

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 BEAR RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 79576

RECEIVED

JUL 31 2023

IDWR/Preston

Ident. Number: 13-29
Date Received: 7/26/2023
Receipt No: P000355
Claim Fee: \$61.00
Received By: MB

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

JOSHUA DAN BURBANK
454 SPRING CREEK RD
PRESTON ID 83263-5697

Phone: (435) 512-2285

AND

DAN A BURBANK
4957 E CUB RIVER RD
PRESTON ID 83263

Phone: (435) 557-9670

AND

DANIEL MARK BURBANK
488 SPRING CREEK RD
PRESTON ID 83263

Phone: (208) 240-4789

AND

ADAM BURBANK
4957 E CUB RIVER RD
PRESTON ID 83263

Phone: (208) 530-3486

2. Date of Priority: 4/1/1882

3. Source:
CUB RIVER

Trib. to:
BEAR RIVER

4. Point of Diversion:

Township	Range	Section	¼ of ¼ of ¼	Lot	County	Type
15S	40E	24	NW SE		FRANKLIN	

5. Description of diverting works:

The water right is delivered through the Cub River Irrigation Canal Company. I pull water from their pipe. Originally there was a ditch, but the Company has piped their system. I pipe the water out and connect hand lines to it to irrigate my hay fields. I use a tractor PTO to a pump to pump the

water at 600 gpm through my system. I extended the system to my neighbors' properties so they could irrigate their yards. My sons use the water to irrigate their lawns. Adam is currently preparing to build his house and will use the water for his lawn as well. I am going to give him some of the land to build his house on.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A
IRRIGATION	4/01	10/31	1.34		

7. Total Quantity Appropriated is:

1.34 C.F.S. and/or A.F.A.

8. Non-irrigation uses:

9. Place of use:

IRRIGATION within FRANKLIN County

Township	Range	Section	¼	of	¼	Lot	Acres
15S	40E	26	NW		SE		8.8
15S	40E	26	SW		SE		1.5

Total Acres = 10.3

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

If your answer is no, describe in remarks below the authority you have to claim this water right.

11. Other Water Rights Used:

12. Remarks:

Priority Date Explanation:

This is the date given with the decree. The property specified in the decree originally was owned by B M Burbank and Caroline Allred. B M Burbank was my grandfather. I inherited the land and water right from my father. My sons and I are claiming the water right together. My sons will also inherit this water right. Several years ago I built the current water system. I included some of my neighbors so they could use the water. I retained the water right, but provide this service for them. They use the water to irrigate their lawns and gardens. Marvin Spatig is a descendent of Caroline Allred. He owns part of this decreed water right and still irrigates his fields with it. He will

be claiming his share for himself. Kenneth Hansen is also a member of the family who has inherited part of this decreed water right. He will also be claiming what's his. I am claiming only what I am using on my lands to the best of my knowledge.

P.D. DIVERTED AND MEASURED THRU THE CUB RIVER MIDDLE DITCH.

P/U, IRRIGATED ACRES NOT SPECIFIED IN DECREE.

PRIORITY, MONTH AND DAY NOT SPECIFIED IN DECREE.

13. Basis of Claim: Decreed

14. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the BEAR River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm under penalty of perjury that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Don A. Burbank Date: 7/30/2023
Joshua Day Burbank Date: 7/30/2023
& Kari Mark Burbank Date: 7/30/2023
x Allen Burbank Date: 7-30-2023

STATE OF IDAHO,
COUNTY OF FRANKLIN. SS.

On this 3 day of Oct, in the year 1947, before me C. L. Swenson, a Notary Public in and for said State, personally appeared C. W. Lundquist and his wife Martha Lundquist known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

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

(Seal)

C. L. Swenson
Notary Public, Residing at Preston, Idaho

STATE OF IDAHO,
COUNTY OF FRANKLIN. SS.

I hereby certify that this instrument was filed for record at the request of Archie V. Lott at 4:47 P.M., October 3, 1947.

Fee \$1.20

C. L. Swenson; Ex-Officio Recorder

By David L. Swenson Deputy

-----Compared-----

Inst. No. 79119

WARRANTY DEED

THIS INDENTURE, made this 28th day of March, in the year of our Lord one thousand nine hundred and forty-seven between B. M. Burbank, married, of Mapleton, County of Franklin, State of Idaho, the party of the first part, and E. Belettie Burbank, wife of the part of the first part, of Mapleton, County of Franklin, State of Idaho, the party of the second part.

WITNESSETH, That the said party of the first part, for and in consideration of the sum of One no/100 Dollar, lawful money of the United States of America, to him in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, has granted, bargained and sold, and by these presents does grant, bargain, sell, convey and confirm unto the said party of the second part, and to her heirs and assigns forever, all the following described real estate, situated in the County of Franklin, State of Idaho, to-wit:

Beginning at Northwest corner of Northeast quarter of Section 26, Township 15 South, Range 40 East of Boise Meridian, and running thence South 235 rods to center of line northeast of Spring Creek; thence South by East in center of Spring Creek until it enters Cub River; thence up said Cub River to center line of the Southeast quarter of Section 26; thence North 30 rods; thence East 80 rods; thence North 89 rods; thence West 84 rods; thence North 71 rods; thence West 72 rods; thence North 80 rods; thence West 4 rods to the place of beginning. Together with water thereunto decreed.

"Also excepting the following described tract of land, Beginning at a point which is 2320 feet North and 274 feet North 59° 7' East of the Southwest corner of Southeast quarter of said Section, township and range, and running thence North 86° 19' East 147.5 feet; thence South 181.5 feet; thence South 86° 19' West 147.5 feet; thence North 181.5 feet to place of beginning, containing 1-1/32 acres of land, more or less.

"Also excepting the following described tract of land, commencing at the center of Cub River, at a point 30 rods South of the center of the Southeast quarter of said Section, Township and range; thence West 20 rods; thence North 10 rods; thence West to Spring Creek; thence Southeasterly down Spring Creek until it intersects Cub River; thence in a Northeasterly direction up Cub River to the place of beginning containing 3 acres, more or

less, and right of way for Public Road crossing first two described tracts of land.

This conveyance is made without consideration, and by way of gift.

TOGETHER With all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues, and profits thereof; and all estate, right, title and interest in and to said property, as well in law as in equity, of the said party of the first part.

TO HAVE AND TO HOLD, All and singular the above mentioned and described premises, together with the appurtenances, unto the party of the second part, and to her heirs and assigns forever, And the said party of the first part, and his heirs, the said premises in the quiet and peaceable possession of the said party of the second part her heirs and assigns, against the said party of the first part, and his heirs, and against all and every person and persons whomsoever, lawfully claiming or to claim the same shall and will WARRANT and by these presents forever DEFEND.

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

SIGNED, SEALED AND DELIVERED IN PRESENCE OF

B. M. Burbank (Seal)

P. M. Condie

STATE OF IDAHO,
County of Franklin ss.

On this 28th day of March, in the year 1947, before me P. M. Condie, a Notary Public in and for said State, personally appeared B. M. Burbank, married, known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same.

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

(Seal)

P. M. Condie
Notary Public, Residing at Preston, Idaho

STATE OF IDAHO,
County of Franklin. ss.

I hereby certify that this instrument was filed for record at the request of E. Belettie Burbank at 1:45 P.M., October 4, 1947.

C. L. Swenson; Ex-Officio Recorder

Fee \$1.40

By C. L. Swenson Deputy

--- Compared ---

Inst. No. 79120

WARRANTY DEED

THIS INDENTURE, made this 4th day of October in the year of our Lord One thousand nine hundred and Forty-seven between E. Belettie Burbank, Divorced. of Mapleton County of Franklin State of Idaho the party of the first part, and Dorin F. Porter of Mapleton County of Franklin State of Idaho the party of the second part.

WITNESSETH, That the said party of the first part, for and in consideration of the sum of \$1.00 and other valuable consideration lawful money of the United States of the United States of America, to her in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, has granted, bargained and sold, and by these presents does grant, bargain, sell, convey and confirm unto the said party of the second part, and to his heirs and assigns forever, all the following described real estate, situated in the County of Franklin, State of Idaho, to-wit:

State of Idaho
Department of Water Resources
Adjudication Claim
13-29



-  Place Of Use Boundary
-  Townships
-  PLS Sections
-  Quarter Quarters
-  Point of Diversion

Claim 11-29



0 0.0275 0.055 0.11 Miles

Legend

 Claim POU

WARRANTY DEED

For Value Received ALVARO G. BURBANK and VENETA B. BURBANK,
husband and wife,

the grantors, do hereby grant, bargain, sell and convey unto
LYNN B. BURBANK and BONNIE B. BURBANK,
husband and wife,

whose current address is Route #1, Box 265, Preston, Idaho 83263

the grantees, the following described premises, in Franklin, County Idaho, to wit:

Township 15 South, Range 40 East of the Boise Meridian
Section 26: Commencing at a point 4 rods West and 853 feet South
of the East Quarter Corner of Section 26, and running
thence West 80 rods, thence North 195.25 feet to the
West boundary of County road, thence South 33°40'
West 567.5 feet along said County road to the TRUE
POINT OF BEGINNING, and running thence South 34°17'30"
West 137 feet, thence North 58°35' West 213.4 feet,
thence North 34°17'30" East 137 feet, thence South
58°35' East 213.4 feet to the true point of beginning.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees,
their heirs and assigns forever. And the said Grantors do hereby covenant to and
with the said Grantees, that they are the owners in fee simple of said premises; that they are free
from all incumbrances

and that they will warrant and defend the same from all lawful claims whatsoever.

Dated: February 2, 1977

Alvaro G. Burbank

Veneta B. Burbank

STATE OF IDAHO, COUNTY OF FRANKLIN
On this 2nd day of February 1977,
before me, a notary public in and for said State, personally
appeared

ALVARO G. BURBANK and
VENETA B. BURBANK, husband & wife,

known to me to be the persons whose names are
subscribed to the within instrument, and acknowledged to
me that they executed the same.

Michael D. Kunz
Notary Public
Residing at Swan Lake, Idaho
Comm. Expires Lifetime

141960

Recorded at the request of

American Land Title

FEB 2 1977 2:10 p.m.

MICHAEL D. KUNZ, RECORDER
By *Michael D. Kunz* Clerk and Deputy
FRANKLIN COUNTY, IDAHO

RECORDED
INDEXED

GO

Furnished by the AMERICAN LAND TITLE CO., Pacific, Idaho

a.m. MAR 16 1992 2:10 p.m.

LARA E. JOHNSON, RECORDER

By Ruth K. Pauling Deputy
FRANKLIN COUNTY, IDAHOReception ☐
Indexed ☐

(DO NOT WRITE ABOVE THIS LINE)

WARRANTY DEED

For Value Received ALVARO G. BURBANK AND VENETA B. BURBANK

the grantor , do hereby grant, bargain, sell and convey unto DAN AND VONDELLA
BURBANKthe grantee , the following described premises, in FRANKLIN County, Idaho, to wit:

SEE EXHIBIT A ATTACHED HERE TO:

THIS DEED IS RECORDED TO CORRECT A DESCRIPTION RECORDED ON DEED #185216

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said
Grantee , heirs and assigns forever. And the said Grantor do hereby covenant
to and with the said Grantee , that he the owner in fee simple of said premises;
that they are free from all incumbrances

and that he will warrant and defend the same from all lawful claims whatsoever.

Dated:

16 Mar. 1992Alvaro H BurbankVeneta B Burbank

(NOTARY SEAL)



State of Idaho

County of Franklinss On the 16th day of March A.D. 1992personally appeared before me Alvaro H. Burbank &
Veneta B. Burbankthe signer(s) of the within instrument, who duly acknowledged to me that they
executed the same.Carol Baker

(NOTARY PUBLIC)

Residing at: Clifton, IdMy Commission expires: Sept. 29, 1994

Mail deed to:

Mail tax notice to:

Section 26, Township 15, Range 40 East of the Boise Meridian.

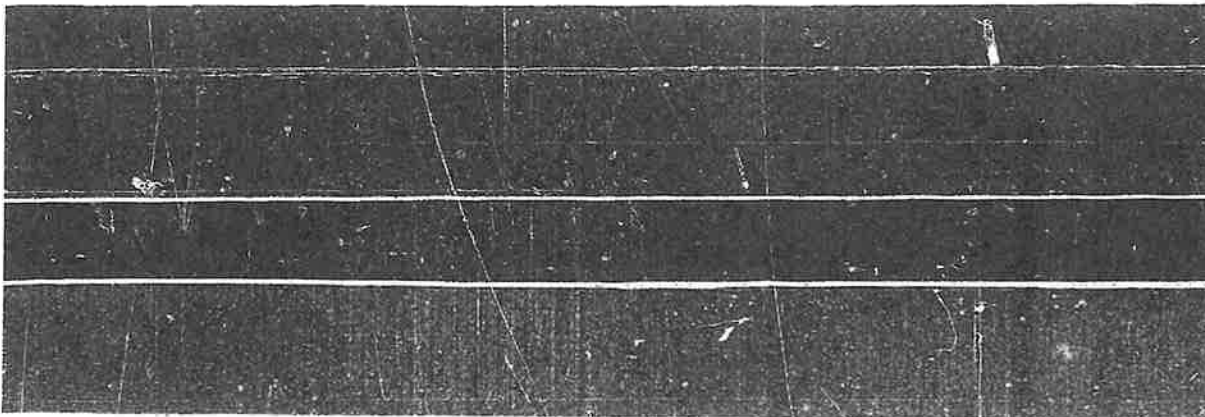
Beginning at the East quarter corner and running thence West 4 rods 853 feet South, 80 rods West, North 195.25 feet to the West boundary of the county road and South 33° and 40' West 551 feet along said county road to the true point of beginning, thence south 34° 17' 30" West 377 feet, thence North 78° 8' West 123.75 feet, thence North 15° and 30' West 305 feet, thence North 17° and 30' West 140 feet, thence North 2° and 30' West 442 feet, thence North 34° and 45' West 339 feet, thence North 33° East 178 feet, thence South 74° and 30' East 100 feet, thence North 80° and 30' East 110.65 feet, thence North 86° East 100 feet, thence North 65° East 100 feet, thence South 5° East 77 feet, thence South 0° East 410 feet, thence South 38° West 186 feet, thence South 4° 30' West 220 feet, thence South 58° and 35' East 372.3 feet to the true point of beginning.

ALSO EXCEPTING THE FOLLOWING THREE PARCELS:

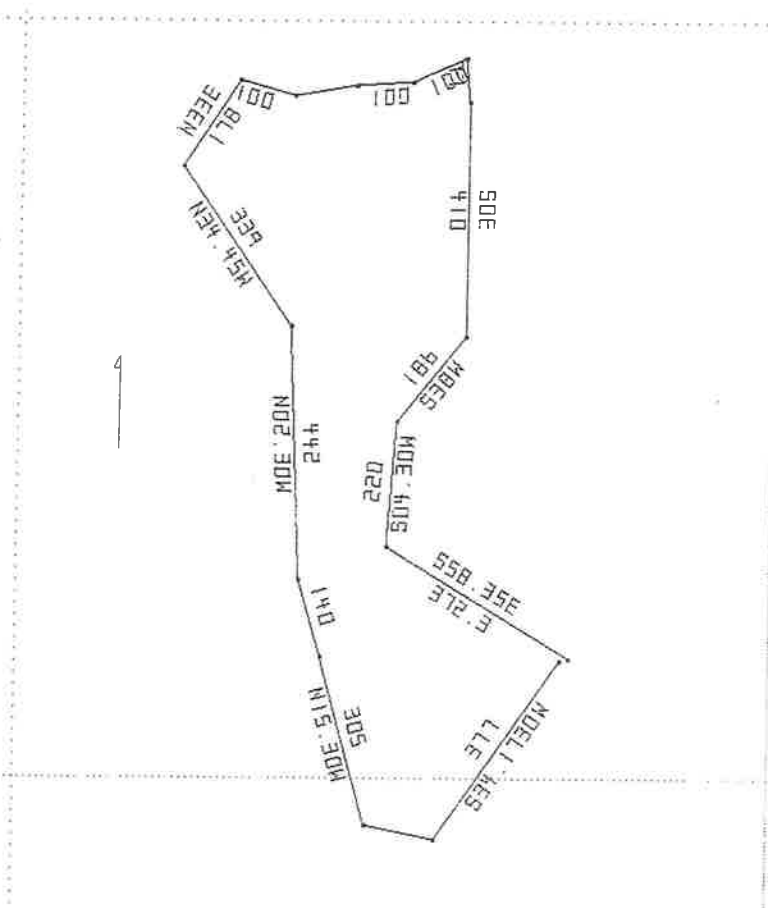
Township 15 South, Section 26, Range 40 East of the Boise Meridian. Commencing at a point 4 rods West and 853 feet South, 80 rods West, 195.25 feet North to the West boundary of the County road, South 33° 40' West 551 feet along said County road, South 34° 17' 30" West 377 feet along County road for the TRUE POINT OF BEGINNING, of the East quarter corner of Section 26, and running thence South 28° West 122 feet along County road, thence West 49 feet to the East side of a roadway thence North 6° 21' West 134 feet along said roadway, thence South 78° 08' East 123.75 feet to the TRUE POINT OF BEGINNING.

Commencing at a point 1402.5' North and 1970' West of the Southeast Corner of Section 26 Twp 15 Range 40 East of Boise Meridian, thence West 92.6' thence South 160', thence East 192.5' thence Northwest 1/4', more or less to the point of beginning, containing approximately .5 acres, more or less.

Township 15 South, Section 26, Range 40 East of the Boise Meridian. Commencing at a point 4 rods West and 853 feet South of the East quarter of Section 26, and running thence West 80 rods, thence North 195.25 feet to the West boundary of County road, thence South 33° 40' West 567.5 feet along said County road to the true point of beginning and running thence South 34° 17' 30" West 137 feet, thence North 58° 35' West 213.4 feet, thence North 34° 17' 30" East 137 feet, thence South 58° 35' East 213.4 feet to the true point of beginning.



Plat of Deed Calls for: BURBANK #185312



BURBANK #185312

Scale : 336 ft/in

North Shift: +0

East Shift : +0

DMS Rotated: +000.0000

..... AREA

Acres : 8.940 ±

Sq. Feet : 389431 ±

Sq. Meters: 36179.3 ±

Perimeter : 3580.70

.. CLOSING ERROR ..

Bearing: S72.4612W

Feet : 16.61

Meters : 5.062

Precision: 1/216

1. /SE, NE, NE, 26, 15S, 40E
2. /S90W 4P
3. /S0W 853
4. /N0E 195.25
5. /S33.40W 551
6. S34.1730W 377
7. N78.08W 123.75
8. N15.30W 305
9. N17.30W 140
10. N02.30W 442
11. N34.45W 339
12. N33E 178
13. S74.30E 100
14. N80.30E 110.65
15. N86E 100

16. N65E 100
17. S05E 77
18. S0E 410
19. S38W 186
20. S04.30W 220
21. S58.35E 372.3

Section 26, Township 15, Range 40 East of the Boise Meridian.

Beginning at the East quarter corner and running thence West 4 rods 853 feet South, 80 rods West, North 195.25 feet to the West boundary of the county road and South 33° and 40' West 551 feet along said county road to the true point of beginning, thence South 34° 17' 30" West 377 feet, thence North 78° 8' West 123.75 feet, thence North 15° and 30' West 305 feet, thence North 17° and 30' West 142 feet, thence North 2° and 30' West 442 feet, thence North 34° and 55' West 339 feet, thence North 33° East 178 feet, thence South 74° and 20' East 100 feet, thence North 80° and 30' East 110.65 feet, thence North 86° East 100 feet, thence North 65° East 100 feet, thence South 5° East 77 feet, thence South 0° East 410 feet, thence South 38° West 186 feet, thence South 4° 30' West 220 feet, thence South 55° and 35' East 372.3 feet to the true point of beginning.

▶ ALSO EXCEPTING THE FOLLOWING THREE PARCELS:

Township 15 South, Section 26, Range 40 East of the Boise Meridian. Commencing at a point 4 rods West and 853 feet South, 80 rods West, 195.25 feet North to the West boundary of the County road, South 33° 40' West 551 feet along said County road, South 34° 17' 30" West 377 feet along County road for the TRUE POINT OF BEGINNING, of the East quarter corner of Section 26, and running thence South 28° West 122 feet along County road, thence West 42 feet to the East side of a roadway thence North 6° 21' West 134 feet along said roadway, thence South 78° 08' East 123.75 feet to the TRUE POINT OF BEGINNING.

Commencing at a point 1402.5' North and 1970' West of the Southeast Corner of Section 26 Twp 15 Range 40 East of Boise Meridian, thence West 92.6' thence South 160', thence East 192.5' thence Northwest 146', more or less to the point of beginning, containing approximately .5 acres, more or less.

Township 15 South, Section 26, Range 40 East of the Boise Meridian. Commencing at a point 4 rods West and 853 feet South of the East quarter of Section 26, and running thence West 80 rods, thence North 195.25 feet to the West boundary of County road, thence South 33° 40' West 567.5 feet along said County road to the true point of beginning and running thence South 34° 17' 30" West 137 feet, thence North 58° 35' West 213.4 feet, thence North 34° 17' 30" East 137 feet, thence South 58° 35' East 213.4 feet to the true point of beginning.