Form 42-248/42-1409(6) Rev. 6/22

RECEIVED

MAR 15 2023

Department of Water Resources
Eastern Region

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

1. List the numbers of all water rights and/or adjudication claim records to be changed. If you only acquired a portion of the water right or adjudication claim, check "*Yes*" in the "*Split?*" column. If the water right is leased to the Water Supply Bank, check "*Yes*". If you are not sure if the water right is leased to the Water Supply Bank, see #7 of the instructions.

Water Right/Claim No.	Split?	Leased to Water Supply Bank?	Water Right/Claim No.	Split?	Leased to Water Supply Bank?
25-14516	Yes ☐	Yes ☐		Yes ☐	Yes ☐
25-14517	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐

2. Previous Owner's Name: Lynn Burtenshaw and Kaylene Burtenshaw
   Name of current water right holder/claimant

3. New Owner(s)/Claimant(s): Falls Water Co., Inc.
   New owner(s) as listed on the conveyance document Name connector ☐ **and** ☐ **or**

   2180 N. Deborah Dr. | Idaho Falls | ID | 83401-6223
   Mailing address | City | State | Zip

   208-522-1300 |
   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: February 17, 2023.

6. Do you own the land identified as the water right place of use? Yes ☐ No ■
   - If no, attach evidence that written notice of the change of water right ownership has been delivered to the landowner of record.

7. This form must be signed and submitted with the following **REQUIRED** items:
   - ■ A copy of the conveyance document – warranty deed, quitclaim deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property or description of the water right(s) if no land is conveyed.
   - ☐ Plat map, survey map or aerial photograph which clearly shows the place of use and point of diversion for each water right and/or claim listed above (if necessary to clarify division of water rights or complex property descriptions).
   - ■ Filing fee (see instructions for further explanation):
     - $25 per *undivided* water right.
     - $100 per *split* water right.
     - No fee is required for pending adjudication claims.

   SUPPORT DATA IN FILE # 25-14516

   - ☐ 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: Robert L. Harris | Attorney | March 13, 2023
   Signature of new owner/claimant | Title, if applicable | Date
   Robert L. Harris
   Print name

   Signature: _____ | _____ | _____
   Signature of new owner/claimant | Title, if applicable | Date
   _____
   Print name

For IDWR Office Use Only:

Receipted by JB Date 3/15/2023 Receipt No. E048978 Receipt Amt. $50.00

Active in the Water Supply Bank? Yes ☐ No ☐ If yes, forward to the State Office for processing W-9 received? Yes ☐ No ☐

Name on W-9 _____ Approved by JB Processed by JB Date 3/17/2023

MAR 17 2023

Instrument # 1741860
Bonneville County, Idaho Falls, Idaho
02/17/2023 04:31:38 PM No. of Pages: 7
Recorded for: FLYING S TITLE AND ESCROW - RIGBY
Penny Manning Fee: $15.00
Ex-Officio Recorder Deputy Dwoolf1
Index to: DEED, WARRANTY

When Recorded Return to:
Falls Water Co., Inc.
250 SW Taylor St.,
Portland, OR 97204

(Space above line for Recorder's use only)

SPECIAL WARRANTY DEED FOR WATER RIGHTS

Idaho Water Company, LLC, an Idaho limited liability company whose address is 1135 Valley Road South, Eden, Idaho 83325 ("Grantor"), does hereby grant, bargain, sell, assign, and convey unto **Falls Water Co., Inc.**, an Idaho Corporation, whose address is 250 SW Taylor St., Portland, OR 97204 ("Grantee"), and to Grantee's heirs and assigns forever, all of Grantor's right title and interest in and to that portion of Idaho Water Right Nos. 35-7537 and 35-13708, as modified by Idaho Department of Water Resources transfer # 86713, now identified as Idaho Water Right Nos. 25-14517 and 25-14516, and further described in ATTACHMENT A, attached hereto and incorporated herein by reference (the "Water Rights").

Grantor assigns to Grantee any other interest it may have in the Water Rights including any claim, permit, license, or shares of stock evidencing, claiming, or representing such Water Rights.

To the extent the Water Rights, if any of them, are represented by a permit or other property not conveyable by deed, this instrument shall be deemed and operate as a Bill of Sale therefore.

Grantor hereby covenants and warrants to Grantee as follows:

(A) Grantor is the owner in fee simple of the Water Rights;

(B) Grantor has not conveyed any of the Water Rights to anyone other than Grantee;

(C) The Water Rights are free from all liens, claims, or encumbrances; and

(D) Grantor has the authority to convey the Water Rights to Grantee.

Grantor makes no other covenants or warranties as to the Water Rights.

(End of text, Signature Page follows)

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MAR 17 2023

IN WITNESS WHEREOF, the undersigned authorized officer of Grantor, acting on behalf of Grantor, has caused his name to be hereunto subscribed.

DATED this 17th day of February, 2023.

IDAHO WATER COMPANY, LLC

By: _____
Delbert G. Kohtz, Member

STATE OF IDAHO)
) ss.
County of [illegible])

On this 17th day of Feb., 2023 before me, a Notary Public for said County and State, personally appeared DELBERT G. KOHTZ, known or identified to me, to be one of the members of the limited liability company of IDAHO WATER COMPANY, LLC, and the member or one of the members who subscribed said limited liability company name to the foregoing instrument, and acknowledged to me that he executed the same in said limited liability company name.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Shaney Swanson
Commission Number 27149
NOTARY PUBLIC
STATE OF IDAHO
MY COMMISSION EXPIRES 1-3-2027

_____
NOTARY PUBLIC FOR IDAHO
Residing at: Idaho Falls - ID
My commission expires: 1.3.27

ATTACHMENT A

Water Right Report: 25-14517 (Decreed/Active)

Water Right Owners

Owner Type	Name	Address	City	State	Postal Code
Current Owner	BURTENSHAW, KAYLENE	1758 N 1000 E	TERRETON	ID	83450-5034
Current Owner	BURTENSHAW, LYNN	1758 N 1000 E	TERRETON	ID	83450-5034
Original Owner	HENDERSON, MARILYN BERRETT	2402 N SEVENOAKS PL	EAGLE	ID	83616
Original Owner	C & N FAMILY LAND INVESTMENTS LLC	4050 E LINCOLN RD	IDAHO FALLS	ID	83401
Security Interest	RABO AGRIFINANCE LLC	970 PIER VIEW DR STE B	IDAHO FALLS	ID	83402-4918

Water Right Status

Priority Date : 4/3/1984
Basis : Decreed
Status : Active

Water Source

Source	Source Qualifier	Tributary	Tributary Qualifier
GROUND WATER			

Points Of Diversion (Location)

Source	Township	Range	Section	Govt. Lot	QQQ	QQ	Q	County	Diversion Type
GROUND WATER	02N	38E	2	4		NW	NW	BONNEVILLE	
GROUND WATER	02N	38E	9	0		NE	NW	BONNEVILLE	
GROUND WATER	02N	38E	10	0		SE	SW	BONNEVILLE	
GROUND WATER	02N	38E	10	0		NE	SE	BONNEVILLE	
GROUND WATER	02N	38E	11	0		SW	NW	BONNEVILLE	
GROUND WATER	02N	38E	14	0		NE	SW	BONNEVILLE	
GROUND WATER	02N	38E	14	0		NE	SW	BONNEVILLE	
GROUND WATER	02N	38E	14	0		NE	SW	BONNEVILLE	
GROUND WATER	02N	38E	14	0		SW	SW	BONNEVILLE	

Water Uses

Beneficial Use	From	To	Diversion Rate	Volume
MUNICIPAL	01/01	12/31	0.15 CFS	26.00 AFA

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MAR 17 2023

TOTAL	0.15 CFS	26.00 CFS

Places of Use

Conditions

Code	Conditions
X35	Rights 25-14516 and 25-14517 when combined shall not exceed a total diversion rate of 0.74 cfs.
113	Beginning on the date of approval of Transfer 86713, rights 25-14516 and 25-14517 when combined are limited to the following schedule of allowed diversion volume. Year 1 (2023) the rights are limited to 60 acre-feet. Year 2 (2024) the rights are limited to 144 acre-feet. Year 3 (2025) the rights are limited to 144 acre-feet.
K02	This right is based upon an enlargement of Right No. 25-14516 pursuant to Section 42-1426, Idaho Code.
R05	Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 120.
R02	A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
214	Prior to the diversion and use of water under Transfer approval 86713, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
213	Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
201	The combination of changes under Transfer 86712 as described under rights 25-14514 and 25-14515 and Transfer 86713 as described under rights 25-14516 and 25-14517 and Transfer 86715 as described under rights 35-7537 and 35-13708 provide the necessary mitigation for any increased depletion to connected reaches of the Snake River that would result from each individual transfer. These transfer approvals shall not require mutual dependence for ongoing mitigation. Any future action, including a subsequent transfer of this right or an order rescinding a transfer approval, which would result in a change to the point(s) of diversion under this right may require mitigation for the effects of the change. Such future action to change the point(s) of diversion under this right shall be analyzed for effects to connected reaches of the Snake River based on the priority date, point(s) of diversion and steady-state quantity as authorized for this right under Transfer 86713.
128	Place of use is within the area served by the public water supply system of Falls Water Company Inc. The place of use is generally located within Sections 2, 3, 4, 9, 10, 11, 13, 14, 15, 16, 22, 23, 24, Township 02N, Range 38E and Sections 33, 34, 35, Township 03N, Range 38E.
180	A map generally depicting the service area for this water right at the time of this approval is attached to this document for illustrative purposes.
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.
T07	The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
T08	Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
T19	Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

Dates

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- Licensed Date :
- Decreed Date : 5/19/2010
- Permit Proof Due Date :
- Permit Proof Made Date :
- Permit Approved Date :
- Permit Moratorium Expiration Date :
- Enlargment Use Priority Date :
- Enlargement Statute Priority Date :
- Application Recevied Date:
- Protest Deadline Date:

Other Information

- State or Federal :
- Water District Number : 120
- Generic Max Rate Per Acre : 0
- Generic Max Volume Per Acre : 0
- Civil Case Number :
- Decree Plantiff :
- Decree Defendant :
- Swan Falls Trust or Nontrust : T
- Swan Falls Dismissed :
- DLE Act Number :
- Cary Act Number :
- Mitigation Plan: False

IDAHO DEPARTMENT OF WATER RESOURCES - 2/14/2023

Water Right Report : 25-14516(Decreed/Active)

Water Right Owners

Owner Type	Name	Address	City	State	Postal Code
Current Owner	BURTENSHAW, KAYLENE	1758 N 1000 E	TERRETON	ID	83450-5034
Current Owner	BURTENSHAW, LYNN	1758 N 1000 E	TERRETON	ID	83450-5034
Original Owner	BERRETT, MARY W	C/O MARILYN BERRETT HENDERSON 2402 N SEVENOAKS PL	EAGLE	ID	83616
Original Owner	C & N FAMILY LAND INVESTMENTS LLC	4050 E LINCOLN RD	IDAHO FALLS	ID	83401
Original Owner	BERRETT, REED L	675 N 2850 E	ROBERTS	ID	83444
Security Interest	RABO AGRIFINANCE LLC	970 PIER VIEW DR STE B	IDAHO FALLS	ID	83402-4918

Water Right Status

Priority Date : 10/14/1975
Basis : Decreed
Status : Active

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Water Source

Source	Source Qualifier	Tributary	Tributary Qualifier
GROUND WATER			

Points Of Diversion (Location)

Source	Township	Range	Section	Govt. Lot	QQQ	QQ	Q	County	Diversion Type
GROUND WATER	02N	38E	2	4	NE	NW	NW	BONNEVILLE	
GROUND WATER	02N	38E	9	0	NE	NE	NW	BONNEVILLE	
GROUND WATER	02N	38E	10	0	SE	SE	SW	BONNEVILLE	
GROUND WATER	02N	38E	10	0		NE	SE	BONNEVILLE	
GROUND WATER	02N	38E	11	0		SW	NW	BONNEVILLE	
GROUND WATER	02N	38E	14	0	SE	NE	SW	BONNEVILLE	
GROUND WATER	02N	38E	14	0	SE	NE	SW	BONNEVILLE	
GROUND WATER	02N	38E	14	0	SE	NE	SW	BONNEVILLE	
GROUND WATER	02N	38E	14	0	SW	SW	SW	BONNEVILLE	

Water Uses

Beneficial Use	From	To	Diversion Rate	Volume
MUNICIPAL	01/01	12/31	0.74 CFS	127.80 AFA
TOTAL			0.74 CFS	127.80 CFS

Places of Use

Conditions

Code	Conditions
X35	Rights 25-14516 and 25-14517 when combined shall not exceed a total diversion rate of 0.74 cfs.
113	Beginning on the date of approval of Transfer 86713, rights 25-14516 and 25-14517 when combined are limited to the following schedule of allowed diversion volume. Year 1 (2023) the rights are limited to 60 acre-feet. Year 2 (2024) the rights are limited to 144 acre-feet. Year 3 (2025) the rights are limited to 144 acre-feet.
K01	Right No. 25-14517 is an enlargement of this right pursuant to Section 42-1426, Idaho Code.
R05	Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 120.
R02	A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
214	Prior to the diversion and use of water under Transfer approval 86713, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
213	Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
201	The combination of changes under Transfer 86712 as described under rights 25-14514 and 25-14515 and Transfer 86713 as described under rights 25-14516 and 25-14517 and Transfer 86715 as described under

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MAR 17 2023

rights 35-7537 and 35-13708 provide the necessary mitigation for any increased depletion to connected reaches of the Snake River that would result from each individual transfer. These transfer approvals shall not require mutual dependence for ongoing mitigation. Any future action, including a subsequent transfer of this right or an order rescinding a transfer approval, which would result in a change to the point(s) of diversion under this right may require mitigation for the effects of the change. Such future action to change the point(s) of diversion under this right shall be analyzed for effects to connected reaches of the Snake River based on the priority date, point(s) of diversion and steady-state quantity as authorized for this right under Transfer 86713.

128 Place of use is within the area served by the public water supply system of Falls Water Company Inc. The place of use is generally located within Sections 2, 3, 4, 9, 10, 11, 13, 14, 15, 16, 22, 23, 24, Township 02N, Range 38E and Sections 33, 34, 35, Township 03N, Range 38E .

180 A map generally depicting the service area for this water right at the time of this approval is attached to this document for illustrative purposes.

T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

T19 Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

Dates

- Licensed Date :
- Decreed Date : 1/31/2002
- Permit Proof Due Date :
- Permit Proof Made Date :
- Permit Approved Date :
- Permit Moratorium Expiration Date :
- Enlargment Use Priority Date :
- Enlargement Statute Priority Date :
- Application Recevied Date:
- Protest Deadline Date:

Other Information

- State or Federal : S
- Water District Number : 120
- Generic Max Rate Per Acre : 0
- Generic Max Volume Per Acre : 0
- Civil Case Number :
- Decree Plantiff :
- Decree Defendant :
- Swan Falls Trust or Nontrust :
- Swan Falls Dismissed :
- DLE Act Number :
- Cary Act Number :
- Mitigation Plan: False

IDAHO DEPARTMENT OF WATER RESOURCES - 2/14/2023

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MAR 17 2023

Instrument # 478316
RIGBY, JEFFERSON, IDAHO
02-17-2023 04:18:54 PM No. of Pages: 11
Recorded for: FLYING S TITLE AND ESCROW - RIGBY
COLLEEN C POOLE Fee: $15.00
Ex-Officio Recorder Deputy: LK
Index To: WARRANTY DEED
Electronically Recorded by Simplifile

When recorded deliver to:

IDAHO WATER COMPANY LLC.
1135 VALLEY ROAD SOUTH
EDEN, ID 83325

SPECIAL WARRANTY DEED FOR WATER RIGHTS

FOR VALUE RECEIVED, **Lynn Burtenshaw and Kaylene Burtenshaw**, husband and wife ("Grantors"), whose address is 1758 North 1000 East, Terreton, Idaho 83450, does hereby grant, bargain, sell, assign, and convey unto

Idaho Water Company, LLC, an Idaho limited liability company

herein after referred to as ("Grantee"), whose address is 1135 Valley Road South, Eden, Idaho 83325, and to Grantee's heirs, successors, and assigns forever, the 473 acres of Water Rights as particularly described in ATTACHMENT "A," incorporated herein by reference, and modified by Idaho Department of Water Resources transfer applications(s) 86715, 86713, 86712 (the "Water Rights"). The Water Rights having been appurtenant to the Jefferson County, State of Idaho, real property, owned by the Grantor, and subsequently severed therefrom.

TO HAVE AND TO HOLD, the said Water Rights, together with any and all interests, and appurtenances incident thereto, and all the Rights, estates, titles, claims, permits, licenses, or shares of stock evidencing, claiming, or representing said Water Rights, unto the said Grantee, and to the Grantees heirs and assigns forever. Grantor, for itself, its successors and assigns, covenant and agree to and with the Grantee that Grantor is the owner in fee simple of said Water Rights, that it delivers the Water Rights free and clear of all encumbrances and that it will warrant title and forever defend the Water Rights in the quiet and peaceable possession of Grantee, its successors and assigns, against all and every person or persons claiming the whole of any part thereof, by, through, or under Grantor, or against adverse claims arising by, through or under the acts or omissions of Grantors. And Grantor has disclosed to Grantee in

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E-RECORDED simplifile
ID: 478316
County: Jefferson
Date: 2-17-23 Time: 4:18pm

When recorded deliver to:

IDAHO WATER COMPANY LLC.
1135 VALLEY ROAD SOUTH
EDEN, ID 83325

SPECIAL WARRANTY DEED FOR WATER RIGHTS

FOR VALUE RECEIVED, **Lynn Burtenshaw and Kaylene Burtenshaw,** husband and wife ("Grantors"), whose address is 1758 North 1000 East, Terreton, Idaho 83450, does hereby grant, bargain, sell, assign, and convey unto

Idaho Water Company, LLC, an Idaho limited liability company

herein after referred to as ("Grantee"), whose address is 1135 Valley Road South, Eden, Idaho 83325, and to Grantee's heirs, successors, and assigns forever, the 473 acres of Water Rights as particularly described in ATTACHMENT "A," incorporated herein by reference, and modified by Idaho Department of Water Resources transfer applications(s) 86715, 86713, 86712 (the "Water Rights"). The Water Rights having been appurtenant to the Jefferson County, State of Idaho, real property, owned by the Grantor, and subsequently severed therefrom.

TO HAVE AND TO HOLD, the said Water Rights, together with any and all interests, and appurtenances incident thereto, and all the Rights, estates, titles, claims, permits, licenses, or shares of stock evidencing, claiming, or representing said Water Rights, unto the said Grantee, and to the Grantees heirs and assigns forever. Grantor, for itself, its successors and assigns, covenant and agree to and with the Grantee that Grantor is the owner in fee simple of said Water Rights, that it delivers the Water Rights free and clear of all encumbrances and that it will warrant title and forever defend the Water Rights in the quiet and peaceable possession of Grantee, its successors and assigns, against all and every person or persons claiming the whole of any part thereof, by, through, or under Grantor, or against adverse claims arising by, through or under the acts or omissions of Grantors. And Grantor has disclosed to Grantee in

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good faith all information known to Grantor bearing on the validity and extent of the Water Rights. The singular shall include the plural and the use of any gender shall be applicable to all genders.

To the extent the Water Rights, or any of them, are represented by a permit or other property not conveyable by deed, this deed shall be deemed and operate as a Bill of Sale therefore.

Grantor retains no residual or reversionary interest in any of the Water Rights transferred.

IN WITNESS, WHEREOF, the undersigned Grantors, have caused their names to be hereunto subscribed on the date shown by each name.

Grantor: _____ Dated: 2/16/2023
Lynn Burtenshaw

Grantor: _____ Dated: 2/17/2023
Kaylene Burtenshaw

STATE OF IDAHO)
) ss.
County of _____

On this 16th day of February, 2023, before me Shaney Swanson, personally appeared Lynn ~~and Kaylene~~ Burtenshaw, known or identified to me or proved to me on presentation of sufficient evidence to be the person or persons that executed the above instrument and acknowledged to me that ~~they~~ 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.

Shaney Swanson
Commission Number 27149
NOTARY PUBLIC
STATE OF IDAHO
MY COMMISSION EXPIRES 1-3-2027

_____
NOTARY PUBLIC FOR IDAHO
Residing at _____
My Commission Expires 1-3-27

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MAR 17 2023

ACKNOWLEDGEMENT/GENERAL

STATE OF Idaho)
ss.
COUNTY OF Jefferson)

On this Seventeenth day of February, 2023, before me, a Notary Public in and for said State, personally appeared **Kaylene 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.

Shaney Swanson
Commission Number 27149
NOTARY PUBLIC
STATE OF IDAHO
MY COMMISSION EXPIRES 1-3-2027

Notary Public of Idaho
Residing at: Idaho Falls, ID
Commission Expires: 1-3-27

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ATTACHMENT "A"

4/10/2022
IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report
WATER RIGHT NO. 35-7537

Owner Type	Name and Address
Current Owner	KAYLENE BURTENSHAW
Current Owner	LYNN BURTENSHAW 1758 N 1000 E TERRETON, ID 83450 2086634520
Original Owner	REED L BERRETT 675 N 2850 E ROBERTS, ID 83444 2082286041
Security Interest	RABO AGRIFINANCE LLC 970 PIER VIEW DR STE B IDAHO FALLS, ID 83402-4918 2085526316

Priority Date: 10/14/1975
Basis: Decreed
Status: Active

Source	Tributary
GROUND WATER	

Beneficial Use	From	To	Diversion Rate	Volume	
IRRIGATION	4/01	11/01	6.99 CFS	1572 AFA	
Total Diversion			6.99 CFS	1572 AFA	
Location of Point(s) of Diversion:	SWSENW Sec. 04		Township 04N	Range 36E	JEFFERSON County

GROUND WATER
IRRIGATION Use:
Acre Limit: 393
Place(s) of use:
Place of Use Legal Description: IRRIGATION JEFFERSON County

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Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
04N	36E	4	2	NWNE	33.7		SWNE	19						
			3	NENW	39	4	NWNW	31.5		SWNW	27		SENW	30
				NESW	25.5		NWSW	24.8		SWSW	27.6		SESW	29
		9		SWNE	3									
				NENW	31		NWNW	29.6		SWNW	23.5		SENW	36
				NESW	36.3		NWSW	23.5						
				NWSE	3									

Total Acres: 473
Conditions of Approval:

1. X27 This right is limited to the irrigation of 393 acres within the authorized place of use in a single irrigation season.
2. X35 Rights 35-7537 and 35-13708 when combined shall not exceed a total diversion rate of 6.99 cfs, a total annual maximum diversion volume of 1892 af at the field headgate, and the irrigation of 473 acres.
3. R05 Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 120.
4. R02 A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
5. 214 Prior to the diversion and use of water under Transfer approval 79583, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
6. 213 Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
7. R64 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
8. K01 Right No. 35-13708 is an enlargement of this right pursuant to Section 42-1426, Idaho Code.
9. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

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10. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
11. T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

Dates:
Licensed Date:
Decreed Date: 01/31/2002
Permit Proof Due Date: 12/1/1980
Permit Proof Made Date: 1/1/1900
Permit Approved Date: 12/23/1975
Permit Moratorium Expiration Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Water Supply Bank Enrollment Date Accepted:
Water Supply Bank Enrollment Date Removed:
Application Received Date:
Protest Deadline Date:
Number of Protests: 0

Other Information:
State or Federal: S
Owner Name Connector: AND
Water District Number: 120
Generic Max Rate per Acre: 0.02
Generic Max Volume per Acre: 4
Civil Case Number:
Old Case Number:
Decree Plantiff:
Decree Defendant:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Cary Act Number:
Mitigation Plan: False

RECORDED
MAR 17 2023

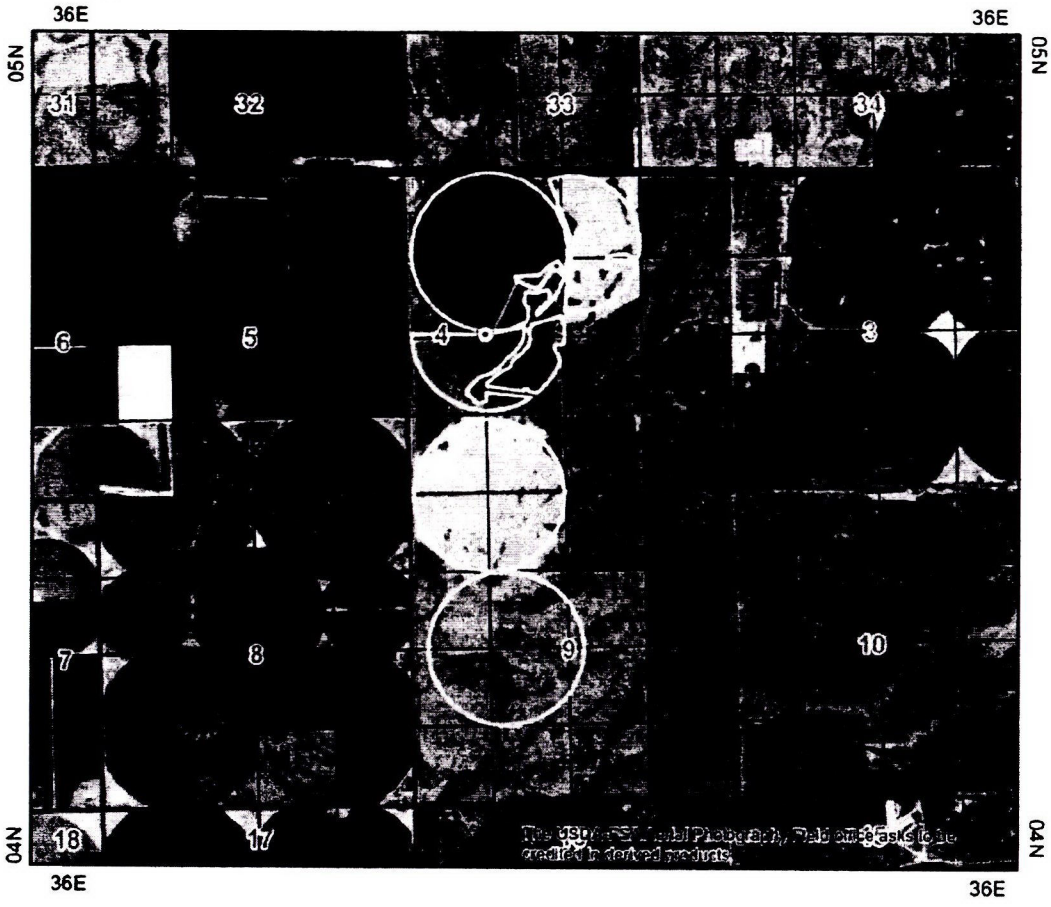
State of Idaho
Department of Water Resources

Water Right

35-7537

IRRIGATION

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.



Map produced on April 10, 2022

SCANNED
MAR 17 2023

WATER RIGHT REPORT

4/10/2022
IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report
WATER RIGHT NO. 35-13708

Owner Type	Name and Address
Current Owner	KAYLENE BURTENSHAW
Current Owner	LYNN BURTENSHAW 1758 N 1000 E TERRETON, ID 83450 2086634520
Security Interest	RABO AGRIFINANCE LLC 970 PIER VIEW DR STE B IDAHO FALLS, ID 83402-4918 2085526316

Priority Date: 04/03/1984
Basis: Decreed
Status: Active

Source	Tributary
GROUND WATER	

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	04/01	10/31	1.4 CFS	320 AFA
Total Diversion			1.4 CFS	320 AFA

Location of Point(s) of Diversion:

GROUND WATER SWSENW Sec. 04 Township 04N Range 36E JEFFERSON County
IRRIGATION Use:
Acre Limit: 80
Place(s) of use:
Place of Use Legal Description: IRRIGATION JEFFERSON County

SCANNED
MAR 17 2023

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
04N	36E	4	2	NWNE	33.7		SWNE	19						
			3	NENW	39	4	NWNW	31.5		SWNW	27		SENW	30
				NESW	25.5		NWSW	24.8		SWSW	27.6		SESW	29
		9		SWNE	3									
				NENW	31		NWNW	29.6		SWNW	23.5		SENW	36
				NESW	36.3		NWSW	23.5						
				NWSE	3									

Total Acres: 473
Conditions of Approval:

1. K09 This right is for an enlargement of 80 acres within the place of use described for this right.
2. X35 Rights 35-7537 and 35-13708 when combined shall not exceed a total diversion rate of 6.99 cfs, a total annual maximum diversion volume of 1892 af at the field headgate, and the irrigation of 473 acres.
3. R05 Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 120.
4. R02 A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
5. 214 Prior to the diversion and use of water under Transfer approval 79583, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
6. 213 Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
7. R64 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
8. 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.
9. K02 This right is based upon an enlargement of Right No. 35-7537 pursuant to Section 42-1426, Idaho Code.

SCANNED
MAR 17 2023

10. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
11. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
12. T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

Dates:
Licensed Date:
Decreed Date: 05/19/2010
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Water Supply Bank Enrollment Date Accepted:
Water Supply Bank Enrollment Date Removed:
Application Received Date:
Protest Deadline Date:
Number of Protests: 0

Other Information:
State or Federal:
Owner Name Connector: AND
Water District Number: 120
Generic Max Rate per Acre:
Generic Max Volume per Acre: 4
Civil Case Number:
Old Case Number:
Decree Plantiff:
Decree Defendant:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Cary Act Number:
Mitigation Plan: False

SCANNED
MAR 17 2023

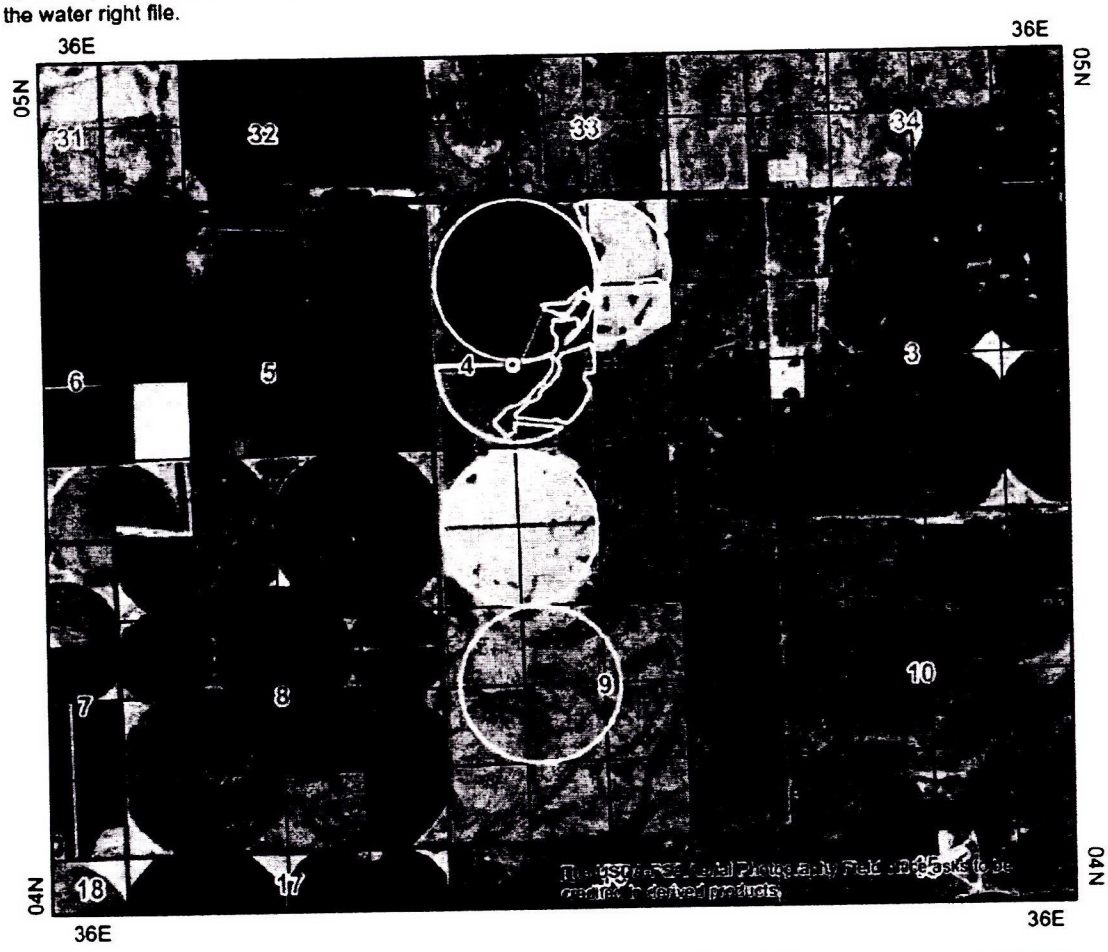
State of Idaho
Department of Water Resources

Water Right

35-13708

IRRIGATION

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.



Map produced on April 10, 2022

SCANNED

MAR 17 2023

Instrument # 478311
RIGBY, JEFFERSON, IDAHO
02-17-2023 04:16:55 PM No. of Pages: 3
Recorded for: FLYING S TITLE AND ESCROW - RIGBY
COLLEEN C POOLE Fee: $15.00
Ex-Officio Recorder Deputy: LK
Index To: PARTIAL RELEASE OF MORTGAGE
Electronically Recorded by Simplifile

DEED OF PARTIAL RELEASE

(IDAHO)

Real Estate Line of Credit: 22116151
Operating Line of Credit: (22109637) 22121771
Real Estate Term Loan 1: 22109638

WHEREAS, to secure the payment of indebtedness Burtenshaw Land & Cattle, LLC an Idaho limited liability company executed a certain mortgage (the "Mortgage") dated April 7, 2016 to Rabo AgriFinance, Inc.. a Delaware corporation (the "Mortgagee") recorded in the Office of the County Clerk of Jefferson County, Idaho on May 5, 2016 as Instrument #422907; and modified September 27, 2017 recorded in Jefferson County, Idaho on November 20, 2017 as Instrument #433711; and modified again on September 20, 2019 recorded in Jefferson County, Idaho on October 17, 2019 as Instrument #447216;

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS, that the Mortgagee, for valuable consideration the receipt whereof is hereby acknowledged, has remised, released and quitclaimed, and by these presents does remise, release and quitclaim unto the owner or owners thereof, the following described real property located in Jefferson County, Idaho, to wit:

See the attached Exhibit A attached

TO HAVE AND TO HOLD THE SAME WITH ALL APPURTENANCES unto the said owner or owners, forever freed, exonerated and discharged of and from the lien of the Mortgage.

PROVIDED always, nevertheless, that nothing herein contained shall in anywise affect, alter or diminish the aforesaid lien or encumbrance on the remaining part of the real property described in the Mortgage, or the remedies at law for recovering from the parties liable to pay the same the sums secured thereby.

IN WITNESS WHEREOF, the Mortgagee has caused this instrument to be signed by its duly authorized officer this 9th day of Feb., 2023.

Rabo AgriFinance LLC, a Delaware limited liability company

By: _____
Print Name: John Kunz
Vice President

SCANNED
478311
MAR 17 2023

E-RECORDED simplifile

ID: 478311
County: Jefferson
Date: 2-17-23 Time: 4:16 pm

DEED OF PARTIAL RELEASE
(IDAHO)

Real Estate Line of Credit: 22116151
Operating Line of Credit: (22109637) 22121771
Real Estate Term Loan 1: 22109638

WHEREAS, to secure the payment of indebtedness Burtenshaw Land & Cattle, LLC an Idaho limited liability company executed a certain mortgage (the "Mortgage") dated April 7, 2016 to Rabo AgriFinance, Inc., a Delaware corporation (the "Mortgagee") recorded in the Office of the County Clerk of Jefferson County, Idaho on May 5, 2016 as Instrument #422907; and modified September 27, 2017 recorded in Jefferson County, Idaho on November 20, 2017 as Instrument #433711; and modified again on September 20, 2019 recorded in Jefferson County, Idaho on October 17, 2019 as Instrument #447216;

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS, that the Mortgagee, for valuable consideration the receipt whereof is hereby acknowledged, has remised, released and quitclaimed, and by these presents does remise, release and quitclaim unto the owner or owners thereof, the following described real property located in Jefferson County, Idaho, to wit:

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PROVIDED always, nevertheless, that nothing herein contained shall in anywise affect, alter or diminish the aforesaid lien or encumbrance on the remaining part of the real property described in the Mortgage, or the remedies at law for recovering from the parties liable to pay the same the sums secured thereby.

IN WITNESS WHEREOF, the Mortgagee has caused this instrument to be signed by its duly authorized officer this 9th day of Feb., 2023.

Rabo AgriFinance LLC, a Delaware limited liability company

By: _____
Print Name: Jake Kruse
Vice President

STATE OF IDAHO)
)
COUNTY OF Jefferson)

On the 9th day of Feb. 2023, before me, a Notary Public in and for the State of Missouri, personally appeared Jake Kunz, Vice President of Rabo AgriFinance LLC, known to me to be the person who executed the within instrument on behalf of said company and acknowledged to me that he/she executed the same for the purposes therein stated.

In witness whereof, I hereunto set my hand and official seal.

Teresa Anderson
Name Printed: Teresa Anderson
Notary Public, State of Idaho

(SEAL)

TERESA ANDERSON
NOTARY PUBLIC - STATE OF IDAHO
COMMISSION NUMBER 58120
MY COMMISSION EXPIRES 7-1-2023

My commission expires: 7-1-23

SCANNED
MAR 17 2023

Exhibit A
Legal Description of Property Released from the Mortgage

Private Water Rights

										Acres	
Roberts	36-7537	Lynn Buttershaw	Decreec	10-14-1975	Ground Water	Irrigation	6.95	[illegible]	473	[illegible]	Yes
	36-13708	Lynn Buttershaw	Decreec	4-8-1984	Ground Water	Irrigation	1.4				Yes
								[illegible]	473	[illegible]	

	CFS	GPM/CFS	GPM	GPM/POU	GPM/Ir Acre
	6.99	448.83	3137.322	6.63	9.67

	POU Acres	AF/Acre	AFA
	473	4.00	1892

	AFA	AF/Ir Ac	Dist Ave.
	622.84	1.32	1.65

SCANNED
MAR 17 2023

Instrument # 478312
RIGBY, JEFFERSON, IDAHO
02-17-2023 04:16:55 PM No. of Pages: 3
Recorded for: FLYING S TITLE AND ESCROW - RIGBY
COLLEEN C POOLE Fee: $15.00
Ex-Officio Recorder Deputy: LK
Index To: PARTIAL RELEASE OF MORTGAGE
Electronically Recorded by Simplifile

DEED OF PARTIAL RELEASE
(IDAHO)

Real Estate Line of Credit: 22116151
Operating Line of Credit: (22109637) 22121771
Real Estate Term Loan 1: 22109638
Real Estate Term Loan 2: 22123159

WHEREAS, to secure the payment of indebtedness Burtenshaw Land & Cattle, LLC an Idaho limited liability company executed a certain mortgage (the "Mortgage") dated October 20, 2021 to Rabo AgriFinance LLC (the "Mortgagee") recorded in the Office of the County Clerk of Jefferson County, Idaho on November 9, 2021 as Instrument #468679; and modified on September 16, 2022 recorded in Jefferson County, Idaho on September 30, 2022 as Instrument #476227;

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS, that the Mortgagee, for valuable consideration the receipt whereof is hereby acknowledged, has remised, released and quitclaimed, and by these presents does remise, release and quitclaim unto the owner or owners thereof, the following described real property located in Jefferson County, Idaho, to wit:

See the attached Exhibit A attached

TO HAVE AND TO HOLD THE SAME WITH ALL APPURTENANCES unto the said owner or owners, forever freed, exonerated and discharged of and from the lien of the Mortgage.

PROVIDED always, nevertheless, that nothing herein contained shall in anywise affect, alter or diminish the aforesaid lien or encumbrance on the remaining part of the real property described in the Mortgage, or the remedies at law for recovering from the parties liable to pay the same the sums secured thereby.

IN WITNESS WHEREOF, the Mortgagee has caused this instrument to be signed by its duly authorized officer this 9th day of Feb., 2023.

Rabo AgriFinance LLC, a Delaware limited liability company

By: _____
Print Name: Jake Kemp
Vice President

SCANNED
MAR 17 2023

478312

E-RECORDED simplifile

ID: 478312

County: Jefferson

Date: 2-17-23 Time: 4:16 pm

DEED OF PARTIAL RELEASE

(IDAHO)

Real Estate Line of Credit: 22116151
Operating Line of Credit: (22109637) 22121771
Real Estate Term Loan 1: 22109638
Real Estate Term Loan 2: 22123159

WHEREAS, to secure the payment of indebtedness Burtenshaw Land & Cattle, LLC an Idaho limited liability company executed a certain mortgage (the "Mortgage") dated October 20, 2021 to Rabo AgriFinance LLC (the "Mortgagee") recorded in the Office of the County Clerk of Jefferson County, Idaho on November 9, 2021 as Instrument #468679; and modified on September 16, 2022 recorded in Jefferson County, Idaho on September 30, 2022 as Instrument #476227;

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS, that the Mortgagee, for valuable consideration the receipt whereof is hereby acknowledged, has remised, released and quitclaimed, and by these presents does remise, release and quitclaim unto the owner or owners thereof, the following described real property located in Jefferson County, Idaho, to wit:

See the attached Exhibit A attached

TO HAVE AND TO HOLD THE SAME WITH ALL APPURTENANCES unto the said owner or owners, forever freed, exonerated and discharged of and from the lien of the Mortgage.

PROVIDED always, nevertheless, that nothing herein contained shall in anywise affect, alter or diminish the aforesaid lien or encumbrance on the remaining part of the real property described in the Mortgage, or the remedies at law for recovering from the parties liable to pay the same the sums secured thereby.

IN WITNESS WHEREOF, the Mortgagee has caused this instrument to be signed by its duly authorized officer this 9th day of Feb., 2023.

Rabo AgriFinance LLC, a Delaware limited liability company

By: _____

Print Name: Jake King

Vice President

SCANNED

MAR 17 2023

STATE OF IDAHO)
)
COUNTY OF Jefferson)

On the 9th day of Feb. 2023, before me, a Notary Public in and for the State of Missouri, personally appeared Jake Kuntz, Vice President of Rabo AgriFinance LLC, known to me to be the person who executed the within instrument on behalf of said company and acknowledged to me that he/she executed the same for the purposes therein stated.

In witness whereof, I hereunto set my hand and official seal.

Teresa Anderson
Name Printed: Teresa Anderson
Notary Public, State of Idaho

(SEAL)

TERESA ANDERSON
NOTARY PUBLIC - STATE OF IDAHO
COMMISSION NUMBER 58120
MY COMMISSION EXPIRES 7-1-2023

My commission expires: 7-1-23

SCANNED
MAR 17 2023

Exhibit A
Legal Description of Property Released from the Mortgage

Private Water Rights

										acres	
Roberts	36-7537	Lynn Buttershaw	Decreed	10/14/1975	Ground Water	Irrigation	6.99		473		Yes
	36-13708	Lynn Buttershaw	Decreed	4/3/1984	Ground Water	Irrigation	1.4				Yes
									473		

	CFS	GPM/CFS	GPM	GPM / POU	GPM/Irr Acre
	6.99	448.83	3137.322	6.63	9.67

	POU Acres	AF/Acre	AFA
	473	4.00	1892

	AFA	AF/Irr Ac	Dist Ave
	622.84	1.32	1.65

SCANNED
MAR 17 2023

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 86713

This is to certify that: IDAHO WATER COMPANY LLC
1135 VALLEY RD
EDEN, ID 83325-5245

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Changes

Water Right	Origin/Basis	Priority Date	Diversion Rate	Diversion Volume	Acre Limit	Total Acres	Source
35-13708	WR/DECREED	4/3/1984	0.810 cfs	184.8 af	46.2	273.0	GROUND WATER
35-7537	WR/DECREED	10/14/1975	4.030 cfs	907.2 af	226.8	273.0	GROUND WATER

Purpose of Transfer (Changes Proposed)

Current Number	Split	POD	POU	Add POD	Period of Use	Nature of Use
35-13708	YES	YES	YES	YES	YES	YES
35-7537	YES	YES	YES	YES	YES	YES

Summary Of Water Rights After the Approved Change

Existing Right	New No. (Changed Portion)	Transfer Rate	Transfer Volume	Acre Limit	Total Acres	New No. (remaining portion)	Remaining Rate	Remaining Volume	Remaining Acre Limit	Remaining Total Acres
35-13708	25-14517	0.150 cfs	26.0 af	N/A	N/A	35-13708	0.660 cfs	150.8 af	37.7	223.0
35-7537	25-14516	0.740 cfs	127.8 af	N/A	N/A	35-7537	3.290 cfs	741.2 af	185.3	223.0
COMBINED TOTALS		**0.740 cfs**	**153.8 af**	**N/A**	**N/A**		**N/A**	**N/A**	**N/A**	**N/A**

This water right(s) is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources. Detailed Water Right Description(s) attached.

Dated this 6th day of February, 2023

Regional Manager

Transfer No. 86713

SCANNED
FEB 06 2023

WATER RIGHT NO. 35-7537

As Modified by Transfer No. 86713

In accordance with the approval of Transfer No. 86713, Water Right No. 35-7537 is now described as follows:

Right Holder: LYNN BURTENSHAW
KAYLENE BURTENSHAW
1758 N 1000 E
TERRETON, ID 83450-5034

Priority Date: 10/14/1975

Source: GROUND WATER

BENEFICIAL USE	From		To	Diversion Rate	Diversion Volume
IRRIGATION	04/01	to	11/01	3.290 cfs	741.2 af
				3.290 cfs	741.2 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER SWSENW Sec 4 Twp 04N Rge 36E JEFFERSON County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
04N	36E	4											20.1	17.0					37.1
04N	36E	9			3.0		31.0	29.6	23.5	36.0	36.3	23.5				3.0			185.9

Right Acre Limit: 185.3
POU Total Acres: 223.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 185.3 acres within the authorized place of use in a single irrigation season.
2. Rights 35-7537 and 35-13708 when combined shall not exceed a total diversion rate of 3.29 cfs and the irrigation of 223 acres.
3. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 120.
4. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.

SCANNED
FEB 03 2023

WATER RIGHT NO. 35-7537

As Modified by Transfer No. 86713

CONDITIONS OF APPROVAL

5. Prior to the diversion and use of water under Transfer approval 79583, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.

6. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.

7. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.

8. Right No. 35-13708 is an enlargement of this right pursuant to Section 42-1426, Idaho Code.

9. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

11. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

SCANNED
FEB 06 2023

WATER RIGHT NO. 25-14516

As Modified by Transfer No. 86713

In accordance with the approval of Transfer No. 86713, Water Right No. 25-14516 is now described as follows:

Right Holder: LYNN BURTENSHAW
KAYLENE BURTENSHAW
1758 N 1000 E
TERRETON, ID 83450-5034

Priority Date: 10/14/1975

Source: GROUND WATER

BENEFICIAL USE	From	To	Diversion Rate	Diversion Volume
MUNICIPAL	01/01	to 12/31	0.740 cfs	127.8 af
			0.740 cfs	127.8 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SESESW	Sec 10 Twp 02N Rge 38E	BONNEVILLE County
GROUND WATER	L4 (NENWNW)	Sec 2 Twp 02N Rge 38E	BONNEVILLE County
GROUND WATER	NESE	Sec 10 Twp 02N Rge 38E	BONNEVILLE County
GROUND WATER	SWNW	Sec 11 Twp 02N Rge 38E	BONNEVILLE County
GROUND WATER	SENESW	Sec 14 Twp 02N Rge 38E	BONNEVILLE County
GROUND WATER	SENESW	Sec 14 Twp 02N Rge 38E	BONNEVILLE County
GROUND WATER	SENESW	Sec 14 Twp 02N Rge 38E	BONNEVILLE County
GROUND WATER	SWSWSW	Sec 14 Twp 02N Rge 38E	BONNEVILLE County
GROUND WATER	NENENW	Sec 9 Twp 02N Rge 38E	BONNEVILLE County

CONDITIONS OF APPROVAL

1. Rights 25-14516 and 25-14517 when combined shall not exceed a total diversion rate of 0.74 cfs.
2. Beginning on the date of approval of Transfer 86713, rights 25-14516 and 25-14517 when combined are limited to the following schedule of allowed diversion volume.
   Year 1 (2023) the rights are limited to 60 acre-feet.
   Year 2 (2024) the rights are limited to 144 acre-feet.
   Year 3 (2025) the rights are limited to 144 acre-feet.
3. Right No. 25-14517 is an enlargement of this right pursuant to Section 42-1426, Idaho Code.
4. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 120.
5. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.

SCANNED
FEB 08 2023

WATER RIGHT NO. 25-14516

As Modified by Transfer No. 86713

CONDITIONS OF APPROVAL

6. Prior to the diversion and use of water under Transfer approval 86713, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.

7. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.

8. The combination of changes under Transfer 86712 as described under rights 25-14514 and 25-14515 and Transfer 86713 as described under rights 25-14516 and 25-14517 and Transfer 86715 as described under rights 35-7537 and 35-13708 provide the necessary mitigation for any increased depletion to connected reaches of the Snake River that would result from each individual transfer. These transfer approvals shall not require mutual dependence for ongoing mitigation.

   Any future action, including a subsequent transfer of this right or an order rescinding a transfer approval, which would result in a change to the point(s) of diversion under this right may require mitigation for the effects of the change. Such future action to change the point(s) of diversion under this right shall be analyzed for effects to connected reaches of the Snake River based on the priority date, point(s) of diversion and steady-state quantity as authorized for this right under Transfer 86713.

9. Place of use is within the area served by the public water supply system of Falls Water Company Inc. The place of use is generally located within Sections 2, 3, 4, 9, 10, 11, 13, 14, 15, 16, 22, 23, 24, Township 02N, Range 38E and Sections 33, 34, 35, Township 03N, Range 38E .

10. A map generally depicting the service area for this water right at the time of this approval is attached to this document for illustrative purposes.

11. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

12. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

13. Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

SCANNED

FEB 06 2023

WATER RIGHT NO. 35-13708

As Modified by Transfer No. 86713

In accordance with the approval of Transfer No. 86713, Water Right No. 35-13708 is now described as follows:

Right Holder: LYNN BURTENSHAW
KAYLENE BURTENSHAW
1758 N 1000 E
TERRETON, ID 83450-5034

Priority Date: 4/3/1984

Source: GROUND WATER

BENEFICIAL USE	From		To	Diversion Rate	Diversion Volume
IRRIGATION	04/01	to	10/31	0.660 cfs	150.8 af
				0.660 cfs	150.8 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER SWSENW Sec 4 Twp 04N Rge 36E JEFFERSON County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
04N	36E	4											20.1	17.0					37.1
04N	36E	9			3.0		31.0	29.6	23.5	36.0	36.3	23.5				3.0			185.9

Right Acre Limit: 37.7
POU Total Acres: 223.0

CONDITIONS OF APPROVAL

1. This right is for an enlargement of 37.7 acres within the place of use described for this right.
2. Rights 35-7537 and 35-13708 when combined shall not exceed a total diversion rate of 3.29 cfs and the irrigation of 223 acres.
3. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 120.
4. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.

SCANNED
SEP 14 2023

WATER RIGHT NO. 35-13708

As Modified by Transfer No. 86713

CONDITIONS OF APPROVAL

5. Prior to the diversion and use of water under Transfer approval 79583, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.

6. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.

7. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.

8. 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.

9. This right is based upon an enlargement of Right No. 35-7537 pursuant to Section 42-1426, Idaho Code.

10. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

11. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

12. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

SCANNED
FEB 06 2023

WATER RIGHT NO. 25-14517

As Modified by Transfer No. 86713

In accordance with the approval of Transfer No. 86713, Water Right No. 25-14517 is now described as follows:

Right Holder: LYNN BURTENSHAW
KAYLENE BURTENSHAW
1758 N 1000 E
TERRETON, ID 83450-5034

Priority Date: 4/3/1984

Source: GROUND WATER

BENEFICIAL USE	From	To	Diversion Rate	Diversion Volume
MUNICIPAL	01/01	to 12/31	0.150 cfs	26.0 af
			0.150 cfs	26.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SESW	Sec 10 Twp 02N Rge 38E	BONNEVILLE County
GROUND WATER	L4 (NWNW)	Sec 2 Twp 02N Rge 38E	BONNEVILLE County
GROUND WATER	NESE	Sec 10 Twp 02N Rge 38E	BONNEVILLE County
GROUND WATER	SWNW	Sec 11 Twp 02N Rge 38E	BONNEVILLE County
GROUND WATER	NESW	Sec 14 Twp 02N Rge 38E	BONNEVILLE County
GROUND WATER	NESW	Sec 14 Twp 02N Rge 38E	BONNEVILLE County
GROUND WATER	NESW	Sec 14 Twp 02N Rge 38E	BONNEVILLE County
GROUND WATER	SWSW	Sec 14 Twp 02N Rge 38E	BONNEVILLE County
GROUND WATER	NENW	Sec 9 Twp 02N Rge 38E	BONNEVILLE County

CONDITIONS OF APPROVAL

1. Rights 25-14516 and 25-14517 when combined shall not exceed a total diversion rate of 0.74 cfs.

2. Beginning on the date of approval of Transfer 86713, rights 25-14516 and 25-14517 when combined are limited to the following schedule of allowed diversion volume.
   Year 1 (2023) the rights are limited to 60 acre-feet.
   Year 2 (2024) the rights are limited to 144 acre-feet.
   Year 3 (2025) the rights are limited to 144 acre-feet.

3. This right is based upon an enlargement of Right No. 25-14516 pursuant to Section 42-1426, Idaho Code.

4. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 120.

5. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.

SCANNED
FEB 06 2023

WATER RIGHT NO. 25-14517

As Modified by Transfer No. 86713

CONDITIONS OF APPROVAL

6. Prior to the diversion and use of water under Transfer approval 86713, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.

7. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.

8. The combination of changes under Transfer 86712 as described under rights 25-14514 and 25-14515 and Transfer 86713 as described under rights 25-14516 and 25-14517 and Transfer 86715 as described under rights 35-7537 and 35-13708 provide the necessary mitigation for any increased depletion to connected reaches of the Snake River that would result from each individual transfer. These transfer approvals shall not require mutual dependence for ongoing mitigation.

   Any future action, including a subsequent transfer of this right or an order rescinding a transfer approval, which would result in a change to the point(s) of diversion under this right may require mitigation for the effects of the change. Such future action to change the point(s) of diversion under this right shall be analyzed for effects to connected reaches of the Snake River based on the priority date, point(s) of diversion and steady-state quantity as authorized for this right under Transfer 86713.

9. Place of use is within the area served by the public water supply system of Falls Water Company Inc. The place of use is generally located within Sections 2, 3, 4, 9, 10, 11, 13, 14, 15, 16, 22, 23, 24, Township 02N, Range 38E and Sections 33, 34, 35, Township 03N, Range 38E.

10. A map generally depicting the service area for this water right at the time of this approval is attached to this document for illustrative purposes.

11. 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.

12. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

13. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

14. Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

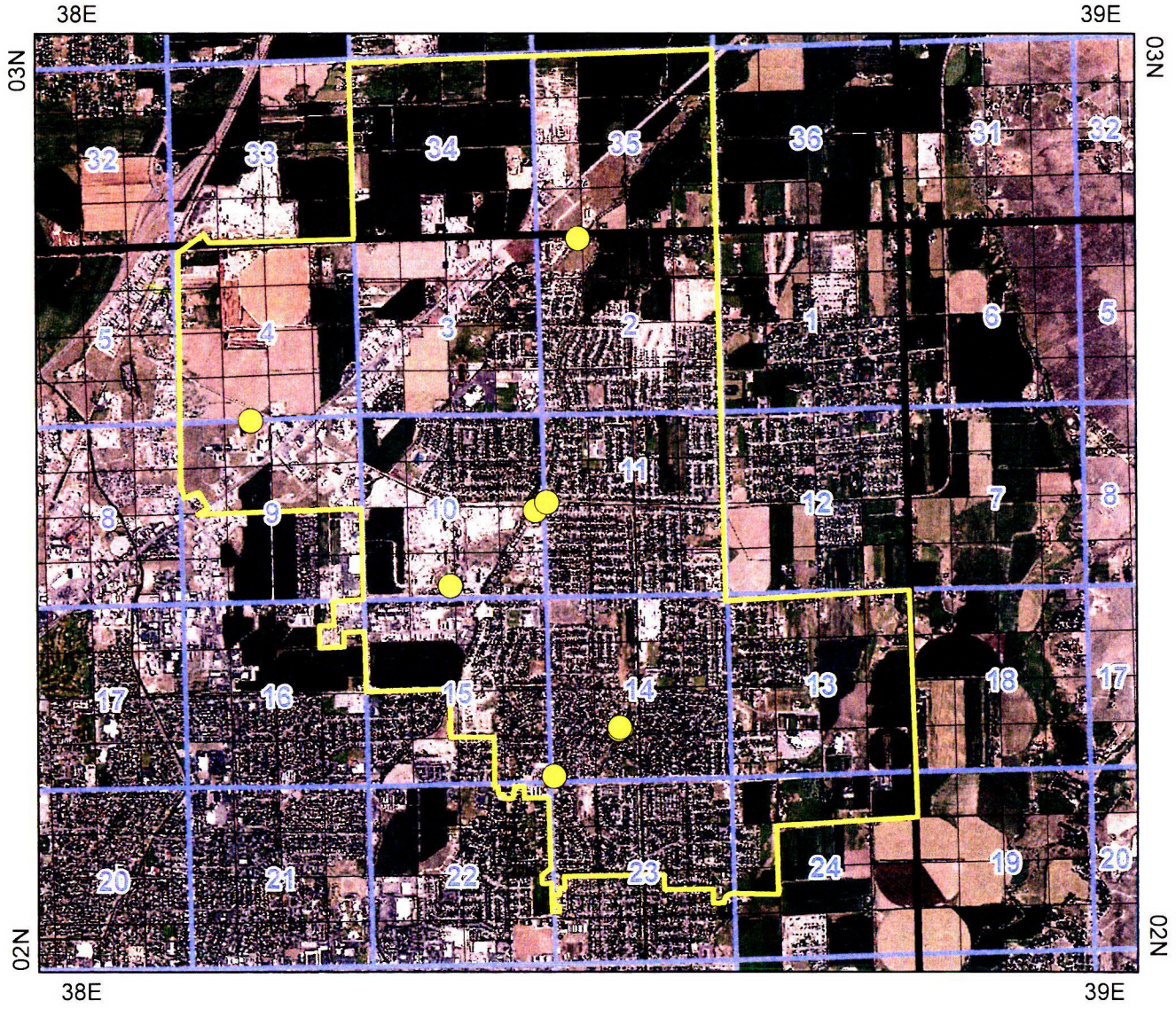
SCANNED
FEB 06 2023

State of Idaho
Department of Water Resources

Attachment to Transfer Approval 86713

Water Service Area Boundary for Falls Water Co. Inc.

This map depicts the place of use boundary at the time of this transfer approval and is attached to the approval document solely for illustrative purposes.



0 0.5 1 2 Miles

Water Service Area Boundary
Point of Diversion
Townships
PLS Sections
Quarter Quarters

N

SCANNED
FEB 05 2023

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**

March 17, 2023

FALLS WATER CO INC
2180 N DEBORAH DR
IDAHO FALLS ID 83401-6223

Re: Change in Ownership for Water Right No(s): 25-14516, 25-14517

Dear Water Right Holder(s):

The Department of Water Resources (Department) acknowledges the receipt of correspondence changing ownership of the above referenced water right(s) to you. The Department has modified its records and has enclosed a computer-generated report for you.

Updating the ownership record for a water right does not reconfirm the validity of the right. When processing a Notice of Change in Water Right Ownership, the Department does not review the history of water use to determine if the right has been forfeited or deliberately abandoned through five years or more of non-use. To read more about water right forfeiture, including how to protect a water right from forfeiture, please see Idaho Code §§ 42-222 and 42-223.

Please note, water right owners are required to report any change of water right ownership and any change of mailing address to the Department within 120 days of the change. Reporting forms are available from any office of the Department, or from the Department's website.

If you have any questions concerning the enclosed information, please contact me at (208) 497-3787.

Sincerely,

Jonie Baily
Technical Records Specialist 1

Enclosure(s)

cc: WATER DISTRICT 120

SCANNED
MAR 17 2023

Holden Kidwell
Hahn & Crapo P.L.L.C.
LAW OFFICES

Established in 1896
1000 Riverwalk Drive, Suite 200
PO Box 50130
Idaho Falls, Idaho 83405
Tel: (208) 523-0620
Fax: (208) 523-9518
www.holdenlegal.com
rharris@holdenlegal.com

March 13, 2023

RECEIVED
MAR 15 2023
Department of Water Resources
Eastern Region

Joni Barg
Eastern Region Office
Idaho Department of Water Resources
900 N. Skyline Dr., Ste. A
Idaho Falls, ID 83402

RE: Notice of Change in Water Right Ownership for WR 25-14516 and WR 25-14517 for Falls Water Co., Inc.

Dear Joni:

Enclosed for processing is a completed *Notice of Change in Water Right Ownership* WR 25-14517 and WR 25-14516. Included with the completed form are two *Special Warranty Deed for Water Rights*, one of which conveys title from Lynn and Kaylene Burtenshaw to Idaho Water Company, and the second which conveys title from Idaho Water Company, LLC, to Falls Water Co., Inc.

In addition, we have included two *Deed of Partial Release* documents executed by the lien holder of record for the parent water right for the above-referenced water rights (the parent rights are WR 35-7537 and 35-13708). Accordingly, please remove any notation of any liens of record with the Department associated with WR 25-14516 and WR 25-14517.

We have also included the required $50.00 filing fee to process the ownership change for these two water rights.

Finally, please note that the water rights are municipal in nature, and do not have a specifically designated place of use, rather, the water rights reference the service area of Falls Water Co, Inc. The IDWR form requires a "yes" or "no" answer as to whether the new owner owns the land identified as the water right place of use. We have checked no because there is no described place of use. Further, we do not believe that we are required to send a notice to all the residents serviced by Falls Water Co., Inc. Idaho Code § 42-248(6) only requires notice to be provided if the person filing the Notice of Change in Water Right Ownership does not own the land identified as the place of use for the water right. Where there is no described place of use, our position is that we do not need to comply with this requirement because it is inapplicable.

SCANNED
MAR 17 2023

If you have any questions or concerns, please let me know.

Best regards,

Robert L. Harris

Robert L. Harris
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.

Enclosures

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SCANNED
MAR 17 2023