

RECEIVED

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

MAR 15 2023

NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP  
Department of Water Resources  
Eastern Region

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? |
|-----------------------|------------------------------|------------------------------|-----------------------|------------------------------|------------------------------|
| 25-14514              | Yes <input type="checkbox"/> | Yes <input type="checkbox"/> |                       | Yes <input type="checkbox"/> | Yes <input type="checkbox"/> |
| 25-14515              | Yes <input type="checkbox"/> | Yes <input type="checkbox"/> |                       | Yes <input type="checkbox"/> | Yes <input type="checkbox"/> |
|                       | Yes <input type="checkbox"/> | Yes <input type="checkbox"/> |                       | Yes <input type="checkbox"/> | Yes <input type="checkbox"/> |
|                       | Yes <input type="checkbox"/> | Yes <input type="checkbox"/> |                       | Yes <input type="checkbox"/> | Yes <input type="checkbox"/> |
|                       | Yes <input type="checkbox"/> | Yes <input type="checkbox"/> |                       | Yes <input type="checkbox"/> | Yes <input type="checkbox"/> |

2. Previous Owner's Name: Lynn Burtenshaw and Kaylene Burtenshaw  
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): City of Ammon  
New owner(s) as listed on the conveyance document Name connector ☐ and ☐ or

2135 S. Ammon Rd. Ammon ID 83401  
Mailing address City State Zip  
208-612-4000  
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: \_\_\_\_\_ Title, if applicable \_\_\_\_\_ Date \_\_\_\_\_  
Signature of new owner/claimant  
Print name

Received by JB Date 3/15/23 For IDWR Office Use Only: Receipt No. E048977 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

Instrument # 1741859  
Bonneville County, Idaho Falls, Idaho  
02/17/2023 04:31:38 PM No. of Pages: 8  
Recorded for: FLYING S TITLE AND ESCROW - RIGBY  
Penny Manning Fee: \$15.00  
Ex-Officio Recorder Deputy Dwoolm  
Index to: DEED, WARRANTY

**When Recorded Return to:**

The City of Ammon  
c/o City Hall  
2135 S Ammon Road  
Ammon, ID 83401

(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 **THE CITY OF AMMON**, an Idaho Municipal Corporation, whose address is CITY HALL 2135 S Ammon Road, Ammon, ID 83401 ("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 # 86712, now identified as Idaho Water Right Nos. 25-14514 and 25-14515, 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)*

**E-RECORDED**

simplifile®

ID: 1941859County: BonnevilleDate: 2-17-23 Time: 4:31pm**When Recorded Return to:**

The City of Ammon  
c/o City Hall  
2135 S Ammon Road  
Ammon, ID 83401

*(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 **THE CITY OF AMMON**, an Idaho Municipal Corporation, whose address is CITY HALL 2135 S Ammon Road, Ammon, ID 83401 ("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 # 86712, now identified as Idaho Water Right Nos. 25-14514 and 25-14515, 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.

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- (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.

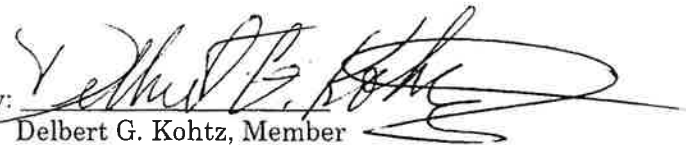
Grantor makes no other covenants or warranties as to the Water Rights.

*(End of text, Signature Page follows)*

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

DATED this 17 day of February, 2023.

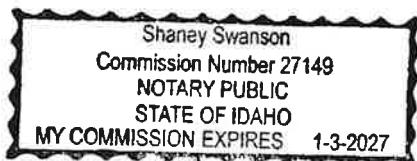
IDAHO WATER COMPANY, LLC

By:   
Delbert G. Kohtz, Member

STATE OF IDAHO )  
 ) ss.  
County of Blaine

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.



  
NOTARY PUBLIC FOR IDAHO  
Residing at: Blaine Falls, ID  
My commission expires: 1-3-27

## ATTACHMENT A

### Water Right Report : 25-14514( 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<br>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

#### 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 | 01N      | 38E   | 2       | 4         | NW  | NW | NW | BONNEVILLE |                |
| GROUND WATER | 01N      | 38E   | 2       | 0         | SE  | NE | SE | BONNEVILLE |                |
| GROUND WATER | 02N      | 38E   | 22      | 0         | SE  | SE | NW | BONNEVILLE |                |
| GROUND WATER | 02N      | 38E   | 22      | 0         | SE  | SW | SE | BONNEVILLE |                |
| GROUND WATER | 02N      | 38E   | 25      | 0         | SE  | NE | NW | BONNEVILLE |                |
| GROUND WATER | 02N      | 38E   | 26      | 0         | NW  | SE | NW | BONNEVILLE |                |
| GROUND WATER | 02N      | 38E   | 27      | 0         | SW  | SW | NE | BONNEVILLE |                |
| GROUND WATER | 02N      | 38E   | 27      | 0         | NW  | NE | NW | BONNEVILLE |                |
| GROUND WATER | 02N      | 38E   | 27      | 0         | NE  | SE | NW | BONNEVILLE |                |
| GROUND WATER | 02N      | 38E   | 27      | 0         | NW  | SE | SE | BONNEVILLE |                |
| GROUND WATER | 02N      | 38E   | 34      | 0         | SW  | NW | SW | BONNEVILLE |                |

GROUND WATER 02N 39E 30 0 NE SE NW BONNEVILLE

#### Water Uses

| Beneficial Use | From  | To    | Diversion Rate | Volume     |
|----------------|-------|-------|----------------|------------|
| MUNICIPAL      | 01/01 | 12/31 | 2.96 CFS       | 511.00 AFA |
| <b>TOTAL</b>   |       |       | 2.96 CFS       | 511.00 CFS |

#### Places of Use

#### Conditions

| Code | Conditions                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| X35  | Rights 25-14514 and 25-14515 when combined shall not exceed a total diversion rate of 2.96 cfs.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| 113  | Beginning on the date of approval of Transfer 86712, rights 25-14514 and 25-14515 when combined are limited to the following schedule of allowed diversion volume. Year 1 (2023) the rights are limited to 240 acre-feet. Year 2 (2024) the rights are limited to 480 acre-feet. Year 3 (2025) the rights are limited to 480 acre-feet.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| K01  | Right No. 25-14515 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 86712, 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 86712. |
| 124  | Place of use is within the service area of the City of Ammon municipal water supply system as provided for under Idaho Law.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| 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 Received 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 Plaintiff :
- 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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**Water Right Report : 25-14515( 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 | 01N      | 38E   | 2       | 4         | NW  | NW | NW | BONNEVILLE |                |
| GROUND WATER | 01N      | 38E   | 2       | 0         | SE  | NE | SE | BONNEVILLE |                |
| GROUND WATER | 02N      | 38E   | 22      | 0         | SE  | SE | NW | BONNEVILLE |                |
| GROUND WATER | 02N      | 38E   | 22      | 0         | SE  | SW | SE | BONNEVILLE |                |
| GROUND WATER | 02N      | 38E   | 25      | 0         | SE  | NE | NW | BONNEVILLE |                |
| GROUND WATER | 02N      | 38E   | 26      | 0         | NW  | SE | NW | BONNEVILLE |                |
| GROUND WATER | 02N      | 38E   | 27      | 0         | SW  | SW | NE | BONNEVILLE |                |
| GROUND WATER | 02N      | 38E   | 27      | 0         | NW  | NE | NW | BONNEVILLE |                |
| GROUND WATER | 02N      | 38E   | 27      | 0         | NE  | SE | NW | BONNEVILLE |                |
| GROUND WATER | 02N      | 38E   | 27      | 0         | NW  | SE | SE | BONNEVILLE |                |
| GROUND WATER | 02N      | 38E   | 34      | 0         | SW  | NW | SW | BONNEVILLE |                |
| GROUND WATER | 02N      | 39E   | 30      | 0         | NE  | SE | NW | BONNEVILLE |                |

#### Water Uses

| Beneficial Use | From  | To    | Diversion Rate | Volume     |
|----------------|-------|-------|----------------|------------|
| MUNICIPAL      | 01/01 | 12/31 | 0.59 CFS       | 104.00 AFA |
| <b>TOTAL</b>   |       |       | 0.59 CFS       | 104.00 CFS |

#### Places of Use

#### Conditions

| Code | Conditions                                                                                                                                                                                                                                                                                                                              |
|------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| X35  | Rights 25-14514 and 25-14515 when combined shall not exceed a total diversion rate of 2.96 cfs.                                                                                                                                                                                                                                         |
| 113  | Beginning on the date of approval of Transfer 86712, rights 25-14514 and 25-14515 when combined are limited to the following schedule of allowed diversion volume. Year 1 (2023) the rights are limited to 240 acre-feet. Year 2 (2024) the rights are limited to 480 acre-feet. Year 3 (2025) the rights are limited to 480 acre-feet. |
| K02  | This right is based upon an enlargement of Right No. 25-14514 pursuant to Idaho Code § 42-1426.                                                                                                                                                                                                                                         |
| 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 86712, 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 86712.
- 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.
- 124 Place of use is within the service area of the City of Ammon municipal water supply system as provided for under Idaho Law.
- 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 : 5/19/2010
- Permit Proof Due Date :
- Permit Proof Made Date :
- Permit Approved Date :
- Permit Moratorium Expiration Date :
- Enlargement Use Priority Date :
- Enlargement Statute Priority Date :
- Application Received 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 Plaintiff :
- 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

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

**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

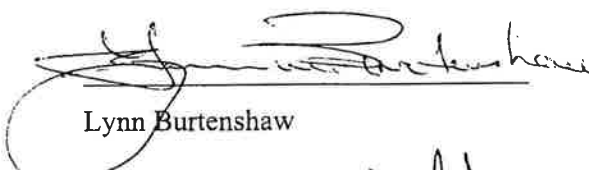
good faith all information known to Grantor bearing on the validity and extent of the Water Rights. The singular shall include the plural and the use of any gender shall be applicable to all genders.

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.

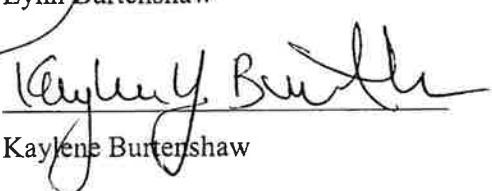
IN WITNESS, WHEREOF, the undersigned Grantors, have caused their names to be hereunto subscribed on the date shown by each name.

Grantor:

  
Lynn Burtenshaw

Dated: 2/16/2023

Grantor:

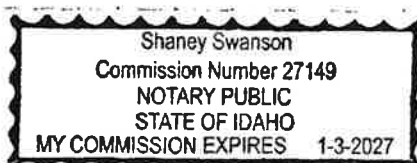
  
Kaylene Burtenshaw

Dated: 2/17/2023

STATE OF IDAHO )  
 ) ss.  
County of Blaine

On this 16<sup>th</sup> 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 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.



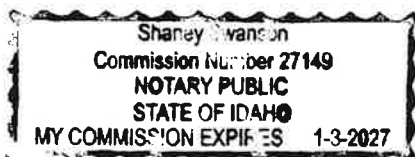
  
NOTARY PUBLIC FOR IDAHO

Residing at 2200 Falls Rd  
My Commission Expires 1-3-27

## 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.



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

ATTACHMENT "A"

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

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

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

| <u>Source</u> | <u>Tributary</u> |
|---------------|------------------|
| GROUND WATER  |                  |

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

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

| <u>Township</u> | <u>Range</u> | <u>Section</u> | <u>Lot</u> | <u>Tract</u> | <u>Acres</u> | <u>Lot</u> | <u>Tract</u> | <u>Acres</u> | <u>Lot</u> | <u>Tract</u> | <u>Acres</u> | <u>Lot</u> | <u>Tract</u> | <u>Acres</u> |
|-----------------|--------------|----------------|------------|--------------|--------------|------------|--------------|--------------|------------|--------------|--------------|------------|--------------|--------------|
| 04N             | 36E          | 4              | 2          | NWNE         | 33.7         |            | SWNE         | 19           |            |              |              |            |              |              |
|                 |              |                | 3          | NENW         | 39           | 4          | NWNW         | 31.5         |            | SWNW         | 27           |            | SENE         | 30           |
|                 |              |                |            | NESW         | 25.5         |            | NWSW         | 24.8         |            | SWSW         | 27.6         |            | SESW         | 29           |
|                 |              | 9              |            | SWNE         | 3            |            |              |              |            |              |              |            |              |              |
|                 |              |                |            | NENW         | 31           |            | NWNW         | 29.6         |            | SWNW         | 23.5         |            | SENE         | 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.

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 Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

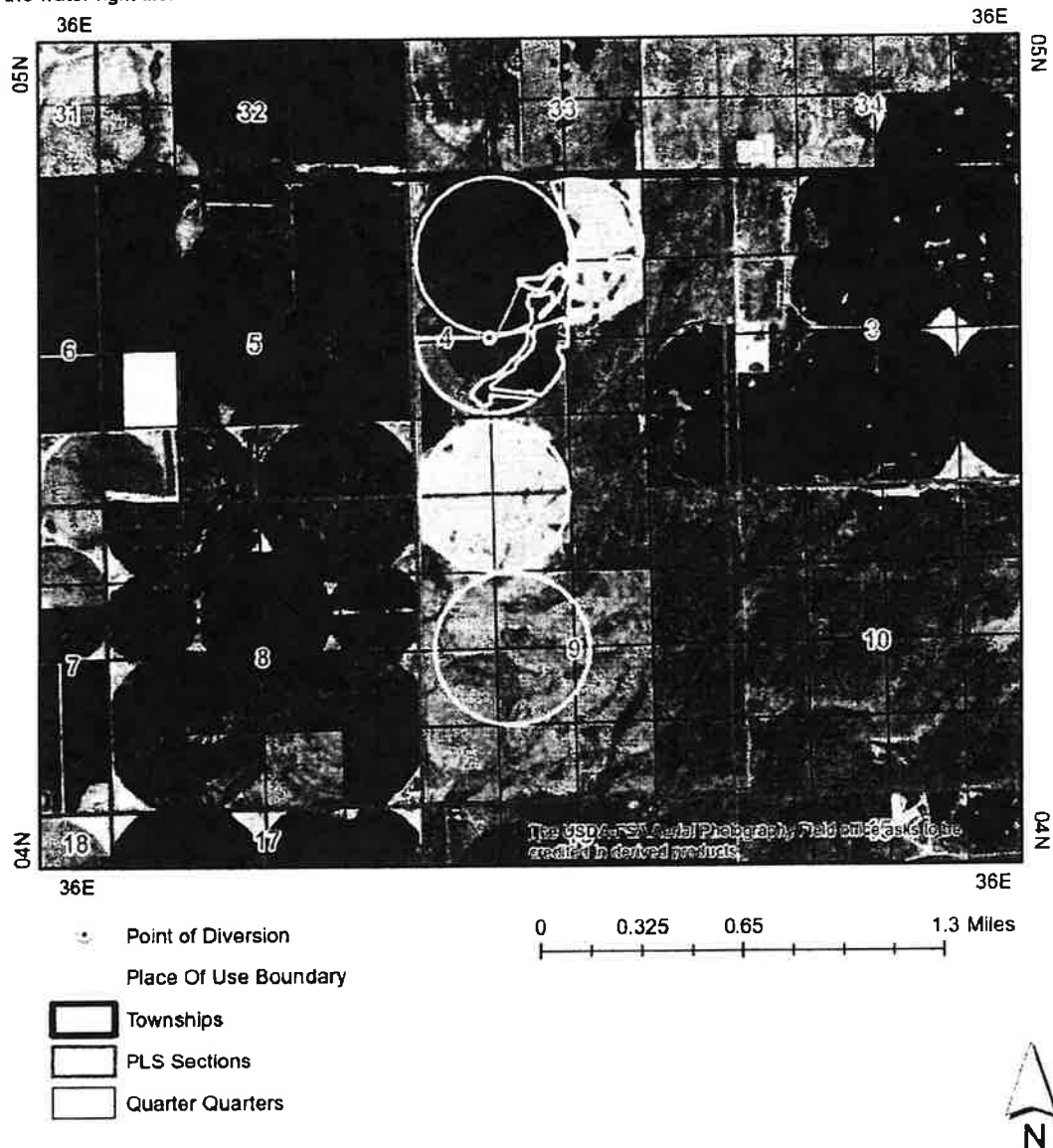
Mitigation Plan: False

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.



## WATER RIGHT REPORT

4/10/2022

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

WATER RIGHT NO. 35-13708

| <u>Owner Type</u> | <u>Name and Address</u>    |
|-------------------|----------------------------|
| 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

| <u>Source</u> | <u>Tributary</u> |
|---------------|------------------|
| GROUND WATER  |                  |

| <u>Beneficial Use</u> | <u>From To</u> | <u>Diversion Rate</u> | <u>Volume</u> |
|-----------------------|----------------|-----------------------|---------------|
| 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 SWSENE 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

| <u>Township</u> | <u>Range</u> | <u>Section</u> | <u>Lot</u> | <u>Tract</u> | <u>Acres</u> | <u>Lot</u> | <u>Tract</u> | <u>Acres</u> | <u>Lot</u> | <u>Tract</u> | <u>Acres</u> | <u>Lot</u> | <u>Tract</u> | <u>Acres</u> |
|-----------------|--------------|----------------|------------|--------------|--------------|------------|--------------|--------------|------------|--------------|--------------|------------|--------------|--------------|
| 04N             | 36E          | 4              | 2          | NWNE         | 33.7         | SWNE       | 19           |              |            |              |              |            |              |              |
|                 |              |                | 3          | NENW         | 39           | 4          | NWNW         | 31.5         |            | SWNW         | 27           |            | SENE         | 30           |
|                 |              |                |            | NESW         | 25.5         |            | NWSW         | 24.8         |            | SWSW         | 27.6         |            | SESW         | 29           |
|                 |              | 9              |            | SWNE         | 3            |            |              |              |            |              |              |            |              |              |
|                 |              |                |            | NENW         | 31           |            | NWNW         | 29.6         |            | SWNW         | 23.5         |            | SENE         | 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.

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 Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

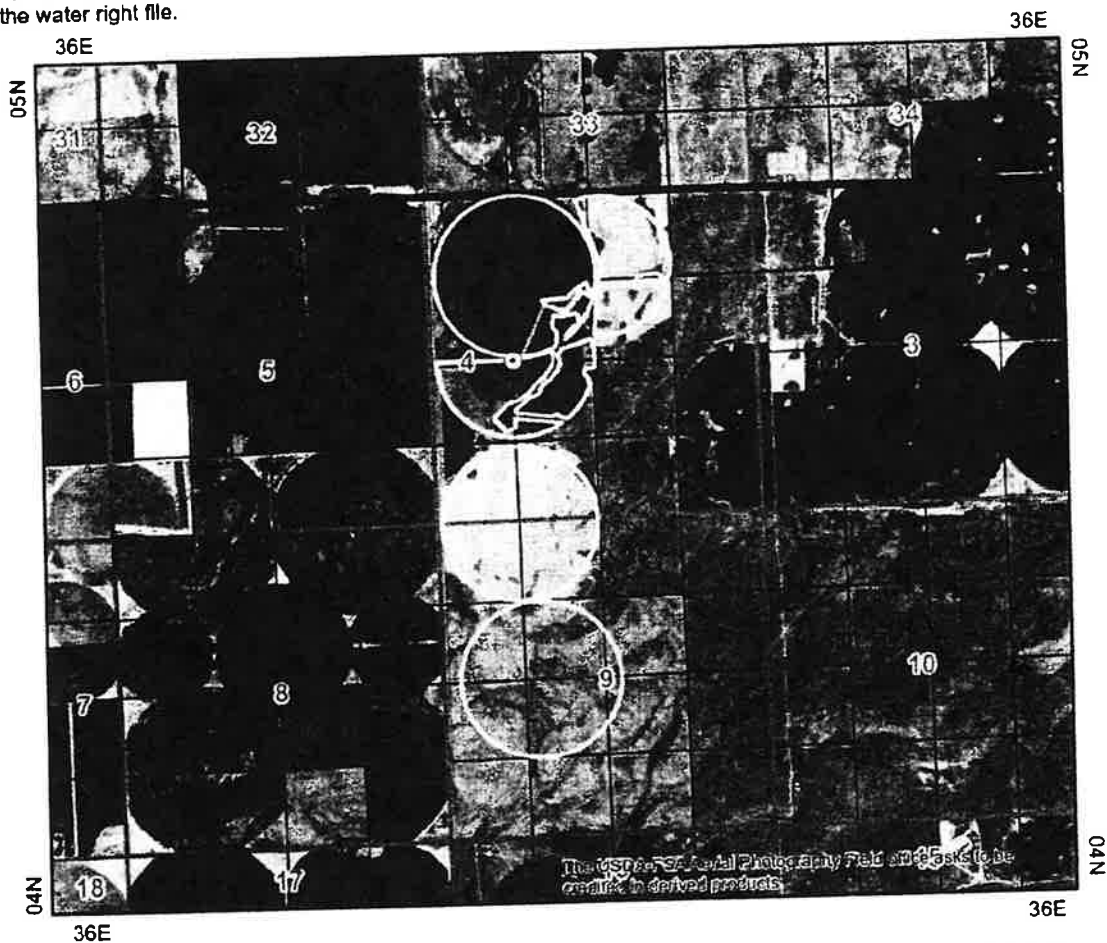
Mitigation Plan: False

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.



- Point of Diversion
- Place Of Use Boundary
- Townships
- PLS Sections
- Quarter Quarters

0 0.325 0.65 1.3 Miles



Map produced on April 10, 2022

SPECIAL WARRANTY DEED FOR WATER RIGHTS

Page 10 of 10

**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

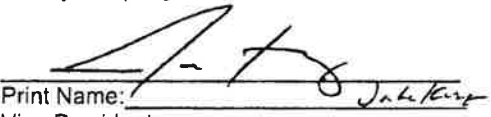
**TO HAVE AND TO HOLD THE SAME WITH ALL APPURTENANCES** unto the said owner or owners, forever freed, exonerated and discharged of and from the lien of the Mortgage.

**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 9<sup>th</sup> day of Feb., 2023.

Rabo AgriFinance LLC, a Delaware limited liability company

By:

  
Print Name: \_\_\_\_\_  
Vice President

**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;

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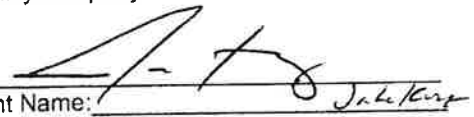
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**IN WITNESS WHEREOF**, the Mortgagee has caused this instrument to be signed by its duly authorized officer this 9<sup>th</sup> day of Feb., 2023.

Rabo AgriFinance LLC, a Delaware limited liability company

By:

  
Print Name: Julie Karp  
Vice President

STATE OF IDAHO )

COUNTY OF Jefferson)

On the 9<sup>th</sup> day of Feb. 20 23, 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.

(SEAL)



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

My commission expires: 7-1-23

Exhibit A  
Legal Description of Property Released from the Mortgage

|                             |
|-----------------------------|
| <b>Private Water Rights</b> |
|-----------------------------|

| Owner        | Water Right | Grant of Record | Rank    | Priority Date | Source       | Use        | Initial Allocation | Current Allocation | Combined POU | Combined AFA | Continued |
|--------------|-------------|-----------------|---------|---------------|--------------|------------|--------------------|--------------------|--------------|--------------|-----------|
| Roberts      | 35-7837     | Lynn Buttershaw | Decreed | 10-14-1975    | Ground Water | Irrigation | 0.99               | 473                | 1892         |              | Yes       |
|              | 35-13708    | Lynn Buttershaw | Decreed | 4-3-1984      | Ground Water | Irrigation | 1.4                |                    |              |              | Yes       |
| <b>acres</b> |             |                 |         |               |              |            |                    | <b>6.99</b>        | <b>473</b>   | <b>1892</b>  |           |
|              |             |                 |         |               |              |            |                    | <b>6.99</b>        | <b>473</b>   | <b>1892</b>  |           |

| Flow Rate | CFS  | GPM/CFS | GPM      | GPM/POU | GPM/ir Acre |
|-----------|------|---------|----------|---------|-------------|
| Flow Rate | 6.99 | 448.83  | 3137.322 | 6.63    | 3.67        |

| POU | POU Acres | AF/Acre | AFA  |
|-----|-----------|---------|------|
| POU | 473       | 4.00    | 1892 |

| AF/A | AFA    | AF/ir Ac | Dist Ave. |
|------|--------|----------|-----------|
| AF/A | 622.84 | 1.32     | 1.65      |

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 9<sup>th</sup> day of Feb., 2023.

Rabo AgriFinance LLC, a Delaware limited liability company

By:

Print Name: John K...

Vice President

**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

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**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: Julie K. Koz  
Vice President

STATE OF IDAHO )  
COUNTY OF Jefferson )

On the 9<sup>th</sup> day of Feb. 2023, before me, a Notary Public in and for the State of Missouri, personally appeared Jake Kurz, 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.

(SEAL)



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

My commission expires: 7-1-23

### Legal Description of Property Released from the Mortgage

|                      |
|----------------------|
| Private Water Rights |
|----------------------|

| Name    | Water Right | County of Record | Status  | Priority Date | Source       | Use        | Volume (Acre-Feet) | Estimated Yield (cfs) | Consent PCD | Consented AFA | Comments |
|---------|-------------|------------------|---------|---------------|--------------|------------|--------------------|-----------------------|-------------|---------------|----------|
| Roberts | 36-7537     | Lynn Butcherhaw  | Decreed | 10-14-1975    | Ground Water | Irrigation | 8.95               | 473                   | 992         |               | Yes      |
|         | 36-13706    | Lynn Butcherhaw  | Decrees | 4-3-1984      | Ground Water | Irrigation | 1.4                |                       |             |               | Yes      |
|         |             |                  |         |               |              |            | 8.95               | 473                   | 992         |               |          |

| CF5  | GPM/CF5 | GPM      | GPM/POU | GPM/100 AcFt |
|------|---------|----------|---------|--------------|
| 0.86 | 448.83  | 3137.322 | 8.83    | 9.67         |

| POU Acres | AF/Acre | AFA  |
|-----------|---------|------|
| 473       | 4.00    | 1892 |

|        |          |           |
|--------|----------|-----------|
| AFA    | AFA/1 Ac | Dist Ave. |
| 822 84 | 132      | 1.65      |



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](mailto:easterninfo@idwr.idaho.gov) • Web: [idwr.idaho.gov](http://idwr.idaho.gov)

**Governor Brad Little**

**Director Gary Spackman**

March 17, 2023

CITY OF AMMON  
2135 S AMMON RD  
AMMON ID 83406-6855

Re: Change in Ownership for Water Right No(s): 25-14514, 25-14515

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



Holden Kidwell  
Hahn & Crapo P.L.L.C.  
L A W O F F I C E S

*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

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

Department of Water Resources  
Eastern Region

**RE: *Notice of Change in Water Right Ownership for WR 25-14514 and WR 25-14515 for the City of Ammon.***

Dear Jonie:

Enclosed for processing is a completed *Notice of Change in Water Right Ownership* WR 25-14514 and WR 25-14515. 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 the City of Ammon.

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 25-14514 and WR 25-14515.

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 the City of Ammon. 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 the City of Ammon. 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.

Joni Barg  
March 13, 2023  
Page 2 of 2

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

Best regards,

A handwritten signature in blue ink that reads "Robert L. Harris". The signature is written in a cursive style with a large, stylized 'R' and 'H'.

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

Enclosures

\\law\data\wpdata\rlh\18400-004 city of ammon - 2023 water right matters\2023.03.13 ltr to barg.docx