

Affidavit of Publication

RECEIVED

AUG 22 1970

Department of Water Administration

I, Elizabeth L. Brammer, 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 two (2) consecutive weeks, commencing
with the issue dated August 6, 1970

and ending with the issue dated August 13, 1970

Elizabeth L. Brammer

Subscribed and sworn to before me this

24 day of Aug., 1970

Betty J. Mayo
Notary Public.

Residence: Arco, Idaho.

My commission expires 2-4, 1972

PUBLIC NOTICE

NOTICE OF CLAIM TO A WATER RIGHT

No. 34-4006

Notice is hereby given that
Harvey K. Walker, Box 146, Arco,
Idaho, has filed a claim to a
water right established by di-
version and application to bene-
ficial use of 2.02 cubic feet per
second of water from Bricker
Springs, tributary to Ferris
Slough with point of diversion in
the NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 6, T. 3 N.,
R. 27 E., B.M., Butte County.

The water is claimed to be
used from April 1 to October 1
for irrigation and Jan. 1 to Dec.
31 for stockwater with a priority
of April 15, 1902. The place of
use is within the E $\frac{1}{2}$ NW $\frac{1}{4}$,
NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 6, T. 3 N., R.
27 E., B. M.

Any exception to this claim of
water right may be filed with the
Idaho Department of Water Ad-
ministration.

R. KEITH HIGGINSON,
Director.

Published in the Arco Advertis-
er, Arco, Idaho, on August 6, and
August 13, 1970.

34-4006

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Published in the Arco Advertis-
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34-4006

Identification No. _____
Claim No. 34-4006
Map No. _____

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
CLAIM TO A WATER RIGHT
Established by Diversion and Application to Beneficial Use

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.

(Please refer to the instructions on the back of this form)

1. Name of claimant Harvey K. Walker, Box 146, Arco, Idaho
post office address _____
2. The point of diversion is in NW $\frac{1}{4}$ of NW $\frac{1}{4}$ Section 6 Township 3 N
Range 27 E B.M. located on Bricker Springs
(name of source)
tributary to Ferris Slough in Butte County.
3. Dates of priority claimed list the priority for each separate quantity that you claim. Priority dates should be based upon the earliest diversion of the water which has resulted in continued beneficial use since that time. If there has been an interval of five years or greater when the water was not beneficially used for the same purpose as originally appropriated, the priority that you claim should date from the time that the water was again beneficially applied following the period of non-use.
 - a. Date of priority claimed:

<u>April 15, 1902</u>	amount, <u>2.0</u>	c.f.s. or	acre feet
<u>April 15, 1902</u>	amount: <u>.02</u>	c.f.s. or	acre feet
	amount, _____	c.f.s. or	acre feet
Total claimed _____ c.f.s. or _____ acre feet.			
 - b. Explain the purpose for which the water has been used and the time during the year when you have used the right claimed:

use <u>irrigation</u>	period of use from <u>April 1</u>	to <u>Oct. 1</u>	(both dates inclusive)
use <u>stockwater</u>	period of use from <u>Jan. 1</u>	to <u>Dec. 1</u>	(both dates inclusive)
use _____	period of use from _____	to _____	(both dates inclusive)
use _____	period of use from _____	to _____	(both dates inclusive).
4. Description of diverting works:
 - a. Surface water diversion dam and/or headgate. material is composed of dam in slough
_____; length is 30 feet, height is 5 feet;
width at bottom is 6 feet, with at top is 6 feet; explain any increase in diversion capacity since structure was first built, giving dates and estimated capacities if known _____

 - b. Underground water diverting works. is well flowing or pumped _____; depth of well is _____ feet, diameter of well is _____ inches; type of pump is _____
capacity of pump is _____ g.p.m; name and address of well driller is _____
_____;

34-4006

if feeder canal is used give maximum carrying capacity_____ c f s ; if reservoir is off stream, describe location of reservoir by 40-acre subdivisions_____

[illegible]

Middle East Studies

b. Do you get water through a ditch owned by several users? no If yes, give the name of the ditch _____ The other users and their respective interests in the ditch are (if known) _____

6. Where water is used for stock watering, give number of each kind of stock watered 500 W. F. Hereferds

7. Where water is used for domestic or municipal purposes give number of families served _____ name of town supplied _____

8. Where water is used for other purposes not above enumerated, give the nature of use, the extent of use, and any details regarding the initiation of the right or subsequent later expansion. Be as specific as possible, giving dates and quantities _____

9. Remarks. please explain any details of your claim which you feel need clarification or additional explanation _____

NOTE ATTACHMENTS

Gravity irrigation system

State of Idaho }
County of Butte } 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 18th day of July, 19 70

Harvey K. Walker
Claimant

Dr. Jones
Notary Public

Residing at Arco, Idaho

My commission expires Nov 6, 1970

For Department Use Only

Received by <u>SH</u>	Date <u>7-27-70</u>	Exception filed by <u>realt 4775</u>	Forwarded to claimant by:	Date
Prelim. check by <u>Dee</u>	Date <u>7-27-70</u>			
Fee received by <u>ej</u>	Date <u>7-28-70</u>	Fee \$ <u>10.00</u>		
Approved for publication by _____				
Published in <u>Arco Advertiser</u>	Dates <u>Aug. 6 & 13, 1970</u>			

34-4006

INSTRUCTIONS

Your claim should set forth all necessary information to describe your claimed right. Failure to give enough information may make your claim of little value. Some of the items in the form may not apply to your situation. Please use additional sheets if space provided is not sufficient to fully answer the questions.

Paragraph No.

- 1 Give full name and post office address of person or company making the claim.
- 2 Describe the point of diversion by 40-acre subdivision. Give the name of the source, the drainage to which it is tributary if surface water, and the county in which the point of diversion is located. If there is more than one point of diversion, list others in the remarks section.
- 3 Give the priority dates and the quantities of water that you claim. You should accurately list the dates that you initiated each new use of the water. List separately the dates and amounts of water involved in each enlargement of the diversion. (Example: if you diverted 0.8 c.f.s. of water for irrigation on May 18, 1871, for the first time for use on 40 acres of land, and then later you enlarged the diversion by diverting an additional 0.4 c.f.s. of water to irrigate an additional 20 acres of land on June 1, 1901, your right should be described as follows.

Date of priority claimed:	<u>May 18, 1871</u>	amount:	<u>0.8</u> c.f.s. or	<u> </u> acre feet
	<u>June 1, 1901</u>	amount:	<u>0.4</u> c.f.s. or	<u> </u> acre feet
		Total claimed:	<u>1.2</u> c.f.s. or	<u> </u> acre feet

Since the water was used for irrigation between April 1 and October 31 on that particular farm, part b. would be completed as follows.

use irrigation period of use from April 1 to October 31 (both dates inclusive). If the water had been used for any other purpose, you would have described the priority date, amount, use, and period of use in a similar manner.

- 4 Describe the diversion works and explain any changes since the right was first initiated.
5. If the water is used for irrigation, give the total acreage and list the lands irrigated by 40-acre subdivisions and complete the other questions.
- 6, 7, & 8. Describe any other uses of water.
9. In the remarks section, give any information or details that you feel are not fully covered or that need clarifying. You might explain your operation, where the water is returned to if for an industrial or non-consumptive right, the condition and temperature of the returned water, and any other information to help explain your claim.

You may wish to include as a part of your claim, affidavits of witnesses who are familiar with your right and who have a personal knowledge of the circumstances which you have described in your claim. You may submit maps, drawings, certified copies of posted notices which may have been filed in the county courthouse, water measurement records, or any other document which you feel will support your claim.

Your claim will be advertised in a county newspaper for two weeks. Exceptions to your claim which dispute the water right that you have described may be received by the Department of Reclamation and you will be provided a copy of such exceptions.

The fee for filing this claim with the Department of Reclamation, Room 107, Statehouse, Boise, Idaho 83701, is \$10.00.

NOTICE OF WATER RIGHT LOCATION.

TO WHOM IT MAY CONCERN:

NOTICE IS HEREBY GIVEN, That George Walker of Arco ^D County of Blaine State of Idaho have, this 15th day of April, 1902 appropriated and hereby claim the use of the waters of a certain spring known as the Bricker Springs to the extent of Two cubic feet per second, flowing at the point of intended diversion, which said point of intended diversion is particularly described as follows, to-wit:

The source of said Springs is upon what is known as the Wyatt Ranch. The North West $\frac{1}{4}$ Section 6, Township 3 North of Range 27 East, Boise Meridian.

That the special purpose or purposes for which said water is claimed for Irrigating and Domestic use.

The place of its intended use is upon the land of the undersigned appropriator and claimant situated in Section Six, Township Three North of Range 27 East of Boise Meridian.

That the general course of the proposed canal or conduit is in a South Easterly direction.

The length of said proposed canal or conduit is about one mile.

That it is intended to complete the works for the diversion and use of said water as aforesaid within three years.

A copy of this notice was duly posted at or near the point of intended diversion, on the 15th day of April, 1902.

WITNESS my hand at Lost River_ County of Blaine_ State of Idaho, this fifteenth day of April_ 1902.

Appropriator and Claimant { George E. Walker

STATE OF IDAHO,)
County of Blaine) ss.

George E. Walker being first duly sworn, deposes and says that he is of lawful age and the appropriator and claimant of the Water Right described in the within and foregoing notice, and whose name is subscribed thereto. That the statements in said notice are true, and that the original notice, of which the foregoing is a true copy, was posted in a conspicuous place at or near the point of intended diversion, at - - o'clock - -. M., the 15th day of April, 1902.

Subscribed and sworn to before me, this 15th day of April, 1902.

Wm. Matthew
Notary Public.

(SEAL)

George E. Walker

The foregoing instrument was filed for record at the request of
William Matthews at 2:40 o'clock P. M., this 21st day of April, 1902.

W. E. Heard,
Ex-Officio Recorder.

By Geo A. McLeod, Deputy

STATE OF IDAHO }
County of Blaine, }

I, GEORGE F. MCCOY, Ex-Officio Recorder in and for Blaine
County, State of Idaho, do hereby certify that the foregoing is a full,
true and correct copy of that certain Notice of Water Right Location
as the same appears on record in Book No. 183 of
Water Rights at Page 183 Records of
Blaine County, State of Idaho.

IN WITNESS WHEREOF, I have hereunto set my
hand and official seal this 29th day of June
1902

George F. McCoy

Ex-Officio

Deputy

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF
TULLE

HARVEY K. WALKER and
GOLDIE WALKER, husband
and wife,

Plaintiffs,

-vs-

DWAINE NEF and DOROTHY
NEF, husband and wife,

Defendants.

STIPULATION

Civil No. 1481

IT IS HEREBY STIPULATED by the parties and their counsel of record that the captioned cause is hereby settled and determined, and that upon a quit claim deed being executed, acknowledged, and delivered by defendants to plaintiffs conveying, releasing, remising and forever quit-claiming to plaintiffs all claims, rights, title and interest of defendants in and to all of the waters of Bricker Springs and Arco Drainage Ditch and waters from the City of Arco sewage disposal plant now flowing, or which may hereafter flow, into or in Pocatello Slough upon the surface or under the surface of the lands and premises now owned and occupied by defendants, commonly known as the "Wyatt Place," plaintiffs will move the dismissal of this action with prejudice.

Dated: September 25, 1953.

FRANK E. CHAFFANT, SR.
Attorney for Plaintiffs
Residence: Boise, Idaho

LEWIS P. SAGGE, JR.
Attorney for Plaintiffs
Residence: Pocatello, Idaho

MERRILL & MERRILL

By W. P. MERRILL
Attorneys for Defendants
Residence: Pocatello, Idaho

34-4006

QUIT CLAIM DEED

THIS INDENTURE, Made the 17th day of September, in the year of our Lord, One Thousand Nine Hundred and Sixty-Four, between

DWAINE NEF and DOROTHY NEF, husband and wife
of Arco County of Butte and
State of Idaho the parties of the first part and

HARVEY K. WALKER and GOLDIE WALKER, husband and wife
of Arco of the County of Butte and
State of Idaho the parties of the second part

WITNESSETH, That the said parties of the first part, for and in consideration of the sum of

TEN AND NO/100 AND OTHER VALUABLE CONSIDERATION - - - - - DOLLARS
lawful money of the United States of America to them in hand paid by the said parties of
the second part, the receipt of which is hereby acknowledged, do by these presents demise, re-
lease and forever Quitclaim unto the said parties of the second part, and to their heirs
and assigns, all those certain waters as herein described

situated in Butte County, of the State of Idaho, particularly described as
follows, to-wit: All right, title and interest of whatever nature first
parties may have or claim in and to the waters of Bricker Springs and
in and to the waters flowing in Ferris Slough, the said Bricker Springs
and Ferris Slough being located in portions of Section 6, Section 7,
and Section 8, Township 3 North, Range 27, East of the Boise Meridian,
Butte County, State of Idaho; and being the same waters from Bricker
Springs and Ferris Slough as are the subject of Civil Case No. 1481,
entitled Harvey K. Walker and Goldie Walker, husband and wife, vs.
Dwaine Nef and Dorothy Nef, husband and wife, filed in the District
Court of the Sixth Judicial District of the State of Idaho, in and for
the County of Butte.

Together with all and singular, the tenements, hereditaments and appurtenances thereunto belonging, or in
anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits
thereof

TO HAVE AND TO HOLD all and singular the said premises, together with the appurtenances unto
said parties of the second part, and to their heirs and assigns
forever.

IN WITNESS WHEREOF, The said parties of the first part have hereunto set their
hands and seals the day and year first above written.

Signed, Sealed and Delivered in the Presence of

{

(Seal)
(Seal)
(Seal)

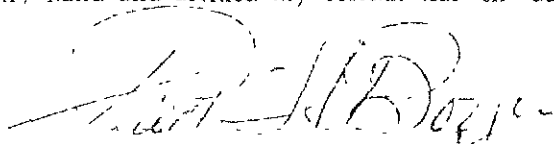
STATE OF IDAHO
County of Bannock

} ss

On this 17th day of Sept ~~June~~ in the year 1964, before me, ~~Wesley P. Merrill~~ the undersigned, a Notary Public in and for _____, personally appeared

Dwaine Nef and Dorothy Nef, husband and wife, known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that the Y executed the same

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written



Notary Public for Idaho
Residing at: Pocatello, Idaho

*Com. Expires
4/13/65*

No 14
Dwaine Nef, et al.
to
Dorothy Nef (Shackel)
et al.
QUIT CLAIM DEED
Dated 9-17, 1964
Filed for record at the request of
Dorothy Nef Shackel
9-8, 1970
at 00 minutes past 11 o'clock
A. M. in Record of Deeds page 17-369
Gregory L. Johnson
County Recorder
By James W. R. Bailey Deputy
Recorder's Fees \$2.50 pdr.

34-4006

NOTICE OF WATER RIGHT LOCATION.

To Whom it May Concern:

Notice is Hereby Given, That *George Walker*

of *Blaine* State of *Idaho* County *Blaine*
 of *15th* day of *April* *1902* ~~189~~, appropriated and hereby
 claim the use of the waters of *a certain Spring known as the*
Priester Springs
 to the extent of *Two* cubic feet per second,
 flowing at the point of intended diversion, which said point of intended diversion is par-
 ticularly described as follows, to wit: ~~The source of said Springs is~~
upon what is known as the Wyatt Ranch,
The North West 1/4 Section 6 Township 3 North of
Range 27 East Boise Meridian

That the special purpose or purposes for which said water is claimed *for*
Irrigating and domestic use

The place of its intended use is *upon the land of the*
undersigned appropriator and claimant
situated in Section Six Township Three
North of Range 27 East of Boise Meridian

That the general course of the proposed canal or conduit is *in a South*
Easterly direction

The length of said proposed canal or conduit is *about one mile*

That it is intended to complete the works for the diversion and use of said water as afore-
 said within *Three years*

A copy of this notice was duly posted at or near the point of intended diversion on
 the *15th* day of *April* *1902* ~~189~~

Witness my hand at *East River* County
 of *Blaine* State of Idaho, this *Fifteenth* day
 of *April* *1902* ~~189~~

George E. Walker

State of Idaho, } ss.
County of Blaine

George E. Walker

being first duly sworn, depose and say that he is of lawful age and the appropriator and claimant of the Water Right described in the within and foregoing notice and whose name is subscribed thereto. That the statements in said notice are true, and that the original notice, of which the foregoing is a true copy, was posted in a conspicuous place at or near the point of intended diversion at o'clock M., the 15th day of April 1902 ~~189~~

George E. Walker

Subscribed and sworn to before me, this 15th day of April 1902 ~~189~~
J. H. Harrison
Notary

NOTE.--(Where there are several claimants the above Certificate may be made and sworn to by one of them.)

D-3013

Notice of Water Right Location.

STATE OF IDAHO.

County,

Name of Stream

Snake River

George E. Walker
Claimant

Dated 189

State of Idaho,

County of Blaine } ss.

I hereby certify that this instrument

was filed for record at the request of

George E. Walker

at o'clock M., this 15th day of April 1902

in my office, and duly recorded in

Book 1 of Water Rights

at page 189

W. E. Harrison
Ex-Officio Recorder

By W. E. Harrison
Deputy

Fees, \$

WARRANTY DEED

JUL 28 1910

Department of Water Administration

This Indenture, made the 13th day of September, in the year of our Lord one thousand nine hundred and Two between

Henry A. Bricker

Cora Bricker husband & wife

of the County of Blaine and State of Idaho, the parties of the first part, and, George E. Walker

of the County of Blaine and the State of Idaho the party of the second part.

WITNESSETH: That the said party of the first part, for and in consideration of the sum of Three Hundred DOLLARS lawful money of the United States of America, to them in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, do as by these presents grant, sell, bargain, and convey and confirm unto the said party of the second part, and to his heirs and assigns forever, all that certain lot piece or parcel of land situate, lying and being in the county of

Blaine and State of Idaho and bounded and described as follows, to-wit:
The South East 1/4 and half of the North East 1/4
(surveyed east and west) of the south west quarter of
Section Six, in Township Three North of Range
Seven east of Boise Meridian,
Containing Sixty Acres, together with all
water rights thereto belonging and all ditches
appertaining thereto

Together with all and singular the tenements, hereditaments and appurtenances therunto belonging or in any wise appertaining, and the rents, issues and profits thereof.

To have and to hold, all and singular, the said premises, together with the appurtenances and privileges thereto incident, unto the said party of the second part, and to his heirs and assigns forever, and the said parties of the first part and their heirs, and the said premises in a quiet and peaceable possession of the said party of the second part, his heirs and assigns, against the said parties of the first part and their heirs, and against all and every person and persons whomsoever, lawfully claiming or to claim the same shall and will warrant and by these presents forever defend.

In Witness Whereof, the said parties of the first part have hereunto set their hands and seals, the day and year first above written.

Signed, Sealed and Delivered in the Presence of

W. H. Walker
W. H. Walker

Henry A. Bricker (Seal)
Cora Bricker (Seal)
(Seal)

60 and

34-4006

No. 5276

WARRANTY DEED

Henry A. Brimmer

George B. Walker

Dated _____ 190

Recorded at the request of
Geo. B. Walker

August 27, 1906

at 2 1/2 minutes past 2 o'clock

P. M., in Record of Deeds book 53

page 451, Records of the County

of Blaine, State of Idaho.

Geo. B. Walker

Recorder.

By _____

Deputy Recorder.

Recorder's Fees, \$1.50

For Sale by Percy Jones, Blackfoot, Idaho

34-4006

copy of previous
copy of previous
copy of previous

STATE OF IDAHO,
County of Blaine } ss.
I DO HEREBY CERTIFY THAT: On this 13th day of September, in the year of 1907, before me, William H. Hittner, a Notary Public of Blaine County, Idaho, appeared Henry A. Brimmer and for said County and State, personally appeared _____ in and for said County and State, personally appeared _____ of Blaine County, Idaho, known to me to be the person whose name is subscribed to the within and foregoing instrument and acknowledged to me that he executed the same.
AND I DO HEREBY CERTIFY THAT: On this 13th day of September, in the year of 1907, before me, William H. Hittner, a Notary Public of Blaine County, Idaho, appeared _____ in and for said County and State, personally appeared _____ of Blaine County, Idaho, known to me to be the person whose name is subscribed to the within and foregoing instrument and acknowledged to me that he executed the same.
person whose name is subscribed to the within and foregoing instrument, described as a married woman the wife of the above named Henry A. Brimmer
and upon an examination separate and apart from and without the hearing of her said husband, I made her acquainted with the contents of the instrument, and thereupon, without the hearing of her said husband she acknowledged to me that she executed the same and that she does not wish to retract such execution.
In witness whereof, I have herunto set my hand and affixed my official seal at _____ the day and year first above written.
(Seal)
My commission expires _____, 1907.
Notary Public.

WARRANTY DEED

THIS INDENTURE, Made this 25th day of April

in the year of our Lord one thousand nine hundred and Forty-six between

A. J. Nielson, a widower

of Arco County of Butte State of Idaho

the part of the first part, and

George F. Walker

of Arco County of Butte State of Idaho

the part of the second part:

WITNESSETH That the said part of the first part, for and in consideration of the sum of FOUR HUNDRED AND NO/100 DOLLARS

lawful money of the United States of America, to him in hand paid by the said part of the second part, the receipt whereof is hereby acknowledged, has granted, bargained and sold, and by these presents do grant, bargain, sell convey and confirm unto the said part

of the second part, and to his heirs and assigns forever, all the following described real estate, situated in the County of Butte, State of Idaho, to wit: (20 Acres)

The North-half of the Northeast Quarter (NE 1/4) of the Southwest Quarter (SW 1/4) of Section 6, Township 3, North, Range 27, East of the Boise Meridian.

TOGETHER With all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof; and all estate, right, title and interest in and to the said property, as well in law as in equity, of the said part of the first part.

TO HAVE AND TO HOLD All and singular the above mentioned and described premises, together with the appurtenances, unto the part of the second part, and to his heirs and assigns forever. And the said part of the first part, and his heirs, the said premises in the quiet peaceable possession of the said part of the second part, his heirs and assigns, against the said part of the first part, and his heirs, and against all and every person and persons whomsoever, lawfully claiming or to claim the same shall and will WARRANT and by these presents forever DEFEND.

IN WITNESS WHEREOF, The said part of the first part has hereunto set his hand and seal the day and year first above written.

Signed, Sealed and Delivered in the Presence of

A. J. Nielson (Seal)

(Seal)

(Seal)

(Seal)



34-4006

STATE OF IDAHO,

County of Butte

ss.

On this 25th day of April, in the year 1946, before me
Robert A. Miller, a Notary Public in and for said State
personally appeared

known to me to be the person whose name subscribed to the within instrument
and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year
in this certificate first above written.

Notary Public residing at ARCO, Idaho.

SEVEN MONTHS AFTER DEED WAS RECORDED

PREPARED
No. 21482
WARRANTY DEED

E. J. Nielson

TO

George E. Walker

Dated April 25, 1946

STATE OF IDAHO,

County of Butte

I hereby certify that this instrument

was filed for record at the request of

George E. Walker

at 30 minutes past 2 o'clock

P. M., this 25 day

of April A. D., 1946

in my office, and duly recorded in Book

13, at page 575

J. W. Barger

Ex-Officio Recorder

By Thomas Anderson, Deputy

Fees \$1.20

— ALSO ADVISORY, ARCO, IDAHO —

34-4006

Arco Idaho May 18-1902
Received payment ^{\$5.00} in full for ~~work~~
rightaway fore Ditch from Geo Walker
on Wyatt ranch J E Wyatt.

34-4006

RECEIVED

Clayton, Idaho

Sept 6 1961

Department of Water Administration

I am David Bricker and my father, who homesteaded 160 acres of ground about 1900, at about I watched my father and Jack ~~Jack~~ make the ditch for Mr. George E. Walker to take the water from the Bricker Springs into the Ferris Slough. They also made the ditches to take the water out of the slough onto the land. I had fished all my younger life in the Ferris slough and have caught fish many times from the dam across the Ferris slough. The Bricker Springs were filed on by George E. Walker and named for my father. The Bricker Springs are located on the NW 1/4 of Sec 6, Twp 3, N Range 27 E of B. M. known as the Wyatt Ranch.

Dave Bricker

Witnesses: -

George E. Walker 4/6/61

Goldie Y. Walker 9/6/61

34-4006

TO WHOM IT MAY CONCERN;

Bricker Springs Filing
by Geo. E. Walker on
April 15, 1902
The Course of Said Springs
is upon what is known as the
Wyatt Ranch. The NW $\frac{1}{4}$ Sec.
6 Twp. 3 North of Range 27
E. B. M.

I am Edith McKenzie. My husband (the late Leslie A. McKenzie) and I owned the land on which the Bricker Springs are located here at Arco, Idaho. Our land joined the lands of George E. Walker.

We purchased this land in 12/27/56 and sold it to Dwaine Nef in 12/27/56.

Mr. John E. Wyatt who homesteaded this land, sold to Otis Lake in 1917 and all of us owners from the Wyatt Homestead to the time of our purchase in 1949 have honored the 1902 filings on what is called the "Bricker Springs" made by George E. Walker. Mr. Walker purchased a ditch-right-of-way from Mr. Wyatt in 1902 when he was doing the works for completion of this project.

We all knew of this filing at the time of purchase. Below is the description of part of our land.

Lot 3 (NE $\frac{1}{4}$ NW $\frac{1}{4}$);
Fr. Lot 4 (NW $\frac{1}{4}$ NW $\frac{1}{4}$) Tx #7-66
SE $\frac{1}{4}$ NW $\frac{1}{4}$; Sec. 6, Twp 3 North Range 27 E. B. M.

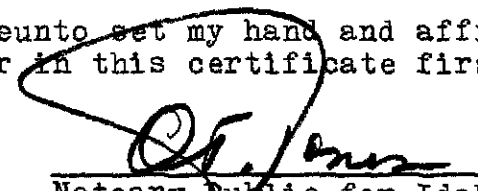
The filing on the "Bricker Spring" is the NW $\frac{1}{4}$ Sec. 6 Twp. 3 N of Range 27 E. B. M.


Edith McKenzie
Residence: Arco, Idaho 83213

STATE of Idaho)
) ss
County of Butte)

On this 15th day of July 1970, before me, the undersigned, a Notary Public in and for said State, personally appeared Edith McKenzie, known to me to be the person whose name is subscribed to the within and forgoing instrument, and acknowledged to me that she executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, as of the day and year in this certificate first above written.


Notary Public for Idaho
Residing at Arco, Idaho

34-4006

I, Harvey K. Walker, would like to submit the following documents on the filings and completion of works made by my father on the Bricker Springs in 1902.

1. Certified copy of filing made in Blaine County, Idaho on the 15th day of April 1902 by Geo. E. Walker (my father).)

2. Ditch right of way purchased from J. E. Wyatt, May 18, 1902. Mr. Wyatt homesteaded this land on which the "Bricker Springs" are located.

3. Deed from Henry A. Bricker dated 9/13/1902 and recorded 8/22/1906 for 60 acres of ground.

4. Deed from A. J. Nielsen April 25, 1946 for 20 acres. (These two parcels of land is where the ditches are conveying the waters from " Bricker Springs."

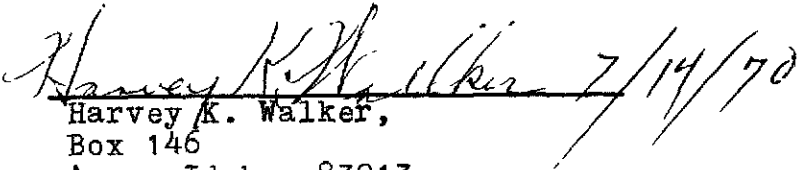
5. Deed from Dwaine Nef and wife Dorothy Nef, releasing, conveying , remiseing and forever quit-claiming to Harvey K. Walker, all claims, rights, title and interest to all of the waters of "Bricker Springs".

6. Statement of Dave Bricker, son of Henry A. Bricker, certifying that he watched the work being done by his father and Jack Frary on the ditches to complete the works in the filing of the "Bricker Springs".

7. Stipulation by court on settlement of Nef- Walker case.

8. Statement of Mrs. Edith McKenzie, former owner of this land known as WYATT Ranch on which "Bricker Springs" are located.

In view of all this evidence, I pray the Department of Reclamation see fit to issue a permit to me. The water has been in constant use since the 1902 filing.


Harvey K. Walker,
Box 146
Arco, Idaho 83213

Affidavit of Publication

I, Elizabeth L. Brammer, 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 two (2) consecutive weeks, commencing

with the issue dated August 6, 1970

and ending with the issue dated August 13, 1970

Elizabeth L. Brammer

Subscribed and sworn to before me this

24 day of Aug., 1970

Betty J. Mayo

Notary Public.

Residence: Arco, Idaho.

My commission expires 2-4, 1973

RECEIVED

AUG 10 1970

Department of Water Administration

PUBLIC NOTICE

NOTICE OF WATER RIGHT

Notice is hereby given that Harvey K. Walker, of Idaho, has filed a claim for water right established by diversion and application to beneficial use of 202 cfs per second of water from Bricker Springs, tributary to Farris Slough with point of diversion in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 6, T. 3 N., R. 27 E., B.M., Butte County.

The water is claimed to be used from April 1 to October 1 for irrigation and Jan. 1 to Dec. 31 for stockwater with a priority of April 15, 1970. The place of use is within the E $\frac{1}{2}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 6, T. 3 N., R. 27 E., B. M.

Any exception to this claim of water right may be filed with the Idaho Department of Water Administration.

R. KEITH HIGGINSON,
Director.

Published in the Arco Advertiser, Arco, Idaho, on August 6, and August 13, 1970.

34-4006

Affidavit of Publication

I, Elizabeth L. Brammer, 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 two (2) consecutive weeks, commencing
with the issue dated August 6, 1970
and ending with the issue dated August 13, 1970

Elizabeth L. Brammer

Subscribed and sworn to before me this

24 day of Aug., 1970

Betty J. Mayo

Notary Public.

Residence: Arco, Idaho.

My commission expires 2-4, 1973

PUBLIC NOTICE

NOTICE OF CLAIM TO A PERMIT TO DRAIN

Notice is hereby given that
H. L. HIGGINS, of Arco,
Idaho, has filed a claim to a
water right for any di-
version of water from the
Sagehen River for per-
sonal use, for the Bricker
Sagehen River, in the Perris
Slough, with point of diversion in
the NW 1/4 Sec. 6, T. 8 N.,
R. 27 E., B.M., Bonne County.
The water is to be used
from April 1 to October 1
for irrigation and from Oct.
31 for stockwatering, a priority
of April 15, 1902. The place of
use is within the E 1/4 NW 1/4
NW 1/4 Sec. 6, T. 8 N., R.
27 E., B.M.
No objection to the claim of
water right may be filed with the
Idaho Department of Lands Ad-
ministration.
R. L. HIGGINS
Director
Filed in Arco, Idaho, on August 13, 1970.

DON SAMUELSON
GOVERNOR



R. KEITH HIGGINSON
State Reclamation Engineer

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

STATEHOUSE - ANNEX 2
BOISE, IDAHO 83707

July 29, 1970

Re: Claim to a Water Right No. 34-4006 - Harvey K. Walker

Arco Advertiser
Box "C"
Arco, Idaho 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 ample 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 date. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department of Reclamation along with the publication bill. In order to receive payment, the following certification must appear on the bill:

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

(Signature of the claimant)

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM:DR

Enc: Legal notice

34-4006

NOTICE OF CLAIM TO A WATER RIGHT

No. 34-4006

Notice is hereby given that Harvey K. Walker, Box 146, Arco,
Idaho,
has filed a claim to a water right established by diversion and appli-
cation to beneficial use of 2.02 cubic feet per second ~~1444/1444~~
of water from Bricker Springs, tributary to Ferris Slough
with point of diversion in the NW¹/₄ NW¹/₄ Sec. 6, T. 3N, R. 27E, B.M.,
Butte County,

The water is claimed to be used from April 1 to Oct. 1 for
irrigation and Jan. 1 to Dec. 31 for stockwater
with a priority of April 15, 1902;
the place of use is within the E¹/₂ NW¹/₄, NW¹/₄ NW¹/₄, 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 Administration.

R. KEITH HIGGINSON

Director

Published in the Arco Advertiser, Arco, Idaho,
on August 6 and August 13, 1970.

34-4006

August 25, 1970

Re: Claim to a Water Right No. 34-4006
Harvey K. Walker

C
Arco Advertiser
Box "C"
Arco, Idaho 83213

O
Gentlemen:

P
Would you please submit an affidavit of publication and certified bill in connection with the above referenced claim. The legal notice was to have been published in your paper on August 6th and 13th, 1970.

Your cooperation in this matter is most appreciated.

Very truly yours,

Y
Donald W. McEldowney
Appropriation Supervisor

DWM:DR

34-4006

September 4, 1970

Re: Claim to a Water Right No. 34-4006

Mr. Harvey K. Walker
Box 146
Arco, Idaho 83213

Dear Mr. Walker:

The Department of Water Administration has completed the processing of your claim to a water right, and no further action is authorized under Section 42-225 of the Idaho Code. Your claim will remain in our files and will be available at any time for your or the courts use.

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 evidence that you would like to have included in your claim file, you may add that information 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,

Donald W. McEldowney
Appropriation Supervisor

DWM:dr

Enclosure: Copy of claim

34-4006