

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 81572

MINIMUM REQUIREMENTS CHECKLIST
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

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 www.idwr.idaho.gov.

RECEIVED
APR 6 5 22 PM
Division of Water Resources
Eastern Region

Name of Applicant(s) SHELLI BURTENSHAW

Check 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 www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/resources.htm.
- ☐ ☒ #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 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

RECEIVED
APR 05 2017

Department of Water Resources
Eastern Region

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1

Name of Applicant(s) SHELLI BURTENSHAW Phone 208-663-4825
Mailing address 1202 N 1900 E Email _____

- ☐ 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.

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.

Shelli Cape _____ Shelli Cape _____ 4/3/17
Signature of Applicant or Authorized Representative Print Name and Title if applicable Date

Signature of Applicant or Authorized Representative Print Name and Title if applicable Date

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
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.2.
Transfer acres to match what is being irrigated and change POD to accurately represent the system. The current and proposed points of diversion are within adjacent ESPA model cells, no ESPA analysis is required.

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 ☒ ☐	31-2436	5.1 / 892.5	Irrigation	05/01 to 11/01	Ground Water
☒ ☐	31-7023	3.2 / 560	Irrigation	05/01 to 11/01	Ground Water
☒ ☐	31-7065	3.2 / 560	Irrigation	05/01 to 11/01	Ground Water
☐ ☒	31-7003	0.45 / 123.9	Irrigation	04/01 to 10/15	Ground Water
☐ ☒	31-11345	0.04 / 12.6	Irrigation	04/01 to 10/31	Ground Water
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 6.47 cfs and/or 2149.0 acre-feet.

2. Total amount of water proposed to be transferred or changed 1.05 cubic feet per second and/or 196.0 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 #
		SW	SW	SE	10	05N	35E	Jefferson	Ground Water	

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	
05N	35E	9			40	40									40	40	40	40	240
05N	35E	10			30				40	40	40	40	40	36	14	40	27	27	374
Total Acres (for irrigation use)																			614

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:

One POD running to 8 pivots and handlines.

- b. Who owns the property at the point(s) of diversion? DALE RICHINS

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

There is an easement in the Grant Deed. (See Attached)

- 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:

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:

Acres will be dried up.

- 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:

- 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:

Page _____ of _____

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

Current Water Right No.: 31-2436

Current Owner: STEVEN B BURTENSHAW
SHELLI G BURTENSHAW

Priority Date: 10/4/1986

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>
IRRIGATION	05/01 to 11/01	5.1 CFS	892.5 AF
	<u>Total Diversion</u>	5.1 CFS	892.5 AF

Location of Point(s) of Diversion

GROUND WATER
JEFFERSON County

SW1/4SW1/4SE1/4 Sec. 10, Twp 05N, Rge 35E B.M.

Place of Use

IRRIGATION Within JEFFERSON County

T05N R35E S9	SWNE	40.00	T05N R35E S9	SENE	40.00
T05N R35E S9	NESE	40.00	T05N R35E S9	NWSE	40.00
T05N R35E S9	SWSE	40.00	T05N R35E S9	SESE	40.00
T05N R35E S10	SWNE	30.00	T05N R35E S10	SWNW	40.00
T05N R35E S10	NESW	40.00	T05N R35E S10	NWSW	40.00
T05N R35E S10	SWSW	40.00	T05N R35E S10	SESW	40.00
T05N R35E S10	NESE	21.00	T05N R35E S10	NWSE	40.00
T05N R35E S10	SWSE	34.00	T05N R35E S10	SESE	10.00

Total Acres: 575

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Conditions of Approval:

1. E61 USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 6.02 CFS AND TO A TOTAL
COMBINED ANNUAL DIVERSION VOLUME OF 2012.5 AF. COMBINED
RIGHT NOS.: 31-2436, 31-7023, 31-7065.
2. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE
PURSUANT TO SECTION 42-1425, IDAHO CODE.
3. E56 USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION
OF A COMBINED TOTAL OF 575 ACRES IN A SINGLE IRRIGATION
SEASON. COMBINED RIGHT NOS.: 31-2436, 31-7023, 31-7065.
4. F06 THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF
DIVERSION DESCRIBED ABOVE: 31-07023, 31-07065.
5. 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.
6. K06 THIS RIGHT IS LIMITED TO THE IRRIGATION OF 255 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION
SEASON.

Decreed Date: 8/12/2002

81572

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

Current Water Right No.: 31-7023

Current Owner: STEVEN B BURTENSHAW
SHELLI G BURTENSHAW

Priority Date: 6/18/1969

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>
IRRIGATION	5/01 to 11/01	3.2 CFS	560 AF
	<u>Total Diversion</u>	3.2 CFS	560 AF

Location of Point(s) of Diversion

GROUND WATER SW1/4SW1/4SE1/4 Sec. 10, Twp 05N, Rge 35E B.M.
JEFFERSON County

Place of Use

IRRIGATION Within JEFFERSON County

T05N R35E S9	SWNE	40.00	T05N R35E S9	SENE	40.00
T05N R35E S9	NESE	40.00	T05N R35E S9	NWSE	40.00
T05N R35E S9	SWSE	40.00	T05N R35E S9	SESE	40.00
T05N R35E S10	SWNE	30.00	T05N R35E S10	SWNW	40.00
T05N R35E S10	NESW	40.00	T05N R35E S10	NWSW	40.00
T05N R35E S10	SWSW	40.00	T05N R35E S10	SESW	40.00
T05N R35E S10	NESE	21.00	T05N R35E S10	NWSE	40.00
T05N R35E S10	SWSE	34.00	T05N R35E S10	SESE	10.00

Total Acres: 575

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Conditions of Approval:

1. K06 THIS RIGHT IS LIMITED TO THE IRRIGATION OF 160 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
2. F06 THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 31-02436, 31-07065.
3. E56 USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 575 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 31-2436, 31-7023, 31-7065.
4. 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.
5. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
6. E61 USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 6.02 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 2012.5 AF. COMBINED RIGHT NOS.: 31-2436, 31-7023, 31-7065.

Decreed Date: 8/12/2002

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

Current Water Right No.: 31-7065

Current Owner: STEVEN B BURTENSHAW
SHELLI G BURTENSHAW

Priority Date: 8/4/1972

Origin: Water Right

Status: Active

Basis	Decreed
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Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	5/01 to 11/01	3.2 CFS	560 AF
	<u>Total Diversion</u>	3.2 CFS	560 AF

Location of Point(s) of Diversion

GROUND WATER SW1/4SW1/4SE1/4 Sec. 10, Twp 05N, Rge 35E B.M.
JEFFERSON County

Place of Use

IRRIGATION Within JEFFERSON County

T05N R35E S9	SWNE	40 00	T05N R35E S9	SENE	40 00
T05N R35E S9	NESE	40.00	T05N R35E S9	NWSE	40 00
T05N R35E S9	SWSE	40 00	T05N R35E S9	SESE	40 00
T05N R35E S10	SWNE	30 00	T05N R35E S10	SWNW	40 00
T05N R35E S10	NESW	40 00	T05N R35E S10	NWSW	40.00
T05N R35E S10	SWSW	40 00	T05N R35E S10	SESW	40.00
T05N R35E S10	NESE	21.00	T05N R35E S10	NWSE	40.00
T05N R35E S10	SWSE	34 00	T05N R35E S10	SESE	10.00

Total Acres: 575

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Conditions of Approval:

1. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
2. E56 USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 575 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 31-2436, 31-7023, 31-7065
3. K06 THIS RIGHT IS LIMITED TO THE IRRIGATION OF 160 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
4. E61 USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 6.02 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 2012.5 AF. COMBINED RIGHT NOS.: 31-2436, 31-7023, 31-7065.
5. F06 THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 31-02436, 31-07023.
6. 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.

Decreed Date: 8/12/2002

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

Current Water Right No.: 31-7003

Current Owner: STEVEN BURTENSHAW LEGACY LLC

Priority Date: 11/1/1967

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>
IRRIGATION	4/01 to 10/15	4 CFS	1102.5 AF
	<u>Total Diversion</u>	4 CFS	1102.5 AF

Location of Point(s) of Diversion

GROUND WATER	SW1/4NE1/4SW1/4	Sec. 3,	Twp 05N,	Rge 35E B.M.
JEFFERSON County				

Place of Use

IRRIGATION Within JEFFERSON County

T05N R35E S3	Lot 4	SWNW	39.00	T05N R35E S3	Lot 3	SEnw	34.00
T05N R35E S3		NESW	39.00	T05N R35E S3		NWSW	40.00
T05N R35E S3		SWSW	40.00	T05N R35E S3		SESW	39.00
T05N R35E S10		NENW	37.00	T05N R35E S10		NWNW	40.00
T05N R35E S10		SEnw	39.00				

Total Acres: 347

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Conditions of Approval:

1. USE OF THIS RIGHT WITH RIGHT NO. 31-11345 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 4.00 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 1214.5 AF.
2. USE OF THIS RIGHT WITH RIGHT NO. 31-11345 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 347 ACRES IN A SINGLE IRRIGATION SEASON.
THIS RIGHT IS LIMITED TO THE IRRIGATION OF 315 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
3. 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.
4. THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY CONTINUE TO AS LATE AS OCTOBER 31, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER 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. RIGHT NO. 31-11345 IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.
RIGHT NO. 31-11345 IS AN ENLARGEMENT OF THIS RIGHT PURSUANT TO SECTION 42-1426, IDAHO CODE.
6. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

Decreed Date: 2/22/2002

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT PART 2B

IF ONLY A PORTION OF THE RIGHT IS PROPOSED TO BE CHANGED, DESCRIBE THE PORTION BEING CHANGED AS IT APPEARS BEFORE THE REQUESTED CHANGES

☒ Complete and attach one copy of **Part 2B** for each right for which only a portion is proposed to be changed.

Right Number: 31-7003

[illegible]

2. Lands irrigated or place of use: (If irrigation, identify with number of acres irrigated per $\frac{1}{4}$ $\frac{1}{4}$ tract.)

[illegible]

Total Acres (for irrigation use)	39
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**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 31-11345

Current Owner: STEVEN BURTENSHAW LEGACY LLC

Priority Date: 4/1/1981

Origin: Water Right

Status: Active

Basis: Decreed

Source

Tributary

GROUND WATER

Beneficial Use

From To

Diversion Rate

Annual Volume

IRRIGATION

4/01 to 10/31

0.37 CFS

Total Diversion

0.37 CFS

Location of Point(s) of Diversion

GROUND WATER

SW1/4NE1/4SW1/4

Sec. 3, Twp 05N, Rge 35E B.M.

JEFFERSON County

Place of Use

IRRIGATION Within JEFFERSON County

T05N R35E S3	Lot 4	SWNW	39.00	T05N R35E S3	Lot 3	SENW	34.00
T05N R35E S3		NESW	39.00	T05N R35E S3		NWSW	40.00
T05N R35E S3		SWSW	40.00	T05N R35E S3		SESW	39.00
T05N R35E S10		NENW	37.00	T05N R35E S10		NWNW	40.00
T05N R35E S10		SENW	39.00				

Total Acres: 347

81572

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Conditions of Approval:

1. 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.
2. USE OF THIS RIGHT WITH RIGHT NO. 31-07003 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 347 ACRES IN A SINGLE IRRIGATION SEASON.
3. C11 THIS WATER RIGHT IS SUBORDINATE TO ALL WATER RIGHTS WITH A PRIORITY DATE EARLIER THAN APRIL 12, 1994, THAT ARE NOT DECREED AS ENLARGEMENTS PURSUANT TO SECTION 42-1426, IDAHO CODE. AS BETWEEN WATER RIGHTS DECREED AS ENLARGEMENTS PURSUANT TO SECTION 42-1426, IDAHO CODE, THE EARLIER PRIORITY RIGHT IS THE SUPERIOR RIGHT.
4. THIS RIGHT IS BASED UPON AN ENLARGEMENT OF RIGHT NO. 31-07003 PURSUANT TO SECTION 42-1426, IDAHO CODE.
5. USE OF THIS RIGHT WITH RIGHT NO. 31-07003 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 4.00 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 1214.5 AF.
6. RIGHT NO. 31-07003 IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.
THIS RIGHT IS FOR AN ENLARGEMENT OF 32 ACRES WITHIN THE PLACE OF USE DESCRIBED FOR THIS RIGHT.

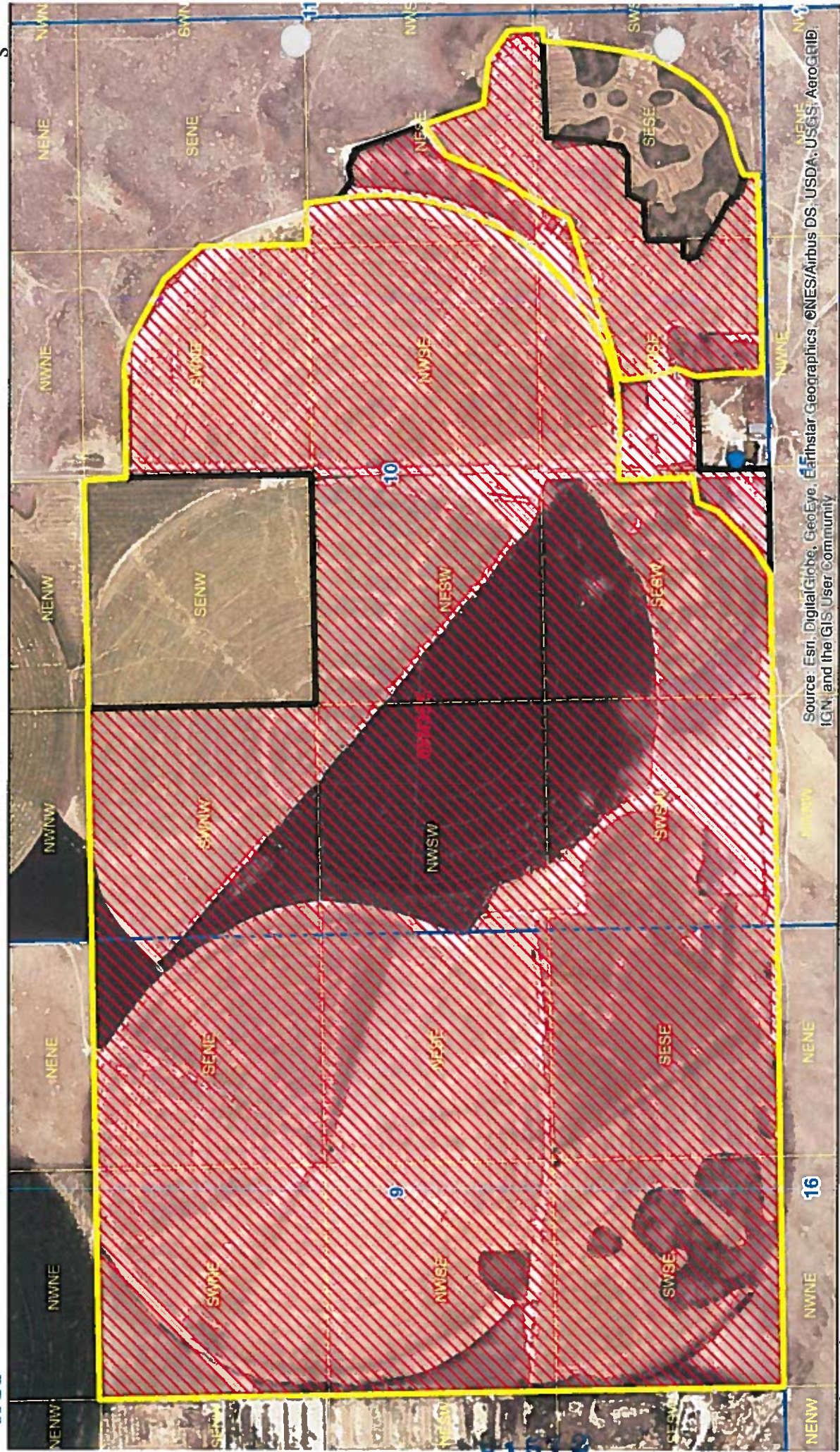
Decreed Date: 2/22/2002

81572

81572 *



Attachment 7b



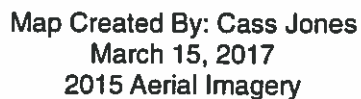
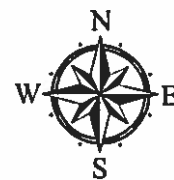
Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

Legend

- Water Right Point of Diversion 31-2436, 31-7023, 31-7065, 31-7003(portion), 31-11345(portion)
- Water Right Place of Use 31-2436, 31-7023, 31-7065
- Proposed Place of Use 31-2436, 31-7023, 31-7065, 31-7003(portion), 31-11345(portion)
- Township/Range
- Sections
- 00



Map Created By: Cass Jones
March 15, 2017
2015 Aerial Imagery



81572

Instrument # 314028

RIGBY, JEFFERSON, IDAHO

2002-04-11 04:15:00 No. of Pages: 4

Recorded for : ALLIANCE TITLE & ESCROW

CONNIE M. KELLER

Fee: 12.00

Ex-Officio Recorder Deputy
Index to: GRANT DEED

jk

ATEC

2584

314028

GRANT DEED

THIS INDENTURE is made to be effective as of November 10, 2001, by DALE H. RICHINS and CAROL RICHINS, husband and wife, hereinafter referred to as "Grantor", to STEVEN BURTENSHAW and SHELLI BURTENSHAW, husband and wife, whose mailing address is 1202 North 1900 East, Terreton, Idaho 83450-5209, hereinafter referred to as "Grantee".

WITNESSETH, that the Grantor, for and in consideration of the sum of Ten Dollars (\$10.00) lawful money of the United States of America, and other good and valuable consideration, to the Grantor in hand paid by the Grantee, the receipt whereof is hereby acknowledged, has granted, and by these presents does grant and confirm unto the Grantee, and to Grantee's successors and assigns forever, all of the following described real property in the County of Jefferson, State of Idaho, to-wit:

Township 5 North, Range 35 East, of the Boise Meridian, Jefferson County, Idaho:

Section 9: SE $\frac{1}{4}$; S $\frac{1}{2}$ NE $\frac{1}{4}$

Section 10: S $\frac{1}{2}$; SW $\frac{1}{4}$ NE $\frac{1}{4}$; SW $\frac{1}{4}$ NW $\frac{1}{4}$

Excepting therefrom: Public road right of ways.

Reserving therefrom: A ten-acre tract of land lying in Jefferson County, State of Idaho, in the SE Quarter of the SW Quarter and the SW Quarter of the SE Quarter of Section 10, Township 5 North, Range 35 East of the Boise Meridian and more particularly described as follows: Beginning at the Southeast Corner of Section 10. A GLO iron post and brass cap; thence N 89°58'24" W along the South line of said Section 1863.71 feet to the true point of beginning; thence continuing N 89°58'24" W along said South line of Section 10 a distance of 1000.00 feet; thence N 00°01'36" E and perpendicular to the South line of said Section 10 a distance of 435.60 feet; thence S 89°58'24" E parallel to the South line of Section 10 a distance of 1000.00 feet; thence S 00°01'36" W and

RECEIVED BY
ASSESSOR

For PLATTING

4/10/02 Time 4:15

81572

perpendicular to the South line of Section 10 a distance of 435.60 feet to the point of beginning. Subject to the rights granted to Grantee in the next two paragraphs.

Together with: The irrigation well on the reserved ten (10) acres, together with pump, panel, reservoir and water line and an easement for access to the irrigation well, pump, panel, reservoir and water line, extending over, under and across a fifteen (15) foot radius around the existing well, pump and reservoir and ten (10) feet on either side of the existing water line, all as located on the reserved ten (10) acres above-described. The easement shall include the rights to service the well, including enlarging, deepening, cleaning or otherwise servicing it to provide the irrigation water included in the below-described water rights, and shall include the rights to service, repair, maintain and replace the pump, panel, power lines, reservoir and water lines.

Together with: water right nos. 31-7023, 31-7065 and 31-2436.

SUBJECT TO:

(i) All real property taxes and assessments for the year 2002 and thereafter, all existing patent reservations, easements, rights of way, protective covenants and other matters of record, all applicable zoning ordinances, building codes, laws and regulations, and all encroachments, overlaps, boundary line disputes, claims of easements and other matters that would be disclosed by an accurate survey or inspection of the property.

(ii) Real Estate Mortgage from Murdock and Schmitt to The Bank of Commerce, recorded July 21, 1995, as Instrument No. 277283, records of Jefferson County, Idaho.

(iii) Mortgage and Security Agreement from Dale H. Richins and Carol Richins to Murdock and Schmitt, recorded July 8, 1997, as Instrument No. 286342, records of Jefferson County, Idaho.

TOGETHER with the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and any reversions, remainders, rents, issues and profits therefrom; and all estate, right, title and interest in and to said property, as well in law as in equity, of the Grantor.

TO HAVE AND TO HOLD, the property and the appurtenances unto the Grantee, and to Grantee's successors and assigns forever.

In construing this deed and where the context so requires, the singular includes the plural.

IN WITNESS WHEREOF, the Grantor has executed the within instrument the day and year first above written.


Dale H. Richins


Carol Richins

STATE OF IDAHO)
)ss.
County of Bonneville)

On the 9th day of April, 2002, before me, the undersigned, a notary public in and for said State, personally appeared Dale H. Richins, known or identified 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.

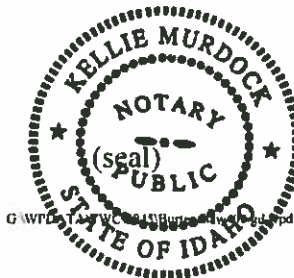


Kellie Murdock
Notary Public for Idaho
Residing at _____
My Commission Expires: Residing in Jefferson County
Commission Expires: 6-26-03

STATE OF IDAHO)
)ss.
County of Bonneville)

On the 9th day of April, 2002, before me, the undersigned, a notary public in and for said State, personally appeared Carol Richins, known or identified to me to be the person whose name is subscribed to the within instrument and acknowledged to me that she 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.



Kellie Murdock
Notary Public for Idaho
Residing at _____
My Commission Expires: Residing in Jefferson County
Commission Expires: 6-26-03

Gordon S. Thatcher (I.S.B. No. 880)
of RIGBY, THATCHER, ANDRUS,
RIGBY & MOELLER, Chartered
Attorneys at Law
25 North Second East
Rexburg, Idaho 83340
Telephone: (208) 356-3633
Facsimile: (208) 356-0768

Attorneys for Applicant

2004 NOV 22 PM 1:23

JEFFERSON COUNTY, IDAHO

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF JEFFERSON

IN THE MATTER OF THE ESTATE OF)
)
STEVEN B. BURTENSHAW,)
)
Deceased.)

Case No. CV-04 904

LETTERS TESTAMENTARY

The Court having admitted the Will of STEVEN B. BURTENSHAW to probate in informal proceedings, SHELLI BURTENSHAW, who is duly qualified, is hereby appointed Personal Representative of the ESTATE OF STEVEN B. BURTENSHAW, deceased, to serve without supervision, restriction or bond.

WITNESS: Michael B. Kennedy, Magistrate of the above entitled Court with the seal thereof affixed this 22 day of November, 2004.


Michael B. Kennedy, Magistrate

CERTIFICATE OF VITAL RECORD

STATE OF IDAHO IDAHO DEPARTMENT OF HEALTH AND WELFARE BUREAU OF HEALTH POLICY AND VITAL STATISTICS CERTIFICATE OF DEATH

Date Filed NOVEMBER 15, 2004

State File No. 2004-08232

DECEDENT - LEGAL NAME STEVEN BEN BURTENSHAW			
SEX MALE	SOCIAL SECURITY NUMBER [REDACTED]	AGE 49 YEARS	DATE OF BIRTH DECEMBER 23, 1954
BIRTHPLACE IDAHO FALLS, IDAHO		PLACE OF RESIDENCE TERRETON, IDAHO	
MARITAL STATUS AT TIME OF DEATH MARRIED		NAME OF SURVIVING SPOUSE (if wife, maiden name) SHELLLI GAY SANDERS	WAS DECEDENT EVER IN U.S. ARMED FORCES? NO
FATHER - NAME DON MARTIN BURTENSHAW			BIRTHPLACE IDAHO
MOTHER - MAIDEN NAME BEVERLY FLORENCE TAYLOR			BIRTHPLACE IDAHO
METHOD OF DISPOSITION BURIAL		FUNERAL SERVICE LICENSEE TERRY W. ECKERSELL	
NAME AND ADDRESS OF FUNERAL FACILITY ECKERSELL MEMORIAL CHAPEL, RIGBY, IDAHO			
DATE OF DEATH NOV. 05, 2004	TIME OF DEATH APPROX 9:00 A.M.	CITY, TOWN OR LOCATION OF DEATH TERRETON, IDAHO	COUNTY OF DEATH JEFFERSON
CAUSE OF DEATH (underlying cause last) a. [REDACTED] b. [REDACTED] c. [REDACTED] d. [REDACTED]			Approximate Interval Between Onset and Death SECONDS
OTHER SIGNIFICANT CONDITIONS CONTRIBUTING TO DEATH but not resulting in the underlying cause given above NONE STATED			WAS AN AUTOPSY PERFORMED? NO
MANNER OF DEATH [REDACTED]		NAME OF CERTIFIER BRUCE KARREN	TITLE CORONER
CORONER SUBSEQUENT CERTIFICATION IF NECESSARY			
EXTERNAL CAUSES ONLY			
DATE OF INJURY NOV. 05, 2004	TIME OF INJURY APPROX. 9:00 A.M.	PLACE OF INJURY HOME	INJURY AT WORK? NO
LOCATION WHERE INJURY OCCURRED 1202 NORTH 1900 EAST, TERRETON, IDAHO			
DESCRIPTION OF HOW INJURY OCCURRED [REDACTED]			

This is a true and correct reproduction of the document officially registered and placed on file with the IDAHO BUREAU OF HEALTH POLICY AND VITAL STATISTICS.

DATE ISSUED: NOVEMBER 16, 2004

This copy is not valid unless prepared on engraved border displaying state seal and signature of the Registrar.


JANE S. SMITH
STATE REGISTRAR

ANY ALTERATION OR ERASURE VOIDS THIS CERTIFICATE

21572

State of Idaho

State File No.

County of JEFFERSON

No. 913

Marriage License

Instrument No. 351173

KNOW ALL PERSONS BY THIS CERTIFICATE: That any regularly ordained minister of the Gospel, authorized by the rites and usages of the church or denomination of Christians, Hebrews, or religious body of which said minister is a member, or any judge or magistrate, or competent officer to whom this may come, not knowing of any lawful impediments thereto, is hereby authorized and empowered to solemnize the rites of Matrimony between:

GROOM

AND

BRIDE

Name: JOHN PHILIP COPE

Address: WASILLA, MAT-SU County, AK

Age: 52 Race: CAUCASIAN Status: DIVORCED

Birthdate: 6/9/1954

Birthplace: IDAHO FALLS, ID USA

Name: SHELLI G BURTENSHAW

Address: TERRETON, JEFFERSON County, ID

Age: 51 Race: CAUCASIAN Status: WIDOWED

Maiden name if previously married: SANDERS

Birthdate: 5/25/1955

Birthplace: IDAHO FALLS, ID USA

And to certify the same to said parties, or either of them under the signature and seal, of said minister or official capacity, and thereupon is required to deliver the original to the parties so married.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal, at
RIGBY, JEFFERSON County, IDAHO, this 12th day of August, 2006

CHRISTINE BOULTER Recorder

Deputy Recorder

Marriage Certificate

I, VAN T. BURTENSHAW, a ELDER
residing in the city of TERRETON, in the county of JEFFERSON, in the state of
Idaho do certify that, in accordance with the authority on me conferred by the above license, I did on this 13th day
of AUGUST in the year A.D. 2006 in the city of TERRETON in
the county of JEFFERSON, in the state of Idaho, solemnize the rites of matrimony between

JOHN PHILIP COPE of WASILLA, in the county of MAT-SU, of the state of AK
and SHELLI G BURTENSHAW of TERRETON, in the county of JEFFERSON, of the state of ID

in the presence of LANNY S. BURTENSHAW and BROCK W. BURTENSHAW
WITNESS my hand at the county aforesaid, this 13th day of AUGUST, A.D. 2006

In the presence of

Official's Signature

Official's Mailing Address

and

Date Received

by County Recorder

Signature

Date Received

by State Registrar

(Use typewriter and/or black ink)

(Official should send this copy back to the County Recorder immediately.)

STATE OF IDAHO
COUNTY OF JEFFERSON

I HEREBY CERTIFY THAT THE ABOVE AND FOREGOING
IS A FULL TRUE AND CORRECT COPY OF THE
ORIGINAL THEREOF (ON FILE)(ON RECORD) IN MY
OFFICE

DATED

CHRISTINE BOULTER

EX-OFFICIO AUDITOR AND RECORDER

BY

DEPUTY

RECORDING REQUESTED BY
First American Title Company

AND WHEN RECORDED MAIL TO:
First American Title Company
110 N. Clark Street
Rigby, ID 83442

347983

Instrument # 347983

RIGBY, JEFFERSON, IDAHO

2006-04-21

04:38:00 No. of Pages: 3

Recorded for: FIRST AMERICAN TITLE

CHRISTINE BOULTER

Fee: 9.00

Ex-Officio Recorder Deputy
Index to: WARRANTY DEED

Space Above This Line for Recorder's Use Only

WARRANTY DEED

File No.: 153104-RI (kb)

Date: April 20, 2006

For Value Received, Shelli G. Burtenshaw, Personal Representative of the Estate of Steven B. Burtenshaw, deceased, hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto Shelli G. Burtenshaw, a widow, hereinafter called the Grantee, whose current address is 1808 East 1200 North, Terreton, ID 83450, the following described premises, situated in Jefferson County, Idaho, to-wit:

Legal Description attached hereto as Exhibit A, and by this referenced incorporated herein.

SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

TO HAVE AND TO HOLD the said premises, with its appurtenances, unto the said Grantee, and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U.S. Patent reservations, restrictions, easements of record and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

4-21-06

4.30

Date: 04/20/2006

Warranty Deed
- continued

File No.: 153104-RI (kb)

Shelli G. BurtenshawShelli G. Burtenshaw, PR of the Estate of
Steven B. BurtenshawSTATE OF Idaho)
SS.
COUNTY OF Jefferson)

On this ~~Twenty-first~~ day of April, 2006, before me, a Notary Public in and for said State, personally appeared **Shelli G. Burtenshaw**, known or identified to me to be the person(s) whose name(s) is subscribed to the within instrument as Personal Representative of the Estate of Steven B. Burtenshaw, and acknowledged to me that she executed the same as such Personal Representative.

Katie Jo Becker
Notary Public of Idaho
Residing at: Rexburg, ID
Commission Expires: 11/08/2011



Date: 04/20/2006

Warranty Deed
- continued

File No.: 153104-RI (kb)

EXHIBIT A

Tract 1:
Township 5 North, Range 35 East of the Boise Meridian, Jefferson County, Idaho.

Section 1: Lot 4, W $\frac{1}{2}$ SW $\frac{1}{4}$

Section 2: Lot 1, E $\frac{1}{2}$ SE $\frac{1}{4}$; LESS: Beginning at a point that is 900 feet West of the Northeast corner of Section 2, and running thence South 500 feet; thence West 300 feet; thence North 500 feet; thence East 300 feet to the point of beginning.

Section 3: Lots 3 and 4, N $\frac{1}{2}$ SW $\frac{1}{4}$; SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$

Section 10: E $\frac{1}{2}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$

Section 11: NE $\frac{1}{4}$ NE $\frac{1}{4}$

Section 12: NW $\frac{1}{4}$ NW $\frac{1}{4}$

Tract 2:
Township 6 North, Range 35 East of the Boise Meridian, Jefferson County, Idaho.

Section 35: SE $\frac{1}{4}$

RE-RECORDED TO CORRECT & REPLACE LEGAL DESCRIPTION.

RECORDING REQUESTED BY
First American Title CompanyAND WHEN RECORDED MAIL TO:
First American Title Company
110 N. Clark Street
Rigby, ID 83442

Instrument # 348354

RIGBY, JEFFERSON, IDAHO

2006-05-04 11:03:00 No. of Pages: 5

Recorded for : FIRST AMERICAN TITLE

CHRISTINE BOULTER

Ex-Officio Recorder Deputy ☒

Fee: 15.00

Index to: RE-RECORDED DEED

348354

347376

Instrument # 347976

RIGBY, JEFFERSON, IDAHO

2006-04-21 04:29:00 No. of Pages: 3

Recorded for : FIRST AMERICAN TITLE

CHRISTINE BOULTER

Ex-Officio Recorder Deputy ☒

Fee: 9.00

Index to: WARRANTY DEED

Space Above This Line for Recorder's Use Only

WARRANTY DEED

File No.: 153098-RI (kb)

Date: April 20, 2006

For Value Received, Shell G. Burtenshaw as Personal Representative of the Estate of Steven B. Burtenshaw, deceased, hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto Shell G. Burtenshaw, a widow, hereinafter called the Grantee, whose current address is 1808 East 1200 North, Terreton, ID 83450, the following described premises, situated in Jefferson County, Idaho, to-wit:

Legal Description attached hereto as Exhibit A, and by this referenced incorporated herein.

SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

TO HAVE AND TO HOLD the said premises, with its appurtenances, unto the said Grantee, and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U.S. Patent reservations, restrictions, easements of record and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

5/4/06

11:03

4/21/06

4:29

Date: 04/20/2006

Warranty Deed
- continued

File No.: 153096-RI (kb)

Shelli G. Burtenshaw
**Shelli G. Burtenshaw, PR of the Estate of Steven B.
Burtenshaw**

STATE OF Idaho)
SS.
COUNTY OF Jefferson)

On this ~~Twentieth~~ **First** day of April, 2006, before me, a Notary Public in and for said State, personally appeared **Shelli G. Burtenshaw**, known or identified to me to be the person(s) whose name(s) is subscribed to the within instrument as Personal Representative of the Estate of **Steven B. Burtenshaw**, and acknowledged to me that she executed the same as such Personal Representative.

Katie Jo Becker
Notary Public of Idaho
Residing at: Rexburg, ID
Commission Expires: 11/08/2011



Date: 04/20/2006

Warranty Deed
- continued

File No.: 133098-RI (kb)

EXHIBIT A

PARCEL 1:
TOWNSHIP 5 NORTH, RANGE 35 E.B.M., JEFFERSON COUNTY, IDAHO

SECTION 4: LOTS 2 AND 3; E $\frac{1}{2}$ SW $\frac{1}{4}$; W $\frac{1}{2}$ SE $\frac{1}{4}$.

SECTION 8: S $\frac{1}{2}$ NE $\frac{1}{4}$; SE $\frac{1}{4}$ NW $\frac{1}{4}$; E $\frac{1}{2}$ SW $\frac{1}{4}$; SE $\frac{1}{4}$.

SECTION 9: NW $\frac{1}{4}$ NE $\frac{1}{4}$; NE $\frac{1}{4}$ NW $\frac{1}{4}$; SW $\frac{1}{4}$ NW $\frac{1}{4}$; S $\frac{1}{2}$ NE $\frac{1}{4}$; SE $\frac{1}{4}$; W $\frac{1}{2}$ SW $\frac{1}{4}$, EXCEPT BEGINNING AT THE S $\frac{1}{4}$ CORNER OF SAID SECTION 9, THENCE S. 89°33'14" W. FOR A DISTANCE OF 1292.42 FEET TO THE CORNER OF A FENCE BEARING N. AND E.; THENCE N. 02°07'52" E. ALONG SAID FENCE LINE FOR A DISTANCE OF 936.03 FEET TO THE TRUE POINT OF BEGINNING; THENCE N. 28°58'24" W. FOR A DISTANCE OF 388.28 FEET; THENCE N. 26°08'19" W. FOR A DISTANCE OF 320.05 FEET; THENCE N. 16°00'22" E. FOR A DISTANCE OF 502.34 FEET; THENCE S. 89°51'48" E. FOR A DISTANCE OF 176.10 FEET TO A FENCE LINE BEARING N. AND S.; THENCE S. 00°44'49" E. FOR A DISTANCE OF 1189.54 FEET TO THE TRUE POINT OF BEGINNING.

SECTION 10: SW $\frac{1}{4}$ NW $\frac{1}{4}$; SW $\frac{1}{4}$ NE $\frac{1}{4}$; S $\frac{1}{2}$, EXCEPT BEGINNING AT THE SE CORNER OF SAID SECTION 10, A GLO IRON POST AND BRASS CAP, THENCE N. 89°58'24" W. ALONG THE SOUTH LINE OF SAID SECTION 10 1863.71 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING N. 89°58'24" W. ALONG SAID SOUTH LINE OF SECTION 10 A DISTANCE OF 1000.00 FEET; THENCE N. 00°01'36" E. AND PERPENDICULAR TO THE SOUTH LINE OF SAID SECTION 10 A DISTANCE OF 435.60 FEET; THENCE S. 89°58'24" E. PARALLEL TO THE SOUTH LINE OF SECTION 10 A DISTANCE OF 1000.00 FEET; THENCE S. 00°01'36" W. AND PERPENDICULAR TO THE SOUTH LINE OF SECTION 10 A DISTANCE OF 435.60 FEET TO THE POINT OF BEGINNING.

PARCEL 2:
EASEMENT FOR ACCESS TO THE IRRIGATION WELL, PUMP, PANEL, RESERVOIR AND WATER LINE, EXTENDING OVER, UNDER AND ACROSS A 15 FOOT RADIUS AROUND THE EXISTING WELL, PUMP AND RESERVOIR AND 10 FEET ON EITHER SIDE OF THE EXISTING WATER LINE.

Shelli G. Burtenshaw
Shelli G. Burtenshaw

STATE OF Idaho)
)
) ss.
COUNTY OF Jefferson)

On this 3rd day of May, 2006, before me, a Notary Public in and for said State, personally appeared Shelli G. Burtenshaw, known or identified to me to be the person(s) whose name(s) is subscribed to the within instrument; and acknowledged to me that she executed the same.

Notary Public of Idaho
Residing at: Rexburg, ID
Commission Expires: 11/08/2011

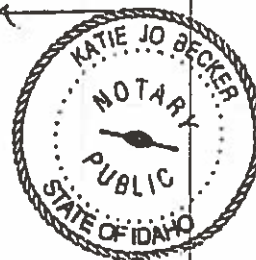


Exhibit "A"

Real property in the County of Jefferson, State of Idaho, described as follows:

TOWNSHIP 5 NORTH, RANGE 35 E.B.M., JEFFERSON COUNTY, IDAHO

SECTION 4: LOTS 2 AND 3; E $\frac{1}{2}$ SW $\frac{1}{4}$; W $\frac{1}{2}$ SE $\frac{1}{4}$.

SECTION 8: S $\frac{1}{2}$ NE $\frac{1}{4}$; SE $\frac{1}{4}$ NW $\frac{1}{4}$; E $\frac{1}{2}$ SW $\frac{1}{4}$; SE $\frac{1}{4}$.

SECTION 9: NW $\frac{1}{4}$ NE $\frac{1}{4}$; NE $\frac{1}{4}$ NW $\frac{1}{4}$; SW $\frac{1}{4}$ NW $\frac{1}{4}$; S $\frac{1}{2}$ NE $\frac{1}{4}$; SE $\frac{1}{4}$; W $\frac{1}{2}$ SW $\frac{1}{4}$, EXCEPT BEGINNING AT THE S $\frac{1}{4}$ CORNER OF SAID SECTION 9, THENCE S. 89°33'14" W. FOR A DISTANCE OF 1292.42 FEET TO THE CORNER OF A FENCE BEARING N. AND E.; THENCE N. 02°02'52" E. ALONG SAID FENCE LINE FOR A DISTANCE OF 936.03 FEET TO THE TRUE POINT OF BEGINNING; THENCE N. 28°58'24" W. FOR A DISTANCE OF 388.28 FEET; THENCE N. 26°08'19" W. FOR A DISTANCE OF 320.05 FEET; THENCE N. 16°00'22" E. FOR A DISTANCE OF 502.34 FEET; THENCE S. 89°51'48" E. FOR A DISTANCE OF 176.10 FEET TO A FENCE LINE BEARING N. AND S.; THENCE S. 00°44'49" E. FOR A DISTANCE OF 1109.54 FEET TO THE TRUE POINT OF BEGINNING.

SECTION 10: SW $\frac{1}{4}$ NW $\frac{1}{4}$; SW $\frac{1}{4}$ NE $\frac{1}{4}$; S $\frac{1}{2}$, EXCEPT BEGINNING AT THE SE CORNER OF SAID SECTION 10, A GLO IRON POST AND BRASS CAP, THENCE N. 89°58'24" W. ALONG THE SOUTH LINE OF SAID SECTION 1863.71 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING N. 89°58'24" W. ALONG SAID SOUTH LINE OF SECTION 10 A DISTANCE OF 1000.00 FEET; THENCE N. 00°01'36" E. AND PERPENDICULAR TO THE SOUTH LINE OF SAID SECTION 10 A DISTANCE OF 435.60 FEET; THENCE S. 89°58'24" E. PARALLEL TO THE SOUTH LINE OF SECTION 10 A DISTANCE OF 1000.00 FEET; THENCE S. 00°01'36" W. AND PERPENDICULAR TO THE SOUTH LINE OF SECTION 10 A DISTANCE OF 435.60 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH THE IRRIGATION WELL ON THE ABOVE EXCEPTION, TOGETHER WITH PUMP, PANEL, RESERVOIR AND WATER LINE AND AN EASEMENT FOR ACCESS TO THE IRRIGATION WELL, PUMP, PANEL, RESERVOIR AND WATER LINE, EXTENDING OVER, UNDER AND ACROSS A 15 FOOT RADIUS AROUND THE EXISTING WELL, PUMP AND RESERVOIR AND 10 FEET ON EITHER SIDE OF THE EXISTING WATER LINE.