

Diversity pt

23

24

Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho

)

) ss.

County of Cassio

)

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

Sworn to before me this

28th

day of

June

, 1985

Golden F Gardiner
(Claimant)

(Claimant)

_____, 1982.
Gene Baxter

Notary Public

Residing at

Malta, Idaho

My commission expires

Life

FOR DEPARTMENT USE ONLY

Received by meysa

Date _____

7/185

Exception filed by:

Forwarded to

Date _____

Prelim. check by AE

Date _____

7/5/85

claimant by:

\$20,000 fee received by

Date _____

7/1/85 36668

Published in south cd press

Dates 8/8 & 8/15/85

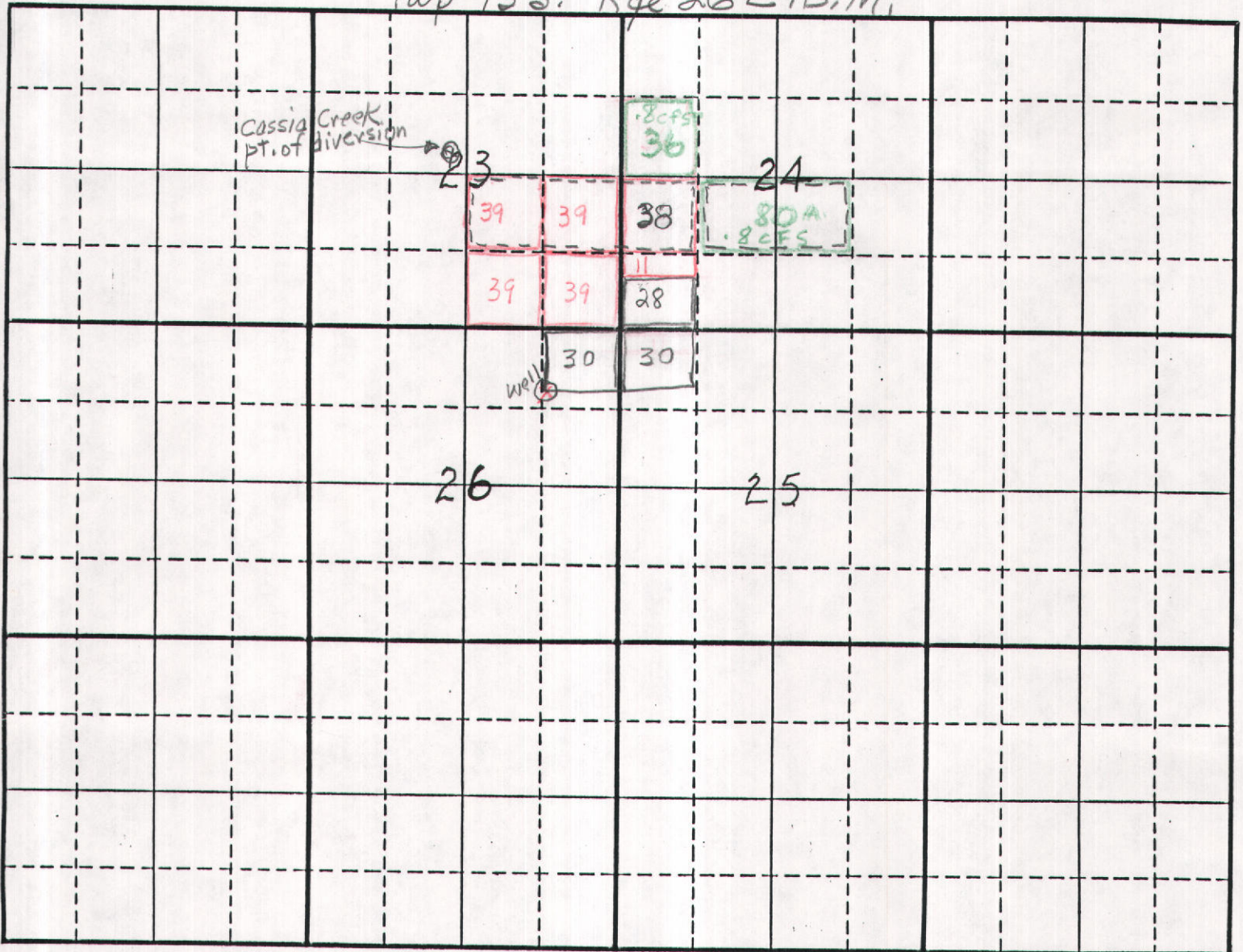
— licensed water - G-31139 / 43-2573

— Decreed water April, 1906 + April, 1913

--- claimed water - Permit { #21712 (Cassio Creek)
#17441 (Cassio Creek) }

— claimed water - Ground water well

Twp 13 S. Rge 26 E. B.M.



Scale: 2 inches equal 1 mile.

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

JUL 1 1985

Department of Water Resources
Southern District Office

CLAIM TO A WATER RIGHT

Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that Golden F. Gardiner
(Name of Claimant)
HC72 Box 2038 Malta, Idaho 83342 Telephone No. 645-2563
(Mailing Address) (Zip Code)

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

(1) Date of priority: (When was the water first applied to a beneficial use) 1931

A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.

(2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)
Cassia Creek tributary to Raft River, Snake River

(3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

Quantity	(cfs, gpd, AFA)	Use	(Domestic, Irrigation, Stock, Etc.)	(Both dates inclusive)	
				(Mo., Day)	(Mo., Day)
Quantity	<u>0.8 cfs.</u>	Use	<u>Irrigation</u>	Period of Use From <u>April 1</u>	To <u>Oct. 1</u>
Quantity		Use		Period of Use From	To
Quantity		Use		Period of Use From	To
Quantity		Use		Period of Use From	To
Quantity		Use		Period of Use From	To

(4) 0.8 cfs TOTAL QUANTITY USED.
(cfs, gpd, AFA)

(5) A) Point of diversion: (Location of point where water is diverted from its source)
SE 1/4 NW 1/4, Sec. 23 Twp. 13S Rge. 26E B.M., County of Cassia
Additional points of diversion:

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. Diversion dam

(6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

T	R	SEC.	NE1/4				NW1/4				SW1/4				SE1/4				TOTAL
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
13S	26E	24									40					40			80

No. of acres 80

B) If water is used for other than irrigation, fully describe that use, being as specific as possible:

NOTE: Include here the type and number of stock watered:

(7) If you are claiming water as a member of an organization, list name of organization:

MICROFILMED

A grid of graph paper with handwritten notes. The top row contains the following text:

- WP
- 35
- K
- Q
- E
- 28
- =
- 27

The second row contains the following text:

- Diversio n pt

The third row contains the following text:

- 23
- 24

Life

Received by myer Date 1/85 Exception filed by: _____ Forwarded to _____ Date _____
Prelim. check by AJ Date 2/5/85 claimant by: _____
\$20000 fee received by _____ Date 1/85 3668
Published in south cd press _____
Dates 8/8 + 8/15/85 _____

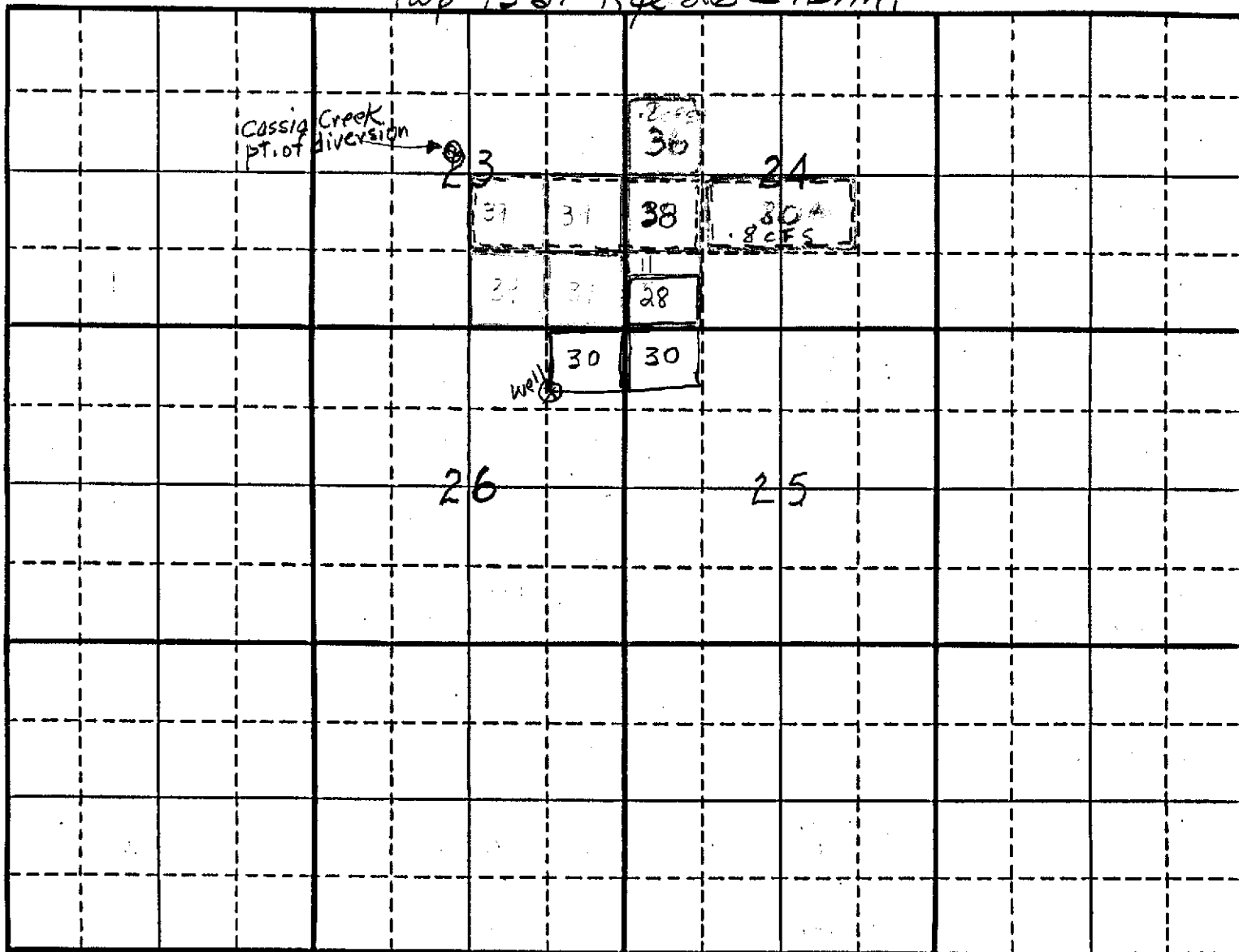
— Decreed water - G-31131 / 43-2573

— Decreed water - April, 1906 + April, 1913

--- Claimed water - Permit #21712 (Cassio Creek)
#17441 (Cassio Creek)

— Claimed water - Ground water well

Twp 13 S. Rge 26 E. B. M.



Scale: 2 inches equal 1 mile.

MICROFILMED

REMARKS

The total farmed acres are 409. Of this total, 167 acres are irrigated under state of Idaho license #G-31139/43-2573 from a well located in the NE1/4 NE1/4 section 26, Twp. 13S. Rge. 26 E.B.M.

Thirty-six acres located in the SW1/4 NW1/4 section 24 have a decree dated April 1, 1906 from the middle fork of Cassia Creek with a point of diversion in the SE1/4 NW1/4 section 23, Twp. 13S. Rge. 26 E.B.M.

Eighty acres located in the NE 1/4 SW1/4 , NW1/4 SE1/4 section 24 have a decree dated April 1, 1913 from the middle fork of Cassia Creek. This 80 acres had a 1931 permit #17441 for additional water. I am claiming additional 0.8 cfs to provide a full miner's inch per acre.

The claimed water under permit #21712 Cassia Creek is one inch per acre on 120 acres NW1/4 SE1/4, NE1/4 SE1/4, section 23, Twp. 13S. Rge. 26 E.B.M. and the NW 1/4 SW 1/4, Section 24, Twp. 13S. Rge. 26 E.B.M. This water has been diverted since 1949. The point of diversion is in the SE1/4 NW1/4 section 23, Twp. 13S. Rge. 26 E.B.M.

The claimed water from ground water is for 28 acres in the SW1/4 SW1/4 section 24 and 30 acres in the NW1/4 NW1/4 section 25 and 30 acres in the NE1/4 NE1/4 section 26 all in Twp. 13S. Rge. 26 E.B.M. This water was first used on this

MICROFILMED

ground beginning in 1955. The well is located in the NE 1/4 NE 1/4 section 26, Twp 13 S. Rge 26 E.B.M.

Therefore, applicant claims the benefit of the provisions contained in paragraph 7.D of the Swan Falls framework contract executed by the Governor and Attorney General of the State of Idaho and the Idaho Power Company, and reserves the right under any present or future Department of Water Resources rules and regulations, legislation and adjudication proceedings involving the Snake River and its tributaries, to have "Grandfathered," the rights claimed herein as of the dates in the attached claim forms.

Due to time constraints, the supporting documents are not enclosed; they are available upon request.

MICROFILMED

State of Idaho
Dept. of Water Resources
1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301

June 28, 1985

RECEIVED

JUL 31 1985

Department of Water Resources
Southern District Office

Gentlemen:

Enclosed please find claims to water rights. Supporting documents are available as needed. All of the water claimed was used prior to the critical water area declaration of 1963.

I appreciate your help in getting these worked out.

Sincerely,
Golden F. Gardiner

MICROFILMED

SOUTH IDAHO PRESS

BURLEY, IDAHO

AFFIDAVIT OF PUBLICATION

County of Cassia,

STATE OF IDAHO

Sue Sabia, being first

duly sworn, deposes and says that she is the

clerk of the South Idaho Press, a daily newspaper published at Burley, Idaho, in the county aforesaid and that the paper is of general circulation therein. Deponent further states that the printed notice attached hereto was duly published according to law in the regular editions of

The South Idaho Press for two consecutive weeks, commencing with the issue

dated 8-8 1985, and ending

with the issue dated 8-15 1985

Sue Sabia

Subscribed and sworn to before me

this 22nd day of August

1985

Betty Shaker Notary Public

Cost of Publication 160.16

Notary Fee 50

Total Cost 160.66

NOTICE OF CLAIMS TO WATER RIGHTS

Notice is hereby given that the following claim(s) to water right(s) have been established by diversion and application to beneficial use:

GARDINER, GOLDEN F.
H/C 72 BOX 2038, MALTA, ID 83342
Source: CASSIA CREEK trib. to RAFT RIVER
Priority Date: 03/01/1949
Diversions Pt: SENW Sec 23 T 13S R 26E
Use: IRRIGATION (2.40 CFS)
In: NESE NWSE Sec 23 T 13S R 26E NWSW Sec 24 T 13S R 26E FOR 116 ACRES
43-4239

PIERCE, INC.
ALVIN NEDDO
MALTA, ID 83342
Source: GROUNDWATER
Priority Date: 09/27/1954
Diversions Pt: SENW Sec 26 T 13S R 28E
Use: STOCKWATER (0.51 CFS)
In: SWSW SWSE Sec 23 T 13S R 28E NENE SWNE Sec 26 T 13S R 28E NESW Sec 27 T 13S R 28E NWSW NWSE Sec 34 T 13S R 28E SENE NENW SESW SESE Sec 35 T 13S R 28E NESE NWSE Sec 28 T 13S R 28E NWSW Sec 36 T 13S R 28E NENE NWNE Sec 01 T 14S R 28E
43-4238

PIERCE, JOHN A.
MALTA, ID 83342
Source: GROUNDWATER
Priority Date: 01/22/1960
Diversions Pt: SENW Sec 30 T 13S R 27E
Use: IRRIGATION (1.40 CFS)
STOCKWATER (0.33 CFS)
DOMESTIC (0.08 CFS)
In: SWNE SWNW SENW Sec 30 T 13S R 27E NWNE MENW Sec 30 T 13S R 27E SESW SESE Sec 19 T 13S R 27E FOR 80 ACRES
43-4237

PIERCE, JOHN A.
MALTA, ID 83342
Source: GROUNDWATER
Priority Date: 07/07/1950
Diversions Pt: SWSE Sec 30 T 13S R 27E
Use: IRRIGATION (2.00 CFS)
In: NESW NWSE SWSE Sec 30 T 13S R 27E FOR 120 ACRES
43-4236

PIERCE, JOHN A.
MALTA, ID 83342
Source: MORTENSON SPRING trib. to SINKS
Priority Date: 07/15/1967
Diversions Pt: SWNW Sec 24 T 14S R 28E
Use: STOCKWATER (0.0155 CFS)
In: NESW NWSW Sec 20 T 14S R 29E SENW Sec 18 T 14S R 29E
43-4235

ADAMS, LYLE &/or BETTY
H/C 61 BOX 1116, MALTA, ID 83342
Source: GROUNDWATER
Priority Date: 01/01/1905
Diversions Pt: SENE Sec 12 T 13S R 28E
Use: IRRIGATION (0.02 CFS)
STOCKWATER (0.27 CFS)
DOMESTIC (0.04 CFS)
In: NESE Sec 12 T 13S R 28E SENE SESE Sec 12 T 13S R 28E FOR 1 ACRES
43-4234

HIGLEY, TED &/or BETTY ANN
P.O. BOX 57, MALTA, ID 83342
Source: COTTONWOOD CREEK trib. to RAFT RIVER
Priority Date: 04/27/1916
Diversions Pt: NWSE Sec 18 T 16S R 23E
Use: IRRIGATION (22.12 CFS)
In: SESE Sec 18 T 16S R 23E NENE SENE NESE Sec 19 T 16S R 23E NENE SWNE SENE NWNW SWNW SENW NESW NWSW SWSW SESW NESE NWSE SWSE SESE Sec 20 T 16S R 23E SWNW SENW SWSW SESW Sec 21 T 16S R 23E SWNE NWNW SENW NESW NWSE Sec 28 T 16S R 23E NENE NWNE Sec 29 T 16S R 23E FOR 1106 ACRES
43-4233

GARDINER, GOLDEN F.
H/C 72 BOX 2038, MALTA, ID 83342
Source: GROUNDWATER
Priority Date: 04/01/1955
Diversions Pt: NENE Sec 26 T 13S R 26E
Use: IRRIGATION (2.00 CFS)
In: SWSW Sec 24 T 13S R 26E NWNW Sec 25 T 13S R 26E NENE Sec 26 T 13S R 26E FOR 88 ACRES
43-4232

GARDINER, GOLDEN F.
H/C 72 BOX 2038, MALTA, ID 83342
Source: CASSIA CREEK trib. to RAFT RIVER
Priority Date: 04/01/1931
Diversions Pt: SENW Sec 23 T 13S R 26E
Use: IRRIGATION (0.80 CFS)
In: NESW NWSE Sec 24 T 13S R 26E FOR 80 ACRES
43-4231

HALL, RODNEY
P.O. BOX 631, MALTA, ID 83342
Source: GROUNDWATER
Priority Date: 04/01/1953
Diversions Pt: NWSW Sec 20 T 13S R 27E NESE Sec 19 T 13S R 27E SESE SWNE Sec 18 T 13S R 27E
Use: IRRIGATION (0.68 CFS)
In: NENE Sec 18 T 13S R 27E FOR 34 ACRES

ALMO WATER CO.
ALMO, ID 83312
Source: ALMO CREEK trib. to RAFT RIVER
Priority Date: 05/15/1918
Diversions Pt: NENE Sec 05 T 15S R 24E
Use: IRRIGATION (20.80 CFS)
In: SENE Sec 03 T 15S R 24E SENW NESE Sec 01 T 15S R 24E SENE NWNW SWNW Sec 10 T 15S R 24E NESE NWSE Sec 16 T 15S R 24E NV SWSE Sec 22 T 15S R 24E NENE NWNE SI NESW NWSW Sec 26 T 15S R 24E NENE SI NENW SWNW SENW NESW NWSW SWSW SE NWSE Sec 27 T 15S R 24E NWNW SWNW Sec 15S R 24E FOR 1120 ACRES
45-4256

STREETER, MICHAEL J.
RT. 2 BOX 2434, BURLEY, ID 83318
Source: WILLOW CREEK trib. to SINKS
Priority Date: 03/17/1908
Diversions Pt: NESE Sec 26 T 12S R 23E NW Sec 23 T 12S R 23E (REDIVERSION)
Use: IRRIGATION (0.13 CFS)
In: NENE Sec 22 T 12S R 23E FOR 6.25 ACRES
45-4255

CONRAD, JULIE
RT. 1, MURTAUGH, ID 83344
Source: MACKAY WASH trib. to SINKS
Priority Date: 04/29/1959
Diversions Pt: SESE SWSE Sec 16 T 13S R 23E
Use: IRRIGATION (1.90 CFS)
STOCKWATER (0.02 CFS)
In: NESE NWSE SWSE SESE Sec 16 T 13S R 23E FOR 160 ACRES
45-4254

WYATT, GRANT M.
RT. 2 BOX 2174, BURLEY, ID 83318
Source: WASTE WATER trib. to SINKS
Priority Date: 06/01/1955
Diversions Pt: NWNE Sec 10 T 11S R 22E
Use: IRRIGATION (1.00 CFS)
In: NWNE SWNE Sec 10 T 11S R 22E FOR ACRES

Any exception to any claim of water right may be filed with the Director of the Idaho Department of Water Resources, 1041 Bl Lakes Blvd. North, Twin Falls, Idaho 83301.
/s/ A. KENNETH DUINN, Direct
Published in the South Idaho Press on August 8, 15, 1985.

43-4230
IDAHOME FARMS, INC.
1925 OAKLEY AVE., BURLEY, ID 83318
Source: GROUNDWATER
Priority Date: 03/02/1950
Diversions Pt: SESW Sec 29 T 11S R 27E SEI SESE NESE NWSE SWSE SESE NENE NWNE SW SENE Sec 32 T 11S R 27E
Use: IRRIGATION (4.00 CFS)
In: NENW NWNW SWNW SENW NESW NV SWSW SESW Sec 33 T 11S R 27E FOR 272 ACRES

43-4229
LUKE, C. GORDON
310 PALMER, ROAD, BURLEY, ID 83318
Source: GROUNDWATER
Priority Date: 06/23/1955
Diversions Pt: NWNE SWNE Sec 22 T 11S R 26E
Use: IRRIGATION (1.60 CFS)

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Southern Region

1041 Blue Lakes Blvd. N.
Twin Falls, Idaho 83301
(208) 734-3578

AUGUST 26, 1985

GOLDEN F. GARDINER
H/C 72 BOX 2038
MALTA

ID 83342

RE: Claim No. 43-4232

Dear Claimant:

The Department of Water Resources has completed the advertising of your claim to a water right, and no further action is authorized under Section 42-243 and 42-244, IDAHO CODE. Your claim will be retained in our files and will be available at any time for use by you or the court.

The filing and advertising of the claim does not confirm the water right claimed, but will serve to record and preserve the information and the evidence which you included in your claim.

If, at a later date, you find that you have additional information or supporting evidence that you would like to have included with the claim, you may have that information or evidence added at any time. Please refer to the claim identification number when corresponding with this office.

We are enclosing a copy of your claim for your records. If you have questions, or if this office may be of further assistance, please feel free to contact us.

Yours truly,



ALLEN D. MERRITT
Senior Water Resource Analyst

Enclosure

MICROFILMED

NOTICE OF CLAIMS TO WATER RIGHTS

Notice is hereby given that the following claim(s) to water right(s) have been established by diversion and application to beneficial use:

43-4232

GARDINER, GOLDEN F.

H/C 72 BOX 2038, MALTA, ID 83342

Source: CASSIA CREEK trib. to RAFT RIVER

Priority Date: 04/01/1931

Diversion Pt: SENW Sec 23 T 13S R 26E

Use: IRRIGATION (0.80 CFS)

In: NESW NWSE Sec 24 T 13S R 26E FOR 80 ACRES

Any exception to any claim of water right may be filed with the Director of the Idaho Department of Water Resources, 1041 Blue Lakes Blvd. North, Twin Falls, Idaho 83301.

A. KENNETH DUNN

Director

Published 8/8 & 8/15/85.

MICROFILMED

OK
Macy
8/12/85

43-4232

GARDINER, GOLDEN F.
H/C 72 BOX 2038, MALTA, ID 83342
Source: CASSIA CREEK trib. to RAFT RIVER
Priority Date: 04/01/1931
Diversion Pt: SENW Sec 23 T 13S R 26E
Use: IRRIGATION (0.80 CFS)
In: NESW NWSE Sec 24 T 13S R 26E FOR 80
ACRES

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Southern Region

1041 Blue Lakes Blvd N.
Twin Falls, Idaho 83301
(208) 734-3578

JULY 31, 1985

South Idaho Press
P.O. Box 190
Burley, Idaho 83318

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. We have allowed ample time for you to submit a galley proof to this office for review before the first publication date. 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. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before AUGUST 26, 1985.

Yours truly,

Mary A. Newby
Secretary

Encl.

MICROFILMED

State of Idaho
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: Dany J

Right Number 43-4232 Applicant GARDINER, Golden F.

NOTE: IF ANY OF THE ITEMS BELOW ARE MISSING, THE CLAIM IS INCOMPLETE AND MUST BE RETURNED IMMEDIATELY TO THE CLAIMANT ALONG WITH THE APPROPRIATE COVER LETTER.

CHECK:

- ☒ Name and address.
- ☒ Date of priority. (Check for a date past the mandatory filing dates.) (One date only.)
- ☒ Source.
- ☒ Quantity, use, period.
- ☒ Point(s) of diversion.
- ☒ Location of use.
- ☒ Signature/notarization/fee.

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received.
- ☒ Claim published correctly.
- ☒ Exceptions processed.

By ADM Date 8/27/85

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By SC Date 8/29/85

RECEIVED
AUG 29 1985

Department of Water Resources

MICROFILMED