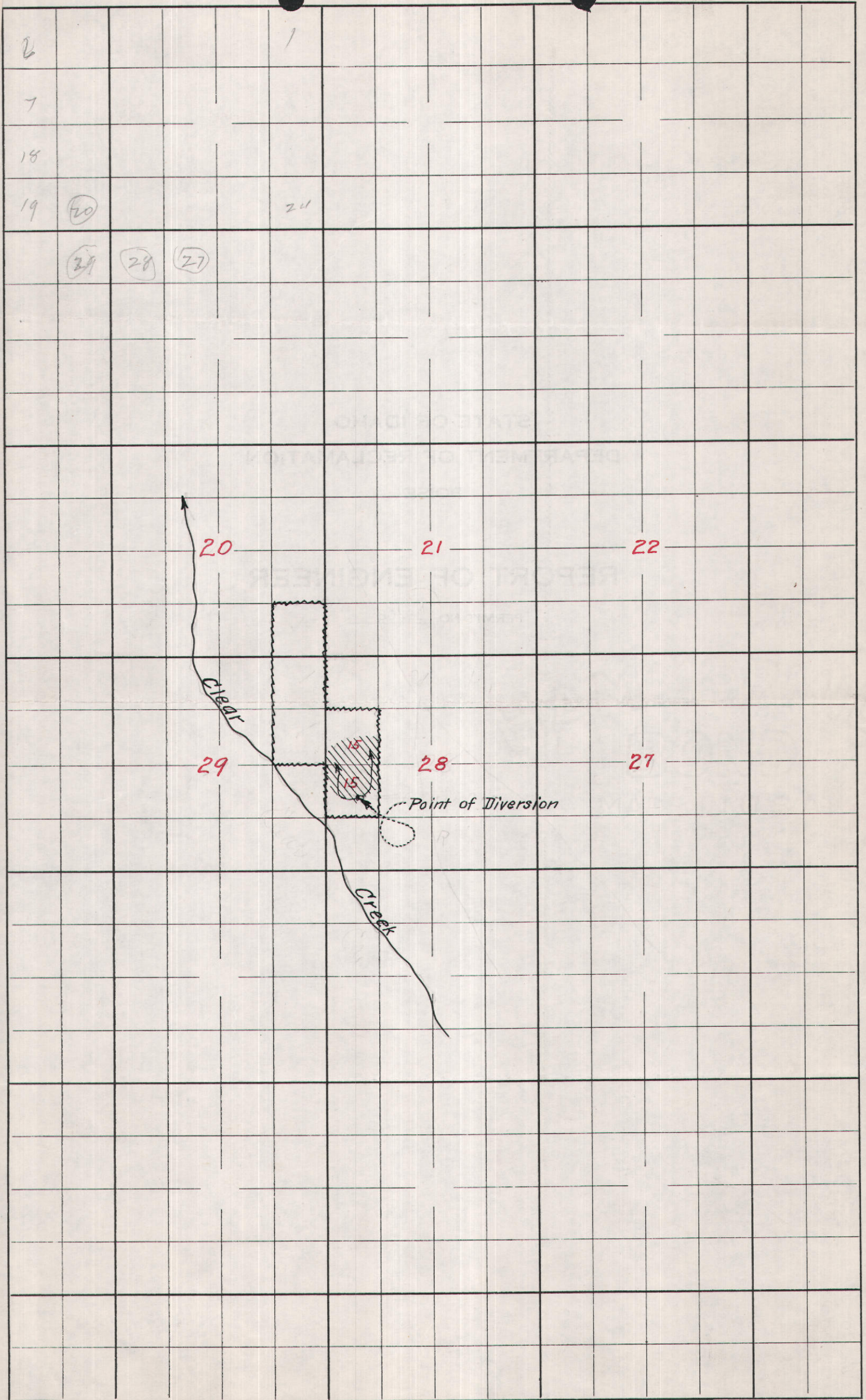




NOTICE FOR PUBLICATION

Notice of Proof Application of Water to Beneficial Use.

Notice is hereby given that at 10:00 A. M. on the 16th day of December, 1942, at Malta, County of Cassia, State of Idaho, before J. Henry Thompson, Notary Public, Malta, Idaho, proof will be submitted of the application to beneficial use of 4.0 cubic feet per second of the waters of Subterranean Flow in accordance with the terms and conditions of Permit No. 19308 heretofore issued by the Commissioner of Reclamation of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit is Hope H. Gardner, Malta, Idaho.

The use to which said water has been applied is Irrigation and Live-stock watering.

The amount applied to beneficial use is 4.0 second feet.

The place where said water is used (if for irrigation, give full and accurate description of the lands irrigated) 15 Acres in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 20; 65 Acres in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, and the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 29, and 15 Acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, 20 Acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 28, Township 15 South, Range 27 East B. M.

The name of the canal or ditch or other works by which said water is conducted to such place of use is Private Ditches.

The right to take water from such works is based upon Permit No. 19308.

The source of supply from which such water is diverted is Subterranean Waters.

The date of priority which said user is prepared to establish is May 29, 1942.

E. V. BERG,
Commissioner of
Reclamation.
First Publication Nov. 16, 1942

Affidavit of Publication.

THE BURLEY HERALD

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO }
COUNTY OF CASSIA } ss.

W. A. Shear, first being duly sworn, deposes and says: That he is the publisher of the Burley Herald, a weekly newspaper published at Burley, in the County of Cassia, State of Idaho; that the said newspaper has a general circulation in said county, and said newspaper is published weekly and has been continuously and uninterruptedly published in said county, not less frequently than once a week, during a period of seventy-eight consecutive weeks immediately prior to the first publication of the printed notice herein referred to;

That said newspaper at all times herein mentioned, has been a newspaper of general circulation, made up of at least four pages of at least five columns each, printed from typed matter or stereotyped forms of at least seventeen and three-fourth inches depth, and during the whole of said time has had at least two hundred bona-fida subscribers living within said County of Cassia.

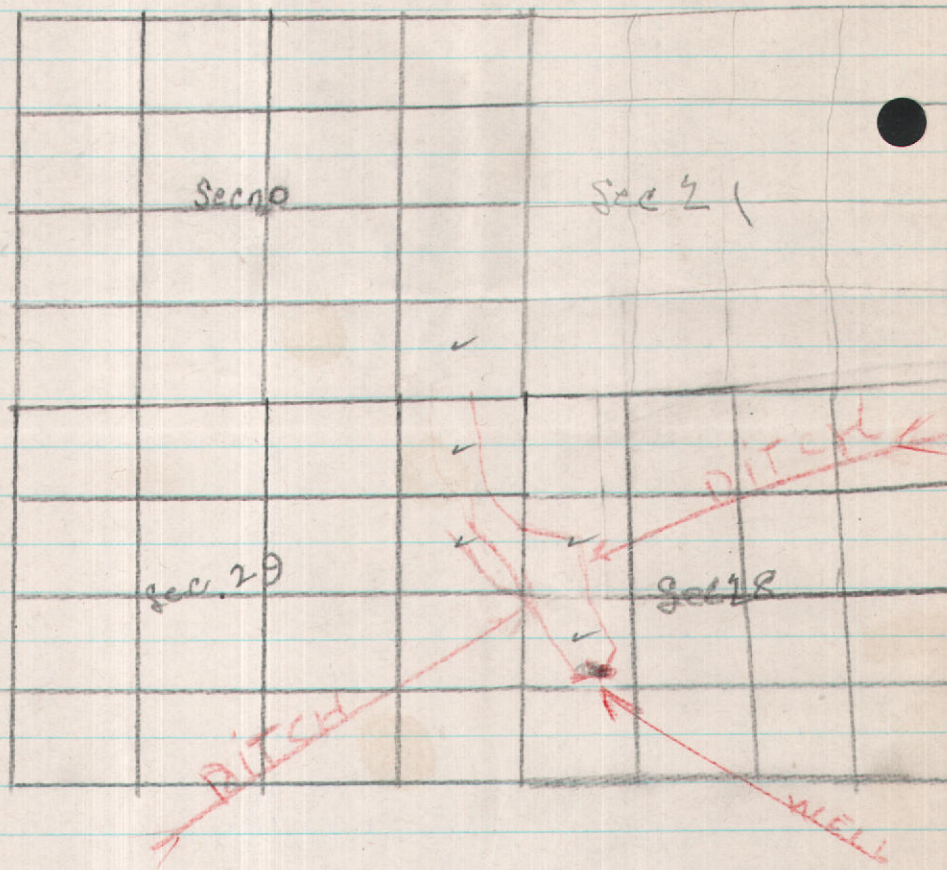
Affiant further states that the printed notice attached hereto was duly published according to law, in the regular weekly editions of the said newspaper and not in any supplement thereof, for four consecutive weeks, commencing with the issue dated Nov. 19, 1942, and ending with the issued dated Dec. 12, 1942.

Subscribed and sworn to before me this 11 day of Dec., 1942.

19308

John Boynton
Notary Public in and for the State of Idaho,
residing at Burley, Idaho.

15 S. R. 27 E. B.M.



LEGAL SUBDIVISIONS: NW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$
of sec 28 E $\frac{1}{2}$ NE $\frac{1}{4}$ sec 29 SE $\frac{1}{4}$ SE $\frac{1}{4}$ sec 20

19308

State of Idaho
License and Certificate of Water Right

Water License No. 19308
Water District No.

Amount 0.6 second foot
Priority May 29, 1942

THIS IS TO CERTIFY that MRS. HOPE H. GARDINER
of Malta, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated May 29, 1942; that Permit No. 19308
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
4 second feet, was issued thereunder on November 24, 1942, showing that said works
were completed on the 16th day of November, 1942; and that on the 16th
day of December, 1942,
MRS. HOPE H. GARDINER

of Malta, State of Idaho, made proof to the satisfaction of the
Commissioner of Reclamation of Idaho, of the right to use the waters of wells
(subterranean), a tributary of, for the purpose of irrigation and livestock
purposes, under Use Permit No. 19308 of the Commissioner of Reclamation
and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is
hereby confirmed by the State Reclamation Engineer
Commissioner of Reclamation of Idaho and entered of record in Volume 7
of Licenses, at page 4206, on the 14th day of March, 1944;

The right hereby confirmed dates from May 29, 1942;

The Point of Diversion is located 1900 ft. distant from S W corner Sec. 28, T. 15 S., R. 27 E. B.M.
in the NW 1/4 SW 1/4, Sec. 28, Tp. 15 S., R. 27 E., B. M. Cassia County

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid,
is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 0.6
cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated	
15 S.	27 E.	20	SE $\frac{1}{4}$ SE $\frac{1}{4}$	15	--	
			NE $\frac{1}{4}$ NE $\frac{1}{4}$	30	--	
		28	SE $\frac{1}{4}$ NE $\frac{1}{4}$	35	--	
			SW $\frac{1}{4}$ NW $\frac{1}{4}$	15	15	
			NW $\frac{1}{4}$ SW $\frac{1}{4}$	20	15	
		Number of Acres Actually Irrigated - -				30

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use
herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the State Reclamation Engineer
Commissioner of Reclamation, affixed at Boise, Idaho,
this 14th day of March, 1944

JAMES SPOFFORD

Commissioner of Reclamation
State Reclamation Engineer

(SEAL)

State of Idaho
License and Certificate of Water Right

Water License No. 19400
Water District No.

Amount 0.3 second foot
Priority April 13, 1943

THIS IS TO CERTIFY that VILLAGE OF MELBA
of Melba, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated April 13, 1943; that Permit No. 19400
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
0.3 second feet, was issued thereunder on May 12, 1943, showing that said works
were completed on the 10th day of May, 1943; and that on the 26th
day of June, 1943,

VILLAGE OF MELBA
of Melba, State of Idaho, made proof to the satisfaction of the
State Reclamation Engineer of Idaho, of the right to use the waters of a well
(subterranean), a tributary of, for the purpose of domestic supply for
village of Melba, under Use Permit No. 19400 of the State Reclamation Engineer
and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is
hereby confirmed by the Commissioner of Reclamation of Idaho and entered of record in Volume 7
of Licenses, at page 4207, on the 15th day of March, 1944;

The right hereby confirmed dates from April 13, 1943;

The Point of Diversion is located 1420 ft. from S W corner Sec. 36, Twp. 1 N., Range 2 W.
in the SW 1/4 SW 1/4, Sec. 36, Tp. 1 N., R. 2 W., B. M. Canyon County

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid,
is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 0.3
cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
			Point of use of water is Village of Melba, Idaho, in SW 1/4 SW 1/4 Section 36, Township 1 North, Range 2 West, B. M.		

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use
herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the State Reclamation Engineer
Commissioner of Reclamation, affixed at Boise, Idaho,
this 15th day of March, 1944

JAMES SPOFFORD

Commissioner of Reclamation
State Reclamation Engineer

(SEAL)

APPLICATION FOR PERMIT

TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF IDAHO

42-2287

Application No. 26802
Permit No. 19308
District No.

1. Name of Applicant: MRS. HOPE H. GARDINER
Postoffice address: Malta County: Cassia State: Idaho
 - I. If applicant is a corporation, give:
 - (a) Date and place of incorporation:
 - (b) Amount of capital stock:
 - (c) Amount paid in:
 - (d) Names and addresses of directors:
 - II. The financial resources of the applicant are:
 - (a) Cash on hand:
 - (b) Treasury stock:
 - (c) Bonds to be issued:
 - (d) Other resources:
2. Quantity of water claimed: 4.0 cubic feet per second.
3. Source of water supply: Wells which is a tributary of subterranean water
4. Location of point of diversion: 1900 feet distant from the SW corner of Section 28, T. 15 S, R. 27 E, B. M., and is the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 28, T. 15 S, R. 27 E, B. M., County of Cassia
5. Water is to be used for: irrigation and livestock
6. If for mining, milling, power or manufacturing purposes, give:
 - (a) Point of use of water: feet distant from corner of Section T. , R. , B. M., in the of Section , T. , R. , B. M.
 - (b) Amount of power generated: H. P., under feet head.
 - (c) Water is to be returned to at a point feet distant from the corner of Section , T. , R. , B. M., in the of Section , T. , R. , B. M.
7. Estimated cost of works: \$ 300.00
8. Kind of works: wells, ditches
9. Height of dam feet; length of dam at top feet; length of dam at bottom feet; material used in dam:
10. Size of headgate: Width feet; height feet.
11. Ditch: Width at bottom 2 feet; width at water line 3 feet; depth of water various feet; dimensions of flume:

Diameter of pipe inches; length of conduit ditches, 1 $\frac{1}{2}$ miles.

Average grade per mile approx 15 feet.
12. The time required for the completion of such work is 6 months ~~years~~.
13. The time required for the complete application of the water to the proposed use is none additional years.
14. The land to be irrigated is described in the following tabulation: See remarks.

15. (a) Is reservoir to be used? If so, fill in (b) and (c) below.
 (b) Name of Reservoir and number of Storage Permit:
 (c) Date of filing of Application for Storage Permit and Name of Applicant:

BE IT KNOWN THAT The undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Mrs. Hope H. Gardiner /s/
Applicant.

By

Agent.

Date of first receipt at Department of Reclamation: May 29, 1942, 2:00 P. M.

Returned to applicant for correction:

Corrected application received:

APPROVAL OF COMMISSIONER OF RECLAMATION

The number of this permit is 19308
Recorded in Book 70 Page 19308 Approved June 16, 1942
This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and
hereby approve the same, subject to the following limitations and conditions:
Bond in the sum of \$ to be filed on or before
Work to begin on or before Aug. 15, 1942 and to continue diligently and uninterruptedly to completion,
unless temporarily interrupted by circumstances over which permit holder has no control.
One-fifth of the work above specified to be completed on or before July 31, 1942
The whole of said work to be completed on or before Dec. 16, 1942
Beneficial use of water appropriated in accordance herewith, to be made on or before Dec. 16, 1942

Witness my hand this 16th day of June, 1942

E. V. BERG
Commissioner of Reclamation.

IN TESTIMONY WHEREOF, We Chase A. Clark Governor of the State of Idaho, and Geo. H. Curtis
Secretary of State of the State of Idaho, have caused this instrument to be executed in the name of the State of Idaho, and have
caused the Great Seal of the State of Idaho to be hereunto affixed, this 16th day of June 19 42

Countersigned:

STATE OF IDAHO

(SEAL

By Geo. H. Curtis

By

Chase A. Clark

Secretary of State.

Governor.

Remarks:

14.

Twp.	Range	Sec.	NE¼				NW¼				SW¼				SE¼				Totals
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
15 S	27 E	20																15	15
		29	30			35													65
		28					15					20							35
																			115
----- PERMIT #19308 CERTIFICATE OF COMPLETION OF WORKS TO ALL WHOM IT MAY CONCERN: This is to certify that MRS. HOPE H. GARDINER, of Malt, County of Cassia, and State of Idaho, the holder of Permit No. 26802 bearing date of priority of May 29, 1942, authorizing the diversion of 4.0 second of Subterranean Source, from wells, county of Cassia, State of Idaho, for Irrigation and Stock Water purposes, has in said Permit; that said works are adequate for diverting and conveying to the place of intended use - FOUR - second waters of SUBTERRANEAN SOURCE, FROM WELLS, that the point of diversion of said waters NW¼SW¼, Section 28, Township 15N, Range 27E, and SE¼SE¼, Section 20, all in Township 15 South, Range 27 E. B. M. Witness my hand this 24th day of November, 1942. A. D. Filed with the Department of Reclamation: November 16, 1942. Certificate of Completion of Works issued: November 24, 1942. E. V. BERG /s/ COMMISSIONER OF RECLAMATION ISSUED FOR 0.6 SEC. FT. P. 4206																			

December 3, 1967

Mr. Frank T. Gardiner
103 A Street
Salt Lake City, Utah

Dear Mr. Gardiner:

Your recent letter infers that this department has made an error with regard to the licensing of Permit No. 19308.

We have reviewed the files of this office concerning the permit and find that the information is correct, as reported to you by Mr. McEldowney in his letter of November 28, 1967. Even though the application was originally issued for diversion of 4.0 second feet of water for irrigation of lands in five 40-acre subdivisions, the inspection made upon submission of proof of beneficial use showed that only 30 acres were actually irrigated, therefore, the license is issued for only 0.6 second feet of water for irrigation of 15 acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, and 15 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 28, T. 15 S., R. 27 E., B. M. This established the limit of the water right and no additional lands may be irrigated and no additional water may be diverted thereunder by reason of your proposed replacement well.

Very truly yours,

R. KEITH HIGGINSON
State Reclamation Engineer

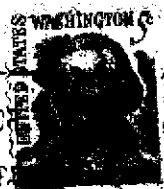
RKH:ew

19308

1837 St
SLC, Utah



"ABCD" MAIL FOR
BETTER BUSINESS SERVICE



State of Idaho
Dept of Reclamation
107 State House
Boise Idaho
83701

19308

RECEIVED

183 A St
Salt Lake City, Utah
12/5/67

DEC 6 1967

State of Idaho
Dept of Reclamation Department of Reclamation
107 State House
Boise, Idaho

Attn: Mr McEldowney and Mr Higginson

Dear Sirs: Re your letter to me, dated Nov. 28, 1967 "Re Water Licence No 19308".

Please advise me as to the legal basis whereby you state in your letter that I have no right to irrigate more than "...15 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec 28 T 15 S, R. 27E B.M.

The permit originally gave permission for development of (as I recall) about 4 second feet of water. If development of additional water had not been intended or anticipated the land should never have been granted under a desert claim nor should taxes have been paid on said property for the past 20+ yrs. The land in its present condition is worthless.

Furthermore I recall being told by a reputable well driller that he, in conversation with a representative of your dept. was informed that since the license does not describe any time limit, one might for example pump 2 second feet for six mos on a license for 1 second foot year around, provided it did not exceed the inch per acre as described in the original permit.

I question whether your present ruling on new permits applies in this situation.

I believe that I have sufficient cause and basis of fact in this matter that I could easily win a court case relating thereto.

If you do not give the matter reconsideration I intend on pursuing that course of action. Lack of a reply in 7 days will be taken as evidence that you concur with my position.

If you insist on holding to your present position please refer to the code and precedent cases in the matter, that might conceivably give any such basis for your attitude.

cc: file

Sincerely


Frank T Gardiner

19308

November 28, 1967

Re: Water License No. 19308

Frank T. Gardiner
183 A Street
Salt Lake City, Utah

Dear Mr. Gardiner:

We are in receipt of your letter of November 20, 1967 on the above referenced permit. Please be advised that the permit in question has been licensed. A copy of the license is enclosed.

The point of diversion listed in the license is the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 28, T. 15 S, R. 27 E, B.M., Cassia County, Idaho. Under the existing statutes, you may drill a replacement well for the well covered by Permit No. 19308 anywhere within the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 28. However, if the well is located within a different public land survey subdivision, you will be required to file a transfer with the Department of Reclamation prior to the drilling of this well. If you determine that a transfer is necessary, please contact the department and forms will be supplied.

You should bear in mind that only .6 cubic feet per second may be diverted from a new well or the existing well or both in any combination of events and may only irrigate 15 acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ and 15 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 28, T. 15 S, R. 27 E, B.M. Inasmuch as new permits are not being allowed in your area, this would be the maximum rate of withdrawal that could be allowed under your proposed redrilling of the well.

Please contact us if you have any further questions on the matter.

Very truly yours,

Donald W. McElidowney
Water Rights Clerk

DWM:ks

Enclosures: Copy of water license

19308

RECEIVED

NOV 22 1967

183 A St
Salt Lake City, Utah
11/20/67

State of Idaho
Dept of Reclamation
Boise, Idaho

Department of Reclamation

Dear Sirs;

I recently acquired from my mother certain property located at
Bridge Idaho; description SE $\frac{1}{4}$ SE $\frac{1}{4}$ 20 (sec)
SW $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$ 28
E $\frac{1}{2}$ NE $\frac{1}{4}$ 29 Twps 15; Rge 27
obtained upon a desert claim in the name of Hope Gardiner of Malta,
Idaho. Completion of work permit No 19308.

As I wish to move and deepen the well on above said property
would you please send me a photostat of the drilling permit ~~XX~~
and/or acknowledgement of my legal right to do so.

Please advise as to the required fee.

(I realize that the movement is limited to the same 40 acre plot).

Sincerely



Frank T Gardiner

19308

March 14, 1944

Re: Permit No. 19308

Mrs. Hope H. Gardiner
Malta, Idaho

Dear Mrs. Gardiner:

We enclose herewith License and Certificate of Water Right, confirming your right to the use of Six-tenths of a second foot of water from wells (subterranean), located in the NW¹/₄ SW¹/₄ Section 28, Township 15 South, Range 27 East, B.M., with date of priority of May 29, 1942, for the irrigation of 30 acres in the SW¹/₄ NW¹/₄ and NW¹/₄ SW¹/₄ Section 28, Township 15 South, Range 27 East, B.M.

We also enclose Departmental Receipt No. 18501 for the \$4.00 fee in connection with beneficial use proof.

Very truly yours,

JAMES SPOFFORD
State Reclamation Engineer
By

Chief Clerk

A
Encls.

19 308

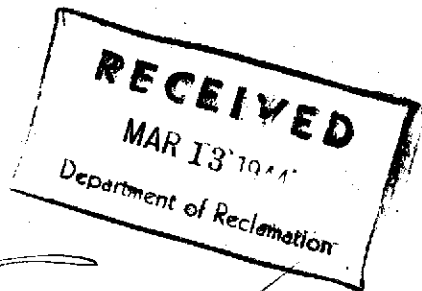
Malta. IDA 10 MAR. -44

Dear Mr Spafford
enclosed find \$4.00 check for fee
on Permit # 19308

Subsidence water.

Very truly yours

Herb Gardner



19308

February 8, 1944

Re: Permit No. 19308

Mrs. Hope H. Gardiner
Malta, Idaho

Dear Mrs. Gardiner:

We now have on file the report of our
Field Engineer on examination for beneficial
use under the above numbered permit.

This report shows that you are irrigating
30 acres of land in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ and NE $\frac{1}{4}$ SW $\frac{1}{4}$
Section 28, Township 13 South, Range 27 East,
B.M.

Therefore, upon receipt of the statutory fee of
\$4.00 a license will be issued for six-tenths
of a second foot of subterranean water.

Very truly yours,

JAMES SPOFFORD
State Reclamation Engineer
By

Chief Clerk

A

19308

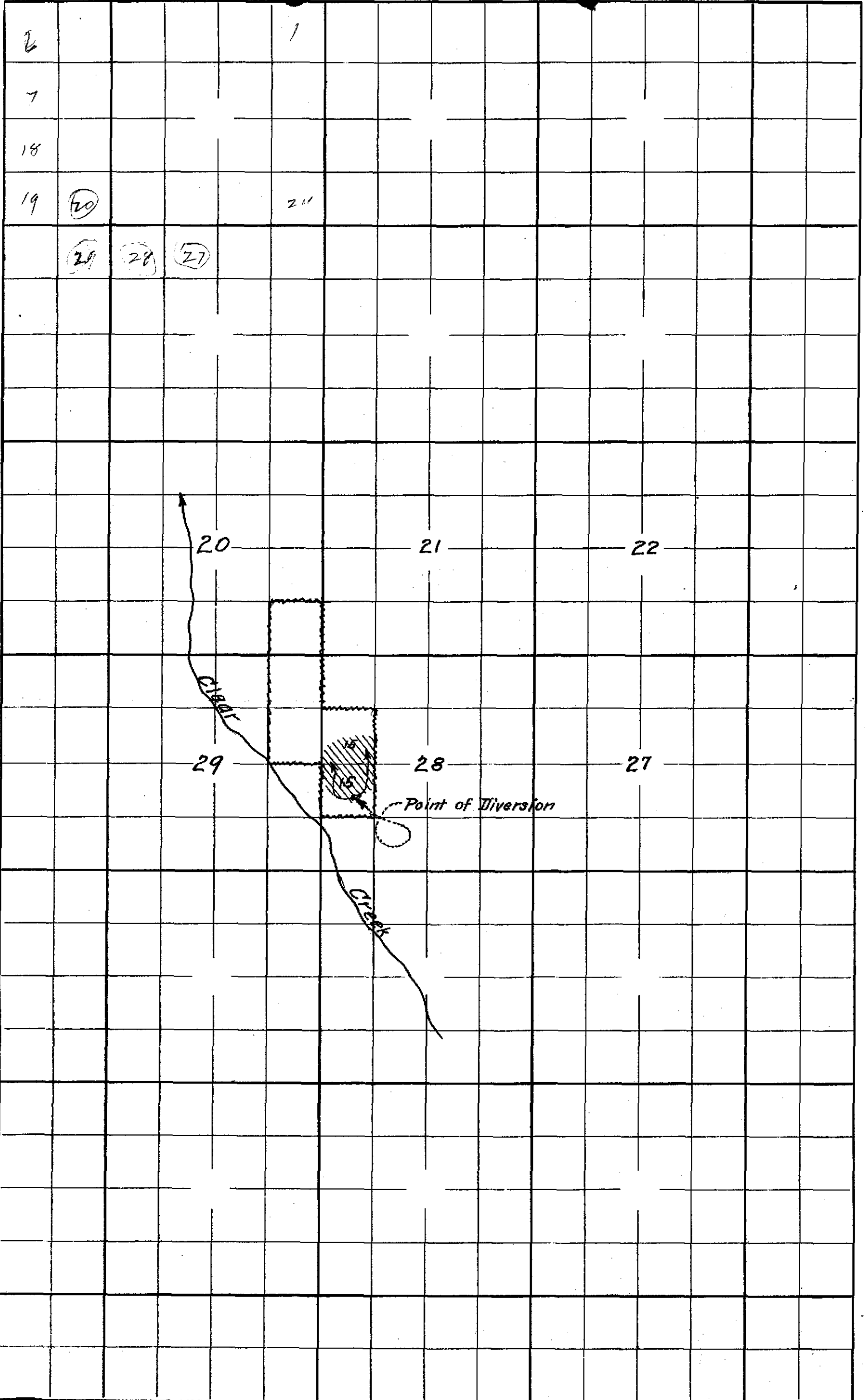
STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

PERMIT NO. 19308

REPORT ON PROOF OF Beneficial Use

*copy
of 19308
from 1940
RMT*



STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

REPORT OF ENGINEER

Permit No. 19308

This proof is for Beneficial Use

In Water District No.

1. Name of applicant Mrs. Hope H. Gardiner, Malta, Idaho
2. Source of water supply: Subterranean
3. Location of point of diversion: Is in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 28
T. 15 S. R. 27 E. County of Cassia
4. Describe works as they exist, giving dimensions and capacities of same: An open sump 45 feet long with a well at one end, curbed with concrete 16 feet deep X 3 $\frac{1}{2}$ feet diameter, Ditches 2ft. wide X 1ft. deep; No pumping equipment was on the place at time of examination.
5. Water is used for: Irrigation and domestic (livestock)
6. State whether or not water has been turned into works of diversion: Yes
7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if for other than irrigation):
SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 20 (15 acres);
E $\frac{1}{2}$ NE $\frac{1}{4}$ Section 29 (65 acres);
SW $\frac{1}{4}$ NW $\frac{1}{4}$ and NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 28 (35 acres);
All in Twp 15 South, Range 27 East, B. M.

(Submit map on attached plat, showing location and details of above description.)

8. What large stream would the water here appropriated finally reach? None

Remarks: Previous irrigation has been by means of a "Farmer Water Lifter driven by a Fordson Tractor" operating under an 8ft. water table and an 8ft. draw-down.

A recently installed pole and power line are available at the point of diversion, awaiting "arrival of a pump"

This examination was made on the 27th day of May, 1943

(Signed)

Edw. H. Johnson

Examiner.

76
Mrs. Hope H. Gardiner,
Malta, Idaho

Permit No. 19308

Examination for Beneficial Use

County Cassia

INSTRUCTIONS TO EXAMINERS

1. Always carefully note the location of the point of diversion and accurately plat same.
 2. When proof is for beneficial use, carefully check up the number of acres actually irrigated in each forty and accurately plat same.
 3. Make a map showing the correct location of streams and ditches, and the irrigated lands, and any adjacent permanent landmarks, such as towns, lakes, large streams and public roads.
 4. If any unusual conditions are discovered, make a plain statement of them under remarks.
 5. Always see the holder, if possible, and go over the whole ground with him and make your report only upon actual existing facts and conditions.
-

James Spofford XXXXXXXX

Re: Permit No. 19308

January 11, 1943

Mrs. Hope H. Gardiner
Malta, Idaho

Dear Mrs. Gardiner:

This will acknowledge receipt of your deposition, as holder, and the depositions of two witnesses, also the Affidavit of Publication from the Burley Herald, all in connection with beneficial use proof under the above numbered permit.

Before final action can be taken in this matter, the law requires that a field examination be made by an engineer from this department. We are unable to say just when this examination will be made, since this department has but one field engineer, who makes examinations all over the state.

However, Mr. Tolman will try and contact you at the time he makes the examination, so that you may arrange to show him over the grounds.

Very truly yours,

JAMES SPOFFORD

Commissioner of Reclamation

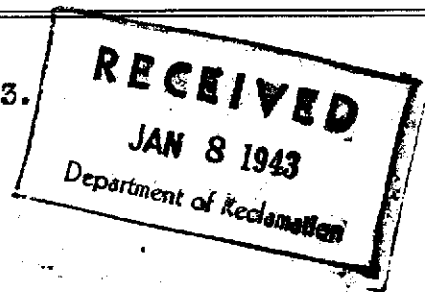
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19308

J. HENRY THOMPSON

AGENT

MALTA, IDAHO
Jan-5-1943.



Commissioner of Reclamation
Boise, Idaho.

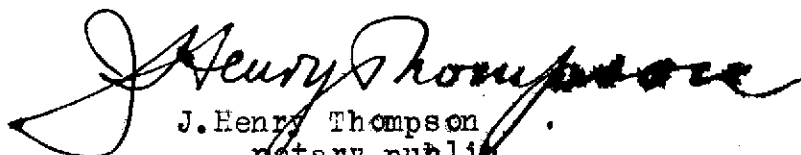
Dear Sir:-

I herewith enclose the papers in the proof
of beneficial use for Mrs Hope H. Gardiner, holder of
permir No. 19308.

The hearing was duly held on Dec 16, 1942
as instructed, but due to delay in getting the expenses
involved in the matter settled, I have not sent the papers
to you till this time. The publisher has now been paid, and
expenses paid.

Kindly excuse the delay which on my part was
unavoidable.

Yours Very Truly,

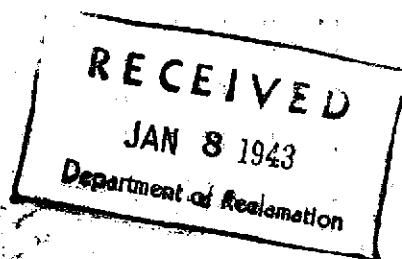

J. Henry Thompson
notary public.

19308

Representing

UTAH HOME FIRE INSURANCE COMPANY

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO



Permit No. 19308

Proof of Application of Water to Beneficial Use

Deposition of Holder

Ques. 1. State your name, residence, occupation and postoffice address.

Ans. Mrs Hope H. Gardiner, Malta, Idaho. housewife, P.O. Malta, Idaho.

Ques. 2. If acting in behalf of corporation, state its name, principal place of business (if a foreign corporation, give name of postoffice of statutory agent), your position with reference to same, and your authority for appearing in its behalf.

Ans. no.

Ques. 3. State number and date of permit, and date of priority you propose to establish under the permit.

Ans. 19308, Date of Priority May 29, 1942 ~~June 1, 1939.~~

Ques. 4. State source of water supply and give exact location of point of diversion. open well.

Ans. 1900 feet distant from the Southwest Corner of Sec. 28, and in the NW 1/4 SW 1/4, Sec 28, Tp. 15 South Range 27, E.B.M.

Ques. 5. Describe your works of diversion, and state amount of water they are capable of conveying from point of diversion to place of use, and give name of canal or ditch or other works by which water is conducted to such place of use.

Ans. private ditches, will carry about 6 second feet. 3 miles of ditches. private ditch.

Ques. 6. State for what purpose water is used and describe place of use. (If for irrigation, name each subdivision in which used, and number of acres in each subdivision that have actually been irrigated with said water.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. irrigation and domestic use, ^{65 acres in} SE 1/4 SE 1/4, Sec. 20; NE 1/4 NE 1/4, and SE 1/4 NE 1/4, Sec. 29, ^{15 acres in} SW 1/4 NW 1/4, NW 1/4 SW 1/4 ^{20 acres in} Sec 28, Tp 15 South, Range 27 East B.M. ^{15 acres in}

Ques. 7. If for other than irrigation purposes; state how applied, amount of horse power generated, etc.

Ans. _____

19308

Ques. 8. What is the minimum amount of water required for the purpose specified above?

Ans. an inch to the acres, or 4 second feet.

Ques. 9. If you are not the person or representative of the corporation to whom above mentioned permit was originally issued, please state how ownership was acquired by present holder.

Ans. _____

Ques. 10. State when, how, in what amount and to what extent the water diverted under above mentioned permit has been used.

Ans. Since June 1st, 1939. irrigated 20 acres grain season of 1939, also 25 acres of pasture. In season of 1940 irrigated 20 acres of grain and 25 acres of pasture. In 1941, seeded and watered 10 acres of alfalfa, and 10 acres of grain and 30 acres of pasture. I didnt pump in 1942.

Ques. 11. State when, how, in what amount and to what extent waters other than those diverted under the above mentioned permit have been diverted and applied to beneficial use upon the lands herein described. Give full particulars regarding such other appropriations and rights claimed thereunder.

Ans. Clear Creek overflow in 1942, flooded the place, making it too wet to crop.

X (Sign) Mrs. Hope H. Gardiner

I hereby certify that the foregoing testimony was read to the above subscribed before its signing, that I believe him to be the person he represents himself to be, and that said testimony was

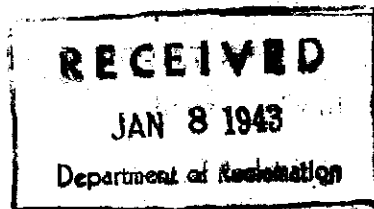
subscribed and sworn to before me, at my office in Malta, County of Cassia,

State of Idaho, on this 16th day of December, A. D. 1942.

My commission expires Jan-25-1945.

Henry Thompson
Notary Public residing at Malta, Ida.

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO



PERMIT NO. 19308

Proof of Application of Water to Beneficial Use

Deposition of Witness

The deposition of two witnesses, on this form, taken separately, required in each case.

Ques. 1. State your name, age, residence, occupation and postoffice address.

Ans. Lorenzo D. Tracy- age 33. Malta, Idaho. farmer- P.O. Box 41
Malta, Idaho

Ques. 2. Are you acquainted with Mrs. Hope H. Gardiner, the holder of Permit No. 19308? How long have you known him and where does he reside?

Ans. yes- 20 years.

Ques. 3. Have you read or heard read said Permit No. 19308, and are you familiar with its provisions and conditions?

Ans. yes

Ques. 4. State source of water supply, place of diversion, and describe works for conveying water from point of diversion to place of use.

Ans. well and surface water, open well and private ditches.

Ques. 5. How many second feet of water do you estimate said works will safely conduct to place of use, and how much water have you seen being so conveyed?

Ans. 6 second feet, --4 second feet.

Ques. 6. State for what purpose water is used and at what place. (If for irrigation, give each sub-division in which water has been used and number of acres irrigated in each subdivision.) State whether cultivated or natural meadow land and the nature of all improvement which have been made as a direct result of said use.

Ans. irrigation and domestic use, --15 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$, sec. 20, 65 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$, and the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 29, and 15 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$, 20 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, sec. 28. Tp. 15 South Range 27 East B.M.

19308

Ques. 7. If for power or other purposes than irrigation, state how water has been applied and to what extent

Ans. _____

Ques. 8. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

Ans. clay loam, the land subs from Clear creek, and one irrigation
will mature grain and hay crops.

Ques. 9. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent?

Ans. no

Ques. 10. State when, how, in what amount and to what extent you have witnessed the application to beneficial use of water diverted under said permit.

Ans. approximately 125 acres in grain hay and pasture. in 1939-1940
and since that time.

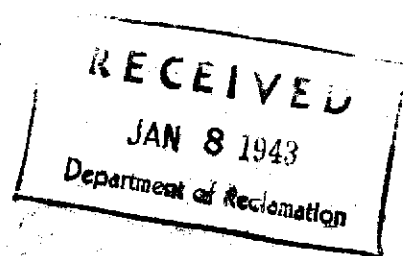
X (Signed) Lorings D. Fray

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in Malta, County of Cassia, State of Idaho, on this day of December 16th, A. D. 1942.

Henry Thompson
Notary Public.

My commission expires Jan-25-1945 Residing at Malta Idaho.

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO



PERMIT NO. 19308

Proof of Application of Water to Beneficial Use

Deposition of Witness

The deposition of two witnesses, on this form, taken separately, required in each case.

Ques. 1. State your name, age, residence, occupation and postoffice address.

Ans. O. John Nye, 35, Malta, Idaho, rancher, P.O. Malta, Idaho.

Ques. 2. Are you acquainted with Mrs. Hope H. Gardiner, the holder of Permit No. 19308? How long have you known him and where does he reside?

Ans. about 19 years, she resides at Malta, Idaho.

Ques. 3. Have you read or heard read said Permit No. 19308, and are you familiar with its provisions and conditions?

Ans. yes

Ques. 4. State source of water supply, place of diversion, and describe works for conveying water from point of diversion to place of use.

Ans. well and surface water, open well and private
open ditches.

Ques. 5. How many second feet of water do you estimate said works will safely conduct to place of use, and how much water have you seen being so conveyed?

Ans. 300 inches-6 second ft. 4 second feet.

Ques. 6. State for what purpose water is used and at what place. (If for irrigation, give each sub-division in which water has been used and number of acres irrigated in each subdivision.) State whether cultivated or natural meadow land and the nature of all improvement which have been made as a direct result of said use. irrigation and domestic use.

Ans. 15 acres in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec 20, 65 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, and the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec 29, and 15 acres in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, 20 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec 28, Tp. 15 South, Range 27 E.B.M.

19308

Ques. 7. If for power or other purposes than irrigation, state how water has been applied and to what extent

Ans. -----

Ques. 8. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

Ans. light clay loam, with northwest slope, one irrigation would
make hay or grain crops. about one acres foot.

Ques. 9. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent?

Ans. no

Ques. 10. State when, how, in what amount and to what extent you have witnessed the application to beneficial use of water diverted under said permit.

Ans. approximately 125 acres. during the last four years.

(Signed)

John Aye.

I hereby certify that the foregoing testimony was read to the above subbscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in Malta, County of Cassia, State of Idaho, on this day of December. 16th, A. D. 1942.

My commission expires Jan-25-1945.

Henry Thompson
Notary Public.
Residing at Malta, Idaho.

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO
COUNTY OF CASSIA ss.

W. A. Shear, first being duly sworn, deposes and says: That he is the publisher of the Burley Herald, a weekly newspaper published at Burley, in the County of Cassia, State of Idaho; that the said newspaper has a general circulation in said county, and said newspaper is published weekly and has been continuously and uninterruptedly published in said county, not less frequently than once a week, during a period of seventy-eight consecutive weeks immediately prior to the first publication of the printed notice herein referred to;

That said newspaper at all times herein mentioned, has been a newspaper of general circulation, made up of at least four pages of at least five columns each, printed from typed matter or stereotyped forms of at least seventeen and three-fourth inches depth, and during the whole of said time has had at least two hundred bona-fide subscribers living within said County of Cassia.

Affiant further states that the printed notice attached hereto was duly published according to law, in the regular weekly editions of the said newspaper and not in any supplement thereof, for four consecutive weeks, commencing with the issue dated Nov. 13, 1942, and ending with the issued dated Dec. 12, 1942.

Subscribed and sworn to before me this 21 day of Dec. 1942.

Notary Public in and for the State of Idaho,
residing at Burley, Idaho.

Notice is hereby given that at 9:00 A. M. on the 16th day of December, 1942, at Idaho, County of Cassia, State of Idaho, before J. Henry Thompson, Notary Public, Idaho, proof will be submitted of the application to beneficial use of 2.0 cubic feet per second of the waters of Subterranean Flow as recorded on the terms and conditions of Permit No. 18368, here to be issued by the Commissioner of Reclamation of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit is Hope H. Gardner.

... applied in Irrigation and Live-

The amount applied to beneficial use is 4.6 percent.

The above named water is used (if the irrigation give full and accurate description of the lands irrigated) 6 Acres in the SE¹/₄, Sec 4, Twp 20, R. 18 Acres in the NW¹/₄, Range, and the SW¹/₄, Section 29, and 16 Acres in the SE¹/₄, N 7¹/₄, 16 Acres in the NW¹/₄, Section 29, Town 15 South, Range 27.

The owner of the canal or ditch or other works by which said water is conducted to each place of use is

The right to take water from the works is upon Permit.

The source of water from which much water is drawn is subterranean water.

which said
publish is May

WILLIAM T. BURG,
Commissioner of
Education.

19-1082

State of Idaho

DEPARTMENT OF RECLAMATION

BOISE

INSTRUCTIONS

PROOF OF BENEFICIAL USE OF WATER

BOISE, IDAHO,

December 9, 1942

Re- Permit No. 19308
Mrs. Hope H. Gardiner

Mr. J. Henry Thompson
Malta, Idaho.

DEAR SIR:

I enclose herewith the following forms to be used in connection with proof of beneficial use of water under Permit No. 19308

DEPOSITION OF PERMIT HOLDER,
DEPOSITIONS OF TWO WITNESSES.

In submitting this proof the following instructions should be CAREFULLY followed out, since failure to do so may result in the loss of rights:

1. On December 16, 1942, the date set for proof, the enclosed forms (one for permit holder and one each for two disinterested witnesses) should be filled out and sworn to, at Malta, Idaho, before J. Henry Thompson, Notary Public.

2. When the depositions have been taken they should be mailed to this office, together with affidavit of publication of notice.

When these have been received, together with report of the examining engineer, if everything is properly executed, you will be further advised as to fees due, etc., before certificate is issued.

Yours truly,

E. V. Berg

Commissioner of Reclamation.

By Roy W. Thompson
Deputy Commissioner.

19308

NOVEMBER 24, 1942

Re: Permit #19308

MRS. HOPL H. GARDINER
Malta
Idaho

Dear Mrs. Gardiner:

We are enclosing herewith Certificate of Completion of Works issued on the above numbered Permit to appropriate 4.0 second feet of the waters of Subterranean Source, from Wells, in the NW 1/4, Section 28, Township 15 South, Range 27 East, B. M., Cassia County, for irrigation and stock watering purposes.

The Department's Receipt Number 18976, covering the \$5.00 fee for Completion of Works is also enclosed.

Very truly yours,

E. V. BERG
COMMISSIONER OF RECLAMATION

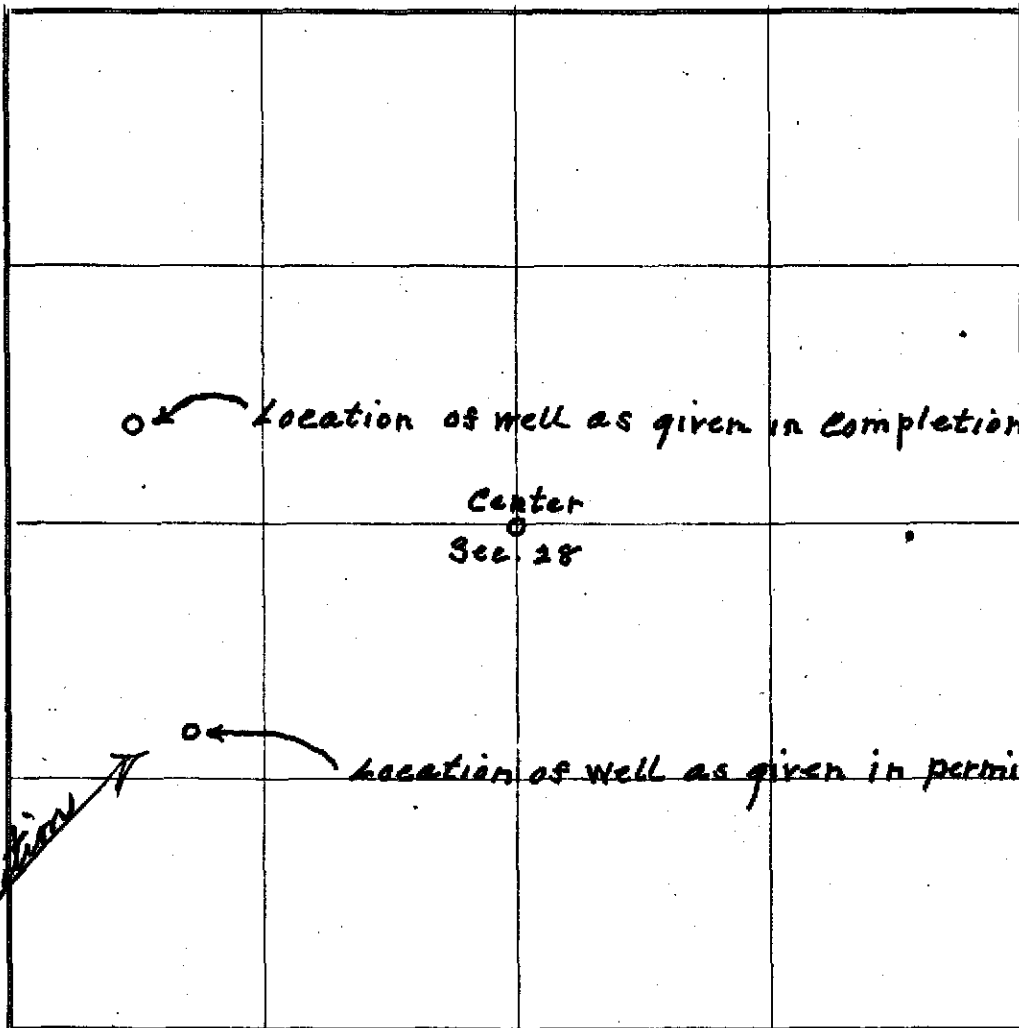
BY: _____
ROY W. THOMPSON
DEPUTY COMMISSIONER

RWT:LCC
ENC: 2

19308

I. Name Mrs Hope H. Gardiner

II. T. 15 S. R. 27 E. Section 28



Remarks:

Please mark on map which location is correct.

19308

NOVEMBER 19, 1942

RE: PERMIT #19308

MRS. HOPE H. GARDINER
Malta
Idaho

Dear Mrs. Gardiner:

We wish to acknowledge receipt of your Completion of Works Proof and Notice of Publication of Beneficial Use Proof all in connection with the above numbered Permit.

On your application for Permit and upon your sketch map which accompanied your Application, you gave the location of your well as being located 1900 feet distant from the Southwest Corner of Section 28, and in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 28, and on your Completion of Works Proof just received, you gave the location of the well as being 600 feet in a Northwesterly direction from the Southeast corner of the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 28, which would locate the well in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, of Section 28.

Before we can issue you a Certificate of Completion of Works, it will be necessary to have the correct location of the well established. If the well is located as last above described, it will be necessary for you to fill out the enclosed Affidavit changing the point of diversion. However, if the description is wrong on the Completion of Works Proof, we can correct that here without any additional papers or trouble upon your part.

Providing it is necessary for you to file the enclosed Affidavit with this Department changing the point of diversion, it will also be necessary to file the same with this Department on or prior to the date set for Beneficial Use Proof which is December 16, 1942.

We also acknowledge receipt of the \$5.00 fee in connection with your Completion of Works Proof.

Very truly yours,

E. V. BERG
COMMISSIONER OF RECLAMATION

BY: _____
ROY W. THOMPSON
DEPUTY COMMISSIONER

RWT:LGC
ENC: 2

19308

NOVEMBER 18, 1942

MRS. HOPE H. GARDNER
Malta
Idaho

Dear Mrs. Gardner:

This will acknowledge receipt of your Authority to have us publish the Notice of Publication in the Burley Herald at Burley, Idaho, all in connection with Permit Number 19803.

A copy of the notice has been sent to the newspaper with instructions to publish it once a week for four consecutive weeks prior to December 16, 1942.

About ten days prior to this date depositions, consisting of one for the holder and one for each of two witnesses, will be sent to J. Henry Thompson, Notary Public, at Malta, Idaho, so that he will have them in time for the proof.

On the date designated you should appear at Mr. Thompson's Office with two disinterested witnesses, who are familiar with the terms of the Permit and the works constructed thereunder, for the purpose of executing the depositions.

It will also be necessary for you to file your Completion of Works Proof with this Department on or prior to December 16, 1942. An extra blank is enclosed herewith for your use.

Very truly yours,

E. V. BERG
COMMISSIONER OF RECLAMATION

BY: _____
DEPUTY COMMISSIONER

RWT:LCC
ENC: 1

19308

The BURLEY HERALD

COMMERCIAL JOB PRINTING

Published Every Thursday

BURLEY . . IDAHO

WALTER A. SHEAR
ROBERT H. HINKLEY

November 20, 1942

E. V. Berg, Commissioner
Bureau of Reclamation
Boise, Idaho

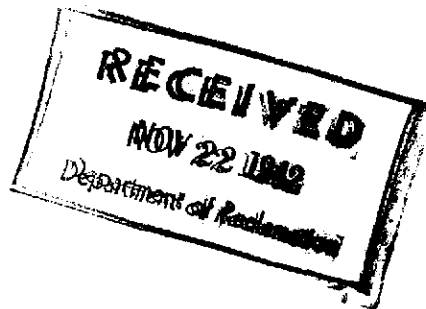
Dear Mr. Berg:

We acknowledge with thanks receipt
of your order for publication in the matter of
proof of Hope H. Gardner, Malta, Idaho, and
enclose herewith clipping of the first publication.

Very truly yours,

THE BURLEY HERALD

By



19308

WASGja
enc.

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Date: **NOVEMBER 17, 1942**

BURLEY HERALD
Burley, Idaho

Gentlemen:-

Enclosed you will find notice for publication once a week for four consecutive weeks prior to **December 16, 1942.** the date set for proof, the expense of the publication to be paid by the applicant, **HOPE H. GARDNER, Malta, Idaho** to whom you should furnish proof of publication on or prior to date for proof.

Please acknowledge receipt of this notice, and furnish this office with a copy of the first publication.

Very truly yours,

E. V. BERG
Commissioner of Reclamation

19308

BY: _____
DEPUTY COMMISSIONER

NOTICE FOR PUBLICATION
NOTICE OF PROOF APPLICATION OF WATER
TO BENEFICIAL USE

Notice is hereby given that at 10:00 A. M. on the 18 day of December, 1942,
 at Malta, County of Cassia, State of Idaho, before
J. HENRY THOMPSON, Notary Public, Malta, Idaho, proof will be submitted of the
 application to beneficial use of 4.0 cubic feet per second of the waters of Subterranean
Flow in accordance with the terms and conditions of Permit No. 19308
 heretofore issued by the COMMISSIONER OF RECLAMATION of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are.....
Hope H. Gardner, Malta, Idaho

The use to which said water has been applied is Irrigation & Livestock watering

The amount applied to beneficial use is 4.0 second feet

The place where said water is used (if for irrigation, give full and accurate description of the
 lands irrigated) 15 Acres in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 20; 65 Acres in the NE $\frac{1}{4}$ NW $\frac{1}{4}$, and the
SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 29, and 15 Acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, 20 Acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 28,
Township 18 South, Range 27 East B. M.

The name of the canal or ditch or other works by which said water is conducted to such place
 of use is Private Ditches

The right to take water from such works is based upon Permit No. 19308

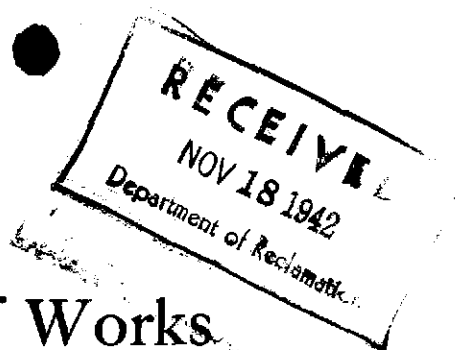
The source of supply from which such water is diverted is A Subterranean Waters

The date of priority which said user is prepared to establish is May 29, 1942

E. V. BERG

19308
 Commissioner of Reclamation.

Permit No. 19308

STATE OF IDAHO
Department of Reclamation

Proof of Completion of Works

AFFIDAVIT OF HOLDER

STATE OF IDAHO

County of Cassia

} ss.

Mrs Hope H. Gardiner

being first duly sworn, upon his oath deposes and says:

First: That he is the holder and owner of Permit to appropriate the Public Waters of the State of Idaho, No. 19308, and that his postoffice address is Malta, State of Idaho.

Second: That the name of the stream from which said water is to be directed is open well

Third: That the point of diversion of said water is well is located 600 feet in a northwesterly direction from the SE corner of the NW 1/4 Sec 28 Tp 15 S Range 27 E. B. M. (15)

Fourth: That under the terms and conditions of said permit, construction thereunder was required to be completed by Dec-16-1942, 19.

Fifth: That the use for which said water is intended is irrigation and domestic use

Sixth: That on the date above mentioned, the works constructed under said permit were (or were not) fully completed and consisted of the following:

1. Kind of works: cement curb well-abt 4 ft wide and 30 feet deep.

(Reservoir, dam, ditch, flume, pipe or otherwise.)

II. Dimensions of work:

(a) Height of dam feet, length of dam at top feet, length of dam at bottom feet. Material used in construction well is lined with cement walls

(State whether wood, earth, stone or concrete.)

(b) Capacity of reservoir acre feet.

(c) Size of headgate: Width feet, height feet.

(d) Conduit ditch width at bottom 1 1/2 feet, width at water line 3 ft (State whether ditch, flume or pipe.) feet, depth of water 1 1/2 feet; diameter of pipe inches, average grade per mile is 30 feet. Length of ditches 3 miles.

Seventh: That said works are capable of conducting to the place of intended use 3.2 second feet of water.

Eighth: That water appropriated under said permit is available for 200 acres of land described as follows: NW 1/4, SW 1/4, Sec 28.

ENE 1/4, Sec 29.

SE 1/4, Sec 20, all in Tp 15 South Range 27 E.B.M.

Ninth: Remarks: That the open well was constructed in 1937, and beneficial use has been made since the season of 1939.

(Sign here)

Subscribed and sworn to before me this 16 day of November, 1942.

My commission expires Jan-25-1945

Residing at Malta, Idaho

Notary Public.

19308

NOTICE FOR PUBLICATION
NOTICE OF PROOF APPLICATION OF WATER
TO BENEFICIAL USE

Notice is hereby given that at 11.30 A. M. on the 29 day of December, 1942,
 at Malta, County of Cassia, State of Idaho, before
J. Henry Thompson, notary public, proof will be submitted of the
 application to beneficial use 3.2 cubic feet per second of the waters of open
well in accordance with the terms and conditions of Permit No. 19308
 heretofore issued by the Commissioner of Reclamation of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are.....
MALTA IDAHO Mrs Hope H. Gardiner, Malta, Idaho

The use to which said water has been applied is IRRIGATION and Domestic Use

The amount applied to beneficial use is APPROX 1.60 INCHES

The place where said water is used (if for irrigation, give full and accurate description of the
 lands irrigated) Nw 1/4 Sw 1/4 Sw 1/4 Nw 1/4 Sec 28 E 1/2 Ne 1/4 Sec 20 Se 1/4 Se 1/4
Sec 20 T15S R27E B1M IDAHO

The name of the canal or ditch or other works by which said water is conducted to such place
 of use is ditches

The right to take water from such works is based upon Permit No. 19308

The source of supply from which such water is diverted is A Well
subterranean

The date of priority which said user is prepared to establish is June-1-1939

.....
 Commissioner of Reclamation.

19308

NOTICE FOR PUBLICATION
NOTICE OF PROOF APPLICATION OF WATER
TO BENEFICIAL USE

Notice is hereby given that at 11.30 A. M. on the 29 day of Dec, 1942,
 at Malta, County of Cassia, State of Idaho, before
J. Henry Thompson, Notary Public, proof will be submitted of the
 application to beneficial use of 3.2 cubic feet per second of the waters of open
well in accordance with the terms and conditions of Permit No 19308
 heretofore issued by the Commissioner of Reclamation of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are.....

Mrs Hope H. Gardiner, Malta, Idaho

The use to which said water has been applied is irrigation and domestic use.

The amount applied to beneficial use is 160 inches

The place where said water is used (if for irrigation, give full and accurate description of the
 lands irrigated) Nw 1/4 Sw 1/4 Nw 1/4 Sec 28, E 1/2 NE 1/4 Sec 29, Se 1/4 Se 1/4
Sec 20 T. 15 S., R. 27 E. B.M. IDAHO.

The name of the canal or ditch or other works by which said water is conducted to such place
 of use is ditches

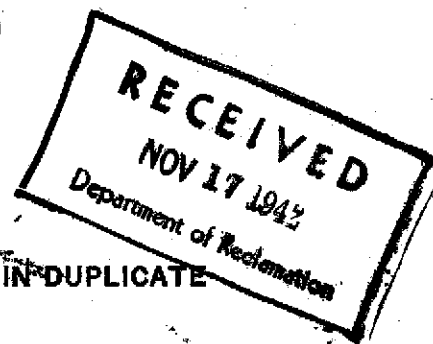
The right to take water from such works is based upon Permit No 19308

The source of supply from which such water is diverted is W.E.L.
subterranean

The date of priority which said user is prepared to establish is June-1-1939

.....
 Commissioner of Reclamation.

19308



NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) November 16, 1942

(P. O.) Malta, Idaho

TO THE COMMISSIONER OF RECLAMATION:

Boise, Idaho.

Dear Sir:

You are hereby authorized to have the attached notice published at my expense in the

Burley Herald of Burley, Idaho, published in
the county in which the works are situated.

Hope H. Gardiner

(In case of canals or other works designed to divert and carry more than 50 cubic feet of water per second, the following certificate must be signed by a well-known and competent engineer)

I hereby certify that the facts set forth in the attached notice are true.

Engineer.

19308

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE,

October 20, 1942

Mrs. Heye H. Gardner
Malta, Idaho

Dear Sir:

Under the terms of your permit No. 19308 you are required to complete your diversion works and make proof of Beneficial Use on or before December 16, 1942.

I enclose herewith blank affidavit to be filled out, sworn to by you before a Notary Public or a Justice of the Peace, and returned to this office on or before the above date, or within ten days thereafter, for the purpose of making proof of Completion under the permit. Upon receipt of this affidavit in this office, provided the same satisfactorily shows the Completion of the Works substantially in accordance with the terms of the permit, together with a fee of \$5.00, a Certificate of Completion of Works will be issued to you.

I also enclose blank notice for proof of application of water to Beneficial Use under this permit, which should be filled out and returned to this office at least forty (40) days before the date upon which you wish to make proof. The proof must be submitted before a Notary Public or other officer authorized by law to administer oaths. The date for proof as set out in your permit, is December 16, 1942, and if proof is submitted subsequent to said date, your priority will be brought down a length of time equal to the time elapsing between the date proof should have been made and the date proof is actually made.

Yours truly,

19308

E. V. BERG

Commissioner of Reclamation.

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

Permit No. 19308

Date June 20, 1942

Dear Sir:

I enclose herewith above numbered permit. BE SURE
AND NOTE LIMITATIONS AND CONDITIONS OF SAME as given under approval
of the Commissioner of Reclamation on the fourth page.

Mrs. Hope H. Gardiner
Malta, Idaho

E. V. BERG
Commissioner of Reclamation.

19308

NAME OF APPLICANT Mrs. Hope H. Gardiner
15 S R 27 E M.

FORM No. 0

Sec 20

Sec 27

Sec 28

DITCH

WELL

Permit Map No. 19308

As Approved

JUN 16 1942

E. V. BERG

Commissioner of Reclamation

May 25, 1942

Mrs. Hope H. Gardiner
Malta, Idaho

Dear Mrs. Gardiner:

We are returning your application for permit for your signautre. You evidently overlooked signing the application where it says "applicant" on the third page of the form.

Please sign and return, all the other questions in the application seem to be filled out in due form. We will hold your check and the sketch maps until the application is returned.

Very truly yours,
E. V. BERG
Commissioner of Reclamation

BY: ROY W. THOMPSON
Deputy Commissioner.

RWT:ml.
encl.

19308

May 15, 1942

Miss Hope H. Gardiner
Malta, Idaho

Dear Miss Gardiner:

Your letter addressed to the State Land Board has been forwarded to this Department with a request to furnish you with the desired information.

Our records disclose that an application for a water right was filed on the SE¹/₄SE¹/₄, Sec. 20, NW¹/₄SW¹/₄, SW¹/₄NW¹/₄, Sec. 28, E¹/₂NE¹/₄, Sec. 29, Twp. 15 S, Rge. 27 E on June 18, 1925 and that permit number 16299 was issued to yourself as applicant. This permit was cancelled May 12, 1928 because of failure to make completion of works proof.

On October 14, 1930, application for permit was again filed by yourself and permit number 17390 was issued for four cubic feet per second from a subterranean well to be used to irrigate the above described land. This permit was also cancelled on Dec. 26, 1933 for failure to make completion of works proof. The status of both permits is void.

You now have two alternatives in which to secure a water right from your well; one is to secure a decreed right through the district court. "The appropriation of water and the uninterrupted use of the same for a period of five years constitutes a valid water right in the State of Idaho after being confirmed by the court." The other method would be for you to file another application for permit with this Department. If your works are completed, you can make your completion of works and beneficial use proofs as soon as possible after receiving your permit and secure your State Water License, which would be acceptable to the General Land Office as a water right on your desert entry.

We would suggest that you use the second method of securing your water right on account of the expense. It would probably cost you considerable more to get a decree through the court.

We will furnish you with filing blanks upon request, if you decide to file an application for permit.

Very truly yours,
E. V. BERG
Commissioner of Reclamation

RWT:ml.

19308
BY: ROY W. THOMPSON
Deputy Commissioner

State Land Board
Boise, Idaho

Gentlemen:

In making final proof for a Desert Land entry I am notified by the Land office at Blackfoot, Idaho that I must get a certified copy of a water permit issued by the State of Idaho.

They refer me to Reclamation and also to title 41 Chapter 2, Sec. 202 - Idaho Code Annotated.

I started a filing on underground water several years ago and did not complete the work on this same location. I am sending a map of the land in case it is needed. You might have a record of this, it was started about 1939 (approximately).

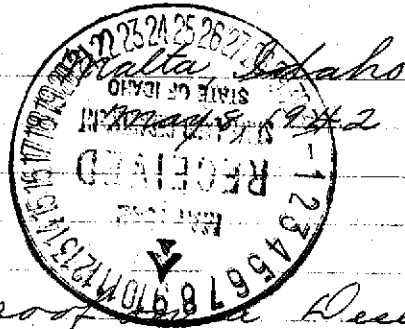
The permit that we need is for the use of wells, the water to be pumped on to the land.

Could you please help me with this as I have only a short time to send this to in to the Land Office.

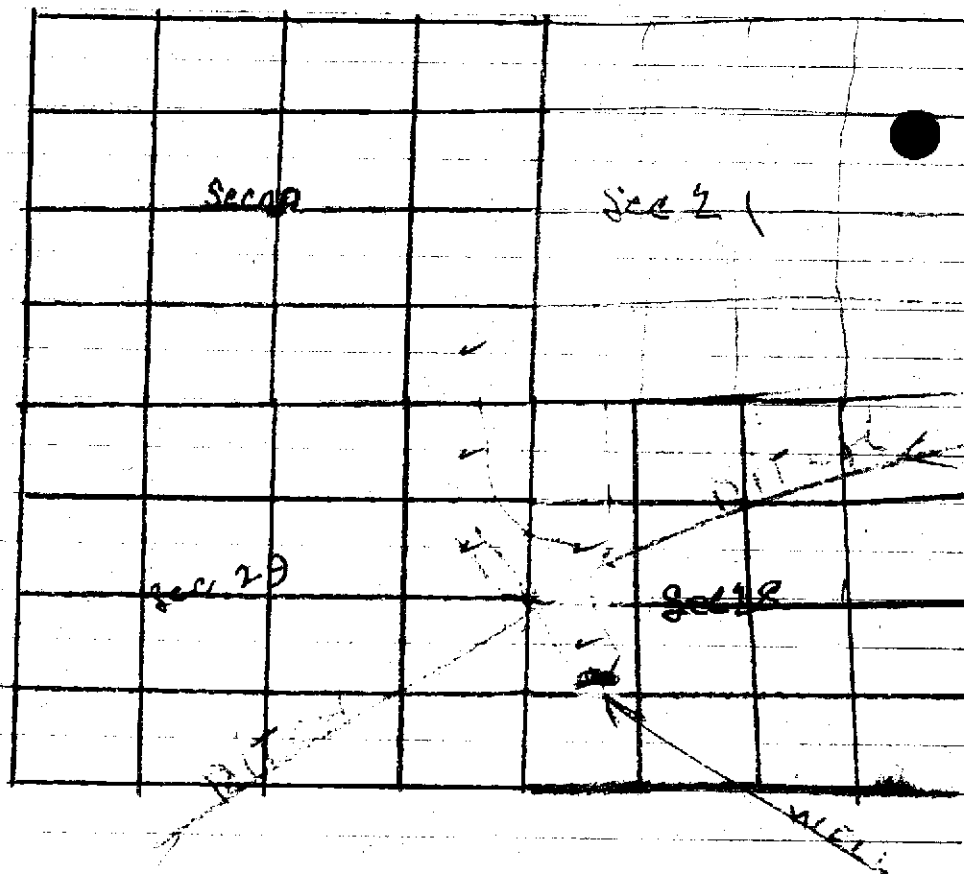
The ditches are made on the place and we have been using the pumps for several years.

Very respectfully
Hope H. Gardiner

19308



15S. T. 27 E. B.M.



LEGAL SUBDIVISIONS: NW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$
of sec 28 E $\frac{1}{2}$ NE $\frac{1}{4}$ sec 29 SE $\frac{1}{4}$ SE $\frac{1}{4}$ sec 20

19308

STATE OF IDAHO
LAND DEPARTMENT
ROBERT COULTER, COMMISSIONER

CHASE A. CLARK
GOVERNOR AND PRESIDENT

GEO. H. CURTIS
SECRETARY OF STATE

BERT H. MILLER
ATTORNEY GENERAL

CALVIN E. WRIGHT
STATE AUDITOR

C. E. ROBERTS
SUPT. OF PUBLIC INSTRUCTION

BOISE

May 12, 1942

Mr. E. V. Berg, Commissioner
Dept. of Reclamation
State House

Dear Mr. Berg:

Enclosed is a letter from Miss Hope H. Gardiner
pertaining to a water permit. Will you please give Miss
Gardiner the desired information.

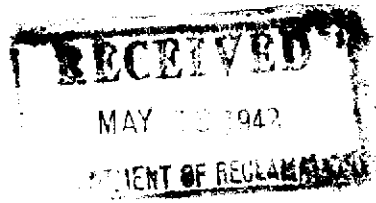
Very truly yours,



State Land Commissioner

MCH:kt
encl.1
cc to Miss Gardiner

19308



LEGAL NOTICES

NOTICE FOR PUBLICATION

Notice of Proof Application of Water to Beneficial Use

Notice is hereby given that at 10:00 A. M. on the 16th day of December, 1942, at Malta, County of Cassia, State of Idaho, before J. Henry Thompson, Notary Public, Malta, Idaho, proof will be submitted of the application to beneficial use of 4.0 cubic feet per second of the waters of Subterranean Flow in accordance with the terms and conditions of Permit No. 19308 heretofore issued by the Commissioner of Reclamation of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit is Hope H. Gardner, Malta, Idaho.

The use to which said water has been applied is Irrigation and Livestock watering.

The amount applied to beneficial use is 4.0 second feet.

The place where said water is used (if for irrigation, give full and accurate description of the lands irrigated) 15 Acres in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 20; 65 Acres in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, and the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 29, and 15 Acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, 20 Acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 28, Township 15 South, Range 27 East B. M.

The name of the canal or ditch or other works by which said water is conducted to such place of use is Private Ditches.

The right to take water from such works is based upon Permit No. 19308.

The source of supply from which such water is diverted is Subterranean Waters.

The date of priority which said user is prepared to establish is May 29, 1942.

E. V. Berg,
Commissioner of
Reclamation

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