

(8) Remarks Cabin site is on Thistle Claim but spring is on Silver Spray

Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho

County of Ada SS.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiants knowledge.

Sworn to before me this 13th day of June, 19 74 (Claimant)

Notary Public

Residing at

My commission expires 6-15-77

For Department Use Only

Received by KHF Date 6-13-74 Exception filed by: _____ Forwarded to _____ Date _____
Prelim. check by _____ Date _____ claimant by: _____
\$10.00 fee received by if Date 6-13-74
Approved for publication by CA - 8-21-74
Published in Emmett Messenger - Index
Dates 6-20 & 6-27-74

RECEIVED

AUG 21 1974

Department of Water Resources

NOTICE OF CLAIM
TO A WATER RIGHT.

No. 63-4266

Notice is hereby given that Joe G. and/or Mary Louise Burkhart, Pearl Route, Eagle, Idaho, has filed a claim to a water right established by diversion and application to beneficial use of .01 cubic feet per second of water from spring, trib. to Willow Creek with the point of diversion in the NE $\frac{1}{4}$ SE $\frac{1}{4}$, S. 15, T. 6N., R. 1 E., B.M. Gem County.

The water is claimed to be used from Jan. 1 to Dec. 31 for domestic use with a priority of June 1, 1929; the place of use is within the NE $\frac{1}{4}$ SE $\frac{1}{4}$, S. 15, T. 6N., R. 1 E., B.M.

Any exception to this claim of water right may be filed with the Idaho Department of Water Administration, Statehouse, Boise, Idaho 83707.

R. Keith Higginson, Director
Published in the Emmett
Messenger-Index, Emmett, Idaho
on June 27, 1974 and July 4, 1974.

OK
8-21-74
CW

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,

COUNTY OF GEM,

ss.

Anta Bole, being first
duly sworn, on his oath deposes and
says that he is the printer of Messenger-
Index, a legal weekly newspaper pub-
lished at Emmett, in Gem County, Idaho;
that said newspaper is in general circu-
lation in said county and has been pub-
lished uninterruptedly and continuously
for more than 78 weeks prior to the first
publication of the annexed document;
and that the document notice, process,
or advertisement hereunto annexed was
published in the regular edition of

Messenger-Index for 2
consecutive weekly issues thereof, be-

ginning with the issue of June 27,
1974 and ending with the issue of

July 4, 1974

Subscribed and sworn to before me this
16th day of

August, 1974
Anta Louise Horton

Notary Public,
Residing at Emmett, Idaho.

63-4266

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION
Section 42-225a, Idaho Code

CLAIM TO A WATER RIGHT

Under the provisions of Section 42-225a, Idaho Code, a person may file a claim to a right to use water which has been established by diversion and application to beneficial use. **The filing of this claim does not confirm the water right but will serve for information purposes only.** It may, however, become the basis for future adjudication of the water right by the Court.

Notice is hereby given that Joe G. &/or Mary Louise Burkhart
(name of claimant)
of Pearl Route, Eagle, Idaho, claims a right to the diversion and beneficial use of
(mailing address)
ground water or surface water tributary to Willow Creek;

The extent and nature of said claim is as follows:

(1) Describe source of water: (name of stream, lake, spring, etc., or ground water) Spring

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

Amount	<u>.01</u>	Use	<u>Domestic</u>	Period of Use: From	<u>Jan. 1</u>	To	<u>Dec. 31</u>
Amount		Use		Period of Use: From		To	
Amount		Use		Period of Use: From		To	
	(cfs, gpm or a/f)		(dom., irri., stock, etc.)				(both dates inclusive)

(3) Total quantity of water claimed: .01 cubic feet per second, or _____ acre feet per annum, and/or _____ gallons per minute.

(4) Priority claimed: (the date water was first applied to beneficial use) June 1, 1929

A claim is not acceptable on a ground-water source with a priority later than March 25, 1963 or on a surface-water source with a priority later than May 20, 1971. An exception to this rule is that a claim may be filed on domestic use from a ground-water source.

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

NE ¼ SE ¼, Sec. 15 Twp. 6 N Rge. 1 E B. M. County of Gem

Additional points of diversion: _____

B) Describe means of diversion of water: (pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.) Give sizes and capacities; be as specific as possible. Spring box and gravity 3/4" pipeline

(6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

T	R	SEC.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
6N	1E	15													X				

Total No. of acres _____

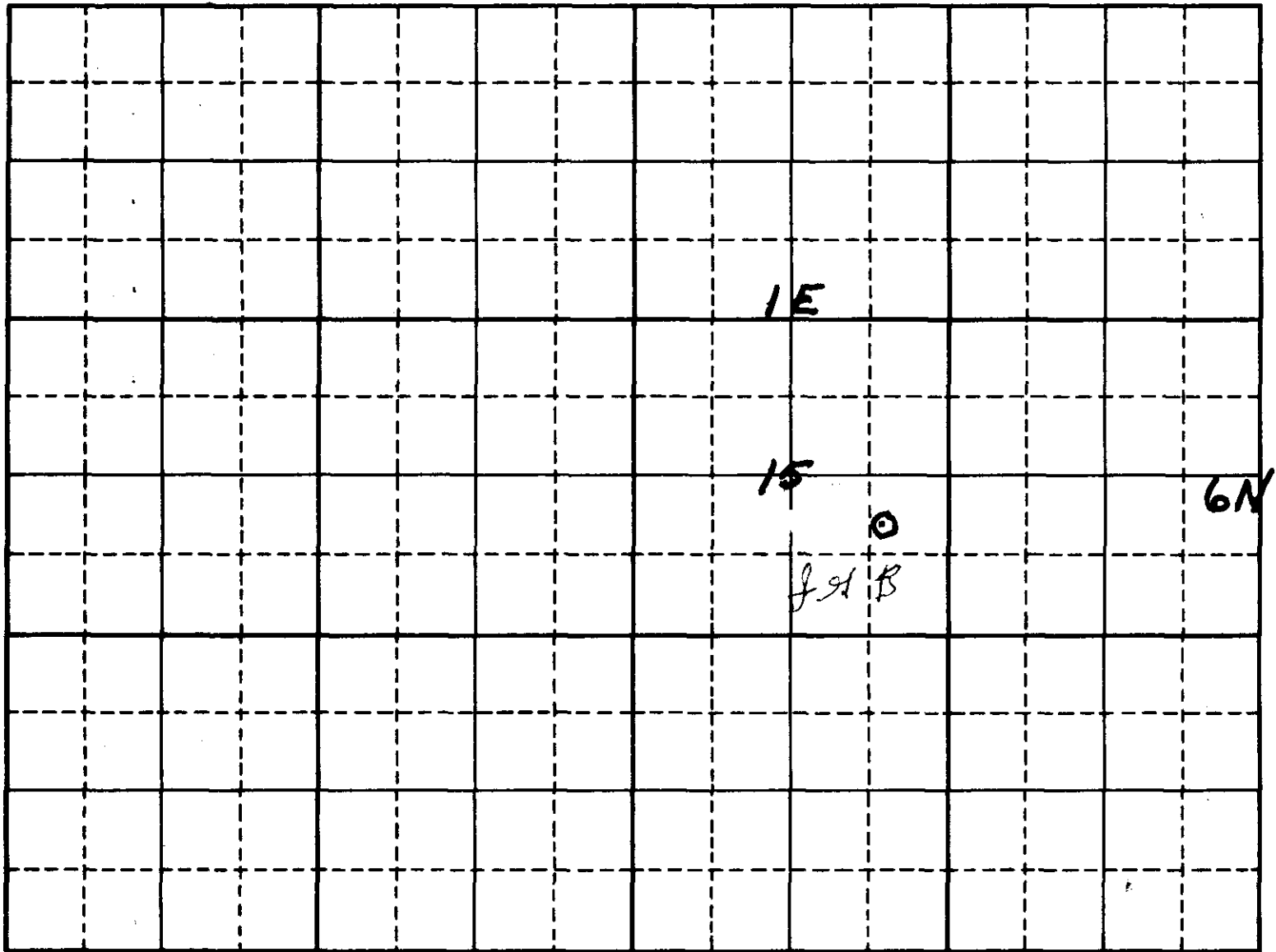
B) If the water is used for other than irrigation, fully describe that use, being as specific as possible:

Domestic use for drinking purposes at cabin

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

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(8) Remarks Cabin site is on Thistle Claim but spring is on Silver Spray



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho

County of Ada ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiants knowledge.

Sworn to before me this 13th day of June, 19 74.

Joe A. Burkhart
(Claimant)
Glenn E. Woods
Notary Public
Residing at Base Idaho

My commission expires 6-15-77

Rec'd #14836

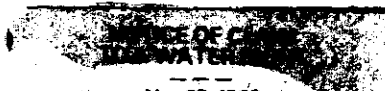
For Department Use Only

Received by KHF Date 6-13-74 Exception filed by: _____ Forwarded to _____ Date _____
Prelim. check by _____ Date _____
\$10.00 fee received by lf Date 6-13-74
Approved for publication by lf Date 6-20-74
Published in Emmett Messenger - Index
Dates 6-20 & 6-22-74

RECEIVED

AUG 21 1974

Department of Water Resources



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Any exception to this claim of water right may be filed with the Idaho Department of Water Administration, Statehouse, Boise, Idaho 83707.

R. Keith Higginson, Director
Published in the Emmett
Messenger-Index, Emmett, Idaho
on June 27, 1974 and July 4, 1974.

OK
8-21-74
CW

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,
COUNTY OF GEM,

ss.

Amata Bole, being first
duly sworn, on his oath deposes and
says that he is the printer of Messenger-
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lished at Emmett, in Gem County, Idaho;
that said newspaper is in general circu-
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and that the document notice, process,
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published in the regular edition of

Messenger-Index for 2
consecutive weekly issues thereof, be-

ginning with the issue of June 27,
1974 and ending with the issue of

July 4, 1974
Amata Bole

Subscribed and sworn to before me this
16th day of

August, 1974
Amata Louise Burkhart

Notary Public,
Residing at Emmett, Idaho.

63-4266

ACT
ION

N OWNER LAST NAME - BURKHART
N OWNER LAST NAME - BURKHART
N ADDRESS LINE 1 - PEARL RT.

FIRST NAME - JOE G.
FIRST NAME - MARY LOUISE

CITY - EAGLE STATE - ID ZIP CODE - 83616
TRIBUTARY OF - WILLOW CREEK
PRIORITY - 06-01-1929 COUNTY - GEM TOTAL DIV. RATE - .0100CFS
SOURCE - SPRING
STAGE - STATRY CLM
DIVERSION POINT - NESE 15 06N 01E
FROM - 01-01 TO - 12-31 USE - DOMESTIC USE DIV. RATE - .0100CFS
USE - DOMESTIC PLACE OF USE - TWN 06N RNG 01E SEC 15 TRACT NESE

IDENT. NO. 63-4266

WATER RIGHT
DATA ENTRY LOG

[illegible]

- DATA ENTRY -

Record

Present Owner: _____

5. A. Stage (A,P,L,D,S,J): S

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

C. Priority Date: 6-1-1929

D. County: 45

E. Total Diversion Rate: .01

F. Total Diversion Volume:

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

H. Water District:

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

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

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

[illegible]

8. Use Code: 0

[illegible]

9. A. Decree Name:

B. Decree Date:

10. Remarks: A.
B.
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:

F. Proof Made (P or blank):

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

H. Conditions of Approval: _____

14. Diversion Means (brief narrative):

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION
WESTERN DISTRICT OFFICE



Cecil D. Andrus
Governor
R. Keith Higginson
Director

614 State Street
Statehouse — Annex 2
Boise, Idaho 83707
(208) 384-2190

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Waste Disposal Wells
Stream Channel Protection
Geothermal Resources

August 22, 1974

Mr. Joe G. Burkhardt
Pearl Route
Eagle, ID 83616

Re: Claim to a Water Right No. 63-4266

Dear Mr. Burkhardt:

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

As you are aware, the filing of your claim does not in itself guarantee you a water right; it only records and preserves the information and the evidence which you included in your claim.

If, at a later date, you find that you have additional information or supporting evidence that you would like to have included in your claim file, you may have that information or evidence added at any time. Please refer to your claim number when corresponding with this office.

We are enclosing for your records a copy of your claim. If you have any questions or if we can be of further assistance, please feel free to call upon us.

Sincerely,

KENNETH H. FOIT, P. E.
Western District Engineer

KHF:cla

Enclosure

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July 24, 1974

Emmett Messenger-Index
120 N. Washington Ave.
Emmett, Idaho 83617

Re: Claim to a Water Right No. 63-4266 - Joe G. &/or Mary Louise Burkhart

Gentlemen:

Would you please submit an affidavit of publication and certified bill in connection with the above referenced item. The legal notice was to have been published in your paper on June 20 and June 27, 1974.

Your cooperation in this matter is greatly appreciated.

Sincerely,

SUSAN WHALEY
Clerk-Typist

SW:s

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STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

Cecil D. Andrus
Governor
R. Keith Higginson
Director

Statehouse - Annex 2
Boise, Idaho 83707
(208) 384-2215
Western District Office



Water Rights Administration
Water Resource Investigation
Dam and Reservoir Safety
Water Well Drilling
Waste Disposal Wells
Stream Channel Protection

June 14, 1974

Emmett Messenger-Index
120 N. Washington Ave.
Emmett, Idaho 83617

Re: Claim to a Water Right No. 63-4266 - Joe G. &/or Mary Louise Burkhart

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing ample time for you to submit us a galley proof for review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication. 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. In order to receive payment, the following certification must appear on the bill:

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

(signature of claimant)

Sincerely,

Bill submitted
8-21-74
CR

MICROFILMED

NOTICE OF CLAIM TO A WATER RIGHT

No. 63-4266

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Eagle, ID
has filed a claim to a water right established by diversion and application
to beneficial use of .01 cubic feet per second ~~XXXXXX~~ acres of water
from spring, trib. to Willow Creek
with the point of diversion in the NE $\frac{1}{4}$ SE $\frac{1}{4}$, S. 15, T. 6 N., R. 1 E., B.M.
Gem County.

The water is claimed to be used from Jan. 1 to Dec. 31 for domestic use
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Any exception to this claim of water right may be filed with the Idaho
Department of Water Administration, Statehouse, Boise, Idaho, 83707.

R. KEITH HIGGINSON

Director

Published in the Emmett Messenger-Index, Emmett, Idaho
on June 20, 1974 and June 27, 1974.

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