Form 42-248/42-1409(6) Rev. 6/22

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
MAY 01 2024
DEPT OF WATER RESOURCES

NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

1. List the numbers of all water rights and/or adjudication claim records to be changed. If you only acquired a portion of the water right or adjudication claim, check "*Yes*" in the "*Split?*" column. If the water right is leased to the Water Supply Bank, check "*Yes*". If you are not sure if the water right is leased to the Water Supply Bank, see #7 of the instructions.

Water Right/Claim No.	Split?	Leased to Water Supply Bank?	Water Right/Claim No.	Split?	Leased to Water Supply Bank?
65-5054	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐

2. Previous Owner's Name: Lyle L. Maughan / Lyle R. Maughan Family Trust
   Name of current water right holder/claimant

3. New Owner(s)/Claimant(s): Tamera A. Burke
   New owner(s) as listed on the conveyance document Name connector ☐ **and** ☐ **or**

   8717 Dewey Rd. | Emmett | ID | 83617
   Mailing address | City | State | Zip

   Telephone | 247ontherun@protonmail.com
   Email

4. If the water rights and/or adjudication claims were split, how did the division occur?
   - ☐ The water rights or claims were divided as specifically identified in a deed, contract, or other conveyance document.
   - ☐ The water rights or claims were divided proportionately based on the portion of their place(s) of use acquired by the new owner.

5. Date you acquired the water rights and/or claims listed above: Purchased Oct. 2, 1990, default judgement 4/4/2024

6. Do you own the land identified as the water right place of use? Yes ☒ No ☐
   - If no, attach evidence that written notice of the change of water right ownership has been delivered to the landowner of record.

7. This form must be signed and submitted with the following **REQUIRED** items:
   - ☑ A copy of the conveyance document – warranty deed, quitclaim deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property or description of the water right(s) if no land is conveyed.
   - ☑ Plat map, survey map or aerial photograph which clearly shows the place of use and point of diversion for each water right and/or claim listed above (if necessary to clarify division of water rights or complex property descriptions).
   - ☑ Filing fee (see instructions for further explanation):
     - $25 per *undivided* water right.
     - $100 per *split* water right.
     - No fee is required for pending adjudication claims.
   - ☐ If water right(s) are leased to the Water Supply Bank AND there are multiple owners, a Lessor Designation form is required.
   - ☐ If water right(s) are leased to the Water Supply Bank, the individual owner or designated lessor must complete, sign and submit an IRS Form W-9.

8. Signature: Tamera A. Burke | OWNER | 4/26/2024
   Signature of new owner/claimant | Title, if applicable | Date

   Tamera A. Burke
   Print name

   Signature: _____ | _____ | _____
   Signature of new owner/claimant | Title, if applicable | Date

   _____
   Print name

For IDWR Office Use Only:

Receipted by KM Date 5-1-24 Receipt No. C118237 Receipt Amt. $25.00

Active in the Water Supply Bank? Yes ☐ No ☐ If yes, forward to the State Office for processing W-9 received? Yes ☐ No ☐

Name on W-9 _____ Approved by _____ Processed by JM Date 5-3-24

Filed: 04/17/2024 12:58:04
Third Judicial District, Gem County
Shelly Tilton, Clerk of the Court
By: Deputy Clerk - Puentes, Rachel

Tamera A. Burke-Pro Se
8717 DEWEY RD
EMMETT, ID 83617

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF GEM

CASE NO. CV23-23-0767

Tamera A. Burke,)
Plaintiff,)
VS.) **DEFAULT JUDGEMENT**
)
Lyle R. Maughan Family Trust)

Kenneth L. Maughan)
209 W 400 North)
Pleasant Grove, UT 84062)

Unknown Heirs, Beneficiaries and Trustees)
Of The Lyle R. Maughan Family Trust)

John Does 10-100)
Defendants)

Whereas Plaintiff requests the court enter a default judgement against the defendants pursuant to I.R.C.P 55(a)(1) and 55(b)(2). In support of this request plaintiff relies upon the record in this Case; the petition, affidavit and exhibits submitted herein to establish such claim to title.

JUDGEMENT GRANTED AND ENTERED AS FOLLOWS:

Pursuant to 6-401 I.C. Plaintiff Tamera A. Burke is decreed the rightful titled owner of Snake River Basin Water Right #65-5054, appurtenant to real property owned by the plaintiff located in Sec 11, T06N, R03W Gem County, Idaho.

4/4/2024 2:31:45 PM

ORDERED ~~this~~ _____ ~~day of~~ _____, ~~20~~ ____.

By _____

District Judge

STATE OF IDAHO }
County of Gem } ss.

I certify that the foregoing is a true and correct copy of the original on file in this office.

DATED April 26, 2024

Shelly Tilton, Clerk

By Laura Dodson Deputy

CERTIFICATE OF SERVICE

4/17/2024 12:56:19 PM

I certify that on (date) _____, I served a copy to: (name all parties in the case other than yourself)

Tamera A. Burke
(Name)

8717 Dewey Rd.
(Street or Post Office Address)

Emmett ID 83617
(City, State, and Zip Code)

☒ By United States mail
☐ By personal delivery
☐ By fax (number) _____

Lyle R. Maughan Family Trust
Kenneth L. Maughan
Unknown Heirs / John Does
(Name)

209 W. 400 North
(Street or Post Office Address)

Pleasant Grove, UT 84062
(City, State, and Zip Code)

☒ By United States mail
☐ By personal delivery
☐ By fax (number) _____

Typed/printed name

Jack Burton
Signature
Deputy Clerk

Page _____ of _____

IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A

Current Water Right No.: 65-5054

Current Owner: LYLE R MAUGHAN
LYLE R MAUGHAN FAMILY TRUST

Priority Date: 4/1/1920

Origin: Water Right

Status: Active

Basis: Decreed

Source	**Tributary**
GROUND WATER	

Beneficial Use	**From To**	**Diversion Rate**	**Annual Volume**
STOCKWATER	1/01 to 12/31	0.02 CFS	2.4 AF
DOMESTIC	1/01 to 12/31	0.04 CFS	1.2 AF
	Total Diversion	0.04 CFS	3.6 AF

Location of Point(s) of Diversion

GROUND WATER NE1/4NW1/4 Sec. 11, Twp 06N, Rge 03W B.M.
GEM County

Place of Use

DOMESTIC Within GEM County

T06N R03W S11 NENW

Place of Use: STOCKWATER same as DOMESTIC

Conditions of Approval:

1. N11 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
2. N13 THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.
3. PARCEL NO. 00389000

Decreed Date: 9/4/1998

EXHIBIT A

INSTRU. NO. 204062
PAGES 1 OF 2

WARRANTY DEED

FOR VALUE RECEIVED, LYLE R. MAUGHAN FAMILY TRUST dated December 1, 1981, the grantors, hereby grant, bargain, sell and convey unto

BRADLEY L. BURKE and TAMERA A. BURKE, husband and wife

the grantees, whose current address is: 8717 Dewey Rd Emmett, Id 83617 the following described premises, being situate in Gem County, Idaho, to-wit:

That portion of the N½ of the NW¼ lying North of the drain ditch, in Section 11, Twp. 6 N., R. 3 W., B.M., Gem County, Idaho.

Including all water and ditch rights appurtenant thereto or used in connection therewith, including 1 and 3/4 shares in Enterprise Ditch, and including any easements or rights of ways appurtenant to or used for the benefit of, or dedicated to said described premises. Subject to easements, rights of ways, reservations and exceptions, if any, and subject to the irrigation system, flume, and easement agreements with Gordon Obermeyer and Cindy Obermeyer, husband and wife, and Edward Obermeyer and Marion Obermeyer, husband and wife.

Said property is conveyed "as is" under existing boundary fences, if any, after reasonable inspection by the grantee, and grantor does not make any representations or warranties as to the qualifications or suitability of said land or premises for water or electrical power, or as to said land or improvements meeting any Federal, State, of local laws, rules or regulations pertaining to zoning, building, subdividing, platting, surveys, planning and use, health, ecology, drainage, irrigation, water quality, sewage or disposal systems, hazardous materials and toxic wastes. Grantor makes no warranties as to surveys, boundaries, or any matter mentioned in this paragraph. There are no warranties, express or implied, as to merchantability, in a general sense or for a particular purpose, except as herein contained in writing, if any.

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

DATED this 2 day of October, 1990.

LYLE R. MAUGHAN FAMILY TRUST
dated December 2, 1981

Lyle R. Maughan Ethel R. Maughan
Trustees

INSTRU. NO. 204062
PAGES 2 OF 2

STATE OF IDAHO,)
) ss.
County of Gem.)

On this 2 day of October, 1990, before me, the undersigned, a Notary Public in and for said State, personally appeared LYLE R. MAUGHAN and ETHEL R. MAUGHAN, known to me to be the persons whose names are subscribed to the within instrument as Trustees for the LYLE R. MAUGHAN FAMILY TRUST dated December 2, 1981, and acknowledged to me that they executed the same in behalf of said Trust.

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

Eddie T. Hearst
Notary Public for State of Idaho;
Residing at Emmett, Idaho.
11-15-93

204062

Gem County, Idaho) ss
Recorded at request of
Weiser Valley Title Inc.
Time 10:12 AM
Date January 25, 1999
Instru. No. 204062
Recorded as a Deed

Susan K. Howard, Clerk
Ex-officio Recorder
By: Judy Bigham
Deputy

Fees $ 6.00

WARRANTY DEED

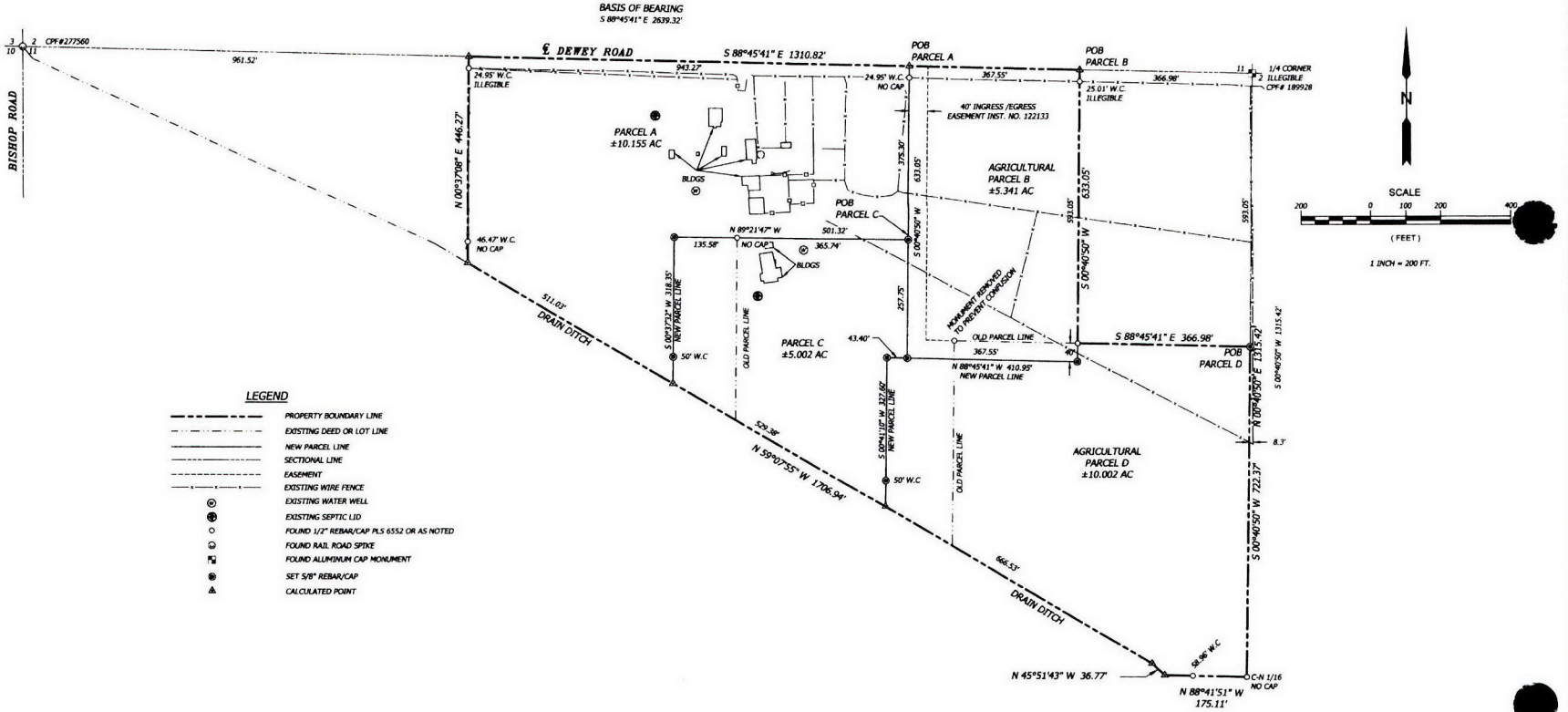
PO Box 591

RECORD OF SURVEY / PROPERTY BOUNDARY ADJUSTMENT PBA22-012

FOR TAMMY BURKE

LOCATED IN THE N.1/2 OF THE N.W.1/4 OF SECTION 11,
T. 6 N., R. 3 W., B.M., GEM COUNTY, IDAHO
2022

Instrument # 342912
EMMETT, GEM, IDAHO
5-30-2022 02:12:01 PM No. of Pages: 1
Recorded for : SAWTOOTH LAND SURVEYING, LLC
SHELLY TILTON Fee: 6.00
Ex-Officio Recorder Deputy
Index to: RECORD OF SURVEY



LEGEND

- PROPERTY BOUNDARY LINE
- EXISTING DEED OR LOT LINE
- NEW PARCEL LINE
- SECTIONAL LINE
- EASEMENT
- EXISTING WIRE FENCE
- EXISTING WATER WELL
- EXISTING SEPTIC LID
- FOUND 1/2" REBAR/CAP PLS 6552 OR AS NOTED
- FOUND RAIL ROAD SPIKE
- FOUND ALUMINUM CAP MONUMENT
- SET 5/8" REBAR/CAP
- CALCULATED POINT

REFERENCES:

R1) ROS INST. NO. 293878
R2) ROS INST. NO. 202691
R3) ROS INST. NO. 292300
R4) ROS INST. NO. 296960
R5) QUITCLAIM DEED INST. NO. 221170
R6) QUICKCLAIM DEED INST. NO. 331726
R7) QUITCLAIM DEED INST. NO 302783
R8) QUITCLAIM DEED INST. NO. 294750

SURVEYOR NARRATIVE

THIS SURVEY IS TO ADJUST PROPERTY LINES PER CLIENTS REQUEST.

APPROVAL OF GEM COUNTY DEVELOPMENT SERVICES ADMINISTRATOR

THIS PROPERTY BOUNDARY ADJUSTMENT IS HEREBY ACCEPTED AND APPROVED, THIS 30th DAY OF August, 2022, BY THE GEM COUNTY DEVELOPMENT SERVICES ADMINISTRATOR.

Michelle Barron for J. Kraus
ADMINISTRATOR

CERTIFICATE OF SURVEYOR

I, FRITZ BROWNELL, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR, LICENSED BY THE STATE OF IDAHO, AND THAT THIS MAP WAS DRAWN FROM AN ACTUAL SURVEY ON THE GROUND UNDER MY DIRECT SUPERVISION, AND ACCURATELY REPRESENTS THE POINTS MAPPED HEREON, AND IS IN CONFORMITY WITH THE STATE OF IDAHO CODE RELATING TO PLATS, SURVEYS, AND THE CORNER PERPETUATION AND FILING ACT, IDAHO CODE, AND I DO HEREBY STATE THAT AS OF THE DATE OF THIS SURVEY, APRIL 29, 2022, THERE WERE NO VISIBLE BUILDING ENCROACHMENTS OVER THE PROPOSED PROPERTY LINES OR INTO THE SETBACK LINES. THIS SURVEY DOES NOT CHANGE OR MOVE ANY PUBLIC OR PRIVATE ROADWAY, EASEMENT OR PUBLIC DEDICATED AREA.

FRITZ BROWNELL, P.L.S. 8960

PROFESSIONAL LAND SURVEYOR LICENSED 8960 STATE OF IDAHO FRITZ BROWNELL

8/30/22

SURVEY INDEX NO. 634-11-4-0-0-00-00

SAWTOOTH Land Surveying, LLC
2030 S. WASHINGTON AVE.
EMMETT, ID 83617
(208) 398-8104
FAX (208) 398-8105
WWW.SAWTOOTHLS.COM

SHEET:	DATE:	DRAWN BY:	CHECKED BY:	JOB#:
1 OF 1	8/2022	AR/GM	FB	122133

DWG#: 122133-PBA

1998 SEP 04 PM 02:00
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

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	)	PARTIAL DECREE PURSUANT TO
	)	I.R.C.P. 54(b) FOR
Case No. 39576	)	
_____	)	Water Right 65-05054

NAME AND ADDRESS: LYLE R MAUGHAN
LYLE R MAUGHAN FAMILY TRUST
236 W COURT
WEISER, ID 83672

SOURCE: GROUNDWATER

QUANTITY: 0.04 CFS
3.60 AFY

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.

PRIORITY DATE: 04/01/1920

POINT OF DIVERSION: T06N R03W S11 NENW Within Gem County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
Domestic 1 HOME	01-01 TO 12-31	0.04 CFS
		1.20 AFY
Stockwater	01-01 TO 12-31	0.02 CFS
		2.40 AFY

PLACE OF USE: Domestic Within Gem County
T06N R03W S11 NENW

Stockwater Same as Other Use

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.

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

Daniel C. Hurlbutt, JR.
Presiding Judge
Snake River Basin Adjudication

SCANNED
JUL 05 2022

Form 42-248/42-1409(6) 8-1-90

STATE OF IDAHO

IDAHO DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

RECEIVED
DEC 0 4 1996
WATER RESOURCES
WESTERN 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 Number(s) _____

   Adjudication Claim Number(s) A65-05054

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 for parcel of ten acres or less. (These are usually on file with the county.)

   OR

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

3. Name and Address of Former Owner/Claimant(s) LYLE R. Maughan Family Trust

   1503 Teton Ave Caldwell, ID. 83605

4. New Owner/Claimant(s) Bradley L. and Tamera A. BURKE

   Name connector (Check one): [X] AND, [ ] OR, [ ] AND/OR

   New Mailing Address 8717 Dewey Rd.

   City, State and ZIP Code Emmett, ID. 83617

   New Telephone Number (208) 365 - 4410

5. Date you acquired the property October 2, 1990

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 actually irrigated [redacted] 1 Number and type of stock @ 10 head cows/horses

   Diversion rate in CFS _____ (cubic feet per second) Number of homes 1 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/Claimant(s) Bradley L. Burke Date 12-2-96

   Tamera A. Burke Date 12/2/96

   (Corporations or other organizations must submit a list of directors/officers demonstrating authority to sign form.)

8. For Snake River Basin Adjudication Claims: If you are represented by an attorney and you want IDWR to correspond directly with your attorney for all matters related to your claims, please attach a Notice of Appearance completed by your attorney.

AGREEMENT TO SELL REAL ESTATE

* * * * * * * * * *

THIS AGREEMENT, made and entered into as of the 2 day of ~~September~~ October, 1990, by and between LYLE R. MAUGHAN FAMILY TRUST dated December 2, 1981, hereinafter designated seller, or Maughan, and BRADLEY L. BURKE and TAMERA A. BURKE, husband and wife, of Boise, Idaho, hereinafter designated buyer, WITNESSETH:

Singular terms used herein shall be read and interpreted as if written in the plural when the contract so requires or permits. Likewise, masculine and feminine terms shall be interpreted as being interchangeable so as to give reasonable sense and meaning to the terms and covenants herein.

PROPERTY: That said seller, for and in consideration of the covenants and agreements of said buyer herein contained, hereby agrees to sell, and said buyer hereby agrees to buy, the following described real property, situated in Gem County, Idaho, to-wit:

Legal Description

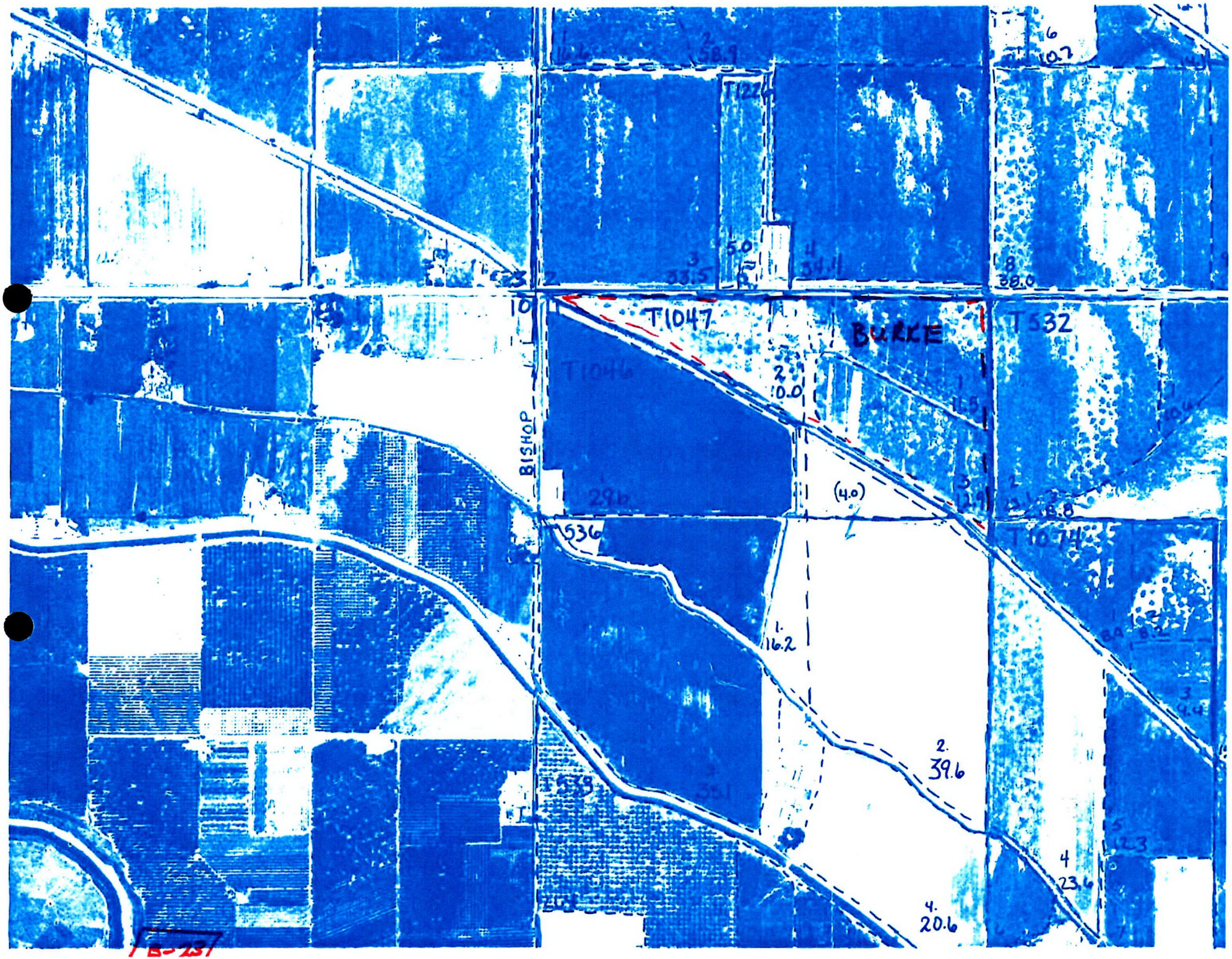
That portion of the N½ of the NW¼ lying North of the drain ditch, in Section 11, Twp. 6 N., R. 3 W., B.M., Gem County, Idaho.

Including all water and ditch rights appurtenant thereto or used in connection therewith, and including any easements or rights of ways appurtenant to or used for the benefit of said described premises. Subject to easements, rights of ways, reservations and exceptions, if any.

PURCHASE PRICE: It is understood and agreed that the purchase price to be paid by said buyer for said realty and improvements, and personal property, if any included in this sale, is the sum of [redacted] lawful money of the United States of America, to be paid as follows: The sum of [redacted], cash, as down payment, the receipt of same hereby acknowledged by seller; the unpaid balance of [redacted] shall be paid as follows:

1. [redacted], plus 10 percent interest per annum thereon, shall be paid on or before the 23rd day of November, 1990;

2. The remaining unpaid balance of purchase price, in the sum of [redacted] shall be paid as follows: [redacted] shall be paid on November 5, 1990, and a like payment of [redacted] shall be paid on the 5th day of each successive month thereafter until the unpaid principal and accrued interest have been paid in full.


T1047
BURKE
T532
T1046
BISHOP
(4.0)
T536
T1074
T538
2.
39.6
4.
20.6
4
23.6
5.0
10.0
16.2
FB-237

Water Right Report : 65-5054(Decreed/Active)

Water Right Owners

Owner Type	Name	Address	City	State	Postal Code
Current Owner	LYLE R MAUGHAN FAMILY TRUST	236 W COURT	WEISER	ID	83672
Current Owner	MAUGHAN, LYLE R	236 W COURT	WEISER	ID	83672

Water Right Status

Priority Date : 4/1/1920
Basis : Decreed
Status : Active

Water Source

Source	Source Qualifier	Tributary	Tributary Qualifier
GROUND WATER			

Points Of Diversion (Location)

Source	Township	Range	Section	Govt. Lot	QQQ	QQ	Q	County	Diversion Type
GROUND WATER	06N	03W	11	0		NE	NW	GEM	

Water Uses

Beneficial Use	From	To	Diversion Rate	Volume
STOCKWATER	1/01	12/31	0.02 CFS	2.40 AFA
DOMESTIC	1/01	12/31	0.04 CFS	1.20 AFA
TOTAL			0.06 CFS	3.60 AFA

Places of Use

Printable View | Record View

Place of Use Legal Description : DOMESTIC (GEM county)

Township	Range	Section	Lot	QQQ	QQ	Q	Acres
06N	03W	11			NE	NW	

Conditions

Code	Condtions
N13	THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.
N11	THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
	PARCEL NO. 00389000

Dates

Licensed Date :
Decreed Date : 9/4/1998
Permit Proof Due Date :
Permit Proof Made Date :
Permit Approved Date :
Permit Moratorium Expiration Date :
Enlargment Use Priority Date :

Other Information

State or Federal : S
Water District Number : 65
Generic Max Rate Per Acre : 0
Generic Max Volume Per Acre : 0
Civil Case Number :
Decree Plantiff :
Decree Defendant :

Enlargement Statute Priority [redacted]:
Application Recevied Date:
Protest Deadline Date:

Swan Falls Trust or Nontrust [redacted]
Swan Falls Dismissed :
DLE Act Number :
Cary Act Number :
Mitigation Plan: False

IDAHO DEPARTMENT OF WATER RESOURCES

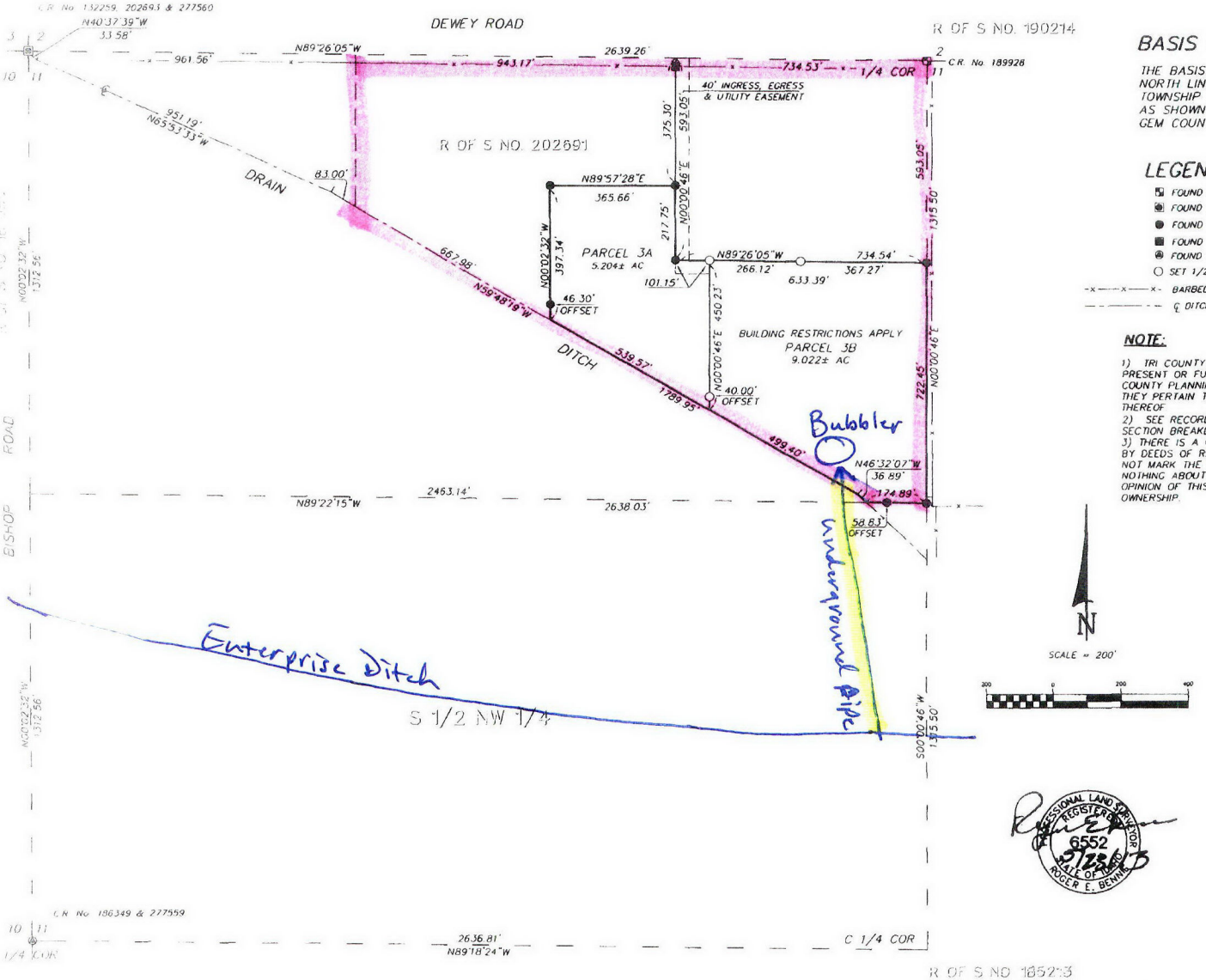
6/22/2022

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AGRICULTURAL SPLIT
RECORD OF SURVEY

OF A PORTION OF THE NORTH 1/2 OF THE NORTHWEST 1/4 OF SECTION 11, TOWNSHIP 6 NORTH, RANGE 3 WEST, BOISE MERIDIAN, GEM COUNTY, IDAHO.

Instrument # 292300
EMMETT, GEM, IDAHO
5-28-2013 11:04:06 No. of Pages: 1
Recorded for : TRI COUNTY SURVEYING
SHELLY TILTON Fee: 5.00
Ex-Officio Recorder Deputy Sandra Rountree
Index to: RECORD OF SURVEY



BASIS OF BEARINGS:

THE BASIS OF BEARINGS FOR THIS SURVEY IS THE NORTH LINE OF THE NORTHWEST 1/4 OF SECTION 11, TOWNSHIP 6 NORTH, RANGE 3 WEST, BOISE MERIDIAN, AS SHOWN ON INSTRUMENT No. 185213, RECORDS OF GEM COUNTY, IDAHO, i.e. N89°26'05"W.

LEGEND:

- FOUND ALUMINUM CAP MONUMENT
- FOUND 1/2" RAILROAD SPIKE
- FOUND 1/2" IRON PIN W/PLASTIC CAP PLS 6552
- FOUND 1/2" IRON PIN W/PLASTIC CAP PLS 6552 AT 25.00' OFFSET
- FOUND 5/8" IRON PIN
- SET 1/2" IRON PIN W/PLASTIC CAP PLS 6552
- -x—x—x- BARBED WIRE FENCE
- ——— ℄ DITCH

NOTE:

1) TRI COUNTY SURVEYING, INC. ASSUMES NO LIABILITY FOR PRESENT OR FUTURE COMPLIANCE OR NON-COMPLIANCE WITH COUNTY PLANNING AND ZONING ORDINANCE RESTRICTIONS AS THEY PERTAIN TO BUILDING PERMITS AND THE ISSUANCE THEREOF.
2) SEE RECORD OF SURVEY INSTRUMENT No. 185213 FOR SECTION BREAKDOWN.
3) THERE IS A CLEAR CONFLICT BETWEEN THE POINTS INDICATED BY DEEDS OF RECORD AND THE FENCES, WHICH MAY OR MAY NOT MARK THE BOUNDARIES OF THE INVOLVED OWNERSHIPS. NOTHING ABOUT THIS SURVEY IS INTENDED TO INDICATE THE OPINION OF THIS SURVEYOR ABOUT THE LEGAL CONCLUSION OF OWNERSHIP.

N

SCALE = 200'

200 0 200 400

SURVEY FOR:

TAMMY BURKE
8717 DEWEY ROAD
EMMETT, IDAHO 83617
(208) 365-3554

PROFESSIONAL LAND SURVEYOR REGISTERED 6552 STATE OF IDAHO ROGER E. BENNETT 5/28/13

TRI COUNTY SURVEYING, INC.
PROFESSIONAL LAND SURVEYORS
510 So. Washington Ave., P.O. Box 974
Emmett, Idaho 83617-0974
Phone: (208) 365-7470

MAY 2013
INDEX No. 634-11-4-0-0 JOB No. 13-020

IDAHO DEPARTMENT OF
WATER RESOURCES

322 E Front Street, Suite 648, Boise ID 83702 • PO Box 83720, Boise ID 83720-0098
Phone: 208-287-4800 • Fax: 208-287-6700 • Email: idwrinfo@idwr.idaho.gov • Website: idwr.idaho.gov

Governor Brad Little

Director Mathew Weaver

May 03, 2024

TAMERA A BURKE
8717 DEWEY RD
EMMETT ID 83617-9725

Re: Change in Ownership for Water Right No(s): 65-5054

Dear Water Right Holder(s):

The Department of Water Resources (Department) acknowledges the receipt of correspondence changing ownership of the above referenced water right(s) to you. The Department has modified its records and has enclosed a computer-generated report for you.

Updating the ownership record for a water right does not reconfirm the validity of the right. When processing a Notice of Change in Water Right Ownership, the Department does not review the history of water use to determine if the right has been forfeited or deliberately abandoned through five years or more of non-use. To read more about water right forfeiture, including how to protect a water right from forfeiture, please see Idaho Code §§ 42-222 and 42-223.

Please note that you were not added as a Security Interest holder in this water right. A security interest in a water right can be acquired through a mortgage, deed of trust, contract, or other agreement where the property (i.e., the water right or land with associated water right) is used to secure payment of an obligation such as a loan. Because the Department cannot add you as a Security Interest holder, a refund of $25 has been requested and will be sent to you from the Idaho State Controller's office.

Also note, water right owners are required to report any change of water right ownership and any change of mailing address to the Department within 120 days of the change. Reporting forms are available from any office of the Department, or from the Department's website.

If you have any questions concerning the enclosed information, please contact me at (208) 287-4942.

Sincerely,

Jean Hersley

Jean Hersley
Technical Records Specialist 2

Enclosure(s)

Form 42-248(9) 3/22

RECEIVED
MAY 01 2024
DEPT OF WATER RESOURCES

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Notice of Security Interest in a Water Right

and a request to be notified of a change in ownership or any proposed or final action to amend, transfer, or otherwise modify the water right(s)

Attach pages with additional information. Incomplete forms will be returned.

1.

Water Right/Claim No.	Water Right/Claim No.	Water Right/Claim No.	Water Right/Claim No.
65-5054			

RETURNED

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

   A) Evidence of the security interest. This may be a copy of a **DEED of TRUST, MORTGAGE, CONTRACT OF SALE** or other legal document indicating your interest in the property and water rights or claims in question, **WITH ATTACHED LEGAL DESCRIPTION**.

   B) A **FEE** of **$25.00 per** water right or adjudication claim.

3. Name and Mailing Address of Person or Company Holding Security Interest

   Tamera A. Burke
   8717 Dewey Rd.
   Emmett, ID 83617

   Phone _____

   Email 247ontherunе@protonmail.com

4. Name of Water Right Owner/Claimant(s) Tamera A. Burke

5. Expiration Date of Notification Period NONE

6. Is this a Renewal of Request for Notification? ☐ YES ☒ NO

7. Signature(s) of Security Interest Holder(s) Tamera A. Burke

   Title, if applicable Owner 4/26/2024

For Office Use Only

Receipted by KM Date 5.1.24 Receipt No. C118237 Fee $ 25.00

Processed by AJ _____ Date _____ WR _____ Date _____

Hersley, Jean

From: Hersley, Jean
Sent: Friday, May 3, 2024 8:25 AM
To: IdwrPayable
Subject: refund
Attachments: 65-5054 Burke.docx

Please process the attached refund as soon as possible. Thank you.

Jean Hersley
Technical Records Specialist II
Idaho Dept Water Resources
(208) 287-4942

Idaho Department of Water Resources Receipt

Receipt ID: C118237

Payment Amount	$50.00	Date Received	5/1/2024	Region	STATE
Payment Type	Check	Check Number	1462		
Payer	BURKE, TAMMY				
Comments	CHANGE OF OWNERSHIP & NOTICE OF SECURITY INTEREST WR # 65-5054 PREVIOUS OWNER'S: LYLE L MAUGHAN / LYLE R MAUGHAN FAMILY TRUST NEW OWNERS: TAMERA A BURKE				

Fee Details

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
$50.00	OWNERSHIP CHANGES/SECURITY INTERESTS	56140	0229	21		1155

Signature Line (Department Representative)

Please refund $25 to:

TAMMY BURKE
8717 DEWEY RD
EMMETT ID 83617

We did not add her as the security interest holder in the water right.

Thank you.

Jean

Keen, Shelley

From: Keen, Shelley
Sent: Thursday, November 9, 2023 10:41 AM
To: 247ontherun@protonmail.com
Cc: Baxter, Garrick
Subject: Example of motion to set aside a decree
Attachments: 63-9245 Order Granting Motion to Set Aside Decree.pdf

Tammy,

It was a pleasure meeting with you this morning to discuss your options relative to Water Right 65-5054 and your domestic water use. One of the options we discussed was a motion to set aside the partial decree for Water Right 65-5054. As Garrick Baxter explained, we don't know how the SRBA Court would rule on such a motion. However, there is a recent example of the Court granting a motion to set aside a partial decree. I've attached a PDF of the SRBA Court's *Order Granting Motion to Set Aside Final Unified Decree and Correct or Amend the Partial Decree for Water Right 63-9245*. More information on this case is available from the Court's website at http://164.165.134.61/S6309245XX.HTM. For Water Right 65-5054, the issue and relevant facts are different from those presented to the Court regarding Water Right 63-9245. For that reason, this information about Water Right 63-9245 is probably more useful as insight into the procedural steps for a "motion to set aside" rather than as an indication of how the Court would respond if you were to file.

Other options we discussed included:

- A quiet title action requesting Court determination of the ownership of Water Right 65-5054. See Idaho Code §§ 42-248(8) and 6-401.
- Filing a motion to submit a late claim in the SRBA for your own domestic water use since 1990. More information is available https://idwr.idaho.gov/water-rights/adjudication/SRBA/stockwater/.
- Filing an application for a new water right in your name. Application forms are available at https://idwr.idaho.gov/form/water-rights-forms/.

To document our discussion, I'll add a printout of this email to the water right file for Water Right 65-5054.

Please call or email if you have more questions or need more information from IDWR.

Regards,

Shelley Keen | Deputy Director
208.287.4947
shelley.keen@idwr.idaho.gov
IDAHO DEPARTMENT OF WATER RESOURCES

Hersley, Jean

From: 247ontherun <247ontherun@protonmail.com>
Sent: Wednesday, April 5, 2023 6:18 PM
To: Hersley, Jean
Subject: RE: ownership change for 65-5054

CAUTION: **This email originated outside the State of Idaho network. Verify links and attachments BEFORE you click or open, even if you recognize and/or trust the sender. Contact your agency service desk with any concerns.**

ok, thank you Jean

Sincerely,

Tammy Burke

------- Original Message -------
On Tuesday, April 4th, 2023 at 12:05 PM, Hersley, Jean <Jean.Hersley@idwr.idaho.gov> wrote:

Ms. Burke,

The Department would be happy to meet with you regarding the ownership change of water right 65-5054.

However, the law prevents IDWR from addressing your ownership change any differently unless you have new information- such as a quitclaim deed from Lyle R. Maughan's heirs or the Lyle R. Maughan Family Trust, or the results of a quiet title action in District Court, as described in my letter dated December 7, 2022. Without additional information specifically relevant to the ownership of the water right, IDWR can only offer the explanation already stated in my letter.

Please let me know a few dates of when you are available to meet. I will need to coordinate schedules on this end.

Jean Hersley

Technical Records Specialist II

SCANNED
APR 11 2023

From: 247ontherun <247ontherun@protonmail.com>
Sent: Wednesday, March 29, 2023 9:31 AM
To: Hersley, Jean <Jean.Hersley@idwr.idaho.gov>
Subject: RE: ownership change for 65-5054

CAUTION: **This email originated outside the State of Idaho network. Verify links and attachments BEFORE you click or open, even if you recognize and/or trust the sender. Contact your agency service desk with any concerns.**

Good morning Jean,

I received the letter as mentioned below in our last correspondence. I have been sidelined due to some family issues. I am not satisfied with the IDWR legal advisor's recommendation and/or decision in that letter. I therefore am petitioning the IDWR for a redress of my grievances concerning the decision referenced in the December 7, 2022 letter.

Referencing the letter from the IDWR dated January 6, 1997. (Water claim#65-05054):

This letter or request form requests two items from me:

1) Proof of ownership of my property

2) Copy of the deed or agreement showing the signatures of both parties.

As mentioned before I sent those items to the IDWR but was not aware they had not received them. At that time I was new to all this and was raising two young children. I only became aware of the situation after I checked the website and noticed the Maughans were still listed as the current owners.

In 1998 the Maughans were awarded by the SRBA water claim #65-05054 in the adjudication.

The IDWR is in possession of all of the documentation and and have acted in a manner that would indicate to any legal representation that the intent of the Maughn's and the actions they took and the

SCANNED
APR 11 2023

IDWR took clearly indicate the Maughns fully intended for the water right in question to be transferred to the Burkes.

The Maughans have passed and I have not been able to locate a living heir to the Maughan Family Trust to resolve this issue in the manner the IDWR is requesting. Therefore I am requesting a meeting with the IDWR legal staff and/or decision makers to redress the ownership change for this water right. Thank you,

Sincerely,

Tammy Burke

------- Original Message -------
On Thursday, December 8th, 2022 at 9:34 AM, 247ontherun <247ontherun@protonmail.com> wrote:

> Thank you Jean, I appreciate your help,
>
> Sincerely,
>
> Tammy Burke
>
> ------- Original Message -------
> On Wednesday, December 7th, 2022 at 10:26 AM, Hersley, Jean <Jean.Hersley@idwr.idaho.gov> wrote:
>
> > This letter went out in the mail to you today. Please let me know if you have any questions. Thank you.
> >
> > *Jean Hersley*
> >
> > *Technical Records Specialist II*
> >
> > *Idaho Dept Water Resources*

SCANNED
APR 11 2023

(208) 287-4942

From: 247ontherun <247ontherun@protonmail.com>
Sent: Tuesday, December 6, 2022 3:07 PM
To: Hersley, Jean <Jean.Hersley@idwr.idaho.gov>
Subject: Re: ownership change for 65-5054

CAUTION: This email originated outside the State of Idaho network. Verify links and attachments BEFORE you click or open, even if you recognize and/or trust the sender. Contact your agency service desk with any concerns.

Hi Jean,

I am wanting to get this task off my list. What did the meeting conclude with? thank you,

Sincerely,

Tammy Burke

------- Original Message -------
On Monday, November 21st, 2022 at 11:25 AM, Hersley, Jean <Jean.Hersley@idwr.idaho.gov> wrote:

> I have a meeting scheduled next week with the Department's legal staff and our bureau chief to discuss the circumstances of this ownership change. I will let you know what the outcome is.

SCANNED
APR 11 2023

Jean Hersley

Technical Records Specialist II

Idaho Dept Water Resources

(208) 287-4942

SCANNED

APR 11 2023

IDAHO DEPARTMENT OF
WATER RESOURCES

322 E Front Street, Suite 648, Boise ID 83702 • PO Box 83720, Boise ID 83720-0098
Phone: 208-287-4800 • Fax: 208-287-6700 • Email: idwrinfo@idwr.idaho.gov • Website: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

December 7, 2022

TAMERA A BURKE
8717 DEWEY RD
EMMETT ID 83617-9725

RE: Change in Water Right Ownership Water Right 65-5054

Dear Ms. Burke,

On June, 28, 2022, the Idaho Department of Water Resources (Department) received your request to update the ownership of water right 65-5054. On July 7, 2022, the Department sent you an email requesting the $25 filing fee. You responded on July 11, 2022, indicating you would send the filing fee and a copy of the deed conveying the land where water right 65-5054 is used from you and Bradley L. Burke to you solely.

After the Department received your filing fee and deed, the Department determined you would need a post-decree conveyance of the water right from the Lyle R. Maughan Family Trust to you. On October 28, 2022, the Department returned your ownership change notice to you and issued a refund of the filing fee.

After you called me inquiring about the need for a post-decree conveyance, I met with the Department's legal staff and management to discuss your request. The problem, as it has been explained to me by our legal staff, is that in 1998 the Snake River Basin Adjudication (SRBA) Court issued what is called a decree for water right 65-5054. The decree is a judicial order that determines the elements of the water right, such as the diversion rate and volume, the priority date, ownership, etc.

Of importance here is that the Court decreed water right 65-5054 in the name of the Lyle R. Maughan Family Trust and Lyle R. Maughan. Because the Maughan's didn't own the land where the water is used in 1998 when the decree was issued, the decree separated the water right ownership from the land ownership. In other words, as it stands today, Mr. Maughan's heir(s) and/or the Maughan Trust technically still own the water right because the court decreed the water right in their names, not your name. The Department's legal staff advised me there is a recent Idaho Supreme Court case dealing with a similar issue if you are interested in reading it. The name of the case is: First Sec. Corp. v. Belle Ranch, LLC, 165 Idaho 733 (2019).

If you would like to be added as the current owner of water right 65-5054, the Department will need a quitclaim deed from Mr. Maughan's heir(s) and/or the Lyle R. Maughan Family Trust conveying the water right to you.

SCANNED
DEC 07 2022

You could also pursue what is called a quiet title action in District Court. Idaho Code § 42-248(8) states that water right ownership may be settled in a quiet title action pursuant to Idaho Code § 6-401. You could file a quiet title action yourself or consult an attorney for advice and assistance.

Another option would be to just do nothing and leave the water right record as it is. An attorney could help advise you on which option may be best for you.

Regardless of what you decide, for now the Department will add you as an "interested party" in Department's water rights database so you will receive notice of any actions concerning water right 65-5054 or issues within administrative basin 65 (where the right is located).

Please contact me if you have any questions regarding this letter. Thank you.

Sincerely,

Jean Hersley

Jean Hersley
Technical Records Specialist II

SCANNED
DEC 07 2022

IDAHO DEPARTMENT OF
WATER RESOURCES

322 E Front Street, Suite 648, Boise ID 83702 • PO Box 83720, Boise ID 83720-0098
Phone: 208-287-4800 • Fax: 208-287-6700 • Email: idwrinfo@idwr.idaho.gov • Website: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

October 28, 2022

TAMERA A BURKE
8717 DEWEY RD
EMMETT ID 83617-9725

RE: Change in Ownership Water Right No(s): 65-5054

Dear Interested Parties:

The Idaho Department of Water Resources (Department) received a Notice of Change in Water Right Ownership (Notice) from you on June 28, 2022 for the above referenced water right. The Notice could not be processed because a filing fee was not submitted with the request.

On July 7, 2022 the Department requested fees from you. The fees were received on July 15, 2022. You were also going to provide the Department with the document that conveyed the property to you, but the Department has not received that document.

Also, you did file an ownership change with the Department in December, 1996. The Department sent you a letter dated January 6, 1996 (which should have been 1997), see enclosed letter, requesting a conveyance document showing the land and/or water right was conveyed to you and Bradley Burke. A response was never received by the Department. Water right 65-5054 was partially decreed in the Snake River Basin Adjudication (SRBA) in 1998 and listed Lyle R Maughan and Lyle R Maughan Family Trust as the current owners of the water right. Since the Maughan's didn't own the land, the SRBA basically severed the water right from the land based on a Supreme Court ruling that the ownership determination in a water right decree supersedes all claims of ownership based on actions pre-dating the decree.

The Department will need a document that conveys the water right from the Maughan's to you.

The Department is returning your Notice of Change in Water Right Ownership and the attachments. A refund of $25 has been requested and will be mailed to you under separate cover from the Idaho State Controller's Office. You may re-submit your request with the appropriate documents and fees.

If you have any questions regarding this matter, please contact me at (208) 287-4942.

Sincerely,

Jean Hersley
Technical Records Specialist 2

Enclosure(s)

SCANNED
OCT 3 1 2022

Form 42-248/42-1409(6) Rev. 7/21

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RETURNED

RECEIVED
JUN 28 2022
DEPARTMENT OF
WATER RESOURCES

NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

1. List the numbers of all water rights and/or adjudication claim records to be changed. If you only acquired a portion of the water right or adjudication claim, check "*Yes*" in the "*Split?*" column. If the water right is leased to the Water Supply Bank, check "*Yes*". If you are not sure if the water right is leased to the Water Supply Bank, see #7 of the instructions. DEV

Water Right/Claim No.	Split?	Leased to Water Supply Bank?	Water Right/Claim No.	Split?	Leased to Water Supply Bank?
65-5054 ✓	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐

2. Previous Owner's Name: Lyle R. Maughn / Lyle Maughn Family Trust
   Name of current water right holder/claimant

3. New Owner(s)/Claimant(s): Tamera A. Burke
   New owner(s) as listed on the conveyance document Name connector ☐ **and** ☐ **or**

   8717 Dewey Rd. | Emmett | ID | 83617
   Mailing address | City | State | Zip

   208-861-0266 | 247ontherun@protonmail.com
   Telephone | Email

4. If the water rights and/or adjudication claims were split, how did the division occur?
   - ☐ The water rights or claims were divided as specifically identified in a deed, contract, or other conveyance document.
   - ☐ The water rights or claims were divided proportionately based on the portion of their place(s) of use acquired by the new owner.

5. Date you acquired the water rights and/or claims listed above: October 2, 1990.

6. Do you own the land identified as the water right place of use? Yes ☒ No ☐
   - If no, attach evidence that written notice of the change of water right ownership has been delivered to the landowner of record.

7. This form must be signed and submitted with the following **REQUIRED** items:
   - ☒ A copy of the conveyance document – warranty deed, quitclaim deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property or description of the water right(s) if no land is conveyed.
   - ☒ Plat map, survey map or aerial photograph which clearly shows the place of use and point of diversion for each water right and/or claim listed above (if necessary to clarify division of water rights or complex property descriptions).
   - ☑ Filing fee (see instructions for further explanation):
     - $25 per *undivided* water right.
     - $100 per *split* water right.
     - No fee is required for pending adjudication claims.
   - ☐ If water right(s) are leased to the Water Supply Bank AND there are multiple owners, a Lessor Designation form is required.
   - ☐ If water right(s) are leased to the Water Supply Bank, the individual owner or designated lessor must complete, sign and submit an IRS Form W-9.

8. Signature: Tamera A. Burke | | 6/23/2022
   Signature of new owner/claimant | Title, if applicable | Date

   Tamera A. Burke
   Print name

   Signature: | | SCANNED
   Signature of new owner/claimant | Title, if applicable | Date

   OCT 31 2022
   Print name

For IDWR Office Use Only:

Receipted by KM Date 7-15-22 Receipt No. C113454 Receipt Amt. 25.00

Active in the Water Supply Bank? Yes ☐ No ☐ If yes, forward to the State Office for processing W-9 received? Yes ☐ No ☐

Name on W-9 _____ Approved by _____ Processed by _____ Date _____

RETURNED

WARRANTY DEED

FOR VALUE RECEIVED, LYLE R. MAUGHAN FAMILY TRUST dated December 1, 1981, the grantors, hereby grant, bargain, sell and convey unto

BRADLEY L. BURKE and TAMERA A. BURKE, husband and wife

the grantees, whose current address is: 8717 Dewey Rd. Emmett, Id 83617 the following described premises, being situate in Gem County, Idaho, to-wit:

That portion of the N½ of the NW¼ lying North of the drain ditch, in Section 11, Twp. 6 N., R. 3 W., B.M., Gem County, Idaho.

Including all water and ditch rights appurtenant thereto or used in connection therewith, including 1 and 3/4 shares in Enterprise Ditch, and including any easements or rights of ways appurtenant to or used for the benefit of, or dedicated to said described premises. Subject to easements, rights of ways, reservations and exceptions, if any, and subject to the irrigation system, flume, and easement agreements with Gordon Obermeyer and Cindy Obermeyer, husband and wife, and Edward Obermeyer and Marion Obermeyer, husband and wife.

Said property is conveyed "as is" under existing boundary fences, if any, after reasonable inspection by the grantee, and grantor does not make any representations or warranties as to the qualifications or suitability of said land or premises for water or electrical power, or as to said land or improvements meeting any Federal, State, of local laws, rules or regulations pertaining to zoning, building, subdividing, platting, surveys, planning and use, health, ecology, drainage, irrigation, water quality, sewage or disposal systems, hazardous materials and toxic wastes. Grantor makes no warranties as to surveys, boundaries, or any matter mentioned in this paragraph. There are no warranties, express or implied, as to merchantability, in a general sense or for a particular purpose, except as herein contained in writing, if any.

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

DATED this 2 day of October, 1990.

LYLE R. MAUGHAN FAMILY TRUST
dated December 2, 1981

Lyle R. Maughan

Ethel R. Maughan

Trustees

SCANNED
OCT 3 1 2022

RETURNED

October 2, 1990

Enterprise Ditch Company
Marion Obermeyer
8777 Bill Burns Road
Emmett, Idaho 83617

We, LYLE R. MAUGHAN and ETHEL R. MAUGHAN, hereby give authorization to transfer our water shares, consisting of 1 3/4 shares to BRADLEY L. BURKE and TAMERA A. BURKE.

Enclosed is a check in the amount of $4.00 for the transfer fee.

Please mail the new certificate to:

Weiser Valley Title Co.
P.O. Box 591
Weiser, Idaho 83672

Lyle R. Maughan — 10-2-90
LYLE R. MAUGHAN (seller) DATE

Ethel R. Maughan — 10-2-90
ETHEL R. MAUGHAN (seller) DATE

Bradley L. Burke — 10-2-90
BRADLEY L. BURKE (buyer) DATE

Tamera A. Burke — 10-2-90
TAMERA A. BURKE (buyer) DATE

SCANNED
OCT 3 1 2022

State of Idaho
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

RETURNED

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

November 18, 1996

Bradley and Tamara Burke
8717 Dewey Rd.
Emmett, ID 83617

RE: Snake River Basin Adjudication (SRBA)
Claim No(s).: A65-05054 - Gem County

Dear Mr. and Mrs. Burke,

It has come to our attention that you may now be the owner of property previously owned by the Maughans in Gem County. If so, you should know that a water right on that property has been claimed in the ongoing Snake River Basin Adjudication and our records indicate that the Maughans still own that claim.

To clarify our records, please complete and return the enclosed *Notice of Change of Water Right Ownership* if appropriate. You may call me in Boise at (208)327-7925 if you have questions.

Sincerely,

Roxanne McCarthy

Roxanne McCarthy
Sr. Water Resource Agent
Adjudication Bureau

RM:r:tf
Enclosures:
Claim No. A65-05054
c-o form

11/21/96
Talked w/ Danny (she) - She is going to send me some brochures that will help explain all of this.

SCANNED
OCT 31 2022

MEMORANDUM

TO: Sascha Marston

FROM: Jean Hersley

DATE: October 31, 2022

RE: Refund: Ownership change returned

Please refund $25.

NAME: TAMMY BURKE
8717 DEWEY RD
EMMETT ID 83617

RECEIPT #: C113454

Thank you.

Jean

SCANNED
OCT 3 1 2022

Hersley, Jean

From: Hersley, Jean
Sent: Monday, October 31, 2022 8:41 AM
To: IdwrPayable
Subject: refund
Attachments: Burke 65-5054.doc

Please process the attached refund. Thank you.

Jean Hersley
Technical Records Specialist II
Idaho Dept Water Resources
(208) 287-4942

SCANNED
OCT 3 1 2022

Hersley, Jean

From: Hersley, Jean
Sent: Monday, July 18, 2022 7:29 AM
To: 247ontherun
Subject: RE: Change in Ownership for Water Right 65-5054

Sorry for the late reply. I was out of the office all last week.

Thank you. I'll be watching for the payment. And yes, you can send me the deed that conveys the property to you. Either by mail or you can email it to me.

Jean Hersley
Technical Records Specialist II
Idaho Dept Water Resources
(208) 287-4942

From: 247ontherun <247ontherun@protonmail.com>
Sent: Monday, July 11, 2022 7:56 PM
To: Hersley, Jean <Jean.Hersley@idwr.idaho.gov>
Subject: Re: Change in Ownership for Water Right 65-5054

Hi Jean,

Thank you for the message, I did forget to include the $25 check. It is going out tomorrow. Please let me know when you have received it, I put it to your attention. I have a warranty deed that is just in my name, I have been divorced since about 1998. I bought my ex out on the property. Can I send you a copy of that deed to just have the transfer be to my name? Thank you again.

Sincerely,

Tammy Burke

------- Original Message -------
On Thursday, July 7th, 2022 at 11:13 AM, Hersley, Jean <Jean.Hersley@idwr.idaho.gov> wrote:

> Dear Interested Parties:
>
> The Department of Water Resources (Department) acknowledges receipt of your Notice of Change in Water Right Ownership (Notice).

SCANNED
OCT 3 1 2022

Our review of your Notice indicates that additional information is required before the Department can process the change. The information required is indicated below:

__√__ Filing Fee of $25 per water right

Effective July 1, 2000, the legislature enacted House Bill No. 545 requiring a filing fee for a change in water right ownership. The fee is $25 per water right, except for ownership changes resulting in the division of a water right, which is $100 per water right. All ownership change notices received after June 30, 2000 must include the appropriate filing fees to be processed. We have determined that the filing fee for your notice will be **$25**.

The Department only has the authority to record a change in ownership that has already occurred through property conveyance i.e., warranty deed. The warranty deed you provided conveys property to Bradley L Burke and Tamera A Burke. When the filing fee has been paid, Bradley L Burke and Tamera A Burke will be listed as current owners.

Because the Department cannot process the Notice without proper fees, we will hold any action on your notice pending receipt of the necessary fees. If we do not receive the necessary fees within 30 days we will return your notice and all attachments and your notice will not be processed.

Also, please note that permit holders are required to report any change of ownership and/or mailing address to the Department within 120 days of the change. Forms to update ownership or update your address are available from any office of the Department or on the Department's website.

If you have any questions regarding this matter, please contact me at (208) 287-4942.

Jean Hersley

Technical Records Specialist II

Idaho Dept Water Resources

(208) 287-4942

SCANNED

OCT 3 1 2022



SCANNED
OCT 3 1 2022

RECEIVED
JUN 28 2022
DEPARTMENT OF
WATER RESOURCES

June 23, 2022

State of Idaho
Department of Water Resources
322 E Front Street Ste. 648
Boise, ID 83720

RE: Claim# 65-5054

Good afternoon,

I spoke earlier this week with Mary in your office about correcting the ownership of the above listed water right. I have enclosed the form along with supporting documents. Lyle Maughn transferred his ground and surface water rights and shares in October of 1990 to myself and my ex-husband.

I received a letter from your office in 1996 (attached). I filed a change in ownership but evidently it did not get done and the claim is still in Lyle Maughn's name (attached report). My irrigation water is delivered from the Enterprise Ditch (see attached ROS map-yellow line). The headgate on the Enterprise goes into a pipe underneath my neighbor's land and is delivered directly to a bubbler on the south side of my property.

Please reach out if there are any questions or if corrections to the application need done.

Thank you

Tamera Burke
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208-861-0266

SCANNED
OCT 31 2022