

Application For Permit To Appropriate the Public Waters of the State of Idaho

73-2153

APPLICATION No. 36309
PERMIT No. 28338
DISTRICT No.

1. Name of Applicant: JACK C. BURSTEDT

Postoffice address: May County: Custer State: Idaho

I. If applicant is a corporation, give:

- (a) Date and place of incorporation:
(b) Amount of capital stock:
(c) Amount paid in:
(d) Names and addresses of directors:

II. The financial resources of the applicant are:

- (a) Cash on hand: (c) Bond to be issued:
(b) Treasury stock: (d) Other resources:

2. Quantity of water claimed: 12.8 cubic feet per second.

3. Source of water supply: Big Creek which is a tributary of
Pahsimeroi River

4. Location of point of diversion: feet distant from the

corner of Section , T. , R. , B.M., and is in the SE $\frac{1}{4}$ NW $\frac{1}{4}$

of section 11 , T. 13 N., R. 23 E., B. M., County of Lemhi

5. Water is to be used for irrigation

6. If for mining, milling, power or manufacturing purposes, give:

(a) Point of use of water: feet distant from corner of Section
T. , R. , B.M., in the of Section of , T. , R. , B.M.

(b) Amount of power generated: H.P., under feet head.

(c) Water is to be returned to at a point feet
distant from the corner of Section , T. , R. , B.M., in the
of Section , T. , R. , B.M.

7. Estimated cost of works: \$ 1000.00

8. Kind of works: Ditch

9. Height of dam feet; length of dam at top feet; length of dam at bottom
feet; material used in dam:

10. Size of headgate: Width 6 feet; height 3.5 feet.

11. Ditch: Width at bottom 4 feet; width at water line 5 feet; depth of water 1 $\frac{1}{2}$ feet;
dimensions of flume: 6 feet wide 16' long

Diameter of pipe inches; length of conduit 6 miles.

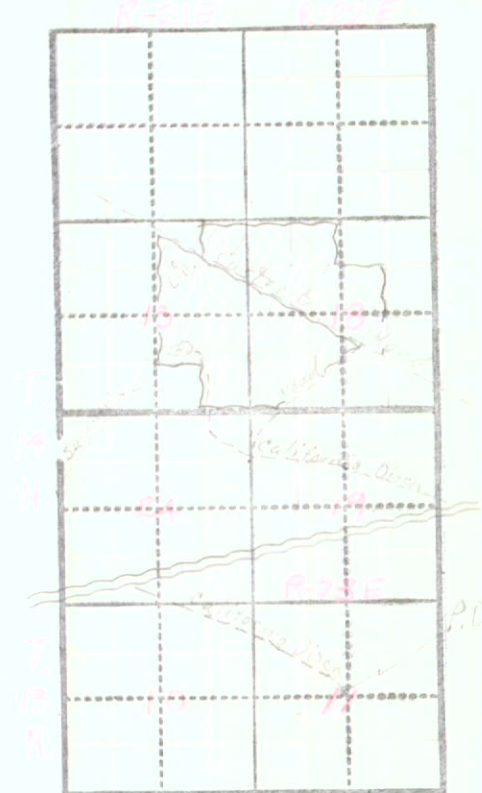
Average grade per mile 160 feet.

12. The time required for the completion of such work is 5 years.

13. The time required for the complete application of the water to the proposed use is 0 additional years.

14. The land to be irrigated is described in the following tabulation: See remarks.

15. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are: 6 cu. ft Pahsimeroi River when available



R 21 E R 22 E

CUSTER COUNTY
ROAD

24 39 40 40
21 38 38 39 25
25 39 37 36 33
35 39 39

143

171

170

113

597

CALIFORNIA DITCH

TO PATTERSON

CALIFORNIA DITCH

10

11

Subdivisions 17

Acreage 597

Q = 11.94 C.F.S.

V = 2791 AC-FT / SEASON

842- Licensed
Priority - 12-25-04
Amount - 2.2 C.F.S.
Source - Sulphur Creek

Imp

14 W.

(1)

Rge

21E

28

47

31

(12)

(13)

g-22738- Licensed
Priority - 4-24-52
Amount - 2.4 c.f.s
Source - subterranean

Sup 40 40 40
14 W. 80 40
(18) X (13) 40
Rge 40 40
22E

G-22567 - Licensed
Priority - 1-21-52
Amount - 2.0 c.f.s.
Source - subterranean

Sup

14 N.

(13)

Rge

20 40

21 E

X
40

**AFFIDAVIT
OF PUBLICATION**

State of Idaho, }
County of Custer, } ss:

I, Richard Swindell, manager of The Challis Messenger, a weekly newspaper, published at Challis, Idaho, do solemnly swear that the notice hereto attached and made a part hereof, was published in the regular and entire issue of The Challis

Messenger for 4
consecutive weeks, commencing with the issue dated **Nov. 19**, 19**64**, and ending with the issue dated **Dec. 10**, 19**64**,

Richard Swindell

Subscribed and sworn to
before me this 10th
day of Dec, 1964.

Clara Burstedt
Notary Public, Residing at
Challis, Idaho.

My Commission expires

9-1-66

**NOTICE OF PROOF OF
COMPLETION OF WORKS
and
APPLICATION OF WATER
TO BENEFICIAL USE**

NOTICE is hereby given that at two P. M., on the 29th day of December 1964, at Salmon, County of Lemhi, State of Idaho, before Frederick Hughes Snook, Notary Public, at Snook Bldg., Salmon, Idaho, proof will be submitted of the completion of works for the diversion of 12.8 cubic feet per second of the waters of Big Creek, and of the application to beneficial use of said water, in accordance with the terms and conditions of Permit No. 28338, heretofore issued by the Department of Reclamation of the State of Idaho.

1. The name and postoffice address of the person or corporation holding said permit is: Jack C. Burstedt, 6626 Ashland Circle, Boise, Idaho.

2. Said works of diversion will be fully completed on the date set for such completion and the amount of water which said works are capable of conveying to the place of use is 13 cubic feet per second.

3. The use to which said water has been applied is irrigation purposes, and the amount applied to beneficial use is 12.8 cubic feet per second.

4. The point of diversion of said water is in the SE $\frac{1}{4}$ -NW $\frac{1}{4}$ of S. 11, T. 13 N., R. 23 E.B.M., County of Lemhi, State of Idaho.

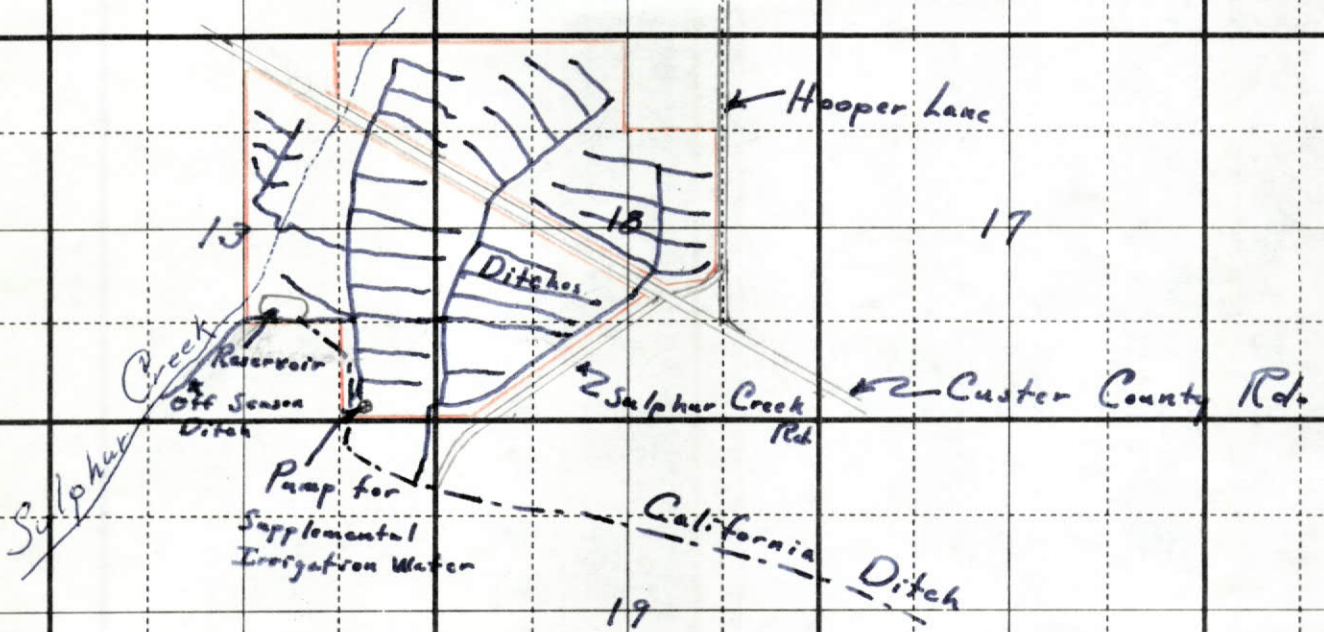
5. The place where said water is used is NE $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$, of S. 13, T. 14 N.R. 21, E.B.M., SW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, Fr. SE $\frac{1}{4}$ SW $\frac{1}{4}$, Fr. NW $\frac{1}{4}$ SE $\frac{1}{4}$, of S. 18, T. 14 N.R. 22, E.B.M., Custer County, Idaho. Total 640 acres.

6. The date of priority which said user is prepared to establish is December 29, 1959.

CARL E. TAPPAN

State Reclamation Engineer
Pub. Nov. 19, 26, Dec. 3, 10, 1964

Twp. 14 North Twp. 14 North
Range 21 EBM Range 22 EBM



Permit Map No. 28338
As Approved
GEO. N. CARTER
State Reclamation Engineer
DEC 29 1959

DATE 1-30-85

FROM

Glen

TO

File 73-2153

SUBJECT

- The volume shown on this license should be 1791 AFA rather than 2791 AFA.

i.e., $3.0(59702) = 1791$

- Data entry has been changed to show 1791 AFA.



SIGNATURE

WATER LICENSE

Water License No. 28338 Priority December 14, 1959 Amount 11.94 c.f.s.THIS IS TO CERTIFY, that Jack C. Burstedt

of Boise, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated 12/14/59; that Permit 28338 was issued pursuant to said application; that the proposed works were completed on or about December 29, 1964 with a storage/or carrying capacity of 11.94 c.f.s., said works consisting of ditch, and that on December 29, 1964

proof was made to the satisfaction of the State Reclamation Engineer, of the beneficial use of 2791 when combined with all other rights appurtenant to the same land and shall not exceed that amount acre feet per season/with a maximum rate of diversion of 11.94 cubic feet per second of the waters

of Big Creek, tributary of Pohsimeroi River,

for the purpose of irrigation from April 1 to October 31;

and for _____ from _____ to _____; and for

_____ from _____ to _____; and that the use

of said waters has been made in accordance with the laws of Idaho, and is hereby confirmed by the State Recla-

mation Engineer and entered in the records of the Idaho Department of Reclamation: the point of diversion is

located in SE 1/4 NW 1/4, Sec. 11, T. 13 N, R. 23 E, B.M., and

other additional points _____, in the County of

Lemhi and Custer; and that the amount of water to which such right is

entitled and which is hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially

used for said purposes and shall not exceed 2791 acre feet per year, when combined with all other

rights appurtenant to the same land and shall not exceed that amount.

Description and location of place of use:

TWP.	RANGE	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>14 N</u>	<u>21 E</u>	<u>13</u>	<u>39</u>	<u>24</u>	<u>31</u>	<u>38</u>									<u>39</u>	<u>25</u>		<u>35</u>	<u>231</u>
<u>14 N</u>	<u>22 E</u>	<u>18</u>			<u>25</u>		<u>40</u>	<u>40</u>	<u>38</u>	<u>39</u>	<u>36</u>	<u>37</u>	<u>39</u>	<u>39</u>		<u>33</u>			<u>366</u>

Total number of acres irrigated 597

The right to the use of the water hereby confirmed is restricted to the lands or place of use herein described, as provided by the laws of Idaho.

Witness the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this

26 day of June, 1969

R. Karl Higgins
State Reclamation Engineer

28338
43-2153

73-2153

Application For Permit To Appropriate the Public Waters of the State of Idaho

APPLICATION No. 36309
PERMIT No. 28338
DISTRICT No.

1. Name of Applicant: JACK C. BURSTEDT
Postoffice address: May 626 ASHLAND AVENUE
BOISE, IDAHO County: Custer State: Idaho

I. If applicant is a corporation, give:

- (a) Date and place of incorporation:
(b) Amount of capital stock:
(c) Amount paid in:
(d) Names and addresses of directors:

II. The financial resources of the applicant are:

- (a) Cash on hand: (c) Bond to be issued:
(b) Treasury stock: (d) Other resources:

2. Quantity of water claimed: 12.8 cubic feet per second.

3. Source of water supply: Big Creek which is a tributary of
Pahsimeroi River

4. Location of point of diversion: feet distant from the
corner of Section , T. , R. , B.M., and is in the SE $\frac{1}{4}$ NW $\frac{1}{4}$
of section 11 , T. 13 N., R. 23 E., B. M., County of Lemhi & Custer

5. Water is to be used for irrigation

6. If for mining, milling, power or manufacturing purposes, give:

(a) Point of use of water: feet distant from corner of Section
T. , R. , B.M., in the of Section of , T. , R. , B.M.

(b) Amount of power generated: H.P., under feet head.

(c) Water is to be returned to at a point feet
distant from the corner of Section , T. , R. , B.M., in the
of Section , T. , R. , B.M.

7. Estimated cost of works: \$ 1000.00

8. Kind of works: Ditch

9. Height of dam feet; length of dam at top feet; length of dam at bottom
feet; material used in dam:

10. Size of headgate: Width 6 feet; height 3.5 feet.

11. Ditch: Width at bottom 4 feet; width at water line 5 feet; depth of water $1\frac{1}{2}$ feet;
dimensions of flume: 6 feet wide 16' long

Diameter of pipe inches; length of conduit 6 miles.

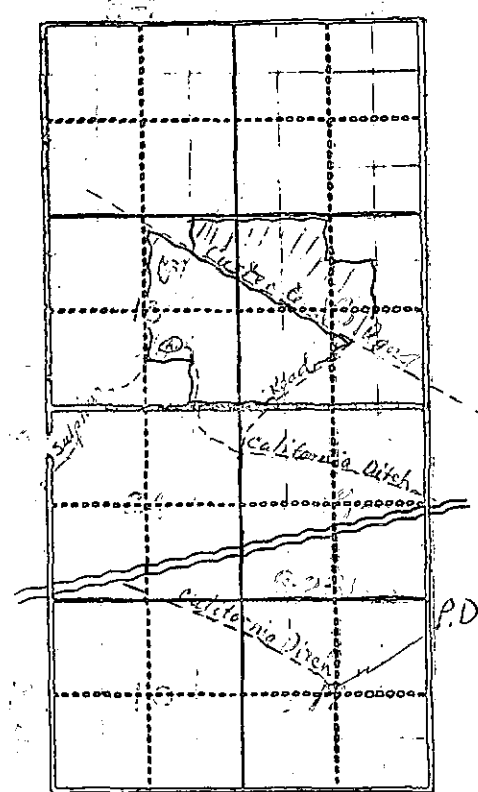
Average grade per mile 160 feet.

12. The time required for the completion of such work is 5 years.

13. The time required for the complete application of the water to the proposed use is 0 additional years.

14. The land to be irrigated is described in the following tabulation: See remarks.

15. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are: 6 cu. ft Pahsimeroi River when available



16. (a) Is reservoir to be used? Yes If so, fill in (b) and (c) below:
(b) Name of Reservoir and number of Storage Permit:
(c) Date of filing of Application for Storage Permit and Name of Applicant:

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

JACK C. BURSTEDT Applicant.

By Agent.

Date of first receipt at Department of Reclamation: 9:45 A. M. December 14, 1959
Returned to applicant for correction: December 15, 1959
Corrected application received: December 21, 1959

Approval of State Reclamation Engineer

The number of this permit is 28338
Recorded in Book 100 Page 28338 Approved Dec. 29, 1959
This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions:
Bond in the sum of \$ to be filed on or before
Work to begin on or before February 29, 1960 and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which permit holder has no control.
One-fifth of the work above specified to be completed on or before June 29, 1962
The whole of said work to be completed on or before December 29, 1964
Beneficial use of water appropriated in accordance herewith, to be made on or before December 29, 1964

WITNESS My hand this 29th day of December, 1959
GEO. N. CARTER
State Reclamation Engineer.

IN TESTIMONY WHEREOF, WE, ROBERT E. SMYLIE, Governor of the State of Idaho, and ARNOLD WILLIAMS, Secretary of State of the State of Idaho, have caused this instrument to be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed, this 29th day of December, 1959.
Countersigned:

(SEAL) By ARNOLD WILLIAMS, Secretary of State. By ROBERT E. SMYLIE, Governor.

REMARKS: Although there are existing water rights for some of the land described in this application, the water is not available at all times during the irrigation season. The water is diverted from Big Creek in private ditch approximately 6.5 miles long to Pahsimeroi R.; thence diverted through California Ditch to place of use. The applicant is re-capturing water that would otherwise go to waste and desires to use it on these lands when the other water is not available.

Twp.	Range	Sec.	NE1/4				NW1/4				SW1/4				SE1/4				Totals
			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	
14 N	21 E	13	40	40	40	40									40	40		40	280
14 N.	22 E.	18				40	40	40	40		40	40	40	5		35			360
															Total acres				640

LICENSE ISSUED FOR 11.94 SEC. FT.
LICENSE PAGE NO.

WATER RIGHT NUMBER 73-2153

VERIFIED LGS

OWNER LAST NAME - BURSTEDT

FIRST NAME - JACK C.

ORIG OWNER -

ADDRESS LINE 1 -

ADDRESS LINE 2 -

ADDRESS LINE 3 -

CITY - BOISE

STATE - ID ZIP CODE -

SOURCE - BIG CREEK

TRIBUTARY OF - PAHSIMEROI RIVER

STAGE - LICENSE

STATUS -

PRIORITY - 12-14-1959 COUNTY - LEMHI

TOTAL DIV. RATE - 11.9400 -CFS

TOTAL DIV. VOLUME - 1791.00 AFA TRFR/AMEND -

WATER DIST. - 73 DLE/CAREY ACT - RIGHT BASIS -

DIVERSION POINT - SENW 11 13N 23E LOT REDIV -

0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0

FROM - 04-01 TO - 10-31 USE - IRRIGATION

USE DIV. RATE - 11.9400 CFS USE DIV. VOLUME - 1791.00 AFA

USE - IRRIGATION

PLACE OF USE - TWN 14N RNG 22E SEC 18

TRACT SWNE LOT AC 25 TRACT NENW LOT AC 40

TRACT NWNW LOT AC 40 TRACT SWNW LOT AC 38

TRACT SENW LOT AC 39 TRACT NESW LOT AC 36

TRACT NWSW LOT AC 37 TRACT SWSW LOT AC 39

TRACT SESW LOT AC 39 TRACT NWSE LOT AC 33

USE - IRRIGATION

PLACE OF USE - TWN 14N RNG 21E SEC 13

TRACT NENE LOT AC 39 TRACT NWNE LOT AC 24

TRACT SWNE LOT AC 31 TRACT SENE LOT AC 38

TRACT NESE LOT AC 39 TRACT NWSE LOT AC 25

TRACT SESE LOT AC 35

DATE -

TOTAL ACRES 597

DECREE NAME -

REMARKS - P/D ALSO IN CUSTER CNTY.

NON IRRIG USE -

OTHER RIGHTS FOR SAME USE -

PROOF DUE -

PERMIT/DENIED -

PROTESTED -

HEARING -

OLD NO. - 28338

PROOF MADE - FLD EXAM - COND. OF APPROVAL -

DIVERSION MEANS -

02/14/85

WATER RIGHT ANALYSIS FORM

- DATA ENTRY -

Identification No. 28338 173-2153
Old No. New No.

Record

1. Original Owner: Jack C. Burstedt

Present Owner: _____

2. Address:

3. City: Boise State: Id Zip: _____4. A. Source of Water: Big Creek
B. Tributary of: Pahsimeroi River5. A. Stage (A,P,L,D,S,J): L

B. Status (D,L,R,C,A,I,F - leave blank if valid):

C. Priority Date: 12-14-1959D. County: #59E. Total Diversion Rate: 11.94F. Total Diversion Volume: 2791

G. Transfer/Amendment (P,T of A or blank):

H. Water District: 73

I. DLE/Carey Act (D,C or blank):

J. Right Basis (for adjudication claims A,B,C only):

	Tract	Sec.	Twp.	Rge.	Gov't Lot	Rediv.
6. A. Point of Diversion	<u>SE NW</u>	<u>11</u>	<u>13 N</u>	<u>23 E</u>		

7. Period of Use, Use, Diversion Rate/Volume:

from 4-1 to 10-31 for A purposes. Amount 11.94 / 2791
(cfs or AC-FT/yr)

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

8. Use Code: A

[illegible]

9. A. Decree Name:

B. Decree Date:

10. Remarks: A. P/O also in Custer Cnty.
B. ~~not to exceed 2791. afa.~~
C.
D.
E.

11. Other Uses (Non-irrigation explanatory information):

12. Other Rights for Same Use:

13. A. Proof Due Date:

B. Date Permit Approved or Denied:

C. Protested Date:

D. Hearing Date:

E. Old Number: 28338

F. Proof Made (P or blank):

G. Field Exam Made (P,R,F or blank):

H. Conditions of Approval: _____

14. Diversion Means (brief narrative):

Keep both maps in our file

Edna

28338

June 26, 1969

Re: Permit No. 28338

Jack C. Burstedt
626 Ashland Circle
Boise, Idaho

Dear Mr. Burstedt:

Enclosed herewith is your Water License issued
on the above numbered permit.

Also enclosed is departmental receipt No. 3093
in the amount of \$55.00 covering the fees.

Very truly yours,

C. Stephen Allred, Assistant
State Reclamation Engineer

CSA/mh

Enclosures

73-2153
28338

C
O
P
Y

DON SAMUELSON
GOVERNOR



STATE OF IDAHO

DEPARTMENT OF RECLAMATION
STATEHOUSE - ANNEX 2
BOISE, IDAHO 83707

May 5, 1969

R. KEITH HIGGINSON
State Reclamation Engineer
RECEIVED

MAY 26 1969
Department of Reclamation

Re: Permit No. 28338

Mr. Jack C. Burstedt
626 Ashland Circle
Boise, Idaho

Dear Mr. Burstedt:

A representative of this department has made an examination of the works covered by your Permit 28338 and has found the following:

Quantity of water diverted: 11.94 c.f.s.

Amount of water that can be recognized as beneficially used under Idaho Law: 11.94 c.f.s.

The maximum quantity diverted shall not exceed 2791 acre feet per season, when combined with all other rights appurtenant to the same land.

Purpose of use: Irrigation of 597 acres in NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 13, 14 N., R. 21 E., B.M.; SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 18, T. 14 N., R. 22 E., B.M.

The priority date established is: December 14, 1959

A fee totaling \$ 39.00 must be received within 30 days from the date of this letter in order that we can issue you the License and Certificate of Water Right as described above.

Very truly yours,

Dean R. Reynolds
Field Examiner

DRR:kh

cc. Frederick Hughes Snook
Attorney at Law
Salmon, Idaho 83467

43-2153
28338

May 5, 1969

Re: Permit No. 28338

Mr. Jack C. Burstedt
626 Ashland Circle
Boise, Idaho

Dear Mr. Burstedt:

A representative of this department has made an examination of the works covered by your Permit 28338 and has found the following:

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The priority date established is: December 14, 1939

A fee totaling \$ 89.00 must be received within 30 days from the date of this letter in order that we can issue you the License and Certificate of Water Right as described above.

Very truly yours,

Dean R. Reynolds
Field Examiner

DRR:kh

cc. Frederick Hughes Snook
Attorney at Law
Salmon, Idaho 83467

43-2153
28338

J. DAN CRESWELL

ELLIS, IDAHO
83235



State of Idaho
Dept of Reclamation
State House - Annex 2
Boise, Idaho 83707

28338
#3-2153

May 5, 1969

Re: Permit No. 28338

Mr. Jack C. Burstedt
626 Ashland Circle
Boise, Idaho

Dear Mr. Burstedt:

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14 N., R. 21 E., B.M.; SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 18,
T. 14 N., R. 22 E., B.M.

The priority date established is: December 14, 1959

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Very truly yours,

Dean R. Reynolds
Field Examiner

DRR:kh

cc. Frederick Hughes Snook
Attorney at Law
Salmon, Idaho 83467

28338

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

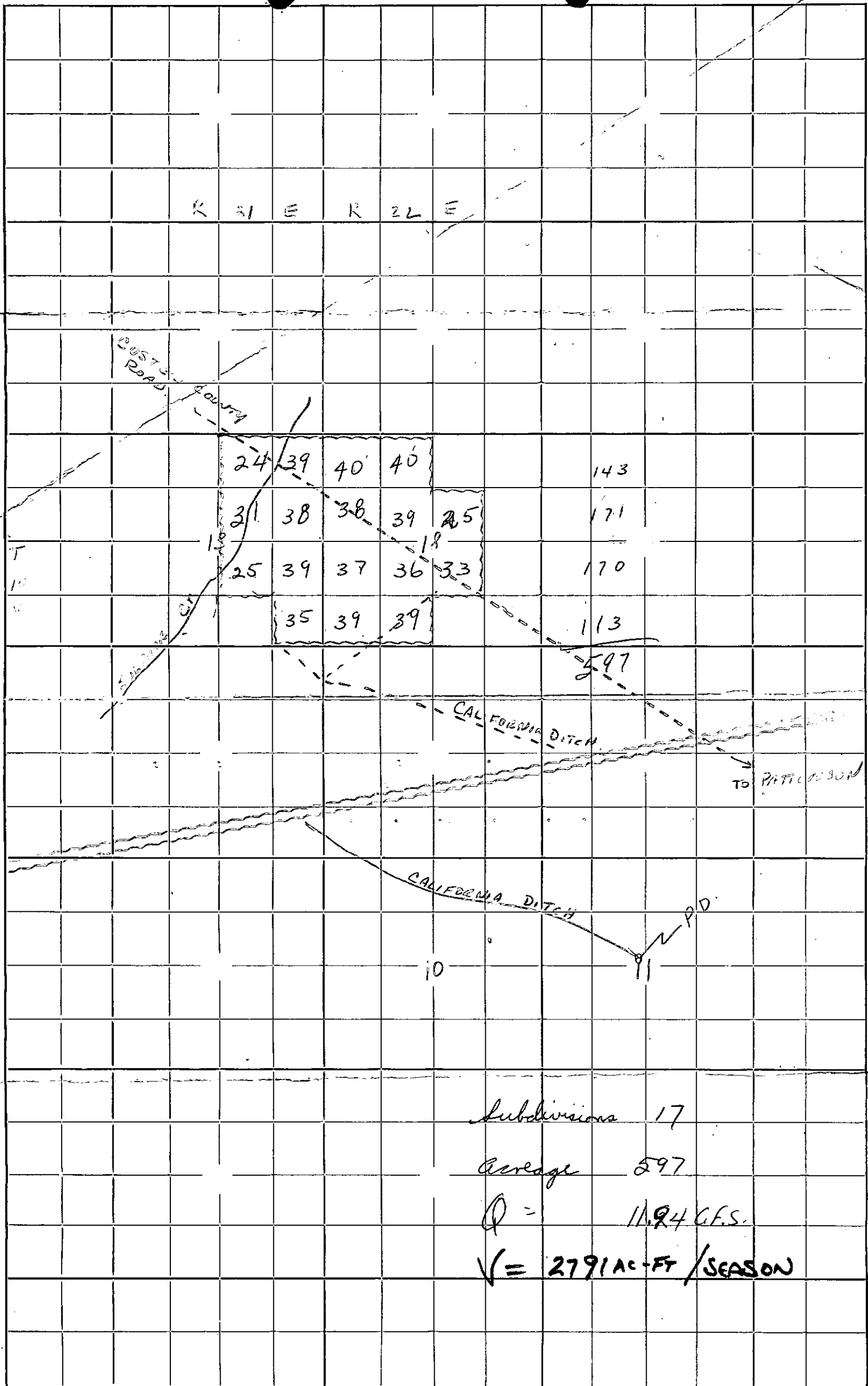
PERMIT NO. 28338

REPORT ON PROOF OF ~~Completion of Works & Beneficial Use~~

Jack C. Burstedt, 626 Ashland Circle, Boise, Idaho

Don Griswell May, Idaho new owner

R-67



R 31 E R 22 E

BUSTO ROAD
COUNTY

24 39 40 40
31 38 38 39 25
25 39 37 36 33
35 39 39

143
171
170
113

597

CALIFORNIA DITCH

TO PATTERSON

CALIFORNIA DITCH

PD

Subdivisions 17

Average 597

Q = 11.94 C.F.S.

V = 2791 AC-FT / SEASON

842 - Licensed

Priority - 12-25-04

Amount - 2.2 c.f.s.

Source - Sulphur Creek

Suppl

14 N.

(1)

Rge

21 E

28

47

31

(12)

(13)

x

G-22738 Licensed
Priority - 4-24-52
Amount - 2.4 c.f.s
Source - subterranean

Sup.	40	40			40
14 W.	80	40			40
		(18) X		(13)	
Rge		40	40		
22 E					

Priority - 1-21-52

Amount - 2.0 c.d.s

Source: subterranean

Защ

14/2.

(13)

Rge

20 : 40

21E

X
40

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

REPORT OF ENGINEER

Permit No. 28338

This proof is for Completion of Works & Beneficial Use In Water District No. _____

1. Name of applicant Jack C. Burstedt

2. Source of water supply: Big Creek

3. Location of point of diversion: Is in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 11

T. 13 N R. 23 E. B.M. County of Lemhi and Custer

4. Describe works as they exist, giving dimensions and capacities of same: No headgate or Weir. ditch 6' X 1 1/2' (good grade) Approximately 6 1/2 miles To Pahsimeroi River Then in existing California ditch 6 miles To place of use. California ditch no longer empties into meadow creek then rediverted.

5. Water is used for: Irrigation

6. State whether or not water has been turned into works of diversion: yes

7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if other than irrigation):

NE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 13., Rge. 21 E., Twp. 11 N

SW $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 18., Rge. 22 E., Twp. 11 N.

(640 acres)

(Submit map on attached plat, showing location and details of above description.)

8. What large stream would the water here appropriated finally reach? Pahsimeroi River

Remarks: Due To Water Shortage This water was not used This year. Land was irrigated with Subterranean water.

check file 22567, 842 + 22738 + R987
IRRIGATION REQUIREMENT = 3.0 AC-FT / ACRE / SEASON

This examination was made on the 11 day of September, 1968

(Signed) Robert Hamilton

Examiner.

28338

Jack C. Burstedt
626 Ashland Circle
Boise, Idaho
Permit No. 28338
Dana Christwell

Examination for Completion of Works & Beneficial Use

County Lemhi and Custer

Quantity 12.8 a.c.s.
73-
Sec. 11 T. 13N R. 23 EBM

Source Big Lost, West of Lakeview, Idaho

P. D.: STE. NW, Sec. 11, T. 13N. - R. 23 E BM

Use: Irrigation

Filed: 12-14-59

Due: 12-29-64

Extension: -

Protest: -

Completion of Works: -

Other Rights: 6.0 a.c.s. from
Bureau of Reclamation
available

Made: Dec 29 1964

INSTRUCTIONS TO EXAMINERS

1. Always carefully note the location of the point of diversion and accurately plat same.
2. When proof is for beneficial use, carefully check up the number of acres actually irrigated in each forty and accurately plat same.
3. Make a map showing the correct location of streams and ditches, and the irrigated lands, and any adjacent permanent landmarks, such as towns, lakes, large streams and public roads.
4. If any unusual conditions are discovered, make plain statement of them under remarks.
5. Always see the holder, if possible, and go over the whole ground with him and make your report only upon actual existing facts and conditions.
6. Give general characteristics of soils, topography, and crops raised.

1M April 1962

January 13, 1965

Re: Permit N28338

Jack C. Burstedt
626 Ashland Circle
Boise, Idaho

Dear Mr. Burstedt:

We acknowledge receipt of the depositions of holder and two witnesses, also affidavit of publication in the CHALLIS MESSENGER, all submitted in proof of completion of works and beneficial use on Permit N28338.

Before final action is taken in the matter, the law requires that a field examination be made by an engineer from this department.

We cannot tell just when this examination will be made, but our field engineer will try and contact you at the time he makes the examination so that arrangements may be made to show him over the grounds.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer

By:

(Mrs.) Edna P. Rule
Chief Clerk

EPR:

cc: Frederick Hughes Snook
Attorney at Law
Snook Bldg.,
Salmon, Idaho

28338

Frederick Hughes Snook

ATTORNEY AT LAW
SNOOK BUILDING
SALMON, IDAHO
TELEPHONE 756-2714

RECEIVED

JAN 11 1965

Department of Reclamation

January 8, 1965

Department of Reclamation
Boise, Idaho

Attention: M. Russell Bausch

Dear Mr. Bausch:

Thank you for your letter of January 5, 1965, calling our attention to the error in description in the papers recently sent to you. These typographical errors have been corrected and the papers are herewith returned to you.

Very truly yours,

FHS/fw
Encls.

28338

**AFFIDAVIT
OF PUBLICATION**

State of Idaho,
County of Custer,

ss:

JAN 4 1965

I, Richard Swindell, manager of The Challis Messenger, a weekly newspaper, published at Challis, Idaho, do solemnly swear that the notice hereto attached and made a part hereof, was published in the regular and entire issue of The Challis

Messenger for 4
consecutive weeks, commencing with the issue dated Nov. 19, 1964, and ending with the issue dated Dec. 10, 1964,

Richard Swindell

Subscribed and sworn to
before me this 10th
day of Dec., 1964

John Burstedt
Notary Public, Residing at
Challis, Idaho.

My Commission expires
9-1-66

**NOTICE OF PROOF OF
COMPLETION OF WORKS
and
APPLICATION OF WATER
TO BENEFICIAL USE**

NOTICE is hereby given that at two P. M., on the 29th day of December 1964, at Salmon, County of Lemhi, State of Idaho, before Frederick Hughes Snook, Notary Public, at Snook Bldg., Salmon, Idaho, proof will be submitted of the completion of works for the diversion of 12.8 cubic feet per second of the waters of Big Creek, and of the application to beneficial use of said water, in accordance with the terms and conditions of Permit No. 28338, heretofore issued by the Department of Reclamation of the State of Idaho.

1. The name and postoffice address of the person or corporation holding said permit is: Jack C. Burstedt, 6626 Ashland Circle, Boise, Idaho.

2. Said works of diversion will be fully completed on the date set for such completion and the amount of water which said works are capable of conveying to the place of use is 13 cubic feet per second.

3. The use to which said water has been applied is irrigation purposes, and the amount applied to beneficial use is 12.8 cubic feet per second.

4. The point of diversion of said water is in the SE $\frac{1}{4}$ -NW $\frac{1}{4}$ of S. 11, T. 13 N., R. 23 E.B.M., County of Lemhi, State of Idaho.

5. The place where said water is used is NE $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$, of S. 13, T. 14 N.R. 21, E.B.M., SW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, Fr. SE $\frac{1}{4}$ SW $\frac{1}{4}$, Fr. NW $\frac{1}{4}$ SE $\frac{1}{4}$, of S. 18, T. 14 N.R. 22, E.B.M., Custer County, Idaho. Total 640 acres.

6. The date of priority which said user is prepared to establish is December 29, 1959.

CARL E. TAPPAN

State Reclamation Engineer
Pub. Nov. 19, 26, Dec. 3, 10, 1964

RECEIVED
JAN 4 1965

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Department of Reclamation
RECEIVED
JAN 11 1965
Department of Reclamation

Permit No. 28338

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE
and Completion of Works

DEPOSITION OF HOLDER

Ques. 1. State your name, residence, occupation and postoffice address: _____

Jack C. Burstedt, 626 Ashland Circle, Boise, Idaho; student-rancher;

Ques. 2. If acting in behalf of corporation, state its name, principal place of business (if a foreign corporation, give name of postoffice of statutory agent), your position with reference to same, and your authority for appearing in its behalf:

Ques. 3. State number, approval date of permit, and date of priority you propose to establish under the permit; #28338; approval date: 12/29/59; priority date: 12/29/59

Ques. 4. State source of water supply: Big Creek, tributary-Pahsimeroi River
Give location of point of diversion, showing subdivision, section, township and range:

In the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of S. 11, T. 13 N., R. 23, E.B.M., Lemhi County, Idaho.

Ques. 5. Describe your works of diversion: Ditch

_____ ; state amount of water they are capable of conveying from point of diversion to place of use 12.8 cu. ft. Give name of canal or ditch or other works by which water is conducted to such place of use: Burstedt Big Creek Ditch & Lower California Ditch ; if a well, state depth of well _____ ; depth and size of casing: _____ ; depth to water 1 $\frac{1}{2}$ ft. ; if pump is used, state discharge of pump: _____ ; tell how it was measured or determined: Headgate _____ ; if sprinkler irrigation, give number and size of nozzles and operating pressure: _____

Ques. 6. State for what purpose water is used: Irrigation

If for irrigation, name each subdivision in which used and number of acres in each subdivision that have actually been irrigated with said water : NE $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$,

SE $\frac{1}{4}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$, S. 13, T. 14 N.R. 21, E.B.M., SW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$,

NW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, Fr. SE $\frac{1}{4}$ SW $\frac{1}{4}$, Fr. NW $\frac{1}{4}$ SE $\frac{1}{4}$,

S. 18, T. 14, N.R. 22, E.B.M., Custer County, Idaho.

State nature of all improvements which have been made as a direct result of said use:

Land has been fenced, cultivated and cropped.

Ques. 6-a: If this is a ground water permit, give name and address of person that drilled the well: _____

Ques. 7. If for other than irrigation purposes, state purpose and how used: _____

Ques. 8. What is the minimum amount of water required for the purpose specified above:
1" per acre

Ques. 9. If you are not the person or representative of the corporation to whom above mentioned permit was originally issued, please state how ownership was acquired by present holder: _____

Ques. 10. State when and in what amount the water diverted under above mentioned permit has been first used: _____ Time used since first use: _____

Water has been used to supplement irrigation every year since first filed on. _____

Ques. 11. Describe all other water rights appurtenant to same place of use: _____

300 " decreed right from Pahse Mori River dated June 10, 1910

560 " off-season permit from Sulphur Creek

(sign)

Jack C. Burstedt

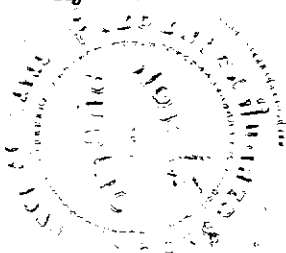
I hereby certify that the foregoing testimony was read to the above subscribed, before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in

Salmon, County of Lemhi

State of Idaho, on this 29th day of December, A.D. 19 64.

My Commission expires: 10/1/67

Fredrick Hughes Snook
Notary Public for Idaho,
Residing at Salmon, Idaho



STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

RECEIVED
JAN 4 1935

Department of Reclamation

RECEIVED
JAN 21 1935

Department of Reclamation

PERMIT NO. 28338

Proof of Application of Water to Beneficial Use
and Completion of Works
Deposition of Witness

The deposition of two witnesses, on this form, taken separately, required in each case.

Ques. 1. State your name, age, residence, occupation and postoffice address.

Ans. M. R. Literal, age 61; rancher at May, Idaho;

Ques. 2. Are you acquainted with Jack C. Burstedt, the holder of Permit No. 28338? How long have you known him and where does he reside?

Ans. Yes; I have known him for 30 years; he did for many years
reside at May, Idaho, but now is at Boise, Idaho;

Ques. 3. Have you read or heard read said Permit No. 28338, and are you familiar with its provisions and conditions?

Ans. Yes

Ques. 4. State source of water supply, place of diversion, and describe works for conveying water from point of diversion to place of use.

Ans. Big Creek; place of diversion is in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, S. 11, T. 13 N.,
R. 23, E.B.M., Lemhi County, Idaho; the water is conveyed to place
of use by a regular ditch.

Ques. 5. How many second feet of water do you estimate said works will safely conduct to place of use, and how much water have you seen being so conveyed?

Ans. About 18 second feet and I have seen about 15 second feet conveyed.

Ques. 6. State for what purpose water is used and at what place. (If for irrigation, give each subdivision in which water has been used and number of acres irrigated in each subdivision.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. This water is used to irrigate crops and pasture land, some
cultivated and some natural meadow and hay and grass are growing on it.
The land is NE $\frac{1}{4}$ NE $\frac{1}{4}$, NWPNE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$, S. 13,
T. 14 N.R. 21, E.B.M., SW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$,
NW $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, Fr. SE $\frac{1}{4}$ SW $\frac{1}{4}$, Fr. NW $\frac{1}{4}$ SE $\frac{1}{4}$, S. 18, T. 14, N.R. 22, E.B.M.,
Custer County, Idaho.

Ques. 7. If for power or other purposes than irrigation, state how water has been applied and to what extent.

Ans. _____

Ques. 8. If for irrigation, state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

Ans. The land is arid in character and must have at least 1 inch per acre for profitable cultivation.

Ques. 9. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent?

Ans. No

Ques. 10. State when, how, in what amount and to what extent you have witnessed the application to beneficial use of water diverted under said permit.

Ans. Since the irrigation season of 1959 I have seen about 700 inches of water being used under this permit. I live nearby and cross this property quite often.

D. H. Lital

(Signed)

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in Salmon, County of 29th Lemhi, State of Idaho, on this 29th day of December, A. D. 1964.

Fredrick Hughes Snook

Notary Public.

My commission expires 10/1/67

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

RECEIVED
JAN 4 1965

Department of Reclamation
RECEIVED
JAN 11 1965

Department of Reclamation

PERMIT NO. 28338

Proof of Application of Water to Beneficial Use
— and Completion of Works
Deposition of Witness

The deposition of two witnesses, on this form, taken separately, required in each case.

Ques. 1. State your name, age, residence, occupation and postoffice address.

Ans. George D. Whitworth, 45 years of age; rancher at May, Idaho.

Ques. 2. Are you acquainted with Jack C. Burstedt, the holder of Permit No. 28338? How long have you known him and where does he reside?

Ans. Yes; I have known him 15 years and he did live at May, Idaho, but is now at Boise, Idaho.

Ques. 3. Have you read or heard read said Permit No. 28338, and are you familiar with its provisions and conditions?

Ans. Yes

Ques. 4. State source of water supply, place of diversion, and describe works for conveying water from point of diversion to place of use.

Ans. Big Creek; the water is diverted at SE $\frac{1}{4}$ NW $\frac{1}{4}$, S. 11, T. 73 N., R. 23, E.B.M., Lemhi County, Idaho.

Ques. 5. How many second feet of water do you estimate said works will safely conduct to place of use, and how much water have you seen being so conveyed?

Ans. About 20 second feet and I have seen about 15 second feet being conveyed.

Ques. 6. State for what purpose water is used and at what place. (If for irrigation, give each subdivision in which water has been used and number of acres irrigated in each subdivision.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. The water has been used for irrigation and irrigates the following described land: NE $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$, S. 13, T. 14 N.R. 21, E.B.M. SW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, Fr. SE $\frac{1}{4}$ SW $\frac{1}{4}$, Fr. NW $\frac{1}{4}$ SE $\frac{1}{4}$, S. 18, T. 14 N.R. 22, E.B.M., Custer County, Idaho; some of this land is cultivated and some is natural meadow and crops and pasture are now growing on this land as a result of using this water.

28338

Ques. 7. If for power or other purposes than irrigation, state how water has been applied and to what extent.

Ans. _____

Ques. 8. If for irrigation, state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

Ans. This land is arid and has to have at least 1 inch of water to
the acres to raise good crops.

Ques. 9. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent?

Ans. None.

Ques. 10. State when, how, in what amount and to what extent you have witnessed the application to beneficial use of water diverted under said permit.

Ans. I first saw this water being used in 1959 and there was about
~~800~~ 800 inches in the ditch and there has been about that
much used each irrigation season since then. My place is close
to this place.

Geo D Whitworth

(Signed)

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in Salmon,
County of Lemhi, State of Idaho, on this 29th day of December,
A. D. 1964.

Judith Hughes *Shark*
Notary Public.

My commission expires 10/1/67.

January 5, 1965

RE: Permit No. 28338
Jack C. Burstedt

Frederick Hughes Snook
Attorney at Law
Salmon, Idaho

Dear Mr. Snook:

The proofs for the above numbered permit are being returned for corrections. Question No. 4 has the point of diversion in Township 12 N.; our record has it listed in 13 N. Question No. 6 lists the SW¹/₄ Sec. 18; our records show the SW¹/₄ Sec. 18. These differences are on all three depositions and are marked in red.

If these errors are typographical please correct and return. If the depositions are correct as is amendments to the point of diversion and land list are required, and the proofs must be re-advertised for four consecutive weeks at the owner's expense. Forms for making these amendments are enclosed. The fee for each amendment is \$1.00.

Please correct or amend and return to this department promptly.

Very truly yours,

CARL E. TAPPAN
State Reclamation Engineer
By

H. Russell Bausch, Assistant
Water Rights and Records Section

MRB:mr

Enc. proofs
amendment forms

28338

Frederick Hughes Snook

ATTORNEY AT LAW
SNOOK BUILDING
SALMON, IDAHO
TELEPHONE 756-2714

RECEIVED
JAN 4 1965

Department of Reclamation

December 31, 1964

Department of Reclamation
Boise, Idaho

Gentlemen:

At the request of Jack C. Burstedt, I am sending you herewith the deposition of holder and the deposition of each witness in connection with Permit No. 28338 and also we are sending you the affidavit of publication.

Very truly yours,



FHS/fw
Encls.

28338

Re: Permit No. 28338
Jack C. Burstedt

November 12, 1964

Mr. Frederick Hughes Snook,
Attorney at Law,
Snook Building,
Salmon, Idaho.

Dear Mr. Snook:

This acknowledges the Notice of Proof of Completion of Works and Application of Water to Beneficial Use under Permit No. 28338, in the name of Jack C. Burstedt as Notary on the 29th day of December, 19 64, at 2:00 o'clock P.M., at Snook Building, Salmon, Idaho.

As of this date, we have mailed the Notice to the Challis Messenger Challis, Idaho, with instructions to publish it once a week for two consecutive weeks prior to the date set for final proof and then mail the Affidavit of Publication and statement of costs to you.

It is important that the enclosed depositions be executed by the permit holder and two disinterested witnesses who are familiar with the terms of the permit and the work done thereunder, at the time, on the date and before you, as Notary, as stated in the publication notice. It is very important and necessary that each question be answered in detail.

In returning the depositions to this office, be sure that all copies have been signed, that your Notary's seal has been placed on each and that all depositions, (holder and two witnesses) are being returned. Also be sure to enclose the AFFIDAVIT OF PUBLICATION.

Very truly yours,

CARL E. TAPPAN
State Reclamation Engineer
By

(MRS.) EDNA P. RULE
Chief Clerk

Encl.
EPR:pmk
cc: Applicant

28338

Re: Permit No. 28338
Jack C. Burstedt

Date: Nov. 12, 1964

Challis Messenger,
Challis, Idaho.

Gentlemen:

Enclosed you will find Notice for Publication, once a week for four consecutive weeks prior to December 29, 1964 the date set for proof; the expense of the publication is to be paid by the applicant 's attorney, Frederick Hughes Snook of Snook Building, Salmon, Idaho to whom you should furnish proof of publication on or prior to the date set for proof.

Please acknowledge receipt of this notice and furnish this office with a copy or tear sheet of the first publication. **

Very truly yours,

Carl E. Tappan
CARL E. TAPPAN
State Reclamation Engineer

** If the first copy is not received in this office for checking purposes and errors appear in subsequent issues, it is possible that re-publication of corrected copy will be at your own expense

(Date) November 10, 1964

(P. O.) Salmon, Idaho

Boise, Idaho

Dear Sir:

You are hereby authorized to have the attached notice published
at my expense in the ~~Recorder Herald~~ Challis Messenger of
Challis, Idaho published in the
county in which the works are situated.

Jack R. Burdett

(In case of canals or other works designed to divert and carry more than 50 cubic feet of water per second, the following certificate must be signed by a well known and competent engineer.)

I hereby certify that the facts set forth in the attached notice are true.

Engineer

28338

NOTICE OF PROOF OF COMPLETION OF WORKS

NOV 12 1964

and

APPLICATION OF WATER TO BENEFICIAL USE

Department of Reclamation

NOTICE is hereby given that at two P. M., on the 29th day of December 1964, at Salmon, County of Lemhi, State of Idaho, before Frederick Hughes Snook, Notary Public, at (address) Snook Bldg., Salmon, Idaho, proof will be submitted of the completion of works for the diversion of 12.8 cubic feet per second of the waters of Big Creek, and of the application to beneficial use of said water, in accordance with the terms and conditions of Permit No. 28338, heretofore issued by the Department of Reclamation of the State of Idaho.

1. The name and postoffice address of the person or corporation holding said permit is: Jack C. Burstedt, 6626 Ashland Circle, Boise, Idaho

2. Said works of diversion will be fully completed on the date set for such completion and the amount of water which said works are capable of conveying to the place of use is 13 cubic feet per second.

3. The use to which said water has been applied is irrigation purposes, and the amount applied to beneficial use is 12.8 cubic feet per second.

4. The point of diversion of said water is in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of S. 11, T. 12 N., R. 23 E.B.M., County of Lemhi, State of Idaho.

5. The place where said water is used is NE $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$, of S. 13, T. 14 N.R. 21, E.B.M., SW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, Fr. SE $\frac{1}{4}$ SW $\frac{1}{4}$, Fr. NW $\frac{1}{4}$ SE $\frac{1}{4}$, Total 640 acres of S. 18, T. 14 N.R. 22, E.B.M., Custer County, Idaho.

6. The date of priority which said user is prepared to establish is February 29, 1960

DEC 29 1964

CARL E. TAPPAN

State Reclamation Engineer

28338

RECEIVED

NOV 12 1964

Department of Reclamation

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) November 10, 1964

(P. O.) Salmon, Idaho

TO THE STATE RECLAMATION ENGINEER

Boise, Idaho

Dear Sir:

You are hereby authorized to have the attached notice published at my expense in the ~~Boise Herald~~ Challis Messenger of Challis, Idaho published in the county in which the works are situated.

Jack Burstett

(In case of canals or other works designed to divert and carry more than 50 cubic feet of water per second, the following certificate must be signed by a well known and competent engineer.)

I hereby certify that the facts set forth in the attached notice are true.

Engineer

28338

S T A T E O F I D A H O

D E P A R T M E N T O F R E C L A M A T I O N

Re: Permit No. 28338
Jack Burstedt

Date: Oct. 1, 1964

Frederick Hughes Snook
Attorney at Law
Salmon, Idaho

Dear Mr. Snook:

Under the terms of your Permit No. 28338 you are required to make proofs of completion of works and application of water to beneficial use on or before Dec. 29, 1964

Before this proof can be made, the statutory requirement is that a notice of your intention of proof be published once a week for four consecutive weeks in a newspaper in the county.

We enclose Form 36-A in duplicate, which is to be filled in and returned to this department at least forty (40) days before the above mentioned date and/or before the time you intend to make proof (this may be at any place that is convenient for you and your two witnesses), the quantity of water, for what purpose it is used, the point or points of diversion and the location of use, or lands which are irrigated - - by legal description. Descriptions should be taken from your Permit, including any amendments thereto, as recorded in this department. If changes have been made and no amendments are on record, we advise that you request a form for this purpose before your notice is published, or you may have to readvertise and complete another set of proof forms.

Also enclosed is Form 11, which is the authorization for us to have the notice published in the designated county newspaper, at your expense. This is to be returned with Forms 36-A

At the time we send the notice to the newspaper we will send you the forms for the depositions of holder and two disinterested witnesses. It is important that the depositions be executed at the time, on the date set, and at the place named, before the Notary Public as advertised in the publication notice.

The amount of water allowed in a license cannot be more than is actually produced and measured and put to beneficial use, and cannot be more than the statutory amount allowable per acre of land actually found by the field inspection to have been irrigated at the time of proof.

Very truly yours,

Carl E. Tappan
CARL E. TAPPAN
State Reclamation Engineer

Enc. Form 36A - 11
cc: Jack Burstedt
May, Idaho

July 5, 1963

Re: Permit No. 28338

Holden, Holden & Kidwell
Attorneys at Law
Idaho First National Bank Bldg.
Idaho Falls, Idaho

Attention Mr. Lon F. Davis

Re: 2536

Dear Mr. Davis:

The only permit issued for diversion from Big Creek, tributary of the Pahsimeroi River, in the last ten years is Permit No. 28338, issued to Jack C. Burstedt, priority Dec. 14, 1959 for 12.8 cubic feet per second with diversion in SE $\frac{1}{4}$ Sec. 11, T13N, R23E to irrigate NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 13, T14N, R21E; SW $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 18 T14N, R22E DM. Proofs of Completion of Works and beneficial use of the water are due Dec. 29, 1964.

Very truly yours,

CARL E. TAPPAN, Acting
State Reclamation Engineer

By:

RALPH W. THOMAS, Deputy
State Reclamation Engineer

RLT:vj

WILLIAM S. HOLDEN
ROBERT B. HOLDEN
R. VERN KIDWELL
BLAINE S. BUTLER
FRED J. HAHN
LON F. DAVIS
OF COUNSEL:
ARTHUR W. HOLDEN

LAW OFFICES
HOLDEN, HOLDEN & KIDWELL
IDAHO FIRST NATIONAL BANK BUILDING
IDAHO FALLS, IDAHO

TELEPHONE 523-0620
AREA CODE 208

JULY 3, 1963

REED A. WILLIAMS (1923-1962)
HOWARD R. STINSON (1905-1957)

MR. CARL E. TAPPAN
STATE RECLAMATION ENGINEER
DEPARTMENT OF RECLAMATION
107 STATEHOUSE
BOISE, IDAHO

DEAR MR. TAPPAN:

RE: OUR FILE 2536

WE ARE INTERESTED IN KNOWING WHAT APPLICATIONS HAVE BEEN FILED FOR PERMITS TO APPROPRIATE WATER FROM BIG CREEK, A TRIBUTARY OF THE PAHSIMEROI RIVER SINCE 1950, INCLUDING THE NAME OF THE APPLICANT, THE DATE OF APPLICATION, THE NUMBER OF INCHES OF WATER INVOLVED AND WHETHER THE REQUISITE STEPS WERE TAKEN TO PERFECT THE RIGHTS. WE ARE PARTICULARLY INTERESTED IN WHETHER A MR. BURSTEDT HAS SECURED A PERMIT IN BIG CREEK OR SOME OTHER TRIBUTARY OF THE PAHSIMEROI RIVER.

BIG CREEK IS REFERRED TO ON PAGE 6 OF THE COURT DECREE OF THE SIXTH JUDICIAL DISTRICT ENTITLED LORENZO FALLS AND EDWARD O'NEIL, PARTNERS, ET AL. VS. URIAH WELLS, ET AL, DATED APRIL 1, 1910.

THANK YOU.

VERY TRULY YOURS,

HOLDEN, HOLDEN & KIDWELL

BY 
LON F. DAVIS

LFD:KH

January 6, 1960

Re: Permit No. 28338
Jack C. Burstedt

Mr. Frederick H. Snook,
Attorney at Law,
Salmon, Idaho.

Dear Mr. Snook:

We enclose Permit No. 28338 in which we direct your attention to the limitations and conditions as given on the fourth page under Approval of the State Reclamation Engineer.

We also enclose Departmental Receipt No. 29940 which was issued covering payment in the amount of \$8.00 for the filing fee of the above mentioned permit.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

(Mrs.) Edna P. Rutledge
Chief Clerk

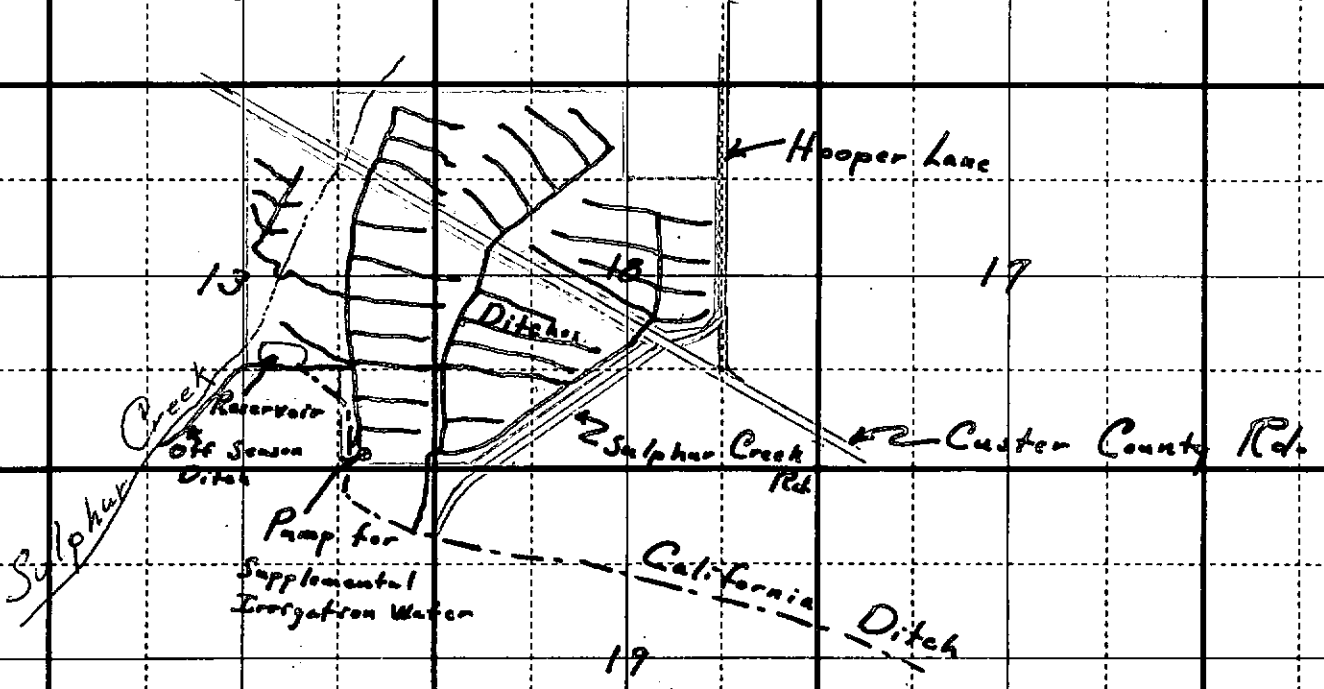
Encl.
EHR:pmk
cc: Jack C. Burstedt
May, Idaho

28338

NAME OF APPLICANT Jack E. Burstedt

Form No. 0

Twp. 14 North Twp. 14 North
Range 21 EBM Range 22 EBM



Permit Map No. 9-28338
As Approved
GEO. N. CARTER
State Reclamation Engineer
DEC 29 1959

Frederick Hughes Snook
Attorney at Law
Salmon, Idaho

RECEIVED
DEC 28 1959

Department of Reclamation

December 22, 1959

Department of Reclamation
Boise, Idaho

Re: Jack C. Burstedt

Dear Mrs. Rutledge:

In compliance with your request you will find
enclosed herewith the blue print.

Very truly yours,



FHS/fw
Encl.

28338

December 21, 1959

Re: Application for Permit
Jack C. Burstedt

Frederick Hughes Snook
Attorney at Law
Salmon, Idaho

Dear Mr. Snook:

Our letter of transmittal of the application shows we enclosed the blue print of Mr. Burstedt's ditch from Big Creek to a point on or near the Pahsimeroi River. The application was received today without that blue print. Kindly return the blue print so we can show an accurate location of the ditch on our records.

Apologies are due you on account of the error in the letter accompanying the return of Mr. Foyle's application. The ~~dit~~ should have been SD~~x~~ as the point was described in the original application. Two wrongs, in this case, did get a correct answer.

Very truly yours,

GEO. H. CARTER
State Reclamation Engineer

By:

(Mrs.) Edna P. Rutledge
Chief Clerk

RT:EPR:cw

Frederick Hughes Snook
Attorney at Law
Salmon, Idaho

RECEIVED
DEC 21 1959
Department of Reclamation

December 17, 1959

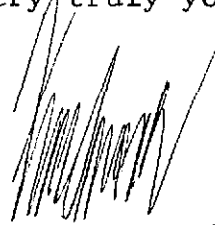
Department of Reclamation
Boise, Idaho

Re: Application for Permit
Jack C. Burstedt

Gentlemen:

Your letter of December 15, 1959, has been received and in compliance with your request and directions, we have made the changes which were indicated by pencil. Also enclosed is the additional 25¢ for the balance of the fee.

Very truly yours.

A handwritten signature in dark ink, appearing to be "F. H. Snook", written over a horizontal line.

FHS/fw

28338

December 15, 1959

RE: Application for Permit
Jack C. Burstedt

Frederick Hughes Snook
Attorney at Law
Salmon, Idaho

Dear Mr. Snook:

Enclosed is the application for permit you submitted in the name of Jack C. Burstedt, and a map of the diversion ditch from Big Creek.

The fee for 12.8 cubic feet per second is \$5.00 for one cubic foot per second, plus \$0.25 for 11 and a fraction extra, \$3.00, making a total of \$8.00.

The map shows a portion of SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 18 under the ditch and only part of NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 18. The number of acres have been changed in pencil so the total will not change.

Some of the remarks have been marked out with pencil and more added. Your map, only one included, does not show the works of dropping the water into the Pahsimeroi River and redirection through the California Ditch.

The time required for completion of works has been changed to 5 years; however the proof can be made at any time after the permit has been approved.

Kindly check the pencil changes, correct as necessary and return promptly with the correct filing fee.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

(Mrs.) Edna P. Rutledge
Chief Clerk

RT:EPR:mr
enc. application, check

28338

Frederick Hughes Snook
Attorney at Law
Salmon, Idaho

RECEIVED
DEC 14 1959
Department of Reclamation

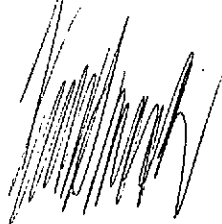
December 10, 1959

Department of Reclamation
Boise, Idaho

Gentlemen:

At the request of Jack C. Burstedt of May, Idaho, there is enclosed herein his application for permit, together with the map and his check in the sum of \$7.75 which we believe to be the correct amount to accompany this application, but if this is not correct, we will be glad to adjust it upon directions from you.

Very truly yours,



FHS/fw
Encls.

28338