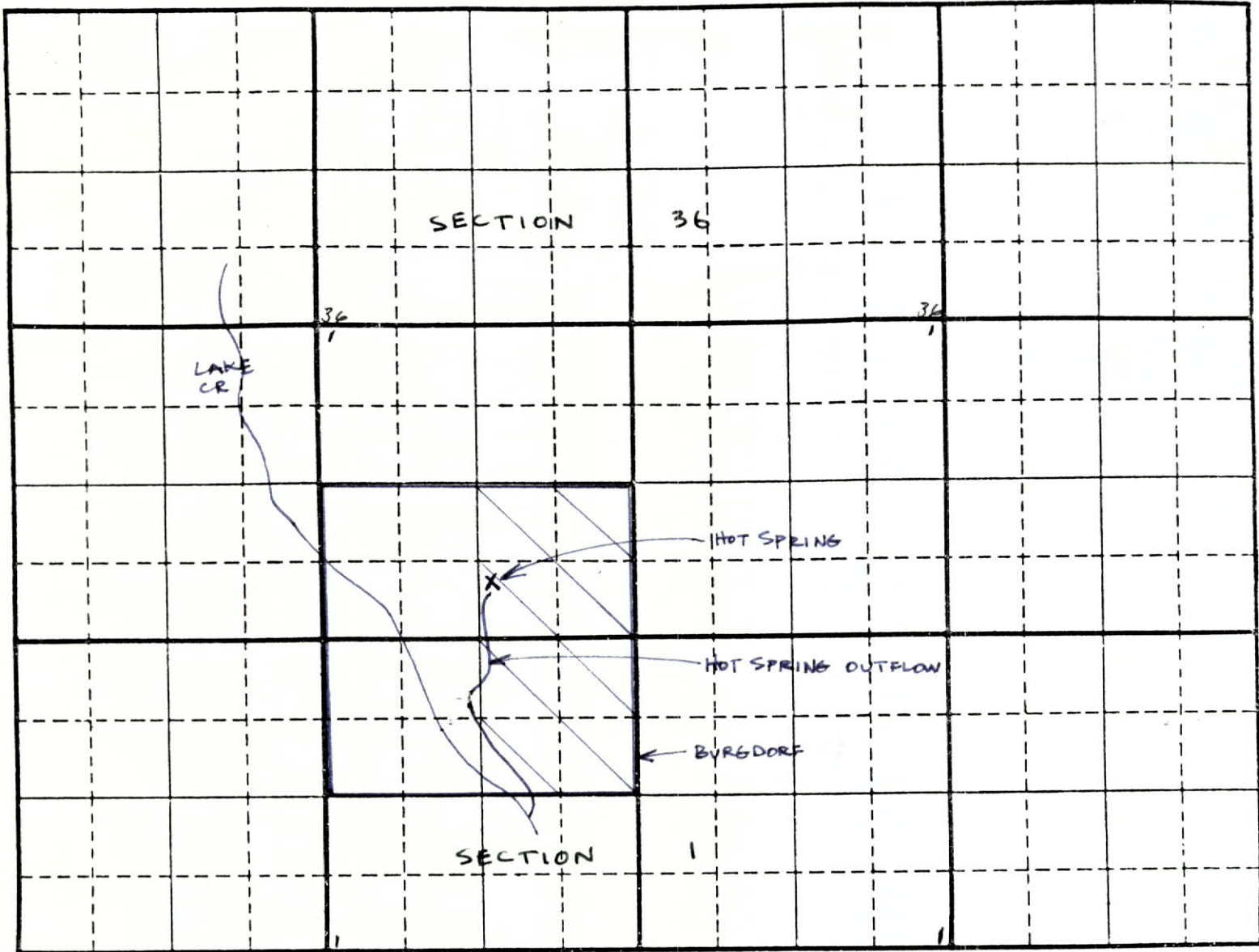


MICROFILMED

(8) Remarks



Scale: 2 inches equal 1 mile.

T 22 N R 4 E B.M.

== PLACE OF USE

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 Idaho) 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 affiant's knowledge.

Guth S. James
(Claimant)

Sworn to before me this 28 day of June, 1984.

Gary Fausett
Notary Public
Residing at New Meadows, Idaho

My commission expires Perpetual

FOR DEPARTMENT USE ONLY

Received by nm Date 7-2-84 Exception filed by: _____ Date _____
Prelim. check by 6LS Date 7/11/84 _____
Published in Idaho County Free Press 7/25 & 8/1/84 34512
Dates _____

POOR QUALITY ORIGINAL

Washoe, Nevada, Dec. 14th, 1907.

Mr. J. S. Stephenson, Chief
State Engineer of Idaho.

Dear Sir:

In accordance with your order of Oct. 20th, 1907, I have examined the ditch constructed by Fred. C. Burroughs at Washoe, Nevada, under Permit No. 1803, and I have found it to be as follows:

Said ditch takes the water from Quarter Mile Creek at a point north 110 feet from the north 1/4 cor. of Section 1, T.12 N., R.10 E., S.12 E. It runs on a general southerly direction 8140 feet to a point 400 feet from the north west corner of the hotel at Beatty. It delivers the water at a point on the highway from 50 to 60 feet above the level to be irrigated and about 50 feet above the ground level of the hotel where it is to be used for domestic and other purposes.

Said ditch is 1.5 feet wide on the bottom, 2 feet wide at the water surface, and will carry a stream 1 foot deep with safety. It has a total fall of 17.14 feet, including a drop of 5 feet about half way down its length where it passes a small spring. This leaves a fall of 12.14 feet for the calculation of capacity and gives a fall of .0048 per foot. Applying formula given with the above data gives the ditch a capacity of 3.03 second feet which will take all the water of Quarter Mile Creek except at the time of the spring run off.

The ditch is well constructed throughout and has a headgate made of planks.

Respectfully submitted,

Charles H. Cook

Received December 16, 1907

RECORDED

POOR QUALITY ORIGINAL

CHARLES W. LEE
CIVIL AND MINING ENGINEER
MINER, ILLINOIS



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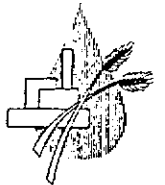
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JUL 2 1984

Department of Water Resources
Western Regional Office

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CLAIM TO A WATER RIGHT



Claim No. 77-4218

Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that Scott S. and Connie Harris, 2104 S. Michigan St., Caldwell, ID 83605
(Name of Claimant)
and Gretchen L. Harris, 1815 North 15th, Boise, ID 83702 Telephone No. (208) 454-3814
(Mailing Address) (Zip Code) (208) 343-1054

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

(1) Date of priority: (When was the water first applied to a beneficial use) June 1, 1875

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 is that a claim may be filed on single family domestic use from a ground water source.

(2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)
Burgdorf Hot Spring tributary to Lake Creek

(3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

	(cfs, af)	(Domestic, Irrigation, Stock, Etc.)	(Mo., Day)	(Both dates inclusive)	(Mo., Day)
Quantity	<u>.334 cfs</u>	Use <u>Domestic, commercial,</u>	Period of Use From	<u>1/1</u>	To <u>12/31</u>
Quantity		Use <u>recreational and</u>	Period of Use From		To
Quantity		Use <u>therapeutic purposes</u>	Period of Use From		To
Quantity		Use	Period of Use From		To
Quantity		Use	Period of Use From		To

(4) .334 cfs TOTAL QUANTITY USED.
(cfs, af)

(5) A) Point of diversion: (Location of point where water is diverted from its source)

SE 1/4 NW 1/4, Sec. 1 Twp. 22N Rge. 4E B.M., County of Idaho

Additional points of diversion: none

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. Describe any changes in the system and give the date of the change. The geothermal water flows from a natural artesian spring into excavated pool structures constructed of rock, planking and timbers. A 2-inch pipe inserted into the spring diverts approximately 5 gpm to an adjacent washhouse.

(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.

T	R	SEC.	NE%				NW%				SW%				SE%				TOTAL
			NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	
22N	4E	1								X	X								

No. of acres

B) If water is used for other than irrigation, fully describe that use, being as specific as possible: The entire flow of the Burgdorf Hot Spring is used at the Burgdorf Resort for commercial, recreational, therapeutic and domestic purposes. Such uses include, among others, swimming, bathing, and clothes and dishwashing. The hot spring's water also has been used for space heating.

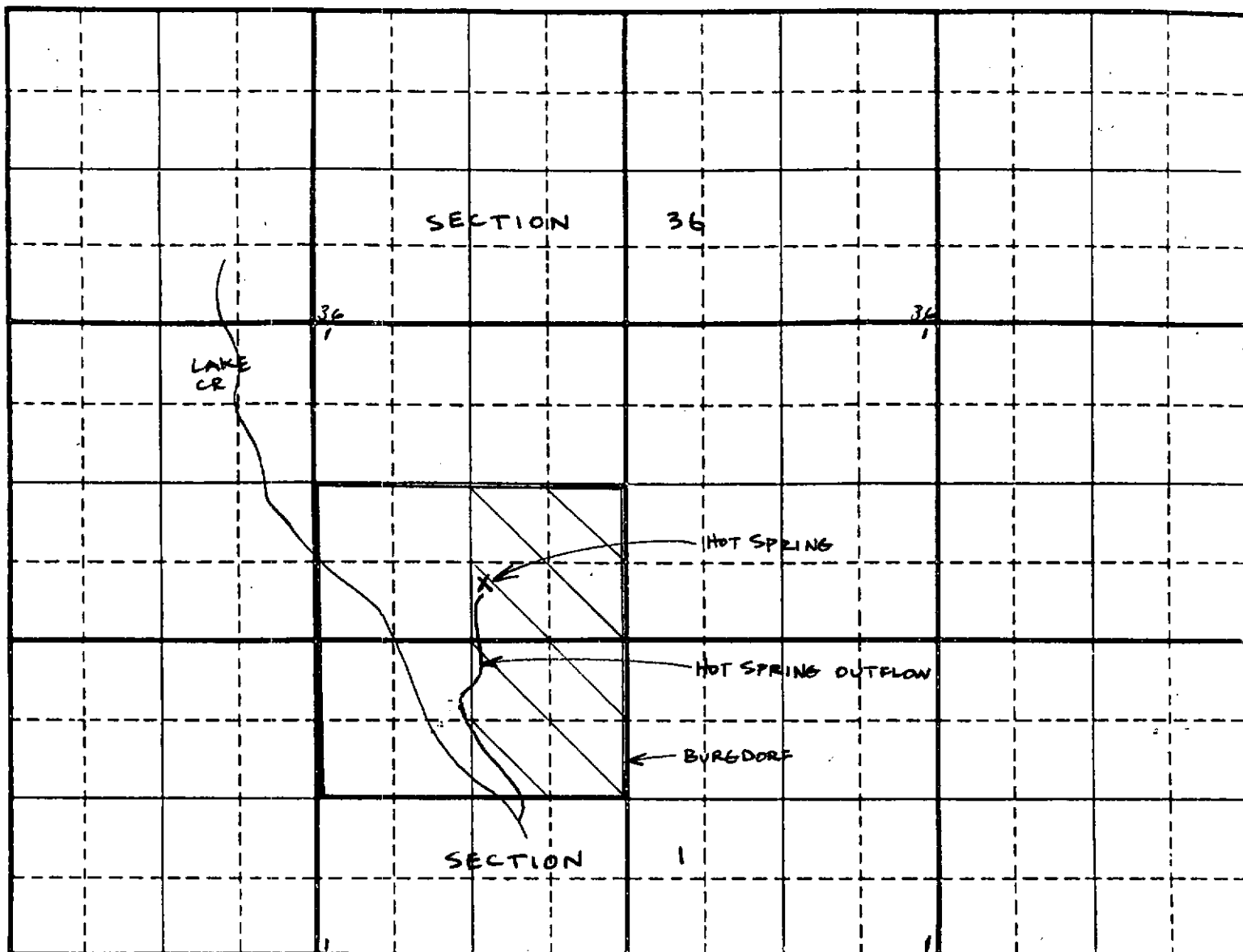
NOTE: Include here the type and number of stock watered:

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

MICROFILMED

MICROFILMED

(18) Remarks _____



Scale: 2 inches equal 1 mile.

T 22 N R 4 E B.M.

\\ = PLACE OF USE

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 Idaho) 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 affiant's knowledge.

Scott S. James
 (Claimant)

Sworn to before me this 28 day of June, 1984.

Garye Fausett
 Notary Public
 Residing at New Meadows, Idaho

My commission expires Perpetual

FOR DEPARTMENT USE ONLY

Received by mm Date 7-2-84 Exception filed by: _____ Date _____
 Prelim. check by 6LS Date 7/11/84 # _____
 Fee received by R Date 7/3/84 24512
 Published in Idaho County Free Press 7/25 & 8/1/84
 Dates _____

**NOTICE OF CLAIMS
TO WATER RIGHTS**

The following claim(s)
have been filed on water
right(s) created by diversion
and beneficial use:

77-4217

HARRIS, SCOTT S. & or
CONNIE & or GRETCHEN
L.

2104 S. MICHIGAN ST.,
CALDWELL, ID 83605

Source: JEANNETTE
CREEK trib. to LAKE
CREEK; SPRING trib. to
JEANNETTE CREEK

Priority Date: 06-01-1875

Diversion Pt: SWSE Sec 36 T
22N R 04E NWNE SWNW Sec
01 T 22N R 04E

Use: IRRIGATION (3.06
CFS) STOCKWATER (3.06
CFS) COMMERCIAL (3.06
CFS) POWER (3.06 CFS)
DOMESTIC (3.06 CFS)

In: SWNW SENW NESW Sec
01 T 22N R 04E FOR 40
ACRES.

77-4218

HARRIS, SCOTT S. & or
CONNIE & or GRETCHEN
L.

2104 S. MICHIGAN ST.,
CALDWELL, ID 83605

Source: BURGDORF HOT
SPRING trib. to LAKE
CREEK

Priority Date: 06-01-1875

Diversion Pt: SENW Sec 01
T 22N R 04E

Use: COMMERCIAL (0.33
CFS) DOMESTIC (0.33 CFS)
RECREATION (0.33 CFS)

In: SENW NESW Sec 01 T
22N R 04E.

Exceptions to a claim may
be filed with the Director,
Dept. of Water Resources,
Western Region, Statehouse,
Boise, Idaho 83720.

KEN DUNN, Dir.

Published 07-25 & 08-01-84.

Jy 25-A1

AFFIDAVIT OF PUBLICATION

Charlotte Sotin

being first duly

sworn, says he is the Bookkeeper

of the IDAHO COUNTY FREE PRESS, a weekly newspaper which
is published and issued weekly at Grangeville, Idaho County,
State of Idaho, and which is of general circulation in said county
and state; that the said notice, of which the one hereto attached
is a true copy, was published in said paper for two weeks,
being published two times, the first publication being
on the 25th day of July, 19 84,
and the last publication on the 1st day of
August, 19 84 and that the said notice
was published in the newspaper proper and not a supplement;
that said newspaper has been continuously and uninterruptedly
published in said county during a period of more than seventy-
eight consecutive weeks prior to the first publication of said
notice or advertisement.

Charlotte Sotin

Subscribed and sworn to before me this 3rd day

of August, 19 84

[Signature]

, Notary Public

for State of Idaho, residing at Grangeville, Idaho.

RECEIVED

AUG 9 1984

Department of Water Resources
Western Regional Office

NOTED
AUG 10 1984

02 OLD (D) NUMBER -

03001 - HARRIS
03002 - HARRIS
03003 - HARRIS

FIRST NAME
04001 - SCOTT S.
04002 - CONNIE
04003 - GRETCHEN L.

```

      ORIG.  OWNER
03001  -  C
05002  -  C
05003  -  D

```

06 ADD LINE 1 - 2104 S. MICHIGAN ST.

07 ADD LINE 2 -

08 ADD LINE 3 -

09 CITY - CALDWELL

10 STATE - ID

11 ZIP - 83605

12 STAGE - S STATUTORY CLAIM

13 STATUS -

SOURCE
14001 - BURGUEFF HOT SPRING

15001 - LAKE CREEK

16 DIVERSION MEANS - POOL & PIPE

17 CCUNTY - 49 IDAHO

18 DIVERSION CAPACITY - .000

19 TOTAL DIVERSION RATE - .334

20 TOTAL DIVERSION VOLUME - .00

21 WATER DISTRICT -

				DIVERSION POINTS						STREAM INDEX FIELDS														
TRACT	SEC	TWN	RNG	LDI	RFLG			S	T	R	E	A	M	I	N	D	E	X	F	I	E	L	D	S
22001 - SENW	23001 - 01	24001 - 22N	25001 - 04E	26001 -	27001 -																			
			28001 - 0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0	0	0	0	0.0	

29 NON-IRRIGATION USE -

USE CODE / USE	TWN	RNG	PLACE	OF USE	SEC	TRACT	ACRES	LOT
30001 - 10 COMMERCIAL	31001 - 22N	32001 - 04E	33001 -	01	34001 - SENW	35001 -	36001 -	
30002 - 10 COMMERCIAL	31002 - 22N	32002 - 04E	33002 -	01	34002 - NESW	35002 -	36002 -	
							TOTAL ACRES: 0	

PERIOD FROM		PERIOD TO		USE CODE / USE	WATER USE	DIVERSION RATE	DIVERSION VOLUME
37001 - 0101	38001 - 1231	39001 - 10	COMMERCIAL	40001 -	0.334	41001 -	0.00
37002 - 0101	38002 - 1231	39002 - 43	DOMESTIC	40002 -	0.334	41002 -	0.00
37003 - 0101	38003 - 1231	39003 - 46	RECREATION	40003 -	0.334	41003 -	0.00

42 DECREE PLAINTIFF NAME -

43 DECREE DEFENDANT NAME -

REMARKS
44001 - THERAPEUTIC PURPOSES WAS LISTED UNDER RECREATIONAL.

APPROVAL CONDITIONS: 45001 -

46 OTHER RIGHTS FOR SAME USE -

D A T E S		D A T E S		F L A G S	
47	PRIORITY - 1-JUN-1875	55	LICENSE -	63	TRANSFER/AMENDED -
48	PROOF DUE -	56	APPL RECEIVED -	64	OLE/CAREY ACT -
49	PROOF MADE -	57	FIELD EXAM MADE -	65	FLAG_1 -

WRR100
77-4218

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHTS PROOF READING REPORT

PAGE 2
3-APR-1986 19:36:33

----- D A T E S -----		----- D A T E S -----		----- F L A G S -----	
50	APPROVE/DENIED-	58	DECREE	66	FLAG_2
51	PROTESTED	59	START WORK	67	FLAG_3
52	HEARING	60	ORDER SHOW CAUSE		
53	VERIFIED	61	DATE_1		
54	LAST UPDATE - 3-APR-1986	62	DATE_2		

VERIFIED AMS

State of Idaho
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: CLS

Right Number ✓ 77-4218 Applicant Harris

NOTE: IF ANY OF THE ITEMS BELOW ARE MISSING, THE CLAIM IS INCOMPLETE AND MUST BE RETURNED IMMEDIATELY TO THE CLAIMANT ALONG WITH THE APPROPRIATE COVER LETTER.

CHECK:

- ☒ Name and address.
- ☒ Date of priority. (Check for a date past the mandatory filing dates.) (One date only.)
- ☒ Source.
- ☒ Quantity, use, period.
- ☒ Point(s) of diversion.
- ☒ Location of use.
- ☒ Signature/notarization/fee.

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received. 8/8/84
- ☒ Claim published correctly. 100/34512 7/25 & 8/1/84
- ☒ Exceptions processed.

By CLS Date 8/14/84

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By SC Date 8/15/84

MICROFILMED

RECEIVED
AUG 15 1984

Department of Water Resources

DON SAMUELSON
GOVERNOR



R. KEITH HIGGINSON
State Reclamation Engineer

STATE OF IDAHO

DEPARTMENT OF RECLAMATION
STATEHOUSE - ANNEX 2
BOISE, IDAHO 83707

August 8, 1969

RECEIVED
JUL 2 1984

Mrs. Hazel Harris
Route #1, Caswell Lane
Boise, Idaho 83702

Department of Water Resources
Western Regional Office

Dear Mrs. Harris:

Following our telephone conversation, I have checked the records of this office concerning water rights in connection with the Hot Springs Resort at Burgdorf, Idaho. Our records indicate that this use of water was in existence as early as 1904. Mr. A. C. Burgdorf filed an Application under the then newly enacted state law to obtain a Permit and License covering his use of water in 1904. This Permit was subsequently reissued under No. 1569 in 1905. Mr. Burgdorf submitted proof of construction of works and a Certificate was issued by this office. All correspondence in the file indicates that the ditch conveying the water from Quarter Mile Creek (Jeanette Creek) had existed for some time prior to that date. I am sending copies of correspondence and a map from that file for your information.

It would appear likely to me that private use of the waters from this source for the purpose for which you are presently using water began during the mining days long before the turn of the century. If this is the case, you presently hold a water right with a priority as of the date of the first beneficial use. From information received from the Forest Service, the Forest Reserve was created by a proclamation of June 3, 1905. Therefore, the earliest priority which could be claimed by the Forest Service under provisions of the Reservation Doctrine would be 1905.

I therefore see no possibility that the Forest Service could take away water which is presently serving your use, without due compensation. The unfortunate thing is that many employees of the Forest Service have the mistaken understanding of the Reservation Doctrine that it covers any and all circumstances wherein the Forest Service may wish to use water. I know of no case in which the court has found that a right under the Reservation concept may take water away from a prior right established under provisions of state law. If I can be of any assistance to you in this matter, please let me know.

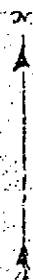
Very truly yours,


R. KEITH HIGGINSON
State Reclamation Engineer

RKH/jib
cc: Payette National Forest
Regional Forester - Ogden

MICROFILMED

POOR QUALITY ORIGINAL


 About
 Proposed Hitch
 to
 Water from Quaker Mile Cr.
 Idaho Co Idaho
 Permit applied for
 by
 Fred C. Burgdorf
 Resort, Ida.

Hot Springs Hotel.

F. C. Burgdorf, Prop.

As to Permit

Resort P. O., Idaho, Jan 22, 1902

Hon. Wm. J. State Engineer Boardwalk

Dear Sir:

Here is enclosed find in the maps
 and permit filled and hope it will reach you
 satisfactory. Also notes your 1st for fine
 if it suits you would like to have the
 to examining said. With the for part of 1800-03
 and have not indicated in the Engineer's
 This permit should not be had if the water
 being will Standard but the plant & dam
 was destroyed by fire last

You will please state what day in Nov. &
 better have the ditto examined

We don't know exactly how much time
 it will require for you in getting it
 to Engineer's

Hope to hear from you soon
 Sincerely yours
 Fred C. Burgdorf

1569 F. C. Burgdorf

POOR QUALITY ORIGINAL

Wash., D.C., Dec. 14th, 1906.

Mr. J. S. Stephenson, Jr.,

State Engineer of Idaho.

Dear Sir:

In accordance with your order of May, 1906, I have examined the ditch constructed by Fred. T. Burroughs at Pocatello, Idaho, under permit No. 1800, and I have found it to be as follows:

Said ditch takes the water from Quarter Mile Creek at a point north 110 feet from the north 1/4 cor. of Sect. 1, T.22 N., R.4 E., S.10. It runs in a general southerly direction 3140 feet to a point 8.50 mi. N. 425 feet from the north east corner of the Hotel at Pocatello. It delivers the water at a point on the hillside from 20 to 22 feet above the level to be irrigated and about 50 feet above the ground floor of the Hotel where it is to be used for domestic purposes.

Said ditch is 1.5 feet wide on the bottom, 2 feet wide at the water surface, and will carry a stream 1 foot deep with safety. It has a total fall of 17.14 feet, including a drop of 3 feet about half way down its length where it passes a small spring. This leaves a fall of 14.14 feet for the calculation of grade and gives a fall of 1.056 per unit. Manning's Formula used with the above data gives the ditch a capacity of 3.00 second feet, which will take all the water of Quarter Mile Creek except at the time of the spring run off.

The ditch is well constructed throughout and has a headgate made of planks.

Respectfully submitted,

Charles H. Link

Received December 16, 1906

RECORDED

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CHARLES W. LEE
CIVIL AND MINING ENGINEER
WINNETKA, ILL.

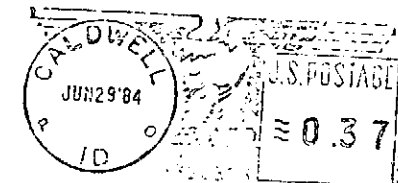
BUTLER CREEK
MILL CREEK
SOUTH CREEK
RIVER CREEK

PROPOSED RAILROAD

1000

1556

משרד המשפטים
התביעה הכללית



FIRST CLASS MAIL

From

Scott and Connie Harris
2104 South Michigan Street
Caldwell, ID 83605

To

Idaho Department of Water Resources
Western Region
450 West State Street
Boise, ID 83720

ATTN: Forrest Luthy

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Western Region

Statehouse
Boise, Idaho 83720
(208) 334-2190

AUGUST 15, 1984

SCOTT S. HARRIS
CONNIE HARRIS
GRETCHEN L. HARRIS
2104 S. MICHIGAN ST.
CALDWELL

ID 83605

RE: Claim No. 77-4218

Dear Claimant:

The Department of Water Resources has completed the advertising of your claim to a water right, and no further action is authorized under Section 42-243 and 42-244, IDAHO CODE. Your claim will be retained in our files and will be available at any time for use by you or the court.

The filing and advertising of the claim does not confirm the water right claimed, but will serve to record and preserve 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 with the claim, you may have that information or evidence added at any time. Please refer to the claim identification number when corresponding with this office.

We are enclosing a copy of your claim for your records. If you have questions, or if this office may be of further assistance, please feel free to contact us.

Yours truly,

DAVID B. SHAW
Western Region Supervisor

Enclosure

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Western Region

Statehouse
Boise, Idaho 83720
(208) 334-2190

JULY 19, 1984

Idaho County Free Press
Box 267
Grangeville, ID 83530

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. 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. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before AUGUST 13, 1984.

Yours truly,

JUDY PENSE
Secretary

Encl.

MICROFILMED

NOTICE OF CLAIMS TO WATER RIGHTS

The following claim(s) have been filed on water right(s) created by diversion and beneficial use:

Exceptions to a claim may be filed with the Director, Dept. of Water Resources, Western Region, Statehouse, Boise, Idaho 83720.

KEN DUNN, Dir.

Published 07/25 & 08/01/84.

MICROFILMED

ZZ-4218

HARRIS, SCOTT S. &/or CONNIE &/or GRETCHEN L.

2104 S. MICHIGAN ST., CALDWELL, ID 83605

Source: BURGDORF HOT SPRING trib. to LAKE CREEK

Priority Date: 06/01/1875

Diversion Pt: SENW Sec 01 T 22N R 04E

Use: COMMERCIAL	(0.33 CFS)
DOMESTIC	(0.33 CFS)
RECREATION	(0.33 CFS)

In: SENW NESW Sec 01 T 22N R 04E

MICROFILMED

3/83

IDENT. NO. 77-4218

I D A H O D E P A R T M E N T O F W A T E R R E S O U R C E S

WATER RIGHT
DATA ENTRY LOG

Initials

Date

Item

JP

7/19/84

Original form entered

Edit Report Correct

Date Protested

Date of Hearing

Date Approved/Denied
(Proof due date, stage and/or status,
conditions of approval, water district)

Record Verified

Amendment Approved

Extension Approved

Partial Proof

Proof Complete

Field Exam Received

Field Exam Accepted
and changes entered

License Updated

Transfer Updated

Keypunched by State Office

