and distribution works owned by the corporation, and what repairs, if any, may be necessary, as well as about such other matters as may pertain to the general welfare of the corporation and its property.

Section 3. A Watermaster that may be appointed shall have authority to make any repairs that require immediate attention, not exceeding a cost of \$50.00. All other repairs, alterations or construction work shall be first authorized by the board of directors.

Section 4. The holders of certificates of stock in this corporation shall be entitled to a pro rata distribution of the water delivered into its system, subject, however, to the priorities of the individual stockholders' decrees, in proportion to the amount that

the stock so held by the stockholder bears to all of the stock issue by the corporation; and the holders of storage water, purchased or leased water, or other water conveyed through the facilities of the corporation shall make arrangements by specific agreement with the board of directors for the delivery of the water.

Section 5. This corporation shall only be required to convey its stockholders' water through the main pipeline or branch mainlines to the lateral pipelines owned by the stockholders at which points the corporation shall install risers on said mainlines and the stockholders shall, at their own expense, install lateral pipelines extending from an attachment to the risers upon the branch mainlines to their respective lands, where they shall also install their own sprinkler heads and other means of irrigation; providing, however, all lateral pipelines, nozzles, sprinkler heads and all other irrigation equipment shall be of a type and installed in a manner approved by the board of directors. The flow of water to each of the stockholders shall be regulated by the opening of the discharge nozzles according to the available water, and no water shall be delivered to a stockholder unless and until the lateral pipeline, sprinkler heads and all other parts of the irrigation equipment have been properly installed under the direction of the board of directors.

Section 6. Any person diverting water from the corporation's system in any other manner than the manner provided herein, and as provided by the statutes of the State of Idaho shall be punished in accordance with the law.

Section 7. If any stockholder wishes to use his water right on lands outside the corporation's system, or if any stockholder wishes to use any other water right upon lands within the corporation's system, he may do so with the consent of the board of directors in the following manner:

First: Application in writing must be made to the board of directors, giving in detail the plan of the applicant.

Second: The board shall make an investigation of the facts and circumstances surrounding the proposal, and if it is found that no one is or will be injured by such transfer, a permit shall be granted by the board.

Article V - Capital Stock

Section 1. The total number of shares which may be issued by the corporation is 745, representing one share for each acre of land within the corporation's system, all of which stock is for no nominal or par value.

Section 2. Each stockholder shall be entitled to receive certificates representing the shares of stock he owns in the corporation.

Section 3. Shares of stock shall be in such form and device as the board of directors may direct, and each certificate of share shall be signed by the President and countersigned by the Secretary-Treasurer, and express on its face its number, date of issuance, the number of shares and to whom issued; the same to be under seal.

Section 4. Such shares of stock may be transferred at any time when all assessments against said shares are fully paid up by the owner thereof; provided, that the Secretary-Treasurer shall be allowed a fee of fifty cents for each transfer. No transfer shall be valid until the original certificate has been surrendered and a record made of the transfer on the books of the corporation; and no certificates shall be issued for less than one-half share of stock.

Section 5. No new certificate shall be issued in lieu of any other certificate except such other certificate has been surrendered and canceled, except where a certificate of stock has been lost or destroyed, and a duplicate certificate is required in lieu thereof, in which event a duplicate certificate may be issued upon the holder of said certificate presenting to the board of directors satisfactory evidence that the said certificate has been lost or destroyed, and filing an affidavit, setting forth the facts pertaining to such lost or destroyed certificate.

Article VI - Borrowing Money

Section 1. This corporation shall have the power to borrow money and to mortgage the facilities of the corporation and the corporation's system as security for the payment thereof, but no loans shall be obtained by the corporation except by the consent of two-thirds of the shares voting on such a proposal at a meeting called for that purpose at which there is a quorum present in person or by proxy, and said meeting shall be called in accordance with Article IX of these By-Laws.

Article VII - Levy, Assessment and Collection of Assessments

Section 1. Each stockholder shall be required to pay annual assessments levied by the board of directors necessary to meet the loan repayment schedules of the corporation, if any loans are obtained from time to time for additions, repairs and alterations to the system, and to pay the annual costs of maintaining and operating the system. No stockholder shall be entitled to the use of any water through the corporation's facilities until his assessments have been paid in full.

Section 2. Each stockholder shall be notified in writing of his assessment and said notice shall require the stockholder to

make payment in full of said assessment within 30 days thereof. In the event said assessment is not paid in full within said 30 day period, it shall become delinquent and the stockholder whose delinquency occurs, shall not be entitled to receive water until it is paid in full. The board of directors shall notify such delinquent stockholder of the delinquency by certified mail and shall charge such stockholder, in addition to the assessment, eight percent interest per annum from the date of the delinquency until paid. In the event said delinquency and interest are not paid within 15 days after the delinquency notice has been deposited in the post office addressed to the delinquent stockholder, postage prepaid, then the board of directors shall advertise a notice of sale of the capital stock of said delinquent stockholder by publishing in a newspaper published and circulated within Teton County, Idaho. Said publication shall be made in two consecutive weekly issues and shall specify the date, time and place of sale of said stock, which shall be not less than 15 days nor more than 20 days from the date of the first publication of notice. At said sale to be conducted by or at the direction of the board of directors in accordance with the published notice, the stock of the delinquent stockholder or so much thereof as is necessary to pay the delinquent assessment, together with the accrued interest thereon, the costs of advertising and the costs of conducting of sale, shall be sold. Said delinquent stockholder shall have the right to redeem his stock from said sale at any time prior to the actual sale thereof by paying the amount of the delinquent assessment, together with accrued interest and all advertising costs of said sale, and any other expenses incurred by the board of directors in connection with said sale. At said sale, any purchaser of stock thereat must qualify as a stockholder under the provisions of these By-Laws, and shall be issued a certificate of stock representing the shares purchased in the same manner as any other stockholder, and must, of course, have individual water rights that can be conveyed through the corporation's system.

Article VIII - Right-of-Ways

Section 1. Each stockholder of this corporation hereby grants, conveys and confirms unto the corporation and to every other stockholder hereof, such rights of way and easements over and across their lands as may be necessary to install and maintain the corporation's system and the respective laterals and irrigation systems of the stockholders.

Article IX - Meetings of Stockholders

Section 1. There shall be an annual meeting of the stockholders of the corporation held on the first Monday in March of each year at the hour of 2 o'clock p.m. in Driggs, Teton County, Idaho, at the office of the corporation. All meetings of stockholders shall be called by a notice mailed to each stockholder of record at least ten days before said meeting, giving the date, place and time of meeting,

and shall be signed by the Secretary pursuant to the order of the board.

Section 2. (a) At all stockholders' meetings, each holder of stock shall be entitled to one vote for each share of stock held by him. Each stockholder may vote either in person or by proxy, providing, however, each proxy must be in writing and filed with the Secretary-Treasurer. (b) No business shall be transacted at any meeting of the stockholders without the presence of a quorum, and a quorum shall consist of a majority of the shares of outstanding capital stock. (c) Special meetings of the stockholders may be called at any time by the concurrence of at least five percent of the issued and outstanding shares of capital stock, or by the board of directors, or by at least three of said directors, or by one share holder if the time has expired for the holding of the annual meeting by giving notice in the manner and for the time prescribed for the annual meeting; providing, however, said notice shall state the object of the meeting, designating the items to be discussed and providing for the discussion of any other business that may properly come before the meeting.

Article X - Amendments

Section 1. These By-Laws may be amended at any annual meeting of the corporation or at any special meeting called for that purpose by a two-thirds vote of the allotted shares of the corporation present at such meeting either in person or by proxy.

These By-Laws adopted at a meeting of the stockholders of PACK SADDLE WATER CORPORATION held this 24th day of June, 1966, whereat 745 shares of the allotted 745 shares were present either in person or by proxy.

/s/Vernal Kay

/s/Harold Lerwill

/s/Don Jardine

/s/Leon Rammell

/s/Arthur Caldwell

STATE OF IDAHO,)
 ss.
County of Madison)

On this 23rd day of June, 1966, before me, the undersigned, a Notary Public in and for said State, personally appeared DON JARDINE, LEON RAMMELL, VERNAL KAY, ARTHUR CALDWELL and HAROLD

LERWILL, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixe my official seal the day and year in this certificate first above written.

/s/Ray W. Rigby

Notary Public for Idaho
Residing at Rexburg, Idaho

My commission expires:

January 26, 1967

Attachment to By-Laws of
Pack Saddle Water Corporation

On March 5, 1990, Article II, Section 1 of the By-Laws was amended to require three directors rather than five.

See page page 2, Article II, Section 1 of By-Laws.

05/12/2006

**NOTICE OF ERROR
REPLY**

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS:

Water right number: 22-325A

DONALD W JARDINE
354 N 800 W
TETONIA ID 83452
Telephone Number: (208)456-2827

GARRY W JARDINE
358 N 800 W
TETONIA ID 83452
Telephone Number: (208)456-2637

BELLE JARDINE
354 N 800 W
TETONIA ID 83452
Telephone Number: (208)456-2827

MAEDENE JARDINE
358 N 800 W
TETONIA ID 83452
Telephone Number: (208)456-2637

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

2. Describe the changes you wish to make in the proposed recommendation:

3. Give a brief explanation as to why you disagree with these portions:

☐ I AGREE with this proposed recommendation: no changes need to be made.

DATE: _____ SIGNATURE: _____

Please print your name: _____

IDWR Regional Office, 900 N Skyline Dr Ste A, Idaho Falls, ID 83402, 2085257161

SCANNED
JUN 29 2007

KMS
12/11

1 I disagree with the number of Acres
and I also disagree with the Quantity of
CFS.

2 My Acres are <sup>only owns 282
W2 - 295</sup> 340 not 282 my CFS
is 5.9 not 5.6 CFS. You have the Wrong
Water right mine is 22-326 F Not
22-326 G.

3. In 1966 we changed from Flood Irrigation
to sprinkling. Packsaddle Water Corp
was formed. Right Law office drew
up the By-Laws and the description
of the land, when the water was to
be used, we own 340 Shares
which is a share per acre.

The description is: The W2 NE 4 SE 4
of Sec 4 T5N R44E and

SCANNED
JUN 29 2007

Commencing at the NW corner of Sec. 9, Twp. 5 N., R. 44 E.B.M., and running thence East 50 rods; thence South 160 rods; thence West 50 rods, and thence North 160 rods to the point of beginning. Also, commencing at the NW corner of the SW $\frac{1}{4}$ of Sec. 9, Twp. 5 N., R. 44 E.B.M., and running thence East 2640'; thence South 1070'; thence West 2640'; and thence North 1070' to the point of beginning,

In 1988 we did the adjudication
with the Idaho Dept of Water

Dec 4 - 2006

Larry Jardine
Mae Rose Jardine
358 N 800 W

Tetonia, Id 83452

SCANNED

JUN 29 2007

1-23-01 Th

22-193

- Transfer #1828 moved 50 acres and lcs from NEQQ of Sec 9 to replace 50 acres in SWqq see 4 that was transferred in #1829.
- 22-326 + 22-193 swapped land for land and cfs for cfs.
- This transfer limits 22-193A to 2.2 cfs and 110 acres.

22-325

- Jardine owns and irrigates 60 acres of decreed POV. The rest is owned by other people. George Pelton, Shelley Carter, and Gary Lerwill, and Kristen Goulding.
- 22-325 was decreed at 1" to the acre.
 $60 \text{ acres} = 60" = 1.2 \text{ cfs}$
- In Transfer 2883 Gary Lerwill transferred 25 inches to another pod pov did not change. At that time it is believed Lerwill only owned 25 acres of decreed POV.
- There have been subsequent sales and now Jardine owns 60 acres and each of the other people have a claim to the water.
- It is possible the water was withheld in the sales and that Jardine moved that water to his 60 acres through an accomplished change. Or he could have moved it to other land.

SCANNED
JUN 29 2007

22-326

- Transfer 2883 moved POD no change in POV
- Transfer 1828 moved ~~places~~ 50 acres of 326 and 50 acres of 193. ~~Land~~ Rights swapped places.
- Transfer 1828 moved 50 acres and 1 cfs to NE Quarter of Sec 9
- Jardine owns ~~46~~ 52 acres in W $\frac{1}{2}$ SE of Sec 4
- 326 was decreed at 1" to acre. 52 acres = 52" = 1.04
- In total for this right Jardine could have 2.04 cfs but only claims 1.8 cfs.
- It is my opinion that 22-326 should be recommended as follows based on decreed land each person owns and based on transfer 1828,

Terrell Kay	3.56 cfs 2.66 cfs (land owned
Garry Ierwill	.5 (transfer 2883)
Garry Jardine	2.04 (land owned)
Unclaimed	.4

- To accomplish this a late amendment by Jardine and some late claims may need to be filed.

1-23-07 

SCANNED
JUN 29 2007

24

0341 23-0041 ✓	Henry, John	200 inches.	June 29, 1900.	Indian Creek.
0341 23-0045 ✓	Henry, John	240 inches.	June 29, 1900.	Indian Creek. Tr. 149
0341 22 0316 ✓	Herdson, W. K.	80 inches.	June 1, 1900.	Darby Creek.
0341 22 0317 ✓	Hermann, C. M.	80 inches.	June 1, 1895.	Teton Creek.
0341 23 0042 ✓	Higham, Charles R.	25 inches.	June 1, 1882.	Garden Creek.
0341 23 0043 ✓	Higham, Charles R.	300 inches.	June 1, 1888.	Garden Creek.
0341 21 0062 ✓	Highland Ranch Improvement Company, Limited, The.	150 inches.	May 15, 1900.	Boom Creek.
0341 22 0318 ✓	Hill, Albert	75 inches.	June 1, 1897.	Darby Creek.
0341 1 073 22-0652 ✓	Hill, D. B.	160 inches.	June 2, 1898.	Wyoming & Darby Bench Canal Company.
0341 22 0319 ✓	Hill Ditch Company.	348 inches.	May 1, 1884.	Teton River.
0341 22 0320 ✓	Hill Ditch Company.	600 inches.	Apr. 1, 1898.	Teton River.
	Hill, D. L.			Wyoming & Darby Bench Canal Company.
0351 22 0321 ✓	Hill, Myron S.	100 inches.	June 2, 1898.	North Leigh Creek.
0351 22 0322 ✓	Hill, John W.	160 inches.	Oct. 1, 1900.	Pack Saddle Creek.
0351 22 0323 ✓	Hill, Joseph S.	160 inches.	June 1, 1901.	Pack Saddle Creek.
0351 22 0324 ✓	Hill, Joseph X.	160 inches.	June 2, 1898.	North Leigh Creek. T. 2
0351 22 0325 ✓	Hill, Mary Ann	120 inches.	June 1, 1891.	Pack Saddle Creek. T. 2
0351 22 0326 ✓	Hill, William	280 inches.	Apr. 5, 1889.	Pack Saddle Creek.
0351 21 0063 ✓	Hilliard, C. F.	150 inches.	Oct. 15, 1900.	Tom Creek.
0351 22 0327 ✓	Hochstrasser, N. W.	50 inches.	June 1, 1898.	Spring Creek.
0351 22 0328 ✓	Hochstrasser, N. W.	110 inches.	June 1, 1899.	Badger Creek.
0351 22 0329 ✓	Hochstrasser, R. H.	40 inches.	June 1, 1898.	Spring Creek.
0351 22 0330 ✓	Hochstrasser, R. H.	20 inches.	June 1, 1900.	Badger Creek.
0351 1 074 ✓	Hoff, K. E.	500 inches.	Apr. 18, 1896.	North Fork of Snake River.
0351 22 0331 ✓	Hoff, Rasmus	160 inches.	June 1, 1898.	Darby Creek.
0351 22 0332 ✓	Holden, E. H.	15 inches.	June 1, 1898.	Mahogany Creek.
0351 22 0333 ✓	Homer, Benjamin P.	200 inches.	June 1, 1900.	Mahogany Creek.
0351 22 0334 ✓	Homer, Willard G.	160 inches.	June 24, 1897.	South Leigh Creek.
0351 22 0335 ✓	Hoozier, John L.	120 inches.	June 1, 1898.	Spring Creek.

SCANNED

JUN 29 2007

lies between Squirrel Creek and
Conant Creek, and Squirrel Creek and
Fall River, in Fremont County, Idaho,
the names of ^{said} stockholders and the lands
owned by them respectively not being
given in the pleadings of said company.

Hill, Albert

NW $\frac{1}{4}$ of Sec. 14, T. 4 N., R., 45 E., B. M.,
containing 160 acres.

Hill, D. B.

W $\frac{1}{2}$ of SW $\frac{1}{4}$, SE $\frac{1}{4}$ of SW $\frac{1}{4}$, and SW $\frac{1}{4}$ of SE $\frac{1}{4}$
of Sec. 5, T. 4 N., R., 46 E., B. M.,
containing 160 acres.

Hill, D. L.

N $\frac{1}{2}$ of NW $\frac{1}{4}$ of Sec. 5, and E $\frac{1}{2}$ of NE $\frac{1}{4}$ of
Sec. 6, T. 4 N., R., 46 E., B. M.,
containing 160 acres.

Hill, Hyrum S.

W $\frac{1}{2}$ of SW $\frac{1}{4}$ of Sec. 29, and SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of
Sec. 30, T. 6 N. R., 45 E., B. M.,
containing 160 acres.

Hill, John

S $\frac{1}{2}$ of NW $\frac{1}{4}$ and S $\frac{1}{2}$ of NE $\frac{1}{4}$ of Sec. 4, T.
5 N., R., 44 E., B. M.,

Hill, Joseph S.

Lots, 1, 2, 3 and 4, Sec. 4 T. 5 N., R., 44
E. B. M.,

Hill, Joseph Y.

N $\frac{1}{2}$ of NE $\frac{1}{4}$ of Sec. 31, NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Sec.
32, and SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Sec. 30, T. 6,
N., R. 45 E., B. M., containing 160 acres

Hill, Mary Ann

E $\frac{1}{4}$ of NW $\frac{1}{4}$, and SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Sec. 9 T.
5 N., R., 44 E., B. M.,

Hill, William

NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Sec. 9, S $\frac{1}{2}$ of SE $\frac{1}{4}$ and SW $\frac{1}{4}$
of SE $\frac{1}{4}$ of Sec. 4; N $\frac{1}{2}$ of SW $\frac{1}{4}$ and NW $\frac{1}{4}$ of
NE $\frac{1}{4}$ of Sec. 4. T. 5 N., R. 44 E. B. M.,

Hill Ditch Company.

Hamilton,
Alexander

SW $\frac{1}{4}$ of Sec. 3, T. 6 N. R., 40 E., B. M.,
containing 160 acres.

Ricks, Willard

SE $\frac{1}{4}$ of Sec. 4, T. 6 N., R. 40 E., B. M.,
containing 160 acres.

SCANNED

JUN 29 2007

17	Nave, Martin L.; June 1, 1886; Spring Creek	50	8,000
17	Nave, Martin L.; June 1, 1886; Moody Creek	50	300
17	To be reduced to 25 inches after June 20th of each year	25	25
2	Breckinridge, David; June 1, 1887; North Leigh Creek; also Swamp Creek for a late right	25	25
2	Borrowman, John; June 1, 1887; Wood Creek and Springs	260	260
2	Jeppson, Hans J.; June 1, 1887; Bigler Slough	60	60
5	Hegsted, Victor; Sept. 1, 1887; Horse Shoe Creek	80	80
9	Hegsted, Victor; June 1, 1888; Horse Shoe Creek	30	30
9	North Salem Agricultural & Milling Canal Co.; Teton River	290	290
8	Walters, William; June 1, 1888; Teton River. (Stewart & Walters Ditch.) Joint appropriation with Mons H. Anderson	1,325	1,325
19	Woods, William S.; June 1, 1888; Twin Creeks	168	168
16	Woods, William S.; June 1, 1888; Twin Creeks	200	200
16	Woods, William S.; June 1, 1888; Twin Creeks	160	160
17	Curtis, Owen; Apr. 1, 1889; Trail Creek	80	80
17	Little, Zina W.; Apr. 1, 1889; South Leigh Creek	160	160
18	Hill, William; Apr. 5, 1889; Pack Saddle Creek	280	280
12	Morensen, Christian; May 1, 1889; Teton River. (Through the Nelson-Jacobs Ditch)	112	112
13	Bates, Thomas; May 3, 1889; Mahogany Creek	140	140
17	Beezley, Ebenezer, and J.; June 1, 1889; Fox Creek	80	80
17	Drake, Fred J.; June 1, 1889; John Creek	150	150
17	Blanchard, John; June 1, 1889; Warm Creek	40	40
17	Bowles, H. C.; June 1, 1889; Spring Creek	140	140
17	Drake, William; June 1, 1889; Mahogany Creek	10	10
17	Lund, William P.; June 1, 1889; Mahogany Creek	160	160
17	Hubbard, Frank, and wife; June 1, 1889; North Leigh Creek	150	150
17	Swanner, Samuel; June 1, 1889; South Leigh Creek	40	40
17	Walton, D. O.; June 1, 1889; Darby Creek	20	20
17	Jones, Benjamin; June 1, 1889; Trail Creek	20	20
19	McPherson, Abner; June 10, 1889; North Leigh Creek	160	160
11	Parsons, F. W.; June 15, 1889; Trail Creek	160	160
14	Tonks, George M.; July 5, 1889; Trail Creek	95	95
14	Tonks, George M.; July 15, 1889; Fox Creek	55	55
16	Woods, George M.; July 15, 1889; Fox Creek	80	80
78	Woodmansee-Johnson Ditch; Oct. 1, 1889; Teton River	620	620
78	Rehburg Milling Co.; Oct. 1, 1889; Teton River. (Woodmansee-Johnson Ditch.) For power purposes only, and subject to rights of users for agricultural purposes of water through same ditch	3,000	3,000
70	Teton Irrigation & Manufacturing Co.; Oct. 2, 1889; Teton River. (To be diverted at the Bird head-gate near the Teton Mill)	500	500
32	Kirnsley, Mary E.; Apr. 1, 1890; Warm Creek; Spring Creek and Deep Creek	80	80
52	Sinclair, D. R., Admin. Estate of Fred Sinclair (deceased); April 1, 1890; Trail Creek	115	115
52	Wolf Ditch Co.; Apr. 1, 1890; Teton River	2,335	2,335
82	Robertson, A. L.; Apr. 1, 1890; Trail Creek	87	87

120 ac w/ 120"

82	Rice, Ed.; Apr. 1, 1890; Trail Creek	160	160
82	Curtis, Nahum; Apr. 1, 1890; Trail Creek	160	160
82	Blanchard, John; Apr. 1, 1890; Trail Creek	120	120
82	Eynon, John; Apr. 1, 1890; Trail Creek	80	80
85	Paul, John; June 1, 1890; Springs on land	15	15
85	Paul, William H.; June 1, 1890; Little Springs and Deep Creek	60	60
85	Jenkins, William; June 1, 1890; Fox Creek	80	80
85	Kimball, R. C., and A. L.; June 1, 1890; Fox Creek	110	110
85	Lawson, B. G.; June 1, 1890; Spring Creek	240	240
85	Murphy, G. M.; June 1, 1890; Darby Creek	150	150
85	Smith, C. M.; Jan. 1, 1890; Darby Creek	160	160
85	Walton, D. O.; June 1, 1890; Darby Creek	140	140
85	Shaw, O. W.; June 1, 1890; North Leigh Creek or Spring Creek	135	135
85	Yearsley, H. C.; June 1, 1890; Spring Creek	240	240
85	Drake, Richard; June 1, 1890; Patterson Creek	160	160
85	Chelsey, John P.; June 1, 1890; Paul Spring Creek, Grove Creek, Deep Creek and Little Spring Creek	200	200
85	Byrne, Michael; June 1, 1890; Fox Creek	85	85
85	Buxton, Mary A.; June 1, 1890; Sloughs from Twin Creeks	100	100
85	Beezley, Ebenezer, and J.; June 1, 1890; Fox Creek	80	80
85	Andrews, L. W.; June 1, 1890; Grove Creek	120	120
85	Durney, P. S.; June 1, 1900; Trail Creek	15	15
85	Foote, Arthur L.; June 1, 1890; Mahogany Creek	145	145
85	Ferguson, John; June 1, 1890; Grove Creek and Willow Spring Creek	100	100
85	Eames, William; June 1, 1890; Spring Creek	240	240
85	Edlefson, E. B.; June 1, 1890; Leigh Creek	155	155
85	Drake, Lavina; June 1, 1890; Boquat Creek and Drake Creek	160	160
88	Drake, William; July 1, 1890; Mahogany Creek	150	150
90	Tonks, William H.; July 15, 1890; Trail Creek	135	135
92	Curtis, Clarissa A.; Sept. 1, 1890; Trail Creek	160	160
96	Rice, A. L.; Jan. 1, 1891; Patterson Creek	160	160
98	O'Brien, James A.; June 1, 1891; North Leigh Creek	100	100
98	Siddoway-Briggs Co.; June 1, 1891; Teton River. (For power purposes)	2,600	2,600
98	Sinclair, D. R.; Admin. Estate of Fred Sinclair (deceased); June 1, 1891; Eynon Ditch	20	20
98	Smith, Ellington; June 1, 1891; Spring Creek, Darby Creek and Crandall Springs	100	100
98	Shaw, L. C.; June 1, 1891; Ragler Creek and water from springs on T. A. Phillips' land	200	200
98	Swanner, Samuel; June 1, 1891; South Leigh Creek	120	120
98	Hubbard, Susan; June 1, 1891; North Leigh Creek and Middle Leigh Creek	150	150
98	Hartop, Samuel; June 1, 1891; Leigh Creek	200	200
98	Hill, Mary Ann; June 1, 1891; Pack Saddle Creek	120	120
98	Clark & Houghton; June 1, 1891; Teton River	160	160
98	Dewey, George A.; June 1, 1891; Fox Creek	160	160
98	Barney, Walter; June 1, 1891; South Leigh Creek	160	160
98	Bowles, Sarah; June 1, 1891; Spring Creek	100	100
98	Blamires, Robert, and C. J. Burton, W. S. Burton and Thomas H. Phillips; June 1, 1891; Badger Creek and springs on land of T. A. Phillips	640	640
98	Edlefson, Noah C.; June 1, 1891; Leigh Creek	40	40
100	Siddoway Irrigation & Manufacturing Co.; July 1, 1891; Teton River	300	300

JUN 29 2007

Form No. 222 10/80

NOV 3 1993

Department of Water Resources
Eastern District Office

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT **APPROVE**

To Change the Point of Diversion and/or the Place of Use

Transfer No. 2883Water Right No. 22-0326 A,
22-0325Name of applicant Lerwill's Square G.V. Ranch or Garry Lerwill Phone 456-2579
or Verna Lerwill
Post Office address Star Route, Teton, ID 83452

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. 22-0326A Decreed to William Hill (Name)
in case of Rexburg Irrigation Co. et al vs Teton Irrigation Canal Co. et al
dated in 12/16-1910 in 6th District Court county of Fremont
(Name of court)
- b. License No. _____ issued by the Idaho Department of Water Resources
- c. Claim No. _____ on file with the Idaho Department of Water Resources

2. If applicant is not the original holder of this right, explain how it was acquired and attach a copy of the deed or other evidence of ownership of the land to which the right is appurtenant _____
Water right was obtained through purchase of property

3. Source of water Packsaddle Creek tributary to Teton River

4. Date of priority 4-05-1889

5. Water is used for the following purposes:

amount 4.60 cfs for irrigation purposes from 4/1 to 11/1
amount _____ for _____ purposes from _____ to _____
amount _____ for _____ purposes from _____ to _____
(month/day — both dates inclusive)

6. Total amount of water under right: a. 4.60 cubic feet per second
&/or
b. _____ acre feet per annum

7. Location of original point of diversion is * 1/4 of _____ 1/4 of Section _____
Township _____ Range _____, B.M., in _____ County
Additional points of diversion, if any *Not specified in decree

8. Lands irrigated or place of use:

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
5N	44E	9					40												40
		4		40							30	25	25	30			40		190

Total number of acres to be irrigated 230

9. Describe any other water rights used for the same purpose as described above

None

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of nonuse? No If yes, describe in item D, REMARKS.

B. DESCRIPTION OF PORTION OF RIGHT OWNED BY APPLICANT (If the entire right is owned by the applicant, or part B).

1. Amount of water: a. 0.50 cubic feet per second &/or
b. _____ acre feet per annum
2. Point of diversion * $\frac{1}{4}$ _____ $\frac{1}{4}$, Section _____ Township _____
Range _____, B.M., _____ County
Additional points *Not specified in decree

3. Place of use:

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
5N	44E	9					25												25

Total number of acres to be irrigated 25

C. DESCRIPTION OF RIGHT OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. General Information

- a. Amount of water to be diverted 1.00 c.f.s. &/or _____ acre feet
- b. Description of diverting works concrete collection box and pipeline
- c. Describe the reasons for the proposed changes Point of diversion is being changed to the headworks for Packsaddle Pipeline Co. sprinkler sysem

2. Change in point of diversion

Point of diversion NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 8 Township 5N
Range 44E, B.M., Teton County
Additional points _____

3. Change in place of use

- a. Are there liens, mortgages, or contracts on the lands from which you propose to transfer the water right which limit your authority to make the proposed change? Yes _____ No X If yes, provide a statement agreeing to the proposed change from the holder of the lien, mortgage or contract.
- b. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer
No change in the place of use

SCANNED

JUN 29 2007

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. 22-0325 Decreed to Mary Ann Hill
in case of Rexburg Irrigation Co. et al vs Teton Irrigation Canal Co.
dated in 12-16-1910 in 6th District Court county of Fremont
(Name of court)
- b. License No. _____ issued by the Idaho Department of Water Resources
- c. Claim No. _____ on file with the Idaho Department of Water Resources
2. If applicant is not the original holder of this right, explain how it was acquired and attach a copy of the deed or other evidence of ownership of the land to which the right is appurtenant
Water right obtained through purchase of property

3. Source of water Packsaddle Creek tributary to Teton River
4. Date of priority 6-01-1891

5. Water is used for the following purposes:

- amount 2.40 for irrigation purposes from Apr. 1 to Nov. 1
amount _____ for _____ purposes from _____ to _____
amount _____ for _____ purposes from _____ to _____
(month/day — both dates inclusive)

6. Total amount of water under right: a. 2.40 cubic feet per second
&/or
b. _____ acre feet per annum
7. Location of original point of diversion is * $\frac{1}{4}$ of _____ $\frac{1}{4}$ of Section _____
Township _____ Range _____, B.M., in _____ County
Additional points of diversion, if any *Not specified in decree

B. Lands irrigated or place of use:

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
5N	44E	9					40		40	40									120

Total number of acres to be irrigated 120

9. Describe any other water rights used for the same purpose as described above None
10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of nonuse? No If yes, describe in item D. REMARKS

SCANNED

JUN 29 2007

B. DESCRIPTION OF PORTION OF RIGHT OWNED BY APPLICANT (If the entire right is owned by the applicant omit part B).

1. Amount of water: a. 0.50 cubic feet per second
&/or
b. _____ acre feet per annum

2. Point of diversion * _____ 1/4, Section _____ Township _____
Range _____, B.M., _____ County

Additional points *Not specified in decree

3. Place of use:

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
5N	44E	9							25										25

Total number of acres to be irrigated 25

SCANNED

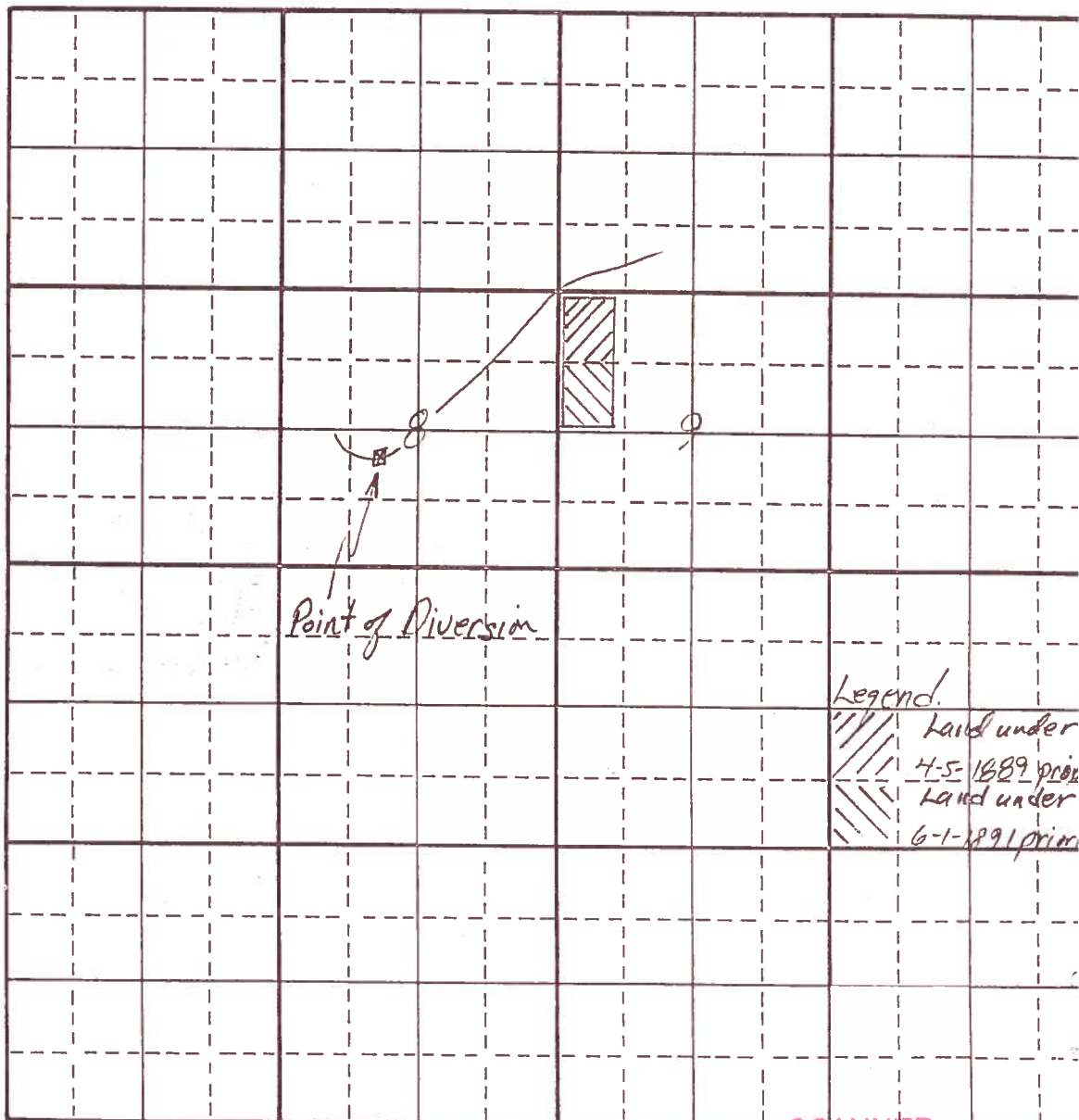
JUN 29 2007

c. Describe the lands and place of use to which the right will be transferred:

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
5N	44E	9						25	25										50

Total number of acres to be irrigated 50

4. Describe any other water rights used for the same purpose as described above. None
5. Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.



SCALE: 2 inches equal 1 mile. Draw plan in ink.

SCANNED
JUN 29 2007

D. REMARKS

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.
I understand that any willfull misrepresentations made in this application may result in voiding its approval.

Subscribed and sworn to before me this 6th day of July, 19 82

[Signature]
(Signature of Applicant)

[Signature]
(Notary Public)

My commission expires 1-25-85

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 22-0325B & 22-0326D and said application is hereby APPROVED, subject to the following limitations and conditions:

1. A measuring device and lockable controlling works of a type acceptable to the Department shall be permanently installed and maintained as part of the diverting works.
2. Use of water under this transfer is subject to control by the watermaster of State Water District No. 01, Snake River.

Witness my hand this 1st day of November, 19 83

[Signature]
Chief, Operations Bureau

FOR DEPARTMENT USE ONLY

Received by SM Date 6/15/83 Protest filed by _____
Prelim. check by HGJ Fee 50.00 _____
Receipted by BP Date 6/15/83 # 30876 _____
Published in Teton Valley News _____
Copies of protest forwarded by _____
Pub. dates 7/28 - 8/4/83 _____
Hearing held by _____ Date _____
Watermaster recommendation requested on 7-22-83 _____
Recommended for approval denial _____
WD#1 rec'd. 7-26-83 by Jim Det

SCANNED

JUN 29 2007

RECEIVED

AUG 21 1975
Department of Water Resources
Eastern District Office

22.0 #01

Identification No. 22 0326

Transfer No. #1829

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

APPROVED

APPLICATION FOR TRANSFER OF WATER RIGHT
To Change the Point of Diversion and/or the Place of Use

1. Name of Right Holder DONALD W. Jardine and Belle Jardine, husband and wife
Post office address Tetonia, Idaho 83452
2. Right obtained by:
 - a. Decree to William Hill in Case of Rexburg Irrigation Company
(Name) tion Canal Company
vs. Teton Irriga-/, Dated 12-16-1910 in Sixth Judicial District
(Name of Court)
Court. County of Fremont
 - b. License No. _____ issued by the State of Idaho, Department of Reclamation.
3. Source of water Pack Saddle Creek tributary to Teton River
(Name of stream or source)
4. Date of Priority April 5, 1889
5. Amount of water a. 1.0 of 5.6 c.f.s. and/or
b. _____ acre feet/annum
6. Water is used for irrigation from April 1 to November 1
(Month, Day) (Month, Day)
7. Original location of point of diversion is _____ 1/4 _____ 1/4 of Section _____,
Township _____, Range _____, B.M., in Teton County;

Additional points of diversion, if any Water is presently diverted by Pack Saddle Water Corporation in the SW 1/4 of Section 8, Township 5 North, Range 44 East, Boise Meridian and conveyed to the land by an irrigation pipeline system; after the change in place of use, it will continue to be diverted by said corporation and conveyed to the new land.

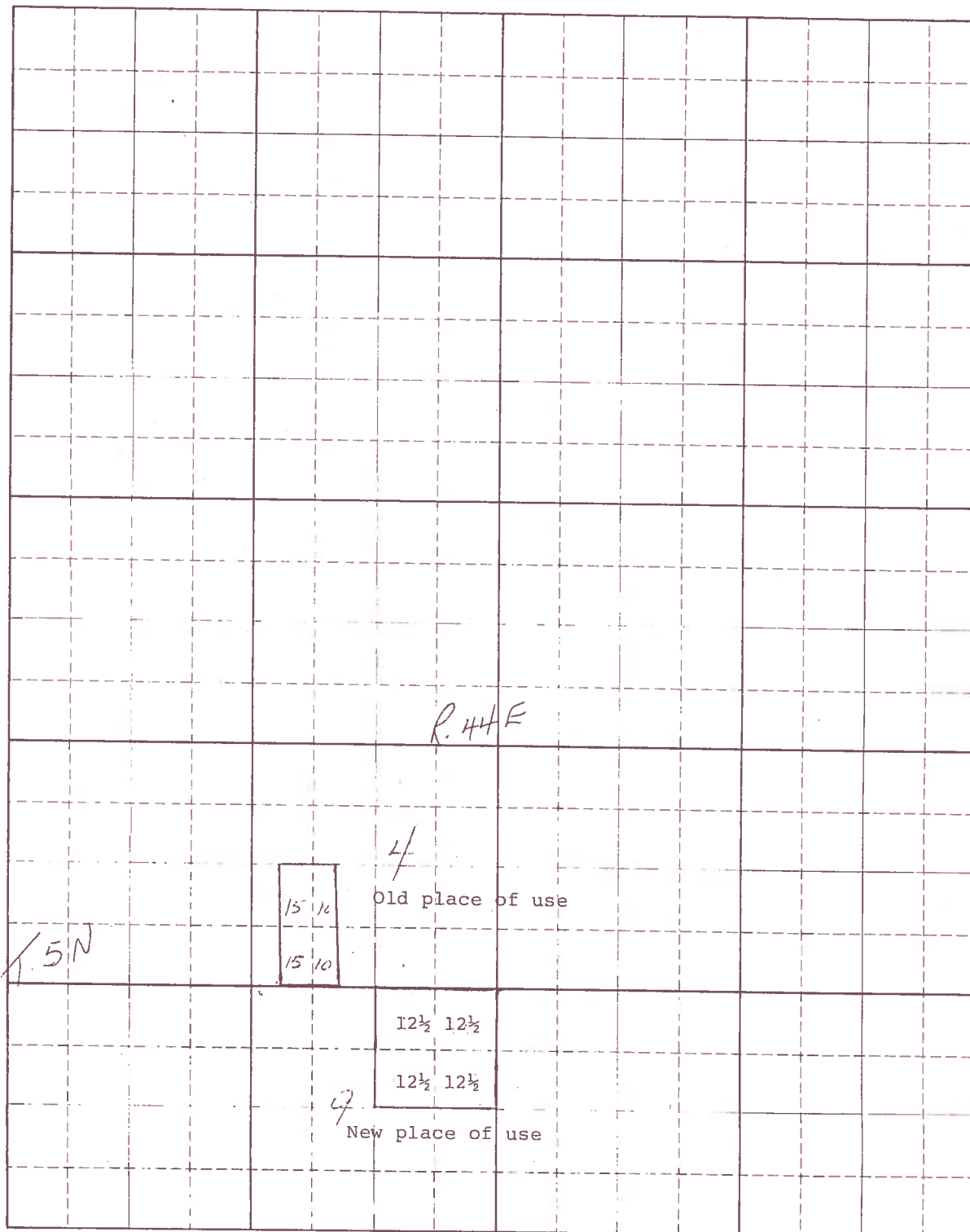
8. Lands presently irrigated or place of use:

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
5 No	44 E	4	Lands to be affected by the transfer:										10	15	15	10			50
			2. Remainder of lands under this right:																
5N	44E	9						40											40
"	"	4		40							30	25	25	30			40		190

Total number of acres presently irrigated 280

SCANNED

JUN 29 2007



SCALE: 2 Inches Equal 1 Mile. Draw Plan in Ink.

SCANNED
JUN 29 2007

9. Applicant was not the original holder of this right except how it was acquired:

By warranty deed from Don Jardine and Belle Jardine, husband and wife, and Vernal Kay and Merle Kay, husband and wife, copy of which is attached, who in turn acquired it by a chain of conveyance from the original owner.

10. CHANGE IN POINT OF DIVERSION

- a. Quantity to be diverted at new point: 1 c.f.s. and/or _____ acre feet
- b. New point of diversion: _____ $\frac{1}{4}$ _____ $\frac{1}{4}$, Section _____, Township _____, Range _____, B.M. _____
- c. Description of method of diversion and conveyance from new points of diversion: Continue to be diverted by Pack Saddle Water Corporation and will be conveyed by its irrigation pipeline system
- d. Is water to be conveyed to the lands previously irrigated? Yes X No _____
If not, the place of use should be changed below.
- e. Describe the reasons for applying for a change in the point of diversion:
Applicant has made an exchange with Vernal Kay by conveying to Vernal Kay his one-half interest, without water rights, in the land previously irrigated, and by transferring to Vernal Kay 50 inches of water in Pack Saddle Creek with priority right of June 1, 1895, previously decreed to Moroni Caldwell. Vernal Kay is making application to transfer that decreed water to the land previously irrigated by the water right in this application.
- f. Do you intend to make the transfer permanent? Yes
- g. Do you intend to abandon completely the old point of diversion? Vernal Kay will irrigate from the right transferred to him, the land previously irrigated by this right.
- h. Indicate on the above plat the new point of diversion and lands to be irrigated.

11. CHANGE IN PLACE OF USE

- a. Describe the new lands on which you wish to use your right.

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
5 No	44E	9	40	40	40	40													160
5 No	44E	9	12 $\frac{1}{2}$	12 $\frac{1}{2}$	12 $\frac{1}{2}$	12 $\frac{1}{2}$													50
The remainder of the right will be used as decreed.																			

Total number of acres to be irrigated 50

SCANNED
JUN 29 2007

b. Do you intend to make the transfer permanent? yes

c. Are you completely abandoning the lands previously irrigated by this right? If not, explain your plans:

No, I have conveyed the land previously irrigated by this right to Vernal Kay, and have transferred to him a later water right, under priority of June 1, 1895, and he will irrigate by that later water right.

d. Describe any other water rights that you claim for the new ground upon which you wish to transfer this

right: On this and other land described on the attached deed, applicant has an additional 65 inches, priority April 5, 1889, from William Hill; 110 inches, priority June 1, 1891, from Mary Ann Hill; and 110 inches, priority June 1, 1895, from Moroni Caldwell, all from Pack Saddle Creek in the Rexburg Irrigation Decree.

e. Indicate on the above plat the new land to be irrigated and the point of diversion.

I hereby assert that no one will be injured by such transfer and that the change will be made at my own risk. The information contained in this application is true to the best of my knowledge.

Dwight D. Gardine
Delle Gardine
(signature of applicant)

Subscribed and sworn to before me this 25th day of June, 1975

Robert S. Strickland
(notary public)

My commission expires life

ACTION OF STATE RECLAMATION ENGINEER AND CERTIFICATE OF TRANSFER

This is to certify that I have examined Application for Transfer of Water Rights No. 1829/22-0326,
and said application is hereby APPROVED

1. Approval of said application is subject to the following limitations and conditions:

A measuring device of a type approved by this Department shall be permanently maintained as part of the diverting works.

2. Denial of said application is for the following reasons:

Witness my hand this 18 day of August, 19 75

R. Keith Higginson
R. KEITH HIGGINSON, Director
Idaho Department of Water Resources

FOR DEPARTMENT USE ONLY

Received by MB Date 6-27-75

Protest filed by: _____ Date _____

Prelim. check by LH Date 7-11-75

Fee received by CU Date 7-11-75 Fee \$ 30.00

Approved for publication by CU Date 8-01-75 # 4331

Published in Idaho Valley News Date July 24 & 31, 1975

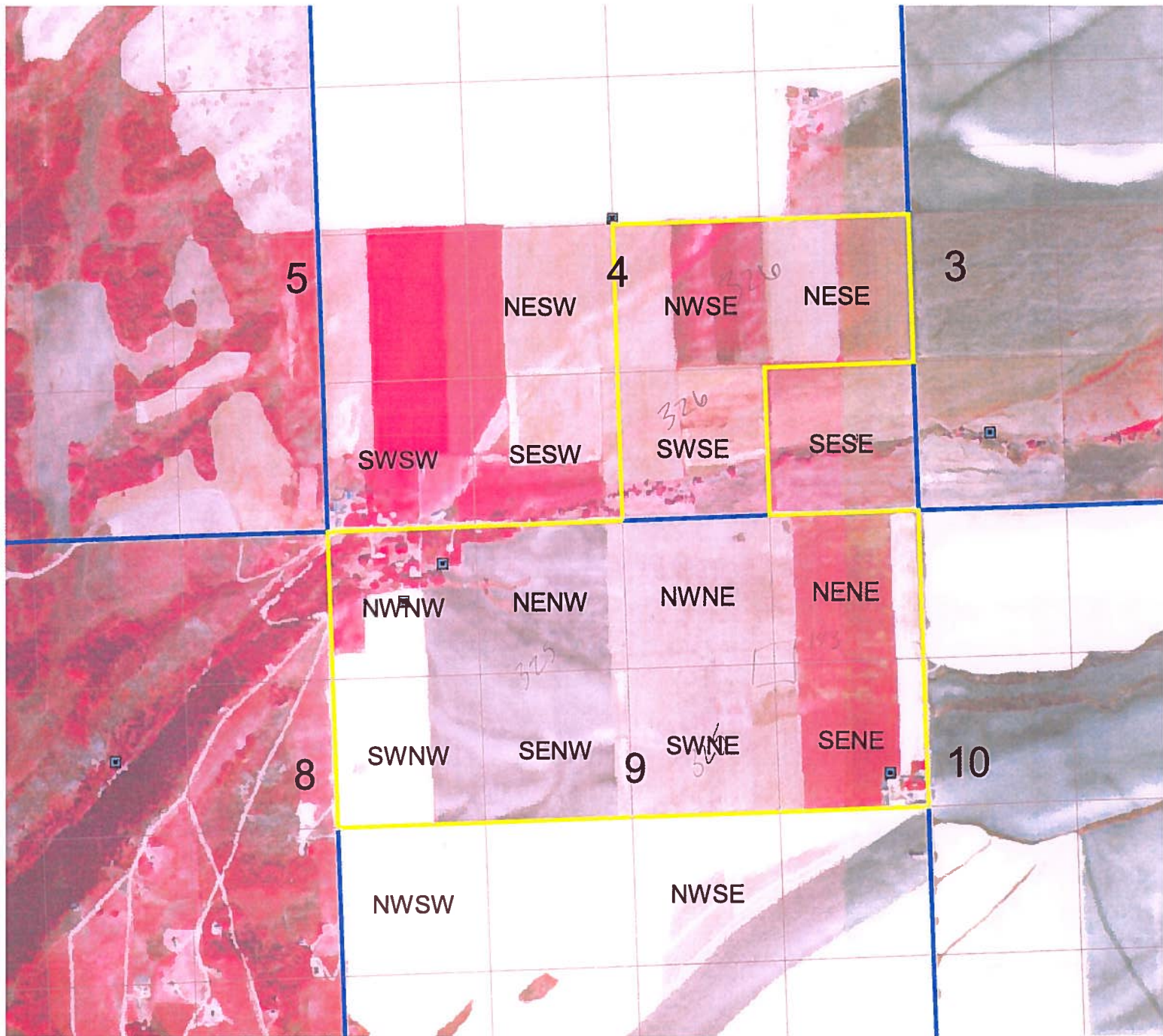
Hearing held _____

Watermaster Recommendation sent A.D. #01 Art Loran

SCANNED

JUN 29 2007

22-325A



SCANNED
JUN 29 2007

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: A22-00325A
Date Received: 8/30/1988
Receipt No: 6002887
Received By: HPM

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name:	DONALD W. JARDINE	208-456-2827
Address:	354 N. 800 W. TETONIA, ID 83452	
OR		
Name:	BELLE JARDINE	208-456-2827
Address:	354 N. 800 W. TETONIA, ID 83452	
OR		
Name:	GARRY W. JARDINE	208-456-2637
Address:	358 N. 800 W. TETONIA, ID 83452	
OR		
Name:	MAEDENE JARDINE	208-456-2637
Address:	358 N. 800 W. TETONIA, ID 83452	



2. Date of Priority: JUN 01, 1891

3. Source: PACKSADDLE CREEK Trib. to: TETON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
05N	44E	8	NE	SW			TETON

5. Description of diverting works:
COLLECTION BOX TO PIPELINE TO SPRINKLERS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/15	10/15	1.900		

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

A22-00325A

Page 1

Date: 10/04/88

SCANNED
JUN 28 2007

NOV 04 1992

8. Total consumptive use is 678.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05N	44E	4	NE	SE		IRR	20.0
			NW	SE		IRR	25.0
			SW	SE		IRR	25.0
						Section Acres	70.0
		9	NE	NE		IRR	40.0
			NW	NE		IRR	40.0
			SW	NE		IRR	40.0
			SE	NE		IRR	40.0
			NE	NW		IRR	40.0
			NW	NW		IRR	14.0
			SW	NW		IRR	15.0
			SE	NW		IRR	40.0
						Section Acres	269.0
						Total Acres	339.0

11. Place of use in counties: TETON

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

13. Other Water Rights Used:
A22-11430, A22-00193A

14. Remarks:
RIGHT 22-0325 LESS TRANS. 2883.
THIS RIGHT CONSOLIDATES P/U'S OF 22-00325A, 00193A AND
A22-11430. P/D IS PACKSADDLE PIPELINE.

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

REXBURG IRRIGATION COMPANY
Decree Plaintiff

vs

TETON IRRIGATION CANAL CO.
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 X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 1

For Individuals:

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

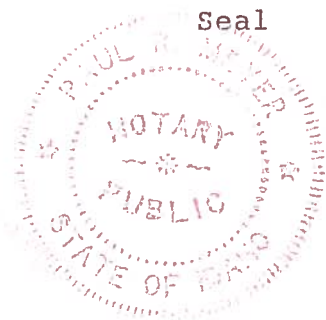
Signature of Claimant(s): Harry Gardine Date: 10-4-88
_____ Date: _____

State of Idaho)
County of Bannock) SS.

Subscribed and sworn (or affirmed) before me this 4 day
of Oct 19 88

[Signature]
Notary Public

Residing at Idaho Falls
My Commission Expires 9-12-94



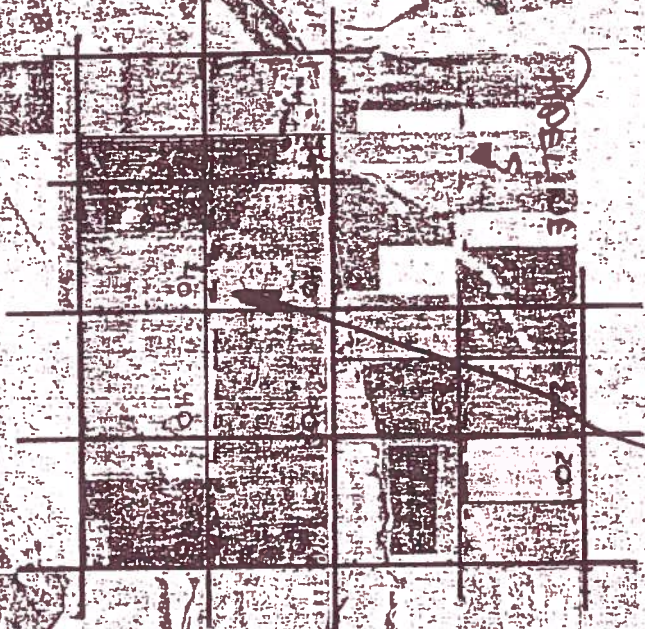
NOV 04 1961

422-00325A

24-5-1
R-11

210

MOBILE



12/12/2006

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

RIGHT NUMBER: 22-325A

NAME AND ADDRESS: DONALD W JARDINE
354 N 800 W
TETONIA ID 83452

GARRY W JARDINE
358 N 800 W
TETONIA ID 83452

BELLE JARDINE
354 N 800 W
TETONIA ID 83452

MAEDENE JARDINE
358 N 800 W
TETONIA ID 83452

SOURCE: PACKSADDLE CREEK

TRIBUTARY: TETON RIVER

QUANTITY: 1.200 CFS

PRIORITY DATE: 06/01/1891

POINT OF DIVERSION:

T05N R44E S8 SWSWNE Within TETON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
04/15 10/31

QUANTITY
1.200 CFS

PLACE OF USE: IRRIGATION in TETON County

T05N R44E S04	NESE	19.00	T05N R44E S04	NWSE	24.00
T05N R44E S04	SWSE	22.00	T05N R44E S09	NENE	40.00
T05N R44E S09	NWNE	40.00	T05N R44E S09	SWNE	40.00
T05N R44E S09	SENE	37.00	T05N R44E S09	NENW	30.00
T05N R44E S09	SENW	30.00			

282 ACRES TOTAL

This right is limited to the irrigation of 60 acres within the place of use described above in a single irrigation season.

The rights listed below are limited to the irrigation of a combined total of 260 acres in a single irrigation season. Combined Right Nos.: 22-193A, 22-325A, and 22-326G.

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

Water is delivered through Packsaddle Pipeline.