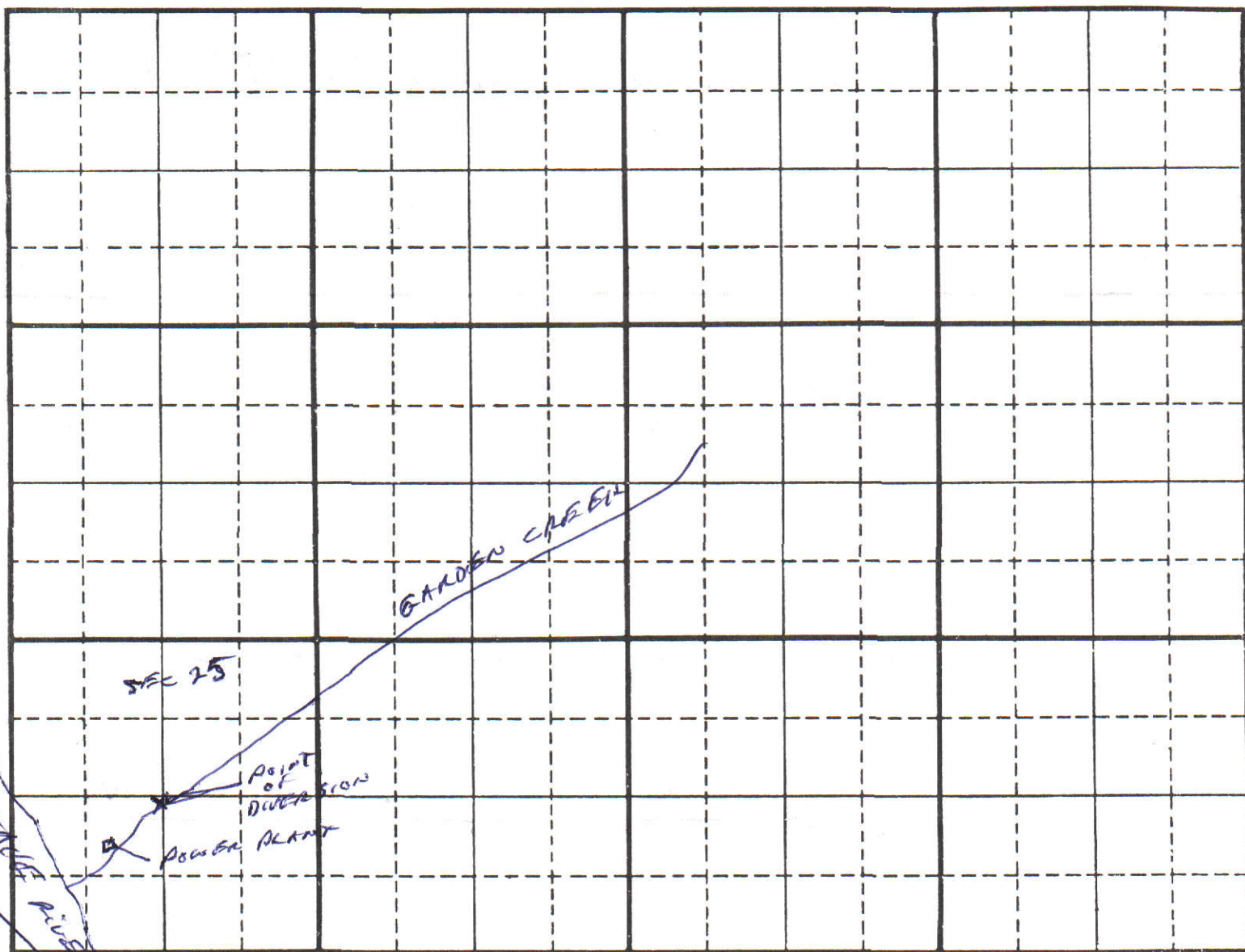


(8) Remarks _____



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 Nez Perce) 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 28th day of March, 1983.

Peter L. Dwyer
(Claimant)

Harold B. Smith
Notary Public
Residing at Lewiston, Idaho

My commission expires Lifetime

FOR DEPARTMENT USE ONLY

Received by me Date 4/11/83 Exception filed by: _____ Forwarded to _____ Date _____
Prelim. check by AB Date 4/11/83 claimant by: _____
\$30.00 fee received by me Date 4/11/83 (27518)
Published in Lewiston Tribune
Dates 5/5 & 12/83

PUBLISHER'S AFFIDAVIT OF PUBLICATION

NOTICE OF CLAIMS TO WATER RIGHTS

The following claim(s) have been filed on water right(s) created by diversion and beneficial use:

85-4334

OK RJA

WHITING, BIXLER

NEUMANN, MILES

DBA GARDEN CREEK RANCH, 529

4TH AVE., FAIRBANKS, AK 99701

Source: CHINA GARDEN CREEK trib.

to SNAKE RIVER

Priority Date: 01/01/1940

Diversion Pt: NESW Sec 25 T 31N R 05W

Use: POWER (1.00 CFS)

In: NESW Sec 25 T 31N R 05W

85-4335

WHITING, BIXLER

NEUMANN, MILES

DBA GARDEN CREEK RANCH, 529

4TH AVE., FAIRBANKS, AK 99701

Source: CHINA GARDEN CREEK trib.

to SNAKE RIVER

Priority Date: 01/01/1920

Diversion Pt: NESW Sec 25 T 31N R 05W

Use: STOCKWATER (80.00 CFS)

In: NESW Sec 25 T 31N R 05W

85-4337

STATTON, JACK H.

P.O. BOX 53, PECK, ID 83545

Source: BIG CANYON CREEK trib. to

CLEARWATER RIVER

Priority Date: 04/01/1962

Diversion Pt: SWSE Sec 11 T 36N R 01W

Use: IRRIGATION (0.02 CFS)

In: SESE Sec 11 T 36N R 01W FOR 1

ACRES

85-4346

MCDOWELL, HERB

PARKER, MARLYS

RT. 2, CULDESAC, ID 83524

Source: SPRING trib. to LAPWAI

CREEK

Priority Date: 01/01/1953

Diversion Pt: SWSW Sec 13 T 35N R 03W

Use: IRRIGATION (0.04 CFS)

DOMESTIC (0.04 CFS)

In: SWSW Sec 13, SESE Sec 14 T 35N R

03W FOR 3 ACRES

85-4347

WHITING, BIXLER

NEUMANN, MILES

DBA GARDEN CREEK RANCH, 529

4TH AVE., FAIRBANKS, AK 99701

Source: CORRAL CREEK trib. to

SNAKE RIVER

Priority Date: 01/01/1941

Diversion Pt: SWNE Sec 07 T 31N R 04W

Use: STOCKWATER (80.00 CFS)

In: NESW Sec 07 T 31N R 04W

85-4349

WHITING, BIXLER

NEUMANN, MILES

DBA GARDEN CREEK RANCH, 529

4TH AVE., FAIRBANKS, AK 99701

Source: CORRAL CREEK trib. to

SNAKE RIVER

Priority Date: 01/01/1941

Diversion Pt: SWNE Sec 07 T 31N R 04W

Use: IRRIGATION (0.50 CFS)

In: SWNE S½ NW Sec 07 T 31N R 04W

FOR 20 ACRES

86-4178

QUALEY, ETTA O.

RT. 1 BOX 135, GENESEE, ID 83832

Source: SPRING trib. to SINKS

Priority Date: 01/01/1935

Diversion Pt: SENW NESW Sec 20 T

37N R 04W

Use: STOCKWATER (0.01 CFS)

DOMESTIC (0.01 CFS)

In: SENW NESW Sec 20 T 37N R 04W

86-4179

BAKER, VIRGIL L.

P.O. BOX 240, ELK CITY, ID 83525

Source: POTLATCH CREEK trib. to

CLEARWATER RIVER

Priority Date: 04/01/1933

Diversion Pt: NWNW Sec 21 T 37N R 03W

Use: IRRIGATION (0.10 CFS)

In: NWNW Sec 21 T 37N R 03W FOR 5

ACRES

86-4180

SCHMIDT, GERALD &/or VIOLA

RT. 1 BOX 26, KENDRICK, ID 83537

Source: GROUNDWATER

Priority Date: 06/01/1976

Diversion Pt: NWNE Sec 16 T 37N R 02W

Use: STOCKWATER (0.04 CFS)

DOMESTIC (0.04 CFS)

In: NWNE Sec 16 T 37N R 02W

Exceptions to a claim may be filed with the Director, Dept. of Water Resources, 4055 Gov't. Way, Coeur d'Alene, Id. 83814.

KEN DUNN, Dir.

STATE OF IDAHO,

County of Nez Perce

ss.

Gayle Schumacher

, being duly sworn

deposes and says, I am the Classified Bookkeeper of the Tribune Publishing Company, a corporation organized and existing under and by virtue of the laws of the State of Idaho, publishers of the LEWISTON MORNING TRIBUNE, a newspaper of general circulation published at Lewiston, Nez Perce County, Idaho; That the said Lewiston Morning Tribune is an established paper and has been published regularly and issued regularly at least once a day for more than 20 consecutive years immediately preceding the first publication of this notice, and has been so published uninterruptedly for said

period; that the NOTICE OF CLAIMS TO WATER RIGHTS attached hereto and which is made a part of this affidavit was published in the said Lewiston Morning Tribune, once a week for 2 consecutive weeks, the

first publication thereof being on the 5th day of May, A. D. 1983, and the last publica-

tion thereof being on the 12th day of May, A. D. 1983, and said NOTICE OF CLAIMS TO WATER RIGHTS

was so published in the regular and entire issue of the said newspaper and not in a supplement thereof and was so published in every issue and number of the said paper, during the period and times of publication as set forth above.

Gayle Schumacher

SUBSCRIBED AND SWORN TO BEFORE ME THIS THE

12th day of May, 1983

Sheryl M. Long

Notary Public in and for the State of Idaho, residing at Lewiston, therein.

MAY 17 1983

Department of Water Resources
Northern District Office

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 DAVID L. WILSON & MIKE'S MOUNTAIN D/B/A GARDEN CREEK RANCH
(Name of Claimant)
519 4th AVE, FAIRBANKS ALASKA 99701 Telephone No (907) 452-3186
(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) 1940

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)
GARDEN CREEK 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, af)	(Domestic, Irrigation, Stock, Etc.)	(Both dates inclusive)	
		(Mo., Day)	(Mo., Day)
Quantity <u>1 cfs</u>	Use <u>ELECTRIC POWER</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) 1 cfs TOTAL QUANTITY USED.
(cfs, af)

(5) A) Point of diversion (Location of point where water is diverted from its source)
NE 1/4 Sec 28 Twp 31N Rge. 5W B.M., County of NEZ PERCE
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.
8" pipe line used to power electric generator - used originally in 1940 or earlier.

(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	
31N	5W	28									X								

No. of acres _____

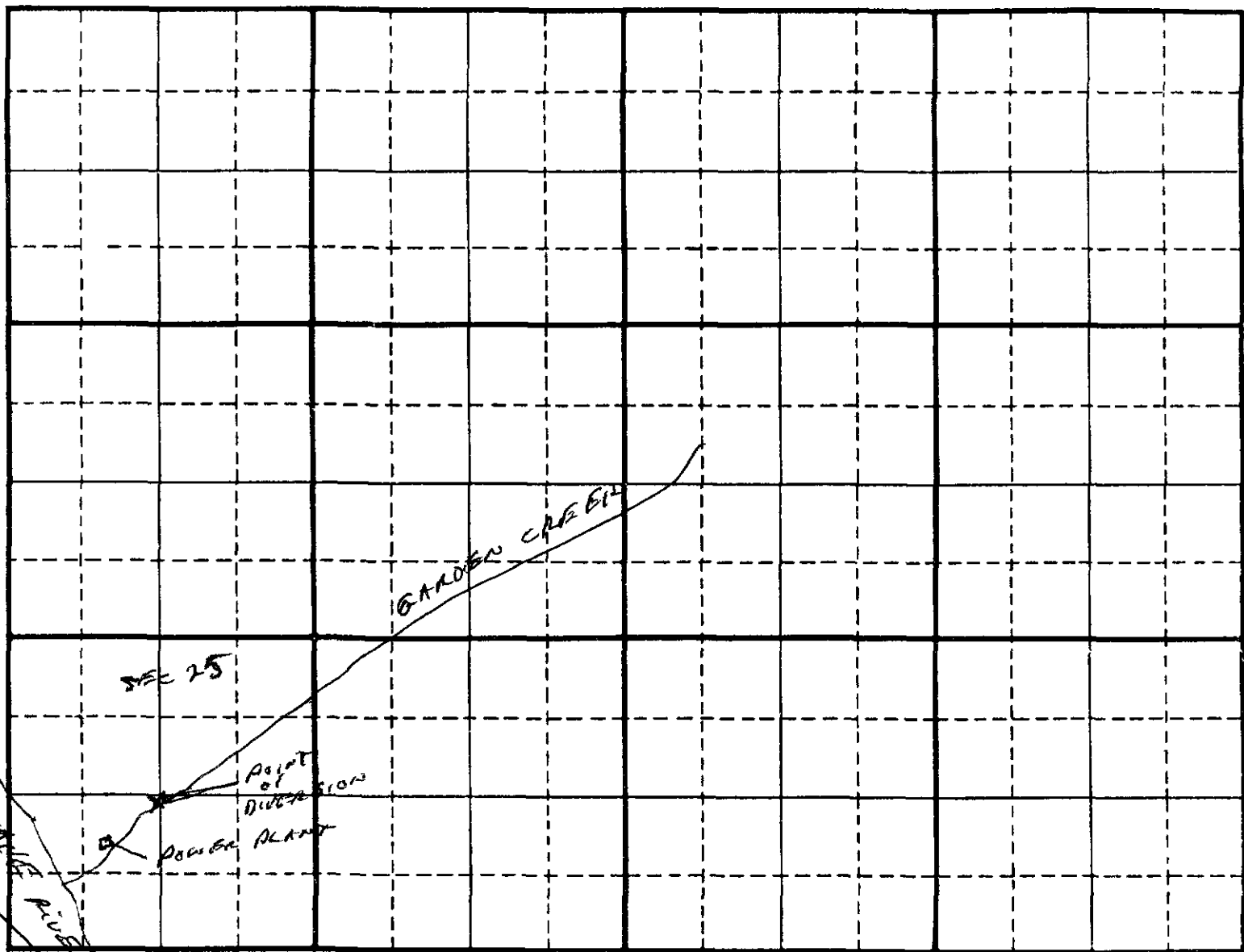
B) If water is used for other than irrigation, fully describe that use, being as specific as possible:

THIS USE IS FOR A WATER POWERED GENERATOR
8" PIPE 1/4 MILE LONG

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
GARDEN CREEK RANCH

(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 Nez Perce) 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 28th day of March, 1983.

[Signature]
(Claimant)
[Signature]
Notary Public
Residing at Lewiston, Idaho

My commission expires Lifetime

FOR DEPARTMENT USE ONLY

Received by <u>[Signature]</u>	Date <u>4/11/83</u>	Exception filed by	Forwarded to	Date
Prelim. check by <u>AB</u>	Date <u>4/11/83</u>		claimant by	
\$30.00 fee received by <u>[Signature]</u>	Date <u>4/11/83 (27578)</u>			
Published in <u>Lewiston Tribune</u>				
Dates <u>5/5 & 12/83</u>				

PUBLISHER'S AFFIDAVIT OF PUBLICATION

NOTICE OF CLAIMS TO WATER RIGHTS

The following claim(s) have been filed on water rights created by diversion and are:

WHITING, BIXLER
NEUMANN, MILES
DBA GARDEN CREEK RANCH, 529
4TH AVE., FAIRBANKS, AK 99701
Source: CORRAL CREEK trib. to SNAKE RIVER
Priority Date: 01/01/1940
Diversion Pt: NESW Sec 15 T 31N R 05W
Use: POWER (1.00 CFS)
In: NESW Sec 15 T 31N R 05W
85-4325

WHITING, BIXLER
NEUMANN, MILES
DBA GARDEN CREEK RANCH, 529
4TH AVE., FAIRBANKS, AK 99701
Source: CHINLEAF CREEK trib. to SNAKE RIVER
Priority Date: 01/01/1940
Diversion Pt: NESW Sec 15 T 31N R 05W
Use: STOCKWATER (80.00 CFS)
In: NESW Sec 25 T 31N R 05W
85-4325

STATION, JACK H.
P.O. BOX 100, ID 83525
Source: BIG CANYON CREEK trib. to CLEARWATER RIVER
Priority Date: 04/01/1935
Diversion Pt: SWSW Sec 11 T 36N R 01W
Use: IRRIGATION (0.02 CFS)
In: SESW Sec 11 T 36N R 01W FOR 1 ACRES
85-4346

MCDOWELL, JERRY
PARKER, MARLYN
RT. 2, CULDESAC, ID 83525
Source: SPRING trib. to LAKE CREEK
Priority Date: 01/01/1935
Diversion Pt: SWSW Sec 23 T 35N R 03W
Use: IRRIGATION (0.01 CFS)
DOMESTIC (0.01 CFS)
In: SWSW Sec 1 T 35N R 35W FOR 3 ACRES
85-4346

WHITING, BIXLER
NEUMANN, MILES
DBA GARDEN CREEK RANCH, 529
4TH AVE., FAIRBANKS, AK 99701
Source: CORRAL CREEK trib. to SNAKE RIVER
Priority Date: 01/01/1941
Diversion Pt: SWNE Sec 07 T 31N R 04W
Use: STOCKWATER (80.00 CFS)
In: NESW Sec 07 T 31N R 04W
85-4349

WHITING, BIXLER
NEUMANN, MILES
DBA GARDEN CREEK RANCH, 529
4TH AVE., FAIRBANKS, AK 99701
Source: CORRAL CREEK trib. to SNAKE RIVER
Priority Date: 01/01/1941
Diversion Pt: SWNE Sec 07 T 31N R 04W
Use: IRRIGATION (0.50 CFS)
In: SWNE S 1/4 NW Sec 07 T 31N R 04W FOR 20 ACRES
86-4178

QUALEY, ETTA O.
RT. 1 BOX 135, GENESEE, ID 83832
Source: SPRING trib. to SINKS
Priority Date: 01/01/1935
Diversion Pt: SENW NESW Sec 20 T 37N R 04W
Use: STOCKWATER (0.01 CFS)
DOMESTIC (0.01 CFS)
In: SENW NESW Sec 20 T 37N R 04W
86-4179

BAKER, VIRGIL L.
P.O. BOX 240, ELK CITY, ID 83525
Source: POTLATCH CREEK trib. to CLEARWATER RIVER
Priority Date: 04/01/1933
Diversion Pt: NWNW Sec 21 T 37N R 03W
Use: IRRIGATION (0.10 CFS)
In: NWNW Sec 21 T 37N R 03W FOR 5 ACRES
86-4180

SCHMIDT, GERALD &/or VIOLA
RT. 1 BOX 26, KENDRICK, ID 83537
Source: GROUNDWATER
Priority Date: 06/01/1976
Diversion Pt: NWNE Sec 16 T 37N R 02W
Use: STOCKWATER (0.04 CFS)
DOMESTIC (0.04 CFS)
In: NWNE Sec 16 T 37N R 02W

Exceptions to a claim may be filed with the Director, Dept. of Water Resources, 4055 Gov't. Way, Coeur d'Alene, Id. 83814.

KEN DUNN, Dir.

STATE OF IDAHO, }
County of Nez Perce } ss.

Gayle Schumacher, being duly sworn

deposes and says, I am the Classified Bookkeeper of the Tribune Publishing Company, a corporation organized and existing under and by virtue of the laws of the State of Idaho, publishers of the LEWISTON MORNING TRIBUNE, a newspaper of general circulation published at Lewiston, Nez Perce County, Idaho; That the said Lewiston Morning Tribune is an established paper and has been published regularly and issued regularly at least once a day for more than 20 consecutive years immediately preceding the first publication of this notice, and has been so published uninterruptedly for said period; that the ~~NOTICE OF CLAIMS TO WATER RIGHTS~~ attached hereto and which is made a part of this affidavit was published in the said Lewiston Morning Tribune, once a week for 2 consecutive weeks, the first publication thereof being on the 5th day of May, A. D. 1983, and the last publication thereof being on the 12th day of May, A. D. 1983, and said NOTICE OF CLAIMS TO WATER RIGHTS was so published in the regular and entire issue of the said newspaper and not in a supplement thereof and was so published in every issue and number of the said paper, during the period and times of publication as set forth above.

Gayle Schumacher

SUBSCRIBED AND SWORN TO BEFORE ME THIS THE
12th day of May, 1983

Richard M. Smith
Notary Public in and for the State of Idaho,
residing at Lewiston, therein.

MAY 17 1983

Department of Water Resources
Northern District Office

State of Idaho
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: AB

Right Number 85-7334 Applicant G. C. Ranch

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. — USGS shows China Garden Creek
- ☒ Quantity, use, period.
- ☒ Point(s) of diversion.
- ☒ Location of use.
- ☒ Signature/notarization/fee.

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received.
- ☒ Claim published correctly.
- ☒ Exceptions processed.

N/A

By _____ Date _____

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By Juni Date 6-13-83

RECEIVED
JUN 13 1983
Department of Water Resources

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]

Aherin, Rice & Brown, P.A.

Attorneys at Law

Donnel W. Aherin

Stephen C. Rice

Charles A. Brown

Harold B. Smith

Anthony C. Anegon

April 8, 1983

Idaho Department of Water Resources
4055 Government Way
Route 5, Box 203-Suite 1
Coeur d'Alene, ID 83814

Re: Submission of four (4) claims to water rights,
H. Bixler Whiting and Miles Neumann d/b/a Garden
Creek Ranch

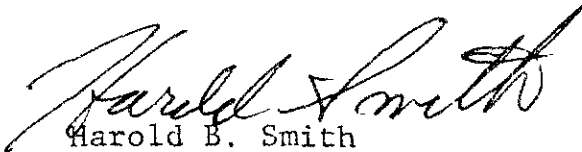
Enclosed are four (4) forms for filing of claims to currently existing water rights on Garden Creek Ranch. All submissions are on behalf of H. Bixler Whiting and Miles Neumann, d/b/a Garden Creek Ranch. The mailing address for the partnership is 529 Fourth Avenue, Fairbanks, Alaska 99701, (telephone number, 907-452-3196).

I am also enclosing a check in the amount of \$120.00 payable to the Idaho Department of Water Resources. If there are questions as to the submission, please contact me at the address below.

Thank you for your consideration.

Sincerely,

AHERIN, RICE & BROWN, P.A.


Harold B. Smith
Attorney at Law

HBS/dlp

cc: Bix Whiting
Miles Neumann

End.

85-4334_

WHITING, BIXLER
NEUMANN, MILES

DBA GARDEN CREEK RANCH, 529 4TH AVE., FAIRBANKS, AK 99701

Source: CHINA GARDEN CREEK trib. to SNAKE RIVER

Priority Date: 01/01/1940

Diversion Pt: NESW Sec 25 T 31N R 05W

Use: POWER (1.00 CFS)

In: NESW Sec 25 T 31N R 05W

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Northern Region

JOHN V. EVANS
Governor
A. KENNETH DUNN
Director

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

MAY 23, 1983

BIXLER WHITING
MILES NEUMANN
DBA GARDEN CREEK RANCH
529 4TH AVE.
FAIRBANKS

AK 99701

RE: Claim No. 85-4334

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,


Robert G. Haynes, P.E.
Regional Supervisor

Enclosure