

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

MAY 26 2023

Department of Water Resources
Eastern Region

NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

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

Water Right/Claim No.	Split?	Leased to Water Supply Bank?	Water Right/Claim No.	Split?	Leased to Water Supply Bank?
35-7537 <i>OK</i>	Yes ☐	Yes ☐	35-13708 <i>OK</i>	Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐

2. Previous Owner's Name: Kaylene Burtenshaw; Lynn Burtenshaw
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): Farmland Reserve, Inc.
New owner(s) as listed on the conveyance document Name connector ☐ and ☐ or
- 79 S Main Street Salt Lake City UT 84111
Mailing address City State Zip
- 801-715-9100 naturalresources@farmlandreserve.org
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: 02/17/2023
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.

SUPPORT DATA

IN FILE # 35-7537

8. Signature: Rex Burgener Vice President, Land May 16, 2023
Rex Burgener (May 16, 2023 13:54 MDT) Title, if applicable Date
 Signature of new owner/claimant
Rex Burgener
 Print name
- Signature: _____ _____ _____
 Signature of new owner/claimant Title, if applicable Date

 Print name

For IDWR Office Use Only:

Received by M. Petta Date 5-26-23 Receipt No. E049218 Receipt Amt. 50.00
 Active in the Water Supply Bank? Yes ☐ No ☐ If yes, forward to the State Office for processing W-9 received? Yes ☐ No ☐
 Name on W-9 _____ Approved by JB Processed by JB Date 5/31/2023

When Recorded Return to:
Farmland Reserve
79 S. Main Street, Suite 500
Salt Lake City, Utah 84111

Instrument # 221446

POWER COUNTY, IDAHO
02-17-2023 04:55:45 PM No. of Pages: 8
Recorded for: FLYING S TITLE AND ESCROW - RI
SHARIE SPRAGUE Fee: \$15.00
Ex-Officio Recorder Deputy: Cathy Miles
Electronically Recorded by Simplifile

(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 FARMLAND RESERVE, INC., a Utah nonprofit corporation ("Grantee"), whose address is 79 S. Main Street, Suite 500, Salt Lake City, Utah 84111, 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 # 86715, 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: 221446
County: Power
Date: 2-17-23 Time: 4:55pm

When Recorded Return to:
Farmland Reserve
79 S. Main Street, Suite 500
Salt Lake City, Utah 84111

(Space above line for Recorder's use only)

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- (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)

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

DATED this 17th day of February, 2023.

IDAHO WATER COMPANY, LLC

By: 

Delbert G. Kohtz, Member

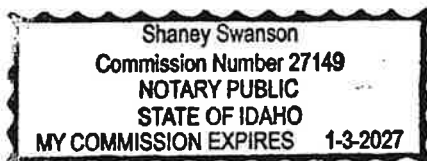
STATE OF IDAHO)

) ss.

County of Jefferson

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: 2225 Falls
My commission expires: 1-3-27

ATTACHMENT A

Water Right Report : 35-7537(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	QQQ	QQ	Q	County	Diversion Type
GROUND WATER	06S	29E	34	0	NW	NW	NW	POWER	

Water Uses

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	04/01	11/01	3.29 CFS	741.20 AFA
TOTAL			3.29 CFS	741.20 CFS

Places of Use

Place of Use Legal Description : IRRIGATION (POWER county)

Township	Range	Section	Lot	QQQ	QQ	Q	Acres
06S	29E	28			NE SE	31	
06S	29E	28			NW SE	31	
06S	29E	28			SW SE	30	
06S	29E	28			SE SE	24	
06S	29E	33			NE NE	8	
06S	29E	33			SE NE	38	
06S	29E	33			NE SE	8	
06S	29E	34			NW NW	8	
06S	29E	34			SW NW	37	
06S	29E	34			NW SW	8	

Irrigation Totals

Total Acres	Acre Limit
223.00	185.30

Conditions

Code	Conditions
X27	This right is limited to the irrigation of 185.3 acres within the authorized place of use in a single irrigation season.
X35	Rights 35-7537 and 35-13708 when combined shall not exceed a total diversion rate of 3.29 cfs and the irrigation of 223 acres.
113	Beginning on the date of approval of Transfer 86715, 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 208 acres.
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.
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 86715, 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 86715.
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.

- K01 Right No. 35-13708 is an enlargement of this right pursuant to Section 42-1426, Idaho Code.
- 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 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 : 1/31/2002
- Permit Proof Due Date : 12/1/1980
- Permit Proof Made Date : 1/1/1900
- Permit Approved Date : 12/23/1975
- Permit Moratorium Expiration Date :
- 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 : 0.02
- Generic Max Volume Per Acre : 4
- 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

Water Right Report : 35-13708(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	06S	29E	34	0				NW NW NW	POWER

Water Uses

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	04/01	10/31	0.66 CFS	150.80 AFA
TOTAL			0.66 CFS	150.80 CFS

Places of Use

Place of Use Legal Description : IRRIGATION (POWER county)

Township	Range	Section	Lot	QQQ	QQ	Q	Acres
06S	29E	28			NE SE	31	
06S	29E	28			NW SE	31	
06S	29E	28			SW SE	30	
06S	29E	28			SE SE	24	
06S	29E	33			NE NE	8	
06S	29E	33			SE NE	38	
06S	29E	33			NE SE	8	
06S	29E	34			NW NW	8	
06S	29E	34			SW NW	37	
06S	29E	34			NW SW	8	

Irrigation Totals

Total Acres	Acre Limit
223.00	37.70

Conditions

Code	Conditions
K09	This right is for an enlargement of 37.7 acres within the place of use described for this right.
X35	Rights 35-7537 and 35-13708 when combined shall not exceed a total diversion rate of 3.29 cfs and the irrigation of 223 acres.
113	Beginning on the date of approval of Transfer 86715, 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 208 acres.
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.
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 86715, 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 86715.
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.
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.
K02	This right is based upon an enlargement of Right No. 35-7537 pursuant to Section 42-1426, Idaho Code.
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 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 : 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 : 0.02
- Generic Max Volume Per Acre : 4
- 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

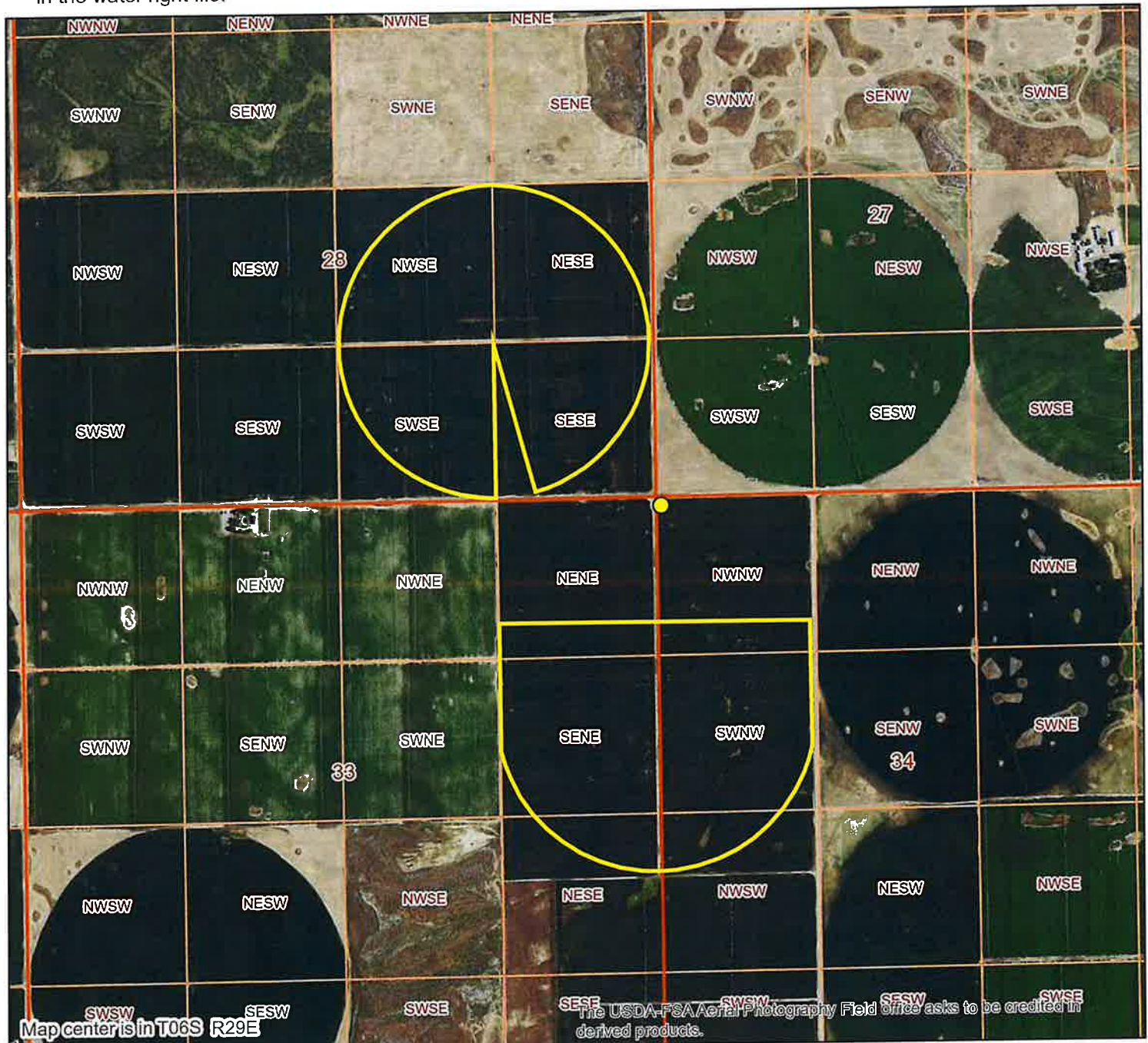
State of Idaho
Department of Water Resources

Water Right

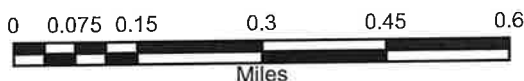
35-7537

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.



Date created: 5/16/2023



Legend

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



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.



Legend

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



Date created: 5/16/2023

• **Signature:** *Cozette Whitman*

Email: cmarshall@agreserves.com



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

May 31, 2023

FARMLAND RESERVE INC
79 S MAIN ST STE 1000
SALT LAKE CTY UT 84111-1945

Re: Change in Ownership for Water Right No(s): 35-7537, 35-13708

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 Bailly
Technical Records Specialist 1

Enclosure(s)

cc: RABO AGRIFINANCE LLC
WATER DISTRICT 120
ABERDEEN AMERICAN FALLS GROUND WATER DISTRICT