

RECEIVED

Rev. 07/18

JUN 13 2022

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No.

86344

Department of Water Resources
Eastern Region
MINIMUM REQUIREMENTS CHECKLIST
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER**AMENDED**

An application for transfer must be prepared in accordance with the minimum requirements listed below to be acceptable for processing by the Department. Incomplete applications will be returned. The instructions, fee schedule, Part 2A reports and additional Part 2B forms are available from any Department office or on the Department's website at idwr.idaho.gov.

Name of Applicant(s) Burtenshaw Land & Cattle LLCCheck whether each item below is *attached* (Yes) or *not applicable* (N/A) for the proposed transfer.Yes N/A * Means the item is always required and must be included with the application.

- ☒ * Completed Application for Transfer of Water Right form, Part 1.
- ☒ * Signature of applicant(s) or applicant's authorized representative on Application for Transfer Part 1. Include evidence of authority labeled Attachment #3 (see below) if signed by representative.
- ☒ * Application for Transfer Part 2A. Attach a Part 2A report describing each water right in the transfer as currently recorded.
- ☐ ☒ Complete and attach an Application for Transfer Part 2B for each water right for which only a portion is proposed to be changed through this transfer application.
- ☒ * Application for Transfer Part 3A is always required (see Attachment #7a below); Parts 3B and 3C must be completed for transfer applications proposing to change the nature of use of the water right(s) or proposing changes to supplemental right(s).
- ☒ * Correct fee submitted with transfer application form. (Fee schedule is on website and instructions for application for transfer.)

Attachments to Application - Label each attachment with the corresponding number shown below as Attachment #1-10.

- ☐ ☒ #1 If the applicant is a business, partnership, organization, or association, and not currently registered in the State of Idaho as a business entity, attach documentation identifying officers authorized to sign or act on behalf of right holder. (See Part 1.)
- ☐ ☒ #2a Water Right ownership documentation if Dept. records do not show the applicant as the current water right owner. **
- ☐ ☒ #2b If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). **
** Additional fee(s) required for water right ownership changes; see fee schedule.
- ☐ ☒ #3 Documentation of authority to make the change if the applicant is not the water right owner.
- ☐ ☒ #4 Power of Attorney or documentation providing authority to sign or act on the applicant's behalf. (See Part 1.)
- ☒ ☐ #5 If the transfer application proposes to change the point of diversion for a water right affecting the Eastern Snake Plain Aquifer (ESPA), attach the results of an ESPA analysis and a detailed mitigation plan to offset any depletions to hydraulically connected reaches of the Snake River. ESPA transfer spreadsheet and model grid labeled cells are available on the Department's website at <https://idwr.idaho.gov/water-rights/transfers/resources/>.
- ☐ ☒ #6 Notarized statement of agreement or a statement on official letterhead signed by an authorized representative from each lien holder or other entity with financial interest in the water right(s) or land affected by the proposed transfer. (See Part 1.5.c.)
- ☒ * #7a Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described on the application. Include legal description labels. If only a portion of the right is proposed to be changed, identify the current location of the part of the existing right(s) proposed to be changed. (See Part 3A.)
- ☒ ☐ #7b If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. If some or all of any right is leased to the Water Supply Bank, you must also show the the specific location and/or acres to be idled at the new, proposed place of use to satisfy lease requirements.
- ☐ ☒ #8a If the transfer application proposes to change the nature of use or period of use for one or more rights, provide documentation describing the extent of historic beneficial use for the water rights proposed to be transferred and document how enlargement will be avoided. (See Part 3B.) Additional fee required for proposed changes to nature of use; see fee schedule.
- ☐ ☒ #8b If the transfer application proposes to change the place of use of a supplemental irrigation right, provide documentation regarding the historic use of the supplemental right(s) and availability or reliability of the primary right(s) being supplemented, both before and after the proposed change. (See Part 3C.)
- ☐ ☒ #9 Water Supply Bank information for all rights proposed for transfer and currently leased to the Bank. (Attachment WSB)
- ☐ ☒ #10 Other. Please describe: _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

AMENDED

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1

Name of Applicant(s) Burtenshaw Land & Cattle LLC Phone 208-716-1500
Mailing address 1758 N 1000 E, Terreton, ID 83450 Email lynnwburt@yahoo.com

- ☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it **Attachment #1**.
- ☐ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it **Attachment #2a**.
- ☐ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it **Attachment #2b**.
- ☐ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it **Attachment #3**.

Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

☐ No Representative

Name of Representative _____ Phone _____
Mailing address _____ Email _____

☐ Send all correspondence for this application to the representative and not to the applicant.

OR

☐ Send original correspondence to the applicant and copies to the representative.

☐ The representative may submit information for the applicant but is not authorized to sign for the applicant.

OR

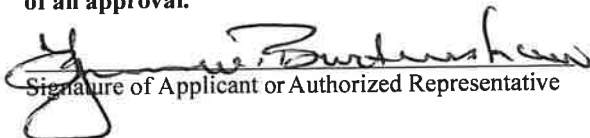
☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it **Attachment #4**.

RECEIVED

JUN 13 2022

Department of Water Resources
Eastern Region

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.


Signature of Applicant or Authorized Representative

Managing Member
Print Name and Title if applicable

6/13/2022
Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

A. PURPOSE OF TRANSFER

- ☒ Change point of diversion
☐ Change nature of use

☒ Add diversion point(s)
☐ Change period of use

☒ Change place of use
☐ Other Update Ownership (Burtenshaw Land & Cattle LLC)
- Is this a transfer for changes pursuant to Idaho Code § 42-221.O.8?
If yes, ☐ attach an explanation and any supporting documentation labeled as **Part 1A.2**.
- Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.3**.
Application proposes to add two points of diversion to right 31-7012 and one to right 31-11663. Application also proposes to make slight adjustments to the places of use for irrigation and stockwater. Application also updates ownership from Lynn & Kaylene Burtenshaw to Burtenshaw Land & Cattle LLC.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1 Continued

B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT, DESCRIBE PORTIONS TO BE CHANGED AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.

I.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
☒ All or ☐ Part	31-11663	6.75 cfs	Irrigation	4/1 to 10/31	Ground Water
☒ ☐	31-7012	6.16 cfs	Irrigation	4/15 to 10/15	Ground Water
☐ ☐		0.09 cfs	Stockwater	1/1 to 12/31	Ground Water
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 6.75 cfs and/or 1,078 acre-feet.

2. Total amount of water proposed to be transferred or changed 6.75 cubic feet per second and/or _____ acre-feet per year.

3. Point(s) of Diversion:

- ☐ No changes to point(s) of diversion are proposed - the following chart is therefore not completed. (Proceed to #4.)
- ☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA. Label it **Attachment #5**.

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #
N	1		NE	NE	6	06N	34E	Jefferson	Ground Water	WMIS #300038
Y			SE	SE	6	06N	34E	Jefferson	Ground Water	
Y	1		NE	NE	6	06N	34E	Jefferson	Ground Water	31-7012 only
										(stockwater well)
										D0075354

4. Place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

- ☐ No changes to place of use are proposed - the following chart is therefore not completed. (Proceed to #5.)

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06N	34E	5							S										
		6	39	40	40	39									39	40	39	32	308
			L1	L2															
		6	S	S	S	S									S	S	S	S	
			L1	L2															
Total Acres (for irrigation use)																			308

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued**

5. General Information:

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future:
Two ground water wells piped into common mainline to supply water for irrigation. Separate well for stockwater. Existing irrigation POD is already equipped with flow meter. Proposed POD for irrigation will be equipped with measuring device and monitored by Water District 110.
- b. Who owns the property at the point(s) of diversion? Applicants
 If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:
N/A
- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?
If yes, ☐ attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6. List the name of the entity and type of lien:** N/A. Water rights are not moving off of property. They are simply being rearranged.
- It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.
- d. Are any of the water rights proposed for transfer currently leased to the Water Supply Bank?
If yes, ☐ complete Attachment WSB.
- e. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:
Slight change to irrigation place of use. We are drying up five acres in the SESE of Section 6 to cover an area that was once a home site in the center of a pivot. Rights authorize 308 acres of irrigation. Proposed place of use covers exactly 308 acres. All other acres will remain dry.
- f. Describe the use of any other water right(s) for the same purpose or land, or the same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use:
Water right 31-10623 also supplies water for stockwater use in the SWNW of Section 5.
- g. To your knowledge, has/is any portion of the water right(s) proposed to be changed:
Yes No
☐ ☒ undergone a period of five or more consecutive years of non-use,
☐ ☒ currently leased to the Water Supply Bank,
☐ ☒ currently used in a mitigation plan limiting the use of water under the right, or
☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the rights?

If yes, describe:

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT PART 3

A. PLAT MAP (See Part 3A of Instructions for application for transfer for complete requirements.)

- ☐ Attach a map of the diversion, measurement, control, and distribution system. Label it **Attachment #7a**.
- ☐ If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. Label it **Attachment #7b**.

If the place of use currently consists of a permissible place of use, then the attachment is not required if the application contains a clear statement that the boundaries for the place of use are not proposed to be changed by the transfer and the total number of irrigated acres within the place of use before and after the transfer is clearly stated.

If any part of the irrigation water right is leased to the Water Supply Bank, you must also specify the location and number of acres that will remain idled for the duration of the lease contract at the new, proposed place of use.

B. CHANGES IN NATURE OF USE (WaterBalance)

- ☐ If you propose to change the nature of use or period of use of all or part of the rights(s) listed in this application, attach documentation describing the extent of historic beneficial use of the portion of the right(s) proposed to be changed. Also attach documentation showing that the portion of the right(s) to be changed will not be enlarged in rate, volume, or consumptive use through the proposed change. Label it **Attachment #8a**.

C. PLACE OF USE CHANGES TO SUPPLEMENTAL IRRIGATION RIGHTS

- ☐ If you propose to change the place of use of a supplemental irrigation right, answer below and attach supporting documentation. Label it **Attachment #8b**.

Describe how the supplemental water rights have been used historically in conjunction with other water rights at the existing place of use. Describe the time during the irrigation season that the supplemental rights have been used. Include information about the availability or reliability of the primary right(s) being supplemented, both before and after the change. If the applicant is proposing to change a supplemental irrigation right to a primary right, provide the information required on Part 3B above:

N/A

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments.

Received by _____ Date _____ Preliminary check by _____ Date _____

Fee paid \$1030.00 Date 5-27-22 Receipted by MP Receipt # E048190

Add'l fee paid _____ Date _____ Receipted by _____ Receipt # _____

Check all that apply: Attachment WSB ☐ (copy sent to state office) Lessor Designation form ☐ &/or W-9 ☐ (originals to state office)

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

5/27/2022

Water Right 31-7012

Owner Type

Current Owner
Current Owner

Name

LYNN BURTENSHAW
KAYLENE BURTENSHAW

Priority Date: 7/3/1968

Basis: Decreed

Status: Active

Source

GROUND WATER

Tributary

Beneficial Use

IRRIGATION
STOCKWATER

From

4/15
1/01

To

10/15
12/31

Diversion Rate

6.160 CFS
0.090 CFS
Total Diversion 6.290 CFS

Volume

1,078.0 AF

1,078.0 AF

Source and Point(s) of Diversion:

GROUND WATER

NENENE

Sec. 6, Twp 06N, Rge 34E, JEFFERSON County

Place Of Use:

STOCKWATER within JEFFERSON County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06N	34E	6	X L1	X L2	X	X									X	X	X	X	

IRRIGATION within JEFFERSON County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06N	34E	6	39.0 L1	40.0 L2	40.0	39.0									37.0	39.0	37.0	37.0	308.0

POU Total Acres: 308.0

Conditions of Approval:

1. N08 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
2. C18 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. SECTION 42-1412(6), IDAHO CODE.
3. E60 USE OF THIS RIGHT WITH RIGHT NO. 31-11663 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 6.75 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 1078 AF.

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

5/27/2022

4. S41 THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS APRIL 1 AND MAY CONTINUE TO AS LATE AS OCTOBER 31, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE APRIL 15 AND AFTER OCTOBER 15 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.
5. E55 USE OF THIS RIGHT WITH RIGHT NO. 31-11663 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 308 ACRES IN A SINGLE IRRIGATION SEASON.
6. M01 A MEASURING DEVICE OF A TYPE APPROVED BY IDWR SHALL BE MAINTAINED AS A PART OF THE DIVERTING WORKS.

Dates and Other Information:

Decreed Date: 3/26/2002
Civil Case Number: 39576
Judicial District: FIFTH
State or Federal: S
Owner Name Connector: AND
Water District Number: 110
Mitigation Plan: False

Combined Use Limits:

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>	<u>Water Rights</u>
6.750	1,078.0	308.0	31-7012 ,31-11663

SubCase:

N/A

Water Supply Bank:

N/A

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

5/27/2022

Water Right 31-11663

Owner Type

Current Owner
Current Owner

Name

LYNN BURTENSHAW
KAYLENE BURTENSHAW

Priority Date: 12/31/1945

Basis: Decreed

Status: Active

Source

GROUND WATER

Tributary

Beneficial Use

IRRIGATION

From

04/01

To

10/31

Diversion Rate

6.750 CFS

Volume

1,078.0 AF

Total Diversion

6.750 CFS

1,078.0 AF

Source and Point(s) of Diversion:

GROUND WATER

NENENE

Sec. 6, Twp 06N, Rge 34E, JEFFERSON County

Place Of Use:

IRRIGATION within JEFFERSON County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06N	34E	6	39.0 L1	40.0 L2	40.0	39.0									37.0	39.0	37.0	37.0	308.0

POU Total Acres: 308.0

Conditions of Approval:

1. E60 USE OF THIS RIGHT WITH RIGHT NO. 31-07012 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 6.75 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 1078 AF.
2. C18 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. SECTION 42-1412(6), IDAHO CODE.
3. E55 USE OF THIS RIGHT WITH RIGHT NO. 31-07012 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 308 ACRES IN A SINGLE IRRIGATION SEASON.

Dates and Other Information:

Decreed Date: 2/22/2002

Civil Case Number: 39576

Judicial District: FIFTH

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

5/27/2022

Owner Name Connector: AND/OR
Water District Number: 110
Mitigation Plan: False

Combined Use Limits:

Rate
6.750

Volume
1,078.0

Acres
308.0

Water Rights
31-7012 ,31-11663

SubCase:
N/A

Water Supply Bank:

N/A

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 31-07012

2002 MAR 26 PM 3:07

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

NAME AND ADDRESS:

KAYLENE BURTENSHAW
LYNN BURTENSHAW
1758 N 1000 E
TERRETON, ID 83450

RECEIVED

MAR 27 2002

SOURCE:

GROUND WATER

QUANTITY:

6.29 CFS
1078.00 AFY

Department of Water Resources

USE OF THIS RIGHT WITH RIGHT NO. 31-11663 IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 6.75 CFS AND TO A TOTAL
COMBINED ANNUAL DIVERSION VOLUME OF 1078 AF.

PRIORITY DATE:

07/03/1968

POINT OF DIVERSION:

T06N R34E S06 NENENE Within Jefferson County

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE
Irrigation

PERIOD OF USE
04-15 TO 10-15

QUANTITY
6.16 CFS
1078.00 AFY
0.09 CFS

Stockwater

01-01 TO 12-31

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS
EARLY AS APRIL 1 AND MAY CONTINUE TO AS LATE AS OCTOBER 31,
PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE
OF WATER BEFORE APRIL 15 AND AFTER OCTOBER 15 UNDER THIS REMARK
IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY
OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE
A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

PLACE OF USE:

Irrigation

T06N R34E S06 LOT 01 (NENE) 39.0
SWNE 40.0
NESE 37.0
SWSE 37.0

Within Jefferson County
LOT 02 (NWNE) 40.0
SENE 39.0
NWSE 39.0
SESE 37.0

308.0 Acres Total

Stockwater

T06N R34E S06 LOT 01 (NENE)
SWNE
NESE
SWSE

Within Jefferson County
LOT 02 (NWNE)
SENE
NWSE
SESE

USE OF THIS RIGHT WITH RIGHT NO 31-11663 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 308 ACRES IN A SINGLE
IRRIGATION SEASON.

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

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).

Instrument # 422959
RIGBY, JEFFERSON, IDAHO
05-09-2016 03:52:14 PM No. of Pages: 2
Recorded for: FIRST AMERICAN TITLE - RIGBY
COLLEEN C POOLE Fee: \$13.00
Ex-Officio Recorder Deputy: LK
Index to QUIT CLAIM DEED
Electronically Recorded by Simplifile

AFTER RECORDING MAIL TO:

Burtenshaw Land & Cattle, LLC
2365 East 400 North
Roberts, ID 83444

QUITCLAIM DEED

File No.: 581191-RI (ss)

Date: May 06, 2016

For Value Received, **Lynn W. Burtenshaw and Kaylene Y. Burtenshaw, husband and wife**, do(es) hereby convey, release, remise, and forever quit claim unto **Burtenshaw Land & Cattle, LLC**, whose address is **1758 North 1000 East, Terreton, ID, 83450**, herein after called the Grantee, the following described premises situated in **Jefferson County, Idaho**, to-wit:

TRACT 1:
TOWNSHIP 6 NORTH, RANGE 34 E.B.M., JEFFERSON COUNTY, IDAHO
SECTION 6: LOTS 1 AND 2; S½NE¼; SE¼

EXCEPTING THEREFROM: BEGINNING AT A POINT 200 FEET NORTH OF THE SE CORNER OF THE SE¼ OF SAID SECTION 6 AND RUNNING THENCE NORTH 509.5 FEET; THENCE WEST 614 FEET; THENCE SOUTH 709.5 FEET; THENCE EAST 344 FEET; THENCE NORTH 200 FEET; THENCE EAST 270 FEET TO THE POINT OF BEGINNING.

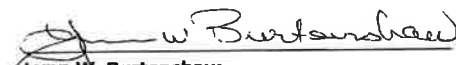
ALSO EXCEPTING THEREFROM: BEGINNING AT THE SE CORNER OF THE SE¼ OF SAID SECTION 6 AND RUNNING THENCE WEST 270 FEET; THENCE NORTH 200 FEET; THENCE EAST 270 FEET; THENCE SOUTH 200 FEET TO THE POINT OF BEGINNING.

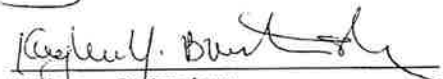
TRACT 2:
TOWNSHIP 6 NORTH, RANGE 34 E.B.M., JEFFERSON COUNTY, IDAHO
SECTION 6:

BEGINNING AT A POINT 200 FEET NORTH OF THE SE CORNER OF THE SE¼ OF SAID SECTION 6 AND RUNNING THENCE NORTH 509.5 FEET; THENCE WEST 614 FEET; THENCE SOUTH 709.5 FEET; THENCE EAST 344 FEET; THENCE NORTH 200 FEET; THENCE EAST 270 FEET TO THE POINT OF BEGINNING.

together with its appurtenances.

Dated: 5/6/16


Lynn W. Burtenshaw


Kaylene Y. Burtenshaw

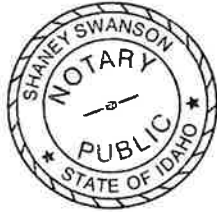
STATE OF Idaho)
SS.
COUNTY OF Jefferson)

APN:

Quitclaim Deed - continued

File No.: **581191-RI (ss)**
Date: **05/06/2016**

On this Sixth day of May, 2016, before me, a Notary Public in and for said State, personally appeared **Lynn W. Burtenshaw and Kaylene Y. Burtenshaw**, known or identified to me to be the person(s) whose name(s) are subscribed to the within instrument, and acknowledged to me that they executed the same.



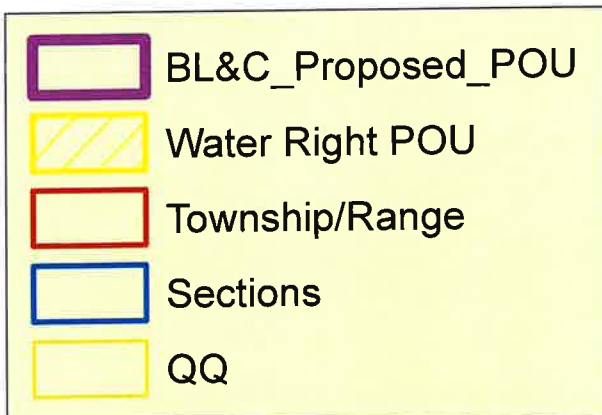

Notary Public of Idaho
Residing at: Idaho Falls, ID
Commission Expires: 1-3-21

Application for Transfer for 31-7012 and 31-11663 Proposed Points of Diversion and Place of Use



The USDA-FSA Aerial Photography Field office asks to be credited in derived products.

2021 Imagery



0 500 1,000 2,000 Feet

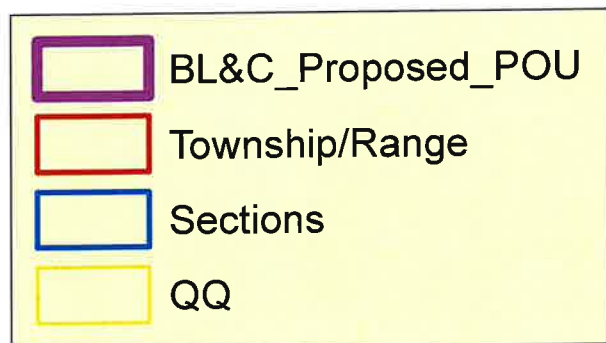


Application for Transfer for 31-7012 and 31-11663 Proposed Stockwater Place of Use (WR 31-7012)



The USDA-FSA Aerial Photography Field office asks to be credited in derived products.

2021 Imagery



0 500 1,000 2,000 Feet





0004557678



STATE OF IDAHO
Office of the secretary of state, Lawrence Denney
ANNUAL REPORT
Idaho Secretary of State
PO Box 83720
Boise, ID 83720-0080
(208) 334-2301
Filing Fee: \$0.00

For Office Use Only

-FILED-

File #: 0004557678

Date Filed: 1/6/2022 8:45:06 PM

Entity Name and Mailing Address:

Entity Name: BURTENSHAW LAND & CATTLE, LLC
The file number of this entity on the records of the Idaho Secretary of State is: 0000491753
Address: 1758 N 1000 E
TERRETON, ID 83450-5034

Entity Details:

Entity Status: Active-Existing
This entity is organized under the laws of: IDAHO
If applicable, the old file number of this entity on the records of the Idaho Secretary of State was: W162037

The registered agent on record is:

Registered Agent: LYNN W BURTENSHAW
Registered Agent
Physical Address
1758 N 1000 E
TERRETON, ID 83450
Mailing Address

Limited Liability Company Managers and Members

Name	Title	Business Address
Kaylene Young Burtenshaw	Member	1758 N 1000 E TERRETON, ID 83450
Lynn William Burtenshaw	Member	1758 N 1000 E TERRETON, ID 83450
☒ William Porter Burtenshaw	Member	1758 N 1000 E TERRETON, ID 83450
☒ Seth Winfield Burtenshaw	Member	1758 N 1000 E TERRETON, ID 83450
☒ Riley Martin Burtenshaw	Member	1758 N 1000 E TERRETON, ID 83450
☒ Logan Don Burtenshaw	Member	1758 N 1000 E TERRETON, ID 83450

The annual report must be signed by an authorized signer of the entity.

Job Title: Member

Kaylene Burtenshaw

01/06/2022

Sign Here

Date

DUPLICATE RECEIVED BY ID SECRETARY OF STATE LAWRENCE DENNEY 01/06/2022 08:45 PM

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Department of Water Resources
Eastern Region

APPLICATION FOR TRANSFER OF WATER RIGHT – POINT(S) OF DIVERSION

This form may be used to apply to change and/or add points of diversion for existing water rights and to report an ownership change for a water right(s) in connection with the proposed point of diversion change(s). Do not use this form to apply for changes to other elements of a water right. See the [Application for Transfer Instructions](#) for help completing this form and for mailing addresses of Department offices where your application can be submitted.

Check all that apply:

- ☐ Change diversion point(s) ☒ Add diversion point(s) ☒ Ownership change ☐ Ownership split
- ☐ Transfer is for changes pursuant to [Idaho Code § 42-221.O.8](#). Attach an explanation and any supporting documentation.

1. **APPLICANT(S)** Burtenshaw Land & Cattle LLC Phone 208.716.1500

2. **MAILING ADDRESS** 1758 N 1000 E City Terreton

State ID Zip 83450 Email lynnwburt@yahoo.com

- ☐ If the applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign for the applicant.
- ☐ If the applicant is not the current water right(s) owner, attach documentation of authority to file the application.
- ☐ If the application includes a change in ownership of water right(s), attach a copy of the conveyance document, such as a warranty deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property conveyed or description of the water right if no land is conveyed. Additional fee(s) are required for water right ownership changes; see Item 9 for the [fee schedule](#).

If the ownership change resulted in the water right(s) being split, how did the division occur? Mark one:

- ☐ 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.

- ☐ If the application is not signed by the applicant, attach a Power of Attorney or other documentation providing authority to sign for the applicant.

3. **LIST WATER RIGHT NUMBER(S)** 31-7012, 31-11663

- ☐ Attach a copy of the water right(s) as recorded, available at [idwr.idaho.gov](#), *Water Right Transfers, Step 1*, or by contacting any Department office.

4. **TOTAL AMOUNT OF WATER** transferred is 6.75 cubic feet per second and/or _____ acre-feet per annum.
(diversion rate) (storage volume)

5. **POINT OF DIVERSION** – Describe all the point(s) of diversion to be included on the water right(s) after the proposed change.

- ☐ Attach Eastern Snake Plain Aquifer (ESPA) analysis if this transfer proposes to change a point of diversion affecting the ESPA. ESPA analysis information is available at [idwr.idaho.gov](#), *Water Rights, Water Right Transfers, Modeling Resources*.

New?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #
N		NE	NE	NE	6	6N	34E	Jefferson	Ground water	A0001720
Y			SE	SE	6	6N	34E	Jefferson	Ground water	

6. GENERAL INFORMATION

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future:

An existing well (250 HP) and a new well (150 HP) will be interconnected and will deliver water to 2 pivots and flood irrigation on the corners. Flow meters will be installed.

- b. Who owns the property at the point(s) of diversion? Applicant
If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

- c. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

Yes No

- ☐ ☒ undergone a period of five or more consecutive years of non-use,
☐ ☒ currently used in a mitigation plan limiting the use of water under the right(s), or
☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the right(s)?

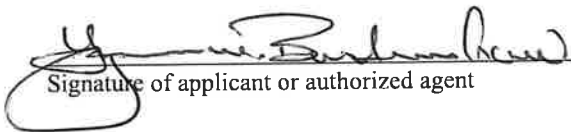
If yes, describe:

- d. Is any portion of the water right(s) proposed to be changed currently leased to the Water Supply Bank? ☐ Yes ☒ No

- ☐ If yes and there are multiple owners, attach a Lessor Designation form.
☐ If yes, the individual owner or designated lessor must complete, sign and attach an IRS Form W-9.
(Disregard if these items are on file and ownership has not changed.)

7. **MAP** – ☒ Attach a map of the diversion, measurement, control and distribution system. Include the place of use if a split of the water right occurred. Clearly label the map with township, range, section and 1/4 1/4 of section information. You may create a map at idwr.idaho.gov, *Water Rights*, *Water Right Transfers*, *File a Transfer Application*, *Step 2C*.

8. **SIGNATURE** – The information in this application is true to the best of my knowledge. I understand any willful misrepresentations in this application may result in rejection of the application or cancellation of an approval.


Signature of applicant or authorized agent

Lynn Burtenshaw
Print name and title if applicable

5/27/2022
Date

Signature of applicant or authorized agent

Print name and title if applicable

Date

9. **FEE** – ☒ The application filing fee provided in Idaho Code § 42-221.O, must be submitted with the application for transfer. Applications for changes pursuant to Idaho Code § 42-221.O.8. require a filing fee of \$50 per water right. All other application fees are based on the total amount of water proposed for transfer in Item 4: the larger fee for either cubic feet per second (diversion rate) or acre-feet per annum (storage volume). The Fee Schedule is available at www.idwr.idaho.gov, *Water Right Transfers*, *Step 4* and in the Application for Transfer Instructions.

FOR DEPARTMENT USE ONLY

Transfer includes _____ pages of attachments. Received by _____ Date _____

Fee paid 1030.00 Date 5-27-22 Received by M. Fettes Receipt # E048190

Preliminary review by _____ Date _____ Active in the Water Supply Bank? Yes ☐ No ☐

W-9 received? Yes ☐ No ☐ Name on W-9 _____ W-9 forwarded to fiscal? Yes ☐ No ☐

(Do NOT scan the W-9 – confidential information is held by fiscal only)

Lynn Burtenshaw Transfer



Legend

- Proposed POD
- Township/Range
- Sections
- QQ

0 1,000 2,000 4,000 Feet



MH



IDAHO DEPARTMENT OF
WATER RESOURCES

Eastern Region • 900 N Skyline Drive, Suite A • Idaho Falls, ID 83402-1718

Phone: 208-525-7161 • Fax: 208-525-7177 • Email: easterninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

June 15, 2022

BURTENSHAW LAND & CATTLE LLC
1758 N 1000 E
TERRETON, ID 83450

RE: Transfer No. 86344
Water Right No(s). 31-11663, 31-7012

Dear Applicant:

The Department of Water Resources has received your water right transfer application. Please refer to the transfer number referenced above in all future correspondence regarding this transfer.

A legal notice of the application has been prepared and is scheduled for publication in the JEFFERSON STAR on 6/22/2022 and 6/29/2022. Protests to this application may be submitted for a period ending ten (10) days after the second publication.

If the application is protested, you will be sent a copy of each protest. All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, the Department will process your application and notify you of any action taken on the application. If your application is approved, the Department will send you a copy of the approval document.

Please contact this office if you have any questions regarding the application.

Sincerely,

Christina Henman
Administrative Assistant

Henman, Christina

From: Henman, Christina
Sent: Wednesday, June 15, 2022 2:31 PM
To: 'info@jeffersonstarnews.com'
Subject: Legal Notice for Jefferson Star
Attachments: 86344 Jefferson Star.docx

LEGAL NOTICE DEPARTMENT
JEFFERSON STAR
PO BOX 37
RIGBY, ID 83442

RE: Transfer No. 86344
Water Right No(s). 31-11663, 31-7012

Dear Legal Notice Department:

Please publish the enclosed legal notice on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 7/11/2022. Your cooperation is appreciated.

Thank You,



Christina Henman
Administrative Assistant
IDWR, Eastern Region
900 N Skyline Ste. A
Idaho Falls, ID 83402
Phone: (208) 525-7161

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 86344**

BURTENSHAW LAND & CATTLE LLC, 1758 N 1000 E, TERRETON, ID 83450 has filed Application No. 86344 for changes to the following water rights within JEFFERSON County(s): Right No(s). 31-11663, 31-7012; to see a full description of these rights and the proposed transfer, please see <https://research.idwr.idaho.gov/apps/waterrights/querynewtransfers>. The purpose of the transfer is to change a portion of the above rights as follows: change point of diversion, add points of diversion, change place of use. Proposed points of diversion are in Lot 1 (NENE) (existing well), Lot 1 (NENE) (new stockwater well), and SESE (new irrigation well), Sec 6 T06N R34E for 6.75 cfs from ground water. Proposed place of use is in SWNW Sec 5, NE1/4 and SE1/4 Sec 6, T06N R34E for stockwater and irrigation of 308 acres.

For additional information concerning the property location, contact Eastern Region office at (208)525-7161. Protests may be submitted based on the criteria of Idaho Code Sec. 42-222. Any protest against the proposed change must be filed with the Department of Water Resources, Eastern Region, 900 N SKYLINE DR STE A, IDAHO FALLS ID 83402-1718 together with a protest fee of \$25.00 for each application on or before 7/11/2022. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 6/22/2022 and 6/29/2022