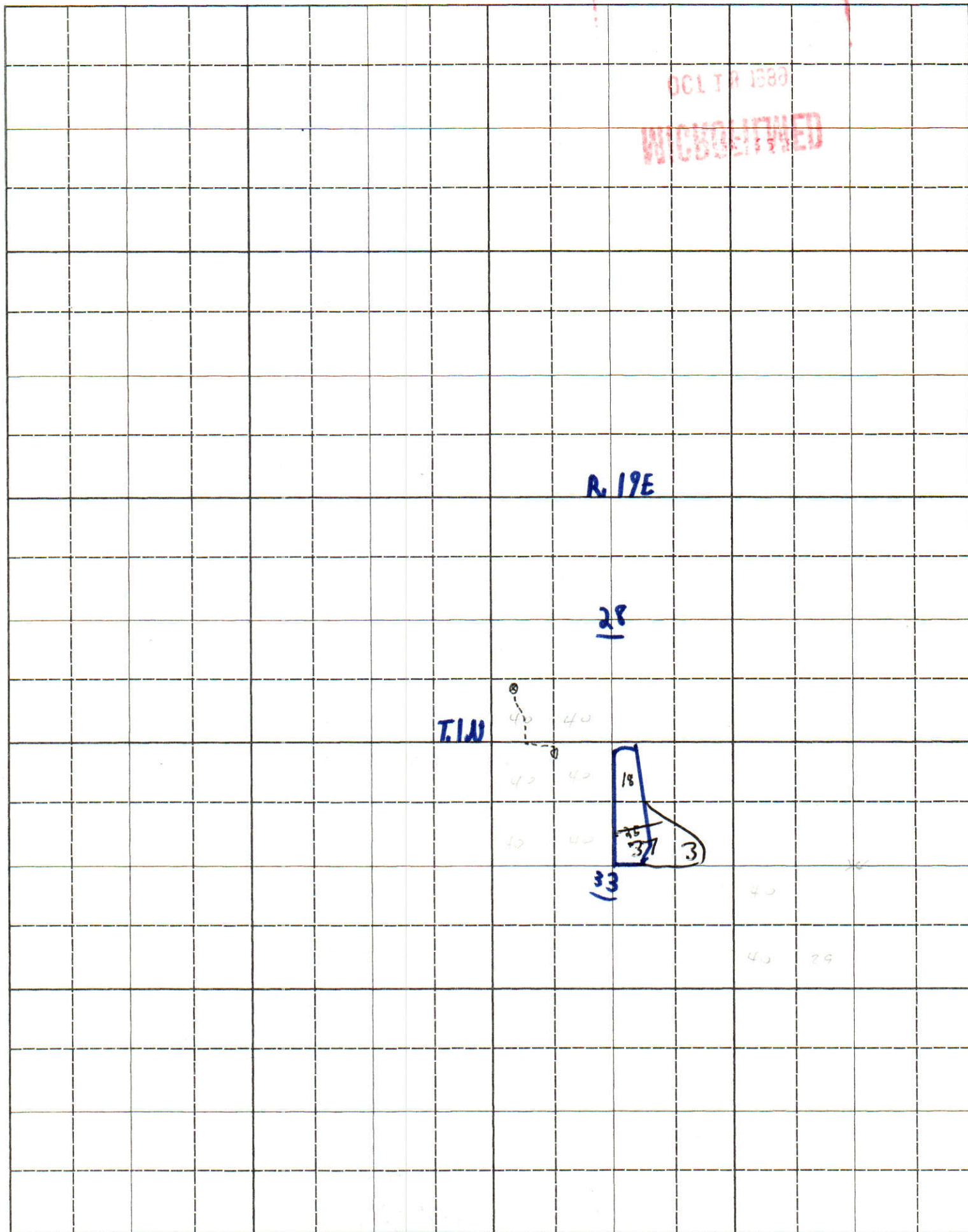


11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



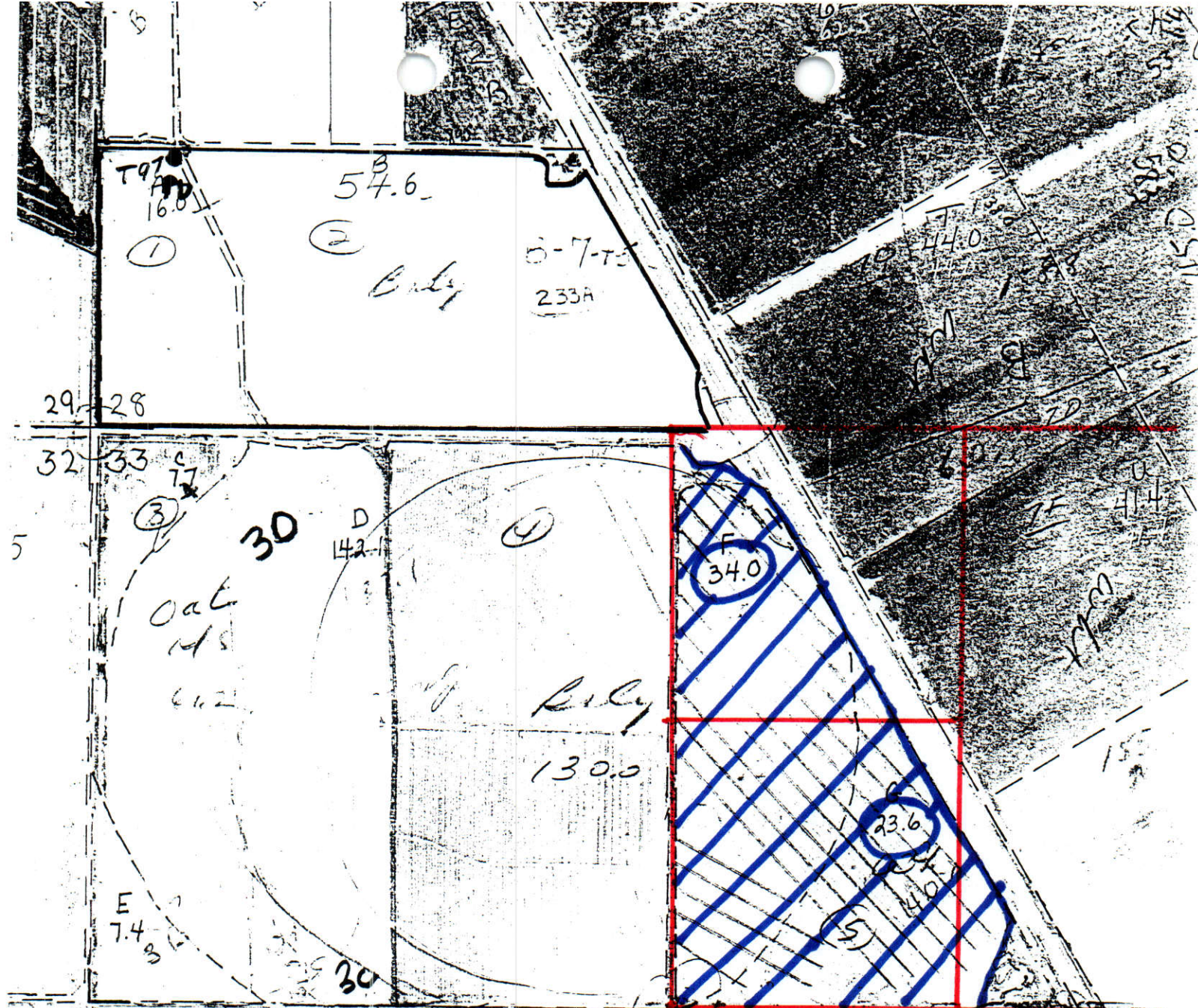
Scale: 2 inches equal 1 mile.

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

OCT 18 1989

Cloyd W. Gardner
(Applicant)



Place of use review in the B/U Field Report does not match ASCS figures. I used 8"/mile template to evaluate this photo, and I find a total of 58 acres. Therefore, I recommend licensing this right for 58 acres.

SWK
5/2/95

37-08218

$$ASCS = 34.0 + 23.6 = 57.6$$

UNDOCUMENTED

MAY 18 1995

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

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NOV 02 1994

Department of Water Resources

A. GENERAL INFORMATION

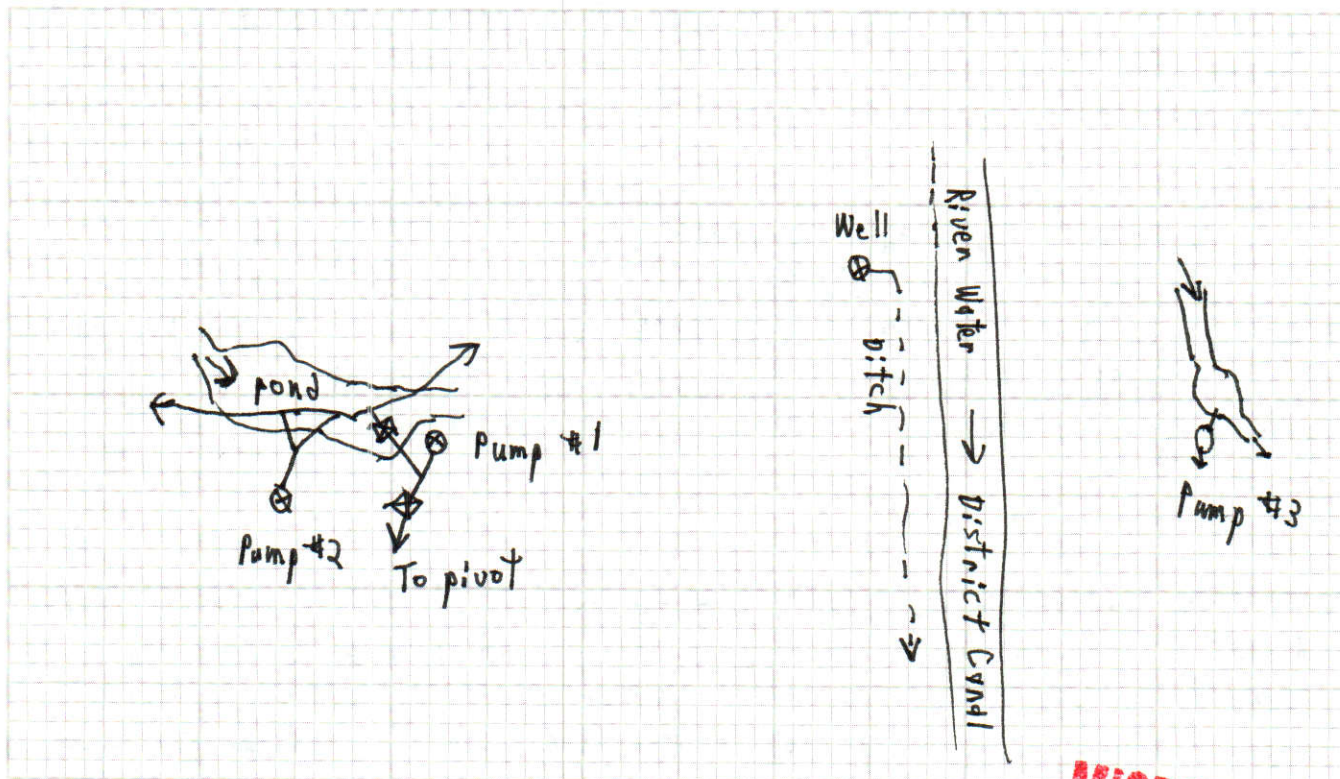
1. Owner: Robert, Cloyd, & Ruth Gardner Permit No. 37-8218
Current Address: PO Box 470, Bellevue, ID 83313 Phone No. 788-2568
2. Accompanied by: Bob Gardner EXAM. DATE: 7-7-93
Address: _____ Phone No. _____
Relationship to Permit Holder: _____
3. Source: Groundwater tributary to _____

B. OVERLAP REVIEW

1. Other water rights with same place of use: 37-00481, 482A, 483, 4422, 00712B ☐ Copies Attached
2. Other water rights with same point of diversion: 37-2684 ☒ 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" = _____

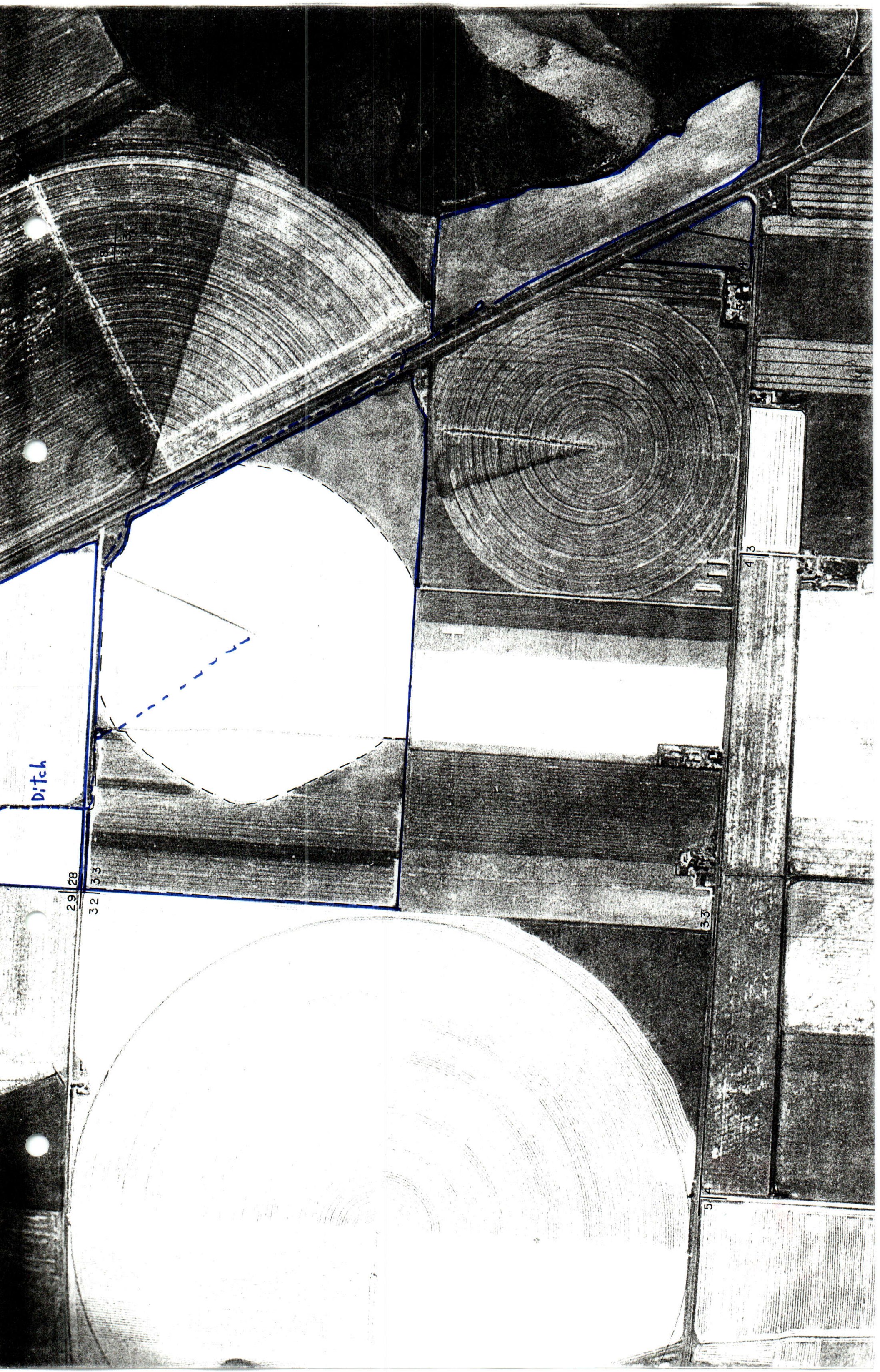
2. ☒ Copy of U.S.G.S. Quadrangle Attached
Showing location(s) of point(s) of diversion and
place(s) of use (required).
☒ Photo of Diversion and System Attached
(required for all but single household domestic groundwater, and stockwater).

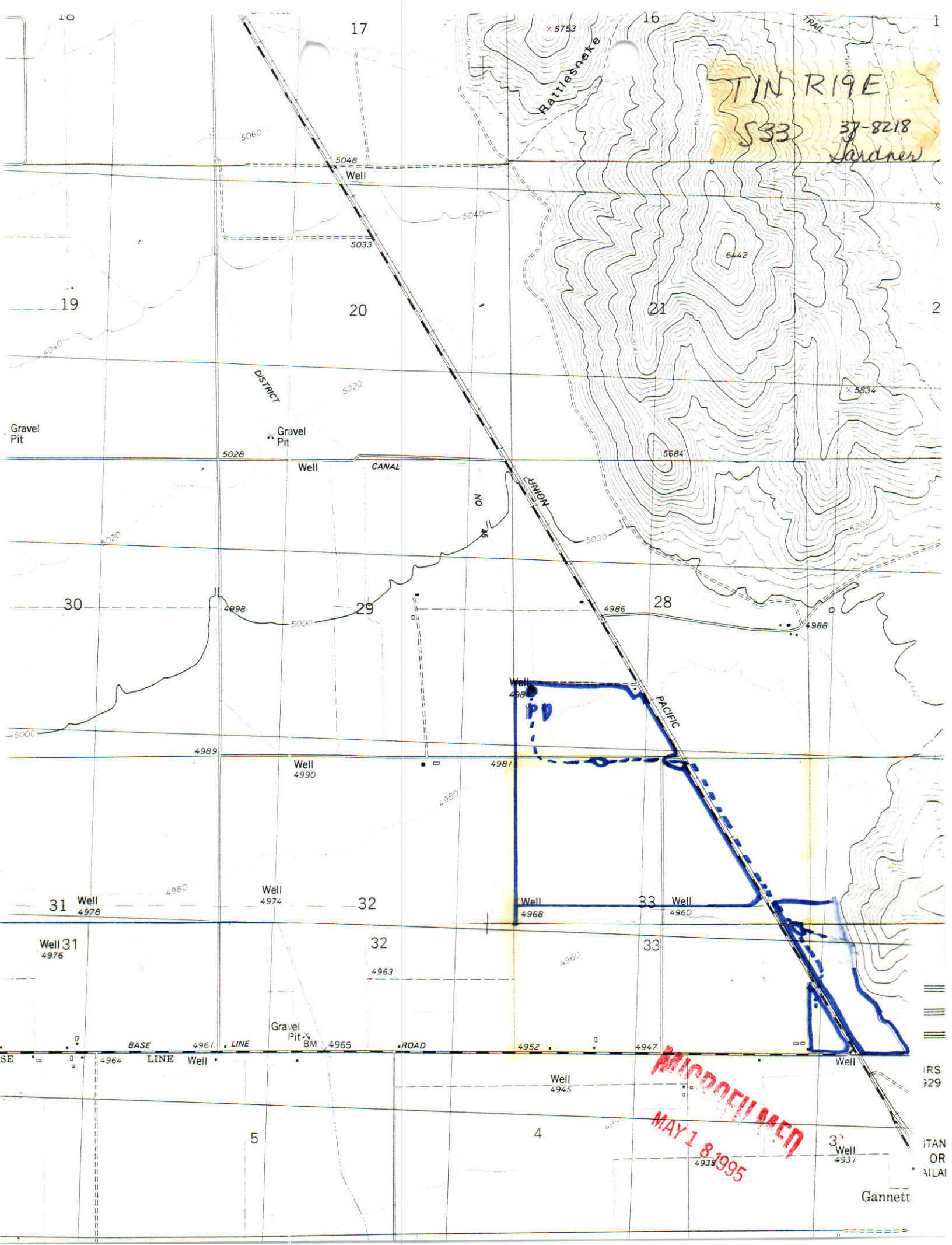
☒ Aerial Photo Attached
(required for irrigation of 10 acres or more)

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MAY 18 1995



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MAY 18 1995





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MAY 18 1995

IRS
229
TAN
OR
ALAI

27-8218



7.8 acre field west of Gannett Rd.

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MAY 18 1995

37-82/8



North Re-lift Pump



South Re-lift Pump

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MAY 18 1995

37-8218



Pond & Pump Inlet



Re-lift Pump #3

MIPOCC/RET
MAY 18 1995

37-8218



Well Pump



Well Discharge

REMOVED
MAY 18 1995

37-8218



Pond & Re-lift Pumps

P/U

MIAMI UNIVERSITY
MAY 18 1995

**Amended app.
for water permit**

**NOTICE OF AMENDED
APPLICATION FOR
WATER PERMIT**

Notice is hereby given that the following application for permit to appropriate the public waters of the State of Idaho has been amended as follows:

37-08218

Cloyd W. &/or Robert E.
&/or Ruth Helen Gardner
P.O. Box 470
Bellevue, ID 83313

Date Amended: 5/22/89

Source: Groundwater

Diversion Pt: SW1/4SW1/4, S28,
T1N, R19E; Blaine County.

Use: Irrigation (1.00 cfs)

In: 58 acres within W1/2NE1/4,
SE1/4NE1/4, S33, T1N, R19E.

The permit(s) will be subject to all prior water rights. Protests must be filed with the Director, Dept. of Water Resources, Southern Region, 2148 Fourth Avenue East, Twin Falls, ID 83301, on or before JULY 24, 1989.

R. Keith Higginson, Director
Publish: Wood River Journal—July
3 & 12, 1989.

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OCT 18 1989

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:

37-08218

GARDNER, RUTH HELEN
GARDNER, CLOYD W.
GARDNER, ROBERT E.
P.O. BOX 470
BELLEVUE, ID 83313

Source: GROUNDWATER

Diversion Pt: SWSW Sec 28 T
01N R 18E

Use: IRRIGATION (1.000 CFS)

Date Filed: 6/11/1985

In: T01N R19E S33

NWNE SWNE SENE
58.0 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.

OCT 18 1988

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Water right

Bought by Woodbury

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OK
TJ 2/13/89

POOR QUALITY

MICROFILMED

OCT 18 1989

1 N. 198B m

29 28

32 33

54

160

54.6

40

40

132.8

40

40

4.6

57.5

18

37

6.0

44.0

44.0

28 22

33 34

41.4

40.1

40.1

67.6

67.6

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B-7
4033A

LIC 37-2684
618.45 349 acres
10/29/1962

B-723
2274

40

40

29

NOT TO SCALE

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 37-08218

Priority: June 11, 1985

Maximum Diversion Rate:

1.00 CFS

This is to certify, that RUTH HELEN GARDNER
CLOYD W GARDNER
ROBERT E GARDNER

PO BOX 470
BELLEVUE ID 83313

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated June 11, 1985; and has submitted Proof of Beneficial Use on April 4, 1990. An examination indicates that the works have a diversion capacity of 9.350 cfs of water from a GROUNDWATER source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/15 to 10/15	1.00 CFS	

LOCATION OF POINT(S) OF DIVERSION:

SWSW , Sec. 28, Township 01N, Range 19E
BLAINE County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
01N	19E	33	NWNE 18	SWNE 37.5	SENE 2.5	58

total number of acres irrigated: 58

CONDITIONS/REMARKS:

1. This water right is appurtenant to the described place of use.
2. This right is subject to all prior water rights and may be forfeited by five years of non-use.
3. Modifications to or variance from this license must be made within the limits of Section 24-201, Idaho Code, or the applicable Idaho law.
4. Right 37-02684 is also diverted through the point(s) of diversion described above.
5. The right holder shall use the full allotment of appurtenant surface water rights, to the extent they are available, in conjunction with groundwater diverted pursuant to this right.
6. This right to divert groundwater shall not be used if the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use without the approval of the Department.
7. This right when combined with all other rights shall provide no more than .02 cfs per acre nor exceed a combined annual diversion volume of 203 af for the lands above.

Microfilm

MAY 18 1995

State of Idaho
Department of Water Resources

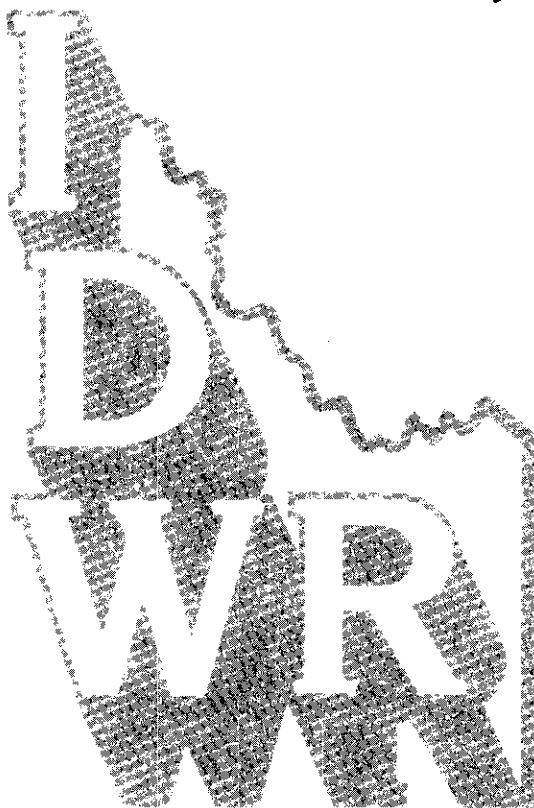
WATER RIGHT LICENSE

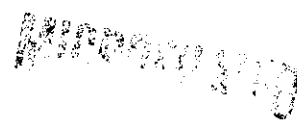
WATER RIGHT NO. 37-08218

This license is issued pursuant to the provisions of Section 42-219, Idaho Code.
Witness the seal and signature of the Director, affixed at Boise, this 12TH
day of MAY, 1995.

Acting for


R. Keith Higginson, Director





MAY 18 1995

Form 217
03/86

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APR 4 1990

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APR 5 1990

Department of Water Resources

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

For Office Use Only
Fee Received 100.00
Date 4/4/90
Receipt 15011794
Receipt by 46
Reviewed by 46
Sent to region 5

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. P37-08218

Name(s) of Permit Holder: RUTH HELEN GARDNER, CLOYD W. 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 58 (acres) Other/Remark _____

Total rate and/or volume for which proof is submitted 2.00 cfs _____ acre-feet

Show the date water was first diverted and beneficially used under this permit: 1980

Measuring Device: Required? ☐ Yes ☐ No
Installed? ☐ Yes ☐ No
Fee enclosed \$ 100.00
(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 GARDNER 208-788-2568
(Name) (Telephone Number)

Box 470 - BELLEVUE, ID. 83313
(Address)

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

4-3-90
Date

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

MAY 23 1990

NOT FILMED

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 37-08218

Proposed Priority: June 11, 1985 Maximum Diversion Rate: 1.00 CFS

This is to certify, that **RUTH HELEN GARDNER**
CLOYD W. GARDNER
ROBERT E. GARDNER
P.O. BOX 470
BELLEVUE, ID 83313

has applied for a permit to appropriate water from: **GROUNDWATER**
and a permit is **APPROVED** for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
IRRIGATION	04/01 to 11/01	1.00 CFS

LOCATION OF POINT(S) OF DIVERSION: SWSW Sec. 28, Township 01N, Range 19E
BLAINE County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
01N	19E	33	NWNE 18	SWNE 37	SENE 3	58

Total number of acres irrigated: 58

CONDITIONS/REMARKS:

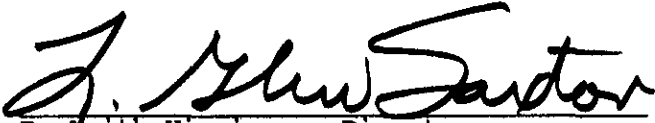
1. Proof of construction of works and application of water to beneficial use shall be submitted on or before **November 1, 1990**.
2. Subject to all prior water rights.
3. Permit holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
4. Prior to the diversion of water 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.
5. The rate of diversion of water for irrigation under this permit and all other water rights on the same land shall not exceed 0.02 cubic feet per second for each acre of land.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code.
Witness the seal and signature of the Director, affixed at Boise, this

5th day of October, 1989

MICROFILMED

OCT 18 1989

for 
R. Keith Higginson, Director

Corrected 6/1

Ident. No. 37-8218

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

Amended

To appropriate the public waters of the State of Idaho

1. Name of applicant Cloyd W. &/or Robert E. &/or Ruth Helen 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 SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 28 Township 1N

Range 19E Twp. 12 S. 24 W. Blaine County, additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 1.00 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:

1.00 cfs
a. 0.86 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, ditch to sump pond. Re-lift pump to pivot sprinkler.

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 20 inches; ~~proposed~~ depth of well is 200 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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OUT. June 25-1985

Total number of acres to be irrigated 43 58

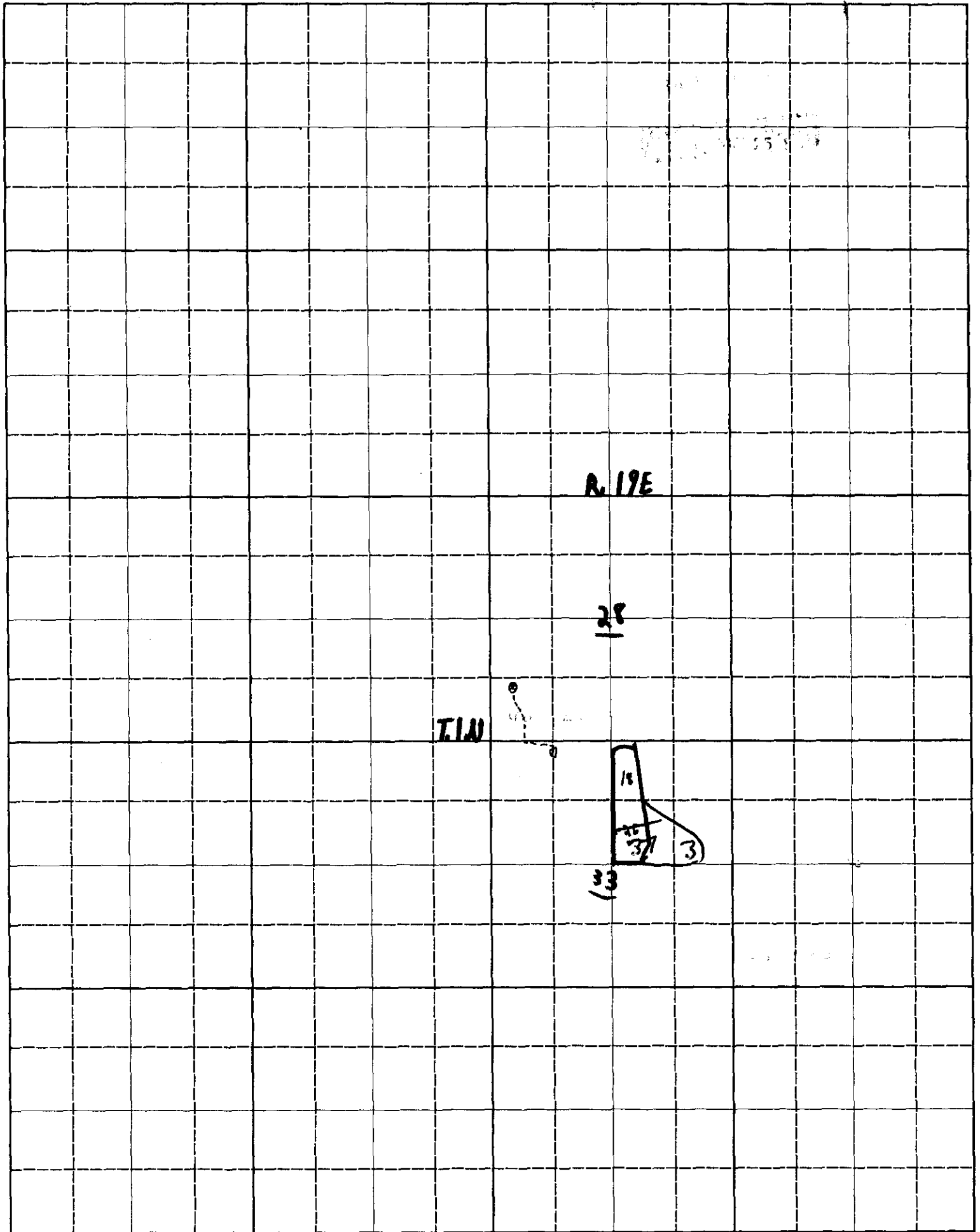
Decreed surface-water rights

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

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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.

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

OCT 18 1989

Clayton W. Gardner
(Applicant)

Amend TB 5/22/89
Corrected. ADM 6/25/85 2:20 p.m.
Received by JB Date 6-11-85 Time 4:30 pm
Preliminary check by TB Fee \$ 45.00
Received by JB Date 6-11-85 # 95393
Publication prepared by JB Date 2/6/89
Published in Wood River Journal
Publication dates 2/15 & 2/22/89
Publication approved M. Baldwin Date 7/14/89
M. Baldwin Date 2/27/89
Protests filed by: none

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

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. _____, and said application is hereby _____.

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 _____, 19 ____.
- 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:

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OCT 18 1989



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

May 15, 1995

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

RE: WATER RIGHT NO. 37-08218

Dear Water Right Holder(s):

Enclosed is a copy of the Water Right License issued on the above referenced permit. If you have any questions, please contact me within 10 days of receipt of this license.

Sincerely,

Shelley W. Keen
Water Rights Supervisor

SK:rl

Enclosure

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MAY 18 1995

M E M O R A N D U M

DATE: May 11, 1995

TO: File 37-08218

FROM: Shelley W. Keen *SWK*

RE: Recommendation to Issue License

=====

Permit 37-08218 was issued to cover land in the NE $\frac{1}{4}$ of S. 33, T01N, R19E, that is not covered by licensed right 37-02684, which is diverted from the same well and delivered through the same system as 37-08218. However, the Snake River Basin Adjudication claim for 37-02684 claims an accomplished transfer from land in the SW $\frac{1}{4}$ of S. 34 to land in the NE $\frac{1}{4}$ of S. 33.

The field examiner for 37-08218 recommended that the permit be voided because no additional beneficial use of water was developed if the transfer can be substantiated and decreed under 37-02684. The examiner noted, however, that the acres in the SW $\frac{1}{4}$ of S. 34 that the claimant says were transferred to the NE $\frac{1}{4}$ of S. 33 should never have been licensed. He says that those acres are on steep land that could never have been farmed.

A couple of issues arise from the scenario described above. First, has some of 37-02684 been forfeited because it was never used on the land to which it was licensed? Second, if part of 37-02684 has not been forfeited, then can the transfer be covered by the accomplished transfer statute in the SRBA process? At this time, the statutory provision allowing accomplished transfers is in legal limbo.

We could solicit an application for transfer to try to resolve the two issues administratively. However, the transfer process could be a costly avenue to accomplish something which may be allowed in the SRBA without additional fees. In my opinion, the appropriate forum for resolving the two issues is the SRBA. But, the SRBA investigation of Basin 37 may not occur for some years. Meanwhile, the water user deserves a licensed water right on the irrigated land in the NE $\frac{1}{4}$ of S. 33. Therefore, I recommend confirming the water user's right to irrigate that land from ground water by issuing license 37-08218.

If 37-02684 should get decreed to the NE $\frac{1}{4}$ of S.33 in the future, license 37-08218 could be revoked under the provisions of Idaho Code §42-350 on the grounds that it provides no additional beneficial use of water for the lands to which it is appurtenant.

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MAY 18 1995

LICENSE REVIEW CHECKLIST

PERMIT NO. 37-08218 DATE 5/11/95



NAME	Change OK ☒	Or Address Change? ☐
PRIORITY DATE	☒	Advance? ☐ Advanced to: ☐ Order to reinstate needed? ☐ Incorrect fee for rate recommended? <u>NO</u>
SOURCE	☐	Changes or just clarification of originally intended source? ☐ Notice of Intent to Void necessary? ☐
POINT OF DIV	☒	Amendment needed? ☐ Overlaps? <u>37-02684 for 10.8 cfs</u>
PLACE OF USE	☒	Amendment needed? ☐ Overlaps? <u>ADJ CLAIM ONLY A38-02684</u> <u>(LICENSE DOES NOT OVERLAP)</u>
DIV RATE	☒	Permit/fee limits: <u>ICFS</u> Meas Q = <u>9.35</u> Theo Q = <u>58 acre limit</u> X .02 = <u>1.16</u> Recommend: <u>1.0</u> <u>1965 - same system</u> Limited by permit
	<u>9.35</u> <u>- 6.80</u> <u>2.55</u>	Combined rates exceed capacity <u>NO</u>
ANNUAL VOLUME	☒	Volume Limit: <u>Season: B/3.5 (4-15 to 10-15)</u> Calculations: <u>58 x 3.5 = 203 af</u>
		Flow limit: <u> </u> cfs x <u> </u> x 1.9835 = <u> </u> Combined volumes exceed capacity/allowable <u>NO</u>
USES	☒	Change in Nature of Use or additional uses? ☐ Amendment necessary? ☐
ADDITIONAL INFO		Supplemental Groundwater <u>YES</u> PPU Scenario <u>NO</u> Irr/Dom Combination <u>NO</u> Shared G/W System <u>YES</u>
NEW REMARKS	<u>W36</u> ☒	Multiple p/d(s) in <u>1/4 1/4</u> ? Other <u>WB3, WB8, WB7</u>
NEW CONDITIONS	☐	Watermaster control - District ☐ Measuring/Locking Devices ☐ Irrigation Overlap ☐ Other ☐ Water Quality ☐ Heat/Cool/Fish verified ☐
COMMENTS:	<u>Limited to 58 acres within place of use.</u>	

RECOMMENDATION	CFS	VOLUME	SRBA Claim Filed <u>NO</u>
<u>Irrigation</u>	<u>1.0</u>	<u>(203 af)</u>	Adjustment Memo Needed <u>YES</u>
		<u>centiars</u>	LICENSE ☒
			1ST AMEND LETTER ☐
			2ND AMEND LETTER ☐

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED

NOV 02 1994

Department of Water Resources

A. GENERAL INFORMATION

1. Owner: Robert, Cloyd, & Ruth Gardner

Permit No. 37-8218

Phone No. 788-2568

Current Address: PO Box 470, Bellevue, ID 83313

2. Accompanied by: Bob Gardner

EXAM. DATE: 7-7-93

Address: _____

Phone No. _____

Relationship to Permit Holder: _____

3. Source: Groundwater

tributary to _____

B. OVERLAP REVIEW

1. Other water rights with same place of use: 37-00481, 482A, 483, 4422, 007138

☐ Copies Attached

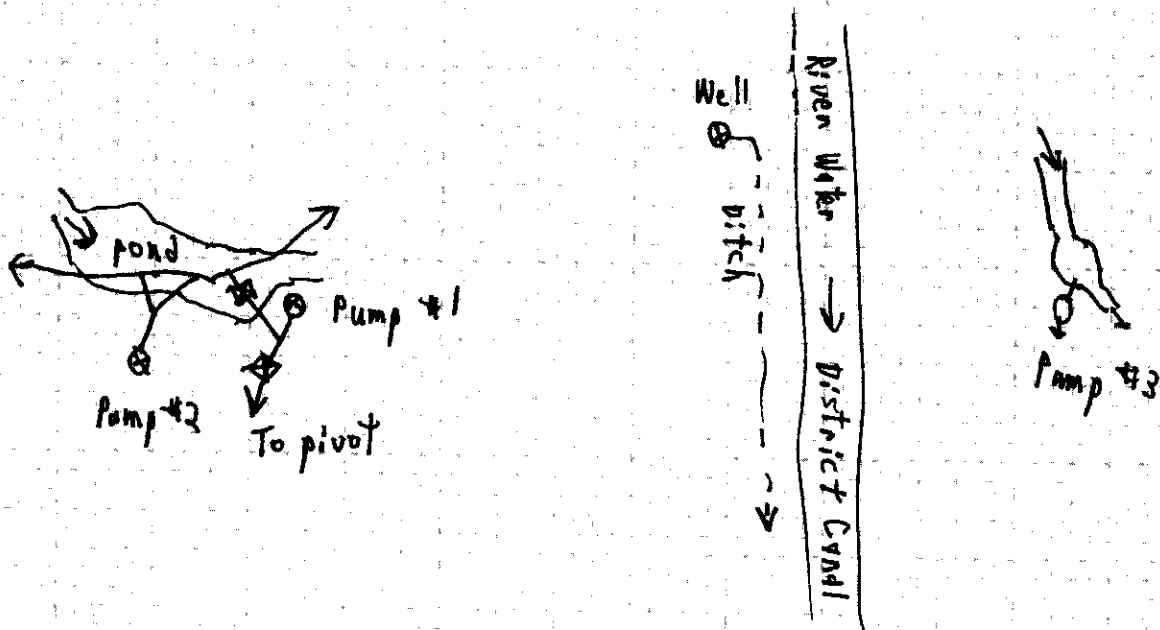
2. Other water rights with same point of diversion: 37-2684

☒ 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).

☒ 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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MAY 18 1995

System Description (continued)

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

Well, motor, pump, open discharge into ditch. Ditch to pond with 2 re-lift pumps for sprinklers. The #1 re-lift pump listed below serves the pivot & other lands. The other #2 pump mainly serves other lands, ~~is connected~~, but can ~~does not appear~~ to serve lands under this permit. 10-tower pivot & corner handlines on P/U. Re-lift Pump #3 serves land on the east side of the Gannett Road, is part of the system but is not on lands of this permit. Pump #3 also serves a 2.8 acre field on west side of Gannett Rd.

☐ 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	75	1279678	Western	15342
North Re-lift pump #1	"	50	R6231-02-074	Aurora	37770322 600 gpm 9' 200'
" #2	GE	75	5K6255XH502C	"	38071328
" #3	Century	75	6-339174-01	Berkeley	7730787

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

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	SW	SW	28	1N	19E	Blaine	On quad map

6. Place(s) of Use:

Indicate Method of Determination

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	
System P/U	1N	19E	33		18.8	37.2	4.8	39	39	40	40			15.5	5.6				226.4
			34										18.3	3.4					224.47.2
			28										39	34			2		75
																			348.6
P/U to be licensed	1N	19E	33		18.8	37.2	4.8												

Do not use this space

MAY 18 1995

Do not use this space

D. FLOW MEASUREMENTS

☐ Additional Data Sheets Attached

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
McCrometer						

2. Measurements:

Well was measured at 9.35 cfs in 1965 for previous license, same motor & pump are still in use.

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:

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

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

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

2. Volume Calculations for Other Uses:

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MAY 18 1995

H. REMARKS AND OVERLAP REVIEW ANALYSIS

Old license covers 349 acres; ~~the~~ aerial photo shows about 349 acres of actual use. SRBA claim is for 341 acres, but with a slightly different acreage distribution than aerial photo shows. License is obviously incorrect with regard to land in Sec. 34, some of the land licensed (about 70 acres) lies on a steep hillside that was obviously never farmed or watered. Unrecorded transfer from these lands ~~under~~ to lands under this permit can be handled by SRBA under Sec. 42-1416 Idaho Code & res judicata principle. Therefore, recommend permit be cancelled - no ~~new~~ additional land or water were developed. Existing license is for almost 1" / acre for supplemental groundwater irrigation. Land is all sprinkled, & owner ~~owns~~ has plenty of surface rights for this land. I see little point in licensing the other 0.17 cfs that could be granted out of this well, since it amounts to only a 2.5% increase in the

I. RECOMMENDATIONS licensed flow.

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion	Annual Volume
	From	To	Q (cfs)	V (afa)
None				
Totals:				

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 _____

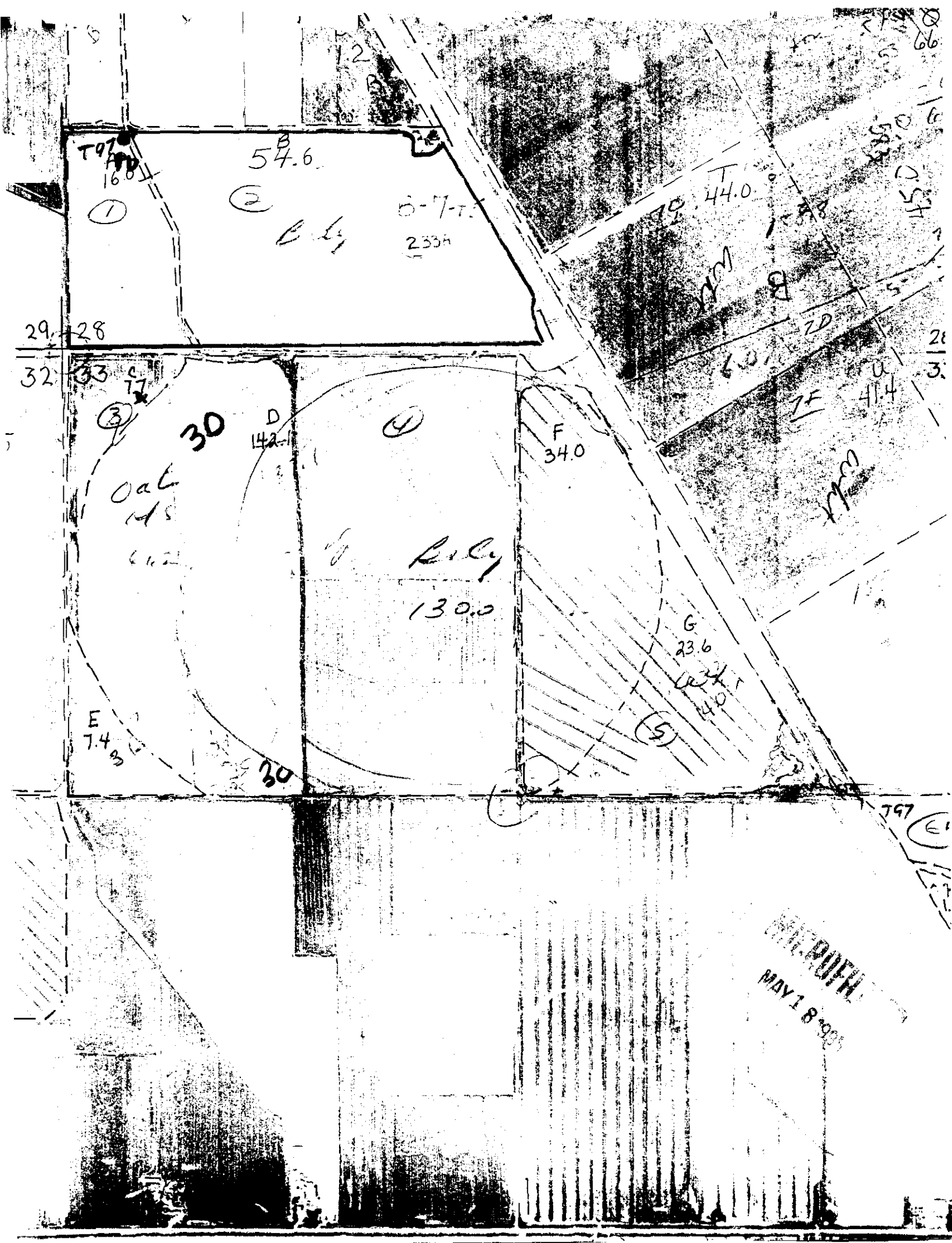
Field Report Preparation Date 8-31-93

CONSULTANT SEAL

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

MICROFILMED

MAY 18 1995

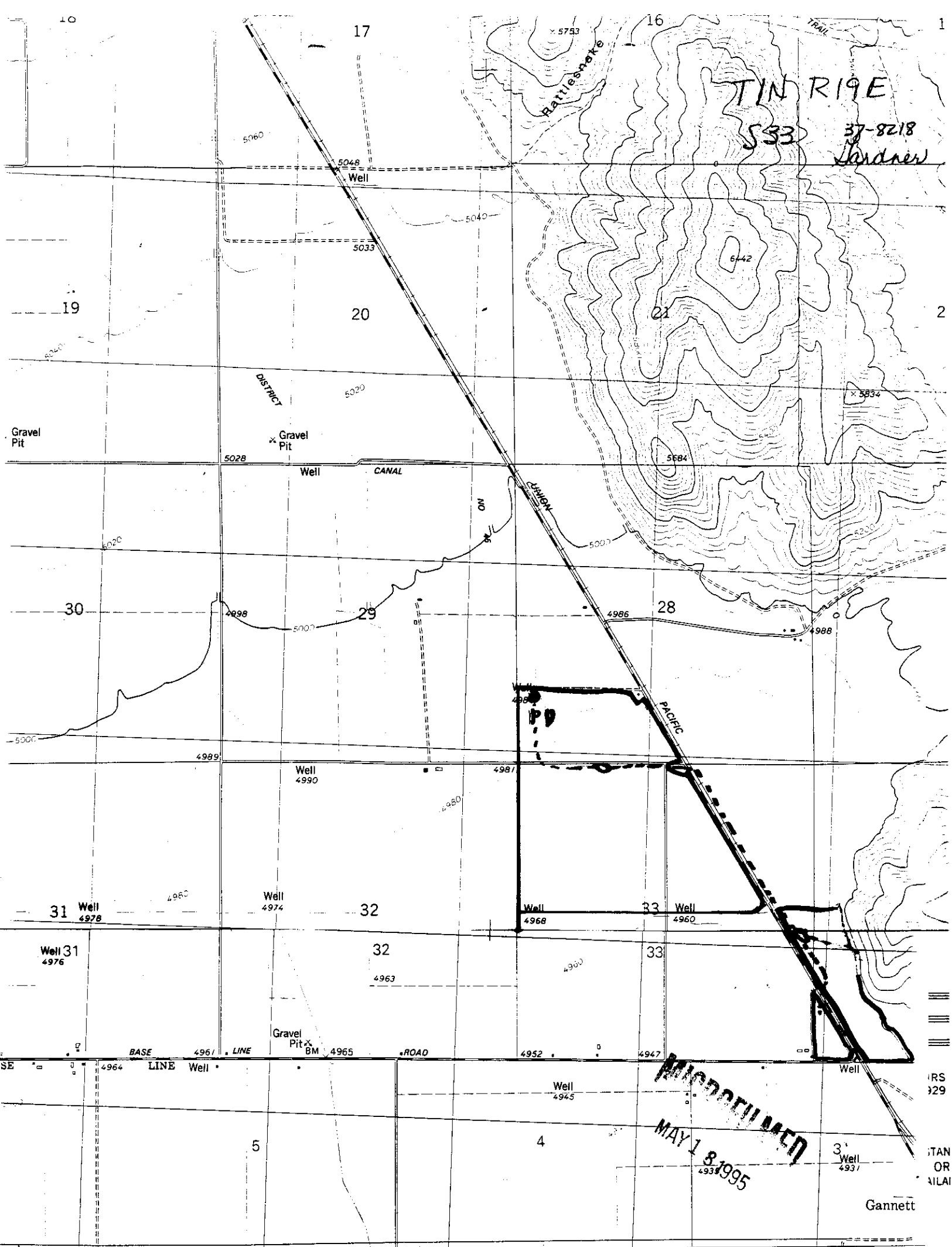


Ditch

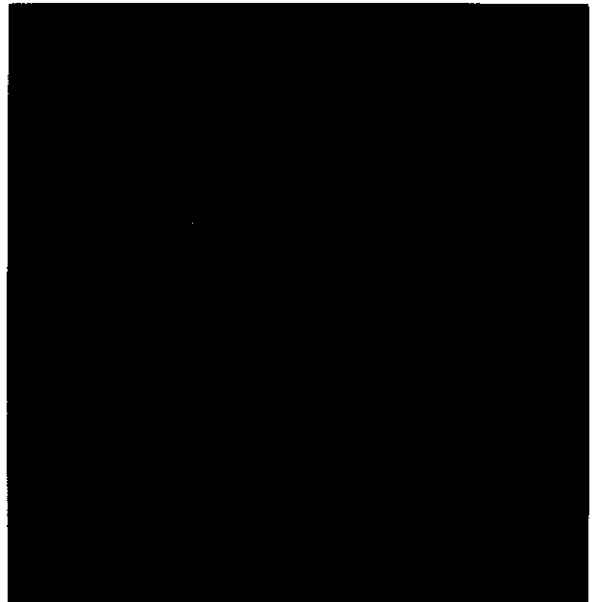
29 28

32

5



27-8218



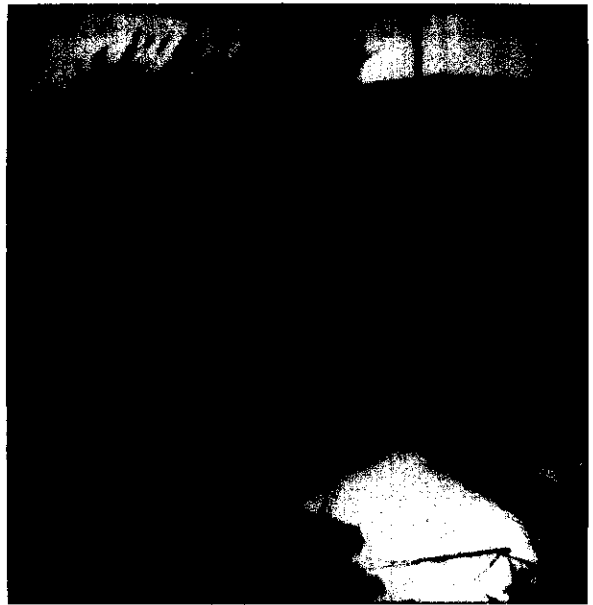
7.8 acre Field west of Gannett Rd.

MICROFILMED
MAY 18 1995

37-8218



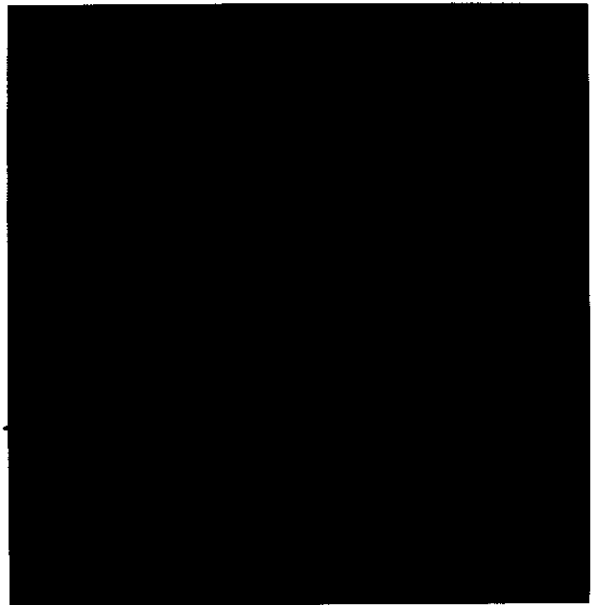
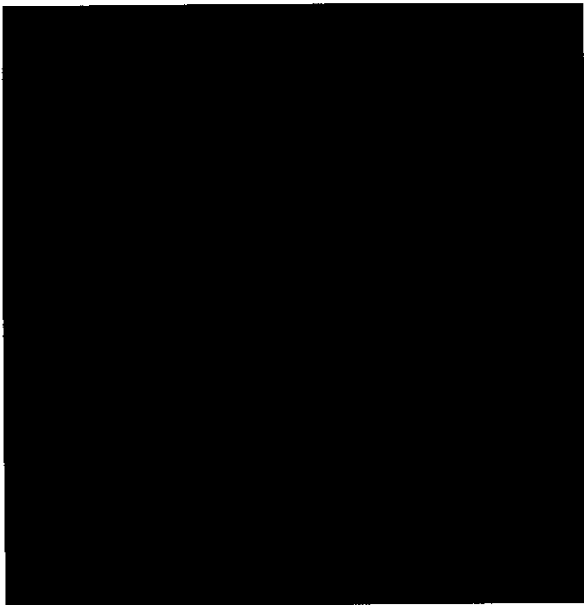
North Re-lift Pump



South Re-lift Pump

RECEIVED
MAY 18 1995

37-8218

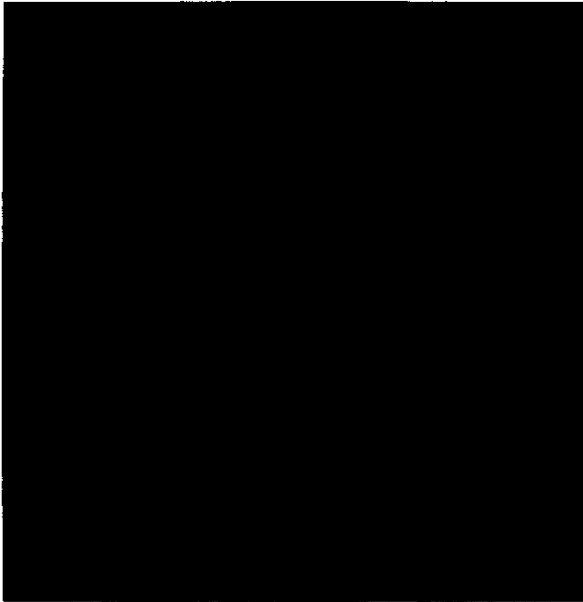


Pond + Pump Inlet

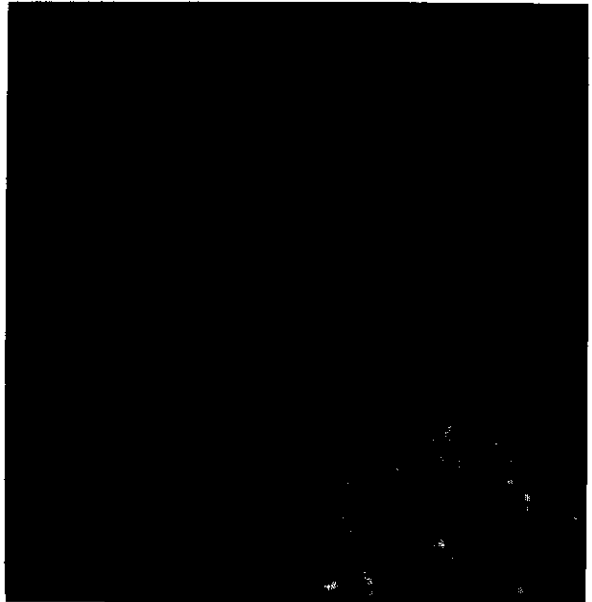
Re-lift Pump #3

RECEIVED
MAY 18 1995

37-8218



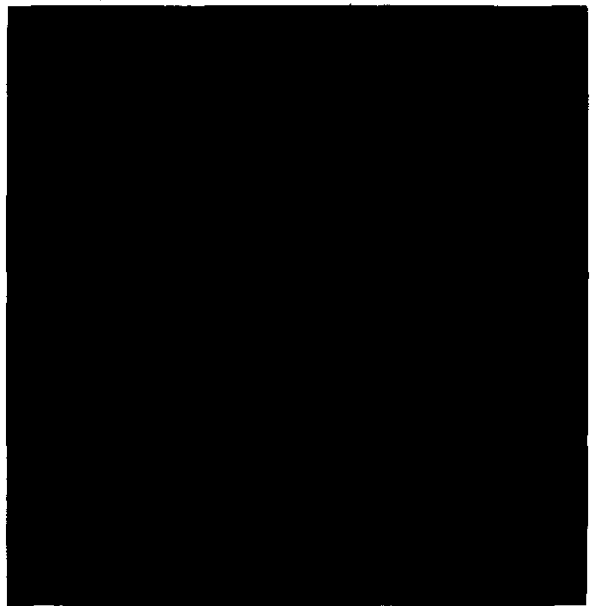
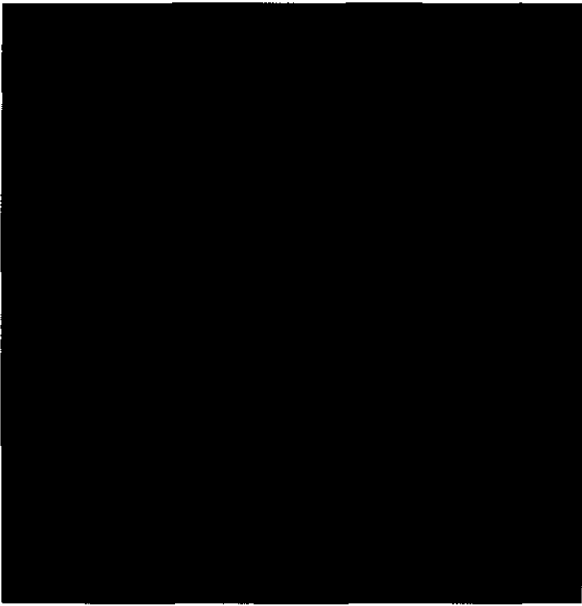
Well Pump



Well Discharge

RECEIVED
MAY 18 1995

37-8218



Pond & Re-lift Pumps

P/U

RECORDED
MAY 18 1995

May 15, 1990

RUTH HELEN GARDNER
CLOYD W. GARDNER
ROBERT E. GARDNER
P.O. BOX 470
BELLEVUE, ID 83313

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 37-08218

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 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
October 6, 1989

RUTH HELEN GARDNER
CLOYD W. 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. P37-08218

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.

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.

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.

MICROFILMED

OCT 18 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. If development is complete, you may submit proof of beneficial use immediately.

Sincerely,

GARY SPACKMAN, Supervisor
Water Right Permits Section

GS: SC
Enclosures

MICROFILMED

OCT 18 1989

DATE 6/28/89

FROM Mary Baldwin, Sec/Office Coordinator

TO File

SUBJECT Change of publication date

Verified by telephone this date that the Wood River Journal will be publishing on 7/3/89 as the first publishing date of July due to the holiday, instead of the 5th as their normal schedules requires.

Mary Baldwin
SIGNATURE

MICROFILMED

OCT 18 1989

22-Jun-1989

Cloyd W. Gardner
&/or Robert E. &/or Ruth Gardner
P.O. Box 470
Bellevue, ID 83313

Re: Amended Application for Permit No. 37-08218

Dear Applicants:

The Department of Water Resources acknowledges receipt of your application for amendment of a permit as referenced above.

This office will be advertising the application in the Wood River Journal on 7/5 & 7/12/89. A period of ten days following the second publication will be allowed for the submittal of protests.

If the application is protested you will be sent a copy of the protest. The protest must be resolved before the application is approved or denied. If the protest is not resolved voluntarily, this Department will conduct a conference and/or hearing on the matter.

If the application is not protested, it will be forwarded to our State Office in about five weeks. State office personnel will conduct a complete review prior to final processing of the application and will notify you of the outcome of this review.

Please feel free to contact this office if you have any questions regarding this procedure.

Very truly yours,

Terry Blau
Sr. Water Resource Agent

TB:MB

MICROFILMED

OCT 18 1989

22-Jun-1989

Wood River Journal
P.O. Box 988
Hailey, ID 83333

Gentlemen:

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

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication. If you cannot publish the notice on the proposed dates, please contact us immediately.

In order to receive payment, an affidavit of publication must be submitted to the Department along with the publication bill.

Very truly yours,

Mary Baldwin
Secretary/Office Coordinator

Enclosure

MICROFILMED

OCT 18 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 3rd day of July, 19 89, and

the date of the last publication was on the 12th day of July, 19 89.

Daniel J. Gorham
Subscribed and sworn to before me this 12th day of July, 19 89.
(SEAL)

Robert J. Kuehn
NOTARY PUBLIC

WOOD RIVER JOURNAL
Hailey, Idaho

COST OF PUBLICATION

Number of Picas per Line 11
Number of Lines in Notice 36
Number of Insertions 2
____ Lines tabular at _____ 5¢/Pica
36 Lines straight at 17.82 4¢/Pica
36 Subsequent lines at 13.86 3¢/Pica
TOTAL COST 31.68

RECEIVED

JUL 13 1989

Department of Water Resources
Southern Region Office

COPY OF NOTICE

(Paste Here)

Amended Application (Gardner)
TITLE OF NOTICE 37-08218

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

Dept. of Water
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 successive
insertion....3.5/pica

MICROFILMED

OCT 18 1989

No 6606

NOTICE OF AMENDED

**APPLICATION FOR
WATER PERMIT**

Notice is hereby given that the following application for permit to appropriate the public waters of the State of Idaho has been amended as follows:

37-08218

Cloyd W. &/or Robert E.

&/or Ruth Helen Gardner

P.O. Box 470

Bellevue, ID 83313

Date Amended: 5/22/89

Source: Groundwater

Diversion: Ft. SW1/4SW1/4, 628,

T1N, R19E, Blaine County.

Use: Irrigation up to 1.00 cfs

In: 56 acres within W1/2NE1/4,

SE1/4NE1/4, 833, T1N, R19E.

The permittee will be subject to all prior water rights. Protests must be filed with the Director, Dept. of Water Resources, Southern Region, 2145 Fourth Avenue East, Twin Falls, ID 83301 on or before JULY 24, 1989.

R. Keith Higginson, Director

Publish: Wood River Journal-July 3 & 12, 1989.

RECEIVED

JUL 11 1989

NOTICE OF AMENDED APPLICATION FOR WATER PERMIT

Notice is hereby given that the following application for permit to appropriate the public waters of the State of Idaho has been amended as follows:

37-08218

Cloyd W. &/or Robert E. &/or Ruth Helen Gardner
P.O. Box 470
Bellevue, ID 83313

Date Amended: 5/22/89

Source: Groundwater

Diversion Pt: SW1/4SW1/4, S28, T1N, R19E; Blaine County.

Use: Irrigation (1.00 cfs)

In: 58 acres within W1/2NE1/4, SE1/4NE1/4, S33, T1N, R19E.

The permit (s) will be subject to all prior water rights. Protests must be filed with the Director, Dept. of Water Resources, Southern Region, 2148 Fourth Avenue East., Twin Falls, ID 83301 on or before July 24, 1989.

R. Keith Higginson, Director

Published in Wood River Journal on 7/5 & 7/12.

MICROFILMED
OCT 18 1989

**NOTICE OF AMENDED
APPLICATION FOR
WATER PERMIT**

Notice is hereby given that the following application for permit to appropriate the public waters of the State of Idaho has been amended as follows:

37-08218

Cloyd W. &/or Robert E.
&/or Ruth Helen Gardner
P.O. Box 470
Bellevue, ID 83313

Date Amended: 5/22/89

Source: Groundwater

Diversion Pt: SW1/4SW1/4, S28,
T1N, R19E; Blaine County.

Use: Irrigation (1.00 cfs)

In: 58 acres within W1/2NE1/4,
SE1/4NE1/4, S33, T1N, R19E.

The permit(s) will be subject to all prior water rights. Protests must be filed with the Director, Dept. of Water Resources, Southern Region, 2148 Fourth Avenue East, Twin Falls, ID 83301, on or before JULY 24, 1989.

R. Keith Higginson, Director

Publish: Wood River Journal-July
3 & 12, 1989.

OK
MB
6/28/89

NOTED
JUL 11 1989

MICROFILMED

OCT 18 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

Cloyd W. &/or Robert E. &/or Ruth Helen Gardner
P.O. Box 470
Bellevue ID 83313

Re: Application for Permit No. 37-8218

Dear Applicants:

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

RECORDED

OCT 18 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., 19 89, and

the date of the last publication was on the 22nd day of Feb., 19 89.

Donald J. York
Subscribed and sworn to before me this 22nd day of Feb., 19 89.
(SEAL)

Raluta McKeecher
NOTARY PUBLIC

WOOD RIVER JOURNAL
Hailey, Idaho

COST OF PUBLICATION

Number of Picas per Line 11
Number of Lines in Notice 40.5
Number of Insertions 2
Lines tabular at 40.5 5¢/Pica
Lines straight at 200.5 4¢/Pica
Subsequent lines at 15.59 3¢/Pica
TOTAL COST 40.5

MICROFILMED

OCT 18 1989

COPY OF NOTICE

(Paste Here)

Not. of Application #37-08218
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 successive
insertion.....3.5/pica

No 6407

RECEIVED

FEB 23 1989

Department of Water Resources
Southern Region Office

Water Right
NOTICE OF APPLICATION

FOR WATER RIGHT

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

37-08218

GARDNER, RUTH HELEN
GARDNER, CLOYD W.
GARDNER, ROBERT E.
P.O. BOX 470
BELLEVUE, ID 83313

Source: GROUNDWATER

Diversion Pt: SWSW Sec 28 T
01N R 18E

Use: IRRIGATION (1.000 CFS)

Date Filed: 6/11/1985

In: T01N R18E S33
NWNE SWNE SENE
68.0 ACRES TOTAL

The permit(s) will be subject to all prior water rights. Any new permit(s) may be submitted based on the criteria of Sec. 42-2001, Idaho Code, and/or the new public interest criteria of Sec. 42-2003C, Idaho Code. Permit(s) must be filed with the Director, Dept. of Water Resources, 2100 East Avenue East, Twin Falls, Idaho 83301, on or before MAY 6, 1989.

R. Keith Haggren, Director
Publish: Wood River Journal-
February 15 & 22, 1989.

37-08218

GARDNER, RUTH HELEN
GARDNER, CLOYD W.
GARDNER, ROBERT E.
P.O. BOX 470
BELLEVUE, ID 83313

Source: GROUNDWATER

Diversion Pt: SWSW Sec 28 T 01N R 18E

Use: IRRIGATION (1.000 CFS)

Date Filed: 6/11/1985

In: T01N R19E S33 NWNE SWNE SENE

58.0 ACRES TOTAL

NOOK CITY

MICROFILMED

OCT 18 1989

INTRODUCED

Winter **rise**

OK
TJ 2/13/89

Attn: Wood River Journal
February 15 & 22, 1988

POOR QUALITY

UNRECORDED

OCT 18 1989

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
PROOF OF BENEFICIAL USE

The Idaho Department of Water Resources will consider this form as a statement that the permit holder(s) has completed development under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below:

Permit No. 37-8218

Name(s) of Permit Holder: Cloyd W. #/or Robert E. #/or Ruth Helen Gardner

Post Office Address: P.O. Box 470, Bellevue, Ida. 83313

Telephone No. 788-2568

Source of Water: Groundwater

Extent of Use:

Domestic _____ (number of households)

Stockwater _____ (number and type of stock)

Irrigation 58 _____ (acres)

Other/Remarks _____

Indicate the date water was first diverted and beneficially used under this permit: Prior to 1966

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

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

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

Applicants

(Name)

(Address)

(Telephone Number)

The above information is a true statement of the extent to which the above numbered permit has been developed.

Date 6/25/1985

Cloyd W. Gardner
Signature of Permit Holder (and Title, if appropriate)

OCT 18 1989

Statement of development for exemption from Swan Falls processing. Not acceptable as proof of beneficial use.

License and Certificate of Water Right

Water License No. G-30844 37-2684

Amount 6.8 c.f.s.

Water District No. _____

Priority October 29, 1962

THIS IS TO CERTIFY that Trust U/W of Aaron Clements and U/A of Hattie Clements by Twin Falls Title and Trust Company, Trustee, and Ruth H. Gardner of Twin Falls, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated October 19, 19 62; that Permit No. G-30844 was issued under said application; that Certificate of Completion of works, with a carrying capacity of 6.8 second feet, was issued thereunder on October 19, 19 65, showing that said works were completed on the 10th day of April, 19 65; and that on the 16th day of April, 19 65, Trust U/W of Aaron Clements and U/A of Hattie Clements by Twin Falls Title and Trust Co., Trustee, and Ruth H. Gardner of Twin Falls, 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, a tributary of subterranean flow, for the purpose of supplementary irrigation, under Use Permit No. G-30844 of the Department 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 of Idaho and entered of record in Volume

13 of Licenses at page 8325, on the 19 day of October, 19 65;

The right hereby confirmed dates from October 29, 19 62;

The Point of Diversion is located

in the SW 1/4 Sec. 34, Tp. 1 N, R. 19 E, B. M. Blaine 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 6.8 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Perm't	No. Acres Actually Irrigated
1 N	19 E	28	SE 1/4	80	80
		33	NW 1/4	160	160
		34	NW 1/4	20	40
			SW 1/4	40	40
			SE 1/4	20	20
Total number of acres to be irrigated:					340

MICROFILMED

OCT 18 1989

MICROFILMED

OCT 18 1989

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

1N. 196B m

29 28
32 33

54.6

6-7
4 @ 33A

40 132.8 40

54

40

40 160

57.5
18

37

NOT TO SCALE

8-723

29

LIC 37-2684
6/8/6 349 2014
10/29/1962

51.2

676

40