

RECEIVED

MAR 15 2023

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESDepartment 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 ☒
☐ If no, attach evidence that written notice of the change of water right ownership has been delivered to the landowner of record.
7. This form must be signed and submitted with the following **REQUIRED** items:
☒ A copy of the conveyance document – warranty deed, quitclaim deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property or description of the water right(s) if no land is conveyed.
☐ Plat map, survey map or aerial photograph which clearly shows the place of use and point of diversion for each water right and/or claim listed above (if necessary to clarify division of water rights or complex property descriptions).
☒ Filing fee (see instructions for further explanation):
☐ \$25 per *undivided* water right.
☐ \$100 per *split* water right.
☐ No fee is required for pending adjudication claims.
☐ 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

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

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

(Space above line for Recorder's use only)

SPECIAL WARRANTY DEED FOR WATER RIGHTS

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

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

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

Grantor hereby covenants and warrants to Grantee as follows:

- (A) Grantor is the owner in fee simple of the Water Rights;
- (B) Grantor has not conveyed any of the Water Rights to anyone other than Grantee;
- (C) The Water Rights are free from all liens, claims, or encumbrances; and
- (D) Grantor has the authority to convey the Water Rights to Grantee.

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

(End of text, Signature Page follows)

DATED this 17th day of February, 2023.

By: Delbert G. Kohtz
Delbert G. Kohtz, Member

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.

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

NOTARY PUBLIC FOR IDAHO
Residing at: _____
My commission expires: 1-3-27

ATTACHMENT A

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

Water Right Owners

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

Water Right Status

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

Water Source

Source	Source Qualifier	Tributary	Tributary Qualifier
GROUND WATER			

Points Of Diversion (Location)

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

Water Uses

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

TOTAL 0.15 CFS 26.00 CFS

Places of Use

Conditions

Code	Conditions
X35	Rights 25-14516 and 25-14517 when combined shall not exceed a total diversion rate of 0.74 cfs.
I13	Beginning on the date of approval of Transfer 86713, rights 25-14516 and 25-14517 when combined are limited to the following schedule of allowed diversion volume. Year 1 (2023) the rights are limited to 60 acre-feet. Year 2 (2024) the rights are limited to 144 acre-feet. Year 3 (2025) the rights are limited to 144 acre-feet.
K02	This right is based upon an enlargement of Right No. 25-14516 pursuant to Section 42-1426, Idaho Code.
R05	Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 120.
R02	A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
214	Prior to the diversion and use of water under Transfer approval 86713, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
213	Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
201	The combination of changes under Transfer 86712 as described under rights 25-14514 and 25-14515 and Transfer 86713 as described under rights 25-14516 and 25-14517 and Transfer 86715 as described under rights 35-7537 and 35-13708 provide the necessary mitigation for any increased depletion to connected reaches of the Snake River that would result from each individual transfer. These transfer approvals shall not require mutual dependence for ongoing mitigation. Any future action, including a subsequent transfer of this right or an order rescinding a transfer approval, which would result in a change to the point(s) of diversion under this right may require mitigation for the effects of the change. Such future action to change the point(s) of diversion under this right shall be analyzed for effects to connected reaches of the Snake River based on the priority date, point(s) of diversion and steady-state quantity as authorized for this right under Transfer 86713.
128	Place of use is within the area served by the public water supply system of Falls Water Company Inc. The place of use is generally located within Sections 2, 3, 4, 9, 10, 11, 13, 14, 15, 16, 22, 23, 24, Township 02N, Range 38E and Sections 33, 34, 35, Township 03N, Range 38E.
180	A map generally depicting the service area for this water right at the time of this approval is attached to this document for illustrative purposes.
C11	This water right is subordinate to all water rights with a priority date earlier than April 12, 1994, that are not decreed as enlargements pursuant to Section 42-1426, Idaho Code. As between water rights decreed as enlargements pursuant to Section 42-1426, Idaho Code, the earlier priority right is the superior right.
T07	The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
T08	Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
T19	Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

Dates

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

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

Water Right Owners

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

Water Right Status

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

Water Source

Source	Source Qualifier	Tributary	Tributary Qualifier
GROUND WATER			

Points Of Diversion (Location)

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

Water Uses

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

Places of Use

Conditions

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

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

- 128 Place of use is within the area served by the public water supply system of Falls Water Company Inc. The place of use is generally located within Sections 2, 3, 4, 9, 10, 11, 13, 14, 15, 16, 22, 23, 24, Township 02N, Range 38E and Sections 33, 34, 35, Township 03N, Range 38E .
- 180 A map generally depicting the service area for this water right at the time of this approval is attached to this document for illustrative purposes.
- T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
- T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
- T19 Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

Dates

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

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

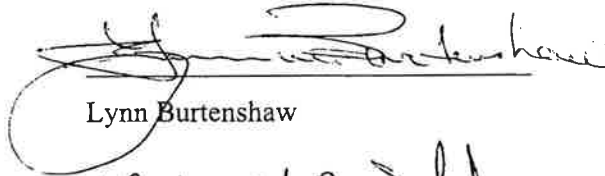
good faith all information known to Grantor bearing on the validity and extent of the Water Rights. The singular shall include the plural and the use of any gender shall be applicable to all genders.

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:

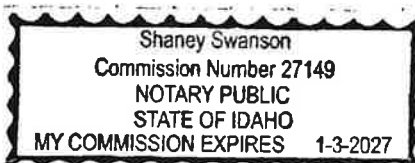
2/17/2023

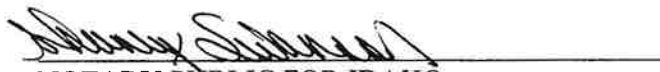
STATE OF IDAHO)
) ss.

County of Blaine

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

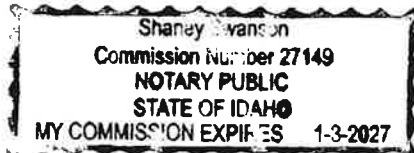



NOTARY PUBLIC FOR IDAHO
Residing at 2222 Falls Rd
My Commission Expires 1-3-27

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.



A handwritten signature in black ink, appearing to read "Shaney Swanson", written over a horizontal line.

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

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

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

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion 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 Diversion:	SWSENW Sec. 04	Township 04N Range 36E		JEFFERSON County

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

<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:

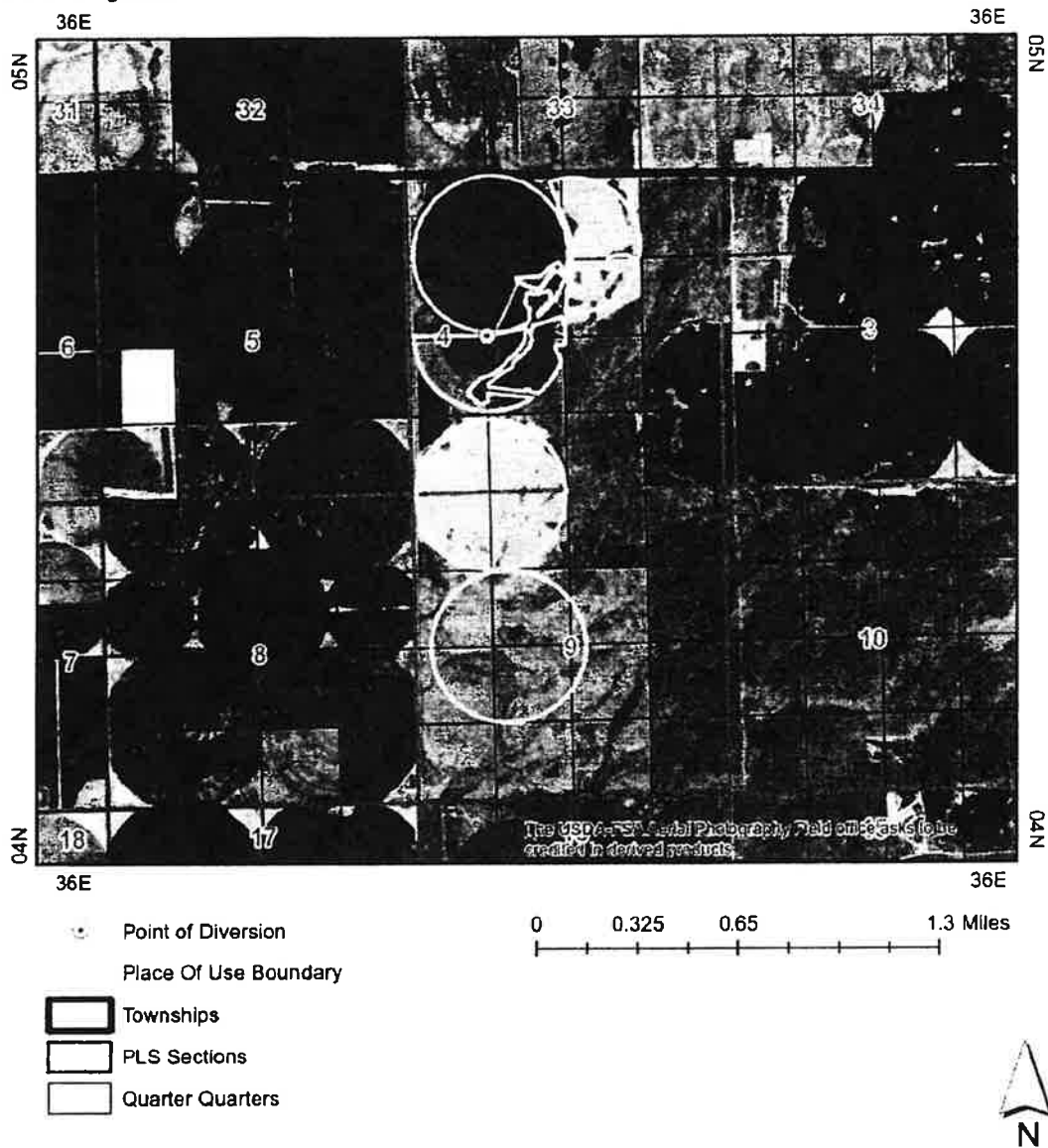
Mitigation Plan: False

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.



Map produced on April 10, 2022

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</u>	<u>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:

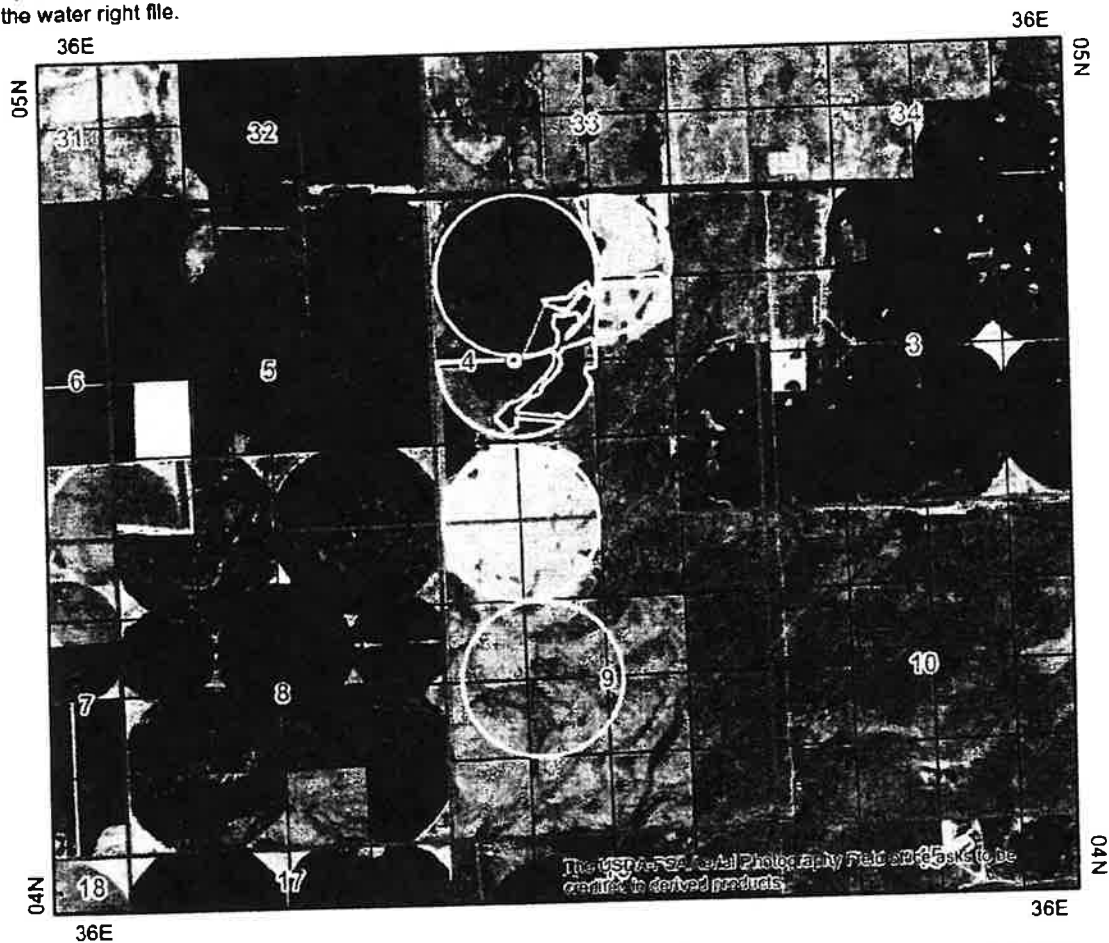
Mitigation Plan: False

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

Map produced on April 10, 2022

Instrument # 478311

RIGBY, JEFFERSON, IDAHO

02-17-2023 04:16:55 PM No. of Pages: 3

Recorded for: FLYING S TITLE AND ESCROW - RIGBY

COLLEEN C POOLE Fee: \$15.00

Ex-Officio Recorder Deputy: LK

Index To: PARTIAL RELEASE OF MORTGAGE

Electronically Recorded by Simplifile

DEED OF PARTIAL RELEASE

(IDAHO)

Real Estate Line of Credit: 22116151

Operating Line of Credit: (22109637) 22121771

Real Estate Term Loan 1: 22109638

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

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

See the attached Exhibit A attached

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

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

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

Rabo AgriFinance LLC, a Delaware limited liability company

By:

Print Name: Joh. Koz
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

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;

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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: J. L. K...
Vice President

STATE OF IDAHO)
COUNTY OF Jefferson)

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

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

(SEAL)



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

My commission expires: 7-1-23

Private Water Rights

AFA	AF/Tr Ac	Dist Ave.
02284	132	1.05

Instrument # 478312

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

DEED OF PARTIAL RELEASE
(IDAHO)

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

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

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

See the attached Exhibit A attached

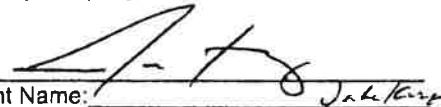
TO HAVE AND TO HOLD THE SAME WITH ALL APPURTENANCES unto the said owner or owners, forever freed, exonerated and discharged of and from the lien of the Mortgage.

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

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

Rabo AgriFinance LLC, a Delaware limited liability company

By:


Print Name: _____
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;

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

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

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

Rabo AgriFinance LLC, a Delaware limited liability company

By:

Print Name: Jake King
Vice President

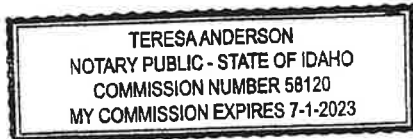
STATE OF IDAHO)

COUNTY OF Jefferson)

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

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

(SEAL)



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

My commission expires: 7-1-23

Private Water Rights

	AFA	AF/Tr Ac	Dist Ave
	822 84	1 32	1 05



IDAHO DEPARTMENT OF
WATER RESOURCES

Eastern Region • 900 N Skyline Drive, Suite A • Idaho Falls, ID 83402-1718

Phone: 208-525-7161 • Fax: 208-525-7177 • Email: easterninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

March 17, 2023

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

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

Dear Water Right Holder(s):

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

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

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

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

Sincerely,

Jonie Baily
Technical Records Specialist 1

Enclosure(s)

cc: WATER DISTRICT 120



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

Joni 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 25-14516 and WR 25-14517
for Falls Water Co., Inc.***

Dear Joni:

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

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

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

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

Joni Barg
March 13, 2023
Page 2 of 2

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\22340-000 nw natural water company\correspondence\2023.03.13 ltr to barg.docx