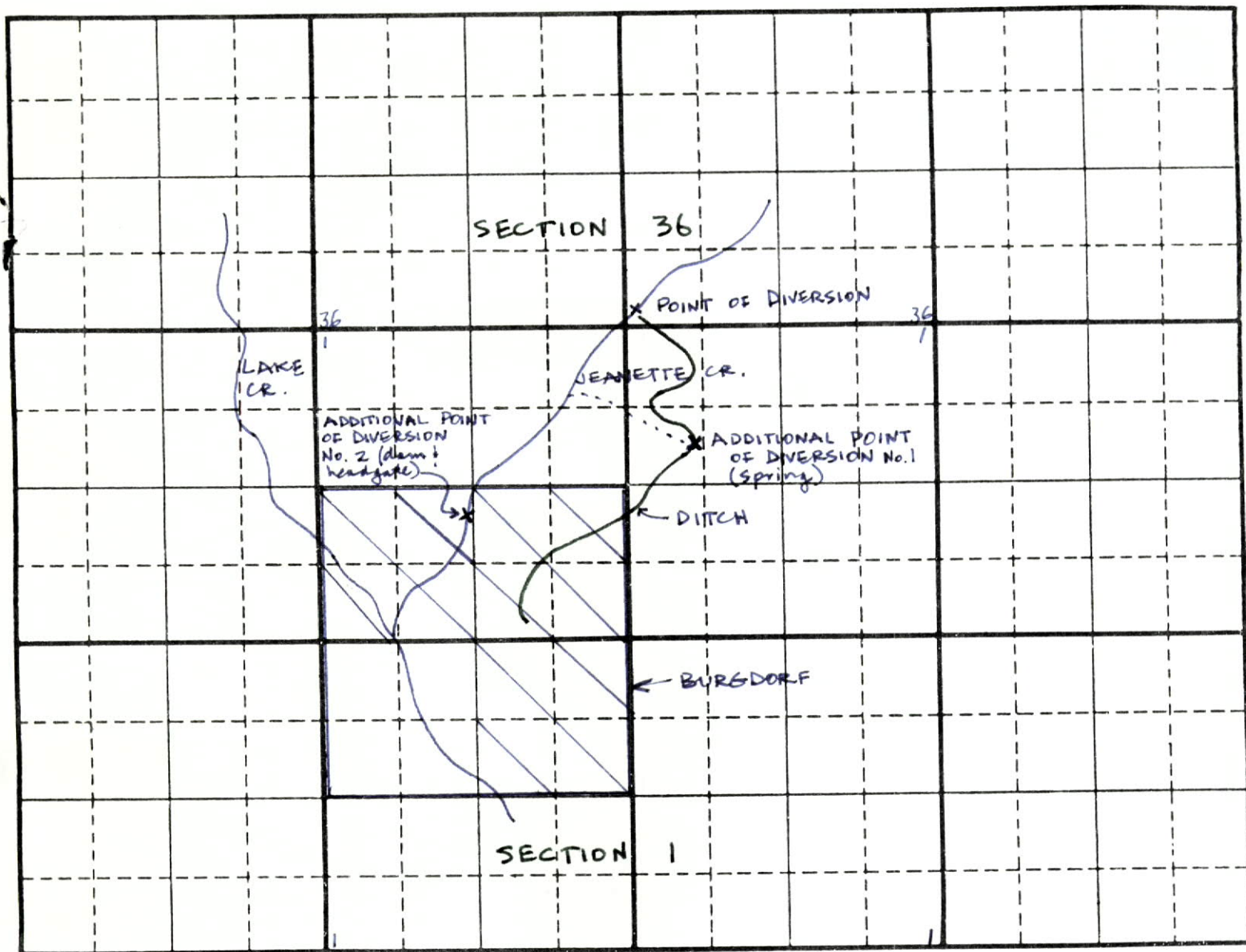


MICROFILMED

(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.

Scott S. Hansen
(Claimant)

Sworn to before me this 28 day of June, 19 84.

Caryl 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: _____ Forwarded to _____ Date _____
Prelim. check by GLS Date 7/18/84 _____ claimant by: _____
100 \$30.00 fee received by IP Date 7/13/84 34512
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

Bookkeeper

sworn, says he is the 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

Notary Public
for State of Idaho, residing at Grangeville, Idaho.

RECEIVED
AUG 9 1984

Department of Water Resources
Western Regional Office

MICROFILMED

his shall come, Greeting:

~~WHEREAS~~, There has been deposited in the General Land Office of the United States a Certificate of the Register of the Land Office at Brice Falls whereby it appears that, pursuant to the Act of Congress approved 14th May 1862, "To secure Homesteads to actual Settlers on the Public Domain," and the act supplemental thereto, the claim of Fred C. Burdick has been established and duly consummated, in conformity to law, for the South half of the North West quarter and the North half of the South West quarter, Section one in Township twenty five North & Range four East of Brice Indian in Dakota containing one hundred and thirty acres

according to the Official Map of the Survey of said Land, returned to the General Land Office by the Surveyor General

Now know ye that there is, therefore, granted by the United States unto the said Fred C. Burdick the tract of Land above described. To have and to hold the said tract of Land, with the appurtenances thereof, unto the said Fred C. Burdick and to his heirs and assigns forever, subject to any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes, and rights to ditches and canals used in connection with such water rights as may be recognized and acknowledged by the local customs, laws, and decisions of courts, and also subject to the right of the proprietor of a mine or lode to extract and remove his ore therefrom, should the same be found to penetrate or intersect the premises hereby granted, as provided by law. And there is reserved from the lands hereby granted a right of way for ditches or canals constructed by the authority of the United States.

In testimony whereof, T. Theodore Roosevelt PRESIDENT OF THE UNITED STATES OF AMERICA, have caused these letters to be made Patent, and the Seal of the General Land Office to be hereunto affixed

Given under my hand at the City of Washington, the Twelfth day of February in the year of our Lord one thousand eight hundred and U.S. and of the Independence of the United States the one hundred and twelfth.

By the President: T. Roosevelt

By Edw. McKean Secretary

E. J. Brink Recorder of the General Land Office

LS

RECEIVED

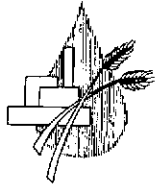
JUL 2 1984

Claim No. 77-4217

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Department of Water Resources
Western Regional Office

CLAIM TO A WATER RIGHT



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)

Jeanette Creek (aka Quarter Mile Creek) tributary to Lake Creek
SPRING JEANETTE 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)	(Mo., Day)
Quantity	<u>3.06 cfs</u>	Use <u>Domestic, power generation, commercial and</u>	Period of Use From <u>1/1</u>	To <u>12/31</u>
Quantity		Use <u>stock watering</u>	Period of Use From	To
Quantity	<u>3.06 cfs</u>	Use <u>Irrigation</u>	Period of Use From <u>4/1</u>	To <u>11/1</u>
Quantity		Use	Period of Use From	To

(4) 3.06 cfs TOTAL QUANTITY USED.
(cfs, af)

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

SW 1/4 SE 1/4, Sec. 36 Twp. 22N Rge. 4E B.M. County of Idaho

Additional points of diversion: A spring tributary to Jeanette Creek located at a point in the NWNE of Sec. 1, T22N, R4E, B.M., approximately 1/4 mile along the ditch from the above primary point of diversion (for third point of diversion, see attached sheet)

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 water is diverted at each point by a diversion dam and a wooden headgate. The ditch is approximately 3140 feet long, 1.5 feet wide at the bottom and 2 feet wide at the top. (See attached letters dated August 8, 1969, September 22, 1905 and December 14, 1905.)

(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.	NE1/4				NW1/4				SW1/4				SE1/4				TOTAL
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
22N	4E	1							X	X	X								
22N	4E	1							40										40

No. of acres 40

B) If water is used for other than irrigation, fully describe that use, being as specific as possible: Water from Jeanette Creek is used for a variety of domestic and commercial purposes at the Burgdorf Hot Springs Resort, including drinking, cooking, sanitation, stockwatering, and gardening. In addition, water has been used for power generation purposes.

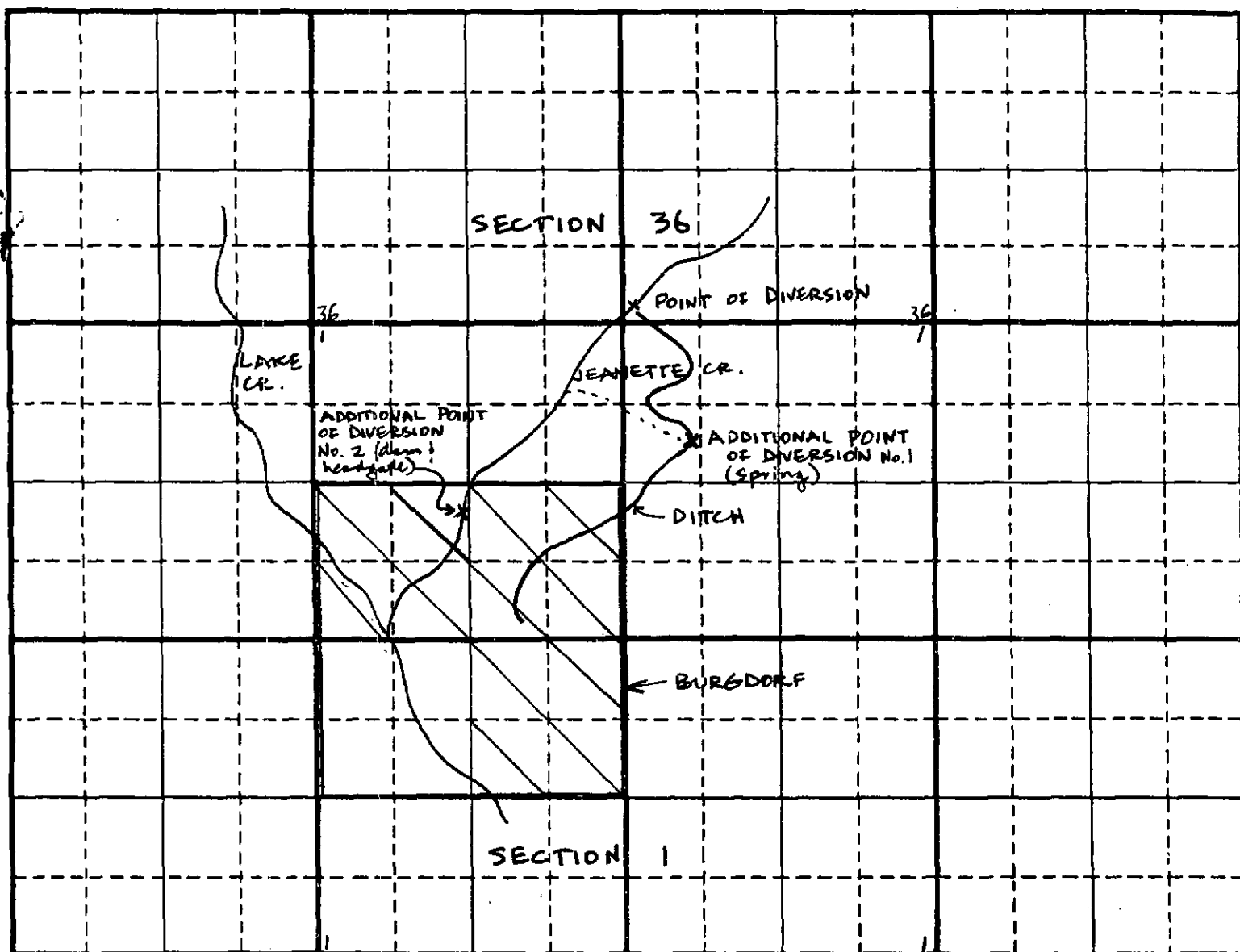
NOTE: Include here the type and number of stock watered: A maximum of 10 horses, 50 cows and 5 goats*

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

*have used water from this source during the months of June, July, August, September, and October. An average of 5 goats have used the water during the remaining months of the year. APPROXIMATELY

1 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.

Watt S. Hansen
(Claimant)

Sworn to before me this 28 day of June, 19 84.

Caryl Faussett
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 GLS Date 7/18/84
\$30.00 fee received by IP Date 7/3/84 34512
Published in Idaho County Free Press 7/25/84 8/1/84
Dates _____

- (5) (A) Additional point of diversion: Jeanette Creek also is diverted into the Burgdorf pasture for irrigation purposes by means of a dam and headgate located on the Creek in the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 1, T22N, R4E, B.M.

RECEIVED
JUL 2 1984

Department of Water Resources
Western Regional Office

MICROFILMED

**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

MICROFILMED



Hoyle Harris
11677 Reutzel

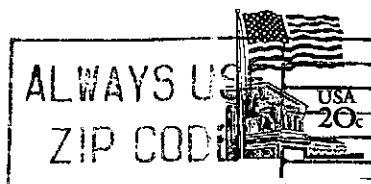
Boise, Idaho 83709
2020 GRAND AVENUE
KANSAS CITY, MISSOURI 64108

HARTFORD, CONNECTICUT

INGLEWOOD, CALIFORNIA

KANSAS CITY, MISSOURI

Canadian office: WINDSOR, ONTARIO



Dept. of Water Resources
Western Region
State House -
Boise, Idaho 83720

Attn: Forest Lady

RECEIVED

7/5/84

LEE: WHEN THE ELDER MRS. HARRIS CALLED THE OTHER DAY, SHE SAID SHE WOULD SEND IN THIS COPY OF THE PATENT ON THE BURGDORF LAND. I TOLD HER I WOULD SEE THAT IT GOT PLACED WITH HER KIDS' CLAIMS. SO HERE 'TIS.

I HAVE ALSO APPENDED ANOTHER COPY OF THE 1969 LETTER FROM KEITH HIGGINSON TO MRS. HARRIS. NO COPY OF THIS CORRESPONDENCE APPEARS ON THE MICROFICHE OF CANCELLED PERMIT 77-2007, THE BURGDORF PERMIT OF 1904, RE-ISSUED IN 1905. THE LAST THING APPEARING ON THE -FICHE IS A 1970 REQUEST FROM THE FOREST SVC. FOR INFORMATION ON THE HARRIS'S BURGDORF RTS. NO INFORMATION ON WHAT OUR RESPONSE TO FOREST SERVICE WAS, IF ANY.

ANYWAY, IF YOU CONCUR THAT THE HIGGINSON LETTER OUGHT TO BE MICRO-FILMED: ON 77-2007, I HAVE ANOTHER XEROX COPY FROM WHICH TO MAKE THE FILM. COPIED SAME FROM COPY IN PAPERS WHICH GRETCHEN HARRIS HAD WITH HER LAST WEEK.

James



State of Idaho

DEPARTMENT OF WATER RESOURCES

WESTERN REGION, 92 South Cole Road, Boise, Idaho 83705

JOHN V. EVANS

Governor

C. STEPHEN ALLRED

Director

(Office at the corner of
Franklin and Cole Roads)

(208) 384-2190

RE:

District Engineer
Walla Walla District
Corps of Engineers
Bldg. 602 City-County Airport
Walla Walla, WA 99362

Gentlemen:

Forwarded for your review is a copy of the above referenced application to alter a stream channel.

A State permit has been issued in the past, and the applicant has requested

Post-it[™] telephone message pad 7660
GRAND

To Carolyn
Date 20 Time 11:15

WHILE YOU WERE OUT

M John Westra
of Western

Phone No. 334-2190

TELEPHONED	☒	PLEASE CALL	☒
WAS IN TO SEE YOU	☐	WILL CALL BACK	☐
WANTS TO SEE YOU	☐	URGENT	☐
RETURNED YOUR CALL	☐		☐

Message Research?
77-04217

sent
Operator Cindy

DON SAMUELSON
GOVERNOR



R. KEITH HIGGINSON
State Reclamation Engineer

STATE OF IDAHO

DEPARTMENT OF RECLAMATION
STATEHOUSE - ANNEX 2
BOISE, IDAHO 83707

August 8, 1969

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

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,

A handwritten signature in dark ink, appearing to read "R. Keith Higginson".
R. KEITH HIGGINSON
State Reclamation Engineer

RKH/jib

cc: Payette National Forest
Regional Forester - Ogden

RECEIVED
AUG 12 1969
FBI

RECEIVED
JUL 3 1984

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
Idaho Land Office
Boise, Idaho
December 5, 1966

Department of Water Resources
Western Regional Office

HEREBY CERTIFY That the annexed copy of patent is a true
and literal exemplification from the record which is in my custody
in this Office.

IN TESTIMONY WHEREOF I have hereunto subscribed my name and
caused the seal of this Office to be affixed,
at Boise, Idaho
on the day and year above written.

Orval G. Hadley
(Certifying Officer)
Orval G. Hadley

GPO 851-221

MICROFILMED

his shall come. Greeting:

Whereas, There has been deposited in the General Land Office of the United States a Certificate of the Register of the Land Office of the State of Oregon, whereby it appears that, pursuant to the Act of Congress approved March 3, 1872, "To secure Homesteads to actual Settlers on the Public Domain," and the acts supplemental thereto, the claim of Fred C. Burgdorf has been established and duly commuted in conformity to law, for the right to take the north West one fourth of the right half of the south West quarter of section one, in township four north, Range one west of the fourth principal meridian, containing one hundred and eighty acres.

according to the Official Plat of the Survey of said Land, returned to the General Land Office by the Surveyor General.

Now know ye that there is, therefore, granted by the United States unto the said Fred C. Burgdorf the tract of Land above described. To have and to hold the said tract of Land, with the appurtenances thereof, unto the said Fred C. Burgdorf and the heirs and assigns forever, subject to any vested and accrued water right for mining, agricultural, manufacturing, or other purposes, and right to ditches and reservoirs used in connection with such water right, as may be recognized and acknowledged by the local customs, laws, and decisions of courts, and also subject to the right of the proprietor of a main line of railroad and running by or through said tract, should the same be found to predominate or interfere the premises hereby granted, as provided by law. And there is reserved from the land hereby granted, for the use of the United States, all canals constructed by the authority of the United States.

In testimony whereof, I, Chester A. Arthur, PRESIDENT OF THE UNITED STATES OF AMERICA, have caused these letters to be made Patent, and the Seal of the General Land Office to be hereunto affixed.

Given under my hand at the City of Washington, the Twelfth day of September, in the year of our Lord one thousand eight hundred and eighty and of the Independence of the United States the one hundred and twelfth.

By the President: J. B. Powell
By: [Signature] Secretary
[Signature] Recorder of the General Land Office

LS

State of Idaho
Department of Water Resources

383-4418

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: 6hs

Right Number 77-4217

Applicant Harris, Scott-Gretchen

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 6hs Date 8/14/84

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By SC Date 8/15/84

RECEIVED
AUG 15 1984

Department of Water Resources

MICROFILMED

ZZ-4217-

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

2104 S. MICHIGAN ST., CALDWELL, ID 83605

Source: JEANETTE CREEK trib. to LAKE CREEK
SPRING trib. to JEANETTE 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.

MICROFILMED

IDENT. NO. 77-4217

WATER RIGHT
DATA ENTRY LOG

Item

Keypunched by State Office
