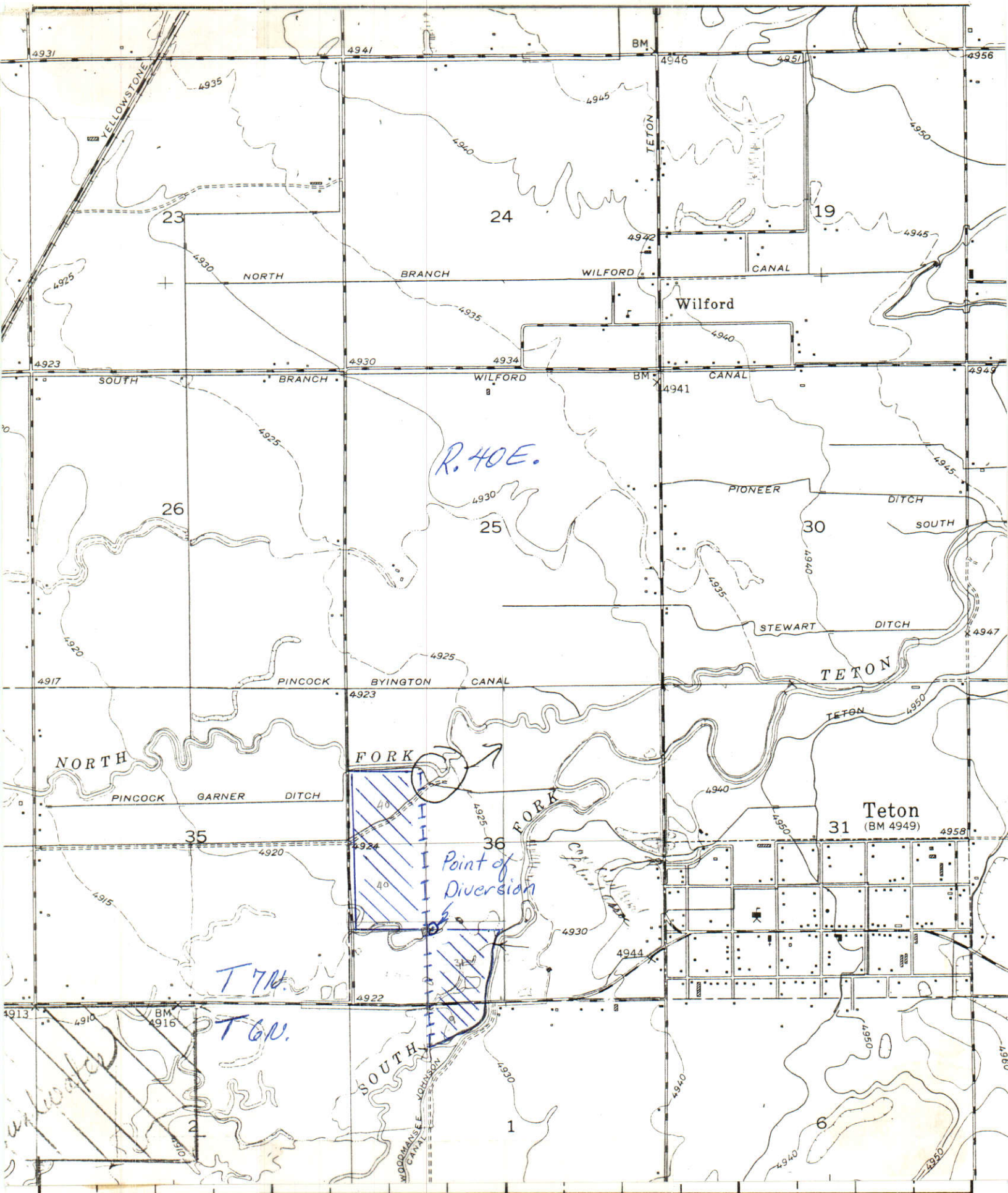
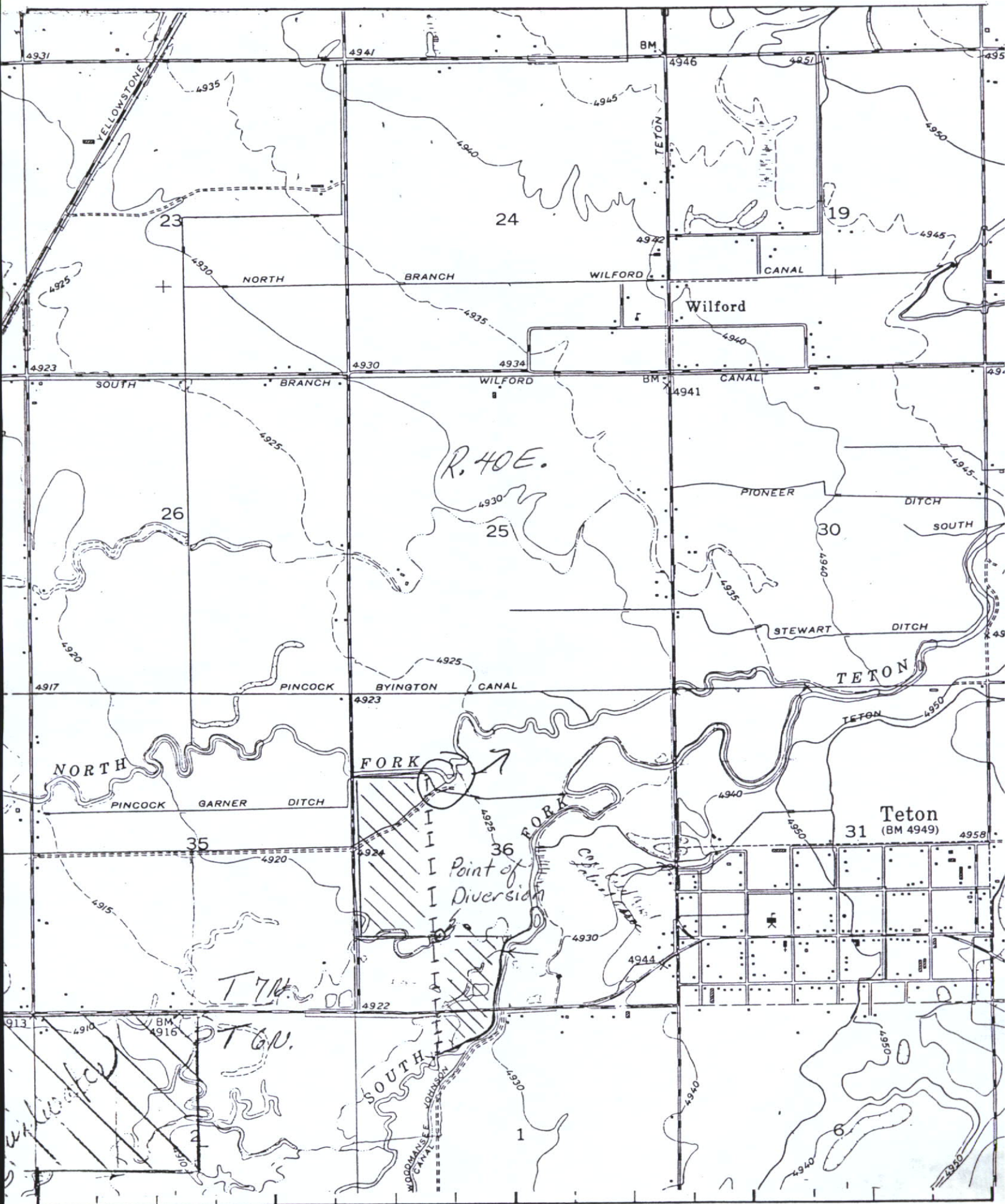


3. Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.



SCALE: 2 inches equal 1 mile. Draw plan in ink.

3. Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.



SCALE: 2 inches equal 1 mile. Draw plan in ink.

AFFIDAVIT OF  
PUBLICATION

State of Idaho

County of Fremont

ss.

Raymond E. Nash

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

That he is the Editor  
of The Chronicle-News, a news-  
paper as defined by Idaho  
Codes Annotated, section 58-106,  
as amended, and that said  
newspaper is a weekly news-  
paper printed and published at  
St. Anthony, in Fremont County,  
Idaho, having a general circula-  
tion in said county, and that  
said newspaper has been print-  
ed and published as a weekly  
newspaper in said county for  
more than 78 consecutive weeks  
prior to the first publication of  
the attached notice, advertise-

ment or publication of .....

Notice of Proposed Change

Of Water Right

And affiant further says that  
said notice, advertisement or  
publication, as per clipping  
attached, was published in said  
newspaper, in the regular and  
entire issue thereof, and not in  
any supplement issue thereof,

for 2 consecutive is-  
sues thereof; first publication

having been made on the 19

day of July, 1979,

and the last publication on the

26 day of July

19 79.

And affiant further says that at  
the times herein mentioned said  
newspaper was made up of at  
least four pages of at least five  
columns each, printed from  
type matter, of at least seven-  
teen and three-fourths inches  
deep

Raymond E. Nash  
Subscribed in my presence and

sworn to before me this 27

day of July,

19 79.

Marilyn R. Lehmann  
Notary Public for the  
State of Idaho, resi-  
(SEAL) dence and post office  
address: St. Anthony,  
Idaho.

NOTICE OF PROPOSED CHANGE  
OF WATER RIGHT  
NO. 22-0631/0636

Notice is hereby given that Floyd B. Gardner  
and/or David L. Gardner, Sugar City, Idaho,  
have applied to the Department of Water  
Resources for a change in the point of diversion  
and places of use of the waters of the Teton  
River tributary to the Snake River. The rights  
sought to be changed are evidenced by decree  
to Floyd Gardner and David L. Gardner in case  
of Floyd Gardner, et al -vs- Lynn Crandall, dated  
4/6/1954 in Ninth Judicial District Court,  
county of Fremont and are recorded as follows:  
Right No. 22-0631

AMOUNT: 3.20 cfs, PRIORITY: 12/1/1903

The water is used to irrigate 80 acres within  
the SW $\frac{1}{4}$ NW $\frac{1}{4}$ , NW $\frac{1}{4}$ SW $\frac{1}{4}$ , Sec. 36, T. 7N, R.  
40E, B.M.

Right No. 22-0636

AMOUNT: 1.60 cfs, PRIORITY: 12/1/1903

The water is used to irrigate 40 acres within  
the SE $\frac{1}{4}$ SW $\frac{1}{4}$ , Sec. 36, T. 7N, R. 40E, B.M.

The decreed point of diversion for the above  
rights was not stated in the decree.

TO BE CHANGED AS FOLLOWS

The water will be diverted from within the  
SE $\frac{1}{4}$ SW $\frac{1}{4}$ , Sec. 36, T. 7N, R. 40E, B.M.  
Fremont County to irrigate 120 acres within the  
SW $\frac{1}{4}$ NW $\frac{1}{4}$ , NW $\frac{1}{4}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ SW $\frac{1}{4}$ , Sec. 36,  
T. 7N, R. 40E, NE $\frac{1}{4}$ NW $\frac{1}{4}$ , Sec. 1, T. 6N, R.  
40E, B.M.

Any protests against approval of the above  
proposed change of water right must be filed  
with the Idaho Department of Water Resources,  
1515 Lincoln Road, Idaho Falls, Idaho 83401  
on or before August 6, 1979.

C. STEVEN ALLRED  
Director

Publ. July 19 and 26, 1979CN

80  
RECEIVED

AUG 15 1979

Department of Water Resources  
Eastern District Office

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

APPROVED

APPLICATION FOR TRANSFER OF WATER RIGHT

To Change the Point of Diversion and/or the Place of Use

Name of applicant Floyd B. Gardner and/or David L. Gardner Phone 458-4937

Post office address Route #1, Sugar City, Idaho 83448

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:
- a. Decree to Floyd Gardner (22-0631), David L. Gardner (22-0636)  
(Name)  
in case of Floyd Gardner, et al vs Lynn Crandall  
dated 4/6/1954 in 9th Judicial District county of Fremont  
(Name of court)
- b. License No. issued by the Idaho Department of Water Resources
- c. Claim No. on file with the Idaho Department of Water Resources
2. If applicant is not the original holder of this right, explain how it was acquired and attach a copy of the deed or other evidence of ownership of the land to which the right is appurtenant

3. Source of water Teton River tributary to Snake River
4. Date of priority 12/01/1903

5. Water is used for the following purposes:
- 22-0631 amount 3.20 for Irrigation purposes from \* to \*  
22-0636 amount 1.60 for Irrigation purposes from \* to \*  
amount for purposes from to  
(month/day – both dates inclusive)

6. Total amount of water under right: a. 4.80 cubic feet per second  
&/or  
b. acre feet per annum
7. Location of original point of diversion is \* ¼ of ¼ of Section  
Township Range , B.M., in County  
Additional points of diversion, if any

8. Lands irrigated or place of use:

| TWP.    | RANGE | SEC. | NE¼ |     |     |     | NW¼ |     |     |     | SW¼ |     |     |     | SE¼ |     |     |     | TOTALS |
|---------|-------|------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|--------|
|         |       |      | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ |        |
| 22-0631 |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
| 7N      | 40E   | 36   |     |     |     |     |     |     | 40  |     |     | 40  |     |     |     |     |     |     | 80     |
| 22-0636 |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
| 7N      | 40E   | 36   |     |     |     |     |     |     |     |     |     |     | 40  |     |     |     |     |     | 40     |
|         |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|         |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |

Total number of acres to be irrigated 120

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

\* Not stated on decree

B. DESCRIPTION OF PORTION OF RIGHT OWNED BY APPLICANT (If the entire right is owned by the applicant, omit part B).

1. Amount of water: a. \_\_\_\_\_ cubic feet per second  
&/or  
b. \_\_\_\_\_ acre feet per annum
2. Point of diversion \_\_\_\_\_ ¼ \_\_\_\_\_ ¼, Section \_\_\_\_\_ Township \_\_\_\_\_  
Range \_\_\_\_\_, B.M., \_\_\_\_\_ County  
Additional points \_\_\_\_\_

3. Place of use:

| TWP. | RANGE | SEC. | NE¼ |     |     |     | NW¼ |     |     |     | SW¼ |     |     |     | SE¼ |     |     |     | TOTALS |
|------|-------|------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|--------|
|      |       |      | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ |        |
|      |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|      |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|      |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|      |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|      |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|      |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|      |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |

C. DESCRIPTION OF RIGHT OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

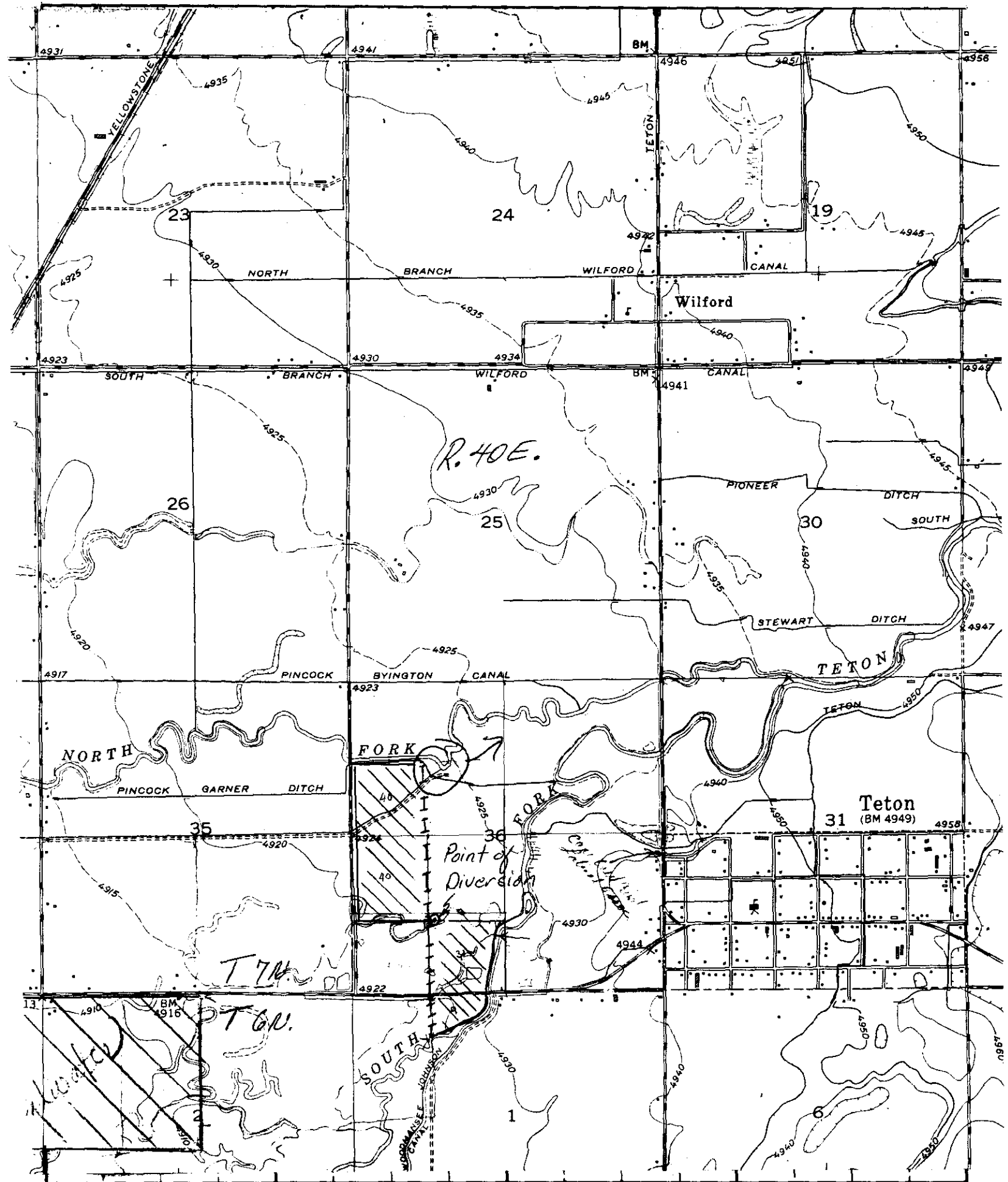
1. Change in point of diversion
- a. Amount of water to be diverted 4.80 c.f.s. &/or \_\_\_\_\_ acre feet
- b. Point(s) of diversion SE ¼ SW ¼, Section 36 Township 7N  
Range 40E, B.M., Fremont County  
Additional points \_\_\_\_\_
- c. Description of diverting works 250 Hp. propane engine with P.T.O. drive for pump.
- d. Describe the reasons for applying for a change in the point(s) of diversion To update the records of the Department and Water District # 01.

2. Change in place of use

- a. Describe the lands or place of use to which the right will be transferred:

| TWP. | RANGE | SEC. | NE¼ |     |     |     | NW¼ |     |     |     | SW¼ |     |     |     | SE¼ |     |     |     | TOTALS |
|------|-------|------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|--------|
|      |       |      | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ |        |
| 7N   | 40E   | 36   |     |     |     |     |     |     | 40  |     |     | 40  |     | 31  |     |     |     |     | 111    |
| 6N   | 40E   | 1    |     |     |     |     | 9   |     |     |     |     |     |     |     |     |     |     |     | 9      |
|      |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|      |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|      |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|      |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |

3. Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.



SCALE: 2 inches equal 1 mile. Draw plan in ink.

4. Remarks \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I hereby assert that no one will be injured by such change and the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

*Flloyd B. Gardner*  
(Signature of applicant)

Subscribed and sworn to before me this 12 day of July, 19 79

*Jean Watson*  
(Notary public)

My commission expires May 15, 1981

#### ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 22-0631/0636 and said application is hereby approved, subject to the following limitations and conditions:  
(1) A totalizing measuring device of a type approved by the Department shall be permanently installed and maintained as part of the diverting works. (2) Subject to control by the watermaster of State Water District 01, Snake River.

Witness my hand this 29<sup>TH</sup> day of August, 19 79.

*Norman C. Young*  
NORMAN C. YOUNG  
Administrator, Resources Admin. Div.

#### FOR DEPARTMENT USE ONLY

|                                                   |                                            |                        |
|---------------------------------------------------|--------------------------------------------|------------------------|
| Received by <u>dh</u>                             | Date <u>7-12-79</u>                        | Protest filed by _____ |
| Prelim. check by <u>EMC</u>                       | Fee <u>35.00</u>                           | _____                  |
| Receipted by <u>dh</u>                            | Date <u>7-12-79</u> #11999                 | _____                  |
| Published in <u>Fremont County Chronicle News</u> | Copies of protest forwarded by _____       |                        |
| Pub. dates <u>July 19 &amp; 26, 1979</u>          | Hearing held by _____ Date _____           |                        |
| Watermaster recommendation requested on _____     | Recommended for <u>approval</u> denial     |                        |
| <u>7-18-79</u> rec'd. <u>7-23-79</u>              | by <u><i>Ernest Carlson</i></u> <u>3.5</u> |                        |

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
APPLICATION FOR TRANSFER OF WATER RIGHT  
To Change the Point of Diversion and/or the Place of Use

Name of applicant Floyd B. Gardner and/or David L. Gardner Phone 458-4937  
Post office address Route #1, Sugar City, Idaho 83448

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:
- a. Decree to Floyd Gardner (22-0631), David L. Gardner (22-0636)  
(Name)  
in case of Floyd Gardner, et al vs Lynn Crandall  
dated 4/ 6/1954 in 9th Judicial District county of Fremont  
(Name of court)
  - b. License No. \_\_\_\_\_ issued by the Idaho Department of Water Resources
  - c. Claim No. \_\_\_\_\_ on file with the Idaho Department of Water Resources
2. If applicant is not the original holder of this right, explain how it was acquired and attach a copy of the deed or other evidence of ownership of the land to which the right is appurtenant \_\_\_\_\_
3. Source of water Teton River tributary to Snake River
4. Date of priority 12/01/1903
5. Water is used for the following purposes:
- |         |                    |                       |                        |             |
|---------|--------------------|-----------------------|------------------------|-------------|
| 22-0631 | amount <u>3.20</u> | for <u>Irrigation</u> | purposes from <u>*</u> | to <u>*</u> |
| 22-0636 | amount <u>1.60</u> | for <u>Irrigation</u> | purposes from <u>*</u> | to <u>*</u> |
|         | amount _____       | for _____             | purposes from _____    | to _____    |
- (month/day – both dates inclusive)
6. Total amount of water under right: a. 4.80 cubic feet per second  
&/or  
b. \_\_\_\_\_ acre feet per annum
7. Location of original point of diversion is \* % of \_\_\_\_\_ % of Section \_\_\_\_\_  
Township \_\_\_\_\_ Range \_\_\_\_\_, B.M., in \_\_\_\_\_ County  
Additional points of diversion, if any \_\_\_\_\_

8. Lands irrigated or place of use:

| TWP.                                  | RANGE | SEC. | NE¼ |     |     |     | NW¼ |     |     |     | SW¼ |     |     |     | SE¼ |     |     |     | TOTALS |
|---------------------------------------|-------|------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|--------|
|                                       |       |      | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ |        |
| 22-0631                               |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
| 7N                                    | 40E   | 36   |     |     |     |     |     |     | 40  |     |     | 40  |     |     |     |     |     |     | 80     |
| 22-0636                               |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
| 7N                                    | 40E   | 36   |     |     |     |     |     |     |     |     |     |     |     | 40  |     |     |     |     | 40     |
|                                       |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|                                       |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
| Total number of acres to be irrigated |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     | 120    |

9. Describe any other water rights used for the same purposes as described above \_\_\_\_\_

\* Not stated on decree

B. DESCRIPTION OF PORTION OF RIGHT OWNED BY APPLICANT. If the entire right is owned by the applicant, omit part B).

1. Amount of water: a. \_\_\_\_\_ cubic feet per second  
&/or  
b. \_\_\_\_\_ acre feet per annum
2. Point of diversion \_\_\_\_\_  $\frac{1}{4}$  \_\_\_\_\_  $\frac{1}{4}$ , Section \_\_\_\_\_ Township \_\_\_\_\_  
Range \_\_\_\_\_, B.M., \_\_\_\_\_ County
- Additional points \_\_\_\_\_

3. Place of use:

[illegible]

C. DESCRIPTION OF RIGHT OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Change in point of diversion
- a. Amount of water to be diverted 4.80 c.f.s. &/or \_\_\_\_\_ acre feet
- b. Point(s) of diversion SE ¼ SW ¼, Section 36 Township 7N  
Range 40E, B.M., Fremont County
- Additional points \_\_\_\_\_

- |    |                                |                                                    |
|----|--------------------------------|----------------------------------------------------|
| c. | Description of diverting works | 250 Hp. propane engine with P.T.O. drive for pump. |
|----|--------------------------------|----------------------------------------------------|

- d. Describe the reasons for applying for a change in the point(s) of diversion To update the  
records of the Department and Water District # 01.

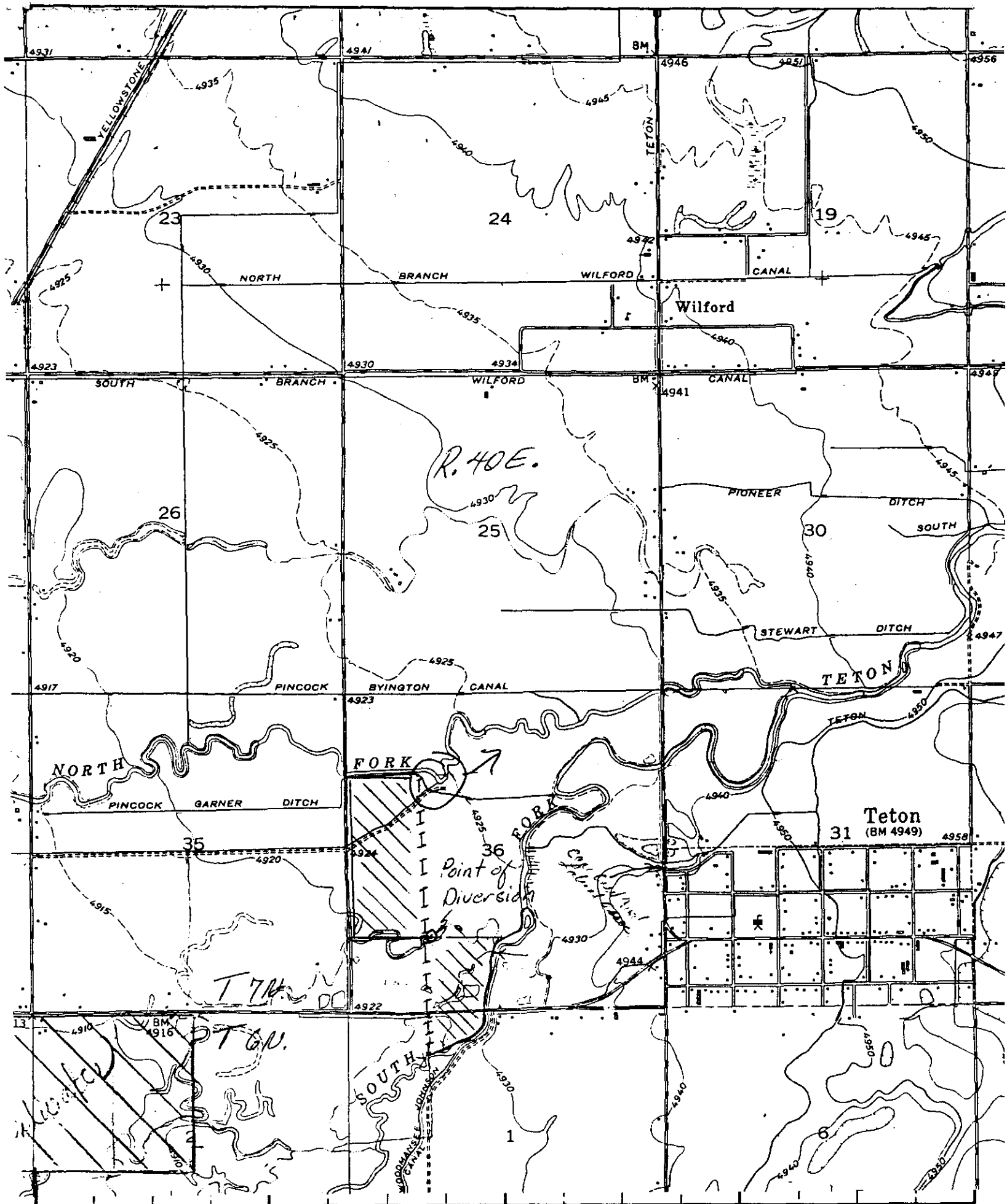
2. Change in place of use

- a. Describe the lands or place of use to which the right will be transferred:

| TWP. | RANGE | SEC. | NE¼ |     |     |     | NW¼ |     |     |     | SW¼ |     |     |     | SE¼ |     |     |     | TOTALS |
|------|-------|------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|--------|
|      |       |      | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ |        |
| 7N   | 40E   | 36   |     |     |     |     |     |     | 40  |     |     | 40  |     | 31  |     |     |     |     | 111    |
| 6N   | 40E   | 1    |     |     |     |     | 9   |     |     |     |     |     |     |     |     |     |     |     | 9      |
|      |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|      |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|      |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|      |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |

|                                       |     |
|---------------------------------------|-----|
| Total number of acres to be irrigated | 120 |
|---------------------------------------|-----|

3. Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.



SCALE: 2 inches equal 1 mile. Draw plan in ink.

4. Remarks \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I hereby assert that no one will be injured by such change and the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

Floyd B. Gardner  
(Signature of applicant)

Subscribed and sworn to before me this 12 day of July, 19 79

Jean Watson  
(Notary public)

My commission expires May 15, 1981

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. \_\_\_\_\_  
and said application is hereby \_\_\_\_\_, subject to the following limitations and conditions:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Witness my hand this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_.

FOR DEPARTMENT USE ONLY

|                                               |                                    |                                      |
|-----------------------------------------------|------------------------------------|--------------------------------------|
| Received by <u>dh</u>                         | Date <u>7-12-79</u>                | Protest filed by _____               |
| Prelim. check by <u>EMC</u>                   | Fee <u>35.00</u>                   | _____                                |
| Receipted by <u>dh</u>                        | Date <u>7-12-79</u> # <u>11999</u> | _____                                |
| Published in _____                            |                                    | Copies of protest forwarded by _____ |
| Pub. dates _____                              |                                    | Hearing held by _____ Date _____     |
| Watermaster recommendation requested on _____ |                                    | Recommended for approval denial      |
| _____ rec'd. _____                            |                                    | by _____                             |



# STATE of IDAHO

DEPARTMENT OF RECLAMATION  
LYNN CRANDALL, WATERMASTER  
IDAHO FALLS, IDAHO

WATER DISTRICT NO. 36

LEN JORDAN, GOVERNOR

MARK R. KULP,  
STATE RECLAMATION ENGINEER

July 20, 1954

Mr. Willard C. Burton  
St. Anthony, Idaho

Dear Mr. Burton:

In the copy of the decree you sent me, Floyd Gardner, et al., vs. myself, under William D. Hollist the land description appears to be incomplete in that it does not describe to what part of the land in question the water is appurtenant.

Very truly yours,

A handwritten signature in cursive script that reads "Lynn Crandall".

Lynn Crandall  
Watermaster

I made several different copies of this judgment and though they were proof read and corrections made where noted, the property descriptions are somewhat detailed and there are many of them and I have noted that some of my corrections did not carry over into all the copies. You may have such a copy.

The decree on file describes the land to which William D. Hollist's water right is appurtenant as: "That part of the NE $\frac{1}{4}$ NW $\frac{1}{4}$ , of the NW $\frac{1}{4}$ NE $\frac{1}{4}$ , and of the NE $\frac{1}{4}$ NE $\frac{1}{4}$  of Sec. 36, Twp 7 N., R. 40 EBM which is North of the Teton River the same being a little strip of land lying between the section line and the River in the middle part of the section.

I hope this straightens the matter out. If it does not please let me know. I'm sorry that I did not answer your letter sooner, but I have been in court with a couple other cases during the past few weeks and have been quite busy. I thought I had answered this letter, but noted this morning, that I had not done so.

Willard C. Burton

IN THE DISTRICT COURT OF THE NINTH JUDICIAL DISTRICT OF IDAHO  
 THE STATE OF IDAHO IN AND FOR THE  
 COUNTY OF FREMONT

FLOYD GARDNER, LELAN ANDERSON,  
 WILLIAM D. HOLLIST, DEAN CRAIN,  
 YOSHIHISA UGAKI, ALBERT BIRCH,  
 DAVID LEROY GARDNER, MARK CLARK,  
 and EVA B. CUTLER,

Plaintiff,

JUDGMENT

-vs-

LYNN CRANDALL, Water Master, Water  
 District No. 36 of the State of Idaho

Defendant.

It is hereby ORDERED, ADJUDGED and DECREED That the plaintiffs, be,  
 and each of them is hereby, awarded priority right to the use of water of  
 the Snake River and its tributary, the Teton River, in amount and as of  
 priority date hereinafter indicated for the purpose of irrigation and for  
 domestic use:

- 22-0631 FLOYD GARDNER: 160 inches Dec. 1st, 1903.  
 The NW $\frac{1}{4}$ SW $\frac{1}{4}$  and the SW $\frac{1}{4}$ NW $\frac{1}{4}$  of Sec. 36, T. 7 N., R. 40 EEM
- LELAN ANDERSON: 80 inches May 15, 1898  
 The SW $\frac{1}{4}$ SW $\frac{1}{4}$  Sec. 36, T 7 N., R 40 EEM
- 22-0632 WILLIAM D. HOLLIST: 104 inches Dec. 1st, 1903  
 That part of the NE $\frac{1}{4}$ NW $\frac{1}{4}$  of the NW $\frac{1}{4}$ NE $\frac{1}{4}$  and of the NE $\frac{1}{4}$ NE $\frac{1}{4}$  of Sec.  
 36, T. 7 N., R. 40 EEM, which is north of Teton River
- 22-0633 YOSHIHISA UGAKI: 150 inches Dec. 1, 1903  
 Commencing at the NE corner of the NW $\frac{1}{4}$ SE $\frac{1}{4}$  of Sec 36, T 7 N.,  
 R. 40 EEM., running thence west 60 rods, thence south 53  $\frac{1}{3}$   
 rods, thence east 60 rods, thence south 26  $\frac{2}{3}$  rods, thence  
 east 40 rods, thence north 20 rods, thence east 40 rods, thence  
 north 20 rods, thence west 40 rods, thence north 11 rods,  
 thence west 40 rods, thence north to the point of beginning.  
 ALSO: The west  $\frac{1}{2}$  of the west 10 acres of the SW $\frac{1}{4}$ SE $\frac{1}{4}$  of Sec.  
 36, T. 7 N., R. 40 EEM  
 ALSO: The South 57 $\frac{1}{2}$  rods of the NE $\frac{1}{4}$ SW $\frac{1}{4}$  of Sec. 36, T 7 N., R.  
 40 EEM
- 22-0634 ALBERT BIRCH: 60 inches Dec. 1st, 1903  
 All that part of the NE $\frac{1}{4}$ NE $\frac{1}{4}$  of Sec. 36, T. 7 N., R. 40 EEM lying  
 and being south of the Teton River
- 22-0655 EVA B. CUTLER: 60 inches Dec. 1st, 1903  
 The SE $\frac{1}{4}$ NE $\frac{1}{4}$  of Sec. 36, T 7 N., R. 40 EEM.
- 22-0636 DAVID LEROY GARDNER: 80 inches Dec. 1st, 1903  
 The SE $\frac{1}{4}$ NW $\frac{1}{4}$  of Sec. 36, T. 7 N., R. 40 EEM
- 22-0637 Mark CLARK: 80 inches Dec. 1st, 1903  
 That part of the South  $\frac{1}{2}$  of the SW $\frac{1}{4}$  of Sec. 30 and of the East  
 70 rods of the NW $\frac{1}{4}$  of Sec. 31, T. 7 N., R. 40 EEM which lies between  
 the forks of the Teton River.
- 22-0638 DEAN CRAIN: 110 inches Dec. 1st, 1903  
 Beginning at the NW corner of the SW $\frac{1}{4}$ NW $\frac{1}{4}$  of Sec. 36, T., 7 N.,  
 R. 40 EEM and running thence North to the North Fork of the Teton

River, thence following the south bank of the said Fork of the said River to the west line of the NE $\frac{1}{4}$  of said Section, thence south approximately 66 rods to the Garner Ditch, thence westerly along the Garner Ditch bank approximately 78 rods, thence north to the point of beginning.

Said adjudication being under authority of and in accord with the provisions of Sec. 42-1405 Idaho Code.

Done this 6th day of April, 1954.

---

Henry S. Martin  
DISTRICT JUDGE

THE STATE OF IDAHO IN AND FOR THE

COUNTY OF FREMONT

CASE NUMBER 5254  
 DISTRICT COURT  
 IN THE NINTH JUDICIAL DISTRICT  
 County of Fremont, State of Idaho  
 FILED 6-4-1934  
*Jack A. Stone*  
 BY \_\_\_\_\_

FLOYD GARDNER, LELAN ANDERSON,  
 WILLIAM D. HOLLIST, DEAN CRAIN  
 YOSHIHISA UGAKI, ALBERT BIRCH,  
 DAVID LEROY GARDNER, MARK CLARK,  
 and EVA B. CUTLER,

Plaintiffs,

-vs-

LYNN CRANDALL, Water Master, Water  
 District No. 36, of the State of Idaho.

Defendant.

FINDINGS OF FACT, CONCLUSIONS

OF LAW AND JUDGMENT

-----

This cause came regularly on for hearing before the Court sitting without a jury at the Court Room in the Court House at St. Anthony, Fremont County, Idaho, Willard C. Burton, Attorney at Law, St. Anthony, Idaho, appeared for and on behalf of the plaintiffs and the defendant failed to appear either in person or by counsel, and it appeared that the defendant had been duly and regularly served with process herein, and that his default for failing to appear within the time allowed by law had been duly entered, it was ordered that said default entry be and the same is hereby confirmed.

It further appeared that notice had been given as required by law and by order of this court by publication in a newspaper, and that no one had appeared to enter any objections;

Competent evidence having been given in support of the complaint and it appearing therefrom that the allegations of the complaint are materially correct, and the Court being fully advised in the premises and in the law, makes its findings of fact and conclusions of law and judgment herein as follows, to wit:

## I

That the plaintiffs, and each of them, are residents of the County of Fremont, State of Idaho;

## II

That since on or about the 1st day of March, 1930, the defendant Lynn Crandall, has been and now is the duly elected, qualified and acting Watermaster of Water District No. 36 of the State of Idaho, which includes

THE STATE OF IDAHO IN AND FOR THE

COUNTY OF FREMONT

CASE NUMBER 5254  
DISTRICT COURT  
NINTH JUDICIAL DISTRICT  
County of Fremont, State of Idaho  
FILED 6-4-1954  
*Jack A. Stone*  
CLERK

FLOYD GARDNER, LELAN ANDERSON,  
WILLIAM D. HOLLIST, DEAN CRAIN  
YOSHIHISA UGAKI, ALBERT BIRCH,  
DAVID LEROY GARDNER, MARK CLARK,  
and EVA B. CUTLER,

Plaintiffs,

-vs-

LYNN CRANDALL, Water Master, Water  
District No. 36, of the State of Idaho.

Defendant.

FINDINGS OF FACT, CONCLUSIONS

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Competent evidence having been given in support of the complaint and it appearing therefrom that the allegations of the complaint are materially correct, and the Court being fully advised in the premises and in the law, makes its findings of fact and conclusions of law and judgment herein as follows, to wit:

I

That the plaintiffs, and each of them, are residents of the County of Fremont, State of Idaho;

II

That since on or about the 1st day of March, 1930, the defendant Lynn Crandall, has been and now is the duly elected, qualified and acting Watermaster of Water District No. 36 of the State of Idaho, which includes

own any interest in the SE $\frac{1}{4}$ SW $\frac{1}{4}$  Sec. 36, T 7 N., R. 40 EBM so far as can be ascertained from the records, and in so far as the adjudication of water right concerned said property it was of no value, but he had acquired a right in and to the SW $\frac{1}{4}$ SW $\frac{1}{4}$  of said section and had appropriated water there-fore, and the adjudication of water right therefore in an amount of 80 inches should be confirmed and is binding on all parties.

# VI

That owners of all other property subject to this action did nothing so far as can be ascertained to obtain record title to water appropriated for the use thereof, but that they had, by December 1, of 1903 appropriated water for the use thereof as hereinafter indicated; that they are entitled to an adjudication of record showing priority as of that date;

## CONCLUSIONS OF LAW

From the foregoing findings of fact the Court concludes as a matter of law that Lelan Anderson, as successor in interest of H. J. Clark, in and to all that property described as the SW $\frac{1}{4}$ SW $\frac{1}{4}$  of Sec. 36, T 7 N., R. 40 EBM is entitled to priority of water right for the use thereof in an amount of 80 inches with priority date of ~~May~~ 15 1898, per decree already entered; that the other plaintiffs are entitled for their respective properties in amounts hereinafter shown to a priority date of December 1, 1903;

## JUDGMENT

It is hereby ORDERED, ADJUDGED and DECREED that the plaintiffs be, and each of them is hereby, awarded priority right to the use of water of the Snake River and its tributary the Teton River, in amount and as of priority date hereinafter indicated for the purpose of irrigation and domestic use:

0631 T. 2322  
22-0644 FLOYD GARDNER: 160 inches 3.2 Dec. 1, 1903  
The NW $\frac{1}{4}$ SW $\frac{1}{4}$  and the SW $\frac{1}{4}$ NW $\frac{1}{4}$  of Sec. 36, T 7 N., R. 40 EBM  
(succ. H. J. Clark)  
22-0207 LELAN ANDERSON: 80 inches 1.6 May 15, 1898  
The SW $\frac{1}{4}$ SW $\frac{1}{4}$  SEC. 36, T 7 N., R. 40 EBM.  
0632  
22-0645 William D. HOLLIST: 104 inches 2.0 DEC. 1, 1903  
That part of the NE $\frac{1}{4}$ NW $\frac{1}{4}$ , of the NW $\frac{1}{4}$ NE $\frac{1}{4}$  and of the NE $\frac{1}{4}$ NE $\frac{1}{4}$  of Sec. 36, T 7 N., R 40 EBM, which is north of the Teton River  
0633  
22-0646 YOSHIOHISA UGAKI: 150 inches 3.0 Dec. 1, 1903  
Commencing at the NE corner of the NW $\frac{1}{4}$ SE $\frac{1}{4}$  of Sec 36, T 7 N., 40 EBM, running thence west 60 rods, thence south 53 1/3 rods, thence east 60 rods, thence south 26 2/3 rods, thence east 40 rods, thence north 20 rods, thence east 40 rods, thence north 20 rods, thence west 40 rods, thence north 11 rods, thence west 40 rods, thence north to the point of beginning.  
ALSO: The west 1/2 of the west 10 acres of the SW $\frac{1}{4}$ SE $\frac{1}{4}$  of Sec. 36 T 7 N., R 40 EBM  
ALSO: The South 57 1/2 rods of the NE $\frac{1}{4}$ SW $\frac{1}{4}$  of Sec 36, T 7 N., R 40 EBM

0634  
22-0677 ALBERT BIRCH: 60 inches 1-2 Dec. 1, 1903  
All the part of the NE $\frac{1}{4}$ NE $\frac{1}{4}$  of Sec 36, T 7 N., R 40 EBM lying  
and being south of the Teton River.

0635  
22-0678 Eva B. CUTLER: 60 inches 1-2 Dec 1, 1903  
The SE $\frac{1}{4}$ NE $\frac{1}{4}$  of Sec 36, T 7 N., R 40 EBM

0636  
22-0679 DAVID LEROY GARDNER: 80 inches 1-2 Dec 1, 1903  
The SE $\frac{1}{4}$ NE $\frac{1}{4}$  of Sec 35, T 7 N., R 40 EBM

0637  
22-0680 MARK CLARK: 80 inches 1-2 Dec 1, 1903  
That part of the south  $\frac{1}{2}$  of the SW $\frac{1}{4}$  of Sec 30 and of the east  
70 rods of the NW $\frac{1}{4}$  of Sec 31 of T 7 N., R 40 EBM which lies  
between the Forks of the Teton River

0638  
22-0681 DEAN GRAY: 110 inches 1-2 Dec 1, 1903  
Beginning at the NW corner of the SE $\frac{1}{4}$ NE $\frac{1}{4}$  of Sec 36, T 7 N., R 40  
EBM and running thence North to the North Fork of the Teton River  
thence following the south bank of the said Fork of said River  
to the west line of the NE $\frac{1}{4}$  of said section, thence south approx-  
imately 60 rods to the Garner Ditch, thence westerly along the  
Garner Ditch bank approximately 78 rods, thence north to the point  
of beginning.

Said adjudication being under authority of and in accord with the  
provisions of Sec. 42-1406 Idaho Code.

Done this 6th day of April, 1904.

*LeRoy Martin*  
District Judge

...ed one-half interest in and to:

The SE $\frac{1}{4}$  of SW $\frac{1}{4}$  of Section 36, Township 7  
North, Range 40 E.B.M., containing 40  
acres, more or less.

TOGETHER with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and the reversion and reversions, remainder and remainders, and rents, issues and profits thereof; and all estate, right, title and interest in and to the said property, as well in law as in equity, of the said party of the first part,

TO HAVE AND TO HOLD, all and singular the above mentioned and described premises together with the appurtenances unto the party of the second part, and to party of the second part's heirs and assigns forever. And the said party of the first part, and said party of the first part's heirs shall and will warrant and by these presents forever defend the said premises in the quiet and peaceable possession of the said party of the second part, and party of the second part's heirs and assigns, against the said party of the first part, and party of the first part's heirs, and against all and every person and persons whomsoever, lawfully claiming or to claim the same.

In construing this deed and where the context so requires, the singular includes the plural.

IN WITNESS WHEREOF, the said party of the first part hereunto has set his hand.

*Floyd B. Gardner*  
*Thelma Gardner*

STATE OF IDAHO.

County of Madison

On this 28th

day of

February

in the year 19 78, before me

the undersigned

a Notary Public in and for said State, personally appeared

FLOYD B. GARDNER & THELMA GARDNER, his wife,

known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

(SEAL)

*Mary Smith*

Notary Public for the State of Idaho  
Residing at Rexburg, Idaho.

No. 352668

WARRANTY DEED

(Form No. 221)

TO

Dated 19 78

STATE OF IDAHO.

County of Madison

I hereby certify that this instrument

was filed for record at request of

at 5 minutes past 10:00

o'clock P.M., this 1st day of

March, 1978, in my

office, and duly entered in Book

of

at page

By *Barbara Calonge*

By *Gene Burdick*

Fees, \$ 1.00

Mail to

After Recording Return to

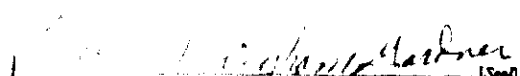
of the second part, and to his heirs and assigns forever, all the place or parcel of land situate, lying and being in the County of Fremont State of Idaho, bounded and more particularly described as follows, to-wit:

The Northwest Quarter of the Southwest Quarter (NW $\frac{1}{4}$ SW $\frac{1}{4}$ ) and that part of the Southwest Quarter of the Northwest Quarter (SW $\frac{1}{4}$ NW $\frac{1}{4}$ ) lying and being South of the Teton River, and that part of the Southwest Quarter of the Northwest Quarter (SW $\frac{1}{4}$ NW $\frac{1}{4}$ ) lying and being North of the Teton River, all in Section 36, Township 7 North, Range 40 E.B.M., together with all ditch and water rights thereunto belonging or in anywise appertaining, together with a priority right to use 160 inches of water of the Snake River and its tributary, the Teton River, with a priority date of December 1, 1907, as adjudicated by that certain Judgment dated April 6, 1954, in the District Court of the Ninth Judicial District of the State of Idaho in and for the County of Fremont, in the case of Floyd Gardner, et al, vs. Lynn Crundall, Water Master, Water District No. 36, of the State of Idaho.

Together with all and singular, the tenements heretofore and appurtenances thereunto belonging or in anywise appertaining, and the rents, issues and profits thereof.

TO HAVE AND TO HOLD all and singular the premises together with the appurtenances and privileges thereunto incident unto the said part of the second part, and to his heirs and assigns forever. And the said parties of the first part, and their heirs the said premises, in the quiet and peaceable possession of the said party of the second part his heirs and assigns against the said part 100 of the first part, and their heirs and assigns, all and every person or persons whomsoever, lawfully claiming or to claim the same, shall and lawfully warrant and defend them and their heirs and assigns.

IN WITNESS WHEREOF, The said parties of the first part have hereunto set their hands and seal this day and year first above written.  
Signed, Sealed and Delivered in the Presence of

 [Seal]  
 [Seal]

[Seal]  
[Seal]

WARRANTY DEED

TO

STATE OF IDAHO

County of Blaine

I hereby certify that this instrument was filed for record at the request of

Robert H. Anderson

at 9 minutes past 3:00

o'clock P. M. this 21st day

of January A. D. 1924

in my office and duly recorded in Book

of Deeds at page 381278

Heidi Lindberg  
Ex-Officio Recorder

By Robert H. Anderson  
Deputy

Feb. 8 1924

## WARRANTY DEED

THIS INDENTURE, Made the 6th day of June in the Year of Our Lord One Thousand Nine Hundred and forty six between James Gardner and Myrtle May Gardner husband and wife of the County of Madison, and State of Idaho, the parties of the first part, and Floyd Gardner of the County of Madison, and State of Idaho, the party of the second part.

WITNESSETH, That the said parties of the first part, for and in consideration of the sum of Four hundred fifty and no/100 DOLLARS lawful money of the United States of America, to them in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, do by these presents, grant, bargain, sell and convey and confirm unto the said party of the second part, and to his heirs and assigns, forever all that certain lot, piece or parcel of land situate, lying and being in the County of Madison and State of Idaho, and bounded and described as follows, to-wit:

Commencing at the Northwest corner of Lot Three (3) Section One (1), Township Six (6) North of Range Forty (40) East of the Boise Meridian, and running thence East to the West bank of the Teton River, thence Southwesterly following the meanderings of the said Teton River to a point eight (8) rods East of the Southwest corner of said Lot Three (3) aforesaid, thence North to the place of beginning, except therefrom the part thereof which has heretofore been reserved as a right-of-way.

\$0.55 U.S.R. stamps affixed to original instrument and cancelled.

together with all and singular the tenements, hereditaments and appurtenances thereunto belonging, or in anywise appertaining and the rents, issues and profits thereof.

TO HAVE AND TO HOLD, All and singular the said premises, together with the appurtenances and privileges thereunto incident, unto the said party of the second part, to his heirs and assigns forever. And the said parties of the first part and their heirs, the said premises in the quiet and peaceable possession of the said party of the second part,

his heirs and assigns, against the said parties of the first part, and their heirs, and against all and every person or persons whosoever, lawfully claiming or to claim the same, shall and will warrant, and by these presents forever defend.

IN WITNESS WHEREOF, The said parties of the first part have hereunto set their hands and seal the day and year first above written.

Signed, sealed and delivered in the presence of

F. L. Davis

James Gardner (SEAL)

Myrtle May Gardner (SEAL)

(SEAL)

STATE OF IDAHO, }  
County of Madison, } ss.

On this 6th day of June, 1946, before me,

F. L. Davis

Clerk of District Court

in and for said State, personally appeared James Gardner and Myrtle May Gardner, his wife

known to me to be the persons whose names they subscribed to the within instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

F. L. Davis

SEAL

Clerk of District Court

Filed for record at the request of Floyd Gardner

at 10 minutes past 2 o'clock P. M., this 14 day of June, 1946,

and recorded in Book 158 of Deeds, page 124, Records of Madison County, State of Idaho.

F. L. Davis

Recorder.

Fees, \$ 1.25

AFFIDAVIT OF  
PUBLICATION

State of Idaho

County of Fremont

ss.

Raymond F. Nash

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

That he is the Editor  
of The Chronicle-News, a news-  
paper as defined by Idaho  
Codes Annotated, section 58-100,  
as amended, and that said  
newspaper is a weekly news-  
paper printed and published at  
St. Anthony, in Fremont County,  
Idaho, having a general circula-  
tion in said county, and that  
said newspaper has been print-  
ed and published as a weekly  
newspaper in said county for  
more than 78 consecutive weeks  
prior to the first publication of  
the attached notice, advertise-

ment or publication of

Notice of Proposed Change

Of Water Right

And affiant further says that  
said notice, advertisement or  
publication, as per clipping  
attached, was published in said  
newspaper, in the regular and  
entire issue thereof, and not in  
any supplement issue thereof,

for 2 consecutive is-  
sues thereof; first publication

having been made on the 19.

day of July, 1979.

and the last publication on the

26 day of July

1979.

And affiant further says that at  
the times herein mentioned said  
newspaper was made up of at  
least four pages of at least five  
columns each, printed from  
type matter, of at least seven-  
teen and three-fourths inches  
deep.

Raymond F. Nash  
Subscribed in my presence and

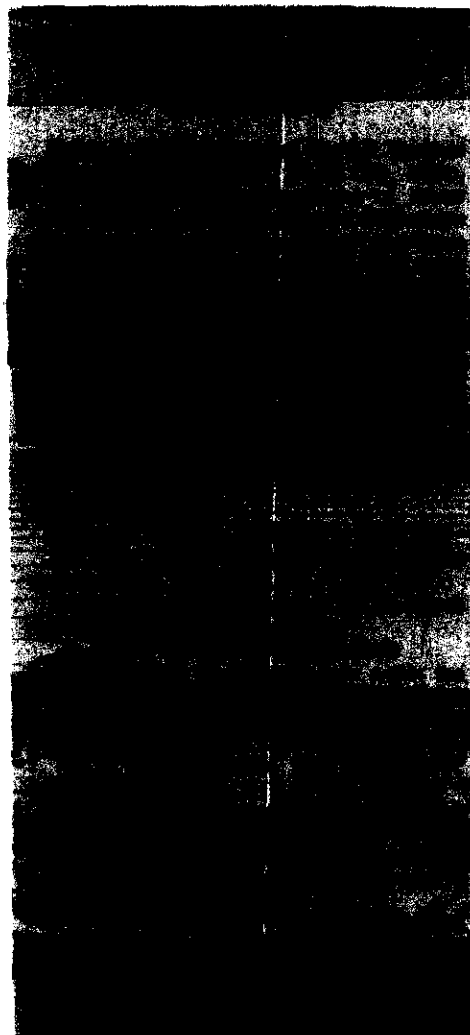
sworn to before me this 27.

day of July.

1979.

Marjorie R. Lehmann

Notary Public for the  
State of Idaho, resi-  
(SEAL) dence and post office  
address: St. Anthony,  
Idaho.



80

RECEIVED

AUG 15 1979

Department of Water Resources  
Eastern District Office

August 30, 1979

Floyd and David Gardner  
Route #1  
Sugar City, Idaho 83448

Dear Sirs,

RE: Transfer of Water Right No. 's 22-0631/0636

Enclosed is a copy of your approved Application for Transfer of the above referneced water rights (Transfer No. 2322). Be sure to note the conditions of approval as listed on the fourth page.

Sincerely,

L. GLEN SAXTON  
Chief, Operations Bureau

LGS:mr

Enclosure

Identification No. 22-0631/0636

Transfer No. \_\_\_\_\_

**APPLICATION FOR TRANSFER OF WATER RIGHT**

**RECOMMENDATION OF WATERMASTER**

I, R.D. Carlson, watermaster of Snake River,  
of Water District No. 1, County of Bonneville, State of Idaho,  
whose address is 1515 Lincoln Rd. Idaho Falls, Id.,  
have read the attached copy of the application for transfer of water right for  
Floyd & David Gardner and to the best of my knowledge believe the  
(name)  
application to be true.

(A) I hereby endorse Application for Transfer and recommend that the State  
Reclamation Engineer approve the Transfer subject to the following conditions:

Adequate measuring devices  
\_\_\_\_\_  
\_\_\_\_\_

OR

B. I do not endorse approval of this Application for Transfer as requested  
for the following reasons: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Dated at July, Idaho, this 23<sup>rd</sup> day of July, 1979.

R.D. Carlson  
(Signature)

July 18, 1979

Floyd B. Gardner  
David L. Gardner  
Route #1  
Sugar City, Idaho 83448

Dear Sirs:

Re: Application for Transfer No. 22-0631/0636

This office has reviewed your application for transfer and finds it to be in acceptable form for processing. However, before the Department can take final action on this application, we must have either proof of ownership in the form of a warranty deed or title insurance showing you as owner of the land from which the water is being removed, or a suitable document such as a lease contract, bill of sale, or affidavit from the owner of the land described giving you the right to initiate this transfer.

To avoid delays in the processing of this transfer, it is essential that we have the proof of ownership within twenty (20) days. If you have any questions concerning this matter, please feel free to contact this office.

Very truly yours,

RONALD D. CARLSON  
Supervisor  
Eastern Region

RDC:dh

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
Eastern Region

---

1515 Lincoln Road  
Idaho Falls, Idaho 83401  
(208) 523-7186

JULY 13, 1979

Fremont County Chronicle News  
P. O. Box 568  
St. Anthony, Idaho 83445

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. We have allowed ample time for you to submit a galley proof to this office for review before the first publication date. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before AUGUST 6, 1979.

Yours truly,

RONALD D. CARLSON  
Supervisor  
Eastern Region

Encl.

**NOTICE OF PROPOSED CHANGE  
OF WATER RIGHT  
NO. 22-0631/0636**

Notice is hereby given that Floyd B. Gardner and/or David L. Gardner, Sugar City, Idaho, have applied to the Department of Water Resources for a change in the point of diversion and places of use of the waters of the Teton River tributary to the Snake River. The rights sought to be changed are evidenced by decree to Floyd Gardner and David L. Gardner in case of Floyd Gardner, et al -vs- Lynn Crandall, dated 4/6/1954 in Ninth Judicial District Court, county of Fremont and are recorded as follows:  
Right No. 22-0631

AMOUNT: 3.20 cfs, PRIORITY: 12/1/1903

The water is used to irrigate 80 acres within the SW $\frac{1}{4}$ NW $\frac{1}{4}$ , NW $\frac{1}{4}$ SW $\frac{1}{4}$ , Sec. 36, T. 7N, R. 40E, B.M.

Right No. 22-0636

AMOUNT: 1.60 cfs, PRIORITY: 12/1/1903

The water is used to irrigate 40 acres within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ , Sec. 36, T. 7N, R. 40E, B.M.

The decreed point of diversion for the above rights was not stated in the decree.

**TO BE CHANGED AS FOLLOWS**

The water will be diverted from within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ , Sec. 36, T. 7N, R. 40E, B.M. Fremont County to irrigate 120 acres within the SW $\frac{1}{4}$ NW $\frac{1}{4}$ , NW $\frac{1}{4}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ SW $\frac{1}{4}$ , Sec. 36, T. 7N, R. 40E, NE $\frac{1}{4}$ NW $\frac{1}{4}$ , Sec. 1, T. 6N, R. 40E, B.M.

Any protests against approval of the above proposed change of water right must be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho 83401 on or before August 6, 1979.

C. STEVEN ALLRED  
Director

Publ. July 19 and 26, 1979CN

Emk

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

NO. 22-0631/0636

Notice is hereby given that Floyd B. Gardner and/or David L. Gardner, Sugar City, Idaho, have applied to the Department of Water Resources for a change in the point of diversion and place of use of the waters of the Teton River tributary to the Snake River. The rights sought to be changed are evidenced by decree to Floyd Gardner and David L. Gardner in case of Floyd Gardner, et al -vs- Lynn Crandall, dated 4/6/1954 in Ninth Judicial District Court, county of Fremont and are recorded as follows:

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PRIORITY: 12/1/1903

The water is used to irrigate 80 acres within the SW $\frac{1}{4}$ NW $\frac{1}{4}$ , NW $\frac{1}{4}$ SW $\frac{1}{4}$ , Sec. 36, T. 7N, R. 40E, B.M.

Right No. 22-0636

AMOUNT: 1.60 cfs

PRIORITY: 12/1/1903

The water is used to irrigate 40 acres within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ , Sec. 36, T. 7N, R. 40E, B.M.

The decreed point of diversion for the above rights was not stated in the decree.

TO BE CHANGED AS FOLLOWS

The water will be diverted from within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ , Sec. 36, T. 7N, R. 40E, B.M., Fremont County to irrigate 120 acres within the SW $\frac{1}{4}$ NW $\frac{1}{4}$ , NW $\frac{1}{4}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ SW $\frac{1}{4}$ , Sec. 36, T. 7N, R. 40E, NE $\frac{1}{4}$ NW $\frac{1}{4}$ , Sec. 1, T. 6N, R. 40E, B.M.

Any protests against approval of the above proposed change of water right must be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho 83401 on or before August 6, 1979.

C. STEVEN ALLRED  
Director

Published 7/19 & 7/26/79 in the Fremont County Chronicle News, St. Anthony.

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
TRANSFER ANALYSIS SHEET

INITIAL REVIEW BY: ARK

1. Right number 22-0631 22-0636 Applicant Floyd B. Gardner and/or David L. Gardner

2. Type of right: ☒ Decree ☐ License ☐ Claim

3. Purpose of transfer: ☐ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use

☒ Other Define point of diversion which was not stated in decree

4. Check:

a. ☒ Source ☒ Priority ☒ Amount ☒ Purpose ☒ Period of use (not stated in decree)

b. ☒ Description of original point of diversion. not stated in decree

c. ☒ Description of original place of use. 01 Quad sent to Boise

5. Amount of land &/or water transferred:

a. ☒ All of right(s)

b. ☐ Part of right (NOTE! Part B should be filled in only if part of the right is owned by the applicant).

c. ☒ Check description of point(s) of diversion. ok

d. ☒ Check description of place of use.

e. ☒ Check map (shows p.d. and p.u. after transfer).

f. ☒ Check for correct signature, notarization, and fee.

g. ☒ Check proof of ownership of right &/or land from which water is transferred. need proof of ownership

h. ☒ Check for expansion in use of right. Comments none

i. ☒ Check for existing water rights from same source, on land water is being transferred to.

Right number(s) none

j. ☒ Is use within a Watermaster District? ☒ Yes ☐ No

If yes, what district? District 01

FINAL PROCESSING REVIEW BY: \_\_\_\_\_

1. Watermaster recommendation requested on 7-18-79 Received on 7-23-79

2. Is transfer published correctly? ☒ Yes ☐ No

3. Protest received? ☐ Yes ☒ No

RECOMMENDED ACTION

1. ☒ Approve

2. ☐ Deny

3. Conditions\* ① Totalizing Measuring device ② Subject to control by the water master of State Water District 01, Snake River  
modify condition #01 to include Totalizing

4. By Ernest Carlson Date 8/22/79

use above conditions  
\* All uses within Watermaster Districts require special conditions.

RECEIVED  
AUG 21 1979

Department of Water Resources