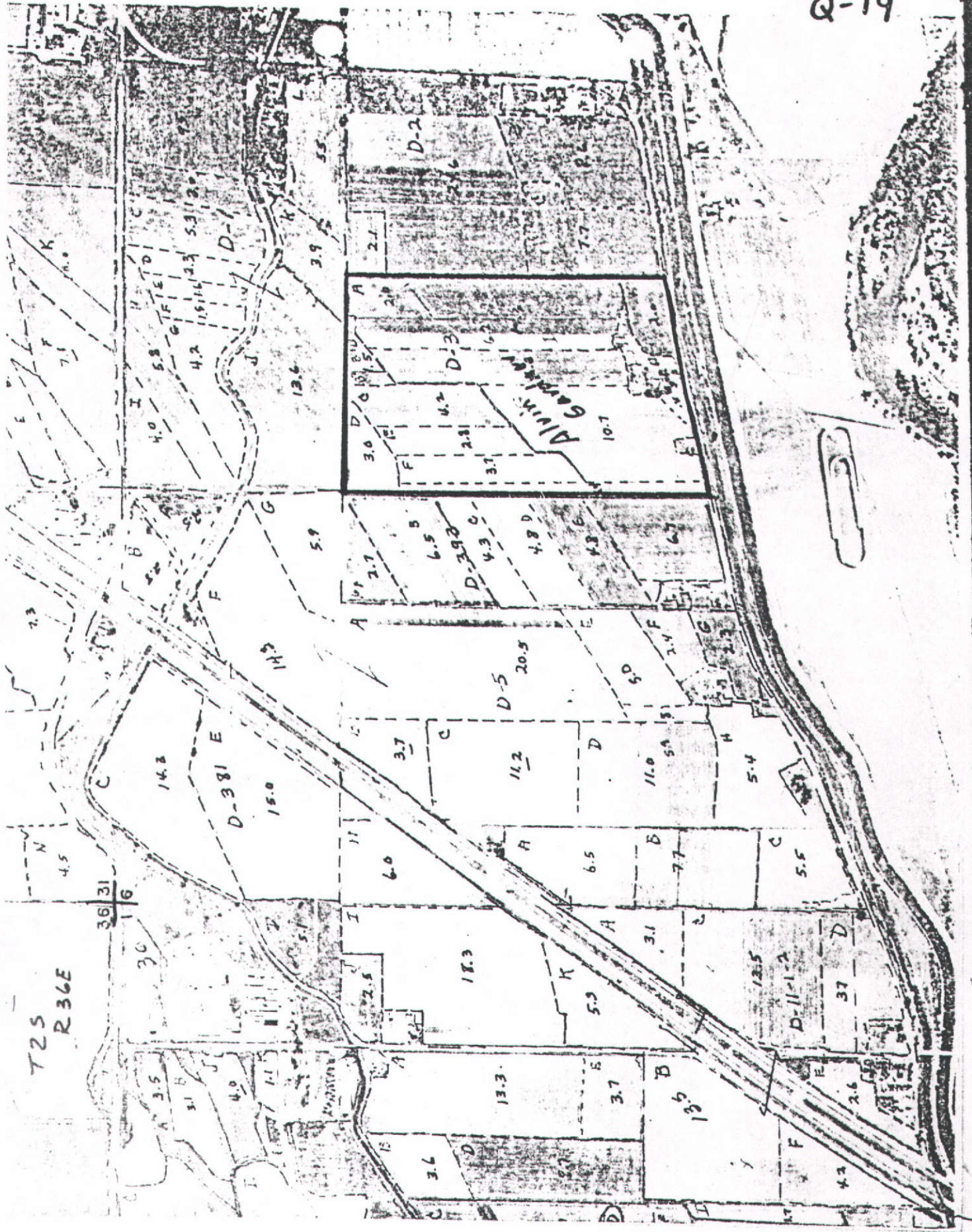
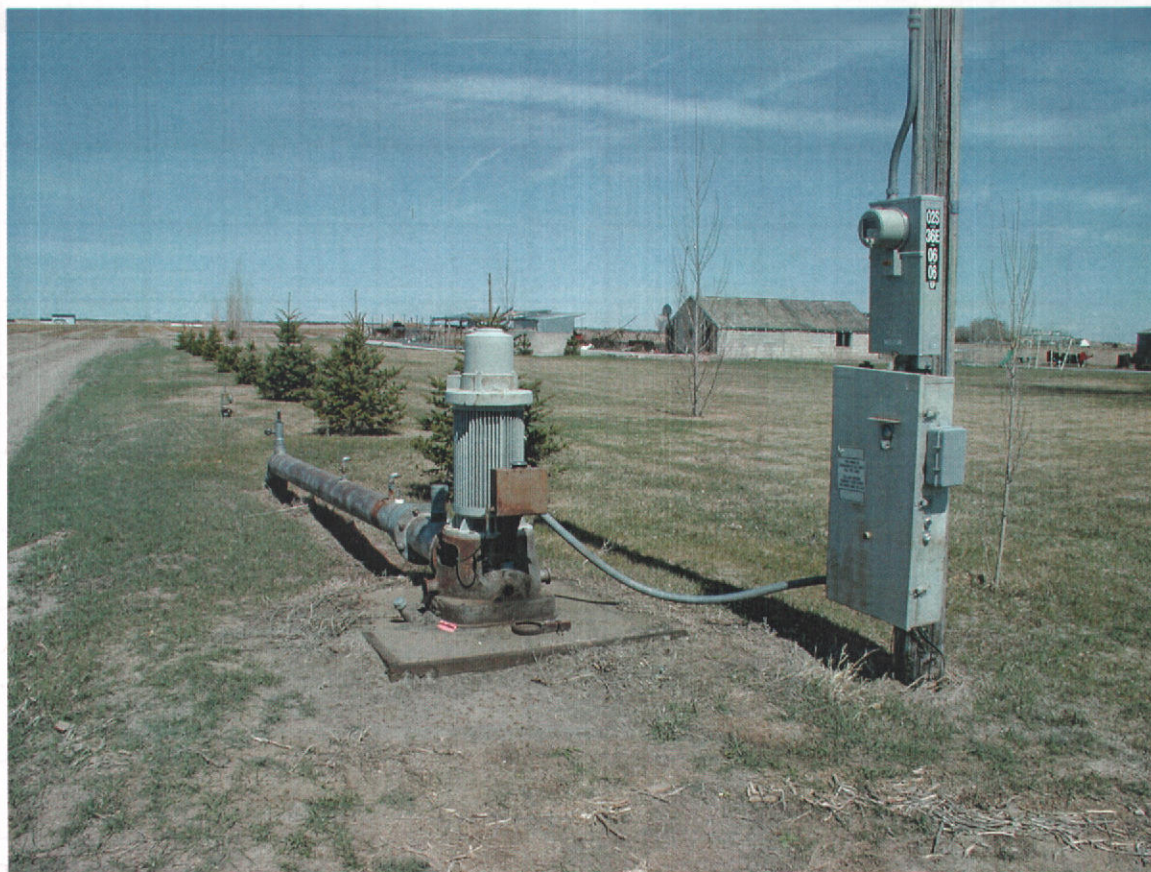


Q-14



3. Delivery System Diagram: Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable.



3/16

Scale: 1" = _____

____ Copy of USGS Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required).

____ Aerial Photo Attached (required for irrigation of 10+ acres)

____ Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
	GE	50	DNJ406335	Vertiline Aurora pump	

*Code to correspond with No. on map and aerial photo

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
bucket/stop watch						

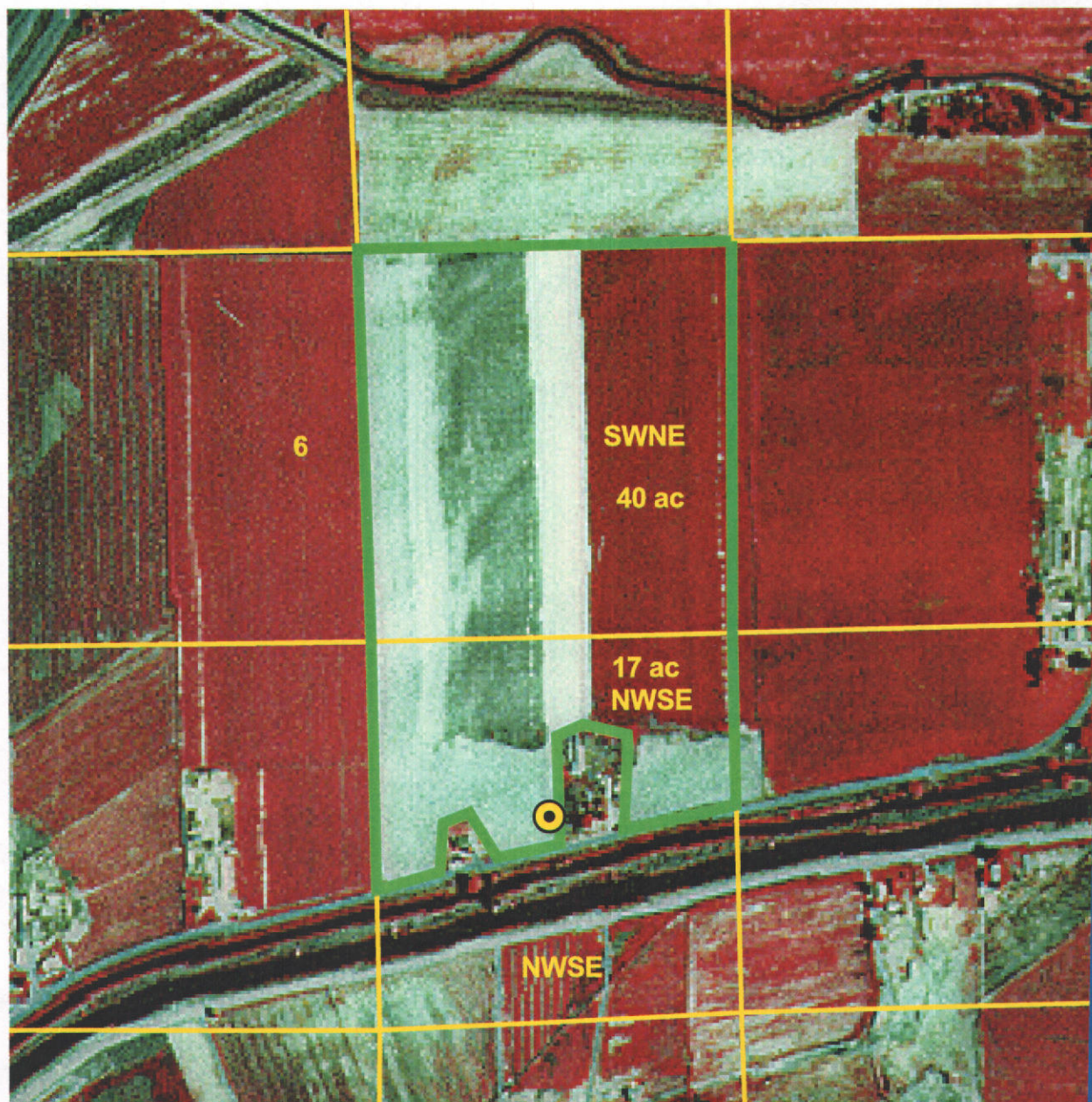
2. Measurements: 2 wheel lines 40 birds each 6 gallons/min/bird

MICROFILMED

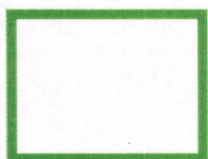
JUL 10 2002

35-07653

02S 36E SEC. 6



POINT OF DIVERSION



PLACE OF USE

MICROFILMED
JUL 10 2002

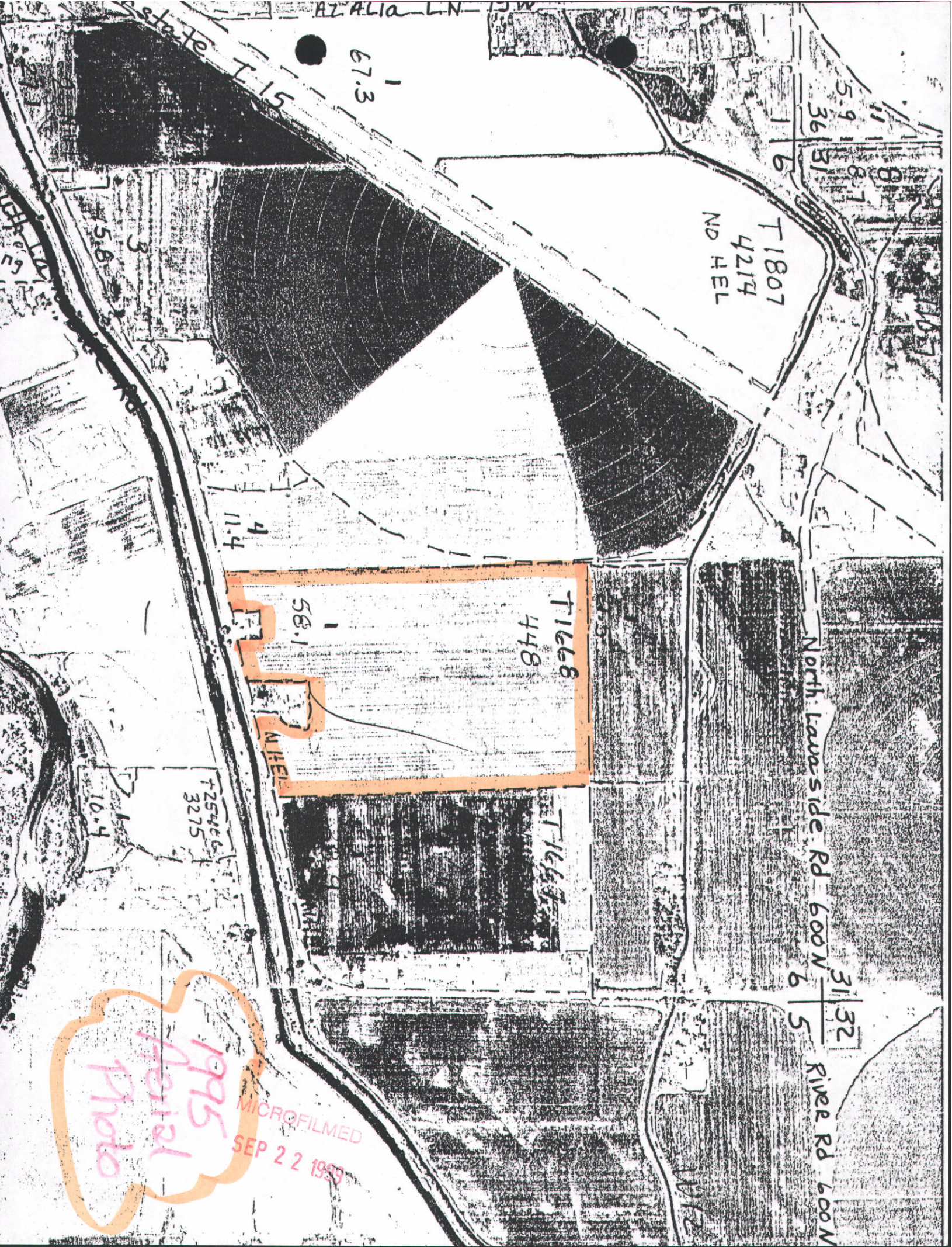
D-3



5.1

1980
Aerial
Photo

MICROFILMED
SEP 22 1999



T1807
4214
ND HEL

T1668
448

T1663

58.1
ND HEL

T2546
3275

North Lava side Rd 600 N
31 32
5 6

River Rd 600 N

AZALIA LN

67.3

11.4

3

5.6

10.4

MICROFILMED
SEP 22 1999

1995
Aerial
Photo

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 35-07653

Priority: October 19, 1998

Maximum Diversion Rate: 1.07 CFS
Maximum Diversion Volume: 228.0 AF

It is hereby certified that ALVIN GARDNER
C/O VON T & LINDA CORNELISON
66 E RIVER RD
BLACKFOOT ID 83221 has complied with the terms and
conditions of the permit, issued pursuant to Application for Permit dated November 29, 1976; and has
submitted Proof of Beneficial Use on October 19, 1998. An examination indicates that the works have a
diversion capacity of 1.07 cfs of water from:

SOURCE

GROUND WATER

and a water right has been established as follows:

BENEFICIAL USE
IRRIGATION

PERIOD OF USE
4/01 to 10/31

DIVERSION RATE
1.07 CFS

**ANNUAL
DIVERSION VOLUME**
228.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NW¼SE¼ Sec. 6, Twp 2S, Rge 36E, B.M. BINGHAM 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	
02S	36E	6				40.0												17.0	57.0

Total Acres: 57

CONDITIONS OF APPROVAL

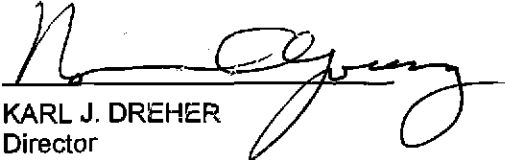
1. Diversion and use of water under this right is subject to rules that may subsequently be promulgated for existing rights used for supplemental purposes.
2. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed and sealed this 26th day of JUNE, 2002.

MICROFILMED

Acting for


KARL J. DREHER
Director

JUL 1 2 2002

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 35-07653)

IN THE NAME OF ALVIN GARDNER)

**ORDER OF
REINSTATEMENT**

This matter having come before the Idaho Department of Water Resources (Department) the Department makes the following FINDINGS OF FACT, CONCLUSIONS OF LAW and ORDER:

FINDINGS OF FACT

1. On December 29, 1976, the Department issued Permit No. 35-07653 in the name of Alvin Gardner (permit holder) with a condition of approval that proof of construction of works and application of water to beneficial use be submitted on or before December 1, 1981.

2. On September 30, 1981, the Department sent a proof due notice to the permit holder by certified mail stating that proof was due, and instructed the permit holder of the steps to be taken to submit the proof of beneficial use.

3. On January 18, 1982, the Department sent a lapse notice to the permit holder since the Department had not received an acceptable proof of beneficial use statement or extension of time request.

4. Section 42-218a.2., Idaho Code, authorizes the Department to reinstate a lapsed permit, with the priority date advanced to the date that proof of beneficial use was received, upon submittal of evidence clearly establishing the extent of beneficial use prior to the proof due date and a showing of reasonable cause why the proof was submitted late.

5. On October 19, 1998, Von T. And Linda Cornelison submitted an acceptable proof of beneficial use statement, the \$125.00 license examination fee, along with a Warranty Deed showing they are the property owners of record. The Cornelison's submitted crop reports for 58.1 acres irrigated for the years 1983, 85, 86, 87, and 1989.

The Cornelison's also submitted an Affidavit from Ronald Gardner stating he irrigated the property in question from 1977 through 1981. The Cornelison's further explained that the original permit holders passed away shortly after the approval of the water right and Ronald Gardner, who inherited the farm, overlooked the proof filing.

CONCLUSIONS OF LAW

1. The permit holder has submitted proof of beneficial use along with supporting evidence which establishes that water was in fact beneficially used within the authorized development period.

2. The permit holder has shown sufficient cause why the proof of beneficial use was not submitted in a timely manner.

3. The department should reinstate the permit with the date of priority advanced to the date proof of beneficial use and supporting information was received by the Department.

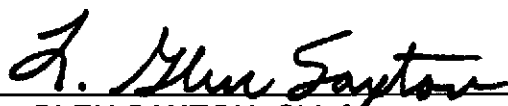
ORDER

IT IS HEREBY ORDERED that Permit No. 35-07653 is **REINSTATED**.

IT IS FURTHER ORDERED that the priority date is advanced to October 19, 1998.

IT IS FURTHER ORDERED that reinstatement of this permit does not authorize any additional development by the permit holder.

Dated this 28th day of August, 1999.



L. GLEN SAXTON, Chief
Water Allocation Bureau

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

OCT 19 1998

PROOF OF BENEFICIAL USE

Department of Water Resources

The Idaho Department of Water Resources considers this form a statement that the permit holder(s) has/have completed all development that will occur under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below. This form must be accompanied by a license examination fee, when necessary, or be accompanied by a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

1. Permit No. 35-07653 Telephone No. (208) 785-4726

2. Name(s) of Permit Holder(s): Van T. or Linda Cornelison, husband and wife

3. Mailing Address: 66 E. River Road, Blackfoot, ID 83221

4. Source of Water: Groundwater If GROUNDWATER (well), Date Drilled: mo. 5 / yr. 77

a. Well Driller: Barrus Drilling Drilling Permit Number: - - -

b. **OPTIONAL:**

Pump Horsepower: Pressure (psi): Dynamic pumping level (ft):

5. Use(s) (as authorized by the water right permit):

Domestic (No. of households): Stockwater (No. and type of stock):

Irrigation (No. of acres): 58 Other:

6. Total rate of diversion and/or volume for which proof is submitted: 1.16 cfs OR acre feet

7. Measuring Device Requirement: (refer to the approval conditions on your permit and respond accordingly)

(This question is not optional. Please check either yes or no. Proofs returned not checked accordingly, will be considered incomplete)

Measuring Device: Is a measuring device required?

Yes or No ✓

Has the measuring device been installed?

Yes or No

Flow Measurement Port: Is a flow measurement port required?

Yes ✓ or No

Not needed HWT Has the measurement port been installed?

Yes or No ✓

8. Fee Enclosed: \$ 125.00 (See Fee Schedule on back of the instructions for filing proof of beneficial use)

9. Person to contact to accompany the Department representative during field examination of the water system.

Name: See above Telephone Number: (208) 785-4726

Address: 66 E. River Road, Blackfoot, ID 83221

10. The information given on this form is my true statement of the extent to which the above numbered permit has been developed and I relinquish any undeveloped portion of the permit to the State of Idaho.

Signature of permit holder: Van T. Cornelison Date: Oct 15, 1998
(include your title, if on behalf of company or organization)

NOTICE

This file has been REPRODUCED
from MICROFICHE

for a possible reinstatement.

Darby Block
Person Recreating File

OCT. 21, 1998
Date

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF CHANGING THE MEASURING
DEVICE REQUIREMENT FOR PERMIT NO. 35-7653

ORDER

WHEREAS, the above numbered permit was approved with the condition that a measuring device of a type approved by the Department be permanently installed and maintained as part of the diverting works; and,

WHEREAS, on July 1, 1978, the Department adopted a new water measurement condition which states: "An access port or other device as specified by the Department shall be installed by the permit holder to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department"; and,

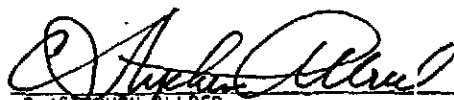
WHEREAS, the former condition required the permit holder to purchase and install a measuring device or hire a professional engineer to certify the rate of diversion; and,

WHEREAS, the measuring device condition effective July 1, 1978, requires less capital expenditure by the permit holder; and,

WHEREAS, to be equitable to holders of permits issued prior to July 1, 1978, the new condition should be retroactive;

NOW THEREFORE, it is hereby ordered that the condition of approval of this permit related to water measurement is hereby changed as follows: "The permit holder shall either install a measuring device or provide a certified measurement by a professional engineer or install an access port or other device as specified by the Department".

Dated this 18th day of August, 1978.


C. STEPHEN ALLRED
Director

Identification No. 35 7653
Application No. _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

APPROVED

To Appropriate the Public Waters of the State of Idaho
(TYPE OR PRINT IN INK)

1. Name of applicant Alvin Gardner Phone: 785-3618
post office address Rt. #1, Blackfoot, Idaho 83221
2. Source of water supply ground water which is a tributary of _____
3. a. Location of point of diversion is NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 6 Township 2S
Range 36E B.M. Bingham County; additional points of diversion if any: _____

b. If water is not consumed, it will be discharged into _____ at a point in _____ $\frac{1}{4}$
of _____ $\frac{1}{4}$ of Section _____ Township _____ Range _____ B.M. _____
4. Water will be used for the following purposes:
Amount 1.20 for Irrigation purpose from Apr. 1 to Nov. 1 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated:
a. 1.20 cubic feet per second and/or
b. _____ acre feet per annum.
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. well, pump, sprinkler system

b. Height of storage dam _____ feet; active reservoir capacity _____ acre feet; total reservoir
capacity _____ acre feet; materials used in storage dam: _____
Period of year during which storage will occur _____ to _____ inclusive.
(Mo. Day) (Mo. Day)
c. Proposed well diameter is 16 inches; proposed depth of well is 120 feet.
7. a. Time required for the completion of the works and application of the water to the proposed beneficial use
is 5 years.
b. Estimated construction cost is \$23,000.00
8. Description of proposed uses:
a. If water is not for irrigation:
(1) Give the place of use of water: _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$ of Section _____ Township _____
Range _____ B.M. _____
(2) Amount of power to be generated: _____ hp under _____ feet of head.
(3) List number of each kind of livestock to be watered _____

(4) Name of municipality to be served _____, or number of families to be
supplied with domestic water _____
b. If water is to be used for other purposes describe: _____

b. If water is for irrigation, indicate acreage in each subdivision in the tabulation below

[illegible]

Total number of acres to be irrigated 60

c. Describe any other water rights used for the same purposes as described above.

60 shares Lavaside Ditch Co.

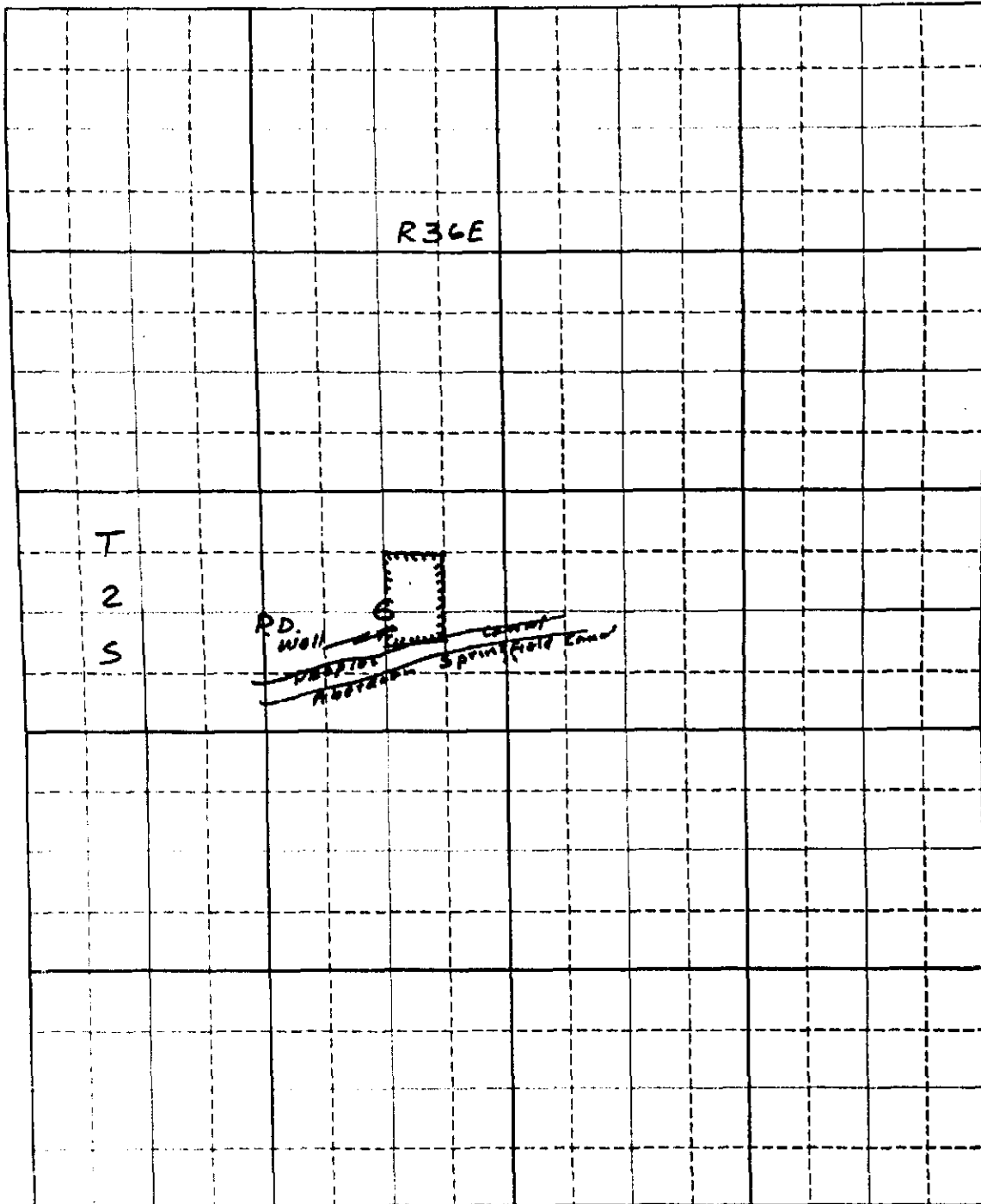
9. a. Who owns the property at the point of diversion. Applicant

b. Who owns the land to be irrigated or place of use Applicant

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing _____

10. Remarks

11. Map of proposed project, show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale - 2 inches equal 1 mile

IT IS KNOWN that the undersigned hereby makes application for permit to appropriate the public water of the State of Idaho as herein set forth.

Oliver Gardner
(Applicant)

Proposed Priority 11-29-76

Received by Cal Date 11-29-76 Time 2:55 p

Preliminary check by FDG Fee \$35.00

Received by CW Date 11-29-76 # 4448

Publication prepared by CW Date 12-01-76

Published in Blackfoot news

Publication dates Dec. 9 & 16, 1976

Publication approved by me Date 12-17-76

Priority reduced to _____ Reason _____

Protests filed by: _____

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval, denial by RDC

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 35-7653, and said application is hereby APPROVED.

1. Approval of said application is subject to the following limitations and conditions:

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before December 1, 1981.
- c. Other: A measuring device of a type approved by the Director shall be permanently installed and maintained as part of the diverting works.

2. Denial of said application is for the following reasons: _____

Witness my hand this 29 day of December, 1976.

R. Karl Hjort
Director



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

June 28, 2002

ALVIN GARDNER
C/O VON T & LINDA CORNELISON
66 E RIVER RD
BLACKFOOT ID 83221

RE: License No. 35-7653 - Issuance of License

Dear Water Right Holder(s):

The Department of Water Resources has issued the enclosed Water Right License confirming that a water right has been established in accordance with your permit. Please be sure to thoroughly review the conditions of approval and remarks listed on your license.

The license is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless a party petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at 208-327-7946.

Sincerely,

Shelley W. Keen

Water Rights Supervisor

SWK:klt

Enclosure(s)

MICROFILMED

JUL 10 2002

CERTIFICATE OF SERVICE

I hereby certify that on June 28, 2002 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved License) to the person(s) listed below:

RE: WATER RIGHT NO. 35-7653

**ALVIN GARDNER
C/O VON T & LINDA CORNELISON
66 E RIVER RD
BLACKFOOT ID 83221**


**Kari Lynn Townsend
Secretary**

MICROFILMED

JUN 10 2002

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

The accompanying order or approved document is a "**Preliminary Order**" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department of Water Resources (department) unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the department or the Idaho Water Resource Board (Board) is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

Comment Report

35-7653

1. S. Keen 6/21/2002 Licensing review

Comment: Licensing review and data entry by S. Keen on 6/21/2002. The only overlap is New Lavaside Ditch Co., but Ronald Gardner wrote in his 11/9/98 letter to Julie Yarbrough that "this well was used continuously as the only source of irrigation water for our farm." I recommend Condition 050, which discusses the possible resumption of surface water use, rather than describing this right as supplemental to New Lavaside Ditch Co.

MICROFILMED

JUL 10 2002

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED

MAY - 6 2002

Department of Water Resources

A. GENERAL INFORMATION

Permit No. 35-7653

1. Owner: Alvin Gardner ^{CO} VON LINDA CORNELISON Phone No. 785-4726

Current Address: 66 E River Rd Blackfoot, Id 83221

2. Accompanied by: NONE - TALKED WITH VON ON EXAM DATE: 4/8/2002

Address: THE PHONE

Phone No. _____

Relationship to Permit Holder: _____

3. Source: GW tributary to _____

B. OVERLAP REVIEW

1. Other water rights with the same place of use: New LAVASIDE Ditch shares

2. Other water rights with the same point of diversion: NONE

C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion:

Ident No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
			NW	SE	6	2S	36E	Bingham	FE/GPS/NA photo

2. Place(s) of Use:

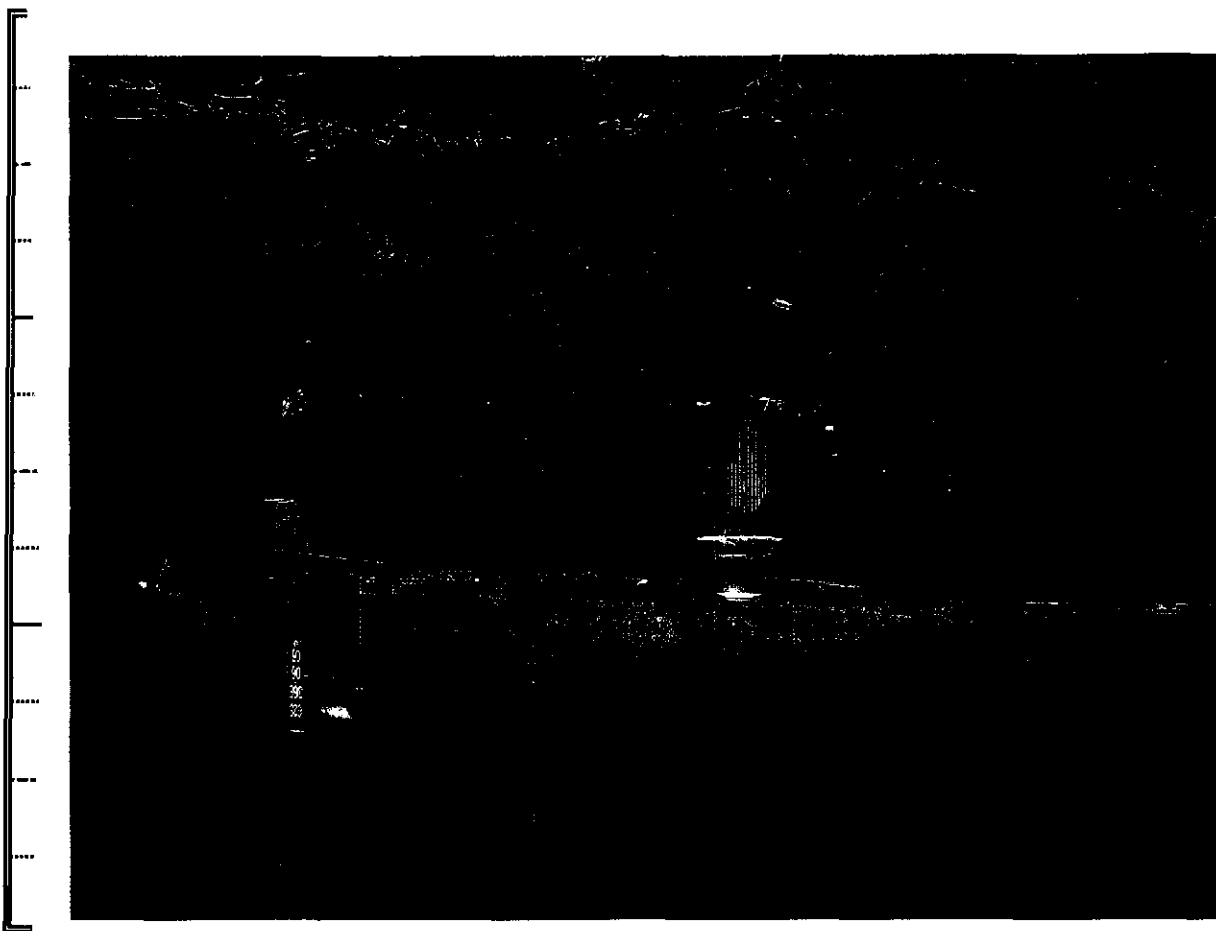
Indicate Method of Determination

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
2S	36E	6			40											17			57

MICROFILMED

JUL 10 2002

3. Delivery System Diagram: Indicate all major components and distances between components. Indicate weir size/ditch size/ditch as applicable.



Scale: 1" = _____

_____ Copy of USGS Quadrangle Attached Showing location(s) of _____ point(s) of diversion and place(s) of use (required).

_____ Aerial Photo Attached _____ (required for irrigation of 10+ acres)

_____ Photo of Diversion and System Attached

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
	GE	50	DJ7406335	Vertical Aurora pump	

*Code to correspond with No. on map and aerial photo

D. FLOW MEASUREMENTS

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
bucket/stop watch						

2. Measurements:

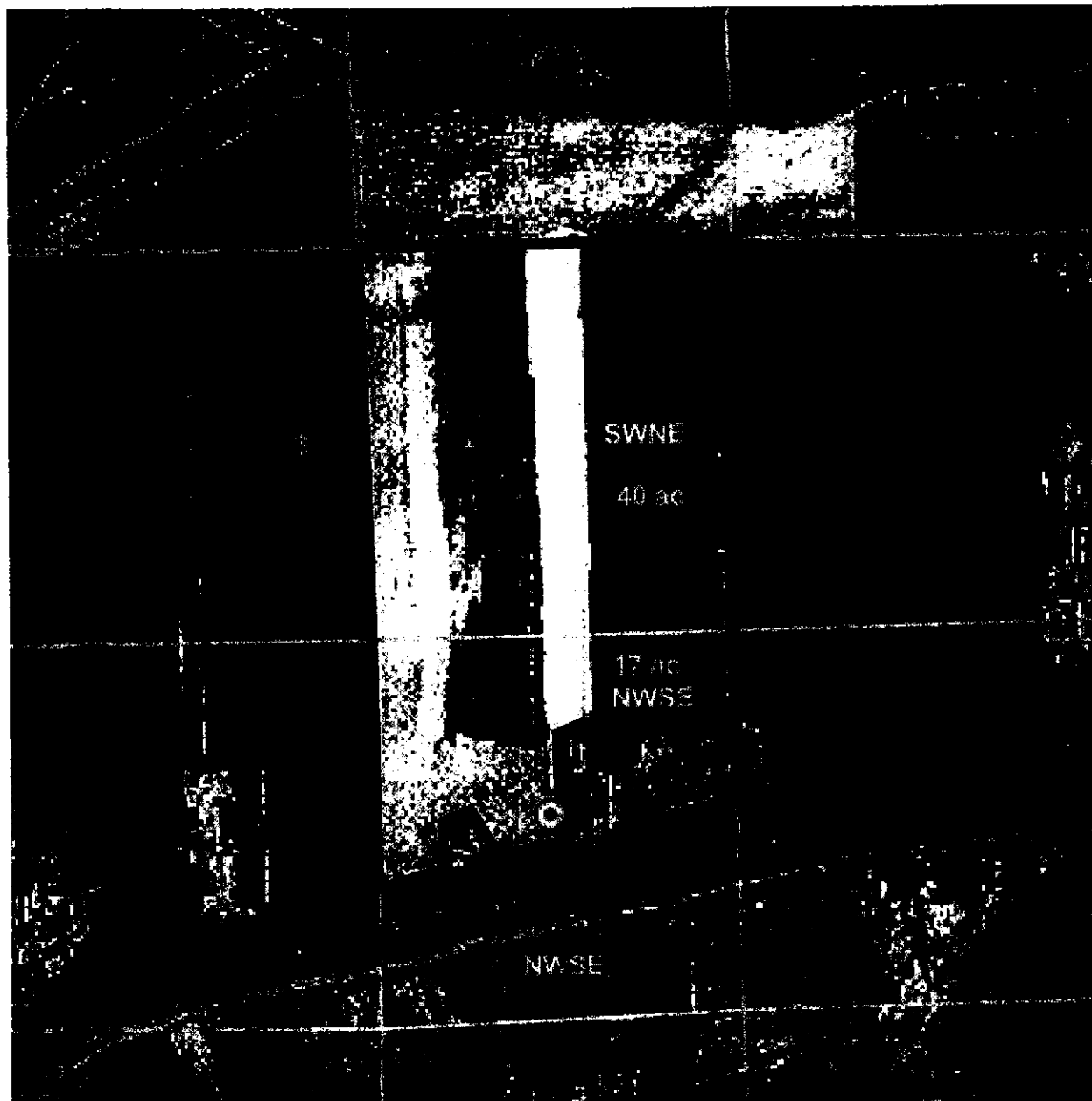
2 wheel lines 4 birds each 6 gallons/min/bird

MICROFILMED

JUL 10 2002

35-07653

02S 36E SEC. 6



POINT OF DIVERSION



PLACE OF USE

MICROFILMED

100 1 0 2002

E. NARRATIVE/REMARKS/COMMENTS

theoretical

$$\frac{50(6.16)}{50 + (2.31 \times 50)} = 1.86 \text{ cfs}$$

Well/pump TO MAINLINE and wheel lines

Have conditions of permit approval been met? ☒ yes

☐ no

MICROFILMED
JUL 10 2002

F. FLOW CALCULATIONS

Measured Method:

2 line wheel
x 406 in

$$480 \text{ gpm} \times 6 \text{ gal/min} = 448.83 = 1.07$$

Additional Computation Sheets Attached

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{IR} = (\text{Acres Irrigated} \times (\text{Irrigation Requirement})) = 57 \times 4 = 228 \text{ AF/A}$$

$$V_{DR} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = 1.07 (214) (1.9835)$$

$$V = \text{Smaller of } V_{IR} \text{ and } V_{DR} = 228 \text{ AF/A}$$

2. Volume Calculations for Other Uses:

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use

IRR

From
4/01

Period of Use
To
10/31

Rate of Diversion

Q (cfs)

1.07

Annual Volume

V (afs)

228 AF/A

2. Recommended Amendments

Change P.D. as reflected above
Change P.U. as reflected above

Add P.D. as reflected above
Add P.U. as reflected above
None
Other

I. AUTHENTICATION

Field Examiner's Name

Dave Carlson

Date

4/8/2002

Reviewer

[Signature]

Date

5-1-02

SEAL

MICROFILMED

APR 19 2002



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

August 25, 1999

DIRK KEMPTHORNE
GOVERNOR

Von T and Linda Cornelison
66 E River Rd
Blackfoot ID 83221

KARL J. DREHER
DIRECTOR

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 35-07653

Dear Mr. and Mrs. Cornelison:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit.

Enclosed is an order reinstating the permit since proof was submitted after the proof due date. Please note that the priority date has been advanced to October 19, 1998, pursuant to Section 42-218a, Idaho Code.

Please be advised that Section 42-248, Idaho Code, requires you or the owner of this water right to maintain current ownership and address records on file with the department. Forms to file a change of ownership of a water right and/or a change in the address of the water right owner are available from any department office.

The next step in the process of developing a water right is for the department to conduct a field examination to determine and confirm the use being made of the water. If you have questions concerning the field examination, please contact the **EASTERN** Regional Office of the department in Twin Falls at (208)736-3033.

Sincerely,

JULIE L. YARBROUGH, Administrative Assistant
Water Allocation Bureau

Enclosure

c: IDWR - Region

MICROFILMED

SEP 22 1999

RECEIVED

NOV 16 1998

Department of Water Resources

November 9, 1998

Julie L. Yarbrough
Senior Secretary, Water Allocation Bureau
Idaho Dept. of Water Resources
1301 N. Orchard Street
P.O. Box 83720
Boise, ID 83720-0098

RE: Lapsed Permit No. 35-07653

To Whom It May Concern:

My father, Alvin Gardner, filed the above mentioned irrigation well permit. He did not "prove up" on the paper work following later on. I have farmed the ground during the initial period of 1977-1981. During that time and all times subsequent to that, this well was used continuously as the only source of irrigation water for our farm. It was used by either me or those I leased the property to during this time. Thank you.

Sincerely,



Ronald F. Gardner
524 E. River Road
Firth, ID 83236

STATE OF IDAHO)
COUNTY OF BINGHAM)

On this 10 day of November, 1998, before me, a Notary Public in and for said State, personally appeared Ronald F. Gardner, known to me to be the person whose name is subscribed above, and acknowledged to me that he executed the same.

MICROFILMED

SEP 22 1999


Notary Public for Idaho

Residing at: Blackfoot

4-4-2003

D.L.

RECEIVED

OCT 19 1998

Department of Water Resources

October 15, 1998

Julie Yarbrough
Idaho Dept. of Water Resources
1301 N. Orchard
Boise, ID 83706

RE: Reinstatement of Water Permit No. 35-7653

Dear Julie,

Pursuant to our conversation of October 14, 1998, we are requesting the reinstatement of water permit no. 35-7653.

We purchased the farm that was irrigated by the well in the above mentioned permit on October 2, 1998. Enclosed is a copy of the Warranty Deed showing Ron and Nelda Gardner deeding the real estate to us, Von T. and Linda Cornelison.

The permit was originally issued December 29, 1977 in the names of Alvin and Clara Gardner. It had a deadline to determine beneficial use by December 1, 1981. Both of these individuals were elderly at the time of the well drilling. Alvin died soon after the original date, and Clara passed away about 1989. The farm was taken over by their son, Ron. He was basically a truck driver and his wife, Sheila, took care of the records of the family.

I imagine Alvin and Clara let their permit lapse because of their age and not realizing they needed to do anything more about it. Ron was gone with the trucking. Sheila, more likely than not, was busy raising their 12 children. She has since passed away also and we are unable to get any further information there. Ron is now re-married, and therefore his new wife appears on the Deed.

We hope this letter provides the information you need on their lack of correspondence. We would appreciate the re-statement of this permit. If you need any further information, feel free to call. Thank you.

Sincerely,



Von T. Cornelison
66 E. River Road
Blackfoot, ID 83221
(208) 785-4726

MICROFILMED

SEP 22 1999



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

November 5, 1998

Von T and Linda Cornelison
66 E River Rd
Blackfoot ID 83221

RE: Lapsed Permit No. 35-07653

Dear Mr. and Mrs. Cornelison:

I am receipt of the proof of beneficial use, license examination fee and supporting information submitted in connection with the above referenced lapsed water right. In order for the department to consider reinstatement of the permit, you must show that the water right was in use before the permit lapsed in December of 1981. The records you submitted only go back to 1983.

Please submit the proof of use information to the department within sixty (60) days and address your correspondence to my attention. If nothing further is received within 60 days, the department will return the information you submitted and refund the \$125.00 license examination fee submitted.

You may contact me at (208)327-7953 if you have any questions regarding this matter, and I will be happy to assist you.

Sincerely,

JULIE L. YARBROUGH

Senior Secretary, Water Allocation Bureau

MICROFILMED

Enclosures

SEP 22 1999

c: IDWR - Eastern Region

FEE 3.00 DEP 0

Warranty Deed

98 OCT -5 PM 4:35

469989

For Value Received ^{RECORDED AT THE REQUEST OF} **RONALD FLOYD GARDNER ALSO KNOWN AS RONALD G. GARDNER, A MARRIED MAN**

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto **VON T. CORNELISON and LINDA CORNELISON, husband and wife** whose address is: 66 E. RIVER ROAD, BLACKFOOT, IDAHO 83221

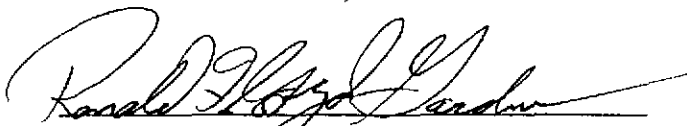
Hereinafter called the Grantee, the following described premises situated in Bingham County, Idaho, to-wit:

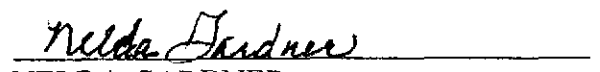
Part of the E½ of Section 6, Township 2 South, Range 36 E.B.M., Bingham County, Idaho, described as follows: Beginning at the NW corner of the SW¼NE¼ of said Section 6, Township 2 South, Range 36 E.B.M., Bingham County, Idaho; and running thence east on a straight line to the NE corner of said SW¼NE¼ of said Section; thence due south to the right-of-way of the People's Canal; thence in a westerly direction and following the right-of-way of the said Canal to the point where the canal intersects the west line of the NW¼SE¼ of said Section; thence in a northerly direction to the point of beginning. **EXCEPTING THEREFROM:** All portions of above described property that lies south of an east-westerly line described as: Part of the NW¼SE¼ of Section 6, Township 2 South, Range 36 E.B.M., Bingham County, Idaho that is: Commencing at the NE corner of said Section 6; thence S. 02°40'00" W. 2641.42 feet along the Section line to the E¼ corner; thence S. 02°38'09" W. 708.05 feet along the section line; thence N. 87°21'51" W. 1618.89 feet to the northerly right-of-way of County Road; thence S. 77°15'36" W. 218.73 feet along said northerly right-of-way line; thence N. 00°35'01" E. 349.83 feet to the True Point of Beginning; thence N. 88°50'02" E. and continuing east and west until it intersects with the east and west boundaries of the above described property.

TOGETHER WITH all and singular the tenements, hereditaments, and appurtenances thereunto belonging or in anywise appertaining, including all 50 shares of stock in the New Lavaside Ditch Company, water rights, ditch and ditch rights.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U. S. Patent reservations, restrictions, easements of record, and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

Dated: OCTOBER 2, 1998


RONALD FLOYD GARDNER


NELDA GARDNER

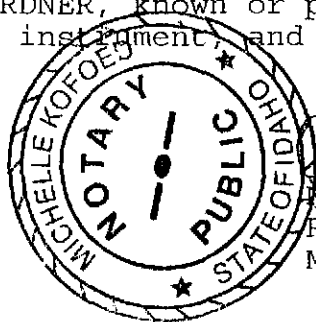
NELDA GARDNER EXECUTES THIS INSTRUMENT TO COMPLY WITH CHAPTER 10, TITLE 55, IDAHO CODE, RELATING TO HOMESTEADS

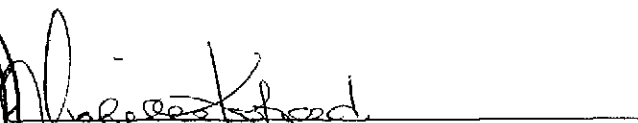
STATE OF IDAHO)
COUNTY OF BINGHAM) : ss.

MICROFILMED
SEP 22 1999

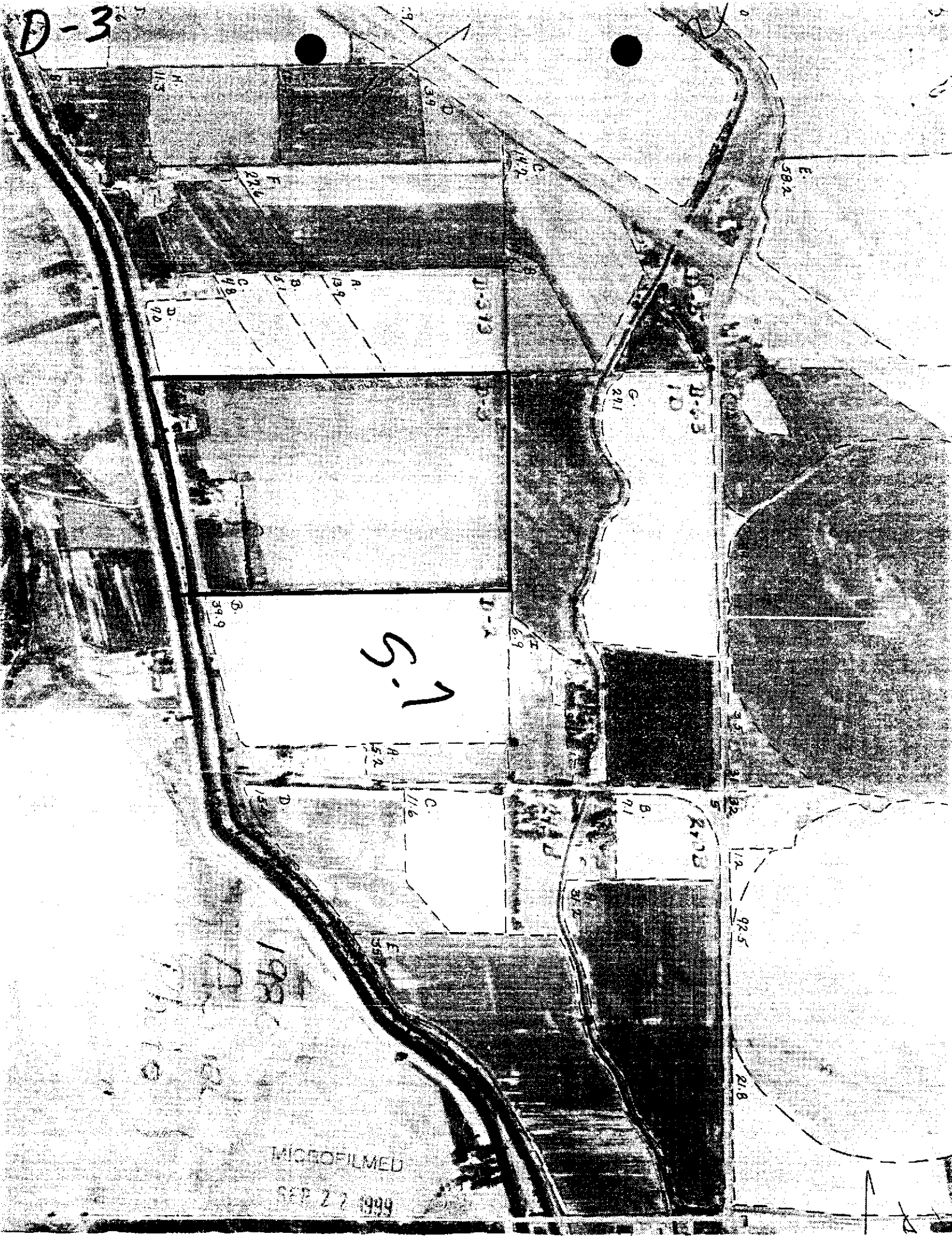
469989

On this 2ND day of OCTOBER, 1998, before me the undersigned, a Notary Public in and for the said county and state, personally appeared RONALD FLOYD GARDNER AND NELDA GARDNER, known or proved to me to be the persons who executed the foregoing instrument, and acknowledged to me that they executed the same.




Notary Public for Idaho
Residing at: BLACKFOOT IDAHO
My Commission Expires: 4-11-2000

D-3



S.1

MICROFILMED
SEP 27 1999

REPORT OF ACREAGE

FARM NO. 3 NAME AND ADDRESS Ronald F. Gardner Rt 1 Box 205 Blackfoot, Id 83221

519 40 2717 2

Sec. 6 T2S R36E

K
E
Y
1
2

OPERATOR	OWNER	PROGRAM YEAR	KEY	NAME AND ADDRESS	OTHER FARMS	CROP	ASSIGNMENT	JOB
none	none	none	3					
			4					
			5					
			6					
			7					

SECTION I - FARM FIELD REPORT (NOTE: Gray Shaded Area to be Filled in by Reporter ONLY.)

TRACT NO.	FIELD NO.	CROP OR LAND USE	CROP OR LAND USE SUMMARY				KEY	SHARE	DISPOSITION	METHOD	GROSS ACRES	DEDUCTIONS		NET ACRES	INITIAL DATE
			WHT	BRLY	CORN	OAT & OTHER						CUA	10		
	1	SP													
	2	SP													
	3	CUA													
	4	SP													
	5	CUA													
	6	CUA													
	7	CUA													
	8	CUA													
	9	CUA													
	10	CUA													
	11	CUA													
	12	CUA													
	13	CUA													
	14	CUA													
	15	CUA													
	16	CUA													
	17	CUA													
	18	CUA													
	19	CUA													
	20	CUA													
	21	CUA													
	22	CUA													
	23	CUA													
	24	CUA													
	25	CUA													
	26	CUA													
	27	CUA													
	28	CUA													
	29	CUA													
	30	CUA													
	31	CUA													
	32	CUA													
	33	CUA													
	34	CUA													
	35	CUA													
	36	CUA													
	37	CUA													
	38	CUA													
	39	CUA													
	40	CUA													
	41	CUA													
	42	CUA													
	43	CUA													
	44	CUA													
	45	CUA													
	46	CUA													
	47	CUA													
	48	CUA													
	49	CUA													
	50	CUA													
	51	CUA													
	52	CUA													
	53	CUA													
	54	CUA													
	55	CUA													
	56	CUA													
	57	CUA													
	58	CUA													
	59	CUA													
	60	CUA													
	61	CUA													
	62	CUA													
	63	CUA													
	64	CUA													
	65	CUA													
	66	CUA													
	67	CUA													
	68	CUA													
	69	CUA													
	70	CUA													
	71	CUA													
	72	CUA													
	73	CUA													
	74	CUA													
	75	CUA													
	76	CUA													
	77	CUA													
	78	CUA													
	79	CUA													
	80	CUA													
	81	CUA													
	82	CUA													
	83	CUA													
	84	CUA													
	85	CUA													
	86	CUA													
	87	CUA													
	88	CUA													
	89	CUA													
	90	CUA													
	91	CUA													
	92	CUA													
	93	CUA													
	94	CUA													
	95	CUA													
	96	CUA													
	97	CUA													
	98	CUA													
	99	CUA													
	100	CUA													
TOTAL OPERATOR REPORT															
TOTAL REPORTER'S REPORT															

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

58.1

COPIED
FILMED
1967

SECTION II - OPERATOR'S CERTIFICATION "NO OTHER PROGRAM CROPS PLANTED"

I certify to the best of my knowledge and belief that the acreages of crops and land uses listed herein are true and correct. Further, my signature constitutes authority for ASCS to determine eligibility for assistance. The data may be furnished to any agency responsible for enforcing the Act.

OPERATOR'S SIGNATURE
DATE
OPERATOR'S SIGNATURE
DATE

FARM NO. NAME AND ADDRESS FARM LAND CROP LAND
3 Ronald F. Gardner 63 59.1
Rt 1 Box 205 87
Blackfoot, Id 83321

519 40 2717 2 Sec. 6 T3S N3E

OPERATOR
None
OWNER
84 me
PROGRAM YEAR
1985
OTHER
6/10/85

SECTION I. FARM FIELD REPORT (Note: Grey Shaded Area For County Office Use Only)

TRACT NO. FIELD NO. CROP OR LAND USE

1 2 3 4 5 6 7

Wheat Barley Oats Corn ACR Sugar Beets Potato

Alfalfa Pasture

3D 1 2 3 4 5 6 7

6.2.1 28 11 11 2.7

71668

13. TOTAL OPERATOR REPORT

58.1

14. TOTAL DETERMINED ACREAGE

6/21/85

DATE

B. OPERATOR'S SIGNATURE

DATE

C. OPERATOR'S SIGNATURE

DATE

SECTION II. OPERATOR'S CERTIFICATION

I certify to the best of my knowledge and belief that the acreages of crops and land

uses listed herein are true and correct. I understand that an inaccurate acreage report

could result in a payment reduction or loss of program benefits and/or reduction in

future allotments and quotas when applicable.

C. OPERATOR'S SIGNATURE

DATE

FARM NO. NAME AND ADDRESS FARM LAND CROP LAND OPERATOR OTHER INTERESTED PRODUCERS OTHER FARMS CROP ASSIGNMENT

OWNER 3 Gardner Farms Ptr. 63 58.1 L-8 477

1 509 N 150 W

2 Blackfoot, Id. 83221

OWNER 2 See 6 Ronald Gardner (Cash Lease)

PROGRAM YEAR 1985

OTHER WLC 1 7 820600

SECTION I - FARM FIELD REPORT (Note: Gray Shaded Area For County Office Use Only) (Section I Continued on Reverse)

TRACT NO.	FIELD NO.	CROP OR LAND USE	WHT	BRLY	OAT	CORN	ACR	CU	ONPC	KEY ARE	SH. ARE	DISPOSITION	GROSS ACRES	DEDUCTIONS IDENT./MEAS.	ACRES	NET ACRES	INT. DATE
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18
TL668	1	April 1987	41.9														
	2	Acres															
	3	Acres															
	4	Acres															
	5	Acres															
	6	Acres															
	7	Acres															
	8	Acres															
	9	Acres															
	10	Acres															
	11	Acres															
	12	Acres															
	13	Acres															
	14	Acres															
	15	Acres															
	16	Acres															
	17	Acres															
	18	Acres															
	19	Acres															
	20	Acres															
	21	Acres															
	22	Acres															
	23	Acres															
	24	Acres															
	25	Acres															
	26	Acres															
	27	Acres															
	28	Acres															
	29	Acres															
	30	Acres															
	31	Acres															
	32	Acres															
	33	Acres															
	34	Acres															
	35	Acres															
	36	Acres															
	37	Acres															
	38	Acres															
	39	Acres															
	40	Acres															
	41	Acres															
	42	Acres															
	43	Acres															
	44	Acres															
	45	Acres															
	46	Acres															
	47	Acres															
	48	Acres															
	49	Acres															
	50	Acres															
	51	Acres															
	52	Acres															
	53	Acres															
	54	Acres															
	55	Acres															
	56	Acres															
	57	Acres															
	58	Acres															
	59	Acres															
	60	Acres															
	61	Acres															
	62	Acres															
	63	Acres															
	64	Acres															
	65	Acres															
	66	Acres															
	67	Acres															
	68	Acres															
	69	Acres															
	70	Acres															
	71	Acres															
	72	Acres															
	73	Acres															
	74	Acres															
	75	Acres															
	76	Acres															
	77	Acres															
	78	Acres															
	79	Acres															
	80	Acres															
	81	Acres															
	82	Acres															
	83	Acres															
	84	Acres															
	85	Acres															
	86	Acres															
	87	Acres															
	88	Acres															
	89	Acres															
	90	Acres															
	91	Acres															
	92	Acres															
	93	Acres															
	94	Acres															
	95	Acres															
	96	Acres															
	97	Acres															
	98	Acres															
	99	Acres															
	100	Acres															

13. TOTAL OPERATOR REPORT 41.9

14. TOTAL DETERMINED ACREAGE 41.9

A. OPERATOR'S SIGNATURE DATE 6-17-86

B. OPERATOR'S SIGNATURE DATE

C. OPERATOR'S SIGNATURE DATE

REPORT OF ACREAGE

NOTE: Section 374 of the Agricultural Adjustment Act of 1938, as amended, authorizes collection of the following data. The data will be used to determine eligibility for assistance. Furnishing the data is voluntary; however, without it assistance cannot be provided. The data may be furnished to any agency responsible for enforcing the provisions of the Act.

No. 0360-0	PAGE
------------	------

DEPARTMENT OF AGRICULTURE						
<i>provided. The data may be furnished to any agency responsible for enforcing the provisions of the act.</i>						
1. FARM NO.	2. TRACT NO.	3. FARMLAND	CROPLAND	4. PROGRAM YEAR	KEY	OTHER FARMS
					NAMES OF OTHER PRODUCERS	ID NUMBER
A48		63	57.8	(89)		
5. OPERATOR NAME AND ADDRESS						
LANCE GARDNER						
589 N 150 W						
ROUTE 1						
BLACKFOOT, ID						
1		83221		480		
				2311		
10. PHOTO NO. - LEGAL DESCRIPTION						

[illegible]

ASCS-578(02-01-91)

REPORT OF ACREAGE

PROGRAM YEAR 1992

FARM NUMBER: 448

FARM AND TRACT DETAIL LISTING

DATE: 05-14-92

Operator Name and Address ID

Original: gc

RONALD F GARDNER 2717

Revision: _____

78 E RIVER RD
BLACKFOOT, ID 83221-5728

Cropland: 58.1

Farmland: 63.0

Tract Number	Field Number	Irr Pct	Crop	Var/ Type	Int Use	Land Use	Reported Acreage	Determined Acreage	O/ H	Crop Stat	Plnt Prac	Prod Share	Prod ID
0		Ir	WHEAT	SWW			.0						DEF
		Crop WHEAT		Nirr		Irr .0							
		Photo Number/Legal Description: None											
		Cropland:	.0	Reported:	.0	Difference:	.0	Reported D,B,S,R,A:					.0
1668	1	Ir	ALFAL		Hay	CUPCP	50.0			I			DEF
	2	Ir	ALFAL		Hay	CUPCP	5.4			I			DEF
	3	Ir	ALFAL		Hay	CUPCP	2.7			I			DEF
		Crop CUPCP		Nirr 58.1		Irr							
		Photo Number/Legal Description: W10 6-2S-36											
		Cropland:	58.1	Reported:	58.1	Difference:	.0	Reported D,B,S,R,A:					.0

AND
SEP 22 1992

BOONHAM, IDAHO

Form Approved - OMB No. 0560-0004

ASCS-578(02-01-91)

REPORT OF ACREAGE

PROGRAM YEAR **1995**

FARM NUMBER: 448

FARM AND TRACT DETAIL LISTING

DATE: 05-02-95

Operator Name and Address ID

Original: _____

RONALD F. GARDNER 2717
78 E. RIVER RD
BLACKFOOT, ID 83221-5729

Revision: _____

Cropland: 58.1

Farmland: 63.0

Tract Number	Field Num ID	Irr Pr	Crop	Var/ Type	Int Use	Lnd Use	Reported Acreage	Determined Acreage	O/ M	Crop Stat	PltPr FCID	Prod Share	Prod ID
0		Ir	WHEAT	SWS			.0						DEF
		Ir	OFAY			Y FAY	.0						DEF
		Crop OFAY		Nirr .0	Irr	Crop WHEAT		Nirr		Irr .0			
		Photo Number/Legal Description: None											
		Cropland:		.0	Reported:		.0	Difference:		.0	Reported D.B.S.R.A:		.0
1668	1	Ir	BARLY	SPR	Grain		50.0			I	2		DEF
	2	Ir	BARLY	SPR	Grain		5.4			I	2		DEF
	3	Ir	BARLY	SPR	Grain		2.7			I	2		DEF
		Crop BARLY		Nirr	Irr 58.1								
		Photo Number/Legal Description: W10 6-2S-36											
		Cropland:		58.1	Reported:		58.1	Difference:		.0	Reported D.B.S.R.A:		.0

MICROFILMED
SEP 22 1993

BINGHAM, IDAHO

Form Approved - OMB No. 0560-0004

FSA-578(02-01-91)

REPORT OF ACREAGE

PROGRAM YEAR **1998**

FARM NUMBER: 448

FARM AND TRACT DETAIL LISTING

DATE: 05-13-1998

Operator Name and Address ID

Original: _____

GOLDEN SUNSET RANCH 1824

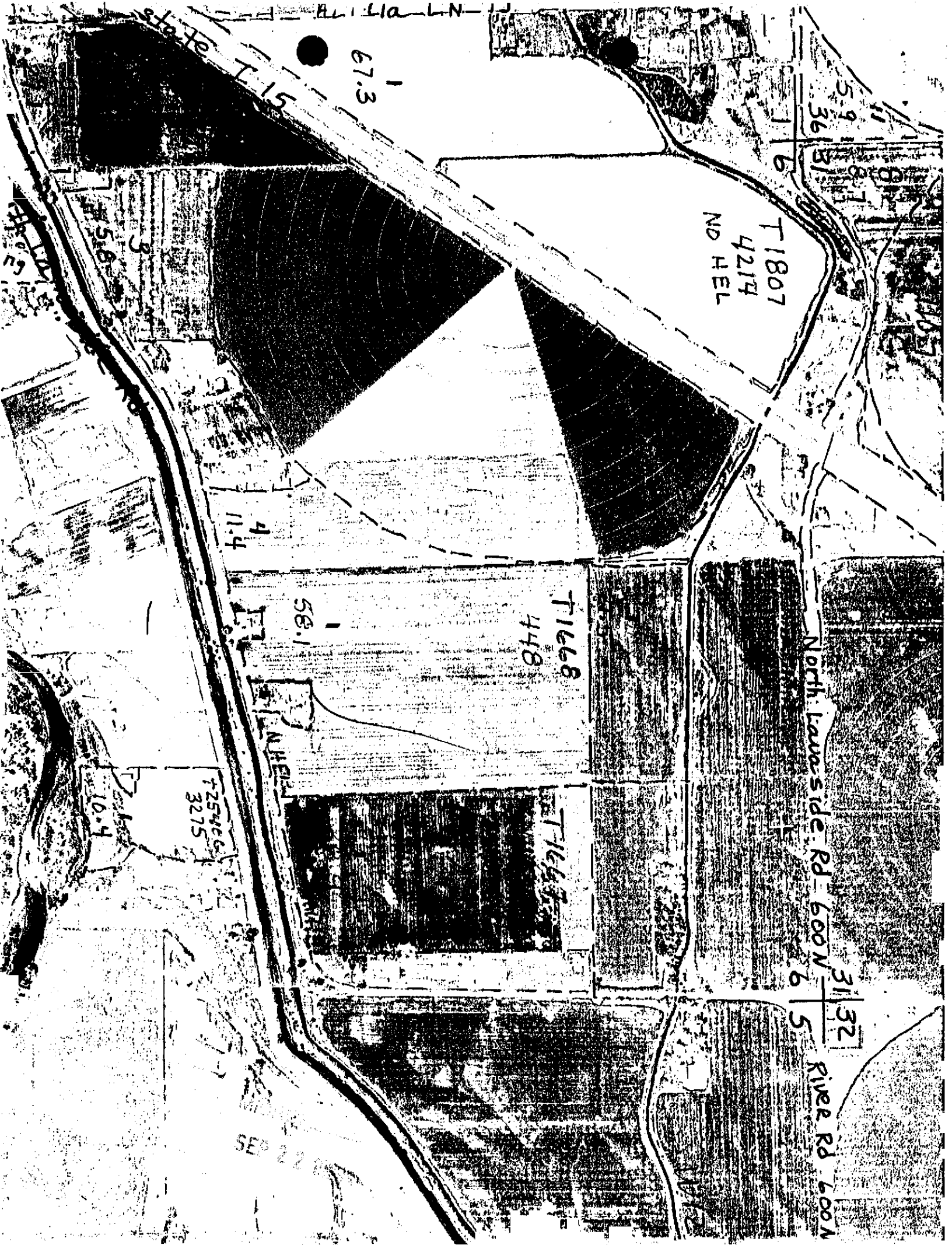
Revision: _____

589 N 150 W
BLACKFOOT, ID 83221-5752

Cropland: 58.1

Farmland: 63.0

Tract Number	Field Num ID	Irr Prc	Crop	Var/ Type	Int Use	Lnd Use	Reported Acreage	Determined Acreage	O/ H	Crop Stat	Plnt Prac	Prod Share	Prod ID
1668	1	Ir	PTATO	GRA	Fresh	F FAV	50.00			I	2	1.0000	1824
	2	Ir	PTATO	GRA	Fresh	F FAV	5.40			I		1.0000	1824
	3	Ir	PTATO	GRA	Fresh	F FAV	2.70			I		1.0000	1824
		Crop OFAV		Nirr 58.1	Irr								
		Photo Number/Legal Description: 6-2S-36 (NEW) V12											
		Cropland:	58.1	Reported:	58.1	Difference:	.0	Reported D,B,S,R,A:					.0



67.3

5.9
36

T1807
4214
ND HEL

North Lava-side Rd 600N

31.32
5

RIVER RD 600N

T1668
448

T1663

4
11.4

58.1

ND HEL

T2546
3275

10.4

SEP 22

NOTICE

This file has been REPRODUCED
from MICROFICHE

For a possible reinstatement.

Darla J. Block
Person Recreating File

Oct. 21, 1998
Date

January 18, 1982

Alvin Gardner
Route 1
Blackfoot, ID 83221

Dear Mr. Gardner:

You are hereby notified that under the provisions of Section 42-116 of the Idaho Code, Permit No. 25-7657 has lapsed. This office did not receive either a notice that you have completed the project by the date required on your permit, or a request for an extension of time. You were provided the proper forms in our notice to you dated September 20, 1981.

Your permit cannot be reinstated unless you submit the statement of beneficial use postcard or submit an extension of time request showing reasonable cause for delay. Either the completed postcard or the extension request must be received by this office within sixty days of the date of this lapse notice or the permit will no longer be of any force or effect.

A statement of beneficial use postcard and a request for extension of time form are enclosed for your use. Please note that a fee of \$15.00 must accompany an extension of time request.

L. GLEN SAXTON
Chief, Operations Bureau

Enclosures

LGS:rt

CERTIFICATION OF MAILING

I hereby certify that on 1-18-1982
the original of this document was
deposited in the United States mail,
postage prepaid addressed to the
individual(s) named above.

Rick D. Clark

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440
CERTIFIED MAIL

128783

GARDNER, ALVIN
RT. 1
BLACKFOOT, ID 83221

SEPTEMBER 30, 1981

DEAR PERMIT HOLDER:

ONE OF THE CONDITIONS OF APPROVAL OF YOUR WATER PERMIT NO. 35-7653 WAS THAT EVIDENCE OF THE EXTENT OF DEVELOPMENT MUST BE SUBMITTED TO THIS OFFICE ON OR BEFORE DECEMBER 01, 1981. (SEE LAST PAGE OF YOUR APPROVED PERMIT). ENCLOSED IS A POST CARD WHICH MAY BE USED TO SUBMIT THE REQUIRED PROOF OF BENEFICIAL USE.

IF YOU HAVE NOT FULLY COMPLETED YOUR PROJECT, AND YOU HAVE NOT PREVIOUSLY RECEIVED AN EXTENSION OF TIME, YOU MAY REQUEST AN EXTENSION OF TIME PROVIDED THE DELAY IS FOR REASONABLE CAUSE AS INDICATED IN SECTION 42-204, IDAHO CODE, AMENDED. IF YOU HAVE BEEN PREVENTED FROM PROCEEDING BY A GOVERNMENTAL AGENCY OR BY LITIGATION, MORE THAN ONE EXTENSION OF TIME CAN BE GRANTED. A REQUEST FOR EXTENSION OF TIME FORM IS ENCLOSED FOR YOUR CONVENIENCE. PLEASE NOTE THAT A FEE OF \$15.00 MUST BE SUBMITTED WITH THIS FORM.

EITHER THE BENEFICIAL USE POST CARD OR A REQUEST FOR AN EXTENSION OF TIME MUST BE RECEIVED BY THIS DEPARTMENT ON OR BEFORE THE ABOVE MENTIONED DATE, OTHERWISE, THE PERMIT WILL LAPSE AND BE OF NO FURTHER FORCE OR EFFECT WITHIN 60 DAYS.

SINCERELY,

RITA FLECK
SR, SECRETARY

ENCLOSURES



State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

C. STEPHEN ALLRED
Director

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

December 22, 1980

Dear Wateruser:

The enclosed Order changes the measuring device condition of approval on your water right permit.

The changed condition is less restrictive and provides you the option to install an access port or have your system measured and certified by a professional engineer. Instructions for access port installation are also enclosed.

If you have questions regarding this matter, please contact the Regional Office nearest to you.

Sincerely,

David R. Tuthill Jr.

DAVID R. TUTHILL JR., P.E.
Supervisor, Water Allocations Section

DRT:jg

Enclosures

Northern Region Office
Rt. #5 Box 203, Government Way
Coeur d'Alene, Idaho 83814

Southern Region Office
1041 Blue Lake Boulevard North
Twin Falls, Idaho 83301

Eastern Region Office
1515 Lincoln Road
Idaho Falls, Idaho 83401

Western Region Office
92 South Cole Road
Boise, Idaho 83705

December 30, 1976

Re: Permit No. 35-7653

Alvin Gardner
Rt. #1
Blackfoot, ID 83221

Dear Mr. Gardner:

Enclosed is a copy of your approved Application for Permit No. 35-7653. We direct your attention to the conditions of approval as listed on the fourth page.

Be sure to note that a special condition requiring you to install and maintain a measuring device at your point of diversion has been placed upon your permit. We are enclosing a letter describing different types of measuring devices accepted by this office.

Sincerely,

BOBBY D. FLEENOR
Chief, Water Rights

Enclosure: Copy of permit

December 3, 1976

RE: Application for Transfer No. 35-2263 ELLIS
Application for Permit No. 35-7649 NIELD
" " " No. 35-7650 NIELD
" " " No. 35-7651 NIELD
" " " No. 35-7652 NIELD
" " " No. 35-7653 GARDNER

The Blackfoot News
P.O. Box 70
Blackfoot, Idaho 83221

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing time for you to submit us a galley proof for review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication. 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.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

Bill submitted 12-17-76 by CW

RDC:CN

Enc: Legal Notice (6)

**NOTICE OF
APPLICATION FOR
WATER PERMIT**

Notice is hereby given that Alvin Gardner, Blackfoot, Idaho has on 11-29-74 submitted Application No. 35-7653 for a permit to appropriate 1.20 cubic feet per second of water from a ground-water source by means of well and pump within the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 6, T. 2S, R. 36E, B.M., Bingham County; to be used from Apr. 1 to Nov. 1 for the irrigation of 60 acres within the SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 6, T. 2S, R. 36E, B.M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401 on or before December 27, 1974.

R. KEITH HIGGINSON
Director

(4900)

Pub.: 12-9, 16

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Alvin Gardner,
Blackfoot, Idaho

has on 11-29-76 submitted Application No. 35-7653
for a permit to appropriate 1.20 cubic feet per second XXXXXXXXXXXXXXXXXXXX
of water from a ground-water source
by means of well and pump
within the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 6, T. 2S, R. 36E, B.M., Bingham County;

to be used from Apr. 1 to Nov. 1
for the irrigation of 60 acres

within the SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 6, T. 2S, R. 36E, B.M.

If issued, this permit will be subject to all prior water rights. Protests
against the granting of the permit must be filed with the Idaho Department of
Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401 on or before
December 27, 1976

R. KEITH HIGGINSON

Director

Published in the Blackfoot News, Blackfoot, Idaho
on December 9 and December 16, 1976

DEPARTMENT OF WATER RESOURCES
- STAFF ANALYSIS -

Item Initial Date

Application No. 11/29/76

☒ Source G.W.
☒ Point of Diversion
☒ County
☒ Quantity of Water and Period of Use
☒ Description of Diverting Works
☒ Time required for B/U of water
☒ Place of Use or Acres Irrigated
☒ Map
☒ Signature
☒ Fee

(1) EMC 11/30/76

In form to receipt YES.

(2) EMC 11/30/76

Send Copies to:

N/A Idaho State Health Department
Idaho Fish and Game Department
Bureau of Land Management

(3) EMC 11/30/76

☒ Request Special Use Permit from U.S.F.S.
☒ Request Easement from B.L.M.
N/A Request Information from Applicant

(4) EMC 11/30/76

In form for advertising YES.

(5) EMC 11/30/76

Platted on Map No. ASND 25 26 E

(6) EMC 11/30/76

Located within Water District No.

(7) EMC 11/30/76

Critical groundwater area: yes no X

(8) EMC 11/30/76

Groundwater levels:

 Declining, X Stable, Increasing

(comment) OS 25 26 E 24 CDD

(9) EMC 11/30/76

Other rights on the same place of use SURFACE WATER

(10) EMC 11/30/76

Comments:

(11) W 12-19-76

Affidavit of Publication received (date) Dec. 19, 1976

(12) W 12-27-76

Final date for protests December 27, 1976

Protests received: yes no X

(13) RDC 12/27/76

All requested information received from agencies or applicant: yes no

(14) W 11

Action recommended:

X Approve Deny

11/29/76 Proposed Priority

 Reason for Reduction

X Measuring device required

 See attached sheet for other conditions of approval

 No special conditions for approval

(15) District E By RDC Date 12/27/76

Copy
11/29/76

RECEIVED

DEC 1, 1976

Department of Resources
Eastern District Office

AFFIDAVIT of PUBLICATION

County of Bingham

State of Idaho

I, David Mark Brown do
solemnly

Publisher

swear that I am the of
The Blackfoot News which is a daily newspaper of
general circulation published each day except Sunday
at Blackfoot, Bingham County, Idaho, said newspaper
having been so published at Blackfoot, aforesaid for
more than one year past; that said newspaper
heretofore complied with all the provisions of Chapter
154 of the Sessions Laws of Idaho of 1933, approved
March 11, 1933, and duly designated, pursuant to law, a
particular day of the week as the day on which legal
notices required by law or by the order of any Court of
competent jurisdiction within the State of Idaho shall
be published to-wit: THURSDAY each week; that the
notice attached hereto and which is a part of this af-
fidavit and part of the proof of publication was
published in said Thursday

..... Issue of said newspaper ...2... consecutive

wks., the first publication having been made on

the 9th day of Dec, 19 76.....

and the last publication having been made on the

16th day of Dec, 19 76, that said

notice was published in the regular and entire issue of
every number of the paper as aforesaid during the
period and time of publication, and that notice was
published in the newspaper and not in a supplement.

David Mark Brown

Subscribed and sworn to before me this 16th

day of Dec, 19 76.....

Patricia H. Johnson

Notary Public for the State of Idaho,

Residing at Blackfoot, Idaho

My commission expires

Oct. 20, 1980

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that
Alvin Gardner, Blackfoot,
Idaho has on 11-29-76 submitted
Application No. 35-7653 for a
permit to appropriate 1.20 cubic
feet per second of water from a
ground-water source by means
of well and pump within the
NW1/4SE1/4, Sec. 4, T. 28, R.
36E, S. 4M, Bingham County, to
be used from Apr. 1 to Nov. 1 for
the irrigation of 60 acres within
the SW1/4NE1/4, NW1/4SE1/4, Sec.
4, T. 28, R. 36E, S. 4M.

It is noted, this permit will be
subject to all prior water rights.
Protests against the granting of
the permit must be filed with
the Idaho Department of Water
Resources, 1515 Lincoln Road,
Idaho Falls, Idaho, 83401 on or
before December 17, 1976.

R. KEITH HIGGINSON

Director

(400)

Pub. 12-9, 12