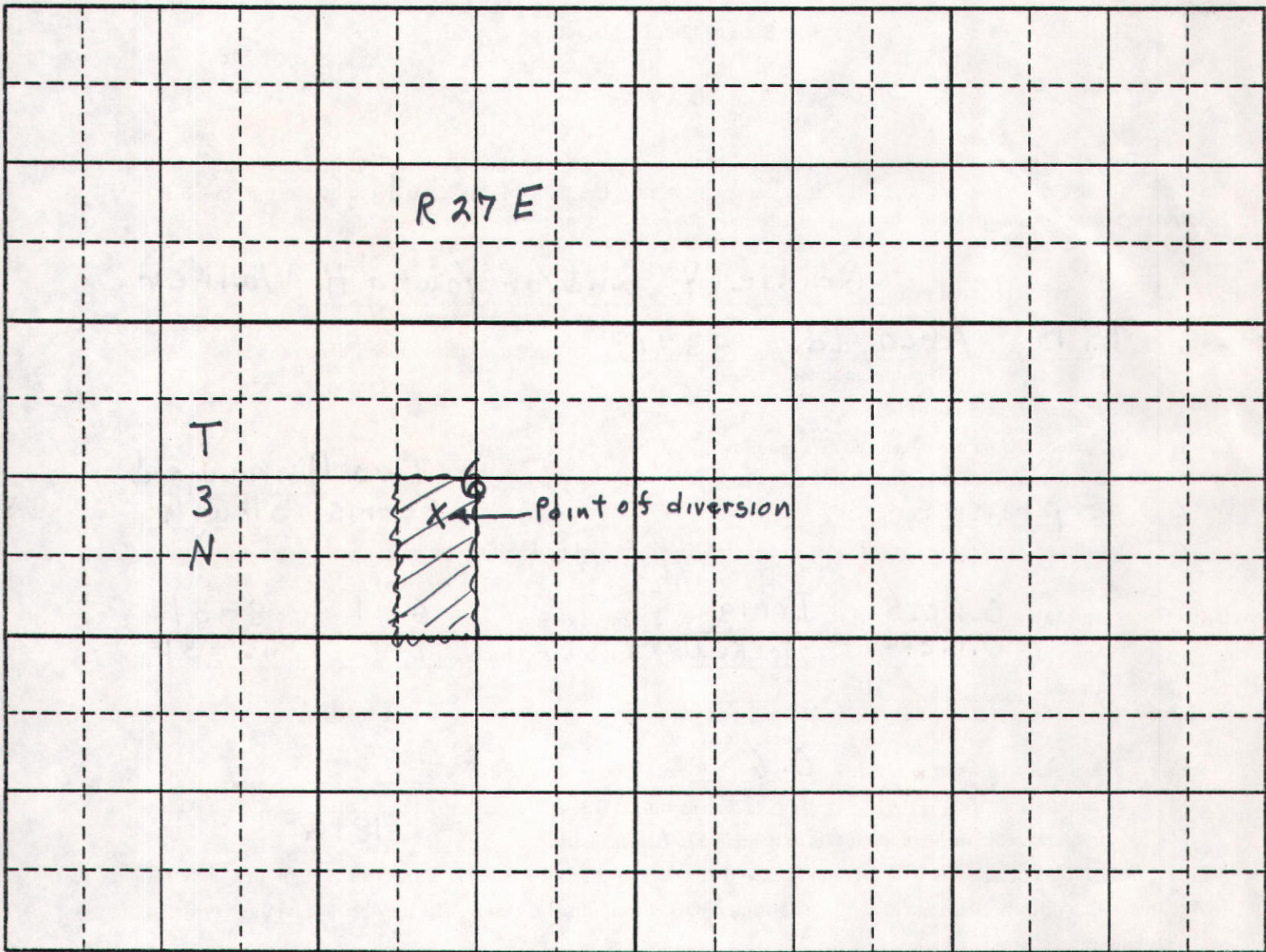


(8) Remarks _____



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
County of Ada) ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiants knowledge.

Sworn to before me this 22nd day of

Jerry H. Walker
(Claimant)
March, 19 78
Lyle Glen Saxton
Notary Public
Residing at Boise, Idaho

My commission expires 11-25-78

For Department Use Only

Received by <u>me</u>	Date <u>3-22-78</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>gp</u>	Date <u>3-22-78</u>		claimant by:	
\$10.00 fee received by <u>me</u>	Date <u>3-22-78</u>	# <u>10399</u>		
Approved for publication by <u>OW</u>	<u>5-03-78</u>			
Published in <u>Arco Advertiser</u>				
Dates <u>April 6 & 13, 1978</u>				

RECEIVED

MAY 3 1978

Department of Water Resources
Eastern District Office

Affidavit of Publication

I, Le Ella Cammack.....
of the Arco Advertiser, a weekly newspaper of
general circulation, published weekly at Arco,
Idaho, since March, 1909, do solemnly swear that
a copy of this notice, per clipping attached, was
published weekly in the regular and entire issue
of said newspaper, and not in any supplement
thereof,

for 2..... consecutive weeks, commencing with

the issue dated 4-6-78.....

and ending with the issue dated 4-13-78.....

Le Ella Cammack

Subscribed and sworn to before me this

1 day of May, 19 78

Charles G. [Signature]
Notary Public

Residence: Arco, Idaho.

My commission expires 5-14, 19 78

PUBLIC NOTICE

NOTICE OF CLAIM TO A WATER RIGHT

NO. 34-4033

Notice is hereby given that Goldie
Y. &-or Young H. Walker, Arco,
Idaho, have filed a claim to a water
right established by diversion and
application to beneficial use of 0.60
cubic feet per second of water from
two unnamed springs tributary to
Ferris Slough with point of diver-
sion in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 6, T. 3N,
R. 27E, B.M., Butte County.

The water is claimed to be used
from Jan. 1 to Dec. 31 for stock-
watering purposes for 500 head of
stock and from June 1 to Aug. 31 for
the irrigation of 80 acres with a
priority of 1892; the place of use is
within the E $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 6, T. 3N,
R. 27E, B.M.

Any exception to this claim of
water right may be filed with the
Idaho Department of Water
Resources, 1515 Lincoln Road,
Idaho Falls, Idaho 83401.

C. STEPHEN ALLRED
Director

Published in the Arco Advertiser,
Arco, Idaho on April 6 and April 13,
1978.

Microfilm

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Section 42-225a, Idaho Code

CLAIM TO A WATER RIGHT

Under the provisions of Section 42-225a, Idaho Code, a person may file a claim to a right to use water which has been established by diversion and application to beneficial use. **The filing of this claim does not confirm the water right but will serve for information purposes only.** It may, however, become the basis for future adjudication of the water right by the Court.

by the Court.

Notice is hereby given that Goldie Y. and/or Young H. Walker
(name of claimant)
of 49B, Arco, Id. 83213, claims a right to the diversion and beneficial use of
(mailing address)
the public water of the State of Idaho

The extent and nature of said claim is as follows:

- The extent and nature of said claim is as follows:
- (1) Describe source of water: (name of stream, lake, spring, etc., or ground water) Two Unnamed Springs, tributary to, Ferris Slough
- (2) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:
- | | | | | | | | | |
|--------|----------------------|-----|-------------------------------|----------------|------|------------|----|------------------------|
| Amount | <u>0.6 cfs</u> | Use | <u>Irrig</u> | Period of Use: | From | <u>6-1</u> | To | <u>8-31</u> |
| Amount | <u>0.12 cfs</u> | Use | <u>Stockwater</u> | Period of Use: | From | <u>1-1</u> | To | <u>12-31</u> |
| Amount | _____ | Use | _____ | Period of Use: | From | _____ | To | _____ |
| | (cfs, gpm
or a/f) | | (dom., irri.,
stock, etc.) | | | | | (both dates inclusive) |

- (3) Total quantity of water claimed: 0.6 cubic feet per second, or _____ acre feet per annum, and/or _____ gallons per minute.
- (4) Priority claimed: (the date water was first applied to beneficial use) 1892

A claim is not acceptable on a ground-water source with a priority later than March 25, 1963 or on a surface-water source with a priority later than May 20, 1971. An exception to this rule is that a claim may be filed on domestic use from a ground-water source.

- (5) A) Point of diversion: (give location of point where water is diverted from its source)
NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 6 Twp. 3N Rge. 27E B. M. County of Butte
 Additional points of diversion: _____

B) Describe means of diversion of water: (pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.) Give sizes and capacities; be as specific as possible. Dams and open ditches
from the springs.

- (6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

[illegible]

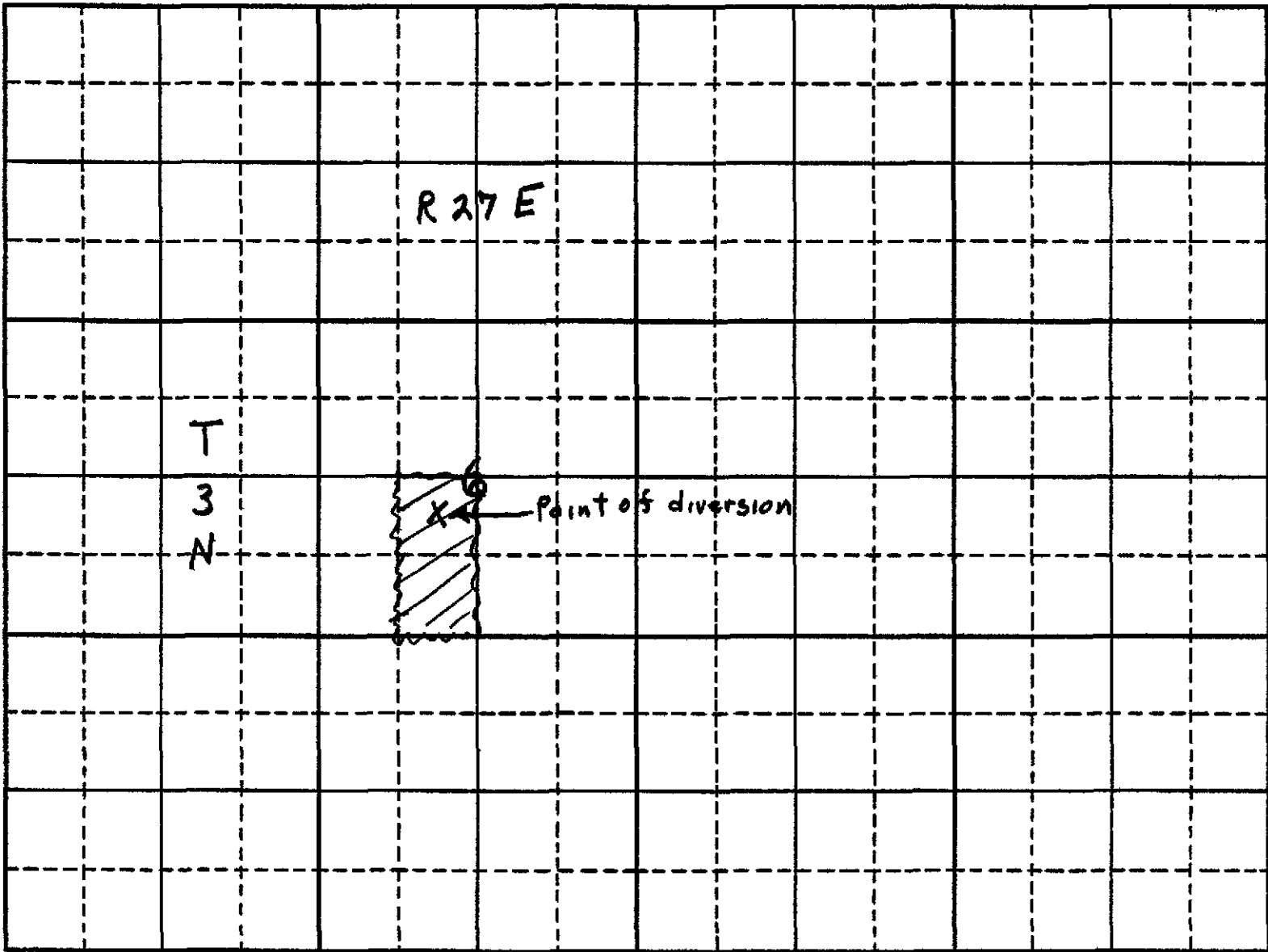
Total No. of acres 80

- B) If the water is used for other than irrigation, fully describe that use, being as specific as possible: Approx. 500 Head of stock are watered.

- 7) If you are claiming water as a member of an organization, list name of organization: _____

MICROFILMED

(8) Remarks _____



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
County of Ada) ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiants knowledge.

Sworn to before me this 22nd day of March, 1978

Jerry H. Walker
(Claimant)
Lyle Glen Saxton
Notary Public
Residing at Boise, Idaho

My commission expires 11-25-78

For Department Use Only			
Received by <u>me</u>	Date <u>3/22/78</u>	Exception filed by:	Forwarded to
Prelim. check by <u>gw</u>	Date <u>3/22/78</u>		claimant by:
\$10.00 fee received by <u>me</u>	Date <u>3/22/78</u>	# <u>10399</u>	
Approved for publication by <u>OW</u>	<u>5-03-78</u>		
Published in <u>Arco Advantage</u>			
Dates <u>April 6 & 13, 1978</u>			

RECEIVED

MAY 3 1978

Department of Water Resources
Eastern District Office

Affidavit of Publication

I, *Le Ella Cammack* ...
of the Arco Advertiser, a weekly newspaper of
general circulation, published weekly at Arco,
Idaho, since March, 1909, do solemnly swear that
a copy of this notice, per clipping attached, was
published weekly in the regular and entire issue
of said newspaper, and not in any supplement
thereof,

for *2* ... consecutive weeks, commencing with

the issue dated *4-6-78* ...

and ending with the issue dated *4-13-78* ..

Le Ella Cammack

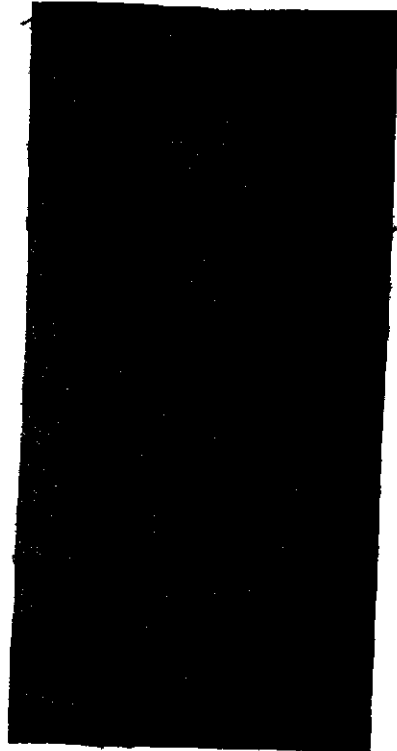
Subscribed and sworn to before me this

1 day of *May* , 19 *78* ..

Charles G. Jones
Notary Public

Residence: Arco, Idaho.

My commission expires *5-14* , 19 *78* ..



RECEIVED

IN THE MATTER OF:

exception to claim 34-4033
filed by Reese W. Burke

State of Idaho

County of Butte

RECEIVED
AFFIDAVIT

JUL 31 1978

Department of Water Resources
Eastern District Office

Young Harvey Walker

being first duly sworn,

deposes and says: in the case of claim 34-4033 exception filed by Reese W. Burke
in connection with paragraph one of Mr. Burke's exception the Ferris Slew is not a
main tributary to the Big Lost River. Mr. Burke does not have any filings on any
water in or supplemental to the Ferris Slew. His filing is in the Big Lost River only.
Mr. Burke's water right is not Before 1892 as stated in the exception. All water and
flood rights of the Ferris Slew are held by Goldie Y. and Young Harvey Walker operating
as Walker Ranch, Arco, Idaho priorities 1870, 1891 and 1892.

In answer to paragraph two of Mr. Burke's exception legal description filed in claim
34-4033 is flooded and is not under sprinkler irrigation.

In reference to paragraph three of Mr. Burke's exception the word of others should be
considered heresay, there being no other protests or exceptions filed on claim 34-4033.
Any other correspondence in this matter will result in litigation. If any other
correspondence in this matter is necessary please direct to Young Harvey Walker, Rt.1
Box 51, Arco, Idaho 83213 and Louis F. Racine, Atty., Racine, Huntley and Olson, Center
Plaza - Corner First and Center, P.O. Box 1391, Pocatello, Idaho 83201.

Young H. Walker
(signature)

Subscribed and sworn to before me this 31st day of July 19 78.

Calvin Wray
(notary public)

Residing at Idaho Falls, Idaho
My commission expires 6/15/81

MICROFILMED

IN THE MATTER OF:)

AFFIDAVIT

RECEIVED

JUN 5 1978

Department of Water Resources
Eastern District Office

State of Idaho
County of _____

Reece W. Burke being first duly sworn,
deposes and says: The application # 34-4033 for
1/2 Harvey Walker for irrigation purposes
should be denied.

The reason is it is a main source of water
for the Big Lost River which I pump and
have a prior water right. Last year it was the
only source of water to pump. Livestock water is
fine, for his cattle are on the range during
irrigation season.

He has flood irrigated for years and now
has sprinklers. There is no reason or need
for more water for irrigation.

In talking to others who have spoken with
Harvey, his reason for filing is to dry Burke's
Huggins up.

Reece W. Burke
(Signature)

Subscribed and sworn to before me this 3 day of June, 1978

Charles E. Jones
(Notary Public)

Residing at Arco
My Commission Expires Life

MICROFILMED

July 5, 1978

RE: Claim to a Water Right No. 34-4033 - WALKER

Mr. Reece W. Burke
Route 1, Box 61
Archo, Idaho 83213

Dear Mr. Burke:

We have received the exception dated June 3, 1978, filed against the above referenced claim to a water right. The following is a quote from the provisions of the Idaho Code under which this claim has been filed:

42-225b, Recording of claims by department-----Corrections.-----

.....
.At any time after filing a claim under the provisions of this section, any person who disagrees that a right has been established as set forth in said claim may file an exception thereto in duplicate, in affidavit form, accompanied by such proof as said person deems appropriate. An exception filed shall be made a part of the file of the claim in the Department of Water Administration (renamed Department of Water Resources, July 1, 1974) and shall be considered the same as other evidence in said file. A copy of an exception filed shall be forwarded to the claimant by the Department of Water Resources. Such claims may be corrected by the claimant only by filing of an amended claim in the same form as the original which shall be recorded and numbered by the department the same as the original and for which no additional filing fee shall be required.

Only the above action has been contemplated by the Idaho Legislature and we are not authorized to hold hearings or evaluate for conformation or final censorship of the described rights.

If you have any questions regarding this matter, please contact us.

Very truly yours,

RONALD D. CARLSON
Supervisor
Eastern Region

RDC:bp

July 5, 1978

RE: Claim to a Water Right No. 34-4033 WALKER

Mr. Young H. Walker

Box 49B
Arco, Idaho 83213

Dear Mr. Walker:

Enclosed please find a copy of the exception filed by Reece W. Burke in connection with your Claim No. 34-4033. The following is a quote from the provisions of the Idaho Code under which this claim has been filed:

42-225b. Recording of claims by department -----Corrections.-----

.....
At any time after filing a claim under the provisions of this section, any person who disagrees that a right has been established as set forth in said claim may file an exception thereto in duplicate, in affidavit form, accompanied by such proof as said person deems appropriate. An exception filed shall be made a part of the file of the claim in the Department of Water Administration (renamed Department of Water Resources, July 1, 1974) and shall be considered the same as other evidence in said file. A copy of an exception filed shall be forwarded to the claimant by the Department of Water Resources. Such claims may be corrected by the claimant only by filing of an amended claim in the same form as the original which shall be recorded and numbered by the department the same as the original and for which no additional filing fee shall be required.

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Very truly yours,

RONALD D. CARLSON
Supervisor
Eastern Region

RDC:bp

F-1

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION

John V. Evans
Governor

1515 Lincoln Road
Idaho Falls, Idaho 83401
(208) 523-7186

C. Stephen Allred
Director

May 5, 1978

RE: Claim to a Water Right No. 34-4033

Goldie Y. &/or Young H. Walker
Box 49-B
Arco, Idaho 83213

Dear Ms. Walker & Mr. Walker:

The Department of Water Resources has completed the processing of your claim to a water right and no further action is authorized under Sections 42-225a and 42-225b, Idaho Code. Your claim will be retained in our files and will be available at any time for use by you or the court.

As you are aware, the filing of your claim does not, in itself, guarantee you a water right; it only records and preserves the information and the evidence which you included in your claim.

If, at a later date, you find that you have additional information or supporting evidence that you would like to have included in your claim file, you may have that information or evidence added at any time. Please refer to your claim number when corresponding with this office.

We are enclosing, for your records, a copy of your claim. If you have any questions or if we can be of further assistance, please feel free to call upon us.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:CW

Enc: copy of claim

MICROFILMED



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION

John V Evans
Governor

C Stephen Allred
Director

1515 Lincoln Road
Idaho Falls, Idaho 83401
(208) 523-7186

May 3, 1978

RE: Claim to a Water Right No. 34-4033 WALKER

Mr. Doug Proctor
733 County Road
Arco, Idaho 83213

Dear Mr. Proctor:

We are returning your letter of protest concerning the above referenced claim to a water right.

If you do not agree with the information that is contained in the above referenced claim to a water right, then you should file an exception, which must be in affidavit form, indicating why the right claimed is incorrectly represented. There is no time limitation for filing an exception to a claim, however, we request that if you choose to file an exception you submit it as soon as possible to assist us in rapid processing. For your convenience, we have enclosed an affidavit form.

If you have any questions concerning this matter, please feel free to contact me.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:CW

Enclosure

MICROFILMED



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

1515 Lincoln Road
Idaho Falls, Idaho 83401
(208) 523-7186

May 3, 1978

RE: Claim to a Water Right NO. 34-4033 WALKER

Mr. Don Frugoli
KOA Campground
County Road
Arco, Idaho 83213

Dear Mr. Frugoli:

We are returning your letter of protest concerning the above referenced claim to a water right.

If you do not agree with the information that is contained in the above referenced claim to a water right, then you should file an exception, which must be in affidavit form, indicating why the right claimed is incorrectly represented. There is no time limitation for filing an exception to a claim, however, we request that if you choose to file an exception you submit it as soon as possible to assist us in rapid processing. For your convenience, we have enclosed an affidavit form.

If you have any questions concerning this matter, please feel free to contact me.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:CW

Enclosures

RECEIVED
MAY 10 1978
IDaho DEPT. OF WATER RESOURCES



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

1515 Lincoln Road
Idaho Falls, Idaho 83401
(208) 523-7186

May 3, 1978

RE: Claim to a Water Right No. 34-4033 WALKER

Mr. Don Cain, Sr.
Rt. #1, Box 94-F
Arco, Idaho 83213

Dear Mr. Cain:

We are returning your letter of protest concerning the above referenced claim to a water right.

If you do not agree with the information that is contained in the above referenced claim to a water right, then you should file an exception, which must be in affidavit form, indicating why the right claimed is incorrectly represented. There is no time limitation for filing an exception to a claim, however, we request that if you choose to file an exception you submit it as soon as possible to assist us in rapid processing. For your convenience, we have enclosed an affidavit form.

If you have any questions concerning this matter, please feel free to contact me.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:cw

Enclosures

RECEIVED
MAY 10 1978
IDaho DEPT. OF WATER RESOURCES

March 31, 1978

RE: Claim to a Water Right No. 34-4033 WALKER

Arco Advertiser
Box "C"
Arco, ID 83213
Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing time for you to submit us a galley proof for review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication. 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.

Very truly yours,

RONALD D. CARLSON
Supervisor
Eastern Region

Bill submitted 5-03-78 by CD

RDC:CD

Enclosure: Legal Notice

Called
5-01-78
CD

RECORDED

PUBLIC NOTICE

NOTICE OF CLAIM TO A WATER RIGHT

NO. 34-4033

Notice is hereby given that Goldie Y. &-or Young H. Walker, Arco, Idaho, have filed a claim to a water right established by diversion and application to beneficial use of 0.60 cubic feet per second of water from two unnamed springs tributary to Ferris Slough with point of diversion in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec 6, T 3N, R. 27E, B.M., Butte County.

The water is claimed to be used from Jan. 1 to Dec. 31 for stock-watering purposes for 500 head of stock and from June 1 to Aug. 31 for the irrigation of 80 acres with a priority of 1892, the place of use is within the E $\frac{1}{2}$ SW $\frac{1}{4}$, Sec 6, T. 3N, R. 27E, B.M.

Any exception to this claim of water right may be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho 83401.

C STEPHEN ALLRED
Director

Published in the Arco Advertiser,
Arco, Idaho on April 6 and April 13,
1978

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Butte County

The water is claimed to be used from Jan. 1 to Dec. 31 for stockwatering
purposes for 500 head of stock and from June 1 to Aug. 31 for the irrigation
of 80 acres
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the place of use is within the E $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 6, T. 3N, R. 27E, B.M.

Any exception to this claim of water right may be filed with the Idaho
Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401.

C. STEPHEN ALLRED
~~XXXXXXXXXXXXXXXXXXXX~~
R. KEITH WILKINSON

Director

Published in the Arco Advertiser, Arco, Idaho
on April 6 and April 13, 1978

Handwritten: CW-H.
Handwritten: Me. H. Me. H.