

TL 5060

(1)

T.L. 6626

Myers

(5)

THIS MAP IS FURNISHED AS PART OF AN ENDORSEMENT AND DOES NOT REPRESENT A SURVEY OF THE LAND OR IMPLY ANY REPRESENTATIONS AS TO THE SIZE, AREA OR ANY OTHER FACTS RELATED TO THE LAND SHOWN THEREON. IT IS FURNISHED STRICTLY FOR THE PURPOSES OF GENERALLY LOCATING THE LAND. THE DESCRIPTION FURNISHED IN SCHEDULE A OF THE POLICY SHOULD BE REFERRED TO FOR THE DESCRIPTION OF THE LAND COVERED THEREBY.

TL 2926

TL 2710

(3)

HIGHWAY

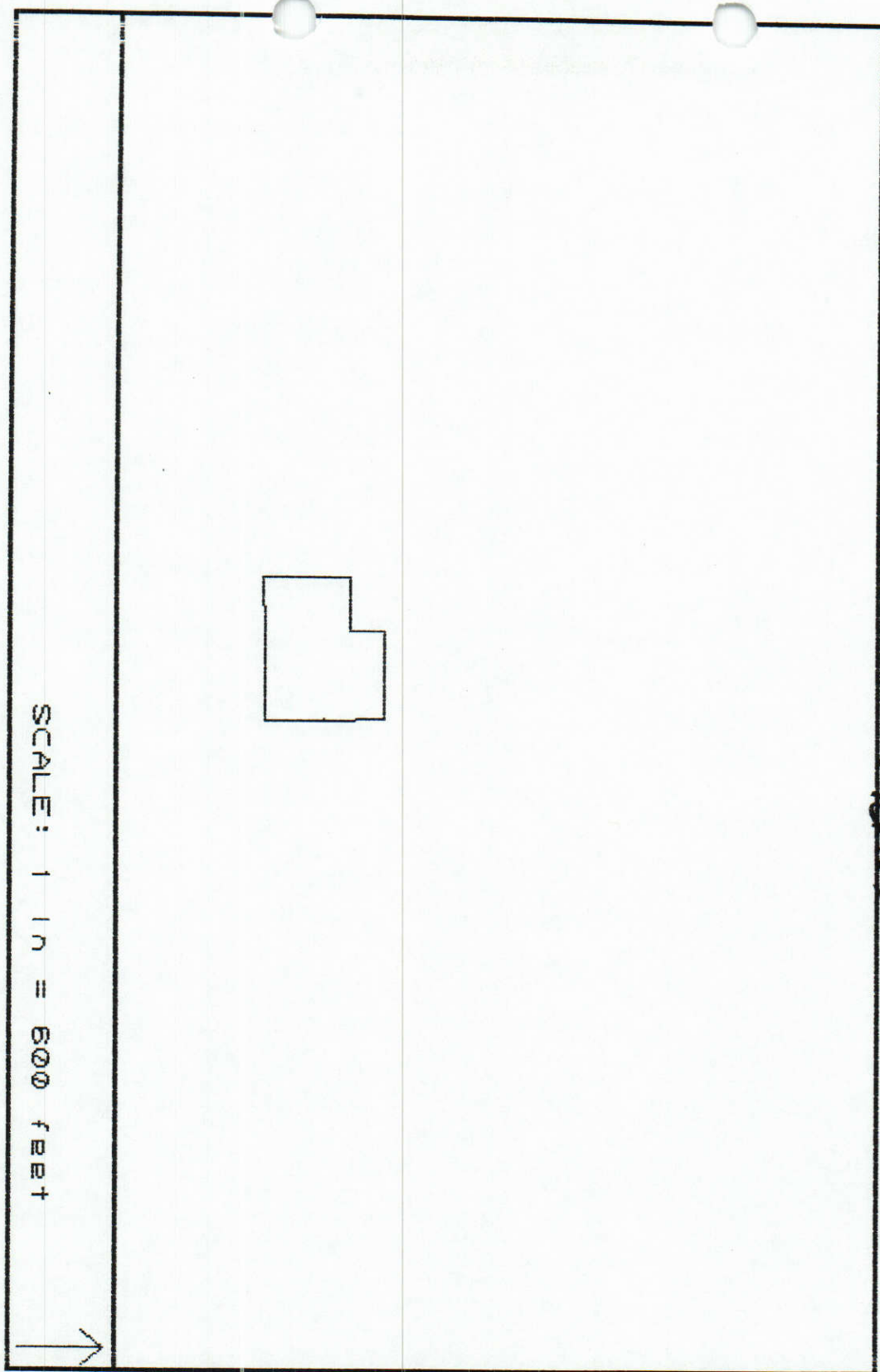
75

(TL 2926)

(10)

6639

MICROFILMED
JAN 0 4 1999

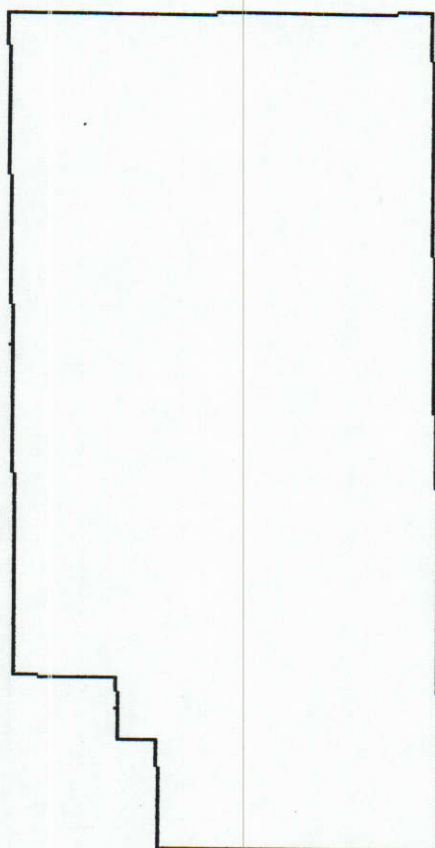


4.99 Acres
Acres

MICROFILMED
JAN 04 1999

75.0731 Acres

BURKE



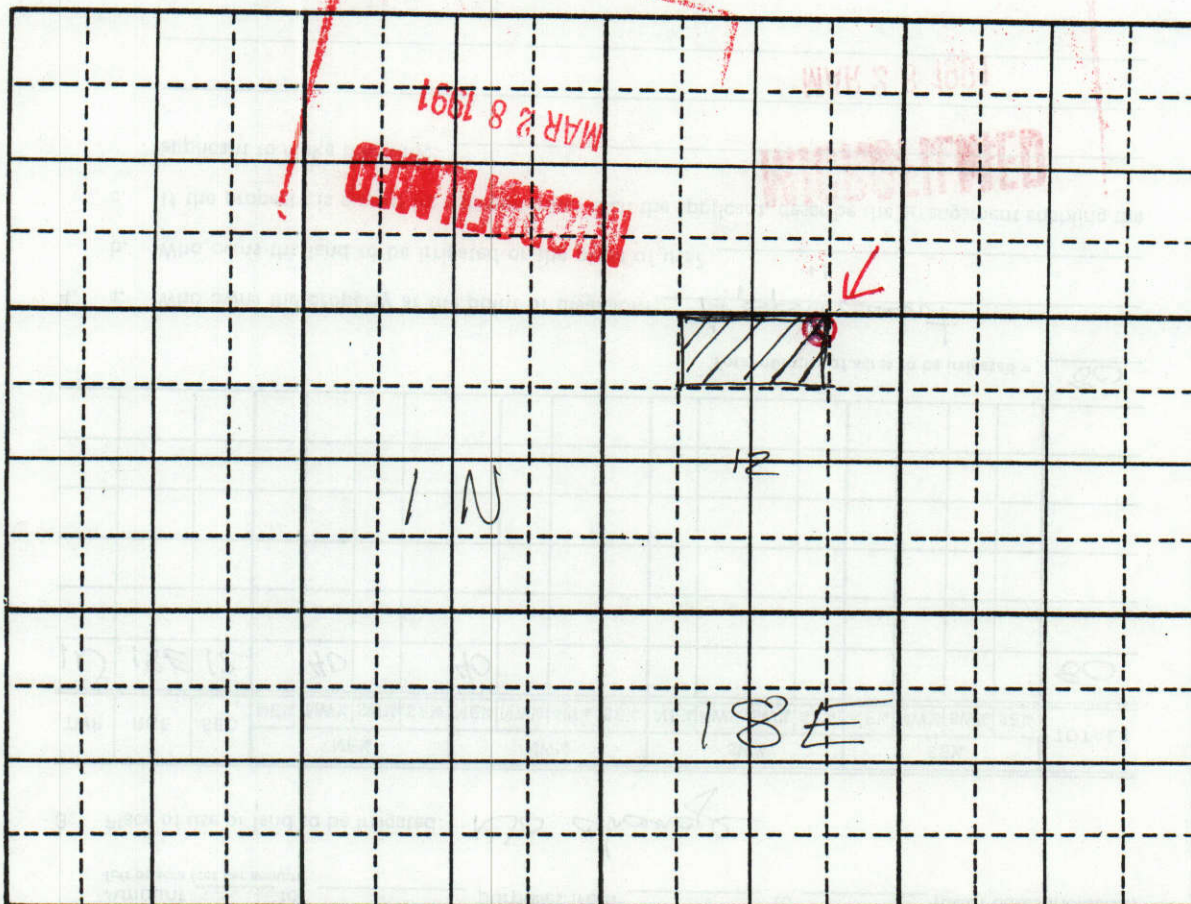
SCALE: 1 in = 600 feet



MICROFILMED

JAN 04 1999

Complete the following map by showing land and point of diversion as proposed by this amendment.
Show 40-acre subdivisions, townships, ranges and ditches.



Scale: 2 inches equal 1 mile.

That no one will be injured by such change, and that such change will be made at permit holder's own risk.

Signed at Ketchum IDAHO, this 30 day of October, 19 90.
John A. Burke
(Signature)

FOR DEPARTMENT USE ONLY

Preliminary check by JH Fee = \$20.00

Received by TRB Date 11/2/90

Publication prepared by MB Date 11-14-90

Published in Wood River Journal

Publication dates 11/21 & 11/28/90

ACTION OF THE

DEPARTMENT OF WATER RESOURCES

I, L. GLEN SAXTON, Director of the Department of Water Resources hereby
APPROVE THE ABOVE REFERENCED APPLICATION FOR AMENDMENT PROVIDED THE
CONDITIONS AS SET FORTH IN PERMIT NO. 37-8209 ARE MET.

Witness my hand this

18th day of March, 19 91

L. Glen Saxton
CHIEF, WATER ALLOCATION BUREAU

**Burke seeks
amended permit**

**NOTICE OF AMENDMENT
TO A WATER PERMIT**

NO. 37-08209

Notice is hereby given that John A. Burke of Sun Valley, ID is the holder of Approved Permit No. 37-08209 authorizing the diversion of 1.60 cubic feet per second of water from groundwater in the NE1/4NW1/4, S12, T1N, R18E, County of Blaine, to be used for irrigation on 80 acres within NW1/4NE1/4, NE1/4NW1/4, S12, T1N, R18E.

The permit holder has applied to the Department of Water Resources for an Amendment to the Permit, to change the Point of Diversion as follows:

Amount: 1.60 cfs

Period of Use: 4/15 to 10/15

Point of Diversion: NW1/4NE1/4, S12, T1N, R18E; Blaine County.

Place of Use: 80 acres within NW1/4NE1/4, NE1/4NW1/4, S12, T1N, R18E.

Any protest against approval of the amending of Permit No. 37-08209 as set forth above must be filed with the Idaho Department of Water Resources, 222 Shoshone Street East, Twin Falls, ID 83301, on or before December 10, 1990.

R. Keith Higginson, Director

Publish: Wood River Journal-
November 21 & 28, 1990.

11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.

Township 1 North Range 18 EAST S.M.

[illegible]

Scale: 2 inches equal 1 mile.

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

MICROFILMED

SEP 25 1990

John A. Burke
(Applicant)

(Applicant)

COPY OF NOTICE
(Page Here)

1/10/89 # 37-08209
ATTORNEY

DEPARTMENT

DEPARTMENT

DEPARTMENT

Dept. of Water Res.

Burke applies for trust water right

NOTICE OF APPLICATION FOR TRUST WATER RIGHT

37-08209

BURKE, JOHN A.
P.O. BOX 326
SUN VALLEY, ID 83353

Source: GROUNDWATER
Diversion Pt: NENW Sec 12 T 01N
R 18E

Use: IRRIGATION (1.600 CFS)

Total Diversion: (1.600 CFS)

Date Filed: 4/11/1985

In: T01N R18E S12 NWNE NENW
80.0 ACRES TOTAL

The permit(s) will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code, and/or the new public interest criteria of Sec. 42-203C, Idaho Code. Protests must be filed with the Director, Dept. of Water Resources, Statehouse Mail, Boise, Idaho 83720, on or before AUGUST 20, 1990.

R. Keith Higginson, Director

Publish: Wood River Journal-
August 1 & 8, 1990.

TII

pH

MICROFILMED
JUN 12 1998
— 409

Delivery System

MICROFILMED
 JUN 12 1998

37-08209

#1
P/D.



#2.
P/U.
Westerly field
near Big Wood
River.



MICROFILMED
JUN 12 1998

37-08201



#3

P14.

Easterly field
near Hwy. 75

MICROFILMED
JUN 12 1998

Disk: Legals/Burke

Burke seeks amended permit

NOTICE OF AMENDMENT TO A WATER PERMIT NO. 37-08209

Notice is hereby given that John A. Burke of Sun Valley, ID is the holder of Approved Permit No. 37-08209 authorizing the diversion of 1.60 cubic feet per second of water from groundwater in the NE1/4NW1/4, S12, T1N, R18E, County of Blaine, to be used for irrigation on 80 acres within NW1/4NE1/4, NE1/4NW1/4, S12, T1N, R18E.

The permit holder has applied to the Department of Water Resources for an Amendment to the Permit, to change the Point of Diversion as follows:

Amount: 1.60 cfs

Period of Use: 4/15 to 10/15

Point of Diversion: NW1/4NE1/4, S12, T1N, R18E; Blaine County.

Place of Use: 80 acres within NW1/4NE1/4, NE1/4NW1/4, S12, T1N, R18E.

Any protest against approval of the amending of Permit No. 37-08209 as set forth above must be filed with the Idaho Department of Water Resources, 222 Shoshone Street East, Twin Falls, ID 83301, on or before December 10, 1990.

R. Keith Higginson, Director

Publish: Wood River Journal—
November 21 & 28, 1990.

RECEIVED

NOV 16 1990

Department of Water Resources
Southern Region Office

OK
MB
11-16-90

RECEIVED
MAR 28 1991

RECEIVED

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

JUL 22 1998

Department of Water Resources

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.

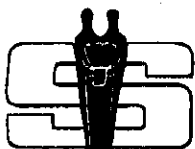
JUL 20 1998

1. Water Right Number(s) 37-08209
Adjudication Claim Number(s) _____
Department of Water Resources
Southern Region
2. The following REQUIRED information must be submitted with this form.
 - A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE, or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.
 - AND
 - B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually on file with the county.)
 - OR
 - C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency (formerly ASCS) AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.
3. Name and Address of Former Owner/Claimant(s) JOHN A. BURKE AND CANDIDA C. FORSTMAN
P.O. BOX 201 KETCHUM, ID 83340
4. New Owner/Claimant(s) SCOTT H. CLARK
Name connector (Check one): ☐ AND, ☐ OR, ☐ AND/OR
New Mailing Address P.O. BOX 1435 SUN VALLEY, ID
City, State and ZIP Code SUN VALLEY, ID 83353
New Telephone Number () - -
5. Date you acquired the property 07-15-98
6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.
Number of acres actually irrigated _____ Number and type of stock _____
Diversion rate in CFS _____ Number of homes _____ Other uses _____
cubic feet per second
If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.
7. Signature of New Owner/Claimant(s) Scott H. Clark, Trustee Date 7-14-98

Date _____
8. (Corporations or other organizations must submit a list of directors/officers demonstrating authority to sign form.)
For Snake River Basin Adjudication Claims: If you are represented by an attorney and you want IDWR to correspond directly with your attorney for all matters related to your claims, please attach a Notice of Appearance completed by your attorney.

37-08209
WATER RIGHT
NUMBER
REVIEWED BY
EVAN ROBERTSON

MICROFILMED
JAN 04 1999



Order No. 98008561
This form furnished by
Blaine County Title Associates

WARRANTY DEED

For Value Received JOHN A. BURKE, a married man as to an undivided 50% interest and CANDIDA C. FORSTMANN, a married woman as to an undivided 50% interest, also shown of record as CANDIDA C. FORSTMAN

the Grantor hereby grants, bargains, sells, conveys and warrants unto SCOTT H. CLARK, TRUSTEE UNDER TRUST AGREEMENT DATED NOVEMBER 21, 1986

416620
416620
Deed
BLAINE CO. REQUEST
OF: BLAINE COUNTY TITLE

the Grantee whose current address is: P.O. BOX 1435, SUN VALLEY, ID 83353

'98 JUL 15 PM 2 21

the following described premises, to-wit:

A parcel of property being all of the NE1/4 NW1/4 and a portion of the NW1/4 NE1/4, Sec. 12, T1N, R18E, B.M., Blaine County, Idaho, and more particularly described as follows:

MARY GREEN, CLERK

COMMENCING at the N1/4 corner of said Section 12, said corner being the TRUE POINT OF BEGINNING; THENCE N 89°03'10"E, 1315.20 feet along the north section line of said Sec. 12 to the westerly right-of-way of State Highway 75; THENCE S 0°18'00"E, 871.68 feet along said westerly right-of-way of State Highway 75; THENCE S 89°11'39"W, 341.50 feet; THENCE S 0°26'40"W, 125.00 feet; THENCE S 89°11'39"W, 201.87 feet; THENCE S 0°26'40"W, 320.00 feet to the southerly boundary of said NW1/4NE1/4, Sec. 12; THENCE S 89°11'39"W, 2103.26 feet along said southerly boundary of NW1/4NE1/4, and the southerly boundary of the NE1/4NW1/4 to the SW cor. of said NE1/4NW1/4, Sec. 12; THENCE N 0°36'03"W, 1310.10 feet to the NW cor. of the NE1/4NW1/4, Sec. 12; THENCE N 89°03'10"E, 1337.26 feet along the northerly line of said Sec. 12 to the N1/4 cor. of Sec 12, said corner being the TRUE POINT OF BEGINNING

EXCEPTING THEREFROM: Any portion of State Highway 75 lying therein.

Together with any and all appurtenant water rights.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, their heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that it is the owner in fee simple of said premises; that said premises are free from all encumbrances and that he will warrant and defend the same from all lawful claims whatsoever.

Dated: July 13, 1998

John A. Burke

JOHN A. BURKE

Candida C. Forstmann

CANDIDA C. FORSTMANN

State of IDAHO

ss.

County of BLAINE

On this 14 day of July, 1998, before me, the undersigned, a Notary Public, in and for said State, personally appeared JOHN A. BURKE and CANDIDA C. FORSTMANN

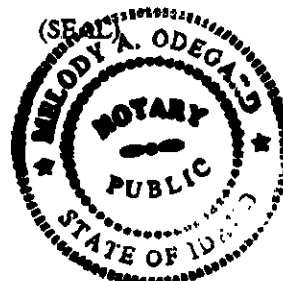
known to me, and/or identified to me on the basis of satisfactory evidence, to be the person(s) whose name is/are subscribed to the within instrument and acknowledged to me that they executed the same.

WITNESS MY HAND AND OFFICIAL SEAL.

Melody A. Odegard
Notary Public

Residing at: BLAINE COUNTY, IDAHO
Commission Expires: September 24, 2002

MICROFILMED
JAN 04 1999





Order No. 98008561
This form furnished by
Blaine County Title Associates

BILL OF SALE

KNOW ALL MEN BY THESE PRESENTS:

That JOHN A. BURKE and CANDIDA C. FORSTMANN

the party(ies) of the first part, for and in consideration of the sum of \$ 10.00 and other consideration, lawful money of the United States of America, to have in hand paid by SCOTT H. CLARK, TRUSTEE UNDER TRUST AGREEMENT DATED NOVEMBER 21, 1986

PO BOX 1435, Sun Valley, Id 83353

the party(ies) of the second part, the receipt whereof is hereby acknowledged, does by these presents, grant, bargain, sell and convey unto the said party of the second part, his/her heirs, executors, administrators and assigns, the following described property to-wit:

~~1. 1620 FEET OF 6 INCH ALUMINUM MAIN LINE TOGETHER WITH RING LOCKS~~
~~2. 1000 FEET OF 10 INCH ALUMINUM MAIN LINE TOGETHER WITH RING LOCKS~~
~~3. 2 1/4 MILE OF A AND M WHEEL LINES TOGETHER WITH VALVE OPENERS AND HOSES~~
~~4. 1 40 HORSEPOWER TURBINE PUMP TOGETHER WITH ELECTRICAL PANELS~~
~~5. 21 PIECES 3 INCH HOOK AND LATCH HAND LINE~~

1. 1620 FEET OF 6 INCH WADE RAIN MAIN LINE TOGETHER WITH RING LOCKS
2. 1000 FEET OF 10 INCH WADE RAIN ALUMINUM MAIN LINE TOGETHER WITH RING LOCKS
3. 2 1/4 MILE OF A AND M WHEEL LINES TOGETHER WITH VALVE OPENERS AND HOSES
4. 1 40 HORSEPOWER TURBINE PUMP, SERIAL #YFP 2220, TOGETHER WITH ELECTRICAL PANELS
5. 21 PIECES 3 INCH HOOK AND LATCH HAND LINE

TO HAVE AND TO HOLD the same to the party of the second part, his/her heirs, executors, administrators and assigns, covenant and agree to and with the said party of the first part, their heirs, executors, administrators and assigns, to warrant and defend the sale of the said property, goods and chattels hereby made unto the said party of the second part, his heirs, executors, administrators and assigns, against all and every person or persons whomsoever lawfully claiming or to claim the same.

Dated: July 13, 1998

John A. Burke
JOHN A. BURKE

Candida C. Forstmann
CANDIDA C. FORSTMANN

State of IDAHO

ss.

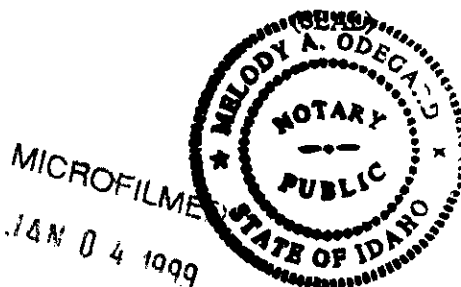
County of BLAINE

On this 14 day of July, 1998, before me, the undersigned, a Notary Public, in and for said State, personally appeared JOHN A. BURKE and CANDIDA C. FORSTMANN

known to me, and/or identified to me on the basis of satisfactory evidence, to be the person(s) whose name is/are subscribed to the within instrument and acknowledged to me that they executed the same.

WITNESS MY HAND AND OFFICIAL SEAL.

Melody A. Odegard
Notary Public
Residing at: BLAINE COUNTY, IDAHO
Commission Expires: September 24, 2002



TL 5060

(1)

T.L. 6626

Meyers

(5)

THIS MAP IS FURNISHED AS PART OF AN ENDORSEMENT AND DOES NOT REPRESENT A SURVEY OF THE LAND OR IMPLY ANY REPRESENTATIONS AS TO THE SIZE, AREA OR ANY OTHER FACTS RELATED TO THE LAND SHOWN THEREON. IT IS FURNISHED STRICTLY FOR THE PURPOSES OF GENERALLY LOCATING THE LAND. THE DESCRIPTION FURNISHED IN SCHEDULE A OF THE POLICY SHOULD BE REFERRED TO FOR THE DESCRIPTION OF THE LAND COVERED THEREBY.

TL
2926

TL 2710

(3)

HINAY

(TL 2926)

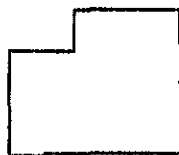
75

(10)

6639

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JAN 04 1999

4.99 Acres *M. H. S.*



SCALE: 1 in = 600 feet

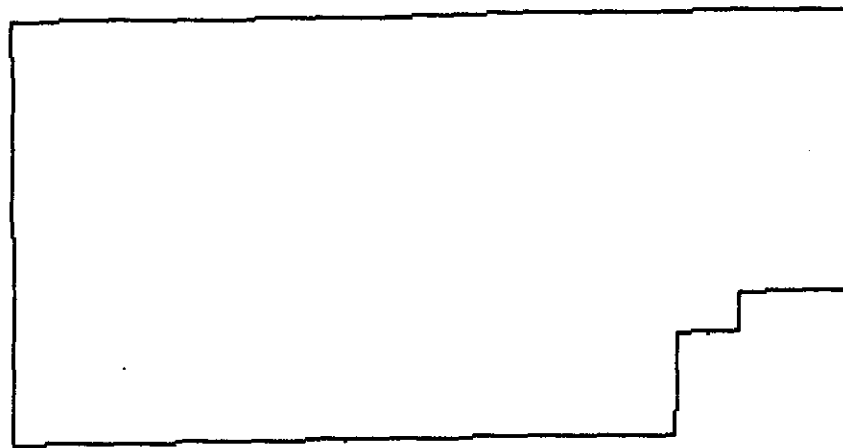


MICROFILMED

JAN 0 4 1999

75.0731 Acres

BURKE



SCALE: 1 in = 600 feet



MICROFILMED

JAN 0 4 1999

State of Idaho
Department of Water Resources
Water Right License
WATER RIGHT NO. 37-08209

Priority: April 11, 1985

Maximum Diversion Rate: 1.16 CFS
Maximum Diversion Volume: 203.0 AF

This is to certify, that JOHN A BURKE
PO BOX 326

SUN VALLEY ID 83353-0326 has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated April 11, 1985; and has submitted Proof of Beneficial Use on July 13, 1994. An examination indicates that the works have a diversion capacity of 1.230 cfs of water from a **GROUNDWATER** source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/15 to 10/15	1.16 CFS	203.0 AF

LOCATION OF POINT(S) OF DIVERSION: NWNE , Sec. 12, Township 01N, Range 18E
BLAINE County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
01N	18E	12	NWNE 34	NENW 24		58

Total number of acres irrigated: 58

CONDITIONS OF APPROVAL AND REMARKS

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount that can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license shall be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
6. This right is for the use of trust water and is subject to review 20 years after the issuance of the permit to determine availability of water and to re-evaluate the public interest.
7. Diversion and use of water under this right is subject to an annual use fee if rules are subsequently promulgated which provide for the submittal of the fee.

MICROFILMED
JUN 12 1998

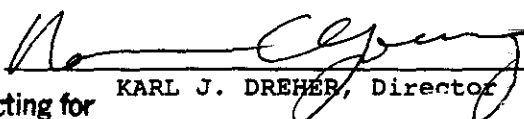
State of Idaho
Department of Water Resources

Water Right License

WATER RIGHT NO. 37-08209

CONDITIONS OF APPROVAL AND REMARKS

This license is issued pursuant to the provisions of Section 42-219, Idaho Code.
Witness the seal and signature of the Director, affixed at Boise, this 11th
day of June, 1998.


Acting for KARL J. DREHER, Director

MICROFILMED
JUN 12 1998

OFFICE USE ONLY
Amt. of Fee \$ 125.00
Date 7-13-94
Receipt No. 5017109
Receipt by MTS

RECEIVED

JUL 15 1994

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

JUL 13 1994

Department of Water Resources
Southern Region Office

PROOF OF BENEFICIAL USE

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

1. Permit No. 37-08209 Telephone No. 208-622-4100
2. Name(s) of Permit Holder(s): John A. Burke
3. Mailing Address: P. O. Box 326, Sun Valley, Idaho 83353
4. Source of Water: Ground water

If GROUNDWATER, Well Driller's Name: Walker Water Systems Date Drilled: 7/8/91

OPTIONAL:

Pump horsepower: 40 h.p. Pressure (psi): 60 Dynamic pumping level (ft.): 123.60

5. Extent of Use (as authorized by the permit):

Domestic _____ (No. of households) Stockwater _____ (No. and type of stock)

Irrigation 74 (No. of acres) Other _____

6. Total rate and/or volume for which proof is submitted 1.48 cfs OR _____ acre/feet

7. Refer to the approval conditions on your permit and respond accordingly:

Measuring device: Required? _____ Yes X No Installed? _____ Yes X No

OR

Flow Measurement Port: Required? _____ Yes X No Installed? _____ Yes X No

8. Fee Enclosed: \$ 125.00 (See License Fee Schedule on back of Instruction Sheet)
9. Person to contact to accompany the Department representative during field examination of the water system.

John A. Burke 208-622-4100
Name Telephone No.

P. O. Box 326, Sun Valley, Idaho 83353
Address

10. The above information is my true statement of the extent to which the above numbered permit has been developed and I relinquish any undeveloped portion of the permit to the state of Idaho.

AUG 09 1994

7-11-94
Date

John A. Burke
Signature (and title, if on behalf of a company or organization)

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR AMENDMENT OF A PERMIT

APPROVED

To change the point of diversion and/or the place of use.

Comes now John A. Burke
of (address) P.O. Box 326, Sun Valley, ID 83353 and represents to the
Director of the Idaho Department of Water Resources:

That he is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho
No. 37-8209, and requests that the permit and permit map be changed as follows:

1. Point of diversion: NW 1/4 NE 1/4, Section 12, Township 1N, Range 18E, B.M.,
County of Blaine. Other points of diversion: _____

2. Period and nature of use: (irrigation, domestic, stockwatering, industrial, etc.) No change
Amount 1.60 for Irrigation purposes from 4/15 to 10/15 (both dates inclusive)
(cfs or acre feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre feet per annum)

3. Place of use or land to be irrigated: No change

TWP	RGE	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
<u>1W</u>	<u>18E</u>	<u>12</u>		<u>40</u>			<u>40</u>												<u>80</u>

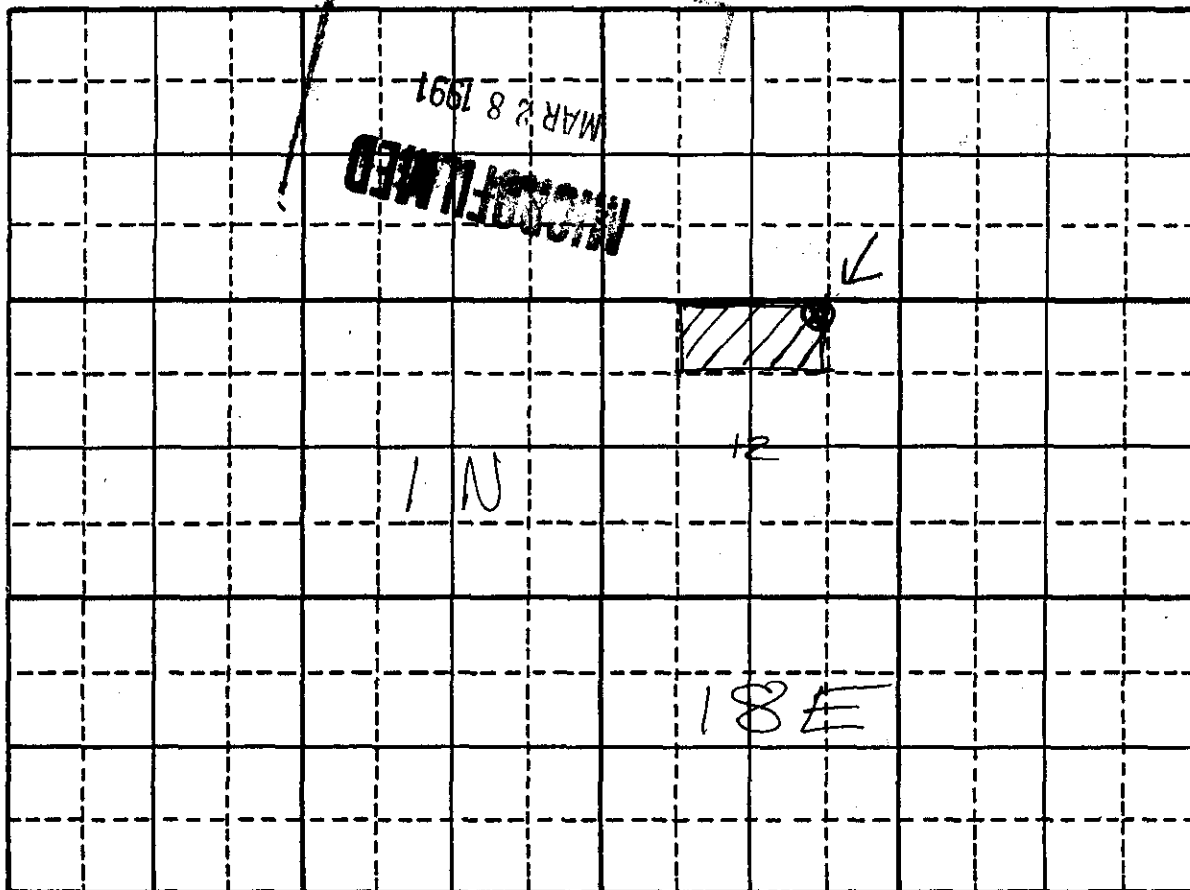
Total number of acres to be irrigated = 80

4. a. Who owns the property at the point of diversion? Applicant
b. Who owns the land to be irrigated or the place of use? 11
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: _____

MICROFILMED

MAR 28 1991

Complete the following map by showing land and point of diversion as proposed by this amendment.
Show 40-acre subdivisions, townships, ranges and ditches.



Scale: 2 inches equal 1 mile.

That no one will be injured by such change, and that such change will be made at permit holder's own risk.

Signed at Ketchikan IDAHO, this 30 day of October, 1990.

John A. Burke
(Signature)

FOR DEPARTMENT USE ONLY

Preliminary check by JL Fee = \$20.00

Received by IRI Date 11/7/90

Publication prepared by MB Date 11-14-90

Published in Wood River Journal

Publication dates 11/21 & 11/28/90

ACTION OF THE

DEPARTMENT OF WATER RESOURCES

I, L. GLEN SAXTON, Director of the Department of Water Resources hereby

APPROVE THE ABOVE REFERENCED APPLICATION FOR AMENDMENT PROVIDED THE
CONDITIONS AS SET FORTH IN PERMIT NO. 37-8209 ARE MET.

Witness my hand this 18 day of March, 1991

L. Glen Saxton
CHIEF, WATER ALLOCATION BUREAU

AFFIDAVIT of PUBLICATION

RECEIVED

NOV 30 1990

Department of Water Resources
Southern Region Office

State of Idaho,

County of Blaine

} ss.

DANIEL J. GORHAM

, being first duly sworn, deposes and says that he is the printer (publisher) of the Wood River Journal, a newspaper published every week in Hailey, County of Blaine, State of Idaho; that said newspaper has been continuously and uninterruptedly published for a period of seventy-eight consecutive weeks prior to the first publication of the annexed notice, and is a newspaper qualified to publish legal notices as provided by act of the 1919 session of the legislature of the State of Idaho, known as House Bill 145; that the

annexed advertisement was published once each week for 2 consecutive issues in said newspaper proper and not in a supplement; that the date of the first

publication of said advertisement was on the 21 day of NOV, 19 90, and

the date of the last publication was on the 28 day of NOV, 19 90.

Daniel J. Gorham
Subscribed and sworn to before me this 28th day of NOV, 19 90.
(SEAL)

Roberta Myer
NOTARY PUBLIC

WOOD RIVER JOURNAL
Hailey, Idaho

COST OF PUBLICATION

Number of Picas per Line 11
Number of Lines in Notice 5
Number of Insertions 45
Lines tabular at 24.75 6¢ / Pica
Lines straight at 19.80 5¢ / Pica
Subsequent lines at 5.00 4¢ / Pica

TOTAL COST 5.00

COPY OF NOTICE
(Paste Here)

John Burck
TITLE OF NOTICE

Amended Permit
PLAINTIFF ATTORNEY

no. 37-08209
DEFENDANT

PLAINTIFF

Dept. of Water Resources
BILL TO Twin Falls

OK
MB
11-30-90

MAR 28 1991

Publication Rates
as of Jan., 1990
(Idaho Code,
Reb. Statutes 1984)
7-8 pt./line straight: .5/pica
7-8 pt./line tabular: .6/pica
7-8 pt./line successive
insertions: .4/pica

No. 7393

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 37-08209

Proposed Priority: April 11, 1985 Maximum Diversion Rate: 1.60 CFS
This is to certify, that **JOHN A. BURKE**
P.O. BOX 326
SUN VALLEY, ID 83353
has applied for a permit to appropriate water from: **GROUNDWATER**
and a permit is **APPROVED** for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
-----------------------	----------------------	--------------------------

IRRIGATION	04/15 to 10/15	1.60 CFS
------------	----------------	----------

<u>LOCATION OF POINT(S) OF DIVERSION:</u>	NENW	Sec. 12, Township 01N, Range 18E BLAINE County
---	------	---

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
01N	18E	12	NWNE 40	NENW 40		80

Total number of acres irrigated: 80

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before **September 1, 1995**.
2. Subject to all prior water rights.
3. Any license issued by IDWR pursuant to the permit or portion thereof for the use of trust water is subject to a term review of 20 years after the date of this approval to determine availability of water for the use and to re-evaluate the public interest at the end of the term.
4. Diversion and use of water under this permit is subject to an annual use fee if rules are subsequently promulgated which provide for the submittal of the fee.
5. The Director retains jurisdiction of the permit and/or subsequent license issued to change, add or remove any requirement as determined to be appropriate.
6. Permit holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
7. Permit holder shall commence the excavation or construction of diverting works within one year of the date this permit is issued and shall proceed diligently until the project is complete.
8. The rate of diversion of water for irrigation under this permit and all other water rights on the same land shall not exceed 0.02 cubic feet per second for each acre of land.

MICROFILMED

SEP 25 1990

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 37-08209

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code.
Witness the seal and signature of the Director, affixed at Boise, this

20th day of September, 1990.

R. Keith Higginson
for R. Keith Higginson, Director

MICROFILMED

SEP 25 1990

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

APR 11 1985

Department of Water Resources
Southern District Office

To appropriate the public waters of the State of Idaho

1. Name of applicant John A. Burke et al Phone 208-622-4100Post office address Box 326 Sun Valley IDAHO 833532. Source of water supply ground water which is a tributary of _____3. Location of point of diversion is N.E. $\frac{1}{4}$ of N.W. $\frac{1}{4}$ of Section 12 Township 1. N.Range 18E B.M. Blaine County, additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 1.6 for irrigation purposes from April 15 to Oct 15 (both dates inclusive)
(cfs or acre-feet per annum)Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated:

a. 1.6 cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. 12" well casing
with 60 hp. elec motor and submersible
pump.b. Height of storage dam _____ feet, active reservoir capacity _____ acre-feet; total reservoir
capacity _____ acre-feet, materials used in storage dam: _____Period of year when water will be diverted to storage _____ to _____ inclusive.
(Month/Day) (Month/Day)c. Proposed well diameter is 12 inches; proposed depth of well is 100 feet.7. Time required for the completion of the works and application of the water to the proposed beneficial
use is 5 years (minimum 1 year - maximum 5 years).

8. Description of proposed uses:

a. If water is not for irrigation:

(1) Give the place of use of water: _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$ of Section _____ Township _____

Range _____ B.M.

(2) Amount of power to be generated: _____ horsepower under _____ feet of head.

(3) List number of each kind of livestock to be watered _____

(4) Name of municipality to be served _____, or number of families to be
supplied with domestic water _____

(5) If water is to be used for other purposes describe: _____

MICROFILMED

SEP 25 1990

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

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
1N	18E	12					40												40
1N	18E	12		40															40

Total number of acres to be irrigated 80

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

9. a. Who owns the property at the point of diversion John A. Burke et al

b. Who owns the land to be irrigated or place of use John A. Burke et al

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

10. Remarks _____

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SEP 25 1990

11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.

Township 1 North Range 18 East S.M.

x

Sec 12

Scale: 2 inches equal 1 mile.

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

MICROFILMED

SEP 25 1990

John A. Burke
(Applicant)

(Applicant)

Received by marya Date 4-11-85 Time 11:50 a
Preliminary check by JA Fee \$ 65.00
Receipted by marya Date 4/11/85 # 35325
Publication prepared by _____ Date _____
Published in _____
Publication dates _____
Publication approved _____ Date _____
Protests filed by: none

Copies of protests forwarded by _____
Hearing held by _____ Date _____
Recommended for approval denial by kw

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. _____, and said application is hereby _____.

1. Approval of said application is subject to the following limitations and conditions:

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before _____, 19 ____.
- c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.
- d. Other:

MICROFILMED

SEP 25 1990

AFFIDAVIT of PUBLICATION

State of Idaho, }
County of Blaine } SS.

DANIEL J. GORHAM, being first duly sworn, deposes and says that he is the printer (publisher) of the Wood River Journal, a newspaper published every week in Hailey, County of Blaine, State of Idaho; that said newspaper has been continuously and uninterruptedly published for a period of seventy-eight consecutive weeks prior to the first publication of the annexed notice, and is a newspaper qualified to publish legal notices as provided by act of the 1919 session of the legislature of the State of Idaho, known as House Bill 145; that the

annexed advertisement was published once each week for 2 consecutive issues in said newspaper proper and not in a supplement; that the date of the first

publication of said advertisement was on the 1 day of Aug 1990 and

the date of the last publication was on the 8 day of Aug 1990.

Donal J. BL
Subscribed and sworn to before me this 8th day of Aug 1990.
(SEAL)

Roberta M. Ketcher
NOTARY PUBLIC

WOOD RIVER JOURNAL
Hailey, Idaho

COST OF PUBLICATION

Number of Picas per Line _____
Number of Lines in Notice 31.50
Number of Insertions 2
Lines tabular at 31.50 6c / Pica
Lines straight at 17.33 5c / Pica
Subsequent lines at 13.56 4c / Pica
TOTAL COST \$36.19 \$5.00 200

COPY OF NOTICE
(Paste Here)

Not. of App. # 37-08209
TITLE OF NOTICE

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

Dept. of Water Res.
BILL TO

MICROFILMED

SEP 25 1990

RECEIVED

SEP 13 1990

Department of Water Resources

Publication Rates
As of Jan., 1990
(Idaho Code,
Rev. Statutes 1984)
7-8 pt./line straight: 5/pica
7-8 pt./line tabular: 6/pica
7-8 pt./line successive
insertion: 4/pica

No 7179

STATE OF IDAHO

**PERMIT OF APPLICATION
FOR WATER RIGHT**

37-05208

BURKE, JOHN A.

P.O. BOX 32

SLAY VALLEY, ID 83852

Source: GROUNDWATER

Overlaid on NE 1/4 Sec 12 T 11 N

R 10 E

Use: IRRIGATION (1.000 CFS)

Total Quantity: (1.000 CFS)

Date Filed: 8/1/68

in TOTAL FILE NO. 37-05208 NEW

FOR ACRES TOTAL

The permit will be subject to all prior water rights. Permits may be submitted based on the criteria of Sec. 40-205A, Idaho Code, under the new water right law of Sec. 40-205, Idaho Code. Permittees shall comply with the Director, Dept. of Water Resources, Boise, Idaho, ID 83725, on or before AUGUST 27, 1967.

R. Keith Ferguson, Director
P.O. Box 1000, Boise, Idaho
August 2, 1968



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098
Phone: (208) 327-7900 FAX: (208) 327-7866

December 29, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

SCOTT H CLARK
PO BOX 1435
SUN VALLEY ID 83353

RE: WATER RIGHT 37-08209

Dear Mr. Clark:

The Department is in receipt of the correspondence changing ownership of the above referenced water right to you. We have modified our records to reflect this change in ownership and a computer generated report is enclosed.

Just a reminder, because of a law that went into effect July 1, 1996, all water right owners are required to report change of address or ownership to the department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee to the water right owner. If you have other water rights that haven't had the ownership updated please contact the department as soon as possible.

If you have any questions regarding this matter, please feel free to contact me at (208) 327-7947.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jim Johnson', written over the typed name and title.

JIM JOHNSON, Manager
Water Right Permits Section

JJ:klt

Enclosure

IDAHO DEPARTMENT OF WATER RESOURCES

WATER RIGHT NO. 37-08209

SCOTT H CLARK
PO BOX 1435
SUN VALLEY ID 83353

Priority Date: 04/11/1985
Stage: LICENSE

Source: GROUNDWATER

Beneficial Use	From:	To:	Diversion Rate	Volume
IRRIGATION	04-15	10-15	1.16 CFS	203.00 AFA
		Total:	1.16 CFS	203.00 AFA

Point(s) of Diversion: NWNE, Sec. 12, Township 01N, Range 18E

Place(s) of Use: IRRIGATION

Twp:	Rng:	Sec:	Tract:	Acres:	Tract:	Acres:	Tract:	Acres:
01N	18E	12	NWNE	34.0	NENW	24.0		
				Total Acres:	58.0			

Conditions of Approval and Remarks:

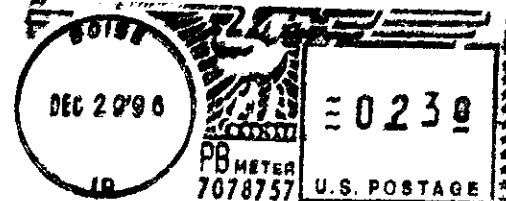
1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount that can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license shall be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
6. This right is for the use of trust water and is subject to review 20 years after the issuance of the permit to determine availability of water and to re-evaluate the public interest.
7. Diversion and use of water under this right is subject to an annual use fee if rules are subsequently promulgated which provide for the submittal of the fee.

Dates:	App. Received:	04/11/1985	Proof Due Date:	09/01/1995
	Proof Made Date:	07/13/1994	Exam Made Date:	08/26/1994
	Licensed Date:	06/11/1998		

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
North Orchard Street
Boise, Idaho 83706-2237

RETURN SERVICE
REQUESTED

PRESORTED
FIRST CLASS



RECEIVED
RECEIVED
JAN 04 1999
Department of Water Resources
Boise, Idaho 83706-2237

CLAR435 T833528014 1698 08 12/31/98
RETURN TO SENDER
CLARK SCOTT H
TEMPORARILY AWAY
RETURN TO SENDER

83706-2237
AUTO 8338





State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

December 29, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

SCOTT H CLARK
PO BOX 1435
SUN VALLEY ID 83353

RE: WATER RIGHT 37-08209

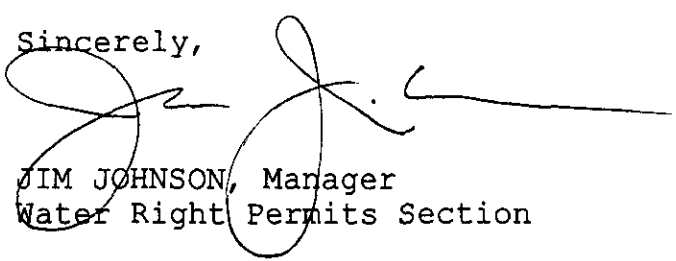
Dear Mr. Clark:

The Department is in receipt of the correspondence changing ownership of the above referenced water right to you. We have modified our records to reflect this change in ownership and a computer generated report is enclosed.

Just a reminder, because of a law that went into effect July 1, 1996, all water right owners are required to report change of address or ownership to the department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee to the water right owner. If you have other water rights that haven't had the ownership updated please contact the department as soon as possible.

If you have any questions regarding this matter, please feel free to contact me at (208) 327-7947.

Sincerely,



JIM JOHNSON, Manager
Water Right Permits Section

JJ:klt

Enclosure

MICROFILMED
JAN 04 1999



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

June 11, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

JOHN A BURKE
PO BOX 326
SUN VALLEY ID 83353-0326

RE: WATER RIGHT NO. 37-08209

Dear Water Right Holder(s):

The Department of Water Resources (the Department) has issued the enclosed license confirming that a water right has been established in accordance with the permit referenced above. The license is a preliminary order issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department unless a party petitions for reconsideration or files an exception and/or brief as further described below:

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

If any party appeals or takes exceptions to this preliminary order, opposing parties shall have twenty-one (21) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Department. The Department retains the right to review the preliminary order on its own motion.

MICROFILMED

JUN 12 1998

ORAL ARGUMENT

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

CERTIFICATE OF SERVICE

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

FINAL ORDER

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

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

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

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

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

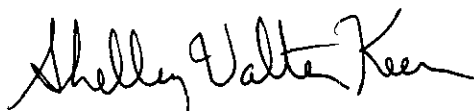
MICROFILMED

JUN 12 1998

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

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

Sincerely,

A handwritten signature in cursive script that reads "Shelley W. Keen".

Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosure

MICROFILMED

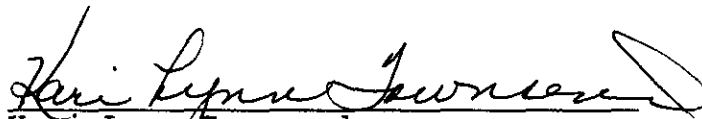
JUN 12 1998

CERTIFICATE OF MAILING

I hereby certify that on the 11th day of **June, 1998**, I mailed a true and correct copy, postage prepaid, of the foregoing **PRELIMINARY ORDER (Approved License)** to the person(s) listed below:

Water Right No. 37-08209

JOHN A BURKE
PO BOX 326
SUN VALLEY ID 83353-0326


Kari Lynn Townsend
Secretary

MICROFILMED
JUN 12 1998

B/U FIELD EXAM REVIEW

by Cindy Lou

Permit #: 37-8209 Name: Burke Date: 6/9/98 ✓ Lots ✓

NAME	Chng	Same	Or Address Change?
SOURCE		✓	Clarify source Prelim. Order to Void - Source change.
P/D		✓	Amendment Needed? Addn'l 1/4? <u>Legal</u> <u>P39</u> Same 1/4? <u>W32</u> <u>P36</u> Overlap(s) _____
P/U		✓	Amendment Needed? <u>reduce to NWNE-34; NENW-24.</u> <u>P41</u> Overlap(s) <u>total 58 acres.</u> (Gov't use special T's) <u>*P/D & P/U Amend? P37</u>
RATE		✓	Permit/proof fee limits <u>1.60</u> <u>2.00</u> Measured Quantity = _____ cfs Theoretical Quantity = <u>1.23</u> cfs <u>0.58 x 0.02 = 1.16 cfs.</u> (HP) <u>8.8 x 0.70 x 40</u> <u>61 + (2.31 x 60) = 1.23</u> cfs Recommended capacity <u>1.23</u> cfs Recommended rate <u>1.16</u> cfs
VOLUME		✓	Season: (<u>B</u> <u>13.5</u>) <u>4/15-10/15</u> = <u>184</u> days Calculations: <u>58 x 3.5 = 203.0</u> Flow limit: <u>1.16</u> cfs x <u>184</u> days/yr. x <u>1.9835</u> = <u>42,335.8</u> AF Recommended volume <u>203.0</u> AF
USES		✓	Same Nature of Use? _____ <u>P46</u> Amendment Needed? _____
REMARKS			Multiple p/d's in same 1/4? Use W32 _____
CONDITIONS			Measuring Device (R43) or Lockable Controlling Works (R02) Watermaster Control (R04) - WD # _____ <u>R63</u> Irrigation rate/annual volume overlap GW irrigation replaces surface water (050) GW irrigation supplements surface water (065) Water Quality Other <u>R55, 052</u>
PRIORITY	App Rcd	<u>4/11/85</u>	Due <u>9/1/95</u> Rcd <u>7/13/94</u> Receipt# <u>3017109</u> Fee OK? <u>(Yes/No) 125</u> Order to Reinstate Needed? <u>Yes/No</u> Done? <u>-</u> Advanced to: _____ Priority <u>4/11/85</u> Examined <u>8/26/94</u>
COMMENTS:	<u>Reduced acres.</u>		

USE	CFS	VOLUME
<u>irr.</u>	<u>1.16</u>	<u>203.0</u>
TOTAL	<u>1.16</u>	<u>203.0</u>

SRBA Overlap none
Adjustment Memo _____
LICENSE
#1 AMEND: _____/P38
#2 AMEND: (R)P42/(C)P47

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED

NOV 15 1994

Department of Water Resources

A. GENERAL INFORMATION

Permit No. 37-08209

1. Owner: John A. Burke

Phone No. 622-4100

Current Address: P.O. Box 326, Sun Valley, ID 83353

2. Accompanied by: John Burke

EXAM DATE: 8-26-94

Address: _____

Phone No. _____

Relationship to Permit Holder: Owner

3. Source: Groundwater tributary to _____

B. OVERLAP REVIEW

1. Other water rights with the same place of use: None

2. Other water rights with the same point of diversion: None

C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion:

Ident No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
		NE	NW	NE	12	1N	18E	Blaine	Aerial photo quad + exam

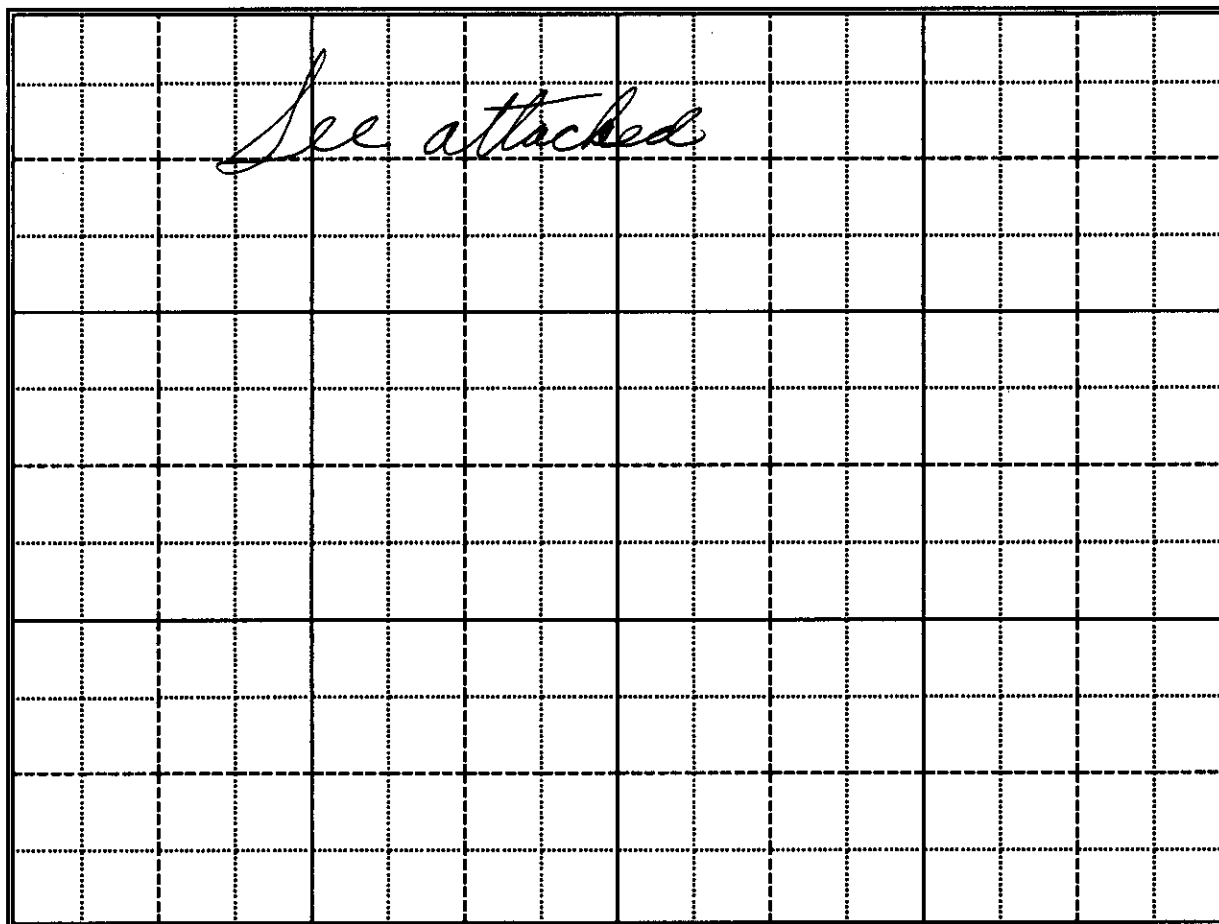
2. Place(s) of Use:

Indicate Method of Determination

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
1N	18E	12		34			24												58

MICROFILMED
JUN 12 1998

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



Scale: 1" = _____

____ Copy of USGS Quadrange Attached Showing location(s) of point(s) of diversion and place(s) of use (required).

____ Aerial Photo Attached (required for irrigation of 10+ acres)

____ Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
	GE	40	5K2860NM238PA	Vetelone	G272771 8"

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

D. FLOW MEASUREMENTS

1.

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

2. Measurements: No measurements taken - system was only running at about one-half capacity.

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JUN 12 1998

E. NARRATIVE/REMARKS/COMMENTS

The system consists of a 12" diameter well with a 40 hp pump discharging through an 8" pipe to a 10" surface mainline. The mainline flows from East to West and services wheel lines and handlines to irrigate 3 fields totalling about 58 acres. The system was partially running to irrigate a hay field. The other two fields were grain fields that had just been harvested. No measurement was taken. The recommended diversion rate is based on a theoretical.

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

MICROFILMED
JUN 12 1997

F. FLOW CALCULATIONS☒ Additional Computation Sheets Attached

Measured Method:

$$\frac{40 \times 8.8 \times .7}{48' + (2.31 \times 60)} = 1.32 \text{ cfs.}$$

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 58 \times 3.6 = 203 \text{ afa.}$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = 1.16 \times 184 \times 1.9835 = 423.4$$

$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = 203$$

2. Volume Calculations for Other Uses:

N/A.

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
Irrigation	4-15	10-15	1.16	203 afa
Totals:			1.16 cfs	203 afa

2. Recommended Amendments

☒ Change P.D. as reflected above ☐ Add P.D. as reflected above ☐ None
☐ Change P.U. as reflected above ☐ Add P.U. as reflected above ☐ Other

I. AUTHENTICATIONField Examiner's Name Mel Schulte Date 10-21-94

Reviewer _____ Date _____

MICROFILMED
JUN 12 1998



PERMIT 37-08209 INIT
T. R. S. Q/Q
P/D LN 18E 12 NENW
SCALE
PHOTO ID. 724

T2I
TII

PHD

MICROFILMED
JUN 12 1992

GROUNDWATER MEASUREMENT REQUIREMENT ANALYSIS

FILE: 37-08209
DATE: _____
BY: _____

THEORETICAL RATE OF FLOW: $Q = \frac{(8.8) \times (\text{H.P.}) \times (\text{EFF.})}{\text{TDH}}$

Q = CFS
H.P. = Total Brake Horsepower of pumping plant (including booster)
EFF. = Pumping plant efficiency (ASSUME 70% OR 0.70)
TDH = total dynamic head = [(LIFT) + (PSI X 2.31)]
LIFT = depth to water in FEET from land surface to pumping water level
PSI = pumping pressure measured in psi near pump (if open discharge assume zero [0])

$$Q = \frac{(8.8) \times (\dots 40 \dots) \times (0.70)}{[(\dots 48' \dots) + (\dots 60 \dots \times 2.31)]} = \frac{1.32}{1.24 \text{ cfs.}}$$

LIFT FROM:	PSI FROM:	NOTES ON PUMP:
measurement ()	measurement ()	Motor Make, Serial or ID
owner ()	owner ()	<u>GE 5K2860NM2JE5A</u>
area estimate ()	estimate ()	Pump Make, Serial or ID, rating
well logs ()	owner gage ()	<u>Venturini - G272771</u>

REMARKS Booster (Y) (X)
Lift from well test by Jayce Pumps dated 7-25-91

ANNUAL VOLUME ANALYSIS

POTENTIAL Acre Feet/Acre/Annum = $\frac{(\text{DAYS IN SEASON}) \times (1.98) \times (Q)}{(\text{RECOMMENDED ACRES IRRIGATED})}$

(season)	(days)	
3/15 - 11/15	246	
4/1 - 11/1	215	POTENTIAL = $(.184 \dots) \times (1.98) \times (.132 \dots)$
4/15 - 10/15	184	
3/1 - 12/1	276	$(\dots 58 \dots)$

POTENTIAL = 8.29

REQUIRED Acre Feet/Acre/Annum = 3.5
(AF/Ann/Ac irrigation requirement from chart for area)
NOTE that this is NOT Consumptive use

IF POTENTIAL IS GREATER THAN REQUIRED THEN NO MEASUREMENT NECESSARY (X)
IF POTENTIAL IS LESS THAN REQUIRED THEN MEASUREMENT IS NECESSARY ()

MICROFILMED
JUN 12 1998

Sun Valley Associates

REAL ESTATE BROKERS

700 Sun Valley Road P.O. Box 326 Sun Valley, Idaho 83353 Fax: 208 622 9567 Off: 208 622 4100

IN 2 C E I v L U

July 11, 1994

JUL 12 1994

Department of Water Resources
Southern Region Office

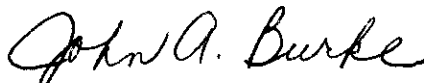
Mr. Mel Schulte
Sr. Water Resource Agent
IDAHO DEPARTMENT OF WATER RESOURCES
222 Shoshone Street East
Twin Falls, Idaho 83301

Dear Mel:

Please find enclosed herewith a Proof of Beneficial Use application for eighty acres I own south of Bellevue. I am also enclosing copies of well logs and well tests that are attendant to that application.

Perhaps we could "kill two birds with one stone" and take care of the Forstmann inspection together with an inspection of this property.

Very truly yours,



John A. Burke (Stoney)

JAB/js
Enclosures

EXCLUSIVE AFFILIATE

SOTHEBY'S
INTERNATIONAL REALTY

MICROFILMED
JUN 12 1998



VERTICAL TURBINE PUMPS

PHONE 733-3284

P. O. BOX 640

TWIN FALLS, IDAHO 83301

WELL TESTING REPORT AND AGREEMENT

NAME WALKER WATER SYSTEMS LOCATION BELLEVUE, ID

I. D. WELL 12" WELL DEPTH 155' WATER TEMP. STATIC WATER LEVEL 61

ORIFICE SIZE _____ DISCHARGE PIPE 8" COLUMN & LENGTH 140' AIRLINE _____

TIME	WATER LEVEL FT. FROM TOP	R. P. M.	ORIFICE READING	G. P. M.	REMARKS: SAND? CASCADING WATER? etc.
12:30	61	STARTED PUMPING			SANDY
12:54	66	700			SANDY - CLEARER
1:00	67	800	9	483	CLEAR
1:10	69	900	13½	589	CLEAR
1:25	73	1000	19	690	CLEAR
1:40	76	1100	24	776	CLEAR
1:55	79	1200	31	869	CLEAR
2:15	83	1300	38½	961	CLEAR - SOME AIR
2:30	31 PSI	1400	46	1045	CLEAR SOME AIR
3:00	31PSI	1400	46	1045	" "
3:30	31PSI	1400	46	1045	" "
3:33	31PSI	1100	22	744	CLEAR, VERY LITTLE AIR
4:00	36½PSI	1100	22	744	CLEAR
4:30	36½PSI	1100	22	744	CLEAR
5:00	36½PSI	1100	22	744	CLEAR
5:15	SHUT DOWN BOLTS ON DRIVE LINE LOOSE				
5:16-5:30	BACK SURGED WELL				SOME CLAY COLOR, AIR
5:30	36	1100	22	744	" "
6:00	36	1100	23	760	CLEAR
6:00	SHUT DOWN				
	(48') SWL AFTER TEST				
RECOVERY TIME:					
		FT. 1 MINUTE	FT. 2 MINUTES	FT. 3 MINUTES	

APPROVED BY:

(LAYNE & BOWLER, INC.)

INSTALLED BY: DENNIS JESSOP

MICROFILMED
JUN 12 1998

(OWNER OF WELL)

DATE 7/25/91

WELL DRILLER'S REPORT

State law requires that this report be filed with the Director, Department of Water Resources within 30 days after the completion or abandonment of the well.

1. WELL OWNER Name <u>John A. Burke</u> Address <u>P. O. Box 326 Sun Valley, ID</u> Drilling Permit No. <u>37-90-S-178</u> Water Right Permit No. <u>37-08209</u>	7. WATER LEVEL Static water level <u>46' 6"</u> feet below land surface. Flowing? ☐ Yes ☒ No G.P.M. flow _____ Artesian closed-in pressure _____ p.s.i. Controlled by: ☐ Valve ☐ Cap ☐ Plug Temperature <u>46</u> °F. Quality _____ <i>Describe artesian or temperature zones below.</i>																																																																																								
2. NATURE OF WORK ☒ New well ☐ Deepened ☐ Replacement ☐ Well diameter increase ☐ Abandoned (describe abandonment procedures such as materials, plug depths, etc. in lithologic log)	8. WELL TEST DATA ☐ Pump ☐ Baller ☒ Air ☐ Other _____ <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>Discharge G.P.M.</th> <th>Pumping Level</th> <th>Hours Pumped</th> </tr> </thead> <tbody> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> </tbody> </table>	Discharge G.P.M.	Pumping Level	Hours Pumped																																																																																					
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3. PROPOSED USE ☐ Domestic ☒ Irrigation ☐ Test ☐ Municipal ☐ Industrial ☐ Stock ☐ Waste Disposal or Injection ☐ Other _____ (specify type)	9. LITHOLOGIC LOG <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th rowspan="2">Bore Diam.</th> <th colspan="2">Depth</th> <th rowspan="2">Material</th> <th colspan="2">Water</th> </tr> <tr> <th>From</th> <th>To</th> <th>Yes</th> <th>No</th> </tr> </thead> <tbody> <tr> <td>16</td> <td>0</td> <td>1 1/2</td> <td>Surface dirt & gravel</td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td>1 1/2</td> <td>14</td> <td>Gravel & sand & boulders</td> <td> </td> <td> </td> </tr> <tr> <td>12</td> <td>14</td> <td>21</td> <td>Clay & gravel</td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td>21</td> <td>30</td> <td>Gravel & sand</td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td>30</td> <td>44</td> <td>Gravel & clay</td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td>44</td> <td>54</td> <td>Damp clay & gravel</td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td>54</td> <td>66</td> <td>Gravel & sand & clay</td> <td> </td> <td>X</td> </tr> <tr> <td> </td> <td>66</td> <td>78</td> <td>Big gravel & clay</td> <td> </td> <td>X</td> </tr> <tr> <td> </td> <td>78</td> <td>115</td> <td>Clay & gravel</td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td>115</td> <td>117</td> <td>Clay</td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td>117</td> <td>136</td> <td>Gravel & sand</td> <td> </td> <td>X</td> </tr> <tr> <td> </td> <td>136</td> <td>154</td> <td>Gravel & sand & clay</td> <td> </td> <td>?</td> </tr> <tr> <td> </td> <td>154</td> <td>158</td> <td>Gravel & sand</td> <td> </td> <td>X</td> </tr> </tbody> </table>	Bore Diam.	Depth		Material	Water		From	To	Yes	No	16	0	1 1/2	Surface dirt & gravel				1 1/2	14	Gravel & sand & boulders			12	14	21	Clay & gravel				21	30	Gravel & sand				30	44	Gravel & clay				44	54	Damp clay & gravel				54	66	Gravel & sand & clay		X		66	78	Big gravel & clay		X		78	115	Clay & gravel				115	117	Clay				117	136	Gravel & sand		X		136	154	Gravel & sand & clay		?		154	158	Gravel & sand		X
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4. METHOD DRILLED ☐ Rotary ☒ Air ☐ Hydraulic ☐ Reverse rotary ☐ Cable ☐ Dug ☐ Other _____	10. Work started <u>6/19/91</u> finished <u>6/25/91</u>																																																																																								
5. WELL CONSTRUCTION Casing schedule: ☒ Steel ☐ Concrete ☐ Other _____ <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>Thickness</th> <th>Diameter</th> <th>From</th> <th>To</th> </tr> </thead> <tbody> <tr> <td><u>.250</u> inches</td> <td><u>12 3/4</u> inches</td> <td><u>1</u> feet</td> <td><u>158</u> feet</td> </tr> <tr> <td>_____ inches</td> <td>_____ inches</td> <td>_____ feet</td> <td>_____ feet</td> </tr> <tr> <td>_____ inches</td> <td>_____ inches</td> <td>_____ feet</td> <td>_____ feet</td> </tr> <tr> <td>_____ inches</td> <td>_____ inches</td> <td>_____ feet</td> <td>_____ feet</td> </tr> </tbody> </table> Was casing drive shoe used? ☒ Yes ☐ No Was a packer or seal used? ☐ Yes ☒ No Perforated? ☒ Yes ☐ No How perforated? ☐ Factory ☒ Knife ☐ Torch ☐ Gun Size of perforation <u>1</u> inches by <u>3/8</u> inches <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>Number</th> <th>From</th> <th>To</th> </tr> </thead> <tbody> <tr> <td><u>330</u> perforations</td> <td><u>66</u> feet</td> <td><u>780</u> feet</td> </tr> <tr> <td><u>650</u> perforations</td> <td><u>117</u> feet</td> <td><u>151</u> feet</td> </tr> <tr> <td>_____ perforations</td> <td>_____ feet</td> <td>_____ feet</td> </tr> </tbody> </table> Well screen installed? ☐ Yes ☒ No Manufacturer's name _____ Type _____ Model No. _____ Diameter _____ Slot size _____ Set from _____ feet to _____ feet Diameter _____ Slot size _____ Set from _____ feet to _____ feet Gravel packed? ☐ Yes ☒ No ☐ Size of gravel _____ Placed from _____ feet to _____ feet Surface seal depth <u>19</u> Material used in seal: ☐ Cement grout ☒ Bentonite ☐ Pudding clay ☐ _____ Sealing procedure used: ☐ Slurry pit ☒ Temp. surface casing ☐ Overbore to seal depth Method of joining casing: ☐ Threaded ☒ Welded ☐ Solvent ☐ Cemented between strata Describe access port <u>1 1/2 inch pipe</u>	Thickness	Diameter	From	To	<u>.250</u> inches	<u>12 3/4</u> inches	<u>1</u> feet	<u>158</u> feet	_____ inches	_____ inches	_____ feet	_____ feet	_____ inches	_____ inches	_____ feet	_____ feet	_____ inches	_____ inches	_____ feet	_____ feet	Number	From	To	<u>330</u> perforations	<u>66</u> feet	<u>780</u> feet	<u>650</u> perforations	<u>117</u> feet	<u>151</u> feet	_____ perforations	_____ feet	_____ feet	11. DRILLERS CERTIFICATION I/We certify that all minimum well construction standards were complied with at the time the rig was removed. Firm Name <u>Walker Water Systems, Inc.</u> Firm No. <u>15</u> Address <u>624 Pierce Street</u> <u>Twin Falls, Idaho 83301</u> Date <u>7/8/91</u> Signed by (Firm Official) <u>Paul Walk</u> and (Operator) <u>Paul Walk</u>																																																								
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Form 22
1-87

Page 1 of 8/12

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 3543

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

Department of Water Resources
Southern Region Office

Name of applicant John A. Burke and/or James P. Conner Phone 208-622-4100
 Post Office address c/o John A. Burke, P.O. Box 326, Sun Valley, ID 83353

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
2. Describe the reason for the proposed changes Applicants own new place of use and will purchase water described below if transfer is approved. A copy of the purchase agreement is attached.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

- | 1. Right Number | Priority | Amount (cfs/ac-ft) | Nature of Use | Period of Use |
|-----------------|-----------|--------------------|---------------|------------------|
| A37-00113R | 7/10/1884 | 2.88 cfs | irrigation | April 1 to Nov 1 |
| A37-00480E | 6/15/1891 | 1.2 cfs | irrigation | April 1 to Nov 1 |
| 37-00113 Part | 7-10-1884 | 2.88 cfs | " | " to " |
| 37-00480 Part | 6-15-1891 | 1.2 cfs | " | " to " |
2. Total amount of water being transferred 4.08 cubic feet per second and/or _____ acre-feet per year
3. Source of water Big Wood River tributary to Malad River

Point(s) of Diversion:

Lot		¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		SW	NW	36	2N	18E	Blaine	District 45 Canal

5. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
1N	18E	1									3			15			32		50
1N	18E	12			34			19											53

MICROFILMED
JUN 12 1998

OCT 19 1993

Total acres 103

Page 2 of 8/12

Transfer No. _____

PART 1**6. General Information:**

- a. Description of diversion system: Water will be diverted from District 45 Canal under State Highway 75 to new place of use where it will be pumped to sprinklers to irrigate open areas. Trees and brush will be left in a natural state as cover for livestock. Each Applicant owns a portion of new place of use and will divert proportionate share of water to his lands.
- b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes X No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

- c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:
Current owner of water rights leased the land. If transfer is approved, other arrangements will probably be made to irrigate the land.

d. Remarks:See Attachment.**ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES**

This is to certify that I have examined Application for Transfer of Water Rights No.

37-0113L/0480And said application is hereby APPROVED, subject to the following limitations and conditions:

1. The use of water on the lands to which the above referenced water rights were appurtenant is hereby abandoned and failure to put the water to beneficial use within five (5) years of the date of the approval of this transfer on the new land identified under item B.5 shall constitute loss or forfeiture of the water rights. 2. Use of water under these rights is subject to control by the watermaster of State Water District No. 37, Big Wood River.

Witness my hand this _____ day of _____

9/1993

19 89

MICROFILMED

JUN 12 1998 Alloc. Bureau

Water Right Number - T37-00413K

Prefix Translation: TRANSFER

Old (D) Number -

+ - - - - Last Name - - - - +

+ - First Name - - - +

+ - - - - Address - - - - - +

*** C - CURRENT OWNER ***
BURKE

JOHN A

1 - PO BOX 326

2 -

3 -

City- SUN VALLEY

Phone - 208-000-0000

State- ID Zip- 83353

1 -

2 -

3 -

City-

Phone - 208-000-0000

State- ID Zip-

*** O - ORIGINAL OWNER ***
BULLER

R F

1 -

2 -

3 -

City-

Phone - 208-000-0000

State- ID Zip-

BULLER

ROSA B

1 -

2 -

3 -

City-

Phone - 208-000-0000

State- ID Zip-

+ - - Priority Date - - +
07/10/1884+ - - Region - - - +
17 SOUTHERN+ - - Stage - - - +
D - DECREED

+ - - Status - - - - +

+ - - Source - - - - +
BIG WOOD RIVER+ - - Tributary - - - - - +
MALAD RIVER

TwN	Rng	Sec	Tract	Lot	RFlg	County	Point of Diversion	Diversion Name	Diversion Rate	Diversion No.
02N	18E	36	SW NE			(13) BLAINE				

Code	Description	Period From	Period To	Diversion Rate	Diversion Volume
01 - IRRIGATION		04/15	10/15	2.880	

+ - Total Div. Rate - + 2.880 + - Total Div. Volume - + + - Total Div. Capacity - +

TwN	Rng	Sec	Tract	Lot	Acres	Code	Description	County
01N	18E	1	NE SW		3.0	01	IRRIGATION	(13) BLAINE
01N	18E	1	SE SW		15.0	01	IRRIGATION	(13) BLAINE
01N	18E	1	SW SE		32.0	01	IRRIGATION	(13) BLAINE
01N	18E	12	NW NE		34.0	01	IRRIGATION	(13) BLAINE
01N	18E	12	NE NW		19.0	01	IRRIGATION	(13) BLAINE

MICROFILMED
JUN 12 1998

Total Acres: 103.0

MICROFILMED
JUN 12 1998

Water right number - T37-00113K

Prefix Translation: TRANSFER

+ - - Diversion Means -

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

+ - - - - - Remarks - - - - -
No Remarks found.

+ - - - - - Old Water Right Numbers - - - - -
No Old Water Right Numbers found.

+ - - - - - Conditions of Approval - - - - -
T05 - The use of water on the lands to which the above referenced water
- rights were appurtenant is hereby abandoned and failure to put
- the water to beneficial use within five (5) years of the date of
- the approval of this transfer on the new land identified under
- item B.5 shall constitute loss or forfeiture of the water rights.
R04 - Use of water under this water right will be regulated by the
- watermaster of State Water District No. 37.

+ - - - - Decree Plaintiff - - - +
ANNIE I. HARRIS

+ - - - - Decree Defendant - - - +
SEWELL M. CHAPMAN ET AL

+ - Decree Date - +
11/19/1929

+ - - - - - Comments - - - - -
Date: 01/14/1994 User Id: CURTIS Subject: TRANS. #3543
Trans. #3543

+ - - Audit Fields - 01/19/94 CURTIS

+ - - - - - Water Rights Dates and Flags Area - - - - -

Proof Due Date - 00/00/0000	Field Exam Made - 00/00/0000	Field Exam Fee -
Approved/Denied - 00/00/0000	Protested Date - 00/00/0000	Swan Falls -
Proof Made Date - 00/00/0000	Hearing Date - 00/00/0000	Temporary Right - P
Exam to S.O. Date - 00/00/0000	Verified Date - 00/00/0000	DLE/Carey Act -
Order Show Cause - 00/00/0000	Receipt Number -	Water District - 37
Licensed Date - 00/00/0000	Appl Received - 00/00/0000	Transfer/Amended - P
Decree Date - 11/19/1929	Name Connector -	POU Ownership Flag -
Presumption Flag -		

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JUN 12 1998

PERMIT 37-08209 INIT _____

T. R. S. Q/Q

P/D IN 18E 12

SCALE 1" = 1,000'

PHOTO ID. ASCS

10" Surface mainline Well

T39

P/D

11

12

341 2
25.8

12.1

8661

3

877

5

24.2

43

5.1

23.7

Greg
Hy

3

236

4

7.8

3

23.8

23.8

23.8

23.8

23.8

23.8

23.8

23.8

35.0

28.9

23.7

3.1

20.4

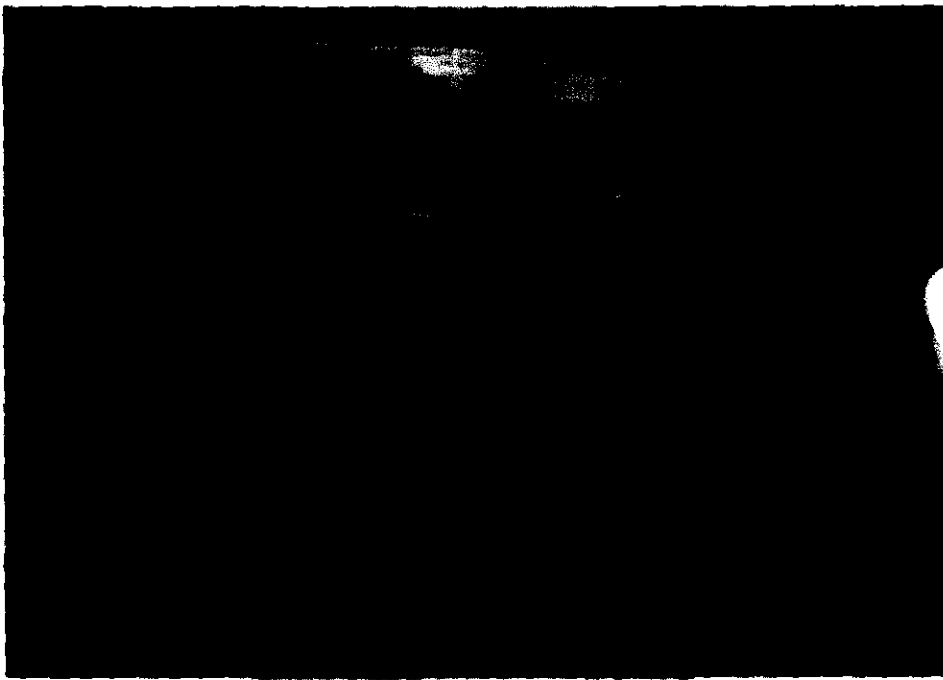
11.2

14.5

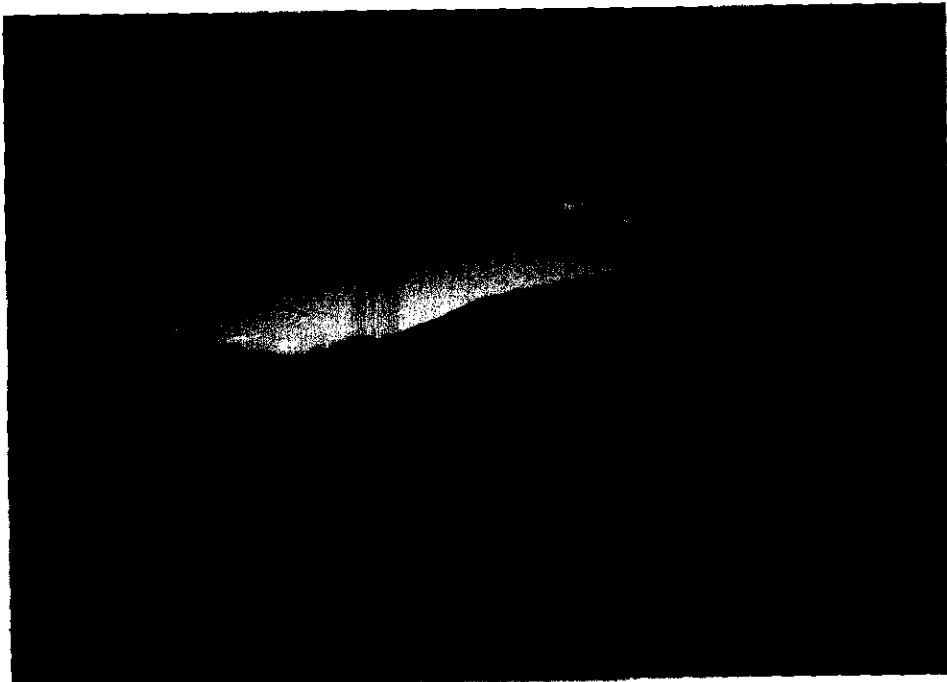
42

3.0

37-08209



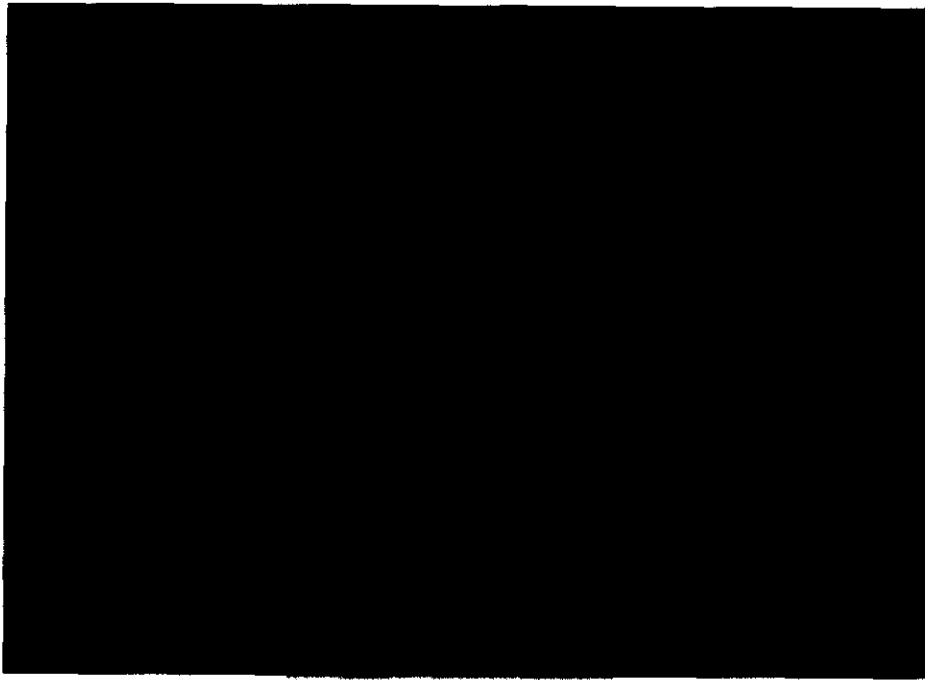
#1
P/R.



#2.
P/U.
Westerly field
near Big Wood
River.

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JUN 12 1998

37-08207



#3

P14.

Eastely field
near Hwy. 75

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JUN 12 1998

August 1, 1994

JOHN A. BURKE
P.O. BOX 326
SUN VALLEY ID 83353

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 37-08209

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. The next step in the process of developing a water right is for the department to conduct a field examination to determine and confirm the use being made of the water.

If you have questions concerning this matter, please feel free to contact the SOUTHERN Regional Office in Twin Falls at (208)736-3033.

Sincerely,

JULIE L. YARBROUGH
Senior Secretary

c: IDWR - Region

RECEIVED

AUG 09 1994

March 19, 1991

RE: Permit No. 37-8209

John A. Burke
P.O. Box 326
Sun Valley, ID 83353

Dear Water Right Holder(s):

Enclosed is a copy of your approved Application for Amendment submitted in connection with the above referenced permit.

If you have any questions concerning this document, please feel free to contact us.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:blm

Enclosure

MICROFILMED

MAR 28 1991

Sun Valley Associates

Real Estate Brokers

RECEIVED

December 14, 1990

DEC 18 1990

Department of Water Resources
Southern Region Office

Mr. Loren Holmes
IDAHO DEPARTMENT OF WATER RESOURCES
222 Shoshone Street East
Twin Falls, Idaho 83301

Dear Loren:

I spoke with Jim Stanton yesterday, and I understand there were no protests to my application for amending my Permit #37-08209.

I have retained Gene Walker to drill the well that is referenced by this permit. In talking with Gene today, he informed me that you indicated that I will have an extension of time over the usual sixty day limit normally set for the issuance of a permit. Obviously, because of weather conditions, this well may not be drilled until the spring of 1991.

Very truly yours,



John A. Burke

JAB/js

cc: Gene Walker

FILED

MAR 28 1991

14-Nov-1990

WOOD RIVER JOURNAL
PO BOX 988
HAILEY ID 83333

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 required publication dates. If time allows, please submit 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.

In order to receive payment, an affidavit of publication must be submitted to the Department along with the publication bill.

Very truly yours,

Mary Baldwin
Secretary/Office Coordinator

Enclosure

MICROFILMED

MAR 28 1991

NOTICE OF AMENDMENT TO A WATER PERMIT

NO. 37-08209

Notice is hereby given that John A. Burke of Sun Valley, ID is the holder of Approved Permit No. 37-08209 authorizing the diversion of 1.60 cubic feet per second of water from groundwater in the NE1/4NW1/4, S12, T1N, R18E, County of Blaine, to be used for irrigation on 80 acres within NW1/4NE1/4, NE1/4NW1/4, S12, T1N, R18E.

The permit holder has applied to the Department of Water Resources for an Amendment to the Permit, to change the Point of Diversion as follows:

Amount: 1.60 cfs

Period of Use: 4/15 to 10/15

Point of Diversion: NW1/4NE1/4, S12, T1N, R18E; Blaine County.

Place of Use: 80 acres within NW1/4NE1/4, NE1/4NW1/4, S12, T1N, R18E.

Any protest against approval of the amending of Permit No. 37-08209 as set forth above must be filed with the Idaho Department of Water Resources, 222 Shoshone Street East, Twin Falls, ID 83301 on or before December 10, 1990.

R. Keith Higginson, Director

Published in the Wood River Journal on 11/21 & 11/28/90.

MICROFILMED

MAR 8 1991

14-Nov-1990

JOHN A BURKE
PO BOX 326
SUN VALLEY ID 83353

Re: Application for Amendment, 37-08209

Dear Mr. Burke:

The Department of Water Resources acknowledges receipt of your application for amendment of a permit.

This office will be advertising the application in the Wood River Journal on 11/21 & 11/28/90. A period of ten days following the second publication will be allowed for the submittal of protests.

If the application is protested you will be sent a copy of the protest. The protest must be resolved before the application is approved or denied. If the protest is not resolved voluntarily, this Department will conduct a conference and/or hearing on the matter.

If the application is not protested, it will be forwarded to our State Office in about five weeks. State office personnel will conduct a complete review prior to final processing of the application and will notify you of the outcome of this review. A typical processing time for an unprotested application is about eight weeks.

Please feel free to contact this office if you have any questions regarding this procedure.

Very truly yours,

James E. Stanton
Sr. Water Resource Agent

JS:MB

RECEIVED

MAR 28 1991

Valley Associate

From the Desk of
STONEY BURKE

10-30-50
RECEIVED

TO: IDWR.
D. Jones.

NOV 6 1990

Department of Water Resources
Southern Region Office

I'm enclosing
herewith as per your
request the following
items re: Permit no 37-08209:

1. a check for \$20.
2. executed application for
surrender of a permit
3. executed request for
a expedited permit
4. original application for
drilling permit.

Please call me if you
need anything **RECEIVED**

Thru MAR 2/8 1991
Stoney

S T A T E O F 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

Statehouse
Boise, Idaho 83720
(208) 327-7900
September 21, 1990

JOHN A. BURKE
P.O. BOX 326
SUN VALLEY, ID 83353

P E R M I T A P P R O V A L N O T I C E

RE: PERMIT NO. 37-08209

Dear Permit Holder:

Enclosed is a copy of your approved application for permit. We direct your attention to the conditions of approval on the final page.

You should be aware that the groundwater you propose to divert is located within a drainage basin where surface waters are regulated during the months of low flow. It is possible that diversion of groundwater may have an adverse impact on these surface water flows. Information available to us at this time does not warrant refusing to issue permits in your area, but we do caution that diversions of groundwater are not allowed to deplete flows available for surface water users with earlier priority dates. Siting your well as far from surface sources as possible and casing out upper water producing zones may reduce the potential of interference.

Section 42-235, Idaho Code, requires that a "drilling permit" must be obtained from the department for all wells constructed after July 1, 1987. A drilling permit is a separate permit that must be issued in addition to your permit to appropriate water. Commencement of well construction or diversion of water under your permit to appropriate water is prohibited unless a drilling permit is obtained.

Please note the requirement that as a permit holder you must commence the excavation or construction of diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The enclosed blue card must be completed and returned to this office as soon as you commence construction, no later than one year from the date the permit was approved.

We have enclosed a form entitled "Instructions for Proof of

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SEP 25 1990

Beneficial Use". Please read the instructions carefully since you must take further action to develop this permit into a license.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ: SC
Enclosures

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SEP 25 1990

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
State Office
1301 North Orchard St.

Statehouse Mail
Boise, Idaho 83720
(208) 327-7900

JULY 24, 1990

Wood River Journal
Box 988
Hailey, ID 83333

Dear Legal Dept.:

Enclosed you will find legal notices 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 20, 1990.

Yours truly,

SHARLA CURTIS
Secretary

Encl.

MICROFILMED

SEP 25 1990

NOTICE OF APPLICATION FOR TRUST WATER RIGHT

37-08209

BURKE, JOHN A.
P.O. BOX 326
SUN VALLEY, ID 83353

Source: GROUNDWATER

Diversion Pt: NENW Sec 12 T 01N R 18E

Use: IRRIGATION (1.600 CFS)
Total Diversion: (1.600 CFS)

Date Filed: 4/11/ 1985

In: T01N R18E S12 NWNE NENW

80.0 ACRES TOTAL

The permit(s) will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code and/or the new public interest criteria of Sec. 42-203C, Idaho Code. Protests must be filed with the Director, Dept. of Water Resources, Statehouse Mail, Boise, Idaho 83720 on or before AUGUST 20, 1990.

Published 8/ 1/1990 & 8/ 8/1990

R. Keith Higginson, Director

MICROFILMED

SEP 23 1990

RECEIVED
JUL 17 1990

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRUST WATER INFORMATION QUESTIONNAIRE

Department of Water Resources

Application No. 37-8209

INSTRUCTIONS: IF YOU ARE NOT INTERESTED IN HAVING THE APPLICATION PROCESSED, PLEASE COMPLETE AND RETURN THE ENCLOSED WITHDRAWAL FORM.

IF YOU WISH TO HAVE THE APPLICATION PROCESSED, PLEASE ANSWER THE FOLLOWING QUESTIONS AS THOROUGHLY AS POSSIBLE. FAILURE TO RETURN EITHER THE WITHDRAWAL FORM OR QUESTIONNAIRE IS CAUSE FOR THE DEPARTMENT TO VOID THE APPLICATION.

1a. Are you the current owner of the land or place of use described under this application? Yes ☒ No ☐

b. If you are not the propoerty owner, please describe the arrangement enabling you to develop the proposed project.

2a. Has the source of water listed on this application been used to irrigate any of the land described under this same application prior to October 1, 1984? Yes ☐ No ☒

b. If yes, please describe the extent of development and number of acres irrigated. (Note: Uses developed after October, 1984 are considered trust water diversions and may be subject to certain restrictions and/or conditions. You may be asked to verify uses established prior to October, 1984.)

3. If you answered NO to ques #2a, please state the number of acres you have irrigated with this source after October 1, 1984. 0

4. If you have not irrigated lands under this application, please state the number of acres you plan to complete. 80 + -

5. If the permit is a supplemental filing please identify other water rights which are used on the same land.

Use the reverse side of this form if you wish to add any comments. You may mark changes on the enclosed application to designate any proposed amendments. (Note: Proposed changes which result in an expansion of use will not be considered by the department.)

I hereby assert that the responses provided above are true to the best of my knowledge. I understand that any willful misrepresentations may result in voiding of the application.

Applicant John A. Burke

Date 7-12-90

37-8209

MICROFILMED

SEP 2 1990



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - (208) 327-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

July 6, 1990

RE: APPLICATION FOR PERMIT NO. 37-8209

Dear AFFLICANT:

Due to the Swan Falls litigation, Department approval of the enclosed application may have been delayed. The Department is presently reviewing your application and may authorize the proposed development.

The purpose of this letter is to determine: (1) if you are still interested in developing the project, and (2) the extent of development if any, that has already occurred under the application. Enclosed are two forms requesting information which will help the Department expedite the processing of the application.

1. If you have abandoned or have no interest in continuing with your plans for development of the project, please complete the enclosed withdrawal form and return it to the Department. If you request a withdrawal of the application and the application was not previously advertised, the department will refund your original filing fee.

2. If you wish to continue with your proposed development plans, or have completed all or a portion of the proposed development before October 1, 1984, then you must complete and return the enclosed questionnaire. You may use the questionnaire and enclosed application to make any comments &/or amendments concerning the application. Your completion of the questionnaire will expedite processing and help the department determine if the water diverted under the application is public water or trust water. Approved trust water applications may be subject to additional conditions.

Failure to return either of the above forms within thirty (30) days of the date of this letter is cause for the Department to void the application.

Please be further advised that if any undeveloped portion of your proposed project is greater than 200 acres, the Department will issue a notice requesting additional information as required by Water Appropriation Rule 4,5. (in particular, Rules 4,5,3. thru 4,5,3,5, apply to your project if it is more than 200 acres).

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SEP 25 1990

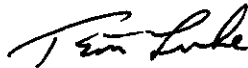
Page 2

If you have questions concerning the content of this letter or about completing the forms, please contact Tim Luke at the address below or by calling directly at 327-7864. The enclosed forms and all other relative information must be returned within thirty (30) days to:

Idaho Department of Water Resources
Statehouse Mail
Boise, Idaho 83720
Attn: Tim Luke

Please note that a copy of your application is enclosed. The application number is also shown on the enclosed questionnaire.

Sincerely,



TIM LUKE
Sr. Water Resource Agent

Enclosures

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SEP 25 1990

April 9, 1985

IDAHO DEPARTMENT OF WATER RESOURCES
1041 Blue Lakes Boulevard North
Twin Falls, Idaho 83301

Dear Sir:

Please find enclosed my application, together with filing fee, regarding an eighty acre tract of land South of Bellevue, Idaho.

It would be my intention to drill a well, and sprinkle irrigate this eighty acre tract. To my knowledge, there are no surface or subsurface water rights appurtenant to this land.

Should you have any questions, do not hesitate to contact me.

Sincerely,


John A. Burke

JAB/js
Enclosures

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SEP 25 1990