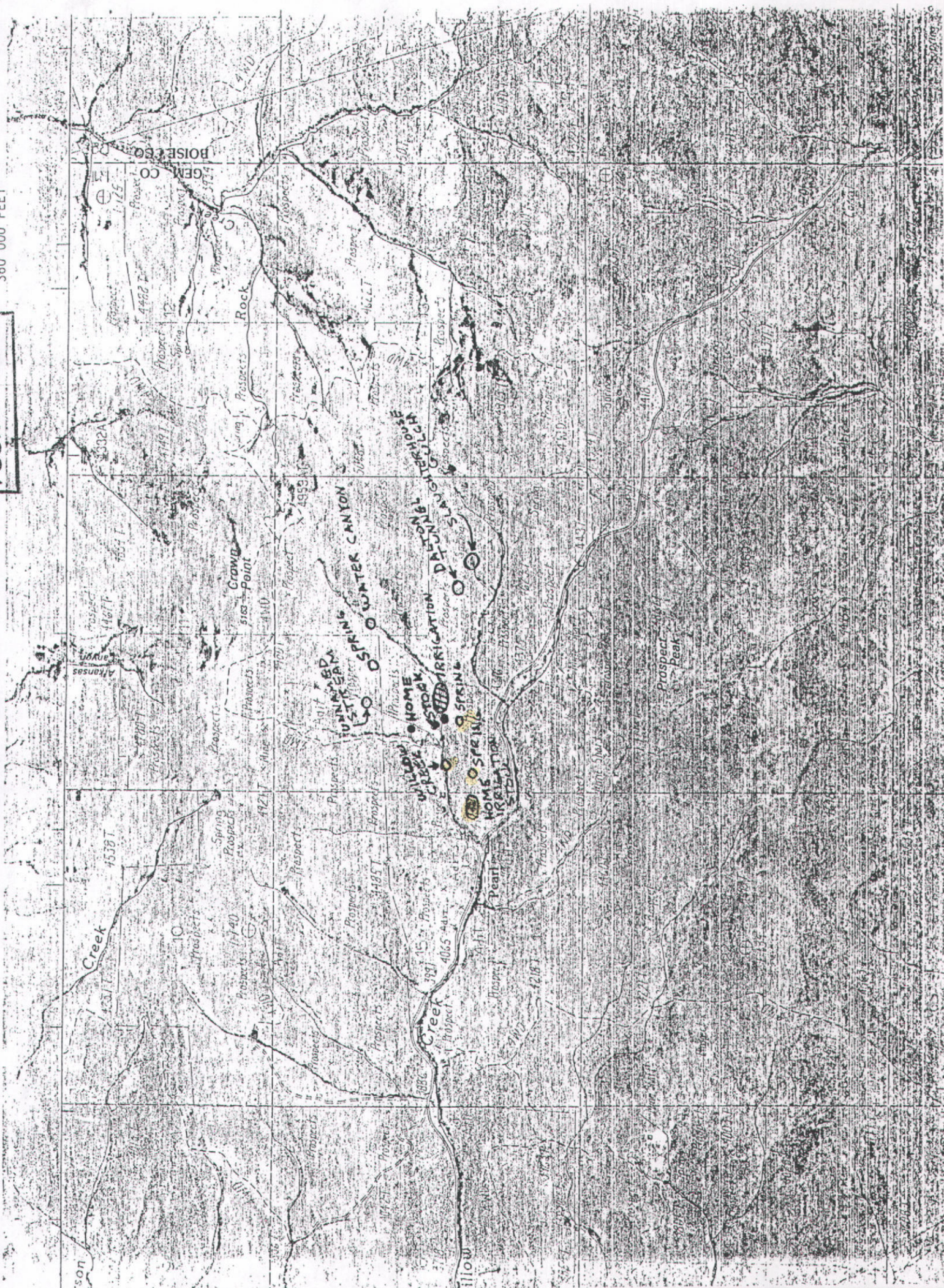
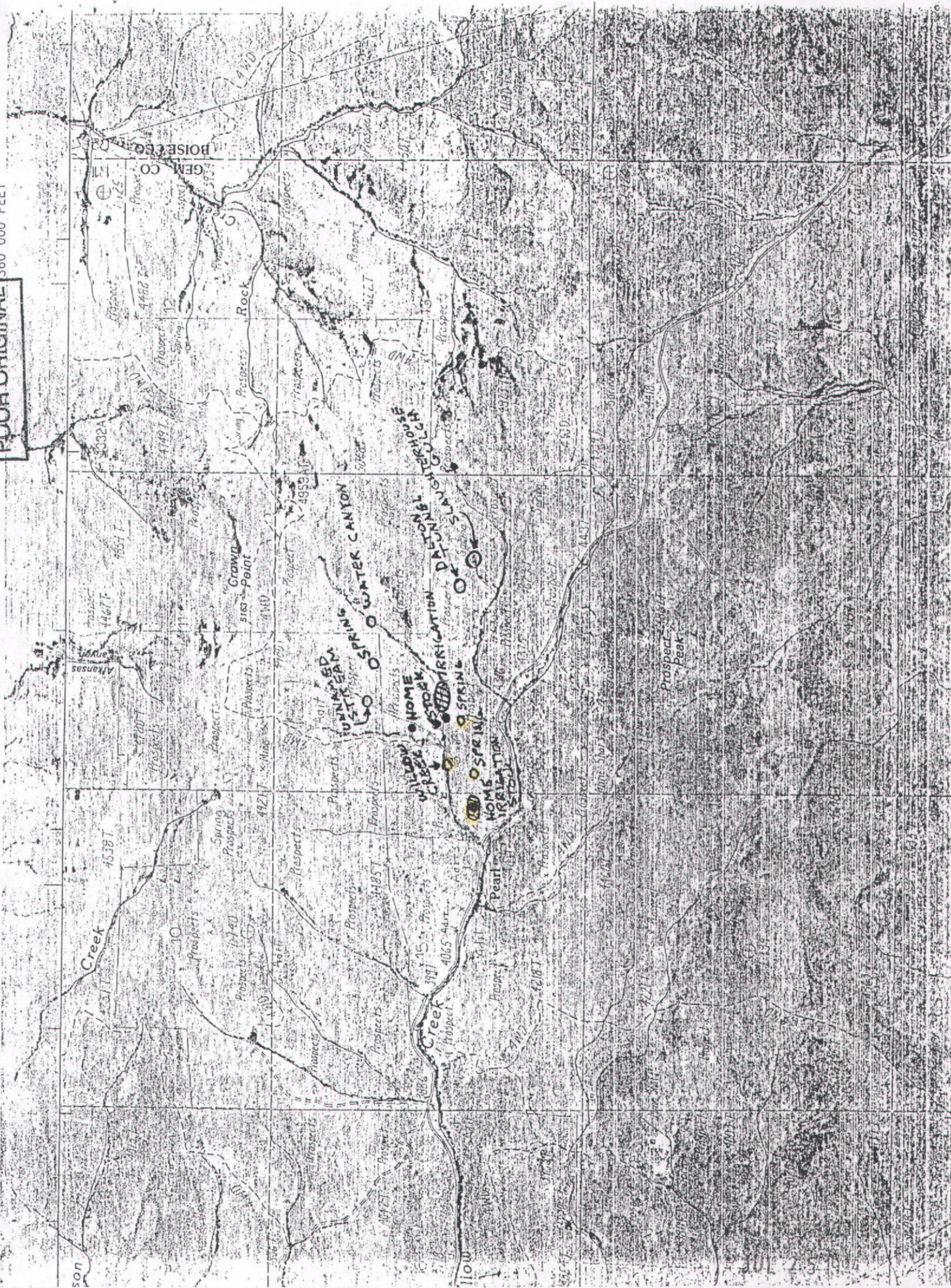


360 000 FEET



POOR ORIGINAL 360 000 FEET



63-04266
Burkhart



Mixed POU:

- The places of use T06N R01E S15 NESE 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."

Idaho Department of Water Resources

**T06N, R01E,
SEC 14 & 15**

Claim No: 63-4266

Prepared By: Kimberly Brown

Date: August 30, 2006



Place of Use



Section Lines

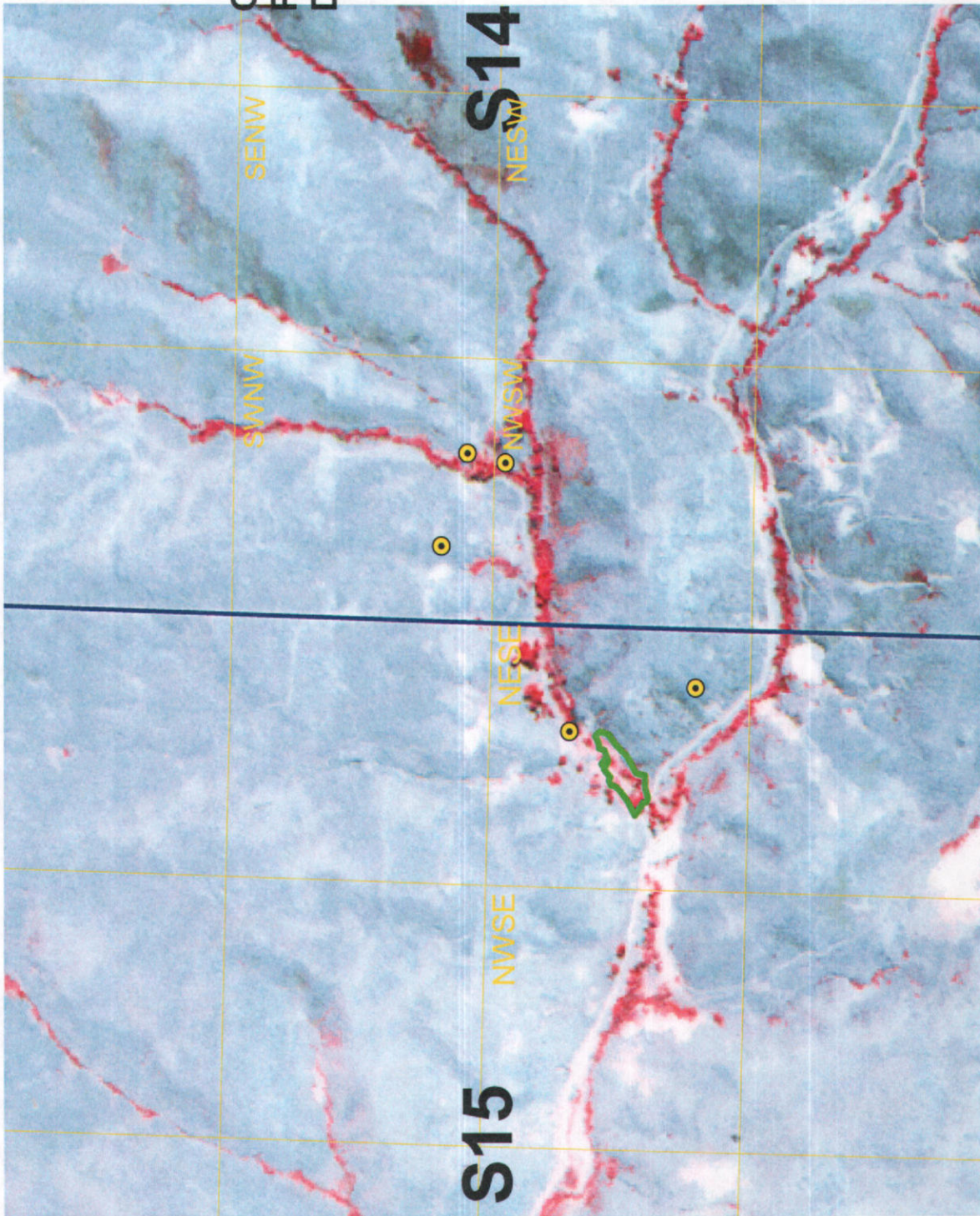
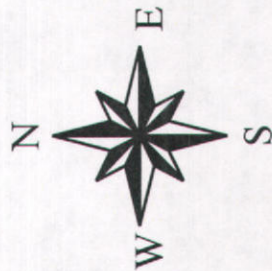


1/4 1/4



Point of Diversion

Irrigated Acres = 1.0



00.03 Miles



1987 NAPP

#63-4266

2000 NAPP

Stream source
from an abandoned
mining tunnel on Lulu
Mining Claim

Willow Creek
Spring

NWSW

Willow Creek
Spring

NESE

Silver Spray
Spring

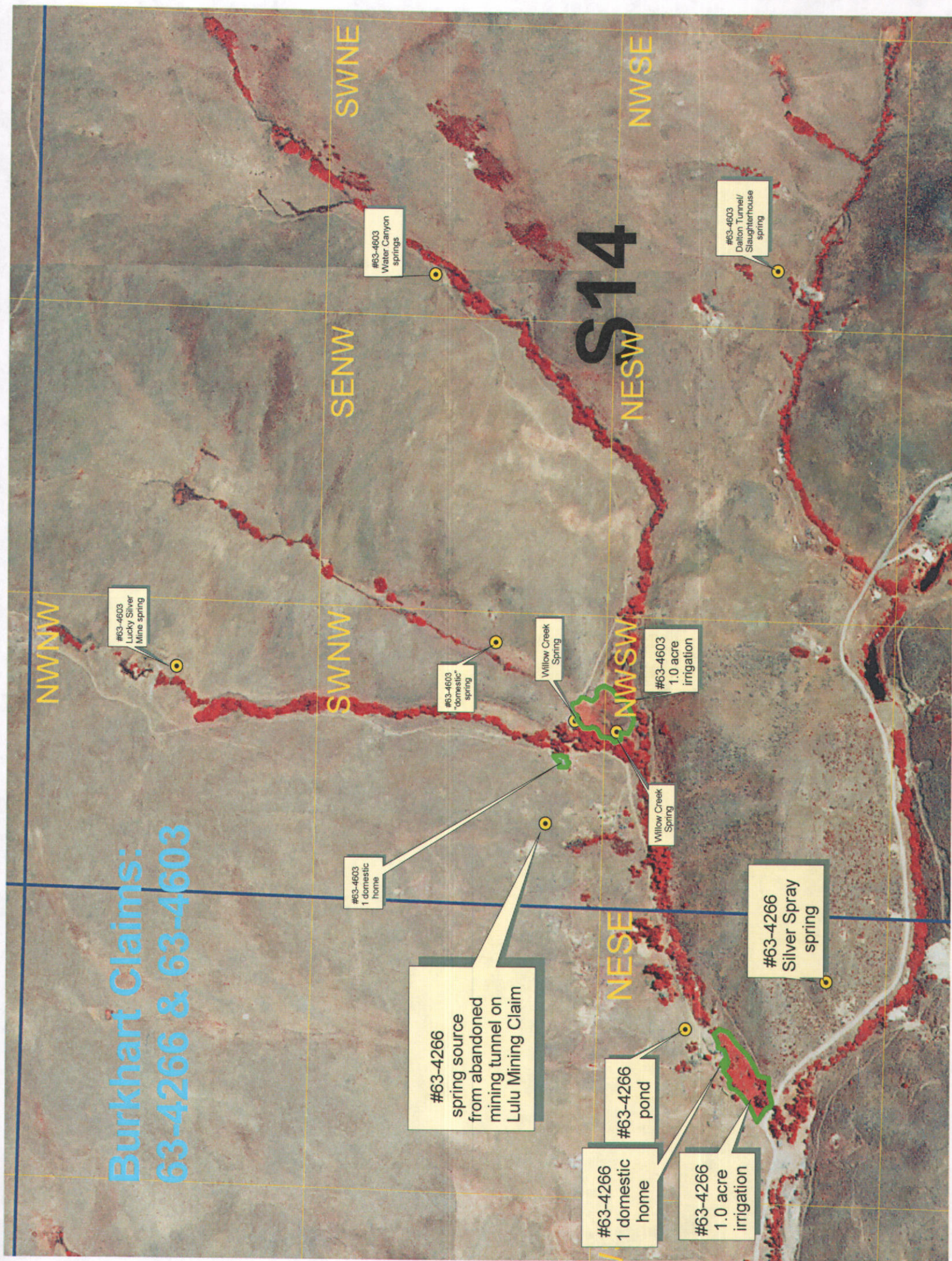
Pond

1 domestic
home

1.0 acre
irrigation

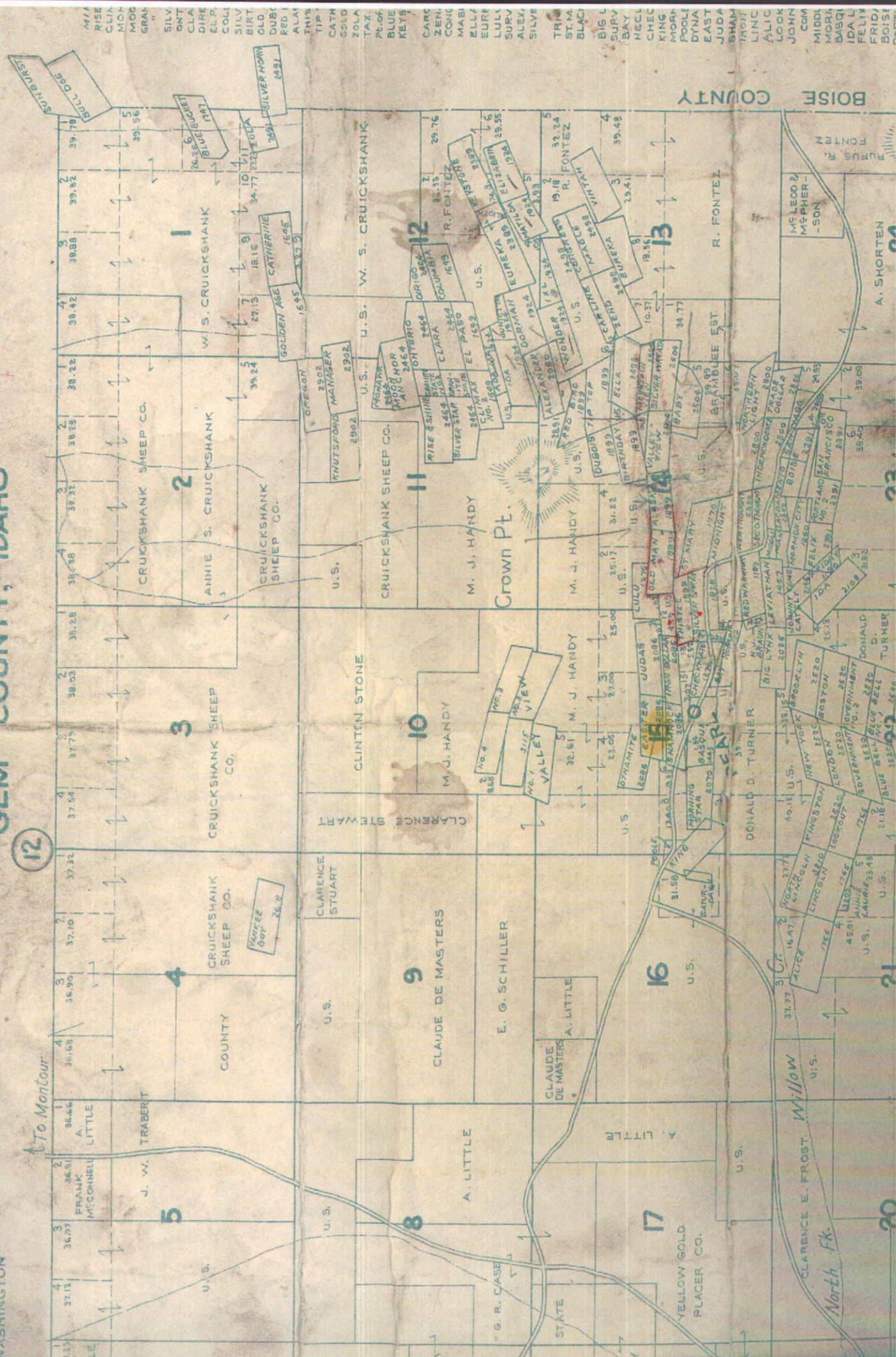
NWSE

Burkhart Claims: 63-4266 & 63-4603



12

↑ To Montour



This is a detailed topographic map of a region in Arkansas, showing the Arkansas River and its tributaries. The map includes numerous place names, elevation points, and geographical features. Key locations include Pearl, Crown Point, and Prospect Peak. The map is overlaid with a grid of section numbers (e.g., 10, 11, 12, 13, 14, 15, 22, 23, 24, 25, 26, 27). The map is titled "Arkansas River" at the top.

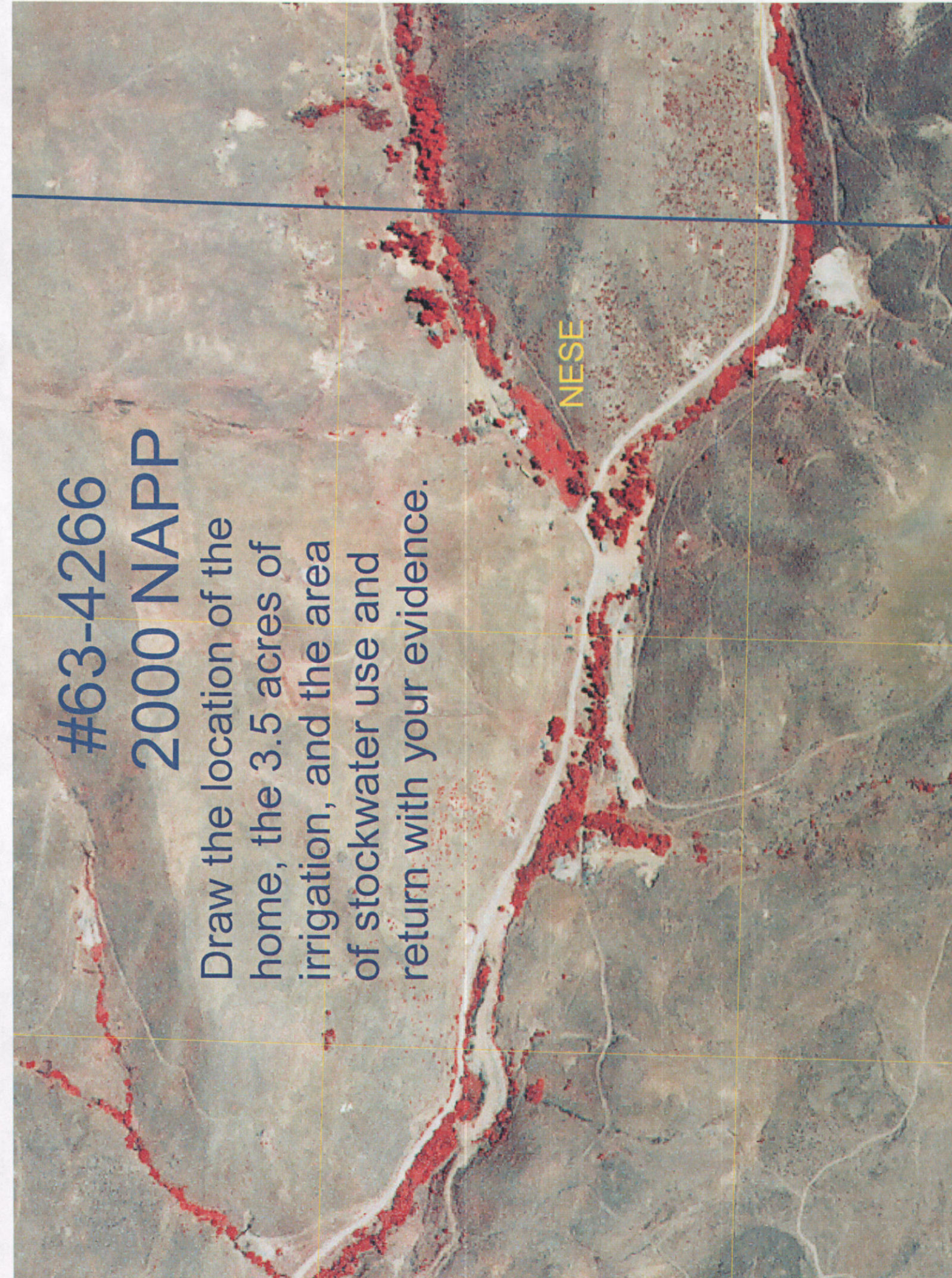
1985



#63-4266 2000 NAPP

Draw the location of the home, the 3.5 acres of irrigation, and the area of stockwater use and return with your evidence.

NESE



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: A63-04266
Date Received: 9/ 8/1989
Receipt No: C011307
Received By: _____

COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILES

1. Name: W G BURKHART 208-375-3296
Address: 10925 NETHERLAND ST
BOISE ID 83709
OR
Name: TERESA J BURKHART 208-375-3296
Address: 10925 NETHERLAND ST
BOISE ID 83709
2. Date of Priority: JUN 1, 1945
3. Source: SPRINGS Trib. to: WILLOW CREEK, N. FK.
WILLOW CREEK, N. FK. WILLOW CREEK
4. Point of Diversion:
- | Township | Range | Section | 1/4 of | 1/4 of | 1/4 of | Lot | County |
|----------|-------|---------|--------|--------|--------|-----|--------|
| 06N | 01E | 14 | NE | NW | SW | | GEM |
| | | | NW | NW | SW | | GEM |
| | | | SW | NW | SW | | GEM |
5. Description of diverting works:
COLLECTION BOXES AND PIPELINES
6. Water is used for the following purposes:
- | Purpose | From | To | C.F.S | (or) | A.F.A. |
|------------|-------|-------|-------|------|--------|
| DOMESTIC | 01/01 | 12/31 | 0.040 | | |
| STOCKWATER | 01/01 | 12/31 | 0.040 | | |
| IRRIGATION | 03/15 | 11/15 | 0.110 | | |
7. Total Quantity Appropriated is:
0.190 C.F.S. (and/or) A.F.A.
8. Total consumptive use is 12.2 Acre Feet Per Annum.
9. Non-irrigation uses:
DOMESTIC, 1 HOME; STOCKWATER, 50 CATTLE AND 30 SHEEP

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
06N	01E	15	NE		SE		IRR	3.5
			NE		SE		DOMEST	
			NE		SE		STOCK	

Section Acres 3.5

Total Acres 3.5

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:
NONE

14. Remarks:

SOURCES ARE NORTH FORK WILLOW CREEK IN NWNWSW, SPRING IN NENWSW, AND SPRING IN SWNWSW. PRIORITY DATE IS BASED ON WATER USE FROM THE ORIGINAL PEARL TOWNSITE WATER SYSTEM. THE SOURCE FOR THAT WATER SYSTEM WAS WATER CANYON, UNNAMED STREAMS, AND SPRINGS, ALL TRIBUTARY TO NORTH FORK WILLOW CREEK. THE SYSTEM HAS SINCE BEEN ABANDONED. NEW SYSTEM WAS DEVELOPED FOR PLACE OF USE IN THIS CLAIM TO REPLACE ORIGINAL SYSTEM.

15. Basis of Claim: STATUTORY CLAIM

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 63-4266
Date Received: 9/8/1989
Receipt No: C011307
Received By:

AMENDED
NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

W G BURKHART
10925 NETHERLAND ST
BOISE ID USA 83709

Phone: (208)375-3296

TERESA J BURKHART
10925 NETHERLAND ST
BOISE ID USA 83709

Phone: (208)375-3296

2. Date of Priority: 06/01/1945

3. Source: SPRING , POND

Trib. to: WILLOW CREEK NORTH FORK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
06N	01E	14	NE NW SW	GEM	
06N	01E	15	SE NE SE	GEM	
06N	01E	15	NE NE SE	GEM	
06N	01E	14	SW SW NW	GEM	
06N	01E	14	SE SW NW	GEM	

5. Description of diverting works:

COLLECTION BOXES AND PIPELINES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	03/15	11/15	0.03	4
STOCKWATER	01/01	12/31	0.04	
DOMESTIC	01/01	12/31	0.02	

7. Total Quantity Appropriated is:
0.09 C.F.S. and/or 4 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

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

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:

PRIORITY DATE IS BASED ON WATER USE FROM THE ORIGINAL PEARL TOWNSITE WATER SYSTEM. THE SOURCE FOR THAT WATER SYSTEM WAS WATER CANYON, UNNAMED STREAMS, AND SPRINGS, ALL TRIBUTARY TO NORTH FORK WILLOW CREEK. THE SYSTEM HAS SINCE BEEN ABANDONED. NEW SYSTEM WAS DEVELOPED FOR PLACE OF USE IN THIS CLAIM TO REPLACE ORIGINAL SYSTEM.

15. Basis of Claim: Beneficial Use

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. G. Buckhart Date: 8/29/2006

Date:

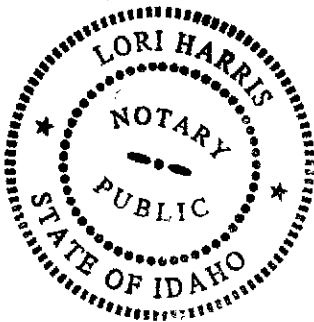
State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 29th
of August 2006 Lori Harris

Notary Public

Residing at Boise, Id

My commission Expires 12-8-06



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: A63-04266

Date Received:

Receipt No: 2011307

Received By: CP

SEP 08 1989

Department of Water Resources NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: W. G. BURKHART 208-375-3296
Address: 10925 NETHERLAND ST.
BOISE, ID 83709
OR
Name: TERESA J. BURKHART 208-375-3296
Address: 10925 NETHERLAND ST.
BOISE, ID 83709
2. Date of Priority: JUN 01, 1945
3. Source: SPRINGS Trib. to: NORTH FORK WILLOW CREEK
NORTH FORK WILLOW CREEK WILLOW CREEK
4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
06N	01E	14	NE	NW	SW		GEM
			NW	NW	SW		GEM
			SW	NW	SW		GEM
5. Description of diverting works:
COLLECTION BOXES AND PIPELINES
6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.040		
STOCKWATER	01/01	12/31	0.040		
IRRIGATION	03/15	11/15	0.110		
7. Total Quantity Appropriated is:
0.190 C.F.S. (and/or) A.F.A.
8. Total consumptive use is 12.2 Acre Feet Per Annum.
9. Non-irrigation uses:
D/1 HOME, S/50 CATTLE AND 30 SHEEP
A63-04266 Page 1 Date: 06/29/89

MICROFILMED

JUL 25 1994

$$u_{ij} = \frac{1}{2} \left(\frac{1}{\rho} \frac{\partial \rho}{\partial x_i} \frac{\partial \rho}{\partial x_j} + \frac{1}{\rho} \frac{\partial \rho}{\partial x_j} \frac{\partial \rho}{\partial x_i} \right)$$

Section Acres	3.5
Total Acres	3.5

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. Burkhardt Date: 8-28-89
Leresa J. Burkhardt Date: 8-28-89

State of Idaho)
County of ADA) ss.

Subscribed and sworn (or affirmed) before me this 29th day

of AUGUST 19 89

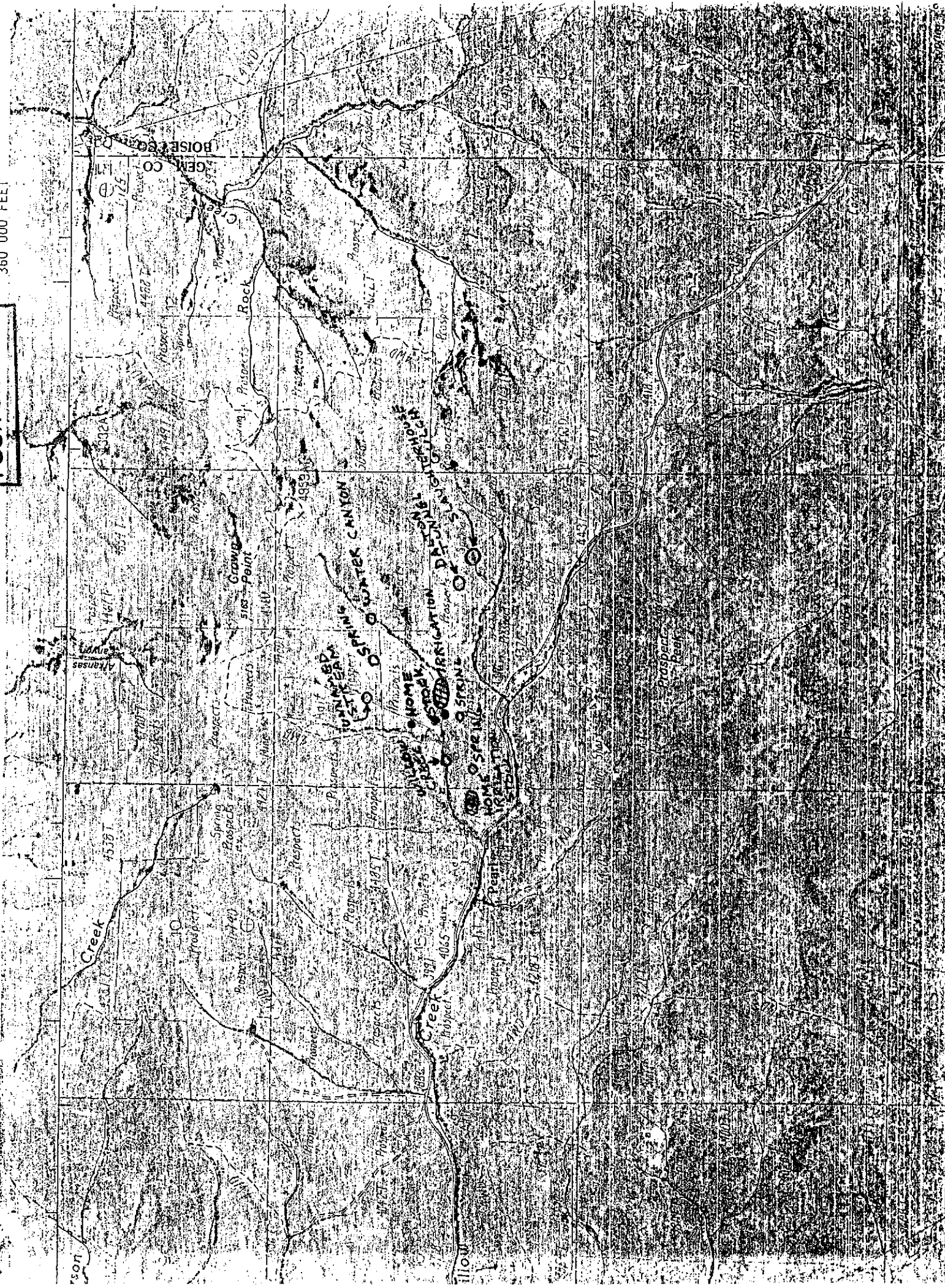
Ronald E. Allen
Notary Public

Seal

Residing at Boise Idaho

My Commission Expires May 10, 1992

360 000 FEET



POOR ORIGINAL



4/5/1989

SRBA CLAIMS RECEIVING CHECKLIST #2

CLAIMANT'S NAME

Burkhart

CLAIM IDENT. NO.

A63-0486

DATE RECEIVED

CK #

C011307

AMOUNT \$

54.00

YES

NO

Regu
In

1. Is the name and address complete with zip code? ☒ YES ☐ NO ☐ Regu In
2. Is a priority date entered?
Is the priority date acceptable in view of mandatory filing dates?
See Adjudication Memos #1 and #4 to determine if a Permit is required. ☐ YES ☐ NO ☐ Regu In
3. (a) Is a source entered? ☐ YES ☐ NO ☐ Regu In
(b) Is a tributary to entered? (if required) ☐ YES ☐ NO ☐ Regu In
4. Is the legal description of the p.d. sufficient? ☐ YES ☐ NO ☐ Regu In
5. Is there a description of the diverting works? ☐ YES ☐ NO ☐ Regu In
6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form. ☐ YES ☐ NO ☐ Regu In
Is the period of use included? ☐ YES ☐ NO ☐ Regu In
Is a quantity claimed for each use? ☐ YES ☐ NO ☐ Regu In
7. Is a total quantity claimed entered? ☐ YES ☐ NO ☐ Regu In
8. If required is a consumptive use entered? ☐ YES ☐ NO ☐ Regu In
Is the consumptive use correct? ☐ YES ☐ NO ☐ Regu In
9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, see Adjudication Memo # 4. ☐ YES ☐ NO ☐ Regu In
10. Is (are) the place(s) of use and purpose(s) indicated? ☐ YES ☐ NO ☐ Regu In
11. Is (are) the county(ies) entered? ☐ YES ☐ NO ☐ Regu In
12. Is the ownership of p.u. checked? ☐ YES ☐ NO ☐ Regu In
13. Are other water rights listed or "none" indicated? ☐ YES ☐ NO ☐ Regu In
14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.) ☐ YES ☐ NO ☐ Regu In
15. Is the basis of the claim indicated? ☐ YES ☐ NO ☐ Regu In
16. If the claimant requested a monthly docket sheet, is payment enclosed? (If yes, describe payment status in "Comments" below.) ☐ YES ☐ NO ☐ Regu In
17. Is the claim signed by the claimant, and is the signature appropriate? Organizations must complete the organization block. ☒ YES ☐ NO ☐ Regu In
18. Has the claim been signed, sealed, and dated by a notary? ☒ YES ☐ NO ☐ Regu In
19. Was this claim filed on time, or was an extension granted? ☒ YES ☐ NO ☐ Regu In
20. Is the fee enclosed correct? ☐ YES ☐ NO ☐ Regu In
21. If this claim is based on an existing water right, has the identification number been entered? ☐ YES ☐ NO ☐ Regu In
22. Should this claim be data entered? ☒ YES ☐ NO ☐ Regu In

Claim checked by:

RME

Date:

5/29/90

Claim must be returned to claimant:

(Yes) ☒ (No) ☐

Claimant must be notified of modifications:

(Yes) ☒ (No) ☐

Receipt Prepared by:

Date:

Claim data entered by:

Date:

Sent to claimant by:

Date:

Checked by:

Date:

Comments:

MICROFILMED

JUL 2

**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

)
)
)
)
)
)
)

Subcase No. 63-4266

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

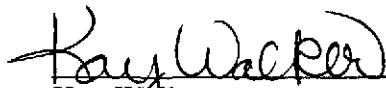
Date

OBJECTOR:

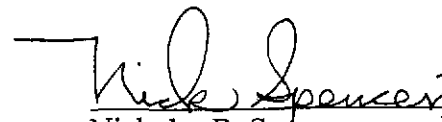
United States of America
Bureau of Land Management

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

SF5 Right No. 63-4266

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

RIGHT NUMBER: 63-4266

NAME AND ADDRESS: W G BURKHART
10925 NETHERLAND ST
BOISE ID 83709

TERESA J BURKHART
10925 NETHERLAND ST
BOISE ID 83709

SOURCE: POND
SPRING

TRIBUTARY: NORTH FORK WILLOW CREEK
TRIBUTARY: NORTH FORK WILLOW CREEK

QUANTITY: 0.090 CFS
4.000 AFY

The quantity of water under this right for domestic and stockwater uses shall not exceed 13,000 gallons per day.

PRIORITY DATE: 06/01/1945

POINT OF DIVERSION:

T06N R01E S14 SWSWNW Within GEM County
T06N R01E S14 SESWNW Within GEM County
T06N R01E S14 NENWSW Within GEM County
T06N R01E S15 NENESE Within GEM County
T06N R01E S15 SENESE Within GEM County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	0.030 CFS 4.00 AFY
STOCKWATER	01/01 12/31	0.040 CFS
DOMESTIC	01/01 12/31	0.020 CFS

Domestic use is for 1 home and does not include lawn, garden, landscape, or other types of irrigation.

PLACE OF USE: IRRIGATION in GEM County

T06N R01E S15 NESE 1.00

STOCKWATER in GEM County

T06N R01E S15 NESE

DOMESTIC in GEM County

T06N R01E S15 NESE

1 ACRES TOTAL

Place of use does not include federal public lands.

kw NBS

SF5 Right No. 63-4266

SF5 Right No. 63-4266

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

The quantity of water decreed for this water right for domestic use and stockwater use 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 and 30 sheep.

NBS
kw

SF5 Right No. 63-4266

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 O33
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
RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 63-4266

NAME AND ADDRESS: W G BURKHART
10925 NETHERLAND ST
BOISE ID 83709

TERESA J BURKHART
10925 NETHERLAND ST
BOISE ID 83709

SOURCE: POND
SPRING

TRIBUTARY: NORTH FORK WILLOW CREEK
TRIBUTARY: NORTH FORK WILLOW CREEK

QUANTITY: 0.090 CFS
4.000 AFY

The quantity of water under this right for domestic and stockwater uses shall not exceed 13,000 gallons per day.

PRIORITY DATE: 06/01/1945

POINT OF DIVERSION:

T06N R01E S14 SWSWNW Within GEM County

T06N R01E S14 SESWNW Within GEM County

T06N R01E S14 NENWSW Within GEM County

T06N R01E S15 NENESE Within GEM County

T06N R01E S15 SENESE Within GEM County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	0.030 CFS 4.00 AFY
STOCKWATER	01/01 12/31	0.040 CFS
DOMESTIC	01/01 12/31	0.020 CFS

Domestic use is for 1 home and does not include lawn, garden, landscape, or other types of irrigation.

PLACE OF USE: IRRIGATION in GEM County

T06N R01E S15 NESE 1.00

STOCKWATER in GEM County

T06N R01E S15 NESE

DOMESTIC in GEM County

T06N R01E S15 NESE

1 ACRES TOTAL

Place of use does not include federal public lands.

SF5 Right No. 63-4266

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

The quantity of water decreed for this water right for domestic use and stockwater use 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 and 30 sheep.

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

Kay Kay Kay

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 kw
1/10/08*

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 63-04266
(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.

E.

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)

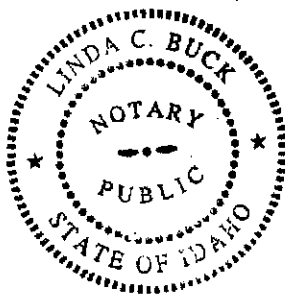
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

Fredric W. Price
(Signature of person filing objection)

Lance A. Bann
(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, 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: ;

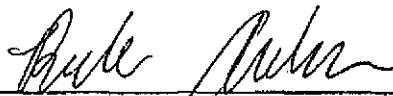
Name:
Address: ;

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: 63-4266
NAME AND ADDRESS: W G BURKHART
10925 NETHERLAND ST
BOISE ID 83709
TERESA J BURKHART
10925 NETHERLAND ST
BOISE ID 83709

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

SOURCE: POND
SPRING
QUANTITY: 0.090 CFS
4.00 APY

TRIBUTARY: NORTH FORK WILLOW CREEK
TRIBUTARY: NORTH FORK WILLOW CREEK

The quantity of water under this right for domestic and stockwater uses shall not exceed 13,000 gallons per day.

PRIORITY DATE: 06/01/1945
POINT OF DIVERSION:
T06N R01E S14 SWSNW Within GEM County
T06N R01E S14 SESWNW Within GEM County
T06N R01E S14 NENWSW Within GEM County
T06N R01E S15 NENESE Within GEM County
T06N R01E S15 SENESE Within GEM County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	01/15 11/15	0.030 CFS 4.00 APY
STOCKWATER	01/01 12/31	0.040 CFS
DOMESTIC	01/01 12/31	0.020 CFS

Domestic use is for 1 home and does not include lawn, garden, landscape, or other types of irrigation.

PLACE OF USE: IRRIGATION in GEM County
Mixed T06N R01E S15 NESE 1.00
STOCKWATER in GEM County
Mixed T06N R01E S15 NESE
DOMESTIC in GEM County
Mixed T06N R01E S15 NESE
1 ACRES TOTAL

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

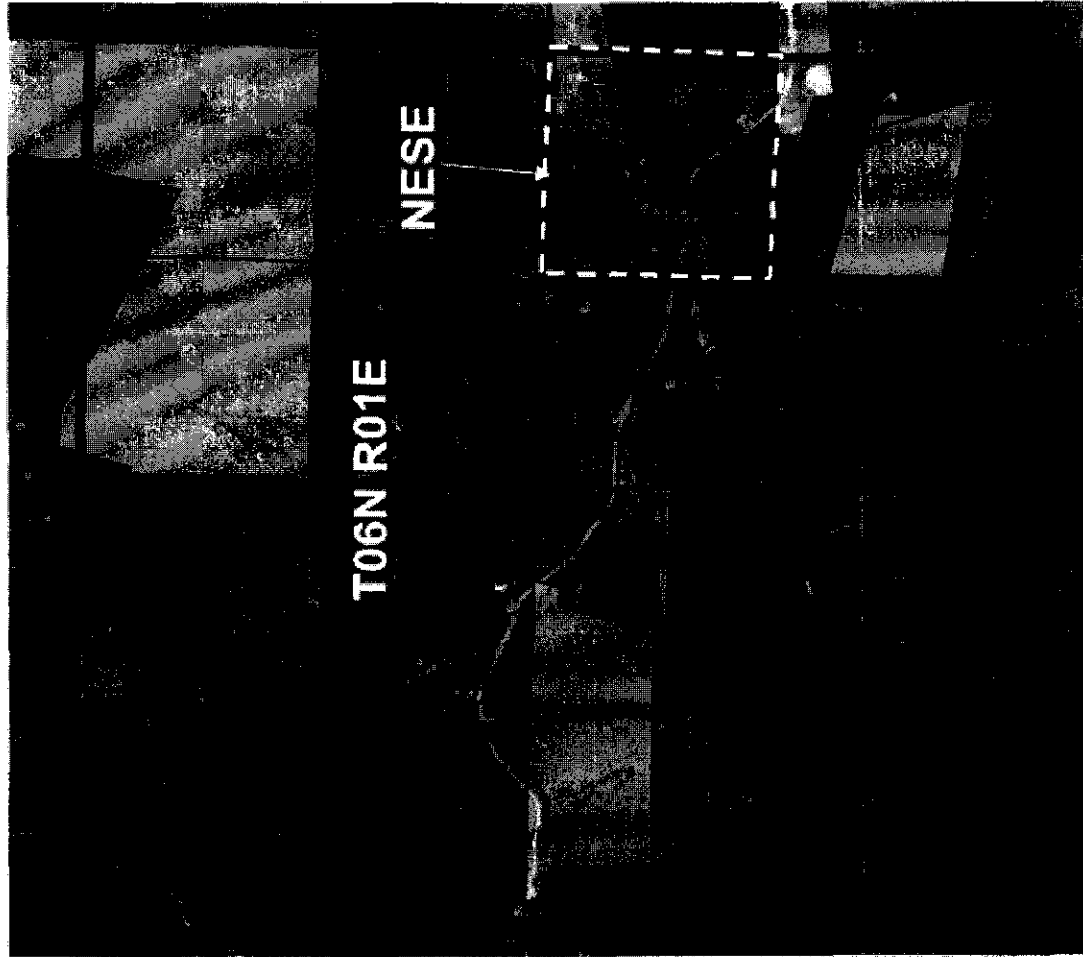
The quantity of water decreed for this water right for domestic use and stockwater use is not a determination of historical beneficial use.

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 and 30 sheep.

63-04266
Burkhart



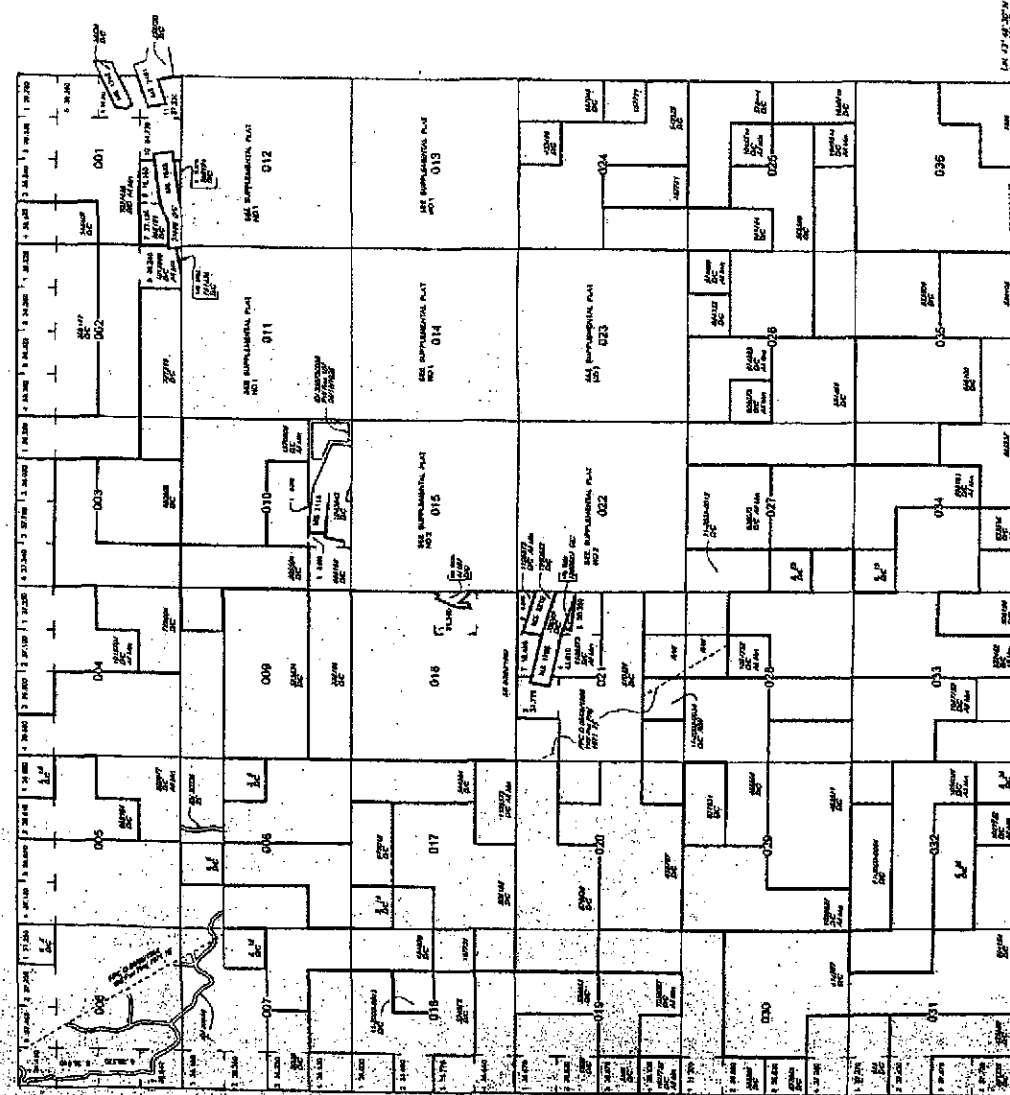
Mixed POU:

- The places of use T06N R01E S15 NESE 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."

TOWNSHIP 6 NORTH RANGE 1 EAST OF THE BOISE MERIDIAN, IDAHO

GEN COUNTY 045
BOISE DISTRICT 2027



TOWNSHIP 6 NORTH RANGE 1 EAST OF THE BOISE MERIDIAN, IDAHO

GEN COUNTY GAS

PLAT 11.12.13.14

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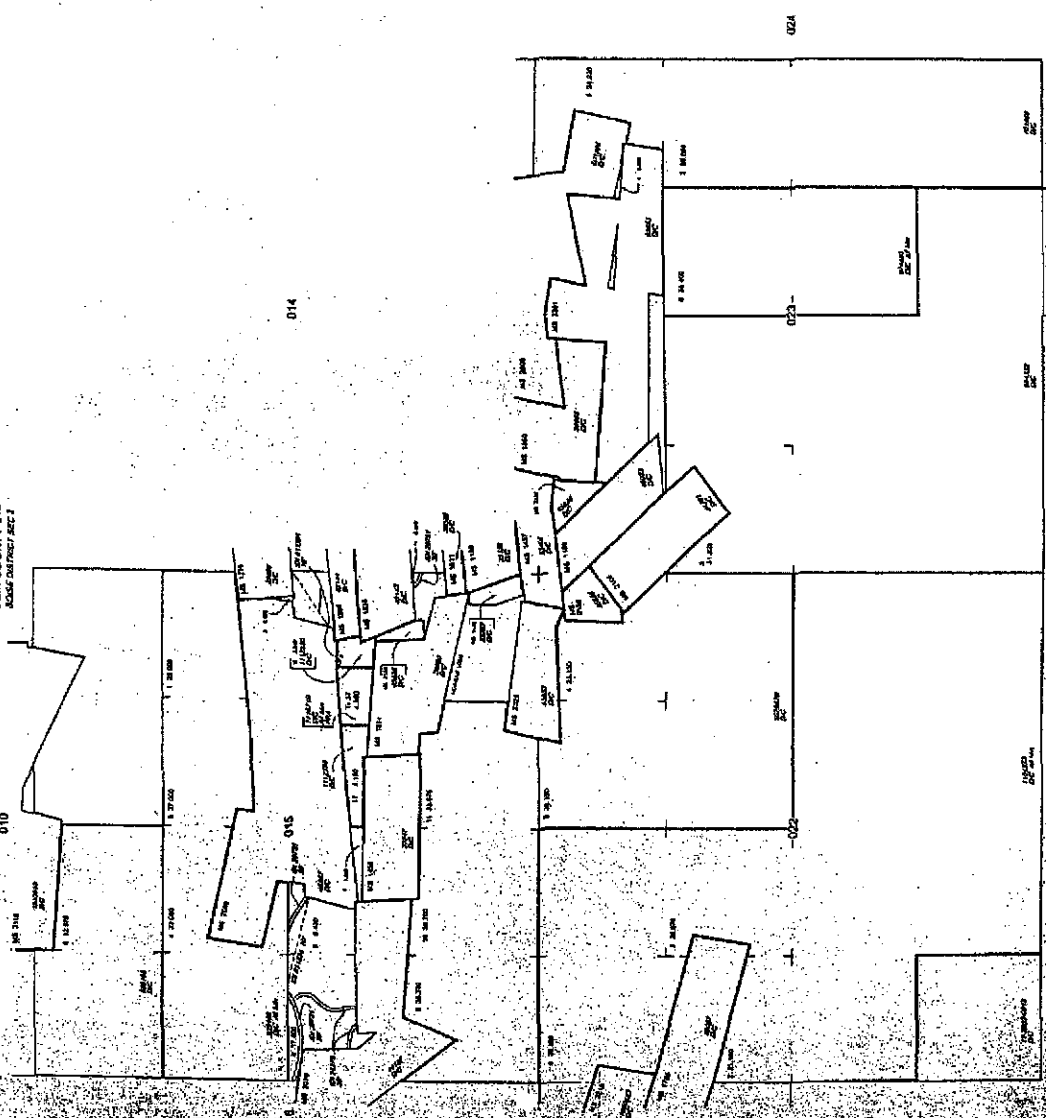
GEM COUNTY OAS
JONES OILFIELD SEC 1

Fig. 2

MT PLAT

SUPPL Sec 15, 22, 23

INDEX TO SEGREGATED TRACTS			
SEQUENCE	ORIGINAL NAME	DATE	REMARKS
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[illegible]

FOR ORDERS EFFECTED, DISAPPEAL OR USE OF
UNIDENTIFIED LAND REFER TO INDEX OF
SCCCLANLINEUS DOCUMENTS

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08/30/2006

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

RIGHT NUMBER: 63-4266

NAME AND ADDRESS: W G BURKHART
10925 NETHERLAND ST
BOISE ID 83709

TERESA J BURKHART
10925 NETHERLAND ST
BOISE ID 83709

SOURCE: POND
SPRINGS

TRIBUTARY: NORTH FORK WILLOW CREEK
TRIBUTARY: NORTH FORK WILLOW CREEK

QUANTITY: 0.090 CFS
4.000 AFY

The quantity of water under this right for domestic and stockwater uses
shall not exceed 13,000 gallons per day.

PRIORITY DATE: 06/01/1945

POINT OF DIVERSION:

T06N R01E S14 SWSWNW Within GEM County
T06N R01E S14 SESWNW Within GEM County
T06N R01E S14 NENWSW Within GEM County
T06N R01E S15 NENESE Within GEM County
T06N R01E S15 SENESE Within GEM County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	0.030 CFS 4.00 AFY
STOCKWATER	01/01 12/31	0.040 CFS
DOMESTIC	01/01 12/31	0.020 CFS

Domestic use is for 1 home and does not include lawn, garden, landscape,
or other types of irrigation.

PLACE OF USE:

IRRIGATION Within GEM County
T06N R01E S15 NESE 1.00
STOCKWATER Within GEM County
T06N R01E S15 NESE
DOMESTIC Within GEM County
T06N R01E S15 NESE

1 ACRES TOTAL

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

The quantity of water decreed for this water right for domestic use and
stockwater use 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.

08/30/2006

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Stockwater use is for 50 range cattle and 30 sheep.

Idaho Department of Water Resources

**T06N, R01E,
SEC 14 & 15**

Claim No: 63-4266

Prepared By: Kimberly Brown

Date: August 30, 2006



Place of Use



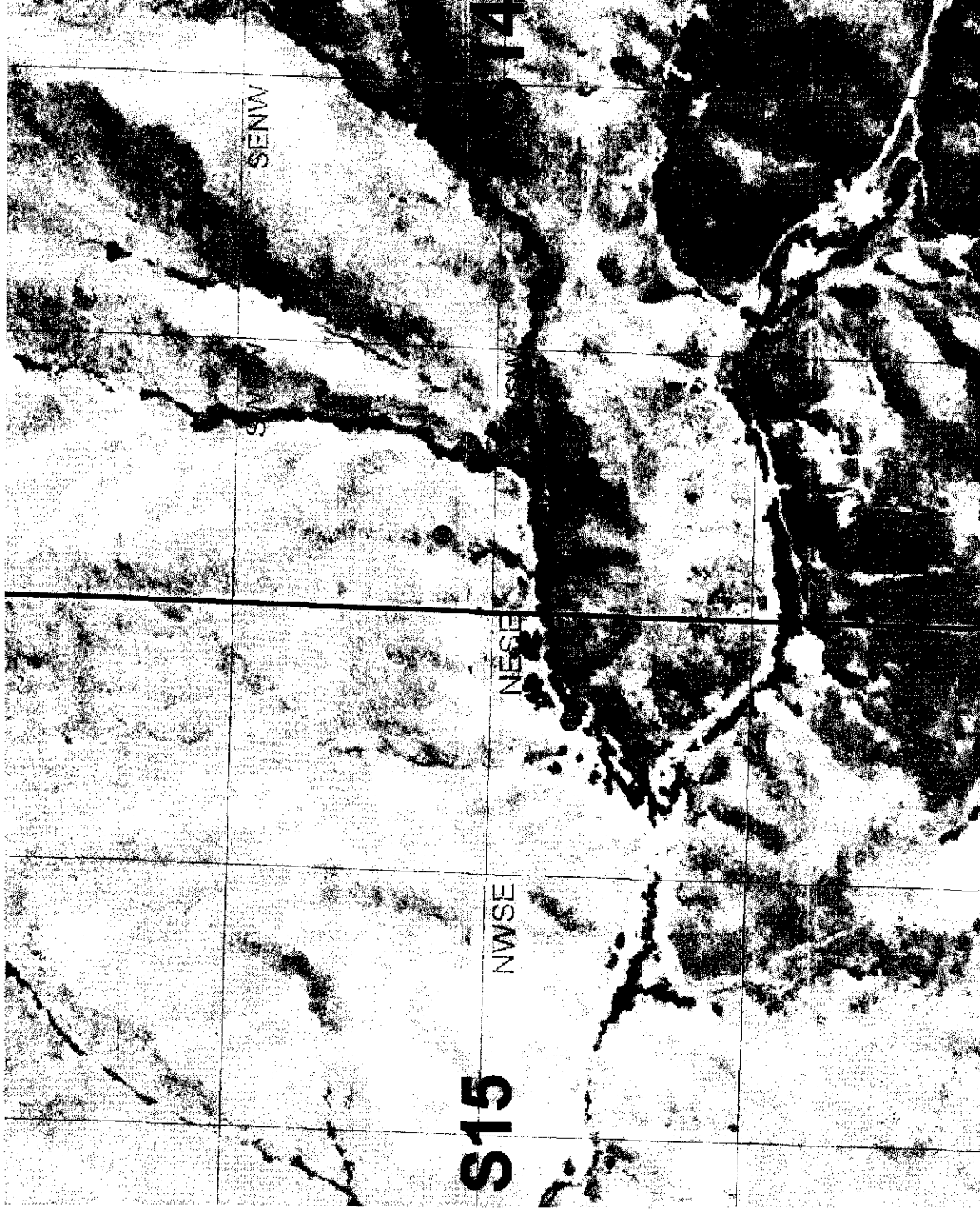
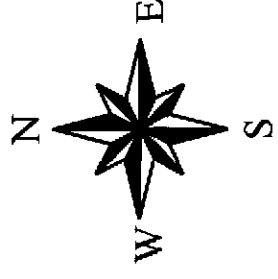
Section Lines



1/4 1/4

● Point of Diversion

Irrigated Acres = 1.0



00.03 Miles



1987 NAPP

8/30/06

Page 1

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-4266

WATER RIGHT NUMBER: 63-4266 ✓

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	JOE G BURKHART 5806 W STATE EAGLE, ID 83616 (208)286-7293 ✓
Current Owner	W G BURKHART ✓ 10925 NETHERLAND ST BOISE, ID 83709 (208)375-3296
Current Owner	TERESA J BURKHART ✓ 10925 NETHERLAND ST BOISE, ID 83709 (208)375-3296
Original Owner	MARY LOUISE BURKHART PEARL RT EAGLE, ID 83616

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

<u>Source</u>	<u>Tributary</u>
POND	NORTH FORK WILLOW CREEK
SPRINGS	NORTH FORK WILLOW CREEK
SPRING	WILLOW CREEK

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION ✓	03/15 to	11/15 ✓	0.030 CFS ✓	4.00 AF ✓
STOCKWATER ✓	01/01 to	12/31 ✓	0.040 CFS ✓	
DOMESTIC ✓	01/01 to	12/31 ✓	0.020 CFS ✓	
<u>Total Diversion:</u>			0.090 CFS ✓	4.00 AF ✓

Location of Point(s) of Diversion

SPRING ✓	NE1/4NW1/4SW1/4 ✓	Sec. 14, Twp 06N, Rge 01E, B.M. (NORTH FK.) ✓	Willow Creek Spring ✓
GEM County			
SPRING ✓	SE1/4NE1/4SE1/4 ✓	Sec. 15, Twp 06N, Rge 01E, B.M. (WILLOW CK.) ✓	Silver Spring ✓
GEM County			
POND ✓	NE1/4NE1/4SE1/4 ✓	Sec. 15, Twp 06N, Rge 01E, B.M. (NORTH FK.) ✓	Pond ✓
GEM County			
SPRING ✓	SW1/4SW1/4NW1/4 ✓	Sec. 14, Twp 06N, Rge 01E, B.M. (NORTH FK.) ✓	Lulu Mine Spring ✓
GEM County			
SPRING ✓	SE1/4SW1/4NW1/4 ✓	Sec. 14, Twp 06N, Rge 01E, B.M. (NORTH FK.) ✓	Willow Creek Spring ✓
GEM County			

Place of Use ✓
 IRRIGATION ✓

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-4266

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	1.0
															1.0				1.0

Total Acres: 1 ✓

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

DOMESTIC ✓

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:

1.

Comments —

SOURCES ARE NORTH FORK WILLOW CREEK IN NWNWSW, SPRING IN NENWSW, AND SPRING IN SWNWSW. PRIORITY DATE IS BASED ON WATER USE FROM THE ORIGINAL PEARL TOWNSITE WATER SYSTEM. THE SOURCE FOR THAT WATER SYSTEM WAS WATER CANYON, UNNAMED STREAMS, AND SPRINGS, ALL TRIBUTARY TO NORTH FORK WILLOW CREEK. THE PEARL TOWN SYSTEM HAS SINCE BEEN ABANDONED. NEW SYSTEM WAS DEVELOPED FOR PLACE OF USE IN THIS CLAIM TO REPLACE ORIGINAL SYSTEM.

Remarks:

ADD WB5 — 1 house (cabin)

Comments:

ADD X02 — 50 range cattle & 30 sheep

ADD N09 & N14 — Horse + domestic use

Water Supply Bank:

— no irrigation district water available in this area

* treasure valley 2000 map

[illegible]

5 Sources -

~~Silver Spray Spring - SE NESE, S15.~~

~~"Pond" near home NE NESE, S15.~~

~~"Willow Creek" "Spring" - NE NW SW, S14.~~

~~"Willow Creek" "Spring" - SE SW NW, S14.~~

~~remembered Spring from ^{Lulu} mining tunnel - SW NW, S14.~~

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-4266

	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
06N 01E 15													X				

DOMESTIC

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

Conditions of Approval:

- SOURCES ARE NORTH FORK WILLOW CREEK IN NWNWSW, SPRING IN NENWSW, AND SPRING IN SWNWSW. PRIORITY DATE IS BASED ON WATER USE FROM THE ORIGINAL PEARL TOWNSITE WATER SYSTEM. THE SOURCE FOR THAT WATER SYSTEM WAS WATER CANYON, UNNAMED STREAMS, AND SPRINGS, ALL TRIBUTARY TO NORTH FORK WILLOW CREEK. THE (ORIGINAL PEARL) * SYSTEM HAS SINCE BEEN ABANDONED. NEW SYSTEM WAS DEVELOPED FOR PLACE OF USE IN THIS CLAIM TO REPLACE ORIGINAL SYSTEM.

Remarks:Comments:

ADD WB5 - Domestic use is for 1 home and does not include irrigation of lawn & garden.

ADD X02 - Stockwater use is for 50 range cattle and 30 sheep.

Water Supply Bank:

ADD N09 & N14 - domestic & stockwater use

Field Exam Date 8-28-06

(in-office review)

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION FIELD REPORT

Prior to Field Exam

- ☒ Copy of Claim, claim has been signed, sealed, and dated by notary?
- ☒ Check fees paid
- ☐ Well logs (if needed)
- ☒ Copy of topo or NAPP
- ☒ Check of Govt. Lots, if needed, Govt. Plat/Tax lot information
- ☒ Check POD & POU overlap, see below – include overlapping right for exam
- ☒ Evidence of Priority – if none, talk with claimant

CLAIMANT INFORMATION – verify contact information is complete

Claim No(s) A 63 - 4266

Owner: Teresa & W.G. Burkhardt Phone No. 375 - 3296

Current Address: 10925 Netherland St., Boise 83709

- ☒ No change NAME IS THE SAME
- ☐ NEW OWNER
- ☒ No change Address
- ☐ NEW ADDRESS
- ☐ How long owned property? _____

Accompanied by: in-office verification

PRIORITY DATE

- ☒ No change – Complete evidence submitted or not necessary
- ☐ Incomplete – Claimant should be asked when water was first used and submit proof of date.
- ☒ Priority date is acceptable/within mandatory filing dates?

Priority date, per claimant, is: 6/01/45 * Several affidavits substantiating the claimed priority date were found in the back file (see file).
(If priority date, based on your exam, seems questionable, explain below.)

Source: Springz Pond Tributary to Willow Creek, N. Fl.

- ☐ No Change –SAME SOURCE
- ☒ Source found is different than claimed: _____

POINT OF DIVERSION

- ☐ No change
- ☒ POD found is different than claimed: _____
- ☐ If different, when did POD change? _____

DIVERSION AND DELIVERY SYSTEM

Points of Diversion:

ID #	Govt Lot #	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks GPS ID

Description of diverting works

OVERLAP REVIEW

Other water rights with the same point of diversion: 63-4603

Does overlap add acres or uses to existing system, increase rate of flow or volume, or other? Explain:

WATER USES

☐ No change

☐ Different Uses

Use Irrigation From _____ To _____ Amount 0.03 CFS 4.0 AFA

Use Domestic From _____ To _____ Amount 0.02 CFS _____ AFA

Use Stockwater From _____ To _____ Amount _____ CFS _____ AFA

1.0 ACRE x 4.0 af/acre = 4.0 af/annum (v) 0.03 cfs x 1.9835 x 246 days = 14.6 af/AN

TOTAL VOLUME - Groundwater only

ADD N11 & N13 - for domestic & stockwater use

☒ Incomplete on claim, the total is, Amount _____ CFS 4.0 AFA

☒ Changes found, the new total is, Amount 0.03 CFS _____ AFA

☒ More than 1" per Acre? Yes _____ (claimant must complete excess flow sheet)

0.03 af/acre is allowed if irrigated acres are less than a total of 5.0 acres

NON-IRRIGATION USES:

☐ No change

☐ Changes Exam found: Domestic # of homes 1 cabin Stock # 50 range cattle / 30 sheep

Types _____ Additional comments: domestic use does not include lawn/garden irrigation.

PLACE OF USE:

☐ No Change

☒ Changes shown below:

[illegible]

AFTER EXAM THE FILE SHOULD CONTAIN:

- ☒ Completed claim checklist
- ☐ Photographs of POD's and POU
- ☐ GPS readings
- ☒ Completed map and or GIS layout showing POD's and POU

DATE EXAM CONDUCTED:

8.30.06

(in-office review)

FIELD EXAMINER:

Humbertly Brown

CONVERSATION MEMORANDUM

**RE: Snake River Basin Adjudication Water Right Nos. A63-4266 & -4603
Irrigated Acres**

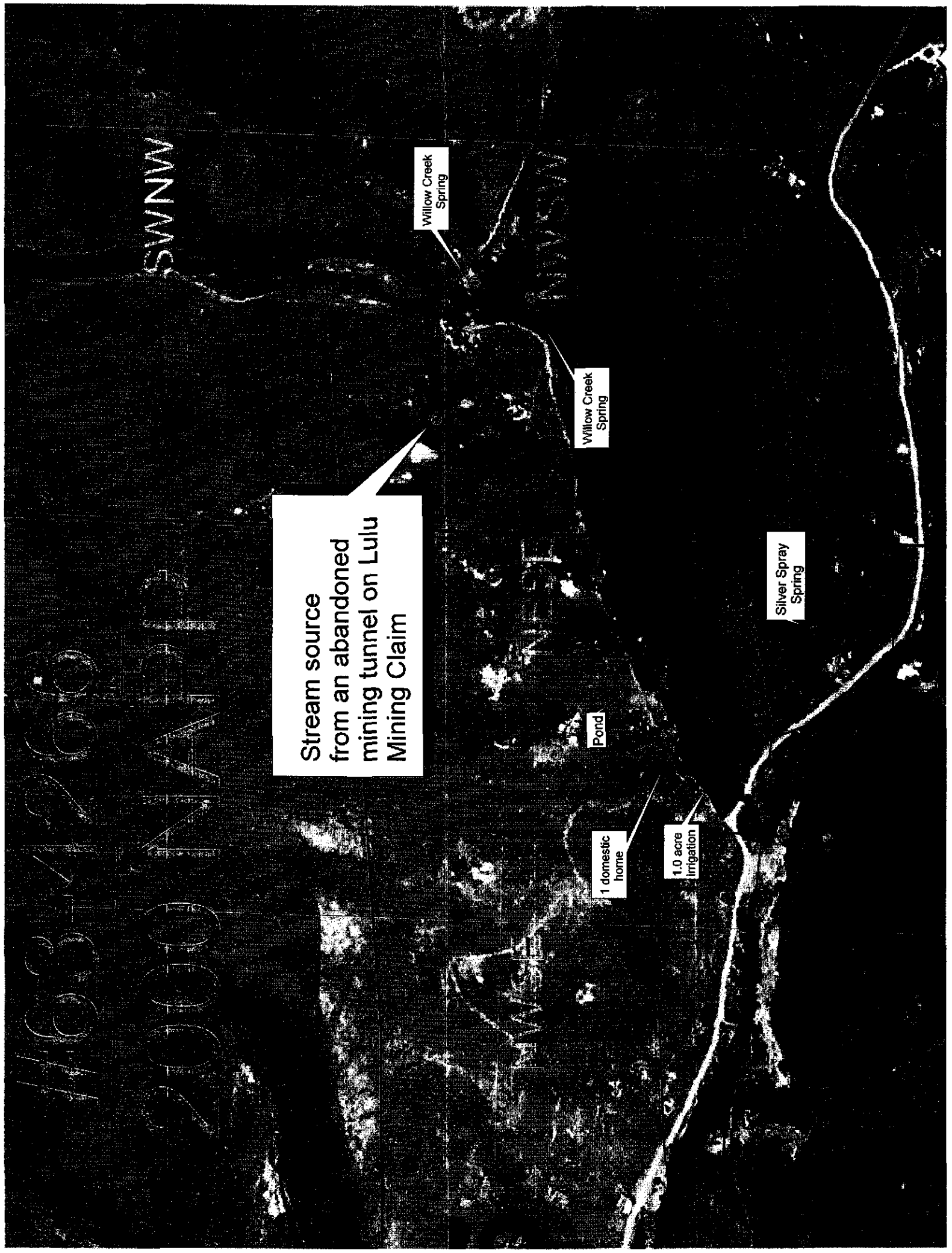
September 26, 2006

Bill Burkhart called to inform me that he felt he needed "to go back to the 3 ½ acres."

[Basically, the last time Mr. Burkhart was in the Western Region office on August 29, 2006, I told him that I could only justify a maximum of 1.0 acre of irrigation on both claims; not the 3.5 or the 4.0 acres that he claimed on 63-4266 and 63-4603.]

Continuing the conversation, Mr. Burkhart added that "under normal conditions," he has the potential to irrigate 3 ½ acres. He then added that they used to grow potatoes on those acres. When I asked him the last time those 3 ½ acres were irrigated, Mr. Burkhart replied that the potato fields were last irrigated in 1976 or 1977. I explained that when we review these claims, we go back to the year 1987 to make our recommendation and that the 1987 NAPP barely shows 1.0 acre of irrigation on each claim. I informed Mr. Burkhart that since the last irrigation use was a decade prior to 1987 and because the 1987 aerial photograph barely indicates 1.0 acre of irrigation, that I felt my recommendation was justifiable. I also told Mr. Burkhart that we would be sending our Preliminary Recommendation, along with the corresponding shapefile, within the next two weeks and that he should study the aerial photograph closely. I also mentioned that if he wanted to object to my recommendation, that this would be his opportunity to basically let the court decide.

Kimberly Brown
Senior Water Resource Agent
Western Region



SWNW

SWNW

Willow Creek Spring

Willow Creek Spring

Stream source
from an abandoned
mining tunnel on Lulu
Mining Claim

Silver Spray Spring

Pond

1 domestic home

1.0 acre Irrigation

#63-4603
Lucky Silver
Mine spring

SE NW

#63-4603
Water Canyon
springs

#63-4603
Dillon Tunnel/
Slaughterhouse
spring

SE NW

#63-4603
"domestic"
spring

Willow Creek
Spring

#63-4603
1.0 acre
irrigation

Willow Creek
Spring

#63-4603
1 domestic
home

#63-4266
spring source
from abandoned
mining tunnel on
Lulu Mining Claim

#63-4266
Silver Spray
spring

#63-4266
1 domestic
home

#63-4266
pond

#63-4266
1.0 acre
irrigation

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POU REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-4266

08/30/2006

1

Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Purpose of Use	Acres/Total	Name
~~4266~~	~~Claim~~	~~06N~~	~~01E~~	~~15~~	~~NE~~	~~SE~~		~~IRRIGATION~~	~~1/1~~	~~W G BURKHART~~
~~4266~~	~~Claim~~	~~06N~~	~~01E~~	~~15~~	~~NE~~	~~SE~~		~~STOCKWATER~~		~~W G BURKHART~~
~~4266~~	~~Claim~~	~~06N~~	~~01E~~	~~15~~	~~NE~~	~~SE~~		~~DOMESTIC~~		~~W G BURKHART~~
~~4266~~	~~Water Right~~	~~06N~~	~~01E~~	~~15~~	~~NE~~	~~SE~~		~~DOMESTIC~~		~~MARY LOUISE BURKHART~~

— no overlap

IN The Matter of Water used by Joe Burkhardt and/or Mary
on patented mining claims Alaska, Old Man, and Thistle
located in the Pearl Mining District in Township 6 North, Range
1 East, Boise Meridian. County of Gem State of Idaho.
Survey No. 1899. Sec. 14

This water is located at the extreme headwaters of the North
Fork of Willow Creek. One source referred to as Water Canyon
The other two sources[†] are located westerly direction of Water
Canyon and flow in a southerly direction from Crown Point
This water is used for domestic purpose, stock water, and
farm irrigation and has been used by claimant Joe Burkhardt^{and/or}
since the year 1945 and all years following from January 1
to December 31 of those years.

This water is used by means of ditch, pipe line, and sprinkler
system. The amount of water used is .04^{CF} for domestic
use, .01^{CF} for stock watering, and for approximately 7 acre of
farm ground irrigation.

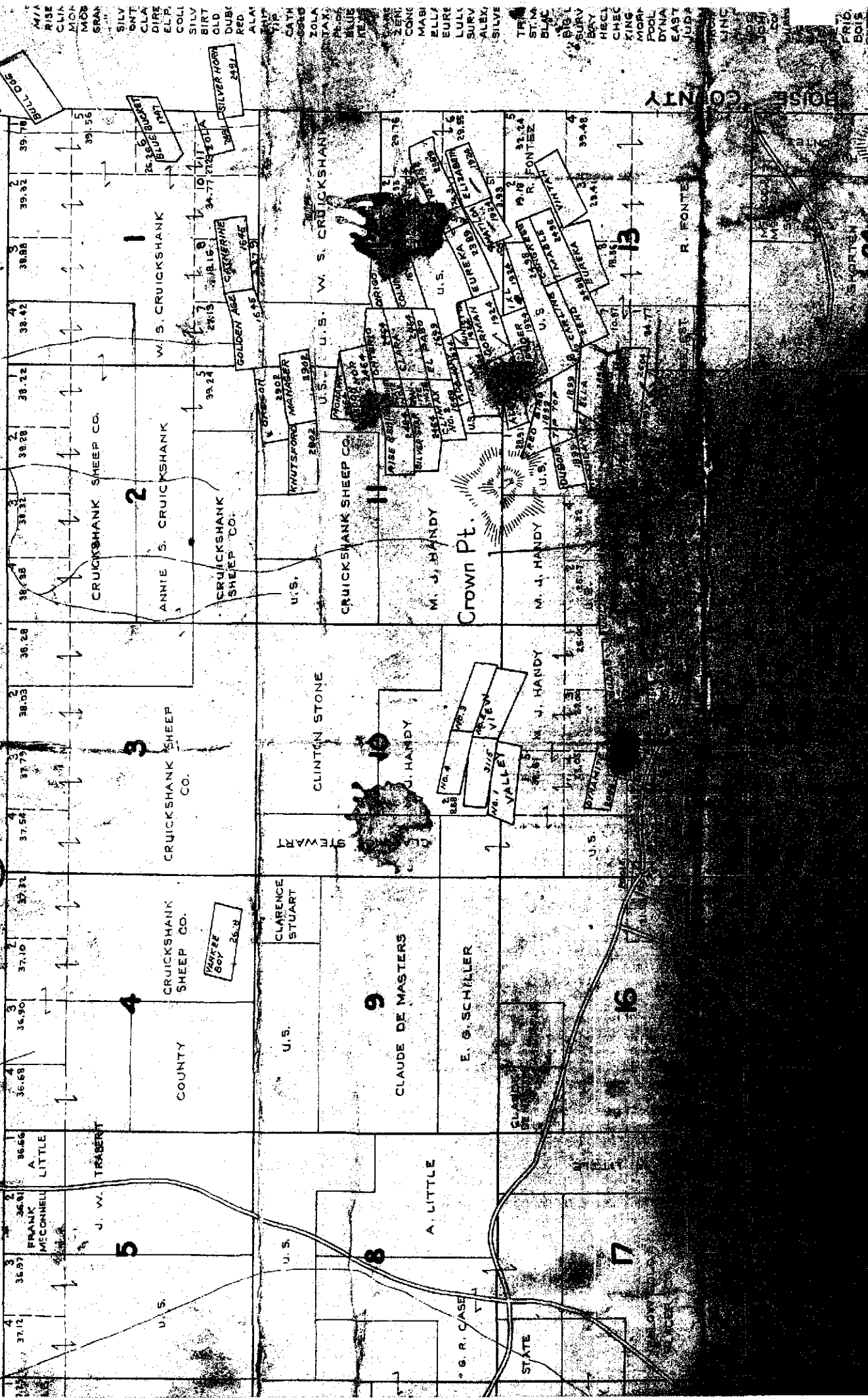
† unnamed creeks and are tributary to sinks of
source.

3 copies as this states

4 copies changing date from 1945 to
the date of 1959 and adding Joe Burkhardt
and/or W. B. Burkhardt and/or Theresa J. Burkhardt

W. B. Burkhardt

COUNTY, IDAHO



Township:6N Range:1E Sections: 15, 16, 21, 22

Parcel Number	Owner	Owners continued or contract buyer	Legal Description	% Sec	Acres
RP00192300 A	BURKHART, W G		06N 01E SEC 14 & 15 Mineral Survey # 1890		40.968
RP00192500 A	BURKHART, WILLIAM G & TERESA J		06N 01E SEC 14 & 15 Mineral Survey # 1278		13.290
RP00192800 A	BURKHART, ROBERT E <i>Bryan Glenn</i>		06N 01E SEC 15 Mineral Survey # 1485	SW	20.463
RP00192900 A	BURKHART, JOSEPH W & W G		06N 01E SEC 14, 15, 22, 23 Survey #s 1189, 1486, 1487, 1811, 1955		52.592
RP00193101 A	WENTHUR, MICHAEL L		06N 01E SEC 15 Mineral Survey #s 1264 & 1274 Lease Tax001	SE	38.740
RP00193102 A	SMITH, WILLIS M		06N 01E SEC 15 TAX001	SE	1.283
RP00193300 A	HECLA-CHECKMATE MINING	%SMITH, WILLIS & BERNARD & STEPH	06N 01E SEC 15 Mineral Survey #2025	SE	15.121
RP00193400 A	HANAU, CHRISTOPHER HASTINGS		06N 01E SEC 15 & 16 Mineral Survey # 2070		39.955
RP00193500 A	SPRING VLY LIVESTOCK CO INC		06N 01E SEC 22 & 23 Mineral Survey # 2108		20.500
RP00193600 A	WALKER, JACK A		06N 01E SEC 15 Mineral Survey # 2088	SE	80.046
RP00193701 A	WESTERN CENTENNIAL INC <i>Burkhart, Greg</i>		06N 01E SEC 21 & 22 Mineral Survey #s 1765, 3209, 3210		74.340
RP00193703 A	BURKHART, W G & TERESA J		06N 01E SEC 14 & 15 L16, SEC 18; Mineral Survey #1828		21.941
RP00194000 A	BEAN, JAMES L & MARIANNE		06N 01E SEC 10 & 16 Mineral Survey # 3115		89.140
RP00194100 A	CUNNINGHAM, GARUS J & KATHLEEN		06N 01E SEC 15 TRACT 37 & LOT 17	SE	9.750
RP00195300 A	BEAN, JIM & MARIANNE		06N 01E SEC 16 N1/2	NE	320.000
RP00197300 A	BEAN, JIM & MARIANNE		06N 01E SEC 15 LOTS 1, 3, 4, 5, W1/2 NW	NW	187.720
RP00197901 A	FIRST AMERICAN TITLE INS CO		06N 01E SEC 22 & 23 PARTS OF SECTIONS-		754.600
RP00197902 A	SPRING VLY LIVESTOCK CO INC		06N 01E SEC 21 LOTS 4, 6, 7, 8	NE	101.150
RP00197903 A	SPRING VLY LIVESTOCK CO INC		06N 01E SEC 22 NE NW, LOTS 2, 3, 6	NW	136.200
RP00198900 A	SPRING VLY LIVESTOCK CO INC		06N 01E SEC 21 N1/2 SE	SE	80.000
RP00199600 A	STILLWELL, GLENN & MARY ET AL		06N 01E SEC 15 L8, 10, 11, SEC 22 L4&5, S1/2 NE		255.350
RP00199900 A	HAYNES LAND & LIVESTOCK CO <i>Beth, Nancy L. & Patricia Gandy</i>		06N 01E SEC 21 S1/2 NW, L3, SW SW, N1/2 SW	NW	237.770
RP06N01E150100A	BLM	EXEMPT	06N 01E SEC 15 Portion of N1/2 NE 63-802A EXEMPT	NE	69.074
RP06N01E154800A	BLM	EXEMPT	06N 01E SEC 15 LOT 8 63-802A EXEMPT	SW	17.400
RP06N01E158000A	BLM	EXEMPT	06N 01E SEC 15 Portion of SE SE 63-802A EXEMPT	SE	2.901
RP06N01E164800A	BEAN, JIM & MARIANNE		06N 01E SEC 16 SW1/4, W1/2 SE, SE SE, LOT 1	SW	311.580
RP06N01E213000A	BLM	EXEMPT	06N 01E SEC 21 NW NW 63-802A EXEMPT	NW	40.000
RP06N01E219000A	BLM	EXEMPT	06N 01E SEC 21 S1/2 SE, SE SW 63-802A EXEMPT	SE	400.000
RP06N01E228000A	BLM	EXEMPT	06N 01E SEC 22 SW SW 63-802A EXEMPT	SW	40.000
					3,191.854

Parcel Count: 29

2/12/2004 3:43:43PM

2:\Assessor\PLAT\6N1E15,16,21,22\6N1E SEC 15,16,21,22.rpt

RP06N01E213000A ⁶⁶⁰⁰ ~~1350~~ *Beth, Nancy L. & Patricia Gandy*
HAYNES, Dale M. & Kay D

6N1E Sec 21 SE SW

40 AC

1914

4387

1914

1914

1914

1914

1985

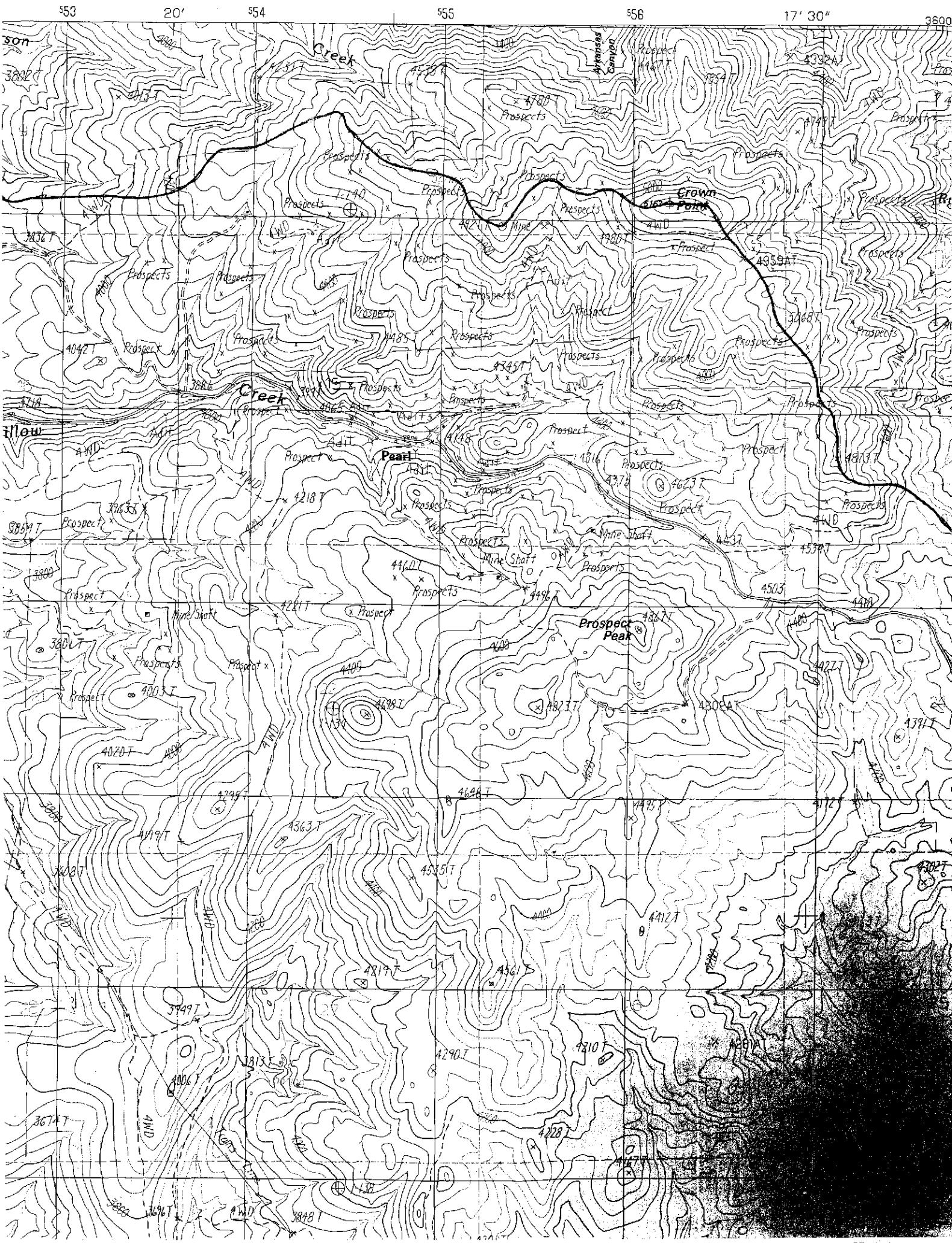


TABLE 1. RECOMMENDED DIVERSION RATES FOR STOCKWATER
in cubic feet per second (cfs).

No. of head	Dairy cows	Other cattle, horses & mules	Hogs	Sheep & goats
0 - 25	0.02	0.02	0.02	0.02
26 - 50	0.04	0.02	0.02	0.02
51 - 100	0.07	0.03	0.02	0.02
101 - 200	0.13	0.05	0.02	0.02
201 - 300	0.20	0.07	0.02	0.02
301 - 400	0.24*	0.09	0.03	0.02
401 - 500		0.12	0.04	0.02
501 - 600		0.14	0.05	0.03
601 - 700		0.16	0.05	0.03
701 - 800		0.19	0.06	0.03
801 - 900		0.20	0.07	0.04
901 - 1000		0.23 *	0.08	0.04

= 0.04 cfs

For chickens, round to the next highest 100 and multiply this number by 0.0000018.

For turkeys, round to the next highest 100 and multiply this number by 0.0000033.

*If you have more than: 370 head of dairy cows, or 1000 head of other cattle, horses, or mules, or 3250 head of hogs, or 6500 head of sheep and/or goats, or 130,000 chickens, or 72,200 turkeys you probably use more than 13,000 gallons of water per day. Form No. 42-1409(2)a is used for claims when the amount of water diverted exceeds 13,000 gallons per day.

If you have more than 1000 head of hogs, sheep, or goats, round the number to the next highest 100, and multiply this number by one of the following factors: For hogs, multiply by 0.000074

For sheep or goats, multiply by 0.000037

Round the amount you calculate to the nearest 0.01 cfs and enter this amount in the appropriate space on your claim. You may claim 0.01 cfs even if your calculated amount is less than 0.01 cfs.

Receipt Details for ID C011307

Status	Adjustment Type	Version
	Adjusted Receipt	1

General Information:

Date Received	Date Deposited	Region	Total Amount	Payment Type
9/8/1989 10:09:23 AM	9/8/1989	State	\$54.00	Check
Payer		BURKHART, W.G. OR TERESA		

Account Information:

Check #	Account #	Credit Card Name	Authorization #
1823			
Card Expiration Date	Credit Card Transaction #		

Comment ADJUDICATION FEE

Fee Detail:

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$54.00	ADJUDICATION FEE	410162	9337	0	0	6490

Refund(s):

Amount	Payee	Date	Document Number
--------	-------	------	-----------------

Water Right Information:

Basin Number	Sequence Number	Split Suffix	Amount	Type
63	4266		\$54.00	Claim

Print Report

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



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

August 8, 2006

TERESA & W. G. BURKHART
10925 NETHERLAND ST
BOISE ID 83709

JAMES E. RISCH
Governor

KARL J. DREHER
Director

RE: EVIDENCE OF PRIORITY
Snake River Basin Claim No(s): A63-4266

(+) sent 1987 NAPP
to show location of
POD & house - plus
3.5 AC of irrigation

Dear Claimants,

In the past, you submitted the above referenced claim(s) during the Snake River Basin Adjudication (SRBA) claims taking. Enclosed is a computer generated print-out of the claim(s) for your reference only, it is not necessary to return this print-out. You indicated, when this claim was filed, that the water right(s) was based on either a "Statutory Claim" or "Beneficial Use" of the water. Water rights of this type are established by historical use of the water for a beneficial use purpose, dating back to the time the water was first used; this date being the "Priority Date" as shown on the enclosed print-out. Your claim(s) has not been confirmed by a previous filing with the Department of Water Resources since there is no decree, license, or permit on file to verify the use of this water. For this reason, the Department is required to gather evidence from claimants supporting the date of priority for claims based on historical beneficial use of water.

Enclosed is a pamphlet entitled "Evidence of Priority" which describes why evidence of the priority date is necessary, along with examples of types of evidence that can be submitted to fulfill this requirement. While I encourage you to read the entire pamphlet, I direct your attention to the two sections entitled, "What Kind of Evidence is Required" and "Some Examples of Documents Which May Be Evidence of the Priority Date."

It is important that each element of the Notice of Claim be substantiated. For instance, regarding claims for irrigation, the evidence should tend to show that diversion works were in place, that they were capable of diverting the claimed diversion rate, and that the diverted water was beneficially used on the entire claimed place of use on or before the claimed priority date.

If no evidence is submitted, or we do not hear from you within the time limit below, your priority date, as claimed, may not be recommended to the SRBA court for decree. This could jeopardize your water use under this right(s) if water availability problems arise in the future.

The required evidence supporting the priority date(s) requested needs to be submitted by **August 23, 2006**. Please let me know if you may not be able to submit proof of priority or have any questions not covered by this letter and the enclosed pamphlet, by the date indicated above.

In addition, since it is our goal to decree the historical water right within the Snake River Basin as accurately as possible, field exams are now being conducted by Department water resource agents to verify claims in this area. In the near future, you may be receiving a call from us in order to set-up an appointment for a field exam.



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

Respectfully Submitted,

Kimberly Brown

Kimberly Brown
Water Resource Agent
Adjudication Bureau

JAMES E. RISCH
Governor

KARL J. DREHER
Director

Enclosure: "Evidence of Priority" pamphlet
Notice of Claim A63-4266

NOTE: If you no longer own the property upon which this claim was filed, please contact this office immediately. Idaho State law requires that the Department be notified of a change of owner or address on a water right.

3420
2000 NAPP

Day, the location of the
home, the address of
migration, and the area
stockwater use and
evidence.

NESE

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

Section 42-225a, Idaho Code

CLAIM TO A WATER RIGHT

Under the provisions of Section 42-225a, Idaho Code, a person may file a claim to a right to use water which has been established by diversion and application to beneficial use. **The filing of this claim does not confirm the water right but will serve for information purposes only.** It may, however, become the basis for future adjudication of the water right by the Court.

Notice is hereby given that Joe G. &/or Mary Louise Burkhardt
(name of claimant)
of Pearl Route, Eagle, Idaho, claims a right to the diversion and beneficial use of
(mailing address)
ground water or surface water tributary to Willow Creek.

The extent and nature of said claim is as follows:

- (1) Describe source of water: (name of stream, lake, spring, etc., or ground water) Spring
- (2) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

Amount	<u>.01</u>	Use	<u>Domestic</u>	Period of Use:	From	<u>Jan. 1</u>	To	<u>Dec. 31</u>
Amount	<u> </u>	Use	<u> </u>	Period of Use:	From	<u> </u>	To	<u> </u>
Amount	<u> </u>	Use	<u> </u>	Period of Use:	From	<u> </u>	To	<u> </u>
	(cfs, gpm or a/f)		(dom., int., stock, etc.)					(both dates inclusive)

- (3) Total quantity of water claimed: .01 cubic feet per second, or _____ acre feet per annum, and/or _____ gallons per minute.

- (4) Priority claimed: (the date water was first applied to beneficial use) June 1, 1929
- A claim is not acceptable on a ground-water source with a priority later than March 25, 1963 or on a surface-water source with a priority later than May 20, 1971. An exception to this rule is that a claim may be filed on domestic use from a ground-water source.

- (5) A) Point of diversion: (give location of point where water is diverted from its source)
NE ¼ SE ¼, Sec. 15 Twp. 6 N Rge. 1 E B. M. County of Gem
Additional points of diversion:

B) Describe means of diversion of water: (pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.) Give sizes and capacities; be as specific as possible. Spring box and gravity 3/4" pipeline

- (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.

[illegible]

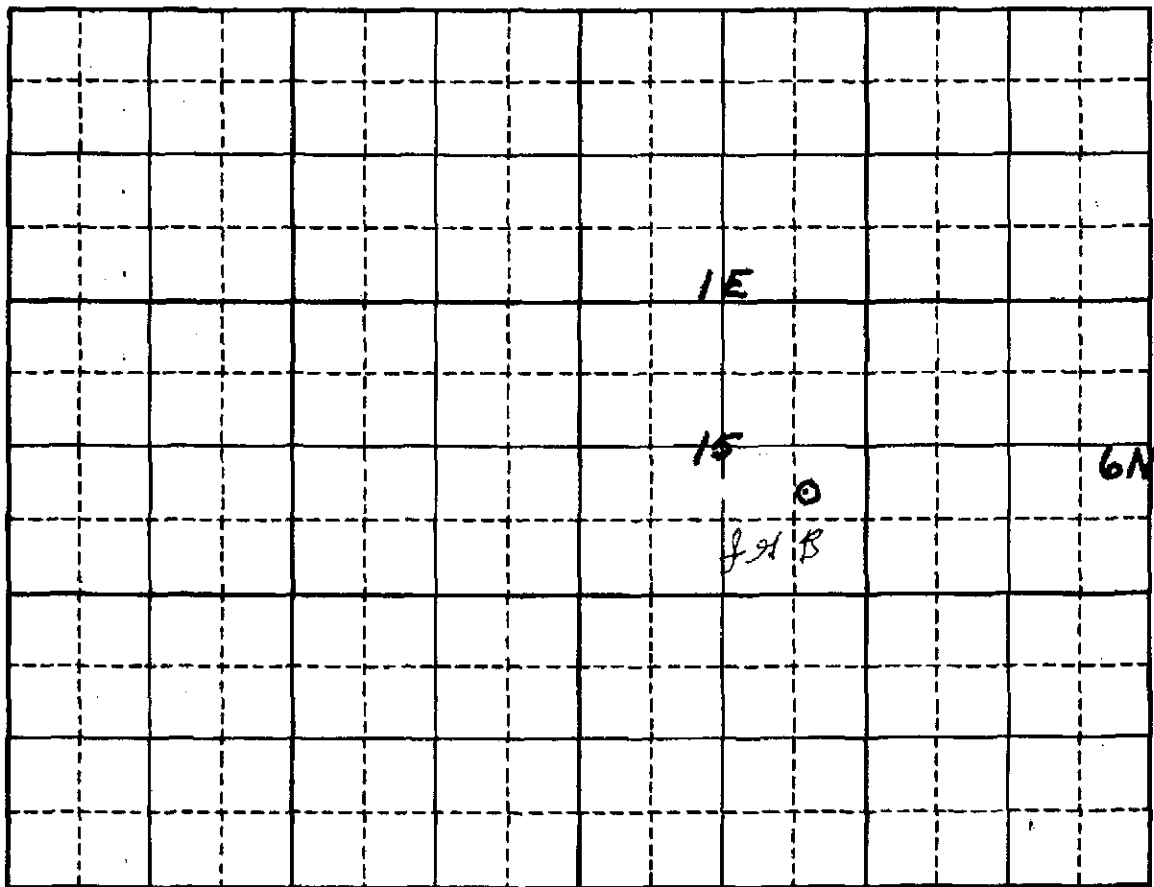
Total No. of acres.

- B) If the water is used for other than irrigation, fully describe that use, being as specific as possible: Domestic use for drinking purposes at cabin

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

MICROFILMED

(8) Remarks Cabin site is on Thistle Claim but spring is on Silver Spray



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho

County of Ada

ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiants knowledge.

Sworn to before me this 13th day of June, 19 74.

Joe A. Burkhart
(Claimant)
Glenn E. Weaver
Notary Public
Residing at Base Line

My commission expires 6-15-77

Rec'd #14836

For Department Use Only

Received by <u>KHF</u>	Date <u>6-13-74</u>	Exception filed by:	Forwarded to	Date
Prelim. check by	Date		claimant by:	
\$10.00 fee received by <u>KHF</u>	Date <u>6-13-74</u>			
Approved for publication by <u>[Signature]</u>				
Published in <u>Boise Messenger-Index</u>				
Dates <u>6-20 & 6-27-74</u>				