

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

MAR 15 2023

Department of Water Resources
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 #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 ☒
o 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):
o \$25 per *undivided* water right.
o \$100 per *split* water right.
o 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: 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

Received by JB Date 3/15/2023 For IDWR Office Use Only: Receipt No. E048978 Receipt Amt. \$50. -

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

**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

<u>Water Right</u>	<u>Origin/Basis</u>	<u>Priority Date</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
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)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
35-13708	YES	YES	YES	YES	YES	YES
35-7537	YES	YES	YES	YES	YES	YES

Summary Of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (Changed Portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
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

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
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 SWSNW Sec 4 Twp 04N Rge 36E JEFFERSON County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
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.

Transfer No. 86713

SCANNED

FEB 06 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.

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

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
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	SESESW	Sec 14 Twp 02N Rge 38E	BONNEVILLE County
GROUND WATER	SESESW	Sec 14 Twp 02N Rge 38E	BONNEVILLE County
GROUND WATER	SESESW	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.

Transfer No. 86713

SCANNED
FEB 06 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.

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

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
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				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
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.

Transfer No. 86713

SCANNED

FEB 06 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.

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

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
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.

Transfer No. 86713

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.

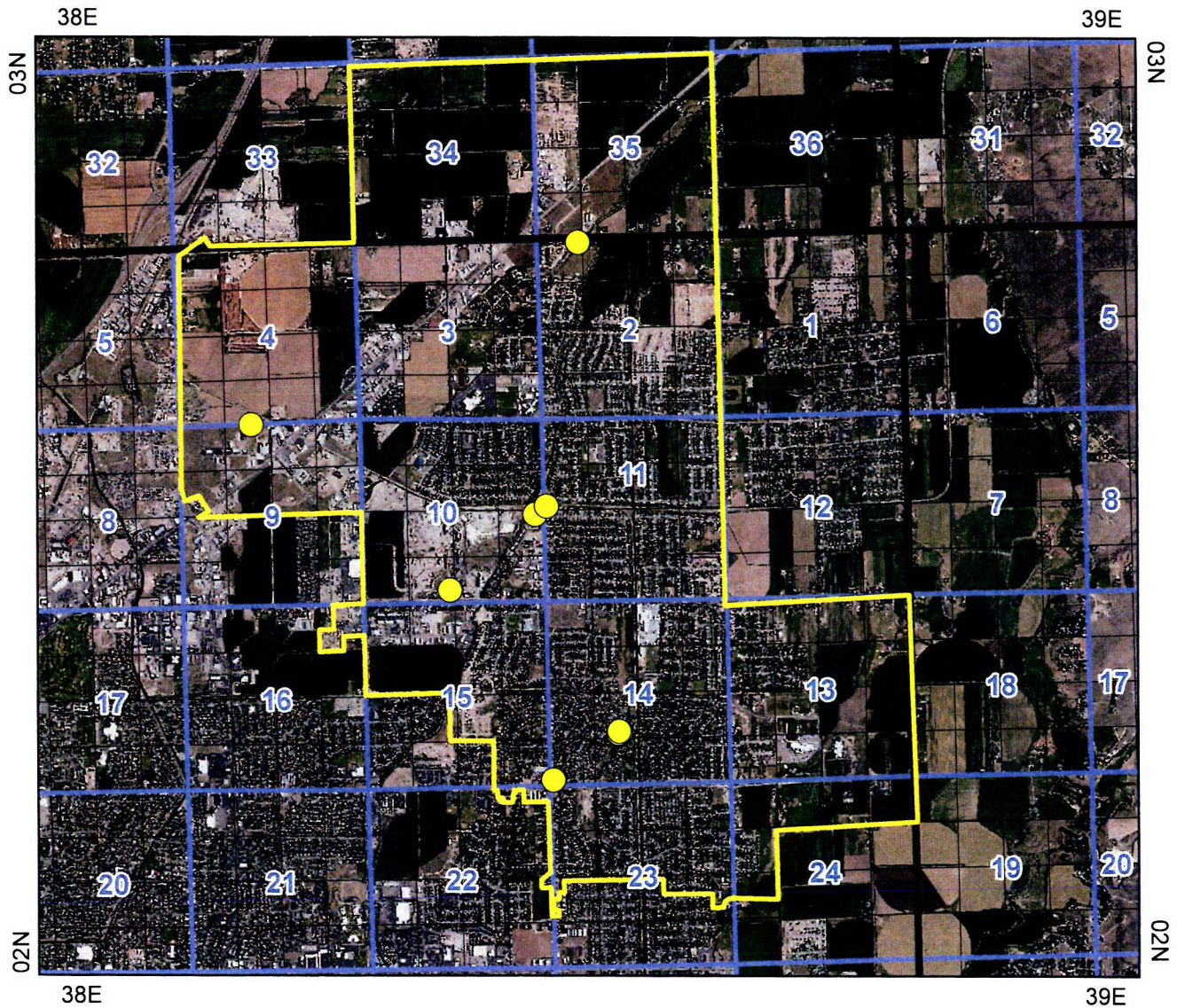
9. Place of use is within the area served by the public water supply system of Falls Water Company Inc. The place of use is generally located within Sections 2, 3, 4, 9, 10, 11, 13, 14, 15, 16, 22, 23, 24, Township 02N, Range 38E and Sections 33, 34, 35, Township 03N, Range 38E.
10. A map generally depicting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

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.



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

0 0.5 1 2 Miles

SCANNED
FEB 06 2023

