

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: A22-00636A
Date Received: 7/28/1988
Receipt No: E000936
Received By: Hew

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: DAVID GARDNER
Address: RT. 325
SOLDATNA, AK 99669

AND/OR

Name: CAROL GARDNER
Address: RT. 325
SOLDATNA, AK 99669

2. Date of Priority: DEC 01, 1903

3. Source: TETON RIVER, SOUTH FORK Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07N	40E	36	SE	SW			FREMONT

5. Description of diverting works:
DITCH FROM RIVER TO PUMP RELIFT AND SPRINKLER LINES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	1.600		

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

8. Total consumptive use is 77.5 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

A2200636A



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10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07N	40E	36	SE	SW		IRR	31.0
Section Acres							31.0
Total Acres							31.0

11. Place of use in counties: FREMONT

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

13. Other Water Rights Used:
NONE

14. Remarks:
SEE TRANSF. 2322. FIRST PAGE SHOWS 1.60 CFS ORIGINALLY
APPURTENANT TO SESW OF SECT. 36. APPLICANT WANTS TO RETAIN THIS.

15. Basis of Claim: BENEFICIAL USE

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): _____ Date: _____

_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

AJ0749NP
No. A22-00636A

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 01/19/99
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	DHB INVESTMENTS AN IDAHO GENERAL PARTNERSHIP PO BOX 1768 IDAHO FALLS ID 834031768 (208) 529-9891	12/01/1903	IRRIGATION	04-01 11-01	1.60 CFS	
					TOTAL DIVERSION:	1.60 CFS
					CONSUMPTIVE USE:	77.50 AFA

Water Source: TETON RIVER, SOUTH FORK

Tributary to: SNAKE RIVER

Stage: BENEFICIAL USE

Point(s) of Diversion: T07N R40E S36 SESW

FREMONT County

Place of use Legal Description for: IRRIGATION
NE

				NE				NW				SW				SE					
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM
07N	40E	36	:																	:	31.0
																				TOTAL ACRES	31.0

POU County: FREMONT

Non-Irrigation Uses: NONE

Other Rights: NONE

Remarks: GEN SEE TRANSF. 2322. FIRST PAGE SHOWS 1.60 CFS ORIGINALLY
APPURTENANT TO SESW OF SECT. 36. APPLICANT WANTS TO RETAIN THIS.
CHANGED OWNERSHIP PER REQUEST/JH/1-19-99

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number:

Field Inspection Flag:
Presumption Flag:

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: 39356

Ident. Number

A 22-00636A

Date Received

7-28-88

Receipt Number

E 000 936

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) David and/or Carol Gardner Phone () _____
Mailing Address Rt. 325 Soldatna, AK Zip 99669
2. Date of Priority (Only one (1) per claim) 12-01-1903
3. Source of water supply (a) South Fork of Teton River
which is tributary to (b) Snake River
4. a. Location of existing point of diversion is: Township 7N Range 40E Section 36,
_____ 1/4 of SE 1/4 of SW 1/4, Govt. Lot, _____ B.M., County of Fremont
Additional points of diversion if any: _____
b. If instream flow, beginning point of claimed instream flow is:
Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,
Govt. Lot _____ B.M., County of _____
ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____
_____ 1/4, Govt. Lot _____ B.M., County of _____
5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. Ditch from River to pump
relift to sprinkler lines

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6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from 4-1 to 11-1 amount 1.60 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 1.60 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 77.5 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) None

10. Description of place of use:

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

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				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	
7N	40	36												31					31

Total number of acres irrigated 31

11. In which county (ies) are lands listed above as place of use located? Fremont

12. Do you own the property listed above as place of use? Yes X No _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
_____ or None (X)

14. Remarks: See trans 2322

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Last Name _____ Ident No. _____

Copies: White -State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License _____ Permit _____

Decree ☒

If applicable provide IDWR Water Right Number 22-0636

Court _____ Case Number _____ Decree Date 4-06-1954

Plaintiff vs Defendant Gardner vs Crandall

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

Signature of Claimant (s)

x David Gardner

Date 7-11-88

Carol Gardner

Date 7-11-88

For Organizations: I do solemnly swear or affirm that I am _____

Title

of _____, that I have signed the foregoing

Organization

document in the space below as _____

Title

of _____

Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization _____

Date _____

State of ~~Idaho~~ or Alaska)

) SS.

County of Third Judicial District

Subscribed and sworn (or affirmed) before me this 11th day of July 19 88

SEAL

Notary Public Wm. Horvath

Residing at Soldotna, AK

My Commission Expires 1-20-92

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, _____ will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____

Address _____

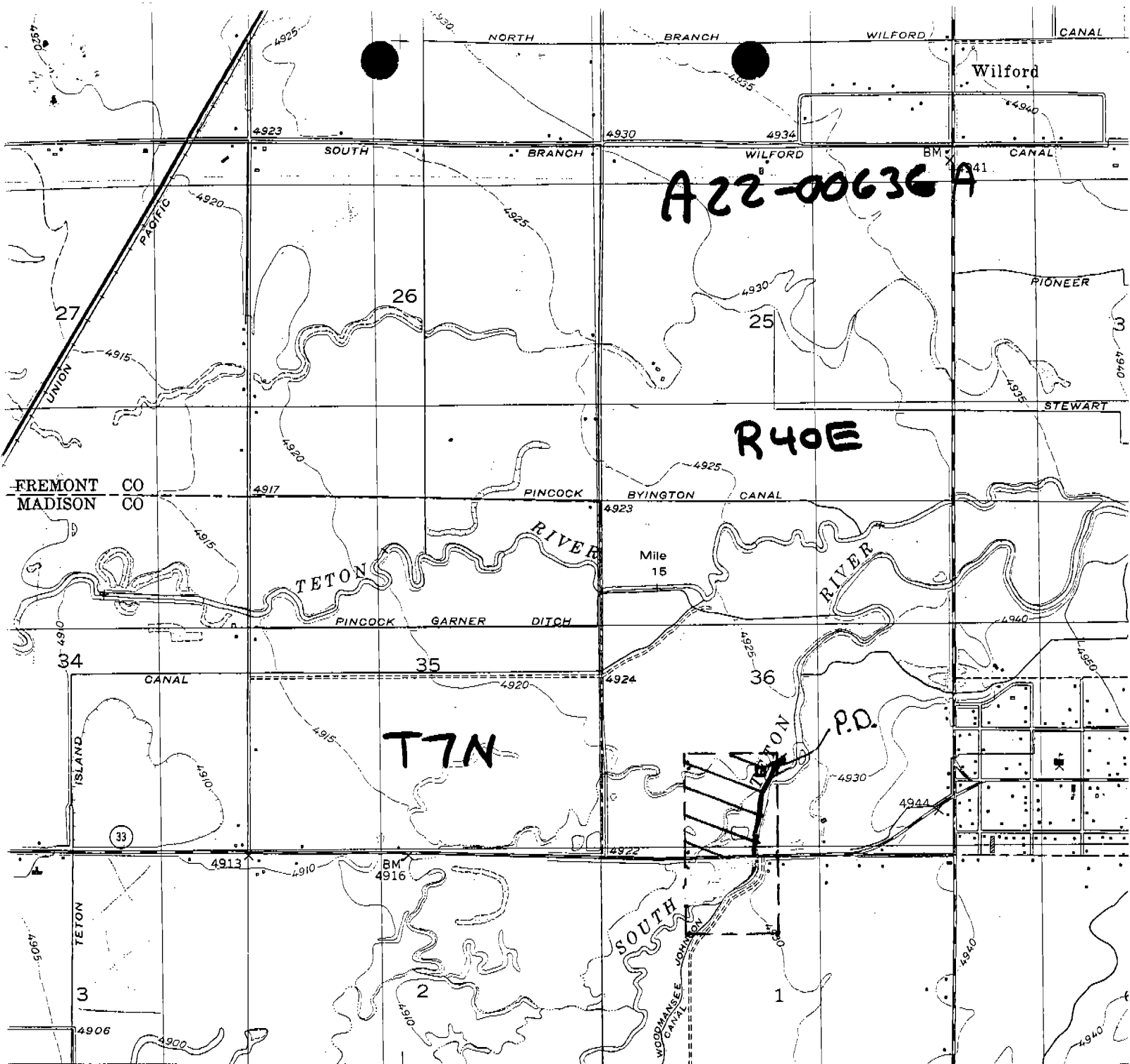
Date _____

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Last Name _____ Ident. Number _____

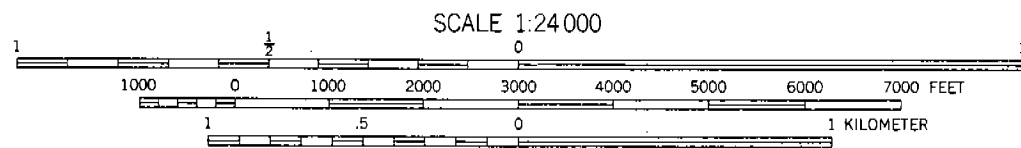
Copies White-State, Yellow-Claimant



Topographical Survey

33

UTM GRID AND 1979 MAGNETIC NORTH DECLINATION AT CENTER OF SHEET



CONTOUR INTERVAL 10 FEET
DASHED LINES REPRESENT HALF-INTERVAL CONTOURS
NATIONAL GEODETIC VERTICAL DATUM OF 1929

THIS MAP COMPLIES WITH NATIONAL MAP ACCURACY STANDARDS
FOR SALE BY U. S. GEOLOGICAL SURVEY, DENVER, COLORADO 80225, OR RESTON, VIRGINIA 22015
A FOLDER DESCRIBING TOPOGRAPHIC MAPS AND SYMBOLS IS AVAILABLE ON REQUEST

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Log for claim 22-00636A

Spatial Dynamics LTD

7/26/01

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
07n40e	36	SESW	31	28	
Totals:			31	28	



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

January 19, 1999

DHB INVESTMENTS
AN IDAHO GENERAL PARTNERSHIP
PO BOX 1768
IDAHO FALLS ID 83403-1768

RE: NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP
NOTICE OF CLAIM TO A WATER RIGHT A22-00636A

Dear Sir:

The request for Change of Water Right Ownership concerning the above-referenced Notice of Claim has been processed and the Department's records updated to reflect you as the new claimant.

The enclosed report shows this change along with the elements of the water right being claimed. Please review this report and contact this office if there are corrections or questions.

Please keep this report for your records.

Respectfully yours,

Jennifer Hoagland
Technical Records Specialist

Enclosure

FULLER & CARR

ATTORNEYS AT LAW

Mark R. Fuller
Steven E. Carr*

SHANE BUILDING
301 "A" Street
P.O. Box 50935
Idaho Falls, Idaho 83405-0935

Telephone
(208) 524-5400
Facsimile
(208) 522-7976

*Also Licensed in Utah

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DEC 11 1998

December 10, 1998

Department of Water Resources
Eastern Region

Department of Water Resources
900 N. Skyline, Suite A
Idaho Falls, ID 83402

RE: Claim Number: A22-00636A

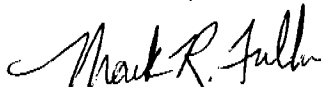
Dear Sir:

Enclosed please find Notice of Change of Water Right Ownership of Adjudication Claim Number A22-00636A.

If you have any questions, please call.

Very truly yours,

FULLER & CARR



Mark R. Fuller
Attorney at Law

Enclosure
MRF:kss

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.

1. Water Right Number(s) _____
Adjudication Claim Number(s) A22-00636A

2. The following REQUIRED information must be submitted with this form.
 - A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE, or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.
AND
 - B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually on file with the county.)
OR
 - C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency (formerly ASCS) AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.

3. Name and Address of Former Owner/Claimant(s) David and Carol Gardner
Box 325, Soldatna, Alaska 99669

4. New Owner/Claimant(s) DHB Investments, an Idaho general partnership
Name connector (Check one): ☐ AND, ☐ OR, ☐ AND/OR
New Mailing Address P.O. Box 1768

City, State and ZIP Code Idaho Falls, ID 83403-1768
New Telephone Number (208) 529 - 9891

5. Date you acquired the property 11/12/1998

6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.

Number of acres actually irrigated 31 Number and type of stock _____

Diversion rate in CFS 1.6 Number of homes 0 Other uses _____
cubic feet per second
If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.

7. Signature of New Owner/Claimant(s) DHB Investments By: [Signature] Date 11/25/98

Date _____

8. (Corporations or other organizations must submit a list of directors/officers demonstrating authority to sign form.)
For Snake River Basin Adjudication Claims: If you are represented by an attorney and you want IDWR to correspond directly with your attorney for all matters related to your claims, please attach a Notice of Appearance completed by your attorney.

WARRANTY DEED

GRANTORS, David L. Gardner and Verda Carol Gardner, husband and wife, of Box 325, Soldotna, Alaska 99669, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, does hereby GRANT, BARGAIN, SELL and CONVEY unto DHB Investments, an Idaho general partnership, whose mailing address is P.O. Box 1768, Idaho Falls, County of Bonneville, State of Idaho as GRANTEE, and to grantee's heirs and assigns forever, all of the following described real estate located in Fremont County, Idaho:

SE 1/4 SW 1/4 Section 36, TWP 7N, R. 40 EBM
Less Highway Right of Way as described in Deed recorded March 13, 1933 in Volume 35 of Deeds, page 362.

TOGETHER with all improvements, water, water rights, ditches, ditch rights, easements, tenements, hereditaments and appurtenances thereto.

Grantors, for themselves, their heirs and assigns do hereby covenant, warrant and shall defend the quiet and peaceable possession of said premises by the grantee, its successors and assigns forever against the lawful claims of all persons.

IN WITNESS WHEREOF, Grantors have hereunto subscribed their names to this instrument this 12th day of November, 1998.

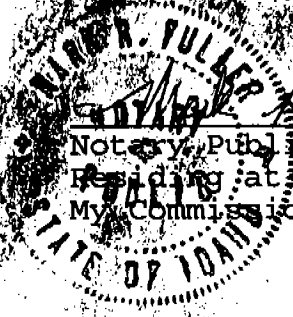
David L. Gardner
David L. Gardner

Verda Carol Gardner
Verda Carol Gardner

STATE OF IDAHO)
) ss.
County of Bonneville)

On this 12th day of November, 1998, before me, a Notary Public for Idaho, personally appeared David L. Gardner and Verda Carol Gardner, husband and 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 set my hand and affixed my official seal the day and year first above written.


Mickie Funke
Notary Public for Idaho
Residing at Idaho Falls
My Commission Expires: 06-09-2003

454726
Microfilm No. 454726
At 16 Day Nov 19 98
At 15:38 O'clock P. M
MICKIE FUNKE
FREMONT CO. RECORDER
Fee \$ 6- SB Deputy
Recorded At Request of
ALLIANCE TITLE & ESCROW

BILL OF SALE

DATE: November 12, 1998

For valuable consideration in hand received, we, David L. Gardner and Verda Carol Gardner, Box 325, Soldotna, Alaska 99669 hereby convey to DHB Investments, P.O. Box 1768, Idaho Falls, Idaho 83403 our interest in the personal property located upon real property better described as follows:

SE 1/4 SW 1/4 Section 36, TWP 7N, R. 40 EBM
Less Highway Right of Way as described in Deed recorded
March 13, 1933 in Volume 35 of Deeds, page 362.

Including the following items:

- (1) all mainlines on the above described property jointly used with Floyd Gardner.
- (2) All water rights to the above described property including but not limited to 40 acre feet of high water and 40 acre feet of storage from Fremont/Madison Irrigation District drawn from the Teton River and/or the Bigler Slough.

It is understood that the property described is conveyed in an "as is" basis. The purchaser has had an opportunity to inspect the personal property to its satisfaction and understands that no warranty, implied or otherwise, accompanies the purchase of the property.

David L. Gardner
David L. Gardner
Seller

Verda Carol Gardner
Verda Carol Gardner
Seller



NC

9.0

2

5.2

W/HE

6

67.9

4

5.6

36

23.1

HEL

25.7

HEL

Point of
Divergence

PP-4928

38

#109

36

36

32

36

Application
CLAIM
No. A22-
00636A