

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

200
RECEIVED

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

APR 09 2024

DEPT. OF WATER RESOURCES
EASTERN REGION

Name of Applicant(s) Shaw Capital Inc. Phone (801) 597-8225
Mailing address 2184 Channing Way #439, Idaho Falls, ID 83404 Email jake@mountainmalt.com

- ☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it **Attachment #1**.
- ☒ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it **Attachment #2a**.
- ☒ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it **Attachment #2b**.
- ☐ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it **Attachment #3**.

Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

☐ No Representative

Name of Representative _____ Phone _____
Mailing address _____ Email _____

- ☐ Send all correspondence for this application to the representative and not to the applicant.
OR
- ☐ Send original correspondence to the applicant and copies to the representative.
- ☐ The representative may submit information for the applicant but is not authorized to sign for the applicant.
OR
- ☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it **Attachment #4**.

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.

[Signature] Jake Burtenshaw - Owner 4/9/24
Signature of Applicant or Authorized Representative Print Name and Title if applicable Date

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

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other Update ownership records

2. Is this a transfer for changes pursuant to Idaho Code §42-221.O.8?
If yes, ☐ attach an explanation and any supporting documentation labeled as **Part1A.2**.

3. Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part1A.3**.

This transfer proposes to update the place of use for water rights 25-136A and 25-137A to reflect current irrigation system. The application will also correct the point of diversion to describe the location of the historical pump station on Willow Creek. The pump station will not move. It is visible at same location in 1987 imagery.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1 Continued

B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT, DESCRIBE PORTIONS TO BE CHANGED AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.

1.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
☒ ☐	25-136A	0.89 cfs	Irrigation	4/1 to 10/31	Willow Creek
☒ ☐	25-137A	1.79 cfs	Irrigation	4/1 to 10/31	Willow Creek
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 2.68 cfs and/or _____ acre-feet.

2. Total amount of water proposed to be transferred or changed 0.11 cubic feet per second and/or _____ acre-feet per year.

3. Point(s) of Diversion:

- ☐ No changes to point(s) of diversion are proposed - the following chart is therefore not completed. (Proceed to #4.)
- ☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA. Label it **Attachment #5**.

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #
N			NE	NE	15	03N	39E	Bonneville	Willow Creek	#13058265
										Foster-Sargent Pump

4. Place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

- ☐ No changes to place of use are proposed - the following chart is therefore not completed. (Proceed to #5.)

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03N	39E	15	30	40	38	6	34												148
Total Acres (for irrigation use)																			148

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1 Continued

5. General Information:

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future:

Pump station on Willow Creek delivers water to large pivot and two smaller pivots. Pump station is regulated by watermaster for Water District 1. It can be equipped with a flow meter if required in the future.

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

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

- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? If yes, ☐ attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien: N/A Water rights are not being moved off of property.

It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.

- d. Are any of the water rights proposed for transfer currently leased to the Water Supply Bank?

If yes, ☐ complete Attachment WSB.

- e. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:

Water rights 25-136A and 25-137A in combination are limited to 148 acres. Proposed place of use covers 148 acres.

- f. Describe the use of any other water right(s) for the same purpose or land, or the same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use:

Water from Farmers Friend Irrigation Company and Enterprize Canal Company is delivered to the proposed place of use through the same pump station on Willow Creek.

- g. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

Yes No

- | | | |
|--------------------------|-------------------------------------|---|
| ☐ | ☒ | undergone a period of five or more consecutive years of non-use, |
| ☐ | ☒ | currently leased to the Water Supply Bank, |
| ☐ | ☒ | currently used in a mitigation plan limiting the use of water under the right, or |
| ☐ | ☒ | currently enrolled in a Federal set-aside program limiting the use of water under the rights? |

If yes, describe:

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

Water Right 25-136A

Owner Type **Name and Address**
Current Owner CRAIG A BURTENSHAW
13500 N 35 E
IDAHO FALLS, ID 83401

Priority Date: 5/1/1888

Basis: Decreed

Status: Active

Source **Tributary**
WILLOW CREEK SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	10/31	0.890 CFS	197.2 AF
	<u>Total Diversion</u>		0.890 CFS	197.2 AF

Source and Point(s) of Diversion:
WILLOW CREEK SWNE Sec. 15, Twp 03N, Rge 39E, BONNEVILLE County

Place of Use:
IRRIGATION within BONNEVILLE County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03N	39E	15	34.0	40.0	38.0		36.0												148.0

Right Acre Limit: 49.30
POU Total Acres: 148.0

Conditions of Approval:

1. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
2. X27 This right is limited to the irrigation of 49.3 acres within the place of use described above in a single irrigation season.
3. R31 This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.0 afa per acre for irrigation of the lands above.

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

Water Right 25-137A

Owner Type **Name and Address**
Current Owner CRAIG A BURTENSHAW
13500 N 35 E
IDAHO FALLS, ID 83401

Priority Date: 5/1/1888

Basis: Decreed

Status: Active

Source **Tributary**
WILLOW CREEK SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	4/01	10/31	1.790 CFS	394.8 AF
	<u>Total Diversion</u>		1.790 CFS	394.8 AF

Source and Point(s) of Diversion:
WILLOW CREEK SWNE Sec. 15, Twp 03N, Rge 39E, BONNEVILLE County

Place of Use:
IRRIGATION within BONNEVILLE County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03N	39E	15	34.0	40.0	38.0		36.0												148.0

Right Acre Limit: 98.70
POU Total Acres: 148.0

Conditions of Approval:

1. X27 This right is limited to the irrigation of 98.7 acres within the place of use described above in a single irrigation season.
2. R31 This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.0 afa per acre for irrigation of the lands above.
3. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT PART 3

A. PLAT MAP (See Part 3A of Instructions for application for transfer for complete requirements.)

- ☒ Attach a map of the diversion, measurement, control, and distribution system. Label it **Attachment #7a**.
- ☒ If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. Label it **Attachment #7b**.

If the place of use currently consists of a permissible place of use, then the attachment is not required if the application contains a clear statement that the boundaries for the place of use are not proposed to be changed by the transfer and the total number of irrigated acres within the place of use before and after the transfer is clearly stated.

If any part of the irrigation water right is leased to the Water Supply Bank, you must also specify the location and number of acres that will remain idled for the duration of the lease contract at the new, proposed place of use.

B. CHANGES IN NATURE OF USE (WaterBalance)

- ☐ If you propose to change the nature of use or period of use of all or part of the rights(s) listed in this application, attach documentation describing the extent of historic beneficial use of the portion of the right(s) proposed to be changed. Also attach documentation showing that the portion of the right(s) to be changed will not be enlarged in rate, volume, or consumptive use through the proposed change. Label it **Attachment #8a**.

C. PLACE OF USE CHANGES TO SUPPLEMENTAL IRRIGATION RIGHTS

- ☐ If you propose to change the place of use of a supplemental irrigation right, answer below and attach supporting documentation. Label it **Attachment #8b**.

Describe how the supplemental water rights have been used historically in conjunction with other water rights at the existing place of use. Describe the time during the irrigation season that the supplemental rights have been used. Include information about the availability or reliability of the primary right(s) being supplemented, both before and after the change. If the applicant is proposing to change a supplemental irrigation right to a primary right, provide the information required on Part 3B above:

N/A

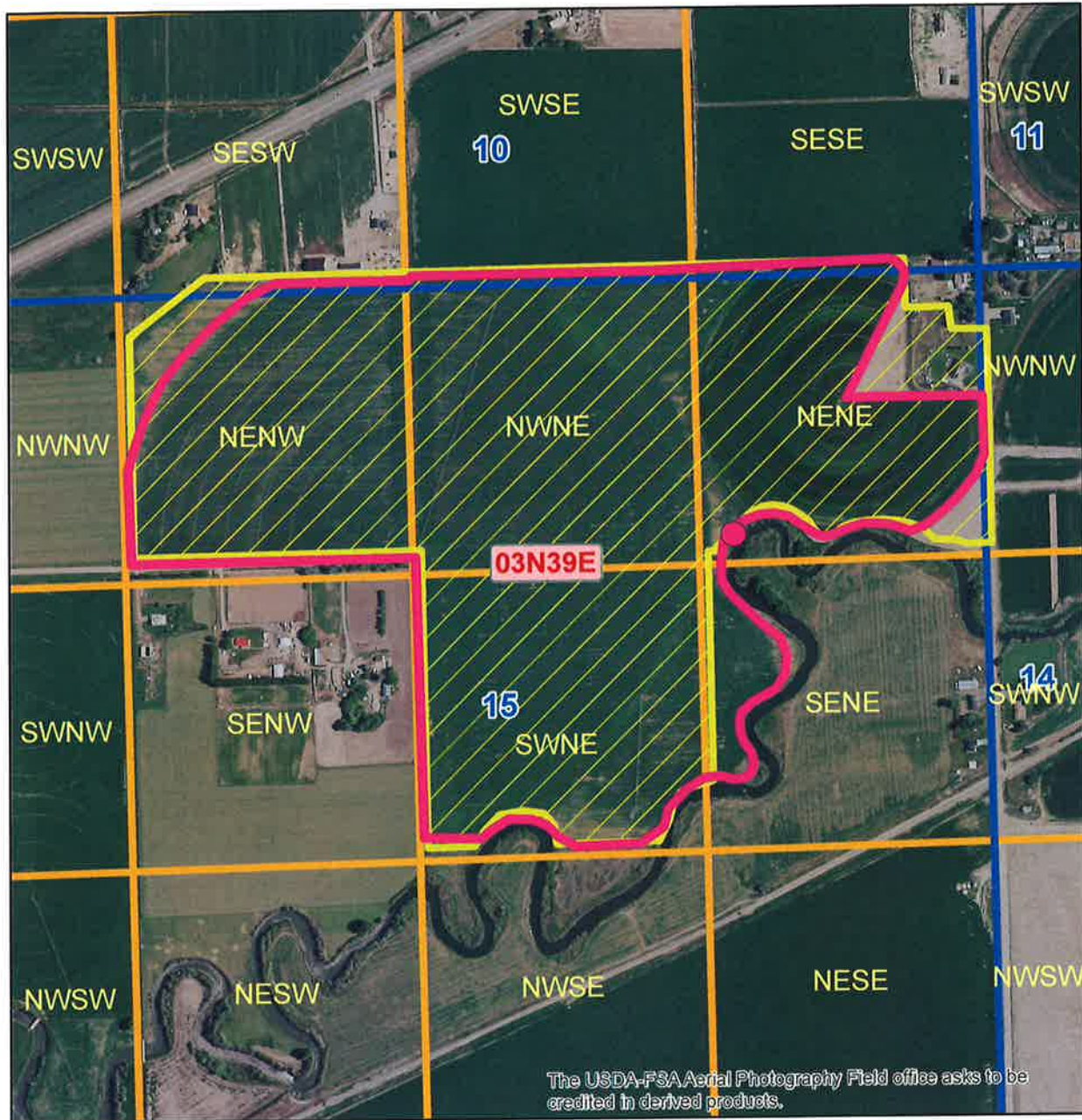
FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments.

Received by _____	Date _____	Preliminary check by _____	Date _____
Fee paid <u>1330.00</u> (<u>200.00</u>)	Date <u>4-9-24</u>	Received by <u>M. Petter</u>	Receipt # <u>E049946</u>
Add'l fee paid <u>\$50</u>	Date <u>4/4/24</u>	Received by <u>JB</u>	Receipt # <u>E049934</u>

Check all that apply: Attachment WSB ☐ (copy sent to state office) Lessor Designation form ☐ &/or W-9 ☐ (originals to state office)

Application for Transfer - Shaw Capital Inc.



- Water Right POD
- Shaw_Capital_POU
- Water Right POU
- Township/Range
- Sections
- QQ

0 500 1,000 2,000 Feet





0005135878

**STATE OF IDAHO***Office of the secretary of state, Phil McGrane***ANNUAL REPORT**

Idaho Secretary of State

PO Box 83720

Boise, ID 83720-0080

(208) 334-2301

Filing Fee: \$0.00

*For Office Use Only***-FILED-**

File #: 0005135878

Date Filed: 3/3/2023 4:07:24 PM

Entity Name and Mailing Address:

Entity Name:

SHAW CAPITAL INC

The file number of this entity on the records of the Idaho
Secretary of State is:

0003844513

Address

4971 EAGLEWOOD DR
IDAHO FALLS, ID 83401-6171

Entity Details:

Entity Status

Active-Good Standing

This entity is organized under the laws of:

IDAHO

If applicable, the old file number of this entity on the records of
the Idaho Secretary of State was:

The registered agent on record is:

Registered Agent

JAKE BURTONSHAW
Registered Agent

Physical Address

4971 EAGLEWOOD DR
IDAHO FALLS, ID 83401

Mailing Address

2184 CHANNING WAY # 439
JAKE BURTONSHAW
IDAHO FALLS, ID 83404-8034

Corporate Officers and Directors:

Name	Title	Business Address
JAKE BURTONSHAW	President	4971 EAGLEWOOD DRIVE IDAHO FALLS, ID 83401

The annual report must be signed by an authorized signer of the entity.

Job Title: PRESIDENT

JAKE BURTONSHAW

Sign Here

03/03/2023

Date

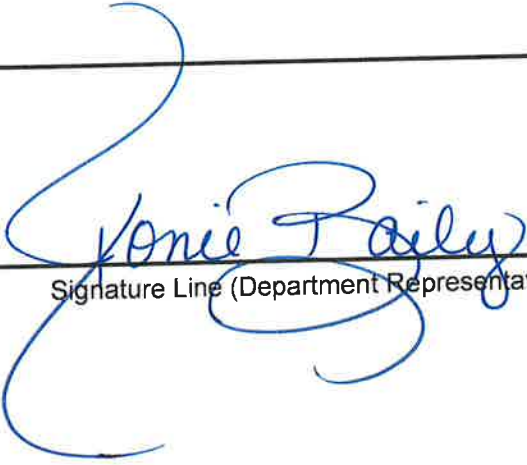
Idaho Department of Water Resources Receipt

Receipt ID: E049934

Payment Amount	\$75.00	Date Received	4/4/2024	Region	EASTERN
Payment Type	Charge Card				
Payer	Burtenshaw, Jake				
Comments	25-136A, 25-137A, 25-7563 ORDERID: 62749696 LOCAL REFID: 84ilB2JMpkOOKwLzu4PTow== TOTAL PAID: \$78.25(FEES: \$3.25) AUTH_CODE: 04574G REC DATE: 4/4/2024 02:11:51 PM MDT				

Fee Details

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$75.00	OWNERSHIP CHANGES/SECURITY INTERESTS	63140	0229	21		1155



Signature Line (Department Representative)

88943

Idaho Department of Water Resources Receipt
Receipt ID: E049946

Payment Amount \$1,330.00 Date Received 4/9/2024 Region EASTERN
Payment Type Charge Card
Payer JAKE P BURTENSHAW
Comments 3- Application for Transfer of Water Right
 Shaw Capital Inc
 25-136A, 25-137A, 25-61B, 25-138A, 25-7563
 ORDERID: 62828452
 LOCAL REFID: iDvsz5k6QEqTFY6WQ1hsQw==
 TOTAL PAID: \$1,370.90(FEEs: \$40.90)
 AUTH_CODE: 08407G
 REC DATE: 4/9/2024 03:29:46 PM MDT

Fee Details						
Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$1,330.00	TRANSFERS	63105	0229	21		1155



Signature Line (Department Representative)

MEMORANDUM

Date: May 8, 2024

To: Transfer 88943

From: James Cefalo

Re: Legal Notice Not Required

Pursuant to Section 42-222, Idaho Code, the Department has discretion to provide public notice as deemed appropriate. The water right changes proposed through this transfer application do not appear to change the effect on the original or hydraulically connected water source or affect other water rights. Therefore, staff review of the transfer application found no cause to require public notice. This application will continue processing without advertisement and be forwarded for approval consideration.