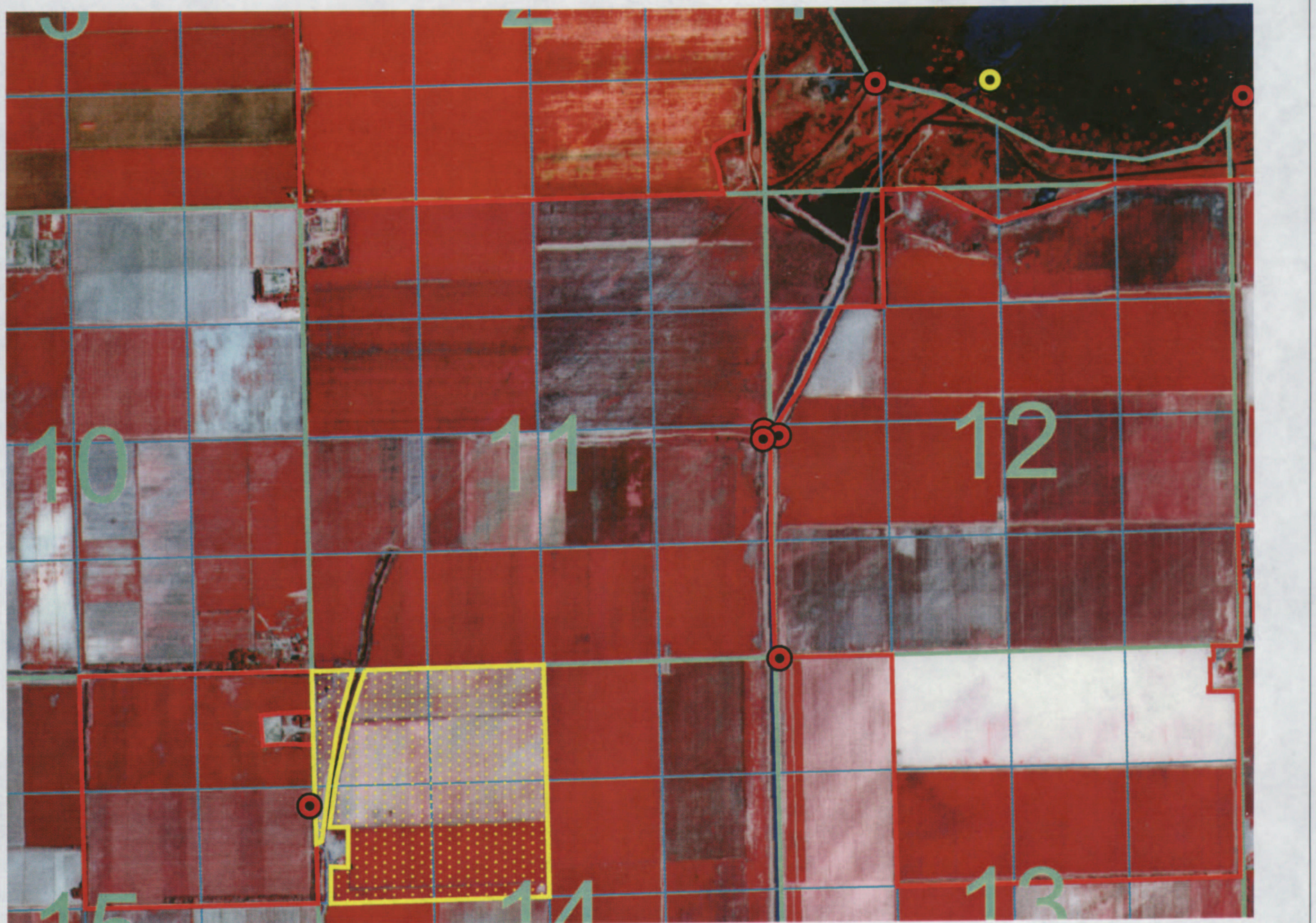


Idaho Department of Water Resources

Water Right 31-210, 31-211, 31-212A, 31-213

Township 6N Range 34E



0 1 Mil

- Point of Diversion
- Point of Diversion - Other Rights
- Place of Use
- Place of Use - Other Rights
- Quarter-quarter Sections
- Section Lines



GIS Illustration prepared from 1987/1988 NAPP photography by B. Contor 12/2000

384

385

386 25'

3

2

POINT OF DIVERSION

4783

10

11

R34E

CANAL

CANAL

16
2

4784

4787

PLACE OF USE

15

14

OWSLEY

OWSLEY

Terreton
(BM 4787)

A34-00211

MICROFILMED

NOV 17 1992

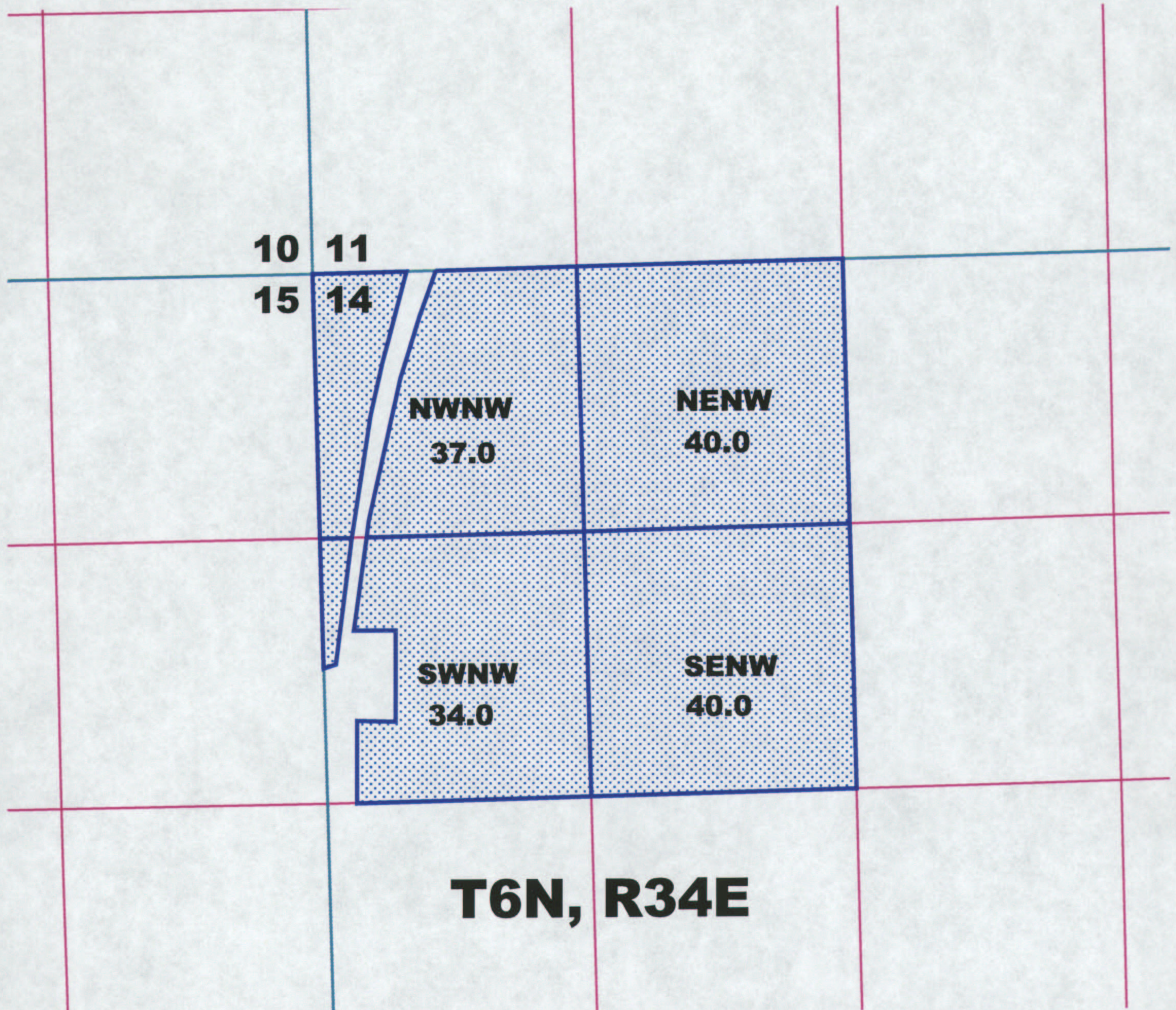
BM 4786

Storage Bins

Pumping Station

**WR #: 31-210, 31-211
31-212A, 31-213**

Van and Joan Burtenshaw



Total Irrigated Acres: 151

Acreage Distribution

Prepared By: Craig Saxton
January 2001

CONSERVATION PLAN MAP



Prepared by UNITED STATES DEPARTMENT of AGRICULTURE * SOIL CONSERVATION SERVICE
cooperating with

Mud Lake Soil Conservation Dist.

S C DISTRICT

OWNER *Joseph Potter*

FARM NO. *174* DATE *11-61*

OPERATOR *Jefferson*

Idaho

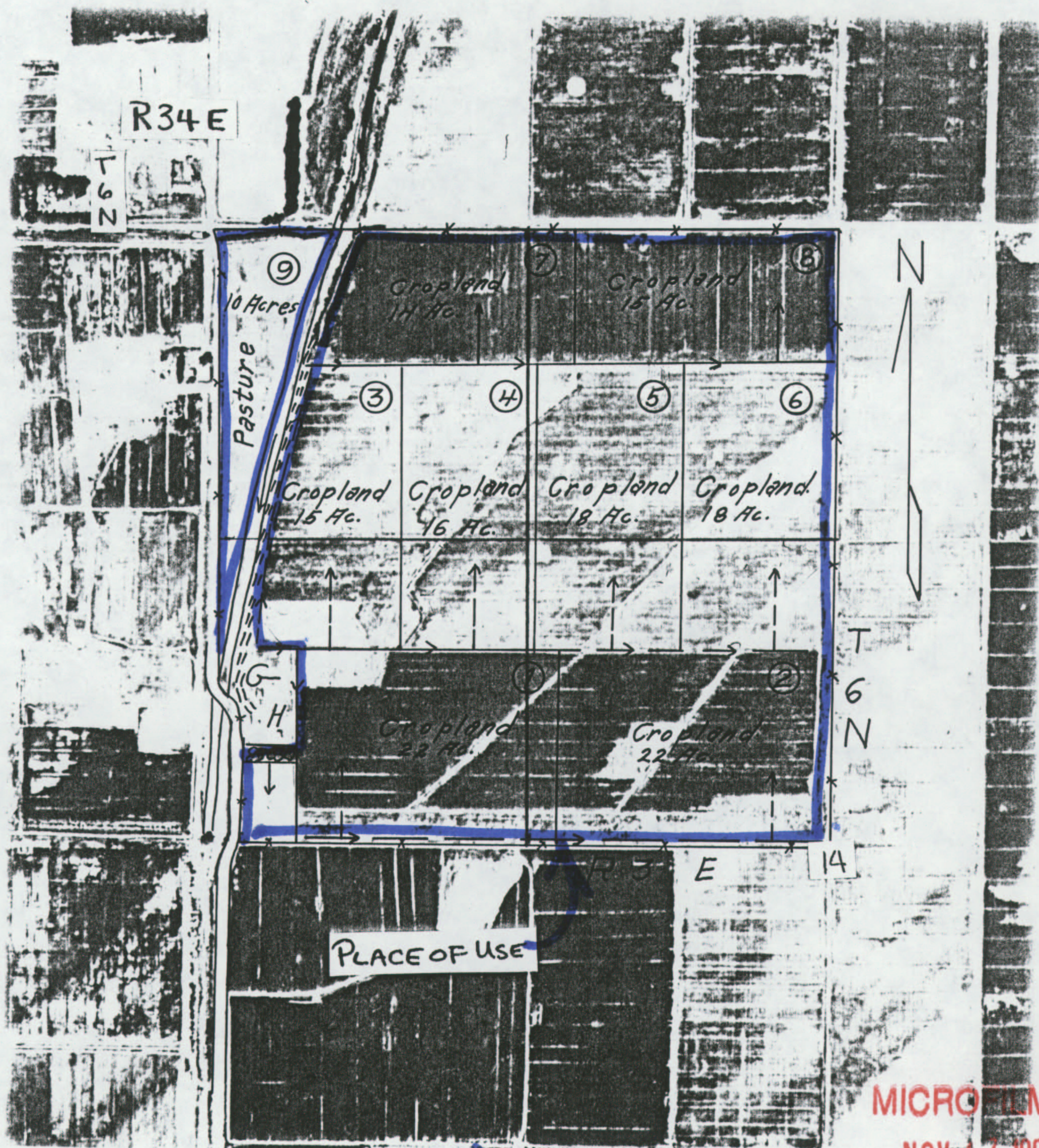
SCALE *8"mi* ACRES *155 Ac.*

APPROXIMATE

PHOTO NO.

COUNTY

STATE



MICROFILMED

NOV 17 1992

A31-00211

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

In Re SRBA)
)
Case No. 39576)
)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 31-00211

SEP 17 2002

NAME AND ADDRESS: JOAN M BURTENSHAW
VAN T BURTENSHAW
1698 N 1300 E
TERRITON, ID 83450

By _____ Clerk
Deputy Clerk

SOURCE: MUD LAKE

TRIBUTARY: SINKS

QUANTITY: 49.20 AFY

FOR THIS RIGHT, THE DIVERSION VOLUME DESCRIBED ABOVE WAS
CALCULATED BY MULTIPLYING A DIVERSION RATE OF 0.2 CFS BY A
FACTOR OF 2 ACRE FEET PER DAY FOR 123 DAYS (MAY 1ST TO SEPTEMBER
1ST).

PRIORITY DATE: 04/01/1912

POINT OF DIVERSION: T06N R34E S01 NESWSW Within Jefferson County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Stockwater from Storage	05-01 TO 10-31	7.38 AFY
	Irrigation from Storage	04-01 TO 10-31	49.20 AFY
	Stockwater Storage	01-01 TO 12-31	7.38 AFY
	Irrigation Storage	01-01 TO 12-31	49.20 AFY

PLACE OF USE: Irrigation from Storage Within Jefferson County
T06N R34E S14 NENW 40.0 NWNW 37.0
SWNW 34.0 SENW 40.0
151.0 Acres Total

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO
THE IRRIGATION OF A COMBINED TOTAL OF 151 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: 31-00210, 31-00211,
31-00212A AND 31-00213.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR
STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL
USE.

THE ADMINISTRATION OF THIS WATER RIGHT IS ALSO SUBJECT TO THE
AGREEMENT OF WATER RIGHT OWNERS REGARDING MUD LAKE WATER
DELIVERY DATED APRIL 17, 2001, WHICH IS ON FILE IN THE RECORDS
OF THE CLERK AND RECORDER OF JEFFERSON COUNTY, IDAHO, INSTRUMENT
NUMBER 307626.

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.



Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 31-211

NAME AND ADDRESS: JOAN M BURTENSHAW
VAN T BURTENSHAW
1698 N 1300 E
TERRETON, ID 83450

SOURCE: MUD LAKE TRIBUTARY: SINKS

QUANTITY: 49.2 AFY

THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE
SHALL NOT EXCEED 13,000 GALLONS PER DAY.

FOR THIS RIGHT, THE DIVERSION VOLUME DESCRIBED ABOVE WAS
CALCULATED BY MULTIPLYING A DIVERSION RATE OF 0.2 CFS BY A
FACTOR OF 2 ACRE FEET PER DAY FOR 123 DAYS (MAY 1ST TO
SEPTEMBER 1ST).

PRIORITY DATE: 04/01/1912

POINT OF DIVERSION: T06N R34E S1 NESESW Within JEFFERSON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION STORAGE	01-01 12-31	49.20 AFY
IRRIGATION FROM STORAGE	04-01 10-31	49.20 AFY
STOCKWATER STORAGE	01-01 12-31	7.38 AFY
STOCKWATER FROM STORAGE	05-01 10-31	7.38 AFY

PLACE OF USE:

IRRIGATION FROM STORAGE Within					
JEFFERSON County					
T06N R34E S14	NENW	40	T06N R34E S14	NWNW	37
T06N R34E S14	SWNW	34	T06N R34E S14	SENW	40

STOCKWATER FROM STORAGE Use same as IRRIGATION FROM
STORAGE

151 ACRES TOTAL

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO
THE IRRIGATION OF A COMBINED TOTAL OF 151 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: 31-00210, 31-00211, 31-
00212A AND 31-00213.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommended Right Report

WATER RIGHT NO. 31-211

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	VAN T BURTENSHAW
Current Owner	JOAN M BURTENSHAW
	1698 N 1300 E
	TERRETON, ID 83450
	(208)663-4607

Original Owner	JOSEPH B POTTER JR
Original Owner	DORINE J POTTER JR
Original Owner	JOSEPH B POTTER SR
	PO BOX 114
	TERRETON, ID 83450
	(208)663-4376

Priority Date: 04/01/1912
Basis: Decreed
Status: Valid

<u>Source</u>	<u>Tributary to</u>
MUD LAKE	SINKS

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION STORAGE	01/01	12/31		49.2 AFA	
IRRIGATION FROM STORAGE	04/01	10/31		49.2 AFA	
STOCKWATER STORAGE	01/01	12/31		7.38 AFA	
STOCKWATER FROM STORAGE	05/01	10/31		7.38 AFA	
Total Diversion				49.2 AFA	

Location of Point(s) of Diversion:

MUD LAKE NESESW Sec. 01 Township 06N Range 34E JEFFERSON County

IRRIGATION FROM STORAGE Use:
Acre Limit: 151

Place(s) of use:

Place of Use Legal Description: IRRIGATION FROM STORAGE JEFFERSON County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
06N	34E	14		NENW	40		NWNW	37		SWNW	34		SEnw	40

Place of Use Legal Description: STOCKWATER FROM STORAGE same as IRRIGATION FROM STORAGE

Total Acres: 151

Conditions of Approval:

1. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-

- 1412(6), IDAHO CODE.
2. N08 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
 3. N05 THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE SHALL NOT EXCEED 13,000 GALLONS PER DAY.
 4. C03 RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.

Remarks:

1. Quantity FOR THIS RIGHT, THE DIVERSION VOLUME DESCRIBED ABOVE WAS CALCULATED BY MULTIPLYING A DIVERSION RATE OF 0.2 CFS BY A FACTOR OF 2 ACRE FEET PER DAY FOR 123 DAYS (MAY 1ST TO SEPTEMBER 1ST).
2. Place of Use - Irrigation USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 151 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 31-00210, 31-00211, 31-00212A AND 31-00213.

Comments:

Author	Date	Subject	Comment
bcontor	12/14/00	Volume	See special file "Mud Lake Storage" for discussion on conversion from rate to volume per intent of Suave and historical practice. 0.2 cfs X 2 X 123 days = 49.2 acre feet.
bcontor	12/14/00	Change PD	Original decreed PD is point of redirection from canal. Actual PD has always been from the lake, but has been changed from one canal heading to another.

Dates:

Licensed Date:
 Claim Received Date: 09/29/1988
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 Decreed Date: 11/01/1930
 Date Filed with Court:
 Objection Filed Date:
 SF5 Filed:
 Special Master Recom Signed Date:

Element Reviewed/Verified Dates:

Element	Last Review Date	Reviewer	Last Verified Date	Verifier	Status
Contacts	1/3/01 11:49:56 AM	csaxton			In Process
POD	1/3/01 11:51:45 AM	csaxton			In Process
POU	1/3/01 12:02:22 PM	csaxton			In Process
Priority Date	1/3/01 11:50:29 AM	csaxton			In Process
Quantity	1/3/01 12:18:14 PM	csaxton			In Process
Season	1/3/01 12:08:15 PM	csaxton			In Process
Source	1/3/01 11:58:08 AM	csaxton			In Process
Use	1/3/01 11:58:53 AM	csaxton			In Process

Other Information:

Receipt Number(s):
 State or Federal: S
 Owner Name Connector:
 Water District Number: 31
 Generic Max Rate per Acre:
 Generic Max Volume per Acre:
 Civil Case Number:
 Old Case Number:
 Decree Plaintiff:
 Decree Defendant:
 PresumptionFlag:
 Notice of Error Flag:C
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number: And/Or
 Cary Act Number:
 Mitigation Plan: False

Verification Log:

Element	Date Time Stamp	Reviewer	Log Text
Contacts	1/3/01 11:49:55 AM	csaxton	1. Appointment has not been scheduled. Comment for 1: Bryce Contor has contacted the claimant. Edited point location 1. (NO) The basis is not beneficial use. 2. (YES) Parent right has a Point of Diversion. 3. (NO) The claimed Point of Diversion can not be verified using the water right file. 4. (YES) There is evidence that there has been a change in the Point of Diversion. 5. (YES) The change can be verified as an accomplished transfer. Comment for 5: See Comments 6. (YES) The file contains all the necessary information to verify the POD. 8. (NO) Point of Diversion remark was not required. 9. (NO) Point of Diversion condition was not required.
POD	1/3/01 11:56:02 AM	csaxton	
POD	1/3/01 11:51:44 AM	csaxton	
POU	1/3/01 12:02:21 PM	csaxton	1. (YES) The POU is required. 2. (NO) The basis of claim is not beneficial use. 3. (YES) The Parent Right has a POU. 4. (YES) The claimed POU can be verified using the water right file. 12. (YES) POU remark was required. 13. (NO) POU condition was not required.
Priority Date	1/3/01 11:50:27 AM	csaxton	1. (NO) There has not been a later court decree of the water right(s) from the water source. 4. (NO) The basis of claim is not beneficial use. 5. (NO) The basis of claim is not a posted notice. 6. (YES) Parent right has a priority date. 7. (NO) The basis of claim is not an application or permit. 12. (YES) The claim is recommended. 13. (YES) The claim is coded correctly. 14. (NO) Priority remark was not required. 15. (NO) Priority condition was not required.
Quantity	1/3/01 12:18:10 PM	csaxton	1. (NO) The basis of claim is not beneficial use. 2. (NO) The basis of claim is not a posted notice. 3. (YES) The parent right has a diversion rate and/or diversion volume. 4. (YES) The claimed diversion rate and/or volume can be verified using the water right file. 7. (YES) The parent right has an annual diversion volume limit. 8. (YES) Irrigation is a purpose of use. 9. (YES) Quantity remark was required. 10. (NO) Quantity condition was not required.
Season	1/3/01 12:08:13 PM	csaxton	1. (NO) The basis of claim is not beneficial use. 2. (NO) The parent right does not have a period of use. 4. (NO) There is not evidence that there has been a change to the period of use. 9. (YES) The file contains all the necessary information to verify the period of use. 11. (NO) The basis of is not a decree, license, or a transferred beneficial use right that has had the period of use administratively determined. 13. (YES) Irrigation is the purposed use. 15. (NO) Period of Use remark was not required. 16. (NO) Period of Use condition was not required.
Source	1/3/01 11:58:06 AM	csaxton	1. (NO) The basis is not beneficial use. 2. (YES) Parent right has a source. 3. (YES) The claimed source can be verified using the water right file. 8. (YES) The source is surface water. 9. (YES) The source is a standard source. 10. (NO) Source remark was not required. 11. (NO) Source condition was not required.
Use	1/3/01 11:58:51 AM	csaxton	1. (NO) The basis of claim is not beneficial use. 2. (YES) The parent right has a purpose of use. 3. (YES) The claimed purpose of Use can be verified using the water right file. 11. (NO) Purpose of Use remark was not required. 12. (NO) Purpose of Use condition was not required.

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 31-211
Date Received: 9/29/88
Receipt No:
Received By:

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name of Claimant(s)

Name: VAN T BURTENSHAW Phone: (208)663-4607

Address: 1698 N 1300 E
TERRETON ID USA 83450

Name: JOAN M BURTENSHAW Phone: (208) 663-4607

Address: 1698 N 1300 E
TERRETON ID USA 83450

2. Date of Priority: 05/01/1912

3. Source: Mud Lake Trib. to: SINKS

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
06N	34E	11	NE NE NE	0	JEFFERSON

5. Description of diverting works:

PUMP MAINLINE TO DITCH FOR FLOOD IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	5/01	11/01	0.2	0
STOCKWATER	5/01	11/01	0.03	0

7. Total Quantity Appropriated is:
0.2 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
06N	34E	14	NE NW		IRRIGATION	39
			NW NW		IRRIGATION	35
			SW NW		IRRIGATION	34.7
			SE NW		IRRIGATION	39
Section Acres						147.7
Total Acres						147.7

11. Place of use in counties: JEFFERSON

12. Do you own the property listed above as place of use? Yes

13. Other Water Rights Used:

14. Remarks:

PRIORITY BEGINNING OF IRR. SEASON

15. Basis of Claim: Decreed

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): _____ Date: _____

ok

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A31-00211
Date Received: 9/29/1988
Receipt No: E002733
Received By: KCW

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: JOSEPH B. POTTER, JR. 208-663-4376
Address: P.O. BOX 114
TERRETON, ID 83450
OR
Name: DORINE J. POTTER, JR. 208-663-4376
Address: P.O. BOX 114
TERRETON, ID 83450

2. Date of Priority: MAY 01, 1912

3. Source: MUD LAKE Trib. to: SINKS

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
06N	34E	11	NE	NE	NE		JEFFERSON

5. Description of diverting works:
PUMP MAINLINE TO DITCH FOR FLOOD IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	05/01	11/01	0.200		
STOCKWATER	05/01	11/01	0.030		

7. Total Quantity Appropriated is:
0.200 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 369.2 Acre Feet Per Annum.

9. Non-irrigation uses:
S/100 RANGE CATTLE

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
06N	34E	14	NE		NW		IRR	39.0
			NW		NW		IRR	35.0
			SW		NW		IRR	34.7
			SE		NW		IRR	39.0
Section Acres								147.7
Total Acres								147.7

11. Place of use in counties: JEFFERSON

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
A31-00210/00212A/00213

14. Remarks:
PRIORITY BEGINNING OF IRR. SEASON.

15. Basis of Claim: DECREED
Case Number:
Court :
Decree date: 11/01/1930

ERNEST SAUVE

Decree Plaintiff

vs

W. H. ABBOTT

Decree Defendant

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not ☒ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): *Harrie J. Potter* Date: 9/29/88

Date: _____

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 29th day
of Sept 19 88

Betty J. Thompson
Notary Public

Residing at Idaho Falls
My Commission Expires 6-94



POINT OF DIVERSION

4783

10

R34E

T
6
N

4784

PLACE OF USE

15

14

SLEY

Terreton
(BM 4787)

0021

NOV 17 1992

OUR SOIL • OUR STRENGTH



CONSERVATION PLAN MAP

Prepared by UNITED STATES DEPARTMENT of AGRICULTURE * SOIL CONSERVATION SERVICE
cooperating with

Mud Lake Soil Conservation Dist.

OWNER Joseph Potter

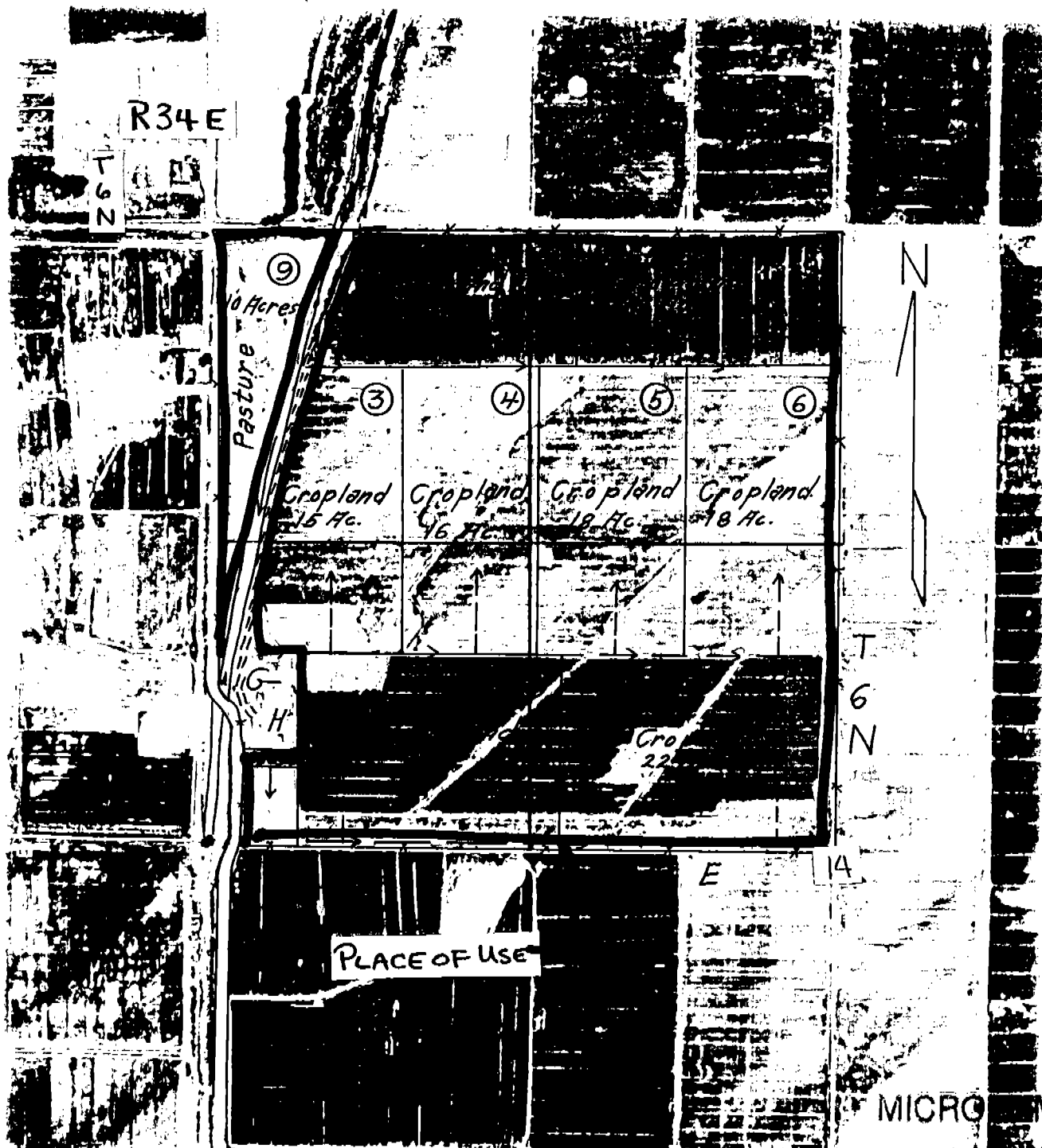
FARM No. 174 DATE 11-61

OPERATOR Jefferson

Idaho

SCALE 8" mi. ACRES 155 Ac.

PHOTO No. _____



MICROFILMED

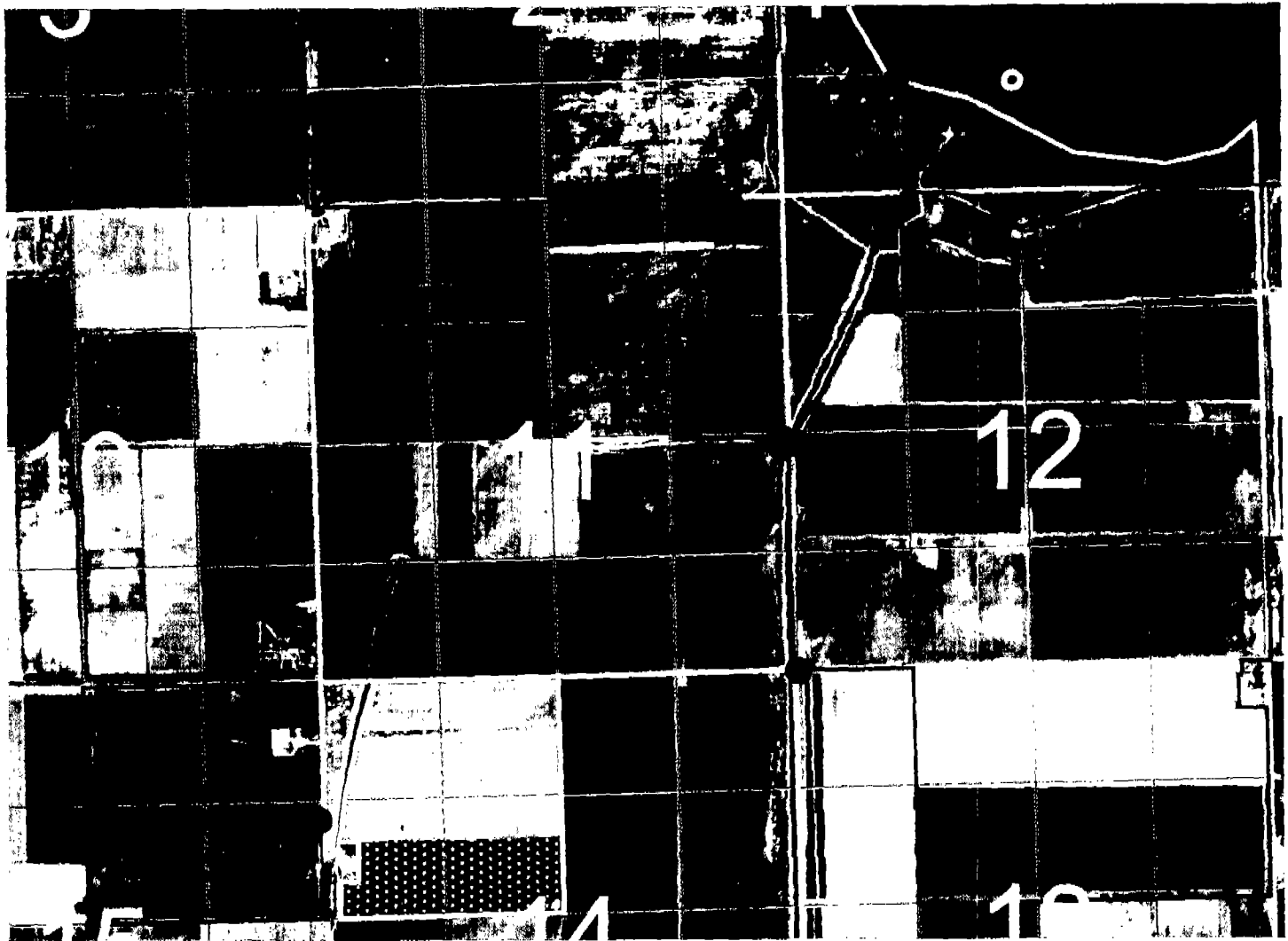
NOV 17 1992

A31-00211

Idaho Department of Water Resources

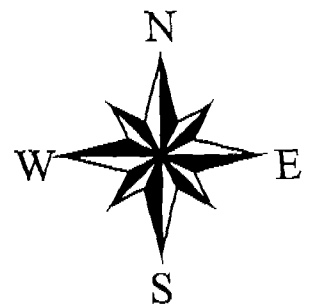
Water Right 31-210, 31-211, 31-212A, 31-213

Township 6N Range 34E



0 1 Mil

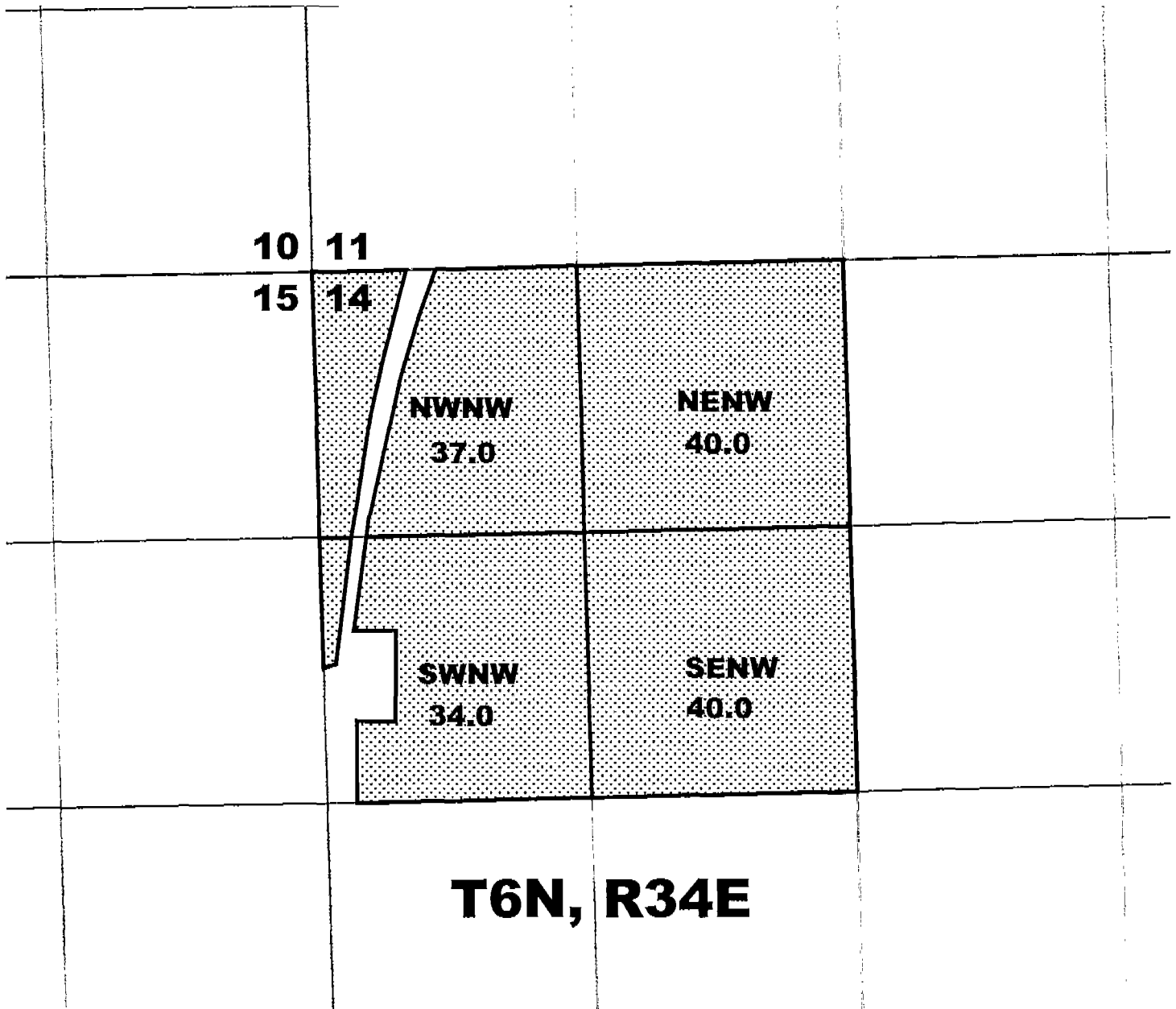
- ⊙ Point of Diversion
- Point of Diversion - Other Rights
- Place of Use
- ▭ Place of Use - Other Rights
- ▭ Quarter-quarter Sections
- ▭ Section Lines



GIS Illustration prepared from 1987/1988 NAPP photography by B. Contor 12/2000

**WR #: 31-210, 31-211
31-212A, 31-213**

Van and Joan Burtenshaw



Total Irrigated Acres: 151

Acreage Distribution

Prepared By: Craig Saxton
January 2001



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

March 20, 2001

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

VAN T & JOAN M BURTENSHAW
1698 N 1200 E
TERRETON ID 83450

RE: NOTICE OF ERROR

Dear Mr. and Mrs. Burtenshaw:

Water Agent Bryce Contor has finished reviewing your Notice of Error for water right numbers 31-210, 31-211, 31-212A and 31-213, and has adjusted the claims accordingly.

Enclosed for your records are copies of the recommendations.

If you have any questions feel free to contact Bryce Contor at this office.

Respectfully submitted,

Cheri Vandermeulen

Cheri Vandermeulen
Records Clerk

01/24/2001

**NOTICE OF ERROR
REPLY**

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: March 9, 2001

Water right number: 31-211

VAN T BURTENSHAW
1698 N 1300 E
TERRETON ID 83450
Telephone Number: (208)663-4607

JOAN M BURTENSHAW
1698 N 1300 E
TERRETON ID 83450

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

2. Describe the changes you wish to make in the proposed recommendation:

3. Give a brief explanation as to why you disagree with these portions:

____ I AGREE with this proposed recommendation: no changes need to be made.

DATE: _____ SIGNATURE: _____

Please print your name: _____

IDWR Regional Office, 900 N Skyline, Idaho Falls, ID 83402, 2085257161

eCVR Guide

①

Claim no. 31-211

Changes to Name none
and address:

Priority Date: 4/1/1912
See 31-210

Source

POD

	T	R	S		Q	Q	Q
Mud Lake	GN	34E	1		NE	SE	SW
Decree describes original point of diversion from canal, not from natural source.							

Details of Source & POD analysis
Decree, copy in file.

Rate & Volume:

$0.2 \text{ cfs} \times 2 \text{ af/cfs/day} \times 123 \text{ days} = 49.2 \text{ af}$
no rate per GP diagram

Period of use: 4/1 - 10/31 std period.

(2)

POU

6N 34E 14

NE				NW				SW				SE			
NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
				X	X	X	X								

Irrigation
for Storage

acres per GIS

Details of Purpose Analysis:

claim, GIS, — see 31-210 for discussion
of description of purpose & period of use

Remarks & Conditions

C18 C03

POU E14 31-210, 31-211, 31-212A, 31-213

EIP remark re: calculation of volume

Signature Deyce A. Cortez

Date 12/14/00

Joseph B. Potter

1911 - Beginning of
Irrigation
Season

31 210✓
0.8 c.f.s.

Source: Mud Lake

1912 - "

31 211✓
0.2 c.f.s.

Point of Diversion: In the North-
west Quarter of the Northwest Quar-
ter of Section 14, Township 6
North, Range 34 East, B. M.

1927 - "

31 212✓
0.6 c.f.s.

1928 - "

31 213✓
0.4 c.f.s.

For use on the following described
land, to-wit: The Northwest Quar-
ter of Section 14, Township 6
North, Range 34 East, B. M.



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

July 13, 2000

VAN T & JOAN M BURTENSHAW
1698 N 1300 E
TERRETON ID 83450

RE: NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP
NOTICE OF CLAIM TO A WATER RIGHT A31-00210, A31-00211,
A31-00212A, A31-00213

Dear Mr. & Mrs. Burtenshaw:

The request for Change of Water Right Ownership concerning the above-referenced Notice of Claim has been processed and the Department's records updated to reflect you as the new claimant.

The enclosed report shows this change along with the elements of the water right being claimed. Please review this report and contact this office if there are corrections or questions.

Please keep this report for your records.

Respectfully yours,

Jennifer Crabtree
Technical Records Specialist

Enclosure

RECEIVED

MAR 16 2000

Department of Water Resources
Eastern Region

STATE OF IDAHO

IDAHO DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

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

1. Water Right No(s): _____
Adjudication Claim No(s): A31-00210, A31-00211, A31-00212A, A31-00213
2. The following **REQUIRED** information must be submitted with this form:
 - A. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water rights or claims in question, **WITH ATTACHED LEGAL DESCRIPTION.**
 - AND
 - B. **PLAT OF PROPERTY** or **SURVEY MAP** showing the location of the place of use of the water right(s) or claim(s). (These are usually attached to your deed or on file with the county.)
 - OR
 - C. If your water right or adjudication claim is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.
3. Name and Address of Former Owner/Claimant Joseph B. Davine J. Potter
4. New Owner/Claimant(s) Van T. Jean M. Burtenshaw
 Name Connector (Check one): [] and, [] or, ☒ and/or
 New Mailing Address 1688N 1300E
 City, State and ZIP Code Terreton ID, 83450
 New Telephone Number 208 663-4607
5. Date you acquired the property Feb. 15, 2000
6. Did you acquire all of the former owner's property? If you did, skip this item and go to item 7. If you acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). Describe in detail your portion of each water right or adjudication claim in the spaces in the box below only if the water right(s) or claim(s) need to be split between owners. If necessary, attach additional pages. If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.

Number of acres you irrigate with this water right _____	Number and type of stock _____
Diversion rate in CFS _____	Number of homes you acquired _____ Other uses _____

7. Signature of New Owner(s) Van Burtenshaw
 or Claimant(s) Jan Burtenshaw
 Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign form.
8. For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him or her for all matters related to your claims.

2477
368

NHEL

②

19.2

NHEL

①

30.8

NHEL

③

17.7

NHEL

④

94.5

NHEL

⑤

35.6

14 2

3

#172

③72

①

NHEL

27.9

NHEL

⑥

39.3

NHEL

③

63.2

NHEL

④

⑤ 36.7

8.2 NHEL

NHEL

⑦

29.4

NHEL

⑧

65.0

#174

③73

NHEL

⑩

33.5

NHEL

⑪

32.2

②
6.7 HELL

①73

①74

①75

①76

①77

①78

①79

①80

①81

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②00

WARRANTY DEED

JOSEPH B. POTTER, JR. and DORINE J. POTER, husband and wife, as GRANTOR,
for good and valuable considerations, the receipt of which is hereby acknowledged, does hereby grant, bargain, sell and convey unto
VAN T. BURTONSHAW and JOAN M. BURTONSHAW, husband and wife, as Grantee
whose address is 1698 North 1300 East, Terrellon Id 83450, and Grantee's successors and assigns, all of the following described real property, to-wit:

TOWNSHIP 6 NORTH, RANGE 34 EAST OF THE BOISE MERIDIAN, JEFFERSON COUNTY, IDAHO.

SECTION 14: THE NW1/4

EXCEPTING THEREFROM: BEGINNING AT THE NW CORNER OF THE NW1/4 OF SECTION 14, AND RUNNING THENCE SOUTH 330 FEET; THENCE EAST 350 FEET, MORE OR LESS, TO THE WEST BANK OF AN EXISTING CANAL; THENCE FOLLOWING SAID WEST BANK OF SAID CANAL IN A NORTHEASTERLY DIRECTION TO THE NORTH LINE OF THE NW1/4 OF SAID SECTION 14; THENCE WEST 490 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

ALSO EXCEPTING THEREFROM: BEGINNING AT A POINT THAT IS S00°24'46"E 2063.09 FEET ALONG THE WEST LINE OF SAID SECTION 14 AND N88°04'10"E 111.19 FEET FROM THE NW CORNER OF SAID SECTION 14 AND RUNNING THENCE S02°56'51"E 235.55 FEET ALONG THE EAST LINE OF A COUNTY ROAD; THENCE N89°22'11"E 211.12; THENCE N01°33'33"W 240.31 FEET; THENCE S88°04'10"W 216.80 FEET TO THE POINT OF BEGINNING.

ALSO EXCEPTING THEREFROM: ROAD RIGHT OF WAYS.

SUBJECT TO the 2000 and subsequent years general taxes and assessments, all existing patent reservations, easements, right of ways, protective and restrictive covenants, zoning ordinances and applicable building codes, laws and regulations.

TOGETHER WITH any and all improvements, water and ditch rights, easements, tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and any reversion, remainder, rents, issues, and profits thereof.

Grantor, for himself and his successors and assigns, does hereby warrant and agree to forever defend the Grantee, and Grantee's successors and assigns, in the quiet and peaceful possession of said premises against the lawful claims of any and all persons.

In construing this Deed and where the context so requires, the singular includes the plural, and the masculine, the feminine and neuter.

Dated: February 9, 2000

Joseph B. Potter, Jr.
Joseph B. Potter, Jr.

Dorine J. Potter
Dorine J. Potter

STATE OF IDAHO)
COUNTY OF Bonneville) ss

On February 9, 2000, before me, the undersigned, personally appeared Joseph B. Potter, Jr. and Dorine J. Potter

known or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same.

Lenore J. Katri
Notary Public for the State of Idaho
Commission Expiration Date: 1/28/2003

LENORE J. KATRI
NOTARY PUBLIC
STATE OF IDAHO

Bonneville Land & Title Co.

297 N. Capital Ave. • P.O. Box 51690 • Idaho Falls, ID 83405-1690 • (208) 521-6600