

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: A63-04822

Date Received: 1/05/1990

Receipt No: 0013843

Received By: CA

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: EVAN F. GARDNER 208-459-7715
Address: 10551 CHICKEN DINNER RD.
CALDWELL, ID 83605

AND/OR

Name: LUCILLE GARDNER 208-459-7715
Address: 10551 CHICKEN DINNER RD.
CALDWELL, ID 83605

2. Date of Priority: JUL 01, 1948

3. Source: WASTE WATER Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
02N	04W	11	SW	NE	SE		CANYON

5. Description of diverting works:
DIVERSION DAM IN WASTEWAY & GRAVITY IRR. SYSTEM

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.380		
STOCKWATER	01/01	12/31	0.030		

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

8. Total consumptive use is 66.5 Acre Feet Per Annum.

9. Non-irrigation uses:
STOCKWATER, 70 HEAD CATTLE

A63-04822

Page 1

Date: 01/05/90

SCANNED
APR 14 2008

MICROFILMED
AUG 20 1992

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
02N	04W	11	SW	NE	6	IRR	11.0
			SE	NE		IRR	2.0
			NE	SE		IRR	6.0

Section Acres 19.0

Total Acres 19.0

11. Place of use in counties: CANYON

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

13. Other Water Rights Used:
WILDER IRRIGATION DISTRICT

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: -1-

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):

Evan F. Gardner

Date:

1/5/90

Date:

State of Idaho)

County of Ada)

SS.

Subscribed and sworn (or affirmed) before me this 5th day

of

January

19

90

Seal

Carter Fritschle
Notary Public

Residing at _____

My Commission Expires _____

Carter Fritschle, Notary Public

Residing at Eagle, Idaho

My Commission Expires March 21, 1994

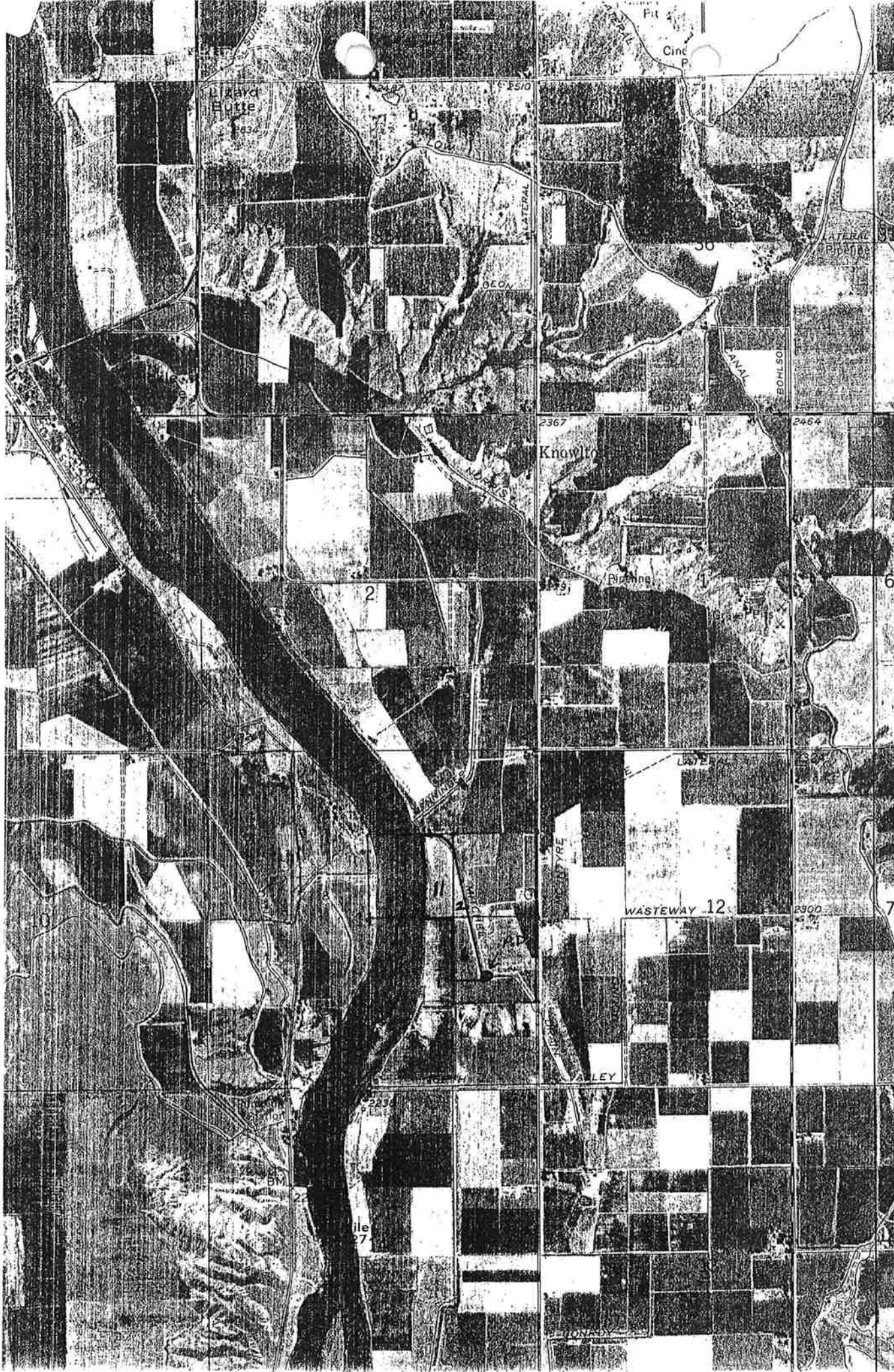
Carter Fritschle, Notary Public

Residing at Eagle, Idaho

My Commission Expires March 21, 1994

MICROFILMED

AUG 20 1992



4823

4823 N.

NAMPA (U.S. 30) 15 MI.

4821

32' 30"

T. 2 N.

4820

T 2 N
R 4 W

A63-04822

4819

7

4818

MICROFILMED

AUG 20 1992

4817000m N

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 Evan F. &/or Lucille Gardner
(Name of Claimant)

Route 4, Box 445, Caldwell, ID 83605 Telephone No. 459-7715
(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) 7/1/1948

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)
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>.38 cfs</u>	Use <u>irrigation</u>	Period of Use From <u>3/15</u>	To <u>11/15</u>
Quantity	<u>.03 cfs</u>	Use <u>stockwater</u>	Period of Use From <u>1/1</u>	To <u>11/31</u>
Quantity		Use	Period of Use From	To
Quantity		Use	Period of Use From	To
Quantity		Use	Period of Use From	To

- (4) .41 cfs TOTAL QUANTITY USED.
(cfs, gpd, AFA)

- (5) A) Point of diversion: (Location of point where water is diverted from its source)
NE 1/4 SE 1/4, Sec. 11 Twp. 2N Rge. 4W B.M., County of Canyon
Additional points of diversion:

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. Diversion dam in wasteway to gravity irrigation 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%	
					1.6														
2N	4W	11			11	2									6				19

No. of acres 19

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

Stockwater 60 Head/range

NOTE: Include here the type and number of stock watered:

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

FOR DEPARTMENT USE ONLY

Received by GRN Date 9/24/81 Prelim. check by GRN Date 9/24/81 Fee received by GRN Date 9/24/81 Published in Sum + Knudsen 10/15/1981

Exception filed by: # 20236 Forwarded to claimant by: 10/15/1981

My commission expires LIFE

Sworn to before me this 24 day of SEPTEMBER, 1981

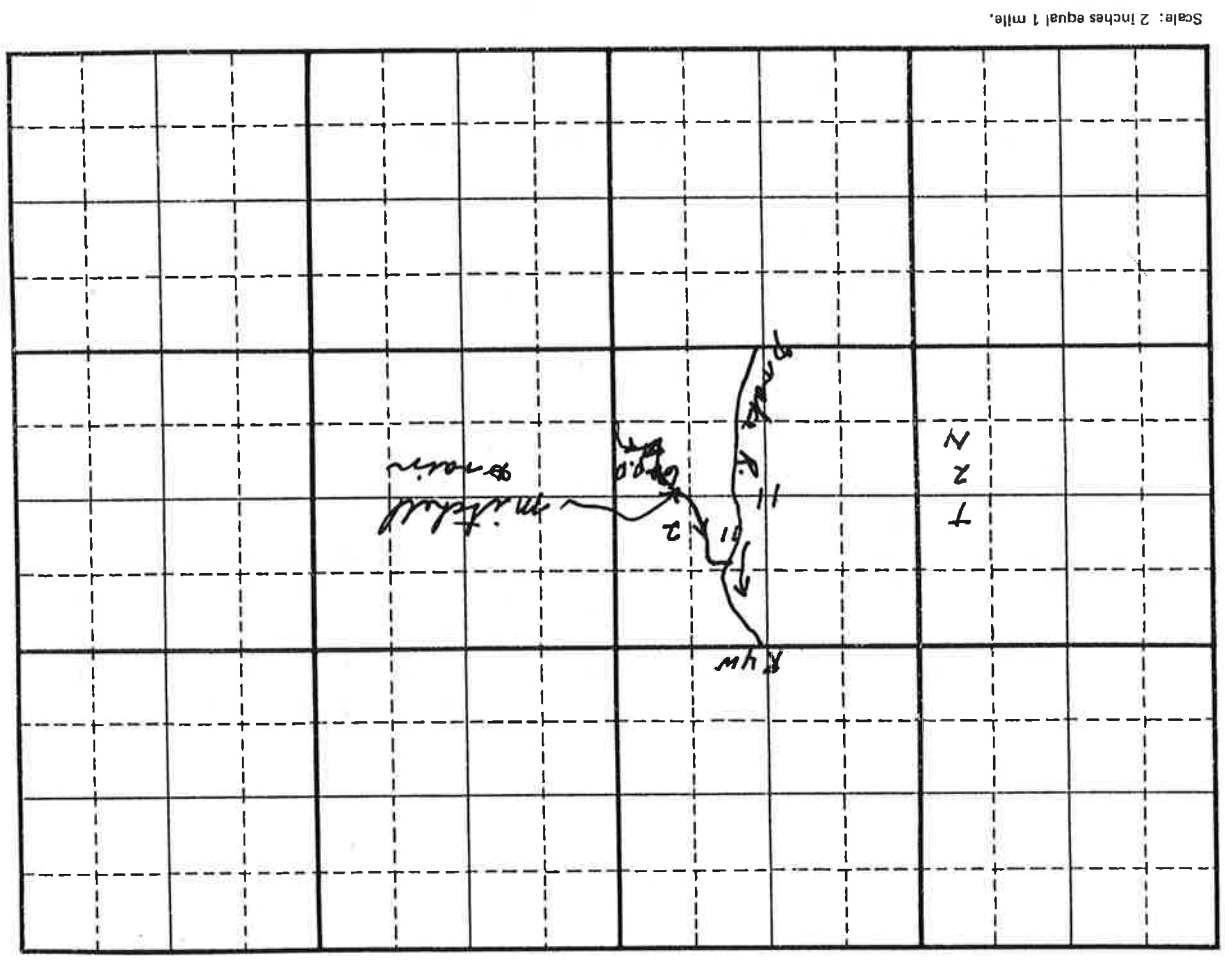
James F. Garfield (Claimant)

Notary Public Residing at Boise

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.

State of Idaho)
County of ADA)
ss.)

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.



(8) Remarks This land is also irrigated with Wilder Irrigation District water.

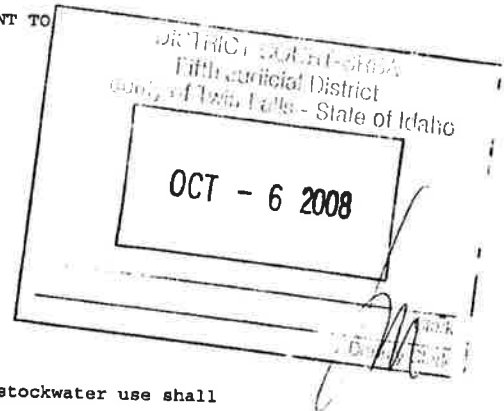
IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case No. 39576

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 63-04822



NAME AND ADDRESS:

EVAN F GARDNER
LUCILLE GARDNER
10551 CHICKEN DINNER RD
CALDWELL, ID 83605

SOURCE:

WASTE WATER TRIBUTARY: SNAKE RIVER

QUANTITY:

0.41 CFS

The quantity of water under this right for stockwater use shall
not exceed 13,000 gallons per day.

PRIORITY DATE:

07/01/1948

POINT OF DIVERSION:

T02N R04W S11

SWNESE Within Canyon County

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE
Irrigation
Stockwater

PERIOD OF USE
03-01 TO 11-15
01-01 TO 12-31

QUANTITY
0.38 CFS
0.03 CFS

PLACE OF USE:

Irrigation

T02N R04W S11 LOT 6 (SWNE)11.0
NESE 6.0

Within Canyon County
SENE 2.0

19.0 Acres Total

Stockwater

Same as Irrigation

Within Canyon County

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

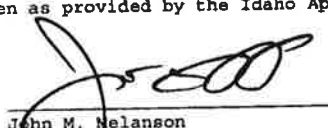
The quantity of water decreed for this water right for
stockwater use is not a determination of historical beneficial
use.

This right remains subject to the right of the original
appropriator, in good faith and in compliance with state laws
governing changes in use and/or expansion of water rights, to
cease wasting water, to change the place or manner of wasting
it, or to recapture it.

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. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.



John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication

RECEIVED

JUL 21 2008

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT SRBA
Fifth Judicial District
County of Twin Falls, State of Idaho
JUL 18 2008
By _____
By _____ Clerk
District Clerk

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

) SPECIAL MASTER'S REPORT
)
) FINDINGS OF FACT AND
) CONCLUSIONS OF LAW
)
) FOR WATER RIGHT 63-04822

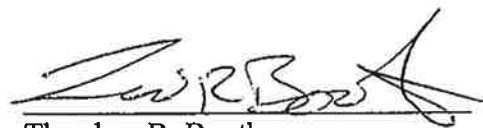
A notice of claim was filed for the above-captioned water right pursuant to I.C. § 42-1409. The Director of the State of Idaho Department of Water Resources (IDWR) examined the water system for this reporting area. The *Director's Report* contained a recommendation or abstract for the elements of this water right.

On June 18, 2007, the Wilder Irrigation District, through its attorney Albert P. Barker, filed an objection to the *Director's Report*, asserting that the source of water should be described as wastewater. On June 24, 2008, the Wilder Irrigation District filed a *Notice of Withdrawal of Objection*. Accordingly, there are no outstanding objections to this water right claim.

II. CONCLUSIONS OF LAW

Therefore based on the file and record herein IT IS RECOMMENDED that water right 63-04822 be decreed with the elements as set forth in the attached *Recommendation for Partial Decree Pursuant to I.R.C.P. 54(b)*.

Dated July 18, 2008



Theodore R. Booth
Special Master
Snake River Basin Adjudication

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

DISTRICT COURT SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

In Re SRBA

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Case No. 39576

Water Right 63-04822

JUL 18 2008

By

Clerk

Deputy Clerk

NAME AND ADDRESS:

EVAN F GARDNER
LUCILLE GARDNER
10551 CHICKEN DINNER RD
CALDWELL, ID 83605

SOURCE:

WASTE WATER TRIBUTARY: SNAKE RIVER

QUANTITY:

0.41 CFS

The quantity of water under this right for stockwater use shall
not exceed 13,000 gallons per day.

PRIORITY DATE:

07/01/1948

POINT OF DIVERSION:

T02N R04W S11 SWNESE Within Canyon County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
Irrigation	03-01 TO 11-15	0.38 CFS
Stockwater	01-01 TO 12-31	0.03 CFS

PLACE OF USE:

Irrigation
T02N R04W S11 LOT 6 (SWNE)11.0 Within Canyon County
NESE 6.0 SENE 2.0
19.0 Acres Total

Stockwater
Same as Irrigation Within Canyon County

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

The quantity of water decreed for this water right for
stockwater use is not a determination of historical beneficial
use.

This right remains subject to the right of the original
appropriator, in good faith and in compliance with state laws
governing changes in use and/or expansion of water rights, to
cease wasting water, to change the place or manner of wasting
it, or to recapture it.

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. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication



Fifth Judicial District	
County of Twin Falls - State of Idaho	
JUL 18 2008	
By _____	Clerk
_____	Deputy Clerk

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)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

Water Right(s): 63-04822

On July 18, 2008, Special Master THEODORE R. BOOTH issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s) pursuant to SRBA Administrative Order 1 (AO1), Section 13a.

Pursuant to SRBA Administrative Order 1, Section 13a, any party to the adjudication including parties to the subcase, may file a Motion to Alter or Amend on or before the 28th day of the next month.

Failure of any party in the adjudication to pursue or participate in a Motion to Alter or Amend the SPECIAL MASTER'S RECOMMENDATION shall constitute a waiver of the right to challenge it before the Presiding Judge.

DATED July 18, 2008.



DIANA R DELANEY
Deputy Clerk

DISTRICT COURT SRBA	
Fifth Judicial District	
County of Twin Falls - State of Idaho	
JUL 18 2008	
By _____	Clerk
_____	Deputy Clerk

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)
_____)

CERTIFICATE OF MAILING

Water Right(s): 63-04822

CERTIFICATE OF MAILING

I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on July 18, 2008, with sufficient first-class postage prepaid to the following:

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

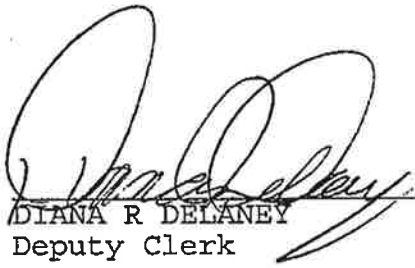
WILDER IRRIGATION DISTRICT
Represented by:
ALBERT P BARKER
1010 W JEFFERSON, STE 102
PO BOX 2139
BOISE, ID 83701-2139
Phone: 208-336-0700

USDI BUREAU OF RECLAMATION
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

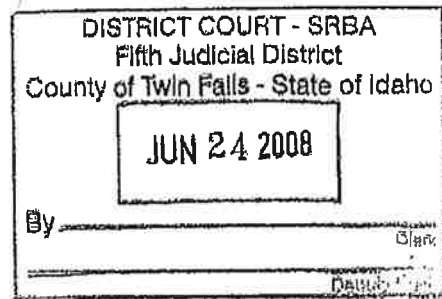
CERTIFICATE OF MAILING

PAGE 1
07/18/08

EVAN F GARDNER
LUCILLE GARDNER
10551 CHICKEN DINNER RD
CALDWELL, ID 83605
Phone: 208-459-7715



DIANA R DELANEY
Deputy Clerk



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: 63-4822

NOTICE VACATING INITIAL HEARING

NOTICE IS GIVEN THAT the Initial Hearing set for June 26, 2008, at 2:15 p.m. is
vacated.

DATED June 24, 2008.


Deputy Clerk
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the NOTICE VACATING INITIAL HEARING was mailed on June 24, 2008, with sufficient first-class postage to the following:

WILDER IRRIGATION DISTRICT

Represented by:
ALBERT P BARKER
1010 W JEFFERSON, STE 102
PO BOX 2139
BOISE, ID 83701-2139
Phone: 208-336-0700

USDI BUREAU OF RECLAMATION

Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

EVAN F GARDNER
LUCILLE GARDNER
10551 CHICKEN DINNER RD
CALDWELL, ID 83605
Phone: 208-459-7715

Albert P. Barker, ISB # 2867
Paul L. Arrington, ISB #7198
BARKER ROSHOLT & SIMPSON LLP
1010 W. Jefferson St., Suite 102
P.O. Box 2139
Boise, ID 83701-2139
Telephone: (208) 336-0700
Facsimile: (208) 344-6034

RECEIVED

JUN 19 2008

DEPARTMENT OF
WATER RESOURCES

Attorneys for Wilder Irrigation District

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	)	Subcase No. 63-4822
	)	
Case No. 39576	)	NOTICE OF WITHDRAWAL
	)	OF OBJECTION
	)	
	)	

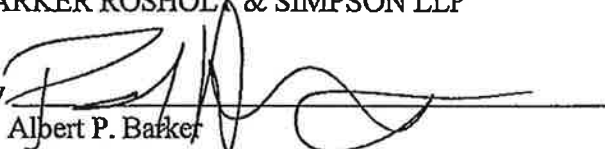
COME NOW, the above-named Objectors, by and through their attorney of record, Albert P. Barker, Barker Rosholt & Simpson LLP, pursuant to I.R.C.P. Rule 41(a)(1) and move this Court for an Order Granting Withdrawal of their Objections in the above-referenced matter.

The Objector, Wilder Irrigation District, voluntarily withdraws its Objections previously filed in this matter and having done so prior to the initial hearing, request that an order of dismissal of its Objection be entered by the Court.

DATED this 17 day of June, 2008.

BARKER ROSHOLT & SIMPSON LLP

By


Albert P. Barker

Paul L. Arrington

Attorneys for Wilder Irrigation District

CERTIFICATE OF MAILING

I hereby certify that on the 17 day of June, 2008, I mailed the original and copies of this notice to the following persons, by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, Idaho 83303-2707

2. One copy to the owner of the water right at the following address:

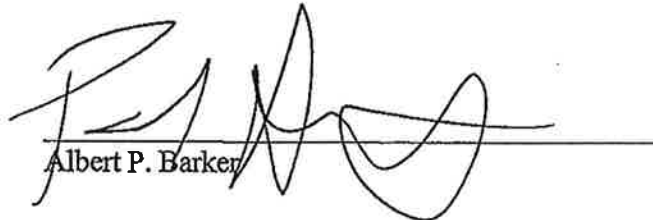
Name: Evan Gardner
Address: Lucille Gardner
10551 Chicken Dinner Rd.
Caldwell, Idaho 83605

3. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

Chief, Natural Resource Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environmental/Natural Resource Div
550 West Fort Street, MSC 033
Boise, ID 83724


Albert P. Barker

RECEIVED

MAY 26 2008

DEPARTMENT OF
WATER RESOURCES

2008 MAY 23 PM 04:13
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

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	)	ORDER SETTING SUBCASE(S)
	)	FOR INITIAL HEARING
Case No. 39576	)	
_____	)	SUBCASE NO: 63-04822

The Initial Hearing for this subcase will be held before
Special Master THEODORE R. BOOTH

THURSDAY, JUNE 26, 2008 at 02:15 PM (MT)
IDAHO SUPREME COURT BUILDING
451 WEST STATE STREET
BOISE, ID

ATTENDANCE IS MANDATORY. All parties are required to
attend and must have full settlement authority.

At the Initial Hearing you will have an opportunity
to meet with a representative of the Idaho Department of
Water Resources (IDWR) and/or the objector in an attempt
to reconcile any difference between the claim and the
Director's Report. Bring any and all information you
believe is relevant to your claim and/or objection. If
the claim cannot be reconciled at the Initial Hearing,
the court will set the subcase(s) for trial within 45
days of the Initial Hearing. IF YOU INTEND TO AMEND YOUR
CLAIM, YOU MUST DO SO AT OR BEFORE THE INITIAL HEARING.

Settlement documents must be filed with the court by
JUNE 23, 2008 or hearing will not be vacated.

IT IS SO ORDERED.

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

(continued)

Dated: MAY 23, 2008

/S/ THEODORE R. BOOTH
Special Master
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I Certify that a true and correct copy of the ORDER SETTING
SUBCASE(S) FOR INITIAL HEARING was mailed on MAY 23, 2008,
with sufficient first-class postage to the following:

WILDER IRRIGATION DISTRICT

Represented by:
ALBERT P BARKER
1010 W JEFFERSON, STE 102
PO BOX 2139
BOISE, ID 83701-2139
Phone: 208-336-0700

USDI BUREAU OF RECLAMATION

Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

DIRECTOR OF IDWR

PO BOX 83720
BOISE, ID 83720-0098

EVAN F GARDNER
LUCILLE GARDNER
10551 CHICKEN DINNER RD
CALDWELL, ID 83605
Phone: 208-459-7715

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)

A. Subcase 63-4822

(Insert water right number)

Case No. 39576)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

DEPARTMENT OF
WATER RESOURCES

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Wilder Irrigation District

Address: 709 Cleveland Blvd

Caldwell, ID 83605

Daytime Phone: 208-459-3421

Name & Address of Attorney, if any:

Albert P. Barker

Barker Rosholt & Simpson, LLP

1010 W. Jefferson, Ste. 102, Boise ID 83702

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: Evan and Lucille Gardner

Address: 10551 Chicken Dinner Rd.

Caldwell, ID 83605

SCANNED
APR 14 2008

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☐ **Name and Address**

Should be: _____

2. ☒ **Source**

Should be: The source should be described as waste waters, and waste waters belong to the Wilder Irrigation District.

3. ☐ **Quantity**

Should be: _____

4. ☐ **Priority Date**

Should be: _____

5. ☐ **Point of Diversion**

Should be: _____

6. ☐ **Instream Flow Beginning and Ending Point**

Should be: _____

7. ☐ **Purpose(s) of Use**

Should be: _____

8. ☐ **Period of Year**

Should be: _____

9. ☐ **Place of Use**

Should be: _____

10 ☐ **I object because:**

☒ This water right Should not exist.

☐ This water right was not recommended, but Should be recommended with the elements described above.

E. REASONS SUPPORTING OBJECTIONS(S): There has been no lawful appropriation of this right. The description of the source should have been waste water. The waste waters belong to the Wilder Irrigation District and are not available for private development and appropriation. Further, any attempted development of this right constitutes a trespass against the drains of the Wilder Irrigation District. Proposed wastewater remark does not sufficiently protect original appropriator.

F. VERIFICATION (must be completed)

State of Idaho)
)ss.

County of Ada)

Albert P. Barker, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and(6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

(Signature of person filing objection)

[Signature]

(Attorney signing in representative capacity)

Subscribed and sworn to before me on: 6/18/07



Notary Public for Idaho
Residing at: Boise, Idaho
My Commission Expires: 8/2/2012

Karen Joy Edwards

INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

G. CERTIFICATE OF MAILING

I certify that on JUN 18 2007, 200 , I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

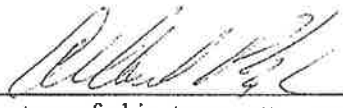
Name: Evan and Lucille Gardner
Address: 10551 Chicken Dinner Rd.
Caldwell, ID 83605

3. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

United States Department of Justice
Environment & Nat'l Resources Div
550 W Fort Street, MSC 033
Boise, ID 83724

Chief, Natural Resources Division
Office of Attorney General
PO Box 44449
Boise, ID 83711-4449



Signature of objector or attorney
mailing on Objector's behalf

12/10/2006

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

RIGHT NUMBER: 63-4822

NAME AND ADDRESS: LUCILLE GARDNER
10551 CHICKEN DINNER RD
CALDWELL ID 83605

EVAN F GARDNER
10551 CHICKEN DINNER RD
CALDWELL ID 83605

SOURCE: WASTE WATER

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.410 CFS

The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.

PRIORITY DATE: 07/01/1948

POINT OF

DIVERSION: T02N R04W S11 SWNESE Within CANYON County

PURPOSE AND

PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/01 11/15	0.380 CFS
STOCKWATER	01/01 12/31	0.030 CFS

PLACE OF USE: IRRIGATION in CANYON County

T02N R04W S11 Lot 6 SWNE	11.00	T02N R04W S11	SENE	2.00
T02N R04W S11	NESE	6.00		

STOCKWATER same as IRRIGATION

19 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 stockwater use is not a determination of historical beneficial use.

This right remains subject to the right of the original appropriator, in good faith and in compliance with state laws governing changes in use and/or expansion of water rights, to cease wasting water, to change the place or manner of wasting it, or to recapture it.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Use of this right is combined with water from Wilder Irrigation District.

Stockwater use is for 70 range cattle.

09/29/2006

**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: October 31, 2006

Water right number: 63-4822

LUCILLE GARDNER
10551 CHICKEN DINNER RD
CALDWELL ID 83605
Telephone Number: (208)459-7715

EVAN F GARDNER
10551 CHICKEN DINNER RD
CALDWELL ID 83605
Telephone Number: (208)459-7715

RECEIVED
OCT 19 2006
WATER RESOURCES
WESTERN REGION

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

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

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

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

DATE:

Oct 10 2006

SIGNATURE:

Evan F. Gardner

Please print your name:

EVAN F. GARDNER

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

03/17/2006

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

RIGHT NUMBER: 63-4822

NAME AND ADDRESS: LUCILLE GARDNER
10551 CHICKEN DINNER RD
CALDWELL ID 83605

EVAN F GARDNER
10551 CHICKEN DINNER RD
CALDWELL ID 83605

SOURCE: WASTE WATER

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.410 CFS

The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.

PRIORITY DATE: 07/01/1948

POINT OF DIVERSION:

T02N R04W S11 SWNESE Within CANYON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/01 11/15	0.380 CFS
STOCKWATER	01/01 12/31	0.030 CFS

PLACE OF USE: IRRIGATION Within CANYON County

T02N R04W S11 Lot 6 SWNE	11.00	T02N R04W S11	SENE	2.00
T02N R04W S11	NESE	6.00		

STOCKWATER same as IRRIGATION

19 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 stockwater use is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Use of this right is combined with water from Wilder Irrigation District.

Stockwater use is for 70 range cattle.

SCANNED
APR 14 2008



Idaho Department of Water Resources

63-4822

T02N R04W S11



- Point of Diversion
- ▭ Place of Use
- ▭ Sections
- ▭ Quarter Quarter

Total irrigated
acres = 19



400 0 400 800 1200 Feet

IDWR

Prepared by: Sandy Egbert
Date: March 17, 2006
1987 NAAP Photography

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-4822 V1

WATER RIGHT NUMBER: 63-4822 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	LUCILLE GARDNER 10551 CHICKEN DINNER RD CALDWELL, ID 83605 (208)459-7715
Current Owner	EVAN F GARDNER 10551 CHICKEN DINNER RD CALDWELL, ID 83605 (208)459-7715

Priority Date: 07/01/1948

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
WASTE WATER	SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/01 to 11/15	0.380 CFS	
STOCKWATER	01/01 to 12/31	0.030 CFS	
	<u>Total Diversion:</u>	0.410 CFS	

Location of Point(s) of Diversion

WASTE WATER	SW1/4NE1/4SE1/4	Sec. 11, Twp 02N, Rge 04W, B.M.
CANYON 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	
02N	04W	11			11.0	2.0									6.0				19.0
					L 6														

Total Acres: 19

STOCKWATER 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. N08 The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.
3. W59 Use of this right is combined with water from Wilder Irrigation District.
4. X02 Stockwater use is for 70 range cattle.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-4822 V1

5. N05 The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.

Remarks:Comments: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: AND
 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

Combined Use Limits:Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Summary			03/14/2006	lharris	Active
Priority Date	3/17/2006 8:18:59 AM	segbert			Active
POD	3/17/2006 8:22:49 AM	segbert			Active
Source	3/17/2006 8:24:06 AM	segbert			Active
POU	3/17/2006 8:24:27 AM	segbert			Active
Use	3/17/2006 8:25:01 AM	segbert			Active
Season	3/17/2006 8:25:27 AM	segbert			Active
Quantity	3/17/2006 8:27:40 AM	segbert			Active
Summary			03/17/2006	segbert	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
Summary	3/14/2006 9:10:11 AM	lharris	(No) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (Yes) 3. Is the water being used for all of the purposes claimed and to the extent claimed?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-4822 V1

POD	3/17/2006 8:22:49 AM	segbert	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the POD? (Yes) 9. Does the file contain all the necessary information to verify the POD? (No) 10. Is a POD remark and/or condition required?
POD	3/17/2006 8:23:34 AM	segbert	Updated shape
Source	3/17/2006 8:24:07 AM	segbert	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim an Application or Permit? (No) 6. Is the basis of claim a Posted Notice? (No) 7. Is there evidence that there has been a change in the source? (Yes) 10. Does the file contain all the necessary information to verify the source? (No) 11. Is a Source remark and/or condition required? Description for Question 10 - field exam
POU	3/17/2006 8:24:27 AM	segbert	(No) 1. Is the basis of this claim a Decree or License? (Yes) 2b. Is the POU required? (No) 3. Is the basis of claim a Application or Permit? (No) 7. Is there evidence that there has been a change in the POU? (Yes) 13. Does the file contain all the necessary information to verify the POU? (No) 14. Is a POU remark and/or condition required? Description for Question 13 - field exam
Use	3/17/2006 8:25:01 AM	segbert	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Purpose of Use? (Yes) 11. Does the file contain all the necessary information to verify the Water Use? (No) 13. Is a Purpose of Use remark and/or condition required?
Season	3/17/2006 8:25:27 AM	segbert	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Period of Use? (Yes) 12. Does the file contain all the necessary information to verify the Period of Use? (No) 13. Is the basis of claim a decree, license, or a transferred beneficial use right that has had the Period of Use administratively determined? (Yes) 15. Is irrigation claimed as a Purpose of Use? (No) 18. Is a Period of Use remark and/or condition required?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-4822 V1

General	3/17/2006 8:18:58 AM	segbert	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (No) 4. Is the basis of claim decree or license? (No) 7. Is the basis of claim a Application or Permit? (No) 8. Is the basis of claim a posted notice? (No) 9. Is the Priority Date of this water use after the date a permit is required for the source and the water use? (Yes) 12. Does the claim file contain sufficient evidence of Priority Date? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required? Description for Question 12/13 - Affidavit in file states POD was in use in 1951 - not unreasonable to claim 1948 priority date.
Quantity	3/17/2006 8:27:40 AM	segbert	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is the basis of claim a posted notice? (Yes) 7. Is a flow measurement required? (No) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit? (No) 11. Has a diversion volume limit been established by a decree, license or transfer for this water use? (No) 12. Is a Quantity remark or condition required? Description for Question 7 - field exam pygmy meter
Summary	3/17/2006 9:12:45 AM	segbert	(No) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (Yes) 3. Is the water being used for all of the purposes claimed and to the extent claimed? (No) 5. Does this right have any combined use limits with other rights? (Yes) 6. Is an additional remark and/or condition required? (Yes) 7. Would you like to view the recommended right? (No) 8. Is this a split or combined right? (No) 9. Do you have documents you would like to attach or link to the file? (Yes) 10. Would you like to set the verification date?

Water Supply Bank:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-4822

WATER RIGHT NUMBER: 63-4822

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	LUCILLE GARDNER 10551 CHICKEN DINNER RD CALDWELL, ID 83605 (208)459-7715
Current Owner	EVAN F GARDNER 10551 CHICKEN DINNER RD CALDWELL, ID 83605 (208)459-7715

Priority Date: 07/01/1948 - *ok - reasonable - see Affidavit*Basis: Statutory Claim *BU*

Status: Active

<u>Source</u>	<u>Tributary</u>
WASTE WATER ✓	SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	3/15	11/15	0.380 CFS ✓	✓
STOCKWATER	1/01	12/31	0.030 CFS ✓	
<u>Total Diversion:</u>			0.410 CFS ✓	

Location of Point(s) of Diversion

WASTE WATER	SW1/4NE1/4SE1/4	Sec. 11, Twp 02N, Rge 04W, B.M.
CANYON County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE	NW	SW	SE	Totals
02N	04W	11	11.0	2.0	6.0	19.0	
			L 6				

Total Acres: 19

STOCKWATER same as IRRIGATIONConditions of Approval:Remarks:Comments:

stock - 70 cattle
Weldon Irrigation

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-4822

WATER RIGHT NUMBER: 63-4822

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	EVAN F GARDNER 10551 CHICKEN DINNER RD CALDWELL, ID 83605 (208)459-7715
Current Owner	LUCILLE GARDNER RT 4 BOX 445 CALDWELL, ID 83605

Priority Date: 07/01/1948

Basis: Statutory Claim

Status: Active

<u>Source</u>	<u>Tributary</u>
WASTE WATER	SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER	1/01 to 11/31	0.030 CFS	
IRRIGATION	3/15 to 11/15	0.380 CFS	
	<u>Total Diversion:</u>	0.410 CFS	

Location of Point(s) of Diversion

WASTE WATER	NE1/4SE1/4	Sec. 11, Twp 02N, Rge 04W, B.M.
CANYON 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	
02N	04W	11			11.0	2.0									6.0				19.0
					L 6														

Total Acres: 19

STOCKWATER same as IRRIGATIONConditions of Approval:Remarks:Comments:

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POU REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-4822

03/14/2006

1

Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Purpose of Use	Acres/Total	Name
4822	Claim	02N	04W	11	SW	NE	6	IRRIGATION	11/19	LUCILLE GARDNER
4822	Water Right	02N	04W	11	SW	NE	6	IRRIGATION	11/19	EVAN F GARDNER
4822	Claim	02N	04W	11	SE	NE		IRRIGATION	2/19	LUCILLE GARDNER
4822	Water Right	02N	04W	11	SE	NE		IRRIGATION	2/19	EVAN F GARDNER
40141	Water Right	02N	04W	11	SE	NE		DOMESTIC		LUCILLE GARDNER
4822	Claim	02N	04W	11	NE	SE		IRRIGATION	6/19	LUCILLE GARDNER
4822	Water Right	02N	04W	11	NE	SE		IRRIGATION	6/19	EVAN F GARDNER

Receipt Details for ID C013843

Status	Adjustment Type	Version
	Adjusted Receipt	1

General Information:

Date Received	Date Deposited	Region	Total Amount	Payment Type
1/5/1990 2:13:10 PM	1/5/1990	State	\$94.00	Check
Payer	GARDNER, EVAN OR LUCILLE			

Account Information:

Check #	Account #	Credit Card Name	Authorization #
3787			
Card Expiration Date	Credit Card Transaction #		

Comment ADJUDICATION FEE

Fee Detail:

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$94.00	ADJUDICATION FEE	410162	9337	0	0	6490

Refund(s):

Amount	Payee	Date	Document Number
--------	-------	------	-----------------

Water Right Information:

Basin Number	Sequence Number	Split Suffix	Amount	Type
63	4822		\$69.00	Claim
63	20141		\$25.00	Claim

Print Report

L PROPERTY INQUIRY

+++++

01 6R30292-000- -0 156-00 SCH363+ 01 40,600 59.60

+++++ 02 8,700 21.70

GARDNER, EVAN F + 10 30,000 1.00

+ 19 6.86

+ 31 48,000

+ 32 6,700

+

10551 CHICKEN DINNER RD +

CALDWELL ID 83607 +

+++++

11-2N-4W NE + TOTAL 134,000 89.16

NE SE LS TX 00172,, SENE, LT 6 ++++++

+ SURVEY INST

+ DRAIN DR VALUE APPR RET

+ CLASS 2 REAP 05 MAN 04 UNIT 1

10551 CHICKEN DINNER RD, CA + PARCEL 6R02N04W111200 H/O N C/B N

+ PRIOR ACCOUNT 5R30292-000- -0

+ 02 MH on Property NO

MODE:F ACTION:

TRAITS INQUIRY

TRQK318

ACCOUNT NUMBER R30292000 0 UNIT 001 TOTAL UNITS 1

SITE 10551 CHICKEN DINNER RD CA SEC/TWN/RNG 11-2N-4W

ASSESSED VALUE 134,000 ACREAGE 89.16

SUB/PARK NAME YEAR/MAKE

CLASS 2 OWNER / OCCUPIED HOUSE CLASS ' 2' SPACE LOT BLOCK

+++++

YR BUILT 1971 AIR COND AIR - NONE CARPORT N

STORY 1 STORY HEATING OIL CARPORT SQ FT

FIRST SQ FT 988 EXTERIOR HARDBOARD DECK/PATIO? N

SECOND SQ FT ROOF COMP POOL? N

BEDS 2 BSMT SQ FT SPA? N

BATHS 1.00 % BSMT FIN LOT SIZE

FRPLC 0 GARAGE N NEIGHBORHOOD 0

GARAGE SQ FT

+++++

COMMENTS

MOBILE HOME ONLY

WIDTH/LENGTH

EXPANDO

FIELD
EXAMS
ALREADY
DONE

BY

RON

PART III
B63

Canyon
County

AJ5809NP
No. A63-04822

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 05/09/00
PAGE: 106

=====

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	EVAN F GARDNER	07/01/1948	IRRIGATION	03-15 11-15	0.380 CFS	
C	LUCILLE GARDNER		STOCKWATER	01-01 12-31	0.030 CFS	
	10551 CHICKEN DINNER RD					
	CALDWELL ID 83605			TOTAL DIVERSION:	0.410 CFS	
	(208) 459-7715			CONSUMPTIVE USE:		66.50 AFA

Water Source: WASTE WATER

Tributary to: SNAKE RIVER

Stage: STATUTORY CLAIM

Point(s) of Diversion:

T02N R04W S11

SWNESE

CANYON 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
02N	04W	11	:			06	11	02	:									06		:	19.0
																			TOTAL ACRES	:	19.0

Place of use location for STOCKWATER is the same location as described for: IRRIGATION

POU County: CANYON

Non-Irrigation Uses: STOCKWATER, 70 HEAD CATTLE

Other Rights: WILDER IRRIGATION DISTRICT

Dates: Exam Made Date: Verified Date: 01/17/1986 Objection Filed Date:

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

Audit: 01/05/90 FRITSCHL 03/30/95 POST-STD

ADJUDICATION CLAIM CHECKLIST

NOTICE OF CLAIM NO. A63-04822

<u>WR ELEMENT</u>	<u>FIELD EXAM Y/N-IF NO, DO OFFICE VERIFICATION</u>	<u>FIELD EXAM OR IN-OFFICE VERIFICATION WHOM/DATE</u>	<u>CLAIM VERIFIED BY CODE (SEE BELOW)</u>	<u>CHANGE CLAIM Y/N</u>	<u>CLAIMANT CONTACT NEEDED - Y/N**</u>	<u>REVIEW COMPLETED WHOM/DATE</u>	<u>"R" RECORD</u>
<u>PRIORITY*</u>		<u>Rdh 8/25/95</u>					
<u>PT. OF DIV.</u>							
<u>SOURCE</u>							<u>DATA ENTRY COMPLETED</u> BY _____ DATE _____
<u>PL. OF USE</u>							<u>FINAL RECOMMENDATION</u> BY _____ DATE _____
<u>DIV. AMOUNT CFS/AF</u>							
<u>CONSUMPTIVE USE</u>							
<u>NATURE OF USE</u>							
<u>PERIOD OF USE</u>							
<u>BASIS OF CLAIM</u>							
<u>REMARKS</u>							

*IF REQUIRED HAS EVIDENCE OF PRIORITY BEEN
SUBMITTED - YES _____ NO _____.

**IF CLAIMANT CONTACT IS NEEDED, COMPLETE
CLAIMANT CONTACT CHECKLIST AND ATTACH.

COMMENTS: _____

VERIFICATION CODES

TOPO MAP/ORTHOPHOTO = 1
ASCS MAP = 2
WATERMASTER RECORDS = 3
NAPP PHOTOS = 4
FIELD EXAM = 5
OTHER(SEE COMMENTS) = 6

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

13:29:43
07/21/95

PAGE: 1
GENERAL INFORMATION

18
CLAIM NUMBER: A63-04822

LAST: GARDNER FIRST: EVAN F
ADDRESS: 10551 CHICKEN DINNER RD
CITY: CALDWELL STATE: ID ZIP: 83605
PHONE NUMBER: 208-459-7715

OWNER CODE: C

LAST: GARDNER FIRST: LUCILLE
ADDRESS: 10551 CHICKEN DINNER RD
CITY: CALDWELL STATE: ID ZIP: 83605
PHONE NUMBER: 208-459-7715

OWNER CODE: C

FIELD EXAM REQUIRED?
VERIFICATION REQUIRED DUE TO REMARKS?
NO REMARKS IN CLAIM

DATABASE
N

FIELD
EXAMINER

FIELD EXAMINATION INFORMATION

CONTACT PERSON: EVAN GARDNER PHONE NUMBER: (208) 459-7715
DATE OF FIELD EXAM: 8/25/95 APPOINTMENT MADE: Y(X) N() TIME: 09:00 A(X) P()
ACCOMPANIED BY: EVAN & MIKE KIESTER PHONE NUMBER: () -
RELATIONSHIP TO CLAIMANT: OWNER and MIKE is LEASER

DIRECTIONS TO PROPERTY / NOTES:

SEE Fx CONV. MEMO.

RECEIVED

AUG 25 1995

WATER
WEST

30

8/8/95

to Idaho water Board.
% of Evan Gardner

Concerning the dam in the
drain ditch & water use

I bought the place with the
dam in place on March 5-1951.
If it hadn't been for the extra
water I wouldn't have bought it.

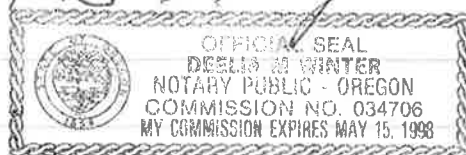
I rented the place to Evan
Gardner for several years
before he bought it from me
Mr Ketchum had irrigated with
it several yrs before I bought it.
as the ditches were well established
I irrigated myself in 1951 then
I rented my place to E L Peterson
& then to Virgil Anderson &
then I rented it to Evan Gardner
5th of Oct, 1957 & later sold
to Evan Gardner

yours truly

8/8/95 Floyd B. Berends

Signed before me this
8th day of August, 1995.

Debbie M. Winter, Notary Public State of Oregon



- A. AJ CLAIM: # A63-04822 PRIORITY DATE: 07-01-1948 STAGE: S
- B. WR RECORD: # 63-04822 PRIORITY DATE: 07-01-1948 STAGE: S
- C. CAN THE PRIORITY DATE CLAIMED BE CONFIRMED BY A DECREE OR LICENSE? Y() N(☒)
- D. HAS THERE BEEN A LATER COURT DECREE OF THE WATER RIGHT(S) FROM THIS WATER SOURCE? Y() N(☒)
- E. IS THERE ANY INDICATION THAT THERE HAS BEEN A FIVE YEAR PERIOD OF CONTINUOUS NONUSE?
(IF YES, DESCRIBE BELOW) Y() N(☒)
- F. IF THIS CLAIM IS BASED ON A PERMIT, WHERE IS THE PERMIT IN THE LICENSING PROCESS?
- PROOF OF BENEFICIAL USE SUBMITTED N/A(☒) Y() N()
- FIELD EXAM COMPLETED N/A(☒) Y() N()
- FIELD EXAM SENT TO STATE OFFICE N/A(☒) Y() N()
- LICENSE ISSUED N/A(☒) Y() N()
- * IF THE PERMIT WILL NOT BE LICENSED PRIOR TO THE DIRECTOR'S REPORT,
USE CONDITION CODE A01 AND RECOMMEND AS PERMITTED.
- G. IF THIS CLAIM IS BASED ON BENEFICIAL USE, IS ADDITIONAL EVIDENCE
OF THE PRIORITY DATE REQUIRED? N/A() Y(☒) N()
- * FOR CLAIMS BASED ON BENEFICIAL USE, DESCRIBE THE EVIDENCE OF PRIORITY SUBMITTED,
INCLUDING THE ANALYSIS OF THE EVIDENCE.
- H. IS THE STAGE OF THE CLAIM CODED CORRECTLY? Y(☒) N()

NOTES: _____

=====

RECOMMENDED PRIORITY DATE:

REVIEWED BY Poh

DATE 8-25-95

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	POD FLAG	COUNTY	DIVERSION NAME	DIVERSION NUMBER
A63-04822	02N	04W	11	SW	NE	SE			CANYON		

OTHER AJ CLAIMS WITH SAME AJ POD
A PREFIX R PREFIX
NONE NONE

WR RECORDS IN SAME 40 ACRE TRACT
NONE

SOURCE: WASTE WATER

TRIB: SNAKE RIVER

B. WR POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	POD FLAG	COUNTY	DIVERSION NAME	DIVERSION NUMBER
63-04822	02N	04W	11		NE	SE			CANYON		

OTHER WR RECORDS WITH SAME WR POD

AJ CLAIMS IN SAME 40 ACRE TRACT
A PREFIX R PREFIX

NONE

NONE

NONE

SOURCE: ~~WASTE WATER~~

MITCHELL DRAIN

TRIB: SNAKE RIVER

C. IS THE CLAIMED POD WITHIN THE SAME 40 ACRE TRACT THAT IS DESCRIBED IN THE WATER RIGHT FILE? N/A() Y(☒) N()

* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN POD, DESCRIBE THE INJURY
ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

D. CAN THE CLAIMED POD BE VERIFIED USING THE WATER RIGHT FILE OR GPS DATA? N/A(☒) Y() N()

E. SHOULD THE CLAIMED POD BE VERIFIED BY FIELD EXAM? Y(☒) N()

F. IS THE CLAIMED SOURCE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A(☒) Y() N()

* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN SOURCE, DESCRIBE THE INJURY
ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

G. CAN THE CLAIMED SOURCE BE VERIFIED USING THE WATER RIGHT FILE? Y() N(☒)

H. SHOULD THE CLAIMED SOURCE BE VERIFIED BY FIELD EXAM? Y(☒) N()

I. HOW WAS THE POD AND SOURCE VERIFIED?

LICENSING FIELD EXAM (DATE OF FIELD EXAM _____)

Y() N()

AJ FIELD EXAM (DATE OF FIELD EXAM 8-25-95 NAME OF EXAMINER RON HOWERTON) Y(☒) N()

OTHER (DESCRIBE IN NOTES BELOW)

NOTES: OVERLAP with WILDER IRR PAYS FOR 82.32 ACRES OF IRRIG.

PID isn't controlled by WILDER, NO WEIRS ETC. But Improved dam with adding the CONCRETE DAM and GATE VALVE.

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE: CHECK HERE IF RECOMMENDED AS CLAIMED (X)

TWP. 02N	RGE. 04W	SEC. 11	1/4 SW	1/4 NE	1/4 SE	LOT	POD FLAG	COUNTY CANYON	DIVERSION NAME	DIVERSION NBR

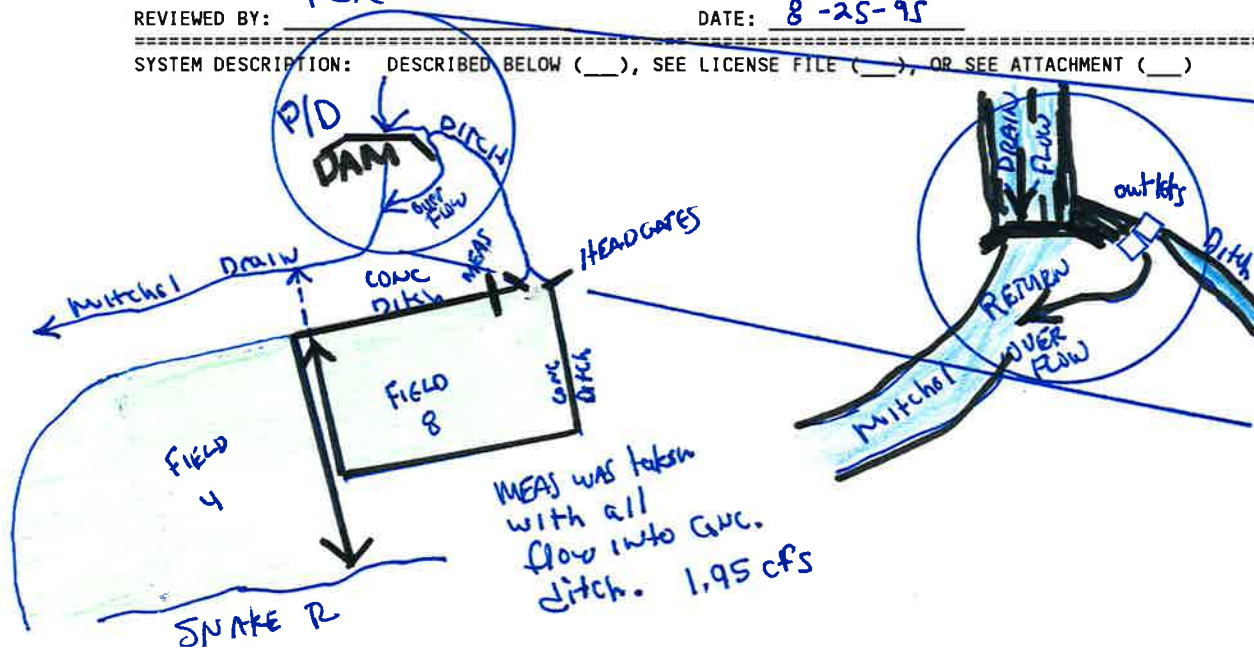
SOURCE: WASTE WATER

TRIB: SNAKE RIVER

REVIEWED BY:

DATE: 8-25-95

SYSTEM DESCRIPTION: DESCRIBED BELOW (), SEE LICENSE FILE (), OR SEE ATTACHMENT ()



Conc. Dam approx 20' wide, 8' deep, with dirt. Pipe outlets 1 to overflow, the other the ditch. Conc. ditches, siphon tubes, gravity flows. Field 8 drains into Mitchell. Field 4 drains into SNAKE RIVER.

"SEE ASCS FOR PHOTO LOCATIONS"



4823

4823 N.

NANPA (U.S. 30) 15 MI.

4821

32' 30"

T. 2 N.

4820

4819

4818

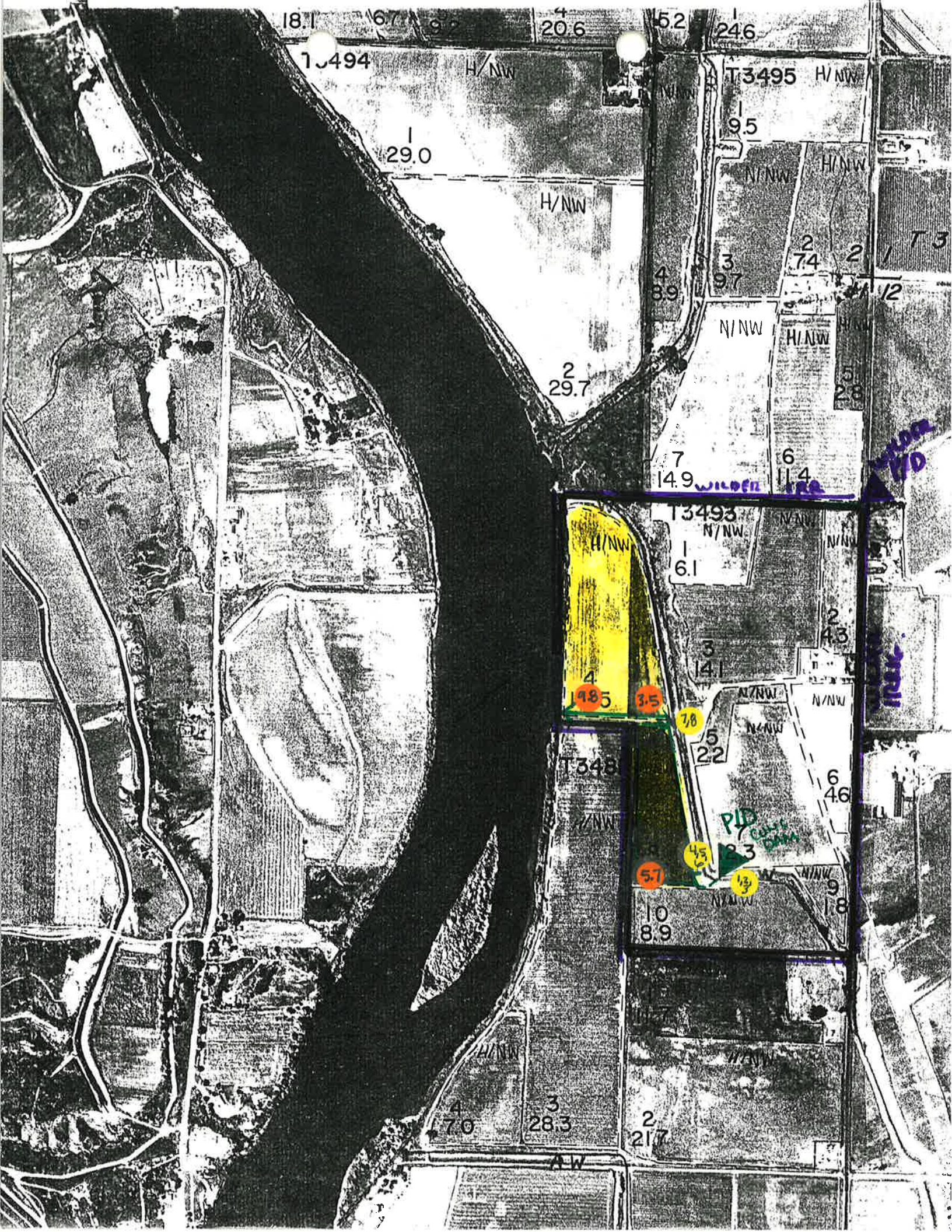
A63-04822

T2N
R4W
S11

X-54
1979
photo Rev

4817002m N

T3
T2



A. ROOT WATER RIGHT NUMBERS: A63-04822

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
02N	04W	11	SW	NE	6	GARDNER, EVAN F	A63-04822 / 11.0	63-04822 / 11.0	17.0	9.8	9.8
02N	04W	11	SE	NE		GARDNER, EVAN F	A63-04822 / 2.0	63-04822 / 2.0	43.0	3.5	3.5
			SE	NE		GARDNER, EVAN F	A63-20141 /	- /			
02N	04W	11	NE	SE		GARDNER, EVAN F	A63-04822 / 6.0	63-04822 / 6.0	37.0	5.7	5.7
ADDITIONAL POU FOUND										19	19

TOTAL ACRES A63-04822 19.00 19.00 97.00

POU COUNTY: CANYON

C. IS WATER USAGE FOUND IN TRACTS OTHER THAN THOSE CLAIMED?

Y() N()

* IF YES, ARE THESE TRACTS LISTED ABOVE (), OR ARE THEY LISTED ON AN ATTACHED SHEET ()

LIST OF ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE

NO CLAIMS FOUND WITH SAME POU AND IRRIGATION USAGE

LIST ALL RIGHTS WITH SAME POU BUT NOT USED FOR IRRIGATION.

CLAIM NO.	PURPOSES	NAME	MONTH/DAY	RATE	VOLUME
A63-04822	STOCKWATER	GARDNER, EVAN F	FROM 01-01 TO 12-31	0.030 CFS	
A63-20141	DOMESTIC	GARDNER, EVAN F	FROM 01-01 TO 12-31	0.040 CFS	
A63-20141	STOCKWATER	GARDNER, EVAN F	FROM 01-01 TO 12-31	0.030 CFS	

D. ARE OTHER WATER RIGHTS USED FOR THE SAME PURPOSE?

Y() N()

* IF YES, COMPLETE OVERLAP REVIEW:

OTHER RIGHTS LISTED IN CLAIM: WILDER IRRIGATION DISTRICT

E. IS THE CLAIMED POU THE SAME AS DESCRIBED IN THE WATER RIGHT FILE?

N/A() Y() N()

* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN POU, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

F. CAN THE CLAIMED POU BE VERIFIED USING THE WATER RIGHT FILE AND AVAILABLE AERIAL PHOTOS?

N/A() Y() N()

G. SHOULD THE CLAIMED POU BE VERIFIED BY FIELD EXAM?

Y() N()

H. IS THERE ANY INDICATION THAT THERE HAS BEEN A FIVE YEAR PERIOD OF CONTINUOUS NONUSE OF THIS RIGHT, OR ANY PORTION OF THIS RIGHT?

Y() N()

[illegible]

TOTAL ACRES: _____ N/A(____)

REVIEWED BY: _____ DATE: _____

A. AJ CLAIMED USES:

PURPOSE OF USE	PERIOD OF USE (MONTH/DAY)	DIV. RATE FOR EACH USE	DIV. VOL. FOR EACH USE
A63-04822 IRRIGATION	FROM 03-15 TO 11-15	0.380 CFS	
A63-04822 STOCKWATER	FROM 01-01 TO 12-31	0.030 CFS	
TOTAL DIVERSION RATE/VOLUME		0.410 CFS	

B. WR RECORDED USES:

PURPOSE OF USE	PERIOD OF USE (MONTH/DAY)	DIV. RATE FOR EACH USE	DIV. VOL. FOR EACH USE
63-04822 IRRIGATION	FROM 03-15 TO 11-15	0.380 CFS	
63-04822 STOCKWATER	FROM 01-01 TO 11-31	0.030 CFS	
TOTAL DIVERSION RATE/VOLUME		0.410 CFS	

C. DOES THE CLAIMED PURPOSE OF USE CORRECTLY DESCRIBE THE WATER USE? Y() N()

D. IS THE CLAIMED PURPOSE OF USE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A() Y() N()

* IF NO, AND IF THE ACTUAL WATER USE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN PURPOSE OF USE, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

E. SHOULD THE CLAIMED PURPOSE OF USE BE VERIFIED BY FIELD EXAM? Y() N()

F. DOES THE CLAIMED PERIOD OF USE CONFORM TO IDWR STANDARDS? Y() N()

G. SHOULD THE PERIOD OF USE BE RECOMMENDED TO IDWR STANDARDS? Y() N()

* IF THE RECOMMENDED PERIOD OF USE IS DIFFERENT THAN IDWR STANDARDS, EXPLAIN IN NOTES BELOW.

H. IS THE CLAIMED DIVERSION RATE FOR EACH USE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A() Y() N()

* IF NO, DESCRIBE IN NOTES BELOW HOW THE RECOMMENDED DIVERSION RATE FOR EACH USE WAS DETERMINED.

I. SHOULD THE CLAIMED DIVERSION RATE FOR EACH USE BE VERIFIED BY FIELD EXAM? N/A() Y() N()

J. IS THE CLAIMED DIVERSION VOLUME FOR EACH USE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A() Y() N()

* IF NO, DESCRIBE IN NOTES BELOW HOW THE RECOMMENDED DIVERSION VOLUME FOR EACH USE WAS DETERMINED.

K. SHOULD THE CLAIMED DIVERSION VOLUME FOR EACH USE BE VERIFIED BY FIELD EXAM? N/A() Y() N()

PAGE: 9

PURPOSE OF USE, PERIOD OF USE, DIVERSION RATE AND DIVERSION VOLUME REVIEW SHEET CONTINUED

26

CLAIM NUMBER: A63-04822

NOTES:

OPEN CHANNEL DISCHARGE MEASUREMENT NOTES A63-04822

1. Name of stream or ditch: MITCHEL DRAIN
 2. Location: SWNESE, SEC 11, T2N, R4W
 3. Person conducting measure: RON HOWERTON
 4. Date and time of measure: 08-25-95 19:40
 5. Accompanied by: EVAN GARDNER & MIKE KIESTER
 6. Measuring device size and ID: PYGMY # 090181
 7. Spin test OK? Before: Yes After: Yes
 8. Purpose of measure: IRRIGATION FLOW

DIST FROM LEW (feet)	WIDTH (feet)	DEPTH (feet)	OBS DEPTH	REVS	TIME (secs)	VELOCITY (ft/sec)	DISCHARGE (cfs)
1.0							
1.5	0.8	0.5	0.6	72	40	1.80	0.68
2.0	0.5	0.7	0.6	65	40	1.63	0.57
2.5	0.4	0.7	0.6	62	40	1.55	0.43
2.8	0.7	0.4	0.6	42	40	1.05	0.27
3.3							

TOT WIDTH 2.3

TOTAL DISCHARGE: 1.95

- AJ CLAIM TOTAL DIVERSION RATE: 0.410 CFS
- WR ROOT RIGHT TOTAL DIVERSION RATE: 0.410 CFS
- A. IS THE CLAIMED TOTAL DIVERSION RATE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A() Y() N()
- B. CAN THE CLAIMED TOTAL DIVERSION RATE BE VERIFIED USING THE WATER RIGHT FILE? N/A() Y() N()
- * ALL CLAIMS BASED ON BENEFICIAL USE (INCLUDING POSTED NOTICES AND STATUTORY CLAIMS) REQUIRE A FLOW MEASUREMENT.
- C. IS THERE ANY INDICATION THAT THERE HAS BEEN A FIVE YEAR PERIOD OF CONTINUOUS NONUSE OF THIS RIGHT, OR ANY PORTION OF THE DIVERSION RATE? Y() N()
- * IF AN AMOUNT SMALLER THAN THE ORIGINAL DIVERSION RATE IS CLAIMED AND A FIELD EXAM IS NOT REQUIRED, EXPLAIN IN NOTES.
- D. SHOULD THE CLAIMED DIVERSION RATE BE VERIFIED BY FIELD EXAM? Y() N()

E. FLOW MEASUREMENT

MEASUREMENT METHOD _____, SEE ATTACHED CALCULATIONS.

F. RATE/VOLUME CALCULATIONS: (IRRIGATION)

- 1a. IRRIGATION RATE
ACRES _____ x 0.02 CFS/ACRE = _____ CFS
(Taken from pou review)
- 1b. CALCULATIONS
- IS A DIVERSION RATE PER ACRE GREATER THAN 0.02 CFS/ACRE CLAIMED? Y() N()
- IF YES, IS AN ADDITIONAL WATER USE FORM FILED AND ATTACHED? Y() N()
2. IRRIGATION DIVERSION VOLUME
- CLAIMED DIVERSION VOLUME = _____ AF/A
- ACRES _____ x DIVERSION VOL. AF/A FOR AREA _____ =
- TOTAL DIVERSION VOLUME _____ AF/A
3. IRRIGATION CONSUMPTIVE USE
- CLAIMED CONSUMPTIVE USE = 66.5 AF/A
- ACRES _____ x CONSUMPTIVE VOL. AF/A FOR AREA _____ =
- TOTAL CONSUMPTIVE USE _____ AF/A
4. CALCULATIONS FOR USES OTHER THAN IRRIGATION: SEE BELOW () OR SEE ATTACHMENT ()

PAGE: 11
DIVERSION AMOUNT REVIEW SHEET CONTINUED

28
CLAIM NUMBER: A63-04822

NOTES:

WR RECORD CONDITIONS/REMARKS:

RECOMMENDATIONS: CHECK HERE IF RECOMMENDED AS CLAIMED (___)

REC. PURPOSE OF USE	REC. PERIOD		REC. DIV		REC. DIV		REC. CONS.	
	FROM	TO	RATE	CFS	VOL.	AF/A	USE	
IRRIGATION STOCKWATER	03-15	11-15	DATABASE	EXAMINER	DATABASE	EXAMINER	DATABASE	EXAMINER
	01-01	12-31	0.380	_____		_____	66.5	_____
			0.030	_____		_____	66.5	_____
_____	_____	_____		_____		_____		_____
_____	_____	_____		_____		_____		_____
_____	_____	_____		_____		_____		_____
_____	_____	_____		_____		_____		_____
TOTAL FOR THIS RIGHT			0.410	_____		_____	66.5	_____

NON-IRRIGATION USES CLAIMED: STOCKWATER, 70 HEAD CATTLE

NON-IRRIGATION USES RECOMMENDED: CHECK HERE IF RECOMMENDED AS CLAIMED (___)

REVIEWED BY: _____ DATE: _____

FLAG: _____

STANDARD CONDITIONS (CODE):

STANDARD REMARKS (CODE):

EXPLANATORY CONDITIONS (CODE):

EXPLANATORY REMARKS (CODE):

A. CHECK ONLY THE FOLLOWING THAT APPLY:

	ACCEPTED AS CLAIMED	NEEDS REVIEW
OWNERSHIP _____	()	()
FORFEIT/ABANDON _____	()	()
ADDITIONAL DIV. AMOUNT _____	()	()

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 63-04822

TOTAL DIVERSION RATE OF WR SPLITS	DATABASE	EXAMINER	CFS
	0.410	_____	

SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "R" CLAIM NUM.	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
-	-		-		63-04822	0.410

TOTAL CFS	0.410
-----------	-------

DIVERSION RATE REVIEW

DO THE SUM CFS RATE OF THE SPLITS EQUAL THE ROOT RIGHT CFS RATE? (Y/N)
IF NO, IS THE WRITTEN REVIEW DESCRIBED BELOW () OR SEE ATTACHMENT ()?

DATABASE	FIELD EXAMINER
N	Y() N()

NOTES:

AUTHENTICATION:

SIGNATURE: _____ DATE: _____

NAME OF FIELD EXAMINER: _____ TITLE: _____

MAPS AND AERIAL PHOTOGRAPHS USED TO REVIEW THIS NOTICE OF CLAIM TO A WATER RIGHT

TYPE OF MAP OR PHOTOGRAPH (CHECK IF USED)	IF USED, SUPPLY APPROPRIATE DATE AND OTHER INFORMATION	COPY INCLUDED IN FILE?
() ORTHOPHOTOQUAD	DATE OF PHOTO _____ IDWR ID NO. _____	Y() N()
() TOPOGRAPHIC	DATE FIELD CHECKED _____ IDWR ID NO. _____	Y() N()
() NAPP	DATE OF PHOTO _____ IDWR ID NO. _____	Y() N()
() ASCS AERIAL PHOTO	DATE OF PHOTO _____	Y() N()
() ASCS COLOR SLIDE	DATE OF PHOTO _____	Y() N()
() BLM OR USFS AERIAL PHOTO	DATE OF PHOTO _____	Y() N()
() TOWNSHIP SURVEY (GOVERNMENT PLAT)	DATE OF SURVEY _____	Y() N()
() SCS SOIL SURVEY MAP	DATE ISSUED _____	Y() N()
() SUBDIVISION PLAT MAP	DATE OF MAP _____	Y() N()
() OTHER _____	DATE _____	Y() N()
() OTHER _____	DATE _____	Y() N()
() OTHER _____	DATE _____	Y() N()

LIST OF ATTACHMENTS (CHECK IF ATTACHED)	IF ATTACHED, SUPPLY APPROPRIATE INFORMATION	NO. OF PAGES	NOTES
() LICENSING FIELD EXAM	DATE OF FIELD EXAM _____	_____	_____
() WATER RIGHT LICENSE	DATE LICENSE SIGNED _____	_____	_____
() IDWR APPROVED TRANSFER	DATE TRANSFER APPROVED _____	_____	_____
() SYSTEM DESCRIPTION	DATE DRAWN _____	_____	_____
() PHOTOGRAPHS	DATE(S) PHOTOS TAKEN _____	_____	_____
() SPLIT RIGHT REVIEW	DATE REVIEW COMPLETED _____	_____	_____
() HUBBLE ANALYSIS	DATE ANALYSIS COMPLETED _____	_____	_____
() CONVEYANCE LOSS ANALYSIS	DATE ANALYSIS COMPLETED _____	_____	_____
() FLOW MEASUREMENT CALCULATIONS	DATE SYSTEM MEASURED _____	_____	_____
() OTHER _____	DATE _____	_____	_____
() OTHER _____	DATE _____	_____	_____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

13:29:43
07/21/95

PAGE: 15
QUICKLOOK INFORMATION

32
CLAIM NUMBER: A63-04822

WR ELEMENT	DATA DISCREPANCY Y/N	CORRESPONDENCE SENT/RECEIVED BY WHOM/DATE	FIELD EXAM BY WHOM/DATE	CHANGE CLAIM Y/N	ELEMENT DOCUMENTED WHOM/DATE	COMPLETED REVIEW WHOM/DATE	COMPLETED DATA ENTRY WHOM/DATE	VERIFIED DATE WHOM/DATE
PRIORITY DATE	Y							
POINT OF DIV								
SOURCE								
PLACE OF USE	Y							
DIV. AMOUNT CFS/VOLUME								
CONSUMPTIVE USE	-							
PURPOSES OF USE								
PERIOD OF USE	Y							
BASIS OF CLAIM	Y							
REMARKS								

BARCODE UPDATED
WHOM/DATE

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

13:40:15
07/21/95
33

PAGE: 16
PROFILE REPORT

CLAIM NUMBER: A63-04822

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	EVAN F GARDNER	07/01/1948	IRRIGATION	03-15 11-15	0.38 CFS	
C	LUCILLE GARDNER		STOCKWATER	01-01 12-31	0.03 CFS	
TOTAL DIVERSION:					0.41 CFS	
CONSUMPTIVE USE:						66.50 AFA

Water Source: WASTE WATER Tributary to: SNAKE RIVER Stage: STATUTORY CLAIM
Point(s) of Diversion: T02N R04W S11 SWNESE CANYON County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE									
T	R	S	:	NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	SUM	
				Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:
02N	04W	11	:			06-11	02	:					:					:	06					:	19.0
																						TOTAL ACRES	:	19.0	

Place of use location for STOCKWATER is the same location as described for: IRRIGATION

POU County: CANYON

Non-Irrigation Uses: STOCKWATER, 70 HEAD CATTLE

Other Rights: WILDER IRRIGATION DISTRICT

Dates: Exam Made Date: Verified Date: 01/17/1986
Misc: Water District Number: Field Inspection Flag:
Presumption Flag:

FIELD EXAM PHOTO INDEX NOT.

AGENT: RON HOWERTON

PHOTO DATE: 8-25-95



PHOTO #

SUBJECT

- 1 VIEW OF CONC dam IN MITCHEL DRAIN TOWARD NW
- 2 VIEW OF OUTLET TO DITCH AND OVERFLOW BACK INTO DRAIN
- 3 OVER-ALL VIEW OF DAM LOOKING SW DAM IS APPROX 20' WIDE AND 8'-10' DEEP
- 4 X-SECTION OF OPEN-DISCHARGE MEASUREMENT
- 5 POW OF CORNER OF FIELD 8
- 6 POW OF 8 VIEW TOWARDS NW
- 7 POW AND SIPHON IRRIG IN PLACE, VIEW BETWEEN FIELDS 4 & 8 TO WEST
- 8 VIEW OF TILE RETURN FLOWS FROM FIELD 8.
- 9 _____
- 10 _____
- 11 _____
- 12 _____
- 13 _____
- 14 _____
- 15 _____
- 16 _____
- 17 _____
- 18 _____
- 19 _____
- 20 _____
- 21 _____
- 22 _____
- 23 _____
- 24 _____

PICTURE #1

A63-04822: FX 08-25-95. Photo's by RDH. P/D, shows concrete dam in Mitchel Drain. This dam is approximately 20' wide and 8' to 10' deep. P/D located in the NESE, S11, T2N, R4W.



PICTURE #2

View of Dam's outlet and overflow back into drain, located on South side of dam.



PICTURE #3

A63-04822: FX 08-25-95. Photo's by RDH. P/D, shows better view of concrete dam in Mitchel Drain. View is to the South West.



PICTURE #4

View of X-Section of open discharge measurement. Located in the SWNESE, S11, T2N, R4W.



PICTURE #5

A63-04822: FX 08-25-95. Photo's by RDH. P/D, shows POU of field 8, view is towards the West.



PICTURE #6

View shows concrete ditch and more of field 8 to the North West.



PICTURE #7

A63-04822: FX 08-25-95.
Photo's by RDH. Siphon
irrigation in use,
located between fields
4 & 8, view is towards
the West.



PICTURE #8

Photo shows tile return flow into Mitchel Drain at same location as
above photo, view is to the East.



FIELD EXAM CONVERSATION MEMO

DATE OF MEMO: August 11, 1995

ADJ. NO(S): A63-04822

NAME OF CONTACT: MIKE KESTER, LEASER FOR EVAN GARDNER

PHONE NO: 459-7715

AGENT: RON HOWERTON

DATE SET FOR FIELD EXAM: AUGUST 25, 1995 09:00

LOCATION: FREEWAY TO NAMPA, HWY 55 TURN LEFT AT SAXTON FRUIT STAND DOWN RIVERSIDE ABOUT 3 OR 4 MILES TO MARSING ROAD, SOUTH DOWN CHICKEN DINNER ABOUT 1.5 MILES. HOUSE 10551 HOUSE # WEST SIDE WITH THREE PINE TREES AND LANE.

COMMENTS: MIKE IS HELPING EVAN OUT AND HAD QUESTIONS ABOUT EVIDENCE OF PRIORITY, EVAN HAS AFFIDAVIT FOR AT LEAST 1951, BUT WILL CONTINUE SEARCH FOR SOMEONE WHO KNOWS THE 1948 DOP. THEY WILL GIVE ME THE EVIDENCE WHEN I COME OUT. THEY WILL PUT THE DAM IN THURSDAY PRIOR TO COMING OUT SO I CAN MAKE A LIVE FLOW MEASUREMENT.

TYPE OF SYSTEM: DAM IN DRAIN, TWO CONCRETE DITCHES APPROXIMATELY 16", USE GRAVITY FLOWS WITH TUBES AND TINS.



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

July 7, 1995

A63-04822
EVAN F GARDNER
LUCILLE GARDNER
10551 CHICKEN DINNER RD
CALDWELL ID 83605

Re: Claim No(s). A63-04822

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 under a legal requirement 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 September 1 1995, 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

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Enclosures