

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 82741

MINIMUM REQUIREMENTS CHECKLIST
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

RECEIVED**OCT 15 2018**DEPT. OF WATER RESOURCES
SOUTHERN REGION

An application for transfer must be prepared in accordance with the minimum requirements listed below to be acceptable for processing by the Department. Incomplete applications will be returned. The instructions, fee schedule, Part 2A reports and additional Part 2B forms are available from any Department office or on the Department's website at <http://www.idwr.idaho.gov/>.

Name of Applicant(s) MATTHEW C GARDINER AND MARIE JEANNE GARDINER

Check whether each item below is *attached* (Yes) or *not applicable* (N/A) for the proposed transfer.

(es N/A) *Means the item is always required and must be included with the application.

- ☒ * Completed Application for Transfer of Water Right form, Part 1.
- ☐ * Signature of applicant(s) or applicant's authorized representative on Application for Transfer Part 1. Include evidence of authority labeled Attachment #3 (see below) if signed by representative.
- ☐ * Application for Transfer Part 2A. Attach a Part 2A report describing each water right in the transfer as currently recorded.
- ☒ * Complete and attach an Application for Transfer Part 2B for each water right for which only a portion is proposed to be changed through this transfer application
- ☒ * Application for Transfer Part 3A is always required (see Attachment #7a below); Parts 3B and 3C must be completed for transfer applications proposing to change the nature of use of the water right(s) or proposing changes to supplemental right(s).
- ☒ * Correct fee submitted with transfer application form. (Fee schedule is on website and instructions for application for transfer.)

Attachments to Application - Label each attachment with the corresponding number shown below as Attachment #1-9.

- ☐ ☒ #1 If the applicant is a business, partnership, organization, or association, and not currently registered in the State of Idaho as a business entity, attach documentation identifying officers authorized to sign or act on behalf of right holder. (See Part 1.)
- ☐ ☒ #2a Water Right ownership documentation if Dept. records do not show the transfer applicant as the current water right owner.
- ☐ ☒ #2b If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s).
- ☐ ☒ #3 Documentation of authority to make the change if the applicant is not the water right owner.
- ☐ ☒ #4 Power of Attorney or documentation providing authority to sign or act on the applicant's behalf. (See Part 1.)
- ☐ ☒ #5 If the transfer application proposes to change the point of diversion for a water right affecting the Eastern Snake Plain Aquifer (ESPA), attach the results of an ESPA analysis and a detailed mitigation plan to offset any depletions to hydraulically connected reaches of the Snake River. ESPA transfer spreadsheet and model grid labeled cells are available on the Department's website at <http://www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/resources.htm>.
- ☐ ☒ #6 Notarized statement of agreement or a statement on official letterhead signed by an authorized representative from each lien holder or other entity with financial interest in the water right(s) or land affected by the proposed transfer. (See Part 1.5.c.)
- ☒ * #7a Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described on the application. Include legal description labels. If only a portion of the right is proposed to be changed, identify the current location of the part of the existing right(s) proposed to be changed. (See Part 3A.)
- ☐ ☒ #7b If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use.
- ☐ ☒ #8a If the transfer application proposes to change the nature of use or period of use for one or more rights, provide documentation describing the extent of historic beneficial use for the water rights proposed to be transferred and document how enlargement will be avoided. (See Part 3B.)
- ☐ ☒ #8b If the transfer application proposes to change the place of use of a supplemental irrigation right, provide documentation regarding the historic use of the supplemental right(s) and availability or reliability of the primary right(s) being supplemented, both before and after the proposed change. (See Part 3C.)
- ☐ ☒ #9 Other. Please describe: _____

OCT 15 2018

DEPT OF WATER RESOURCES
SOUTHERN REGION

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1

Name of Applicant MATTHEW C GARDINER Phone (435) 632-7083
Mailing Address 234 S 100 W, ST GEORGE UT 84770-3409 Email mattgard@yahoo.com
Name of Applicant MARIE JEANNE GARDINER Phone (435) 674-6080
Mailing Address 234 S 100 W, ST GEORGE UT 84770-3409 Email mattgard@yahoo.com

- ☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it **Attachment #1**.
- ☐ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it **Attachment #2a**.
- ☐ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it **Attachment #2b**.
- ☐ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it **Attachment #3**.

Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

☒ No Representative

Name of Representative _____ Phone _____
Mailing Address _____ Email _____

☐ Send all correspondence for this application to the representative and not to the applicant.

OR

☐ Send original correspondence to the applicant and copies to the representative.

☐ The representative may submit information for the applicant but is not authorized to sign for the applicant.

OR

☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it **Attachment #4**.

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.

[Signature] Matthew Gardiner, Owner 10/4/18
Signature of Applicant or Authorized Representative Print Name and Title if applicable Date

[Signature] Marie J Gardiner 10/4/18
Signature of Applicant or Authorized Representative Print Name and Title if applicable Date

A. PURPOSE OF TRANSFER

1.	Right	Split	POD	POU	Add POD	Period of Use	Nature of Use
	43-300	No	No	Yes	No	No	No
	43-408	No	No	Yes	No	No	No
	43-13533	No	No	Yes	No	No	No
	43-13799	No	Yes	Yes	No	No	No
	43-13800	No	Yes	Yes	No	No	No
	43-13801	No	Yes	Yes	No	No	No

Associated Right(s): 43-301 , 43-2573 , 43-4232 , 43-4233 , 43-4240 , 43-10123

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1 Continued

2. Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.2**

Move place of use under current partial pivot circle.

B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT TO A SEPARATE SYSTEM, DESCRIBE PORTIONS TO BE CHANGED TO A SEPARATE SYSTEM AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.

1. Detailed Water Right Description(s) Attached labeled Part 1.

Summary of Water Rights After the Approved Change

Transferred Right (All or Part)	Transfer Rate	Transfer Volume	Acre Limit	Total Acres	Original Right (Remaining Portion)	Remaining Rate	Remaining Volume	Remaining Acre Limit	Remaining Total Acres
43-300	0.760 cfs	N/A	38.0	106.0		N/A	N/A	N/A	N/A
43-13799	0.290 cfs	64.1 af	16.0	106.0		N/A	N/A	N/A	N/A
43-13800	0.170 cfs	33.8 af	8.4	106.0		N/A	N/A	N/A	N/A
43-13801	0.130 cfs	23.0 af	6.7	106.0		N/A	N/A	N/A	N/A
43-408	1.360 cfs	N/A	68.0	106.0		N/A	N/A	N/A	N/A
43-13533	1.360 cfs	272.0 af	68.0	106.0		N/A	N/A	N/A	N/A

**COMBINED
TOTALS**

2.160 cfs 424.0 af 106.0 106.0 N/A N/A N/A N/A

2. Total amount of water proposed to be transferred or changed 2.16 cubic feet per second and/or _____ acre-feet per annum

3. Points(s) of Diversion:

- ☐ No changes to point(s) of diversion are proposed-the following chart is therefore not completed. (Proceed to #4.)
- ☒ As shown in Part 1.
- ☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA. Label it **Attachment #5.**

4. Place of Use:

- ☐ No changes to place of use are proposed. (Proceed to #5.)
- ☒ As shown in Part 1.
- ☐ See Attachment.

**IDaho DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Transfer Right After Requested Changes**

Proposed Water Right No. 43-300

Current Water Right Owner

MARIE JEANNE
GARDINER
234 S 100 W
ST GEORGE, UT
84770-3409

And

MATTHEW C GARDINER
234 S 100 W
ST GEORGE, UT 84770-3409

Priority Date: 4/1/1906

Origin: Water Right

Basis: Decreed

Status Active

Source: CASSIA CREEK

Tributary: RAFT RIVER

Beneficial Use

IRRIGATION

From

03/15

To

11/15

Diversion Rate

0.760 CFS

Subuse Code

Total Diversion

0.760 CFS

Source and Point(s) of Diversion:

CASSIA CREEK

SESENW

Sec. 23 Twp 13S Rge 26E CASSIA County

Describe the proposed diversion system

Headgate & ditch to pond, pump in pond to sprinklers; overflow to gravity irrigation

Place of Use: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13S	26E	23	30.0			30.0													60.0
13S	26E	24						30.0	18.0										48.0

Right Acre Limit: 38.0

POU Total Acres: 106.0

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Transfer Right After Requested Changes**

Proposed Water Right No. 43-13799

Current Water Right Owner

MATTHEW C GARDINER
234 S 100 W
ST GEORGE, UT
84770-3409

And

MARIE JEANNE GARDINER
234 S 100 W
ST GEORGE, UT 84770-3409

Priority Date: 5/22/1963

Origin: Water Right

Basis: Decreed

Status: Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	04/01	10/31	0.290 CFS	64.1 AFA	
Total Diversion			0.290 CFS	64.1 AFA	

Source and Point(s) of Diversion:

GROUND WATER	SWSENE	Sec. 23 Twp 13S Rge 26E	CASSIA County
GROUND WATER	NENWNW	Sec. 24 Twp 13S Rge 26E	CASSIA County

Describe the proposed diversion system

Existing well, motor, pump, mainline to sprinklers (shared with Matthew Gardiner)

Place of Use: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13S	28E	23	30.0			30.0													60.0
13S	26E	24						30.0	16.0										46.0

Right Acre Limit: 16.0

POU Total Acres: 106.0

IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Transfer Right After Requested Changes

Proposed Water Right No. 43-13800

Current Water Right Owner

MATTHEW C GARDINER
 234 S 100 W
 ST GEORGE, UT
 84770-3409

And

MARIE JEANNE GARDINER
 234 S 100 W
 ST GEORGE, UT 84770-3409

Priority Date: 4/1/1955

Origin: Water Right

Basis: Decreed

Status Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	03/15	11/15	0.170 CFS	33.8 AFA	
Total Diversion			0.170 CFS	33.8 AFA	

Source and Point(s) of Diversion:

GROUND WATER	SWSENE	Sec. 23 Twp 13S Rge 26E CASSIA County
GROUND WATER	NENWNW	Sec. 24 Twp 13S Rge 26E CASSIA County

Describe the proposed diversion system

Existing well, motor, pump, mainline to sprinklers (shared with Matthew Gardiner)

Place of Use: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13S	26E	23	30.0			30.0													60.0
13S	26E	24						30.0	16.0										46.0

Right Acre Limit: 8.4

POU Total Acres: 106.0

IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
Part 1 Transfer Right After Requested Changes

Proposed Water Right No. 43-13801

Current Water Right Owner

MARIE JEANNE
 GARDINER
 234 S 100 W
 ST GEORGE, UT
 84770-3409

And

MATTHEW C GARDINER
 234 S 100 W
 ST GEORGE, UT 84770-3409

Priority Date: 3/15/1962

Origin: Water Right

Basis: Decreed

Status: Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	03/15	11/15	0.130 CFS	23.0 AFA	
Total Diversion			0.130 CFS	23.0 AFA	

Source and Point(s) of Diversion:

GROUND WATER	SWSENE	Sec. 23 Twp 13S Rge 26E CASSIA County
GROUND WATER	NENWNW	Sec. 24 Twp 13S Rge 26E CASSIA County

Describe the proposed diversion system

Existing well, motor, pump, mainline to sprinklers (shared with Matthew Gardiner)

Place of Use: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13S	26E	23	30.0			30.0													60.0
13S	26E	24						30.0	16.0										46.0

Right Acre Limit: 6.7

POU Total Acres: 106.0

**IDaho DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Transfer Right After Requested Changes**

Proposed Water Right No. 43-408

Current Water Right Owner

MATTHEW C GARDINER
234 S 100 W
ST GEORGE, UT
84770-3409

And

MARIE JEANNE GARDINER
234 S 100 W
ST GEORGE, UT 84770-3409

Priority Date: 5/1/1906

Origin: Water Right

Basis: Decreed

Status Active

Source: CASSIA CREEK

Tributary: RAFT RIVER

Beneficial Use

IRRIGATION

From

03/15

To

11/15

Diversion Rate

1.360 CFS

Subuse Code

Total Diversion

1.360 CFS

Source and Point(s) of Diversion:

CASSIA CREEK

SESENW

Sec. 23 Twp 13S Rge 26E CASSIA County

Place of Use: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13S	26E	23	30.0			30.0													60.0
13S	26E	24						30.0	16.0										46.0

Right Acre Limit: 68.0

POU Total Acres: 106.0

IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Transfer Right After Requested Changes

Proposed Water Right No. 43-13533

Current Water Right Owner

MATTHEW C GARDINER
 234 S 100 W
 ST GEORGE, UT
 84770-3409

And

MARIE JEANNE GARDINER
 234 S 100 W
 ST GEORGE, UT 84770-3409

Priority Date: 3/15/1962

Origin: Water Right

Basis: Decreed

Status Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	03/15	11/15	1.360 CFS	272.0 AFA	
Total Diversion			1.360 CFS	272.0 AFA	

Source and Point(s) of Diversion:

GROUND WATER
 GROUND WATER

SWSENE
 NENWNW

Sec. 23 Twp 13S Rge 26E CASSIA County
 Sec. 24 Twp 13S Rge 26E CASSIA County

Describe the proposed diversion system

Proposed Well

Place of Use: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13S	26E	23	30.0			30.0													60.0
13S	26E	24						30.0	16.0										46.0

Right Acre Limit: 68.0

POU Total Acres: 106.0

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

5. General Information:

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future

deep well and pump with flow meter for groundwater
Cassia Creek diversion that has been used a long time with measuring
device and lockable flow gate

- b. Who owns the property at the point(s) of diversion

Tom Ward for Cassia Creek Diversion / I own both ground water points of diversion
If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:
This is the same diversion we have used for many decades
for all the Cassia Creek rights. Nothing is changing on Creek point of diversion

- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?

No, ☒ If Yes, ☐

Attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien:

It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.

- d. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:

The portion water is transferred from will be dry ground

- e. Describe the use of any other water right(s) for the same purpose or land, or same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use:

N/A

- f. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

Yes

No

☐☒

undergone a period of five or more consecutive years of non-use,

☐☒

currently leased to the Water Supply Bank,

☐☒

currently used in a mitigation plan limiting the use of water under the right, or

☐☒

currently enrolled in a Federal set-aside program limiting the use of water under the rights?

If yes, describe:

**IDaho DEPARTMENT OF WATER RESOURCES
ADJUDICATION FOR TRANSFER OF WATER RIGHTS
PART 2A**

Current Water Right No. 43-300

Current Water Right Owner

MARIE JEANNE
GARDINER
234 S 100 W
ST GEORGE, UT
84770-3409

And

MATTHEW C GARDINER
234 S 100 W
ST GEORGE, UT 84770-3409

Priority Date: 4/1/1906

Origin: Water Right

Basis: Decreed

Status: Active

Source: CASSIA CREEK

Tributary: RAFT RIVER

Beneficial Use

IRRIGATION

From

03/15

To

11/15

Diversion Rate

0.760 CFS

Subuse Code

Total Diversion

0.760 CFS

Source and Point(s) of Diversion:

CASSIA CREEK

SESENW

Sec. 23 Twp 13S Rge 26E CASSIA County

Describe the proposed diversion system

Headgate & ditch to pond, pump in pond to sprinklers; overflow to gravity irrigation

Place of Use: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13S	26E	24							35.0										35.0

Right Acre Limit: 38.0

POU Total Acres: 35.0

Conditions/Remarks:

1. This right is limited to the irrigation of 38 acres within the place of use described above in a single irrigation season.
2. Rights 43-300, 43-13799, 43-13800, and 43-13801 when combined shall not exceed a total diversion rate of 0.76 cfs, and the irrigation of 38.0 acres.
3. Rights 43-300, 43-301, 43-2573, 43-4232, 43-4233, 43-4240, 43-10123, 43-13799, 43-13800, and 43-13801 when combined shall not exceed a total diversion rate of 7.92 cfs, a total annual maximum diversion volume of 1584.0 af at the field headgate, and the irrigation of 396.0 acres.
4. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
5. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 43C.
6. Prior to diversion of water under this right, the right holder shall install and maintain a measuring device and lockable controlling works of a type acceptable to the Department as part of the diverting works.
7. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

Conditions/Remarks:

8. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
9. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

**IDaho DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No. 43-13799

Current Water Right Owner

MATTHEW C GARDINER
234 S 100 W
ST GEORGE, UT
84770-3409

And

MARIE JEANNE GARDINER
234 S 100 W
ST GEORGE, UT 84770-3409

Priority Date: 5/22/1963

Origin: Water Right

Basis: Decreed

Status: Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	04/01	10/31	0.290 CFS	64.1 AFA	
Total Diversion			0.290 CFS	64.1 AFA	

Source and Point(s) of Diversion:

GROUND WATER
GROUND WATER

SWSENE
SWNENE

Sec. 23 Twp 13S Rge 26E CASSIA County
Sec. 26 Twp 13S Rge 26E CASSIA County

Describe the proposed diversion system

Existing well, motor, pump, mainline to sprinklers (shared with Matthew Gardiner)
Existing well, motor, pump, mainline to sprinklers

Place of Use: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13S	26E	23													40.0	38.0	35.0	37.0	150.0
13S	28E	24							35.0			31.0	28.0	32.0		31.0			157.0
13S	26E	25						32.0	21.0										53.0
13S	26E	26	22.0	2.3		11.7													36.0

Right Acre Limit: 16.0

POU Total Acres: 396.0

Conditions/Remarks:

1. This right is limited to the irrigation of 16 acres within the place of use described above in a single irrigation season.
2. Rights 43-13799 and 43-13800 when combined shall not exceed a total diversion rate of 0.32 cfs, a total annual maximum diversion volume of 97.9 af and the irrigation of 24.5 acres in a single irrigation season.
3. Rights 43-13799, 43-4240 and 43-13801 when combined shall not exceed a total diversion rate of 0.44 cfs, and the irrigation of 23 acres in a single irrigation season.
4. Rights 43-13799, 43-13800 and 43-13801 when combined shall not exceed a total diversion rate of 0.45 cfs, a total annual maximum diversion volume of 120.9 af at the field headgate and the irrigation of 31.2 acres in a single irrigation season.
5. Rights 43-300, 43-13799, 43-13800 and 43-13801 when combined shall not exceed a total diversion rate of 0.76 cfs, a total annual maximum diversion volume of 152.0 af and the irrigation of 38.0 acres in a single irrigation season.

IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

Conditions/Remarks:

6. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
7. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
8. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/15 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 6/28/2002.
9. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
11. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A

Current Water Right No. 43-13800

Current Water Right Owner

MATTHEW C GARDINER
 234 S 100 W
 ST GEORGE, UT
 84770-3409

And

MARIE JEANNE GARDINER
 234 S 100 W
 ST GEORGE, UT 84770-3409

Priority Date: 4/1/1955

Origin: Water Right

Basis: Decreed

Status: Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	03/15	11/15	0.170 CFS	33.8 AFA	
Total Diversion			0.170 CFS	33.8 AFA	

Source and Point(s) of Diversion:

GROUND WATER	SWNENE	Sec. 26 Twp 13S Rge 26E CASSIA County
GROUND WATER	SWSENE	Sec. 23 Twp 13S Rge 26E CASSIA County

Describe the proposed diversion system

Existing well, motor, pump, mainline to sprinklers

Existing well, motor, pump, mainline to sprinklers (shared with Matthew Gardiner)

Place of Use: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13S	26E	23													40.0	38.0	35.0	37.0	150.0
13S	26E	24							35.0		31.0	28.0	32.0			31.0			157.0
13S	26E	25						32.0	21.0										53.0
13S	26E	26	22.0	2.3		11.7													36.0

Right Acre Limit: 8.4

POU Total Acres: 396.0

Conditions/Remarks:

1. This right is limited to the irrigation of 8.4 acres within the place of use described above in a single irrigation season.
2. Rights 43-13799, and 43-13800 when combined shall not exceed a total diversion rate of 0.32 cfs, a total annual maximum diversion volume of 97.9 af at the field headgate, and the irrigation of 24.5 acres.
3. Rights 43-13799, 43-13800 and 43-13801 when combined shall not exceed a total diversion rate of 0.45 cfs, a total annual maximum diversion volume of 120.9 af at the field headgate and the irrigation of 31.2 acres in a single irrigation season.
4. Rights 43-300, 43-13799, 43-13800 and 43-13801 when combined shall not exceed a total diversion rate of 0.76 cfs, a total annual maximum diversion volume of 152.0 af at the field headgate and the irrigation of 38.0 acres in a single irrigation season.
5. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.

Conditions/Remarks:

6. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
7. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

IDaho DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A

Current Water Right No. 43-13801

Current Water Right Owner

MARIE JEANNE
 GARDINER
 234 S 100 W
 ST GEORGE, UT
 84770-3409

And

MATTHEW C GARDINER
 234 S 100 W
 ST GEORGE, UT 84770-3409

Priority Date: 3/15/1962

Origin: Water Right

Basis: Decreed

Status: Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	03/15	11/15	0.130 CFS	23.0 AFA	
Total Diversion			0.130 CFS	23.0 AFA	

Source and Point(s) of Diversion:

GROUND WATER	SWSENE	Sec. 23 Twp 13S Rge 26E CASSIA County
GROUND WATER	SWNE	Sec. 26 Twp 13S Rge 26E CASSIA County

Describe the proposed diversion system

Existing well, motor, pump, mainline to sprinklers (shared with Matthew Gardiner)

Existing well, motor, pump, mainline to sprinklers

Place of Use: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13S	26E	23													40.0	38.0	35.0	37.0	150.0
13S	26E	24							35.0		31.0	28.0	32.0			31.0			157.0
13S	26E	25						32.0	21.0										53.0
13S	26E	26	22.0	2.3		11.7													36.0

Right Acre Limit: 6.7

POU Total Acres: 396.0

Conditions/Remarks:

1. This right is limited to the irrigation of 6.7 acres within the place of use described above in a single irrigation season.
2. Rights 43-13799, 43-4240 and 43-13801 when combined shall not exceed a total diversion rate of 0.44 cfs, and the irrigation of 23.0 acres in a single irrigation season.
3. Rights 43-13799, 43-13800 and 43-13801 when combined shall not exceed a total diversion rate of 0.45 cfs, a total annual maximum diversion volume of 120.9 af at the field headgate and the irrigation of 31.2 acres in a single irrigation season.
4. Rights 43-10123, 43-13533 and 43-13801 when combined shall not exceed a total diversion rate of 1.40 cfs, a total annual maximum diversion volume of 512.0 af at the field headgate and the irrigation of 464.0 acres in a single irrigation season.
5. Rights 43-300, 43-13799, 43-13800 and 43-13801 when combined shall not exceed a total diversion rate of 0.76 cfs, a total annual maximum diversion volume of 152.0 af and the irrigation of 38.0 acres in a single irrigation season.

IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

Conditions/Remarks:

6. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
7. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
8. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
9. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
10. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A

Current Water Right No. 43-408

Current Water Right Owner

MATTHEW C GARDINER
 234 S 100 W
 ST GEORGE, UT
 84770-3409

And

MARIE JEANNE GARDINER
 234 S 100 W
 ST GEORGE, UT 84770-3409

Priority Date: 5/1/1906

Origin: Water Right

Basis: Decreed

Status: Active

Source: CASSIA CREEK

Tributary: RAFT RIVER

Beneficial Use

IRRIGATION

From

03/15

To

11/15

Diversion Rate

1.360 CFS

Subuse Code

Total Diversion

1.360 CFS

Source and Point(s) of Diversion:

CASSIA CREEK

SESENW

Sec. 23 Twp 13S Rge 26E CASSIA County

Place of Use: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13S	26E	23	30.0			30.0													60.0
13S	26E	24						8.0											8.0

POU Total Acres: 68.0

Conditions/Remarks:

1. The approval of this transfer redefines all of the elements of this water right, and the new use of water authorized by this approval shall constitute the full extent of the right.
2. Rights 43-408 and 43-13533 when combined shall not exceed the irrigation of 68 acres.
3. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
4. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 43C.
5. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
6. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
8. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A

Current Water Right No. 43-13533

Current Water Right Owner

MATTHEW C GARDINER
 234 S 100 W
 ST GEORGE, UT
 84770-3409

And

MARIE JEANNE GARDINER
 234 S 100 W
 ST GEORGE, UT 84770-3409

Priority Date: 3/15/1962

Origin: Water Right

Basis: Decreed

Status: Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	03/15	11/15	1.360 CFS	272.0 AFA	
Total Diversion			1.360 CFS	272.0 AFA	

Source and Point(s) of Diversion:

GROUND WATER

SWSENE

Sec. 23 Twp 13S Rge 26E CASSIA County

GROUND WATER

NENWNW

Sec. 24 Twp 13S Rge 26E CASSIA County

Describe the proposed diversion system

Proposed Well

Place of Use: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13S	26E	23	30.0			30.0													60.0
13S	26E	24						8.0											8.0
POU Total Acres:			68.0																

Conditions/Remarks:

1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
2. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
3. Rights 43-408 and 43-13533 when combined shall not exceed a total diversion rate of 1.40 cfs, a total annual maximum diversion volume of 272 af at the field headgate, and the irrigation of 68 acres.
4. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
5. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
6. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
7. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

☒ Attach a map of the diversion, measurement, control, and distribution system. Label it **Attachment #7a**.

☐ If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. Label it **Attachment #7b**. If the place of use currently consists of a permissible place of use, then the attachment is not required if the application contains a clear statement that the boundaries for the place of use are not proposed to be changed by the transfer and the total number of irrigated acres within the place of use before and after the transfer is clearly stated.

☐ If you propose to change the nature of use or period of use of all or part of the right(s) listed in this application, attach documentation describing the extent of historic beneficial use of the portion of the right(s) proposed to be changed. Also attach documentation showing that the portion of the right(s) to be changed will not be enlarged in rate, volume, or consumptive use through the proposed change. Label it **Attachment #8a**.

☐ If you propose to change the place of use of a supplemental irrigation right, answer below and attach supporting documentation.
Label it **Attachment #8b**

1. Describe how the supplemental water rights have been used historically in conjunction with other water rights at the existing place of use. Describe the time during the irrigation season that the supplemental rights have been used. Include information about the availability or reliability of the primary right(s) being supplemented, both before and after the change. If the applicant is proposing to change a supplemental irrigation right to a primary right, provide the information required on Part 3B above.:

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

Transfer Contains 22 pages and 1 attachments.

Received By Am Date 10-15-2018 Prelim. Check By _____ Date _____
 Fee Paid \$580- Date 10-15-2018 Received By Am Receipt # 5036997
 Add'l Fee Paid _____ Date _____ Received By _____ Receipt # _____

WARRANTY DEED

#33800

For Value Received

MARY U. GARDINER and GLORIA J. OTTLEY, formerly known as GLORIA J. GARDINER, as their sole and separate property

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto

MATTHEW C. GARDINER, SR. and MARIE JEANNE GARDINER, husband and wife
Address: 234 South 100 West, St. George, Utah 84770

Hereinafter called the Grantee, the following described premises situated in CASSIA County, Idaho, to-wit:

**TOWNSHIP 13 SOUTH, RANGE 26 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO**

Section 23: E½NE¼

Section 24: NW¼NW¼

TOGETHER WITH all water and water rights, ditches and ditch rights used thereon or appurtenant thereto including but not limited to water License Nos. 43-4158 and 43-408

SUBJECT TO:

All reservations in patents or deeds in the chain of title.

Taxes for 2001 and subsequent years.

Agreement For Purchase Of Power between Raft River Rural Electric Cooperative, Inc., Seller and Golden Gardiner, Consumer, dated October 25, 1961 and recorded April 15, 1963 as Instrument No. 12317 on Film No. 20, records of Cassia County, Idaho, covering the E½,NE¼, Section 23, Township 13 South, Range 26 East of the Boise Meridian.

Reservation contained in State of Idaho Deed to Mrs. Hope H. Gardiner and Mary U. Gardiner and Gloria J. Gardiner, dated March 25, 1974 and recorded September 19, 1974 as Instrument No. 78797 on Film No. 91, records of Cassia County, Idaho, which reads as follows: "reserving to the State all Mineral rights in lands sold subsequent to the 8th day of May 1923."

Agreement For Purchase Of Power between Raft River Rural Electric Cooperative, Inc., Seller and Golden Gardiner, Consumer, dated October 25, 1961 and recorded March 21, 1979 as Instrument No. 115134 on Film No. 124, records of Cassia County, Idaho, covering the E½,NE¼, Section 23, Township 13 South, Range, 26 East of the Boise Meridian.

TRANSFER 82741

TO HAVE AND TO HOLD, the said premises, with their appurtenances unto the said Grantee and to the successors heirs and assigns of the Grantee forever. The Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that they are free from all incumbrances except as above described and that Grantor will warrant and defend the same from all lawful claims whatsoever.

Dated: March 1, 2001

Mary U. Gardiner
MARY U. GARDINER

Gloria J. Ottley 03-05-2001
GLORIA J. OTTLEY, formerly known as
GLORIA J. GARDINER

STATE OF UTAH)
COUNTY OF Salt Lake) ss.

On this 1st day of March, 2001, before me, the undersigned, a Notary Public in and for said State, personally appeared MARY U. GARDINER, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same.



Tracy Berrett
Notary Public
Residing at: One South Main St., UT 84111
My Commission expires: October 30, 2004

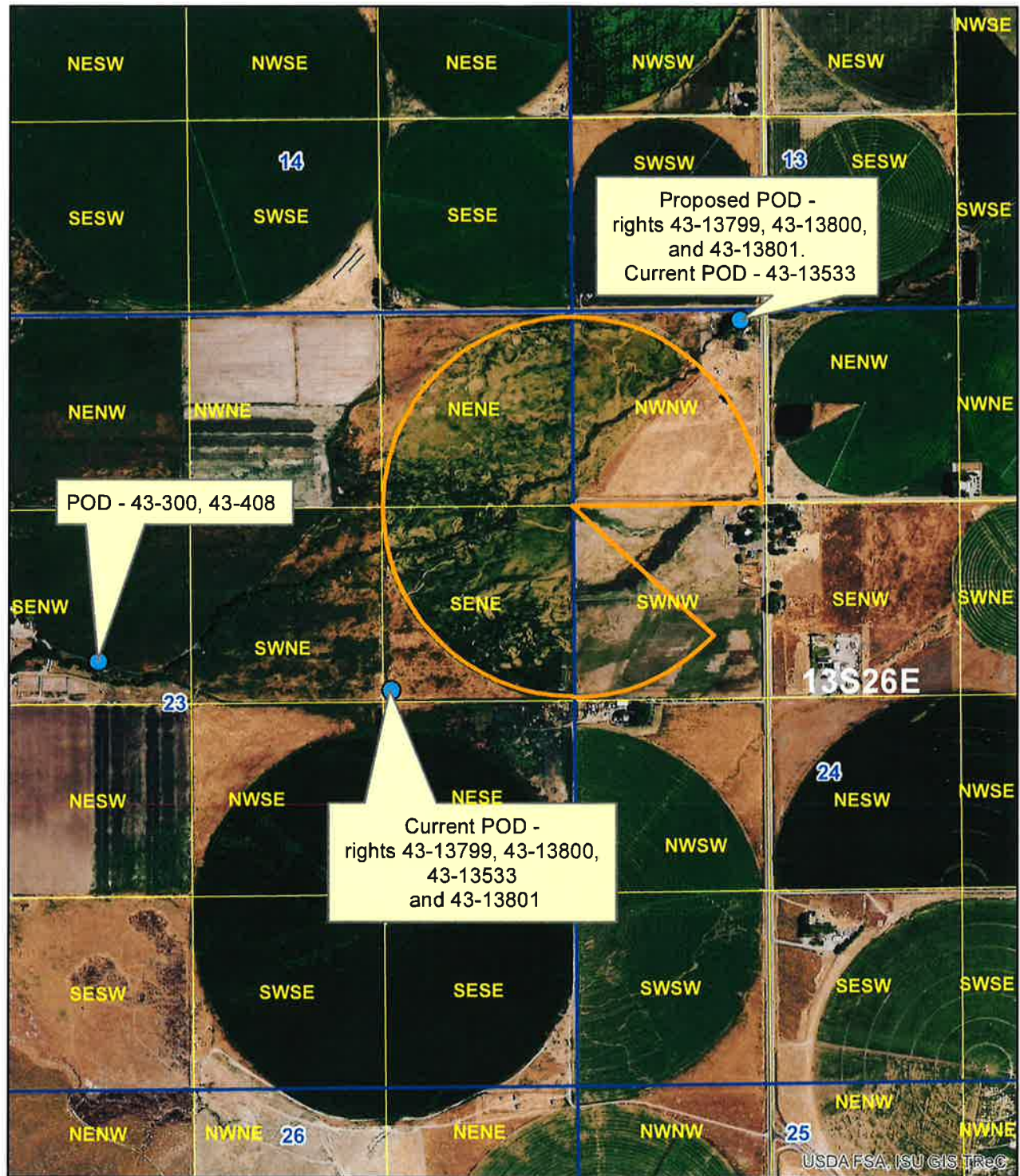
STATE OF WASHINGTON)
COUNTY OF) ss.

On this 5th day of March, 2001, before me, the undersigned, a Notary Public in and for said State, personally appeared GLORIA J. OTTLEY, formerly known as GLORIA J. GARDINER, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same.

Kathy P. Tobin
Notary Public
Residing at: Quincy
My Commission expires: 01-27-05



Gardiner Transfer #82741



Legend

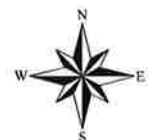
Township/Range

Sections

QQ

Proposed POU for rights 43-300, 43-13799, 43-13800, 43-13801, 43-13533, and 43-408

0 0.075 0.15 0.3 Miles



Transfer #82741,
Attachment #7a

Customer Ad Proof

60002276 ID DEPARTMENT OF WATER RESOURCES

Order Nbr 76380

Publication	Times News		
Contact	ID DEPARTMENT OF WATER RESOURCES	PO Number	
Address 1	650 ADDISON AVE W, STE 500	Rate	Legal Notice
Address 2		Order Price	160.32
City St Zip	TWIN FALLS ID 83301	Amount Paid	0.00
Phone	2087363033	Amount Due	160.32
Fax			
Section	Legals	Start/End Dates	11/01/2018 - 11/08/2018
SubSection		Insertions	2
Category	50 Legal	Size	104
Ad Key	76380-1	Salesperson(s)	Ruby Aufderheide
Keywords	47-17682 Jensen Transfer 82741 Gardiner	Taken By	Ruby Aufderheide
Notes			

Ad Proof The following application(s) have been filed to appropriate the public waters of the State of Idaho:
47-17682
DALE JENSEN
SANDRA JENSEN
3214 N 3450 E
KIMBERLY, ID 83341-5336
Point of Diversion SESE S30 T08S R14E TWIN FALLS County
Source UNNAMED STREAM Tributary SINKS
Use: DOMESTIC 01/01 to 12/31 0.04 CFS
Total Diversion: 0.04 CFS
Date Filed: 10/9/2018
Place Of Use: DOMESTIC
T08S R14E S30 SESE
Application for permit proposes to divert up to 0.04 cfs from an unnamed stream for domestic uses. The property and point of diversion are located approximately 6.6 miles north and 4.5 miles west of Buhl.

NOTICE OF PROPOSED CHANGE OF WATER RIGHT TRANSFER NO. 82741

MATTHEW C GARDINER and MARIE JEANNE GARDINER, 234 S 100 W, ST GEORGE, UT 84770-3409; has filed Application No. 82741 for changes to the following water rights within CASSIA County(s): Right No(s). 43-13533, 43-13799, 43-13800, 43-13801, 43-300, 43-408. The purpose of the transfer is to change a portion of the above rights as follows: Application for transfer proposes to change the place of use (POU) for two surface water and four ground water irrigation rights and also proposes to change a point of diversion (POD) for three of the ground water rights. Currently the six rights irrigate 106.0 acres on two farms with a flow rate of 2.16 cfs. As a result of the transfer, 106.0 acres will be irrigated within a pivot located approximately 1.5 to 2.0 miles south and 0 to 0.5 mile west of Malta. The transfer will also change one of the PODs for three groundwater rights from a point located approximately 2.7 miles south and 0.4 mile west to an existing well located approximately 1.5 miles south and 0.1 mile west of Malta.

Permits will be subject to all prior water rights. For additional information concerning the property locations, contact Southern Region office at (208) 736-3033; or for a full description of the rights &/or proposed transfer, please see research.idwr.idaho.gov. Protests may be submitted based on the criteria of Sec 42-222 and 42-203A, Idaho Code. Any protest against the approval of this application(s) must be filed with the Director, Dept. of Water Resources, Southern Region, 650 ADDISON AVE W, STE 500, TWIN FALLS, ID 83301-5858 together with a protest fee of \$25.00 for each application on or before **November 19, 2018**. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on November 1st & 8th, 2018

Proof of legal notice received
from Times News 10/25/2018

✓ OK DM 10/25/18
E-mail sent.



State of Idaho

DEPARTMENT OF WATER RESOURCES

SOUTHERN REGION • 650 ADDISON AVE W STE 500 • TWIN FALLS ID 83301-5858

Phone: (208) 736-3033 • Fax: (208) 736-3037 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

October 25, 2018

MATTHEW C GARDINER
MARIE JEANNE GARDINER
234 S 100 W
ST GEORGE, UT 84770-3409

RE: Transfer No. 82741
Water Right No(s). 43-13533, 43-13799, 43-13800, 43-13801, 43-300, 43-408

Dear Applicant(s):

The Department of Water Resources has received your water right transfer application. Please refer to the transfer number referenced above in all future correspondence regarding this transfer.

A legal notice of the application has been prepared and is scheduled for publication in the **TIMES NEWS on 11/1/2018 and 11/8/2018**. Protests to this application may be submitted for a period ending ten (10) days after the second publication. Any protest against this application must be filed with the Department of Water Resources, together with a protest fee of \$25.00 for each application, on or before **November 19, 2018**.

If the application is protested, you will be sent a copy of each protest. All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, the Department will process your application and notify you of any action taken on the application. If your application is approved, the Department will send you a copy of the approval document.

Please contact this office if you have any questions regarding the application.

Sincerely,

Denise Maline
Administrative Assistant



State of Idaho

DEPARTMENT OF WATER RESOURCES

SOUTHERN REGION • 650 ADDISON AVE W STE 500 • TWIN FALLS ID 83301-5858
Phone: (208) 736-3033 • Fax: (208) 736-3037 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

October 25, 2018

NOLAN BRANCH
PO BOX 24
MALTA ID 83342-0024

RE: Transfer No. 82741
Water Right No(s). 43-300, etc.

Dear Mr. Branch:

Enclosed is a copy of an Application for Transfer that may be of interest to you. This application is currently being processed by the department and is scheduled to be published in the Times News on November 1st & 8th, 2018.

Please review this application and provide any comments or concerns to this office. If the department does not receive a response from you within 21 days, we will presume that you do not oppose approval of this application.

If you desire to file a formal protest against the approval of this application, a written protest along with the \$25.00 filing fee must be received by this office by November 19, 2018.

Please feel free to contact this office if you have any questions concerning this information.

Sincerely,

A handwritten signature in cursive script that reads "Denise Maline".

Denise Maline
Administrative Assistant

Enclosure(s)



State of Idaho

DEPARTMENT OF WATER RESOURCES

SOUTHERN REGION • 650 ADDISON AVE W STE 500 • TWIN FALLS ID 83301-5858
Phone: (208) 736-3033 • Fax: (208) 736-3037 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

October 25, 2018

WATER DISTRICT #43C
ROGER MUSSER
917 PARK LN
POCATELLO ID 83201

RE: Transfer No. 82741

Water Right No(s). 43-13533, 43-13799, 43-13800, 43-13801, 43-300, 43-408

Dear Roger:

A copy of the above referenced application is enclosed. Please review the application, then complete the enclosed recommendation form as necessary, and return it to this office within 21 days of the date of this letter.

If the application is approved, IDWR will include appropriate standard conditions of approval for a water right located within a water district, such as regulation by the water master, lockable controlling works, and/or measuring devices. Any special conditions or other concerns you have related to this application should be specifically addressed in your recommendation.

IDWR's regional offices can finish reviewing an untested application as soon as the protest period has past. Your prompt response to this request will ensure that your recommendation can be considered. If IDWR has not received your written recommendation within 21 days from the date of this letter, IDWR will presume that you do not oppose approval of the application and that you have no comments for IDWR to consider.

Sincerely,


Denise Maline
Administrative Assistant

Enclosure(s)



State of Idaho

DEPARTMENT OF WATER RESOURCES

SOUTHERN REGION • 650 ADDISON AVE W STE 500 • TWIN FALLS ID 83301-5858

Phone: (208) 736-3033 • Fax: (208) 736-3037 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

October 25, 2018

WATER DISTRICT #143 *via hand delivery*
NATHAN ERICKSON
650 ADDISON AVE W, STE 500
TWIN FALLS, ID 83301

RE: Transfer No. 82741
Water Right No(s). 43-300, etc.

Dear Nathan:

A copy of the above referenced application is enclosed. Please review the application, then complete the enclosed recommendation form as necessary, and return it to this office within 21 days of the date of this letter.

If the application is approved, IDWR will include appropriate standard conditions of approval for a water right located within a water district, such as regulation by the water master, lockable controlling works, and/or measuring devices. Any special conditions or other concerns you have related to this application should be specifically addressed in your recommendation.

IDWR's regional offices can finish reviewing an unprotested application as soon as the protest period has past. Your prompt response to this request will ensure that your recommendation can be considered. If IDWR has not received your written recommendation within 21 days from the date of this letter, IDWR will presume that you do not oppose approval of the application and that you have no comments for IDWR to consider.

Sincerely,

Denise Maline
Administrative Assistant

Enclosure(s)

Maline, Denise

From: Maline, Denise
Sent: Thursday, October 25, 2018 12:26 PM
To: Times News
Subject: LEGAL NOTICE
Attachments: Times News Ad.doc; Times News cover letter.docx

Attached please find **(1)** legal notice being submitted for publication on November 1st & 8th, 2018. Please let me know if there are any questions or if you are not able to run the ad on the dates requested.

Thank you in advance,

Denise @ IDWR Twin Falls

Denise Maline
Administrative Assistant
Idaho Dept of Water Resources, Southern Region
650 Addison Ave W, Ste 500
Twin Falls, ID 83301
(208) 736-3033
denise.maline@idwr.idaho.gov



State of Idaho

DEPARTMENT OF WATER RESOURCES

SOUTHERN REGION • 650 ADDISON AVE W STE 500 • TWIN FALLS ID 83301-5858

Phone: (208) 736-3033 • Fax: (208) 736-3037 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

October 25, 2018

LEGAL NOTICE DEPARTMENT

TIMES NEWS

PO BOX 548

TWIN FALLS, ID 83303-0548

RE: Application For Permit No.(s): 47-17682

RE: Transfer No. 82741

Water Right No(s): 43-13533, 43-13799, 43-13800, 43-13801, 43-300, 43-408

Dear Legal Notice Department:

Please publish the enclosed legal notice on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before November 19, 2018. Your cooperation is appreciated.

Sincerely,

Denise Maline
Administrative Assistant

Enclosure(s)

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

47-17682

DALE JENSEN

SANDRA JENSEN

3214 N 3450 E

KIMBERLY, ID 83341-5336

Point of Diversion SESE S30 T08S R14E TWIN FALLS County Source UNNAMED STREAM Tributary SINKS

Use: DOMESTIC 01/01 to 12/31 0.04 CFS

Total Diversion: 0.04 CFS

Date Filed: 10/9/2018

Place Of Use: DOMESTIC

T08S R14E S30 SESE

Application for permit proposes to divert up to 0.04 cfs from an unnamed stream for domestic uses. The property and point of diversion are located approximately 6.6 miles north and 4.5 miles west of Buhl.

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 82741**

MATTHEW C GARDINER and MARIE JEANNE GARDINER, 234 S 100 W, ST GEORGE, UT 84770-3409; has filed Application No. 82741 for changes to the following water rights within CASSIA County(s): Right No(s). 43-13533, 43-13799, 43-13800, 43-13801, 43-300, 43-408. The purpose of the transfer is to change a portion of the above rights as follows: Application for transfer proposes to change the place of use (POU) for two surface water and four ground water irrigation rights and also proposes to change a point of diversion (POD) for three of the ground water rights. Currently the six rights irrigate 106.0 acres on two farms with a flow rate of 2.16 cfs. As a result of the transfer, 106.0 acres will be irrigated within a pivot located approximately 1.5 to 2.0 miles south and 0 to 0.5 mile west of Malta. The transfer will also change one of the PODs for three groundwater rights from a point located approximately 2.7 miles south and 0.4 mile west to an existing well located approximately 1.5 miles south and 0.1 mile west of Malta.

Permits will be subject to all prior water rights. For additional information concerning the property locations, contact Southern Region office at (208) 736-3033; or for a full description of the rights &/or proposed transfer, please see research.idwr.idaho.gov. Protests may be submitted based on the criteria of Sec 42-222 and 42-203A, Idaho Code. Any protest against the approval of this application(s) must be filed with the Director, Dept. of Water Resources, Southern Region, 650 ADDISON AVE W, STE 500, TWIN FALLS, ID 83301-5858 together with a protest fee of \$25.00 for each application on or before **November 19, 2018**. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on November 1st & 8th, 2018

FEE MEMORANDUM

Date: October 18, 2018
To: Gardiner Transfer #82741 File
From: Jim Bitzenburg
Re: Receipting/disposition of fees paid

This transfer was filed on October 15, 2018 and proposes changing the point of diversion (POD) for three recently purchased ground water irrigation rights and the place (POU) of use for two surface water irrigation rights as well as four ground water irrigation rights. The combined diversion rate of the three ground water rights changing their POD is **0.45 cfs**. This entire portion is charged because it could be pumped from the proposed POD. Since 25.0 acres of the companion surface right (43-300) are changing their POU, the flow rate amount changing is $25/38 \times 0.76 \text{ cfs}$ (the flow rate of 43-300) = **0.50 cfs**. Additionally, since the POU of the existing rights on the farm can now be used on the 38 acres coming in, $38/68$ of those rights are changing, so $38/68 \times 1.40 \text{ cfs}$ (the combined flow rate of the two existing rights) = **0.78 cfs**. The total flow rate changing is **1.73 cfs**, so the fee from the transfer fee schedule is \$580.00. The fee was paid with the application with check #558 from Matthew Gardiner, IDWR receipt #S036997.

TRANSFER SYNOPSIS

Date: October 18, 2018
To: Transfer 82741, Matthew and Marie Gardiner transfer file
From: Jim Bitzenburg
Re: Summary of transfer

Application for transfer proposes to change the place of use (POU) for two surface water and four ground water irrigation rights and also proposes to change a point of diversion (POD) for three of the ground water rights. Currently the six rights irrigate 106.0 acres on two farms with a flow rate of 2.16 cfs. As a result of the transfer, 106.0 acres will be irrigated within a pivot located approximately 1.5 to 2.0 miles south and 0 to 0.5 mile west of Malta. The transfer will also change one of the PODs for three groundwater rights from a point located approximately 2.7 miles south and 0.4 mile west to an existing well located approximately 1.5 miles south and 0.1 mile west of Malta.

The transfer will be advertised because it proposes changing a ground water POD in the Raft River Critical Ground Water Area, and since it is located in Water Districts 143 and 43C, watermaster comments will be solicited.

The rights involved in the transfer include: 43-300 (Cassia Creek, 0.76 cfs, 38.0 acres), 43-13799 (ground water, 0.29 cfs, 16.0 acres), 43-13800 (ground water, 0.17 cfs, 8.4 acres), 43-13801 (ground water, 0.13 cfs, 6.7 acres), 43-408 (Cassia Creek, 1.36 cfs, 68.0 acres), and 43-13533 (ground water, 1.36 cfs, 68.0 acres).