

Department of Water Resources
OF DIVERSION Eastern Region

APPLICATION FOR TRANSFER OF WATER RIGHT – POINT(S) OF DIVERSION

6. GENERAL INFORMATION

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

Existing well w/ flowmeter will be attached to revised mainline per Item 7 map (attached). Mainline to prior Point of Diversion will be disconnected. No changes are proposed for the part of the Water Right not purchased.

- b. Who owns the property at the point(s) of diversion? Applicant
If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

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

Yes No

- ☐ ☒ undergone a period of five or more consecutive years of non-use,
☐ ☒ currently used in a mitigation plan limiting the use of water under the right(s), or
☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the right(s)?

If yes, describe:

- d. Is any portion of the water right(s) proposed to be changed currently leased to the Water Supply Bank? ☐ Yes ☒ No

- ☐ If yes and there are multiple owners, attach a Lessor Designation form.
☐ If yes, the individual owner or designated lessor must complete, sign and attach an IRS Form W-9.
(Disregard if these items are on file and ownership has not changed.)

7. **MAP** – ☒ Attach a map of the diversion, measurement, control and distribution system. Include the place of use if a split of the water right occurred. Clearly label the map with township, range, section and ¼ ¼ of section information. You may create a map at idwr.idaho.gov, *Water Rights, Water Right Transfers, File a Transfer Application, Step 2C*.

8. **SIGNATURE** – The information in this application is true to the best of my knowledge. I understand any willful misrepresentations in this application may result in rejection of the application or cancellation of an approval.



Signature of applicant or authorized agent

Brent Burk

Print name and title if applicable

4/19/21

Date

Signature of applicant or authorized agent

Print name and title if applicable

Date

9. **FEE** – ☒ The application filing fee provided in Idaho Code § 42-221.O, must be submitted with the application for transfer. Applications for changes pursuant to Idaho Code § 42-221.O.8. require a filing fee of \$50 per water right. All other application fees are based on the total amount of water proposed for transfer in Item 4: the larger fee for either cubic feet per second (diversion rate) or acre-feet per annum (storage volume). The Fee Schedule is available at www.idwr.idaho.gov, *Water Right Transfers, Step 4* and in the Application for Transfer Instructions.

FOR DEPARTMENT USE ONLY

Transfer includes _____ pages of attachments. Received by _____ Date _____

Fee paid \$600.00 Date 5/13/21 Received by CAH Receipt # E046497

Preliminary review by _____ Date _____ Active in the Water Supply Bank? Yes ☐ No ☐

W-9 received? Yes ☐ No ☐ Name on W-9 _____ W-9 forwarded to fiscal? Yes ☐ No ☐

(Do NOT scan the W-9 – confidential information is held by fiscal only)



IDWR offices are open to the public and following the CDC guidelines for wearing masks and observing social distancing. For in-person visits, we encourage you to [call ahead for an appointment](#).

WATER RIGHT REPORT

4/15/2021

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

WATER RIGHT NO. 15-7267

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	DELOH ATKINSON 5166 S 4600 W MALAD, ID 83252 2085400814
Original Owner	JULI A GLEED 738 W HWY 38 MALAD, ID 83252 2087664065

Priority Date: 06/04/2008

Basis: License

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	1.8 CFS	323 AFA
Total Diversion			1.8 CFS	323 AFA

Location of Point(s) of Diversion:

GROUND WATER | NWSW | Sec. 14 | Township 15S | Range 35E | ONEIDA County

Place(s) of use:

Place of Use Legal Description: IRRIGATION ONEIDA County

84983

<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>
15S	35E	10		SESE	30									
				SWNW	19									
				NWSW	2.4									
		15		SWNE	2		SENE	37						
				NESE	1.9									

Total Acres: 92.3

Conditions of Approval:

1. 004 This right does not grant any right-of-way or easement across the land of another.
2. 01M After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
3. R63 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

Dates:

Licensed Date: 06/15/2011

Decreed Date:

Permit Proof Due Date: 1/1/2008

Permit Proof Made Date: 6/4/2008

Permit Approved Date: 1/21/2005

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: 10/19/2004

Protest Deadline Date: 11/22/2004

Number of Protests: 0

Other Information:

State or Federal:

Owner Name Connector:

Water District Number: NWD

Generic Max Rate per Acre: 0.02

Generic Max Volume per Acre: 3.5

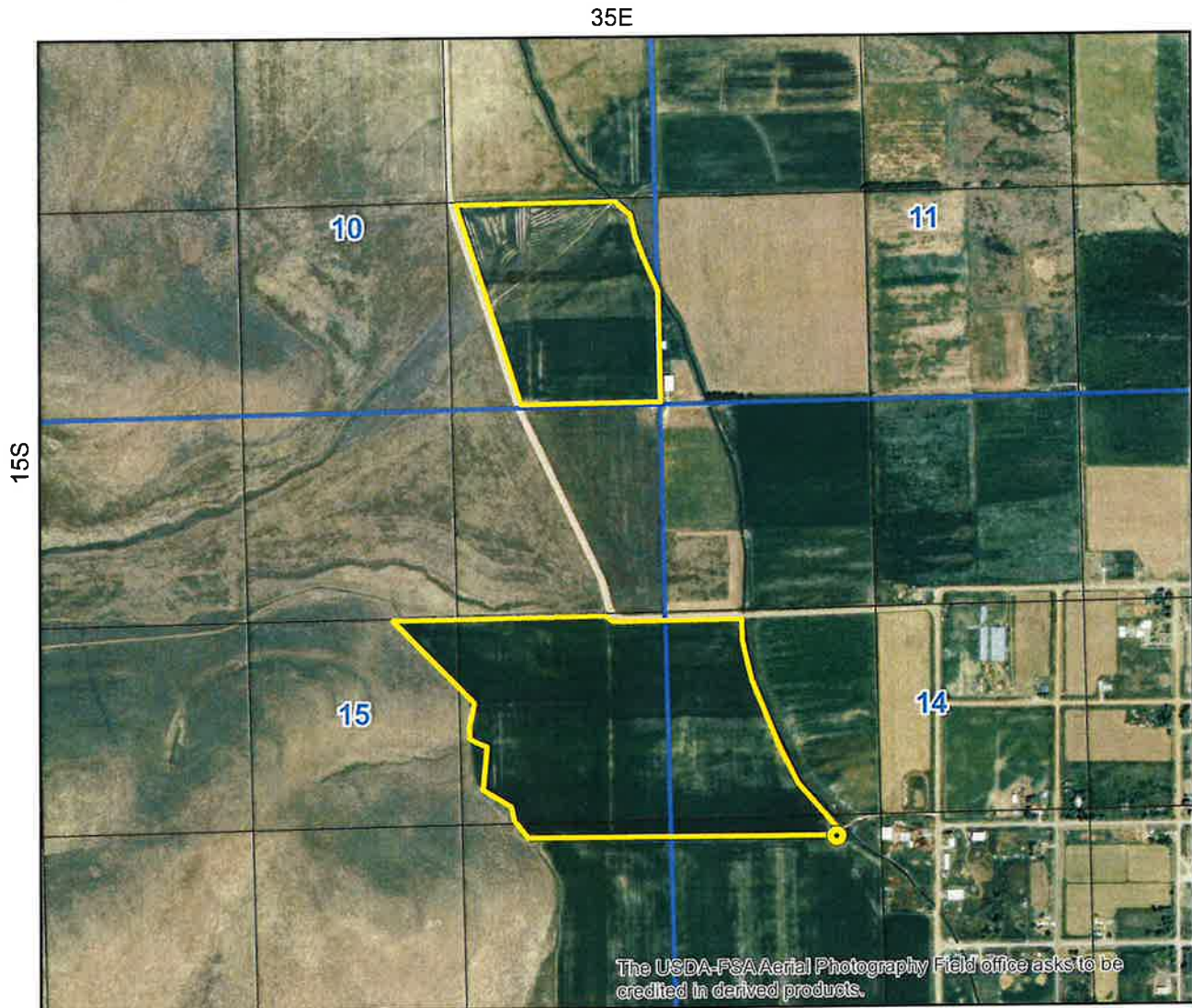
84983

State of Idaho
Department of Water Resources

Water Right
15-7267

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 0.125 0.25 0.5 Miles

84983





84983

- POD
- Existing Pipeline
- New Pipeline
- Place of Use
- Section Lines
- Quarter-Quarter
- Deed



Rocky Mountain
ENVIRONMENTAL

Microfilm No. 160908
 19 Day Feb 20 21
 At 09 20 O'clock AM
Natalie Murphy
 Oneida Co. Recorder
 Fee \$ 15.00 Deputy
 Recorded at Request of
 Northern Title Company- Malad

NTO-109727
 Brent E Burk
 PO Box 540559
 North Salt Lake, UT 84054

WARRANTY DEED

Delon L. Atkinson

Grantor(s) of Malad City, County of Oneida, State of Idaho, hereby **CONVEY AND WARRANT** to

Brent E Burk, a single man

Grantee(s) of North Salt Lake, County of Davis, State of Utah, for the sum of TEN DOLLARS AND OTHER GOOD AND VALUABLE CONSIDERATION, the following described tract of land in Oneida County, State of ID:

See Attached Exhibit A

Subject to easements, declarations of covenants and restrictions, rights of way of record, and taxes for the current year and thereafter.

Witness, the hand of said Grantor, this February 18, 2021.

Delon Atkinson
Delon L. Atkinson

State of: ID)
 County of: Oneida)

On February 18, 2021, before me the undersigned, a Notary Public in and for said state, personally appeared **Delon L. Atkinson**, known or proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and duly acknowledged to me that he executed the same. IN WITNESS WHEREOF I have set my hand and official seal on the date shown above.



[Signature]
 Notary Public
 Residing: Malad City
 Commission Expiration: May 22 2023

EXHIBIT A

Township 15 South, Range 35 East of Boise, Oneida County, Idaho
Section 10: The Southeast Quarter of the Southeast Quarter

EXCEPTING THEREFOM:

A Fraction of the Southeast Quarter of the Southeast Quarter commencing at a point 58 rods West of the Southeast corner of Section 10 and running thence West 22 rods, the North 80 rods, thence South 15°00' East 83 rods, more or less, to the point of beginning.

Watts, Michelle

From: Brent Burk <brent@allphaseslc.com>
Sent: Tuesday, May 25, 2021 9:41 AM
To: Watts, Michelle; Bryce Contor
Subject: Re: IDWR Transfer Application Correction
Attachments: Brent Burk IDWR Transfer.pdf

Michelle,

Thank you for your help in this matter, Rocky Mountain Environmental is representing me in this diversion transfer application, however,

I have spoken with Bryce Contor about this and we agree with your correction and approve of it.

Thank you again for your help in this matter.

Brent Burk

All Phase Electric

Ph: 801.561.7301

Fax: 801.561.9866

Mob: 801.633.1270

On Tuesday, May 25, 2021, 08:58:11 AM MDT, Watts, Michelle <michelle.watts@idwr.idaho.gov> wrote:

Mr. Burk,

I saw that Rocky Mountain Environmental prepared your IDWR point of diversion transfer application. Are they your representative in this process? If so disregard the rest of this email and I will contract them about the legal description for the well.

Before I can process your application, Page 1 Section 5 "point of diversion" needs to describe the proposed location down to the 40 acre tract, or $\frac{1}{4}$ $\frac{1}{4}$. Looking at the map it is evident that this should read NWNW so I made the correction.

I need a confirmation email authorizing this change so I can add it to the application.

MAY 12 2021

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT – POINT(S) OF DIVERSION

This form may be used to apply to change and/or add points of diversion for existing water rights and to report an ownership change for a water right(s) in connection with the proposed point of diversion change(s). Do not use this form to apply for changes to other elements of a water right. See the [Application for Transfer Instructions](#) for help completing this form and for mailing addresses of Department offices where your application can be submitted.

Check all that apply:

- ☒ Change diversion point(s)
 ☐ Add diversion point(s)
 ☐ Ownership change
 ☒ Ownership split
- ☐ Transfer is for changes pursuant to [Idaho Code § 42-221.O.8](#). Attach an explanation and any supporting documentation.

1. **APPLICANT(S)** Brent Burk Phone 801-633-1270

2. MAILING ADDRESS PO Box 540599 City North Salt Lake

State UT Zip 84054 Email brent@allphaseslc.com

- ☐ If the applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign for the applicant.
- ☐ If the applicant is not the current water right(s) owner, attach documentation of authority to file the application.
- ☒ If the application includes a change in ownership of water right(s), attach a copy of the conveyance document, such as a warranty deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property conveyed or description of the water right if no land is conveyed. Additional fee(s) are required for water right ownership changes; see Item 9 for the [fee schedule](#).

If the ownership change resulted in the water right(s) being split, how did the division occur? Mark one:

- ☐ 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.

- ☐ If the application is not signed by the applicant, attach a Power of Attorney or other documentation providing authority to sign for the applicant.

3. LIST WATER RIGHT NUMBER(S) 15-7267

- ☒ Attach a copy of the water right(s) as recorded, available at idwr.idaho.gov, *Water Right Transfers, Step 1*, or by contacting any Department office.

4. **TOTAL AMOUNT OF WATER** transferred is 0.58 cubic feet per second and/or _____ acre-feet per annum.
(diversion rate) (storage volume)

5. **POINT OF DIVERSION** – Describe all the point(s) of diversion to be included on the water right(s) after the proposed change.

- ☐ Attach Eastern Snake Plain Aquifer (ESPA) analysis if this transfer proposes to change a point of diversion affecting the ESPA. ESPA analysis information is available at idwr.idaho.gov, *Water Rights, Water Right Transfers, Modeling Resources*.

[illegible]



State of Idaho

DEPARTMENT OF WATER RESOURCES

EASTERN Region • 900 N SKYLINE DR STE A • IDAHO FALLS, ID 83402-1718
Phone: (208)525-7161 • Fax: (208)525-7177 • Website: www.idwr.idaho.gov

Brad Little
Governor

Gary Spackman
Director

May 26, 2021

BRENT BURK
PO BOX 540559
N SALT LAKE, UT 84054-0559

RE: Transfer No. 84983
Water Right No(s). 15-7267

Dear Applicant:

The Department of Water Resources has received your water right transfer application. Please refer to the transfer number referenced above in all future correspondence regarding this transfer.

A legal notice of the application has been prepared and is scheduled for publication in the IDAHO ENTERPRISE on 6/3/2021 and 6/10/2021. Protests to this application may be submitted for a period ending ten (10) days after the second publication.

If the application is protested, you will be sent a copy of each protest. All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, the Department will process your application and notify you of any action taken on the application. If your application is approved, the Department will send you a copy of the approval document.

Please contact this office if you have any questions regarding the application.

Sincerely,

A handwritten signature in blue ink, appearing to read 'CH', is written over a light blue horizontal line.

Christina Henman
Administrative Assistant

CC:
ROCKY MOUNTAIN ENVIRONMENTAL ASSOC INC
482 CONSTITUTION WAY STE 303
IDAHO FALLS, ID 83402-3552

Henman, Christina

From: Henman, Christina
Sent: Wednesday, May 26, 2021 4:15 PM
To: 'enterpriseneeds@atcnet.net'
Subject: Legal Notice for Idaho Enterprise
Attachments: 84983 Idaho Enterprise.docx

May 26, 2021

LEGAL NOTICE DEPARTMENT
IDAHO ENTERPRISE
PO BOX 205
MALAD CITY, ID 83252

RE: Transfer No. 84983
Water Right No(s). 15-7267

Dear Legal Notice Department:

Please publish the enclosed legal notice on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 6/21/2021. Your cooperation is appreciated.

Sincerely,

Christina Henman
Administrative Assistant
Idaho Dept. of Water Resources, Eastern Region
900 N Skyline Ste. A
Idaho Falls, ID 83402
Phone: (208) 497-3793

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 84983**

BRENT BURK, PO BOX 540559, N SALT LAKE, UT 84054-0559 has filed Application No. 84983 for changes to the following water rights within ONEIDA County(s): Right No(s). 15-7267; to see a full description of these rights and the proposed transfer, please see <https://research.idwr.idaho.gov/apps/waterrights/querynewtransfers>. The purpose of the transfer is to change a portion of the above rights as follows: change point of diversion. The proposed point of diversion is in NWNW Sec 14 T15S R35E for 0.58 cfs from Ground water.

For additional information concerning the property location, contact Eastern Region office at (208)525-7161. Protests may be submitted based on the criteria of Idaho Code Sec. 42-222. Any protest against the proposed change must be filed with the Department of Water Resources, Eastern Region, 900 N SKYLINE DR STE A, IDAHO FALLS ID 83402-1718 together with a protest fee of \$25.00 for each application on or before 6/21/2021. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 6/3/2021 and 6/10/2021