



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N Skyline Dr., Ste A, Idaho Falls, Idaho 83402-1718

Phone: (208) 525-7161 FAX: (208) 525-7177 www.idwr.idaho.gov

March 5, 2014

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

Craig Burtenshaw
Shawna Rosenkrance
4255 Hwy 93
Mackay ID 83251

RE: Notice of Change in Water Right Ownership
Water Rights: 34-10705, 34-10707 & ~~35~~-10708

34

Dear Sir/Madam:

On October 6, 2013, you filed a Notice of Change in Water Right Ownership (ownership change) with the Idaho Department of Water Resources (IDWR), seeking to update the ownership records for the water rights listed above. After an initial review, we determined that you needed to provide additional evidence of ownership, specifically a chain of deeds tracing from the owner currently listed on the water rights to you or an additional filing fee for a division of the water right. On October 17, 2013 and November 22, 2013, we sent a letter requesting the additional information. The additional information was to be provided within 30 days.

IDWR has never received a response to the request for additional information. Without the requested documents, we cannot verify ownership of the water right and cannot complete the ownership change. We are therefore returning your original ownership change and have initiated a refund of your filing fee (\$7500). The refund from the state of Idaho will arrive at the address listed above within a couple of weeks.

Please feel free to re-file your ownership change any time in the future when you have collected the requested documentation of ownership. Because your filing fee is being refunded, you will need to determine and provide the proper filing fee at the time you re-file the ownership change.

If you have any questions, feel free to contact me at (208) 525-7161.

Respectfully submitted,

Jonie Barg
Technical Records Specialist

Enclosure(s)

SUPPORT DATA

IN FILE #

~~35~~ 10705
34

SCANNED
MAR 06 2014

Barg, Jonie

From: Barg, Jonie
Sent: Wednesday, March 05, 2014 2:57 PM
To: Sutcliffe, Lorna
Subject: Refund Request
Attachments: E039200[1].pdf

Lorna,

Good afternoon!!

I have a refund request as follows:

Receipt number: E039200
Amount: \$75.00
Payable to: White Knob LLC
4255 Hwy 93
Mackay ID 83251

Reason: Total filing fee received \$75.00 for ownership change for 3 water right. The department cannot complete the ownership change therefore a full refund is required.

Let me know if you need additional information.

Thank you so much for your time. Let me know if you have any questions.

Have a great day!!!

Jonie Barg

Jonie Barg
Technical Records Specialist
Idaho Department of Water Resources
900 N Skyline Ste A
Idaho Falls ID 83402
phone: (208) 525-7161
fax: (208) 525-7177

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

OCT 08 2013

Department of Water Resource
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.

Water Right/Claim No.	Split?	Water Right/Claim No.	Split?	Water Right/Claim No.	Split?
34-10707	Yes ☐		Yes ☐		Yes ☐
34-10708	Yes ☐		Yes ☐		Yes ☐
34-10705	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐

2. Previous Owner's Name: Bob and Barbara Alber
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): Craig Burtenshaw & Shauna Rosenkranz
New owner(s) as listed on the conveyance document Name connector ☐ and ☐ or ☐ and/or
- Mailing address 4255 Hwy 93 City Mackay State ID ZIP 83251
Telephone 208-588-2622 Email whiteknob@ATCNET.NET
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: June 26, 2007
6. If the water right described herein has been rented from the Water Supply Bank, rental proceeds will be disbursed in the following manner regardless of any arrangements between the buyer(s) and seller(s) to the contrary:
- Rental payments will go to the lessor(s) of record at the beginning of the rental season.
 - If a change in ownership is processed by the Department during a rental season, rental payment will be made to the person or entity who is the lessor of record at the beginning of that rental season.
 - New lessor(s) of record will receive payment after the following rental season.

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.

8. Signature: Craig Burtenshaw Title, if applicable Owner Date 10/4/13
Signature: Shauna Rosenkranz Title, if applicable owner Date 10/4/13

For IDWR Office Use Only:

Received by JLB Date 10/8/2013 Receipt No. E039200 Receipt Amt. \$ 75. -
 Approved by _____ Processed by _____ Date _____

Oct. 9. 2013 2:52PM

Big Lost River Irrigation Dist.

No. 3938 P. 1

208-525-7117

To: Joanie

From Shawna Rosenkone

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 AM 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 (ld)**

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 1/2" 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 1/2" 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 1/2" iron rod with plastic cap-PLS 12222, thence S.13°33'03"W. 58.79 feet to a 1/2" 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.

236942

Date: 06/26/2007

Warranty Deed
- continued

File No.: 213142-B (ld)

Robert E. Alber

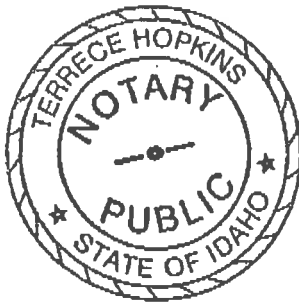
Robert E. Alber

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.



Terrece Hopkins

Notary Public for the State of Idaho

Residing at: Blackfoot, Idaho

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

11-23-2017