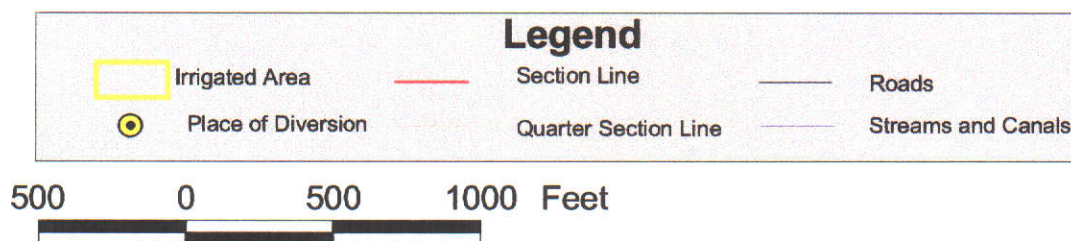
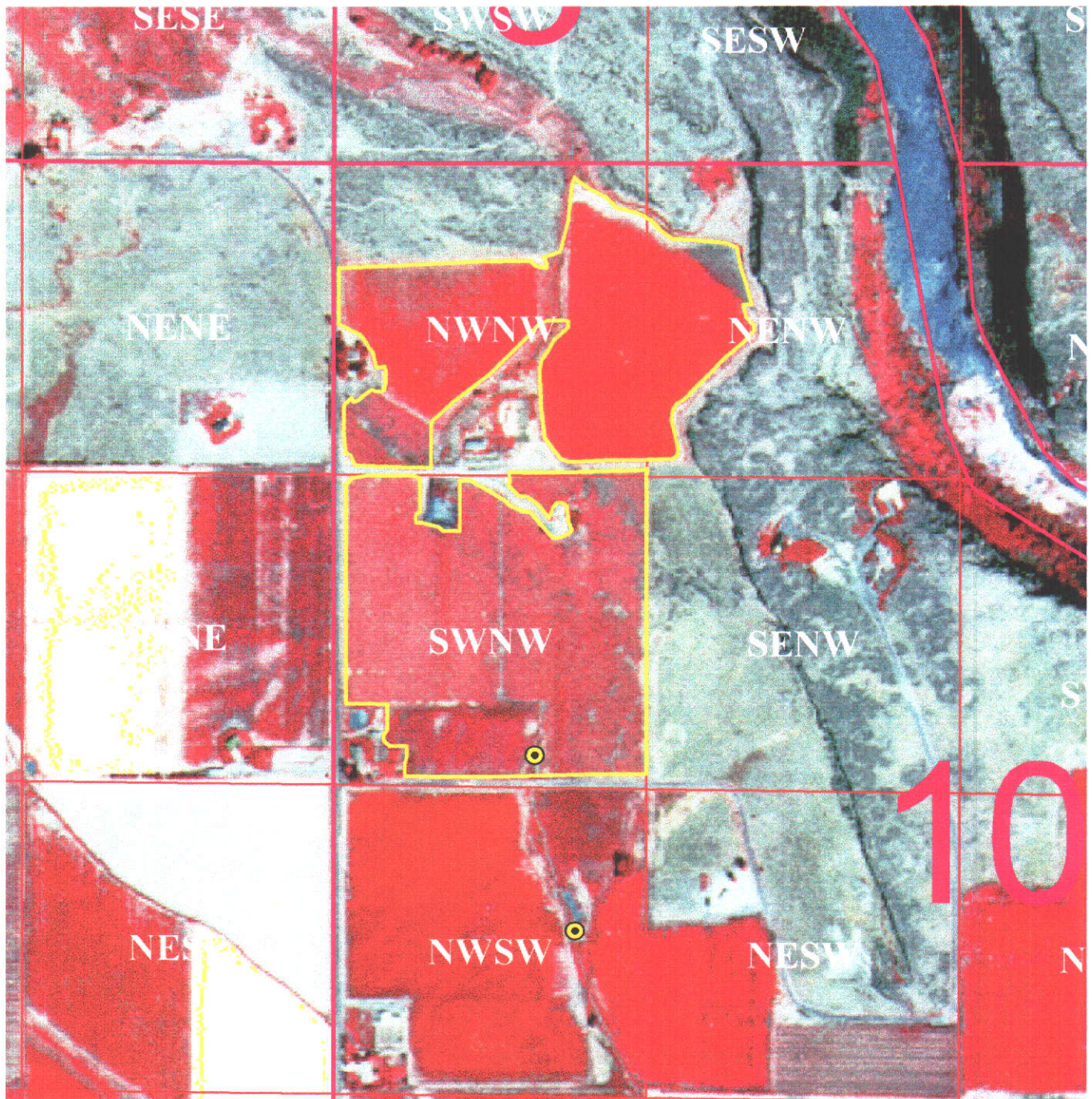


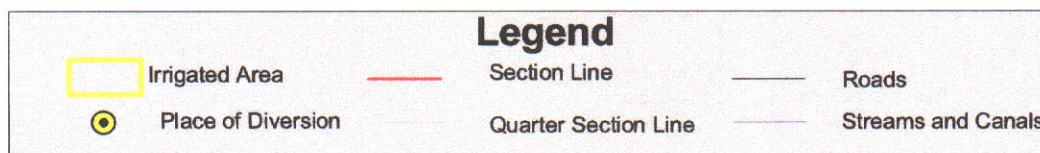
Water Right Claim Number A47-04228
Township , 10S18E

10/24/2000



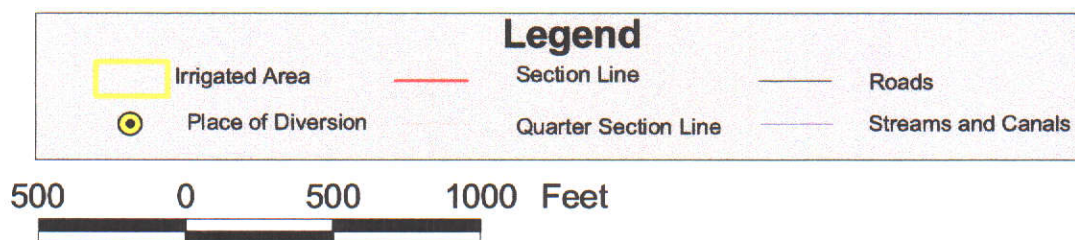
Water Right Claim Number A47-04228
Township , 10S18E

10/24/2000



Water Right Claim Number A47-04228
Township , 10S18E

10/24/2000



IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A47-04228
Date Received: 9/27/1988
Receipt No: S002558
Received By: lw

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: HOWARD GARDNER 208-423-5807
Address: RT.1
3976N 3600E
KIMBERLY, ID 83341

Name: RUBY GARDNER
Address: RT.1
KIMBERLY, ID 83341

2. Date of Priority: APR 01, 1915

3. Source: WASTE WATER (TF #26 COULEE) Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
10S	18E	10	SW	NW			TWIN FALLS
			NW	SW			TWIN FALLS

5. Description of diverting works:
CHECK DAM, DITCHES, POND, PUMP SPRINKLER

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	3.000		

7. Total Quantity Appropriated is:
3.000 C.F.S. (and/or) A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
S/100 RANGE

A47-04228

Page 1

Date: 09/27/88

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10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
10S	18E	10	NE	NW		IRR	5.0
			NW	NW		IRR	31.0
			SW	NW		IRR	40.0
						Section Acres	76.0
						Total Acres	76.0

11. Place of use in counties: TWIN FALLS

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:

14. Remarks:

15. Basis of Claim: STATUTORY CLAIM

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): *H.D. Gardner* Date: *9-27-88*

Date: _____

State of Idaho)
County of *TE*) SS.

Subscribed and sworn (or affirmed) before me this *27th* day
of *Sept* 19 *88* *Don White*
Notary Public

Seal

Residing at *TE*
My Commission Expires *5/95*



Governor PHILIP E. BATT

A. KEITH HIGGINSON
Director

January 10, 1995

A47-04228

RUBY GARDNER

RT.1

KIMBERLY

ID 83341

RE: Evidence of Priority

Dear Claimant:

* RESPONSE DEADLINE *
* MARCH 15, 1995 *

The Notice of Claim identified with the number shown above your name on the mailing label has been filed in the Snake River Basin Adjudication (SRBA). The Notice indicates your water usage is based on "Beneficial Use" or a "Statutory Claim". Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed. The date of first use, known as the priority date, has not been confirmed by a License, Decree or Permit. The Department will, at a later date, conduct reviews &/or field exams for the claims in your area. Since the priority date of a beneficial use water right can not be confirmed by field examination, proof must be provided by the claimant supporting the priority date claimed.

If you no longer own the property to which the claim is appurtenant please forward this correspondence to the present owner, or return it to the department. If you have received this correspondence from the previous owner of the property it is recommended that you file a Change of Ownership form with the Department in order to receive future mailings and to continue to be a party in the adjudication.

Please find enclosed a computer printout of your Notice of Claim and the pamphlet entitled "Evidence of Priority". The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement.

SPECIAL NOTE: The Department will not recommend the Notice be decreed by the court as claimed if no evidence of a priority date is submitted. It will be to your advantage to provide clear and convincing evidence. If you choose to submit statements from individuals as evidence, the statement must be in the form of a

January 10, 1995
page 2

notarized affidavit.

Please submit the required evidence supporting the priority date by March 15, 1995, referencing all documents with the corresponding Notice number. If you have any questions not covered by this letter or the enclosed pamphlet, please contact this office.

Sincerely,

Douglas Jones, P.E.
Water Rights Supervisor

Enc.

MICROFILMED
NOV 29 1996



State of Idaho
DEPARTMENT OF WATER RESOURCES
Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

GOVERNOR PHILIP E. BATT
Governor PHILIP E. BATT

A. KEITH HIGGINSON
Director

January 10, 1995

A47-04228
HOWARD GARDNER
RT.1
3976N 3600E
KIMBERLY

ID 83341

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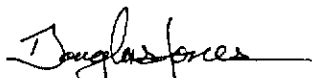
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NOV 29 1996

Log for claim A47-04228

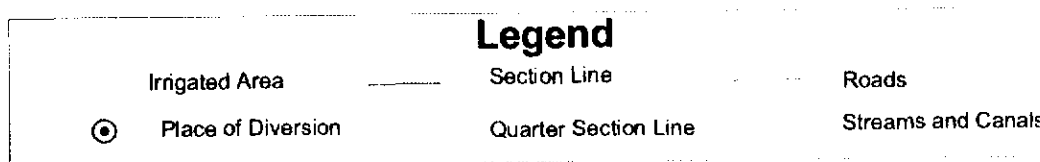
Spatial Dynamics LTD

10/24/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
10s18e	10	NENW	5	6.5	
10s18e	10	NWNW	31	22	
10s18e	10	SWNW	40	34	
Totals:			76	62.5	

Water Right Claim Number A47-04228
Township , 10S18E

10/24/2000



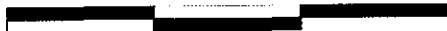
Water Right Claim Number A47-04228
Township , 10S18E

10/24/2000



Legend		
Irrigated Area	Section Line	Roads
Place of Diversion	Quarter Section Line	Streams and Canals

500 0 500 1000 Feet



AJ5809NP
No. A47-04228

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 10/03/00
PAGE: 321

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	HOWARD GARDNER RT1 3976N 3600E KIMBERLY ID 83341 (208) 423-5807	04/01/1915	IRRIGATION	03-15 11-15	3.000 CFS	
				TOTAL DIVERSION:	3.000 CFS	
C	RUBY GARDNER RT1 KIMBERLY ID 83341					

Water Source: WASTE WATER (TF #26 COULEE)

Tributary to: SNAKE RIVER

Stage: STATUTORY CLAIM

AJ5809NP
No. A47-04228

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 10/03/00
PAGE: 322

Point(s) of Diversion: T10S R18E S10 SWNW NWSW TWIN FALLS County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE					
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM
---	---	---	:	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---
10S	18E	10	:							05	31	40									76.0
																				TOTAL ACRES	76.0

POU County: TWIN FALLS

Non-Irrigation Uses: S/100 RANGE

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
47-07709 47-13988 47-14035 A47-07709 A47-07729 A47-13988 A47-14035 A47-14036

Other Water Rights Listing Overlapping Place(s) of Use:
A01-0020923

Dates: Exam Made Date: Verified Date: 03/07/1986 Objection Filed Date:

Misc: Water District Number: Field Inspection Flag:
Presumption Flag:

Audit: 09/27/88 WHITE 03/30/95 POST-STD

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

(Mailing Address)

83341

(Zip Code)

Telephone No. 423-5807

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:

Quantity	(cfs, gpd, AFA)	Use	(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 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL
			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	
10S	18E	10					5	31	40										76

No. of acres 76

B) If water is used for other than irrigation, fully describe that use, being as specific as possible: A 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:

MINNETONKA

[illegible]

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E-32 R8E 18E

4 3
9 30

3 2
20 0

A
17.3

41-E
E-32

B
28.5

42-E
E-33

A
17.6

25-E
E-465

A
4.9

B
14.4

B
37.2

1866 Cowles

A
22.9

44-E
E-29

D
37.9

NOOK COPY 17 ORIGINAL

NOT TO SCALE

S.O.