

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, }
County of Clearwater } ss.

Nancy Noble

being first duly sworn, on oath, deposes and says:

That I am and at all times herein mentioned have been a citizen of the United States and of the State of Idaho, over 21 years of age, and that I am not a party to nor interested in the above entitled proceeding; that I am and at all times herein mentioned have been the Editor, Foreman, of THE CLEARWATER TRIBUNE: That said Clearwater Tribune is a newspaper of general circulation, printed and published weekly at Orofino, in the County of Clearwater and State of Idaho; that the Clearwater Tribune has been continuously and uninterruptedly published in Clearwater County, Idaho during the period of seventy-eight consecutive weeks prior to the first publication of attached copy of

Notice of Application for
Water Right - Gardner

That said Notice

of which the annexed is a full, true and correct printed copy, was published in the regular and entire issue of said newspaper, and not in any supplement thereof, for full period of ^{two} consecutive issues commencing on the 21st day of October, 19 82, and ending on the 28th day of October, 19 82

Subscribed and sworn to before me this 2nd day of December, 19 82

NOTARY PUBLIC IN AND FOR THE STATE OF IDAHO
RESIDING AT OROFINO THEREIN

NOTICE OF APPLICATION FOR WATER RIGHT

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

84-7138

GARDNER, REX &/or
JANET
RT. 3 BOX 86C, OROFINO,
ID 83544

Source: GROUNDWATER

Date Filed: 09/27/1982

Amount: 0.08 CFS

Diversion Point: NWNW
Sec 04 T 36N R 02E, CLEAR-
WATER Co.

Use: DOMESTIC (0.08 CFS)
from 01/01 to 12/31

Place of Use: NWNW Sec 04
T 36N R 02E

Diversion Means: MOTOR
AND PIPE

The permit(s) will be subject to all prior water rights. Protests must be filed with the Director, Dept. of Water Resources, 4055 Gov't. Way, Coeur d'Alene, ID 83814 on or before NOVEMBER 8, 1982.

KEN DUNN, Director
10-21-28c

RECEIVED

DEPT. OF WATER RESOURCES
Coeur d'Alene District Office

Diagram illustrating a horizontal line with points labeled T36M and 4. Above the line, there is a point labeled x Pd 9210. To the right of the horizontal line, there is a point labeled R2E and a red curved arrow pointing downwards and to the right.

(Include distance from pump to measuring device, if applicable.)

Point(s) of diversion: WNW SEC 4 T36N R2E

Place(s) of Use

[illegible]

☐ Change P.D. as reflected above

☐ Change P.U. as reflected above

- ☐ Add P.D. as reflected above
- ☐ Add P.U. as reflected above

☒ None
☐ Other

Examiner's Signature

Checked by

Approved by

Date 8/10/83

Date 9/1/85

Date 11-22-85

MICROFILMED



State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 84-7138 Priority September 27, 1982 Amount 0.04 cfs

THIS IS TO CERTIFY, that Rex &/or Janet Gardner
of Orofino, Idaho, has complied with the terms and conditions of Permit
No. 84-7138 issued pursuant to Application for Permit dated September 27, 1982,
and has submitted proof to the Department of Water Resources on February 17, 1983,
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 0.04 cfs of water from a groundwater source,
tributary to _____, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
Domestic (1 Unit)	from <u>January 1</u> to <u>December 31</u>	at <u>0.04</u> cfs and	<u>1.2</u> acre feet
	from _____ to _____	at _____ cfs and	
	from _____ to _____	at _____ cfs and	

(both dates inclusive)

Subject, however, to the condition that no more than 0.04 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
1.2 acre feet per year, said waters to be diverted within the NW1/4 Section 4,
Twp 36N, Rge 2E in the County of Clearwater

Description and location of place of use:

Twp.	Range	Sec.	NE1/4				NW1/4				SW1/4				SE1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
36N	2E	4					X												

Total number of acres irrigated _____

MICROFILMED

MICROFILMED

CONDITIONS OF APPROVAL

a. Modifications to or variance from this license must be made within the limits of Section 42-222, **Idaho Code**, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

b. The right to the use of the water hereby confirmed is restricted and appurtenant to lands or place of use herein described, and is subject to all prior water rights, as provided by the laws of Idaho.

c. Any water right confirmed in this license for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this license and shall not give rise to any right or claim against any future rights to the use of water other than hydropower, within the State of Idaho initiated later in time than the priority of this license.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 10th day of JANUARY, 19 86.

Acting for the Director

Roman C. Young

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

APPROVED

1. Name of applicant Rex &/or Janet Gardner Phone 476-7420

Post office address Rt. 3 Box 86C Orofino, Id. 83544

2. Source of water supply Groundwater which is a tributary of _____

3. Location of point of diversion is NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 4 Township 36N

Range 2E B.M. Clearwater County, additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 0.08 for Domestic purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated:

a. 0.08 cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. 1 h.p. Berkeley 350' 3/4" pipe.

b. Height of storage dam _____ feet, active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet, materials used in storage dam: _____

Period of year when water will be diverted to storage _____ to _____ inclusive.
(Month/Day) (Month/Day)

c. Proposed well diameter is 6.25 inches; proposed depth of well is 537 feet.

7. Time required for the completion of the works and application of the water to the proposed beneficial use is 1 years (minimum 1 year — maximum 5 years).

8. Description of proposed uses:

a. If water is **not** for irrigation:

(1) Give the place of use of water: NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 4 Township 36N

Range 2E B.M.

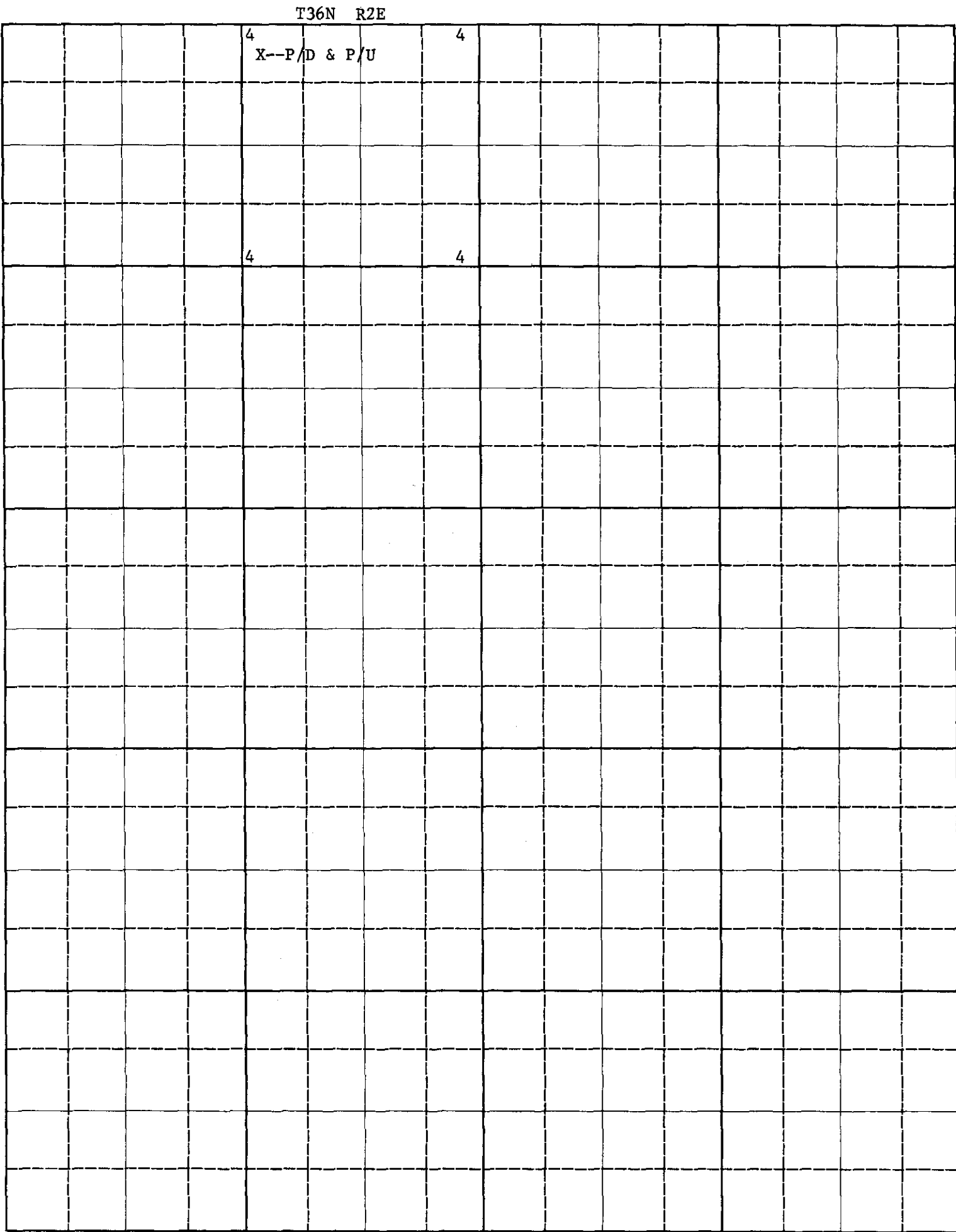
(2) Amount of power to be generated: _____ horsepower under _____ feet of head.

(3) List number of each kind of livestock to be watered 3 horses, 20 hens, 1 goat

(4) Name of municipality to be served _____, or number of families to be supplied with domestic water 2.

☒ If water is to be used for other purposes describe: _____

11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile.

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Rep W Gardner 10-7-82
(Applicant)

Proposed Priority 9/27/1982

Received by RJA pms Date 10/12/82 Time 1:00 PM
Date 9/27/82 Time noon (from original)

Preliminary check by ZB Fee \$ 30.00

Receipted by RJA Date 9/13/82 # 25019

Publication prepared by for Date 10/14/82

Published in Clearwater Tribune

Publication dates 10/21-28/82

Publication approved for Date 12/6/82

Protests filed by: none

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by RJA

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 84-7138, and said application is hereby APPROVED.

1. Approval of said application is subject to the following limitations and conditions:

a. SUBJECT TO ALL PRIOR WATER RIGHTS.

b. Proof of construction of works and application of water to beneficial use shall be submitted on or before February 1, 19 84.

c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.

d. Other:

Witness my hand this 20th day of January, 1983.

L. Glen Sayton
Chief, Operations Bureau

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, }
County of Clearwater } ss.

Nancy Noble

being first duly sworn, on oath, deposes and says:

That I am and at all times herein mentioned have been a citizen of the United States and of the State of Idaho, over 21 years of age, and that I am not a party to nor interested in the above entitled proceeding; that I am and at all times herein mentioned have been the Editor, Foreman, of THE CLEARWATER TRIBUNE: That said Clearwater Tribune is a newspaper of general circulation, printed and published weekly at Orofino, in the County of Clearwater and State of Idaho; that the Clearwater Tribune has been continuously and uninterruptedly published in Clearwater County, Idaho during the period of seventy-eight consecutive weeks prior to the first publication of attached copy of

Notice of Application for
Water Right - Gardner

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Nancy Noble
Subscribed and sworn to before me this 2nd day of December, 19 82

Betty E. Knight

NOTARY PUBLIC IN AND FOR THE STATE OF IDAHO
RESIDING AT OROFINO THEREIN



JK
12/6/82

RECEIVED

CLERK OF DISTRICT COURT
CLERK OF DISTRICT COURT

01 WATER RIGHT NUMBER - 84-7138

02 OLD (D) NUMBER -

03001 - GARDNER ✓ LAST NAME
03002 - GARDNER ✓04001 - REX ✓ FIRST NAME
04002 - JANET ✓05001 - C ✓ ORIG. OWNER
05002 - C ✓

06 ADD LINE 1 - RT. 3 BOX 86C ✓

07 ADD LINE 2 -

08 ADD LINE 3 -

09 CITY - ORCEINO ✓

10 STATE - ID ✓

11 ZIP - 83544 ✓

12 STAGE - 1 LICENSE ✓

13 STATUS -

14001 - GROUNDWATER ✓ SOURCE

15001 - TRIBUTARY OF

16 DIVERSION MEANS - MOTOR AND PIPE.

17 COUNTY - 35 CLEARWATER ✓

18 DIVERSION CAPACITY - .040 ✓

19 TOTAL DIVERSION RATE - .040 ✓

20 TOTAL DIVERSION VOLUME - 1.20 ✓

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 - NWNW ✓	23001 - 04 ✓	24001 - 36N ✓	25001 - 02E ✓	26001 -	27001 -								
			28001 - 0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0	0	0.0

29 NON-IRRIGATION USE -

----- PLACE OF USE -----						
USE CODE / USE	TWN	RNG	SEC	TRACT	ACRES	LOT
30001 - 43 DOMESTIC	31001 - 36N ✓	32001 - 02E ✓	33001 - 04 ✓	34001 - NWNW ✓	35001 -	36001 -
						TOTAL ACRES: 0

----- WATER USE -----				
PERIOD FROM	PERIOD TO	USE CODE / USE	DIVERSION RATE	DIVERSION VOLUME
37001 - 0101	38001 - 1231 ✓	39001 - 43 DOMESTIC ✓	40001 - 0.040 ✓	41001 - 1.20 ✓

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 PRIORITY	- 27-SEP-1982 ✓	55 LICENSE	- 10-JAN-1986 ✓	63 TRANSFER/AMENDED	-
48 PROOF DUE	- 1-FEB-1984	56 APPL RECEIVED	-	64 DLE/CAREY ACT	-
49 PROOF MADE	- 1-JAN-1900	57 FIELD EXAM MADE	-	65 FLAG_1	-
50 APPROVE/DENIED	- 20-JAN-1983	58 DECREE	-	66 FLAG_2	-
51 PROTESTED	-	59 START WORK	-	67 FLAG_3	-
52 HEARING	-	60 ORDER SHOW CAUSE	-		
53 VERIFIED	-	61 DATE_1	-		

WRR100
84-7138

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHTS PRIORITY HEARING REPORT

PAGE 2
7-MAR-1986 20:21:15

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

54 LAST UPDATE - 7-MAR-1986

62 DATE_2 -

28/01/86
JUL 1986

January 13, 1986

RE: Permit No. 84-7138

Rex &/or Janet Gardner
Rt. 3, Box 86C
Orofino, ID 83544

Dear Mr. and Mrs. Gardner:

Enclosed herewith is a copy of the Water Right License issued on the above referenced Permit.

Sincerely,

A handwritten signature in cursive script that reads "Jim Johnson".

JIM JOHNSON
Water Distribution Supervisor

JJ:kw
Enclosure

MICROFILMED

December 12, 1985

RE: Permit No. 84-7138

Rex &/or Janet Gardner
Rt. 3, Box 86C
Orofino, ID 83544

Dear Permit Holder(s):

A representative of this Department made an examination of the works covered by your Permit No. 84-7138 and has found the following:

Amount of water that can be recognized as beneficially used
under Idaho law: 0.04 cfs Source: groundwater

The maximum quantity diverted shall not exceed 1.2 acre feet per
year.

Point(s) of diversion: NWNW, Sec. 4, Twp 36N, Rge 2E

Beneficial Use: Domestic use within NWNW, Sec. 4, Twp 36N, Rge
2E

Priority date established: September 27, 1982

Conditions (if any):

If you do not concur with these findings, please contact us within 10 days;
otherwise a water license will be issued as set forth above.

Sincerely,

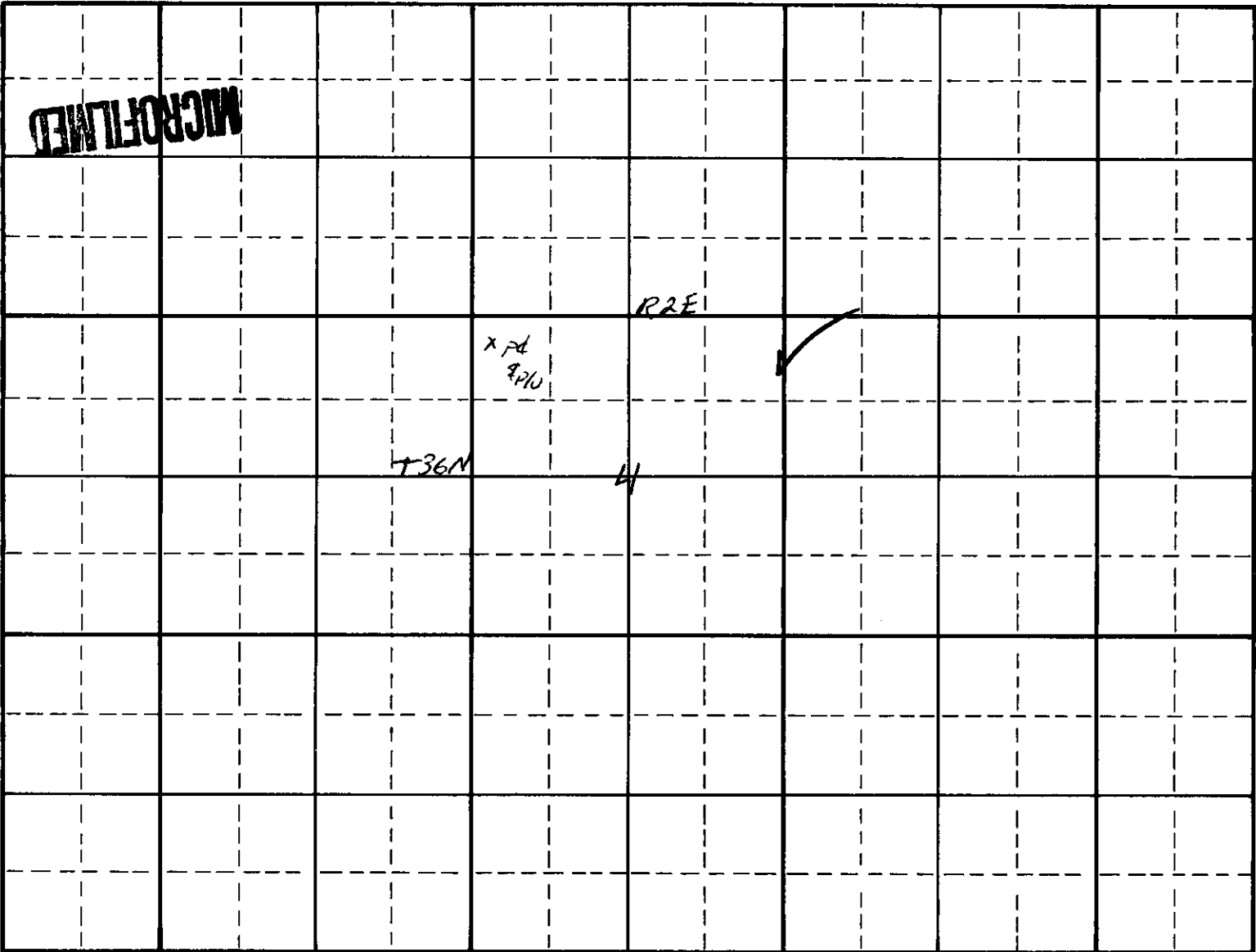
JIM JOHNSON
Water Rights Supervisor

JJ:sc

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MICROFILMED

MAP (Attach Aerial Photo)



SCHEMATIC DIAGRAM OF SYSTEM

(Include distance from pump to measuring device, if applicable.)

Point(s) of diversion: WNW SEC 4 T 36N R2E

Place(s) of Use ☒

TWP.	RGE.	SEC.	NE%				NW%				SW%				SE%				TOTALS
			NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	
36N	2E	4					X												

Recommended Amendments:

- ☐ Change P.D. as reflected above
- ☐ Add P.D. as reflected above
- ☒ None
- ☐ Change P.U. as reflected above
- ☐ Add P.U. as reflected above
- ☐ Other

Examiner's Signature Kary Beard

Checked by Boyd

Approved by Kay Walker

Date 8/10/83

Date 9/1/83

Date 11-22-85

MICROFILMED
1968

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Northern Region

JOHN W. EVANS
Gouverneur
R. KENNETH DUNN
Director

4055 Government Way
Coeur d'Alene, ID 83814
(208) 667-6484

MARCH 10, 1983

REX GARDNER
ROUTE 3 BOX 86-C
DROFIND ID 83544

RE: Permit No. 84-7138

Dear Permit Holder:

We acknowledge receipt of your statement submitted as proof of beneficial use for the above referenced permit.

Before a license can be issued, a field examination must be made by a representative of this department.

A field examiner will contact you to arrange to examine your system.

If you have any questions regarding the field examination, please contact this office by phone at 667-6484 or in person at our office.

Sincerely,

TOM D. KING
Senior Water Resource Agent

cc: IDWR - State Office

MAILED 10/10

DEPARTMENT OF WATER RESOURCES

The Idaho Department of Water Resources will consider this card as a statement that the permit holder(s) has completed development to the extent shown below of Permit No. 84-7138

Name(s) of Permit Holder: Rex & Janet Gardner

Post Office Address: Rt 3, Box 86

Crofton, Id. 83544 Tel. No. 476-7420

Source of Water: _____

Extent of Use: ☒ Domestic 2 (number of households)
☒ Stockwater 3 horses, 20 (number and type of stock)
☐ Irrigation hens, 1 goat (acres)
☐ Other _____

Measuring Device: Required? ☐ Yes ☒ No Installed? ☐ Yes ☒ No
Access Port: Required? ☐ Yes ☒ No Installed? ☐ Yes ☒ No

The above information is a true statement of the extent to which the above numbered permit has been developed.

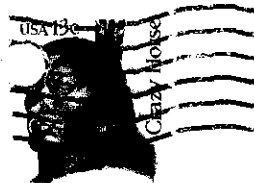
2-13-83

Date

Janet M. Gardner

Signature of Permit Holder

Rev. J. Odner
Rt. 3, Box 86C
Casper, WY 83544



RECEIVED
FEB 17 1983
Department of Water Resources



IDAHO DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440

GARDNER, REX & JANET
RT. 3 BOX 86C
OROFINO, ID 83544

FEBRUARY 01, 1983

RE: PERMIT NO. 84-7138

DEAR PERMIT HOLDER:

ENCLOSED IS A COPY OF YOUR APPROVED APPLICATION FOR PERMIT. WE DIRECT YOUR ATTENTION TO THE CONDITIONS OF APPROVAL ON THE FOURTH PAGE.

WE HAVE ENCLOSED INSTRUCTIONS ENTITLED "MAKING PROOF OF BENEFICIAL USE". PLEASE READ THE INSTRUCTIONS CAREFULLY SINCE YOU MUST TAKE FURTHER ACTION TO DEVELOP THIS PERMIT. ALSO ENCLOSED FOR YOUR CONVENIENCE IS THE STATEMENT OF BENEFICIAL USE POSTCARD THAT MUST BE SUBMITTED WHEN YOUR PROJECT IS COMPLETED.

SINCERELY,

DAVID R. TUTHILL, JR., P.E.
SUPERVISOR, WATER ALLOCATION SECTION

ENCLOSURE

State of Idaho
Department of Water Resources

APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY: LB APPLICATION NUMBER: 84-7138

CHECK:

- ☒ Source.
☒ Point of diversion.
☒ County.
☒ Quantity of water and period of use.
☒ Description of diverting works.
☒ Time required for beneficial use of water.
☒ Place of use or acres irrigated.
☒ Map.
☒ Signature.
☒ Fee.
☒ Yes ☒ No Field check required.
☒ Yes ☒ No Critical groundwater area.
☒ Yes ☒ No Request dam safety information. Sent by: _____ Date: _____
☒ Yes ☒ No* In form to receipt.

Field check by: _____

Date: _____

Comments: _____

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT: _____

SEND COPIES TO:

- ☐ Idaho State Health Department. Copies sent by: _____ Date: _____
☐ Idaho Fish and Game Department. _____
☐ Idaho Department of Lands. _____
☐ U.S. Bureau of Land Management. _____
☐ U.S. Forest Service. _____
☐ Other _____

PROCESSING:

- ☐ Yes ☐ No Platted by: _____ Map No. _____
☐ Yes ☐ No Other rights on same place of use. _____
☒ Yes ☐ No* In form for advertising.
Final date for protests: 11/8/82 ✓
☐ Yes ☒ No Protests received. If yes, record information on 4th page of application.

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received. Date: 12/6/82 ✓
☒ Application published correctly. If not, record action taken: _____
☒ Fee amount, receipt date & number, recorded on application.
☒ Publication dates and paper, recorded on application.
☒ Protests, dates, withdrawal, etc., recorded on application.
☒ Recommendation & initial, recorded on application.
☐ Yes ☒ No Measuring device required.
☐ Yes ☒ No Access port required.
☐ Yes ☒ No Will water be delivered by watermaster? If yes, what district? _____
9/87/82 Date of priority recommended.
Special conditions of approval or cover letter. _____

By: RYA Date: 12/8/82
STATE OFFICE REVIEW: return receipt

☐ See attached sheet for more information.
By: SLP/LLO Date: 1/20/83

RECEIVED
JAN 18 1983

Department of Water Resources

POINT OF DIVERSION AND STREAM INDEX INFORMATION

TRACT SEC TWP RGE gov't rediv.
lot (R)

REACH

IDAHO STREAM CODE INDEX

TRACT SEC TWP RGE gov't rediv.
lot (R)

REACH

IDAHO STREAM CODE INDEX

TRACT SEC TWP RGE gov't rediv.
lot (R)

REACH

IDAHO STREAM CODE INDEX

TRACT SEC TWP RGE gov't rediv.
lot (R)

REACH

IDAHO STREAM CODE INDEX

TRACT SEC TWP RGE gov't rediv.
lot (R)

REACH

IDAHO STREAM CODE INDEX

I D A H O D E P A R T M E N T O F W A T E R R E S O U R C E S

WATER RIGHT
DATA ENTRY LOG

[illegible]

84-2138-

GARDNER, REX &/or JANET

RT. 3 BOX 86C, OROFINO, ID 83544

Source: GROUNDWATER

Date Filed: 09/27/1982

Amount: 0.08 CFS

Diversion Point: NWNW Sec 04 T 36N R 02E, CLEARWATER Co.

Use: DOMESTIC (0.08 CFS) from 01/01 to 12/31

Place of Use: NWNW Sec 04 T 36N R 02E

Diversion Means: MOTOR AND PIPE.



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NORTHERN REGION

John V. Evans
Governor

A. Kenneth Dunn
~~C. Stephen Allen~~
Director

Suite No. 1
4055 Government Way
Coeur d'Alene, Idaho 83814
(208) 667-6484

October 4, 1982

Mr. Rex Gardner
Rt. 3 Box 86C
Orofino, Id. 83544

Dear Mr. Gardner:

We are returning your Check No. 92-191 in the amount of \$30.00 and your Application for Permit. This Department cannot accept an Application in pencil so we have taken the liberty of preparing a new Application for your signature.

There were some changes I felt should be made and I have noted them on your original Application. If you feel any portion of the Application is wrong, please feel free to change it prior to returning it to this Department.

If you have any questions, please contact me at this office.

Sincerely,

TOM D. KING
Senior Water Resource Agent

TDK/pms

Enc. - Applications (2)
Check