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DEPARTMENT OF
WATER RESOURCES

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Attorneys for Claimants, Mary Ellen Drashner and Kathryn Allred Gardner

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT

OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
Case No. 39576) Subcase No. 37-4375
) AFFIDAVIT OF KATHRYN ALLRED
) GARDNER
)
)
)

STATE OF IDAHO)
) :ss
County of Blaine)

KATHRYN ALLRED GARDNER, being first duly sworn upon her oath, declares as follows:

1. I was born in 1941 and have been a resident of Blaine County, Idaho my entire life.
2. In 1913, my grandfather, Reuben G. Price, acquired property at the mouth of Cold Springs Canyon in Blaine County, Idaho. Attached as Exhibit A is a copy of the Warranty Deed used to convey title to this property to my grandfather.
3. I first remember visiting this property with my grandfather in about 1946. My grandfather told me he used the property as a staging and pasture area for his sheep when he took them from his ranch in Gannett, Idaho to summer range in the north and then back again in the fall.

AFFIDAVIT OF KATHRYN ALLRED GARDNER - 1
aff kathryn gardner.wpd

My mother, Mary Allred, told me her father had done this ever since he acquired the Cold Springs property.

4. Attached as Exhibit B is a copy of a June 15, 1971 aerial photograph of this land which I obtained from the Idaho Department of Transportation. I have noted the location of a large pond on the property where we used to hang out on visits while I was in grade school. The pond is also shown on the USGS topographic map for this area based on 1966 aerial photography and field checked in 1967. Attached as Exhibit C is a copy of the relevant portion of that map on which the pond has been labeled. The pond remained approximately the same size through all of the years that I observed it. My estimate is that it was approximately one (1) acre in surface area and averaged approximately three (3) feet in depth. A two story house used to be located just north of the pond. I recall sheep and some horses grazing on the land but all of the horses later died when they were fed some poisoned grain!

5. My father had the pond stocked with fish and occasionally he would catch a few for dinner. We sometimes poled our way around the pond with a long pole on a couple of homemade rafts. Each fall it was a family tradition to harvest elderberries and chokecherries for syrup and jelly. The bushes were very productive due to the amount of water they received from the pond and springs. We also picked apples from a nearby tree and the springs produced watercress all year long that was the best! We truly enjoyed the pond and its surroundings.

6. I recall seeing small ditches running through most of the property and water from springs and the pond running through the ditches. I was told at the time that the water was used to grow the grass on the property as pasture for the sheep and horses. My sister recalls that potatoes were also grown on the property.

7. My grandfather passed away in 1955 and he left the property to my sister, Mary Ellen Drashner, and me. My father, Howard Allred, continued the flood irrigation practice on the property to keep the pasture grass growing. I observed him using a shovel to move the water around through the various ditches. Although my family no longer raised sheep, we allowed owners of other bands to graze their sheep on the property as they went through heading north in the spring and south again in the fall. My husband, Robert Gardner, used to help my father with the irrigation and he continued to do so after my father passed away. This practice continued right up until the property was sold to St. Luke's Wood River Medical Center in April, 1998.

8. My husband, Robert Gardner, outlined in black on Exhibit B the area that I recall being irrigated for pasture grass. I believe it is approximately twenty-five acres in size.

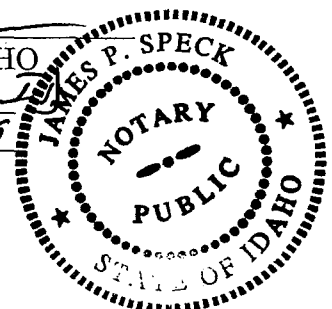
9. The statements made in this affidavit are based upon my own personal knowledge and observations and conversations I had with my grandfather, mother and father, all of whom have now passed away.

DATED this 14 day of October, 2008.

Kathryn Allred Gardner
KATHRYN ALLRED GARDNER

SUBSCRIBED AND SWORN TO before me this 14 day of October, 2008.

J. P. Speck
NOTARY PUBLIC FOR IDAHO
Residing at: Shim County, ID
Comm. Expires: 1/29/2009



CERTIFICATE OF SERVICE

I hereby certify that on the 15 day of October, 2008, I served a true and correct copy of the within and foregoing document upon the attorney named below in the manner noted:

Albert P. Barker
Shelley M. Davis
Barker, Rosholt & Simpson LLP
P.O. Box 2139
Boise, ID 83701-2139
Attorneys for Tom O'Gara, John Stevenson, Bill Molyneux, Pete Van Der Meulen, Grace Eakin, Gerald Bashaw and Pepin Corso-Harris

- ☒ United States Mail, Postage Prepaid
- ☐ Hand Delivery
- ☐ Facsimile, with copy by United States Mail, Postage Prepaid

Craig Hobdey
Hobdey & Hobdey
P.O. Box 176
Gooding, ID 83330
Attorneys for Big Wood Canal Company

- ☒ United States Mail, Postage Prepaid
- ☐ Hand Delivery
- ☐ Facsimile, with copy by United States Mail, Postage Prepaid

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James P. Speck

76/319
6/2/1913

WARRANTY DEED RECORD

EXHIBIT A

WARRANTY DEED

Lillis D. Johnson and
Willidge W. Johnson
to
Reuben G. Price.

STATE OF IDAHO
County of Blaine

Filed for record at the request of
R. G. Price

11 o'clock A.M. June 2,

6/2/1913

County Clerk

Price

THIS INDENTURE, Made this 6th day of July
in the year of our Lord one thousand nine hundred and nine
BETWEEN Lillis D. Johnson, and Willidge W. Johnson,
her husband of Blaine County, Idaho,

the part 1st of the first part, and
Reuben G. Price of the same place

WITNESSETH, That the said part 1st of the second part,
for and in consideration of the sum of One Dollar and other consideration,
to him paid by the said party of the second part, the receipt whereof is hereby acknowledged,
he do hereby grant, bargain, sell, remise, release, alienate and confirm unto the said part 2d of the
second part, and to his heirs and assigns forever, all the following
described to wit: piece 8 of parcel 8 of land, situated in the County of Blaine and State of Idaho,
marked and described as follows, to-wit:

The Southeast quarter of the Northeast quarter and the
East half of the Southeast quarter, of Section thirty
(30)
The Southwest quarter of the Northeast quarter, the
Southeast quarter of the Northwest quarter and the
Northeast quarter of the Southwest quarter of Section

(31) thirty-one,
The Southwest quarter of the Northwest quarter and the Northwest quarter of the
Southwest quarter of Section twenty-nine (29)
All in Township four (4) North of Range eighteen east of the Boise Meridian,
Together with all water and water rights ditches and canals in anywise appertaining
to said above described lands.

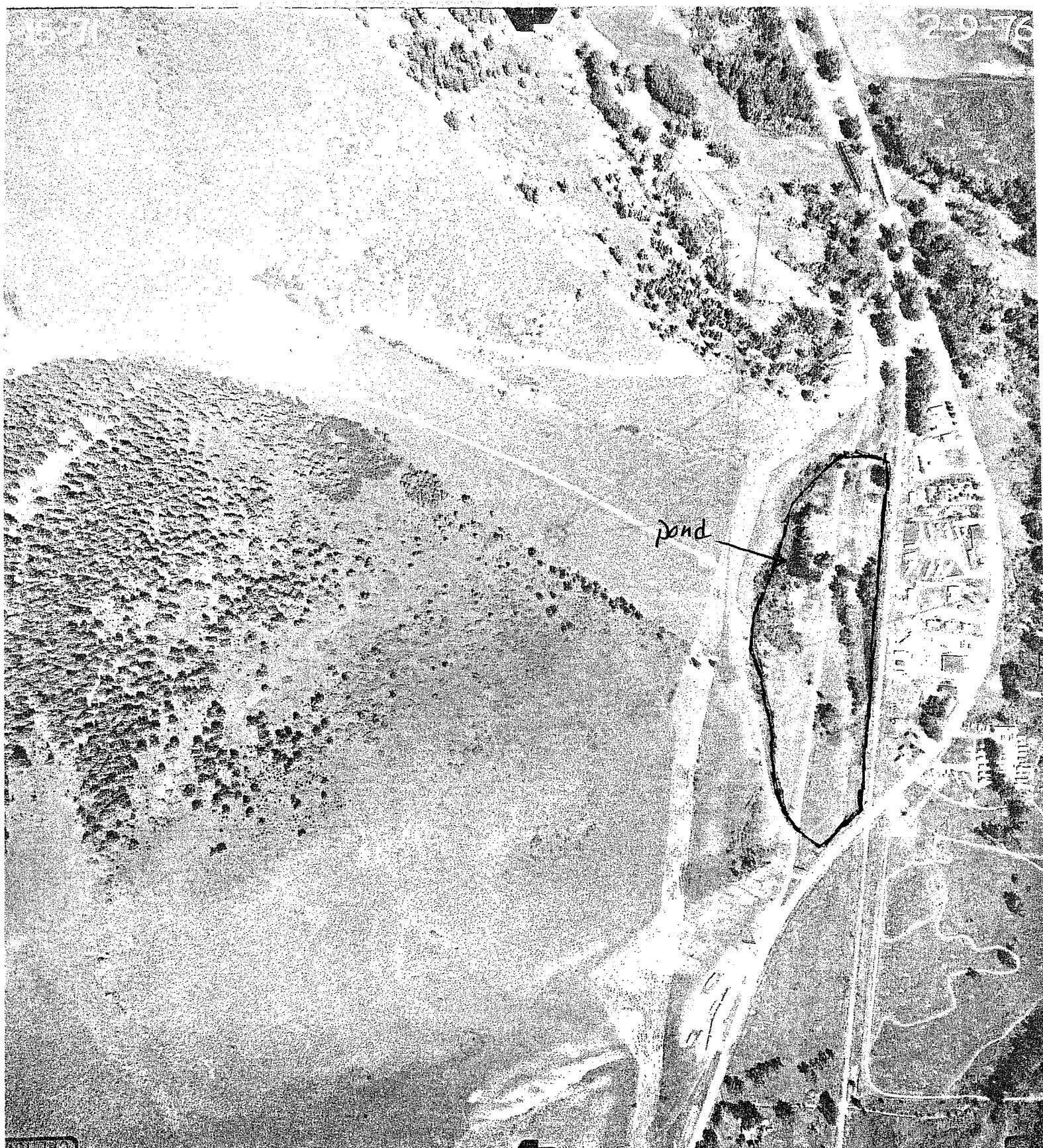
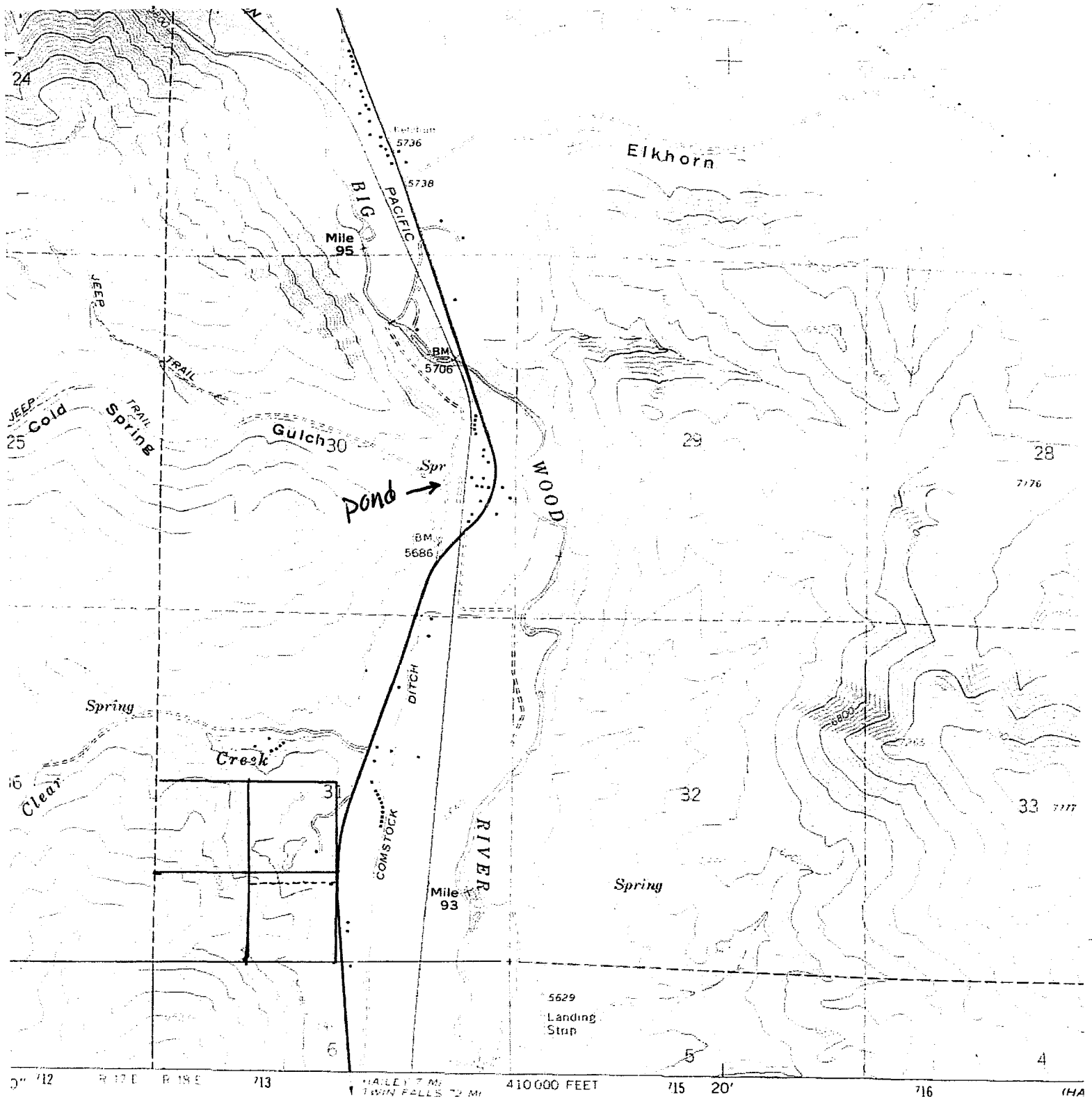


EXHIBIT B



pped. edited. and published by the Geological Survey

ontrol by USGS and USC&GS

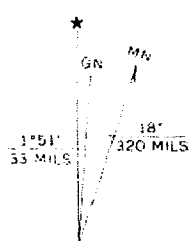
ography by photogrammetric methods from aerial
tographs taken 1966. Field checked 1967

conic projection. 1927 North American datum
300-foot grid based on Idaho coordinate system,
trial zone

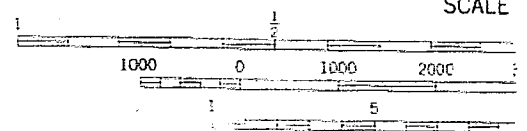
10-meter Universal Transverse Mercator grid ticks,
± 11, shown in blue

place on the predicted North American Datum 1983
e the projection lines 13 meters north and
eters east as shown by dashed corner ticks

e may be private inholdings within the boundaries of
National or State reservations shown on this map



UTM GRID AND 1967 MAGNETIC NORTH
DECLINATION AT CENTER OF SHEET



CONTOUR INT
DOTTED LINES REPRESENT
NATIONAL GEODETIC V

THIS MAP COMPLIES WITH NAT
FOR SALE BY U. S. GEOLOGICAL SURVEY, DENVE
A FOLDER DESCRIBING TOPOGRAPHIC MA

EXHIBIT C