

Form 42-248/42-1409(6) July, 2000

DEV ✓

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

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

1. 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
25-10023	OK				

25-7426 OK

SUPPORT DATA

IN FILE #

25-7426

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 claims(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- 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 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

Nick M. Vronikis Family Trust

444 B St. Idaho Falls, ID 83402

4. New Owner/Claimant(s)

Kirk E. Burns and Linda J. Szimhardt

New Mailing Address

Name connector (check one): [X] and [] or, [] and/or
 P.O. Box 1864

City, State and ZIP Code

Idaho Falls, ID 83403

New Telephone Number

208 524-4000

Email: linda@burnsconcrete.com

5. Date you acquired the property

October 3, 2007

RECEIVED

JUN 27 2008

Department of Water Resources
 Eastern Region

Form 42-208(42-1469)(6) July, 2000

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 Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock,
Water right and/or Adjudication Claim Number		
Irrigation		
Stock		
Domestic		
Other		
Totals		
Water right and/or Adjudication Claim Number		
Irrigation		
Stock		
Domestic		
Other		
Totals		
Water right and/or Adjudication Claim Number		
Irrigation		
Stock		
Domestic		
Other		
Totals		

For Snake River Basin Adjudication Claims: Please attached 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.

7. Signature of New Owner(s) Or Claimant(s) *Kinda Symhart*
(include title if applicable) *30*

For IDWR Office Use Only

Received by *BMC* Date *6/27/01* Fee *50.00*
 Receipted by _____ Date _____ Receipt No. *E034187*
 Processed by _____ Date _____ WR _____ Date _____

BONNEVILLE COUNTY RECORDER
1279035 OCT 3 '07 PM 3:19

AFTER RECORDING RETURN TO:

Kirk E. Burns
P.O. Box 1864
Idaho Falls, ID 83403

INSTRUMENT NO.	1279035
DATE	10.3.07
INST. CODE	200
IMAGED PGS	2
FEE	7-
STATE OF IDAHO) ss	
COUNTY OF BONNEVILLE)	
I hereby certify that the within	
instrument was recorded.	
Ronald Longmire, County Recorder	
By	<i>[Signature]</i>
Deputy	<i>[Signature]</i>
Request of	<i>[Signature]</i>
GRANT DEED	

GRANT DEED made this 3rd day of October, 2007, between **D. Lynn Smith**, not individually, but as trustee of **The Nick M. Vrontakis Family Trust**, originally dated July 15, 1981 (as subsequently amended) whose mailing address is 444 "B" Street, Idaho Falls, Idaho 83402, herein referred to as "Grantor" (whether one or more, male and/or female), and **Kirk E. Burns and Linda J. Szimhardt**, whose mailing address is P.O. Box 1864, Idaho Falls, Idaho 83403, herein referred to as "Grantee" (whether one or more, male or female).

WITNESSETH: That Grantor hereby grants, bargains and conveys unto Grantee and its successors and assigns forever, all of the following described real property situated in Bonneville County, Idaho:

TRACT 1

Beginning at a point that is South along the section line 2151.9 feet and East 33.5 feet from the Northwest corner of Section 6, Township 1 North, Range 38, East of the Boise Meridian, Bonneville County, Idaho, running thence East 235 feet; thence South 3°40' West 147.80 feet; thence West 225.55 feet; thence North 147.50 feet to the point of beginning.

TRACT 2

Commencing at the Northwest Corner of Section 6, Township 1 North, Range 38, East of the Boise Meridian, Bonneville County, Idaho and running thence South 0°01'18" East 2024.17 feet along the Section Line; thence North 89°58'42" East 33.50 feet to the TRUE POINT OF BEGINNING, said true Point of Beginning being on the East right-of-way line of the Park-Taylor Road; and running thence South 0°01'18" East 127.73 feet along said right-of-way line to the Northwest Corner of the property as described and recorded by Instrument No. 570695 in Bonneville County, Idaho; thence North 89°58'42" East 235.00 Feet (Deed Shows East) to the Northeast corner of said property; thence South 3°38'42" West 147.8 feet (Deed Shows South 3°40' West) to the Southeast corner of said property; thence North 89°58'42" East 214.40 feet (Deed Shows East) along the extension of the South line of said property; thence North 0°01'18" West 275.23 feet; thence South 89°58'42" West 439.95 feet to the true point of beginning.

GRANT DEED - 1

229627-IF
First American Title Co.
2004 Jennie Lee Dr.
P.O. Box 3432

TRACT 3

Beginning at a point that is South 0°01'18" East 2014.17 feet along the Section line, from the Northwest corner of Section 6, Township 1 North, Range 38, East of the Boise Meridian, Bonneville County, Idaho, and running thence South 0°01'18" East 10.00 Feet; thence North 89°58'42" East 473.45 Feet; thence South 0°01'18" East 275.23 Feet; thence North 89°58'42" East 460.05 Feet; thence North 0°01'18" West 285.23 Feet; thence South 89°58'42" West 933.50 feet to the point of beginning.

TOGETHER with all appurtenant roadway easements and rights of way for ingress and egress of record.

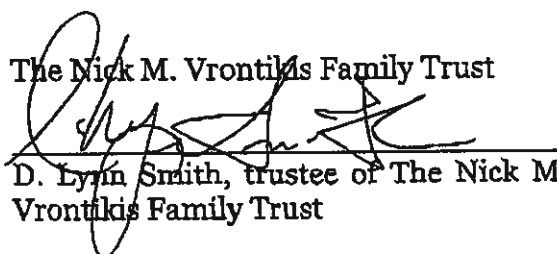
TOGETHER with all water, water rights, ditches and ditch rights thereunto belonging or in anywise appertaining, usually had and enjoyed.

SUBJECT TO:

1. Taxes and assessments for the year 2007 and all subsequent years.
2. Any facts, rights, interests or claims which are not shown by the public records but which could be ascertained by an inspection of said land or by making inquiry of persons in possession thereof.
3. Unpatented mining claims, reservations or exceptions in patents or in acts authorizing the issuance thereof.
4. All reservations, restrictions, easements, road and road rights of way, ditch and ditch rights of way, zoning restrictions, governmental regulations and protective covenants of record.
5. Discrepancies, conflicts in boundary lines, shortage in area, encroachments or any other facts which a correct survey would disclose.
6. Levies and assessments of the Idaho Irrigation District and the Park Taylor Water Users lateral association.
7. Reservations in United States patent.

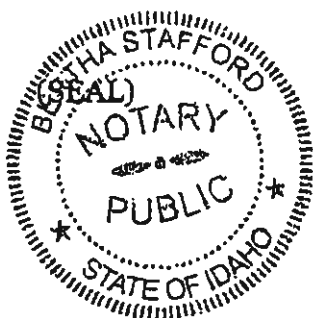
IN WITNESS WHEREOF, the Grantor has executed this deed the day and year first above written.

The Nick M. Vrontikis Family Trust


D. Lynn Smith, trustee of The Nick M. Vrontikis Family Trust

STATE OF IDAHO)
) SS.
County of Bonneville)

On the 3rd day of October, 2007, before me, Bertha Stafford the undersigned Notary Public in and for the State of Idaho, personally appeared D. Lynn Smith, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.



Bertha Stafford
Notary Public for State of Idaho
Residing at: Idaho Falls, ID
My Commission Expires: 1-27-11

589.5842W 933.50

RECORD OF SURVEY BY
BENTON ENG.
(723270, 673235)

589.5842W
533.50

LOT 5
39.42

533.50

589.5842W 439.95

TRACT 2

RECORD OF SURVEY BY
BENTON ENG.
(723270, 673235, 597236)

TRACT 3

RECORD OF SURVEY BY
BENTON ENG.
(723270, 673235)

N89.5842E
235.0

TRACT 1
78

2HC

3.12

WEST 225.55

589.5842W
214.40

N89.5842E
460.05

RECORD OF SURVEY BY
BENTON ENG.
(723270, 673235)

S89.4618E
216.22

S89.4618E
223.73

S89.4618E
460.06

RECORD OF SURVEY BY
BENTON ENG.
(723270, 673235)

S89.48.46"E 200.50

S89.49"E 199.46

S89.48.56"E 239.76

S89.47.48"E 125.00

S89.13"E 147.18

LOT 4
39.74

LOT 5
39.42

LOT 6
39.29

SEE NW 1/4

POINT OF DIVERSION

80.0 ch

T 25-7 N 25-7 R 38 E SEC 6 NW 1/4

SEE NW 1/4

T
I
N 25-7426

R38E
SEC 6
NW 1/4

25-10023
POINT OF
DIVERSION
IDURID#
A0005638

[Close](#)IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

09/30/2007

WATER RIGHT NO. 25-7426

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	NICK M VRONTIKIS 444 B ST IDAHO FALLS, ID 83402 (208)523-7601

Priority Date: 06/06/1988

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	4/01	10/31	0.08 CFS	22.4 AFA
Total Diversion			0.08 CFS	

Location of Point(s) of Diversion:

GROUND WATER	SWNW Lt 5	Sec. 06	Township 01N	Range 38E	BONNEVILLE County
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Licensed Diversion Capacity: 0.08

Place(s) of use:

Place of Use Legal Description: IRRIGATION BONNEVILLE County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
01N	38E	6	5	SWNW	5.6									

Total Acres: 5.6

Conditions of Approval:

1.	R31	This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.0 afa per acre for irrigation of the lands above.
2.	048	The use of water under this right shall not give rise to any claim against the holder of a senior water right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.
3.	049	The Director retains jurisdiction of the right to incorporate the use into a water district, require streamflow augmentation or other action needed to protect prior surface water and groundwater rights.

Dates:

Licensed Date: 02/04/1993

Decreed Date:

Permit Proof Due Date: 4/1/1991

Permit Proof Made Date: 4/18/1991

Permit Approved Date: 3/6/1990

Permit Moratorium Expiration Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date: 05/20/1988

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal:

Owner Name Connector:

Water District Number:

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

Close

[Close](#)IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

09/30/2007

WATER RIGHT NO. 25-10023

Owner Type	Name and Address
Current Owner	NICK M VRONTIKIS 444 B ST IDAHO FALLS, ID 83402 (208)523-7601

Priority Date: 01/01/1974

Basis: Decreed

Status: Active

Source	Tributary
GROUND WATER	

Beneficial Use	From	To	Diversion Rate	Volume
DOMESTIC	1/01	12/31	0.02 CFS	
Total Diversion			0.02 CFS	

Location of Point(s) of Diversion:

GROUND WATER	NWNW	Sec. 06	Township 01N	Range 38E	BONNEVILLE County
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Place(s) of use:

Place of Use Legal Description: DOMESTIC BONNEVILLE County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
01N	38E	6		NWNW										

Conditions of Approval:

1.	N13	THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.
2.	N11	THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
3.		PARCEL NO. RP01N38E063965A

Dates:

Licensed Date:

Decreed Date: 03/26/1999

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector:

Water District Number:

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

Close