

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

RIGHT NUMBER: 27-10028

NAME AND ADDRESS: LEON J GARDNER  
469 E 400 N  
BLACKFOOT ID 83 2 21  
  
BONNIE P GARDNER  
469 E 400 N  
BLACKFOOT ID 83 2 21

TRIBUTARY: BLACKFOOT RIVER

SOURCE: SAND CREEK

QUANTITY: 2.830 CFS 2.020 CFS

The appropriator is entitled to the quantity of water described above at the point of measurement in T2S, R37E, S7, NWNW Lot 1.

PRIORITY DATE: 04/01/1901

POINT OF DIVERSION:

T02S R36E S14 N W N W NENE Within BINGHAM County  
T02S R36E S14 N W N W NENE Within BINGHAM County  
T02S R36E S14 S E N W NENE Within BINGHAM County

PURPOSE AND PERIOD OF USE:

| PURPOSE OF USE | PERIOD OF USE | QUANTITY               |
|----------------|---------------|------------------------|
| IRRIGATION     | 04/01 10/31   | 2.830 CFS<br>2.020 CFS |
| STOCKWATER     | 03/01 11/30   | 0.940 CFS<br>8.40 AFY  |

PLACE OF USE:

IRRIGATION in BINGHAM County

| Section       | Direction | Acres | Section       | Direction | Acres |
|---------------|-----------|-------|---------------|-----------|-------|
| T02S R36E S14 | NENE      | 9.60  | T02S R36E S14 | NWNE      | 22.00 |
| T02S R36E S14 | SWNE      | 11.00 | T02S R36E S14 | SENE      | 18.00 |

STOCKWATER same as IRRIGATION

60.6 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 60.6 acres in a single irrigation season. Combined Right Nos.: 27-10028 and 27-12013.

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

Stockwater use is for 500 cow/calf pairs.

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

RIGHT NUMBER: 27-10028

NAME AND ADDRESS: LEON J GARDNER  
469 E 400 N  
BLACKFOOT ID 83221

BONNIE P GARDNER  
469 E 400 N  
BLACKFOOT ID 83221

SOURCE: SAND CREEK

TRIBUTARY: BLACKFOOT RIVER

QUANTITY: ~~2.020~~ CFS 2.83

+ 509

PRIORITY DATE: 04/01/1901

POINT OF  
DIVERSION:

T02S R36E S14 NWNENE Within BINGHAM County  
T02S R36E S14 NWNENE Within BINGHAM County  
T02S R36E S14 SENWNE Within BINGHAM County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u>      |
|-----------------------|----------------------|----------------------|
| IRRIGATION            | 04/01 10/31          | <del>2.020</del> CFS |
| STOCKWATER            | 03/01 11/30          | 0.940 CFS            |
|                       |                      | 8.40 AFY             |

2.83

PLACE OF USE: IRRIGATION in BINGHAM County

|               |      |       |               |      |       |
|---------------|------|-------|---------------|------|-------|
| T02S R36E S14 | NENE | 9.60  | T02S R36E S14 | NWNE | 22.00 |
| T02S R36E S14 | SWNE | 11.00 | T02S R36E S14 | SENE | 18.00 |

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Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.



Meas. No. \_\_\_\_\_

ES

Comp. by \_\_\_\_\_

S

Checked by \_\_\_\_\_

[illegible]

Measurement rated excellent (2%), good (5%), fair (8%), poor (over 8%), based on following conditions: Cross section \_\_\_\_\_

Flow \_\_\_\_\_ Weather \_\_\_\_\_

Other \_\_\_\_\_ Air \_\_\_\_\_ °F @ \_\_\_\_\_

Gage \_\_\_\_\_ Water \_\_\_\_\_ F@ \_\_\_\_\_

Record removed Intake flushed U

Observer \_\_\_\_\_

Control \_\_\_\_\_

Remarks \_\_\_\_\_

G.H. of zero flow \_\_\_\_\_ ft.

Meas. No. \_\_\_\_\_  
Comp. by \_\_\_\_\_  
Checked by *JPM*

[illegible]

Measurement rated excellent (2%), good (5%), fair (8%), poor (over 8%), based on following conditions: Cross section 100%

Flow \_\_\_\_\_ Weather \_\_\_\_\_

Other \_\_\_\_\_ Air \_\_\_\_\_ °F @ \_\_\_\_\_

Gage \_\_\_\_\_ Water \_\_\_\_\_ °F @ \_\_\_\_\_

Record removed Intake flushed

Observer \_\_\_\_\_

Control \_\_\_\_\_

Remarks \_\_\_\_\_

G.H. of zero flow \_\_\_\_\_ ft

Notice of Water Right of Elmer Dakin et al.

Printers, Lithographers, Stationers, Portland, Or.

STATE OF IDAHO,  
County of Bingham } ss.

TO ALL CONCERNED NOTICE IS HEREBY GIVEN:

1st. That Elmer Dakin and John A. Peterson  
of Blackfoot, Idaho, hereby claims the use of the <sup>waste</sup> waters of Sand Creek in sec. 1 twp. 1 s. range  
36 E. to the extent of 6 300 inches  
cubic feet per second.

2d. It is intended to divert said water at or near the point where a copy of this notice is posted, and more definitely described  
as follows:

from the Waste Gate of the Government canal in sec. 1 twp. 1 s. r. 36 E.

27-10028

3d. The purpose for which said water is intended to be used is for agricultural and domestic purposes

The place of intended use is on N. E-1/4 sec. 14 & S. W-1/4 sec. 12 twp. 2 S. r. 36 E.

4th. It is intended to divert said water by means of a ditch about 3 miles long cap. of 300 inches

The general course of the proposed canal is southwesterly

The length of the proposed canal is 3 miles

It is intended to use said water for irrigating the following described land:

N. E-1/4 sec. 14 & S. W-1/4 sec 12  
twp. 2 S. r. 36 E.

5th. Ditch has been completed over two years and above land irrigated from same.  
~~It is intended to have the works for diversion and use of said water as aforesaid completed within~~ years.

WITNESS OUR hands at Blackfoot Idaho, this 30th day of March, 1901 189  
Elmer Dakin.  
John A. Peterson.

Claimant

STATE OF IDAHO,  
County of Bingham } ss.

Elmer Dakin

being first duly sworn, depose and say that he is of lawful age and one of the claimants of  
the Water Right mentioned in the foregoing notice and whose name is subscribed thereto. That the statements in said  
notice are true, and that the original notice, of which the foregoing is a true copy, was posted in a conspicuous place at or near the  
place of intended diversion (as provided by law) on the 30th day of March, 1901 189, at  
minutes past E o'clock P. M.

Elmer Dakin

Subscribed and sworn to before me this 30th day of March, 1901 189

Seal.

George L. Wall,

Notary Public

Filed for record at request of Geo. L. Wall, at 10 minutes past 9 o'clock  
A. M., this 6th day of April, 1901 A. D. 189

Geo. F. Cagon,

Ex-officio Recorder.

File 27-10028

# State of Idaho

Office of the Secretary of State

RECEIVED

JAN 29 2007

Department of Water Resources  
Eastern Region

## COMMISSION AS NOTARY PUBLIC

I, Ben Ysursa, Secretary of State of the State of Idaho, having examined the qualifications of the applicant, do hereby appoint DENISE CHADWICK to a commission as Notary Public for the state of Idaho, to serve, with all the rights and emoluments pertaining thereto, until September 14, 2011, unless this commission is sooner cancelled.

In testimony whereof I have hereunto  
set my hand and caused to be affixed  
the Great Seal of the State of Idaho.

Dated September 14, 2005

Filing # 32638



*Ben Ysursa*

SECRETARY OF STATE

By

*J. D. D. [Signature]*

SCANNED

JUN 06 2007



## State of Idaho

### DEPARTMENT OF WATER RESOURCES

15 W Center Street, Soda Springs, Idaho 83276-1575

Phone: (208) 547-3993 FAX: (208) 547-3939 [www.idwr.idaho.gov](http://www.idwr.idaho.gov)

C.L. "BUTCH" OTTER  
Governor

DAVID R. TUTHILL, JR.  
Interim Director

February 22, 2007

Leon J Gardner  
Bonnie P Gardner  
469 E 400 N  
Blackfoot, ID 83231

COPY

REF: SRBA Rights 27-10028 and 27-12013

*Subject: Basin 27 Objections to Irrigation Use*

Dear Claimants:

This letter concerns the objection filed by the Shoshone-Bannock Tribes and/or the Bureau of Indian Affairs (collectively referred to as "the Tribal Objectors") to your water right in the Snake River Basin Adjudication (SRBA) and the concurrence of the Idaho Department of Water Resources (IDWR) in a proposed settlement agreement to resolve the objection.

It is IDWR's understanding that you have agreed to settle the volume objection made by the Tribal Objectors to your water right by including a specific total annual volume limit on your irrigation water right. Recently, the Tribal Objectors requested that IDWR concur in the settlement agreement. IDWR is reluctant to concur in such settlements because of a lack of information regarding actual diverted volumes in Basin 27. If a volume limit is to be included in a water right, IDWR wants to make sure that the volume limit is as accurate as possible. To this end, IDWR is currently in the process of implementing a study intended to provide a basis for determining diverted volumes in Basin 27. Still, IDWR realizes that that some water users might have information that would provide actual diverted volumes for their water rights, thus eliminating the need to wait for completion of the study. As such, IDWR is requesting any information you have to support historical diversion amounts for your water right. If you have any such information, please send it to the address listed above.

SCANNED

JUN 06 2007

If you have any questions please feel free to contact me at 547-3993.

Respectfully,

Cindy E. Bird  
Adjudication Bureau

CC: BIA, U.S. Dept. Of Justice  
Jeanette Wolfley, Shoshone-Bannock Tribes  
State Of Idaho, David Barber  
Garrick Baxter, Deputy Attorney General

SCANNED

JUN 06 2007



State of Idaho

## DEPARTMENT OF WATER RESOURCES

900 N. SKYLINE DR., SUITE A, IDAHO FALLS, ID 83402-1718

PHONE: (208) 525-7161 FAX: (208) 525-7177 WEB SITE: [www.idwr.state.id.us](http://www.idwr.state.id.us)

EASTERN REGION  
October 31, 2006

JAMES E. RISCH  
Governor

KARL J. DREHER  
Director

NEIL MORGAN  
MORGAN ENTERPRISES LLC  
762 W HWY 39  
BLACKFOOT ID 83221

RE: RETURNED OWNERSHIP CHANGES 27-12011 FOR ELLIS, CAMPBELL  
AND KOHLER

Dear Mr. Morgan:

I am returning the above referenced documents. I have done extensive research on the property described in the deeds you submitted and there are no valid water rights on that property. 27-12011 was disallowed due to forfeiture as a result of 5 years of non-use when the Belnaps owned it.

I have enclosed a map delineating your clients' properties and the only valid water right in the area. As you can see, the water is not located in the same quarter section.

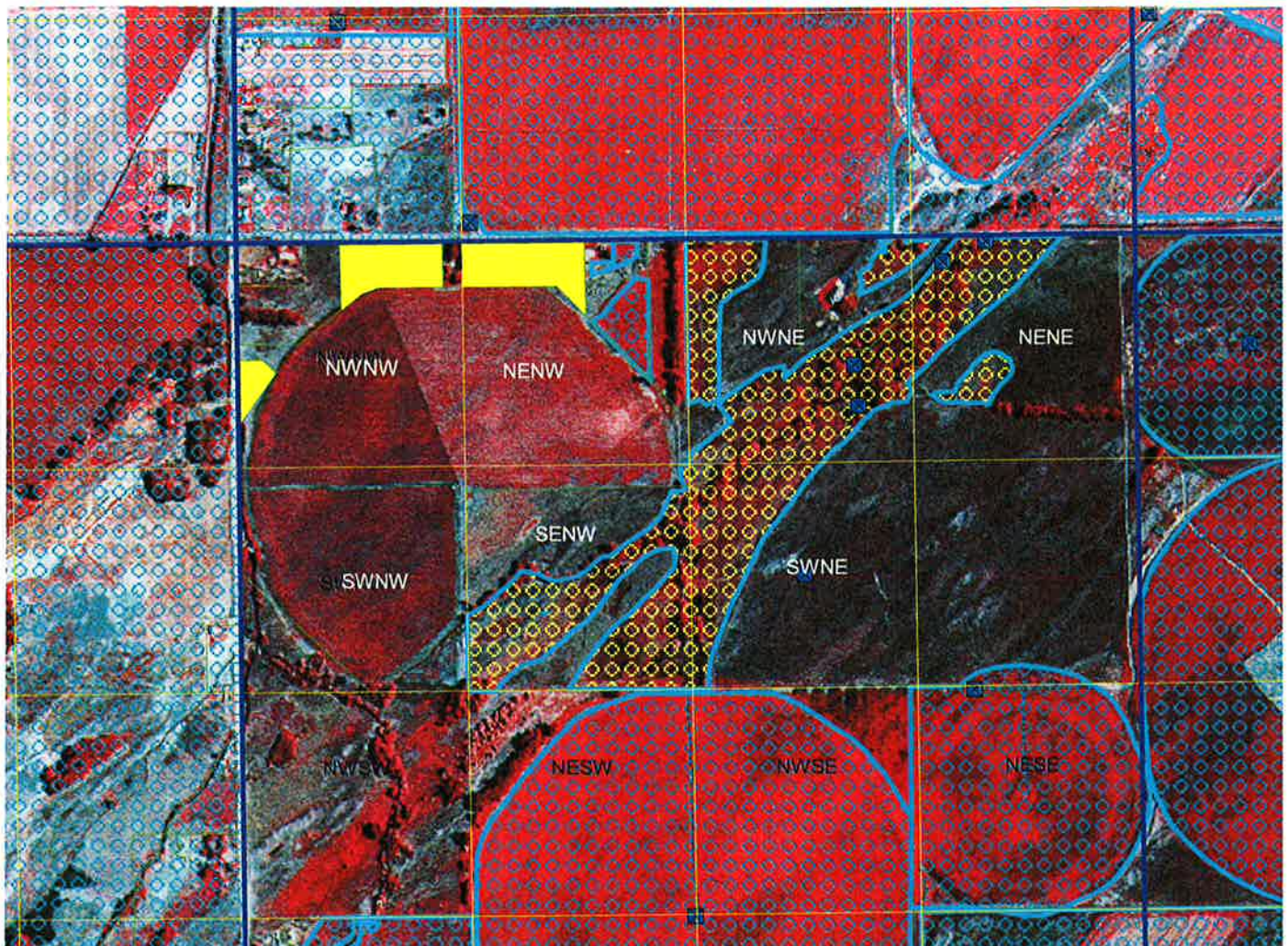
I hope this clears up any confusion you or your clients have over this issue. If you need more information, please contact Senior Water Right Agent, Cindy Bird, in our Soda Springs office at (208) 547-3993.

Respectfully,

Jennifer Crabtree  
Technical Records Specialist

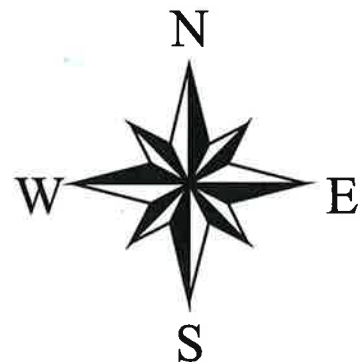
Enclosure

# 2 south, 36 east, section 14, north half



0.2 0 0.2 0.4 Miles

- Sections
- QQ
- Bingham taxlots
- GCDB02S36E GCDB
- Recommendation POD
- Recommendation POU
- Administrative BasinsAdminbas.shp





State of Idaho

## DEPARTMENT OF WATER RESOURCES

900 N. SKYLINE DR., SUITE A, IDAHO FALLS, ID 83402-1718

PHONE: (208) 525-7161 FAX: (208) 525-7177 WEB SITE: [www.idwr.state.id.us](http://www.idwr.state.id.us)

EASTERN REGION

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

September 28, 2005

Leon J Gardner  
400 N 469 E  
Blackfoot ID 83221

RE: Notices of Error

Dear Leon,

Enclosed is the most recent Preliminary Director's Report (PDR) for water rights 27-10028 and 27-12013, the associated layout, and a layout from a field inspection.

At the end of July, we received your reply to the Notice of Error we sent to you. As a response to that reply, Harold Jones went out to inspect the property you irrigate to ensure that we have the correct place of use in our database. Accompanied by yourself, Harold traced on an aerial photo your irrigated land, which only totaled 60.6 acres. Also, we have included in your water right files a note that you discussed with Ernie Carlsen the diversion rate and combined acreage of these two rights on August 15, 2005. However, the recommendation is limited to the information obtained in the field inspection. Therefore, I cannot recommend 70.2 acres of irrigated land as the place of use as you requested in your phone conversation with Ernie. The combined diversion limit you requested is consistent with the two rights. I did not add a total of 2.81 cfs to each right because each is allowed what is recommended. However, the sum of the two diversion rates totals 2.81 cfs.

Please review the PDRs enclosed and return the Notice of Error reply. If you have any questions, please feel free to contact Ernie Carlsen or myself at (208) 525-7161.

Respectfully yours,

Kristin Moore  
GIS Specialist

RECEIVED  
OCT 17 2005

PROFILED

08/24/2005

**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: 27-10028

LEON J GARDNER  
400 N 469 E  
BLACKFOOT ID 83221  
Telephone Number: (208)785-2040

BONNIE P GARDNER  
469 E 400 N  
BLACKFOOT ID 83221  
Telephone Number: (208)785-1688

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:

10/3/05

SIGNATURE:

*Leon J. Gardner*

Please print your name:

LEON J. GARDNER

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

08/03/2005

**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: August 31, 2005**

Water right number: 27-10028

LEON J GARDNER  
400 N 469 E  
BLACKFOOT ID 83221  
Telephone Number: (208)785-2040

BONNIE P GARDNER  
469 E 400 N  
BLACKFOOT ID 83221  
Telephone Number: (208)785-1688

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. ~ see below

DATE: 8/15/05

SIGNATURE: Leon J Gardner

Please print your name: \_\_\_\_\_

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

per 8/15/05 @ 1:15 P.M., call to Ernie Carlson the combined diversion limit is corrected to 2.81 CFS and the P.O.U. combined total is corrected to 70.2 acres.

RECEIVED  
AUG 24 2005  
Department of Water Resources  
Eastern Region

04/27/2005

NOTICE OF ERROR  
REPLY

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Telephone Number: (208)785-2040

BONNIE P GARDNER

469 E 400 N

BLACKFOOT ID 83221

Telephone Number: (208)785-1688

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

POU

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

INCREASE # OF IRRIGATED ACRES

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

PER DRAWING

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

DATE:

7/22/05

SIGNATURE:

*Leon J. Gardner*

Please print your name:

LEON J. GARDNER

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

*Cindy has the file and will do the changes.*

*LMJ  
7/22*

## MEMO

DATE: August 2, 2005

TO: Jennifer Crabtree

FROM: Cindy Bird

REF: 27-12013/27-10028

SUBJECT: Linking POU shape.

OK DC  
8-4-05

Please link the place of use shape from the enclosed CD to the above referenced claims. The GCDB and the imagery doesn't match so you will need to manually edit the number of acres in each QQ as listed on the data entry form after you link the shape.

The diversion rate on 27-12013 doesn't change because it is limited by the license 27-2012. The diversion rate on 27-10028 will change as noted on the data sheet.

## Place Of Use Data Entry Form

Claim Number: 27-10028☐ Use Claimed POU as Recommended POU

## Claimed Place of Use

| Twp | Rge | Sec | QQ | Q | County | Lot Num | Acres | Purpose of Use |
|-----|-----|-----|----|---|--------|---------|-------|----------------|
|     |     |     |    |   |        |         |       |                |
|     |     |     |    |   |        |         |       |                |
|     |     |     |    |   |        |         |       |                |
|     |     |     |    |   |        |         |       |                |
|     |     |     |    |   |        |         |       |                |
|     |     |     |    |   |        |         |       |                |

Total Acres \_\_\_\_\_

## Recommended Place of Use

| Twp | Rge | Sec | QQ   | Q | County  | Lot Num | Acres | Purpose of Use |
|-----|-----|-----|------|---|---------|---------|-------|----------------|
| 2S  | 36E | 14  | NWNE |   | Bingham |         | 24.4  | Irrigation     |
|     |     | 14  | NENE |   | Bingham |         | 14.4  | Irrigation     |
|     |     | 14  | SWNE |   | Bingham |         | 10.7  | Irrigation     |
|     |     | 14  | SENE |   | Bingham |         | 20.7  | Irrigation     |
|     |     |     |      |   |         |         |       |                |
|     |     |     |      |   |         |         |       |                |

Total Acres 70.2

## Document how the POU was verified:

The imagery and GCDB doesn't line up. Even though the POI shows some acres in the NENE, those acres are added to the POI in the NWNE for a total of 70.2 acres.

The acres will have to be manually adjusted after the shape is linked.

link 27-10028.shp

Transfers Changing POU NOReviewer: CBDate: 8/1/05 NOE changes.

## Period of Use and Quantity Data Entry Form

 Claim Number: 27-10028
☐ Use Claimed Period of Use and Quantity as Recommended Period of Use and Quantity

### Water Right Period of Use and Diversion Rate

| Water Use | Start | End | Rate | Volume |
|-----------|-------|-----|------|--------|
|           |       |     |      |        |
|           |       |     |      |        |
|           |       |     |      |        |

Overall Diversion Rate \_\_\_\_\_ Overall Diversion Volume \_\_\_\_\_

### Claimed Period of Use and Diversion Rate

| Water Use | Start | End | Rate | Volume |
|-----------|-------|-----|------|--------|
|           |       |     |      |        |
|           |       |     |      |        |
|           |       |     |      |        |

Overall Diversion Rate \_\_\_\_\_ Overall Diversion Volume \_\_\_\_\_

### Recommended Period of Use and Diversion Rate

| Water Use   | Start | End   | Rate | Volume |
|-------------|-------|-------|------|--------|
| Irrigation. | 4/1   | 10/31 | 2.41 |        |
|             |       |       |      |        |
|             |       |       |      |        |

 Overall Diversion Rate 2.41 Overall Diversion Volume \_\_\_\_\_

Document how the Period of Use and/or Diversion Rate were verified:

$$70.2 * 0.02 + 50.2 * 0.02 = 2.41 \text{ cfs.}$$

Recommending 2" per acre per time for Sandy soil. The other 20 acres is recommended under 27-12013

 Reviewer: CB

 Date: 8/1/05 NOE changes.

04/27/2005

NOTICE OF ERROR  
REPLY

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INCREASE # OF IRRIGATED ACRES

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

PER DRAWING

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

DATE:

7/22/05

SIGNATURE:

Leon J. Gardner

Please print your name:

LEON J. GARDNER

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

## Notes

4/22/04 B.U. claim for Sand Creek.

27-2012 is was licensed for 1.44cfs. They use more than that so this claim needs to be amended to include the additional flow. Skip suggested they go to FSA to determine more water (greater than 0.02cfs) is needed on this ground. *CP*

7/9/04 Need updated POA; POA's to amend the claims on 7/14/04 apt with claimants.

7/13/04 Amended claims need to be amended but the system was down when the Gardner came in for their apt. @ 10am. Note changes on the copy of the claim.

7-14-04 Letter to Doug Jones - Southern Region re Hubble Analysis. BP

7-14-04 Letter to claimant re amendment. BP

7-19-04 Amended claim received. BP

(27-12013)  
Acre limit when used with 2012 can irrigate at total of 52.1 acres.

2"/ac. per licensing exam statement. This right when combined with 27-12013 provides 2"/acre.  
52.1 acres irrigated

POA Stage 27-10028

27-12013 & 10028 use the same POA's.

27-12013 pod. Skip.

Create layout for 52.1 acres irrigated CB.

**Bird, Cindy**

---

**From:** Keen, Shelley  
**Sent:** Monday, April 11, 2005 7:52 AM  
**To:** Bird, Cindy; Shaff, Don  
**Subject:** Split of 27-2012

Cindy and Don,

I split License 27-2012 into 27-12071 and 27-12072 to accommodate the fact that two licenses were issued for the permit.

Call or email if you have questions.

Shelley Keen  
Water Right Permits Section  
Idaho Dept. of Water Resources  
208-287-4947  
shelley.keen@idwr.idaho.gov

*27-12013 is a portion of 27-2012*

Claim no. A27-10028  
A27-2012A

Claimant Contact Log

| Date | Remarks | Agent initials |
|------|---------|----------------|
|------|---------|----------------|

|         |                                                                                                                                                                                                                            |     |
|---------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|
| 6-16-04 | y The on-site exam was conducted on 6-16-04 with Claimant Bonnie Gardner. Photo # 1 shows an old diversion structure next to the current major one in Photo #2. Date on the old structure shows "1918" carved in concrete. | WLF |
|---------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|

Photo #2 shows the main diversion site on Sand Creek. Area is aptly named as all of ditch area + surrounding places of use is sand based.

GPS data is: 2645813 1340346 WSR, GPS Tag #40009074, GPS File - GARDNR

The flow measurement was taken here for a total of 5.08 cfs. All of the water is diverted out of Sand Creek by the 2 ditches shown.

Photo #3 shows the middle diversion on Sand Creek. The ditch is 3' wide by 1.5' deep + not yet opened for irrigation.

GPS data is: 2645969, GPS tag (existing) A0013029 on fence stake 1340530

to the right of the headgate. GPS File # 272012

Photo #4 is the uppermost diversion on Sand Creek. This is an 18" culvert to a small ditch that is not yet opened

for irrigation. GPS data is: 2646037 GPS Tag # A0012289 1340570 GPS File # 271028

Photo #5 shows the end of the Sand Creek channel. This is at the edge of the Clawson property claimed in

A27-02012B + A27-10761. The Clawson field is 5'-6' higher

than the channel bottom. It doesn't appear this water has been used on the Clawson ground for many years + the ground (Clawson) is now irrigated with a pivot from a well.

Claim no. A27-10028  
A27-2017A

Claimant Contact Log

Date 6-16-04

Remarks Page 2

Agent initials

WJF

Photo #6 shows the fence line at end of Sand Creek channel + edge of Clawson property. Note GPS unit on top of fence post. GPS data for that point is:  
2645116 GPS File # SDCRK  
1339890 No GPS TAG

Photo #7 shows a remnant of the Gardner's ditch that reached the Mickelson Property (Claim 27-2012). This does not appear to have been used in many years + it too is below the grade of the Mickelson property. The Mickelson property also is irrigated with a pivot from a well.

Photo #8 shows that Sand Creek now flows directly into the Reservation Canal. This canal was built in the early 1960's + did not flume Sand Creek water over or under it. Legally, I don't know how the Tribe could appropriate this water. Mr. Gardner, shown in the photo is standing on a headgate which allows some of the Sand Creek flow into a 4' wide channel. This is the channel that then flows onto the Gardner property.

GPS data for this intersection of Canal + Creek is  
2645108 GPS File - RESCNL  
1342067 No GPS Tag.

Claim no. A27-10028  
A27-2012A

Claimant Contact Log

Date 6-16-04

Remarks Page 3

Agent initials  
thf

It appears to me that Gardner are the only user of  
License 27-2012 with a probable beneficial use claim  
dated at least till "1919".

From the letters in the file + old permit data it appears  
"old" permit 4591 matured into 2 licenses somehow.  
One was for 1.44 cfs (I presume this was 27-2012)  
+ another for 1.00 cfs. The old Number book shows that  
"old" permit # 4288 (mentioned in property transfers) never matured  
into a license.

A27-2012A + A27-10028



Old diversion structure with  
year "1919" carved in concrete

Current major diversion structure,  
Site of measurement



GPS tag

A27-20124 + A27-10028

Middle diversion on Sand Creek

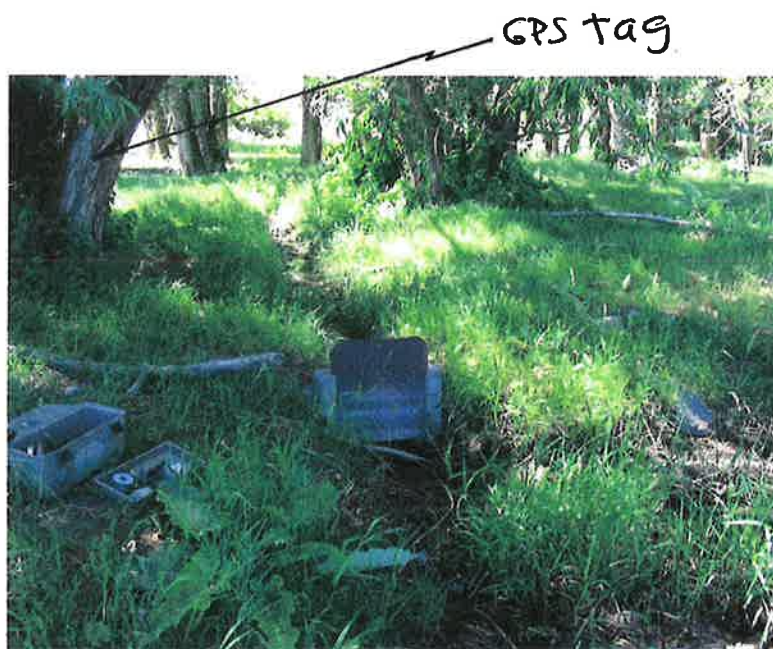
Sand  
Creek

Headgate



A27-20124 + A27-10028

A27-20124 + A27-10028



Upper diversion on Sand Creek

A27-2012A + A27-10028

↑  
5'-6'  
high  
↓



End of Sand Creek Channel



CR  
unit

End of Sand Creek Channel + edge  
of Clawson 3/4 Pivot

A27-2012A + A27-10028

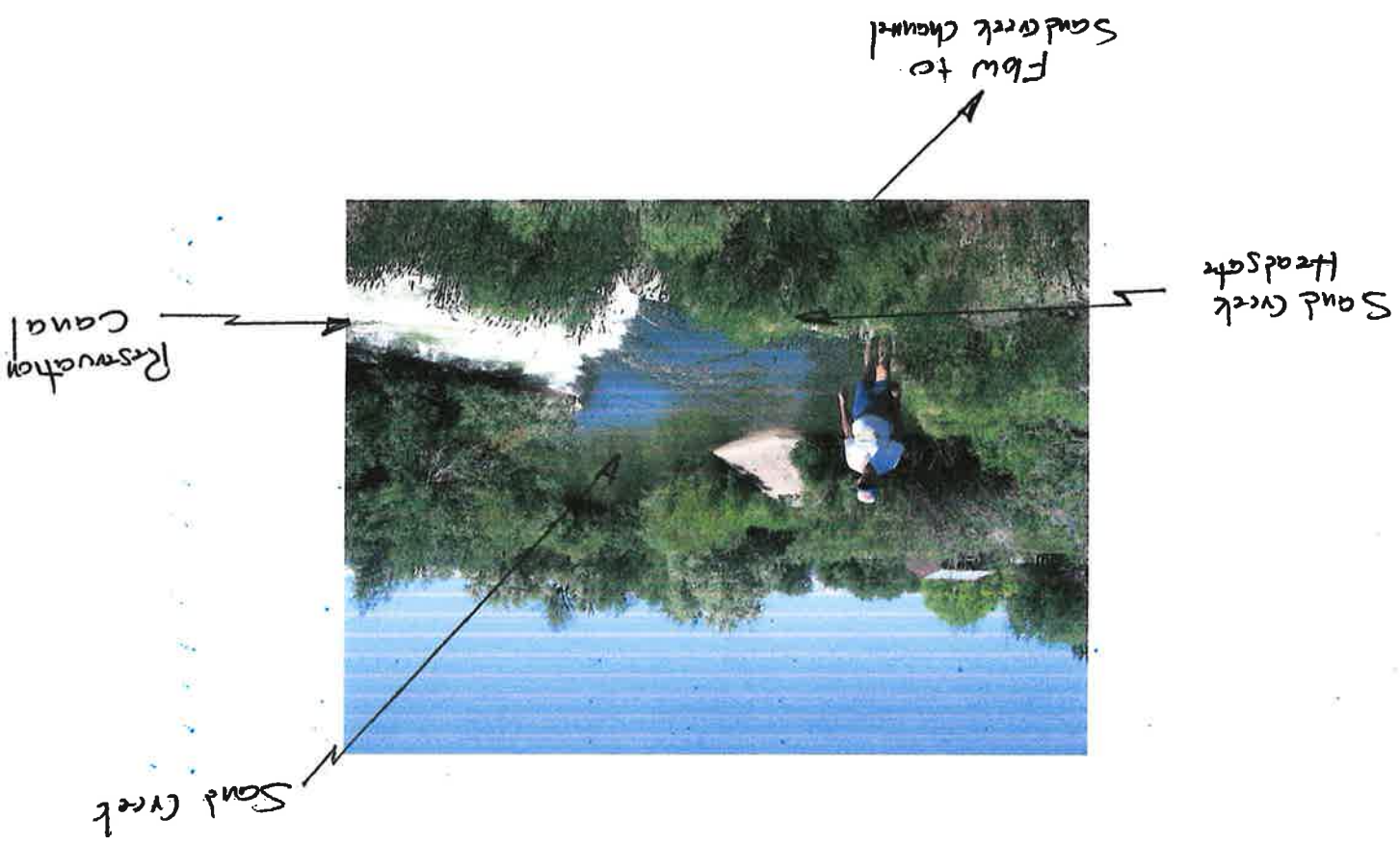
A27-2012A + A27-10028



Old ditch

Remnant of Gardner's ditch  
at edge of Mickelson property

A27-0201A + A27-100A8



A27-02012A + A27-10028



Sand Creek Channel after

exiting headgate

6/3/03

Purchased property in March 1977.

meeting in Soda Springs with Leona & Bonnie Gardner.

- requested warranty deed I.T. Alfred.
- also delivery of the water to their property.
- assessments paid,

- Newell Belnap still owns the NW<sup>1</sup>/<sub>4</sub>, NE<sup>1</sup>/<sub>4</sub> & SW<sup>1</sup>/<sub>4</sub> of section 14, T2S R36E.

- Clawson purchase 4 acres in SE<sup>1</sup>/<sub>4</sub> of Section 14 from Bonnie Gardner. to complete his pivot. (3/4 a circle)

The piece in NE<sup>1</sup>/<sub>4</sub> owned by Belnap has been irrigated from Sand Creek.





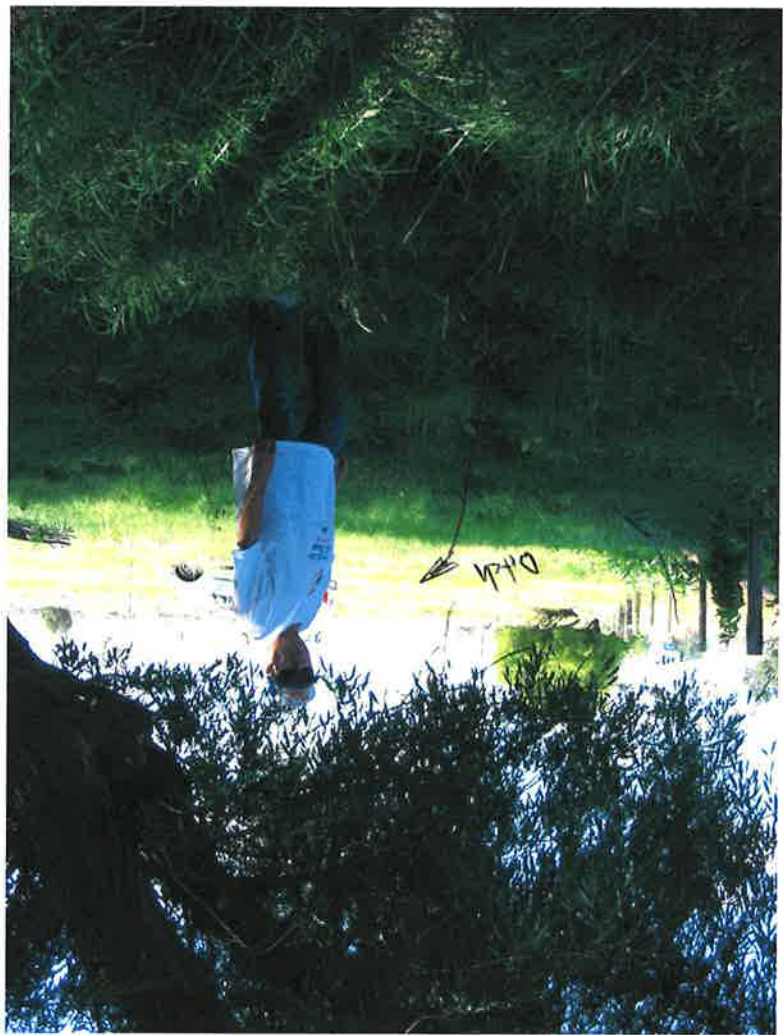
2

High

cove  
pipe

#1813

A27-10028 Looking East at Filler #1



A27-10028, Looking West

Ditch Line



Sand Creek



A27-10028, Looking East, Field # 1



A27-10028 Looking East, Field # 1



A27-10028, Looking West, Ditch & Concrete pipeline  
For field #2



A27-10028, Ladang East, pipeline (culvert) to field #2



A27-10028, Field #2

A27-10008 ✓ Sand Creek split to 2 ditches  
#3 pool from  
Right hand ditch goes to Field #3





**State of Idaho**

**DEPARTMENT OF WATER RESOURCES**

15 West Center Street, Soda Springs, ID 83276

Phone: (208) 547-3993 Fax: (208) 547-3939 Web Site: [www.idwr.state.id.us](http://www.idwr.state.id.us)

**DIRK KEMPTHORNE**  
Governor

**KARL J. DREHER**  
Director

July 14, 2004

Doug Jones  
I.D.W.R.  
Southern Region  
1341 Fillmore St. STE 200  
Twin Falls, ID 83301-3380

REF: Snake River Basin Adjudication (SRBA)  
Claims 27-10028 and 27-12013

Claimants: Leon or Bonnie Gardner  
469 E. 400 N.  
Blackfoot, ID 83221  
785-1688

Subject: Hubble Analysis

Dear Doug;

Hey guy how are things for you? It has been a long time. Thank you for taking on this Hubble Analysis. As you might note the source, Sand Creek, it is very sandy soil. They water pasture grass. I've made some notes and copied the Bingham County Soil Conversation information for you. Intrepid Technology assumed a 1% slope on the ditches. I think that is a pretty good assumption because if you look at the TOPO in included it is pretty flat in this country.

On the 1987/88 NAPP photography included are some heavy black lines. They are the ditches they use to irrigate this piece of property. Flood irrigation of course.

If you have any questions please don't hesitate calling the claimants or me.

Respectfully,

Cindy E. Bird

Enclosed: Bingham Co Soil Conservation Information (October 1973)  
1987/88 NAPP photography of POU.

Soil map

TOPO map

7/14/04 Claims: 27-12013 (27-2012) ; 27-10028

Bonnie P and/or Leon Gardner 785-1688.

469. E. 400 N.

Blackfoot, ID 83221.

REF: Hubble Analysis

Grp: Pasture grass.

Stream & ditches are natural channels.  
Ditches are cleaned yearly.

Dimensions:

Sand Crk. 3-4' deep ; 7-8' wide.

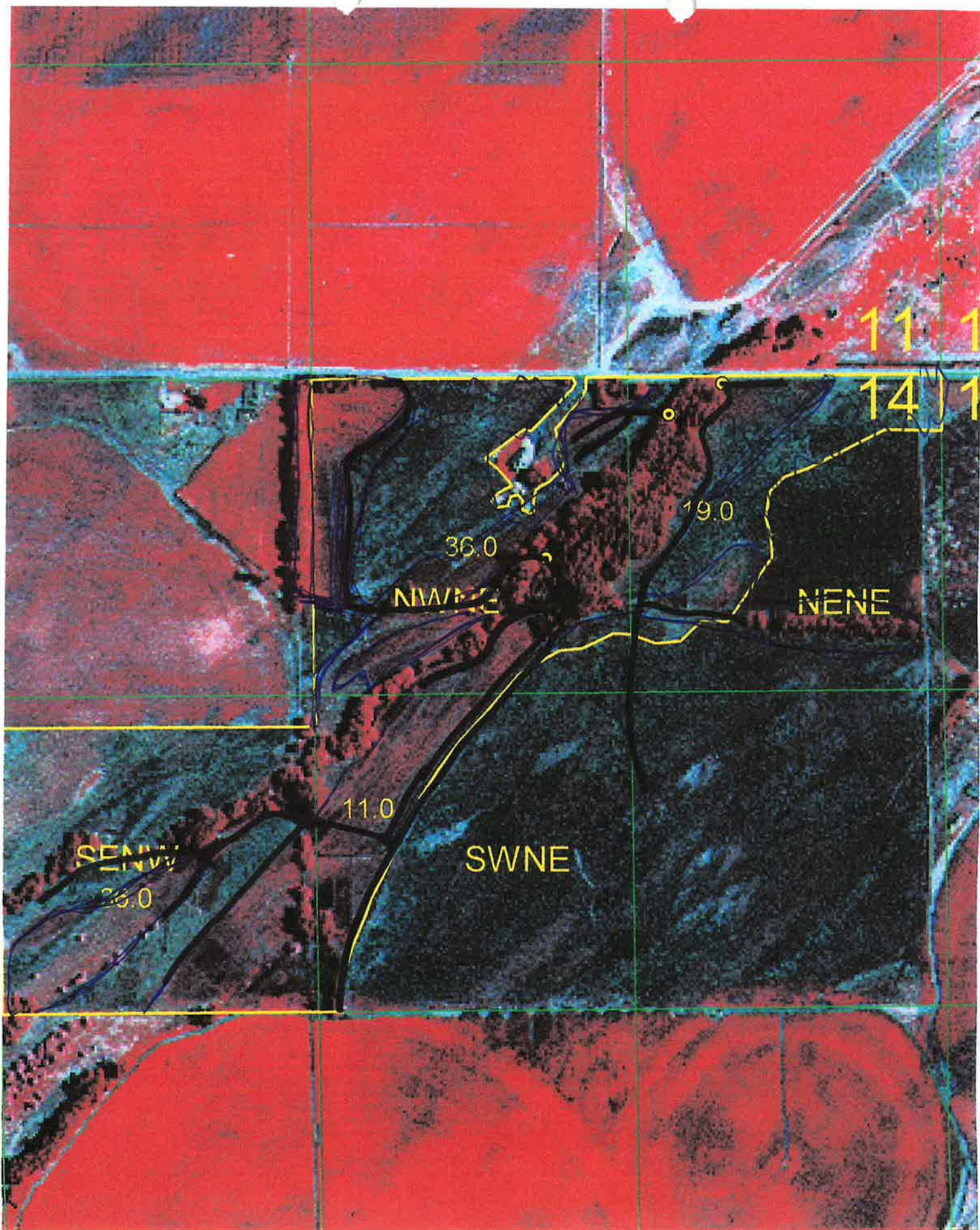
Ditches. 18" to 24" deep; 2-3' wide.

Slope: Looking at the TOPO the ground is fairly flat. Intrepid  
Technology assumed @ 1% slope. I think that is a  
good assumption.

Enclosed: pages from Oct. 1973 Bingham Area; Id.  
Soil Conservation Service.

Irrigation sou.: 4/1 - 10/31 214 days

Consumptive USE: headgate 4.0  
consumptive 3.0



# Topo Map

Bonnie Gardner

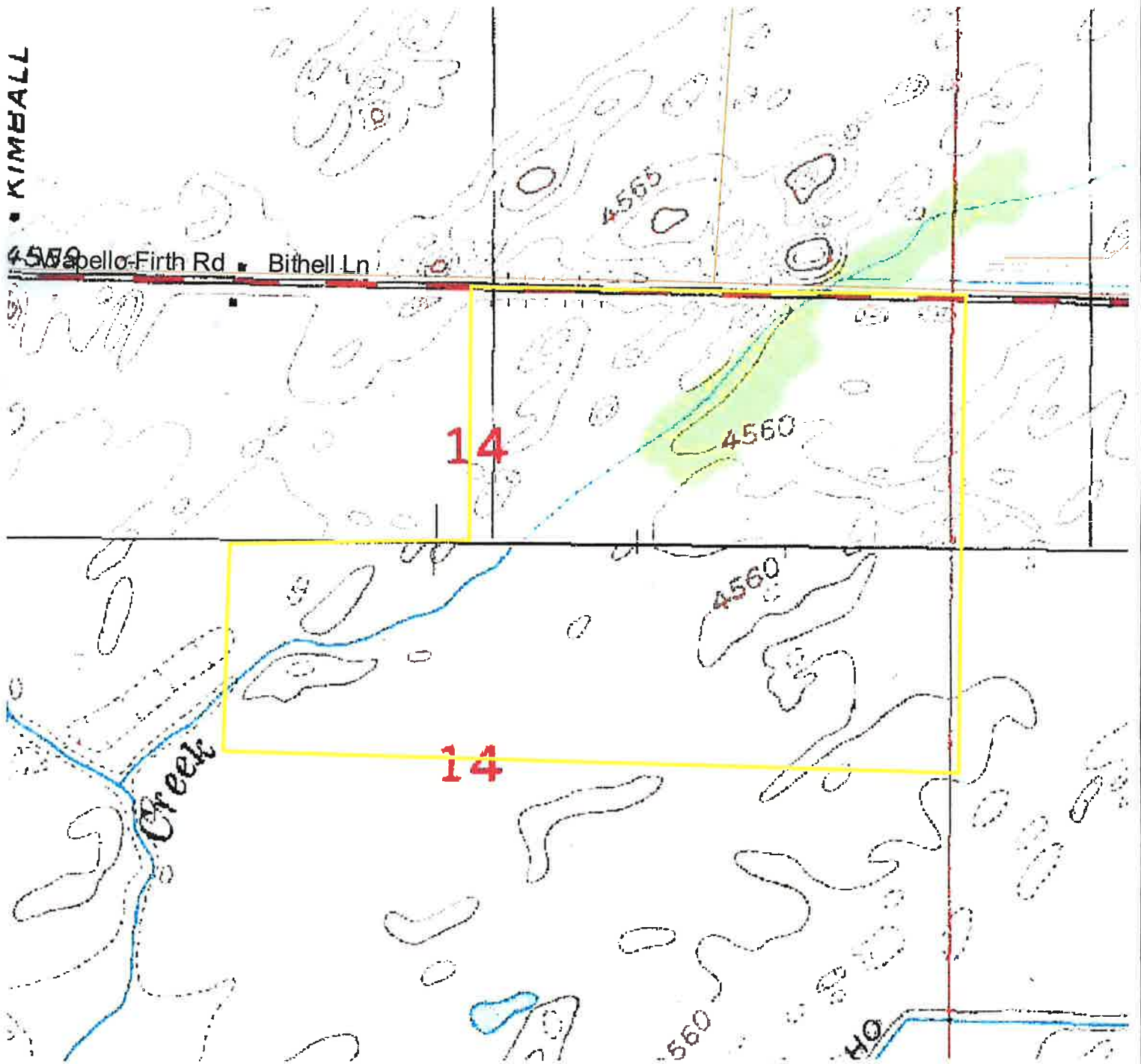
North Bingham Soil Conservation District

Date: 07/02/2004

Blackfoot

Natural Resources Conservation Service

Dean Smith



## Legend

- Ushwy\_I\_id011.shp
- Streetroads\_I\_id011.shp
- Sthwy\_I\_id011.shp
- Interstate\_I\_id011.shp
- 4wdtrail\_I\_id011.shp



1000 0 1000 2000 Feet



# Soils map

Bonnie Gardner

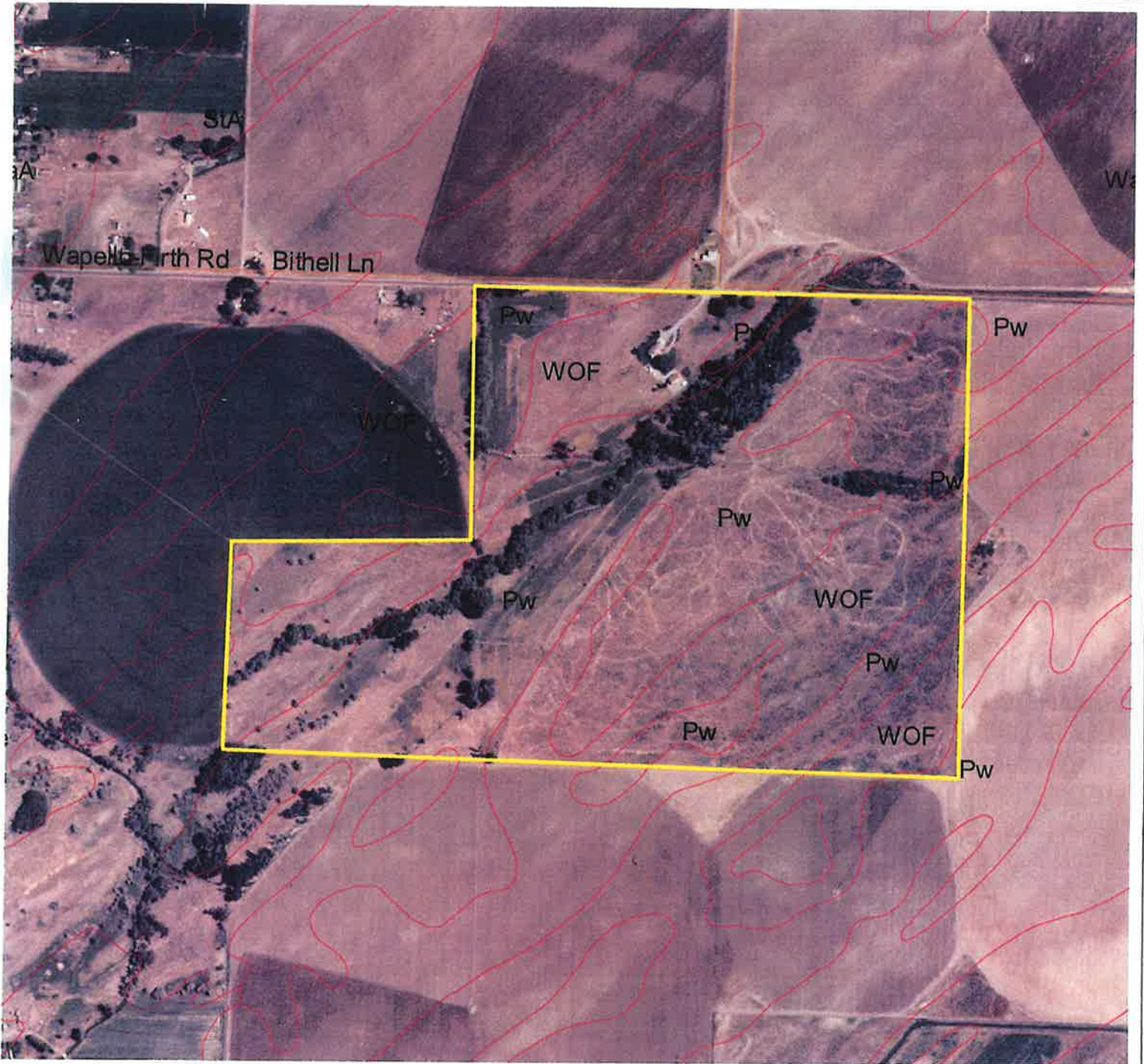
North Bingham Soil Conservation District

Blackfoot

Natural Resources Conservation Service

Dean Smith

Date: 07/02/2004



## Legend

- Ushwy\_l\_id011.shp
- Streetroads\_l\_id011.shp
- Sthwy\_l\_id011.shp
- Interstate\_l\_id011.shp
- 4wdtrail\_l\_id011.shp
- Soil\_a\_id770.shp



1000 0 1000 2000 Feet



Water<sup>s</sup>  
27-12013  
27-10028



**State of Idaho**

**DEPARTMENT OF WATER RESOURCES**

15 West Center Street, Soda Springs, ID 83276

Phone: (208) 547-3993 Fax: (208) 547-3939 Web Site: [www.idwr.state.id.us](http://www.idwr.state.id.us)

**DIRK KEMPTHORNE**  
Governor

**KARL J. DREHER**  
Director

July 14, 2004

Leon J. Gardner  
Bonnie P. Gardner  
469 E. 400 N.  
Blackfoot, ID 83221

Ref: Snake River Basin Adjudication (SRBA)  
Notice of Claims 27-12013 & 27-10028

Subject: Amending your claims

RESPONSE DATE: JULY 21, 2004

Dear Leon and Bonnie,

Sorry that our system was down during your visit to the office. I have amended the claims listed above. Again, if you agree with the amendments, please sign them in front of a notary and return them to me in Soda Springs.

If you have any questions please feel free to contact me in Soda at 547-3993.

Respectfully,

Cindy E. Bird

Enclosure: Amended Notice of Claims 27-10028 & 27-12013.

Q U I T C L A I M     D E E D.

THIS INDENTURE, Made the 1st day of October, in the year of our Lord one thousand nine hundred and twelve between Charles F. Landon of the County of Bingham and State of Idaho, the party of the first part, and Isaac T. Alfred, of the County of Bingham and the State of Idaho, the party of the second part,

WITNESSETH: That the said party of the first part, for and in consideration of the sum of One dollar, lawful money of the United States of America, to him in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, does by these presents devise, release and forever quit-claim unto the said party of the second part, and to his heirs and assigns, all that certain water right situated in the County of Bingham, State of Idaho, and bounded and particularly described as follows, to-wit:

Three and two tenths cubic feet per second of the waters of Sand Creek and its tributaries, for the irrigation of the NW<sup>1</sup> Sec. 14, Twp. 2 S., R. 36 E., B.M., as covered by and included in the application for Permit No. 6288, which was approved by the State Engineer of the State of Idaho, Permit No. 4591 issuing thereon, to the party of the first part.

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof.

To Have and to Hold, all and singular, the said premises, together with the appurtenances unto said party of the second part, and to his heirs and assigns forever.

IN WITNESS WHEREOF, the said party of the first part has hereunto set his hand and seal the day and year first above written.

Signed, Sealed and Delivered in the Presence of Chas. F. Landon.

Lorenzo E. Thomas.

STATE OF IDAHO. )  
County of Bingham. ) ss.

On this 1st day of October in the year 1912, before me Lorenzo R. Thomas, a Notary Public in and for said county and state, personally appeared Charles F. Landon, known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same.

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

(SEAL)

Lorenzo R. Thomas.

My Commission Expires Feb. 25th, 1915.

Notary Public.

Received and filed for record in the office  
of the State Engineer at Boise, Idaho, at  
9:00 A. M. Oct. 4, 1912.

A. E. Robinson,

State Engineer.

APC.

# **Meeting to Discuss Installation of Measuring Devices on the Blackfoot River**

June 29, 1999

1:00 pm, Conference Room, Bingham County Courthouse, Blackfoot

## **Agenda**

Welcome and Introductions

Article 8.3.3 of the 1990 Fort Hall Indian Water Rights Agreement

Snake River Basin Adjudication procedures, impacts and timing

Water Measurement Plan prepared for Bureau of Indian Affairs by MSE HKM  
Engineering

Review of Plan

Funding *BIA*

Implementation Steps

Other Items for Discussion

## **Attachments:**

Extract from the 1990 Fort Hall Indian Water Rights Agreement

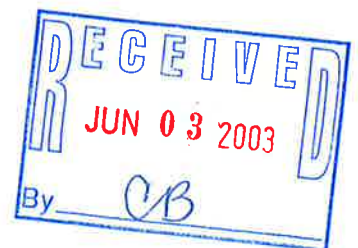
IDWR Processing Forecast for Irrigation and Other State-Based Claims

Water Measurement Plan

Text

Table 1 -- Cost Estimates

Table 2 -- Work Remaining



**THE 1990 FORT HALL INDIAN  
WATER RIGHTS AGREEMENT**

**\* \* \***

**By and Between**

**THE SHOSHONE-BANNOCK TRIBES  
OF THE FORT HALL INDIAN RESERVATION,  
THE STATE OF IDAHO, THE UNITED STATES,  
and CERTAIN IDAHO WATER USERS**

# THE 1990 FORT HALL INDIAN WATER RIGHTS AGREEMENT

## TABLE OF CONTENTS

|                                                                   | <u>Page(s)</u> |
|-------------------------------------------------------------------|----------------|
| ARTICLE 1. TITLE.....                                             | 1              |
| ARTICLE 2. PURPOSE.....                                           | 1              |
| ARTICLE 3. PREAMBLE.....                                          | 1-4            |
| ARTICLE 4. DEFINITIONS.....                                       | 4-15           |
| ARTICLE 5. PARTIES AND AUTHORITY.....                             | 15-16          |
| ARTICLE 6. TRIBAL WATER RIGHTS FOR PRESENT<br>AND FUTURE USE..... | 16-17          |
| ARTICLE 7. LIST OF TRIBAL WATER RIGHTS.....                       | 17-56          |
| ARTICLE 8. ADMINISTRATION OF WATER RIGHTS.....                    | 56-62          |
| ARTICLE 9. INTERGOVERNMENTAL BOARD.....                           | 63             |
| ARTICLE 10. FINALITY OF SETTLEMENT AGREEMENT.....                 | 63-64          |
| ARTICLE 11. DISCLAIMERS AND GENERAL PROVISIONS.....               | 64-69          |
| ARTICLE 12. PROTECTION OF EXISTING USES.....                      | 69-70          |
| ARTICLE 13. CONTRIBUTIONS TO SETTLEMENT.....                      | 70-71          |
| ARTICLE 14. SUCCESSORS.....                                       | 71             |
| ARTICLE 15. ENTIRE AGREEMENT.....                                 | 72             |
| ARTICLE 16. EFFECT OF HEADINGS.....                               | 72             |
| ARTICLE 17. MULTIPLE ORIGINALS.....                               | 72             |
| ARTICLE 18. EFFECTIVE DATE.....                                   | 73             |
| ATTACHMENT                                                        |                |

the Reservation for those water rights administered under Article 8.2.6. The State may accompany the Tribes and the United States.

- .8 The Tribes or the United States shall install or cause to be installed monitoring devices for administration of Tribal water rights within the Reservation to the same extent as required of other water users in Idaho. The cost of these monitoring devices shall be paid from the funds authorized by Congress as required by Article 13.2. The United States, the Tribes and the State shall monitor those diversions that each party actually administers within the Reservation and report the diversion records each year to the Intergovernmental Board by March 1 of the year after each reporting year.

- 8.3 Although the water rights from the Blackfoot River have been delivered for over 100 years without any disputes arising between the Tribes, the United States, and the State over administration, the parties heretofore have been unable to agree upon their respective authority to administer water rights from the Blackfoot River. The parties agree to avoid litigation by continuing to administer the water rights decreed in the SRBA from the Blackfoot River as water rights from the Blackfoot River have been administered in the past. The parties also agree as follows:

- .1 To prepare and implement a Blackfoot River Water Management Plan to satisfy the purposes set forth in the Attachment;
  - .2 To install or cause to be installed monitoring devices on all present and future points of diversion from the Blackfoot River; and
  - .3 To provide access to inspect water monitoring devices and diversions on the Blackfoot River where necessary for administration of rights to divert water from the water system. A party requesting access to a monitoring device shall provide reasonable notice, and the party providing access to the monitoring device or diversion may accompany the inspecting party.
- 8.4 The parties agree to administer water rights from the Snake River as follows:
- .1 The State shall account for and administer the diversion of water from the Snake River by all water users, including the United States and the Tribes, in conformance with the SRBA decree. The State, in administering such waters, shall ensure the delivery to all water users, including the United States and the Tribes, their legal entitlement to water from natural flow and storage. The United States shall be solely responsible for the physical operation of its Snake River diversion facilities in accordance with the Snake River Watermaster's direction. In the event the United States disputes the Snake River

# IDWR PROCESSING FORECAST FOR IRRIGATION AND OTHER STATE-BASED CLAIMS

|                |                                         |       |       |       |       |       |             |             |          |          |
|----------------|-----------------------------------------|-------|-------|-------|-------|-------|-------------|-------------|----------|----------|
| REG            | 1,2781321,2031,5431,3533,1411,39110,109 |       |       |       |       |       |             |             |          |          |
|                | 71                                      | 72    | 41    | 43    | 45    | 47    | 37          | 81-86       | Finalize |          |
| E              | 2,2133191,5931,2262,7502,90212,412      |       |       |       |       |       |             |             |          |          |
|                | 35                                      |       | 32    | 33    | 31    | 29    | 23,24,25,27 | 21,22,01    | 73-75    | Finalize |
| W              | 2,8155005001,2223,6672,4941,43112,738   |       |       |       |       |       |             |             |          |          |
|                | 55                                      | 51    | 61    | I     | 6565  | III   | 63          | 02,03,67,69 | 77,79    | Finalize |
| Calendar Years |                                         |       |       |       |       |       |             |             |          |          |
| Yearly Totals  | 1998                                    | 1999  | 2000  | 2001  | 2002  | 2003  | 2004        | 2005        |          |          |
|                | 6,306                                   | 1,403 | 5,602 | 2,946 | 4,893 | 5,891 | 6,787       | 1,431       |          |          |

**WATER MEASUREMENT PLAN**

**BLACKFOOT RIVER NORTH SIDE USERS  
WATER USE ANALYSIS**

**MODIFICATION NUMBER 11 TO INTER-AGENCY AGREEMENT  
AGPOO 9976 89**

**Prepared for:**

**UNITED STATES DEPARTMENT OF INTERIOR**

**BUREAU OF INDIAN AFFAIRS**



**Prepared by:**



**2727 Central Avenue  
P.O. Box 31318  
Billings, MT 59107-1318  
(406) 656-6399  
Fax: (406) 656-6398**

## **BACKGROUND INFORMATION**

The Blackfoot River separates the Fort Hall Indian Reservation to the South from non-Reservation lands on the north near the town of Blackfoot, Idaho. A series of surface water diversions and pumping plants serve Water District 27 to the North from the Blackfoot River. Conversely, a series of diversions to the South deliver water to the Fort Hall Irrigation Project on the Fort Hall Indian Reservation. The study area included in this analysis includes diversions to the District 27 water users on the north side of the Blackfoot River below Wolverine Creek and on diversions from selected tributaries of the Blackfoot River system upstream of Blackfoot Reservoir. The study area extends West to the last diversion by District 27, the Smith-Maxwell Ditch diversion.

Surface water diversions from the Blackfoot River are governed by two major water rights documents. The original decree states that the District 27 Water Master must measure and quantify all diversions (flow rates) to District 27 from the Blackfoot River. The 1990 Fort Hall Water Rights Agreement currently limits the total diversion volume to District 27, to 45,000 acre-feet (AF) annually. The latest decree is definitive and restrictive, as it places a volumetric limit to District 27 diversions.

The historical diversion records from the District 27 Water Master show large variations in total diversion volume, varying from 44,312 AF/year to nearly 106,000 AF/year. This extensive range of values raises questions concerning the accuracy of the diversion water measurement program and quantification of deliveries to District 27. In addition, the water rights analysis included in this work show that lands served by Blackfoot River water have Snake River water rights and are theoretically served by irrigation water from the Snake River, via inflows from Sand Creek, West Branch Canal and Corbett Slough. Quantification of these Snake River inflows is necessary to identify how many acres having Snake River exchange water rights can be served out of Blackfoot River sources.

## **PURPOSE AND OBJECTIVES**

To better quantify future water deliveries to District 27 and to quantify Snake River exchange inflows to the Blackfoot River system, MSE-HKM proposes updating or replacing water measurement methods and/or installing new water measurement facilities on major District 27 diversions. This report outlines a conceptual plan for updating water measurement methods and implementing new water measurement structures on the Fort Hall North Side Users Water District 27 to automate and facilitate accurate water measurement records. MSE-HKM has identified specific sites for the water measurement facilities, based on the results of reconnaissance-level field investigations by an agricultural engineer and office analysis by a certified aerial photogrammetrist. Diversions from and major return flows into the Blackfoot River and major Snake River inflow sites have been identified via the field and office analysis. These key sites are the major locations identified for water measurement structures in this analysis. Other sites in the upper basin were identified, to help address the issue of whether diversions occur after July 1, as well as defining typical annual diversion volumes in the upper basin.

Funding sources to finance the water measurement structures and upgrades have not specifically been identified. It is assumed that capital resources and monitoring budget will be made available from a variety of sources, including Idaho Department of Water Resources (IDWR) and the United States (Bureau of Indian Affairs Fort Hall Irrigation Project).

In August 1997, MSE-HKM completed an inventory of diversions from the Blackfoot River to District 27 and tributary inflows into the Blackfoot River upstream of the town of Blackfoot. The field investigations were completed to assess water measurement methods used by the District 27 Water Master, to assess the existing condition of water measurement facilities and to identify where additional water measurement facilities are needed.

During the field investigation, tributary inflows to Blackfoot Reservoir were visited, in addition to the tributary inflows to the Blackfoot River downstream of Blackfoot Reservoir. A summary report of this field work, including photos of existing measurement sites, is on file at MSE-HKM Inc. and the Fort Hall Irrigation Project Office. In general, measurement methods and flow rates measured during MSE-HKM's field investigations corresponded well with those completed by the District 27 Water Master just prior to MSE-HKM's field visit.

## **WATER MEASUREMENT PLAN**

The canal diversions to Water District 27 include: Just Canal, Eastern Idaho Slough, Little Butte Canal, Miner's Ditch, Stephens Ditch, Smith-Maxwell Ditch, Central Ditch and Riverton Ditch. There are also a number of pump diversions from the Blackfoot River to irrigated tracts of land to the North that are monitored by District 27.

The major diversions to Fort Hall Indian Reservation lands in the study area include: Little Indian Canal, Fort Hall Main Canal and Fort Hall North Canal. The Fort Hall Irrigation Project monitors irrigation diversions to these canal systems and thus, the southern diversions are **not** included in this water measurement plan. Also, the tributary inflow sites to the Blackfoot River between Blackfoot Reservoir and the lower basin are not included in this water measurement plan, as these sites are measured only upon request of the Fort Hall Irrigation Project.

## **LOWER BASIN WATER MEASUREMENT PLAN**

The proposed water measurement plan in the lower basin includes upgrading all of the existing water measurement systems with new water measurement facilities, installing additional water measurement facilities at key locations and automating all facilities. For canal diversions, new flow measurement structures are proposed, including flumes and weirs. In general, each existing structure will be replaced with a newly constructed water measurement device, which will increase measurement accuracy and allow for simultaneous installation of automated recording equipment. Installing automated

recording stations with each canal measurement structure installation will minimize errors that have been in question concerning surface water measurements in the past. The automated equipment will also provide a much more complete record of diversions (ie. real-time, continuous recording versus point-in-time measurements taken every two weeks as is currently done). In addition, the automated equipment will eliminate the need for the District 27 Water Master to manually take measurements, except to spot check and verify the recording stations once or twice a year.

New flowmeters will be installed at all but one pumping plant location off of the Blackfoot River. The new flowmeters will not only provide instantaneous flow readings, but will also includes a total volume meter, which keeps track of cumulative volume diverted for a given time period. The following discussion includes a brief description of each of the new, proposed flow measurement stations. Figure 8 shows the approximate locations of water measurement facilities for the lower basin.

### **Canal Diversions**

**Smith-Maxwell Ditch.** The District 27 Water Master, John Davidson, indicated that water diverted out of the Blackfoot River into the Smith-Maxwell Ditch is Snake River exchange water. In addition, Mr. Davidson stated that there is currently only one surface-water user out of the Smith-Maxwell Ditch. The remaining water users who have water rights out of the Smith-Maxwell Ditch have converted from surface water to groundwater as their irrigation source. This creates a water accounting problem, in that the acreage served out of Smith-Maxwell Ditch is included in the total acreage that is intended to be served with Blackfoot River surface water rights.

Due to the limited elevation head available in this ditch, it is proposed that a long-throated flume (sometimes referred to as a broad crested weir) be installed approximately 0.2 miles downstream from the Smith-Maxwell Ditch diversion point. Along with the long-throated flume, it is proposed to install an automated flow recorder. A suitable site was identified and agreed upon with IDWR during MSE-HKM's field tour on June 16, 1999. The approximate location of this structure is shown on Figure 1.

**Riverton Ditch.** It is proposed to install a long-throated flume, with automated flow recorder, at the location currently used for flow measurement by District 27. The canal grade (slope) appears minimal in the proposed reach of this ditch, which is located just downstream from the diversion point. The existing concrete structure is in good condition and should accommodate the installation of a prefabricated flume.

The proposed water measurement structure on Riverton Ditch will be located near the county road where potential public access and vandalism could occur. Therefore, it is proposed to bury the data recorder box in the canal bank at this location, to minimize the potential for damage due to vandalism.

**Central Ditch.** A 6-foot wide rectangular flume currently crosses a drain ditch approximately one-half mile downstream from the diversion point of the Central Ditch.

The flume is in good condition and can continue to be used as a flow measurement section, if a rating curve was developed for the channel section. Automated data recording equipment could then be installed to continuously monitor water depth (stage) at the location, which could be converted to flowrate.

**Stephens Ditch.** A 5-foot wide rectangular flume currently crosses a drain ditch approximately one-half mile downstream from the diversion point of the Stephens Ditch. The flume is in good condition and could be used as a measurement section, if a rating curve was developed for the channel section. Automated data recording equipment could then be installed to continuously monitor water depth (stage) at the location, which could be converted to flowrate.

**Miners Ditch.** Miners Ditch is located in the southwest corner of the town of Blackfoot, Idaho. Miners Ditch is currently served by two Town-owned pumps on the Blackfoot River, located where the Blackfoot River crosses under Highway 91. The existing pumps have flow metering equipment installed, but the equipment has had historical problems with moss from the river plugging the flowmeters and affecting accuracy of the measurements.

According to District 27 Water Master, John Davidson, the Town of Blackfoot is planning on abandoning their surface water rights from the Blackfoot River, served by the pumps to Miners Ditch. The Town will get water for future irrigation from a developed groundwater well, located on the west-end of Blackfoot. Upon development of the groundwater source, the Town will remove the pumps located on the Blackfoot River.

Currently, the flow from the Town-owned pumps discharges at three potential locations (open ditches). If flows are monitored at these three locations in the future, three surface water flow measuring devices would be required. Therefore, we propose installing two new, specialty flow meters at the pumps to monitor diversions, rather than three surface water flow measuring devices.

The two new flowmeters would be installed at the Town's pump house to replace the existing, inoperable flowmeters. It is proposed to use venturi-tube flowmeters, or similar non-clogging meters, to assure accuracy of the flow measurement even during high-moss periods. Although the specialty meters are more expensive than typical propeller meters, the accuracy gained from the specialty meters may outweigh the cost of installation (each of the Town's pumps is capable of pumping approximately 10 cfs). The flow meters should be purchased with automated data recording capabilities, to provide real-time measurements and to automatically store historical flow data.

**Packer Ditch.** Packer Ditch serves a small, contiguous acreage, owned by one property owner. A canal gate from the Blackfoot River diverts water into the Packer Ditch just upstream of the diversions to the Fort Hall Irrigation Project's North Canal. According to the District 27 Water Master, the Packer Ditch has a maximum capacity of about 4 cfs. A long-throated flume is proposed to measure flow in the Packer Ditch, which would be installed just downstream of the diversion. An automated data recorder is not proposed at

this location, as canal flow is intermittent and relatively small. The flow in the Packer Ditch can be read manually from a staff gage on the flume and recorded by the Watermaster.

**Little Butte Canal.** The Little Butte Canal diverts water from the Blackfoot River just below the Equalizer Reservoir in the southeast quarter of Section 12 (T3S, R35E). An existing Cipoletti weir measures the flow in the Little Butte Canal just below the diversion point. The existing concrete weir structure appears in sound condition. The sharp-crested weir plate is missing from the concrete structure and the staff gage is not mounted solidly. Therefore, a new weir crest and a new staff gage need to be installed to produce acceptable measurement accuracy. An automated data recorder is proposed at this location to provide real-time data collection.

**Eastern Idaho Slough.** The Eastern Idaho Slough water measurement structure currently consists of twin, 7-foot rectangular weirs, located just downstream of the diversion from the Blackfoot River. The canal section, canal bottom and sides, becomes extremely overgrown with moss and grass during the growing season. The overgrowth affects water flow through the section and subsequently affects the accuracy of the flow measurements. The staff gage is located in a sediment-affected area on the north bank of the canal, which also is extremely overgrown with vegetation. The staff gage needs to be replaced and relocated to provide measurement accuracy.

It is proposed to construct a new concrete base structure to support a new weir section across Eastern Idaho Slough at the same location as the existing structure. There appears to be adequate hydraulic head to provide accurate measurements using a sharp-crested weir. A new staff gage and automated recorder should be included in the installation.

**Just Canal.** The Just Canal diversion from the Blackfoot River delivers water to various pumping plants, before spilling wastewater back to the river. A rock/rubble diversion dam in the Blackfoot River is used to divert water into the Just Canal. A large culvert with flashboards is used as the water control structure for the inlet of the diversion. The rock/rubble diversion dam has historically been problematic and requires significant annual maintenance to keep the Just Canal operational.

Due to the apparent lack of available hydraulic head near the diversion, a flume is proposed to measure flow just downstream of the large culvert. A staff gage and automated recorder should be part of this installation to provide accurate, real-time flow measurement data.

### **Pump Diversions**

**Town Pumps (discussed previously as Miners Ditch).** The Town Pumps, delivering water to Miners Ditch, were discussed previously in the "Canals" section of the "Lower Basin Plan".

**Section 16 Pumps.** Three pumping plants located in the northwest quarter of Section 16 (T2S, R37E) deliver water to lands north of the river. The pump flowmeters appear operable, but show extremely high variability in measurement accuracy and need to be replaced. Therefore, it is proposed to replace existing flow meters at this location with three new flowmeters, which read instantaneous flowrate and also store cumulative flow volume.

**Section 12 Pumps.** Three pumping plants located in the west half of Section 12 (T2S, R37E) deliver water to lands north of the river. The pump flowmeters are operable, but show significant variability in instantaneous flow measurement accuracy. These flowmeters should also be replaced with three new flowmeters. The new meters should be capable of accurately reading instantaneous flow as well as storing cumulative flow volume data.

**Pump Across From Little Indian Ditch Diversion.** A pump serving lands to the north of the Blackfoot River is located across the river and just downstream from the Little Indian Ditch Diversion. This pumping plant is located at the bottom of a steep cliff. It appears a flowmeter was once in place and has been removed from the pipeline at the top of the cliff. A new flowmeter should be installed at the top of the cliff with both instantaneous flow and cumulative flow volume capabilities.

**Section 7 Pumps.** Two large pumping plants are located in the northeast quarter of Section 7 (T2S, R38E). A flowmeter exists at the top of the cliff, but the flowrate appears to fluctuate significantly and measurements taken by District 27 Water Master are actually **time** measurements, rather than flow measurements. The electrical control boxes at the top of the cliff have time meters that indicate the time the pumps are running. Based on a pre-assumed flowrate and the time the pumps have operated, the Water Master estimates how much flow has been delivered by each pumping unit. The problem with this measurement method is that both time measurement devices can be turned off manually at any given time (the water user can turn the time meter on and off at will and could alter the accuracy of the flow estimate made by the Water Master).

It is proposed to install two new flowmeters in the pipelines at the top of the cliff. The flowmeters should be installed with both instantaneous flow and cumulative flow volume capabilities. There is an access road to the bottom of the cliffs at this location, as it is the location of the USGS flow measurement gaging station. Therefore, if it is determined that there is a high potential for vandalism at this site (located next to the road), the flowmeters could be installed just downstream of the pumping plants at the bottom of the cliff.

**Wolverine Creek Pump.** The District 27 Water Master currently monitors water use from Wolverine Creek, a tributary to the Blackfoot River, through one flow meter at a pumping plant along a diversion ditch from Wolverine Creek. The center pivots served by the Wolverine Creek Pump are located on bench lands in Section 17 (T2S, R38E). Unused tailwater traveling past the pump site is diverted back into Wolverine Creek over a cliff below the pump site. The ditch used to convey irrigation water from Wolverine

Creek to the pump site is approximately 2.5 miles long, from the diversion to the pump site. The Water Master does not measure or estimate seepage and other losses between the diversion and the pump site.

At the time of MSE-HKM's field investigation in 1998, a new pump, sediment filter and flow meter had been installed at the Wolverine Creek pump and thus, a new flow meter is not recommended at this site. However, since there are losses and incidental consumptive uses occurring from the diversion point to the pump, it may be more appropriate to locate a diversion measurement structure at the diversion point from Wolverine Creek, rather than at the downstream pump.

### **Snake River Inflows Into District 27**

#### **Town of Blackfoot**

The Town of Blackfoot inflow site was deleted, due to information gathered in the field on June 16, 1999. The site was previously identified as a significant Snake River inflow location. However, during our site visit on June 16, we discovered that the tail water from the West Branch Blackfoot Canal discharges back into the Snake River and not into District 27. Therefore, the Town of Blackfoot inflow measurement site was deleted from this plan.

**Corbett Slough Canal.** Corbett Slough Canal ends and water is discharged into Eastern Idaho Slough and mixed with Blackfoot River water in Section 12 (T3S, R35E). This is a point of potentially large Snake River volumes that are added to District 27 facilities and should be monitored. It is proposed to install a weir, staff gage and automated data recorder to measure and store real-time and cumulative flow information.

**West Branch Snake River Valley Canal.** The West Branch Snake River Valley Canal discharges water into the Eastern Idaho Slough in Section 27 (T2S, R36E). Historically, Sand Creek tailwater discharged into the Eastern Idaho Slough at this location. However, Sand Creek currently discharges into the Reservation Canal. The West Branch Snake River Valley Canal currently delivers water into east and west branches near the east edge of Section 14 and the west edge of Section 15 (T2S, R36E). The east fork of the West Branch Snake River Valley Canal uses the old Sand Creek channel to deliver water south and eventually into Eastern Idaho Slough. It is proposed to install a weir, staff gage and automated data recorder, to measure and store real-time and cumulative flow information, at the discharge point into Eastern Idaho Slough.

**Sand Creek at Reservation Canal.** Sand Creek currently discharges water into the Reservation Canal in Section 7 (T2S, R37E). Flow is currently measured on Sand Creek (upstream of the discharge point into the Reservation Canal) and on the Reservation Canal (downstream of the discharge point of Sand Creek into Reservation Canal). BIA and the Tribe both measure flow at these two locations to determine the flow inputs from both the Reservation Canal and Sand Creek.

The BIA recently installed cans for IDWR to also place instrumentation in both measurement locations. However, during the June 16 site visit, discussion took place indicating that if data can be shared by the Tribe, BIA and IDWR, there wouldn't be a need for IDWR to install a third measuring device at both of these locations. Therefore, the water measurement devices initially proposed in this plan for Sand Creek have been deleted from this plan.

**Idaho Canal.** Idaho Canal discharges into the Blackfoot River in Section 17 (T2S, R36E). To quantify the flow contributed by the Idaho Canal into the Blackfoot River system, it is proposed to install a weir and instrumentation to monitor the inflows from the Idaho Canal. A suitable site is located in Section 8, just south of the county road. A drop structure already exists and, with some modifications, may facilitate the installation of a sharp-crested weir at that location.

## **UPPER BASIN WATER MEASUREMENT PLAN**

The Upper Basin Water Measurement Plan consists of three measurement facilities on three "typical" diversions in the upper basin. The information derived from the three water measurement facilities in the upper basin will be used to estimate typical water delivery information (ie. diversion rates per acre, annual diversion volume, irrigation season length, etc.) for all upper basin lands. Due to cost constraints and manpower requirements to operate and maintain facilities, the number of structures to be installed in the upper basin was limited to three: Slug Creek Diversion, Blackfoot River Diversion Above Dry Valley Creek, and Blackfoot River Diversion Below Dry Valley Creek. Figure 10 shows the water measurement sites proposed for the upper basin.

Limited access to the potential water measurement sites during MSE-HKM's field investigations made it difficult to estimate the available hydraulic head at each of the locations. Therefore, it is difficult to estimate which type of water measurement structure to propose for each of these sites. For the purposes of this report, it is assumed that the available hydraulic head is minimal and that a flume will be used rather than a weir. Upon further field investigations, it may be possible to save some cost by using weirs, if the hydraulic head is available.

### **Canals**

**Slug Creek Diversion.** The Slug Creek Diversion is located in Section 24 (T8S, R43E) and is typical for the upper basin area. Irrigation water serves grass pasture and hay via gravity/flood irrigation methods. It is proposed to install a flume at this location to monitor diversions at this location. A staff gage and data recorder are included in this structure to monitor real-time diversions and to store cumulative diversion volume data.

**Blackfoot River Diversion Above Dry Valley Creek.** The diversion to irrigated lands above the confluence of Dry Valley Creek and the Blackfoot River is located in Section 25 (T7S, R43E). It is proposed to install a flume at this location to monitor diversions at

this location. A staff gage and data recorder are included in this structure to monitor real-time diversions and to store cumulative diversion volume data. Depending on the available hydraulic head, it may be possible to install a sharp-crested weir to measure flow at this location.

**Blackfoot River Diversion Below Dry Valley Creek.** The diversion to irrigated lands below the confluence of Dry Valley Creek and the Blackfoot River is located in Section 35 (T7S, R43E). It is proposed to install a flume at this location to monitor diversions at this location. A staff gage and data recorder are included in this structure to monitor real-time diversions and to store cumulative diversion volume data. Again, depending on the available hydraulic head, it may be possible to install a sharp-crested weir to measure flow at this location.

## **COST ESTIMATES**

The estimated cost of each of the flow measurement components proposed is summarized in Table 1. The costs shown in Table 1 estimate the labor required for installation of the water measurement structures and set-up of the automated controls (data-logger, housing, etc.). Table 1 also summarizes the type of structure proposed for water measurement and the major reason for including flow measurement at each site.

The estimated field costs for materials (structure and automation) and labor for installation of the water measurement facilities is approximately \$152,000. Applying a 25% contingency for unlisted items and miscellaneous equipment, the estimated project cost is approximately \$190,000.

**TABLE 1: FORT HALL WATER MEASUREMENT PLAN COST ESTIMATES**

| DIVERSION<br>NAME                | REASON<br>FOR<br>INSTALLATION                | MAXIMUM<br>EXPECTED<br>FLOW (CFS) | MATERIALS                            |                                   |                                    |                                    |                              | LABOR                            |                          |                                      |                              | ESTIMATED<br>FIELD<br>COST<br>SUB-TOTAL | CONTINGENCIES<br>AT<br>25% | ESTIMATED<br>PROJECT<br>COST<br>SUB-TOTAL *** |
|----------------------------------|----------------------------------------------|-----------------------------------|--------------------------------------|-----------------------------------|------------------------------------|------------------------------------|------------------------------|----------------------------------|--------------------------|--------------------------------------|------------------------------|-----------------------------------------|----------------------------|-----------------------------------------------|
|                                  |                                              |                                   | PROPOSED<br>MEASUREMENT<br>STRUCTURE | ESTIMATED<br>COST OF<br>STRUCTURE | ESTIMATED<br>COST OF<br>AUTOMATION | CONCRETE @<br>\$250.00<br>PER C.Y. | STEEL @<br>\$0.50<br>PER LB. | GENERAL @<br>\$15.00<br>PER HOUR | GENERAL<br>LABOR<br>COST | SPECIALIZED @<br>\$30.00<br>PER HOUR | SPECIALIZED<br>LABOR<br>COST |                                         |                            |                                               |
| ABOVE RESERVOIR                  |                                              |                                   |                                      |                                   |                                    |                                    |                              |                                  |                          |                                      |                              |                                         |                            |                                               |
| SLUG CREEK                       | ESTIMATE TYPICAL UPPER BASIN DIVERSIONS      | 10                                | PARSHALL FLUME                       | \$3,000                           | \$1,500                            | \$1,000                            | \$200                        | 18                               | \$240                    | 18                                   | \$480                        | \$6,420                                 | \$1,605                    | \$8,025                                       |
| UPPER BLACKFOOT                  | ESTIMATE TYPICAL UPPER BASIN DIVERSIONS      | 10                                | PARSHALL FLUME                       | \$3,000                           | \$1,500                            | \$1,000                            | \$200                        | 18                               | \$240                    | 18                                   | \$480                        | \$6,420                                 | \$1,605                    | \$8,025                                       |
| LOWER BLACKFOOT                  | ESTIMATE TYPICAL UPPER BASIN DIVERSIONS      | 10                                | PARSHALL FLUME                       | \$3,000                           | \$1,500                            | \$1,000                            | \$200                        | 18                               | \$240                    | 18                                   | \$480                        | \$6,420                                 | \$1,605                    | \$8,025                                       |
| BELOW RESERVOIR                  |                                              |                                   |                                      |                                   |                                    |                                    |                              |                                  |                          |                                      |                              |                                         |                            |                                               |
| RIVERTON                         | DIVERSION FROM THE BLACKFOOT RIVER           | 30                                | FLUME/WEIR                           | \$4,000                           | \$1,500                            | \$4,500                            | \$300                        | 32                               | \$480                    | 32                                   | \$960                        | \$11,740                                | \$2,935                    | \$14,675                                      |
| SMITH-MAXWELL                    | DIVERSION FROM THE BLACKFOOT RIVER           | 20                                | FLUME/WEIR                           | \$3,000                           | \$1,500                            | \$3,750                            | \$250                        | 24                               | \$360                    | 24                                   | \$720                        | \$9,580                                 | \$2,395                    | \$11,975                                      |
| CENTRAL                          | DIVERSION FROM THE BLACKFOOT RIVER           | 20                                | *                                    |                                   | \$1,500                            |                                    |                              | 8                                | \$120                    | 8                                    | \$240                        | \$1,860                                 | \$465                      | \$2,325                                       |
| STEPHENS                         | DIVERSION FROM THE BLACKFOOT RIVER           | 20                                | *                                    |                                   | \$1,500                            |                                    |                              | 8                                | \$120                    | 8                                    | \$240                        | \$1,860                                 | \$465                      | \$2,325                                       |
| MINERS                           | DIVERSION FROM THE BLACKFOOT RIVER           | 30                                | **                                   |                                   |                                    |                                    |                              |                                  |                          |                                      |                              |                                         |                            |                                               |
| PACKER                           | DIVERSION FROM THE BLACKFOOT RIVER           | 5                                 | FLUME/WEIR                           | \$3,000                           | \$1,500                            | \$3,750                            | \$250                        | 24                               | \$360                    | 24                                   | \$720                        | \$9,580                                 | \$2,395                    | \$11,975                                      |
| LITTLE BUTTE                     | DIVERSION FROM THE BLACKFOOT RIVER           | 30                                | CIPOLLETTI WEIR                      | \$500                             | \$1,500                            |                                    |                              | 8                                | \$120                    | 8                                    | \$240                        | \$2,360                                 | \$590                      | \$2,950                                       |
| EASTERN IDAHO                    | DIVERSION FROM THE BLACKFOOT RIVER           | 50                                | CIPOLLETTI WEIR                      | \$2,000                           | \$1,500                            | \$2,000                            | \$400                        | 40                               | \$600                    | 40                                   | \$1,200                      | \$7,700                                 | \$1,925                    | \$9,625                                       |
| JUST CANAL                       | DIVERSION FROM THE BLACKFOOT RIVER           | 50                                | FLUME/WEIR                           | \$5,000                           | \$1,500                            | \$6,000                            | \$400                        | 40                               | \$600                    | 40                                   | \$1,200                      | \$14,700                                | \$3,675                    | \$18,375                                      |
| SNAKE RIVER RETURN<br>FLOW SITES |                                              |                                   |                                      |                                   |                                    |                                    |                              |                                  |                          |                                      |                              |                                         |                            |                                               |
| CORBETT SLOUGH                   | SNAKE RIVER INFLOW TO BLACKFOOT RIVER SYSTEM | 10                                | CIPOLLETTI WEIR                      | \$1,000                           | \$1,500                            | \$1,000                            | \$200                        | 18                               | \$240                    | 18                                   | \$480                        | \$4,420                                 | \$1,105                    | \$5,525                                       |
| IDAHO CANAL                      | SNAKE RIVER INFLOW TO BLACKFOOT RIVER SYSTEM | 50                                | CIPOLLETTI WEIR                      | \$5,000                           | \$1,500                            | \$1,000                            | \$200                        | 18                               | \$240                    | 18                                   | \$480                        | \$8,420                                 | \$2,105                    | \$10,525                                      |
| WEST BRANCH CANAL                | SNAKE RIVER INFLOW TO BLACKFOOT RIVER SYSTEM | 20                                | CIPOLLETTI WEIR                      | \$1,000                           | \$1,500                            | \$1,000                            | \$200                        | 18                               | \$240                    | 18                                   | \$480                        | \$4,420                                 | \$1,105                    | \$5,525                                       |
| PUMP STATIONS                    |                                              |                                   |                                      |                                   |                                    |                                    |                              |                                  |                          |                                      |                              |                                         |                            |                                               |
| MISC. PUMPS                      | DIVERSION FROM THE BLACKFOOT RIVER           | 00-1000 GPM                       | 10 FLOW METERS                       | \$2,500                           | EACH                               |                                    |                              | 40                               | \$600                    | 40                                   | \$1,200                      | \$43,000                                | \$10,750                   | \$53,750                                      |
| TOWN PUMPS                       | DIVERSION FROM THE BLACKFOOT RIVER           | 4,000 GPM                         | 2 FLOW METERS                        | \$4,500                           | EACH                               |                                    |                              | 40                               | \$600                    | 40                                   | \$1,200                      | \$12,600                                | \$3,150                    | \$15,750                                      |
| TOTALS                           |                                              |                                   |                                      |                                   |                                    |                                    |                              |                                  |                          |                                      |                              | \$151,500                               | \$37,875                   | \$189,375                                     |

\* USE EXISTING RECTANGULAR FLUME SECTIONS

\*\* MINERS DITCH WILL BE MEASURED WITH TWO FLOWMETERS AT THE CITY'S PUMPING PLANT

\*\*\* NOT INCLUDING PROJECT OVERSIGHT

**TABLE 2: FORT HALL WATER MEASUREMENT PLAN: WORK REMAINING**

| DIVERSION NAME                       | REASON FOR INSTALLATION                      | DESCRIPTION OF WORK REMAINING PRIOR TO CONSTRUCTION |
|--------------------------------------|----------------------------------------------|-----------------------------------------------------|
| <b>ABOVE RESERVOIR</b>               |                                              |                                                     |
| SLUG CREEK                           | ESTIMATE TYPICAL UPPER BASIN DIVERSIONS      | SURVEY CHANNEL GRADE TO DETERMINE STRUCTURE TYPE    |
| UPPER BLACKFOOT                      | ESTIMATE TYPICAL UPPER BASIN DIVERSIONS      | SURVEY CHANNEL GRADE TO DETERMINE STRUCTURE TYPE    |
| LOWER BLACKFOOT                      | ESTIMATE TYPICAL UPPER BASIN DIVERSIONS      | SURVEY CHANNEL GRADE TO DETERMINE STRUCTURE TYPE    |
| <b>BELOW RESERVOIR</b>               |                                              |                                                     |
| RIVERTON                             | DIVERSION FROM THE BLACKFOOT RIVER           | SURVEY CHANNEL GRADE TO DETERMINE STRUCTURE TYPE    |
| SMITH-MAXWELL                        | DIVERSION FROM THE BLACKFOOT RIVER           | SURVEY CHANNEL GRADE TO DETERMINE STRUCTURE TYPE    |
| CENTRAL                              | DIVERSION FROM THE BLACKFOOT RIVER           | NONE                                                |
| STEPHENS                             | DIVERSION FROM THE BLACKFOOT RIVER           | NONE                                                |
| MINERS                               | DIVERSION FROM THE BLACKFOOT RIVER           | SEE "TOWN PUMPS"                                    |
| PACKER                               | DIVERSION FROM THE BLACKFOOT RIVER           | SURVEY CHANNEL GRADE TO DETERMINE STRUCTURE TYPE    |
| LITTLE BUTTE                         | DIVERSION FROM THE BLACKFOOT RIVER           | NONE                                                |
| EASTERN IDAHO                        | DIVERSION FROM THE BLACKFOOT RIVER           | NONE                                                |
| JUST CANAL                           | DIVERSION FROM THE BLACKFOOT RIVER           | SURVEY CHANNEL GRADE TO DETERMINE STRUCTURE TYPE    |
| <b>SNAKE RIVER RETURN FLOW SITES</b> |                                              |                                                     |
| CORBETT SLOUGH                       | SNAKE RIVER INFLOW TO BLACKFOOT RIVER SYSTEM | SURVEY CHANNEL GRADE TO DETERMINE STRUCTURE TYPE    |
| IDAHO CANAL                          | SNAKE RIVER INFLOW TO BLACKFOOT RIVER SYSTEM | SURVEY CHANNEL GRADE TO DETERMINE STRUCTURE TYPE    |
| WEST BRANCH CANAL                    | SNAKE RIVER INFLOW TO BLACKFOOT RIVER SYSTEM | SURVEY CHANNEL GRADE TO DETERMINE STRUCTURE TYPE    |
| <b>PUMP STATIONS</b>                 |                                              |                                                     |
| MISC. PUMPS                          | DIVERSION FROM THE BLACKFOOT RIVER           | FINALIZE FLOWMETER TYPE AND COST ESTIMATES          |
| TOWN PUMPS                           | DIVERSION FROM THE BLACKFOOT RIVER           | FINALIZE FLOWMETER TYPE AND COST ESTIMATES          |

TO: County FSA Office

I, BONNIE GARDNER authorize any personnel of the Idaho Department of Water Resources full access to any and all aerial photos (maps) of ground that I own or lease.

Bonnie Gardner

Name

6/3/03

Date

T2S R36E Sect. 14. NE



# QUITCLAIM DEED.

This Indenture, made the First day of August in the year of our Lord one thousand nine hundred and Forty between

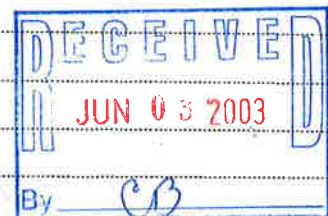
Aletha A. Cody, a widow

of the County of Bingham and State of Idaho, the party Y of the first part, and George G. Adams

of the County of Bingham and the State of Idaho, the party of the second part,

WITNESSETH: That the said party of the first part, for and in consideration of the sum of One and (\$1.00) no/100 Dollars, lawful money of the United States of America, to her in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, do es by these presents demise, release and forever quit-claim unto the said party of the second part, and to his heirs and assigns all that certain water, and water right situated in the County of Bingham, State of Idaho, and bounded and particularly described as follows, to wit:

3.2 cubic feet per second of the waters of Sand Creek and it's tributaries for the irrigation of the North-west Quarter, (NW $\frac{1}{4}$ ) of Section 14, Township Two South, of Range Thirty-Six East of the Boise Meridian. Same being a part of the water covered by the water permit numbered 459I, issued upon application numbered 6288 to Chas. F. Landon. Same being the same 3.2 second feet deeded by Charles F. Landon to I. T. Alfred on October, 1st, 1912, and recorded March, 7th, 1916, in Book 28 page 94, Deed Records of Bingham County, Idaho.



3.2 cubic feet per second of the waters of Sand Creek and its tributaries for the irrigation of the North-west Quarter, (NW $\frac{1}{4}$ ) of Section 14, Township Two South, of Range Thirty-Six East of the Boise Meridian. Same being a part of the water covered by the water permit numbered 4591, issued upon application numbered 6288 to Chas. F. Landon. Same being the same 3.2 second feet deeded by Charles F. Landon to I. T. Alfred on October, 1st, 1912, and recorded March, 7th, 1916, in Book 28 page 94, Deed Records of Bingham County, Idaho.

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof.

To have and to hold, all and singular, the said ~~premises~~ **water and water right**, together with the appurtenances unto said party of the second part, and to his heirs and assigns forever.

IN WITNESS WHEREOF, the said party of the first part has hereunto set her hand and seal the day and year first above written.

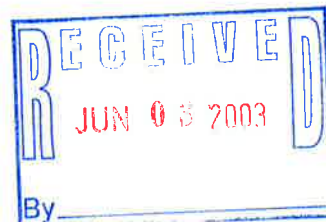
Signed, sealed and delivered in the presence of

*A. B. Jackson*

Aletha A. Cody. (SEAL)

(SEAL)

(SEAL)



STATE OF IDAHO,  
County of Bingham } ss.

On this 27th day of August, in the year of 1940, before me  
A.S. Dickinson, Justice of the Peace,  
a Notary Public, in and for said county and state, personally appeared  
Aletha A. Cody, a single woman

known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same.

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

My commission expires

*A.S. Dickinson*  
Justice of the Peace, Notary Public  
District No. 2, Bingham County, Idaho.  
Residing at , Idaho.

No. ....

## Quitclaim Deed

*Aletha A. Cody*

TO  
*George G. Adams*

Dated , 19

Recorded at the request of

, 19

at minutes past o'clock

M., in Record of Deeds Book

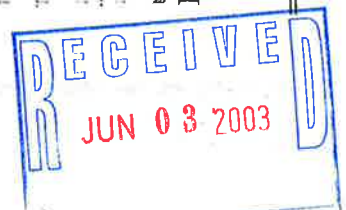
page Records of the County of

, State of Idaho.

Recorder.

Deputy Recorder.

By



203336

BINGHAM COUNTY RECORDER  
 BLACKFOOT, IDAHO  
 O.R. NO. 20 FEE 200 DEPT. 36

DEED OF GIFT

77 APR 6 AM 11 36

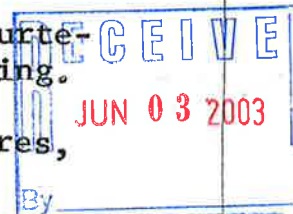
THIS INDENTURE made this 23rd day of March, 1977, between  
 RECORDED AT THE REQUEST OF  
 BASIL F. POULSON and DOROTHY M. POULSON, husband and wife, of  
 Blackfoot, Bingham County, Idaho, hereinafter referred to as donors,  
 and LEON J. GARDNER and BONNIE P. GARDNER, husband and wife, whose  
 current address is 670 West Judicial Street, Blackfoot, Bingham  
 County, Idaho, hereinafter referred to as donees.

WITNESSETH: That the donors, in consideration of their love  
 and affection for each of the donees, and in consideration of the  
 receipt of other and good consideration not specifically herein  
 set forth, do hereby give, grant, convey and confirm unto the said  
 donees, their successors and assigns, all of the donors' right,  
 title and interest in and to the hereinafter-described real property,  
 and do hereby covenant that they warrant and defend the same from  
 all lawful claims whatsoever, to-wit:

Beginning at the Northeast corner of the NW $\frac{1}{4}$  of the  
 NE $\frac{1}{4}$  of Section 14, Township 2 South, Range 36 East  
 Boise Meridian, Bingham County, Idaho; thence West  
 along the North line of said Section 14, 660 feet;  
 thence South at a right angle 660 feet; thence East  
 at a right angle 400 feet, more or less, to the West  
 bank of Sand Creek; thence Northeasterly along the West  
 bank of Sand Creek to a point on the North line of  
 Section 14 as aforesaid, that is, 390 feet East of the  
 point of beginning; thence West following the North line  
 of Section 14 390 feet to the point of beginning,

Together with the tenements, hereditaments and appurte-  
 nances thereunto belonging or in anywise appertaining.

The above-described real property containing 11 acres,  
 more or less.



County, Idaho, hereinafter referred to as donees.

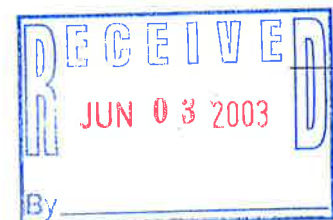
WITNESSETH: That the donors, in consideration of their love and affection for each of the donees, and in consideration of the receipt of other and good consideration not specifically herein set forth, do hereby give, grant, convey and confirm unto the said donees, their successors and assigns, all of the donors' right, title and interest in and to the hereinafter-described real property, and do hereby covenant that they warrant and defend the same from all lawful claims whatsoever, to-wit:

Beginning at the Northeast corner of the NW $\frac{1}{4}$  of the NE $\frac{1}{4}$  of Section 14, Township 2 South, Range 36 East Boise Meridian, Bingham County, Idaho; thence West along the North line of said Section 14, 660 feet; thence South at a right angle 660 feet; thence East at a right angle 400 feet, more or less, to the West bank of Sand Creek; thence Northeasterly along the West bank of Sand Creek to a point on the North line of Section 14 as aforesaid, that is, 390 feet East of the point of beginning; thence West following the North line of Section 14 390 feet to the point of beginning,

Together with the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining.

The above-described real property containing 11 acres, more or less.

The above conveyance is made free and clear of all other encumbrances except as above noted, and except for rights of way and easements, reservations in Federal patents and State deeds, or other restrictions imposed by law, building and use restrictions of record, building and zoning regulations and ordinances of any governmental unit.



223856

The donors make the above gift and conveyance to the donees from the community property of the donors, and by execution hereof each of the donors represent that the above-described real property was owned by them, prior to the above conveyance, as the community property of the donors, and each of the donors make a gift to the donees of an undivided one-half interest in the above-described real property.

The above conveyance is made to the donees as their community property at their special instance and request.

TO HAVE AND TO HOLD THE SAME, together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining unto the donees, their successors and assigns forever.

This is a correction deed of that certain Deed of Gift recorded on the 24th day of March, 1977, under Bingham County Idaho Recorder's Instrument No. 222876.

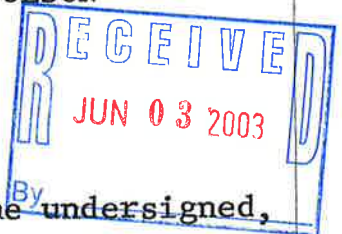
IN WITNESS WHEREOF the said donors have hereunto set their hands and seals in execution hereof.

Basil F. Poulson  
BASIL F. POULSON

Dorothy M. Poulson  
DOROTHY M. POULSON

STATE OF IDAHO     )  
                              ) ss.  
County of Bingham )

On this 5<sup>th</sup> day of April, 1977, before me, the undersigned,  
a Notary Public in and for said State, personally appeared  
BASIL F. POULSON and DOROTHY M. POULSON, husband and wife, known  
to me to be the persons whose names are subscribed to the within



# Quitclaim Deed

THIS INDENTURE, Made this                      day of                      October,  
in the year of our Lord one thousand nine hundred and                      fifty,                      between

VERL A. TUBBS and ALTA TUBBS, husband and wife,

of the County of Bingham,  
State of Idaho, the parties of the first part, and

EMORY N. POULSON,

of the County of Bingham,  
State of Idaho, the part y of the second part.

WITNESSETH That the said parties of the first part, for and in consideration of the sum of THREE THOUSAND - - - - - DOLLARS, lawful money of the United States of America, to in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, do by these presents remise, release and forever QUITCLAIM, unto the said party of the second part, and to their heirs and assigns, all the certain lot, piece or parcel of land, situate, lying and being in the , County of Bingham , State of Idaho, bounded and particularly described as follows, to-wit:

The North half of Section Fourteen,  
Township Two South, of Range Thirty-six,  
East of the Boise Meridian, in Idaho;

Together with the water and water rights, ditches and ditch rights of way appurtenant thereto and used for the irrigation thereof, and particularly 461 inches of the waters of Sand Creek for the irrigation thereof.

(The parties of the first part promise and agree to pay the taxes levied against said premises for the year 1950, and agree to surrender possession of the buildings on said premises on or before December 1st, 1950.)

The parties of the first part reserve to themselves all crops now growing and to be harvested during the year 1950, and the second party shall be entitled to all pasture.



belonging or in any wise appurtenant to the said premises, together with the appurtenances, issues and profits thereof.

TO HAVE AND TO HOLD, All and singular the said premises, together with the appurtenances, unto the part Y of the second part, and to his heirs and assigns forever.

IN WITNESS WHEREOF, The said parties of the first part have hereunto set their hands and seals the day and year first above written.

SIGNED, SEALED AND DELIVERED IN PRESENCE OF

*H. William Furchner*

*Mrs. Verl Tubbs*

(Seal)

*Mrs. Alta Tubbs*

(Seal)

*Verl A. Tubbs*

(Seal)

(Seal)

STATE OF IDAHO

County of Bingham

ss.

On this 4th day of October, in the year 19 50 before me

H. William Furchner,

a Notary Public

in and for said State, personally appeared VERL A. TUBBS AND ALTA TUBBS, husband

and wife,

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 affixed my official seal, the day and year in this certificate first above written.

*H. William Furchner*

Notary Public for the State of Idaho.

Residing at Blackfoot, Idaho

Fees, \$ 1.25

By Stella L. Williams Deputy.

Ex-Officio Recorder.

in my office and duly recorded in Book 528

of October, A. D. 19 50

at 4 M., this 4 day

of 25 minutes past 3

for record at request of

I hereby certify that this instrument was filed

County of Bingham ss.

STATE OF IDAHO

Dated 19

TO

QUITCLAIM DEED

No. 17629

RECEIVED

JUN 03 2003

By

INDEXED

COMPA

V E 274.

# WARRANTY DEED

THIS INDENTURE, Made this 14th day of February,  
in the year of our Lord one thousand nine hundred and fifty-two, between  
Myrtle Adams, a widow,  
of Blackfoot, County of Bingham, State of Idaho,  
the part y of the first part, and Emory N. Poulson,  
of the County of Bingham, State of Idaho,  
the part y of the second part.

WITNESSETH, that the said part y of the first part, for and in consideration of the  
sum of - - -SEVEN THOUSAND, FIVE HUNDRED and no/100- - - - -DOLLARS  
lawful money of the United States of America,

to her in hand paid by the said  
party of the second part, the receipt whereof is hereby acknowledged, has granted,  
bargained and sold, by these presents does grant, bargain, sell, convey and confirm  
unto the said part y of the second part. and to his heirs and assigns forever, all of  
the following described real estate, situated in the County of  
Bingham, State of Idaho, to-wit:

The North half of Section Fourteen, in Township Two  
South, of Range Thirty-six, East of the Boise Meridian.

Together with the water and water rights, ditches and  
ditch rights of way appurtenant thereto and used for the  
irrigation thereof, and particularly 461 inches of the waters  
of Sand Creek used for the irrigation thereof.

This conveyance is made subject to taxes levied for the  
year 1952, which the grantee assumes and agrees to pay, and is  
also subject to such mineral rights in said premises as have  
been reserved to the State of Idaho.



# REPORT OF ENGINEER

1. State name of applicant and number of permit: Chas. F. London, Permit No. 4591.
2. State source of water supply: Sand Creek and tributaries.
3. Location of point of diversion: 60 rods due north of the S.W. Cor. of the  
NE 1/4 Sec. 14, T. 2 S., R. 26 E., S. 11.
4. State whether or not the works of diversion are fully completed and in accordance with terms of permit: Yes with exception that ditches are not as large as called for
5. Describe works as they exist, giving dimensions of same as follows:
 

|                                          |              |              |
|------------------------------------------|--------------|--------------|
| (a) Width of conduit at bottom:          | <u>4.5'</u>  | <u>2.5'</u>  |
| (b) Width at water line:                 | <u>5'</u>    | <u>3.5'</u>  |
| (c) Depth of water:                      | <u>1'</u>    | <u>9"</u>    |
| (d) Grade per mile:                      | <u>about</u> | <u>6'</u>    |
| (e) Capacity of <sup>with</sup> ditches: | <u>9.0'</u>  | second feet. |

6. State whether or not water has been turned into works of diversion and if so, to what extent:

Used during season of 1911

7. Give exact location of lands to be irrigated. Give exact number of acres under cultivation in each

Tract: N.W. 1/4 Sec. 14, S.W. 1/4, N.W. 1/4 Sec. 14  
N. 1/2 NW 1/4 Sec. 23, S.E. 1/4 N.E. 1/4 Sec. 22 All in T. 2 S., R. 26 E., S. 11.

8. Submit map on enclosed plat, source of supply, point of diversion, route of ditch or ditches and cross hatch lands to be irrigated.

Remarks:

STATE OF IDAHO,

County of \_\_\_\_\_

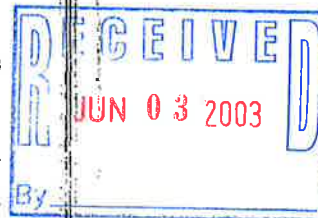
ss.

\_\_\_\_\_, being first duly sworn, deposes and says that the statements contained in the within report are correct to the best of his knowledge and belief.

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_ 1911.

My Commission Expires \_\_\_\_\_

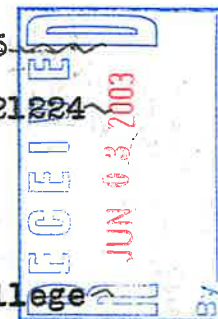
Notary Public.  
4591



# STATE OF IDAHO

Deed No. 6835

Certificate No. 21224



To All to Whom These Presents Shall Come, Greetings:

Whereas, on the 22nd day of March 1943, all that tract or parcel of Agricultural College Foreclosed land of the State of Idaho, hereinafter mentioned and particularly described, was sold in the manner provided by law to

G. G. ADAMS

of Blackfoot, State of Idaho, for the aggregate price of

One Thousand Two Hundred Fifty and  $\frac{no}{100}$  DOLLARS

And Whereas, the said sum of One Thousand Two Hundred Fifty and  $\frac{no}{100}$  DOLLARS

has been fully paid to the proper receiving officer for the State of Idaho, by

G. G. ADAMS

as shown by the records in the office of the State Board of Land Commissioners, the said sum being the whole amount of the purchase price for the said tract or parcel of land hereinafter described:

Now, Know Ye, That the said State of Idaho, in pursuance of law in such case made and provided, and in consideration of the premises aforesaid, and of the aforesaid sum of

One Thousand Two Hundred Fifty and  $\frac{no}{100}$  DOLLARS

to the said State of Idaho paid, doth by these presents grant, bargain, sell, convey and confirm, in fee, unto the said

G. G. ADAMS

his heirs and assigns, all of the said tract and parcel of land situated in the County of Bingham

and State of Idaho, and described as follows, to-wit: The Northeast Quarter (NE $\frac{1}{4}$ ), Section Fourteen (14), Township Two (2) South, Range Thirty-six (36) East of the Boise Meridian, less rights of way, together with one and one-half (1 $\frac{1}{2}$ ) shares of stock in the Blackfoot Irrigation Company and all water rights, ditch and canal rights thereunto belonging or in anywise appertaining, containing one hundred sixty (160) acres, more or less.

To have and to hold the said premises and parcel of land above particularly described, with the appurtenances thereon,  
unto the said G. G. ADAMS

his heirs and assigns, in fee simple forever, subject to the provisions of Section 56-504, Idaho Code Annotated, which grants over all lands belonging to the state a right of way for ditches, tunnels and telephone and transmission lines, constructed by authority of the United States; and to the provisions of Section 46-701, Idaho Code Annotated, reserving to the state all mineral rights in lands sold subsequent to the 8th day of May, 1923.



In Witness Whereof, I, Charles C. Gossett, the Governor of the State of Idaho, have hereunto signed my name and caused the Great Seal of the State of Idaho and the Seal of the State Board of Land Commissioners to be hereunto affixed, this 5th day of November A.D. 1945

Countersigned:

Ira H. Masters  
Secretary of State,

Charles C. Gossett  
Governor of Idaho and President of State Board of Land Commissioners.

Countersigned:

Robert Coulter  
State Land Commissioner.

STATE OF IDAHO, }  
COUNTY OF ADA, } ss.

On this 5th day of November, in the year 1945, before me, a Notary Public in and for said State, personally appeared Charles C. Gossett, known to me to be the Governor of the State of Idaho, and Ira H. Masters, known to me to be the Secretary of State of the State of Idaho, and Robert Coulter, known to me to be the Land Commissioner of the State of Idaho, who executed said instrument and acknowledged to me that such State of Idaho executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and seal on the day and year last above written.

Marion H. Hall  
Notary Public residing at Boise, Idaho.



CORRECTION  
WARRANTY DEED

FOR VALUE RECEIVED BASIL F. POULSON and DOROTHY M. POULSON, husband and wife, the grantors, do hereby grant, bargain, sell and convey unto BONNIE P. GARDNER, whose current address is 469 East 400 North, Blackfoot, Idaho 83221 and ANNET P. DITTMER, whose current address is 5217 West 26th Avenue, Kennewick, Washington 99337, the grantees, as tenants in common, the following described premises, in Bingham County, Idaho, to-wit:

The Northeast quarter, and the Southeast quarter of the Northwest quarter of Section 14, Township 2 South, Range 36, East of the Boise Meridian, in Bingham County, Idaho.

EXCEPTING THEREFROM:

Beginning at the Northeast corner of the NW $\frac{1}{4}$  of the NE $\frac{1}{4}$  of Section 14, Township 2 South, Range 36 East Boise Meridian, Bingham County, Idaho; thence West along the North line of said Section 14, 660 feet; thence South at a right angle 660 feet; thence East at a right angle 400 feet, more or less, to the West bank of Sand Creek; thence Northeasterly along the West bank of Sand Creek to a point on the North line of Section 14 as aforesaid, that is, 390 feet East of the point of beginning; thence West following the North line of Section 14 390 feet to the point of beginning.

Parcel contains 189 acres, more or less.

Together with the ditches and water rights thereunto appertaining and belonging.

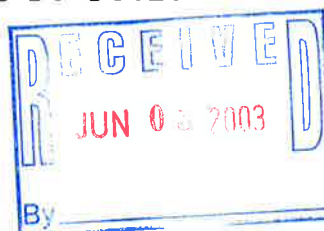
TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantees, that they are the owners in fee simple of said premises; that they are free from all incumbrances and that they will warrant and defend the same from all lawful claims whatsoever.

THIS CORRECTION WARRANTY DEED IS RECORDED TO CORRECT THE ERROR IN THE SPELLING OF THE NAME OF ANNET P. DITTMER, ONE OF THE GRANTEES, IN WARRANTY DEED RECORDED JUNE 22, 1992 AS INSTRUMENT NUMBER 407828 RECORDS OF BINGHAM COUNTY, IDAHO.

DATED this 26<sup>th</sup> day of June, 1992.

407977

*Basil F. Poulson*  
BASIL F. POULSON



By *Thomas E. Moore*  
CLERK

FEE 6.00 *JP*  
92 JUN 29 AM 11:23  
*Thomas E. Moore*  
CLERK OF DISTRICT OF

Dorothy M. Poulson  
DOROTHY M. POULSON

STATE OF IDAHO                    )  
                                      : ss.  
County of Bingham                )

407977

On this 26<sup>th</sup> day of June, 1992, before me, a notary public in and for said State, personally appeared BASIL F. POULSON and DOROTHY M. POULSON known to me to be the person whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

Sara J. Lamb  
Notary Public for State of Idaho  
Residing at Blackfoot



2071ALL

Land Operations  
341.7  
Your reference:  
3776-63



JUN 13 1963

Commissioner, Bureau of Indian Affairs

Washington 25, D. C.

Attention: Land Operations, Irrigation

Sir:

Reference is made to your letter of May 27, 1963, to Senator Frank Church, regarding the complaint of Emory Foulson of Blackfoot, Idaho.

Water rights in this area have been the subject of controversy for some time, and it would be well to review for you some of its history.

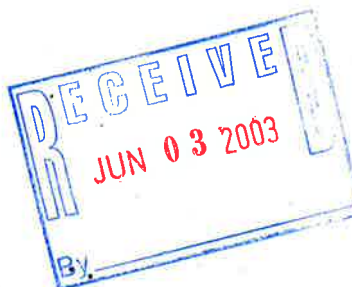
Sand Creek is mostly a high water and waste water channel originating south and east of Idaho Falls. Part of the high water from Willow Creek empties into Sand Creek, and a number of canal companies whose canals divert from Snake River use the Sand Creek channel as an overflow, or by-pass for waste water. The original Sand Creek channel crossed the Reservation Canal south of Firth, Idaho and continued southwest into Blackfoot River just east of the city of Blackfoot. (See attached sketch for layout).

Use of the Sand Creek channel as a wasteway increased as use of irrigation water on new farms adjacent to it increased. Finally, the channel capacity was exceeded to the extent that farmland along the lower section of Sand Creek was being flooded and damaged. Damage suits were pending when a plan was proposed to commingle Sand Creek water with Reservation Canal water. This would carry the Sand Creek water to Blackfoot River about nine miles upstream from its original point of confluence with the river and relieve farmland and private canals from flooding action from Sand Creek water.

In 1926 the Government approved contracts with five canal companies to enlarge the Reservation Canal from its crossing with Sand Creek to the Blackfoot River for the purpose of carrying excess water of Sand Creek. This agreement has worked satisfactorily, except in

cc:

Fort Hall Agency

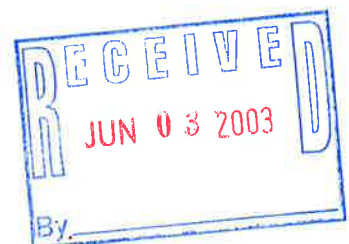


|                     |    |   |
|---------------------|----|---|
| SECTION             |    |   |
| NO. OF OBSERVATIONS | 10 | 5 |
| EDUCATION           |    |   |
| CREDIT              |    |   |
| 1" 1" W" YCCAS      |    |   |
| PROPERTY            |    |   |
| ADMIN. OFFICER      | 13 | 4 |
| 2166HIMLENDOMAL     |    |   |
| NO.                 |    |   |
| ROUTING DIRECTIVE   |    |   |
| FORT HALL AGENCY    |    |   |

connection with certain appropriators whose lands lie below the point of commingling. Two of these appropriators, Mr. Wernette and Mr. Poulson, claim more water than appears legal under State law. We note that in Mr. Poulson's letter to Senator Church, he says that he bought 320 acres of land with a 480-inch water right. Water rights in Idaho are legally restricted to one inch to the acre, there being 50 miners' inches to the cubic foot per second.

The only Sand Creek right recognized by the State of Idaho below our Reservation Canal is that in State License No. 4591 for 2.44 cu. ft. per second. One cu. ft. per second for this right is for Mr. Wernette, and 1.44 cu. ft. per second is for Mr. Poulson. These individuals, however, claim they can establish appropriator's rights for about 18 cu. ft. per second. We doubt that this can be done and we have informed Mr. Holden, their attorney, that we would not recognize these extra water rights until they had been adjudicated by a proper court.

The reason for the original six foot gate was to pass the entire Sand Creek waters. This was before the enlargement contracts were entered into with the upstream canal companies. After the Reservation Canal was enlarged to carry the Sand Creek waters, we did not replace the large gates and there were several instances where the down creek waterusers opened these large gates, taking from the Idaho Canal as much as 30 cu. ft. per second, and this at a time when Sand Creek itself was dry. This means that the water being taken belonged to the Fort Hall Project Snake River supply. In order to prevent this situation from reoccurring, we suggested to the Fort Hall Superintendent that he restrict the flow turned down Sand Creek to the amount to which beneficial use had been made and lock the headgate and post proper notice. It was at this time that the six foot gate was replaced with an 18" gate. It should be noted that the 18" gate will supply far more water than the 2.44 cu. ft. per second as under a 4 ft. head it will deliver approximately 68 cu. ft. per second. It should also be noted that when Sand Creek is dry, the users below our Canal should also be dry. Actually, however, water continues to be taken through the 18" gate to their land from our Reservation Canal supply. We have allowed this because the rapid fluctuation of Sand Creek makes control difficult. These waterusers, in 1961, were placed by the State under the jurisdiction of the State appointed Watermaster of Idaho, District No. 34. This was done with sanction



of the Idaho Reclamation Engineer and the Board of Directors of District No. 34, and it would be for this service that Mr. Poulson is being taxed. It should also be noted that if Mr. Poulson believes he is short of water, he should contact the Watermaster of District No. 34 for relief and if the Watermaster felt we were not releasing the proper amount of water, he would contact our Project Engineer regarding this situation. To date, we have not received a complaint from this Watermaster regarding the amount of water being released through the 18" gate.

As a matter of history, we should also note that in 1928, the Government made a filing of the water of Sand Creek for 300 cu. ft. per second. Proof of beneficial use was duly completed and a State Certificate issued, and we believe that the Government filing has priority over the most recent filings of Mr. Poulson and Mr. Wernette, even though they are attempting to revive older filings which have for all practical purposes, lapsed.

It would appear that if Mr. Poulson and Mr. Wernette are serious regarding the establishment of a claim for additional water it will be necessary to go through an adjudication for the purpose of establishing these water rights.

Because of the use of Sand Creek as a wasteway, it is subject to extreme fluctuation of flows going from flood stage to dry stage and back again to flood stage within a period of a few days.

We have discussed this situation with Mr. Poulson and one of his complaints is that he is not able to get early Sand Creek water before our canal comes on. We can remedy this situation by raising the lip on our structure and have told him we will do so this coming winter.

Sincerely yours,

(S) R. D. HOLTE

Area Director

Enclosure



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## SEC.

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MAY 5 - 1913  
OFFICE OF STATE ENGINEER

RECEIVED

MAY 16 1962

OFFICE OF STATE ENGINEER

RECEIVED  
JUN 03 2003

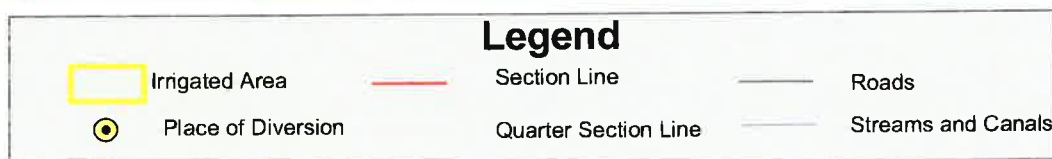
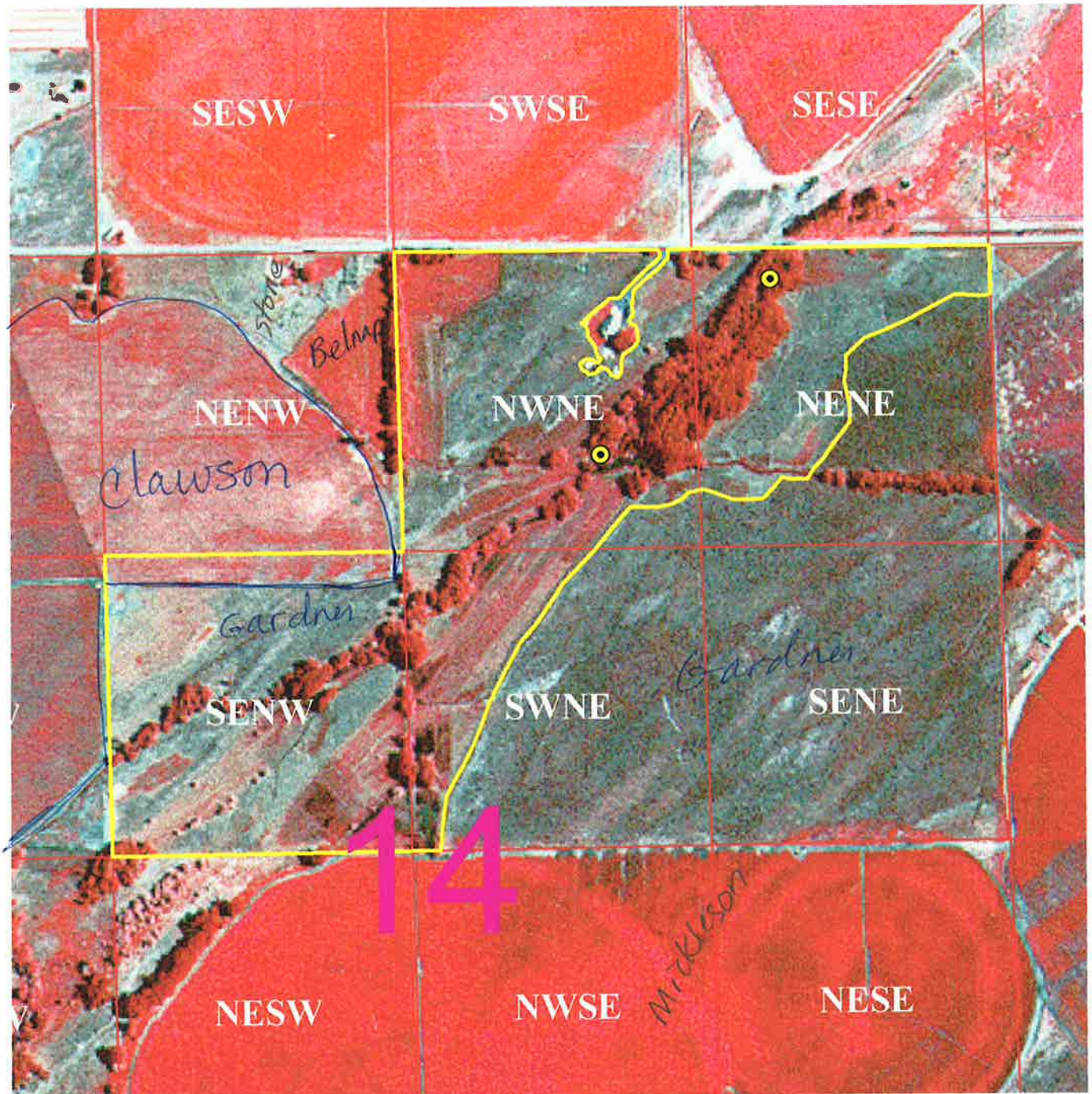
By

SCALE: 2 INCHES=1 MILE DRAW PLAN IN INK.



Water Right Claim Number 27-10028  
Township , 2S36E

01/02/2001



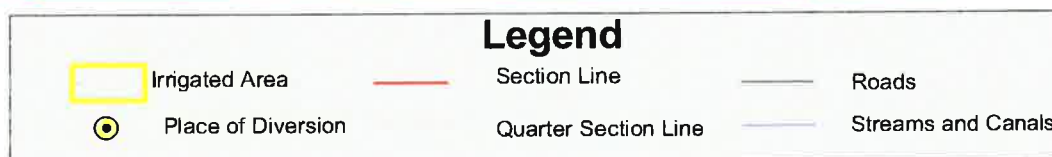
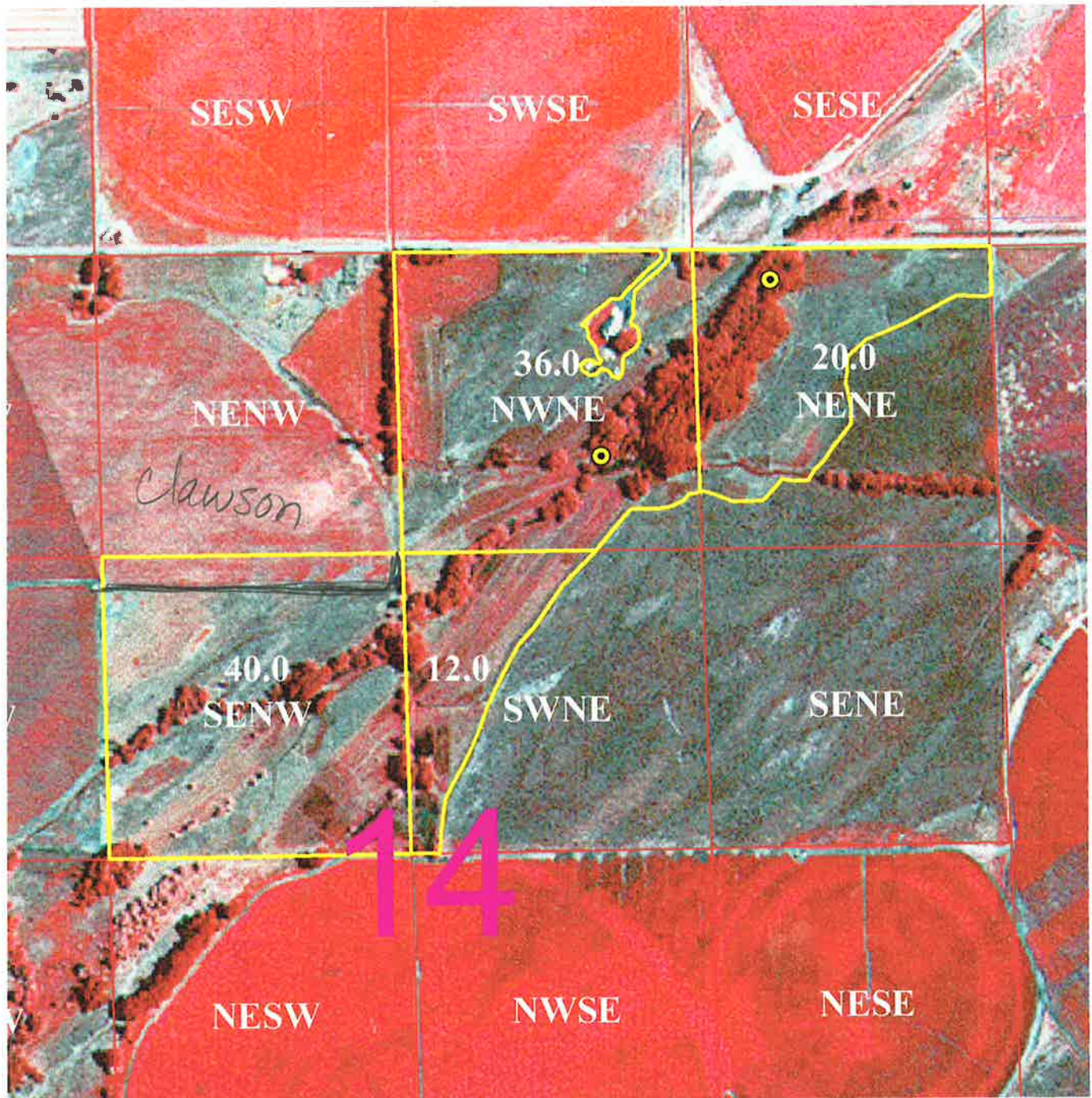
400 0 400 800 Feet



SPATIAL  
DYNAMICS

Water Right Claim Number 27-10028  
Township , 2S36E

01/02/2001



400 0 400 800 Feet





# IDAHO DEPARTMENT OF WATER RESOURCES

SNAKE RIVER BASIN ADJUDICATION - BASIN 23-27



RIGHT ID 27 10028 A  
POD ID 127047  
Folder No. A2710028A  
Claim Status In Use  
Easting 645973  
Northing 240736  
GPSID A0013029

## Diversion Description

HEAD GATES IN SAND CREEK TO DIVERSTION DITCHES. FLOOD IRRIGATION. Head gate is jammed and has not been used for some time (overgrown w/ vegetation @ inlet and outlet). GPSID Tag attached to steel post 20 feet Northwest of head gate.

## Assumptions

Assume slope of .01%.

Invoice #

2000-055-23-27-0

Phase-0 (No Attention)

Phase-I (Ready to Go to Field)

Phase-II ( Site Visit - Data Missing)

Phase-III (Complete w/issues)

Linked

tos\27-10028A-001.JPG

tos\27-10028A-003.JPG

Photos

tos\27-10028A-002.JPG

GPS Accuracy (ft)

28 Feet

Date (M/D/Y)

07-24-02

Time

15:11

Flow Rate (CFS)

10.18

## Open Channel Flow

☒ Complete one box from both Area and Calculation sections

### Cross Sectional Area

#### ☐ Circular Channel

- ☐ Less than half full  
☐ Half full  
☐ More than half full  
☐ Full

Diameter 0

Depth 1.5

#### ☒ Rectangular Channel

Width 5

Depth 1.5

## Flow Calculation

☒ Continuity

Velocity

1

#### ☐ Orifice

(Use only for head over a pipe flowing full with free discharge)

Depth of Water above orifice centerline 0

#### ☐ Weir

(Use only for water flowing freely over weir)

Height of water above nappe 0

Width of weir 0

☒ Manning (If used, include photo of representative channel section)

Channel Slope 0.0001

Channel Description

|                           |      |
|---------------------------|------|
| Concrete lined            | .016 |
| Smooth earth              | .025 |
| Earth                     | .033 |
| Rough bed, weeds on sides | .04  |
| Smooth natural stream     | .033 |
| Rough natural stream      | .1   |

## Pumped System

HP 0

Pressure Head (psi)

Elevation Head (ft)

Motor Mfg

Motor Serial #

Pump Type

Pump Mfg

Pump Serial#

## New Contact Information

New Contact Comments

*This Form and the associated query are the exclusive intellectual property of Intrepid Technology Resources Inc. , and may not be copied, modified, or distributed without the express written consent of Intrepid Technology and Resopurces, Inc.*



FOLDER NO. A2710028A



# IDAHO DEPARTMENT OF WATER RESOURCES

SNAKE RIVER BASIN ADJUDICATION - BASIN 23-27



RIGHT ID 27 10028 B  
POD ID 127048  
Folder No. A2710028B  
Claim Status In Use  
Easting 645973  
Northing 240736  
GPSID A0013029

## Diversion Description

HEAD GATES IN SAND CREEK TO DIVERSTION DITCHES. FLOOD IRRIGATION. Small head gate on the South side of Bithell Road.

## Assumptions

Assume slope of .01%.

## Invoice #

2000-055-23-27-0

Phase-0 (No Attention)  
Phase-I (Ready to Go to Field)  
Phase-II ( Site Visit - Data Missing)  
Phase-III (Complete w/issues)

## Linked

tos\27-10028B-001.JPG tos\27-10028B-003.JPG

## Photos

tos\27-10028B-002.JPG tos\27-10028B-004.JPG

## GPS Accuracy (ft)

28 Feet

## Date (M/D/Y)

07-24-02

## Time

15:15

## Flow Rate (CFS)

1.18

## Open Channel Flow

☒ Complete one box from both Area and Calculation sections

### Cross Sectional Area

#### ☐ Circular Channel

- ☐ Less than half full  
☐ Half full  
☐ More than half full  
☐ Full

Diameter 0

Depth 0.5

#### ☒ Rectangular Channel

Width 2

Depth 0.5

## Flow Calculation

### ☐ Continuity

Velocity 1

#### ☐ Orifice

(Use only for head over a pipe flowing full with free discharge)

Depth of Water above orifice centerline 0

#### ☐ Weir

(Use only for water flowing freely over weir)

Height of water above nappe 0

Width of weir 0

#### ☒ Manning (If used, include photo of representative channel section)

Channel Slope 0.0001

Channel Description

|                           |      |
|---------------------------|------|
| Concrete lined            | .016 |
| Smooth earth              | .025 |
| Earth                     | .033 |
| Rough bed, weeds on sides | .04  |
| Smooth natural stream     | .033 |
| Rough natural stream      | .1   |

## Pumped System

HP 0

Pressure Head (psi)

Elevation Head (ft)

Motor Mfg

Motor Serial #

Pump Type

Pump Mfg

Pump Serial#

## New Contact Information

New Contact Comments

*This Form and the associated query are the exclusive Intellectual property of Intrepid Technology Resources Inc. , and may not be copied, modified, or distributed without the express written consent of Intrepid Technology and Resopurces, Inc.*



**FOLDER NO. A2710028B**

County, Bingham  
Stream, Sand Creek.  
Amount, 1.44 Sec. ft.  
Use, Irrigation.  
Priority, 3/4/09.

## STATE OF IDAHO

Water License No. 4591.

WHEREAS, On the 4th day of March, A. D. 1909, CHAS. F. LANDON,

of Blackfoot, County of Bingham, State of Idaho, duly made application (No. 6288) to me for a permit to use nine (9) cubic feet per second of the waters of Sand Creek and tributaries,

County of Bingham, State of Idaho, for irrigation and domestic purposes, and,

WHEREAS, On the 29th day of April, A. D. 1909, Permit No. 4591 was issued to said applicant for the diversion of said water and providing for the completion of the works of diversion therein described on or before the 29th day of April, A. D. 1911, and for the application to beneficial use of said water on or before the 29th day of April, A. D. 1913, and,

WHEREAS, On the 24th day of May, A. D. 1911, the State Engineer extended the time for completion of works under said permit to October 29, 1911, and,

WHEREAS, On the 27th day of October, A. D. 1911, CHAS. F. LANDON,

the holder of said permit, duly made proof of the completion of adequate works for the diversion of Nine (9) cubic feet per second of said waters, as evidenced by my Certificate No. 4601 dated December 15, 1911, confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use Nine (9) cubic feet per second of said water, with date of priority of March 4, 1909, and

WHEREAS, On the 29th day of April, A. D. 1913, CHAS. F. LANDON,

the holder of said permit, duly made proof of the application to beneficial use of 1.44 cubic feet per second of said water.

NOW, THEREFORE, By virtue of authority vested in me by the laws of the State of Idaho, I hereby grant and confirm to CHAS. F. LANDON,

of Blackfoot, County of Bingham, State of Idaho, the holder and owner of said Permit No. 4591, a perpetual right, dating from March 4, 1909, to the use of 1.44 cubic feet per second of the waters of Sand Creek, and tributaries,

in the County of Bingham and State of Idaho, or so much thereof as may be necessary for the purposes hereinbelow mentioned, to be diverted at a point 60 rods due North of SW Cor. of NE  $\frac{1}{4}$  of Sec. 14, T. 2 S., R. 36 E. B. M.,

and conducted to and upon 72 acres divided as follows: 29 acres in the NE  $\frac{1}{4}$  of SW  $\frac{1}{4}$ ; 12 acres in SW  $\frac{1}{4}$  of SW  $\frac{1}{4}$ ; 6 acres in the NW  $\frac{1}{4}$  of SE  $\frac{1}{4}$ , Sec. 14, 24 acres in the NW  $\frac{1}{4}$  of NW  $\frac{1}{4}$  and 1 acre in the NE  $\frac{1}{4}$  of NW  $\frac{1}{4}$  Sec. 23, all in T. 2 S., R. 36 E. B. M.,

for the purpose of Irrigation and domestic use, subject, however, to the laws of the State of Idaho, applicable to a license for the use of the waters of the State, and subject, also, to the local or community customs, rules and regulations which have been or may be adopted from time to time by a majority of the users from a common source of supply, canal or lateral from which such water may be taken, when such rules and regulations have for their object the economical use of such water.

WITNESS, My hand and the seal of my office at Boise, Idaho, this 21st day of June, A. D., nineteen hundred and thirteen.

F. P. King,

(Seal)

State Engineer.

No. 6288. 27-2012

## APPLICATION FOR PERMIT

To Appropriate the Public Waters of the State of Idaho

1. Name of applicant: Chas. F. Landon

Postoffice address: Blackfoot, R.F.D. No. 3.

County: Bingham

State: Idaho

2. The quantity of water claimed is nine cubic feet per second.

3. Source of water supply: Sand Creek and tributaries

County of Bingham

4. Location of point of diversion: 60 rods due north of the S.W. Cor. of the NE4 of Sec. 14  
Tp. 2 S. of R. 36 E. of Boise mer.

5. To be used for:

I. Irrigation and domestic use:

(a) Amount of land to be irrigated: four hundred forty (440) acres.

(b) In the following legal subdivisions: NW4 the E2 of the SW4 and the W2 of the SE4 of Sec. 14; and the N2 of the NW4 of Sec. 23, and the SE4 of the NE4 of Sec. 22, all in Tp. 2 S. of R. 36 E. of Boise Mer.

6. Estimated cost of works: About One hundred dollars ( \$100.00)

7. Description of works for diversion:

I. Kind of works: Dam, Flume and gate also a short ditch.

II. Dimensions of works:

(a) Height of dam six feet, length of dam at top 100 feet. length of dam at bottom about fifteen feet. Material used in construction: Lumber, stone and earth, All but about 15 ft, of the 100 ft, are side wings.

(b) Capacity of reservoir: About ten thousand (10,000) cu. feet. Reservoir is not to hold but to divert water.

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

(d) Conduit flume, width at bottom six feet, width at water line six feet, depth of water av. 1 1/2 feet. Length of conduit is ...miles, and it crosses the following quarter sections: Water is on land to be irrigated as soon as it is taken from Sand Creek, to land described in 5 I (b) above which is the point of intended use.

8. The time required for the completion of the construction of such work is two years.

9. Time required for the complete application of the water to the proposed use is two additional years.

BE IT KNOWN, That the undersigned hereby makes application for a permit to appropriate the public waters of the State of Idaho as herein set forth.

Chas. F. Landon, Applicant.

By Wm. Anthony, Agent,

Remarks: It is my intention to get the water out so as to use it this spring if possible. I will not make an attempt to hold the water for storage, but for the purpose of diversion from the creek bed. The stream I am calling East Sand Creek is not the one that ends near Shelley, but that which continues south of the land herein described, runs into Blackfoot Slough, and thence into Blackfoot River..

-----  
 APPROVAL OF STATE ENGINEER :

\*\*\*\*\*

The number of this permit is 4591.

Date of first receipt of application: 9.00 a.m. March 4, 1909

Returned to applicant for correction: March 4, 1909

Corrected application received: April 29, 1909

Recorded in Book 13. Page 4591. Approved April 29, 1909

This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho and hereby grant the same, subject to the following limitations and conditions:

Work to be gin on or before June 28, 1909, and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which permit holder has no control.

One-fifth of the work above specified to be completed on or before April 29, 1910.

The whole of said work to be completed on or before April, 29, 1911.

The time for proof of beneficial use of water appropriated in accordance herewith, extended to April 29, 1913.

Witness my hand this twenty-ninth day of April, 1909.

Jas. Stephenson, Jr.

State Engineer.

PERMIT NO. 4591

## APPLICATION FOR EXTENSION OF TIME

STATE OF IDAHO,       )  
                           ( ss.  
 County of Bingham, )

Chas. F. Landon, being first duly sworn, upon his oath deposes and says:

He is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho, No. 4591.

Under the terms and conditions of said permit, construction work thereunder was required to be completed by April 29, 1911.

THAT, he is unable to complete such work within the required time, for the following reasons, to-wit:

I have not had time to get all the ditches made to the parts farthest from the dam, nor to get all the land cultivated and covered with water; also because my permit gives me an extension of time till April 29, 1913.

WHEREFORE, he asks that the State Engineer extend the time for the completion of construction work under said permit, to April 29, 1913.

And further, deponent saith not.

Chas F Landon

Subscribed and Sworn to before me this 13th day of May, 1911.

Wm Anthony  
 Justice of the Peace

Basalt Precinct.

My Commission expires \_\_\_\_\_

Date of receipt at office of State Engineer 9.00 a.m. May 17, 1911.

APPROVAL OF STATE ENGINEER.

I, A. E. Robinson, State Engineer of the State of Idaho, heroby extend the time for the completion of construction work under Permit to appropriate the Public Waters of the State of Idaho, No. 4591, to October 29, 1911.

Witness my hand this 24 day of May, 1911.

A. E. Robinson  
 State Engineer.

Notice of proof of completion of works received September 14th, 1911, fixing October 27th, 1911, as date, and Wimbball, Idaho, as place of proof.

Deposition blanks mailed September 16th, 1911.

Water Commissioner notified September 16th, 1911.

Publication notice mailed September 16th, 1911.

Depositions received October 30th, 1911.

Affidavit of publication and fee received November 25th, 1911.

Report of Engineer received December 11th, 1911.

Certificate issued December 15th, 1911.

Permit No. 4591.

# CERTIFICATE OF COMPLETION OF WORKS.

To All Whom it May Concern:

This is to certify that CHARLES F. LANDON, of Blackfoot, R.F.D.#3, County of Bingham, and State of Idaho, the holder of Permit No. 4591, issued upon Application No. 6268, bearing date of priority of March 4th, 1909, authorizing the diversion of 9 second feet of the waters of Sand Creek and Tributaries, County of Bingham, State of Idaho, for irrigation and domestic purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use 9 second-feet of the waters of Sand Creek and Tributaries, that the point of diversion of said waters is at a point 60 rods due north of the Southwest Corner of the Northeast quarter (NE $\frac{1}{4}$ ), Section 14, Township 2 South, Range 36, East of the Boise Meridian, and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: Northwest quarter (NW $\frac{1}{4}$ ), East half of the Southwest quarter (E $\frac{1}{2}$  SW $\frac{1}{4}$ ), West half of the Southeast quarter (W $\frac{1}{2}$  SE $\frac{1}{4}$ ), Section 14, North half of the Northwest quarter (N $\frac{1}{2}$  NW $\frac{1}{4}$ ), Section 25, Southeast quarter of the Northeast quarter (SE $\frac{1}{4}$  NE $\frac{1}{4}$ ), Section 22, Township 2 South, Range 36, East of the Boise Meridian.

Witness my hand this 15th day of December, A.D. 1911.

A. E. Robinson.

State Engineer.

License issued for 1 second feet Isaac J. Alfred  
*Page 1232*

License issued for 1.44 second feet Charles F. Landon  
*Page 1377*

## REPORT OF ENGINEER

- 4591
1. State name of applicant and number of permit: Charels F. Landon.
  2. State source of water supply: Sand Creek & other tributaries.
  3. Location of point of diversion: 825 ft North from center of Section 14, Tp 2, S. R. 36, E. Boise Meridian.
  4. State whether or not the works of diversion are *fully* completed and in accordance with terms of permit: Yes (With the exception of a place or two at the extrem end,)
  5. Describe works as they exist, giving dimensions of same as follows:
    - (a) Width of conduit at bottom: Four feet.
    - (b) Width at water line: Five feet.
    - (c) Depth of water: 1.5
    - (d) Grade per mile: 2.
    - (e) Capacity of ditch: 11. second feet.
  6. State whether or not water has been turned into works of diversion and if so, to what extent: Water has been used on nearly all of land Eighty five acers has been irrigated and the Sixty several seasons.
  7. Give exact location of lands to be irrigated. Give exact number of acres under cultivation in each forty acre tract: 29 ac. in the N.E.  $\frac{1}{4}$  of the S.W.  $\frac{1}{4}$ ; 12, Ac. in the S.E.  $\frac{1}{4}$  of S.W.  $\frac{1}{4}$  6, Ac. in the N.W.  $\frac{1}{4}$  of the S.E.  $\frac{1}{4}$  Non in the S.W.  $\frac{1}{4}$  of the S.E.  $\frac{1}{4}$  all in Sec 14. 24, Ac. in the N.W.  $\frac{1}{4}$  of the N.W.  $\frac{1}{4}$  of Sec 23 and One acre in the N.E.  $\frac{1}{4}$  of the N.W.  $\frac{1}{4}$  Sec. 23,
  8. Submit map on enclosed plat, source of supply, point of diversion, route of ditch or ditches and cross hatch lands to be irrigated.

Remarks: Witnesses and holders of permit were present and assisted in the measurements the land is very sandy and requires constant labor to keep the ditches open. it also requires more water than clay soil.

RECEIVED

MAY 5 - 1913

OFFICE OF STATE ENGINEER

RECEIVED

MAY 16 1913

OFFICE OF STATE ENGINEER

A. E. Christensen

STATE OF IDAHO,

County of Bingham } ss.A. E. Christensen

, being first duly sworn, deposes and says that the statements contained in the within report are correct to the best of his knowledge and belief.

Subscribed and sworn to before me this Second day of May 1913

My Commission Expires

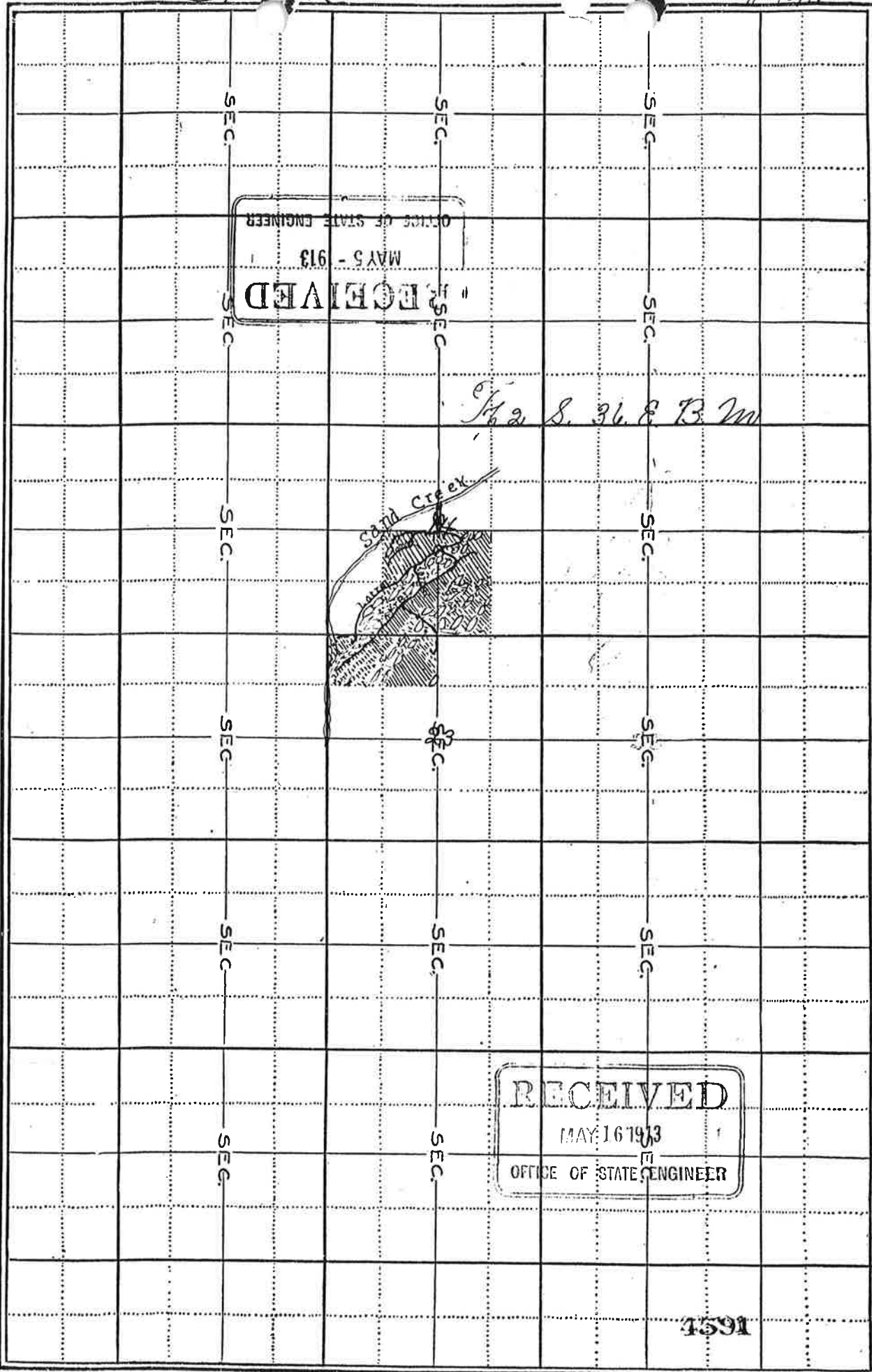
Jan 26 - 1916

Notary Public.

4591

C. F. London.

# 4591.



SCANNED

JUL 20 2001

Log for claim 27-10028

Spatial Dynamics LTD

1/2/01

| TR      | SEC | QQ   | Acres<br>Claimed | Acres<br>Found | COMMENT |
|---------|-----|------|------------------|----------------|---------|
| 02s36e  | 14  | SWNE | 15               | 12             |         |
| 02s36e  | 14  | SENE | 37               | 40             |         |
| 02s36e  | 14  | NWNE | 34               | 36             |         |
| 02s36e  | 14  | NENE | 24               | 20             |         |
| Totals: |     |      | 110              | 108            |         |

 SPATIAL  
DYNAMICS

AJ5809NP  
No. A27-10028

IDAHO DEPARTMENT OF WATER RESOURCES  
ADJUDICATION CLAIM PROFILE REPORT

DATE: 09/29/00  
PAGE: 156

| OWNER<br>CODE | NAME & ADDRESS                                                          | PRIORITY<br>DATE | WATER USE  | USE PERIOD<br>FROM TO | DIVERSION<br>RATE | DIVERSION<br>VOLUME |
|---------------|-------------------------------------------------------------------------|------------------|------------|-----------------------|-------------------|---------------------|
| C             | BONNIE P GARDNER<br>469 E 400 N<br>BLACKFOOT ID 83221<br>(208) 785-1688 | 06/01/1907       | IRRIGATION | 04-01 11-01           | 5.380 CFS         |                     |
|               |                                                                         |                  |            |                       | TOTAL DIVERSION:  | 5.380 CFS           |
|               |                                                                         |                  |            |                       | CONSUMPTIVE USE:  | 275.00 AFA          |

Water Source: SAND CREEK

Tributary to: BLACKFOOT RIVER

Stage: BENEFICIAL USE

Point(s) of Diversion: T02S R36E S14 NWNENE SENWNE BINGHAM County

Place of use Legal Description for: IRRIGATION

| NE                  |     |    |   | NW                  |    |    |    | SW                  |    |    |    | SE                  |    |    |    |    |    |    |             |       |
|---------------------|-----|----|---|---------------------|----|----|----|---------------------|----|----|----|---------------------|----|----|----|----|----|----|-------------|-------|
| NENE NWNE SWNE SENE |     |    |   | NENW NWNW SWNW SENW |    |    |    | NESW NWSW SWSW SESW |    |    |    | NESE NWSE SWSE SESE |    |    |    |    |    |    |             |       |
| T                   | R   | S  |   | Lt                  | Ac | Lt | Ac | Lt                  | Ac | Lt | Ac | Lt                  | Ac | Lt | Ac | Lt | Ac | Lt | Ac          | SUM   |
| 02S                 | 36E | 14 | : | 24                  |    | 34 |    | 15                  |    | :  |    | 37                  |    | :  |    | :  |    |    |             | 110.0 |
|                     |     |    |   |                     |    |    |    |                     |    |    |    |                     |    |    |    |    |    |    | TOTAL ACRES | 110.0 |

POU County: BINGHAM

Non-Irrigation Uses: NONE

Other Rights: CLAIMING PORTION OF 27-02012.

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):  
27-10814 A27-02012A A27-02012B A27-10761 A27-10814

Other Water Rights Listing Overlapping Place(s) of Use:  
A27-02012A

Remarks: GEN \*\*\*\*\* AMENDED CLAIM FILED TO CORRECT AMOUNT OF WATER UNDER RIGHT.  
MR. POULSON IS DELIVERED THIS WATER IN CONJUNCTION W/ VERA  
BELNAP. BETWEEN THE TWO OF THEM THEY CLAIM TO BE ENTITLED TO  
461" OF WATER. A PORTION OF THIS IS CLAIMED UNDER LICENSE  
27-02012. BETWEEN MR. POULSON'S AND MRS. BELNAP'S CLAIMS, 461  
INCHES OF WATER HAS BEEN FILED ON FOR THEIR PROPERTIES. MR.  
POULSON IS FILING TO ADJUST THE AMOUNT OF WATER UNDER THE 1907  
RIGHT SO THAT MRS. BELNAP IS GIVEN HER PORTION.

Dates: Exam Made Date: Verified Date: Objection Filed Date:

Misc: Water District Number: Field Inspection Flag:  
Presumption Flag:

Audit: 10/18/88 VERNER 06/12/89 VERNER 04/21/93 THOMPSON 03/29/95 POST-STD



State of Idaho  
DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - FAX: (208) 525-7177

EASTERN REGION

CECIL D. ANDRUS  
GOVERNOR  
R. KEITH HIGGINSON  
DIRECTOR

DATE: NOV. 1, 1994

A27-10028  
BONNIE P GARDNER  
469 E 400 N

BLACKFOOT ID 83221

**EVIDENCE OF PRIORITY**

Dear Claimant:

The Notice of Claim identified above and or below has been filed in the Snake River Basin Adjudication(SRBA). The notice indicates a water usage of irrigation, or other commercial application that is based on **BENEFICIAL USE**. Water rights of this type are established by the historical use of water, dating back to when the water was first used for the purpose claimed. This date is know as the **PRIORITY DATE**, has not been confimed by a license, Decree, or Permit. For this reason, proof must be provided supporting the priority date. **As the claimant, you are responsible for submitting the necessary proof to support the PRIORITY DATE.**

For your reference, I have provided a printout of your Notice of claim and the pamphlet **EVIDENCE OF PRIORITY**. The pamphlet suggests which documents will fulfill this requirement.

**The IDWR can not recommend the notice be decreed by the court if no evidence of a priority date is submitted.**

Please submit the documentation supporting the priority date by Feb. 1, 1995, referencing the information with the corresponding Water right number. If you have any questions, please contact this office.

Dave Carlson  
Water Right Agent, Adjudications

**MICROFILMED**  
**NOV 13 1995**

APRIL 21, 1993

BONNIE P GARDNER  
469 E 400 N  
BLACKFOOT ID 83221

RE: CHANGE IN OWNERSHIP FOR A27-02012A AND A27-10028

Dear Ms. Gardner:

The request for Change in Ownership concerning your Notice(s) of Claim in the above reference has been processed and the Notice(s) modified to reflect you as the new owner.

Enclosed are typed Notices with your name shown as the current owner. Review the forms and if there are other corrections or questions, feel free to contact this office.

If there are no questions or corrections, please keep these Notices for your records.

Respectfully submitted,

Dave Carlson  
Water Right Agent, Adjudications

DC:jt

Enclosure: Notices of Claim

MICROFILMED  
APR 12 1994



# NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type  
(see instructions on back of page)

DATE OF CLOSING: \_\_\_\_\_

LEGAL DESCRIPTION OF PROPERTY: Township \_\_\_\_\_ Range \_\_\_\_\_  
Section \_\_\_\_\_, \_\_\_\_\_ 1/4 of \_\_\_\_\_ 1/4 of \_\_\_\_\_ 1/4, Govt. Lot \_\_\_\_\_, BM.  
Lot \_\_\_\_\_, Block \_\_\_\_\_, Subdivision/Townsite \_\_\_\_\_.  
If you have additional legal descriptions, please attach separate sheet.

☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)

☐ Water Right Number(s)  
Assigned by IDWR: \_\_\_\_\_

*-400ers 5.380 QCS*  
A27-02012A AND A27-10028

☒ Name and Address of Former  
Owner/Claimant(s)(Seller): \_\_\_\_\_

BASIL POULSON

153 E. 200 N.

BLACKFOOT, ID 83221

☒ New Owner/Claimant  
(Purchaser): \_\_\_\_\_

RONNIE P. GARDNER

☒ New Mailing Address: \_\_\_\_\_

469 E. 400 N.

BLACKFOOT, ID 83221

☒ New Telephone Number: (208)- 785-1688

☐ Does the change in ownership result in a splitting of the water right owned/claimed? yes no  
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

☐ Attach proof of  
ownership, describe  
proof attached: \_\_\_\_\_

(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

☒ Signature of New  
Owner/Claimant(s): \_\_\_\_\_

Date 4/19/93

Date \_\_\_\_\_

☒ Signature of Former  
Owner/Claimant(s): \_\_\_\_\_

Date 4-19-93

Date 4-18-93

(Signature of former claimant(s) is not required if proof of ownership is attached.)

## FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: \_\_\_\_\_ By: \_\_\_\_\_

Further Action Needed:

Further Action Taken

Date: \_\_\_\_\_ By: \_\_\_\_\_

Final Review and Data-Entry

Date: \_\_\_\_\_ By: \_\_\_\_\_

Claim Numbers of Split, if any:

MICROFILMED

Original to be mailed to Idaho Department of Water Resources  
Copies to Former Owner and New Owner

APR 12 1994

No.1-

3060

2685a

*At*

ption

# act of Title

PREPARED BY

*Bingham*  
*Title & Trust Co.*

TO THE  
FOLLOWING DESCRIBED REAL ESTATE



The Northeast quarter of  
Section Fourteen in Township  
Two South of Range Thirty-six  
East of Boise Meridian, in Idaho.

\*\*\*\*\*

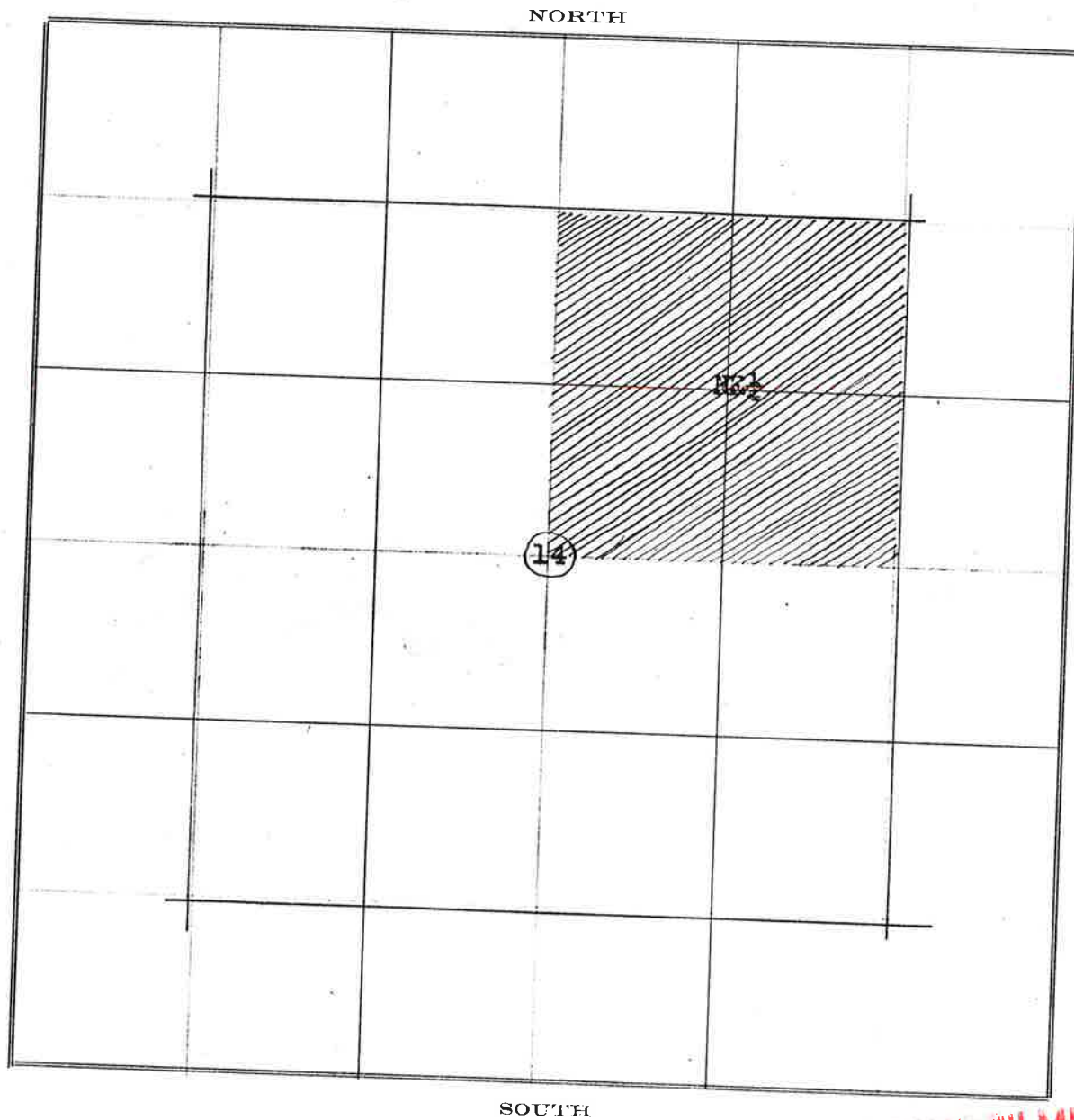
MICROFILMED

NOV 13 1996

*The Bingham  
Abstract Co. Ltd.*

No. 2-

Township 2 South of Range 36 N.B.M., Idaho- 160 acres-



SCALE: 20 CHAINS TO THE INCH

MICROFILMED  
NOV 13 1996

NOTICE OF WATER RIGHT.

\*\*\*\*

Elmer Dakin and  
John A. Peterson.

TO

Whom concerned.

Grantors,

Grantee.

\*\*\*\*\*

Dated- March 30th, 1901-  
Recorded- April 6th, 1901 at-  
9:10 a.m., in book "E" of Water Locations at-  
Page 83 of the records of Bingham County, Idaho-

Acknowledged- March 30th, 1901 before-  
George L. Wall a Notary Public of Bing-  
ham County, Idaho- Sealed- Regular-

DESCRIPTION and REMARKS.

Conveys 6 cubic feet per second, 300 inches of the waste waters of  
Sand Creek for irrigating the NE $\frac{1}{4}$  section 14 and the SW $\frac{1}{4}$  section 12 to  
ship 2 south of range 36 E.B.M.

MICROFILMED  
NOV 13 1995

U. S. PATENT.

\*\*\*

The United States of America,  
By Theodore Roosevelt, President.  
By F. M. McKean, Secretary.

TO

Elmer Dakin

Grantors,

Grantee,

\*\*\*\*\*

Dated- September 5th, 1906-

Consideration- Full payment-

Recorded- April 23rd, 1908 at-

9:26 a.m. in book "1" of Deeds at-

Page 417 of the records of Bingham County, Idaho-

Countersigned:- C. H. Brush, Re-  
corder of the General Land Office-

U. S. Seal-

DESCRIPTION and REMARKS

Conveys, the NE<sup>1</sup> of section 14 in township 2 south of range 36 E.B.  
M., in Idaho, containing 160 acres, according to the Official Plat of the  
Survey of the said lands, returned to the General Land Office by the Sur-  
veyor-General.

MICROFILMED

NOV 13 1955

4 B

4

No. 5-

*The Bingham*  
*Abstract Co. Ltd.*

BOND FOR DEED.

\*\*\*

Elmer Dakin

TO

Andrew C. Hanson,

Grantor,

Grantee.

\*\*\*\*\*

Dated- January 12th, 1909-

Consideration- \$1100.00-

Recorded- March 3d, 1910 at-

10:30 a.m., in book "B" of Bond for Deeds at-

Page 81 of the records of Bingham County, Idaho-

Acknowledged- January 12th, 1909 before-  
John W. Jones a Notary Public of Bingham County, Idaho- Sealed- Regular-

No witness-

DESCRIPTION and REMARKS

Agrees to furnish a good and sufficient warranty deed on the NE<sup>1</sup>/<sub>4</sub> of section 14 township 2 south of range 36 E.B.M., in Idaho, containing 160 acres, according to Government survey, together with all ditches, ditch rights of way and water rights of the said party of the first part for the irrigation of said land and particularly the appropriated water right of the first party therefor in and to the waters of Sand Creek.

\$100.00 purchase price.

50.00 cash in hand.

\$250.00 due June 25th, 1909.

400.00 one year from date hereof and

400.00 two years from date hereof, all of said deferred payments

to draw interest at the rate of 8% per annum.

Said second party has the privilege of repaying said unpaid sums at any time before maturity and receive deed for same.

MICROFILMED

NOV 13 1996

573

No. 6-

*The Bingham*  
*Abstract Co. Ltd.*

MORTGAGE

\*\*\*

Elmer Dakin, unmarried.

TO

The Brown-Hart Company,  
Limited, a corporation.

Grantor,

Grantee.

\*\*\*\*\*

Dated- April 30th, 1910-

Consideration- \$525.00-

Recorded- May 14th, 1910 at-

4:45 p.m., in book "28" of Mortgages at-

Page 10 of the records of Bingham County, Idaho-

Acknowledged- April 30th, 1910 before-

John W. Jones a Notary Public of Bingham County, Idaho- Sealed- Regular-

Witness- John W. Jones-

Due 6 months- Interest 10%-

Payable at Blackfoot, Idaho-

DESCRIPTION and REMARKS.

Conveys the NE $\frac{1}{4}$  of section 14 township 2 south of range 36 E.B.M., in Idaho, containing 160 acres, according to the Government survey. Together with all ditches, ditch rights of way and water rights thereto appertaining and belonging.

MICROFILMED

NOV 13 1996

No. 7-

*The Bingham  
Abstract Co. Ltd.*

WARRANTY DEED.

\*\*\*

Elmer Dakin, an unmarried man. TO Rosa D. Wilson,  
Grantor, Grantee.

\*\*\*\*\*

Dated- April 30th, 1910-  
Consideration- \$1200.00-  
Recorded- May 14th, 1910 at-  
4:55 p.m., in book "18" of Deeds at-  
Page 404 of the records of Bingham County, Idaho-

Acknowledged- April 30th, 1910 before-  
John W. Jones a Notary Public of Bingham County, Idaho- Sealed- Regular-

Witness- John W. Jones-

DESCRIPTION and REMARKS.

Conveys the NE $\frac{1}{4}$  of section 14 in township 2 south of range 36 E. B.M., in Idaho, containing 160 acres, according to the Government survey.

Together with the ditches ditch rights or way and water rights thereto appertaining and belonging.

Subject to a mortgage on said premises for the sum of \$525.00 in favor of the Brown-Hart Co., Ltd. a corporation, bearing even date herewith and due six months from date, which the grantee herein assumes and agrees to pay as the shall become due.

MICROFILMED

NOV 13 1995

70

QUITCLAIM DEED.

\*\*\*

Rosa D. Wilson,

TO

Elmer Dakin,

Grantor,

Grantee.

\*\*\*\*\*

Dated- April 30th, 1910-

Consideration- \$1200.00-

Recorded- June 1st, 1910 at-

11:15 a.m., in book "15" of Deeds at-

Page 257 of the records of Bingham County, Idaho-

Acknowledged- June 1st, 1910 before-  
John W. Jones a Notary Public of Bingham County, Idaho-Sealed-Regular-

Witness- John W. Jones-

DESCRIPTION and REMARKS.

Conveys the NE $\frac{1}{4}$  of section 14 in township 2 south of range 36 E.B. M., in Idaho, containing 160 acres according to the Government survey. Together with the ditches, ditch rights of way and water rights thereto appertaining and belonging.

MICROFILMED

NOV 13 1996

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

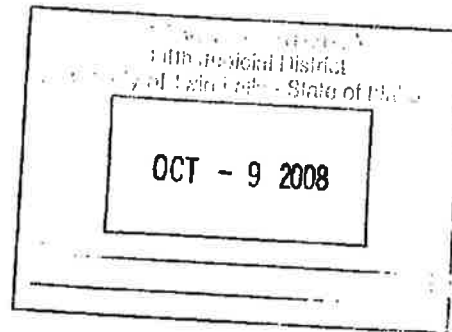
Ident. Number 27-10028  
Date Received: 10/18/1988  
Receipt No: E003249  
Received By: MWH

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

1. Name of Claimant(s)

LEON J GARDNER Phone: (208) 785-2040  
469 E 400 N  
BLACKFOOT ID USA 83221

BONNIE P GARDNER Phone: (208) 785-1688  
469 E 400 N  
BLACKFOOT ID USA 83221



2. Date of Priority: ~~09/05/1906~~ 03/30/1901

3. Source: SAND CREEK Trib. to: BLACKFOOT RIVER

4. Point of Diversion:

| Township | Range | Section | 1/4 of 1/4 of 1/4 Lot | County  | Type |
|----------|-------|---------|-----------------------|---------|------|
| 02S      | 36E   | 14      | NW NE NE              | BINGHAM |      |
| 02S      | 36E   | 14      | NW NE NE              | BINGHAM |      |
| 02S      | 36E   | 14      | SE NW NE              | BINGHAM |      |

5. Description of diverting works:

HEAD GATES IN SAND CREEK TO DIVERSION DITCHES. FLOOD IRRIGATION

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S. | (or) A.F.A |
|------------|-------|-------|--------|------------|
| IRRIGATION | 04/01 | 11/01 | 10.18  |            |
| STOCKWATER | 03/01 | 11/30 | 0.94   |            |

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

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

| Township      | Range | Section | 1/4 of 1/4 | Lot | Use        | Acres |
|---------------|-------|---------|------------|-----|------------|-------|
| 02S           | 36E   | 14      | SW         | NE  | IRRIGATION | 11    |
|               |       |         | NE         | NE  | IRRIGATION | 19    |
|               |       |         | SE         | NW  | IRRIGATION | 36    |
|               |       |         | NW         | NE  | IRRIGATION | 36    |
|               |       |         | NW         | NE  | IRRIGATION | 34    |
| Section Acres |       |         |            |     |            | 136   |
| Total Acres   |       |         |            |     |            | 136   |

11. Place of use in counties: BINGHAM

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

13. Other Water Rights Used:

14. Remarks:

\*\*\*\* AMENDED CLAIM FILED TO CORRECT PRIORITY DATE.

15. Basis of Claim: Beneficial Use

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do        do not ✓ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 4

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):

Bonnie P. Gardner  
Don J. Gardner

Date: 10/8/08

11/8/08

Date:

State of Idaho

County of Bingham ) SS.

Subscribed and sworn (or affirmed) before me this 8th

of October 2008

Notary Public

Residing at Blackfoot

My commission Expires 11/1/10



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 27-10028  
Date Received: 10/18/1988  
Receipt No: E003249  
Received By: MWH

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

RECEIVED

JUN 16 2008

DEPARTMENT OF  
WATER RESOURCES

1. Name of Claimant(s)

BONNIE P GARDNER Phone: (208)785-1688  
469 E 400 N  
BLACKFOOT ID USA 83221

LEON J GARDNER  
469 E 400 N  
BLACKFOOT ID USA 83221

2. Date of Priority: ~~06/01/1919~~ 09/05/1906

3. Source: SAND CREEK Trib. to: BLACKFOOT RIVER

4. Point of Diversion:

| Township | Range | Section | 1/4 of 1/4 of 1/4 Lot | County  | Type |
|----------|-------|---------|-----------------------|---------|------|
| 02S      | 36E   | 14      | NW NE NE              | BINGHAM |      |
| 02S      | 36E   | 14      | SE NW NE              | BINGHAM |      |

5. Description of diverting works:

HEAD GATES IN SAND CREEK TO DIVERSTION DITCHES. FLOOD IRRIGATION

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S. | (or) A.F.A. |
|------------|-------|-------|--------|-------------|
| IRRIGATION | 04/01 | 11/01 | 10.18  |             |
| STOCKWATER | 03/01 | 11/30 | 0.94   |             |

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

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

| Township | Range | Section | 1/4 of 1/4 | Lot | Use           | Acres |
|----------|-------|---------|------------|-----|---------------|-------|
| 02S      | 36E   | 14      | SW         | NE  | IRRIGATION    | 11    |
|          |       |         | NE         | NE  | IRRIGATION    | 19    |
|          |       |         | SE         | NW  | IRRIGATION    | 36    |
|          |       |         | NW         | NE  | IRRIGATION    | 36    |
|          |       |         | NW         | NE  | IRRIGATION    | 34    |
|          |       |         |            |     | Section Acres | 136   |
|          |       |         |            |     | Total Acres   | 136   |

11. Place of use in counties: BINGHAM

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

13. Other Water Rights Used:

14. Remarks:

\*\*\*\* AMENDED CLAIM FILED TO CORRECT AMOUNT OF WATER UNDER RIGHT. MR. POULSON IS DELIVERED THIS WATER IN CONJUNCTION W/ VERA BELNAP. BETWEEN THE TWO OF THEM THEY CLAIM TO BE ENTITLED TO 461" OF WATER. A PORTION OF THIS IS CLAIMED UNDER LICENSE 27-02012. BETWEEN MR. POULSON'S AND MRS. BELNAP'S CLAIMS, 461 INCHES OF WATER HAS BEEN FILED ON FOR THEIR PROPERTIES. MR.

POULSON IS FILING TO ADJUST THE AMOUNT OF WATER UNDER THE 1907 RIGHT SO THAT MRS. BELNAP IS GIVEN HER PORTION.

15. Basis of Claim: Beneficial Use

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do        do not ✓ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 7

For Individuals:

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

Signature of Claimant(s): Leon J. Gardner Date: 06-12-08  
\_\_\_\_\_ Date: \_\_\_\_\_

State of Idaho )  
County of Bingham ) SS.

Subscribed and sworn (or affirmed) before me this 12<sup>th</sup>  
of June 2008



[Signature]  
Notary Public

Residing at Blackfoot Idaho  
My commission Expires 11/1/10

# Department of Water Resources

## Eastern Region



Claim No.: 27-10028 & 27-12013



0 660 1320 1980 2640 Feet

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

SCANNED  
MAY 17 2006



**PROFILED**

GIS Place of Use Illustration  
1987 NAPP Photography  
Prepared by: Kristin Moore  
Date Prepared: August 2005



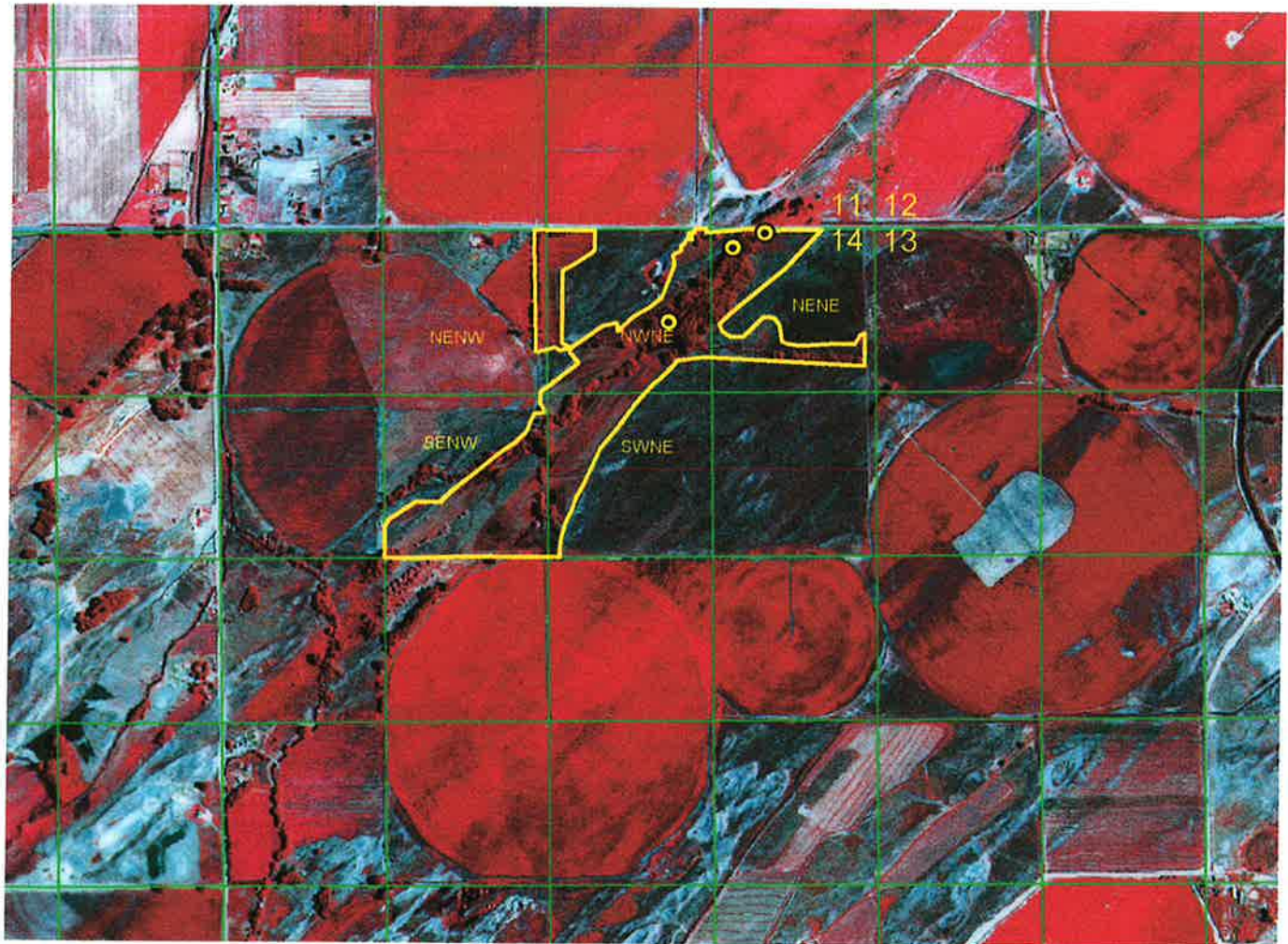
# STATE OF IDAHO

Department of Water Resources

Eastern Region



## Water Right(s) 27-10028 & 27-12013

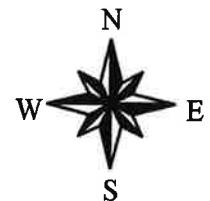


800 0 800 1600 Feet

- LEGEND**
- ⊙ Point of Diversion
  - Place of Use
  - Townships
  - Sections
  - Quarter-Quarters

Place of Use: T2S, R36E:  
(part of) Sec. 14, SENW,  
SWNE, NWNE, NENE.

Point(s) of Diversion: T2S, R36E:  
Sec. 14, SENWNE, NWNENE.



GIS Place of Use Illustration  
1987/88 NAPP Photography  
Prepared by: B. Payne  
Date: July 2005.

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 27-10028  
Date Received: 10/18/1988  
Receipt No: E003249  
Received By:

**AMENDED**

**AMENDED**

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

1. Name of Claimant(s)

BONNIE P GARDNER Phone: (208) 785-1688 LEON J. GARDNER

469 E 400 N  
BLACKFOOT ID USA 83221

2. Date of Priority: 06/01/~~1907~~ 06/01/1919

3. Source: SAND CREEK Trib. to: BLACKFOOT RIVER

4. Point of Diversion:

| Township | Range | Section | 1/4 of 1/4 of 1/4 Lot | County  | Type |
|----------|-------|---------|-----------------------|---------|------|
| 02S      | 36E   | 14      | NW NE NE              | BINGHAM |      |
| 02S      | 36E   | 14      | SE NW NE              | BINGHAM |      |

2 POINTS OF DIVERSION ARE LOCATED IN THE NWNENE OF SECTION 14.

5. Description of diverting works:

HEAD GATES IN SAND CREEK TO DIVERSTION DITCHES. FLOOD IRRIGATION

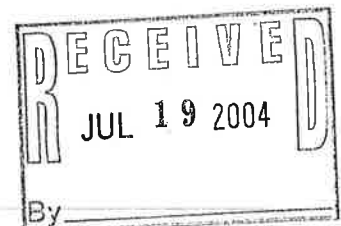
6. Water is used for the following purposes:

| Purpose    | From To    | C.F.S.                       | (or) A.F.A |
|------------|------------|------------------------------|------------|
| IRRIGATION | 4/01 11/01 | <del>5.38</del> <u>10.18</u> |            |

7. Total Quantity Appropriated is:

~~5.38 C.F.S.~~ 10.18 C.F.S.

8. Total consumptive use:



9. Non-irrigation uses:

10. Place of use:

| Township      | Range | Section | 1/4 of 1/4 | Lot | Use        | Acres |     |
|---------------|-------|---------|------------|-----|------------|-------|-----|
| 02S           | 36E   | 14      | SW         | NE  | IRRIGATION | 15    | 11  |
|               |       |         | NE         | NE  | IRRIGATION | 24    | 19  |
|               |       |         | NW         | NE  | IRRIGATION | 34    | 36  |
|               |       |         | SE         | NW  | IRRIGATION | 37    | 36  |
| Section Acres |       |         |            |     |            | 110   | 102 |
| Total Acres   |       |         |            |     |            | 110   | 102 |

11. Place of use in counties: BINGHAM

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

13. Other Water Rights Used:  
A27-12013

14. Remarks:

~~\*\*\*\* AMENDED CLAIM FILED TO CORRECT AMOUNT OF WATER UNDER RIGHT. MR. POULSON IS DELIVERED THIS WATER IN CONJUNCTION W/ VERA BELNAP. BETWEEN THE TWO OF THEM THEY CLAIM TO BE ENTITLED TO 461" OF WATER. A PORTION OF THIS IS CLAIMED UNDER LICENSE 27-02012. BETWEEN MR. POULSON'S AND MRS. BELNAP'S CLAIMS, 461 INCHES OF WATER HAS BEEN FILED ON FOR THEIR PROPERTIES. MR. POULSON IS FILING TO ADJUST THE AMOUNT OF WATER UNDER THE 1907 RIGHT SO THAT MRS. BELNAP IS GIVEN HER PORTION.~~

15. Basis of Claim: Beneficial Use

16. Signature(s)

Number of attachments: \_\_\_\_\_

**For Individuals:**

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

Signature of Claimant(s):

*Ernest P. Anderson*  
*Leon J. Gardner*

Date:

*7/6/04*  
*7/6/04*

State of Idaho )

County of

*Bingham*

) SS.

Subscribed and sworn (or affirmed) before me this

*16<sup>th</sup>*

day

of *July*, 2004

*Denise Chadwick*

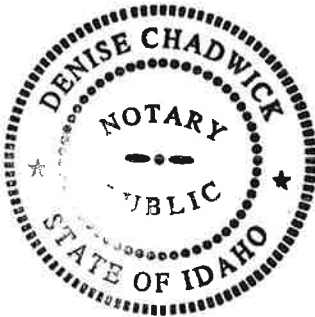
Notary Public

Residing at

*Blackfoot, Id*

My commission Expires

*9-10-05*



JUL 20 2001

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: A27-10028  
Date Received: 10/18/1988  
Receipt No: E003249  
Received By: \_\_\_\_\_

AMENDED

COPY FOR  
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

COPY FOR  
YOUR FILES

1. Name: BONNIE P GARDNER and/or Leon J. Gardner 308-785-1688  
Address: 469 E 400 N  
BLACKFOOT ID 83221

2. Date of Priority: JUN 1, ~~1907~~ 1919

3. Source: SAND CREEK

Trib. to: BLACKFOOT RIVER

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 of | Lot    | County  |
|----------|-------|---------|--------|--------|--------|--------|---------|
| 02S      | 36E   | 14      | NW     | NE     | NE     | (2pts) | BINGHAM |
|          |       |         | SE     | NW     | NE     |        | BINGHAM |

5. Description of diverting works:  
HEAD GATES IN SAND CREEK TO DIVERSTION DITCHES. FLOOD IRRIGATION

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S (or) | A.F.A. |
|------------|-------|-------|------------|--------|
| IRRIGATION | 04/01 | 11/01 | 5.380      |        |

7. Total Quantity Appropriated is:  
~~5.380~~ 10.18 C.F.S. (and/or)

A.F.A.

8. Total consumptive use is 275.0 Acre Feet Per Annum.

9. Non-irrigation uses:  
NONE

10. Place of Use:

| Township | Range | Section | 1/4 of | 1/4 of | Lot | Use | Acres |
|----------|-------|---------|--------|--------|-----|-----|-------|
| 02S      | 36E   | 14      | NE     | NE     |     | IRR | 24.0  |
|          |       |         | NW     | NE     |     | IRR | 34.0  |
|          |       |         | SW     | NE     |     | IRR | 15.0  |

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APR 12 1994

10. Place of Use: Continued

| Township      | Range | Section | 1/4 of 1/4 | Lot | Use | Acres     |
|---------------|-------|---------|------------|-----|-----|-----------|
| 02S           | 36E   | 14      | SE         | NW  | IRR | 37.0 38   |
| Section Acres |       |         |            |     |     | 110.0 102 |
| Total Acres   |       |         |            |     |     | 110.0 102 |

11. Place of use in counties: BINGHAM

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

13. Other Water Rights Used:

~~CLAIMING PORTION OF 27-02012.~~ 27-12013.

14. Remarks:

\*\*\*\* AMENDED CLAIM FILED TO CORRECT AMOUNT OF WATER UNDER RIGHT. MR. POULSON IS DELIVERED THIS WATER IN CONJUNCTION W/ VERA BELNAP. BETWEEN THE TWO OF THEM THEY CLAIM TO BE ENTITLED TO 461" OF WATER. A PORTION OF THIS IS CLAIMED UNDER LICENSE 27-02012. BETWEEN MR. POULSON'S AND MRS. BELNAP'S CLAIMS, 461 INCHES OF WATER HAS BEEN FILED ON FOR THEIR PROPERTIES. MR. POULSON IS FILING TO ADJUST THE AMOUNT OF WATER UNDER THE 1907 RIGHT SO THAT MRS. BELNAP IS GIVEN HER PORTION.

15. Basis of Claim: BENEFICIAL USE

*[Signature]*  
B.U.

COPY

Add

FOZ POD Remark 2pts of diversion are located  
T2S, R36E Sec. 14, NWNE.

MICROFILME

APR 12 1994

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: A27-10028  
Date Received: 10/18/1988  
Receipt No: 6003249  
Received By: ESJ

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name: BASIL POULSON 208-785-2553  
Address: 153 E. 200 N.  
BLACKFOOT, ID 83221

OR  
Name: DOROTHY POULSON 208-785-2553  
Address: 153 E. 200 N.  
BLACKFOOT, ID 83221

2. Date of Priority: JUN 01, 1907

3. Source: SAND CREEK Trib. to: BLACKFOOT RIVER

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 of | Lot | County  |
|----------|-------|---------|--------|--------|--------|-----|---------|
| 02S      | 36E   | 14      | NW     | NE     | NE     |     | BINGHAM |
|          |       |         | SE     | NW     | NE     |     | BINGHAM |

5. Description of diverting works:  
HEAD GATES IN SAND CREEK TO DIVERSTION DITCHES. FLOOD IRRIGATION

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S | (or) | A.F.A. |
|------------|-------|-------|-------|------|--------|
| IRRIGATION | 04/01 | 11/01 | 9.000 |      |        |

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

8. Total consumptive use is 275.0 Acre Feet Per Annum.

9. Non-irrigation uses:  
NONE

10. Place of Use:

| Township | Range | Section | 1/4 of | 1/4 | Lot | Use           | Acres |
|----------|-------|---------|--------|-----|-----|---------------|-------|
| 02S      | 36E   | 14      | NE     | NE  |     | IRR           | 24.0  |
|          |       |         | NW     | NE  |     | IRR           | 34.0  |
|          |       |         | SW     | NE  |     | IRR           | 15.0  |
|          |       |         | SE     | NW  |     | IRR           | 37.0  |
|          |       |         |        |     |     | Section Acres | 110.0 |
|          |       |         |        |     |     | Total Acres   | 110.0 |

11. Place of use in counties: BINGHAM

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

13. Other Water Rights Used:  
CLAIMING PORTION OF 27-02012.

14. Remarks:

15. Basis of Claim: BENEFICIAL USE

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): Basil Poulson Date: Oct 18, 1988  
\_\_\_\_\_  
Date: \_\_\_\_\_

State of Idaho )  
County of Bonneville ) SS.

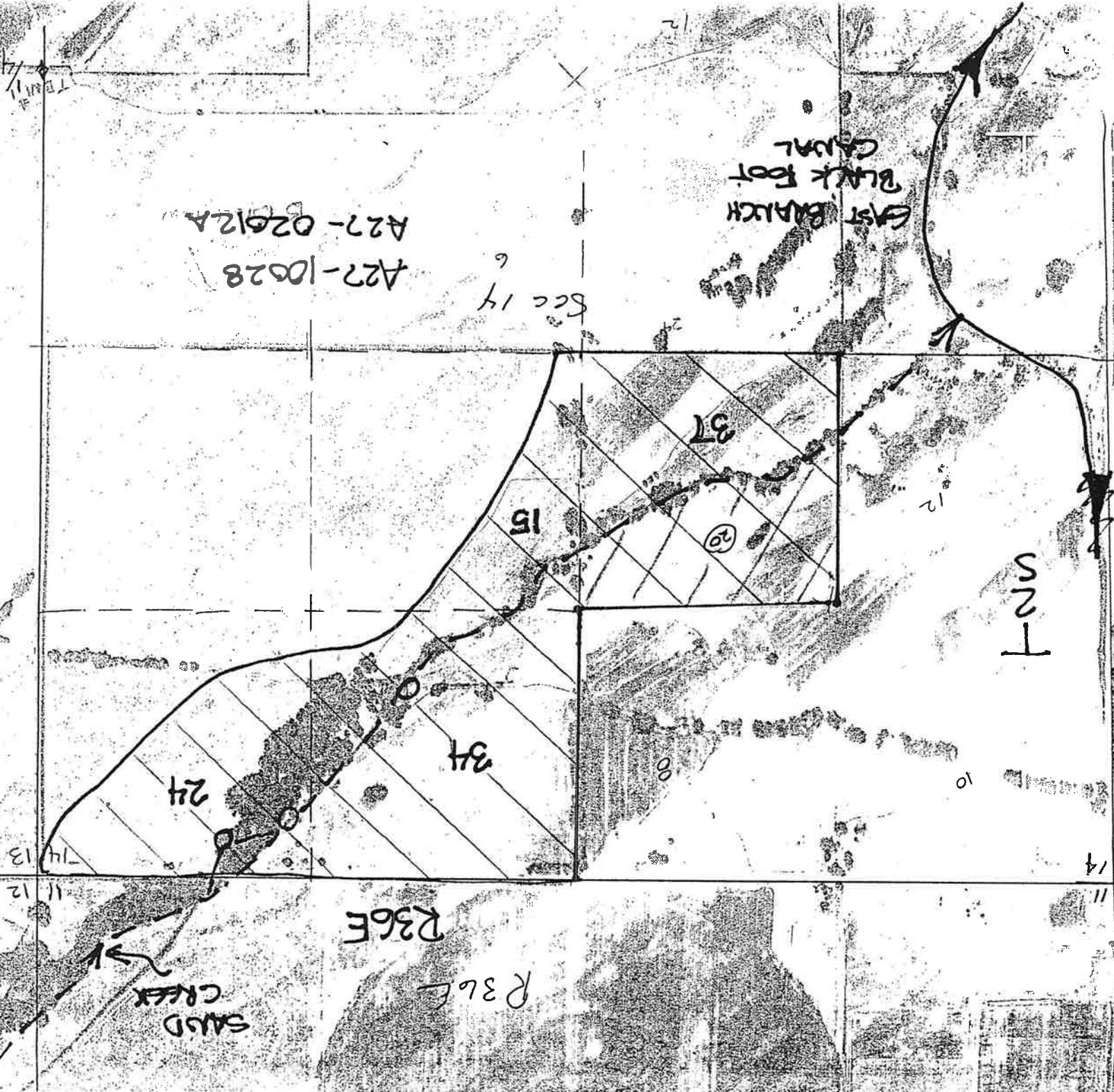
Subscribed and sworn (or affirmed) before me this 18 day  
of October 19 88

[Signature]  
Notary Public

Seal

Residing at Idaho Falls, ID  
My Commission Expires 22 Aug 1994

N



A27-10028  
A27-02012A

Sec 14

EAST BLANCH  
BLACK FOOT  
CANAL

SND

R36E

R36E

MICROFILMED

NOV 12 1992