

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

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: 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 ☐
 o 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:

Received by KM Date 5-1-24 Receipt No. C118237 Receipt Amt. \$25..

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 [Signature] Date 5-3-24

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 BW
District Judge

STATE OF IDAHO } ss.
County of Gem

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
21

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. Maughon Family Trust
Kenneth L. Maughon
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


Signature
Deputy Clerk

**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

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

Location of Point(s) of Diversion

GROUND WATER
GEM County

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

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.	<u>204062</u>
PAGES	<u>1</u> OF <u>2</u>

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 N $\frac{1}{2}$ of the NW $\frac{1}{4}$ 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, or 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

WARRANTY DEED

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

INSTRU. NO.	204062
PAGES	2 OF 2

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. Heath
 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 Bigelow
 Deputy

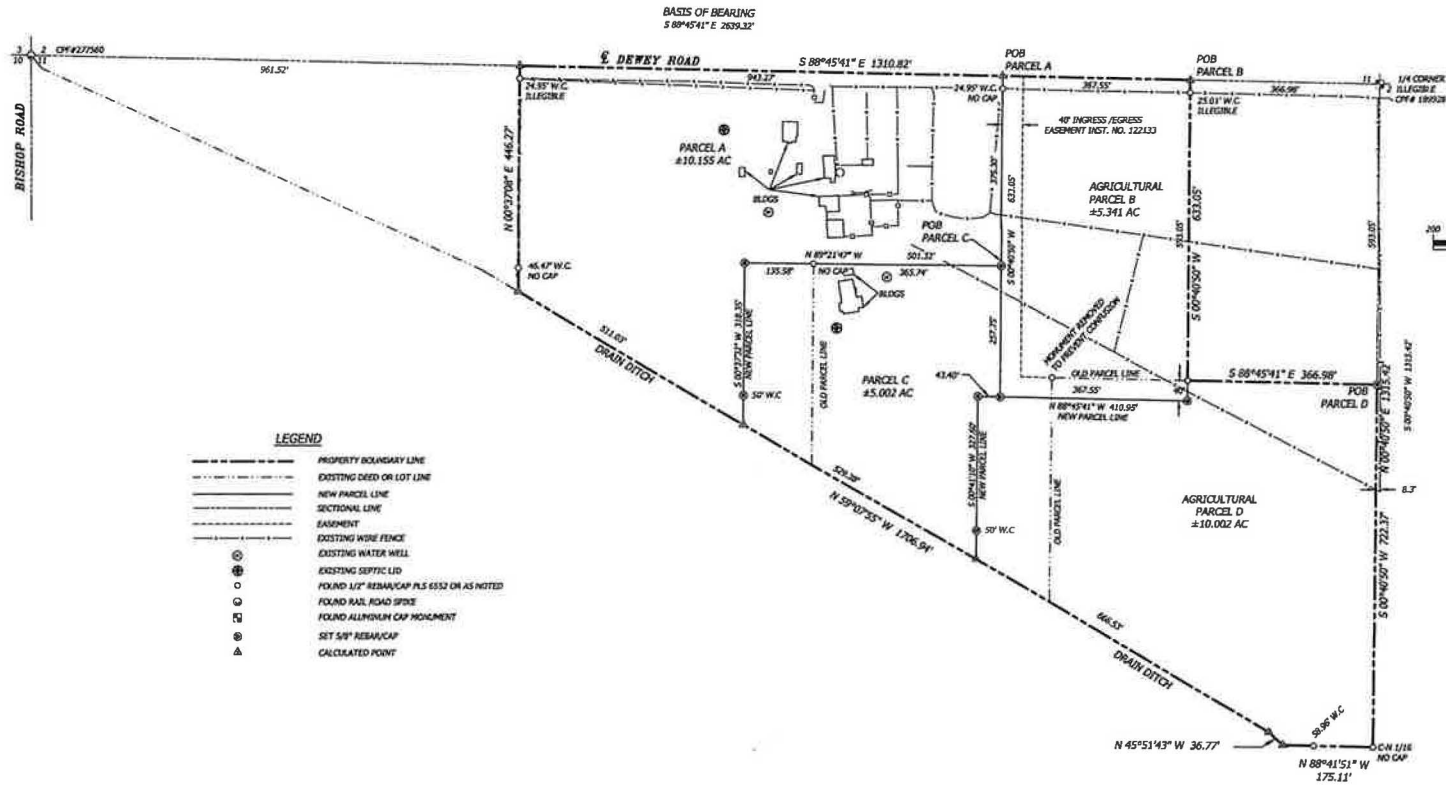
WARRANTY DEED

Fees \$ 6.00

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
 8-29-2022 02:12:32 PM No. of Pages: 1
 Recorded for: SAWTOOTH LAND SURVEYING, LLC
 SHELLY TOLSON Fee: \$100
 Ex-Officio Recorder Deputy
 State of IDAHO DEPT. 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 RAILROAD SPIKE
- FOUND ALUMINUM CAP MONUMENT
- SET 5/8" REBAR/CAP
- △ CALCULATED POINT

REFERENCES:

- R1) ROS INST. NO. 238678
- R2) ROS INST. NO. 302861
- R3) ROS INST. NO. 282300
- R4) ROS INST. NO. 296960
- R5) QUITCLAIM DEED INST. NO. 221170
- R6) QUITCLAIM DEED INST. NO. 331728
- R7) QUITCLAIM DEED INST. NO. 302783
- R8) QUITCLAIM DEED INST. NO. 294750

SURVEYOR NARRATIVE

THIS SURVEY IS TO ADJUST PROPERTY LINES PER CLIENTS REQUEST.

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 PLING 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.

APPROVAL OF GEM COUNTY DEVELOPMENT SERVICES ADMINISTRATOR

THIS PROPERTY BOUNDARY ADJUSTMENT IS HEREBY ACCEPTED AND APPROVED, THIS 29th DAY OF August, 2022, BY THE GEM COUNTY DEVELOPMENT SERVICES ADMINISTRATOR.

Michelle Burke for J. Shaul
 ADMINISTRATOR

FRITZ BROWNELL, L.S. 8960

[Signature] 8/29/22

PROFESSIONAL LAND SURVEYOR
 LICENSE NO. 8960
 STATE OF IDAHO
 FRITZ BROWNELL

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

2030 S. WASHINGTON AVE.
 EMMETT, ID 83617
 (208) 398-8104
 FAX (208) 398-8105

SAWTOOTH
 Land Surveying, LLC
 WWW.SAWTOOTHLS.COM

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

DWG# 122133-78A



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
Technical Records Specialist 2

Enclosure(s)

RECEIVED

MAY 01 2024

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

DEPT. 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.

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 247ontherune@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
Owner

Title, if applicable

4/26/2024

For Office Use Only

Received 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: TAMERAA 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