

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

MAY 12 2015

Department of Water Resources
Eastern Region

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

Name of Applicant(s) Craig B Burtenshaw and Shawna I Rosenkrance Phone 208-588-2622Mailing address 4255 Highway 93, Mackay ID 83251 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.

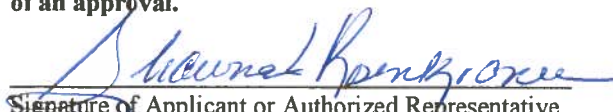
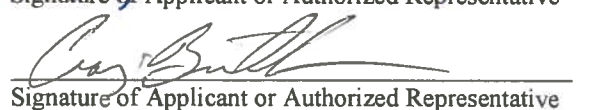
☐ No Representative

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.

 Signature of Applicant or Authorized Representative	<u>Shawna Rosenkrance</u> Print Name and Title if applicable	<u>5/1/15</u> Date
 Signature of Applicant or Authorized Representative	<u>Craig Burtenshaw</u> Print Name and Title if applicable	<u>5/1/15</u> 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 Ownership

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**.

Right was decreed with an incorrect place of use, part of which is not on our property. Right has been conveyed to us in its entirety. We wish to correct the place of use.

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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.

1.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
All or Part ☒ ☐	34-10708	0.1	irrigation	4/01 to 10/31	ground water
☐ ☐		0.06	commercial	1/01 to 12/31	ground water
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 0.16 cfs and/or 19 acre-feet.

2. Total amount of water proposed to be transferred or changed 0.16 cubic feet per second and/or 19 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 #

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	
07N	25E	35										5							5
												C							
Total Acres (for irrigation use)																			5

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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 existing wells serving motel and RV park and irrigation around RV park.

- 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:

- 7110 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:

No change. System will not be modified.

- 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:

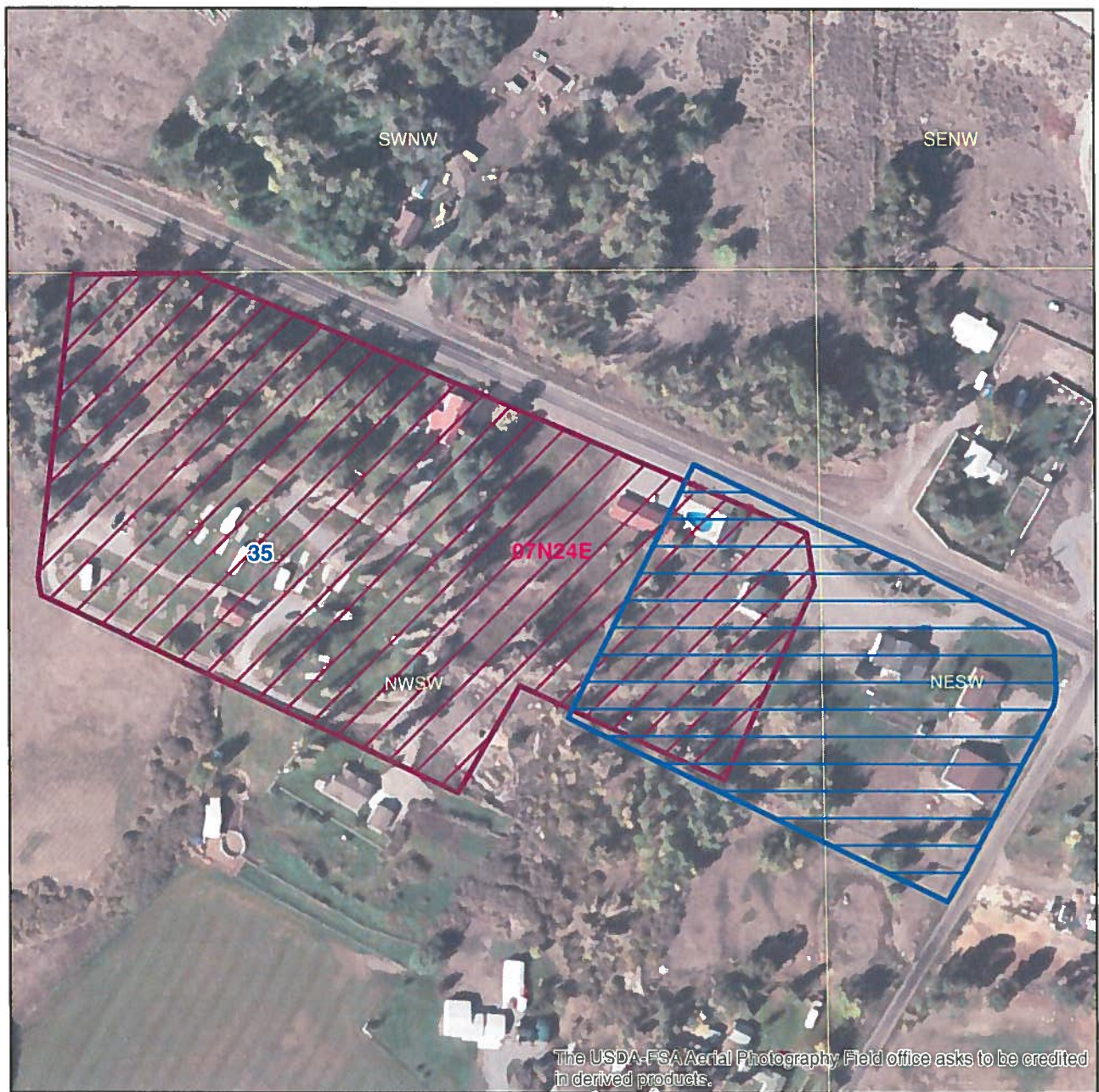
Domestic well serves the owner's home and is not connected to the two commercial wells.

- 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:



Craig Burtenshaw & Shawna Rosenkrance



- Existing_POU
- NEW_POU
- Township/Range
- Sections
- QQ

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Eastern 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 #6 of the instructions.

Water Right/Claim No.	Split?	Leased to Water Supply Bank?	Water Right/Claim No.	Split?	Leased to Water Supply Bank?
34-10708	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐

2. Previous Owner's Name: Robert and Barbara Alber
Name of current water right holder/claimant

3. New Owner(s)/Claimant(s): Craig B Burtenshaw and Shawna I Rosenkrance
New owner(s) as listed on the conveyance document Name connector ☐ and ☐ or ☐ and/or
- 4255 Highway 93 Mackay ID 83251
Mailing address City State ZIP
- 208-588-2622 _____
Telephone Email

4. If the water rights and/or adjudication claims were split, how did the division occur?
- ☐ The water rights or claims were divided as specifically identified in a deed, contract, or other conveyance document.
- ☐ The water rights or claims were divided proportionately based on the portion of their place(s) of use acquired by the new owner.

5. Date you acquired the water rights and/or claims listed above: 3-18-2015

6. If the water right is leased to the Water Supply Bank changing ownership of a water right will reassign to the new owner any Water Supply Bank leases associated with the water right. Payment of revenue generated from any rental of a leased water right requires a completed IRS Form W-9 for payment to be issued to an owner. A new owner for a water right under lease shall supply a W-9. Water rights with multiple owners must specify a designated lessor, using a completed Lessor Designation form. Beginning in the calendar year following an acknowledged change in water right ownership, compensation for any rental will go to the new owner(s).

7. This form must be signed and submitted with the following **REQUIRED** items:
- ☒ A copy of the conveyance document – warranty deed, quitclaim deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property or description of the water right(s) if no land is conveyed.
- ☒ Plat map, survey map or aerial photograph which clearly shows the place of use and point of diversion for each water right and/or claim listed above (if necessary to clarify division of water rights or complex property descriptions).
- ☒ Filing fee (see instructions for further explanation):
- ☐ \$25 per *undivided* water right.
 - ☐ \$100 per *split* water right.
 - ☐ No fee is required for pending adjudication claims.
- ☐ If water right(s) are leased to the Water Supply Bank AND there are multiple owners, a Lessor Designation form is required.
- ☐ If water right(s) are leased to the Water Supply Bank, the individual owner or designated lessor must complete, sign and submit an IRS Form W-9.

8. Signature: Shawna Rosenkrance owner 5/1/15
Signature of new owner/claimant Title, if applicable Date
- Signature: Craig Burtenshaw owner 5/1/15
Signature of new owner/claimant Title, if applicable Date

For IDWR Office Use Only:

Received by JB Date 5/12/2015 Receipt No. E041009 Receipt Amt. \$25.- for this app

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 _____

80060

QUIT CLAIM DEED

DATE: 03-18-2015

For Value Received, ROBERT E. ALBER, AND BARBARA J. ALBER, do hereby convey, release, remise, and forever quit claim unto BURTENSHAW, CRAIG B & ROSENKRANCE, SHAWNA I, Whose address is 4255 HIGHWAY 93, MACKAY, I-IDAHO, 83252. ALL WATER RIGHTS (34-10708) SEE ATTACHED WATER RIGHTS.

Here after called the Grantee, the following described WATER RIGHTS situated in MACKAY, CUSTER COUNTY, STATE OF IDAHO, to-wit:

LEGAL: T #08-03 SECTION 35, TOWNSHIP 7 NORTH RANGE 24 EAST

Together with its appurtenances.

Robert E Alber
ROBERT E. ALBER

Barbara J Alber
BARBARA J. ALBER

Dated 3-19-15

Dated 3-19-15

STATE OF IDAHO)
COUNTY OF CUSTER)

On this ^{SW} 19th day of March 2015, before me, a Notary Public in and for said State, Kathy Veach personally appeared, known or indentified to Me to be the person(s) whose name(s) Robert E Alber, and Barbara J. Alber, subscribed to the within instrument, and acknowledge to me that executed the same.



Suzanne Whitworth
Notary Public of Idaho
Residing at: Mackay
Commission Expires: 06-11-2020

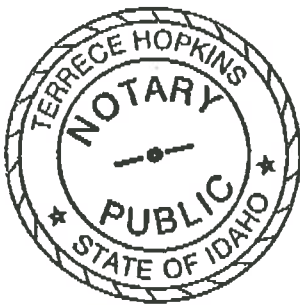
File No.: **213142-B (ld)**

Robert E. Alber

Barbara J. Alber
Barbara J. Alber

STATE OF Idaho)
)
) ss.
COUNTY OF Bingham)

On this **26th day of June, 2007**, before me, a Notary Public in and for said State, personally appeared **Robert E. Alber and Barbara J. Alber**, known or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same.



Notary Public for the State of Idaho

Residing at: Blackfoot, Idaho

My Commission Expires: ~~10/21/2009~~

11-23-2017

RECORDING REQUESTED BY
First American Title Company

AND WHEN RECORDED MAIL TO:
First American Title Company
168 West Pacific/P.O. Box 868
Blackfoot, ID 83221

236942
Custer County Req. of
First American Title Co.
Time 11:35 A.M. Date 7-2, 2007
Barbara C. Breedlove, Clerk
Betsy Dougherty \$9.00
Deputy

Space Above This Line for Recorder's Use Only

WARRANTY DEED

File No.: **213142-B (Id)**

Date: **June 26, 2007**

For Value Received, **Robert E. Alber and Barbara J. Alber, husband and wife**, hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto **Craig B. Burtenshaw, a single man and Shawna I. Rosenkrance, a single woman**, hereinafter called the Grantee, whose current address is **3535 Antelope Road, Moore, ID 83255**, the following described premises, situated in **Custer County, Idaho**, to-wit:



Part of the Southwest ¼ of the Northwest ¼ and part of the NW¼ of the Southwest ¼ of Section 35, Township 7 North, Range 24 East of the Boise Meridian, Custer County, Idaho, described as:

Commencing at the Southwest corner of Section 35, said point being an aluminum cap-PLS4107, also being described in corner perpetuation and filing record instrument number 211842; thence N.00°47'17"W. 2612.13 feet along the section line to the West ¼ corner of said Section 35, said point being a 5/8" iron rod described in corner perpetuation and filing record instrument number 150528; thence N.75°59'17"E. 339.05 to a point on the Southerly right of way of Highway 93A as shown on Record of Survey instrument number 201635, said point being a ½" iron rod with plastic cap-PLS 12222, said point also being the point of beginning; thence continuing along said right of way S.66°35'40"E. 348.44 feet to a horizontal curve to the left with the following curve data: Chord Bearing=S.65°33'25"E. 165.47 feet, Radius=7002.65 feet, Curve Length=165.47 feet, Delta=01°21'14", said curve's points of curvature marked with ½" iron rod with plastic cap-PLS 12222; thence S.65°14'16"E. 580.96 feet to the approximate centerline of an existing shared approach, said point being marked by a ½" iron rod with plastic cap-PLS 12222, thence S.13°33'03"W. 58.79 feet to a ½" iron rod with a plastic cap-PLS 12222; thence S.24°09'58"W. 271.86 feet to deed instrument number 193508; thence along said deed the following two (2) courses: (1) N.64°50'27"W. 303.77 feet; thence (2) S.29°39'33"W. 180.00 feet; thence N.64°26'33"W. 618.51 feet to the Southeast corner of deed instrument number. 201536 marked by a ½" iron rod; thence N.04°05'33"W. 41.93 to the intersection of deed instrument number 201536 and deed instrument number 193508, said intersection being marked by a ½" iron rod with plastic cap-PLS 12222; thence continuing along said deed instrument number 193508 N.06°16'33"E. 476.88 feet to the said Southerly right of way and the point of beginning, a ½" iron rod with plastic cap-PLS 12222.

TOGETHER WITH and SUBJECT TO: a Shared 55 foot Ingress/Egress Easement to Shared Approach further described as:

Part of the Northwest ¼ of the Southwest ¼ of Section 35, Township 7 North, Range 24 East of the Boise Meridian, Custer County, Idaho, described as 27.5 feet both sides of the following described centerline:

236942

Date: 06/26/2007

Warranty Deed
- continued

File No.: 213142-B (ld)

Commencing at the Southwest corner of Section 35, said point being an aluminum cap-PLS4107, also being described in corner perpetuation and filing record Instrument number 211842; thence N.00°47'17"W. 2612.13 feet along the section line to the West ¼ corner of said Section 35, said point being a 5/8" iron rod described in corner perpetuation and filing record instrument number 150528; thence N.75°59'17"E. 339.05 to a point on the Southerly right of way of Highway 93A as shown on Record of Survey instrument number 201635, said point being a ½" iron rod with plastic cap-PLS 12222, said point also being the point of beginning; thence continuing along said right of way S.66°35'40"E. 348.44 feet to a horizontal curve to the left with the following curve data: Chord Bearing=S.65°33'25"E. 165.47 feet, Radius=7002.65 feet, Curve Length=165.47 feet, Delta=01°21'14", said curve's points of curvature marked with ½" iron rod with plastic cap-PLS 12222; thence S.65°14'16"E. 580.96 feet to the approximate centerline of an existing shared approach, said point being marked by a ½" iron rod with plastic cap-PLS 12222, thence S.13°33'03"W. 58.79 feet to a ½" iron rod with a plastic cap-PLS 12222 and the point of terminus.

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.