

No Color
Documents
In File

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 Clinton Gardner
(Name of Claimant)
P.O. Box 23 Idaho City, Id. 83631 Telephone No 392-6607
(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) Nov. 12, 1908

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)
Spring tributary to Clear Creek

(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, af)		(Domestic, Irrigation, Stock, Etc.)		(Both dates inclusive)	
				(Mo., Day)	(Mo., Day)
Quantity	<u>.06 CFS</u>	Use	<u>Stock</u>	Period of Use From <u>1/1</u>	To <u>12/31</u>
Quantity		Use		Period of Use From	To
Quantity		Use		Period of Use From	To
Quantity		Use		Period of Use From	To
Quantity		Use		Period of Use From	To

(4) .06 CFS TOTAL QUANTITY USED.
(cfs, af)

(5) A) Point of diversion (Location of point where water is diverted from its source)
NW 1/4 SE 1/4, Sec. 31 Twp 5N Rge 4E B.M., County of Boise
Additional points of diversion and SW 1/4 NW 1/4 of S 32
in T.5N, R.4E B.M.; Boise County, Idaho

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.
Spring fed throughout property is used for watering cattle along with additional diversion points for pooling of water

(6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location

T	R	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
<u>5N</u>	<u>4E</u>	<u>31</u>				<u>X</u>										<u>X</u>			
<u>5N</u>	<u>4E</u>	<u>32</u>						<u>X</u>	<u>X</u>										

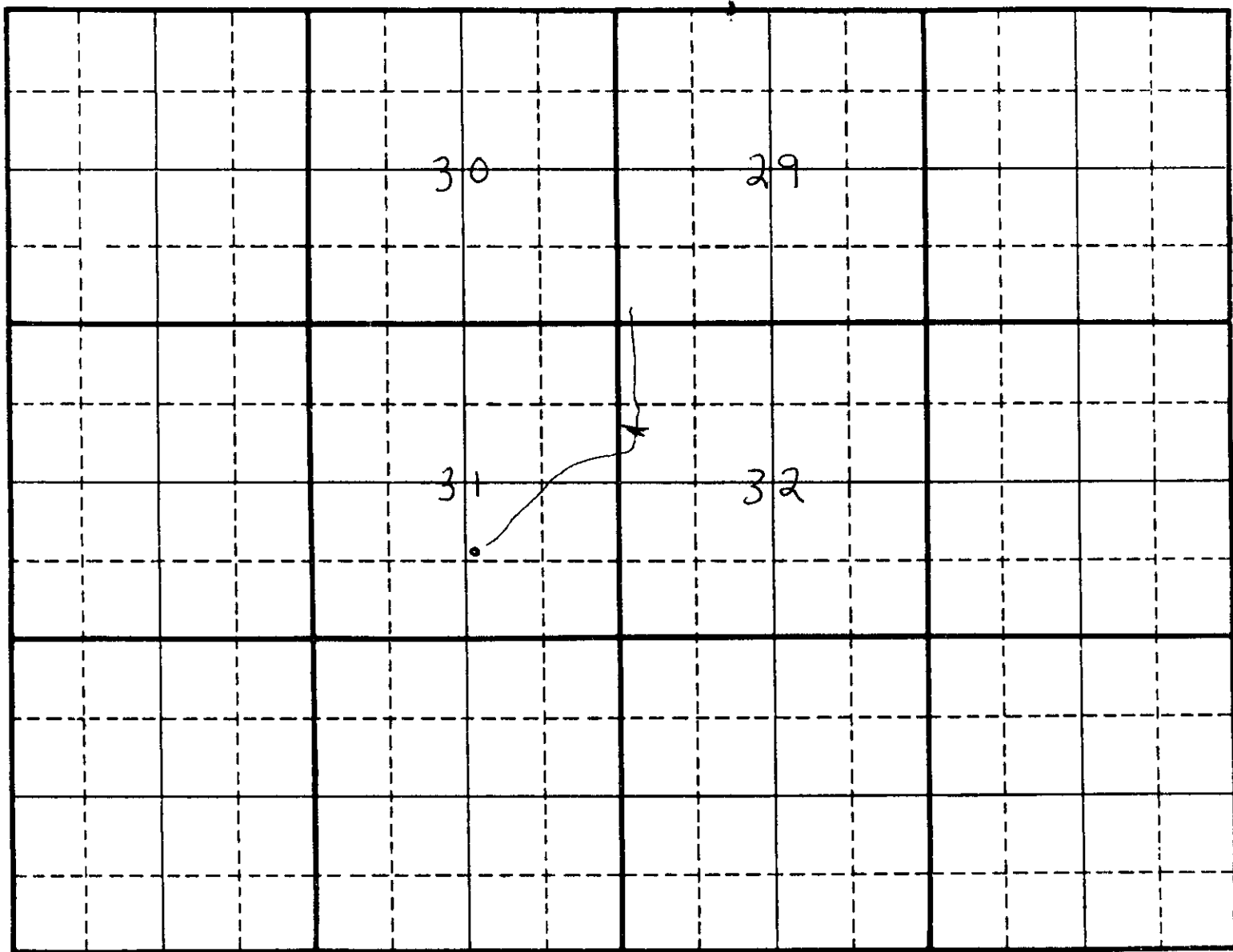
No. of acres

B) If water is used for other than irrigation, fully describe that use, being as specific as possible Present use is for watering cattle; predecessor in title used water for sheep.

NOTE Include here the type and number of stock watered cattle, number has varied

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

(8) Remarks _____

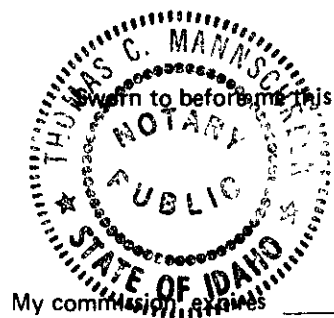


Scale 2 inches equal 1 mile.

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.

State of Idaho)
County of Ada) ss.

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.



Sworn to before me this 3 day of November, 1983.
Clinton M. Gardner (Claimant)
[Signature]
Notary Public
Residing at Pease

My commission expires 7/4/85

FOR DEPARTMENT USE ONLY

Received by <u>nm</u>	Date <u>11-8-83</u>	Exception filed by _____	Forwarded to _____	Date _____
Prelim. check by <u>65</u>	Date <u>11/15/83</u>	_____	claimant by _____	_____
\$ <u>30.00</u> fee received by <u>SR</u>	Date <u>11/8/83</u>	<u>32488</u>	_____	_____
Published in <u>The Idaho World</u>	_____	_____	_____	_____
Dates <u>11/23 & 12/1/83</u>	_____	_____	_____	_____

NOTICE OF CLAIMS
TO WATER RIGHTS

The following claims have been filed on water rights created by diversion and beneficial use:
63-5167

LANHAM, REX E.
IDAHO CITY STAGE, BOISE, ID 83707
Source: JACKSON CREEK trib. to MORES CREEK
Priority Date: 04/01/1938
Diversion Pt: SWNE Sec 10 T 04N R 04E
Use: IRRIGATION (0.70 CFS)
In: SWNE Sec 10 T 04N R 04E FOR 20 ACRES
63-5178

U.S. DEPT. OF AGRIC.
FOREST SERVICE, FEDERAL BLDG., 324
25TH ST., OGDEN, UT 84401
Source: MORES CREEK trib. to LUCKY PEAK RESERVOIR
Priority Date: 07/01/1943
Diversion Pt: NESE Sec 35 T 07N R 06E
Use: IRRIGATION (0.10 CFS)
In: NWSE Sec 35 T 07N R 06E FOR 1 ACRES
63-5183

GARDNER, CLINTON
P.O. BOX 23, IDAHO CITY, ID 83631
Source: SPRING trib. to CLEAR CREEK
Priority Date: 07/28/1937
Diversion Pt: NENE Sec 31 T 05N R 04E
Use: STOCKWATER (0.02 CFS)
In: NENE Sec 31 T 05N R 04E
63-5184 12/13/83

GARDNER, CLINTON
P.O. BOX 23, IDAHO CITY, ID 83631
Source: SPRING trib. to CLEAR CREEK
Priority Date: 11/12/1908
Diversion Pt: NWSE Sec 31 T 05N R 04E
SWNW Sec 32 T 05N R 04E
Use: STOCKWATER (0.06 CFS)
In: SENE NWSE Sec 31 T 05N R 04E NWNW
SWNW Sec 32 T 05N R 04E
63-5192

PERCY, HAROLD &/or BEVERLY
1660 E. COLUMBIA, MERIDIAN, ID 83642
Source: COTTONWOOD CREEK trib. to BOISE RIVER
Priority Date: 04/23/1919
Diversion Pt: NESW Sec 23 T 04N R 05E
Use: IRRIGATION (1.00 CFS)
In: SWSW Sec 23 T 04N R 05E FOR 15 ACRES

Exceptions to a claim may be filed with the Director, Dept. of Water Resources, Western Region, Statehouse, Boise, Idaho 83720.
KEN DUNN, Dir.
Published in the Idaho World in Idaho City, Idaho on November 23 and 30, 1983.

STATE OF IDAHO,
County of Boise

...*Candace Jennings*... being duly sworn, deposes and says that he is the manager and principal clerk of THE IDAHO WORLD, a weekly newspaper published at Idaho City, in the County of Boise and State of Idaho; that said paper has been and is in general circulation in the county aforesaid, and in the vicinity of Idaho City; that the advertisement, a copy of which hereto attached, was published in said newspaper once a week for ... consecutive weeks in the entire and regular issue of every number of said paper during the period and time of publication and was published in the newspaper and not a supplement; that said paper has been established and regularly and continuously published for more than seventy-eight weeks past previous to the first publication of this notice. Such notice was published in the issue beginning with

...11-23-83..., 19 ... and ending with the issue of ...11-30-19 83.

Candace Jennings

Subscribed and sworn to before

me this ...9... day of Dec. 19 83

.....

STATE OF IDAHO
Department of Water Resources

No 32488

Boise, Idaho, 11/8, 1983

RECEIVED
FROM Clinton Gardner of Idaho City \$200.00
two hundred dollars & DOLLARS

FOR	
<u>2 C. Gardner</u>	\$ <u>200.00</u>
<u>92-6</u>	\$
	\$
	\$
	\$
TOTAL . . .	\$ <u>200.00</u>

James P. Benson

MOFFATT, THOMAS, BARRETT & BLANTON
CHARTERED

CHECK No.

049196

.13711.0000 filing fee for 2 claims

LAW OFFICE

MOFFATT, THOMAS, BARRETT & BLANTON

CHARTERED

FIRST SECURITY BUILDING

P O. BOX 829

BOISE, IDAHO 83701

November 7, 1983

WILLIS C. MOFFATT
(1907-1980)

OFFICE ADMINISTRATOR
DONNA K. BROWN

TELEPHONE
(208) 345-2334

TELECOPIER
(208) 345-2340

EUGENE C. THOMAS
JOHN W. BARRETT
J. CHARLES BLANTON
R. B. ROCK
RICHARD C. FIELDS
RICHARD E. HALL
MYRON D. GABBERT, JR.
PAUL S. STREET
DONALD J. FARLEY
LOREN C. IPSEN
T. N. AMBROSE
LARRY C. HUNTER
PHILLIP S. OBERRECHT
JEFFREY A. STROTHER
GLENN M. CHRISTENSEN
MARK S. PRUSYNSKI

MORGAN W. RICHARDS, JR.
MICHAEL G. MCPHEE
STEPHEN R. THOMAS
JON S. GORSKI
ROBERT C. GRISHAM
GERALD T. HUSCH
DONALD D. SAINT JUST
THOMAS C. MANNSCHRECK
THOMAS V. MUNSON
KIRK R. HELVIE
RAYMOND D. POWERS
THOMAS C. MORRIS
CANDY R. WAGAHOFF
ROBERT B. LUCE
MICHAEL E. THOMAS
DOUGLAS M. CONDE
STEVEN V. CAMPBELL

HAND DELIVERED

NOV 7 1983

Department of Water Resources
Statehouse Mail
Boise, Idaho 83720

Re: Water Rights Claim
MTB&B File No. 13-711

Gentlemen:

Enclosed please find two claims to water rights which we are filing on behalf of Mr. Clinton Gardner along with the appropriate filing fees. If you should have any questions regarding these claims, please contact us.

Very truly yours,

Woody
Morgan W. Richards, Jr.

MWR/jam

Enclosures

cc: Mr. Clinton Gardner w/enc.

RECEIVED

Department of Water Resources
Boise, Idaho

This
Right has been
Decreed in the
SRBA.

WRR100
63-5184

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHTS PROOF READING REPORT

PAGE 1
20-NOV-1985 13:28:05

01 WATER RIGHT NUMBER - 63-5184

02 OLD (O) NUMBER -

03001 - GARDNER ✓ LAST NAME

04001 - CLINTON ✓ FIRST NAME

05001 - C ORIG. OWNER

06 ADD LINE 1 - P.O. BOX 23 ✓

07 ADD LINE 2 -

08 ADD LINE 3 -

09 CITY - IDAHO CITY ✓

10 STATE - ID

11 ZIP - 83621

12 STAGE - S STATUTORY CLAIM ✓

13 STATUS -

14001 - SPRING ✓ SOURCE

15001 - CLEAR CREEK ✓ TRIBUTARY OF

16 DIVERSION MEANS - SPRING BED ✓

17 COUNTY - 15 BOISE ✓

18 DIVERSION CAPACITY - .000

19 TOTAL DIVERSION RATE - .060 ✓

20 TOTAL DIVERSION VOLUME - .00

21 WATER DISTRICT -

TRACT	SEC	TWN	RNG	LOT	RFLG	ST	RE	A	M	I	N	D	E	X	F	I	E	L	D	S
22001 -	NWSE ✓	23001 - 31 ✓	24001 - 05N ✓	25001 - 04E ✓	26001 -	27001 -														
					28001 - 0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0	0	0	0	0.0	
22002 -	SWNW ✓	23002 - 32 ✓	24002 - 05N ✓	25002 - 04E ✓	26002 -	27002 -														
					28002 - 0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0	0	0	0	0.0	

29 NON-IRRIGATION USE - S/VARIABLE AMTS. SHEEP & RANGE

USE CODE / USE	TWN	RNG	SEC	TRACT	ACRES	LOT
30001 - 04 STOCKWATER	31001 - 05N	32001 - 04E	33001 - 31 ✓	34001 - SENE ✓	35001 -	36001 -
30002 - 04 STOCKWATER ✓	31002 - 05N ✓	32002 - 04E ✓	33002 - 31 ✓	34002 - NWSE ✓	35002 -	36002 -
30003 - 04 STOCKWATER	31003 - 05N	32003 - 04E	33003 - 32 ✓	34003 - NWNW ✓	35003 -	36003 -
30004 - 04 STOCKWATER	31004 - 05N	32004 - 04E	33004 - 32 ✓	34004 - SWNW ✓	35004 -	36004 -

TOTAL ACRES: 0

PERIOD FROM	PERIOD TO	USE CODE / USE	WATER USE	DIVERSION RATE	DIVERSION VOLUME
37001 - 0101 ✓	38001 - 1231 ✓	39001 - 04 STOCKWATER ✓	40001 -	0.060 ✓	41001 - 0.00

42 DECREE PLAINTIFF NAME -

43 DECREE DEFENDANT NAME -

44001 - REMARKS

APPROVAL CONDITIONS: 45001 -

46 OTHER RIGHTS FOR SAME USE -

D	A	T	E	S	D	A	T	E	S	F	L	A	G	S																								
47	P	R	I	O	R	I	T	Y	-	12-NOV-1908 ✓	55	L	I	C	E	N	S	E	-	63	T	R	A	N	S	F	E	R	/	A	M	E	N	D	E	D	-	
48	P	R	O	O	F	D	U	E	-		56	A	P	P	L	R	E	C	E	I	V	E	D	-	64	D	L	E	/	C	A	R	E	Y	A	C	T	-
49	P	R	O	O	F	M	A	D	E	-		57	F	I	E	L	D	E	X	A	M	M	A	D	E	-	65	F	L	A	G	_	1	-				

D A T E S			D A T E S			F L A G S		
50	APPROVE/DENIED-	58	DEGREE	-	65	FLAG_2	-	-
51	PROTESTED	59	START WORK	-	67	FLAG_3	-	-
52	HEARING	60	ORDER SHOW CAUSE	-				
53	VERIFIED	61	DATE_1	-				
54	LAST UPDATE	62	DATE_2	-				
			21-NOV-1983					

1/30/86
VERIFIED JKN

State of Idaho
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: 665

Right Number 63-5184 Applicant Gardner

NOTE: IF ANY OF THE ITEMS BELOW ARE MISSING, THE CLAIM IS INCOMPLETE AND MUST BE RETURNED IMMEDIATELY TO THE CLAIMANT ALONG WITH THE APPROPRIATE COVER LETTER.

CHECK:

- ☒ Name and address.
- ☒ Date of priority. (Check for a date past the mandatory filing dates.) (One date only.)
- ☒ Source.
- ☒ Quantity, use, period.
- ☒ Point(s) of diversion.
- ☒ Location of use
- ☒ Signature/notarization/fee.

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received. 12/13/83 C.S.K.
- ☒ Claim published correctly. the Idaho World 1001 32488 11/23 + 12/1/83
- ☒ Exceptions processed

By QBS Date 1/20/84

STATE OFFICE PROCESSING:

- ☒ Claim review complete

By de Date 1/24/84

RECEIVED
JAN 24 1984

Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Western Region

Statehouse
Boise, Idaho 83720
(208) 334-2190

DECEMBER 14, 1983

CLINTON GARDNER
P.O. BOX 23
IDAHO CITY ID 83631

RE. Claim No. 63-5184

Dear Claimant,

The Department of Water Resources has completed the advertising of your claim to a water right, and no further action is authorized under Section 42-243 and 42-244, IDAHO CODE. Your claim will be retained in our files and will be available at any time for use by you or the court.

The filing and advertising of the claim does not confirm the water right claimed, but will serve to record and preserve the information and the evidence which you included in your claim.

If, at a later date, you find that you have additional information or supporting evidence that you would like to have included with the claim, you may have that information or evidence added at any time. Please refer to the claim identification number when corresponding with this office.

We are enclosing a copy of your claim for your records. If you have questions or if this office may be of further assistance, please feel free to contact us.

Yours truly,

DAVID B. SHAW
Western Region Supervisor

Enclosure

65-5184-

GARDNER, CLINTON

P.O. BOX 23, IDAHO CITY, ID 83631

Source. SPRING trib. to CLEAR CREEK

Priority Date 11/12/1988

Diversion Pt. NWSE Sec 31 T 05N R 04E SWNW Sec 32 T 05N R 04E

Use. STOCKWATER (0.06 CFS)

In. SENE NWSE Sec 31 T 05N R 04E NNW SWNW Sec 32 T 05N R 04E

