

MICROFILMED

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NOT TO SCALE

Twp 10.S.

SNAKE RIVER

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MICROFILMED

LEGAL NOTICE

NOTICE OF CLAIMS
TO WATER RIGHTS

Notice is hereby given
that the following claim(s) to
water right(s) have been
established by diversion and
application to beneficial
use:

47-4228
GARDNER, HOWARD &/or
RUBY
RT. 1, KIMBERLY, ID 83341
Source: WASTE WATER (TF
#26 COULEE) tributary to
SNAKE RIVER
Priority Date: 04/01/1915
Amount: 3.00 CFS
Diversion Point: NWSW
SWNW Sec 10 T 10S R 18E,
TWIN FALLS Co.
Use: IRRIGATION (3.00 CFS)
from 03/15 to 11/15
Place of Use: NENW NWNW
SWNW Sec 10 T 10S R 18E
FOR 76 ACRES
Diversion Means: CHECK
DAM, DITCHES, POND,
PUMP SPRINKLER
Any exception to any
claim of water right may be
filed with the Director of the
Idaho Department of Water
Resources, 1041 Blue Lakes
Blvd. North, Twin Falls,
Idaho 83301.
C. STEPHEN ALLRED
Director
PUBLISH: Thursday, Mar.
19, and 26, 1981.

Affidavit of Publication

STATE OF IDAHO,
COUNTY OF TWIN FALLS }

ss.

Nº 9746

I, Linda Capps McSwire 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 com-
petent 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 there-
of, Thursday is announced as the day on which said legal notices will be published.

Subscribed and sworn to before me on this

March, 1981.

Linda Capps McSwire
26 day of
Melba Rowlett-Smith
Notary Public in and for the County of Twin Falls,
State of Idaho, residing at Twin Falls, Idaho

APR 1 1981

Department of Water Resources
Southern District Office

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CLAIM TO A WATER RIGHT

Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that Howard and/or Ruby Gardner
(Name of Claimant)
Rt #1 Kimberly, Idaho 83341 Telephone No. 423-5807
(Mailing Address) (Zip Code)

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

(1) Date of priority: (When was the water first applied to a beneficial use) April 1, 1915

A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.

(2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)
Twin Falls #26 Coulee Wastewater tributary to Snake River

(3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

(cfs, gpd, AFA)		(Domestic, Irrigation, Stock, Etc.)		(Both dates inclusive)	
				(Mo., Day)	(Mo., Day)
Quantity	<u>3.0 cfs.</u>	Use	<u>Irrigation</u>	Period of Use From	<u>March 15</u> To <u>Nov. 15</u>
Quantity		Use		Period of Use From	To
Quantity		Use		Period of Use From	To
Quantity		Use		Period of Use From	To
Quantity		Use		Period of Use From	To

(4) 3.0 cfs TOTAL QUANTITY USED.
(cfs, gpd, AFA)

(5) A) Point of diversion: (Location of point where water is diverted from its source)
NW 1/4 SW 1/4, Sec. 10 Twp. 10S. Rge. 18E B.M., County of Twin Falls
Additional points of diversion: SW 1/4 NW 1/4 Sec. 10, Twp. 10S. Rge. 18E.

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. Check dam + Ditches. Excavated pond 20 hp pump to sprinkler system

(6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

T	R	SEC.	NE%				NW%				SW%				SE%				TOTAL
			NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	
<u>10S</u>	<u>18E</u>	<u>10</u>					<u>5</u>	<u>31</u>	<u>40</u>										<u>76</u>

No. of acres 76

B) If water is used for other than irrigation, fully describe that use, being as specific as possible: up to 100 head of livestock have watered from coulee during the summer.

NOTE: Include here the type and number of stock watered: 100 Range Cattle

(7) If you are claiming water as a member of an organization, list name of organization:

(8) Remarks _____

A blank sheet of graph paper featuring a uniform grid of squares. The grid consists of solid black lines forming the outer border and dashed black lines forming the internal divisions between squares. The pattern is consistent across the entire page, providing a template for drawing or calculation.

Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
County of Twain Falls) ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

H.D. Hardier
(Claimant)

Sworn to before me this 3rd day of March, 1981

Loren O'Halloran
Notary Public
Residing at Town Falls

My commission expires Life

FOR DEPARTMENT USE ONLY

Received by TGB Date 3-3-81 Exception filed by: _____ Forwarded to _____ Date _____
 Prelim. check by g Date 3-4-81 # 16859 claimant by: _____
 \$30.00 fee received by TGB Date 3-3-81
 Published in Times, news _____
 Dates 3/4 & 3/24/81 _____

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POOR QUALITY ORIGINAL

NOT TO SCALE

Affidavit of Publication

Nº 9746

LEGAL NOTICE

NOTICE OF CLAIMS TO WATER RIGHTS
Notice is hereby given that the following claim(s) to water right(s) have been established by diversion and application to beneficial use:

47-4228
GARDNER, HOWARD &/or RUBY
RT. 1, KIMBERLY, ID 83341
Source: WASTE WATER (TF #26 COULEE) tributary to SNAKE RIVER
Priority Date: 04/01/1915
Amount: 3.00 CFS
Diversion Point: NWSW SWNW Sec 10 T 10S R 18E, TWIN FALLS Co.
Use: IRRIGATION (3.00 CFS) from 03/15 to 11/15
Place of Use: NENW NWNW SWNW Sec 10 T 10S R 18E FOR 76 ACRES

Diversion Means: CHECK DAM, DITCHES, POND, PUMP SPRINKLER

Any exception to any claim of water right may be filed with the Director of the Idaho Department of Water Resources, 1041 Blue Lakes Blvd. North, Twin Falls, Idaho 83301

C. STEPHEN ALLRED
Director
PUBLISH: Thursday, Mar. 19, and 26, 1981.

STATE OF IDAHO.

COUNTY OF TWIN FALLS

ss.

I, Linda Capps McSuire being first duly sworn upon oath, depose and say that I am Princ 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.

Subscribed and sworn to before me on this

Linda Capps McSuire
26 day of March, 19 81.

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

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Southern Region

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

APRIL 8, 1981

HOWARD GARDNER
RUBY GARDNER
RT.1
KIMBERLY

ID 83341

RE: Claim No. 47-4228

Dear Claimant:

The Department of Water Resources has completed the advertising of your claim to a water right, and no further action is authorized under Section 42-243 and 42-244, IDAHO CODE. Your claim will be retained in our files and will be available at any time for use by you or the court.

The filing and advertising of the claim does not confirm the water right claimed, but will serve to record and preserve the information and the evidence which you included in your claim.

If, at a later date, you find that you have additional information or supporting evidence that you would like to have included with the claim, you may have that information or evidence added at any time. Please refer to the claim identification number when corresponding with this office.

We are enclosing a copy of your claim for your records. If you have questions, or if this office may be of further assistance, please feel free to contact us.

Yours truly,


LOREN O. HOLMES
Southern Region Supervisor

Enclosure

MICROFILMED

NOTICE OF CLAIMS TO WATER RIGHTS

Notice is hereby given that the following claim(s) to water right(s) have been established by diversion and application to beneficial use:

47-4228-

GARDNER, HOWARD &/or RUBY

RT.1, KIMBERLY, ID 83341

Source: WASTE WATER (TF #26 COULEE) tributary to SNAKE RIVER

Priority Date: 04/01/1915

Amount: 3.00 CFS

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

Use: IRRIGATION (3.00 CFS) from 03/15 to 11/15

Place of Use: NENW NWNW SWNW Sec 10 T 10S R 18E FOR 76 ACRES

Diversion Means: CHECK DAM, DITCHES, POND, PUMP SPRINKLER

Any exception to any claim of water right may be filed with the Director of the Idaho Department of Water Resources, 1041 Blue Lakes Blvd. North, Twin Falls, Idaho 83301.

C. STEPHEN ALLRED

Director

Published 3/19 & 3/26/81.

Legal Notices to start
Thursday, Mar. 19 (must
have proof to customer)

**NOTICE OF CLAIMS
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Blvd. North, Twin Falls,
Idaho 83301.

C. STEPHEN ALLRED

Director

PUBLISH: Thursday, Mar.
19, and 26, 1981.

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3/18/81*

*RECEIVED
MAR 20 1981*

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.

RECEIVED
MARCH 10 1981
TWIN FALLS, IDAHO