

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, }
County of Oneida } ss.

MAR 26 1982

Department of Water Resources
Eastern District Office

Carol J. Hummell being duly sworn,
deposes and says: That she is the Secretary of THE
IDAHO ENTERPRISE, a weekly newspaper published at Malad,
in the County of Oneida and State of Idaho; that said paper has
been and is in general circulation in the county aforesaid, and in
the vicinity of Malad; that the advertisement, a copy of which is
attached hereto, was published in said newspaper once a week for
2 consecutive weeks in the regular and entire issue of said
paper during the period of time of publication, and was
published in the newspaper proper and not a supplement; that
said paper has been established and regularly published for more
than seventy-eight consecutive weeks prior to the date of first
publication of said advertisement.

Such notice was published in the issue beginning with
March 18, 1982, and ending
with the issue of March 25, 1982

Fee \$27.09

Subscribed and sworn to before me this 25th day
of March, 1982

My Commission Expires June 1, 1983, 1983

Carol J. Hummell
Notary Public, Residing at Malad, Idaho

NOTICE OF CLAIM

TO WATER RIGHT

NOTICE IS HEREBY

GIVEN that the following
claim(s) to water right(s)
have been established by
diversion and application
to beneficial use:

No. 17-4036

HANSEN, CLYDE E.
243 N. 300 W., MALAD, ID
83252

Source: HANSEN
SPRING tributary to
ROCK SPRINGS

Priority Date: 08-01-1925

Amount: 0.14 CFS

Diversion Point: SWNW

Sec 34 T 13S R 31E,

ONEIDA Co.

Use: IRRIGATION (0.06

CFS) from 04-01 to 11-01

DOMESTIC (0.08 CFS)

from 01-01 to 12-31

Place of Use: SWNE Sec

34 SESE Sec 27 T 13S R

31E FOR 2 ACRES

Diversion Means:

SPRING & PIPELINE

No. 15-4034

BURRIE, JAY & or VIVA

336 BANNOCK ST,

MALAD, ID 83252

Source: LITTLE MALAD

RIVER tributary to BIG

MALAD RIVER

Priority Date: 05-01-1935

Amount: 0.04 CFS

Diversion Point: SENW

Sec. 23 T 12S R 34E,

ONEIDA Co.

Use: IRRIGATION (0.02

CFS) from 04-01 to 11-01

FIRE PROTECTION

(0.02 CFS) from 04-01 to

12-01

Place of Use: SENW Sec

23 T 12S R 34E FOR 1

ACRES

Diversion Means: PUMP

& PIPELINE

Any exception to any

claim of water right may

be filed with the Director

of the Idaho Department

of Water Resources, 150

Shoup Ave., Idaho Falls,

Idaho 83402.

A. KENNETH DUNN

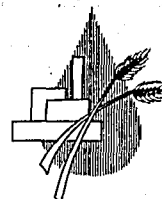
Director

Published 3-18 & 3-25-82.

B-18-25 (2

Lines: 63

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES



CLAIM TO A WATER RIGHT

Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that Jay and/or Viva Burrie
(Name of Claimant)
336 Bannock St. Malad, ID 83252 Telephone No. 766-4377
(Mailing Address) (Zip Code)

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

- (1) Date of priority: (When was the water first applied to a beneficial use) May 1, 1935

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

- (2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)
Little Malad River tributary to Big Malad River
(3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

Quantity	(cfs, gpd, AFA)	Use	(Domestic, Irrigation, Stock, Etc.)	(Both dates inclusive)	
				(Mo., Day)	(Mo., Day)
<u>0.02 cfs</u>		<u>Irrigation</u>		Period of Use From <u>April 1</u>	To <u>Nov. 1</u>
<u>0.02 cfs</u>		<u>Fire protection</u>		Period of Use From <u>April 1</u>	To <u>Dec. 1</u>
				Period of Use From	To
				Period of Use From	To
				Period of Use From	To

- (4) 0.04 cfs TOTAL QUANTITY USED.
(cfs, gpd, AFA)

- (5) A) Point of diversion: (Location of point where water is diverted from its source)
SE 1/4 NW 1/4, Sec. 23 Twp. 12S Rge. 34E B.M., County of Oneida
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. Describe any changes in the system and give the date of the change. portable pump with line to lawn and garden.

- (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.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL
			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>12S</u>	<u>34E</u>	<u>23</u>								<u>1</u>									<u>1</u>

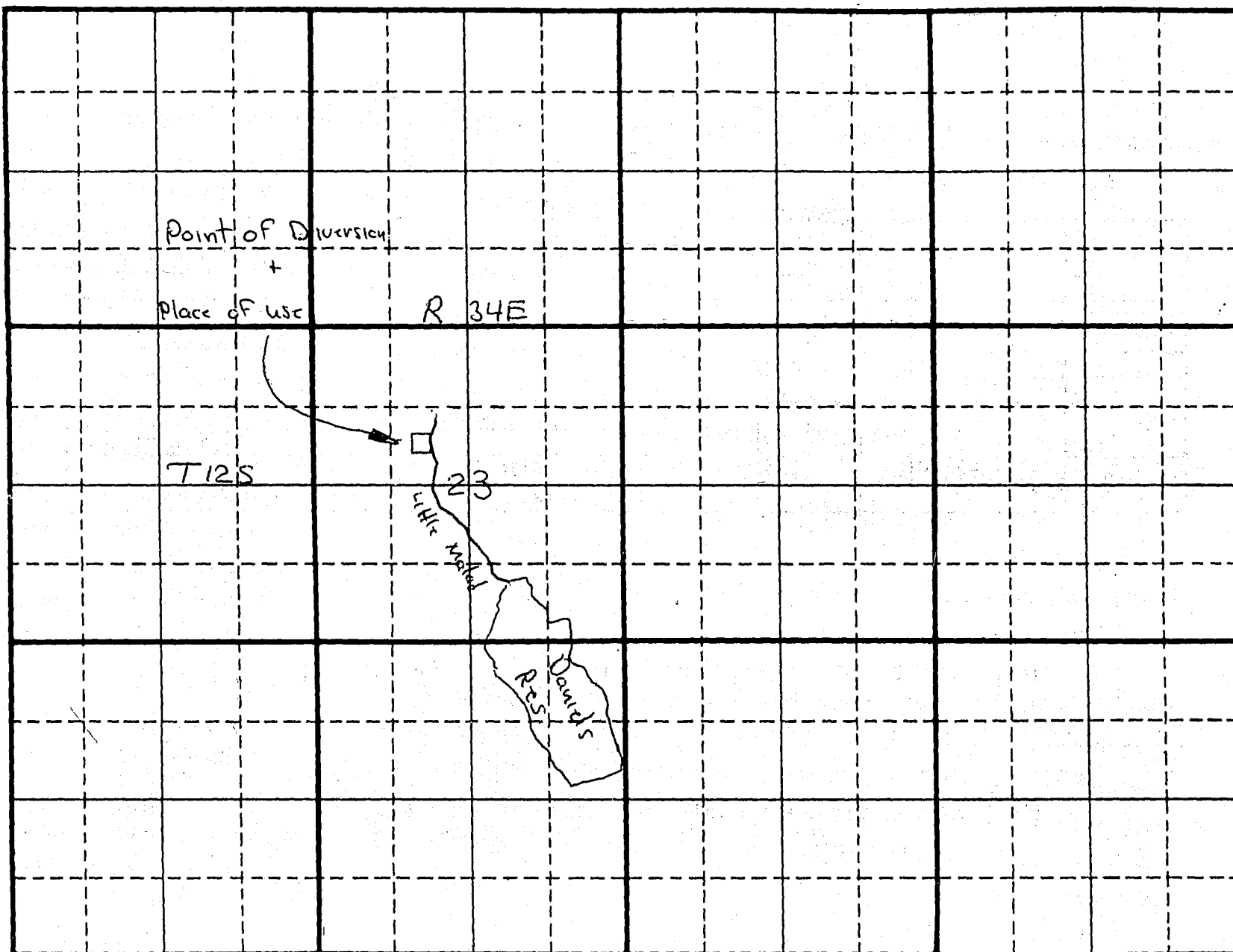
No. of acres 1

B) If water is used for other than irrigation, fully describe that use, being as specific as possible:
Fire protection for home on acreage.

NOTE: Include here the type and number of stock watered:

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

(8) Remarks _____



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 Oneida) ss.

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

Sworn to before me this 5th day of March, 1982 Jay Burrie (Claimant)

Notary Public
 Residing at Malad, Idaho

My commission expires Sept

FOR DEPARTMENT USE ONLY

Received by cu Date 3-08-82 Exception filed by: _____ Forwarded to _____ Date _____
 Prelim. check by sm Date 3-08-82 claimant by: _____
 \$30.00 fee received by cu Date 3-08-82
 Published in Idaho Enterprise # 20/35 St. John Irrigating cw 4/8/82
 Dates 3/15 E 3/25/82

In a Statement to varify the application for water right as described by Jay Burrie, I do hereby testify that the dates of water use on described property are true, May 1, 1935 until present time.

Mae Burrie, mother of applicant.

Mae Burrie.

State of Idaho
County of Oneida

On this the 5th day of March 1982 me personally appeared known to me, to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same.

Arthur S. Hess
Notary Public
Residing at Mohand, Idaho

15-4086-

BURRIE, JAY &/or VIVA

336 BANNOCK ST., MALAD, ID 83252

Source: LITTLE MALAD RIVER tributary to BIG MALAD RIVER

Priority Date: 05/01/1935

Amount: 0.04 CFS

Diversion Point: SENW Sec 23 T 12S R 34E, ONEIDA Co.

Use: IRRIGATION	(0.02 CFS)	from 04/01 to 11/01
FIRE PROTECTION	(0.02 CFS)	from 04/01 to 12/01

Place of Use: SENW Sec 23 T 12S R 34E FOR 1 ACRES

Diversion Means: PUMP & PIPELINE

NOTICE OF CLAIMS TO WATER RIGHTS

Notice is hereby given that the following claim(s) to water right(s) have been established by diversion and application to beneficial use:

Any exception to any claim of water right may be filed with the Director of the Idaho Department of Water Resources, 150 Shoup Ave., Idaho Falls, Idaho 83402.

R. KENNETH DUNN
Director

Published 3/18 & 3/25/82.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

150 Shoup Ave.
Idaho Falls, Idaho 83402
(208) 525-7161

MARCH 11, 1982

The Idaho Enterprise
P. O. Box 205
Malad City, Idaho 83252

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. We have allowed ample time for you to submit a galley proof to this office for review before the first publication date. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billings to this office before APRIL 5, 1982.

Yours truly,

RONALD D. CARLSON
Supervisor
Eastern Region

Encl.

State of Idaho
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: Steve McCormick

Right Number 15 4086 Applicant Jay Burrie
15-4086

NOTE: IF ANY OF THE ITEMS BELOW ARE MISSING, THE CLAIM IS INCOMPLETE AND MUST BE RETURNED IMMEDIATELY TO THE CLAIMANT ALONG WITH THE APPROPRIATE COVER LETTER.

CHECK:

- ☒ Name and address.
- ☒ Date of priority. (Check for a date past the mandatory filing dates.) (One date only.)
- ☒ Source.
- ☒ Quantity, use, period.
- ☒ Point(s) of diversion.
- ☒ Location of use.
- ☒ Signature/notarization/fee.

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received.
- ☒ Claim published correctly.
- ☒ Exceptions processed.

By Ernest Coleman Date April 7, 1982

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By KW Date 4/14/82

RECEIVED
APR 28 1982

Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

150 Shoup Ave.
Idaho Falls, Idaho 83402
(208) 525-7161

APRIL 5, 1982

JAY BURRIE
VIVA BURRIE
336 BANNOCK ST.
MALAD

ID 83252

RE: Claim No. 15-4086

Dear Claimant:

The Department of Water Resources has completed the advertising of your claim to a water right, and no further action is authorized under Section 42-243 and 42-244, IDAHO CODE. Your claim will be retained in our files and will be available at any time for use by you or the court.

The filing and advertising of the claim does not confirm the water right claimed, but will serve to record and preserve 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 with the claim, you may have that information or evidence added at any time. Please refer to the claim identification number when corresponding with this office.

We are enclosing a copy of your claim for your records. If you have questions, or if this office may be of further assistance, please feel free to contact us.

Yours truly,

RONALD D. CARLSON
Eastern Region Supervisor

Enclosure

IN THE MATTER OF:

Claim to a Water Right
No. 15-4086
JAY and/or VIVA BURRIE

AFFIDAVIT

STATE OF IDAHO)

: ss.

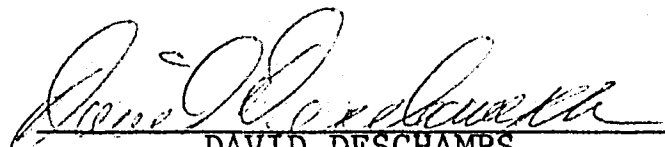
COUNTY OF ONEIDA)

DAVID DESCHAMPS, being first duly sworn,
deposes and says:

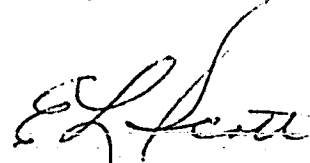
That he is the Secretary of the St. John
Irrigating Company of Oneida County, Idaho, and makes this
Affidavit for and in behalf of said Company.

That the claim of Jay and/or Viva Burrie,
No. 15-4086, to 0.04 cfs of the waters of the Little Malad
River, tributary to Big Malad River, is without right and
wrongful in that St. John Irrigating Co. is the rightful
owner of all of the waters of said Little Malad River for
irrigation purposes, with a priority dating back to 1894. The
application of said Jay and/or Viva Burrie is based upon a
diversion accomplished by pump and pipelines. Neither pump
or pipelines have not been, nor are they now in existence and
are necessary for such diversion.

DATED this 29th day of March, 1982.


DAVID DESCHAMPS

SUBSCRIBED and SWORN to before me this 29th day of
March, 1982.


Notary Public for Idaho
Residing at Malad City, Idaho

*Acknowledge
eme.*

EDWARD L. SCOTT
ATTORNEY AT LAW
44 MAIN STREET
MALAD CITY, IDAHO 83252
TELEPHONE 766-4000

March 29, 1982

State of Idaho
Department of Water Resources
Eastern Region
1515 Lincoln Road
Idaho Falls, Idaho 83401

Gentlemen:

Please find enclosed Affidavit of the St. John Irrigating Company, David Deschamps, Secretary, filed in protest to the claim to a Water Right No. 15-4086 of Jay and/or Viva Burrie.

Please advise if anything further is necessary here.

Very truly yours,



E. L. Scott
Attorney at Law

ELS/jh

RECEIVED
MAR 31 1982

Department of Water Resources
Eastern District Office

April 8, 1982

RE: Claim to a Water Right No. 15-4086

Jay &/or Viva Burrie
336 Bannock Street
Malad City, Idaho 83252

Dear Mr. & Mrs. Burrie:

Enclosed please find a copy of the exception filed in connection with the above referenced claim. The following is a quote from the provisions of the Idaho Code under which this claim has been filed:

42-225b. Recording of claims by department-----Corrections.-----

.....
At any time after filing a claim under the provisions of this section, any person who disagrees that a right has been established as set forth in said claim may file an exception thereto in duplicate, in affidavit form, accompanied by such proof as said person deems appropriate. An exception filed shall be made a part of the file of the claim in the Department of Water Administration (renamed Department of Water Resources July 1, 1974) and shall be considered the same as other evidence in said file. A copy of an exception filed shall be forwarded to the claimant by the Department of Water Resources. Such claims may be corrected by the claimant only by filing of an amended claim in the same form as the original which shall be recorded and numbered by the department the same as the original and for which no additional filing fee shall be required.

Only the above action has been contemplated by the Idaho Legislature and we are not authorized to hold hearings or evaluate for conformation or final censorship of the described rights.

If you have any questions regarding this matter, please contact us.

Very truly yours,

RONALD D. CARLSON
Eastern Regional Supervisor

RDC:cw

Enclosure

April 8, 1982

RE: Claim to a Water Right No. 15-4086 BURRIE

Mr. David Deschamps, Secretary
St. John Irrigating Company
Malad, Idaho 83252

Dear Mr. Deschamps:

We have received the exception dated March 29, 1982, filed against the above referenced claim to a water right. The following is a quote from the provisions of the Idaho Code under which this claim has been filed:

42-225b. Recording of claims by department----Corrections.----

.....
At any time after filing a claim under the provisions of this section, any person who disagrees that a right has been established as set forth in said claim may file an exception thereto in duplicate, in affidavit form, accompanied by such proof as said person deems appropriate. An exception filed shall be made a part of the file of the claim in the Department of Water Administration (renamed Department of Water Resources, July 1, 1974) and shall be considered the same as other evidence in said file. A copy of an exception filed shall be forwarded to the claimant by the Department of Water Resources. Such claims may be corrected by the claimant only by filing of an amended claim in the same form as the original which shall be recorded and numbered by the department the same as the original and for which no additional filing fee shall be required.

Only the above action has been contemplated by the Idaho Legislature and we are not authorized to hold hearings or evaluate for conformation or final censorship of the described rights.

If you have any questions regarding this matter, please contact us.

Very truly yours,

RONALD D. CARLSON
Eastern Regional Supervisor

RDC:cw

cc: E. L. Scott, Attorney