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 67-4108
Date Received: 12/7/1989
Receipt No: C013362
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

J WAYNE BURKHARDT Phone: (702)784-4588

2410 LITTLE WEISER RD
INDIAN VALLEY ID USA 83632

2. Date of Priority: 06/01/1937

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

4. Point of Diversion:

Township	Range	Section	1/4	1/4	1/4	Lot	County	Type
14N	01W	36	NE	NE	SW		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	5/01	9/01	0.76	
STOCKWATER	1/01	12/31	0.05	

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

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4		Lot	Use	Acres
14N	01W	36	NW	NW		IRRIGATION	25
			SW	NW		IRRIGATION	3
			NE	NW		IRRIGATION	3
			SE	NW		IRRIGATION	7
						Section Acres	38
						Total Acres	38

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:

14. Remarks:

ADJOINING LAND IS IRRIGATED AS DESCRIBED IN A67-00418 SEE NOS. A67-04108A & A67-04108B.

67-4108 was originally split into A and B through change of ownership. However, Burkhardt now owns the properties applicable to A and B portions. Per ease of the SRBA, portions 67-4108 A&B were combined into 67-4108. Portions A and B were set to Combined Status (csaxton 6-2-05).

15. Basis of Claim: Statutory Claim

16. Signature(s)

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

Number of attachments: _____

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: _____

State of Idaho)
) SS.
County of _____)

Subscribed and sworn (or affirmed) before me this

of _____ 20__

_____

Notary Public

Residing at _____

My commission Expires _____

Water Right Number - R67-04108 Prefix Translation: RESEARCH Old (D) Number -

Last Name	First Name	Address
*** C - CURRENT OWNER ***		
SPLIT CLAIM		1 - 2 - 3 - City- X State- ID Zip- X Phone - 208-000-0000
*** O - ORIGINAL OWNER ***		
FENELON III	T. P.	1 - BOX 74 2 - 3 - City- INDIAN VALLEY State- ID Zip- 83632 Phone - 208-256-4318
REEDER	WILLIAM A.	1 - P.O. BOX 44 2 - 3 - City- INDIAN VALLEY State- ID Zip- 83632 Phone - 208-000-0000
FENELON	PHYLLIS Y.	1 - BOX 74 2 - 3 - City- INDIAN VALLEY State- ID Zip- 83632 Phone - 208-256-4318
REEDER	RUTH E.	1 - P.O. BOX 44 2 - 3 - City- INDIAN VALLEY State- ID Zip- 83632 Phone - 208-000-0000
BURKHARDT	J WAYNE	1 - 2410 LITTLE WEISER RD 2 - 3 - City- INDIAN VALLEY State- ID Zip- 83632 Phone - 702-784-4588

Priority Date	Region	Stage	Status
06/01/1937	14 WESTERN		Z - SEE REMARKS

Source	Tributary
LITTLE WEISER RIVER SPLIT CLAIM	WEISER RIVER SEE REMARKS

Point of Diversion

Twn	Rng	Sec	Tract	Lot	RFlg	County
14N	01W	36	NE NE SW		(3)	ADAMS

Water Use

Code	Description	Period From	Period To	Diversion Rate	Diversion Volume
01	IRRIGATION	05/01	09/01	0.760	
04	STOCKWATER	01/01	12/31	0.050	

MICROFILMED
AUG 05 1994

Water right number - R67-04108 Prefix Translation: RESEARCH

Total Div. Rate	Total Div. Volume	Total Consumptive Use	KW Usage
0.810		114.0	

Place of Use

Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County
14N	01W	36	NE NW		3.0	01	IRRIGATION	(3) ADAMS
14N	01W	36	NW NW		25.0	01	IRRIGATION	(3) ADAMS
14N	01W	36	SW NW		3.0	01	IRRIGATION	(3) ADAMS
14N	01W	36	SE NW		7.0	01	IRRIGATION	(3) ADAMS

Total Acres: 38.0

Diversion Means - HEADGATE, DITCH

Non-Irrigation Use - S/125-150 HEAD.

Other Rights for Same Use - NONE

Remarks

SEE NOS. 67-04108A & 67-04108B.

Old Water Right Numbers

No Old Water Right Numbers Found

Conditions of Approval

No Conditions of Approval found.

Decree Plaintiff	Decree Defendant	Decree Date
		00/00/0000

Comments

No Comments Found

Audit Fields

02/25/94 WALKER

Adjudication Rights Dates and Flags Area

Court Report Filing	- 00/00/0000	Field Inspection Made	- 00/00/0000	Civil Case Number	- 39576
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 02/25/1994	Old Judicial District	-
Claim Received Date	- 12/07/1989	Last Amended Date	- 08/01/1991	Temporary Right	- P
		Receipt Number	- C013362	Water District	-
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	- OR	Presumption Flag	-
				Notice of Error Flag	-

MICROFILMED
AUG 05 1994

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT
(REGIONAL)

Water Right Number - A67-04108 Prefix Translation: ADJUDICATION CLAIM Old (D) Number -

Last Name	First Name	Address
*** C - CURRENT OWNER ***		
SPLIT CLAIM		1 - 2 - 3 - City- X State- ID Zip- X Phone - 208-000-0000
*** O - ORIGINAL OWNER ***		
FENELON III	T. P.	1 - BOX 74 2 - 3 - City- INDIAN VALLEY State- ID Zip- 83632 Phone - 208-256-4318
REEDER	WILLIAM A.	1 - P.O. BOX 44 2 - 3 - City- INDIAN VALLEY State- ID Zip- 83632 Phone - 208-000-0000
FENELON	PHYLLIS Y.	1 - BOX 74 2 - 3 - City- INDIAN VALLEY State- ID Zip- 83632 Phone - 208-256-4318
REEDER	RUTH E.	1 - P.O. BOX 44 2 - 3 - City- INDIAN VALLEY State- ID Zip- 83632 Phone - 208-000-0000
BURKHARDT	J WAYNE	1 - 2410 LITTLE WEISER RD 2 - 3 - City- INDIAN VALLEY State- ID Zip- 83632 Phone - 702-784-4588

Priority Date	Region	Stage	Status
06/01/1937	14 WESTERN		Z - SEE REMARKS

Source	Tributary
LITTLE WEISER RIVER SPLIT CLAIM	WEISER RIVER SEE REMARKS

Point of Diversion

Twn	Rng	Sec	Tract	Lot	RFlg	County
14N	01W	36	NE NE SW		(3)	ADAMS

Water Use

Code	Description	Period From	Period To	Diversion Rate	Diversion Volume
01	IRRIGATION	05/01	09/01	0.760	
04	STOCKWATER	01/01	12/31	0.050	

MICROFILMED
AUG 05 1994

Water right number - A67-04108 Prefix Translation: ADJUDICATION CLAIM

Total Div. Rate	Total Div. Volume	Total Consumptive Use	KW Usage
0.810		114.0	

Place of Use

Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County
14N	01W	36	NE NW		3.0	01	IRRIGATION	(3) ADAMS
14N	01W	36	NW NW		25.0	01	IRRIGATION	(3) ADAMS
14N	01W	36	SW NW		3.0	01	IRRIGATION	(3) ADAMS
14N	01W	36	SE NW		7.0	01	IRRIGATION	(3) ADAMS

Total Acres: 38.0

- Diversion Means - HEADGATE, DITCH

- Non-Irrigation Use - S/125-150 HEAD.

- Other Rights for Same Use - NONE

Remarks

ADJOINING LAND IS IRRIGATED AS DESCRIBED IN A67-00418
SEE NOS. A67-04108A & A67-04108B.

Old Water Right Numbers

No Old Water Right Numbers Found

Conditions of Approval

No Conditions of Approval found.

Decree Plaintiff	Decree Defendant	Decree Date
		00/00/0000

Comments

No Comments Found

Audit Fields
02/25/94 WALKER

Adjudication Rights Dates and Flags Area

Court Report Filing	- 00/00/0000	Field Inspection Made	- 00/00/0000	Civil Case Number	- 39576
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 02/25/1994	Old Judicial District	-
Claim Received Date	- 12/07/1989	Last Amended Date	- 08/01/1991	Temporary Right	- P
		Receipt Number	- C013362	Water District	-
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	- OR	Presumption Flag	-
				Notice of Error Flag	-

MICROFILMED
AUG 05 1994

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

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

CIVIL CASE NUMBER: 39576

Ident. Number: **A67-04108**
Date Received: 12/ 7/1989
Receipt No: C013362
Received By: _____

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

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

2. Date of Priority: JUN 1, 1937

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
14N	01W	36	NE NE SW		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	05/01	09/01	0.760		
STOCKWATER	01/01	12/31	0.050		

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

8. Total consumptive use is 114.0 Acre Feet Per Annum.

9. Non-irrigation uses:
   S/125-150 HEAD.

MICROFILMED
OCT 0 2 1992

10. Place of Use:

Township	Range	Section	1/4 of 1/4		Lot	Use	Acres
14N	01W	36	NE	NW		IRR	3.0
			NW	NW		IRR	25.0
			SW	NW		IRR	3.0
			SE	NW		IRR	7.0
						Section Acres	38.0
						Total Acres	38.0

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:
Adjoining land is irrigated as described in A67-00418

15. Basis of Claim: STATUTORY CLAIM

16. Signature(s)

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

Number of attachments: _____

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: _____

MICROFILMED
OCT 0 2 1992

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 _____

MICROFILMED
OCT 0 2 1992

$88

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: **A67-04108**
Date Received: 12/07/1989
Receipt No: CO133602
Received By: [illegible]

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 Y. FENELON 208-256-4318
   Address: BOX 74
   INDIAN VALLEY, ID 83632

2. Date of Priority: JUN 01, 1937

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~~ 14N	01W	~~1~~ 36	~~NE~~ NE ~~SE~~ SW		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	05/01	09/01	0.760	
STOCKWATER	01/01	12/31	0.050	

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

8. Total consumptive use is 114.0 Acre Feet Per Annum.

9. Non-irrigation uses:
   S/125-150 HEAD.

MICROFILMED
OCT 0 2 1992

10. Place of Use:

Township	Range	Section	1/4 of 1/4		Lot	Use	Acres
14N	01W	36	NE	NW		IRR	3.0
			NW	NW		IRR	25.0
			SW	NW		IRR	3.0
			SE	NW		IRR	7.0
					Section Acres		38.0
					Total Acres		38.0

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:
Adjoining land is irrigated as described in A67-00418

15. Basis of Claim: STATUTORY CLAIM

MICROFILMED
OCT 0 2 1992

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 nep 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. Tenelon III Date: _____

_____ Date: _____

State of Idaho)
) SS.
County of Ada)

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

Helen Harrington
Notary Public

Seal

Residing at Helen Harrington, Notary Public ~~Residing at Boise, Idaho~~

My Commission Expires My Commission Expires December 1, 1994

MICROFILMED
OCT 0 2 1992

Ace 1-04315
4108

ROAD

MICROFILMED
OCT 01 1992

11/14/2006

RECEIVED
DEC 05 2006
DEPARTMENT OF WATER RESOURCES

NOTICE OF ERROR
REPLY

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: December 8, 2006

Water right number: 67-4108

J WAYNE BURKHARDT
2410 LITTLE WEISER RD
INDIAN VALLEY ID 83632
Telephone Number: (702)784-4588

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):
The priority date is incorrect, the irrigated acres are wrong and the quantity of water used is wrong.

2. Describe the changes you wish to make in the proposed recommendation:
The land irrigated under 67-4108 has actually been irrigated since 1883. Construction of the Ben Ross inlet canal destoried the original Burger Ditch and in return irrigation water was taken out of the Ben Ross inlet canal (see attached Burger Statement & watermaster letter.

3. Give a brief explanation as to why you disagree with these portions:

have no evidence of beneficial use before recommended priority date MVB 12-20-06

___ I AGREE with this proposed recommendation: no changes need to be made.

DATE: 12/5/06 SIGNATURE: J Wayne Burkhardt

Please print your name: _____

IDWR Regional Office, 322 E Front St
PO Box 83720, Boise, ID 83720-0098, 2082874800

There as additional irrigated acres in the NW NW, and the NE NW (see changes on map 67-4108) The land in the NE NW I lease from the State of Idaho and approx 3-4 acres are irrigation pasture.

The total irrigated acres under both 67-4108 and 67-418 as shown on my 2004 ASCS aerial photo is ~~[redacted]~~ 75.6 Acres.

See remarks re: POU in QuickLook MVB 12-20-06

The quantity of water under claim 67-4108 should reflect the actual acres being irrigated at 1 inch per acre.

SCANNED
DEC 07 2006

Refer Attachments

11/14/2006

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

RIGHT NUMBER: 67-4108

NAME AND ADDRESS: J WAYNE BURKHARDT
2410 LITTLE WEISER RD
INDIAN VALLEY ID 83632

SOURCE: LITTLE WEISER RIVER TRIBUTARY: WEISER RIVER

QUANTITY: 0.650 CFS

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

PRIORITY DATE: 06/01/1937

POINT OF DIVERSION:
T14N R01W S36 SESENW Within ADAMS County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
STOCKWATER	01/01 12/31	0.030 CFS
IRRIGATION	03/15 10/31	0.620 CFS

PLACE OF USE: IRRIGATION in ADAMS County

T14N R01W S36	NWNW	16.00	T14N R01W S36	SWNW	1.00
T14N R01W S36	SENW	14.00			

STOCKWATER same as IRRIGATION

31 ACRES TOTAL

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

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.

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Stockwater use is for 60 range cattle and 5 horses.

SCANNED
DEC 07 2006

Idaho Department of Water Resources

SRBA Recommendation:

67-4108

(Irrigation)

irrigated

Note correction to irrigated acres in red.

12/5/06

R01W

T14N

NWNW

NENW

SWNW

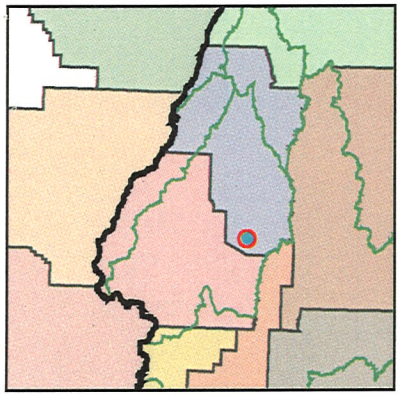
SENW

36

irrigated

Legend

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



Adams County
IDWR Basin 67

N

0 0.2 0.4 Miles

Prepared by IDWR State Office
On Tuesday, November 14, 2006
1987/88 Aerial Photography

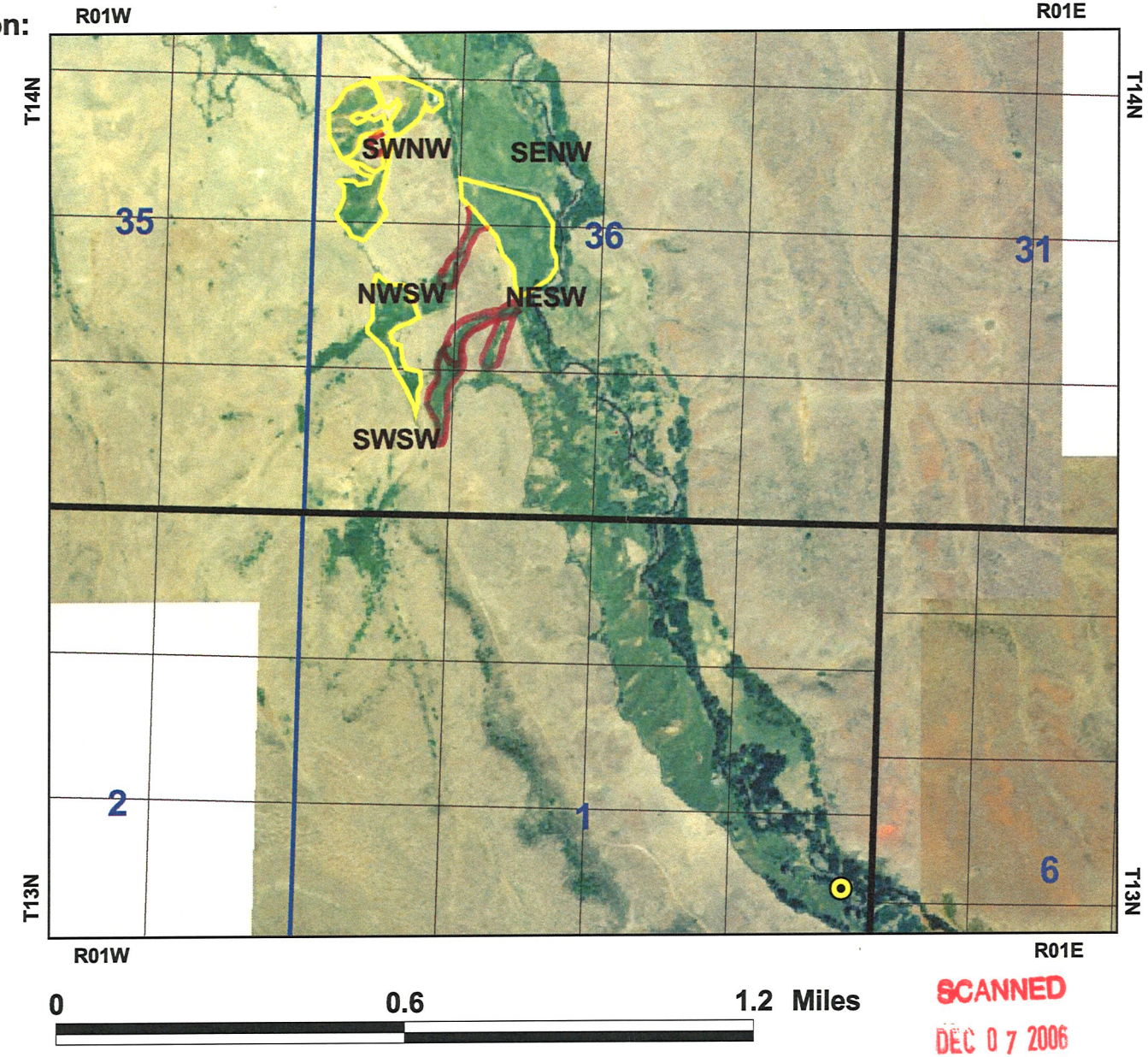
SCANNED
DEC 07 2006

Idaho Department of Water Resources

SRBA Recommendation:

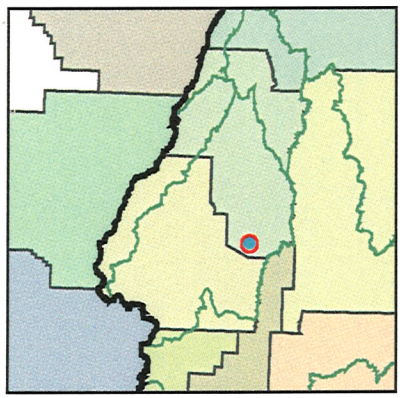
67-418

(Irrigation)



Legend

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



Adams County
IDWR Basin 67

N

Prepared by IDWR State Office
On Tuesday, November 14, 2006
1987/88 Aerial Photography

SCANNED
DEC 07 2006

Attachment

$88

RECEIVED
DEC 06 2006
DEPARTMENT OF WATER RESOURCES

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: **A67-04108**
Date Received: 12/07/1989
Receipt No: C01336O2
Received By: ART

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 Y. FENELON — 208-256-4318
   Address: BOX 74
   INDIAN VALLEY, ID 83632

2. Date of Priority: JUN 01, 1937

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~~ 14N	01W	36	NE 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	05/01	09/01	0.760		
STOCKWATER	01/01	12/31	0.050		

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

8. Total consumptive use is 114.0 Acre Feet Per Annum.

9. Non-irrigation uses:
   S/125-150 HEAD.

SCANNED
DEC 07 2006

*** TRANSMISSION ERROR REPORT ***

START TIME	SENT TO	PAGES	RESULT
DEC 5,2005 13:34	*******	5	ERROR
01:18P			

Model # Dell Photo AIO 962

000-000-00000

10. Place of Use:

Township	Range	Section	1/4 of 1/4		Lot	Use	Acres
14N	01W	36	NE	NW		IRR	3.0
			NW	NW		IRR	25.0
			SW	NW		IRR	3.0
			SE	NW		IRR	7.0
					Section Acres		38.0
					Total Acres		38.0

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:
Adjoining land is irrigated as described in A67-00418

15. Basis of Claim: STATUTORY CLAIM

DEC 07 2006
SCANNED

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 nep declarations

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: _____

_____ Date: _____

State of Idaho)
) SS.
County of Ada)

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

Seal

Holen Harrington
Notary Public

Residing at Holen Harrington, Notary Public Residing at Boise, Idaho

My Commission Expires My Commission Expires December 1, 1994

SCANNED
DEC 07 2006

Declaration of Water Use

I began irragating from ditch known as Coriell, Anderson, and Lindsey ditch in May 1937 and irragated about 18 acres in SW¼ NW¼ and NW¼ SW¼ Section 36 Twp. 14 N. R. 1 W Boise Meridian each year until time I sold property in 1973. ~~In May 1953~~ 1937 the Little Weiser Irragation Canal was put in and I began irragating approximatly 20 acres in the NW¼ NW¼ of Section 36 from the canal, and used water from this source also until date of sale 1973.

I also used water for stock water during these years from 1937 until 1973.

I also had about 30 acres under irragation in SE¼ NW¼ and NE¼ SW¼ of Section 36. This land was under irragation each year sence 1883.

signed

Copy of Declaration of water use signed by George Bunyard on file with Water Resource State Building

SCANNED
DEC 07 2006

Water Master

INDIAN VALLEY
WATER DISTRICT
67A

Roger Meyer
3035 Cemetery Rd.
Cambridge, Idaho 83610
Phone (208) 257-3418
Cell (208) 741-0859
E-mail rjmeyer@ctcweb.net

April 21, 2005

There was a ditch Corriell, Anderson, and Lindsey Ditch the water for that ditch irrigated the section as we know as Water Right #67-04108 Pri/Date 6-1-1937. This water right was split into 67-04108 A and B. Mr Burkhart now owns both W/R's and it should be known as 67-04108.

In 1937 C. Ben Ross Reservoir was built and in agreement with the board on the C. Ben Ross Reservoir and Mr George L. Burger the owner of the property at that time. The Corriell, Anderson, & Lindsey Ditch was destroyed under the conditions that the **Inlet Canal** would have Headgates on it to irrigate this property. The Richardson Ditch was born to irrigate the property above the Inlet Canal and other properties off of that ditch. With this right he owned shares in the C. Ben Ross Reservoir which was below him and could not deliver water to him. In turn he was to get his reservoir water rights out of the Little Weiser River. The reservoir was to make up the water in the river that couldn't be delivered to him. That is where the 1937 water rights came in. Those water rights are from the reservoir only and have nothing to do with his decreed water rights. Therefore, his decreed water right #67-04108 should have a Priority Date of 6-1-1883.
See George L. Burger's Certified Copy of 19th of February 1975.

Roger Meyer
Water Master

SCANNED
DEC 07 2006

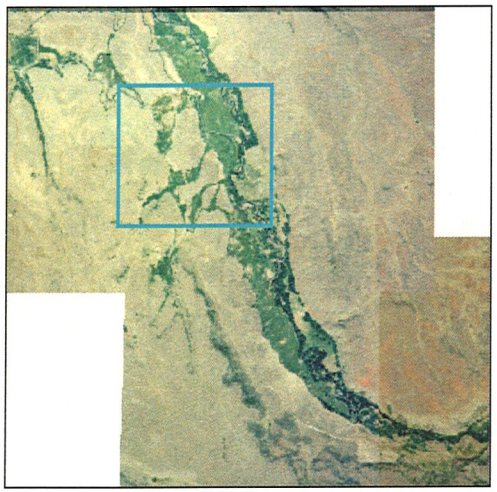
Note
Corrections to
irrigated acreages
in red.

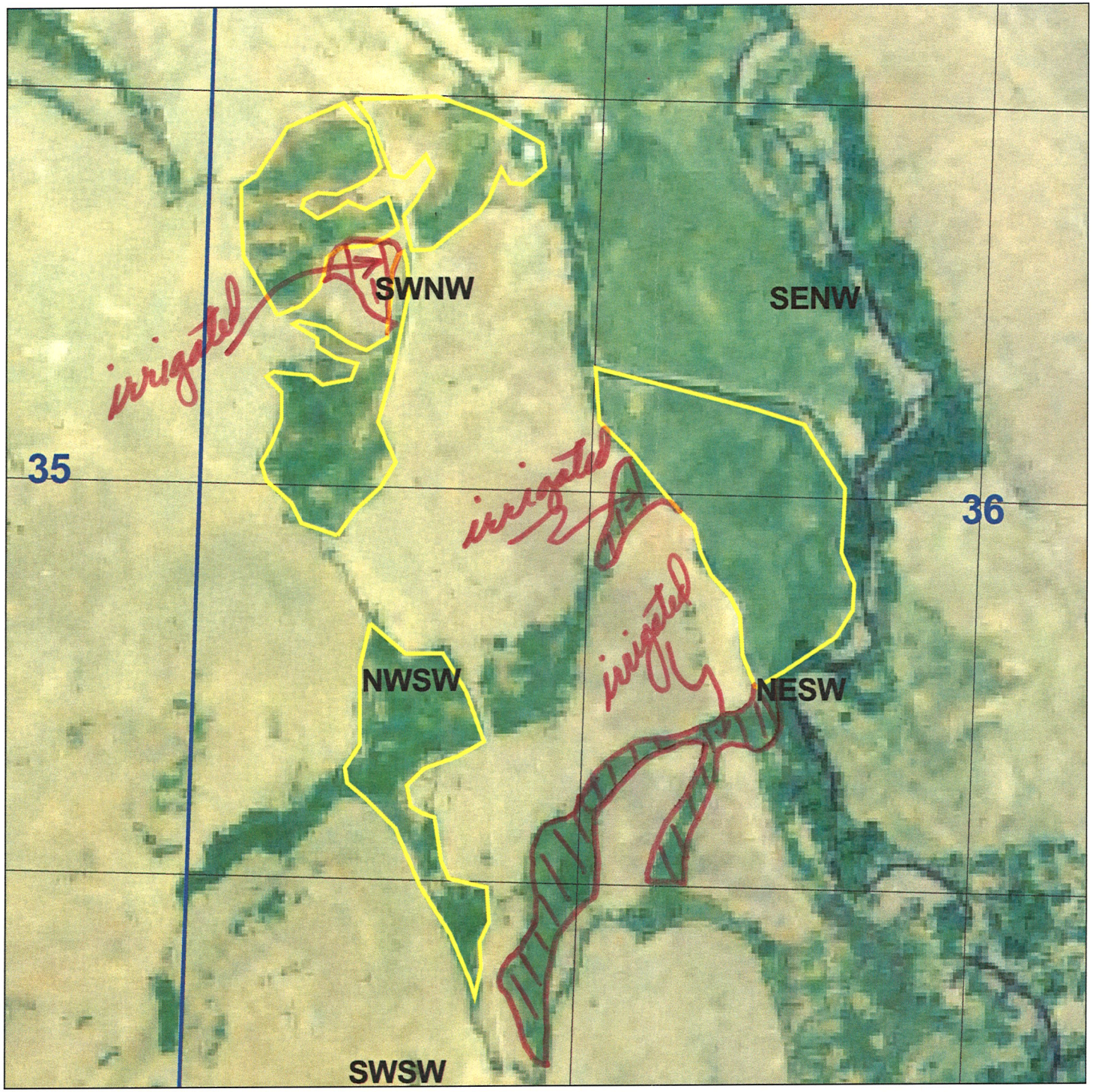
JMB
12/5/06

67-418

N

SCANNED
DEC 07 2006





12/20/2006

IDAHO DEPARTMENT OF WATER RESOURCES

PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 67-4108

NAME AND ADDRESS: J WAYNE BURKHARDT
2410 LITTLE WEISER RD
INDIAN VALLEY ID 83632

SOURCE: LITTLE WEISER RIVER TRIBUTARY: WEISER RIVER

QUANTITY: 0.730 CFS

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

PRIORITY DATE: 06/01/1937

POINT OF DIVERSION:

T14N R01W S36 SESENW Within ADAMS County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
STOCKWATER	01/01 12/31	0.030 CFS
IRRIGATION	03/15 10/31	0.730 CFS

PLACE OF USE: IRRIGATION in ADAMS County

T14N R01W S36	NWNW	21.00	T14N R01W S36	SWNW	1.50
T14N R01W S36	SENW	14.00			

STOCKWATER same as IRRIGATION

36.5 ACRES TOTAL

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

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.

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Stockwater use is for 60 range cattle and 5 horses.

12/20/2006

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4108 V1

WATER RIGHT NUMBER: 67-4108 V1

Owner Type	Name and Address
Original Owner	WILLIAM A REEDER PO BOX 44 INDIAN VALLEY, ID 83632 (208)256-4335
Original Owner	PHYLLIS Y FENELON BOX 74 INDIAN VALLEY, ID 83632 (208)256-4318
Original Owner	RUTH E REEDER PO BOX 44 INDIAN VALLEY, ID 83632 (208)256-4335
Original Owner	T P FENELON III BOX 74 INDIAN VALLEY, ID 83632 (208)256-4318
Current Owner	J WAYNE BURKHARDT 2410 LITTLE WEISER RD INDIAN VALLEY, ID 83632 (702)784-4588

Priority Date: 06/01/1937

Basis: Beneficial Use

Status: Active

Source	Tributary
LITTLE WEISER RIVER	WEISER RIVER

Beneficial Use	From	To	Diversion Rate	Annual Volume
STOCKWATER	01/01	12/31	0.030 CFS	
IRRIGATION	03/15	10/31	0.730 CFS	
		Total Diversion:	0.730 CFS	

Location of Point(s) of Diversion

LITTLE WEISER RIVER SE1/4SE1/4NW1/4 Sec. 36, Twp 14N, Rge 01W, B.M.

ADAMS County

Place of Use

IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
14N 01W 36						21.0	1.5	14.0									36.5

Total Acres: 36.5

STOCKWATER same as IRRIGATION

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4108 V1

Conditions of Approval:

1. N05 The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.
2. 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.
3. N08 The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.
4. X02 Stockwater use is for 60 range cattle and 5 horses.

Remarks:

Comments:

1. csaxton 7/18/2005 combined
Comment: This right was originally split per change of ownership, but was recombine when Burkhardt bought back the property previously sold.

2. csaxton 8/23/2005 POU State Land
Comment: A portion of the POU was claimed on State land. According to claimant, that was not his intent. Do not recommend ground on state land.

3. csaxton 8/23/2005 POD
Comment: POD located very close to line between NESW and SENW. Recommended in SENW which is different than claimed without amended claim as it is very close to the line.

4. csaxton 8/23/2005 Diversion rate
Comment: Diversion rate reduced to 1 inch per acre for 31 acres. Diversion rate for stock reduced to IDWR standard of 0.03 cfs for 50-100 head.

5. csaxton 8/23/2005 From Claim
Comment: 67-4108 was originally split into A and B through change of ownership. However, Burkhardt now owns the properties applicable to A and B portions. Per ease of the SRBA, Portions 67-4108 A&B were combined into 67-4108. Portions A and B were set to See Remarks Status (csaxton 6-2-05).

6. mvanbussum 12/10/2006 NOE POU
Comment: Claimant stated on NOE form there is additional acreage in NENW that is irrigated. This is owned by the State of Idaho. Per previous remarks from C Saxton, do not recommend irrigation on state land.

7. mvanbussum 12/10/2006 NOE POU 2
Comment: Per claimant NOE map, there should be additional acreage in multiple QQs. POU was recommended according to field exam completed by Little Weiser River Water Master Roger Meyer 4-21-2005. There is no additional information regarding POU or that water could be conveyed to this area. Extended northern boundary of POU. Without additional information, recommended POU remains same as found in field exam.

8. mvanbussum 12/20/2006 NOE POU 3
Comment: Per NOE correspondence, claimant wanted additional acreage in NESW and SWSW. These two QQs were not claimed under 67-4108. No acreage added in NESW and SWSW.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4108 V1

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: NONE RECEIVED
State or Federal: S
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:

Element Reviewed/Verified Dates:

Element	Last Reviewed Date	Reviewer	Last Verified Date	Verifier	Status
Summary			06/02/2005	mvanbussum	Active
Summary			06/02/2005	mvanbussum	Active
Summary			06/02/2005	mvanbussum	Active
Contacts	8/23/2005 10:02:05 AM	csaxton			Active
Priority Date	8/23/2005 10:03:29 AM	csaxton			Active
POD	8/23/2005 10:03:40 AM	csaxton			Active
Source	8/23/2005 10:07:03 AM	csaxton			Active
POU	8/23/2005 10:08:04 AM	csaxton			Active
Use	8/23/2005 10:09:13 AM	csaxton			Active
Season	8/23/2005 10:09:47 AM	csaxton			Active
Quantity	8/23/2005 10:15:41 AM	csaxton			Active
Summary			08/23/2005	csaxton	Active

Verification Log:

Element	Date Time Stamp	Reviewer	Log text
Summary	6/2/2005 10:41:09 AM	mvanbussum	(No) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (Yes) 3. Is the water being used for all of the purposes claimed and to the extent claimed? (No) 5. Does this right have any combined use limits with other rights?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4108 V1

Summary	6/2/2005 10:43:13 AM	mvanbussum	(No) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (Yes) 3. Is the water being used for all of the purposes claimed and to the extent claimed? (No) 5. Does this right have any combined use limits with other rights? (Yes) 6. Is an additional remark and/or condition required?
Summary	6/2/2005 10:40:54 AM	mvanbussum	(No) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (Yes) 3. Is the water being used for all of the purposes claimed and to the extent claimed?
POD	7/5/2005 3:11:06 PM	mvanbussum	Edited point location
General	8/23/2005 10:03:30 AM	csaxton	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (No) 4. Is the basis of claim decree or license? (No) 7. Is the basis of claim a Application or Permit? (No) 8. Is the basis of claim a posted notice? (No) 9. Is the Priority Date of this water use after the date a permit is required for the source and the water use? (Yes) 12. Does the claim file contain sufficient evidence of Priority Date? (No) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required? Description for Question 12/13 - Affidavit from previous owner George Burger.
POD	8/23/2005 10:03:40 AM	csaxton	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the POD? (Yes) 9. Does the file contain all the necessary information to verify the POD? (No) 10. Is a POD remark and/or condition required?
Source	8/23/2005 10:07:04 AM	csaxton	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim an Application or Permit? (No) 6. Is the basis of claim a Posted Notice? (No) 7. Is there evidence that there has been a change in the source? (Yes) 10. Does the file contain all the necessary information to verify the source? (No) 11. Is a Source remark and/or condition required? Description for Question 10 - FE by Roger Meyer on 4/21/05.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4108 V1

POU	8/23/2005 10:08:05 AM	csaxton	(No) 1. Is the basis of this claim a Decree or License? (Yes) 2b. Is the POU required? (No) 3. Is the basis of claim a Application or Permit? (No) 7. Is there evidence that there has been a change in the POU? (Yes) 13. Does the file contain all the necessary information to verify the POU? (No) 14. Is a POU remark and/or condition required? Description for Question 13 - FE by Roger Meyer on 4/21/05.
Use	8/23/2005 10:09:13 AM	csaxton	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Purpose of Use? (Yes) 11. Does the file contain all the necessary information to verify the Water Use? (No) 13. Is a Purpose of Use remark and/or condition required? Description for Question 10,11,12 - FE by Roger Meyer on 4/21/05.
Season	8/23/2005 10:09:48 AM	csaxton	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Period of Use? (Yes) 12. Does the file contain all the necessary information to verify the Period of Use? (No) 13. Is the basis of claim a decree, license, or a transferred beneficial use right that has had the Period of Use administrativly determined? (Yes) 15. Is irrigation claimed as a Purpose of Use? (No) 18. Is a Period of Use remark and/or condition required?
POD	8/23/2005 10:04:12 AM	csaxton	Updated PLS
Quantity	8/23/2005 10:15:42 AM	csaxton	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is the basis of claim a posted notice? (Yes) 7. Is a flow measurement required? (No) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit? (No) 11. Has a diversion volume limit been established by a decree, license or transfer for this water use? (No) 12. Is a Quantity remark or condition required? Description for Question 7 - Per Roger Meyer, claimant diverts 40.5 inches of water.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4108 V1

Summary	8/23/2005 10:20:56 AM	csaxton	(No) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (Yes) 3. Is the water being used for all of the purposes claimed and to the extent claimed? (No) 5. Does this right have any combined use limits with other rights? (Yes) 6. Is an additional remark and/or condition required? (Yes) 7. Would you like to view the recommended right? (Yes) 8. Is this a split or combined right? (No) 9. Do you have documents you would like to attach or link to the file? (Yes) 10. Would you like to set the verification date?
POU	12/20/2006 2:39:44 PM	mvanbussum	Updated PLS for Active POU
POU	12/20/2006 2:38:35 PM	mvanbussum	Updated shape for Active POU
POU	12/20/2006 2:39:33 PM	mvanbussum	Updated shape for Active POU
POU	12/20/2006 2:38:45 PM	mvanbussum	Updated PLS for Active POU
Contacts	8/23/2005 10:02:06 AM	csaxton	(No) 1. Do you want to schedule an appointment? Comment for 1: FE by Roger Meyer on 4/21/05.
POD	8/23/2005 10:03:55 AM	csaxton	Updated shape
POU	8/23/2005 10:07:30 AM	csaxton	Updated shape for Active POU
POU	8/23/2005 10:07:41 AM	csaxton	Updated PLS for Active POU

Water Supply Bank:

MEMORANDUM

Date: 8-23-05

To: File

From: Craig L. Saxton

Subject: Claimed irrigation on Public land under SRBA claim 67-4108

In reviewing claim 67-4108, there appeared to be a portion of land claimed as irrigated ground that was located on IDL land. I contacted the claimant to see if it was his intent to claim a water right on IDL land. Roger Meyer spoke with me on 8-19-05 and had been in contact with the claimant. Roger said that the claimant had no intention of claiming a water right on state ground and I could remove that portion off of the recommended POU. Mr. Burkhardt does have a grazing permit for that land however.

In addition, Chris Bromely had been working with IDL to find the story on that piece of land. Below is a portion of an e-mail conversation confirming that Mr. Burkhardt does have a grazing permit.

****

Dear Chris:

The land in question is public school endowment land, which the IDL has leased to J. Wayne Burkhardt for grazing purposes. Some of the State Grazing leases also include a crop land lease. I will be following up to determine whether Mr. Burkhardt has the right to irrigate state land as well under a crop land lease.

Thank you for the information.

Sincerely,
David J. Barber

-----Original Message-----
From: Perry Whittaker [mailto:PWhittaker@idl.state.id.us]
Sent: Thursday, July 21, 2005 4:10 PM
To: david.barber@ag.idaho.gov; Nick Krema; Lorna Jorgensen
Cc: Scott Corkill; Sheldon Keafer
Subject: RE: Basin 67 State Land Question

Assuming I was looking at your map correctly that portion of the NENW Section 36 T14N, R01W is part of State Grazing Lease 5010 to J. Wayne Burkhardt.

Perry
334-0233

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

From: david.barber@ag.idaho.gov [mailto:david.barber@ag.idaho.gov]
Sent: Thursday, July 21, 2005 3:37 PM
To: Nick Krema; Lorna Jorgensen
Cc: Perry Whittaker
Subject: FW: Basin 67 State Land Question

Dear Nick & Lorna:
This e-mail should be of interest to you.
Sincerely,
David J. Barber

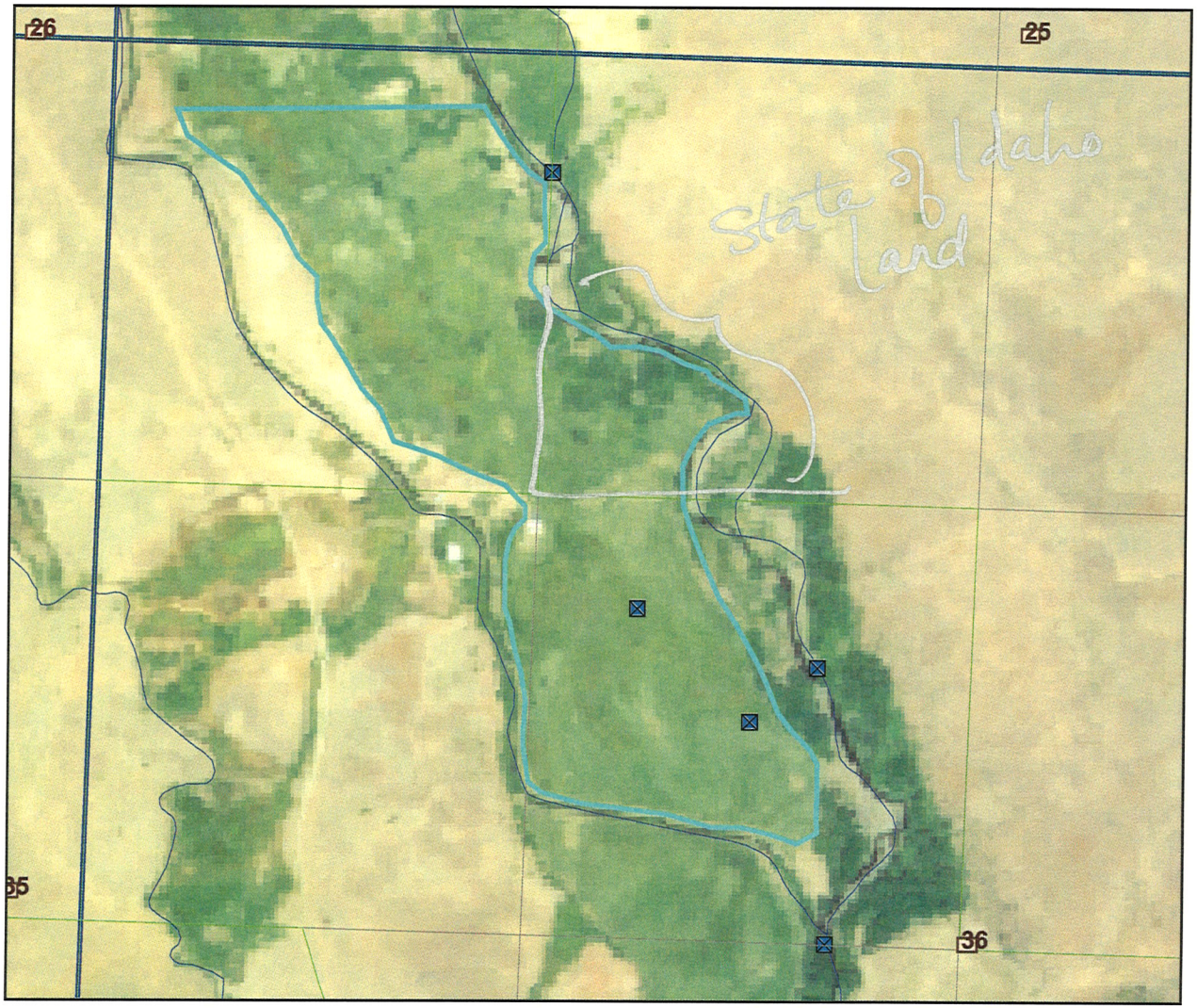
8-19-05: Spoke with Roger Meyer and he spoke with claimant. Claimants intent was not to claim irrigation on State Ground. Do not recommend property on State Ground.

CAMPAD 22-139 100 sheets

Idaho Department of Water Resources

Adjudication Claim Number: ***67-4108***

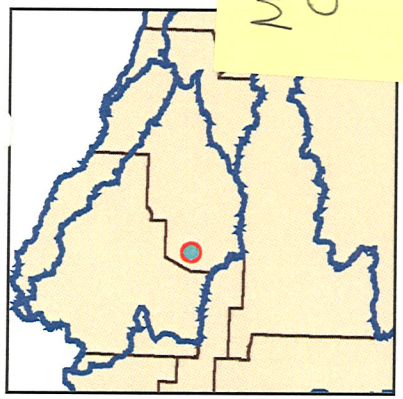
T14N R01W



Legend

- 4108pou.shp
- Adams taxlot
- GCDB14N01
- PLSS Sectio
- Recommend
- B-67 streams

Missing Quantity page from FE



Adams County
IDWR Basin 67

N

0 0.2 0.4 Miles

Prepared by M. Van Bussum
On Tuesday, July 5, 2005
1987 Aerial Photography

IDWR Field Exam Form 06/23/2005

Priority Date Data Entry Form

Claim Number 67-4108

Claimed Priority Date: 6/1/1937 Claimed Basis: Statutory Claim

☒ **Use Claimed Priority Date and Basis as Recommended Priority Date and Basis**

Water Right Priority Date: 6/1/1937 Water Right Basis: Statutory Claim

Recommended Priority Date ___ ___ _____ Recommended Basis _____

Document the evidence submitted/reviewed for the priority date claimed, include your analysis of the evidence:

Ditch was built in 1937.
Affidavit from George Burger says he began irrigating in 1937.
Recommend 1937.

Reviewer: M Van Bussum Date: 06/23/05

IDWR Field Exam Form 06/23/2005

Point of Diversion and Source Data Entry Form

Claim Number 67-4108

Claimed Point of Diversion and Source

T14N R01W S36 NENESW Within ADAMS County Source: LITTLE WEISER RIVER WEISER RIVER

__ **Use Claimed POD and Source as Recommended POD and Source**

Water Right Point of Diversion and Source

T13N R01W S1 NESE Within ADAMS County

T14N R01W S36 SENW Within ADAMS County

Recommended Point of Diversion and Source

Source Information

Source	Tributary To

Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source

Other rights from this POD? _____

Document how the POD and Source were verified:

PODs GPSd during FE were from ditch, not point where water leaves natural system. Recommended POD is where ditch leaves natural system (or Little Weiser)

Reviewer: MVB Date: 06/23/05

IDWR Field Exam Form 06/23/2005

Place Of Use Data Entry Form

Claim Number 67-4108

Claimed Place Of Use

T14N R01W S36	NENW	3.0	T14N R01W S36	NWNW	25.0
T14N R01W S36	SWNW	3.0	T14N R01W S36	SENW	7.0

Total Acres 38

__ **Use Claimed POU as Recommended POU**

Water Right Place Of Use

T14N R01W S36	NWNW	20.0	T14N R01W S36	SWNW	9.0
T14N R01W S36	NWSW	9.0			

Total Acres 38

Recommended Place of Use _____ See corrections to claimed POU above

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use

Total Acres _____

Document how the POU was verified:

from field exam done by Roger Meyer 4/21/05

Reviewer: MVB

Date: 07/05

Purpose of Use Data Entry Form

Claim Number 67-4108

Claimed Purpose of Use

Water Use	Number of Homes	Number of Stock	Acre Limit
IRRIGATION STOCKWATER			

__ **Use Claimed Purpose of Use as Recommended Purpose of Use**

Water Right Purpose of Use

Water Use	Number of Homes	Number of Stock	Acre Limit
STOCKWATER IRRIGATION			

Recommended Purpose of Use

Water Use	Number of Homes	Number of Stock	Acre Limit	Number of Other
Irrigation			40	
Stock		50-60 beef 5 horses		

Document how the Purpose of Use was verified:

Field exam done by: Roger Mayer 04/21/05

Reviewer: MVB

Date: 07/05/05

IDWR Field Exam Form 06/23/2005

Period of Use and Quantity Data Entry Form

Claim Number 67-4108

Claimed Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
IRRIGATION	5/01	9/01	0.76	
STOCKWATER	1/01	12/31	0.05	

Overall Diversion Rate 0.81 Overall Diversion Volume

__ **Use Claimed Period of Use and Quantity as Recommended Period of Use and Quantity**

Water Right Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
IRRIGATION	5/01	9/01	0.76	
STOCKWATER	1/01	12/31	0.05	

Overall Diversion Rate 0.81 Overall Diversion Volume

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume

Overall Diversion Rate _____ Overall Diversion Volume _____

Document how the Period of Use and/or Diversion Rate were verified:

Recommended standard season of use

Reviewer: MVB Date: 07/05/05

IDWR Field Exam Form 06/23/2005

Contacts Data Entry Form

Claim Number: 67-4108

Owner Type	Full Name	Address	City	State	Zip	Phone
Original Owner	WILLIAM A REEDER	PO BOX 44	INDIAN VALLEY	ID	83632	(208)256-4335
Original Owner	PHYLLIS Y FENELON	BOX 74	INDIAN VALLEY	ID	83632	(208)256-4318
Original Owner	T P FENELON III	BOX 74	INDIAN VALLEY	ID	83632	(208)256-4318
Original Owner	RUTH E REEDER	PO BOX 44	INDIAN VALLEY	ID	83632	(208)256-4335
Current Owner	J WAYNE BURKHARDT	2410 LITTLE WEISER RD	INDIAN VALLEY	ID	83632	(702)784-4588

256-4437

Date of Field Exam: _____ Time: _____

Accompanied By: _____ Phone Number: _____

Relationship to Claimant: _____

Directions to Property (if different from above) and/or update owner information:

change phone #

Reviewer: MVB

Date: 07/05/05

5-19-05 MVB

These files:
67-418
67-4108A
67-4108B

seemingly unrelated to other decrees

All same owner/claimant → Burkhardt (from Fenelon & Day)

Roger did field exam on B.

418

claiming on decreed basis

Decree 19 in (30 ac)
NESW & SENW
claiming 30 ac (.380 cfs)
SWNW
NESW ✓
NWSW
SWSW

Shape - water to start for land in SE 10 QENW

4108 A/B

orig. had different owners (reason for split)
now one owner & can be merged & rec'd as one claim.

38 ac.

A Stat. Claim 13 ac
NENW
SWNW ← claimed in 418
SENW

B Stat. Claim 25 ac
NWNW

corr to A & B since really claim

POD problems - see Roger's notes from field exam
2 pods during FE, 1 on claim
lists Little Weiser, Roger's map shows PODs on Irr. canal
* H_2O actually appears to be Reservoir water diverted from canal

Priority Date problems - Roger says 6-1-1883 & so does affidavit
but affidavit insufficient to est. priority
appears POU has changed since decree also
so will recommend claims with 1937 priority date, as they are claimed.



D = decree
C = claim

Merge 4108 A & B
Change A & B to parent status
make Burkhardt current owner

- Making recommendations for:

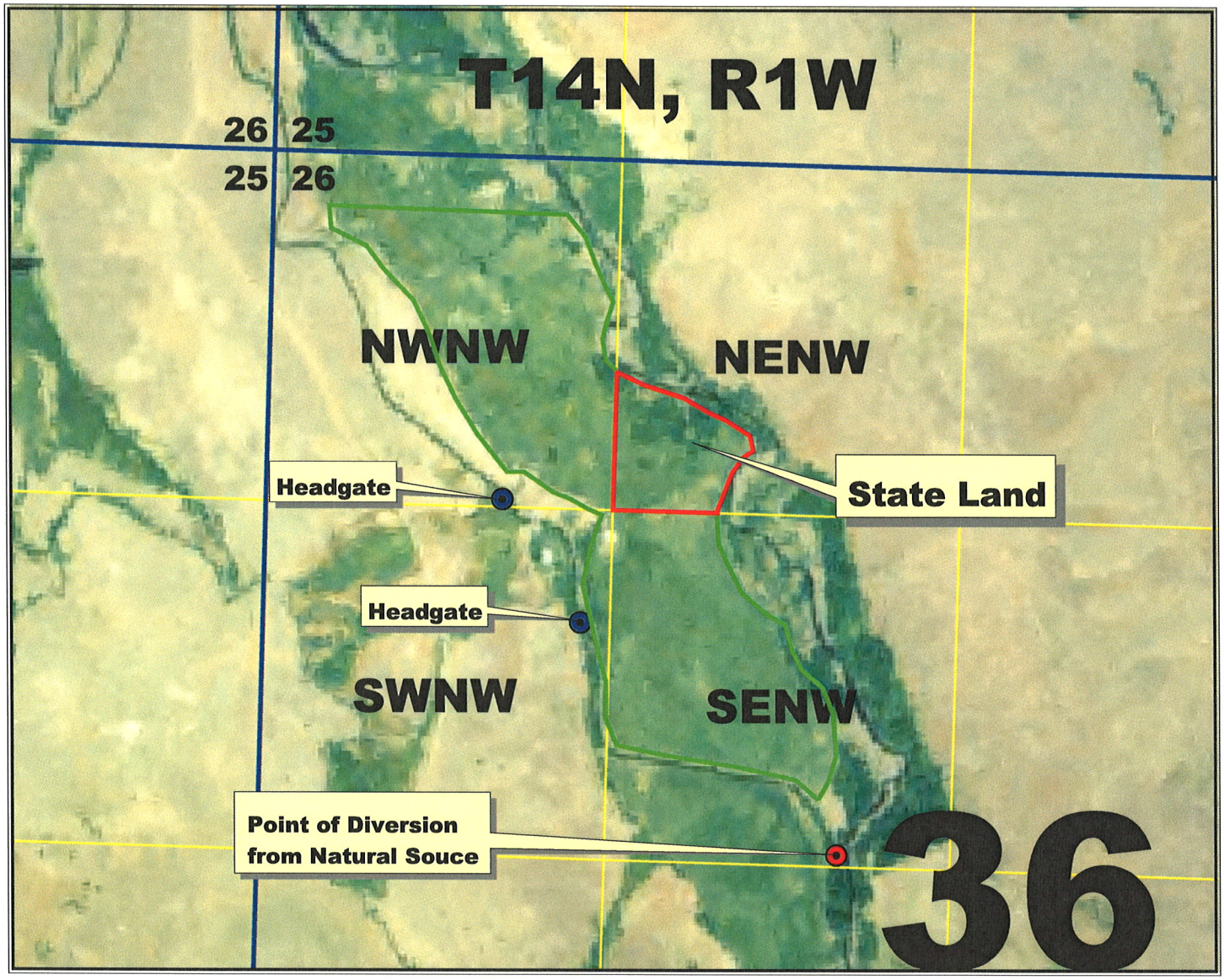
418
4108 – ready to go once check priority date

- Should there be an enlargement filed on 418?

don't give POU
COS comment – took place in 1937
accomplished D in 1937
don't give to
own 1: to
the acre,
maintain full
diversion rate

State of Idaho

Location Map
Claim 65-04108
Map Source: 1987 True Color



Point of Diversion

Irrigated Place of Use

State Land

Quarter Quarter Lines

Section Lines

Claimed Irrigated Acres: 38.0
Initial Acres Found:

Prepared By: Craig L. Saxton
Date: July 2005

Saxton, Craig

From: Saxton, Craig
Sent: Tuesday, July 19, 2005 2:12 PM
To: 'Meyer, Roger'
Subject: Wayne Burkhardt 67-4108

Hey Roger,

Do you remember Wayne BurkHardt's place. I am attaching a map that I think is fairly small file for you to look at. Anyway, it appears that we lost the quantity page from your field exam. All I am wanting to know is that he can divert up to 38 inches from his two head gates. Do you remember if he can?

Part of the (soon to be) recommended POU is on state land, but I have Chris Bromley working on what we should do about that.

Thanks,



67-04108.jpg

Craig

Idaho Department of Water Resources

Adjudication Claim Number: 67-4108 B



N



Legend

- Section Lines
- GCDB14N01W GCDB
- GCDB14N01E GCDB
- GCDB13N01W GCDB
- GCDB13N01E GCDB

0 0.2 0.4 Miles

Prepared by D. Narsavage
On Wednesday, April 13, 2005
1987/88 Adjudication True Color Imagery

67-04108 A&B
#1 #A 0016720 - A
#2 #A 0016721 - B

IDWR Field Exam Form

04/15/2005

Contacts Data Entry Form

Owner Type	Full Name	Address	City	State	Zip	Phone
Original Owner	RUTH E REEDER	PO BOX 44	INDIAN VALLEY	ID	83632	(208)256-4335
Original Owner	WILLIAM A REEDER	PO BOX 44	INDIAN VALLEY	ID	83632	(208)256-4335
Original Owner	J WAYNE BURKHARDT	2410 LITTLE WEISER RD	INDIAN VALLEY	ID	83632	(702)784-4588
Original Owner	PHYLLIS Y FENELON	BOX 74	INDIAN VALLEY	ID	83632	(208)256-4318
Original Owner	ROBERT S DAY	2600 KNOB HILL	RENO	NV	89506	(702)972-6246
Current Owner	JULIE BURKHARDT	2410 RIVER RD	INDIAN VALLEY	ID	83632	(208)256-4437
Original Owner	T P FENELON III	BOX 74	INDIAN VALLEY	ID	83632	(208)256-4318
Current Owner	J WAYNE BURKHARDT	2410 RIVER RD	INDIAN VALLEY	ID	83632	(208)256-4437

Date of Field Exam: 4-21-05 Time: 13:30

Accompanied By: WAYNE Phone Number: 208-256-4437

Relationship to Claimant: Owner

Directions to Property (if different from above) and/or update owner information:

Reviewer: [signature]

Date: 4-21-05

IDWR Field Exam Form 04/15/2005

Priority Date Data Entry Form

Claim Number 67-4108B

Claimed Priority Date: 6/1/1937 Claimed Basis: Statutory Claim

__ **Use Claimed Priority Date and Basis as Recommended Priority Date and Basis**

Water Right Priority Date: Water Right Basis:

Recommended Priority Date 6 1 1883 Recommended Basis See Attachment.

Document the evidence submitted/reviewed for the priority date claimed, include your analysis of the evidence:

Reviewer: Date: 4-21-05

IDWR Field Exam Form 04/15/2005

Point of Diversion and Source Data Entry Form

Claim Number 67-4108B

Claimed Point of Diversion and Source

T14N R01W S36 NENESW Within ADAMS County Source: LITTLE WEISER RIVER WEISER RIVER

__ **Use Claimed POD and Source as Recommended POD and Source**

Water Right Point of Diversion and Source

Recommended Point of Diversion and Source

Source Information

Source	Tributary To
Little Weiser River	C. Ben Ross Reservoir

	Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source	
#022	# 1 POD				Head Gate		Inlet Canal	:2308581 :1481416
				See MAP.				
#023	# 2 POD				Head Gate		Inlet Canal	:2308492 :1481559

Other rights from this POD? NONE

Document how the POD and Source were verified:

The Little Weiser River is a Trib. to the Weiser River only in the Spring & Winter From the middle of July to the End of Oct. or the middle of Nov. ok when it starts to Rain there is not any Flow From the L.W.R. to the Weiser River.

Reviewer: [signature] Date: 4-21-05

IDWR Field Exam Form 04/15/2005

Place Of Use Data Entry Form

Claim Number 67-4108~~B~~ A & B

Claimed Place Of Use

T14N R01W S36 NWNW 25.0

Total Acres 25

✓ **__ Use Claimed POU as Recommended POU**

Water Right Place Of Use

Recommended Place of Use _____ See corrections to claimed POU above

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use
		See Map.						

Total Acres ~~10~~ 30

Document how the POU was verified:

Reviewer: _____ Date: 4-21-05

IDWR Field Exam Form 04/15/2005

Purpose of Use Data Entry Form

Claim Number 67-4108~~B~~ A & B

Claimed Purpose of Use

Water Use	Number of Homes	Number of Stock	Acre Limit
IRRIGATION			

__ **Use Claimed Purpose of Use as Recommended Purpose of Use**

Water Right Purpose of Use

Water Use	Number of Homes	Number of Stock	Acre Limit

Recommended Purpose of Use

Water Use	Number of Homes	Number of Stock	Acre Limit	Number of Other
IRR.	0	50-60 BeeF 40 5 HORSE's		

Document how the Purpose of Use was verified:

Stock DRink out of the Little Weiser River.

Reviewer: _____ Date: 4-21-05

Saxton, Craig

Sent: Tuesday, July 19, 2005 6:08 PM
To: Saxton, Craig
Subject: Re: Wayne Burkhardt 67-4108

Craig
water right 4108 A & B = .81 CFS or 40.5 inches of water. Nice map
and Picture
Roger

This Email was sent By Roger Meyer,
IDWR contractor. C Saxton
7-20-05

Water Master

INDIAN VALLEY
WATER DISTRICT
67A

Roger Meyer
3035 Cemetery Rd.
Cambridge, Idaho 83610
Phone (208) 257-3418
Cell (208) 741-0859
E-mail rjmeyer@ctcweb.net

April 21, 2005

There was a ditch Corriell, Anderson, and Lindsey Ditch the water for that ditch irrigated the section as we know as Water Right #67-04108 Pri/Date 6-1-1937. This water right was splits into 67-04108 A and B. Mr Burkhart now owns both W/R's and it should be known as 67-04108.

In 1937 C. Ben Ross Reservoir was built and in agreement with the board on the C. Ben Ross Reservoir and Mr George L. Burger the owner of the property at that time. The Corriell, Anderson, & Lindsey Ditch was destroyed under the conditions that the **Inlet Canal** would have Headgates on it to irrigate this property. The Richardson Ditch was born to irrigate the property above the Inlet Canal and other properties off of that ditch. With this right he owned shares in the C. Ben Ross Reservoir which was below him and could not deliver water to him. In turn he was to get his reservoir water rights out of the Little Weiser River . The reservoir was to make up the water in the river that couldn't be delivered to him. That is where the 1937 water rights came in. Those water rights are from the reservoir only and have nothing to do with his decreed water rights. Therefore, his decreed water right #67-04108 should have a Priority Date of 6-1-1883.
See George L. Burger's Certified Copy of 19th of February 1975.

Roger Meyer
Water Master

POOR ORIGINAL

Declaration of Water Use

I began irragating from ditch know as Coriell, Anderson, and Lindsey ditch in May 1937 and irragated about 18 acres in SW¼ NW¼ and NW¼ SW¼ Section 36 Twp. 14 N. R. 1 W Boise Meridian each year until time I sold property in 1973. In 1937 the Little Weiser Irragation Canal was put in and I began irragating approximatly 20 acres in the NW¼ NW¼ 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 irragation from the Little Weiser River in SE¼ NW¼ and NE¼ SW¼ of Section 36. This land was under irragation each year since 1883.

George L. Burger
signed

Certified: 19th January, 1975 Jean L. Johnson
Notary
Indian Valley, Id.

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To Rob	From Carolyn
Co. Western	Co. State
Dept.	Phone #
Fax #	Fax #

MICROFILMED
AUG 05 1994

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4108 A



#A0016721 POD #2.JPG

4108 B