

9. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RGE	SEC	N E				N W				S W				S E				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
6DN	2W	21			~~D~~											D			2
					1											1			

Total number of acres to be irrigated _____

10. Describe any other water rights used for the same purposes as described above. _____

11. a. Who owns the property at the point of diversion? Helen Burgard-applicant

b. Who owns the land to be irrigated or place of use? _____

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: _____

12. Remarks: _____

13. MAP OF PROPOSED PROJECT REQUIRED - Attach an 8½"x11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. (A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.)

BE IT KNOWN that the undersigned hereby makes this application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Helen Burgard
Signature of Applicant (and title, if applicable)

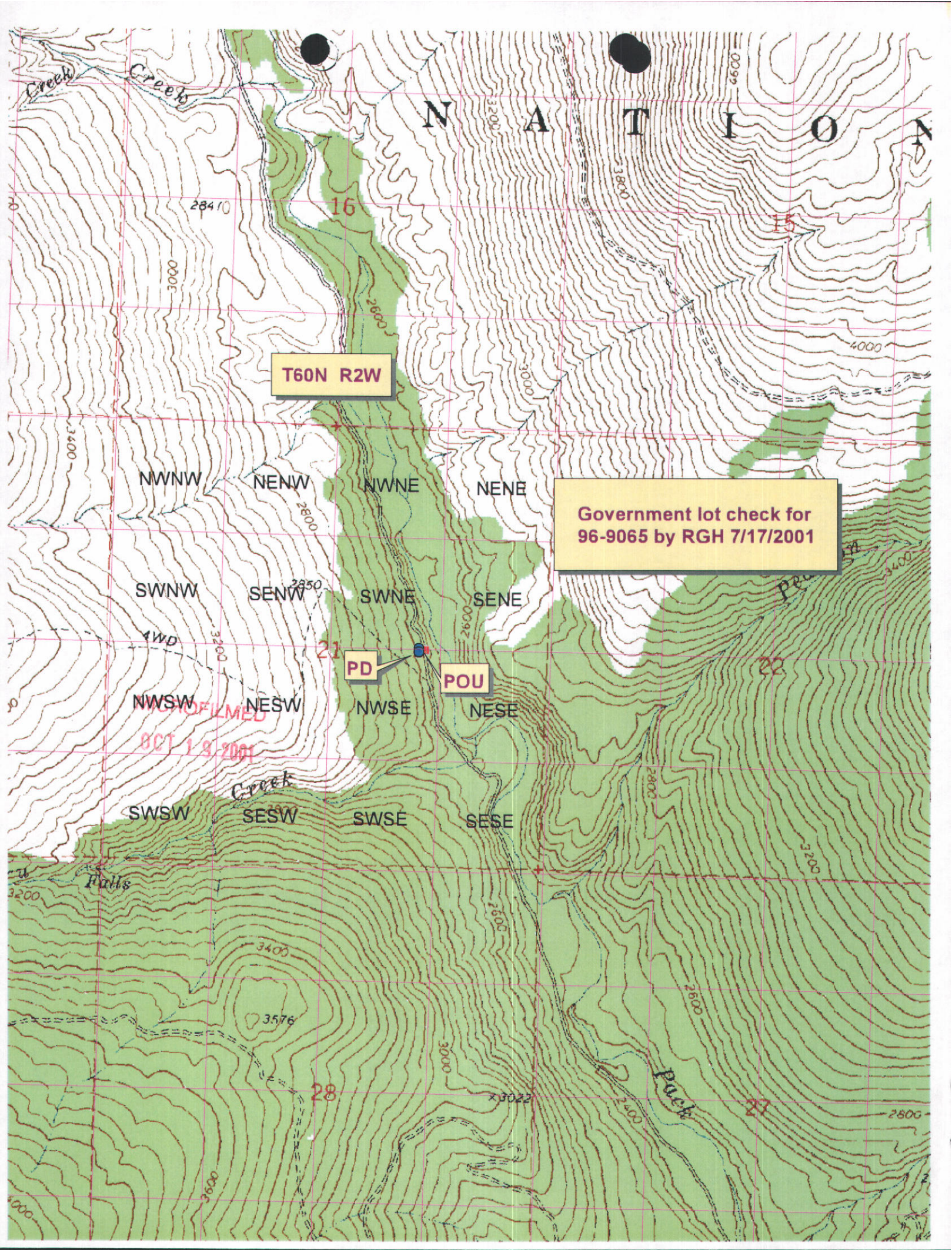
Map received 1/23/01 @ 1:20p

Received by Bac Date 10/2/00 Time 11:20 AM Preliminary check by [Signature]
 Fee \$ 100.00 Receipted by _____ # E026216 Date 10/2/00
 Publication prepared by _____ Date 9/29/01 Published in Bozons Ferry Hered 4/4+11/01
 Publication approved _____ Date 5/7/01

Receipt # E026216

MICROFILMED

OCT 19 2001



N A T I O

T60N R2W

Government lot check for
96-9065 by RGH 7/17/2001

NWNW NENW NWNE NENE

SWNW SENW SWNE SENE

NWSW NESW NWSE NESE

SWSW SESW SWSE SESE

NOT FILMED
OCT 19 2001

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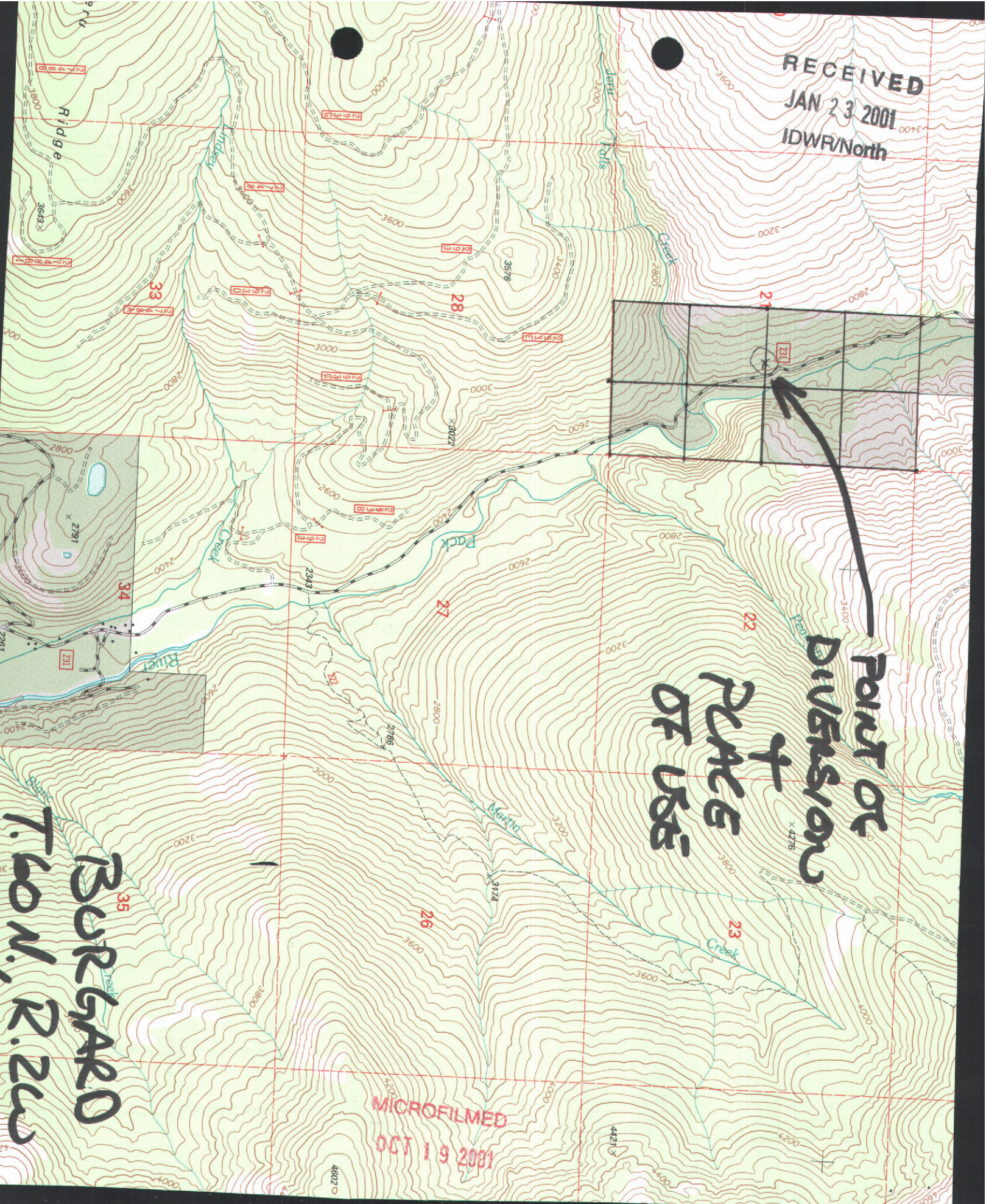
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JAN 23 2001
IDWR/North

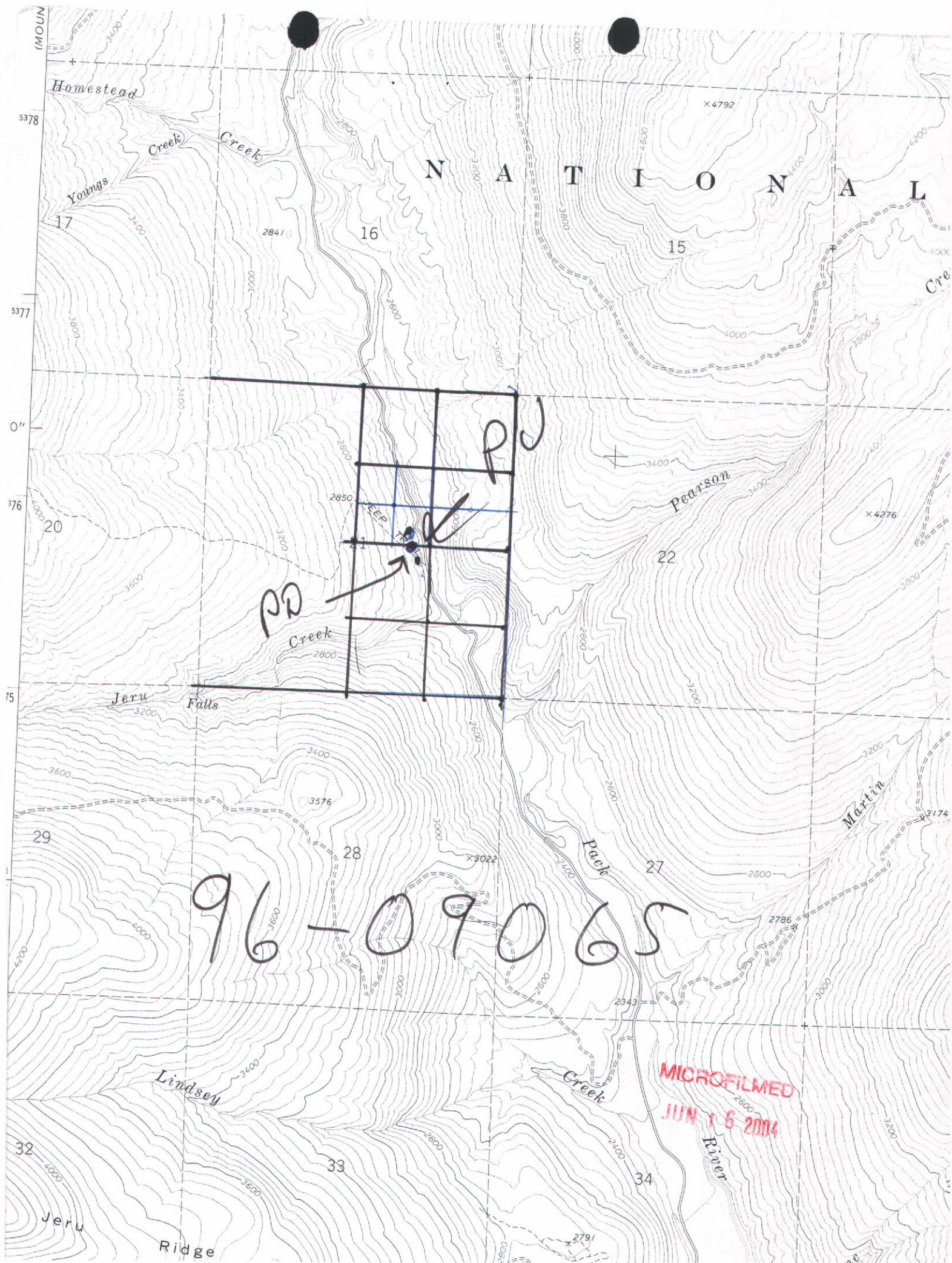


POINT OF
DIVISION
+
PLACE
OF USE

BURGARD
T. BOON, R. 26

MICROFILMED
OCT 19 2001





N A T I O

T60N R2W

Government lot check for
96-9065 by RGH 7/17/2001

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PAUL
MAY 15 2001



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MICROFILMED
JUN 16 2004

59060-96

AFFIDAVIT OF PUBLICATION

State of Idaho

ss.

County of Boundary, Carol Arthur

being first duly sworn on oath

deposes and says that he/she is ad manager

of the Bonners Ferry Herald, a newspaper printed and

published at Bonners Ferry, Boundary County, Idaho; that

the said newspaper has been continuously and

uninterruptedly published in said Boundary County during

a period of 12 months prior to the first publication of the

hereto attached notice of publication in the case of:

4497 Water Right

as it was published in the regular and entire issue of the

said paper for a period of 2 consecutive weeks,

commencing on 4 day of April, 2001

and ending on the 11 day of April, 2001

and that said notice was published in said newspaper.

On this 11 day of April in the year

of 2001, before me, a Notary Public, personally

appeared Carol A. Arthur,

known or identified to me to be the person whose name

subscribed to the within instrument, and being by me

first duly sworn, declared that the statements therein are

true, and acknowledged to me that he executed the same.

Jean E. Diel
Notary Public for Idaho

Residing at Bonners Ferry

My Commission expires: 7/29/2002

RECEIVED
MAY 07 2001
IDWR/North

NOTICE OF APPLICATION
FOR WATER RIGHT

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

96-9065

HELEN BURGARD

7650 N 15 E

IDAHO FALLS ID 83401

Point(s) of Diversion

R02W BOUNDARY County

Points(s) of Diversion NENWSE

BOUNDARY County

Use: DOMESTIC

Use: IRRIGATION

Total Diversion:

Date Filed: 01/23/2001

Place Of Use: DOMESTIC

T60N R02W S21SWNE NWSE

Place of Use: IRRIGATION

T60N R02W S21SWNE NWSE

Number of Acres

96-9066

JEFFREY D LIND

23815 19TH AVE NE

ARLINGTON WA 98223

Point(s) of Diversion

R02W BOUNDARY County

Use: DOMESTIC

Total Diversion:

Date Filed: 12/04/2000

Place of Use: DOMESTIC

T60N R02W S21SWSE

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code.

Any protest against the approval of this application must be filed with the

Director, Dept. of Water Resource, Northern Region, 1910 Northwest Blvd, Suite

210, Coeur d'Alene ID 83814 together with a protest fee of \$25.00 for each appli-

cation on or before 04/23/2001. The Protestant must also send a copy of the

protest to the applicant.

KARL J. DREHER, Director

Legal BFH#4497

April 4, 11, 2001

SESWNE S21 T60N
Source SPRINGS, SPRINGS
S21 T60N R02W
Source SPRINGS, SPRINGS
01/01 To 12/31 0.06 CFS
03/15 To 11/15 0.06 CFS
0.06 CFS

NESWSE S21 T60N
Source JERU CREEK
01/01 To 12/31 0.04 CFS
0.04 CFS

2

FILED

2001

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

RECEIVED

JUL 25 2002

IDWR/North

The Idaho Department of Water Resources considers this form a statement that the permit holder(s) has/have completed all development that will occur under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below. This form must be accompanied by a license examination fee, when necessary, or be accompanied by a completed field examination report prepared by a certified water right examiner.

1. Permit No. 96-9065 Telephone No. (208) 523-2057
2. Name of Permit Holder(s): Helen Burgard (James Brown) no change in ownership
3. Mailing Address: 7650 N 15 E
City Idaho Falls State Id Zip 83401
4. Source of Water: Spring - Sinks If GROUNDWATER (well), Date Drilled: mo. _____ / yr. _____
Well Driller: _____ Drilling Permit Number: _____
5. Use(s) (as authorized by the water right permit):
Domestic (No. of households): 4 Stockwater (No. and type of stock): _____
Irrigation (No. of acres): _____ Other: _____
6. Total rate of diversion and/or volume for which proof is submitted: - .04 ^{or less} cfs OR _____ acre-feet
7. Measuring Device Requirement: (refer to the approval conditions on your permit and respond accordingly)
(This question is not optional. Please check either yes or no. Proofs returned not checked accordingly, will be considered incomplete)
Measuring Device: Is a measuring device required? Yes _____ or No ✓
Has the measuring device been installed? Yes _____ or No _____
8. Fee Enclosed: \$ 50.00 (See Fee Schedule on back of the instructions for filing proof of beneficial use)
9. Person to contact to accompany the Department representative during field examination of the water system.
Name: James F. Brown Telephone Number: 208-255-1014
Address: 6684 Upper Pack River Sandpoint Id 83864
10. The information given on this form is my true statement of the extent to which the above numbered permit has been developed and water has been diverted. I agree to relinquish any undeveloped portion of the permit to the State of Idaho.

Signature of permit holder: Helen Burgard (by) Date: July 18-2002
(include your title, if on behalf of company or organization)
James F. Brown
agent for H.B. MICROFILMED

OCT 17 2002

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 96-09065

Priority: 01/23/2001

Maximum Diversion Rate: 0.06 CFS

This is to certify, that HELEN BURGARD
7650 N 15 E
IDAHO FALLS ID 83401

has applied for a permit to appropriate water from:

Source: SPRING

Tributary: SINKS

and a permit is APPROVED for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
DOMESTIC	01/01 to 12/31	0.06 CFS
IRRIGATION	03/15 to 10/31	0.06 CFS

LOCATION OF POINT(S) OF DIVERSION:

SPRING	SE¼SW¼NE¼	Sec. 21, Twp 60N, Rge 02W, B.M.	BOUNDARY County
SPRING	NE¼NW¼SE¼	Sec. 21, Twp 60N, Rge 02W, B.M.	BOUNDARY 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	
60N 02W 21			1.0												1.0		2.0

Total Acres: 2

PLACE OF USE: DOMESTIC, same as Irrigation

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before August 1, 2002.
2. Subject to all prior water rights.
3. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 3.0 afa per acre at the field headgate for irrigation of the lands above.
4. Domestic use is for 4 homes and does not include lawn, garden, landscape, or other types of irrigation.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 6th day of August, 2001.

MICROFILMED

OCT 19 2001


for
KARL J DREHER, Director

RECEIVED

JUL 24 2001

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

Department of Water Resources

App ID 68988

1. Name of Applicant Nelen BURGARD Phone 523-2857
Mailing address 7650 North 15 East, Idaho Falls, ID - 83401
2. Source of water supply SPRINGS which is a tributary of SINKS
3. Location of point of diversion is Township 60N Range 2W Sec. 21, in the SE 1/4, SW 1/4, NE 1/4, Govt. Lot -, B.M., Base BOUNDARY County; additional points of diversion if any: NE 1/4 SE 1/4 - SEC. 21, T. 60N, R. 2W.

4. Water will be used for the following purposes:

- Amount .06 for domestic purposes from Jan 1 to Dec 31 (both dates inclusive)
(cfs or acre-feet per annum)
- Amount .06 for IRRIGATION purposes from 3/15 to 1/15 (both dates inclusive)
(cfs or acre-feet per annum)
- Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
- Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
- Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
- Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated is (a) .06 and/or (b) _____
cubic feet per second acre feet per annum

6. Proposed diverting works:

- a. Describe type and size of devices used to divert water from the source 3' diameter concrete Tile 4" thick - 12 feet deep. 4" thick cover
- b. Height of storage dam 0 feet; active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet
- c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet
- d. Is ground water with a temperature of greater than 85°F being sought? _____
- e. If well is already drilled, when? _____; Drilling firm _____; Well was drilled for (well owner) _____; Drilling Permit No. _____

7. Time required for completion of works and application of water to proposed beneficial use is 1 years (minimum 1 year)

8. Description of proposed uses (if irrigation only, go to item 9):

- a. Hydropower; show total feet of head and proposed capacity in KW. _____
- b. Stockwatering; list number and kind of livestock. _____
- c. Municipal; show name of municipality. _____
- d. Domestic; show number of households 4
- e. Other; describe fully. Springs have been in use since 1966 latest development 1995.

MICROFILMED

OCT 13 2001

check # 2785

—NNN 0000

Map received 1/23/01 of 1207

Received by	Date	Time	Preliminary check by	#	Date	Published in	Date	Publication approved by
Mr.	10/2/00	11:20 AM		ED96216	10/2/00	Common Forum	5/17/01	
Fee \$								
Publication prepared by								

Signature of Applicant (and title, if applicable)

Map received 1/23/01 @ 1204

Signature of Applicant (and title, if applicable)

William Burghard

of the State of Idaho as herein set forth.

BE IT KNOWN that the undersigned hereby makes this application for permit to appropriate the public waters

13. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8 1/2"x11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. (A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.)

12. Remarks:

:ବିଧାନ ସଭା

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make

b. Who owns the land to be irrigated or place of use?

11. a. Who owns the property at the point of diversion?

10. Describe any other water rights used for the same purposes as described above.

Total number of acres to be irrigated

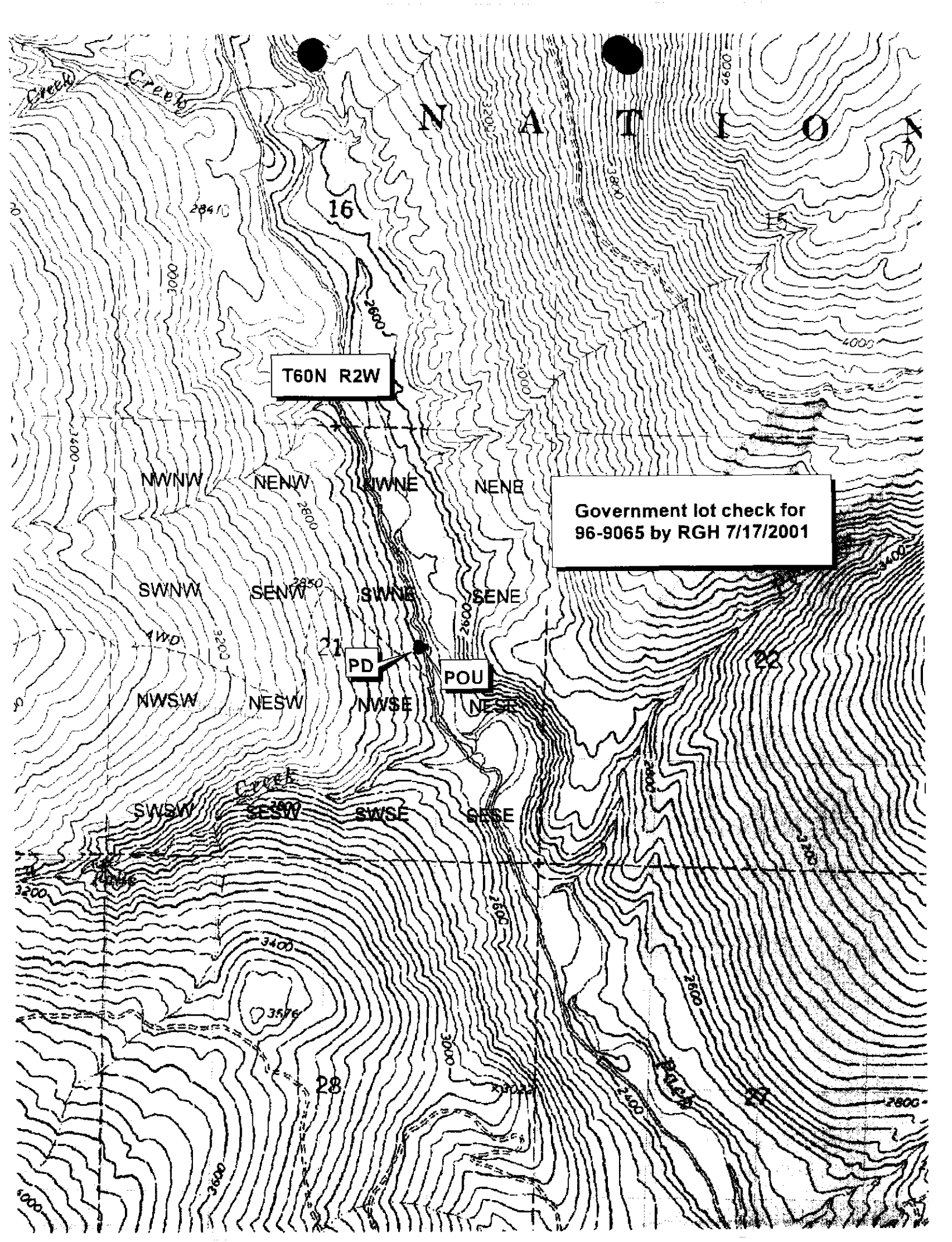
[illegible]

use below. See instructions for standard symbols.

b. If water is used for other purposes, place a symbol of the use (example: *D for Domestic*) in the corresponding place of

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

9. Description of place of use:



N A T I O N A L

T60N R2W

Government lot check for
96-9065 by RGH 7/17/2001

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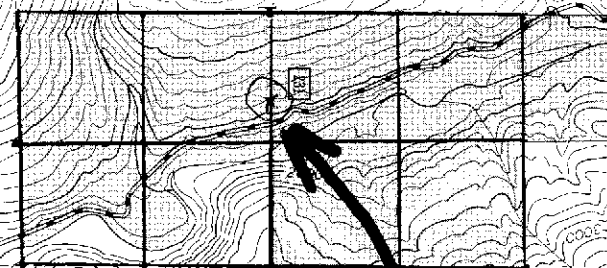
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RECEIVED
JAN 23 2001
IDWR/North



Point of
Division
+
Place
of Use

BORGARD
T. 60 N. R. 24

SE SW NE
Sec 21
T 60N
R 2W

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED

JUN 01 2004

DEPARTMENT OF
WATER RESOURCES

A. GENERAL INFORMATION

Permit No. 96-09065

1. Owner: Helen Burgard Phone No. (208) 523-2057

Current Address: 7650 N. 15 E, Idaho Falls Id. 83401

2. Accompanied by: James Brown EXAM DATE: 9.24.03

Address: 6684 Upper Pack River Rd. Sandpoint Id. Phone No. (208) 255-1014

Relationship to Permit Holder: Agent for Helen 83864

3. Source: Spring tributary to Link

B. OVERLAP REVIEW

1. Other water rights with the same place of use: _____

2. Other water rights with the same point of diversion: _____

C. DIVERSION AND DELIVERY SYSTEM

1. 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	21	60N	02W	boundary	USGS 7.5 min Quad
		NE	NW	SE	11	11	11	11	

2. Place(s) of Use:

Indicate Method of Determination

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
60N	02W	21			5										5				
					D										D				
					D														

JUN 15 2004

2. Measurements:

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

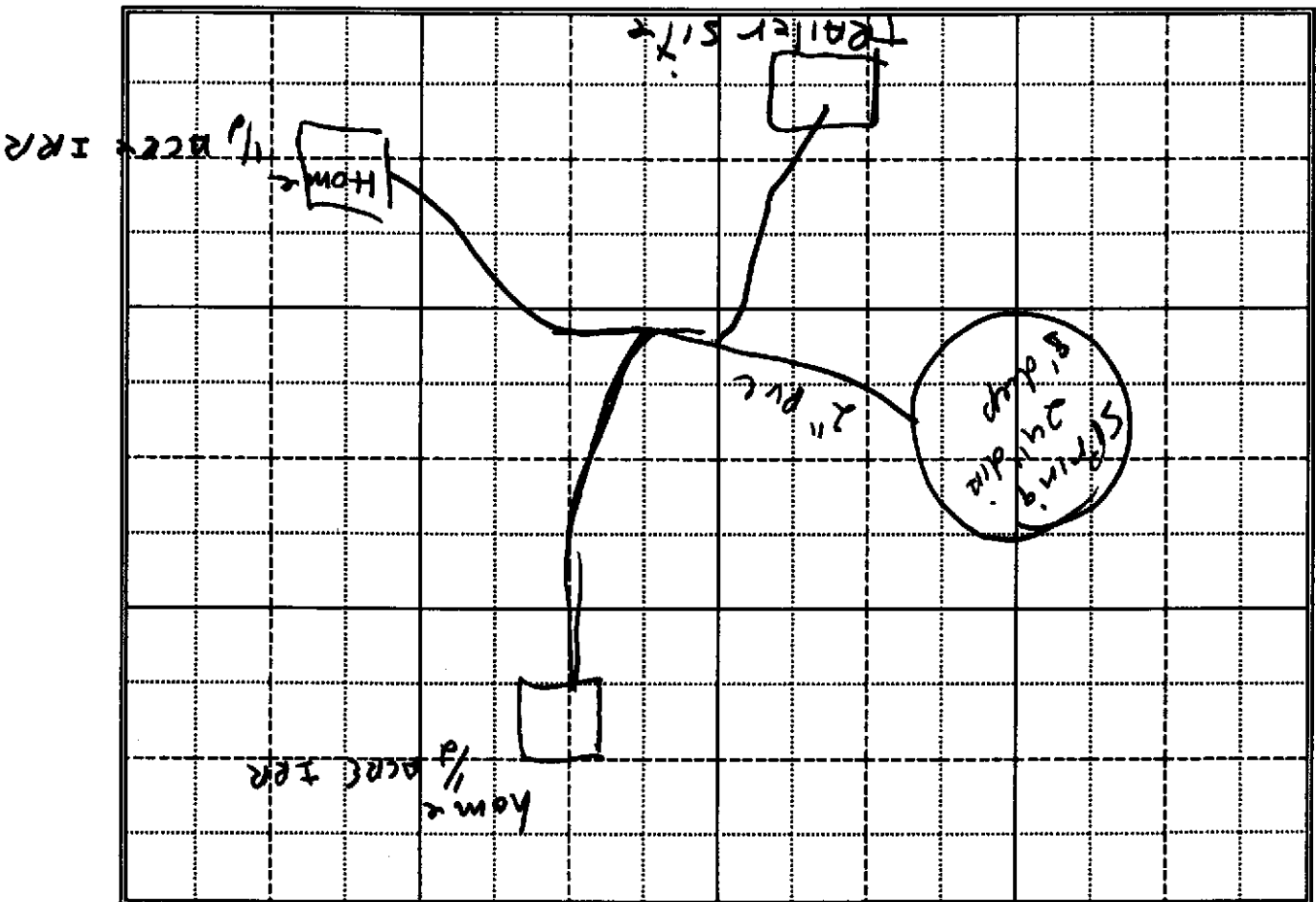
D. FLOW MEASUREMENTS

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

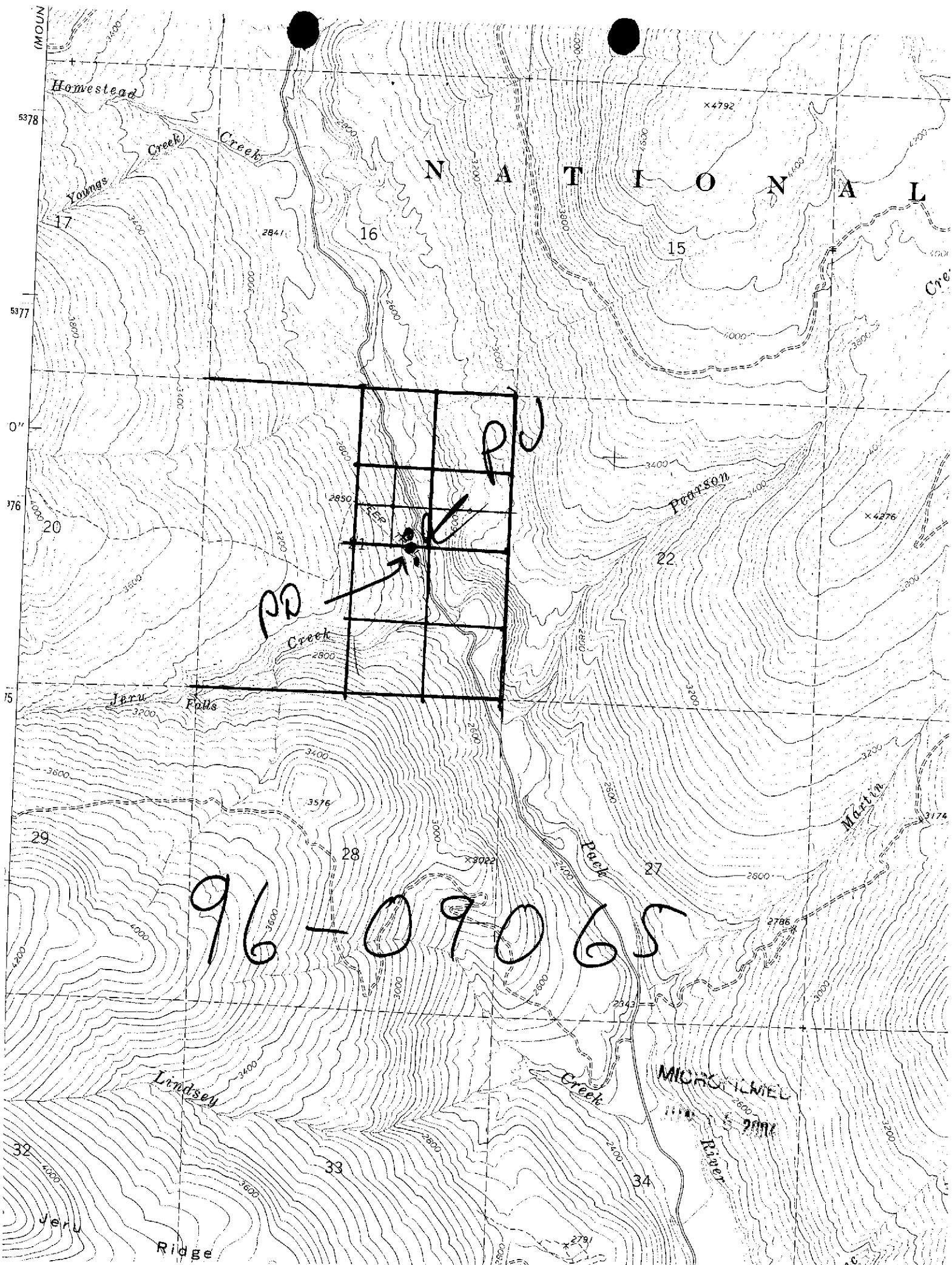
Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size

4.

Scale: 1" = _____
 _____ Copy of USGS 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)
 _____ Photo of Diversion and System Attached



3. Delivery System Diagram: Indicate all major components and distances between components. Indicate well size/ditch size/pipe l.d. as applicable.



N A T I O N A L

T60N R2W

Government lot check for
96-9065 by RGH 7/17/2001

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POU

NWNW NENW NENE
SWNW SENW SWNE SENE
NWSW NESW NWSE NESE
SWSW SESW SWSE SESE

STATE OF IDAHO

PERMIT #



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59065

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JUN 9 5 2004

59065-96

E. NARRATIVE/REMARKS/COMMENTS

System consist of a spring diversion going
to two wood frame homes and a trailer
hook up. Irrigation only at two homes, not
trailer site

Have conditions of permit approval been met? ☒ yes ☐ no

MICROFILMED

JUN 15 1991

F. FLOW CALCULATIONS

Measured Method:

Additional Computation Sheets Attached
 5 gal bucket, 0.1 cfs 5 gal bucket
 5 gpm x 1.33651 = 0.1 cfs

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{IR} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 1 \times 3$$

$$V_{DR} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = 1.01 \times 230 \times 1.9835 = 4.6$$

$$V = \text{Smaller of } V_{IR} \text{ and } V_{DR} = 3$$

2. Volume Calculations for Other Uses:

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use

Domestic
Recreation

From

01-01

03-15

To

12-31

10-31

Rate of Diversion

Q (cfs)

1.01

1.01

Annual Volume

V (afa)

1.8

3

Totals:

1.01

4.8

2. Recommended Amendments

Change P.D. as reflected above
 Change P.U. as reflected above

Add P.D. as reflected above
 Add P.U. as reflected above

None
 Other

I. AUTHENTICATION

Reviewer

Date

Field Examiner's Name: *Wagner*
 Date: *9-30-03*

MICROFILMED

JUN 9 5 2004



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

July 30, 2002

HELEN BURGARD
7650 N 15 E
IDAHO FALLS ID 83401

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 96-9065

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. The next step in the process of developing a water right is for the department to contact you to schedule a field examination to determine and confirm the use being made of the water, and that it meets the permitted beneficial use.

Be advised that Section 42-248, Idaho Code, requires you or the owner of these water rights to maintain current ownership and address records on file with the department. Forms to file a change of ownership of a water right and/or a change in the address of the water right owner are available from any department office.

If you have questions, please contact the **Northern** Regional Office of the department in Coeur d'Alene at (208) 769-1450.

Sincerely,

Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

Encl.

c: IDWR - Regional Office (w/encl.)
James F. Brown

MICROFILMED

OCT 17 2002

ANALYSIS SHEET FOR PROOF OF BENEFICIAL USE

Permit No.: 96-9065

Reviewed By: dgibson

Date: July 29, 2002

	<u>Yes</u>	<u>No</u>		<u>Yes</u>	<u>No</u>
Proof received timely?	X		Drilling permit required?		X
License examination fee required?	X		Drilling permit No.:		
Appropriate fee submitted?	X		Drilling permit upgrade needed?		
Receipt No.:		E026216, N015160	Well driller's report filed?		X
Additional Amount Due:			Measuring device required?		X
Name and address same as permit?	X		Measuring device installed?		
Are the water uses correct?	X		Measure device waiver requested?		

Priority Calculation

Date proof received		07/25/2002
Date proof due	-	08/01/2002
Lapse notice sent	-	
No. of days late	=	0
Holiday allowance	+	
Priority date	+	01/23/2001
New priority date	=	01/23/2001

Deficiencies of Actions Items

Acknowledge proof.



State of Idaho
DEPARTMENT OF WATER RESOURCES

NORTHERN REGION, Suite No. 210 • 1910 Northwest Blvd. • Coeur d'Alene, Idaho 83814-2615
(208) 769-1450

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

July 25, 2002

RECEIVED

JUL 29 2002

Department of Water Resources

JAMES BROWN
AGENT FOR HELEN BURGARD
6684 UPPER PACK RIVER
SANDPOINT ID 83864

Re: Proof of Beneficial Use for 95-9065 - Helen Burgard

Dear Mr. Brown:

This acknowledges receipt of your Proof of Beneficial Use filed on the above referenced water permit.

The paperwork will be forwarded to our State Office in Boise for processing. Within a few weeks you will receive a letter of acknowledgement from them noting receipt thereof. Within that letter they will explain the process from this point forward.

Sincerely,

Dianne Ball
Administrative Assistant

MICROFILMED

OCT 17 2002

May 31, 2002

HELEN BURGARD
7650 N 15 E
IDAHO FALLS, ID 83401

PROOF DUE NOTICE

RE: PERMIT NO. 96-9065

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before August 01, 2002. (See last page of your approval permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a completed field examination report prepared by a certified water right examiner may be used to submit the required proof.

If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental agency or by litigation which might bring title to the water in question, more than one extension of time can be granted. An extension of time request form is enclosed for your convenience.

Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the lapse notice, the permit will no longer be of any force nor effect.

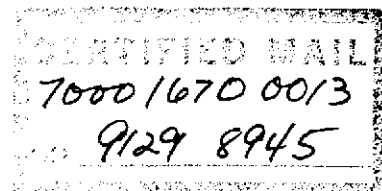
Sincerely,

Deborah J. Gibson, Admin. Assistant
Water Allocation Bureau

Enclosures

MICROFILMED

OCT 17 2002





State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

August 8, 2001

HELEN BURGARD
7650 N 15 E
IDAHO FALLS ID 83401

RE: Permit No. 96-9065

Permit Approval Notice

Dear Permit Holder:

The Department of Water Resources has issued the enclosed permit authorizing you to establish a new water right. Please be sure to thoroughly review the conditions of approval and remarks listed on your permit.

The permit is a PRELIMINARY ORDER issued by the Department pursuant to Section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless a party petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

Enclosed is a form entitled 'Instructions for Proof of Beneficial Use.' Please read the instructions carefully since you must take further action to develop this permit into a licensed water right. Also enclosed is a form entitled 'Proof of Beneficial Use.' If your project is already completed, you should complete and submit this form immediately.

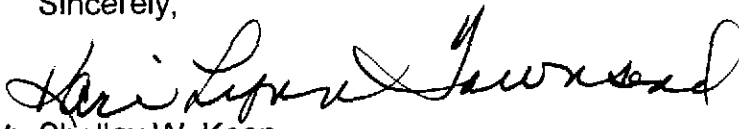
Please note that a separate stream channel alteration permit must be obtained from the Department prior to any activity in the stream channel other than construction or maintenance of the diversion structure for your water right(s). Applications for stream channel alteration permits must be filed a least sixty days prior to the commencement of work in the stream.

Also, please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

MICROFILMED
SEP 19 2000

If you have any questions, please contact me at 208-327-7946.

Sincerely,


for Shelley W. Keen
Water Rights Supervisor

SWK:klt

Enclosure(s)

MICROFILMED
OCT 13 2001

CERTIFICATE OF MAILING

I hereby certify that on August 8, 2001 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved Permit) to the person(s) listed below:

RE: WATER RIGHT NO. 96-9065

HELEN BURGARD
7650 N 15 E
IDAHO FALLS ID 83401

A handwritten signature in cursive script, reading "Kari Lynn Townsend", written over a horizontal line.

Kari Lynn Townsend
Secretary

MICROFILMED
OCT 15 2001

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

The accompanying order or approved document is a "**Preliminary Order**" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department of Water Resources (department) unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the department or the Idaho Water Resource Board (Board) is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

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OCT 19 2007

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of; or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

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OCT 18 2011

APPLICATION FOR PERMIT
STATE OFFICE ANALYSIS

Reviewed by Sharla Curtis on 7/31/01

No. 96-9065 Name: Burgard Corp. Officers N/A Ad ok ✓ Govt Lots

AREA OF CONCERN: No/Yes Moratorium GWMA ~~TRUST/NON-TRUST~~

GROUNDWATER: (✓Flow Chart)

DRILLING PERMIT

All wells - 046
Basin 34 - 084 (if necessary)
WMD - North/East/West
≤ 0.24 cfs/5 acres - No MD
> 0.24 cfs/5 acres - 067

~~WMD~~

Supp irr (irr = only use) - 065-104
Supp irr (+ other uses) - 100-105
≤ 0.24 cfs/5 acres - No MD
> 0.24 cfs/5 acres - 01M

LOCATION:

Boise Front LoGeo - 058 (<85 GW)
Mitigation - 121

Trust - 051 (consumptive uses)
Non-Trust - 048-049 (consumptive uses or non-cons. > 1.0 cfs)

USES:

STORAGE - 18C-01H-01P-18B-NA
IRR ≤ 5 ac - R66/R67/R68/R69 (0.03 cfs/ac)
> 5 ac - R62/R63/R64/R65 (0.02 cfs/ac)
STOCK WATER - R37 (BLM/FS)-111 (instream stock)
MINING - 054-106
HEAT/COOL - R07 (injection well)
FIRE PROT - 077
COMMERCIAL/
INDUSTRIAL - 106-R07
DAIRY - 082-WD8
POWER - 17H or 17K (+uses)-17G (under FERC)
or 17M (not FERC regulated)
025-027-R22-08A

BENEFICIAL USE DUE: 8 / 01 / 2002

MISC CONDITIONS/REMARKS:

Protested - 020-W19
Development Period
> 1 yr - 26A
Ownership - 004
Non-consumptive - 027
Water Quality - 106-R07

SURFACE WATER: (✓Flow Chart)

F&G contacted - Yes/No Response None
In/Above MSF - WB9

PLANNING REVIEW/RESPONSE

WD - R04 (WD#)
≤ 0.20 cfs/others - 01H, 01P or No MD
> 0.20 cfs - 01J

SPRINGS/SINK, INACTIVE WD or ~~WD~~

≤ 0.24 cfs/5 acres - No MD
> 0.24 cfs/5 acres - 01M or No MD

RIVER BASINS: (SW special considerations)

Snake R (01) - W23, N/A
(02,03) - 007 (w/ remark WB9 if above Weiser)
Payette R (65) - W23, 047 (Payette Lake)
Salmon R (70's) - 029 (fish screens)
Weiser R (67) - 086-087

USES:

MUNICIPAL

Restricted area - 022,075
Irr. GW supp to SW - 102
Future needs - 007,109
FISH PROP - 029 (70's only)-007-042-106

DOMESTIC

Surface water - WB5 (Big Wood/Boise above Star Bridge)
- 27A (Payette R)
> 1 in restricted area - 070-071-075 (no parks/common areas)
Irr separate or none allowed - WB5
GW w/irrigation from SW evident - 065-104
Moratorium approvable - W03 (2500 gpd - meets domestic def
i.e. D/convenience store)

Multiple pd's per ¼¼ - W32
Subd lot desc (pd) - W59
Subd lot desc (pu) - W60
Use definitions - W02 example - S/50 range
Pre-1987 development - 068-074 (allow 120 days for proof due)
Single pd/d intended - 076

IRRIGATION SEASON 3/15 - 10/31 (Per updated map)

IRR VOLUME/ACRE 30

OTHER CONDITIONS/REMARKS

COMMENTS

No overlaps

489600 - ins
01 dom

RECEIVED

IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION APPLICATION ANALYSIS SHEET

JUL 24 2001

APPLICATION # 96-9065
INITIAL REVIEW

app ID 68988

Department of Water Resources

APPLICANT:

BURBARD

BY:

JB

DATE:

1/23/01

ITEM REQUIRED INFORMATION

1. () Name and Address
2. () Source
3. () Point of Diversion & County
4. () Quantity
() Nature of Proposed Use
() Period of Use
5. () Total Quantity
6. () Description of diverting works
7. () Time required for b/u
8. () Proposed use
9. () Place of use or acres irrigated
10. () Other water Rights
11. () Ownership
12. () Map
() Signature
() Fee (Amt, receipt, acknowledgement)

*** Send info sheet Y () N ()

ADDITIONAL INFORMATION

(Yes) (No)

- Field check: by _____
Field report attached _____
Analysis Supp. attached (>5cfs/500af) _____
Water delivered by water master? _____
Water District # _____

PROCESSING

(Yes) (No)

PRIORITY DATE: 1/23/01

(Include Moratorium Remark)

Statewide Advertising: (Diversion rate greater than 10 cfs or 1,000 af).

ADVERTISE IN:

BOUNDARY

County

LETTERS SENT REQUESTING:

- () Dam Information () Fish Information
() Power Information () Other: _____

INFORMATION RECEIVED:

- () Dam Information () Fish Information
() Power Information () Other: _____

GROUNDWATER SECTION

WD Permit No.'s:	TAG #	Type:	Fees	Receipt No.	Upgrade Needed?
_____	_____	Dom. Non-Dom. _____	Paid \$ _____	_____	Y () N ()
_____	_____	Dom. Non-Dom. _____	Paid \$ _____	_____	Y () N ()
_____	_____	Dom. Non-Dom. _____	Paid \$ _____	_____	Y () N ()

Groundwater management area

Critical ground water area

Well Drilling Permit required

Well Drilling Application and Fees received

Well Drilling Application approved?

Remarks: _____

FINAL REGIONAL PROCESSING/REVIEW

(Yes) (No)

- ✓ Notice of pending void order issued. Final order response date: 1/23/01
✓ Further information required from applicant
5/7 Affidavit of publication received
5/7 Application published correctly. If not, record action taken: _____
4/2 Publication dates and paper recorded on application | Sr. Agent initial _____
✓ Protests received, Final protest date: 4/23/01
✓ Measuring device required
✓ Measuring port required
✓ Special conditions:
✓ Special conditions of approval supplement and/or cover letter attached:

Approval Recommended by:

JB

Date:

5/8/01

Ball, Dianne

From: Ball, Dianne
Sent: Monday, April 02, 2001 3:45 PM
To: 'Mark Liter, IDFG Cd;A'
Subject: perweek1.txt - Water Rights requiring a response from you.



perweek1.txt.url

<http://www.idwr.state.id.us/info/water/rights/perweek1.txt>

Greetings, Mark,

Either the link above or the attachment below will take you to our IDWR Home Page on the internet, where you will find four (4) new water rights for which we need comments from you, because they involve surface water. They are as follows:

96-9064	FRATES
95-9065	MEYER
96-9066	LIND
96-9065	BURGARD

There is a water right for LIND with a 98 number right at the top of the list - this one is to be ignored. It was originally issued with a 98 number and that is incorrect. The correct one is farther down the list with the 96-9066 number. Sorry for any confusion that this might cause.

The last date for protest to be received in our office on these rights is April 23, 2001. We would greatly appreciate your response to us prior to that date. An e-mail response is perfectly acceptable, unless you find it necessary to file a formal protest. If that is the case, we need it in writing together with a \$25 fee for each right on which a protest may need to be entered.

thank you very much for your prompt response. Should you have ANY questions, please e-mail me or call me at 769-1450

May your life be littered with love and blessings. Dianne Ball, IDWR, Cd'A

No response as of 5/8/01
D

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OCT 9 9 2001

AFFIDAVIT OF PUBLICATION

State of Idaho

ss.

County of Boundary, Carol Arthur

_____ being first duly sworn on oath
deposes and says that he/she is ad manager
of the Bonners Ferry Herald, a newspaper printed and
published at Bonners Ferry, Boundary County, Idaho; that
the said newspaper has been continuously and
uninterruptedly published in said Boundary County during
a period of 12 months prior to the first publication of the
hereto attached notice of publication in the case of:

4497 Water Right

as it was published in the regular and entire issue of the
said paper for a period of 2 consecutive weeks,
commencing on 4 day of April, 2001
and ending on the 11 day of April, 2001
and that said notice was published in said newspaper.

On this 11 day of April in the year
of 2001, before me, a Notary Public, personally
appeared Carol A. Arthur,

known or identified to me to be the person whose name
subscribed to the within instrument, and being by me
first duly sworn, declared that the statements therein are
true, and acknowledged to me that he executed the same.

Jean E. Driel
Notary Public for Idaho

Residing at Bonners Ferry, Idaho

My Commission expires: 7/22/2003

RECEIVED
MAY 07 2001
IDWR/North

NOTICE OF APPLICATION
FOR WATER RIGHT

The following application(s) have been filed to appropriate the public waters of
the State of Idaho:

96-9065

HELEN BURGARD
7650 N 15 E
IDAHO FALLS ID 83401
Point(s) of Diversion
R02W BOUNDARY County
Points(s) of Diversion NENWSE
BOUNDARY County
Use: DOMESTIC
IRRIGATION

SESWNE S21 T60N
Source SPRINGS, SPRINGS
S21 T60N R02W
Source SPRINGS, SPRINGS
01/01 To 12/31 0.06 CFS
03/15 To 11/15 0.06 CFS
0.06 CFS

Total Diversion:
Date Filed: 01/23/2001
Place Of Use: DOMESTIC
T60N R02W S21SWNE NWSE
Place of Use: IRRIGATION
T60N R02W S21SWNE NWSE
Number of Acres

2

96-9066
JEFFREY D LIND
23815 19TH AVE NE
ARLINGTON WA 98223
Point(s) of Diversion
R02W BOUNDARY County
Use: DOMESTIC

NESWSE S21 T60N
Source JERU CREEK
01/01 To 12/31 0.04 CFS
0.04 CFS

Total Diversion:
Date Filed: 12/04/2000
Place of Use: DOMESTIC
T60N R02W S21SWSE

Permits will be subject to all prior water rights. Protests may be submitted
based on the criteria of Sec. 42-203A, Idaho Code.

Any protest against the approval of this application must be filed with the
Director, Dept. of Water Resource, Northern Region, 1910 Northwest Blvd, Suite
210, Coeur d'Alene ID 83814 together with a protest fee of \$25.00 for each appli-
cation on or before 04/23/2001. The Protestant must also send a copy of the
protest to the applicant.

KARL J. DREHER, Director
Legal BFH4497
April 4, 11, 2001

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

96-9065

HELEN BURGARD
7650 N 15 E
IDAHO FALLS ID 83401

Point(s) of Diversion SESWNE S21 T60N R02W BOUNDARY County Source SPRINGS, SPRINGS

Point(s) of Diversion NENWSE S21 T60N R02W BOUNDARY County Source SPRINGS, SPRINGS

Use: DOMESTIC 01/01 To 12/31 0.06 CFS

Use: IRRIGATION 03/15 To 11/15 0.06 CFS

Total Diversion: 0.06 CFS

Date Filed: 01/23/2001

Place Of Use: DOMESTIC

T60N R02W S21 SWNE NWSE

Place Of Use: IRRIGATION

T60N R02W S21 SWNE NWSE

Number of Acres 2

96-9066

JEFFREY D LIND
23815 19TH AVE NE
ARLINGTON WA 98223

Point(s) of Diversion NESWSE S21 T60N R02W BOUNDARY County Source JERU CREEK

Use: DOMESTIC 01/01 To 12/31 0.04 CFS

Total Diversion: 0.04 CFS

Date Filed: 12/04/2000

Place Of Use: DOMESTIC

T60N R02W S21 SWSE

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec 42-203A, Idaho Code.

Any protest against the approval of this application must be filed with the Director, Dept. of Water Resource, Northern Region, 1910 Northwest Blvd, Suite 210, Coeur D' Alene ID 83814 together with a protest fee of \$25.00 for each application on or before 04/23/2001. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published on 4/4/2001 and 4/11/2001

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OCT 13 2001



State of Idaho
DEPARTMENT OF WATER RESOURCES

NORTHERN REGION, Suite No. 210 • 1910 Northwest Blvd. • Coeur d'Alene, Idaho 83814-2615
(208) 769-1450

Fax (208) 769-1454

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

March 29, 2001

Legal Notice Department
BONNERS FERRY HERALD
PO BOX 539
BONNERS FERRY ID 83805

Faxed 3/30/01
10:06a

RE: Application for Permit No. 96-9065 and 96-9066

Dear LEGAL NOTICE DEPARTMENT:

Enclosed you will find legal notice(s) which we wish to have published in your newspaper on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 04/23/2001. Your cooperation is appreciated.

Sincerely

Dianne Ball
Administrative Assistant

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OCT 4 3 2001

March 30, 2001

HELEN BURGARD
7650 NORTH 15TH EAST
IDAHO FALLS ID 83401

Re: Water Appropriation Application No. 96-9065

Dear Ms. Burgard:

The Idaho Department of Water Resources hereby acknowledges receipt of the above referenced Application for Permit to Appropriate the Public Waters of the State of Idaho. To assist us in providing you with prompt, accurate service, please refer to the above referenced number in all future matters concerning this water right application.

Your appropriation application is currently being prepared for advertising in the local county newspaper. This advertisement will be published for two consecutive weeks followed by a waiting period of ten days to allow for the submittal of protests. Normal processing time is approximately 3 to 4 months, if the application is not protested.

If the application is not protested, it will be forwarded to Boise to be considered for approval by the Director. State office personnel will then conduct a complete review, and you will be notified by mail of the outcome. However, if the application is protested during this waiting period, you will be sent a copy of the protest and instructions to aid you in resolving the protest without a hearing. All protests must be resolved before approval of the application can be made so if the protestant does not voluntarily withdraw the protest, this department will conduct a conference and/or hearing on the matter.

You will receive your approved Application for Permit and instructions on filing the Proof of Beneficial Use from our State office in Boise.

If you have any questions or if I can be of any assistance please feel free to contact me at this office.

Sincerely,

ALLEN BEARDSLEE
Senior Water Resources Agent

AB:db

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OCT 18 2001