

06/27/2006

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

RIGHT NUMBER: 22-13368

NAME AND ADDRESS: MARILYN KAUFFMAN BUTTARS
44 S 2ND E #4
REXBURG ID 83440

SOURCE: NORTH LEIGH CREEK TRIBUTARY: SPRING CREEK
Water is delivered from Middle Leigh Creek.

QUANTITY: 0.960 CFS

PRIORITY DATE: 01/22/1916

POINT OF DIVERSION:

T06N R46E S30 SENE Within TETON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	0.960 CFS

PLACE OF USE: IRRIGATION Within TETON County

T06N R45E S34	NWNE	38.00	T06N R45E S34	NENW	6.90
---------------	------	-------	---------------	------	------

44.9 ACRES TOTAL

44.9

The rights listed below are limited to the irrigation of a combined total of
acres in a single irrigation season. Combined Right Nos.: 22-13368,
22-13370.

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

This right is a split from former right 22-136.

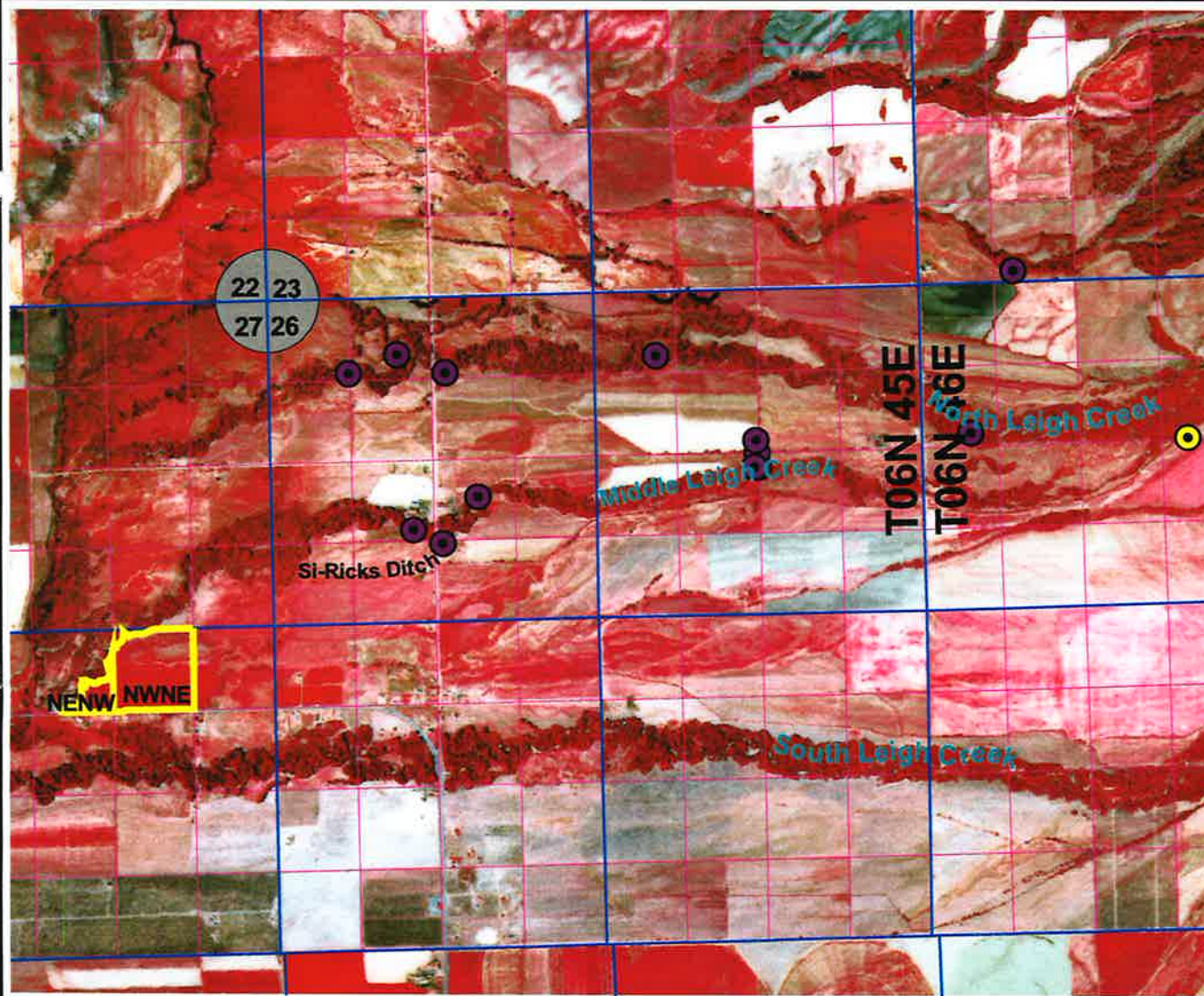
Water is delivered through Ricks Canal.



State of Idaho

Department of Water Resources

Eastern Region



Water Right(s):

22-13368

22-13370

SCANNED
MAY 09 2005

PROFITE

Point(s) of Diversion:

T06N R46E

Sec. 30 SWSENE

Place of Use (parts of):

T06N R45E

Sec. 34 NWNE, NENW

Delivered through Si-Ricks Canal.

LEGEND

- ⊙ Point of Diversion
- Place of Use
- ▭ Section
- ▭ Quarter-Quarter



GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepared by: S. Porter
Date: April 2005

04/18/2005

**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:

Water right number: 22-13368
MARILYN KAUFFMAN BUTTARS
44 S 2ND E #4
REXBURG ID 83440
Telephone Number: (208) 359-1868

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: 6-27-05 SIGNATURE: Marilyn Buttars
Please print your name: Marilyn Buttars

IDWR Regional Office,

SCANNED
JUL 08 2005

PROFILED

KWJ
7/8

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

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
 Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
	22-240				
	22-136F				

2. The following **REQUIRED** information must be submitted with this form:

A. The appropriate **FILING FEE**. See instructions for fee amounts.

B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.

ESTATE CONVEYANCE INSTRUMENT

C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) 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(s)

ALICE HANSEN (DECEASED)

4. New Owner/Claimant(s)

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

New Mailing Address

44 S. 2nd E. #4

City, State and ZIP Code

Redburg, id 83440

New Telephone Number

(208) 359-1868

5. Date you acquired the property

8-1-89

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7. Signature of New Owner(s) or Claimant(s) Marilyn Butters
(include title if applicable) _____

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only

Received by _____	Date _____	Fee _____
Received by _____	Date _____	Receipt No. _____
Processed by _____ AJ	Date _____	WR _____ Date _____

Wesley Christensen
909 W 14th N
Rexburg, Id 83440
Phone 208-356-3293

Water Resource Idaho Falls
525-7170
525-7171

Water File: Alice Hansen for rejudication

The property for this water has been split since the death of Alice Hansen between Marilyn Buttars and Wesley Christensen.

80 inches of water MONB/LOSS 6/1/1892

22-00240

Ditch N. C. Edelfsen

This information was obtained from water master Clayton Fullmer

Home Phone 456-3023
Cell Phone

I have talked with my Sister-in-law, Marilyn Kauffman Buttars (March 24, 2004) and we agreed to split the water rights with each of us taking 40 inches.

Water Right Split History Analysis

DECREED UNDER:
HANSEN, et al vs L. CRANDALL
1938. P XIV.

22-136B D. ROTH

0.80 cfs on 40[±] ac.

22-136A

22-136C B. SMITH

1.60 cfs on 80[±] ac

22-136D J. BUSH

0.80 cfs on 40[±] ac.

22-136

10^{1/2} cfs on 520[±] ac

22 JANUARY 1916

NORTH LEIGH CREEK

22-136E G. HANSEN

1.60 cfs on 80[±] ac.

MIDDLE LEIGH CREEK - ? cfs?

$$\frac{10\frac{1}{2} \text{ cfs}}{520^{\pm} \text{ ac}} = 0.02 \text{ cfs/ac}$$

22-136F A. HANSEN

2.32 cfs on 116[±] ac

22-1336B M. B. HANSEN

.94 cfs 48 ac

22-13369 W. CHRISTENSEN

2.34 cfs 68 ac

22-136G M. HANSEN

0.50 cfs on 18[±] ac. Q OVERCLAIMED / AC UNDERCLAIMED?

22-136H R. BEARD

0.30 cfs on 11[±] ac. Q OVERCLAIMED / AC UNDERCLAIMED?

Reviewer: _____

Date: _____

SCANNED

UNCLAIMED

MAY 09 2005

≈ 2.48 cfs AND 135[±] ac

PROFILED

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 22-13368
Date Received: 4/15/2005
Receipt No:
Received By:

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

1. Name of Claimant(s)

MARILYN KAUFFMAN BUTTARS Phone: (208) 359-1868

44 S 2ND E #4
REXBURG ID USA 83440

2. Date of Priority: 01/22/1916

3. Source: NORTH LEIGH CREEK Trib. to: TETON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
06N	46E	30	SW SE NE	TETON	

5. Description of diverting works:

DITCH TO P/U FOR FLOOD IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/15	10/15	0.96	

7. Total Quantity Appropriated is:

2.32 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	45E	34	NW NE	IRRIGATION	37
			NE NW	IRRIGATION	11

SCANNED

MAY 09 2005

Section Acres 48
Total Acres 48

11. Place of use in counties: TETON

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

13. Other Water Rights Used:

14. Remarks:

This right is a split from original right 22-136.

This right is a split from former right 22-136F.

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)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this
of _____ 20__

Notary Public

Residing at _____

My commission Expires _____

PROFILED

SCANNED
MAY 09 2005