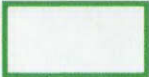
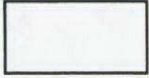
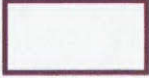
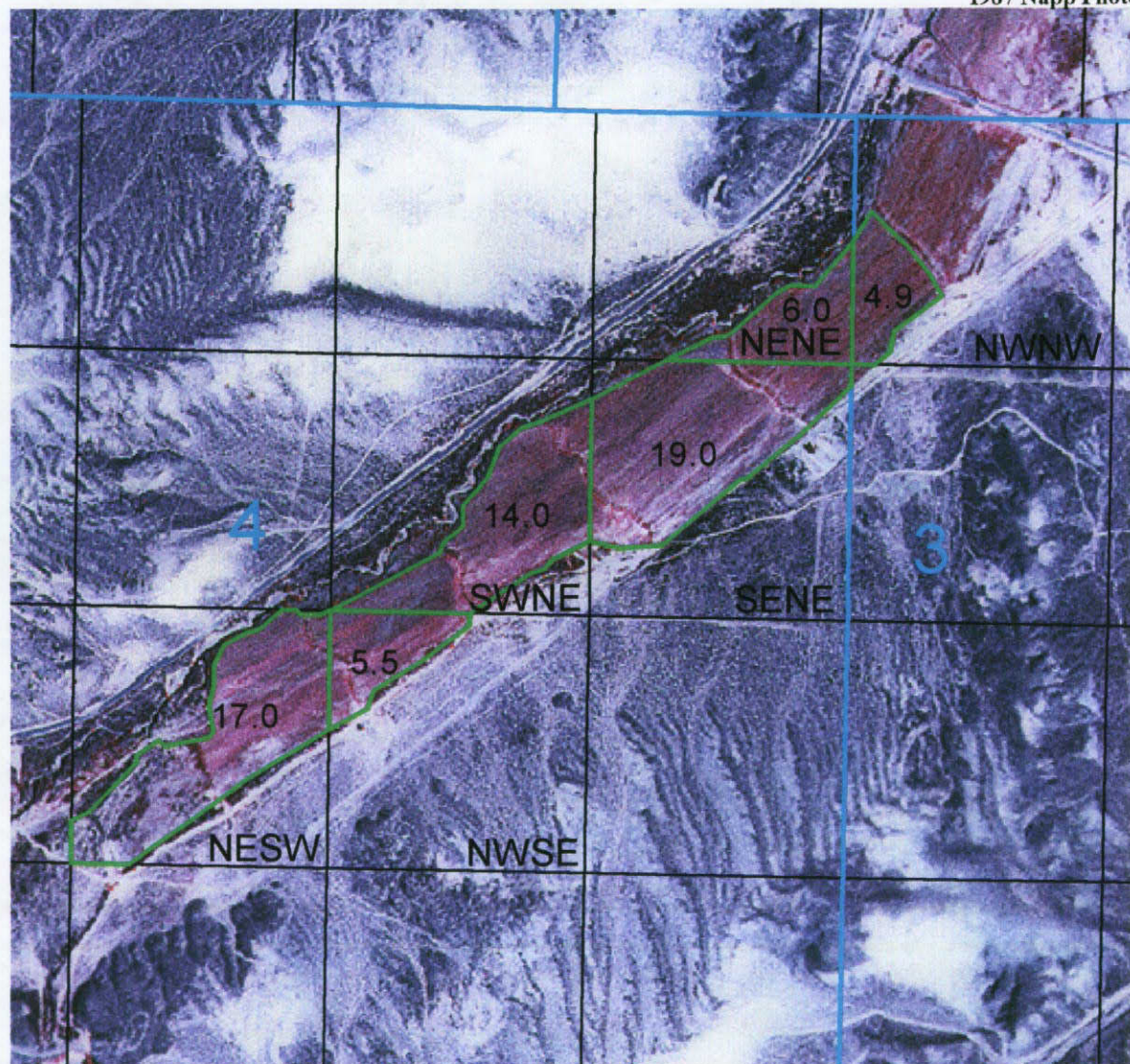
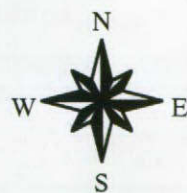


Idaho Department of Water Resources

Claim Number: 57-01205
Legal: T07S, R03E, S03, 04
Reviewed By:

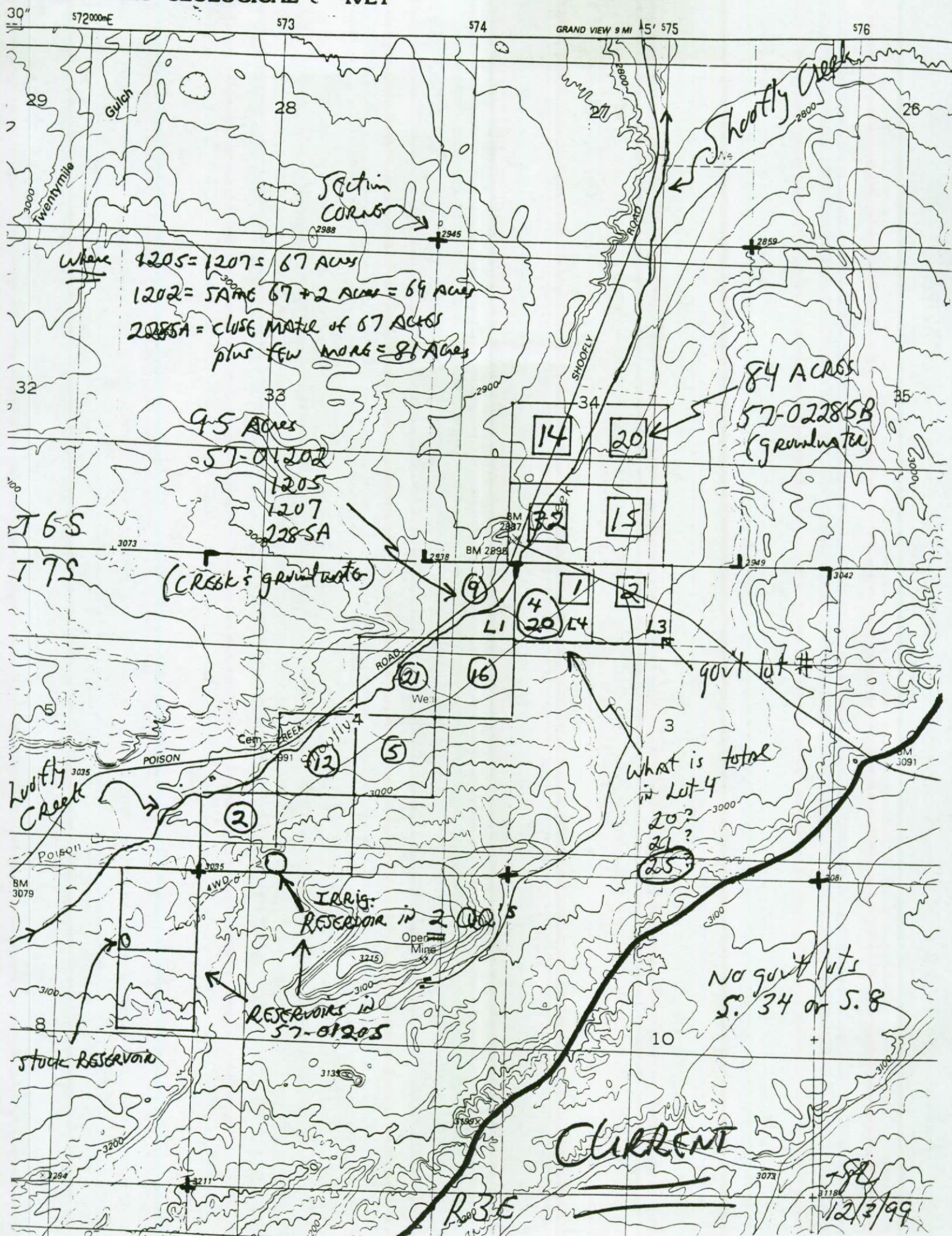
-  Point of Diversion
(located outside view)
-  Place of Use
-  Section Lines
-  Quarter Quarter Lines
-  Township/Range Lines



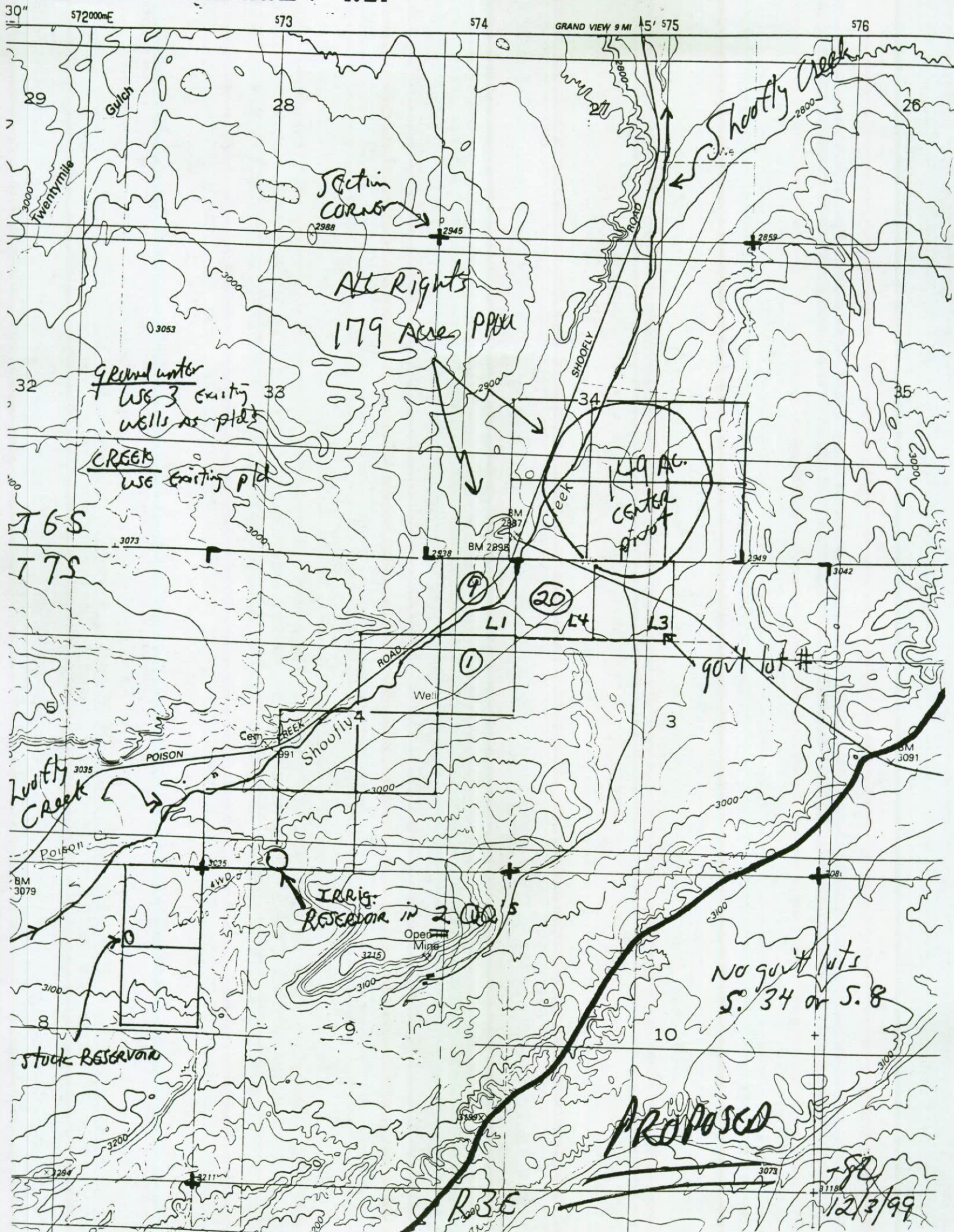
0 0.25 0.5 0.75 1 Miles

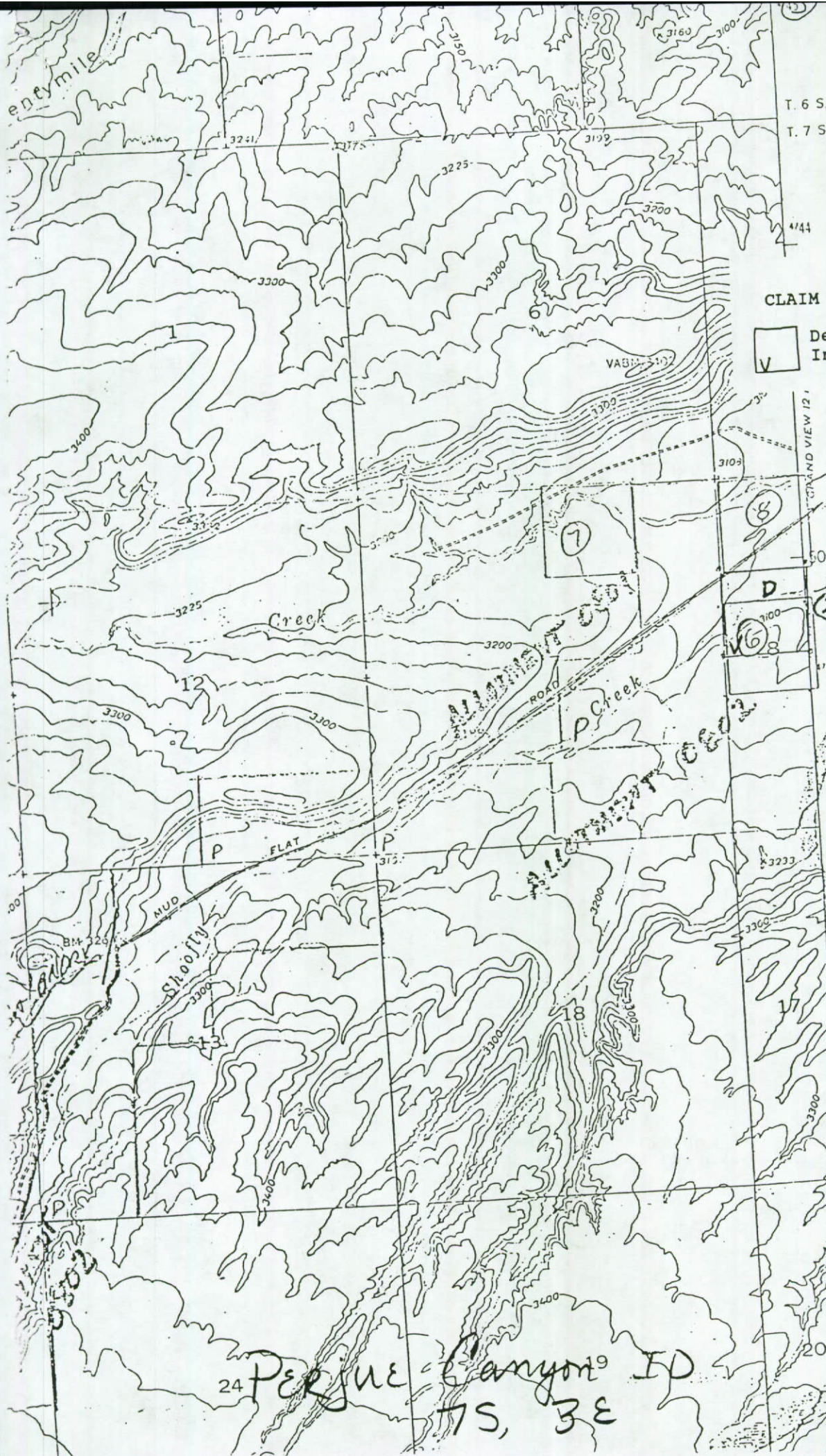


30" 572000mE 573 574 GRAND VIEW 9 MI 5' 575 576



DEPARTMENT OF THE INTERIOR
UNITED STATES GEOLOGICAL SURVEY





CLAIM NUMBER 57-01205

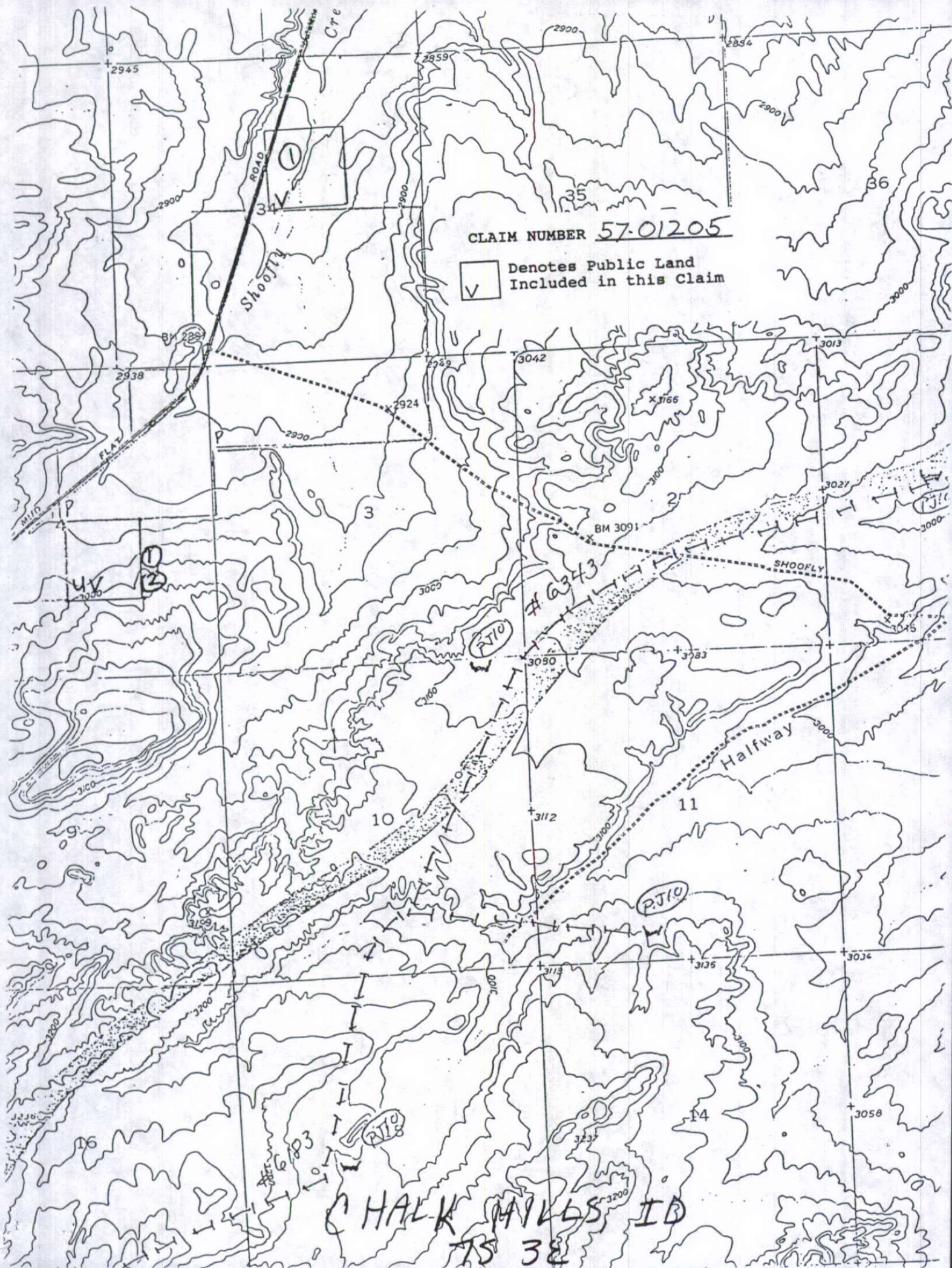
☐ Denotes Public Land
Included in this Claim

5 SWSE

8 NWNE

57

24 Perdue Canyon ID
7S, 3E



OVERLAP REVIEW FOR A57-01205

SURFACE
WATER

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		
1205	75	3E	3					4												4	
			4	9		21	16					12				5				63	67
1207	75	3E	3					4												4	
			4	9		21	16					12				5				63	67

Gw

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		
1202	75	3E	3					4												4	
			4	9		21	16					12		2		5				65	69
2285A	75	3E	3					20												20	
			4	9		21	16					10				5				61	81

TOTAL
ACRES
IRRIG.

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)

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		

MICROFILMED

OCT 07 1992

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

IN THE MATTER OF THE GENERAL DETERMINATION OF RIGHTS TO THE USE OF

NOTICE OF CLAIM
TO A
WATER RIGHT

DRAINAGE BASIN.

57-1205	
I.D. No.	Map No.
\$ 85.00	# 24130
Fee Paid	Receipt No.

Notice is hereby given that Burghardt Co., Inc., an Idaho corporation, c/o Lulu Grand View, Idaho (Name of Claimant)
83624 (Zip Code) Telephone No. (208) 834-2423
(Mailing Address)

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) April 1949, 140 AF water storage
- (2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water) Offstream storage reservoir south of Shoo Fly Creek tributary to Snake River
- (3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:
- | | | | |
|------------------------|-------------------------------------|---------------------------------|------------------|
| Quantity | Use | Period of Use From | To |
| (CFS, GPD, AF) | (Domestic, irrigation, stock, etc.) | (Mo., Day) | (Mo., Day) |
| | | (Both dates inclusive) | |
| Quantity <u>140 AF</u> | Use <u>Irrigation Storage</u> | Period of Use From <u>Jan 1</u> | To <u>Dec 31</u> |
| (CFS, GPD, AF) | (Domestic, irrigation, stock, etc.) | (Mo., Day) | (Mo., Day) |
| | | (Both dates inclusive) | |
| Quantity <u>280 AF</u> | Use <u>Irrigation from Storage</u> | Period of Use From <u>Mar 1</u> | To <u>Oct 31</u> |
| (CFS, GPD, AF) | (Domestic, irrigation, stock, etc.) | (Mo., Day) | (Mo., Day) |
| | | (Both dates inclusive) | |
| Quantity <u>29 AF</u> | Use <u>Stock Water</u> | Period of Use From <u>Jan 1</u> | To <u>Dec 31</u> |
| (CFS, GPD, AF) | (Domestic, irrigation, stock, etc.) | (Mo., Day) | (Mo., Day) |
| | | (Both dates inclusive) | |
- (4) 280 AF TOTAL QUANTITY CLAIMED.
(CFS, GPD, AF)

- (5) A) Point of Diversion: Give location of point where water is diverted from its source
Sec. None, Twp. 7S, Rge. 3E, B.M., Owyhee County

Additional Points:
B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change.
diversion dam, spillway, inlet and outlet ditch, 12' wide top, 6' wide bottom, 4' depth.

- (6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

T	R	SEC.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
7S	3E	2																	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:
stockwater - same

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

- (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.

Individual

(Signature of Claimant)

(Date)

(Signature of Spouse)

State of Idaho

Organization

Organization Burghardt Co., Inc.

Department of Water Resources
Western Regional Office

County of Ada ss.

Seal

(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 (he, she, they, corporation, partnership or _____) executed the same.

My commission expires

Notary Public residing at

RECEIVED

SEP 3 1982

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: A57-01205

Date Received: 3/10/1989

Receipt No: W062635

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: APR 01, 1948

3. Source: SHOOFLY CREEK Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07S	03E	8	SW	NW			OWYHEE

5. Description of diverting works:
DIVERSION DAM, DITCH, OFF-STREAM RESERVOIR

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
DIVERSION TO STORAGE	01/01	12/31	7.000		
IRRIGATION STORAGE	01/01	12/31			49.30
IRRIGATION FROM STORAGE	03/15	11/15			49.30
STOCKWATER STORAGE	01/01	12/31			4.70
STOCKWATER FROM STORAGE	01/01	12/31			4.70

7. Total Quantity Appropriated is:
7.000 C.F.S. (and/or) 49.30 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

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

A57-01205

Page 1

Date: 04/28/89

MICROFILMED
OCT 07 1992

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07S	03E	3	NW	NW	4	IRR FS	4.0
						Section Acres	4.0
		4	NE	NE	1	IRR FS	9.0
			SW	NE		IRR FS	21.0
			SE	NE		IRR FS	16.0
			NE	SW		IRR FS	12.0
			SW	SW		IRR S	
			NW	SE		IRR FS	5.0
						Section Acres	63.0
		8	NE	NE		STOC S	
			NE	NE		STO FS	
						Total Acres	67.0

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:
57-1202/1207 & 57-2285A.

14. Remarks:

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: _____

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): Burphardt Co Date: _____
By Rulu W. Burphardt Date: 4/28/89

State of Idaho)
County of Ada) SS.

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

Seal

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

IDWR - WESTERN REGION

CONTRACTOR: Karan Waters

CLAIM/ID: 57-01205

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	7S	3E	3						4											4
GIS									4.9											4.9
Claim			4	-1																
				9		21	16					12				5				63
GIS				6		13.8	19.1					16.7				5.5				61.1
Claim																				
GIS																				
Claim																				
GIS																				

Number of POD's 1

Total Claimed Acres: 67

Overlapping POU Claim #'s:

57-01207, 57-01202

Total GIS Acres: 66

COMMENTS:

Per overlapping claims.

Idaho Department of Water Resources

Claim Number: 57-01205
 Legal: T07S, R03E, S03, 04
 Reviewed By:

Point of Diversion
 (located outside view)



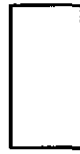
Place of Use



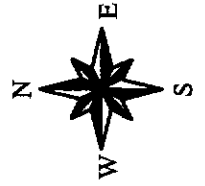
Section Lines



Quarter Quarter Lines



Township/Range Lines



1987 Napp Photo



0 0.25 0.5 0.75 1 Miles

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 57-1205 V2

WATER RIGHT NUMBER: 57-1205 V2

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

Priority Date: 04/01/1948

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
SHOOFLY CREEK	SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER STORAGE	01/01 to 12/31		4.70 AF
IRRIGATION FROM STORAGE	03/15 to 11/15		49.30 AF
IRRIGATION STORAGE	01/01 to 12/31		49.30 AF
DIVERSION TO STORAGE	01/01 to 12/31	7.000 CFS	
STOCKWATER FROM STORAGE	01/01 to 12/31		4.70 AF
	<u>Total Diversion:</u>	7.000 CFS	49.30 AF

Location of Point(s) of Diversion

SHOOFLY CREEK	SW1/4NW1/4	Sec. 8, Twp 07S, Rge 03E, B.M.
OWYHEE County		

Place of UseSTOCKWATER STORAGE Within OWYHEE County

T07S R03E S08 NENE

Total Acres: 0

IRRIGATION FROM STORAGE Within OWYHEE County

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

Total Acres: 179

IRRIGATION STORAGE Within OWYHEE County

T07S R03E S04 SWSW T07S R03E S04 SESW

Total Acres: 0

DIVERSION TO STORAGE Within OWYHEE County

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 57-1205 V2

T07S R03E S08 SWNW

Total Acres: 0

STOCKWATER FROM STORAGE Within OWYHEE County

T07S R03E S08 NENE

Total Acres: 0

Conditions of Approval:

1. N08 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
2. N05 THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE SHALL NOT EXCEED 13,000 GALLONS PER DAY.

Remarks:

1. Place of Use - Irrigation THIS RIGHT IS LIMITED TO THE IRRIGATION OF 67 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
2. Explanatory STOCKWATER, 350 RANGE CATTLE
3. Place of Use - Irrigation USE OF THIS RIGHT WITH RIGHT NOS. 57-01202, 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.
4. General The irrigation storage pond is located within the S1/2 SW, Sec. 4, and the stockwater storage pond is located within the NENE, Sec. 8, Twp. 7S, R03E.
5. Quantity 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 acres, stockwater and storage uses as described under each right.
6. 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.

**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



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

RECEIVED

JAN 19 2001

WATER RESOURCES
WESTERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

RECEIVED

AUG 17 2000

WATER RESOURCES
WESTERN REGIONTRANSFER 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>	<u>49.3 AF</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	243 NENW	5✓	244 NWNW	20✓			25
		4	244 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 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
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KOB

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OUT

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IN

INDIVIDUAL
ONES

GEN

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ON

57-01202

57-02285A

NOV
NOV

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 Court.

GEN

GEN 1305

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

8. 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 _____

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.**

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

PART 3

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, 1999.

Joy E. Buchwitz
(Notary Public)

My commission expires 12-27-2000

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments

Received by KL Date 12/14/99 Protest filed by _____

Prelim. check by G Fee 100.00

Received by KL Date 12/14/99 10025983

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 854.8 AFA 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 20, IDAHO
FILED

NAME & ADDRESS: OYHEE 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 OYHEE County

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

PLACE OF USE: IRRIGATION Within OYHEE 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



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

PAGE 1
APR-21-1998

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 PH 2: 48

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

FILED _____

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

SOURCE: SHOOLLY 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 (NNW) 4
S04 Lot 1 (NENE) 9 SENE 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 57-01202

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

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 (NNW)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

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: Owyhee 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 Owyhee 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 Owyhee County
T07S R03E S04 SWSW

IRRIGATION FROM STORAGE Within Owyhee County
T07S R03E S03 Lot 4 (NNW) 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.

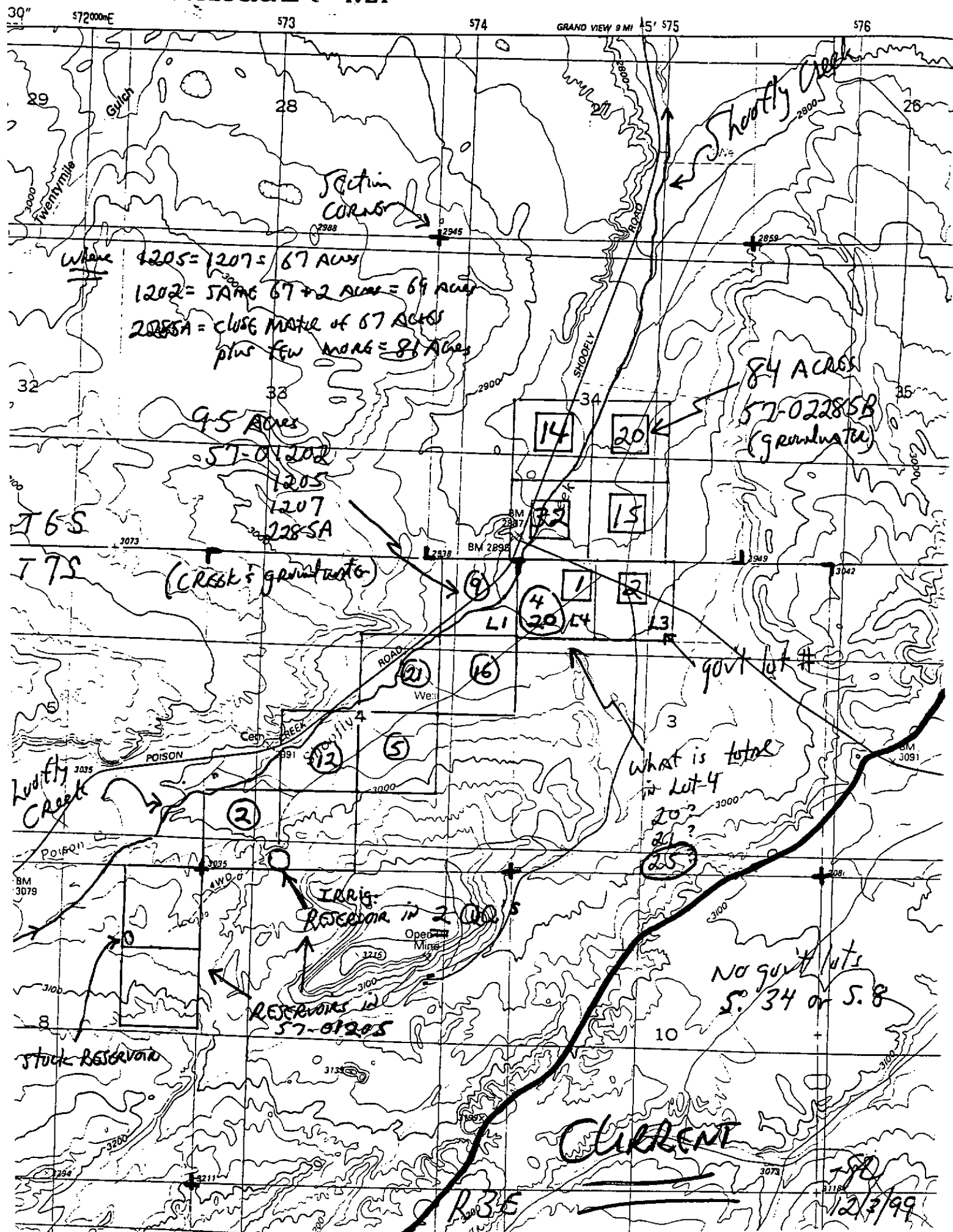
STOCKWATER STORAGE Within Owyhee County
T07S R03E S08 NENE

STOCKWATER FROM STORAGE Within Owyhee County
T07S R03E S08 NENE

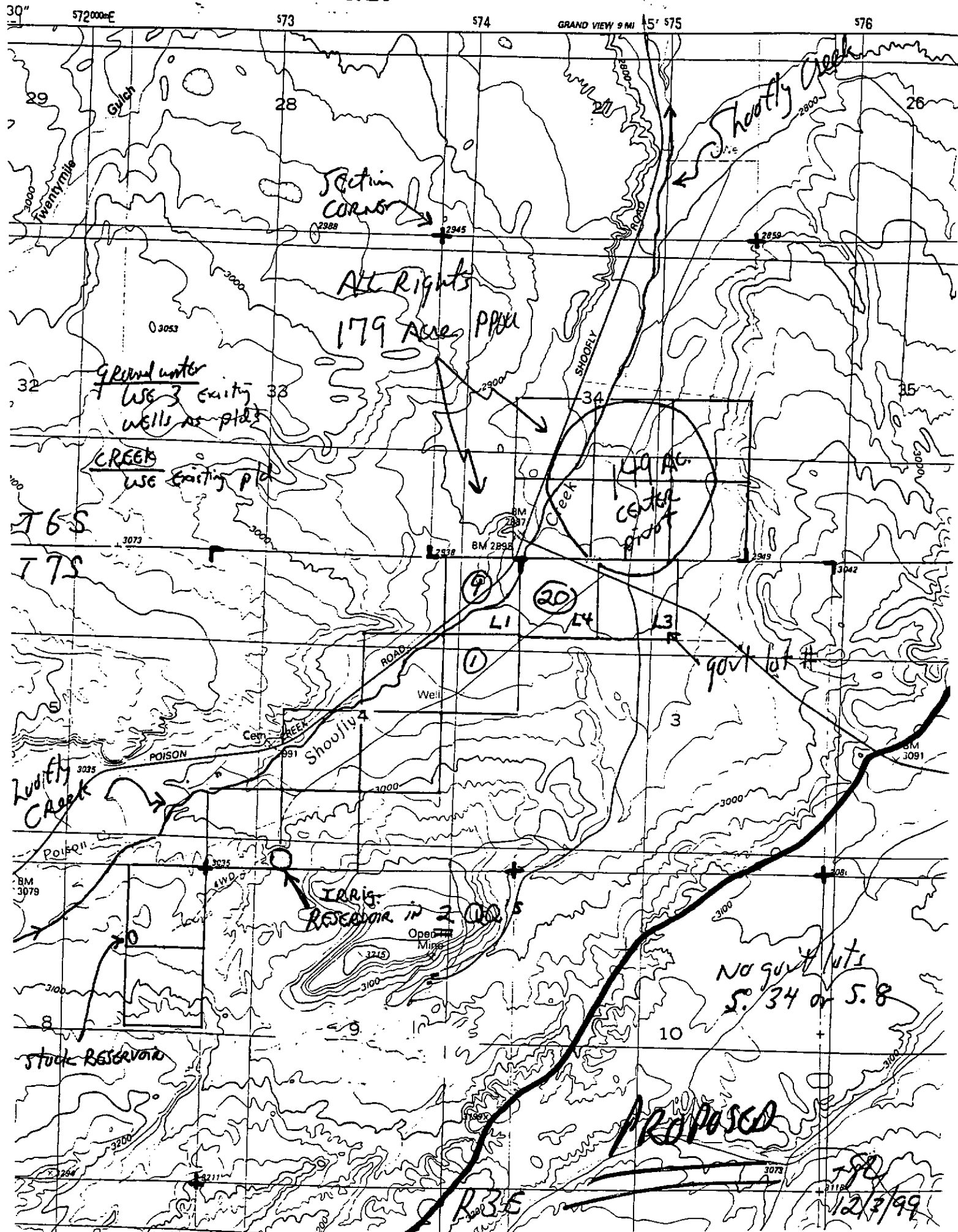
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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

576



DEPARTMENT OF THE INTERIOR
UNITED STATES GEOLOGICAL SURVEY



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**

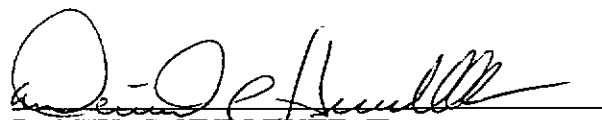
In Re SRBA	)	ORDER OF PARTIAL DECREE
	)	
Case No. 39576	)	For Water Right 57-01205
_____	)	

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 57-01205 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. HURLEBUTT, 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: OWYHEE 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 OWYHEE 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 OWYHEE County
T07S R03E S04 SWSW

IRRIGATION FROM STORAGE Within OWYHEE 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 OWYHEE County
T07S R03E S08 NENE

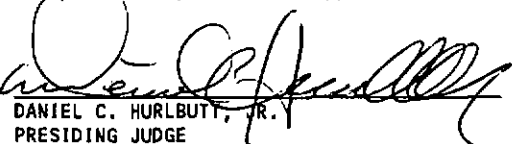
STOCKWATER FROM STORAGE Within OWYHEE County
T07S R03E S08 NENE

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.

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

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): 57-01205

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 57-01205 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

RECEIVED

JAN 12 1998

1998 JAN -7 AM 10:08

Department of Water Resources
Adjudication Bureau

DISTRICT CLERK - SRBA
TWIN FALLS CO., 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 SRBA)
Case No. 39576)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

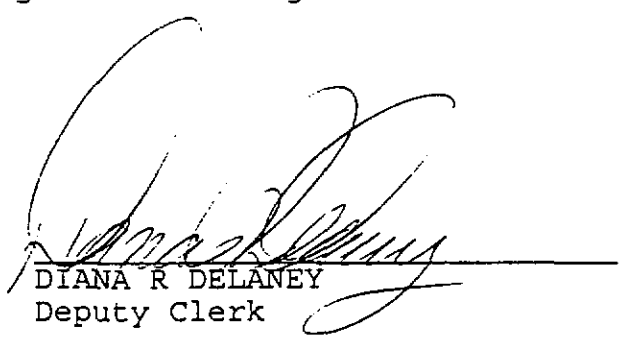
Water Right(s): 57-01205

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

1998 JAN -7 AM 10: 08

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 57-01205
	)	
Case No. 39576	)	SPECIAL MASTER'S REPORT
_____	)	

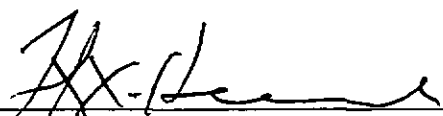
FINDINGS OF FACT AND CONCLUSIONS OF LAW

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 57-01205 was filed. Subsequently, the objection was withdrawn by stipulation of the parties; therefore,

IT IS THEREFORE RECOMMENDED that subcase 57-01205 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

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 57-01205

1998 JAN -7 AM 10: 08
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED

NAME & ADDRESS: OWYHEE 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 OWYHEE 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 OWYHEE County
T07S R03E S04 SWSW

IRRIGATION FROM STORAGE Within OWYHEE 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 OWYHEE County
T07S R03E S08 NENE

STOCKWATER FROM STORAGE Within OWYHEE 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.

DATED: 1/7/98


FRITZ X. HAEMMERLE
Special Master
Snake River Basin Adjudication

RECEIVED

OCT 15 1997

WATER RESOURCES
WESTERN REGION

RECEIVED

SEP 30 1997

Department of Water Resources

RECEIVED

OCT 22 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 10-9-97.

ss

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

Case No. 39576

) NOTICE OF APPEARANCE

)
) 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



IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

AJ5809NP
No. 57-01205

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	BURGHARDT CO INC C/O LULU BURGHARDT GRAND VIEW ID 83624	04/01/1948	IRRIGATION STORAGE	01-01 12-31		49.3 AFA
			IRRIGATION FROM STORAGE	03-15 11-15		49.3 AFA
			STOCKWATER STORAGE	01-01 12-31		4.7 AFA
			STOCKWATER FROM STORAGE	01-01 12-31		4.7 AFA
			DIVERSION TO STORAGE	01-01 12-31	7.00 CFS	
TOTAL DIVERSION:						49.3 AFA

Water Source: SHOOFLY CREEK

Tributary to: SNAKE RIVER

Stage: DECREED

Point(s) of Diversion:

T07S R03E S08

SWNW

OWYHEE County

Place of use Legal Description for: IRRIGATION STORAGE

NE		NW		SE	
T	R S	NE NE NWNE SWNE SENE	NE NW NWNW SWNW SENW	NESE NWSE SWSE	SESE
		Lt Ac Lt Ac Lt Ac	Lt Ac Lt Ac Lt Ac	Lt Ac Lt Ac Lt Ac	Lt Ac
07S 03E	4	:	:	:	:
		I		TOTAL ACRES	
				67.0	

Place of use Legal Description for: IRRIGATION FROM STORAGE

NE		NW		SE	
T	R S	NE NE NWNE SWNE SENE	NE NW NWNW SWNW SENW	NESE NWSE SWSE	SESE
		Lt Ac Lt Ac Lt Ac	Lt Ac Lt Ac Lt Ac	Lt Ac Lt Ac Lt Ac	Lt Ac
07S 03E	3	:	:	:	:
07S 03E	4	01-09	04-04	05	63.0

Place of use Legal Description for: STOCKWATER STORAGE

NE		NW		SE	
T	R S	NE NE NWNE SWNE SENE	NE NW NWNW SWNW SENW	NESE NWSE SWSE	SESE
		Lt Ac Lt Ac Lt Ac	Lt Ac Lt Ac Lt Ac	Lt Ac Lt Ac Lt Ac	Lt Ac
07S 03E	8	:	:	:	:

Place of use Legal Description for: STOCKWATER FROM STORAGE

NE		NW		SE	
T	R S	NE NE NWNE SWNE SENE	NE NW NWNW SWNW SENW	NESE NWSE SWSE	SESE
		Lt Ac Lt Ac Lt Ac	Lt Ac Lt Ac Lt Ac	Lt Ac Lt Ac Lt Ac	Lt Ac
07S 03E	8	:	:	:	:

POU County: OWYHEE

Non-Irrigation Uses: STOCKWATER, 350 HD CATTLE

Other Rights: SEE REMARKS

Remarks: USE OF THIS RIGHT WITH RIGHT 57-01202, 57-01207 AND 57-02285A
IS LIMITED TO A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF

Remarks: 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 09/12/91 HOWERTON
09/18/91 HOWERTON 09/20/91 HOWERTON 11/11/91 HOWERTON 11/17/91 HOWERTON
12/14/91 HOWERTON 03/19/92 HOWERTON 07/29/92 PR-PRODM 10/13/92 CP SHAW
12/05/92 ADT-SHAW

MICROFILMED
JUL 20 1994

CERTIFICATE OF MAILING

I hereby certify that on the 1st day of July, 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

MICROFILMED

JUL 20 1994

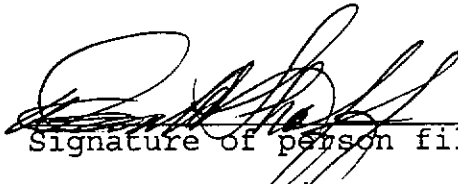
VERIFICATION (Must be Completed)

State of IDAHO

County of ADA

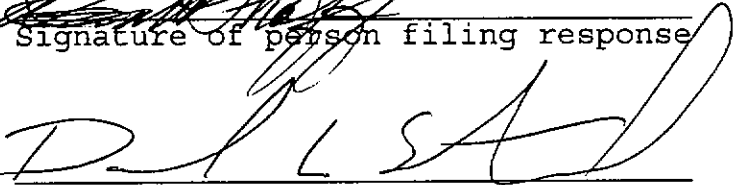
Donald V. Shaff, being first duly sworn, upon oath, deposes and says:

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.



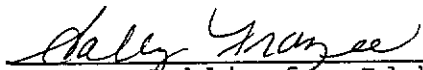
Signature of person filing response

By:



(Attorney signing in
representative capacity)

Subscribed and sworn to before me this 29th day of June,
1993.



Notary Public for Idaho
Residing at: Boise
My Commission expires: 11-14-1998

(Over)

☒ 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. A57-01205

3

MICROFILMED

JUL 20 1994

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, 2, 3, 3a., 3b., 4, 5, 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. The notice of claim attached to the objection was not filed with IDWR. A similar notice of claim with an earlier priority date was filed with IDWR and was recommended in the director's report as water right no. 57-11491. IDWR admits that the exercise of rights to water from the same source may impact each other. 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.

(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.
2. ☒ Source: I respond to the objection concerning the source of water.
3. ☒ Quantity: I respond to the objection concerning:
 - 3a. ☒ The total quantity of water used in cubic feet per second.
 - 3b. ☒ The total quantity of water stored in acre feet per year.
4. ☒ Priority Date: I respond to the objection concerning the priority date.
5. ☒ Points of Diversion: I respond to the objection concerning the legal description of the point(s) of diversion.
7. ☒ Purposes of Use: I respond to the objection concerning the purpose(s) of use.

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

Case No. 57-01205 -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)

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. 57-01205
(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), has a senior existing water right
and 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: Claimant: 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)

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: _____
- _____
- _____
- _____

REASONS SUPPORTING EACH BOX CHECKED

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. BLM specifically objects to the quantity, priority date, point of diversion, and/or purpose of use of the claimed right because granting this right will adversely affect the United States senior water right downstream.

CHANGES TO THE DIRECTOR'S REPORT

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.

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

☒ 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.

1. Map of claim showing federal parcel(s).
2. Copy of BLM conflicting claim or late claim.

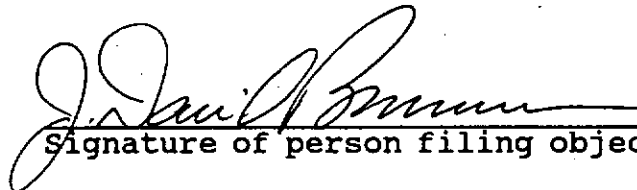
VERIFICATION (Must be Completed)

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)

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

Clarence D. Bole
Notary Public for Ada County
Residing at: Boise 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 4 copies 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
Grand View, Idaho 83624

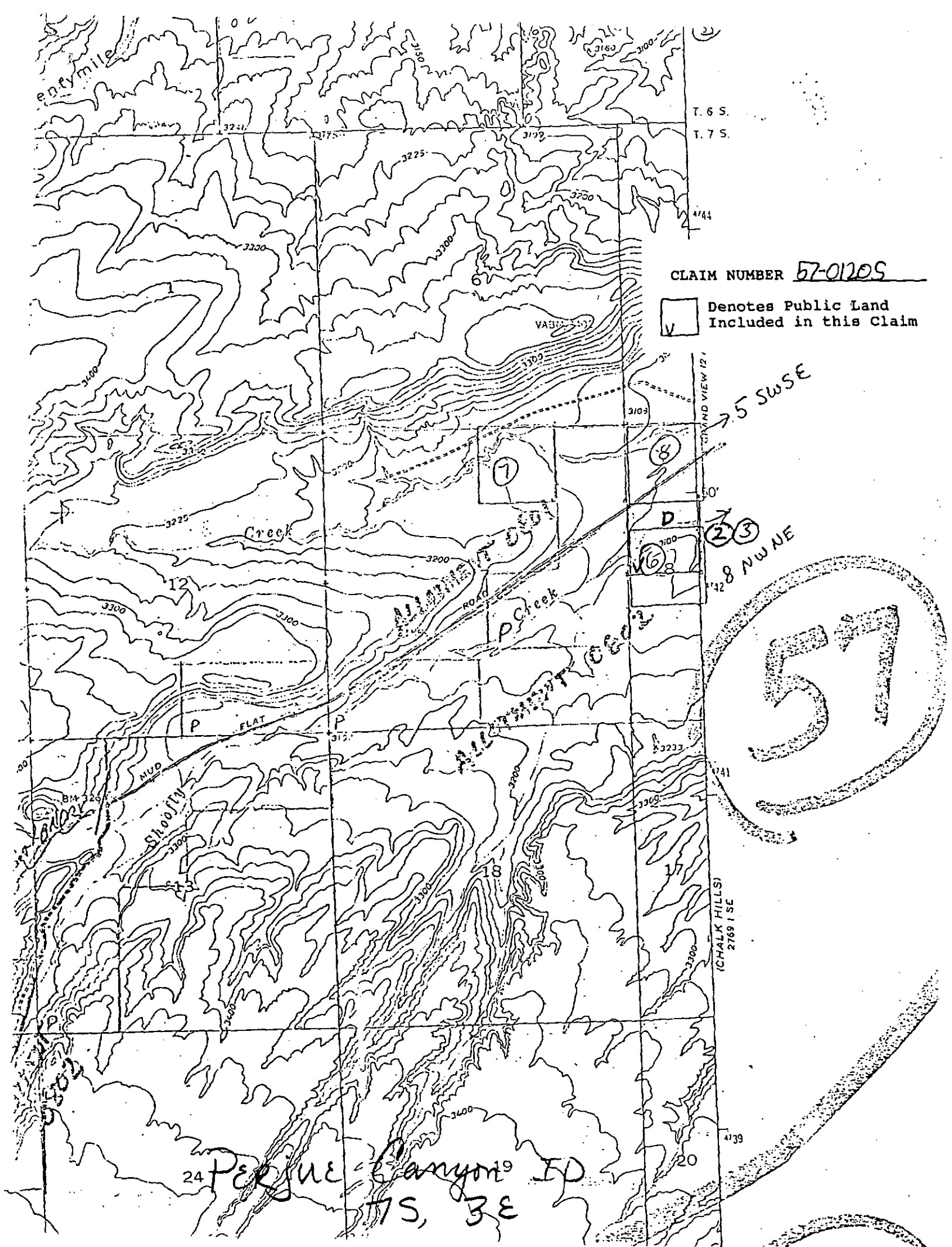
3. One copy to:

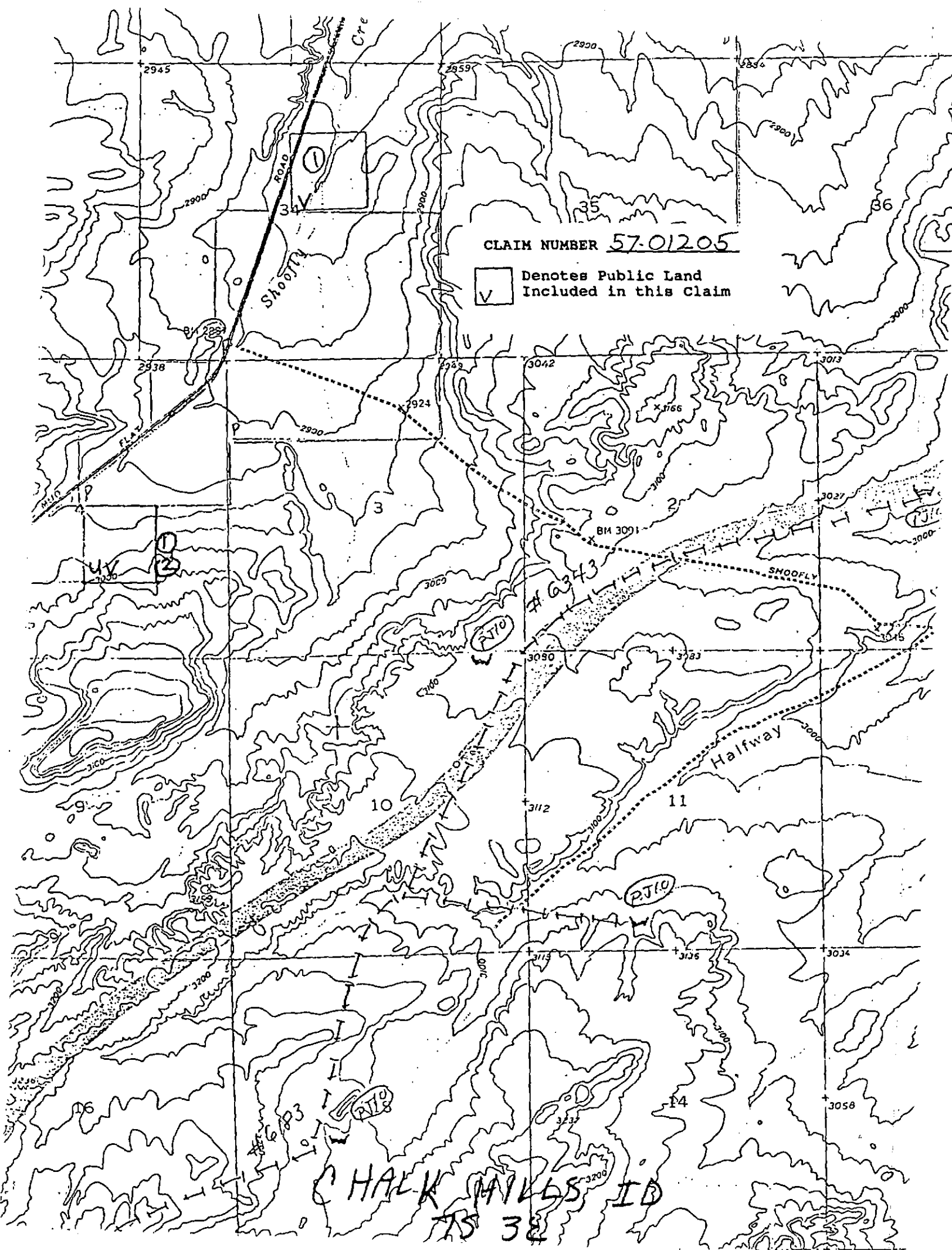
Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 4449
Boise, Idaho 83711-4449

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





CLAIM NUMBER 57-01205

 Denotes Public Land
Included in this Claim

CHALK MILLS ID
TS 38

AJ5856NP

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW.DATE: OCT
PAGE: A-

AJF

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	PURPOSE OF USE	PERIOD OF USE FROM TO	MAXIMUM QUANTITY	BASIS
SOURCE: SHOOFLY CREEK		TRIBUTARY: SNAKE RIVER				
57-11490	US DEPT OF INTERIOR BUREAU OF LAND MANAGEMENT IDAHO STATE OFFICE 3380 AMERICANA TERRACE BOISE ID 83706	01/01/1875	STOCKWATER	01-01 12-31	1.1	CFS BENE
TOTAL QUANTITY:					1.1	CFS
NON-IRRIGATION-USES: STOCKWATER, 4964 RANGE CATTLE						
POINT OF DIVERSION: T07S R02E S23						
PLACE OF USE: STOCKWATER						
REMARKS: THIS RIGHT AND OTHER RIGHTS COMMON TO THE SAME GRAZING ALLOTMENT SHALL BE LIMITED TO THE QUANTITY OF WATER BENEFICIALLY USED BY THE NUMBER OF STOCK WITHIN THE ALLOTMENT. BLM RECORD ID = 5701680953						
57-11491	US DEPT OF INTERIOR BUREAU OF LAND MANAGEMENT IDAHO STATE OFFICE 3380 AMERICANA TERRACE BOISE ID 83706	01/01/1875	STOCKWATER	01-01 12-31	.53 1.1	CFS BENEFICIAL USE
TOTAL QUANTITY:					.12	CFS
NON-IRRIGATION-USES: 2314 STOCKWATER, 4964 RANGE CATTLE						
POINT OF DIVERSION: T07S R03E S08						
PLACE OF USE: STOCKWATER						
REMARKS: THIS RIGHT AND OTHER RIGHTS COMMON TO THE SAME GRAZING ALLOTMENT SHALL BE LIMITED TO THE QUANTITY OF WATER BENEFICIALLY USED BY THE NUMBER OF STOCK WITHIN THE ALLOTMENT. BLM RECORD ID = 5701680954						

wildlife

SWNE (B)
SWNE (E)

SWNW (B)
NWNE (E)

SWNW SENW

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

CIVIL CASE NUMBER: 39576

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER
FROM THE SNAKE RIVER BASIN WATER SYSTEM

NOTICE OF CLAIM TO A WATER RIGHT ACQUIRED UNDER STATE LAW

U.S. DEPT. OF INTERIOR
BUREAU OF LAND MGMT.
IDAHO STATE OFFICE
3380 AMERICANA TERRACE
BOISE ID 83706
TELEPHONE: 208-334-1401

PRIORITY DATE: 1884-01-01
IDWR WATER RIGHT NO. 5701680954
BLM NUMBER: 5701680954
BASIS OF CLAIM: BENEFICIAL USE
BASIN NO.: 57

SOURCE	TRIBUTARY TO
SHOOFLY CREEK	SNAKE RIVER

DESCRIPTION OF DIVERSION WORKS
INSTREAM USE

PURPOSE OF USE	DIVERSION RATE	DIVERSION VOLUME	PERIOD OF USE FROM	TO
STOCKWATER	1.100	0.00	0101	1231
GROUNDWATER RECHARGE	0.010	0.00	0101	1231
TOTAL:	1.110 CFS	0.00 AF		

NON-IRRIGATION USES
S/4964 RANGE CATTLE W/VAR AMT

TWP	RNG	SEC	TRACT1	TRACT2	TRACT3	LOT	COUNTY
07S	03E	08		SW	NW	00	OWYHEE

TWP	RNG	SEC	TRACT1	TRACT2	LOT	COUNTY	OWNED	IRRIGATED ACRES
07S	03E	08	SW	NW	00	OWYHEE	YES	0.0
07S	03E	08	SW	NW	00	OWYHEE	YES	0.0
07S	03E	08	NW	NE	00	OWYHEE	YES	0.0
07S	03E	08	NW	NE	00	OWYHEE	YES	0.0

BLM NUMBER: 5701680954

PAGE 2

TOTAL ACRES IRRIGATED: 0.0

TOTAL CONSUMPTIVE USE IS: 67.0 ACRE FEET PER ANNUM

OTHER WATER RIGHTS

NONE

REMARKS

FIRST DATE OF BENEFICIAL USE -1884

DATE: 08/05/92
PAGE: 1

Other Rights: SEE REMARKS

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AJ0749NP
No. R57-01205

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 08/05/92
PAGE: 2

Other Water Rights Listing Overlapping Place(s) of use:

A57-01202 A57-01207 A57-02285A A57-02285B R57-01202 R57-01207 R57-02285A R57-02285B

Remarks:

USE OF THIS RIGHT WITH RIGHT 57-01202, 57-01207 AND 57-02285A
IS LIMITED TO A TOTAL 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:

00/00/00

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ADJUDICATION CLAIM CHECKLIST

NOTICE OF CLAIM NO. 57-01205

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

DATA ENTRY COMPLETED
BY 161 DATE 2-6-91
decade 2-19-91
Case #
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 AS DECREE

IN-OFFICE MATCH

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CLAIM NO. 57-01205

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: _____

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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 OF CLAIM "STATUTORY",
CHANGED TO DECREED,
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

D.

RATE/VOLUME CALCULATIONS: (IRRIGATION)

1b. CALCULATIONS

1a. IRRIGATION RATE
ACRES 67 x 0.02 CFS/ACRE = CFS
(Taken from p/u review)

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

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

2. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = AF/A

ACRES 67 x CONSUMPTIVE VOL. AF/A FOR AREA 3.5 = 234.5
TOTAL CONSUMPTIVE USE 234.5 AF/A

3. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = AF/A

ACRES x DIVERSION VOL. AF/A FOR AREA
TOTAL DIVERSION VOLUME 49.3 AF/A DECREED VOLUME

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION:

SEE ATTACHED SHEET? Y() N()

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

OVERLAP REVIEW FOR A57-01205

SURFACE
WATER

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		
1205	75	3E	3					4												4	
			4	9		31	16					12				5				63	67
1207	75	3E	3					4												4	
			4	9		31	16					12				5				63	67

GW

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		
1202	75	3E	3					4												4	
			4	9		21	16					12		2		5				65	69
2285A	75	3E	3					20												20	
			4	9		21	16					10				5				61	81

TOTAL
ACRES
IRRIG.

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)

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		

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AGENT: RON HOWERTON DATE: 9-17-91

ACRES OVERLAPPING: SEE ATTACHMENT

IRRIGATION METHOD: FLOOD _____% SPRINKLER _____%

DELIVERY LOSS FACTOR USED:

$$\frac{\text{---}}{\text{(SOURCE)}} = \text{---}\%$$
$$\frac{\text{(SOURCE)}}{\text{}} = \frac{\text{}}{\text{}} \%$$

SOURCE	ACRES	DIVERSION RATE		DIV VOL	C.U. VOL
		MIN	MAX		

Standard Conditions:

Standard Remarks: CONS. USE VOL OF 332.5 AF COMBINED ACRES OF 95

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ANALYSIS

[illegible]

State of Idaho
Department of Water Resources

ADJUDICATION CLAIM ANALYSIS SHEET

Review by D. SHAFF

Date 1/27/83

Right No. 57-1205

Claimant BURSHARDT

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

☐ 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-28-96, CVS-13T-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

☒ Application to Construct a Small Dam

Field Exam Made: ☒ Yes ☐ No Date MAY, AUGUST, 1982 & 1/26/83

☐ 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 HILLS

Field Photographs Taken ☒ Yes ☐ No OTHERS ~~NOT~~ ATTEMPTED 1/26/83 - CAMERA FAILED.

Memorandum in file ☒ Yes ☐ No

Remarks _____

TO: FILE NO. D57-1205

FROM: MIKE STUBBLEFIELD

SUBJECT: BURGHAKOT DAM RECONSTRUCTION

DATE: 2/18/86

On 2/14, Dave LePard and I met with Charlie and Lulu Burghard, the owners and Henry Ashby, the contractor to discuss reconstruct of the dam. I explained to them that if the dam is built to come under our jurisdiction (> 50 ac-ft of storage) that the present dam would have to torn out, a cut off trench excavated in the foundation ^{and} the dam rebuilt to our rules and regulations including encasing the cmp outlet in concrete. Mr As indicated they are under a very tight schedule since runoff has started in Shoofly Creek and wanted to know if there was any way to forego rebuilding the dam at this time. I told them that if they constructed the dam so that it stored less than 50 ac-ft of water it would not come under our jurisdiction and they could repair the dam by carefully filling in the breached area and constructing a spillway. I also explained that if this option was used, that there was a possibility they would loose part of their water right.

The Burghardts are now claiming a storage right for 62.5 ac-ft, however if the dam is built to store only 49 ac-ft, they would abandon their claim for the difference in the two ^{amounts}, or $62.5 - 49 = 13$ ac-ft. The Burghardts indicated that at this time they would like to repair the dam so that it would store less than 50 ac-ft and then see if this is an adequate amount of water for them. If it isn't, they would like to rebuild the dam this summer to our rules and regulations. I told them this would be Okay.

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The plan, as agreed upon by everyone, is: 1) Repair the breached

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area and rebuild the dam back to its original crest elevation
2) Construct a spillway in the right abutment with a spillway
crest elevation of 7 feet above the outlet pipe intake (storage
capacity of ≈ 49 ac-ft). Once the work is completed Mr Ashby will
contact me so an inspection and survey can be conducted. The
dam will be monitored closely this spring and summer and if
it is determined that more water is needed, the dam will be
totally reconstructed at that time. Also, the spillway will have
a bottom width of ± 14 feet and be at least 4-5 feet deep.

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State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS

Governor

A. KENNETH DUNN

Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

M E M O

TO: John Mitchell
FROM: Lotwick Reese *LOR*
SUBJECT: BURGHARDT DAM SPILLWAY

DATE: February 13, 1986

I designed a spillway for the Burghardt Dam to pass the required $Q_{100} = 60$ cfs in addition to the Q diversion = 7 cfs, for a total Q design = 67 cfs.

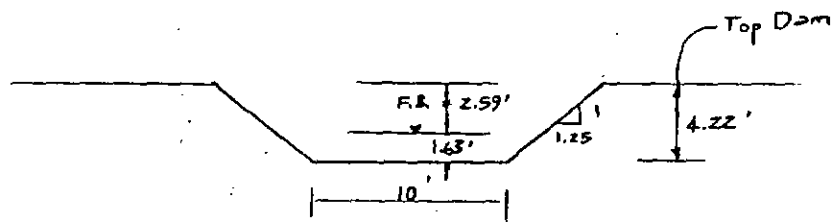
A trapezoidal section with a 10 ft. bottom width, 1.25:1 side slopes and a total depth of 4.22 ft. allows for a 1.63 ft. water depth and provides for the required 2.59 ft. freeboard. The resulting velocity is an acceptable 3.4 ft./sec. (See attached composition sheet)

LORE:cjk
Attachment

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Burghardt Dam Spillway



From Hydrology $Q_{100} = 60$ cfs
 From File Conspr $Q_{division} = 7$ cfs
 $Q_{design} = 67$ cfs

Determine Freeboard Req'd

$$\begin{aligned} F.B. &= Z' + 1.95(F)^{1/2} \\ &= Z' + 1.95(0.09)^{1/2} \\ &= 2.59' \end{aligned}$$

$$F \approx 500' / S_{280} = 0.09 \text{ mi}$$

Determine Spillway H.

$$\begin{aligned} Q &= CL'H^{3/2} \\ H &= \left(\frac{Q}{CL'} \right)^{2/3} \\ &= \left[\frac{67}{(2.68)(11.25)} \right]^{2/3} \\ &= 1.70 \end{aligned}$$

Assume Broad Crested Weir $B \geq 5$
 $C = 2.68$

$$\begin{aligned} L' &= L + 1.25d \\ &= 10 + 1.25(1.0) = 11.25 \text{ Assume } d \end{aligned}$$

$$\begin{aligned} H &= \left[\frac{67}{(2.68)(12.13)} \right]^{2/3} \\ &= 1.62 \end{aligned}$$

$$\begin{aligned} \text{For } d &= 1.70' \\ L' &= 10 + 1.25(1.7) = 12.13 \end{aligned}$$

$$\begin{aligned} H &= \left[\frac{67}{(2.68)(12.0)} \right]^{2/3} \\ &= 1.63 \end{aligned}$$

$$\begin{aligned} \text{For } d &= 1.62' \\ L' &= 10 + 1.25(1.62) = 12.0 \end{aligned}$$

Total depth of spillway req'd for flow plus req'd freeboard

$$D_{\text{spillway}} = 1.63 + 2.59 = 4.22 \text{ ft}$$

Spillway dimensions as given in above drawing

$$V = Q/A = 67/19.6 = 3.4 \text{ ft/sec}$$

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MEMO

February 13, 1986

TO: File

D57-1205

SUBJECT: Resistivity testing of soil from Burghardt dam

BY: David LePard

I completed the resistivity testing of the two soil samples which Mike Stubblefield and John Mitchell collected on their site visit of 2/10/86. The samples had the following almost identical results:

	Downstream	Upstream
Resistivity	2000 ohm/cm	2100 ohm/cm
pH	5.62	5.63

Since the results are so similar I used the values of 2000 ohm/cm and 5.6 to enter the graph for determining the years to perforation for a culvert placed in these soils. Using this graph the values were as follows:

Pipe Gauge	Years to Perforation
16	15
14	20
12	27
10	35
8	42

As can be seen from the table, even an 8 gauge pipe only has a relatively short life expectancy. The outlet pipe placed in these soils should be concrete encased to provide an adequate life.

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TO: FILE NO. 57-1205

FROM: MIKE STUBBLEFIELD

SUBJECT: BURGHARDT DAM

DATE: 2/11/86

On Feb 10, John Mitchell and I travelled to the dam site to meet with Mrs Burghardt and Henry Ashby, the contractor, to discuss construction of the dam. Mrs Burghardt and Mr Ashby didn't show up for the meeting and I found out later that Mr. Ashby forgot and another meeting will be scheduled later.

While at the site John and I took several soil samples from the dam on either end of the outlet pipe. The samples will be tested for resistivity and PH to determine the life expectancy of the steel cmp outlet pipe. If the tests indicate a short life expectancy then the outlet will have to be encased in concrete.

We also checked the diversion ditch into the reservoir. The ditch, which flows from Shoofly Creek into the reservoir, has a very small capacity, estimated at ± 5 cfs. The claim for a water right indicates a diversion rate to storage of 7.0 cfs which would be approximately the maximum diversion rate attainable. Therefore, 7.0 cfs should be added to the Q_{100} to determine the spillway size.

No pictures were taken.

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TO: FILE NO. 57-1205

FROM: MIKE STUBBLEFIELD

SUBJECT: BURGHARDT DAM

DATE: 11/22/85

On 11/21, I received a call from Henry Ashby who indicated he had been hired by the Burghardt Co. to repair the above referenced dam. Henry wanted to meet at the dam site on 11/22 to discuss the repairs and the dam height. The actual height to which the dam can be constructed has not been determined. By the SCS contour map, the maximum water depth that can be allowed under the small dam application that was submitted and the adjudication water right claim for 62.5 ac-ft is 8 ft. reservoir depth. The dam height (structural and hydraulic) needs to be determined by a field survey.

On 11/22 the weather conditions were so bad the site visit was called off. I called Henry Ashby and he said he would call me next week to try to set up another meeting. He said he does not want to proceed without our approval and because of weather conditions it may be advisable to wait until spring to build the dam.

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MEMORANDUM

TO: File 57-1205 •
FROM: Don Shaff *DS*
DATE: November 18, 1985
RE: Meeting With Claimant

On the afternoon of November 15, 1985, I met with Mrs. Lulu ^g~~Burke~~^d and Ed ^g~~Burke~~^d about the water rights for storage in this reservoir in the SWSW, Section 4. The ^g~~Burke~~^d had prepared an application for building a small dam in which they set the storage capacity of 62 acre feet. The capacity curves supplied by the SCS (in the memo in this file dated 3-09-83) showed that the storage capacity at elevation 100 feet would store 62.5 acre feet. The conclusions in an earlier memo estimated the contour elevation at 99 feet and a storage capacity of 49.3 acre feet. The field inspection I made on January 26, 1983 did not use accurate survey methods to determine the contour elevation. The methods used could easily result in a one foot error.

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The conclusion is that the storage amount for this water right should be changed to 62.5 acre feet. This amount on November 15, 1985 was agreeable to the Burke^gharts^d.

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION TO CONSTRUCT A SMALL DAM

Required for construction or alteration of a dam 20 feet or less in height
and capable of storing less than 100 acre-feet of water.

1. Name of owner (print or type): BURGHARDT Company Phone No. 834-242

Post Office address: P.O. Box 121 GRANDVIEW ID 83624

2. Describe the nature of the proposed work (new dam, raise existing dam, etc.): REPAIR - RAISE

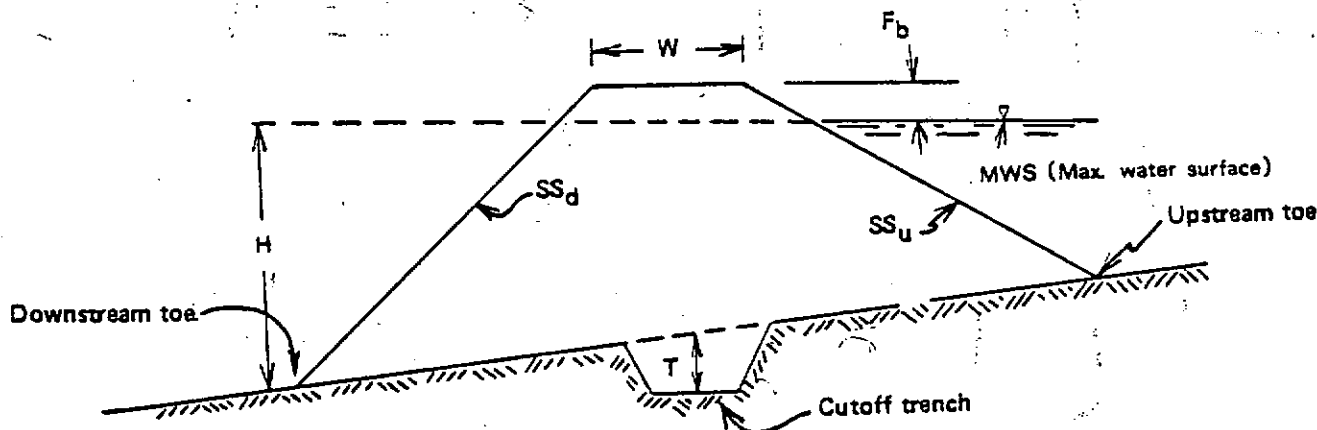
3. RESERVOIR:

EXISTING DAM
ADD SPOONWAY

Storage capacity 62 acre-feet. Surface area 5 acres.

Source of water (stream) SHOOFLY CREEK Offstream storage: Yes ☒ No ☐

4. DETAILS OF DAM:



Dam type (earth, concrete, rock, etc.) EARTH

Location: Section 36, 54, 55, 56 Township 7S Range 3E B.M.

Crest width (W) 14 feet.

Freeboard (F_b) 4 feet.

Height of dam (H) 14 feet. Height of existing dam, if being raised 8 feet.

Downstream side slope (SS_d) 2:1

Upstream side slope (SS_u) 3:1

Cutoff-Trench depth (T) 5'

Length of dam 250 feet.

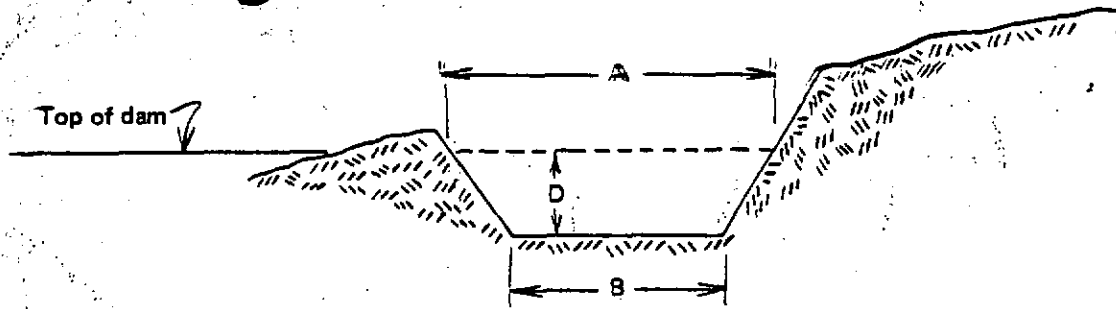
5. OUTLET CONDUIT:

Size and type of pipe 12 INCH

Size and number of cutoff collars 2 COLLARS INSTALLED ON OLD PIPE

Gate location (upstream, etc.) UPSTREAM SLOPE

6. SPILLWAY:



Do you plan to use a gate or flashboards in the spillway? Yes _____ No ☒

Approximate natural drainage area above dam _____ acres.

Depth of spillway below top of dam (D) 4 feet.

Bottom width of spillway (B) 10' feet.

Top width of spillway (A) 20' feet.

Location: Abutment _____ Away from dam ☒ Over dam _____ Other (describe) _____

Channel lining (earth, riprap, concrete, solid rock, etc.): LOC EARTH

7. DEVELOPMENT DOWNSTREAM:

Briefly describe the type of development or land use immediately downstream from the dam. Indicate estimated distances to significant area of improvement that could be damaged if the dam failed:

FARM ground

8. CONSTRUCTION SCHEDULE:

Proposed date for start of construction AS SOON AS POSSIBLE.

11-15-85

Date

Burghardt Co Inc
Edw. Burghardt
Applicant's signature

FOR DEPARTMENT USE ONLY

Date application received 11-15-85

By JM KW

Fee \$ #62.00

Date receipted 11-15-85 #37307

Receipted by KW

ACTION OF THE DIRECTOR, THE DEPARTMENT OF WATER RESOURCES

In accordance with the provisions of Title 42, Chapter 17, Idaho Code and the Department's Rules and Regulations for Safety of Dams, the above proposal is hereby _____, subject to the following conditions:

1. This action does not constitute the required authorization to appropriate water under Idaho Water Law.
2. All construction at dams is subject to approval by the Department of Water Resources which reserves the right to make inspection of such work as often as it deems necessary. The applicant shall notify the Department at the following times, and at such other times as it deems necessary, so that it may conduct inspections.
 - a. After clearing and excavation of foundation, and prior to placing fill material.
 - b. After installation of outlet conduit, and before placing any backfill material around conduit.
 - c. After construction is complete and before any water is stored in reservoir.

Additional conditions:

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

3/09/83

To: 57-1205

From: D. SHAFF

SUBJ: REVISED STORAGE AMOUNT

GENE CRISHAN, SCS - GRAND VIEW/MOUNTAIN HOME,
SUPPLIED THE INFORMATION FOR THE TABLE BELOW IN
A TELEPHONE CONVERSATION THIS AFTERNOON. HE
SAID HE WAS TAKING THE NUMBERS FROM A CONTOUR
MAP DRAWN FOR THE RESERVOIR PROJECT.

BURGHARDT RESERVOIR
STORAGE CAPACITIES

<u>CONTOUR</u> <u>ELEVATION (FT)</u>	<u>STORAGE</u> <u>AMOUNT (AF)</u>
92	Ø (BOTTOM)
94	9 ³
96	22 ⁴
98	40 ⁰
100	62 ⁵
105	138 ²

USING THE ELEVATION FOUND IN THE 1/26/83 FIELD INSPECTION,
AND INTERPOLATING, THE STORAGE CAPACITY UTILIZED
HAS BEEN 49³ AF AT CONTOUR ELEVATION 99 FT.
THE RECOMMENDED AMOUNT FOR THE WATER RIGHT
SHOULD BE CHANGED ACCORDINGLY.

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OCT 07 1992

MEMO

TO: File No. 57-1205
FROM: Don Shaff *DS*
DATED: January 27, 1983
SUBJ: Review Analysis

This claim is for the largest and last off-stream reservoir before the Shoofly water reaches the claimant's fields. The water is used on essentially the same lands Joe Turmes irrigated at an earlier time period.

The reservoir has a rather inactive storage capability because there are no control works on the outlet pipe other than a board that could be placed across the upstream side of the pipe. When a quantity larger than the 3.66 cfs capacity of the pipe is flowing into the reservoir the level of the pool will rise, but as the creek diversion declines any water entering the reservoir equals that which is being taken out and the pool level would decline. High water marks on the face of the dam indicate a pool of 7' at maximum has been stored. Calculating the size of the resulting reservoir pool in terms of a length and width gives a total capacity of 32 acre feet. The calculations below are a reliable estimate of this amount.

Any other lands that receive the benefits of this diverted and stored water are those which were put in after the wells brought in additional lands. The priority date for this additional land from the reservoir may date from that time of cultivation. The other elements of the claim appear to be correct. The rate of diversion to storage is based on a measurement which is in this file made at near peak flows. The diversion into this ditch is virtually the entire creek since no water passes the diversion dam on the surface. *The flow in the ditch below the reservoir was measured April 30, 1982.*

$$\frac{800' \times 625'}{43560 \text{ FT/ACRE}} \times 7 \text{ FT} \times .4 = 32 \text{ AF}$$

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OCT 07 1982

I.D. No. 57-1205

No. 3 Reservoir-Storage, Offstream from Shoo Fly Creek, S.E. of Rock House
SWNW, Sec. 8, T.7S., R.3E. ? SE SW S 4, T 7S, R 3E

1. Priority Date

This reservoir was constructed prior to April 1948 and has been used to store water from a ditch diverted from Shoo Fly Creek since that date.

2. Supporting Documentation

This reservoir was constructed to catch and store more winter and spring runoff flows than could be stored in the No. 2 reservoir (I.D. No. 57-1204). Aerial photos from 1950 to date show the reservoir in various stages of operation and show the inlet ditch and outlet ditch to fields. The aerial photos also show more fields being irrigated after this reservoir was constructed and began to function. The reservoir is filled several times during each irrigating season, and has been filled twice during spring runoff when early season irrigation could be accomplished.

3. Storage Capacity

Reservoir storage capacity has been estimated at 140 acre feet, based on rough measurements of length, width and depth. Storage capacity has also been based on storage quantities estimated by the U.S. Dept. of Agriculture, Soil Conservation Service in a Preliminary Investigative Report, dated Dec. 1980, where they listed a water storage ^acapacity of 140 acre feet to elevation 109.0.

RECEIVED

DEC 15

Department of Water Resources
Western Regional Office

SUPPLIED BY
CLAIMANT
MICROFILMED
OCT 07 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.

CIVIL CASE NUMBER: 39576

Ident. Number: A57-01205

Date Received: 3/10/1989

Receipt No: 4462635

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: APR 01, 1948
3. Source: SHOOFLY CREEK Trib. to: SNAKE RIVER
4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07S	03E	8	SW	NW			OWYHEE
5. Description of diverting works:
DIVERSION DAM, DITCH, OFF-STREAM RESERVOIR
6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
DIVERSION TO STORAGE	01/01	12/31	7.000		
IRRIGATION STORAGE	01/01	12/31			49.30
IRRIGATION FROM STORAGE	03/15	11/15			49.30
STOCKWATER STORAGE	01/01	12/31			4.70
STOCKWATER FROM STORAGE	01/01	12/31			4.70
7. Total Quantity Appropriated is:
7.000 C.F.S. (and/or) 49.30 A.F.A.
8. Total consumptive use is Acre Feet Per Annum.
9. Non-irrigation uses:
S/350 HEAD RANGE

A57-01205

Page 1

Date: 04/28/89

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OCT 07 1992

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07S	03E	3	NW	NW	4	IRR FS	4.0
						Section Acres	4.0
		4	NE	NE	1	IRR FS	9.0
			SW	NE		IRR FS	21.0
			SE	NE		IRR FS	16.0
			NE	SW		IRR FS	12.0
			SW	SW		IRR S	
			NW	SE		IRR FS	5.0
						Section Acres	63.0
		8	NE	NE		STOC S	
			NE	NE		STO FS	
						Total Acres	67.0

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:
57-1202/1207 & 57-2285A.

14. Remarks:

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: _____

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.

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

Seal

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

Water Right Number ~ A57-01205

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 - - - +
04/01/1948 14 ERROR IN REGION S - STATUTORY CLAIM

DECEDED

+ - - - - Source - - - - + + - - - Tributary - - - - - + + - - - +
SHOOFLY CREEK SNAKE RIVER+ - - - - - - - - - - - Point of Diversion - - - - - Stream Index (Blank if no Index Code) - - - - - +
Twn Rng Sec Tract Lot Rflg County

07S 03E 8 SW NW (73) OWYHEE 272.0 361.0 12.3

+ - - - - Description - - - - - Period From - - - - - Water Use - - - - - Diversion Rate - - - - - Diversion Volume - - - - - +
Code

55 - DIVERSION TO STORAGE	01/01	12/31	7.000	49.30
02 - IRRIGATION STORAGE	01/01	12/31		49.30
03 - IRRIGATION FROM STORAGE	03/15	11/15		4.70
05 - STOCKWATER STORAGE	01/01	12/31		4.70
06 - STOCKWATER FROM STORAGE	01/01	12/31		4.70

+ - Total Div. Rate - + - Total Div. Volume - + - Total Div. Capacity - + - Total Consumptive Use - + - KW Usage - +
7.000 49.30+ - - - - - - - - - - - Place of Use - - - - - Description - - - - - County - - - - - +
Twn Rng Sec Tract Lot Acres

07S	03E	4	SW SW			02	IRRIGATION STORAGE	(73)	OWYHEE
07S	03E	3	NW NW	4	4.0	03	IRRIGATION FROM STORAGE	(73)	OWYHEE
07S	03E	4	NE NE	1	9.0	03	IRRIGATION FROM STORAGE	(73)	OWYHEE
07S	03E	4	SW NE		21.0	03	IRRIGATION FROM STORAGE	(73)	OWYHEE
07S	03E	4	SE NE		16.0	03	IRRIGATION FROM STORAGE	(73)	OWYHEE
07S	03E	4	NE SW		12.0	03	IRRIGATION FROM STORAGE	(73)	OWYHEE
07S	03E	4	NW SE		5.0	03	IRRIGATION FROM STORAGE	(73)	OWYHEE

Total Acres:

67.0

+ - - Diversion Means - DIVERSION DAM, DITCH, OFF-STREAM RESERVOIR

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

+ - - Other Rights for Same Use - 57-1202/1207 & 57-2285A.

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OCT 07 1992

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OCT 07 1992

IN THE MATTER OF THE GENERAL DETERMINATION OF RIGHTS TO THE USE OF
UPPER SHOOFLY CREEK

DRAINAGE BASIN.

NOTICE OF CLAIM
TO A
WATER RIGHT

57-1205	1.0. No.	Map No.
\$85.00	Fee Paid	# 24139
		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 April 1948, 140 AF water storage 4/01/1948
- (2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water) Offstream storage reservoir south of Shoo Fly Creek tributary to Snake River
- (3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:
- | | |
|--|---|
| Quantity <u>108 CFS 72 AF</u> Use <u>Diversion to Storage</u> Period of Use From <u>Jan 1</u> To <u>Dec 31</u>
(CFS, GPD, AF) (Domestic, irrigation, stock, etc.) (Mo., Day) (Mo., Day) | Quantity <u>32 AF</u> Use <u>Irrigation Storage</u> Period of Use From <u>Jan 1</u> To <u>Dec 31</u>
(CFS, GPD, AF) (Domestic, irrigation, stock, etc.) (Mo., Day) (Mo., Day) |
| Quantity <u>280 AF</u> Use <u>Irrigation from Storage</u> Period of Use From <u>Mar 1</u> To <u>Oct 31</u>
(CFS, GPD, AF) (Domestic, irrigation, stock, etc.) (Mo., Day) (Mo., Day) | Quantity <u>129 AF</u> Use <u>Stock Water FROM STOR.</u> Period of Use From <u>Jan 1</u> To <u>Dec 31</u>
(CFS, GPD, AF) (Domestic, irrigation, stock, etc.) (Mo., Day) (Mo., Day) |
- (4) 32 280 AF 72 CFS TOTAL QUANTITY CLAIMED.
(CFS, GPD, AF)

- (5) A) Point of Diversion: Give location of point where water is diverted from its source SW 1/4 NW 1/4
Sec. 8, Twp. 7S, Rge. 3E, B.M., Owyhee 73 County

Additional Points: None SCI: 2720-3610(2)12.3

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. Offstream earthfill dam, spillway, inlet and outlet ditch, 12' wide top, 6' wide bottom, 4' depth.

- (6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

T	R	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
7S	3E	3																	40
7S	3E	4	40		40						40	40	40						240
7S	3E	5															40		40
7S	3E	3			21	16			4										4
		4			21	16					12					5			63
		L.1																	

OTHER RTS: 57-1202, 57-1207, 57-2285A

Total no. of acres 320 67

B) If water is used for other than irrigation, fully describe that use, being as specific as possible: stockwater - same 350 head of cattle as listed in other claims

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

- (7) If you are claiming water as a member of an organization, list name of organization: Burghardt Co., Inc.

(8) Remarks

- (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)

Individual

(Signature of Claimant)

(Signature of Spouse)

State of Idaho

Organization

Organization

Burghardt Co., Inc.

Department of Water Resource:

County of Ada

Seal

(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 (he, she, they, corporation, partnership or other entity) executed the same.

My commission expires

Notary Public residing at Boise, Idaho

1/27/83

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

IN THE MATTER OF THE GENERAL DETERMINATION OF RIGHTS TO THE USE OF _____
DRAINAGE BASIN.

**NOTICE OF CLAIM
TO A
WATER RIGHT**

I.D. No.	Map No.
Fee Paid	Receipt No.

Notice is hereby given that _____
(Name of Claimant)

(Mailing Address) _____ (Zip Code) Telephone No. _____

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) _____
- (2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water) _____ 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 _____
(CFS, GPD, AF) | Use _____
(Domestic, irrigation, stock, etc.) | Period of Use From _____ To _____
(Mo., Day) (Mo., Day)
(Both dates inclusive) |
| Quantity 140 _____
(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) |
| Quantity _____
(CFS, GPD, AF) | Use _____
(Domestic, irrigation, stock, etc.) | Period of Use From _____ To _____
(Mo., Day) (Mo., Day)
(Both dates inclusive) |
- (4) _____ TOTAL QUANTITY CLAIMED.
(CFS, GPD, AF)

- (5) A) Point of Diversion: Give location of point where water is diverted from its source _____ % _____ %
Sec. _____, Twp. _____, Rge. _____, B.M., _____ County
Additional Points: _____

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. _____

- (6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

T	R	SEC.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

Total no. of acres _____

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

NOTE: Include here the type and number of stock watered: _____

- (7) If you are claiming water as a member of an organization, list name of organization: _____
- (8) Remarks _____
- (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.

(Date)
State of _____ Organization _____
County of _____ Seal _____

Individual

(Signature of Claimant)

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

(Signature of Authorized Agent)

On this _____ day of _____, in the year _____ before me
a notary public, personally appeared _____
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 _____

RECEIVED
SEP 3 19