

09/28/2005

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

RIGHT NUMBER: 22-7023B
NAME AND ADDRESS: GALE W HARDING
PO BOX 761
REXBURG ID 83440

DR CRAIG HEINER
PO BOX 761
REXBURG ID 83440

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.400 CFS
70.00 AFY

PRIORITY DATE: 06/26/1969

POINT OF DIVERSION:
T05N R40E S19 NWNW Lot 1 Within MADISON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/15	0.400 CFS 70.00 AFY
The use of water for irrigation under this right may continue to as late as October 31, provided other elements of the right are not exceeded. The use of water after October 15 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.		

PLACE OF USE: IRRIGATION Within MADISON County
T05N R40E S18 SESW 20.0

20 ACRES TOTAL

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

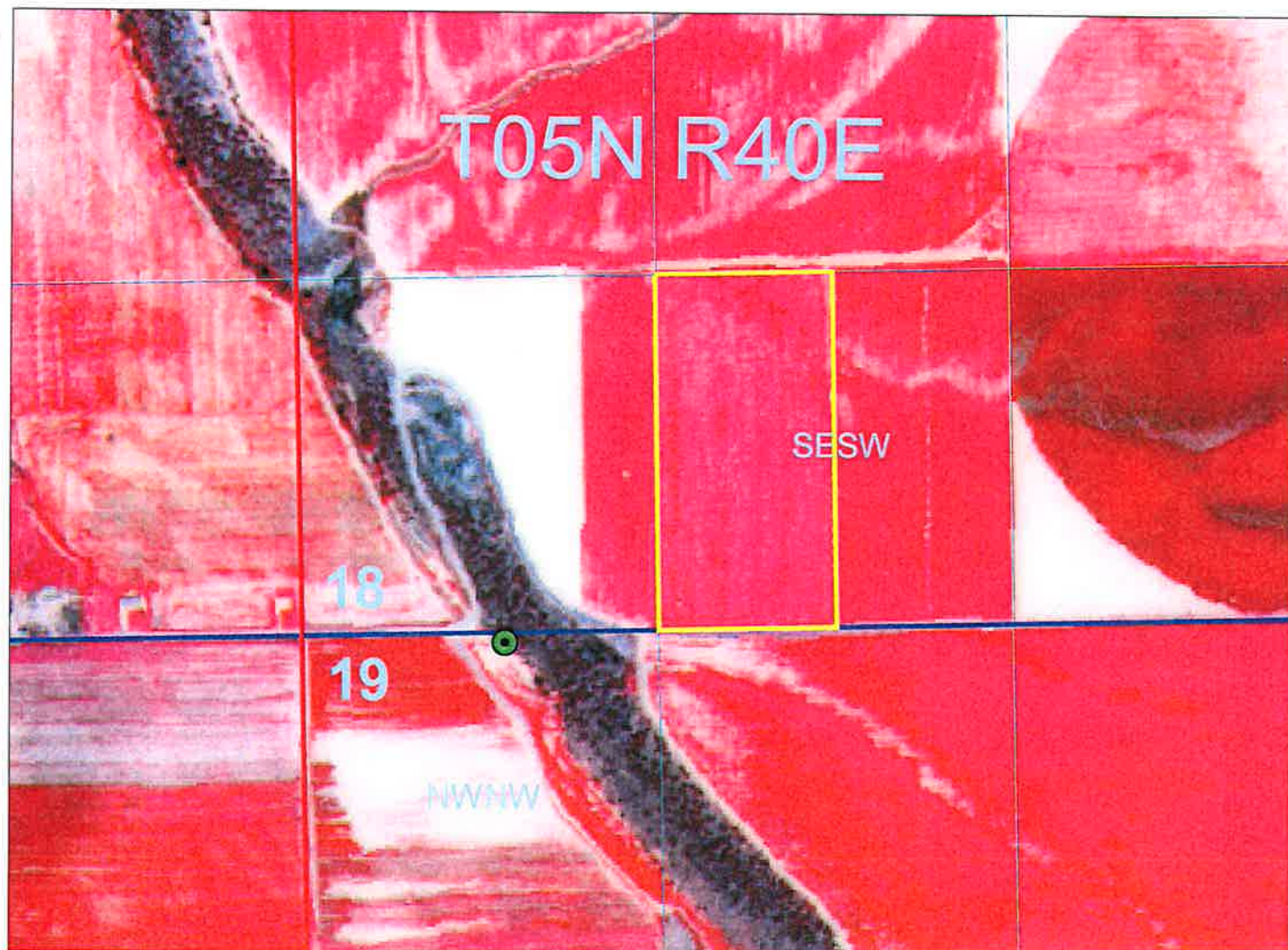
EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Department of Water Resources

Eastern Region

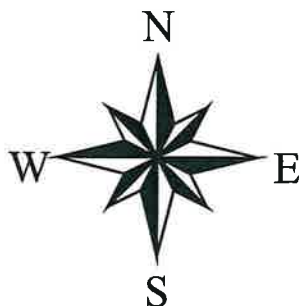


Claim No.: 22-7023B



0 1320 2640 Feet

- Point of Diversion
- 22-7023b.shp
- Township/Range
- Sections
- QQ



GIS Place of Use Illustration
1987/88 NAPP Photography
Prepared by: Kristin Moore
Date Prepared: September 2005

address updated
KMO 11/14

IDAHO DEPT OF WATER RESOURCES
EASTERN REGION
900 N SKYLINE DR STE A
IDAHO FALLS ID 83402

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CHANGE IN ADDRESS

This form can be used to notify the Department of a change in
address of the owners of record for the listed water rights.
(Please print or type)

RECEIVED

NOV 13 2006

Department of Water Resources
Eastern Region

[] Water Right Number(s): 22-7023 B

[] Name(s): Gale W. Harding
Dr. Craig Heimer

[] Old Mailing Address: P.O. Box 761
Rexburg, ID. 83440 } Gale's

[] New Mailing Address: 1083 Barney Dairy Road
Rexburg, ID. 83440

Telephone Number: (208) 356 - 3191 Gale's
(208) 356 - 8808 Craig's

[] Signature(s) of Owner(s) Gale W. Harding
[Signature]
(Include your title if on behalf of company or organization)

Date: Nov. 13, 2006

09/28/2005

NOTICE OF ERROR
REPLY

RECEIVED

NOV 13 2006

Department of Water Resources
Eastern Region

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: 22-7023B

GALE W HARDING
PO BOX 761
REXBURG ID 83440
Telephone Number: (208)356-3700

DR CRAIG HEINER
PO BOX 761
REXBURG ID 83440
Telephone Number: (208)356-3700

Address changed
11/14

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

Gale W. Harding & Dr. Craig Heiner had same address.

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

Craig Heiner's address is: 1083 Barney Dairy Rd.
Rexburg, ID 83440

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

Gale W. Harding's address is: P.O. Box 761
Rexburg, ID 83440

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

DATE: 11/13/06 SIGNATURE: Gale W. Harding & Craig Heiner

Please print your name: Gale W. Harding & Craig Heiner

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

LHP
11/14

November 4, 2006

GALE W HARDING
DR CRAIG HEINER
329 W 7TH
REXBURG ID 83440-9600

RE: CHANGE OF ADDRESS FOR 22-7023B

Dear Claimant:

It has come to our attention that your address may have recently changed. The address currently recorded on the above referenced water right(s) is as follows:

GALE W HARDING
DR CRAIG HEINER
PO BOX 761
REXBURG ID 83440

We recommend if, in fact, the address in question has been changed, you file a "Change in Address" with this department in order that we may send all further correspondence to the appropriate address.

Enclosed is a Change in Address form. Please fill out the form completely, sign and date it and return it to my attention.

If you have any questions regarding this matter, please call 525-7161.

Respectfully submitted,

Katy Jackson
Office Specialist 1

Enclosure(s)

Water Right No(s). A22-7023A + A22-7023B

See Attached

GPS DATA:

Tag # A 000026 Location: on power pole
GPS data - 2676928 GPS File - 227023
1397455

Diversion Data:

Source: Groundwater Trib to: _____

MOTOR

Make: G.E. Model: _____ Hp: 50
SN: BEJ226387

PUMP

Make: Johnston Model: _____ Disch: _____
SN: NA

NOTES:

owner of claim A22-7023A is Blaine Smith, only. He was given
a change of ownership form.

* Mr. Harding says address + phone numbers are good on A22-7023B
Harding & Hinz own A22-7023B

Field Exam Date: 5-3-2005 Agent: D.W. Jones

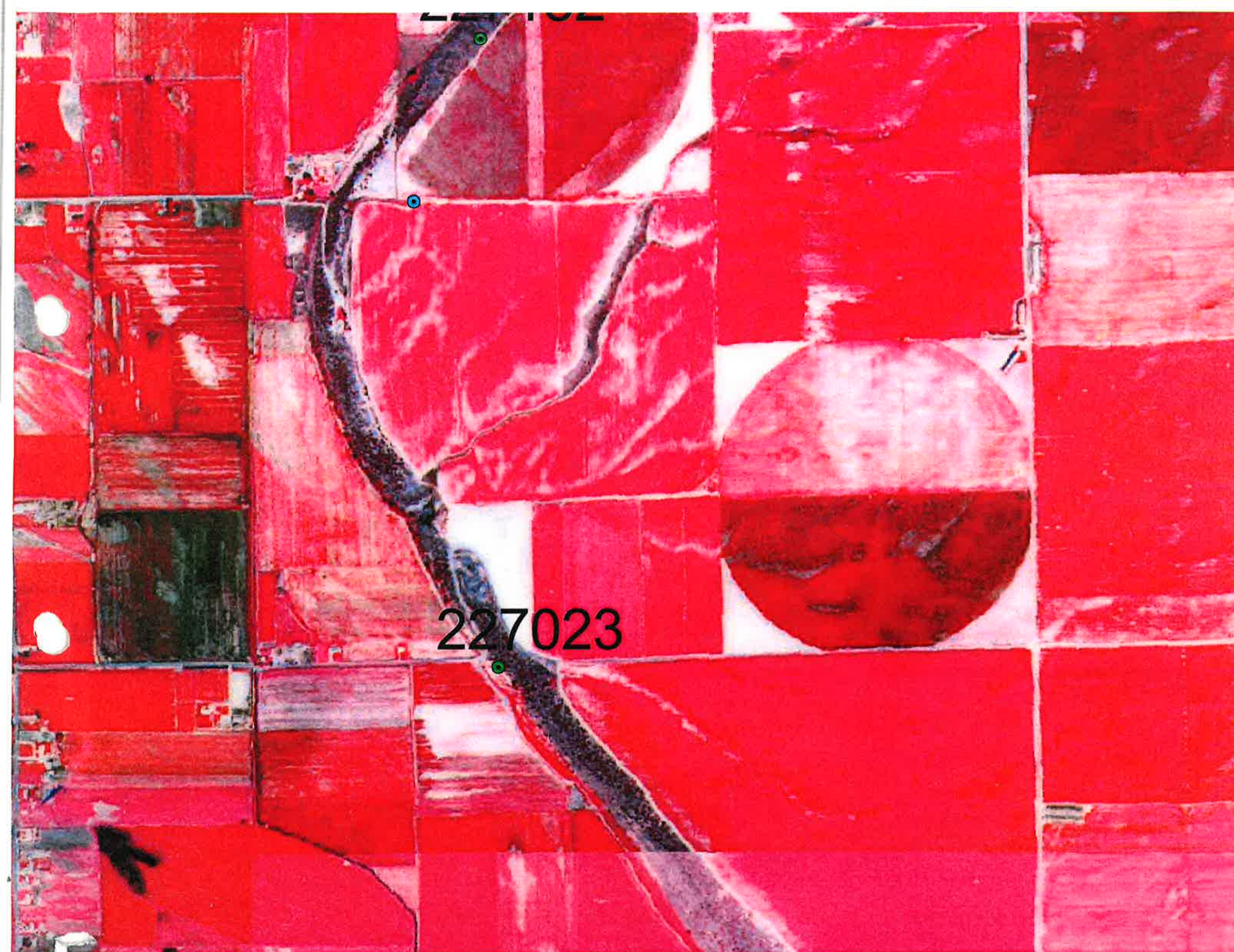


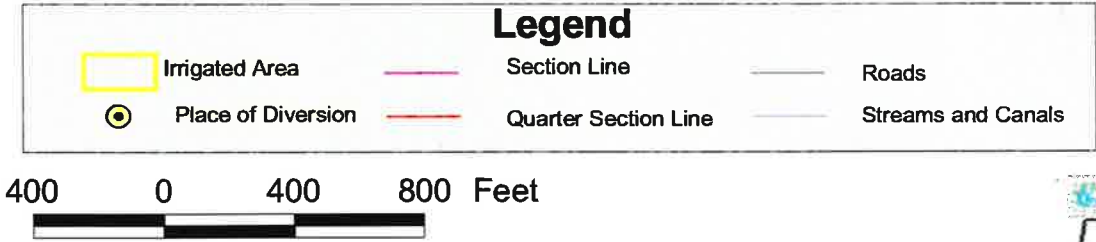
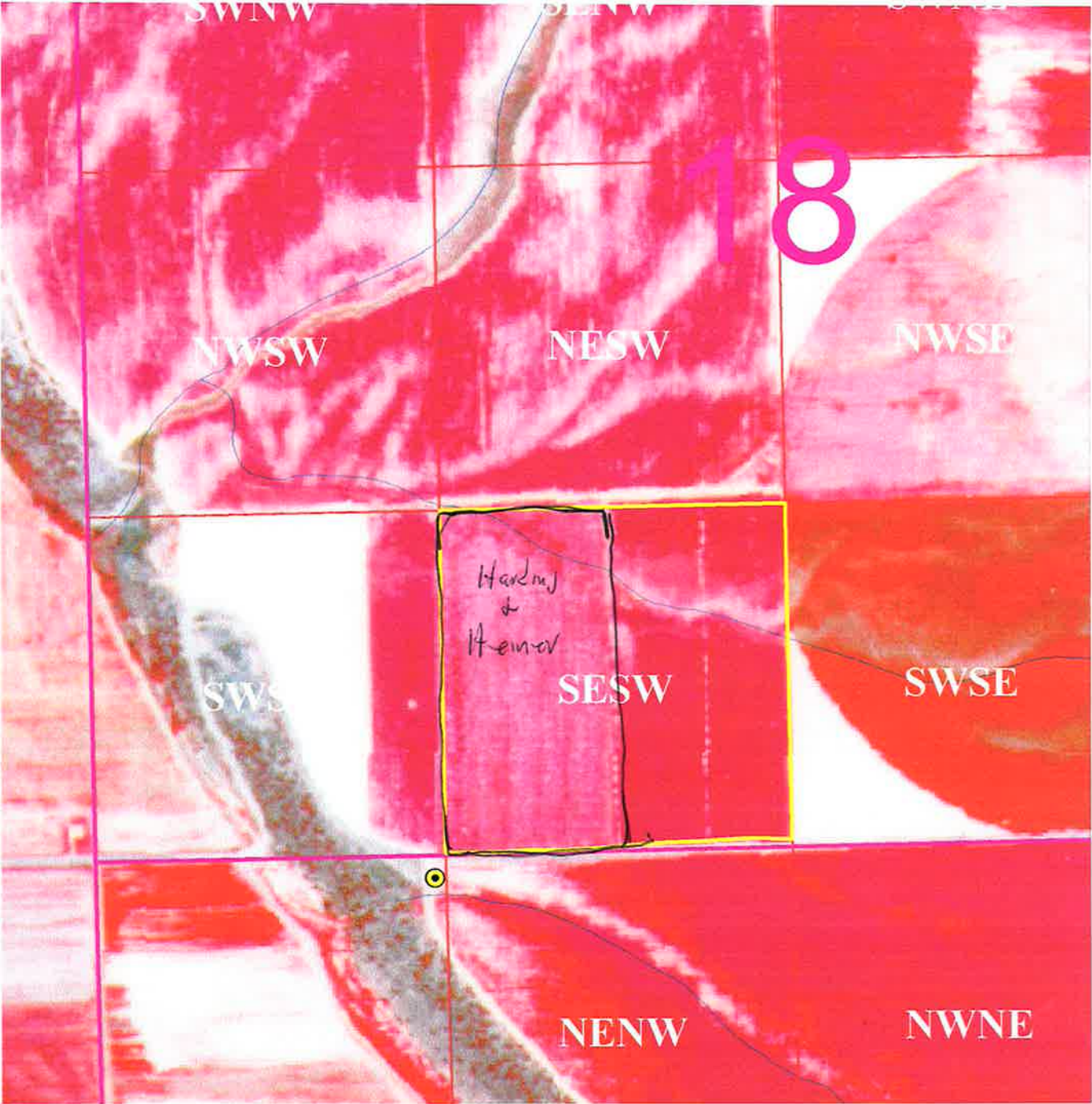
Gas
Tag

A22-7023A + A22-7023B, looking west

22702

227023





State of Idaho
Department of Water Administration

LICENSE OF WATER RIGHT

License of Water Right No. 22-7023 Priority June 26, 1969 Amount 0.80 cfs

THIS IS TO CERTIFY, that Garry Smith & Blaine Smith
of Rexburg, Idaho, have, ~~xxx~~ complied with the terms and conditions of Permit
No. 22-7023 issued pursuant to Application for Permit dated June 26, 1969,
and has submitted proof to the Department of Water Administration on September 1, 1971,
that he has applied water to a beneficial use; an examination by the Department indicates that the
works have a capacity of 0.80 cfs, and that the water has in fact been applied to a
beneficial use; a right to the use of water from a ground water source

tributary of _____, is hereby confirmed in the following amounts:
Amount 0.80 cfs for Irrigation from April 1 to Oct. 15 (both dates inclusive)
Amount _____ for _____ from _____ to _____ (both dates inclusive)
Amount _____ for _____ from _____ to _____ (both dates inclusive)
Subject, however, to the condition that no more than 0.80 cfs of water be diverted at
any one time, said waters to be diverted within the _____

NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 19, Twp. 5 N, Rge. 40 E, B. M.
in the county of Madison; and that the amount of water so diverted and to which such
right is entitled and confirmed is for the purposes aforesaid and is limited to the amount which can
actually be beneficially used and shall not exceed 140 acre feet per year or _____
3.5 acre feet per acre.

Description and location of 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 $\frac{1}{4}$	
5 N	40 E	18												40					40

Total number of acres irrigated 40

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

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

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 29 day of
May, 19 73.


Director

22 7023

DEPARTMENT OF WATER ADMINISTRATION

FIELD REPORT

1. Name of permit holder Gary Smith and Blaine Smith
Post office address Route 1, Rexburg, Idaho Phone _____
Person to contact _____ Phone _____
2. Source of water supply: Groundwater ☒ Surface water ☐
(name spring, stream, etc.) _____
Tributary to _____

3. Water will be used for the following purposes:

Amount 1.0 c.f.s. for Irrigation _____
_____ Af/Annum (nature of use)

Period of Use: from April 1 to October 15
(mo.-day) inclusive (mo.-day)

Amount _____ c.f.s. for _____
_____ Af/Annum (nature of use)

Period of Use: from _____ to _____
(mo.-day) inclusive (mo.-day)

Amount _____ c.f.s. for _____
_____ Af/Annum (nature of use)

Period of Use: from _____ to _____
(mo.-day) inclusive (mo.-day)

Other uses: _____

4. Total amount to be appropriated:

Max Rate of Diversion 380 cubic feet per second and annual volume _____ Af/Annum.

5. Location of Point(s) of Diversion:

Township 5 N/S, Range 40 E/W, B.M., Section 19, Subdivision NW 1/4, Madison County
Township _____ N/S, Range _____ E/W, B.M., Section _____, Subdivision _____, _____ County
Township _____ N/S, Range _____ E/W, B.M., Section _____, Subdivision _____, _____ County
Other Points of Diversions: _____

Description of diverting works: 50 h.p. motor, 12" casing, 233' deep.

Measuring device required: yes ☒ no ☐ Metratflex flow meter, Model 23

6. Lands to be irrigated or place of use.

TWP.	RANGE	SEC.	NE 1/4	NW 1/4	SE 1/4	SW 1/4	NE 1/4	NW 1/4	SE 1/4	SW 1/4	NE 1/4	NW 1/4	SE 1/4	SW 1/4	TOTALS
5N	40E	18													40
TOTAL ACREAGE															40

22 7023

Permit No. 22-7023
Examination for B/U

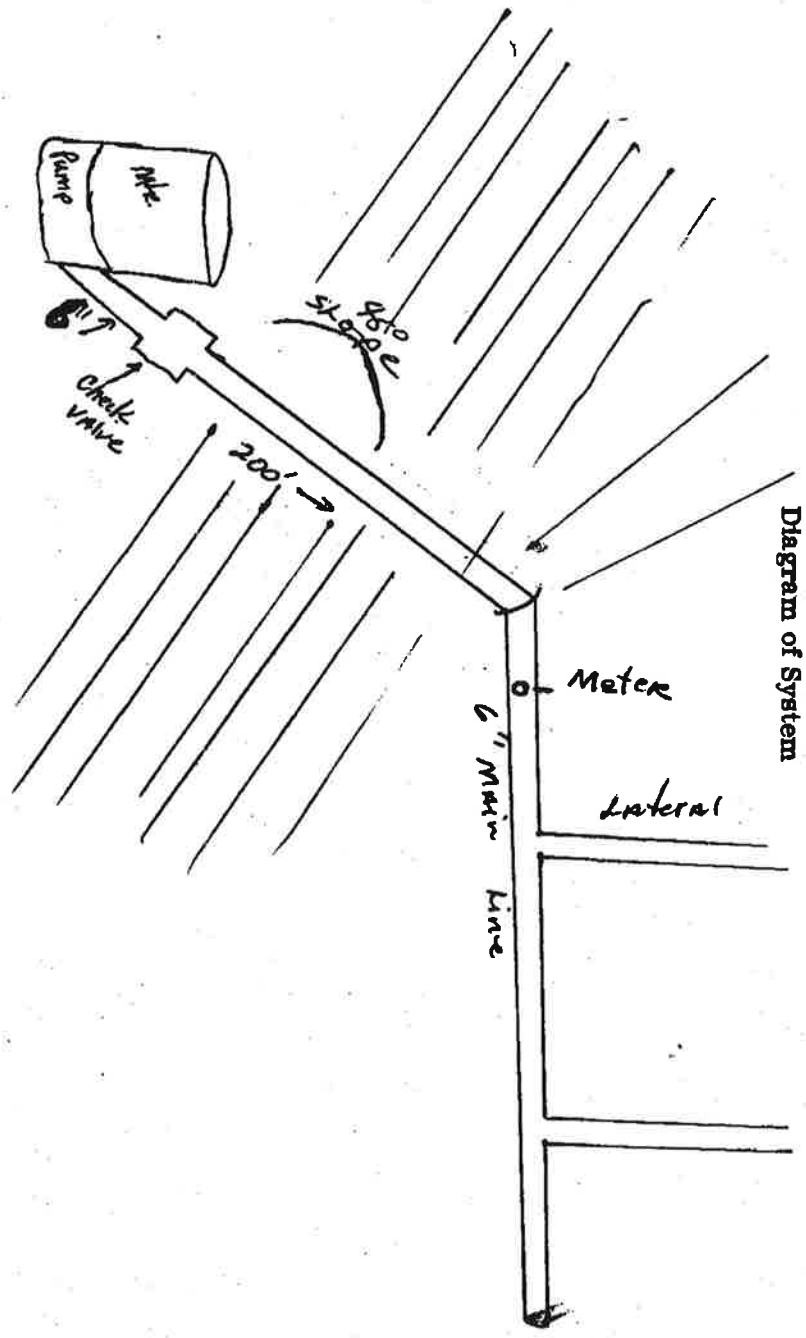
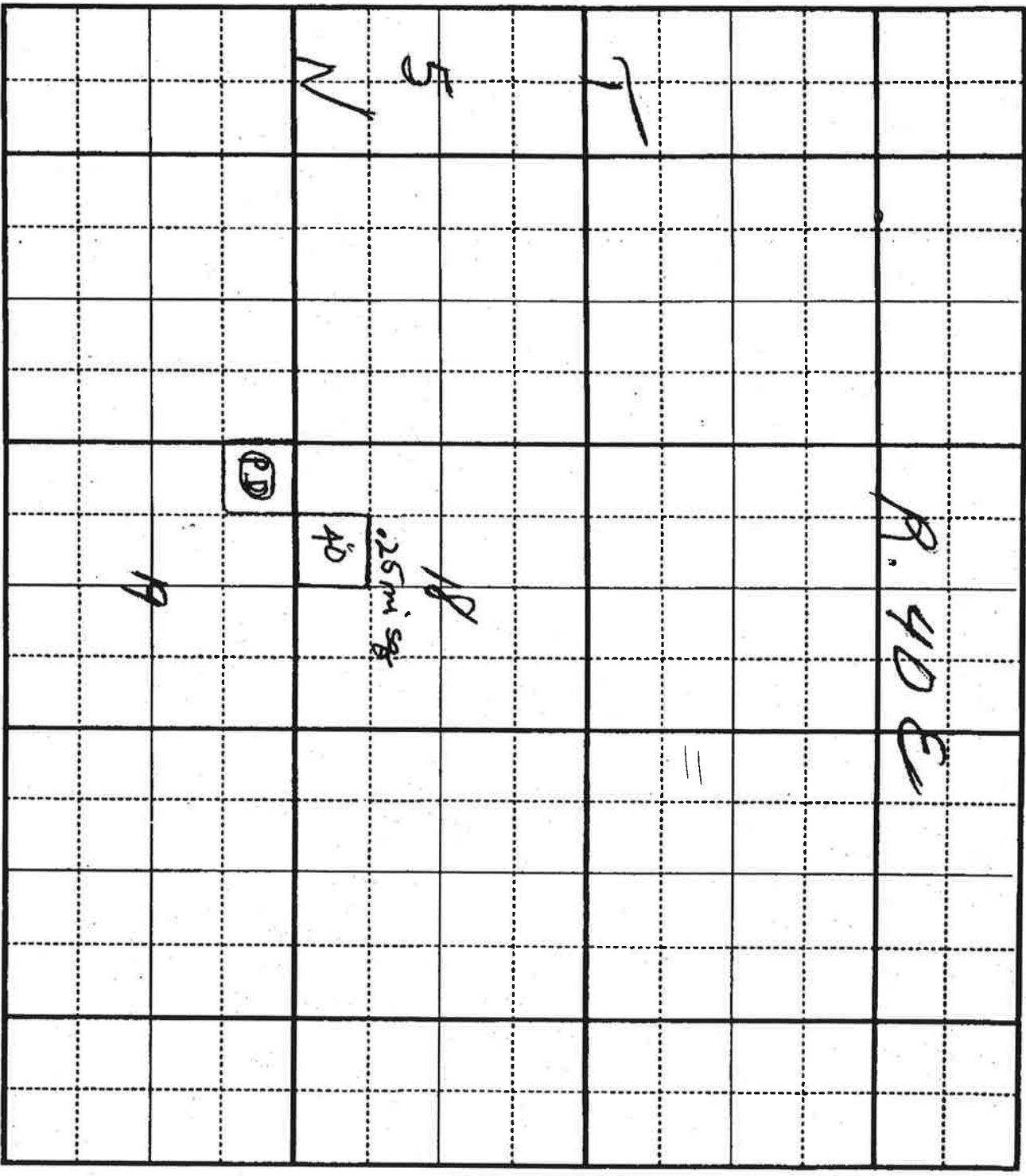


Diagram of System

DATE OF EXAM August 12, 1972

ACREAGE
Found 40
Recommended 40

Irrigation Requirement 3.5 Ac Ft/Ac

USE
Irrigation Q = .80 c.f.s. V = 140 AF/Ann. from April 1 to Oct 15
Domestic Q = _____ c.f.s. V = _____ AF/Ann. from _____ to _____
Livestock Q = _____ c.f.s. V = _____ AF/Ann. from _____ to _____

Is water co-mingled? yes _____ no ☒

Name source: _____
twp. N/S Rge 14 E/W, B.M., Sec. _____, Sub. 1/4 _____ 1/4 _____ County _____

Exchange? yes _____ no ☒

Name source exchanged with: _____
twp. N/S Rge 14 E/W, B.M., Sec. _____, Sub. 1/4 _____ 1/4 _____ County _____

Point of injection: _____
twp. N/S Rge _____ E/W, B.M., Sec. _____, Sub. 1/4 _____ 1/4 _____ County _____

Point of exchange: _____
twp. N/S Rge _____ E/W, B.M., Sec. _____, Sub. 1/4 _____ 1/4 _____ County _____

Total Q measured .80 cfs Method of measurement pitoto Ser # A-208

Total Q recommended .80 cfs Meter No. _____ Type _____ Condition _____

Total V recommended 140 AF/Ann

Recommended Amendments:

P.D. _____
Place of Use _____
Other _____
None ☒

MEASUREMENT CALCULATION:

60psi Avg pressure. 1/32 nozzle (30w/s) = 5.44 gpm (44 heads) = 359.0 gpm
359.0 gpm = .8 cfs
448.8
(200445) (.80) (1.983500) = 31.7 AF/ann

SYSTEM DESCRIPTION:

GE Pump Motor Model 5K6248X H4A 50HP Ser # BEJ226387
Johanson Pump Ser # 103

REMARKS:

20 ac potatoes 20 ac Barley
System shown by owners
Metriflex flow meter installed & indicates 430 gpm

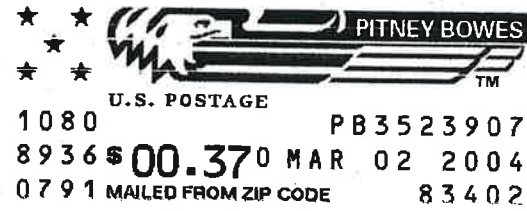
Examiner's Signature William R. Rhoads Date Aug 12, 1972

Checked by Norman C. Young, P.E. Date 11-8-72

Approved by _____ Date _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern District Office
900 N. Skyline Dr., Suite A
Idaho Falls, ID 83402-1718

RETURN SERVICE REQUESTED



GARRY SMITH
1829 S MEADOWVIEW AVE
REXBURG ID 83440

22-2250
21-10039
~~22-7023B~~
22-7023
22-7023A

SMITH GARRY 834402005 1204 04 03/05/04
RETURN TO SENDER
SMITH
1292 MEADOWVIEW AVE
REXBURG ID 83440-5080
RETURN TO SENDER

83440X387 83440/9999





State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

January 20, 1999

GALE HARDING
DR CRAIG HEINER
PO BOX 761
REXBURG ID 83440

RE: CHANGE IN OWNERSHIP FOR A22-07023

Dear Ms. Harding & Dr. Heiner:

The request for Change in Ownership for a portion of the above-referenced Notice(s) of Claim has been processed with the new Notice(s) reflecting you as one of the claimants.

Since the Change in Ownership involved just a portion of the Notice(s) of Claim, the right was split as follows:

A22-07023A, 0.40 cfs on 20 acres, Smith
A22-07023B, 0.40 cfs on 20 acres, Harding & Heiner

Enclosed for your records is a typed Notice(s) reflecting your portion of the right. Review the Notice(s) and if you have other corrections or questions, please contact this office.

Respectfully submitted,

Jennifer Hoagland
Technical Records Specialist

Enclosure

DELOG JH 11-19-98
DELOG GT 12-22-98

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

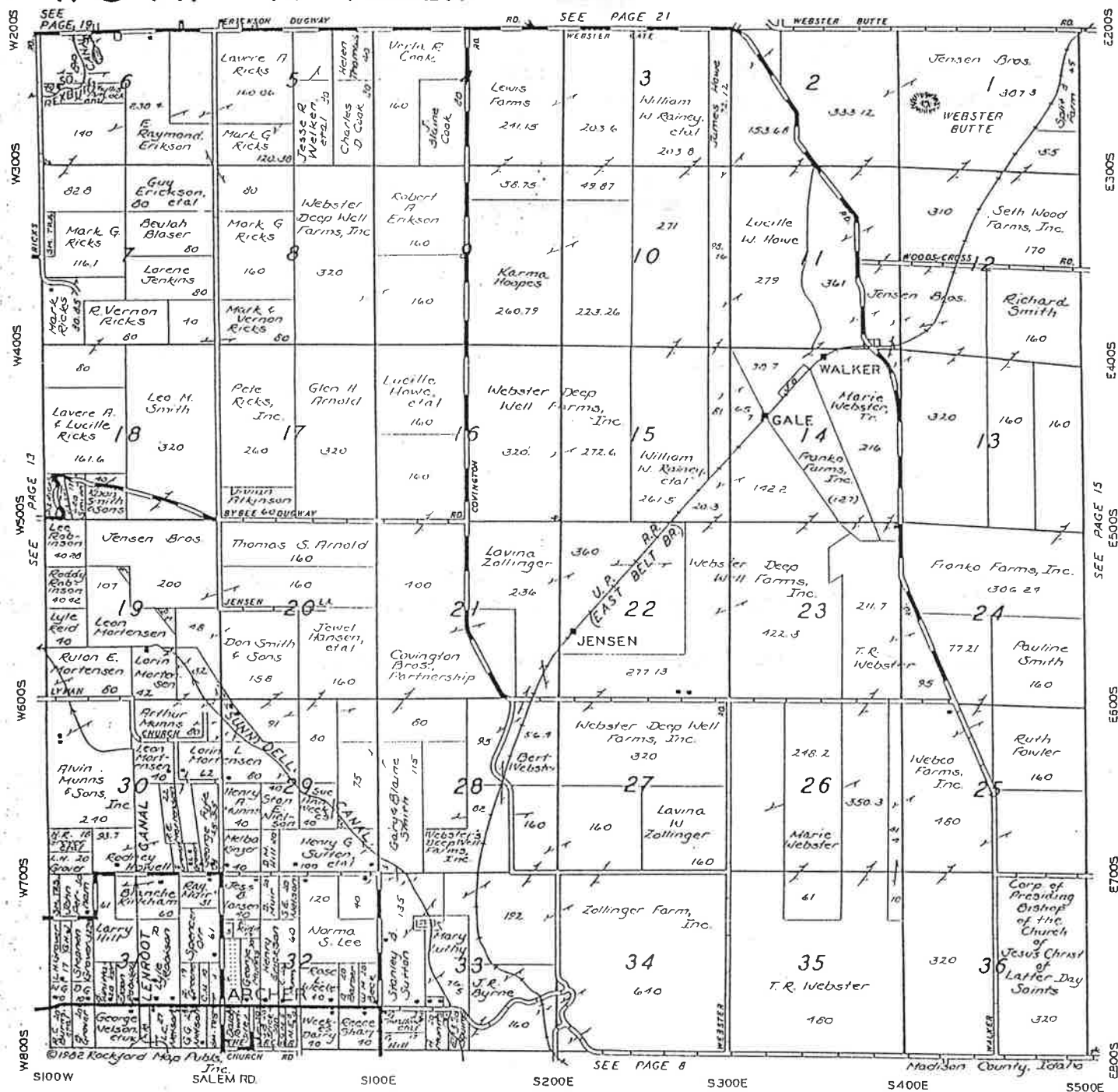
Please print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.

RECEIVED

NOV 18 1998

Department of Water Resources
Eastern Region

1. Water Right Number(s) _____
Adjudication Claim Number(s) A22-07023 ^A/_B
2. The following REQUIRED information must be submitted with this form.
 - A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE, or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.
AND
 - B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually on file with the county.)
OR
 - C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency (formerly ASCS) AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.
3. Name and Address of Former Owner/Claimant(s) Garry Smith and Sharon Smith
1829 meadowview Ave. Rexburg, ID 83440
4. New Owner/Claimant(s) Gale W. Harding / Dr. Craig Hein
Name connector (Check one): ☒ AND, ☐ OR, ☐ AND/OR
New Mailing Address P.O. Box 761
City, State and ZIP Code Rexburg, ID 83440
New Telephone Number (208) 356-3700
5. Date you acquired the property Nov. 10, 1998
6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.
Number of acres actually irrigated 20 Number and type of stock _____
Diversion rate in CFS _____ Number of homes _____ Other uses _____
cubic feet per second
If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.
7. Signature of New Owner/Claimant(s) Gale W. Harding Date Nov. 10, 1998
Dr. Craig Hein Date Nov. 10, 1998
8. (Corporations or other organizations must submit a list of directors/officers demonstrating authority to sign form.)
For Snake River Basin Adjudication Claims: If you are represented by an attorney and you want IDWR to correspond directly with your attorney for all matters related to your claims, please attach a Notice of Appearance completed by your attorney.



The Bank

The Idaho First National Bank

PHONE: 356-3641

P.O. BOX 125 - REXBURG, IDAHO 83440

ALLIANCE
5-13027-2
ALLIANCE TITLE & ESCROW
P.O. BOX 732
REXBURG, ID 83440

WARRANTY DEED

For Value Received

GARRY SMITH and SHARON SMITH, husband and wife

the grantor(s), do(es) hereby grant, bargain, sell and convey unto
with Gale W. Harding and/or Judy Harding

REED D. NORD

D. Craig Heiner and/or Debby Heiner
whose current address is

*P.O. Box 761
Rexburg, Idaho 83440*

the grantee(s), the following described premises, in **MADISON County IDAHO**, to wit:

THE W1/2 OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 18, TOWNSHIP 5 NORTH, RANGE 40 EAST, BOISE MERIDIAN, MADISON COUNTY, IDAHO

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, heirs and assigns forever. And the said Grantor do hereby covenant to and with the said Grantee(s), that (s)he is/are the owner(s) in fee simple of said premises; that they are free from all encumbrances Except: Subject to all existing patent reservations, easements, right of way, protective covenants, zoning ordinances, and applicable building codes, laws and regulations.

and that (s)he will warrant and defend the same from all lawful claims whatsoever.

Dated: November 9, 1998

Garry Smith
GARRY SMITH

Sharon Smith
SHARON SMITH

STATE OF ID, COUNTY OF MADISON

On this 10TH day of NOVEMBER, 1998

before me, a Notary Public in and for said State, personally appeared

GARRY SMITH
SHARON SMITH

known to me to be the person(s) whose name(s)
subscribed to the within instruments and acknowledged to
me that they executed the same.

Alison Banta
Notary Public,
Residing at ST. ANTHONY, ID
Comm. Expires 11/23/99

ALISON BANTA
NOTARY PUBLIC, STATE OF IDAHO
COMMISSION EXPIRES: 11.23.99

Microfilm No. **275113**
Day **NOV 12 1998**
At **1006** O'clock **—** m
MARILYN R. RASMUSSEN
MADISON COUNTY RECORDER
Fee \$ **3.00** Deputy
Recorded At Request of
ALLIANCE TITLE & ESCROW

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: A22-07023B
Date Received: 8/ 8/1988
Receipt No: X777777
Received By:

COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILES

1. Name: GALE W HARDING 208-356-3700
Address: PO BOX 761
REXBURG ID 83440
AND/OR
Name: DR. CRAIG HEINER 208-356-3700
Address: PO BOX 761
REXBURG ID 83440

2. Date of Priority: JUN 26, 1969

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
05N	40E	19	NW	NW			MADISON

5. Description of diverting works:
WELL & PUMP TO SPRINKLER SYSTEM

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.400		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05N	40E	18	SE	SW		IRR	20.0



10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	20.0
					Total Acres	20.0

11. Place of use in counties: MADISON

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

13. Other Water Rights Used:

14. Remarks:

CHANGE IN OWNERSHIP 1-15-99 GJT

15. Basis of Claim: LICENSE