

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 37-20616
Date Received:
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

JANNE BURDICK Phone: (208)726-4421
C/O JAMES SPECK, ATTORNEY
PO BOX 987
KETCHUM ID 83340

HENRY BURDICK Phone:
C/O JAMES SPECK, ATTORNEY
PO BOX 987
KETCHUM ID 83340

2. Date of Priority: 03/24/1883

3. Source: BIG WOOD RIVER Trib. to: MALAD RIVER
GROUND WATER BIG WOOD RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
03N	18E	20	SW NW	BLAINE	
03N	18E	7	NE SE SE	BLAINE	

5. Description of diverting works:

Hiawatha Canal

Re-diversion point (applicant existing domestic well)

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/15	10/31	0.05	

7. Total Quantity Appropriated is:
0.05 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
03N	18E	7	NE	SE	IRRIGATION	1
Section Acres						1
Total Acres						1

11. Place of use in counties: BLAINE

12. Do you own the property listed above as place of use? No

13. Other Water Rights Used:

14. Remarks:

The total instantaneous diversion of ground water under right 37-20616 shall not exceed 0.03 cfs, nor a total of 3.5 afa.

Diversion of ground water is limited to those times water is available for diversion under this right and priority from the Big Wood River and 0.02 cfs of surface water is actually diverted into the Hiawatha Canal for mitigation purposes.

Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 37, Big Wood River.

Prior to diversion of water under this approval, the right holder shall provide a lockable controlling works for all authorized points of diversion. The controlling works must be suitable for control of the diversions and acceptable to the watermaster.

Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.

This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

The place of use is within Tax Lot 3369 (7173) and shall not exceed 1.0 acre.

The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.

Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.

15. Basis of Claim: Decreed

09/19/2006

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

RIGHT NUMBER: 37-20616

NAME AND ADDRESS: JANNE BURDICK
C/O JAMES SPECK, ATTORNEY
PO BOX 987
KETCHUM ID 83340

HENRY BURDICK
C/O JAMES SPECK, ATTORNEY
PO BOX 987
KETCHUM ID 83340

SOURCE: BIG WOOD RIVER
GROUND WATER

TRIBUTARY: MALAD RIVER
TRIBUTARY: BIG WOOD RIVER

Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.

QUANTITY: 0.050 CFS

The total instantaneous diversion of ground water under right 37-20616 shall not exceed 0.03 cfs, nor a total of 3.5 afa.

This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

PRIORITY DATE: 03/24/1883

POINT OF DIVERSION:

T03N R18E S7 NESESE Within BLAINE County
T03N R18E S20 SWNW Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	0.050 CFS

PLACE OF USE: IRRIGATION Within BLAINE County

T03N R18E S07 NESE 1.00

1 ACRES TOTAL

The place of use is within Tax Lot 3369 (7173) and shall not exceed 1.0 acre.

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

Diversion of ground water is limited to those times water is available for diversion under this right and priority from the Big Wood River and 0.02 cfs of surface water is actually diverted into the Hiawatha Canal for mitigation purposes.

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.

09/19/2006

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Prior to diversion of water under this approval, the right holder shall provide a lockable controlling works for all authorized points of diversion. The controlling works must be suitable for control of the diversions and acceptable to the watermaster.

Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 37, Big Wood River.

The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.



Idaho Department of Water Resources

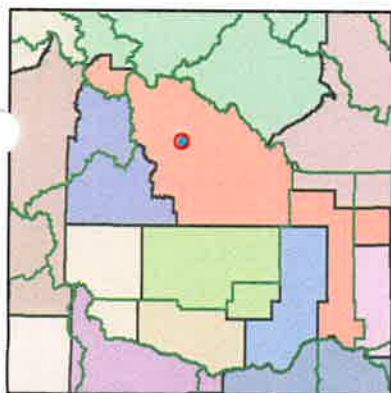
SRBA Recommendation:

37-20616

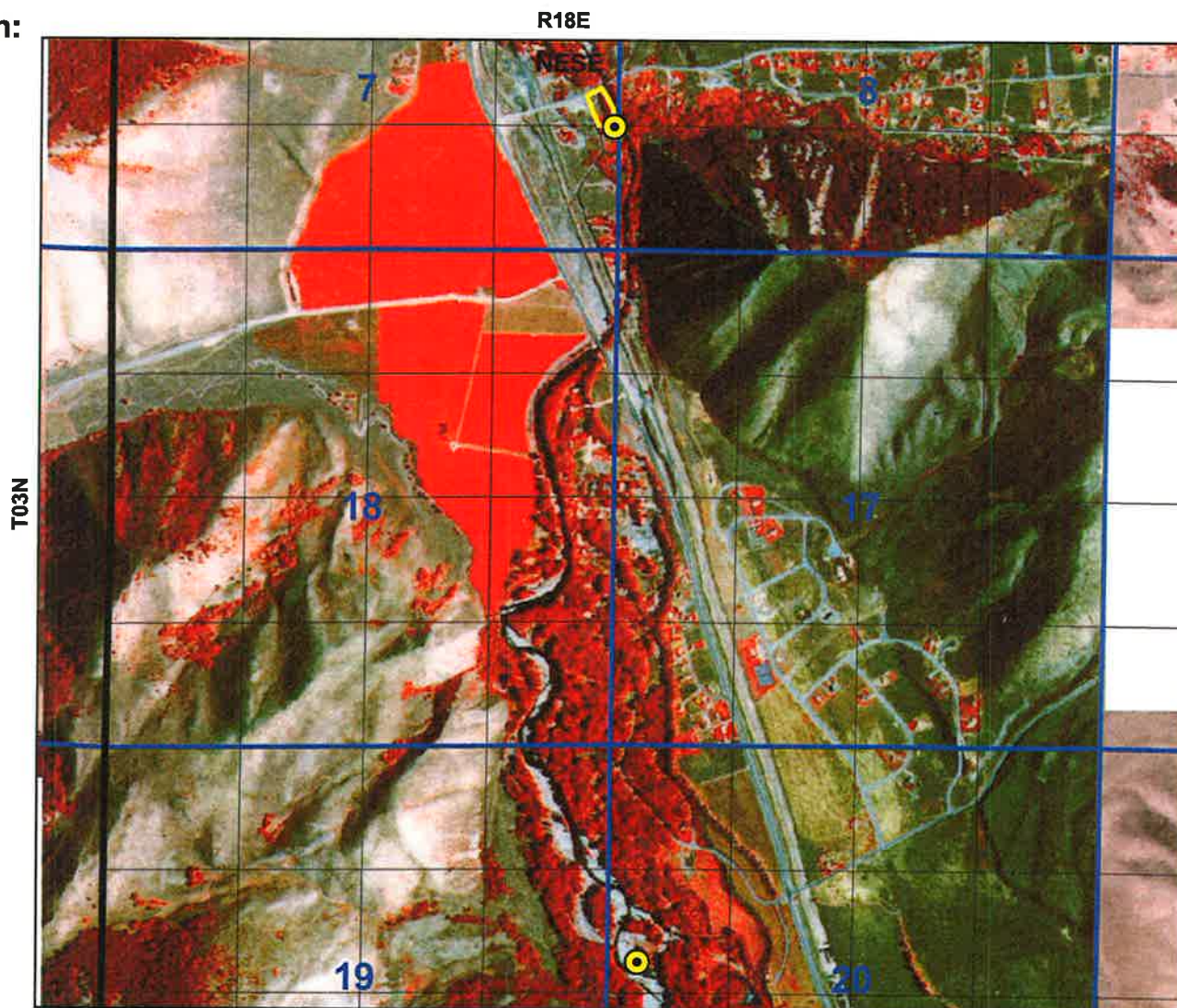
(Irrigation)

Legend

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



Blaine County
IDWR Basin 37

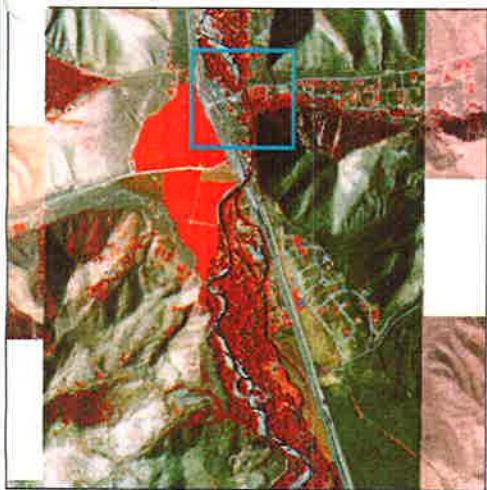


0 0.8 1.6 Miles



Prepared by E. NORQUES
On Tuesday, September 19, 2006
1987/88 Aerial Photography

37-20616





Idaho Department of Water Resources

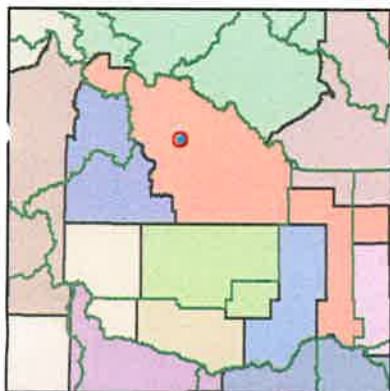
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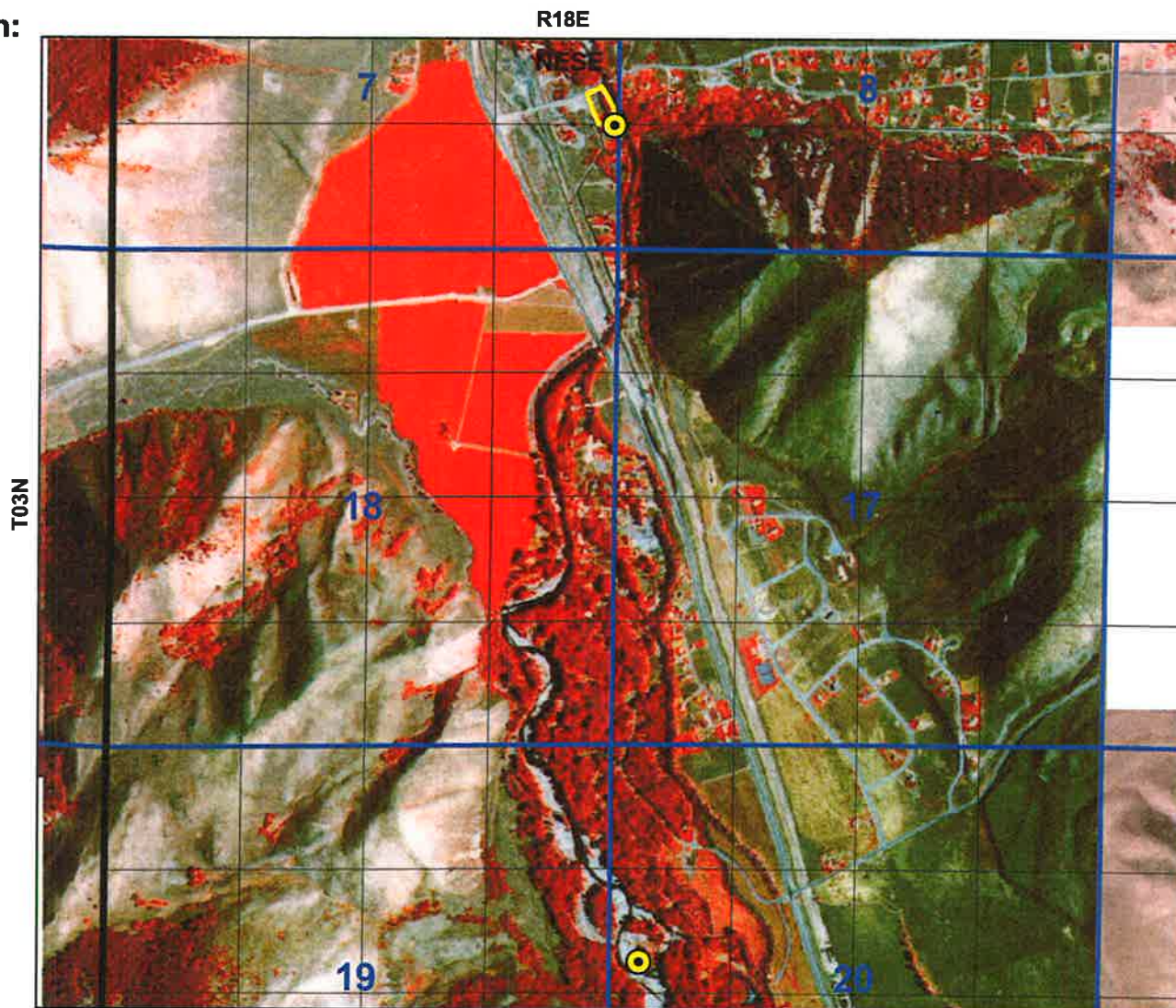
(Irrigation)

Legend

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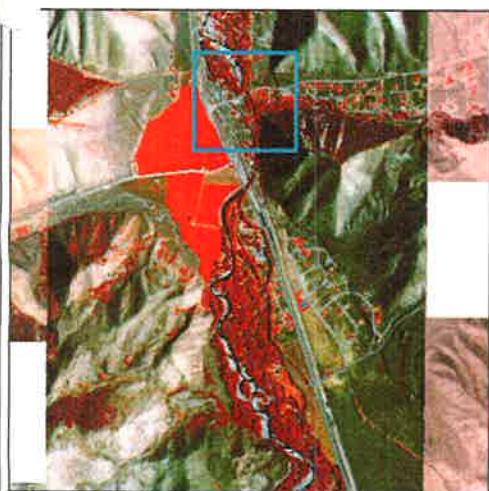
Blaine County
IDWR Basin 37



0 0.8 1.6 Miles

Prepared by E. NORQUES
On Tuesday, September 19, 2006
1987/88 Aerial Photography

37-20616



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 69589

This is to certify that: HENRY BURDICK And
JANNE BURDICK
C/O JAMES SPECK, ATTORNEY
PO BOX 987
KETCHUM ID 83340
(208)726-4421

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Change

Right	Origin/Basis	Priority	Rate	Volume	Acre Limit	Total Acres	Source
37-20439	AJC/	03/24/1883	0.28 cfs	N/A	N/A	3.0	BIG WOOD RIVER

Purpose of Transfer (Changes Proposed)

Current Number	Split	POD	POU	Add POD	Period of Use	Nature of Use
37-20439	YES	YES	NO	NO	NO	NO

Summary of Water Rights After the Approved Change

Existing Right	New No. (changed portion)	Transfer Rate	Transfer Volume	Acre Limit	Total Acres	New No. (remaining portion)	Remaining Rate	Remaining Volume	Remaining Acre Limit	Remaining Total Acres
37-20439	37-20616	0.05 cfs	N/A	N/A	1.0	37-20615	0.19 cfs	N/A	N/A	2.0
COMBINED TOTALS		0.05 cfs	N/A	N/A	1.0		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 20th day of September, 20 03


Chief, Water Allocation Bureau

WATER RIGHT NO. 37-20615
As Modified by Transfer No. 69589

In accordance with the approval of Transfer No. 69589, Water Right No. 37-20615 is now described as follows.

Right Holder: RIGMOR GRABHER And
ELMAR GRABHER
PO BOX 507
SUN VALLEY ID 83353

Priority Date: March 24, 1883

Source: BIG WOOD RIVER

Tributary: MALAD RIVER

BENEFICIAL USE

IRRIGATION

From 04/15 to **To** 10/31

Diversion Rate

0.19 CFS

0.19 CFS

Volume

LOCATION OF POINT(S) OF DIVERSION:

BIG WOOD RIVER

SWNW

Sec. 20 Twp 03N Rge 18E BLAINE County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
02N	18E	4																	2.0

Total Acres: 2

CONDITIONS OF APPROVAL

1. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 37.
2. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
3. Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 20th day of September, 2003


Chief, Water Allocation Bureau

WATER RIGHT NO. 37-20616
As Modified by Transfer No. 69589

In accordance with the approval of Transfer No. 69589, Water Right No. 37-20616 is now described as follows.

Right Holder: JANNE BURDICK And
HENRY BURDICK
C/O JAMES SPECK, ATTORNEY
PO BOX 987
KETCHUM ID 83340

Priority Date: March 24, 1883

Source: BIG WOOD RIVER
GROUND WATER

Tributary: MALAD RIVER
BIG WOOD RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15 to	10/31	0.05 CFS	
			0.05 CFS	

LOCATION OF POINT(S) OF DIVERSION:

BIG WOOD RIVER SWNW Sec. 20 Twp 03N Rge 18E BLAINE County

GROUND WATER NESESE Sec. 7 Twp 03N Rge 18E BLAINE 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	
03N 18E 7													1.0				1.0

Total Acres: 1

CONDITIONS OF APPROVAL

1. The total instantaneous diversion of ground water under right 37-20616 shall not exceed 0.03 cfs, nor a total of 3.5 afa.
2. Diversion of ground water is limited to those times water is available for diversion under this right and priority from the Big Wood River and 0.02 cfs of surface water is actually diverted into the Hiawatha Canal for mitigation purposes.
3. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 37, Big Wood River.
4. Prior to diversion of water under this approval, the right holder shall provide a lockable controlling works for all authorized points of diversion. The controlling works must be suitable for control of the diversions and acceptable to the watermaster.

WATER RIGHT NO. 37-20616
As Modified by Transfer No. 69589

CONDITIONS OF APPROVAL

5. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
6. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
7. The place of use is within Tax Lot 3369 (7173) and shall not exceed 1.0 acre.
8. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
9. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
10. Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 20th day of September, 20 03



Chief, Water Allocation Bureau

MEMO

FROM: Allen Merritt

TO: Transfer File No. 69589

In the name of: Henry Burdick

Water Right(s): 37-00004J split into 37-20615 and 37-20616 (Burdick portion)

DATE: February 4, 2002

SUBJECT: Review and Recommendation

This transfer is one of several where Grabher is selling ***off portions the remaining portions of his water right 37-00004J. The applicant has purchased 0.092 cfs or enough for irrigation of 1 acre. The applicant proposed to transfer the water to an existing well on the Burdick property described as Lot 1 of Glenn-Dale Acres subdivision in the SESE S7, T03N, R18E and use the water to irrigate a portion of tax lot 3369 which is located adjacent to the north in the NESE S7. As mitigation for use of ground water it is proposed that a portion of the right be left in the Hiawatha Canal to mitigate historical conveyance loss and the remainder be left in the Big Wood River to mitigate impact of pumping of the well on the Big Wood River.

The applicant was requested to provide a hydrologic analysis. It has been completed by Brockway Engineering and is included in the file. This analysis should be reviewed by Hydrology Section and the Administration. Brockway's analysis indicates the ground water and surface water are connected with and estimates the lag time between pumping and impact to river.

Do to issues about conveyance loss in the Hiawatha canal which have surfaced for other transfers I conducted an evaluation which is summarized in a letter to parties dated 2/12/2001 found in previous transfer files. My review of T5734 which is similar to this proposal found that at least 0.018 cfs of the right should be retained in the Hiawatha canal for mitigation to the other users for allowing one acres of the Grabher water to be moved out of the canal. This is similar to this proposal.

The transfer was processed without protest.

Jim Stanton has done some GIS work on this transfer.

***Note that currently 3 transfers including this one are being processed for splitting up the 37-4J. Photos of Grabher property and the original Stanton analysis is found in T5877 file. In a memo prepared by Jim Stanton dated 10/20/2000 he describes his original field review of the Grabher property; also in a memo dated 11/21/01 found in this file he describes the pending transfers and issues surrounding acres being dried up.

Grabher's original 37-00004C for 1.10 cfs for irrigation of 12 acres.

T66101 for 0.092 cfs for 1 acre 37-00004F (Approved)
T68525 for 0.184 cfs for 2 acre 37-00004H (Approved)
T68560 for 0.183 cfs for 2 acre 37-00004K (Approved)
T69165 for 0.280 cfs for 3 acre 37-20402 (Pending in SO)

37-00004J # 69589

Rent to 50
2/5/2002

T69282 for 0.092 cfs for 1 acre 37-20440

(Protested – in Region)

T69589 for 0.092 cfs for 1 acre 37-20616

(This application)

Grabher's remaining portion not yet transferred is approximately 0.19 cfs on 2 acres.

Recommendation

I recommend that this transfer be approved subject to review of Hydrology Section and Administration with the following conditions:

WATER RIGHT NO. 37 20616

- GEN The total instantaneous diversion of ground water under right 37-20616 shall not exceed 0.03 cfs, nor a total of 3.5 afa.
- GEN The place of use is within Tax Lot 3369 (7173) and shall not exceed 1.0 acre.
- GEN Surface water from the Big Wood River shall continue to be diverted at a rate of 0.02 cfs into the Hiawatha Canal for conveyance losses, and 0.07 cfs shall remain in the Big Wood River to mitigate use of 0.03 cfs of ground water.
- R04 Use of water under this water right will be regulated by the watermaster of State Water District No. 37, Big Wood River.
- R43 The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
- T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
- T09 Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.
- T18 Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.
- T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
- W11 Prior to the diversion and use of water under this right, the right holder shall install and maintain acceptable measuring device and control works at the point of redirection from ground water.
- W51 The right holder shall accomplish the change authorized by this approval within 1 years.
- W53 Diversion of ground water is limited to those times water is available for diversion from the Big Wood River under 03/24/1883 priority and 0.02 cfs is actually diverted from the Big Wood River into the Hiawatha Canal for mitigation purposes and 0.07 cfs is kept undiverted in the Big Wood River for mitigation for allowing 0.03 cfs to be diverted from

ground water.

Note that the unchanged portion under 37-20615 has not been modified and is incorrect. The actual unchanged portion depends on the outcome of other transfers.