

**IDAHO DEPARTMENT OF WATER RESOURCES**  
**Water Right 43-13800**

9/25/2018

|                          |                                                                                    |
|--------------------------|------------------------------------------------------------------------------------|
| <b><u>Owner Type</u></b> | <b><u>Name and Address</u></b>                                                     |
| Current Owner            | MATTHEW C GARDINER<br>234 S 100 W<br>ST GEORGE, UT 84770-3409<br>(435) 632-7083    |
| Current Owner            | MARIE JEANNE GARDINER<br>234 S 100 W<br>ST GEORGE, UT 84770-3409<br>(435) 674-6080 |
| Original Owner           | GOLDEN F GARDINER<br>1750 S HWY 81<br>MALTA, ID 83342<br>(208) 645-2563            |
| Original Owner           | BARBARA E GARDINER<br>1750 S HWY 81<br>MALTA, ID 83342<br>(208) 645-2563           |

**Priority Date:** 4/1/1955

**Basis:** Decreed

**Status:** Active

**Source**

GROUND WATER

**Tributary**

**Beneficial Use**

IRRIGATION

**From**

03/15

**To**

11/15

**Diversion Rate**

0.170 CFS

**Volume**

33.8 AF

**Total Diversion**

0.170 CFS

33.8 AF

**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

**Place Of Use**

IRRIGATION within CASSIA County

|     |     |     | NE   |     |    |      | NW |      |      |    | SW   |      |      |    | SE   |      |      |      | Totals |
|-----|-----|-----|------|-----|----|------|----|------|------|----|------|------|------|----|------|------|------|------|--------|
| Twp | Rng | Sec | 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

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**Conditions of Approval:**

1. X27 This right is limited to the irrigation of 8.4 acres within the place of use described above in a single irrigation season.
2. X35 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. X35 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. 01M 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.
6. R64 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. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
8. T08 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. T19 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.

**Comments:**

- |                                                                                  |          |          |             |
|----------------------------------------------------------------------------------|----------|----------|-------------|
| 1.                                                                               | jhersley | 3/1/2018 | split right |
| This water right is the result of split from 43-4233 due to change in ownership. |          |          |             |
| 2.                                                                               | jhersley | 3/1/2018 | POD         |
| Updated Shape                                                                    |          |          |             |
| 3.                                                                               | jhersley | 3/1/2018 | POU         |
| Updated Shape                                                                    |          |          |             |

**Dates and Other Information**

Decreed Date: 6/28/2002  
Civil Case Number: 39576  
Judicial District: FIFTH  
State or Federal: S  
Owner Name Connector: And  
Water District Number: 143  
Generic Max Rate Per Acre: 0.020  
Generic Max Volume Per Acre: 4.0  
Mitigation Plan: False

**Combined Use Limits**

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| <u>Rate</u> |                               | <u>Volume</u> | <u>Acres</u> |
|-------------|-------------------------------|---------------|--------------|
| 0.320       |                               | 97.9          | 24.5         |
| 43-13799    | ,43-13800                     |               |              |
| <u>Rate</u> |                               | <u>Volume</u> | <u>Acres</u> |
| 0.450       |                               | 120.9         | 31.2         |
| 43-13799    | ,43-13800 ,43-13801           |               |              |
| <u>Rate</u> |                               | <u>Volume</u> | <u>Acres</u> |
| 0.760       |                               | 152.0         | 38.0         |
| 43-300      | ,43-13799 ,43-13800 ,43-13801 |               |              |

**SubCase:**

N/A

**Water Supply Bank:**

N/A