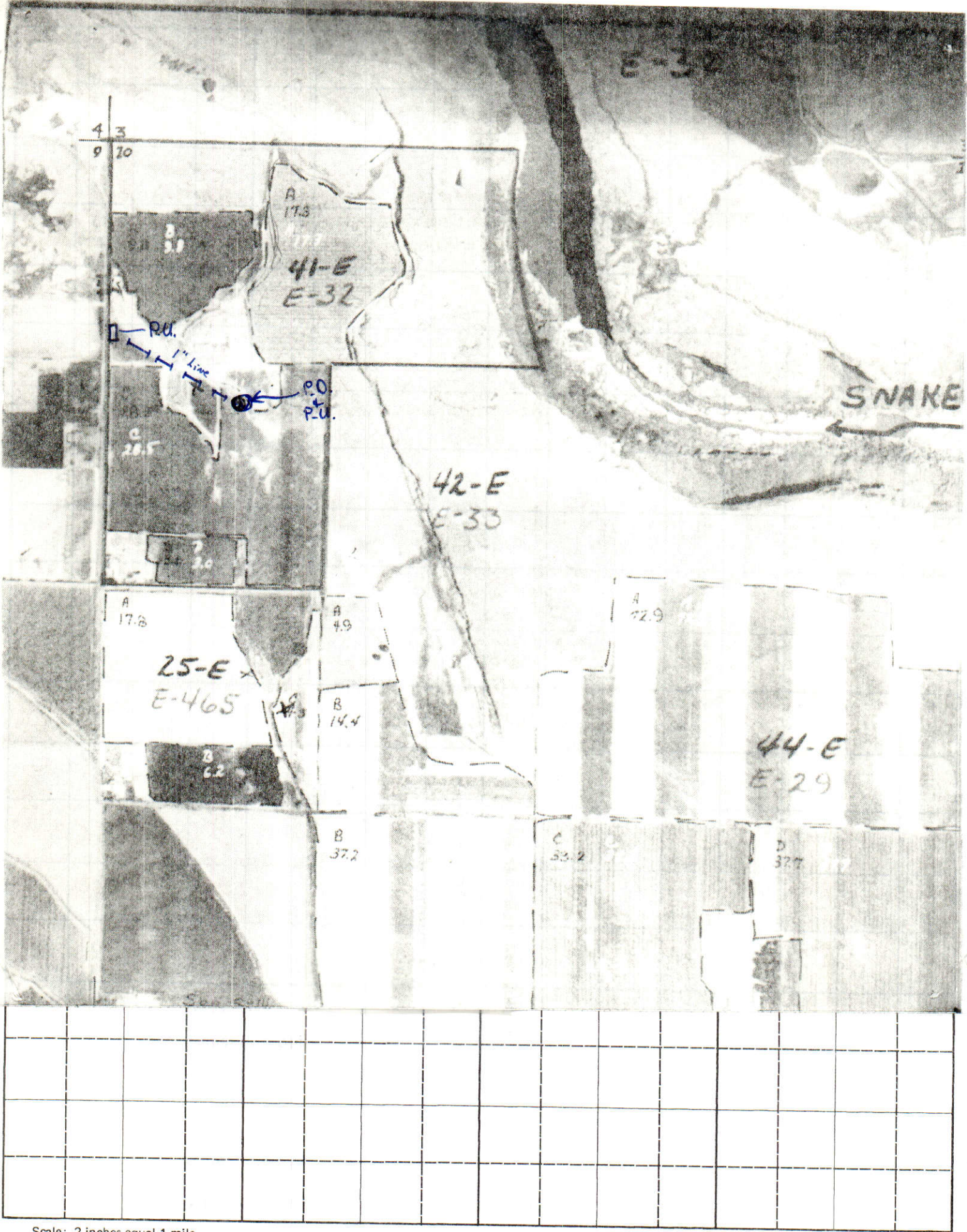


11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



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

H. L. Gardner
(Applicant)

Affidavit of Publication

N^o 9748

STATE OF IDAHO, }
COUNTY OF TWIN FALLS } ss.

I, Linda Capps McSwine being first duly sworn upon oath, depose and say that I am Print Clerk of the TIMES-NEWS, published daily, at Twin Falls, Idaho, and do solemnly swear that a copy of the notice of advertisement, as per clipping attached, was published in the regular and entire issue of said newspaper, and not in any supplement thereof, for Two consecutive weeks, commencing with the issue dated March 19, 1981, and ending with the issue dated March 26, 1981.

And I do further certify that said newspaper is a consolidation, effective February 16, 1942, of the Idaho Evening Times, published theretofore daily except Sunday, and the Twin Falls News, published theretofore daily except Monday, both of which newspapers prior to consolidation had been published under said names in said city and county continuously and uninterruptedly during a period of more than twelve consecutive months, and said TIMES-NEWS, since such consolidation, has been published as a daily newspaper except Saturday, until July 31, 1978, at which time said newspaper began daily publication under said name in said city and county continuously and uninterruptedly.

And I further certify that pursuant to Section 60-108 Idaho Code, Thursday of each week has been designated as the day on which legal notice by law or by order of any court of competent jurisdiction within the state of Idaho, to be published weekly, will be published; and that at the head of the editorial column of said combined newspapers, and in each issue thereof, Thursday is announced as the day on which said legal notices will be published.

Linda Capps McSwine
Subscribed and sworn to before me on this 26 day of

March, 1981

Melba Rowlett Smith
Notary Public in and for the County of Twin Falls,
State of Idaho, residing at Twin Falls, Idaho

47-7709
GARDNER, HOWARD &/or
RUBY
RT. 1, KIMBERLY, ID 83341
Source: GROUNDWATER
Date Filed: 03/03/1981
Amount: 0.09 CFS
Diversion Point: SWNW Sec
10 T 10S R 18E, TWIN
FALLS Co.
Use: STOCKWATER (0.03
CFS) from 01/01 to 12/31
DOMESTIC (0.06 CFS)
from 01/01 to 12/31
Place of Use: SWNW NWNW
Sec 10 T 10S R 18E
Diversion Means: WELL,
PUMP, PIPELINE

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RECEIVED
APR 1 1981
Department of Water Resources
Southern District Office

R18E

MICROFILMED

Top 10 S.

4 3
9 10

41-E
E-31

P.U.

P.O.
P.U.

42-E

SWAN

25-E

44-E

E-31

State of Idaho
Department of Water Resources
WATER RIGHT LICENSE

License of Water Right No. 47-7709 Priority March 3, 1981 Amount 0.09 cfs

THIS IS TO CERTIFY, that Howard &/or Ruby Gardner
of Kimberly, Idaho, has complied with the terms and conditions of Permit
No. 47-7709 issued pursuant to Application for Permit dated March 3, 1981,
and has submitted proof to the Department of Water Resources on April 5, 1982,
that he has applied water to a **beneficial use**; an examination by the Department indicates that the works have a
capacity for the diversion of 0.09 cfs of water from a groundwater source,
tributary to _____, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
Stockwater	from <u>January 1</u> to <u>December 31</u>	at <u>0.03</u> cfs and	<u>1.3</u> acre feet
Domestic	from <u>January 1</u> to <u>December 31</u>	at <u>0.06</u> cfs and	<u>1.2</u> acre feet
(2 Units)	from _____ to _____	at _____ cfs and	_____

(both dates inclusive)

Subject, however, to the condition that no more than 0.09 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
2.5 acre feet per year, said waters to be diverted within the SW1/4, Section 10,
Twp 10S, Rge 18E in the County of Twin Falls

Description and location of place of use:

Twp.	Range	Sec.	NE1/4				NW1/4				SW1/4				SE1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
10S	18E	10					X	X											

Total number of acres irrigated _____

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CONDITIONS OF APPROVAL

a. Modifications to or variance from this license must be made within the limits of Section 42-222, **Idaho Code**, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

b. The right to the use of the water hereby confirmed is restricted and appurtenant to lands or place of use herein described, and is subject to all prior water rights, as provided by the laws of Idaho.

c. Any water right confirmed in this license for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this license and shall not give rise to any right or claim against any future rights to the use of water other than hydropower, within the State of Idaho initiated later in time than the priority of this license.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 11TH day of OCTOBER, 19 85.

Norman C. Young
Acting Director

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

APPROVED

To appropriate the public waters of the State of Idaho

1. Name of applicant Howard ^{and/} or Ruby Gardner Phone 423-5807

Post office address Rt #1, Kimberly, Idaho 83341

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

3. Location of point of diversion is SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 10 Township 10 S.

Range 18 E B.M. Twin Falls County, additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 0.06 for Domestic purposes from Jan. 1 to Dec. 31 (both dates inclusive)
(cfs or acre-feet per annum)

Amount 0.03 for Stockwater purposes from Jan 1 to Dec 31 (both dates inclusive)
(cfs or acre-feet per annum)

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

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

5. Total quantity to be appropriated:

a. 0.09 cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Well with 1 1/2 hp jacuzzi
pump pipeline to place of use.

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.

c. ~~Proposed~~ ^{Existing} well diameter is 6 inches; proposed depth of well is 185 feet.
(Month/Day) (Month/Day)

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:

SW $\frac{1}{4}$ NW $\frac{1}{4}$

(1) Give the place of use of water: NW' $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 10 Township 10 S.

Range 18 E 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 100 head range cattle

(4) Name of municipality to be served _____, or number of families to be supplied with domestic water two.

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

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

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

Total number of acres to be irrigated _____

c. Describe any other water rights used for the same purposes as described above. Beneficial use
right out of waste Coulee.

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

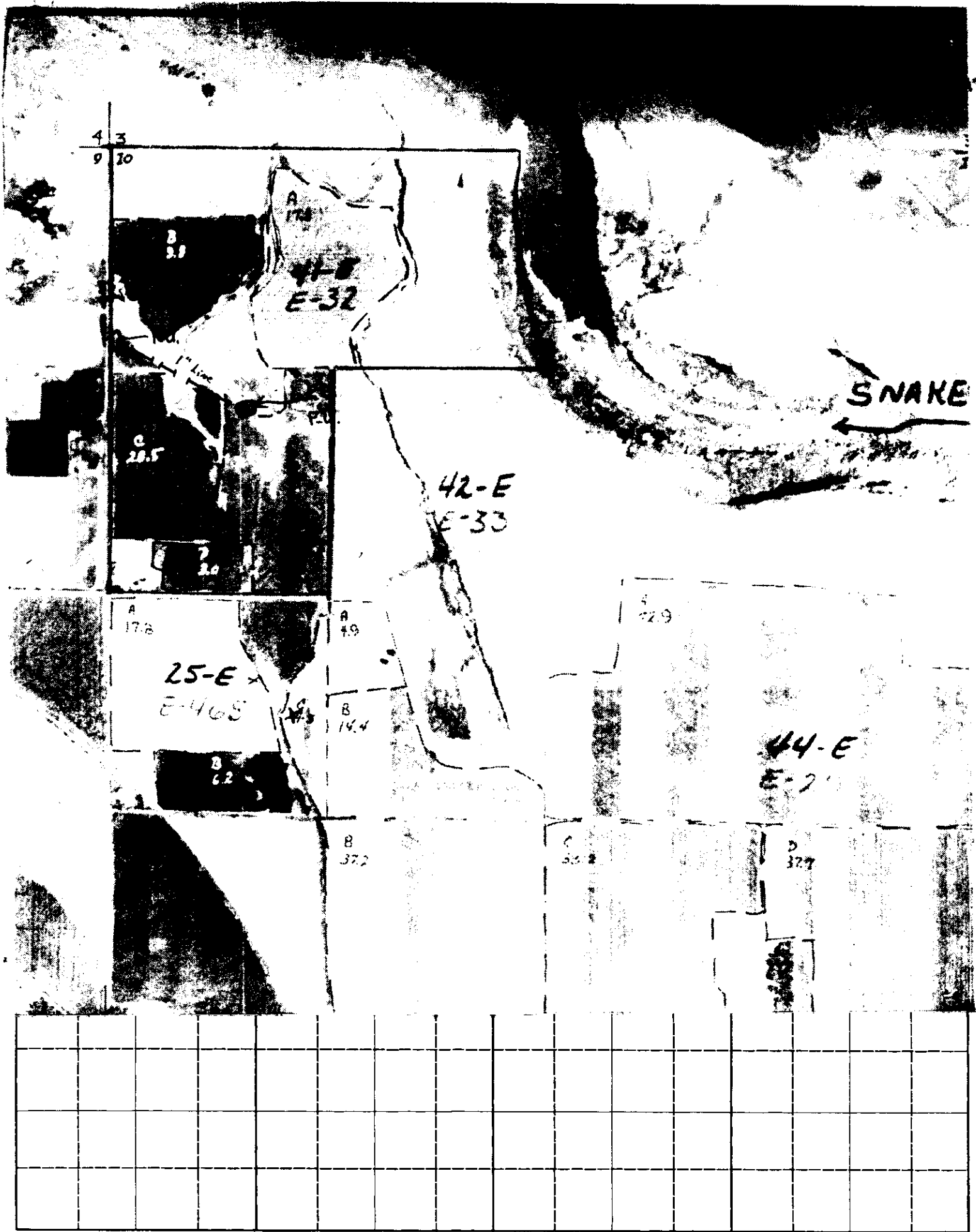
b. Who owns the land to be irrigated or place of use Applicant

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

10. Remarks _____

RECEIVED
 11/11/11
 11/11/11

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



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.

H. L. Gardner
(Applicant)

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Proposed Priority 3/3/81

Received by T.G.B. Date 3-3-81 Time 2:00

Preliminary check by [initials] Fee \$ 30⁰⁰/100 Rept # 16859

Receipted by T.G.B. Date 3-3-81

Publication prepared by marisa Date 3/6/81

Published in timew news

Publication dates 3/19 & 3/26/81

Publication approved marisa Date 3/18/81

Protests filed by: None

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by [initials] [initials]

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. 47-7709, and said application is hereby approved.

1. Approval of said application is subject to the following limitations and conditions:

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before June 1, 19 82.
- 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:

Witness my hand this 18th day of May, 1981.

A. Glen Sayton
Chief, Operations Bureau

UNRECORDED

Affidavit of Publication

Nº 9748

STATE OF IDAHO,
COUNTY OF TWIN FALLS } ss.

I, Linda Capps McBuire being first duly sworn upon oath, depose and say that I am Print Clerk of the TIMES-NEWS, published daily, at Twin Falls, Idaho, and do solemnly swear that a copy of the notice of advertisement, as per clipping attached, was published in the regular and entire issue of said newspaper, and not in any supplement thereof, for Two consecutive Weeks, commencing with the issue dated March 19, 1981, and ending with the issue dated March 26, 1981.

And I do further certify that said newspaper is a consolidation, effective February 16, 1942, of the Idaho Evening Times, published theretofore daily except Sunday, and the Twin Falls News, published theretofore daily except Monday, both of which newspapers prior to consolidation had been published under said names in said city and county continuously and uninterruptedly during a period of more than twelve consecutive months, and said TIMES-NEWS, since such consolidation, has been published as a daily newspaper except Saturday, until July 31, 1978, at which time said newspaper began daily publication under said name in said city and county continuously and uninterruptedly.

And I further certify that pursuant to Section 60-108 Idaho Code, Thursday of each week has been designated as the day on which legal notice by law or by order of any court of competent jurisdiction within the state of Idaho, to be published weekly, will be published; and that at the head of the editorial column of said combined newspapers, and in each issue thereof, Thursday is announced as the day on which said legal notices will be published.

Linda Capps McBuire
Subscribed and sworn to before me on this 26 day of March, 1981.

Shelba Rowlett-Smith
Notary Public in and for the County of Twin Falls,
State of Idaho, residing at Twin Falls, Idaho

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RECEIVED
APR 1 1981
Department of Welfare
Southern District Office

October 15, 1985

RE: Permit No. 47-7709

Howard &/or Ruby Gardner
Rt. 1
Kimberly, ID 83341

Dear Mr. and Mrs. Gardner:

Enclosed herewith is a copy of the Water Right License issued on the above referenced Permit.

Sincerely,



JIM JOHNSON
Water Distribution Supervisor

JJ:kw
Enclosure

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State of Idaho
DEPARTMENT OF WATER RESOURCES
FIELD REPORT

47-7709

Permit No.

CONTACT WITH PERMIT HOLDER

	DATE	INITIALS	REMARKS
☒ Appointment letter mailed:	6/8/82		
☒ Telephone call made: (List Telephone No. used)	10/27/82	YB	423-5807
☒ Appointment scheduled for: (Date, time, location)	10/27/82	TB	

EXAMINATION

Date 10/27/82 Accompanied by Mr. Howard Gardner Total Q measured N/A est. 0.09
If source is surface water, estimate total flow of source N/A
Methods of measurement N/A Meets Permit requirements? yes

Measurement calculations:
Allow Rmt Applied for Standard rate .06 cfs for 2 house domestic use
" .03 " " 50-100 Range cattle
Livestock use. $100 \text{ ad} \times 12 \text{ gal/100 lb/day} \times 365 \text{ days}$ 1.2 AFA for 2 house domestic use
 $325,800 \text{ gal/Af}$ 1.3 AFA for 50-100 Range cattle

WELL/DIVERSION* NO.	HP	MOTOR MAKE	MOTOR SERIAL NO.	PUMP MAKE	PUMP SERIAL NO.	MEASURING DEVICE TYPE	CONDITION OF MEAS. DEV.	REMARKS
	1.5	Franklin Electric		Jacuzzi	1554CS2			Submersible

System Description 1.5 HP Submersible pump in pit pipelines to corrals and houses.

*Code with map on reverse side. Disregard code if only one.

RECOMMENDED AMOUNTS

USE	Irrigation requirement = <u>N/A</u> AFA/Acre			
	Q (cfs)	V (afa)	FROM	TO
Domestic <u>✓</u> (2 units)	<u>.06 ✓</u>	<u>1.2 ✓</u>	<u>JAN 1 ✓</u>	<u>DEC 31 ✓</u>
Livestock <u>✓</u>	<u>.03 ✓</u>	<u>1.3 ✓</u>	<u>JAN 1 ✓</u>	<u>DEC 31 ✓</u>
Total	<u>.09 cfs ✓</u>	<u>2.5 AFA ✓</u>		

Remarks

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MAP (Attach Aerial Photo)

SCHEMATIC DIAGRAM OF SYSTEM

(Include distance from pump to measuring device, if applicable.)

Point(s) of diversion ✓ SW 1/4 NW 1/4 Sec. 10 Twp. 10 S. Rge 18 E

Place(s) of Use ✓

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	
10 S	18 E	10						X	X										

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 _____

Examiner's Signature Terry S. Blair
 Checked by Sam J. Walker
 Approved by Ray Walker

Date 11-1-82
 Date 12-22-1982 X4
 Date 10-1-85

R18E

WICKS RIVER

41-E

Ru

P.O.
P.U.

42-E

SWAN

Twp 10 S.

25-E

44-E

E-1



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

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

June 3, 1982

Howard & Rupy Gardner
Rt. 1
Kimberly, Idaho 83341

Re: Permit No. 47-7709

Dear Mr. & Mrs. Gardner:

We acknowledge receipt of the affidavit submitted as proof of beneficial use for the above referenced permit.

Before a license can be issued, a field examination must be made by a representative of this Department. We cannot tell just when this examination will be made, but our examiner will try to contact you at the time he makes the examination so that you may show him the system.

Field examinations must be done while the system is in operation. For this reason we concentrate on irrigation permits during the summer months and do examinations on permits for other uses during the non-irrigating months.

If you have any questions regarding the field examination, please contact our office.

Sincerely,

MICROFILMED

INTER-DEPARTMENT MEMO — 1

FROM Rita Fleck

TO File 47-7709 & Regional Office

SUBJECT Beneficial Use

DATE June 22, 1982

I reviewed the statement of beneficial use and noted the discrepancy between the permit and statement. There is a difference in the source and the extent of use. However, from the information provided on the permit, this water right had been developed at the time of filing. Therefore, I decided to accept the statement and recommend the field examination be done.

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SIGNATURE

DEPARTMENT OF WATER RESOURCES

The Idaho Department of Water Resources will consider this card as a statement that the permit holder(s) has completed development to the extent shown below of Permit No. 47-7709.

Name(s) of Permit Holder:

Howard + Ruby Gardner

Post Office Address:

Route 1, Kimberly, Idaho

Tel. No.

423-5807

Source of Water:

Twin Falls #26 Canalee tributary - Snake River

Extent of Use:

☐ Domestic

(number of households)

☒ Stockwater

50-100-800 ft

(number and type of stock)

☒ Irrigation

76

(acres)

☐ Other

Measurement Device:

Required?

☐ Yes

☒ No

Installed?

☐ Yes

☐ No

Access:

Required?

☐ Yes

☒ No

Installed?

☐ Yes

☐ No

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

April 3, 1987

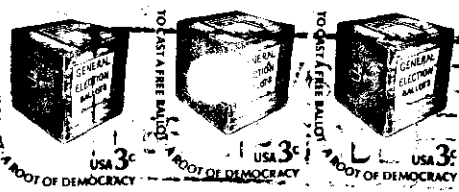
Date

H. D. Gardner

Signature of Permit Holder

H.J. Gower
Route 1

Kimberly, Idaho
83341



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APR 5 1982

Department of Water Resources

MICROFILMED



IDAHO DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440
CERTIFIED MAIL

138586

GARDNER, HOWARD & RUBY
RT.1
KIMBERLY, ID 83341

MARCH 31, 1982

DEAR PERMIT HOLDER:

ONE OF THE CONDITIONS OF APPROVAL OF YOUR WATER PERMIT NO. 47-7709 WAS THAT EVIDENCE OF THE EXTENT OF DEVELOPMENT MUST BE SUBMITTED TO THIS OFFICE ON OR BEFORE JUNE 01, 1982. (SEE LAST PAGE OF YOUR APPROVED PERMIT). ENCLOSED IS A POST CARD WHICH MAY BE USED TO SUBMIT THE REQUIRED PROOF OF BENEFICIAL USE.

IF YOU HAVE NOT FULLY COMPLETED YOUR PROJECT, AND YOU HAVE NOT PREVIOUSLY RECEIVED AN EXTENSION OF TIME, YOU MAY REQUEST AN EXTENSION OF TIME PROVIDED THE DELAY IS FOR REASONABLE CAUSE AS INDICATED IN SECTION 42-204, IDAHO CODE, AMENDED. IF YOU HAVE BEEN PREVENTED FROM PROCEEDING BY A GOVERNMENTAL AGENCY OR BY LITIGATION, MORE THAN ONE EXTENSION OF TIME CAN BE GRANTED.

EITHER THE BENEFICIAL USE POST CARD OR A REQUEST FOR AN EXTENSION OF TIME MUST BE RECEIVED BY THIS DEPARTMENT ON OR BEFORE THE ABOVE MENTIONED DATE, OTHERWISE, THE PERMIT WILL LAPSE AND BE OF NO FURTHER FORCE OR EFFECT WITHIN 60 DAYS.

SINCERELY,

RITA FLECK
SR. SECRETARY

ENC: 1

MICROFILMED

S T E O F I D A H O
DEPARTMENT OF WATER RESOURCES

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440

GARDNER, HOWARD & RUBY
RT.1
KIMBERLY, ID 83341

JUNE 03, 1981

RE: PERMIT NO. 47-7709

DEAR PERMIT HOLDER:

ENCLOSED IS A COPY OF YOUR APPROVED APPLICATION FOR PERMIT. WE DIRECT YOUR ATTENTION TO THE CONDITIONS OF APPROVAL ON THE FOURTH PAGE.

WE HAVE ENCLOSED A FORM ENTITLED "MAKING PROOF OF BENEFICIAL USE". PLEASE READ THE INSTRUCTIONS CAREFULLY SINCE YOU MUST TAKE FURTHER ACTION TO DEVELOP THIS PERMIT INTO A LICENSE.

SINCERELY,

DAVID R. TUTHILL, JR., P.E.
SUPERVISOR, WATER ALLOCATION SECTION

ENCLOSURE

MICROFILMED

NOTICE OF APPLICATION FOR WATER RIGHT

Notice is hereby given that the following application(s) have been submitted for permit to appropriate the public waters of the State of Idaho:

42-2209-

GARDNER, HOWARD &/or RUBY

RT.1, KIMBERLY, ID 83341

Source: GROUNDWATER

Date Filed: 03/03/1981

Amount: 0.09 CFS

Diversion Point: SWNW Sec 10 T 10S R 18E, TWIN FALLS Co.

Use: STOCKWATER (0.03 CFS) from 01/01 to 12/31
DOMESTIC (0.06 CFS) from 01/01 to 12/31

Place of Use: SWNW NWNW Sec 10 T 10S R 18E

Diversion Means: WELL, PUMP, PIPELINE

If issued, the permit(s) will be subject to all prior water rights. Protests against the granting of any permit must be filed with the Director of the Idaho Department of Water Resources, 1041 Blue Lakes Blvd. North, Twin Falls, Idaho 83301 and received on or before APRIL 6, 1981.

C. STEPHEN ALLRED

Director

Published 3/19 & 3/26/81.

MICROFILMED

47-7709
GARDNER, HOWARD &/or
RUBY
RT. 1, KIMBERLY, ID 83341
Source: GROUNDWATER
Date Filed: 03/03/1981
Amount: 0.09 CFS
Diversion Point: SWNW Sec
10 T 10S R 18E, TWIN
FALLS Co.
Use: STOCKWATER (0.03
CFS) from 01/01 to 12/31
DOMESTIC (0.06 CFS)
from 01/01 to 12/31
Place of Use: SWNW NWNW
Sec 10 T 10S R 18E
Diversion Means: WELL,
PUMP, PIPELINE

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Southern Region

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

MARCH 6, 1981

Times News
P. O. Box 548
Twin Falls, Idaho 83301

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 APRIL 6, 1981.

Yours truly,

Mary A. Hill
Secretary

Encl.

MICROFILMED