

22

23

River

MICROFILMED
OCT 02 1992

SCALE 1

35

36

31

T14N
T13N

Springs

3469

3448

3603

6

3453

3426

3439

Map shows
two points
of diversion

49
44
40178

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: **A67-00418**
Date Received: 12/ 7/1989
Receipt No: C013362
Received By: _____

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

1. Name: J WAYNE BURKHARDT 702-784-4588
Address: 2410 LITTLE WEISER RD
INDIAN VALLEY ID 83632

2. Date of Priority: JUN 1, 1883

3. Source: LITTLE WEISER RIVER Trib. to: WEISER RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
13N	01W	1	NE	SE			ADAMS

5. Description of diverting works:
HEADGATE, DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.380		

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

8. Total consumptive use is 105.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
14N	01W	36	SW	NW		IRR	4.0
			NE	SW		IRR	18.0
			NW	SW		IRR	3.0
			SW	SW		IRR	2.0
			SE	SW		IRR	3.0

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10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	30.0
					Total Acres	30.0

11. Place of use in counties: ADAMS

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

13. Other Water Rights Used:
NONE

14. Remarks:

THIS WATER CARRIED IN THE BURGER DITCH.
OWNERSHIP CHANGED BY KW 2/25/1994.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

JOHN T. MUIR

Decree Plaintiff

WILLIAM ALLISON

vs Decree Defendant

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): _____ Date: _____

_____ Date: _____

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AUG 05 1994

State of Idaho)
) SS.
County of _____)

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

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NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type
(see instructions on back of page)

RECEIVED

FEB 10 1994

WATER RESOURCES
WESTERN REGIONDATE OF CLOSING: 11-12-93

LEGAL DESCRIPTION OF PROPERTY: Township 14N Range 1 West Boise Meridian
Section 1/4 of 1/4 of 1/4 Govt. Lot , BM.
Lot , Block , Subdivision/Townsite .

If you have additional legal descriptions, please attach separate sheet.

See attached Schedule "A" for legal description

- [] Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)

- [] Water Right Number(s)

Assigned by IDWR: A67-04108 A67-00418

- [] Name and Address of Former Owner/Claimant(s)(Seller):

T.P. Fenelon, III and Phyllis Y. Fenelon

P.O. Box 74

Indian Valley, ID 83632

- [] New Owner/Claimant (Purchaser):

J. Wayne Burkhardt

- [] New Mailing Address:

2410 Little Weiser Road

Indian Valley, ID 83632

- [] New Telephone Number:

(702) 784-4588

- [] Does the change in ownership result in a splitting of the water right owned/claimed? yes no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

- [] Attach proof of ownership, describe proof attached:

Copy of Recorded Warranty Deed

(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

- [] Signature of New Owner/Claimant(s)

J. Wayne Burkhardt

Date 11/12/93

Date

- [] Signature of Former Owner/Claimant(s):

T.P. Fenelon III
Phyllis Y. Fenelon

Date

Date

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: By:

Further Action Needed:

verify p.u. in SRBA
Further Action Taken

Date: By:

Final Review and Data-Entry

Date: 2/25/94 By: KW

Claim Numbers of Split, if any:

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AUG 05 1994

Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner

WARRANTY DEED

For Value Received

T.P. FENELON, III AND PHYLLIS Y. FENELON, Husband and Wife

The grantors, do hereby grant, bargain, sell and convey unto

J. WAYNE BURKHARDT, A Single Man

the grantee, whose current address is

2410 Little Weiser Road, Indian Valley, ID 83632
the following described premises, in

Adams

County Idaho, to-wit:

Township 14 North, Range 1 West, Boise Meridian, Adams
County, Idaho Day

Section 36: NW1/4NW1/4, S1/2NW1/4, NW1/4SE1/4, NE1/4SW1/4
and all that part of the SW1/4SW1/4 and of the NW1/4SW1/4
lying East of the County Road.

-00418
SE¹SW¹ 3ac ?
-04108
NE¹NW¹ 3ac ?

Together with all water, water rights, ditches and ditch rights
appurtenant thereto and in anywise belonging.

Subject to all valid outstanding reservations, easements, rights-of-way,
restrictions, dedications, mineral leases, mineral reservations and
mineral conveyances of record.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee
his heirs and assigns forever. And the said Grantors do hereby covenant to and
with the said Grantee that they the owner in fee simple of said premises; that they are free
from all incumbrances

and that they will warrant and defend the same from all lawful claims whatsoever.

Dated: November 12, 1993

T.P. Fenelon III

T.P. Fenelon, III

Phyllis Y. Fenelon

Phyllis Y. Fenelon

STATE OF IDAHO, COUNTY OF Washington
On this 12th day of November, 1993,
before me, a notary public in and for the said State, personally
appeared
T.P. Fenelon, III and Phyllis Y. Fenelon

known or identified to me to be the persons whose names
are subscribed to the within instrument, and acknowledged to me
that they executed the same.

J. Wayne Burkhardt
Notary Public

Residing at Weiser, Idaho
Comm. Expires 3/27/97

STATE OF IDAHO, COUNTY OF ADAMS

I hereby certify that this instrument was filed for record at the
request of Timberline Title & Escrow

at 00 minutes past 3 o'clock P.M.,
this 19 day of November
19 93, in my office, and duly recorded in Book ----
of Deeds at Page ----

Michael Fisk

Ex-Officio Recorder

By Sarah J. Wilson Deputy,

Fees \$ 3.00

Mail to:

Indoxed

INSTRUMENT NO. 85129

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: A67-00418
Date Received: 12/07/1989
Receipt No: 0013362
Received By: JRF

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: T. P. FENELON III 208-256-4318
Address: BOX 74
INDIAN VALLEY, ID 83632

OR
Name: PHYLLIS FENELON 208-256-4318
Address: BOX 74
INDIAN VALLEY, ID 83632

2. Date of Priority: JUN 01, 1883

3. Source: LITTLE WEISER RIVER Trib. to: WEISER RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
13N	01W	1	NE	SE			ADAMS

5. Description of diverting works:
HEADGATE, DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.380		

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

8. Total consumptive use is 105.0 Acre Feet Per Annum.

9. Non-irrigation uses:

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OCT 01 1992

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
14N	01W	36	SW		NW		IRR	4.0
			NE		SW		IRR	18.0
			NW		SW		IRR	3.0
			SW		SW		IRR	2.0
			SE		SW		IRR	3.0
							Section Acres	30.0
							Total Acres	30.0

11. Place of use in counties: ADAMS

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

13. Other Water Rights Used:
NONE

14. Remarks:
THIS WATER CARRIED IN THE BURGER DITCH.

15. Basis of Claim: DECREED
Case Number:
Court :
Decree date:

JOHN T. MUIR
Decree Plaintiff

vs

WILLIAM ALLISON
Decree Defendant

16. Signature(s)

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

Number of attachments: 2 ^{map} declaration

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): X J.P. Fenelon III Date: X

Date: _____

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 7th day
of December 19 89

Helen Harrington
Notary Public

Seal

Helen Harrington, Notary Public
Residing at Residing at Boise, Idaho
My Commission Expires December 1, 1994

22

23

River

23

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DT-02 1992

SCALE 1

Map shows
two points
of diversion

49
44



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

February 25, 1994

RE: Notice of Claims to Water Right Nos. A67-00418 and A67-04108A

J. Wayne Burkhardt
2260 Pawnee
Reno, NV 89506

Dear Mr. Burkhardt:

Enclosed are copies of the above referenced claims which reflect the change in ownership of the lands and appurtenant water rights covered under the original filings, which were claimed by T. P. Fenelon III and Phyllis Y. Fenelon.

The Department will contact you in the future concerning any other requirements that may be needed in order to process these claims for final court decree. If you have any questions concerning the enclosed claims, please feel free to contact me.

Sincerely,

A handwritten signature in cursive script that reads "Kay Walker".

KAY WALKER
Sr. Water Resource Agent
Adjudication Bureau

KW:k
Enclosures

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AUG 05 1994

MEMORANDUM

DATE: 25-Feb-1994 09:18

TO: FILES A67-00418 & A67-04108

FROM: KAY WALKER *kw*

RE: CHANGE OF OWNERSHIP

While reviewing the change of ownership from Fenelon to Burkhardt I noticed that some of the acres claimed on the SRBA claims were not included in the Warranty Deed. Rob Whitney talked to Mr. Burkhardt to find out what had happened in this sale and Mr. Burkhardt told Rob that he had purchased all of the Fenelon property and that the 3 acres in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ (under claim A67-04108) and the 3 acres in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ (under claim A67-00418) have always been under this system. Since the Fenelon's signed the change of ownership form I went ahead and changed the ownership knowing that we would have to clarify the ownership at the time of SRBA review.

I also found that Fenelon filed his SRBA claims with changes to the place of use under both claims and a change in the point of diversion under Claim A67-04108. We have, in the files, statements from Mr. Burger (previous owner) and Mr. Fenelon which supply evidence of irrigation but these statements do not include all of the lands claimed in the SRBA. Either the previous rights were both issued in error or there has been changes made to both rights which will need more evidence than what we have in our records. Mr. Burkhardt told Rob that he had aerial photos of this place which show the irrigated acreages. He may come into the office to discuss these claims when he comes up to Idaho.

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AUG 05 1994

RECEIVED

FEB 22 1994

WATER RESOURCES
WESTERN REGION2-14-94
Reno, Nev

Pat:

Apparently you are in possession of the appropriate documents to transfer water rights claims # A67-04108 and A67-00418 from Tom and Phyllis Fenelon to J. Wayne Burkhardt. Additionally, I am sending to you the document to transfer the ownership of a portion of water rights claim # A67-04108 from myself to Mr Robert Day.

I sold Mr Day 40 Acres (NW NW, Section 36 T14N, R1W) of the original 215 Ac property which I bought from Fenelons. Mr Day and I agreed to split water rights claims proportional to the total acres each of us now own as follows:

Total Consumptive Use Claimed for the 215 Acres		
A67-04108	-	114 Acre Feet/Annum
A67-00418	-	105 Acre Feet/Annum
		<u>219 AFA</u>

Annual water use claims amount to approximately 1 AFA per Acres and the NW NW is irrigated from water in claim # A67-04108. Therefore we agreed to split 40 Ac Ft from the water rights claim

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AUG 05 1994

(11001)

RECEIVED

FEB 23 1987

I hope that you now have the necessary information and documents to process this request. If there is a problem please call and I appreciate your attention in this matter.

Sincerely
Wayne

702-972-6485 hm
-784-4609 jf

2260 Pawnee
Reno, NV 89506

decreed at 5/8"
per acre.

Burger Ditch.

May Burger

inches

19

June 1, 1883 67 0418

Indian Valley Grays Creek Ditch.

Fred Anderson

38

June 1, 1875 67 0419 T-P.D.

Thomas Hutchinson

25

June 1, 1883 67 0420

Anna Hutchinson

30

June 1, 1883 67 0421

J W Corriell

18

June 1, 1883 67 0422

America Lindsay

12

June 1, 1883 67 0423

J I Linder

17

June 1, 1883 67 0424 T-P.D.

Edward Manning

25

June 1, 1883 67 0425

Elizabeth Anderson

25

June 1, 1883 67 0426

G W Lewis

97

June 1, 1883 67 0427

Cora Hutchinson

4 1/2

June 1, 1883 67 0428 T-2

Ella Imier

35

June 1, 1883 67 0429

Georgine Ludwig

50

June 1, 1883 67 0430

L A Thompson

85

June 1, 1883 67 0431

A L Hutchinson

45

June 1, 1883 67 0432

Richard Johnson

100

June 1, 1883 67 0433

John H Kilgore

50

June 1, 1883 67 0434

Robert Cornett

22 1/2

June 1, 1883 67 0435

William Hutchinson

26

June 1, 1883 67 0436

A W Gordon

25

May 1, 1901 67 0437

J W Meeneely, sub for John Leitchlieter

13

June 1, 1902 67 0438

John Woods

7

June 1, 1909 67 0439

Elizabeth Woods

10

June 1, 1909 67 0440

Woods Lindsay Ditch

Anna Hutchinson

8

June 1, 1885 67 0441

Edward Manning

12 1/2

June 1, 1885 67 0442

D K Lindsay

46

June 1, 1885 67 0443 T-P.D.

J W Corriell

8

June 1, 1886 67 0444

B T Logan

17

June 1, 1895 67 0445

America Lindsay Ditch.

America Lindsay

12 1/2

June 1, 1875 67 0446

28

June 1, 1875 67 0447

Cora Hutchinson

22 1/2

June 1, 1875 67 0448

J I Linder

37 1/2

June 1, 1877 67 0449

O L Byers

22

June 1, 1881 67 0450

F G Martin

33

June 1, 1901 67 0451

Hall Munday Ditch.

J I Linder

50

June 1, 1887 67 0452

Albert McDowell

19

June 1, 1889 67 0453

Joslin Ditch.

H L Joslin

17

June 1, 1887 67 0454

King Hill Ditch.

Georgine Ludwig (King Hill Creek)

87

June 1, 1885 67 0455

Richard Johnson (King Hill Creek)

7

June 1, 1885 67 0456

ANNIE CARSON: [The Northeast Quarter Section 27, Township 14 North, Range 1 West Boise Meridian.]

J W FRAISER: [The North half of the Northeast Quarter Section 34, Township 14 North, Range 1 West Boise Meridian.]

WILLETTE L FRAISER: [The North half of the Northwest Quarter Section 35, Township 14 North Range 1 West Boise Meridian.]

CHRIS BERNEN: [The Northwest Quarter of the Northeast Quarter, Section 35, Township 14 North, Range 1 West Boise Meridian.]

JOHN HUTCHINSON: [The Southwest Quarter Section 15, Township 14 North, Range 1 West Boise Meridian.]

J A LEMONS: [The East half of the Southeast Quarter, Section 27] and [the Southwest Quarter of the Southwest Quarter,] Section 26, Township 14 North, Range 1 West Boise Meridian.

MAY BURGER: *NESW & SENW* The Northeast Quarter of the Southwest Quarter and the Southeast Quarter of the Northwest Quarter, Section 36, Township 14 North, Range 1 West Boise Meridian.

FRED ANDERSON: The Northeast Quarter of the Northeast Quarter and the North 3 acres of the Southeast Quarter of the Northeast Quarter, Section 15, Township 14 North, Range 1 West Boise Meridian.

THOMAS HUTCHINSON: [The Northeast Quarter of the Northeast Quarter Section 26,] the Southeast Quarter of the Southeast Quarter and the East half of the Southwest Quarter of the Southeast Quarter, Section 23, Township 14 North, Range 1 West Boise Meridian.]

J W CORRIELI: [The Southeast Quarter of the Northwest Quarter, Section 23, Township 14 North, Range 1 West Boise Meridian.]

AMERICA LINDSAY: [The West half of the Northeast Quarter of the Northwest Quarter Section 23, Township 14 North, Range 1 West Boise Meridian.]

J I LINDER: The East half of the Southeast Quarter of Section 10, Township 14 North, Range 1 West Boise Meridian.]

EDWARD MANNING: The Southeast Quarter of the Northeast Quarter, Section 26, and the Southwest Quarter of the Northwest Quarter and the West half of the Southwest Quarter Section 25, Township 14 North, Range 1 West Boise Meridian.]

ELIZABETH ANDERSON: The Northeast Quarter of the Southeast Quarter and the South half of the South half of the Southeast Quarter of the Northeast Quarter, Section 15 Township 14 North, Range 1 West Boise Meridian.

G W LEWIS: [The South half of the Southwest Quarter, and the Northwest Quarter of the Southwest Quarter, Section 3, the North half of the Southeast Quarter and the Southeast Quarter of the Southeast Quarter Section 4, Township 14 North, Range 1 West Boise Meridian.]

CORA HUTCHINSON: [The South half of the Southwest Quarter Section 14, Township 14 North, Range 1 West Boise Meridian.]

ELIA INLER: [The North half of the Southeast Quarter and the Southeast Quarter of the Southeast Quarter, Section 33, Township 15 North, Range 1 West Boise Meridian.]

GEORGINE LUDWIG: [Lots 2 and 3] the South half of the Northeast Quarter, the North half of the Southeast Quarter, the Southeast Quarter of the Northwest Quarter and the Northeast Quarter of the Southwest Quarter, Section 2, Township 14 North, Range 1 West Boise Meridian.

Declaration of Water Use

From 1985 to 1993, I continued to irrigate the land which George Burger had irrigated with water from the Coriell Anderson Lindsey Ditch and from the Little Weiser Irrigation Canal (C. Ben Ross Canal) as described below:

18 acres in SWNW and NWSW S36 T14N R1W

20 acres in NWNW S36 T14N R1W

30 acres in SENW and NESW S36 T14N R1W

signed

J. P. Ferrelon III
Joseph G. Ferrelon

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AUG 05 1994

TO: WESTERN

OCT-12-'93 TUE 10:21 ID:IDWR EASTERN REGION TEL NO: (208) 525-7177

H577 P01

10/12/93

11:11

01 208 327 7866

ID WATER RESOURS --- EASTERN

0002

Declaration of Water Use

I began irrigating from ditch know as Coriell, Anderson, and Lindsey ditch in May 1937 and irrigated about 18 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ and NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 36 Twp. 14 N. R. 1 W Boise Meridian each year until time I sold property in 1973. In 1937 the Little Weiser Irrigation Canal was put in and I began irrigating approximately 20 acres in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 36 from the canal, and used water from this source also until date of sale in 1973, each year.

I used water for stock from these ditches and the river year round from 1937 until 1973.

I also had about 30 acres under irrigation from the Little Weiser River in SE $\frac{1}{4}$ NW $\frac{1}{4}$ and NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 36. This land was under irrigation each year since 1883.

George L. Burger
signed

Certified: 19th February, 1975 Tex J. Johnson
Notary
Indian Valley, Id.



Post-It™ brand fax transmittal memo 7871		# of pages	1
To	Rob	From	Carolyn
Co.	Western	Co.	State
Dept.		Phone #	
Fax #		Fax #	

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AUG 05 1994