

RECEIVED

NOV 07 2007

Page 1

DEPT. OF WATER RESOURCES
SOUTHERN REGION

Transfer No. 74278

Receipt No. 5029512

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1**

1. Applicant Information MATTHEW C And MARIE JEANNE GARDINER
234 S 100 W
ST GEORGE UT 84770
(435)674-6080

Will this transfer result in an ownership change? _____ Yes ☒ No

2. Current Water Right**Part 2 Attached for Each Right**

	Origin/Basis	Rate	Volume	Acre Limit	Total Acres	Source
43-4158	AJC/Beneficial Use	2.36	472.0		118.0	GROUND WATER
43-408	WR/Decreed	2.36			118.0	CASSIA CREEK

3. Purpose of Transfer (Change Proposed)**Part 3A Attached for Each Proposed Right****Part 3B Attached for Each Split Right**

Right	Split	POD	POU	Add POD	Period of Use	Nature of Use
43-4158	YES	YES	YES	NO	NO	NO
43-408	NO	NO	YES	NO	NO	NO

Describe the reason for the proposed changes

Transfer application filed to move a 50-acre portion (1.0 cfs) of groundwater right 43-4158 to another well and place of use to allow for the installation of a pivot sprinkler system. Cassia Creek water right 43-408 lists the same place of use as currently described by right 43-4158 but is rarely, if ever, delivered due to late priority (see attached watermaster affidavit). In order to prevent potential enlargement, Cassia Creek water right 43-408 will be proportionately reduced by 50 acres and 1.0 cfs to allow for the transfer of 50-acre portion (1.0 cfs) of groundwater right 43-4158.

4. FOR CHANGES IN NATURE OF USE ONLY**A. Describe the expected quantity of the return flows and location of discharge after the proposed change**

N/A

B. Describe the effects on other water uses resulting from the proposed change

N/A

5. Total Amounts Transferred

	Rate	Acre Limit	Total Acres	Volume
43-13534	1.00 cfs		50.0	200.0 af
TOTAL	1.00 cfs		50.0	200.0 af

(Remaining / Reduced Portion of Right 43-408)

43-408	1.36 cfs	68.0
--------	----------	------

Transfer No. 74278

Receipt No. _____

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1**

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 willful misrepresentations made in this application may result in voiding its approval.

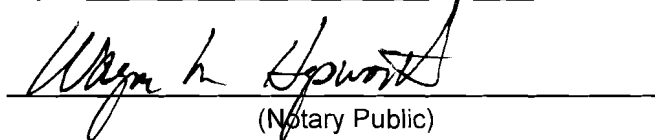


(Signature of Applicant)



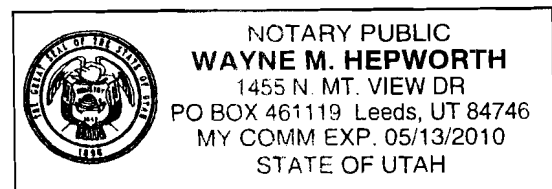
(Signature of Applicant)

Subscribed and sworn to before me this 5 day of NOVEMBER, 2007.



(Notary Public)

My commission expires 5-13-2010



Transfer No. 74278

Receipt No. _____

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

Current Water Right No. 43-4158

Priority Date: March 15, 1962

Origin: Water Right

Basis: Decreed

Status: Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	03/15 11/15	2.36 CFS	472.0 AFA	
Total Diversion		2.36 CFS	472.0 AFA	

Source and Point(s) of Diversion:

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

PLACE OF USE: IRRIGATION

Twp Rge 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			40.0													80.0
13S 26E 24						38.0											38.0

Total Acres: 118

Conditions/Remarks:

1. USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 118 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS. 43-408 AND 43-4158.
2. WHEN COMBINED THE FOLLOWING RIGHTS SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE. COMBINED RIGHT NOS. 43-408 AND 43-4158.
3. USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 2.40 CFS. COMBINED RIGHT NOS: 43-4158 AND 43-10123.
4. 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.

Page 4

Documentation of Ownership of the Current Place of Use
IDWR records

Is this property subject to any liens, deeds of trust, mortgages, or contracts or other encumbrances?
NO

Describe the effect on the current place of use for this water right if the place of use is changed pursuant to this transfer
50 acres will no longer be irrigated

To your knowledge, has any portion of the water right undergone a period of five(5) or more consecutive years of non-use?
NO

Transfer No. 74278

Receipt No. _____

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

Current Water Right No. 43-408

Priority Date: May 01, 1906

Origin: Water Right

Basis: Decreed

Status: Active

Source: CASSIA CREEK**Tributary:** RAFT RIVER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	03/15 11/15	2.36 CFS		
	Total Diversion	2.36 CFS		

Source and Point(s) of Diversion:

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

PLACE OF USE: IRRIGATION

Twp	Rge	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				40.0												80.0
13S	26E	24						38.0											38.0

Total Acres: 118

Conditions/Remarks:

1. WHEN COMBINED THE FOLLOWING RIGHTS SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE. COMBINED RIGHT NOS. 43-408 AND 43-4158.
2. 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.
3. USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 118 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS. 43-408 AND 43-4158.

Page 6

Documentation of Ownership of the Current Place of Use
IDWR records

Is this property subject to any liens, deeds of trust, mortgages, or contracts or other encumbrances?
NO

Describe the effect on the current place of use for this water right if the place of use is changed pursuant to this transfer
50 acres will no longer be irrigated

To your knowledge, has any portion of the water right undergone a period of five(5) or more consecutive years of non-use?
NO

Transfer No. 74278

Receipt No. _____

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3A**

Proposed Water Right No. 43-13534

Priority Date: March 15, 1962

Origin:

Basis: Decreed

Status: Pending
Transfer**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	1.00 CFS	200.0 AFA	
	Total Diversion		1.00 CFS	200.0 AFA	

Source and Point(s) of Diversion:

GROUND WATER NWNWSW Sec. 28 Twp 15S Rge 27E CASSIA County

Describe the proposed diversion system

Point of Diversion # 1 Existing Well

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
15S	27E	28							30.0				20.0						50.0

Total Acres: 50

Transfer No. 74278

Receipt No. _____

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3A**

Proposed Water Right No. 43-408

Priority Date: May 01, 1906

Origin: Water Right

Basis: Decreed

Status: Pending
Transfer**Source:** CASSIA CREEK**Tributary:** RAFT RIVER

<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	1.36 CFS		
	Total Diversion	1.36 CFS		

Source and Point(s) of Diversion:

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

Describe the proposed diversion system**PLACE OF USE:** IRRIGATION

Twp	Rge	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	

Total Acres: 68

Transfer No. 74278

Receipt No. _____

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3B**

PORTION OF RIGHT No. 43-4158 BEING TRANSFERRED

Priority Date: March 15, 1962

Origin:

Basis: Decreed

Status: Pending
Transfer**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	1.00 CFS	200.0 AFA	
	Total Diversion	1.00 CFS	200.0 AFA	

Source and Point(s) of Diversion:

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

PLACE OF USE: IRRIGATION

Twp Rge 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	10.0			10.0													20.0
13S 26E 24					30.0												30.0

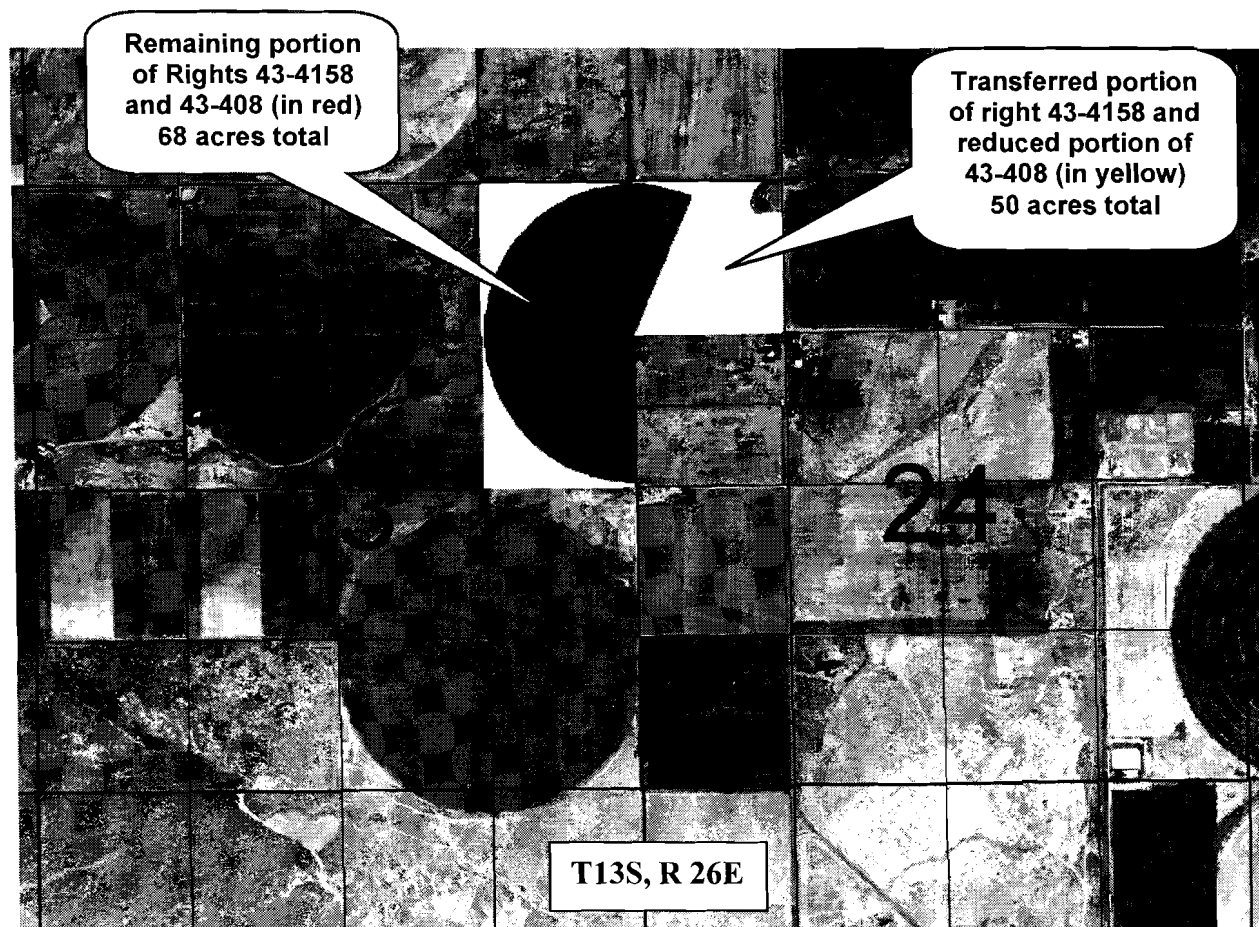
Total Acres: 50

Transfer No. 74278

Receipt No. _____

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT**

PORTION OF RIGHT No. 43-4158 BEING TRANSFERRED AND REDUCED PORTION OF RIGHT No. 43-408

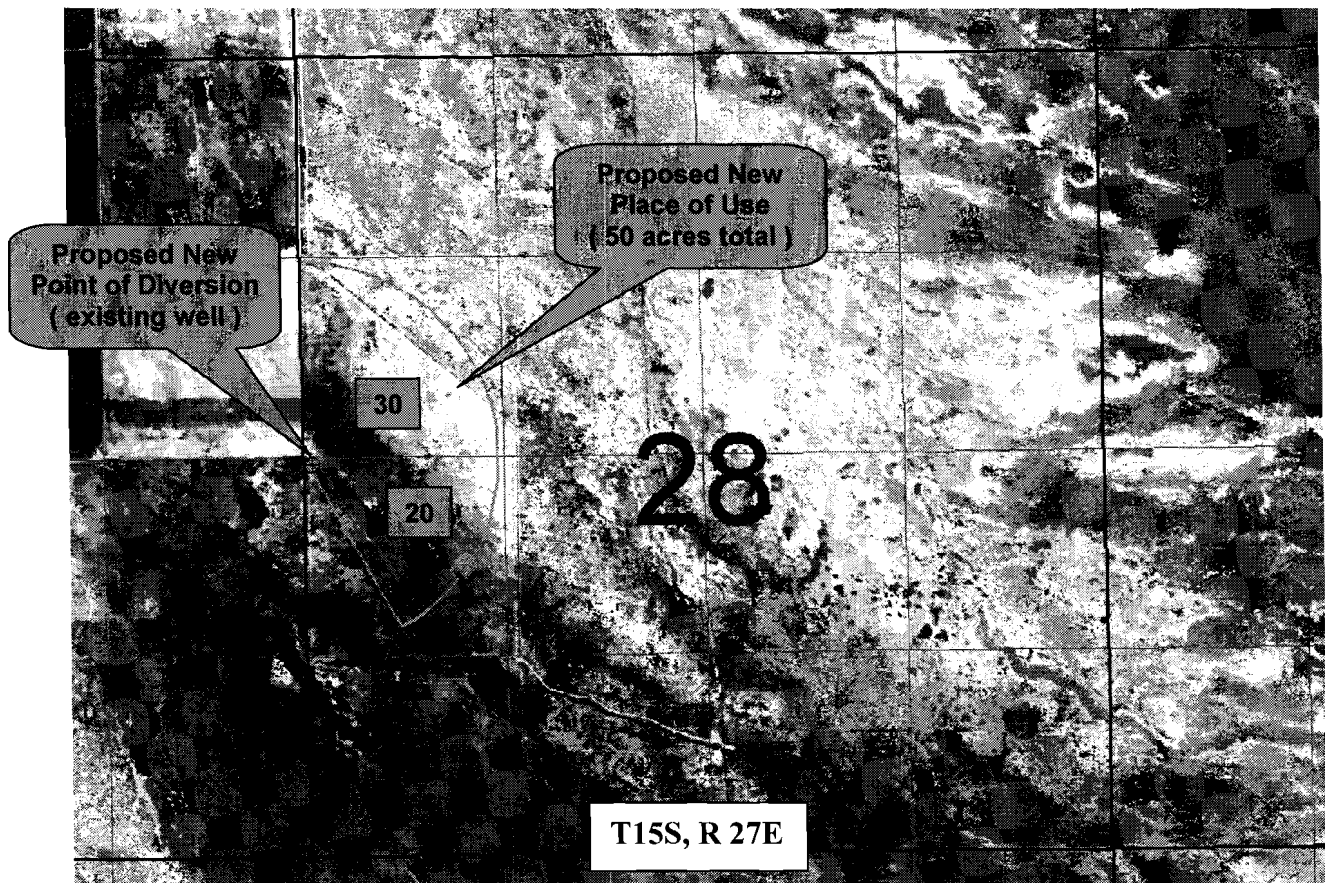


Transfer No. 74278

Receipt No. _____

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT**

Proposed Water Right No. 43-13534

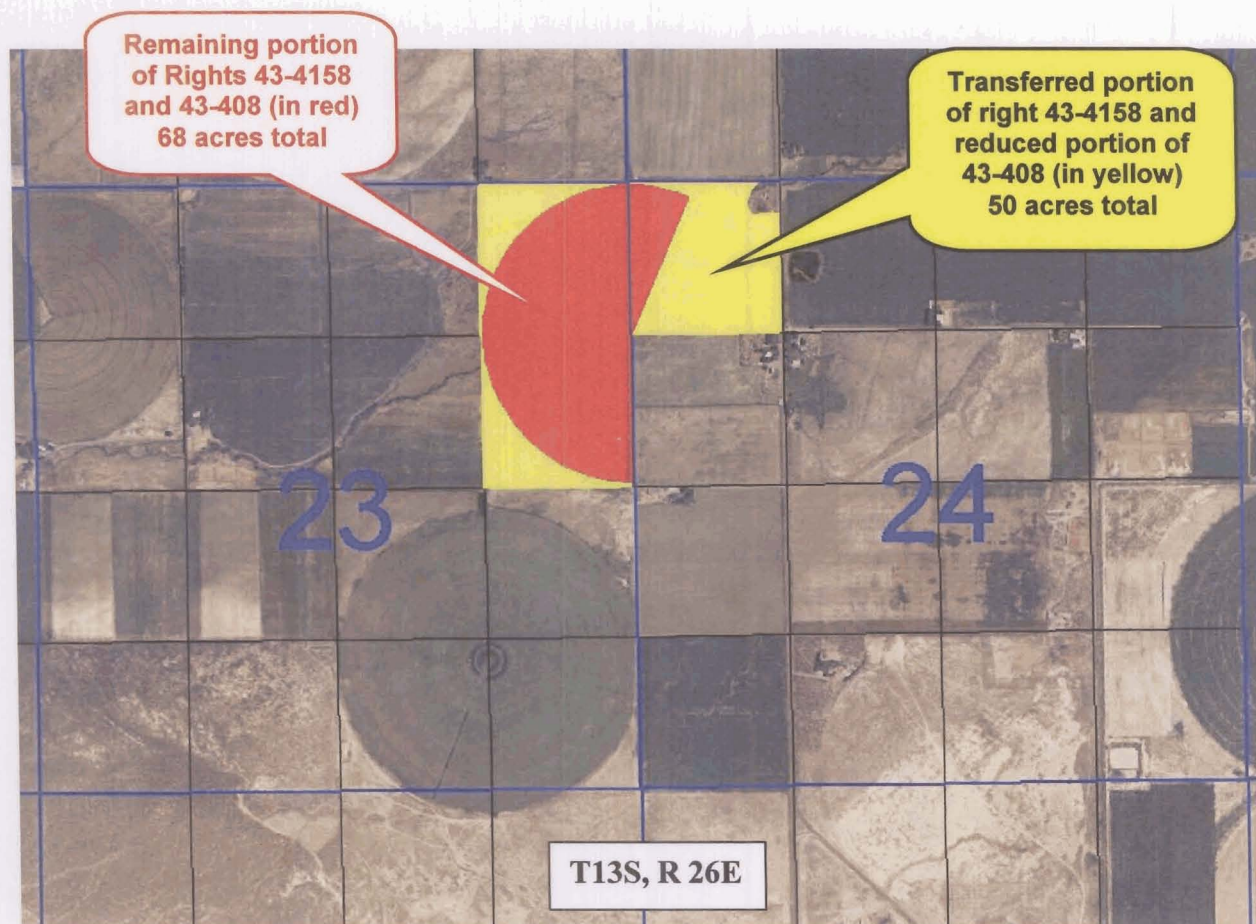


Transfer No. 74278

Receipt No. _____

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT**

PORTION OF RIGHT No. 43-4158 BEING TRANSFERRED AND REDUCED PORTION OF RIGHT No. 43-408

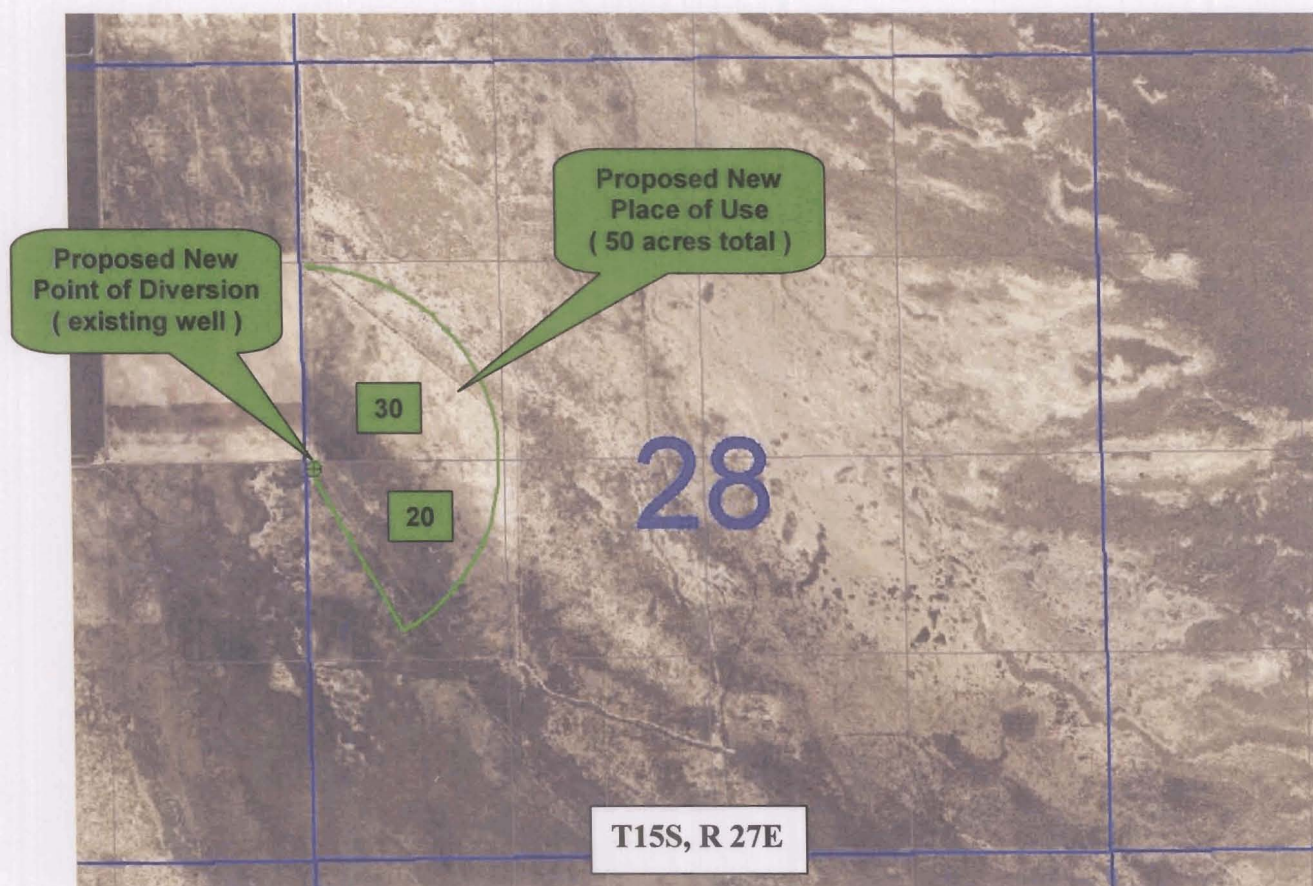


Transfer No. 74278

Receipt No. _____

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT**

Proposed Water Right No. 43-13534



MARTELL C HOLLAND
CASSIA COUNTY ASSESSOR
203 EAST 15TH STREET
BURLEY, ID 83318

Attachment 3 of 5

200

ASSESSMENT NOTICE

THIS IS NOT A BILL.
DO NOT PAY.

PARCEL DESCRIPTION:

SWNW, NWSW
S 28 T 15 R 27

For any questions, please notify the Assessor's Office immediately.

Assessor's Telephone Number: (208) 878-3540

PARCEL ADDRESS:

GARDINER MATTHEW C
& GARDINER MARIE JEANNE H/W
234 SOUTH 100 WEST
ST GEORGE UT 84770

Appeals of your property value must be filed in
writing, on a form provided by the County, by:

JUNE 26, 2006

Tax Code Area: 19-0000

Parcel Number: RP 15S27E283600 A

ASSESSED VALUE OF YOUR PROPERTY			
CURRENT CATEGORY AND DESCRIPTION	LOTS/ACRES	LAST YEAR'S VALUE	CURRENT YEAR'S VALUE
5 DRY GRAZING	80.000 AC	2,560	2,560
SUBTOTAL:	80.000	2,560	2,560
LESS HOMEOWNERS EXEMPTION:			
NET TAXABLE PROPERTY VALUE:		2,560	2,560

These values may not include personal property values. Taxes are based on the values shown on this Notice and on the Budgets of the taxing districts.

TAXING DISTRICT INFORMATION				
TAXING DISTRICTS	LAST YEAR'S TAXES		PHONE NUMBER	DATE OF PUBLIC BUDGET HEARING
COUNTY			208-878-1004	09/05/2006
SCH DIST 151			208-878-6600	06/13/2006
RAFT RIVER HWY			208-645-2463	09/05/2006
RAFT RIVER FIRE			208-645-2498	08/08/2006
FLOOD DIST 15			208-824-5598	No Response
SUBTOTAL:				
FEES:				
TOTAL PROPERTY TAXES & FEES:				

THIS IS NOT A BILL. DO NOT PAY.

See the back of this Notice for details.

Randall C. Budge (ISB 1949)
RACINE, OLSON, NYE, BUDGE &
BAILEY, CHARTERED
P.O. Box 1391; 201 E. Center Street
Pocatello, Idaho 83204-1391
Telephone: 208-232-6101
Fax: 208-232-6109

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case No. 39576

) A. Subcase (See Exhibit "1" attached hereto)
)
)
)
)

AFFIDAVIT OF JULIE J. MARTIN

STATE OF IDAHO)

: ss

County of Bannock)

Julie J. Martin, being first duly sworn, deposes and states as follows:

1. That I am employed by the law firm of Racine, Olsen, Nye, Budge & Bailey, Chartered, Pocatello, Idaho, as a legal secretary with duties including transcription. I have been employed as a legal secretary with transcription duties for 15 years.
2. That the attached "Partial Transcript of Hearing Held Before IDWR on 6/26/01" is a true and correct transcription, to the best of my abilities, of the recording of the hearing held before the Idaho Department of Water Resources in the above captioned case on June 25, 2001.
3. That portions of the recording of said hearing were unintelligible and are duly indicated in the "Partial Transcript" with the following notation: "_____".
4. That I was unable to identify the name of certain individual, however it was clear that they were employees of Idaho Department of Water Resources, and such is indicated with the following notation: "[IDWR]"

1 [IDWR]: You've put the challenge out there, what do you do about that and that's certainly
2 why we're here today. In leading up to that some questions relative to your
3 involvement as water master, how long have you been the watermaster?
4

5 Hutchinson: 10 years maybe, something in there.
6

7 [IDWR]: In your experience, where have the Bar M water come up in your records keeping or
8 daily processes?
9

10 Hutchinson: The only thing I know about the Bar M water being delivered is my grand dad told
11 me that it was in there somewhere. I was under the impression that the water we
12 have right now had the Bar M water figured in it. Only until the last few years did I
13 realize that the Bar M water wasn't in it. Its like Mr. Cottle said, we're using that Bar
14 M water somewhere. As to your question to him, where's your extra 5 inches at? I
15 don't know. Its in somebody who's getting 79, 73, 74, 72 water. Those people right
16 now are getting that water. I don't know who it is, where it is or how much each one
17 is getting. I only know that it's not going down the creek. Right now we're at 79
18 water. Their ain't enough water right there to push down the creek right now to go to
19 Bar M. So everybody who's got that water is getting a portion of it. I don't know
20 who or how much.
21

22 [IDWR]: In a typical year, when are you called on as watermaster?
23

24 Hutchinson: In the last ten years that I've been doing this, there's only been 3 years probably that I
25 haven't been called on towards the first of April. Two years ago the watermaster
26 never came on till the fourth of July. One year when I came on we started at 80 and
27 went from there. But typically, April or 1st of May.
28

29 [IDWR]: When your called on, typically, what priorities do you start working?
30

31 Hutchinson: First thing I do is cut down to at least 70 or 85. Because typically when the
32 watermaster is called on there ain't enough water to fill 85's, 87's, 1900.
33

34 [IDWR]: So in your experience, the first day you are called on, you cut back to 85, typically?
35

36 Hutchinson: Except for a year like this - I went straight to 80. But then the creeks came up a little
37 bit and people turned wells on instead of taking the water, cause they knew they were
38 going to be short and there was no need in messing with ditch water when they were
39 only going to have it for a day or maybe a week. So with the people taking water
40 out, that allowed to move up the line a little ways, 83, 82.
41

42 [IDWR]: If there is a 1940 water right on the creek, does it make a difference to you. _____
43 In the 10 years you've been on, did you ever deliver to a 1940 water right?

**PUMPS, Inc.**P.O. Box 840
Twin Falls, Idaho 83303-0840

Telephone (208) 733-3284

FAX - 208-423-5137

FACSIMILE TRANSMITTAL FORMTO MATT GARDINERDATE 10-11-02435-673-8557SUBJECT PUMP FOR WELL AT BRIDGETOTAL PAGES INCLUDING COVER SHEET 4MATT, PLEASE REVIEW THIS, CALL IF YOU
HAVE ANY QUESTIONS.THANKSSTEVE

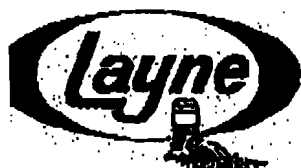
By: _____



Jul. 31. 2007 10:10AM

ST. GEORGE CLINIC

No. 8427 P. 3/11 0-0

**LAYNE PUMPS, INC.**P. O. BOX 660 • TWIN FALLS, IDAHO 83301
TELEPHONE (208) 733-3224**QUOTATION AND ORDER**

TO MATT GARDINER

Date OCT. 11, 2002

Reference PUMP FOR WELL @ BRIDGE
300 GPM

GENTLEMEN:

WE ARE PLEASED TO SUBMIT THE FOLLOWING QUOTATION:

Quantity	Specifications	Shipping Weight	Unit Price	Total Price
1	DIP, BAKE & BALANCE 40 HP U.S. MOTOR/REPLACE BEARING (MOTOR FROM MALTA WELL)			561.00
180'	9 - 2"x1-3/16"x20' GOOD USED TUBE & SHAFT		175.00	1,575.00
40'	2 - 8"x20' T & C GOOD USED COLUMN PIPE 140' (7 PIECES TO BE USED FROM MALTA WELL)		185.00	370.00
1	VERTILINK STRETCH BEARING, TOP TUBE, MOTOR DRIVE SHAFT COLUMN NIPPLE (ADAPTED TO 8" HEAD FROM MALTA WELL)			555.00
4	8"x2" SPIDERS		12.00	48.00
1	10KC 7 STAGE BOWL ASSY W/CONE STRAINER			3,389.00
1	INSTALLED IN WELL			900.00

I (we) certify to have the authority to make this purchase for the buyer and acknowledge and agree to the shipment being sold as interest to be accepted on any unpaid amounts after (30) thirty days from date of invoice, and that said charges on payment of interest does not provide for automatic deferred payment, or after any terms outlined on the reverse side of this quotation and order.

Subject to conditions stated on reverse side.

TERMS:

DELIVERY:

We hereby accept your proposal

on _____ 19____

Signed _____

By _____

2004

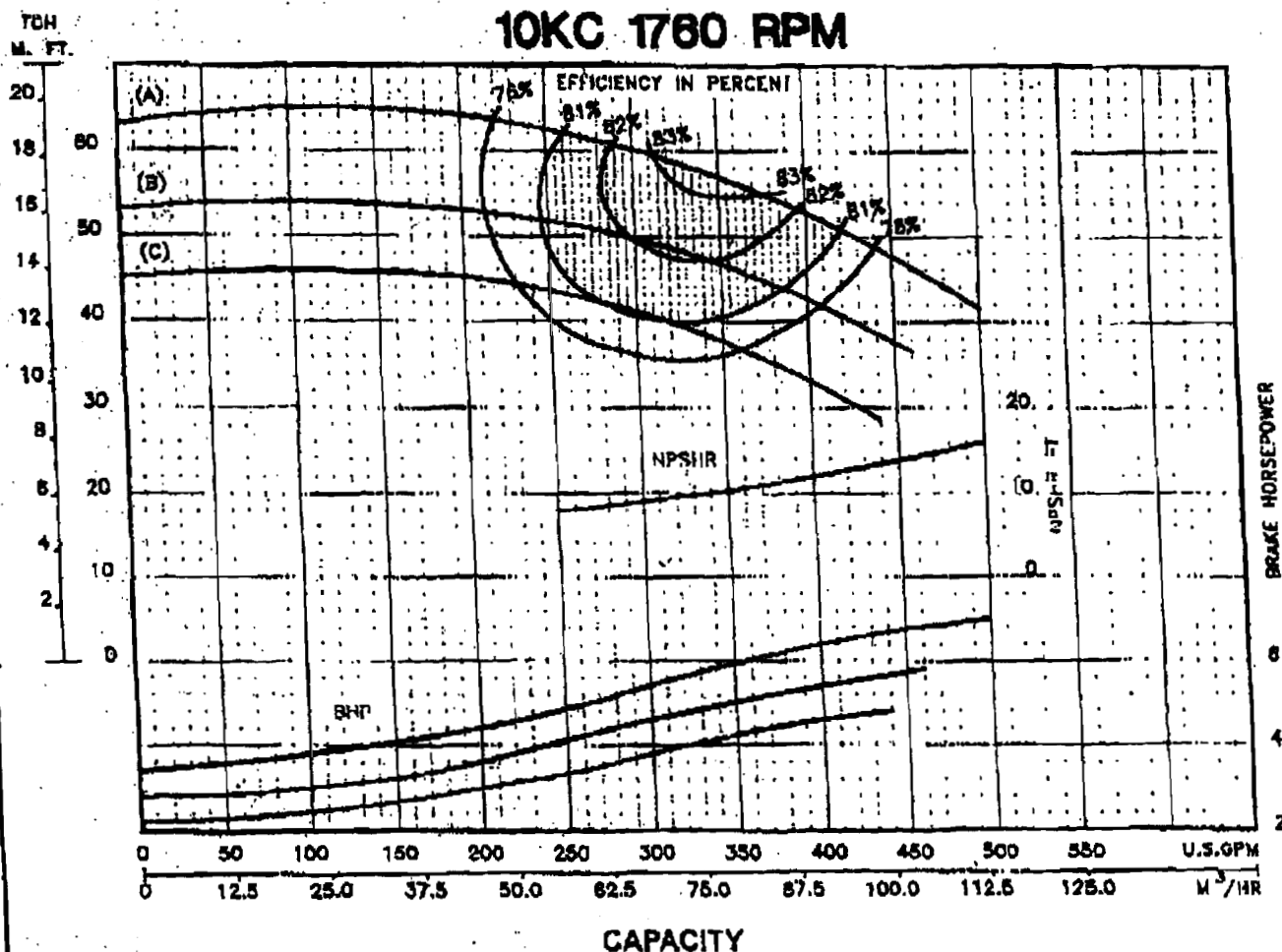
 STATE SALES TAX N/A
 * TOTAL PRICE \$ 7,098.00
LAYNE PUMPS, INC.By STEVE GRAVES

QUOTATION NO.

048-60 20-11-100

JOLINE.**TURBINE PUMP CURVE**

JANUARY 1995

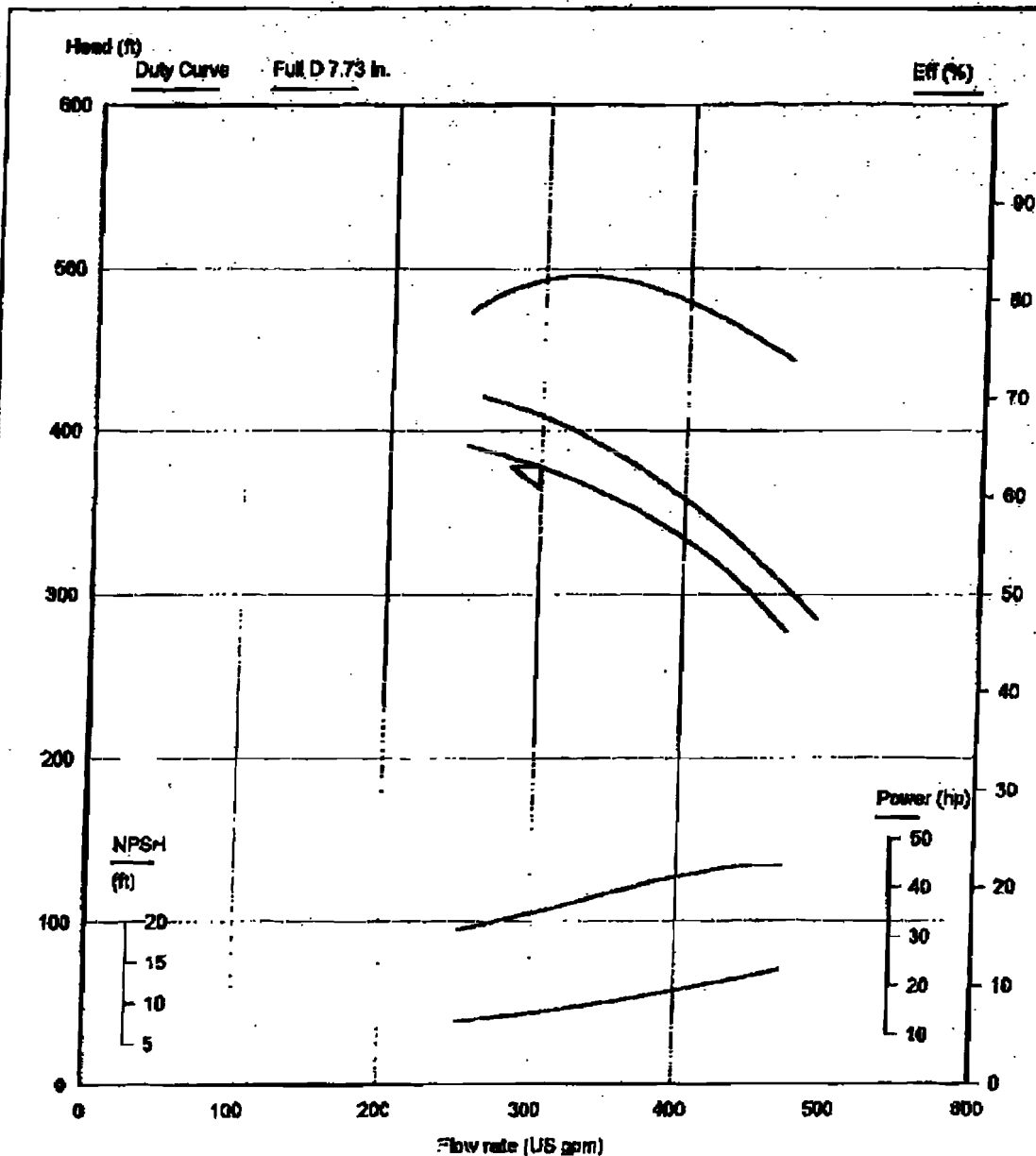


IMPELLER DATA					
Impeller Number:	3095	TRIM: (A) 7.703" X 25.5" (B) 7.203" X 25.5" (C) 6.797" X 25.5"			
Material:	BRONZE				
Type:	CLOSED				
Thrust Factor:	K=4.20	Minimum submergence above eye of bottom impeller: 22 in.			
Eye Area:	7.89 sq. in.				
Weight:	9.50 lb.				

EFFICIENCY CORRECTION					
Number of Bowls	1	2	3	4	5
Change as follows	-5	-4	-3	-1	0
Change in efficiency may affect both head and horsepower.					

BOWL DATA	
Bowl Number	3095 C.I./ENAM.
Bowl Dia.	9.875"max 9.500"min
Max. No. Stages	38
One Stage Weight	230 lb
Add'l Stage Weight	55 lb
Std. Shaft Dia.	1.500 in
Std. Lateral	0.500 in
Discharge Size	5 - 8 in
Suction Size	6 - 8 in
Max. Sphere Size	0.438 in
Max. Operation P.S.I	595 (special)

Performance based on pumping clear, fresh water at a temperature not over 85° F., and free of gas, air or abrasives, and with bowls properly adjusted and submerged.

**J-LINE Pump Company**

185 Progress Road

Collierville, TN 38017

Tel: 1 901 880-2300

Fax: 1 901 880-2323

Duty Flow (US gpm) 300

Head (ft) 378

NpsH (ft) 9.02

Power (hp) 34.9

Eff (%) 82.1

Stages 7

Impeller

Max (in.) 7.73

Duty (in.) 7.47

Min (in.) 6.8

Bowl OD (in.) 9.9

Specific Speed (Ns) 0

Liquid WATER

SG 1

Temp (°F) 85

Customer TAS SA

Quote No GARDINER

IMPELLER TYPE CLOSED

PUMP TYPE LINE SHAFT

PUMP SIZE 10KC

SPEED 1760 RPM

J-LINE PUMP COMPANY

08/18/2006 18:18 12884386578

RAIN FOR RENT

PAGE 02/07



ELECTROGATOR II™

PRICES EFFECTIVE: July 1, 2006

Customer Information

MATT GARDNER

MALTA ID

Dealer Information

RAIN FOR RENT

HIGHWAY 27 SOUTH P.O. BOX 786

PAUL, ID 84447

Phone: STORE 208-438-5065

FAX: 208-438-5570

Mobile: 208-312-6100

E-Mail: dhylton@rainforrent.com

System Information

System Type: Center Pivot
 System GPM: 450.0 GPM
 Elevation: 12.0' feet
 Top of Inlet Pressure: 28.69 PSI
 End Pressure: 20.00 PSI
 Hours to Apply an Inch: 123.8 Hours

Model: E2065-G/57"
 System Length: 1302.0'
 System Acres: 123.1 Acres
 End Gun Acres: 0.0 Acres
 Total Acres: 123.1 Acres

Span Information

Number	Diameter	Length	Wheel Track
1	6.625"	175.0'	177.0'
2	6.625"	175.0'	352.0'
3	6.625"	156.0'	508.0'
4	6.625"	156.0'	664.0'
5	6.625"	156.0'	820.0'
6	6.625"	156.0'	976.0'
7	6.625"	156.0'	1132.0'
8	6.625"	156.0'	1288.0'
EB	3"	13.0'	1302.0'

Irrigation System Purchase Agreement