







JP
↑

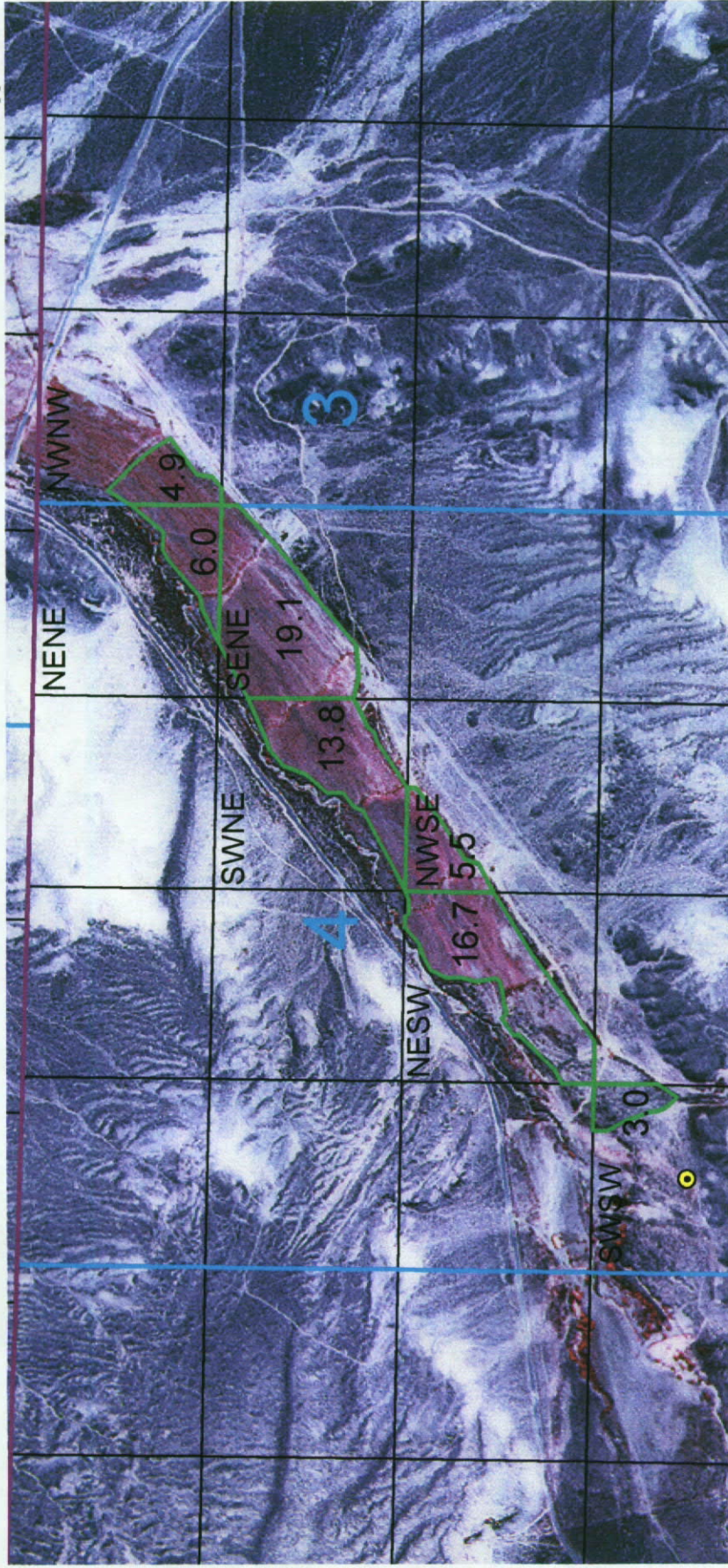




POSSIBLE HIGH WATER MARKS

Idaho Department of Water Resources

1987 Napp Photo



Claim Number: 57-01202
 Legal: T07S, R03E, S03, 04
 Reviewed By:

● Point of Diversion



Place of Use



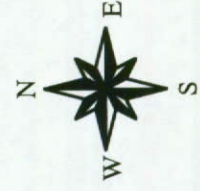
Section Lines



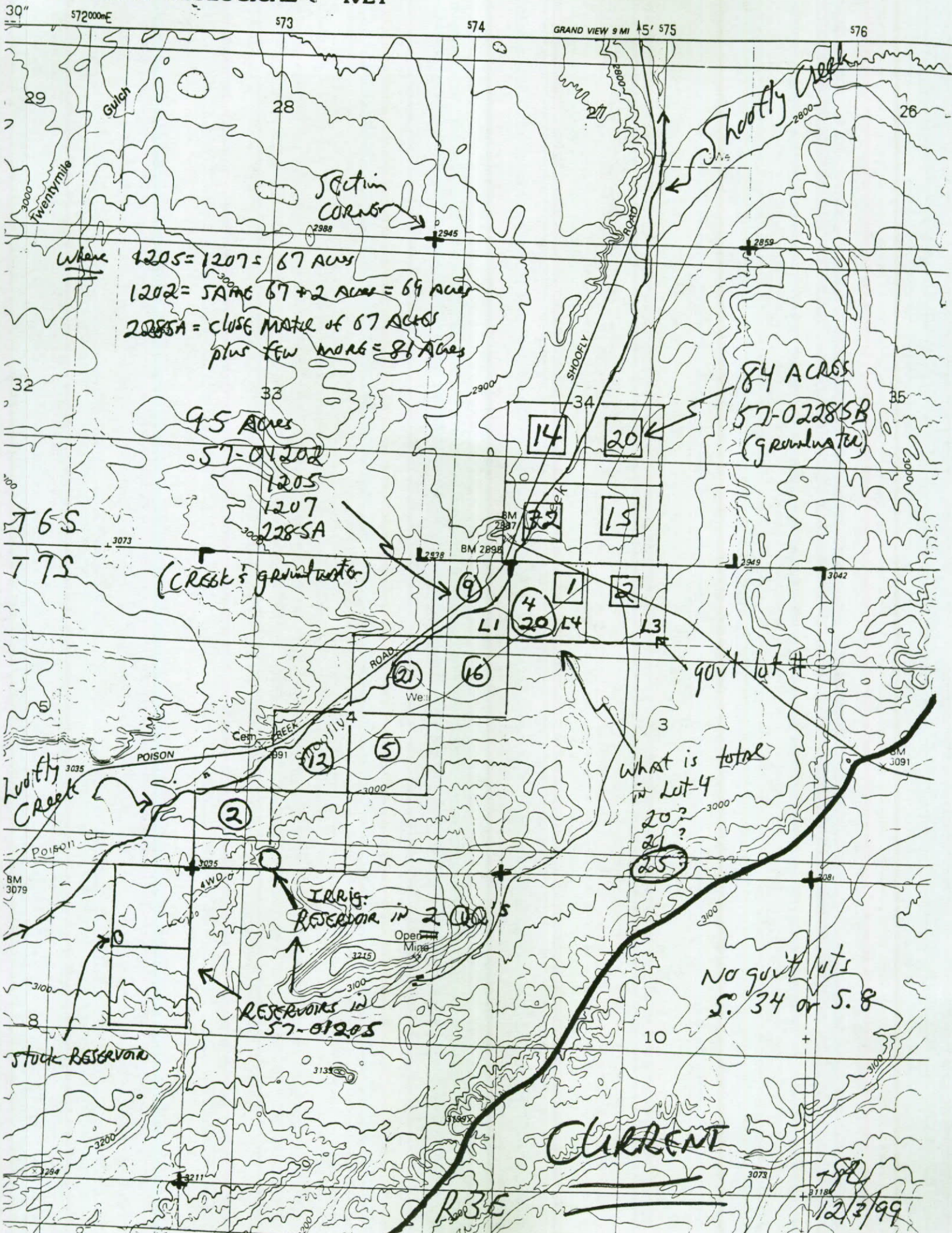
Quarter Quarter Lines



Township/Range Lines



DEPARTMENT OF THE INTERIOR
UNITED STATES GEOLOGICAL SURVEY



R3E

8118
12/3/99

T3S

RIW RIE

BOISE

2944

2831

2872

VABM

3129

Sinker Creek Butte

BM

2781

Otter Massacre Site

12

Jacob Reuben

Graves

2454

2893

BM

2351

Creek

7

2768

8

61

2728

2980

2641

2649

Sinker

13

Montini Ranch

Reservoir

18

18

2529

17

2966

8

33

15

37

30

21

13

24

2693

19

19

12

2726

2715

2472

25

30

30

MICROFILMED

OCT 17 1992

3005

CLAIM NUMBER 5701202

☐ Denotes Public Land
☒ Included in this Claim

BASIN 57

8

T. 6 S.

T. 7 S.

NUD FLAT 29 MI.

4142

4741

7691 SW
TUE CANYON

CHALK HILLS

75 3E

#683

(4)

(4)

(4)

#63E

(PTIO)

(5)

(6)

(1)

(P.J.)
(8)

(P.J.)
(6)

(2)

ROAD

SHOOTY

Creek

Creek

FLAT

FLAT

FLAT

FLAT

FLAT

FLAT

FLAT

FLAT

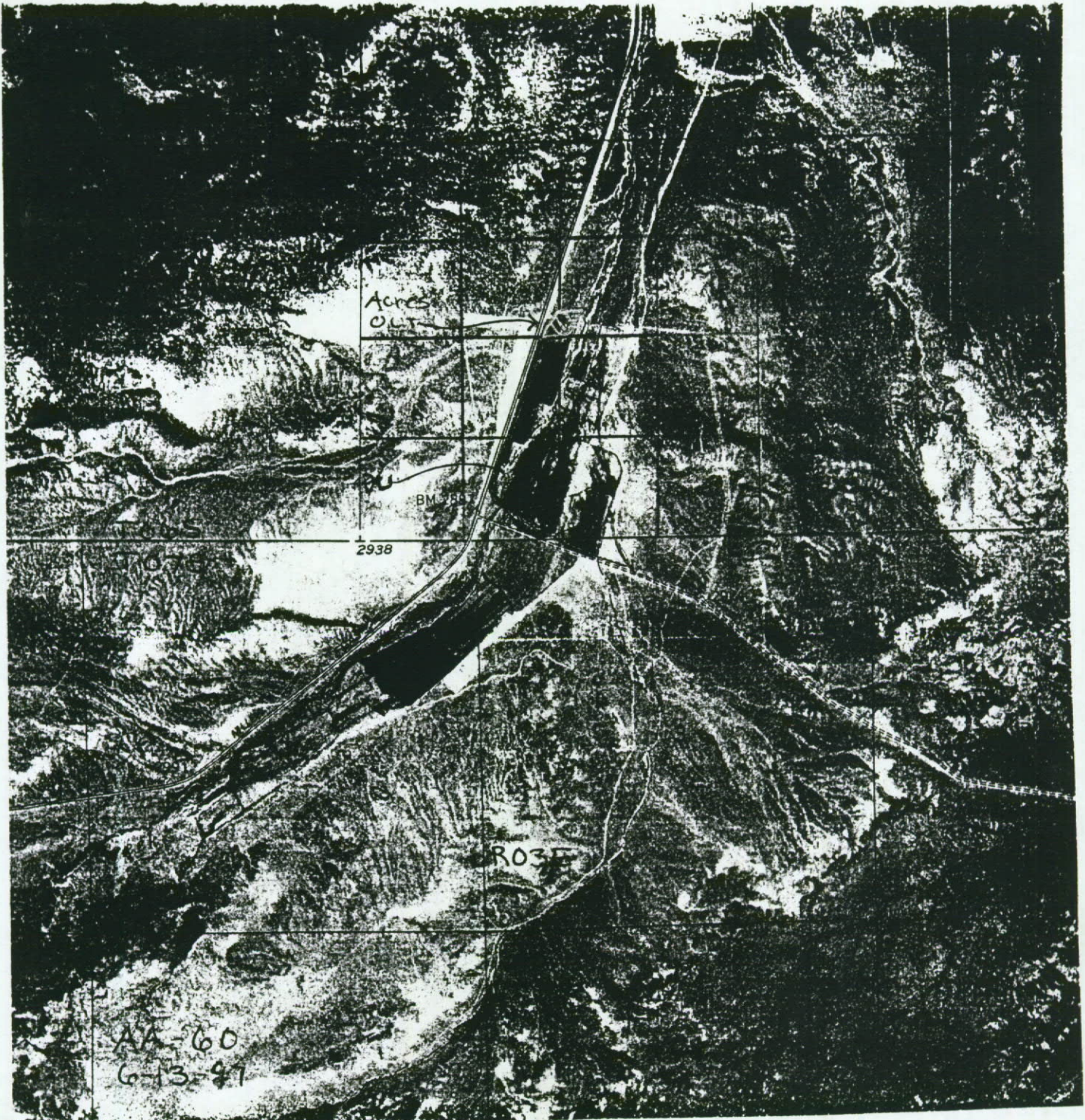
FLAT

FLAT

FLAT

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.



IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF OWYHEE

IN THE MATTER OF THE GENERAL DETER-
MINATION OF RIGHTS TO THE USE OF
UPPER SHOOFLY CREEK
DRAINAGE BASIN.

NOTICE OF CLAIM
TO A
WATER RIGHT

<u>57-1202</u> I.D. No.	Map No.
\$ <u>45.00</u> Fee Paid	# <u>24130</u> Receipt No.

Notice is hereby given that Burghardt Co., Inc., an Idaho corporation, c/o Lulu
(Name of Claimant) Burghardt
Grand View, Idaho 83624 Telephone No. (208) 834-2423
(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, or priority date of decreed, licensed or permit right) Priority Date: March 15, 1954
- (2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water) Ground water - subterranean
tributary to _____
- (3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:
- | | | |
|--|--|---|
| Quantity <u>0.50 CFS</u>
(CFS, GPD, AF) | Use <u>Irrigation</u>
(Domestic, irrigation, stock, etc.) | Period of Use From <u>Mar 1</u> To <u>Oct 31</u>
(Mo., Day) (Mo., Day)
(Both dates inclusive) |
| Quantity <u>0.04 CFS</u>
(CFS, GPD, AF) | Use <u>Stock</u>
(Domestic, irrigation, stock, etc.) | Period of Use From <u>Jan 1</u> To <u>Dec 31</u>
(Mo., Day) (Mo., Day)
(Both dates inclusive) |
| Quantity _____
(CFS, GPD, AF) | Use _____
(Domestic, irrigation, stock, etc.) | Period of Use From _____ To _____
(Mo., Day) (Mo., Day)
(Both dates inclusive) |
| Quantity _____
(CFS, GPD, AF) | Use _____
(Domestic, irrigation, stock, etc.) | Period of Use From _____ To _____
(Mo., Day) (Mo., Day)
(Both dates inclusive) |
- (4) 0.50 CFS TOTAL QUANTITY CLAIMED.
(CFS, GPD, AF)
- (5) A) Point of Diversion: Give location of point where water is diverted from its source SW $\frac{1}{4}$ SW $\frac{1}{4}$
Sec. 4, Twp. 7S, Rge. 3E, B.M., Owyhee County
Additional Points: None
- 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. 225 GPM tractor pump, hose and 3" pipeline to ditch. Sump was dug 30 feet deep with backhoe.
- (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 $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTAL
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
7S	3E	3						40											40
7S	3E	4	40		40	40					40	40	40						240
7S	3E	5															40		40

Total no. of acres 320

- B) If water is used for other than irrigation, fully describe that use, being as specific as possible: Stock water use when creek is dry.
- NOTE: Include here the type and number of stock watered: 350 head of cattle
- (7) If you are claiming water as a member of an organization, list name of organization: Burghardt Co., Inc.
- (8) Remarks The same 350 head of cattle are listed in all claims.
- (9) Basis of claim (Check one) ☒ A) Right based on diversion and beneficial use.
☐ B) Right decreed by court, cite title of case. _____
☐ C) Right based on application, permit, license, or previous statutory claim filed with the Idaho Department of Water Resources. Give No. _____

Be it known that the undersigned, after being duly sworn on oath, depose(s) and say(s) that all statements included herein are true and accurate to the best of (his, her, their) knowledge.

9-2-82
(Date)

State of Idaho
County of Ada

ss.

Organization

Seal

Organization

Burghardt Co., Inc.

(Signature of Authorized Agent)

RECEIVED
SEP 3 1982

(Signature of Claimant)

(Signature of Spouse) Department of Water Resources
Western Regional Office

On this 2nd day of September, in the year 1982 before me
a notary public, personally appeared Laurie Frank Burghardt, President of Burghardt Co., Inc.
known to me to be the person(s) whose name(s) are subscribed to the above instrument, and acknowledged to me that (he, she, they, corporation,
partnership or) executed the same.

My commission expires _____

Notary Public residing at Boise, Idaho

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

Ident. Number: A57-01202
Date Received: 3/10/1989
Receipt No: W002635
Received By: [Signature]

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: BURGHARDT CO., INC.
Address: C/O LULU BURGHARDT
GRAND VIEW, ID 83624

2. Date of Priority: MAR 15, 1954

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
07S	03E	4	SW	SW			OWYHEE

5. Description of diverting works:
PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.500		
STOCKWATER	01/01	12/31	0.040		4.70

7. Total Quantity Appropriated is:
0.500 C.F.S. (and/or)

A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
S/350 HEAD RANGE

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
07S	03E	3	NW	NW	4	IRR	4.0
Section Acres							4.0

A57-01202

Page 1

Date: 03/10/89

MICROFILMED

OCT 07 1992

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07S	03E	4	NE	NE	1	IRR	9.0
			SW	NE		IRR	21.0
			SE	NE		IRR	16.0
			NE	SW		IRR	12.0
			SW	SW		IRR	2.0
			NW	SE		IRR	5.0
						Section Acres	65.0
						Total Acres	69.0

11. Place of use in counties: OWYHEE

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
57-1205/1207 & 57-2285A.

14. Remarks:
DIVERSION FROM 30-FT. SUMP

15. Basis of Claim: STATUTORY CLAIM

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand 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: 0

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Burghardt Co Date: _____

By Ruby M. Burghardt Date: 4/28/89

State of Idaho)

County of ADA)

SS. See Treas

Subscribed and sworn (or affirmed) before me this 28th day

of April 19 89

Jan Shute
Notary Public

Seal

Residing at Meridian ID

My Commission Expires 9-14-94



57-1202

1/26/83

AN APPARENT PUMP OR TRACTOR
PLATFORM FALLEN INTO DISREPAIR
AND NON-USE, IN THE BOTTOM AND
ON NORTHEAST SIDE OF SUMP IN
N²SWSW, S. 4, T 7S, R 3E.

UNNUMBERED NEG ON END OF ROLL

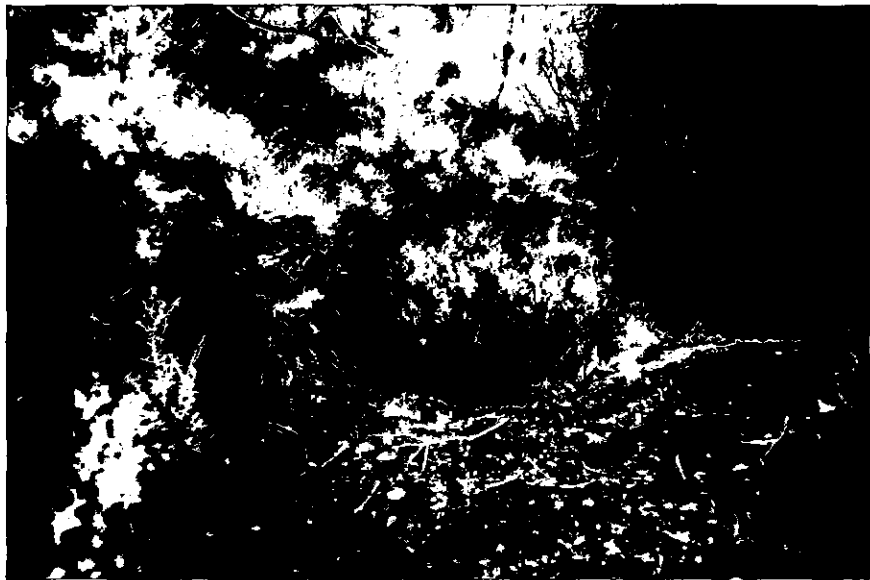


57-1202

1/26/83

LOCKING SOUTHERLY TOWARD SUMP
JUST BEYOND SECOND PIECE OF PIPE, IN
N²S WSW, S. 4, T7S, R3E.

NEG #18A

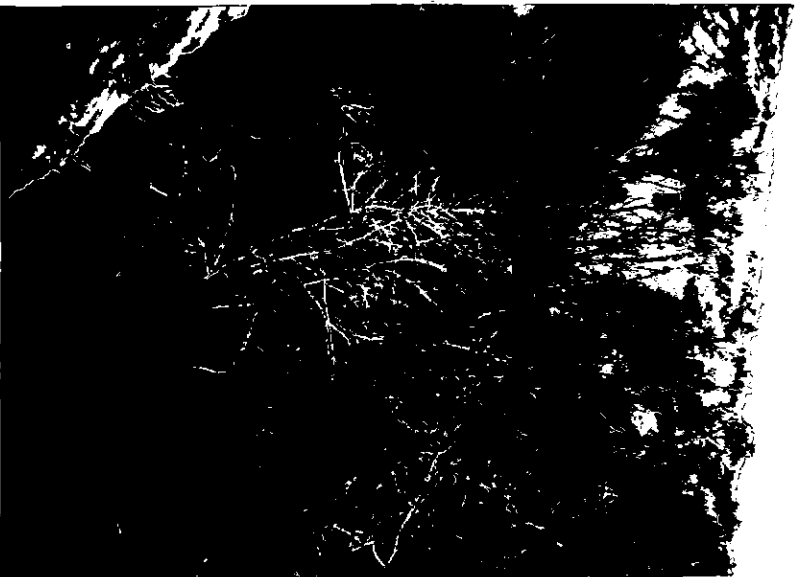


57-1202

1/26/83

EDGE OF SUMP IN N²SW'SW, S. 4, T 7S,
R 3E. LOOKING SOUTHERLY. END OF
PIPE IS SECOND PIECE OF PIPE
IN PICTURE 18A.

NEG #19A



JP
→

57-1202

1/26/83

ON NORTHEAST SIDE, LOOKING SOUTHERLY
INTO SUMP IN N²SWSW, S. 4, T 7S, R 3E.
SURFACE RUN-OFF DOES ENTER FROM LEFT.

NEG #174



P - HIGH WATER MARKS

57-1202

1/26/83

NORTHEAST WALL OF SUMP IN
N²SWSW, S. 4, T 7S, R 3E. MARKS
(HORIZONTAL) ON WALL ARE APPARENT
WATER LINES, NONE OF WHICH ARE
NEAR THE TOP.

NEG 20A

State of Idaho
DEPARTMENT OF WATER RESOURCES
Western District
Statehouse — Boise, Idaho
83720

MICROFILMED
OCT 07 1992

Photos

PHOTOS

57-1202

IDWR - WESTERN REGION

CONTRACTOR: Karan Waters

CLAIM/ID: 57-01202

Date: 3-7-03

	TNS	RNG	SEC	NE				NW				SW				SE				Sum
				NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
Claim	75	3E	3						4											4
GIS									4											4.9
Claim			4	9		21	16					12		2			5			65
GIS				6		13.8	19.1					11.7		3			5.5			64.1
Claim																				
GIS																				
Claim																				
GIS																				

Number of POD's 1

Total Claimed Acres: 69

Total GIS Acres: 69

Overlapping FOU Claim #'s:
57-01207, 57-01205

COMMENTS:

Per claim maps & image interpretation. POD is estimated.

Idaho Department of Water Resources

1987 Napp Photo



Claim Number: 57-01202
 Legal: T07S, R03E, S03, 04
 Reviewed By:

☉ Point of Diversion

☐

Place of Use

☐

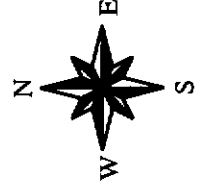
Section Lines

☐

Quarter Quarter Lines

☐

Township/Range Lines



IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 57-01202

1998 MAR -2 PM 2:48

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

FILED _____

NAME & ADDRESS: OWYHEE CALCIUM PRODUCTS
PO BOX 159
GRANDVIEW ID 83624

SOURCE: GROUNDWATER

QUANTITY: 0.5 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE
SHALL NOT EXCEED 13,000 GALLONS PER DAY.
USE OF THIS RIGHT WITH RIGHT NO. 57-02285A IS LIMITED TO A
COMBINED ANNUAL DIVERSION VOLUME OF 427.5 AF.

PRIORITY DATE: 03/15/1954

POINT OF DIVERSION: T07S R03E S04 SWSW Within OWYHEE County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	IRRIGATION	Irrigation Season	0.5 CFS
	STOCKWATER	01-01 12-31	0.04 CFS

PLACE OF USE: IRRIGATION Within OWYHEE County
T07S R03E S03 Lot 4 (NWNW) 4
S04 Lot 1 (NENE) 9 SWNE 21 SENE 16 NESW 12
SWSW 2 NWSE 5
69 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NOS. 57-01205, 57-02285A, AND
57-01207 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 95
ACRES IN A SINGLE IRRIGATION SEASON.

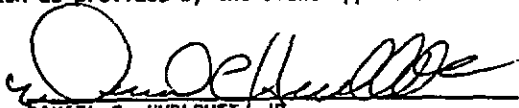
Place of use for STOCKWATER is same as IRRIGATION

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR
STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL
USE.

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance
with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a
final judgment and that the court has and does hereby direct that the above judgment or order shall be a final
judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.


DANIEL C. HURLBUTT JR.
PRESIDING JUDGE
Snake River Basin Adjudication

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 57-1202 V2

WATER RIGHT NUMBER: 57-1202 V2

<u>Owner Type</u>	<u>Name and Address</u>
Directors Report Owner	BURGHARDT CO INC PO BOX 159 GRAND VIEW, ID 83624 (208)834-2730
Current Owner	OWYHEE CALCIUM PRODUCTS PO BOX 159 GRANDVIEW, ID 83624
Original Owner	BURGHARDT CO INC C/O LULU BURGHARDT (INITIAL CLAIMANT) GRAND VIEW, ID 83624

Priority Date: 03/15/1954

Basis: Decreed

Status: Active

SourceTributary

GROUND WATER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER	01/01 to 12/31	0.040 CFS	<u>4.70 AF</u>
IRRIGATION	<u>03/15 to 11/15</u>	0.500 CFS	<u>256.90 AF</u>
	<u>Total Diversion:</u>	0.500 CFS	<u>261.60 AF</u>

Location of Point(s) of Diversion

GROUND WATER	<u>SE1/4SE1/4SW1/4</u>	<u>Sec. 34, Twp 06S, Rge 03E, B.M.</u>
OWYHEE County		
GROUND WATER	<u>SE1/4NE1/4</u>	<u>Sec. 4, Twp 07S, Rge 03E, B.M.</u>
OWYHEE County		
GROUND WATER	<u>SW1/4SW1/4</u>	<u>Sec. 4, Twp 07S, Rge 03E, B.M.</u>
OWYHEE County		

Place of UseIRRIGATION Within OWYHEE County

<u>T06S R03E S34</u>	<u>NESW</u>	<u>17.0</u>	<u>T06S R03E S34</u>	<u>SESW</u>	<u>16.0</u>
<u>T06S R03E S34</u>	<u>NESE</u>	<u>19.0</u>	<u>T06S R03E S34</u>	<u>NWSE</u>	<u>36.0</u>
<u>T06S R03E S34</u>	<u>SWSE</u>	<u>40.0</u>	<u>T06S R03E S34</u>	<u>SESE</u>	<u>16.0</u>
<u>T07S R03E S03 Lot 3</u>	<u>NENW</u>	<u>5.0</u>	<u>T07S R03E S03 Lot 4</u>	<u>NWNW</u>	<u>20.0</u>
<u>T07S R03E S04 Lot 1</u>	<u>NENE</u>	<u>9.0</u>	<u>T07S R03E S04</u>	<u>SENE</u>	<u>1.0</u>

Total Acres: 179

STOCKWATER same as IRRIGATIONConditions of Approval:

1. N05 THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE SHALL NOT EXCEED 13,000 GALLONS PER DAY.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 57-1202 V2

2. N08 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

Remarks:

1. Place of Use - Irrigation THIS RIGHT IS LIMITED TO THE IRRIGATION OF 69 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
2. Quantity USE OF THIS RIGHT WITH RIGHT NOS. 57-02285A AND 57-01207 IS LIMITED TO A COMBINED DIVERSION RATE OF 1.99 CFS.
3. Explanatory STOCKWATER, 350 RANGE CATTLE
4. Place of Use - Irrigation USE OF THIS RIGHT WITH RIGHT NOS. 57-01205, 57-02285A, AND 57-01207 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 95 ACRES AND A TOTAL ANNUAL DIVERSION VOLUME OF 427.5 AF AT THE FIELD HEADGATE FOR IRRIGATION USE.
5. Purpose of Use THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 1, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE MARCH 15 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.
6. General If the surface water right(s) appurtenant to the place of use under this right and right no. 57-02285A is sold, transferred, leased or used on any other place of use, these rights to divert ground water shall not be used for irrigation purposes without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
7. Quantity The total instantaneous diversion of water from all ground water points of diversion shall not exceed 3.32 cfs, nor a total combined annual volume of 810.2 af; and the total instantaneous diversion under Transfer 5665 shall not exceed 10.41 cfs, nor a total combined annual volume of 864.2 af for the irrigation of 179 acres, stockwater and storage uses as described under each right.
8. General The right holder shall use the full allotment of appurtenant surface water rights in conjunction with groundwater diverted for irrigation purposes under this right and right no. 57-02285A, and shall only divert groundwater under these rights for irrigation purposes when water from the

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

In Re SRBA	)	Water Rights: 57-1202, 57-1205
	)	57-1207, 57-57-2285A, 57-2285B
Case No. 39576	)	NOTICE OF COMPLETED
	)	ADMINISTRATIVE
_____	)	PROCEEDING

IDWR has completed the following administrative proceeding:

☐ Address change

☐ Substitution of Party

XX IC § 42-222 transfer

XX Point of diversion XX Place of use

XX Period of use ☐ Nature of use

☐ Split of water right ☐ Change in ownership

XX Other – Annual Volume, Remarks & Conditions

☐ IC § 42-219 license

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Report(s)* for said water right(s). No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED: 8/27/01

Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on August 27, 2001, I delivered the original and copies of this form, including all attachments, to the following persons, postage prepaid if required and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
P.O. Box 2707
Twin Falls, ID 83303-2707

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

2. Copies to:

Clive Strong
Off ice of the Attorney General
P.O. Box 44449
Boise, ID 83711-4449

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

United States Dept of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724

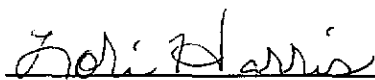
☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

3. Copies to all parties to the subcase:

Owyhee Calcium Products
PO Box 159
Grandview, ID 83624

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

☐ overnight mail
☐ regular mail
☐ hand-delivered
☐ facsimile



Signature of person mailing this document

RECEIVED

JAN 19 2001

WATER RESOURCES
WESTERN REGION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

RECEIVED

AUG 17 2000

WATER RESOURCES
WESTERN REGION

TRANSFER NO. 5665
WATER RIGHT NO(S). 57-01202/57-02285A/57-02285B
57-01205/57-01207

This is to certify that: OWYHEE CALCIUM PRODUCTS INC
PO BOX 159
GRAND VIEW ID 83624

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
Right No. 57-01202 :			
Priority: 03/15/1954			
IRRIGATION	03/15 to 11/15	0.50 CFS	256.9 AF
STOCKWATER	01/01 to 12/31	<u>0.04 CFS</u>	<u>4.7 AF</u>
		0.50 CFS	261.6 AF
Right No. 57-02285A :			
Priority: 06/05/1965			
IRRIGATION	03/15 to 11/15	1.40 CFS	364.5 AF
Right No. 57-02285B :			
Priority: 06/05/1965			
IRRIGATION	03/15 to 11/15	1.42 CFS	378.0 AF
Right No. 57-01205 :			
Priority: 04/01/1948			
IRRIGATION STORAGE	01/01 to 12/31		49.3 AF
IRRIGATION FROM ST	03/15 to 11/15		49.3 AF
STOCKWATER STORAGE	01/01 to 12/31		4.7 AF
STOCKWATER FROM ST	01/01 to 12/31		4.7 AF
DIVERSION TO STORA	01/01 to 12/31	<u>7.00 CFS</u>	
		7.00 CFS	49.3 AF
Right No. 57-01207 :			
Priority: 04/01/1943			
IRRIGATION	03/15 to 11/15	1.34 CFS	301.5 AF
STOCKWATER	01/01 to 12/31	<u>0.09 CFS</u>	<u>4.7 AF</u>
		1.43 CFS	306.2 AF
Total			* 10.41 CFS
			864.2 AF *

TRANSFER NO. 5665
WATER RIGHT NO(S). 57-01202/57-02285A/57-02285B
57-01205/57-01207

SOURCE

Right Nos. 57-01202/57-02285A/57-2285B :
GROUND WATER

Right Nos. 57-01205/57-01207 :
SHOOFLY CREEK SNAKE RIVER

LOCATION OF POINT(S) OF DIVERSION:

Right Nos. 57-01202/57-02285A/57-2285B :
SESESW , Sec. 34, Township 06S, Range 03E
SENE , Sec. 4, Township 07S, Range 03E
SWSW , Sec. 4, Township 07S, Range 03E
OWYHEE County
Right Nos. 57-01205/57-01207 :
SWNW , Sec. 8, Township 07S, Range 03E
OWYHEE County

PLACE OF USE: IRRIGATION, IRRIGATION FROM STORAGE & STOCKWATER

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>		<u>ACRES</u>		<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
07S	03E	3	Lot 3 NENW	5	Lot 4 NWNW	20		25
		4	Lot 1 NENE	9	SENE	1		10
		34	NESW	17	SESW	16	NESE 19	
65	3E		NWSE	36	SWSE	40	SESE 16	144
Total number of acres irrigated:								179 **

PLACE OF USE: STOCKWATER FROM STORAGE

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	
07S	03E	8	NENE

CONDITIONS OF APPROVAL AND REMARKS

1. After specific notification by the department, the right holder shall measure the diversion or shall enter into an agreement with the department to determine the amount of water diverted from power records and shall annually report the information to the department.
2. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
3. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
4. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

TRANSFER NO. 5665
WATER RIGHT NO(S). 57-01202/57-02285A/57-02285B
57-01205/57-01207

CONDITIONS OF APPROVAL AND REMARKS

5. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
- * 6. The total instantaneous diversion of water from all ground water points of diversion shall not exceed 3.32 cfs, nor a total combined annual volume of 810.2 af; the total instantaneous diversion of water from the surface water point of diversion shall not exceed 8.43 cfs, nor a total combined annual volume of 355.5 af; and the total instantaneous diversion under Transfer 5665 shall not exceed 10.41 cfs, nor a total combined annual volume of 864.2 af for the irrigation of 179.0 acres, stockwater and storage uses as described under each right.
- ** 7. Right 57-01202 is limited to the irrigation of 69.0 acres in the place of use described above in a single irrigation season.
- ** 8. Right 57-01205 is limited to the irrigation of 67.0 acres in the place of use described above in a single irrigation season.
- ** 9. Right 57-01207 is limited to the irrigation of 67.0 acres in the place of use described above in a single irrigation season.
- ** 10. Right 57-02285A is limited to the irrigation of 81.0 acres in the place of use described above in a single irrigation season.
- ** 11. Rights 57-01202, 57-01205, 57-01207 and 57-02285A when combined shall not exceed the irrigation of 95.0 acres and a total annual diversion volume of 427.5 af at the field headgate for irrigation use.
- ** 12. Right 57-02285B is limited to the irrigation of 84.0 acres in the place of use described above in a single irrigation season.
13. Rights 57-01202, 57-02285A and 57-01207 when combined shall not exceed the total combined diversion rate of 1.99 cfs.
- * 14. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 3/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.
15. The quantity of water decreed for stockwater use under Rights Rights 57-01202, 57-01205 and 57-01207 is not a determination of historical beneficial use and shall not exceed 13,000 gallons per day under each right.
16. The right holder shall use the full allotment of appurtenant surface water rights in conjunction with groundwater diverted for irrigation purposes under Rights 57-01202 and 57-02285A, and shall only divert groundwater under these rights for irrigation purposes when water from the appurtenant surface water rights cannot be delivered to the right holder.

REMARK
OUT

* 106

POL
ADD
AF

** 12
KOB

13

* 14

LEAVE
OUT

LEAVE
IN
INDIVIDUAL
ONES

15

16

GEN

Leave in

57-01202

57-02285A

NOT
NOT

TRANSFER NO. 5665
WATER RIGHT NO(S). 57-01202/57-02285A/57-02285B
57-01205/57-01207

CONDITIONS OF APPROVAL AND REMARKS

17. If the surface water right(s) appurtenant to the place of use under Rights 57-01202 and 57-02285A is sold, transferred, leased or used on any other place of use, these rights to divert ground water shall not be used for irrigation purposes without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
18. The irrigation storage pond is located within the S1/2SW, S4, and the stockwater storage pond is located within the NENE, S8, T07S, R03E.

Dated this 15 day of August, 2000

J. Glen Saylor
Chief, Water Allocation Bureau

Should only go on the 6th set.

GEN

GEN 1207

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 5665

(REVISED)

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

RECEIVED

DEC 14 1999

WATER RESOURCES
WESTERN REGIONName of applicant Owyhee Calcium Products, Inc. Phone (208) 834-2281Post Office address P.O. Box 159, Grand View, Idaho 83624

A. PURPOSE OF TRANSFER - See Attachment A

1. ☐ Change point of diversion ☒ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____

2. Describe the reason for the proposed changes _____

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE - See Attachment A

1. Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
_____	_____	_____	_____	_____ to _____
_____	_____	_____	_____	_____ to _____
_____	_____	_____	_____	_____ to _____
_____	_____	_____	_____	_____ to _____

2. Total amount of water being transferred See Att. A cubic feet per second and/or _____ acre-feet per annum.

3. Source of water _____ tributary to _____

4. Point(s) of Diversion: See Attachment A

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

5. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
06S	03E	34									17			16	19	36	40	16	144
07S	03E	03					5	20											25
07S	03E	04	9			1													10
																			179

Total acres _____

PART 1

6. General Information:

a. Description of diversion system Existing wells, pumps and surface water
diversion systems to pivot sprinkler

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes X No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:
The lands from which these water rights are being transferred
will no longer be irrigated.

d. Remarks:

Pivot system will cover 149 acres. 30 additional acres will also
be irrigated within this Permissible Place of Use.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____

And said application is hereby _____, subject to the following limitations and conditions:

Witness my hand this _____ day of _____, 19 _____.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by: See attached copies of Special Master's Recommendations for descriptions of water rights as recorded.

a. Decree No. _____ Decreed to _____

In case of _____ vs. _____

dated _____ in _____ county of _____

b. License No. _____ issued by the Idaho Department of Water Resources.

c. Claim No. _____ on file with the Idaho Department of Water Resources.

d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice

☐ Warranty Deed

☐ Other _____

3. Source of water: _____ tributary to _____

4. Date or priority _____

5. Water is used for the following purpose:

amount _____ for _____ purposes from _____ to _____

(cfs/ac-ft)

amount _____ for _____ purposes from _____ to _____

(cfs/ac-ft)

amount _____ for _____ purposes from _____ to _____

(cfs/ac-ft)

6. Total amount of water under right _____ cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

Total acres _____

9. Describe any other water rights used for the same purpose as described above _____

10. To your knowledge, has any portion of this water right undergone a period of 1 or more consecutive years of non-use?
 No _____ If yes, describe _____

DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands Irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			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	

Total acres _____

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands Irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			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	

Total acres _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number. See Attached Map.

The grid is composed of solid lines forming a 10x10 grid of sections. Dashed lines are drawn horizontally and vertically to indicate township and range boundaries. There are 3 horizontal dashed lines and 3 vertical dashed lines, dividing the grid into 4x4 blocks of sections.

SCALE: 2 inches equal 1 mile. Draw plan in ink.

PART 3**1. CHANGES IN NATURE OF USE**

1	New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
				to
				to

2. Quantity and quality of return flows and location of discharge:

3. Describe effects on other water uses resulting from the proposed change:

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.

Subscribed and sworn to before me this 13th day of December, 19 99.

Joy E. Buchwitz
(Notary Public)

My commission expires 8-27-2000

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments

Received by [Signature] Date 12/14/99 Protest filed by _____

Prelim. check by [Signature] Fee 100.00 _____

Receipted by [Signature] Date 12/14/99 W0025983

Published in Owyhee Avalanche Copies of protest forwarded by _____

Pub. dates 3-14-8-00 Hearing held by _____ Date _____

Watermaster recommendation requested on _____ Recommended for ☐ approval ☐ denial

_____ rec'd. _____ by _____

Copy of transfer sent to lien holder _____

ATTACHMENT A

A. PURPOSE OF TRANSFER

This transfer proposes to add existing points of diversion to groundwater right numbers 57-02285A, 57-02285B, and 57-01202, and to consolidate the irrigation place of use for these groundwater rights and overlapping surface water right numbers 57-01205 and 57-01207. The changes are proposed to facilitate installation of a pivot sprinkler irrigation system.

B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGE

Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
57-02285A	06/05/1965	1.40cfs/427.5AFA*	Irrigation	03/15 - 11/15
57-02285B	06/05/1965	1.42cfs/378.0AFA	Irrigation	03/15 - 11/15
57-01202	03/15/1954	.50cfs	Irrigation	03/15 - 11/15
		.04cfs	Stockwater	01/01 - 12/31
		.50cfs/427.5AFA*	Total	

Source: Groundwater

Points of Diversion:	T06S R03E Section 34 SESESW	Well	
	T07S R03E Section 04 SENE	Well	
	T07S R03E Section 04 SWSW	Well	All in Owyhee County

57-01205	04/01/1948	49.3AFA	Irrigation Storage	01/01 - 12/31
		49.3AFA	Irrigation f/Storage	03/15 - 11/15
		4.7AFA	Stockwater Storage	01/01 - 12/31
		4.7AFA	Stockwater f/Storage	01/01 - 12/31
		7.00cfs	Diversion to Storage	01/01 - 12/31
		7.00cfs/49.3AFA	Total	
57-01207	04/01/1943	1.34cfs	Irrigation	03/15 - 11/15
		.09cfs	Stockwater	01/01 - 12/31
		1.43cfs*	Total	

Source: Shoofly Creek tributary to the Snake River

Point of Diversion: T07S R03E Section 8 SWNW in Owyhee County

*Water rights 57-02285A and 57-01202 are limited to a combined diversion volume of 427.5AFA; Water rights 57-02285A, 57-01202 and 57-1207 are limited to a combined flow rate of 1.99 cfs.

2. Total Amount of Water being transferred is 854.8AFA and 10.41 cfs.
4. Points of Diversion: 3 existing wells to be used as points of diversion for all groundwater rights; 1 existing point of diversion on Shoofly Creek to be used for surface water rights.
5. Place of use: For irrigation place of use for all water rights, please see Page 1 of corrected Application for Transfer of Water Right.

Place of Use for Stockwater under Water Right nos 57-01202 and 57-1207 is the same as for Irrigation

Place of Use for Irrigation Storage under water right number 57-01205 is SWSW and SESW of T07S R03E S04.

Place of use for Stockwater Storage and Stockwater from Storage under water right number 57-01205 is as currently recorded.

IN DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 57-022858

1998 MAY 20 PM 2:07
DISTRICT COURT-SRBA
TWIN FALLS CO. IDAHO
FILED

NAME & ADDRESS: OUYHEE CALCIUM PRODUCTS INC
PO BOX 159
GRAND VIEW ID 83624

SOURCE: GROUNDWATER

QUANTITY: 1.42 CFS
378.0 AFY

PRIORITY DATE: 06/05/1965

POINT OF DIVERSION: T06S R03E S34 SESW Within OUYHEE County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	IRRIGATION	Irrigation Season	1.42 CFS 378.0 AFY

PLACE OF USE: IRRIGATION Within OUYHEE County
T06S R03E S34 NESW 14 SESW 32 NWSE 20 SWSE 15
T07S R03E S03 Lot 3 (NENW) 2 Lot 4 (NNW) 1
84 ACRES TOTAL

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

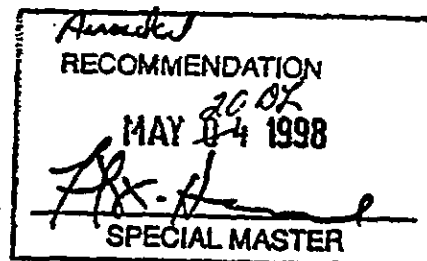
THIS RIGHT INCLUDES A CHANGE IN USE APPROVED BY ADMINISTRATIVE ORDER OF IDWR. THE CHANGE IN USE SHALL BE ACCOMPLISHED WITHIN ONE (1) YEAR OF THE DATE OF THE ADMINISTRATIVE ORDER APPROVING THE CHANGE.

FAILURE TO COMPLY WITH THE CONDITIONS OF THE ADMINISTRATIVE ORDER IS CAUSE FOR IDWR TO ISSUE AN ORDER TO SHOW CAUSE WHY THE APPROVAL OF THE TRANSFER SHOULD NOT BE RESCINDED.

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

DANIEL C. HURLBUTT, JR.
PRESIDING JUDGE
Snake River Basin Adjudication



IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 57-01207

1998 MAR -2 PM 2:48

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

FILED _____

NAME & ADDRESS: OWYHEE CALCIUM PRODUCTS INC
PO BOX 159
GRANDVIEW ID 83624

SOURCE: SHOOFLY CREEK TRIBUTARY: SNAKE RIVER

QUANTITY: 1.43 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE
SHALL NOT EXCEED 13,000 GALLONS PER DAY.

USE OF THIS RIGHT WITH RIGHT NOS. 57-01202 AND 57-02285A IS
LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 1.99 CFS.

PRIORITY DATE: 04/01/1943

POINT OF DIVERSION: T07S R03E S08 SWW Within OWYHEE County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	IRRIGATION	Irrigation Season	1.34 CFS
	STOCKWATER	01-01 12-31	0.09 CFS

PLACE OF USE: IRRIGATION Within OWYHEE County
T07S R03E S03 Lot 4 (NW1/4) 4
S04 Lot 1 (NE1/4) 9 SWNE 21 SENE 16 NESW 12
NWSE 5
67 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NOS. 57-01202, 57-01205 AND
57-02285A IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 95
ACRES IN A SINGLE IRRIGATION SEASON.

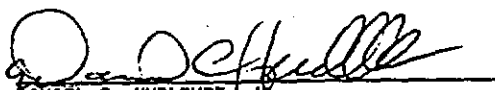
Place of use for STOCKWATER is same as IRRIGATION

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR
STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL
USE.

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance
with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a
final judgment and that the court has and does hereby direct that the above judgment or order shall be a final
judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.


DANIEL C. HURLBUTT, JR.
PRESIDING JUDGE
Snake River Basin Adjudication

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA
Case No. 39576

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 57-01205

1998 MAR -2 PM 2:48

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

FILED

NAME & ADDRESS: OUYHEE CALCIUM PRODUCTS INC
PO BOX 159
GRAND VIEW ID 83624

SOURCE: SHOOFLY CREEK TRIBUTARY: SNAKE RIVER

QUANTITY: 7.00 CFS
49.3 AFY

THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE
SHALL NOT EXCEED 13,000 GALLONS PER DAY.

PRIORITY DATE: 04/01/1948

POINT OF DIVERSION: T07S R03E S08 SWNW Within OUYHEE County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	IRRIGATION STORAGE	01-01 12-31	49.3 AFY
	IRRIGATION FROM STORAGE	Irrigation Season	49.3 AFY
	STOCKWATER STORAGE	01-01 12-31	4.7 AFY
	STOCKWATER FROM STORAGE	01-01 12-31	4.7 AFY
	DIVERSION TO STORAGE	01-01 12-31	7.00 CFS

PLACE OF USE: IRRIGATION STORAGE Within OUYHEE County
T07S R03E S04 SWSW

IRRIGATION FROM STORAGE Within OUYHEE County
T07S R03E S03 Lot 4 (NWNW) 4
S04 Lot 1 (NENE) 9 SWNE 21 SENE 16 NESW 12
NWSE 5

67 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NOS. 57-01202, 57-01207 AND
57-02285A IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 95
ACRES IN A SINGLE IRRIGATION SEASON.

STOCKWATER STORAGE Within OUYHEE County
T07S R03E S08 NENE

STOCKWATER FROM STORAGE Within OUYHEE County
T07S R03E S08 NENE

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR
STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL
USE.

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 57-02285A

1998 MAR -2 PM 2:48

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

FILED _____

NAME & ADDRESS: OWYHEE CALCIUM PRODUCTS INC
PO BOX 159
GRAND VIEW ID 83624

SOURCE: GROUNDWATER

QUANTITY: 1.4 CFS

USE OF THIS RIGHT WITH RIGHT NO. 57-01202 IS LIMITED TO A
COMBINED ANNUAL DIVERSION VOLUME OF 427.5 AF.

USE OF THIS RIGHT WITH RIGHT NO. 57-01207 IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 1.99 CFS.

PRIORITY DATE: 06/05/1965

POINT OF DIVERSION: T07S R03E S04 SENE Within OWYHEE County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	IRRIGATION	Irrigation Season	1.4 CFS

PLACE OF USE:	IRRIGATION	Within OWYHEE County
	T07S R03E S03 Lot 4 (NWNW)20	
	S04 Lot 1 (NENE) 9	SWNE 21 SENE 16 NESW 10
		NWSE 5
	81 ACRES TOTAL	

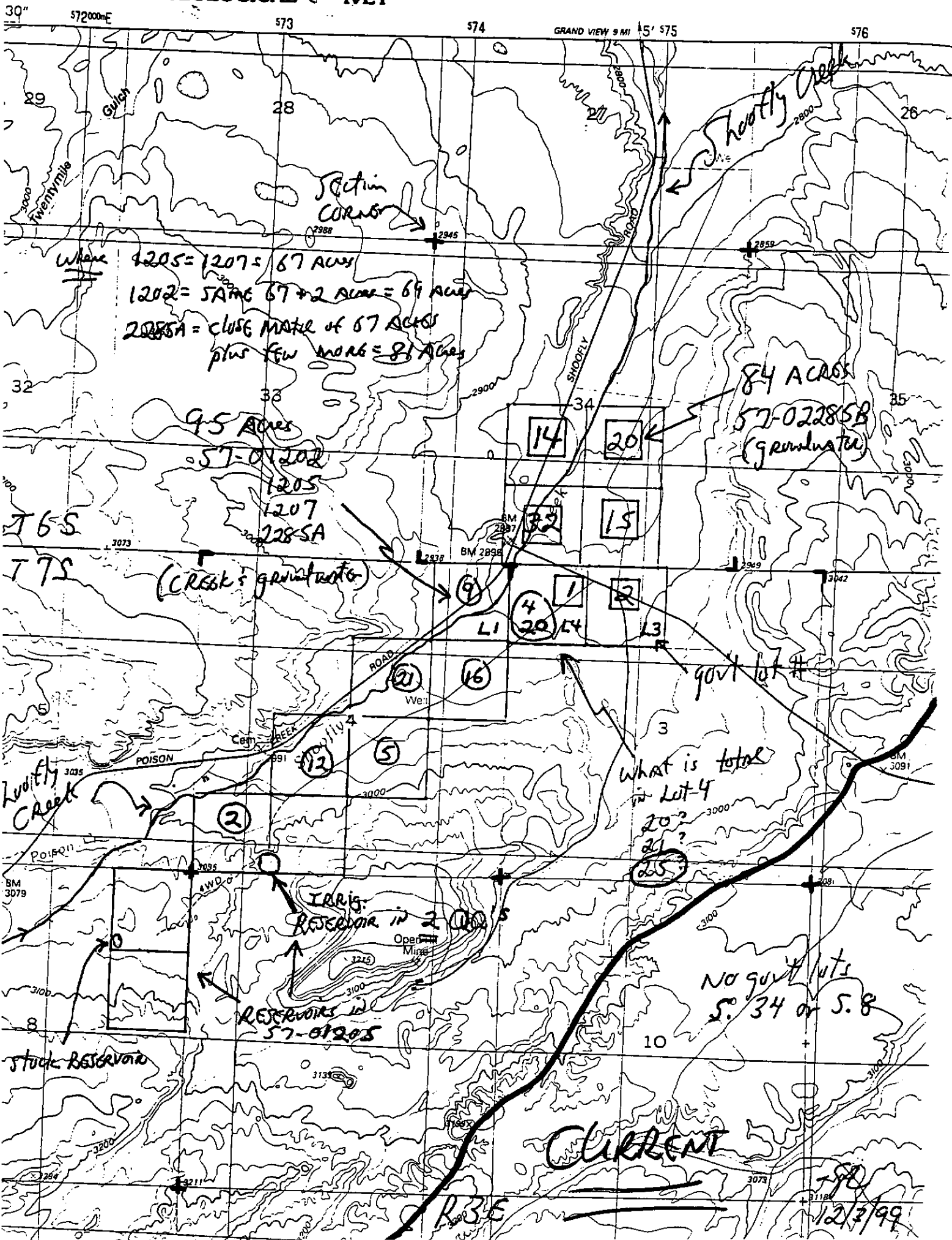
USE OF THIS RIGHT WITH RIGHT NOS. 57-01205, 57-01202 AND
57-01207 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 95
ACRES IN A SINGLE IRRIGATION SEASON.

RULE 54(b) CERTIFICATE

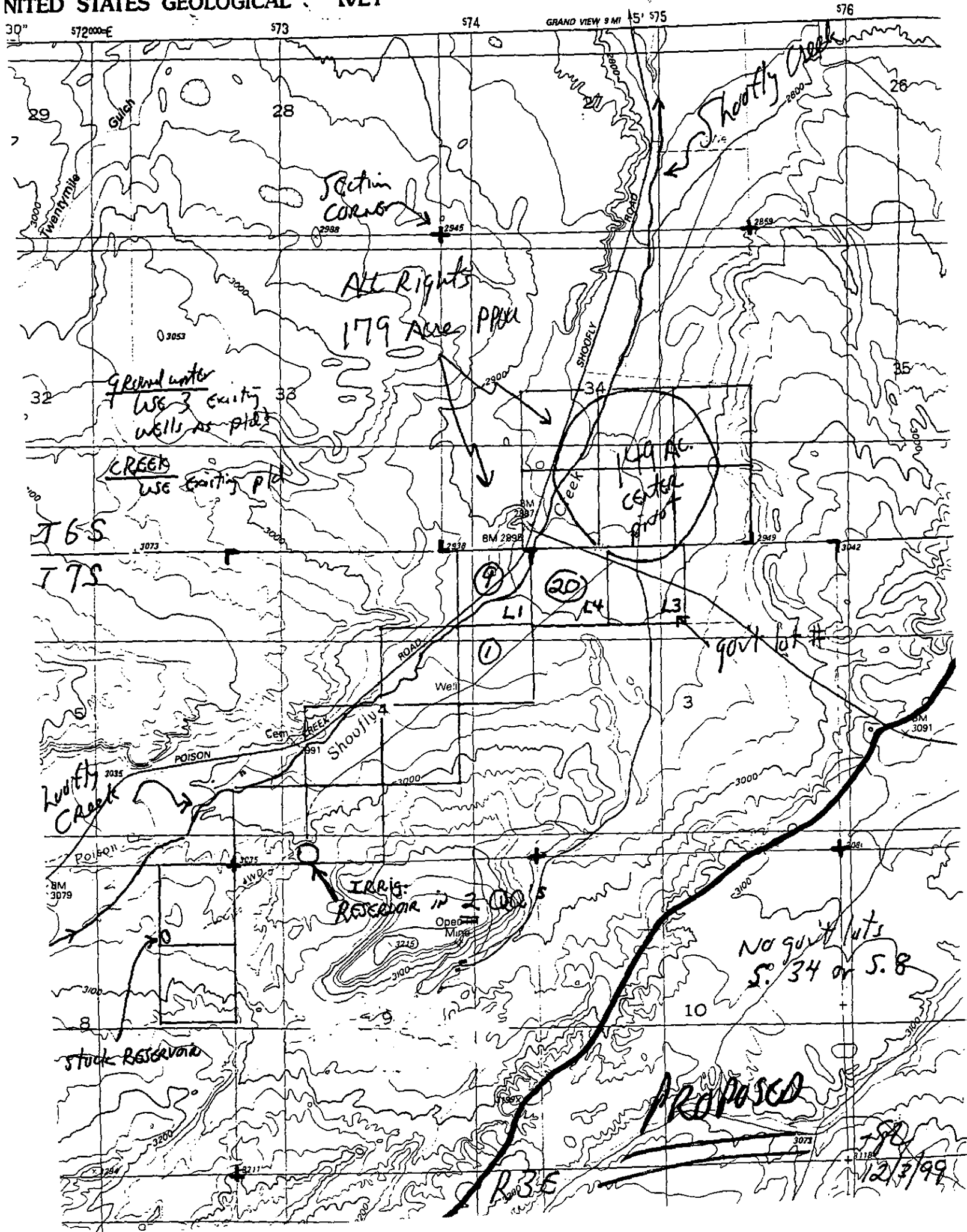
With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.


DANIEL C. HURLBUTT, JR.
PRESIDING JUDGE
Snake River Basin Adjudication

DEPARTMENT OF THE INTERIOR
UNITED STATES GEOLOGICAL SURVEY



DEPARTMENT OF THE INTERIOR
UNITED STATES GEOLOGICAL SURVEY



1998 MAR 03 PM 02:00
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
)
Case No. 39576)
_____)

CERTIFICATE OF MAILING

Water Right(s): 57-01202

CERTIFICATE OF MAILING

I certify that a true and correct copy of the PARTIAL DECREE
PURSUANT TO I.R.C.P. 54(b) for WATER RIGHT 57-01202 was mailed
on March 03, 1998, with sufficient first-class postage prepaid
to the following:

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

STATE OF IDAHO
Represented by:
CLIVE STRONG
OFFICE OF ATTORNEY GENERAL
STATE OF IDAHO
PO BOX 44449
BOISE, ID 83711-4449
Phone: 208-334-2400

OWYHEE CALCIUM PRODUCTS INC
Represented by:
DANIEL V. STEENSON
599 W BANNOCK ST
PO BOX 2773
BOISE, ID 83701-2773
Phone: 208-342-4591

CERTIFICATE OF MAILING

PAGE 1
03/03/98

USDI BLM

Represented by:

U.S. DEPT. OF JUSTICE

ENVIRONMENT & NATL' RESOURCES

550 WEST FORT STREET, MSC 033

BOISE, ID 83724

Phone: 208-387-0835

DIANA DELANEY

Chief Deputy Clerk

1998 MAR -2 PM 2: 48
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

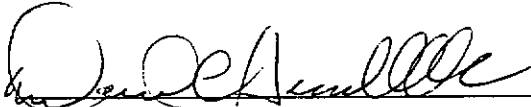
In Re SRBA	)	ORDER OF PARTIAL DECREE
	)	
Case No. 39576	)	For Water Right 57-01202
_____	)	

On January 7, 1998, a *Special Master's Report and Recommendation* was filed for the above water right. No Challenges were filed to the *Special Master's Report and Recommendation* and the time for filing Challenges has now expired.

Pursuant to I.R.C.P. 53(e)(2) and *SRBA Administrative Order 1*, Section 13f, this court has reviewed the Findings of Fact and Conclusions of Law contained in the *Special Master's Report* and wholly adopts them as its own.

Therefore, IT IS ORDERED that water right 57-01202 is hereby **decreed** as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED March 2, 1998.



DANIEL C. HURLBUTT, JR.
Presiding Judge
Snake River Basin Adjudication

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 57-01202

1998 MAR -2 PM 2: 48

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

FILED _____

NAME & ADDRESS: OWYHEE CALCIUM PRODUCTS
PO BOX 159
GRANDVIEW ID 83624

SOURCE: GROUNDWATER

QUANTITY: 0.5 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE
SHALL NOT EXCEED 13,000 GALLONS PER DAY.

USE OF THIS RIGHT WITH RIGHT NO. 57-02285A IS LIMITED TO A
COMBINED ANNUAL DIVERSION VOLUME OF 427.5 AF.

PRIORITY DATE: 03/15/1954

POINT OF DIVERSION: T07S R03E S04 SWSW Within OWYHEE County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	IRRIGATION	Irrigation Season	0.5 CFS
	STOCKWATER	01-01 12-31	0.04 CFS

PLACE OF USE: IRRIGATION Within OWYHEE County
T07S R03E S03 Lot 4 (NWNW) 4
S04 Lot 1 (NENE) 9
SWSW 2 SWNE 21 SENE 16 NESW 12
NWSE 5
69 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NOS. 57-01205, 57-02285A, AND
57-01207 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 95
ACRES IN A SINGLE IRRIGATION SEASON.

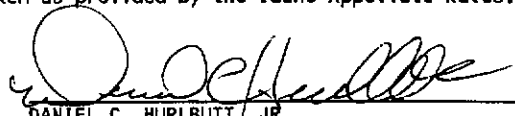
Place of use for STOCKWATER is same as IRRIGATION

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR
STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL
USE.

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance
with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a
final judgment and that the court has and does hereby direct that the above judgment or order shall be a final
judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.


DANIEL C. HURLBUTT JR.
PRESIDING JUDGE
Snake River Basin Adjudication

RECEIVED

JAN 12 1998

OFFICE OF THE
ATTORNEY GENERAL

1998 JAN -7 AM 10:04

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

FILED _____

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

) Subcase 57-01202

Case No. 39576

)
) SPECIAL MASTER'S REPORT
)
)

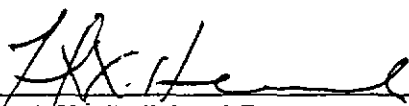
FINDINGS OF FACT AND CONCLUSIONS OF LAW

A notice of claim was filed for this water right pursuant to I.C. § 42-1409 (1990). The director of the State of Idaho Department of Water Resources examined the water system for areas 1, 2, and 3 and investigated and abstracted the notices of claims for those Reporting Areas. The Director of the Idaho Department of Water Resources then filed a *Director's Report* which asserted how the elements of this water right should be decreed by the court.

An objection to the *Director's Report* for water right 57-01202 was filed. Subsequently, the objection was withdrawn by stipulation of the parties; therefore,

IT IS THEREFORE RECOMMENDED that subcase 57-01202 be decreed as recommended in the attached *Special Master's Report and Recommendation for Partial Decree*.

DATED January 7, 1998.


FRITZ X. HAEMMERLE
Special Master, Reporting Area 2
Snake River Basin Adjudication

MAIL11921



IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
Case No. 39576)
SPECIAL MASTER'S RECOMMENDATION FOR
PARTIAL DECREE FOR
Water Right 57-01202

1998 JAN -7 AM 10:04
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED

NAME & ADDRESS: OWYHEE CALCIUM PRODUCTS
PO BOX 159
GRANDVIEW ID 83624

SOURCE: GROUNDWATER

QUANTITY: 0.5 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE
SHALL NOT EXCEED 13,000 GALLONS PER DAY.

USE OF THIS RIGHT WITH RIGHT NO. 57-02285A IS LIMITED TO A
COMBINED ANNUAL DIVERSION VOLUME OF 427.5 AF.

PRIORITY DATE: 03/15/1954

POINT OF DIVERSION: T07S R03E S04 SWSW Within OWYHEE County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION		Irrigation Season	0.5 CFS
STOCKWATER		01-01 12-31	0.04 CFS

PLACE OF USE:	IRRIGATION	Within OWYHEE County				
	T07S R03E S03	Lot 4 (NWNW) 4				
	S04	Lot 1 (NENE) 9	SWSW 2	SWNE 21	SENE 16	NESW 12
				NWSE 5		
	69 ACRES TOTAL					

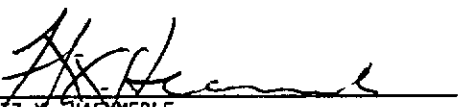
USE OF THIS RIGHT WITH RIGHT NOS. 57-01205, 57-02285A, AND
57-01207 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 95
ACRES IN A SINGLE IRRIGATION SEASON.

Place of use for STOCKWATER is same as IRRIGATION

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR
STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL
USE.

DATED: 1/7/98


FRITZ X. HAEMMERLE
Special Master
Snake River Basin Adjudication

1998 JAN -7 AM 10:04

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

FILED _____

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

In Re SRBA

) Subcase 57-01202

Case No. 39576

)
)
) **SPECIAL MASTER'S REPORT**
)
_____)

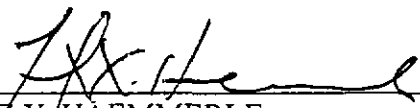
FINDINGS OF FACT AND CONCLUSIONS OF LAW

A notice of claim was filed for this water right pursuant to I.C. § 42-1409 (1990). The director of the State of Idaho Department of Water Resources examined the water system for areas 1, 2, and 3 and investigated and abstracted the notices of claims for those Reporting Areas. The Director of the Idaho Department of Water Resources then filed a *Director's Report* which asserted how the elements of this water right should be decreed by the court.

An objection to the *Director's Report* for water right 57-01202 was filed. Subsequently, the objection was withdrawn by stipulation of the parties; therefore,

IT IS THEREFORE RECOMMENDED that subcase 57-01202 be decreed as recommended in the attached *Special Master's Report and Recommendation for Partial Decree*.

DATED January 7, 1998.



FRITZ X. HAEMMERLE

Special Master, Reporting Area 2
Snake River Basin Adjudication

1998 JAN -7 AM 10: 04

SPECIAL MASTER'S RECOMMENDATION FOR
PARTIAL DECREE FOR
Water Right 57-01202

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

211

QUANTITY: 0.5 CFS

POINT OF DIVERSION: T07S R03E S04 SWSW Within Owyhee County

PLACE OF USE:	IRRIGATION	Within OUYHEE County			
	T07S R03E S03	Lot 4	(NWNW) 4		
	S04	Lot 1	(NENE) 9	SWNE 21	SENE 16
			SWSW 2	NWSE 5	NESW 12
	69 ACRES TOTAL				

Place of use for STOCKWATER is same as IRRIGATION

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

DATED: 1/7/48

FRITZ W. HAEMMERLE
Special Master
Snake River Basin Adjudication

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)

Case No. 39576)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

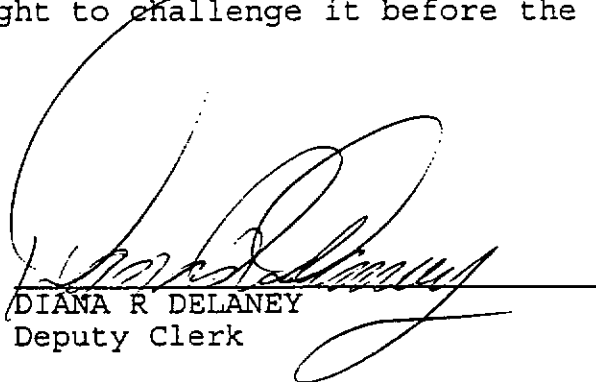
Water Right(s): 57-01202

On January 07, 1998, Special Master FRITZ X HAEMMERLE issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s) pursuant to SRBA Administrative Order 1 (AO1), Section 13a.

Pursuant to SRBA Administrative Order 1, Section 13a, any party to the adjudication including parties to the subcase, may file a Motion to Alter or Amend on or before the 28th day of the next month.

Failure of any party in the adjudication to pursue or participate in a Motion to Alter or Amend the SPECIAL MASTER'S RECOMMENDATION shall constitute a waiver of the right to challenge it before the Presiding Judge.

DATED January 07, 1998.


DIANA R DELANEY
Deputy Clerk

RECEIVED

SEP 30 1997

Department of Water Resources

Party: Harry and Twyla Melton/Owyhee Calcium Products, Inc.

D. V. STEENSON
RINGERT CLARK CHARTERED
455 S. Third St., P.O. Box 2773
Boise, Idaho 83701-2773
Telephone: (208) 342-4591

Records modified 11-9-97

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

_____*_____
_____*_____
_____*_____

No obj

In Re SRBA	)	NOTICE OF APPEARANCE
	)	
Case No. 39576	)	SUBCASE NOS. 57-01202,
	)	57-01205, 57-01207,
_____	)	57-02285A, and 57-02285B

SUMMARY DESCRIPTION

Notice of Appearance of D. V. Steenson of the firm of Ringert Clark, Chartered, as attorney for Harry and Twyla Melton/Owyhee Calcium Products, Inc.

D. V. Steenson hereby enters his appearance as attorney for Harry and Twyla Melton/Owyhee Calcium Products, Inc. in the above matter.

Dated this 29th day of September, 1997.

RINGERT CLARK, CHARTERED

By *Daniel Steenson*
D. V. Steenson

CERTIFICATE OF MAILING

I hereby certify that service of the within and foregoing Notice of Appearance was made this 29th day of September, 1997, by mailing a copy thereof, postage prepaid, to each of the parties listed below.

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P. O. Box 44449
Boise, Idaho 83711-4449

Director of IDWR
P.O. Box 83720
Boise, Idaho 83720-0098

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, Box MSC 033
Boise, Idaho 83724



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 the Rights to the Use of Water)
from the Snake River Basin)
Water System)
_____)

Case No. 57-01202 -0001

The State of Idaho, ex rel.)
R. Keith Higginson in his)
official capacity as Director)
of the Idaho Department of)
Water Resources,)

RESPONSE TO OBJECTION

Petitioner,)

vs.)

The United States; the State)
of Idaho; and all Claimants to)
the use of water from the Snake)
River Basin Water System,)

Respondents.)
_____)

I. GENERAL INFORMATION

1. Person responding to objection:

Name: R. KEITH HIGGINSON, DIRECTOR

Address: IDAHO DEPARTMENT OF WATER RESOURCES
P.O. BOX 44449
BOISE, ID 83711-4449

Briefly describe your interest in this water right:

IDWR is required to file a response to an objection to part
I of the director's report pursuant to I.C. section 42-1412(2).

(Over)

2. Person who filed objection:

Name: US BUREAU OF LAND MANAGEMENT
IDAHO STATE OFFICE
3380 AMERICANA TERRACE
BOISE ID 83706-2544

3. If this response is filed by an attorney:

Attorney Name(s): DANIEL L. STECKEL

Attorney Address: DEPUTY ATTORNEY GENERAL(S)
IDAHO DEPARTMENT OF WATER RESOURCES
P.O. BOX 44449
BOISE, ID 83711-4449

Attorney Phone No.: (208) 327-7900

II. STATEMENT OF THE RESPONSE

1. |☒| Name and Address: I respond to the objection concerning the name and/or address of the owner of the water right.
3. |☒| Quantity: I respond to the objection concerning:
- 3a. |☒| The total quantity of water used in cubic feet per second.
4. |☒| Priority Date: I respond to the objection concerning the priority date.
7. |☒| Purposes of Use: I respond to the objection concerning the purpose(s) of use.
8. |☒| Period of Year: I respond to the objection concerning the period of year when water is used or is necessary for the purpose stated.
9. |☒| Place of Use: I respond to the objection concerning:
- 9a. |☒| The legal description of the place of use.
10. |☒| Consumptive Use: I respond to the objection concerning the annual volume of consumptive use.

11. ☒ Remarks: I respond to the objection concerning the "remarks" listed with the water right.
12. ☒ Water Right Recommendation: I respond to the objection concerning:
- 12a. ☒ This water right being recommended at all.

REASONS SUPPORTING EACH BOX CHECKED

In response to Statement of the Objection items 1, 3, 3a., 4, 7, 8, 9, 9a., 10, 11, 12 and 12a. and all allegations of the objection regarding these items, IDWR responds as follows:

IDWR lacks sufficient information to form a belief as to whether any or all of the lands upon which water is diverted, conveyed, or used pursuant to this right are owned by the United States. IDWR denies the objection and all allegations of the objection not expressly admitted herein.

CHANGES TO THE DIRECTOR'S REPORT

The director proposes no changes to the description of this claim in the Director's Report.

☒ Check here if you are submitting documents. Please list each document by the title and number of pages. You may use additional pages if necessary:

No. of
Pages

Notice of Claim No. A57-01202

3

(Over)

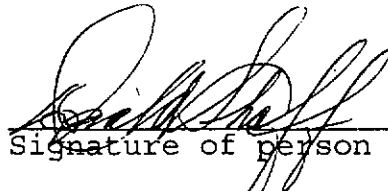
VERIFICATION (Must be Completed)

State of IDAHO

County of ADA

Donald V. Shaff, being first duly sworn, upon oath, deposes and says:

That R. Keith Higginson, in his official capacity as director of the Idaho Department of Water Resources, is a party to this proceeding, as defined by I.C. 42-1401A(1) and (7); that I am the Adjudication Section Manager for IDWR and am authorized by R. Keith Higginson, in his official capacity as director of IDWR, to verify this response; and that I have read the foregoing response, know its contents and that the statements contained therein are true to the best of my knowledge and belief.



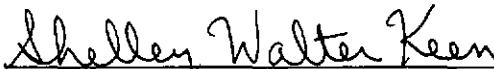
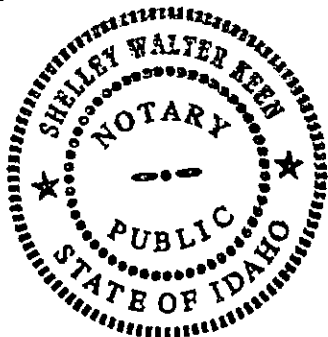
Signature of person filing response

By:



(Attorney signing in
representative capacity)

Subscribed and sworn to before me this 16th day of June,
1993.



Notary Public for Idaho

Residing at: Boise, Idaho

My Commission expires: July 31, 1997

CERTIFICATE OF MAILING

I hereby certify that on the 18th day of June, 1993, I mailed the original and copies of the foregoing response, including all attachments, to the following persons, by mailing the original and/or true and correct copies, postage prepared and addressed as follows:

1. Original to:

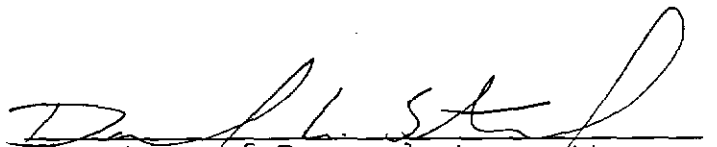
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, Idaho 83303-2707

2. One copy to the owner of the water right, and you must fill in the following information:

Name: BURGHARDT CO INC
Address: C/O LULU BURGHARDT
GRAND VIEW ID 83624

3. One copy to the party who filed the objection, or if represented by an attorney, to their attorney; and you must fill in the following information:

Name: US DEPT OF JUSTICE
Address: K JACK HAUGRUD & DARIA J ZANE
550 W FORT ST
PO BOX 33
BOISE ID 83734



Signature of Respondent or attorney
mailing on Respondent's behalf

T3S

RIW RIE

BOISE

2944

2837

2872

Sinker Creek Butte

VABM Δ 3129

BM 2781

Older Massacre Site

12

Reuben

Graves

2454

BM 2362

2768

2728

2980

2641

2649

Sinker Creek

13

Montini Ranch

Reservoir

19

8

35

15

37

30

2399

21

13

12

24

2653

19

2726

2715

25

30

30

MICROFILMED

SEP 11 1992

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

The State of Idaho, ex rel.
R. Keith Higginson in his
official capacity as Director
of the Idaho Department of
Water Resources,

Petitioner,

vs.

The United States; the State
of Idaho; and all Claimants to
the use of water from the Snake
River Basin Water System,

Respondents.

Case No. 57-001202
(You must insert the
water right number you
are objecting to)

OBJECTION RECEIVED

FEB 26 1993

Department of Water Resources
Adjudication Bureau

INSTRUCTIONS

This form must be used to file an objection to any water right recommended in the Director's Report. You may object to one water right per objection form. The water right number you are objecting to must be indicated above in the blank space following "Case No." To object to more than one water right, you must file a separate objection form for each. Forms may be obtained from the Idaho Department of Water Resources (IDWR), or you may copy or reproduce this blank form, as long as it is identical to the court's form. You must file your objection by the deadline shown in the notice that IDWR mailed to you. The objection must be received by the court on or before the deadline specified. Instructions for mailing this objection are found at Page 6, and must be strictly followed.

Any party physically filing 25 (twenty-five) or more objections must make an appointment with the Clerk of the Adjudication Court and arrange for an appointment to file multiple objections.

(Over)

By filing an objection form, you are certifying that the objection is well-grounded in fact; is warranted by existing law or a good-faith argument for the extension, modification or reversal of existing law; and that it is not filed for any improper purpose, such as to harass, cause unnecessary delay or needless increase in the cost of litigation.

I. GENERAL INFORMATION

Please fill in the following information:

1. Person objecting:

Name: United States of America
Bureau of Land Management
U.S. Department of the Interior
Idaho State Office
Address: 3380 Americana Terrace
Boise, Idaho 83706

Briefly describe your interest in this water right:
The United States, through the Bureau of Land
Management (BLM), is the owner of the land
upon which this water right is claimed, and
claimant does not have a valid water right.

2. Owner of the water right:

Name: Burghardt Co. Inc.
c/o Lulu Burghardt
Address: Grand View, Idaho 83624

3. If this objection is filed by an attorney:

Attorney Name: K. Jack Haugrud
Daria J. Zane
Attorney Address: U.S. Department of Justice
550 West Fort Street
P.O. Box 33
Boise, Idaho 83734
Attorney Phone No.: (202) 272-8351

If filed by an attorney, notice of pending court proceedings will be sent to the attorney only.

II. STATEMENT OF THE OBJECTION

Please check each "box" which states your objection to the recommendation in the Director's Report.

1. ☒ Name and Address: I object to the name and/or address of the owner of the water right.
2. ☐ Source: I object to the source of water.
3. ☒ Quantity: I object to:
 - a. ☒ the total quantity of water used in cubic feet per second; or
 - b. ☐ the total quantity of water stored in acre-feet per year; or
 - c. ☐ the total quantity of water reserved for each and every purpose, including all present and future uses.
4. ☒ Priority Date: I object to the priority date.
5. ☐ Points of Diversion: I object to the legal description of the point(s) of diversion.
6. ☐ Instream Flow: I object to the legal description of the beginning and ending points of the instream flow.
7. ☒ Purpose(s) of Use: I object to the purpose(s) of use.
8. ☒ Period of Year: I object to the period of year when water is used or is necessary for the purpose stated.
9. ☒ Place of Use: I object to:
 - a. ☒ the legal description of the place of use; or
 - b. ☐ the number of irrigated acres within each forty (40) acre subdivision.
10. ☒ Consumptive Use: I object to the annual volume of consumptive use.
11. ☒ Remarks: I object to the "remarks" listed with the water right.

(Over)

Please note: You should attach copies of documents which support your objection. Note on each document the "box number" it supports.

Specifically describe how you want the Director's Report to be changed. You may use additional pages if necessary. The Director's Report should be changed to recommend disallowance of this claim.

CHANGES TO THE DIRECTOR'S REPORT

In the space following, you must state the reason(s) by number for each box checked. You may use additional pages if necessary.

The United States of America, acting through the Bureau of Land Management, objects to this water right recommendation because the claimant is a private individual claiming a water right on public domain lands. The BLM, on behalf of the United States, has managed and controlled this property for the beneficial use of the American public. The claimant has no property interest in the claimed water right or any other water right appurtenant to federally owned lands. The United States objects to all aspects of the right because of these facts, including the recommended name and address, source, quantity, priority date, points of diversion, purpose of use, period of use, place of use, and consumptive use. BLM also objects to the recommendation in its entirety because claimant has not been the exclusive beneficial user of this water given that other members of the public have had access to this land and water source.

REASONS SUPPORTING EACH BOX CHECKED

12. ☒ Water Right Recommendation: I object to:
- a. ☒ this water right being recommended at all; or
- b. ☐ this water right not being recommended.
13. ☐ Description of Reservation: I object to the legal description of the reservation.
14. ☐ Other: I object to:

☒ Check here if you are submitting documents. Please list each document by the title and number of pages. You may use additional pages if necessary.

Map of claim showing federal parcel(s).

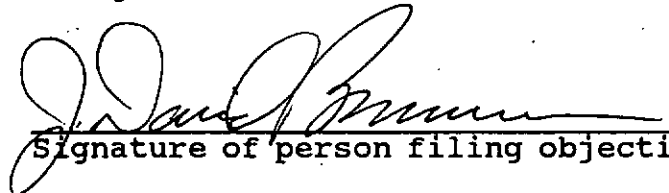
VERIFICATION (Must Be Completed)

State of Idaho

County of Ada

J. DAVID BRUNNER, BOISE DISTRICT MANAGER, being first duly
(Name of person filing objection)
sworn, upon oath, deposes and says:

That I am the person or entity filing this objection, that I am a water claimant or party in this proceeding, as defined by I.C. § 42-1401A(1) and (7), and that I have read the foregoing objection, know its contents and that the statements contained therein are true to the best of my knowledge and belief.


Signature of person filing objection

By: _____
(Attorney signing in
representative capacity)

1993 Subscribed and sworn to before me this 23 day of February

Clarence D. Byle
Notary Public for Ada County
Residing at: Box 35, Ada, Idaho
My Commission expires: April 26, 1997

(Over)

INSTRUCTIONS FOR MAILING

You must mail the objection, including all attachments, to the Clerk of the Court. FAX filings will not be accepted by the Clerk of the Court. You must also send a copy to the owner of the water right, if other than yourself; to the Office of the Attorney General, State of Idaho; and to the United States Department of Justice, as set out below in the Certificate of Mailing. Finally, you must sign the Certificate of Mailing to show that you followed these steps.

CERTIFICATE OF MAILING

I hereby certify that on the 26th day of February, 1993, I ^{mailed} the original and ¹²copies of the foregoing objection, including all attachments, to the following persons, by mailing the original and/or true and correct copies, postage prepaid and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, Idaho 83303-2707

2. One copy to the owner of the water right, and you must fill in the following information:

Owner name: Burghardt Co. Inc.
c/o Lulu Burghardt
Owner's Address: Grand View, Idaho 83624

3. One copy to:

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 4449
Boise, Idaho 83711-4449

4. One copy to:

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, Box 33
Boise, Idaho 83734

Signature of Objector or attorney
mailing on Objector's behalf

MICROFILMED

ADJUDICATION CLAIM CHECKLIST

NOTICE OF CLAIM NO.

A57-01202

VR ELEMENT	FIELD EXAM Y/N-IF NO, DO OFFICE VERIFICATION	FIELD EXAM OR IN-OFFICE VERIFICATION WHOM/DATE	CLAIM CODE (SEE BELOW)	CLAIMANT CONTACT NEEDED - Y/N**	REVIEW COMPLETED WHOM/DATE	"R" RECORD
PRIORITY*	N	Rdh 1/11/91	6	N		
PT. OF DIV.						
SOURCE						
PL. OF USE						
DIV. AMOUNT CFS/AF			ADD AF			
CONSUMPTIVE USE			ADD CW			
NATURE OF USE			6			
PERIOD OF USE						
BASIS OF CLAIM						
REMARKS						

DATA ENTRY COMPLETED
BY 181 DATE 2-6-91
Cea #101 2-19-91

FINAL RECOMMENDATION
BY _____ DATE _____

VERIFICATION CODES

TOPO MAP/ORTHO	PHOTO	=	1
ASCS MAP		=	2
WATERMASTER	RECORDS	=	3
NAPP PHOTOS		=	4
FIELD EXAM		=	5
OTHER (SEE COMMENTS)		=	6

*IF REQUIRED HAS EVIDENCE OF PRIORITY BEEN
SUBMITTED - YES _____ NO _____

**IF CLAIMANT CONTACT IS NEEDED, COMPLETE
CLAIMANT CONTACT CHECKLIST AND ATTACH.

COMMENTS: SAME FFS DECREE

IN - OFFICE MATCH

MICROFILMED

OCT 07 1997

CLAIM NO. 57-01202

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
CLAIM VERIFICATION EXAM SHEET

(use in place of the CVR for ~~small Domestic/Stock~~ exams)

MATCH

1. ☒ No Change NAME
NEW OWNER: _____
☐ No Change ADDRESS
NEW ADDRESS: _____
2. ☒ No Change - DATE OF PRIORITY: Completed - No Field Verification Needed.
☐ Incomplete - Claim shows no priority date, claimant should be asked during the exam when was water first used.
Priority date, per claimant, is _____.
(if the priority date, based on your exam, seems questionable, explain in remarks.)
3. ☒ No Change - SOURCE
☐ Source is different than that claimed:
Source found: _____
4. ☒ No Change - POINT OF DIVERSION
☐ Point of diversion is different than the claim
New P/D: Twp. _____, Rge. _____, Sec. _____, _____ 1/4 _____ 1/4 _____ 1/4
5. ☒ No Change - DESCRIPTION OF DIVERTING WORKS
☐ Incomplete desc., complete items missing, IF KNOWN.
Additional comments in remarks.
HP of pump _____ Pump Ser. # _____ Pumping water level _____
Well depth _____ Motor Ser. # _____ Static water level _____
Casing size _____ Method of irr. _____
6. ☒ No Change - WATER USES
☐ Different uses, (list uses found).

Use _____ From _____ To _____ Amount _____ cfs _____ af
Use _____ From _____ To _____ Amount _____ cfs _____ af
7. ☒ No Change - TOTAL VOLUME
☐ Incomplete on claim, the total is, -- -- _____ cfs _____ af
☐ Change found, the new total is, -- -- -- _____ cfs _____ af
8. N/A
9. ☒ No Change - NON-IRRIGATION USES: Completed on claim
☐ Incomplete on claim - Exam found:

Domestic - No. of homes _____ Stockwater - No. of head _____
Other: _____

MICROFILMED

OCT 07 1992

10. ☒ No Change - PLACE OF USE: (If changed, list below.)
Use Twp. Rge. Sec. 1/4, 1/4,

Remarks: (Comments pertinent to field examination)

CLAIM INCORRECTLY SHOWS BASIS AS "STATUTORY",
CHANGED TO DECEDED.
MAP IN FILE A57-01201

ATTACHMENTS:

Attached to
This Form.

Attachments are
in Permit File.

PHOTOS (optional) ☐
MAP ☐
SYSTEM DIAGRAM ☐

☐
☐
☐

☐ Changes found during exam or additional information in the permit file, see permit file.

DATE EXAM CONDUCTED: 1/11/91

FIELD EXAMINER: Ron Howerton

Signature Ron Howerton

OVERLAP REVIEW FOR: 1202, 1205, 1207, 2285A

	NUMBER	TNS	RNG	SEC	NE				NW				SW				SE				TOTAL	SYSTEM TOTAL
					NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
GW	1202	75	3E	3					4												4	
				4	9		21	16					12		2				5		65	69
GW	2285A	75	3E	3					20												20	
				4	9		21	16					10						5		61	81

GW
TOTAL
ACRES

	NUMBER	TNS	RNG	SEC	NE				NW				SW				SE				TOTAL	SYSTEM TOTAL
					NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
		75	3E	3					20												20	
				4	9		21	16					22		2				5		75	(95)

Surf

	NUMBER	TNS	RNG	SEC	NE				NW				SW				SE				TOTAL	SYSTEM TOTAL
					NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
	1207	75	3E	3					4												4	
				4	9		21	16					12						5		63	(67)
COMBINED WITH SURF, (STORAGE) N/A	(1205)																					

GW + Surf

	NUMBER	TNS	RNG	SEC	NE				NW				SW				SE				TOTAL	SYSTEM TOTAL
					NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
		75	3E	3					20												20	
				4	9		21	16					22		2				5		75	(95)

MICROFILMED

OCT 07 1992

CLAIMANT: BURG-HART CO. INC

AGENT: RON HOWERTON DATE: 11/11/91

GIVEN:

ACRES OVERLAPPING: 55

IRRIGATION METHOD: FLOOD % SPRINKLER %

DELIVERY LOSS FACTOR USED:

(SOURCE) = % (SOURCE) = %

(SOURCE) = %

RANGE OF RECOMMENDABLE DIVERSION RATES & VOLUMES

SOURCE	ACRES	DIVERSION RATE MIN	DIVERSION RATE MAX	DIV VOL	C.U. VOL
GW	95		1.9	332.5	345

ANALYSIS

SOURCE	NUMBER	ACRES	PRIORITY	CLAIMED CFS	CUM. CFS
GW	1202	69	3-15-1954	0.5	1.9
GW	2285A	81	6-5-1965	(1.62)	
		CO9	(PARTIALLY FORFEITED)	1.4 cfs	
SURF	1207	67	3/1/1948	1.34	

ANALYSIS FOR CLAIM NO.: A57-01202 & 2285A with SURF 1207

Standard Conditions: CO9 FOR 2285A

Standard Remarks:

E01 COMBINED ACRES IN SINGLE IRRIGATION SEASON = $(95) \times (3.5) = 332.5$
 COMBINED DIVERSION VOL = ~~475~~ AF 427.5 AF
 COMBINED CU VOL = 332.5 AF
 MAX GW 15 (1.9)
 1.62 (1)
 - (2) .22 cfs
 2285A = $\frac{1.62}{2.12} = 1.9 = 2.22$
 EACH AKE SELF
 LIMITING.

MICROFILMED

1202

D.

RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE
 ACRES 69 x 0.02 CFS/ACRE = 1.38 CFS
 (Taken from p/u review)

1b. CALCULATIONS

DOES AMOUNT CLAIMED EXCEED 0.02 CFS/ACRE? Y() N(X)

*** IF YES ADDITIONAL WATER USE FORM FILED AND ATTACHED? Y() N() ***

2. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = AF/A

ACRES 69 x CONSUMPTIVE VOL. AF/A FOR AREA 3.5 =
 TOTAL CONSUMPTIVE USE 241.5 AF/A

3. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = AF/A

ACRES 69 x DIVERSION VOL. AF/A FOR AREA 54.5 =
 TOTAL DIVERSION VOLUME 345 AF/A

CHG'D
 PER
 NEW SEASON 1/00
 MAP 1/6/92

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION:

SEE ATTACHED SHEET? Y() N()

REMARKS: (Include limitations on CONSUMPTIVE USE for combined rights.)

COMBINED WITH (2285A)

ACRES = 95 AC

DIV. VOL = 475 AF 427.5

CW VOL = 332.5 AF

COMBINED WITH (1207)

ACRES = 95 AC

CW VOL = 332.5 AF

MICROFILMED

OCT 07 1992

6/81

State of Idaho
Department of Water Resources

ADJUDICATION CLAIM ANALYSIS SHEET

Review by D. SHAFFDate 1/28/82Right No. 57-1202Claimant BURGARDT

Recommendation differs from claim:
(Document any differences)

☒ Yes☐ No☐ Disallow

Claim Details Verified Against:

Check (X or ✓) those searched. Circle records used for recommendation.
Include copies or memos where applicable to explain findings.

☒ License 57-2109, 57-2285☐ Previous Statutory Claim.☐ Permits, valid or lapsed. Number(s) if different than above _____☐ Decree. Name & date _____☐ Conveyance Loss Calculations. See printout included.☐ Title abstract. ☐ In file. Or, Name & location _____☐ County records. ☐ In file. Or, Name & location _____☐ Affidavits. ☐ In file.☐ Posted Notices, Water Locations Notices. ☐ In file.☐ Deed Records. ☐ In file. Or, Name & location _____☐ Patent Records. ☐ In file. Or, Name & location _____☐ Metzker Maps. Identify _____☒ A.S.C.S. Records. Year & Photograph No. 9-12-1950 8/01/1957
CVS-26-96, CVS-137-45☐ Irrigation Company/District Records. ☐ In file. Or Name & location _____☐ Historical Books. Name(s) & location _____☐ Interview(s). Attach conversation memorandum.☒ Other SUPPLEMENTAL CLAIM INFO. / IN FILE.Field Exam Made: ☒ Yes ☐ No Date 4/30, AUG 9 1/26/82SEE MEMO.☐ Adj. Report in file ☐ Beneficial Use Report in License (S.O.) File

Measurement _____ cfs. Amount recommended _____ cfs.

Type of measuring device: _____ Meter No. _____

Condition _____ Date _____ Time _____

Adjudication Photo(s) Used: Name or No. CHALK HILLSField Photographs Taken ☒ Yes ☐ NoMemorandum in file ☒ Yes ☐ No

Remarks _____

M E M O

TO: File No. 57-1202
FROM: Don Shaff *DS*
DATED: January 27, 1983
SUBJ: Review Analysis

This claim was inspected in the field on January 26, 1983. The high water mark in the pit indicated there had never been any ditches from the sump itself. Timbers and lumber on the northeasterly side of the sump in the bottom indicate there may have been a platform for a pump or tractor to rest on a long time ago. There was three pieces of 6" steel pipeline in the vicinity of the sump. The recent use of the sump for irrigation is suspect due to the conditions of the fields ^{adjacent} ~~adjunct~~ to the sump and the neglected nature of the diversion works. A water right is recommended, however, with the claim^{ad} priority date because of the nature of a tractor power take-off and the ability of a water user to exercise a prior right developed by the original appropriator. This source alone would not be sufficient to irrigate the lands recommended but as a supplemental source in a pipeline, it could be used on any of the older ^{Turnes} ~~Turnes~~ lands. The supporting information supplied by the claimant's counsel indicates the pump was last operated in 1965. The photos in the file seem to support this. With the slopes of the ends of the pit, cattle could utilize the water in the pit without any diversion.

MICROFILMED

OCT 07 1992

I.D. No. 57-1202

Sump by Rock House

SWSW, Sec. 4, T.7S., R.3E.

RECEIVED

DEC 15 1965

Department of Water Resources
Western Regional Office

SUPPLIED BY CLAIMANTS

1. Priority Date

During March 1954, a sump was excavated with a backhoe and dragline to a depth of approximately 30 feet by members of the Burghardt family.

2. Supporting Documentation

A tractor pump, hose, and 3 inch diameter pipeline was installed to lift water from the sump for conveyance through the pipeline to the main ditch. The ditch leads to fields downstream from the sump. The tractor pump did pump up to 450 GPM, which empties the sump during the course of a days pumping; but the sump refilled overnight and was then ready for another day of pumping at the 450 GPM rate. Average steady continuous pumping rate was estimated at 225 GPM. An outlet ditch was dug, and water now flows by gravity from the sump toward the creek and irrigation ditches. Aerial photos from 1957 to date show the sump, ditches, and lands irrigated.

3. Amounts of Water Used

The pump was operated until 1965 during the summer irrigation season at an average 24 hour per day rate of 225 CPM to irrigate areas downstream from the sump. The pump was also operated at various other times to supply water for up to 350 head of cattle grazing on adjacent fields and grazing areas. The water now flows by gravity from the sump in amounts estimated at up to 0.50 CFS. Watering up to 350 head of cattle does not appear to change water level in the sump area which remains at about the same elevation throughout each year.

5. Storage Capacity

The sump stores an estimated 2,500 CF of 18,750 gallons based on a water depth of 25 feet; width, 4 feet; top length of 50 feet; and bottom length of 0 feet.

MICROFILMED

OCT 07 1965

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

Name of applicant Owyhee Calcium Products Inc Phone 208-334-2281

Post Office address PO Box 159, Grand View ID 83624

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
2. Describe the reason for the proposed changes To relocate 16 irrigated acres within the same system & remove them from BLM property.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

- | 1. Right Number | Priority | Amount (cfs/ac-ft) | Nature of Use | Period of Use |
|------------------|-------------------|--------------------|---------------|------------------------------|
| <u>57-02285B</u> | <u>06-05-1965</u> | <u>1.42 cfs</u> | <u>IRR</u> | <u>04-01</u> to <u>10-31</u> |
| | | | | to |
| | | | | to |
| | | | | to |
2. Total amount of water being transferred 1.42 cubic feet per second and/or _____ acre-feet per annum.
3. Source of water Groundwater tributary to _____
4. Point(s) of Diversion: _____

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		SE	SW	34	6S	3E	Owyhee	
								RECEIVED
								JUN 13 1997
								DEPARTMENT OF WATER RESOURCES

5. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			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	
6S	3E	34									14			32		20	15		81
7S	3E	3					Lot 3 2	Lot 4 1											3

Total acres 84

PART 1

6. General Information:

- a. Description of diversion system Well, pump to gated pipe & concrete ditches.

- b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? ✓ Yes _____ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes. BLM property/will provide release & agreement
- c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:
will no longer be irrigated.

- d. Remarks:

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____
 And said application is hereby _____, subject to the following limitations and conditions:

Witness my hand this _____ day of _____, 19 _____

3 of 5

AJ5856NP

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

DATE: JUN-13-1997
PAGE: A-4

RIGHTS FROM: SOURCE: GROUNDWATER

RIGHT NUMBER: 57-022858

NAME & ADDRESS: OWYHEE CALCIUM PRODUCTS INC
PO BOX 159
GRAND VIEW ID 83624

SOURCE: GROUNDWATER

QUANTITY: 1.42 CFS
378.0 AFY

PRIORITY DATE: 06/05/1965

POINT OF DIVERSION: T06S R03E S34 SESW Within OWYHEE County

PURPOSE AND PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
IRRIGATION Irrigation Season 1.42 CFS
378.0 AFY

PLACE OF USE: IRRIGATION Within OWYHEE County

T06S R03E S34	SWNE 4.0	SENE 2.0	NESW 14.0	SESW 26.0
	NWSE 20.0	SWSE 15.0		
T07S R03E S03 Lot 3 (NENW) 2.0 Lot 4 (NWNW) 1.0				
84.0 ACRES TOTAL				(+ 6.0) 32.0

CONSUMPTIVE USE: 294.0 AFY

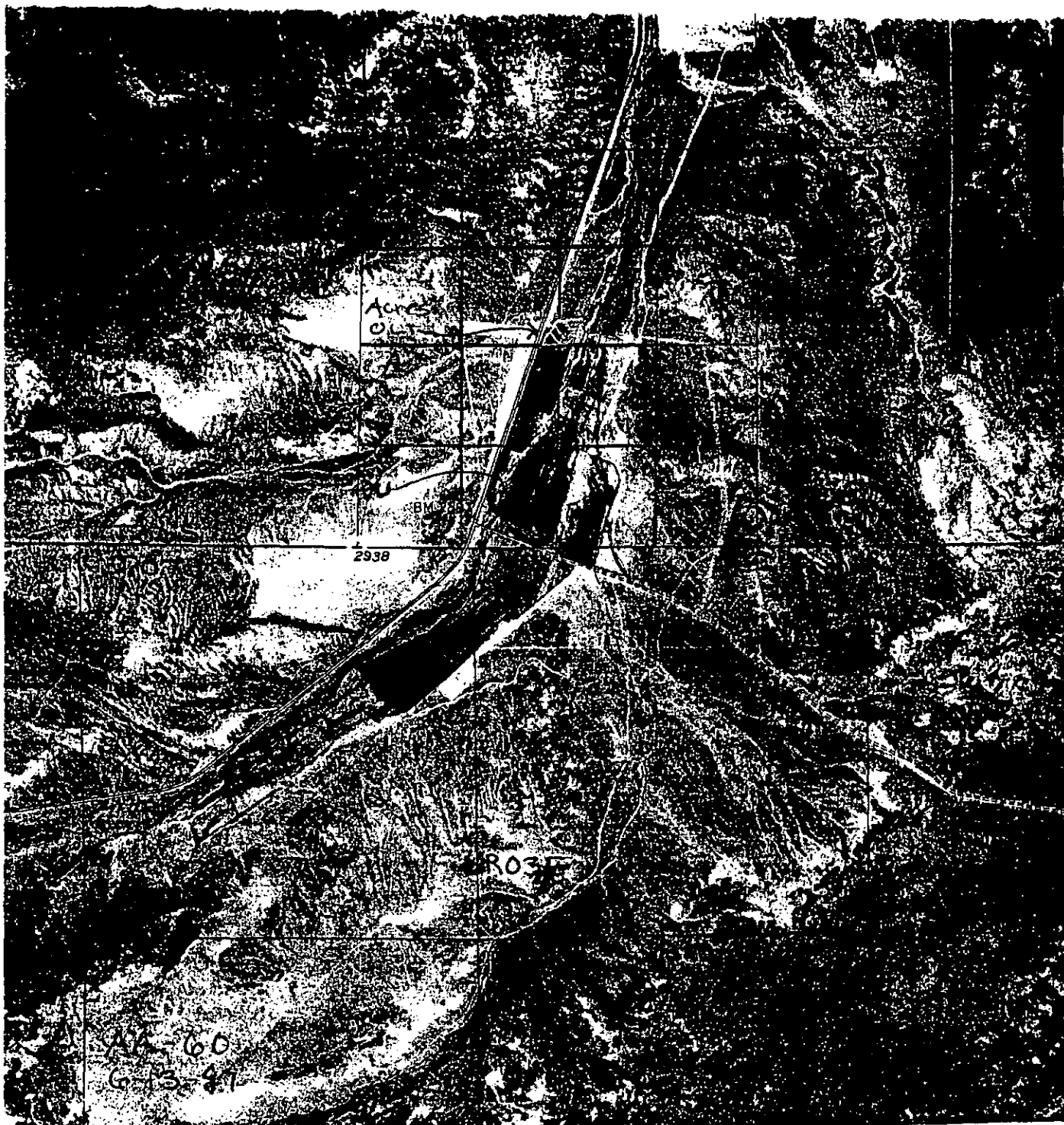
EXPLANATORY MATERIAL: BASIS OF CLAIM - DECREE

9. Some surface water rights used.

10. No.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.



PART 3

B. CHANGES IN NATURE OF USE NA

1	<u>New Nature of Use</u>	<u>Amount (cfs/ac-ft)</u>	<u>Hours/days/year</u>	<u>Period of Use</u>
	_____	_____	_____	_____ to _____
	_____	_____	_____	_____ to _____

2. Quantity and quality of return flows and location of discharge:

3. Describe effects on other water uses resulting from the proposed change:

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.

[Signature]
(Signature of Applicant)

Subscribed and sworn to before me this 13TH day of June, 19 97

[Signature]
(Notary Public)

My commission expires 1/1/2000

FOR DEPARTMENT USE ONLY

Transfer contains 5 pages and 1 attachments

Received by [Signature] Date 6-13-97 Protest filed by _____

Prelim. check by [Signature] Fee \$100.00 0039234 _____

Receipted by [Signature] Date 6-13-97 _____

Published in Owyhee Avalanche Copies of protest forwarded by _____

ub. dates 7-16 + 23 - 1997 Hearing held by _____ Date _____

ermaster recommendation requested on _____ Recommended for ☐ approval ☐

_____ rec'd. _____ by _____

Transfer sent to lien holder _____



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

August 27, 2001

OWYHEE CALCIUM PRODUCTS
PO BOX 159
GRANDVIEW ID 83624

Dear Sirs:

Enclosed is a copy of the Notice of Completed Administrative Procedure and pertinent water right(s) recently sent to the Snake River Basin Adjudication Court in Twin Falls. These documents are now required to be filed by the Department in order to notify the Court of any changes to your water right.

The change to your water right was a result of an approved transfer. This notification to the Court does not affect the previous approval of this transfer or your water right. You will be notified of any future action on your water right by the SRBA Court or Water Resources.

Please contact this office if you have any questions concerning this notification.

Sincerely,

A handwritten signature in cursive script that reads "Lori Harris".

Lori Harris
Technical Records Specialist
Adjudication Section
Western Region Office

JS:lh
Enclosures

OWNER CODE C NAME & ADDRESS BURGARDT CO INC C/O LULU BURGARDT GRAND VIEW ID 83624 PRIORITY DATE 03/15/1954 WATER USE IRRIGATION STOCKWATER USE PERIOD FROM 03-15 11-15 TO 01-01 12-31 DIVERSION RATE 0.50 CFS 0.04 CFS 0.50 CFS DIVERSION VOLUME TOTAL DIVERSION: 0.50 CFS

Water Source: GROUNDWATER Tributary to: T07S R03E S04 SWSW Stage: DECREED OWYHEE County

Place of use Legal Description for: IRRIGATION									
NE									
NW									
SW									
SE									
SUM									
T	R	S	Lt	Ac	Lt	Ac	Lt	Ac	Lt
07S 03E 3	:	:	:	:	:	:	:	:	:
07S 03E 4	:	:	:	:	:	:	:	:	:
21	16	:	:	:	:	:	:	:	:
04-04	:	:	:	:	:	:	:	:	:
12	02	:	:	:	:	:	:	:	:
05	:	:	:	:	:	:	:	:	:
TOTAL ACRES	:	:	:	:	:	:	:	:	:
65.0	:	:	:	:	:	:	:	:	:
69.0	:	:	:	:	:	:	:	:	:

Place of use location for STOCKWATER is the same location as described for: IRRIGATION

POU County: OWYHEE Non-Irrigation Uses: STOCKWATER, 350 HD CATTLE Other Rights: SEE REMARKS

Remarks: USE OF THIS RIGHT WITH RIGHT NO. 57-02285A IS LIMITED TO A COMBINED ANNUAL DIVERSION VOLUME OF 427.5 AF. USE OF THIS RIGHT WITH RIGHT NOS. 57-01205, 57-02285A, AND 57-01207 IS LIMITED TO A COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 332.5 AF, AND TO THE IRRIGATION OF A COMBINED TOTAL OF 95 ACRES IN A SINGLE IRRIGATION SEASON.

Dates: Exam Made Date: 01/11/1991 Verified Date: 03/19/1992 Misc: Water District Number: 57K Field Inspection Flag: Presumption Flag:

Audit: 02/06/91 HOLT 02/06/91 HOLT 02/19/91 HOLT 03/08/91 HOWERTON 05/17/91 HOLT 08/27/91 HOWERTON 08/29/91 HOWERTON 09/11/91 HOWERTON 09/13/91 HOWERTON 09/17/91 HOWERTON 09/20/91 HOWERTON 11/11/91 HOWERTON 11/17/91 HOWERTON 12/14/91 HOWERTON 01/09/92 HOWERTON 03/05/92 HOWERTON 03/19/92 HOWERTON 07/29/92 PR-PRODM 10/13/92 CP SHAW 12/05/92 ADT-SHAW

MICROFILMED JUL 20 1994

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

Ident. Number: A57-01202
Date Received: 3/10/1989
Receipt No: W002635
Received By: [Signature]

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: BURGHARDT CO., INC.
Address: C/O LULU BURGHARDT
GRAND VIEW, ID

83624

2. Date of Priority: MAR 15, 1954

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
07S	03E	4	SW	SW			OWYHEE

5. Description of diverting works:
PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.500		
STOCKWATER	01/01	12/31	0.040		4.70

7. Total Quantity Appropriated is:
0.500 C.F.S. (and/or)

A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
S/350 HEAD RANGE

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
07S	03E	3	NW	NW	4	IRR	4.0
Section Acres							4.0

A57-01202

Page 1

Date: 03/10/89

MICROFILMED

OCT 07 1992

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07S	03E	4	NE	NE	1	IRR	9.0
			SW	NE		IRR	21.0
			SE	NE		IRR	16.0
			NE	SW		IRR	12.0
			SW	SW		IRR	2.0
			NW	SE		IRR	5.0
						Section Acres	65.0
						Total Acres	69.0

11. Place of use in counties: OWYHEE

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
57-1205/1207 & 57-2285A.

14. Remarks:
DIVERSION FROM 30-FT. SUMP

15. Basis of Claim: STATUTORY CLAIM

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 0

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Burghardt Co Date: _____
By Ruby M. Burghardt Date: 4/28/89
Sec. Treas

State of Idaho)
County of ADA) SS.

Subscribed and sworn (or affirmed) before me this 28th day
of April 19 89
Jan Thunte
Notary Public

Seal

Residing at Meridian ID
My Commission Expires 9-14-94

Water Right Number - A57-01202

Adj. Flag Translation: ADJUDICATION CLAIM

Old (D) Number -

+ - - - - Last Name - - - - + + - - - - First Name - - - - + + - - - - Address - - - - -

*** C - CURRENT OWNER ***
BURGHARDT CO., INC.

1 - C/O LULU BURGHARDT

2 -

3 -

City- GRAND VIEW

State- ID Zip- 83624

Phone -

+ - - Priority Date - - - - + + - - - Region - - - - + + - - - Stage - - - - + + - - - Status - - - - +
03/15/1954~~STATUTORY CLAIM~~

DECEED

+ - - Source - - - - - + + - - - Tributary - - - - - + + - - -

GROUNDWATER

+ - - - - - - - - - - - - - - - Point of Diversion - - - - - Stream Index (Blank if no Index Code) - - - - -

Rflg County

(73) OWYHEE

+ - - - - - - - - - - - - - - - Water Use - - - - - Diversion Rate - - - - - Diversion Volume - - - - -

Description

Period From Period To

Diversion Rate

Diversion Volume

01 - IRRIGATION
04 - STOCKWATER03/15 11/15
01/01 12/310.500
0.040

345

4.70

+ - - Total Div. Rate - - - - + + - - - Total Div. Volume - - - - + + - - - Total Div. Capacity - - - - + + - - - Total Consumptive Use - - - - + + - - - KW Usage - - - - +
0.500

349.7

241.5

+ - - - - - - - - - - - - - - - Place of Use - - - - - Description - - - - - County - - - - -

Tract

Lot

Acres

Code

Description

County

| | | | | | | | | | |
|-----|-----|---|-------|---|------|----|------------|------|--------|
| 07S | 03E | 3 | NW NW | 4 | 4.0 | 01 | IRRIGATION | (73) | OWYHEE |
| 07S | 03E | 4 | NE NE | 1 | 9.0 | 01 | IRRIGATION | (73) | OWYHEE |
| 07S | 03E | 4 | SW NE | | 21.0 | 01 | IRRIGATION | (73) | OWYHEE |
| 07S | 03E | 4 | SE NE | | 16.0 | 01 | IRRIGATION | (73) | OWYHEE |
| 07S | 03E | 4 | NE SW | | 12.0 | 01 | IRRIGATION | (73) | OWYHEE |
| 07S | 03E | 4 | SW SW | | 2.0 | 01 | IRRIGATION | (73) | OWYHEE |
| 07S | 03E | 4 | NW SE | | 5.0 | 01 | IRRIGATION | (73) | OWYHEE |

Total Acres: 69.0

+ - - Diversion Means - PUMP

+ - - Non-Irrigation Use - S/350 HEAD RANGE

+ - - Other Rights for Same Use - 57-1205/1207 & 57-2285A.

+ - - - - - - - - - - - - - - - Remarks - - - - -

DIVERSION FROM 30-FT. SUMP

MICROFILMED

OCT 07 1992

Water right number - A57-01202

Adj. flag translation: ADJUDICATION CLAIM

+ - - - - Old Water Right Numbers - - - - - +

+ - - - - Old Water Right Numbers - - - - - +
No Old Water Right Numbers found.

+ - - - - Conditions of Approval - - - - - +
No Conditions of Approval found.

+ - - - - Decree Plaintiff - - - + + - - - - Decree Defendant - - - + + - Decree Date - +
00/00/0000

+ - - Audit Fields - 02/11/86 05/01/88 CONVERT

+ - - - - -Comments- - - - - +
No Comments Found

+ - - - - Adjudication Rights Dates and Flags Area - - - - - +

| | | | | | |
|-----------------------|--------------|-----------------------|--------------|-------------------------|-------|
| Court Report Filing | - 00/00/0000 | Field Inspection Made | - 00/00/0000 | Civil Case Number | - |
| Objection Filed Date | - 00/00/0000 | Field Inspection Flag | - | Old Case Number | - |
| Response Filed Date | - 00/00/0000 | Verified Date | - 00/00/0000 | Old Judicial District | - |
| Claim Received Date | - 00/00/0000 | Last Amended Date | - 00/00/0000 | Temporary Right | - P |
| Claims Tape Error Flg | - | Receipt Number | - | Water District | - 57K |
| Fee Exempt Flag | - | POU Ownership Flag | - | Federal/State Indicator | - |
| Name Connector | - | Microfilm Roll Number | - | Presumption Flag | - |

MICROFILMED

OCT 0 7 1992

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF OWYHEE

IN THE MATTER OF THE GENERAL DETER-
MINATION OF RIGHTS TO THE USE OF
UPPER SHOOFLY CREEK

DRAINAGE BASIN.

NOTICE OF CLAIM
TO A
WATER RIGHT

| | | |
|----------|----------|-------------|
| 57-1202 | I.D. No. | Map No. |
| \$ 45.00 | Fee Paid | # 24130 |
| | | Receipt No. |

Notice is hereby given that Burghardt Co., Inc., an Idaho corporation, c/o Lulu
(Name of Claimant) Burghardt
Grand View, Idaho 83624 Telephone No. (208) 834-2423
(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, or priority date of decreed, licensed or permit right) Priority Date: March 15, 1954
- (2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water) Ground water - subterranean
tributary to _____
- (3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed: 4/15
- Quantity 0.50 CFS Use Irrigation A Period of Use From Mar 15 To Oct 31
(CFS, GPD, AF) (Domestic, irrigation, stock, etc.) (Mo., Day) (Mo., Day)
(Both dates inclusive)
- 47 AFA Quantity 0.04 CFS Use Stock S Period of Use From Jan 1 To Dec 31
(CFS, GPD, AF) (Domestic, irrigation, stock, etc.) (Mo., Day) (Mo., Day)
(Both dates inclusive)
- Quantity _____ Use _____ Period of Use From _____ To _____
(CFS, GPD, AF) (Domestic, irrigation, stock, etc.) (Mo., Day) (Mo., Day)
(Both dates inclusive)
- Quantity _____ Use _____ Period of Use From _____ To _____
(CFS, GPD, AF) (Domestic, irrigation, stock, etc.) (Mo., Day) (Mo., Day)
(Both dates inclusive)
- (4) 0.50 CFS TOTAL QUANTITY CLAIMED.
(CFS, GPD, AF)
- (5) A) Point of Diversion: Give location of point where water is diverted from its source SW $\frac{1}{4}$ SW $\frac{1}{4}$
Sec. 4, Twp. 7S, Rge. 3E, B.M., Owyhee 73 County
Additional Points: None
- 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. 225 GPM tractor pump, hose and 3" pipeline to ditch. Sump was dug 30 feet deep with backhoe.
- (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 $\frac{1}{4}$ | | | | NW $\frac{1}{4}$ | | | | SW $\frac{1}{4}$ | | | | SE $\frac{1}{4}$ | | | | TOTAL |
|---------------|---------------|--------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|-----------------|
| | | | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ | |
| ~~7S~~ | ~~3E~~ | ~~3~~ | | | | | 40 | | | | | | | | | | | | 40 |
| ~~7S~~ | ~~3E~~ | ~~4~~ | 40 | | 40 | 40 | | | | | 40 | 40 | 40 | | | | | | 240 |
| ~~7S~~ | ~~3E~~ | ~~5~~ | | | | | | | | | | | | | | | 40 | | 40 |
| ~~7S~~ | ~~3E~~ | ~~3~~ | | | | | ~~40~~ | ~~40~~ | | | | | | | | | | | ~~80~~ 4 |
| | | 4 | | | 21 | 16 | | | | | 2 | | | | 5 | X | | | 65 |

OTHER RIGHTS: 57-228, 57-1203, 57-1204, 57-2109, 57-1205 Total no. of acres 320 ~~69~~

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

NOTE: Include here the type and number of stock watered: 5/350 head of cattle RANGE

- (7) If you are claiming water as a member of an organization, list name of organization: Burghardt Co., Inc.
- (8) Remarks The same 350 head of cattle are listed in all claims.
(DIVERSION FROM 30-FOOT SUMP)
- (9) Basis of claim (Check one) ☒ A) Right based on diversion and beneficial use.
☐ B) Right decreed by court, cite title of case.

☐ C) Right based on application, permit, license, or previous statutory claim filed with the Idaho Department of Water Resources. Give No. _____

Be it known that the undersigned, after being duly sworn on oath, depose(s) and say(s) that all statements included herein are true and accurate to the best of (his, her, their) knowledge.

9-2-82

(Date)

(Signature of Claimant)

(Signature of Spouse)

State of Idaho

Organization

County of Ada

ss.

Seal

Organization

Burghardt Co., Inc.

Department of Water Resource
Western Regional Office

Laurie Frank Burghardt, President
(Signature of Authorized Agent)

On this 2nd day of September, in the year 1982, before me
a notary public, personally appeared Laurie Frank Burghardt, President of Burghardt Co., Inc.

known to me to be the person(s) whose name(s) are subscribed to the above instrument, and acknowledged to me that ~~XXXXXX~~ corporation,
~~XXXXXX~~ executed the same.

My commission expires _____

Notary Public residing at Boise, Idaho

10/07/82 1/27/83

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

IN THE MATTER OF THE GENERAL DETER-
MINATION OF RIGHTS TO THE USE OF UPPER SHOOFLY CREEK
DRAINAGE BASIN.

NOTICE OF CLAIM TO A WATER RIGHT

| | |
|---|--|
| <u>57-1202</u>
I.D. No.
\$ <u>45.00</u>
Fee Paid | Map No.
<u># 24139</u>
Receipt No. |
|---|--|

Notice is hereby given that Burghardt Co., Inc., an Idaho corporation, c/o Lulu
(Name of Claimant) Burghardt
Grand View, Idaho 83624 Telephone No. (208) 834-2423
(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, or priority date of decreed, licensed or permit right) Priority Date: March 15, 1954
- (2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water) Ground water - subterranean
tributary to _____
- (3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:
- | | | |
|--|--|---|
| Quantity <u>0.50 CFS</u>
(CFS, GPD, AF) | Use <u>Irrigation</u>
(Domestic, irrigation, stock, etc.) | Period of Use From <u>Mar 1</u> To <u>Oct 31</u>
(Mo., Day) (Mo., Day)
(Both dates inclusive) |
| Quantity <u>0.04 CFS</u>
(CFS, GPD, AF) | Use <u>Stock</u>
(Domestic, irrigation, stock, etc.) | Period of Use From <u>Jan 1</u> To <u>Dec 31</u>
(Mo., Day) (Mo., Day)
(Both dates inclusive) |
| Quantity _____
(CFS, GPD, AF) | Use _____
(Domestic, irrigation, stock, etc.) | Period of Use From _____ To _____
(Mo., Day) (Mo., Day)
(Both dates inclusive) |
| Quantity _____
(CFS, GPD, AF) | Use _____
(Domestic, irrigation, stock, etc.) | Period of Use From _____ To _____
(Mo., Day) (Mo., Day)
(Both dates inclusive) |
- (4) 0.50 CFS TOTAL QUANTITY CLAIMED.
(CFS, GPD, AF)
- (5) A) Point of Diversion: Give location of point where water is diverted from its source SW $\frac{1}{4}$ SW $\frac{1}{4}$
Sec. 4, Twp. 7S, Rge. 3E, B.M., Owyhee County
Additional Points: None
- 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. 225 GPM tractor pump, hose and 3" pipeline to ditch. Sump was dug 30 feet deep with backhoe.
- (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 $\frac{1}{4}$ | | | | NW $\frac{1}{4}$ | | | | SW $\frac{1}{4}$ | | | | SE $\frac{1}{4}$ | | | | TOTAL |
|----|----|------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|-------|
| | | | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ | |
| 7S | 3E | 3 | | | | | | 40 | | | | | | | | | | | 40 |
| 7S | 3E | 4 | 40 | | 40 | 40 | | | | | 40 | 40 | 40 | | | | | | 240 |
| 7S | 3E | 5 | | | | | | | | | | | | | | | 40 | | 40 |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |

Total no. of acres 320

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

NOTE: Include here the type and number of stock watered: 350 head of cattle

- (7) If you are claiming water as a member of an organization, list name of organization: Burghardt Co., Inc.
- (8) Remarks The same 350 head of cattle are listed in all claims.

- (9) Basis of claim (Check one) ☒ A) Right based on diversion and beneficial use.
☐ B) Right decreed by court, cite title of case. _____
☐ C) Right based on application, permit, license, or previous statutory claim filed with the Idaho Department of Water Resources. Give No. _____

Be it known that the undersigned, after being duly sworn on oath, depose(s) and say(s) that all statements included herein are true and accurate to the best of (his, her, their) knowledge.

9-2-82
(Date)

State of Idaho

County of Ada

Organization

Seal

Organization

Burghardt Co., Inc.

(Signature of Spouse)

(Signature of Authorized Agent)

Department of Water Resources
Western Regional Office

On this 2nd day of September, in the year 1982 before me

a notary public, personally appeared Laurie Frank Burghardt, President of Burghardt Co., Inc.
known to me to be the person(s) whose name(s) are subscribed to the above instrument, and acknowledged to me that (he, she, they, corporation, partnership, etc.) executed the same.

My commission expires _____

Notary Public residing at Boise, Idaho

RECEIVED

(Signature of Claimant) SEP 3 1982