



IDAHO DEPARTMENT OF  
**WATER RESOURCES**

Western Region • 2735 W Airport Way • Boise, ID 83705-5082

Phone: 208-334-2190 • Fax: 208-334-2348 • Email: [westerninfo@idwr.idaho.gov](mailto:westerninfo@idwr.idaho.gov) • Web: [idwr.idaho.gov](http://idwr.idaho.gov)

Governor Brad Little

Director Mathew Weaver

August 01, 2025

CLAY P BURGESS AND DAWN E BURGESS  
1400 W SWITCHGRASS ST  
MERIDIAN ID 83642-1274

RE: Change in Ownership for Water Right No(s): 63-31010

Dear Interested Parties:

The Idaho Department of Water Resources (Department) received a Notice of Change in Water Right Ownership (Notice) from you on April 1<sup>st</sup>, 2024 for the above referenced water rights. The Notice could not be processed because the date on the warranty deed conveying ownership was dated *before* the water right was decreed to the previous owner, Jerry Smith. As such, we cannot confirm that the water right existed prior to the conveyance of the property and water right.

On July 2<sup>nd</sup>, 2024, the Department mailed out a deficiency letter requesting the correct conveyance from you, but the letter was returned to sender (IDWR). On July 30, 2025, I contacted the phone number on the Notice and spoke to Dawn Burgess, who confirmed that she and Clay Burgess were no longer residing at the address 2241 S Wyoming Ave, Boise, ID 83706 as listed on the Notice.

The Department is returning your Notice of Change in Water Right Ownership and the attachments and previous correspondence. A refund of the \$25.00 filing fee has been requested and will be mailed to DAWN BURGESS at the new mailing address: 1400 W. Switchgrass St. Meridian ID 83642-1274 under separate cover from the Idaho State Controller's Office.

If you have any questions regarding this matter, please contact me at 208-605-4633.

Sincerely,

Marina Bozdog  
Technical Records Specialist 1

Enclosure(s)

## Bozdog, Marina

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**From:** Bozdog, Marina  
**Sent:** Friday, August 1, 2025 10:58 AM  
**To:** IdwrPayable  
**Subject:** Refund Request for Dawn Burgess: Ownership Change Notice Fee

Dawn E Burgess and Clay P Burgess submitted a change in ownership notice on April 1, 2024, but their ownership change supporting documentation was incorrect.

On July 2<sup>nd</sup>, 2024, the Department mailed a deficiency letter to the new owners to request a correct warranty deed conveying the water right/property dated *after* the water right was decreed. However, the deficiency letter was returned to the Department as undeliverable to their mailing address on July 15, 2024. I've contacted Dawn Burgess on July 30, 2025, and she confirmed that at the time when we sent the deficiency letter last year on July 2, 2024, she and Clay Burgess were no longer living at the address on the Notice, and that they had already sold the property by July 2024. As such, they were no longer owners of the property or requesting ownership of the water right # 63-31010 that they had filed the notice for.

**Please issue a full refund of \$25.00 to:**

DAWN BURGESS  
1400 W SWITCHGRASS ST  
MERIDIAN ID 83642-1274

RECEIPT #: W051859

TEL #: (208) 389-8262

Thank you,



**Marina Bozdog**

**Technical Records Specialist I**

*IDWR Western Region*

2735 W Airport Way, Boise, ID 83705

Front Desk: (208) 334-2190

Direct Office: (208) 605-4633



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**WATER RESOURCES**

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Governor Brad Little

Director Mathew Weaver

July 02, 2024

CLAY P BURGESS AND DAWN E BURGESS  
2241 S WYOMING AVE  
BOISE ID 83706-4611

RE: Notice of Change in Water Right Ownership for Water Right No(s): 63-31010

Dear Interested Parties:

The Department of Water Resources (Department) acknowledges receipt of your Notice of Change in Water Right Ownership.

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

- Evidence of Water Right Ownership: copy of Deed, Title Policy, Contract of Sale, or other legal document indicating your ownership of the property and/or water rights in question

The Warranty Deed submitted with your Notice predates the SRBA decree naming Jerry Smith the owner of the water right. Unfortunately, the Department cannot accept documents predating a water right decree as evidence of water right ownership. Please provide a copy of any documentation showing the conveyance of the water right from Jerry Smith to yourselves (ex. a Quitclaim Deed specifically granting water right no. 63-31010).

Because the Department cannot process the Notice without proper documentation, we will hold any action on your notice pending receipt of the necessary information. If we do not receive the necessary information within 30 days we will return your notice and all attachments and fees, 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 assign 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 1(208) 605-4633.

Sincerely,

Marina Bozdog  
Technical Records Specialist 1

Enclosure(s)

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 )  
Case No. 39576 )  
PARTIAL DECREE PURSUANT TO  
I.R.C.P. 54(b) FOR  
Water Right 63-31010

NAME AND ADDRESS: JERRY LLOYD SMITH  
2241 WYOMING AVE  
BOISE, ID 83706

SOURCE: GROUND WATER

QUANTITY: 0.04 CFS

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

PRIORITY DATE: 10/31/1935

POINT OF DIVERSION: T03N R02E S23 SENW Within Ada County

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY |
|-------------------------------|----------------|----------------|----------|
|                               | Domestic       | 01-01 TO 12-31 | 0.04 CFS |

Domestic use is for 2 homes.

PLACE OF USE: Domestic Within Ada County  
T03N R02E S23 SENW

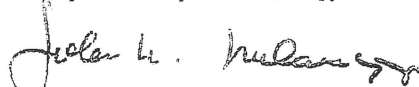
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A  
DETERMINATION OF HISTORICAL BENEFICIAL USE.

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS  
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT  
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY  
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE  
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

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.



John M. Melanson  
Presiding Judge of the  
Snake River Basin Adjudication

RECEIVED

APR 01 2024

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCESCOPY  
DEWATER RESOURCES  
WESTERN REGION

## 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? |
|-----------------------|------------------------------|------------------------------|-----------------------|------------------------------|------------------------------|
| 63-31010              | Yes <input type="checkbox"/> | Yes <input type="checkbox"/> |                       | Yes <input type="checkbox"/> | Yes <input type="checkbox"/> |
|                       | Yes <input type="checkbox"/> | Yes <input type="checkbox"/> |                       | Yes <input type="checkbox"/> | Yes <input type="checkbox"/> |
|                       | Yes <input type="checkbox"/> | Yes <input type="checkbox"/> |                       | Yes <input type="checkbox"/> | Yes <input type="checkbox"/> |
|                       | Yes <input type="checkbox"/> | Yes <input type="checkbox"/> |                       | Yes <input type="checkbox"/> | Yes <input type="checkbox"/> |
|                       | Yes <input type="checkbox"/> | Yes <input type="checkbox"/> |                       | Yes <input type="checkbox"/> | Yes <input type="checkbox"/> |

2. Previous Owner's Name:

Jerry L. Smith

Name of current water right holder/claimant

3. New Owner(s)/Claimant(s):

Clay &amp; Dawn Burgess

New owner(s) as listed on the conveyance document

Name connector ☐ and ☐ or

2241 S Wyoming Ave

Mailing address

Boise

City

ID

State

83706

Zip

208-389-8262

Telephone

Clayb86@yahoo.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: 4-9-1998

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):  
o \$25 per *undivided* water right.  
o \$100 per *split* water right.  
o 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:

Clay Burgess

Signature of new owner/claimant

Title, if applicable

329-24

Date

Clay P Burgess

Print name

- Signature:

Dawn Burgess

Signature of new owner/claimant

Title, if applicable

329-24

Date

Dawn E Burgess

Print name

## For IDWR Office Use Only:

Received by CC Date 4-1-24

Receipt No. W051859

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

260

COPY

# WARRANTY DEED

For Value Received

Jerry Lloyd Smith  
the grantor, does hereby grant, bargain, sell and convey unto

Clay P. Burgess and Dawn E. Burgess, husband and wife  
the grantees, the following described real estate situated in Ada County,  
State of Idaho, to-wit:

The North one half of the East ONE Half (N) of (E)  
of Lot ONE (1) IN Rose Dale Gallahers Subdivision IN  
ADA County State of IDAHO, According to the Plat  
of said County and State, Together with all water  
Rights, Rights IN Ditches And Laterals Appurtenant  
There TO.

ADA COUNTY RECORDER  
J. DAVID NAVARRO  
BOISE, IDAHO

RECORDED - REQUEST OF  
FEE 3.00 DEPUTY [Signature]

1998 SP -4 AM 11:26

98085434

SEE CORRECT LEGAL ATTACHED HERETO.

FIRST AMERICAN

RECORDED - REQUEST OF

ADA COUNTY RECORDER  
J. DAVID NAVARRO  
BOISE, IDAHO

FEE 9.00 DEPUTY [Signature]

1998 DE 14 PM 12:41

98119706

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

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

Dated this 9th day of April, 1998

Jerry L. Smith  
Jerry Lloyd Smith

STATE OF <sup>COLORADO</sup> ~~IDAHO~~, COUNTY OF Jefferson  
On this 9th day of April, 1998,  
before me, a notary public in and for said State, personally  
appeared JERRY L. SMITH

known to me to be the person who name  
subscribed to the within instrument, and acknowledged to  
me that he executed the same.

[Signature] Notary Public  
Residing at 1801 Jackson St. 80401, Idaho  
Comm. Expires 08/04/2001

STATE OF IDAHO, COUNTY OF

I hereby certify that this instrument was filed for record at  
the request of

at \_\_\_\_\_ minutes past \_\_\_\_\_ o'clock in.,  
this \_\_\_\_\_ day of \_\_\_\_\_  
19\_\_\_\_, in my office, and duly recorded in Book  
of Deeds at page \_\_\_\_\_

Ex-Officio Recorder

By \_\_\_\_\_ Deputy.  
Fees \$ \_\_\_\_\_  
Mail to: \_\_\_\_\_

INSTRUMENT NO.

COPY

EXHIBIT A

The North half of the East half of Lot 1 in Block 6 of ROSEDALE GALLAHERS SUBDIVISION, SECOND FILING, according to the official plat thereof, filed in Book 2 of Plats at Page 56, Official Records of Ada County, Idaho.

COPY

STATE OF IDAHO, COUNTY OF ADA, ss.

I, J. David Navarro, Recorder for Ada County, do hereby certify that the Annexed is a full and correct copy of Inst. No. 98485434

and is correct in every particular.

Witness my hand and the seal of my office at Boise, Idaho, this 11th day of May, 1998.

J. David Navarro, Recorder  
By Barrell J. Fisher Deputy

SCALE 200 FT. TO 1 INCH.

State of Idaho, }  
County of Ada } S.S.

County of Utah ss. On this 28<sup>th</sup> day of April, 1902, before me, Miles W. Tate, a Notary Public, in and for said County, personally appeared Joseph H. Gallacher, known to me to be the person whose name is subscribed to the within instrument or plat, 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 above written.

Easement for public utilities over  
waterly 10 ft. of Ely 115 ft. Lots 19-24 in  
Block 4, and W 1/2 of N 21<sup>st</sup> & Lot 20, B11, 9  
FOR 25.32 a.m. Sub.

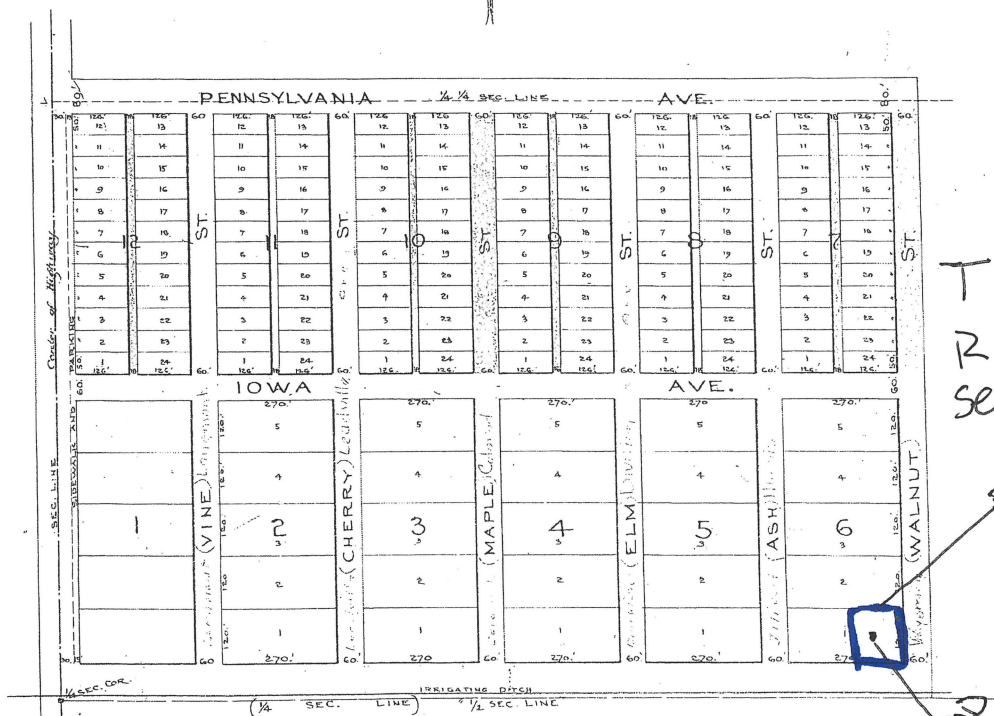
See Instrument No. 552630 Filed Jun 17, 1963.  
Recorded Book 48 page 142 of Miscellaneous

State of Idaho, } S.S.  
County of Ada }

I hereby certify that this instrument was filed for record at request of Joseph H. Gallaher, at 24 minutes past 10 o'clock, A.M., this 28<sup>th</sup> day of April, A.D. 1902.

Fees &amp; Acc.

*J. H. Wickersham, Ex Officio Recorder,  
by C. O. Ellsworth, Deputy.*



T 03 N  
R 02 E  
Sec 23

20

20

Addendum  
7527055 9-11 75

Bk 9  
 Lots 7 thru 15 Resub. to Capital Cat  
 See Instrument No. 962066 Filed 9-28 1973

for Vacation  
See Instrument No. 86105-1 Filed 9-19-1973

COPY

Idaho Department of Water Resources Receipt  
Receipt ID: W051859

|                |                                                                                                                                                                                                                                                      |               |          |        |         |
|----------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|----------|--------|---------|
| Payment Amount | \$25.00                                                                                                                                                                                                                                              | Date Received | 4/1/2024 | Region | WESTERN |
| Payment Type   | Charge Card                                                                                                                                                                                                                                          |               |          |        |         |
| Payer          | BURGESS,DAWN                                                                                                                                                                                                                                         |               |          |        |         |
| Comments       | OWNERSHIP CHANGE FOR CLAY & DAWN BURGESS<br>WR NO: 63-31010<br>ORDERID: 62685894<br>LOCAL REFID: 3CzQZtQmt0eeEbvo8gOy/A==<br>TOTAL PAID: \$26.75(FEEs: \$1.75)<br>AUTH_CODE: 741038<br>REC DATE: 4/1/2024 12:56:47 PM MDT<br>DOCUMENT NUMBER: CR6117 |               |          |        |         |

Fee Details

| Amount  | Description                          | PCA   | Fund | Fund Detail | Subsidiary | Object |
|---------|--------------------------------------|-------|------|-------------|------------|--------|
| \$25.00 | OWNERSHIP CHANGES/SECURITY INTERESTS | 62140 | 0229 | 21          |            | 1155   |

C C

Signature Line (Department Representative)