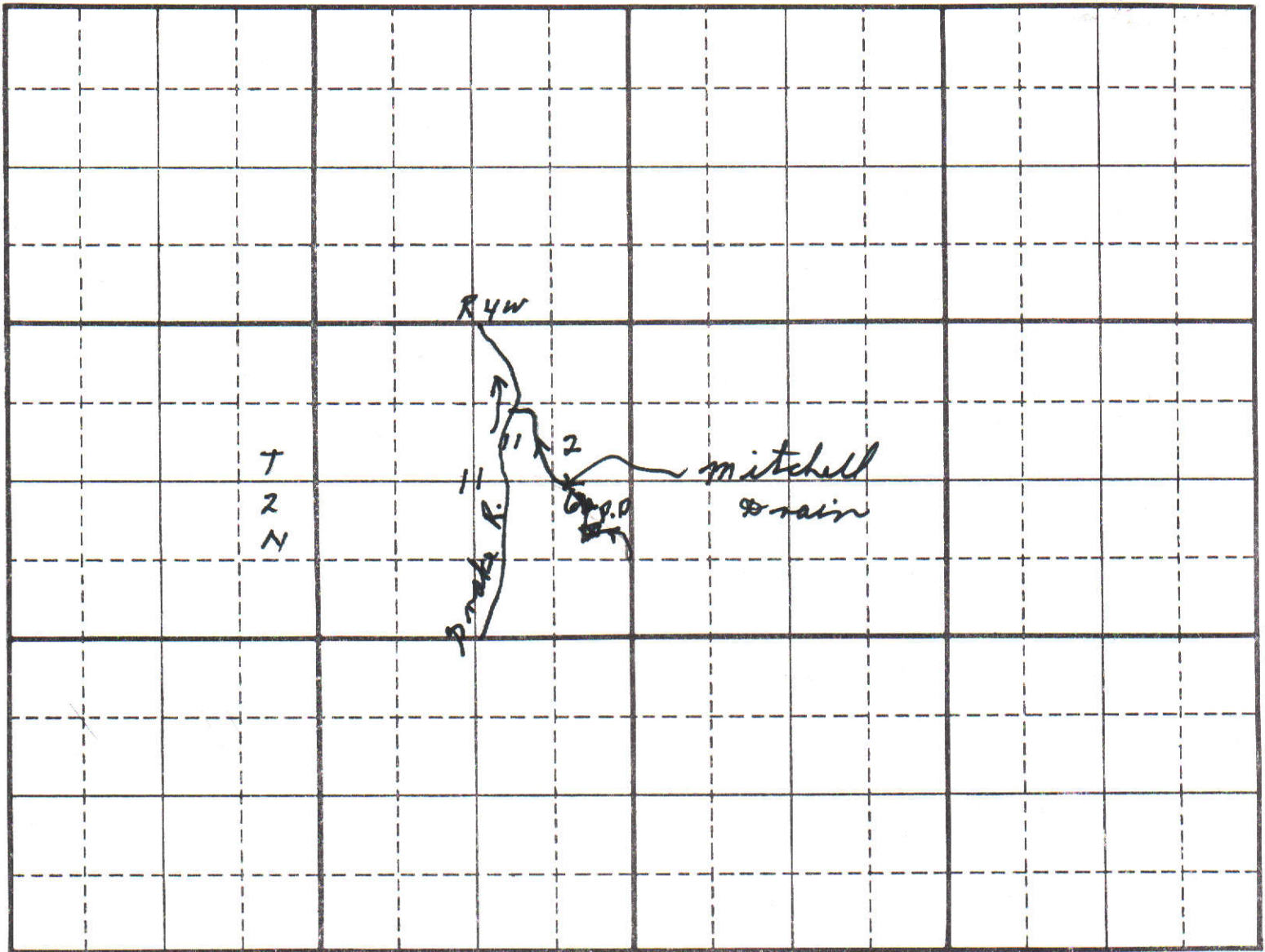




Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

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.

Evan F. Laxness
(Claimant)

Sworn to before me this 24 day of SEPTEMBER, 1981.

Notary Public
Residing at Boise

My commission expires LIFE

FOR DEPARTMENT USE ONLY

Received by JKH Date 9/24/81 Exception filed by: _____ Forwarded to _____ Date _____
Prelim. check by DBS Date 9/30/81 claimant by: _____
30 \$20.00 fee received by JKH Date 7/24/81 # 20236
Published in News & Tribune _____
Dates 10/8 + 10/15, 1981 _____

NOTICE OF CLAIMS TO WATER RIGHTS
Notice is hereby given that the following claim(s) to water right(s) have been established by diversion and application to beneficial use:
63-4822
GARDNER, EVAN. F. &/or LUCILLE
RT. 4 BOX 445, CALDWELL, ID 83605
Source: WASTE WATER tributary to SNAKE RIVER
Priority Date: July 1, 1948
Amount: 0.41 CFS
Diversion Point: NESE Sec 11 T 02N R 04W, CANYON County
Use: IRRIGATION (0.38 CFS) from March 15 to November 15
STOCKWATER (0.03 CFS) from January 1 to November 30
Place of Use: LOT 06 (SWNE) SENE NESE Sec 11 T 02N R 04W
FOR 19 ACRES
Diversion Means: DIVERSION DAM IN WASTEWAY & GRAVITY IRR. SYSTEM
63-4826
KONDO FARMS INC.
C/O HENRY KONDO, 807 E. LOCUST LN., NAMPA, ID 83651
Source: GROUNDWATER
Priority Date: June 1, 1974
Amount: 0.50 CFS
Diversion Point: Lot 12 (NWSE) Sec 5 T 02N R 02W, CANYON County
Use: DOMESTIC (0.50 CFS) from January 1 to December 31
Place of Use: LOT 12 (NWSE) Sec 05 T 02N R 02W
Diversion Means: WELL, PUMP & PIPELINES
Any exception to any claim of water right may be filed with the Director of the Idaho Department of Water Resources, 92 S. Cole Road, Boise, Idaho 83709.
A. KENNETH DUNN
Director
October 8, 15, 1981

AFFIDAVIT OF PUBLICATION
STATE OF IDAHO)
) ss.
County of Canyon)

Suzanne Benkert

of Nampa, Canyon County, Idaho, being first duly sworn, deposes and says:

1. That I am a citizen of the United States of America, and at all times hereinafter mentioned was over the age of eighteen years, and not a party to the above entitled action.

2. That I am the Principal Clerk of the Idaho Press-Tribune, a daily, (except Saturday) newspaper published in the City of Nampa and Caldwell, in the County of Canyon, State of Idaho; that the said newspaper is in general circulation in the said County of Canyon, and in the vicinity of Nampa and Caldwell, and has been uninterruptedly published in said County during a period of seventy-eight consecutive weeks prior to the first publication of the notice, a copy of which is hereto attached.

3. That the notice, of which the annexed is a printed copy, was published in said newspaper

Two times

in the regular and entire issue of said paper, and was printed in the newspaper proper, and not in a supplement.

4. That said notice was published the following dates:

October 8, 15, 1981

Suzanne Benkert

Subscribed and sworn to before me this 15th day of October

19 81

Janet Lusk
Notary Public, Residing at Nampa, Idaho

RECEIVED

OCT 30 1981

MY COMMISSION EXPIRES
JULY 12th, 1985

Department of Water Resources
Western Regional Office

MICROFILMED

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 ¼ SE ¼, 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.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
					<u>1.6</u>														
<u>2N</u>	<u>4W</u>	<u>11</u>			<u>11</u>	<u>2</u>									<u>6</u>				<u>19</u>

No. of acres 19

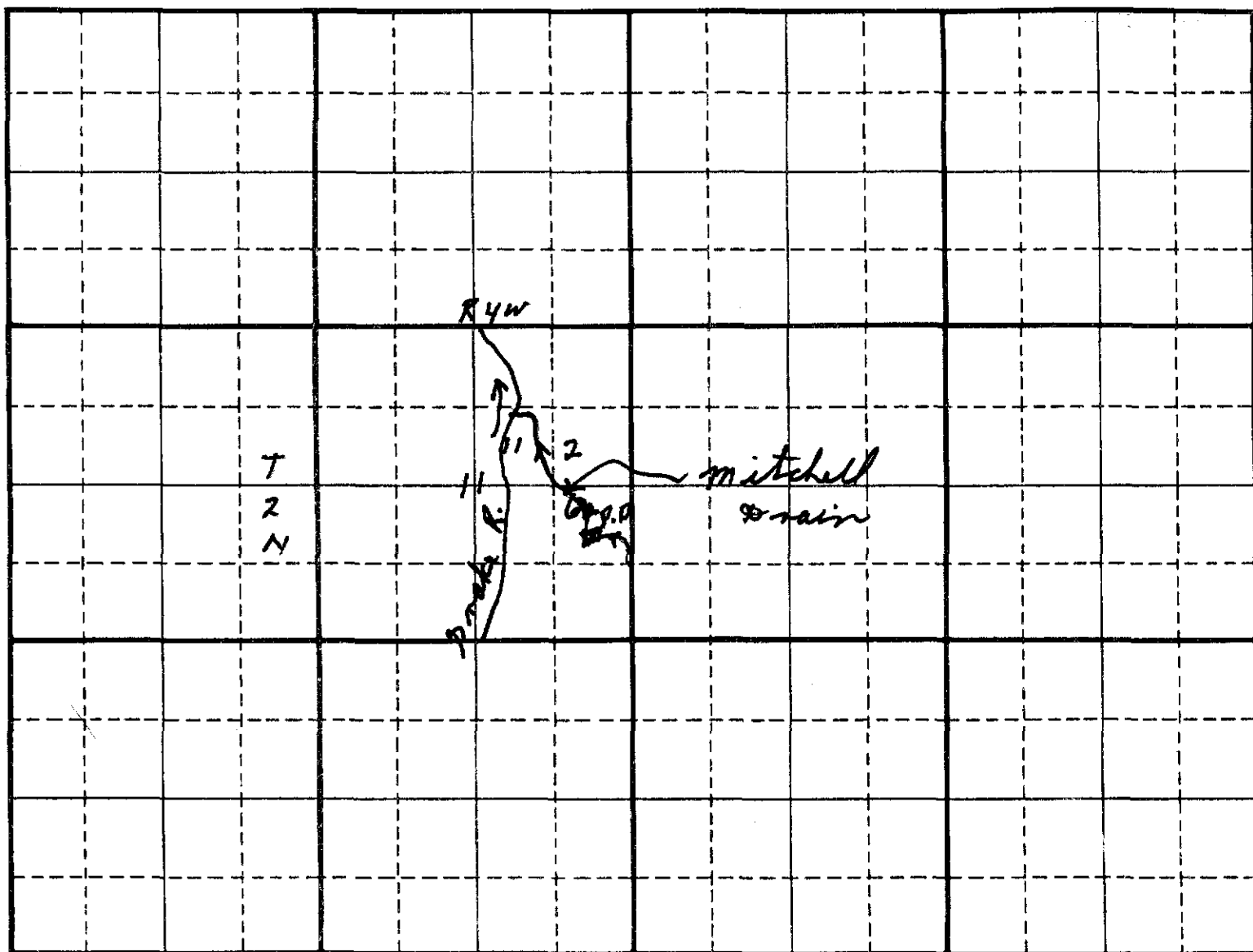
B) If water is used for other than irrigation, fully describe that use, being as specific as possible:

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:

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



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.

Evan F. Lawrence
(Claimant)

Sworn to before me this 24 day of SEPTEMBER, 1981.

Donald Duff
Notary Public
Residing at BOISE

My commission expires LIFE

FOR DEPARTMENT USE ONLY

Received by JKH Date 9/24/81 Exception filed by: _____ Forwarded to _____ Date _____
Prelim. check by DBS Date 9/24/81
\$20.00 fee received by JKH Date 9/24/81 # 20 236
Published in Boise Tribune
Dates 10/8 + 10/15 1981

NOTICE OF CLAIMS TO WATER RIGHTS

Notice is hereby given that the following claim(s) to water right(s) have been established by diversion and application to beneficial use:

63-4822

GARDNER, EVAN, F. &/or LUCILLE

RT. 4 BOX 445, CALDWELL, ID 83605

Source: WASTE WATER tributary to SNAKE RIVER

Priority Date: July 1, 1948

Amount: 0.41 CFS

Diversion Point: NESE Sec 11 T 02N R 04W, CANYON County

Use: IRRIGATION (0.38 CFS) from March 15 to November 15

STOCKWATER (0.03 CFS) from January 1 to November 30

Place of Use: LOT 06 (SWNE) SENE NESE Sec 11 T 02N R 04W FOR 19 ACRES

Diversion Means: DIVERSION DAM IN WASTEWAY & GRAVITY IRR. SYSTEM

63-4826

KONDO FARMS INC.

C/O HENRY KONDO, 807 E. LOCUST LN., NAMPA, ID 83651

Source: GROUNDWATER

Priority Date: June 1, 1974

Amount: 0.50 CFS

Diversion Point: Lot 12 (NWSE) Sec 5 T 02N R 02W, CANYON County

Use: DOMESTIC (0.50 CFS) from January 1 to December 31

Place of Use: LOT 12 (NWSE) Sec 05 T 02N R 02W

Diversion Means: WELL, PUMP & PIPELINES

Any exception to any claim of water right may be filed with the Director of the Idaho Department of Water Resources, 92 S. Cole Road, Boise, Idaho 83709.

A. KENNETH DUNN
Director

October 8, 15, 1981

AFFIDAVIT OF PUBLICATION
STATE OF IDAHO)

) ss.

County of Canyon)

Suzanne Benkert

of Nampa, Canyon County, Idaho, being first duly sworn, deposes and says:

1. That I am a citizen of the United States of America, and at all times hereinafter mentioned was over the age of eighteen years, and not a party to the above entitled action.

2. That I am the Principal Clerk of the Idaho Press-Tribune, a daily, (except Saturday) newspaper published in the City of Nampa and Caldwell, in the County of Canyon, State of Idaho; that the said newspaper is in general circulation in the said County of Canyon, and in the vicinity of Nampa and Caldwell, and has been uninterruptedly published in said County during a period of seventy-eight consecutive weeks prior to the first publication of the notice, a copy of which is hereto attached.

3. That the notice, of which the annexed is a printed copy, was published in said newspaper

Two times

in the regular and entire issue of said paper, and was printed in the newspaper proper, and not in a supplement.

4. That said notice was published the following dates:

October 8, 15, 1981

Suzanne Benkert

Subscribed and sworn to before me this 15th day of October

19 81

Jeanne Lusk
Notary Public, Residing at Nampa, Idaho

MY COMMISSION EXPIRES
JULY 12th, 1985

Department of Water Resources
Western Regional Office

WRR100
63-4822

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHTS PROOF READING REPORT

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

01 WATER RIGHT NUMBER - 63-4822

02 OLD (D) NUMBER -

LAST NAME
03001 - GARDNER ✓
03002 - GARDNER ✓

FIRST NAME
04001 - EVAN F. ✓
04002 - LUCILLE ✓

ORIG. OWNER
05001 - C
05002 - C

06 ADD LINE 1 - RT. 4 BOX 445 ✓

07 ADD LINE 2 -

08 ADD LINE 3 -

09 CITY - CALDWELL ✓

10 STATE - ID ✓

11 ZIP - 83605 ✓

12 STAGE - S STATUTORY CLAIM ✓

13 STATUS -

SOURCE
14001 - WASTE WATER ✓

TRIBUTARY OF
15001 - SNAKE RIVER ✓

16 DIVERSION MEANS - DIVERSION DAM IN WASTEWAY & GRAVITY IRR. SYSTEM

17 COUNTY - 27 CANYON ✓

18 DIVERSION CAPACITY - .000

19 TOTAL DIVERSION RATE - .410 ✓

20 TOTAL DIVERSION VOLUME - .00

21 WATER DISTRICT -

----- DIVERSION POINTS -----													
TRACT	SEC	TWN	RNG	LOT	RFLG	S T R E A M I N D E X F I E L D S							
22001 - NESE	23001 - 11	24001 - 02N	25001 - 04W	26001 - 27001 -	28001 - 0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

29 NON-IRRIGATION USE - S/60 RANGE

----- PLACE OF USE -----						
USE CODE / USE	TWN	RNG	SEC	TRACT	ACRES	LOT
30001 - 01 IRRIGATION ✓	31001 - 02N	32001 - 04W	33001 - 11	34001 - SWNE	35001 - 11	36001 - 06 ✓
30002 - 01 IRRIGATION ✓	31002 - 02N	32002 - 04W	33002 - 11	34002 - SENE	35002 - 02	36002 -
30003 - 01 IRRIGATION ✓	31003 - 02N	32003 - 04W	33003 - 11	34003 - NESE	35003 - 06	36003 -

TOTAL ACRES: 19 ✓

----- WATER USE -----				
PERIOD FROM	PERIOD TO	USE CODE / USE	DIVERSION RATE	DIVERSION VOLUME
37001 - 0315 ✓	38001 - 1115 ✓	39001 - 01 IRRIGATION ✓	40001 - 0.380 ✓	41001 - 0.00
37002 - 0101 ✓	38002 - 1131 ✓	39002 - 04 STOCKWATER ✓	40002 - 0.030 ✓	41002 - 0.00

42 DECREE PLAINTIFF NAME -

43 DECREE DEFENDANT NAME -

REMARKS

44001 -

APPROVAL CONDITIONS: 45001 -

46 OTHER RIGHTS FOR SAME USE -

----- D A T E S -----
47 PRIORITY - 1-JUL-1948 ✓
48 PROOF DUE -
49 PROOF MADE -
50 APPROVE/DENIED-

----- D A T E S -----
55 LICENSE -
56 APPL RECEIVED -
57 FIELD EXAM MADE -
58 DECREE -

----- F L A G S -----
63 TRANSFER/AMENDED -
64 DLE/CAREY ACT -
65 FLAG_1 -
66 FLAG_2 -

WRR100
63-4822

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHTS PROOF READING REPORT

PAGE 2
20-NOV-1985 13:28:05

----- D A T E S ----- D A T E S ----- F L A G S -----

51 PROTESTED -
52 HEARING -
53 VERIFIED -
54 LAST UPDATE - 7-OCT-1981

59 START WORK -
60 ORDER SHOW CAUSE -
61 DATE_1 -
62 DATE_2 -

67 FLAG_3 -

58/66/71
VERIFIED JKN

State of Idaho
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: DBS

Right Number 63-4822 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. 10/30/81 30.00 20236
- ☒ Claim published correctly. 10/8 & 10/15/81 press-trial
- ☐ Exceptions processed.

By DBS Date 11/2/81

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By gmi Date 11/4/81

RECEIVED
NOV 9 1981

Department of Water Resources

WATER RIGHT
DATA ENTRY LOG

[illegible]

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Western Region

92 South Cole Road
Boise, Idaho 83709
(208) 334-2190

OCTOBER 1, 1981

Idaho Press-Tribune
Box 88
Nampa, ID 83651

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. We have allowed ample time for you to submit a galley proof to this office for review before the first publication date. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before OCTOBER 26, 1981.

Yours truly,

HELEN L. HARRINGTON
Secretary

Encl.



NOTICE OF CLAIMS TO WATER RIGHTS

Notice is hereby given that the following claim(s) to water right(s) have been established by diversion and application to beneficial use:

Any exception to any claim of water right may be filed with the Director of the Idaho Department of Water Resources, 92 S. Cole Road, Boise, Idaho 83709.

A. KENNETH DUNN

Director

Published 10/8 & 10/15/81.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Western Region

92 South Cole Road
Boise, Idaho 83709
(208) 334-2190

OCTOBER 28, 1981

EVAN F. GARDNER
LUCILLE GARDNER
RT. 4 BOX 445
CALDWELL

ID 83605

RE: Claim No. 63-4822

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

GARDNER, EVAN F. &/or LUCILLE

RT. 4 BOX 445, CALDWELL, ID 83605

Source: WASTE WATER tributary to SNAKE RIVER

Priority Date: 07/01/1948

Amount: 0.41 CFS

Diversion Point: NESE Sec 11 T 02N R 04W, CANYON Co.

Use: IRRIGATION	(0.38 CFS)	from 03/15 to 11/15
STOCKWATER	(0.03 CFS)	from 01/01 to 11/31

Place of Use: LOT 06 (SWNE) SENE NESE Sec 11 T 02N R 04W FOR 19 ACRES

Diversion Means: DIVERSION DAM IN WASTEWAY & GRAVITY IRR. SYSTEM

MICROFILMED