

05/21/2003

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

RIGHT NUMBER: 29-13123
NAME AND ADDRESS: BRAD BURTON
3435 SOMERSET DR
POCATELLO ID 83201

LORI BURTON
3435 SOMERSET DR
POCATELLO ID 83201

SOURCE: INDIAN CREEK TRIBUTARY: PORTNEUF RIVER
QUANTITY: 0.049 CFS
PRIORITY DATE: 05/31/1908
POINT OF DIVERSION:

T07S R36E S28 NWNW Within BANNOCK County Source: INDIAN CREEK

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	0.049 CFS

PLACE OF USE: IRRIGATION Within BANNOCK County

T07S R36E S20	SESE	3.0	T07S R36E S29	NENE	2.2
---------------	------	-----	---------------	------	-----

5.2 ACRES TOTAL

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.

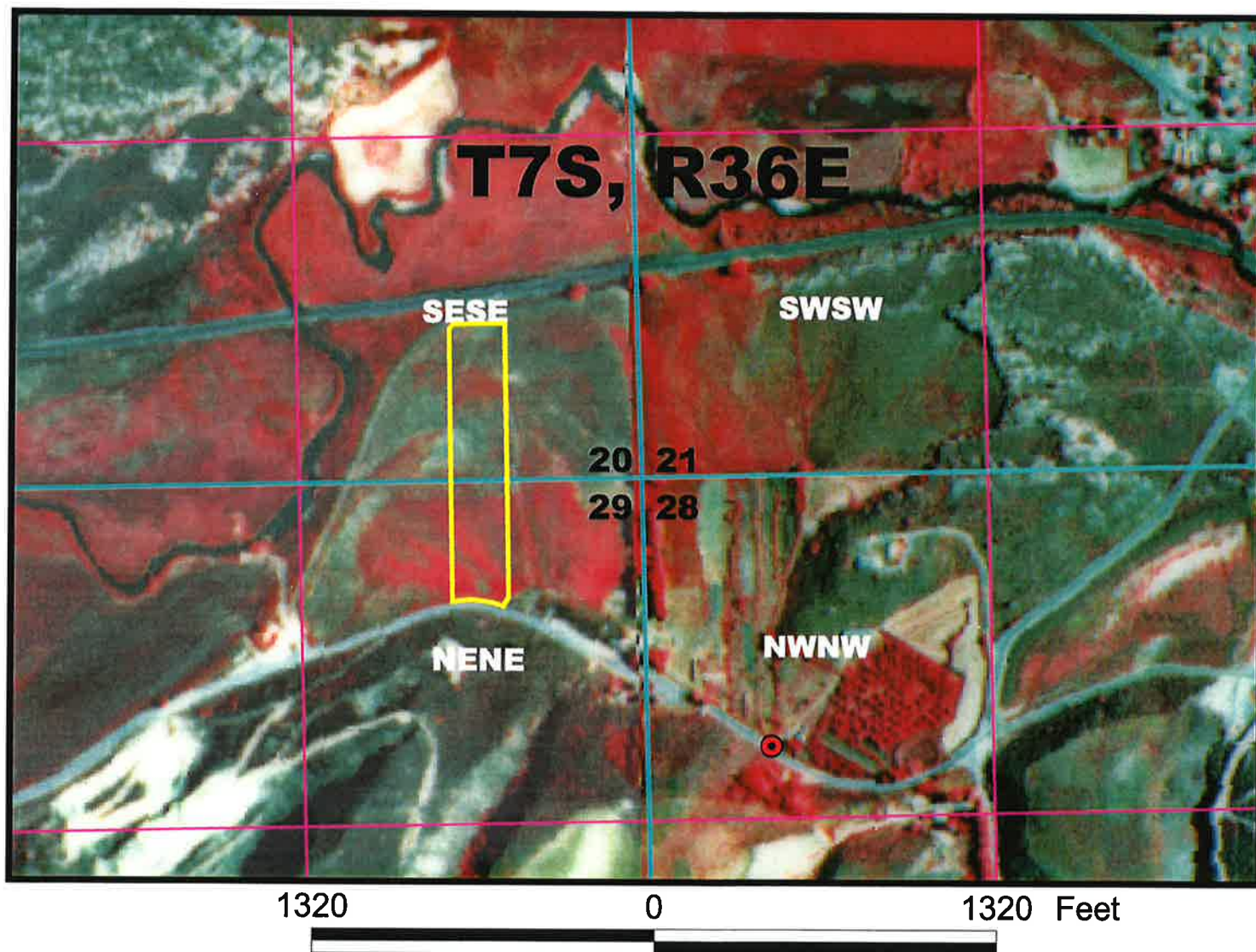
EXPLANATORY MATERIAL: Decreed



STATE OF IDAHO

Department of Water Resources
Eastern Region

Water Right(s): 29-13123



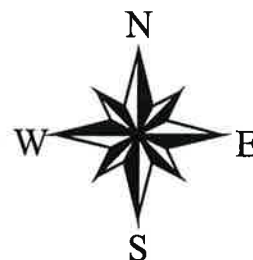
Total Irrigated Acres: 5.2

● Point(s) of Diversion

□ Place of Use

□ Quarter Quarter Lines

□ Section Lines



GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepared by: C. Saxton
Date: May 2003

Adjudication Recommendation Report 29-13123 V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	JACKE L KARLSON 3061 W OLD HWY 91 PO BOX 96 INKOM, ID 83245 (208) 775-3267
Original Owner	RONALD D KARLSON 3061 W OLD HWY 91 PO BOX 96 INKOM, ID 83245 (208)775-3267
Current Owner	BRAD BURTON 3435 SOMERSET DR POCATELLO, ID 83201 (208)478-8470
Current Owner	LORI BURTON 3435 SOMERSET DR POCATELLO, ID 83201 (208) 478 8470
Original Owner	IRELAND BANK PO BOX 186 MALAD CITY, ID 83252 (208)766-2211

Status: Active

PORTNEUF RIVER

INDIAN CREEK NW1/4NW1/4 Sec. 28, Twp 07S, Rge 36E, B.M.
BANNOCK County

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals	
07S	36E	20	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	3.0	3.0
07S	36E	29	2.2																2.2	

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 29-13123 V1

Total Acres: 5.2

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.

Remarks:

Comments:

1. csaxton 12/10/2002 POD
Comment: No POD location defined in Decree.
2. csaxton 12/10/2002 From WR file - Priority date
Comment: PRIORITY DATE NOT GIVEN IN DECREE, BUT RT. 29-0603 IS SUPERIOR & PRIOR TO DEFENDANTS RTS. 29-0606 THRU 29-0610. (One day prior to priority for 29-00606 thru 29-00610 csaxton)
3. csaxton 12/10/2002 Diversion Rate Analysis
Comment: See Excel analysis spreadsheet in file and memorandum.
4. csaxton 5/21/2003 Source
Comment: Source claimed as trib to the Portneuf River. USGS quad maps indicate that Indian Creek sinks. But since water still makes it to the Portneuf thru a man-made channel which is now assumed to be the natural channel, recommend as tributary to the Portneuf river.

Dates and Other Information:

Decreed Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Defendant:
Plaintiff:
Civil Case Number:
Judicial District:
Notice of Error Flag:
State or Federal: S
Owner Name Connector: AND
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Contacts	12/10/2002 4:34:25 PM	csaxton			Active
Priority Date	12/10/2002 4:34:55 PM	csaxton			Active
POD	12/10/2002 4:35:08 PM	csaxton			Active
Source	12/10/2002 4:38:28 PM	csaxton			Active
POU	12/10/2002 4:38:38 PM	csaxton			Active

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-13123 V1

Use	12/10/2002 4:40:38 PM	csaxton	Active
Season	12/10/2002 4:41:00 PM	csaxton	Active
Quantity	12/10/2002 4:42:36 PM	csaxton	Active
Summary	12/10/2002	csaxton	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
Contacts	12/10/2002 4:34:26 PM	csaxton	(No) 1. Do you want to schedule an appointment? Comment for 1: FE 8/28/02
Priority Date	12/10/2002 4:34:56 PM	csaxton	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (Yes) 4. Is the basis of claim decree or license? (No) 5. Does the decree or license have a Priority Date? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required?
POD	12/10/2002 4:35:10 PM	csaxton	(Yes) 1. Is the basis of this claim a Decree or License? (No) 4. Does the Decree or License have a POD? (No) 6. Is there evidence that there has been a change in the POD? (Yes) 9. Does the file contain all the necessary information to verify the POD? (No) 10. Is a POD remark and/or condition required?
POD	12/10/2002 4:36:32 PM	csaxton	Edited point location
POD	12/10/2002 4:36:52 PM	csaxton	Edited PLS
Source	12/10/2002 4:38:29 PM	csaxton	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a source? (Yes) 5. Can the claimed source be verified using the water right file? (No) 11. Is a Source remark and/or condition required?
POU	12/10/2002 4:38:39 PM	csaxton	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 2a. Is the POU required? (Yes) 5. Does the Decree or License have a POU? (Yes) 6. Can the claimed POU be verified using the water right file? (No) 14. Is a POU remark and/or condition required?
POU	12/10/2002 4:39:00 PM	csaxton	Edited shape boundary
POU	12/10/2002 4:39:23 PM	csaxton	Edited PLS

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-13123 V1

Use	12/10/2002 4:40:39 PM	csaxton	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a Purpose of Use? (Yes) 5. Can the claimed Purpose of Use be verified using the water right file? (No) 13. Is a Purpose of Use remark and/or condition required?
Season	12/10/2002 4:41:01 PM	csaxton	(Yes) 1. Is the basis of claim Decree or License? (No) 4. Does the Decree or License have a Period of Use? (No) 6. Is there evidence that there has been a change in the Period of Use? (Yes) 12. Does the file contain all the necessary information to verify the Period of Use? (No) 13. Is the basis of claim a decree, license, or a transferred beneficial use right that has had the Period of Use administratively determined? (Yes) 15. Is irrigation claimed as a Purpose of Use? (No) 18. Is a Period of Use remark and/or condition required?
Quantity	12/10/2002 4:42:37 PM	csaxton	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a diversion rate and/or volume? (Yes) 5. Can the claimed diversion rate and/or volume be verified using the water right file? (No) 8. Does the parent right have an annual diversion volume limit? (No) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit? (No) 11. Has a diversion volume limit been established by a decree, license or transfer for this water use? (No) 12. Is a Quantity remark or condition required?
Summary	12/10/2002 4:43:52 PM	csaxton	(Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (No) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture? (No) 5. Is an additional remark and/or condition required? (Yes) 6. Would you like to view the recommended right? (Yes) 7. Is this a split or combined right? (No) 8. Do you have documents you would like to attach or link to the file? (Yes) 9. Would you like to set the verification date?
POD	5/21/2003 10:06:44 AM	csaxton	Edited point location

please file

RECEIVED

NOV 06 2003

Department of Water Resources
Eastern District Office

send this card to magazines, businesses, friends and family to let them know you

Please send mail to my new address starting: NPW
Month Day Year

My Name: Brad & Lori Burton

Old Address:

3435 Somerset Dr

STREET OR PO BOX

APT/SUITE #

Poz

ID

83201

CITY OR POST OFFICE

STATE

ZIP+4

New Address:

1457 Jensen St

STREET OR PO BOX

APT/SUITE #

Pozatello

ID

83201-6020

CITY OR POST OFFICE

STATE

ZIP+4



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RECEIVED
SEP 17 2003
Department of Water Resources

LOWE'S
Improving Home Improvement

For all your moving needs, visit Lowe's.

To locate a store nearest you call
1-800-44-LOWES.

#29-13123

NCAP done,
re card updated.
-ps 9-18-03

SCANNED

SEP 18 2003

02/08/2003

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: April 21, 2003

Water right number: 29-13123

BRAD BURTON
3435 SOMERSET DR
POCATELLO ID 83201
Telephone Number: (208)478-8470

LORI BURTON
3435 SOMERSET DR
POCATELLO ID 83201
Telephone Number: (208) 478 8470

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: 3-7-03 SIGNATURE: [Signature]
Please print your name: Brad Burton

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

RECEIVED
MAR 17 2003
Department of Water Resources
Eastern Region

8-23-02: This is a combination of 29-00603 and 29-00604
29-00604 is overclaimed.

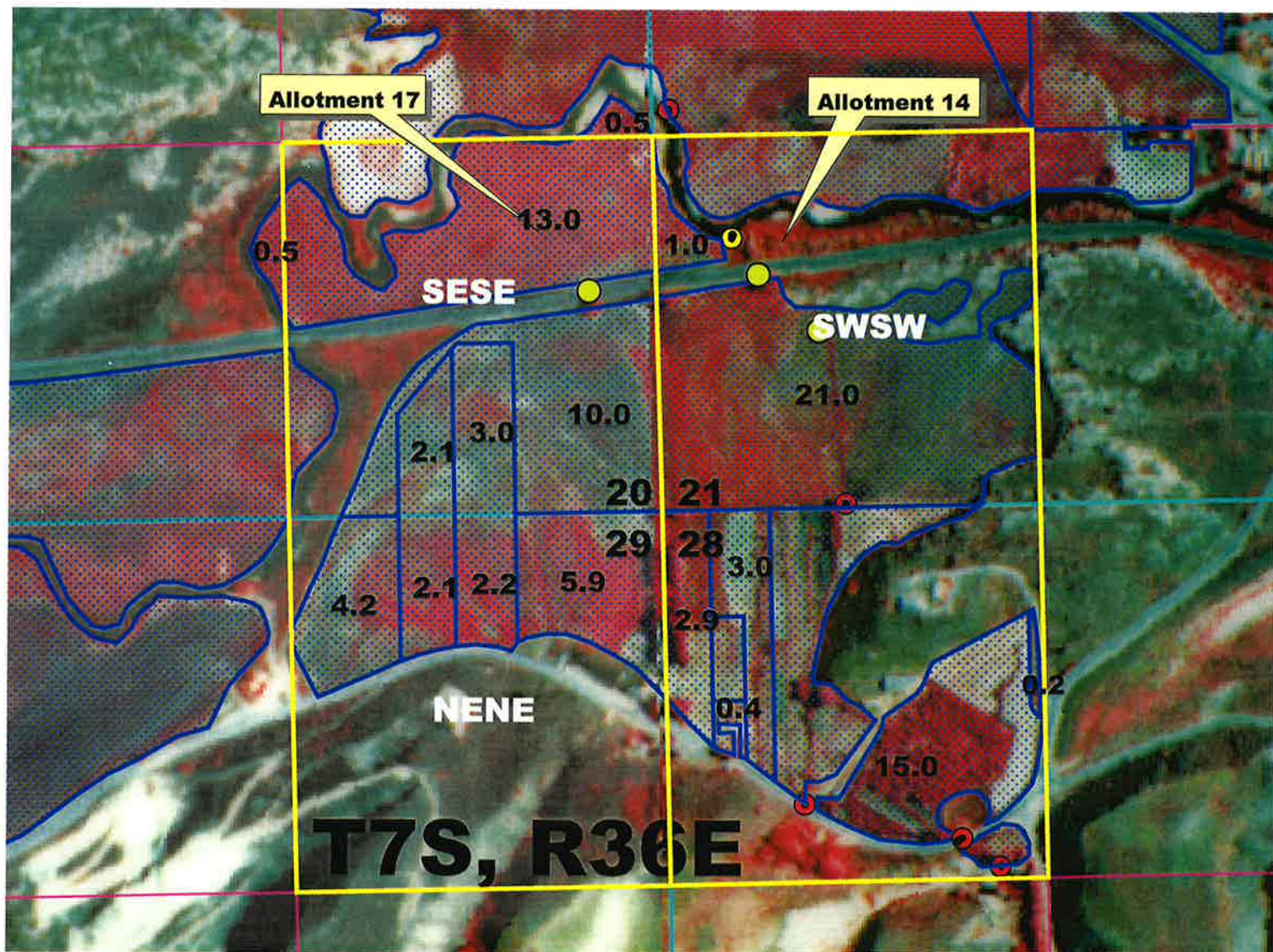
2 no other claims

8-28-02: Doesn't look currently irrigated. But ditch
FE does go through top or S. End of Property and
could be flood irrigated. POD assumed to be
at Wells headgate.

if pro of House +
claimed POD

3-5-03: Claimant called and wanted to know how
diversion Rate was Reached. Also Gave him
Tim Luke's Name for guidance on how to
set up a water district.

Recommended POU map for splits of 29-00603 and 29-00604



Point of Diversion - N/A

Total Acres:



City of Pocatello Tax Lot Data



Recommended POU



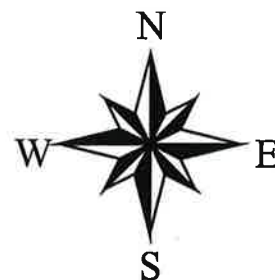
Indian Allotment Boundary N/A



Section Lines



Quarter Quarter Lines



Prepared By: Craig Saxton
April 2003

Memorandum

Date: June 12, 2003

To: File

From: Craig L. Saxton

Subject: Diversion rate break down splits of decreed right 29-00604 and Source.

Diversion Rate:

This right was divided by calculating the total irrigated acreage within Indian allotment #14 and then proportioning out the water accordingly. The diversion rate per acre for users of 29-00604 came to 0.018 cfs per acre.

One week before the deadline for the directors report for Basin 29 was issued. It was discovered that 29-12528 claimed 0.06 cfs based on 29-00604 and was partially decreed by the SRBA court on 6/24/1998. This right was not originally included in the proportionate split.

Thus, the result would be that the recommendation for split portions for 29-00604 is 0.06 cfs greater than the decreed diversion rate.

However, 29-00604C was recommended as disallowed. Despite that this claim was disallowed, the appropriate diversion rate was included in the proportioning of the right. Otherwise stated, I held out 0.054 cfs for this claim in case proof could be shown that this was a valid water right. At this time, no evidence has been provided.

So:

Total decreed diversion rate for 29-00604 = 0.80 cfs

If all claims were recommended, total recommended diversion rate would = 0.86 cfs

However, since 29-00604C was disallowed, the actual total recommended diversion rate = 0.806.

This right is over recommended by 0.006 cfs. Due to possible rounding error, the fact that this is such a small diversion rate, and the short time line, I did not re-proportion the diversion rate among the users.

If the claimant of 29-00604C files an objection, the diversion rate will have to be re-evaluated for all split portions of 29-00604 and all diversion rate recommendations will most likely need to be reduced.

Source:

IDWR paralegal Vicky Music found that the "decision" in U.S. v. Skeem and it specifically says that Indian creek during high water carries considerable volume of water and is continuous from its source to the Portneuf but that after approximately May 1 it ceases to flow past 1 mile from its source.

Source Recommended as Indian Creek Tributary to the Portneuf River.

Split history for Decreed Right 29-00603 & 604

WR

Claimed

Recommend

29-00603 0.4	29-00603A Gilbert	29-00603A Gilbert	Deed Silent	0.14 15	Not On Decreed POU Karlson says this is Gilberts Diversion Rate Calc for 14 ac
	0.2 15	0.2 15			
29-00604 0.8	29-10522 Karlson(?)	29-13122 Karlson	Approx 1/2 " hand written	0.513 35.2	POU 14 & 17 good
	0.2 (603) 0.67 (604) 52.5	0.72 43.1			
		29-13123 Burton	Approx 1/2 " hand written	0.049 5.2	POU 17 claimed water from 14 & 17
		0.08 5.2			
		29-13124 Rendace	Approx 1/2 " hand written	0.04 4.2	POU 17 claimed water from 14 & 17
		0.07 4.2			
	29-00604A Wells	29-00604A Wells	Conversation notes say he gets %52 of 604	0.271 15	POU 14 Good
	0.42 21	0.42 21			
	29-00604B Whitworth	29-00604E Hahn	Deed Silent	0.021 1.2	POU 14 Good
	0.07 3.5	0.05 2.5			
		29-00604F Anderson	Deed Silent	Disallow	Covered by 29-00604C
		0.02 1			
	29-00604C Anderson	29-00604C Anderson	Deed Silent	0.054 3	Disallow Not enough evidence of use so far POU 14 Good
	0.075 3	0.075 3			
	29-00604D Spencer Renumbered	29-13464 Spencer	Deed Silent	0.108 8.8	Referred to 29-13464 POU 14 & 17 CO5
	0.235 12	0.235 12			
	29-00604G Derbidge	29-00604G Derbidge	No Deed in File	0.004 0.2	POU 14 Good
	0.02 0.5	0.02 0.5			
	29-12528 Hahn		Domestic Partial Decreed	0.06 Domestic	Partially Decreed
	0.06 Domestic	0.06 Domestic			

Sum Rec CFS=	1.26
Sum Rec Acre=	87.8

Un-accounted for CFS=	-0.06
Un-accounted for Acres=	N/A

* Both Rights over claimed. Decree doesn't mention duty of water. No claims deeds show deeded water.
 Since 29-00604D is disallowed, actual total recommended diversion rate is 0.806 cfs
 This right is over recommended by 0.006 cfs

Allotment 14: 29-00604

Allotment 17: 29-00603

Sum CFS & Acreage
for Rights

	1		13
	21		10
	2.9		2.1
	3		3
	0.4		4.2
	15		2.1
	0.2		2.2
	0.8	Not Recommended	5.9
0.8	44.3	0.4	42.5

Per Acre =	0.018059	0.00941176
------------	----------	------------

	Acreage	CFS		Acreage	CFS
29-00603A	1	0.018		13	0.122
29-00604A	15	0.271			
29-00604C	3	0.054			
29-00604D 29-13464 (renumbered)	2.9	0.052		5.9	0.056
29-00604E	1.2	0.022			
		0.021 actual			
29-00604F DISALLOW					
29-00604G	0.2	0.004			
29-13122	21	0.379		14.2	0.134
29-13123				5.2	0.049
29-13124				4.2	0.040
29-12528	Domestic	0.060			
Total Acres	44.3	0.860		42.5	0.400

CFS	Acreage
0.140	14
0.271	15
0.054	3
0.108	8.8
0.022	1.2
0.021 Actual	
0.004	0.2
0.513	35.2
0.049	5.2
0.040	4.2
0.060	Domestic
1.260	86.8

Since 29-00604D is disallowed, actual total recommended diversion rate is 0.806 cfs
This right is over recommended by 0.006 cfs

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-13123 V1

WATER RIGHT NUMBER: 29-13123 V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	JACKE L KARLSON 1520 KINGHORN POCATELLO, ID 83201 (208)237-8876
Original Owner	RONALD D KARLSON 1520 KINGHORN POCATELLO, ID 83201 (208)237-8876
Current Owner	BRAD BURTON 3435 SOMERSET DR POCATELLO, ID 83201 (208)478-8470
Current Owner	LORI BURTON 3435 SOMERSET DR POCATELLO, ID 83402 (208) 478 8470
Original Owner	IRELAND BANK PO BOX 186 MALAD CITY, ID 83252 (208)766-2211

Priority Date: 05/31/1908

Basis: Decreed

Status: Active

Source

INDIAN CREEK

Tributary~~SINKS~~ PortneufBeneficial Use

IRRIGATION

From To

04/01 to 10/31

Diversion Rate

0.045 CFS

0.049

Total Diversion:

0.045 CFS

0.049

Annual VolumeLocation of Point(s) of Diversion

INDIAN CREEK

BANNOCK County

~~SE 1/4~~ NW 1/4 NW 1/4

Sec. 28, Twp 07S, Rge 36E, B.M.

Place of Use

IRRIGATION

Twp	Rge	Sec	NE	NW	SW	SE	Totals
07S	36E	20	NE NW SW SE	NE NW SW SE	NE NW SW SE	NE NW SW SE	3.0
07S	36E	29	2.2				2.2

Total Acres: 5.2

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 29-13123 V1

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.

Remarks:Comments:

1. csaxton 12/10/2002 POD

Comment: ~~USGS quad shows that natural stream channel of Indian Creek stops on Wells property. Historically the POD went to Portneuf river. Recommend POD on Wells property for all users for rights downstream of wells property, or north of Portneuf RD. No POD location defined in Decree.~~

2. csaxton 12/10/2002 From WR file - Priority date

Comment: PRIORITY DATE NOT GIVEN IN DECREE, BUT RT. 29-0603 IS SUPERIOR & PRIOR TO DEFENDANTS RTS. 29-0606 THRU 29-0610. (One day prior to priority for 29-00606 thru 29-00610 csaxton)

3. csaxton 12/10/2002 Diversion Rate Analysis

Comment: See Excel analysis spreadsheet in file and memorandum.

4. csaxton 12/10/2002 Source

Comment: Source claimed as trib to Portneuf river. USGS quad maps indicate that Indian Ck Sinks.

as Trib to Portneuf

But rec

Dates and Other Information:

Decreed Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Defendant:
Plaintiff:
Civil Case Number:
Judicial District:
Notice of Error Flag:
State or Federal: S
Owner Name Connector: AND
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Element Reviewed/Verified Dates:

Element	Last Reviewed Date	Reviewer	Last Verified Date	Verifier	Status
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POU	12/10/2002 4:38:38 PM	csaxton			Active
Use	12/10/2002 4:40:38 PM	csaxton			Active

Memorandum

Analysis of Decreed rights 29-00603 and 29-00604 (Indian Creek)

This right was over claimed. Deeds do not show ownership of water.

How right was divided and recommended to respective claimants:

29-00603 was decreed to Indian allotment NO:17

29-00604 was decreed to Indian allotment NO: 14

POU that would be recommended for respective claims was calculated. Diversion rate was then proportioned out equally to users with POU within the Decreed POU.

If claimant claimed water decreed for allotment 14 and they only had a POU in allotment 17, the proportionate amount of recommended diversion rate was only taken from allotment 14 since there is no evidence of accomplished transfer.

29-13123

Ditch

Field Exam: 9/24/02



Looking South toward POD (Indian creek). Historical Ditch that used to convey water to part of the claimed POU.



Looking North toward RR Tracks. Historical Ditch that used to convey water to part of the claimed POU.

29-13123 FE 8/28/02 looking N at Cleaved POU



29-13123 - Burton



Point of Diversion



Claimed Place of Use -N/A



Claimant Property Boundary



Bannock Co Tax Lot Data

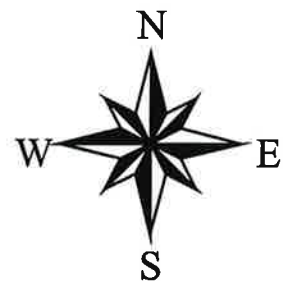


Section Lines



Quarter Quarter Lines

Total Property Acreage:



Prepared By: Craig Saxton
August 2002



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

SCANNED

JUN 11 2001

EASTERN REGION

October 5, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

BRAD & LORI BURTON
3435 SOMERSET DR
POCATELLO ID 83201

RE: CHANGE IN OWNERSHIP FOR 29-10522

Dear Mr. & Mrs. Burton:

The request for Change in Ownership for a portion of the above-referenced Notice(s) of Claim has been processed with the new Notice(s) reflecting you as one of the claimants.

Since the Change in Ownership involved just a portion of the Notice(s) of Claim, the right was split as follows:

29-10522 SPLIT TO:

29-13122, 0.72 CFS, 43.1 ACRES, KARLSON

29-13123, 0.08 CFS, 5.2 ACRES, BURTON

29-13124, 0.07 CFS, 4.2 ACRES, RENDACE

Enclosed for your records is a typed Notice(s) reflecting your portion of the right. Review the Notice(s) and if you have other corrections or questions, please contact this office.

Respectfully submitted,

Jennifer Crabtree

Technical Records Specialist

Enclosure

DELOG JC 6/7/00
DELOG BS 6/7/00
RECEIVED

JUN 05 2000

Department of Water Resources
Eastern RegionSTATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE OF WATER RIGHT OWNERSHIPOK bac
9/27/00Please 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): A29-10522
Adjudication Claim No(s): _____
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 RON & JACKIE KARLSON
PO Box 96 Inkom ID 83245
4. New Owner/Claimant(s) BRAD & LORI BURTON
Name Connector (Check one): ☒ and, ☐ or, ☐ and/or
New Mailing Address 3435 Somerset Drive
City, State and ZIP Code Pocatello ID 83201
New Telephone Number (208) 478-8470
5. Date you acquired the property 4-25-2000
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 <u>5.2</u>	Number and type of stock _____
Diversion rate in CFS _____	Number of homes you acquired _____ Other uses _____
7. Signature of New Owner(s) Brad Burton
or Claimant(s) Lori Burton
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.

WARRANTY DEED

20006379

For Value Received RONALD D. KARLSON and JACKIE L. KARLSON, husband and wife

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

BRAD BURTON and LORI BURTON, husband and wife

ACCEPTED AND APPROVED:

whose address is: 3435 SOMERSET DRIVE, POCATELLO, ID 83201

Hereinafter called the Grantee, the following described premises situated in BANNOCK County, ID, to-wit:

PART OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER (NE¹/₄NE¹/₄) OF SECTION 29, AND PART OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER (SE¹/₄SE¹/₄) OF SECTION 20, TOWNSHIP 7 SOUTH, RANGE 36 EAST OF THE BOISE MERIDIAN, BANNOCK COUNTY, IDAHO DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT THAT IS S 89°37'56" W. 522.27 FEET ALONG THE SECTION LINE FROM THE NORTHEAST CORNER OF SAID SECTION 29 AND RUNNING THENCE S. 00°16'25" E. 453.30 FEET TO A POINT ON A CURVE ON THE NORTHERLY RIGHT-OF-WAY LINE OF PORTNEUF ROAD; THENCE 218.99 FEET ALONG SAID CURVE TO THE LEFT, CURVE DATA: DELTA=21°34'03", RADIUS= 581.77 FEET, CHORD BEARING=N. 85°32'01" W. 217.70 FEET; THENCE N. 00°16'25" W. 1021.55 FEET; THENCE N 40°32'47" E. 24.87 FEET; THENCE N. 89°43'35" E. 200.70 FEET; THENCE S. 00°16'25" E. 605.06 FEET TO THE POINT OF BEGINNING.

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, 2000

Ronald D. Karlson
RONALD D. KARLSON

Jackie L. Karlson
JACKIE L. KARLSON

STATE OF IDAHO

COUNTY OF BANNOCK

On this 25th day of April, 2000, before me, a Notary Public in and for said State, personally appeared RONALD D. KARLSON and JACKIE L. KARLSON, known or identified to me to be the person(s) whose name(s) ARE subscribed to the within instrument, and acknowledged to me that THEY executed the same.

Sheila Garrett
Notary Public of Idaho
Residing at: INKOM, ID
Commission Expires: 09/17/05

SHEILA GARRETT
NOTARY PUBLIC
STATE OF IDAHO

NO 20006379
RECORDED AT REQUEST OF
FIRST AMERICAN TITLE
2000 APR 25 PM 1 57

OFFICIAL BLD BOOK NO 257
BANNOCK COUNTY IDAHO
LARRY W. CHAN RECORDER
FEE 3 DEPUTY *m*

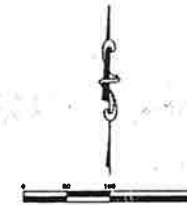
Part of the
NE 1/4 of the NE 1/4 of Section 29, T. 7 S., R. 36 E., B.M.
and part of the
SE 1/4 of the SE 1/4 of Section 20, T. 7 S., R. 36 E., B.M.
BANNOCK COUNTY, IDAHO

RECORDERS CERTIFICATE

Instrument No. _____
Time of Day _____
Date _____
Recorded in BANNOCK COUNTY, IDAHO

County Recorder

LEGAL DESCRIPTION



SCALE: 1"=100'
CONTOUR INTERVAL=1'

BASIS OF BEARING

RECORD OF SURVEY INSTRUMENT NO. 787904

NORTHEAST SECTION CORNER
SECTION 29
FOUND 2" ALUMINUM CAP
INSTRUMENT NO. 787899

LEGEND

- Section corner control
- Placed 1/2" x 24" iron rod with cap marked P.L.S. 5360
- Fence line.
- Found 1/2" x 24" iron rod

SURVEYORS CERTIFICATE

I, Terry R. Meppen, a Registered Professional Land Surveyor in the State of Idaho do hereby certify that this plat is an accurate representation of the survey completed under my supervision



RECORD OF SURVEY

JACKIE KARLSON
Sections 20 and 29, T. 7 S., R. 36 E., B.M.

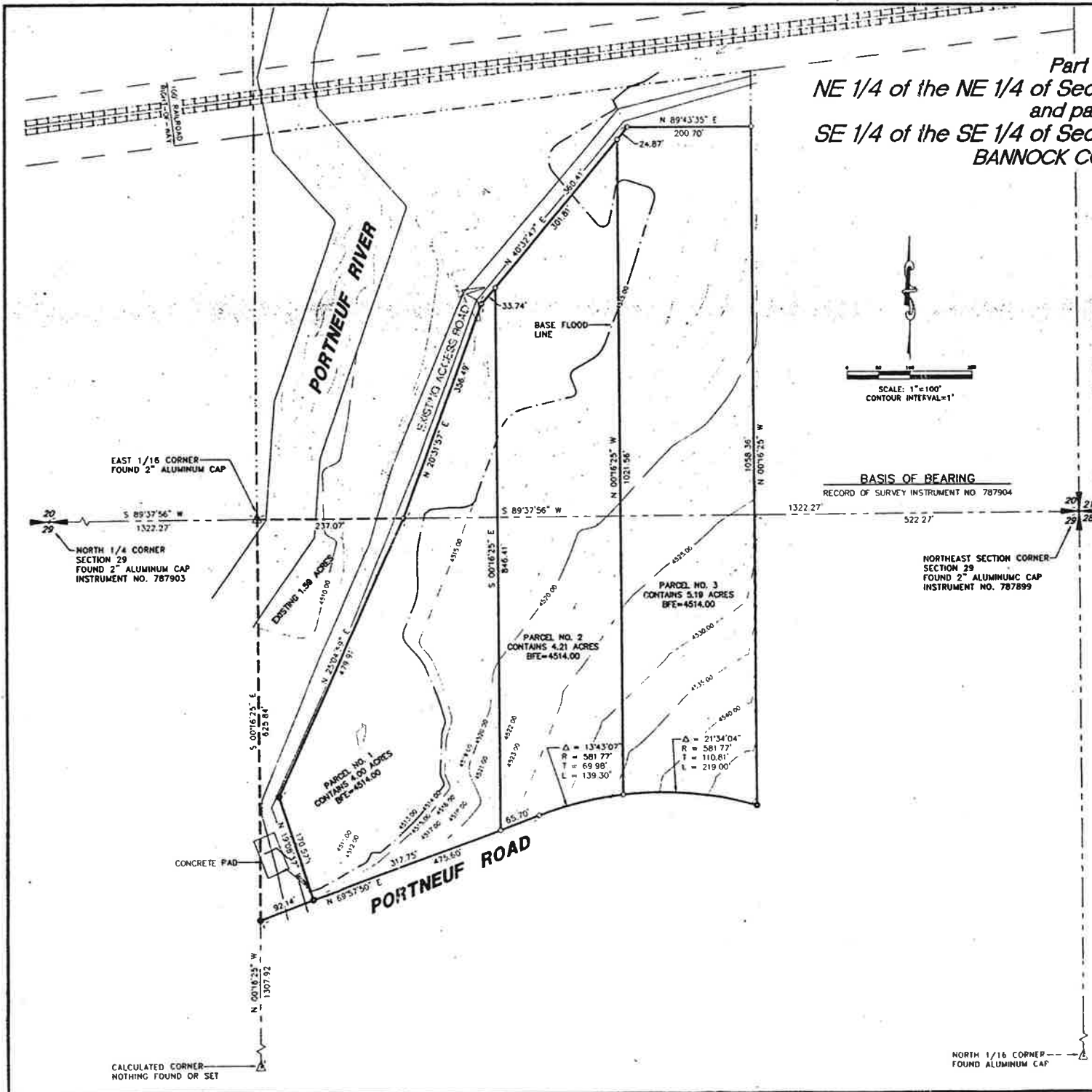
HARPER-LEAVITT ENGINEERING, INC.
PROFESSIONAL ENGINEERS AND LAND SURVEYORS

DATE: 1-5-99
BY: JKL
CHECKED BY: JKL
DATE: 1-5-99

100% Accuracy
100% Accuracy
100% Accuracy
100% Accuracy

NORTH 1/16 CORNER
FOUND ALUMINUM CAP

CALCULATED CORNER
NOTHING FOUND OR SET



JUN 11 2001

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 29-13123
Date Received: 9/21/00
Receipt No:
Received By:

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

1. Name of Claimant(s)

BRAD BURTON Phone: (208) 478 8470

3435 SOMERSET DRIVE
POCATELLO ID USA 83201

LORI BURTON Phone: (208) 478 8470

3435 SOMERSET DRIVE
POCATELLO ID USA 83402

A2913123



2. Date of Priority: 05/31/1908

3. Source: INDIAN CREEK Trib. to: Portneuf River

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County
07S	36E	21	SW SW SW	BANNOCK
07S	36E	28	NW NW	BANNOCK

5. Description of diverting works:

DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	03/15	11/15	0.08	

7. Total Quantity Appropriated is:
0.08 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
07S	36E	20	SE	SE	IRRIGATION	3
					Section Acres	3
07S	36E	29	NE	NE	IRRIGATION	2.2
					Section Acres	2.2
					Total Acres	5.2

11. Place of use in counties: BANNOCK

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

13. Other Water Rights Used:

14. Remarks:

THIS CLAIM IS SPLIT OFF OF ORIGINAL CLAIM 29-10522 BY CHANGE OF OWNERSHIP. SEE ALSO 29-13122 AND 29-13124. 29-10522 WAS A COMBINED CLAIM BASED ON DECREED RIGHTS 29-603 AND 29-604.

BCONTOR 9/27/2000.

15. Basis of Claim: Decreed

A29-10522 - Burton Parcel - 29-13123

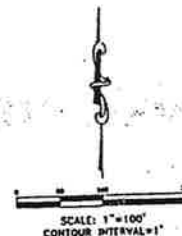
A29-10522 - Roudsee Parcel - 29-13124

Part of the
NE 1/4 of the NE 1/4 of Section 29, T. 7 S., R. 36 E., B.M.
and part of the
SE 1/4 of the SE 1/4 of Section 20, T. 7 S., R. 36 E., B.M.
BANNOCK COUNTY, IDAHO

RECORDERS CERTIFICATE
Instrument No. _____
Time of Day _____
Date _____
Recorded in BANNOCK COUNTY, IDAHO

County Recorder

LEGAL DESCRIPTION



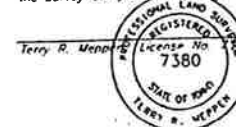
BASIS OF BEARING
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- - - Fence line
— Found 1/2" x 24" iron rod

SURVEYORS CERTIFICATE

I, Terry R. Meppen, a Registered Professional Land Surveyor in the State of Idaho do hereby certify that this plat is an accurate representation of the survey completed under my supervision.



HE	RECORD OF SURV	
	JACKIE KARLSON Sections 20 and 29, T. 7 S., R. 36 E.	
	HARPER-LEAVITT ENGINEERING, INC. PROFESSIONAL ENGINEERING AND LAND SURVEYING	DATE APPROVED BY CHECKED BY

NORTH 1/16 CORNER
FOUND ALUMINUM CAP

Balance w/ unchanged portion:

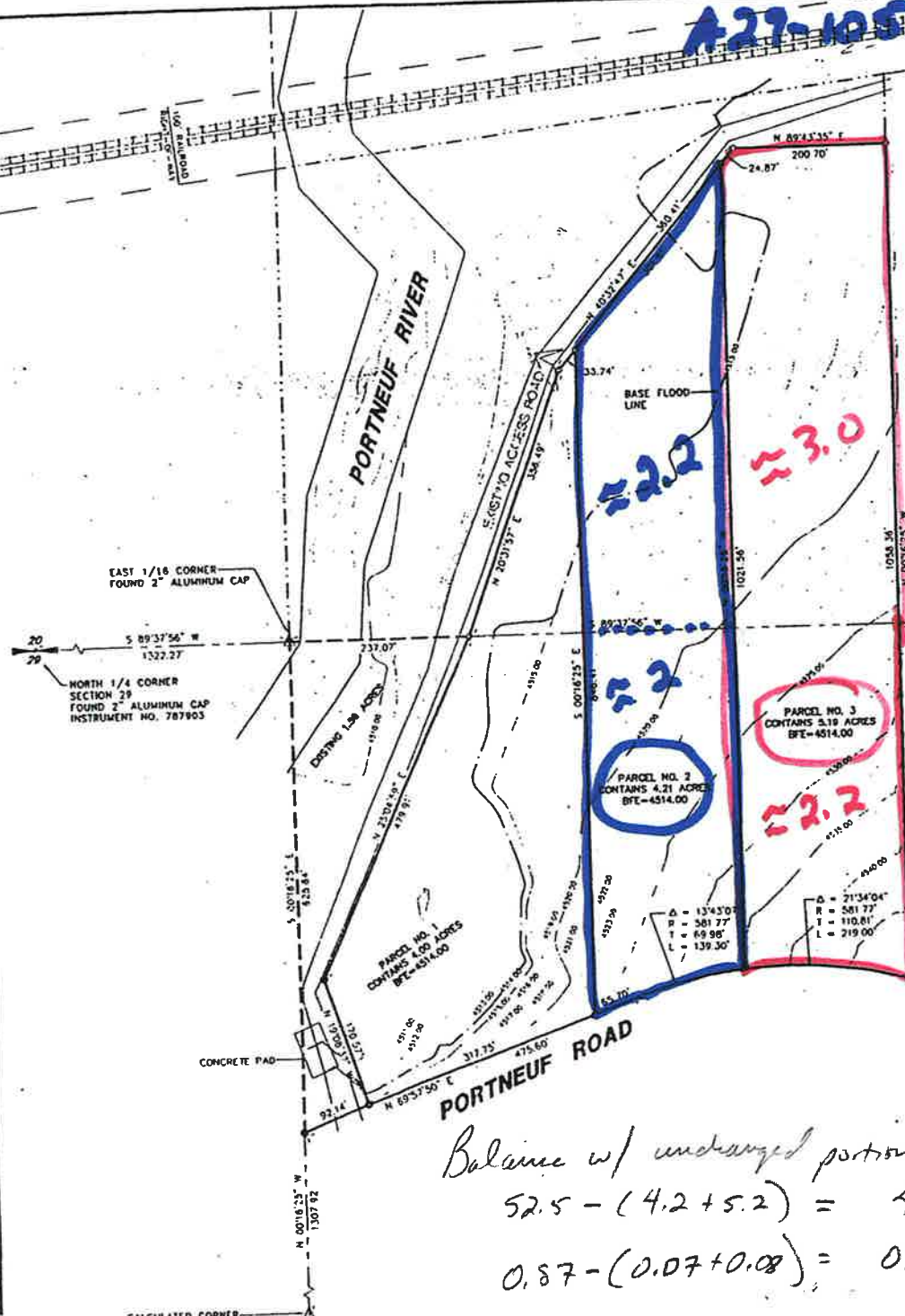
$$52.5 - (4.2 + 5.2) = 43.1$$

$$0.87 - (0.07 + 0.08) = 0.72$$

29-13122

Original Claim $\frac{0.87 \text{ afs}}{52.5 \text{ acres}} \times 5.2 \text{ acres} = 0.08 \text{ afs}$

$\frac{0.87}{52.5} \times 4.2 = 0.07 \text{ afs}$



DATE: 09/14/00
PAGE: 1

Dates:	Exam Made Date:	Verified Date:	Objection Filed Date:
Misc:	Water District Number:	Field Inspection Flag: Presumption Flag:	