

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: A37-00577AQ
Date Received: 10/14/1988
Receipt No:
Received By: LW

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: JANE BURKE 208-788-3561
Address: PO BOX 1267
HAILEY, ID 83333

AND/OR

Name: WAYNE BURKE 208-788-3561
Address: PO BOX 1267
HAILEY, ID 83333

2. Date of Priority: MAR 24, 1883

3. Source: COVE CANAL Trib. to: BIG WOOD RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
02N	18E	16	SW	NE			BLAINE

5. Description of diverting works:
1 1/2 HP ABOVE GROUND PUMP SERVING 2" PVC LINE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
DOMESTIC	04/01	10/01	0.020		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
D/IRRIGATION OF 1/2 ACRE

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
02N	18E	22	NE NW		DOMEST	

11. Place of use in counties: BLAINE

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

13. Other Water Rights Used:
NONE

14. Remarks:

SPLIT INTO 37-0577BE & 37-0577BF BY TRANS. 3274.
SEE TRANSFER 2525 ATTACHED. POU USED TO BE KNOWN AS BLAINE
COUNTY POOR FARM #2914.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 4/01/1977

JAMES L. HARRIS

Decree Plaintiff

vs

JERRY L. SMITH, ET AL

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: 3

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): Jane Burke Date: 10-14-88

Date: _____

State of Idaho)
County of Blaine) SS.

Subscribed and sworn (or affirmed) before me this 18 day
of Oct 19 88 John Dale Carlson
Notary Public

Seal

Residing at Boon ID
My Commission Expires 6/2/91



12/26/2006

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

RIGHT NUMBER: 37-577AQ

NAME AND ADDRESS: WAYNE L BURKE
PO BOX 1267
HAILEY ID 83333

JANE BURKE
PO BOX 1267
HAILEY ID 83333

SOURCE: COVE CANAL

TRIBUTARY: BIG WOOD RIVER

QUANTITY: 0.020 CFS

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

PRIORITY DATE: 03/24/1883

POINT OF DIVERSION: T02N R18E S16 SESWNE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
DOMESTIC	04/15 10/31	0.020 CFS
Domestic use is for the irrigation of 1/2 acre in connection with 1 home.		

PLACE OF USE: DOMESTIC in BLAINE County

T02N R18E S22 NENW

Right Nos. 37-11695 and 37-577AQ are limited to the irrigation of a combined Total of 1/2 acre in a single irrigation season.

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

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed



Idaho Department of Water Resources

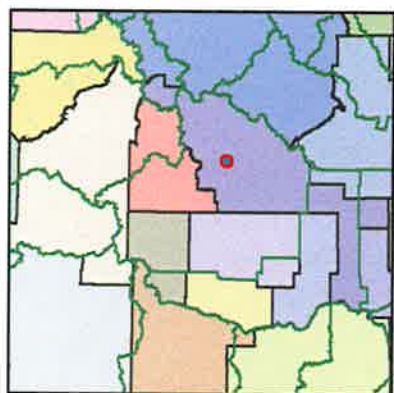
SRBA Recommendation:

37-577AQ

(Domestic)

Legend

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



Blaine County
IDWR Basin 37



0 0.1 0.2 Miles



Prepared by S. Keen
On Tuesday, December 26, 2006
2004 Aerial Photography



Idaho Department of Water Resources

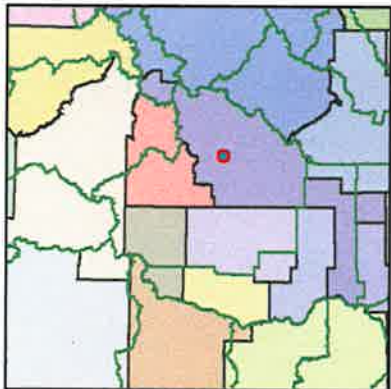
SRBA Recommendation:

37-577AQ

(Domestic)

Legend

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



Blaine County
IDWR Basin 37



0 0.1 0.2 Miles



Prepared by S. Keen
On Tuesday, December 26, 2006
2004 Aerial Photography

37-577AQ Claim Review

S. Kern
12/26/2006

Validity

- ① Right is in WR database as 37-30023 based on Transfer 3274 approved in 1987.
- ② Watermaster list shows ~~0.02~~ 0.02 cfs of the W.T. Riley right for Wayne Burke at headgate 33.
- ③ Kelly Christianson's research shows this part of the W.T. Riley right to be valid.

POD

Recommend as transferred in the SWNE of S. 16, T2N, R18E. However, the actual headgate for the Cove Canal may now be in the NESE of S. 16, T2N, R18E. Another transfer may be necessary.

As transferred, the right lists a point of rediversion in the NENE of S. 22, T2N, R18E, which appears to be from the Cove Canal. IDWR rarely lists a re-diversion from a canal. Therefore, I will leave it off the recommendation.

POU

The transfer describes the right as 1:0 acre of

irrigation. The Burkes entire parcel is only 1.0 acre. Their claim describes the right as domestic use limited to half an acre of irrigation. The claim may have been filed as domestic use to reflect actual usage and/or to save money on the filing fee for the claim.

Recommend domestic use limited to half an acre on the entire lot.

Season of Use

Recommend to current standard irrigation season of 4/15 to 10/31.

Overlapping Rights

37-11695 for domestic use from a well. Limit the two rights when combined to half an acre of irrigation.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
To Change the Point of Diversion and/or the Place of Use

Name of applicant Wayne L. Burke Phone 788-3561Post Office address P. O. Box 1267, Hailey, ID 83333

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. _____ Decreed to James L. Harris
(Name)
in case of James L. Harris vs Jerry L. Smith, Et. Al.
dated in 4-1-1977 in Fifth District county of Blaine
(Name of court)
- b. License No. _____ issued by the Idaho Department of Water Resources
- c. Claim No. _____ on file with the Idaho Department of Water Resources

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant. If the applicant is not the original holder of the water right, explain how it was acquired _____

purchase of a portion of water right3. Source of water Big Wood River tributary to Malad River4. Date of priority 3-24-1883

5. Water is used for the following purposes:

amount 0.40 cfs for Irrigation purposes from _____ to _____

amount _____ for _____ purposes from _____ to _____

amount _____ for _____ purposes from _____ to _____
(month/day — both dates inclusive)

6. Total amount of water under right: a. 0.40 cubic feet per second
&/or
b. _____ acre feet per annum7. Location of original point of diversion is SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 16
Township 2N Range 18E, B.M., in Blaine CountyAdditional points of diversion, if any P/D is the head of the Cove #33 Canal8. Lands irrigated or place of use: P/U is part of Tax Lot #188 east of Cove Canal.

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
<u>2N</u>	<u>19E</u>	<u>31</u>											<u>Lt4</u>						<u>26</u>
													<u>26</u>						

Total number of acres to be irrigated 26

9. Describe any other water rights used for the same purpose as described above _____

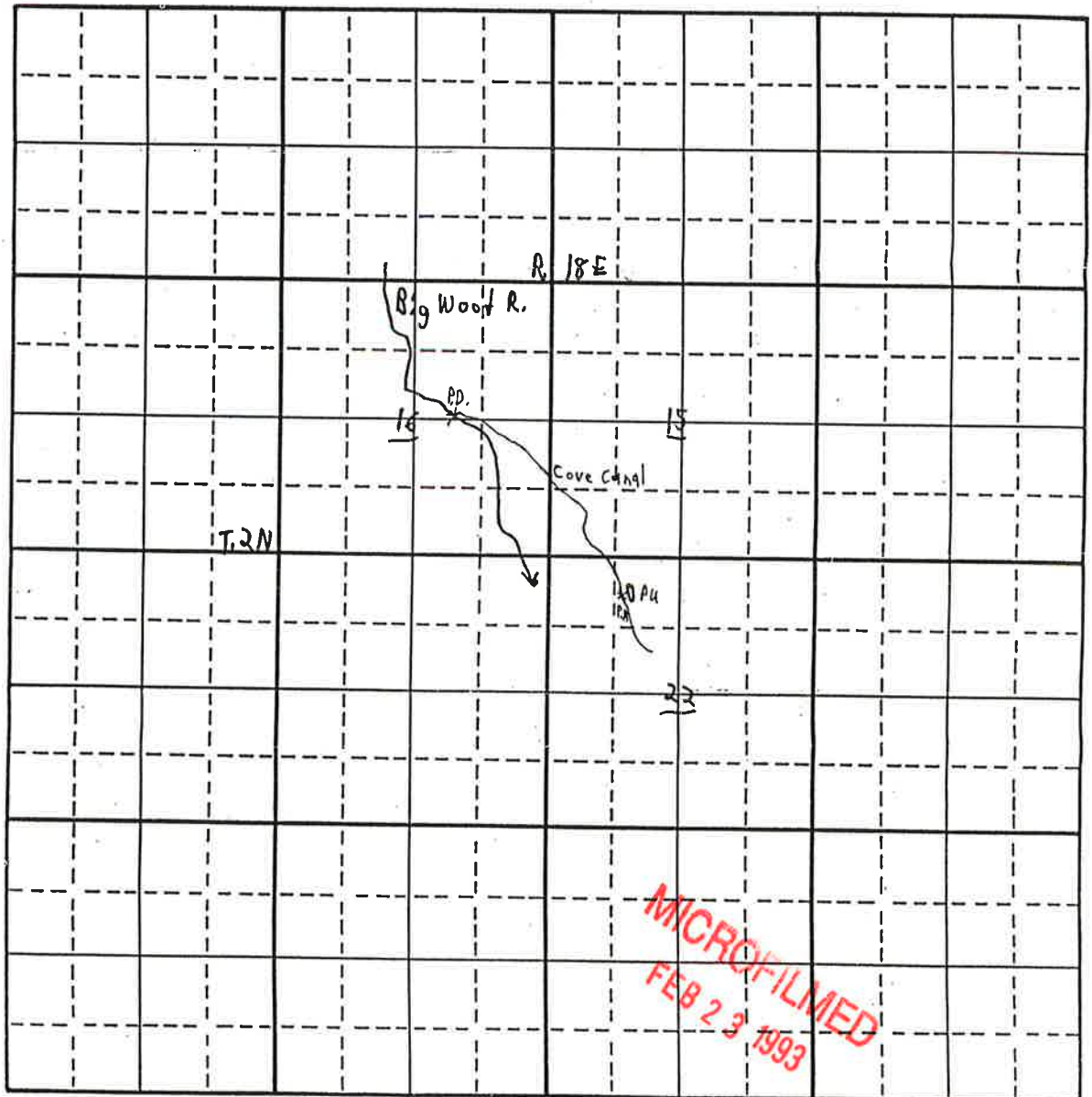
10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of nonuse? No If yes, describe in item D, REMARKS.

c. Describe the lands or place of use to which the right will be transferred:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
2N	18E	22					1												1

Total number of acres to be irrigated 1

4. Describe any other water rights used for the same purpose as described above. _____
5. Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.



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

SRBA CLAIM REVIEW ANALYSIS SHEET (D & S CLAIMS)

ITEM NO.		CHANGED ? YES NO
1.	<u>Burke</u> () - () (X)	
2.		() ()
3.	() GROUNDWATER OR <u>Cove Canal</u> 3B. <u>Wood River</u>	() (X) ?
4.	T <u>2N</u> R <u>18E</u> SEC <u>16</u> , <u>SE</u> $\frac{1}{4}$ <u>SW</u> $\frac{1}{4}$ <u>NE</u> $\frac{1}{4}$, LOT <u> </u> CO. <u>Blaine</u>	(X) ()
5.		() ()
6.		() ()
7.		() ()
8.		() ()
9.	<u>Irrigation of 1/2 acre</u>	() (X) ?
10.	T <u>2N</u> R <u>18E</u> SEC <u>16</u> , <u>NE</u> $\frac{1}{4}$ <u>NW</u> $\frac{1}{4}$, LOT <u> </u> USE <u>Down</u>	() (X)
	T <u> </u> R <u> </u> SEC <u> </u> , <u> </u> $\frac{1}{4}$ <u> </u> $\frac{1}{4}$, LOT <u> </u> USE <u> </u>	() ()
11.		() ()
12.		() ()
13.		() ()
14.	<u>Tax Lot 2914 AKA 116 Broadford Rd.</u>	(X) ()
15.		() ()

FIELD INSPECTED BY A. Kenneth Dunn DATE 5/18/1990

COMMENTS:

Recheck source/priv. is this a valid source?
Is there a home associated with this right

IDWR REVIEW AND DATA BASE MODIFICATION BY DATE 6/14/1990

MICROFILMED
 FEB 23 1993
 "R"

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

Permit No. A37 00577AQ

1. Owner: Wayne & Jane Burke Phone No. _____
Current Address: Box 1267 B Harley 83333
2. Accompanied by: _____ EXAM. DATE: 5-18-90
Address: _____ Phone No. _____
Relationship to Permit Holder: _____
3. Source: Grove Canal tributary to Wood River

B. OVERLAP REVIEW

1. Other water rights with same place of use: _____ ☐ Copies Attached
2. Other water rights with same point of diversion: _____ ☐ Copies Attached ☐ Copies of Field Exam's Attached

C. SYSTEM DESCRIPTION

1. **Diversion System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable. ☐ Alternative diagram attached

Domestic - Irrig of lawn & garden



Scale: 1" = _____

2. ☐ Copy of U.S.G.S. Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required). ☐ Aerial Photo Attached (required for irrigation of 10 acres or more).
☒ Photo of Diversion and System Attached (required for all but single household domestic groundwater, and stockwater).

System Description (continued)

3. **Narrative:** Description (As operating at time of measurement. Indicate pressure, number of sprinklers, etc.)

Place of use TL 2914 116 Broadford Rd

☐ See Remarks on page 4 for continuation

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
Shallow lift pump	in Creek Canal				

*Code to correspond with No. on map and aerial photo

5. **Point(s) of Diversion:**

Ident. No.	Gov't. Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
		SE	SW	NE	16	2N	18E	Blaine	~~REACH~~ USGS Quad

6. **Place(s) of Use:**

Indicate Method of Determination

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
2N	18E	22					X												

Do not use this space

Do not use this space

D. FLOW MEASUREMENTS

☐ Additional Data Sheets Attached

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date

2. Measurements:

E. FLOW CALCULATIONS

☐ Additional Computation Sheets Attached

1. Measured Method:

2. Alternate Method for Checking Purposes:

F. PUMP EFFICIENCY DATA (Optional)

Discharge Pressure: _____ psi x 2.31 = _____ ft (1); Dynamic pumping level: _____ ft (2)

Total Head: (1) + (2) = _____ (3) ; Flow rate: _____ cfs (4)

Water HP: (3) x (4) ÷ 8.8 = _____ (5)

Meter Input KW: 3.6 x _____ KH x _____ CTR or _____ MULT x _____ PTR x _____ N/ _____ T = _____ (6)

Meter Input HP: (6) x 1.34 = _____ (7)

Panel Input KW: _____ Ave PF x _____ Ave Volts x _____ Ave Ampsx .001732 = _____ (6)

Panel Input HP: (6) x 1.34 = _____ (7) Efficiency: (5)/(7) x 100 = _____ %

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) =$ _____

$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 =$ _____

$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} =$ _____

2. Volume Calculations for Other Uses:

MICROFILMED
FEB 23 1955

H. REMARKS AND OVERLAP REVIEW ANALYSIS

I. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
Totals:				_____

2. Recommended Amendments

- ☒ Change P.D. as reflected above ☐ Add P.D. as reflected above
☐ Change P.U. as reflected above ☐ Add P.U. as reflected above

J. AUTHENTICATION

Field Examiner's Name _____
Signature *A. T. Kinnick*
Certification Date 5-18-90
Field Report Preparation Date _____



- K. Licensing recommendation shall be prepared by an Idaho Department of Water Resources employee on a computer printout attached hereto.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

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Domestic - irrig. of lawn & garden - not used for
existing house

MICROFILMED
FEB 23 1993

Scale: 1" = _____

2. ☐ Copy of U.S.G.S. Quadrangle Attached
Showing location(s) of point(s) of diversion and
place(s) of use (required).

☒ Photo of Diversion and System Attached

(required for all but single household domestic groundwater, and stockwater.

☐ Aerial Photo Attached
(required for irrigation of 10 acres or more).

System Description (continued)

3. **Narrative:** Description (As operating at time of measurement. Indicate pressure, number of sprinklers, etc.)

Place of use T.L. 2914 - 116 Broadford Rd
 water is pumped from Cove Canal - water is not
 used for existing house -

☐ See Remarks on page 4 for continuation

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
Shallow lift pump in Cove Canal					

*Code to correspond with No. on map and aerial photo

5. **Point(s) of Diversion:**

Ident. No.	Gov't. Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
		SE	SW	NE	16	2N	18E	Blaine	USGS Quad

6. **Place(s) of Use:**

Indicate Method of Determination

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
2N	18E	22					X												

Do not use this space

D. FLOW MEASUREMENTS

☐ Additional Data Sheets Attached

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date

2. Measurements:

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1. Measured Method:

2. Alternate Method for Checking Purposes:

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Discharge Pressure: _____ psi x 2.31 = _____ ft (1); Dynamic pumping level: _____ ft (2)

Total Head: (1) + (2) = _____ (3) ; Flow rate: _____ cfs (4)

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$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} =$ _____

2. Volume Calculations for Other Uses:

MICROFILMED
FEB 23 1993

179-147
WOLFF 7/10/17

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
Totals:				

- ☐ Change P.D. as reflected above ☐ Add P.D. as reflected above
- ☐ Change P.U. as reflected above ☐ Add P.U. as reflected above

- ☐
- None
-
- ☐
- Other

Field Examiner's Name _____
Signature *S. Gerald Dunn*
Certification Date 5-18-90
Field Report Preparation Date _____



CONSULTANT SEAL

- K. Licensing recommendation shall be prepared by an Idaho Department of Water Resources employee on a computer printout attached hereto.**