Form No. 42-1409 (2) b 6/89

25-00

RECEIVED

APR 30 2004

Department of Water Resources

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

Identification No. 85-15437

Date Received 4/30/04

Receipt Number 0073674

NOTICE OF CLAIM TO A WATER RIGHT

ACQUIRED UNDER STATE LAW

For Domestic and/or Stockwater Purposes
Where Daily Use is less than 13,000 gallons per day.

Filing Fee $25

Please type or print clearly

1. Name of Claimant (s) William or MaryLou BurGard Phone (208) 935-7945

   Mailing Address KR#2 Box# 30 Kamiah ID Zip 83536

2. Date of Priority (Only one per claim) May 1, 1997 Month/Day/Year

3. Source of water supply (Check one) (✓ Groundwater or Other ( ) (a) _____
   Name or kind of source

   which is tributary to (b) _____

4. Location of point of diversion is: Township 33N Range 3E

   Section 36, _____ 1/4 of NE 1/4 of SW 1/4, Govt. Lot _____, BM.,

   County of IDAHO

   Additional points of diversion if any: _____

5. Description of existing diversion works (Ditches, Wells, Pumps, Pipelines, Headgate Etc.), including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed and as enlarged and the depth of each well. _____

6. Water is claimed for the following: (limited to Domestic and/or Stockwater only. See Instructions.)

   For DOMESTIC purposes from 1/1 (Month/Day) to 12/31 (Month/Day) (Both dates are inclusive) amount 0.04 (cfs)

   For STOCKWATER purposes from 1/1 to 12/31 amount 0.02

7. Total quantity claimed 0.04 (cfs)

8. Total consumptive use claimed is *de minimus*

9. Non-irrigation uses. Describe fully. (Domestic: give number of households served if single ownership; Stockwater: Type and Number of livestock) Domestic, 1 Home; Stock water, [redacted] 16 HEAD

10. Place of use is: Township: 33N Range 3E

Section 36, NE 1/4 of SW 1/4, Govt. Lot _____, B.M.,

for (Circle One) **Domestic** **Stock** **(Domestic and Stock)**
Additional places of use, if any _____

11. In which county (ies) are lands listed above as place of use located? IDAHO

12. Do you own the property listed above as place of use? Yes ✓ No _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
( ) None or Application for Permit Filed

14. Remarks: _____

15. Basis of Claim (Circle One) **(Beneficial Use)** Posted Notice License Permit Decree

Court _____ Decree Date _____ Plaintiff vs Defendant _____

If applicable provide IDWR Water Right Number _____

16. Signature (s)
(a.) By signing below, I/We acknowledge that I/We have received, read and understood 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 _____

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) x William J. Bergquard Date 4-23-04

Mary Lou Bergquard Date 4-23-04

For Organizations: I do solemnly swear or affirm that I am _____
Title
of _____, that I have signed the foregoing
Organization
document in the space below as _____ of _____
Title Organization
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____ Date _____

Title and Organization _____

State of Idaho/or _____)
) SS.
County of Nez Perce)

NOTARIZATION REQUIRED FOR EACH CLAIM

Subscribed and sworn (or affirmed) before me this 23RD day of April 2004

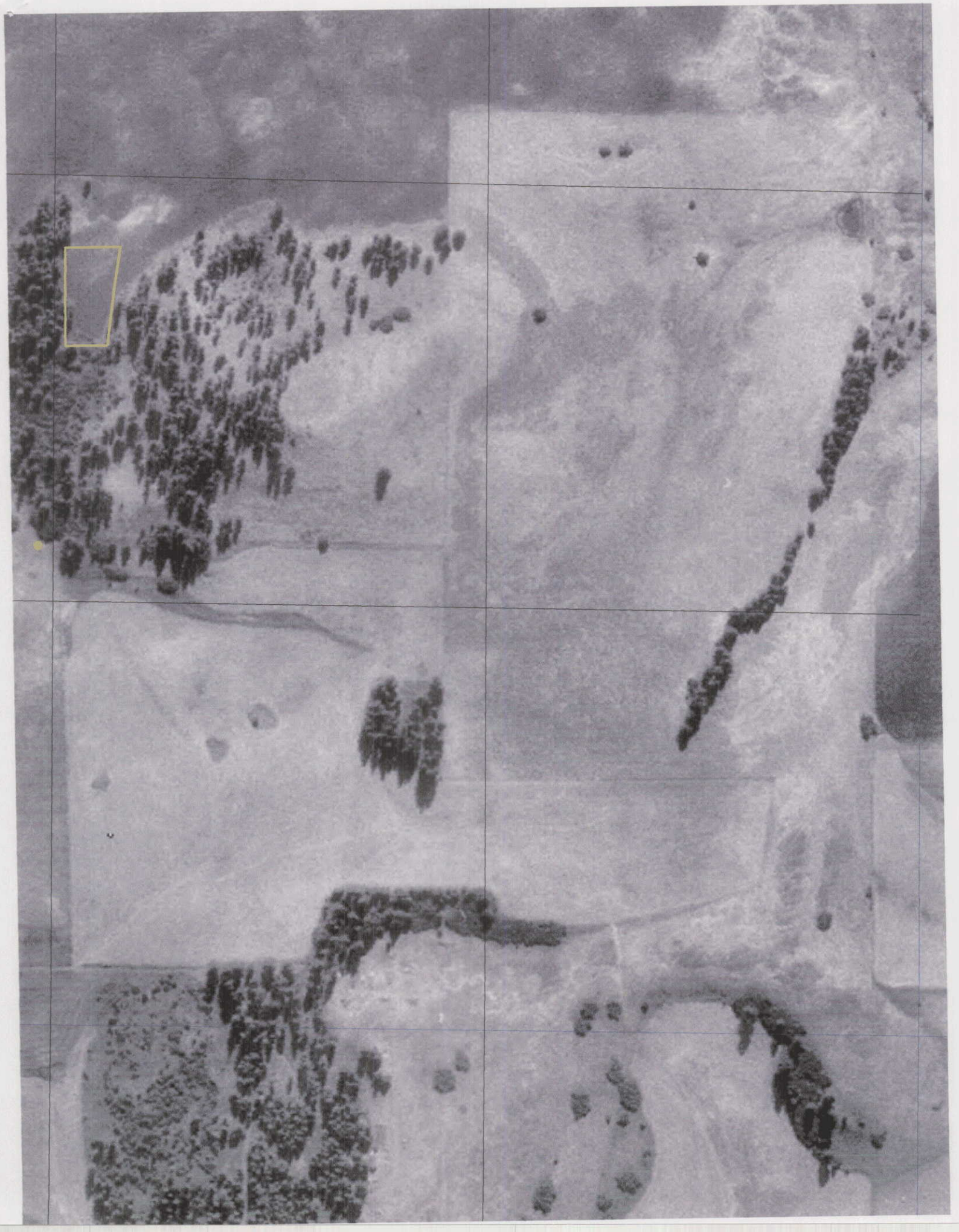
SEAL

GREGORY J. TAYLOR NOTARY PUBLIC STATE OF IDAHO

Notary Public Gregory J. Taylor

Residing at Lewiston ID

My Commission Expires 4-28-2010

Last Name _____ Ident No. _____

Copies: White-State, Yellow-Claimant