

APPLICATION FOR PERMIT TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF IDAHO

Application No. 26057
Permit No. 18692
District No.

1. Name of Applicant: CHARLES BURKE

Postoffice address R.F.D.#1 Pocatello

County: Bannock

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:

- (b) Treasury stock:
- (d) Other resources:

- (a) Cash on hand:
- (c) Bonds to be issued:

2. Quantity of water claimed: .0067 cubic feet per second.

3. Source of water supply: Spring which is a tributary of nothing.

4. Location of point of diversion: feet distant from the
corner of Section , T. , R. , B. M., and is in the NW $\frac{1}{4}$ of SW $\frac{1}{4}$
of Section 27 , T. 10 S. , R. 41 E. , B. M., County of Bannock

5. Water is to be used for: domestic use.

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 , 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: \$ 50.00

8. Kind of works: small reservoir and pipe line.

9. Height of dam none feet; length of dam at top feet; length of dam at bottom
feet; material used in dam:

10. Size of headgate: Width none feet; height feet.

11. Ditch: Width at bottom none feet; width at water line feet; depth of water
feet; dimensions of flume:

Diameter of pipe one inches; length of conduit miles.
Average grade per mile feet.

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

13. The time required for the complete application of the water to the proposed use is none additional years.

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

15. (a) Is reservoir to be used? no 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 waters of the State of Idaho as herein set forth.

CHARLES BURKE

Applicant.

By

Agent.

Date of first receipt at Department of Reclamation: 9:00 A. M., Oct. 22, 1938

Returned to applicant for correction:

Corrected application received:

APPROVAL OF COMMISSIONER OF RECLAMATION

The number of this permit is 18692

Recorded in Book 68 Page 18692 Approved Nov. 21, 1938

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 January 20, 1939 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 May 21, 1939

The whole of said work to be completed on or before November 21, 1939

Beneficial use of water appropriated in accordance herewith, to be made on or before November 21, 1939

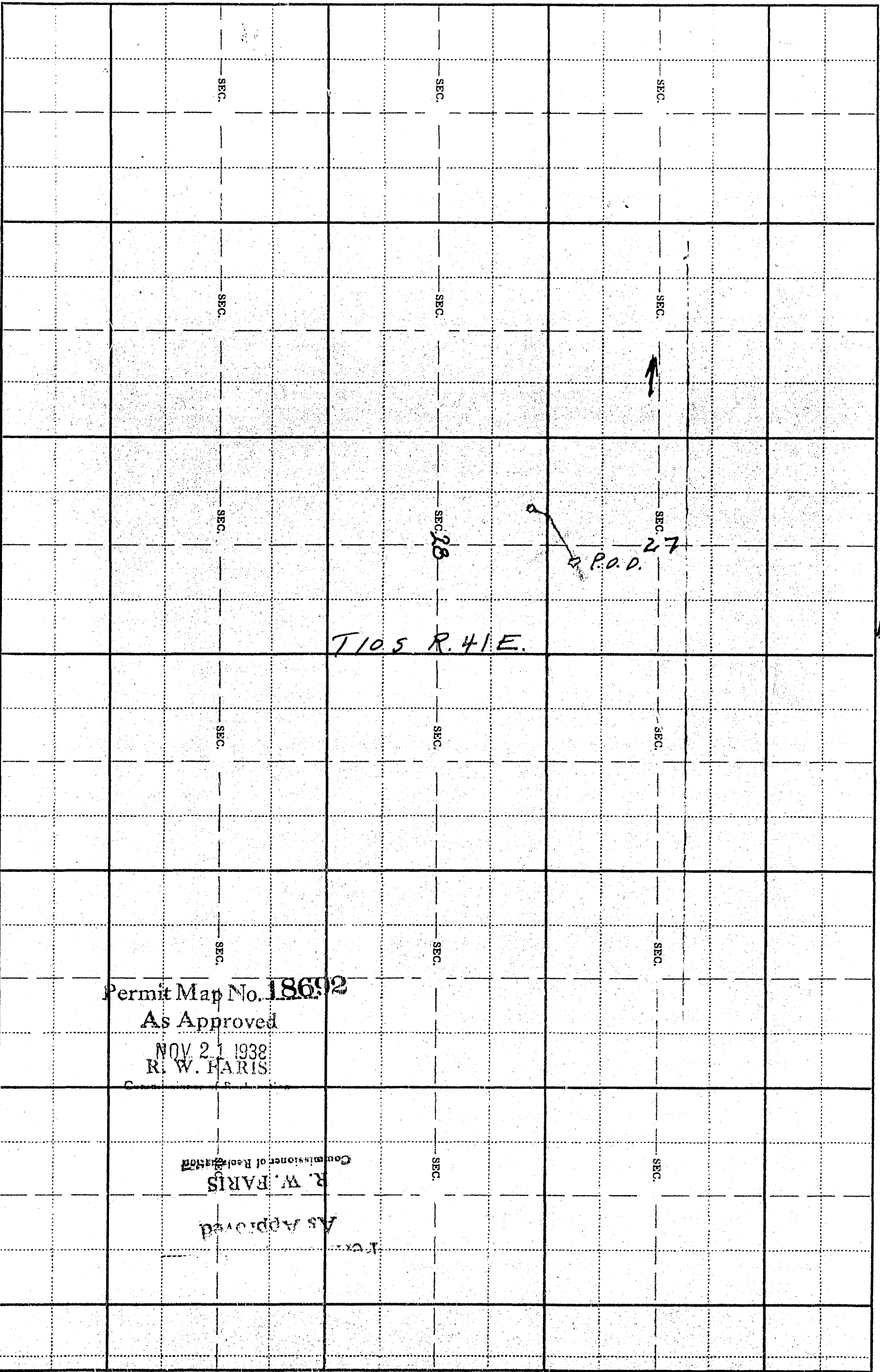
Witness my hand this 21st day of November, 1938.

R. W. FARIS
Commissioner of Reclamation.

Remarks: Source of spring is on Government land, on mountain side.

14.

Twp.	Range	Sec.	NE¼				NW¼				SW¼				SE¼				Totals
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
In testimony whereof, we, BARZILLA W. CLARK, Governor of the State of Idaho, and IRA H. MASTERS, Secretary of State of the State of Idaho, have hereunto 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 21st day of November, 1938. (SEAL) Countersigned: By IRA H. MASTERS Secretary of State STATE OF IDAHO By BARZILLA W. CLARK Governor Permit No. 18692 Certificate of Completion of Works TO ALL WHOM IT MAY CONCERN: This is to certify that Charles Burke, of Pocatello, County of Bannock, and State of Idaho, the holder of Permit No. 18692, issued upon Application No. 26057, bearing date of priority of October 22, 1938, authorizing the diversion of .0067 second foot of the waters of a spring, County of Bannock, State of Idaho, for domestic purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversion set out and described in said permit; that said works are adequate for diverting and conveying to the place of intended use .0067 second foot of a spring; that the point of diversion of said waters is in the NW¼ SW¼ Section 27, Twp. 10 South, Range 41 E., B.M. Witness my hand this 19th day of October, A. D. 1939. Proof of Completion of Works made October 16, 1939 Certificate of Completion of Works issued October 19, 1939 JAMES SPOFFORD Commissioner of Reclamation APPROVAL OF COMMISSIONER OF RECLAMATION I, James Spofford, Commissioner of Reclamation of the State of Idaho, hereby extend the time for the making of proof of beneficial use under Permit to appropriate the Public Waters of the State of Idaho, No. 18692, to November 25, 1939. Witness my hand this 7th day of November, 1939. JAMES SPOFFORD Commissioner of Reclamation Page 4045																			



State of Idaho
DEPARTMENT OF RECLAMATION
BOISE

Permit No. 18692

Boise, Idaho, November 21, 1938

Dear Sir:

I enclose herewith above numbered permit. BE SURE AND NOTE LIMITATIONS AND CONDITIONS OF SAME as given under approval of the Commissioner of Reclamation on the third page.

Charles Burke
R.F.D. NO. 1
Pocatello, Idaho

R. W. FARIS
Commissioner of Reclamation.

Encl.
Office Receipt for \$5.00.

18692

September 7, 1939

Re: Permit No. 18692

Charles Burke,
R. F. D. No. 1
Pacatello, Idaho.

Dear Sir:

Under the terms of your Permit No. 18692 you are required to complete your diversion works and make proof of beneficial use on or before November 21, 1939.

I enclose a blank Affidavit to be filled out, and returned to this office on or before the above date, or within ten days thereafter, for the purpose of making proof of completion under the permit. This affidavit must be sworn to before a Notary Public or Justice of the Peace. Upon receipt of this affidavit in this office, provided the same satisfactorily shows the completion of the works substantially in accordance with the terms of the permit, together with a fee of \$5.00, a Certificate of Completion of Works will be issued to you.

I also enclose blank notice for proof of application of water to beneficial use under this permit, which should be filled out and returned to this office at least forty (40) days before the date upon which you wish to make proof. The proof must be submitted before a Notary Public or other officer authorized by law to administer oaths. The date for proof as set out in your permit is November 21, 1939, and if proof is submitted subsequent to said date, your priority will be brought down a length of time equal to the time elapsing between the date proof should have been made and the date proof is actually made.

Yours truly,

JAMES SPOFFORD

Commissioner of Reclamation

18692

Permit No.

STATE OF IDAHO
Department of Reclamation

Proof of Completion of Works

AFFIDAVIT OF HOLDER

STATE OF IDAHO

County of Bannock.

} ss.

Charles Burke,

being first duly sworn, upon his oath deposes and says:

First: That he is the holder and owner of Permit to appropriate the Public Waters of the State of Idaho, No. 18692, and that his postoffice address is R.F.D.#1 Pocatello State of Idaho

Second: That the name of the stream from which said water is to be directed is

Unnamed Springs NW 1/4 SW 1/4

Third: That the point of diversion of said water is Sec 27 Twp 17 N 10 S, R. 4 E B M.

Fourth: That under the terms and conditions of said permit, construction thereunder was required to be completed by Nov. 21, 1939.

Fifth: That the use for which said water is intended is domestic.

Sixth: That on the date above mentioned, the works constructed under said permit were ~~(or were not)~~ fully completed and consisted of the following:

1. Kind of works trench and pipe line.

(Reservoir, dam, ditch, flume, pipe or otherwise.)

II. Dimensions of work:

(a) Height of dam 6 feet, length of dam at top _____ feet, length of dam at bottom _____ feet. Material used in construction _____

(State whether wood, earth, stone or concrete.)

(b) Capacity of reservoir _____ acre feet.

(c) Size of headgate: Width _____ feet, height _____ feet.

(d) Conduit _____ width at bottom _____ feet, width at water line _____ feet, depth of water _____ feet; diameter of pipe _____ inches, average grade per mile is _____ feet. Length of conduit is _____ miles.

Seventh: That said works are capable of conducting to the place of intended use about 20 gal per min second feet of water.

Eighth: That water appropriated under said permit is available for _____ acres of land described as follows: _____

Ninth: Remarks: That a trench is dug back into the hill. depth at end is about 6 feet.

a 2" pipe at intake is reduced to 3/4"; line is 1025 feet.

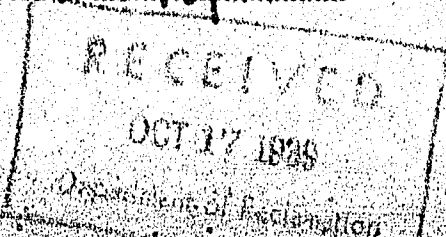
Charles Burke

(Sign here)

Subscribed and sworn to before me this 16th day of October, 1939

My commission expires Feb 12, 1940.F. E. Dorman

Notary Public.



OK 0.0067 C.F.S. 18692
40 10-17-39

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) October 16, 1939

(P. O.) Pocatello, Idaho

TO THE COMMISSIONER OF RECLAMATION:

Boise, Idaho.

Dear Sir:

You are hereby authorized to have the attached notice published at my expense in the The Grace Herald of Grace, Idaho, published in the county in which the works are situated.

Charles Burke

(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.

This paper is printed at McCammon, Idaho by the McCammon News.

18692

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

Date . October 17, 1939

Re: Permit No. 18692

The Grace Herald
Grace, Idaho

Gentlemen:

Enclosed you will find notice for publication once a week for four consecutive weeks prior to **November 21, 1939**, the date set for proof, the expense of the publication to be paid by the applicant,

Charles Burke, R. F. D. No. 1, Pocatello, Idaho

to whom you should furnish proof of publication on or prior to the date for proof.

Please acknowledge receipt of this notice, and furnish this office with a copy of the first publication.

Very truly yours,

JAMES SPOFFORD

Commissioner of Reclamation

18692

NOTICE FOR PUBLICATION
NOTICE OF PROOF APPLICATION OF WATER
 TO BENEFICIAL USE

Notice is hereby given that at 10:00 A. M. on the 21st day of November, 1939
 at Pocatello, County of Bannock, State of Idaho, before
F. E. Tydeman a Notary Public, proof will be submitted of the
 application to beneficial use of .0067 cubic feet per second of the waters of un-
named springs in accordance with the terms and conditions of Permit No. 18692
 heretofore issued by the Department of Reclamation of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are.....

Charles Burke R. P. D. # 1 Pocatello, Idaho

The use to which said water has been applied is domestic

The amount applied to beneficial use is .0067

The place where said water is used (if for irrigation, give full and accurate description of the
 lands irrigated) Section twenty eight (28), Township ten (10) South,
Range forty one (41) E. B. M.

The name of the canal or ditch or other works by which said water is conducted to such place
 of use is.....

The right to take water from such works is based upon Permit No. 18692

The source of supply from which such water is diverted is unnamed springs
NW 1/4 of SW 1/4 of
in Section twenty seven (27) Township ten (10) South, Range forty one (41)
E. B. M.

The date of priority which said user is prepared to establish is October 22, 1938

JAMES SPOFFORD

Commissioner of Reclamation.

18692

October 19, 1939

Re: Permit No. 18692

Mr. Charles Burke,
R. F. D. 1,
Pocatello, Idaho.

Dear Sir:-

We enclose herein Certificate of Completion of Works issued under the above numbered permit to appropriate .0057 second foot of water from a spring in the NW 1/4 Section 27, Twp. 10 S., Range 41 E., E.M., Bannock County, for domestic purposes.

The Department's Receipt No. 17171 for the \$5.00 fee which you paid in connection with this proof is also enclosed.

We also acknowledge receipt of Notice in duplicate for publication in connection with beneficial use proof, and also your authorization to have the notice published in the Grace Herald, of Grace, Idaho, in connection with this permit.

A copy of the notice has been mailed to the newspaper, with instructions to publish it once a week for four consecutive weeks prior to November 21st. About ten days prior to this date depositions, consisting of one for the holder and one for each of two witnesses, will be sent to Mr. F. E. Tydeman, Notary Public, at Pocatello, Idaho, so that he will have them in ample time for the proof.

On that date you should appear at his office, with two disinterested witnesses who are familiar with the terms of the permit and the works constructed thereunder, for the purpose of executing the depositions.

Very truly yours,

JAMES SPOTZORD

Commissioner of Reclamation

By

Chief Clerk

JLA

Encs.

18692

J. F. WHITNEY PUBLICATIONS

THE McCAMMON NEWS

PUBLISHERS OF

THE DOWNEY COMET

THE GRACE HERALD

"BANNOCK COUNTY'S BEST ADVERTISING MEDIUMS"

McCAMMON, IDAHO

Oct. 19. 1939.

Mr. James Spofford,
Commissioner Of Reclamation,
Boise, Idaho.

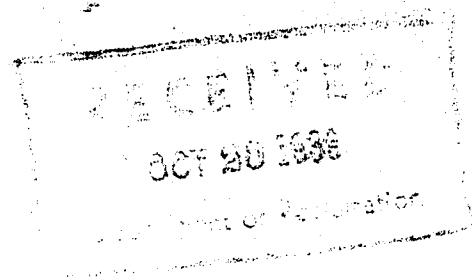
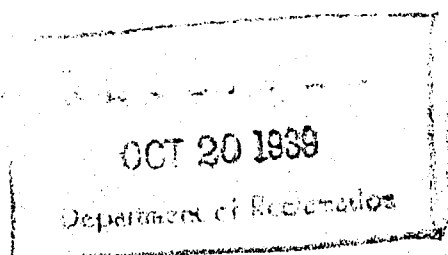
Dear Sir:

This will acknowledge receipt of two notices for publication in The Grace Herald, one for the Thatcher Rural High School Dist No 2, and one for Charles Burke, Pocatello, for which we thank you.

We will send you a copy of the paper in which notices are published in the first week.

Yours very truly,
Grace Herald

Mr. J. F. Whitney



18692

November 4, 1939

Re: Permit No. 18692

Mr. Charles Byrne
R. F. F. 1,
Pocatello, Idaho

Dear Sir:-

We are this morning in receipt of a letter from the Grace Herald, advising us that through an error in their office the Notice of proof under your Permit No. 18692, which was sent them on October 17th, and acknowledged by them on October 19th, was not started in sufficient time to complete publication until November 23rd, or two days later than the date set for proof.

As November 21st is the last date allowed for the proof under the permit, the only thing to do will be for you to obtain an extension of time until a later date and have the date changed in the subsequent notices.

We have made out an application for such extension, and enclose it herewith, and will ask that you have it executed and return to us promptly. In this way your permit will not be endangered, nor the date of priority changed.

If November 25th will not be convenient for you, you may set any other date you wish, but in that event please notify both us and the Grace Herald at once, so that the proper date may be stated in this next week's issue.

Very truly yours,

JAMES SPOFFORD

Commissioner of Reclamation

By

Chief Clerk

JLA

Enc.

CC to Grace Herald

18692

J. F. WHITNEY PUBLICATIONS

THE McCAMMON NEWS

PUBLISHERS OF

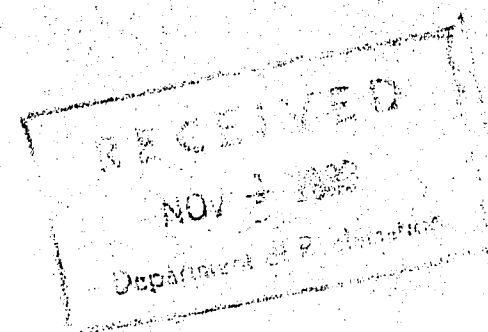
THE DOWNEY COMET

THE GRACE HERALD

"BANNOCK COUNTY'S BEST ADVERTISING MEDIUMS"

McCAMMON, IDAHO

November 2, 1939



James Spofford
Commissioner of Reclamation
Boise, Idaho

Dear Mr. Spofford:

In checking our legal notices we found that through some error in scheduling the legal from your office, "Notice of Proof Application of Water to Beneficial Use" by Charles Burke, R. F. D. #1, Pocatello, was inserted one week late and does not expire until two days after he is to appear to receive proof.

Will this error necessitate the setting of another date for Mr. Burke to appear or the rerunning of the notice or is the expiration date near enough to the date for appearance so that a rerun or change in date will not be necessary?

We regret very much making this error and will cooperate with you in anyway to rectify the mistake.

Very truly yours,
J. F. WHITNEY PUBLICATIONS

R. N. Massie
R. N. Massie, Editor and Mgr.

18692

November 4, 1939

Re: Permit No. 18692

The Grace Herald,
Grace, Idaho.

Gentlemen:-

We are this morning in receipt of your letter of November 2nd, in which you state that through some error in your office the Notice of Beneficial Use under the above numbered permit was not started in sufficient time to complete publication by November 21st, the date set for such proof.

We regret this exceedingly, as under the terms of the permit November 21st was the last date on which this proof could be made without changing the date of priority.

However, Mr. Burke can apply for and obtain an extension, and we are writing him this morning, as per copy enclosed, changing the date of proof to November 25th, instead of November 21st.

Unless you hear from Mr. Burke to the contrary please change this date in your subsequent three issues to November 25th, 1939.

And be sure to send us a copy of your issue containing this publication.

Very truly yours,

JAMES SPOFFORD
Commissioner of Reclamation

JLA
CC to Charles Burke

By
Chief Clerk

18692

STATE OF IDAHO
Department of Reclamation

Permit No. 18692

Application for Extension of Time for Beneficial Use Proof

STATE OF IDAHO }
County of Bannock } SS
Charles Burke

Pocatello

State of Idaho, being first duly sworn, upon his oath deposes and says:

That he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho, No. 18692

That, under the terms and conditions of said permit, proof of beneficial use thereunder was required to be made by November 21, 1939

That he has heretofore put to beneficial use 0.0067 second feet of water and has irrigated ----- acres.

make proof of

That, for the following reasons, he is unable to put to beneficial use within the required time the remainder of the water appropriated under his permit, to-wit:

The Notice of such Beneficial Use proof was sent to the Grace Herald on October 17th, with instructions to publish it four four consecutive weeks prior to November 21st, but through an oversight on the part of that newspaper the publication was not started until too late to complete the necessary publication within the required time.

WHEREFORE, He asks that the Commissioner of Reclamation extend the time for the making of proof of beneficial use under said permit to November 25, 1939

Subscribed and sworn to before me this 6th day of Nov, 1939

Charles Burke
F. F. T. Goldman
Notary Public.

My commission expires Feb 12, 1940

Date of receipt at office of Department of Reclamation Nov. 7-1939

APPROVAL OF COMMISSIONER OF RECLAMATION.

I, James Spofford, Commissioner of Reclamation of the State of Idaho, hereby extend the time for the making of proof of Beneficial Use under Permit to appropriate the Public Waters of the State of Idaho, No. 18692 to November 25, 1939

Witness my hand this 7th day of November, 1939

James Spofford
Commissioner of Reclamation.

18692

November 7, 1939

Re: Permit No. 18692

Mr. Charles Burke,
Route 1,
Pocatello, Idaho.

Dear Sir:-

Your request for extension of time for making
beneficial use proof under the above numbered
permit has been received, and we enclose here-
with the approval of the Commissioner of Reclamation
of such extension.

Very truly yours,

JAMES SPOTFORD
Commissioner of Reclamation

By

Chief Clerk

JLA
Enc.

18692

State of Idaho

DEPARTMENT OF RECLAMATION

BOISE

INSTRUCTIONS

PROOF OF BENEFICIAL USE OF WATER

Boise, Idaho, November 10, 1939

Re: Permit No. 18692
Charles Burke

Mr. F. E. Tydeman,
Notary Public,
Pocatello, Idaho

Dear Sir:

I enclose herewith the following forms to be used in connection with proof of beneficial use of water under Permit No. 18692

Deposition of Permit Holder,
Depositions of Two Witnesses.

In submitting this proof the following instructions should be CAREFULLY followed out, since failure to do so may result in the loss of rights:

1. On November 25, 1939, the date set for proof, the enclosed forms (one for permit holder and one each for two disinterested witnesses) should be filled out and sworn to, at Pocatello, Idaho before F. E. Tydeman, Notary Public

2. When the depositions have been taken they should be mailed to this office, together with affidavit of publication of notice.

When these have been received, together with report of the examining engineer, if everything is properly executed, you will be further advised as to fees due, etc., before certificate is issued.

Yours truly,

JAMES SPOFFORD

Commissioner of Reclamation.

18692

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Permit No. 18692

Proof of Application of Water to Beneficial Use

Deposition of Holder

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

Ans. Charles Burke, Pocatello, Idaho, Rancher, R. F. D.
Pocatello, Idaho

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.

Ans. not acting on behalf of corporation

Ques. 3. State number and date of permit, and date of priority you propose to establish under the permit.

Ans. No. 18692. Date of permit Oct. 22, 38, priority Oct. 22, 38

Ques. 4. State source of water supply and give exact location of point of diversion.

Ans. springs located on NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 27, Township
10 South, Range 41, E. B. M.

Ques. 5. Describe your works of diversion, and state amount of water they are capable of conveying from point of diversion to place of use, and give name of canal or ditch or other works by which water is conducted to such place of use.

Ans. cistern at spring and 1025 feet pipe line, 2 inch at
intake, reduced to 3/4 inch. about .0067 second feet
(about 4 gallons a minute)

Ques. 6. State for what purpose water is used and describe place of use. (If for irrigation, name each subdivision in which used, and number of acres in each subdivision that have actually been irrigated with said water.) 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. for domestic use

Ques. 7. If for other than for irrigation purposes; state how applied, amount of horse power generated, etc.

Ans. for domestic use

18692

✓ Ques. 8. What is the minimum amount of water required for the purpose specified above?
Ans. .0067 second feet

✓ 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.
Ans. I am the person to whom the original permit was issued

✓ Ques. 10. State when, how, in what amount and to what extent the water diverted under above mentioned permit has been used.
Ans. all of the water diverted and conveyed through the above described system has been and is being used for domestic purposes.

✓ Ques. 11. State when, how, in what amount and to what extent waters other than those diverted under the above mentioned permit have been diverted and applied to beneficial use upon the lands herein described. Give full particulars regarding such other appropriations and rights claimed thereunder.
Ans. no other waters have been used for this purpose

(Sign) *Chas Burke*

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 Pocatello, County of Bannock, State of Idaho, on this 22 day of November, A. D. 19 39

F. E. Tydeman
Notary Public, State of Idaho
Residence, Pocatello, Idaho

My commission expires *Feb 12, 1940*

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

PERMIT NO. 18692

Proof of Application of Water to Beneficial Use
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. Ferron Burke, age 29, Grace, Idaho, Farmer, Grace, Idaho

Ques. 2. Are you acquainted with Charles Burke, the holder of Permit No. 18692? How long have you known him and where does he reside?

Ans. I have known him for twenty nine years. He resides at Pocatello, Idaho.

Ques. 3. Have you read or heard read said Permit No. 18692, and are you familiar with its provisions and conditions?

Ans. yes, I am familiar with its provisions and conditions.

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. spring, NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of section 27, township 10 South, Range 41, E. B. M. works for conveying water, system at spring and 1025 feet pipe line, 2 inch at intake, reduced to 3/4 inch.

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 .0067 (about 4 gallons a minute)

Ques. 6. State for what purpose water is used and at what place. (If for irrigation, give each sub-division 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 improvement which have been made as a direct result of said use.

Ans. for domestic use

18692

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

Ans. not for power

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. not for irrigation

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

Ans. I have no interest in the works, water or lands above mentioned except that I rent the land.

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. November 21, 1939 I saw the water described above, to-wit:
.0067 second feet of water used by conveying the same in
pipe and into a water trough and saw the cattle, horses and
other stock drinking the same.

(Signed)

Lesson Burke

I hereby certify that the foregoing testimony was read to the above subbscriber 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 Pocatello, County of Barnock, State of Idaho, on this day of November 22, A. D. 1939.

My commission expires

Feb 12, 1940

F. F. Tydeman

Nctary Public.

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

PERMIT NO. 18692

Proof of Application of Water to Beneficial Use

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. Ernest Johnson, age 30, LeTourneau operator, Ogden, Utah

Ques. 2. Are you acquainted with Charles Burke, the holder of Permit No. 18692? How long have you known him and where does he reside?

Ans. fifteen years. He resides at Pocatello, Idaho

Ques. 3. Have you read or heard read said Permit No. 18692, and are you familiar with its provisions and conditions?

Ans. I am familiar with its provisions and conditions

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. spring. NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of section 27, township 10 South, Range 41

E. B. M. works for conveying water system at spring and

1025 feet pipe line, 2 inch at intake, reduced to 3/4 inch

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 .0067 (about 4 gallons a minute)

Ques. 6. State for what purpose water is used and at what place. (If for irrigation, give each sub-division 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 improvement which have been made as a direct result of said use.

Ans. for domestic use

18692

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

Ans. not for power

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. not for irrigation

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 interest

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. November 21, 1939 I saw the water described above, to-wit:

.0067 second foot of water used by conveying the same in pipe and

into a water trough and saw the cattle, horses and other stock

drinking the same

(Signed) Ernest Johnson

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 Pocatello, County of Bannock, State of Idaho, on this day of November 22, A. D. 1939

My commission expires

Feb 12, 1940

F. E. Ydeman
Notary Public.

PROOF OF PUBLICATION

STATE OF IDAHO
COUNTY OF BANNOCK

SS

NOTICE FOR PUBLICATION NOTICE OF PROOF APPLICATION OF WATER TO BENEFICIAL USE

Notice is hereby given that at 10:00 A. M. on the 25th day of November, 1939 at Pocatello, County of Bannock, State of Idaho, before F. E. Trideman, a Notary Public, proof will be submitted of the application to beneficial use of .0057 cubic feet per second of the waters of unnamed springs in accordance with the terms and conditions of Permit No. 18692 heretofore issued by the Department of Reclamation of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are Charles Burke, R. F. D. No. 2, Pocatello, Idaho.

The use to which said water has been applied is domestic.

The amount applied to beneficial use is .0057.

The place where said water is used (if for irrigation, give full and accurate description of the lands irrigated) Section twenty-eight (28), Township ten (10) South, Range forty-one (41) E. B. M.

The right to take water from such works is based upon Permit No. 18692.

The source of supply from which such water is diverted is unnamed springs in NW 1/4 of SW 1/4 of Section twenty-seven (27) Township ten (10) South, Range forty-one (41) E. B. M.

The date of priority which said user is prepared to establish is October 22, 1938.

JAMES SPOFFORD,
Commissioner of Reclamation,
(adv.) Nov. 2-23.

RECEIVED
NOV 27 1939

R. N. Massie being first duly sworn, deposes and says that he is the Foreman of the Printer of The GRACE HERALD, a weekly newspaper published in Grace, Bannock County, in the State of Idaho. That the Notice, a true copy of which is hereto attached, was published in The GRACE HERALD for 4 consecutive weeks, first publication having been made on the 2 day of Nov 1939, and the last publication having been made on the 23 day of Nov, 1939.

That said paper has been continuously and uninterruptedly published in said county during a period of seventy-eight consecutive weeks prior to the first publication of said notice or advertisement, and is a newspaper within the meaning of the laws of Idaho.

R. N. Massie
SUBSCRIBED and SWORN TO before me this 23 day of

Nov A. D., 1939

J. F. Whitney
Notary Public.
Mcannon

18692

November 28, 1939

Re: Permit No. 18692

Mr. Charles Burke,
R. F. D. 1,
Pocatello, Idaho.

Dear Sir:-

We acknowledge receipt of the deposition of yourself, as holder, the depositions of two witnesses, and the affidavit of proof of publication from the Grace Herald, all in connection with beneficial use proof under the above numbered permit.

Before final action can be taken in this matter, the law requires that a field examination be made by an engineer from this department. We are unable to say just when this examination will be made, since the department has but one field engineer, who makes examinations all over the State.

However, Mr. Tolman, Field Engineer for this department, will contact you at the time set for examination, so that you may show him over the grounds. After his report is on file in this office, you will be further notified as to fees before the issuance of your license.

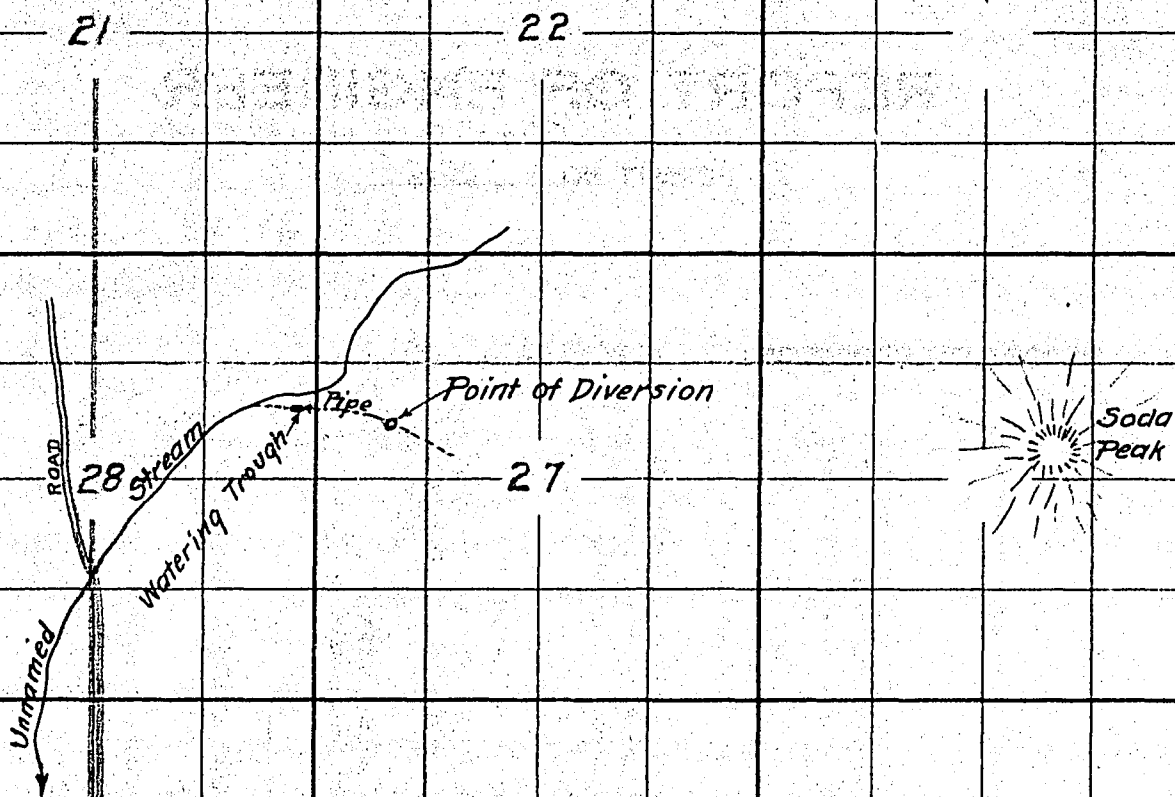
Very truly yours,

JAMES SPOTFORD
Commissioner of Reclamation
By

JLA

Chief Clerk

18692



STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

REPORT OF ENGINEER

Permit No. 18692

This proof is for Beneficial Use In Water District No.

1. Name of applicant Charles Burke, R.F.D. 1, Pocatello, Idaho
2. Source of water supply: Unnamed springs
3. Location of point of diversion: Is in the NW¹ SW¹ of Section 27
T. 10 South R. 41 East County of Bannock
4. Describe works as they exist, giving dimensions and capacities of same: A small spring is developed by a hillside excavation five feet deep and four feet wide, covered by planking.
Diversion is through 1000 feet of 2" and 3/4" pipe to a watering trough 14 inches wide and 14 inches deep, & 12 feet long.
5. Water is used for: Domestic purposes
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 for other than irrigation):

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

8. What large stream would the water here appropriated finally reach? None

Remarks: The point of diversion is inside the U.S. National Forest boundary while the place of use is approximately 50 feet outside.

This examination was made on the 14th day of August, 1940.

(Signed)

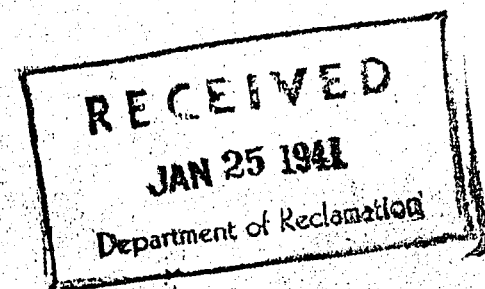
Frederick J. Palmer
Examiner.
18692



STATE OF IDAHO
DEPARTMENT OF RECLAMATION

E. V. BERG, COMMISSIONER
BOISE

CHASE A. CLARK, GOVERNOR



January 22, 1941.

Mr. Charles Burke
Route No. 1
Pocatello, Idaho

Dear Mr. Burke:

Re: 18692

A short time ago we received the report of our field engineer on examination for Beneficial Use under the above numbered permit.

Your fee will be \$5.00 upon receipt of which a license will be issued on .0067 of a second foot.

Very truly yours,

E. V. BERG.
Commissioner of Reclamation.

By *Maudie Rile*
Chief Clerk.

ml.

*Please find Inclosed check yours respectfully
Chas Burke Pocatello, R. 1 Idaho*

18692

January 23, 1941

Re: 18692

Mr. Charles Burke
Rt. 1, Pocatello, Idaho

Dear Mr. Burke:

We are herewith enclosing License and Certificate of Water Right issued under the above numbered permit, confirming the right of Charles Burke to use .0067 second foot of the waters of a spring, with a priority date of Oct. 22, 1938, for domestic use.

The Department's Receipt No. 17702 for \$5.00 in connection with final proof is also enclosed.

Very truly yours,

E. V. BERG.
Commissioner of Reclamation.

By
Chief Clerk.

ml.
encl.

18692

F. E. TYDEMAN
ATTORNEY AT LAW
DIETRICH BUILDING
POCATELLO, IDAHO

August 18, 1952

Commissioner of Reclamation
State of Idaho
Boise, Idaho

Dear Sir:

Will you please send me whatever
form you have asking for the transfer of
a water permit. I have reference to permit
No. 18692 issued from your office.

Thanking you for these papers, I
beg to remain

Very truly yours,

F. E. Tydemann

FET/m

L (4045-)

Chas Burke

10067 c/s - domestic

Boise

10-22-38

RECEIVED

AUG 19 1952

Department of Reclamation

18692

August 19, 1952

RE: Permit No. 18692

Mr. F. E. Tydemn
Dietrich Building
Pocatello, Idaho

Dear Mr. Tydemn:

We have your letter of August 18, 1952, requesting form for transfer of Permit No. 18692.

A license has been issued under this permit to Charles Burke for .0057 of a second foot of water from a spring for domestic use with priority of October 22, 1938.

When a license has been issued, a transfer of interest is made the same as real property, that is, by a deed recorded in the County Recorder's office and does not require a record in this department.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:fg

18692

LEONARD O. KINGSFORD
ATTORNEY AT LAW
SODA SPRINGS, IDAHO

RECEIVED
MAR 8 1962

Department of Reclamation

March 7, 1962

Department of Reclamation
Statehouse
Boise, Idaho

Gentlemen:

Enclosed herewith is Water License No. 18692, heretofore issued to Charles Burke, then of Route #1, Pocatello, Idaho.

Please note that on the face of the license, the point of diversion is shown as being located in the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 27, Twp. 10 S., R. 41 E. On the back of the license, the point of Diversion is shown as being in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of said section. We believe the entry on the back is correct, and that the entry on the face is in error.

We would appreciate it if this matter can be double checked in your records, and, if we are correct, if the license can be corrected or re-issued. The property to which this water is appertenant is being sold, and the water right constitutes a very material part of the value. As a result, the buyer wants to be sure of what right he is getting.

When the license is corrected, or re-issued, please return it to this office.

Another client has recently completed the necessary works to utilize water from a well. Mr. Everett Smith, of Grace, Idaho, under permit No. G-27686, covering an application for 4 cubic feet per second of time, now wishes to submit proof of completion of works. Will you kindly send to this office, the necessary forms, as mentioned in Section 42-235, Idaho Code?

Your assistance in these two matters will be greatly appreciated.

Very truly yours,

Leonard O. Kingsford
LEONARD O. KINGSFORD

18692

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

Point of Diversion
Water License No. 18692

)
)
)
)
CORRECTION ORDER
of
STATE RECLAMATION ENGINEER

WHEREAS, the point of diversion is shown as being at a spring located in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 27, Twp. 10 S., Rge. 41 E., B. M., on the face of Water License No. 18692 and as being in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 27, on the back of said Water License; and,

WHEREAS, the error in the legal description of the point of diversion is on the face of the said Water License;

NOW, THEREFORE, IT IS HEREBY ORDERED that the legal description of the point of diversion shall be changed on the face of the Water License No. 18692 to read NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 27, Township 10 South, Range 41 East, B. M.

Signed at Boise, Idaho, this 9th day of March, 1962



Deputy State Reclamation Engineer

18692

March 9, 1962

Re: Permit License No. 18692

Mr. Leonard C. Kingsford
Attorney at Law
Soda Springs, Idaho

Dear Mr. Kingsford:

We enclose License No. 18692 which shows the correction of the point of diversion and the Correction Order attached to the license.

We wish to thank you for calling this error to our attention.

Very truly yours,

CEO. M. CARTER
State Reclamation Engineer

By:

RALPH W. THOMAS, Deputy
State Reclamation Engineer

Rfrew

Enc. license
correction order
(two copies)

18692

RECEIVED
APR 23 1963

Department of Reclamation

Grace, Idaho
April 18, 1963

Mr. Carl G. Tappan
State Reclamation Office
Boise, Idaho

Dear Mr. Tappan:

I have purchased a tract of land with all water rights from the Charles Burke estate. This land is bordering the Forest Boundary and the water right covered by permit No. 18592, is on Forest Service land. The spring is piped 900 feet across Government land and is used for stock and culinary purposes.

In order to have the special use transmission line permit transferred to my name, it is necessary that I have a letter or some other document from the State showing the purchase of this water right.

I am inclosing a copy of the contract covering the purchase of the land and water and also a letter from the Forest Service.

If there is any other information required please let me know.

Sincerely yours,

Elvin C. Hubbard
Elvin C. Hubbard

18692

April 23, 1963

Re: Water License No. 18692
Charles Burke

Elvin C. Hubbard
Grace, Idaho

Dear Mr. Hubbard:

Returned herewith is the letter to you from the District Forest Ranger and photo copy of contract for sale of real estate.

Water rights obtained through Water License or by decree of the District Court are appurtenant to certain lands, as described, and are transferred by deed, the same as real estate.

The Contract for Sale of Real Estate appears to include the place of use of the water under said water license which is also described. You would have the same right to the water as you have to the land.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer

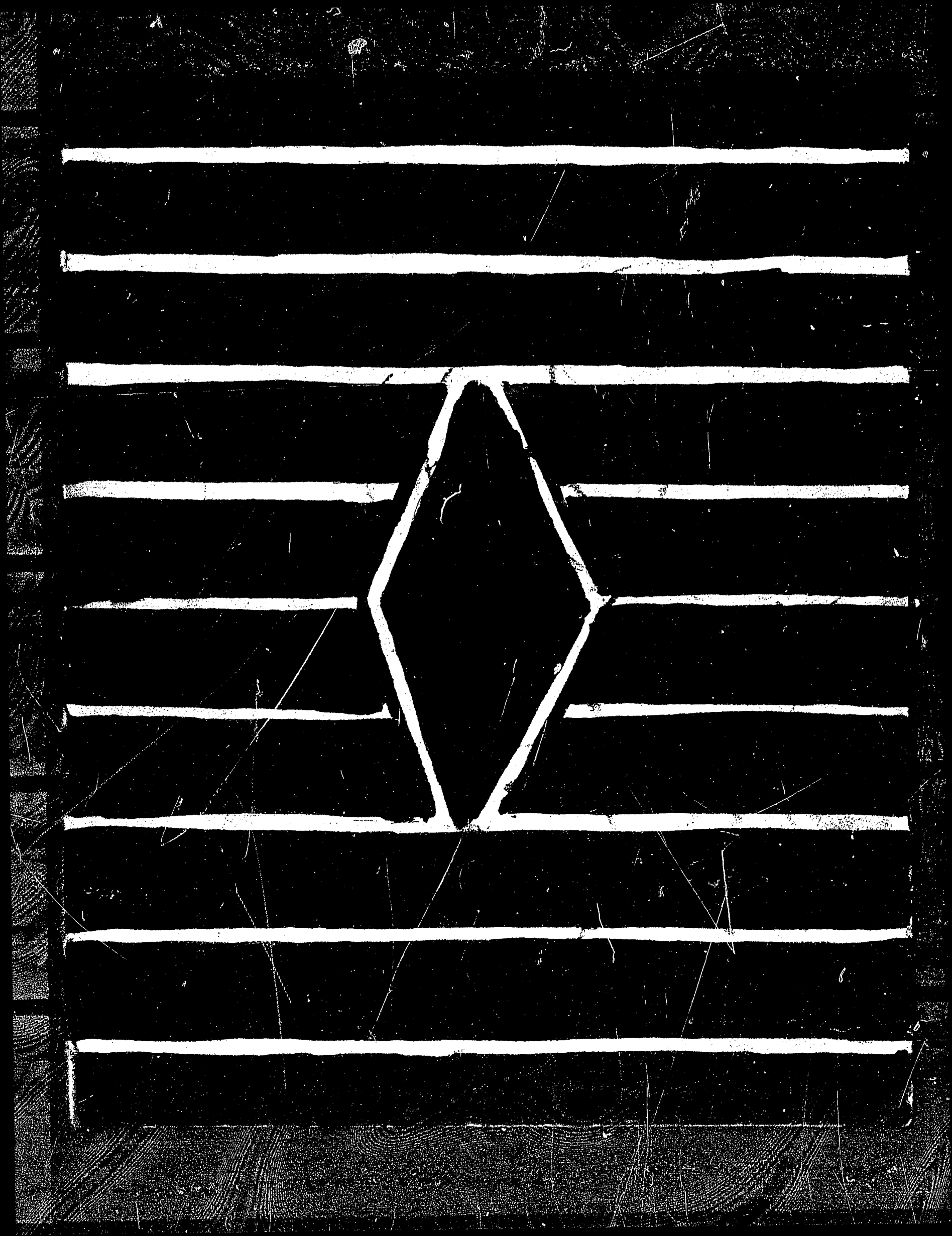
By:

RALPH W. THOMAS, Deputy
State Reclamation Engineer

RT:ew

Enc. letter
copy of sale contract

18692



State of Idaho

License and Certificate of Water Right

Water License No. 18692
Water District No.

Amount .0067 Sec. Ft.
Priority Oct. 22, 1938

THIS IS TO CERTIFY that CHARLES BURKE of R#1, Pocatello, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated Oct. 22, 1938; that Permit No. 18692 was issued under said application; that Certificate of Completion of works, with a carrying capacity of .0067 second feet, was issued thereunder on Oct. 19, 1939, showing that said works were completed on the 16th day of October, 1939; and that on the 22nd day of November, 1939,

CHARLES BURKE of R#1, Pocatello, State of Idaho, made proof to the satisfaction of the Commissioner of Reclamation of Idaho, of the right to use the waters of a Spring, a tributary of nothing, for the purpose of domestic use, under Use Permit No. 18692 of the Commissioner of Reclamation and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the Commissioner of Reclamation of Idaho and entered of record in Volume 7 of Licenses, at page 4045, on the 28th day of January, 1941; The right hereby confirmed dates from October 22, 1938, 19; The Point of Diversion is located is in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 27, Twp., 10 S., Rge 41 E., B. M. in the $\frac{1}{4}$ Sec., Tp., R., B. M. Bannock County.

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed .0067 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated

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

DEPARTMENT OF RECLAMATION

Point of Diversion)
Water License No. 18692)
CORRECTION ORDER
of
STATE RECLAMATION ENGINEER

WHEREAS, the point of diversion is shown as being at a spring located in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 27, Twp. 10 S., Rge. 41 E., B. M., on the face of Water License No. 18692 and as being in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 27, on the back of said Water License; and,

WHEREAS, the error in the legal description of the point of diversion is on the face of the said Water License;

NOW, THEREFORE, IT IS HEREBY ORDERED that the legal description of the point of diversion shall be changed on the face of the Water License No. 18692 to read NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 27, Township 10 South, Range 41 East, B. M.

Signed at Boise, Idaho, this 9th day of March, 1962

Repha Thomas
Deputy State Reclamation Engineer

18692
182141

State of Idaho
License and Certificate of Water Right

Water License No. 18692

Amount .0067 Sec. Ft.

Water District No.

Priority Oct. 22, 1938

THIS IS TO CERTIFY that CHARLES BURGE
of R#1, Pocatello, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated Oct. 22, 1938; that Permit No. 18692

The right to the use of the water aforesaid 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 Commissioner of Reclamation, affixed at Boise, Idaho,
this 28th day of January, 1941

E. V. BERG.

Commissioner of Reclamation

(SEAL)

State of Idaho
License and Certificate of Water Right

Water License No. 18692
 Water District No.

Amount .0067 Sec. Ft.
 Priority Oct. 22, 1938

THIS IS TO CERTIFY that CHARLES BURKE
 of R#1, Pocatello, Idaho, made application for a permit to appropriate the
 public waters of the State of Idaho, dated Oct. 22, 1938; that Permit No. 18692
 was issued under said application; that Certificate of Completion of works, with a carrying capacity of
 .0067 second feet, was issued thereunder on Oct. 19, 1939, showing that said works
 were completed on the 16th day of October, 1939; and that on the 22nd
 day of November, 1939,

CHARLES BURKE

of R#1, Pocatello, State of Idaho, made proof to the satisfaction of the
 Commissioner of Reclamation of Idaho, of the right to use the waters of a Spring
 , a tributary of nothing, for the purpose of domestic use
 , under Use Permit No. 18692 of the Commissioner of Reclamation
 and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is
 hereby confirmed by the Commissioner of Reclamation of Idaho and entered of record in Volume 7
 of Licenses, at page 4045, on the 28th day of January, 1941;

The right hereby confirmed dates from October 22, 1938, 19 ;

The Point of Diversion is located is in the NW SE of Section 27, Twp., 10 S., Rge 41 E., B. M.
 in the 1/4 1/4, Sec., Tp., R., B. M. Bannock County.

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid,
 is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed .0067
 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated

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

The right to the use of the water aforesaid 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 Commissioner of Reclamation, affixed at Boise, Idaho,
 this 28th day of January, 1941

E. V. BERG.

Commissioner of Reclamation

(SEAL)

Water License No. 18692
Water District No.

Amount .0067 Sec. Ft.
Priority Oct. 22, 1938

THIS IS TO CERTIFY that CHARLES BURKE
of R#1, Pocatello, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated Oct. 22, 1938; that Permit No. 18692
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.0067 second feet, was issued thereunder on Oct. 19, 1939, showing that said works
were completed on the 16th day of October, 1939; and that on the 22nd
day of November, 1939,

CHARLES BURKE
of R#1, Pocatello, State of Idaho, made proof to the satisfaction of the
Commissioner of Reclamation of Idaho, of the right to use the waters of a Spring
, a tributary of nothing, for the purpose of domestic use
, under Use Permit No. 18692 of the Commissioner of Reclamation
and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is
hereby confirmed by the Commissioner of Reclamation of Idaho and entered of record in Volume 7
of Licenses, at page 4045, on the 28th day of January, 1941;

The right hereby confirmed dates from October 22, 1938, 19 ;

The Point of Diversion is located is in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 27, Twp., 10 S., Rge 41 E., B. M.
in the $\frac{1}{4}$ $\frac{1}{4}$ Sec., Tp., R., B. M. Bannock County.

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid,
is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed .0067
cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated

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

DEPARTMENT OF RECLAMATION

Point of Diversion)
Water License No. 18692)
CORRECTION ORDER
of
STATE RECLAMATION ENGINEER

WHEREAS, the point of diversion is shown as being at a spring
located in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 27, Twp. 10 S., Rge. 41 E., B. M., on
the face of Water License No. 18692 and as being in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of
said Section 27, on the back of said Water License; and,

WHEREAS, the error in the legal description of the point of
diversion is on the face of the said Water License;

NOW, THEREFORE, IT IS HEREBY ORDERED that the legal description
of the point of diversion shall be changed on the face of the Water
License No. 18692 to read NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 27, Township 10 South,
Range 41 East, B. M.

Signed at Boise, Idaho, this 9th day of March, 1962

Ralph W. Thomas
Deputy State Reclamation Engineer

18692
13-2141

