

63-32410

IDWR
POD
Location

T06N R01E S15 SESE

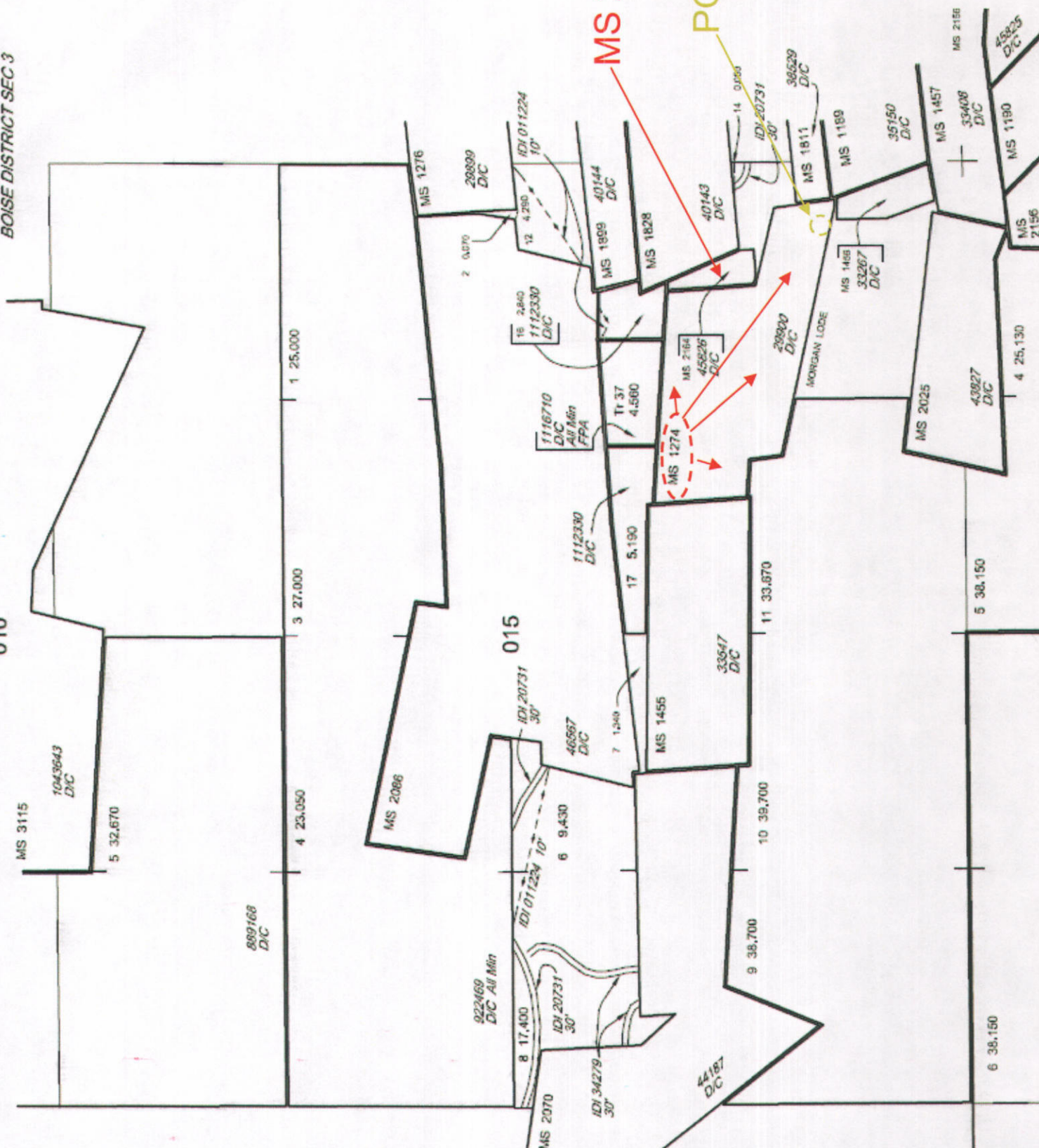
NESESE

Actual POD location
on PVT in MS 1274

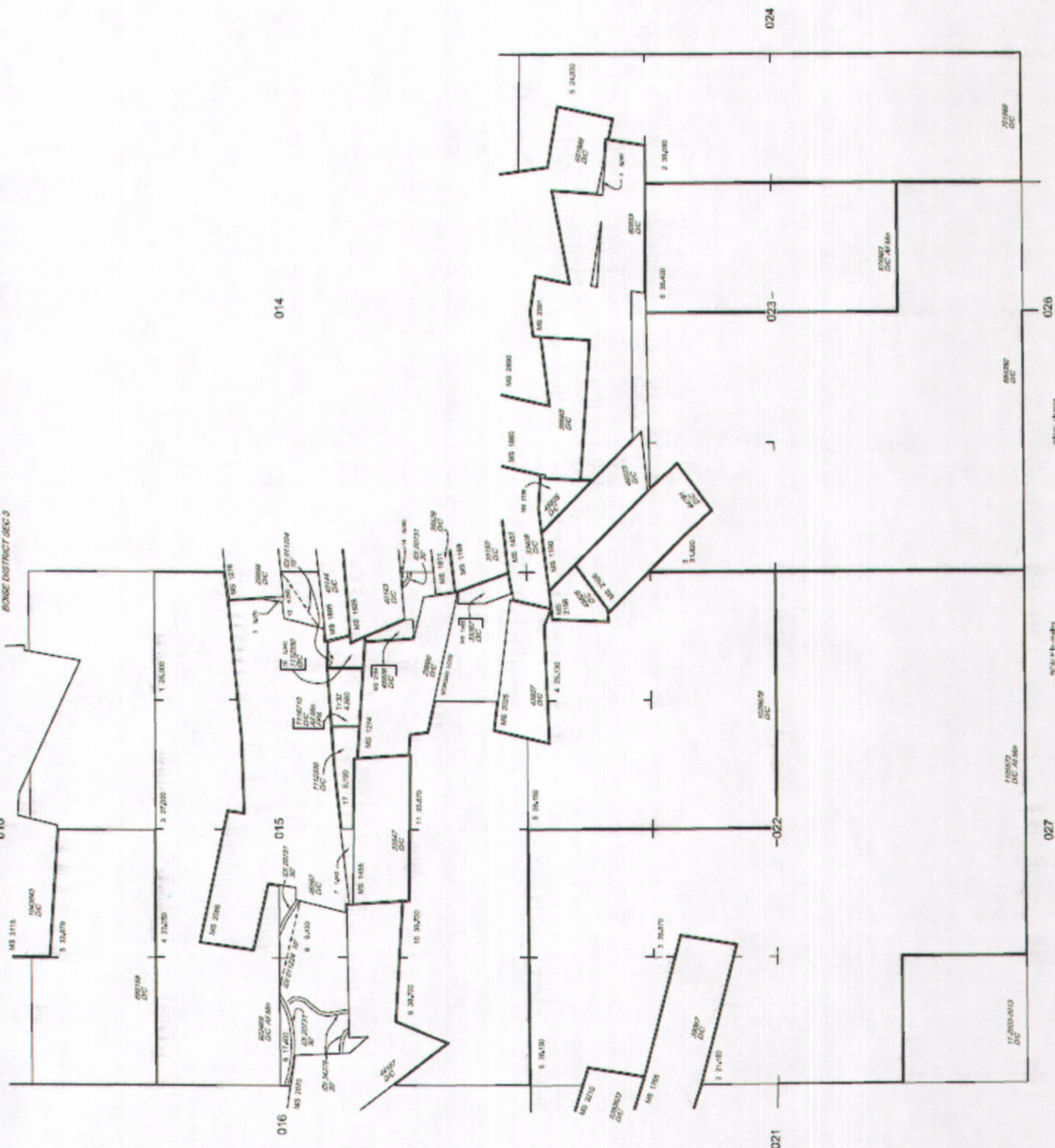
SESE



010



No. 2
STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES
MT PLAT
SUPPL Sec 15,22,23

[illegible]

FOR ORDERS EFFECTING DISPOSAL OR USE OF
UNIDENTIFIED LAND REFER TO INDEX OF
MISCELLANEOUS DOCUMENTS

DATE	08/01/2007	TIME	11:11
INSTRUMENT	10600000010941070000000000		
CONVERTED BY	262826267	BY	LPM
LAST UPDATED	08/01/2007	BY	LPM
GAUGE #3	00-002-000		
PORTED TO PIPE #	RECEIVED	BY	
PURPOSE	BLM TURBIDITY SYSTEM (P.150)		
BLM CODE	ACQUAIRE	BLM CODE	000000
OTHER		N/A	
PRODUCED COMPANY	BLM SYSTEM	DATE	08/01/2007



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Q

Supplemental Plat	• Twp 6N-1E , ID, Boise (Subdiv. Lines)
--------------------------	--

Field Note Images

DETAIL
SCALE - 1 INCH = 2 CHAINS

S. 85° 50' W. 2.02
4.00 5.00
TR. 37
4.56 ACRES
S. 85° 58' E. 2.02
N. 0° 09' E. 5.70
4

S. 89° 50' W. 39.79
LITTLE TILICUM FRAG.
S
4 3 1
39.196
N. 0° 09' E. 60.00
W. 0° 09' E. 0.15
39.80
M.S. 2088 EASTER 19.89
Sec. 15
M.S. 2086 JUDAS S. 89° 55' W. 19.89
M.S. 1276 LULU
M.S. 2086 IRON DOLLAR
M.S. 1099 THISTLE
M.S. 1820 SILVER SPRAY
M.S. 1274 CHECKMATE
M.S. 1274 GAY HORSE
M.S. 1189 RED WARRIOR
M.S. 1457 LEVIATHAN
BIG LYNX M.S. 2025 S. 89° 58' W. 39.77
M.S. 1455 BASQUE
M.S. 2070 MORNING STAR
HAPPY PEOPLE M.S. 2070 KING
M.S. 2086 SHAMROCK
TH. 37 2.84
2 3 4 5 6 7 8 9 10 11
5.19 4.56 2.84
N. 0° 09' E. 39.94
N. 0° 09' E. 39.90
N. 0° 09' E. 39.90
N. 0° 09' E. 39.90
40.00
40.00

Office of Supervisor of Surveys,
Denver, Colorado, May 22, 1940.

The above supplemental plat of Tr. 37 of section 15,
Township No. 6 North, Range No. 1 East, of the Boise Meridian,
Idaho, is strictly conformable to the field notes of the sur-
vey thereof which have been examined and approved.

William H. Johnson
Supervisor of Surveys.

United States
Department of the Interior,
General Land Office,
Washington, D.C., July 3, 1940.

The survey represented by this plat having
executed in accordance with the requirements of
relations of this office, is hereby accepted.

John David
Acting Assistant Commissioner



[Download Image File](#)

- http://www.glorerecords.blm.gov/SurveySearch/Survey_Detail.asp?dmid=43293&QryID=64... 2/5/2008



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Mineral Survey

• Twp 6N-1E, ID, Boise

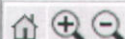
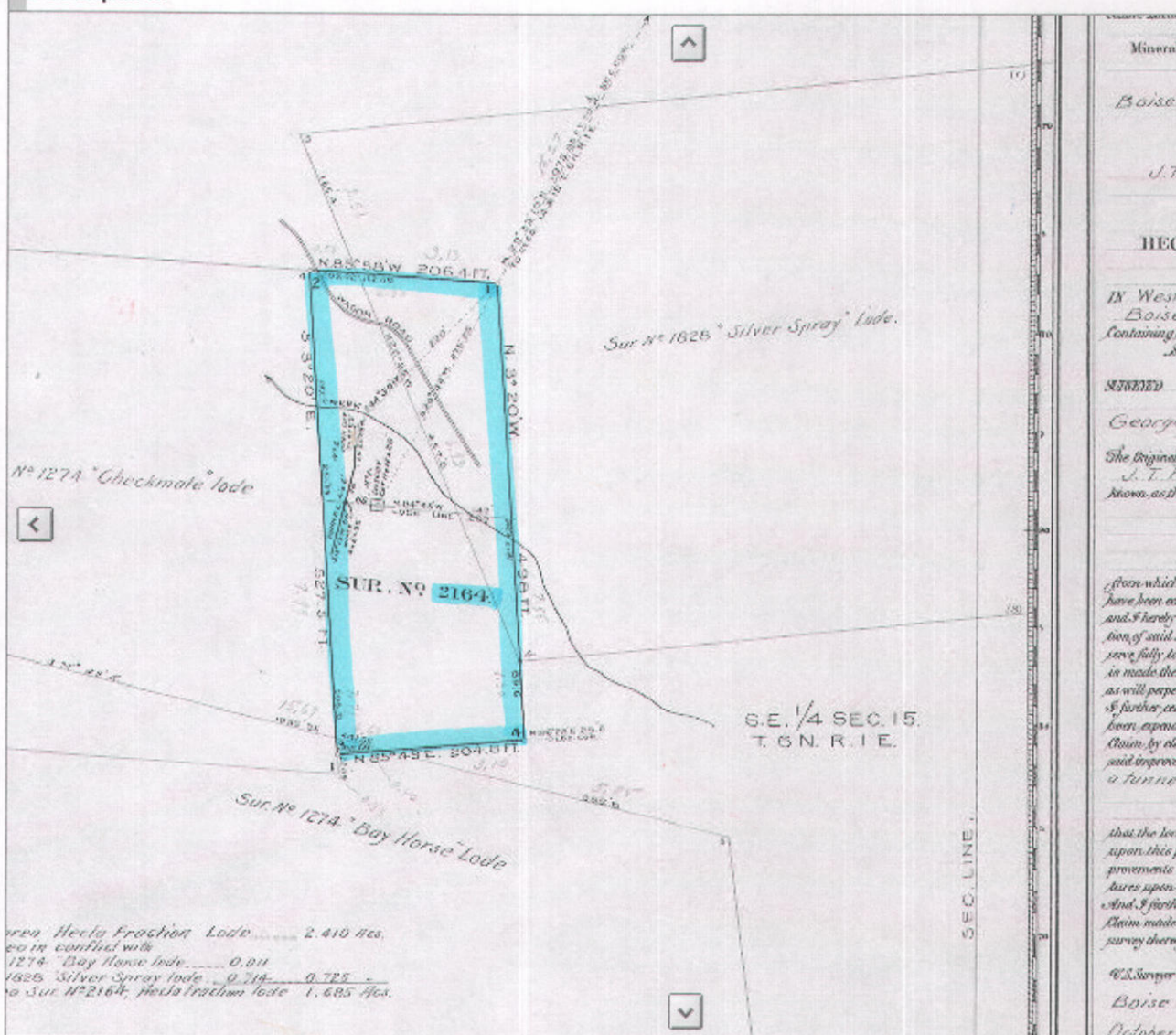
Survey Details

Plat Details

Plat Image

Field Note Images

Description: ---



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Mineral Survey

• Twp 6N-1E, ID, Boise

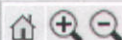
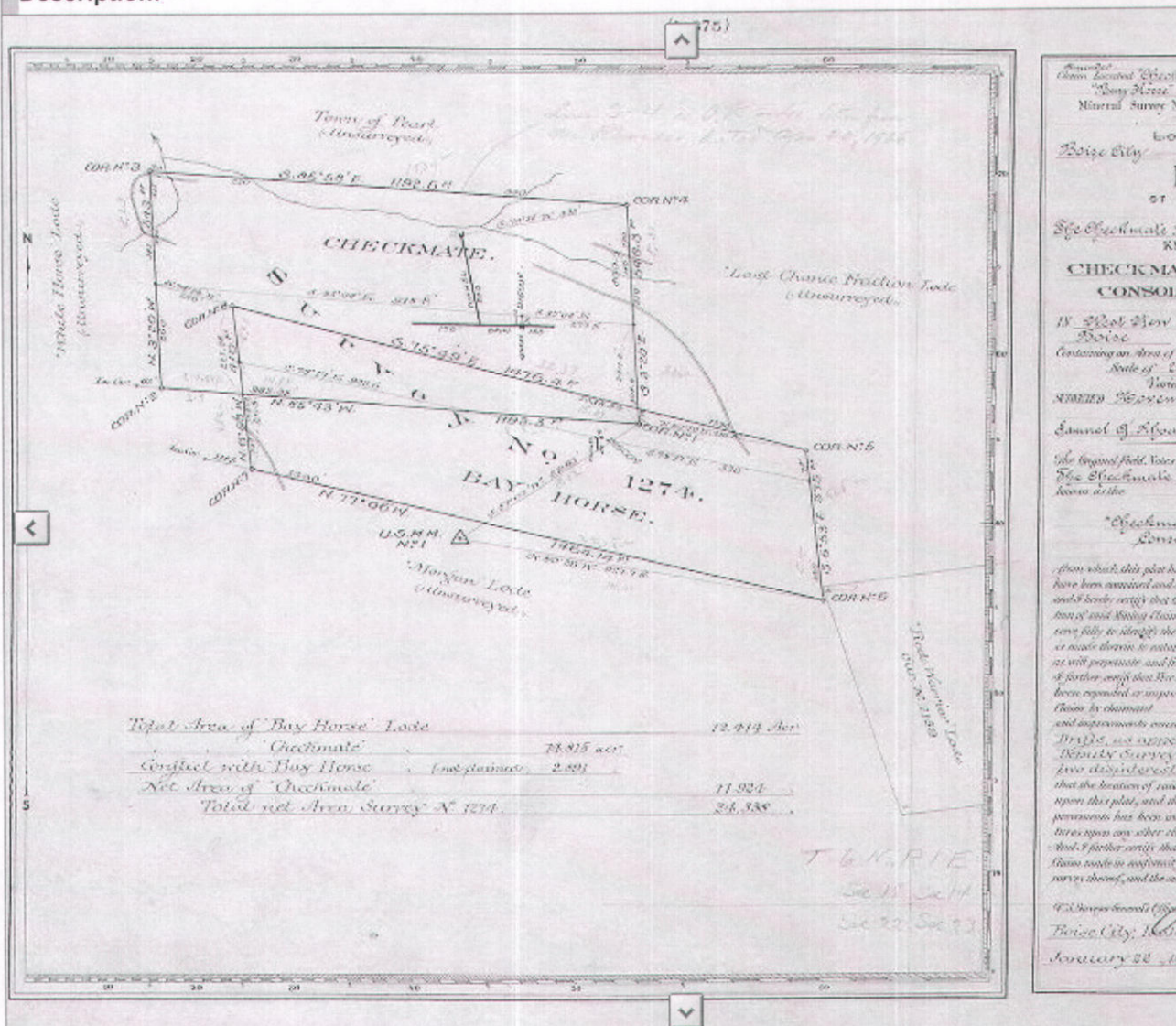
Survey Details

Plat Details

Plat Image

Field Note Images

Description: --



Basic Viewer

JavaScript Viewer

Plug-In Viewer

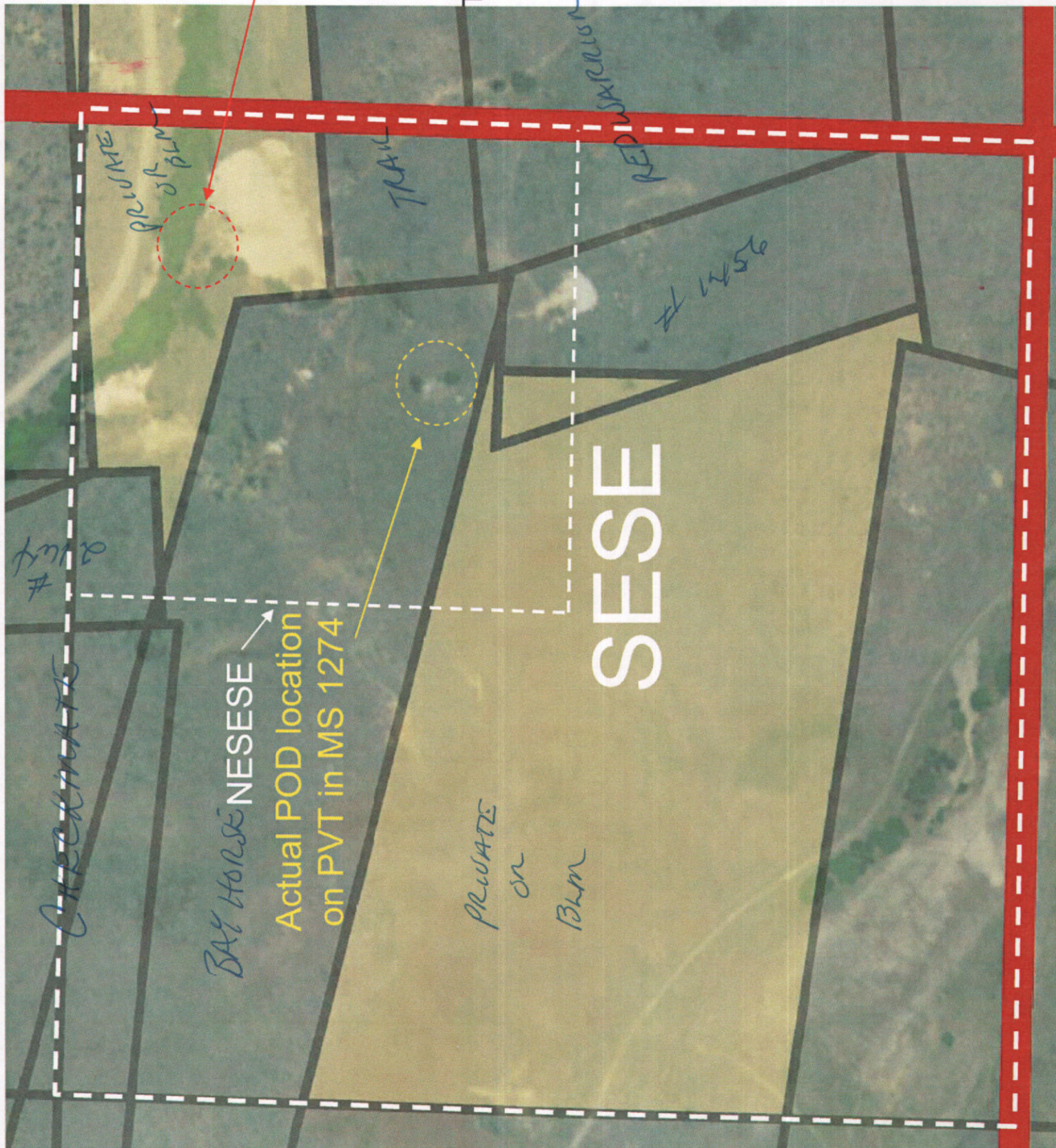
Download Image File

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63-32410

IDWR
POD
Location

T06N R01E S15 SESE



BAY HORSE
NESESE
Actual POD location
on PVT in MS 1274

private
on
Blm

SESE

1256

PRUNE
DR BLM

TRAIL

RED WAGON

1256

Creekmate



Idaho Department of Water Resources

SRBA Recommendation:

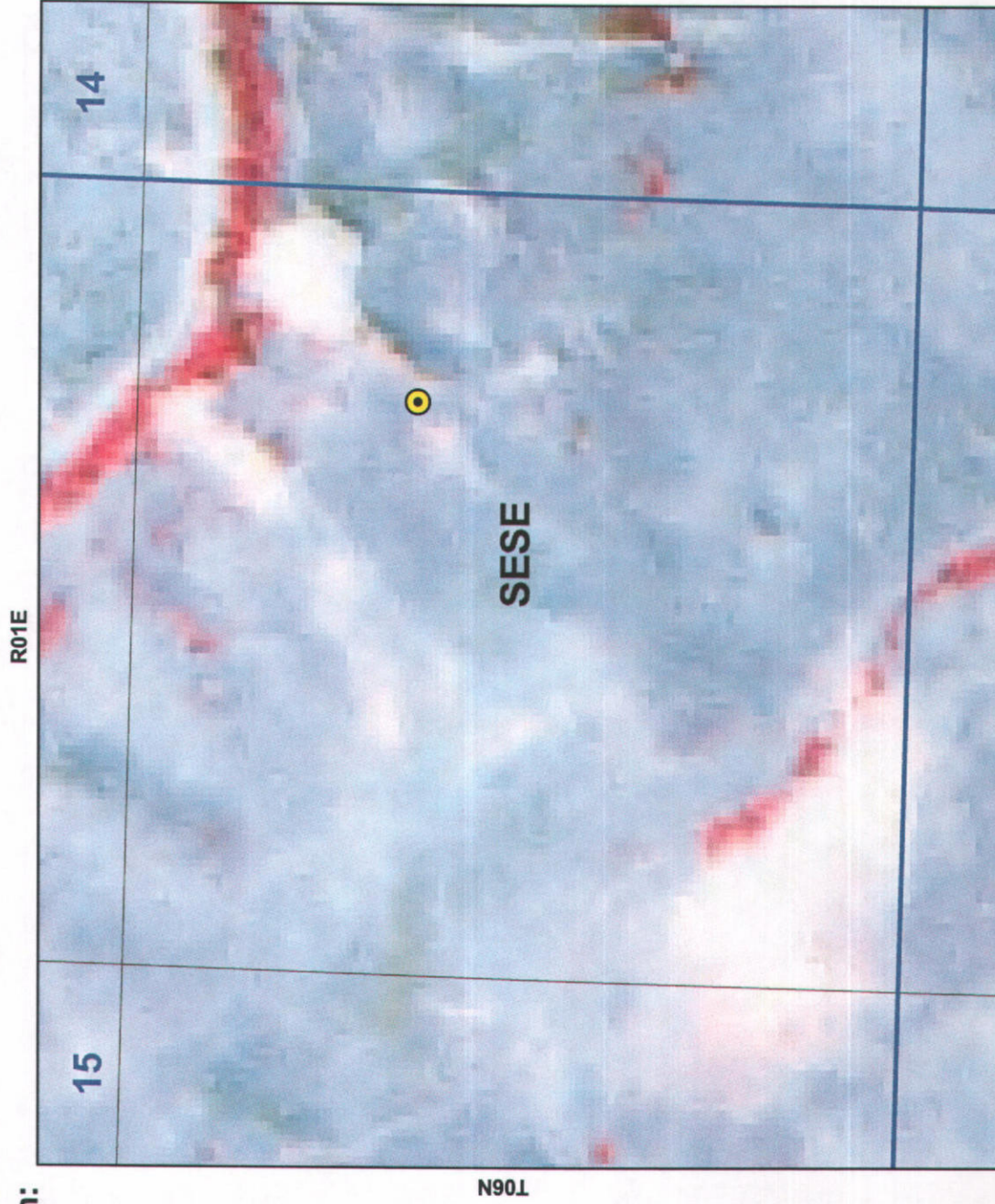
63-32410
(Stockwater)

Legend

- Point of Diversion
- Place of Use
- Townships
- PLS Sections
- Quarter Quarters



Gem County
IDWR Basin 63



0 0.1 0.2 Miles

Prepared by K. Walker
On Monday, February 4, 2008
1987/88 Aerial Photography

Updated POD 2/4/2008 -bw



63-32410 pod.shp
Sections
QQ
Gem taxlots



0.2 Miles

0

0.2



63-32410
Burkhart



Mixed POU:

- The places of use T06N R01E S15 SESE contains both private and public lands.
- Please clarify such that only private land is intended by inserting the following remark under place of use:

"The place of use does not include federal public land."

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 63-32410
Date Received: 8/29/2006
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

TERESA J BURKHART Phone: (208)375-3296
10925 NETHERLAND ST
BOISE ID USA 83709

W G BURKHART Phone: (208)375-3296
10925 NETHERLAND ST
BOISE ID USA 83709

2. Date of Priority: 06/01/1945

3. Source: SPRING Trib. to: WILLOW CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
06N	01E	15	NE SE SE	GEM	

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From To	C.F.S.	(or) A.F.A
STOCKWATER	01/01 12/31	0.02	

7. Total Quantity Appropriated is:
0.02 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:
Number of other uses: 50 Range Cattle

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
06N	01E	15	SE	SE	STOCKWATER	

11. Place of use in counties: GEM

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

13. Other Water Rights Used:

14. Remarks:

15. Basis of Claim: Beneficial Use

RECEIVED

AUG 29 2006

Form No. 42-1409 (2) b 7/06

WATER RESOURCES
DIVISION REGION

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 A63-32410

Date Received: 8-29-06

Receipt No: W034623

Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT

ACQUIRED UNDER STATE LAW

For Domestic and/or Stockwater Purposes

Where Daily Use is less than 13,000 gallons per day

1. Name of Claimant(s) Teresa J. Burkhardt, W.G. Burkhardt Phone ⁽²⁰⁸⁾ 375-3296

Mailing Address 10925 Netherland Boise, Id Zip 83709

2. Date of Priority: (Only one per claim) 06/01/1945 Month/Day/Year

3. Source of water supply (Check one) Ground Water () or Other () (a) Spring
which is tributary to (b) Willow Creek

4. Location of Point of Diversion is: Township 06N, Range 01E, Section 15
NE, 1/4 of SE, 1/4 of SE, 1/4 Govt. Lot _____, BM., County of GEM

Additional points of diversion if any: _____

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

6. Water is claimed for the following: (limited to Domestic and/or Stockwater uses. See page 1 of the instructions.)

For Stockwater purposes from ^{Month/Day} 01/01 to ^{Month/Day} 12/31 amount ^(cfs) 0.02 cfs

For _____ purposes from _____ to _____ amount _____

7. Total Quantity claimed 0.02 (cfs)

8. Total consumptive use claimed is de minimus

9. Non-irrigation uses. Describe fully. (Domestic: give number of households served if single ownership;

Stockwater and Number of livestock) 50 Head of Range cattle

10. Location of Place of Use is: Township 06 N, Range 01 E, Section 15,
SE, 1/4 of SE, 1/4, Govt. Lot _____, BM.

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

11. Which county (ies) are lands listed above as place of use located? GEM

12. Do you own the property listed above as place of use? Yes (☒) No ()

If the answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.

None (☒) _____

14. Remarks: _____

15. Basis of Claim (Circle One) Beneficial Use Posted Notice License Permit Decree
 Court _____ Decree Date _____ Plaintiff v. Defendant _____

If applicable provide IDWR Water Right Number _____

16. Signature(s)

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

Number of attachments: _____

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) W. H. Blumhert Date: 8/29/2006
 _____ Date: _____

For Organizations: I do solemnly swear or affirm that I am _____ Title

of _____, that I have signed the foregoing document in the space below as
 Organization

_____ of _____
 Title Organization

And that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____ Date _____

Title and Organization _____

State of Idaho)
 County of Ada) SS.

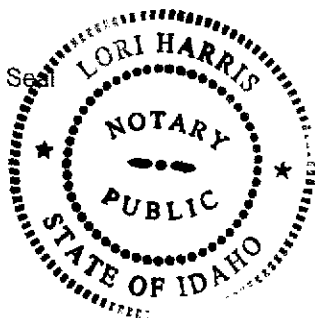
NOTARIZATION REQUIRED FOR EACH CLAIM

Subscribed and sworn (or affirmed) before me this 29 day of August 20 06

Notary Public Lori Harris

Residing at Boise, Id

My commission Expires 12-8-06



Last Name _____ Identification No. _____

2000

NA
RF

SWNW

NESW

NWSW

**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 No. 63-32410
	)	
Case No. 39576	)	
	)	STANDARD FORM 5
	)	
	)	STIPULATED ELEMENTS OF A
	)	WATER RIGHT

This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT(s):

W.G. Burkhart

Date

Teresa J. Burkhart

Date

OBJECTOR:

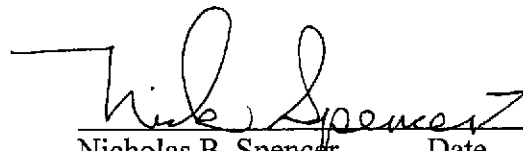
United States of America
Bureau of Land Management

Larry A. Brown, USDOJ Date
Attorney for BLM

DWR Concurrence:

 2-1-08

Kay Walker Date
Senior Water Resource Agent

 1-31-08

Nicholas B. Spencer Date
Deputy Attorney General
Attorney for IDWR

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

RIGHT NUMBER: 63-32410

NAME AND ADDRESS: TERESA J BURKHART
10925 NETHERLAND ST
BOISE ID 83709

W G BURKHART
10925 NETHERLAND ST
BOISE ID 83709

SOURCE: SPRING TRIBUTARY: WILLOW CREEK

QUANTITY: 0.020 CFS

PRIORITY DATE: 06/01/1945

POINT OF DIVERSION:

T06N R01E S15 NESESE Within GEM County

Point of diversion is within MS 1274. kw

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
STOCKWATER	01/01 12/31	0.020 CFS

PLACE OF USE: STOCKWATER in GEM County

T06N R01E S15 SESE

Place of use does not include federal public lands. kw

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

The quantity of water decreed for this water right is not a determination of historical beneficial use.

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use
Stockwater use is for 50 range cattle.

CERTIFICATE OF MAILING

I certify that on _____, 2008, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or 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. Copies to:

UNITED STATES OF AMERICA
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

TERESA J. BURKHART
W.G. BURKHART
10925 NETHERLAND ST
BOISE, ID 83709

DIRECTOR OF IDWR
P.O. BOX 83720
BOISE, ID 83720-0098

Signature of person or attorney mailing the form

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-32410 V1

WATER RIGHT NUMBER: 63-32410 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	TERESA J BURKHART 10925 NETHERLAND ST BOISE, ID 83709 (208)375-3296
Current Owner	W G BURKHART 10925 NETHERLAND ST BOISE, ID 83709 (208)375-3296

Priority Date: 06/01/1945
 Basis: Beneficial Use
 Status: Active

<u>Source</u>	<u>Tributary</u>
SPRING	WILLOW CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER	01/01 to 12/31	0.020 CFS	
<u>Total Diversion:</u>		0.020 CFS	

Location of Point(s) of Diversion

SPRING	NE1/4SE1/4SE1/4	Sec. 15, Twp 06N, Rge 01E, B.M.
GEM County		

Place of Use

STOCKWATER

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06N	01E	15																	X

Conditions of Approval:

1. X02 Stockwater use is for 50 range cattle.
2. Point of diversion is within MS 1274.
3. N11 The quantity of water decreed for this water right is not a determination of historical beneficial use.
4. U42 Place of use does not include federal public lands.
5. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

See comments
KW
2/7/08

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 63-32410 V1

Remarks:

Comments:

1. kwalker 1/10/2008 OBJ resolution

Comment: We received an e-mail from Larry Brown, USDOJ, requesting we add remark stating no federal land in place of use to resolve objection. Mr. Brown stated BLM will pursue signatures on the SF5 once we have prepared it.

2. kwalker 2/4/2008 POD Location

Comment: We received updated pod location from Sherman Beazer at BLM this day. Have updated the shape to location identified. No change to 10 acre tract description.

3. kwalker 2/7/2008 Mineral Survey

Comment: After receipt of the request to add remark concerning pod I looked at Gem Co tax lot information and the mineral survey numbers were not consistent with information provided by BLM. The BLM sent in copies of the mineral survey information from their records and we discovered that Gem County tax lot information was not correct. Have added remark to this recommendation per BLMs request and information provided.

Dates and Other Information:

Decreed Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Defendant:

Plaintiff:

Civil Case Number:

Judicial District:

Notice of Error Flag:

State or Federal:

Owner Name Connector: OR

Water District Number:

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

Combined Use Limits:

SubCase:

SubCase Number: 63-32410

Class: 1

SF5 Filed Date:

Special Master Recom Signed Date:

Attorney Assigned:

Adjudication Agent: kbrown

Basis of Claim: Beneficial Use

Date Filed: 6/13/2007 Objection Status: Active

Water Supply Bank:

63-32410

NESESE

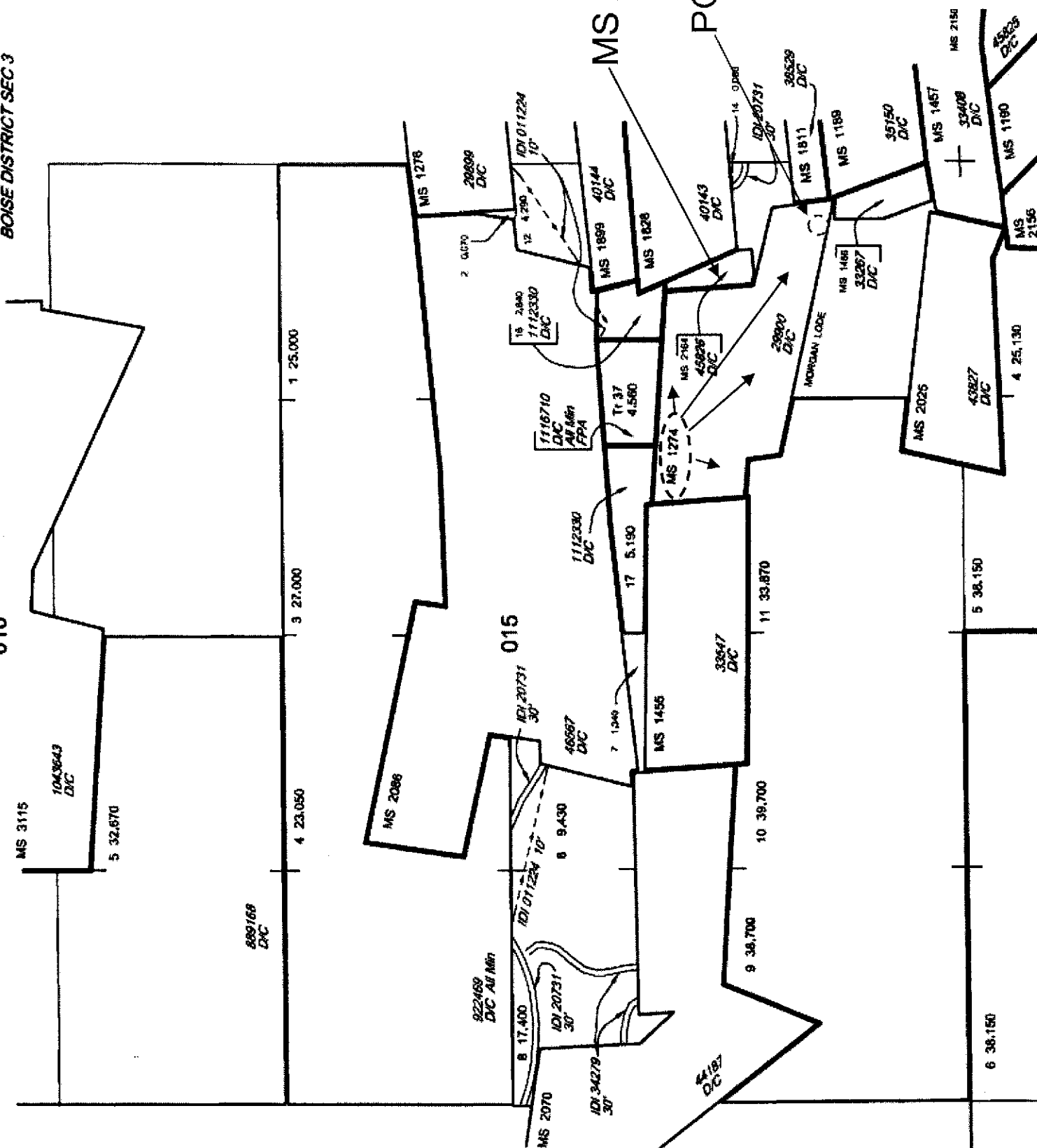
Actual POD location
on PVT in MS 1274

IDWR
POD
Location

T06N R01E S15 SESE

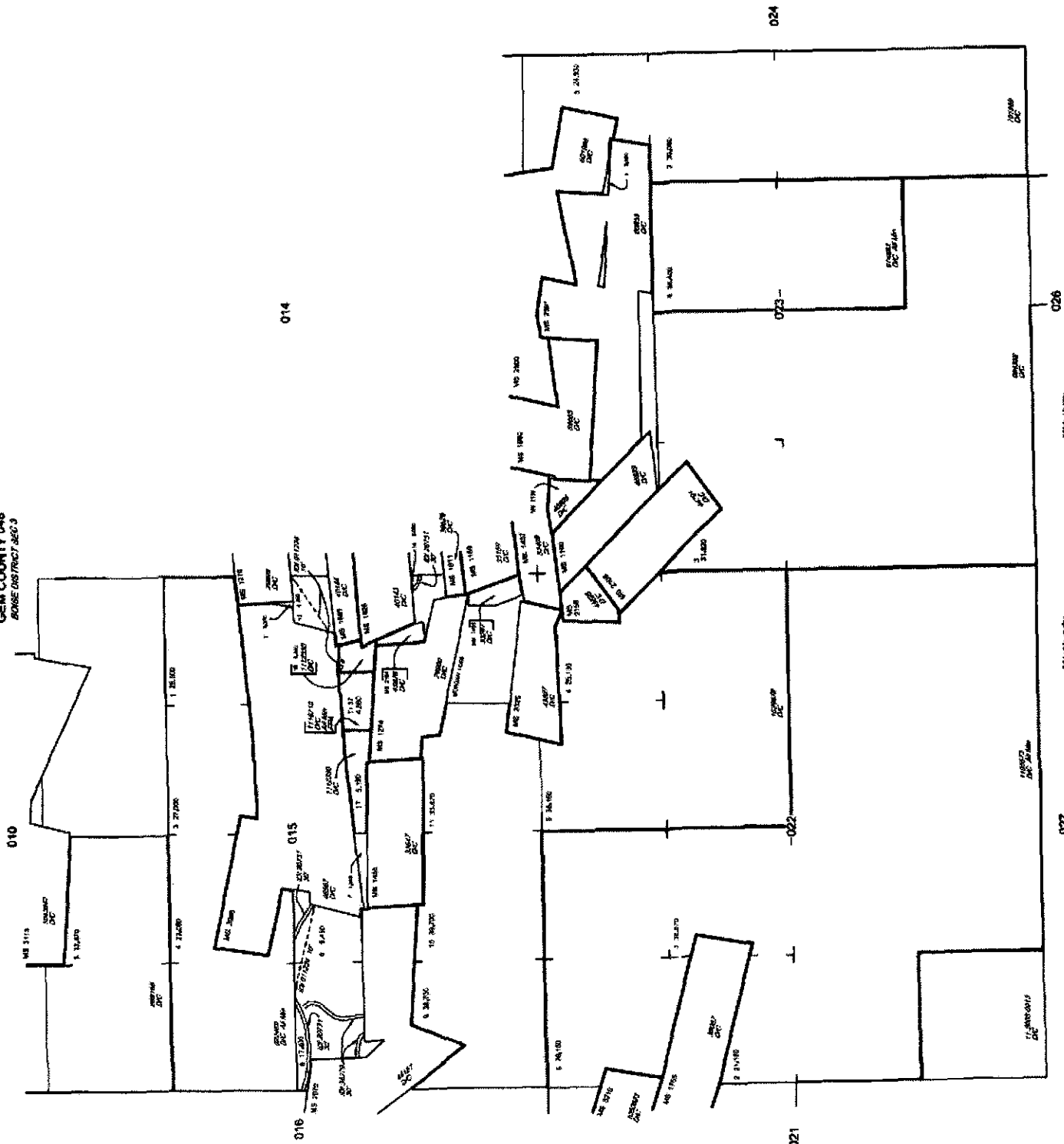
SESE

010



No. 2
STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES
MT PLAT
SUPPL Sec 15,22,23

010

[illegible]

FOR ORDERS EFFECTING DISPOSAL OR USE OF
UNIDENTIFIED LAND REFER TO INDEX OF
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[illegible]



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Supplemental Plat

• Twp 6N-1E, ID, Boise (Subdiv. Lines)



Survey Details



Plat Details

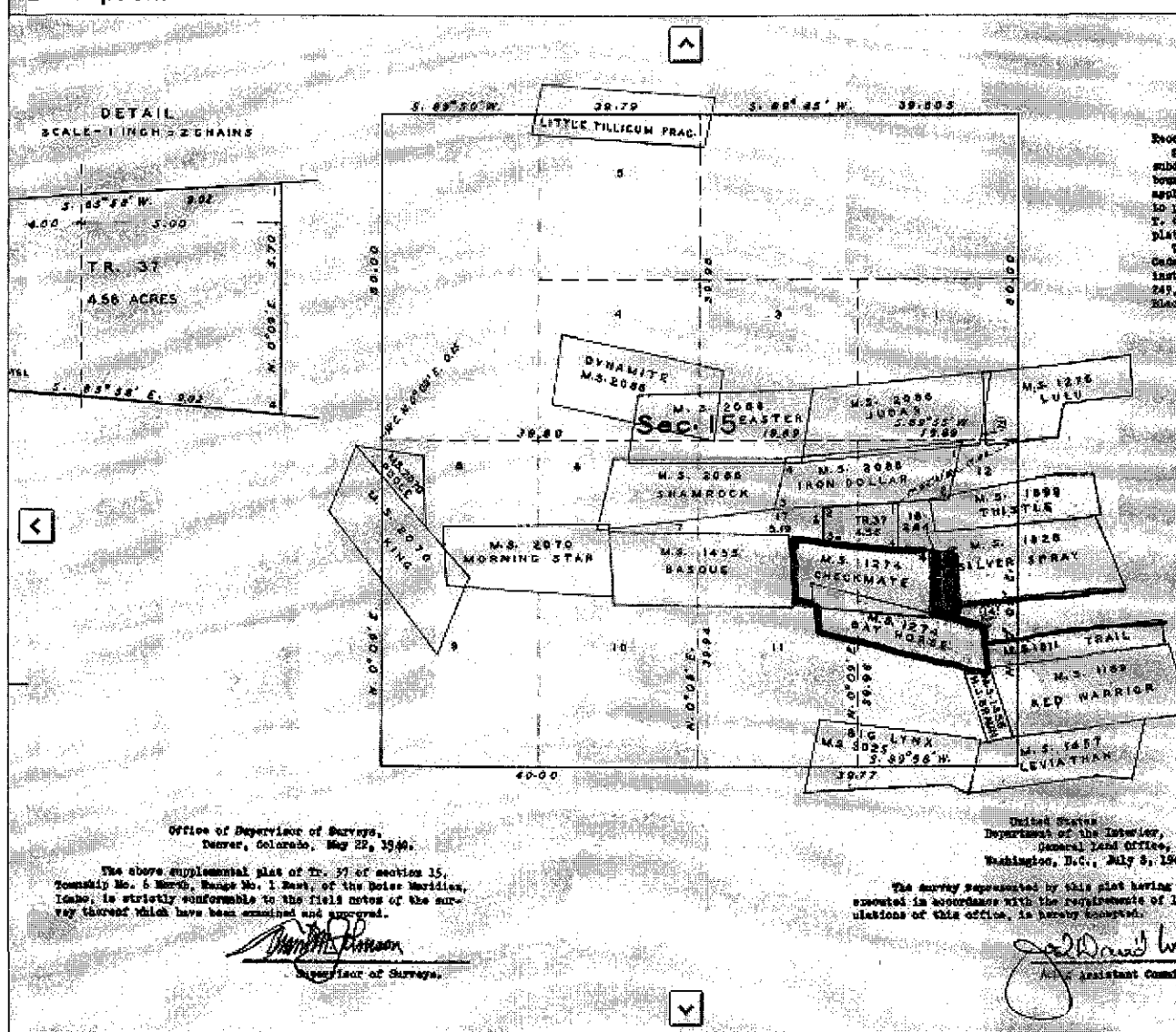


Plat Image



Field Note Images

Description: --



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Mineral Survey • Twp 6N-1E, ID, Boise

Survey Details
Plat Details
Plat Image
Field Note Images

Description: ---

Sur. No. 1825 "Silver Spray" Lode.

Sur. No. 1274 "Checkmate" Lode

Sur. No. 1274 "Bay Horse" Lode

S.E. 1/4 SEC. 15. T. 6N. R. 1E.

Sur. No. 1274 "Horn Fraction" Lode..... 2.415 Acs.
containing with
1274 "Bay Horse" Lode..... 0.20
1825 "Silver Spray" Lode..... 0.14..... 0.785
to Sur. No. 2104, "Horn Fraction" Lode..... 1.685 Acs.

Mineral

Boise

J.T.

REC

18 West Boise Containing

George

The property J.T. owns as the

from which have been and hereby is given fully do in whole the as well papers if further can been, expand there, by the said interest in turn to,

that the has upon this p improvements, birds upon and, if possible them, made paying there

Boise

October

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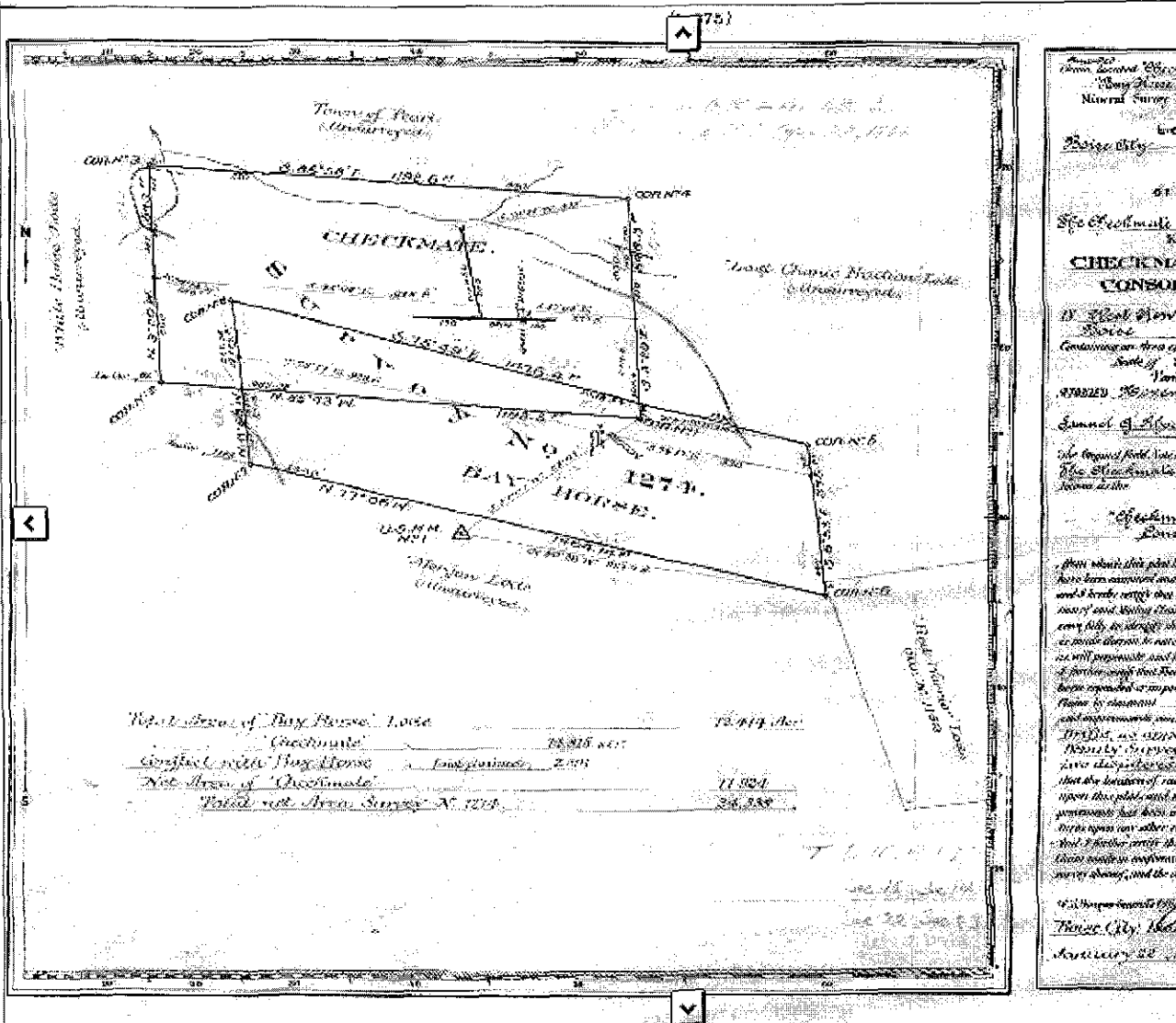
Survey Details

[Home](#) > [Survey Search](#) > [Results List](#) > [Survey Details](#)**Mineral Survey**

• Twp 6N-1E, ID, Boise

[Survey Details](#)[Plat Details](#)[Plat Image](#)[Field Note Images](#)

Description: --

[Basic Viewer](#)[JavaScript Viewer](#)[Plug-In Viewer](#)[Download Image File](#)

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Walker, Kay

From: Spencer, Nick
Sent: Tuesday, February 05, 2008 1:52 PM
To: Shurte, Jan; Walker, Kay
Cc: Williams, Ray; Ridgeway, Renea
Subject: FW: 63-04266, 63-0460, and 63-31410; Claimant: Burkhart

-----Original Message-----

From: Brown, Larry (ENRD) [mailto:Larry.Brown@usdoj.gov]
Sent: Tuesday, February 05, 2008 7:30 AM
To: Spencer, Nick
Cc: Williams, Ray
Subject: RE: 63-04266, 63-0460, and 63-31410; Claimant: Burkhart

To fix the POU objection on all, just add the "no fed land" remark. To fix the POD for 63-32410, add the remark "Point of diversion is within MS 1274." We did not object to the POD because it was pre-FLPMA priority date, but discussions with the Claimant led to the POD being actually located within the mineral survey.

ENRD=Environment and Natural Resources Division. There are three employees named "Larry Brown" in DOJ. One is a deputy U.S. Marshall, one is the First Assistant U.S. Attorney in the United States Attorney's Office, Eastern District of California, and there is me, in the Environment and Natural Resources Division. We try to keep employee e-mail addresses separate by identifying the division where they work in the addresses.

I do not remember any past discussion on not putting the "no fed land" remark under the POD element. In 63-32410 it, is appropriate to confine it to the mineral survey because the 10 acre tract (NESESE) is mostly public land and only a small part of MS 1274 is within the NESESE (as I recall without looking at Scott's zoom of the aerial photo shapefile of 63-32410). We do prefer having the mineral survey identified, but Fred failed to put that in my file, probably because we did not originally object to the POD (pre-FLPMA priority date). If I had known the mineral survey ID, I would certainly have suggested its use, but it also seems to me that the "no fed land" remark would work just as well. BLM is satisfied with the POD being confined to the mineral survey, so please do it that way when the information is presented.

The POD for 63-04266 and 63-04603 do not need any remarks, and the "no fed land" remark under the POU element resolves BLM's objection to each claim.

Yes I was going so fast on these that I didn't even slow down long enough to look for typos in the subject line. I note that two of the water right numbers are, sadly, incorrect. However, I hope they are properly typed in at least this part of the e-mail.

Cheers,

Larry

-----Original Message-----

From: Spencer, Nick [mailto:Nick.Spencer@idwr.idaho.gov]
Sent: Monday, February 04, 2008 6:16 PM
To: Brown, Larry (ENRD)
Cc: Williams, Ray
Subject: RE: 63-04266, 63-0460, and 63-31410; Claimant: Burkhart

Hi Larry. You guys are going so fast on these that we are playing catch-up. My understanding is that Scott Beezer first told Kay Walker that fixing the POU would fix the objection, so she prepared SF-5s doing that and mailed them to Ray Williams on Friday. I will tell Ray to hold onto them until we now get this latest thing figured out. Now do I understand correctly that you have decided that to fix the objection you ALSO need the POD fixed? If so we can prepare new SF-5s doing that.

But before we do I need your input on two things. (1) Jan isn't opposed to putting the "no fed'l land" remark under the POD; she simply has a recollection that we had a reason for not doing that in the past--that the remark only went onto POU. I have no recollection of that. I seem to remember in Basin 63 Part 1, and especially in USFS objections up in Basin 72 that we did put the remark under POD. Do you remember any past discussions we have had where we identified any potential problems with putting the remark onto PODs as well as POUs?

(2) My recollection is that when we have a mineral survey describing the location of the POU or POD, you prefer having a remark noting that the POD and/or POU is located in mineral survey number such and such, because the mineral survey is the true legal description; the PLS descriptor is not. I know we have in several prior cases put on remarks like "The place of use is located in Mineral Survey 452." If that is what you want here, we can do it. But if we do it that way, do you also want the no fed'l land remark? That is kind of a belt and suspenders situation, is it not, because if the POD/POU is located within the mineral survey, perforce it cannot be located on federal land can it, and the no fed'l land remark is redundant? So, would you prefer the no fed'l land remark, the mineral survey remark, or both? Please let me know your thoughts, and we'll figure out how to accommodate you. By the way, in your e-mails I see that your name is always followed by "(ENRD)." What is an ENRD? And is it pronounced "ee-nerd"? If so, how do I join? NBS

-----Original Message-----

From: Brown, Larry (ENRD) [mailto:Larry.Brown@usdoj.gov]
Sent: Monday, February 04, 2008 11:43 AM
To: Spencer, Nick; Bromley, Chris
Subject: FW: 63-04266, 63-0460, and 63-31410; Claimant: Burkhart

Hi guys. We want the "no fed land" remark under the POD element please. Ms. Shurte doesn't seem to think it is necessary. It is, or the BLM's objection is not fully resolved.

-----Original Message-----

From: Sherman_Beazer@blm.gov [mailto:Sherman_Beazer@blm.gov]
Sent: Monday, February 04, 2008 1:40 PM
To: Shurte, Jan
Cc: Brown, Larry (ENRD); Walker, Kay; Fredric_Price@blm.gov; Casey_O'Brien@blm.gov; Spencer, Nick; Bromley, Chris; Kelly, Vicki
Subject: RE: 63-04266, 63-0460, and 63-31410; Claimant: Burkhart

Attached is a map showing the point of diversion on private land within Mineral Survey 1274. Is there any way we could include a remark in the SF-5

under point of diversion to clarify the location? Either "Point of diversion does not include federal public lands." or "Point of diversion is within MS 1274."

(See attached file: 63-32410 blow up to IDWR.pdf)

Thanks,
Scott Beazer
Water Rights Specialist
Phone: (208) 373-4022
Fax: (208) 373-3839

"Shurte, Jan"

<Jan.Shurte@idwr.

idaho.gov>

To

<Larry.Brown@usdoj.gov>, "Walker,

02/04/2008 10:31

Kay" <Kay.Walker@idwr.idaho.gov>

AM

cc

<Fredric_Price@blm.gov>,
<Sherman_Beazer@blm.gov>,
<Casey_O'Brien@blm.gov>, "Spencer,
Nick"
<Nick.Spencer@idwr.idaho.gov>,
"Bromley, Chris"
<Chris.Bromley@idwr.idaho.gov>,
"Kelly, Vicki"
<Vicki.Kelly@idwr.idaho.gov>

Subject

RE: 63-04266, 63-0460, and
63-31410; Claimant: Burkhart

Larry,

The SF5's have already been sent out for signatures on these. If Scott could contact Kay Walker (208-334-2190) with the location of the point of diversion we can update our pod shapefile database. The SF5's should go on without a change needed as long as the spring location ends up being in the same 10-acre parcel.

Thanks,
Jan

-----Original Message-----

From: Jones, Doug
Sent: Monday, February 04, 2008 10:04 AM
To: Shurte, Jan
Cc: Fredric_Price@blm.gov; Sherman_Beazer@blm.gov; Casey_O'Brien@blm.gov; 'Brown, Larry (ENRD)'; Spencer, Nick; Bromley, Chris; Kelly, Vicki
Subject: RE: 63-04266, 63-0460, and 63-31410; Claimant: Burkhart

Jan,

These are in your area.

Doug

-----Original Message-----

From: Brown, Larry (ENRD) [mailto:Larry.Brown@usdoj.gov]

Sent: Monday, February 04, 2008 9:26 AM
To: Spencer, Nick; Bromley, Chris; Kelly, Vicki; Jones, Doug
Cc: Fredric_Price@blm.gov; Sherman_Beazer@blm.gov; Casey_O'Brien@blm.gov
Subject: FW: 63-04266, 63-0460, and 63-31410; Claimant: Burkhart

Bill Burkhart and I spoke again a few minutes ago. The Point of Diversion and Place of Use for 37-32410 is within the mineral survey - private land - within the SESE, Section 15. Scott zoomed in on the NESESE. Bill was able to identify a spring in the SE portion of the mineral survey as the point of diversion. To resolve BLM's objection, add the "no fed land" remark to the place of use and point of diversion element and adjust the shapefile to show the POD at the spring in the NESESE at the SE part of that 10 acre tract. Scott will send you guys an e-mail with the location of the POD circled - right Scott? Thanks,

Larry

>
> From: Brown, Larry (ENRD)
> Sent: Tuesday, January 08, 2008 5:17 PM
> To: Spencer, Nick; 'Bromley, Chris'; 'Kelly, Vicki';
> 'Doug.Jones@idwr.idaho.gov'
> Cc: 'Fredric_Price@blm.gov'; 'Sherman_Beazer@blm.gov';
> 'Casey_O'Brien@blm.gov'
> Subject: 63-04266, 63-0460, and 63-31410; Claimant: Burkhart
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> that the water right have a correctly described POD.
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Subject: RE: 63-04266, 63-0460, and 63-31410; Claimant: Burkhart
Attachments: 63-32410 blow up to IDWR.pdf



63-32410 blow up
to IDWR.pdf (...)

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(See attached file: 63-32410 blow up to IDWR.pdf)

Thanks,
Scott Beazer
Water Rights Specialist
Phone: (208) 373-4022
Fax: (208) 373-3839

63-32410

IDWR
POD
Location

T06N R01E S15 SESE

NESESE
Actual POD location
on PVT in MS 1274

SESE

Walker, Kay

From: Shurte, Jan
Sent: Monday, February 04, 2008 10:31 AM
To: Larry Brown (Larry.Brown@usdoj.gov); Walker, Kay
Cc: 'Fredric_Price@blm.gov'; 'Sherman_Beazer@blm.gov'; 'Casey_O'Brien@blm.gov'; Spencer, Nick; Bromley, Chris; Kelly, Vicki
Subject: RE: 63-04266, 63-0460, and 63-31410; Claimant: Burkhart

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Subject: RE: 63-04266, 63-0460, and 63-31410; Claimant: Burkhart

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Larry

>
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From: Brown, Larry (ENRD)
> Sent: Tuesday, January 08, 2008 5:17 PM
> To: Spencer, Nick; 'Bromley, Chris'; 'Kelly, Vicki';
> 'Doug.Jones@idwr.idaho.gov'
> Cc: 'Fredric_Price@blm.gov'; 'Sherman_Beazer@blm.gov';
> 'Casey_O'Brien@blm.gov'
> Subject: 63-04266, 63-0460, and 63-31410; Claimant: Burkhart
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> send them to Mr. Burkhart. Thanks,
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>
> Larry



Idaho Department of Water Resources

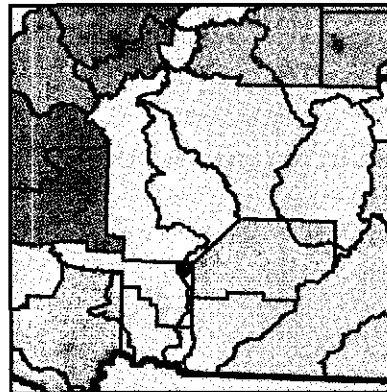
SRBA Recommendation:

63-32410

(Stockwater)

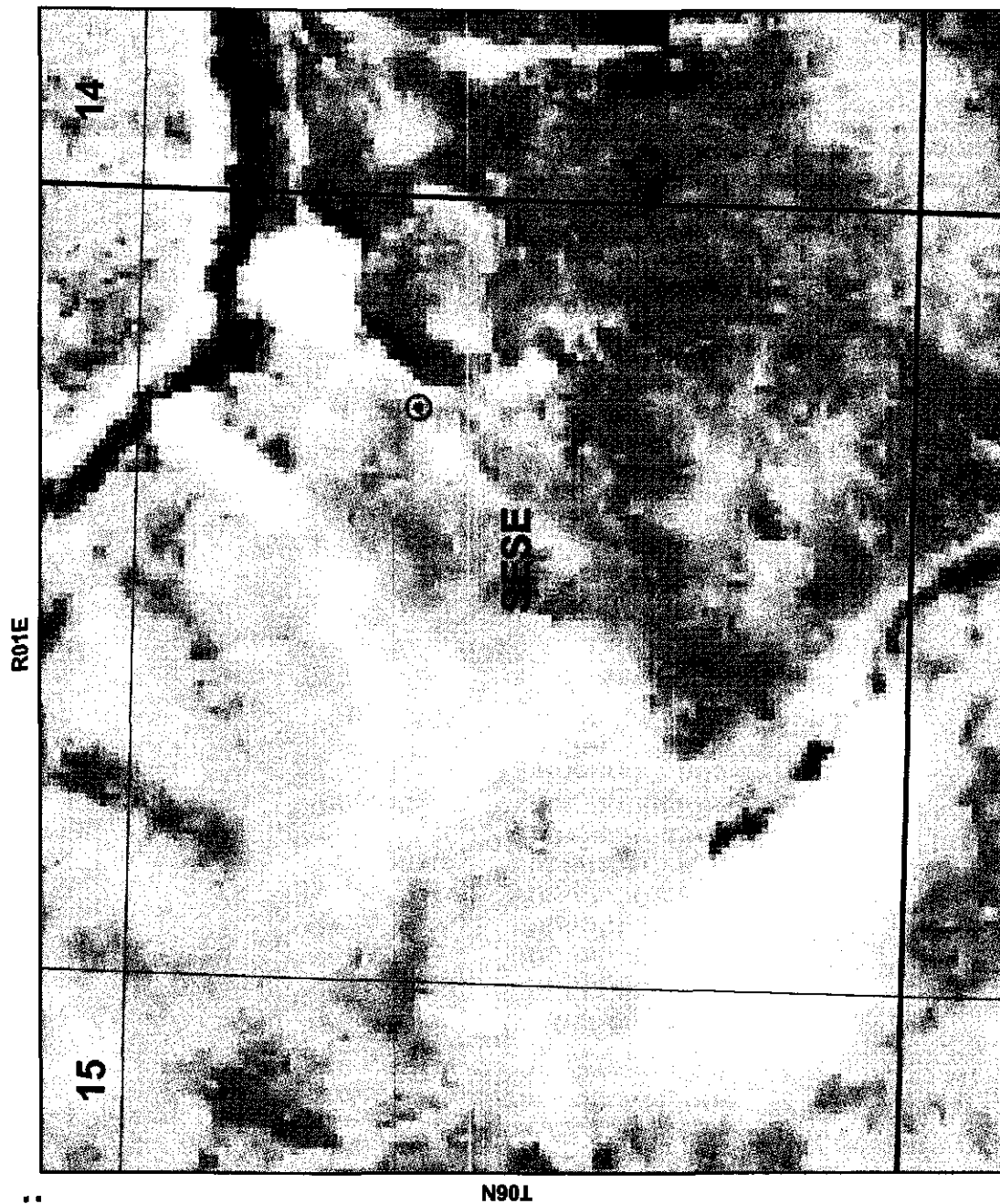
Legend

- ⊙ Point of Diversion
- Place of Use
- Townships
- PLS Sections
- Quarter Quarters



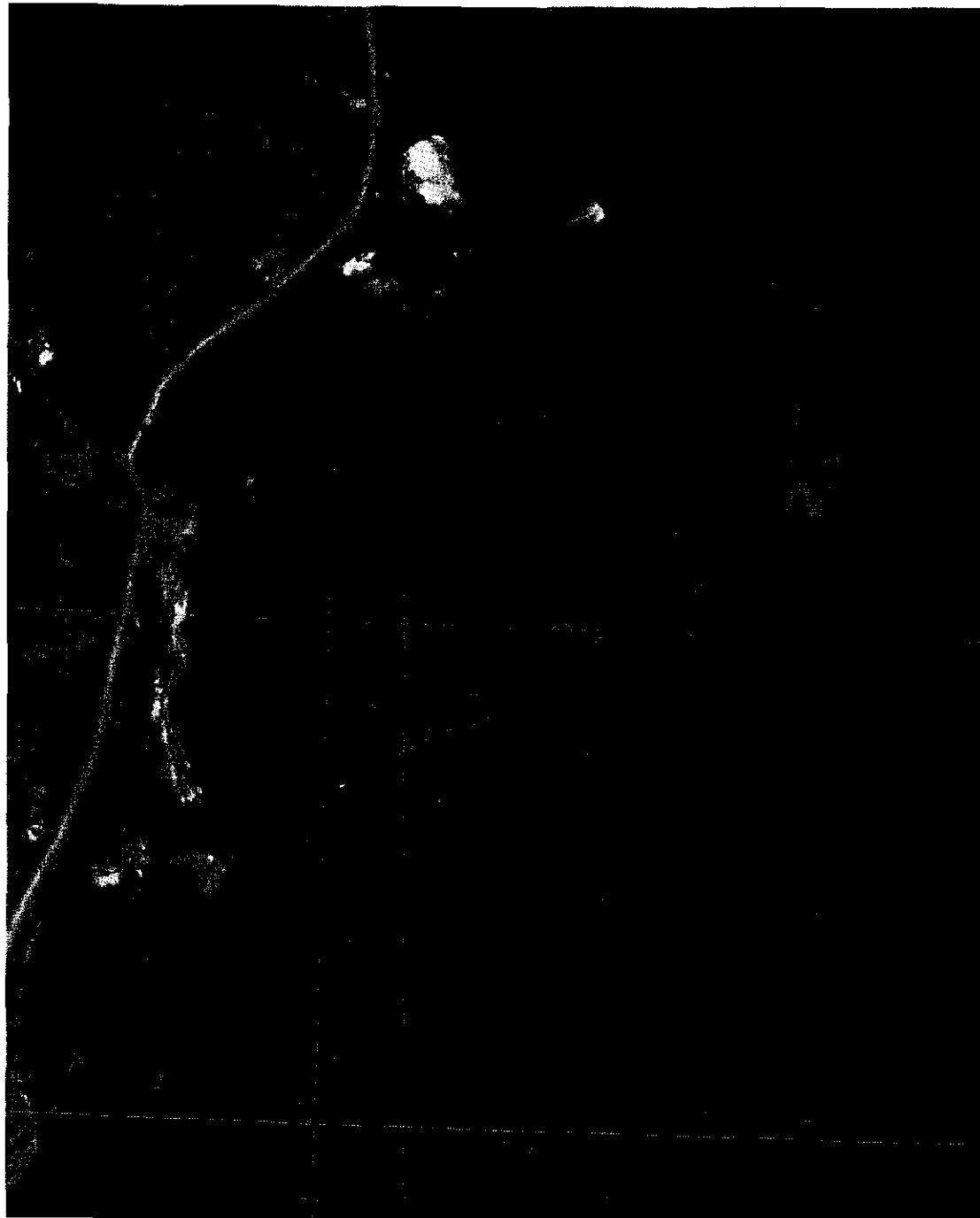
Gem County
IDWR Basin 63

Prepared by K. Walker
On Monday, February 4, 2008
1987/88 Aerial Photography

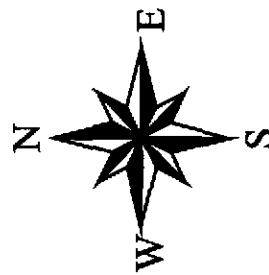


0 0.1 0.2 Miles

Updated POD 2/4/2008 -kw



- 63-32410 pod.shp
- Sections
- QQ
- Gem taxlots



0.2 Miles



Harris, Lori

From: Williams, Ray
Sent: Wednesday, January 09, 2008 6:45 AM
To: Harris, Lori
Cc: Spencer, Nick
Subject: FW: 63-04266, 63-0460, and 63-31410; Claimant: Burkhart

Lori,

I think these used to be Kimberly's. I'm not sure who is handling them now, but it looks like are ready for Sf5s. Could you please forward this to the appropriate person?

Thanks!

Ray

-----Original Message-----

From: Spencer, Nick
Sent: Tuesday, January 08, 2008 3:57 PM
To: Williams, Ray
Cc: Kelly, Vicki *Kay* *Kay* *Kay*
Subject: FW: 63-04266, 63-0460 and 63-32410; Claimant: Burkhart

Looks like Larry is getting confused as to whom to send things to in any particular basin. Ray, could you send this to the appropriate agent at Western? Thanks. NBS

-----Original Message-----

From: Brown, Larry (ENRD) [mailto:Larry.Brown@usdoj.gov]
Sent: Tuesday, January 08, 2008 3:17 PM
To: Spencer, Nick; Bromley, Chris; Kelly, Vicki; Jones, Doug
Cc: Fredric_Price@blm.gov; Sherman_Beazer@blm.gov; Casey_O'Brien@blm.gov
Subject: 63-04266, 63-0460, and 63-31410; Claimant: Burkhart

I just spoke with Bill Burkhart. We agreed to resolve BLM's objections to the above-referenced claims by adding the "no fed land" remark to the place of use element. He is checking on the legal description of the Point of Diversion for 63-32410 to make sure it reflects reality and will call me back. BLM is not aware of a POD on public land at the legal description, although BLM did not object to the POD and did not do a field investigation. We are only concerned that the water right have a correctly described POD.

Please prepare SF-5s and let Fred know when they are done. He will send them to Mr. Burkhart. Thanks,

Larry

*✓ done 1/10/08
LW*

**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)

A. Subcase 63-32410
(Insert water right number)

Case No. 39576)

**STANDARD FORM 1
OBJECTION**

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: United States of America acting through the Department of Interior,
Bureau of Land Management, Idaho State Office

Address: 1387 South Vinnell Way
Boise, Idaho 83709-1657

Daytime Phone: see below

Name & Address of Attorney, if any:

Larry A. Brown (202) 305-0435 phone, (202) 305-0274 fax
United States Department of Justice
Environment and Natural Resource Division
General Litigation Section
550 West Fort Street, MSC 033
Boise, Idaho 83724

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: W.G. & Teresa J. Burkhart

Address: 10925 Netherland St.; Boise, Idaho 83709

Name:

Address: ;

Name:

Address: ;

Name:

Address: ;

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☐ **Name and Address**
Should be:
2. ☐ **Source**
Should be:
3. ☐ **Quantity**
Should be:
4. ☐ **Priority Date**
Should be:
5. ☐ **Point(s) of Diversion**
Should be:
6. ☐ **Instream Flow Description**
Should be:
7. ☐ **Purpose(s) of Use**
Should be:
8. ☐ **Period of Year**
Should be:
9. ☒ **Place of Use**
Should be: See attached.

11. I object because:

- ☐ This water right should not exist.
- ☐ This water right was not recommended, but should be recommended with the elements described above.

E. REASONS SUPPORTING OBJECTION(S):

The legal description for element nine (POU) above may include Federal land. The description should be specific enough to exclude Federal land.

F.

VERIFICATION (Must be Completed)

State of Idaho)

) ss.

County of ADA)

Fredric W. Price, Water Rights Specialist, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

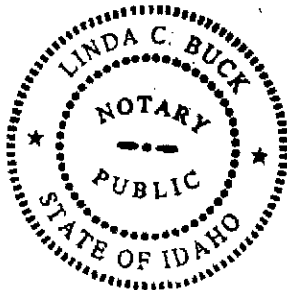
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

Fredric W. Price
(Signature of person filing objection)

Lane A. Brown
(Attorney signing in representative capacity)

Subscribed and sworn to before me on: June 13, 2007

Linda C. Buck
Linda C. Buck



Notary Public for State of Idaho

Residing at: Mountain Home, ID.

My Commission Expires: 12-21-2011

INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the Court. **FAX filings will not be accepted.**
You must also send a copy to all the parties listed below in the Certificate of Mailing.

G.

CERTIFICATE OF MAILING

I certify that on 6-13, 2007, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

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

2. One copy to the claimant of the water right at the following address:

Name: W.G. & Teresa J. Burkhart
Address: 10925 Netherland St.; Boise, Idaho 83709
Name:
Address: ;
Name:
Address: ;
Name:
Address: ;

3. Copies to:

IDWR Document Depository
P.O. Box 83720
Boise, ID 83720-0098

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

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



Signature of Objector or attorney mailing on Objector's behalf

12/14/2006

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

RIGHT NUMBER: 63-32410
NAME AND ADDRESS: TERESA J BURKHART
10925 NETHERLAND ST
BOISE ID 83709
W G BURKHART
10925 NETHERLAND ST
BOISE ID 83709

POD on BLM:
-Claimant is not authorized to graze public land at this location.

Mixed POU:
-The place of use identified below contains both private and public lands.
-Please clarify such that only private land is intended.

SOURCE: SPRING
QUANTITY: 0.020 CFS
PRIORITY DATE: 06/01/1945
TRIBUTARY: WILLOW CREEK

POINT OF
DIVERSION: [TOWN ROLE S15 NESESE Within GEM County] **BLM**
PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	STOCKWATER	01/01 12/31	0.020 CFS

PLACE OF USE: STOCKWATER in GEM County
[TOWN ROLE S15 SESE] **Mixed**

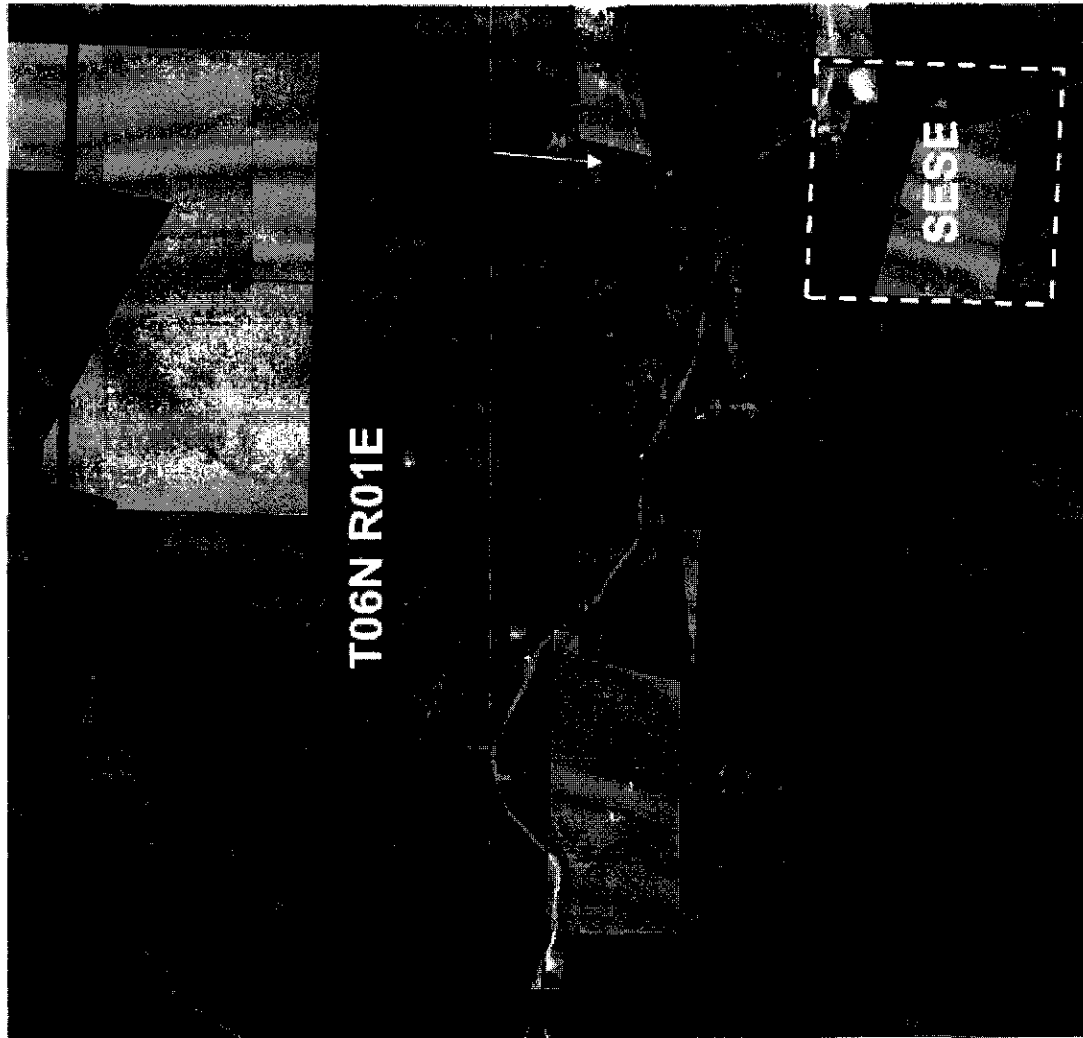
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

The quantity of water decreed for this water right is not a determination of historical beneficial use.

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use
Stockwater use is for 50 range cattle.

63-32410
Burkhart



Mixed POU:

- The places of use T06N R01E S15 SESE contains both private and public lands.
- Please clarify such that only private land is intended by inserting the following remark under place of use:

"The place of use does not include federal public land."

GEM COUNTY 045
BOISE DISTRICT 68C 3

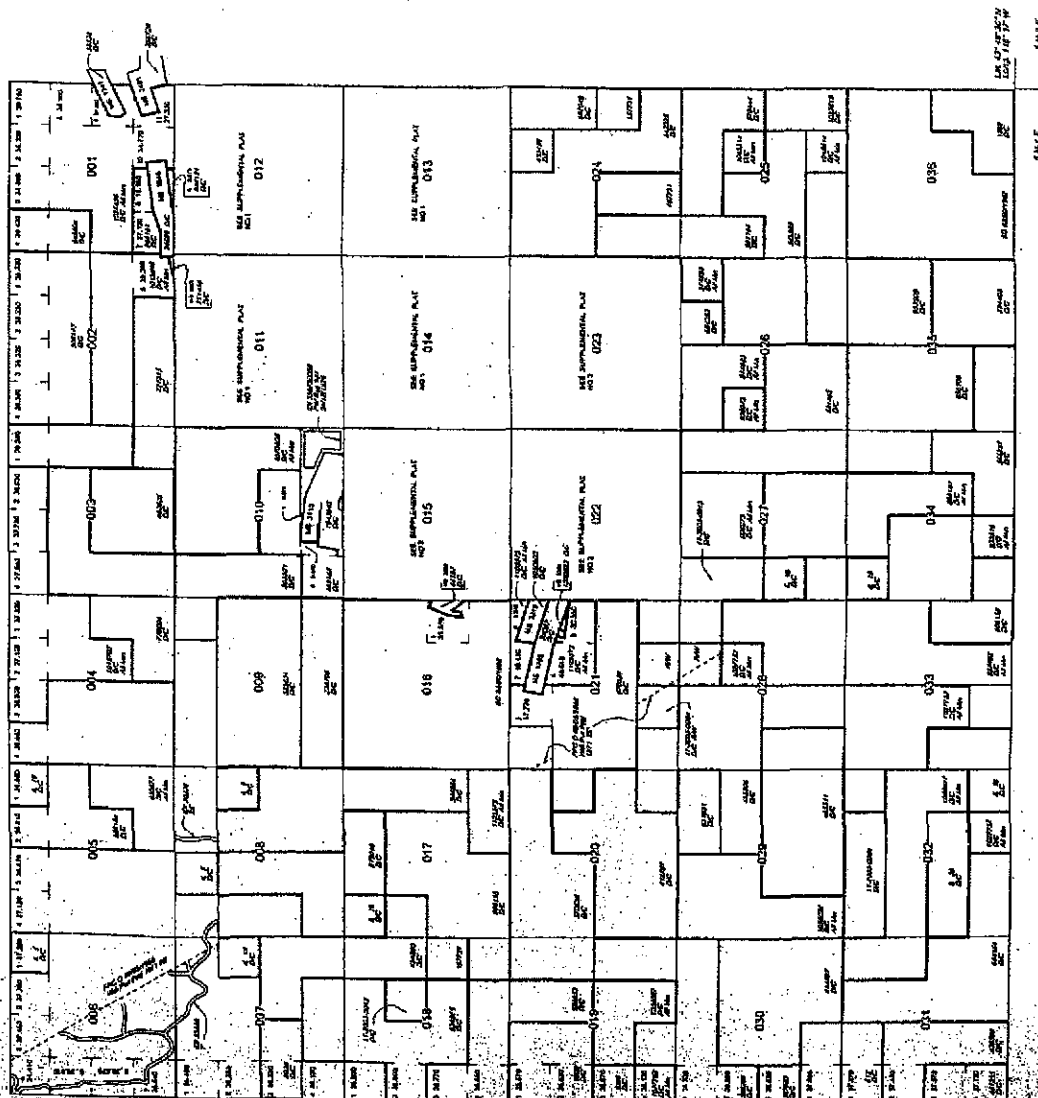
STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES

MT PLAT

[illegible]

ON 10/7/2017, NEW AYS #67, EDP 04/7/1987, HENDRICKS POOL LAND
ACQUISITION & CONVEYANCE OF INTERESTED PARTS TO THE STATE.
Hendricks Pool Land, 1/2 ac. Sec. 17, T.2N, R.2E, S.10E, D.D.
23 APR 1987

FOR ORDERS EFFECTING DISPOSAL OR USE OF
UNIDENTIFIED LAND REFER TO BOOK OF
PRECEDENTIAL DOCUMENTS

[illegible][illegible]

Bureau of Land Management - Kansas State Office
1347 S. Vincent Way, Suite 4370E
Topeka, KS 66606
(785) 373-8000

T. 614
S. 15

08/30/2006

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 63-32410

NAME AND ADDRESS: TERESA J BURKHART
10925 NETHERLAND ST
BOISE ID 83709

W G BURKHART
10925 NETHERLAND ST
BOISE ID 83709

SOURCE: SPRING

TRIBUTARY: WILLOW CREEK

QUANTITY: 0.020 CFS

PRIORITY DATE: 06/01/1945

POINT OF DIVERSION:

T06N R01E S15 NESESE Within GEM County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

STOCKWATER

01/01 12/31

0.020 CFS

PLACE OF USE:

STOCKWATER Within GEM County

T06N R01E S15 SESE

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

The quantity of water decreed for this water right is not a determination of historical beneficial use.

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Stockwater use is for 50 range cattle.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-32410

WATER RIGHT NUMBER: 63-32410 ✓

Owner TypeName and Address

Current Owner

TERESA J BURKHART ✓
10925 NETHERLAND ST
BOISE, ID 83709
(208)375-3296

Current Owner

W G BURKHART ✓
10925 NETHERLAND ST
BOISE, ID 83709
(208)375-3296

Priority Date: 06/01/1945 ✓

Basis: Beneficial Use ✓

Status: Active

Source

SPRING ✓

Tributary

WILLOW CREEK ✓

Beneficial Use

STOCKWATER ✓

From To

01/01 to 12/31 ✓

Diversion Rate

0.020 CFS ✓

Annual VolumeTotal Diversion:

0.020 CFS ✓

Location of Point(s) of Diversion

SPRING

NE1/4SE1/4SE1/4 ✓

Sec. 15, Twp 06N, Rge 01E, B.M. ✓

GEM County ✓

Place of Use

STOCKWATER ✓

Twp	Rge	Sec	NE				NW				SW				SE				Totals
✓ 06N	01E	15	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	X

Conditions of Approval:

ADD X02 - Stockwater use is for 50 range cattle.

Remarks:Comments:

ADD N11 & N -

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POU REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-32410

08/30/2006

1

Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Purpose of Use	Acres/Total	Name
32410	Claim	06N	01E	15	SE	SE		STOCKWATER		TERESA J BURKHART
29341	Water Right	06N	01E	15	SE	SE	14	STOCKWATER		UNITED STATES OF AMERICA ACTING THROUGH

CONVERSATION MEMORANDUM

**RE: Snake River Basin Adjudication Water Right Nos. A63-4266 & A63-4603
Evidence of Priority and Amended Claims**

August 18, 2006

William Burkhart called in response to the evidence of priority request for claim #63-4266. Mr. Burkhart began the conversation by stating that he didn't understand why I was requesting this information because he "submitted all the information a long time ago." He said that everybody's dead and that I should have everything that I need. "What's this all about?!" he said. What I eventually realized is that some affidavits could be found in the 63-4603 back file (however, I had not received the 63-4603 file yet, so there is no way I could have known this until Mr. Burkhart mentioned that there were more than just one right.) Mr. Burkhart said that he would call me on Monday, August 21st, 2006 to set up a time to come into the office.

August 23, 2006

William Burkhart came in to the office to show me where the PODs and POUs are located for 63-4266 and 63-4603 on a 2000 NAPP; which I am glad he did because what we eventually found regarding the locations of the PODs, etc. was very different than what was claimed. Therefore, Mr. Burkhart will come back to the office some time next week to file the Amended Claims for 63-4266 and 63-4603 and file a stockwater claim for springs in SESE, Section 15.

August 29, 2006

William Burkhart made a few more changes to the work we did on the 23rd and then signed the Amended Claims. He also filed ~~A63-32410~~.

Kimberly Brown
Senior Water Resource Agent
Western Region