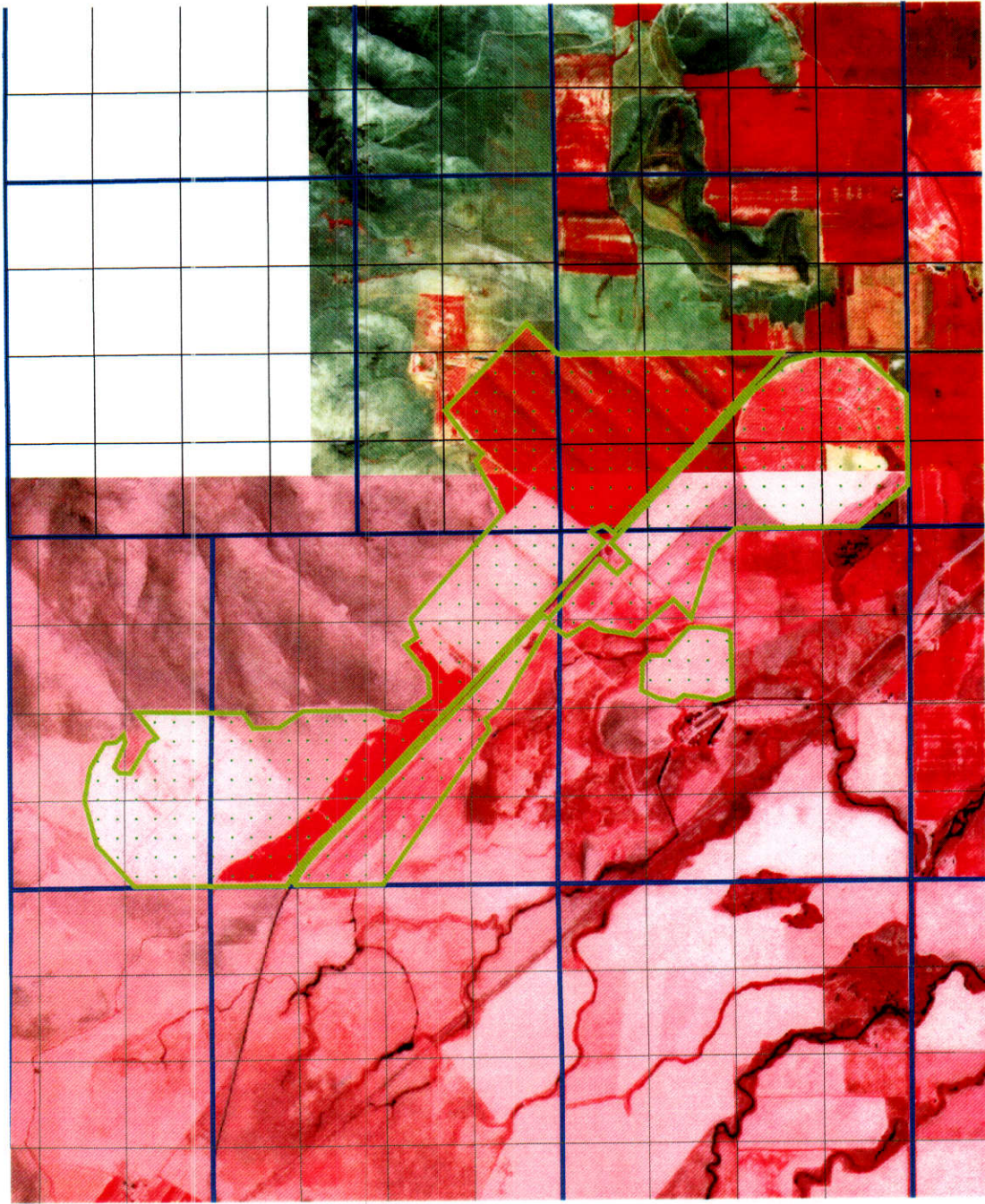


37-08219



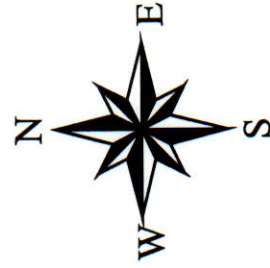
*Jim Stanton
updated
shape
my it is
so it's not
consistent
with findings
10/26/01*

POU-RecChecked Out POU

T01s20e.shp
GCDBT01S19E.shp
GCDBT01S19E.shp
GCDBT01N01E.shp
GCDBT01N19E.shp
GCDBT01N20E.shp

Sections

Townships



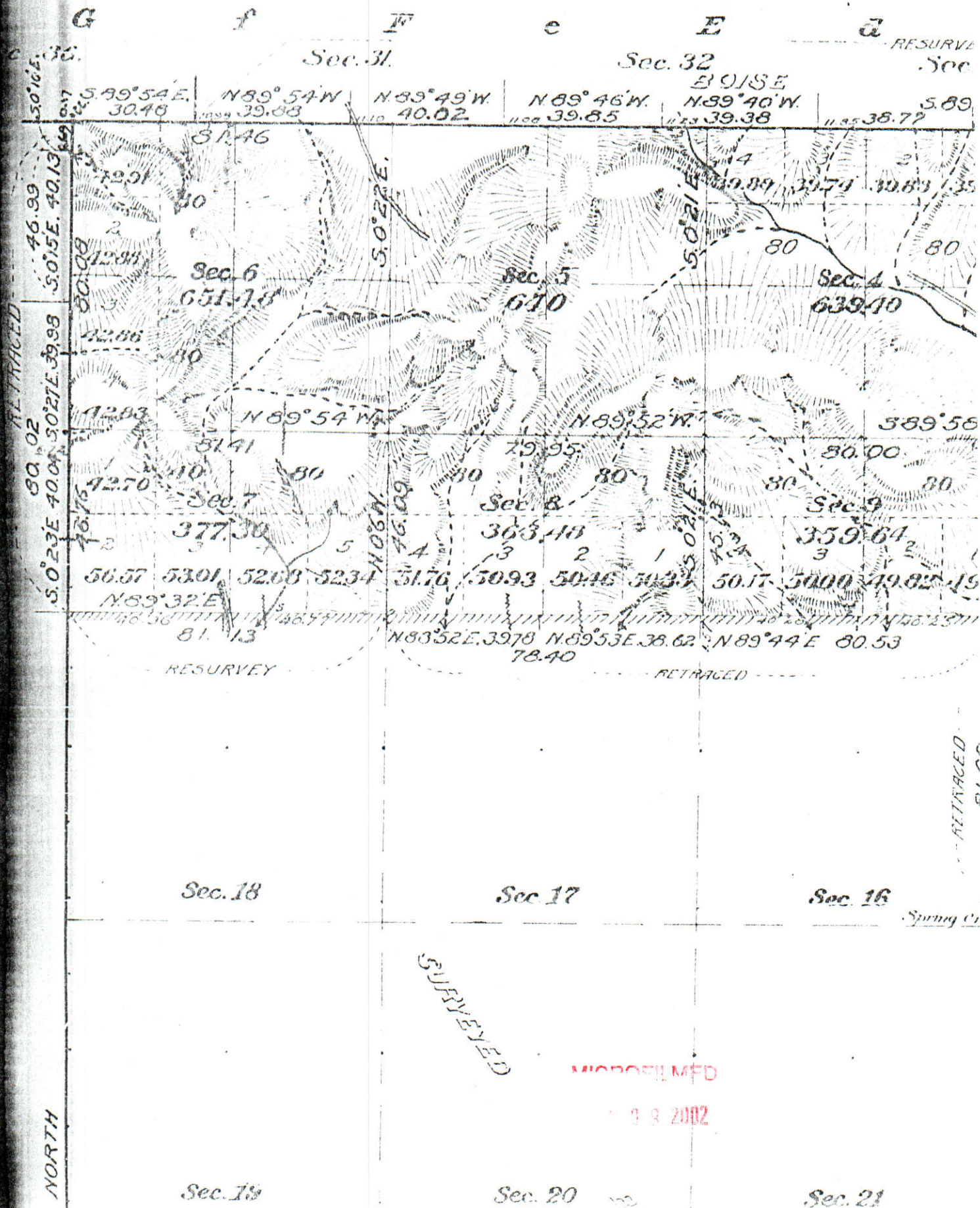
0.5 0 0.5 1 1.5 2 Miles

GIS by kw 10/24/2001

MICROFILMED

JAN 09 2002

Township N° 1 South, Range N° 20E



Idaho Dept. of Water Resources
Place of Use Comparison Report

Type	WR #	Owner	Source	TRS	NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	Total
Permit	37 8219	ROBERT E GARDNER, RUTH HELEN GARDNER,	GROUND WATER	01S19E1									5	5	38	38					86
Right	37 8219	ROBERT E GARDNER, RUTH HELEN GARDNER,	GROUND WATER	01S19E1									9	10	39	33					91

OK in WRS

622/37-802-443

Idaho Dept. of Water Resources
Place of Use Comparison Report

Type	WR #	Owner	Source	TRS	NENE	NNWE	SWNE	SENE	NENW	NNNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	Total
Right	37 252	WILLIAM A MC MAHAN, LAURA L MC MAHAN,	AUBREY SPRING	01S19E13									9	34	36	30					109
Right	37 350	H P JOHNSON,	GANNETT CREEK	01S19E13											X						0
Permit	37 7810	AUBREY SPRING RANCH LLC,	GROUND WATER	01S19E13							15		18	37	36	11					117
Right	37 2686D	WILLIAM A MC MAHAN,	GROUND WATER	01S19E13												19					19
Right	37 7584	A W MOLYNEUX, MAXINE MOLYNEUX,	GROUND WATER	01S19E13																	16
Right	37 7598D	WILLIAM A MC MAHAN,	GROUND WATER	01S19E13												19					19
Right	37 7923	MILTON FIFE,	GROUND WATER	01S19E13															3		3
Right	37 802	CLOVER LAND & LIVESTOCK CO,	GROUND WATER	01S19E13	20																20
Right	37 8219	ROBERT E GARDNER, RUTH HELEN GARDNER,	GROUND WATER	01S19E13	33	8	26	26													93
Right	37 443	EMMA MANTEY, JULIUS MANTEY,	LOVING CREEK	01S19E13					X	X	X	X					X	X	X		15
Right	37 712	LAURA L MC MAHAN, WILLIAM A MC MAHAN,	MALLET BRANCH SILVER CREEK	01S19E13							15				X						0
Right	37 348	H P JOHNSON,	MALLET BRANCH SILVER CREEK	01S19E13											X						0
Right	37 349	H P JOHNSON,	SILVER CREEK	01S19E13											X						0
Right	37 1071A	MARY PARKER,	SPRING	01S19E13						2											2
Right	37 8463	ROBERT E GARDNER, KATHRYN GARDNER,	UNNAMED DRAIN	01S19E13																	147
Right	37 2575	SILAS DAYLEY,		01S19E13									11	40	40	38					147
Right	37 442	A W MOLYNEUX,		01S19E13													40	10		28	78

↑
OL w/37-802

Idaho Dept. of Water Resources
Place of Use Comparison Report

Type	WR #	Owner	Source	TRS	NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	Total
Permit	37 8219	ROBERT E GARDNER, RUTH HELEN GARDNER,	GROUND WATER	01S20E7									2			5	36			4	47
Right	37 802	CLOVER LAND & LIVESTOCK CO,	GROUND WATER	01S20E7											20						20
Right	37 8219	ROBERT E GARDNER, RUTH HELEN GARDNER,	GROUND WATER	01S20E7				4				35	42								81

NO OK

Idaho Dept. of Water Resources
Place of Use Comparison Report

11/1/2001

Type	WR #	Owner	Source	TRS	NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	Total
Right	37 945B	GERALD B BASHAW,	C DRAIN	01S20E18	34	41	35.4	26.3									34.6			40	211.3
Right	37 951B	GERALD B BASHAW,	D MAIN DRAIN	01S20E18	34	41	35.4	26.3									34.6			40	211.3
Permit	37 6219	ROBERT E GARDNER, RUTH HELEN GARDNER,	GROUND WATER	01S20E18					17			1	7							25	
Right	37 2566B	WILLIS H CASTLE,	GROUND WATER	01S20E18	35	40	36	16									23			37	187
Right	37 2594B	WILLIS CASTLE,	GROUND WATER	01S20E18	35	40	36	16									23			37	187
Right	37 2612B	WILLIS CASTLE,	GROUND WATER	01S20E18	35	40	36	16									23			37	187
Right	37 2636B	SG CASTLE II,	GROUND WATER	01S20E18														25	40	65	
Right	37 7239B	WILLIS CASTLE,	GROUND WATER	01S20E18	35	40	36	16									23			37	187
Right	37 802	CLOVERLAND & LIVESTOCK CO,	GROUND WATER	01S20E18					23	36	7	34	6								106
Right	37 8219	ROBERT E GARDNER, RUTH HELEN GARDNER,	GROUND WATER	01S20E18					41	39	38	40	38			35					304
Right	37 950	CHAS E NEAL,	K DRAIN, L DRAIN	01S20E18																X	0
Right	37 944G	GERALD B BASHAW,	K DRAIN, L DRAIN	01S20E18	34	41	35.4	26.3									34.6			40	211.3
Right	37 1067B	NAN CUNNINGHAM,	LOVING CREEK	01S20E18																X	0
Right	37 1082D	H H NEAL,	LOVING CREEK	01S20E18																X	0
Right	37 637	HEBER STANFIELD,	LOVING CREEK	01S20E18							X	X	X	X	X	X					0
Right	37 638	HEBER STANFIELD,	LOVING CREEK	01S20E18							X	X	X	X	X	X					0
Right	37 137B	GERALD B BASHAW,	LOVING CREEK	01S20E18	34	41	35.4	26.3									34.6			40	211.3
Right	37 138B	GERALD B BASHAW,	LOVING CREEK	01S20E18	34	41	35.4	26.3									34.6			40	211.3
Right	37 706G	GERALD B BASHAW,	LOVING CREEK	01S20E18	34	41	35.4	26.3									34.6			40	211.3
Right	37 237E	GERALD B BASHAW,	LOVING CREEK, SILVER CREEK	01S20E18	34	41	35.4	26.3									34.6			40	211.3
Right	37 426E	GERALD B BASHAW,	LOVING CREEK, SILVER CREEK	01S20E18	34	41	35.4	26.3									34.6			40	211.3
Right	37 632G	GERALD B BASHAW,	LOVING CREEK, SILVER CREEK	01S20E18	34	41	35.4	26.3									34.6			40	211.3
Right	37 95G	GERALD B BASHAW,	SILVER CREEK	01S20E18	34	41	35.4	26.3									34.6			40	211.3

↑ ↑ ↑ ↑ ↑ ↑ ↑ ↑ ↑ ↑

OL w/ 37-802
37-637
37-638

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED

10702134

Department of Water Resources

A. GENERAL INFORMATION

1. Owner: Robert Gardner Permit No. 37-8219
Current Address: PO Box 470, Bellevue, ID 83313 Phone No. 788-2568
2. Accompanied by: Mr. Gardner EXAM. DATE: 7-7-93 & 7-26-93
Address: _____ Phone No. _____
Relationship to Permit Holder: _____
3. Source: Groundwater tributary to _____

B. OVERLAP REVIEW

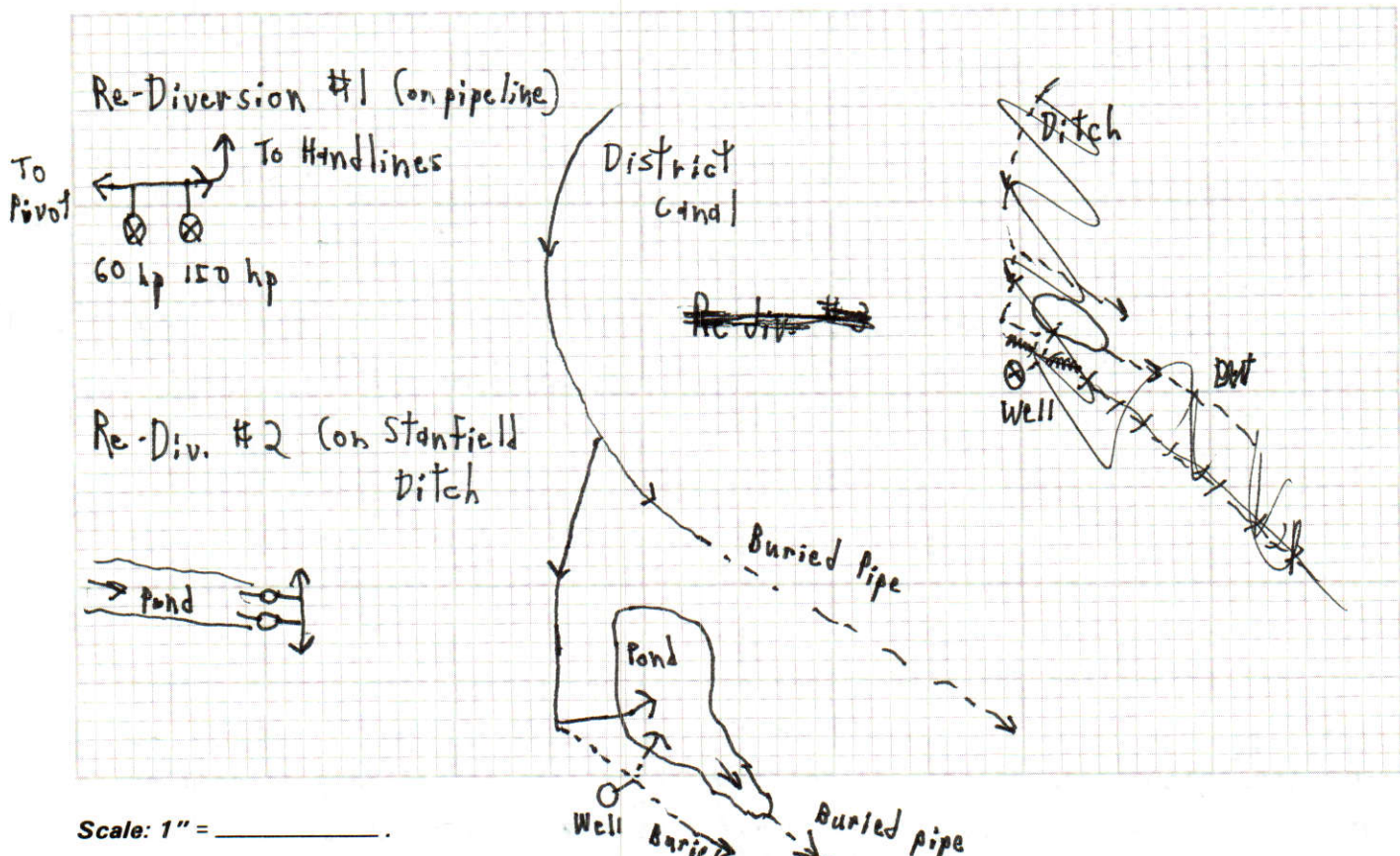
1. Other water rights with same place of use: A37-00480B, 00665H, 00443, 00637, 00638

☐ Copies Attached
2. Other water rights with same point of diversion: 37-00802

☒ Copies Attached ☐ Copies of Field Exam's Attached

C. SYSTEM DESCRIPTION

1. **Diversion System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable. ☐ Alternative diagram attached



Scale: 1" = _____

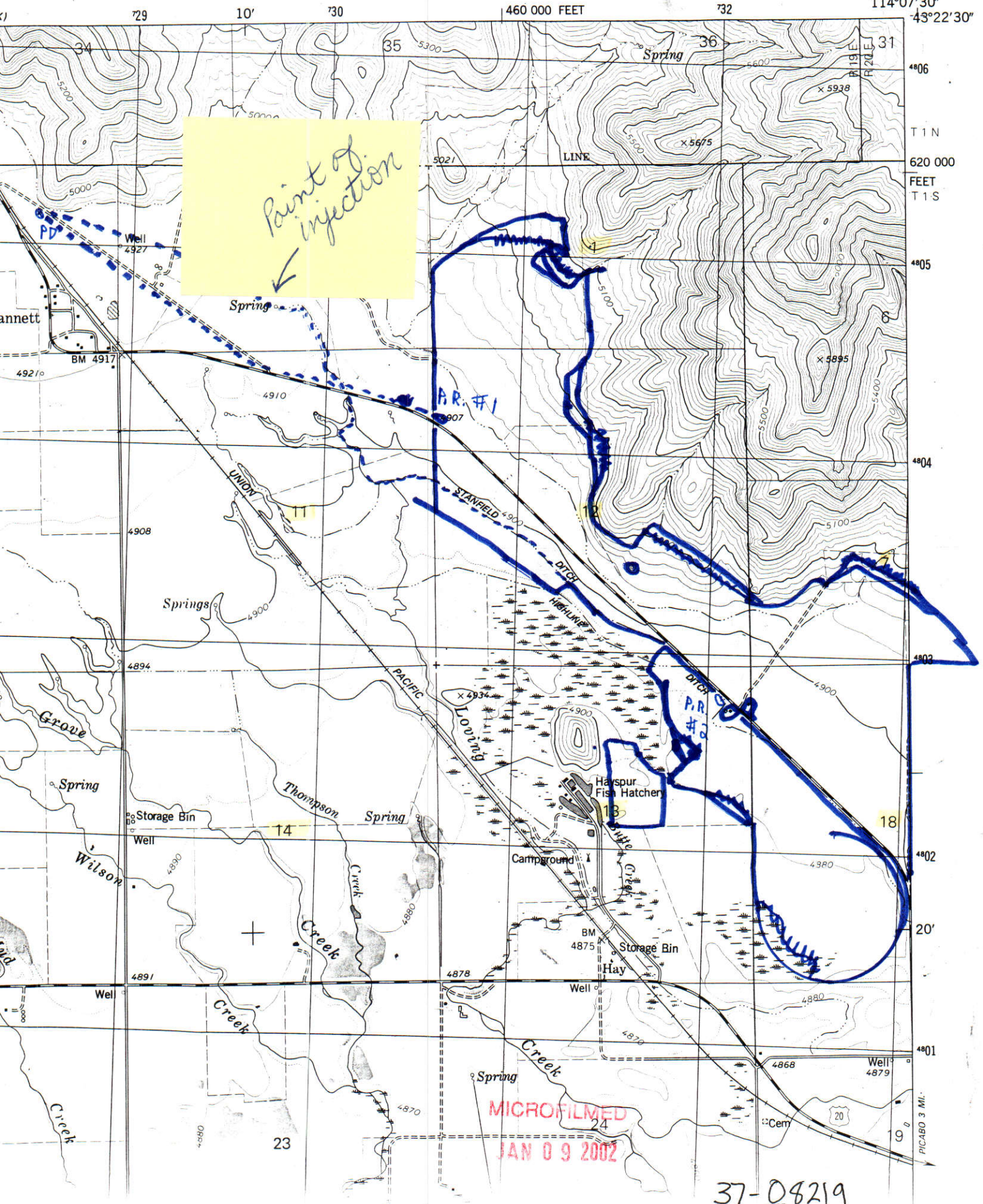
2. ☒ Copy of U.S.G.S. Quadrangle Attached
Showing location(s) of point(s) of diversion and
place(s) of use (required). ☒ Aerial Photo Attached
(required for irrigation of 10 acres or more).
☒ Photo of Diversion and System Attached
(required for all but single household domestic groundwater, and stockwater).

MICROFILMED

JAN 09 2002

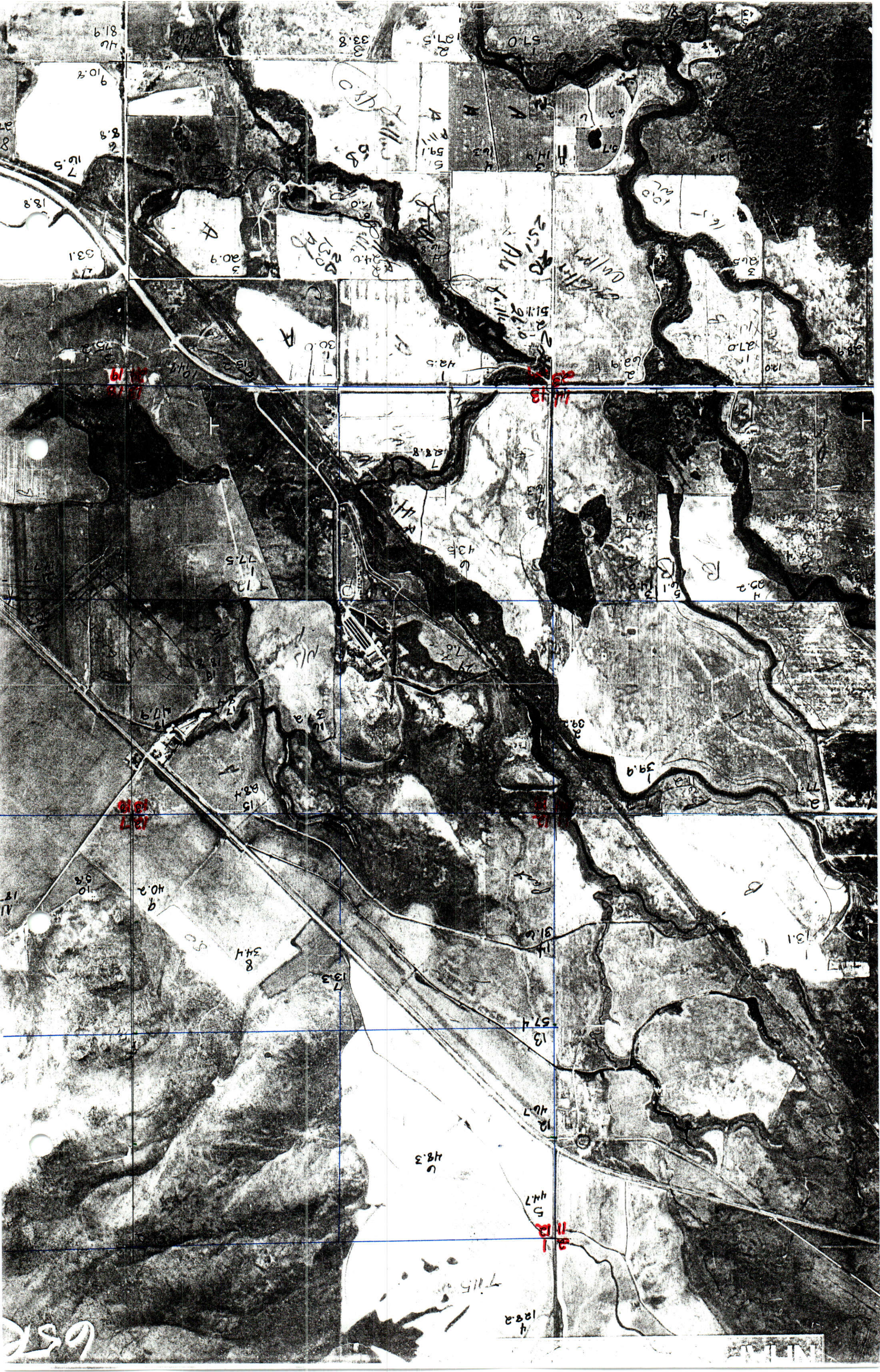
GANNETT QUADRANGLE
HO-BLAINE CO
7.5 MINUTE SERIES (TOPOGRAPHIC)

3170 I NE
LITTLE WOOD F
RESERVE



MICROFILMED
JAN 09 2002

37-08219



37-8219



P/D

Well Discharge Into Buried Pipe

Pipe Discharge
Into Pond



MICROFILMED
JAN 09 2002

37-8219



Re-diversion #1

Re-diversion #2



P/U

P/U
JAN 09 2002

COPIES TO BE MADE

37-08219
Dept. of Agriculture
Gardner

1988

Dept. of Water Resources

**Water right
sought by Gardner**

**NOTICE OF APPLICATION
FOR WATER RIGHT**

The following application(s) have
been filed to appropriate the
public waters of the State of
Idaho:

37-08219

GARDNER, RUTH H.
GARDNER, ROBERT E.
P.O. BOX 470
BELLEVUE, ID 83313

Source: GROUNDWATER

Diversion Pt: NESE Sec 3 T
01S R 19E

Use: IRRIGATION (4.500 CFS)
Date Filed: 6/11/1985

In: T01S R19E S01 NESW NWSW
SWSW SESW; S12 NENW
NWNW SWNW SENW; NWSW
SESW NESE SWSE SESE; R20E
S07 NESW Lot 2 (SWSW) SESW
SWSE; S18 NENW SENW NESW
300.0 ACRES TOTAL

The permit(s) will be subject to all
prior water rights. Protests may
be submitted based on the criteria
of Sec. 42-203A, Idaho Code,
and/or the new public interest
criteria of Sec. 42-203C, Idaho
Code. Protests must be filed with
the Director, Dept. of Water
Resources, 2148 4th Avenue
East, Twin Falls, Idaho 83301, on
or before MARCH 6, 1989.

R. Keith Higginson, Director

Publish: Wood River Journal-
February 15 & 22, 1989.

RECORDED
JUN 14 1989

FOIA QUALITY

Water right
sought by Gardner

OK
DJ 2/14/89

MICROFILMED

JUN 13 1989

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 37-08219

Priority: June 11, 1985

Maximum Diversion Rate: 4.50 CFS

It is hereby certified that ROBERT E GARDNER And/Or RUTH HELEN GARDNER
PO BOX 1200
HAILEY ID 83333 have complied with the terms and
conditions of the permit, issued pursuant to Application for Permit dated June 11, 1985; and have
submitted Proof of Beneficial Use on April 04, 1990. An examination indicates that the works have a
diversion capacity of 5.8 cfs of water from:

SOURCE

GROUND WATER

and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
IRRIGATION	04/15 to 10/31	4.50 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	NW¼NE¼SE¼	Sec. 3, Twp 01S, Rge 19E, B.M., BLAINE County
GROUND WATER (Injection)	NW¼SW¼SE¼	Sec. 2, Twp 01S, Rge 19E, B.M., BLAINE County
GROUND WATER (Rediversion)	SW¼NW¼NW¼	Sec. 12, Twp 01S, Rge 19E, B.M., BLAINE County
GROUND WATER (Rediversion)	NE¼NE¼NE¼	Sec. 13, Twp 01S, Rge 19E, B.M., BLAINE 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	
01S 19E 1									9.0	10.0	39.0	33.0					91.0
01S 19E 12					36.0	39.0	37.0	39.0	34.0	13.0		2.0	12.0	23.0	22.0	38.0	295.0
01S 19E 13	33.0	8.0	26.0	26.0													93.0
01S 20E 7			4.0				35.0	42.0									81.0
			L 4				L 2	L 3									
01S 20E 18					41.0	39.0	38.0	40.0	38.0	40.0	33.0	35.0					304.0
						L 1	L 2			L 3	L 4						

Total Acres: 864

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 300 acres within the place of use described above in a single irrigation season.
2. Right 37-00802 is also diverted through the point of diversion described above.

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JAN 3 3 2002

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 37-08219

3. Rights 37-00802 and 37-08219 when combined shall not exceed a total diversion rate of 5.8 cfs, a total annual maximum diversion volume of 2020.0 af at the field headgate, and the irrigation of 576 acres.
4. Water diverted under this right is injected into an unnamed stream tributary to Loving Creek and is rediverted in the NWSWSE, Sec. 2, Twp. 1S, Rge. 19E, or in the NENENE, Sec. 13, Twp. 1S, Rge. 19E.
5. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor exceed a combined annual maximum diversion volume of 3020.0 af at the field headgate for the lands above.
6. This right when combined with all other rights shall provide no more than 3.5 afa per acre for irrigation of the lands above.
7. The right holder shall use the full allotment of appurtenant surface water rights in conjunction with groundwater diverted under this right and shall only divert groundwater under this right when water from the appurtenant surface water rights cannot be delivered to the right holder.
8. If the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert groundwater shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.

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 24TH day of DECEMBER, 2001.

Acting for


KARL J. DREHER
Director

MICROFILMED

JAN 09 2002

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT

(For Licensing Purposes)
WATER RIGHT NO. 37-08219

Date of Priority: June 11, 1985

Maximum Diversion Rate: 4.50 CFS

Comes now ROBERT E GARDNER And/Or RUTH HELEN GARDNER
PO BOX 1200
HAILEY ID 83333 and represents to the Director of the Idaho Department
of Water Resources that he is the owner and holder of Permit to appropriate the Public Waters of the
State of Idaho No. 37-08219, and requests that the permit be changed as follows:

Source: ~~UNNAMED STREAM~~ Tributary: ~~LOVING CREEK~~
GROUND WATER

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
IRRIGATION	04/15 to 10/31	4.50 CFS

LOCATION OF POINT(S) OF DIVERSION:

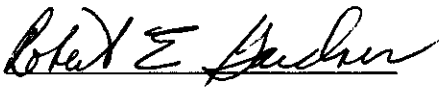
GROUND WATER	NW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$	Sec. 3, Twp 01S, Rge 19E, B.M., BLAINE County
~~UNNAMED STREAM~~ (Injection)	NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$	Sec. 2, Twp 01S, Rge 19E, B.M., BLAINE County
~~UNNAMED STREAM~~ (Rediversion)	SW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$	Sec. 12, Twp 01S, Rge 19E, B.M., BLAINE County
~~UNNAMED STREAM~~ (Rediversion)	NE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$	Sec. 13, Twp 01S, Rge 19E, B.M., BLAINE 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	
01S 19E 1									9.0	10.0	39.0	33.0					91.0
01S 19E 12					36.0	39.0	37.0	39.0	34.0	13.0		2.0	12.0	23.0	22.0	38.0	295.0
01S 19E 13	33.0	8.0	26.0	26.0													93.0
01S 20E 7			4.0				35.0	42.0									81.0
01S 20E 18			L 4		41.0	39.0	38.0	40.0	38.0	40.0	33.0	35.0					304.0
						L 1	L 2			L 3	L 4						

Total Acres: 864

Permit holder asserts that no one will be injured by such change and that such change will be made at permit holder's own risk. Signed this 17 day of Dec, 2001.


(Signature)

MICROFILMED

JAN 13 2002

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT

(For Licensing Purposes)

WATER RIGHT NO. 37-08219

FOR DEPARTMENT USE ONLY

Preliminary check by JE Fee = \$50.00 Received by JE # 8024475 Date 12.10.01

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, Karl J. Dreher, of the Department of Water Resources hereby approve the above Application for Amendment for Permit No. 37-08219 with the following:

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 300 acres within the place of use described above in a single irrigation season.
2. Right 37-00802 is also diverted through the point of diversion described above.
3. Rights 37-00802 and 37-08219 when combined shall not exceed a total diversion rate of 5.8 cfs, a total annual maximum diversion volume of 2020.0 af at the field headgate, and the irrigation of 576 acres.
4. Water diverted under this right is injected into an unnamed stream tributary to Loving Creek and is rediverted in the NWSWSE, Sec. 2, Twp. 1S, Rge. 19E, or in the NENENE, Sec. 13, Twp. 1S, Rge. 19E.
5. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor exceed a combined annual maximum diversion volume of 3020.0 af at the field headgate for the lands above.
6. This right when combined with all other rights shall provide no more than 3.5 afa per acre for irrigation of the lands above.
7. The right holder shall use the full allotment of appurtenant surface water rights in conjunction with groundwater diverted under this right and shall only divert groundwater under this right when water from the appurtenant surface water rights cannot be delivered to the right holder.
8. If the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert groundwater shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.

Witness my hand this 24TH day of DECEMBER, 2001.

Acting for 
KARL J. DREHER
Director

MICROFILMED

JAN 8 3 2002

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

DEC 10 2001

Department of Water Resources
Southern Region

CHANGE IN ADDRESS

This form can be used to notify the Department
of a change in address for Department records
(Please print or type)

[] Name(s):

ROBERT GARDNER

[] Old Mailing Address:

BOX 470

BELLEVUE, ID

83313

[] New Mailing Address:

PO BOX 1200

HAILEY, ID 83333

Telephone Number:

(208) 788 - 2568

208 - 726 - 2979

[]

Signature(s)

(must be signed by all
individuals listed unless
you have authority to sign
on their behalf)

Robert E Gardner

(include your title if on behalf of company or organization)

Date:

12-7-2001

When complete, please mail or FAX this form to the IDWR office nearest you:

IDWR Northern Region
1910 Northwest Blvd., Suite 210
Coeur d'Alene, ID 83814-2615
FAX: (208) 769-1454

IDWR Western Region
2735 Airport Way
Boise, ID 83705-5082
FAX: (208) 334-2348

IDWR Eastern Region
900 N. Skyline Dr., Suite A
Idaho Falls, ID 83402-1718
FAX: (208) 525-7177

IDWR Southern Region
1341 Fillmore St., Suite 200
Twin Falls, ID 83301-3380
FAX: (208) 736-3037

JAN 03 2002

RECEIVED

RECEIVED
APR 5 1990

APR 4 1990

STATE OF IDAHO

Department of Water Resources

Department of Water Resources
DEPARTMENT OF WATER RESOURCES

For Office Use Only

Fee Received 200.00

Date 4/4/90

Receipt # 15011997

Receipt by IC

Reviewed by 4/4/90

Sent to region 4/4/90

PROOF OF BENEFICIAL USE

The Idaho Department of Water Resources will consider this form as a statement that the permit holder(s) has 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 or a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

Permit No. 37-08219

Name(s) of Permit Holder: RUTH H. GARDNER, ROBERT E. GARDNER

Post Office Address: Box 470, BELLEVUE, ID. 83313

Telephone No. 208-788-2568

Source of Water: GROUND WATER

Extent of Use:

Domestic _____ (number of households) Stockwater _____ (number and type of stock)

Irrigation 300 (acres) Other/Remark _____

Total rate and/or volume for which proof is submitted 4.5 cfs _____ acre-feet

Show the date water was first diverted and beneficially used under this permit: 1978

Measuring Device: Required? ☐ Yes ☐ No
Installed? ☐ Yes ☐ No

Fee enclosed \$ 200.00
(See License Examination Fee Schedule)

Flow Measurement Port: Required? ☐ Yes ☐ No
Installed? ☐ Yes ☐ No

Person to contact to accompany the Department representative during the field examination:

ROBERT E. GARDNER
(Name)

208-788-2568
(Telephone Number)

Box 470, BELLEVUE, ID. 83313
(Address)

The above information is my true statement of the extent to which the above named permit has been developed and I relinquish any undeveloped portion of the permit to the state of Idaho.

NOTIFIED

MAY 23 1990

4-4-90

Date

Robert E. Gardner
Signature of Permit Holder (and title, if appropriate)

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

APPROVED

1. Name of applicant Robert E. &/or Ruth H. Gardner Phone 788-2568

Post office address Box 470, Bellevue, ID 83313

2. Source of water supply Groundwater which is a tributary of _____

3. Location of point of diversion is NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 3 Township 1S

Range 19E B.M. Blaine County, additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 4.5 cfs for Irrigation purposes from Apr 1 to Nov 1 (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated:

a. 4.5 cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Existing well & pump

b. Height of storage dam _____ feet, active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet, materials used in storage dam: _____

Period of year when water will be diverted to storage _____ to _____ inclusive.
(Month/Day) (Month/Day)

c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.

7. Time required for the completion of the works and application of the water to the proposed beneficial use is 1 years (minimum 1 year — maximum 5 years).

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: _____ horsepower 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 _____.

(5) If water is to be used for other purposes describe: _____

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JUN 13 1989

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

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
1S	19E	1									5	5	38	38					86
		12					23	29	5	17		33		3	4		17	11	142
	20E	7									2		Lt2 5	36			4		47
		18					17			1	7								25

Total number of acres to be irrigated 300

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

Decreed surface water rights

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

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

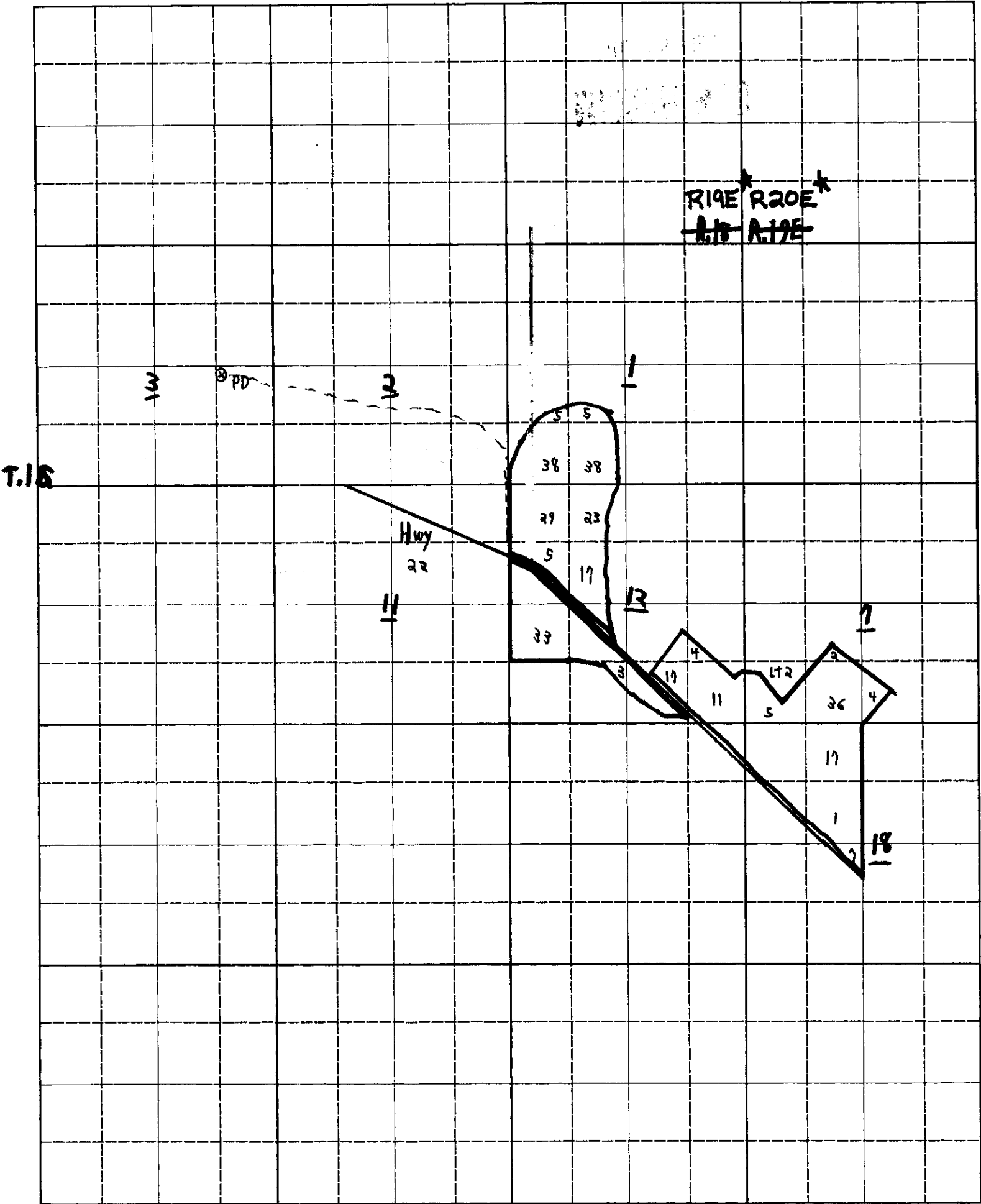
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing

10. Remarks This well was developed under decreed groundwater right 37-0802. This application represents the increase in irrigated acres that was completed in 1978. Using the stipulation of acreages found in Decree File 37-A5-W as the base figures, a recent (about 1980) ASCS aerial photo shows the present irrigated land. By subtraction, an increase of 300 acres was found. Also, well capacity was increased from 250" decreed to about 340"; the amount shown on this application represents 3/4" per acre for 300 ac. This new development should have priority over Idaho Power Co. rights (completed before Nov of 1982).
In the case of a basin-wide adjudication, I wish to claim the priority of my decreed groundwater right as the priority for additional land & water use covered by this application.

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JUN 13 1989

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.
*kw-per legal 4/13/89

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.

MICROFILMED
Rip H. Gardner
(Applicant)

JUN 13 1989

Proposed Priority 6/11/85

Received by JA Date 6-11-85 Time 4:30 pm
Preliminary check by TB Fee \$ 125.00
Receipted by JP Date 6-11-85 # 35393
Publication prepared by SC Date 2/6/89
Published in Wood River Journal
Publication dates 2/15 & 2/22/89
Publication approved M. Baldwin Date 2/27/89
Protests filed by: none

Copies of protests forwarded by _____
Hearing held by _____ Date _____
Recommended for approval denial by LA

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. 37-8219, 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 June 1, 19 90.
- c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.

- d. Other: Permit holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.

Prior to the diversion of water under this permit a flow measurement port or other device as specified by the Department shall be installed to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department.

Witness my hand this 15th day of May, 1989.

J. Blund Saylor

MICROFILMED

JUN 13 1989



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

December 26, 2001

ROBERT E GARDNER
RUTH HELEN GARDNER
PO BOX 1200
HAILEY ID 83333

RE: License No. 37-8219 - 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.

Enclosed is a copy of the approved Application for Amendment.

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,

A handwritten signature in black ink that reads 'Shelley W. Keen'. The signature is written in a cursive, flowing style.

Shelley W. Keen

Water Rights Supervisor

SWK:klt

Enclosure(s)

MICROFILMED

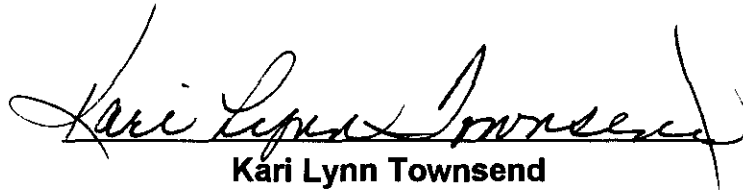
DEC 27 2002

CERTIFICATE OF MAILING

I hereby certify that on December 26, 2001 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. 37-8219

**ROBERT E GARDNER
RUTH HELEN GARDNER
PO BOX 1200
HAILEY ID 83333**

A handwritten signature in cursive script, reading "Kari Lynn Townsend", is written over a horizontal line.

**Kari Lynn Townsend
Secretary**

MICROFILMED

JAN 9 9 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).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of; or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

MICROFILMED
JUN 10 2002

MEMORANDUM

TO: File 37-08219

FROM: KAY WALKER *KW*

RE: Changes to License Amendment

Date: December 20, 2001

.....

When I prepared a second revision to this proposed license, I had gone in and added the unnamed stream tributary to Loving Creek as a source of water. This was an error on my part and I have now corrected the proposed license to show only ground water as a source. Since I had already asked for and received two license amendments for this permit, it was decided I could just remove the unnamed stream as a source by lining it out on the amendment form.

MICROFILMED
JAN 09 2002



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

December 14, 2001

ROBERT E AND/OR RUTH HELEN GARDNER
PO BOX 1200
HAILEY ID 83333

RE: Permit No. 37-08219

Dear Mr. and Mrs. Gardner:

In an additional review of the above referenced permit we find that we need to amend our previous licensing amendment so we are enclosing another amendment form for your signature. Please note that we have added a point of injection where your well water is injected into an unnamed stream tributary to Loving Creek and points of redirection where the water is redirected from the unnamed stream. We also added a remark to the proposed license that discusses the injection and redirection points.

Please note that you have already paid the \$50.00 amendment fee so you just need to sign the form and return it to our office at your earliest convenience. Please submit the signed form within 30 days so we can complete the licensing process for this right.

Enclosed, is Receipt No. S024475 in the amount of \$50.00 which was receipted with the first amendment form. If you have any questions concerning the revised amendment, please do not hesitate to contact me at (208)327-7944.

Sincerely,

KAY WALKER
Sr. Water Resource Agent

KW:k
Enclosures

MICROFILMED

JAN 03 2002

Comment Report

37-8219

1. kwalker 11/2/2001 Place of Use

Comment: While creating a shape file for this place of use I found a few more acres than that recommended by examiner. I then asked the examiner to review the shape I created and he made adjustments to the place of use. GIS determined the number of acres in each 40 which do not match the examiners recommendation but we are recommending the GIS acres since this is more accurate than original b/u recommendation. Also note that the lands in Section 7, T1S, R20E were determined using the NE corner of the section, as done on the government lot plats.

2. kwalker 12/13/2001 Injection and Rediversion Points

Comment: Upon final review of proposed license it was determined that we should include the point of injection and points of rediversion for this right. I contacted Jim Stanton and he was agreeable with this. He determined that the point of injection was located in the NWSWSE, Sec. 2 at the spring shown on topographical map. The points of rediversion should be located as shown on the exam.

MICROFILMED

JAN 03 2002

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State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT

(For Licensing Purposes)
WATER RIGHT NO. 37-08219

Date of Priority: June 11, 1985

Maximum Diversion Rate: 4.50 CFS

Comes now ROBERT E GARDNER And/Or RUTH HELEN GARDNER
PO BOX 470
BELLEVUE ID 83313 and represents to the Director of the Idaho Department
of Water Resources that he is the owner and holder of Permit to Appropriate the Public Waters of the
State of Idaho No. 37-08219, and requests that the permit be changed as follows:

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
IRRIGATION	04/15 to 10/31	4.50 CFS

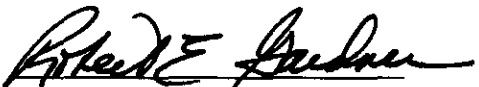
LOCATION OF POINT OF DIVERSION:

GROUND WATER NW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 3, Twp 01S, Rge 19E, B.M., BLAINE 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	
01S 19E 1									9.0	10.0	39.0	33.0					91.0
01S 19E 12					36.0	39.0	37.0	39.0	34.0	13.0		2.0	12.0	23.0	22.0	38.0	295.0
01S 19E 13	33.0	8.0	26.0	26.0													93.0
01S 20E 7			4.0				35.0	42.0									81.0
			L 4				L 2	L 3									
01S 20E 18					41.0	39.0	38.0	40.0	38.0	40.0	33.0	35.0					304.0
						L 1	L 2			L 3	L 4						

Permit holder asserts that no one will be injured by such change and that such change will be made at
permit holder's own risk. Signed this 7 day of December, 2001.


(Signature)

MICROFILMED
JAN 09 2002

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT

(For Licensing Purposes)
WATER RIGHT NO. 37-08219

Preliminary check by John Freitag FOR DEPARTMENT USE ONLY
Fee = 50.00 Received by J.F. # 5024475 Date 12/10/01

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, Karl J. Dreher, of the Department of Water Resources hereby approve the
above Application for Amendment for Permit No. 37-08219 with the following:

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 300 acres within the place of use described above in a single irrigation season.
2. Right 37-00802 is also diverted through the point of diversion described above.
3. Rights 37-00802 and 37-08219 when combined shall not exceed a total diversion rate of 5.8 cfs, a total annual maximum diversion volume of 2020.0 af at the field headgate, and the irrigation of 576 acres.
4. This right when combined with all other rights shall provide no more than 3.5 afa per acre for irrigation of the lands above.
5. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor exceed a combined annual maximum diversion volume of 3020.0 af at the field headgate for the lands above.
6. The right holder shall use the full allotment of appurtenant surface water rights in conjunction with groundwater diverted under this right and shall only divert groundwater under this right when water from the appurtenant surface water rights cannot be delivered to the right holder.
7. If the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert groundwater shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.

Witness my hand this _____ day of _____, 2001.

KARL J. DREHER
Director

MICHO...
JAN 09 2002



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

December 4, 2001

ROBERT E GARDNER
RUTH HELEN GARDNER
PO BOX 470
BELLEVUE ID 83313

RE: Water Right Permit 37-08219

Dear Permit Holder(s):

I previously forwarded to you an Application for Amendment so that you could amend your permit to depict your water right as it has actually been developed.

As of this date, I have not received this amendment. If I do not receive the amendment within 14 days, a Water Right License will be issued for less than could have been allowed. In case the amendment form I sent you has been misplaced, a new one is enclosed. Please note that the filing fee for this amendment is \$50.00.

If you have any questions regarding this matter, please call me at 208-327-7944.

Sincerely,


KAY WALKER
Sr. Water Resource Agent

KW:klt

Enclosure

MICROFILMED

JAN 03 2002



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

November 6, 2001

ROBERT E GARDNER and/or
RUTH HELEN GARDNER
PO BOX 470
BELLEVUE ID 83313

RE: Water Right Permit No. 37-08219

Dear Permit Holders:

The Department of Water Resources is reviewing the permit referenced above prior to issuing a water right license. By issuing a license, the Department confirms the extent of development that has been established in compliance with the terms of the permit. The examiner who verified your water use reported that certain elements of the permit have been developed differently than described on your permit. Changes that do not increase the authorized use of water under the permit can be requested and approved in accordance with Section 42-211, Idaho Code. Before a license can be issued, your permit must be amended to depict your water use as it was actually developed.

Based on the examiner's report, the following elements were developed differently than described on your permit:

✓ **Place of Use – Permissible Place of Use Recommended**

The enclosed Application for Amendment form depicts the elements of the water right as they will appear on the license when it is issued. Please review the amendment form carefully. If you concur with the information presented, please sign the form and return it with the \$50.00 filing fee within 14 days.

It has also come to my attention that you have a new mailing address. Please complete the enclosed address change form so we can update our records. We must have a signed document in order to change an address. If you have any questions, please call me at 208-327-7944.

Sincerely,


KAY WALKER
Sr. Water Resource Agent

Enclosures

MICROFILMED

JAN 03 2002

Comment Report

37-8219

1. kwalker ^{kw} 11/2/2001 Place of Use

Comment: While creating a shape file for this place of use I found a few more acres than that recommended by examiner. I then asked the examiner to review the shape I created and he made adjustments to the place of use. GIS determined the number of acres in each 40 which do not match the examiners recommendation but we are recommending the GIS acres since this is more accurate than original b/u recommendation. Also note that the lands in Section 7, T1S, R20E were determined using the NE corner of the section as done on the government lot plats.

MICROFILMED
JAN 03 2002

LICENSE REVIEW CHECKLIST

Permit No. 37-08219 Date: 10-24-01 Reviewer: Kay Walker

Change/OK

Name/Address OK

Source OK
Point of Diversion: OK

Does change clarify original intended source? If no, void permit.
Change (P39/P49) Add (P45/P44) Feds (P40)

W32 (multiple in 1/4/1/4)
W36 (overlap)
W59 (subdivision description)

Place of Use

*change -
create a
ppu*

Change (P41/P49) Add (P41/P44) Feds (P43)

W60 (subdivision description)
W27 (ppu acre limit)

Overlaps: Right(s): 37-802/37-443/37-637/37-638
File reviewed ✓ Profile reports printed ✓

P/D & P/U amend (P37) Feds (P48)

Rate of Diversion:

Permitted rate 4.5 cfs
Fee Limit 4.5 cfs
Measured 5.8 cfs
Theoretical 5.8 cfs

Recommended Total Diversion Rate 4.5

Season of Use per new Standards
4/15 10/31

Water Uses

4.5 cfs OK Change (P46)
Irrigation 4.5 cfs af
Stockwater 4.5 cfs af
Domestic 4.5 cfs af
Total 4.5 cfs af

Irrigation - overlap (R58-R61, R62-R65, R66-R69)

supp. Gw (WB7/065/104)

overlap spec combined rts (W35)

<1 acre (W31)

Domestic (W01/wb5/070/071/075)

Power (W42 or W43/025/027/R22 or R23)

Fish (042)

Fire (077)

Water Quality (081/R07)

Payette - (W22/047/27A)

Stockwater for US (R37)

*remaining
capacity
of system
after decreed
right
37-802*

Volume Determination

5.8 cfs x 1.9835 x 200 days = 2301.2 af (vs) 864 acres x 3.5 (FHR) = 3024 af 2.5 (con)

Remarks: W27, WB7, 065, R25, 104, N35, W36

Additional Conditions Watermaster Control
GW Measurement/Measuring Device
Other

NO Trust R55 - remove 051)
NO Non-trust (048/049)

GW Dist? 0
Water Msmt. Dist? 0
Crit. GWMA? 0
GWMA? Big Wood River GWMA
Government Lots? 0

Advance Priority? yes If yes, explain why below.
no

SRBA Claim? NO

Adjust memo 0

Amend Letters P87, S06

Second Amendment Notice P44 S06

POD Overlaps
Right 37-08219

Basin	Sequence	Basis	Status	Priority Date	Rate	Source List	Water Use List	Owner List	Source Table
37	802	Decreed	Active	4/1/1935	5	GROUND WATER	IRRIGATION	GARDNER, KATHRYN (Current); GARDNER, ROBERT E (Current)	wrAdjudicationClaim
37	800	Decreed	Active	4/1/1930	2	GROUND WATER	DOMESTIC, IRRIGATION	RHODES, ALVA (Current); RHODES, IDA (Current)	wrWaterRight
37	801	Decreed	Active	4/1/1950	2	GROUND WATER	DOMESTIC, IRRIGATION	RHODES, ALVA (Current); RHODES, IDA (Current)	wrWaterRight
→ 37	802	Decreed	Active	4/1/1935	5	GROUND WATER	DOMESTIC, IRRIGATION	CLOVER LAND & LIVESTOCK CO (Current)	wrWaterRight
→ 37	8219	License	DRAFT Active	6/11/1985	4.5	GROUND WATER	IRRIGATION	GARDNER, ROBERT E (Current); GARDNER, RUTH HELEN (Current)	wrWaterRight
37	8219		Active	6/11/1985	4.5	GROUND WATER	IRRIGATION	GARDNER, ROBERT E (Current); GARDNER, RUTH HELEN (Current)	wrWaterPermit

not
claimed
in SRBA

system capacity -
5.80 cfs
37-802 5.0 cfs
0.80 remainder

37-08219

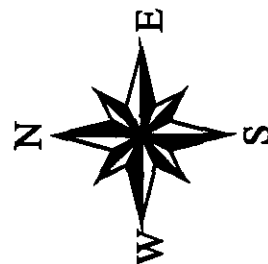


MICROFILMED

JAN 13 2002

*Jim Stanton
updated
shape
my it is in
asistent
consistd
his field maps
10/26/01*

POU-RecChecked Out POU
T01s20e.shp
GCDBT01S19E.shp
GCDBT01S19E.shp
GCDBT01N01E.shp
GCDBT01N19E.shp
GCDBT01N20E.shp
Sections
Townships



GIS by kw 10/24/2001



Idaho Dept. of Water Resources
Place of Use Comparison Report

Type	WR #	Owner	Source	TRS	NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	Total
														6	5	38	38				86
													9	10	39	33					91

OL in WR's

Idaho Dept. of Water Resources
Place of Use Comparison Report

Type	WR #	Owner	Source	TRS	NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	Total
														33		3					142
													30	5							130
													34	13		2					295
												X	X	X	X						0

↑ ↑ ↑ ↑ ↑ ↑ ↑ ↑

OLW/37-802
-443

Idaho Dept. of Water Resources
Place of Use Comparison Report

Type	WR #	Owner	Source	TRS	NE NE	NW NE	SW NE	SE NE	NE NW	NW NW	SW NW	SE NW	NE SW	NW SW	SW SW	SE SW	NE SE	NW SE	SW SE	SE SE	Total
													6	34	36	30					106
														X							0
													18	37	36	11					117
																19					19
																					16
																19					19
																					3
					20																20
					33	8	26	26													93
																					0
																					15
															X						0
															X						0
															X						0
																					2
													11	40	40	38					147
																					78

↑
OL w/37-802

Idaho Dept. of Water Resources
Place of Use Comparison Report

Type	WR #	Owner	Source	TRS	NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	Total
													2		5	36					47
															20						20
							4				2	4									81

NO OK

Idaho Dept. of Water Resources
Place of Use Comparison Report

Type	WR #	Owner	Source	TRS	NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	Total
TRight	37 045B	GERALD B BASHAW,	C DRAIN	01S20E18	34	41	35.4	26.3									34.6			40	211.3
TRight	37 051B	GERALD B BASHAW,	D MAIN DRAIN	01S20E18	34	41	35.4	26.3									34.6			40	211.3
														7							25
					35	40	36	18													187
					35	40	36	18													187
					35	40	36	18													187
																					65
					35	40	36	18													187
													8								106
													26	40	33	36					304
																					0
TRight	37 044G	GERALD B BASHAW,	K DRAIN, L DRAIN	01S20E18	34	41	35.4	26.3									34.6			40	211.3
																					0
													X	X	X	X					0
													X	X	X	X					0
TRight	37 137B	GERALD B BASHAW,	LOVING CREEK	01S20E18	34	41	35.4	26.3									34.6			40	211.3
TRight	37 138B	GERALD B BASHAW,	LOVING CREEK	01S20E18	34	41	35.4	26.3									34.6			40	211.3
TRight	37 706G	GERALD B BASHAW,	LOVING CREEK	01S20E18	34	41	35.4	26.3									34.6			40	211.3
TRight	37 237E	GERALD B BASHAW,	LOVING CREEK, SILVER CREEK	01S20E18	34	41	35.4	26.3									34.6			40	211.3
TRight	37 426E	GERALD B BASHAW,	LOVING CREEK, SILVER CREEK	01S20E18	34	41	35.4	26.3									34.6			40	211.3
TRight	37 632G	GERALD B BASHAW,	LOVING CREEK, SILVER CREEK	01S20E18	34	41	35.4	26.3									34.6			40	211.3
TRight	37 95G	GERALD B BASHAW,	SILVER CREEK	01S20E18	34	41	35.4	26.3									34.6			40	211.3

↑ ↑ ↑ ↑ ↑ ↑ ↑ ↑

OL w/ 37-802
37-637
37-638

Water Right Report 37-802

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	CLOVER LAND & LIVESTOCK CO
	, ZZ

Status: Active

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
DOMESTIC	/	to /		
IRRIGATION	/	to /	5.000 CFS	
		<u>Total Diversion:</u>	5.000 CFS	

GROUND WATER NE1/4SE1/4 Sec. 3, Twp 01S, Rge 19E, B.M.
BLAINE County

IRRIGATION

[illegible]

DOMESTIC same as IRRIGATION

Conditions of Approval:

1. General ACRES IRRIGATED ARE SHOWN IN STIPULATION TO DECREE; IN FILE.^^^

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 37-802

WATER RIGHT NUMBER: 37-802

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	KATHRYN GARDNER PO BOX 470 BELLEVUE, ID 83313 (208)788-2568
Current Owner	ROBERT E GARDNER PO BOX 470 BELLEVUE, ID 83313 (208)788-2568

Priority Date: 04/01/1935

Basis: Decreed

Status: Active

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

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/01 to 11/01	5.000 CFS	
<u>Total Diversion:</u>		5.000 CFS	

Location of Point(s) of Diversion

GROUND WATER	NE1/4SE1/4	Sec. 3, Twp 01S, Rge 19E, B.M.
BLAINE 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	
01S	19E	1									5.0	5.0	38.0	38.0					86.0
01S	19E	12					23.0	40.0	35.0	29.0	35.0	35.0		38.0	20.0	30.0	40.0		325.0
01S	19E	13	20.0																20.0
01S	20E	7											40.0						40.0
													L 2						

Total Acres: 471

Conditions of Approval:Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 37-802

1. General ACRES IRRIGATED IN STIPULATION TO DECREE ON FILE ARE 276 ACRES. ACRES SHOWN IN P/U ARE PART OF THE COMBINED SYSTEM OF OTHER WR.

Comments:

Dates and Other Information:

Claim Received Date: 10/17/1988
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal: S
Owner Name Connector: OR
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-443

WATER RIGHT NUMBER: 37-443

Owner Type Name and Address

Current Owner EMMA MANTEY

, ZZ

Current Owner JULIUS MANTEY

, ZZ

Priority Date: 06/15/1888

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
LOVING CREEK	SILVER CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	/ to /	4.000 CFS	
	<u>Total Diversion:</u>	4.000 CFS	

Location of Point(s) of Diversion

LOVING CREEK	SE1/4NE1/4	Sec. 11, Twp 01S, Rge 19E, B.M.
BLAINE 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	
01S	19E	12							X		X	X	X	X		X	X	X	
01S	19E	13					X	X	X	X					X	X	X	X	

Total Acres: 0

Conditions of Approval:Remarks:

- General P/U CORRECTED BY ORDER DATED 6-26-1914.^^^ RT. DECREE FROM BUTTE CR. BUT DELIVERED FROM LOVING CR.^^^ P/D NOT GIVEN IN DECREE BUT DETERMINED FROM WATERMASTER.^^^

Comments:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 37-443

WATER RIGHT NUMBER: 37-443

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	KATHRYN ALLRED GARDNER PO BOX 1200 HAILEY, ID 83333 (208)788-2568
Current Owner	ROBERT E GARDNER PO BOX 1200 HAILEY, ID 83333 (208)788-2568

Priority Date: 06/15/1888

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
LOVING CREEK	SILVER CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 11/01	4.000 CFS	
	<u>Total Diversion:</u>	4.000 CFS	

Location of Point(s) of Diversion

LOVING CREEK	SW1/4SE1/4NE1/4	Sec. 11, Twp 01S, Rge 19E, B.M.
BLAINE 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	
01S	19E	12															.3	.5	.8
01S	19E	13	27.0	8.0	3.0	22.0													60.0
01S	20E	7									18.0	40.0			4.0				62.0
01S	20E	18					40.0	37.0	37.0	39.0	38.0	40.0	33.0	33.0					297.0

Total Acres: 419.8

Conditions of Approval:Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 37-443

1. P/U CORRECTED BY ORDER DATED 6-26-1914.
RT. DECREE FROM BUTTE CR. BUT DELIVERED FROM LOVING CR. P/D NOT GIVEN IN
DECREE BUT DETERMINED FROM WATERMASTER.
UNRECORDED TRANS. CHANGED P/U.
AMENDED POU PER GIS LISTINGS 3-30-10 SCC.

Comments:

Dates and Other Information:

Claim Received Date: 10/17/1988
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal: S
Owner Name Connector: OR
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-637

WATER RIGHT NUMBER: 37-637

Owner Type Name and Address
 Current Owner HEBER STANFIELD

Priority Date: 04/01/1885

Basis: Decreed

Status: Active

Source Tributary
 LOVING CREEK SILVER CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	/ to /	3.800 CFS	
	<u>Total Diversion:</u>	3.800 CFS	

Location of Point(s) of Diversion

LOVING CREEK SE1/4NE1/4 Sec. 11, Twp 01S, Rge 19E, B.M.
 BLAINE 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	
01S	20E	18																	
								X	X	X	X	X	X						
								L2		L3	L4								

Total Acres: 0

Conditions of Approval:Remarks:

- General SOURCE GIVEN INCORRECTLY IN DECREE AS LITTLE WOOD R.^^^ P/D NOT GIVEN IN DECREE BUT DETERMINED FROM WATERMASTER.^^^ AC. IRRIG. NOT SPECIFIED. FARM = 237 AC.^^^

Dates and Other Information:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 37-637

WATER RIGHT NUMBER: 37-637

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	ROBERT E GARDNER PO BOX 1200 HAILEY, ID 83333 (208)788-2568
Current Owner	KATHRYN ALLRED GARDNER PO BOX 1200 HAILEY, ID 83333 (208)788-2568

Priority Date: 04/01/1885

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
LOVING CREEK	SILVER CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 11/01	3.800 CFS	
	<u>Total Diversion:</u>	3.800 CFS	

Location of Point(s) of Diversion

LOVING CREEK	SW1/4SE1/4NE1/4	Sec. 11, Twp 01S, Rge 19E, B.M.
BLAINE 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	
01S	19E	12															.3	.5	.8
01S	19E	13	27.0	8.0	3.0	22.0													60.0
01S	20E	7											18.0	40.0			4.0		62.0
01S	20E	18					40.0	37.0	37.0	39.0	38.0	40.0	33.0	33.0					297.0

Total Acres: 419.8

Conditions of Approval:Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 37-637

1. SOURCE GIVEN INCORRECTLY IN DECREE AS LITTLE WOOD R.
P/D NOT GIVEN IN DECREE BUT DETERMINED FROM WATERMASTER.
AMENDED POU PER GIS FINDINGS 3-30-01 SCC.

Comments:

Dates and Other Information:

Claim Received Date: 10/17/1988
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal: S
Owner Name Connector: OR
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-638

WATER RIGHT NUMBER: 37-638

Owner Type Name and Address
 Current Owner HEBER STANFIELD

Priority Date: 04/01/1884

Basis: Decreed

Status: Active

Source Tributary
 LOVING CREEK SILVER CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	/ to /	0.200 CFS	
	<u>Total Diversion:</u>	0.200 CFS	

Location of Point(s) of Diversion

LOVING CREEK SE1/4NE1/4 Sec. 11, Twp 01S, Rge 19E, B.M.
 BLAINE 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		
01S	20E	18								X	X	X	X	X	X	X				
										L2				L3	L4					

Total Acres: 0

Conditions of Approval:Remarks:

- General SOURCE GIVEN INCORRECTLY IN DECREE AS LITTLE WOOD RIVER.^^^ P/D NOT GIVEN IN DECREE BUT DETERMINED FROM WATERMASTER.^^^ AC. IRRIG. NOT SPECIFIED. FARM = 237 AC.^^^

Dates and Other Information:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 37-638

WATER RIGHT NUMBER: 37-638

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	KATHRYN GARDNER PO BOX 470 BELLEVUE, ID 83313 (208)788-2568
Current Owner	ROBERT E GARDNER PO BOX 470 BELLEVUE, ID 83313 (208)788-2568

Priority Date: 04/01/1884

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
LOVING CREEK	SILVER CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/01 to 11/01	0.200 CFS	
	<u>Total Diversion:</u>	0.200 CFS	

Location of Point(s) of Diversion

LOVING CREEK	SE1/4NE1/4	Sec. 11, Twp 01S, Rge 19E, B.M.
BLAINE 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	
01S	20E	18							35.0	35.0	40.0	40.0	40.0	40.0					230.0
									L 2			L 3	L 4						

Total Acres: 230

Conditions of Approval:Remarks:

- General SOURCE GIVEN INCORRECTLY IN DECREE AS LITTLE WOOD RIVER.^^^ P/D NOT GIVEN IN DECREE BUT DETERMINED FROM WATERMASTER.^^^

Comments:Dates and Other Information:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 37-638

Dates and Other Information:

Claim Received Date: 10/17/1988
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal: S
Owner Name Connector: OR
Water District Number: 37M
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Walker, Kay

From: Stanton, Jim
Sent: Friday, October 12, 2001 4:14 PM
To: Walker, Kay
Cc: Stanton, Jim
Subject: Request for Licensing

Please license Permit 37-8219 (Robert Gardner) as soon as possible. A transfer has been filed on land also covered by this permit (which I was not aware of when the transfer was filed last spring). Sorry for the rush request, but your help is greatly appreciated.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED

NOV 02 1993

Department of Water Resources

A. GENERAL INFORMATION

1. Owner: Robert Gardner

Current Address: PO Box 470, Bellevue, ID 83313

2. Accompanied by: Mr. Gardner

Address: _____

Relationship to Permit Holder: _____

3. Source: Groundwater tributary to _____

Permit No. 37-8219

Phone No. 788-2568

EXAM. DATE: 7-7-93 & 7-26-93

Phone No. _____

B. OVERLAP REVIEW

1. Other water rights with same place of use: A37-004808, 00665H, 00443, 00637, 00638

☐ Copies Attached

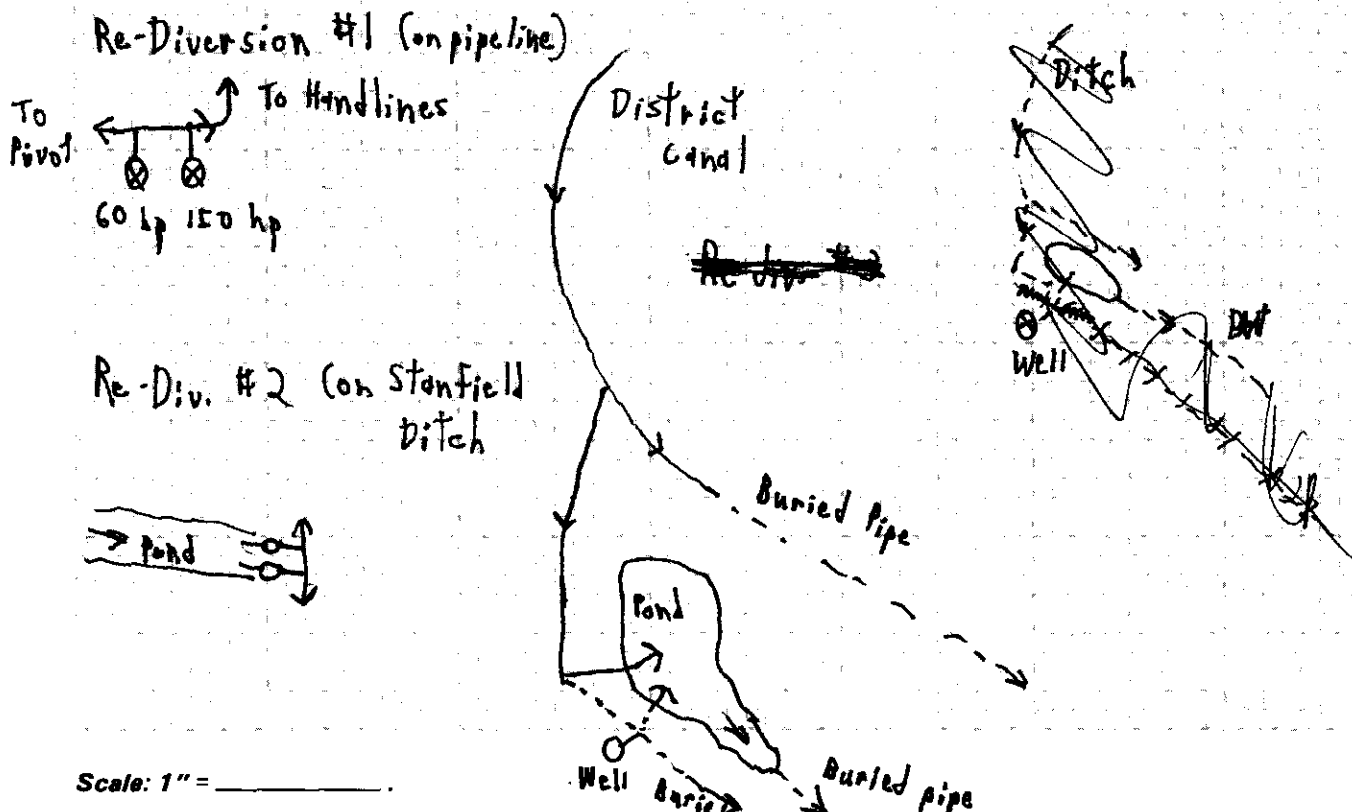
2. Other water rights with same point of diversion: 37-00802

☒ Copies Attached

☐ Copies of Field Exam's Attached

C. SYSTEM DESCRIPTION

1. **Diversion System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable. ☐ Alternative diagram attached



2. ☒ Copy of U.S.G.S. Quadrangle Attached
Showing location(s) of point(s) of diversion and
place(s) of use (required).

☒ Photo of Diversion and System Attached

(required for all but single household domestic groundwater, and stockwater.)

☒ Aerial Photo Attached
(required for irrigation of 10 acres or more).

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System Description (continued)

3. Narrative: Description (As operating at time of measurement. Indicate pressure, number of sprinklers, etc.)

Well, motor, pump, open discharge to pond w/outlet measuring device, Or open discharge into buried pipeline to two ponds with re-lift pumps to sprinklers. Water that exits the pond runs via buried pipe into a tributary of Loving Creek, then to re-lift pumps via the Stanford Ditch.

☐ See Remarks on page 4 for continuation

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
Well	US Motors	50	985144	US Pumps Inc	13756
Re-lift Pump #1	GE	150	~~51534~~ APJ118134	Aurora	37870180
" #2	GE	60	CTJ325322	"	37871025
" #3	GE	125	LNT1110136	"	37771555

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

" #4 US Motors 15 R6326-05-959

" No tag

5. Point(s) of Diversion:

Ident. No.	Gov't. Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
		NW	NE	SE	3	15	19E	B/line	

6. Place(s) of Use: Permissible Place of Use Indicate Method of Determination Aerial photo, dot grid

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
15	19E	1									9	14	40	33					96
		12					31	40	38	37	32	15		2	12	23	20	38	289
		13	33	7	28	27													95
	20E	7			28	27					4		34	38			11		87
		18					40	38	37	38	31	24	35						293
							41	42			43	44							860

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Do not use this space

Do not use this space

D. FLOW MEASUREMENTS

☐ Additional Data Sheets Attached

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
~~Resall Flume~~					294"	

2. Measurements:

Not measured. When run directly into buried pipeline, as it usually is, pipeline develops about 10 psi according to owner. With a 30' lift, this equals a flow of 290" instead of the 340" claimed on the permit. Owner agrees that this is probably accurate. He did not request a measurement in hopes of recording a higher flow.

E. FLOW CALCULATIONS

☒ Additional Computation Sheets Attached

1. Measured Method:

2. Alternate Method for Checking Purposes:

F. PUMP EFFICIENCY DATA (Optional)

Discharge Pressure: _____ psi x 2.31 = _____ ft (1); Dynamic pumping level: _____ ft (2)

Total Head: (1) + (2) = _____ (3); Flow rate: _____ cfs (4)

Water HP: (3) x (4) ÷ 8.8 = _____ (5)

Meter Input KW: 3.6 x _____ KH x _____ CTR or _____ MULT x _____ PTR x _____ N/ _____ T = _____ (6)

Meter Input HP: (6) x 1.34 = _____ (7)

Panel Input KW: _____ Ave PF x _____ Ave Volts x _____ Ave Amps x .001732 = _____ (6)

Panel Input HP: (6) x 1.34 = _____ (7) Efficiency: (5)/(7) x 100 = _____ %

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 860 \times 3.5 = 3010$

$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = 5.8 \times 184 \times 1.9835 = 2116.8$

$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} =$

2. Volume Calculations for Other Uses:

$300 \text{ ac.} \times 3.5 \text{ AFA/ac} = 1050 \text{ AFA}$

$576 \text{ acres} \times 3.5 \text{ AFA/ac} = 2016 \text{ AFA}$

$4.5 \text{ cfs} \times 184 \text{ days/yr} \times 1.9835 \text{ AF/cfs/day} = 1642.3 \text{ AFA}$

Smaller = 1050 AFA

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JAN 03 2002

H. REMARKS AND OVERLAP REVIEW ANALYSIS

Well supplements decreed surface rights as needed. Although the two rights on this well (37-00802 & this permit) cover 576 acres, the well covers a permissible place of use of 860 acres.

Not to exceed 5.8 cfs and 576 acres per annum and 2016 acre feet per annum when combined with 37-00802.

Not to exceed 3010 AFA for all rights combined on this 860 acres.

Not to exceed 4.5 cfs and 300 acres per annum under this right.

Not to exceed 1050 AFA for the 300 acres watered under this right.

I. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
Irrigation	4-15	10-15	4.5	1050
Totals:			4.5	1050

2. Recommended Amendments

- ☐ Change P.D. as reflected above
 ☐ Add P.D. as reflected above
 ☐ None
- ☒ Change P.U. as reflected above
 ☐ Add P.U. as reflected above
 ☐ Other

J. AUTHENTICATION

Field Examiner's Name J. E. Stanton

Signature J. E. Stanton

Certification Date _____

Field Report Preparation Date 10-21-93

CONSULTANT SEAL

K. Licensing recommendation shall be prepared by an Idaho Department of Water Resources employee on a computer printout attached hereto.

MICROFILMED

JAN 09 2002

GROUNDWATER MEASUREMENT REQUIREMENT ANALYSIS

FILE: 37-8219
DATE: 7-26-93
BY: JE Stanton

THEORETICAL RATE OF FLOW: $Q = \frac{(8.8) \times (\text{H.P.}) \times (\text{EFF.})}{\text{TDH}}$

Q = CFS
H.P. = Total Brake Horsepower of pumping plant (including booster)
EFF. = Pumping plant efficiency (ASSUME 70% OR 0.70)
TDH = total dynamic head = [(LIFT) + (PSI X 2.31)]
LIFT = depth to water in FEET from land surface to pumping water level
PSI = pumping pressure measured in psi near pump (if open discharge assume zero [0])

$$Q = \frac{(8.8) \times (50) \times (0.70)}{[(30) + (10 \times 2.31)]} = 5.80 \text{ cfs}$$

LIFT FROM:	PSI FROM:	NOTES ON PUMP:
measurement ()	measurement ()	Motor Make, Serial or ID
owner (X)	owner (X)	
area estimate ()	estimate ()	Pump Make, Serial or ID, rating
well logs ()	owner gage ()	
Booster (Y) (N)		

REMARKS

ANNUAL VOLUME ANALYSIS

POTENTIAL Acre Feet/Acre/Annum = $\frac{(\text{DAYS IN SEASON}) \times (1.98) \times (Q)}{(\text{RECOMMENDED ACRES IRRIGATED})}$

(season)	(days)	
3/15 - 11/15	246	
4/1 - 11/1	215	
4/15 - 10/15	184	
3/1 - 12/1	276	

POTENTIAL = $\frac{(...1.84...) \times (1.98) \times (...4.5...)}{(...300...)} = 5.5$

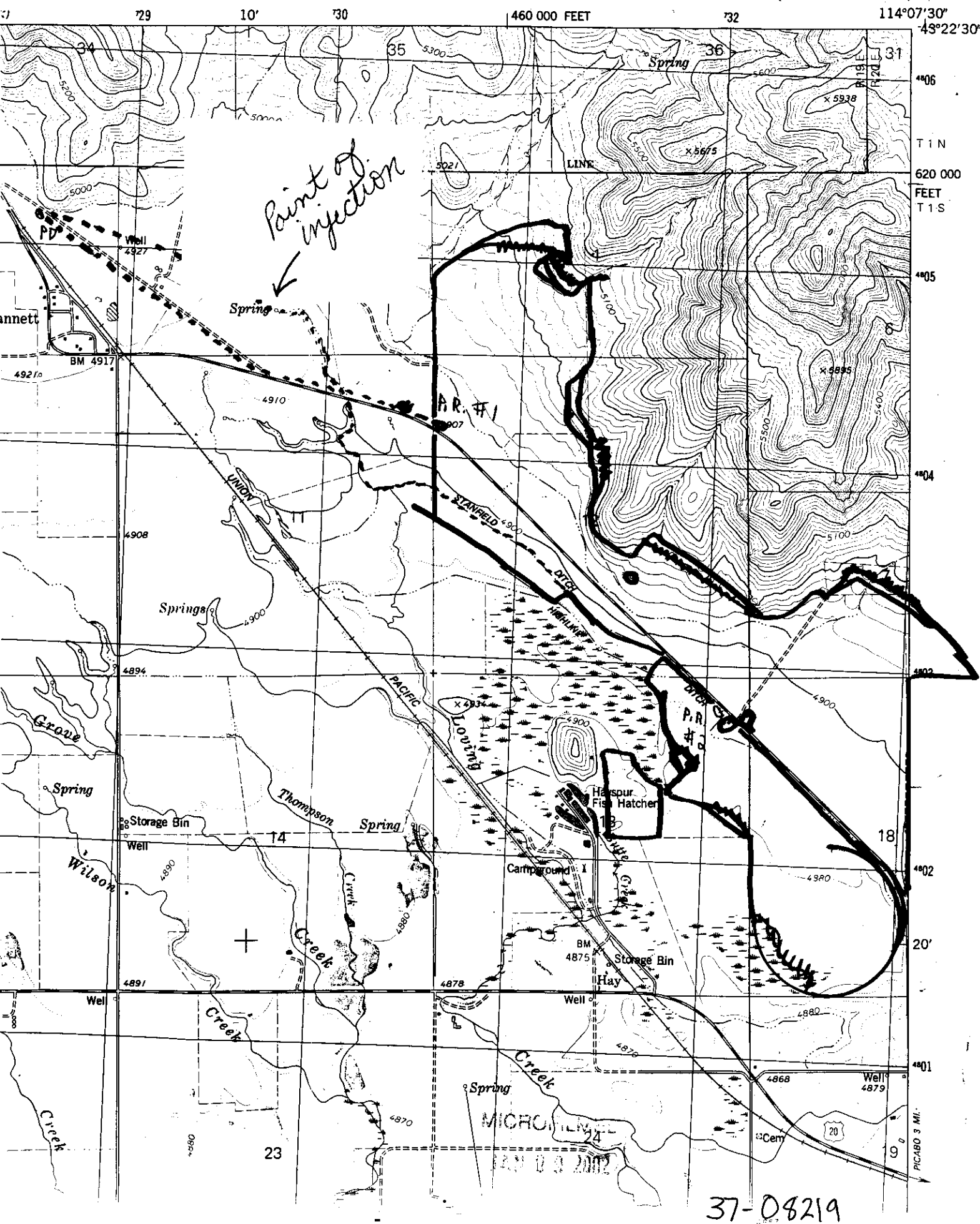
REQUIRED Acre Feet/Acre/Annum = 3.5
(AF/Ann/Ac irrigation requirement from chart for area)
NOTE that this is NOT Consumptive use

IF POTENTIAL IS GREATER THAN REQUIRED THEN NO MEASUREMENT NECESSARY (X)
IF POTENTIAL IS LESS THAN REQUIRED THEN MEASUREMENT IS NECESSARY ()

MICROFILMED
JAN 09 2002

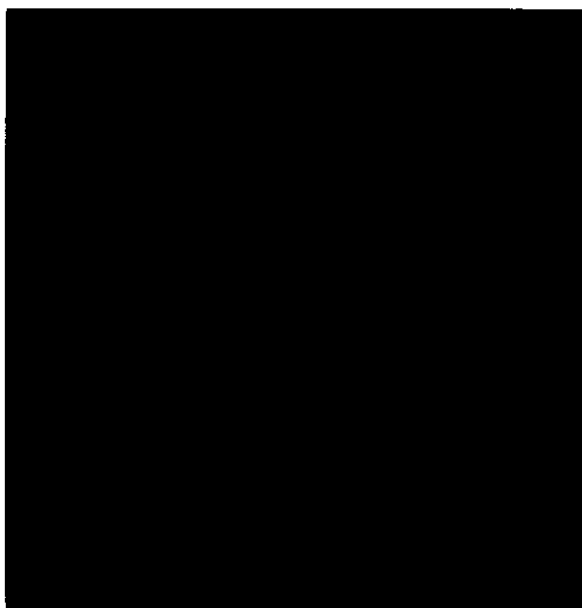
GANNETT QUADRANGLE
HO-BLAINE CO
7.5 MINUTE SERIES (TOPOGRAPHIC)

3170 I NE
(LITTLE WOOD F
RESERVO



3.8

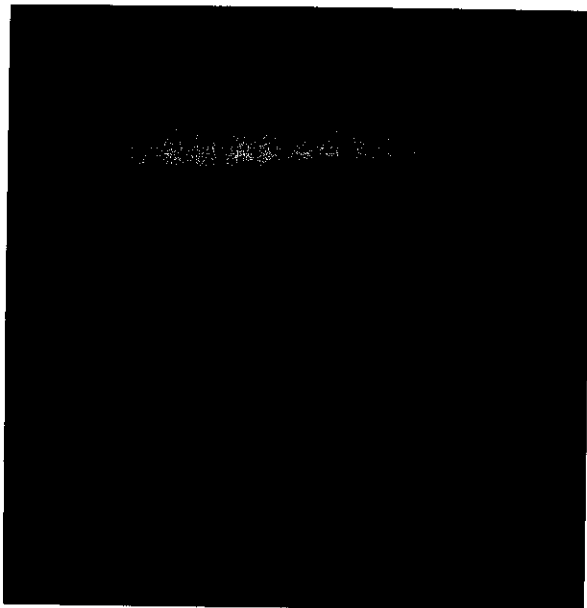
37-8217



P/D

Well Discharge Into Buried Pipe

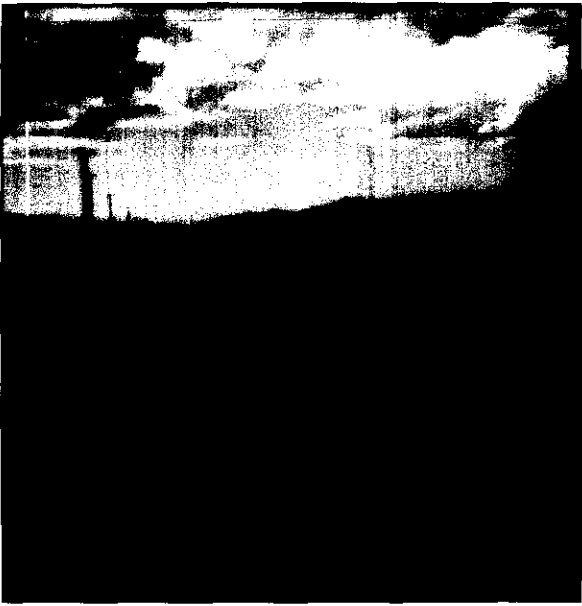
Pipe Discharge
Into Pond



MICROFILM

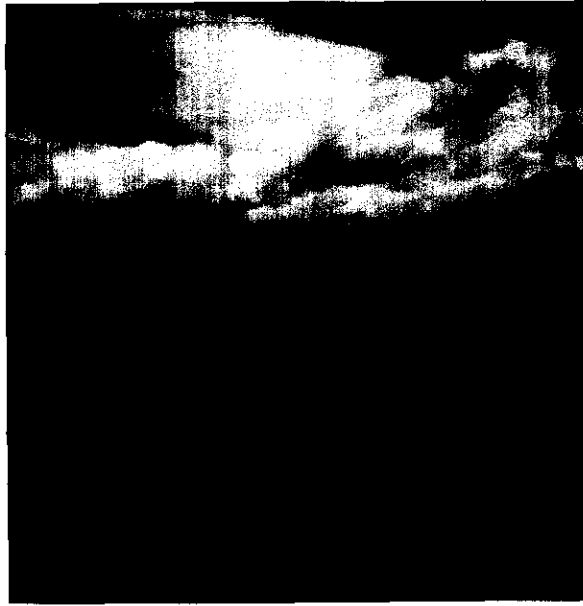
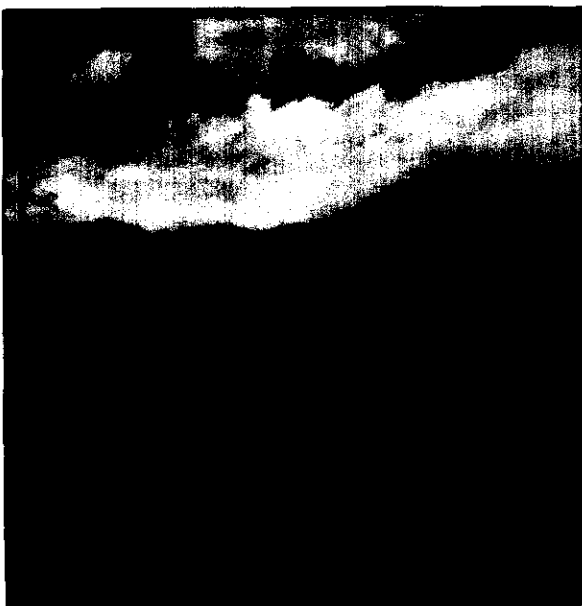
JAN 03 2002

37-8219



Re-diversion #1

Re-diversion #2



P/U

P/U
2002 0 0 0 2002

May 15, 1990

ROBERT E. GARDNER
RUTH H. GARDNER
P.O. BOX 470
BELLEVUE, ID 83313

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 37-08219

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. 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 this matter, please feel free to contact the SOUTHERN Regional Office in Twin Falls at (208)734-3578.

Sincerely,

Rita Fleck
Secretary/Records Manager

c: IDWR -- Region

MICROFILMED

MAY 25 1990

138474
March 31, 1990

ROBERT E. GARDNER
RUTH H. GARDNER
P.O. BOX 470
BELLEVUE, ID 83313

PROOF DUE NOTICE

RE: PERMIT NO. 37-08219

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before June 1, 1990. (See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental agency or by litigation which might bring title to the water in question, more than one extension of time can be granted. An extension of time request form is enclosed for your convenience.

Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the lapse notice, the permit will no longer be of any force nor effect.

SINCERELY,

Rita Fleck
Secretary/Records Manager

Enclosures

Microfilm

MAY 23 1990

MEMORANDUM

TO: FILE/APPLICATION NO.

FROM: TIM LUKE

RE: SWAN FALLS PROCESSING

DATE: 11-27-89

=====

This application was among those applications reviewed in the regional offices last year and recommended for out of sequence processing. This application includes a statement and sufficient supporting evidence concerning development of the project prior to October 1, 1984.

The department's Policy and Implementation Plan for Processing Water Rights in the Swan Falls Area provides for applications to be processed out of sequence if the development was completed prior to October 1, 1984 and the application filed prior to July 1, 1985. These filings are not required to be processed in sequence with other trust water filings because the effect of these filings have already occurred and because, due to subordination, the filings are not taking water held in trust. These filings are not subject to the staged development policy and public interest criteria of Section 42-203C, Idaho Code.

MICROFILMED

MAY 23 1990

S T A T E O F I D A H O
D E P A R T M E N T O F W A T E R R E S O U R C E S

Statehouse
Boise, Idaho 83720
(208) 334-7900
May 16, 1989

RUTH H. GARDNER
ROBERT E. GARDNER
P.O. BOX 470
BELLEVUE, ID 83313

P E R M I T A P P R O V A L N O T I C E

RE: PERMIT NO. 37-08219

Dear Permit Holder:

Enclosed is a copy of your approved application for permit. We direct your attention to the conditions of approval on the final page.

Be sure to note the special condition requiring you to install a measuring device, or a flow measurement port to provide for the installation of measuring equipment by the Department. Enclosed please find a list of measuring device options, and specifications for the installation of the flow measurement port.

You should be aware that the groundwater you propose to divert is located within a drainage basin where surface waters are regulated during the months of low flow. It is possible that diversion of groundwater may have an adverse impact on these surface water flows. Information available to us at this time does not warrant refusing to issue permits in your area, but we do caution that diversions of groundwater are not allowed to deplete flows available for surface water users with earlier priority dates. Siting your well as far from surface sources as possible and casing out upper water producing zones may reduce the potential of interference.

Section 42-235, Idaho Code, requires that a "drilling permit" must be obtained from the department for all wells constructed after July 1, 1987. A drilling permit is a separate permit that must be issued in addition to your permit to appropriate water. Commencement of well construction or diversion of water under your permit to appropriate water is prohibited unless a drilling permit is obtained.

MICROFILMED

JUN 13 1989

We have enclosed a form entitled "Instructions for Proof of Beneficial Use". Please read the instructions carefully since you must take further action to develop this permit. Also enclosed for your convenience is a form entitled "Proof of Beneficial Use" that must be submitted to the Department when your project is completed.

Sincerely,

GARY SPACKMAN, Supervisor
Water Right Permits Section

GS: SC
Enclosures

MICROFILMED

JUN 13 1989

MEMORANDUM

TO: File No. 37-8219
FROM: Gary Spackman *Gary*
DATE: May 15, 1989
RE: Need for additional information under Rule 4,5. of the Water Appropriation Rules & Regulations

I have reviewed application for permit no. 37-8219. The application, as submitted, does not contain the information that is required under Rule 4,5. of the Water Appropriation Rules and Regulations. According to the application, development was complete in 1979 approximately 10 years ago.

After my review, however, I have concluded that much of the information required under Rule 4,5. of the Water Appropriation Rules and Regulations will be of little use to the department at the present time. For instance, I believe the purpose of a plat showing the proposed well and any other wells within 1/2 mile radius is to force the applicant to evaluate the effect of his well on other existing rights prior to expending large sums of money. With a well that is already developed, and in place for a long period of time, potential conflicts should probably already have surfaced.

The same reasoning applies submittal of design, construction or operation techniques to protect other users, sufficiency of water supply, financial resources to construct the project, and comments from local government and private interested parties. The length of time that the development has been complete is enough to have raised the issues that we are seeking to address.

As a result, I am not requesting any additional information from the applicant, and propose that the application be approved.

MICROFILMED

JUN 13 1989



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 2148 4th Ave. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

February 2, 1989

Robert E. &/or Ruth H. Gardner
P.O. Box 470
Bellevue ID 83313

Re: Application for Permit No. 37-8219

Dear Mr. & Mrs. Gardner:

On March 25, 1988, the Federal Energy Regulatory Commission (FERC) issued an order satisfying the last condition to make the Swan Falls Agreement effective. The Department is now prepared to proceed with the normal processing of your application. This process includes the preparation of a notice of the application which shall be published once a week for two consecutive weeks in a newspaper printed within the county wherein the point of diversion lies.

The Department wishes to know of any reason why it should not plan to process your above-referenced application. If there is a reason for not processing this particular application or you no longer have any interest in seeking a water right permit under this application, please notify the Department within ten days of the date of mailing this notice.

Please do not hesitate to contact this office if you have any questions regarding this matter.

Sincerely,

Loren O. Holmes
Manager, Southern Regional Office

LOH:jg

MICROFILMED

JUN 13 1989

AFFIDAVIT of PUBLICATION

State of Idaho, }
County of Blaine } SS.

DANIEL J. GORHAM

, being first duly sworn, deposes and says that he is the printer (publisher) of the Wood River Journal, a newspaper published every week in Hailey, County of Blaine, State of Idaho; that said newspaper has been continuously and uninterruptedly published for a period of seventy-eight consecutive weeks prior to the first publication of the annexed notice, and is a newspaper qualified to publish legal notices as provided by act of the 1919 session of the legislature of the State of Idaho, known as House Bill 145; that the

annexed advertisement was published once each week for 2 consecutive issues in said newspaper proper and not in a supplement; that the date of the first

publication of said advertisement was on the 15th day of Feb, 1989, and

the date of the last publication was on the 22nd day of Feb, 1989.

David J. Gorham

Subscribed and sworn to before me this 22nd day of Feb, 1989.
(SEAL)

Robert M. Koecher

NOTARY PUBLIC

WOOD RIVER JOURNAL
Hailey, Idaho

COST OF PUBLICATION

Number of Picas per Line 11

Number of Lines in Notice 43

Number of Insertions 2

Lines tabular at 5¢/Pica

43 Lines straight at 21.29 4¢/Pica

43 Subsequent lines at 16.56 3¢/Pica

TOTAL COST 37.85

COPY OF NOTICE

(Paste Here)

Not. of Application #37-08219
TITLE OF NOTICE Gardner

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

Dept. of Water Resources
BILL TO

PUBLICATION RATES

AS OF OCT. 1, 1988

(Idaho Code, Rev. Statutes 1984)

7-8 pt. per line straight....4.5/pica

7-8 pt. per line tabular....5.5/pica

7-8 pt. per line succession
insertion.....3.5/pica

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RECEIVED

FEB 23 1989

Department of Water Resources
Southern Region Office

Water
couple Gardner

**NOTICE OF APPLICATION
FOR WATER RIGHT**

The following application(s) have
been filed to appropriate the
public waters of the State of
Idaho:

37-08219

GARDNER, RUTH H.
GARDNER
P.O. BOX
BELLEVILLE

Source: **GARDNER RIVER**

Diversion: **3 T**

Use: **IRRIGATION**

(4,600 CFS)

Date Filed: 6/11/1985

In: T01S R19E S01 NESW NWSW
SWSW SESE S12 NENW
NNNW SWNW SENW NWSW
SESW NESE SWSE SESE R20E
S07 NESW Lot 2 (SW1/4) SESE
SWSE S18 NENW SESE NESW
300.0 ACRES TOTAL

The permit(s) will be subject to all
prior water rights. Protests may
be submitted based on the criteria
of Sec. 42-203A, Idaho Code,
and/or the new public interest
criteria of Sec. 42-203C, Idaho
Code. Protests must be filed with
the Director, Dept. of Water
Resources, 2148 4th Avenue
East, Twin Falls, Idaho 83301, on
or before MARCH 6, 1986.

R. Keith Higginson, Director

Published: Wood River Journal
February 15 & 22, 1986.

37-08219

GARDNER, RUTH H.
GARDNER, ROBERT E.
P.O. BOX 470
BELLEVUE, ID 83313

JUN 13 1985

Source: GROUNDWATER

Diversion Pt: NESE Sec 3 T 01S R 19E

Use: IRRIGATION (4.500 CFS)

Date Filed: 6/11/1985

In: T01S R19E S01	NESW	NWSW	SWSW	SESW
S12	NENW	NWNW	SWNW	SENW
	NWSW	SESW	NESE	SWSE
	SESE			
R20E S07	NESW Lot 2 (SWSW)	SESW		SWSE
S18	NENW	SENW	NESW	

300.0 ACRES TOTAL

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JUN 13 1989

POOR QUALITY

70% 12 1984
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Water right sought by Gardner

BY THE STAFF OF THE ARIZONA
LEGISLATURE

THE ARIZONA LEGISLATURE HAS
APPROVED A BILL TO GRANT A
WATER RIGHT TO THE GARDNER
FAMILY.

THE BILL WOULD GRANT A
WATER RIGHT TO THE GARDNER
FAMILY FOR THE USE OF THE
GARDNER FARM. THE BILL
WOULD ALSO GRANT A WATER
RIGHT TO THE GARDNER FARM
FOR THE USE OF THE GARDNER
FAMILY.

THE BILL WOULD GRANT A
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FAMILY FOR THE USE OF THE
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FAMILY FOR THE USE OF THE
GARDNER FARM. THE BILL
WOULD ALSO GRANT A WATER
RIGHT TO THE GARDNER FARM
FOR THE USE OF THE GARDNER
FAMILY.

OK
DG 2/14/89

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JUN 13 1989