

09/26/2005

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

RIGHT NUMBER: 25-13956
NAME AND ADDRESS: HENRY CREEK RANCH
C/O KARLA W BURTENSHAW
1235 N 55 E
IDAHO FALLS ID 83401
SOURCE: HENRY CREEK TRIBUTARY: SAND CREEK
QUANTITY: 0.020 CFS
The quantity of water under this right shall not exceed 13,000 gallons per day.
PRIORITY DATE: 02/25/1922
POINT OF DIVERSION:

T01N R39E S30 NWSWSW Lot 4 End of Stream Flow Within BONNEVILLE County
T01N R39E S30 NWSESW Begin of Stream Flow Within BINGHAM County
T01N R39E S31 NESENE End of Stream Flow Within BINGHAM County
T01N R39E S32 SWSWSW Begin of Stream Flow Within BINGHAM County
T01S R39E S4 NWNWSW End of Stream Flow Within BINGHAM County
T01S R39E S4 SENWSW Begin of Stream Flow Within BINGHAM County
T01S R39E S4 NWSESW End of Stream Flow Within BINGHAM County
T01S R39E S9 SENESE Begin of Stream Flow Within BINGHAM County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	1/01 12/31	0.020 CFS
Stockwater use is for 200 range cattle.		

PLACE OF USE: STOCKWATER Within BINGHAM County

T01N R39E S30 Lot 4 SWSW	T01N R39E S30	SESW
T01N R39E S31 SENE	T01N R39E S32	SWNW
T01N R39E S32 NWSW	T01N R39E S32	SWSW
T01S R39E S04 NWSW	T01S R39E S04	SESW
T01S R39E S04 SWSE	T01S R39E S04	SESE
T01S R39E S09 NENE	T01S R39E S09	SENE
T01S R39E S09 NESE		

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

The quantity of water decreed for this water right is not a determination of historical beneficial use.

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

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

In Re SRBA

Case No. 39576

) Subcase No. 25-13956
)
)
)
)
)
)

STANDARD FORM 5

AMENDED CLAIM

FOR DOMESTIC & STOCKWATER RIGHTS

This form is used to report the stipulated elements of one domestic and/or stockwater right acquired under state law and/or one federal reserved water right and to amend the Notice of Claim. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

The parties agree that the Snake River Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

The parties and IDWR agree and stipulate that the elements of this water right should be described in the attached Amended Claim. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT:

Karla W. Burtenshaw

OBJECTOR:

United States on behalf of the
Bureau of Land Management

Karla W. Burtenshaw

Date

Larry A. Brown

Date

Attorney, U.S. Department of Justice
Environment and Natural Resources Div.

Date

IDWR CONCURRENCE:

IDWR CONCURRENCE:

Date

Date

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 25-13956

NAME AND ADDRESS: HENRY CREEK RANCH
C/O KARLA W BURTENSHAW
1235 N 55 E
IDAHO FALLS ID 83401

SOURCE: HENRY CREEK

TRIBUTARY: SAND CREEK

QUANTITY: 0.020 CFS

The quantity of water under this right shall not exceed
13,000 gallons per day.

PRIORITY DATE: 02/25/1922

POINT OF
DIVERSION:

T01N	R39E	S30	<u>Lot 4 (NWSWSW)</u>
<u>T01N</u>	<u>R39E</u>	<u>S30</u>	<u>NWSESW</u>
~~T01S~~	~~R39E~~	~~S9~~	~~SWSESE~~
<u>T01S</u>	<u>R39E</u>	<u>S09</u>	<u>SENESE</u>
<u>T01S</u>	<u>R39E</u>	<u>S04</u>	<u>NWSESW</u>
<u>T01S</u>	<u>R39E</u>	<u>S04</u>	<u>SENWSW</u>
<u>T01S</u>	<u>R39E</u>	<u>S04</u>	<u>NWNWSW</u>
<u>T01N</u>	<u>R39E</u>	<u>S32</u>	<u>SWSWSW</u>
<u>T01N</u>	<u>R39E</u>	<u>S31</u>	<u>NESENE</u>

Within BONNEVILLE County

End of Stream Flow
<u>Begin of Stream Flow</u>
~~Begin of Stream Flow~~
<u>Begin of Stream Flow</u>
<u>End of Stream Flow</u>
<u>Begin of Stream Flow</u>
<u>End of Stream Flow</u>
<u>Begin of Stream Flow</u>
<u>End of Stream Flow</u>

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
STOCKWATER	1/01 12/31	0.020 CFS
Stockwater use is for 200 range cattle.		

PLACE OF USE:

STOCKWATER

Within BINGHAM County

T01N	R39E	S30	<u>Lot 4 (SWSW)</u>
T01N	R39E	S30	SESW
<u>T01N</u>	<u>R39E</u>	<u>S31</u>	<u>SENE</u>
T01N	R39E	S32	SWNW
T01N	R39E	S32	NWSW
T01N	R39E	S32	SWSW
~~T01S~~	~~R39E~~	~~S04~~	~~Lot 4 SWNW~~
~~T01S~~	~~R39E~~	~~S04~~	~~NESW~~
T01S	R39E	S04	NWSW
T01S	R39E	S04	SESW
T01S	R39E	S04	SWSE
T01S	R39E	S04	SESE
~~T01S~~	~~R39E~~	~~S05~~	~~Lot 1 SENE~~
T01S	R39E	S09	NENE
T01S	R39E	S09	SENE
T01S	R39E	S09	NESE
~~T01S~~	~~R39E~~	~~S09~~	~~SESE~~

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 is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

CERTIFICATE OF MAILING

I certify that on _____, 2005, I mailed the original and copies of this form, including all attachments, postage prepaid and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P. O. Box 2707
Twin Falls, Idaho 83303-2707

2. Copy to:

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P. O. Box 44449
Boise, Idaho 83711-4449

IDWR Document Depository
P. O. Box 83720
Boise, Idaho 83720-0098

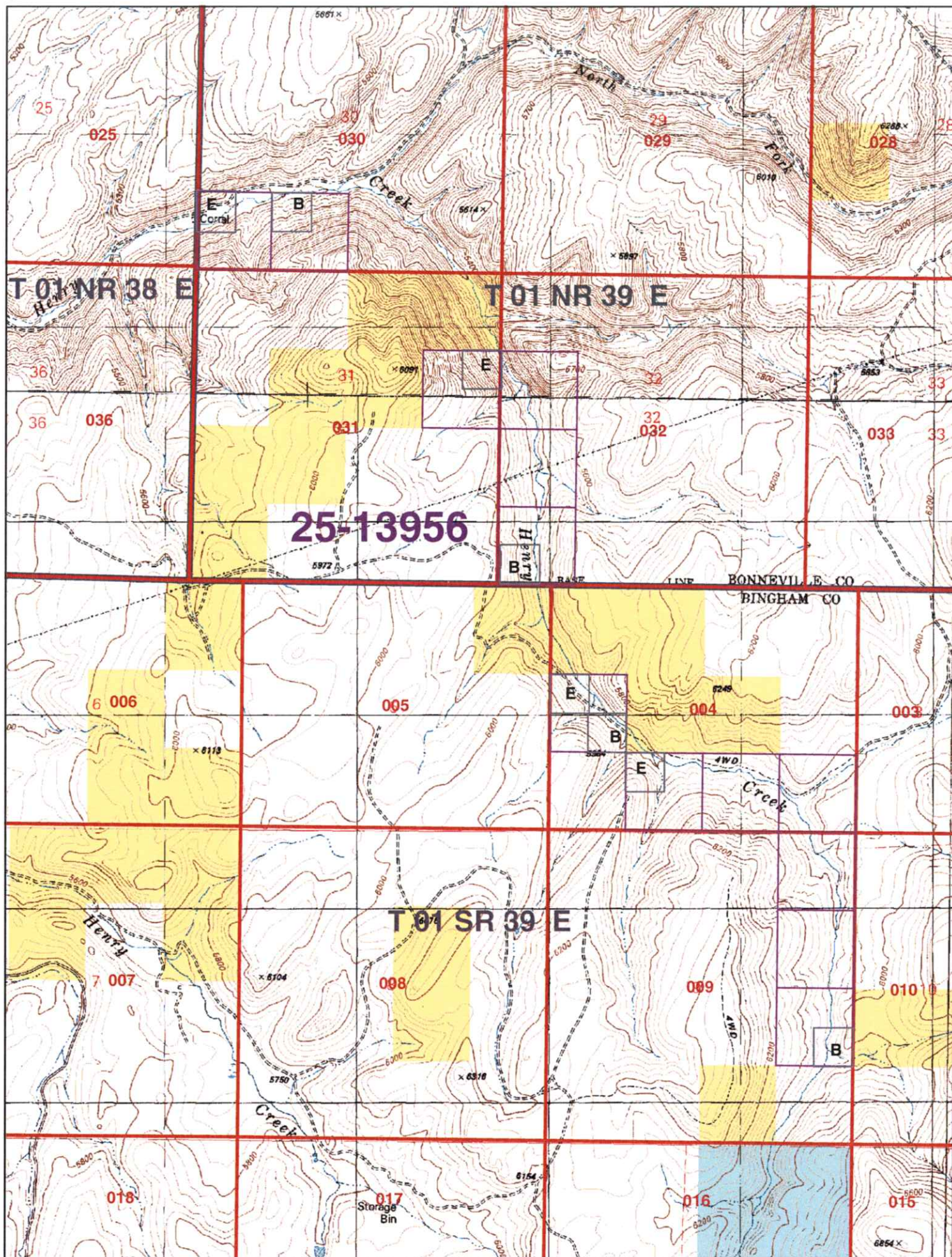
3. Copies to all parties to the subcase (insert names and addresses):

U.S., Department of Justice
Environment and Natural Resources Division
General Litigation Section
550 West Fort Street, MSC 033
Boise, Idaho 83724

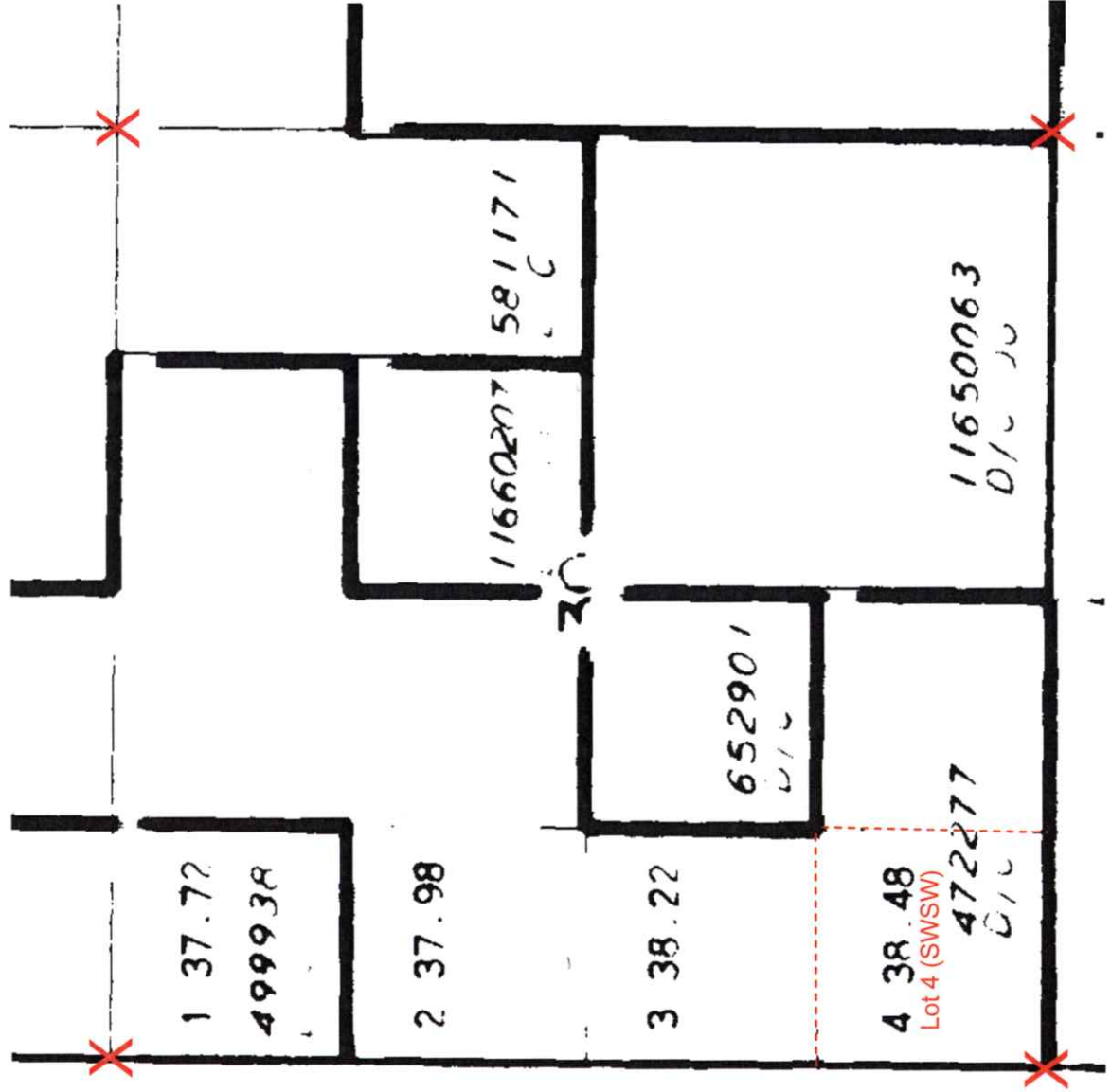
Henry Creek Ranch
C/O Karla W. Burtenshaw
1235 N. 55 E.
Idaho Falls, ID 83401

Ray Wendell Rigby
P.O. Box 250
Rexburg, ID 83440

Signature of person or attorney mailing the form



T01N R39E



FORM No. 301—QUITCLAIM DEED—Idaho.

190463

THIS INDENTURE, made this 20th day of April, 1974,
between JOHN MAURICE JUDY

of Iona County of Bonneville State of Idaho
the party of the first part and KARLA W. JUDY, his wife - *Box 36, Idaho Falls*
County of Bonneville State of Idaho of Iona, the party of the second part,

WITNESSETH, that the party of the first part, for and in consideration of the sum of Ten and no/100 Dollars lawful money of the United States of America and other good and valuable consideration to party of the first part in hand paid by the party of the second part, the receipt whereof is hereby acknowledged, does by these presents remise, release and forever QUITCLAIM, unto the said party of the second part, and to party of the second part's heirs and assigns, forever, all the following described real estate, situated in Bonneville and Bingham Counties, ~~Covered~~ State of Idaho, to-wit:

BINGHAM COUNTY LANDS

TRACT A:

Township 1 South, Range 39 East Boise Meridian.
Section 4: NW1/4 SW1/4, S1/2 SW1/4
Section 5: Lots 2, 3, 4, N1/2 SW1/4 SE1/4
Section 6: NE1/4 SE1/4
Section 8: N1/2 NE1/4 SE1/4 NE1/4 E1/2 SE1/4
Section 9: W1/2 SW1/4 SE1/4 SW1/4, W1/2 NW1/4

TRACT B:

Township 1 South, Range 39 East Boise Meridian.
Section 9: NE1/4 SW1/4, N1/2 SE1/4

TRACT C:

Township 1 South, Range 39 East Boise Meridian.

Section 4: Lots 1 and 2, E1/2 SE1/4
Section 9: E1/2 NE1/4
Section 10: W1/2 NW1/4

TRACT D:

Township 1 South, Range 39 East Boise Meridian.

Section 4: SW1/4 SE1/4
Section 9: W1/2 NE1/4 E1/2 NW1/4

BONNEVILLE COUNTY LANDS

Township 1 North, Range 39 East Boise Meridian.

Section 31: SE1/4 NE1/4, SE1/4 SW1/4, SE1/4 Section 32: W1/2, S1/2 SE1/4, NW1/4 NE1/4

TOGETHER, with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and the reversion and reversions, remainder and remainders, and rents, issues and profits thereof:

TO HAVE AND TO HOLD, all and singular, the said premises, together with the appurtenances, unto the said party of the second part, and to party of second part's heirs and assigns forever.

In construing this deed and where the context so requires, the singular includes the plural.

IN WITNESS WHEREOF, the said party of the first part has hereunto set his hand and seal the day and year first above written.

John Maurice Judy

STATE OF IDAHO,

County of Bonneville

On this 20th

day of

April

in the year 1974, before me

H. Larry Spilker

a Notary Public in and for said State, personally appeared

JOHN MAURICE JUDY

known to me to be the person, whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

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

(SEAL)

H. Larry Spilker

Notary Public for the State of Idaho,
Residing at Idaho Falls, Idaho.

1104/45

No. 461397

QUITCLAIM DEED

(Form No. 301)

APR 22 10 31 AM '74

TO

Dated April 22, 1974

STATE OF IDAHO,

County of Bonneville
I hereby certify that this instrument was filed for record at request of

at minutes past
o'clock M, this 19th day of
office, and duly entered in Book
of

at page
By *Keith Long*
Deputy

Fees \$

Mail to

AFTER RECORDING RETURN TO

190463

H. Larry Spilker