



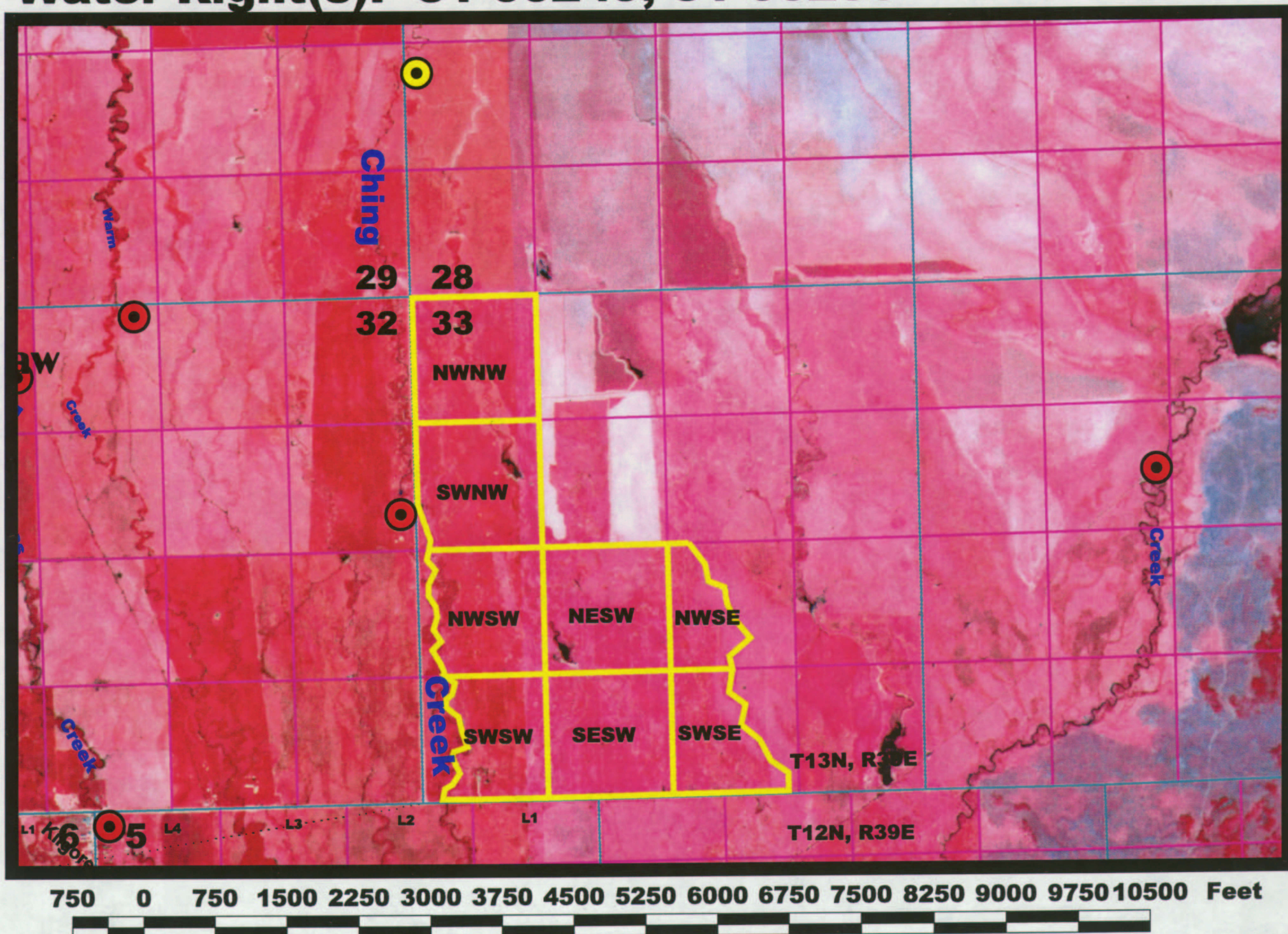
STATE OF IDAHO

Department of Water Resources

Eastern Region

Claimant: Don Burtenshaw

Water Right(s): 31-00249, 31-00250



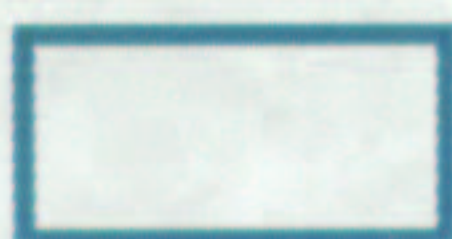
LEGEND



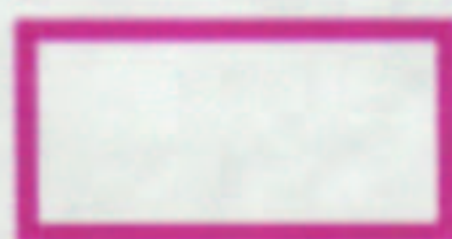
Point of Diversion

SESE

Place of Use



Section Line



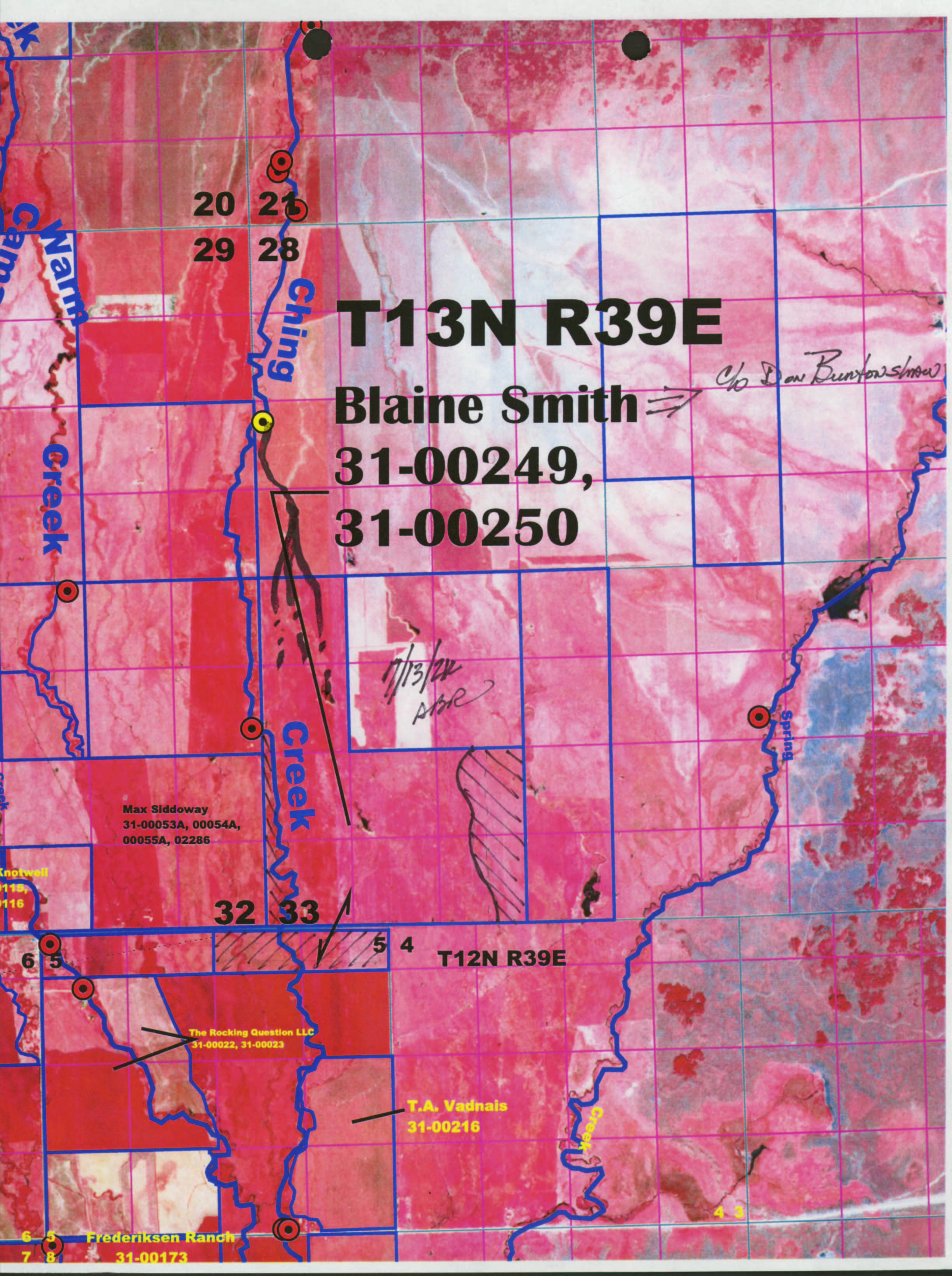
Quarter-section line

**Legal Description: T13N, R39E
Sec.33 W2NW, SW, W2SE**

**Point(s) of Diversion: T13N,R39E
Sec.28 NWNWSW**



GIS Place of Use Illustration
1987/1988 NAPP photography
Prepared by: A. Ruberry
Date: Nov. 2000



20

21

29

28

T13N R39E

Blaine Smith

31-00249,

31-00250

C/O Don Buntowsky

*17/13/24
APR*

Max Siddoway
31-00053A, 00054A,
00055A, 02286

32

33

T12N R39E

The Rocking Question LLC
31-00022, 31-00023

T.A. Vadnais
31-00216

Frederiksen Ranch

31-00173

20 21

29 28

Ching

29 28

32 33

NWNW
39

Don Burtenshaw
31-00249
31-00250

SWNW
38

NWSW
35

NESW
40

NWSE
17

Creek

SWSW
29

SESW
39

SWSE
26

T13N, R39E

T12N, R39E

5

L4

L3

L2

L1

Creek

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE:

TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	COUNTY	DIVERSION NAME
13N	39E	28	NW	NW	SW		Clark	
---	---	---	---	---	---	---	---	---
---	---	---	---	---	---	---	---	---
---	---	---	---	---	---	---	---	---
---	---	---	---	---	---	---	---	---
---	---	---	---	---	---	---	---	---

SOURCE: CHING CREEK

TRIB: SPRING CREEK

REVIEWED BY:

DATE:

SYSTEM DESCRIPTION:

GATED STRUCTURES OFF CHING CR. AHEAD OF CHECK. WEIR ABOUT 100' DOWNSTREAM.



WATER

LORICK

T13N
R39E MUNN

MUNNS

JEN

NW 1/4 SW 1/4 SEC 28

POD

CLOYD
LEE

CHING
CREEK

DITCH

R39E

LYRIN MUNNS

ACK
LTON

T
13
N

RAY SANDERS

CLOYD

ERNEST
HAROLD

BLAINE SMITH &
MAR WELCH

SIDDOWAY

SIDDOWAY

MICROFILMED
NOV 17 1992

DAVID HIRSCHI

31-04095

R

20 21
29 28

Ching

29 28
32 33

Creek

28

27

26

T13N R39E

Creek
Spring

Spring

33

34

35

Boundary of lands defined by
B. Smith to S. Smith deed.

These lands are under contract
of sale to D. Burtenshaw. It is to
these lands that 31-00249 was
decreed and claimed in the now
on-going Adjudication. No Tx's
have been filed to change POD
or POU.

4
Creek

3

2

T12N R39E

8

9

10

11

01/19/2001

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

RIGHT NUMBER: 31-249

NAME AND ADDRESS: BEVERLY BURTENSHAW
DON M BURTENSHAW
1603 N 1000 E
TERRETON, ID 83450

SOURCE: CHING CREEK TRIBUTARY: SPRING CREEK

QUANTITY: 3 CFS

USE OF THIS RIGHT WITH RIGHT NO. 31-00250 IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 5.0 CFS.

PRIORITY DATE: 06/01/1889

POINT OF DIVERSION: T13N R39E S28 NWNWSW Within CLARK County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	05-01 10-31	3.00 CFS
STOCKWATER	05-01 10-31	0.12 CFS

PLACE OF USE:

IRRIGATION Within CLARK County					
T13N R39E S33	NWNW	39	T13N R39E S33	SWNW	38
T13N R39E S33	NESW	40	T13N R39E S33	NWSW	35
T13N R39E S33	SWSW	29	T13N R39E S33	SESW	39
T13N R39E S33	NWSE	17	T13N R39E S33	SWSE	26

STOCKWATER Use same as IRRIGATION

263 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 31-00250 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 263 ACRES IN A SINGLE
IRRIGATION SEASON.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 160 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION
SEASON.

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.

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT
TO SECTION 42-1425, IDAHO CODE.
STOCKWATER 450 CATTLE

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: A31-00249
Date Received: 6/09/1988
Receipt No: M000086
Received By: 28

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: BLAINE T. SMITH 208-778-5341
Address: KILGORE RT.
DUBOIS, ID 83423

2. Date of Priority: JUN 01, 1889

3. Source: CHING CREEK Trib. to: SPRING CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
13N	39E	28	NW	NW	SW		CLARK

5. Description of diverting works:
HEADGATE IN STREAM W/ RECTANGULAR WEIR TO FLODD IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	3.000		
STOCKWATER	05/01	11/01	0.030		

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

8. Total consumptive use is 710.0 Acre Feet Per Annum.

9. Non-irrigation uses:
STOCKWATER FOR 150 HEAD LIVESTOCK DRINK FROM DITCHES & CREEK

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
12N	39E	5	NE	NE	1	IRR	20.0
			NW	NE	2	IRR	20.0

Section Acres 40.0

A31-00249

Page 1

Date: 06/09/88

MICROFILMED

NOV 17 1992

A3100249

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
13N	39E	33	NW	NW		IRR	38.0
			SW	NW		IRR	38.0
			NE	SW		IRR	38.0
			NW	SW		IRR	36.0
			SW	SW		IRR	37.0
			SE	SW		IRR	38.0
			NW	SE		IRR	4.0
			SW	SE		IRR	15.0

Section Acres 244.0

Total Acres 284.0

11. Place of use in counties: CLARK

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

13. Other Water Rights Used:
31-00250

14. Remarks:
P/D 2 MILES UPSTREAM FROM P/U.

15. Basis of Claim: DECREED
Water Right Number:
Case Number:
Court :
Decree date:

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 X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 1

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): Blaine T. Smith Date: 6-9-88

Date: _____

State of Idaho)
County of Elbert) SS.

Subscribed and sworn (or affirmed) before me this 9th day

of June 19 88

John Dale Parker
Notary Public

Seal

Residing at Boise Id
My Commission Expires 6/2/94

R
39
E

PLACE
OF
USE

T13N

T12N

35

38

36

37

38

38

45

50

A31-00249

ENTER

LORICK

T13N
R39E

MUNNS

JEN

NW 1/4 SW 1/4 SEC 28

POD

CLOYD

LEE

DITCH

CHING
CREEK

R39E

LYRIN MUNNS

ACK

ILTON

T13N

11

AX

SIDDOWAY

BLAINE SMITH &
36 MAR WELCH

RAY SANDERS

CLOYD

ERNEST
HAROLD

SIDDOWAY

32

33

37

5

4

33

34

DAVID HIRSCHI

NOV 17 1998



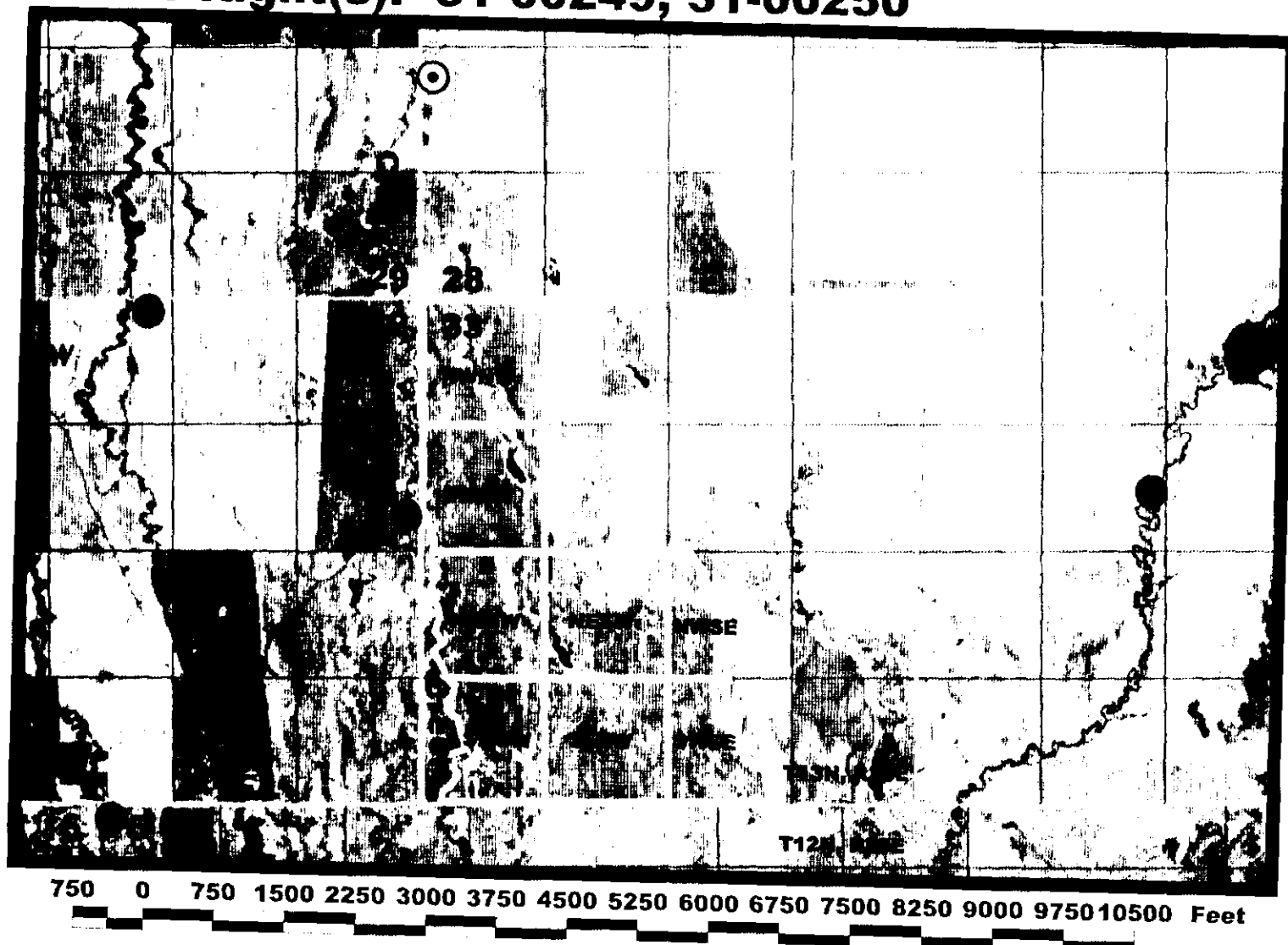
STATE OF IDAHO

Department of Water Resources

Eastern Region

Claimant: Don Burtenshaw

Water Right(s): 31-00249, 31-00250



LEGEND



Point of Diversion

SESE

Place of Use



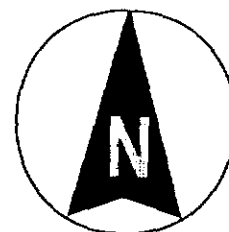
Section Line



Quarter-section line

Legal Description: T13N, R39E
Sec.33 W2NW, SW, W2SE

Point(s) of Diversion: T13N,R39E
Sec.28 NWNWSW



GIS Place of Use illustration
1987/1988 NAPP photography
Prepared by: A. Ruberry
Date: Nov. 2000

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

22:45:51
03/13/95

PAGE: 1
GENERAL INFORMATION

CLAIM NUMBER: A31-30249

LAST: SMITH
ADDRESS: KILGORE RT.
CITY: DJBOIS
PHONE NUMBER: 208-778-5341

FIRST: BLAINE T.
STATE: ID ZIP: 93423

OWNER CODE: C

FIELD EXAM REQUIRED?

DATABASE
Y

FIELD
EXAMINER

VERIFICATION REQUIRED DUE TO REMARKS?

CLAIM REMARKS: P/O 2 MILES UPSTREAM FROM P/U.

FIELD EXAMINATION INFORMATION

CONTACT PERSON: _____

PHONE NUMBER: (____) ____-____

DATE OF FIELD EXAM: __/__/__

APPOINTMENT MADE: Y(____) N(____)

TIME: __:__ A(____) P(____)

ACCOMPANIED BY: _____

PHONE NUMBER: (____) ____-____

RELATIONSHIP TO CLAIMANT: _____

DIRECTIONS TO PROPERTY / NOTES:

A. AJ CLAIM: # A31-00249 PRIORITY DATE: 06-01-1889 STAGE: D

B. WR RECORD: # 31-00249 PRIORITY DATE: 06-01-1889 STAGE: D

C. FIELD EXAM REQUIRED?

DUE TO PRIORITY DATE DISCREPANCY? (Y/N)

DATABASE
N

FIELD
EXAMINER

ARE THERE OBVIOUS REASONS TO QUESTION THE PRIORITY DATE CLAIMED? Y() N()
IF YES EXPLAIN.

NOTES: DISCREP AS 1889-JUNE 1

RECOMMENDED PRIORITY DATE: 06-01-1889

REVIEWED BY MR. R. L. [Signature]

DATE 3/15/24

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
A31-00249	13N	19E	28	NW	NW	SW		CLARK

OTHER AJ CLAIMS WITH SAME AJ POD
1 PREFIX 2 PREFIX
A31-00250 NONE

WR RECORDS IN SAME 40 ACRE TRACT
NONE

SOURCE: CHING CREEK

TRIB: SPRING CREEK

B. WR POINT OF DIVERSION AND SOURCE:

3100249 THERE IS NO POD ASSOCIATED WITH THIS WATER RIGHT NUMBER

SOURCE: CHING CREEK

TRIB: SPRING CREEK

C. FIELD EXAM REQUIRED?

	DATABASE	FIELD EXAMINER
DUE TO POD DISCREPANCY? (Y/N)	Y	---
DUE TO SOURCE DISCREPANCY? (Y/N)	N	---

NOTES:

DEEDS RECORDS: "TWO MILES UP STREAM ... IN THE [LAND] ..."

RECOMMENDED POINT(S) OF DIVERSION AND SOURCES:

TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	COUNTY	DIVERSION NAME
<u>L3N</u>	<u>39E</u>	<u>28</u>	<u>NW</u>	<u>NW</u>	<u>SW</u>		<u>Clark</u>	
---	---	---	---	---	---	---	---	---
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---	---	---	---	---	---	---	---	---

SOURCE: CHING CREEK

TRIG: SPRING CREEK

REVIEWED BY: SHR

DATE: _____

SYSTEM DESCRIPTION:

GATED STRUCTURE SET CHING CR. AHEAD OF CHING. USED ABOUT 100' DOWNSTREAM.

D. BURTENSHAW
(SMITH PLACE)

Looking Southwesterly



A. ROOT WATER RIGHT NUMBERS: A31-00249

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	IR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
12N	39E	5	NE	NE	1	SMITH, BLAINE T.	A31-30249 /20.0	-	/	15.0	
			NE	NE	1	SMITH, BLAINE T.	A31-30250 /20.0	-	/		
12N	39E	5	N4	NE	2	SMITH, BLAINE T.	A31-30249 /20.0	-	/	15.0	
			N4	NE	2	SMITH, BLAINE T.	A31-30250 /20.0	-	/		
13N	39E	33	N4	NW		SMITH, BLAINE T.	A31-30249 /39.0	31-30249 /		25.0	
			N4	NW		SMITH, BLAINE T.	A31-30250 /38.0	-	/		
13N	39E	33	S4	NW		SMITH, BLAINE T.	A31-30249 /39.0	31-30249 /		34.0	
			S4	NW		SMITH, BLAINE T.	A31-30250 /39.0	-	/		
13N	39E	33	NE	SW		SMITH, BLAINE T.	A31-30249 /39.0	-	/	39.0	
			NE	SW		SMITH, BLAINE T.	A31-30250 /38.0	31-30250 /			
13N	39E	33	N4	SW		SMITH, BLAINE T.	A31-30249 /36.0	31-30249 /		37.0	
			N4	SW		SMITH, BLAINE T.	A31-30250 /35.0	-	/		
13N	39E	33	S4	SW		SMITH, BLAINE T.	A31-30249 /37.0	31-30249 /		30.0	
			S4	SW		SMITH, BLAINE T.	A31-10062 /	-	/		
			S4	SW		SMITH, BLAINE T.	A31-30250 /37.0	-	/		
13N	39E	33	SE	SW		SMITH, BLAINE T.	A31-30249 /38.0	-	/	40.0	
			SE	SW		SMITH, BLAINE T.	A31-30250 /39.0	31-30250 /			
13N	39E	33	N4	SE		SMITH, BLAINE T.	A31-30249 / 4.0	-	/	40.0	
			N4	SE		SMITH, BLAINE T.	A31-30250 / 4.0	31-30250 /			
13N	39E	33	S4	SE		SMITH, BLAINE T.	A31-30249 /15.0	-	/	38.0	
			S4	SE		SMITH, BLAINE T.	A31-30250 /15.0	31-30250 /			
TOTAL ACRES							A31-00249	294.50		311.50	

ARE IRRIGATED ACRES FOUND IN TRACTS OTHER THAN INDICATED ABOVE, Y() N()
 IF YES SEE ATTACHED SHEET:

C. FIELD EXAM REQUIRED?

DUE TO POU DISCREPANCY? (Y/N)

DATABASE
 Y

FIELD
 EXAMINER

POU COUNTY: CLARK

Permissible Pool w/
 31-00250.

See 6856
 No. 10.10.10.

No Irrig

No Irrig.

NOT DISCREP
 ENLARG CLAIM

PRESUMPTION FLAG:

NOTES:

Roll As Decroded EXCEPT Lots 1 & 2 Sec. 5

*CP5 urban
ENLARG CLAIM*

RECOMMENDATIONS:

TOTAL ACRES: *2.0611*

REVIEWED BY:

DATE:

A. AJ CLAIMED USES:

PURPOSES	MONTH/DAY	DIVERSION QUANTITY
A31-00249 IRRIGATION	FR01 04-01 TO 11-01	3.000 CFS
A31-00249 STOCKWATER	FR01 05-01 TO 11-01	.030 CFS
TOTAL DIVERSION RATE/VOLUME CLAIMED		3.000 CFS

B. WR RECORDED USES:

PURPOSES	MONTH/DAY	DIVERSION QUANTITY
31-00249 IRRIGATION	FR01 05-01 TO 09-01	3.000 CFS
31-00249 STOCKWATER	FR01 TO	3.000 CFS
31-00249 DOMESTIC	FR01 TO	3.000 CFS
TOTAL DIVERSION RATE/VOLUME CLAIMED		3.000 CFS

PRESUMPTION FLAG:

C. FIELD EXAM REQUIRED?

	DATABASE	FIELD EXAMINER
DUE TO WATER-USE DISCREPANCY? (Y/N)	Y	-----
DUE TO DIVERSION RATE DISCREPANCY? (Y/N)	Y	-----
DUE TO PERIOD FROM/TO DISCREPANCY? (Y/N)	Y	-----

[REDACTED]

Stockwater is defined by decree.

D. PERIOD OF USE:

RECOMMEND AS CLAIMED?

Y() N()

RECOMMEND TO WR STANDARDS OR OTHER?

Y() N() EXPLAIN IN NOTES, BELOW.

NOTES:

A. DOES DIVERSION RATE CLAIMED AGREE WITH EXISTING RECORDS?

Y(☒) N(☐)

AJ TOTAL CLAIMED DIVERSION RATE: 3.000 CFS
WR ROOT RIGHT TOTAL DIVERSION RATE: 3.000 CFS

*** IF NO OR IF STATUTORY CLAIM OR BENEFICIAL USE THEN FLOW MEASUREMENT REQUIRED. ***
** IF AN AMOUNT SMALLER THAN THE ORIGINAL DIVERSION RATE IS **
** CLAIMED AND AN EXAM IS NOT REQUIRED, EXPLAIN IN NOTES. **

FLOW MEASUREMENT REQUIRED?

FIELD
DATABASE EXAMINER
Y

DUE TO STAGE OR DIVERSION RATE DISCREPANCY? (Y/N)

B.

FLOW MEASUREMENT

MEASUREMENT METHOD _____, SEE ATTACHED CALCULATIONS.

C. ARE OTHER WATER RIGHTS USED? Y(Y) N(☐) IF YES COMPLETE OVERLAP REVIEW.

OTHER RIGHTS LISTED IN CLAIM: 31-00250

LIST ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE:

CLAIM NO.	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A31-00249	CHING CREEK	SMITH, BLAINE T.	3.000	0.010		
A31-00250	CHING CREEK	SMITH, BLAINE T.	2.000	0.007		

LIST ALL RIGHTS WITH SAME POU BUT NOT USED FOR IRRIGATION.

CLAIM NO.	PURPOSES	NAME	MONTH/DAY	RATE	VOLUME
A31-00249	STOCKWATER	SMITH, BLAINE T.	FROM 05-01 TO 11-01	.030 CFS	
A31-10032	DOMESTIC	SMITH, BLAINE T.	FROM 01-01 TO 12-31	.020 CFS	

D.

RATE/VOLUME CALCULATIONS: (IRRIGATION)

1A. IRRIGATION RATE

ACRES _____ X 0.02 CFS/ACRE = _____ CFS
(TAKEN FROM P/U REVIEW)

1B. CALCULATIONS

DJES AMOUNT CLAIMED EXCEED 0.02 CFS/ACRE? Y() N()

*** IF YES ADDITIONAL WATER USE FORM FILED AND ATTACHED? Y() N() ***

2. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = 710.0 AF/A

ACRES _____ X CONSUMPTIVE VOL. AF/A FOR AREA _____ =

TOTAL CONSUMPTIVE USE _____ AF/A

3. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = _____ AF/A

ACRES _____ X DIVERSION VOL. AF/A FOR AREA _____ =

TOTAL DIVERSION VOLUME _____ AF/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION:

SEE ATTACHED SHEET? Y() N()
P/D 2 MILES UPSTREAM FROM P/U.

NOTES: (INCLUDE LIMITATIONS ON CONSUMPTIVE USE FOR COMBINED RIGHTS.)

RECOMMENDATIONS:

REC. PURPOSES	REC. PERIOD FROM TO	REC. DIV RATE CFS	REC. DIV VOL. AF/A	REC. CONS. USE
		DATABASE EXAMINER	DATABASE EXAMINER	DATABASE EXAMINER
<u>Paris</u>	-----	-----	-----	-----
<u>Spck</u>	-----	-----	-----	-----
TOTAL FOR THIS RIGHT		-----	-----	-----

REVIEWED BY: _____ DATE: _____

A. CHECK ONLY THE FOLLOWING THAT APPLY:

	ACCEPTED AS CLAIMED	NEEDS REVIEW
OWNERSHIP _____	()	()
FORFEIT/ABANDON _____	()	()
ADDITIONAL DIV. AMOUNT _____	()	()

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 31-00249

TOTAL DIVERSION RATE OF WR SPLITS	DATABASE 3.000	EXAMINER _____	CFS
-----------------------------------	-------------------	-------------------	-----

SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "R" CLAIM NUM.	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
-	A31-00249	3.000	-		31-00249	3.000
TOTAL CFS		3.000				3.000

DIVERSION RATE REVIEW

DO THE SUM CFS RATE OF THE SPLITS EQUAL THE ROOT RIGHT CFS RATE? (Y/N)
IF NO, IS THE WRITTEN REVIEW SHEET ATTACHED? (Y/N)

DATABASE	FIELD EXAMINER
Y	_____

NOTES:

DISPERSED AS 3.0 CFS - CLAIMED SAME. NO APPARENT SPLITS, GDS on TX'S.

AUTHENTICATION:

SIGNATURE: [Signature] DATE: 3-15-2K
NAME OF FIELD EXAMINER: Arden B. Thompson TITLE: Gr. Asst.

PERMISSIONED PDH
W/ 31-00250

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

22245251
03/15/95

PAGE: 12
QUICKLOOK INFORMATION

CLAIM NUMBER: A31-00269

WR ELEMENT	FIELD EXAM Y/N	CORRESPONDENCE SENT/RECEIVED BY WHOM/DATE	FIELD EXAM BY WHOM/DATE	CHANGE CLAIM Y/N	VERIFIED BY CODE	COMPLETED REVIEW WHOM/DATE	COMPLETED DATA ENTRY WHOM/DATE	VERIFIED DATE WHOM/DATE
PRIORITY DATE								
POINT OF DIV	Y							
SOURCE								
PLACE OF USE	Y							
DIV. AMOUNT CFS/VOLUME	Y							
CONSUMPTIVE USE	-							
PURPOSES	Y							
PERIOD OF USE	Y							
BASIS OF CLAIM								
REMARKS	Y							

VERIFIED BY CODES

TOPO MAP/ORTHO-PQ = 1
 ASCS MAP = 2
 WATERMASTER RECORDS = 3
 NAEP PHOTOS = 4
 FIELD EXAM = 5
 OTHER (SEE REMARKS) = 6

THESE CODES ARE USED TO INDICATE HOW THE FIELD EXAMINER VERIFIED THE INFORMATION
USED FOR THIS FIELD EXAMINATION. INDICATED ARE ALL CODES WHICH APPLY.

STATE OF IOWA
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

03:15:29
03/14/93

PAGE: 13
PROFILE REPORT

CLAIM NUMBER: A31-30249

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	BLAINE T. SMITH KILGORE RT. DUJOIS IO 83423 (238) 779-5341	06/01/1889	IRRIGATION STOCKWATER	04-01 11-01 05-01 11-01	3.00 CFS 0.03 CFS	
					TOTAL DIVERSION: CONSUMPTIVE USE:	3.00 CFS 710.0 AFA

WATER SOURCE: CHING CREEK

TRIBUTARY TO: SPRING CREEK

STAGE: DECREED

POINT(S) OF DIVERSION:

T13N R39E S28

NNWSW

CLARK COUNTY

PLACE OF USE LEGAL DESCRIPTION FOR: IRRIGATION

		NE				NW				SW				SE				
T	R S	LT	AC	LT	AC	LT	AC	LT	AC	LT	AC	LT	AC	LT	AC	LT	AC	SUM
13N	39E 33	:																244.0
12N	39E 5	:	01-20	02-20	:													40.0
																	TOTAL ACRES	284.0

PLACE OF USE LOCATION FOR STOCKWATER IS THE SAME LOCATION AS DESCRIBED FOR: IRRIGATION

POU COUNTY: CLARK

NON-IRRIGATION USES: STOCKWATER FOR 150 HEAD LIVESTOCK DRINK FROM DITCHES & CREEK

OTHER RIGHTS: 31-00250

REMARKS: P/O 2 MILES UPSTREAM FROM P/O.

DATES: EXAM MADE DATE: VERIFIED DATE: 07/01/1985

MISC: WATER DISTRICT NUMBER: 31 FIELD INSPECTION FLAG: Y
PRESUMPTION FLAG:

JULY 23, 2001

DEAR MR. & MRS. BURTENSHAW;

ALL WATER RIGHTS IN YOUR NAMES HAVE BEEN CHANGED TO
REFLECT THE ADDRESS ON THE FRONT OF THIS CARD.

IF YOU HAVE ANY QUESTIONS FEEL FREE TO CONTACT THIS OFFICE
AT 208-525-7161.

RESPECTFULLY SUBMITTED,

Cheri Vandermeulen

CHERI VANDERMEULEN
RECORDS CLERK



DON & BEVERLY BURTENSHAW
1603 N 1000 E
TERRETON ID 83450-5033

CHANGE IN ADDRESS

This form is solely for purposes of notifying IDWR of a change in address of an adjudication claim.

[] Water Right Number(s): _____

RECEIVED

JUL 20 2001

Department of Water Resources
Eastern Region

[] Old Mailing Address: Don + Beverly Burtenshaw
1603 N. 1000 E.
Monteview, Idaho 83435

[] New Mailing Address: Don + Beverly Burtenshaw
1603 N. 1000 E.
Terreton, Idaho 83450-5033

[] Telephone Number: 208-663-4493 or 208-663-4492

[] Signature of Claimant: Wm M. Burtenshaw

[] Date: July 19, 2001

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: _____ By: _____

Further Action Needed:

Further Action Taken

Date: _____ By: _____

Final Review and Data-Entry

Date: _____ By: _____

Beverly - 153833

Don - 99987

RECEIVED

MAR 05 2001

01/24/2001

Department of Water Resources
Eastern Region

**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: 31-249

DON M BURTENSHAW
1603 N 1000 E
TERRETON ID 83450
Telephone Number: (208)663-4493

BEVERLY BURTENSHAW
1603 N 1000 E
TERRETON ID 83450
Telephone Number: (208) 663-4493

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:

X I AGREE with this proposed recommendation; no changes need to be made.

DATE: 3-3-01

SIGNATURE:

Don M. Burtenshaw

Please print your name:

DON M. BURTENSHAW

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

20

28

29

28

33

NWNE
39

Don Burtenshaw

31-00249

31-00250

SW

NESW

NWSE

40

47

SW

NWSE

38

45

T13N, R1E

T12N, R3E

20 21
28 28

Ching

T13N R39E

Blaine Smith →

Co. Don Runtow show

**31-00249,
31-00250**

*7/13/24
LTC*

32 33

T12N R39E

The Backing Station LLC
31-00022, 31-00023

Frederiksen Ranch

31-00173

Union Central Life Insurance
Company (as successor in
interest of Marlborough
Smith)

1889 - June 1

31 249

3.0 c.f.s.

Source: Ching Creek, a tributary
of Camas Creek.

Point of Diversion: Two miles
up stream from the land to be ir-
rigated, and hereinafter described.

For use on the following described
land, to-wit: The West Half of
the West Half of Section 33, Town-
ship 13 North, Range 39 East, B.M.

31 250

2.0 c.f.s.

Source: Ching Creek, a tributary
of Camas Creek.

Point of Diversion: Near the foot-
hills on Ching Creek, right below
J. H. Cochran's flume.

For use on the following described
land, to-wit: The West Half of the
Southeast Quarter, and the East Half
of the Southwest Quarter, of Section
33, Township 13 North, Range 39
East, B.M.

175

CHANGE IN ADDRESS

This form is solely for purposes of notifying IDWR of a change in address of an adjudication claim.

☒ Water Right Number(s): 31-00058 31-00060B
31-00249, 31-00250

☒ Old Mailing Address: Don & Beverly Burtenshaw
1603 N. 1000 E
montevue id. 83435

☒ New Mailing Address: DON & BEVERLY BURTENSHAW
1603 N. 1000 E
TERRETON IDAHO 83450

☒ Telephone Number: 663 4493

☒ Signature of Claimant: _____

☒ Date: _____

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: _____ By: _____

Further Action Needed:

Further Action Taken

Date: _____ By: _____

Final Review and Data-Entry

Date: _____ By: _____



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

August 7, 2000

DON AND BEVERLY BURTENSHAW
1603 N 1000 E
MONTEVIEW ID 83435

RE: CHANGE IN OWNERSHIP FOR A31-00058, A31-00060B,
A31-00249, A31-00250

Dear Claimant:

The request for Change in Ownership concerning the Notice(s) of Claim in the above reference has been processed and the Notice(s) modified to reflect you as the new owner(s).

Enclosed is a copy of the Notice(s) of Claim, with your name shown as the current owner. Review the forms and if there are other corrections or questions, feel free to contact this office.

If there are no questions or corrections, please keep this Notice for your records.

Respectfully submitted,

Cheri Vandermeulen
Records Clerk

Enclosure: Notice(s) of Claim

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 31-00249
Date Received: 6/9/88
Receipt No:
Received By:

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

1. Name of Claimant(s)

Name: DON BURTENSHAW Phone:

Address: 1603 N 1000 E
MONTEVIEW ID USA 83435

Name: BEVERLY BURTENSHAW Phone:

Address: 1603 N 1000 E
MONTEVIEW ID USA 83435

2. Date of Priority: 06/01/1889

3. Source: CHING CREEK Trib. to: UnknownSpring Creek

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County
13N	39E	28	NW NW SW 0	CLARK

5. Description of diverting works:

HEADGATE IN STREAM W/ RECTANGULAR WEIR TO FLODD IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/01	11/01	3	0
STOCKWATER	5/01	11/01	0.03	0 .12 <i>11-16-2000</i>

7. Total Quantity Appropriated is:
3 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
12N	39E	5	NE NE	1	IRRIGATION	20
			NW NE	2	IRRIGATION	20
			Section Acres		40	
13N	39E	33	NW NW		IRRIGATION	38
			SW NW		IRRIGATION	38
			NE SW		IRRIGATION	38
			NW SW		IRRIGATION	36
			SW SW		IRRIGATION	37
			SE SW		IRRIGATION	38
			NW SE		IRRIGATION	4
			SW SE		IRRIGATION	15
			Section Acres		244	
Total Acres		284				

11. Place of use in counties: CLARK

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

13. Other Water Rights Used:

14. Remarks:

P/D 2 MILES UPSTREAM FROM P/U

CHANGED ADDRESS PER REQUEST CV/08/07/00

450 CAHIE W.B. 11-16-2000

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: _____

_____ Date: _____

State of Idaho)
) SS.
County of _____)

Subscribed and sworn (or affirmed) before me this

of _____ 20__

Notary Public

Residing at _____

My commission Expires _____

DELOG
AR 8/7/00
Mar

NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type
(see instructions on back of page)

DATE OF CLOSING: _____

LEGAL DESCRIPTION OF PROPERTY: Township _____ Range _____
Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4 Govt. Lot _____, BM.
Lot _____, Block _____, Subdivision/Townsite _____.
If you have additional legal descriptions, please attach separate sheet.

☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)

☐ Water Right Number(s)
Assigned by IDWR: A31-00249, A31-00250

☐ Name and Address of Former
Owner/Claimant(s)(Seller): _____

☐ New Owner/Claimant
(Purchaser): DON AND BEVERLY BURTONSHAW

☐ New Mailing Address: 1603 N. 1000 E.
MONTICELLO IDAHO 83435

☐ New Telephone Number: () _____

☐ Does the change in ownership result in a splitting of the water right owned/claimed? yes ☒ no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

☐ Attach proof of
ownership, describe
proof attached: DEEDS

(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

☐ Signature of New
Owner/Claimant(s) Don M. Burtonshaw Date 7-26-00

Date

☐ Signature of Former
Owner/Claimant(s): _____ Date _____

Date

(Signature of former claimant(s) is not required if proof of ownership is attached.)

SMITH PIECE

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: _____ By: _____

Further Action Needed:

Further Action Taken

Date: _____ By: _____

Final Review and Data-Entry

Date: _____ By: _____

Claim Numbers of Split, if any:

Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner

INSTRUCTIONS

This form has been prepared to assist new owners of property to comply with the requirements of Section 42-1409(7), Idaho Code. This statute provides that new property owners notify the Department of Water Resources (IDWR) of any change in ownership of a water right during an adjudication of water rights, and if a claim for the water right has not been filed to file the needed claim(s).

Separate brochures are available from IDWR describing the adjudication of water rights and the requirement to notify IDWR of changes in ownership. If you would like any of these brochures or if you have questions about completing this form please contact your nearest office of IDWR or you may call 1-800-451-4129 (toll-free).

The first line of the form asks for the date of closing so IDWR will have a record of the effective date of the property transfer.

The second line of information requires the legal description of the property being transferred. This information is **ESSENTIAL** and should be available from the documents that will be present at the time of closing. The first two lines of the legal description **MUST** be completed. IDWR's records are based upon legal descriptions using township, range, section and fractions of a section descriptions, and this information must be included on the form. If you also have available a legal description based upon a townsite or subdivision and lot and block number, please also include this additional information. A lot and block legal description is **NOT** a substitute for the township, range, section and fraction of a section description.

After completing the legal description, if all water is supplied by a public service water supply you may check the first box; complete the name, address and telephone information for yourself, the new owner; sign the form in the space provided and return the form to the IDWR office nearest you.

If there are water rights associated with the property, the seller should be able to provide you with the water right number(s). The water right number(s) for the property are to be put in the space provided at the second box on the form. If you or the seller believe there are water rights for the property but the numbers are unknown, then you may wish to call or come into an office of IDWR for assistance in identifying the water rights for the property involved. If claims for the property have not been filed you will be so advised by IDWR.

After the water right number(s) for the property has been entered on the form, complete the name and address information for **BOTH** the former owner/seller and for yourself, the new owner, in the spaces provided. Please also include your telephone number. If the property you have purchased is only part of the property owned by the former owner/seller, you may be purchasing only part of the total water right held by the seller. This means the water right held by the seller must be split so you get your proportionate share of the water right. Be sure to include a description of the portion of the water right you have purchased. The seller should be able to help you describe the portion of the water right for the property you have purchased.

If the former owner/seller will sign the form and the seller is shown as the claimant of the water right in IDWR's records, then you do not need to attach proof of ownership of the land or the water right. The seller should know if the original claim was filed by him, or if the seller has filed a change in ownership so the seller is shown as the claimant of the water right in IDWR's records. If the seller is not going to sign the form then you must attach some proof of ownership of the property described at the top of the form or proof of ownership referencing the specific water right(s) for the property.

The new owner must sign the form in the space provided. If the former owner/seller is available to sign the form please do so in the space provided.

When complete, the new owner and the former owner/seller should each retain one of the copies and return the original of the form to IDWR. You may return the form to the IDWR office nearest you or to: Idaho Department of Water Resources, Statehouse Mail, Boise, ID 83720-9000, Attention: Adjudication Bureau.

C18284

Microfilm No. 45714
Day April 1995
At 13:05 O'Clock PM
JO ANN S. TAVENNER
Clark Co. Recorder
Fee \$ 6.00
Marcia D. Bledsoe Deputy
Recorded at Request of
First American Title

WARRANTY DEED

FOR VALUE RECEIVED, MARYE L. WELCH, an unmarried woman, dealing with her sole and separate property, Grantor, does hereby Grant, Bargain, Sell and Convey unto DON and BEVERLY BURTENSHAW, husband and wife, Grantees, whose address is 1603 N. 1000 E., Montevue, Idaho 83435, her undivided one-half interest in the following described real property in Clark County, Idaho:

Township 12 North, Range 39 East of the Boise Meridian,
Clark County, Idaho
Section 5: Lots 1 and 2
Township 13 North, Range 39 East of the Boise Meridian,
Clark County, Idaho
Section 33: W1/2NW1/4, SW1/4, W1/2SE1/4

Together with all water rights and ditch rights appurtenant thereto and structures thereon.

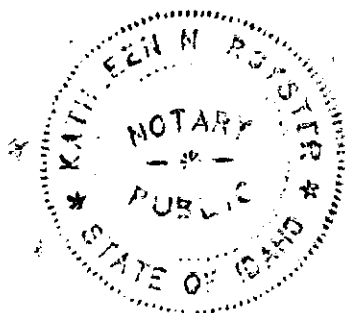
TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantees, that she is the owner in fee simple of said premises; that said premises are free from all encumbrances except as provided hereinabove, and that she will warrant and defend the same from all lawful claims whatsoever.

Marye L. Welch
MARYE L. WELCH, Grantor

STATE OF IDAHO)
) ss
County of Ada)

On this 21st day of December, 1993, before me, a Notary Public in and for said State, personally appeared **MARYE L. WELCH**, known of identified to me to be the person whose name is subscribed to the within instrument and acknowledged to me to be the person who executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.



Kathleen M. Royster

Notary Public for Idaho
Residing at: BOLSA ID
Commission Expires: 7-19-94

FIRST AMERICAN TITLE

WARRANTY DEED

Microfilm No. 45783

C 18284

17 Day May 19 95
At 16:00 O'Clock P.M.

For Value Received ELAINE SMITH

JOANN S. TAVENNER
Clark Co. Recorder

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto

Fee \$ 3.00

DON BURTENSHAW and BEVERLY BURTENSHAW, husband and wife

Marcia J. B. Deputy
Recorded at Request of

whose address is: 1603 NORTH 1000 EAST, MONTEVIEW, ID, 83435

First American Title

Hereinafter called the Grantee, the following described premises situated in CLARK County, Idaho, to-wit:

Township 12 North, Range 39 East of the Boise Meridian, Clark County, Idaho
Section 5: Lots 1 and 2.

EXCEPTING THEREFROM: Public road right of ways as they exist.

Township 13 North, Range 39 East of the Boise Meridian, Clark County, Idaho
Section 33: W 1/2 NW 1/4.

SW 1/4.

W 1/2 SE 1/4.

EXCEPTING THEREFROM: Public road right of ways as they exist.

SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U. S. Patent reservations, restrictions, easements of record, and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

Dated: APRIL 25, 1995

Elaine Smith
ELAINE SMITH

Township 13 North, Range 39 East of the Boise Meridian, Clark County, Idaho
Section 33: W 1/2 NW 1/4.

SW 1/4.

W 1/2 SE 1/4.

EXCEPTING THEREFROM: Public road right of ways as they exist.

SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U. S. Patent reservations, restrictions, easements of record, and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

Dated: APRIL 25, 1995

Elaine Smith
ELAINE SMITH

STATE OF OREGON

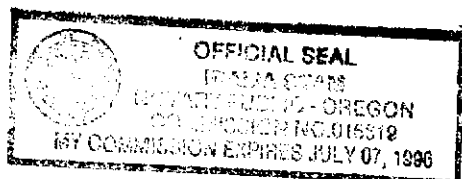
)

: ss

COUNTY OF) Malheur

On this 27th day of April, in the year 1995, before me, a Notary Public in and for said State, personally appeared ELAINE SMITH, known or identified to me to be the person(s) whose name(s) is subscribed to the within Instrument, and acknowledged to me that she executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.



Italia Stark
Notary Public

Residing at: Malheur County

Commission Expires: July 7, 1996



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

July 7, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

SCOTT T SMITH
21445 CHICAGO ST
CALDWELL ID 83607

RE: OWNERSHIP CHANGE FOR A31-00249 (BLAINE T SMITH – SCOTT T SMITH)

Dear Mr. Smith:

I am returning your request to change the ownership on the above referenced water right. The enclosed map illustrates the problem. The land defined in your deed is encircled in yellow. The land defined by A31-00249 is highlighted in green. Our records show this property is under contract to be sold to D. Burtenshaw. The only water right we were able to find on the property defined by your deed is 31-10063 for stockwater in the name of B. T. Smith.

Senior Water Agent Allen Ruberry suggests you contact Mr. Burtenshaw to clarify ownership of A31-00249. If your intention is to change ownership of the stockwater right, (31-10063) please resubmit this request to our state headquarters along with a \$25.00 processing fee. Their address is: Allocations Bureau, Idaho Dept. of Water Resources, 1301 N. Orchard, Boise, ID 83706.

If you have questions regarding this matter, please contact Allen Ruberry in our Idaho Falls office at 525-7161.

Sincerely,

Jennifer Crabtree
Technical Records Specialist

Enclosure

JUL 07 2000
RECEIVED

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Department of Water Resources
Eastern Region

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 or Adjudication Claim No(s): A31-00249
2. The following **REQUIRED** information must be submitted with this form:

*POU DERIVED BY DEED DOES
NOT CORRELATE TO DECREASED OR
CLAIMED POU. THIS CLAIM
AND ADJUDICATION LANDS ARE
UNDER CONTRACT OF SALE TO BENTON CO.*

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. ~~REAL ESTATE~~ **PROPERTY** or **SURVEY MAP** for parcel of ten acres or less. (These are usually attached to your deed or on file with the county.)

OR

C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency **AERIAL PHOTO** with irrigated acres outlined and point(s) of diversion clearly marked.

3. Name and Address of Former Owner/Claimant

Blaine T Smith
Kilgore Rt. Dubois Idaho 83423

4. New Owner/Claimant(s)

Scott T. Smith

Name Connector (Check one): ☐ and, ☐ or, ☐ and/or

New Mailing Address

21445 Chicago St.

City, State and ZIP Code

Caldwell Idaho 83607

New Telephone Number

(1) 208-454-2082

5. Date you acquired the property

April 12th 1999

6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.

Number of acres you irrigate 284 Number and type of stock 150-

Diversion rate in CFS 3.0 Number of homes — Other uses —

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.

7. Signature of New Owner or Claimant(s)

Scott T Smith

Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign this 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.

Microfilm No. 023301
3 Day May 19 99
At 10:02 o'clock A M
Conrad Oliver
Clark Co. Recorder
Fee \$ 6-

Deputy
Recorded at Request of
Elaine Smith

QUITCLAIM DEED

THIS QUITCLAIM DEED IS EXECUTED this 12 day of April, 1999, by Elaine Smith, a widow, of Nyssa, Malheur County, Oregon, hereinafter referred to as "GRANTOR."

WITNESSETH, that GRANTOR, for good consideration, does hereby remise, release and quitclaim unto Scott T. Smith, 21445 Chicago Street, Caldwell, Canyon County, Idaho, 83605, hereinafter referred to as "GRANTEE," all right, title, interest and claim GRANTOR has in and to the following described parcels of real property situate, lying and being in the County of Clark, State of Idaho, to wit:

In Twp. 12 N., R. 39 E., B.M.:

Sec. 3: Lots 3, 4, 5

* Sec. 4: Lot 1 and SE $\frac{1}{4}$ of the NE $\frac{1}{4}$

In Twp. 13 N., R. 39 E., B.M.:

Sec. 34: S $\frac{1}{2}$ of the NW $\frac{1}{4}$, SW $\frac{1}{4}$

EXCEPTING THEREFROM that portion of the S $\frac{1}{2}$ of the NW $\frac{1}{4}$ described as follows:

Beginning at the Northeast corner of said S $\frac{1}{2}$ of the NW $\frac{1}{4}$:

thence along the East line of said S $\frac{1}{2}$ of the NW $\frac{1}{4}$, South 120 feet;

thence North 45° West 169.7 feet to the North line of said S $\frac{1}{2}$ of the NW $\frac{1}{4}$;

thence East 120 feet to the point of beginning.

Sec. 35: E $\frac{1}{2}$ of the SE $\frac{1}{4}$.

In Twp. 13 N., R. 39 E., B.M.:

Sec. 34: SE $\frac{1}{4}$

Sec. 35: SE $\frac{1}{4}$ of the NE $\frac{1}{4}$, SW $\frac{1}{4}$, W $\frac{1}{2}$ of the SE $\frac{1}{4}$.

TOGETHER WITH all water rights and ditch rights appurtenant thereto.

ALSO TOGETHER WITH all Bureau of Land Management grazing rights associated therewith.

TO HAVE AND TO HOLD the same interest, equity and claim whatsoever the GRANTOR may have, either in law or equity, for the proper use, benefits and behalf of the GRANTEE forever.

IN WITNESS WHEREOF, the said GRANTOR has herewith set her hand the day and year first above written.

Elaine Smith
Elaine Smith

State of Oregon)
) ss.
County of Malheur)

On this 12 day of April, 1999, personally appeared Elaine Smith, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same.



Donna Aveline
Notary Public residing in:

Nysa Oregon

My commission expires: 8/12/02

28

28

27

26

T13N R39E

33

33

34

Boundary of lands claimed by
B. Smith to S. Smith dead

These lands are under contract
of sale to D. Burtenshaw. It is to
these lands that 31-00249 was
decreed and claimed in the now
on-going Adjudication. No Tx's
have been filed to change POD
or POU.

4 Creek

3

T12N R39E

9

10

11

Union Central Life Insurance
Company (as successor in
interest of Marlborough
Smith)

1889 - June 1

31 210
3.0 c.f.s.

Pool
2 mi. up stream
Pool
W²W² Sec. 33 T.13N. R. 39E.

Source: Ching Creek, a tributary
of Camas Creek.

Point of Diversion: Two miles
up stream from the land to be ir-
rigated, and hereinafter described.

For use on the following described
land, to-wit: The West Half of
the West Half of Section 33, Town-
ship 13 North, Range 39 East, B.M.

31 250
2.0 c.f.s.
Source: Ching Creek, a tributary
of Camas Creek.

Point of Diversion: Near the foot-
hills on Ching Creek, right below
J. H. Cochran's flume.

For use on the following described
land, to-wit: The West Half of the
Southeast Quarter, and the East Half
of the Southwest Quarter, of Section
33, Township 13 North, Range 39
East, B.M.

Pool

Near this foothills on Ching Cr ...

Pool

W²SE, E²SW Sec. 33
T.13N R.39E



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

June 19, 2000

DON BURTENSCHAW
HC 63 BOX 2610
TERRETON ID 83450

RE: CHANGE IN OWNERSHIP FOR A31-00249, A3100250,
A31-00058, A31-00060B

Dear Mr. Burtenshaw:

It has come to our attention that you may have recently purchased a tract of land in Clark County. The property to which I am referring was most recently owned by Blaine T. Smith (Water Right #'s A31-00249 and A31-00250) and Stanley J & Mary Bradshaw (Water Right #'s A31-00058 and A31-00060B). The legal description is as follows:

T12N R39E S05 NE1/4 NE1/4
T12N R39E S05 NW1/4 NE1/4
T13N R39E S33 NW1/4 NW1/4
T13N R39E S33 SW1/4 NW1/4
T13N R39E S33 NE1/4 SW1/4
T13N R39E S33 NW1/4 SW1/4
T13N R39E S33 SW1/4 SW1/4
T13N R39E S33 SE1/4 SW1/4
T13N R39E S33 NW1/4 SE1/4
T13N R39E S33 SW1/4 SE1/4
T13N R39E S08 SW1/4 SW1/4
T13N R39E S29 NE1/4 SW1/4
T13N R39E S29 NW1/4 SW1/4
T13N R39E S29 SW1/4 SW1/4
T13N R39E S29 SE1/4 SW1/4
T13N R39E S29 NE1/4 NW1/4
T13N R39E S29 NW1/4 NW1/4
T13N R39E S29 SW1/4 NW1/4
T13N R39E S29 SE1/4 NW1/4

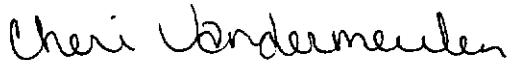
This property was filed on in the Snake River Basin Adjudication (SRBA), and we recommend that if, in fact, you now own the property in question, you file a "Change in Ownership" with this department in order that we may send all further correspondence to the appropriate owner(s).

If returned after July 1,2000 there will be a \$25.00
filing fee PER CLAIM NUMBER

Enclosed is a Change in Ownership form. Please fill
out the form completely, sign and date it and return it
to my attention along with a "copy" of your Warranty
Deed and legal description of the property you have
purchased.

If you have any questions regarding this matter, please
call **Allen Ruberry** at 525-7161.

Respectfully submitted,



Cheri Vandermeulen
Records Clerk

Enclosure(s)

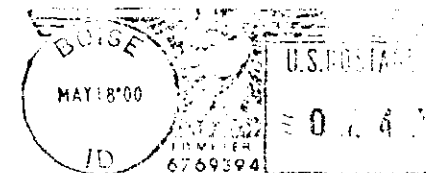
Needs Address correction!!!!

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, P.O. Box 83720
Boise, Idaho 83720-0098

Return Service Requested

RETURNED
TO
SENDER
NOT DELIVERABLE
AS ADDRESSED -
UNABLE TO FORWARD

PRESORTED
FIRST CLASS



RECEIVED

MAY 23 2000

Department of Water Resources

A31-00249
BLAINE T SMITH
KILGORE RT

DUBOIS

⇒ Don Buttershaw

ID 83423

