

78138
RECEIVED

SEP 10 2012

DEPT. OF WATER RESOURCES
SOUTHERN REGION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT – POINT(S) OF DIVERSION

This form may be used to apply to change and/or add points of diversion for existing water rights and to report an ownership change for an entire water right(s) in connection with the proposed point of diversion change(s). Do not use this form to apply for changes to other elements of a water right or to report an ownership change for a portion of a water right. See the Application for Transfer Instructions for help completing this form and for mailing addresses of Department offices where your application can be submitted.

Check all that apply:

- ☐ Change diversion point(s) ☒ Add diversion point(s) ☐ Ownership change

1. APPLICANT(S) Matthew and Marie Gardiner Phone 435-632-7083
2. MAILING ADDRESS 234 S 100 W City St George
State Ut Zip 84770 Email mattgard@yahoo.com

- ☐ If the applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign for the applicant.
☐ If the applicant is not the current water right(s) owner, attach documentation of authority to file the application.
☐ If the application includes a change in ownership of water right(s), attach a copy of the conveyance document, such as a warranty deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property conveyed or description of the water right if no land is conveyed. Additional fee(s) required for water right ownership changes; see fee schedule.
☐ If the application is not signed by the applicant, attach a Power of Attorney or other documentation providing authority to sign for the applicant.

3. LIST WATER RIGHT NUMBER(S) 43-13533, ~~43-10123~~ * per email 9/12/12 (see attached)

- ☒ Attach a copy of the water right(s) as recorded, available at www.idwr.idaho.gov, Water Right Transfers, Step 1, or by contacting any Department office.

4. TOTAL AMOUNT OF WATER transferred is 1.36 cubic feet per second and/or 272 acre-feet per annum.
(diversion rate) (storage volume)

5. POINT OF DIVERSION – Describe all the point(s) of diversion to be included on the water right(s) after the proposed change.

- ☐ Attach Eastern Snake Plain Aquifer (ESPA) analysis if this transfer proposes to change a point of diversion affecting the ESPA. ESPA analysis information is available at www.idwr.idaho.gov, Water Right Transfers, Online Resources.

Twp	Rge	Sec	Govt Lot	¼	¼	¼	County	Source	Local name or tag #
~~43S~~	~~26E~~	~~13~~		~~SW~~	~~SE~~	~~NE~~	~~Cassia~~	~~Groundwater~~	
13S	26E	24		NE	NW	NW	Cassia	Groundwater	
13S	26E	23		SW	SE	NE	Cassia	GW * per email 9/12/12	

6. 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:

- b. Who owns the property at the point(s) of diversion? Matthew and Marie Gardiner

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

- c. 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(s), or
☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the right(s)?

If yes, describe _____

7. MAP - ☒ Attach a map of the diversion, measurement, control and distribution system. Clearly label the map with township, range, section and 1/4 1/4 of section information. The *Map Tool*, available at <http://maps.idwr.idaho.gov/TransferApplicationLayouts/> provides a satisfactory template for creating the required map.

8. SIGNATURE - The information in this application is true to the best of my knowledge. I understand any willful misrepresentations in this application may result in rejection of the application or cancellation of an approval.

Matthew Gardiner
Signature of applicant or authorized agent

Matthew Gardiner
Print name and title if applicable

9/4/2012
Date

Marie J. Gardiner
Signature of applicant or authorized agent

Marie J. Gardiner
Print name and title if applicable

9/6/2012
Date

9. FEE - ☒ The application filing fee provided in Section 42-221, Idaho Code, must be submitted with the application for transfer. The Application fee is based on the total amount of water proposed for transfer in Item 4: the larger fee for either cubic feet per second (diversion rate) or acre-feet per annum (storage volume). The *Fee Schedule* is available at www.idwr.idaho.gov, *Water Right Transfers, Step 4* and in the *Application for Transfer Instructions*.

FOR DEPARTMENT USE ONLY

Transfer includes _____ pages of attachments.

Received by greeder

Date 9/10/12

Fee paid \$580.00 Date 9/12/12

Receipted by greeder

Receipt # 3032787

Preliminary review completed by _____ Date _____



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<http://maps.idwr.idaho.gov/TransferApplicationLayouts/Map>

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

9/5/2012

WATER RIGHT NO. 43-13533

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	MARIE JEANNE GARDINER
Current Owner	MATTHEW C GARDINER
	234 S 100 W
	ST GEORGE, UT 84770
	(435)674-6080
Original Owner	MARY U GARDINER
	183 A ST
	SALT LAKE CITY, UT 84103
	(801)359-5045
Original Owner	GLORIA OTTLEY
	752 RD L SW
	QUINCY, WA 98848
	(509)785-4461

Priority Date: 03/15/1962

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15	11/15	1.36 CFS	272 AFA
Total Diversion			1.36 CFS	

Location of Point(s) of Diversion:

GROUND WATER	SWSENE	Sec. 23	Township 13S	Range 26E	CASSIA County
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Place(s) of use:

Place of Use Legal Description: IRRIGATION CASSIA County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
13S	26E	23		NENE	30		SENE	30						
		24		NWNW	8									

Total Acres: 68

Conditions of Approval:

1.	E56	Use of the rights listed below is limited to the irrigation of a combined total of 68 acres in a single irrigation season. Combined right nos. 43-408 and 43-13533.
2.	E62	When combined the following rights shall provide no more than .02 cfs per acre. Combined right nos. 43-408 and 43-13533.
3.	E52	Use of the rights listed below is limited to a total combined diversion rate of 1.40 cfs. Combined right nos: 43-10123 and 43-13533.
4.	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.

Dates:

Licensed Date:

Decreed Date: 06/28/2002

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector: And

Water District Number:

Generic Max Rate per Acre:
Generic Max Volume per Acre:
Combined Acres Limit: 68
Combined Volume Limit:
Combined Rate Limit:
Civil Case Number:
Old Case Number:
Decree Plaintiff:
Decree Defendant:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Cary Act Number:
Mitigation Plan: False

Close



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 1341 Fillmore Street, Suite 200 • Twin Falls, Idaho 83301-3380

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

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

September 13, 2012

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

RE: Transfer No. 78138
Water Right No(s). 43-13533

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 9/20/2012 and 9/27/2012**. Protests to this application may be submitted for a period ending ten (10) days after the second publication (**October 9, 2012**).

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

Maline, Denise

From: Maline, Denise
Sent: Thursday, September 13, 2012 2:31 PM
To: Times News
Subject: LEGAL NOTICE
Attachments: Times News Cover Letter.docx; Times News Ad.docx

Attached please find (1) legal notice being submitted for publication on September 20th & 27th, 2012. Please contact me if you have any questions, or if you are not able to run the ad on the dates requested.

Thank you in advance,

Denise Maline
Administrative Assistant
Idaho Department of Water Resources
1341 Fillmore St, Ste 200
Twin Falls, Idaho 83301
(208) 736-3033
denise.maline@idwr.idaho.gov

September 13, 2012

LEGAL NOTICE DEPARTMENT
TIMES NEWS
PO BOX 548
TWIN FALLS, ID 83303-0548

RE: Transfer No. 78138
Water Right No(s): 43-13533

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 October 9, 2012. Your cooperation is appreciated.

Sincerely,

Denise Maline
Administrative Assistant

Enclosure(s)

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 78138**

MATTHEW C GARDINER and MARIE JEANNE GARDINER, 234 S 100 W, ST GEORGE, UT 84770 has filed Application No. 78138 for changes to the following water rights within CASSIA County(s): Right No(s). 43-13533; to see a full description of these rights and the proposed transfer, please see www.idwr.idaho.gov/apps/ExtSearch/WRFiling.asp. The purpose of the transfer is to change a portion of the above rights as follows: Transfer proposes adding a second authorized point of diversion consisting of a new well to be drilled on an existing farm located approximately 1.5 - 2.1 miles due south of Malta on the west side of HWY 81. The new well will be drilled near the Northwest corner of the farm and when combined with the existing well on the farm will be use to divert 1.36 cfs for the irrigation of 68 acres on the farm.

For additional information concerning the property location, contact Southern Region office at (208) 736-3033. Protests may be submitted based on the criteria of Idaho Code Sec. 42-222. Any protest against the proposed change must be filed with the Department of Water Resources, Southern Region, 1341 Fillmore St, Suite 200, Twin Falls ID 83301 together with a protest fee of \$25.00 for each application on or before October 9, 2012. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director
Published on September 20th & 27th, 2012

Reeder, Jana

From: Matt Gard [mattgard@yahoo.com]
Sent: Wednesday, September 12, 2012 11:04 AM
To: Reeder, Jana
Subject: transfer application for well POD

Jana,

Thank you for helping me with my application to add a groundwater POD to an existing water right.

Just to clarify, I would like you to fix my typo on the transfer application showing the existing well location, it should be section 23 as per the water right, I think I may have typed in section 13 on the application.

I would also like to clarify that my application is just for my own water right 43-13533 and does not need to include right 43-10123 at this time.

Thanks

Matt Gardiner