

Township No 5 North, Range No 4 East of the Base

Standard

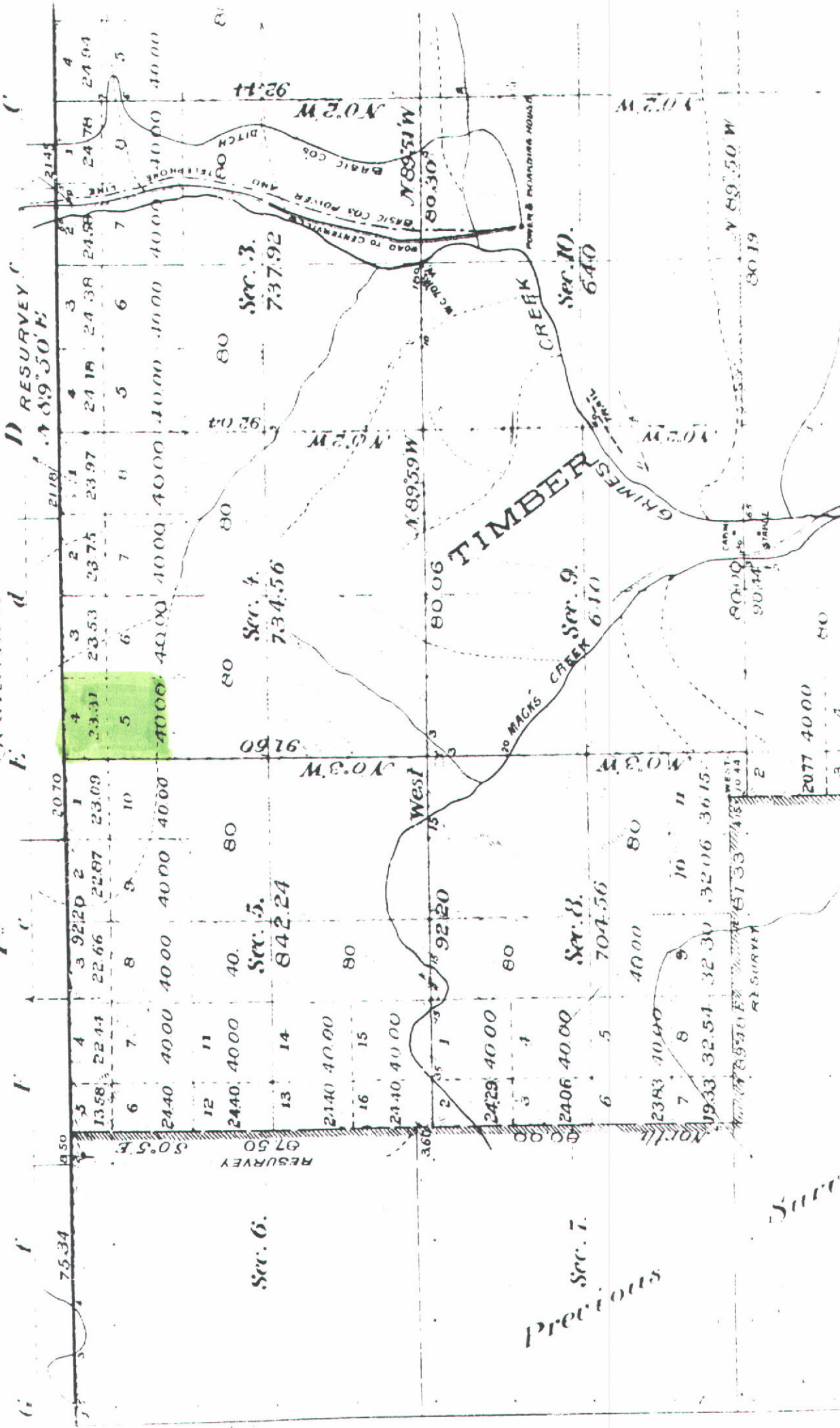
1st

2nd

3rd

4th

5th



Previous

SRBA Claim Number A63-5253

Date of Photos 10/09/2001

Photographer PNPincucci

Legal Description T5NRSE S4 NWNW

① Point of Diversion,
Tollgate Creek.

Pond is located
at bottom of gulch,
before it enters
Tollgate Creek. No
direct outlet to
Tollgate Creek.

GPS location "05253A"



② Point of Diversion,
Gregory Gulch.
Structure on left
covers diversion
(vertical culvert),
structure on right
is for groundwater
well and pumps.



SRBA Claim Number A63-5253

Date of Photos 10/09/2001

Photographer M. Minicucci

Legal Description TSNR5E54 NWNW

③ Inside of structure
over Tollgate Gulch
diversion. Culvert
is under insulation
and plywood



SRBA Claim Number A03-5253

Date of Photos 10/09/2001

Photographer P. PINICUCCI

Legal Description 75N/25E S4 NW NW

① Place of Use
Domestic and
irrigation on
the east side of
home,
Buried pipeline to
sprinklers.



② Place of use
Yard area to
south and east
of home.



NWNW

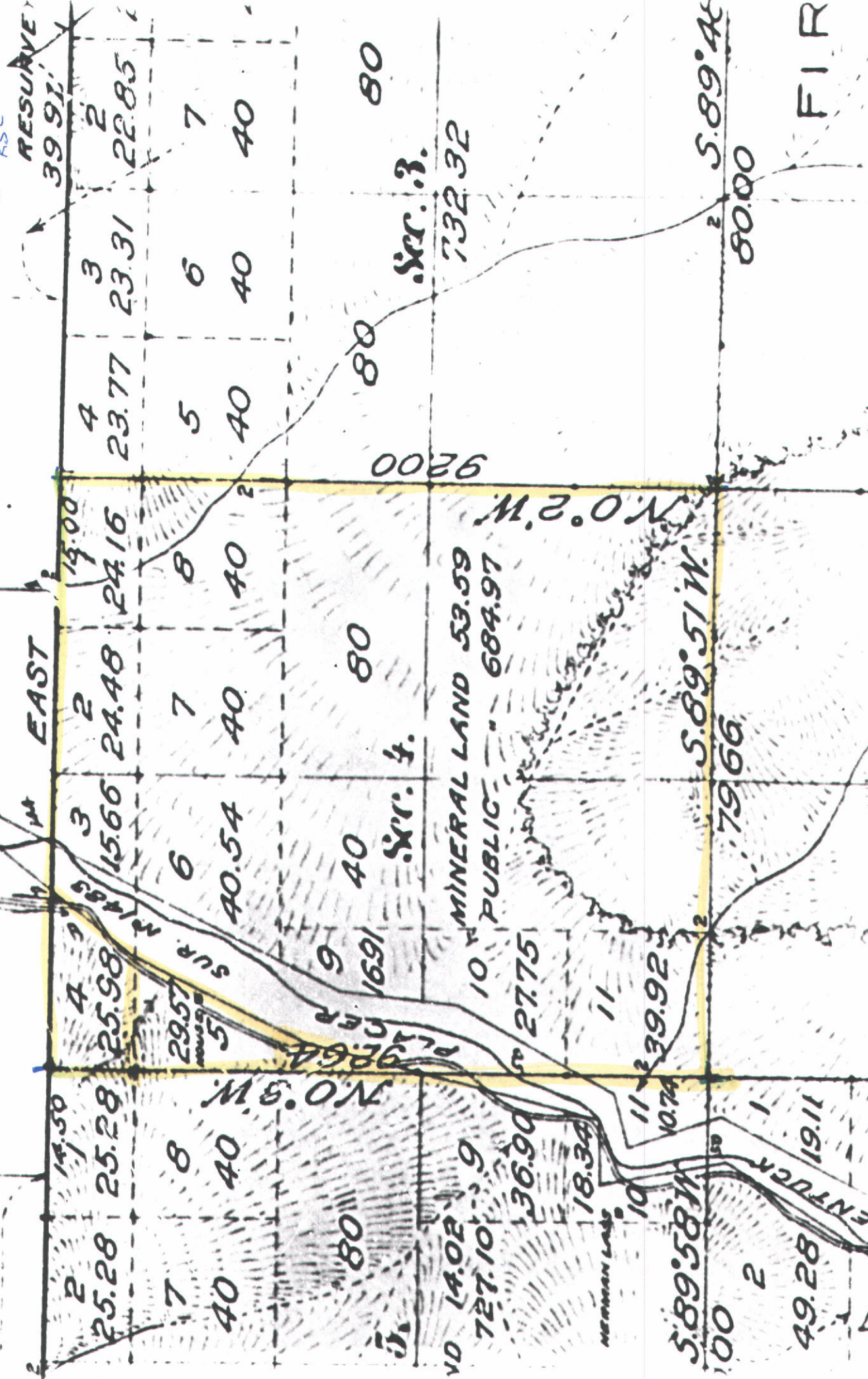
4

STANDARD E. 33

STANDARD
E. 33

D PARALLEL ³⁴

Govt. PL 47
1906
75N
R5E



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: A63-05253
Date Received: 4/07/1989
Receipt No: C006450
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: BARBARA ANN GARDNER 208-392-4576
Address: P.O. BOX 74
IDAHO, ID 83631

OR

Name: CLIFFORD NEALE GARDNER
Address: P.O. BOX 74
IDAHO CITY, ID 83631

2. Date of Priority: APR 01, 1971

3. Source: GREGORY GULCH STREAM Trib. to: MORES CREEK
TOLLGATE GULCH MORES CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
05N	05E	4	NW	NW	NW	4	BOISE
			NW	NW	NW	5	BOISE

5. Description of diverting works:
WELL, PIPE & PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/01	12/01	0.020		
DOMESTIC	01/01	12/31	0.040		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
ONE HOUSE HOLD

A63-05253

Page 1

Date: 08/23/89

MICROFILMED
AUG 21 1992

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05N	05E	4	NW	NW	5	IRR	1.0
Section Acres							1.0
Total Acres							1.0

11. Place of use in counties: BOISE

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

13. Other Water Rights Used:
NONE

14. Remarks:
SOURCES ARE GREGORY GULCH & TOLLGATE GULCH, TRIB. MORES CK.

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): _____ 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 _____

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: A63-05253
Date Received: ~~4/07/1989~~ 4-21-89
Receipt No: C006450 CA
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: BARBARA ANN GARDNER 208-392-4576
Address: P.O. BOX 74
IDAHO, ID 83631

OR
Name: CLIFFORD NEALE GARDNER
Address: P.O. BOX 74
IDAHO CITY, ID 83631

2. Date of Priority: APR 01, 1971

3. Source: GREGORY GULCH STREAM Trib. to: MORES CREEK
TOLLGATE GULCH MORES CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
05N	05E	4	NW	NW	NW	4	BOISE
			NW	NW	NW	5	BOISE

5. Description of diverting works:
WELL, PIPE & PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/01	12/01	0.020		
DOMESTIC	01/01	12/31	0.040		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
ONE HOUSE HOLD

A63-05253

Page 1

Date: 04/07/89

MICROFILMED

AUG 21 1992

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05N	05E	4	NW	NW	5	IRR	1.0
Section Acres							1.0
Total Acres							1.0

11. Place of use in counties: BOISE

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

13. Other Water Rights Used:
NONE

14. Remarks:
SOURCES ARE GREGORY GULCH & TOLLGATE GULCH, TRIB. MORES CK.

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: 0

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): *Barbara Ann Schuler* Date: *4-21-89*
_____ Date: _____

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

Subscribed and sworn (or affirmed) before me this *21st* day
of *April* 19 *89* *Carter Fritschle*
Notary Public

Seal

Residing at _____
My Commission Expires _____

Carter Fritschle, Notary Public
Residing at Eagle, Idaho
My Commission Expires March 21, 1994

SRBA CLAIMS RECEIVING CHECKLIST #2

Gardner

CLAIM IDENT. NO.

A63-05253

4-21-89

CK #

2042

AMOUNT \$

51 00

Required

- | 1. | Is the name and address complete with zip code? | YES | NO | IN |
|-----|---|--------|----|----|
| 2. | Is a priority date entered?
Is the priority date acceptable in view of mandatory filing dates?
See Adjudication Memos #1 and #4 to determine if a Permit is required. | / | — | * |
| 3. | (a) Is a source entered?
(b) Is a tributary to entered? (if required) | / | — | * |
| 4. | Is the legal description of the p.d. sufficient? | / | — | * |
| 5. | Is there a description of the diverting works? | / | — | ? |
| 6. | Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form.
Is the period of use included?
Is a quantity claimed for each use? | / | — | * |
| 7. | Is a total quantity claimed entered? | / | — | |
| 8. | If required is a consumptive use entered?
Is the consumptive use correct? | N/A | — | / |
| 9. | Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, see Adjudication Memo # 4. | N/A | — | / |
| 10. | Is (are) the place(s) of use and purpose(s) indicated? | / | — | * |
| 11. | Is (are) the county(ies) entered? | / | — | |
| 12. | Is the ownership of p.u. checked? | / | — | |
| 13. | Are other water rights listed or "none" indicated? | / | — | |
| 14. | If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.) | N/A | — | / |
| 15. | Is the basis of the claim indicated? | / | — | |
| 16. | If the claimant requested a monthly docket sheet, is payment enclosed? (If yes, describe payment status in "Comments" below.) | N/A | — | / |
| 17. | Is the claim signed by the claimant, and is the signature appropriate? Organizations must complete the organization block. | / | — | * |
| 18. | Has the claim been signed, sealed, and dated by a notary? | / | — | * |
| 19. | Was this claim filed on time, or was an extension granted? | / | — | * |
| 20. | Is the fee enclosed correct? | Exempt | — | / |
| 21. | If this claim is based on an existing water right, has the identification number been entered? | N/A | — | / |
| 22. | Should this claim be data entered? | / | — | |

Claim checked by:

Date: 7-27-89

Claim must be returned to claimant:

(Yes) (No)

Claimant must be notified of modifications:

(Yes) (No)

Receipt Prepared by:

Claim data entered by:

Sent to claimant by:

Date: 4-21-89

Date: 7-27-89

Date: 1-27-81

Checked by:

Date:

Comments: Surface water source with well, pump, pipe?

MICROFILMED

AUG 21 1992

RECEIVED
02/28/2002

MAR 27 2002

Department of Water Resources

NOTICE OF ERROR
REPLY

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: April 5, 2002

Water right number: 63-5253

CLIFFORD NEALE GARDNER

PO BOX 74

IDAHO CITY ID 83631

Telephone Number: (208)392-4576

BARBARA ANN GARDNER

PO BOX 74

IDAHO CITY ID 83631

Telephone Number: (208)392-4576

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

"PURPOSE OF USE" "Period of USE"
IRRIGATION 04/01 - 10/31

2. Describe the changes you wish to make in the proposed recommendation:

"Period of use"
03/01 - 12/01

3. Give a brief explanation as to why you disagree with these portions:

Someone changed these figures from 8/14/01 to 2/28/02

NO I AGREE with this proposed recommendation: no changes need to be made.

DATE: 4/26/02 SIGNATURE: Barbara A. Gardner

Please print your name: BARBARA ANN GARDNER

IDWR Regional Office, 2735 Airport Wy, Boise, ID 83705, 2083342190

3-27-02: spoke with Barbara and Explained that I could not change the S.O.U. Because it is the IDWR standard for the area, not making any changes (as of now).

RECEIVED

MAR 28 2002

WATER RESOURCES
WESTERN REGION

08/14/2001

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-5253

WATER RIGHT NUMBER: 63-5253

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	CLIFFORD NEALE GARDNER PO BOX 74 IDAHO CITY, ID 83631 (208)392-4576
Current Owner	BARBARA ANN GARDNER PO BOX 74 IDAHO CITY, ID 83631 (208)392-4576

Priority Date: 04/01/1971

Basis: Statutory Claim

Status: Active

SourceTributary

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	3/01 to 12/01	0.020 CFS	
DOMESTIC	1/01 to 12/31	0.040 CFS	
	<u>Total Diversion:</u>	0.060 CFS	

Location of Point(s) of DiversionPlace of Use

IRRIGATION Within BOISE County

T05N R05E S04 Lot 5 NWNW 1.0

Total Acres: 1

DOMESTIC same as IRRIGATIONConditions of Approval:Remarks:

1. General SOURCES ARE GREGORY GULCH & TOLLGATE GULCH, TRIB. MORES CK.^^

Dates and Other Information:

02/28/2002

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 63-5253
NAME AND ADDRESS: CLIFFORD NEALE GARDNER
PO BOX 74
IDAHO CITY ID 83631

BARBARA ANN GARDNER
PO BOX 74
IDAHO CITY ID 83631

SOURCE: GREGORY CREEK
TOLLGATE CREEK
TRIBUTARY: MORES CREEK
TRIBUTARY: MORES CREEK

QUANTITY: 0.060 CFS
THE QUANTITY OF WATER UNDER THIS RIGHT FOR DOMESTIC USE SHALL NOT
EXCEED 13,000 GALLONS PER DAY.

PRIORITY DATE: 04/01/1971

POINT OF DIVERSION:

T05N R05E S4 NWNW Lot 4 Within BOISE County
T05N R05E S4 NWNW Lot 5 Within BOISE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	0.020 CFS
DOMESTIC	01/01 12/31	0.040 CFS

PLACE OF USE: IRRIGATION Within BOISE County
T05N R05E S04 Lot 5 NWNW 1.0
DOMESTIC same as IRRIGATION
1 ACRES TOTAL

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY
FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF
THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A
POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION
42-1412(6), IDAHO CODE.
THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR DOMESTIC USE
IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

08/09/2002

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 63-5253

NAME AND ADDRESS: CLIFFORD NEALE GARDNER
PO BOX 74
IDAHO CITY ID 83631

BARBARA ANN GARDNER
PO BOX 74
IDAHO CITY ID 83631

SOURCE: GREGORY GULCH
TOLLGATE CREEK

TRIBUTARY: MORES CREEK
TRIBUTARY: MORES CREEK

QUANTITY: 0.06 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT FOR DOMESTIC USE SHALL NOT
EXCEED 13,000 GALLONS PER DAY.

PRIORITY DATE: 04/01/1971

POINT OF DIVERSION:

T05N R05E S4 NWNW Lot 4 Within BOISE County

T05N R05E S4 NWNW Lot 5 Within BOISE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	0.020 CFS
DOMESTIC	01/01 12/31	0.040 CFS

PLACE OF USE: IRRIGATION Within BOISE County

T05N R05E S04 Lot 5 NWNW 1.0

DOMESTIC same as IRRIGATION

1 ACRES TOTAL

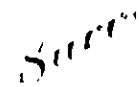
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR
DOMESTIC USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL
USE.

EXPLANATORY MATERIAL: Beneficial Use

751



IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-5253 V1

WATER RIGHT NUMBER: 63-5253 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	CLIFFORD NEALE GARDNER PO BOX 74 IDAHO CITY, ID 83631 (208)392-4576
Current Owner	BARBARA ANN GARDNER PO BOX 74 IDAHO CITY, ID 83631 (208)392-4576

Priority Date: 04/01/1971

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
GREGORY CREEK	MORES CREEK
TOLLGATE CREEK	MORES CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 10/31	0.020 CFS	
DOMESTIC	01/01 to 12/31	0.040 CFS	
	<u>Total Diversion:</u>	0.060 CFS	

Location of Point(s) of Diversion

GREGORY CREEK	L5 NW1/4NW1/4	Sec. 4, Twp 05N, Rge 05E, B.M.
BOISE County		
TOLLGATE CREEK	L4 NW1/4NW1/4	Sec. 4, Twp 05N, Rge 05E, B.M.
BOISE County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05N	05E	4						1.0											1.0
								L 5											

DOMESTIC same as IRRIGATIONConditions of Approval:

1. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.
2. N10 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR DOMESTIC USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-5253 V1

3. N12 THE QUANTITY OF WATER UNDER THIS RIGHT FOR DOMESTIC USE SHALL NOT EXCEED 13,000 GALLONS PER DAY.

Remarks:

Comments:

1. mminicuc 1/29/2002 GPS
Comment: Location points: 05253A Tollgate Gulch, 05252B Gregory Gulch

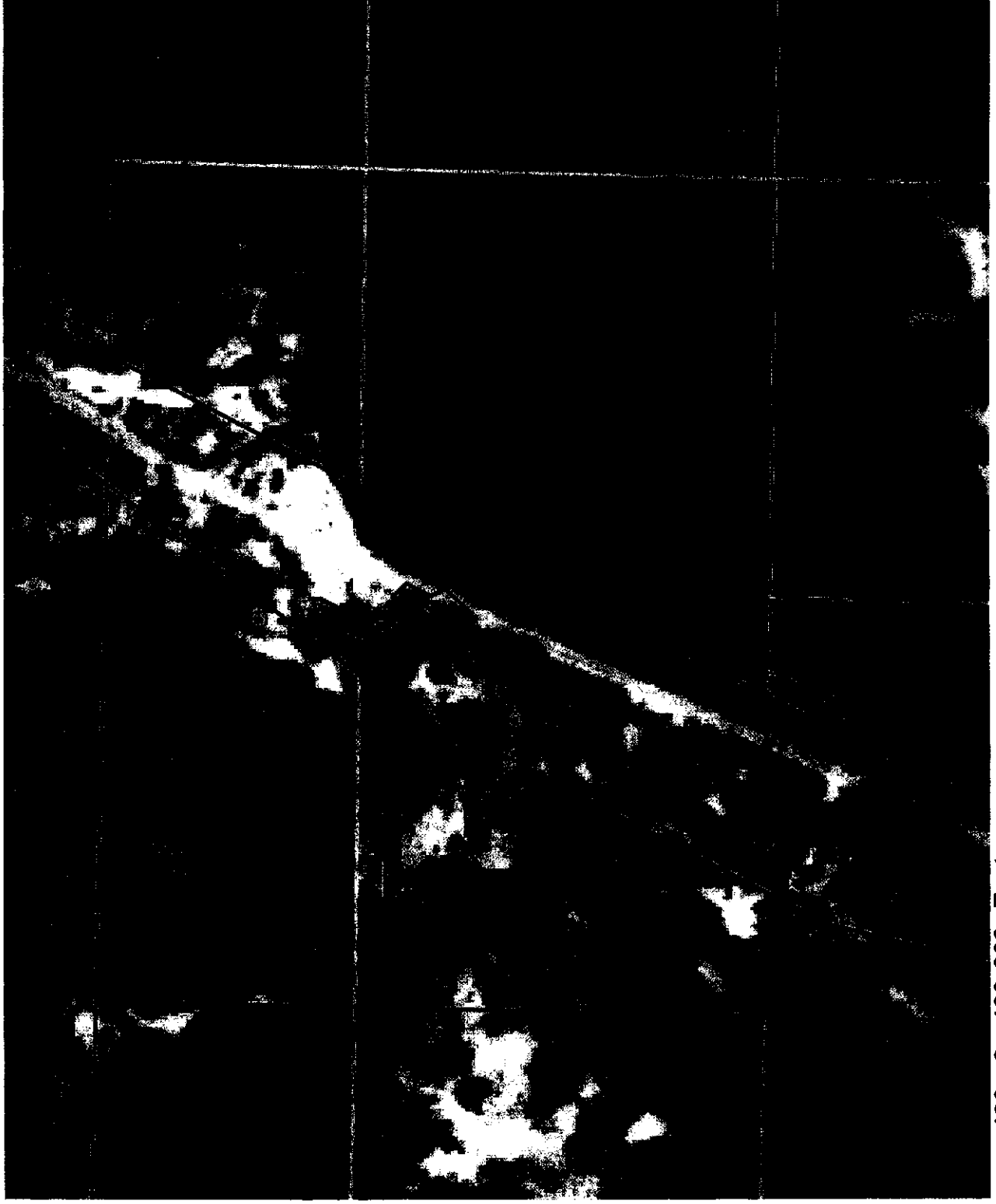
Dates and Other Information:

Decreed Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Defendant:
Plaintiff:
Civil Case Number:
Judicial District:
Notice of Error Flag:
State or Federal: S
Owner Name Connector: OR
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

IDAHO DEPT OF WATER RESOURCES

Claim No(s) 63-5253
T05N, R05E, Sec 4
Prepared by: Maria Minicucci
February 12, 2002

-  Place of use
-  Point of diversion
-  Section Lines
-  Quarter quarter lines



400 0 400 800 Feet



2 wells drilled
1st one done in well house
2nd one done in well house

* Look for another claim in
Barbara Grantwell's name.
Greenland Gulch
Rocky Canyon
MP 35

AJ5809NP
No. A63-05253
IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 05/22/01
PAGE: 42

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	CLIFFORD NEALE GARDNER PO BOX 74 IDAHO CITY ID 83631	04/01/1971	IRRIGATION DOMESTIC	01-01 12-31	0.020 CFS 0.040 CFS	
C	BARBARA ANN GARDNER PO BOX 74 IDAHO ID 83631 (208) 392-4576					

2050

Prince = Heffington

GREGORY GULCH STR
TOLLGATE GULCH

Tributary to: MORES CREEK
MORES CREEK

Stage: STATUTORY CLAIM

BO

10/9/01

Connect div works description

Diamond pump LSP15

SO: 4749381-99

PN: LSP15

"05253A"

GE Motor Model 5KCR495N2250X

1.5 HP

5 sprinkler system now automated

6PS Wapoint on south side of pond

Wt of driveway

POD #2 "05253B"

2 cisterns buried vertically

Pumped to 2nd pump house (well). Underground to house

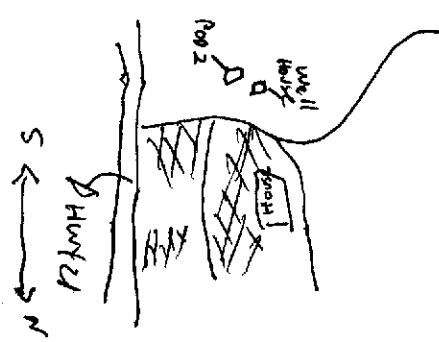
1 outside standpipe for lawn

#6: POD #2 Cistern house on left, well house on right.

POD #2
Make replacement
+ link parts

made

C18
P10
P12



SRBA Claim Number A63-5253

Date of Photos 10/09/2001

Photographer P. Penicucci

Legal Description T5NRSE S4 NWNW

① Point of Diversion,
Tollgate Creek.

Pond is located
at bottom of gully,
before it enters

Tollgate Creek. No

direct outlet to

Tollgate Creek.

GPS location "05253A"



② Point of Diversion,
Gregory Gulch.

Structure on left
covers diversion

(vertical culvert),

structure on right
is for groundwater
well and pumps.



SRBA Claim Number A63-5253 Date of Photos 10/09/2001
Photographer M Minicucci Legal Description TSNR 5E54 NWNW

③ Inside of structure
over Tollgate Gulch
diversion. Culvert
is under insulation
and plywood



SRBA Claim Number A63-5253

Date of Photos 10/09/2001

Photographer M. PINICUCCI

Legal Description 75N/25E S4 NW NW

① Place of Use

Domestic and
irrigation on
the east side of
home,
Buried pipeline to
sprinklers.

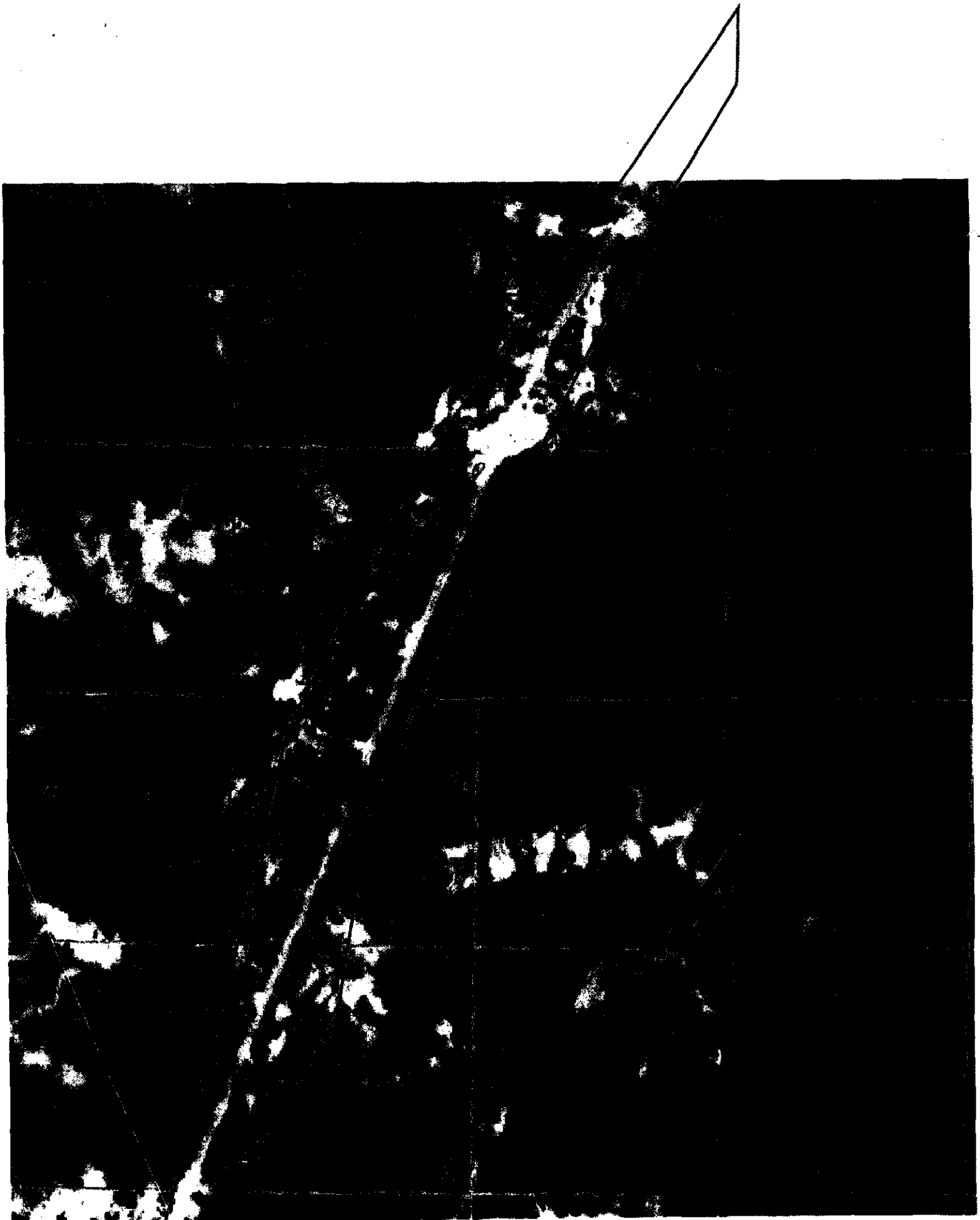


② Place of use

Yard area to
south and east
of home.



A63-05253



6/9/94

COMMUNICATION DOCUMENTATION

Claim No. SG A63-05253

This form is to be used to document public record information requests regarding any SRBA claim or claims. The form may also be used to document IDWR communications requesting information regarding any SRBA claim or claims when the request is not made in writing or the claim verification report is not readily available to document the request. This form is to be filed in all relevant claim files or a central office file.

IDWR Employee/Agent M Minicucci Date Sept 14, 2001

Contact Person(s) Barbara Ann Gardner 392 4576

Nature of Contact Field Exam

Substance of Communication 2:55 pm (9/14/01): left msg

9/18/01: Hwy 21 MP 36.5 left side

2nd driveway past 36 MP

GARDNER Lane

EXAM: OCT 9 10:00 AM

IN THE MATTER OF)
NOTICE OF CLAIM TO)
A WATER RIGHT NO. (S))
_____)
_____)
_____)
State of Idaho)
County of Baese)

AFFIDAVIT

Barbara A. Gardner being first duly sworn,

deposes and says: We moved to our present property in May,
1971. We lived in a 10x45 ABC trailer until we
built our present home. The pond in the Gate Gulch has
been used as irrigation and the system is used for
both irrigation & domestic use. We put the system in,
in March or April of 1971 before we moved down here.
We put the pump in the pond later that
summer for the system didn't produce enough
water to irrigate.

Barbara A. Gardner 10/9/01
(Signature)

Subscribed and sworn to before me this
day _____ of _____, 19____.

SEAL

(Notary Public)

Residing at _____.

My Commission Expires _____.



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

August 15, 2001

CLIFFORD NEALE GARDNER
PO BOX 74
IDAHO CITY, ID 83631

Re: Claim No(s) 63-5253

Dear Claimant(s):

In the past, you submitted the above referenced claim(s) in the Snake River Basin Adjudication. Enclosed is a computer generated print-out of the claim(s) for your reference only; this print-out is **NOT** to be returned or re-filed. You have indicated when this claim was filed that the water right(s) was based on either a "Statutory Claim" or "Beneficial Use" of the water. Water rights of this type are established by the historical use of water for a beneficial purpose, dating back to the time the water was first used, this date being the "**Priority Date**" as shown on the enclosed print-out. Your claim(s) has not been confirmed by a previous filing with the Department of Water Resources since there is no decree, license, or permit on file to verify the use of this water. For this reason, the Department is required to gather evidence from claimants supporting the date of priority for claims based on historical beneficial use of water. Any other claims you may have filed, that are not listed above, do not require evidence of priority be submitted at this time.

Enclosed is a pamphlet entitled "**Evidence of Priority**" which describes why evidence of the priority date is necessary along with examples of types of evidence that can be submitted to fulfill this requirement. If no evidence is submitted, or we do not hear from you within the time limit below, your priority date, as claimed, may not be recommended to the Court for decree. This could jeopardize your water use under this right(s), if water availability problems arise in the future. ~~It is our goal to decree the historical water rights within the Snake River Basin as accurately as possible. Field exams to verify claims in this area are now being conducted by Department personnel. Please contact this office as soon as possible to schedule a field exam appointment convenient for you.~~

The required evidence supporting the priority date(s) must be submitted by **October 15, 2001**, referencing all documents with the corresponding claim number(s). If you have any questions not covered by this letter, or the enclosed pamphlet, please call the Western Region office shown above.

Adjudication Section
Department of Water Resources
Western Region Office

JS:lh
Enclosures

STANDARD *33*
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