

Transfer No. 2980

Water Right No. 35-2136
35-2331
35-2349

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

Name of applicant Ivan Gardner Phone 785-3619
Post Office address Rt. 1, Box 200, Blackfoot, Idaho 83221

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. Decreed to (Name)
in case of vs
dated in in county of (Name of court)
- b. License No. 35-2136 issued by the Idaho Department of Water Resources
- c. Claim No. on file with the Idaho Department of Water Resources

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

3. Source of water Groundwater tributary to

4. Date of priority 4-9-1949

5. Water is used for the following purposes:

amount 3.20 cfs for Irrigation purposes from 4-1 to 11-1
amount for purposes from to
amount for purposes from (month/day — both dates inclusive)

6. Total amount of water under right: a. 3.20 cubic feet per second &/or
b. acre feet per annum

7. Location of original point of diversion is SW ¼ of SE ¼ of Section 18
Township 1S Range 36E, B.M., in Bingham County
Additional points of diversion, if any

8. Lands irrigated or place of use:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
1S	36E	18												38					38
		19		40			40		20	40		10							150

Total number of acres to be irrigated 188

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

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

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____ (Name)
in case of _____ vs _____
dated in _____ in _____ (Name of court) county of _____
- b. License No. 35-2331 issued by the Idaho Department of Water Resources
- c. Claim No. _____ on file with the Idaho Department of Water Resources

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

3. Source of water Groundwater tributary to _____

4. Date of priority 5-15-1953

5. Water is used for the following purposes:

amount 0.38 cfs for Irrigation purposes from 4-1 to 11-1
amount _____ for _____ purposes from _____ to _____
amount _____ for _____ purposes from _____ to _____
(month/day — both dates inclusive)

6. Total amount of water under right: a. 0.38 cubic feet per second
&/or
b. _____ acre feet per annum

7. Location of original point of diversion is SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 18
Township 1S Range 36E, B.M., in Bingham County
Additional points of diversion, if any _____

8. Lands irrigated or place of use:

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
<u>1S</u>	<u>36E</u>	<u>19</u>						<u>L1</u>											<u>19</u>

Total number of acres to be irrigated 19

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

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

B. DESCRIPTION OF PORTION OF RIGHT OWNED BY APPLICANT (If the entire right is owned by the applicant, omit part B). 35-2331

1. Amount of water: a. 0.38 cubic feet per second
&/or
b. acre feet per annum

2. Point of diversion SW SE 14. Section 18 Township 1S
Range 36E B.M. Bingham County

Additional points

3. Place of use:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
1S	36E	19						L1 19											19

Total number of acres to be irrigated 19

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____ (Name)
in case of _____ vs _____
dated in _____ in _____ county of _____
(Name of court)
- b. License No. 35-2349 issued by the Idaho Department of Water Resources
- c. Claim No. _____ on file with the Idaho Department of Water Resources

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

3. Source of water Groundwater tributary to _____

4. Date of priority 8-19-1953

5. Water is used for the following purposes:

amount 1.98 for Irrigation purposes from 4-1 to 11-1
amount _____ for _____ purposes from _____ to _____
amount _____ for _____ purposes from _____ to _____
(month/day — both dates inclusive)

6. Total amount of water under right: a. 1.98 cubic feet per second
&/or
b. _____ acre feet per annum

7. Location of original point of diversion is SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 18
Township 1S Range 36E, B.M., in Bingham County
Additional points of diversion, if any SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 18, T. 1S, R. 36E.

8. Lands irrigated or place of use:

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
1S	36E	17						2.8 8	10.5 15			5							18.3 23
		18	3.2 7			3.1 31													34.2 38
		19	12.7 11		6.7 3						*		24	*					19.4 38
																			71.9

*License exam indicates 24 acres total for given tracts

Total number of acres to be irrigated 99 75 Part A
24 Part B

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

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

B. DESCRIPTION OF PORTION OF RIGHT OWNED BY APPLICANT (If the owner is not the applicant, omit part B).

35-2349

1. Amount of water: a. 0.48 cubic feet per second
&/or
b. _____ acre feet per annum

2. West Well
Point of diversion SW SE 1/4, Section 18 Township 1S
Range 36E B.M. Bingham County

Additional points _____

3. Place of use: _____

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
1S	36E	19											24						24

Total number of acres to be irrigated 24

B. DESCRIPTION OF PORTION OF RIGHT OWNED BY APPLICANT (If the entire right is owned by the applicant, omit part B). 35-2136

1. Amount of water: a. 1.33 cubic feet per second
&/or
b. _____ acre feet per annum
2. Point of diversion SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 18 Township 1S
Range 36E, B.M., Bingham County
Additional points _____
3. Place of use:

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
1S	36E	19					8		20	40		10							78

Total number of acres to be irrigated 78

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

1. General Information

- a. Amount of water to be diverted 2.19 c.f.s. &/or _____ acre feet
- b. Description of diverting works Well & pump to sprinkler system.
- c. Describe the reasons for the proposed changes Applicant is converting his system to sprinklers from flood. He feels it is more cost effective to drill an additional well than to run a mainline from the existing wells to the lands in Section 19.

2. Change in point of diversion

Point of diversion NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 19 Township 1S
Range 36E, B.M., Bingham County
Additional points _____

3. Change in place of use

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

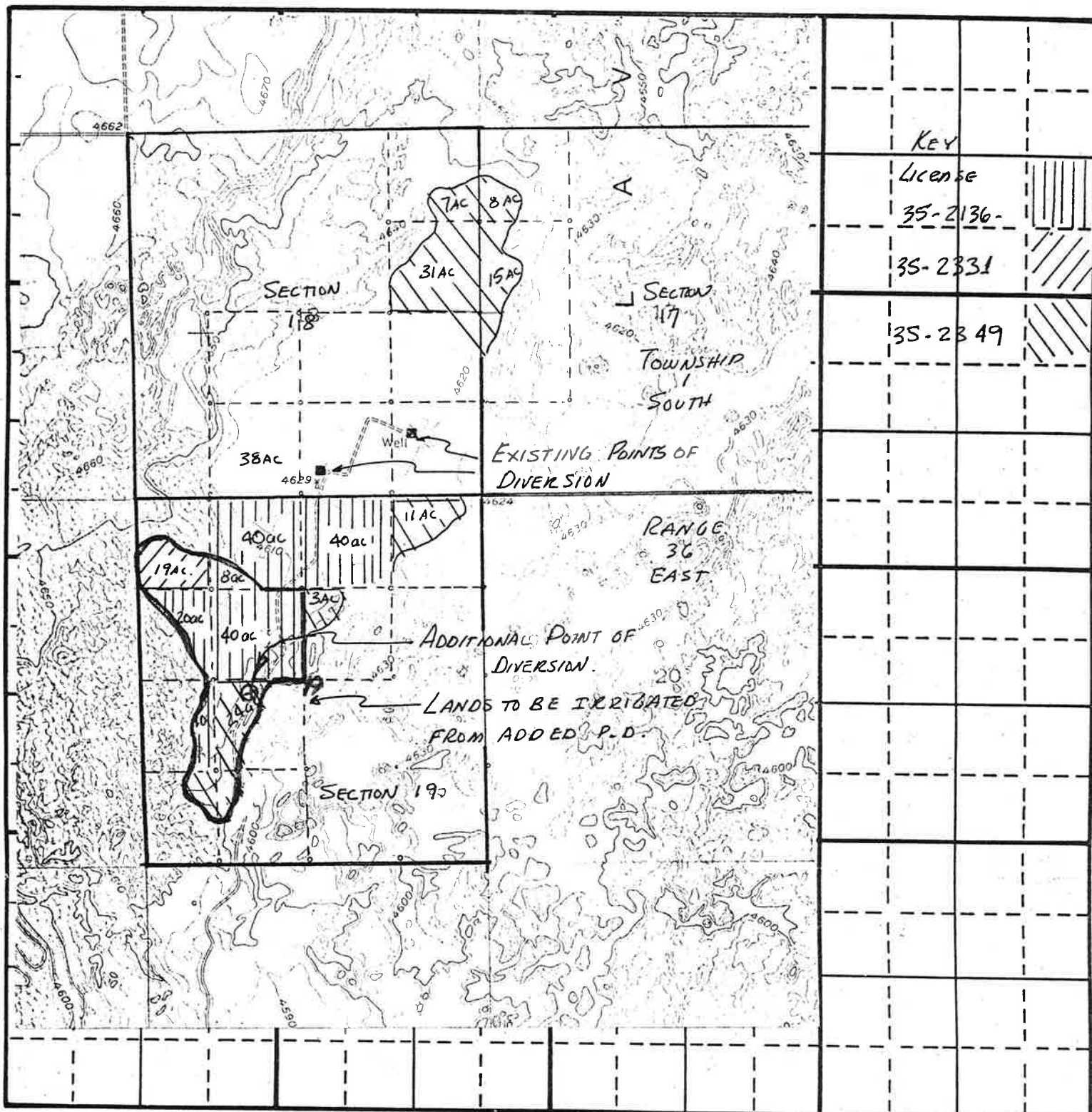
c. Describe the land place of use to which the right will be transferred:

NO CHANGE

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
35-2136	1S	36E	19				8		18.9	40		13	65						65.4 + 12.6
							8		20	40		10							78
35-2331	1S	36E	19					L1											14.5
								19	14.5										19 + 4.5
35-2349	1S	36E	19																
											12		*6	6					24
											23		2.2	8.0					33.2
																			Need 9.2ac

*License exam indicates 24 acres total for Total number of acres to be irrigated 121 given tracts.

- Describe any other water rights used for the same purpose as described above. License No. 35-2137, P.D. from SE¼SE¼ Sec. 18
- Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.



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

D. REMARKS

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willfull misrepresentations made in this application may result in voiding its approval.

Subscribed and sworn to before me this 21st day of December, 19 83

[Signature]
(Signature of Applicant)

[Signature]
(Notary Public)

My commission expires 6-15-85

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

35-2331

This is to certify that I have examined Application for Transfer of Water Rights No. 35-2136B, 35-2349B and said application is hereby APPROVED, subject to the following limitations and conditions:

Witness my hand this 26th day of March, 19 84

[Signature]
Chief, Operations Bureau

FOR DEPARTMENT USE ONLY

Received by <u>HWT</u>	Date <u>12-21-83</u>	Protest filed by _____
Prelim. check by <u>Kaw</u>	Fee <u>50.00</u>	_____
Receipted by <u>AW</u>	Date <u>12-21-83 #29780</u>	_____
Published in <u>Blackfoot News</u>	Copies of protest forwarded by _____	
Pub. dates <u>1/12 - 1/19/84</u>	Hearing held by _____ Date _____	
Watermaster recommendation requested on _____	Recommended for <u>approval</u> denial	
_____ rec'd. _____	by <u>EMC June 84</u>	

ト-5

Plu T 2980



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director



Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

March 27, 1984

RE: Transfer of Water Right Nos. 35-2331, 35-2136B & 35-2349B

Ivan Gardner
Rt. 1, Box 200
Blackfoot, ID 83221

Dear Mr. Gardner:

Enclosed is a copy of your approved Application for Transfer of the above referenced water rights (Transfer No. 2980).

Sincerely,

JIM JOHNSON
Water Distribution Supervisor

JJ:sc

Enclosure

TRANSFER NO.	NAME	AMOUNT C.F.S.	BALANCE C.F.S.	RIGHT NO.
2980	Smith, Frances T.	3.2		35-2136
	Gardner, Ivan	1.33		35-2136B
	Smith, Frances T.	1.87		35-2136A

TRANSFER

TRANSFER NO.	NAME	AMOUNT C.F.S.	BALANCE C.F.S.	RIGHT NO.
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	Smith, Myrtle Elvirna	0.38		35-2331
2980	Gardner, Ivan	0.38		35-2331

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TRANSFER NO.	NAME	AMOUNT C.F.S.	BALANCE C.F.S.	RIGHT NO.
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	Smith, Francis T.	1.98		35-2349
2980	Gardner, Ivan	0.48		35-2349B
	Smith, Francis T.	1.50		35-2349A

TRANSFERS